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SENATE—*Tuesday, December 13, 2005*

The Senate met at 11 a.m. and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Richard Foth.

PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

Almighty God, creator of heaven and Earth, creator of each of us, we thank You for this day. This is the day You have made, and we "will rejoice and be glad in it."

As our Senators conduct the business of the Nation, pressing to determine critical issues before year's end, we pray for them a baptism of patience and clear seeing. Give them the strength to press on the issues and the capacity to give and receive personal grace in the heat of battle.

In the confluence of political pressures and seasonal celebrations of good will, we pause to recognize our need of You, Lord. We are grateful for Your sovereignty in the world and Your designed place in our lives. You are indeed, Immanuel, "God with us."

In Your Holy Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ALLARD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, after a period of morning business, the Senate will debate the Bahrain Free Trade Agreement under a 60-minute time agreement reached last night. Later today, we will also begin debate on the motions to instruct conferees with respect to the deficit reduction bill. We hope to have a unanimous consent agreement ready which will lock in those motions for debate and votes. We are still trying to determine exactly when those stacked votes will occur, and I will announce that shortly as we get closer to an agreement. Members should adjust their schedules to accommodate a lengthy week and possible weekend session so that we may complete our business and then go home for the holidays.

IRAQI DEMOCRACY

Mr. FRIST. Mr. President, I wish to comment just very briefly on what is going on over the course of this week in Iraq, as it focuses on Iraqi democracy and the process that has begun in this country today and will continue through Thursday when the elections are carried out in Iraq.

Earlier this morning, I had the opportunity to talk at the White House in a meeting by teleconference with our Ambassador to Iraq, in Iraq, and General George Casey about the remarkable progress going on in that country today as they updated us with the plans for the elections, what is underway, and looking back to the tremendous progress that has been made over the last several months and the truly remarkable progress that has been made in the elections in January and October and now the preparations made for the elections this week.

On Thursday, the Iraqi people began what is a historic process for choosing their first fully constitutional parliament since the fall of Saddam, culminating in this nationwide vote on Thursday, December 15. In our briefings this morning, it was pointed out that the elections are Thursday and many of us will be watching to see how large a turnout there will be, recognizing that 10 million people turned out for the last elections in October.

Our briefers also pointed out the fact that we have to moderate our expectations a little bit in terms of the overall timing because of the sequence of the events with the elections on Thursday and then a preliminary certification of the elections about a week later and then a final certification in early January, around January 6 or 7. The government itself becomes a product of that parliament, and that will not be finalized until April of next year, but the process has begun, and the votes, even among Iraqis in this country right now, are beginning today.

The country, as we think back just 2½ years ago, that was ruled by tyranny and despotism is, with the help of American and coalition forces, transforming itself into a hopeful and democratic society. That hope is being felt by the Iraqi people as they move forward, rebuilding and renewing their country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

In yesterday's widely reported new polling data, the Iraqis believe their lives are going well, with nearly two-thirds expecting that things will improve in the months and years ahead. Average household incomes have skyrocketed by 60 percent in the last 20 months, and Iraqis are quickly joining the swift current of modernity with cell phones and the Internet, cars, washing machines, and satellite dishes. Even ABC News, which commissioned the poll, rates the Iraqi mood at "a remarkable level of optimism."

In Thursday's elections, we will also have marked yet another milestone in their transition from dictatorship to democracy. Just in the past year, we have witnessed a series of truly extraordinary events. Last January, 8.5 million Iraqis defied the terrorists and marched to the polls. Who will ever forget the remarkable picture of Iraqis proudly displaying their purple-stained finger, citing that freedom, that ability to vote. They showed the world their readiness and eagerness to participate in a new system of government.

Throughout the summer, Iraq's leaders worked through the painful give-and-take process of drafting the nation's permanent constitution. Even though much of Iraq's Sunni Arab population boycotted the January elections, Iraq's elected officials worked hard to reach out and include the Sunni Arab representatives in the constitution-drafting process. They understood the importance of including leaders from all of Iraq's ethnic and religious communities in such a historic endeavor. As we saw by summer's end, their patience, compromise, and inclusion paid off. The draft they produced established the framework for a stable and democratic Iraq at the heart of the Middle East. Their new constitution safeguards individual minority rights, guarantees the protection of human rights, and creates a system of government based on the rule of law and the will of the Iraqi people.

In October, the Iraqi people turned out again, in overwhelming numbers, to ratify their permanent constitution. More than 10 million Iraqis across religious and ethnic lines went to the polls to demonstrate their growing desire to have their voice heard in a democratic political process.

Most of the increase in voter turnout came in Sunni areas of the country.

As the political process continues to unfold, Iraq's Sunni Arabs are coming to recognize the importance of taking part in that democratic process.

Only through peaceful politics can the Sunni Arab community in Iraq ensure that its rights are secured, its interests protected, and its people represented at the national, provincial, and local levels.

Even though many Sunnis voted against Iraq's permanent constitution, the trend line of increased political participation among the Sunni population is heading up.

This morning, we were briefed directly from Iraq. The number of polling stations in the Sunni parts of the country are increasing dramatically day by day, much surpassing expectations.

More than 300 political parties and coalitions have registered for this week's elections. Candidates are campaigning, and the Iraqi people are again showing their willingness to defy terrorist threats and participate—and participate actively—in the political process.

As President Bush articulated in his speech yesterday in Philadelphia, Iraq is that central front in the war on terror.

Their move to democracy is essential to our shared victory over terrorism.

It is not going to be easy.

We face an enemy who targets innocent civilians with bombings and beheadings—an enemy who despises freedom, that fears democracy. They will bend every effort to derail Iraq's continued progress until they are ultimately defeated.

But I am confident the Iraqi people will succeed and that together we will prevail over the terrorist enemy.

Time and time again, the Iraqi people have shown their friends and their enemies that they are steadfast in their determination to secure a bright, peaceful, and prosperous future for their children and for their grandchildren.

They will do so again on Thursday, this Thursday, December 15.

I applaud President Bush for his unwavering commitment to freedom and liberty for the Iraqi people. I applaud the Iraqi people for their unwavering courage to secure their democratic future.

The United States will continue to stand behind them as they work to become a peaceful, a united, a stable, and a secure and more prosperous nation, a full member of the international community and a full partner in the global war on terrorism.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, may I inquire as to the state of the Senate? Are we in morning business?

The ACTING PRESIDENT pro tempore. We are in morning business.

Mr. CRAIG. I thank the Chair. I will speak as in morning business.

CONTINUED DUMPING AND SUBSIDY OFFSET ACT

Mr. CRAIG. Mr. President, the leader, in opening the Senate this morning, said we would come to the floor later today to begin to debate motions to instruct the conferees on the budget resolution conference that is now underway and being negotiated between the House and the Senate.

Of course, that is critical to our going home—the process to finalize the work of the Congress this year. So for the next few moments, I wish to speak about two issues that are in that conference that will be a part of the debate this afternoon on the instruction of conferees.

The first one is what we call the Byrd amendment, also known as the Continued Dumping and Subsidy Offset Act.

To set the record straight, it is important to say that so people understand when I reference the Byrd amendment I am not talking about the Byrd rule as it relates to what can and cannot be inside the budget resolution but is, in fact, what Senator BYRD, I, and joined by others some time ago know as the Continued Dumping and Subsidy Offset Act.

As many Senators are aware, this amendment, the Byrd amendment, has had tremendous support in this body. In fact, in 2003, 70 Senators notified the President of our strong support for this provision. Further, just recently, 25 Republican Senators notified the majority leader of our strong opposition to any repeal of the Byrd amendment in the Deficit Reduction Act. I firmly believe those 25 Senators stand firm in their opposition to any repeal. A provision such as the Continued Dumping and Subsidy Offset Act that has so much support has no place whatsoever in the budget resolution or what we call the Deficit Reduction Act. However, some in this body are calling the Byrd amendment "corporate welfare." If people in this country call a provision that protects U.S. companies and manufacturers from intentional and illegal foreign dumping and in subsidies, so be it. You can call it anything you want, but that is the reality of the existing law. When foreign companies continue to dump and get subsidies even after an order goes into effect, the U.S. industry gets absolutely no benefit from that measure. The only way we can level the playing field in those instances is to prevent those duties to be distributed to the very American companies that are injured by those flagrant and illegal practices.

Some in this body would like to repeal the Byrd amendment because it has been estimated to result in $3.2 billion in cost savings.

I have to tell you this estimate, in my opinion, is pure fabrication.

This year, for example, the Congressional Budget Office estimated that this act's provisions would come to $800 million in fiscal year 2005. In reality, however, the figure was $226 million. CBO's estimate was off by a factor of three. That tells me that the 5-year estimate for 2006–2010 is grossly overestimated. Therefore, if we include repeal of the Byrd amendment to inflate budget-deficit reduction numbers, we are clearly not getting those cost savings, while at the same time injuring U.S. companies that are committed to preserving and growing manufacturing jobs in this country.

Finally, some have argued we must repeal the act because it is in violation of the WTO.

First, I believe this shows how far the WTO has overstepped their guidelines in placing obligations on our country we have never agreed to.

Second, there is nothing in any WTO agreement that specifies how countries must spend their dumping duty proceeds. If we must do anything with respect to WTO, we ought to tell Ambassador Portman, as the Senate has done many times in the past, to negotiate a specific agreement permitting duty distribution in the Doha Round. This is not the time to repeal this provision while our negotiators are still at the negotiating table.

I strongly urge my colleagues and the leadership to remove the repeal of the Byrd amendment from the Deficit Reduction Act. This is simply not the time nor the place for such an action.

Further, I urge my colleagues to fall in line and support a motion to instruct conferees to remove this repeal. Failure to do so will send a message to our injured U.S. companies and manufacturers that Congress is wearing rose-colored glasses and fails to see or act upon the evils of illegal dumping and foreign subsidies.

MILK INCOME LOSS CONTRACT

Mr. CRAIG. Mr. President, in speaking to conferees this afternoon in relation to the deficit reduction or the budget reconciliation process, this is an issue that, frankly, most Senators probably have not heard all that much about.

Everyone agrees that the reconciliation act, or Deficit Reduction Act, is an attempt by Congress to rein in spending and to build the appropriate budget in this climate. This legislation makes tough cuts in important programs in all areas of Government.

While nearly all programs are taking their lumps—if you will, sucking it up a bit—Congress is, ironically, considering increasing spending in a bill whose sole purpose is to decrease spending.

The Senate's version of the Budget Reconciliation Act, or Deficit Reduction Act, includes a provision renewing the Milk Income Loss Contract Program, also known as the MILC Program, which currently expired in September of this year.

The CBO has scored this renewal in costs to the taxpayers of $1 billion over a 2-year period. In other words, half a billion a year. This deserves much more attention than it got in the Senate. The MILC Dairy Price Support Program was included in the 2000 farm bill to create a permanent direct payment program to the dairy producers. During the farm bill debate, USDA warned that the new program would run counter to the old dairy price support program in place since the 1940s.

Analysis by the USDA in August of 2002 concluded that the MILC Program would cause overproduction, thereby lowering farm prices to producers, forcing the government to purchase the excess until prices stabilized. However, Congress ignored the USDA warning and authorized the program to last until September of 2005, enough time to see dairy producers through the tough times back in 2002.

Now, after over $2 billion in taxpayer-funded programs, some in the Congress have easily forgotten about the agreement to sunset a program. When we sunset a program it is the intent of Congress to conclude it.

Let me give some examples of how distorted it has become if the program is in support and in relation to production in our country. Idaho dairy production is now 4th in the Nation and one of the top economic drivers in the economy of my State. During the 2003–2005 period, Idaho received $39 million in MILC payments, enough to be ranked 12th in total payments received in the program, yet they are fourth in production in the Nation.

In comparison, California received $149 million over the same time, is ranked fifth in total payments and, of course, California is the No. 1 milk producer in the Nation.

There seems to be no relationship. I guess some hands are just too sticky to let money pass just because the law is 3 years old and ready to expire.

My point is this: It is important to understand just what this program does and what the $1 billion for one program means in the overall picture. It has become market distorted. It provides little to no parity to all producers. It encourages inefficient overproduction in milk and it sends the exact opposite signal to our trade negotiators trying to sell the rest of the world on the idea that the United States is willing to cut domestic subsidies and amber box payments.

Regarding the WTO negotiations, our United States Trade Representative and USDA Secretary and many others are currently attempting to negotiate in the latest Doha Round getting started in Hong Kong as we speak. It is clearly important we send a message. It is also important when we sunset a program after having found out it is market distorting, we ought to do just that, instead of pump it up again while we are asking all other programs that are federally expended to reduce their overall expenditures, to reduce the budget deficit and to bring this budget under control.

I hope our conferees, as they negotiate the budget deficit reduction act, or the budget resolution, would decide not to fund the MILC Program, adhere to the sunset provision provided and allow a program to die as this program effectively did by the sunset in September of this year.

Mr. President, I ask unanimous consent to have printed for the RECORD articles in opposition to the MILC Program and also an article from the Wall Street Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 1, 2005.

DEAR REPRESENTATIVE: On behalf of the hundreds of thousands of senior citizens we support across America, I urge you to make every effort to be sure that MILC, the now defunct dairy farmer giveaway program is not resurrected through inclusion in Reconciliation, or any other measure. Costing roughly $1 billion (actual outlays could again top $2 billion), a new MILC program, once more propping up inefficient dairy farmers, should have no place in a budget that cuts spending on Medicare, Medicaid, and other key senior programs like LIHEAP. Outdated dairy farmer welfare has no business in what should be a free-market. MILC, and similar government intrusions into the dairy marketplace, cause instability and price spikes. If extended, MILC will once again (as the USDA admits) work in conflict with the federal milk price support system. Worst of all, the oldest and the poorest among us will suffer mightily to pay for the MILC giveaway to a select few dairy farmers.

It would truly be outrageous to create a new MILC program, or worse to have one included in reconciliation just to win passage! Just look at what that nearly $1 billion in MILC giveaway money will buy:

Medicare—The House proposal would cut $5 billion in Medicare funding over five years. The almost $1 billion being proposed for the MILC boondoggle could restore Medicare funding and help provide better health care to some 140,000 elderly Americans.

Medicaid—The House proposal cuts Medicaid spending by $11.4 billion, compared with $4.3 billion in Senate cuts. That $1 billion MILC giveaway could be better used to give over 248,000 of the poorest Americans access to health care through Medicaid.

Low Income Heating Assistance Program or LIHEAP—Through LIHEAP, that wasted $1 billion in MILC money could help some 2,680,965 people cope with sky-rocketing heating bills. It could be their only chance to stay warm this winter.

Student Loans—At a time when student loan programs are being slashed ($14.3 billion in the Senate and $8.8 billion in the House), $1 billion in special interest MILC funding could help our grandchildren attend college at a time when college costs are rising faster than inflation. The House cuts will cost each student up to $5,800 more in interest and fees over the life of their loans.

Food Stamps—Adding the $1 billion in MILC money to this important program that helps feed needy seniors would fully restore the $800 million in Food Stamp funding cut by the House.

We believe the wasteful, expensive MILC program should be left to rest in peace, thus helping to keep needed senior health care and nutrition programs fully funded. As one recent Wall Street Journal Editorial, Milking the Taxpayer notes, the USDA identifies no less than a half-dozen support programs for dairy farmers. We urge you to oppose the same tired old politics of vote trading and ever more pork barrel largesse for just a handful of dairy farmers on the dole. Instead, we urge you to stand up for all of the seniors, the poor, the needy, the students, and the veterans who will have less, just to fund MILC. As the Journal Editorial says so well, "Taxpayers have been MILCed enough by this particular boondoggle."

Please do the responsible thing for all Americans by working to put an end to MILC once and for all. Rewarding inefficiency should never be the function of any government program, even when there are surplus funds to spend. Now, when important health care and nutrition programs are being cut or cancelled, MILC should not be allowed to rear its head again.

Sincerely,

MICHELLE PLASARI,
President, RetireSafe.
JIM MARTIN,
President, 60 Plus Association.

[From the Wall Street Journal, Nov. 14, 2005]

MILKING THE TAXPAYER

It is a sign of just how unmoored from fiscal responsibility the current Congress has become that in the midst of a loud struggle over mostly symbolic budget cuts, the party in power is having trouble even letting dead programs stay dead.

One such program is the Milk Income Loss Contract program—MILC for short, cleverly enough—which passed its sell-by date at the end of September and expired. The House budget bill does not include its revival. But the Senate version reauthorizes MILC, and in 2004 the President promised Wisconsin voters that he would fight for its extension, so its fate lies with the House-Senate conference that will reconcile the two massive budget bills.

MILC was one product of the 2002 farm-subsidy bill, and even by farm-subsidy standards it is perverse. At the time the program was voted into law, Congress asked the Department of Agriculture to study the effects of the various government-support programs on the dairy business. The USDA duly issued its report in August, and for a technical document the report was unequivocal that "there is a basic incompatibility" between MILC and other pre-existing dairy subsidy programs. (The USDA report identifies no fewer than a half-dozen support programs for dairy farmers.)

The conflict is this. One of the oldest programs is the milk price-support program, which dates to the Depression-era Agricultural Adjustment Act. Under that program, the government steps in and buys milk when the price falls below a certain level. If that support price is set low enough, it provides some income security to farmers while allowing the market to clear and production to fall to the point where prices can rise again.

Here's where MILC pours in and clouds the picture. MILC makes direct payments to farmers based on their production whenever the milk price falls below a certain level. What's more, MILC kicks in at a much higher level than the price-support program. The effect of this is that production is encouraged by MILC even as prices are falling, which drives the price down toward the support level and prevents the shakeout that the price-support program is intended to allow.

The Agriculture Department found that MILC does in fact artificially depress the price of milk by encouraging overproduction, which is just what you'd expect. Then, through the price-support mechanism, the government winds up buying the milk that MILC encouraged the farmers to produce. Thus, in the Ag Department's dry bureaucratese: "The price support program and the MILC program provide an example of problems that can be caused by conflicting policy outcomes."

In short, MILC distorts the market and conflicts directly with other pre-existing subsidy programs. It has also cost close to $2 billion since its inception, nearly twice the $1 billion originally budgeted for it. Letting it expire should have been a no-brainer, not least because dairy farmers still enjoy numerous other forms of government handouts. It was kept alive in the Senate through the exertions of Vermont Democrat Pat Leahy, who isn't known for helping the GOP agenda. With no GOP Senators in either Vermont or Wisconsin, Republicans don't even have a political motive for keeping this subsidy alive.

Two billion dollars over three years may be a drop in the fiscal milk-bucket, but Republican lawmakers used to insist on sunsetting government programs for a reason. Taxpayers have been MILCed enough by this particular boondoggle.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I ask permission to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

PATRIOT ACT REAUTHORIZATION

Mr. SUNUNU. Mr. President, today I come to the floor to speak about the pending reauthorization, extension of the PATRIOT Act, the legislation passed in the wake of the September 11 attacks. This debate is fraught with emotion because we were all outraged at what happened on September 11. Everyone in America and around the world shares a desire to address the threat of global terrorism, to give law enforcement appropriate powers to pursue those terrorists. But we want to make sure in doing so we pass legislation that is in keeping with the principles on which our country was founded—principles of individual liberty and freedom.

Ultimately, this debate about renewing, extending the PATRIOT Act is about police powers, the power that the people, through their elected representatives, give to government, give to agents of government. Whether it is at the State, local, or Federal level, we give certain police powers to government to conduct searches. We give the government power to detain individuals. We give the government power to serve subpoenas, to confiscate records. We do it because we think ultimately it is in the public interest to do so. But just as the Framers recognized, we need to provide a balance, to balance these very forceful, very powerful tools with personal freedom, civil liberty.

So as a result, we require the government, or government agents, to show cause before they conduct a search. We set standards for evidence in a courtroom. They need to meet certain standards of evidence to conduct a search, certain standards of evidence to detain an individual or a suspect. And, of course, we have the principle of due process, trial by jury, and the ability to have an appeal heard in a court of law.

Some people may say: We know that. These are fundamental. These are basic to our system of justice. But it is important that we are reminded of these basic principles if we are going to get the reauthorization and the extension of the PATRIOT Act correct.

This is not a new set of issues. These are the very issues contemplated by the Framers. In many respects, these police powers are issues that alarmed the Framers—and I say alarmed because they were so concerned about the powers of Government and the powers of the State that they wrote specific protections into the Constitution. The fourth amendment, protecting from unreasonable search and seizure, specifically addresses the threshold of probable cause, that the Government shall show probable cause before it conducts search and seizure of personal property.

The fifth amendment protects us from self-incrimination. We have all seen enough Perry Mason to understand what it means to invoke one's rights under the fifth amendment. It speaks specifically about due process and the right to an open, fair due process when one is being prosecuted, whether it is for a criminal act or whether we are prosecuting one of these powers of search and seizure, a power of the State to issue a search warrant.

The sixth amendment speaks specifically about a right to a trial and what it means to have one's case heard before a jury or in a court of law. All of these amendments and others, but these three in particular, speak directly to balancing the rights of individuals and the liberty of individuals with the powers of the State.

The Framers were, quite frankly, very distrustful of Government and the power of the Federal Government. I try to be a little less pessimistic in my work in the Senate, but I must be frank with my colleagues in stating that on this issue, on the PATRIOT Act, I have begun this debate more from a position of mistrust and concern about the work that had been done in preparation for this reauthorization and the position taken by the administration. I will speak to that in a moment, but it is important to note that on the Senate side we had bipartisan agreement and on the Senate side we had terrific leadership by Senator SPECTER on these issues. He understands this balance probably as well as anyone in the Senate. I do not fault his work as a chairman and certainly not the work of the Senate as a whole, given that we had incorporated a number of protections in our legislation.

The Justice Department began this process well over a year ago, taking the position that we should make all the provisions of the PATRIOT Act permanent and we should not make any changes, we did not need to make any changes. This is legislation that was passed just 6 weeks after September 11. I would not say it was passed in haste, but it was passed during a very difficult and emotional time in our country's history. We had sunsets on 16 provisions in the PATRIOT Act for just that reason. We knew there was a lot of uncertainty as to how this war on terrorism would progress, what tools law enforcement really did need to pursue legitimate terrorist suspects, what we needed to do to get our hands around financial records or other financial transactions that might lead investigators to uncover terrorist cells in America or around the world.

Anyone who understands the legislative process knows that was not a perfect bill, no matter how hard people worked on it. To suggest that when it came time for reauthorization there would be no need for changes I believe suggests a lack of understanding of the process of Congress, the legislative process, and how things get put together on Capitol Hill, or lack of understanding about the substance in the bill, not understanding all the provisions in the bill and how they did in some cases unnecessarily infringe on civil liberties, or perhaps an arrogance that leadership, those who were responsible for providing leadership within the Justice Department, knew they were not abusing any of the provisions in the law so no changes needed to be made. I will speak to that argument shortly, but I think it is very unfortunate.

So when one has this kind of legislation, as sweeping in scope as this is, and suggests when it comes time to deal with these sunset provisions that no changes need to be made, I think shows a lack of substantive reflection on the balance between the police powers of the State I spoke about and civil liberties on the other hand.

Two years ago, I joined with a number of my colleagues in introducing the SAFE Act: Senators DURBIN, SALAZAR, and FEINGOLD on the Democratic side, Senators CRAIG, MURKOWSKI, and myself on the Republican side. We spoke specifically to a few provisions in the PATRIOT Act where we thought we could do a better job of protecting civil liberties.

The 215 section that allows the subpoena of business or library records, the national security letter provision—the national security letter is a sweeping order issued without the approval of a judge that gives investigators access to financial data, to medical data, or to other transaction records; the roving wiretap provision that is necessary because we have new communication technologies that are more mobile than ever but where we still need to do a good job of specifying who the target is of that roving wiretap; delayed search warrants—again, sometimes there is going to be a need for conducting a search warrant before notifying a target so that the investigation is not jeopardized. But we should have specific provisions written in the law for notifying that target after a certain period of time. As it was written, there was no period specified for notification.

Of course, the idea of sunsets is important to civil liberties anytime one is dealing with law enforcement legislation, because a sunset calls on Congress to come back, look at how a law was used, look at how it was implemented, how it affected civil liberties, and make appropriate changes.

I ask unanimous consent to speak for an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have no objection. I add to that consent that I would then follow the distinguished Senator from New Hampshire on the same subject.

Mr. SUNUNU. I so modify my request.

Mr. ALEXANDER. Reserving the right to object, I ask unanimous consent to follow the distinguished Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SUNUNU. We introduced the SAFE Act to deal with very specific areas where we thought the PATRIOT Act needed to be improved to better protect civil liberties. Some would argue that with the PATRIOT Act, as it has been rewritten, the conference agreement, that there were only a few areas now where there is a disagreement and so we ought to accept it as it is. I make a broad argument, though, that simply because we are conducting shortcuts on civil liberties in only a few areas is simply not an effective argument. I think where civil liberties are concerned, as I illustrated with the Framers' concerns, we ought to do everything in our power to make sure proper protection is provided.

A few key points about the weaknesses that remain in the PATRIOT Act, and with these weaknesses I will not be able to support the final conference report. I certainly will not support moving forward with the conference report, in part because I think these are substantive problems but also because they are problems that should be easily addressed in a reworked conference agreement. The first deals with the business and libraries provision, section 215. In section 215 we have established a very broad standard, too broad a standard, for investigators to get access to sensitive records—whether it is at a business or a library; it makes no difference. The standard is that the records simply be shown as relevant to an investigation. That does not sound inappropriate, but as a legal standard that means records could be subpoenaed that have no direct connection to a particular suspect.

As a result, the records of many innocent Americans, or the burden placed on businesses to continually produce records under this provision is going to be far too onerous.

There is also associated with this provision, this business records subpoena power, a permanent automatic gag order that prevents you from discussing the fact that this order has been issued to you as an individual or your business, and there is no judicial review of that gag order. I think this is a fundamental flaw in this conference report, the idea that you have been served with a permanent gag order to restrict your free speech, to restrict you from talking about that gag order, and it is permanent and you have no ability to appeal it in a court of law.

I would argue that taking your case, your appeal before a judge is fundamental to our system of justice in the United States of America. I would further argue that it in no way undermines law enforcement's ability to conduct an investigation to give the business or the individual the opportunity to appeal that gag order in a court of law. The argument that it might cost a little bit extra is ridiculous in the face of the need to protect individual civil liberties.

The system of judicial review for these section 215 subpoenas simply is not acceptable. Similarly, the system of judicial review on national security letters fails to meet the important test of balancing individual civil liberties. There is a very low threshold for getting a national security letter. It is not approved by a judge. The threshold is merely a "showing of relevance," once again not a direct connection to a suspect, which is very problematic. Moreover, the threshold for overturning the gag order—again a restriction on the ability to even discuss the national security letter—is that you must show bad faith on the part of the Federal Government. That is virtually impossible. No individual, no business served with a national security letter will effectively be able to show bad faith on the part of the Federal Government, and therefore they will never have a national security letter or its accompanying gag order overturned.

To have meaningful judicial review you have to have a meaningful standard, a reasonable standard of showing in that court of law. I think it is fair to say, if we look around the world at different governments' attempts to eviscerate the power of due process, this is one way to do it—to have judicial review, to "let people have their case in a court of law," but set the standard of evidence or the standard for overturning an egregious decision so high that the government always wins. That is simply not acceptable where American civil liberties are concerned.

Finally, let me turn to a few of the arguments posed or made to individuals, such as Senator LEAHY or Senator FEINGOLD or me, who have brought forward these objections. One argument is what I would describe as a very broad argument, that we need to extend the PATRIOT Act, we need to fight terrorism, we need to make sure we don't undermine the ability of law enforcement in their work to deal with terrorist threats. I agree. Senator LEAHY—I will take the opportunity to speak for my colleague from Vermont. He agrees we need to do all of these things. But that is not a substantive argument for not making these changes he and I support. We are all for fighting terrorism. We are all for extending the PATRIOT Act. I do not oppose the idea of subpoenaing business records or even library records or the idea of a national security letter. What I oppose is having such a powerful government force in place without countervailing protections for civil liberties.

A second argument is one I mentioned earlier: for the Justice Department to say we have not abused any provisions in the current PATRIOT Act so just extend them all as written. It doesn't matter to me whether it is a Democratic administration or Republican administration, the argument that you have not abused a poorly written law is no argument at all for extending and making permanent that poorly written law. If it does not protect civil liberties, we should modify it. We should make sure the protections are there so that no matter who holds the reins of power, in the executive or the legislative or the judicial branches of Government, those freedoms continue to be protected.

A third argument is if we do not move forward, if this bill fails to get a cloture vote this week and it goes back to conference, it will only get worse. Let me get this straight. If you vote against a bill that doesn't adequately protect civil liberties, we are going to take it back to conference and compromise civil liberties even further? I think that is an outrageous argument to make. I think there are some people who are making it, or who have made it, who do not intend it to be taken that way. But I think it is only fair that it be taken that way. That is an inappropriate threat. If the attitude of the conferees is they will further restrict civil liberties if they do not get this poorly written bill passed, then perhaps no law is better.

I do not believe that. I think there ought to be a willingness to make improvements. Again, there are no specific reasons for how these changes that I have described—judicial review of a 215 gag order, a better threshold for overturning an NSL there is no substantive argument that I have heard for how these would undermine law enforcement's ability to pursue terrorists. These arguments simply do not hold up.

Benjamin Franklin, 200 years ago, observed that:

> Those who would give up Essential Liberty to purchase a little Temporary Safety deserve neither Liberty nor Safety.

Those words are as true today as they were over 200 years ago. There is no reason to compromise the right to due process, the right to a judicial review, to fair and reasonable standards of evidence, in the pursuit of our security and the pursuit of terrorists wherever they may be around the world. I think making these changes is reasonable. They are fair.

I have joined with Senator LEAHY in introducing a 3-month extension of the existing PATRIOT Act to ensure that we have plenty of time, in a reasonable and thoughtful way, to make very modest changes that would go a long way toward ensuring this is a better bill, that it is a bill that we can be proud of, and a bill that will protect civil liberties.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, first, if I might, I wish to compliment my colleague and neighbor from across the Connecticut River, Senator SUNUNU of New Hampshire. He has laid out very clearly and eloquently the reasons we should not be rushed into a bad bill. It is not because any of us here have any love of terrorists. Of course none of us do; no Americans do.

On a September morning 4 years ago, nearly 3,000 lives, American lives, were lost—not in a foreign nation but on our own soil. Our lives as Americans changed in an instant. There is not a person within this Chamber who does not remember exactly where he or she was when they heard the news of the attacks of 9/11. In the aftermath of those attacks, Congress moved swiftly to pass antiterrorism legislation. We moved as a Congress, as a Senate, as a House—not as Republicans or as Democrats, but as Americans, united in our efforts. The fires were still smoldering at Ground Zero in New York City when the USA PATRIOT Act became law on October 30, 2001, just 6 weeks after the attacks.

I know how hard we worked. I was chairman of the Senate Judiciary Committee at the time. Many of us here in the Senate today worked together in that spirit of bipartisan unity. We resolved to craft a bill that would make us safer as a nation.

Freedom and security are always in tension in our society, especially so in those somber weeks after the attacks. We tried our best to strike the right balance between freedom and security.

The Senator from New Hampshire quoted Benjamin Franklin. As one reads the history of the founding of this Nation and what the Founders went through, his quote stands out so much. Benjamin Franklin, like the other Founders, knew that had our new country not worked, had the Revolution not worked, most of them would have been hanged for trying to break away from our mother country. When he spoke of a people who would give up their liberties for security deserving neither, he knew of what he spoke. And he set a key idea for the fledgling democracy of America, and it is one that I like to think through the generations we have strengthened. During my years in the Senate, I have done everything possible to strengthen that balance to maintain our liberties because if we do not maintain our liberties, at the best we have a false security. It is not a real security.

One of the fruits of the bipartisanship of the PATRIOT Act, in trying to work out this balance, was the sunset provisions. Those key provisions set an expiration date of December 31, 2005, on certain Government powers that had great potential to affect the civil liberties of the American people. We are just weeks away from that date now.

Some may wonder how these sunset provisions worked their way into the PATRIOT Act. They were put there by the Republican leader of the House, Dick Armey of Texas, and myself. We have entirely different political philosophies, but we agreed on one thing: If you are giving great powers to our Government, you want to make sure there are some strings attached. It makes no difference whether it is a Republican administration or a Democratic administration, you want to make sure there are strings attached. Leader Armey and I insisted on these sunsets to ensure that Congress would revisit the PATRIOT Act within a few years and consider refinements to protect the rights and liberties of all Americans more effectively, and we prevailed on that point.

Sadly, the administration and some in the leadership in the House and Senate have squandered key opportunities to improve the PATRIOT Act. The House-Senate conference report filed last week by Republican lawmakers falls short of what the American people expect and deserve from us. The bipartisan Senate bill, which the Senate Judiciary Committee and then the Senate adopted unanimously, struck a better balance.

If I might, I wish to compliment the chairman of the Senate Judiciary Committee, Senator ARLEN SPECTER, the senior Senator from Pennsylvania, and those Republicans and Democrats in this body who worked with him, as I did, to put together a fair and balanced bill which was able to go through our committee, which is sometimes heavily divided on issues. Instead, it went through the Judiciary Committee unanimously and passed the Senate unanimously. We worked together on that because we understand that the reauthorization of the PATRIOT Act has to have the confidence of the American people.

Think for a moment. Governments can limit the rights of the people in their countries really in only two ways: they can do it by force of arms, by oppression and repression, as we have seen with totalitarian governments, or, if they have done it right, they can do it with the consent of the governed.

As we are limiting some of these rights, as we are giving greater powers to our Government, we want to do it in a way where the American people—all of the nearly 300 million people in this great country—would have confidence in what we have done, because we do not enforce our laws in this country by force of arms, by dictatorship; we do it with the consent of the governed.

I believe what we passed in the Senate and in the Senate Judiciary Committee would have the confidence of the American people. But now we have pushed forward and changed that to flawed legislation which will not have that confidence and respect of the American people. The Congress should not rush ahead to enact flawed legislation to meet a deadline that is within our power to extend. We owe it to the American people to get this right. America can do better than this flawed legislation.

The way forward to a sensible, workable, bipartisan bill is clear. It is very clear, as Senator SUNUNU said on the floor earlier this morning and as I have suggested. Yesterday, Senator SUNUNU and I introduced a bill to extend the sunset for the expiring PATRIOT Act powers until March 31, 2006. Give us until March 31 to get this right, give us until March 31 to have a bill that would have not only the respect of the American people but especially the confidence of the American people. Our laws work if we have confidence in them, and they fail if we do not have confidence in them.

In offering this bill, Senator SUNUNU and I have been joined by Senators CRAIG, ROCKEFELLER, MURKOWSKI, KENNEDY, HAGEL, LEVIN, DURBIN, STABENOW, SALAZAR, and others. It is a bipartisan effort to extend this deadline. A deadline which Congress imposed to ensure oversight and accountability should not now become a barrier to achieving bipartisan compromise and the best bill we can forge together.

This is a vital debate. It should be. These are vital issues to all Americans. If a brief extension is needed to produce a better bill that would better serve all of our citizen then by all means, let us give ourselves that time. We want to give tools to prosecutors. I spent 8 years of my life as a prosecutor. Some of the finest people on my staff are former prosecutors. We know the needs, especially in the electronic age. But we can do better, and America can do better if given the time.

I thank Senator SUNUNU and all of our cosponsors in coming together in a bipartisan way to advance what is a commonsense solution.

I ask unanimous consent to have printed in the RECORD some recent editorials on this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 12, 2005]

A BETTER PATRIOT ACT

The conference report on the USA Patriot Act reauthorization bill contains one major improvement over the previous version and a few minor ones. The new bill contains strong "sunset" provisions, under which the three most controversial provisions would lapse again after four years, not the seven of the earlier draft. This is no small win for civil liberties. The sunset provisions in the original Patriot Act have given Congress leverage over the past few years to extract information from an administration not known for openness concerning its use of the powers Congress gave it. Insisting that the administration justify itself again relatively soon ensures that Congress will be able to adjust and refine the law as need be.

Yet the conference report remains far from perfect. A bipartisan group of senators is still objecting that it does too little to protect civil liberties, and they are threatening a filibuster, though it is not clear whether they have the votes to sustain one. Some of the changes they are seeking are reasonable and constructive. While the bill does not contain the worst excesses of the House version, which was larded with irrelevant and often terrible policy changes, it still has a fair number of extraneous sections. Some are silly, some ugly.

What makes all this so frustrating is that a consensus bill was surely possible. Indeed, it happened. The Senate version of the bill passed on a unanimous vote, representing broad agreement to grant government authorities the powers they legitimately need while ensuring accountability in their use—and it didn't contain a raft of irrelevant laws unrelated to intelligence. The members balking at the current bill would do a service if they forced a cleaner, more accountable Patriot Act reauthorization.

Debate over the conference report has focused on a narrow array of civil liberties issues, all quite technical. The rhetoric from civil libertarians makes the stakes here seem greater than they really are. The differences between the various proposals are not huge in practical terms. They are, however, significant. The conference report contains weaker controls on secret warrants for business records in national security cases than the Senate bill did. It also does too little to get a handle on the use of national security letters—a form of administrative subpoena that the FBI uses in national security cases to obtain records of certain business transactions. These problems are not unsolvable, and it's hard to believe the government is today getting much data through uses of these powers that would be forbidden were they written more accountably.

What's more, sift through the bill and you'll find provisions dealing with tobacco smuggling, establishing civil immunity for folks who donate firefighting equipment to fire departments, establishing new crimes—some punishable by death—related to marine navigation, creating a new national security division in the Justice Department, letting Secret Service forensics experts help out in finding missing kids, combating methamphetamine abuse and making life more miserable for people challenging state convictions in federal court. None of this, needless to say, has much to do with protecting America from al Qaeda.

The Patriot Act cannot be allowed to lapse at year's end, and the current bill is much improved over earlier versions. But it could still be a lot better. Precisely because the administration cannot afford to let its powers expire, further improvement should still be possible.

[From the Fresno Bee, Dec. 12, 2005]

TAKE THE TIME

FRESNO, CA.—Barring an unlikely successful filibuster, the USA Patriot Act is likely to be renewed this week, mostly in the form it was given in 2001. That's when Congress, in the wake of the Sept. 11 terrorist attacks, rushed to give law enforcement broader powers of investigation. That's still justified up to a point. Law enforcement and intelligence agencies should not be hamstrung, for instance, by a now-lapsed ban on sharing information.

But it's risky to give blanket authority to government agencies to bypass the courts, as this law partly does. It's too tempting to look into every nook and cranny just to be sure there isn't something amiss there.

After lengthy debate behind closed doors, a House-Senate conference committee agreed on compromise language that congressional negotiators say will include more protection for individuals. But if that's true, why do six senators—three Democrats and three Republicans—still oppose the measure? (One of them—Democrat Russ Feingold of Wisconsin, the only senator to vote against the original law—is threatening to filibuster the revised version on the Senate floor.)

The principal objection of these lawmakers, and those of us who cherish individual liberty, is that the law sets too low a threshold for justifying the need to examine private records, including medical, financial and employment. And they are not persuaded—nor are we—that requiring authorities to show that their investigation has some relevance to an anti-terror investigation is enough.

These secret searches should be limited to specific individuals and not be so broad as to allow "fishing expeditions."

Supporters of the revised law say action is necessary now because 16 provisions of the original act are set to expire Dec. 31. That's true. But there's a way to avoid undue haste without tying the hands of law enforcement: Adopt a proposal by Sen. Patrick Leahy, ranking Democrat on the Judiciary Committee, to extend the law for three months, allowing time for public debate on a law that could be used as much to harm individuals as to catch terrorists.

The compromise bill would make all but two of the 16 expiring provisions permanent. The other two are to be extended for only four years, rather than the 10 years sought by House Republicans. That's small comfort to those whose privacy will be at risk in the meantime.

House Judiciary Chairman James Sensenbrenner, a proponent of quick action, claims it's needed to aid law enforcement in detecting terrorists before they strike. But that sense of urgency extends only so far. Former members of the 9/11 Commission have just scorched Congress and the White House for failing to protect the country in many ways, including the misallocation of resources to states or localities based on political clout instead of risk.

Americans would be no less safe if Congress were to postpone a final vote and allow time for an open and honest debate.

[From the Kansas City Star, Dec. 12, 2005]

More Time Needed To Forge Better Bill

Kansas City, MO.—A shaken Congress passed the Patriot Act with almost no debate in the wake of the 2001 terrorist attacks.

Since then politicians across the spectrum have joined librarians, city councils and other groups in raising alarms about the law's intrusions on the privacy of American citizens.

With the act set to expire Dec. 31, lawmakers are scrambling to reach a compromise that would allow most of the provisions to be renewed permanently. Time is short, but it's essential for Congress to give Americans a better balance between national security and civil liberty.

The House and Senate this week will consider a compromise agreement reached by negotiators. The package makes a good-faith attempt to address some of the problems. But it continues to give law enforcement agencies too much leeway to search people's homes and examine their records without first obtaining permission from judges.

Provisions in the proposed law instruct judges to presume federal agents' requests for records are valid, unless the targeted people can prove the government acted in bad faith. That places citizens at a serious disadvantage. Judicial oversight doesn't mean much if the judges merely serve as rubber stamps for law enforcement agents.

The compromise also does little to curb the burgeoning use of "national security letters," which the FBI uses to make sweeping requests for records from libraries, telephone companies and Internet providers.

Former Attorney General John Ashcroft used to sneer and scoff at librarians who raised concerns about these requests, implying they were rare. But The Washington Post has reported that the FBI issues 30,000 such letters a year.

Senators from both political parties are raising valid concerns about the proposed new law. Democratic Sen. Patrick Leahy proposed renewing the existing act for 90 days to give lawmakers more time to write a better bill.

Leahy's idea has merit. National security and individual freedoms are too important to be compromised in haste.

[From the Morning Call, Dec. 12, 2005]

The War on Terrorism

Allentown, PA.—An unusual coalition of conservatives and liberals, along with the U.S. Chamber of Commerce and the American Civil Liberties Union, merits attention. It's rare for groups so far apart along the usual political spectrum to agree on something. But they are united in their concern that a compromise reached by Senate and House negotiators Thursday won't sufficiently protect Americans' civil liberties. They have reason for concern.

Sen. Arlen Specter, the Republican chairman of the Senate Judiciary Committee, said the compromise legislation is "not a perfect bill, but a good bill." House and Senate negotiators came up with a plan to permanently extend 14 of 16 provisions set to expire at the end of the year. Of particular note: When a law enforcement agent seeks access to records, by order of a secret court established under the Foreign Intelligence Surveillance Act, the agent must provide a "statement of fact" proving it is relevant to an anti-terrorism investigation.

But the coalition's concerns about fishing expeditions got a boost last week when a bipartisan group of six senators issued a statement critical of the compromise: Republican Sens. Larry E. Craig of Idaho, John E. Sununu of New Hampshire and Lisa Murkowski of Alaska, and Democratic Senators Russell D. Feingold of Wisconsin, Richard J. Durbin of Illinois and Ken Salazar of Colorado.

The primary concern is that restrictions in the Patriot Act haven't gone far enough since its passage in the wake of 9/11 to prevent government officials from going on so-called "fishing expeditions." The Washington Post reported in October that the FBI used provisions of the act regarding records-gathering to annually issue more than 30,000 specialized subpoenas, or national security letters, seeking information from businesses.

The letters don't require the government to demonstrate a link between the information being sought and a suspected terrorist. They only attest that the records sought are relevant to a terror investigation. This provision of the Patriot Act must be tightened before the anticipated House and Senate votes this week.

Or, if such an agreement cannot be reached, both chambers should take the advice of Sen. Patrick J. Leahy of Vermont. The ranking Democrat on the Judiciary Committee, who didn't agree to the compromise, has proposed a three-month extension of the Patriot Act, past its year-end expiration date.

Sen. Feingold, the only senator to vote against the original legislation in 2001, has threatened to filibuster the bill extending Patriot Act provisions because it lacks sufficient safeguards to protect constitutional freedoms. Sixty votes would be required to block a vote on final Senate passage.

A three-month extension is preferable, however, to a bitter partisan battle on the Senate floor.

[From the Times Union, Dec. 12, 2005]

True Patriots

Albany, NY.—There's scant comfort in the compromise reached by House-Senate conferees late last week on renewing the USA Patriot Act. While it is welcome news that House negotiators failed in their attempt to have the most controversial provisions of this law extended for seven years, rather than four, as the Senate insisted upon, and which is now part of the compromise, there is no justification to put basic civil liberties at risk for even four minutes, let alone four years.

Fortunately, a bipartisan group of six senators is vowing to filibuster the accord, which is scheduled to be voted upon this week. They are the true patriots. Their demands are hardly burdensome. To the contrary, they want any final legislation to include checks and balances against possible abuse of power by government agencies acting under the surveillance powers of the Patriot Act. That means some monitoring of, say, FBI demands for reading, financial and other personal information on American citizens. Former Rep. Bob Barr of Georgia, who now heads a group called Patriots to Restore Checks and Balances, sums up the issue this way:

"Lawmakers could have easily fixed these controversial record search provisions by simply adopting the Senate-passed amendment to Section 215, requiring the government to show a connection between records sought and a suspected foreign terrorist, and by applying a similar requirement to the NSL (National Security Letters) powers. The decision of some lawmakers to rush this flawed Patriot Act legislation to a vote may allow them to leave a little earlier for the holidays this year, but it will also leave the civil liberties of their constituents in jeopardy for years to come."

Supporters of the compromise argue that it does offer safeguards against government abuses by requiring some judicial overview. But a close reading of these oversight requirements shows that investigators would have no trouble meeting the loose standards for initiating searches.

No one, least of all Mr, Barr, is suggesting that the government shouldn't be able to track down suspected terrorists. But the broad surveillance powers granted under the Patriot Act open the way for possible abuses, such as collecting information on law-abiding Americans without notifying them or allowing them the opportunity to challenge the searches.

Sen. Patrick Leahy, D-Vt., who refused to sign the compromise, suggests a reasonable solution: Rather than rush the vote, extend the current act for three months and use the extra time to forge a better bill. "We owe it to the American people to get this right," Sen. Leahy says. It's a debt that should not be taken lightly.

[From the Sacramento Bee, Dec. 11, 2005]

Patriot Act Renewal: Take Time to Do It Right

Sacramento, CA.—Barring an unlikely successful filibuster, the USA Patriot Act is likely to be renewed this week, mostly in the form it was given in 2001. That's when Congress, in the wake of the 9/11 terrorist attacks, rushed to give law enforcement broader powers of investigation. That's still justified up to a point. Law enforcement and intelligence agencies should not be hamstrung, for instance, by a now-lapsed ban on sharing information.

But it's always risky to give blanket authority to government agencies to bypass the courts, as this law partly does. It's too tempting to look into every nook and cranny just to be sure there isn't something amiss there.

After lengthy debate behind closed doors, a House-Senate conference committee agreed on compromise language that congressional negotiators say will include more protection for individuals. But if that's true, why do six senators—three Democrats and three Republicans—still oppose the measure? (One of them—Democrat Russ Feingold of Wisconsin, the only senator to vote against the original law—is threatening to filibuster the revised version on the Senate floor.)

The principal objection of these lawmakers, and of civil libertarians, is that the law sets too low a threshold for justifying the need to examine private records, including medical, financial and employment. And they are not persuaded—nor are we—that requiring authorities to show that their investigation has some relevance to an anti-terror investigation is enough. Instead, these secret searches should be limited to specific individuals and not be so broad as to allow "fishing expeditions." That has happened before and almost surely will again.

Supporters of the revised law, mainly House Republicans and the White House, say action is necessary now because 16 provisions of the original act are set to expire Dec. 31. That's true. But there's a simple way to avoid undue haste without tying the hands of law enforcement: Adopt a proposal by Sen. Patrick Leahy, ranking Democrat on the Judiciary Committee, to extend the law for three months, allowing time for public debate on a law that could be used as much to harm individuals as to catch terrorists.

The compromise bill would make all but two of the 16 expiring provisions permanent. The other two are to be extended for only four years, rather than the 10 years sought by House Republicans. That's small comfort to those whose privacy will be at risk in the meantime.

House Judiciary Committee Chairman James Sensenbrenner, a proponent of quick action, claims that's needed to aid law enforcement agencies "in the detection, disruption and dismantling of terrorist cells before they strike." Yet such a sense of urgency seems to extend only so far on Capitol Hill. Former members of the 9/11 Commission have just scorched both Congress and the White House for failing to protect the country in a variety of ways, including the misallocation of resources to states or localities based less on risk than on political clout.

Americans would be no less safe if Congress were to postpone a final vote and allow time for an open and honest debate.

[From the Brattleboro Reformer, Dec. 10, 2005]

REPEALING PATRIOTISM

BRATTLEBORO, VT.—At some future date, when sanity perhaps returns to our nation, historians will look back at the Patriot Act and put it in the same category as other assaults on our civil liberties, such as John Adams' Alien and Sedition Act, Abraham Lincoln's suspension of habeas corpus during the Civil War or Franklin Roosevelt's internment of Japanese-Americans during World War II.

On Oct. 26, 2001, President Bush signed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act. The House of Representatives passed this grab bag of police-state tactics by a 357–66 vote with almost no debate.

Wisconsin Democrat Russ Feingold was the only senator to vote no. At the time, Feingold called the Patriot Act a "truly breathtaking expansion of police power."

A fearful Congress was stampeded into approving, almost sight unseen, one of the broadest assaults on civil liberties in our nation's history. Despite assorted court challenges, the expansion of police power continues—an expansion which has done little to capture the masterminds of the Sept. 11 attacks or to prevent future attacks. But this expansion has done much to undermine our hard-won Constitutional rights.

What has happened to our legal rights since then? Here's a refresher:

You've lost your freedom of association. The federal government can now monitor the doings of religious and political organizations, even if there's no reason to suspect that illegal activity is going on.

You've lost your freedom from unreasonable searches. The federal government may search and seize your papers and effects without probable cause and without a court warrant. It can also question librarians and booksellers about your reading habits, and threaten them with jail if they reveal to anyone that you're being investigated.

You've lost your right to a speedy and public trial. The federal government can now jail you indefinitely without you being charged with a crime and can do so without holding a trial and without allowing you to confront your accusers. This is what you can expect if you are deemed to be a "terrorist" or are deemed to be "assisting a terrorist group." The definition of "terrorist" and "terrorist group" is purely up to the government, of course.

You've lost your right to legal representation. Conversations between attorneys and clients can now be monitored in federal prisons. That is, if you're fortunate enough to have an attorney. The federal government now has the right to deny you legal representation too.

In short, the federal government can arrest virtually anyone it deems to be a danger to national security, even without a formal criminal charge, and jail them indefinitely. It can deny you a lawyer or even a trial, public or secret. And all of this can happen without your family or friends and relatives ever knowing what happened.

This is what the so-called war on terrorism has done to our Constitutional rights. This is why the current debate in Congress over extending the provisions of the Patriot Act is important.

To keep the Patriot Act as it is means more secrecy, more disinformation and more repression. It is quite frankly, un-American. It is behavior straight out of a totalitarian state; tactics not worthy of the world's greatest democracy.

The average American thinks he or she is safe. But history has shown us that when a regime has absolute power, it's only a matter of time before anyone and everyone is subject to official intimidation and attack.

Security and "fighting terrorism" are not suitable pretexts for destroying more than two centuries of American jurisprudence. The rule of law as enshrined in the Constitution is supposed to still mean something in America.

It's time to demand that Congress and the Bush administration respect our civil liberties. There shouldn't be a discussion to modify or extend the Patriot Act.

Instead, Congress should be working to repeal it.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Tennessee for his willingness to allow me to go forward at this time. I know he has been sitting here patiently. I thank him, and I yield the remainder of time.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for 10 minutes.

Mr. ALEXANDER. Thank you, Mr. President.

IMMIGRATION

Mr. ALEXANDER. Mr. President, the majority leader has said that after the first of the year we would turn our attention to immigration, and well we should. Some estimates show that 10 to 20 million people living in the United States may be here illegally. Whatever one may think about immigration, one has to start with the idea that our Nation is based on a few principles, and one of the most important of those principles is the rule of law. This is a problem we need to address and the American people have a right to demand we address. The buck stops here. This is not something Governors can deal with or school districts can deal with. It stops here.

Not long ago in Nashville I gave a speech in which I attempted to say I believe there are three parts to a comprehensive solution to immigration, the kind of comprehensive solution President Bush has talked about. Part No. 1 is border security. I had no more said the words "border security" than the whole room rose and began to applaud; they were not interested in the rest of the story. I would like to say a word today about the rest of the story, what our immigration debate needs to include in addition to border security.

Let me turn to a lesson we are learning from across the ocean, from Great Britain and France. Last month, the British Government instituted a citizenship test that immigrants to Britain must pass before becoming British citizens. When he announced a number of related measures regarding British citizenship last August, Prime Minister Tony Blair said:

> People who want to be British citizens should share our values and our way of life.

These new rules were spurred by the terrorist attack in London last July in which four young men, three of whom were British-born children of Pakistani immigrants and the fourth who was a Jamaican immigrant, bombed the London subway system. In addition to taking new security precautions, the British Government recognized the need to ensure that immigrants to their country, and especially those who become citizens, integrate into British society and demonstrate loyalty to their newly adopted homeland.

France is similarly facing a period of self-examination on integrating immigrants and the children of immigrants following the 2-week violent civil unrest that spread across many of France's poor suburbs last month. That violence resulted in 126 policemen being injured, 9,000 cars burned, and $250 million in damages, according to the French Government.

Like their British neighbors across the English Channel, the French are trying to figure out how to integrate this dissatisfied population—the children of Muslim immigrants—into French society. According to the French Ambassador:

> [T]hese teenagers feel alienated and discriminated against both socially and economically. They don't want to assert their differences. They want to be considered 100-percent French.

We should learn a lesson from our friends across the ocean. As we in the Senate begin to debate our immigration policy next month in the Senate, we would be wise to consider their quandary. Too often discussions on immigration reform begin and end with securing our borders. Securing our borders is step No. 1, but there are two additional, essential steps to any comprehensive solution to our immigration problems.

Step No. 2, once we have secured our borders, is to create a lawful status for those whom we welcome to work here and those we welcome to study here. We should remember who we are. This is a nation of immigrants. President Franklin D. Roosevelt began one of his addresses, "My fellow immigrants." Once we secure the borders, once we deal with the rule of law problem, we need then to remember step No. 2, which is that we have millions of people whom we welcome to work here in all aspects of our society. They need a legal status that respects our rule of law. We welcome the 572,000 foreign students who come here to study. We hope many of them stay here. They are helping to create a higher standard of living for us. If they go home they become ambassadors for American values. Recently, Dr. Steven Chu, an American who was the cowinner of the 1997 Nobel prize in physics, pointed out to me that 60 percent of Americans who have won the Nobel Prize in physics are immigrants or the children of immigrants.

That is a second point—a lawful status for workers, and a lawful status for students and researchers, whom we want to come here. We want them here because their being here helps raise our standard of living.

The third part that is essential to comprehensive immigration reform is an examination of how we help new immigrants to this country become American.

In short, we need to have a discussion about fulfilling the promise to the national motto that is right above the head of the Presiding Officer: E pluribus unum; from many, one. How do we do that? We do that by reminding ourselves that while we have all of this magnificent diversity in this country, that is not our greatest accomplishment. Our greater accomplishment is that we have turned that magnificent diversity into one nation; that while we are proud of where we came from, we are prouder of where we are. We are united by principles, not race. We are united by a common language, English, and by our history of constantly struggling to reach high ideals which our Founders set for us as a nation.

We welcome new immigrants to join in that struggle toward becoming Americans. We have an advantage, therefore, over our European friends. We have been doing this through our whole history. We are unique in our world in our attitude toward welcoming others. We are different because under our Constitution, becoming an American can have nothing to do with ancestry. America is an idea, not a race.

One can see that in the various naturalization ceremonies which occur in courthouses all around this country, as new citizens raise their hands and take an oath that George Washington first administered to his officers at Valley Forge when he declared that he had no allegiance or obedience to King George III, and he renounced, refused, and abjured any allegiance or obedience to him, and swore he would support, maintain, and defend the United States. That is what George Washington and his officers said. That is the standard for every American citizen who comes to this country.

Once we secure our borders, once we establish a lawful status for workers and for students we welcome here, then we should set about helping prospective citizens become American.

Senator CORNYN and I have introduced a bill that we hope will be included as part of comprehensive immigration reform legislation. Our bill, the Strengthening American Citizenship Act, would do the following: provide $500 grants for English courses; allow prospective citizens who become fluent in English to apply for citizenship 1 year early; provides for grants to organizations for courses in American history and civics, and authorize the creation of a foundation to assist in those efforts; codify the oath of allegiance that George Washington gave to his officers and took himself, and which is substantially administered to every new citizen today; direct the Department of Homeland Security to carry out a strategy to highlight the moving ceremonies in which immigrants become American citizens; and establish an award to recognize the contributions of new citizens to our great Nation.

Real immigration reform must encompass all three important steps: First, securing our borders. Second, a legal status for guest workers and guest students. Third, I hope I have reminded us of the importance today of remembering that motto we see when we are here in the Senate chamber that indispensable to immigration reform is helping prospective citizens become American.

HIGHER EDUCATION

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I made to the Secretary of Education's Commission on the Future of Higher Education on December 9, 2005, in Nashville.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A National Dialogue: The Secretary of Education's Commission on the Future of Higher Education

Thank you for the time you are giving to this Commission's work, and thank you for inviting me to testify.

I've seen higher education from many sides, so I'm sometimes asked, "What's harder: being governor of a state, a member of a president's cabinet, or president of a university?"

My answer is: "Obviously, you've never been president of a university, or you wouldn't ask such a question."

I have six suggestions for recommendations you might make.

First, I hope you will urge the Administration that appointed you to make the National Academies' "Augustine Report" a focus of the President's State of the Union address in January and of his remaining three years in office.

This 20-point, $10 billion a year report is the National Academies' answer to the following question that Senator Pete Domenici, Senator Jeff Bingaman and I posed to them in May: "What are the ten top actions, in priority order, that federal policy makers could take to enhance the science and technology enterprise so the United States can successfully compete, prosper and be secure in the global community of the 21st century?" The report was written by a distinguished panel of business, government, and university leaders headed by Norm Augustine, former CEO of Lockheed Martin.

As 2005 ends, we Americans—who constitute just five percent of the world's population—will once again produce nearly thirty percent of the world's wealth.

Most of this good fortune comes from the American advantage in brainpower: an educated workforce, and our science and technology. More Americans go to college than in any country. Our universities are the world's best, attracting more than 500,000 of the brightest foreign students. No country has national research laboratories to match ours. Americans have won the most Nobel Prizes in science, and have registered the most patents. We have invented the internet, the automobile and the computer chip, television and electricity. From such advances have come a steady flow of the world's best paying jobs.

As one scientist has said, we don't have science and technology because we're rich. We're rich because we have science and technology.

Yet I am worried that America may be losing its brainpower advantage. Most Americans who travel to China, India, Finland, Singapore and Ireland come home saying, "Watch out."

The Augustine panel found I am right to be worried:

Last year, China trained 500,000 engineers, India 200,000, while the U.S. trained 70,000.

For the cost of one chemist or engineer in the U.S., a company can hire five chemists in China or 11 engineers in India.

China is spending billions to recruit the best Chinese scientists from American universities to return home to build up Chinese universities.

They also found signs that we are not keeping up:

U.S. 12th graders performed below the international average of 21 leading countries on tests of general knowledge in math.

In 2003, only three American companies ranked among the top 10 recipients of new U.S. patents.

Of 120 new chemical plants being built around the word with price tags of $1 billion or more, one is in the U.S. and 50 are in China.

Among the Augustine Report's twenty recommendations were:

Recruit 10,000 new science and math teachers with four year scholarships and train 250,000 current teachers in summer institutes.

Triple the number of students who take Advanced Placement math and science exams.

Increase federal funding for basic research in the physical sciences by 10 percent a year for seven years.

Provide 30,000 scholarships and graduate fellowships for scientists.

Give foreign students who earn a PhD in science, engineering and computing a "green card" so they can live and work here.

Give American companies a bigger research and development tax credit so they will keep their good jobs here instead of moving them offshore.

Some may wince at the $10 billion a year price tag. I believe that the cost is low. America's brainpower advantage has not come on the cheap. This year, one-third of state and local budgets go to fund education. Over fifty percent of American students have a federal grant or loan to help pay for college. The Federal government spends nearly $30 billion per year this year on research at universities, and another $34 billion to fund 36 national research laboratories.

Just this year, Congress has authorized $75 billion to fight the war in Iraq, $71 billion for hurricane recovery, $13 billion in increased Medicaid spending and $352 billion to finance the national debt. If we fail to invest the funds necessary to keep our brainpower advantage, we'll not have an economy capable of producing enough money to pay the bills for war, Social Security, hurricanes, Medicaid, and debt.

Aside from the war on terror, there is no greater challenge than maintaining our brainpower advantage so we can keep our good paying jobs. That is the surest way to keep America on top.

Second, I suggest that you recommend that Presidents of the United States appoint a lead advisor to coordinate all of the federal government responsibilities for higher education.

My greatest regret as U.S. Education Secretary was that I did not volunteer to be that lead person. Secretary Spellings, with the appointment of this commission, has assumed at least some of that responsibility. But the authority of the Secretary of Education over higher education is somewhat like the authority of the U.S. Senate Majority leader or a university president: overestimated. Almost every agency of the federal government has something to do with higher education, tens of billions of taxpayer dollars are invested every year and someone should be looking at all of this in a coordinated way.

Third, I urge you to join me on the bandwagon for deregulation of higher education.

The greatest threat to the quality of American higher education is not underfunding, it is overregulation. The key to the quality of our higher education system is that it is not a system. It is a marketplace of 6,000 autonomous institutions. Yet, thanks largely to the last two rounds of the federal Higher Education Act, each one of our 6,000 higher education institutions that accepts students with federal grants and loans must wade through over 7,000 regulations and notices. The President of Stanford has said that seven cents of every tuition dollar is spent on compliance with governmental regulations.

Fourth, I urge the Congress to overhaul the Medicaid program and free states from outdated federal court consent decrees so that states may properly fund colleges and universities.

You have two charts before you that tell the story. Nationally, during the five year period from 2000 to 2004, state spending for Medicaid was up 36 percent, while state spending for higher education was up only 6.8 percent. As one result, tuition was up 38 percent.

The story in Tennessee was worse. Medicaid spending was up 71 percent, while higher education was up only 10.5 percent, and tuition was up 43 percent.

By the way, during this same four year period, federal spending for higher education was up 71 percent.

When I left the governor's office in 1987, Tennessee was spending 51 cents of each state tax dollar on education and 16 cents on health care, mainly Medicaid. Today it is 40 cents on education and 26 cents on health care, mainly Medicaid.

To give governors and legislatures the proper authority to allocate resources, Congress should give states more authority over Medicaid standards and more ability to terminate outdated federal court consent decrees that remove decision-making authority from elected officials.

Fifth, I hope you will put a spotlight on the greatest disappointment in higher education today: Colleges of Education.

"At a time when America's schools face a critical demand for effective principals and superintendents, the majority of programs that prepare school leaders range in quality from inadequate to poor." Those are not my words, but those of a new report by Arthur Levine, the President of Teachers College, Columbia University. Or ask Richard Light, the Harvard professor, who is working with university presidents trying to find and inspire a new generation of leaders for our colleges of education. Sometimes colleges of education are even roadblocks to the very reforms they ought to be championing. In 1983, when I asked colleges of education to help me find a fair way to pay teachers more for teaching well (which not one state was doing at the time), they said it couldn't be done. So we invented our own system for thousands of teachers, with virtually no help from the very people who are in business to figure out such things. And still today, despite the good work of Governor Hunt and others, the lack of differential pay is the major obstacle to quality teaching.

Finally, I hope you will put a spotlight on the greatest threat to broader public support and funding for higher education: the growing political one-sidedness which has infected most campuses, and an absence of true diversity of opinion.

To describe this phenomenon, allow me to borrow some words from the past which may sound familiar to your chairman, Charles Miller, who was once Chairman of the Board of regents of the University of Texas: "systematic, persistent and continuous attempts by a politically dominant group to impose its social and educational views on the university." This was what the American Association of University Professors (AAUP) called it in its censure of Texas Governor Pappy O'Daniel's Board of Regents when the Board fired University of Texas President Homer Rainey in the 1940's. This is reported in Willie Morris' book, North Toward Home. Then the AAUP was talking about one-sidedness imposed by the right, instead of by the left—but political one-sidedness is political one-sidedness, no matter from what direction it comes.

There is more to this charge of one-sidedness than the academic community would like to admit. How many conservative speakers are invited to deliver commencement addresses? How many colleges require courses in U.S. history? How many even teach Western Civilization? How many bright, young faculty members are encouraged to earn dissertations in the failures of bilingual education, or on the virtues of vouchers or charter schools?

I am not surprised that most faculties express liberal views, vote Democratic and that most faculty members resist authority. That is the nature of most university communities. But I am disappointed when true diversity of thought is discouraged in the name of a preferred brand of diversity. This one-sidedness is not good for students. It is not good for the pursuit of truth. And it undermines broad public support for higher education. The solution to this political rigidity lies not in Washington, D.C., but in the hands of trustees, deans and faculty members themselves.

Last year Senator Kay Bailey Hutchison of Texas invited former Brazilian President Fernando Henrique Cardoso to join a small group of U.S. Senators in the Majority Leader's office for a discussion. Dr. Cardoso was completing a residency at the Library of Congress.

"What memory of the United States will you take back to your country?" Senator Hutchison asked Dr. Cardoso.

"The American university," he replied immediately. "The uniqueness, strength and autonomy of the American university. There is nothing like it in the world."

I salute Secretary Spellings and this Commission for undertaking to preserve and improve higher education, America's secret weapon for its future success. In coming to your conclusions, I hope that you will urge the President to adopt the Augustine Report and to designate a lead advisor for higher education, that you will jump on the bandwagon to deregulate higher education and preserve its autonomy, that you will urge Congress to overhaul Medicaid and federal court consent decrees so states can properly fund higher education, and that you will urge trustees to revamp Colleges of Education and ensure a campus environment that honors true diversity of opinion.

Mr. ALEXANDER. Mr. President, Secretary Spellings has appointed this commission to look at the future of higher education. Other than the war against terror, keeping our brain power advantage so we can create new jobs here in the United States and keep our jobs from going to China, India, Finland, and Ireland, is the biggest challenge we face as a nation.

I made a statement before the Commission on the Future of Higher Education that it adopt the recommendations of the National Academies' "Augustine Report" and urge the President to make it a focus of his State of the Union Address. The report recommends 20 steps to keep that brain power advantage, and was written by a distinguished panel of business, government, and university leaders headed by Norm Augustine, former CEO of Lockheed Martin.

I also urged the commission to make certain that we deregulate higher education; to make certain that the President appoints an adviser to coordinate all of the Federal Government's responsibilities for higher education; to urge Congress to overhaul Medicaid so States may properly fund higher education; to put a spotlight on the greatest disappointment in higher education today, our colleges of education; and, finally, to put a spotlight on the greatest threat to broader public support for funding of higher education, the growing political one-sidedness which has infected most campuses in an absence of true diversity of opinion.

I salute Secretary Spellings and her distinguished commission. I look forward to their recommendations. There could not be a more important subject to our country's future for them to consider than how do we take this remarkable system of higher education that we built in this country—the best in the world—and strengthen it so it can play a pivotal role in helping Americans keep good-paying jobs in the United States.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware.

TANF PROGRAM

Mr. CARPER. Mr. President, I rise today to urge our colleagues in the Senate to instruct the conferees to the budget reconciliation bill to reject the House provisions dealing with the Temporary Assistance for Needy Families, TANF, Program.

Like several of our colleagues, I have a long history of working to improve our Nation's welfare policies to, first of all, make them more effective for States, but also more effective for families.

When I was privileged to serve as Governor of the State of Delaware, I also served, at the same time, as cochairman of the National Governors Association's Welfare Reform Task Force, along with then-Governor John Engler, and played a lead role in helping to craft welfare reform legislation for Delaware and for our Nation.

As Senator, I have pushed, for the past 3 years, for welfare reauthorization legislation that emphasizes work while also providing help to welfare participants with respect to childcare and educational opportunities.

Because of my extensive involvement with welfare reform for more than a dozen years and my belief that the program can work for both States and families, I am troubled that the House of Representatives has chosen to include its welfare reauthorization bill in the budget reconciliation package. Doing so gives the Senate no opportunity to debate the needed changes in this important program.

The TANF provisions included by the House would reauthorize and make significant policy changes to our Nation's welfare program. Those changes include far more stringent work requirements than under current law while failing to provide sufficient childcare funding or other work supports to help participants meet those new requirements. The House bill would dramatically increase requirements on States without giving them additional resources. And the House language would make it more difficult for TANF recipients to make the successful leap from welfare to work.

The budget reconciliation process is not the right place to reauthorize our country's welfare program. Instead, we should take the opportunity to reauthorize welfare through the regular legislative process, using the bipartisan bill reported out of the Senate Finance Committee as our guide.

Earlier this year, you may recall, the Senate Finance Committee reported out a welfare reform bill—it is called the Personal Responsibility and Individual Development for Everyone Act, lovingly known as the PRIDE Act—on a bipartisan basis. This legislation would make commonsense changes and reauthorize the welfare reform program for the next 5 years. The measure would also provide long overdue stability to States and beneficiaries who have been waiting since 2002 for us to provide long-term reauthorization, a path forward.

I would like to commend this afternoon Chairman GRASSLEY and Ranking Member BAUCUS, their Finance Committee colleagues, and their staff for their hard work in crafting the bipartisan PRIDE Act. That legislation is a testament to their dedication and their commitment to enabling Americans to move off welfare and, most importantly, be better off. That committee was able to find consensus on issues that can be both complex and, at times, controversial.

The PRIDE bill can and should be taken up by the full Senate and debated on the Senate floor early next year. This is not a debate that should consume weeks but, rather, a debate that should consume at most a few days. I pledge today to work closely with my colleagues on our side and the Republican side of the aisle to ensure that the bill does not get bogged down in the Senate and that we move it along.

A full debate, though, on the issues would give the Senate, not just a few Senate conferees to a reconciliation bill, the opportunity to have a real discussion about the future of welfare and what policies we should accept or reject during reauthorization. That is what we need to do. And I believe it need not take weeks to develop a consensus and pass a bipartisan bill by a wide margin.

In my view, the House welfare reform bill, called the Personal Responsibility, Work, and Family Promotion Act of 2005, is, unfortunately, decidedly partisan. The bill was reported out of both subcommittee and committee by party-line votes and was then dropped wholesale into the budget reconciliation bill.

While I am opposed to the inclusion of the House TANF provisions in the reconciliation bill, I encourage my Senate colleagues to oppose including it for a number of other reasons as well.

I fear that the House's inclusion of a welfare reauthorization bill in a budget reconciliation bill sets up two likely possibilities: No. 1, that the conferees will simply recede to the House TANF provisions; or, No. 2, differences between the House TANF provisions and the Senate PRIDE bill will have to be worked out during a hurried conference committee, in which a few conferees will be faced with tough choices on an incredible array of other issues. Neither scenario is acceptable. Welfare will likely be overshadowed in this context and is not likely to get much thoughtful review.

The work-first approach to welfare reform has enabled States to reduce caseloads dramatically over the last decade or so, while helping members of low-income families to move into jobs and toward financial self-sufficiency. We should build on these successes, not jeopardize them. By giving welfare the proper legislative consideration in both the House and the Senate, we can do just that.

The House TANF provisions differ greatly from the Senate's, and I believe a number of the House provisions are flat out unacceptable. The House bill would dramatically increase, for example, the number of hours that welfare recipients must work. You may recall, under current law, welfare recipients must work an average of 30 hours per week. However, under current law, mothers with young children under the age of 6 must now work at least 20 hours per week. The House bill, by comparison, requires that all welfare recipients—if you have a child a week old or a month old or a year old—even mothers with young children must work 40 hours per week. That is a doubling of the required hours for single parents with young children.

I have been supportive of increased work requirements in the past, but the House bill increases work hours while failing to provide adequate funding for badly needed childcare.

My friends, we can do better than that. To me, it is just basic logic, basic common sense that in order to move parents off welfare into work, we have to give them access to decent childcare. The House bill provides only $100 million per year in additional childcare funding to meet a doubling of work hours. Spread out over 50 States, that does not come close to meeting the needs of families. In fact, over 5 years, this level of funding is $500 million less than what has been included in previous House-passed bills, and $5.5 billion less than what the Senate would provide. What is more, according to the Congressional Budget Office, it is $4.3 billion less than what is needed to keep pace with inflation and almost $8 billion less than the amount needed to offset increased demand for childcare caused by the increased work requirements.

Again, when I was privileged to serve as Governor of my little State, I saw firsthand that parents cannot move to work successfully if they do not have an answer to this question: Who is going to take care of my children and how will I pay for it?

If we want to help parents find jobs—and I know we do—we need to help them secure childcare. It is just that simple.

In addition to what I feel are inadequate provisions surrounding work and childcare, the House bill also limits the ability of welfare recipients to participate in educational activities such as vocational education, allowing participants to participate in that activity for only 3 months in a 2-year period instead of the current 12 months.

The Senate bill, on the other hand, continues to allow 12 months of vocational education and also establishes something called a Parents as Scholars Program, which allows welfare recipients to go on to higher education, not forever but for at least a limited period of time.

In my view, the House bill is not friendly to States either. It asks States to make dramatic changes to their programs. Yet it gives them no additional funding to accomplish those changes and little time to meet those requirements before they would be subject to harsh penalties. The Senate bill, on the other hand, gives States time to meet new requirements. If States make improvements but for some reason are not able to immediately ramp up to the strenuous new targets, penalties will be temporarily waived—not permanently, temporarily. Perhaps some of my Senate colleagues on the other side of the aisle could find common ground with the House provisions. Perhaps some believe we could improve upon the House provisions in conference to come up with something that is more workable.

I argue, however, that no matter what my colleagues think about the House proposal, we can all agree that the Senate should have the chance to consider welfare reauthorization under regular order, and soon. If we are allowed to debate welfare reform in this body, I am confident we could come up with a bipartisan agreement that truly advances our shared goal of making work pay more than welfare.

The motion I will offer tomorrow would urge conferees to give the Senate a chance to do just that, by rejecting provisions related to the reauthorization of TANF. Instead, the motion I will offer would urge that the Congress enact freestanding legislation that builds on the bipartisan Senate Finance Committee PRIDE bill.

I cannot emphasize enough that the Senate bill was reported out of the Finance Committee on a bipartisan basis. The House bill, on the other hand, has consistently enjoyed the support of only one party. Further, welfare reform should not be considered in the whirlwind of budget reconciliation. Reform should be based on sound policy, and we should seek to find bipartisan consensus on this most important issue, something I am confident we can do.

Tomorrow, when the motion to instruct is offered, I urge and invite my colleagues, both Democratic and Republican, to support it.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 30 minutes.

PATRIOT ACT

Mr. FEINGOLD. Mr. President, one of the major items that we will be taking up prior to the end of the year is the issue of the renewal of the so-called USA PATRIOT Act. There was quite an effort in the last couple of years in the Senate to try to fix the problems with the PATRIOT Act that led me to vote against it originally. That was a very difficult time, obviously, after 9/11/2001. The PATRIOT Act got through on a very accelerated basis, and a number of us identified serious problems that other people didn't have a chance to analyze at the time. But the situation now has changed. We have had years to look at this. Thankfully, the Senate worked together to do its job on this bill.

In the Judiciary Committee and in the Senate as a whole, we passed changes to the USA PATRIOT Act, along with renewing the provisions scheduled to sunset at the end of this year. It was a unanimous vote. People from very different philosophies came together and said: Let's get this right. Let's make sure law enforcement has the power and the ability to go after the terrorist network. But, at the same time, let's do what we have to do to protect the civil liberties and rights of absolutely law-abiding Americans.

Sadly, the conference committee did just the reverse. The conference committee ignored the will of the Senate. The conference committee did not make changes in critical areas such as library records and business records, so-called sneak-and-peek searches, and national security letters, changes that were essential to reaching the changes that were agreed to in the Senate. I didn't think the Senate version did as much to protect civil liberties and the rights of innocent Americans as we should have, but it was a move in the right direction. Regrettably, the conference report is nothing of the kind.

I join Senator SUNUNU, who spoke eloquently about this earlier today, in saying that the conference report that will be before the Senate is not acceptable in its current form. The conference committee needs to go back to the drawing board and make the changes that are needed. The changes are very easy to find. They were contained in the unanimously approved Senate reauthorization bill.

Clearly, there will be much more to say about this as the week goes on, but we are prepared to use whatever means we are allowed to use under the Senate rules to try to prevent this conference report from becoming law in its current form.

IRAQ

Mr. FEINGOLD. Mr. President, over the past few months, I have addressed the Senate on a number of occasions about the administration's flawed Iraq policies. I have discussed a number of problems with those policies. But the most important problem is that they are undermining our ability to counter a wide range of transnational threats that face our country. In too many cases, these threats have been overlooked or insufficiently addressed because of this administration's misguided emphasis on policies in Iraq.

Today I will explain why we need to refocus our national security strategy on the global campaign against terrorist networks, and I will briefly identify five areas on which we need to focus. A clear, targeted strategy to strengthen our national security is not an option but a necessity in the face of the growing threats posed by jihadist terrorist networks. The President is spending a lot of time talking about success in Iraq. Unfortunately, he fails to recognize that success in Iraq will not be achieved by a massive and indefinite U.S. military presence. He appears to fail to understand the limited role that the U.S. military can play in Iraq's long-term political and economic reconstruction efforts. I am afraid to say, he fundamentally fails to understand that success in Iraq, as important as it is, is secondary to success in our larger campaign against global terrorists. Iraq—simply put—is not the be all and end all of our national security.

Our brave service men and women won a resounding victory in the initial military operation in Iraq. They have performed magnificently under very difficult circumstances. Now their task is largely over. The current massive U.S. military presence, without a clear strategy and a flexible timetable to finish the military mission in Iraq, is actually fueling the insurgency and will ultimately prevent the very economic and political progress that the Iraqis are demanding and that the President has started to talk about in his speeches. This isn't a strategy for success in Iraq or a strategy for success in the fight against global terrorism. That is why we need a flexible timeline for meeting clear benchmarks and also withdrawing U.S. troops.

I am not talking about an artificial timetable, a phrase the President likes to use. I am calling for a public, flexible timetable with clear benchmarks. I have suggested the end of December 2006 as a target date for completion of that mission. But I have made clear that any date will have to be flexible to respond to unforeseen circumstances.

The administration has a unique opportunity this week to set our Iraq policy on track. Iraqis will return to the polls on December 15 to choose their leaders. Spelling out a plan for the timely withdrawal of U.S. troops from Iraq will signal U.S. support for an autonomous, independent, and self-sustaining Iraqi government. There is no better way to empower the new Iraqi government and the Iraqi people than by showing that the U.S. military mission in Iraq is not indefinite. If we don't heed the advice of a growing chorus of experts to set a timetable for withdrawal, it will be impossible to recenter our priorities and reengage in the global campaign against terrorist networks.

And that is what we need to do in order to defeat those networks.

We have not kept our eye on the ball, Mr. President. We have focused on Iraq to the exclusion of these critical priorities, and we have done so at our peril. It is far past time for us to engage in a serious dialogue about the threats we face, and come up with a tough, comprehensive national security strategy to defeat them.

What are these threats and where do they come from? As we all know, the jihadist network is global in its reach, and it is showing no signs of slowing its recruitment and organization in every region of the world. Since we waged war against the Taliban in the fall of 2001—a war I supported, by the way—we have seen the network of extremist jihadist movements proliferate throughout the world. We have seen it surface in Madrid, London, Amman, Bali, and in places such as the Philippines, Algeria, Pakistan, Somalia, and Nigeria. And while it has spread throughout the world, it holds certain similar characteristics wherever it appears.

It is good to turn to the definition that the 9/11 Commission report itself gave of what this threat is: "the enemy is not Islam, the great world faith, but a perversion of Islam." The report reads:

> [t]he enemy goes beyond Al-Qaeda to include the radical ideological movement inspired in part by Al-Qaeda that has spawned other terrorists groups and violence. Thus our strategy must match our means to two ends: dismantling the Al-Qaeda network and in the long term prevailing over the ideology that contributes to Islamist terrorism.

In order to reduce the danger of Al-Qaeda and radical jihadism all over the world, we must invest our time, our attention, and our best minds on this global threat. And we can't defeat it with just one aspect of American power. We need to develop and execute a national security strategy that utilizes our entire arsenal of political, economic, diplomatic and military power in order to counter the primary threats against us. I want to lay out five major areas of concern today. They are (1) addressing the conditions in which terrorists thrive; (2) enhancing our military's ability to wage the campaign against global terrorists; (3) improving our public and private diplomacy; (4) strengthening our non-proliferation efforts; and (5), finally finishing the job in Afghanistan.

First, we must combat the conditions that make extremist ideologies attractive and that allow terrorist networks to take root and grow. Failed and weak states, such as Somalia, allow terrorism, narcotics trade, weapons proliferation, and other forms of organized crime to take root and grow. By not addressing these conditions, we allow warlords and terrorists to thrive and we leave people suffering from poverty and oppression susceptible to their rhetoric, promises, and pressure.

Let us not forget that three of the poorest and most isolated countries in the world—Somalia, Sudan, and Afghanistan—served as the starting blocks for the terrorist network that delivered the most lethal attack ever on the U.S. If it wasn't clear before September 11, 2001, it is now—we ignore these places at our national peril.

Over 4 years after 9/11, places like Somalia continue to be large, black holes on our radar, and continue to create the conditions that allow terrorist networks to recruit, train, and export their lethality at will. While Somalia has remained a failed state for over a decade now, recent examples of the lawlessness that exist within that country made headlines when freely operating pirates attacked a civilian cruise ship 25 miles off of the Somali coast. We can expect more headlines like that if we continue to think that supposedly small, marginal states are not worth our attention.

That is why we should be taking seriously the inability of Uganda, the new government of southern Sudan, or the U.N. to defeat the Lords Resistance Army, which continues to commit atrocities around the Great Lakes region of central Africa. And we do not always have to look far for failed states. Right here in our backyard, Haiti endures rampant political violence and a festering humanitarian crisis, and has served as a base for narcoterrorists and criminal power structures throughout the region for over a decade. Unfortunately, this administration has failed to develop a comprehensive policy to help Haiti lift itself from chaos and to create livable conditions for the citizens of Haiti. That is a mistake because leaving a country to suffer under chaos only creates a platform for further threats to the region and to our country.

If we fail to address weak and failed states, the lawlessness displayed by warlords, pirates, bandits, thugs, and thieves there will eventually be exploited by our enemies. After all, terrorists find active and passive support among the alienated and the disaffected. Addressing failed and failing states is not easy, but turning a blind eye to them is naive and dangerous.

My second area of concern today is the need to prepare and equip our military for a global campaign against terrorist networks. The war in Iraq has had a devastating affect on our military's readiness and capabilities. I have voted for an increase in the military's end strength, but this is a long-term solution and does not address the immediate problems we face as we continue to over-burden the brave men and women of our armed forces. It also does not address our failure to prioritize military spending. Right now, courageous servicemembers are too often required to do their jobs without the right equipment. While we continue to spend billions of dollars on Cold War-era weapons systems, we are not fully funding the needs of the military personnel fighting our current wars. It is a national shame that the Department of Defense budget, which so dwarfs our spending in any other sector, still has failed to pay for the timely provision of adequate armor for our men and women in the battlefield.

Mr. President, waging a successful global campaign against terrorism also will require us to counter new and growing terrorist tactics. Improvised Explosive Devices, IEDs, continue to increase in lethality and complexity in Iraq and elsewhere. I was pleased that Secretary Rumsfeld recently appointed a retired general to lead a joint task force on countering the threat of IEDs. As the death of 11 marines in Iraq on December 5 showed, the U.S. military has yet to develop a strategy or technology to sufficiently defend our servicemen and women from these troubling weapons. More troubling is the fact that we are now seeing the use of increasingly sophisticated IEDs outside of Iraq. This know-how and technology is being proliferated throughout the global network of terrorists who seek to harm the United States.

The IED task force needs to identify a strategy, tactics, technology, and training to defend from these weapons, but it also needs to figure out ways of countering the proliferation of IED technology, know-how, and tactical training that are currently being exported from Iraq. Tragically, Iraq has turned in to a testing-ground for these new weapons, and the administration needs to explain not just how it is countering the lethality of IEDs in Iraq, but also how it is mitigating or preempting the use of these weapons by terrorist networks globally.

My third area of concern is our woefully inadequate diplomatic efforts, public and private. As the recent 9/11 Commission report card showed, we need to do much better in communicating our principles and goals to the international community. In part we are failing because this administration has not consistently adhered to the core American values that have made us a model around the world, that helped defeat communism, and that have inspired democracies globally. The administration's approach to detainees, torture, and secret prisons, to name a few issues, has jeopardized this country's unique moral authority as a country that upholds the rights, liberties, and freedoms of every individual. I believe that we can combat terrorism while remaining true to those values.

Mr. President, we need a new, sustained and comprehensive public and private diplomacy, and a concerted effort to tell the rest of the world who we really are and what we really believe in. This diplomatic effort is essential if we are going to prevail in what is in part a battle of ideas—and one that we cannot afford to lose. I am not talking about giving lectures or showing videos, but about engaging in genuine dialogue with other peoples and countries. Listening, and responding to, their concerns is one of the most effective ways to improve our image, and thus our relationship, with the international community.

Diplomacy also involves looking for opportunities to demonstrate our core values. One such opportunity was lost in the response to the recent tragic earthquake in Pakistan where hundreds of local religious organizations—many of them linked to extremist or anti-American ideologies—beat out American relief efforts with quick, appropriate, and thoughtful responses. A CEO of a U.S.-based relief agency, having just returned from Pakistan, relayed to me his frustration that "the United States lost a significant opportunity to win the hearts and minds of a core population in Pakistan vulnerable to extremist ideologies because we responded with standard, boxed solutions."

We also need to engage our international partners not only in the campaign against terrorist networks, but also in the challenge to eradicate malaria, address HIV/AIDS, help rebuild countries such as the Democratic Republic of the Congo, bring peace to the Darfur region in Sudan, and help counter the impact that illicit power structures and the absence of rule of law have on societies around the world, to give just a few examples. We need to work hand in hand with those partners in developing strategies to isolate rogue states and to advance democracy and respect for human rights.

The fourth area we need to focus on is the proliferation of weapons, large and small. We need to do much more to stop nuclear proliferation and ensure that terrorist organizations do not obtain access to nuclear weapons. We must deal with the threats of loose nukes as an urgent priority both at home and abroad. This administration unfortunately has failed to do so. More nuclear weapons were secured in Russia in the 2 years before 9/11 than in the 2 years after. That is an alarming fact. And we should not have missed the opportunity at the last Nuclear Non-Proliferation Treaty conference to start moving forward on a new global regime; one that does a better job of protection and punishing cheating so that states cannot take their nuclear programs right up to the line of compliance and then withdraw from the treaty when they are ready to become new nuclear weapons states.

We should also reverse the foolish decision to ease export restrictions on bomb-grade uranium that was part of the massive and misguided Energy bill signed by the President this summer.

We must also focus on smaller weapons that continue to fall into the hands of terrorist networks at a cost of tens of thousands of lives each year. I applaud the recent announcement by my distinguished colleagues, Senators LUGAR and OBAMA, of their initiative to make more funding and new authorities available for new proliferation programs and to counter the growing threat that light weapons, such as the Man Portable Air Defense System, pose to the United States.

Unfortunately, we are behind the ball on this issue, and we need to drastically improve our ability to hunt down, shut down, and capture the networks of arms dealers that are getting rich by selling weapons to our enemies.

Fifth and finally, we must refocus our energies on Afghanistan. The President spends a lot of time discussing Iraq, but not much time on Afghanistan which was and maybe still is home to Osama bin Laden. Unlike our presence in Iraq, our presence in Afghanistan is contributing to increased stability in the country and region and is delivering progress in the war on al-Qaida.

Success in Afghanistan is essential for making progress in the campaign against terrorist networks, and it is where we must show the commitment, resolution, and capabilities of America. It is one of the first battlefields in this war. We now have the opportunity to turn what was once a despotic and broken country into a thriving democracy. It needs a lot of work, though, and disproportionate attention to Iraq has drained many of our positive and appreciated efforts in Afghanistan.

I see three major areas that need further attention in Afghanistan.

First, as part of assuring long-term success in Afghanistan, we need to ensure that international assistance, much of it from the United States, continues to be targeted, coordinated, and appropriate. We are running the risk of creating a "Donor's Republic of Afghanistan" by creating an unsustainable Afghan Government that the Afghans themselves cannot afford or manage. At this time, annual recurring costs to maintain the U.S.-developed Afghan National Army outweigh the central Government's revenue streams by a multiple of two or three. And this is not taking into consideration the police force and other essential public services that are in drastic disrepair or in need of further development.

Second, we need to continue burden sharing throughout the international community and encouraging a greater role for NATO, the United Nations and, most importantly, the Afghan Government, as it struggles to fight resurgent terrorist and obstructionist threats.

I was glad to receive news last week that NATO will increase its presence in southern Afghanistan, but we need to assure that long-term development and security aid is tied to measurable benchmarks for success.

Third, we need to continue to pressure countries such as Pakistan, Iran, China, Russia, Turkmenistan, Kyrgyzstan, and others to be constructive partners in the development of Afghanistan's new and fragile government and economy. Afghanistan is suffering from porous borders which make it an ideal environment for a thriving illegal drug trade, illegal imports and exports, and terrorists and insurgents who want to prevent the new Afghan Government from developing.

We have to succeed in Afghanistan. If we allow the new Afghan Government to become weak, feckless, and corrupt, we will risk losing everything we have invested. We will lose a partner in the campaign against terrorist networks, and we will lose the opportunity to point to Afghanistan as an accomplishment.

I have tried to identify five crucial areas in which we are not doing enough to protect our national security. We are not doing enough for a number of reasons, but foremost among them is the administration's single-minded and self-defeating emphasis on Iraq. The President's debilitating and misguided Iraq policy is preventing us from focusing our attention, our resources, and our efforts on the global campaign against terrorist networks. That is why we need a plan to wind down our military presence in Iraq and bring our focus back to the threat of radical jihadist-based terrorism.

While this administration talks and thinks about Iraq, our enemies are growing stronger around the globe. Those enemies are disparate, diffuse, and relentless. They operate in ungoverned spaces, on the Internet, in cities, mountains, and jungles. Left unchecked, they will continue to plot against the United States.

Our national security policy is adrift, but we have the power to change it, to correct our course. We must tackle these challenges and build a security strategy that protects our Nation from the most dangerous threat that it faces.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before the Senator from Wisconsin leaves the floor, I request that he be available to discuss some of the provisions of the PATRIOT Act. I see him remaining on the floor, so permit me at this time to take up a couple of the issues which the Senator from Wisconsin has raised, appropriately putting my question to the Chair as our rules require, and then asking for responses.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. The Senator from Wisconsin has raised an issue on the national security letters with respect to the presumption which arises when a high-ranking governmental official, such as the Attorney General, Deputy Attorney General, Assistant Attorney General, head of the FBI, or head of the departments making the request, certifies that there is a national security interest or an issue of diplomatic relations.

This is an issue which, as I understand it, the ranking member, the Senator from Vermont, Mr. LEAHY, raised earlier. The question I have for the Senator from Wisconsin is whether he is aware of the fact that the conclusive presumption, which is present in the conference report, is not as tight as the conclusive presumption which was present in the Senate bill which passed unanimously from the Judiciary Committee, of which the Senator from Wisconsin is a member, and by unanimous consent on the floor of the Senate, without objection by the Senator from Wisconsin.

I refer specifically to the provision in the Senate bill which says: In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.

That language is substantially repeated in the conference report, except that the conference report makes it tougher on the governmental certification by requiring the high-level official to make the certification.

Quoting from the conference report, it says: If at the time of the petition the Attorney General, the Deputy Attorney General and Assistant Attorney General or the Director of the Federal Bureau of Investigation or, in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of such department, agency, or instrumentality—and now we come to the crucial language, continuing—certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive unless the court finds that the certification was made in bad faith.

My questions to the Senator from Wisconsin are the obvious ones: No. 1, was he aware that the conference report has the identical provision, except more restrictive, and if so, why does he now object to this provision in the conference report when he approved it in committee and raised no objection on the floor?

Mr. FEINGOLD. As the Senator well knows, on the floor we passed this bill by unanimous consent, without debate, but I and others raised our concerns in the Judiciary Committee. The Senator well knows I was not pleased with the outcome on this provision in the Senate. I fought hard to get as many changes as possible, but we did not get the changes we needed with regard to national security letters, and the conference report failed to improve this provision as it should have done.

The Senator is correct, as I understand it, that the Senate version did not change much of existing law in this area, and the conference report is essentially the same. The conference report did not include the national security letter standard that a bipartisan group sought, three Democrats and three Republicans, as well as other cosponsors of the SAFE Act, which is that the Government can only obtain records that pertain to a terrorist and spy.

In addition, in answer to the Senator's question, the judicial review of the NSL gag rule in the conference report also is inadequate. In the SAFE Act, we included meaningful judicial review of national security letters and the NSL gag rule. Under the Senate version, there is judicial review of national security letters and gag rule, but there again, disappointedly, even the Senate version of the bill failed to create a standard that was realistic. It created a standard for the gag rule that would be virtually impossible to meet.

Of course, the areas that caused me to vote for the Senate bill were the improvements it contained, especially the change to Section 215, which we have lost; on sneak and peak search warrants, which was largely pulled back; and on John Doe roving wiretaps, which have been only partially preserved.

The point is that I was not happy with this portion, but in light of some of the other changes in the Senate bill, I did work, as the Chairman knows, cooperatively with him to create a document that at least had some balance. What has happened now is we have lost the positive changes we gained in the Senate bill, and we continue to have a very inadequate provision relating to the national security letter authority.

Mr. SPECTER. Mr. President, with all due respect, the Senator from Wisconsin has not answered my question. When he takes up the SAFE Act, which he cosponsored, so did this Senator. I was not satisfied with the provisions of the PATRIOT Act in effect at the present time, and I was a cosponsor of the same bill as the Senator from Wisconsin, Senator DURBIN, and others, in order to protect civil liberties, which I sought to do in the Senate bill and I sought to do, and I think successfully, in the conference report.

When the Senator from Wisconsin talks about Section 215, I am coming to that and I wish to engage him in a discussion on that specifically, but let me put it aside for a minute so as not to confuse that issue. With respect to sneak and peak, the delayed notice, I am coming to that as well because there are major, vast improvements in the conference report over existing law. With respect to the roving wiretaps, I am coming to that, too. But focusing for just a minute one at a time so there can be some understanding—this is a very complicated bill. I spoke on it at some length yesterday afternoon in order to acquaint my colleagues with it. I have made quite a number of calls to my colleagues, as far as I can go, to acquaint people with what is in this bill so we can understand it and vote on it with an understanding.

Coming back to the conclusive presumption in the national security letter, the question I posed to the Senator from Wisconsin was whether—well, maybe three questions. Does not he agree that the conference report is even more protective of civil liberties than the Senate bill? The second question: Did he know about it? And if on this provision alone, putting aside the others he referred to, 215, sneak and peak, and wiretap, and we want to come to sunset, too, which is a gigantic improvement—it was not mentioned by the Senator from Wisconsin. I think when we get to that he will concede that was a big improvement and maybe he overlooked it in commenting or at least any comment that I heard him make. But coming back to the national security letter, what about my three questions, if I may pose them through the Chair to the Senator from Wisconsin?

Mr. FEINGOLD. I would say to the chairman through the Presiding Officer, I did respond to his question, and I can tell him that I was aware of the changes that occurred in the conference report vis-a-vis the Senate bill. They are not adequate. We are still very far away from the SAFE Act with regard to this provision. I note that the chairman cosponsored the SAFE Act and yet did not object, apparently, to the significant withdrawal from the SAFE Act provisions in this area. What we need in this provision on these national security letters to prevent potential abuses, as well as the abuses that may well be already occurring—the Washington Post suggested some 30,000 national security letters per year—is a clear standard that these provisions can only be used to obtain records that pertain to a terrorist or a spy. Neither the Senate version nor the version in the conference report achieves that. So, yes, I acknowledge there are some language differences, but I do not believe they achieve what we need to achieve with regard to national security letters.

Mr. SPECTER. Mr. President, the Senator from Wisconsin does not know what I did in conference because he was not a conferee. There is no reason why he should know. But I can tell him that I fought very hard for a lot of these provisions, and I can tell him further that I was not persuasive enough to get 100 percent of what I wanted.

Mr. FEINGOLD. Mr. President, I would like to say——

Mr. SPECTER. Wait just a minute. I have the floor. I want to finish this, and I will come back to the Senator from Wisconsin and give him ample time to comment on what he wants to comment on.

We have a bicameral system. If the Senate could act alone, we would have had the Senate bill. When the Senator from Wisconsin says he was not satisfied with this provision in the Senate bill contrasted with the SAFE Act, I would not disagree with him about that. I will not disagree with him about that at all. In the Senate bill, I did not have everything that I would like. There are 17 other members of the Judiciary Committee and there are many members who thought the Senate bill went too far on civil rights. It was necessary to balance very delicately to get 18 Senators to agree, sort of unheard of, and I will not go over the composition of the committee, but we have people from opposite ends of the political spectrum on that committee.

Mr. FEINGOLD. Mr. President, would the Senator yield so I can respond to his comment?

Mr. SPECTER. One moment, and then I will yield for the Senator's reply.

The point is, the Senate came to this conclusive presumption and the Senator from Wisconsin voted for it. The full Senate came to this conclusion. The Senator from Wisconsin did not object to it. So I think it is rather late in the day—frankly, too late in the day—for the Senator from Wisconsin to say that a provision which he has approved is the basis for rejecting the conference report because the conference report did not do something he would have liked better.

Now, without yielding the floor, I ask unanimous consent that the Senator from Wisconsin be allowed to make whatever comments he chooses on this point.

Mr. FEINGOLD. Mr. President, the first thing I want to say is that the Senator from Pennsylvania is not the problem here. Everything he has said is accurate. He fought tenaciously in the committee, and I think brilliantly, to bring us together in a balanced package. I say to the Senator, through the Presiding Officer, I am grateful for his efforts in the Judiciary Committee and the Senate as a whole, and for his efforts in the conference committee, because I know the Senator tried. What happened in the Senate was that the will of this body as a whole, which we all compromised on, prevailed. The Senator from Pennsylvania correctly points out that I had to give, unfortunately, on this national security letter issue, to get the important changes regarding library records, sneak-and-peek searches, and sunsets.

The fact is, I say to the Senator that of course I objected to that provision. But I was trying to work with the Senator to come up with a balanced package, as Senator SUNUNU and I were commenting earlier, a package we could support as a whole. The Senator is now suggesting that after we made some gains and we lost some issues, I should now accept the one part we did not prevail on and give up the parts I did prevail on. That strikes me as a rather odd deal.

It was, as the Senator knows, a very difficult vote for me to support the Senate package. I was the only Member of this body to vote against the original PATRIOT Act because it was deeply flawed, and the Senator from Pennsylvania and many others have acknowledged there were such flaws and we have worked together to fix what we could. I was determined, as I said at the time we passed the Senate bill, to work with my colleagues to fix the other flaws, especially those in the national security letters.

But this idea that when you get the package back and it only includes the things you don't like and it doesn't include the things you did like, that you should keep your mouth shut and you should not oppose it, that to me is ridiculous.

Mr. President, I say to the Senator, and I mean it absolutely sincerely, he has been a tremendous chairman. He has been one of the real keys to us having any chance at all to fix this legislation. But I am very disappointed with what we got back from the conference committee. I know very well that the chairman did not want this document to look like this. He wanted it, I assume, to look like the very document he crafted in the Senate Judiciary Committee.

I yield back to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I do not disagree with everything the Senator from Wisconsin has said. In fact, I like part of it where he said I was brilliant, I like the part where he said I was a tremendous chairman, but there were other parts with which I disagree as to what he said.

A little levity will not hurt this debate any.

I focus only on national security letters at the outset, to establish the point that the conference report is more protective of civil liberties on that point than the Senate bill. I want to go on to the other points. I have only faint hopes of persuading the Senator from Wisconsin to support the conference report, but I do think it is very useful to have this discussion because he is, appropriately, very deeply involved in this bill and there is no better way to acquaint our colleagues and the staffs—perhaps two or three people watching on C–SPAN2—to acquaint America, to the extent we can, with what we are doing here.

On to section 215: Section 215 involves business records and the highly controversial point on library records. The Senator from Wisconsin is correct that the existing law is deeply flawed. Bear in mind, we are living under that law until we pass a new law. That is the law we are operating under today. Existing law enables a law enforcement official unilaterally to go to get records on his determination that they are relevant, and there is no judicial review. What the Senate bill did, and what the conference report perpetuates, is to put in judicial review. The traditional safeguard of liberty has been to interpose a disinterested, impartial magistrate between law enforcement and the citizen. That is what happens when you get a search-and-seizure warrant to establish probable cause. That is what happens when you get an arrest warrant to take somebody into custody. We have moved substantially toward that cause, although not quite probable cause for a search warrant or an arrest warrant, but a very substantial portion of the way by the Senate bill, which is perpetuated in the conference report, that a court may issue an order for records only on "a statement of facts showing that there are reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation to protect against international terrorism."

The Senate bill established three criteria for the relevant standard. First, activities of a suspected agent of a foreign power; second, a foreign power or agent of a foreign power; third, an individual in contact with or known to a suspected agent of a foreign power. In conference we did add an additional provision, which the Senator from Wisconsin has objected to. The additional provision is that the judge may order the production of records of an individual where the judge concludes those records are important—crucial to the investigation, to a terrorism investigation.

If I had my druthers, I wouldn't have put the provision in, but we had a closed-door briefing where the Department of Justice came in and showed us what they consider to be needed. I thought it was within the realm of reason, but I knew it would be an obstacle to getting the law put into effect and getting support for that provision, and I opposed it. But when I recognized that there are other points of view besides mine and besides the Senate's, and without a lot of other major concessions on the national security letter, which I have already described and will come back to—there were more concessions we got there—it seemed to me that provision was acceptable.

The question which I have for the Senator from Wisconsin is whether he has had an opportunity to get that briefing? Last Thursday, I asked my Chief Counsel, who has done such an extraordinary job, Michael O'Neill—who was here a moment or two ago; he's probably too busy to stay and listen to his speeches—to make a briefing available to the Senator or his staff. My question to the Senator from Wisconsin is, No. 1, if he has had an opportunity to get that briefing; No. 2, if so, what he thought of it with respect to the weightiness of what the Department of Justice had to say; and, No. 3, if this modest addition is so significant as to sink—or in conjunction with other similarly unweighty matters—sink the bill?

Mr. FEINGOLD. In response to the Senator from Pennsylvania, the Senator knows very well I am familiar with what went on in that briefing. You and I spoke here outside this Senate Chamber about these very provisions. I indicated to the Senator that I had my staff, who received this briefing, go over with me, in a secure setting, exactly the hypotheticals that those who wanted this additional provision in the conference report raised. My staff and I looked at those hypotheticals and were very unpersuaded.

Here is the significance. What the Senator from Pennsylvania is suggesting is that it is not a major change to add, on top of the three-part test of the Senate, an additional provision that merely requires relevance. This is a big deal, because the other three provisions require that the records pertain to a terrorist or spy, or records of people in contact with or known to a terrorist or spy, or relevant to the activities of a terrorist or spy. All three of those tests require something closer to the connection that the Senator from Pennsylvania and I demanded in the SAFE Act.

The additional item put in the conference report is the loophole, the exception, that swallows that three-part test. It does not require the connection to the terrorist or spy, even though this legislation, from the very outset, was supposed to be a response to what happened on 9/11, to terrorism. This does gut the changes to section 215 that are in the Senate bill. This does render meaningless the efforts you and I and others made to get a good provision in the Senate. And, yes, it is a sufficient reason not to go forward.

The feelings the American people have about this poorly drafted section 215 cannot be answered by a provision that simply demands general relevance and does not require a connection to terrorism or espionage. It is unacceptable. And on that ground alone, although there are other grounds, it is very disturbing.

I want to say that the Senator, my colleague and friend, did try hard. He said earlier that if he had his druthers he would have preferred a better provision. This isn't about druthers. This is about a devastating power of the Government to be able to go and take your library records on some general notion of relevance that has nothing to do with any connection to terrorism or espionage. That is unacceptable in America, and under our Bill of Rights.

Mr. SPECTER. Mr. President, I did not acquiesce in this matter simply as a matter of druthers or nondruthers. I acquiesced in this matter because it was, as a total scheme of things, acceptable. There was adequate protection. It is not, as the Senator from Wisconsin defines it, broad-ranging authority of a judge. The impartial judicial official has to agree that it is a terrorism investigation, and that these records are crucial and important to the investigation, that they are relevant to the investigation, and it is not something that is extraneous but it is a terrorism investigation.

I focus on this matter again not with any expectation of persuading the Senator from Wisconsin but to tell my colleagues why he is objecting to this provision, and to invite my colleagues, the other 98 Senators, if they want the briefing, to see why there were sensible reasons for the Department of Justice and the details of this provision not going too far, not impinging on civil liberties because I wouldn't support a bill which impinged on civil liberties. I simply wouldn't do it. But there are others who have contentions, and we had a great many concessions from the House of Representatives.

I have taken up the two principal considerations which the Senator from Wisconsin was arguing, the conclusive presumption in the national security letter and this additional provision under section 215.

But I want to come back for a moment to the national security letter on important concessions which the Senate obtained in the conference report, first, to point out that the national security letter was not established by the PATRIOT Act which we enacted shortly after 9/11. The national security letters have been in existence for decades. But the Senate utilized the revisions to the PATRIOT Act to put limitations on the national security letters because they fit within the overall parameters. We have some very important concessions on national security letters in the conference report. The standard has always been that if you had a national security letter, you kept quiet about it, the recipient did. There was no explicit opportunity for the recipient of a national security letter to challenge it. But the conference report fixing up the Senate provision explicitly gives the recipient of a national security letter the right to contact an attorney, to go to court, and to have a national security letter quashed, if it is unreasonable, oppressive, or otherwise contrary to law. The recipient also has the power to get a court order to tell the target. That is subject to a certification by these high-ranking governmental officials that it would endanger national security or diplomatic relations.

But again, the provision in the conference report is more protective of civil liberties than what was in the Senate report. On this provision on national security letters, the conference report goes much further than existing law. Again, the national security letters were not covered in the PATRIOT Act.

I don't have a question for the Senator from Wisconsin. I will come to some later, but I ask unanimous consent that I might yield to the Senator, if he cares to reply at this point to what I have said, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I say to the Senator that I meant what I said about his efforts and his sincere desire to try to fix these provisions, and that is what we started to do in the Senate version.

Second, I do think this is an excellent process, that we need to come out here on the floor and be very specific about what is right and what is wrong about these provisions. It is neither sufficient to say to our colleagues that we have to pass it as it is because the time is running out, nor is it sufficient for somebody on my side to say, look, this is an enormously dangerous, unfixable provision and the whole thing should go down. Neither of those positions is defensible. What is defensible is to look at each of these provisions as we have been doing and ask if we have done enough to protect law-abiding Americans. I come to the conclusion that we were very close, had maybe even achieved that with regard to section 215. But the conference report failed in that regard, and it brings us back far too close to the original mistake.

On the national security letters, I am not impressed by the improvements of the Senate version, which I didn't find to be adequate in the first place. So with regard to both of those, not to mention the sneak-and-peek searches that we will discuss later on, the conference report simply does not do the job.

I do recognize the Senator's sincere desire to make sure the Senate is well informed about the remaining issues that could affect how Members vote on the conference report.

I yield the floor.

Mr. SPECTER. Mr. President, the national security letters are stronger in the conference report than they were in the Senate bill. The conclusive presumption in the conference report is more protective than the language in the Senate bill on conclusive presumption. The conference report picking up the Senate bill provisions improves the civil liberties protection from existing law by the explicit right of the recipient to go to court to quash or to make the disclosure to the target.

Mr. FEINGOLD. Mr. President, if I could make one remark, and then I will have to leave. If the Senator will yield.

Mr. SPECTER. I will yield on the condition that I not lose my right to the floor.

Mr. FEINGOLD. On the national security letters, we will have to agree to disagree and continue to debate this and come to a similar conclusion with regard to what the conference report did vis-a-vis the Senate bill. Perhaps we could agree on how valuable it would be in light of how serious these concerns are about the national security letters, for that provision at least to be part of the group of provisions subject to a sunset.

I want to point out to my colleagues with regard to these national security letters that there may have been 30,000 issued, according to the Washington Post, per year. That power is not sunsetted. That is troubling.

I yield the floor.

Mr. SPECTER. Mr. President, I suggest that the Senator from Wisconsin get a classified briefing and not accept what he reads in the Washington Post. The Washington Post is wrong. I hope the Senator from Wisconsin will not leave the floor. If I can have the attention of the Senator from Wisconsin, I hope he will not leave the floor while I make a couple of other comments. I will try to be brief, although I don't think it has been extensive so far.

Mr. FEINGOLD. I appreciate that. I need to leave briefly. I will be right back, but I enjoy this process. I need to take care of one matter, and I look forward to returning to continue this discussion.

Mr. SPECTER. Let me be brief with one comment about 30,000. I urge the Senator from Wisconsin to get a classified briefing and not to take the facts of the Washington Post, because the Washington Post is totally wrong. I am not at liberty to tell the Senator what the facts are, although I asked the Department of Justice to put those facts before the public. Too much is classified, and I think this is inappropriately classified. I would like to be able to detail it.

Let me talk about the delayed notice provisions.

Existing law provides for notification of the target in a reasonable period of time, which could mean anything. The Senate bill called for 7 days, the House bill wanted 180 days, and we got 30 days.

I suggest in the totality of the legislation that we are in the 85 to 15-percent range, 85-percent Senate provisions, 15-percent House provisions, and the 15 percent which the House has does not impinge on civil liberties. I wouldn't take 1 percent if this were an inappropriate impingement on civil liberties. The 30 days can be extended by a court on cause shown for specific reasons.

With respect to the wiretap provision, I joined the Senator from Wisconsin in opposing the roving wiretaps. I have never liked wiretaps. When I was district attorney for Philadelphia, this issue came up for consideration of our body, and I was the only one of 67 county district attorneys to object to wiretapping.

Since I can only be brief here, I would invite my colleagues again—I know I am not going to persuade the Senator from Wisconsin. In talking about the late notice and talking about the wiretap provisions, I want my colleagues to look at the details as to how we have protected against random selection on the specification, a description of the person who is to be wiretapped, and showing that the person subject to the wiretap is likely to try to avoid the wiretap.

The final comment I have to make is about sunsetting. The House put in a provision for a 10-year sunset. The Senate put in a provision for a 4-year sunset. The House wanted the compromise of 7 years, halfway between 4 and 10. The Senate conferees insisted on a compromise at 4 years. The House said it was not much of a compromise, not when they were at 10 and the Senate was at 4 years. I thank the White House for assistance in working this detail out. We did so on the expectation that by working the sunset to 4 years, we would have a number of Senators' signatures on the conference report and a number of House signatures on the conference report.

I am not going to wash that linen in public as to what happened but only to say that our ability to review this bill at 4 years is a mighty potent weapon to keep law enforcement on its toes, knowing it is going to be subject to review in that period of time.

I have pledged privately and publicly and again in the Senate yesterday to have extensive and piercing oversight as to what law enforcement does. I think the Senator from Wisconsin will agree on the point that in the year I have been chairman, there has been real oversight. We have called for it and done a job here.

The debate has been very useful. I don't have any questions to pose to the Senator from Wisconsin. I am glad he is here to respond so the other side can be articulated and so my colleagues can make their own evaluation as to the weight of the objection of the Senator from Wisconsin to section 215, which is very limited to that one additional provision, which is justified, so they can evaluate his objection to the national security letters where the conclusive presumption is tighter in the conference report than in the Senate version and other protections, and the protections on delayed notice, so-called sneak and peek, and wiretaps, and then especially on sunset.

The debate is very illuminating and does more than the speech I gave yesterday. There is nothing as dull as a speech on the Senate floor and nothing as lively as a little debate. This Senate has very little debate, very little exchange of ideas where Senators come and in a respectful way pose questions and in a respectful way give answers to illuminate rather than obfuscate; no table-pounding.

I thank the Senator from Wisconsin for what he has done this year on the committee and for his thoughtful approach here, albeit wrong, albeit not persuasive and should not carry the day. I thank him for his contribution.

Without yielding the floor, I ask unanimous consent I may yield to the Senator from Wisconsin without losing the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am thoroughly enjoying this, and I came out here and described the Senator again as valiant on this issue. But I am getting a little worried as we start reviewing each of these provisions. The Senator from Pennsylvania voted for every single one of these provisions that I have talked about as part of the Senate version. There was a reason we drafted it that way.

When the Senator properly puts me through my paces on each of these issues and I identify my remaining objections and he minimizes the objections—keep in mind he already voted for those very provisions; he voted for exactly these provisions in the Senate bill. So when I point out on section 215 that a general relevance standard is not a sufficient protection and he agrees on the record that was troubling to him, it seems to me that is a valid issue to be concerned about.

With regard to the sneak-and-peek provision, the Senator did not vote, when he voted in the Senate, for 30 days' permission for a sneak and peek and a 90-day extension after that; he voted for 7 days, because the Senator from Pennsylvania knows as well as any Member in this Senate that the idea of a sneak-and-peek search in the first place is a very troubling exception to the fourth amendment protection that every American has against unreasonable searches and seizures. This is a very narrow exception. When the Senate voted in the Senate, he did not vote for 30 days. He did not vote for a period of time that is over four times larger than 7 days; he voted for 7 days. To now suggest this is somehow a trivial concern is not consistent with either the Senator's record on this particular legislation or consistent with his apparent cosponsorship of the SAFE Act in the past.

This debate is valuable, but when the Senator actually lists these all together as he has done, the only thing I can agree with him on is—and I am grateful—that the sunsets have been preserved. That is positive.

Let me say, the Senator cosponsored the SAFE Act. He knows some of the things we are sunsetting potentially permit the violations of the rights of innocent and law-biding Americans. A sunset is only a secondary level of protection that essentially says, Look, people's rights might be violated now, but at least we will have a chance to change it later. The idea of simply prevailing on the sunsets, which allow violations to continue without changing the substance of the law to protect Americans' rights and civil rights liberties, is not a sufficient reason to vote for the conference report. But I do look forward to further exchange with the Senator on this as the week goes on.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from Wisconsin.

The last comments made the argument better than I have during the course of the last hour when he chastises me for agreeing to 30 days when I voted for 7 days but the House bill has 180 days. That is a reason to vote against the bill. He has made my case.

When you take up an issue about what is fair and appropriate and adequately protective of civil rights as to when the target should be notified as to a surreptitious or secret search of his apartment, and you have an existing bill which says a reasonable period of time—which could be anything—and the Senate comes in at 7 days and the House comes in at 180 days, there is no real concession on civil liberties. The House made a concession of 150 days, from 180 to 30. The Senate made a concession of 23 days, from 7 to 30.

I ask the other 98 Senators whether this is a meritorious argument, a weighty argument, or more of scintilla. That is an expression we use in the law when the item has virtually no weight. In the common law, they talk about a peppercorn being adequate for consideration. But this is a scintilla. Maybe this is not even a scintilla, to say a concession from 7 to 30 days is meaningful.

I am glad the Senator from Wisconsin made that as his final, persuasive, overwhelming argument because that illustrates the flimsiness of the considerations.

Mr. FEINGOLD. Mr. President, because of the last exchange, that will not be——

Mr. SPECTER. I have the floor, but I will yield to the Senator from Wisconsin on unanimous consent. I saw Senator BYRD one day perfect this, and I will not make a mistake of yielding without reserving the right to the floor.

Mr. FEINGOLD. I have no desire——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I have no desire to take the floor away from the Senator from Pennsylvania, but back where I live, when the Government comes into your home and you do not know they have been rummaging around in your house and you find out 7 days later that they did this, you are upset. If you do not find out for 30 days, where I come from that is not a scintilla; that is a big deal. The U.S. Government coming into your house without giving you notice, as people expect under the fourth amendment, is not a triviality.

It is at the very core of one of the most important provisions of the Bill of Rights. I am not sure I am, in the end, even comfortable with this concept of a sneak and peek search. I think it has been demonstrated it may be needed in some cases, but why in the world can't a judge have to renew that every 7 days?

It is not a matter of trivia to the people of my State that the Government can come into their house without notice under the fourth amendment. And I reject the idea that it is a minor difference between 7 and 30 days.

Mr. SPECTER. Mr. President, the problem with the renewed argument by the Senator from Wisconsin is not on 7 days or 30 days, it is on 1 day. It is on any sneak and peek. It is on any delayed notification. Law enforcement has that latitude because they need to continue the investigation. If a disclosure is made, it will impede an investigation. A short period of time enables them to continue the investigation without alerting the target.

One day would be too long for the argument which is made by the Senator from Wisconsin. We are conducting this debate as if we have a law enforcement community in this country made up totally of rogues who have no regard for the rights of the individual. And when they get a delayed notice warrant, bear in mind, my colleagues and the Senator from Wisconsin, they have gotten judicial review on this sneak-and-peek warrant. On this delayed notification warrant, they have gone to a judge and have gotten leeway on standards which are set forth and articulated in the PATRIOT Act.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

The Senate will come to order.

Mr. SPECTER. Back to the substance of the argument: this period of time, the less, the closer to the Senate position the better. But this is not some random act of a rogue law enforcement officer. This is a delayed notice warrant which has been obtained by going to an impartial magistrate and by showing cause and by showing reason to have this delayed notice.

Mr. President, the Senator from New Hampshire was on the floor earlier today and has raised a number of arguments. I see other of my colleagues on the floor seeking recognition so I will not take these up at this time. But I would invite my colleagues to examine what the Senator from New Hampshire has had to say in the context of the debate which I have had with the Senator from Wisconsin because I think they are covered. But I will want to deal with them specifically.

I would point out—I am looking through the transcript for a moment on some of the things which he has had to say. There are also some comments made by the Senator from Vermont, the distinguished ranking member, which I will comment about later. We will have a debate.

CONTINUED DUMPING AND SUBSIDY OFFSET ACT

Mr. SPECTER. Mr. President, I want to take an additional moment or two, while I have the floor, to make a brief argument in support of the motion which is going to be offered by Senator DEWINE and Senator BYRD to instruct the budget conferees to drop the repeal of the Continued Dumping and Subsidy Offset Act.

This legislation was passed in the year 2000 under a program which allows the Bureau of Customs and Border Protection to distribute duties collected on unfairly traded imports to those U.S. businesses and their workers who have been injured by dumped or unfairly subsidized imports.

Over 700 companies in almost every State of the Union, including many small- and medium-sized companies, have received distributions under this act, benefitting producers and workers in lumber, crawfish, shrimp, honey, garlic, cement, mushrooms, steel, bearings, raspberries, furniture, semiconductor chips, and a broad range of other industries across the Nation hurt by continued unfair trade.

My State, Pennsylvania, has been a victim to a very substantial extent. Companies in a variety of industries, including those that produce steel, cement, agriculture, and food products, have benefitted from the $1.261 billion since this program was put into operation. The World Trade Organization has objected to this provision, and it is my hope that the administration will fight the World Trade Organization's conclusion. There have been instances in the past where the World Trade Organization has said our practices violate their laws, and our executive branch has gone to fight them to make a change. I think that is what they should do here.

This compensates the companies and the workers who have been victimized by these unfair trade practices. As a matter of basic and fundamental fairness, this money ought to continue going to that.

In the interest of brevity, I ask unanimous consent that the complete text of my statement be printed in the RECORD following my oral remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEWINE MOTION TO INSTRUCT CONFEREES TO DROP THE REPEAL OF CSDOA STATEMENT OF SENATOR ARLEN SPECTER

Mr. SPECTER. Mr. President, as I have said, I have sought recognition to express my opposition to section 8701 of H.R. 4241, the House-passed budget reconciliation bill, which seeks to repeal the Continued Dumping and Subsidy Offset Act, CDSOA, or Byrd amendment, and to express my support for the DeWine motion to instruct conferees to not include this provision in the conference report.

CDSOA was enacted in 2000 to enable U.S. businesses and workers to survive the face of continued unfair trade. The program allows the Bureau of Customs and Border Protection to distribute duties collected on unfairly traded imports to those U.S. businesses and their workers who have been injured by dumped and unfairly subsidized imports.

Over 700 companies in almost every State of the Nation, including many small- and medium-sized companies, have received distributions under CDSOA, which benefits procedures of lumber, crawfish, shrimp, honey, garlic, cement, mushrooms, steel, bearings, raspberries, furniture, semiconductor chips and a broad range of other industries across the Nation hurt by continued unfair trade.

In Pennsylvania, companies in a variety of industries, including steels, cement, agriculture, and food products have benefitted from these distributions by investing in research and development, infrastructure improvements, and improvements to pension programs. In doing so, companies have been able to continue operations and, in some situations, increased capacity.

Overall, disbursements have totaled $1.261 billion since its inception in 2000, $226 million in fiscal year 2005. Pennsylvania companies, alone, have received over $111 million in disbursements under CDSOA from fiscal year 2005 through fiscal year 2005 approximately $22 million annualy—approximately 9 percent of the total distributions.

Repealing or modifying this act would negatively impact U.S. workers and businesses, leading to the loss of the U.S. jobs to foreign competition, which would cost thousands of American workers their health insurance and pension benefits and contribute to the further outsourcing of Americans jobs.

This provision has had broad support in this body, where some 75 Senators have signed letters to the administration urging retention of this vital provision in the face of an adverse WTOP decision allowing countries to retaliate by imposing tariff surcharges on U.S. products.

Congress directed the administration to resolve the WTO issued in ongoing trade negotiations in the fiscal year 2004 and fiscal year 2005 ombinus appropriations bills, and the fiscal year 2006 CJS appropriations bill that became law last month. That language requires the administration to hold negotiations to recognize the right of countries to distribute duties collected from unfair trade as they deem appropriate.

I urge my colleagues to support the motion.

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter dated November 4, 2005, and a letter which I signed along with some 69 other Senators, dated February 4, 2003, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 4, 2005.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST, It is our understanding that the House of Representatives will include the repeal of the Continued Dumping and Subsidy Offset Act (CDSOA) in their budget reconciliation measure. We do not believe that the budget reconciliation process should be used to substantively change U.S. trade law.

The goal of our trade laws is to ensure that an even playing field is provided for American and foreign producers of goods. As you know, Congress passed CDSOA in response to concerns about the consistent, unfair trade practices in which some of our trading partners have been engaged. Under CDSOA, hundreds of companies, farmers, ranchers, and worker groups, from all across America, have received distributions from duties collected from our trading laws. Recipients include large, medium and small companies, worker representatives and farmers in nearly every state in the country.

Seventy-two senators have made their opposition to repealing CDSOA public. Should legislation regarding budget reconciliation move towards conference, we would urge the Senate not to accede to any provisions that may be included in the House bill that would repeal CDSOA.

Sincerely,

Mike DeWine, John Warner, Elizabeth Dole, Larry E. Craig, George V. Voinovich, Arlen Specter, Johnny Isakson, ——— ———, Rick Santorum, Conrad Burns, Norm Coleman, Mel Martinez, Saxby Chambliss.

Richard Shelby, Olympia Snowe, George Allen, John Thune, Susan M. Collins, Mike Crapo, Jim Bunning, David Vitter, John Cornyn, Thad Cochran, Trent Lott, Michael B. Enzi.

U.S. SENATE,
Washington, DC, February 4, 2003.

Hon. GEORGE W. BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: We write to express our strong interest regarding the approach that may be taken by the U.S. Government in response to the WTO Appellate Body's January 16, 2003, ruling that the United States violated its WTO obligations when it enacted the Continued Dumping and Subsidy Offset Act (CDSOA) in 2000. In our view, the WTO has acted beyond the scope of its mandate by finding violations where none exists and where no obligations were negotiated.

CDSOA is a payment program established by Congress to address policy objectives that can enable our domestic producers to continue to invest in their facilities and workers. Its continued operation is critical to preserve jobs that will otherwise be lost as the result of illegal dumping or unfair subsidies and to maintain the competitiveness of American industry.

In its November 2002 statement to the Appellate Body defending this law, the Administration stated that, "[T]he Panel in this case has created obligations that do not exist in the WTO Agreements cited. The errors committed are serious and many about a statute which, in the end, creates a payment program that is not challenged as a subsidy." We concur with this statement and consequently believe that America's trading partners must be pressed into negotiations on CDSOA prior to any attempt to change our laws.

Specifically, we urge you to: (1) seek express recognition of the existing right of WTO Members to distribute monies collected from antidumping and countervailing duties; (2) promptly integrate the Administration's recent Report to Congress on the WTO Dispute Settlement Process; and (3) consult closely with the Congress on the particulars of any approach taken in negotiations on this issue.

We look forward to consultations with your Administration on this important matter and to obtaining a positive resolution that preserves the law for American companies and their workers.

Sincerely,

Robert C. Byrd, Max Baucus, Mark Dayton, Tom Daschle, Jay Rockefeller, John Breaux, Kent Conrad, John F. Kerry, Jeff Bingaman, Mike DeWine, Rick Santorum, Larry E. Craig, Trent Lott, Jim Bunning, ——— ———, Olympia Snowe, George V. Voinvich, Arlen Specter, Dianne Feinstein, Dick Durbin.

Blanche L. Lincoln, John Edwards, Fritz Hollings, Joe Biden, Hillary Rodham Clinton, Jon Corzine, Byron L. Dorgan, Norm Coleman, Saxby Chambliss, Susan Collins, Mike Enzi, Evan Bayh, Robert E. Bennett, Craig Thomas, Pete Domenici, Thad Cochran, Richard Shelby, Russell D. Feingold, Ron Wyden.

Tom Harkin, Debbie Stabenow, Daniel Inouye, Frank R. Lautenberg, Mark Pryor, ——— ———, Zell Miller, Paul Sarbanes, Mike Crapo, John Warner, Harry Reid, Jeff Sessions, Ben Nighthorse Campbell, Jack Reed, E. Benjamin Nelson, Barbara A. Mikulski, Charles Schumer, Ted Kennedy, Patrick Leahy, Jim Jeffords.

Herb Kohl, Joseph Lieberman, Chris Dodd, Tom Carper, Carl Levin, Barbara Boxer, Bill Nelson, Mary L. Landrieu, Daniel K. Akaka, Judd Gregg.

Mr. SPECTER. I thank the Chair and thank my colleague from New Mexico, who has been waiting patiently, or at least waiting, and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

MEDICAID

Mr. BINGAMAN. Mr. President, I rise to speak briefly in support of the motion that I understand is to be made by the Senator from Montana, Mr. BAUCUS, who is here on the floor, to instruct conferees with respect to the Medicaid Program.

The motion to instruct conferees on the Medicaid Program highlights one of the many ways in which the House of Representatives budget reconciliation bill radically departs from the Senate bill. Let me spend a very few minutes highlighting the differences between the House and Senate packages on Medicaid, particularly with regard to the health of children.

The contrast between the two bills could not be more stark. The Senate bill arguably improves coverage of children through the inclusion of the Family Opportunity Act that provides a State option to expand Medicaid coverage to children with disabilities and through inclusion of outreach and enrollment funding based on legislation that Senator FRIST and I introduced earlier this year.

In sharp contrast, however, according to the Congressional Budget Office, the House budget reconciliation package imposes increased cost sharing on low-income Medicaid beneficiaries and reduces health services by $6.5 billion over 5 years and by $30.1 billion over 10 years.

For children, the impact of the House bill would be devastating. Medicaid covers more than 27 million children, almost one in four in this country. Medicaid also covers more than a third of all the births and health care costs of newborns in the United States each year.

In spite of the importance of Medicaid for children, the House budget package increases cost sharing for all children who rely on it for prescription drugs or for emergency room services. The bill also allows States to impose premiums for the first time under Medicaid for children's coverage and to deny children coverage even if their family cannot afford to pay the premium or other cost sharing.

The House budget bill also allows States to eliminate the early and periodic screening diagnosis and treatment benefit rules that are so critical to the health of children with special health care needs and disabilities. Benefits that could be lost include comprehensive developmental assessments, assessment and treatment for elevated blood lead levels, eyeglasses, dental care, hearing aids, wheelchairs and crutches, respiratory treatment, comprehensive mental health services, prescription drugs and speech and therapy services. In short, three-fourths of the savings in the House bill come at the expense of low-income Medicaid beneficiaries. By CBO's estimate, half of the beneficiaries affected by the increased cost-sharing provisions in the House package are imposed on children, and half of those who will lose Medicaid benefits would be children.

In CBO's own words:

> We estimate that the number of affected enrollees [due to increased cost-sharing requirements] would increase from 7 million in 2010 to 11 million in 2015, and that about half of those enrollees would be children.

CBO adds that, due to added premiums, "about 70,000 enrollees would lose coverage in fiscal year 2010 and 110,000 would lose coverage in fiscal year 2015 because of the imposition of premiums."

Furthermore, CBO estimates that the flexibility in the House bill to reduce benefits will also heavily impact children. CBO estimates that "benefit reductions would affect an estimated 2.5 million Medicaid enrollees in 2010 and about 5 million enrollees by 2015—about 8 percent of the Medicaid population—and that about one-half of those receiving alternative [or reduced] benefit packages would be children."

Without the Medicaid Program, the number of children without health insurance, which was 8.3 million in 2004, would be substantially higher. In fact, the number of uninsured children has dropped by over 300,000 over the past 4 years due in large part to Medicaid and the SCHIP Program. We should not at this time be taking steps backward by reducing coverage for low-income and vulnerable populations that primarily include the children I have been referring to.

I urge that colleagues support the Baucus motion to instruct conferees on Medicaid. We are coming into the holiday season. This is not a time when we, the wealthiest Nation in the world, should be cutting health care assistance to the low-income children of this country. I did not support the Senate budget reconciliation bill for a variety of reasons, but even with the imperfections that were in that bill, it was far superior to the House budget package. For one thing, it does not contain the type of cuts for children's health that are included in the House bill.

I urge my colleagues to recognize how much better the Senate bill is for the health and well-being of our Nation's children. I urge my colleagues to vote to instruct conferees to support the Senate's approach over that of the House of Representatives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

BUDGET RECONCILIATION

Mr. BAUCUS. Mr. President, at the appropriate time I will be sending a motion to instruct to the desk. I will be doing that at a later time. In the meantime, I rise to speak on that motion.

The motion instructs the Senate conferees on the spending reconciliation bill not to bring back a conference report that hurts Medicaid beneficiaries. This is the item about which the Senator from New Mexico just spoke.

Last month, the House passed such a bill, one that would hurt Medicaid beneficiaries. The House passed a bill that would cut health care for millions of seniors and lower income Americans who depend on Medicaid.

I believe the Senate should reject these harmful cuts. In early November, the Senate voted by a thin margin to cut Medicaid, our Nation's safety net health program for low-income Americans. Many of us at that time objected to those cuts. That day, the Senate bill planted a seed of opportunity to make even more harmful cuts, hurting millions of low-income children, seniors, pregnant women, and individuals with disabilities. Just 2 weeks ago, the Senate reconciliation bill bore bitter fruit. Why? Because the Medicaid cuts in the House bill turned out to be substantial and, in fact, will hurt millions of the poorest and neediest among us.

According to the Congressional Budget Office, most of the Medicaid savings in the House bill come from targeting our poorest citizens. CBO says three-quarters of the House bill's Medicaid savings come from provisions that increase costs, cut benefits, or impair access to services for low-income individuals. These cuts will affect millions of people. The CBO estimates that about 17 million Medicaid enrollees will pay more under the House bill, and half of those paying more will be children.

Who will these cuts affect? Medicaid now serves more than 50 million low-income Americans. A quarter are children. A quarter are seniors and disabled. The rest are pregnant women, low-income parents, and individuals with serious medical needs.

Many believe that all low-income Americans are eligible for Medicaid. That is not the case. Often only the very poor qualify. On average, a nonworking parent making about $150 per week for a family of three makes too much for Medicaid. Again, a nonworking parent of a family of three making about $150 a week makes too much for Medicaid. That is less than one-half the Federal poverty level.

Eligibility levels for working parents are also low. On average, a working parent with a family of three earning more than $5.50 an hour also makes too much to qualify for Medicaid. So we are talking about the very poor.

Under the House bill, these needy individuals will pay more for less. CBO estimates that about 80 percent of the savings from increasing cost sharing would come from decreased use of health care services. Some may say that increasing cost sharing will curb waste, abuse. I am not saying we cannot or should not look at reducing unnecessary treatments under Medicaid. Far from it. But increasing cost sharing is not the right way to do it.

Increasing costs deters patients from seeking health care services, both good and bad services. If we really want to control overuse of services, we should be investing in care management strategies for expensive chronic diseases such as diabetes. These strategies have proven to lower cost while increasing the quality of care.

Increasing enrollee cost sharing can also have unintended systemwide effects. Many States have already said they will deduct the new copayment fees from provider rates regardless of whether providers collect the fees. The result puts the new burden on doctors and clinics and hospitals serving our health safety net. Many of these providers will be forced to make up uncompensated care costs by increasing private market rates, which will drive up health care costs for all of us, leading to more uninsured and an even greater need for Medicaid.

Even more troubling, the House bill's premium increases will result in tens of thousands of individuals losing Medicaid coverage. According to CBO, about a quarter of the savings from the premium increases are for individuals losing coverage. We don't need to rely on CBO to know that this will actually happen. Why? Because in the State of Oregon, this was tried, and the results were quite clear and disturbing. That State began to enforce nominal monthly premiums for higher income Medicaid beneficiaries. What happened? Oregon saw its enrollment drop by nearly one-half in 10 months. Nearly 50,000 individuals lost coverage.

This increased cost sharing amounts to a tax on poor families now in Medicaid. For a family of three with income at 135 percent of poverty, annual cost sharing would be as high as $1,086 per year or, stated another way, about 60 percent of their annual Federal tax liability.

Let me say that again. For a family of three, with income at 135 percent of poverty, annual cost-sharing could be as high as over $1,000, which amounts to less than 60 percent of their annual Federal tax liability. In effect, it is a tax—a big tax, about 60 percent of their Federal tax. Add them together and it is about 160 percent of tax they are paying.

Many of these poor individuals would also be forced to pay more to get less. How? Because the House allows States to cut Medicaid benefits.

The Congressional Budget Office estimates that 5 million enrollees would see their benefits cut over the next 10 years. Half of those affected would be children. Higher income children would no longer have guaranteed access to medically necessary care under Medicaid.

It is also unclear whether individuals with disabilities and chronic conditions would be protected. This could undermine access to more expensive treatments and services for those individuals who turn to Medicaid because the private market will not cover them.

Shifting costs and cutting benefits for our poorest and least able to pay is not the smart way to preserve our Nation's safety net for future generations.

In the Finance Committee, many of my colleagues on the other side of the aisle chose to support the Senate bill because it didn't include changes that would hurt Medicaid beneficiaries. My friend and colleague, Finance Chairman GRASSLEY, praised the bill, saying it "protects Medicaid benefits for the most vulnerable in our society."

The Senator from Oregon, Mr. SMITH, said that "the reconciliation package we are considering today is not only fiscally responsible, but also morally defensible. This is a bill that protects the less fortunate among us. It takes pains to preserve the vital safety net programs that millions of Americans rely on."

And the junior Senator from Pennsylvania said during the committee markup:

> Let us set the record straight. We are not cutting health care services to the beneficiary.

So today I will offer this motion to set the record straight on Medicaid cuts. This motion instructs Senate conferees on the reconciliation bill to reject changes to Medicaid that would hurt Medicaid beneficiaries or undermine Medicaid's guarantee. Given the threat of the cuts passed in the House, the Senate must take a stand in support of the neediest among us.

Let us ensure that we keep the record straight on Medicaid. Let us ensure that we do no harm to the vulnerable individuals whom Medicare serves. Let us pass this motion.

Mr. President, at the appropriate time I will make the motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I, too, at the appropriate moment will offer a motion to instruct the conferees. I will offer the motion in conjunction with Senators COLLINS, KENNEDY, SNOWE, LIEBERMAN, LEAHY, BINGAMAN, COLEMAN, SALAZAR, STABENOW, CLINTON, LUGAR, HARKIN, LEVIN, SMITH, and PRYOR.

This motion to instruct conferees is about LIHEAP, the Low Income Heating Assistance Program. Each of us, at this point, is very familiar with the struggle that is taking place today. If you were in New England over the weekend, as I was, or in many other parts of the country, you understand that temperatures have fallen and many families are having to perform a juggling act with their budgets in order to heat their homes.

According to EIA's most recent short-term energy outlook, released last week, energy costs for the average family using heating oil are estimated to hit $1,454 this winter, an increase of $255. That is a 21-percent increase over last year's heating season. Natural gas prices could hit $1,024 for an average family using natural gas. That would be an increase of $282 or a 38-percent increase. For a family using propane, prices are projected to hit $1,269, an increase of $167 from last heating season, and that is a 15-percent increase.

Despite these sharp increases in fuel costs, we sadly continue to fund LIHEAP—the one program that can provide sufficient help to these families—at the same level as last year, which in reality means an actual cut in the level of assistance we can provide low-income consumers this winter's heating season.

The responsible thing for Congress to do is to fully fund LIHEAP at the full $5.1 billion authorized in the Energy Policy Act enacted earlier this year. Indeed, we have tried to do that on numerous occasions. Today marks the fifth time in the last 2 months that Senator COLLINS and I, along with some 30 other colleagues, have made an attempt to fully fund LIHEAP. We offered amendments to the Defense bill, the Transportation-Treasury-HUD bill, Labor-HHS bill and, most recently, the tax reconciliation bill. On each occasion, we reach across the aisle and across the country to provide more assistance for the LIHEAP program. While we did not reach the 60-vote margin needed to pass these amendments under the budget rules, in each instance, a majority of this body was on record supporting full funding for LIHEAP.

My preference, of course, was to provide funding to fully fund LIHEAP on an emergency basis through an appropriations bill. Those opportunities have passed. Budget reconciliation is the last train that is leaving the station. That is why I come to the floor and will offer, at the appropriate time, a motion to instruct budget conferees to insist on a level of funding for LIHEAP that is sufficient to fully fund the program at its fully authorized level.

The heat-or-eat dilemma is not just rhetoric. The RAND Corporation conducted a study and found that low-income households reduced food expenditures by roughly the same amount as increases in fuel expenditures. In some respects, this is a tidal wave not of rising water, like Katrina, but of rising energy prices.

We have all had the opportunity to visit our constituents and get a first-hand glimpse of the struggle they are faced with. A few weeks ago, I visited with Mr. Aram Ohanian, an 88-year-old veteran of the U.S. Army in World War II, living on a $779-a-month Social Security check. Money is so tight that he sometimes has to eat with his children or go to a local soup kitchen. He also gets assistance from our Rhode Island food bank. These heating price increases to Mr. Ohanian will be very difficult. He received LIHEAP assistance last year, but that assistance will be relatively less this year because of rising prices and greater demand.

Last month, the Social Security Administration announced that cost-of-living adjustments for 2006, on average, are about $65. That $65 increase to Mr. Ohanian is not going to take up the slack in terms of these tremendous increases in fuel prices.

The motion to instruct conferees that we will submit at the appropriate moment calls for LIHEAP to be funded at the fully authorized level. Under the best-case scenario, if we fully fund LIHEAP, there would still be a significant number of Americans who qualify for the program but will not get any help. LIHEAP would still only serve about one-seventh of 35 million households that are poor enough to qualify for assistance. But at least we are taking a step by fully funding this important program.

I urge my colleagues to support this motion when it comes to the floor for a vote.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I ask for the regular order, Mr. President.

The PRESIDING OFFICER. The Senate is in morning business with 10 minutes for Senators.

Mr. GREGG. Mr. President, we are trying, as the Senate and as a Congress, to wrap up the business for the Government this year. A major part of that effort is to complete the budget process. Included in the budget were two directions to the Congress, which were voted in by a majority of the Congress—regrettably, very few people from the other side of the aisle supported it—and one of the directions was, for the first time in 8 years, to attempt to bring under control the rate of growth of entitlement spending.

Anybody who looks reasonably at the Federal Government—and let's take an independent view here and the view specifically of Chairman Greenspan, who recently gave a speech in London where he pointed out that the biggest concern he has from the standpoint of fiscal policy was the burgeoning costs of the Federal Government which were being driven by entitlement spending, and which would explode as the baby boom generation began to retire in 2008 and become an untenable burden for the children of the baby boom generation and their children as they have to pay the taxes or costs of supporting that retired generation which is so large.

This bill, in what I consider to be the first act of fiscal responsibility of significance in the last 8 years, moved legislation that said the Congress, for the first time in 8 years, will address the issue of entitlements.

Now, the savings being projected in the bill were not that dramatic and they continue to be not that dramatic. They are large numbers, obviously, but in the context of the total spending on entitlements, they are not that large.

For example, the savings that are being projected in the area of Medicaid are about $10 billion over 5 years. But what you have to understand—and that is a big number—is over that period, Medicaid will be spending approximately $1.4 trillion—trillion dollars. So we are actually asking for less than a one-tenth of 1 percent reduction in the rate of growth in Medicaid, and Medicaid during that period will grow at 40 percent—a 40-percent growth rate over those 5 years, down from 41 percent, assuming we make the $10 billion reduction over the 10 years in the rate of growth.

The total deficit reduction bill was to be somewhere in the range of $35 billion to $50 billion, depending on which bill was taken from which House. It left the Senate at $39 billion and left the House of Representatives at about $50 billion, $51 billion, something like that; I am not sure. In any event, it is going to fall somewhere between those two numbers.

We as a Congress hopefully can pass legislation that accomplishes that goal which starts to reduce the rate of growth of entitlements and reduces the debt of the Government to at least $40 billion—hopefully more than that, $45 billion, $46 billion over the next 5 years. This is the responsible thing to do, and it will be the first act of significant fiscal responsibility in which we have participated in a while around here as we continue to pass in the entitlement area—there has been significant fiscal responsibility in the nondefense discretionary area executed by the Appropriations Committee under, again, the budget which essentially froze nondefense discretionary spending and put in place what is known as caps so we can enforce them.

Ironically, none of these proposals for fiscal responsibility put in place have received any significant support from the other side of the aisle. When the budget passed this Congress, I don't think any Members from the other side of the aisle voted for it. When the reconciliation bill passed this Congress, two Members from the other side of the aisle—I appreciate it very much—the Senator from Louisiana and the Senator from Nebraska voted for it, but other than that, no one else on the other side of the aisle voted for fiscal responsibility or an attempt to reduce the rate of growth of the Government. So this has become a lifting exercise in which, for all practical purposes, Republican Members of the Congress appear to be ready to participate.

Yet today we are hearing from the other side of the aisle that they want to instruct the conferees of a bill, against which they voted—they voted against the budget, which was the underlying bill—instruct the conferees how the conference should occur. I find that to be a touch inconsistent—to be kind, a touch inconsistent, a big touch inconsistent, to be honest. Here they are, folks who have not voted for any fiscal restraint and, in fact, as we moved through the appropriations process have suggested that we add $500 billion of new spending to the Federal Government under the appropriations process, which is not, by the way, impacted under this deficit reduction bill because this is entitlement activity, the two accounts being separate, appropriations being one-time annual expenditures of the Government, entitlements being programs which people have a right to and, therefore, they can go out and receive funding. They may be veterans, they may be low-income individuals, they may be students—they have a right to receive funding. It goes on independent of annual legislation.

As I said, the other side of the aisle not only has not supported the efforts of fiscal responsibility by voting for either the budget or the vast majority, with the two exceptions I mentioned, not voting for a deficit reduction bill, but now come forward with a series of what are going to be instructions to the conferees as to how the conferees should act after they voted against passing the bill and moving forward with the legislation. Chutzpah is an understatement for that type of approach.

Let's just take one or two examples and discuss them for a second. For example, the Senator from Rhode Island was talking about LIHEAP. There is significant irony in the position of the Senator from Rhode Island—significant irony. To begin with, he voted against the one proposal that we could have passed—which was funded—which would have funded LIHEAP to keep people protected from the increase in oil costs. It was paid for. That amendment was offered by myself. It was paid for with an across-the-board cut in the Labor-HHS bill. It would have fully funded the LIHEAP account at a level which would have held harmless everybody who receives LIHEAP money, low-income energy assistance, because we all realize the Low-Income Home Energy Assistance Program is a critical program and there is going to be significant stress, especially in the Northern States, as a result of the increased costs of the price of oil. And yet this was opposed.

When this opportunity came along, it was opposed for political reasons, if nothing else, I suspect, because they wanted to make a claim that they were going to fund LIHEAP at a level that was significantly higher than what CBO and what the Energy Department and what everyone else said was needed, including the Health and Human Services Department, to hold the program harmless, to keep the people funded who needed to be funded.

That increase, which was required, was a $1.2 billion increase. You don't have to listen to me to believe that. Take a look at the letter the Senator from Rhode Island sent out asking that the funding in LIHEAP be increased—it was signed by I think 44 Members of the Senate—be at a level that held harmless the system so people who receive money under LIHEAP would get the money they needed. What was the number in that letter? The number was $1.2 billion. But suddenly, in order to promote an agenda which had nothing to do with making sure the people were held harmless but had a lot to do with maybe headlines, we find the number being asked for is another $1.5 billion on top of that. It is not paid for, not offset. Just run up the debt and put money into an account far in excess of what that account needs to do the job right.

In fact, as a result of the warm season in November in many of the Northern States and the result of the softening, to some degree, of oil prices, especially home heating oil prices, the number has now dropped. It is down below $1.2 billion, according to the estimates I have been seeing, to hold the system harmless. I am still willing to go to the $1.2 billion level and have it paid for. That is the way it should be done. You have to set priorities. You live in a household, and this is all about households trying to make ends meet. They set priorities.

One of the priorities should be that the Federal Government should not pass the bills in an energy program today which pays for oil that is purchased today and given out today on to our children and our grandchildren to pay through debt. We should pay for it ourselves. We should be willing as a Congress to step up and say: Yes, this is an important program; yes, it should be funded at a level that holds everybody harmless and makes sure they get the support they need, but also it should be paid for by the generation that is going to benefit from it or at least the Government that is taking advantage of it. It should not be passed on to the next generation as a bill to our kids because our kids are also probably going to have cold winters, and they sure are going to have tough energy issues because we haven't solved any of those issues around here. We passed an energy bill that was filled with a lot of vertical subsidies but didn't have a whole lot of good energy policy in it; a little bit, a little bit of good energy policy and a lot of bad policy which was basically driven by interest groups around here, but it sure didn't do anything to make us more long-term solvent in the area of energy.

One item that might address that is the issue of producing more energy for our country, and that, of course, is a big issue in this bill, and we will get into that in a later discussion.

The point here is we are being asked to vote for the reconciliation bill when it comes out of conference. We are being asked to instruct the conferees to add another $2.9 billion of debt onto our children's backs rather than doing an appropriate action which is what I suspect the conference will do, which is increase the money in the Low-Income Home Energy Assistance Program by $1.2 billion, or something in that range, and have it paid for within the context of the entire deficit reduction bill, which is the fiscally responsible way to approach this issue.

This will make a good press release, and it will obviously make a good political ad, but I hope there will be a followup statement and maybe even a followup political ad, maybe paid for by our kids or grandkids which says: Hey, why are you doing this to us? Why do you not take responsibility for your generations? Why are you giving us a bill for oil and heat for this year when we may have the same bills to deal with when we retire or when our children have to take care of us in retirement 10, 15 years from now?

Let us do this the right way. Let us make this system solvent, not only solvent but make the system—put in the system the funds that are necessary to make sure that people who need the low-income energy assistance can get it under the higher oil prices, and then let us pay for it. Set a priority and say there are some things we can afford, some things we cannot afford, and in the Federal Government let us make the decisions to reduce the things we cannot afford and pay for the things we need, which specifically would be this proposal for low-income energy assistance at $1.2 billion. But that is not the politics of this institution.

So I do hope we will pass a reconciliation bill, otherwise known as a deficit reduction bill, and I do hope it will step forward and reduce the debt by somewhere around $45 billion or $46 billion, maybe more, and that in that process we will address the low-income energy assistance program and make sure that it is funded at a level that is necessary in order to make sure people are held harmless, and low-income individuals who need energy can afford it to heat their homes and do not have to make difficult choices. But we should all do it within the context of prioritizing the responsibilities of the Federal Government today and not pass our responsibilities today on to our children and our children's children tomorrow by deficit-financing this event.

So we are going to get these instructions. I guess there has been some unanimous consent agreement worked out. There are going to be about seven proposals, instructions to conferees. I just hope that as we go through these instructions people will have the intellectual integrity to ask the question, if they did not vote for the bill, if they did not vote for the budget which was trying to control spending, and they did not vote for the deficit reduction bill which is trying to control spending, why are they coming to the floor and suddenly telling the conferees how they should go about hitting their targets which are part of the bill, which they did not vote for, and they do not support? Maybe we will hear somebody preface their request for instructions with an explanation of that point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

ASBESTOS

Mr. BAUCUS. Mr. President, Libby, MT, is a special place. Libby is a city of more than 2,600 people in Lincoln County, in the northwest corner of Montana. It rests in a valley high in the Rocky Mountains, on the green Kootenai River between the Cabinet and Percell Mountains.

Libby is not a rich city. In 2000, the median family income in Libby was just under $30,000. That compares with just over $40,000 in all of Montana, and just over $50,000 in all of America.

Across the river, and 9 miles northeast of the town, rises a mountain that they call Zonolite Mountain. Until 1990, the W.R. Grace Company used to mine vermiculite there in the mountain.

Vermiculite is shiny mineral. Heat it, and it pops like popcorn. People used to pop vermiculite to make building insulation. They called the popped vermiculite "Zonolite."

The layers of rock where people found the vermiculite contained harmful asbestos. And the vermiculite outside Libby is laced with a especially dangerous type of asbestos, called tremolite.

Tremolite is the most toxic form of asbestos. Termolite has long fibers that are barbed like fishhooks. These fibers work their way into soft lung tissue. These fibers do not come out.

Until the mid-1970s, W.R. Grace processed the vermiculite mined in Libby in a nearby mill. The mill was so dusty that workers often could not see their hands on their brooms. Dust was everywhere. Mill workers swept dust outside. They dumped it down the mountainside. I remember seeing employees come out of the mine off the bus so caked with dust I wondered what in the world is going on here. I never knew any working conditions to be so dusty.

The mill's ventilation stack spewed the dust into the air. The ventilation stack released 5,000 pounds of asbestos every day. When the wind blew from the east, a deadly white dust would cover the town.

For decades, 24 hours a day, the dust fell all over Libby. Dust fell on Libby's gardens. Dust fell on Libby's homes. Dust fell on Libby's high school track. Dust fell on Libby's playgrounds.

Some of the vermiculite went downtown to a plant, right next to the baseball diamonds. The plant popped the vermiculite into Zonolite. Batches of Zonolite spilled all around the plant.

Kids played in the Zonolite. People brought home bags of Zonolite to pour into the attics. People put Zonolite in their walls. People put Zonolite in their gardens. People put vermiculite and ore in road beds. People used vermiculite and ore as aggregate in their driveways.

An article in the journal Environmental Health Perspectives would later conclude:

> Given the ubiquitous nature of vermiculite contamination in Libby, along with historical evidence of elevated asbestos concentrations in the air, it would be difficult to find participants who could be characterized as unexposed.

Every day, men from the valley went to the mountain to work in the mine and the mill. Every day, these men came home, covered with the fine, deadly white powder.

The powder got into their clothes. The powder got into their curtains. The powder covered their floors.

The fine fibers of tremolite asbestos are easy to inhale. Miners inhaled fibers in the mine. Workers inhaled fibers at the mill. Wives inhaled fibers when they washed their husband's clothes. Children inhaled fibers when they played on the carpet.

And those fibers caused respiratory disease. Those fibers caused a serious lung disease called asbestosis. And those fibers caused a serious form of cancer, mesothelioma, which plagues the chest and abdominal cavities.

Tremolite asbestos causes unique diseases. These diseases are highly progressive and deceptive. These diseases often result in severe impairment or death, without the typical warning markers that show up on x-rays. Without the usual medical signals, the people of Libby often went undiagnosed.

The Agency for Toxic Substances and Disease Registry found that people from Libby suffer from asbestos-related disease at a rate 40-to-60 times the national average. People from Libby suffer from the asbestos cancer mesothelioma at a rate 100 times the national average.

Because of the W.R. Grace mine and the mill, hundreds of people in Libby died from asbestos-related diseases. And hundreds of current and former area residents are now ill.

The people in Libby will be plagued by asbestos for years to come. These diseases can take 40 years to appear. Hundreds more will fall victim to these diseases in the future.

Now, the people of Libby must watch their neighbors struggle to tend their gardens. They must watch their neighbors struggle to walk to the café. They must watch their neighbors struggle to provide a future for their children. And they must wonder if they, too, will fall ill.

Hundreds of people live in discomfort. Hundreds of people live in pain. "It took my mother 17 months to slowly suffocate," said Gayla Benefield.

After Gayla's mother died in 1996, Gayla and her sister sued W.R. Grace. They brought only the second such lawsuit to be decided by a jury in Libby. W.R. Grace had quietly settled dozens of other claims with agreements of secrecy.

In 1999, the Environmental Protection Agency started to investigate. The EPA found tremolite contamination in the air around the nursery. They found it near the ball fields. They found it inside homes.

The EPA started cleaning up. The entire community of Libby was designated a Superfund site. Libby was listed on the EPA's National Priorities List.

The EPA concluded:

> The occurrence of non-occupational asbestos-related disease that has been observed among Libby residents is extremely unusual, and has not been associated with asbestos mines elsewhere, suggesting either very high and prolonged environmental exposures and/or increased toxicity of this form of amphibole asbestos.

The EPA has worked hard. The EPA has shown a good response and solid clean-up work. And the EPA is committed to finishing the job. I commend them. I made many visits to Libby—many, many times. I talked with EPA officials over the years, and I think they have done a pretty good job.

The EPA has identified more than a thousand properties in Libby that still need cleaning up.

The agency has pushed back the timeframe for cleaning up the town from 2004 to 2008. After having been in Libby for 3 years, the agency had completed only 10 percent of the cleanup work needed to give the town a clean bill of health. The EPA must keep Libby a priority.

In 1999, I was the first high-ranking elected official to visit Libby. Since the winter of 1999, I have gone to Libby 16 times. I have worked heard to get funds to help with cleanup, health care, and economic development.

I have looked into the eyes of people in Libby. I have seen mothers and fathers, sister and brothers, husbands and wives. I have listened to their troubling stories.

In Libby, I heard many concerns of residents who cannot afford their health care. People are sick. Many are getting sicker. They are dying up there. Health care is one of the most pressing needs facing Libby.

In 2000, I helped to establish the Center for Asbestos Related Diseases, or CARD. The CARD clinic has done a tremendous job providing health care and screening for Libby residents. CARD needs additional Federal dollars to provide more and better care.

The healthcare costs of treating asbestos-related disease can be devastating. Simple, routine procedures to help a person breathe more easily can cost more than $30,000. Those costs continue to add up. They are crippling a community that is struggling to get back on its feet.

The people of Libby face a health care crisis. This crisis was caused by alarming rates of tremolite asbestos-related disease. Treating the sick people in Libby will cost hundreds of millions of dollars. It was caused by no fault of their own, but, I might add, by a company that knew it was damaging and killing the people in that community.

Libby is working to overcome years of asbestos exposure from the W.R. Grace mine. They have been through enough. They did not ask for this lot. Affording quality health care remains one of the biggest hurdles for the town to move forward.

That is why I fought to make sure that asbestos bills working through the Senate addressed the needs of the people of Libby. When, in May of this year, the Judiciary Committee voted to report S. 852, the Fairness in Asbestos Injury Resolution Act, the committee included appropriate language.

The good people of Libby need our help. They are dying up there. They cannot afford health care. I am dedicated to getting them the healthcare treatment that they need and deserve. I made a commitment to the people of Libby and I intend to work together with my colleagues to see that commitment honored.

Asbestos disease has devastated many communities across the country But tremolite asbestos hit Libby hardest of all. Libby is unique. The type of asbestos at Libby is unique. The duration of exposure at Libby is unique. The manner in which asbestos disease manifests itself in Libby is unique. And the community-wide exposure in Libby was unique. That is why the tailored solution that the Judiciary Committee has proposed makes sense.

I want my colleagues to know that I will fight to defend the Libby provisions in the asbestos bill. Libby is extremely important to me. If the Congress takes out the Libby provisions from the bill, they will lose my vote.

People in Libby are dying from tremolite asbestos exposure. The town has risen mightily to the challenges that it has faced. But they need our help. They deserve our help.

The people in Libby are working hard to revitalize their economy and their community. They are rightly proud of their resilience and their ability to land on their feet. They deserve all the help that we can give them to make their town whole again.

I urge my colleagues to support the Libby provisions in the asbestos bill. Help us to right this terrible wrong. Help these hundreds of suffering people to get health care and help save the life of this town.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I do want to, as I have the privilege of so often doing, express my thanks to my Democratic colleague, the ranking member of the Senate Finance Committee, for his cooperation particularly on this United States-Bahrain Free Trade Agreement that we were able to unanimously report out of our committee. The reason I want to emphasize "unanimous" isn't just to be complimentary to Senator BAUCUS but also to the people of this country who think that everything done in this Congress is always so partisan, that Republicans and Democrats never get along, that we never talk to each other, that we never agree on anything. I can see why they have that impression because that is the impression the news media of America gives about the Congress of the United States. But as practical. matter, nothing gets done in the Senate that isn't somewhat bipartisan, and particularly there is quite a tradition of bipartisanship in our Senate Committee on Finance.

This recent bill that is before us, the United States-Bahrain Free Trade Agreement, is the latest representation of that bipartisan cooperation.

I thank Senator BAUCUS very much.

I give strong support to the bill S. 2027; that is, the United States-Bahrain Free Trade Agreement Implementation Act.

This legislation is not only good for our U.S. economy, but it is also going to promote free trade, which is an economic issue as it creates jobs, but it also promotes democracy, and it promotes economic stability.

In regard to economic stability, the reason I emphasize that is because the Middle East is seen as an area of the world that is not very stable. I think that enhancing trade with those countries, large or small, is going to bring great economic stability which in turn ought to bring some political stability.

On top of all this, it is going to cement our ties with this small kingdom of Bahrain. That country is a very strong ally of the United States in that region.

This trade agreement is a clear win for our economy. It will create jobs.

Upon entry into force of this agreement, Bahrain will immediately eliminate 100 percent of its duties on imports of U.S. consumer and industrial products.

U.S. farmers will also benefit. On day one of the agreement, Bahrain will grant duty-free access on 98 percent of its tariff lines that apply to U.S. agricultural as well as food products. Duties with respect to that small remaining 2 percent will be phased out over a period of 10 years.

This is solid market access for U.S. farmers and U.S. manufacturers.

U.S. service providers will also gain from this agreement.

Bahrain will provide substantial market access across its entire service regime. The service provisions of the agreement are based upon a "negative list" approach, which means that all service sectors are covered. In other words, there will be trade in all service sectors unless they are specifically excluded as a result of the list.

Bahrain is already a major center for service providers in the Middle East, and the government recognizes that its service sector can become even stronger through economic liberalization. Because of this agreement, as the region develops, there is going to be very enhanced opportunities for U.S. exporters.

While it is important to note how the United States-Bahrain Free Trade Agreement will benefit the economy of the United States in the aggregate, it is even more important to point out how it will benefit individual U.S. companies and their workers.

For me, I didn't have to look very far to find Iowa workers and Iowa companies that benefit from this agreement.

For example, the HNI Corporation—it used to be referred to as the HON Corporation—the Fortune 500 company in my State, this company in Muscatine, IA, looks forward to the implementation of this trade agreement. HNI is the second largest manufacturer of office furniture in North America. It is specifically targeting the Bahraini market for increased sales. So HNI employees in Iowa as well as other States will benefit from Senate passage of the agreement.

Workers at the Lennox residential heating and cooling products factory in Marshalltown, IA, also stand to gain from the agreement. Lennox has a strong interest in increasing its sales in Bahrain. Like HNI, Lennox has a presence in many States, so its employees not only in Iowa but throughout the country will benefit from the implementation of this agreement.

Smaller businesses throughout the United States also stand to benefit from this trade agreement. One such company is Midamar Corporation located in Cedar Rapids. The Midamar Corporation supplies halal food and food service equipment to restaurants, hotels, and distributors throughout the world. This company was started in 1972 by Cedar Rapids native Bill Aossey. When Bill returned to Iowa after serving in the Peace Corps and traveling throughout the Middle East, he came up with the idea of starting a company dedicated to exporting Iowa products. Now, 33 years later, Bill has a lot to show for this hard work. He employs 30 Iowans and the Midamar Corporation is very much a clear success.

I visited the Midamar facility last August and I can report Bill Aossey and his employees are very enthusiastic about this prospect of a trade agreement with Bahrain being implemented so they can even do more business in the Middle East.

Aside from the immediate benefits to United States exporters to Bahrain, this agreement's impact will extend beyond Bahrain. The United States is promoting trade liberalization and economic growth in other countries in the Middle East and this agreement will serve as the template for other trade agreements being negotiated in the region. The solid gains for U.S. farmers, workers, manufacturers, and service providers found in this agreement may be replicated in other free trade agreements of their region.

This has already happened with the country of Oman. The United States recently concluded a free trade agreement with Oman that was based largely upon our agreement with Bahrain so the benefits to HNI Corporation, Lennox, and Midamar that I have identified will be multiplied as other Arab countries adopt free trade agreements with the United States that are based largely upon the Bahrain agreement.

This is all part of a broader goal and that was expressed in May 2000 by President Bush proposing a plan of graduated steps for Middle Eastern nations to increase trade and investment with the United States and others in the world economy, culminating with the establishment of the Middle East Free Trade Agreement by the year 2013. The importance of this vision of President Bush was brought home on July 22, 2004, when the report of the 9/11 Commission was released. That report contains as one of its key recommendations that "comprehensive United States strategy to counterterrorism should include economic policies that encourage development, more open societies and opportunities for people who improve the lives of their families and to enhance the prospect of their children's future."

Our trade agreement with Bahrain is an important achievement in that area and joins previously concluded bilateral trade agreements between the United States and Israel, Jordan, and Morocco. The agreement with Bahrain is an important part of a broader effort to encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future throughout the Middle East.

Finally, I urge my colleagues to support this bill before the Senate implementing the United States-Bahrain Free Trade Agreement.

Mr. BAUCUS. Mr. President, today we begin debate on the free trade agreement between the United States and Bahrain. This is an agreement that strengthens our ties with a stalwart ally in a troubled part of the world. It is an agreement with a leading reformer in the Middle East, and with the most open economy in the Arab world. And it is an agreement worthy of our support.

On the first day of enactment of the U.S.-Bahrain Free Trade Agreement, 100 percent of trade in manufactured goods will be duty free, opening up markets for U.S. exports of motor vehicles and parts, medical equipment, refrigeration equipment, et cetera. Agricultural exports are also expected to rise, and I hope Montana beef is among them.

The services chapter is the most robust of any agreement the United States has negotiated. Bahrain has promised American companies doing business in the kingdom a regime free of barriers, modern in its regulation, and respectful of intellectual property rights.

For Bahrain, this agreement means greater integration into the world economy, a better environment for its workers, and a pioneering role in the Arab world. For the Middle East as a region, I hope this agreement is a firmly planted seed that will grow prosperity, openness, and stability.

A strong agreement such as this one does not automatically happen. It takes hard work. It takes perseverance, followthrough. It takes vision. Fortunately, the United States and Bahraini officials have these qualities in spades. I applaud their hard work. Ambassador Belooshi—who, I might add, is observing these proceedings close by, very close, I might add—of the Kingdom of Bahrain typifies the courageous action and progressive thinking the Bahrainis have shown through the FTA process, and we should applaud him for it. He has done a super job.

I also applaud Ambassador Rob Portman and his predecessor, Bob Zoellick. Ambassador Zoellick negotiated a strong agreement, and Ambassador Portman saw it through. Ambassador Portman listened to Senators' interests in monitoring Bahrain's end to its boycott of Israel, and together we worked out a solution. He has been equally energetic and flexible in working with my colleagues in the House Ways and Means Committee to alleviate their concerns, especially on labor.

I also applaud the very capable and energetic staff of the USTR. They are dedicated public servants, putting in long hours and endless effort into their work. They do a super job.

This is the first FTA to come before us since the very contentious Central American Free Trade agreement.

The overwhelming support I expect the Bahrain agreement to secure is a testament to what can be achieved when the administration and the Congress work together to address concerns.

The Bahrain FTA shows that when the administration keeps an open dialogue with Congress, we can find common ground and achieve our common goals. I hope that we can continue to build upon the success of this FTA in helping to heal the wounds of previous battles.

I think we have before us a model for open dialogue, and for congressional support for trade liberalization.

I hope that we can take this model and apply it to much larger trading partners and even bolder agreements. Agreements that will open bigger markets, realize greater opportunities, and make our industries even more competitive.

Mr. President, I am pleased to support the U.S.-Bahrain free trade agreement. I urge my colleagues to pledge their support as well.

BUDGET RECONCILIATION

Mr. GRASSLEY. Mr. President, I also take this opportunity to speak on a motion to instruct conferees on the Byrd amendment.

Yesterday, a Senator sent a letter to the majority leader saying he would oppose the reconciliation bill if we used repeal of the Continued Dumping and Subsidy Offset Act to achieve billions in budget savings. While disappointed, I was not surprised. In fact, I say, join the club.

Already, one Senator told me he would oppose reconciliation unless specific provisions on specialty hospitals were not included. Several other Senators threatened to vote against the reconciliation bill unless the MLLC Program was not extended. Another Senator told me he will vote no if we save money by trimming waste from the Medicaid Program. A group of southern Senators said they would vote no on the reconciliation bill if the Grassley provision on payment limits in the farm program became a part of the bill.

So, no savings from the CDSOA repeal; no savings from the MLLC Program; no savings from Medicaid; no savings from payment limits. With everyone threatening to vote "no" there will be no savings in any Federal program, ever.

Everyone says they are for balanced budgets as long as it is someone else whose budget is cut to get the job done—not their pet issue. We need to ask ourselves whether we want to trim the Federal budget or not. If not, what does the Republican Party stand for?

The most egregious threat has to be over budget savings from the repeal of the Continued Dumping and Subsidy Offset Act. This program is Government pork at its worst. It takes money that should go to the treasury of the United States and it transfers that money to a select group of companies. Talk about special interests, Mr. President. Plus there are very few limits on what these companies can do with the money that is raised by an act of Congress.

According to the General Accounting Office, one recipient even used the money to pay off his home mortgage. The program is so bad it did not even pass during the light of day a few years ago. Instead, it was pushed into a conference report before it could receive scrutiny by either House of Congress. Ironically, some are arguing that budget reconciliation shouldn't be used to save money by repealing this amendment. They argue it should go through the regular order. I don't know why they would argue this given the provision never went through regular order before it became law in the first place.

Here, unlike passage a few years ago of this bad amendment, repeal went through regular order in the House. Repeal just a couple weeks ago went through regular order in the House where that amendment had never even been considered by the other body when it was originally adopted a few years ago.

So let me be clear. We are not talking about repealing any aspect of our trade remedy laws. Every trade protection that has been in place for years stays in place. What we are talking about is getting rid of a Government subsidy program that enriches the few at the expense of the many.

A recent report from the Government Accountability Office shows this in very stark detail. Over $1 billion has been distributed so far under this program. One company alone—one company alone—of that $1 billion received almost 20 percent of the disbursements, and the top 5 recipients account for almost half of those disbursements.

You do not have to cast a very wide net to see where this corporate welfare is going. Just 39 companies account for over 80 percent of the disbursements. And the World Trade Organization has authorized a number of our trading partners to retaliate against us. This is where, to help a few companies through this amendment, we are going to end up hurting a lot of American producers, some of them in our powerful agriculture, and maybe end up hurting every consumer in America. As a result, innocent U.S. exporters are taking a big hit so the lucky few can continue guzzling at the public trough.

Already, our exporters face additional duties imposed by Japan, Canada, Mexico, and the European Union. Here is where it affects some products. Our producers of live swine, fish, oysters, cigarettes, dairy products, wine, paper products, clothing, sweet corn, industrial belts, steel products, forklift trucks, printing machines, and others, are all bearing the brunt of sanctions against some American companies because we have a law on the books that violates our international agreement and at the same time benefits a handful of major companies in America.

It happens that Brazil, Chile, India, and South Korea could soon impose sanctions. As more countries exercise their authority to retaliate and as payments under this program continue to grow, innocent U.S. exporters—the ones I have listed and others—and, more importantly, their employees, will continue to be hurt more and more as time goes on. That is not right. This situation needs to end.

The Government Accountability Office report points out some other ridiculous aspects of this program, such as the complete lack of accountability. Recipients of funds under the program submit claims based upon qualifying expenditures, but there is no way to tell whether those claims are even justified. In fact, the evidence suggests they may not be justified.

In 2004, company claims were about $1.3 trillion. Mr. President, I said that right: Companies were making claims for $1.3 trillion. The gross domestic product of the United States in 2004 was $11.75 trillion. So if the 770 recipients of funds under the Continued Dumping and Subsidy Offset Act, referred to as the Byrd amendment, are to be believed, they spent about 11 percent of the U.S. gross domestic product last year on qualifying expenditures.

I understand that in the year 2005—the year now ending—claims are about $3.2 trillion. That is equivalent to one-quarter of the GDP of the entire United States of America.

I think those figures show the magnitude of the incentive for fraud under this program. The proponents of this program ought to be embarrassed. This program is bad economic policy, bad trade policy, and bad Government to use the power of Government to end up giving a few companies in this country the benefit of the Federal Government's power to tax.

It should be repealed, as the House has done. I hope that coming out of conference we can have this provision in there. I hope we will not instruct conferees to disagree with the House. In the process of doing this, we are going to put $3.2 trillion into the Federal Treasury instead of having it go as corporate welfare to a handful of companies.

If we cannot repeal such a blatant example of Government pork to save money during a time of skyrocketing budget deficits, then why are we here as representatives of the people at all? Are we here to protect the pockets of a select few, or do we want to do, and will do, what is in the best interests of our Nation?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

A NEW AMERICAN RENAISSANCE

Mr. BAUCUS. Toward the end of the 14th century, Emperor Manuel II Palaeologus ruled a waning Byzantine Empire. Looking across the Bosporus, he saw a growing threat from the Moslem Ottoman Turks. In 1390, he sent an embassy up the Adriatic Sea to Venice to build alliances. And to head the mission, he named the 35-year-old Manuel Chrysoloras.

Although his embassy to Venice did not prosper, Chrysoloras' reputation did. And in 1396, the chancellor of the University of Florence invited him there to teach Greek. The chancellor wrote: "[W]e firmly believe that both Greeks and Latins have always taken learning to a higher level by extending it to each other's literature." Chrysoloras accepted.

But no one in Italy had studied Greek for 700 years. Chrysoloras began. He taught Greek in Florence, Bologna, Venice, and Rome. He translated Homer and Plato. He wrote the first basic Greek grammar in Western Europe.

As the early renaissance poet Dante Alighieri wrote in The Divine Comedy, "A great flame follows a little spark." The flame of learning spread through the rest of Europe, reconnecting the West with classical antiquity, experimentalism, and the desire to live well.

Chrysoloras and scholars like him helped to begin the scientific revolution and artistic transformation that would become known as the Italian Renaissance. Europe emerged from the backwater. Commerce and exploration burst forth. The Modern Age began.

Renaissance historian Matteo Palmieri exhorted a fellow Italian of the mid 15th century to "[t]hank God that it has been permitted to him to be born in this new age, so full of hope and promise, which already rejoices in a greater array of nobly-gifted souls than the world has seen in the thousand years that have preceded it."

With the Renaissance, Western Europe began its domination of the world economy. The West has held this power so long that it is easy—especially for us here in the West—to take it for granted. But it need not have been so.

In the century leading up to the year 1000, Moorish Spain could claim a far more advanced civilization than that of Christian Italy. Cordoba's streets were paved and lit. Cordoba had 300 public baths and 70 libraries. Cordoba's great central library alone held 400,000 books—more than all of France. The Arab postal service delivered regular mail as far as India. Arab civilization was internally creative. And Arab thinkers of the time were open to Persian and Indian science, as well.

In the 12th century, an English scholar named Adelard of Bath traveled through the Islamic lands of Spain, North Africa, and Asia Minor. Adelard reported: "The further south you go, the more they know. They know how to think."

And Adelard carried back from the south a way of thinking. He said: "Although man is not armed by nature, nor is naturally swiftest in flight, yet he has something better by far—reason."

The advanced Moorish state suffered civil conflict and fell to the less-developed Christian states of Europe. Finally, on January 2, 1492, the leader of the last Muslim stronghold in Granada surrendered to armies of a resurgent, newly-united Christian Spain. The remaining Spanish Muslims were forced to leave Spain or convert to Christianity.

At the end of the first millennium, Arab Spain had the most advanced science and economy of its day. But in the centuries that followed, it fell to a newly-emergent Western Europe.

At the end of the first millennium, Western Europe slumbered in its Dark Ages. But in the next centuries, it emerged into the Renaissance.

We here today inherit the legacy of the Italian Renaissance. We have absorbed the learning of the Arab Caliphates. And we inhabit the land made known to Europeans by another voyage of 1492.

At the end of the second millennium, America has the most advanced science and economy of our day. But we cannot take that leadership for granted.

In the centuries ahead, if America wishes to remain the most advanced economy of our day, we will need to create a new American renaissance.

We need this new American renaissance, because leadership does not come from continuing to do what we do already. Smart people in China and India and around the globe are quickly learning how to do what we do now. And people in China and India and around the globe will be able to do it more cheaply.

Instead, leadership comes from constant innovation. Leadership comes from rapidly adjusting what we do to what the market demands. And leadership comes from serving the customer. Fortunately, these are characteristics at which Americans excel.

This is my eighth Senate floor statement this year on competitiveness. I began in June with a general statement on competitiveness and America's place in the world. In June, I also spoke of education and competitiveness. In July, I spoke of trade and competitiveness and health care and competitiveness. In September, I spoke of savings and competitiveness. In October, I spoke of energy and competitiveness. In November, I spoke of immigration and competitiveness. And today, I conclude this series of addresses with this discussion of the need for the new American renaissance.

My message is this: To foster this continuing American renaissance, American government cannot stand idly by. Remaining economically competitive will require action. Let me summarize my six-step agenda for action. This is what we need to do:

First, we must improve education. The Italian Renaissance relied on the learning of the Greeks that Manuel Chrysoloras helped to spread. The new American renaissance will rely on our having the best educated workforce of the centuries to come.

We need to ensure that children come to school ready to learn. We need to ensure that children have modern and well-equipped schools. And we need to ensure that children have small classes.

We should raise salaries for teachers in poor schools by 50 percent. We should raise the salaries of top-performing teachers and teachers in math, science, and languages by another 50 percent.

We can ensure quality afterschool programs. We can lengthen the school year.

We must support community colleges and link them more strongly to workforce opportunities. We must expand Pell Grants. We must improve, consolidate, and expand education tax incentives. We must expand and extend the deduction for tuition expenses. We must increase scholarships and loan forgiveness for science and engineering students. We must expand the Hope and Lifetime Learning credits.

We need to make it possible for nontraditional students to obtain an education. We need to retrain workers whose jobs are lost to trade and help them reenter the workforce.

We should make it easier, consistent with the requirements of national security, for foreign students to study in America.

We should make visa renewals during multiyear studies routine. And we should change visa renewal requirements policies that are now contingent on students' return to their home countries.

Second, we must foster research. For it was discovery that helped bring about the renaissance.

We need to reward innovation and risk-taking. We need to fully fund research support organizations like the National Science Foundation, the National Institutes of Health, and the Office of Science at the Department of Energy. We need to simplify and make permanent the R&D tax credit.

We should encourage talented foreign students to study, research, and innovate at American universities and research institutions. And we should simplify the permanent residence process for exceptional foreign students with advanced science degrees from American universities.

Third, we have to advance international trade. Insularity characterized the Dark Ages. The Renaissance spread from an international spark. And the ensuing blaze of international commerce brought on the Modern Age.

We must open new markets for American exports worldwide. We must improve enforcement of existing trade agreements. We must do more to defend American intellectual property rights. And we must prompt China to further loosen its currency.

We should look more to Asia for bilateral agreements. We should advance regional trade agreements in Asia. We should seek out further sectoral agreements such as the WTO's Information Technology Agreement. And we should launch an initiative in the advanced medical equipment sector.

We need to expand trade adjustment assistance to service workers. And we need to expand wage insurance.

We can make it easier for major American companies to employ and train their overseas employees. And we can facilitate international participation in meetings and conferences and travel to trade shows.

Fourth, we must address the burden that high health care costs place on American business. And we must help provide health insurance to those who do not have it.

We can provide health insurance tax credits to small employers. We can fund employer-based group-purchasing pools. We can increase funding for high-risk pools. We can expand Medicaid and the State Children's Health Insurance Program. We can permit a Medicare buy-in for the near-elderly.

We need to facilitate the use of health information technology. We need to use health IT to link medication administration to a patient's clinical information. We need to foster standards for the interoperability of health IT systems. We need to improve healthcare providers' ability to exchange clinical data. And we need to provide loans and grants to encourage the use of health IT. The Senate has passed legislation this session to further many of these health IT goals. The House must do it, too, and move quickly to provide higher Medicare reimbursements and work to improve quality of care, known as "pay-for-performance."

We should provide higher Medicare reimbursements to providers working to improve the quality of delivered care. And we should coordinate senior care to ensure adequate preventive care and chronic condition management. This year's Senate-passed spending reconciliation bill took the first steps toward pay-for-performance. Although there is much in that bill that gives me pause, we should enact those pay-for-performance changes.

Fifth, we must increase national savings to finance the investment and innovation of the next renaissance.

We need to plug the biggest leak in our national savings pool: the federal budget deficit. We need to truthfully report current and future Federal Government spending needs. We need to restore pay-as-you-go rules for both entitlement spending and tax cuts.

We should reduce the annual tax gap. We should eliminate wasteful and unnecessary spending. We should eliminate wasteful and unfair tax breaks, such as abusive tax shelters and corporate tax loopholes. And we should slow the growth in healthcare costs.

We can increase private savings. We can improve financial education. We can encourage automatic enrollment of eligible workers in retirement savings plans. We can bring payroll-deduction retirement savings to private sector workers lacking 401(k)s or similar plans. We can make incentives for saving more progressive. And we can extend the Savers' Credit and expand it to Americans with no income tax liability.

Sixth, for a modern renaissance, we must address the need for sustainable and environmentally compatible sources of energy.

We can launch a new "Manhattan Project" to develop clean alternative energies. We can foster the use of hydrogen and fuel cells. We can foster wind energy. We can make a clear commitment to the development of biomass and ethanol-based fuels.

We should encourage energy R&D through research grants to industry and educational institutions and tax incentives for R&D. We should offer prizes to spur innovation.

We need an investment tax credit for coal gasification technology. We need a tax credit for companies that generate fuel using an updated version of the F-T process. And we need a Federal loan guarantee so that companies can finance these capital investments. This year's energy and highway bills addressed some of these needs.

Taken together, these policies form a bold agenda to advance American competitiveness. They can help maintain American economic leadership in the world. And they can help to preserve high-wage American jobs here at home.

Beginning next month, I will introduce a comprehensive 2006 legislative package to strengthen America's competitiveness in a changing world. This package will encompass several bills that cover the many aspects of competitiveness. I invite my colleagues to join me in this effort.

The early Renaissance poet, Dante Alighieri, embodied the spirit of his times when he wrote in The Divine Comedy that people "were not born to live like brutes, but to follow virtue and knowledge."

And from that grounding of virtue and knowledge flowed naturally Dante's description: "And thence we came forth, to see again the stars."

Let us follow virtue and knowledge and foster a new American renaissance. Let us strengthen America's competitiveness in a changing world. And let America again go forth, toward the stars.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

The Senator from North Dakota is recognized.

BAHRAIN FREE TRADE AGREEMENT

Mr. DORGAN. Mr. President, my understanding is that the Senate is taking up the free-trade agreement with Bahrain. Of all the priorities that exist in our country dealing with the subject of trade, somewhere close to last would be a trade agreement with Bahrain. Nothing against the country of Bahrain. I am sure it is a wonderful place. I have not actually visited there. But I believe the total trade between our country and Bahrain is somewhere in the neighborhood of $700 million, less than $1 billion on both sides of the ledger.

There are all kinds of trade problems our trade officials ought to be working on. But a free-trade agreement with Bahrain would not rank right near the top. Let me tell you what would rank near the top.

We are deep in debt with respect to international trade. This country is in desperate trouble with respect to trade. We are now experiencing a trade deficit of over $700 billion a year. That means every single day, 7 days a week, we buy more from abroad than we sell in exports, $2 billion a day every day 7 days a week. How long can a country sustain that?

We have lost 3 million jobs in this country in the past 4 years—3 million jobs—going to China, to Vietnam, Bangladesh, Indonesia, and more.

So what is all of this about? It is about a new strategy, a strategy developed in the past two to three decades, but accelerated now more recently. It is a strategy that says we are a global economy, and because it is a global economy, enterprises, corporations, and others should take a look around this world and find out where these 1 to 1.5 billion people are who will work for pennies an hour, employ them, shut down your U.S. manufacturing plant, hire the employees in China or Bangladesh, for example, and it will all work out because they will work for 30 cents an hour, and they will build bicycles and wagons and produce textiles and other things. And then you can ship it to a big box retailer in this country, and someone can walk through the front door of that big box retailer and buy a cheap product.

I noticed last year at Christmastime there was a woman from Texas who decided she was going to buy her children some presents, and she wanted to make a point of buying American made products. So she started shopping, and she discovered she could not purchase one present for her children that was made in the United States.

What does it mean? It means our country is changing and our country is, in my judgment, being hollowed out. Jobs are being lost, the middle class is shrinking because we have been told now American workers must compete with others around the world who are willing to work for 30, 40, 50 cents an hour, work without health insurance, without a retirement, and work under the threat, in many cases, if they would like to organize as workers, of being sent to prison.

I can actually give names of people now sitting in prison in China whose transgression was deciding to try to organize workers because the conditions in those plants were awful. So there are people who tried to organize workers, were arrested, and now are sitting in prison. Those are the conditions under which we are now trading.

One-third of our trade deficit, incidentally, is with the country of China. Last month, we sold China $3 billion worth of American goods—$3 billion. And we purchased from China $23 billion in goods.

China has almost 1.4 billion people, and we are told this is going to be a huge market for American production. The creation of a middle class in China is going to be terrific for our country because we will be able to produce and sell into the Chinese marketplace.

It is not working out that way, of course. What is happening is China sells us $23 billion worth of goods produced in China, and we sell them only $3 billion worth of goods produced in America, $20 billion-a-month trade deficit with China. On an annual rate, that is a $240 billion deficit with China in a year. That is unbelievable. And this Congress is perfectly content to dose through it all; in fact, probably a very satisfactory sleep for most because they still are willing to stand on street corners and chant about this so-called free trade that is not free at all.

Some will say, and I think perhaps most who have studied economics will say, that this is unsustainable. This country is headed toward some whitewater rapids with these kinds of trade deficits. We are not only losing American jobs because American workers are being told they cost too much money, and we are going to produce elsewhere, but we are also up to our neck in debt.

Incidentally, the trade deficits are financed by selling part of our country. Every single day we sell another $2 billion worth of our country to foreigners. That is the way the trade debt is financed.

In most recent months, one of General Motors' top executives called in about 300 of the top executives of the companies they buy parts from and said this to them: You are the companies from which we buy automobile parts. We want you to begin producing those parts in China. You need to move those parts to China. Get your production done in China. We are about driving down the costs.

Then we see Delphi, which was formerly part of General Motors and then spun off as the largest automotive parts producer, going through bankruptcy, and Delphi says to the public: The problem is we have people making $20 to $30 an hour. That is up to $40,000, $50,000, $60,000 a year. What we want to do is get to a point where we have people making $8 to $10 an hour. In fact, what we want to do is move most of our production offshore to China and elsewhere so we can pay 30 cents an hour. And then the jobs that are retained, we want to pay $8 to $10 an hour.

I ask this question of, yes, General Motors, IBM, and all of these companies engaged in this activity, and virtually all of them are: Who will be your future customers if your job is to lay off American workers so you can produce elsewhere where it is cheap in order to sell back into this established marketplace? Who is going to buy your laptop computers and your automobiles?

If we were going to do something representing a priority today for me on trade, I would deal with China first. But there are all kinds of bilateral trade problems with a number of major trading partners. Let me give you some examples.

I have mentioned many times that in the past year we will have shipped in well over 600,000 automobiles from Korea into this country. In return, we were able to send about 3,900 American vehicles to be sold in Korea. Sound fair? Sound reasonable? Sound like a thoughtful deal for America? The answer is clearly no.

What this means is shifting American jobs elsewhere, produce the cars in Korea, ship them to the United States, and if you start selling any U.S. vehicles in Korea, shut it down. That is what has happened. Incidentally, the Dodge Dakota pickup truck became a little bit popular for a couple of months in Korea. They saw that and shut it down just like that. They do not want American vehicles sold in Korea. They just want to sell their cars here.

China has 20 million cars on the road. It is estimated that by the year 2020 they will have 120 million cars on the road. They are gong to add 100 million cars because they want to start driving in China, even in the rural areas of China. General Motors says a Chinese company has stolen the production blueprints for one of its small cars. They have actually filed a legal action against the Chinese company for stealing what they call the production blueprints for a vehicle.

So a company in China called Chery, which is only one letter away from Chevy, is going to be producing a car called the QQ. The QQ is a car that will be produced in China with what General Motors alleges are the production blueprints that were stolen from General Motors.

Recent Wall Street Journal reports say that the Chinese are gearing up for a very substantial automobile industry, and they want to export around the world.

I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. They want to export those vehicles around the world so very soon. Unless something changes, China will be exporting automobiles as Korea is doing. Does anyone think China wants to take American vehicles into China? No, no. What they want to do is accept the American marketplace as a sponge for all that they produce.

I have spoken at great length on the Senate floor about the people who have lost their jobs in this country when their plants closed down. I talked about Pennsylvania House Furniture. In fact, I talked to the Governor of Pennsylvania about this. Pennsylvania House Furniture, the description of that for almost a century was using the finest Pennsylvania wood and producing high-end furniture, and when people bought Pennsylvania House furniture, they knew they were getting a real piece of furniture.

Well, La-Z-Boy bought that furniture company. After a couple of years, La-Z-Boy decided, we want to produce that furniture in China. The Governor of Pennsylvania and others tried to put together a financing package to keep the jobs in Pennsylvania, to do everything to see if they can keep in this country the Pennsylvania House Furniture Company that had been around a century.

The answer was no. La-Z-Boy said: Those jobs are going to China. Now what they do is ship the wood from Pennsylvania to China and pay the Chinese workers pennies on the hour to put the wood together in furniture and then send the furniture back to our country to be sold. Yes, it is Pennsylvania House furniture but not made in Pennsylvania. So those workers lost their jobs. Is it because they were not good workers? No, they were craftsmen. In fact, the very last piece of furniture they made in Pennsylvania they turned upside down and those craftsmen who made that furniture all signed their name on it, the last piece of furniture that company made in America by American workers. La-Z-Boy, which owned Pennsylvania House Furniture, decided, as so many others have, that those jobs had to go to China because they can pay pennies on the hour, they can work kids if you want to, they can dump the pollution into the sky and into the water, and they will not have anybody worrying about whether they are going to form a union because it will not be allowed. That is not fair trade. That is not something we should continue to allow in this country, stand by and thumb the suspenders and whistle a little bit while Americans lose those jobs and those jobs go to China and then come back to a big-box retailer to be sold at discount prices. Who ultimately is going to buy those products?

My point is this does not work. Instead of dealing with a range of issues, yes, with China, Korea, Canada, Mexico, Europe, with whom we have very large trade deficits and growing trade deficits, I might add, instead of dealing with that, talking about it, responding to that, trying to deal with this country's challenges in trade, we are on the Senate floor talking about the free trade agreement with Bahrain.

Where is the energy to do something real? Once again, it is a small moment to do a free trade agreement with Bahrain. It is a very small country in the middle of the Middle East. Our total trade with them, on both sides, is $700 million a year. We cannot get trade officials in this country, this administration or this Congress, to look truth right in the eye on these kinds of problems, the huge deficits, year after year, that are shipping jobs overseas. There is another corollary to this as well. The same companies that decide that they should not hire Americans, they should shut down the American plant and, by the way, do so with an encouragement by this Congress because this Congress gives them a tax break—and we voted I think four times on my amendment to shut down the tax break that subsidizes jobs going overseas, but, no, this Congress still wants to provide a tax subsidy to those companies that shut down their American plant and move jobs overseas. But this new environment in which companies do not say the Pledge of Allegiance any more but they are an international corporation, they want to produce where they can produce for pennies, they want to sell into this marketplace where they can get high-end consumers to buy it, and then at the same time, by the way, they want to run the income, if they can, through a mailbox in the Bahamas or the Caymans.

I want to mention that there is one building that is a five-story building in the Cayman Islands located on Church Street. I have brought a photo of it to the Senate floor previously, and I should do that again at some point. That building is the official residence and address for 12,748 corporations.

Now, one might ask, how is it 12,748 corporations can share a residence or an address in a 5-story white building in the Cayman Islands? Simple. It is nothing more than an address.

What is the purpose of having an address in a 5-story white building in the Cayman Islands? So that one does not have to pay taxes to this country. Money can be moved through a tax haven and avoid paying U.S. taxes. So one is a U.S. company, they are chartered probably in Delaware, have all the advantages of being an American, but now the new economics tell them they should produce in China, sell in this marketplace and set up an address in a 5-story white building mailbox in the Cayman Islands, so that they can have all the opportunities that come with being an American, except the responsibilities to hire American workers or to pay American taxes. That is what is happening.

People say, well, that is just an anticorporate rant. It is not. I think there are some wonderful corporations in this country, some terrific corporations with inventive people, creative people, who have advanced this country, have produced wonderful, breathtaking products, but I think there is a culture in this country, with respect to trade and corporate responsibility, that has gone off the track. In this Congress, we cannot get anybody to talk about trade, except perhaps to come and stand around to talk about the Bahrain trade agreement on a Tuesday. Would it not be wonderful if we were talking about this full-blown crisis of $2 billion a day to date. $2 billion that we purchase from abroad more than we sell to abroad, and therefore today someone off the shores of this country owns $2 billion worth of this country. We are selling this country piece by piece.

A budget deficit in this country is financed in the traditional way, but a trade deficit is financed in a very different way. When we purchase those foreign goods, the trade deficit puts American currency in the hands of foreigners. They then use that currency to purchase real estate, stocks, bonds, to purchase part of this country. Every single day we are selling part of this country with an incompetent trade strategy, a jingoistic trade strategy that chants about free trade that has long ago been discredited. We ought to be describing circumstances of requiring fair trade. As a country, we ought be a leader in deciding, yes, let us expand trade in open markets, but it must be fair, and if it is not fair then this country is obligated to take the lead to insist on and demand fairness.

Our job ought to finally be to pull others up, not to push us down. What has happened more recently is we are pushing American workers down, pushing incomes down, the standard of living down in this country and seeing jobs exported, opportunity exported, and exporting part of our future. That is not satisfactory to me. I regret we are here talking about this free trade agreement when in fact we should be talking about the center, the bull's-eye of the target dealing with trade that is causing this hemorrhage of red ink and the loss of American jobs day after day after day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent I may speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that privilege.

The Senator from Minnesota is recognized.

TRIBUTE TO LATE SENATOR EUGENE JOSEPH McCARTHY

Mr. DAYTON. Mr. President, I rise today to pay tribute to a great Minnesotan and great American, former Senator Eugene McCarthy, who passed away last Saturday at the age of 89. Senator McCarthy served two terms in this body, from 1958 to 1970, after serving five terms in the House of Representatives. In addition to his very distinguished legislative career, he is perhaps best remembered for his historic Presidential campaign in 1968, in which he deposed an incumbent President.

Eugene Joseph McCarthy was born on March 29, 1916, in Watkins, MN. He graduated from St. John's University in Collegeville, MN, in 1935, and then earned a master's degree in economics and sociology at the University of Minnesota.

After college, he spent 9 months as a novice in a Benedictine seminary. The world pulled him away, however, and he played semiprofessional baseball, taught high school social science, was a professor at his alma mater, St. John's, and then chaired the sociology department at St. Thomas University in St. Paul, MN.

During World War II he worked in a military intelligence division of the War Department. He married a fellow teacher, Abigail Quigley, with whom he had three daughters and a son. Abigail McCarthy passed away in 2001.

In 1948 Gene McCarthy was elected to the House of Representatives from Minnesota's Fourth Congressional District. While in the House, Congressman McCarthy founded McCarthy's Mavericks, which was the forerunner of the Democratic study group that would, in succeeding decades, be influential in developing many important legislative initiatives.

In 1952, he was the first Member of Congress to challenge Senator Joseph McCarthy in a nationally televised debate on foreign policy. That political courage presaged his decision 15 years later to challenge an incumbent President. In 1958, Congressman McCarthy defeated an incumbent Senator to become Senator McCarthy. He was reelected to the Senate in 1964 with over 60 percent of the vote. Then, in November of 1967, he announced his candidacy for President, challenging the incumbent President of his own party, Lyndon Johnson. In his announcement speech he said:

> I am hopeful that this challenge may alleviate this sense of political helplessness and restore to many people a belief in the process of American politics and of American government.

His candidacy ignited a new generation of political activists, many of them young college students who shaved, showered, and went "Clean for Gene." They swarmed into New Hampshire for the first political contest of 1968. There they helped Senator McCarthy transform the political landscape by holding President Johnson to 49 percent of the vote in the Democratic primary, with 42 percent voting for Senator McCarthy. Seldom has a second-place finish been considered such a victory. Two weeks later, President Johnson withdrew his candidacy for reelection. Shortly thereafter, fellow Senator Robert Kennedy and fellow Minnesotan Vice President Hubert Humphrey entered the Presidential contest, two actions that Gene McCarthy would never forget or forgive.

The Democratic contest became divisive in subsequent primaries, then catastrophic with the assassination of Robert Kennedy, then destructive at the tumultuous national convention in Chicago that nominated Hubert Humphrey, not Gene McCarthy. The nominee and the party did not recover from that disastrous convention and Richard Nixon was elected President in November. The Vietnam war continued for 7 more years.

Gene McCarthy retired from the Senate in 1970 and never again held public office. Some of his later remarks, reflecting his disenchantment and his defiance, along with his acerbic wit, dismayed some Democrats and disillusioned former supporters. Gene McCarthy, however, was always his own man. He once said his definition of patriotism was "to serve one's country not in submission, but to serve it in truth."

He used his pen and his tongue to speak his own truth, regardless of the personal or political consequences. In that respect, he was a true patriot.

After he was decried by Johnson's supporters as a mere "footnote in history," he retorted, "I think we can say with Churchill, 'but what a footnote.'"

You are much more than a footnote, Senator McCarthy. You were a U.S. Senator. You made history and you changed history. You were true to yourself, to your ideals and to your convictions. You were a poet, a philosopher, and a patriot, a great Minnesotan and a great American. May you rest in peace.

Mr. President, I yield the floor.

Mr. HARKIN. Will the Senator yield for a second before he does yield the floor?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Chair. I commend my colleague from Minnesota for taking the time to speak about an old friend, a remarkable politician, a remarkable Senator, Gene McCarthy.

In my younger days in Iowa, when they still had a bounty on Democrats in my State and Republicans ran everything, we always had the Democrats from Minnesota come down—McCarthy and Mondale and Humphrey, people such as that. But Gene McCarthy was a very rare, a unique individual. I was listening in the cloakroom to what the Senator from Minnesota was saying about Gene McCarthy. He had a way about him that was like Mark Twain. He had a great sense of humor. He could, like Mark Twain, say very succinctly what it might take others a paragraph to say. That was one of the qualities I always envied about McCarthy. I always thought, Gosh, why can't I say it like that? He had a great way with words.

Like Mark Twain, Gene McCarthy had the ability, with very few words, to puncture the inflated egos of puffed-up politicians. If you were on the other end of it, you didn't feel good about it. He had a way of doing it without being mean, but when you heard him—and he never attacked anyone but he did it in terms of what they stood for, what they were saying—you heard it and you realized McCarthy was right. He had a refreshing and disarming way about him in his approach to politics. He made his point and he made it well.

I do not know if my friend from Minnesota repeated the quote that was attributed to him in the newspaper that I read the other day, which I thought was McCarthy at his best. He said one time that being a politician is sometimes like being a football coach. You have to be smart enough to know how to play the game but dumb enough to think it's important.

Those of us who think all the things we do here are so grandiose should realize we pass on and others take our place. A lot of the things we do here, we may think are important and they are not that important.

So that was Gene McCarthy. He would say things that made you smile, made you think about things.

I say to my friend from Minnesota, I got out of the Navy in November of 1967 and I returned home to Iowa in 1968. At that point I was not active in politics. But like so many of my colleagues and friends in the Navy, I lost a lot of my friends in Vietnam. Slowly but surely over the 5 years that I was on active duty, I became convinced that the war in Vietnam should not go on, that it was wrong, that we ought to get out of there.

But, of course, I was in the Navy at the time. I couldn't say anything about it. I was a Navy person. So I thought, well, now that I am out maybe I can do something. I was looking for someone to give me advice. I was looking for someone out there who would stand up and take the lead on this—Gene McCarthy. Gene McCarthy was the first politician I ever met who wasn't afraid to say the "emperor has no clothes." And once he did that, people realized, you are right; that this war in Vietnam was nonsensical, that we ought to bring an end to it. He encouraged a lot of young people. And I can still remember, and I will bet the Senator from Minnesota has the same memory. I had one of those daisies on the trunk of my car, a blue and white daisy with "McCarthy" on it. That was in 1968.

I think he brought a lot of young people in and gave a lot of young people encouragement that they could change the system and that they could make a difference.

Through his later years I became a friend of Gene McCarthy. In fact, when I ran for President in 1991, he was running again. So we found ourselves running against each other.

As we were both fading and Bill Clinton was winning everything, he drew me aside one time and said: Do you ever wonder why we are still here and what we are doing?

I said: Yes; I do wonder that sometimes.

He said: Well, we are here because the liberal position needs to be enunciated and fought for regardless of who the nominee is.

I am paraphrasing, but that is the way I remember him saying that.

I just wanted to take the time to commiserate with my good friend, Senator DAYTON, about a wonderful human being, a truly remarkable U.S. Senator, one of the most intelligent individuals to ever grace the floor of the U.S. Senate, and to remember his legacy, the legacy of having the courage of your convictions, of standing up for what you think is right, and once in a while don't take ourselves too seriously.

That was the Gene McCarthy I knew and loved. We will remember him always.

I thank my colleague from Minnesota for taking the time today to remember our good friend and departed colleague.

Mr. DAYTON. I think Senator McCarthy would be very impressed with the extemporaneous eloquence of the Senator from Iowa and very appreciative of his kind words. Of course, Iowa has the first Presidential contest. Back in those days, I would have seen a lot more of Senator McCarthy.

Mr. HARKIN. He would have taken me to task for talking so long. He would have said: You could have said that in 2 minutes.

Mr. DAYTON. I thank my friend.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, so ordered. The Senator from Iowa is recognized.

RECONCILIATION

Mr. HARKIN. Mr. President, I know that a motion to appoint conferees has not happened yet on the reconciliation bill, but I understand that the majority leader will sometime today be making that motion. It is a debatable motion, and obviously an amendable motion. I think there are maybe four or five different motions to instruct our conferees regarding the reconciliation bill.

I want to take the time now to talk about it, even though I have an amendment, but it is not timely to send the amendment to the desk. But I do want to talk about what that amendment will do and why I am going to be offering it.

Basically, it has to do with funding cuts for food assistance programs.

It has been a challenging year for all of us, especially here in the Senate. There have been many things upon which this Chamber disagreed. We have had some spirited debates and disagreements. The budget debate and ensuing reconciliation bill has been one of the most challenging of these debates.

But there are also times when agreement rather than discord characterize our proceedings.

While I disagreed with the underlying reconciliation bill passed by the Senate, I was pleased and proud of one of the sources of bipartisan agreement that we had both in committee and on the floor. It was the decision by the Senate not to cut food assistance programs for working Americans, for low-income working Americans.

The Committee on Agriculture, Nutrition, and Forestry considered such cuts. In fact, the President's budget included a proposal to cut the Food Stamp Program by nearly $600 million. But after careful examination of the Food Stamp Program, after deliberation in the committee, both Republicans and Democrats decided against any cuts to the Food Stamp Program.

I commend today, as I did at that time, our chairman, Senator CHAMBLISS, for listening carefully to committee members' concerns by looking at this and for his conscientious decision not to include any such cuts in the committee-passed measure.

I commend as well many members of both parties who have objected to cutting food assistance programs through the reconciliation process.

There are many reasons food stamp cuts should not be enacted.

First, the Food Stamp Program is the first line of defense in the United States against hunger and food insecurity, providing food assistance to nearly 25 million Americans. It is also one of our largest child nutrition programs. Eighty percent of food stamp benefits—over $23 billion in 2005—go to families with children.

Another reason cutting food assistance is not appropriate is because the need is growing and not diminishing.

Just recently, a U.S. Agriculture Department study found that 38.2 million people lived in households that were food insecure in 2004, and that the number increased by nearly 2 million between 2003 and 2004.

Since 1999, the number of individuals classified by USDA as food insecure rose by 7 million people. These are significant numbers.

That any American should live in the shadow of hunger at the dawn of the 21st century is shocking and embarrassing. That the number has increased dramatically in the past 5 years is unacceptable.

We have also been reminded of another reason we shouldn't have food stamp cuts. We have been reminded by the numerous hurricanes and disasters this fall of the tremendous role that the Food Stamp Program plays in times of emergency. The Food Stamp Program rapidly provided emergency food assistance to approximately 2.2 million individuals affected by Hurricanes Katrina, Rita, and Wilma, allowing victims to obtain food assistance within days.

Finally, the Senate Agriculture Committee chose not to cut the Food Stamp Program because there is not much to cut. It operates efficiently and effectively.

For 5 years in a row, the error rate in the Food Stamp Program has declined to consecutive all-time lows.

Frankly, if there were fraud, waste, and abuse to go after, I would be the first in line to do so.

I say that because I have been on this Agriculture Committee in both the House and the Senate—this marks my 30th year. We have gone through a lot in the Food Stamp Program in that time. We have cut and trimmed. We have gone from food stamps to an electronic benefits card to cut down on fraud, waste, and abuse. It has worked well.

We have a program that by any measurement operates efficiently.

The farm bill we passed in 2002 included a major reform to the quality control system. Just last year, Congress made improvements to Federal child nutrition programs. Again, because of this bipartisan approach, which I believe kind of goes back to the Dole-McGovern years when they forged an alliance to ensure we had a bipartisan agreement on the Food Stamp Program, we have a sound, efficiently, effectively run program. There just is not any—I would not say there isn't any, but to go after what little abuse there may be would cost more than what is happening. We have tightened down on this program over the last 30 years. There is not much fraud, waste, and abuse to go after, so if Congress wants to make any cuts in the Food Stamp Program, they have to go after benefits.

I am pleased to say that was not an option either in the Senate Agriculture Committee or that the Senate wanted to consider.

However, not so across the Capitol. The House of Representatives passed a reconciliation bill that makes significant cuts to the Food Stamp Program of approximately $700 million. According to CBO, the Food Stamp Program cuts contained in the House reconciliation bill would eliminate food stamp benefits for at least 250,000 individuals. These are mainly working families with children and legal immigrants.

Right now in the Food Stamp Program, if you are a legal immigrant—forget about illegal immigrants; illegal immigrants have no access to the Food Stamp Program. I hear that all the time, but they have no access to it and they cannot get an electronic benefit card. But a legal immigrant must be here 5 years before that person can qualify for food stamps. That is the law right now. Now, they still have to meet standards. In other words, they still have to meet the standards of anyone else to be eligible, such as income standards, asset standards, and work requirements. They still have to meet these standards. Even if they meet these standards, they still have to wait 5 years.

The House extended it to 7 years. These are legal immigrants. These are people we want here. What does the sign on the Statue of Liberty say? Give me your tired, your poor. A lot of these people are tired, they are poor, but they are here to build a better life. They are working, they are legal, and their kids are in school here. Yet we want to make it even tougher.

The second thing they did is they changed the system whereby States have said, Okay, if you qualify for Temporary Assistance for Needy Families, then you automatically qualify for food stamps. It makes sense. In the 1990s we made a change to allow the States to align their programs. If you qualified for Temporary Assistance for Needy Families, then you used to have to go to another office to qualify for food stamps. It was twice the paperwork, twice the administrative burdens. We said, Why go through all of that? So we made a change that streamlined the program.

The House takes that out. The House bill takes a step backward from welfare reform. We put this in there for welfare reform back in the 1990s; they take a step backward. We tried to change it so we would move low-income families from welfare to work.

One of the provisions was to provide allow TANF recipients to automatically qualify for food stamps. The House now takes that away. It makes no sense. In fact, it will increase the burden on States. They will have to spend more money, and we will probably have to take people that now qualify off the food stamp rolls. These are low-income people who work and make money who now qualify because they qualify for Temporary Assistance for Needy Families. Yet these are the very people for whom we want to build a bridge. We want to get them off welfare and get them to work. A lot of times, part of that bridge is food stamps and making sure families have enough food to eat.

So all of the cuts the House made retreat from the bipartisan agreements Congress made in recent years to streamline and make the Food Stamp Program more effective and to make welfare reform work.

When the majority leader makes his motion to instruct conferees, I will be back in the Senate to offer a motion to instruct conferees on the reconciliation conference committee to reject cuts to Federal food assistance programs. I might add that we should have a lot of bipartisan support. Senator SMITH of Oregon and I are joining together to offer this amendment to instruct.

There was also a letter written by a number of Republican Senators recently asking that we not make cuts in the Food Stamp Program. I hope we can have a strong vote on this. We should have a recorded vote. I will ask for a recorded vote to send a strong signal to the House of Representatives that the Senate will not accept their food stamp cuts. By voting for this motion to instruct, the Senate can show that it stands side by side with working families, that we do not want to retreat from welfare reform. We do not want to retreat from the changes we have made to make this program meaningful and effective.

I will offer that motion at some point, I hope today—whenever the majority leader makes a motion to instruct the conferees.

LIHEAP

There are a couple of other items on which there will be motions made. There will be a motion offered by Senators COLLINS and REED, again, to instruct conferees to add $2.92 billion in funding for the Low-Income Home Energy Assistance Program. That is the amount required to bring LIHEAP up to its authorized level.

The House reconciliation bill provides an additional $1 billion for LIHEAP. Unfortunately, because of the way the program works, my home state of Iowa would not receive additional funding under the House bill. My State of Iowa gets pretty darn cold, I can tell you. Last weekend I was out there, and it was 6 above zero.

In contrast, the level of funding provided in the Reed-Collins amendment provides an additional $24 million for LIHEAP in Iowa, money that I can say is desperately needed.

Last weekend when I was out there, I met with some families who have applied and have been qualified for LIHEAP. There was one woman with two children who lives in a rented house. She gets no child support from her husband. She works full time every day. The kids go to school. She has a low-income job. She qualified for LIHEAP at $319.

I mentioned that later on to someone, that I met this person who qualified for $319 LIHEAP. This individual said to me: Well, that is pretty good; that will take care of her heating bills for the month. But it is $319 for the year. A year. For Iowa, that means you have to buy heat in October, November, December, January, February, March, April—6, 7 months. That is $319 to help pay heating for 7 months. This individual thought that was for 1 month. I said: No, no, that is $319 for the year. And the price of natural gas—we heat with natural gas in Iowa—has gone up 40 percent in the last year. This program is desperately needed.

According to the Hawkeye Area Community Assistance Program in southeast Iowa, LIHEAP funds are likely to run out in mid-January, one of the coldest months of the year. Last week, I held a discussion in Spencer, IA, to hear firsthand from some citizens. Again, I want to tell you, these people are not just concerned about the high cost of home heating; they are in panic.

Now, because of a State law, they are not going to have utilities cut off. But in order to qualify and pay their bills, they may have to cut other necessities, such as medical care, prescription drugs, clothes, other things.

One of the women I spoke with is on disability. She is on an "even pay" program. This is where you pay the same amount every month so you do not get hit with a big bill in the wintertime. Last year, with LIHEAP assistance, she paid 9 percent of her income on heat—9 percent for heat. This year she figures it will be about 13 percent. Her "even pay" monthly bill—get this—last year was $39 a month. This year it is $68 a month, a 75-percent increase. This is a person with a disability, living alone, trying to heat her house.

For another woman, her even-pay bill was $72 a month last year. This year it is $84 a month. The testimony I listened to from these women is backed up by hard data. According to a statewide Iowa survey, more than 20 percent of households receiving LIHEAP report going without needed medical care or prescription drugs—1 out of 5. More than 10 percent reported going without food in order to pay their heating bill. And I can tell you the numbers are going to skyrocket this winter.

Last winter, about 86,000 Iowa households received an average of $317 in LIHEAP assistance. Keep in mind that is for the year. Most years, everyone who applies gets some level of assistance. But this year we are not so certain of that.

Community services agencies are being deluged with calls from panicked senior citizens and others who simply do not know how they are going to stay warm. Many have had their utilities cut off and they cannot make the past-due payments to get them turned back on. Others are being threatened with cutoffs just as we head into winter.

Of course, the catch-22 situation most people do not understand is that you cannot qualify for LIHEAP if your gas or electricity has been cut off. Let's say you did not make your payments this summer, so they did not connect you back up. You cannot qualify for LIHEAP now.

The other thing is a lot of low-income families who live in a small town or rural area, such as I do, heat their home using propane. I have a propane tank outside my house. That is how we heat our houses in small towns. Well, when they deliver propane, you pay for the whole thing at one time. That is unlike natural gas, for which once you have it coming in, they cannot cut you off. If you cannot pay your propane bill, you do not get it delivered. That hurts poor people in small towns such as mine. That is another thing we have to remember as to people who live in small towns and communities who heat their homes with propane.

We can do better. We need to boost the LIHEAP funding. I hope the motion that will be offered by Senator COLLINS and Senator REED to instruct the conferees to add $2.92 billion in funding for LIHEAP will again be supported by an overwhelming majority of the Senate.

Mr. President, there is one last one. A motion will be offered by Senator KOHL to instruct conferees to reject cuts in the Child Support Enforcement Program. Again, in the Senate last month when we debated the reconciliation bill, I offered a sense-of-the-Senate amendment opposing the House's drastic plan to gut the successful child support program—a $4.9 billion cut. The Senate accepted it on a voice vote, which around here is tantamount to unanimously accepting something.

It is not right, it is not ethical, it is not moral to cut a program that gave crucial funds to over 17 million children last year. But the bill approved by the House would slash funding for child support enforcement efforts by 40 percent over the next 10 years.

Again, CBO estimates that as a result of these cuts, more than $24 billion in delinquent payments will go uncollected in the next 10 years. This is money that goes directly to feed and clothe children. The biggest negative impacts will be felt by children living in poverty and children in low-income households. In my home State of Iowa, it is estimated that collections will drop by more than a third in the first year.

Now, keep in mind, this is not Government money going out for child support. This is the Government money we send out to States to help them collect child support from deadbeat dads. I think that is something we all support. Yet if you take away the funding that helps them go out and collect it, CBO estimates $24 billion will go uncollected in the next 10 years.

For families in poverty who receive child support, those payments account for an average of 30 percent of their income.

Why is the House doing this? Why would the House want to pull the rug out from underneath our efforts to collect child support payments—child support payments that benefit the most vulnerable, disadvantaged, neglected children in our society? Well, they are doing it in order to make room for yet another $60 billion in tax cuts—tax cuts that overwhelmingly benefit our wealthiest citizens.

Child support payments helped lift more than 1 million Americans out of poverty in 2002. As a result of what the House did, many of these people—and these are mostly children—will go back into poverty. This is cruel. It is counterproductive. Talk about penny wise and pound foolish. Because you take this away, these families will fall back into poverty. They then will end up on food stamps, Medicaid, TANF, Temporary Assistance for Needy Families, other forms of public assistance—unless you cut those, too. And guess what. The House bill cuts food stamps, cuts Medicaid, disconnects the food stamps from the TANF program. Think about what the House is doing here.

According to the Office of Management and Budget, for every $1 we spend on child support, $4.38 is recovered for families in child support payments. Not a bad deal. The President even praised this program.

Reforms have made the program effective. Since 1996, there has been an 82-percent increase in collections. With the House cut, deadbeat parents get off, kids suffer, and the goal of self-sufficiency becomes less attainable for more custodial parents trying to stay off of welfare.

Cutting this program is outrageous. I urge my colleagues again to send a loud and clear message to the House and the American people that the Senate will not accept these cuts in the Child Support Enforcement Program.

Again, I wanted to talk about those three. Now I will offer one motion with Senator SMITH. Senator KOHL is going to offer another. Senator REED of Rhode Island and Senator COLLINS will be offering another.

Last evening, we met, conferees met on the Labor, Health and Human Services, Education appropriations bill. As you know, the Senate passed their version. The conference was abysmal in that the House insisted on all their provisions. It went back to the House. The House defeated it. So we went back to conference again last night.

I pointed out that there are three avenues of cuts that are going to hurt low-income families right before Christmas, at least Christmas to those of us who are of the Christian faith. Think about what is happening right before Christmas.

We are going to cut programs for some of the most vulnerable of our citizens in the Labor-HHS appropriations bill. We are cutting Head Start. We are cutting assistance programs in health. We are cutting programs such as LIHEAP that give people a little hope that they will have enough money to pay their fuel bills. We have all these cuts coming in the Labor-HHS bill.

But that is not the end of it. We now have this reconciliation bill that is going to cut the very things I talked about—the child support enforcement program, Medicaid, food stamp cuts. So we are going to whack the poor right before Christmas with the Labor-HHS-Education appropriations bill. We give them another backhand in the reconciliation bill, if we take what the House has. And then there is one more coming. It is my understanding that the DOD appropriations bill will have a 1-percent across-the-board cut in these discretionary programs, another cut to the most vulnerable of our citizens.

So right before Christmas, we say to the poor in this country, to the low-income families working and struggling to pay their heating bills, keep their families together, trying to make it through the winter: Hang your stockings. And guess what this Congress is going to put in them. Three lumps of coal.

That is what we are doing to the poor. I can't believe we are doing this right before Christmas. Yet right before Christmas, we are going to try to enact a tax cut of which over 50 percent goes to people making over $1 million. If my figures are right, I think less than 7 percent of the money in the tax cuts goes to people making less than $50,000 a year. Ninety percent goes to people making over $100,000 a year. The most vulnerable people work for the minimum wage, people who are making 8 bucks an hour. Guess what that is a year? That is 16,000 bucks a year. Try feeding two or three kids on that.

I don't understand how we can do this at this time of year. I don't understand how we can do it at any time of year. But you would think now our consciences would bother us in making these kinds of cuts. It is almost as if this Congress is trying to rewrite Charles Dickens' "Christmas Carol." Remember Scrooge in the "Christmas Carol" has a change of heart at the end and sees clearly what the spirit of Christmas is all about. It is as if this Congress is rewriting Charles Dickens' tale and Scrooge does not have a change of heart right before Christmas. It is as if this Congress, if we proceed down this path—and it looks as though that is where we are headed—truly will be the Scrooge who is stealing the food from young kids, taking away hope that low-income families have, destroying the hope a lot of low-income families have. All for more tax cuts for some of the most privileged people.

We all have friends, a lot of friends who make a lot of money. I don't hear them clamoring for these tax cuts. In fact, what I hear them saying is: Why are you doing this? Why don't you take care of the business of the country? Why don't you do something about education and health care and getting people out of poverty and getting people jobs and getting people work? That would be a better use than giving the rich a few more dollars with which to buy another diamond or a wristwatch that costs $25,000. I saw a wristwatch advertised in the paper for $25,000. Why would anyone buy a wristwatch for $25,000. All it does is tell the time.

I have a watch. It might have cost me about 75 bucks. I have had it for 10 years. I had it repaired once.

I don't mind if people who have a lot of money want to spend it that way. But why are we cutting the taxes for these people and then, to make it up, cutting food stamps? It would be one thing if you could say with a straight face: We have to do it to cut the deficit. But guess what. Under this reconciliation bill the deficit goes up, not down. So with the tax cut we get a bigger deficit. And then we are still cutting food stamps, Medicaid, LIHEAP, and a number of other programs that are out there that help low-income people.

I hope at this time of year especially we will think long and hard about what we are doing around here and that we will come to our senses. The Senate has acted well. We acted in a good, bipartisan fashion to do these things. I hope tomorrow when we vote on the various motions to instruct, we will have that same bipartisan approach as we had before. Hopefully, there will be a new spirit across the Capitol in that House Members will agree to go along with the Senate provisions and not cut food stamps and LIHEAP and the child support enforcement program, among a number of others.

We await the majority leader making his motion. Until that point, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I come to the floor to advise the American public. We just heard a very eloquent talk by the Senator from Iowa on the motion he plans to offer to instruct conferees on food stamps, but I think it is very important that the American people recognize that 1 out of every 19 people in this country who receive food stamps receive them illegally. In other words, they are not eligible.

In this motion to instruct, it states in No. 5:

> The Food Stamp Program operates efficiently and effectively with its error rate at an all-time low.

It is at an all-time low. It is 6.64 percent. In other words, 1 out of 14 who are getting food stamps have an error associated with what they are receiving, or 1 out of 15 or 16. But in terms of overpayments, 5.5 percent of the money spent, $1.6 billion, is spent on food stamps to people who don't qualify.

An easy way for us to control food stamps is to make the error rate less—in other words, to do a better job—instead of to gloss over and say we don't have a problem here and it is running efficiently and effectively. Anybody else in their own personal budget, if they were paying out 5.5 percent more than what they should be, would be quick to change that.

The Federal financial management oversight subcommittee which I chair had a hearing this year. It is true, they have reduced the error rate some. But a 6.9-percent overall error rate is unacceptable, and a 5.5-percent overpayment rate is highly unacceptable. In a time of tremendous budget deficits, in a time of war, and a time of natural disasters that have hit us greater than we have ever seen, accepting 5.5 percent and saying we can't do better is unacceptable. It is unacceptable by everybody who lives by a budget out there who is an American citizen. For us to have a motion to instruct to say that is good, that is effective, that is efficient, it is not the truth.

We need to be cognizant of the fact that we have a long way to go to help those people who need us with food but at the same time to not help those people who are cheating the system, who are squandering money that would otherwise go to people who have needs when those people who don't have needs are stealing from the system. I think it is important for the record to reflect that.

Mr. ROCKEFELLER. Mr. President, this budget is about choices. We in Congress can choose to protect Medicaid, the Federal safety net for over 50 million Americans, by supporting the Baucus motion to instruct.

Or we can turn our backs on the millions of working families who would otherwise be uninsured without the Federal guarantee of Medicaid benefits by giving States the green light to charge more in monthly premiums than are charged in monthly premiums under Medicare; by allowing Medicaid cost-sharing that can grow six times faster than wages; by permitting States to provide fewer Medicaid benefits to recipients in rural areas than those offered to recipients in urban areas; and by asking hospitals, pharmacists, and other health care providers to continue to participate in the Medicaid program even if they cannot cover their costs.

If the Senate recedes to the House on Medicaid, then we will begin to undo one of the most important social programs of our time. And people and health care providers in our respective States will suffer greatly. In West Virginia, nearly 20 percent of our State's population—over 350,000 people—depend on Medicaid for access to health care.

Not only is it unfair to consider such draconian changes to the Medicaid Program in the context of meeting an arbitrary budget number, it is also unwarranted.

Some of my colleagues have argued that Congress must reduce spending in Medicaid in order to decrease the Federal deficit. I would remind my colleagues that this budget does not decrease the Federal deficit. Instead, this budget could increase the Federal deficit by $10 to $20 billion over the next 5 years. And that is not even considering the cost of adding more tax cuts.

Even more important is the fact that there are other options on the table besides Medicaid that provide more than enough savings to meet the $10 billion budget target set by Congress. Reducing Medicare overpayments to HMOs saves nearly $12 billion over 5 years alone.

America has a moral obligation to take care of its most vulnerable citizens. Programs that help low-income working families improve their lot in life should be the last resort when it comes to balancing the budget.

Not supporting this motion to instruct fails our Nation's pregnant women, children, the elderly, and the disabled.

I urge my colleagues to support this motion to instruct. The quality of life of 50 million Americans depends, on it.

HONORING OUR ARMED FORCES

CORPORAL JONATHAN F. BLAIR

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fort Wayne. Jonathan Blair, 21 years old, died on November 19 in Bayji, Iraq when a roadside bomb exploded near his vehicle during a combat operation. With his entire life before him, Jonathan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Remembered for his thoughtfulness and patriotism, Jonathan joined the Army shortly after graduating from Elmhurst High School in 2002. The attacks of September 11 inspired him to consider military service, but Jonathan also saw the military as a gateway to further knowledge and a potential ticket to a higher education. One of his high school teachers fondly recounted to the Fort Wayne Journal Gazette that Jonathan was a patriotic and "cerebral" student who would contemplate fully any answer in class. Another teacher remembered, "Jonathan challenged you as a teacher to make him better as a student; he was just a really interesting kid."

Jonathan was killed while serving his country in Operation Iraqi Freedom. He was a member of the 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team of the 101st Airborne Division based at Fort Campbell, KY.

Today, I join Jonathan's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jonathan, a memory that will burn brightly during these continuing days of conflict and grief.

Jonathan was known for his dedication to his family and his love of country. Today and always, Jonathan will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jonathan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jonathan's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Jonathan Blair in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jonathan's can find comfort in the words of the prophet Isaiah, who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jonathan.

REMEMBERING ARMY SERGEANT FIRST CLASS MICHAEL C. PARROTT

Mr. SALAZAR. Mr. President, I rise to reflect for a moment on the service and life of SFC Michael Parrott of Tinmath, CO. Sergeant First Class Parrott was tragically killed last month while serving this Nation in Balad, Iraq. Today would have been Sergeant First Class Parrott's 50th birthday.

Mike Parrott was a native of Canton, NC, where he graduated from Pisgah High School in 1974 and went on to earn a degree from the University of North Carolina at Asheville. His 6-foot-tall frame made him hard to miss in a crowd, but it was his easy smile and brown eyes that first drew the attention of his wife, Meg, when she was a student at UNC-Asheville almost two decades ago. Mike Parrott was honest, opinionated, and unafraid to speak his mind. His wife, Meg, knew how unique Mike was when she discovered that he kept Voltaire in his bathroom. They celebrated their 19th wedding anniversary last month.

Mike Parrott was an avid fan of the outdoors and could often be found biking, camping and hiking, activities he and Meg often enjoyed together. Mike rode his bike to and from work, and made it a point to run every day. In fact, this past year, on the day of the Leadville Marathon, Sergeant First Class Parrott laced up his running shoes and ran 26.2 miles in the blazing Iraqi heat.

Sergeant First Class Parrott was a true American patriot. Sergeant First Class Parrott served in this Nation's armed forces for more than 15 years in active and reserve duties. Three years ago, he signed up for the National Guard, looking to reach his 20 years of service. He was a member of the 115th Field Artillery Brigade in Cheyenne and was on loan to the 28th Infantry of the Pennsylvania Army National Guard at the time of his death. He had already completed a year's tour in Kuwait with his Wyoming unit but signed up as a loaner to return to Iraq.

Sergeant First Class Parrott was an inspiring leader for the men who served under him, some less than half his age. They looked up to his leadership and calm, affectionately calling him "The Old Man." Sergeant First Class Parrott believed that he had a mission to help younger soldiers. He looked forward to being a mentor.

Sergeant First Class Parrott and his wife both disagreed with U.S. policy in Iraq, but he did not shrink from his duties. Instead, he rose honorably to serve his Nation in the time it called for his aid.

Mr. President, what becomes clear upon reflection is that SFC Mike Parrot loved this Nation. He loved its spirit of dissent and discussion. He loved its wide open spaces and natural wonders. He loved it for providing him the opportunity to be with his wife and family, his friends of so many years that gave him so much. He was the embodiment of Voltaire's remark: "I may disagree with what you have to say, but I shall defend, to the death, your right to say it."

To the family of SFC Mike Parrott, including his wife Meg Corwin and his mother Suzanne Parrott, know that the thoughts and prayers of an entire Nation are with you today. We are grateful for Mike's courageous service to the people of America and Iraq. The values he lived by will remain far beyond our time on this Earth, a humble legacy that will live on in every life he touched.

A FALLEN HERO: ARMY SERGEANT LUIS R. REYES

Mr. President, I also wish to reflect on a life of promise taken too soon from us—Army Sergeant Luis Reyes of my home State of Colorado.

Sergeant Luis Reyes was 26 years old, a member of the 947th Engineer Company of the Colorado National Guard based out of Durango. He was killed in Kuwait while on his way to Iraq.

A native of Denver, Luis was a husband of 6 years to his wife, Christina, and a father of two: Sienna and Nikko. Luis was devoted to his family and community, a man known for helping his friends and neighbors with repair jobs and who loved to work on his truck.

After graduating Montbello High School in Denver in 1997, Luis enlisted with the Army and married Christina after finishing basic training. He had just re-enlisted for another 3-year term with the Army and in one of his last phone calls home marveled to his wife about his service in the Middle East, telling her it was a "whole other world."

When Sergeant Reyes was killed, his unit was on its way to help Iraq with the complicated task of rebuilding its infrastructure and roads. It was an important mission, which will allow the far-flung villages of Iraq to connect once more with each other and foster the blessings of liberty.

A friend of Sergeant Reyes remembered him as a man who would go "above and beyond" the call of duty. With his service to this Nation, Luis Reyes did just that. He could have stayed with his young family in the safe confines of Aurora. But he had a passion for serving this Nation and accepted great risk on behalf of all of us.

Isaiah 25:8 teaches us, "The Lord will swallow up death in victory; and the Lord will wipe away tears from off all faces." To Sergeant Reyes's wife, Christina, and his two young children, his mother Tomasa and his brother Roger, the thoughts and prayers of an entire Nation go with you during this difficult time. Luis served this Nation with honor and distinction and has left all of us forever in his debt. For that, we all offer our humble thanks.

TRIBUTE TO SPECIALIST GREGORY L. TULL

Mr. GRASSLEY. Mr. President, I rise today to honor one of our country's bravest, SPC Gregory L. Tull of Pocohontas, IA. Specialist Tull sadly died November 25, 2005, after an improvised explosive device detonated near his Humvee in Al Anbar province in Iraq. Specialist Tull served with the Iowa Army National Guard's 1st Battalion, 194th Field Artillery based in Storm Lake, IA. He was only 20 years old.

I ask that all Americans join me in remembering and honoring Specialist Tull. He was an upstanding and courageous soldier who fell far before his time. Our country has survived these many years due to the brave men and women who have served in our Armed Forces, and it greatly saddens me to announce that another young man has made the ultimate sacrifice for our country and for the freedom of Iraq.

LTC Gregory Hapgood of the Iowa Army National Guard remembered that Specialist Tull was "a good guy that didn't shrink from responsibility," and was someone who "wanted in on the action." During this crucial time in America's history, we should all remember Greg Tull's courage and dedication to his country.

We should also stand with Specialist Tull's parents, Eileen and Gary, and his brother, Bryan, and all his family in their time of grief. Our thoughts and prayers also go out to Gregory's friends, classmates, and all others who were lucky enough to know him. Greg Tull did not die in vain, but rather gave his life defending America and promoting freedom around the world. He will be sorely missed but also fondly remembered.

WORLD AIDS DAY

Mr. WYDEN. Mr. President, December 1, was World AIDS Day, and I wanted to take this time to both acknowledge the good work that is done around world to prevent and treat this disease and to acknowledge the need is still great around the world and in our own country to fund prevention, treatment, and support.

AIDS kills 3 million people each year, and 13,500 people are newly infected each day. AIDS has already left 15 million orphans in its wake. The theme of World AIDS Day 2005 was "Keeping the Promise." To date, the United States has led the world in contributions to the Global Fund, providing one-third of all contributions. However, the statistics tell us that while we have come far, we still have far to go in preventing this tragic disease, including here at home.

We have experienced many medical miracles in the form of drugs that help people diagnosed with HIV/AIDS live healthier longer. Yet, we seem to be able to fund less and less of the services that help individuals stay healthy and maintain the structure of their lives.

I was recently visited by constituents who were either HIV positive or had full-blown AIDS. They told many moving stories about how their lives had been made better by programs that help them get health services, pay for their drugs, rent and provide other support services. Many of these programs are through the Ryan White Act.

The unmet need grows daily. For example, in Portland, the Russell Street Dental Clinic provides about $60,000 worth of services to HIV patients each month compared with about $15,000 a month 3 years ago. In 2003, a study was released that documented the service gaps in Oregon. The list of services for which there is not enough funding to meet the need is long and includes dental care, help with legal affairs, counseling, housing and help in paying rent or utilities, and transportation.

Despite an increased number of people living with HIV/AIDS, Ryan White funding has decreased. Many of the programs my constituents tell me help them are through Title I of the Ryan White Act. This title provides the vital core services of Medical care, mental health and substance abuse treatment, dental care, and case management.

The Oregon AIDS Drug Assistance Program has had to change eligibility and take other steps to limit enrollment because of budget constraints. This program helps individuals with their drug costs. I view it as a wise investment because it helps people stay healthier, working, and productive.

What I have heard from my constituents is sheer frustration that the programs they know work are yet again on the chopping block. I share their frustration. An investment in health care, whether abroad or in our own country, an investment in a community and in making that community healthier. I hope Congress keeps this in mind as we face difficult decisions about funding in the future.

I ask unanimous consent that my remarks be printed in the RECORD.

HUMANITARIAN ASSISTANCE FOR PAKISTAN

Mr. JOHNSON. Mr. President, this past year, the world has witnessed multiple natural disasters including the tsunami in South Asia and Hurricane Katrina in the gulf coast. Most recently, the devastating earthquake that struck northern Pakistan in early October has been equally catastrophic. More than 73,000 people were killed in the immediate aftermath, while tens of thousands more were wounded. Just as troubling, millions more have been left homeless having lost their life's possessions in this tragic event.

As Pakistan approaches the bitter winter months, many are still without adequate shelter. The United Nations estimates that at least 350,000 will remain in the mountainous regions of Pakistan through the winter and will require sufficient food and materials to winterize their tents in order to survive. Exacerbating the situation is the recent cancellation of helicopter sorties that deliver humanitarian relief due to deteriorating weather conditions. In addition, UNICEF is conducting a massive immunization campaign to vaccinate individuals from the measles following an outbreak at a camp outside of Muzaffarabad in early December. For all these reasons, it imperative that countries honor their commitments to this ravaged country to ensure humanitarian relief is provided to the victims of this tragedy.

To date, the international community and private industries have pledged aid for relief an reconstruction, and the United States has led the effort. After recognizing that our original pledge of $50 million would be inadequate to assist the victims, the United States substantially increased the amount of aid to Pakistan by pledging a total of $510 million.

In addition, the United States has provided rescue teams and aircraft to assist in locating victims in remote areas. The U.S. military has helped deliver humanitarian supplies, as well as evacuating casualties from the region. Currently a Mobile Army Surgical Hospital, MASH, unit has been established in the most devastated parts of the country to perform urgent surgery and attend to less critical patients.

While I applaud these efforts, we should remember that Pakistan has been a critical ally in the war on terror. Unfortunately, our image in the Muslim world has been distorted though propaganda and misperceptions of America's intent in the Middle East. Humanitarian aid can assist in dispelling these myths and will clearly demonstrate that the American people are deeply compassionate toward all those in need.

With the upcoming winter months, it will be vital that the international community continue to honor the commitments it has made to Pakistan. I believe that the United States should lead these efforts. We have a moral obligation to reach out and assist those who are so desperately in need, and I look forward to working with my colleagues to ensure the victims of this earthquake receive adequate humanitarian assistance.

ALLOWING A CONTINUING FRIENDSHIP

Mr. ALLARD. Mr. President, I rise today to discuss the future of Air Force TSgt. Jamie Dana and her working military dog Rex.

When our Nation's leaders called thousands of men and women in uniform to liberate Iraq from its most brutal dictator, Technical Sergeant Dana was among those brave citizens for whom the duty to her country comes before all other luxuries. Technical Sergeant Dana joined the Air Force in 1998 and volunteered to serve in Iraq. Her assignment included supporting Army personnel by clearing vehicles at checkpoints and searching buildings for booby traps and explosives. Jamie was never alone while performing her duties in Iraq. She was accompanied by a working military dog, Rex, a 5-year-old German shepherd. The duo had trained together in the military fo 3 years and deployed as a team first to Pakistan and then Iraq.

Last June, after completing another mission, Technical Sergeant Dana and Rex were traveling in an armored humvee when a roadside bomb exploded under her seat. She suffered severe wounds resulting in massive internal bleeding that required 19 blood transfusions. "The helicopter ride was the scariest 45 minutes of my life," remembers Major Paul Morton, a member of the medical trauma team who helped save Jamie's life.

Even when facing death, Technical Sergeant Dana never stopped thinking about her friend and comrade Rex. While recuperating from the injuries she suffered in Iraq, Rex has always been in Jamie's prayers. Although her future in the Armed Forces remains uncertain to this day, Dana never questions her decision to go to war. As she stated in a recent interview, "I had begged for it. I wanted to deploy. You want to feel like you're a part of it."

After her military duty is over, Technical Sergeant Dana plans to become a different kind of vet—a veterinarian, a profession that I admire. Dana asked the Air Force for permission to adopt her beloved friend, and I commend the leadership of the Air Force and Senator WARNER for their efforts to find a legislative solution to Jamie's request. I fully support the inclusion of this solution in the Defense authorization conference report. The work of our Nation's military and political leaders demonstrates their willingness to express our humble gratitude to those who proudly wear our Nation's uniform and endanger their lives to protect the freedom that we often take for granted. Jamie's story traveled thousands of miles and warmed the hearts of her fellow Americans, as well as political and military leaders.

A simple act of Congress will allow Technical Sergeant Dana be reunited with Rex. Both Jamie and Rex gave their best in the fight to protect the ideals of liberty and courageously participated in the spread of democracy across the globe. The least this country can do to honor their service is to allow this friendship to continue.

STOLEN VALOR ACT

Mr. BURNS. Mr. President, today, I join my colleagues, Senators CONRAD, VITTER, SALAZAR, NELSON, JOHNSON, CHAMBLISS, THUNE, HAGEL, ISAKSON, LAUTENBERG, DOLE, and STEVENS, in cosponsoring S. 1998, the Stolen Valor Act of 2005.

During this Christmas season, our forces are deployed around the world, and many serve in hostile locations. Our service men and women continue to make great sacrifices abroad to ensure our safety here at home. It is our duty to recognize and honor that sacrifice and heroism. Unfortunately, some civilians have created elaborate lies to claim some of this honor as their own.

I am disturbed by stories of these despicable frauds who have tried to falsify heroic military records. These people wear medals that they did not earn, and claim honors which they do not deserve. This type of lie strikes at the very heart of the honor of our military and our Nation.

We must act now to protect the reputation of our military heroes with the full force of law. Those who seek to steal recognition that they have not earned must be held accountable and brought to justice. The Stolen Valor Act of 2005 does just that by enhancing penalties for making false claims in regard to personal medals awarded for combat action and valor, such as the Purple Heart, Distinguished Service Cross, Navy Cross, Air Force Cross, Silver Star, or Congressional Medal of Honor. This law will allow law enforcement officials to prosecute individuals who falsely claim to be recipients of these awards, and perpetrators may receive a sentence of up to 1 year as a result.

As a veteran, I will always seek to protect the honored place of our military heroes. I cherish the sacrifices of all veterans, and I will continue to do everything in my power to support and protect their interests. I look forward to working with my Senate colleagues to pass this important piece of legislation.

REPUBLICAN JEWISH COALITION AD SUPPORTING WAR ON TERROR

Mr. COLEMAN. Mr. President, Freedom is Worth Fighting For. That is the headline of a full page advertisement today in The New York Times. I was proud to add my name to this strong statement in support of our troops and our President in fighting the war on terror. The ad is sponsored by the Republican Jewish Coalition, a grassroots organization based in Washington, DC, with five full-time offices, 41 chapters, and over 20,000 members across our Nation.

The ad takes strong exception to a resolution approved last month by about 2,000 members of the Union for Reform Judaism—URJ—at a convention in Houston. The URJ resolution said, "American Jews, and all Americans, are profoundly critical of this war and they want this administration to tell us how and when it will bring our troops home," and called the Iraq war "unjust." The resolution reversed a 2002 URJ endorsement of the war and, according to news accounts, was adopted with very limited debate and only one person speaking against it.

As the Republican Jewish Coalition ad states, the URJ statement that American Jews oppose President Bush on Iraq is misleading and wrong. The URJ does not speak for me. Nor does it speak for all reform Jews or for the American Jewish community.

The Republican Jewish Coalition ad carries the signatures of 180 leaders and prominent figures in the Jewish community. In addition to my name, among those signing the newspaper ad are my colleague in the other body Representative ERIC CANTOR of Virginia, Hawaii Governor Linda Lingle, and two former chairmen of the Conference of Presidents of Major American Jewish Organizations, James Tisch and Kenneth Bialkin. Other signers include rabbis and cantors; as well as State and local elected officials.

The Republican Jewish Coalition ad contains several other important messages. It notes that we support the President and the war on terror. We stand behind our troops and their mission of creating a safe, democratic Iraq. This mission is vital, says the ad, not only for the continuing fight against terrorism and the stability of the Middle East, but also for making the world a safer place for our children. I believe this message of support is particularly important as the Iraqi people prepare to vote for a permanent government later this week.

We can never surrender to terrorism. Those who attacked us on September 11, 2001, will not hesitate to do so again if given the opportunity. We dare not encourage them by weakness and vacillation in our unrelenting war on terror.

I commend the Republican Jewish Coalition for its leadership on this vital issue. I am proud to stand with them in defense of freedom.

ADDITIONAL STATEMENTS

CALIFORNIA HIGHWAY PATROL OFFICER DAVID MARIN ROMERO: IN MEMORIAM

• Mrs. BOXER. Mr. President, Today I rise to honor and share with my colleagues the memory of a remarkable man, Officer David Marin Romero of the California Highway Patrol. Officer David Marin Romero spent 23 years with the California Highway Patrol, providing the citizens of California with safety and service. On September 23, 2005, while on motor patrol in the city of Industry, Officer Romero was struck and killed by a driver suspected to be under the influence of a controlled substance.

The California Highway Patrol was Officer Romero's passion. He began his career with the California Highway Patrol at the Riverside Station near his home, and a year later he transferred to the Sante Fe Springs Station, near his childhood community. Romero served the remainder of his career in Santa Fe Springs, giving back to his community. He loved riding his motorcycle and combined this with his passion for law enforcement to become a very successful motorcycle officer. Officer Romero's colleagues shall always remember his infectious grin, practical jokes, and commitment to his job.

Officer Romero was a devoted family man. He is survived by his wife Sandra and children, Austin, Windsor, David, Victor, and Vanessa. When he was not on duty, Officer Romero enjoyed spending time with his family, riding dirt bikes, and coaching his children's sports teams. Officer David Marin Romero served the State of California honorably and conscientiously, and fulfilled his oath as an officer of the law. Officer Romero gave his life while assisting those in peril or distress. His character, integrity, loyalty, and dedication to law enforcement are greatly appreciated and will never be forgotten.

Officer David Marin Romero sacrificed his life doing what he loved to do—providing protection for the community in which he was raised. We shall always be grateful for Officer Romero's heroic service and the sacrifices he made while protecting the community he loved.•

IN HONOR OF THE MEMORY OF NICK BRONZAN

• Mrs. BOXER. Mr. President, I rise to honor the memory of the late Nick Bronzan, a tireless champion for young people and seniors in central California. Mr. Bronzan, a long-time Fresno resident, passed away in the peaceful company of his family and loved ones on December 4, 2005. He was 90 years old.

Nick Bronzan, the son of Yugoslavian immigrants, was a true son of California's Central Valley. He was born in Stockton and spent his formative years in Manteca. A gifted athlete, Nick excelled as a football player at Fresno State College. Admired by his coaches and teammates for his great leadership qualities, Nick served as the captain of the 1939 championship team.

Upon graduation, Nick taught mathematics and coached a number of sports at Kerman High School for 5 years. Nick and his wife Peggy were beloved for all they did in both school and community activities. He would further his passion for helping young people by working for the YMCA in Fresno, Tulare, and Culver City. In 1961, Nick became the general secretary of the Fresno YMCA, and 7 years later, he was appointed as the executive director of the Central Valley YMCA. Throughout his professional career, Nick demonstrated an unyielding commitment to positively impact the lives of young people.

In his retirement, Nick generously lent his leadership and passion for community service to a number of very worthy and empowering causes. As director of the Fresno Foster Grandparents Program, he spearheaded a volunteer program for seniors to work with children lacking parents and families. Nick also began a house-sharing organization to increase and enhance older companionship. A powerful and determined advocate for the senior community, Nick successfully convinced businesses to hire senior watchmen to work late shifts. In 1984, he was appointed by then-California Assembly Speaker Willie L. Brown, Jr., to the California Commission on Aging and Long-Term Care. Whereas some see their golden years as a time to fade into the background in public life, Nick embraced it as an opportunity to continue to lead, to motivate others, and to make good things happen.

Nick Bronzan devoted 70 of his 90 years to community service. Nick selflessly gave his boundless energy, genuine compassion, and precious humanity to uplifting and empowering those who are most often neglected in our society: the young and the old. Nick has left behind a legacy of service and the admiration of those whose lives he touched over the years. He will be dearly missed.

Nick is survived by his wife Peggy; two daughters, Mary Bronzan and Ann McDonald; son, Bruce; five grandchildren and seven great-grandchildren. On December 11, more than 200 members of his family and friends gathered in Fresno to honor a rich life, well lived.•

TRIBUTE TO LINWOOD CARTER

• Mr. LUGAR. Mr. President, I rise today to pay tribute to and recognize the contributions of an individual who has dedicated three decades of his life to serving the U.S. Congress.

Linwood B. Carter II began his career with the Congressional Research Service in 1975 and will be embarking on a well-earned retirement shortly after the New Year. As an information research specialist in U.S. military and international security affairs, Linwood has responded to literally thousands of congressional research requests over the years with a level of professionalism and skill I have seldom encountered. In carrying out our responsibilities as legislators, we in the Senate and our colleagues in the House confront a constant need for accurate and timely information; often it has been through the efforts of Linwood Carter that those responsibilities have been met. His mastery of the Library of Congress's resources and the informational nooks and crannies in the world of international security affairs has been unsurpassed.

Linwood's dedication to serving the needs of Congress is unparalleled. His quiet professional demeanor will be sorely missed by Members, the Congressional Research Service, and by the Library of Congress. I would like to extend our thanks to him for his efforts on our behalf for the last three decades and to wish him the best in the years to come.●

COMMENDING THE INDIANA WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM

● Mr. LUGAR. Mr. President, I rise today to commend the certification of the Indiana Civil Support Team and the support it will provide the people of Indiana in the event of an attack utilizing a weapon of mass destruction. During this holiday season, many prefer not to think of the horrors associated with nuclear, chemical and biological weapons, but the 22 members of the 53rd WMD-CST don't have that luxury. It is their job to help protect Hoosiers should a WMD attack occur in Indiana.

On November 28, 2005, the Pentagon announced that the Indiana Civil Support Team was fully ready to assist civil authorities in responding to a domestic weapon of mass destruction incident. Stationed in Indianapolis, the team possesses the requisite skills, training and equipment to make a difference in assisting first responders and local officials in the critical moments immediately following a nuclear, radiological, chemical or biological event. The CST is able to deploy rapidly, assist local first responders in determining the nature of the attack, provide medical and technical advice, and pave the way for the identification and arrival of follow-on State and Federal military response assets.

In March 2004, I was pleased to join with Governor Kernan and Senator BAYH to announce the creation of the WMD–CST in Indiana. The team is made up of highly skilled, full-time members of the Indiana National Guard and Reserve who have completed 20 months of intense training. The team is equipped with sophisticated detection, analytical, monitoring, communications and protective equipment and is under the command and control of Governor Mitch Daniels. This signifies another important step to ensuring that our country, the State of Indiana, and our local communities are prepared should we face terrorists armed with a nuclear, chemical or biological weapon.

Last week's announcement occurred with little fanfare and negligible public interest. This is unfortunate because the threat posed by the proliferation of weapons of mass destruction is the No. 1 national security threat facing our country.

Chemical weapons were introduced on the battlefields of World War I. Nuclear weapons ended World War II. Biological weapons were components of Cold War arsenals. The 20th century witnessed the brutal use of these powerful weapons by superpowers and nation-states. Technological advancements and the proliferation of weapons, materials and know-how have made weapons of mass destruction accessible to a growing number of national and non-state entities.

Despite the threat of nuclear annihilation throughout the standoff between the United States and the Soviet Union, it was unfathomable that a religious sect could acquire the means to attack a major metropolitan subway system with biological weapons. Yet the Aum Shinrikyo dispersed anthrax in a Tokyo train station in March 1995. Who would have expected rebels from a remote region of the Caucasus to threaten the detonation of a radiological weapon in a Moscow park? Chechens did that in November 1995. Even more difficult to believe would have been the notion that the leader of a deadly terrorist organization would announce that it was the organization's mission to acquire a weapon of mass destruction and use it against the United States. Osama bin Laden did that in December 1998.

The use of a weapon of mass destruction in the United States could cripple our economy, lead to the fall of our Government, and threaten large segments of our population with disease and death. During the Cold War, the Soviet Union had the resources and incentives to carefully guard and maintain these weapons and the scientific knowledge that produced them. But the political collapse of the Moscow government was accompanied by a broader economic collapse throughout the vast nation. Not only did Russia and the other successor states have few resources for maintaining the Soviet-era arsenal, they could not even afford to adequately pay members of the military and scientific community who had responsibility for safeguarding the weapons and related technology. The United States faced the grim possibility that weapons previously held in impenetrable Soviet facilities and technology previously restricted to the minds and computers of elite Soviet scientists could be stolen or sold to the highest bidder.

As a country, we must acknowledge that the weapons that haunted the Cold War are now available to irrational and undeterrable foes. While the threat of nuclear attack from the Soviet Union was awesome, it was certain, in that we knew who and where our enemy was and had the ability to hold them at equal peril. The post–Cold War security environment is anything but certain. Battles are no longer determined by armored divisions taking and holding large swaths of territory, nor is strategic competition marked by the building of the biggest bomb or the longest range missiles. A small group of fanatics with the right contacts and resources can obtain and utilize a weapon of mass destruction that could destroy or make unlivable large portions of Washington, DC, New York, or Chicago. Similarly, toxins introduced into our food supply and distribution systems could spread disease and panic.

There is no silver bullet to these threats. U.S. security will be secured by small numbers of American Government officials and contractors working with former enemies to eliminate the weapons that could threaten the future of our country. It will also depend on American allies working closely and effectively in detecting and interdicting these weapons and local police officers, medical personnel, and guardsmen preparing to respond to a WMD event.

Since the end of the Cold War, I have worked with colleagues here in Congress and the executive branch to defend the American people from these threats. I have often described the best strategy to deal with the WMD threat as "defense in depth," layers of defensive efforts designed to stop a nuclear, chemical and biological weapon from reaching our shores.

The first line of defense is prevention and entails activities at the source to stop weapons, materials and know-how from leaving their current locations. The second is detection and interdiction and involves efforts to stem the flow of illicit trade in these weapons and materials at foreign and domestic borders. The third line of defense is crisis and consequence management and requires domestic preparedness should such threats turn into hostile acts. Individually, each of these lines of defense is insufficient; together, they help to form the policy fabric of an integrated defense-in-depth.

In 1991, I joined with Senator Sam Nunn and co-authored the Nunn-Lugar, Cooperative Threat Reduction Program. The program's goal is to address the threat posed by nuclear, chemical, and biological weapons at their source. Over the program's first decade and a half it has focused on the threats emanating from the former Soviet Union. When the USSR crumbled, it had the largest nuclear, chemical, and biological arsenals in the world. The next day, four new independent countries emerged from the ashes with nuclear weapons. The totalitarian command and control system that secured the chemical and biological weapons arsenals and infrastructure disappeared. Divisions of ballistic missiles, wings of long-range bombers, and fleets of strategic missile submarines were left with a bankrupt, dysfunctional master and numerous individuals and organizations seeking to steal them.

The Nunn-Lugar Program has made excellent progress in eliminating these threats. Ukraine, Belarus, and Kazakhstan emerged as the third, fourth and eighth largest nuclear powers in the world. Today all three are nuclear weapons free. More than 6,760 nuclear warheads, each capable of destroying an American city, have been deactivated. Nearly 2,000 intercontinental ballistic missiles fired from land-based silos, missile submarines, and bombers have been eliminated. Two-thirds of the Soviet Union's strategic bomber force and over half of its strategic submarine force have been destroyed.

The Soviet Union also left behind enormous quantities of chemical and biological weapons materials. Russia declared a chemical weapons stockpile of 40,000 metric tons stored under questionable. A public accounting of the Soviet biological weapons programs has never been made, but it is believed to be the largest and most advanced in the world. Tens of thousands of scientists, engineers, and technicians had assisted in the development of the Soviet Union's weapons of mass destruction. With the economies of Russia and other republics in bad shape, many of these experts faced unemployment, and concerns existed that they might have an incentive to sell their skills to other countries and terrorist organizations. In each of these cases, Nunn-Lugar has responded with innovative dismantlement strategy for the chemical weapons stocks, elimination of biological weapons production capacity and security upgrades for pathogen collections, and partnering with the private sector to find long-term, peaceful employment for former weapons experts.

Nunn-Lugar has also taken on formerly top-secret missions to remove dangerous weapons and materials before they could fall into the wrong hands. In November 1994, the United States launched Project Sapphire to remove 600 kilograms of highly enriched uranium from Kazakhstan and ship it to Oak Ridge, TN. More recently, Operation Auburn Endeavor was carried out in Georgia to remove HEU and transport it to Scotland. In Moldova, the United States removed fourteen MIG–29s capable of launching nuclear weapons because of efforts by a number of rogue states to acquire them.

Despite the progress we made in the former Soviet Union, the skills and capabilities of the Nunn-Lugar Program were confined to that geographical region. In 2004, Congress changed that by approving the Nunn-Lugar Expansion Act which authorized the use of up to $50 million in Nunn-Lugar funds for activities outside the former Soviet Union. This authority will be used for the first time in Albania to destroy nearly 16 tons of chemical weapons and consideration is being given for the program to work in Libya and countries in Southeast Asia.

Earlier this year, I joined with Senator BARACK OBAMA to introduce legislation focused on improving the capabilities of other nations to detect and interdict weapons and materials of mass destruction and bolstering, expanding, and improving the second line of defense. The United States military and intelligence services cannot be everywhere. We need the cooperation and vigilance of like-minded nations if we are to successfully detect and interdict WMD threats before they can be used against their targets. The United States has constructed the Proliferation Security Initiative, which enlisted the participation of other nations in the interdiction of WMD, but it lacks a coordinated effort to improve the capabilities of our foreign partners so that they can play a larger and more effective role.

The Lugar-Obama bill earmarks 25 percent of the Nonproliferation, Antiterrorism, Demining, and Related Programs account to address the shortcomings in the State Department's response. If currently law, this would have amounted to $110 million this year. Our bill goes one step further by calling on the State Department to also commit 25 percent of annual foreign military financing amounts to nations for the purchase of equipment to improve their ability to detect and interdict WMD. This would represent a potent but flexible tool that could help build a network of WMD detection and interdiction capabilities world wide and contribute to U.S. national security.

Senator OBAMA and I recently wrote in the Washington Post that the United States cannot stop the proliferation of weapons of mass destruction alone. We need the vigilance of like-minded nations, but many of our potential partners lack the capability to detect hidden weapons and interdict shipments. We believe our legislation will address this gap.

If weapons or materials of mass destruction elude U.S. programmatic efforts at the source, at international borders, and our own borders, the next line of defense must take the form of help to local "first responders"—the firemen, police, emergency management teams, and medical personnel who will be on the front lines.

In 1996, I joined my colleagues Sam Nunn and PETE DOMENICI in offering the Nunn-Lugar-Domenici "Defense Against Weapons of Mass Destruction" legislation. For the first time, it directed the professionals from the Department of Defense, Department of Energy, Federal Bureau of Investigation, Department of Health and Human Services, the Federal Emergency Management Agency, and the Environmental Protection Agency to join into a partnership with local emergency professionals in cities across the country, including Indianapolis and Fort Wayne.

The Pentagon developed plans to supply training and equipment to 120 cities across the country. In February 1998, the Nunn-Lugar-Domenici Domestic Preparedness Program visited Indianapolis and Marion County. Six hundred fifty first responders received training to respond to nuclear, chemical and biological incidents. In the years that followed, thousands of additional professionals received instruction through the program's train-the-trainer program. In 2000, Fort Wayne and Allen County received similar training under the Nunn-Lugar-Domenici Program.

The training proved its worth when Indianapolis was confronted with the threat of weapons of mass destruction. Planned Parenthood clinics in Indianapolis and New Albany and at St. Mathews Catholic Church and elsewhere received anthrax threats. We were relieved that the threats were determined to be false but proud to see the professional manner in which the city's first responders reacted to the threat and treated the potential victims.

Over the last 15 years, I have worked closely with both Bush administrations and President Clinton to safeguard the American people from the threats associated with weapons of mass destruction. We still have much work to do, but the certification of the Indiana WMD-CST makes the people of Indiana safer. I am thankful that in the event of a WMD incident, the people of Indiana will not be alone. Local first responders and the WMD–CST will be there to provide assistance and expertise.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4096. An act to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

H.R. 4388. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

H.R. 4440. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4769. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, the personnel report for personnel employed in the White House Office the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on the Budget.

EC–4770. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extraordinary Contractual Actions" (DFARS Case 2003–D048) received on November 28, 2005; to the Committee on Armed Services.

EC–4771. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Subcontracting Policies and Procedures" (DFARS Case 2003–D025) received on November 28, 2005; to the Committee on Armed Services.

EC–4772. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Update of Clauses for Telecommunications Services" (DFARS Case 2003–D053) received on November 28, 2005; to the Committee on Armed Services.

EC–4773. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition of Telecommunications Services" (DFARS Case 2003–D055) received on November 28, 2005; to the Committee on Armed Services.

EC–4774. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Administration" (DFARS Case 2003–D023) received on November 28, 2005; to the Committee on Armed Services.

EC–4775. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Information Technology Equipment—Screening of Government Inventory" (DFARS Case 2003–D054) received on November 28, 2005; to the Committee on Armed Services.

EC–4776. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contract Modifications" (DFARS Case 2003–D024) received on November 28, 2005; to the Committee on Armed Services.

EC–4777. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4778. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary, received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4779. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4780. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4781. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; General and Plastic Surgery Devices; Classification of the Low Energy Ultrasound Wound Cleaner" (Docket No. 2005P–0366) received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4782. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Federal Enforcement in Group and Individual Health Insurance Markets" (RIN0938–AN35) received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4783. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospice Care Amendments" (RIN0938–AJ36) received on November 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4784. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Electronic Submission of Medicare Claims" (RIN0938–AM22) received on November 28, 2005; to the Committee on Finance.

EC–4785. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Buy American Act Report covering fiscal year 2004; to the Committee on Finance.

EC–4786. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—December 2005" (Rev. Rul. 2005–77) received on November 28, 2005; to the Committee on Finance.

EC–4787. A communication from the Unit Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Reduction of Penalty for Understating Tax by Adequate Disclosure of an Item on Return" (Rev. Proc. 2005–75) received on November 28, 2005; to the Committee on Finance.

EC–4788. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Market Segment Specialization Paper: Audit Technique Guide—Retail Industry" received on November 28, 2005; to the Committee on Finance.

EC–4789. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Travel Management; Designated Routes and Areas for Motor Vehicle Use; Final" (RIN0596–AC11) received on November 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4790. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tralkoxydim; Pesticide Tolerance" (FRL7722–6) received on November 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4791. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report regarding the future of Rocky Flats National Wildlife Refuge; to the Committee on Energy and Natural Resources.

EC–4792. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Report to Congress on Energy Savings Performance Contracts"; to the Committee on Energy and Natural Resources.

EC–4793. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, the Buy American Act Report for fiscal year 2004; to the Committee on Energy and Natural Resources.

EC–4794. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Review 2004"; to the Committee on Energy and Natural Resources.

EC–4795. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting pursuant to law, the report of a rule entitled "Application Procedures, Execution and Filing of Forms: Correction of State Office Address for Filings and Recordings, Proper Offices for Recording of Mining Claims" (RIN1004–AD77) received on November 28, 2005; to the Committee on Energy and Natural Resources.

EC–4796. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law the report of a rule entitled "North Dakota Regulatory Program" (ND–048–FOR) received on November 28, 2005; to the Committee on Energy and Natural Resources.

EC–4797. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law the report of a rule entitled "Illinois Regulatory Program" (IL–103–FOR) received on November 28, 2005; to the Committee on Energy and Natural Resources.

EC–4798. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law the report of a rule entitled "Alaska Regulatory Program" (AK–006–FOR) received on November 28, 2005; to the Committee on Energy and Natural Resources.

EC–4799. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Cuban Emigration Policies"; to the Committee on Foreign Relations.

EC–4800. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Taiwan and Israel; to the Committee on Foreign Relations.

EC–4801. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to France, Austria, Germany, Italy, Spain, and the United Kingdom; to the Committee on Foreign Relations.

EC–4802. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05–277–05–290); to the Committee on Foreign Relations.

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations and the nominations were placed on the Executive Calendar:

Michael Joseph Copps, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2005.

Deborah Taylor Tate, of Tennessee, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2007.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Florida:

S. 2084. A bill to direct the Consumer Product Safety Commission to issue regulations concerning the safety and labeling of portable generators; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 2085. A bill to provide a supplemental payment to assist agricultural producers in mitigating increasing input costs, including energy and fertilizer costs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG (for himself and Mr. SMITH):

S. 2086. A bill to amend the Internal Revenue Code of 1986 to modify the definition of compensation for purposes of determining the limits on contributions to individual retirement accounts and annuities, and for other purposes; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2087. A bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD (for himself and Mr. ENZI):

S. 2088. A bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2089. A bill to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN:

S. 2090. A bill for the relief of Ibrahim Parlak; to the Committee on the Judiciary.

By Mr. JOHNSON:

S. 2091. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs.

By Mr. BAUCUS:

S. 2092. A bill to amend the Internal Revenue Code of 1986 to authorize review by the Joint Committee on Tax of Federal income tax returns of United States Supreme Court nominees, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2093. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes; considered and passed.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2094. A bill to reauthorize certain provisions relating to Indian tribal justice systems; considered and passed.

By Mr. BIDEN:

S. 2095. A bill to ensure payment of United States assessments for United Nations peacekeeping operations in 2005 and 2006; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 716

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 716, a bill to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes.

S. 737

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 737, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1100

At the request of Mr. BUNNING, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1100, a bill to amend the Internal Revenue Code of 1986 to provide capital gains treatment for certain self-created musical works.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1538, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1733

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1733, a bill to establish pilot projects under the medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 1791

At the request of Mr. SMITH, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1801

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1801, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1841

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Washington (Ms. CANTWELL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Maryland (Ms. MIKULSKI) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1881

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

S. 1952

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1952, a bill to provide grants for rural health information technology development activities.

S. 1991

At the request of Mr. BURR, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1991, a bill to amend title 38, United States Code, to establish a financial assistance program to facilitate the provision of supportive services for very low-income veteran families in permanent housing, and for other purposes.

S. 2075

At the request of Mr. DURBIN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Arkansas (Mr. PRYOR), the Senator from Nevada (Mr. REID), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2075, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 2076

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2076, a bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers.

S. 2082

At the request of Mr. SUNUNU, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2082, a bill to amend the USA PATRIOT ACT to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006.

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. OBAMA), the Senator from Massachusetts (Mr. KERRY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2082, supra.

S.J. RES. 22

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S.J. Res. 22, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. CON. RES. 64

At the request of Mr. CRAIG, his name was added as a cosponsor of S. Con. Res. 64, a concurrent resolution expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers.

S. RES. 180

At the request of Mr. SCHUMER, the names of the Senator from Nevada (Mr. REID) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida:

S. 2084. A bill to direct the Consumer Product Safety Commission to issue regulations concerning the safety and labeling of portable generators; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President over the last several years, hundreds of Americans have died from the poisonous carbon monoxide emitted from portable gas generators. Congress needs to step in and act quickly to stop these needless deaths. That is why today I am introducing the Portable Generator Safety Act.

As most of us know, portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that give off poisonous carbon monoxide gas in their exhaust.

Every hurricane season, news stories come from Florida and elsewhere about people injured or killed by poisoning caused by portable gas generators. From 1998 to 2003, the most recent year of official statistics, at least 228 carbon monoxide poisoning deaths were reported to the U.S. Consumer Product Safety Commission. At least one person was killed and seven were hospitalized near Miami, FL, this fall after being overcome by carbon monoxide fumes. And over the last two hurricane seasons in Florida, at least twelve people died from poisoning caused by poorly ventilated portable generators. These people died because portable generators are not manufactured to automatically cut off when high carbon monoxide rates are reached and because many manufacturers fail to place adequate warning labels on generators.

Here is what is especially troubling about these senseless deaths: The Consumer Product Safety Commission has known for years that people were dying from carbon monoxide poisoning at an increasingly alarming rate. In study after study, the Commission has recognized the high death rate from portable generators, and Commission staff has found that portable generator warning labels are often inconsistent, vague, and incomplete. Yet the Commission has continued to let the generator industry police itself—without any mandatory Federal safety standards.

Enough is enough. Industry self-regulation—which works in some settings—clearly is not working here. Congress must now step in and do its part to eliminate these tragic and avoidable deaths.

My bill—the Portable Generator Safety Act—takes some simple, commonsense steps. The bill requires the Consumer Product Safety Commission to pass tough Federal regulations within 180 days of the passage of the bill. The new regulations would have three components.

First, every portable generator must have a sensor that automatically shuts off the generator before lethal levels of carbon monoxide are reached. Other products, such as portable heaters, already contain these types of sensors, which save lives.

Second, every portable generator must have clearly written warning labels on the packaging and on the generator itself. These labels must include a pictogram that visually depicts the safety hazard from carbon monoxide. What I am talking about here is labels that are easy to read and can quickly be understood by people who are desperate for power in emergency circumstances.

Third, every instruction manual that accompanies a portable generator must clearly explain the safety hazards associated with operating the generator.

How many more innocent people must needlessly die before we require the Consumer Product Safety Commission and the portable generator industry to take some sensible, pro-consumer steps? It is my goal that after the next hurricane season, we will not be back here asking these same questions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Portable Generator Safety Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that emit carbon monoxide gas in their exhaust.

(2) In the last several years, hundreds of people nationwide have been seriously injured or killed due to exposure to carbon monoxide poisoning from portable generators. From 1990 through 2003, 228 carbon monoxide poisoning deaths were reported to the Consumer Product Safety Commission.

(3) Virtually all of the serious injuries and deaths due to carbon monoxide from portable generators were preventable. In many instances, consumers simply were unaware of the hazards posed by carbon monoxide.

(4) Since at least 1997, a priority of the Consumer Product Safety Commission has been to reduce injuries and deaths resulting from carbon monoxide poisoning. Although the Commission has attempted to work with industry to devise voluntary standards for portable generators, and despite Commission staff statements that voluntary standards were ineffective, the Commission has not promulgated mandatory rules governing safety standards and labeling requirements.

(5) The issuance of mandatory safety standards and labeling requirements to warn consumers of the dangers associated with portable generator carbon monoxide would reduce the risk of injury or death.

SEC. 3. SAFETY STANDARD.

Not later than 180 days after the enactment of this Act, the Consumer Product Safety Commission shall promulgate regulations, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), requiring, at a minimum, that every portable generator sold to the public for purposes other than resale shall be equipped with an interlock safety device that detects the level of carbon monoxide in the areas surrounding such portable generator and automatically turns off power to the portable generator before the level of carbon monoxide is capable of causing serious bodily injury or death to people.

SEC. 4. LABELING AND INSTRUCTION REQUIREMENTS.

Not later than 180 days after the enactment of this Act, the Consumer Product Safety Commission shall promulgate regulations, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), requiring, at a minimum, the following:

(1) WARNING LABELS.—Each portable generator sold to the public for purposes other than resale shall have a large, prominently displayed warning label on the exterior packaging, if any, of the portable generator and permanently affixed on the portable generator regarding the carbon monoxide hazard posed by incorrect use of the portable generator. The warning label shall include the word "DANGER" printed in a large font, and shall include the following information, at a minimum, presented in a clear manner:

(A) Indoor use of a portable generator can kill quickly.

(B) Portable generators should be used outdoors only and away from garages and open windows.

(C) Portable generators produce carbon monoxide, a poisonous gas that people cannot see or smell.

(2) PICTOGRAM.—Each portable generator sold to the public for purposes other than resale shall have a large pictogram, affixed to the portable generator, which clearly states "POISONOUS GAS" and visually depicts the harmful effects of breathing carbon monoxide.

(3) INSTRUCTION MANUAL.—The instruction manual, if any, that accompanies any portable generator sold to the public for purposes other than resale shall include detailed, clear, and conspicuous statements that include the following elements:

(A) A warning that portable generators emit carbon monoxide, a poisonous gas that can kill people.

(B) A warning that people cannot smell, see, or taste carbon monoxide.

(C) An instruction to operate portable generators only outdoors and away from windows, garages, and air intakes.

(D) An instruction to never operate portable generators inside homes, garages, sheds, or other semi-enclosed spaces, even if a person runs a fan or opens doors and windows.

(E) A warning that if a person begins to feel sick, dizzy, or weak while using a portable generator, that person should shut off the portable generator, get to fresh air immediately, and consult a doctor.

By Mr. LAUTENBERG (for himself and Mr. SMITH):

S. 2086. A bill to amend the Internal Revenue code of 1986 to modify the definition of compensation for purposes of determining the limits on contributions to individual retirement accounts and annuities, and for other purposes; to the Committee on Finance.

Mr. LAUTENBERG. Mr. President, today I am joined by Senator SMITH in introducing the IRA Equity Act of 2005, which would allow the disabled and those who temporarily leave the workforce to continue to save for their retirement.

We should be encouraging responsible behavior. When those whose income is slashed because they become disabled—or because they take time off to care for a child, volunteer for a good cause, or go to school—want to continue to save for retirement, that is commendable, it is responsible, and we ought to do everything we can to make it easier.

Yet today, people who are injured and have their income replaced by workers' compensation or Social Security disability suddenly are no longer able to contribute to their IRAs. That's because under current law, income contributed to IRAs must be "compensation," or earned through work. Under the current rules, disability income doesn't qualify.

We know that those who become disabled will still need to support themselves in their old age; we know that they may even need to spend more because of their disability; and we know that because of their disability, they have less earning power and that makes it harder to save. So why in the world would we further penalize them for being disabled by taking away one of the most effective savings tools they have? It just doesn't make any sense.

My legislation would fix this problem by allowing wage replacement income, including Social Security disability and workers' compensation, to be contributed to IRAs. Additionally, my legislation would permit those who take up to two years away from the workforce to contribute earnings from prior years to their IRAs so that they can continue to save. Federal law should not force people to break good savings habits.

In the name of fairness and retirement security, I urge my colleagues to support this common-sense legislation.

By Mr. CHAMBLISS:

S. 2087. A bill to amend the Immigration and Nationality Act to provide for the employment of foreign agricultural workers, and for other purposes; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, I rise to introduce the Agricultural Employment and Workforce Protection Act. My home State of Georgia is one of the most diversified agricultural producing States east of the Mississippi. The livelihood of many of my constituents and many Americans across the country depends on the quality of the crop, the bounty of the harvest, and the health of the livestock.

In drafting this legislation I am introducing today, I was guided by four principles:

1. Prevention—if we do not stem the tide of illegal immigrants coming into our country then there is no point in Congress attempting to have a positive impact on our immigration policy. Strict enforcement of our immigration laws is essential and we should demand no less.

2. Protection—the United States has always been a welcoming country to immigrants, and many non-immigrants are admitted for temporary periods to perform necessary jobs—particularly in the field of agriculture—that employers cannot fill. However, any temporary worker program must provide adequate protections for American jobs. Employers should not view alien workers as a way to get cheaper labor—it is not fair to Americans willing to work hard and looking for a well-paying job and it is not fair to the aliens who are exploited by working for sub-standard wages.

3. Accountability—if Congress, through reform legislation, provides employers with an avenue to obtain legal temporary workers, there should be no tolerance for employers who hire illegal aliens. We all know that many illegal immigrants come to the United States seeking employment. Employers who flaunt the rule of law by hiring illegally are hampering our efforts to secure the border by providing incentives for people to illegally come to the United States, and they must be held accountable.

4. Compassion—We are a Nation of immigrants and immigrants have made many wonderful contributions to our country—not the least of which is helping ensure there is a stable supply of food in the grocery stores for all Americans. We need to ensure that those workers who come to the United States on a temporary basis to perform agricultural work are not exploited and are treated with fairness and respect. The best way to show compassion for illegal immigrants is to stop illegal immigration.

I know the Senate is planning to take up debate on comprehensive immigration reform early next year, and I think it is important that we engage in this discussion. The purpose of my legislation is to ensure that reform for the agricultural community is included in whatever reforms Congress considers. The agricultural sector of our economy has been historically plagued by illegal immigration. We already have an avenue for agricultural employers to obtain legal temporary workers—the H–2A program. However, many agricultural employers do not use the program because its bureaucracy is difficult to navigate, it is costly, and it is litigious. In addition, it excludes certain occupations from agriculture. My legislation provides needed reforms to the H–2A program, provides for the creation of a temporary blue card program, establishes an H–2AA worker program for cross-border commuter workers, and, above all, provides for increased border security.

First, it mandates that the Department of Homeland Security establish and present to Congress a comprehensive plan for increased border security and stricter enforcement of our Nation's immigration laws, including detailed strategies, timelines, and estimated costs. Until such time the Secretary presents and Congress approves the plan, some interim measures would apply.

Second, the legislation streamlines and modernizes the H–2A program. H–2A is not a new guestworker program. It has been around for many years, but underutilized because of its high costs, red tape, and risks of drawn out litigation. To increase the use of the program, the bill expands the definition of "agriculture" to include industries that have been excluded from use of the program previously—industries such as poultry, seafood, and meat processors, landscapers, and reforestation contractors. The bill also bases the definition "temporary" on the duration a worker is allowed to be in the United States rather than tying it to seasonality. Some agricultural occupations, like poultry producers and dairy producers, do not follow seasons but require workers year round. If these employers in occupations previously excluded from the H–2A program were offered a viable alternative to an illegal workforce, I have no doubt they would seize it.

Third, my legislation creates a cross-border commuter worker program, called the H–2AA program. This program is modeled after the H–2A program, but recognizes that many farms located close to the Canadian and Mexican borders seek to employ workers who prefer to live in their home countries and simply come to the U.S. each day. The H–2AA program exempts farmers who employ these H–2AA workers from the housing and transportation requirements of the H–2A program, and requires those who use it to enter and exit the United States each day. It allows these agricultural operations to attract workers who live close to the borders but do not desire to move to the United States.

Finally, my legislation establishes a blue card program. This is a temporary program that provides for the transition of employees who are currently here in an undocumented status filling needed jobs. To qualify for a blue card, aliens must have worked at least 1600 hours in agriculture in 2005, have never been convicted or a felony or a misdemeanor in the United States, and must have a petition filed on their behalf by their employer. Only after a background check is conducted by the Department of Homeland Security would these blue card workers be allowed to work in the United States for a period of 24 months before they must return to their home country. The blue card allows employers who are currently utilizing an illegal workforce to transition their workforce into a legal one by having their employees leave the country and return on the legal H–2A temporary worker program without experiencing a complete work stoppage. There is no amnesty with the blue card program—all workers must return to their home country.

The underlying premise of any guestworker program and explicitly provided for in my proposed legislation is that United States employers should not be allowed to utilize a guestworker program unless and until they have actively recruited American workers and are unable to find enough to fill needed jobs. We don't want to stifle American businesses but more importantly we don't want to disadvantage American workers.

I hope my colleagues will join me in supporting practical needed reforms for the agricultural community and I look forward to the time early next year in which this vital issue will be debated here in the United States Senate.

By Mr. ALLARD (for himself and Mr. ENZI):

S. 2088. A bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise to introduce the Hurricane Katrina Recovery Homesteading Act of 2005. Modeled on the United States' 19th century homesteading initiatives and similar urban programs in the 1970s, this legislation will help us begin to rebuild the Gulf Coast areas destroyed by the hurricane and flooding, providing a fresh start for families victimized by this tragedy.

The new urban homesteading proposal will serve several purposes. First, it is an initial step towards rebuilding and revitalizing the hurricane ravaged Gulf Coast. While we have spent recent months appropriately focusing on rescue and clean up, we must now examine the long term need to rebuild and revitalize.

Second, the new urban homestead initiative will be one way to begin to address the housing needs of those displaced by Hurricane Katrina. But I want to make it clear that this program is not being introduced as the sole answer to all of the housing problems faced by hurricane victims. Getting all of those individuals back on their feet will require multiple efforts on a significant scale. This is one component of a comprehensive response to the housing needs of the Gulf Coast region. I believe the initiative is a very good start.

Third, the Hurricane Katrina Recovery Homesteading Act is a productive way of dealing with government owned properties. Through the Federal Housing Administration (FHA), Veterans' Administration (VA), and other programs, the Federal Government holds title to thousands of properties in the Gulf Coast region. Vacant government owned properties have the potential to be a blight on their neighborhoods, diminishing property values and acting as a magnet for crime and vandalism. Following Hurricane Katrina, vacant properties can also present health and safety dangers. Unless the properties are rebuilt and have families living in them, they will likely be a significant drag on the efforts to rebuild the region. The homesteading initiative will address the health and safety concerns and further the revitalization effort while putting the property to productive use.

I would like to briefly describe how the initiative will work. I am pleased that it is based on a Federal-local partnership, as well as a partnership between government, non-profits, and the private-sector. HUD will identify potential government owned property for transfer without cost to units of local government. The local government would establish an equitable procedure for selecting low income families affected by the hurricane for participation. HUD and the local government would work with partners, such as Habitat for Humanity, mortgage lenders, and others, to help the new urban homesteaders find resources to construct their new homes.

Participating families must agree to occupy the property for five years as their principal residence, to bring the property up to health and safety codes within one year, and to build a house to applicable code standards within three years. They must also agree to periodic compliance inspections. In exchange, the family would receive title to the property.

I would like to thank President Bush, Department of Housing and Urban Development Secretary Alphonso Jackson, and House sponsor Representative JINDAL for working with me on this effort. I look forward to continuing to work with them, along with the rest of my colleagues, to enact the Hurricane Katrina Recovery Homesteading Act of 2005.

By Mr. BAUCUS:

S. 2092. A bill to amend the Internal Revenue Code of 1986 to authorize review by the Joint Committee on Tax of Federal income tax returns of United States Supreme Court nominees, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. The Greek philosopher Plato warned, "where there is an income tax, the just man will pay more, and the unjust man will pay less on the same amount of income." This phrase is telling.

The way people fill out their tax returns is an important window into their private ethical conduct. And it is a good barometer of their integrity, character, and suitability for office. Paying one's fair share of the tax burden is one of an American's most important patriotic duties. Americans from all walks of life pay their taxes out of obligation and fidelity to their country. Isn't it fair to know whether individuals who have been nominated for lifetime positions to the highest court in the land have faithfully paid their taxes?

The legislation that I introduce today, The Supreme Court Tax Accountability Act of 2005, would require that nominees to the Supreme Court—including Judge Samuel Alito—provide 3 years of tax returns for an independent review to ensure compliance with the law. Specifically, the legislation would require the nonpartisan Joint Committee on Taxation to review a Supreme Court nominee's returns and report on the nominee's tax compliance to the Judiciary and Finance Committees. The bill does not extend the power to inspect tax returns to any persons who do not currently have such authority. And the bill ensures that private taxpayer information is not shared unscrupulously. Certainly, these returns would not be released to the public.

This approach has precedent. Thirty years ago, Supreme Court Justice William O. Douglas retired from the bench. Within days, President Ford nominated John Paul Stevens for the vacancy. The President hoped that the nomination of a moderate who had been given the American Bar Association's highest rating would help restore confidence in government in the wake of the Watergate scandals. As the confirmation hearings drew near, six members of the Senate Judiciary Committee wrote Chairman Eastland requesting "the most thorough practicable investigation of the nominee." The Senators' letter requested full disclosure of Stevens' personal health and finances, including a complete and thorough review of his Federal and state tax returns. Stevens promptly complied.

When the full Senate took up the nomination, Chairman Eastland urged the confirmation of Stevens saying, "his personal integrity, as reflected in his financial statements and income tax returns, is of the highest order." The Senate confirmed Stevens by a vote of 98 to 0 and he took the oath of office 2 days later at the age of 55.

Washington is now under a similar ethical cloud. But the White House has resisted my efforts to have the Joint Committee on Taxation review the tax returns of Chief Justice John Roberts, Ms. Harriet Miers, and Judge Samuel Alito. The administration's decision to put its Supreme Court nominees' tax returns off limits is consistent with its penchant for secrecy.

Its refusal to heed this most basic document request, however, is a barrier to the rigorous due diligence process required for prospective Government officials that come before the Senate Committee on Finance. All nominees, from Cabinet secretaries to Tax Court judges, have their tax returns scrutinized. On more than one occasion, the Finance Committee has admonished the administration for failing to do a better job of determining a candidate's compliance with the tax laws. In some cases, tax issues have contributed to the withdrawal of nominees who were before the Senate.

Despite these warnings and withdrawals, the administration still doesn't do a particularly good job of catching nominees' tax problems. Therefore, it is vital to the constitutional process of advice and consent for the Senate to have the information necessary to ensure fitness to serve. The Senate must not rely on the executive branch to provide oversight.

Finally, I am introducing this bill today to apply to all nominees—those nominated by Democratic Presidents and Republican Presidents. Careful oversight of nominees to the highest Court in the land should not be a partisan issue. It was Ronald Reagan who famously said, "trust, but verify." This bill aims to embody President Reagan's maxim. Trust in government is an issue that Republicans, Democrats, and Independents value.

The noted Supreme Court justice Louis Brandeis said that "secrecy necessarily breeds suspicion." The American people have a right to know that public officials—particularly those appointed for life—have faithfully and fully paid their taxes. Blocking Congressional access to Supreme Court nominees' returns creates questions that can breed public distrust in government. Providing access to those returns can help to provide the transparency and trust Americans deserve in the Supreme Court nomination process. I look forward to working with my colleagues to get this bill enacted.

By Mr. BIDEN:

S. 2095. A bill to ensure payment of United States assessments for United Nations peacekeeping operations in 2005 and 2006; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce legislation to ensure that the United States does create new arrears at the United Nations. At a time when our Government is seeking important reforms at the United Nations, it would be a mistake for us to fall short on our dues at the U.N. But unless Congress acts promptly, that is what we are about to do.

Here's why.

In 1994, Congress passed a law limiting U.S. payments for U.N. peacekeeping at 25 percent after 1995. At the time, the United States was assessed by the U.N. at a rate of about 31 percent for peacekeeping. Thus, the United States incurred arrears because of the 25 percent limitation—that is, the gap between the 25 percent and 31 percent.

In 1999, Congress approved the Helms-Biden law. It authorized the repayment of U.S. arrears to the U.N. conditioned on certain reforms in the U.N. system. One of those reforms was a negotiated reduction in the United Nations of the U.S. peacekeeping rate down to 25 percent. Through negotiations in 2000, U.S. Ambassador Holbrooke succeeded in reducing the U.S. assessments for peacekeeping to just over 27 percent.

In 2001, Congress amended the Helms-Biden law to allow the arrears payments to be provided to the U.N. at the higher rate—27 percent—that Ambassador Holbrooke negotiated. But the original 1994 law limiting our payments to 25 percent was never repealed.

In the past few years, Congress has amended the 1994 law on a temporary basis by raising the 25 percent limitation to conform it to the rate negotiated by Ambassador Holbrooke. That temporary change in law lasted through fiscal year 2005. But it has now expired.

Therefore, the law today is this: the United States may not pay more than 25 percent for peacekeeping—even though the United Nations assesses the United States at the rate of roughly 27 percent. In the coming weeks, we are scheduled to pay a bill of about $344 million that has come due since October 1. Under U.S. law, we will only be able to pay about $319 million, leaving a shortfall of about $25 million. At a time when our diplomats are in the final stages of negotiating important reforms in the U.N. system, it would be a mistake unilaterally to withhold payments to the U.N. Rather than encourage reform, it may cause an adverse reaction by other nation and undermine our reform agenda.

Earlier this year, the Bush administration recognized this coming train wreck. On March 1, the Department of State transmitted to Congress its official request for the Foreign Relations Authorization Act for fiscal year 2006 and 2007. Section 401 of that legislation would amend current law and raise the limitation on U.S. payments to 27.1 percent through calendar year 2007. The summary of the request said as follows: "Without further relief, the U.N. peacekeeping cap would revert to 25% and the United States would go into arrears. The proposed section would . . . enable the United States to pay U.N. assessments at the rate assessed by the U.N. up to a rate of 27.1% . . . [t]his would allow the United States to pay its peacekeeping assessment in full, including funding for a new peace support operation in Sudan . . ."

Since then, however, the administration has done little to secure enactment of this provision. On December 1, 2005, the Secretary of State requested by letter to the chairman of the Committee on Appropriations several "critical legislative proposals that are of a time sensitive nature and warrant enactment prior to the Congress' adjournment in mid-October." The request contains four provisions but does not include the provision required to assure full payment of U.N. peacekeeping assessments.

Mr. President, I realize that the Congress has a lot on its agenda in the final days of the first session. But we have a responsibility to ensure payment of our obligations to the United Nations—and to ensure that we do not undermine the negotiations on U.N. reform now underway.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 13, 2005, at 10:15 a.m., in executive session, to consider the nomination of J. Dorrance Smith to be Assistant Secretary of Defense for Public Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, December 13, 2005, at 10:30 a.m., on the nominations of Deborah Taylor Tate and Michael Joseph Copps to be Federal Communications Commissioners.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, I have a unanimous consent request, which I would like to make for Senator BAUCUS, that the following fellows and interns be granted floor privileges during the duration of the debate on this measure, Jonathan Coleman, Andreas Datsopoulos, and Holly Luck.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1932

Mr. FRIST. Mr. President, I ask unanimous consent that on Wednesday, following morning business, the Chair lay before the Senate a message from the House to accompany S. 1932, the deficit reduction bill. I further ask consent that the Senate disagree to the amendment of the House, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate with the ratio of 11 to 9; provided further that before the Chair appoints conferees, the following motions to instruct be the only motions in order and that they be considered under the following limitations: Kennedy, higher education, 60 minutes equally divided;

Baucus, Medicaid, 5 minutes equally divided; DeWine, trade, 60 minutes equally divided; Kohl, child support enforcement, 60 minutes equally divided; Carper, TANF, 5 minutes equally divided; Harkin, food stamps, 5 minutes equally divided; and Reed, LIHEAP, 60 minutes equally divided.

I further ask consent that no amendments be in order to the motions and the only debate in order under the statute other than debate on the motions be 30 minutes equally divided for general debate, divided between the chairman and ranking member; further, that all motions be debated on Tuesday and Wednesday and that the vote occur in relation to the motions in the stacked sequence at a time determined by the majority leader after consultation with the Democratic leader; finally, that any votes which do not occur prior to 1 p.m. on Wednesday be stacked to occur beginning at 3:30 on Thursday, December 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4340, the Bahrain Free Trade Agreement. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4340) to implement the United States-Bahrain Free Trade Agreement.

There being no objection, the Senate proceed to consider the bill.

Mr. FRIST. Mr. President, the Bahrain free-trade agreement is a very important agreement that reflects in this post-9/11 environment the recommendation that had been made in terms of facilitating trade to nations such as Bahrain. I am delighted we were able to both debate it earlier today and ultimately pass this important free-trade agreement.

Mr. REID. Mr. President, I reluctantly oppose the legislation implementing the U.S.-Bahrain Free Trade Agreement. I have nothing against expanded trade with Bahrain, and I know that there is plenty in this FTA that is appealing to the U.S. business community. However, this agreement is another example of the misplaced priorities in the Bush administration's flawed trade policy, which can best be described as a policy of "fiddling while Rome is burning."

If you were to ask Americans to list their top trade priorities, I think they would suggest the following: dealing with the enormous trade deficit, on pace to exceed $700 billion this year; addressing the rise of China; meeting the challenges of outsourcing and globalization; enforcing our existing agreements and rules for fair trade; and perhaps global negotiations in the World Trade Organization. A trade agreement with Bahrain would be nowhere near the top of the list; it probably would not even be on the list at all.

Yet, here we are, with the Bahrain FTA as the big trade item to close out the year. The U.S. has a trade deficit with China that is on pace to exceed $200 billion this year—more than a quarter of the entire U.S. trade deficit. Last year, China passed the U.S. as the largest exporter of high-tech information technology and communications products. There is no doubt that the rise of China presents an extraordinary challenge to the United States. Yet, the Bush administration has essentially no policy dealing with China's currency manipulation and the accompanying U.S. indebtedness to the government of China, rampant piracy of U.S. intellectual property, WTO violations, forced technology transfer requirements, and industrial policy in areas critical to the U.S. like semiconductors and automobiles.

Instead, we have the Bahrain FTA, which involves .03 percent of total U.S. trade.

The Bush administration has proposed no policies in the face of outsourcing and the revolution of globalization to ensure that America keeps good-paying jobs and remains the most competitive economy in the world. They basically say, "Don't Worry, Be Happy."

Instead, the U.S. uses the scarce resources of the U.S. Trade Representative to negotiate an FTA with Bahrain, which has an economy one-tenth-of-one percent the size of the U.S. economy.

When it comes to enforcing our current agreements, the Bush administration has been asleep at the wheel. While the Clinton administration brought on average 11 WTO cases per year to knock down foreign barriers to U.S. exports, the Bush administration has filed fewer than three cases per year.

Instead, they have focused their energies on negotiating an FTA which is so small that the independent ITC has stated, "the effect of the FTA on total U.S. exports is likely to be minimal."

Meanwhile, the WTO negotiations have delayed and floundered. Ironic may not be the right word, but it is a fitting testament to this administration's skewed priorities that Senators are stuck in Washington debating the Bahrain FTA this week, and so were not able to travel to Hong Kong to provide oversight on the WTO negotiations—which could have an impact thousands of times larger than a trade agreement with Bahrain.

Looking at the merits of the Bahrain FTA in isolation, let me note that I applaud the Government of Bahrain. It has been a good U.S. ally and is an important moderate Arab and Islamic country. I wish the people of Bahrain well and hope that the U.S. and Bahrain will continue to enjoy good relations, including trading relations. I also note that there are many good provisions in this agreement to ensure protection for U.S. intellectual property rights, to prevent expropriations of U.S. investments, to reduce barriers to U.S. exports, and to expand the access of U.S. service providers to Bahrain's market.

It is regrettable, though, that the Bush administration followed its flawed model in this FTA. In short, the interests of the business community are taken care of, but the interests of the average American are not. I certainly understand that many of the businesses that care about these FTAs make important contributions to the U.S. economy and are a critical source of employment, exports, and innovation. I value those contributions and think for the most part the chapters and provisions of the FTA important to the U.S. business community make sense. What I do have a problem with, however, is the fact that our trade agreements provide short shrift to areas of interest to human beings, including workers' rights and environmental protection.

When it comes to transparency in government regulation, telecommunications regulation, financial services regulation, other services regulation, and e-commerce, we include provisions that force our trading partners to change their laws. When it comes to protection for intellectual property rights, our trade agreements have provisions that force our trading partners to adopt some of the highest levels of IP protection in the world. In each case, if a country violates the rules in the FTA, it is subject to trade sanctions.

Yet, when it comes to respect for the most basic, internationally-recognized worker rights and respect for the environment, our trade agreements say, "You don't need to change your laws, just enforce whatever you have." If our trading partners violate even this weak rule, then they pay a fine; and the fine gets turned around and given right back to them. Somehow, trade sanctions imposed to vindicate the interests of business are just "tough enforcement," but trade sanctions for worker rights or the environment are "protectionism."

Worse, our FTAs would allow a country to weaken its laws related to workers' rights and the environment, and the United States would have absolutely no effective recourse. If Bahrain turns around and allows child labor, or turns around and prohibits its guest workers in export industries from joining unions, then the best the U.S. can do is seek consultations with Bahrain. This is a step back from what the Clinton administration negotiated, which would have allowed the U.S. to pursue full dispute settlement on all of the labor provisions in the FTA. It is also a step back from existing U.S. trade preferences programs, which allow the U.S. to impose sanctions on countries that are not adequately protecting basic workers rights.

What is it about worker rights and environmental protection that warrants this disparate treatment? The same people who argue that these provisions do not belong in trade agreements bemoan U.S. labor standards and environmental rules, arguing that they hurt U.S. competitiveness and add to our trade deficit. It is absurd and dishonest to say on the one hand that these rules affect competition, and then on the other that they do not belong in an agreement that is designed to set the terms of competition.

I want to take a moment to acknowledge the good work done by Democrats in the other chamber, who pushed and pushed and got Bahrain to agree to make important reforms to its labor laws to bring them into conformity with internationally-recognized standards. And, to its credit, USTR agreed to monitor Bahrain's implementation and enforcement of these changes as part of the FTA. I applaud the efforts of these congressmen. Their hard work on this and other FTAs should shame anyone who has tried to discredit their cause by calling it protectionist or xenophobic. I regret that I will not be joining them in support of this agreement, however. The bottom line is that this agreement does not contain binding, enforceable rules that treat respect for workers' rights and the environment on the same footing as respect for corporate interests, so I will oppose it.

Separately, I want to address Bahrain's boycott against Israel. For decades now, the United States has had a policy to oppose the Arab League boycott against Israel. There is an entire office in the Department of Commerce tasked with implementing this antiboycott policy. Congress has also directed USTR to "vigorously oppose" WTO admission for countries that engage in the boycott. In my view, it is an implicit corollary of this latter rule that the U.S. should not enter into bilateral trade agreements with countries that participate in the boycott.

Bahrain continues to participate in the boycott, however. To its credit, Bahrain has terminated participation in the secondary and tertiary aspects of the boycott. And, Bahrain has stated in a letter to USTR that "the Kingdom of Bahrain recognizes the need to dismantle the primary boycott of Israel and is beginning efforts to achieve that goal." That said, it is worth noting that even the primary boycott can hurt U.S. producers. The primary boycott prohibits imports with Israeli content. So. U.S. companies that use Israeli inputs could be barred from exporting a mostly U.S.-made product to Bahrain.

USTR and supporters of this agreement argue that the quoted statement constitutes a binding commitment by Bahrain to eliminate the primary boycott. I hope they are correct, but I am not so sure. First, the lower house of Bahrain's parliament—the only democratically elected body in Bahrain's national government—recently voted resoundingly to keep the boycott in place. Second, it is not as clear as I would like that the statement at issue has the character of a legal obligation rather than a statement of unilateral intent. While I hope that Bahrain has officially committed itself to eliminating the primary boycott against Israel once and for all, there is certainly no way for the U.S. to bring an enforcement action against Bahrain if it fails to do so.

I think the antiboycott policy we have had in place for decades now is the correct one. We should not be entering into trade agreements—whether bilaterally or through the WTO—with countries that enforce the boycott against Israel—primary, secondary or tertiary. It is disturbing to me that the Bush administration has been quietly moving away from this policy—here in the FTA today, as well as in its support for Saudi Arabia's WTO accession this week.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 4340) was ordered to a third reading, was read the third time, and passed.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

NOMINATIONS DISCHARGED

Mr. FRIST. As in executive session, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of the following nominations and that they be placed on the calendar: Michael Copps, PN 1051; Deborah Tate, PN 1052.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL AND NATIVE AMERICAN PUBLIC POLICY ACT OF 1992

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2093, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2093) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, today I have introduced the Native Nations Leadership, Management, and Policy Act of 2005, originally introduced as a component of the Native American Omnibus Act of 2005. I am pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Native Nations Leadership, Management, and Policy Act authorizes funding for leadership training, strategic and organizational development, and research and policy analysis to assist American Indian nations to achieve effective self-governance and sustainable economic development. This provision renews authorized funding for the Native Nations Institute programs for a period of 10 years, beginning in fiscal year 2007. Dedicated funding for NNI is necessary to ensure the continuation of these important programs without further draining funds from the Udall Foundation's other educational activities.

Mr. President, I look forward to working with my respective colleagues on both sides of the aisle to enact this legislation.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2093) was read the third time and passed, as follows:

S. 2093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIVE NATIONS LEADERSHIP, MANAGEMENT, AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) the policy of the United States favors self-determination for Indian tribes;

(2) consistent with the policy described in paragraph (1), Indian tribes are increasingly taking control of the affairs of the tribes in order to realize in practice most of the status afforded the tribes in treaties, court decisions, and legislation;

(3) as a result of the increasing control of the tribes, tribes require enhanced leadership preparation and greater access to information relating to research and analysis of successful models for tribal government and business operations, similar to the information regularly available to Federal, State, and local government agencies;

(4) enabling Indian tribes to develop strong leadership and governing policy is consistent with Federal policy supporting tribal self-determination and increases the likelihood that tribal governments will achieve political and economic self-determination; and

(5) during the last 5 years, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, in cooperation with the Native Nations Institute at the University of Arizona, pursuant to section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)), has provided to Indian tribes the leadership and management training, policy analysis, and research of the quality and type required to assist Indian tribes to achieve self-determination.

(b) DEFINITIONS.—Section 4 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) the terms 'Indian tribe' and 'tribe' have the meaning given the term 'Indian tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by striking subsection (c) and inserting the following:

"(c) TRAINING IN TRIBAL LEADERSHIP, MANAGEMENT, AND POLICY.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out section 6(7)—

"(A) $2,500,000 for the period of fiscal years 2007 and 2008;

"(B) $4,000,000 for the period of fiscal years 2009 and 2010; and

"(C) $13,500,000 for the period of fiscal years 2011 through 2016.

"(2) LIMITATIONS.—An appropriation made pursuant to this subsection shall not be subject to section 7(c).".

REAUTHORIZING CERTAIN PROVISIONS RELATING TO INDIAN TRIBAL JUSTICE SYSTEMS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2094, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2094) to reauthorize certain provisions relating to Indian tribal justice systems.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, today I have introduced the Indian Tribal Justice Systems Act of 2005, originally introduced as a component of the Native American Omnibus Act of 2005. I am pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Indian tribal justice systems amendments extends the authorization for the Indian Tribal Justice Technical and Legal Assistance Act through fiscal year 2010, and extends the Indian Tribal Justice Act for 3 more years.

Mr. President, I look forward to working with my respective colleagues on both sides of the aisle to enact this legislation.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2094) was read the third time and passed, as follows:

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDIAN TRIBAL JUSTICE.

(a) INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(1) in section 106 (25 U.S.C. 3666), by striking "for fiscal years 2000 through 2004" and inserting "for fiscal years 2004 through 2010"; and

(2) in section 201(d) (25 U.S.C. 3681(d)), by striking "for fiscal years 2000 through 2004" and inserting "for fiscal years 2004 through 2010".

(b) INDIAN TRIBAL JUSTICE SYSTEMS.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended by striking "2007" each place it appears and inserting "2010".

NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 275.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 275) designating the week of February 6, 2006 as "National Teen Dating Violence Awareness and Prevention Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 275) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 275

Whereas 1 in 3 female high school students reports being physically abused or sexually abused by a dating partner;

Whereas over 40 percent of male and female high school students surveyed had been victims of dating violence at least once;

Whereas violent relationships in adolescence can have serious ramifications for victims, who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult re-victimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern was established in adolescence;

Whereas 81 percent of parents surveyed either believed dating violence is not a problem or admitted they did not know it is a problem; and

Whereas the establishment of a "National Teen Dating Violence Awareness and Prevention Week" will benefit schools, communities, and families regardless of socio-economic status, race, or gender: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 6, 2006 as "National Teen Dating Violence Awareness and Prevention Week"; and

(2) calls on the people of the United States, especially high schools, law enforcement, local, and State officials, and interested groups to observe the week with appropriate activities that promote awareness and prevention of the crime of teen dating violence in our communities.

MEASURES PLACED ON THE CALENDAR—H.R. 4096, H.R. 4388, AND H.R. 4440

Mr. FRIST. Mr. President, I understand there are three bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills for the second time.

The legislative clerk read as follows:

A bill (H.R. 4096) to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

A bill (H.R. 4388) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

A bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

ORDERS FOR WEDNESDAY, DECEMBER 14, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Wednesday, December 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the majority leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; further, that the Senate then proceed to the consideration of motions to instruct conferees with respect to the deficit reduction bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, under the time agreement that we just entered into this evening, we have a number of motions to instruct conferees with respect to the deficit reduction bill that we will debate and vote on over the next 2 days. We will vote on three of those motions—the Baucus motion on Medicaid, the Carper TANF motion, and the Harkin food stamp motion—during tomorrow's session. These votes will start somewhere between 11:45 and noon. We will finish the remaining motions to instruct on Thursday.

Over the course of this week, we will be very busy, as I pointed out earlier this morning. We will begin voting around midday tomorrow, and in all likelihood we will be voting Thursday afternoon as well. We will be stacking votes Thursday afternoon. We will be voting on Friday and may well go into this weekend if we are unable to finish our business by late Friday. That means possibly Saturday and then maybe into next week. We have a whole slew of bills that we need to address, that we have been doing and will be doing over the next several days.

Tomorrow I will have more to say about the schedule.

IRAQ ELECTIONS

Mr. FRIST. Mr. President, elections are currently underway in Iraq. It is very exciting. The election formally in Iraq itself will be Thursday, although in the United States those Iraqi citizens are voting. They are actually voting in Tennessee at one of those distant, remote locations, remote from Iraq.

That is a powerful statement to the progress made in Iraq over the last 2½ years, that this is the third election in the last year. At the first election in January, about 8.5 million turned out; at the next election in mid-October, over 10 million people turned out; at the third election, we will have to wait and see, but it looks as though there will be record numbers of individuals voting in Iraq.

Two-and-a-half years ago, we had a country that had no representative government whatsoever and had a tyrant, Saddam Hussein, oppressing the people there. This morning, several of us had the opportunity to talk, by teleconferencing, with our Ambassador in Iraq, as well as General Casey. They did review with us a number of the real advances that have been made. When you look at issues such as Iraqis who are currently participating, they cited several statistics. In August 2004, there were five Iraqi army battalions actually in the fight. There are currently 97 Iraqi battalions in the fight. In July 2004, there were no ready operational divisional headquarters. Today there are at least 7 operational divisional headquarters and 31 operational brigade headquarters.

There has been huge progress over the last year, year and a half. In November 2004, there were about 110,000 fully trained and equipped Iraqi security forces. Today there are almost double that, a year later, 214,000 trained and equipped security forces.

Does all of this make a difference? One of the fascinating statistics cited and brought to my attention was compared to last year, or at some point last year, how many tips were being provided by the Iraqi people. In many ways it reflects the confidence the Iraqi people have in law enforcement and security. In March, there were just under 500 tips to the Iraqi Armed Forces. In September 2005, there were 4,700 tips by Iraqi citizens to Iraqi and coalition forces. Therefore, information is flowing much more freely, which reflects, I believe, the confidence the Iraqis have in their security forces. One tip resulted in the disruption of an IED factory and the capture of 4,000 pounds of explosives and about a dozen 500-pound bombs. That shows the importance of the improved security by the Iraqi people and what it allows to flow, in terms of information.

Mr. President, 75,000 Iraqi policemen are patrolling Iraqi cities, and another 5,700 are in training. I think we are seeing real progress there. There is much progress to make, but the progress being made currently, as we speak, and will be made over the next several days is truly exciting in terms of an operational, permanent government being formed. Lastly, as I mentioned earlier, it won't be until actually April that the new government is in place. The elections are occurring now. Certification takes place in December, and the final is in early January. From that point, the government takes root. So the government itself won't be formed until April of next year.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:21 p.m., adjourned until Wednesday, December 14, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate December 13, 2005:

DEPARTMENT OF DEFENSE

MICHAEL L. DOMINGUEZ, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE CHARLES S. ABELL, RESIGNED.

DEPARTMENT OF ENERGY

RAYMOND L. ORBACH, OF CALIFORNIA, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY. (NEW POSITION)

DEPARTMENT OF STATE

GARY A. GRAPPO, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

BRADFORD R. HIGGINS, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE (RESOURCE MANAGEMENT), VICE CHRISTOPHER BANCROFT BURNHAM.

BRADFORD R. HIGGINS, OF CONNECTICUT, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF STATE, VICE CHRISTOPHER BANCROFT BURNHAM, RESIGNED.

DEPARTMENT OF EDUCATION

MICHELL C. CLARK, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR MANAGEMENT, DEPARTMENT OF EDUCATION, VICE WILLIAM LEIDINGER.

INSTITUTE OF MUSEUM SERVICES

ANNE-IMELDA RADICE, OF VERMONT, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM SERVICES, VICE ROBERT S. MARTIN.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD F. SAMS, 5888

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL DAVID L. FROSTMAN, 2235
BRIGADIER GENERAL JAMES W. GRAVES, 4813
BRIGADIER GENERAL LINDA S. HEMMINGER, 5711
BRIGADIER GENERAL JOHN M. HOWLETT, 8450
BRIGADIER GENERAL HAROLD L. MITCHELL, 1941
BRIGADIER GENERAL HANFERD J. MOEN, JR., 4733
BRIGADIER GENERAL WILLIAM M. RAJCZAK, 8761
BRIGADIER GENERAL DAVID N. SENTY, 6128
BRIGADIER GENERAL ERIKA C. STEUTERMAN, 3209

To be brigadier general

COLONEL JOHN M. ALLEN, 7694
COLONEL ROBERT E. BAILEY, JR., 4059
COLONEL ERIC W. CRABTREE, 0505
COLONEL DEAN J. DESPINOY, 2656
COLONEL WALLACE W. FARRIS, JR., 0582
COLONEL JOHN C. FOBIAN, 0618
COLONEL THOMAS W. HARTMANN, 2331
COLONEL JAMES R. HOGUE, 4929
COLONEL MARK A. KYLE, 0227
COLONEL CAROL A. LEE, 8418
COLONEL JON R. SHASTEEN, 5384
COLONEL ROBERT O. TARTER, 9864
COLONEL HOWARD N. THOMPSON, 2169
COLONEL CHRISTINE M. TURNER, 3200
COLONEL PAUL M. VAN SICKLE, 8889

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL MICHAEL D. BARBERO, 1169
BRIGADIER GENERAL SALVATORE F. CAMBRIA, 8655
BRIGADIER GENERAL JOHN M. CUSTER III, 4336
BRIGADIER GENERAL RICHARD P. FORMICA, 7015
BRIGADIER GENERAL DAVID P. FRIDOVICH, 6568
BRIGADIER GENERAL KATHLEEN M. GAINEY, 4227
BRIGADIER GENERAL WILLIAM T. GRISOLI, 3836
BRIGADIER GENERAL CARTER F. HAM, 0921
BRIGADIER GENERAL JEFFERY W. HAMMOND, 0841
BRIGADIER GENERAL FRANK G. HELMICK, 8189
BRIGADIER GENERAL PAUL S. IZZO, 1942
BRIGADIER GENERAL FRANCIS H. KEARNEY III, 9443
BRIGADIER GENERAL STEPHEN R. LAYFIELD, 7666
BRIGADIER GENERAL ROBERT P. LENNOX, 8104
BRIGADIER GENERAL WILLIAM H. MCCOY, JR., 5356
BRIGADIER GENERAL TIMOTHY P. MCHALE, 0796
BRIGADIER GENERAL JOHN W. MORGAN, 7279
BRIGADIER GENERAL MICHAEL L. OATES, 3680
BRIGADIER GENERAL ROBERT M. RADIN, 0402
BRIGADIER GENERAL CURTIS M. SCAPARROTTI, 8351

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10 U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. WILLIAMS, 0353

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DEIBY ACEVEDO, 5054
DARLENE H. ADAMS, 2464
TRAVIS L. ADCOCK, 1215
TOMMY H. S. AFLAGUE, 3857
MARK T. AHLES, 9673
ERIC D. AHLNESS, 9456
STEVEN W. AINSWORTH, 6140
JAMES G. ALLISON, 2866
HECTOR F. ALVARADO, 4495
DONALD G. AMBURN, 3739
DANIEL R. AMMERMAN, 6559
HAROLD G. ANDERSON, 9442
SCOTT V. ANDERSON, 1406
ADOLFO AQUINO, 9022
TERAN L. ARMSTRONG, 6924
MARK C. ARNOLD, 4438
TODD W. ARNOLD, 6313
MATTHEW J. ARTERO, 4285
JOSE R. ATENCIO III, 9198
DENISE A. ATKINS, 6548
JULIE M. AUGERI, 8498
CARL C. AUGUSTUS, 3361
JOHN J. AULBACH II, 0466
CHRISTOPHER C. BACHMAN, 1468
HENDERSON BAKER II, 3576
CLAIRE E. BANDY, 5029
JOSEPH A. BANICH, 0513
CRAIG A. BARGFREDE, 6779
LELAND E. BARKER, 4819
STEPHANIE A. BARNA, 5209
RICHARD C. BARR, JR., 6833
LINDA A. BEARD, 7646
RICHARD A. BEDARD, 4328
VAEVA R. BEEBEMOCILAC, 0574
MATTHEW P. BEEVERS, 7843
DAVID R. BELCHER, 0806
WALTER BENARD, 7572
JAMES G. BERENZ, 7052
THOMAS S. BERG, 1600
ERIC BERMUDEZ, 2377
DAVID M. BESSHO, 3307
SAMUEL R. BETHEL, 2892
FAREED M. BETROS, 1723
NIKOLA T. BILANDZICH, 1068
JOHN E. BILBURY III, 0262
MARTIN B. BISCHOFF, 5839
IVAN N. BLACK, 9690
DARYL W. BLOHM, 5453
CORRINA M. BOGGESS, 5040
GARY D. BOMSKE, 4114
JEFFERY O. BONNER, 2822
STEPHEN T. BOONE, 9131
RALPH J. BORKOWSKI, 7222
PETER A. BOSSE, 1372
JANSON D. BOYLES, 9869
MARK D. BRACKNEY, 0185
KENNETH C. BRADDOCK, 9992
R. CHRISTION BREWER, 2979
FREDERICK J. BRITTON, 0784
JEFFERY R. BROUGHTON, 8468
TIMOTHY L. BROWN, 2853
JANICE E. BRUNO, 7407
TODD E. BURCH, 4097
THRESA BURNES, 1868
MARIANNE O. BURTNETT, 9220
JEFFERSON S. BURTON, 9812
JOHN A. BYRD, 9132
SHANNON P. CALAHAN, 0337
MICHAEL F. CALCATERRA, 0721
SHERRI P. CALHOUN, 6918
GLENN S. CAMPBELL, 0807
STEVEN J. CAMPFIELD, 3536
ALVIN CANNON, 0767
ROBERT I. CANON, 9559
THOMAS V. CANTWELL, 0444
CHRISTOPHER F. CARNEY, 6437
GERALD N. CAROZZA, JR., 1346
DANIAL C. CASMIRO, 1376
GRAHAM A. CASTILLO, 8168
LARRY D. CERNY, 7261
MARY CHAN, 4828
JOHN G. CHAPMAN, 8042
DOUGLAS T. CHARNEY, 2066
AMOS M. CHASE, 9905
RONALD G. CHEW, 6762
LOUIS A. CHIARELLA, 7854
LAURA J. CHICHESTER, 9145
SHAH A. CHOUDHURY, 1273
MICHAEL CHYTERBOK, 2128
PAUL V. CIMINELLI, 7893
ARTHUR L. CLARK, 6054
RICHARD A. CLARK, JR., 3855
TIMOTHY J. CLARK, 1162
DIANNA L. CLEVEN, 6695
RICHARD D. COLE, 0343
TIMOTHY R. COLLINS, 6852
CLARENCE COMBS III, 3257
JOHN W. CONLEY, 4338
ROBERT CONLEY III, 6927
MICHAEL A. CONNELL, 1754
MICHAEL R. CONSIDINE, 0696
RANDALL J. CORDEIRO, 9313
PETER L. COREY, 3245
MARK W. CORSON, 3098
LISA COSTANZA, 4411
ANTHONY G. COTTLES, 3394
NORMAN L. COTTON, 5831
ALBERT L. COX, 0123
JOSEPH L. CRAMER, 1788
MATTHEW E. CROKE, 9430
MARY T. CROTEAU, 4959
THOMAS A. CROWDER, 5465
PETER C. CUSOLITO, 3208
ELIZABETH M. DAMONTE, 1572
ANTHONY B. DANIELL, 7204
JODY J. DANIELS, 5836
DARRYL W. DAUGHERTY, JR., 5971
GARY L. DAVID, 1041
JOSE R. DAVIS, 4282
RICHARD W. DEAN II, 7743
LORETTA A. DEANER, 9655
ARLAN M. DEBLIECK, 7492
ROBERT F. DEL CAMPO, 3312
LUIS A. DELGADO, 1863
DAVID J. DEMPS, 2549
WILLIAM A. DENT, 0253
JOHN T. DEWEY, 1384
CLAYTON DIEDRICHS, 9738
MARC V. DINGER, 2591
BARBARA J. DOUGLAS, 1751
CHRIS R. DOWNEY, 9603
LAWRENCE C. DOYLE, 8555
LAWRENCE E. DRAPER, 1423
STUART K. DRIESBACH, 5228
RANDY L. DUCOTE, 8783
RALPH W. DUDDING, 3316
MICHAEL K. DUNN, 0981
TIMOTHY G. DUNN, 4888
DANIEL A. DUPONT, 1026
RON D. DUPREE, 5749
LEE K. DURHAM, 7119
CINDY DWYER, 0491
ALBERT P. EDWARDS, 8197
JOHN C. EDWARDS, 6341
JAMES S. EICHER, 7078
JOHN J. ELAM, 7907
FREDERIC C. ELBERT, 8259
ISOLINA ESPOSITO, 7994
CRAIG A. ESSICK, 6012
HENRY R. EVANS, 2450
THOMAS P. EVANS, 8121
PAUL W. FARROW, 2985
JOHN W. FELLEISEN, 4161
FRANK S. FERACO, 5732
FERNANDO FERNANDEZ, 1744
JUAN FERNANDEZ, 3767
STEVEN FERRARI, 4712
ROBERT A. FINK, 2243
DAVID L. FRANCAVILLA, 3235
FLOYD V. FREEMAN III, 7033
JAMES R. FREES, 7124
JONATHAN H. FRY, 5857
TIMOTHY J. FUCIK, 0036
GEOFFREY M. GARRISON, 6710
MICHAEL J. GARSHAK, 4170
JAMES D. GATES, 8583
SCOTT F. GEDLING, 0933
CHRIS R. GENTRY, 7045
JAMES A. GEORGES, 5062
KEVIN S. GERDES, 4132
JOHN T. GERESKI, JR., 0183
PATRICK C. GIBSON, 2436
CHERYL A. GILLIGAN, 9114
ROBERT J. GINGRAS, 5890
JOSE M. GIROT, 9941
KYLE E. GOERKE, 7028
JOSEPH A. GOETZ, JR., 9377
DOUGLAS P. GORGONI, 4879
JAMES E. GOWEN, 4121
ANTHONY S. GRAY, 5736
SHEILA M. GREEN, 2819
RALPH H. GROOVER III, 1076
MELINDA C. GROW, 1598
EDWARD B. GUNDERSEN, 6018
ANGELITO L. GUTIERREZ, 2221
FERNANDO GUTIERREZ, 3388
BRUCE E. HACKETT, 2142
DEBORAH T. HAFFEY, 4122
NORMAN H. HAHN, JR., 6249
TIMOTHY A. HAIGHT, 7038
THOMAS C. HAMILTON, 7091
JOHN A. HAMMOND, 6582
ROBERT A. HAMMONS, 6859
SCOTT S. HARABURDA, 3342
KURT A. HARDIN, 7203
JOHN C. HARRIS, JR., 4591
THOMAS W. HARRIS, 1473
DANIEL E. HARTMAN, 2323
SCOTT B. HAYNES, 3691
KEVIN C. HEGARTY, 1116
FERNANDO L. HENDERSON, 5126
SAMUEL L. HENRY, 2353
JOSEPH P. HEUER III, 5870
WILLIAM E. HICKMAN, 8849
JAMES H. HIGGINBOTHAM, 0952
MICHAEL J. HIGGINS, 5232
JAY R. HILDEBRAND, 6117
DAVID M. HILDRETH, JR., 8792
RONALD L. HILL, 6377
THAD W. HILL, 9151
TIMOTHY E. HILL, 7201
TIMOTHY J. HILTY, 2075
DONNA E. HINTON, 8942
BARBARA J. HIRST, 7502
GEORGE S. HLUCK, 8800
MICHAEL J. HOLLAND, 5507
DAVID D. HOLLANDS, 3137
JAY J. HOOPER, 8822
DARLENE G. HOPKINS, 6430
JUANITA I. HOPKINS, 2800
HARDEN P. HOPPER III, 9057
TIMOTHY F. HORAN, 6581
RICHARD A. HOWLEY, 3402
MICHAEL G. HOXIE, 1729
MICHAEL J. HUDDLESTON, 8766
BERNARD J. HYLAND, 7143
JANICE G. IGOU, 8670
ARTHUR F. INGRAM III, 3562
CEDRIC R. JASMIN, 8219
BRUCE A. JENSEN, 5571
GARRETT P. JENSEN, 1884
ARTHUR S. JEPSKY, 0736
JEFFREY J. JEROME, 0437
JANICE M. JOHNSON, 7022
ROBERT C. JONES, 2384
STEPHEN E. JOYCE, 2144
KERRY C. KACHEJIAN, 6896
ROBERT A. KARMAZIN, 2064
ROBERT J. KAUFMAN, 9032
WILLIAM M. KEHRER, 0900
JOHN F. KELLY, 6616
GERALD W. KETCHUM, 3340
ERIC F. KETTENRING, 0647
GARY A. KHALIL, 9936
THEODORE C. KIENTZ, 3140
RICHARD A. KILBURN, 2063
CURTIS L. KING, 7131
MICHAEL R. KITTS, 6569
KEITH A. KLEMMER, 5791
MICHAELENE A. KLOSTER, 5472
EMMETT M. KLUMP, 4228
DENNIS L. KNAPPEN, 4873
LEE F. KNIGHT, 5280
GLENN A. KOLIN, 1688
MICHAEL J. KOMICHAK, 7191
RICHARD A. KOSKI, 1963
MICHAEL E. KOZLIK, 2547
JOSEPH M. KRAKOWIAK, 5927
JEFFREY P. KRAMER, 5147
RICHARD W. KUCKSDORF, 6402
DOUGLAS C. LADD, 1644
TIMOTHY L. LAKE, 7772
JEFF C. LAMB, 8998
CHRISTOPHER M. LAMOUREUX, 8083
LOUIS J. LANDRETH, 7458
JAMES B. LASCHE, 8699
GARY B. LEAMON, 4362
STUART L. LEEDS, 3922
KIM R. LEFTWICH, 2485
KRISTOPHER A. LEMASTER, 6138
JAMES C. LETTKO, 3566
JAMES C. LEWIS, 8549
KENNETH R. LEWIS, 5204
LYNN F. LODWICK, 5583
PHILIP J. LOGAN, 9114
NEAL G. LOIDOLT, 5900
JANET W. LONG, 5424
HECTOR LOPEZ, 6733
KERMIT F. LOWERY, 5311
CHERYL A. LUDWA, 9177
STEPHEN G. LUKOSKIE, 2575
MICHAEL R. LYNCH, 8155
THOMAS J. LYNCH, 7508
DAVID W. MADDEN, 0207
GREGORY S. MAIDA, 6627
ANTHONY G. MAJOR, 6766
KEVIN G. MANGAN, 3252
MICHAEL A. MANN, 8624
WINSTON E. MANN, 1822
BRIAN D. MARKWELL, 9104
KEITH H. MARTIN, 1200
TED S. MARTINELL, 6670
DAVID MARTINEZ, 6209
ROBERT L. MASSIE, 3171
DONLL A. MCBRIDE, 8120
FRANCIS D. MCCABE, JR., 9379
GEORGE R. MCCAHAN III, 6468
DAVID W. MCDONALD, 4472
RICHARD D. MCINTYRE, 6712
MARK T. MCQUEEN, 2524
LAWRENCE W. MEDER, 7754
RICARDO A. MENENDEZ, 9499
PAUL A. MERRITT, 5821
DAWN L. MICHAUD, 8200
DWIGHT V. MICKELSON, 1464
DEREK N. MILLER, 3877
TIM MILLER, JR., 2237
JAMES P. MONAGLE, 9644
GLEN E. MOORE, 1167
JOHN P. MOORE, 0819
ROBERT A. MOORE, 1079
JAMES A. MORALES, 9335
JAMES P. MORAN, 4850
JOHN P. MORAN, 0760
JOSEPH F. MORAVEC IV, 1040
EDWARD R. MORGAN, 3786
JAMES J. MOUNTAIN, 4654
MICHAEL S. MOUSSEAU, 6738
JAMES G. MURPHY, 7323
SANDRA D. MURRAY, 7387
THOMAS T. MURRAY, 6244
VALERIE J. MYLES, 1664
PAUL P. NAIDOO, 7635
ALAN B. NEIDERMEYER, 9604
MARK E. NEUSE, 3335
JOHN C. NEWCOMER, 8315
KENNETH G. NIELSEN, 2977
BARBARA A. NUISMER, 0932
DAVID M. OAKS, 2914

BRIAN E. OCONNOR, 6017
JANE K. OCONNOR, 4888
CRAIG D. ODEKIRK, 8576
PAUL V. OETTINGER, 5037
PATRICIA L. OKEEFE, 3164
JARED W. OLSEN, 8045
GARY D. OLSON, 8781
ROBERT A. OLSON, 8675
JAMES G. ONEIL, 3092
CLINTON R. ONEILL III, 5116
MARVIN A. OWINGS, JR., 4103
CHARLES W. PALMER, 9134
MARC S. PAQUIN, 6459
MATTHEW W. PARSONS, 1248
EDWIN D. PAYNE, 8877
SAM M. PEARSON, JR., 0401
RAPHAEL G. PEART, 1606
HARRY E. PECOTTE, 7077
DAVID A. PEEK, 4192
MILTON PEREZ, 1919
JAMES E. PERRY, JR., 3769
THOMAS E. PERRY, 8489
CARL E. PFEIFFER, 3062
JEFFREY W. PFLUG, 4194
ALAN M. PHANEUF, 7050
RICHARD L. PHILLIPS, 8232
ROBERT A. PIAZZA, 8960
PATTON K. PICKENS, 7583
FRANCISCO A. PIETRI, 8192
LILLIAN C. PITTS, 1006
JOHN C. PLUMLEY, 4702
THOMAS B. PLUNKETT, 2835
WESTLEY J. POLENDER, 5430
ALLEN R. PONSINI, 8237
JAMES H. POWELL, 7173
KENNETH W. POWELL, 4807
MONTY C. POWERS, JR., 0447
JOSEPH A. PRICE, 1322
WOODROW S. RADCLIFFE, 0199
SYLVIA M. RAFELS, 5182
MATTHEW A. RANEY, 1988
KENNETH W. RATHJE, JR., 3999
GEORGE F. REASOR, JR., 8847
BRAD D. REID, 4052
PATRICK A. REILY, 7285
DONALD A. RENNER II, 4409
JAMES R. RICE, 2745
BART A. RIGG, 8883
BIENVENIDO RIVERA, 0171
RICHARD T. ROBERTS, 0787
KEVIN P. ROBINSON, 8803
PAUL E. ROEGE, 6326
GORDON A. ROGNRUD, 1393
WILFREDO ROSARIO, 4536
ROBERT W. ROSHELL, 2359
JAMES W. ROSS, JR., 1067
JEANNE M. ROWAN, 6009
DAVID W. ROWLAND, 2552
ARLEN R. ROYALTY, 2559
GLORIA A. RUDOLPH, 9835
JAMES W. RUNYON, 3112
DAVID P. RURUP, 6392
JAMES A. RUTH, 8053
SEAN RYAN, 6230
DANIEL T. SAILER, 6562
REBECCA C. SAMSON, 1858
CRAIG R. SANDERS, 4891
DAVID W. SANDERS, 1967
STEPHEN W. SANDERS, 7316
ANDREW P. SCHAFER, JR., 1396
LORIN E. SCHELL, 7531
CLAUDE I. SCHMID, 5873
GARY T. SCHMITT, 1537
MARK B. SCHMITZ, 8412
MARK K. SCHMITZ, 9469
WILLIAM J. SCHOCK, 9594
THOMAS G. SCHOLTES, 5237
LAWRENCE M. SCHORR, 6460
EMMETT C. SCHUSTER, 6572
MICHAEL D. SCHWARTZ, 2161
GLENN G. SCHWEITZER, 9758
ARTHUR L. SCOTT, 9736
STEVEN T. SCOTT, 2934
SHAUN A. SCULLY, 2705
LEVONDA J. SELPH, 0902
DENNIS R. SEWELL, 0128
DAVID R. SHAW, 5450
STEVE SHELTON, 8252
DAVID P. SHERIDAN, 1861
JONATHAN L. SHIELDS, 9396
SCOTT E. SHORT, 8750
JOSEPH L. SIEBER, 5897
JULES D. SILBERBERG, 8819
SCOTT C. SIMMONS, 2707
EDDIE L. SINGLETON, 3181
GEOFFREY SLACK, 8554
LAWRENCE J. SLAVICEK, 3608
PATRICK J. SLOWEY, 2166
DAVID O. SMITH, 1060
DONALD E. SMITH II, 3472
HOPPER T. SMITH, 2425
JAMES T. SMITH, JR., 1294
PAUL G. SMITH, 4590
RICHARD S. SMITH, 4607
WILLIAM L. SMITH, 8577
LEWIS R. SNYDER, 6530
WILLIAM M. SNYDER, 2514
ALAN K. SOLDAN, 1778
DIRK D. SPANTON, 6413
RICHARD E. SPEIRS, 8403
STEPHEN E. SPELMAN, 2978
DAVID W. SPENCE, 1977
ROBERT D. SPESSERT, 0624
WENDY C. SPRIGGS, 0144
GLEN C. STAGNITTA, 2758
ROY Q. STATON, 9385
JAMES E. STEVENS, JR., 1559
FRANK A. STEWART, 5302
JOHN STEWART, JR., 2320
ALAN L. STOLTE, 5856
MICHAEL A. STONE, 5583
ANTHONY W. STRATTON, 1470
JOHN D. STRICKLAND III, 0409
SEAN P. SULLIVAN, 9914
TIMOTHY J. SULLIVAN, 8456
TIMOTHY J. SWANN, 8209
LEE E. TAFANELLI, 7294
VICTOR A. TALL, 0829
ROBERT E. TEBERG, 9717
STEPHEN F. TELLATIN, 0058
DOUGLAS J. TELLESON, 3894
PATRICK J. TENNIS, 8559
JACQUES D. THIBODEAUX, 8947
ARTURO T. THIELESARDINA, 4527
SCOTT L. THOELE, 9099
CHARLES M. THOMAS, 8247
LORETTA S. THOMAS, 6807
JAMES W. THOMPSON, 9251
BOBBY C. THORNTON, 0446
JOHN W. TILFORD, 0504
JAMES M. TOBIN, 7240
JOHN C. TOBIN, 1894
NEIL H. TOLLEY, 6054
MITCHELL E. TORYANSKI, 7995
STANLEY E. TOY, 8736
JAMES E. TRAFTON, 0005
LARRY D. TURNER, 7483
RONDAL L. TURNER, 1107
MICHAEL D. VANCE, 1199
STEVEN VANDERHOOF, 6893
KIRK E. VANPELT, 3707
RANDALL K. VANROOSENDAAL, 3662
MICHAEL A. VASILE, 3465
JOHN L. VAVRIN, 2222
ROBERT R. VESSELIZA, JR., 4685
KARL A. VOIGT, 6613
RICK B. WAHLEN, 8730
JOHN W. WALERSKI, 8751
JOHN E. WALSH, 6031
KENNETH F. WALTER, 0451
ROBERT P. WALTERS, 3442
TIMOTHY L. WALTERS, 3998
ROBERT R. WALTON, JR., 4442
MARK R. WARNECKE, 8007
NELSON B. WARTHAN, 5695
JAMES Z. WARTSKI, 5157
BARRY J. WASHINGTON, 3179
PAULINE E. WASHINGTON, 7719
TIMOTHY A. WATERS, 1065
DIANNE B. WATKINS, 3593
WALTER T. WEAVER, 0061
RICHARD D. WELCH, 1097
RUBEL D. WEST, 4025
DANA A. WHALEY, 9878
JAMES K. WHITE, JR., 0795
JOHN D. WHITE, 5673
MICHAEL T. WHITE, 8349
SCOTT J. WHITTEMORE, 4293
ANTHONY A. WICKHAM, 1603
BERND WILLAND, 2203
GREGORY K. WILLIAMS, 3399
JAMES T. WILLIAMS, 6361
JESSE J. WILLIAMS, 4245
JAMES M. WILLIAMSON, 2346
LARIE J. WILSON, 1738
ROBERT E. WINDHAM, JR., 5536
LISA M. WINDSOR, 2791
TEY C. WISEMAN, 9660
FREDERICK F. WOERNER, 4065
JOAL E. WOLF, 9427
JEROLD A. WOOD, 5849
PATTI D. WOODS, 4325
BART L. WOODWORTH, 8283
KAREN L. WRIGHT, 2451
KENNETH L. WRIGHT, 8122
DALLAS F. WURST III, 9386
WILLIAM A. ZAMMIT, 2894
MICHAEL R. ZERBONIA, 6894
DAVID R. ZYSK, 0099

THE FOLLOWING NAMED OFFICERS IN THE GRADES INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

HOLTORF R. ALONSO, 2946
JAMES A. BAILIE, 4538
KELLY N. CAMPBELL, 8749
BRYAN A. GROVES, 5056
MICHAEL D. HILLIARD, 4950
LADONNA M. HOLT, 7292
JEFFREY J. HUNT, 0495
TINA S. KRACKE, 9655
GEORGE A. LUMPKINS, 5165
ALBERT J. MCCARN, 8304
GEORGE F. MINDE, 7894
CAROL S. MOSSBAILEY, 5439
LARRY D. NAYLOR, 4921
FELIX ORTIZ, 6766
ROGER A. PRETSCH, 9728
RONALD A. RYNNE, 2695
EUGENE SAIN, 9773
GLENN G. SCHWEITZER, 9758
STEVEN A. STEBBINS, 2652
JOHN S. WEAVER, 7542
JOEL D. WEEKS, 2717
FREDERICK P. WELLMAN, 8433
MICHAEL L. WHETSTONE, 9609
DARRYL K. WOOLFOLK, 7268

To be major

CHRISTOPHER W. ABBOTT, 9229
ANTHONY L. ADAMS, 3524
JAMES H. ADAMS, 8386
LAWRENCE AGUILLARD, 4648
JAMES M. AHEARN, 3137
DAVID K. ALMQUIST, 7755
ROGER S. ALVAREZ, 2720
JEFFREY S. AMOS, 7837
BRENDEN C. ANDERSON, 4135
JOSEPH L. ANDERSON, 4195
MIGUEL A. APONTERODRIGUEZ, 6325
BRENDAN JOSEPH ARCURI, 5499
KRISTINE M. ARMSTRONG, 4974
ERIC S. ATHERTON, 0569
ANTONIO D. AUSTIN, 2324
MICHAEL A. BACHAND, 5705
BRIAN K. BAKER, 1975
JAY F. BALL, 6244
ROBERT S. BALLAGH, 5573
CHARLES H. BARBER, 5358
CHRISTOPHER M. BARNWELL, 6106
KYLE W. BAYLESS, 2060
BRADLEY E. BECHEN, 1169
BRIAN T. BECKNO, 0820
JOHN C. BELANGER, 2488
GARY M. BELCHER, 6811
PHILLIP D. BENEFIELD, 1606
ROBERT J. BERG, 8710
CEASAR P. BERGONIA, 8195
BARRETT M. BERNARD, 7869
DAVID D. BIGGINS, 0572
JONATHAN A. BLAKE, 4913
MEGAN A. BOGLEY, 7567
RONALD A. BONOMO, 5354
DON E. BOTTORFF, 9181
JEFFERY G. BOUMA, 7710
JENNIFER I. BOWER, 5881
ERIC L. BRADLEY, 8351
TANYA J. BRADSHER, 4239
CHARLES E. BRANSON, 6445
JASON T. BRIDGES, 8820
KAREN L. BRIGGMAN, 0829
BRIAN D. BRITTAIN, 0454
HARRY D. BROOKS, 0026
NICHOEL E. BROOKS, 7057
DARRYL B. BROWN, 5880
EDWARD F. BUCK, 3255
ROBERT A. BURGE, 6255
THOMAS E. BURKE, 0130
MATTHEW L. BURR, 1775
LINNIE W. CAIN, 0040
ROBERT A. CAIN, 0767
EARL D. CALEB, 1958
LUKE T. CALHOUN, 0731
CHAD A. CALVARESI, 1534
ROMAN J. CANTU, 6709
DOUGLAS J. CARBONE, 9547
THOMAS E. CARLSON, 7152
OWEN B. CASTLEMAIN, 5308
JOHN R. CAUDILL, 8453
STEVEN CELESTE, 2910
MICHAEL A. CHARLEBOIS, 4845
DARREN L. CHARTIER, 4755
TORRANCE D. CHISM, 7460
JOSEPH J. CIESLO, 5277
JORGE L. CINTRONOLIVIERI, 4658
JOSEPH D. CLARK, 5369
MICHAEL J. CLARKE, 9296
CLYDE S. COCHRANE, 0721
CHRISTOPHER H. COLAVITA, 8585
MALCOLM C. COLE, 7677
RAHHSHAHUN COLLEY, 4116
SCOT A. COLVER, 7208
JAMES M. COOK, 2546
ROBERT H. COOPER, 4087
MICHAEL R. CORBISIERO, 4860
SEAN M. COREY, 6554
DOUGLAS J. COTE, 5245
WILLIAM D. COTTY, 1754
KEVIN E. COUNTS, 1115
MARVA D. COURTNEY, 5299
ERICK C. CREWS, 6108
SIDNEY W. CREWS, 7697
MARY K. CRUSAN, 9778
MANUEL CRUZ, 1526
RICHARD E. CURETON, 2357
CHRISTOPHER S. CUTLER, 8745
WESLEY G. DABNEY, 0613
DEXTER C. DANIEL, 3143
DAVID J. DANIELS, 9827
DANIEL L. DAVIS, 1367
MICHAEL E. DAWSON, 9309
JEFFREY A. DECARLO, 2225
BRIAN N. DELAPLANE, 1499
ERIC M. DERYNIOSKI, 9531
DWAYNE A. DICKENS, 8706
MARCUS K. DICKINSON, 4309
BRADLEY S. DOMBY, 1216
THOMAS A. DORSEY, 5044
JOHN F. DOWNEY, 1724
JOSEPH W. EDSTROM, 0528
JOHN E. ELRICH, 6278
RYAN W. EMERSON, 8945
ROBERT E. ERIKSEN, 3826
BRIAN B. ETTRICH, 3570

BRAD J. EUNGARD, 8660
CHARLES A. FALLANG, 7860
JAMES A. FAULKNOR, 9711
RYAN J. FAYRWEATHER, 4483
JOHN A. FEJERANG, 5035
KEITH X. FENNELL, 8923
GEORGE G. FERIDO, 5385
JOHN M. FERRELL, 9556
ALFREDO E. FERRER, 1263
BARBARA R. FICK, 3579
KEVIN FIELD, 8827
GARY D. FITTS, 0428
WILLIAM G. FITZHUGH, 3056
AARON P. FITZSIMMONS, 3686
CHRIS A. FLAND, 4128
ERIC C. FLESCH, 6761
TOY G. FLORES, 9243
THOMAS M. FLOYD, 9406
ROLAND C. FORD, 0717
JONATHAN A. FOSKEY, 9956
MATTHEW J. FOX, 7562
BARRY J. FRANKS, 9633
PHILLIP A. FRERES, 4896
RICHARD C. FULGIUM, 1282
BLAISE L. GALLAHUE, 0523
JOSE L. GALVAN, 1607
JESUS GARCIA, 3974
JOSE A. GARCIAESMURRIA, 9416
HILTON B. GARDNER, 0802
TIMOTHY M. GARTEN, 7985
STEVEN M. GEORGE, 8185
JOSEPH B. GILION, 3501
STEPHEN M. GOLDMAN, 6826
ROBERTO GONZALEZPENA, 2685
KENNETH S. GOODPASTER, 3950
SARAH M. GOODSON, 8827
GIUSTI GOVEO, 3112
KATHERINE J. GRAEF, 2715
SCOTT D. GRANT, 7183
MAUREEN J. GREEN, 3818
GEOFFREY D. GREENE, 9879
CHRISTOPHER P. GRELL, 6510
JEFFREY C. GROSKOPF, 6969
JOSEPH W. GROSS, 2049
CRAIG S. GUTH, 4701
PETER J. HABIC, 8936
WALTER O. HADLEY, 9344
DEAN B. HAGADORN, 5088
MICHAEL A. HALES, 8641
RONALD HALEY, 2070
LAMONT J. HALL, 3137
RICHARD A. HALL, 0279
JASON M. HANCOCK, 6634
JERRY L. HARDING, 0653
AARON HARDY, 4061
GORDON D. HARRINGTON, 2807
SAMUEL HARVILL, 7570
KRISTEN A. HASSE, 1924
GARY M. HAUSMAN, 9250
GEORGE J. HAWVER, 3214
KENNETH G. HAYNES, 2305
TAMARA L. HEDBERG, 9175
AARON D. HEIMKE, 5744
ERIK L. HEINZ, 5398
PAUL A. HENLEY, 8420
BARTHOLOME J. HENNESSEY, 1832
LAWRENCE W. HENRY, 5207
PAUL A. HENRY, 4032
RENE G. HERNANDEZ, 9170
RUFINO HERRERA, 6406
PAUL E. HESLIN, 6242
ERIC L. HESTER, 3729
JEFFREY D. HICKS, 4814
JAMES HILLIAN, 5239
DANIEL R. HOCHSTATTER, 9375
EVERETT D. HOCKENBERRY, 9145
CHRISTOPHER W. HOFFMAN, 2539
JASON L. HOGE, 7187
GREGORY A. HOLIFIELD, 4393
LOREN A. HOLLINGER, 5884
KEVIN M. HOLTON, 3957
STEVEN T. HOPINGARDNER, 6719
STEVEN G. HOPPER, 5920
STEVEN T. HOWELL, 0888
EDWARD J. HUNTER, 3506
TERRY C. HYMAN, 2619
TIMOTHY M. IRISH, 8699
ALEXANDER ISAAC, 1625
JOSEPH G. IZAGUIRRE, 3129
SHANNON C. JACKSON, 7900
WILLIAM K. JAKOLA, 0142
JOHN A. JAMES, 0869
EDWIN B. JANKOWSKI, 7263
DEAN E. JANOSIK, 9806
THOMAS G. JAUQUET, 2783
DEVERICK M. JENKINS, 2813
DARREN K. JENNINGS, 5136
WYLIE A. JENSEN, 4810
THOMAS D. JESSEE, 0273
ANNETTE JOHNSON, 1495
BRION L. JOHNSON, 1150
ROBERT D. JOHNSON, 9520
RONNY A. JOHNSON, 3484
STEVEN M. JOHNSON, 3828
STEVEN R. JOHNSON, 9131
TERRANCE L. JOHNSON, 9283
THOMAS JOHNSON, 1441
WILLIAM N. JOHNSON, 0285
DESMOND C. JONES, 8861
BRENT M. JORGENSEN, 4018
ANDREW D. KAMINSKY, 1142
CLINT E. KARAMATH, 9379
STEPHEN L. KAVANAUGH, 2088
SEAN A. KEENAN, 0652
JIM R. KEENE, 3892
MICHAEL B. KELLEY, 3745
KEVIN KELLY, 2728
JEFFREY S. KEMP, 0997
IAN P. KENNEDY, 5981
WILLIAM KEPLEY, 2757
ROBERT F. KIERMAYR, 2000
DON KING, 3356
GARY W. KING, 2627
DANIEL K. KIRK, 7880
KENNETH KLOCK, 6506
KENNETH W. KNOWLES, 6885
PETER J. KOCH, 6940
KARLIS A. KRIEVINS, 0383
GARY C. KUCZYNSKI, 6212
CARL A. LAMAR, 8734
DAVID J. LAMBRECHT, 1917
JAY C. LAND, 5748
ANDREW M. LAWFIELD, 9370
STEPHEN W. LEDBETTER, 7853
ANGELA LEE, 5896
CEDRIC D. LEE, 8933
BRADEN G. LEMASTER, 0369
KEEGAN S. LEONARD, 7776
HERBERT E. LEPLATT, 4601
KENNETH W. LETCHER, 4682
PETER S. LEVOLA, 3349
ALAN T. LINDLEY, 3754
WALTER LLAMAS, 3959
JAMES L. LOCK, 7086
ARTHUR J. LONTOC, 1135
JOHN D. LOONEY, 8175
RALPH A. LOUNSBROUGH, 2284
KIRK A. LUEDEKE, 3896
ROBERT LUTZ, 5897
FREDDIE A. MACK, 5533
MATTHEW D. MACNEILLY, 7199
STEVEN MADDRY, 4149
MARIANNE MADRID, 7696
TOBIAS M. MAGAN, 3706
JOEL S. MAGSIG, 6504
LUCIO MALDONADO, 9908
DANIEL M. MALONEY, 4616
ROBERT P. MANN, 8419
GREGORY A. MANNS, 1506
VINCENT G. MARTINELLI, 7018
LILLIAM MARTINEZ, 5671
FRANK W. MAUDIE, 0493
JAMES A. MAXWELL, 9323
ROBERT J. MCARDLE, 6398
KEVIN J. MCAULIFFE, 5735
EDWARD W. MCCARTHY, 2090
MICHAEL MCCURRY, 8227
JESSE MCFARLAND, 4382
MITCHELL J. MCKINNEY, 8751
GLENN MCNORIAL, 7457
JOSEPH W. MEANS, 2591
RICHARD L. MENHART, 5868
BRIAN M. MICHELSON, 3787
CHRISTOPHER W. MILLER, 4315
JAMES MILLER, 6060
RUSSELL S. MILLER, 1280
WILLIAM M. MIZELL, 3453
DAVID R. MIZELLE, 8983
DOUGLAS A. MOHLER, 6057
KAREN J. MONROE, 9754
THEO K. MOORE, 2014
VIRGINIA A. MOORE, 0817
SAMUEL W. MORGAN, 7450
SEAN P. MORIARTY, 2186
JAMES C. MOSES, 4848
JOSEPH M. MOUER, 2125
JAMES D. MULLINAX, 9624
ROBERT D. MURPHY, 1741
MICHELLE M. MURRAY, 1907
JAMES M. MYERS, 9293
RICKEY MYSKEY, 4351
JOSE NAPUTI, 6930
JEFFREY S. NELSON, 3235
KEITH L. NELSON, 6449
THOMAS M. NELSON, 0567
DANTE S. NETHERY, 2281
MARK T. NEUMANN, 6900
THONG H. NGUYEN, 3080
JEFFREY S. NIEMI, 4579
MICHAEL J. NIXON, 3534
SCOTT P. NOLAN, 6645
RYAN P. OCONNOR, 6588
HENRY OFECIAR, 0454
ROSS M. OHARAHULETT, 0890
MARGARET OHMS, 7139
CHARLES R. OQUINN, 4489
JOSEPH PALASTRA, 3490
JOHNATHAN T. PARCHEM, 3611
CARL L. PARSONS, 6330
KEVIN M. PAYNE, 4335
AUSTIN PEARSON, 9365
GARY PEARSON, 3063
GERRY A. PEPPMULLER, 6527
GARTH N. PEREZ, 3610
THOMAS C. PETTY, 4455
CHRISTOPHER J. PFLANZ, 5547
JIMMY M. PHILLIPS, 1274
SEAN M. PICCIANO, 3336
MICHAEL D. PIERCE, 6494
ALFONSO T. PLUMMER, 5933
DAWSON A. PLUMMER, 1812
JOHN P. POPPIE, 4583
PAUL POWELL, 6354
SHANE P. POWELL, 9368
BRIAN W. PREISS, 0621
KEITH T. PRITCHARD, 3465
ERIC S. PULS, 9722
JOHN QUINENE, 8855
ANTHONY U. QUINN, 6989
MICHAEL A. QUITANIA, 5122
KENNETH A. RAIFORD, 5523
CHARLES R. RAMBO, 4386
RICHARD RAMSEY, 6515
RICHARD A. RASSBACH, 8352
KEITH R. RAUTTER, 6222
CRAIG M. RAVENELL, 8106
ANDREW M. REARDON, 3691
DON REDD, 9238
ERIC M. REMOY, 9686
ERIK J. REYNOLDS, 5463
MICHAEL E. REZABEK, 4559
WILLIAM E. RIEPER, 8105
SCOTT W. RILEY, 1923
ROBERT A. RISDON, 9291
MICHAEL A. RITCHART, 9704
CARLOS A. RIVERA, 1307
JOSEPH F. ROACH, 7543
ANDREW P. ROBERTS, 4921
CURTIS V. ROBERTS, 2149
ZANDRA D. ROBINSON, 9452
CHRISTOPHER RODRIGUEZ, 3897
EARL ROE, 2023
PATRICK A. ROSE, 0165
ELBERT G. ROSS, 7318
CHARLES X. ROTE, 7661
ROBERT D. ROUSE, 0292
JAN L. RUESCHHOFF, 2509
SCOTT M. RUSH, 0999
MICHAEL J. RUTHERFORD, 9395
BRYAN W. RYDER, 3364
RAMIRO R. SALAZAR, 1648
STEVEN M. SALLOT, 1756
STEVEN R. SAMUELSON, 5737
FLORENTINO SANTANA, 1874
RICHARD D. SAVAGEAU, 0765
BRIAN R. SCHAAP, 4256
WILLIAM R. SCHAFFER, 6637
JEFFREY M. SCHROEDER, 5748
SHAWN C. SCHULDT, 3256
BRADLEY C. SCHUTZ, 3284
CARMELIA J. SCOTTSKILLERN, 9226
JERRY SCRIVEN, 7033
JEFFREY A. SHANER, 1239
JAMES SHARP, 0861
EULYS SHELL, 7536
AARON R. SHIELDS, 7686
SCOTT A. SHORE, 3253
THOMAS A. SHULTZ, 5253
DERRICK J. SINGLETON, 1942
JONATHAN B. SLATER, 0856
MORGAN SMILEY, 6436
ERIC T. SMITH, 9894
FELTON SMITH, 5921
GREGORY S. SMITH, 9434
MICHAEL J. SMITH, 8051
PATRICK M. SMITH, 9522
ROBERT SMITH, 8364
SAMUEL D. SMITH, 0735
MICHAEL J. SNIPES, 7078
ROBERT SNYDER, 4860
JOHN P. SPANOGLE, 1730
ANTHONY D. SPAULDING, 3910
BERNHARD SPOERRI, 8209
MARK L. STEBBINS, 3328
JENNIFER M. STEPHENS, 5217
LLOYD C. STERLING, 8736
MICHAEL D. STERRETT, 7859
ROGERS STINSON, 1082
TAMMY L. STOCKING, 0218
STEVEN D. STOWELL, 4491
DONALD P. SUTTON, 8288
JOHN F. TAFT, 0493
ALBERT J. TAPP, 6472
CALVIN C. THOMAS, 5597
CHRISTOPHER M. THOMPSON, 6417
JOHN THROCKMORTON, 0202
BOGDAN T. TOCARCIUC, 1910
VICTOR E. TODD, 9726
AADAM B. TRASK, 4552
PATRICK W. TRIPLETT, 0349
DAVID S. TROUTMAN, 9174
ANDRE V. TUCKER, 6641
BRETT M. TURNER, 4588
GREGORY S. TURNER, 0832
KEVIN C. TYLER, 5651
OSCAR R. TYLER, 4506
PAUL B. TYRRELL, 7405
JAMES T. VALENTINE, 9935
ROBERT H. VALIEANT, 6498
VICTOR C. VASQUEZ, 9179
GERARD A. VAVRINA, 9677
SCOTT D. VERVISCH, 3591
DERIK F. VONRECUM, 7019
DOUGLAS J. WADDINGHAM, 4902
CRAIG S. WAGONER, 6980
MARION WALKER, 5568
RHETT D. WALKER, 8198
CHAD E. WARD, 9390
FORTE D. WARD, 4513
JOEL E. WARHURST, 5743
KENNETH D. WATSON, 5928
TY S. WEAVER, 8985
SAMUEL J. WELCH, 9576
ROBERT B. WENGER, 0049
GUY E. WETZEL, 2494
RICHARD WHITTINGSLOW, 9761

BRIAN L. WILLIAMS, 3969
JASON D. WILLIAMS, 1243
EDWARD B. WILTCHER, 2219
RITA J. WINBORNE, 7781
TROY S. WISDOM, 6431
EVAN H. WOLLEN, 8309
BREN K. WORKMAN, 0712
JASON M. WRIGHT, 5902
STEVEN YAMASHITA, 4644
WILLIAM R. YOUNG, 1598
JOHN J. ZEIGLER, 3504
PAUL B. ZEPERNICK, 3525
RICHARD M. ZYGADLO, 9652

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

THOMAS E. AYRES, 6834
GREGORY T. BALDWIN, 5108
TRACY A. BARNES, 6944
BRIAN H. BRADY, 9201
FRED K. FORD, 4318
MICHAEL J. HARGIS, 4890
JAMES W. HERRING, JR., 4584
RANDY T. KIRKVOLD, 1727
TARA A. OSBORN, 7495
JODY M. PRESCOTT, 4715
MICHAEL E. SAINSBURY, 9695
MARK W. SEITSINGER, 5247
KATHERINE SPAULDINGPERKUCHIN, 1133
PAMELA M. STAHL, 2605
KENNETH J. TOZZI, 7904
STEVEN E. WALBURN, 8749
PETER C. ZOLPER, 4882

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERTO C. ANDUJAR, 8723
DAVID A. BARLOW, 8040
KENNETH C. BARTLETT, 1769
DEAN F. BLAND, 8316
STEVEN A. BOYLAN, 2927
THOMAS W. COLLINS, 9982
DERIK W. CROTTS, 3743
STEVEN P. DAMON, 6225
MARK G. EDGREN, 5346
PATRICK F. FRAKES, 9515
FREDERICK A. HENRY, 0461
JOHN J. HICKEY, JR., 1716
ROBERT W. HOELSCHER II, 2190
JEFFREY S. JOHNSON, 9586
PATRICK M. MANNERS, 9828
MARK A. MCMANIGAL, 3993
JAMES L. MERCHANT III, 7672
JOHN P. MILLAR, 1673
MICHAEL J. NEGARD, 5271
GERALD J. OHARA, 3497
CARL D. PORTER, 1879
MICHAEL H. POSTMA, 4728
PATRICIA A. QUINN, 5350
THOMAS W. QUINTERO, 2257
HAROLD W. REEVES, JR., 2170
ROBERT S. REILLY, 2301
THOMAS C. RIDDLE, 1368
ANDREW B. SEWARD, 8892
ROBERT M. SHEPPARD, 4830
WILLIAM J. STERNHAGEN, 3486
ANDREW W. STEWART, 9545
STEPHEN M. WOOLWINE, 9615
KENNETH A. YOUNG, 4857

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CRAIG J. AGENA, 2635
RICHARD C. AKRIDGE, 7964
DANIEL A. ALABRE, 8487
JOHN P. ANDERSON, 0111
GREGORY V. BARRACK, 6075
CHRISTOPHER R. BENYA, 1907
BOBBY F. BLACKWELL, 7136
JAIME L. BONANO, 2030
JON W. CAMPBELL, 7736
PHILIP J. CAREY, 9227
MARK A. CONLEY, 1453
WILLIAM N. COSBY, 7876
VENTURA A. CUELLO, 2758
RALPH C. DELUCA, 1106
DANNY S. DENNEY, 0721
KEITH R. EDWARDS, 9441
DANIEL J. GETTINGS, 5492
JOSEPH A. GREBE, 1281
RUSSELL L. GRIMLEY, 9329
THOMAS K. HAASE, 9450
KIRK J. HASCHAK, 5479
JOHN P. HESS, 1877
GLENN R. HUBER, JR., 2040
KENNEDY E. JENKINS, 3729
STEVEN W. KIHARA, 3308
DION J. KING, 7557
ANDRE C. KIRNES, 2503
LANE J. LANCE, 6908
PAUL R. LEPINE, 6527
THOMAS C. LOPER II, 1602
DANIEL J. MCCORMICK, 2766
KIP A. MCCORMICK, 4070
DAVID T. MCNEVIN, 0105
LAWRENCE W. MCRAE, JR., 1215
BRYAN J. MCVEIGH, 3347
SCOTT G. MESSINGER, 9248
STEVEN J. MINEAR, 8727
DAVID M. MOORE, 8772
VINCENT J. MOYNIHAN, 9555
FREDDY W. MULLINS, 7070
PEDRO A. ORONA, 3437
PAUL A. OSTROWSKI, 6906
JOHN R. OXFORD, JR., 3233
YEONG T. PAK, 4296
JACK A. PELLICCI, JR., 7613
MICHAEL R. PERRY, 6424
PHUONG T. PIERSON, 3840
ANTHONY W. POTTS, 9887
DAVID J. RICE, 3387
KEITH W. ROBINSON, 9249
HUMBERTO RODRIGUEZ, 7775
HECTOR A. SALINAS, 6212
MATTHEW C. SCHAFER, 7495
KARL R. SEABAUGH, 2990
CHRISTOPHER A. SHALOSKY, 7728
MICHAEL S. SKARDON, 4414
BOBBY L. SMITH, 1570
PERRY R. SMITH, 4281
RONALD A. STEPHENS, 0348
GREGORY E. STEWART, 9050
JEFFREY A. STIMSON, 6323
VINCENT M. TOBIN, 2081
DAVID L. TRELEAVEN, 5709
CHARLES W. VANBEBBER, 1844
KIRK F. VOLLMECKE, 0539
ERIC J. VONTERSCH, 3040
FRANK P. WAGDALT, 2153
BRIAN C. WINTERS, 0997
JOHN S. WRIGHT, 3561

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DANIEL G. AARON, 4632
JOSEPH F. ADAMS, 6138
JOSEPH C. AMMON, 8798
AMANDA L. ANDERSON, 5284
ANTHONY P. ARCURI II, 7348
DUANE E. BRUCKER, 5322
GWYNNE T. BURKE, 0004
GREGORY L. CANTWELL, 6258
CARLEN J. CHESTANG, JR., 2704
VERNON T. DAVIS, 5040
ROBERT L. DEYESO, JR., 3444
JAMES F. DICKENS, 3577
JUDE C. FERNAN, 0538
ANDREW G. GLEN, 1275
MICHAEL B. GLENN, 6716
JOSH H. GOEWEY, 4543
STEVEN R. GRIMES, 8174
THEA HARVELL III, 9604
DOUGLAS A. HERSH, 5429
ROBERT L. HESSE, 2830
DAVID E. HILL, JR., 3414
JOEL R. HILLISON, 3949
HERSHEL L. HOLIDAY, 7126
PAMELA J. HOYT, 4710
ROBERT S. HUME, 0168
LAUREL J. HUMMEL, 5392
CARL M. JOHNSON, 6975
WILLIAM E. JOHNSON, JR., 7890
KATHLEEN L. KNAPP, 2174
RICHARD A. LACQUEMENT, 0119
GARRETT R. LAMBERT, 5548
ROBERT F. LARSEN, JR., 0579
JON M. LOCKEY, 5991
JASON C. LYNCH, 2387
JOHN M. MATTOX, 7107
THOMAS D. MAYFIELD III, 9141
TAMER R. MCGUIRE, 8164
DEAN W. MENGEL, 4048
KARL F. MEYER, 2321
KENT M. MILLER, 5790
RONALD C. MIXAN, 0179
PHILLIP T. NETHERY, 8504
DAVID R. NORTON, 7479
ROBERT A. POWELL, 8526
SCOTT A. PRINTZ, 1698
MILTON L. SAWYERS, 5727
JOHN C. SEES, JR., 9042
JAMES T. SEIDULE, 9393
THOMAS P. SLAFKOSKY, 2225
CHERYL L. SMART, 6754
JOHN J. SMITH, 3670
DAVID A. WALLACE, 7088
MICHAEL S. WEAVER, 2688
CHRISTOPHER F. WHITE, 5863
RICHARD E. WIERSEMA, 3746
MARILYN D. WILLS, 9412

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

WILLIAM G. ADAMSON, 0749
ROBERT B. AKAM, 9481
GEORGE G. AKIN, 4347
MICHAEL A. ALBANEZE, 1668
ERIC S. ALBERT, 9721
DAVID R. ALEXANDER, 8456
KEITH A. ANDERSON, 0315
BRENDA A. ANDREWS, 9426
HODGES ANTHONY, JR., 6774
JUAN L. ARCOCHA, 4718
CHRISTOPHER S. ARGO, 8411
SPENCER Q. ARTMAN, 2080
DAVID A. ATCHER, 1411
DAVID D. BAKER, 0036
MICHAEL J. BARBEE, 5538
RANDALL T. BARNES, 8728
WILLIAM M. BARNETT IV, 2122
RICHARD E. BARROWMAN, 1827
BRADLEY A. BECKER, 9665
JOHN A. BECKER, 7472
RICHARD M. BECKINGER, 0088
KEVIN R. BEERMAN, 5277
GERALD E. BELLIVEAU, JR., 5623
CHRISTOPHER F. BENTLEY, 4500
DOUGLAS L. BENTLEY, JR., 7745
BRYAN W. BEQUETTE, 9773
MEAREN C. BETHEA, 1395
RANDOLPH R. BINFORD, 7251
KEVIN R. BISHOP, 6548
DAVID L. BLAIN, 4479
RANDALL W. BLAND, 8984
MICHELE P. BOLINGER, 4658
CURTIS D. BOYD, 3571
STUART W. BRADIN, 1669
JOSEPH A. BRENDLER, 4671
WILLIAM D. BRINKLEY, 0656
MATTHEW W. BROADDUS, 8675
EDWARD J. BROCK, 9254
DEBORAH P. BROUGHTON, 9588
DAVID A. BROWN, 7913
OTIS L. BROWN II, 2876
STANLEY M. BROWN, 4068
STEPHEN E. BRUCH, 3894
JAMES E. BRUNDAGE, 3064
JOSEPH P. BUCHE, 7260
LAURIE G. BUCKHOUT, 9695
STEVEN L. BULLIMORE, 0921
ROBERT A. BURNS, 9194
WILLIAM C. BURRELL, 9303
BRIAN A. BUTLER, 0636
SEAN M. CALLAHAN, 9368
JAMES M. CAMPBELL, JR., 5761
ROBERT K. CARL, 1014
RICHARD A. CARLSON, 3087
SCOTT M. CARLSON, 7889
MARTIN T. CARPENTER, 6281
DANIEL L. CASSIDY, JR., 0335
JOHN G. CASTLES II, 7381
ROBERT J. CEJKA, 1037
THOMAS C. CHAPMAN, 5006
J. KEVIN CHESNEY, 0738
JAMES H. CHEVALLIER, 6206
JONATHON L. CHRISTENSEN, 4847
STEPHEN M. CHRISTIAN, 2782
KEVIN A. CHRISTIE, 8694
NORBERTO R. CINTRON, 6141
TROY A. CLAY, 4937
SAMUEL CLEAR, 9666
CLAYTON W. COBB, 7771
ANTONIO S. COLEMAN, 8101
JOHN E. COLLIE, 0597
PEGGY C. COMBS, 8339
CHRISTOPHER E. CONNER, 5135
JUDSON A. COOK, 3579
LORELEI E. COPLEN, 9724
MARK A. COSTELLO, 5382
JOHN A. COX, 4325
MICHAEL P. CRALL, 2044
BRUCE T. CRAWFORD, 3022
ANTHONY CRUZ, 6211
FRANKIE CRUZ, 7484
JOHN P. CURRAN, 1011
BEVAN R. DALEY, 5550
EDWARD M. DALY, 0285
RICHARD S. DAUM, JR., 0984
SUSAN A. DAVIDSON, 0347
ALEXANDER D. DAVIS, JR., 0206
MARCUS F. DEOLIVEIRA, 4027
JOHN K. DEWEY, 0561
MARK A. DEWHURST, 1274
JAMES H. DICKINSON, 0195
LILLIAN A. DIXON, 5119
WILLIAM H. DODGE, 1779
TERRANCE J. DOLAN, 3586
DAVID W. DORNBLASER, 4892
ROBERT L. DOUTHIT, 3258
JEFFREY M. DOUVILLE, 5332
JOHN F. DOWD, JR., 7276
DAVID R. DRAEGER, 3794
DAVID D. DWORAK, 4198
GREGORY J. DYEKMAN, 8844
ROBERT C. EFFINGER III, 6815
RICHARD A. EVANS, 8233
SAMUEL S. EVANS, 3990
THOMAS H. EVANS, 9345
KARI L. EVERETT, 3765
BENJAMIN A. EVERSON, 4077
KURT W. FEDORS, 8138
KEVIN M. FELIX, 5810
JOHN FENZEL III, 7629
JOSEPH M. FISCHETTI, 3188
ANDRE Q. FLETCHER, 8431
SCOTT N. FLETCHER, 6589
FRANKLIN D. FORD, JR., 5359
BRUCE C. FOREMAN, 7284

MARK R. FORMAN, 1365
DARRELL D. FOUNTAIN, 3549
CYNTHIA L. FOX, 6045
MICHELLE M. FRALEY, 5141
ROBERT E. FREEHILL, 1235
BYRON A. FREEMAN, 4070
RONALD A. FROST, 2253
ANTHONY C. FUNKHOUSER, 0447
PAUL W. GAASBECK, 5163
DOUGLAS M. GABRAM, 7656
PETER A. GALLAGHER, 0190
WILLIAM E. GARNER, 6990
MARK L. GARRELL, 7792
JOHN F. GARRITY, 4787
PATRICK M. GAWKINS, 0678
DAVID T. GERARD, 0513
JOSEPH I. GILL III, 9990
WESLEY G. GILLMAN, 6473
PAUL E. GIOVINO, 7123
HARRY C. GLENN III, 5031
DALE E. GOBLE, 3577
GLENN H. GOLDMAN, 2617
KERRY M. GRANFIELD, 3093
JAMES W. GRAY, 1649
GLENN K. GROTHE, 0472
BRYAN A. * GROVES, 5056
EDUARDO GUTIERREZ, 9670
DAVID B. HAIGHT, 6783
JOHN F. HALEY, 8632
DAVID W. HALL, 3872
JEFFREY M. HALL, 3340
SHARON R. HAMILTON, 3457
LEE E. HANSEN, 6711
JOHN W. HARNEY, 0091
CHERYL A. HARRIS, 3930
JEFFERY T. HARRIS, 8055
CLAY B. HATCHER, 7283
JEFFREY B. HELMICK, 5340
BARRY R. HENSLEY, 4330
MARVIN C. HIGDON, 8791
TERENCE J. HILDNER, 8727
JEFFREY G. HILL, 9978
WILLIAM V. HILL III, 0148
LAWRENCE B. HOLMES, 3789
COLIN L. HOOD, 4701
STEPHEN G. HOOD, 5544
DAVID S. HUBNER, 2643
PAUL C. HURLEY, JR., 2750
CRAIG B. HYMES, 1150
DONALD E. JACKSON, JR., 7627
LARRY A. JACKSON, 6930
JOSEPH B. JELLISON, 3845
DARRELL L. JENKINS, 0767
VALERIE T. JIRCITANOTORRES, 0714
NORBERT B. JOCZ, 7748
CRAIG L. JOHNSON, 2647
DARFUS L. JOHNSON, 2910
ERIC S. JOHNSON, 8946
JAMES M. JOHNSON, 2522
JOHN P. JOHNSON, 2556
WILLIAM H. JOHNSON, 3570
DAVID T. JONES, 5853
ROBERT E. JONES, JR., 8733
TIMOTHY A. JONES, 6894
BYRON G. JORNS, 8188
PHILIP E. KAISER, 3082
GREGORY C. KANE, 0581
THOMAS J. KEEGAN, 3559
JOHN D. KEENAN, 2665
SHERRY B. KELLER, 9006
JEFFREY P. KELLEY, 5564
JEFFREY A. KELLY, 1126
THOMAS E. KELLY, 4355
JOHN S. KEM, 8485
EDWARD J. KERTIS, JR., 7304
DANIEL R. KESTLE, 8880
CHARLES W. KIBBEN, 8628
GENE R. KING, 0524
KENNETH E. KING, 2728
RICHARD T. KNAPP, 0151
DOUGLAS J. KNIGHT, 7551
MICHAEL G. KOBA, 7290
JOHN KULIFAY, 2357
JEFFREY J. KULP, 3754
RAYMOND P. LACEY, 5571
DAVID A. LAMBERT, 3288
TOMMY L. LANCASTER, 7861
RAYMOND R. LANGLAIS, JR., 4449
KERRY R. LARRABEE, 6297
DICK A. LARRY, 6418
TRACY L. LEAR, 7771
MELVIN R. LEARY, 1961
SHARON L. LEARY, 9475
GLORIA A. LEE, 7381
JEFFREY P. LEE, 8654
PAUL L. LEGERE, 0689
CHARLES S. LEITH, 8346
CLARK W. LEMASTERS, JR., 7779
THERESA S. LEVER, 8950
BRETT G. LEWIS, 4833
RONALD F. LEWIS, 1136
JEFFREY C. LIEB, 2427
MARK R. LINDON, 5854
VERNON L. LISTER, 1489
ROBERT P. LOTT, JR., 4450
JAMES P. LUDOWESE, 3603
MICHAEL D. LUNDY, 4427
THOMAS H. MAGNESS, 6607
MICHAEL T. MAHONEY, 6179
JOHN E. MALAPIT, 1348
JAY S. MALLERY, 0774
MARVIN S. MALONE, 6418
MICHAEL S. MALONEY, 1332
EDWARD P. MANNING, 6135
ERNEST P. MARCONE, 2587
MATTHEW T. MARGOTTA, 4127
JOSEPH M. MARTIN, 2416
EDWARD D. MASON, 8581
CURTIS A. MATHIS, 2455
TODD B. MCCAFFREY, 8138
RAY W. MCCARVER, JR., 1248
DAVID R. MCCLEAN, 2535
JAMES L. MCGINNIS, JR., 2787
EDWARD J. MCHALE, 1377
BRIAN J. MCKIERNAN, 1021
MICHAEL H. MCMURPHY, 6023
JIMMY L. MEACHAM, 2818
STEVEN G. MEDDAUGH, 1048
FABIAN E. MENDOZA, JR., 5934
JERRY C. MEYER, 2196
CHRISTOPHER L. MILLER, 0508
DAVID M. MILLER, 5834
JAMES L. MILLER, 9960
JOHN W. MILLER III, 8193
WILLIAM K. MILLER, 5409
WILLIAM B. MIRACLE, 7873
DANIEL G. MITCHELL, 8994
MYLES M. MIYAMASU, 6447
MARK G. MOFFATT, 5287
WILLIAM H. MONTGOMERY III, 3264
DAVID R. MOORE, 1900
TERRY V. MORGAN, 0236
JOHN B. MORRISON, JR., 5065
MITCHELL T. MORROW, 5675
SEAN P. MULHOLLAND, 9763
MARY B. MYERS, 7725
ERIC W. NANTZ, 6235
LEWIS C. NAUMCHIK, 9545
CLARENCE NEASON, JR., 6980
BRADFORD K. NELSON, 1779
BRADLEY K. NELSON, 6596
BRYAN T. NEWKIRK, 9822
CLAYTON T. NEWTON, 7962
ALAN W. NEYLAND, 2553
MOLLY A. ODONNELL, 2434
JOHN E. ONEIL, 3457
TIMOTHY S. OROURKE, 4664
AUGUSTUS L. OWENS II, 1746
JOHN T. OWENS III, 8458
JOSEPH V. PACILEO, 8194
DAVID B. PARKER, 1529
STEVEN W. PATE, 2730
RANDOLPH L. PATTERSON, 3315
CHRISTOPHER W. PEASE, 0054
GARY D. PEASE, 0941
DAVID M. PENDERGAST, 2722
ERIK C. PETERSON, 6182
WALTER E. PIATT, 6963
SANDY W. POGUE, 6601
STUART R. POLLOCK, 4577
FRANKLIN A. POUST, JR., 4409
MICHAEL C. PRESNELL, 1179
DAVID C. PRESS, 3905
VINCENT L. PRICE, 5258
TIMOTHY R. PRIOR, 4410
ESMERALDA G. PROCTOR, 7065
BRIAN D. PROSSER, 1198
CHERI A. PROVANCHA, 6537
RONALD J. PULIGNANI, JR., 7327
ROBERT B. QUACKENBUSH, 7526
WILLIAM S. RABENA, 9069
ANITA M. RAINES, 7893
JOSE M. RAMOS, 2539
WESLEY L. REHORN, 5278
JOHN M. REICH, 8409
ALLISON R. REINWALD, 6447
BRIAN R. REINWALD, 4683
ANTHONY D. REYES, 5127
MATTHEW A. RICHARDS, 2692
LAURA J. RICHARDSON, 2595
KAROL L. RIPLEY, 4784
TERRILL S. ROBINSON, 4527
DAVID P. RODGERS, 4014
DARSIE D. ROGERS, JR., 8306
CHARLES V. ROGERSON, 4636
RONALD J. ROSE, JR., 0710
DREXEL K. ROSS, 6927
HOWARD M. RUDAT, 8142
STEPHEN E. RYAN, 3557
TIMOTHY M. RYAN, 7508
WILLIAM R. SALTER, 1354
JOHN L. SALVETTI, 4653
MICHAEL P. SAULNIER, 6678
WILLIAM S. SCHAFF, 7772
EMMETT M. SCHAILL, 4407
BLAIR A. SCHANTZ, 3012
PARKER B. SCHENECKER, 0914
STEVEN M. SCHENK, 5537
GREGORY B. SCHULTZ, 5157
JOHN C. SCHULZ, 3976
ERIC C. SCHWARTZ, 5814
PAUL T. SEITZ, 7342
RONALD E. SELDON, 8793
TERRY L. SELLERS, 2928
MICHAEL SENTERS, 2693
STEVEN A. SHAPIRO, 4740
STEVEN R. SHAPPELL, 6629
CHANDLER C. SHERRELL, 7900
JEFFREY A. SINCLAIR, 9808
MICHAEL J. SIPPEL, 6189
TIMOTHY S. SLEMP, 3993
STEVEN A. SLIWA, 3649
JONATHAN J. SMIDT, 7298
ERIC E. SMITH, 2269
PEYTON E. SMITH, 3863
STEPHEN C. SMITH, 1264
STEPHEN V. SMITH, 8537
THOMAS P. SMITH, 8100
EUGENIA H. SNEAD, 1551
RICHARD L. SOBRATO, JR., 7814
GEORGE R. SORENSEN, 4683
NILS C. SORENSON, 9380
JOSEPH A. SOUTHCOTT, 2363
ROBERT J. SOVA, 3716
JOHN M. SPISZER, 7720
LUCIE M. STAGG, 9486
WILLIAM R. STANLEY, 2659
RICHARD A. STARKEY, 2282
LEE G. STEWART, 2016
JAMES L. STOCKMOE, 8993
MELISSA A. STURGEON, 5924
PHILIP L. SWINFORD, 4781
JEFF B. SWISHER, 5722
RODNEY W. SYMONS II, 0049
MARISA A. TANNER, 6959
THOMAS H. TATUM, JR., 8233
ROBERT J. TAYLOR, JR., 3408
DENNIS D. TEWKSBURY, 1308
SCOTT D. THOMAS, 2956
DENNIS M. THOMPSON, 9459
PATRICK E. TIERNEY, 8605
DANE S. TKACS, 1180
BILLY G. TOLLISON, 6667
HARRY D. TUNNELL IV, 3887
CLARENCE D. TURNER, 3071
JEFFREY A. TURNER, 1287
RANDALL E. TWITCHELL, 5140
ROBERT J. ULSES, 6362
MARTIN I. URQUHART, 6136
BRUCE E. VARGO, 4780
JOHN D. VERNON, 3311
BRIAN VINES, 2644
VANCE P. VISSER, 6957
GARY J. VOLESKY, 5246
STEPHEN E. WALKER, 7952
PATRICK J. WALSH, 6060
SHAWN P. WALSH, 5003
ROBERT P. WALTERS, JR., 1596
ROBERT A. WARBURG, 2344
THOMAS D. WEBB, 7379
MICHAEL C. WEHR, 5881
BRETT D. WEIGLE, 9774
ROBERT W. WERTHMAN, 6328
CARY S. WESTIN, 2266
DAVID C. WESTON, 8862
STEVEN D. WESTPHAL, 7717
SAMUEL R. WHITE, JR., 3340
ANTHONY R. WILLIAMS, 6025
BENNIE WILLIAMS, JR., 3608
CHARLES E. WILLIAMS, 2005
DANIEL E. WILLIAMS, 8564
DAVID M. WILLIAMS, 2899
DWAYNE T. WILLIAMS, 0947
JOHN D. WILLIAMS, 5064
MICHAEL S. WILLIAMS, 8791
TIMOTHY R. WILLIAMS, 0661
GREGORY R. WILSON, 2491
ROGER A. WILSON, JR., 2459
DAVID A. WISECARVER, 8342
SHARON L. WISNIEWSKI, 7403
FREDERICK S. WOLF III, 0629
SCOTT G. WUESTNER, 3065
JEFFREY K. YOUNG, 5430
BARBARA L. ZACHARCZYK, 9171
ROBERT G. ZEBROWSKI, 4360
DARREN B. ZIMMER, 7017
AARON M. ZOOK, JR., 9978
AIDIS L. ZUNDE, 8062
X6878
X1665
X1119
X4096
X2175
X2451

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

TONY C. BAKER, 6191
TOMMY L. BEALS, 5971
CHRISTOPHER G. BOHNER, 6308
KEVIN M. BONSER, 2026
RANDY E. BROWN, 8406
ELAINE A. BRYE, 1536
JAMIE F. BURTS, 6760
BRYCE D. BUTLER, 7375
MICHAEL R. CHAPARRO, 2375
MOTALE E. EFIMBA, 5730
STEVEN T. FILES, 2523
HANS A. FOSSER, 8581
MATTHEW T. FRENIERE, 8117
JOHN T. FRYE, 2478
CHRISTOPHER C. GAVINO, 3229
SEAN T. GRUNWELL, 9226
MATTHEW T. HARDING, 2809
CRAIG W. HEMPECK, 2674
CALVIN G. HENDRIX, 6240
DAVID G. HOFFMAN, 9694
MICHAEL P. HOLLENBACH, 6348
KITJA HORPAYAK, 9938
WILLIAM J. JOHANSSON, 8781
JAMES R. JONES, 5337

JAMES J. JUSTER, 1735
NEIL B. LAPOINTE, 7641
KEVIN W. MACY, 3377
ANTHONY J. MATA, 8708
JOSEPH S. MATISON, 9126
MICHAEL C. MOSBRUGER, 8319
FRANK E. OKATA, 4452
WILLIAM L. PARTINGTON, 7680
EUGENE R. ROBERTS, 9278
SEAN RONGERS, 9282
ERIC M. SAMUELSON, 2608
IAN J. SCHILLINGER, 4877
LEON B. SCORATOW, 4696
MICHAEL S. SHAW II, 3864
PAUL B. SPRACKLEN, 4448
MICHAEL STEPHENS, 3800
RICKY M. URSERY, 0668
JAMES J. VOPELLUS, 6058

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

LISA CHILES, OF CALIFORNIA
GEORGE DEIKUN, OF CALIFORNIA
MARK STUART WARD, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

JONATHAN S. ADDLETON, OF FLORIDA
HENRY LEE BARRETT, OF MARYLAND
CAROL R. BECKER, OF MARYLAND
JAMES A. BEVER, OF VIRGINIA
JON H. BRESLAR, OF VIRGINIA
JOSEPH FARINELLA, OF NEW YORK
WILLIAM M. FREJ, OF CALIFORNIA
RICHARD J. GOUGHNOUR, OF FLORIDA
WILLIAM HAMMINK, OF FLORIDA
JAY L. KNOTT, OF OREGON
HENDERSON M. PATRICK, OF FLORIDA
DENNY F. ROBERTSON, OF FLORIDA
KEITH E. SIMMONS, OF CALIFORNIA
MONICA STEIN-OLSON, OF WASHINGTON
PAMELA A. WHITE, OF VIRGINIA
MICHAEL J. YATES, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

TODD HANSON AMANI, OF WASHINGTON
CHERYL L. ANDERSON, OF VIRGINIA
JEFFREY N. BAKKEN, OF MINNESOTA
VICTOR K. BARBIERO, OF VIRGINIA
TIMOTHY THOMAS BEANS, OF VIRGINIA
JEFFERY D. BELL, OF VIRGINIA
LARRY HALL BRADY, OF WYOMING
SUSAN K. BREMS, OF THE DISTRICT OF COLUMBIA
CONSTANCE A. CARRINO, OF THE DISTRICT OF COLUMBIA
REBECCA W. COHN, OF MARYLAND
TULLY R. CORNICK, OF MARYLAND
ALAN L. DAVIS, OF FLORIDA
PAUL FRANCIS DAVIS, OF NEW HAMPSHIRE
CHARLES V. DRILLING, OF NEW YORK
MARGOT BIEGELSON ELLIS, OF NEW YORK
ALONZO L. FULGHAM, OF VIRGINIA
JOHN GROARKE, OF THE DISTRICT OF COLUMBIA
DENISE A. HERBOL, OF PENNSYLVANIA
ELIZABETH ANN HOGAN, OF VIRGINIA
EDWARD T. LANDAU, OF VIRGINIA
NANCY J. LAWTON, OF MISSOURI
AMANDA K. LEVENSON, OF ALASKA
JON DANIEL LINDBORG, OF INDIANA
CECILY L. MANGO, OF MARYLAND
WILLIAM B. MARTIN, OF VIRGINIA
JOHN A. MAY, OF TEXAS
KERMIT CRAIG MOH, OF VIRGINIA
DAVID J. NOBLE, OF MARYLAND
BETH S. PAIGE, OF TEXAS
BARRY K. PRIMM, OF MISSOURI
JOSEPH S. RYAN, JR., OF CALIFORNIA
MIKE E. SARHAN, OF WASHINGTON
JOAN MARGARET SILVER, OF CALIFORNIA
DONNA R. STAUFFER, OF CONNECTICUT
THOMAS MICHAEL STEPHENS, OF VIRGINIA
DAWN ALLISON THOMAS, OF NEW YORK
MICHAEL F. WALSH, OF VIRGINIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANNE ELIZABETH LINNEE, OF MINNESOTA
RAYMOND H. MURPHY II, OF TENNESSEE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANITA STROHSCHEIN CHILDS, OF FLORIDA
JOHN PAUL MOPPERT, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

IRA BELKIN, OF NEW YORK
FRANCIS M. PETERS, OF TEXAS
ALIZA TOTAYO, OF MARYLAND

DEPARTMENT OF STATE

MICHAEL JOSEPH ABEL, OF WASHINGTON
ALEXANDER T. ALLEN, OF VIRGINIA
MICHAEL A. ALLSHOUSE, OF VIRGINIA
CHRISTOPHER J. ANDERSON, OF THE DISTRICT OF COLUMBIA
JUAN L. ARELLANO, OF WASHINGTON
STEPHANIE CHRISTINE ARNOLD, OF ILLINOIS
OLGA ELENA BASHBUSH, OF VIRGINIA
MARK BEANE, OF VIRGINIA
STEWART WILLIAM BEITZ, OF SOUTH CAROLINA
CHRISTOPHER A. BERGAUST, OF IDAHO
MELISSA ANN BERMUDEZ, OF CALIFORNIA
MONICA S. BLAND, OF NEBRASKA
ERIC BOWEN, OF VIRGINIA
DANA CHRISTENE COLE BROWN, OF OKLAHOMA
TRAVIS M. BROWN, OF VIRGINIA
JOSEPH T. BURKE, OF CALIFORNIA
ELLEN CALLAHAN, OF NEVADA
GREGORY J. CAMPBELL, OF NEW YORK
KATHERINE J. CHISHOLM, OF VIRGINIA
TODD V. CHRISTIANSEN, OF NEW YORK
ANDREW B. CLARK, OF VIRGINIA
WILLIAM JUSTIN ALBERT CLAYTON, OF THE DISTRICT OF COLUMBIA
MARISA N. COHRS, OF WASHINGTON
KATHERINE C. CONOVER, OF MARYLAND
BARBARA HERMINIA CORDERO, OF FLORIDA
ANDREI M. COTTON, OF ARIZONA
KYLE A. CROSBY, OF VIRGINIA
MARK A. CUNNINGHAM, OF THE DISTRICT OF COLUMBIA
TAMMY A. DAVIS, OF KANSAS
THOMAS P. DELANEY, OF MARYLAND
LAURENT M. DE WINTER, OF THE DISTRICT OF COLUMBIA
NINA DIAZ, OF CALIFORNIA
NGA BICH DO, OF CALIFORNIA
KATHRYN T. DORMINEY, OF FLORIDA
ROBERT F. DOYLE III, OF ILLINOIS
JEFFRY W. DUFFY, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER R. DUNN, OF TEXAS
GOTTLIEB J. DUWAN, OF VIRGINIA
PETER J. DYCAICO, OF CALIFORNIA
CHRISTOPHER B. EAVES, OF VIRGINIA
MARK D. ESTES, OF GEORGIA
DAVID K. FAGLEY, OF VIRGINIA
HEATHER JUNE FARRAR, OF MARYLAND
JONATHAN FISCHER, OF WASHINGTON
MATTHEW GARDNER FULLER, OF TEXAS
WILLIAM JEFFERS FURNISH, JR., OF LOUISIANA
KANISHKA GANGOPADHYAY, OF THE DISTRICT OF COLUMBIA
VIRGINIA R. GILES, OF VIRGINIA
IXTACCIHUATL GONZALEZ, OF MASSACHUSETTS
ANDREA GOROG, OF WASHINGTON
JEFF GRINGER, OF WASHINGTON
JANELLE R. GUEST, OF MICHIGAN
KAPIL GUPTA, OF THE DISTRICT OF COLUMBIA
PRASENJIT GUPTA, OF IOWA
MATTHEW M. HABINOWSKI III, OF MASSACHUSETTS
ERIN P. HAMRICK, OF GEORGIA
CAROL M. HANLON, OF GEORGIA
SEAN R. HANTAK, OF ILLINOIS
NATHAN NOZOMI HARA, OF OHIO
STANLY HAYES, OF MARYLAND
H. ALEXANDER HENEGAR III, OF GEORGIA
DENIS HIGGINBOTHAM, OF THE DISTRICT OF COLUMBIA
MARILYN J. HOLLERAN, OF CONNECTICUT
DANIEL CHARLES HOLTROP, OF MARYLAND
JESSE B. HUGHES, OF VIRGINIA
ROBERT GEORGE HUNTER, OF VIRGINIA
STEPHEN F. IBELLI, OF NEW YORK
CHRISTOPHER GEORGE ISTRATI, OF PENNSYLVANIA
CHRISTINE PEYTON JACKSON, OF NEW YORK
JENAE DENISE JOHNSON, OF WASHINGTON
JAMES STEPHEN JONES, OF VIRGINIA
GREGORY B. KELLER, OF NEBRASKA
ABDUL-RAHMAN KENYATTA, OF VIRGINIA
EUGENE HYUN KIM, OF THE DISTRICT OF COLUMBIA
MICHELE ANN KIMPEL GUZMAN, OF CALIFORNIA
CHRISTOPHER D. KJELLAND, OF TEXAS
SUZANNE KNIGHT, OF VIRGINIA
MARK R. LANNING, OF WASHINGTON
TIMOTHY LAYMAN, OF MARYLAND
CARRIE K. LEE, OF CALIFORNIA
SONIA MERCEDES LEGER, OF VIRGINIA
LENA LEVITT, OF CALIFORNIA
THERESA LINDO SPAZIAN, OF FLORIDA
CHRISTIE CARMELLE LOPEZ, OF CALIFORNIA
NATHAN L. MACKLIN, OF WYOMING
KANIKA MAK, OF FLORIDA
AARON I. MARTZ, OF TEXAS
MARK C. MATTHEWS, OF MINNESOTA
GENE P. MCCUSKER, OF VIRGINIA
MAUREEN BRIGID MCGOVERN, OF FLORIDA
MATTHEW CARR MCHORRIS, OF VIRGINIA
LUIS F. MENDEZ, OF NEW JERSEY
JOHANNA R. MEREJO, OF NEW JERSEY
MARK LESLIE MOLNAR, OF VIRGINIA
BENJAMIN ABRAHAM MONTANEZ, OF TEXAS
CYNTHIA A. MORGAN, OF MARYLAND
DAVID VAUGHAN MUEHLKE, OF NEW HAMPSHIRE
DAVID R. MYERS, OF THE DISTRICT OF COLUMBIA
GREGG DICKSON MYRUP, OF TENNESSEE
NHAN T. NGUYEN, OF WASHINGTON
CHRISTOPHER MARKLEY NYCE, OF CALIFORNIA
DENNIS H. O'HEARN, OF VIRGINIA
ADAM C. OLSEN, OF VIRGINIA
TULA CRUZ ORUM, OF CALIFORNIA
JENNIFER A. PARKER, OF VIRGINIA
SAMUEL R. PEALE, OF VIRGINIA
YAROSLAVA Y. PETROVA, OF CALIFORNIA
BENJAMIN LOYD PIERCE, OF UTAH
SUSAN MARIE PLOTT, OF TEXAS
IRFAN QAIYUMI, OF VIRGINIA
LORENZO REED, OF MARYLAND
CHARLES K. REGAN, OF NEW HAMPSHIRE
AMANDA J. REI-PERRINE, OF WASHINGTON
VICTORIA CHARLOTTE REPPERT, OF MASSACHUSETTS
DONALD H RIGGS, OF VIRGINIA
KEVIN CONLEY RUFFNER, OF VIRGINIA
CARRIE A. SCHLAUCH, PH.D., OF OHIO
MEGAN LEIGH SELMON, OF OKLAHOMA
CHIRAG P. SHAH, OF VIRGINIA
CHRISTOPHER M. SHAHIDI, OF THE DISTRICT OF COLUMBIA
STEEN W SIMONSEN, OF VIRGINIA
RACHEL M. SMITH, OF NEW YORK
BREEANN MARIE SONGER, OF NEW YORK
ASHLEY B. STEWART, OF THE DISTRICT OF COLUMBIA
SHERRY R. STUP, OF VIRGINIA
RAY RICHARD SUDWEEKS, OF VIRGINIA
SEAN T. SULLIVAN, OF MARYLAND
NATHAN TIDWELL, OF TENNESSEE
ANDRES VALDES, OF FLORIDA
KIMBERLY C. VALDES-DAPENA, OF OHIO
WENDY M. VARNER, OF VIRGINIA
KEVIN VIRGIL, OF VIRGINIA
ANTHONY JOSEPH VITALE, OF WEST VIRGINIA
JONATHAN T. WARD, OF WASHINGTON
HEATHER ANN WATSON-AYALA, OF NEVADA
JEFFREY MICHAEL WEINSHENKER, OF THE DISTRICT OF COLUMBIA
MICHAEL JOHN WHIPPLE, OF TEXAS
LYNN CHRISTINE WHITEHEART, OF VIRGINIA
DAVID WHITTED, OF GEORGIA
CARTER W. WILBUR, OF THE VIRGIN ISLANDS
BRYAN J. WILLATS, OF VIRGINIA
KATHLEEN ANNE YU, OF MARYLAND

WITHDRAWALS

Executive Message transmitted by the President to the Senate on December 13, 2005 withdrawing from further Senate consideration the following nominations:

EDWARD L. FLIPPEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICES, WHICH WAS SENT TO THE SENATE ON JANUARY 24, 2005.

ELLEN G. ENGLEMAN CONNERS, OF INDIANA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS, WHICH WAS SENT TO THE SENATE ON APRIL 4, 2005.

JOHN M. MOLINO, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), WHICH WAS SENT TO THE SENATE ON SEPTEMBER 6, 2005.

HOUSE OF REPRESENTATIVES—*Tuesday, December 13, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PEARCE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 13, 2005.

I hereby appoint the Honorable STEVAN PEARCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

IRAQ

Mr. DEFAZIO. Well, with great fanfare last week and very belatedly, the President unveiled a document called A Plan For Victory in Iraq, and he said that this was a declassified version of the longstanding military strategy in Iraq.

Now, help to review that strategy: The initial strategy based on unrealistic assumptions by Mr. Wolfowitz, Mr. Rumsfeld, and others was that our troops would be welcomed as liberators, we would be drawn down to 40,000 troops within a few months, and that the Iraqis would be able to pay for their rebuilding themselves. Of course, all these things were horribly, horribly wrong. A number of us have called to remove Mr. Rumsfeld for more than a couple of years now, but he is still there. So we would assume that the President condones the incredible mistakes that he has made which have caused many, many American lives.

Now, with his support slumping into the 30s on his execution of the war in Iraq, the President has decided to shift gears. Now, that would be good if this was really a declassified version of a credible military plan for victory and return of our troops home from Iraq. Unfortunately, the White House and its folks do not quite understand high technology and the Internet, and by clicking on this, you could find out who really wrote it. It was not written by a military strategist, it was not written at the Pentagon; it was written by a political science professor named Peter D. Feaver from Duke University, and his specialty is polling and public opinion on military conflicts. He has a theory that Vietnam could have continued if only the American people had been given a vision that we were headed toward victory, and he is now testing that theory by writing this document which the President presented as an actual declassified version of a military document. It is not. It is a political construct based on a theory of a political science professor from Duke University who the President has named to the National Security Council. So the dissembling continues here for the American people.

We want a real plan on how we are going to bring our troops home from Iraq. We do not want any more dissembling, we do not want any more Pollyannas. The President seems in his recent speeches to be admitting to the numerous mistakes that were made, but if we look at this document and the way it has been presented, they just made another grievous mistake for the American people. In fact, the general in charge in Iraq, Lieutenant General Martin Dempsey, top military official in charge of training Iraqi troops, he surprised some reporters by saying that the first time he saw our strategy for victory in Iraq was the day it was released to the press. So this administration is still failing to create a clear vision.

I and others have proposed that the President should negotiate with the newly elected Iraqi government after the elections on a withdrawal, or enhance their credibility, their legitimacy. I think it would also begin to remove a crutch which they are using, which is the U.S. forces in Iraq. They are not settling their differences legitimately between the Sunnis, the Shiites, and the Kurds, and of course many predicted that before the war, but the administration also glossed over that. And they will not as long as the U.S. is there, and the Sunnis in particular resent the U.S. presence. So if we negotiated that sort of an agreement with them and had a timeline to draw down and remove our troops and stand up the Iraqis, I believe that then the insurgency would abate, as do many others, including others in the military who have said that in fact it is our forces that are the kindling for many, other than the foreign fighters who are there, and then soon the Iraqis would turn on the foreign fighters and hopefully then reclaim their own country. So I am very saddened to learn that this is yet one more deception by this administration in this sorry chapter in American history.

CHINA—PIRACY OF U.S. PRODUCTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, counterfeiting is a growing international concern that requires international cooperation to defeat. It threatens our national security interests in areas of health, economics, and of course homeland defense. The Food and Drug Administration estimates that counterfeit drugs account for 10 percent of all drugs that are sold in the United States. An estimated 14 percent of these drugs that are sold through the mail are counterfeit, they are mishandled, or expired. Pfizer Pharmaceutical recalled 16.5 million Lipitor pills nationwide as a result of an FDA investigation that uncovered evidence that these pills were counterfeit.

Counterfeit technologies have caused immense harm as well. For example, in California a 13-year-old boy sustained severe injuries from a counterfeit battery that exploded in his cell phone. The phone exploded with such force that fragments of the phone lodged into the ceiling of his family's home.

Exploding batteries, doctored medications, foods, dangerous cosmetics and skin products, fake shampoos and soaps, doctored teas, substandard auto and airplane components, the list of counterfeit goods grows daily. Even fake and dangerous baby foods have been reported. In China, for example, infants suffered severe malnourishment and a dozen died after being fed fake infant formula that contained few nutrients.

The hazards of counterfeit products have also affected our transportation. In 2003, the Motor and Equipment Manufacturers Association cited safety violations due to counterfeit auto parts: Brake linings made of compressed

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

grass, sawdust, or cardboard; transmission fluid made of cheap oil that is dyed, and oil filters that use rags for the filter element. Additionally, the FAA estimates that 2 percent of the 26 million airline parts installed each year are counterfeit, equaling approximately 520,000 parts. While still the safest form of travel, a Business Week investigation found that bogus airplane parts played a major role in at least 166 U.S. based accidents and mishaps during a recent 20-year period.

According to the U.S. Chamber of Commerce, approximately 5 to 7 percent of world trade is in counterfeit goods. The FBI estimates that intellectual property theft costs the United States companies between $200 and $250 billion a year in revenue. According to the U.S. Customs and Border Protection, counterfeit merchandise is directly responsible for the loss of more than 750,000 American jobs, in addition to tens of thousands more lost of privacy of software programs, movies, and music. The auto industry could hire 200,000 additional workers if sale of counterfeit auto parts was eliminated.

In some cases, the counterfeiters are not only breaking the law, they are supporting terrorists. According to Interpol, seized al Qaeda training manuals recommend selling fake goods to finance illegal activities. One example is the confiscation of $1.2 million of counterfeit German brake pads and shock absorbers in Lebanon in October 2003. The profits from the products were earmarked for supporters of Hezbollah. Another poignant example is the 1993 World Trade Center bombing, which was financed partially through the sale of fake Nike t-shirts from a store on Broadway.

We are currently involved in trade with a country that refuses to enforce these laws. Mr. Speaker, I am referring to China, which has ignored its own anti-piracy laws on American movies, music, computer software, and other products. In 2003, China accounted for 66 percent or $62.4 million of all counterfeit goods seized by the U.S. Customs Service at ports of entry into the United States. In 2004, U.S. industries lost between $2.5 and $3.5 billion due to privacy alone. Some reports estimate virtually 90 percent of products in some industries sold in China are pirated from the United States.

In June, Under Secretary John Dudas testified in a hearing I held in the House Commerce, Trade and Consumer Protection subcommittee, "This administration has been pressing China to impose prison sentences and/or stiffer fines on violators, provide little or no deterrence." Chinese government efforts since have yielded no results.

U.S. Trade Representative Bob Portman recently announced the U.S. would be requesting from China an explanation of the steps it has taken to curb privacy of U.S. products. In the announcement he said, "Piracy and counterfeiting remain rampant in China despite years of engagement on this issue."

In conclusion, requiring accounting ability is an essential first step to stopping Chinese abuse of U.S. intellectual property rights. I support this request, and I hope the President's trip to Asia this week will further convince Chinese officials of the need for enforcing intellectual property rights laws.

GLOBAL WARMING

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. The World Meets to Solve Global Warming. U.S. on Sidelines. U.S. Won't Join in Binding Climate Talks.

These are news flashes from the Montreal Conference this weekend on global warming. Countries from around the world met in Montreal to address the issue of global warming. Where was the United States and the Bush administration? On the sidelines, out of commission, not willing to forward a plan or proposal on the far-reaching challenge of our time.

The Bush administration has its head in the sand. For most of its time in office, this administration has refused to recognize there is even a problem. Recently they acknowledged that man's burning of fossil fuels is warming the Earth but refused to take concrete action. When President Clinton was invited to speak to the conference, the U.S. team threatened to boycott.

President Bush, wake up. The countries of the world are leaving you behind. President Bush, our country needs a leader who will protect our children's future.

Since 1990, we have seen the 10 warmest years in history. Before our eyes, ice caps are melting, glaciers are shrinking, oceans are warming, and sea levels are rising. Scientists tell us we can expect more extreme storms, higher intensity hurricanes, more severe droughts, and other dramatic climate changes. We must act now to protect our children. We must act now to leave our children a better world.

Carbon dioxide emissions must be brought under control. We know how to do this. We have specific ways to act now. We have the technology. One hundred fifty-seven countries are already imposing mandatory limits on CO_2 while the Bush administration stonewalls any mandatory scheme. We can take steps now to reduce greenhouse gas emissions but we must do so in a way that would minimize the impact to our economy. We must implement an economy-wide, upstream, all greenhouse gas cap-and-trade emissions reduction program that provides some flexibility and a measure of certainty to those industries and businesses affected.

The National Commission on Energy Policy, a bipartisan group of top experts, recommends such an approach. One of the key components of their proposal is the concept of a safety valve for the cap-and-trade program. The safety valve essentially puts a price on carbon but provides for an unlimited number of allowances to be sold by the government. Since no one would pay more than what the government charges for allowances, this mechanism effectively controls the price of allowances. When set at the right price, the safety valve would start the country down the path of slowing the growth of greenhouse gas emissions without causing serious economic disruption.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members to address their remarks in debate to the Chair and not to the President.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Reverend Dr. Barry C. Black, Chaplain, United States Senate, offered the following prayer:

God of mercies, whose unfailing love and faithfulness cover our sins, make us today instruments of Your grace. Give us the wisdom to think before speaking and to say the right thing at the right time. May our actions so please You that even our enemies will live at peace with us. Guide our lawmakers in their challenging work. Remind them that many counselors bring success. Help them also to remember that they can make plans, but You determine their steps. Teach us all that it is better to be patient than powerful, and it is better to have self-control than to conquer a city. Guide us by Your light that we may reach the light that never fades. We pray this in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

> S. 1231. An act to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education.
>
> S. 1295. An act to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1281) "An Act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Mr. INOUYE and Mr. NELSON (FL), to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 108-199, title VI, section 637, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission:

Jerome F. Climer of Virginia.

THE KING OF TYRANNY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, on this day 2 years ago, United States soldiers found the king of tyranny, Saddam Hussein, hiding in a hole like a rat near Tikrit, Iraq. His trial recently started, and it is more public than some American trials because it is carried on international television. He pontificates about how he is unjustly treated. He tries to portray himself as an honorable person. This is the same dreadful demon dictator that tortured and murdered his own citizens and caused years of chaos and calamity in his own country.

Witnesses in the trial have described rapes, beatings, and electric shock torture carried out by his relentless regime. But the news stories focus on his outrageous court behavior instead of his years of vicious violence and mayhem. The people of the world deserve a record of his atrocities, not the senseless stories of his bad courtroom attitude, his disruptions, and his disrespectful and disgraceful demeanor. The caged rodent known as Saddam Hussein can protest all he wants, but even the likes of him now receives a fair trial. Justice will soon be served, and he will be punished like the rat that he is. We call this justice system democracy.

That's just the way it is.

NO OUTSOURCING OF TORTURE

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, we must prevent Vice President CHENEY and CIA Director Goss from carving out a special exemption for the CIA to the McCain amendment barring torture, a Bush-Cheney-Goss EZ pass around the law. But we should also realize that even if we ban torture by U.S. Government agencies, the CIA is likely to increase the illegal practice of extraordinary rendition, where they seize or kidnap suspects and send them to countries like Syria or Uzbekistan which are likely to subject the prisoners to torture.

The Secretary of State just flew around Europe trying to explain why the United States is continuing to snatch citizens off the streets of Italy and Germany and fly them on CIA planes to secret prisons where they may be tortured. Earlier this year, I attached an amendment to the defense authorization bill to stop this practice. If we want to shut down the fast lane for torturers, we need to adopt both the McCain amendment on torture and the Markey amendment barring the outsourcing of torture to countries that do torture around the world in the name of the United States of America and the CIA.

2-YEAR ANNIVERSARY OF THE MEDICARE MODERNIZATION ACT

(Mr. BURGESS asked and was given permission to address the House for 1 minute.)

Mr. BURGESS. Mr. Speaker, another 2-year anniversary that we observed this week is the passage and signing of the Medicare Modernization Act. A part of that act which really has not received the notice that it deserves is the part that expanded health savings accounts to more Americans. A lot of the restrictions were removed, and these changes allowed more people to be covered by health savings accounts that resulted in more coverage, coverage for people, and more choices for those people with insurance products. Mr. Speaker, I know this, because I had this before coming to Congress, and at that time there were only two companies that offered MSA-type coverage in my State. Now, the field has grown so that many companies offer coverage, and the prices for health savings accounts have dramatically reduced in my area.

Today, Chief Deputy Whip Cantor is going to be introducing a bill that is going to remove some more restrictions that will allow for the adaptability for what are called flexible spending accounts and health reimbursement accounts so they can more seamlessly interact. This is good legislation, and I urge my colleagues to look into it.

PATRIOT ACT TOO RESTRICTIVE

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Later on this week, we are going to be considering the conference report on the PATRIOT Act. While I recognize that there has been some movement relative to some of the provisions that I found to be too onerous, I am afraid that it has not been changed enough to my liking, and so I simply serve notice that I think it is still too restrictive, it is still too oppressive, it does not speak to the kind of patriotism that I believe in; therefore, I shall be voting against it.

THANKS TO THE TROOPS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, as we prepare for the Christmas holiday, it is important that we remember those who will not be home for Christmas, our men and women in the armed services. Next week is Thank the Troops Week. While we celebrate the holiday, our troops all over the world defend our freedom.

Since 9/11, much support and concern has been shown, with yellow ribbons and clothing drives and helping families and sending care packages. Just recently, I posted a thank you letter to our troops on my Web site and shared it on TownHall.com.

A creative program that caught my eye is based in my own district in Georgia. It is called Armor 4 Troops

Foundation, which is doing great things for our soldiers. Founded in December 2004 by marine officers, it provides state-of-the-art antiballistic glasses and other critical equipment directly to our troops in the field, and it also provides financial assistance to families of our soldiers who have been admitted to Walter Reed or Bethesda Naval Hospital.

Mr. Speaker, I am proud to represent a district that will not forget those who serve, and we are all blessed to live in a Nation of heroes like the men and women in our military who fight every single day.

WE MUST DO MORE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, back in Indiana, when a tree falls on your house, first you tend to the wounded, then you start the clean-up, then you sit down and figure out how to pay for it.

Well, the Congress of the United States in the wake of the worst national catastrophe in our Nation's history responded to the need of the wounded and the clean-up, appropriating more than $60 billion in 6 days. But this week, in conjunction with the Senate, this Congress will come together to figure out how we are going to pay for it.

After passing the Deficit Reduction Act, which found more than $50 billion in savings in entitlement spending over the next 5 years, Congress this week will come together on that measure as well as, it is our fondest hope, an across-the-board cut in this year's Federal budget. It is absolutely imperative that this Congress demonstrate the ability to make tough choices even during tough times to put our fiscal house in order.

President John F. Kennedy said it best when he said, To lead is to choose. In this week perhaps at some late hour into the weekend or early next week, we will see who is willing to come to the floor and make the hard choices to put our fiscal house in order. We must do more, Mr. Speaker, but we dare not do less.

BREAK THE MEDICARE BARRIERS

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, would you work for an employer who told you he was going to cut your pay next year 4½ percent? Would you work for an employer who told you he was going to cut your pay every year for the next 6 years 4½ percent? Would you work for an employer who told you he was going to cut your pay every year for the next 6 years 4½ percent and your costs were going up 21 percent? Of course you would not.

Our seniors are already finding it hard to find a doctor who will take a new Medicare patient. What a hollow promise Medicare is if you cannot choose your own doctor. Only you, Mr. President, can require bureaucratic minds to take the actions necessary, fair and appropriate to break through the barriers to a destructive, unworkable, and outdated law. Only you, Mr. President, can give the order for administrative actions to allow budget-neutral repeal of the old SGR law and adoption of a modern pay-for-performance bill so you can fulfill the progressive vision that you have had that we all share of a Medicare program that can control costs by improving the quality of health care delivered to our seniors. I call on you to act, Mr. President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SUPPORTING THE GOALS AND IDEALS OF KOREAN AMERICAN DAY

Mr. CANNON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 487) supporting the goals and ideals of Korean American Day.

The Clerk read as follows:

H. RES. 487

Whereas the influence of Korean Americans may be observed in all facets of American life, including entrepreneurship, the arts, and education;

Whereas on January 13, 1903, 102 pioneer Korean immigrants arrived in the United States initiating the first chapter of Korean immigration to America;

Whereas the centennial year of 2003 marked an important milestone in the history of Korean immigration;

Whereas Korean Americans, like other groups of immigrants that came to the United States before them, have settled and thrived in the United States through strong family ties, community support, and hard work;

Whereas Korean Americans have made significant contributions to the economic vitality of the United States and the global marketplace;

Whereas Korean Americans have invigorated businesses, churches, and academic communities in the United States;

Whereas Korean Americans have made enormous contributions to the military strength of the United States;

Whereas today, at least 4,000 Korean Americans serve in the Armed Forces of the United States, with approximately 25 percent of them currently serving in Iraq; and

Whereas the Centennial Committees of Korean Immigration and Korean Americans have designated January 13 of each year as "Korean American Day" to commemorate the first step of the long and prosperous journey of Korean Americans in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a Korean American Day;

(2) urges all Americans to observe Korean American Day so as to have a greater appreciation of the invaluable contributions Korean Americans have made to United States; and

(3) honors and recognizes the 103rd anniversary of the arrival of the first Korean immigrants to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 487.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 487, which supports the goals and ideals of a Korean American Day and recognizes the 103rd anniversary of the arrival of the first Korean immigrants to the United States.

Korean Americans have played an important part in American society since January 13, 1903, when over 100 pioneer Korean immigrants arrived in America.

□ 1415

I am proud to say this last century is chock-full of significant, creative Korean-American accomplishments from Jam Kim, the first Korean-American to serve in the United States House of Representatives, to Eugene Chung, first Korean-American to be selected in the first round of the NFL draft. To commemorate this remarkable period, the Centennial Committees of Korean Immigration and Korean-Americans designated January 13 of each year as Korean-American Day.

The Korean-American community has created a successful community at large and has established a deep sense of culture and heritage for the upcoming generations. It has become a centralizing force that promotes progress and unity of Korean-Americans, as well as preserves their close historical ties with Korean-American ancestors.

Korean-Americans have played an integral part in helping the United States grow our principles of strong family ties, support for our community as well as aspiring for success. With their contributions to the economic vitality of the U.S. global marketplace, they have also rejuvenated businesses, churches and academic communities in the United States.

The Korean-American population has made enormous contributions to all facets of American life, including to the United States military. At least 4,000 Korean-Americans serve in the U.S. Armed Forces with approximately 25 percent serving in Iraq currently. In addition, Korean-Americans score among the top tier in academic tests and scholastic accomplishments.

In closing, Mr. Speaker, I am hopeful that H. Res. 487 will serve to bring the well-deserved recognition to a community that has given so much in leadership and heritage to our Nation.

I would like to thank Chairman TOM DAVIS for introducing this important resolution and urge my colleagues to join me in its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, Korea and the United States entered into their first treaty, the Treaty of Friendship and Commerce, in 1882. The signing of the treaty ushered in a sustained period of cooperation between the two Nations. Not long after the treaty was signed, Korean citizens began immigrating to the United States and, since that time, have made rich contributions to the ethnic and cultural fabric of America.

Korean emigration to the United States can be divided into three major waves. The first, from 1903 to 1905, consisted of about 7,500 Koreans, mostly men, who left their homes to work on Hawaii's sugar plantations as contract laborers. The second, beginning in 1950, consisted of women who married American soldiers and children adopted into American families. The third wave began in 1967 with the occupational and family reunification preferences of the 1965 Immigration Act. These waves of immigration followed growing U.S. involvement in Korea during the 20th century.

Immigrants from Korea thrived in the United States despite social, economic and language barriers. Korean-Americans have made contributions in the fields of finance, technology, law, medicine, the military, as well as in other areas. Four thousand Korean-Americans serve proudly in the United States Armed Forces, many of them in Iraq.

The United States has remained firmly committed to its allies in Korea, as shown not only by military support during the Korean conflict, but through the support of the Korean community in the United States. In June 2002, the United States Senate passed a historic resolution that recognized the 100th anniversary of Korean immigration to the United States.

I urge all of my colleagues to join me in the commemoration of Korean-American Day. This resolution celebrates the success of the Korean-American community, the contributions Korean immigrants have made and the contributions they continue to make to America.

Mr. Speaker, I do not believe that I have any additional requests for time, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague and friend from the Commonwealth of Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, it is with extreme pleasure today that I rise in support of H. Res. 487. This resolution supports the goals and ideals of Korean-American Day and honors the many important contributions Korean-Americans have made to the United States.

January 13, 1903, marked the arrival of the first 102 Korean immigrants to America. For more than 100 years, Korean-Americans, like the immigrants from other Nations who came to the United States before them, have established roots and thrived in the United States through strong family ties, community support and hard work. The influence of Korean-Americans has been observed in all facets of American life, including, but not limited to, entrepreneurship, the arts and education.

Since my first term in Congress, I have had the pleasure of working hand-in-hand with a large Korean-American community in Northern Virginia. Through this warm and prosperous relationship, I have only become more impressed with a people whose heritage displays such a strong sense of determination, discipline and compassion. I am very proud of how rapidly the Korean-American community has spread its roots in Northern Virginia and am extremely appreciative of their numerous contributions to our community.

From Annandale to Fairfax to Prince William County, Korean-American-owned shops and businesses dominate the retail landscape. Their children are succeeding in our schools and going on to start their own businesses and bring up their families, making our community better and more prosperous by far.

I traveled and led a congressional delegation to the Republic of Korea in August of 2004 to discuss the prosperous relationship between our two countries. The Republic of Korea is an important ally and trading partner of the United States, and this is why many Korean immigrants have chosen to make the U.S. their home. It is the United States' seventh largest trading partner and is the third largest source of foreign students studying in the United States.

In addition, the U.S. embassy in Seoul is the busiest American consular post in the world. I have been working diligently with the Department of State and the Department of Homeland Security to help create a roadmap which will eventually admit Korea into the Visa Waiver Program.

In closing, I want to remind my colleagues that it is all too easy to overlook the invaluable contributions that Korean-Americans have made, not just in Northern Virginia but to our Nation as a whole. This bill provides well-deserved recognition to the Korean-American community for the indelible mark they have made upon the diversity and prominence of our great Nation.

I also want to thank the distinguished representative from Utah for handling this bill on the floor, thanks to the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. ROYCE), who has been a leader in these efforts, and the gentleman from Massachusetts (Mr. CAPUANO) for their work as original sponsors on this resolution, and I urge all of my colleagues to support it.

Mr. CANNON. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. ROYCE), my friend and colleague.

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Utah for the time, and I rise also in support of this resolution supporting the goals and supporting the ideals of Korean-American Day, and as mentioned by Chairman DAVIS, I am an original cosponsor of the bill.

The Republic of Korea has been an ally and a friend of the United States now for many decades, and over this time, South Korea has emerged as a major economic partner for the United States. Korea is the U.S.'s seventh largest trading partner. That is ahead of Western European countries such as France and Italy, and frankly, it is our sixth largest export market. The U.S. is Korea's largest export market, its second largest source of imports and the largest supplier of foreign direct investment into South Korea.

South Korea is also a very key ally of the United States, and as chairman of the U.S.-Republic of Korea Interparliamentary Exchange, I can report that many in this body recognize the importance of this resolution. I frequently travel to South Korea on the mission of building this relationship. It is vital that the two countries work closely together to address the difficult security challenges in northeast Asia.

There are now more than 1 million Korean-Americans living in the United States. A large body of Korean-Americans are in southern California. From the first 100 who immigrated to the

United States in the early 20th century, Koreans have become an integral part of our country. Today, one out of every eight Korean-Americans is an entrepreneur, owning his or her own business.

In my own district, I am continually impressed with the Korean community and their commitment in upholding their own rich heritage and their commitment to education. The United States, and California in particular, have been enriched and defined by the contributions of Korean-Americans in a wide variety of fields.

Korean-Americans have invigorated businesses and civic institutions, certainly academic communities and science across the country. Korean-owned businesses employ more than a third of the million men and women, generating sales and receipts of around $50 billion a year.

This legislation gives Congress the chance to recognize the importance Korean-Americans play in our community by establishing Korean-American Day.

Mr. CANNON. Mr. Speaker, I am pleased to yield so much time as he may consume, given the constraint that we may have, to the gentleman from the Commonwealth of Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from Utah for yielding me the time, and I will not take much of it, but I would like to underscore what has already been said.

We have a very close, almost unique relationship with the people of Korea. Thousands of our young men and women died to enable the South Koreans to live in democracy. They have taken advantage of that opportunity and have been a model for the rest of the world in terms of free enterprise and an active democratic system. Hopefully, the people of North Korea will one day understand that South Korea's gone in the right direction, and North Korea's gone in the wrong direction.

In addition to that strong relationship, Korean-Americans have contributed to this country in a way that is paralleled by very few other nationalities. They have contributed in ways to our economy and our society that are incalculable and that are worthy of great appreciation. Their work ethic, their strong values have done so much for the business community and, really, for the stability of our society.

Mr. Speaker, I would like to suggest that one way that we might substantively express our appreciation for what Korean-Americans have done for this country's economy and society is to pass the Visa Waiver bill. I am a sponsor of this, and what it would do is to grant the same kind of opportunities for Koreans to come from South Korea and to visit their relatives as are granted to 27 other countries, including all of our European allies and many of our Asian allies: Bosnia and Japan, for example. Yet today, there are thousands of South Korean families waiting in line, trying to get a visa to visit their own families here in the United States of America. They are not able to because they are not afforded the same visa waiver that our other allies are. In fact, they are really the only strong ally that is not granted that privilege. I think we should grant that privilege, and I think that would be a further expression of the very strong and genuine sentiments that are expressed in this resolution.

I obviously strongly support this resolution, and I appreciate the opportunity to say so on the floor. Mr. Speaker, I thank my friends, the gentleman from Utah, and the gentleman from Illinois for offering it and certainly my good friend and colleague from Virginia (Mr. TOM DAVIS).

Mr. CANNON. Mr. Speaker, I would like to again thank both the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) for their work on this bill and bringing it forward, and I want to urge all Members to support the adoption of H. Res. 487.

Mr. CASE. Mr. Speaker, aloha and annyong ha shimnikka!

I rise today in strong support of H. Res. 487, which supports the goals and ideals of Korean American Day and, in doing so, recognizes the rich history of Korean immigration to our country dating back well over a century now and the broad and deep contributions of Korean Americans to all facets of our diverse American life.

The history of our country's Korean American community is commonly traced to January 13, 1903, when the *SS Gaelic* arrived in Honolulu Harbor carrying our first immigrants from Korea. The 56 men, 21 women, and 25 children who stepped onto my Hawaii's shores that day marked the beginning of the remarkable Korean cultural thread that has woven itself so deeply and uniquely into our American tapestry.

Today, 1.2 million Americans of Korean ancestry live throughout our Nation, with 41,000 in Hawaii alone. Korean American contributions in our Hawaii, built on the foundation of dedication and sacrifice by their predecessors, have been notable in a plethora of fields, ranging from government, law, finance, technology, medicine, and business, to arts, sports, education, and military service.

As just some examples, Chief Justice Ronald Moon of the Hawaii Supreme Court is the first Korean American in our country to serve on a state supreme court. Others are recipients of the Hawaii Korean American Foundation's 2005 Light of the Orient Award: Hawaii County Mayor Harry Kim, Honolulu City Councilwoman Ann Kobayashi, community advocates Agnes Rho Chun, Reverend Tongjin Samuel Lee, Frank Min, Evelyn Choi Shon, and Duk Hee Lee Murabayashi. And, of course, our most well-known American of Korean ancestry is professional golfer Michelle Wie.

But what proud father would not take the opportunity as well to highlight his own two favorite Korean Americans: James Kahele Case and David Espenett Case. My sons carry a quarter Korean ethnicity gifted them by their grandmother, Grace Moon, who emigrated to Hawaii from Korea shortly after the Korean War, and so join this great community in the responsibility of bringing forward this great heritage, American style, into the coming generations.

In closing, I thank Congressmen TOM DAVIS, CHARLES RANGEL, MICHAEL CAPUANO, and ED ROYCE, the chief sponsors of this measure, for providing us all with this opportunity to recognize the many contributions of Korean Americans, past, present and future. Kamsamnida to them, and to all Korean Americans, wherever you might be.

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 487, which recognizes the goals and ideals of a Korean American Day and which honors the contributions that Korean Americans have made in the United States.

On January 13, 1903, 102 Korean immigrants arrived in the United States. They arrived on the SS *Gaelic* in Honolulu in the U.S. Territory of Hawaii where they established residence and labored on Hawaiian sugar plantations. These immigrants pioneered the migration of Koreans to America. Today this movement continues and remains strong. The island of Guam is home to many Korean immigrants and Korean Americans alike.

In the 1960s, President John F. Kennedy lifted the United States security clearance requirement for travel to and from Guam. This was an important-step with respect to the future growth and development of Guam's economy and trade with Asian nations. The removal of the security clearance requirement was followed by an influx of new immigrants to Guam, the westernmost territory of the United States. Koreans began to establish communities on Guam as early as in the 1970s, and in 1980s many new Korean families arrived on island to establish a beginning in America. Many Korean immigrants opened new businesses and several have risen to assume important leadership roles in advocating for the small business community.

The contributions of Korean Americans are not only found in Guam, but in every community across the United States. Korean Americans are key contributors in the economic, medical, academic and religious fields. Notably, at least 4,000 Korean Americans are currently serving in the U.S. Armed Forces, with 25 percent serving in Iraq. Whether they are serving as leaders in their communities or fighting alongside their fellow Americans in defense of our country, Korean Americans have demonstrated their significant presence in and contributions to the United States.

I wish to express my heartfelt support in recognizing the 103rd anniversary of the arrival of the first Korean immigrants to the United States. On this occasion, I also take the opportunity to recognize the growth and contributions of the Korean Association of Guam. The Korean Association of Guam was established to advance the professional and civic interests of Korean Americans in Guam. Today, the Association serves as an important welcoming support group for new immigrants from Korea. Through the continued efforts and contributions of Korean Americans, our nation's ties with Korea will be strengthened in the years to come. I urge passage of House Resolution 487 in honor of the story and contributions of Korean Americans.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to express my support for H. Res. 487, supporting the goals and ideals for Korean American Day.

On January 13th, we will celebrate the 103rd Anniversary of Korean American Day. It was on that day, 103 years ago, that a boat carrying 102 Korean immigrants arrived in Hawaii. According to the 2000 census, there are now more than 1 million Korean Americans. Over that time, Korean Americans have made an untold number of contributions to American society.

Whether in education, science, business, or the arts, Korean Americans have played and continue to play a vital role in shaping communities throughout New Jersey and the entire country.

For instance, there are over 4,000 Korean Americans currently serving in our Armed Forces and a large number of them are deployed overseas keeping our nation safe from terrorism. Furthermore, Korean Americans own more than 135,500 businesses across the U.S., employing nearly 334,000 individuals and generating gross receipts and sales of $46 billion.

Many of to day's Korean Americans came to this nation in the 1950s fleeing the war and poverty that followed the invasion of South Korea by North Korea. Today, that region continues to face threats to its overall security. I promise to continue to work with my colleagues and Korean officials to find a long term solution to the nuclear crisis on the Korean peninsula. Ensuring safety in the region and seeking a diplomatic resolution to the conflict are two of my top priorities.

Korean American Day is an excellent opportunity for Americans to remember the many contributions that Korean Americans have made to our society and I urge all of my colleagues to support H. Res. 487, supporting the goals and ideals of Korean American Day.

Mr. HONDA. Mr. Speaker, I rise today in support of H. Res. 487, which supports the goals and ideals of Korean American Day.

I would like to recognize my colleagues Representatives DAVIS, RANGEL, CAPUANO and ROYCE for their leadership on this bill.

As Chair of the Congressional Asian Pacific American Caucus (CAPAC), I am proud to stand here to honor the accomplishments and contributions of the Korean American community.

On January 13, 1903, the first wave of Korean immigrants arrived in Hawaii. Like all immigrants, they arrived in this country with hope that they would find opportunities and a better life for themselves and their children. After World War II and the Korean War, two separate streams of Korean immigration took place. The first included those searching for political and educational freedom from the war. The larger stream occurred after the 1965 Immigration Act, which abolished the "national origins" quota system and allowed for family reunification provisions. After being hardened through years of war in Korea, these immigrants felt determined to build better lives and thrive in the United States.

For Korean immigrants, the American dream of building a better future for their families is alive and well. Korean Americans make this dream a reality through a focus on entrepreneurship. Korean American entrepreneurs have successfully developed businesses in all parts of our cities and suburbs.

The path to the American dream has not been easy for Korean Americans. The community has faced language and cultural barriers, discrimination and racism. Despite these obstacles, the Korean American community—like so many other immigrants who arrive in this country—are helping to make and keep America strong.

The Korean American community has made lasting contributions to our society through a variety of professions including business, education, and the military. They have made significant contributions in medicine and the sciences such as the South Korean researcher Hwang Woo-Suk, a national hero in Korea for back-to-back world firsts in embryonic stem cell (ESC) research. Additionally, the Korean American community provides a bridge for the U.S. in building a stronger relationship with Korea. As a nation, we are benefiting from the knowledge and talent from their contributions.

Today, there are over 2 million Korean Americans living in the United States and Korean immigration remains an important part of our nation's history. The contributions through their culture, talents and knowledge continue to add to the diversity of this great nation.

Mr. Speaker, I urge my colleagues to join me in supporting this important piece of legislation.

Mr. CARDIN. Mr. Speaker, I rise in support and as a cosponsor of H. Res. 487, supporting the goals and ideals of Korean American Day. This resolution marks the upcoming 103rd anniversary, on January 13, 2006, of the day that the first Korean immigrants arrived in the United States.

Today we acknowledge and celebrate the economic, academic and cultural contributions made by the immigrant Korean community to the United States. Korean Americans have made a significant and positive impact in this country, in the proud tradition of immigrants that for generations have traveled to come to the United States.

I am pleased to work with various Korean American groups in my State of Maryland that have helped new immigrants gain access to social services, health care, and continuing education programs that allow them to prosper in America. I am also pleased that many groups are working to assist qualified legal permanent residents to become U.S. citizens and to participate in local, State, and national elections.

I call on my colleagues to recognize the contributions made by Korean Americans and to support this resolution.

Mrs. MALONEY. Mr. Speaker, I rise today in support of H. Res. 487, supporting the goals and ideals of Korean-American Day. This important resolution also recognizes the 103rd anniversary of the arrival of the first Korean immigrants to the United States.

In January 1903 the first Korean immigrants came to the United States. Since then, Korean-Americans have raised families, participated in their communities, and contributed to the economy.

I am proud to represent the thousands of Korean-Americans living in my congressional district. These hard-working individuals have started numerous businesses which help to strengthen the economy of New York City.

Our nation's diversity is one of its greatest strengths, and I am pleased that this resolution honors the achievements of this vibrant community.

Ms. PELOSI. Mr. Speaker, it is with pride that I rise to join my colleagues in recognizing the 103rd anniversary of Korean American immigration to the United States, and honoring the contributions of the Korean American community to our country.

On January 13, 1903, the S.S. *Gaelic* docked in Hawaii, carrying with it the first wave of immigrants from Korea, and ushering in a new chapter in our nation's heritage. These pioneering individuals—56 men, 21 women, and 25 children—would blaze a trail for more than two million Korean American immigrants and their descendents who live throughout our nation today.

Following World War II and the Korean War, a second wave of thousands of Korean immigrants came to the United States. Like all immigrants, they sacrificed everything they knew to answer the calls of freedom and new opportunity, with the hopes of building brighter futures for themselves in America.

Over the course of one hundred years of immigration, Korean Americans have worked hard to achieve the American dream through their resolve, determination, and an abiding belief in the greatness of this country that we love. While well known and celebrated for its entrepreneurial spirit, the contributions made by the Korean American community to our society extends to all areas of the American fabric and have profoundly enriched our national heritage. Korean Americans have broken down language and social barriers, and fought back against the obstacles of racism and discrimination to succeed in and contribute to all aspects of American life—all.

As Representative of California's 8th Congressional District, it is my privilege to represent a diverse Asian American and Pacific Islander community, including a vibrant and active Korean American community.

In marking the 100 year anniversary of Korean American immigration, the Centennial Committee on Korean Immigration designated January 13 of each year as Korean American Day. By honoring this day, we celebrate the extraordinary contributions of this unique community to our country, and rededicate ourselves to making the American dream a reality for all.

This legislation has my strong support, and I urge my colleagues to join me in honoring this vibrant community.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H. Res. 487, which would establish January 13 of each year as Korean American Day to celebrate the anniversary of the arrival of the first Korean-American immigrants to the United States (January 13, 1903). The Korean American community has added so much to the vibrant culture of Chicago and our country. Illinois has the 4th largest Korean population in the United States, and Chicago alone has close to 12,000 Korean residents.

Korean-Americans have taken root and thrived in the United States through strong family ties and community support. Through hard work, Koreans have invigorated businesses, churches, and academic communities in the United States.

My constituents like Mr. Jin Lee, have made tremendous contributions to my city of Chicago. At the age of fourteen, Mr. Lee arrived in this country and has since been actively serving the Korean-American community. He co-founded the Keumsil Cultural Society, which promotes Korean American culture. He was Executive Director of the Chicago Korean American Chamber of Commerce, a member of the Village of Skokie's Immigrant Advisory Task Force and a committee member of the Skokie Festival of Cultures. He works hard on behalf of the community and has been recognized and honored by the Korean Ministry of Foreign Affairs and Trade, the Republic of Korea and Mayor Richard M. Daley's office. He also served as goodwill ambassador for "Visit Korea 2001" and served as Vice President of the Korean American Association of Chicago. He recognizes the importance of promoting cultural diversity and supporting the immigrant community.

As a first generation American and as a Congresswoman who is honored to represent one of the most richly diverse districts in the country, I have a deep appreciation for the invaluable contributions Korean-Americans have made to the United States. Korean-Americans, like Mr. Lee, contribute so much to and are an inspiration to others seeking to share in the American dream. This resolution provides much needed and deserved recognition to the Korean-American community for the invaluable mark they have had on the diversity and prominence of our great nation.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 487.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MONT AND MARK STEPHENSEN VETERANS MEMORIAL POST OFFICE BUILDING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4295) to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephensen Veterans Memorial Post Office Building".

The Clerk read as follows:

H.R. 4295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MONT AND MARK STEPHENSEN VETERANS MEMORIAL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, shall be known and designated as the "Mont and Mark Stephensen Veterans Memorial Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mont and Mark Stephensen Veterans Memorial Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

☐ 1430

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H.R. 4295 to honor two individuals for their patriotic service and ultimate sacrifice for their country. All members of the Utah congressional delegation have cosponsored this legislation to pay homage to these brave and capable soldiers.

Mont and Mark Stevenson were brothers who shared many things. Both were born in Riverton, Utah; both attended Brigham Young University; and most importantly, both answered their country's call to war.

Mont joined the Army Air Corps and served during World War II, while Mark joined the Air Force and served during Vietnam. Mont achieved the rank of captain, while his brother achieved the rank of lieutenant colonel.

Sadly, both of these brave men were killed serving their country. In a bombing mission over Germany on December 23, 1944, Mont's plane was shot down, and he was reported as being killed in action. He was initially buried in Luxemburg, but was moved and buried in Riverton with full honors after the war's end.

During Vietnam, Mark was shot down on his 94th combat mission, a recon flight over Hanoi. He went down with the plane and was reported missing in action or killed in action on April 29, 1967. Mark was declared dead by the government in 1978, and in 1988 his remains were discovered. Mark was also buried in Riverton with full military honors.

This legislation is not the first honor that these heroes have received. In 1982, Hill Air Force Base renamed their base theater in honor of these two men. Passage of this legislation will allow two brothers that lost their lives while defending our great Nation to receive the honor of having their names placed on their hometown's post office building.

I want to thank Chairman DAVIS for his support and work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 4295, legislation naming a postal facility in Riverton, Utah, after Mont and Mark Stevenson. This measure, which was introduced by Representative CHRIS CANNON of Utah on November 10, 2005, and unanimously reported by our committee on November 16, 2005, enjoys the support and close sponsorship of the entire Utah delegation.

Mont Stevenson, a native of Riverton, Utah, joined the United States Army Air Corps, where he served as a flight commander in the 559th Bombardment Squadron. Sadly, while on a bombing mission over Germany, Captain Stevenson's plane was shot down, and he was reported as being killed in action. Later, his remains were found and brought to the United States, where he was buried in Riverton with full military honors.

Mont's brother, Mark Stevenson, also served in the military. He joined the U.S. Air Force and served in Vietnam. While on his 94th combat mission, Lieutenant Colonel Stevenson was shot down, captured as a prisoner of war and reported MIA/KIA, or missing in action, killed in action. On April 29, 1967, he was declared dead; and in 1988, 21 years later, his remains were found, and he too was buried in Riverton with full military honors.

Mr. Speaker, it is indeed a great honor to recognize the enormous sacrifice of the Stevenson family. Two brothers, one who served in World War II, the other in the Vietnam war, both died while defending our Nation. These soldiers are more than deserving of a memorial in their hometown of Riverton, Utah.

I commend my colleague for seeking to honor the service of Captain Mont F. Stevenson and Lieutenant Colonel Mark Lane Stevenson, two heroic men who gave their lives for this country; and I urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I urge all Members to support the passage of H.R. 4295.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 4295.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MARYLAND STATE DELEGATE LENA K. LEE POST OFFICE BUILDING

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4107) to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building".

The Clerk read as follows:

H.R. 4107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARYLAND STATE DELEGATE LENA K. LEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, shall be known and designated as the "Maryland State Delegate Lena K. Lee Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Maryland State Delegate Lena K. Lee Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4107, legislation authored by the distinguished gentleman from Maryland (Mr. CUMMINGS). The bill would designate this post office in Baltimore, Maryland, as the Lena K. Lee Post Office Building. All Members of the Maryland delegation have cosponsored this legislation.

A woman with undying ambition and an unstoppable desire to help others, the Honorable Lena K. Lee, was often referred to as a master teacher, union leader, lawyer, and legislator. Her leadership example through the years has provided countless opportunities for young and determined African Americans in Maryland.

Delegate Lee received her bachelor's degree from Morgan State University in 1939 and her master's from New York University in 1947. Before her days in politics, Delegate Lee was a teacher and eventually a principal in the Baltimore City public school system. In 1952, she became the third woman to receive her law degree from the University of Maryland School of Law.

In 1967, she began a 16-year term as the first African American female lawyer to serve in the House of Delegates. During her tenure, she fought to eradicate social inequality and advocated tirelessly for women's rights. In addition, Delegate Lee was instrumental in helping Morgan State College achieve university status and in saving the Orchard Street Church, a site of the Underground Railroad, from destruction. She has also served as an advocate for the health of Maryland prisoners as well as a supporter in the reconstruction of the new Provident Hospital.

She served as a member of numerous organizations, such as the NAACP, the Urban League, the League of Women Voters. Most notably, she was the first African American woman to serve as the vice-chair of the Baltimore City delegation to the general assembly, and one of the founders of the Women Legislators of Maryland and the Maryland Legislative Black Caucus.

She has been the recipient of numerous awards, honors, and citations, including the Presidential Citation from the National Association for Equal Opportunity in Higher Education and membership into the Maryland Women's Hall of Fame.

I encourage all Members to come together to pass H.R. 4107 to honor Delegate Lena K. Lee for her constant perseverance and courage in her quest for equality.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the sponsor of this legislation.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding me this time, and I want to thank our chairman and the ranking member of the full committee. I certainly want to thank the chairman of the subcommittee and Mr. DAVIS, our ranking member, and the gentleman from Utah.

I rise today, Mr. Speaker, to urge my colleagues to support H.R. 4107, legislation I introduced to honor a great woman, Lena K. Lee. H.R. 4107 would designate the facility of the United States Postal Service located at Druid Station in Baltimore, Maryland, the Maryland State Delegate Lena K. Lee Post Office Building. It is very interesting to note, Mr. Speaker, that this post office is actually located within about three blocks from where Delegate Lena K. Lee lives.

As an individual whose intellect, generous spirit, and rare devotion aided her in making momentous contributions to the great State of Maryland, the Honorable Lena K. Lee is worthy of this exceptional distinction. Born a coal miner's daughter, Delegate Lee rose to prominence as a master legislator, teacher, union leader, and a lawyer by blazing a trail of distinguished public service.

She received her B.S. degree from Morgan State College in 1939, and her master's degree from New York University in 1947. Before entering the political arena, Delegate Lee served as a teacher, and a very good one at that, and a elementary school principal in the Baltimore City public school system. In 1952, she became the third woman to receive her law degree from the University of Maryland Law School.

In 1967, Delegate Lee went on to serve her community on a much larger scale when she began a 15-year term as the first African American female lawyer in the House of Delegates. During her tenure, she dedicated her energy and talents towards eradicating social inequalities and advocating for women's rights.

Mr. Speaker, Delegate Lee, like the great Rosa Parks, was an individual who demonstrated the power of one. She was a champion of justice and a dynamic legislator who used her skills to selflessly better the world around her. Among her many accomplishments, she succeeded in assisting Morgan State College achieve university status and in saving the Orchard Street Church, a site of the Underground Railroad, from destruction. It is also interesting to note that that same building now is used to house the Baltimore branch of the Urban League. She also successfully fought for the construction of a new Provident Hospital, now called Liberty Medical Center, and the creation of no-fault divorce in the State of Maryland.

As one of the founders of the Women Legislators of Maryland and the Maryland Legislative Black Caucus, Delegate Lee further displayed her resolve to lead and not follow.

Because of her tireless efforts, she has been the recipient of numerous honors, including the Presidential Citation from the National Association For Equal Opportunity in Higher Education, as well as membership in the Maryland Women's Hall of Fame, a very, very high honor.

Though Delegate Lee is now in the winter years of her life at age 99, her legacy will live on in the lives of those she has touched. She cleared the path to opportunities previously inaccessible to many bright and talented African Americans.

On a more personal note, in the summer of 1982, I received a call from this woman, known only to me by her reputation. Delegate Lee said something that would change the course of my life. She said, "I'm going to retire from the House of Delegates. I'm looking for someone to take my place. I'm looking for a female lawyer, so that we will still have one in the House." And then she went on to say that I have decided to choose you. She said, "I know you're a lawyer and I know you're not a female, but" in her words, "you will do."

In the days that followed, although she was not feeling very well physically, Delegate Lee walked door to door with me, introducing me to voters and helping to raise campaign funds. The first 1982 campaign for the Maryland House of Delegates was not an easy one, and I often expressed my doubts to Delegate Lee. The question is not whether opportunities will come in life, she often said. The question is whether you are prepared to take advantage of them; and I think that you are prepared.

While her eloquent words resonated in my heart, the way she lived her life was her most compelling lesson. In no uncertain terms, Delegate Lena K. Lee was my first and my very best teacher in public life, and for that I will go to my grave being grateful.

Mr. Speaker, the postal facility named in honor of this distinguished lady will serve to signify to the citizens of Maryland and of this great country and generations yet unborn that the leadership and noteworthy achievements of even one committed citizen can enrich and empower our communities and indeed our Nation. I urge my colleagues to join me in offering their support to this important legislation.

Mr. CANNON. Mr. Speaker, I have no further requests for time and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am indeed delighted that Delegate Lee was willing to accept our esteemed colleague, even though he was not a woman. And I think that she has been vindicated.

As a member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 4107, legislation naming a postal facility in Baltimore, Maryland, after Lena K. Lee.

□ 1445

This measure, which was introduced by my good friend and colleague Representative Elijah Cummings on October 20, 2005, and unanimously reported by our committee on November 16, 2005, enjoys the support and cosponsorship of the entire Maryland delegation.

Prior to entering State politics, Lena Lee was a teacher and elementary school principal in the Baltimore City public school system. In 1967, she began a 16-year term as the first African-American female lawyer to serve in the House of delegates. During her term in the House of Delegates, Delegate Lee worked hard on eradicating social inequities and stood strong in support of women's rights. Delegate Lee also assisted Morgan State College achieve university status and saved the Orchard Street Church, an underground railroad site, from destruction. She advocated for the health of Maryland prisoners and aided in the reconstruction of the New Provident Hospital.

Delegate Lee's incredible leadership in improving the lives of Baltimore citizens and preserving cultural and educational landmarks made her the recipient of numerous awards, honors and citations, including the Presidential citation from the National Association For Equal Opportunity in Higher Education and the membership in the Maryland Women's Hall of Fame.

Mr. Speaker, I commend Representative CUMMINGS for seeking to honor this very accomplished citizen. Naming the Druid Station in Baltimore is a fine way to recognize the legacy of the Honorable Lena K. Lee, and I urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I urge all Members to support passage of H.R. 4107, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 4107.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING CENTENNIAL OF SUSTAINED IMMIGRATION FROM PHILIPPINES TO UNITED STATES AND ACKNOWLEDGING CONTRIBUTIONS OF FILIPINO-AMERICAN COMMUNITY

Mr. CANNON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 218) recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

The Clerk read as follows:

H. CON. RES. 218

Whereas the peoples of the Philippine archipelago have a long and proud history, and today, as the Republic of the Philippines, embrace democracy, occupy a central strategic position in Asia and the Pacific, and nurture a rich and diverse cultural heritage;

Whereas the United States and the Philippines have enjoyed a long and productive relationship, including the period of United States governance between 1898 and 1946, and the period post-independence starting in 1946, during which the Philippines has taken its place among the community of nations and has been one of our country's most loyal and reliable allies internationally;

Whereas the bonds between our two countries have been strengthened through sustained immigration from the Philippines to the United States;

Whereas the 2000 census counted almost 2.4 million Americans of Filipino ancestry living in all parts of our country, including the top two States: California, with almost 1.1 million Filipino Americans, and Hawaii, with some 275,000;

Whereas the contributions of Filipino Americans to the United States include achievement in all segments of our society, including, to name a few, labor, business, politics, medicine, media and the arts;

Whereas Filipino Americans have especially served with distinction in the Armed Forces of the United States throughout the history of our long relationship, from World Wars I and II through the Korean War, the Vietnam War, the Gulf War, and today in Afghanistan and Iraq;

Whereas within the United States, Filipino Americans retained many of their country's proud cultural traditions and contribute immeasurably to the diverse tapestry of today's American experience;

Whereas Filipino Americans have also maintained close ties to their friends and relatives in the Philippines and in doing so play an indispensable role in maintaining the strength and vitality of the U.S.-Philippines relationship;

Whereas both the Filipino experience in the United States and the resultant ties between our two great countries began in earnest in 1906, when 15 Filipino contract laborers arrived in the then-Territory of Hawaii to work on the islands' sugar plantations, the beginnings of an emigration from the Philippines to Hawaii which, during the subsequent century, has sometimes exceeded 60,000 a year, making Filipinos the largest immigrant group from the Asia-Pacific region;

Whereas 1906 also saw the first class of two hundred "pensionados" arrive from the Philippines to obtain United States educations with the intent of returning, although many later became United States citizens and helped form the foundation of today's Filipino-American community;

Whereas the story of America's Filipino-American community is little known and rarely told, yet is the quintessential immigrant story of early struggle, pain, sacrifice, and broken dreams, leading eventually to success in overcoming ethnic, social, economic, political, and legal barriers to win a well-deserved place in American society;

Whereas our Filipino-American community will recognize a century of achievement in the United States in 2006 through a series of nationwide celebrations and memorials honoring the centennial of sustained immigration from the Philippines; and

Whereas this centennial is for all Americans of whatever ethnic origin to celebrate both with and in order to understand and appreciate our Filipino-American community, but also as a remembrance of the struggles and triumphs of all of our predecessors and in honor of our common national experience: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the centennial of sustained immigration from the Philippines to the United States;

(2) acknowledges the achievements and contributions of Filipino Americans over the past century; and

(3) requests that the President issue a proclamation calling on the people of the United States to observe this milestone with appropriate celebratory and educational programs, ceremonies and other activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 218 introduced by the gentleman from Hawaii (Mr. CASE). This resolution would recognize the centennial of sustained immigration from the Philippines to the United States and acknowledge the contributions of our Filipino-American community to our country over the last century.

According to the 2000 census, there are 2.4 million Filipino-Americans currently residing in the United States. Two of the most concentrated States being California with 1.1 million Filipino-Americans and the State of Hawaii with over 250,000. The United States and the Philippines have built a lasting relationship starting with the period of United States governance between 1898 and 1946. After its independence in 1946, the Philippines have proven to be one of this country's most local international allies.

The contributions to the United States of Filipino-Americans are seen in all facets of our society. They have served in the armed forces, in World War I, World War II, the Korean War, the Vietnam War, the Gulf War, and the current fight against terrorism in both Iraq and Afghanistan. Their rich culture and ideals have also surfaced in our society by their contributions to the arts, politics, medicine and many other areas.

In December 2005, the Filipino Centennial Celebration Commission in Hawaii will begin a year-long observance of the 100th anniversary of the first Filipino arrivals in the State. The first 15 Filipino immigrants arrived in Honolulu on December 6, 1906, and presently, the Filipino and part-Filipino component of the State population is now roughly 23 percent.

More and more, Filipinos and Americans of Filipino ancestry are assuming positions of power and responsibility in the State and in the private sector. Filipinos have made their mark on United States soil since they started arriving 100 years ago, and the momentum continues to make that mark even greater and will continue to do so in the years to come.

I urge all Members to join me in recognizing the numerous contributions that the Filipino-American population has made in the United States and celebrate the centennial of sustained immigration from the Philippines to the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. CASE), the sponsor of this legislation.

Mr. CASE. Mr. Speaker, colleagues and fellow Americans, aloha and mabuhay.

I rise today to provide richly deserved recognition in the Halls of our Nation's Congress for a great people and culture whose century-old journey on our shores has personified the very essence of our American experience. I speak in strong support of H. Con. Res. 218 which I introduced with the cosponsorship of many like-minded colleagues to recognize the centennial of sustained immigration from the Philippines to our country and to acknowledge the incredible contributions of Filipino-Americans to our country over the last century. And I do so with great pride and deep humility as the representative of the congressional district with the most Filipino-Americans and the State with the largest percentage of Filipino-Americans nationally and with sincere gratitude to my cosponsors, to Government Reform Chair DAVIS and Ranking Member WAXMAN, to the gentlemen from Utah and Illinois, and to our collective leadership for bringing this measure to this floor expeditiously.

Mr. Speaker, those whose heritage lies in the great archipelago of the Philippines have journeyed to our country and lived among us for centuries. But the modern day Filipino-American immigrant experience which has given rise to our current day Filipino-American community traces its roots to December 1906 when 15 Filipino contract laborers, or sakadas, arrived from Luzon aboard the ship *Doric* and began work in the sugar cane fields of Keaau on the Island of Hawaii.

In the same year, the first class of pensionados arrived from the Philippines to gain an education with the intent of returning home, although many stayed on.

These early sakada and pensionado roots sparked a sustained emigration from the Philippines to the United States which, over the last century, has numbered upwards of 60,000 a year, marking Filipinos as our second largest immigrant group from the Asia-Pacific region. Many continued to emigrate to Hawaii to work in the sugar fields. The Hawaii Sugar Planters Association records reflect over 125,000 immigrants from the Philippines up to the year 1946 alone, and they form the base of today's 275,000 Filipino-Americans living in Hawaii, well over 20 percent of our total population. As previously noted, it is not just my State which has benefited from the growth and maturity of our Filipino-American community, which now numbers 2.4 million nationwide, including 1.1 million in California alone.

But it is in Hawaii where the full extent of the trials and tribulations and accomplishments and successes of Filipino-Americans has played out over the past century. Early generations worked long and back-breaking hours to bring the means to bring their families to Hawaii. And then those generations fought for basic rights and benefits on the plantations of Hawaii. And then they began to move beyond the plantations into other aspects of Hawaii society and to take advantage of the equalizing opportunity of education. And then those generations who benefited from the foundation of their forefathers built a broader base in the political, economic and social fabric of Hawaii until, a century later, the successes, both individually and collectively, are everywhere.

Just some of the past few decades in Hawaii alone: Benjamin Cayetano, Governor; Benjamin Menor, Mario Ramil, and Simeon Acoba, justices of the Hawaii Supreme Court; Daniel Kihano and Robert Bunda, speaker of the Hawaii State House and Senate, respectively; Angela Baraquio, Miss America; Antonio Taguba, general, United States Army; Eduardo Malapit and Lorraine Rodero-Inouye, mayors; Emme Tomimbang, TV news anchor; Benny Agbayani, professional baseball player.

These are just some of the more recognizable names, for Hawaii's Filipino-Americans are succeeding like their mainland counterparts throughout the full range of our society, from our military where Filipino-Americans have demonstrated decades of bravery and loyalty to our country and have one of the highest enlistment rates, to the professions, entertainment, business and well beyond.

Last weekend, Hawaii's Filipino-American community and its many admirers and friends kicked off a year-long celebration of its centennial under the leadership of the Filipino Centennial Celebration Commission, Elias Beniga, chair. This weekend, we will dedicate a marker to the original sakadas at Keaau, where it all began. And nationally, our Smithsonian is undertaking a yearly celebration as well, titled the Filipino American Story, a Century of Challenge and Change, with commemorative events, exhibits and educational opportunities here in Washington, D.C., and at other sites nationally.

Mr. Speaker, I am sure that neither the original sakadas nor many who followed them here could have envisioned what the last century reaped for them and theirs, nor that we would all stand here today and over the next year to commemorate an incredible century, nor that we would collectively look forward with such eager anticipation to the story our Filipino-American community will write over the next century. Yet that is exactly what we are doing and should do for this is the story not just of Filipino-Americans, but the story of our America. Mahalo, dios ti agnina, and salamat po.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2006 marks the centennial anniversary of sustained immigration from the Philippines which demonstrates a warm friendship between the two nations on opposite ends of the world. The Philippines and the United States have enjoyed a long history of friendship and cooperation, including nearly a half century of American control of the archipelago which came to a close in 1947.

Now independent, the Philippines remain one of our strongest allies in the Asian-Pacific region. In 1906, a handful of sugar cane workers immigrated from the Philippines to the then U.S. territory of Hawaii. Later that year, the first group of pensionados arrived to earn degrees from American institutions. Some pensionados returned home to the Philippines to apply their knowledge, but many remained in the United States. Combined with the influx of sugar cane workers, these Filipino immigrants established a vibrant Filipino-American community.

A century of sustained immigration has persisted since 1906, and in some years, more than 60,000 Filipinos have immigrated to the United States. Hawaii and California house the majority of the nearly 2.5 million Filipinos who live in the United States, although strong communities thrive in other parts of our Nation, such as New York, New Jersey and Chicago.

Filipino-Americans now represent the largest immigrant community from the Asia-Pacific region who live in the United States. Filipino-Americans have made major contributions to the arts, labor, business, politics, medicine, media and other areas.

In addition, Filipino-Americans have served with honor in the United States Armed Forces in every war since World War I. They are a valued part of American society.

So I ask my colleagues to join me in recognition of the centennial anniversary of sustained immigration of Filipinos to the United States. Let us also recognize the vibrant history of the Filipino-American community in the United States. Their sustained immigration truly marks a century of achievement, and I commend the gentleman from Hawaii (Mr. CASE) for seeking to recognize the contributions of this great part of our population.

Mr. Speaker, I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise today in strong support and as a cosponsor of House Concurrent Resolution 218, a resolution that recognizes the centennial of sustained immigration from the Philippines to the United States and acknowledges the contributions of our Filipino-American community to our country over the last century. The mark that the Filipino-American community has made on my district is immeasurable. It is a privilege to live with and to serve such a culturally rich and vibrant community.

As the premier gateway from Asia, the Bay Area has been the starting point for many Filipino immigrants in America. I am truly proud that many Filipino-Americans decided to make the Bay Area their permanent home. I represent one of the largest populations of Filipino-Americans in the United States, and I would like to recognize two of the many shining lights from our community.

Mr. Speaker, my dear friend Alice Bulos has worked tirelessly in the community at large and with the Filipino-American community in particular. After immigrating to the United States in the late 1970's, Alice became an outspoken leader among Filipino-Americans. She tirelessly worked to urge Filipino-Americans to become politically active. With her husband, she founded the Filipino American Grassroots Movement, a voter registration drive that sought to involve Filipinos in the political process.

Alice became one of the most visible members of the community when she was appointed by President Clinton to serve on the Federal Council on Aging in 1993. In 1998, she was again called upon to serve on the Commission on the Status of Women by the San Mateo County board of Supervisors. Earlier this year, the board appointed her to another term.

I am proud to count Alice as a friend, and her work has made the Peninsula a better place and strengthened the Filipino-American community throughout the United States.

Alex Esclamado left his homeland to pursue a better life and has been inspirational in my district and across America with his newspaper, the Philippine News. Mr. Esclamado began publishing the paper out of his garage, and from the beginning has worked to publish original content with staff-written reports. His operation has grown by leaps and bounds. He no longer drives across the country handing out his newspaper; the Philippine News is now available for delivery in 47 states and is distributed through retailers in many of the largest cities in the nation. I am proud to say that the newspaper calls my district home.

Mr. Speaker, these are but two of the many extraordinary individuals in the Filipino-American community. The vibrancy of my district can be directly attributed to our diversity, and I am proud to celebrate 100 years of sustained immigration that has so influenced the Bay Area and all of the United States. I urge all of my colleagues to join me in stridently supporting this legislation.

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Concurrent Resolution 218, which recognizes the centennial of sustained immigration from the Philippines to the United States and acknowledges the contributions of our Filipino-American community to our country over the last century. What started out as a few hundred migrant farm workers in California and Hawaii has grown into the second largest Asia Pacific American ethnic group in the United States today, and a cornerstone of the foundation of our nation.

Since they first set foot in the United States in 1587, Filipinos have made extraordinary contributions to our nation's economy, history, politics, and culture. Larry Itliong and the often overlooked Filipino farm workers worked hand-in-hand with Cesar Chavez to form the United Farm Workers. Together, they were responsible for the movement that improved working conditions for farm workers in California, and indeed throughout our nation. Former Los Angeles Rams Quarterback, Roman Gabriel, actor Rob Schneider, and Allan Pineda Lindo, better known as Apl of the Black Eyed Peas, are just some of the Filipino-Americans who continue to raise the profile of Filipino-Americans in the fields of athletics, arts and entertainment. On my home island of Guam, Filipino-Americans are important leaders in our business community, several have served in our local legislature, and countless others have served in the U.S. Armed Forces.

Today, the contributions of the Filipino-American community remain strong throughout the United States, and are particularly evident in the Pacific Islands that are a part of the American family. Filipino-Americans have made the most out of the last 100 years since their ancestors arrived in Hawaii. They have moved up from the sugarcane plantations to assume prominent positions in public office. They have, at various times, served as Members of the Hawaii House of Representatives, State Senators, Cabinet Members, an even Governors.

However, perhaps the most significant Filipino-Americans are the working professionals who continue to provide for their families while lending their strength to the community at large. They are teachers and farmers, lawyers and medical professionals whose work ethic and determination truly embody the spirit of the American dream.

At a time when we are proud to stand up and say that we are American, we must not overlook the individual pieces upon which our nation stands. The contributions of the Filipino-American community to our country are significant, and it is right that we salute all that they have done for our nation.

On this occasion, let us recognize the historical significance of sustained immigration from the Philippines to the United States. On Guam, I want to say "Maraming Salmat Po" to our Filipino-American community. Today, the Filipino Community of Guam (FCG) is an organization comprised of over 70 individual community groups through which several thousand Filipino-Americans contribute to our island. I join my colleagues in recognizing and honoring their accomplishments, and those of their Kababayan throughout the United States.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to express my support for H. Con. Res. 218, recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

The United States and the Philippines have a relationship full of tradition and history and both countries have a shared commitment to global peace, security, and prosperity. Currently, there are over 2 million Filipino-Americans, the second largest Asian-American community in the U.S. These Filipino-Americans have made significant contributions in many areas including education, religion, business, labor, and the arts.

Dating back to World War II, when the United States and the Philippines fought side by side against Japan in the Pacific, Filipino-Americans have served with dignity and bravery in the United States Armed Forces. Today, many Filipino-American soldiers are fighting overseas in Afghanistan and Iraq.

The Philippines is working closely with the United States to win the global war on terror. Ongoing Philippines initiatives to improve and expand international counterterrorism cooperation encourage even better levels of communication between our two countries.

I will continue to work with leaders in the Filipino-American community to ensure that relations between the United States and the Philippines continue to grow and prosper in the 21st Century. I urge all of my colleagues to support H. Con. Res. 218.

Mr. HONDA. Mr. Speaker, I rise today in support of H. Con. Res. 218, a resolution recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

Filipinos, as part of the Spanish galleons, first reached America as early as 1587, landing in Morro Bay, California. In 1763, the first permanent Filipino settlement was established in Southern Louisiana near Barataria Bay.

A mass emigration of Filipinos to the United States began in 1906. Some Filipinos known as pensionados or government scholars came for the purpose of furthering their education and training in the United States, but most were poor Filipinos who came to work for Hawaii sugarcane and pineapple plantations, California and Washington asparagus farms, Washington lumber and Alaska salmon canneries.

Today there are over 2,300,000 Filipino Americans living in the United States. They and their forebears have made countless economic, cultural, social and other notable contributions to our nation.

They, for example, played pivotal roles as labor leaders organizing unions and strategic strikes to improve working and living conditions in the 1920's. Filipinos have influenced the corporate landscape as CEOs and computer software engineers. Filipinos have won Olympic gold medals as members of U.S. Olympic teams and served as Miss America. Furthermore, Filipinos have made strides politically, helping to increase the diversity of America's leadership. Benjamin J. Cayetano, in 1994, became the first Filipino American and only the second Asian Pacific Islander American elected Governor of a state of the Union.

In addition to these contributions, we should also recognize Filipinos who answered President Franklin D. Roosevelt's call to arms in World War II. At the war's outbreak, Filipino Americans were barred from joining the armed forces. But in 1942, President Franklin D. Roosevelt issued a military order calling all organized military forces of the government of the Philippines into the service of the armed forces of the United States. Filipinos responded, serving under direction of the United States' Military and fighting side by side with the Americans in Europe and Asia. Other Filipinos contributed as civilians involved in the mobilization efforts during the war. At the end of the war, Filipinos had earned the acceptance and admiration of the American public.

The Filipino veterans fought with gallantry under the most difficult conditions during the war and played a heroic role in defending freedom under the American Flag. However, the Recession Act of 1946 diverted Filipino soldiers of the veteran status and, consequently, the veterans' benefits. The Immigration Act of 1990 gave 150,000 Filipino veterans of World War II the opportunity to migrate to the United States and a chance to fulfill an American Dream as promised by President Roosevelt. Although this is a step in the right direction, granting equitable benefits for Filipinos that fought with America in World War II would be an excellent way to recognize contributions Filipino-Americans have made to our country, since we all benefit from the freedom won in that war.

Mr. Speaker, I urge my colleagues to join me in supporting this important piece of legislation.

Mr. FARR. I rise in strong support of H. Con. Res. 218 that commemorates the substantial achievements of Filipino-Americans to our nation's history. My district, comprised of Santa Cruz, Monterey and San Benito counties in California, owes a particularly large debt to the Filipino-American community.

Starting in the late 1890's, Chinese, Japanese and Filipino farm laborers were the engine for the development and growth of the Salinas Valley agricultural industry. Farm labor work on strawberry and peach farms was often back-breaking; laborers rose at dawn and worked until dusk, and were generally paid very poorly.

Additionally, Filipino immigrants were often treated horribly and harshly discriminated against. Filipino farm workers formed the first organized group in the early history of the United Farm Workers Union. Despite these deplorable working conditions and societal obstacles, over the last hundred years, Filipino-Americans on the Central Coast of California have enriched the quality of life for all Californians and for our nation as a whole. For example, the Filipino Community Club of the Monterey Peninsula is an energetic non-profit community based centers in my district and serves as a cultural and civic hub for Filipinos living on the Central Coast.

I am proud to represent a large and vibrant Filipino population and commend their centennial of accomplishments to the United States. Mabuhay!

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of H. Con. Res. 218, a resolution to recognize 2006 as the centennial of sustained immigration from the Philippines to the United States and to celebrate the achievements and contributions of Filipino Americans over the past century.

Immigration from the Philippines to the United States began in 1906 when the first significant numbers of Filipino immigrants arrived in Hawaii to work on the island's sugar plantations. Today, a century later, the Filipino-American community's numbers increase by nearly 60,000 new immigrants per year, making Filipinos the largest immigrant group from the Asia-Pacific region.

The Filipino-American community has added so much to the vibrant culture of Chicago and our country. The 9th Congressional District boasts about 17,000 Filipino residents, which makes it home to the 36th largest number of Filipino-Americans among Congressional districts.

I am particularly proud of the achievements by my constituents like Ms. Aurora Abella-Austriaco, a lawyer, who immigrated here from the Philippines. She was just appointed a member of the Committee on Character and Fitness, First District, by the State of Illinois Supreme Court on October 26, 2005. In addition to being partner of a Chicago law firm, she served as a member of the Filipino American Voters League from 1996–98. She is the current Chair of the Cook County States Attorney's Asian Advisory Council and member of the Attorney General's Asian Advisory Council and Clerk of the Circuit Court's Asian Advisory Council. She is the past Treasurer of the League of Women Voters of Chicago and past Chair of the Chicago Bar Association. She also is Vice President of the Asian American Institute's 2005 Board of Directors.

The history of America's Filipino-American community is the quintessential American immigrant story of early struggle, pain and sacrifice, leading to success in overcoming ethnic, social, economic, political, and legal barriers to win a well-deserved place in our national fabric. Filipino-Americans, like Ms. Abella-Austriaco, have made incredible contributions in all parts of our society, including business, labor, politics, medicine, media and the arts. Filipino-Americans have served and are serving with special distinction in our Armed Forces, from World Wars I and II through the Korean War, the Vietnam War, the Gulf War, and today in Afghanistan and Iraq.

The Smithsonian Institution will be conducting the Filipino-American Centennial Commemoration 2006 with five public programs and at least six more in cities including the city of Chicago, which I represent. The programs will range from scholarly discussions and film showings to cultural performances providing historical overviews of Filipino-Americans in the United States.

This centennial celebration will provide every American an opportunity to celebrate a century of Filipino immigration to the United States.

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Mr. CANNON. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 218.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE LOS ANGELES GALAXY ON THEIR VICTORY IN THE 2005 MAJOR LEAGUE SOCCER CHAMPIONSHIP

Mr. CANNON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 574) congratulating the Los Angeles Galaxy on their victory in the 2005 Major League Soccer championship.

The Clerk read as follows:

H. RES. 574

Whereas on November 13, 2005, the Los Angeles Galaxy won the 2005 Major League Soccer (MLS) championship by defeating the New England Revolution 1–0 in MLS Cup 2005, in Frisco, Texas;

Whereas the Galaxy's victory in MLS Cup 2005 was the team's second MLS championship in the last four years, the first also won over the New England Revolution in a 1–0 victory in MLS Cup 2002;

Whereas the victory in the MLS Cup gave the Galaxy their second major championship of 2005, the first won by defeating FC Dallas in the Lamar Hunt U.S. Open Cup championship game in September;

Whereas the owner of the Los Angeles Galaxy, Anschutz Entertainment Group, has made the Galaxy the model MLS club through sound management and by instilling a team-first philosophy;

Whereas Galaxy's success is a result of contributions by the entire team, including players Chris Albright, Benjamin Benditson, Pablo Chinchilla, Mubarike Chisoni, Steve Cronin, Ednaldo da Conceicao, Landon Donovan, Todd Dunivant, Michael Enfield, Josh Gardner, Herculez Gomez, Guillermo Gonzalez, Alan Gordon, Ned Grabavoy, Kevin Hartman, Ugo Ihemelu, David Johnson, Cobi Jones, Quavas Kirk, Tyrone Marshall, Paulo Nagamura, Joseph Ngwenya, Michael Nsien, Guillermo Ramirez, Troy Roberts, Marcelo Saragosa, Josh Saunders, Michael Umana, and Peter Vagenas;

Whereas head coach Steve Sampson, and assistant coaches Afshin Ghotbi, Billy McNicol, and Ignacio Hernandez, Head Athletic Trainer Ivan Pierra, Team Administrator Anthony Garcia, and Equipment Manager Raul Vargas led the Galaxy to their second MLS championship by stressing teamwork and determination;

Whereas the Galaxy went undefeated during the 2005 MLS playoffs, advancing to the MLS Cup by defeating the top-seeded San Jose Earthquakes and the Colorado Rapids in the Western Conference playoffs and scoring seven goals and allowing just one over the span of four games, which included three shutouts;

Whereas the Galaxy's ability to win this season despite several player absences due to call-ups by the United States men's national team is a testament to the skill of the coaching staff and the desire of the team to play with pride for the city of Los Angeles;

Whereas midfielder Guillermo Ramirez, who scored the game-winning goal of MLS Cup 2005 in overtime, was selected as the game's Most Valuable Player, joining fellow Guatemalan and 2002 MLS Cup MVP Carlos Ruiz as the only Galaxy players ever to win this prestigious award;

Whereas the Galaxy have the most devoted and spirited fans who contributed to eight sold out home games and brought the average home game attendance to 24,000 people this season;

Whereas the Galaxy continue to captivate a growing and diverse audience from across Southern California; and

Whereas all of Southern California is proud of the accomplishments of the Los Angeles Galaxy team, the entire Galaxy organization, and the dedicated and faithful Galaxy fans throughout the 2005 MLS season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Los Angeles Galaxy on their victory in the 2005 Major League Soccer championship; and

(2) recognizes the dedication and teamwork of all the players, coaches, and staff of the Galaxy, all of whom were instrumental in helping the Galaxy win their second MLS Cup championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise with some jealousy in support of House Resolution 574, introduced by the distinguished gentleman from California (Mr. BECERRA). This resolution would congratulate the Los Angeles Galaxy on their victory in the 2005 Major League Soccer championship. It is my hope that the Salt Lake Real may someday emulate the Galaxy.

The second MLS title for the club, the 1–0 win over the New England Revolution in extra time, marked the dominance of one of the most experienced and talented teams in Major League Soccer. Although a veteran squad, the beginning of the season was plagued with inconsistent play in which the team fought to recover. The ups and downs of the season, however, did not stop the Galaxy from concentrating on reaching the title contest.

After a loss in the regular season finale, the Galaxy made one of the most impressive runs in playoff history. They knocked off the number one seed in the West in the first round and then took the road to beat Colorado. Finally, when reaching the championship, they took out the number one seeded team in the East with a thrilling goal from Guillermo Ramirez in the first overtime period. Now qualified for two international tournaments next season, the Galaxy has a chance to repeat as MLS champions, as well as a chance to give their fans and supporters an even more exciting and satisfying season.

I urge all Members to join me in congratulating the Los Angeles Galaxy in their successful and momentous season by adopting House Resolution 574.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 13, 2005, the Los Angeles Galaxy of Major League Soccer became only the third team in Major League Soccer history to win the MLS cup more than once. The storied history of the Galaxy has included an impressive five appearances in the MLS cup, championship and two victories. The Galaxy is one of the premier teams in Major League Soccer and has made the playoffs in all nine seasons of MLS history.

The Galaxy is beloved by their fans and boasts one of the strongest fan bases in the league. Over 88,000 fans jammed the stadium and hills around the stadium to watch their team in an exhibition match with Mexican League team Chivas USA in what is being dubbed as the Super Classico. The Galaxy not only came away victorious but showed the crowd that professional soccer has come into its own in the United States.

The Galaxy overcame significant odds to win this title. They lost players to injury and to the U.S. national team, but the team persevered. The Galaxy recorded an amazing three shut-out victories on the way to their second MLS cup, and they outscored their opponents in the playoffs by a margin of seven goals to just one. This was truly a dominating performance by the Galaxy. They represented the City of Los Angeles and their fans with honor, and so I encourage this body to recognize their accomplishments by supporting this resolution.

Mr. Speaker, I do not believe that I am going to have any other requests for time, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, I want to thank the gentleman from California (Mr. BECERRA) for having introduced this bill, and I urge Members to support adoption of House Resolution 574.

Mr. BECERRA. Mr. Speaker, I rise today to congratulate the players, coaches, staff, and owners of the Los Angeles Galaxy for winning the 2005 Major League Soccer (MLS) Cup Championship and to pay tribute to this historic feat.

On November 13, 2005 in Frisco, Texas, the Galaxy became the 10th MLS Champion by defeating the New England Revolution by a score of 1–0 in extra time. This is the Galaxy's second MLS championship and represents only the third time in league history that a team has won the "domestic double"—the Lamar Hunt U.S. Open Cup and the MLS Cup Championship in the same year.

The team was challenged throughout the entire season both from sustaining several injuries and also player absences due to call-ups by the United States Men's National Team The Galaxy's ability to overcome these adversities is a testament to the skill of the coaching staff and the talent of players who never once compromised team cohesiveness for individual glory.

Mr. Speaker, I would like to take a moment to recognize the individual players for their role in developing this championship team. This year's superb squad was led by team captain Peter Vagenas and a terrific line up that included Chris Albright, Benjamin Benditson, Pablo Chinchilla, Mubarike Chisoni, Steve Cronin, Ednaldo da Conceicao, Landon Donovan, Todd Dunivant, Michael Enfield, Josh Gardner, Herculez Gomez, Guillermo Gonzalez, Alan Gordon, Ned Grabavoy, Kevin Hartman, Ugo Ihemelu, David Johnson, Cobi Jones, Quavas Kirk, Tyrone Marshall, Paulo Nagamura, Joseph Ngwenya, Michael Nsien, Troy Roberts, Marcelo Saragosa, Josh Saunders, Michael Umana, and the 2005 MLS Cup's Most Valuable Player, midfielder Guillermo "Pando" Ramirez.

The coaching crew was also instrumental in cultivating this triumphant team. The fantastic staff was led by head coach Steve Sampson; assistant coaches Afshin Ghotbi, Billy McNicol, and Ignacio Hernandez; Head Athletic Trainer Ivan Pierra; Team Administrator Anthony Garcia; and Equipment Manager Raul Vargas.

Mr. Speaker, my hometown of Los Angeles has the best fans any team can ask for. They are more than just spectators, they are the 12th player on the field—building momentum and inspiring their team to fight on to victory. These devoted and spirited fans contributed to eight sold out home games and brought the average home game attendance to 24,000 people this season.

The Los Angeles Galaxy deserves as many accolades for their heroic work off the field as they do for their gallant efforts on the field. During the past several years, the Galaxy Foundation has hosted the Foundation's Feast, which provides Thanksgiving dinner for 200 needy children and families. The Foundation also hosts a special holiday shopping spree for children selected by several local Salvation Army chapters.

Mr. Speaker, I would like to thank Chairman TOM DAVIS, Ranking Member HENRY WAXMAN, Congressman CHRIS CANNON, and Congressman DANNY DAVIS for their help in bringing H. Res. 574 to the floor today.

The Los Angeles Galaxy is a truly remarkable team whose high standards of excellence, professionalism, demonstrated courage, sacrifice, and teamwork should be commended. Their passion continues to captivate a growing and diverse fan base from all across Southern California.

Mr. Speaker and fellow colleagues, please join me and all soccer fans from across the country and the around world in congratulating the 2005 Major League Soccer Cup Champions Los Angeles Galaxy.

Mr. CANNON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the House resolution, H. Res. 574.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA submitted the following further conference report and statement on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–337)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after further full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

For necessary expenses of the Workforce Investment Act of 1998, the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; $2,652,411,000 plus reimbursements, of which $1,688,411,000 is available for obligation for the period July 1, 2006 through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of the Workforce Investment Act of 1998 shall be available from October 1, 2005 until expended; and of which $950,000,000 is available for obligation for the period April 1, 2006 through June 30, 2007, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which $8,000,000 is available for the period July 1, 2006 through June 30, 2009 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, $282,800,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,193,264 000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That $125,000,000 shall be available for Community-Based Job Training Grants, which shall be from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998 and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That $7,936,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: Provided further, That $982,000 shall be for carrying out Public Law 102–530: Provided further, That, notwithstanding any other provision of law or related regulation, $80,557,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including $75,053,000 for formula grants, $5,000,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $504,000 for other discretionary purposes, and that the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services: Provided further, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That funds provided to carry out *section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.*

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2006 through June 30, 2007, and of which $100,000,000 is available for the period October 1, 2006 through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in Public Law 108–7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, $20,000,000 are rescinded.

Of the funds provided under this heading in Public Law 107–117, $5,000,000 are rescinded.

Of the funds provided under this heading in division F of Public Law 108–447 for Community-Based Job Training Grants, $125,000,000 is rescinded.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $436,678,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $125,312,000, together with not to exceed $3,266,766,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2006, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2008; of which $125,312,000, together with not to exceed $700,000,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006 through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,800,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated in this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2007, $465,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $117,123,000, together with not to exceed $82,877,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKERS COMPENSATION PROGRAMS

(RESCISSION)

Of funds provided under this heading in the Emergency Supplemental Appropriations Act, 2002 (Public Law 107–117, division B), $120,000,000 are rescinded.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $134,900,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006 for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of $296,978,000: Provided further, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $413,168,000, together with $2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2005, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States

Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $53,695,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, $13,305,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $27,148,000;

(3) for periodic roll management and medical review, $13,242,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, (the "Act"), $232,250,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2007, $74,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $96,081,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICPA"), the Secretary of Labor shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under EEOICPA (42 U.S.C. 7384n–q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $33,050,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; $24,239,000 for transfer to Departmental Management, "Salaries and Expenses"; $344,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $477,199,000, including not to exceed $92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006, to September 30, 2007, provided that a grantee has demonstrated satisfactory performance: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $280,490,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $464,678,000, together with not to exceed $77,845,000, which may be expended from the Employment Security Administration Account in *the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2): Provided, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.*

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,934,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $300,275,000, of which $6,944,000, to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and $29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $311,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $194,834,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2006, of which $1,984,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $29,500,000, of which $7,500,000 shall be available for obligation for the period July 1, 2006 through June 30, 2007.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $66,211,000, together with not to exceed $5,608,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, $6,230,000.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

SEC. 102. Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall permanently establish and maintain an Office of Job Corps within the Office of the Secretary, in the Department of Labor, to carry out the functions (including duties, responsibilities, and procedures) of subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.). The Secretary shall appoint a senior member of the civil service to head that Office of Job Corps and carry out subtitle C. The Secretary shall transfer funds appropriated for the program carried out under that subtitle C, including the administration of such program, to the head of that Office of Job Corps. The head of that Office of Job Corps shall have contracting authority and shall receive support as necessary from the Assistant Secretary for Administration and Management with respect to contracting functions and the Assistant Secretary for Policy with respect to research and evaluation functions.

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 104. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 105. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 106. For purposes of chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–117), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

SEC. 107. The Department of Labor shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate in the format and level of detail used by the Department of Education in its fiscal year 2006 congressional budget justifications.

SEC. 108. The Secretary shall prepare and submit not later than July 1, 2006 to the Committees on Appropriations of the Senate and of the House an operating plan that outlines the planned allocation by major project and activity of fiscal year 2006 funds made available for section 171 of the Workforce Investment Act.

This title may be cited as the "Department of Labor Appropriations Act, 2006".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, $6,629,661,000 of which $64,180,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act (of which $25,000,000 is for a Delta health initiative Rural Health, Education, and Workforce Infrastructure Demonstration Program which shall solicit and fund proposals from local governments, hospitals, universities, and rural public health-related entities and organizations for research development, educational programs, job training, and construction of public health-related facilities): Provided, That of the funds made available under this heading, $222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses: Provided further, That no more than $45,000,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That $4,000,000 is available until expended for the National Cord Blood Stem Cell Bank Program as described in House Report 108–401: Provided further, That of the funds made available under this heading, $285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of *the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $117,108,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the funds provided, $39,680,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113.*

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,916,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,600,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $5,884,934,000, of which $160,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $30,000,000 of the amounts available for immunization activities shall remain available until expended; of which $530,000,000 shall remain available until expended for the Strategic National Stockpile; and of which $123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $109,021,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $463,000 for Health Marketing evaluations; (5) $31,000,000 to carry out Public Health Research; and (6) $87,071,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,841,774,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,951,270,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $393,269,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,722,146,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,550,260,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,459,395,000: Provided, That $100,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That up to $30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,955,170,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,277,544,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $673,491,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $647,608,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,057,203,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $513,063,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $397,432,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $138,729,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $440,333,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,010,130,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,417,692,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $490,959,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $299,808,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,110,203,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $122,692,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $197,379,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $67,048,000

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $318,091,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $482,895,000, of which up to $10,000,000 shall be used to carry out section 217 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: Provided further, That the amount utilized under the preceding proviso shall not exceed $250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: Provided further, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH: Provided further, That the Office of AIDS Research within the Office of the Director, NIH may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act: Provided further, That of the funds provided $97,000,000 shall be for expenses necessary to support activities related to countering potential nuclear, radiological and chemical threats to civilian populations.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $81,900,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,237,813,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,803,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $16,000,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $318,695,000: Provided further, That not more than $50,000,000 of these funds shall be for the development of scientific evidence that supports the implementation and evaluation of health care information technology systems.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $156,954,419,000, to remain available until expended.

For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, $62,783,825,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D-16, and 1860D-31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $177,742,200,000.

In addition, for making matching payments under section 1844, and benefit payments under 1860D–16 and 1860D–31, of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,170,927,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $24,205,000, to remain available until September 30, 2007, is for contract costs for the Centers for Medicare and Medicaid Services Systems Revitalization Plan: Provided further, That $79,934,000, to remain available until September 30, 2007, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 200,000,000 Part A claims and/or 1,022,100,000 Part B claims, an additional $32,500,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the *payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.*

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,121,643,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2007, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $2,000,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $183,000,000, to remain available until September 30, 2006: Provided, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of such Act, and notwithstanding the designation requirement of section 2602(e) of such Act.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107–296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108–179), $575,579,000, of which up to $9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108–193): Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That $18,967,040 shall be available for child care resource and referral and school-aged child care activities, of which $992,000 shall be for the Child Care Aware toll-free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $270,490,624 shall be reserved by the States for activities authorized under section 658G, of which $99,200,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $9,920,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSION OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,922,213,000, of which $18,000,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed before September 30, 2006: Provided, That $6,843,114,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2006, and remain available through September 30, 2007: Provided further, That $701,590,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than $7,367,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $65,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That $15,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $11,000,000 shall be for payments to States to promote access for voters with disabilities, and of which $4,879,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That $110,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

Of the funds provided under this heading in Public Law 108–447 to carry out section 473A of title IV of the Social Security Act (42 U.S.C. 670–679), $22,500,000 are rescinded.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $90,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,852,800,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2007, $1,730,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health

Service Act, $1,376,624,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $352,703,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $52,415,000 shall be for minority AIDS prevention and treatment activities; and $5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: Provided further, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $60,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $42,800,000: Provided, That in addition to amounts provided herein, $18,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $39,813,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $31,682,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, $63,589,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the

Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2006, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to "Disease Control, Research, and Training," to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 219. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

(RESCISSION OF FUNDS)

SEC. 220. The unobligated balance in the amount of $10,000,000 appropriated by Public Law 108–11 under the heading "Public Health and Social Services Emergency Fund" are rescinded.

SEC. 221. (a) The Headquarters and Emergency Operations Center Building (Building 21) at the Centers for Disease Control and Prevention is hereby renamed as the Arlen Specter Headquarters and Emergency Operations Center.

(b) The Global Communications Center Building (Building 19) at the Centers for Disease Control and Prevention is hereby renamed as the Thomas R. Harkin Global Communications Center.

SEC. 222. None of the funds made available under this Act may be used to implement or enforce the interim final rule published in the Federal Register by the Centers for Medicare & Medicaid Services on August 26, 2005 (70 Fed. Reg. 50940) prior to April 1, 2006.

SEC. 223. (a) For fiscal year 2006 and subject to subsection (b), the Secretary of Health and Human Services may waive the requirements of regulations promulgated under the Head Start Act (42 U.S.C. 9831 et seq.), for one or more vehicles used by a Head Start agency or an Early Head Start entity (or the designee of either) in transporting children enrolled in a Head Start program or an Early Head Start program if—

(1) such requirements pertain to child restraint systems or vehicle monitors;

(2) the agency or entity demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

(3) waiving such requirements is in the best interest of the children involved.

(b) The Secretary of Health and Human Services may not issue any waiver under subsection (a) after September 30, 2006, or the date of the enactment of a statute that authorizes appropriations for fiscal year 2006 to carry out the Head Start Act, whichever date is earlier.

SEC. 224. Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall not be effective until June 30, 2006 or 60 days after the date of the enactment of a statute that authorizes appropriations for fiscal year 2006 to carry out the Head Start Act, whichever date is earlier.

(RESCISSION)

SEC. 225. The unobligated balance of the Health Professions Student Loan program authorized in Subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Services Act is rescinded.

(RESCISSION)

SEC. 226. The unobligated balance of the Nursing Student Loan program authorized by section 835 of the Public Health Services Act is rescinded.

SEC. 227. In addition to any other amounts available for such travel, and notwithstanding any other provision of law, amounts available from this or any other appropriation for the purchase, hire, maintenance, or operation of aircraft by the Centers for Disease Control and Prevention shall be available for travel by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and employees of the Department of Health and Human Services accompanying the Secretary or the Director during such travel.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2006".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $14,627,435,000, of which $7,073,126,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007 for academic year 2006–2007: Provided, That $6,934,854,000 shall be for basic grants under section 1124: Provided further, That up to $3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That $2,269,843,000 shall be for targeted grants under section 1125: Provided further, That $2,269,843,000 shall be for education finance incentive grants under section 1125A: Provided further, That $9,424,000 shall be to carry out part E of title I: Provided further, That $8,000,000 shall be available for section 1608 of the ESEA, of which $1,465,000 shall be available for a continuation award for the comprehensive school reform clearinghouse previously funded under the heading "Innovation and Improvement" in title III of division F of Public Law 108–447.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,240,862,000, of which $1,102,896,000 shall be for basic support payments under section 8003(b), $49,966,000 shall be for payments for children with disabilities under section 8003(d), $18,000,000 shall be for construction under section 8007(a), $65,000,000 shall be for Federal property payments under section 8002, and $5,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an *eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005–2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.*

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,308,564,000, of which $3,676,482,000 shall become available on July 1, 2006, and remain available through September 30, 2007, and of which $1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for constructions: Provided further, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: Provided further, That $411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: Provided further, That $56,825,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That $31,693,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That $12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and $6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $119,889,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by parts G and H of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), $945,947,000, of which $95,000,000 shall become available on July 1, 2006 and remain available until September 30, 2007: Provided, That $16,864,000 shall be available to carry out section 2151(c) of the ESEA, of which not less than $9,920,000 shall be provided to the National Board for Professional Teaching Standards, and not less than $6,944,000 shall be provided to the American Board for the Certification of Teacher Excellence: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That $36,981,000 shall be for subpart 2 of part B of title V: Provided further, That $260,111,000 shall be available to carry out part D of title V of the ESEA, of which $100,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That five percent of such funds for competitive grants shall become available on October 1, 2005 for technical assistance, training, peer review of applications, program outreach and evaluation activities and that 95 percent shall become available on July 1, 2006 and remain available through September 30, 2007 for competitive grants.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $736,886,000, of which $350,000,000 shall become available on July 1, 2006 and remain available through September 30, 2007: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, $850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: Provided further, That $350,000,000 shall be available for subpart 1 of part A of title IV and $224,580,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,449,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $132,901,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to $12,194,000 may be used to carry out section 2345 and $3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005 and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $11,770,607,000, of which $6,141,604,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $5,424,200,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: Provided, That $12,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, $3,129,638,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That $30,760,000 shall be used for carrying out the AT Act, including $4,385,000 for State grants for protection and advocacy under section 5 of the AT Act and $3,760,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: Provided further, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $17,750,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $56,708,000, of which $800,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the

Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $108,079,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

Vocational and Adult Education

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, title VIII–D of the Higher Education Amendments of 1998, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $2,012,282,000, of which $1,216,558,000 shall become available on July 1, 2006 and shall remain available through September 30, 2007 and of which $791,000,000 shall become available on October 1, 2006 and shall remain available through September 30, 2007: Provided, That of the amount provided for Adult Education State Grants, $68,582,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,096,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: Provided further, That $94,476,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2005 and shall remain available through September 30, 2007, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2006, and remain available through September 30, 2007, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools: Provided further, That $23,000,000 shall be for Youth Offender Grants.

Student Financial Assistance

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $15,077,752,000, which shall remain available through September 30, 2007.

The maximum Pell Grant for which a student shall be eligible during award year 2006–2007 shall be $4,050.

Student Aid Administration

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $120,000,000.

Higher Education

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, $1,970,760,000: Provided, That $9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007–2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: Provided further, That $980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

Howard University

For partial support of Howard University (20 U.S.C. 121 et seq.), $239,790,000, of which not less than $3,562,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

College Housing and Academic Facilities Loans Program

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended $573,000.

Historically Black College and University Capital Financing Program Account

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

Institute of Education Sciences

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $522,695,000, of which $271,560,000 shall be available until September 30, 2007: Provided, That of the amount provided to carry out title I, parts B and D of Public Law 107–279, not less than $25,257,000 shall be for the national research and development centers authorized under section 133(c).

Departmental Management

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $415,303,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,526,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $49,000,000.

General Provisions

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart, $4,300,000,000, pursuant to section 303 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 306. Subpart 12 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7265 et seq.) is amended—

(1) in section 5522(b), (20 U.S.C. 7265a(b)), by adding at the end the following:

"(4) To authorize and develop cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi.";

(2) in section 5523 (20 U.S.C. 7265b)—

(A) in subsection (a)—

(i) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(ii) by inserting after paragraph (5) the following:

"(6) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi."; and

(B) in subsection (b), by adding at the end the following:

"(7) Cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi."; and

(3) in section 5525(1) (20 U.S.C. 7265d(1))—

(A) in subparagraph (a), by striking "and" after the semicolon;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) the Mississippi Band of Choctaw Indians in Choctaw, Mississippi.".

This title may be cited as the "Department of Education Appropriations Act, 2006".

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,669,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $316,212,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $520,087,000, to remain available until September 30, 2007: Provided, That not more than $267,500,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the Act: Provided further, That not less than $140,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $7,000,000 shall be held in reserve as defined in Public Law 108–45: Provided further, That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than $16,445,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That $27,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That $37,500,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That $4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a) of the Act: Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $66,750,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2008, $400,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, *That for fiscal year 2006, in addition to the amounts provided above, $30,000,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2006, in addition to the amounts provided above, $35,000,000 shall be for the costs associated with replacement and upgrade of the public television interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108–199 or Public Law 108–7, shall be used to support the Television Future Fund or any similar purpose.*

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $43,031,000, including $400,000, to remain available through September 30, 2007, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,809,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, $249,640,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $993,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $3,144,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $252,268,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,628,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,510,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $102,543,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,470,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $29,369,174,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, $11,110,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,079,400,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $119,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed $119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,000,000, together with not to exceed $66,400,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

Sec. 518. (a) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427), is amended by adding at the end the following:

"(g)(1) The continuous residency requirement under subsection (a) may be reduced to 3 years for an applicant for naturalization if—

"(A) the applicant is the beneficiary of an approved petition for classification under section 204(a)(1)(E);

"(B) the applicant has been approved for adjustment of status under section 245(a); and

"(C) such reduction is necessary for the applicant to represent the United States at an international event.

"(2) The Secretary of Homeland Security shall adjudicate an application for naturalization under this section not later than 30 days after the submission of such application if the applicant—

"(A) requests such expedited adjudication in order to represent the United States at an international event; and

"(B) demonstrates that such expedited adjudication is related to such representation.

"(3) An applicant is ineligible for expedited adjudication under paragraph (2) if the Secretary of Homeland Security determines that such expedited adjudication poses a risk to national security. Such a determination by the Secretary shall not be subject to review.

"(4)(A) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge and collect a $1,000 premium processing fee from each applicant described in this subsection to offset the additional costs incurred to expedite the processing of applications under this subsection.

"(B) The fee collected under subparagraph (A) shall be deposited as offsetting collections in the Immigration Examinations Fee Account.".

(b) The amendment made by subsection (a) is repealed on January 1, 2006

Sec. 519. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

Sec. 520. The $3,170,927,000 made available under this Act under the heading Program Management under the heading Centers for Medicare and Medicaid Services shall be reduced by $60,000,000: Provided, That none of the reduction shall be taken from research, demonstration, and evaluation activities or from State survey and certification activities: Provided further, That notwithstanding the amounts specified under such heading for the Centers for Medicare and Medicaid Services System Revitalization Plan and for contract costs for the Healthcare Integrated General Ledger Accounting System, such amounts may be reduced by the Secretary.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006".

And the Senate agree to the same.

Ralph Regula,
Ernest Istook, Jr.,
Roger F. Wicker,
Anne M. Northup,
Kay Granger,
John E. Peterson,
Don Sherwood,
Dave Weldon,
James T. Walsh,
Jerry Lewis,
Managers on the Part of the House.

Arlen Specter,
Thad Cochran,
Judd Gregg,
Larry E. Craig,
Kay Bailey Hutchison,
Ted Stevens,
Mike DeWine,
Richard C. Shelby,
Pete V. Domenici,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, submit the following joint statement of the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

In implementing this agreement, the Departments and agencies should be guided by the language and instructions set forth in House Report 109–143 and Senate Report 109–103 accompanying the bill, H.R. 3010.

In the cases where the language and instructions in either report specifically address the allocation of funds, each has been reviewed by the conferees and those that are jointly concurred in have been endorsed in this joint statement.

In the cases in which the House or the Senate reports request or direct the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

The conferees note that section 517 sets forth the reprogramming requirements and limitations for the Departments and agencies funded through this Act, including the requirement to make a written request to the chairmen of the Committees 15 days prior to reprogramming, or to the announcement of intent to reprogram, funds in excess of 10 percent, or $500,000, whichever is less, between programs, projects and activities.

Finally, the conferees request that statements on the effect of this appropriation Act on the Departments and agencies funded in this Act be submitted to the Committees within 45 days of enactment of this Act. The conferees expect that these statements will provide sufficient detail to show the allocation of funds among programs, projects and activities, particularly in accounts where the final appropriation is different than that of the budget request. Furthermore, the conferees request the statements to also include the effect of the appropriation on any new activities or major initiatives discussed in the budget justifications accompanying the fiscal year 2006 budget.

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

Employment and Training Administration

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

The conference agreement includes $5,115,411,000 for training and employment services, instead of $5,121,792,000 as proposed by the House and $5,250,806,000 as proposed by the Senate. Of the amount appropriated, $2,463,000,000 is an advance appropriation for fiscal year 2007, as proposed by the House and the Senate.

The conference agreement includes bill language as proposed by the Senate requiring that the Secretary of Labor take no action to amend the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify the procedure for designation of local areas as specified in that Act until such time as legislation reauthorizing the Act is enacted. The House bill contained a similar provision.

For Adult Employment and Training Activities, the conference agreement includes $865,736,000 as proposed by the House, instead of $893,618,000 as proposed by the Senate.

For Youth Training, the conference agreement includes $950,000,000 as proposed by the House instead of $986,288,000 as proposed by the Senate.

The conference agreement includes $1,476,064,000 for the Dislocated Worker program, as proposed by the Senate, instead of $1,405,264,000 as proposed by the House. The conferees override the formula that provides that 80 percent of the funds provided will be used for State formula grants and 20 percent in a National Reserve Account. For program year 2006 the conferees provide $1,193,264,000 for the State formula grants and $282,800,000 for the National Reserve Account.

The conferees direct that the Department submit a quarterly report beginning in January, 2006 to the House and Senate Appropriations Committees on the status of H–1B and National Emergency Grant awards. This quarterly report shall be submitted to the House and Senate Committees on Appropriations no later than 15 days after the end of each quarter and shall summarize the following information: total available funds for the current program year, funding requests made, funding comments made, and amounts actually awarded for the quarter and for the current program year, total outstanding funding commitments from all program years, and total unpaid funding commitments from all program years. The report shall also include a list of each award (both new awards and modifications to existing awards) made during the quarter, including the grantee, funding commitment, amount released, and unpaid commitment for each award, and the number of workers to be trained.

The conferees direct that the Department submit a quarterly report beginning in January 2006 to the House and Senate Appropriations Committees on the status of awards made under the High-Growth Job Training Initiative. This quarterly report shall be submitted to the House and Senate Committees on Appropriations no later than 15 days after the end of each quarter and shall summarize by funding source (dislocated worker demonstration funds, community college initiative, H–1B fees, pilots and demonstrations, etc.) the total amount allocated to the High-Growth Job Training Initiative for the quarter and the program year. This report shall also include a list of all awards made during the quarter and for each award shall include the grantee, the amount of the award, the funding source of the award, whether the award was made competitively or by sole source and, if sole source, the justification, the purpose of the award, the number of workers to be trained, and other expected outcomes.

The conference agreement includes bill language as proposed by the Senate giving the Secretary of Labor authority to use dislocated worker national reserve funds to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas. The House bill contained no similar provision. The conferees urge the Secretary, when determining competitive awards under this authority, to give favorable consideration to the applications of assistance to States that have sustained worker dislocation in such a manner and can demonstrate the capacity to respond effectively in a coordinated fashion across multiple sectors or local areas.

The conference agreement includes $1,573,000,000 for Job Corps, instead of $1,542,019,000 as proposed by the House and $1,582,000,000 as proposed by the Senate. Within the total, $1,465,000,000 is provided for continuing operations of the program and $108,000,000 is for renovation and construction of Job Corps centers. The conference agreement includes $8,000,000 for second year funding of Job Corps expansion. This is in addition to $10,000,000 previously appropriated. In the selection process to award these and the previously appropriated funds for incremental expansion of Job Corps, the Department is directed to follow guidance provided in Senate Report 109–103 and in the report accompanying Public Law 108–199 regarding the priority for States that currently do not have a center and for a new site that can be quickly launched as a satellite (residential or non-residential) of a Job Corps center that is serving an entire State or region, and then later be converted to a stand-alone facility.

The conferees strongly urge the Director of Job Corps to extend the work of the Appalachian Council for career transition support services, and implement through the NJCA Foundation for Youth Opportunities, foundation initiated and nationally coordinated programs and services that raise public awareness and support for at-risk youth. The conferees expect the Director of Job Corps to implement these awards by no later than January 31, 2006, or as soon thereafter that the new independent Office of Job Corps is established.

For Migrant and Seasonal Farmworkers, the conference agreement includes a total of $80,557,000 as proposed by the Senate, instead of $75,795,000 as proposed by the House. Within the total, $75,053,000 is for State service area grants, including $3,840,000 to fund grantees in States impacted by formula reductions below the amount they were allotted in program year 2004. The conference also includes $5,000,000 for housing grants. The agreement also includes bill language not contained in House or Senate bills which prohibits the Department from restricting the provision of "related assistance" services by grantees. Such services are often critical to the stabilization and availability of the farm labor workforce.

The conference agreement provides $2,000,000 for other National Activities as proposed by the House, instead of $3,458,000 as proposed by the Senate. Of this amount, $982,000 is for carrying out Public Law 102–530, the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, and $504,000 is to be used for training, technical assistance and related activities, including migrant rest center activities, authorized under section 167 of the Workforce Investment Act of 1998.

For Pilots, Demonstrations and Research, the conference agreement includes $30,000,000, instead of $74,000,000 as proposed by the House and $90,367,000 as proposed by the Senate.

The conferees encourage the Department of Labor to establish a pilot grant program under 171(b) of the Workforce Investment Act of 1998 to award competitive placement and retention grants to qualified nonprofit organizations that offer low income individuals' intensive assessment, education and training, placement, and retention services, including job coaching. The employment should provide the low income individuals with an annual salary at least twice the poverty line applicable to the individual. After placement, such organizations shall be eligible for retention grants once low income individuals remain with the same employer for a period of one year, taking into account the benefits received by the federal government and the community from the individuals' employment.

The conference agreement includes $49,600,000 for Responsible Reintegration of Youthful Offenders, instead of $50,000,000 as proposed by the Senate. The House did not recommend funds for this activity.

The conference agreement includes $125,000,000 to carry out the Community College/Community-Based Job Training Grant initiative. The conference agreement includes bill language as proposed by the Senate which provides that this amount is to be allocated from National Emergency Grant funds available under section 132(a)(2)(A) of the Workforce Investment Act of 1998, overriding the limitation otherwise imposed under section 171(d). The House bill contained no similar provision. The conferees expect the Secretary to initially use resources from the National Emergency Grants account for these awards that are designated for non-emergencies under sections 171(d) and 170(b) of the Workforce Investment Act of 1998. Community-Based Job Training Grant awards will also be subject to the limitations of sections 171(c)(4)(A) through 171(c)(4)(C) of the Workforce Investment Act of 1998 to ensure that these grants are awarded competitively. The conferees direct that future solicitations for grant applications for the Community-Based Job Training initiative include One Stop Career Centers as eligible applicants. The conference agreement rescinds $125,000,000 in funds provided in fiscal year 2005 for this program, as proposed by the House; the Senate bill contained no similar provision.

For the Denali Commission, the conference agreement provides $6,944,000 as proposed by the Senate for job training services. The House recommendation did not include funds for this activity.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes $3,392,078,000 for State Unemployment Insurance and Employment Service Operations, instead of $3,470,366,000 as proposed by the House and $3,361,779,000 as proposed by the Senate. For unemployment insurance services, the bill provides $2,533,000,000 instead of $2,632,915,000 as proposed by the House and $2,485,000,000 as proposed by the Senate. The conference agreement includes $2,523,000,000 for UI State Operations instead of $2,622,499,000 as proposed by the House and $2,475,000,000 as proposed by the Senate. The agreement includes a contingency reserve amount should the unemployment workload exceed an average weekly insured claims volume of 2,800,000 instead of 2,984,000 as proposed by the House. The conference agreement does not include language, similar in both House and Senate bills, providing $40,000,000 for new unemployment insurance administrative activities.

For the Employment Service grants to States, the agreement includes $723,114,000 instead of $696,000,000 as proposed by the House and $746,302,000 as proposed by the Senate. This includes $23,114,000 in general funds as proposed by the Senate instead of $23,300,000 as proposed by the House and $700,000,000 from the "Employment Security Administration" account of the unemployment trust fund instead of $672,700,000 as proposed by the House and $723,188,000 as proposed by the Senate. The conference agreement does not include funding to continue Reemployment Services Grants.

The conference agreement includes $17,856,000 for the work opportunity tax credit program as proposed by the Senate. The House report contained no similar provision.

PROGRAM ADMINISTRATION

The conference agreement includes $200,000,000 for Program Administration as proposed by the Senate, instead of $206,111,000 as proposed by the House. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement deletes language proposed by the House specifying that not to exceed $3,000,000 shall be available for contracts that are not competitively bid. The Senate bill contained no similar provision.

Employee Benefits Security Administration

SALARIES AND EXPENSES

The conference agreement includes $134,900,000 as proposed by the Senate, instead of $137,000,000 as proposed by the House. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Employment Standards Administration

SALARIES AND EXPENSES

The conference agreement includes $415,216,000 for the Employment Standards Administration, salaries and expenses, instead of $416,332,000 as proposed by the House and $412,616,000 as proposed by the Senate. Within the amount for Program Direction and Support the conference agreement includes $2,000,000 as proposed by the Senate to make available personnel and other resources to facilitate the expeditious startup of a system to resolve the claims of injury caused by asbestos exposure. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement deletes language proposed by the Senate authorizing the Secretary of Labor to accept, retain, and spend all sums of money ordered to be paid in accordance with the Consent Judgment in the case with the Northern Mariana Islands. This provision, carried in the bill in prior years, is no longer necessary. The House bill contained no similar provision.

The conferees note that the Employment Standards Administration's most recent regulatory plan indicates that the Employment Standards Administration plans to issue in December 2005 a notice of proposed rulemaking on the Family and Medical Leave Act (FMLA). The conferees urge that the Employment Standards Administration consider providing ample time (more than the 60 days indicated in the regulatory plan) for careful consideration of any proposed changes to the FMLA regulations.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

Within the total transferred to this account from fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, the conference agreement provides that $27,148,000 shall be made available for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, as proposed by the Senate, instead of $18,454,000 as proposed by the House.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

Within the total, the conference agreement includes a proviso transferring $4,500,000 to the National Institute for Occupational Safety and Health for use by the Advisory Board on Radiation and Worker Health, as proposed by the Senate. The House bill contained no similar provision.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $477,199,000 for the Occupational Safety and Health Administration as proposed by the House instead of $477,491,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes a limitation regarding OSHA's enforcement of the Respiratory Standard as it applies to tuberculosis, as proposed by the House. The Senate bill contained no similar provision.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes a provision that authorizes the Secretary to recognize the Joseph A. Holmes Safety Association as a principal safety association and to provide funds and personnel to the organization, as proposed by the House. The Senate bill contained no similar provision.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The conference agreement includes a provision maintaining the women worker series from the Current Employment Survey as proposed by the Senate. The House bill contained no similar provision.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

The conference agreement includes $27,934,000 for the Office of Disability Employment Policy as proposed by the House, instead of $47,164,000 as proposed by the Senate.

Within the total, the conferees have included $5,000,000 for a national initiative focusing on self-employment as an option for persons with disabilities, to be allocated according to the conditions in Senate Report 109–103. In addition, the conferees concur with the Senate in directing that the existing, structured "Public Service Internship Program for Students with Disabilities" be continued through fiscal year 2006 at no less than current appropriations levels. The House recommendation contained no similar provisions.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $300,586,000 for Departmental Management, salaries and expenses, instead of $239,783,000 as proposed by the House and $320,561,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes $73,248,000 for the Bureau of International Labor Affairs (ILAB), instead of $12,419,000 as proposed by the House and $93,248,000 as proposed by the Senate. Of this amount, the conferees' recommendation includes $38,000,000 for the U.S. contribution to the ILO's International Program for the Elimination of Child Labor [IPEC] and $23,000,000 for bilateral assistance to improve access to basic education in international areas with a high rate of abusive and exploitative child labor. The conferees concur with the Senate directive that $4,500,000 of the basic education funds be distributed in a 3-year grant to a human rights center at a major university with expertise in African studies, child labor and business ethics to provide critical oversight of both the public and private investment. The conferees expect that any grant or contract to provide this oversight will include annual reporting requirements to both the Congress and the Department by the end of each federal fiscal year. That report should cite progress made on key points of the protocol including: development of a child labor monitoring system by industry, the elimination of the worst forms of child labor in the supply chain, and the development of an industry-wide, public, transparent certification system covering at least 50 percent of the growing area in the Ivory Coast and Ghana.

For other ILAB programs, including 125 FTE for Federal Administration, the conferees have included $12,248,000. Within this amount, the conferees have included sufficient funding for the compilation of the statutorily required report tracking the progress of countries that are designated as beneficiaries under the U.S. Generalized System of Preferences [GSP] or former GSP recipients who achieved a free trade agreement over the preceding two years. The conferees concur with a Senate mandate that the 2006 report shall be transmitted to the Congress no later than September 1, 2006.

The conference agreement does not include provisos in the Senate bill intended to ensure that decisions on appeals of Longshore and Harbor Worker's Compensation Act claims are reached in a timely manner. The House bill did not include similar provisions. Carried in previous years, the provisos are no longer considered necessary to avoid delays.

The conferees do not retain language in the House report regarding employee benefit products covered by the Employee Retirement Income Security Act.

VETERANS EMPLOYMENT AND TRAINING

The conference agreement includes $224,334,000 for Veterans Employment and Training as proposed by the Senate, instead of $229,334,000 as proposed by the House. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conferees are pleased by the number of programs being undertaken by a variety of federal agencies, including the Centers for Medicare and Medicaid Services and the Internal Revenue Service, to employ persons with disabilities in telework occupations. With a significant number of veterans coming home with physical impairments, the conferees urge the department to pursue interagency efforts to help disabled veterans achieve employment in the federal government through telework and other innovative programs.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $71,819,000 for the Office of Inspector General, instead of $70,819,000 as proposed by the House and $72,819,000 as proposed by the Senate.

GENERAL PROVISIONS

JOB CORPS

The conference agreement includes language that prohibits the use of funds for the Job Corps to pay the salary of any individual, either as direct costs or any pro-ration as an indirect cost, at a rate in excess of Executive Level I, instead of Executive Level II as proposed by the House. The Senate bill did not contain a similar provision.

The conference agreement includes language not contained in House or Senate bills directing the Secretary to establish and maintain an Office of Job Corps within the Office of the Secretary of Labor. The Secretary is directed to transfer current Job Corps functions and staff from the Employment and Training Administration to the Job Corps office established in the Office of the Secretary. To ensure continuity, the Secretary is further directed to staff the new agency with the staff in place as of October 1, 2005 and at a level of FTE approved as of October 31, 2005.

ONE PERCENT TRANSFER AUTHORITY

The conference agreement includes a provision as proposed by the Senate limiting the authority to transfer or reprogram funds between a program, project or activity and requiring a 15 day notification of any reprogramming request or announcement of such transfer or reprogramming request. The House bill contained a similar provision.

DENALI COMMISSION

The conference agreement includes a provision as proposed by the Senate that authorizes to be appropriated such sums as may be necessary to the Denali Commission to conduct job training where Denali Commission projects will be constructed. The House bill contained no similar provision.

CONGRESSIONAL JUSTIFICATIONS

The conference agreement includes bill language proposed by the Senate requiring the Department of Labor to submit its fiscal year 2007 congressional budget justifications in the format and level of detail used by the Department of Education in its fiscal year 2006 congressional budget justifications. The House bill contained no similar provision.

NEW YORK RESCISSION

The conference agreement does not include language as proposed by the Senate making $125,000,000 available to the New York State Uninsured Employers Fund and to the Centers for Disease Control and Prevention for purposes related to the September 11, 2001 terrorist attacks. The House bill contained no similar provision.

OPERATING PLAN

The conferees note that the Department failed to submit a fiscal year 2005 operating plan for pilots, demonstrations and research activities as requested last year in House Report 108–792. This plan is nearly six months late. Accordingly, the conferees have included bill language directing the Department to provide not later than July 1, 2006 an operating plan that outlines the planned allocation by major project and activity of fiscal year 2006 funds for pilot, demonstration, multi-service, research and multi-state projects. The conferees direct that the Department submit a quarterly report beginning in January 2006 to the House and Senate Appropriations Committees on the status of awards made for pilot, demonstration, multi-service, research, and multi-state projects under section 171 of the Workforce Investment Act. This quarterly report shall be submitted to the House and Senate Committees on Appropriations no later than 45 days after the end of each quarter and shall include the following information: a list of all awards made during the quarter and for each award shall include the grantee or contractor, the amount of the award, the funding source for the award, whether the award was made competitively or by sole source and, if sole source, the justification, the purpose of the award, and expected outcomes.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes $6,654,661,000 for health resources and services, of which $6,629,661,000 is provided as budget authority and $25,000,000 is made available from the Public Health Service policy evaluation set-aside, instead of $6,468,437,000 as proposed by the House and $7,396,534,000 as proposed by the Senate. Funds for the individual HRSA programs are displayed in the table at the end of the statement of the managers. Funding levels that were in disagreement but not displayed on the table are discussed in this statement.

The conference agreement includes a technical bill language change to eliminate an unnecessary citation of the Poison Control Center Act which was included in both bills.

The conference agreement includes a citation for section 712 of the American Jobs Creation Act of 2004 for authority for the sickle cell demonstration program. The House bill did not include a similar citation.

The conference agreement does not include bill language proposed by the Senate providing $393,051,000 for construction and renovation of health care and other facilities and other health-related activities. The House bill included no similar language.

The conference agreement includes bill language identifying $64,180,000 for the rural hospital flexibility grants program, as provided by the Senate. The House bill provided $39,180,000. Within the total provided, the conferees have included bill language similar to that contained in the Senate bill creating the authority and identifying $25,000,000 for a Delta health initiative rural health, education, and workforce infrastructure program. The House bill had no similar provision. The conferees urge HRSA to implement this program by a competitive grant to a non-Federal, not-for-profit alliance of no less than four academic institutions who have a history of collaboration, along with their State Medical Association and State Hospital Association, for the purpose of addressing longstanding, unmet health needs in the Mississippi Delta, including health education, access and research, and job training. Alliance partners should include an academic health center, at least two regional universities, a school of nursing, and a relationship with a strong economic development entity. The alliance should have experience working with Federally qualified health centers and local health departments. The alliance should have experience in diabetes education and management, promoting healthy communities, health education and wellness.

The conferees have not included either bill language proposed by the Senate identifying $20,000,000 for base grant adjustments for existing community health centers or a similar directive included in the House report.

The conference agreement includes bill language identifying $40,000 for malpractice insurance for volunteer physicians who practice at free clinics, including administrative expenses, instead of $99,000 as proposed by the Senate. The House did not provide funding for this program. The conferees understand that claims against the Federal malpractice insurance are not likely to appear until at least fiscal year 2007, but want to signal the intent to continue the program.

The conference agreement does not include bill language identifying funding for community health centers in high-need counties. The Senate bill identified $13,000,000 for this purpose; the House bill identified $26,000,000.

The conferees direct that the increase in funding provided for community health centers be allocated for the center applications that have already been approved and announced in April 2005. The House and Senate reports had similar references to pre-approved awards.

The conference agreement includes bill language contained in the Senate bill permitting funding appropriated for the community health centers Federal malpractice claims program to be used for administrative expenses. The House bill included no similar provision.

The conference agreement includes bill language providing $4,000,000 to remain available until expended for the National Cord Blood Stem Cell Bank Program. The Senate bill provided $9,859,000. The House did not provide funding for this program.

The conference agreement includes bill language designating $117,108,000 out of the funds provided for the maternal and child health block grant to be for special projects of regional and national significance (SPRANS). The Senate bill provided $121,396,250 for this purpose; the House provided $116,124,000. It is intended that $3,880,000 of the SPRANS amount will be used to continue the sickle cell newborn screening program and its locally based outreach and counseling efforts. The House and Senate both proposed $4,000,000 for this program. In addition, $4,850,000 of the SPRANS amount will be used to continue the oral health demonstration programs and activities in the States. The House and Senate both proposed $5,000,000 for this program. The conference agreement also includes within the SPRANS set-aside $1,552,000 to continue mental health programs and activities in the States, $2,910,000 to continue the epilepsy demonstration, and $1,940,000 to continue newborn and child screening for heritable disorders. The conferees provide $1,000,000 for a fetal alcohol syndrome demonstration program as described in the Senate report. The House and Senate had both proposed $3,000,000 for the epilepsy demonstration. The House had proposed $3,000,000 for the heritable disorders screening program; the Senate had proposed $2,000,000. The Senate proposed $3,000,000 for the mental health programs, while the House had not proposed funding for this program. The Senate proposed $1,000,000 for the fetal alcohol syndrome demonstration, while the House had not proposed funding for this program.

The conference agreement includes bill language as proposed by the Senate providing $39,680,000 to the Denali Commission as a direct lump payment pursuant to P.L. 106–113. The House did not include funding for the Commission. The conferees concur with the Senate report language regarding the allocation of Denali funds to a mix of facilities.

The conference agreement provides $14,100,000 for Native Hawaiian health care activities within the consolidated health centers program as proposed by the Senate. The House did not identify specific funding for Native Hawaiian activities.

The conference agreement provides $4,000,000 for allied health training programs, of which $2,000,000 is allocated to the chiropractic-medical school demonstration grant and $2,000,000 is designated for the graduate psychology training program. The Senate provided $11,753,000 for allied health programs. The House did not provide funding.

The conferees concur in the Senate report language identifying $3,000,000 within traumatic brain injury funding for protection and advocacy services. The House report did not have similar language.

The conferees concur with the Senate report language regarding the recompetition of Healthy Start programs.

Within funds provided to the Office of the Advancement of Telehealth, $3,000,000 has been included to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107–251). Of that amount, the conferees intend that $1,500,000 be used to fund telehealth resource centers that provide assistance with respect to technical, legal, regulatory service delivery or other related barriers to the development of telehealth technologies. The conferees intend that HRSA place a high priority on the needs of rural States with populations of less than 1,500,000 individuals in the award and geographical placement of the telehealth resource grants. The conferees intend that $750,000 will be used for network grants and demonstration or pilot projects for telehomecare and that $750,000 will be used for grants to carry out the licensure provisions in Section 102 of Public Law 107–251.

The conferees agree that family planning funds should be distributed to regional offices in the same manner and time frame as in fiscal year 2005. In addition, conferees intend that the same percentage of appropriated family planning funds be used for clinical services as in fiscal year 2005.

Within the funds provided for bioterrorism grants to States, the conference agreement includes $475,000,000 for State grants, $21,000,000 for education incentives for medical school curriculum, and $4,000,000 to continue the credentialing emergency system for advance registration of volunteer health professionals. The conferees do not provide funding for a medical surge capacity demonstration as requested by the Administration. The House provided $464,479,000 for State grants; $8,000,000 for credentialing; $27,521,000 for training; and no funding for a surge capacity demonstration. The Senate provided $458,000,000 for State grants, indicating that credentialing, deployable mass casualty units and increases to the medical reserve corps could be supported within that total; $27,500,000 for training; and $25,000,000 for a national surge capacity demonstration.

The conference agreement includes $145,992,000 for program management instead of $143,992,000 as provided by the Senate and $143,072,000 as provided by the House. The conference agreement includes $2,000,000 within this activity for dental workforce programs authorized in section 340G of the Public Health Service Act. The Senate provided $5,000,000 for this activity; the House did not propose funding for the program.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

The conference agreement provides $3,600,000 for administration for the Trust Fund as proposed by the Senate instead of $3,500,000 as proposed by the House.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $5,884,934,000 for disease control, research, and training at the Centers for Disease Control and Prevention (CDC), instead of $5,945,991,000 as proposed by the House and $6,064,115,000 as proposed by the Senate. In addition, $265,100,000 is made available under section 241 of the Public Health Service Act. The House bill proposed that $159,595,000 and the Senate bill proposed that $265,100,000 be derived from section 241 authority.

The conference agreement includes bill language earmarking $160,000,000 for equipment, construction, and renovation of facilities, including the new data center and recovery site to ensure availability of critical systems and data supporting CDC's homeland security and public health emergency responsibilities, instead of $30,000,000 as proposed by the House and $225,000,000 as proposed by the Senate. Within this total, $136,000,000 is for continuation of CDC's program to upgrade and replace facilities in Atlanta and $24,000,000 is to continue construction and purchase equipment for the replacement of CDC's infectious disease laboratory in Fort Collins, Colorado.

The conference agreement includes bill language providing that within the amount available, $530,000,000 shall remain available until expended for the Strategic National Stockpile, the same as proposed by the House. The Senate bill included $542,000,000 for this purpose.

The conference agreement includes bill language to earmark $123,883,000 for international HIV/AIDS, the same as proposed by both the House and the Senate.

The conference agreement includes bill language as proposed by the Senate, and similar to language proposed by the House, designating that the following amounts shall be available under section 241 (Public Health Service Act evaluation set-aside) for the specified activities:

$12,794,000—National Immunization Surveys;

$109,021,000—National Center for Health Statistics Surveys;

$24,751,000—Information systems standards development and architecture and applications-based research used at local public health levels;

$463,000—Health Marketing evaluations;

$31,000,000—Public Health Research; and

$87,071,000—Research Tools and Approaches within the National Occupational Research Agenda.

The conference agreement includes bill language providing that up to $31,800,000 is available until expended for individual learning accounts, as proposed by the Senate. The House bill had included $30,000,000 for the same purpose.

The conference agreement includes bill language carried in prior years to allow the CDC to enter into a single contract or related contracts for the full scope of development and construction of facilities as proposed by both the House and the Senate. The agreement does not include language proposed by the Senate to allow funds appropriated to the CDC to be used to enter into a long-term ground lease for construction on non-Federal land. The conferees understand that this language is no longer necessary for the completion of the laboratory in the Fort Collins, Colorado area.

Given the full-scope contract authority, the conferees understand that sufficient funds are available from within amounts provided for buildings and facilities for unabated progress on the B&F Master Plan and to support the new data center recovery site, including the center's operations and maintenance services.

The conference agreement includes bill language providing that employees of the CDC or the Public Health Service, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency. The House bill included similar language but limited to employees detailed for purposes related to homeland security.

INFECTIOUS DISEASES

The conference agreement includes $1,697,397,000 for Infectious Diseases, instead of $1,704,529,000 as proposed by the House and $1,696,567,000 as proposed by the Senate. In addition, $12,794,000 is available to carry out National Immunization Surveys to be derived from section 241 evaluation set-aside funds.

The conferees note that unless otherwise specified, the sub-budget activity amounts provided are at the levels recommended in the budget request.

INFECTIOUS DISEASE CONTROL

Within the total for Infectious Diseases, the conference agreement includes $229,059,000 for infectious disease control activities instead of $229,471,000 as proposed by the House and $229,010,000 as proposed by the Senate.

Within the total, $102,650,000 is for areas of highest scientific and programmatic priority for preparing and responding to present and emerging infectious disease threats.

Within the total provided, $5,500,000 is to expand and improve surveillance, research, and prevention activities on prion disease, including the work of the National Prion Disease Pathology Surveillance Center.

HIV/AIDS, STD AND TB PREVENTION

Within the total for Infectious Diseases the conference agreement includes $956,138,000 for HIV/AIDS, STD and TB prevention, the same as proposed by the House and $713,000 below the amount proposed by the Senate.

Included is $657,694,000 for domestic HIV/AIDS activities; $159,633,000 for STD activities; and $138,811,000 for TB activities.

Within the total for HIV/AIDS, the conferees intend that the activities that are targeted to address the growing HIV/AIDS epidemic and its disparate impact on communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders be supported at not less than the fiscal year 2005 level, as proposed by the House. The conferees intend that CDC follow the report accompanying the Labor, HHS and Education and Related Agencies Appropriations Act, 2002 regarding the disbursement of these funds, including continuing support for the Directly Funded Minority Community-Based Organization Program.

IMMUNIZATION

Within the total for Infectious Diseases, the conference agreement includes a discretionary program level of $524,994,000 for immunization, instead of $526,500,000 as proposed by the House and $523,500,000 as proposed by the Senate. Of the amount provided, $12,794,000 is for national immunization surveys to be derived from section 241 evaluation set-aside funds, the same as proposed by both the House and Senate.

The conferees note, that subsequent to House action, $5,214,000 was reallocated to Global Immunization activities within Global Health to more accurately reflect immunization program levels prior to CDC's recent reorganization.

In addition, the Vaccines for Children (VFC) program funded through the Medicaid program includes $1,502,333,000 in vaccine purchases and distribution support for fiscal year 2006, yielding a total domestic immunization program level of $2,027,327,000.

Included in the amount provided is $461,478,000 for immunization assistance to states and localities under the section 317 immunization program, $4,960,000 for vaccine tracking, and $58,556,000 for prevention activities. The conferees intend that the $1,494,000 provided above the request for prevention activities support expanded vaccine safety research as outlined in the House Report.

HEALTH PROMOTION

The conference agreement includes $971,157,000 for Health Promotion, instead of $983,647,000 as proposed by the House and $974,080,000 as proposed by the Senate.

The conferees note that unless otherwise specified, the sub-budget activity amounts provided for Health Promotion are at the levels recommended in the budget request.

The conference agreement does not include $2,421,000 for a new program to award grants to organizations in the area of chronic disease prevention and birth defects and developmental disabilities as proposed by the Senate.

CHRONIC DISEASE PREVENTION, HEALTH PROMOTION, AND GENOMICS

Within the amount for Health Promotion, the conference agreement includes $845,135,000 for chronic disease prevention and health promotion instead of $856,468,000 as proposed by the House and $845,845,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Budget activity	($ in thousands)
Heart Disease and Stroke	44,918

Budget activity	($ in thousands)
Diabetes	63,757
Cancer Prevention and Control	311,023
Arthritis and Other Chronic Diseases	22,693
Tobacco	105,858
Nutrition, Physical Activity, and Obesity	41,939
Health Promotion	27,721
School Health	56,760
Safe Motherhood/Infant Health	44,740
Oral Health	11,800
Prevention Centers	30,000
Steps to a Healthier U.S	44,300
Racial and Ethnic Approach to Community Health (REACH)	34,605
Genomics	5,022

Within the amount provided for Cancer Prevention and Control the conference agreement includes $17,113,000 for comprehensive cancer activities, including $100,000 for a national education campaign concerning gynecologic cancer. The conferees urge that the CDC coordinate this effort both with the Office of Women's Health, within the Office of the Secretary, and qualified non-profit private sector organizations.

The conferees also reiterate their support for the CDC's partnership with the Lance Armstrong Foundation and have provided sufficient funds to continue support of the National Cancer Survivorship Resource Center at not less than the fiscal year 2005 level.

Within the amount provided for Arthritis and Other Chronic Diseases, $7,762,000 is available for epilepsy activities.

The conferees concur that the increase provided for tobacco activities is for an enhanced counter-marketing program to reduce underage tobacco use, as proposed by the Senate. The conferees expect that this effort will be carried out by a private sector organization that will match federal dollars at least equally and has demonstrated effectiveness in this area.

The conferees understand that the Centers for Disease Control and Prevention (CDC) is now the lead federal agency for the National 5 A Day Program and that funding will be transferred for fiscal year 2006 from the previous lead federal agency, the National Cancer Institute, to CDC.

The conferees urge CDC to set up a 5 A Day Program with a distinct program identity within its Division of Nutrition and Physical Activity, and that this program receive the necessary resources, both fiscal and designated full time equivalents (FTEs), to ensure that the CDC provides national leadership, strong technical assistance and training to State 5 A Day programs, effective communications, and other activities to encourage Americans to eat more fruits and vegetables and move closer to meeting the recommendations of the 2005 Dietary Guidelines for Americans.

The conferees encourage CDC to collaborate with the West Virginia Department of Health and Human Resources to develop a model obesity prevention program that could be replicated nationwide.

The conferees provide the following amounts from within funds provided for Community Health Promotion:

Budget activity	($ in thousands)
Mind-Body Institute	1,800
Glaucoma	3,500
Visual Screening Education	2,500
Alzheimer's Disease	1,650
Inflammatory Bowel Disease	700
Interstitial Cystitis	690
Pioneering Healthier Communities (YMCA)	1,450
Kidney Disease	1,800

The conferees concur with language in the Senate report providing that $50,000 from within Oral Health be used to develop an instructional video for school age children on the harmful effects of excessive consumption of soft drinks.

Within the funds for Genomics, $2,546,000 is provided to support and expand activities related to Primary Immune Deficiency Syndrome implemented in the same manner as in fiscal year 2005 and as outlined in the Senate report.

BIRTH DEFECTS

Within the amount available for Health Promotion, the conference agreement includes $126,022,000 for birth defects, developmental disabilities, disability and health instead of $127,179,000 as proposed by the House and $125,815,000 as proposed by the Senate.

Within the total, the following amounts are provided for the specified activities:

Budget activity	($ in thousands)
Folic Acid	2,300
Tourette Syndrome	1,800
Early Hearing Detection and Intervention	6,600
Muscular Dystrophy	6,500
Special Olympics Healthy Athletes	5,700
Paralysis Resource Center (Christopher Reeve)	6,000
Spina Bifida	5,100
Autism	15,300

The conferees strongly support the activities of both the National Folic Acid Education and Prevention Program and National Spina Bifida Program and believe the activities are complementary. The National Folic Acid Education Program's goal is primary prevention through the promotion of the consumption of folic acid to prevent Spina Bifida and other neural tube defects. The National Spina Bifida Program works to improve the quality of life for individuals affected by Spina Bifida and reduce and prevent the occurrence of, and suffering from this birth defect. The conferees have provided $7,400,000 for these activities. In order to achieve budget transparency, prevent any overlap of effort, ensure the continued proper balance between primary prevention and quality of life activities, and to maximize the effectiveness of these funds, the conferees request that CDC develop a comprehensive strategic plan whose goal is to establish a unified program to be housed in the Human Development and Disability Division and to be prepared to report on the feasibility of such a unified program during fiscal year 2007 budget hearings.

Within the amount for activities related to Duchenne and Becker Muscular Dystrophy, $750,000 is to enhance the coordinated education and outreach initiative through the Parent Project Muscular Dystrophy. In addition, the conferees concur in the directive in the Senate report for CDC to develop and submit a strategic plan for the Duchenne and Becker Muscular Dystrophy program by May 1, 2006.

Within the amount for Autism activities, $14,750,000 is for surveillance and research and $550,000 is to continue and expand the national autism awareness campaign.

HEALTH INFORMATION AND SERVICE

The conference agreement includes $89,564,000 for Health Information and Service, the same as proposed by the Senate. The House had included $195,069,000. In addition, $134,235,000, to be derived from section 241 evaluation set-aside funds, is included to carry out National Center for Health Statistics surveys, Public Health Informatics evaluations, and health marketing evaluations.

ENVIRONMENTAL HEALTH AND INJURY PREVENTION

The conference agreement includes $287,733,000 for Environmental Health and Injury Prevention activities, instead of $285,721,000 as proposed by the House and $288,982,000 as proposed by the Senate.

The conferees note that unless otherwise specified, the sub-budget activity amounts provided for Environment Health and Injury Prevention are at the levels recommended in the budget request.

ENVIRONMENTAL HEALTH

Within the funds available for Environmental Health and Injury Prevention, the conference agreement includes $147,293,000 for environmental health instead of $147,483,000 as proposed by the House and $147,417,000 as proposed by the Senate.

Within the total, $900,000 is provided to begin a nationwide Amyotrophic Lateral Sclerosis (ALS) registry as recommended in the Senate report.

The conferees also urge the CDC to maintain support for the Environmental and Health Outcome Tracking Network and the Landmine Survivor Network at not less than the fiscal year 2005 level.

INJURY PREVENTION AND CONTROL

Within the funds provided for Environmental Health and Injury Prevention, the conference agreement includes $140,440,000 for injury control, instead of $138,237,000 as proposed by the House and $141,565,000 as proposed by the Senate.

Within the total for injury prevention and control, $105,083,000 is for intentional injury prevention activities, including $24,379,000 for Youth Violence Prevention as outlined in the Senate report (of which $12,028,000 is for youth violence base funding), and not less than the fiscal year 2005 level is for the National Violent Death Reporting System.

In addition, $35,357,000 of the amounts for injury prevention and control is for unintentional injury. The conferees are agreed that sufficient funds are provided to support the existing Injury Control Research Centers at not less than the fiscal year 2005 level.

OCCUPATIONAL SAFETY AND HEALTH

The conference agreement provides a total program level of $256,971,000 for occupational safety and health, instead of $251,241,000 as proposed by the House and $257,121,000 as proposed by the Senate. Within that amount, $87,071,000 is available to carry out research tools and approaches activities within the National Occupational Research Agenda (NORA) to be derived from section 241 evaluation set-aside funds.

The conference agreement includes sufficient funds to maintain staffing levels at the Morgantown facility as proposed by the Senate.

Within the amount provided, $1,000,000 is for the establishment of a National Mesothelioma Registry and Tissue Bank as described in the Senate report. The conferees strongly encourage NIOSH to work closely with the mesothelioma research and patient community in developing the registry and tissue bank to maximize the effectiveness of data collection and allow researchers real time access to clinical data associated with tissue specimens from the registry.

Organizations eligible to implement the registry and tissue bank should have a demonstrated history of collaborative mesothelioma research and experience working with, and access to, the patient population. Eligible applicants should share the goal of developing a cost-effective infrastructure and have a data-sharing plan that will ensure the registry and tissue bank will be used to expand scientific discovery and effective treatments to benefit the mesothelioma research and patient community.

The agreement also includes $150,000 above the budget request to expand support for the existing NIOSH Education and Research Centers.

In addition, the conferees have included sufficient funds for implementation of the Miners' Choice Health Screening Program at two or more sites in fiscal year 2006. This program was initiated in the Department of Labor to encourage all miners to obtain free and confidential chest x-rays to obtain more data on the prevalence of Coal Workers' Pneumonconiosis in support of development of new respirable coal dust rules.

GLOBAL HEALTH

The conference agreement provides $313,340,000 for Global Health activities, instead of $309,076,000 as proposed by the House and $313,227,000 as proposed by the Senate.

Within the total:

$123,883,000 is for Global HIV/AIDS;

$144,455,000 is for Global Immunization, including $101,254,000 for Polio Eradication and $43,201,000 for other global immunization activities;

$9,113,000 is for Global Malaria; and

$33,503,000 is for Global Disease Detection.

The conferees note, that subsequent to House action, $5,214,000 was reallocated from the domestic immunization program to Global Immunization activities. This reallocation more accurately reflects immunization program levels prior to CDC's recent reorganization.

PUBLIC HEALTH RESEARCH

The conference agreement includes $31,000,000, to be derived from section 241 evaluation set-aside funds, for Public Health Research.

PUBLIC HEALTH IMPROVEMENT AND LEADERSHIP

The conference agreement includes $206,535,000 for Public Health Improvement and Leadership instead of $258,541,000 as proposed by the House and $344,055,000 as proposed by the Senate.

Within the total, $7,930,000 is included for a Director's Discretionary Fund to support activities deemed by the Director as having high scientific and programmatic priority and to respond to emergency public health requirements. The conferees concur with language in the Senate report regarding the Director's authority to reallocate management savings to the Director's Discretionary Fund upon notification of the Committees on Appropriations in the House and Senate.

PREVENTIVE HEALTH SERVICES BLOCK GRANT

The conference agreement includes $100,000,000 for the Preventive Health Services Block Grant, the same as proposed by the Senate and the House.

TERRORISM AND PUBLIC HEALTH PREPAREDNESS

The conference agreement includes $1,593,189,000 for activities related to terrorism and public health preparedness, instead of $1,616,723,000 as proposed by the House and $1,566,471,000 as proposed by the Senate.

Within the total, $831,994,000 is for Upgrading State and Local Capacity; $137,972,000 is for Upgrading CDC Capacity; $14,000,000 is for Anthrax Studies; $79,223,000 is for the Biosurveillance Initiative; and $530,000,000 is for the Strategic National Stockpile.

Of the funds available for Upgrading State and Local Capacity, the conference agreement includes: $768,695,000 for bioterrorism cooperative agreements; $31,000,000 for Centers for Public Health Preparedness; and $5,400,000 for Advanced Practice Centers.

BUSINESS SERVICES SUPPORT

The conference agreement includes $296,119,000 for Business Services Support, as proposed by the Senate. The House had provided $298,515,000 for this purpose.

The conferees concur with language in the Senate report regarding the Director's authority to reallocate savings that result from efficiencies gained in business services support to the Director's Discretionary Fund upon notification of the Committees on Appropriations in the House and Senate.

The conferees also request that CDC continue to include at least the level of detail provided in past years in the Justification of Estimates for the Appropriations Committees, including the functional tables for each budget activity, the mechanism table by activity, and the crosswalks of funding between programs and CDC organizations.

The conferees also request that the CDC prepare and submit a report to the House and Senate Committees on Appropriations detailing intramural and extramural funding splits by sub-budget activity by no later than March 1, 2006. The report should include actual splits for fiscal years 2004 and 2005, as well as estimates for fiscal years 2006 and 2007.

The conferees continue to support partnerships between CDC and the minority health professions community.

National Institutes of Health

NATIONAL CANCER INSTITUTE

The conference agreement includes $4,841,774,000 for the National Cancer Institute as proposed by the House instead of $4,960,828,000 as proposed by the Senate.

The conferees urge the NCI to respond to the Bladder and Kidney Research Progress Review Group report and encourage appropriate funding for bladder and kidney cancer research.

NATIONAL HEART, LUNG AND BLOOD INSTITUTE

The conference agreement includes $2,951,270,000 for the National Heart, Lung and Blood Institute as proposed by the House instead of $3,023,381,000 as proposed by the Senate.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

The conference agreement includes $393,269,000 for the National Institute of Dental and Craniofacial Research as proposed by the House instead of $405,269,000 as proposed by the Senate.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

The conference agreement includes $1,722,146,000 for the National Institute of Diabetes and Digestive and Kidney Diseases as proposed by the House instead of $1,767,919,000 as proposed by the Senate. An amount of $150,000,000 is also available to the Institute through a permanent appropriation for juvenile diabetes.

The conferees urge NIDDK to continue to support and develop the "Urologic Diseases in America" report and to include urological complications as well as diabetes and obesity research initiatives. The conferees further encourage the Institute to continue the Urinary Incontinence Treatment Network and to convene an external strategic planning group to develop future urology clinical trials. The conferees also encourage the Institute to convene a Strategic Planning Group to make recommendations on basic and clinical research in men's health, including the development of biomarkers to distinguish benign prostatic hyperplasia from prostate cancer.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

The conference agreement includes $1,550,260,000 for the National Institute of Neurological Disorders and Stroke as proposed by the House instead of $1,591,924,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $4,459,395,000 for the National Institute of Allergy and Infectious Diseases instead of $4,359,395,000 as proposed by the House and $4,547,136,000 as proposed by the Senate.

The conference agreement includes bill language permitting the transfer of $100,000,000 to International Assistance Programs, Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis as proposed by the Senate. The House bill did not permit a transfer.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The conference agreement includes $1,955,170,000 for the National Institute of General Medical Sciences as proposed by the House instead of $2,002,622,000 as proposed by the Senate.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The conference agreement includes $1,277,544,000 for the National Institute of Child Health and Human Development as proposed by the House instead of $1,310,989,000 as proposed by the Senate.

NATIONAL EYE INSTITUTE

The conference agreement includes $673,491,000 for the National Eye Institute as proposed by the House instead of $693,559,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The conference agreement includes $647,608,000 for the National Institute of Environmental Health Sciences as proposed by the House instead of $667,372,000 as proposed by the Senate.

The conferees urge NIEHS to work with CDC and expert independent researchers on research that could identify or rule out any association between thimerosal exposure in pediatric vaccines and increased rates of autism. The conferees believe that the Vaccine Safety Datalink (VSD), a CDC-constructed database that follows 7 million immunized children from 1990 to present, could be helpful in the research, especially regarding pre-2001 VSD data and post-2009 VSD data, since thimerosal was removed from most childhood vaccines in 2001. The conferees urge NIEHS and CDC to organize a workshop by May 2006 to explore the research possibilities and scientific feasibility of such a study and report back to the House and Senate Appropriations Committees soon after.

NATIONAL INSTITUTE ON AGING

The conference agreement includes $1,057,203,000 for the National Institute on Aging as proposed by the House instead of $1,090,600,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The conference agreement includes $513,063,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases as proposed by the House instead of $525,758,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

The conference agreement includes $397,432,000 for the National Institute on Deafness and Other Communication Disorders as proposed by the House instead of $409,432,000 as proposed by the Senate.

NATIONAL INSTITUTE OF NURSING RESEARCH

The conference agreement includes $138,729,000 for the National Institute of Nursing Research as proposed by the House instead of $142,549,000 as proposed by the Senate.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

The conference agreement includes $440,333,000 for the National Institute on Alcohol Abuse and Alcoholism as proposed by the House instead of $452,271,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DRUG ABUSE

The conference agreement includes $1,010,130,000 for the National Institute on Drug Abuse as proposed by the House instead of $1,035,167,000 as proposed by the Senate.

The conferees encourage NIDA to move expeditiously on a cooperative research and development agreement (CRADA) regarding the use of vigabatrin for the treatment of cocaine and methamphetamine addiction.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conference agreement includes $1,417,692,000 for the National Institute of Mental Health as proposed by the House instead of $1,460,393,000 as proposed by the Senate.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

The conference agreement includes $490,959,000 for the National Human Genome Research Institute as proposed by the House instead of $502,804,000 as proposed by the Senate.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

The conference agreement includes $299,808,000 for the National Institute of Biomedical Imaging and Bioengineering as proposed by the House instead of $309,091,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes $1,110,203,000 for the National Center for Research Resources instead of $1,100,203,000 as proposed by the House and $1,188,079,000 as proposed by the Senate.

The conference agreement does not include bill language to earmark extramural facilities construction grants, as proposed by the House. The Senate bill proposed $30,000,000 for this purpose.

The conference agreement provides $326,000,000 from NCRR and Roadmap funds for general clinical research centers and the clinical and translational science awards (CTSA) combined. The Senate provided $327,000,000 for the combined awards; the House did not include similar language. As indicated in the Senate report, the total number of awards for the combined programs should remain at 79 in fiscal year 2006. When making the CTSA awards, consideration must be given to the units and functions currently carried out through the MO1 mechanism.

The conference agreement provides $222,208,000 for the Institutional Development Award (IdeA) program, as proposed by the House. The Senate had included $230,000,000 for this program.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

The conference agreement includes $122,692,000 for the National Center for Complementary and Alternative Medicine as proposed by the House instead of $126,978,000 as proposed by the Senate.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

The conference agreement includes $197,379,000 for the National Center on Minority Health and Health Disparities as proposed by the House instead of $203,367,000 as proposed by the Senate.

JOHN E. FOGARTY INTERNATIONAL CENTER

The conference agreement includes $67,048,000 for the John E. Fogarty International Center as proposed by the House instead of $68,745,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

The conference agreement provides $318,091,000 for the National Library of Medicine as proposed by the House instead of $327,222,000 as proposed by the Senate. In addition, $8,200,000 is provided from section 241 authority as proposed by both the House and Senate.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $482,895,000 for the Office of the Director instead of $482,216,000 as proposed by the House and $487,434,000 as proposed by the Senate.

The conference agreement includes bill language permitting the Office of AIDS Research (OAR) to use its funding to make grants for construction or renovation of facilities, as provided for in section 2354(a)(5)(B) of the Public Health Service Act. This language was not included in either the House or Senate bill. The conferees support the efforts of OAR to expand a breeding colony that will serve as a new national resource to breed non-human primates for AIDS research. The conferees understand that this breeding colony is designed to represent a collaboration of several National Primate Research Centers (NPRCs). These resources will further the progress in identifying approaches to halt the transmission of HIV, slow disease progression, and treat those who are HIV-infected both in the United States and globally.

The conference agreement includes bill language identifying $97,000,000 for biodefense countermeasures that was not included in either the House or Senate bill. The House and Senate both included report language identifying $97,021,000 for this purpose.

The conferees believe, that to the extent resources allow, NIH should follow its cost management plan principles, which will help NIH continue to maintain the purchasing power of the research in which it invests. The Senate indicated that sufficient funds were included to fully pay committed levels on existing grants and to provide a 3.2 percent increase in the average cost of new grants. The House did not include a similar provision.

The conferees encourage NCI, NIDDK and NIBIB to conduct a multi-institute study focusing on: developing information on the history of polyps, including size and other histopathologic characteristics, which may serve as indicators of future colorectal cancer; the extent to which polyps can be monitored including colonoscopic and colonography or other screening techniques; and the optimal time in the course of polyp development when removal becomes essential to minimize the onset of colorectal cancer.

The conferees are disappointed that the director of NIH has not yet responded to the recommendations of the ACD working group on research opportunities in the basic behavioral sciences. The conferees urge the director of NIH, in consultation with senior IC leadership and the OBSSR, to develop a structural framework for managing support of NIH basic behavioral science research. This framework should include a division of portfolio and funding responsibility among the affected ICs, and should encourage co-funded trans-Institute research initiatives. The conferees request a report to the House and Senate Appropriations Committees describing the new framework and its relationship to the Office of Portfolio Analysis and Strategic Initiatives by May 1, 2006.

BUILDINGS AND FACILITIES

The conference agreement includes $81,900,000 for buildings and facilities as proposed by the House instead of $113,626,000 as proposed by the Senate.

The conference agreement does not include bill language granting full scope authority for the contracting of construction of the first and second phases of the John E. Porter Neurosciences Building as proposed by the Senate. The House bill contained no similar provision.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conference agreement includes $3,359,116,000 for substance abuse and mental health services, of which $3,237,813,000 is provided through budget authority and $121,303,000 is provided through the evaluation set-aside. The House bill proposed $3,352,047,000 for SAMHSA, of which $121,303,000 was from the evaluation set-aside and the Senate bill proposed $3,398,086,000, of which $123,303,000 was from the evaluation set-aside. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Within the total provided, the conference agreement includes funding at no less than the fiscal year 2005 level, as proposed by the House, for activities throughout SAMHSA that are targeted to address the growing HIV/AIDS epidemic and its disparate impact on communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders. The Senate did not include similar language.

Within the total provided, the conference agreement also includes funding at no less than the fiscal year 2005 level for activities throughout SAMHSA addressing the needs of the homeless as proposed by the Senate. The House did not include similar language. Specifically, the conference agreement has provided funding at last year's level for programs directed at chronic homelessness and for programs directed at providing mental health and substance abuse treatment services to homeless individuals.

Center for Mental Health Services

The conference agreement includes $265,922,000 for programs of regional and national significance instead of $253,257,000 as proposed by the House and $287,297,000 as proposed by the Senate.

Within the total provided, the conference agreement provides no less than last year's level of funding, $94,240,000, for programs for prevention of youth violence, including the Safe Schools/Healthy Students interdepartmental program, as proposed by the Senate. The House included $84,000,000 for these programs. The conferees expect the Substance Abuse and Mental Health Services Administration to collaborate with the Departments of Education and Justice to continue a coordinated approach.

For programs addressing youth suicide prevention, the conference agreement includes $23,000,000 for State and campus-based programs as proposed by the Senate rather than $8,444,000 as proposed by the House, and

$4,000,000 for the National Suicide Prevention Resource Center rather than $2,976,000 as proposed by the House and $3,976,000 as proposed by the Senate. In addition, no less than the amount provided in fiscal year 2005 should be allocated for the Suicide Prevention Hotline program and mental health screening demonstrations, as proposed by the Senate. The House report did not contain similar language.

The conference agreement includes $29,760,000 for the National Child Traumatic Stress Initiative as proposed by the House. The Senate did not include similar language.

The conference agreement provides $26,000,000 for the State incentive grants for transformation as proposed by both the House and Senate. These competitive grants will support the development of comprehensive State mental health plans and improve the mental health services infrastructure.

The conference agreement provides no less than the level allocated in fiscal year 2005 for grants for jail diversion programs as proposed by the House. The Senate did not include similar language.

The conference agreement provides the current level of funding for the consumer and consumer-supporter national technical assistance centers as proposed by the Senate. The conferees direct the Center for Mental Health Services to support multi-year grants to fund five such national technical assistance centers. The House did not include similar language.

The conferees request the Substance Abuse and Mental Health Services Administration to provide a report by May 1, 2006 on efforts to strengthen parenting and enhance child resilience in the face of adversity, as described in the Senate report. The House did not include similar language.

The conference agreement provides the same level of funding as was provided in fiscal year 2005 for the elderly treatment and outreach program as proposed by both the House and Senate.

The conference agreement includes $432,756,000 for the mental health block grant, which includes $21,803,000 from the evaluation set-aside, the same levels as proposed by both the House and the Senate. Included in the agreement is bill language transferring the State Infrastructure Planning Grants activity from the mental health programs of regional and national significance to the mental health block grant set-aside, as proposed by the House. The Senate proposed to continue to fund this activity through the programs of regional and national significance.

Center for Substance Abuse Treatment

The conference agreement includes $402,935,000 for programs of regional and national significance, which includes $4,300,000 from the evaluation set-aside, instead of $409,431,000 as proposed by the House and $412,091,000 as proposed by the Senate. Both the House and Senate bills included the evaluation set-aside at $4,300,000.

Within funds provided, $99,200,000 is for the Access to Recovery program as proposed by the House rather than $100,000,000 as proposed by the Senate. The conferees expect that addictive disorder clinical treatment providers participating in the Access to Recovery program meet the certification, accreditation, and/or licensing standards recognized in their respective States as proposed by the House. The Senate included similar language, but added the phrase, "and their respective staff."

The conference agreement provides $10,500,000 for treatment programs for pregnant, postpartum and residential women and their children rather than $11,000,000 as proposed by the Senate. Within these funds, no less than last year's level shall be used for the residential treatment program for pregnant and postpartum women in fiscal year 2006 authorized under section 508 of the Public Health Service Act. The House did not include similar language.

The conference agreement includes $8,166,000 to maintain the funding at the fiscal year 2005 level for the Addiction Technology Transfer Centers as proposed by both the House and Senate.

The conferees understand that the National Institute for Alcohol Abuse and Alcoholism recently published an updated 2005 edition of its clinician's guide for treating patients who have alcohol abuse problems, titled "Helping Patients Who Drink Too Much." The guide includes new information on expanded options for treating alcohol dependent patients, including a section on approved medications. The conferees urge the Center for Substance Abuse Treatment, in conjunction with its Science to Services agenda, to launch a counselor education initiative to inform physicians and program staff in the substance abuse community about the guide's treatment recommendations for alcohol dependence, including pharmacotherapy options.

As part of the $4,300,000 set-aside to evaluate substance abuse treatment programs, the conferees encourage the Substance Abuse and Mental Health Services Administration to determine the most effective way to maximize the number of qualified doctors who utilize buprenorphine in the office-based treatment of their opiate-addicted patients, as authorized by the Drug Addiction Treatment Act of 2000.

Center for Substance Abuse Prevention

The conference agreement includes $194,850,000 for programs of regional and national significance instead of $194,950,000 as proposed by the House and $202,289,000 as proposed by the Senate.

Within the funds provided, the conference agreement includes $4,000,000, as proposed by the Senate, for the Center for Substance Abuse Prevention (CSAP) to continue to fund grants aimed at expanding the capacity of health care and community organizations to address methamphetamine abuse. The House did not include similar language.

The conference agreement provides $850,000 for the third year of funding for the Advertising Council's parent-oriented media campaign to combat underage drinking as proposed by the Senate. The House proposed to fund the third year of this campaign through the Office of the Secretary.

The conferees expect the Substance Abuse and Mental Health Services Administration (SAMHSA) to ensure that grantees within the strategic prevention framework State incentive grant program do not fund duplicative sub-State anti-drug coalition infrastructures, but utilize those already functioning and funded by programs such as the Drug Free Communities program.

The conferees are concerned that consolidating the successful efforts that were pioneered by CSAP across all three of the Centers at SAMHSA will result in a dilution of the funding and emphasis on substance abuse prevention. The conferees expect SAMHSA to maintain substance abuse prevention as its highest priority for emphasis in both the National Registry of Effective Programs and Practices (NREPP) and the SAMHSA Health Information Network (SHIN). The conferees expect SAMHSA to report in its fiscal year 2007 congressional justification on how substance abuse prevention is being maintained as the highest priority for emphasis in both NREPP and SHIN.

Program Management

The conference agreement includes $92,817,000 for program management, of which $16,000,000 is provided through the evaluation set-aside. The House bill proposed $91,817,000 with a $16,000,000 evaluation set-aside and the Senate bill proposed $93,817,000 with an $18,000,000 evaluation set-aside.

The conference agreement includes $1,000,000 to expand on the collaborative effort by the Substance Abuse and Mental Health Services Administration and the Centers for Disease Control and Prevention to establish a population-based source of data on the mental and behavioral health needs in this country, rather than $2,000,000 as proposed by the Senate. The House did not provide funding for this activity.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

The conference agreement includes $318,695,000 as proposed by the House instead of $323,695,000 as proposed by the Senate. The agreement makes these funds available through the policy evaluation set-aside as proposed by the Senate. The House had provided budget authority.

The conference agreement includes bill language proposed by the Senate limiting the funds to be spent on health care information technology to no more than $50,000,000. The House bill did not contain similar language. The conferees note that AHRQ has planned activities relating to patient safety, such as clinical terminology and messaging standards that have a large health information technology component. The conferees do not intend these activities as counting toward the $50,000,000 for the Health Care Information Technology program.

The conferees provide $15,000,000 within the total provided for AHRQ for clinical effectiveness research as proposed by the House. The Senate included $20,000,000 for this purpose. This type of research can help improve the quality, effectiveness and efficiency of health care, thereby reducing costs while still improving quality of care. The conferees urge AHRQ to ensure broad access to its findings in this research. In addition, the conferees encourage AHRQ to continue conducting high quality, comprehensive research studies in this area, building upon the priority list of conditions it identified in fiscal year 2005 and conducting research in additional areas such as organization, delivery and management of health care items and services.

The conferees are pleased with AHRQ's efforts to include bedside medication bar-coding as a component of its health information technology grants, particularly for those grants in rural areas. The conferees understand that almost ten percent of the funding for health information technology grants is allocated to rural projects with a bar-coding component. The conferees encourage AHRQ to increase its awards in this area since bar-coding has been shown to have a substantial effect on preventable errors in adverse drug events.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

PAYMENTS TO THE HEALTH CARE TRUST FUNDS

The conference agreement provides $177,742,200,000 for the payment to the Health Care Trust Funds as proposed by the House rather than $177,822,200,000 as proposed by the Senate.

PROGRAM MANAGEMENT

The conference agreement includes $3,170,927,000 for program management instead of $3,180,284,000 as proposed by the House and $3,181,418,000 as proposed by the Senate. An additional appropriation of $720,000,000 has been provided for the Medicare Integrity Program through the Health Insurance Portability and Accountability Act of 1996. The conferees include a general provision (section 520) that reduces these funds by $60,000,000. CMS has the discretion to choose how to allocate this reduction except that research, demonstration and evaluation and State survey and certification may not be reduced. As a result, some of the funding levels identified in the Program Management conference report language may be changed.

The conferees encourage CMS to consider using $3,000,000 of the funds provided through the Medicare Integrity Program to study and demonstrate the use of data fusion technology that enables accurate linkages between data records across large, disparate databases in near-real time using public records, commercial data and complete CMS data sets to help prevent, and determine instances of, fraud, waste and abuse.

The conference agreement includes $58,000,000 for research, demonstration, and evaluation instead of $65,000,000 as proposed by the House and $83,494,000 as proposed by the Senate. Within the total provided, the conference agreement provides $25,000,000 for Real Choice Systems Change Grants to States. The Senate provided $40,000,000 for these grants. The House did not provide funding for them.

The conferees are pleased with the demonstration project at participating sites licensed by the Program for Reversing Heart Disease and encourage its continuation. The conferees further urge CMS to continue the demonstration project being conducted at the Mind Body Institute of Boston, Massachusetts.

The conferees are very pleased with the ongoing efforts of CMS to address the seriously adverse health status of Native Hawaiians and American Samoans residing in the geographical area of the Waimanalo Health Center. The conferees urge CMS to consider waivers for rural or isolated area demonstration projects when calculating such requirements as population density in the State of Hawaii and are particularly pleased with the University of Hawaii's efforts to provide necessary health care in rural Hilo.

The conferees encourage CMS to conduct a national, three-year demonstration project to identify effective Medication Therapy Management Program (MTMP) models for Medicare Part D enrollees. The demonstration project should emphasize evidence-based prescribing, prospective medication management, technological innovation and outcomes reporting and should be capable of implementation on a large scale.

The conference agreement includes $2,172,987,000 for Medicare operations as proposed by the House instead of $2,184,984,000 as proposed by the Senate.

The conference agreement includes bill language proposed by the Senate making up to an additional $32,500,000 available to CMS for Medicare claims processing if the volume of claims exceeds particular thresholds. The House bill did not contain similar language.

The conference agreement does not include bill language proposed by the Senate directing the Secretary to send a notice to Medicare beneficiaries by January 1, 2006, notifying them of an error in the annual notice that had previously been mailed to them. The House bill did not contain similar language. The conferees are very concerned about the incorrect information on the new Medicare prescription drug plan that was inadvertently sent to beneficiaries. The conferees request that by no later than March 1, 2006, CMS report to the House and Senate Appropriations Committees a comprehensive summary of the actions taken to correct errors in the "Medicare & You 2006" handbook that was mailed to beneficiaries in October 2005. The conferees further direct that any notices to beneficiaries regarding the handbook error clearly state that the guidebook's tables on the levels of premium assistance were in error and that beneficiaries have until May 15, 2006 to enroll in a plan.

The conference agreement does not include general provision language proposed by the House that would prohibit funds being used to place social security numbers on ID cards issued to Medicare beneficiaries. The agreement also does not include general provision language proposed by the Senate that directs the Secretary to issue a report by June 30, 2006 describing plans to change the numerical identifier used for Medicare beneficiaries. The conferees consider this issue to be one of the utmost urgency and expect the Secretary to accelerate ongoing plans to convert the beneficiary identifiers.

The conference agreement provides $655,000,000 for Federal administration instead of $657,357,000 as proposed by the House and $628,000,000 as proposed by the Senate.

The conferees urge CMS to carefully review its decision to cut Medicare funding for second-year, specialized pharmacy residency programs, which provide specialized training to medication use experts in areas like geriatrics, oncology, and critical care. CMS should take into account new data submitted by national pharmacist associations and provide a full report to the House and Senate Committees within three months describing the agency's rationale for any decision that results in these programs remaining unfunded.

The conferees are concerned about the recent data published by CMS showing that less than one-third of Medicare beneficiaries eligible for diabetes self-management training (DSMT) are receiving the care and instruction they need. The conferees urge CMS to consider removing barriers for certified diabetes educators to providing DSMT to Medicare beneficiaries, including but not limited to the addition of Medicare coverage for the provision of such services, and to identify strategies for evaluating the effectiveness of diabetes education in improving the self-care of people with diabetes and in reducing risk factors for diabetes.

The conferees are concerned with the unprecedented increase in autism diagnoses over the past two decades and its effect on the Medicaid program. As more young children reach adolescence and adulthood, the need for home-based as well as out-of-home, residential services will increase. The conferees encourage CMS to facilitate the expansion and availability of respite care to families with autism. The conferees also encourage CMS to work with States to design geographically-based demonstrations allowing for greater concentration of resources for home-based assistance and respite care.

The conferees request from CMS a determination as to the current legal authority to permit direct access to licensed audiologists under similar terms and conditions used by the Department of Veterans Affairs and the Office of Personnel Management. A report shall be submitted to the House and Senate Appropriations Committees by April 2006.

HEALTH CARE FRAUD AND ABUSE CONTROL

The conference agreement does not include funding for this new account as proposed by the House. The Senate had provided $80,000,000 for this activity.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

The conference agreement provides $2,183,000,000 for low-income home energy assistance as proposed by the Senate instead of $2,006,799,000 as proposed by the House. Of the amount provided $2,000,000,000 is provided for formula grants to States. The House bill proposed the full amount for State formula grants and the Senate bill proposed $1,883,000,000. Within the funds available, $27,500,000 is included for the leveraging incentive fund as proposed by the Senate. The House did not include funding for the leveraging incentive fund. As proposed by the House, the conference agreement does not include funding within State formula grants for a feasibility study. The Senate proposed $500,000 for this activity.

The conference agreement includes $183,000,000 for the contingency fund to be available through September 30, 2006. The Senate bill proposed $300,000,000 for the emergency fund and designated those funds as an emergency. The House did not propose funding for either the contingency or emergency fund. Together with the $20,350,000 still available in the emergency fund appropriated in fiscal year 2005, the total amount available in fiscal year 2006 to respond to heating and cooling emergencies is $203,350,000.

The conferees expect the appropriation provided for the contingency fund to be released, in full, prior to September 30, 2006. Given the forecasts of the costs associated with home heating this winter, the conferees anticipate that States will experience energy emergency conditions that will require additional Federal support that is available through the contingency fund.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes $575,579,000 for the refugee and entrant assistance programs rather than $560,919,000 as proposed by the House and $571,140,000 as proposed by the Senate. The conference agreement does not include funds for any of these activities through emergency funding. The Senate bill provided $19,100,000 within the total as emergency funding; the House bill did not include emergency funding for these activities. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes $268,229,000 for the transitional and medical services program. The House included $264,129,000 for this program. The Senate provided $264,129,000 through regular appropriations and $4,100,000 as an emergency for this program. The conference agreement does not include emergency funding for this program. It is the intention of the conferees that the level provided would allow for assistance to eligible individuals during their first eight months in the United States.

The conference agreement provides $155,560,000 for social services, rather than $160,000,000 as proposed in the House and $151,121,000 as proposed by the Senate. Within the funds provided, the conference agreement includes $19,000,000 as outlined in the House report. The Senate did not include similar language. The conferees intend that funds provided above the request for social services shall be used for refugee school impact grants and for additional assistance in resettling and meeting the needs of the Hmong refugees expected to arrive during 2006 and 2007 or for other urgent needs.

The conference agreement provides $78,083,000 for the unaccompanied minors program. The House bill proposed $63,083,000 for this program. The Senate provided $63,083,000 through regular appropriations and $15,000,000 as an emergency for this program. The conference agreement does not include emergency funding for this program. The conferees direct the Secretary of Health and Human Services to issue a report by no later than one year after the date of enactment of this Act on progress made by the Office of Refugee Resettlement and programs funded under this Act to shift children to more child-centered, age-appropriate, small group, home-like environments for unaccompanied children in its custody.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement includes $2,082,910,000 for the child care and development block grant, the same level as both the House and Senate bills. The conference agreement includes several specified funding recommendations within the total at levels proposed by the House rather than at the funding levels proposed by the Senate.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes $8,932,713,000 for children and families services programs, of which $10,500,000 is provided through the evaluation set-aside. The House bill proposed $8,701,207,000 for these programs with $12,500,000 from the evaluation set-aside and the Senate proposed $9,036,453,000 with $10,500,000 from the evaluation set-aside. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

Head Start

The conference agreement includes $6,843,114,000 for Head Start rather than $6,899,000,000 as proposed by the House and $6,863,114,000 as proposed by the Senate. The agreement includes $1,388,800,000 in advance funding, the same level as proposed by the Senate. The House bill proposed $1,400,000,000 for advance funding.

To enable the establishment of a panel of independent experts under the National Academy of Sciences to review and provide guidance on appropriate outcomes and assessments for young children, the conferees provide $1,000,000, within the total for Head Start, for the National Academy of Sciences.

The conference agreement includes, as a general provision, a limitation against the use of funds for Head Start to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II, as proposed by the House. The Senate did not include a similar provision.

The conference agreement includes two general provisions relating to waiving requirements of regulations promulgated under the Head Start Act for transporting children enrolled in either Head Start or Early Head Start. The Senate bill included one general provision regarding this issue, but used different language than is included in the conference agreement. The House included report language pertaining to transportation waivers for this program.

Consolidated runaway and homeless youth program

The conference agreement includes $88,724,000 for the consolidated runaway and homeless youth program, the same level as proposed by the Senate, rather than $88,728,000 as proposed by the House.

Child abuse discretionary activities

The conference agreement includes $26,040,000 for child abuse discretionary programs instead of $31,645,000 as proposed by the House and $31,640,000 as proposed by the Senate.

Adoption incentive

The conference agreement includes $18,000,000 for the adoption incentive program rather than $31,846,000 as proposed by the House and $22,846,000 as proposed by the Senate. Actual bonus payments to States for fiscal year 2005 were less than amounts previously estimated, therefore, of the funds provided in fiscal year 2005 and made available through fiscal year 2006, the conference agreement rescinds $22,500,000. Neither the House nor the Senate proposed rescinding funds from this program.

Compassion capital fund

The conference agreement includes $65,000,000 for the compassion capital fund rather than $75,000,000 as proposed by the House and $95,000,000 as proposed by the Senate. Prior to advertising the availability of funds for any grant for the youth gang prevention initiative, the conferees request that the Department of Health and Human Services brief the House and Senate Committees on Appropriations regarding the planned use of these funds.

Social services and income maintenance research

The conference agreement includes $11,927,000 for social services and income maintenance research, of which $6,000,000 is provided through the evaluation set-aside. The House proposed $10,621,000 for this program, of which $8,000,000 was funded through the evaluation set-aside and the Senate proposed $32,012,000, of which $6,000,000 was from the evaluation set-aside.

The conferees note that efforts undertaken through the State information technology consortium have led to greatly improved systems communications and compliance in both the TANF and child support enforcement (CSE) programs. For TANF, the conferees have provided $2,000,000 to permit States to utilize uniquely designed web-based technology to improve benefit delivery and fulfill new Federal reporting requirements. For CSE, the conferees have provided $3,000,000 to continue the consortium's efforts to improve data exchange between CSE and the courts in ways that will significantly reduce the time lag between court orders and enforcement/collections activities.

Developmental disabilities

Within developmental disabilities programs, the conference agreement includes $39,109,000 for protection and advocacy services as proposed by the Senate instead of $38,109,000 as proposed by the House.

The conference agreement also includes $15,879,000 for voting access for individuals with disabilities rather than $14,879,000 as proposed by the House and $30,000,000 as proposed by the Senate. Within the funds provided, $11,000,000 is for payments to States to promote access for voters with disabilities and $4,879,000 is for State protection and advocacy systems.

As proposed by both the House and Senate, the conference agreement provides $11,529,000 for the developmental disabilities projects of national significance. Within this amount, $4,000,000 is to expand activities of the Family Support Program, as proposed by the Senate. The House did not include similar language.

Community services

The conference agreement includes $636,793,000 for the community services block grant (CSBG) as proposed by the Senate rather than $320,000,000 as proposed by the House. The conferees concur with language included in the Senate report that the Office of Community Services (OCS) release funding to States in the timeliest manner and that States make funds available promptly to local eligible entities. In addition, the conferees expect OCS to inform State CSBG grantees of any policy changes affecting carryover funds within a reasonable time after the beginning of the Federal fiscal year. The House did not include similar language.

As proposed by both the House and Senate, the conference agreement includes $32,731,000 for community economic development. The conferees concur with language included in the Senate report that appropriated funds be allocated, to the maximum extent possible, in the form of grants to qualified community development corporations in order to maximize the leveraging power of the Federal investment and the number and the amount of set-asides should be reduced to the most minimal levels. The House did not include similar language.

The conference agreement includes $7,367,000 for rural community facilities instead of $7,242,000 as proposed by the House and $7,492,000 as proposed by the Senate. The conferees intend that the increase provided for the Rural Community Facilities program be used to provide additional funding to the six regional RCAPs.

The conference agreement does not include funding for the National Youth Sports program as proposed by the House. The Senate proposed $10,000,000 for this program.

The conference agreement does not include funding for community food and nutrition as proposed by the House. The Senate proposed $7,180,000 for this program.

Independent living training vouchers

The conference agreement includes $46,623,000 for independent living training vouchers as proposed by the Senate instead of $50,000,000 as proposed by the House.

Community-based abstinence education

The conference agreement includes $114,500,000 for community-based abstinence education as proposed by the House rather than $105,500,000 as proposed by the Senate. The conference agreement includes $4,500,000 in program evaluation funds for the abstinence education program and $110,000,000 in budget authority. The conferees concur with language included in the House report regarding technical assistance and capacity-building support to grantees. The Senate report did not include similar language.

Within the total for community-based abstinence education, up to $10,000,000 may be used to carry out a national abstinence education campaign as proposed by both the House and the Senate. The conferees concur with language included in the Senate report that the Administration for Children and Families use available funds to continue support for an independent group to conduct a thorough and rigorous evaluation of this campaign. The House did not include similar language.

Program direction

The conference agreement includes $185,217,000 for program direction as proposed by the House instead of $186,000,000 as proposed by the Senate.

PROMOTING SAFE AND STABLE FAMILIES

The conference agreement includes $90,000,000 for the discretionary grant program of promoting safe and stable families as proposed by the Senate rather than $99,000,000 as proposed by the House.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes $1,376,624,000 for aging services programs instead of $1,376,217,000 as proposed by the House and $1,391,699,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed to by the conferees.

The conference agreement includes $20,360,000 for activities for the protection of vulnerable older Americans as proposed by the Senate instead of $19,360,000 as proposed by the House. Within the funds provided $15,162,000 is for the ombudsman services program as proposed by the Senate.

Included in the conference agreement is $157,744,000 for the family caregivers program rather than $155,744,000 as proposed by the House and $160,744,000 as proposed by the Senate.

The conference agreement includes $722,292,000 for nutrition programs rather than $725,885,000 as proposed by the House and $718,697,000 as proposed by the Senate. Within the total, $389,211,000 is provided for congregate meals rather than $391,147,000 as proposed by the House and $387,274,000 as proposed by the Senate; $183,742,000 is provided for home delivered meals rather than $184,656,000 as proposed by the House and $182,827,000 as proposed by the Senate; and, $149,339,000 is provided for the nutrition services incentives program rather than $150,082,000 as proposed by the House and $148,596,000 as proposed by the Senate.

The conference agreement includes $24,843,000 for program innovations instead of $23,843,000 as proposed by the House and $40,513,000 as proposed by the Senate. The conferees continue to support funding at no less than last year's level for national programs scheduled to be refunded in fiscal year 2006 as proposed by the Senate that address a variety of issues, including elder abuse, Native American issues and legal services. The House report did not include similar language.

Within the funding provided, the conference agreement includes $3,000,000, as proposed by the House, for social research into Alzheimer's disease care options, best practices and other Alzheimer's research priorities that include research into cause, cure and care, as well as respite care, assisted living, the impact of intervention by social service agencies on victims, and related needs. The agreement recommends this research utilize and give discretion to area agencies on aging and their non-profit divisions in municipalities with aged populations (over the age of 60) of over 1,000,000, with preference given to the largest population. The conferees also recommend that unique partnerships to affect this research be considered for the selected area agency on aging. The Senate did not include funding for this activity.

Given the enormous demands on Alzheimer's family caregivers, the conferees have included $1,000,000, as proposed by the Senate, to support an Alzheimer's family contact center for round-the-clock help to Alzheimer's families in crisis. The House did not include funding for this activity.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $352,703,000 for general departmental management instead of $338,695,000 as proposed by the House and $363,614,000 as proposed by the Senate, along with $5,851,000 from Medicare trust funds, which was provided by both the House and Senate. In addition, $39,552,000 in program evaluation funding is provided, which was proposed by both the House and Senate.

The conference agreement includes bill language proposed by the Senate directing that specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request. The bill language further directs that scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists be transmitted to the Committees on Appropriations, uncensored and without delay. The House did not include such a provision.

The conference report does not include a general provision proposed by the Senate related to compliance with section 2 of the Improper Payments Information Act of 2002 (IPIA) for the Temporary Assistance for Needy Families Program, the Foster Care and Adoption Assistance program, the Medicaid program, the State Children's Health Insurance Program, and the Child Care and Development Block Grant program. The House bill did not contain similar language. The conferees request that not later than sixty days after the date of enactment of the Act the Secretary of Health and Human Services provides a report on this topic to the Appropriations Committees. In addition to the actions that have been taken to date, this report should include HHS's plans and the specific steps that are necessary to achieve compliance with section 2 in these programs.

The conference agreement includes $2,500,000 to support the last year of the Citizens' Health Care Working Group established in the Medicare Modernization Act. The Senate proposed $3,000,000 for this activity; the House report did not contain a similar provision.

The conference agreement includes $500,000 with which the Secretary is directed to conduct a study to determine the best way to promote the use of advance directives among competent adults as a means of specifying their wishes about end of life care. The Senate report had a similar provision. The House report did not request such a study.

The conferees intend that, of the funding provided to the Office of Minority Health, no less than the fiscal year 2005 funding level be allocated to a culturally competent and linguistically appropriate public health response to the HIV/AIDS epidemic. The House report had a similar provision; the Senate report did not have such a provision.

The conference report does not include funding within the Office of the Secretary for the third year of the Ad Council's underage drinking media campaign as proposed by the House. The conferees have instead provided funding for this effort within the Substance Abuse and Mental Health Services Administration as proposed by the Senate.

The conferees are concerned about the diminished partnership between OMH and the nation's historically black medical schools. Despite repeated urging by the Committees, OMH has not maintained and cultivated cooperative agreements and other mechanisms of support with Meharry Medical College, Morehouse School of Medicine, and Charles R. Drew University of Medicine and Science. The conferees encourage OMH to: (1) re-establish its unique cooperative agreement with Meharry Medical College, (2) develop a formal partnership with the Morehouse School of Medicine and its National Center for Primary Care, and (3) coordinate a Public Health Service-wide response to the challenges facing the Charles R. Drew University of Medicine and Science, including expanded opportunities for biomedical research and support for residency training faculty.

The conferees recognize that gynecological cancers are treatable if diagnosed at an early stage, and are concerned about the low level of awareness among women concerning the early warning signs of gynecologic cancers. The conferees recognize that there are many activities undertaken by the Secretary to raise awareness about gynecologic cancers, but are concerned that a lack of coordination of these activities among the agencies may limit the effectiveness and outreach of these programs. The conferees encourage the Secretary to examine these programs, and coordinate their activities through the Office of Women's Health. The Secretary is also encouraged to consider developing a national education campaign.

OFFICE OF MEDICARE HEARINGS AND APPEALS

The conference agreement includes $60,000,000 for this activity as proposed by the House instead of $75,000,000 as proposed by the Senate.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

The conference agreement includes $61,700,000 for this activity, of which $42,800,000 is provided in budget authority and $18,900,000 is made available through the Public Health Service program evaluation set-aside. The House had provided a combined total of $75,000,000 for this activity; the Senate provided a combined total of $45,150,000.

The conference agreement does not include general provision language proposed by the Senate or similar language proposed by the House prohibiting the use of funds provided in the Act to implement any strategic plan that does not require a patient whose information is maintained by the Department to be given notice if it is lost, stolen or used for another purpose. The conferees underscore the importance of consumer confidence in the privacy and security of their personal health information as a fundamental principle in all actions taken to carry out the HHS Health Information Technology (HIT) strategic plan. The conferees understand that HHS has funded a "Privacy and Security Solutions for Interoperable Health Information Exchange" contract to study and address variations in State law and business practices related to privacy and security that may pose challenges to interoperable health information exchange. Funds are included for the Office of the National Coordinator for Health Information Technology to continue its work to evaluate and initiate solutions, including those that will maintain the security and privacy protections for personal health information, as part of the Department's activities in carrying out its HIT strategic plan. The conferees request a report within 90 days describing how HHS plans to address privacy issues in the information technology program.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $39,813,000 for the Office of Inspector General (OIG) as proposed by both the House and the Senate. The conferees expect that the OIG will utilize funds provided in section 121 of H.J. Res. 68 to provide continued oversight of Medicare Modernization Act implementation and the Medicare program.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes $63,589,000 for the Public Health and Social Services Emergency Fund (PHSSEF) to enhance Federal, State, and local preparedness to counter potential biological, disease, chemical, and radiological threats to civilian populations, instead of $183,589,000 as proposed by the House. The Senate had provided $8,158,589,000, with $8,095,000,000 designated as an emergency requirement pursuant to the concurrent resolution on the budget for fiscal year 2006.

The conference agreement does not include the $120,000,000 proposed by the House for activities to ensure year-round production capacity of influenza vaccine. The Senate had incorporated this funding within the $8,095,000,000 designated as emergency spending.

GENERAL PROVISIONS

HEAD START COMPENSATION

The conference agreement includes a general provision that prohibits the use of funds for Head Start to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II, as proposed by the House. The Senate bill did not contain a similar provision.

EVALUATION TAP AUTHORITY

The conference agreement includes a provision to allow for a 2.4 percent evaluation tap pursuant to section 241 of the Public Health Service Act. This tap is to be applied to programs authorized under the Public Health Service Act. The House bill contained a provision to allow for a 1.3 percent evaluation tap and the Senate bill allowed for a 2.5 percent evaluation tap.

ONE PERCENT TRANSFER AUTHORITY

The conference agreement includes language proposed by the Senate providing the Secretary of HHS with the authority to transfer up to 1 percent of discretionary funds between a program, project, or activity, but no such program, project or activity shall be increased by more than 3 percent by any such transfer. Additionally, a program, project or activity may be increased up to an additional 2 percent subject to written approval of the House and Senate Appropriations Committees. The House bill included a similar provision, but allowed the authority to transfer between appropriations.

HIV RESEARCH FUNDS TRANSFER

The conference agreement includes a general provision as proposed by the House allowing the Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, to transfer up to 3 percent of funding identified by these two directors as funding pertaining to HIV research among institutes and centers. The Senate included similar language.

COUNCIL ON GRADUATE MEDICAL EDUCATION

The conference agreement includes a general provision proposed by the Senate allowing for the continued operation of the Council on Graduate Medical Education. The House bill contained no similar provision.

SMALLPOX VACCINE INJURY COMPENSATION RESCISSION

The conference agreement includes a general provision rescinding $10,000,000 from the smallpox vaccine injury compensation fund as proposed by the Senate. The House bill contained no similar provision.

NAMING OF CDC BUILDINGS

The conference agreement includes a general provision proposed by the Senate naming two Centers for Disease Control and Prevention buildings. The House did not include a similar provision.

POWER WHEELCHAIR REGULATIONS

The conference agreement modifies a general provision proposed by the Senate prohibiting funds to be used to implement or enforce Medicare regulations on power mobility devices prior to April 1, 2006. The conference agreement includes limitation language prohibiting the implementation of a regulation until April 1, 2006 and deletes the portions of the Senate provision that reduced payments for power mobility devices and established deadlines for future rulemaking. The House bill contained no similar provision. The conferees concur in the intent of the Senate language that a proposed rule be published by January 1, 2006, followed by a 45-day period to comment on the proposed rule, and that by not later than February 14, 2006, a final rule be published, followed by a 45-day transition period for implementation.

HEAD START TRANSPORTATION WAIVER

The conference agreement modifies general provision language proposed by the Senate pertaining to waivers for the transportation of children enrolled in either Head Start or Early Head Start. The House included report language dealing with this issue.

HEAD START TRANSPORTATION REGULATION

The conference agreement includes a general provision that the regulation pertaining to Head Start transportation shall not be effective until June 30, 2006, or 60 days after the date of enactment of a statute that authorizes appropriations for fiscal year 2006 to carry out the Head Start Act, whichever date is earlier. This clarifying provision was not included in either the House or Senate bills.

HEALTH PROFESSIONS STUDENT LOAN RESCISSIONS

The conference agreement includes two general provisions rescinding unobligated balances of the Health Professions Student Loan Program and the Nursing Student Loan Program. The House and Senate included similar provisions for the Health Professions Student Loan Program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES TRAVEL

The conference agreement includes a new provision granting authority to the Secretary to use, at his discretion, charter aircraft under contract with the Centers for Disease Control and Prevention (CDC). The Secretary has significant operational responsibilities in times of emergencies and in the days following such emergencies. The Department is the primary agency for directing public health and medical services in response to significant events. Due to the unpredictable nature of such events, the conferees believe the Secretary must be in a posture to respond and communicate as an event is unfolding. Yet, existing travel limitations on the Secretary make this extremely difficult. The availability of CDC's charter aircraft will allow the Secretary to immediately return to Washington or rapidly move to another location as the situation dictates, at the same time being able to securely communicate with and direct the Department.

The conference agreement also extends this authority to the Director of the Centers for Disease Control and Prevention. The conferees understand that, due to existing restrictions, the Director on a number of occasions has not been able to accompany employees of the Agency responding to public health emergencies.

The conferees expect the Secretary and the Director of CDC to exercise this authority in an economical and judicious manner. The conferees request that the Secretary report to the Committees on Appropriations of the House and Senate regarding the use of this authority in the annual justification of estimates for the Appropriations Committees and at the end of the third quarter of each fiscal year.

STATE PHARMACEUTICAL ASSISTANCE PROGRAMS

The conference agreement does not include a general provision proposed by the Senate to extend the availability of fiscal year 2005 funding appropriated for State Pharmaceutical Assistance Programs in the Medicare Modernization Act through fiscal year 2006. The House bill did not include a similar provision.

USE OF SOCIAL SECURITY NUMBERS ON MEDICARE ID CARDS

The conference agreement deletes without prejudice general provisions proposed by both the House and Senate relating to the use of Social Security numbers on Medicare ID cards. Language is included within the Centers for Medicare and Medicaid Services section of the statement of the managers.

RAPID ORAL HIV TESTS

The conference agreement does not include a general provision proposed by the Senate directing the Secretary of HHS to use funds appropriated in Title II of this Act to purchase not less than one million rapid oral HIV tests. The House did not include a similar provision.

TELEHEALTH APPROPRIATION

The conference agreement deletes without prejudice a general provision proposed by the Senate relating to increased funding for telehealth programs. Funding for telehealth programs is included within HRSA. The House did not include a similar provision.

DENTAL WORKFORCE PROGRAM

The conference agreement does not include a general provision proposed by the Senate earmarking, within funds appropriated to HRSA, grants for programs to address dental workforce needs. Funding for this program is included within HRSA program management. The House did not include a similar provision.

MEDICALLY ACCURATE INFORMATION IN ABSTINENCE PROGRAMS

The conference agreement does not include a general provision proposed by the Senate that none of the funds made available in the Act may be used to provide abstinence education that includes information that is medically inaccurate, which is defined by information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations, and agencies. The House did not include a similar provision.

LOW-VISION REHABILITATION SERVICES DEMONSTRATION

The conference agreement deletes without prejudice a general provision proposed by the

Senate appropriating funding for a low-vision rehabilitation services demonstration. The House bill contained no similar provision. The Secretary of HHS is strongly urged to implement the Low-Vision Rehabilitation Services Demonstration Project, which was originally requested in the fiscal year 2004 appropriations conference report. The demonstration is to examine the impact of standardized national coverage for vision rehabilitation services provided in the home by vision rehabilitation professionals under the Medicare program. The conferees expect the Secretary of HHS and CMS to take the necessary steps to finalize the design and structure of the demonstration project no later than January 1, 2006. The conferees intend the Secretary to expend from available funds appropriated to him, including transfers authorized under existing authorities from the Federal Supplementary Insurance Trust Fund, an amount not to exceed $2,000,000 in fiscal year 2006. The conferees expect the Secretary to take steps to update the design and expand the size of the Low-Vision Rehabilitation Services Demonstration Project in fiscal year 2007.

DSH MEDICAID PAYMENTS TO THE STATE OF VIRGINIA

The conference agreement deletes without prejudice a general provision proposed by the Senate containing a sense of the Senate resolution expressing awareness of the issue of defining "hospital costs" incurred by the State of Virginia for purposes of Medicaid reimbursement and urging CMS to work with the State to resolve the pending issue. The House did not include a similar provision.

DEFIBRILLATION DEVICES

The conference agreement deletes without prejudice a general provision proposed by the Senate appropriating funds for the Automatic Defibrillation in Adam's Memory Act. Funding for this program is included within HRSA. The House did not include a similar provision.

OFFICE OF MINORITY HEALTH

The conference agreement does not include a general provision proposed by the Senate shifting funding to the Office of Minority Health from the Program Management account within CMS. Funding for the Office of Minority Health and CMS Program Management are included within those specific accounts. The House did not include a similar provision.

MOSQUITO ABATEMENT

The conference agreement does not include a general provision proposed by the Senate earmarking funds within CDC for mosquito abatement for safety and health. The House did not include a similar provision.

COMMUNITY HEALTH CENTERS

The conference agreement does not include a general provision proposed by the Senate increasing funding for the Community Health Centers program. Funding for the Community Health Centers program is included within HRSA. The House did not include a similar provision.

HEALTH INFORMATION SECURITY

The conference agreement deletes without prejudice a general provision proposed by the Senate prohibiting the use of funds provided in the Act to implement any strategic plan that does not require a patient whose information is maintained by the Department to be given notice if it is lost, stolen or used for another purpose. The House bill contained a similar provision. Language is included within the Office of the National Coordinator for Health Information Technology section of the statement of the managers.

LIMITATION ON TRAVEL AND CONFERENCES

The conference agreement does not include a general provision proposed by the Senate reducing the appropriations for travel, conference programs and related expenses for the Department of Health and Human Services. The House did not include a similar provision.

HELP AMERICA VOTE ACT

The conference agreement does not include a general provision proposed by the Senate providing additional funding for the Help America Vote Act. Funding for programs authorized by the Help America Vote Act and administered by HHS are included within the Children and Families Services section of the Administration for Children and Families. The House did not include a similar provision.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $14,627,435,000 for the Education for the Disadvantaged account instead of $14,728,735,000 as proposed by the House and $14,532,785,000 as proposed by the Senate. The agreement provides $7,244,134,000 in fiscal year 2006 and $7,383,301,000 in fiscal year 2007 funding for this account.

The conference agreement includes $100,000,000 for the Even Start program instead of $200,000,000 as proposed by the House. The Senate bill did not include funding for this program.

The conferees intend for funds available under the Reading First program to be used for reading programs with the strongest possible scientific evidence of effectiveness. The conferees strongly urge the Department to provide clear guidance to its technical assistance centers and the States to: fully consider scientific evidence of effectiveness in rating programs for use under Reading First; contemplate expanded lists of allowable programs that include innovative programs with scientific evidence of effectiveness; when awarding new grants, consider giving preference to those schools that select programs with strong, scientific evidence of effectiveness; and ensure that comprehensive reading programs that have scientific evidence of effectiveness will be implemented in full, as they have been researched, without modification to conform to other models of instruction. The conferees also are concerned that certain practices under the Reading First program may unduly interfere with local control of curriculum. The conferees note that Reading First materials decisions are to be made at the school level, subject to the approval of the State.

The conference agreement includes $30,000,000 for the Striving Readers program as proposed by the House instead of $35,000,000 as proposed by the Senate.

The conference agreement also includes $390,428,000 for the State Agency Migrant Education program as proposed by the House instead of $395,228,000 as proposed by the Senate.

The conference agreement includes $50,300,000 for the Neglected and Delinquent program instead of $49,600,000 as proposed by the House and $51,000,000 as proposed by the Senate.

The conference agreement includes $8,000,000 for Comprehensive School Reform quality initiatives. The House bill provided $10,000,000 for the Comprehensive School Reform Demonstration program and the Senate bill did not include any funding related to Comprehensive School Reform. The conferees concur that comprehensive school reform (CSR) models provide an exemplary approach to raising academic achievement, particularly for schools that do not make adequate yearly progress under the No Child Left Behind Act. The conferees believe that States should utilize their four percent school improvement set-aside funds to support implementation of comprehensive school reform models with demonstrated success. The conferees strongly urge States to examine methods for distributing school improvement funds that will result in awards of sufficient size and scope to support the initial costs of comprehensive school reforms and to limit funding to programs that include each of the reform components described in section 1606(a) of the No Child Left Behind Act of 2001 and have the capacity to improve the academic achievement of all students in core academic subjects within participating schools. Further, the conferees intend that the Secretary shall notify States that schools currently receiving CSR subgrants shall receive priority for targeted grants and/or technical assistance under section 1003(a) of ESEA.

The conference agreement also includes $18,737,000 for the Migrant Education High School Equivalency program as proposed by the House instead of $21,587,000 as proposed by the Senate.

IMPACT AID

The conference agreement includes bill language not included in either the House or Senate bill that restricts the release of impact aid construction funds to a formula distribution.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $5,308,564,000 for the School Improvement Programs account instead of $5,393,765,000 as proposed by the House and $5,457,953,000 as proposed by the Senate. The agreement provides $3,873,564,000 in fiscal year 2006 and $1,435,000,000 in fiscal year 2007 funding for this account.

The conference agreement includes $184,000,000 for the Mathematics and Science Partnerships (MSP) program instead of $190,000,000 as proposed by the House and $178,560,000 as proposed by the Senate. The conferees urge the Secretary to encourage MSP grantees to incorporate advanced placement (AP) or pre-advanced placement (PRE-AP) staff development training into their math and science partnership projects to help teachers meet the highly qualified criteria under the No Child Left Behind Act. The AP and PRE-AP professional development initiatives support teachers' content and pedagogical knowledge development so that all students, regardless of whether or not they take AP, will receive rigorous, challenging math and science instruction. The AP math and science initiative has the primary objective of increasing the number of AP opportunities, AP participation rates, and postsecondary acceptance and success rates for disadvantaged students.

The conference agreement includes $100,000,000 for State Grants for Innovative Education as proposed by the Senate instead of $198,400,000 as proposed by the House. The agreement also includes $275,000,000 for Educational Technology State Grants instead of $300,000,000 as proposed by the House and $425,000,000 as proposed by the Senate. The conference agreement includes bill language, not included in either House or Senate bill, which allows up to 100 percent of funds available under the Educational Technology

State Grants program to be allocated by States through competitive subgrants. The conferees encourage the Secretary to notify States of their intent that funds continue to be provided to small, rural school districts.

The conferees are concerned that many schools are unable to properly assess the performance of students with disabilities and students with limited English proficiency. Therefore, the conferees urge the Department to continue to place a high priority on grant applications for funds available from the enhanced assessments instruments program that aim to improve the quality of state assessments for these two groups of students and to ensure the most accurate means of measuring their performance on these assessments.

The conference agreement includes $9,693,000 for the Javits Gifted and Talented program instead of $11,022,000 as proposed by the Senate. The House did not propose funding for this program.

The agreement also includes $22,000,000 for the Foreign Language Assistance program instead of $25,000,000 as proposed by the Senate. The House did not propose funding for this program. The conferees concur with all of the language contained in the Senate report related to the use of these funds and administration of this program. The conference agreement includes language in the Senate bill that prohibits funds from being used for the Foreign Language Incentive Fund program. The House bill did not include a similar provision.

The conference agreement includes $34,250,000 for the Education of Native Hawaiians program instead of $24,770,000 as proposed by the House and $34,500,000 as proposed by the Senate. The agreement includes bill language that allows funds under this program to be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school run by the Department of Education of the State of Hawaii that serves a predominantly Native Hawaiian student body as proposed by the Senate. The House bill did not include a similar provision.

The conference agreement also includes bill language, as proposed by the Senate, which provides not less than $1,250,000 to the Hawaii Department of Education for school construction/renovation activities, and $1,250,000 for the University of Hawaii's Center of Excellence in Native Hawaiian Law. The House bill did not include a similar provision.

The conference agreement includes $34,250,000 for the Alaska Native Educational Equity program instead of $31,224,000 as proposed by the House and $34,500,000 as proposed by the Senate. The conference agreement includes bill language which allows funds available through this program to be used for construction, as proposed by the Senate. The House bill did not include a similar provision. The conferees direct the Department to use at least a portion of these funds to address the construction needs of rural schools.

The conferees are aware that the Department recently awarded a grant for a California Comprehensive Center, which will provide technical assistance to state and local educational agencies in California. This new Center will have to establish and develop a strong relationship to serve schools in Southern California, which has a majority of California's students and schools identified as in need of improvement as well as the highest number of English Language Learners and schools targeted for restructuring. The conferees encourage the Department of Education to ensure that this Center adequately addresses the needs of Southern California's local school districts.

INNOVATION AND IMPROVEMENT

The conference agreement includes $945,947,000 for programs in the Innovation and Improvement account, instead of $708,522,000 as proposed by the House and $1,038,785,000 as proposed by the Senate.

The conference agreement includes $21,750,000 for the National Writing Project program instead of $20,336,000 as proposed by the House and $23,000,000 as proposed by the Senate.

The conference agreement includes $121,000,000 for the Teaching of Traditional American History program as proposed by the Senate. The House bill proposed $50,000,000 for this program. The conferees direct the Department to continue its current policy of awarding 3-year grants. The conference agreement also includes bill language proposed by the Senate that allows not more than 3 percent of the funds available for this program to be used for technical assistance. The House bill did not include a similar provision.

The conference agreement includes $14,880,000 for the School Leadership program as proposed by the House instead of $15,000,000 as proposed by the Senate.

The conference agreement includes $16,864,000 for the Advanced Credentialing program as proposed by the House instead of $10,000,000 as proposed by the Senate. The conference agreement includes bill language that provides $9,920,000 of these funds to the National Board for Professional Teaching Standards and $6,944,000 to the American Board for the Certification of Teacher Excellence. The Senate bill included language that provided $10,000,000 to the National Board for Professional Teaching Standards and the House bill did not include a similar provision.

The conference agreement includes $36,981,000 for the Credit Enhancement for Charter Schools program as proposed by the House. The Senate did not propose funding for this program.

Fund for the Improvement of Education (FIE)

The conference agreement includes $160,111,000 for the Fund for the Improvement of Education instead of $27,000,000 as proposed by the House and $387,424,000 as proposed by the Senate. The amount included in bill language for the Fund for the Improvement of Education provides an additional $100,000,000 for the Teacher Incentive Fund, which is described later in this section.

The conference agreement includes funding for the following activities authorized under section 5411 of the Elementary and Secondary Education Act:

National Institute of Building Sciences for the National Clearinghouse for Educational Facilities	$694,000
Presidential and Congressional American History and Civics Academies	2,000,000
Evaluation and data quality initiative	2,000,000
Reach out and Read, peer review, teacher quality and other activities	9,092,000

The conference agreement includes $2,000,000 to carry out the American History and Civics Education Act of 2004, instead of $10,000,000 as proposed by the Senate. The House bill did not include funding for this program. The conferees concur in the language contained in the Senate Report regarding the use of funds for this activity. The conferees intend $1,265,000 will be used for Presidential Academies for Teaching of American History and Civics and the remaining funds will support the establishment of Congressional Academies for Students of American History and Civics.

The conferees direct the Department to implement the Act consistent with their intent, as reflected above, and request an implementation plan to be submitted to the House and Senate Committees on Appropriations within 30 days of enactment of the Department of Education Appropriations Act, 2006.

Within the total amount provided for FIE, the conference agreement also includes funding for separately authorized programs in the following amounts:

Reading is Fundamental	$25,296,000
Star Schools	15,000,000
Ready to Teach	11,000,000
Education through Cultural and Historical Organizations	9,000,000
Arts in Education	35,633,000
Parental Information and Resource Centers	40,000,000
Excellence in Economic Education	1,488,000
Women's Educational Equity	2,956,000
Foundations for Learning Grants	992,000
Mental Health Integration Grants	4,960,000

For Arts in Education, the conferees intend that within this total, $7,440,000 is for Very Special Arts and $6,369,000 is for the John F. Kennedy Center for the Performing Arts. In addition, $7,936,000 is for model professional development programs for music, drama, dance and visual arts educators and $496,000 is for evaluation activities, as outlined by the Senate. The remaining $13,392,000 is available to continue model arts programs.

While the conferees applaud the Department's efforts to help students learn foreign languages, they remain concerned that the Department, using data provided by the e-Language Learning System (eLLS), is developing web-based learning products that could be used in direct competition with the private sector. The conferees understand that, based on the President's budget request, the Department had no plans to continue this project in fiscal year 2006 using Star School funds. However, the conference agreement includes funds for the Star Schools program, which has been the primary source of funds for this activity. Therefore, the conferees direct the Department not to fund any grant that will compete directly with the private sector and further direct the Secretary to notify the House and Senate Appropriations Committees 15 days prior to any Department expenditures related to the eLLS project.

The conference agreement includes $100,000,000 for a pilot program to develop and implement innovative ways to provide financial incentives for teachers and principals who raise student achievement and close the achievement gap in some of our Nation's highest-need schools, as proposed in the House bill. The Senate bill did not propose funding for this program.

The conferees intend that the Secretary use not less than 95 percent of these funds to award competitive grants to local educational agencies (LEAs), including charter schools that are LEAs, States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one non-profit organization to design and implement fair, differentiated compensation systems for public school teachers and principals based primarily on measures of gains in student academic achievement, in addition to other factors, for teachers and principals in high-need schools. The conferees intend high-need schools to have the same meaning as the term is defined in section 2312 of the Elementary and Secondary Education Act. The conferees further intend that each applicant demonstrate a significant investment in, and ensure the sustainability of, its project by committing to pay for an increasing share of the total cost of the project, for each year of the grant, with State, local, or other non-Federal funds.

The conference agreement includes bill language, modified from the House bill, which requires the Secretary to use funds for performance-based compensation systems that: consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year and provide educators with incentives to take on additional responsibilities and leadership roles. In addition, the conferees urge the Secretary to give priority to applications that demonstrate the majority support of educators for such compensation systems.

The conference agreement also includes bill language, not included in either House or Senate bill, which allows not more than $5,000,000 to be used to provide schools with assistance in implementing this program. The conferees intend that the Secretary use these funds for one or more grants to an organization or organizations with expertise in providing research-based expert advice to support schools initiating and implementing differentiated compensation systems, training school personnel, disseminating information on effective teacher compensation systems, and providing program outreach through a clearinghouse of best practices. The conferees also urge the Secretary to design an appropriate, long-term and rigorous evaluation, using randomized controlled trials to the extent practicable, of this program which will be used to inform Congress on the results achieved under this program.

Other programs

The conference agreement includes $24,500,000 for the Ready to Learn program instead of $25,000,000 as proposed by the Senate. The House bill did not include funding for this program. The conferees note that the original intent for the Ready to Learn program consisted of two distinct but coordinated elements: development of national educational programming that supports emergent literacy and other school readiness skills and community-based local outreach. The purpose of local outreach has been to extend the educational impact of the programming as well as to provide practical training for parents and educators on how to promote early learning and literacy and make responsible choices about television viewing. Given the demonstrated track record of the outreach component of the Ready to Learn program, the conferees believe that broad-based outreach, which capitalizes on the strength and reach of public television stations and includes local adult training workshops, should continue to be a central feature of this program. Therefore, the conference agreement includes an increase of $1,188,000 over last year for additional support of the outreach project funded during the fiscal year 2005 competition.

The conference agreement includes $4,900,000 for the Dropout Prevention program as proposed by the Senate. The House did not propose funding for this program.

The conference agreement includes $32,500,000 for Advanced Placement programs instead of $30,000,000 as proposed by the House and $40,000,000 as proposed by the Senate.

The conference agreement does not include language proposed in the House bill related to the evaluation of the D.C. School Choice Incentive Act of 2003. The Senate bill did not include a similar provision.

Safe Schools and Citizenship Education

The conference agreement includes $736,886,000 for programs in the Safe Schools and Citizenship Education account instead of $763,870,000 as proposed by the House and $697,300,000 as proposed by the Senate.

The conference agreement includes $350,000,000 for Safe and Drug-Free Schools State Grants instead of $400,000,000 as proposed by the House and $300,000,000 as proposed by the Senate.

The conferees are concerned that the Department of Education has neglected to report specific data to Congress as required under Section 4122(c) of Title IV, Part A of the No Child Left Behind Act. This data is required to be included in the State report under Section 4116 of the Safe and Drug-Free Schools and Communities program. The report specifically requires all States to collect and report to the Secretary, in a form specified by the Secretary, the following data: incidence and prevalence, age of onset, perception of health risk and perception of social disapproval of drug use and violence by youth in schools and communities. The conferees expect the Department to develop a plan for how it will collect the specified data from the States and report it to Congress in a timely manner. The plan should be submitted to the House and Senate authorizing, appropriations and oversight committees within 60 days of enactment of this bill.

The conference agreement includes $142,537,000 for National Programs instead of $152,537,000 as proposed by the House and $150,000,000 as proposed by the Senate. The conference agreement includes funding for the following activities:

School Safety Initiatives ..	$27,000,000
Planning/Needs Assessment/Data for State Grants	8,257,000
Safe Schools/Healthy Students	80,000,000
Drug Testing Initiative	9,180,000
Postsecondary Ed Drug and Violence Prevention (including $850,000 for the recognition program)	7,500,000
Violence prevention impact evaluation	1,551,000
National Institute of Building Sciences for the National Clearinghouse for Educational Facilities	300,000
Project SERV	1,449,000
Other activities	7,300,000

The conferees direct the Department to implement the Act consistent with their intent, as reflected in the table above, and request an implementation plan to be submitted to the House and Senate Committees on Appropriations within 30 days of enactment of the Department of Education Appropriations Act, 2006.

The conference agreement includes bill language requiring the Department to spend $850,000 for the National Recognition Awards program under the guidelines described in section 120(f) of Public Law 105–244 as proposed in the Senate bill. The House bill did not include a similar provision.

The conference agreement includes $32,736,000 for Grants to Reduce Alcohol Abuse instead of $33,500,000 as proposed by the Senate. The House did not propose funding for this activity.

The conference agreement includes $35,000,000 for the Elementary and Secondary School Counseling program instead of $34,720,000 as proposed by the House and $36,000,000 as proposed by the Senate.

The conference agreement includes $73,408,000 for the Physical Education program as proposed by the House instead of $74,000,000 as proposed by the Senate.

The conference agreement includes $29,405,000 for the Civic Education program to support both the We the People programs and the Cooperative Education Exchange as proposed by the House instead of $30,000,000 as proposed by the Senate. The conferees intend that $17,211,000 will be provided to the nonprofit Center for Civic Education to support We the People programs. Within the total for the We the People program, the conferees intend that $3,025,000 be reserved to continue the comprehensive program to improve public knowledge, understanding, and support of American democratic institutions, which is a cooperative project among the Center for Civic Education, the Center on Congress at Indiana University, and the Trust for Representative Democracy at the National Conference of State Legislatures, and that $1,513,000 be used for continuation of the school violence prevention demonstration program, including $500,000 for the Native American initiative.

The conference agreement also includes $12,194,000 for the Cooperative Education Exchange program. Within this amount, the conferees intend that $4,573,000 is for the Center for Civic Education and $4,573,000 is for the National Council on Economic Education, while the remaining $3,048,000 should be used to continue the existing grants funded under the authorizing statute for civics and government education, and for economic education.

English Language Acquisition

The conference agreement includes $675,765,000 for the English Language Acquisition account as proposed by the House instead of $683,415,000 as proposed by the Senate.

Special Education

The conference agreement includes $11,770,607,000 for the Special Education account instead of $11,813,783,000 as proposed by the House and $11,775,107,000 as proposed by the Senate. The agreement provides $6,346,407,000 in fiscal year 2006 and $5,424,200,000 in fiscal year 2007 funding for this account.

The conference agreement includes $10,689,746,000 for Grants to States Part B as proposed by the Senate instead of $10,739,746,000 as proposed by the House. The agreement also includes $440,808,000 for Grants for Infants and Families as proposed by the House instead of $444,308,000 as proposed by the Senate.

The conference agreement includes $49,397,000 for Technical Assistance and Dissemination as proposed by the House instead of $50,397,000 as proposed by the Senate.

The agreement also includes $38,816,000 for Technology and Media Services as proposed by the Senate instead of $31,992,000 as proposed by the House. Within this amount,

$1,500,000 is available for Public Telecommunications Information and Training Dissemination as proposed by the Senate. The House did not include funding for this activity. Also within this amount, the conference agreement includes $12,000,000 for Recording for the Blind and Dyslexic, Inc. as proposed by the Senate instead of $11,400,000 as proposed by the House.

Rehabilitation Services and Disability Research

The conference agreement includes $3,129,638,000 for Rehabilitation Services and Disability Research instead of $3,128,638,000 as proposed by the House and $3,133,638,000 as proposed by the Senate.

The conference agreement includes $1,000,000 to continue an award to the American Academy of Orthotists and Prosthetists (AAOP) for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003 as proposed by the Senate. The House bill did not include a similar provision.

The conference agreement includes $30,760,000 for assistive technology instead of $29,760,000 as proposed by the House and $34,760,000 as proposed by the Senate. Within this amount, the conferees intend that $21,552,000 shall be for the state grant program, $4,385,000 for grants for protection and advocacy, $1,063,000 for national activities and $3,760,000 for alternative financing programs.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

The conference agreement includes $17,750,000 for the American Printing House for the Blind instead of $17,000,000 as proposed by the House and $18,500,000 as proposed by the Senate.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

The conference agreement includes $56,708,000 for the National Technical Institute for the Deaf instead of $56,137,000 as proposed by the House and $57,279,000 as proposed by the Senate.

GALLAUDET UNIVERSITY

The conference agreement includes $108,079,000 for Gallaudet University instead of $107,657,000 as proposed by the House and $108,500,000 as proposed by the Senate.

Vocational and Adult Education

The conference agreement includes $2,012,282,000 for Vocational and Adult Education instead of $1,991,782,000 as proposed by the House and $1,927,016,000 as proposed by the Senate. The agreement provides $1,221,282,000 in fiscal year 2006 and $791,000,000 in fiscal year 2007 funding for this account.

The conference agreement includes $9,257,000 for Vocational Education National programs, as proposed by the Senate. The House included $11,757,000 for National programs.

The conference agreement includes $569,672,000 for Adult Education State Grants as proposed by the House, instead of $572,922,000 as proposed by the Senate.

The conference agreement includes $94,476,000 for the Smaller Learning Communities program as proposed by the House. The Senate bill did not include funding for this program. The conferees agree that these funds shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools. The conferees again direct that the Department consult with the House and Senate Committees on Appropriations prior to the release of program guidance for the fiscal years 2005 and 2006 Smaller Learning Communities grant competitions. The conferees urge that a greater share of the 5 percent set-aside for national activities be used to support direct technical assistance to grantees through regional laboratories, university-based organizations, and other entities with expertise in high school reform, and request a report not later than January 1, 2006 on its planned use of this set-aside in fiscal year 2005. Further, the conferees strongly encourage the Department to enter into a jointly funded program with a private or public foundation with expertise in designing and implementing small schools in order to further leverage the Federal investment in smaller learning communities.

The conference agreement includes $23,000,000 for State Grants for Incarcerated Youth Offenders, instead of $24,000,000 as proposed by the Senate. The House did not include funding for this program. The conferees concur with the language included in the Senate Report regarding the administration of this program.

The conference agreement does not include funding for Community Technology Centers, as proposed by the House. The Senate included $4,960,000 for this activity.

Student Financial Assistance

The conference agreement includes $15,077,752,000 for Student Financial Assistance instead of $15,283,752,000 as proposed by the House and $15,103,795,000 as proposed by the Senate.

The agreement provides a program level of $13,177,000,000 for Pell Grants as proposed by the Senate instead of $13,383,000,000 as proposed by the House. The agreement maintains the maximum Pell Grant at $4,050 as proposed by the Senate rather than $4,100 as proposed by the House. Additional funds are included in section 305 of this Act to completely pay down the shortfall that has been accumulating in the Pell Grant program over the last several fiscal years as proposed by both the House and Senate.

The conferees believe it is essential for Congress to have the most accurate and reliable information available to make decisions regarding the allocation of limited discretionary funding. Therefore, the conferees direct the Department of Education to provide to the House and Senate Committees on Appropriations, on a quarterly basis, updated estimates of the cost of the Pell Grant program, based on current law and the most current data related to valid applications, applicant type, and other information incorporated into the Department's Pell Grant forecasting model.

The conference agreement also includes $778,720,000 for the supplemental educational opportunity grant program as proposed by the House instead of $804,763,000 as proposed by the Senate.

The conference agreement provides $990,257,000 for Federal work-study programs as proposed by both the House and Senate. Within this total, the conference agreement includes $6,000,000, as proposed by the Senate, for the work colleges program. The House report did not include similar language.

Student Aid Administration

The conference agreement includes $120,000,000 for student aid administration as proposed by the Senate instead of $124,084,000 as proposed by the House.

Higher Education

The conference agreement includes $1,970,760,000 for Higher Education instead of $1,936,936,000 as proposed by the House and $2,112,958,000 as proposed by the Senate. The conference agreement does not include bill language as proposed by the Senate regarding the use of funds to develop a strategic plan for foreign student access to American colleges and universities. The House bill did not include similar language.

Aid for institutional development

The conference agreement includes $95,873,000 for Hispanic Serving Institutions as proposed by the House instead of $100,823,000 as proposed by the Senate. The conference agreement also includes $11,904,000 for Alaska and Native Hawaiian Institutions as proposed by the Senate instead of $6,500,000 as proposed by the House.

Fund for the improvement of postsecondary education

The conference agreement includes $22,211,000 for the Fund for the Improvement of Postsecondary Education instead of $49,211,000 as proposed by the House and $157,211,000 as proposed by the Senate.

Other programs

The conference agreement includes $836,543,000 for TRIO as proposed by the House instead of $841,543,000 as proposed by the Senate.

The conference agreement includes $306,488,000 for the GEAR UP program, the same level proposed by both the House and the Senate. The conferees intend that funds be awarded on an annual basis and that the Department consult with Congressional committees of jurisdiction prior to new grant competition announcements. The conference agreement provides a sixth and final year award to grantees first funded in 2001, while continuing all other funded projects. The conferees also intend that these funds are available to eligible 2000 grantees that opt to apply for new grant awards servicing a cohort no later than seventh grade, and are allowed to continue assisting students who have not yet completed the program through high school graduation.

The conference agreement includes sufficient funds for a GEAR UP competition in fiscal year 2006 for new partnership awards. The twin goals of GEAR UP are to ensure that low-income students are academically prepared for college and that they receive scholarships to enable them to actually attend college. Accordingly, the conferees encourage the Department to give consideration in the 2006 GEAR UP competition to partnerships that, in addition to providing early intervention services, guarantee college scholarships to GEAR UP students.

The conference agreement includes $41,000,000 for Byrd Honors Scholarships and $6,944,000 for demonstrations in disabilities as proposed by the Senate. The House did not propose funding for these activities.

The conference agreement includes $60,500,000 for the Teacher Quality Enhancement Grants program. The House and Senate proposed $58,000,000 for this program.

The conference agreement includes $2,000,000 for the Underground Railroad program instead of $2,204,000 as proposed by the Senate and $2,976,000 for Thurgood Marshall Scholarships instead of $3,500,000 as proposed by the Senate. The House did not propose funding these activities.

The conference agreement also includes $980,000 for Olympic Scholarships as proposed by the House. The Senate bill did not provide funding for this program.

Howard University

The conference agreement includes $239,790,000 for Howard University instead of

$240,790,000 as proposed by the House and $238,789,000 as proposed by the Senate.

Institute of Education Sciences

The conference agreement includes $522,695,000 for the Institute of Education Sciences (IES) instead of $522,696,000 as proposed by the House and $529,695,000 as proposed by the Senate.

The conferees concur with the language included in the House report that a key purpose of public education is being neglected: the civic mission of schools to educate our young people for democracy and to prepare them to be engaged citizens. The National Assessments of Educational Progress in civics and history are the best way we have to measure how well schools are doing in fulfilling this purpose. Therefore, the conferees request that the National Assessment Governing Board, in consultation with the Commissioner, National Center for Education Statistics, prepare a report on the feasibility of the National Assessment of Educational Progress conducting State level assessments in the subjects of U.S. history and civics at grades 8 and 12 and, if feasible, the earliest schedule under which such assessments could be administered. The Governing Board shall, within 180 days of enactment of this Act, submit the feasibility report to the House and Senate Appropriations Committees, the House Education and the Workforce Committee, the Senate Health, Education, Labor and Pensions Committee, and the Secretary of Education. The Senate report did not include similar language.

The conferees are very concerned with the funding levels directed to the Research and Development Centers. The current levels, which are $10,000,000 less than the amount outlined in the fiscal year 2005 and fiscal year 2006 budget justifications, are inadequate to create long-term comprehensive interdisciplinary programs. The conferees have therefore included bill language requiring IES to provide $25,257,000 for Research and Development Centers. The conferees direct that these funds be used to support not less than eight Research and Development Centers, as authorized by law.

The conferees expect, as stated in the fiscal year 2005 statement of the managers and the fiscal year 2006 budget justification, that funds in excess of those amounts needed to maintain or establish new centers, be used for supplemental awards to Research and Development Centers. The conferees further expect that funds be used to make adjustments to studies or services as needs arise. The conferees believe that current funding levels provide for inflexible, narrowly focused research rather than work that is of sufficient size and scope to be effective. The conferees also believe it is essential that centers not be restricted to particular research methodologies but instead use rigorous methods to address areas of high priority. The conferees request the IES to submit a report within 45 days of enactment of this Act on the steps it will take to comply with Congressional intent.

The conferees urge the Department's National Center for Education Statistics to use the Fast Response Survey System to collect data for the report of Arts Education in Public Elementary and Secondary Schools during the 2006–2007 school year. The conferees expect this survey and reporting to have the comprehensive quality of the 2002 report and include national samples of elementary and secondary school principals, as well as surveys of elementary and secondary classroom teachers and arts specialists.

Departmental Management

The conference agreement includes $415,303,000 for Departmental program administration instead of $410,612,000 as proposed by the House and $411,992,000 as proposed by the Senate. The agreement also includes $49,000,000 for the Office of the Inspector General as proposed by the House instead of $49,408,000 as proposed by the Senate.

The conferees concur with the views expressed in the House report with regard to the Communities Can program and its role in enhancing integrated and coordinated services for children with disabilities and their families. The conferees request that the plan of action for carrying forward this activity be provided to both the House and Senate Appropriations Committees. The Senate did not include similar language.

The conference agreement concurs with language contained in the Senate report regarding the proposed reorganization of the regional office structure within the Rehabilitation Services Administration. Therefore, the conferees request a report that describes the steps taken to reach out to stakeholder groups on this issue; a detailed plan for ensuring that policy guidance, technical assistance and program monitoring will be of higher quality and more timely than currently available; and the specific performance goals under the proposed reorganization for frequency of monitoring visits, and timeliness and relevancy of technical assistance, compared to the actual performance under the current administrative structure. The conferees expect to receive this report not later than 60 days after enactment of this Act, but encourage the Department to make it available as soon as possible. The House report expressed similar concerns, but used different language.

The conferees are concerned that the Department, in implementing Reading First and other programs authorized by the No Child Left Behind Act, which are required to implement activities that are backed by scientifically based research, may not be effectively helping States and local educational agencies implement program studies. The conferees therefore request the Secretary to submit a report to the House and Senate Committees on Appropriations within 30 days of the enactment of this Act, on the actions that program offices have taken or will take, effective this fiscal year, in the selection, oversight, and evaluation of grantees, to ensure that grantees effectively implement such research-based programs, including close replication of the specific elements of these programs.

TITLE III—GENERAL PROVISIONS

Pell Grant Shortfall

The conference agreement includes a general provision as proposed by the Senate providing $4,300,000,000 for the purpose of eliminating the estimated accumulated shortfall of budget authority for the Pell Grant program. The House bill contained the same provision, but used slightly different language.

Mississippi Band of Choctaw Indians

The conference agreement includes a general provision similar to that proposed by the Senate to authorize educational and cultural programs relating to the Mississippi Band of Choctaw Indians. The House bill contained no similar provision.

Impact Aid

The conference agreement does not include a general provision proposed by the Senate relating to applications filed by two school districts in Colorado and Arizona. The House bill contained no similar provision.

Violence Prevention

The conference agreement does not include a provision proposed by the Senate relating to a study to evaluate the effectiveness of violence prevention programs. The House did not include a similar provision.

Assessment of Education Progress Tests in U.S. History

The conference agreement does not include a general provision as proposed by the Senate providing additional funding for a national assessment of education progress tests in United States history. The House bill contained no similar provision.

Dropout Prevention Programs

The conference agreement does not include a general provision as proposed by the Senate providing additional funding for school dropout prevention programs. Funding for this program is included under the heading, "Innovation and Improvement." The House bill contained no similar provision.

Advanced Placement Programs

The conference agreement does not include a general provision as proposed by the Senate providing additional funding for advanced placement programs. Funding for this program is included under the heading, "Innovation and Improvement." The House bill contained no similar provision.

Thurgood Marshall and Office of Special Education Programs

The conference agreement does not include a general provision as proposed by the Senate providing additional funding for the Thurgood Marshall Legal Education Opportunity Program and the Office of Special Education Programs. Funding for these activities is included under the headings, "Higher Education" and "Special Education" respectively. The House bill contained no similar provision.

Federal Trio Programs

The conference agreement does not include a general provision as proposed by the Senate providing additional funding for Federal TRIO programs. Funding for this program is included under the heading, "Higher Education." The House bill contained no similar provision.

Education Programs Serving Hispanic Students

The conference agreement does not include a general provision as proposed by the Senate providing additional funding for education programs to improve Hispanic educational opportunities. Funding for these programs is included elsewhere in Title III. The House bill contained no similar provision.

TITLE IV—RELATED AGENCIES

Corporation for National and Community Service

The conference agreement includes $909,049,000 for the Corporation for National and Community Service, the same as the House, instead of $935,205,000 as proposed by the Senate.

Domestic Volunteer Service Programs, Operating Expenses

The conference agreement includes $316,212,000 for the Domestic Volunteer Service programs as proposed by the Senate instead of $357,962,000 as proposed by the House.

National Senior Volunteer Corps

The conference agreement includes $219,784,000 for fiscal year 2006 for the National Senior Volunteer Corps programs, as proposed by the House and the Senate. The conferees concur with language in the Senate report that directs that the Corporation shall comply with the directive that use of PNS funding increases in the Foster Grandparents Program, Retired Senior Volunteer Program, Senior Companion Program, and Volunteers in Service to America shall not be restricted to any particular activity and further direct that the Corporation shall not stipulate a minimum or maximum for PNS grant augmentation.

Program administration

The conference agreement includes funds for the administration of the Domestic Volunteer Service of America program administration in the NCSA account as proposed by the Senate.

National and Community Service Programs, Operating Expenses

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $520,087,000 for the programs authorized under the National Community Service Act of 1990, instead of $518,087,000 as proposed by the House and $546,243,000 as proposed by the Senate. The conference agreement includes $267,500,000 for AmeriCorps State and National operating grants, as proposed by the House instead of $280,000,000 as proposed by the Senate. The conference agreement includes $140,000,000 for the National Service Trust instead of $146,000,000 as proposed by the House and $149,000,000 as proposed by the Senate. The conference agreement includes $16,445,000 for subtitle H fund activities instead of $9,945,000 as proposed by the House and $15,945,000 as proposed by the Senate. The conference agreement includes $27,000,000 for AmeriCorps National Civilian Community Corps as proposed by the Senate instead of $25,500,000 as proposed by the House. The conference agreement includes $37,500,000 for Learn and Serve as proposed by the House instead of $42,656,000 as proposed by the Senate.

AmeriCorps Grants Program

The conferees concur with language proposed by the Senate to keep the Committees better informed of the recipients receiving AmeriCorps funding. The conferees direct the Corporation to publish in its fiscal year 2007 budget justifications a list of recipients that have received more than $500,000 from the Corporation, delineated by program, and the amount and source of both Federal and non-Federal funds that were received by each recipient.

Innovation, assistance and other activities

Within the $16,445,000 for innovation, demonstration, and assistance activities, the conference agreement includes $4,000,000 for Teach for America and $2,000,000 for Communities in Schools, Inc., as proposed by the Senate.

AmeriCorps National Civilian Community Corps

The conference agreement includes $27,000,000 for the NCCC and within this amount, $1,500,000, as proposed by the Senate, is to conduct an evaluation of current NCCC site placement and expansion of new sites in the Southern and Midwestern United States, in accordance with the report issued on March 1, 2005.

Salaries and Expenses

The conference agreement includes $66,750,000 for the Corporation's salaries and expenses, as proposed by the Senate. This includes $39,750,000 for administration of the DVSA programs. The House bill had provided salaries and expenses in two separate accounts, but for the same total amount. The conferees reiterate that Subtitle H funds for Innovation, Assistance and Other Activities shall not be used to pay Corporation staff.

Office of Inspector General

The conference agreement includes $6,000,000 for the Office of Inspector General (OIG) as proposed by the House and Senate. The conferees concur with language proposed by the Senate directing the OIG to continue reviewing the Corporation's management of the National Service Trust fund. The conferees direct the OIG to review the monthly Trust reports and to notify the Committees on Appropriations on the accuracy of the reports.

Corporation for Public Broadcasting

The conference agreement includes $30,000,000 for digital conversion, instead of $35,000,000 as proposed by the Senate. The House had proposed providing authority for CPB to utilize previously appropriated funds for this purpose.

The conference agreement also includes $35,000,000 for the replacement project of the satellite interconnection system, instead of $40,000,000 as proposed by the Senate. The House had proposed providing authority for CPB to utilize previously appropriated funds for this purpose.

The conferees request that the Corporation for Public Broadcasting (CPB) Inspector General submit a status report to the House and Senate Committees on Appropriations not later than June 1, 2006 on actions CPB management and its Board of Directors have taken in response to the Inspector General's November 15, 2005 report and any outstanding issues or recommendations in the report that may remain unaddressed.

Federal Mediation and Conciliation Service

The conference agreement includes $43,031,000 for the Federal Mediation and Conciliation Service (FMCS) instead of $42,331,000 as proposed by the House and $43,439,000 as proposed by the Senate.

The conference agreement includes $400,000 for FMCS Labor-Management Grants Program instead of $500,000 as proposed by the Senate. The House bill did not include funding for this program. The 1978 Labor-Management Cooperation Act authorized the Agency to encourage and support joint labor-management committees. This program awards grants to encourage these committees to develop innovative joint approaches to workplace problems and solutions.

The conference agreement includes $300,000 for the FMCS program to prevent youth violence.

Institute of Museum and Library Services

The conference agreement provides $249,640,000 for the Institute of Museum and Library Services as proposed by the House instead of $290,129,000 as proposed by the Senate.

Within the total for the Institute, the conference agreement includes funding for the following activities in the following amounts.

(Dollars in thousands)

Program	*FY 2006*
Museums for America	$17,325
Museum Assessment	446
Museum Conservation Projects	2,800
Museum Conservation Assessment	815
Museum Natl. Leadership Proj.	8,000
Native American Museum Services	920
21st Century Museum Professionals	992
Museum Grants, African American History and Culture	850
Library Serv. State Grants	165,400
Native American Library Services	3,675
Library Natl. Leadership Grants	12,500
Laura Bush 21st Century Librarian Program	24,000
Administration	11,917

The conferees concur with language proposed by the House to rename the Librarians for the 21st Century Program in honor of the First Lady, the Laura Bush 21st Century Librarians Program.

National Council on Disability

The conference agreement includes $3,144,000 for the National Council on Disability instead of $2,800,000 as proposed by the House and $3,344,000 as proposed by the Senate.

National Labor Relations Board

The conferees concur with language in the Senate report regarding the NLRB's plan to restructure its regional offices and specifically oppose the elimination of Region 30.

Railroad Retirement Board

LIMITATION ON ADMINISTRATION

The conferees are concerned about a proposal to consolidate the financial statements and audit of the National Railroad Retirement Investment Trust with the financial statements and audit of the Railroad Retirement Board in the context of the preparation of the Railroad Retirement Board's fiscal year 2006 Statement of Social Insurance. The conferees note that the Railroad Retirement and Survivors' Improvement Act of 2001 mandates that the Trust functions independently from the Railroad Retirement Board. Further, the Act specifically requires a separate audit of the Trust by a nongovernmental auditor, and requires that the results of this audit be included in the Trust's Annual Management Report to Congress. The conferees expect that the Trust be administered and audited solely in conformance with the Act of 2001.

Limitation on the Office of Inspector General

The conference agreement does not include language proposed by the Senate that allows the Office of the Inspector General to conduct audits, investigations, and reviews of the Medicare programs.

Social Security Administration

Supplemental Security Income Program

The conference agreement includes $29,369,174,000 for the Supplemental Security Income Program instead of $29,533,174,000 as proposed by the House and $29,510,574,000 as proposed by the Senate. The conference agreement also includes an advance appropriation of $11,110,000,000, as proposed by both the House and the Senate, for the first quarter of fiscal year 2007, to ensure uninterrupted benefit payments. Also within the total, $2,733,000,000 is included for the administrative costs of the program rather than $2,897,000,000 as proposed by the House and $2,874,400,000 as proposed by the Senate.

The conference agreement does not include a provision proposed by the Senate that changes the delivery date of benefit payments from fiscal year 2006 to 2007. The House did not include this provision.

Limitation on Administrative Expenses

The conference agreement includes $9,199,400,000 for the limitation on administrative expenses rather than $9,279,700,000 as proposed by the House and $9,329,400,000 as proposed by the Senate.

Office of Inspector General

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $92,400,000 for the Office of Inspector General rather than $92,805,000 as proposed by the House and $93,000,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

Use of Appropriated Funds for Publicity and Propaganda

The conference agreement includes a general provision as proposed by the Senate pertaining to the use of appropriated funds for publicity or propaganda purposes. The House bill included a similar provision, but expanded the scope to include private contractors.

Sterile Needle Program

The conference agreement includes a general provision as proposed by the Senate pertaining to sterile needle programs. The Senate bill made a minor technical change to the language carried in prior years. The House bill included the same provision, but without the technical modification.

Use of Federal Funds for Abortions

The conference agreement includes a general provision as proposed by the Senate pertaining to the use of federal funds in the Act for abortions. The Senate bill made a minor technical change to the language carried in prior years. The House bill included the same provision, but without the technical modification.

Conscience Clause

The conference agreement includes a general provision as proposed by the House regarding discrimination against those health care providers or institutions who are opposed to abortion. The Senate bill proposed to modify this provision.

Embryo Research Ban

The conference report includes a technical correction to the longstanding bill language prohibiting funds to be used for research involving the creation or destruction of human embryos. The citation of the Code of Federal Regulations contained in both the House and Senate versions of the bill is corrected.

Veterans' Employment Report

The conference agreement includes a general provision as proposed by the Senate pertaining to the availability of funds to enter into or renew any contract with an entity that is subject to submitting a report concerning the employment of certain veterans. The House bill did not include this provision.

Limitation on Libraries

The conference agreement includes a limitation, carried in prior years, on the ability of a library to access funding provided under this Act unless the library is in compliance with the Children's Internet Protections Act, as proposed by the House. The Senate bill did not include this provision.

Limitation on Schools

The conference agreement includes a limitation, carried in prior years, on the ability of an elementary or secondary school to access technology funding provided under this Act unless the school is in compliance with the Children's Internet Protections Act, as proposed by the House. The Senate bill did not include this provision.

Reprogramming of Funds

The conference agreement includes a general provision as proposed by the House pertaining to the reprogramming of funds. The Senate bill included the same substantive provision, but with minor technical differences.

Immigration and Nationality Act Amendment

The conference agreement includes a general provision amending the Immigration and Nationality Act as proposed by the Senate. The House bill did not include this provision.

Scientific Advisory Committee Appointments

The conference agreement includes a general provision as proposed by the Senate pertaining to appointments to a scientific advisory committee, instead of a similar provision included in the House bill.

CMS General Provision

The conference agreement does not include the general provision proposed by the Senate prohibiting the use of funds for drugs approved to treat erectile dysfunction. The House bill included a similar provision, but with slightly different language. The conferees instead include a provision that was not contained in either the House or Senate bill which reduces CMS Program Management funding by $60,000,000. Funding for research, demonstration and evaluation and State survey and certification are not to be included in this reduction.

Availability of MMA Funds

The conference agreement does not include a general provision as proposed by the House extending the availability of funds provided by the Medicare Modernization Act from fiscal year 2005 to fiscal year 2006. The Senate bill did not include this provision.

Limitation of Funds for Sexual or Erectile Dysfunction Treatment

The conference agreement does not include a general provision as proposed by the House pertaining to the payment for or the reimbursement of a drug for the treatment of sexual or erectile dysfunction funded in this Act for individuals who have been convicted for sexual abuse, sexual assault or any other sexual offense. The Senate bill did not include this provision.

CPB Funding Amendment

The conference agreement does not include a general provision as proposed by the House reducing the amounts available to certain specified programs and activities in order to restore funding for the Corporation for Public Broadcasting. Funding for the programs included in this provision are specified under the relevant headings. The Senate bill did not include this provision.

Education OIG Determination

The conference agreement does not include a general provision as proposed by the House pertaining to a specific Department of Education Office of the Inspector General determination. The Senate bill did not include this provision.

PBGC Limitation

The conference agreement does not include a general provision proposed by the House pertaining to the Pension Benefit Guaranty Corporation and a specific settlement agreement. The Senate bill did not include this provision.

Immigration Limitation

The conference agreement does not include a general provision as proposed by the House prohibiting the use of funds by the Department of Education in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996. The Senate bill did not include this provision.

NIMH Grants

The conference agreement does not include a general provision as proposed by the House regarding NIMH grants. The Senate bill did not include this provision.

Mexican Totalization

The conference agreement does not include a general provision proposed by the House pertaining to a totalization agreement with Mexico. The Senate bill did not include this provision.

Higher Education Limitation

The conference agreement does not include a general provision proposed by the House regarding student loans. The Senate bill did not include this provision.

Limitation, Directive, or Earmarking

The conference agreement does not include a general provision proposed by the Senate regarding directives contained in either the House or Senate reports accompanying H.R. 3010. The House bill did not include this provision.

Diversity Visa Fairness Act

The conference agreement does not include a general provision as proposed by the Senate that contains the Diversity Visa Fairness Act. The House bill did not include this provision.

Port of Entry Designation

The conference agreement does not include a general provision as proposed by the Senate designating the MidAmerica St. Louis Airport in Mascoutah, Illinois a port of entry. The House bill did not include this provision.

Risk Assessment Estimate

The conference agreement does not include a general provision as proposed by the Senate pertaining to improper payments for a variety of programs administered by the Departments of Health and Human Services and Education. The House did not include this provision. Language regarding this issue is included in the statement of the managers for the Department of Health and Human Services.

Internal Revenue Service Outsourcing

The conference agreement deletes without prejudice a general provision as proposed by the Senate expressing the sense of the Senate on the outsourcing of IRS duties and the effects on the employment of disabled veterans and other persons with severe disabilities. The House did not include this provision.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate		
TITLE I - DEPARTMENT OF LABOR										
EMPLOYMENT AND TRAINING ADMINISTRATION										
TRAINING AND EMPLOYMENT SERVICES										
Grants to States:										
Adult Training, current year	184,618	153,736	153,736	181,618	153,736	-30,882	---	-27,882	D	FF
Advance from prior year	(706,304)	(712,000)	(712,000)	(712,000)	(712,000)	(+5,696)	---	---	NA	
FY 2007	712,000	712,000	712,000	712,000	712,000	---	---	---	D	
Adult Training	896,618	865,736	865,736	893,618	865,736	-30,882	---	-27,882		
Youth Training	986,288	950,000	950,000	986,288	950,000	-36,288	---	-36,288	D	FF
Dislocated Worker Assistance, current year	345,264	226,867	345,264	345,264	345,264	---	---	---	D	FF
Advance from prior year	(841,216)	(848,000)	(848,000)	(848,000)	(848,000)	(+6,784)	---	---	NA	
FY 2007	848,000	848,000	848,000	848,000	848,000	---	---	---	D	
Dislocated Worker Assistance	1,193,264	1,074,867	1,193,264	1,193,264	1,193,264	---	---	---		
Federally Administered Programs:										
Dislocated Worker Assistance National Reserve:										
Current year	70,800	56,717	---	70,800	70,800	---	+70,800	---	D	FF
Advance from prior year	(210,304)	(212,000)	(212,000)	(212,000)	(212,000)	(+1,696)	---	---	NA	
FY 2007	212,000	212,000	212,000	212,000	212,000	---	---	---	D	
Dislocated Worker Assistance Nat'l Reserve	282,800	268,717	212,000	282,800	282,800	---	+70,800	---		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate		
Less funding reserved for Community College Initiative (NA)	(-125,000)	---	---	(-125,000)	(-125,000)	---	(-125,000)	---		
Dislocated Worker Assistance Nat'l Reserve	157,800	268,717	212,000	157,800	157,800	---	-54,200	---		
Total, Dislocated Worker Assistance	1,476,064	1,343,584	1,405,264	1,476,064	1,476,064	---	+70,800	---		
Native Americans	54,238	54,238	54,238	54,238	54,238	---	---	---	D	FF
Migrant and Seasonal Farmworkers	75,759	---	75,759	80,053	80,053	+4,294	+4,294	---	D	FF
Job Corps:										
Operations	844,670	851,019	851,019	881,000	874,000	+29,330	+22,981	-7,000	D	FF
Advance from prior year	(586,272)	(591,000)	(591,000)	(591,000)	(591,000)	(+4,728)	---	---	NA	
FY 2007	591,000	591,000	591,000	591,000	591,000	---	---	---	D	
Construction and Renovation	16,190	---	---	10,000	8,000	-8,190	+8,000	-2,000	D	FF
Advance from prior year	(99,200)	(100,000)	(100,000)	(100,000)	(100,000)	(+800)	---	---	NA	
FY 2007	100,000	75,000	100,000	100,000	100,000	---	---	---	D	
Subtotal, Job Corps	1,551,860	1,517,019	1,542,019	1,582,000	1,573,000	+21,140	+30,981	-9,000		
National Activities:										
Pilots, Demonstrations and Research	85,167	30,000	74,000	90,367	30,000	-55,167	-44,000	-60,367	D	FF
Responsible Reintegration of Youthful Offender	49,600	---	---	50,000	49,600	---	+49,600	-400	D	FF
Evaluation	7,936	7,936	7,936	7,936	7,936	---	---	---	D	FF
Prisoner Re-entry	19,840	35,000	19,840	19,840	19,840	---	---	---	D	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate		
Community College initiative	124,000	250,000	125,000	---	---	-124,000	-125,000	---	D	
Community College initiative (NA) 1/	(125,000)	---	---	(125,000)	(125,000)	---	(+125,000)	---	NA	
Subtotal, CC initiative, program level	249,000	250,000	125,000	125,000	125,000	-124,000	---	---		
Denali Commission	6,944	---	---	6,944	6,944	---	+6,944	---	D	
Other	3,458	2,000	2,000	3,458	2,000	-1,458	---	-1,458	D	FF
Subtotal, National activities	296,945	324,936	228,776	178,545	116,320	-180,625	-112,456	-62,225		
Subtotal, Federal activities	2,261,602	2,164,910	2,112,792	2,177,636	2,106,411	-155,191	-6,381	-71,225		
Current Year	(1,358,602)	(1,286,910)	(1,209,792)	(1,274,636)	(1,203,411)	(-155,191)	(-6,381)	(-71,225)		
FY 2007	(903,000)	(878,000)	(903,000)	(903,000)	(903,000)	---	---	---		
Total, Training and Employment Services	5,337,772	5,055,513	5,121,792	5,250,806	5,115,411	-222,361	-6,381	-135,395		
Current Year	(2,874,772)	(2,617,513)	(2,658,792)	(2,787,806)	(2,652,411)	(-222,361)	(-6,381)	(-135,395)		
FY 2007	(2,463,000)	(2,438,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	---	---		
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	436,678	436,678	436,678	436,678	436,678	---	---	---	D	FF
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES	1,057,300	966,400	966,400	966,400	966,400	-90,900	---	---	M	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS										
Unemployment Compensation:										
State Operations	2,663,040	2,622,499	2,622,499	2,475,000	2,523,000	-140,040	-99,499	+48,000	TF	
National Activities	10,416	10,416	10,416	10,000	10,000	-416	-416	---	TF	
Subtotal, Unemployment Compensation	2,673,456	2,632,915	2,632,915	2,485,000	2,533,000	-140,456	-99,915	+48,000		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.				
	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	FY 2005 Comparable	FY 2006 House	FY 2006 Senate		
Employment Service:										
Allotments to States:										
Federal Funds	23,114	23,300	23,300	23,114	23,114	---	-186	---	D	
Trust Funds	757,478	672,700	672,700	723,188	700,000	-57,478	+27,300	-23,188	TF	
Subtotal, allotments to States	780,592	696,000	696,000	746,302	723,114	-57,478	+27,114	-23,188		
ES National Activities	64,976	33,766	33,766	33,766	33,766	-31,210	---	---	TF	
Subtotal, Employment Service	845,568	729,766	729,766	780,068	756,880	-88,688	+27,114	-23,188		
Federal Funds	23,114	23,300	23,300	23,114	23,114	---	-186	---		
Trust Funds	822,454	706,466	706,466	756,954	733,766	-88,688	+27,300	-23,188		
One-Stop Career Centers/Labor Market Information	97,974	87,974	87,974	77,000	82,487	-15,487	-5,487	+5,487	D	
Work Incentives Grants	19,711	19,711	19,711	19,711	19,711	---	---	---	D	FF
Total, State Unemployment & Employment Srvcs	3,636,709	3,470,366	3,470,366	3,361,779	3,392,078	-244,631	-78,288	+30,299		
Federal Funds	140,799	130,985	130,985	119,825	125,312	-15,487	-5,673	+5,487		
Trust Funds	(3,495,910)	(3,339,381)	(3,339,381)	(3,241,954)	(3,266,766)	(-229,144)	(-72,615)	(+24,812)		
ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/	517,000	465,000	465,000	465,000	465,000	-52,000	---	---	M	
NEW YORK STATE UNINSURED EMPLOYERS FUND	---	---	---	50,000	---	---	---	-50,000		
PROGRAM ADMINISTRATION										
Adult Employment and Training	38,874	44,631	44,631	43,631	43,631	+4,757	-1,000	---	D	
Trust Funds	6,901	7,925	7,925	7,925	7,925	+1,024	---	---	TF	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Youth Employment and Training	39,627	38,805	38,805	38,805	38,805	-822	---	---	D
Employment Security	6,045	6,039	6,039	6,039	6,039	-6	---	---	D
Trust Funds	48,235	77,952	77,952	72,841	72,841	+24,606	-5,111	---	TF
Apprenticeship Services	21,136	21,655	21,655	21,655	21,655	+519	---	---	D
Executive Direction	6,845	6,993	6,993	6,993	6,993	+148	---	---	D
Trust Funds	2,065	2,111	2,111	2,111	2,111	+46	---	---	TF
Welfare to Work	373	---	---	---	---	-373	---	---	D
Total, Program Administration	170,101	206,111	206,111	200,000	200,000	+29,899	-6,111	---	
Federal Funds	112,900	118,123	118,123	117,123	117,123	+4,223	-1,000	---	
Trust Funds	57,201	87,988	87,988	82,877	82,877	+25,676	-5,111	---	
Total, Employment and Training Administration	11,155,560	10,600,068	10,666,347	10,730,663	10,575,567	-579,993	-90,780	-155,096	
Federal Funds	7,602,449	7,172,699	7,238,978	7,405,832	7,225,924	-376,525	-13,054	-179,908	
Current Year	(5,139,449)	(4,734,699)	(4,775,978)	(4,942,832)	(4,762,924)	(-376,525)	(-13,054)	(-179,908)	
FY 2007	(2,463,000)	(2,438,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	---	---	
Trust Funds	3,553,111	3,427,369	3,427,369	3,324,831	3,349,643	-203,468	-77,726	+24,812	
EMPLOYEE BENEFITS SECURITY ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement and Participant Assistance	109,374	114,462	114,462	112,362	112,362	+2,988	-2,100	---	D
Policy and Compliance Assistance	17,357	17,458	17,458	17,458	17,458	+101	---	---	D
Executive Leadership, Program Oversight and Admin	4,482	5,080	5,080	5,080	5,080	+598	---	---	D
Total, EBSA	131,213	137,000	137,000	134,900	134,900	+3,687	-2,100	---	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
PENSION BENEFIT GUARANTY CORPORATION									
Pension insurance activities	(12,211)	(42,122)	(42,122)	(42,122)	(42,122)	(+29,911)	---	---	NA
Pension plan termination	(169,739)	(161,117)	(161,117)	(161,117)	(161,117)	(-8,622)	---	---	NA
Operational support	(84,380)	(93,739)	(93,739)	(93,739)	(93,739)	(+9,359)	---	---	NA
Total, PBGC (Program level)	(266,330)	(296,978)	(296,978)	(296,978)	(296,978)	(+30,648)	---	---	
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of Wage and Hour Standards	164,493	167,359	167,359	167,359	167,359	+2,866	---	---	D
Office of Labor-Management Standards	41,681	48,799	48,799	43,599	46,199	+4,518	-2,600	+2,600	D
Federal Contractor EEO Standards Enforcement	80,059	82,106	82,106	82,106	82,106	+2,047	---	---	D
Federal Programs for Workers' Compensation	97,339	100,129	100,129	100,129	100,129	+2,790	---	---	D
Trust Funds	2,023	2,048	2,048	2,048	2,048	+25	---	---	TF
Program Direction and Support	15,252	15,891	15,891	17,375	17,375	+2,123	+1,484	---	D
Total, ESA salaries and expenses	400,847	416,332	416,332	412,616	415,216	+14,369	-1,116	+2,600	
Federal Funds	398,824	414,284	414,284	410,568	413,168	+14,344	-1,116	+2,600	
Trust Funds	2,023	2,048	2,048	2,048	2,048	+25	---	---	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
SPECIAL BENEFITS									
Federal employees compensation benefits	230,000	234,000	234,000	234,000	234,000	+4,000	---	---	M
Longshore and harbor workers' benefits	3,000	3,000	3,000	3,000	3,000	---	---	---	M
Total, Special Benefits	233,000	237,000	237,000	237,000	237,000	+4,000	---	---	
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments	358,806	308,000	308,000	308,000	308,000	-50,806	---	---	M
Administration	5,191	5,250	5,250	5,250	5,250	+59	---	---	M
Subtotal, FY 2006 program level	363,997	313,250	313,250	313,250	313,250	-50,747	---	---	
Less funds advanced in prior year	-88,000	-81,000	-81,000	-81,000	-81,000	+7,000	---	---	M
Total, Current Year, FY 2006	275,997	232,250	232,250	232,250	232,250	-43,747	---	---	
New advances, 1st quarter FY 2007	81,000	74,000	74,000	74,000	74,000	-7,000	---	---	M
Total, Special Benefits for Disabled Coal Miners	356,997	306,250	306,250	306,250	306,250	-50,747	---	---	
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND, Part B Administrative Expenses	40,321	96,081	96,081	96,081	96,081	+55,760	---	---	M
BLACK LUNG DISABILITY TRUST FUND									
Benefit payments and interest on advances	1,004,951	1,010,011	1,010,011	1,010,011	1,010,011	+5,060	---	---	M
Employment Standards Adm S&E	32,615	33,050	33,050	33,050	33,050	+435	---	---	M

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Departmental Management S&E	23,705	24,239	24,239	24,239	24,239	+534	---	---	M
Departmental Management, Inspector General	342	344	344	344	344	+2	---	---	M
Subtotal, Black Lung Disability	1,061,613	1,067,644	1,067,644	1,067,644	1,067,644	+6,031	---	---	
Treasury Administrative Costs	356	356	356	356	356	---	---	---	M
Total, Black Lung Disability Trust Fund	1,061,969	1,068,000	1,068,000	1,068,000	1,068,000	+6,031	---	---	
Total, Employment Standards Administration	2,093,134	2,123,663	2,123,663	2,119,947	2,122,547	+29,413	-1,116	+2,600	
Federal Funds	2,091,111	2,121,615	2,121,615	2,117,899	2,120,499	+29,388	-1,116	+2,600	
Current year	(2,010,111)	(2,047,615)	(2,047,615)	(2,043,899)	(2,046,499)	(+36,388)	(-1,116)	(+2,600)	
FY 2007	(81,000)	(74,000)	(74,000)	(74,000)	(74,000)	(-7,000)	---	---	
Trust Funds	2,023	2,048	2,048	2,048	2,048	+25	---	---	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and Health Standards	16,003	16,628	16,628	16,628	16,628	+625	---	---	D
Federal Enforcement	169,652	174,318	174,318	174,318	174,318	+4,666	---	---	D
State Programs	91,013	92,013	92,013	92,013	92,013	+1,000	---	---	D
Technical Support	20,742	21,652	21,652	21,652	21,652	+910	---	---	D
Compliance Assistance:									
Federal Assistance	70,859	73,278	73,278	73,278	73,278	+2,419	---	---	D
State Consultation Grants	53,362	53,896	53,896	53,896	53,896	+534	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Training Grants	10,218	---	10,218	10,510	10,218	---	---	-292	D
Subtotal, Compliance Assistance	134,439	127,174	137,392	137,684	137,392	+2,953	---	-292	D
Safety and Health Statistics	22,203	24,498	24,498	24,498	24,498	+2,295	---	---	D
Executive Direction and Administration	10,106	10,698	10,698	10,698	10,698	+592	---	---	D
Total, OSHA	464,158	486,981	477,199	477,491	477,199	+13,041	---	-292	
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Coal Enforcement	115,251	118,335	118,335	118,335	118,335	+3,084	---	---	D
Metal/Non-Metal Enforcement	66,752	68,750	68,750	68,750	68,750	+1,998	---	---	D
Standards Development	2,334	2,506	2,506	2,506	2,506	+172	---	---	D
Assessments	5,238	5,445	5,445	5,445	5,445	+207	---	---	D
Educational Policy and Development	31,255	32,021	32,021	32,021	32,021	+766	---	---	D
Technical Support	25,111	25,736	25,736	25,736	25,736	+625	---	---	D
Program evaluation and information resources (PEIR)	17,525	15,671	15,671	15,671	15,671	-1,854	---	---	D
Program Administration	15,670	12,026	12,026	12,026	12,026	-3,644	---	---	D
Total, Mine Safety and Health Administration	279,136	280,490	280,490	280,480	280,490	+1,354	---	---	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs			
						FY 2005 Comparable	FY 2006 House	FY 2006 Senate	
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	162,714	167,047	167,047	167,047	167,047	+4,333	---	---	D
Labor Market Information	77,845	77,845	77,845	77,845	77,845	---	---	---	TF
Prices and Cost of Living	169,370	174,779	174,779	174,779	174,779	+5,409	---	---	D
Compensation and Working Conditions	78,942	81,532	81,532	81,532	81,532	+2,590	---	---	D
Productivity and Technology	10,503	10,847	10,847	10,847	10,847	+344	---	---	D
Executive Direction and Staff Services	29,629	30,473	30,473	30,473	30,473	+844	---	---	D
Total, Bureau of Labor Statistics	529,003	542,523	542,523	542,523	542,523	+13,520	---	---	
Federal Funds	451,158	464,678	464,678	464,678	464,678	+13,520	---	---	
Trust Funds	77,845	77,845	77,845	77,845	77,845	---	---	---	
OFFICE OF DISABILITY EMPLOYMENT POLICY									D
Salaries and expenses	47,164	27,934	27,934	47,164	27,934	-19,230	---	-19,230	D
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive Direction	26,720	29,504	24,864	26,720	25,792	-928	+928	-928	D
Departmental IT Crosscut	29,760	29,760	29,760	29,760	29,760	---	---	---	D
Departmental Management Crosscut	4,960	1,700	1,700	1,700	1,700	-3,260	---	---	D
Legal Services	79,769	81,907	81,907	80,000	80,953	+1,184	-954	+953	D
Trust Funds	311	311	311	311	311	---	---	---	TF

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate		
International Labor Affairs	93,248	12,419	12,419	93,248	73,248	-20,000	+60,829	-20,000	D	
Administration and Management	32,414	33,197	33,197	33,197	33,197	+783	...	...	D	
Frances Perkins building security enhancements	6,944	6,944	6,944	6,944	6,944	...	...	...	D	
Adjudication	25,665	27,126	27,126	27,126	27,126	+1,461	...	...	D	
Women's Bureau	9,478	9,764	9,764	9,764	9,764	+286	...	...	D	
Civil Rights Activities	6,237	6,451	6,451	6,451	6,451	+214	...	...	D	
Chief Financial Officer	5,182	5,340	5,340	5,340	5,340	+158	...	...	D	
Total, Salaries and expenses	320,688	244,423	239,783	320,561	300,586	-20,102	+60,803	-19,975		
Federal Funds	320,377	244,112	239,472	320,250	300,275	-20,102	+60,803	-19,975		
Trust Funds	311	311	311	311	311	...	...	...		
VETERANS EMPLOYMENT AND TRAINING										
State administration, Grants	161,097	162,415	162,415	162,415	162,415	+1,318	...	...	TF	
Federal Administration	30,438	30,435	31,935	30,435	30,435	-3	-1,500	...	TF	
National Veterans Training Institute	1,984	1,984	2,484	1,984	1,984	...	-500	...	TF	
Homeless Veterans Program	20,832	22,000	25,000	22,000	22,000	+1,168	-3,000	...	D	
Veterans Workforce Investment Programs	8,482	7,500	7,500	7,500	7,500	-982	...	...	D	FF
Total, Veterans Employment and Training	222,833	224,334	229,334	224,334	224,334	+1,501	-5,000	...		
Federal Funds	29,314	29,500	32,500	29,500	29,500	+186	-3,000	...		
Trust Funds	193,519	194,834	196,834	194,834	194,834	+1,315	-2,000	...		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
OFFICE OF THE INSPECTOR GENERAL									
Program Activities	63,478	65,211	65,211	67,211	66,211	+2,733	+1,000	-1,000	D
Trust Funds	5,517	5,608	5,608	5,608	5,608	+91	...	...	TF
Total, Office of the Inspector General	68,995	70,819	70,819	72,819	71,819	+2,824	+1,000	-1,000	
Federal funds	63,478	65,211	65,211	67,211	66,211	+2,733	+1,000	-1,000	
Trust funds	5,517	5,608	5,608	5,608	5,608	+91	...	...	
Total, Departmental Management	612,516	539,576	539,936	617,714	596,739	-15,777	+56,803	-20,975	
Federal Funds	413,169	338,823	337,183	416,961	395,986	-17,183	+58,803	-20,975	
Trust Funds	199,347	200,753	202,753	200,753	200,753	+1,406	-2,000	...	
WORKING CAPITAL FUND									
Working capital fund	9,920	6,230	6,230	6,230	6,230	-3,690	...	...	D
Total, Title I, Department of Labor	15,321,804	14,724,465	14,801,322	14,957,122	14,764,129	-557,675	-37,193	-192,993	
Federal Funds	11,489,478	11,016,450	11,091,307	11,351,645	11,133,840	-355,638	+42,533	-217,805	
Current Year	(8,945,478)	(8,504,450)	(8,554,307)	(8,814,645)	(8,596,840)	(-348,638)	(+42,533)	(-217,805)	
FY 2007	(2,544,000)	(2,512,000)	(2,537,000)	(2,537,000)	(2,537,000)	(-7,000)	...	...	
Trust Funds	3,832,326	3,708,015	3,710,015	3,605,477	3,630,289	-202,037	-79,726	+24,812	

Title I Footnotes:
1/ Funding from the Dislocated Worker National Reserve
2/ Two year availability

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES									
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
BUREAU OF PRIMARY HEALTH CARE									
Community health centers	1,734,311	2,037,871	1,834,311	1,889,311	1,800,311	+66,000	-34,000	-89,000	D
Free Clinics Medical Malpractice	99	---	---	99	40	-59	+40	-59	D
Radiation Exposure Compensation Act	1,958	1,936	1,900	1,958	1,936	-22	+36	-22	D
Healthy Community Access Program	82,993	---	---	60,000	---	-82,993	---	-60,000	D
Hansen's Disease Services	17,251	16,066	16,066	17,066	16,066	-1,185	---	-1,000	D
Buildings and Facilities	247	222	222	222	222	-25	---	---	D
Payment to Hawaii, treatment of Hansen's	2,017	2,016	2,016	2,017	2,016	-1	---	-1	D
Black lung clinics	5,951	5,912	5,912	5,975	5,951	---	+39	-24	D
Subtotal, Bureau of Primary Health Care	1,844,827	2,064,023	1,860,427	1,976,648	1,826,542	-18,285	-33,885	-150,106	
BUREAU OF HEALTH PROFESSIONS									
National Health Service Corps:									
Field placements	45,068	40,705	40,705	40,705	40,705	-4,363	---	---	D
Recruitment	86,380	86,091	86,091	86,091	86,091	-289	---	---	D
Subtotal, National Health Service Corps	131,448	126,796	126,796	126,796	126,796	-4,652	---	---	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Health Professions									
Training for Diversity:									
Centers of excellence	33,609	---	12,000	33,609	12,000	-21,609	---	-21,609	D
Health careers opportunity program	35,647	---	---	35,647	4,000	-31,647	+4,000	-31,647	D
Faculty loan repayment	1,302	---	---	1,302	1,302	---	+1,302	---	D
Scholarships for disadvantaged students	47,128	9,831	35,128	47,128	47,128	---	+12,000	---	D
Subtotal, Training for Diversity	117,686	9,831	47,128	117,686	64,430	-53,256	+17,302	-53,256	
Training in Primary Care Medicine and Dentistry	88,816	---	---	90,000	41,264	-47,552	+41,264	-48,736	D
Interdisciplinary Community-Based Linkages:									
Area health education centers	28,971	---	---	28,971	28,971	---	+28,971	---	D
Health education and training centers	3,819	---	---	3,819	---	-3,819	---	-3,819	D
Allied health and other disciplines	11,753	---	---	11,753	4,000	-7,753	+4,000	-7,753	D
Geriatric programs	31,548	---	---	29,548	---	-31,548	---	-29,548	D
Quentin N. Burdick program for rural training	6,076	---	---	6,076	---	-6,076	---	-6,076	D
Subtotal, Interdisciplinary Comm. Linkages	82,167	---	---	80,167	32,971	-49,196	+32,971	-47,196	
Health Professions Workforce Info & Analysis	716	712	---	712	---	-716	---	-712	D
Public Health Workforce Development:									
Public health, preventive med. and dental programs	9,097	---	---	9,097	8,000	-1,097	+8,000	-1,097	D
Health administration programs	1,070	---	---	1,070	---	-1,070	---	-1,070	D
Subtotal, Public Health Workforce Development	10,167	---	---	10,167	8,000	-2,167	+8,000	-2,167	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Nursing Programs:									
Advanced Education Nursing	58,160	42,806	57,637	58,160	57,637	-523	---	-523	D
Nurse education, practice, and retention	36,468	46,325	36,468	40,468	37,668	+1,200	+1,200	-2,800	D
Nursing workforce diversity	16,270	21,244	16,270	17,270	16,270	---	---	-1,000	D
Loan repayment and scholarship program	31,482	31,369	31,369	31,482	31,369	-113	---	-113	D
Comprehensive geriatric education	3,450	3,426	3,426	3,450	3,426	-24	---	-24	D
Nursing faculty loan program	4,831	4,821	4,821	4,831	4,821	-10	---	-10	D
Subtotal, Nursing programs	150,661	149,991	149,991	155,661	151,191	+530	+1,200	-4,470	
Subtotal, Health Professions	450,213	160,534	197,119	454,393	297,856	-152,357	+100,737	-156,537	
Children's Hospitals Graduate Medical Education	300,730	200,000	300,000	300,000	300,000	-730	---	---	D
National Practitioner Data Bank	15,700	15,700	15,700	15,700	15,700	---	---	---	D
User Fees	-15,700	-15,700	-15,700	-15,700	-15,700	---	---	---	D
Health Care Integrity and Protection Data Bank	4,000	4,000	4,000	4,000	4,000	---	---	---	D
User Fees	-4,000	-4,000	-4,000	-4,000	-4,000	---	---	---	D
Subtotal, Bureau of Health Professions	882,391	487,330	623,915	881,189	724,652	-157,739	+100,737	-156,537	
MATERNAL AND CHILD HEALTH BUREAU									
Maternal and Child Health Block Grant	723,928	723,928	700,000	710,000	700,000	-23,928	---	-10,000	D
Sickle cell anemia demonstration program	198	---	---	500	2,200	+2,002	+2,200	+1,700	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Traumatic Brain Injury	9,297	---	9,000	9,297	9,000	-297	---	-297	D
Healthy Start	102,543	97,747	97,747	104,000	102,543	---	+4,796	-1,457	D
Universal Newborn Hearing	9,792	---	10,000	9,792	9,900	+108	-100	+108	D
Emergency medical services for children	19,830	---	19,000	20,000	20,000	+170	+1,000	---	D
Poison control	23,499	23,301	23,301	23,301	23,301	-198	---	---	D
Subtotal, Maternal and Child Health Bureau	889,087	844,976	859,048	876,890	866,944	-22,143	+7,896	-9,946	
HIV/AIDS BUREAU									
Ryan White AIDS Programs:									
Emergency Assistance	610,094	610,094	610,094	610,094	610,094	---	---	---	D
Comprehensive Care Programs	1,121,836	1,131,836	1,131,836	1,131,836	1,131,836	+10,000	---	---	D
AIDS Drug Assistance Program (ADAP) (NA)	(787,521)	(797,521)	(797,521)	(797,521)	(797,521)	(+10,000)	---	---	NA
Early Intervention Program	195,578	195,578	195,578	195,578	195,578	---	---	---	D
Pediatric HIV/AIDS	72,519	72,519	72,519	72,519	72,519	---	---	---	D
AIDS Dental Services	13,218	13,218	13,218	13,218	13,218	---	---	---	D
Education and Training Centers	35,051	35,051	35,051	35,051	35,051	---	---	---	D
Subtotal, Ryan White AIDS programs	2,048,296	2,058,296	2,058,296	2,058,296	2,058,296	+10,000	---	---	
Evaluation Tap Funding (NA)	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---	---	---	NA
Subtotal, Ryan White AIDs program level	(2,073,296)	(2,083,296)	(2,083,296)	(2,083,296)	(2,083,296)	(+10,000)	---	---	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Telehealth	3,916	3,888	3,888	13,888	6,888	+2,972	+3,000	-7,000	D
Subtotal, HIV/AIDS Bureau	2,052,212	2,062,184	2,062,184	2,072,184	2,065,184	+12,972	+3,000	-7,000	
SPECIAL PROGRAMS BUREAU									
Organ Transplantation	24,413	23,282	23,282	24,413	23,282	-1,131	---	-1,131	D
Cord Blood Stem Cell Bank	9,859	---	---	9,859	4,000	-5,859	+4,000	-5,859	D
Bone Marrow Program	25,416	22,916	25,416	22,916	25,416	---	---	+2,500	D
Trauma Care	3,418	---	---	3,418	---	-3,418	---	-3,418	D
State Planning Grants for Health Care Access	10,910	---	---	---	---	-10,910	---	---	D
Subtotal, Special programs bureau	74,016	46,198	48,698	60,606	52,698	-21,318	+4,000	-7,908	
RURAL HEALTH PROGRAMS									
Rural outreach grants	39,278	10,767	10,767	39,278	39,278	---	+28,511	---	D
Rural Health Research	8,825	8,528	---	8,825	8,825	---	+8,825	---	D
Rural Hospital Flexibility Grants	39,180	---	39,180	64,180	64,180	+25,000	+25,000	---	D
Rural and community access to emergency devices	8,927	1,960	1,960	9,727	1,500	-7,427	-460	-8,227	D
Rural EMS	496	---	---	500	---	-496	---	-500	D
State Offices of Rural Health	8,321	8,223	8,223	8,321	8,223	-98	---	-98	D
Denali Commission	39,680	---	---	39,680	39,680	---	+39,680	---	D
Subtotal, Rural health programs	144,707	29,478	60,130	170,511	161,686	+16,979	+101,556	-8,825	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Family Planning	285,963	285,963	285,963	285,963	285,963	---	---	---	D
Health Care-related Facilities and activities	482,729	---	---	393,051	---	-482,729	---	-393,051	D
Bioterrorism hospital grants to States 1/	---	---	500,000	510,500	500,000	+500,000	---	-10,500	
Program Management	147,080	145,992	143,072	143,992	145,992	-1,088	+2,920	+2,000	D
Total, Health resources and services	6,803,012	5,966,144	6,443,437	7,371,534	6,629,661	-173,351	+186,224	-741,873	
Total, Health resources & services program level	(6,828,012)	(5,991,144)	(6,468,437)	(7,396,534)	(6,654,661)	(-173,351)	(+186,224)	(-741,873)	
Evaluation tap funding	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	---	---	---	
HEALTH EDUCATION ASSISTANCE LOANS (HEAL) PROGRAM									
Liquidating account	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	---	---	---	NA
Program management	3,244	2,916	2,916	2,916	2,916	-328	---	---	D
Total, HEAL	3,244	2,916	2,916	2,916	2,916	-328	---	---	
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND									
Post-FY 1988 claims	66,000	70,884	70,884	70,884	70,884	+4,884	---	---	M
HRSA administration	3,151	2,832	3,500	3,600	3,600	+449	+100	---	D
Total Vaccine Injury Compensation Trust Fund	69,151	73,716	74,384	74,484	74,484	+5,333	+100	---	
Total, Health Resources and Services Admin	6,875,407	6,042,776	6,520,737	7,448,934	6,707,061	-168,346	+186,324	-741,873	
Total, HRSA program level	(6,904,407)	(6,071,776)	(6,549,737)	(7,477,934)	(6,736,061)	(-168,346)	(+186,324)	(-741,873)	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
CENTERS FOR DISEASE CONTROL AND PREVENTION									
Infectious Diseases	1,667,095	1,696,964	1,704,529	1,696,567	1,697,397	+30,302	-7,132	+830	D
Evaluation Tap Funding	(12,794)	(12,794)	(12,794)	(12,794)	(12,794)	---	---	---	NA
Subtotal, Program level	(1,679,889)	(1,709,758)	(1,717,323)	(1,709,361)	(1,710,191)	(+30,302)	(-7,132)	(+830)	
Health Promotion	1,021,709	964,421	983,647	974,080	971,157	-50,552	-12,490	-2,923	D
Health Information and Service	94,438	89,564	195,069	89,564	89,564	-4,874	-105,505	---	D
Evaluation Tap Funding	(134,235)	(134,235)	(28,730)	(134,235)	(134,235)	---	(+105,505)	---	NA
Subtotal, Program level	(228,673)	(223,799)	(223,799)	(223,799)	(223,799)	(-4,874)	---	---	
Environmental health and injury	285,721	284,820	285,721	288,982	287,733	+2,012	+2,012	-1,249	D
Occupational safety and health 2/	198,970	198,859	164,170	170,050	169,900	-29,070	+5,730	-150	D
Evaluation Tap Funding	(87,071)	(87,071)	(87,071)	(87,071)	(87,071)	---	---	---	NA
Subtotal, Program level 2/	(286,041)	(285,930)	(251,241)	(257,121)	(256,971)	(-29,070)	(+5,730)	(-150)	
Global health	293,863	306,079	309,076	313,227	313,340	+19,477	+4,264	+113	D
Supplemental (P.L. 109-13) (emergency)	15,000	---	---	---	---	-15,000	---	---	
Subtotal, Global health	(308,863)	(306,079)	(309,076)	(313,227)	(313,340)	(+4,477)	(+4,264)	(+113)	
Terrorism preparedness and response 1/	---	---	1,616,723	1,566,471	1,593,189	+1,593,189	-23,534	+26,718	D
Public Health research:									D
Evaluation Tap Funding	(31,000)	(31,000)	(31,000)	(31,000)	(31,000)	---	---	---	NA

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Public health improvement and leadership	266,842	206,541	258,541	344,055	206,535	-60,307	-52,006	-137,520	D
Preventive health and health services block grant	118,526	---	100,000	100,000	100,000	-18,526	---	---	D
Buildings and Facilities	269,708	30,000	30,000	225,000	160,000	-109,708	+130,000	-65,000	D
Business services	278,838	263,715	298,515	296,119	296,119	+17,281	-2,396	---	D
Total, Centers for Disease Control	4,510,710	4,040,963	5,945,991	6,064,115	5,884,934	+1,374,224	-61,057	-179,181	
Emergency appropriations	15,000	---	---	---	---	-15,000	---	---	
Evaluation Tap Funding (NA)	(265,100)	(265,100)	(159,595)	(265,100)	(265,100)	---	(+105,505)	---	
Total, Centers for Disease Control program level	(4,775,810)	(4,306,063)	(6,105,586)	(6,329,215)	(6,150,034)	(+1,374,224)	(+44,448)	(-179,181)	
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	4,825,259	4,841,774	4,841,774	4,960,828	4,841,774	+16,515	---	-119,054	D
National Heart, Lung, and Blood Institute	2,941,201	2,951,270	2,951,270	3,023,381	2,951,270	+10,069	---	-72,111	D
National Institute of Dental & Craniofacial Research	391,829	393,269	393,269	405,269	393,269	+1,440	---	-12,000	D
National Institute of Diabetes and Digestive and Kidney Diseases	1,713,584	1,722,146	1,722,146	1,767,919	1,722,146	+8,562	---	-45,773	D
Juvenile diabetes (mandatory)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	---	---	---	NA
Subtotal, NIDDK	(1,863,584)	(1,872,146)	(1,872,146)	(1,917,919)	(1,872,146)	(+8,562)	---	(-45,773)	
National Institute of Neurological Disorders & Stroke	1,539,448	1,550,260	1,550,260	1,591,924	1,550,260	+10,812	---	-41,664	D
National Institute of Allergy and Infectious Diseases	4,303,640	4,359,395	4,359,395	4,447,136	4,359,395	+55,755	---	-87,741	D
Global HIV/AIDS Fund Transfer	99,200	100,000	---	100,000	100,000	+800	+100,000	---	D
Subtotal, NIAID	4,402,840	4,459,395	4,359,395	4,547,136	4,459,395	+56,555	+100,000	-87,741	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
National Institute of General Medical Sciences........	1,944,067	1,955,170	1,955,170	2,002,622	1,955,170	+11,103	---	-47,452	D
National Institute of Child Health & Human Development	1,270,321	1,277,544	1,277,544	1,310,989	1,277,544	+7,223	---	-33,445	D
National Eye Institute..............................	669,070	673,491	673,491	693,559	673,491	+4,421	---	-20,068	D
National Institute of Environmental Health Sciences...	644,505	647,608	647,608	667,372	647,608	+3,103	---	-19,764	D
National Institute on Aging..........................	1,051,990	1,057,203	1,057,203	1,090,600	1,057,203	+5,213	---	-33,397	D
National Institute of Arthritis and Musculoskeletal and Skin Diseases..............................	511,157	513,063	513,063	525,758	513,063	+1,906	---	-12,695	D
National Institute on Deafness and Other Communication Disorders..............................	394,259	397,432	397,432	409,432	397,432	+3,173	---	-12,000	D
National Institute of Nursing Research...............	138,072	138,729	138,729	142,549	138,729	+657	---	-3,820	D
National Institute on Alcohol Abuse and Alcoholism....	438,277	440,333	440,333	452,271	440,333	+2,056	---	-11,938	D
National Institute on Drug Abuse.....................	1,006,419	1,010,130	1,010,130	1,035,167	1,010,130	+3,711	---	-25,037	D
National Institute of Mental Health..................	1,411,933	1,417,692	1,417,692	1,460,393	1,417,692	+5,759	---	-42,701	D
National Human Genome Research Institute.............	488,608	490,959	490,959	502,604	490,959	+2,351	---	-11,845	D
National Institute of Biomedical Imaging and Bioengineering.....................................	298,209	299,808	299,808	309,091	299,808	+1,599	---	-9,283	D
National Center for Research Resources...............	1,115,090	1,100,203	1,100,203	1,188,079	1,110,203	-4,887	+10,000	-77,876	D
National Center for Complementary and Alternative Medicine..............................	122,105	122,692	122,692	126,978	122,692	+587	---	-4,286	D
National Center on Minority Health and Health Disparities..............................	196,159	197,379	197,379	203,367	187,379	+1,220	---	-5,988	D
John E. Fogarty International Center.................	66,632	67,048	67,048	68,745	67,048	+416	---	-1,697	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs FY 2005 Comparable	Conference vs FY 2006 House	Conference vs FY 2006 Senate	
National Library of Medicine	315,146	318,091	318,091	327,222	318,091	+2,945	---	-9,131	D
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	(8,200)	(8,200)	---	---	---	NA
Subtotal, NLM	323,346	326,291	326,291	335,422	326,291	+2,945	---	-9,131	
Office of the Director 1/	358,047	385,195	482,216	487,434	482,895	+124,848	+679	-4,539	D
Biodefense countermeasures 1/	---	---	(97,021)	(97,021)	(97,000)	(+97,000)	(-21)	(-21)	NA
Buildings and Facilities	110,288	81,900	81,900	113,626	81,900	-28,388	---	-31,726	D
Total, National Institutes of Health (NIH)	28,364,515	28,509,784	28,506,805	29,414,515	28,617,484	+252,969	+110,679	-797,031	
Global HIV/AIDS Fund Transfer	-99,200	-100,000	---	-100,000	-100,000	-800	-100,000	---	
Evaluation Tap Funding	(8,200)	(8,200)	(8,200)	(8,200)	(8,200)	---	---	---	
Total, NIH, Program Level	(28,273,515)	(28,417,984)	(28,515,005)	(29,322,715)	(28,525,684)	(+252,169)	(+10,679)	(-797,031)	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)									
Mental Health:									
Programs of Regional and National Significance	274,297	210,213	253,257	287,297	265,922	-8,375	+12,665	-21,375	D
Mental Health block grant	410,953	410,953	410,953	410,953	410,953	---	---	---	D
Evaluation Tap Funding	(21,803)	(21,803)	(21,803)	(21,803)	(21,803)	---	---	---	NA
Subtotal, Program level	(432,756)	(432,756)	(432,756)	(432,756)	(432,756)	---	---	---	
Children's Mental Health	105,112	105,129	105,129	105,129	105,129	+17	---	---	D
Grants to States for the Homeless (PATH)	54,809	54,809	54,809	54,809	54,809	---	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs FY 2005 Comparable	Conference vs FY 2006 House	Conference vs FY 2006 Senate	
Protection and Advocacy	34,343	34,343	34,343	34,343	34,343	---	---	---	D
Subtotal, Mental Health	879,514	815,447	858,491	892,531	871,156	-8,358	+12,665	-21,375	
Subtotal, Program level	(901,317)	(837,250)	(880,294)	(914,334)	(892,959)	(-8,358)	(+12,665)	(-21,375)	
Substance Abuse Treatment:									
Programs of Regional and National Significance	418,066	442,752	405,131	407,791	398,635	-19,431	-6,496	-9,156	D
Evaluation Tap Funding	(4,300)	(4,300)	(4,300)	(4,300)	(4,300)	---	---	---	NA
Subtotal, Program level	(422,386)	(447,052)	(409,431)	(412,091)	(402,935)	(-19,431)	(-6,496)	(-9,156)	
Substance Abuse block grant	1,696,355	1,696,355	1,696,355	1,696,355	1,696,355	---	---	---	D
Evaluation Tap Funding	(79,200)	(79,200)	(79,200)	(79,200)	(79,200)	---	---	---	NA
Subtotal, Program level	(1,775,555)	(1,775,555)	(1,775,555)	(1,775,555)	(1,775,555)	---	---	---	
Subtotal, Substance Abuse Treatment	2,114,421	2,139,107	2,101,486	2,104,146	2,094,990	-19,431	-6,496	-9,156	
Subtotal, Program level	(2,197,921)	(2,222,607)	(2,184,986)	(2,187,646)	(2,178,490)	(-19,431)	(-6,496)	(-9,156)	
Substance Abuse Prevention:									
Programs of Regional and National Significance	198,725	184,349	194,950	202,289	194,850	-3,875	-100	-7,439	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Program Management	75,806	75,817	75,817	75,817	76,817	+1,011	+1,000	+1,000	D
Evaluation Tap funding (NA)	(18,000)	(16,000)	(16,000)	(18,000)	(16,000)	(-2,000)	---	(-2,000)	NA
Subtotal, Program level	93,806	91,817	91,817	93,817	92,817	-989	+1,000	-1,000	
Total, SAMHSA	3,268,466	3,214,720	3,230,744	3,274,783	3,237,813	-30,653	+7,069	-36,970	
Evaluation Tap funding	(123,303)	(121,303)	(121,303)	(123,303)	(121,303)	(-2,000)	---	(-2,000)	
Total, SAMHSA program level	(3,391,769)	(3,336,023)	(3,352,047)	(3,398,086)	(3,359,116)	(-32,653)	(+7,069)	(-38,970)	
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY									
Research on Health Costs, Quality, and Outcomes Federal Funds	---	---	318,695	---	---	---	-318,695	---	D
Evaluation Tap funding (NA)	(260,695)	(260,695)	---	(265,695)	(260,695)	---	(+260,695)	(-5,000)	NA
Clinical effectiveness research (NA)	(15,000)	(15,000)	---	(20,000)	(15,000)	---	(+15,000)	(-5,000)	NA
Reducing medical errors (NA)	(84,000)	(84,000)	---	(84,000)	(84,000)	---	(+84,000)	---	NA
Subtotal, Program level	(260,695)	(260,695)	(318,695)	(265,695)	(260,695)	---	(-58,000)	(-5,000)	
Health Insurance and Expenditure Surveys:									NA
Evaluation Tap funding (NA)	(55,300)	(55,300)	---	(55,300)	(55,300)	---	(+55,300)	---	NA
Program Support:									D
Evaluation Tap funding (NA)	(2,700)	(2,700)	---	(2,700)	(2,700)	---	(+2,700)	---	NA
Total, AHRQ	---	---	318,695	---	---	---	-318,695	---	
Evaluation Tap funding (NA)	(318,695)	(318,695)	---	(323,695)	(318,695)	---	(+318,695)	(-5,000)	
Total, AHRQ program level	(318,695)	(318,695)	(318,695)	(323,695)	(318,695)	---	---	(-5,000)	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Total, Public Health Service appropriation	43,019,098	41,808,243	44,522,972	46,202,347	44,447,292	+1,428,194	-75,680	-1,755,055	
Total, Public Health Service program level	(43,664,196)	(42,450,541)	(44,841,070)	(46,851,645)	(45,089,590)	(+1,425,394)	(+248,520)	(-1,762,055)	
CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID									
Medicaid current law benefits	171,407,893	204,166,276	204,166,276	204,166,276	204,166,276	+32,758,383	---	---	M
State and local administration	9,318,602	9,803,100	9,803,100	9,803,100	9,803,100	+484,498	---	---	M
Vaccines for Children	1,468,799	1,502,333	1,502,333	1,502,333	1,502,333	+33,534	---	---	M
Subtotal, Medicaid program level	182,195,294	215,471,709	215,471,709	215,471,709	215,471,709	+33,276,415	---	---	
Less funds advanced in prior year	-58,416,275	-58,517,290	-58,517,290	-58,517,290	-58,517,290	-101,015	---	---	M
Total, Grants to States for medicaid	123,779,019	156,954,419	156,954,419	156,954,419	156,954,419	+33,175,400	---	---	
New advance, 1st quarter	58,517,290	62,783,825	62,783,825	62,783,825	62,783,825	+4,266,535	---	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS									
Supplemental medical insurance	114,002,000	128,015,000	128,015,000	128,015,000	128,015,000	+14,013,000	---	---	M
Hospital insurance for the uninsured	87,000	202,000	202,000	202,000	202,000	+115,000	---	---	M
Federal uninsured payment	199,000	206,000	206,000	206,000	206,000	+7,000	---	---	M
Program management	215,000	164,000	164,000	164,000	164,000	-51,000	---	---	M
General revenue for Part D benefit	---	53,596,000	53,596,000	53,596,000	53,596,000	+53,596,000	---	---	M
General revenue for Part D administration (CMS)	---	357,000	357,000	357,000	357,000	+357,000	---	---	M
General revenue for Part D administration (SSA)	---	320,000	320,000	320,000	320,000	+320,000	---	---	M

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs.			
						FY 2005 Comparable	FY 2006 House	FY 2006 Senate	
HCFAC reimbursement	---	80,000	---	80,000	---	---	---	-80,000	M
Prescription drug eligibility determinations	105,900	99,100	99,100	99,100	99,100	-6,800	---	---	M
Subtotal, Payments to Trust Funds, current law	114,608,900	183,039,100	182,959,100	183,039,100	182,959,100	+68,350,200	---	-80,000	
Less funds advanced in prior year	---	-5,216,900	-5,216,900	-5,216,900	-5,216,900	-5,216,900	---	---	
New Advance FY 2007	5,216,900	---	---	---	---	-5,216,900	---	---	M
Total, Payments to Trust Funds, current law	119,825,800	177,822,200	177,742,200	177,822,200	177,742,200	+57,916,400	---	-80,000	
PROGRAM MANAGEMENT									
Medicare reform funding 3/ 4/ 5/ (NA)	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	---	---	---	NA
Research, Demonstration, Evaluation	77,494	45,194	65,000	83,494	58,000	-19,494	-7,000	-25,494	TF
Medicare Operations	1,722,984	2,189,987	2,172,987	2,184,984	2,172,987	+450,003	---	-11,997	TF
H.R. 3103 funding (NA)	(720,000)	(720,000)	(720,000)	(720,000)	(720,000)	---	---	---	NA
Subtotal, Medicare Operations program level	(2,442,984)	(2,909,987)	(2,892,987)	(2,904,984)	(2,892,987)	(+450,003)	---	(-11,997)	
Revitalization plan	24,205	24,205	24,205	24,205	24,205	---	---	---	TF
State Survey and Certification	258,735	260,735	260,735	260,735	260,735	+2,000	---	---	TF
Federal Administration	581,493	657,357	657,357	628,000	655,000	+73,507	-2,357	+27,000	TF
Total, Program management, Limitation on new BA	2,664,911	3,177,478	3,180,284	3,181,418	3,170,927	+506,016	-9,357	-10,491	
Total, Program management, program level	(3,384,911)	(3,897,478)	(3,900,284)	(3,901,418)	(3,890,927)	(+506,016)	(-9,357)	(-10,491)	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Health Care Fraud and Abuse Control:									
Part D drug benefit/medicare advantage (MIP)	---	75,000	---	75,000	---	---	---	-75,000	TF
Medicaid and SCHIP financial management	---	5,000	---	5,000	---	---	---	-5,000	TF
Total, Health Care Fraud and Abuse Control	---	80,000	---	80,000	---	---	---	-80,000	
Total, Center for Medicare and Medicaid Services	304,787,020	400,817,922	400,660,728	400,821,862	400,651,371	+95,864,351	-9,357	-170,491	
Federal funds	302,122,109	397,560,444	397,480,444	397,560,444	397,480,444	+95,358,335	---	-80,000	
Current year	(238,387,919)	(334,776,619)	(334,696,619)	(334,776,619)	(334,696,619)	(+96,308,700)	---	(-80,000)	
New advance, FY 2007	(63,734,190)	(62,783,825)	(62,783,825)	(62,783,825)	(62,783,825)	(-950,365)	---	---	
Trust Funds	2,664,911	3,257,478	3,180,284	3,261,418	3,170,927	+506,016	-9,357	-90,491	
ADMINISTRATION FOR CHILDREN AND FAMILIES FAMILY SUPPORT PAYMENTS TO STATES									
Payments to territories	23,000	33,000	33,000	33,000	33,000	+10,000	---	---	M
Repatriation	1,000	1,000	1,000	1,000	1,000	---	---	---	M
Subtotal, Welfare payments	24,000	34,000	34,000	34,000	34,000	+10,000	---	---	
Child Support Enforcement:									
State and local administration	3,610,465	3,767,816	3,767,816	3,767,816	3,767,816	+157,351	---	---	M
Federal incentive payments	446,000	458,000	458,000	458,000	458,000	+12,000	---	---	M
Access and visitation	10,000	10,000	10,000	10,000	10,000	---	---	---	M
Subtotal, Child Support Enforcement	4,066,465	4,235,816	4,235,816	4,235,816	4,235,816	+169,351	---	---	
Total, Family support payments program level	4,090,465	4,269,816	4,269,816	4,269,816	4,269,816	+179,351	---	---	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs FY 2005 Comparable	Conference vs FY 2006 House	Conference vs FY 2006 Senate	
Less funds advanced in previous years	-1,200,000	-1,200,000	-1,200,000	-1,200,000	-1,200,000	---	---	---	M
Total, Family support payments, current year	2,890,465	3,069,816	3,069,816	3,069,816	3,069,816	+179,351	---	---	
New advance, 1st quarter, FY 2007	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000	---	---	---	M
Total, Family support payments	4,090,465	4,269,816	4,269,816	4,269,816	4,269,816	+179,351	---	---	
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM									
Formula grants	1,884,799	1,800,000	2,006,799	1,883,000	2,000,000	+115,201	-6,799	+117,000	D
Emergency allocation: Contingency fund	---	200,000	---	---	183,000	+183,000	+183,000	+183,000	D
Emergency allocation	297,600	---	---	300,000	---	-297,600	---	-300,000	D
Total, Low income home energy assistance	2,182,399	2,000,000	2,006,799	2,183,000	2,183,000	+601	+176,201	---	
REFUGEE AND ENTRANT ASSISTANCE									
Transitional and Medical Services	204,992	268,229	264,129	264,129	268,229	+63,237	+4,100	+4,100	D
Victims of Trafficking	9,915	9,915	9,915	9,915	9,915	---	---	---	D
Social Services	152,242	151,121	160,000	151,121	155,560	+3,318	-4,440	+4,439	D
Preventive Health	4,796	4,796	4,796	4,796	4,796	---	---	---	D
Targeted Assistance	49,081	49,081	49,081	49,081	49,081	---	---	---	D
Unaccompanied minors	53,771	78,083	63,083	63,083	78,083	+24,312	+15,000	+15,000	D
Victims of Torture	9,915	9,915	9,915	9,915	9,915	---	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Emergency refugee fund (emergency)	---	---	---	19,100	---	---	---	-19,100	
Total, Refugee and entrant assistance	484,712	571,140	560,919	571,140	575,579	+90,867	+14,660	+4,439	
CHILD CARE AND DEVELOPMENT BLOCK GRANT	2,082,921	2,082,910	2,082,910	2,082,910	2,082,910	-11	---	---	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	---	---	---	M
CHILDREN AND FAMILIES SERVICES PROGRAMS									
Programs for Children, Youth and Families:									
Head Start, current funded	5,454,314	5,499,336	5,499,000	5,474,314	5,454,314	---	-44,686	-20,000	D
Advance from prior year	(1,388,800)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(+11,200)	---	---	NA
FY 2007	1,400,000	1,388,800	1,400,000	1,388,800	1,388,800	-11,200	-11,200	---	D
Subtotal, Head Start, program level	6,843,114	6,899,336	6,899,000	6,874,314	6,854,314	+11,200	-44,686	-20,000	
Consolidated Runaway, Homeless Youth Program	88,724	88,728	88,728	88,724	88,724	---	-4	---	D
Maternity Group Homes	---	10,000	---	---	---	---	---	---	D
Prevention grants to reduce abuse of runaway youth	15,178	15,179	15,179	15,179	15,179	+1	---	---	D
Child Abuse State Grants	27,280	27,280	27,280	27,280	27,280	---	---	---	D
Child Abuse Discretionary Activities	31,640	31,645	31,645	31,640	26,040	-5,600	-5,605	5,600	D
Community based child abuse prevention	42,858	42,859	42,859	42,859	42,859	+1	---	---	D
Abandoned Infants Assistance	11,955	11,955	11,955	11,955	11,955	---	---	---	D
Child Welfare Services	289,650	289,650	289,650	289,650	289,650	---	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Child Welfare Training	7,409	7,409	7,409	7,409	7,409	...	...	...	D
Adoption Opportunities	27,116	27,119	27,119	27,119	27,119	+3	...	...	D
Adoption Incentive (no cap adjustment)	31,528	22,846	31,846	22,846	18,000	-13,528	-13,846	-4,846	D
Adoption Awareness	12,802	12,802	12,802	12,802	12,802	...	...	...	D
Compassion Capital Fund	54,549	100,000	75,000	95,000	65,000	+10,451	-10,000	-30,000	D
Social Services and Income Maintenance Research	26,012	...	2,621	26,012	5,927	-20,085	+3,306	-20,085	D
Evaluation tap funding	(6,000)	(6,000)	(8,000)	(6,000)	(6,000)	...	(-2,000)	...	NA
Subtotal, Program level	(32,012)	(6,000)	(10,621)	(32,012)	(11,927)	(-20,085)	(+1,306)	(-20,085)	
Developmental Disabilities Programs: State Councils	72,496	72,496	72,496	72,496	72,496	...	...	...	D
Protection and Advocacy	38,109	38,109	38,109	39,109	39,109	+1,000	+1,000	...	D
Voting access for individuals with disabilities	14,879	14,879	14,879	30,000	15,879	+1,000	+1,000	-14,121	D
Developmental Disabilities Projects of National Significance	11,542	11,529	11,529	11,529	11,529	-13	...	...	D D
University Centers for Excellence in Developmental Disabilities	31,549	31,548	33,548	33,548	33,548	+1,999	...	...	D D
Subtotal, Developmental disabilities programs	168,575	168,561	170,561	186,682	172,561	+3,986	+2,000	-14,121	
Native American Programs	44,786	44,780	44,780	44,780	44,780	-6	...	...	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.			
	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	FY 2005 Comparable	FY 2006 House	FY 2006 Senate	
Community Services:									
Grants to States for Community Services	636,793	---	320,000	636,793	636,793	---	+316,793	---	D
Community Initiative Program:									
Economic Development	32,731	---	32,731	32,731	32,731	---	---	---	D
Individual Development Account Initiative	24,704	24,699	24,699	24,699	24,699	-5	---	---	D
Rural Community Facilities	7,242	---	7,242	7,492	7,367	+125	+125	-125	D
Subtotal, Community Initiative Program	64,677	24,699	64,672	64,922	64,797	+120	+125	-125	
National Youth Sports	17,856	---	---	10,000	---	-17,856	---	-10,000	D
Community Food and Nutrition	7,180	---	---	7,180	---	-7,180	---	-7,180	D
Subtotal, Community Services	726,506	24,699	384,672	718,895	701,590	-24,916	+316,918	-17,305	
Domestic Violence Hotline	3,224	3,000	3,000	3,000	3,000	-224	---	---	D
Family Violence/Battered Women's Shelters	125,630	125,991	125,991	125,991	125,991	+361	---	---	D
Early Learning Fund	35,712	---	---	---	---	-35,712	---	---	D
Mentoring Children of Prisoners	49,598	49,993	49,993	49,993	49,993	+395	---	---	D
Independent Living Training Vouchers	46,623	59,999	50,000	46,623	46,623	---	-3,377	---	D
Abstinence Education	99,198	138,045	110,000	101,000	110,000	+10,802	---	+9,000	D
Evaluation Tap Funding	(4,500)	(4,500)	(4,500)	(4,500)	(4,500)	---	---	---	NA
Subtotal, Program level	(103,698)	(142,545)	(114,500)	(105,500)	(114,500)	(+10,802)	---	(+9,000)	
Faith-Based Center	1,375	1,400	1,400	1,400	1,400	+25	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs FY 2005 Comparable	Conference vs FY 2006 House	Conference vs FY 2006 Senate	
Program Direction	185,210	185,217	185,217	186,000	185,217	+7	...	-783	D
Total, Children and Families Services Programs	9,007,452	8,377,293	8,688,707	9,025,953	8,922,213	-85,239	+233,506	-103,740	
Current Year	(7,607,452)	(6,988,493)	(7,288,707)	(7,637,153)	(7,533,413)	(-74,039)	(+244,706)	(-103,740)	
FY 2007	(1,400,000)	(1,388,800)	(1,400,000)	(1,388,800)	(1,388,800)	(-11,200)	(-11,200)	...	
Evaluation Tap funding	(10,500)	(10,500)	(12,500)	(10,500)	(10,500)	...	(-2,000)	...	
Total, Program level	9,017,952	8,387,793	8,701,207	9,036,453	8,932,713	-85,239	+231,506	-103,740	
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	305,000	305,000	...	...	...	M
Discretionary Funds	98,586	105,000	99,000	90,000	90,000	-8,586	-9,000	...	D
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION									
Foster Care	4,895,500	4,685,000	4,685,000	4,685,000	4,685,000	-210,500	...	...	M
Adoption Assistance	1,770,100	1,795,000	1,795,000	1,795,000	1,795,000	+24,900	...	...	M
Independent living	140,000	140,000	140,000	140,000	140,000	...	...	...	M
Total, Payments to States	6,805,600	6,620,000	6,620,000	6,620,000	6,620,000	-185,600	...	...	
Less Advances from Prior Year	-1,767,700	-1,767,200	-1,767,200	-1,767,200	-1,767,200	+500	...	...	M
Total, payments, current year	5,037,900	4,852,800	4,852,800	4,852,800	4,852,800	-185,100	...	...	
New Advance, 1st quarter	1,767,200	1,730,000	1,730,000	1,730,000	1,730,000	-37,200	...	...	M
Total, Administration for Children & Families	26,756,635	25,993,959	26,295,951	26,810,619	26,711,318	-45,317	+415,367	-99,301	
Current year	(22,389,435)	(21,675,159)	(21,965,951)	(22,491,819)	(22,392,518)	(+3,083)	(+426,567)	(-99,301)	
FY 2007	(4,367,200)	(4,318,800)	(4,330,000)	(4,318,800)	(4,318,800)	(-48,400)	(-11,200)	...	
Evaluation Tap funding	(10,500)	(10,500)	(12,500)	(10,500)	(10,500)	...	(-2,000)	...	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Total, Administration for Children & Families	26,767,135	26,004,459	26,308,451	26,821,119	26,721,818	-45,317	+413,367	-99,301	
ADMINISTRATION ON AGING									
Grants to States:									
Supportive Services and Centers	354,136	354,136	354,136	354,136	354,136	---	---	---	D
Preventive Health	21,616	21,616	21,616	21,616	21,616	---	---	---	D
Protection of Vulnerable Older Americans-Title VII	19,288	19,360	19,360	20,360	20,360	+1,072	+1,000	---	D
Family Caregivers	155,744	155,744	155,744	160,744	157,744	+2,000	+2,000	-3,000	D
Native American Caregivers Support	6,304	6,304	6,304	6,304	6,304	---	---	---	D
Subtotal, Caregivers	162,048	162,048	162,048	167,048	164,048	+2,000	+2,000	-3,000	
Nutrition:									
Congregate Meals	387,274	387,274	391,147	387,274	389,211	+1,937	-1,936	+1,937	D
Home Delivered Meals	182,827	182,826	184,656	182,827	183,742	+915	-914	+915	D
Nutrition Services Incentive Program	148,596	148,596	150,082	148,596	149,339	+743	-743	+743	D
Subtotal, Nutrition	718,697	718,696	725,885	718,697	722,292	+3,595	-3,593	+3,595	
Subtotal, Grants to States	1,275,785	1,275,856	1,283,045	1,281,857	1,282,452	+6,667	-593	+595	
Grants for Native Americans	26,398	26,398	26,398	26,398	26,398	---	---	---	D
Program Innovations	43,286	23,843	23,843	40,513	24,843	-18,443	+1,000	-15,670	D
Aging Network Support Activities	13,266	13,266	13,266	13,266	13,266	---	---	---	D
Alzheimer's Disease Demonstrations	11,786	11,786	11,786	11,786	11,786	---	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs.			
						FY 2005 Comparable	FY 2006 House	FY 2006 Senate	
White House Conference on Aging	4,520	...	...	...	...	-4,520	...	...	D
Program Administration	18,301	17,879	17,879	17,879	17,879	-422	...	...	D
Total, Administration on Aging	1,393,342	1,369,028	1,376,217	1,391,699	1,376,624	-16,718	+407	-15,075	
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal Funds	179,837	172,643	172,643	182,810	175,643	-4,194	+3,000	-7,167	D
Trust Funds	5,804	5,851	5,851	5,851	5,851	+47	...	...	TF
Subtotal	185,641	178,494	178,494	188,661	181,494	-4,147	+3,000	-7,167	
Adolescent Family Life (Title XX)	30,900	30,742	30,742	30,742	30,742	-158	...	...	D
Minority health	50,518	47,236	47,236	60,980	57,236	+6,718	+10,000	-3,744	D
Office of women's health	28,818	28,715	28,715	28,715	28,715	-103	...	...	D
Minority HIV/AIDS	52,415	52,415	52,415	52,415	52,415	...	...	...	D
Afghanistan	5,952	5,952	5,952	5,952	5,952	...	...	...	D
Embryo adoption awareness campaign	992	992	992	2,000	2,000	+1,008	+1,008	...	D
IT Security and Innovation Fund	14,695	14,630	...	...	...	-14,695	...	...	D
Evaluation tap funding (ASPE) (NA)	(39,552)	(39,552)	(39,552)	(39,552)	(39,552)	...	...	...	NA
Total, General Departmental Management	369,931	359,176	344,546	369,465	358,554	-11,377	+14,008	-10,911	
Federal Funds	364,127	353,325	338,695	363,614	352,703	-11,424	+14,008	-10,911	
Trust Funds	5,804	5,851	5,851	5,851	5,851	+47	...	...	
Evaluation tap funding	(39,552)	(39,552)	(39,552)	(39,552)	(39,552)	...	...	...	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
OFFICE OF MEDICARE HEARINGS AND APPEALS	57,536	80,000	60,000	75,000	60,000	+2,464	...	-15,000	TF
OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY 6/	4,318	75,000	46,100	32,800	42,800	+38,482	-3,300	+10,000	D
Evaluation tap funding	(16,943)	(2,750)	(28,900)	(12,350)	(18,900)	(+1,957)	(-10,000)	(+6,550)	NA
Total, Health Information Tech. program level	(21,261)	(77,750)	(75,000)	(45,150)	(61,700)	(+40,439)	(-13,300)	(+16,550)	
OFFICE OF THE INSPECTOR GENERAL:									
Federal Funds	39,930	39,813	39,813	39,813	39,813	-117	...	...	D
HIPAA funding (NA)	(160,000)	(160,000)	(160,000)	(160,000)	(160,000)	...	...	...	NA
Total, Inspector General program level	(199,930)	(199,813)	(199,813)	(199,813)	(199,813)	(-117)	...	...	
OFFICE FOR CIVIL RIGHTS:									
Federal Funds	31,726	31,682	31,682	31,682	31,682	-44	...	...	D
Trust Funds	3,287	3,314	3,314	3,314	3,314	+27	...	...	TF
Total, Office for Civil Rights	35,013	34,996	34,996	34,996	34,996	-17	...	...	
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS									
Retirement payments	241,294	256,193	256,193	256,193	256,193	+14,899	...	...	M
Survivors benefits	14,750	15,600	15,600	15,600	15,600	+850	...	...	M
Dependents' medical care	74,592	56,759	56,759	56,759	56,759	-17,833	...	...	M
Total, Medical benefits for Commissioned Officers	330,636	328,552	328,552	328,552	328,552	-2,084	...	...	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND									
HRSA homeland security activities 1/	514,618	510,500	---	---	---	-514,618	---	---	D
CDC homeland security activities 1/	1,622,757	1,766,723	---	---	---	-1,622,757	---	---	D
NIH homeland security activities 1/	47,021	97,021	---	---	---	-47,021	---	---	D
Office of the Secretary homeland security activities	63,821	83,589	63,589	63,589	63,589	-232	---	---	D
Other PHSSEF homeland security activities	109,198	120,000	120,000	---	---	-109,198	-120,000	---	D
Supplemental (P.L. 108-234) (emergency)	50,000	---	---	---	---	-50,000	---	---	D
Pandemic Flu (emergency)	---	---	---	8,095,000	---	---	---	-8,095,000	D
Total, PHSSEF	2,407,415	2,577,833	183,589	8,158,589	63,589	-2,343,826	-120,000	-8,095,000	
Total, Office of the Secretary	3,244,779	3,495,370	1,037,596	9,039,215	928,304	-2,316,475	-109,292	-8,110,911	
Federal Funds	3,178,152	3,406,205	968,431	8,955,050	859,139	-2,319,013	-109,292	-8,095,911	
Trust Funds	66,627	89,165	69,165	84,165	69,165	+2,538	---	-15,000	
Total, Title II, Dept of Health & Human Services	379,200,874	473,484,522	473,893,464	484,265,742	474,114,909	+94,914,035	+221,445	-10,150,833	
Federal Funds	376,469,336	470,137,879	470,644,015	480,920,159	470,874,817	+94,405,481	+230,802	-10,045,342	
Current year	(308,367,946)	(403,035,254)	(403,530,190)	(413,817,534)	(403,772,192)	(+95,404,246)	(+242,002)	(-10,045,342)	
FY 2007	(68,101,390)	(67,102,625)	(67,113,825)	(67,102,625)	(67,102,625)	(-998,765)	(-11,200)	---	
Trust Funds	2,731,538	3,346,643	3,249,449	3,345,583	3,240,092	+508,554	-9,357	-105,491	

Title II Footnotes:
1/ Funds provided for biodefense activities are reflected within HRSA, CDC, and NIH respectively.
2/ Includes Mine Safety and Health.
3/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act
4/ $1 billion available for fiscal years 2004-2005
5/ $250 million available for fiscal years 2005-2008
6/ An additional $50 million for Health IT within AHRQ

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate		
TITLE III - DEPARTMENT OF EDUCATION										
EDUCATION FOR THE DISADVANTAGED										
Grants to Local Educational Agencies (LEAs)										
Basic Grants:										
Advance from prior year	(1,883,584)	(1,383,584)	(1,383,584)	(1,383,584)	(1,383,584)	(-500,000)	...	...	NA	
Forward funded	5,547,798	5,955,536	5,452,798	5,452,798	5,452,798	-95,000	...	...	D	FF
Current funded	3,472	3,472	3,472	3,472	3,472	...	...	...	D	
Subtotal, Basic grants current year approp.	5,551,270	5,959,008	5,456,270	5,456,270	5,456,270	-95,000	...	...		
Subtotal, Basic grants total funds available	(7,434,854)	(7,342,592)	(6,839,854)	(6,839,854)	(6,839,854)	(-595,000)	...	...		
Basic Grants FY 2007 Advance	1,383,584	975,846	1,478,584	1,478,584	1,478,584	+95,000	...	...	D	
Subtotal, Basic grants, program level	6,934,854	6,934,854	6,934,854	6,934,854	6,934,854	...	...	...		
Concentration Grants:										
Advance from prior year	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	(1,365,031)	...	...	...	NA	
FY 2007 Advance	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	...	...	...	D	
Subtotal, Concentration Grants program level	1,365,031	1,365,031	1,365,031	1,365,031	1,365,031	...	...	...		
Targeted Grants:										
Advance from prior year	(1,969,843)	(2,219,843)	(2,219,843)	(2,219,843)	(2,219,843)	(+250,000)	...	...	NA	
FY 2007 Advance	2,219,843	2,822,581	2,269,843	2,269,843	2,269,843	+50,000	...	...	D	
Subtotal, Targeted Grants program level	2,219,843	2,822,581	2,269,843	2,269,843	2,269,843	+50,000	...	...		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs				
						FY 2005 Comparable	FY 2006 House	FY 2006 Senate		
Education Finance Incentive Grants:										
Advance from prior year	(1,969,843)	(2,219,843)	(2,219,843)	(2,219,843)	(2,219,843)	(+250,000)	---	---	NA	
FY 2007 Advance	2,219,843	2,219,843	2,269,843	2,269,843	2,269,843	+50,000	---	---	D	
Subtotal, Education Finance Incentive Grants	2,219,843	2,219,843	2,269,843	2,269,843	2,269,843	+50,000	---	---		
Subtotal, Grants to LEAs, program level	12,739,571	13,342,309	12,839,571	12,839,571	12,839,571	+100,000	---	---		
Even Start	225,095	---	200,000	---	100,000	-125,095	-100,000	+100,000	D	FF
Reading First:										
State Grants (forward funded)	846,600	1,041,600	1,041,600	1,041,600	1,041,600	+195,000	---	---	D	FF
Advance from prior year	(195,000)	(195,000)	(195,000)	(195,000)	(195,000)	---	---	---	NA	
FY 2007 Advance	195,000	---	---	---	---	-195,000	---	---	D	
Subtotal, Reading First State Grants	1,041,600	1,041,600	1,041,600	1,041,600	1,041,600	---	---	---		
Early Reading First	104,160	104,160	104,160	104,160	104,160	---	---	---	D	
Striving readers 1/	24,800	200,000	30,000	35,000	30,000	+5,200	---	-5,000	D	FF
Literacy through School Libraries	19,683	19,683	19,683	19,683	19,683	---	---	---	D	
High School Intervention	---	1,240,000	---	---	---	---	---	---	D	FF
State Agency Programs:										
Migrant	390,428	390,428	390,428	395,228	390,428	---	---	-4,800	D	FF
Neglected and Delinquent/High Risk Youth	49,600	49,600	49,600	51,000	50,300	+700	+700	-700	D	FF
Subtotal, State Agency programs	440,028	440,028	440,028	446,228	440,728	+700	+700	-5,500		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate		
Evaluation	9,424	9,424	9,424	9,424	9,424	---	---	---	D	
Comprehensive School Reform Demonstration	205,344	---	10,000	---	8,000	-197,344	-2,000	+8,000	D	FF
Migrant Education:										
High School Equivalency Program	18,737	18,737	18,737	21,587	18,737	---	---	-2,850	D	
College Assistance Migrant Program	15,532	15,532	15,532	15,532	15,532	---	---	---	D	
Subtotal, Migrant Education	34,269	34,269	34,269	37,119	34,269	---	---	-2,850		
Total, Education for the disadvantaged	14,843,974	16,431,473	14,728,735	14,532,785	14,627,435	-216,539	-101,300	+94,650		
Current Year	(7,460,673)	(9,048,172)	(7,345,434)	(7,149,484)	(7,244,134)	(-216,539)	(-101,300)	(+94,650)		
FY 2007	(7,383,301)	(7,383,301)	(7,383,301)	(7,383,301)	(7,383,301)	---	---	---		
Subtotal, forward funded 1/	(7,289,665)	(8,877,164)	(7,174,426)	(6,975,626)	(7,073,126)	(-216,539)	(-101,300)	(+97,500)		
IMPACT AID										
Basic Support Payments	1,075,018	1,075,018	1,102,896	1,102,896	1,102,896	+27,878	---	---	D	
Payments for Children with Disabilities	49,966	49,966	49,966	49,966	49,966	---	---	---	D	
Facilities Maintenance (Sec. 8008)	7,838	7,838	5,000	5,000	5,000	-2,838	---	---	D	
Construction (Sec. 8007)	48,545	45,544	18,000	18,000	18,000	-30,545	---	---	D	
Payments for Federal Property (Sec. 8002)	62,496	62,496	65,000	65,000	65,000	+2,504	---	---	D	
Total, Impact aid	1,243,863	1,240,862	1,240,862	1,240,862	1,240,862	-3,001	---	---		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs.				
	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	FY 2005 Comparable	FY 2006 House	FY 2006 Senate		
SCHOOL IMPROVEMENT PROGRAMS										
State Grants for Improving Teacher Quality	1,481,605	1,481,605	1,481,605	1,481,605	1,481,605	---	---	---	D	FF
Advance from prior year	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	---	---	---	NA	
FY 2007	1,435,000	1,435,000	1,435,000	1,435,000	1,435,000	---	---	---	D	
Subtotal, State Grants for Improving Teacher Quality, program level	(2,916,605)	(2,916,605)	(2,916,605)	(2,916,605)	(2,916,605)	---	---	---		
Early Childhood Educator Professional Development	14,695	14,696	14,696	14,696	14,696	+1	---	---	D	
Mathematics and Science Partnerships	178,560	269,000	190,000	178,560	184,000	+5,440	-6,000	+5,440	D	FF
State Grants for Innovative Education (Education Block Grant)	198,400	100,000	198,400	100,000	100,000	-98,400	-98,400	---	D	FF
Educational Technology State Grants	496,000	---	300,000	425,000	275,000	-221,000	-25,000	-150,000	D	FF
Supplemental Education Grants	18,183	18,183	18,183	18,183	18,183	---	---	---	D	
21st Century Community Learning Centers	991,077	991,077	991,077	991,077	991,077	---	---	---	D	FF
State Assessments/Enhanced Assessment Instruments	411,680	411,680	411,680	411,680	411,680	---	---	---	D	FF
High school assessments	---	250,000	---	---	---	---	---	---	D	FF
Javits gifted and talented education	11,022	---	---	11,022	9,693	-1,329	+9,693	-1,329	D	
Foreign language assistance	17,856	---	---	25,000	22,000	+4,144	+22,000	-3,000	D	
Education for Homeless Children and Youth	62,496	62,496	62,496	62,496	62,496	---	---	---	D	FF
Training and Advisory Services (Civil Rights)	7,185	7,185	7,185	7,185	7,185	---	---	---	D	
Education for Native Hawaiians	34,224	32,624	24,770	34,500	34,250	+26	+9,480	-250	D	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate		
Alaska Native Education Equity	34,224	31,224	31,224	34,500	34,250	+26	+3,026	-250	D	
Rural Education	170,624	170,624	170,624	170,624	170,624	---	---	---	D	FF
Comprehensive Centers	56,825	56,825	56,825	56,825	56,825	---	---	---	D	
Total, School improvement programs	5,619,656	5,332,219	5,393,765	5,457,953	5,308,564	-311,092	-85,201	-149,389		
Current Year	(4,184,656)	(3,897,219)	(3,958,765)	(4,022,953)	(3,873,564)	(-311,092)	(-85,201)	(-149,389)		
FY 2007	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	(1,435,000)	---	---	---		
Subtotal, forward funded	(3,990,442)	(3,736,482)	(3,805,882)	(3,821,042)	(3,676,482)	(-313,960)	(-129,400)	(-144,560)		
INDIAN EDUCATION										
Grants to Local Educational Agencies	95,166	96,294	96,294	96,294	96,294	+1,128	---	---	D	
Federal Programs:										
Special Programs for Indian Children	19,595	19,595	19,595	19,595	19,595	---	---	---	D	
National Activities	5,129	4,000	4,000	4,000	4,000	-1,129	---	---	D	
Subtotal, Federal Programs	24,724	23,595	23,595	23,595	23,595	-1,129	---	---		
Total, Indian Education	119,890	119,889	119,889	119,889	119,889	-1	---	---		
INNOVATION AND IMPROVEMENT										
Troops-to-Teachers	14,793	14,793	14,793	14,793	14,793	---	---	---	D	
Transition to Teaching	44,933	44,933	44,933	44,933	44,933	---	---	---	D	
National Writing Project	20,336	---	20,336	23,000	21,750	+1,414	+1,414	-1,250	D	
Teaching of Traditional American History	119,040	119,040	50,000	121,000	121,000	+1,960	+71,000	---	D	
School Leadership	14,880	---	14,880	15,000	14,880	---	---	-120	D	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs FY 2005 Comparable	Conference vs FY 2006 House	Conference vs FY 2006 Senate		
Advanced Credentialing	16,864	8,000	16,864	10,000	16,864	---	---	+6,864	D	
Charter Schools Grants	216,952	218,702	216,952	216,952	216,952	---	---	---	D	
Credit Enhancement for Charter School Facilities	36,981	36,981	36,981	---	36,981	---	---	+36,981	D	
Voluntary Public School Choice	26,543	26,543	26,543	26,543	26,543	---	---	---	D	
Magnet Schools Assistance	107,771	107,771	107,771	107,771	107,771	---	---	---	D	
Fund for the Improvement of Education (FIE)	414,079	156,296	27,000	387,424	160,111	-253,968	+133,111	-227,313	D	
Teacher Incentive Fund, Current funded	---	---	100,000	---	5,000	+5,000	-95,000	+5,000	D	
Teacher Incentive Fund, Forward funded	---	500,000	---	---	95,000	+95,000	+95,000	+95,000	D	FF
Ready-to-Learn television	23,312	23,312	---	25,000	24,500	+1,188	+24,500	-500	D	
Dropout Prevention Programs	4,930	---	---	4,900	4,900	-30	+4,900	---	D	
Close Up Fellowships	1,469	---	1,469	1,469	1,469	---	---	---	D	
Advanced Placement	29,760	51,500	30,000	40,000	32,500	+2,740	+2,500	-7,500	D	
Total, Innovation and Improvement	1,092,643	1,307,871	708,522	1,038,785	945,947	-146,696	+237,425	-92,838		
Subtotal, Forward funded	---	(500,000)	---	---	(95,000)	(+95,000)	(+95,000)	(+95,000)		
SAFE SCHOOLS AND CITIZENSHIP EDUCATION										
Safe and Drug Free Schools and Communities: State Grants, forward funded	437,381	---	400,000	300,000	350,000	-87,381	-50,000	+50,000	D	FF
National Programs	153,625	267,967	152,537	150,000	142,537	-11,088	-10,000	-7,463	D	
Alcohol Abuse Reduction	32,736	---	---	33,500	32,736	---	+32,736	-764	D	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate		
Mentoring Programs	48,219	49,307	49,307	49,307	49,307	+1,088	---	---	D	
Character education	24,493	24,493	24,493	24,493	24,493	---	---	---	D	
Elementary and Secondary School Counseling	34,720	---	34,720	36,000	35,000	+280	+280	-1,000	D	
Carol M. White Physical Education Program	73,408	55,000	73,408	74,000	73,408	---	---	-592	D	
Civic Education	29,405	---	29,405	30,000	29,405	---	---	-595	D	
Total, Safe Schools and Citizenship Education	833,987	396,767	763,870	697,3[illegible]	736,886	-97,101	-26,984	+39,586		
Current Year	(833,987)	(396,767)	(763,870)	(697,300)	(736,886)	(-97,101)	(-26,984)	(+39,586)		
Subtotal, Forward funded	(437,381)	---	(400,000)	(300,000)	(350,000)	(-87,381)	(-50,000)	(+50,000)		
ENGLISH LANGUAGE ACQUISITION										
Current funded	84,816	---	---	43,925	43,925	-40,891	+43,925	---	D	
Forward funded	590,949	675,765	675,765	639,490	631,840	+40,891	-43,925	-7,650	D	FF
Total, English Language Acquisition	675,765	675,765	675,765	683,415	675,765	---	---	-7,650		
SPECIAL EDUCATION										
State Grants:										
Grants to States Part B current year	5,176,746	4,893,746	5,326,746	5,265,546	5,265,546	+88,800	-61,200	---	D	FF
Part B advance from prior year	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	(5,413,000)	---	---	---	NA	
Grants to States Part B (FY 2007)	5,413,000	6,204,000	5,413,000	5,424,200	5,424,200	+11,200	+11,200	---	D	
Subtotal, Grants to States, program level	10,589,746	11,097,746	10,739,746	10,689,746	10,689,746	+100,000	-50,000	---		

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs FY 2005 Comparable	Conference vs FY 2006 House	Conference vs FY 2006 Senate		
Preschool Grants	384,597	384,597	384,597	384,597	384,597	---	---	---	D	FF
Grants for Infants and Families	440,808	440,808	440,808	444,308	440,808	---	---	-3,500	D	FF
Subtotal, State grants, program level	11,415,151	11,823,151	11,565,151	11,518,651	11,515,151	+100,000	-50,000	-3,500		
IDEA National Activities (current funded):										
State Improvement	50,653	---	50,653	50,653	50,653	---	---	---	D	FF
Special Education-Voc Rehab transition initiative	---	5,000	---	---	---	---	---	---	D	
Technical Assistance and Dissemination	52,396	49,397	49,397	50,397	49,397	-2,999	---	-1,000	D	
Personnel Preparation	90,626	90,626	90,626	90,626	90,626	---	---	---	D	
Parent Information Centers	25,964	25,964	25,964	25,964	25,964	---	---	---	D	
Technology and Media Services	38,816	31,992	31,992	38,816	38,816	---	+6,824	---	D	
Subtotal, IDEA special programs	258,455	202,979	248,632	256,456	255,456	-2,999	+6,824	-1,000		
Total, Special education	11,673,606	12,126,130	11,813,783	11,775,107	11,770,607	+97,001	-43,176	-4,500		
Current Year	(6,260,606)	(5,922,130)	(6,400,783)	(6,350,907)	(6,346,407)	(+85,801)	(-54,376)	(-4,500)		
FY 2007	(5,413,000)	(6,204,000)	(5,413,000)	(5,424,200)	(5,424,200)	(+11,200)	(+11,200)	---		
Subtotal, Forward funded	(6,052,804)	(5,719,151)	(6,202,804)	(6,145,104)	(6,141,604)	(+88,800)	(-61,200)	(-3,500)		
REHABILITATION SERVICES AND DISABILITY RESEARCH										
Vocational Rehabilitation State Grants	2,635,845	2,720,192	2,720,192	2,720,192	2,720,192	+84,347	---	---	M	
Client Assistance State grants	11,901	11,901	11,901	11,901	11,901	---	---	---	D	
Training	38,826	38,826	38,826	38,826	38,826	---	---	---	D	
Demonstration and training programs	25,607	6,577	6,577	6,577	6,577	-19,030	---	---	D	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Migrant and seasonal farmworkers	2,302	---	2,302	2,302	2,302	---	---	---	D
Recreational programs	2,543	---	2,543	2,543	2,543	---	---	---	D
Protection and advocacy of individual rights (PAIR)	16,656	16,656	16,656	16,656	16,656	---	---	---	D
Projects with industry	21,625	---	19,735	19,735	19,735	-1,890	---	---	D
Supported employment State grants	37,379	---	30,000	30,000	30,000	-7,379	---	---	D
Independent living:									
State grants	22,816	22,816	22,816	22,816	22,816	---	---	---	D
Centers	75,392	75,392	75,392	75,392	75,392	---	---	---	D
Services for older blind individuals	33,227	33,227	33,227	33,227	33,227	---	---	---	D
Subtotal, Independent living	131,435	131,435	131,435	131,435	131,435	---	---	---	
Program Improvement	843	843	843	843	843	---	---	---	D
Evaluation	1,488	1,488	1,488	1,488	1,488	---	---	---	D
Helen Keller National Center for Deaf/Blind Youth and Adults	10,581	8,597	8,597	8,597	8,597	-1,984	---	---	D D
National Inst. Disability and Rehab. Research (NIDRR)	107,783	107,783	107,783	107,783	107,783	---	---	---	D
Assistive Technology	29,760	15,000	29,760	34,760	30,760	+1,000	+1,000	-4,000	D
Subtotal, discretionary programs	438,729	339,106	408,446	413,446	409,446	-29,283	+1,000	-4,000	
Total, Rehabilitation services	3,074,574	3,059,298	3,128,638	3,133,638	3,129,638	+55,064	+1,000	-4,000	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate		
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES										
AMERICAN PRINTING HOUSE FOR THE BLIND	16,864	16,864	17,000	18,500	17,750	+886	+750	-750	D	
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID): Operations	53,672	53,672	55,337	56,479	55,908	+2,236	+571	-571	D	
Construction	1,672	800	800	800	800	-872	---	---	D	
Total, NTID	55,344	54,472	56,137	57,279	56,708	+1,364	+571	-571		
GALLAUDET UNIVERSITY	104,557	104,557	107,657	108,500	108,079	+3,522	+422	-421	D	
Total, Special Institutions for Persons with Disabilities	176,765	175,893	180,794	184,279	182,537	+5,772	+1,743	-1,742		
VOCATIONAL AND ADULT EDUCATION										
Vocational Education: Basic State Grants/Secondary & Technical Education State Grants, current funded	403,331	---	403,331	403,331	403,331	---	---	---	D	FF
Advance from prior year	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	---	---	NA	
FY 2007	791,000	---	791,000	791,000	791,000	---	---	---	D	
Subtotal, Basic State Grants, program level	1,194,331	---	1,194,331	1,194,331	1,194,331	---	---	---		
Tech-Prep Education State Grants	105,812	---	105,812	105,812	105,812	---	---	---	D	FF
National Programs	11,757	---	11,757	9,257	9,257	-2,500	-2,500	---	D	FF
Tech-Prep Education Demonstration	4,899	---	---	---	---	-4,899	---	---	D	FF

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs FY 2005 Comparable	Conference vs FY 2006 House	Conference vs FY 2006 Senate		
Occupational and Employment Information Program...	9,307	---	---	---	---	-9,307	---	---	D	FF
Subtotal, Vocational Education...	1,326,106	---	1,311,900	1,309,400	1,309,400	-16,706	-2,500	---		
Adult Education:										
State Grants/Adult basic and literacy education:										
State Grants, current funded...	569,672	200,000	569,672	572,922	569,672	---	---	-3,250	D	FF
National Programs:										
National Leadership Activities...	9,096	9,096	9,096	9,096	9,096	---	---	---	D	FF
National Institute for Literacy...	6,638	6,638	6,638	6,638	6,638	---	---	---	D	FF
Subtotal, National programs...	15,734	15,734	15,734	15,734	15,734	---	---	---		
Subtotal, Adult education...	585,406	215,734	585,406	588,656	585,406	---	---	-3,250		
Smaller Learning Communities, current funded...	4,724	---	4,724	---	4,724	---	---	+4,724	D	
Smaller Learning Communities, forward funded...	89,752	---	89,752	---	89,752	---	---	+89,752	D	FF
State Grants for Incarcerated Youth Offenders 2/...	28,784	---	---	24,000	23,000	-3,784	+23,000	-1,000	D	FF
Community Technology Centers...	4,960	---	---	4,960	---	-4,960	---	-4,960	D	
Total, Vocational and adult education...	2,037,732	215,734	1,991,782	1,927,016	2,012,282	-25,450	+20,500	+85,266		
Current Year...	(1,246,732)	(215,734)	(1,200,782)	(1,136,016)	(1,221,282)	(-25,450)	(+20,500)	(+85,266)		
FY 2007...	(791,000)	---	(791,000)	(791,000)	(791,000)	---	---	---		
Subtotal, forward funded...	(1,237,048)	(215,734)	(1,196,058)	(1,131,056)	(1,216,558)	(-20,490)	(+20,500)	(+85,502)		
STUDENT FINANCIAL ASSISTANCE										
Pell Grants -- maximum grant (NA) 3/...	(4,050)	(4,050)	(4,100)	(4,050)	(4,050)	---	(-50)	---	NA	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Pell Grants:									
Regular Program	12,364,997	13,199,000	13,383,000	13,177,000	13,177,000	+812,003	-206,000	---	D
Enhanced Pell grants for State scholars	---	33,000	---	---	---	---	---	---	D
Federal Supplemental Educational Opportunity Grants	778,720	778,720	778,720	804,763	778,720	---	---	-26,043	D
Federal Work Study	990,257	990,257	990,257	990,257	990,257	---	---	---	D
Federal Perkins Loans:									
Loan Cancellations	66,132	---	66,132	66,132	66,132	---	---	---	D
Presidential math and science scholars	---	50,000	---	---	---	---	---	---	D
LEAP program	65,643	---	65,643	65,643	65,643	---	---	---	D
Total, Student Financial Assistance	14,265,749	15,050,977	15,283,752	15,103,795	15,077,752	+812,003	-206,000	-26,043	
STUDENT AID ADMINISTRATION									
Administrative Costs	119,084	939,285	124,084	120,000	120,000	+916	-4,084	---	D
Fed Direct Student Loan Reclassification (Leg prop)	---	-825,000	---	---	---	---	---	---	D
LOANS FOR SHORT-TERM TRAINING	---	11,000	---	---	---	---	---	---	D
HIGHER EDUCATION									
Aid for Institutional Development:									
Strengthening Institutions	80,338	80,338	80,338	80,338	80,338	---	---	---	D
Hispanic Serving Institutions	95,106	95,873	95,873	100,823	95,873	+767	---	-4,950	D
Strengthening Historically Black Colleges (HBCUs)	238,576	240,500	240,500	240,500	240,500	+1,924	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Strengthening Historically Black Graduate Institutions	58,032	58,500	58,500	58,500	58,500	+468	---	---	D D
Strengthening Alaska Native and Native Hawaiian-Serving Institutions	11,904	6,500	6,500	11,904	11,904	---	+5,404	---	D D
Strengthening Tribal Colleges	23,808	23,808	23,808	23,808	23,808	---	---	---	D
Subtotal, Aid for Institutional development	507,764	505,519	505,519	515,873	510,923	+3,159	+5,404	-4,950	
International Education and Foreign Language:									
Domestic Programs	92,465	92,466	92,466	92,466	92,466	+1	---	---	D
Overseas Programs	12,737	12,737	12,737	12,737	12,737	---	---	---	D
Institute for International Public Policy	1,616	1,616	1,616	1,616	1,616	---	---	---	D
Subtotal, International Education & Foreign Lang	106,818	106,819	106,819	106,819	106,819	+1	---	---	
Fund for the Improvement of Postsec. Ed. (FIPSE)	162,108	22,211	49,211	157,211	22,211	-139,897	-27,000	-135,000	D
Minority Science and Engineering Improvement	8,818	8,818	8,818	8,818	8,818	--	---	---	D
Interest Subsidy Grants	1,488	---	---	---	---	-1,488	---	---	D
Tribally Controlled Postsec Voc/Tech Institutions	7,440	7,440	7,440	7,440	7,440	---	---	---	D
Federal TRIO Programs	836,543	369,390	836,543	841,543	836,543	---	---	-5,000	D
GEAR UP	306,488	---	306,488	306,488	306,488	---	---	---	D
Byrd Honors Scholarships	40,672	---	---	41,000	41,000	+328	+41,000	---	D
Javits Fellowships	9,797	9,797	9,797	9,797	9,797	---	---	---	D
Graduate Assistance in Areas of National Need	30,371	30,371	30,371	30,371	30,371	---	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Teacher Quality Enhancement Grants	68,337	---	58,000	58,000	60,500	-7,837	+2,500	+2,500	D
Child Care Access Means Parents in School	15,970	15,970	15,970	15,970	15,970	---	---	---	D
Community college access	---	125,000	---	---	---	---	---	---	D
Demonstration in Disabilities / Higher Education	6,944	---	---	6,944	6,944	---	+6,944	---	D
Underground Railroad Program	2,204	---	---	2,204	2,000	-204	+2,000	-204	D
GPRA data/HEA program evaluation	980	980	980	980	980	---	---	---	D
B.J. Stupak Olympic Scholarships	980	---	980	---	980	---	---	+980	D
Thurgood Marshall legal education opportunity program	2,976	---	---	3,500	2,976	---	+2,976	-524	D
Total, Higher education	2,116,898	1,202,315	1,936,936	2,112,958	1,970,760	-145,938	+33,824	-142,198	
HOWARD UNIVERSITY									
Academic Program	205,507	205,506	207,507	205,430	206,469	+962	-1,038	+1,039	D
Endowment Program	3,524	3,524	3,524	3,600	3,562	+38	+38	-38	D
Howard University Hospital	29,759	29,759	29,759	29,759	29,759	---	---	---	D
Total, Howard University	238,790	238,789	240,790	238,789	239,790	+1,000	-1,000	+1,001	
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS (CHAFL)	573	573	573	573	573	---	---	---	D
HBCU CAPITAL FINANCING PROGRAM -- Federal Adm.	210	210	210	210	210	---	---	---	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

						Conference vs			
	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	FY 2005 Comparable	FY 2006 House	FY 2006 Senate	
INSTITUTE OF EDUCATION SCIENCES									
Research, development and dissemination	164,194	164,194	164,194	164,194	164,194	---	---	---	D
Statistics	90,931	90,931	90,931	90,931	90,931	---	---	---	D
Regional Educational Laboratories	66,132	---	66,132	66,131	66,131	-1	-1	---	D
Research in special education	83,104	72,566	72,566	72,566	72,566	-10,538	---	---	D
Special education studies and evaluations	---	10,000	10,000	10,000	10,000	+10,000	---	---	
Statewide data systems	24,800	24,800	24,800	24,800	24,800	---	---	---	D
Assessment:									
National Assessment	88,985	111,485	88,985	95,985	88,985	---	---	-7,000	D
National Assessment Governing Board	5,088	5,088	5,088	5,088	5,088	---	---	---	D
Subtotal, Assessment	94,073	116,573	94,073	101,073	94,073	---	---	-7,000	
Total, IES	523,234	479,064	522,696	529,695	522,695	-539	-1	-7,000	
DEPARTMENTAL MANAGEMENT									
PROGRAM ADMINISTRATION	419,280	418,992	410,612	411,992	415,303	-3,977	+4,691	+3,311	D
OFFICE FOR CIVIL RIGHTS	89,375	91,526	91,526	91,526	91,526	+2,151	---	---	D
OFFICE OF THE INSPECTOR GENERAL	47,327	49,408	49,000	49,408	49,000	+1,673	---	-408	D
Total, Departmental management	555,982	559,926	551,138	552,926	555,829	-153	+4,691	+2,903	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate
TITLE III GENERAL PROVISIONS								
Pell grant shortfall payoff 4/	---	---	4,300,000	4,300,000	4,300,000	+4,300,000	---	--- M
Total, Title III, Department of Education	59,212,775	58,939,040	63,706,584	63,749,975	63,538,021	+4,325,246	-168,563	-211,954
Current Year	(44,190,474)	(43,916,739)	(48,684,283)	(48,716,474)	(48,504,520)	(+4,314,046)	(-179,763)	(-211,954)
FY 2007	(15,022,301)	(15,022,301)	(15,022,301)	(15,033,501)	(15,033,501)	(+11,200)	(+11,200)	---

1/ Funding for Striving readers is forward funded in the conference agreement only.

2/ Previously funded under Office of Safe and Drug Free Schools.

3/ An additional $100 was requested for the Pell maximum grant through HEA reauthorization proposal.

4/ Payoff of the Pell Grant shortfall requested as part of the President's HEA reauthorization proposal.

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
TITLE IV - RELATED AGENCIES									
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED	4,669	4,669	4,669	4,669	4,669	---	---	---	D
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE									
DOMESTIC VOLUNTEER SERVICE PROGRAMS									
Volunteers in Service to America (VISTA)	94,240	96,428	96,428	96,428	96,428	+2,188	---	---	D
Volunteers in Homeland Security	4,960	---	---	---	---	-4,960	---	---	D
Teach for America	---	4,000	2,000	---	---	---	-2,000	---	D
National Senior Volunteer Corps: Foster Grandparents Program	111,424	112,058	112,058	112,058	112,058	+634	---	---	D
Senior Companion Program	45,905	47,438	47,438	47,438	47,438	+1,533	---	---	D
Retired Senior Volunteer Program	58,528	60,288	60,288	60,288	60,288	+1,760	---	---	D
Subtotal, Senior Volunteers	215,857	219,784	219,784	219,784	219,784	+3,927	---	---	
Program Administration	38,688	39,750	39,750	---	---	-38,688	-39,750	---	D
Total, Domestic Volunteer Service Programs	353,745	359,962	357,962	316,212	316,212	-37,533	-41,750	---	
National and Community Service Programs: 1/ National service trust	142,848	146,000	146,000	149,000	140,000	-2,848	-6,000	-9,000	D
AmeriCorps grants	287,680	275,000	267,500	280,000	267,500	-20,180	---	-12,500	D
Innovation, assistance, and other activities	13,227	9,945	9,945	15,945	16,445	+3,218	+6,500	+500	D

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Evaluation	3,522	4,000	4,000	4,000	4,000	+478	---	---	D
National Civilian Community Corps	25,296	25,500	25,500	27,000	27,000	+1,704	+1,500	---	D
Learn and Serve America: K-12 and Higher Ed	42,656	40,000	37,500	42,656	37,500	-5,156	---	-5,156	D
State Commission Administrative Grants	11,904	12,642	12,642	12,642	12,642	+738	---	---	D
Points of Light Foundation	9,920	10,000	10,000	10,000	10,000	+80	---	---	D
America's Promise	4,464	5,000	5,000	5,000	5,000	+536	---	---	D
Subtotal, National & Community Service Programs	541,517	528,087	518,087	546,243	520,087	-21,430	+2,000	-26,156	
National and Community Service, Salaries & expenses 1/	25,792	27,000	27,000	66,750	66,750	+40,958	+39,750	---	
Office of Inspector General 1/	5,952	6,000	6,000	6,000	6,000	+48	---	---	
Total, Corp. for National and Community Service	927,006	921,049	909,049	935,205	909,049	-17,957	---	-26,156	
CORPORATION FOR PUBLIC BROADCASTING:									
FY 2008 (current) with FY 2007 comparable	400,000	---	400,000	400,000	400,000	---	---	---	D
FY 2007 advance with FY 2006 comparable (NA)	(400,000)	(400,000)	(400,000)	(400,000)	(400,000)	---	---	---	NA
FY 2006 advance with FY 2005 comparable (NA)	(386,880)	(400,000)	(400,000)	(400,000)	(400,000)	(+13,120)	---	---	NA
Rescission of FY 2006 funds (NA)	---	(-10,000)	---	---	---	---	---	---	NA
Subtotal, FY 2006 program level	386,880	390,000	400,000	400,000	400,000	+13,120	---	---	
Digitalization program, current funded 2/	39,387	---	---	35,000	30,000	-9,387	+30,000	-5,000	D
Previous appropriated funds (NA) 3/	---	(30,000)	(30,000)	---	---	---	(-30,000)	---	NA

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Interconnection, current funded 2/	39,680	...	...	40,000	35,000	-4,680	+35,000	-5,000	D
Previous appropriated funds (NA) 3/	(75,000)	(52,000)	(52,000)	...	...	(-75,000)	(-52,000)	...	NA
Subtotal, FY 2006 appropriation	79,067	...	...	75,000	65,000	-14,067	+65,000	-10,000	
FEDERAL MEDIATION AND CONCILIATION SERVICE	44,439	42,331	42,331	43,439	43,031	-1,408	+700	-408	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	7,809	7,809	7,809	7,809	7,809	...	...	...	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	280,564	262,240	249,640	290,129	249,640	-30,924	...	-40,489	D
MEDICARE PAYMENT ADVISORY COMMISSION	9,899	10,168	10,168	10,168	10,168	+269	...	...	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	993	993	993	993	993	...	...	...	D
NATIONAL COUNCIL ON DISABILITY	3,344	2,800	2,800	3,344	3,144	-200	+344	-200	D
NATIONAL LABOR RELATIONS BOARD	249,860	252,268	252,268	252,268	252,268	+2,408	...	...	D
NATIONAL MEDIATION BOARD	11,628	11,628	11,628	11,628	11,628	...	...	...	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	10,510	10,510	10,510	10,510	10,510	...	...	...	D
RAILROAD RETIREMENT BOARD									
Dual Benefits Payments Account	107,136	97,000	97,000	97,000	97,000	-10,136	...	...	D
Less Income Tax Receipts on Dual Benefits	-7,936	-7,000	-7,000	-7,000	-7,000	+936	...	...	D
Subtotal, Dual Benefits	99,200	90,000	90,000	90,000	90,000	-9,200	...	...	
Federal Payment to the RR Retirement Account	150	150	150	150	150	...	...	...	M

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
Limitation on Administration	102,543	102,543	102,543	102,543	102,543	---	---	---	TF
Inspector General	7,196	7,196	7,196	7,196	7,196	---	---	---	TF
SOCIAL SECURITY ADMINISTRATION									
Payments to Social Security Trust Funds	20,454	20,470	20,470	20,470	20,470	+16	---	---	M
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	38,109,000	37,487,174	37,487,174	37,487,174	37,487,174	-621,826	---	---	M
Beneficiary services	45,929	52,000	52,000	52,000	52,000	+6,071	---	---	M
Research and demonstration	35,000	27,000	27,000	27,000	27,000	-8,000	---	---	M
Administration	2,986,900	2,897,000	2,897,000	2,710,400	2,733,000	-253,900	-164,000	+22,600	D
Subtotal, SSI program level	41,176,829	40,463,174	40,463,174	40,276,574	40,299,174	-877,655	-164,000	+22,600	
Less funds advanced in prior year	-12,590,000	-10,930,000	-10,930,000	-10,930,000	-10,930,000	+1,660,000	---	---	M
Subtotal, regular SSI current year	28,586,829	29,533,174	29,533,174	29,346,574	29,369,174	+782,345	-164,000	+22,600	
Total, SSI, current request	28,586,829	29,533,174	29,533,174	29,346,574	29,369,174	+782,345	-164,000	+22,600	
New advance, 1st quarter, FY 2007	10,930,000	11,110,000	11,110,000	11,110,000	11,110,000	+180,000	---	---	M
Total, SSI program	39,516,829	40,643,174	40,643,174	40,456,574	40,479,174	+962,345	-164,000	+22,600	

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate	
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI Trust Funds	4,359,033	4,665,400	4,617,600	4,604,000	4,640,400	+281,367	+22,800	+36,400	TF
HI/SMI Trust Funds	1,256,968	1,704,000	1,643,100	1,704,000	1,704,000	+447,032	+60,900	---	TF
Social Security Advisory Board	2,000	2,000	2,000	2,000	2,000	---	---	---	TF
SSI	2,986,900	2,897,000	2,897,000	2,710,400	2,733,000	-253,900	-164,000	+22,600	TF
Subtotal, regular LAE	8,604,901	9,268,400	9,159,700	9,020,400	9,079,400	+474,499	-80,300	+59,000	
Additional CDR Funding	---	---	---	189,000	---	---	---	-189,000	TF
SSI User Fee activities	124,000	119,000	119,000	119,000	119,000	-5,000	---	---	D
SSPA User Fee Activities	1,000	1,000	1,000	1,000	1,000	---	---	---	D
Total, Limitation on Administrative Expenses	8,729,901	9,388,400	9,279,700	9,329,400	9,199,400	+469,499	-80,300	-130,000	
MEDICARE REFORM FUNDING									NA
Medicare reform funding 4/ 5/ 6/	(446,054)	---	---	---	---	(-446,054)	---	---	NA
OFFICE OF INSPECTOR GENERAL									
Federal Funds	25,542	26,000	26,000	26,000	26,000	+458	---	---	D
Trust Funds	64,836	67,000	66,805	67,000	66,400	+1,564	-405	-600	TF
Total, Office of Inspector General	90,378	93,000	92,805	93,000	92,400	+2,022	-405	-600	
Adjustment: Trust fund transfers from general revenues	-2,986,900	-2,897,000	-2,897,000	-2,710,400	-2,733,000	+253,900	+164,000	-22,600	TF

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate
Total, Social Security Administration	45,370,662	47,248,044	47,139,149	47,189,044	47,058,444	+1,687,782	-80,705	-130,600
Federal funds	39,687,825	40,809,644	40,809,644	40,623,044	40,645,644	+957,819	-164,000	+22,600
Current year	(28,757,825)	(29,699,644)	(29,699,644)	(29,513,044)	(29,535,644)	(+777,819)	(-164,000)	(+22,600)
New advances, 1st quarter	(10,930,000)	(11,110,000)	(11,110,000)	(11,110,000)	(11,110,000)	(+180,000)	---	---
Trust funds	5,682,837	6,438,400	6,329,505	6,566,000	6,412,800	+729,963	+83,295	-153,200
Total, Title IV, Related Agencies	47,609,539	48,974,398	49,240,903	49,434,095	49,226,242	+1,616,703	-14,661	-207,853
Federal Funds	41,807,064	42,418,091	42,791,491	42,748,188	42,693,535	+886,471	-97,956	-54,653
Current Year	(30,477,064)	(31,308,091)	(31,281,491)	(31,238,188)	(31,183,535)	(+706,471)	(-97,956)	(-54,653)
FY 2007 Advance	(10,930,000)	(11,110,000)	(11,110,000)	(11,110,000)	(11,110,000)	(+180,000)	---	---
FY 2008 Advance	(400,000)	---	(400,000)	(400,000)	(400,000)	---	---	---
Trust Funds	5,802,475	6,558,307	6,449,412	6,685,907	6,532,707	+730,232	+83,295	-153,200

Title IV Footnotes:

1/ FY 2006 House jurisdiction change--account moved from former VA-HUD Appropriations.

2/ Current funded

3/ Requested funds for these activities are from previously appropriated funds

4/ Funds provided in P.L. 108-173, the 2003 Medicare Prescription Drug, Improvement & Modernization Act

5/ Available in fiscal years 2004 and 2005

6/ Funds required to continue implementing this Act are provided under the regular LAE account

SUMMARY

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate
Federal Funds	488,978,653	582,509,460	588,233,397	598,769,967	588,240,213	+99,261,560	+6,816	-10,529,754
Current year	(391,980,962)	(486,762,534)	(492,050,271)	(502,586,841)	(492,057,087)	(+100,076,125)	(+6,816)	(-10,529,754)
2007 advance	(96,597,691)	(95,746,926)	(95,783,126)	(95,783,126)	(95,783,126)	(-814,565)	---	---
2008 advance	(400,000)	---	(400,000)	(400,000)	(400,000)	---	---	---
Trust Funds	12,366,339	13,612,965	13,408,876	13,636,967	13,403,088	+1,036,749	-5,788	-233,879
Grand Total	501,344,992	596,122,425	601,642,273	612,406,934	601,643,301	+100,298,309	+1,028	-10,763,633

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs.		
						FY 2005 Comparable	FY 2006 House	FY 2006 Senate
RECAP								
Mandatory, total in bill	357,872,275	454,443,213	458,663,213	458,743,213	458,663,213	+100,790,938	---	-80,000
Less advances for subsequent years	-77,712,390	-76,897,825	-76,897,825	-76,897,825	-76,897,825	+814,565	---	---
Plus advances provided in prior years	74,061,975	77,712,390	77,712,390	77,712,390	77,712,390	+3,650,415	---	---
Total, mandatory, current year	354,221,860	455,257,778	459,477,778	459,557,778	459,477,778	+105,255,918	---	-80,000
Discretionary, total in bill	143,472,717	141,679,212	142,979,060	153,663,721	142,980,088	-492,629	+1,028	-10,683,633
Less advances for subsequent years	-19,285,301	-18,849,101	-19,285,301	-19,285,301	-19,285,301	---	---	---
Plus advances provided in prior years	19,241,277	19,285,301	19,285,301	19,285,301	19,285,301	+44,024	---	---
Subtotal, Discretionary, current year	143,428,693	142,115,412	142,979,060	153,663,721	142,980,088	-448,605	+1,028	-10,683,633
Scorekeeping adjustments:								
SSI User Fee Collection	-124,000	-119,000	-119,000	-119,000	-119,000	+5,000	---	---
SSI date shift	---	---	---	-3,360,000	---	---	---	+3,360,000
Vaccines for children legislative proposal	---	-100,000	---	---	---	---	---	---
Smallpox vaccine injury compensation (rescission)	-20,000	---	---	-10,000	-10,000	+10,000	-10,000	---
Medical facilities guarantee and loan fund (rescission)	-66,000	---	---	---	---	+66,000	---	---
Health professions student loan (rescission)	-19,000	-21,000	-15,912	-15,912	-26,500	-7,500	-10,588	-10,588
MMA Health Care infrastructure improvement program (P.L. 109-13) (rescission)	-58,000	---	---	---	---	+58,000	---	---
Adoption incentive (rescission)	---	---	---	---	-22,500	-22,500	-22,500	-22,500
Title V Chapter III (P.L. 109-13) (rescission)	-10,000	---	---	---	---	+10,000	---	---
H-1B (rescission)	-100,000	---	---	---	---	+100,000	---	---

LABOR-HEALTH and HUMAN SERVICES-EDUCATION AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Comparable	FY 2006 Request	House	Senate	Conference	Conference vs. FY 2005 Comparable	Conference vs. FY 2006 House	Conference vs. FY 2006 Senate
Job Corps construction FY06 advance (rescission)..	---	-25,000	---	---	---	---	---	---
National Emergency Grant (healthcare premium) (rescission)........................	---	-20,000	-20,000	-20,000	-20,000	-20,000	---	---
Workers compensation (NY 9-11) (rescission).......	---	-5,000	-5,000	-5,000	-5,000	-5,000	---	---
Workers compensation (9-11) (rescission).	---	-120,000	-120,000	-120,000	-120,000	-120,000	---	---
Community College initiative (rescission).........	---	---	-125,000	---	-125,000	-125,000	---	-125,000
75 percent rule scoring.......	9,000	---	---	---	---	-9,000	---	---
Medicare eligible accruals (permanent,indefinite)	---	33,912	33,912	33,912	33,912	+33,912	---	---
ED drugs limitation................	---	---	-95,000	-90,000	---	---	+95,000	+90,000
CPB (FY 2006 Rescission)	---	-10,000	---	---	---	---	---	---
CMS administrative expenses reduction......	---	---	---	---	-60,000	-60,000	-60,000	-60,000
Limitation rule for Power Mobility Devices	---	---	---	-1,000	8,000	+8,000	+8,000	+9,000
Limitation on HHS Consulting Services..	---	---	---	-4,500	---	---	---	+4,500
Less emergency appropriations...........	-362,600	---	---	-8,414,100	---	+362,600	---	+8,414,100
Total, discretionary.............................	142,678,093	141,729,324	142,513,060	141,538,121	142,514,000	-164,093	+940	+975,879
Adjustment to balance with 2005 enacted.....	-1,038	---	---	---	---	+1,038	---	---
Total, discretionary (FY 2005 enacted)..........	142,677,055	141,729,324	142,513,060	141,538,121	142,514,000	-163,055	+940	+975,879
Grand total, current year (incl FY 2005 comparable)...	496,899,953	596,987,102	601,990,838	601,095,899	601,991,778	+105,091,825	+940	+895,879
Grand total, current year (incl FY 2005 enacted)......	496,898,915	596,987,102	601,990,838	601,095,899	601,991,778	+105,092,863	+940	+895,879

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2005	$501,344,992
Budget estimates of new (obligational) authority, fiscal year 2006	596,122,425
House bill, fiscal year 2006	601,642,273
Senate bill, fiscal year 2006	612,406,934
Conference agreement, fiscal year 2006	601,643,301
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2005	+100,298,309
Budget estimates of new (obligational) authority, fiscal year 2006	+5,520,876
House bill, fiscal year 2006	+1,028
Senate bill, fiscal year 2006	−10,763,633

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JOHN E. PETERSON,
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JAMES T. WALSH,
JERRY LEWIS,
Managers on the Part of the House.

ARLEN SPECTER,
THAD COCHRAN,
JUDD GREGG,
LARRY E. CRAIG,
KAY BAILEY HUTCHISON,
TED STEVENS,
MIKE DEWINE,
RICHARD C. SHELBY,
PETE V. DOMENICI,
Managers on the Part of the Senate.

SANTA MARGARITA RIVER, CALIFORNIA, CONSTRUCTION AUTHORIZATION

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 125) to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military and other uses from the Santa Margarita River, California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) DISTRICT.—The term "District" means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term "Project" means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under section 2.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, unless otherwise stated.

SEC. 2. AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.

(a) AUTHORIZATION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to construct, operate, and maintain the Project substantially in accordance with the final feasibility report and this Act.

(b) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(1) The District has entered into a contract under section 9(d) of the Reclamation Project Act of 1939 to repay to the United States appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project, together with interest as hereinafter provided.

(2) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted such permits to the Bureau of Reclamation for the benefit of the Department of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this Act, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(3) The District has agreed that it will not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to it under this Act, and will share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in section 4(b). This agreement and waiver and the changes in points of diversion and storage under paragraph (2), shall become effective and binding only when the Project has been completed and put into operation.

(4) The Secretary has determined that the Project has economic, environmental, and engineering feasibility.

SEC. 3. COSTS.

The Department of the Navy shall not be responsible for any costs in connection with the Project, except upon completion and then shall be charged in reasonable proportion to its use of the Project under regulations agreed upon by the Secretary of the Navy and Secretary of the Interior.

SEC. 4. OPERATION; YIELD ALLOTMENT; DELIVERY.

(a) OPERATION.—The operation of the Project, subject to a memorandum of agreement between the Secretary, the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the Navy's share of the project, may be by the Secretary, the District, or a third party consistent with section 6.

(b) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Department of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(1) 60 percent of the Project's yield is allotted to the Secretary of the Navy.

(2) 40 percent of the Project's yield is allotted to the District.

(c) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(1) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed upon to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the Project's yield allotted to the Secretary of the Navy under subsection (b), the official may enter into temporary contracts for the sale and delivery of the excess water.

(2) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water to be made available under paragraph (1) shall be given the District, if otherwise consistent with the laws of the State of California.

(3) CONDITION OF CONTRACTS.—Each contract entered into under paragraph (1) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand that water, without charge and without obligation on the part of the United States, after 30 days notice.

(4) MODIFICATION OF RIGHTS AND OBLIGATIONS RELATED TO WATER YIELD.—The rights and obligations of the United States and the District regarding the ratio or amounts of Project yield delivered may be modified by an agreement between the parties.

(d) CONSIDERATION.—

(1) DEPOSIT OF FUNDS.—Moneys paid to the United States under a contract entered into under subsection (c) shall be deposited in the special account established for the Department of the Navy under paragraph (1) of section 2667(d) of title 10, United States Code, and shall be available for the purposes specified in subparagraph (C) of such paragraph. Subparagraph (D) of such paragraph shall not apply to moneys deposited in the special account pursuant to this subsection.

(2) IN-KIND CONSIDERATION.—In lieu of monetary consideration under paragraph (1), or in addition to such consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including the following forms of in-kind consideration:

(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy.

(B) Construction of new facilities for the Department of the Navy.

(C) Provision of facilities for use by the Department of the Navy.

(D) Facilities operation support for the Department of the Navy.

(E) Provision of such other services as the Secretary of the Navy considers appropriate.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities whose construction is accepted as in-kind consideration under this subsection.

(4) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under subsection (c) has a value in excess of $500,000, the contract may not be entered into until the earlier of the following:

(A) The end of the 30-day period beginning on the date on which a report describing the contract and the form and quantity of the in-kind consideration is submitted by the Secretary of the Navy to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(B) The end of the 14-day period beginning on the date on which a copy of the report referred to in subparagraph (A) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

SEC. 5. REPAYMENT OBLIGATION OF THE DISTRICT.

(a) IN GENERAL.—The general repayment obligation of the District shall be determined by the Secretary of the Interior consistent with the Water Supply Act of 1958; provided, however, that for the purposes of calculating interest and determining the time when the District's repayment obligation to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project. There shall be no repayment obligation under this section for water delivered to the District under a contract as provided in section 4(c).

(b) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

SEC. 6. TRANSFER OF CARE, OPERATION, AND MAINTENANCE.

The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions satisfactory to the Secretary and the District, and with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory also to the Secretary of the Navy. If such a transfer takes place, the District shall be entitled to an equitable credit for the costs associated with the Secretary's proportionate share of the operation and maintenance of the Project. The amount of such costs shall be applied against the indebtedness of the District to the United States.

SEC. 7. SCOPE OF ACT.

For the purpose of this Act, the basis, measure, and limit of all rights of the United States pertaining to the use of water shall be the laws of the State of California. That nothing in this Act shall be construed—

(1) as a grant or a relinquishment by the United States of any rights to the use of water that it acquired according to the laws of the State of California, either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(2) to create any legal obligation to store any water in the Project, to the use of which the United States has such rights;

(3) to constitute a recognition of, or an admission that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California; or

(4) to require the division under this Act of water to which the United States has such rights.

SEC. 8. LIMITATIONS ON OPERATION AND ADMINISTRATION.

Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way which will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the following:

(1) $60,000,000 (the current estimated construction cost of the Project, plus or minus such amounts as may be indicated by the engineering cost indices for this type of construction); and

(2) such sums as may be required to operate and maintain the said project.

SEC. 10. REPORTS TO CONGRESS.

Not later than 1 year after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each report to the Congress regarding if the conditions specified in section 2(b) have been met and if so, the details of how they were met.

SEC. 11. SUNSET.

The authority of the Secretary to complete construction of the Project shall terminate 10 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 125, introduced by the gentleman from California (Mr. ISSA), authorizes the construction of a ground water recharge and pumping project in the lower Santa Margarita River Basin in Southern California. If constructed, the project could provide much-needed water to the local water utility district and to Camp Pendleton Marine Corps base for its military training needs.

This project would augment the local water district's water supply, would relieve future additional demands for costly and limited imported water supplies, and would set aside and preserve valuable environmental habitat. This project is an excellent example of local and Federal agencies working together to secure safe and dependable water supplies for future generations.

This bill is good for water consumers and good for our marines. I urge my colleagues to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume. H.R. 125 would authorize the Secretary of the Interior to participate in the design, planning, and construction of the Santa Margarita Conjunctive Use Water Project in San Diego County in California. The project would provide water for irrigation, municipal, domestic, military, and other uses.

Mr. Speaker, we have reviewed the legislation and have no objection. A similar bill passed in the House of Representatives in the 108th Congress.

Mr. ISSA. Mr. Speaker, I would like to thank House Resources committee Chairman POMBO and Ranking Member RAHALL for allowing this bill to come to the floor today. I would also like to thank the Resources committee staff for all of their hard work on this bill.

The Santa Margarita Conjunctive Use Project, authorized by this bill will provide safe, reliable, drought-and earthquake-proof water supply for more than 35,000 families. It will provide for enhanced recharge and recovery from the underground basin on Camp Pendleton to provide a constant water supply for both Camp Pendleton and the Fallbrook Public Utility District.

While this bill passed the House in the second session of the 108th Congress it ended up running out of time in the other body. I am hopeful that this time around we will see quick movement of this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 125, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVING CERTAIN RESTRICTIONS REGARDING MAMMOTH COMMUNITY WATER DISTRICT, CALIFORNIA

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 853) to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

The Clerk read as follows:

H.R. 853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF CERTAIN RESTRICTIONS ON PROPERTY.

Notwithstanding Public Law 90-171 (16 U.S.C. 484a; 81 Stat. 531), the approximately 25 acres patented to the Mammoth County

Water District (now known as the "Mammoth Community Water District") by Patent No. 04-87-0038, on June 26, 1987, and recorded in Volume 482, at page 517, of the official records of the Recorder's Office, Mono County, California, may be used for purposes other than the purpose for which those lands were being used prior to the conveyance to the Mammoth County Water District and such lands may be transferred as authorized under State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 853, introduced by our colleague from California (Mr. MCKEON), removes land use restrictions on property acquired from the Forest Service by the Mammoth Community Water District in Mono County, California.

In 1987, the U.S. Forest Service conveyed 25 acres to the water district under land use conditions at the time. Of these lands, 12 acres are now needed for different uses, including much-needed water utility operations. Implementation of this noncontroversial bill will ultimately benefit the local water consumer and will adhere to all Federal, State, and local environmental laws.

I urge my colleagues to support this commonsense legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 853 simply removes outdated restrictions on lands owned by Mammoth County Water District in California. We have no objections to this noncontroversial bill.

Mr. MCKEON. Mr. Speaker, I rise today to speak on and offer my strong support for HR 953, legislation I introduced earlier this year to remove restrictions on 25 acres of land patented to the Mammoth County Water District.

Prior to 1987, the District occupied this land through a special use permit with the Forest Service. Of these 25 acres, 12 acres were used for the storage of materials, and prior to 1987, for oxidation ponds, which had become obsolete by that year.

After that time, Congress passed Public Law 97–465 that allowed these lands to be transferred directly to the District. While the law allowed for acquisition of these lands, it also directed that they could only be used for those purposes prior to the time of the conveyance.

Today, however, these 12 acres are no longer needed for the storage of materials and the community would like to utilize this land in a more economically viable manner.

This area is a popular ski destination for many tourists during the winter months and, every year, the town experiences more and more visitors. The town sits in the middle of the Forest Service land and contains limited private land for expanded commercial activities. As such, passage of this legislation would allow the town to accommodate for the growing economic needs of the region.

This legislation has the support of both the local community and the Forest Service and passed through the Committee on Resources without any objection.

I would like to express my deep appreciation to Chairman POMBO for bringing this legislation to the floor and ask my colleagues to support its passage here today.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers. I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 853.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRAIL RESPONSIBILITY AND ACCOUNTABILITY FOR THE IMPROVEMENT OF LANDS ACT

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 975) to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trail Responsibility and Accountability for the Improvement of Lands Act" or "TRAIL Act".

SEC. 2. CONSISTENT ENFORCEMENT AUTHORITY REGARDING NATIONAL PARK SYSTEM LANDS, NATIONAL FOREST SYSTEM LANDS, AND OTHER PUBLIC LANDS.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

"(2) Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

"(3) Any person who otherwise violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.".

(b) NATIONAL PARK SYSTEM LANDS.—

(1) ENFORCEMENT.—Section 3 of the National Park Service Organic Act (16 U.S.C. 3) is amended—

(A) by striking "That the Secretary" the first place it appears and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—(1) The Secretary";

(B) by striking "Service," and all that follows through "proceedings." and inserting "Service."; and

(C) by inserting after the first sentence the following new paragraphs:

"(2) Any person who knowingly violates or fails to comply with any rule or regulation issued under this section shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

"(3) Any person who otherwise violates or fails to comply with any rule or regulation issued under this section shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings.".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking "He may also" the first place it appears and inserting the following:

"(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may";

(B) by striking "He may also" the second place it appears and inserting "The Secretary may"; and

(C) by striking "No natural," and inserting the following:

"(c) LEASE AND PERMIT AUTHORITIES.—No natural".

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(f) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(f)) is amended—

(1) in paragraph (1), by striking "fined under title 18, United States Code, or imprisoned for not more than 1 year, or both." and inserting "guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.";

(2) in paragraph (2), by striking "fined under title 18, United States Code, or imprisoned not more than 180 days, or both." and inserting "guilty of a Class B misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title,

or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.''.

(d) NATIONAL FOREST SYSTEM LANDS.—The eleventh undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' of the Act of June 4, 1897 (16 U.S.C. 551), is amended to read as follows:

"SEC. 551. PROTECTION OF NATIONAL FOREST SYSTEM LANDS; REGULATIONS.

''(a) REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM.—The Secretary of Agriculture shall make provisions for the protection of the National Forest System (as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609)) against destruction by fire and depredations. The Secretary may issue such regulations and establish such service as will insure the objects of the National Forest System, namely, to regulate their occupancy and use and to protect National Forest System lands from destruction.

''(b) VIOLATIONS; PENALTIES.—(1) Any person who knowingly violates any regulation issued under subsection (a) shall be guilty of a Class A misdemeanor and shall be subject to a fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

''(2) Any person who otherwise violates any regulation issued under subsection (a) shall be guilty of a Class B misdemeanor and shall be subject to a fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

''(3) A person who violates any regulation issued under subsection (a) may also be adjudged to pay all costs of the proceedings.

''(c) PROCEDURE.—Any person charged with the violation of a regulation issued under subsection (a) may be tried and sentenced by any United States magistrate judge specially designated for that purpose by the court by which the magistrate judge was appointed, in the same manner and subject to the same conditions as provided for in subsections (b) through (e) of section 3401 of title 18, United States Code.''.

SEC. 3. ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), as amended by section 2(a), is further amended by adding at the end the following new paragraph:

''(4) In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than $500.''.

(b) NATIONAL PARK SYSTEM LANDS.—Subsection (a) of section 3 of the National Park Service Organic Act (16 U.S.C. 3), as designated and amended by section 2(b), is further amended by adding at the end the following new paragraph:

''(4) In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than $500.''.

(c) NATIONAL FOREST SYSTEM LANDS.—Subsection (b) of section 551 of the Act of June 4, 1897 (16 U.S.C. 551), as designated and amended by section 2(d), which before such designation and amendment was the eleventh undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' of such Act, is further amended by adding at the end the following new paragraph:

''(4) In the case of a regulation issued under subsection (a) regarding the use of fire by individuals on National Forest System lands, if the violation of the regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than $500.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Ms. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 975, introduced by the gentleman from Colorado (Mr. TANCREDO), would provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service and the Forest Service to respond to violation of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies. Additionally, this measure includes two technical corrections to drafting errors.

I would like to recognize and thank Chairman GOODLATTE and the House Agriculture Committee for its cooperation on this bill. H.R. 975 shares bipartisan support, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 975 will lead to more uniform enforcement of the criminal laws on our public lands. Original cosponsors of this legislation include Representatives MARK UDALL and DIANA DEGETTE of Colorado and JIM MATHESON of Utah, all Members who understand the value of our public lands and take seriously our responsibility as stewards of those lands. They are to be commended for their efforts to bring this measure to the floor today.

Mr. Speaker, we support H.R. 975.

Mr. TANCREDO. Mr. Speaker, I thank the House leadership for scheduling action on this important legislation. It is designed to stiffen and standardize the penalties for folks who willfully damage or destroy our public lands. It also sets a tough minimum fine of $500 for individuals who violate fire regulations on public lands when a complete ban on open fires is in place.

I want to recognize and thank Chairman POMBO and Chairman GOODLATTE for their efforts on this bill. I'd also like to thank my colleague from Colorado, Mr. UDALL for his assistance.

In the last twenty years, Americans have found new ways to enjoy their public lands and waterways beyond just hiking, horseback riding, or powerboats. Today, mountain bikers, snowmobilers and others also use our public lands. Many of these vehicles represent the only access to the great outdoors available to a whole segment of our population—folks like senior citizens and the disabled who wouldn't otherwise be able to enjoy beautiful places like the Pike National Forest in my district.

The economic impact for Colorado of these kinds of recreational activities contributes more than $200 million to our economy, creating more than 3,000 jobs. With those economic benefits however, have come conflicts and irresponsible actors. This legislation is designed to help ensure that those irresponsible actors pay the price for their actions.

Recreation on our public lands and waterways will continue to grow—and it should. This bill will help equip our land managers with the means to appropriately and evenhandedly enforce land use regulations against those few bad apples who spoil the whole bunch. The TRAIL Act accomplishes this by creating consistent fines and penalties among all of our land use agencies. In doing so, the bill also increases fines and penalties substantially for people who knowingly engage in inappropriate behavior.

The second section of the bill addresses the growing problem of human caused wildfires on our public lands. Over the last ten years, human carelessness has been responsible for the ignition of over one million wildfires on our public lands. By comparison, lighting has caused only about one-tenth that many fires over the same time period.

The current penalties for violating fire regulations vary from agency to agency. In a practical sense, however, the fines are generally assessed at a far lower level. In fact, under current law, fines are set as low as $25—little more than the cost of a seatbelt ticket in most states. I believe, as I think most people do, that these weak penalties lack any real deterrent value for would-be violators. In fact, one district ranger in Colorado related a story to me about a would-be visitor to the Pike National Forest who called to inquire if he could pay the puny fine in advance.

He told me that even in the midst of a fire season like the 2002 season in Colorado—where some 800 human caused wildfires destroyed over a quarter of a million acres—that enforcing the fire ban was a continuing problem, in large part because the fine is so small.

Enhancing the penalties for those who choose to disregard the directives of our land managers is one way we can reduce both the number of human caused wildfires and the terrible destruction they leave in their wake by .

creating a deterrent. This bill would accomplish that by imposing a minimum fine of $500 for individuals who violate fire bans.

I hope the House will pass the bill, and ask for your support.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill, and congratulate my Colorado colleague, Mr. TANCREDO, for his leadership in introducing it.

I joined as a cosponsor of this bill because I also want to improve the ability of the land-managing agencies to adequately enforce the rules that apply to uses of the federal lands.

That is why in the 108th Congress I introduced a related bill—the Responsible Off-road Vehicle Enforcement and Response Act, or "ROVER." That bill was narrow, dealing only with enforcement of the regulations for use of vehicles on National Forest lands and public lands managed by BLM. This bill goes much further. In addition to the forests and BLM lands, it also applies to lands managed by the National Park Service and the refuges managed by the Fish and Wildlife Service. And it addresses the enforcement of all regulations, not just those related to use of vehicles.

Last year, Mr. TANCREDO and I worked with Chairman POMBO, Ranking Member RAHALL, and other Members of the Resources Committee, to develop the broader measure.

That bill passed the House, but the Senate did not complete action on it. So, Representative TANCREDO and I joined in reintroducing it as H.R. 975, the bill now before the House.

I urge its approval, because legislation for better and more consistent enforcement of regulations is needed. However, we need to recognize that it is only one part of a bigger picture.

Even more than new legislation, it seems to me, the land-managing agencies need more resources—more money and more people—if we want them to do a better job.

That was why I introduced a related bill—H.R. 599—which the Resources Committee has also reported. It would allow the agencies to use money from fines to help pay for some of the restoration work caused by violations of regulations, as well as for offsetting the administrative costs involved in enforcement of those regulations.

This is something that I think should be addressed in the future, and I will seek to work with other Members to do that. Today, however, we can take an important step forward by passing this bill, and I urge the House to approve it.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 975, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT FACILITIES CONVEYANCE

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3443) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, as amended.

The Clerk read as follows:

H.R. 3443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term "contract" means—

(A) the contract between the United States and the Northern Colorado Water Conservancy District providing for the construction of the Colorado-Big Thompson Project, dated July 5, 1938; and

(B) any amendments and supplements to the contract described in subparagraph (A).

(2) DISTRICT.—The term "District" means the Northern Colorado Water Conservancy District.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRANSFERRED WATER DISTRIBUTION FACILITIES.—The term "transferred water distribution facilities" means the following facilities of the Colorado-Big Thompson Project located in the counties of Larimer, Boulder, and Weld, Colorado:

(A) The St. Vrain Supply Canal.

(B) The Boulder Creek Supply Canal that extends from the St. Vrain River to Boulder Creek, including that portion that extends from the St. Vrain River to Boulder Reservoir, which is also known as the "Boulder Feeder Canal".

(C) The South Platte Supply Canal.

SEC. 2. CONVEYANCE OF TRANSFERRED WATER DISTRIBUTION FACILITIES.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of the enactment of this Act and in accordance with all applicable law, convey to the District all right, title, and interest in and to the transferred water distribution facilities.

(b) CONSIDERATION.—

(1) DISTRICT.—

(A) FINDING.—Congress finds that the District has completed the obligation of the District to repay the capital costs of the Colorado-Big Thompson Project under the contract.

(B) NO CONSIDERATION REQUIRED.—The District shall not be required to provide additional consideration for the conveyance of the transferred water distribution facilities under subsection (a).

(2) ELECTRIC CUSTOMERS.—The Western Area Power Administration shall continue to include the unpaid portion of the transferred facilities in its annual power repayment studies for the Loveland Area Projects until such facilities are repaid in accordance with the laws and policies regarding repayment of investment in effect on the date of enactment of this Act.

(c) NO EFFECT ON OBLIGATIONS AND RIGHTS.—Except as expressly provided in this Act, nothing in this Act affects or modifies the obligations and rights of the District under the contract, including the obligation of the District to make payments required under the contract.

SEC. 3. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the transferred water distribution facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on any prior ownership or operation by the United States of the transferred water distribution facilities.

SEC. 4. EFFECT.

Any actions or activities undertaken by the Secretary under this Act shall not affect, impact, or create any additional burdens or obligations on the New Consolidated Lower Boulder Reservoir and Ditch Company or the New Coal Ridge Ditch Company in the full exercise of their rights to water, water rights, or real property rights or in the full exercise of their rights to utilize facilities affected by this Act.

SEC. 5. REPORTS.

(a) IN GENERAL.—If the transferred water distribution facilities have not been conveyed by the Secretary to the District by the date that is 1 year after the date of enactment of this Act, not later than 30 days after that date, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes—

(1) the reasons for the failure to convey the transferred water distribution facilities; and

(2) the schedule for completing the transfer as soon as practicable.

(b) ANNUAL REPORTS.—The Secretary shall continue to provide annual reports that provide the information described in subsection (a) until the date on which the transferred water distribution facilities are conveyed in accordance with this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3443, introduced by the gentlewoman from Colorado (Mrs. MUSGRAVE), will transfer ownership of three Bureau of Reclamation water distribution facilities within the Big Thompson project in Colorado to the Northern Colorado Water Conservancy District.

□ 1515

This local water district has operated and maintained these canals since 1957 and has repaid all capital costs associated with the facilities. Transfer of these single-purpose projects creates a win-win situation by decreasing Federal liability, allowing more cost-effective and efficient management by the water district and fostering local ownership. In light of these benefits, the Bureau of Reclamation should be more proactive in working with local water users to ensure that more transfers take place.

I commend Mrs. MUSGRAVE for introducing this legislation and urge support for this bipartisan noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. H.R. 3443 would authorize the title transfer of specific features of the Colorado-Big Thompson project from the United States to the Northern Colorado Water Conservancy District. This proposed title transfer will be similar to a bill that was enacted in the 106th Congress, transferring other Bureau of Reclamation facilities to this water district.

We have no objection to this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, in July of this year, I introduced H.R. 3443, a bill authorizing the transfer of title of three Colorado-Big Thompson projects single-purpose water conveyance facilities from the United States to the Northern Colorado Water Conservancy District.

The Colorado-Big Thompson project is one of the largest and most complex natural resource developments undertaken by the Bureau of Reclamation. The transmountain water diversion system consists of over 100 integrated structures and provides multiple benefits to the people of my district. This project spreads over approximately 250 miles in the State of Colorado. It stores, regulates and diverts water from the Colorado River on the western slope of the Continental Divide to the eastern slope of the Rocky Mountains.

The project diverts approximately 260,000-acre feet of water annually from the Colorado River headwaters on the western slope to the Big Thompson River, a South Platte River tributary on the eastern slope, for distribution to farming and communities.

The water system is vital to the people of my district. It provides drinking, irrigation and recreational waters. Without this water system, many cities and towns in my district could not exist.

The water that the Colorado-Big Thompson project diverts from the western slope travels through a series of storage reservoirs, pumping plants, tunnels and hydroelectric generating plants until it enters one of the two eastern slope terminal storage reservoirs, Horsetooth and Carter Lake Reservoirs.

From these terminal storage reservoirs, the water is delivered to water users through distribution facilities. These distribution facilities consist of single-purpose water conveyance facilities located downstream from the two terminal storage facilities.

The Northern Colorado Water Conservation District has been responsible for these facilities since the project was operational in 1957. The District has proven to be a faithful steward of operation, maintenance and administration of the conveyance facilities. The three facilities that would be conveyed to the District by this legislation are the St. Vrain Supply Canal, the Boulder Creek Supply Canal and the South Platte Supply Canal.

This bill is very similar to legislation passed by my predecessor, Representative Bob Schaffer, in 2000, which transferred four single-purpose water conveyance facilities of the Colorado-Big Thompson Project located downstream of the Horsetooth Reservoir. This legislation would complete the transfer of all the single-purpose water conveyance facilities within the project. This transfer would allow the District to more cost-effectively manage the facility and reduce the burdensome bureaucracy of the Federal Government. The District has met its financial obligation of repayment of capital costs, and the title transfer is now appropriate. I believe that this transfer is in the best interest of the constituents of my district.

I would like to thank Chairman POMBO and his staff for moving this bill so quickly through the Resources Committee, with special thanks to Kiel Weaver for his assistance on this legislation.

Mr. Speaker, I urge the passage of this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill and commend my Colorado colleague, Mrs. MUSGRAVE, for its introduction.

The bill would direct the Interior Department to convey to the Northern Colorado Water Conservation District wants the title to some of the water-distribution facilities that are part of the Bureau of Reclamation's Colorado-Big Thompson project.

That project, authorized by Congress in 1937 to provide water for agricultural and other uses, consists of dams, dikes, reservoirs, powerplants, pumping plants, pipelines, tunnels, and substations spread over approximately 250 miles. The Northern Colorado Water Conservancy District, the project's local government sponsor, operates and maintains all of the water conveyance facilities.

H.R. 3443 directs the Secretary of the Interior to transfer 58 miles of the Project's water conveyance facilities (the St. Vrain Supply Canal, Boulder Creek Supply Canal, and South Platte Supply Canal) to the District. The transfer will allow the District to more cost-effectively manage the facilities, reduce paperwork requirements, provide for local ownership and reduce the federal government's liability. The District, which has operated and maintained these water conveyance facilities since 1957, has repaid the appropriate capital costs associated with the facilities. Despite this repayment, the title of the facilities remains in the Bureau of Reclamation. This bill directs the transfer of this title with no conditions. It is modeled on the successful transfer (Public Law 106–376) of other single purpose water conveyance facilities associated with the Colorado Big-Thompson Project.

None of the affected facilities are used to generate electricity. However, payments by electricity customers have been contributing to the repayment for the overall project, and the electricity customers still owe something under that repayment contract. To reflect that, the bill provides for transfer of funds from electricity-sale collections to complete repayment of the amount the electricity customers owe toward repayment of the facilities to be transferred.

The bill includes language to make clear that it will not lessen the existing responsibilities of the district or affect the rights of two ditch companies whose ditches have been part of the distribution system for water from the Colorado-Big Thompson project. And, to stimulate prompt implementation, the bill says that if the transfer isn't completed within a year Interior must send a written report to Congress explaining why it hadn't done so and to keep reporting annually until the transfer is complete.

I joined as a cosponsor of this legislation because I think it will be beneficial both for the Northern Colorado Water Conservation District and for the federal government. I urge its approval.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 3443, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING SUITABILITY AND FEASIBILITY STUDY OF DESIGNATING THE ST. LOUIS SOLDIERS' MEMORIAL MILITARY MUSEUM AS A UNIT OF THE NATIONAL PARK SYSTEM

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 452) to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

The Clerk read as follows:

H.R. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM.

(a) FINDINGS.—Congress finds as follows:

(1) The Soldiers' Memorial is a tribute to all veterans located in the greater St. Louis area, including Southern Illinois.

(2) The current annual budget for the memorial is $185,000 and is paid for exclusively by the City of St. Louis.

(3) In 1923, the City of St. Louis voted to spend $6,000,000 to purchase a memorial plaza and building dedicated to citizens of St. Louis who lost their lives in World War I.

(4) The purchase of the 7 block site exhausted the funds and no money remained to construct a monument.

(5) In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise $1,000,000 to construct a memorial building and general improvement of the plaza area and the construction of Soldiers' Memorial began on October 21, 1935.

(6) On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site.

(7) On Memorial Day in 1938, Mayor Dickmann opened the building to the public.

(b) STUDY.—The Secretary of the Interior shall carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum, located at 1315 Chestnut, St. Louis, Missouri, as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a-5(c)) shall apply to the conduct and completion of the study required by this section.

(d) REPORT.—The Secretary shall submit a report describing the results the study required by this section to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 452 would authorize the Secretary of the Interior to study the suitability and feasibility of designating a military memorial in St. Louis as a unit of the National Park System.

In 1923, the City of St. Louis voted to spend $6 million to purchase a memorial plaza and building dedicated to citizens of St. Louis who lost their lives in World War I. The purchase of the memorial site exhausted the funds. In 1933, the city government raised another $1 million to construct a memorial building on the site. On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site, and the building was open to the public on Memorial Day, 1938.

Currently, the memorial is administered by the City of St. Louis with a budget of $192,000. Local officials have expressed that the memorial faces an uncertain future without Federal assistance and would like a Federal agency to administer the site. Again, this bill only proposes a study of this memorial and the possibility of its becoming a unit of the National Park System.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has already explained the purpose of H.R. 452, which was introduced by my friend and colleague from Missouri (Mr. CLAY). The gentleman from Missouri is to be commended for his efforts to preserve this memorial and museum, which was built to honor those who lost their lives in service to our country.

It is our expectation that the study authorized by H.R. 452 will help determine the most appropriate means to preserve and maintain the Soldiers' Memorial and thus help to continue to honor the sacrifice of those who have fought and died for our country.

Mr. Speaker, we support H.R. 452 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. CLAY), the sponsor of this legislation.

Mr. CLAY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I want to take a moment to thank the Chairman POMBO and Chairman SAXTON and Ranking Members RAHALL and CHRISTENSEN for their willingness to support and their generous help of their staffers who have worked hard to bring the St. Louis Soldiers' Memorial Military Museum bill to the floor today.

H.R. 452, which I sponsored along with Representatives SKELTON and CARNAHAN, will authorize the Secretary of the Interior to conduct a study of the feasibility of including the Soldiers' Memorial Military Museum in St. Louis among the National Park Service's inventory of Federal monuments.

At a time when our soldiers are fighting in Iraq and Afghanistan, the American people feel a very special connection to our military forces, and the citizens of our Nation have a very real need to visit shrines that honor our Nation's veterans.

The St. Louis Soldiers' Memorial Military Museum is a treasured monument to our Nation's veterans. I believe this landmark is truly one of the most outstanding memorials ever built in tribute to those who have sacrificed their lives in service to our Nation.

The St. Louis Soldiers' Memorial was initiated by residents of St. Louis in the 1920s to honor the brave Americans who lost their lives in World War I. After several years of fundraising for land acquisition and construction, the monument was dedicated by President Franklin Delano Roosevelt on October 14, 1936, and officially opened to the public on Memorial Day, 1938.

The Soldiers' Memorial was a unique place in our Nation's history as it is the only structure in St. Louis that is known to have been dedicated by a sitting U.S. President. The Soldiers' Monument is a national treasure and an architectural masterpiece. Designed by one of the 20th Century's foremost art deco sculptors, Mr. Walker Hancock, its entrance is flanked by four limestone sculptures which symbolize the most important virtues in a soldier's life: courage, loyalty, sacrifice and vision, while its ceiling displays a mosaic tile in the shape of a large gold star that is dedicated to our Nation's Gold Star Mothers.

The Soldiers' Memorial is an important cultural resource and gathering place. It attracts nearly 48,000 visitors each year and provides the setting for more than 20 ceremonies annually, including changing of command and retirement ceremonies and many patriotic events hosted by veterans groups. It is the center of an annual Veterans Day Parade and Observance, which is the largest of its kind in the Midwest, drawing participants from several surrounding States and presenting more than 100 marching units.

In recent years, the memorial has received support and contributions from active military personnel and veterans to help the city of St. Louis maintain this cherished structure.

At this time in our history, we are engaged in a war against terrorism. The people of our Nation are mourning more than 2,000 American service men and women who have given their lives in the Iraq War. The American people are anxious to pay tribute to the Nation's veterans, and they should have national shrines to commemorate their friends and family members who have lost their lives for our Nation.

It is time for the Federal Government to consider acquiring the St. Louis Soldiers' Memorial Military Museum in its inventory of national monuments. I believe that a study of this monument would show that it is an historically important structure with a national significance.

H.R. 452 is strongly supported by veterans groups and other civic organizations. I hope the Members of this body will endorse this important effort to help create a Federal monument to honor our Nation's veterans. I urge my colleagues to support this legislation.

Mr. SKELTON. Mr. Speaker, let me take this means to share my support for H.R. 452, a bill introduced by my good friend and Missouri colleague, Congressman LACY CLAY. I was pleased to cosponsor this legislation, which would authorize the Secretary of the Interior to study the feasibility of including the St. Louis Soldiers' Memorial Military Museum as a part of the National Park System.

Through the years, the people of St. Louis and the surrounding area have visited the St. Louis Soldiers' Memorial to pay tribute to the selfless sacrifices of our men and women in uniform. Originally constructed to honor Americans who lost their lives during the first World War, the monument was dedicated by President Franklin Roosevelt in 1936 and opened to the public in 1938. Since that time, the memorial has held a unique place in the history of our state and our country.

As such, it seems fitting that Congress authorize the Interior Secretary to determine whether the St. Louis Soldiers' Memorial should be included in America's inventory of national monuments. I hope my colleagues agree and will support this sensible legislation offered by the gentleman from Missouri, Mr. CLAY.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 452.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

☐ 1530

PRESIDENTIAL $1 COIN ACT OF 2005

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1047) to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

The Clerk read as follows:

S. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential $1 Coin Act of 2005".

TITLE I—PRESIDENTIAL $1 COINS

SEC. 101. FINDINGS.

Congress finds the following:

(1) There are sectors of the United States economy, including public transportation, parking meters, vending machines, and low-dollar value transactions, in which the use of a $1 coin is both useful and desirable for keeping costs and prices down.

(2) For a variety of reasons, the new $1 coin introduced in 2000 has not been widely sought-after by the public, leading to higher costs for merchants and thus higher prices for consumers.

(3) The success of the 50 States Commemorative Coin Program (31 U.S.C. 5112(l)) for circulating quarter dollars shows that a design on a United States circulating coin that is regularly changed in a manner similar to the systematic change in designs in such Program radically increases demand for the coin, rapidly pulling it through the economy.

(4) The 50 States Commemorative Coin Program also has been an educational tool, teaching both Americans and visitors something about each State for which a quarter has been issued.

(5) A national survey and study by the Government Accountability Office has indicated that many Americans who do not seek, or who reject, the new $1 coin for use in commerce would actively seek the coin if an attractive, educational rotating design were to be struck on the coin.

(6) The President is the leader of our tripartite government and the President's spouse has often set the social tone for the White House while spearheading and highlighting important issues for the country.

(7) Sacagawea, as currently represented on the new $1 coin, is an important symbol of American history.

(8) Many people cannot name all of the Presidents, and fewer can name the spouses, nor can many people accurately place each President in the proper time period of American history.

(9) First Spouses have not generally been recognized on American coinage.

(10) In order to revitalize the design of United States coinage and return circulating coinage to its position as not only a necessary means of exchange in commerce, but also as an object of aesthetic beauty in its own right, it is appropriate to move many of the mottos and emblems, the inscription of the year, and the so-called "mint marks" that currently appear on the 2 faces of each circulating coin to the edge of the coin, which would allow larger and more dramatic artwork on the coins reminiscent of the so-called "Golden Age of Coinage" in the United States, at the beginning of the Twentieth Century, initiated by President Theodore Roosevelt, with the assistance of noted sculptors and medallic artists James Earle Fraser and Augustus Saint-Gaudens.

(11) Placing inscriptions on the edge of coins, known as edge-incusing, is a hallmark of modern coinage and is common in large-volume production of coinage elsewhere in the world, such as the 2,700,000,000 2-Euro coins in circulation, but it has not been done on a large scale in United States coinage in recent years.

(12) Although the Congress has authorized the Secretary of the Treasury to issue gold coins with a purity of 99.99 percent, the Secretary has not done so.

(13) Bullion coins are a valuable tool for the investor and, in some cases, an important aspect of coin collecting.

SEC. 102. PRESIDENTIAL $1 COIN PROGRAM.

Section 5112 of title 31, United States Code, is amended by adding at the end the following:

"(n) REDESIGN AND ISSUANCE OF CIRCULATING $1 COINS HONORING EACH OF THE PRESIDENTS OF THE UNITED STATES.—

"(1) REDESIGN BEGINNING IN 2007.—

"(A) IN GENERAL.—Notwithstanding subsection (d) and in accordance with the provisions of this subsection, $1 coins issued during the period beginning January 1, 2007, and ending upon the termination of the program under paragraph (8), shall—

"(i) have designs on the obverse selected in accordance with paragraph (2)(B) which are emblematic of the Presidents of the United States; and

"(ii) have a design on the reverse selected in accordance with paragraph (2)(A).

"(B) CONTINUITY PROVISION.—Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue $1 coins which bear any design in effect before the issuance of coins as required under this subsection (including the so-called 'Sacagawea-design' $1 coins).

"(2) DESIGN REQUIREMENTS.—The $1 coins issued in accordance with paragraph (1)(A) shall meet the following design requirements:

"(A) COIN REVERSE.—The design on the reverse shall bear—

"(i) a likeness of the Statue of Liberty extending to the rim of the coin and large enough to provide a dramatic representation of Liberty while not being large enough to create the impression of a '2-headed' coin;

"(ii) the inscription '$1' ; and

"(iii) the inscription 'United States of America'.

"(B) COIN OBVERSE.—The design on the obverse shall contain—

"(i) the name and likeness of a President of the United States; and

"(ii) basic information about the President, including—

"(I) the dates or years of the term of office of such President; and

"(II) a number indicating the order of the period of service in which the President served.

"(C) EDGE-INCUSED INSCRIPTIONS.—

"(i) IN GENERAL.—The inscription of the year of minting or issuance of the coin and the inscriptions 'E Pluribus Unum' and 'In God We Trust' shall be edge-incused into the coin.

"(ii) PRESERVATION OF DISTINCTIVE EDGE.—The edge-incusing of the inscriptions under clause (i) on coins issued under this subsection shall be done in a manner that preserves the distinctive edge of the coin so that the denomination of the coin is readily discernible, including by individuals who are blind or visually impaired.

"(D) INSCRIPTIONS OF 'LIBERTY'.—Notwithstanding the second sentence of subsection (d)(1), because the use of a design bearing the likeness of the Statue of Liberty on the reverse of the coins issued under this subsection adequately conveys the concept of Liberty, the inscription of 'Liberty' shall not appear on the coins.

"(E) LIMITATION IN SERIES TO DECEASED PRESIDENTS.—No coin issued under this subsection may bear the image of a living former or current President, or of any deceased former President during the 2-year period following the date of the death of that President.

"(3) ISSUANCE OF COINS COMMEMORATING PRESIDENTS.—

"(A) ORDER OF ISSUANCE.—The coins issued under this subsection commemorating Presidents of the United States shall be issued in the order of the period of service of each President, beginning with President George Washington.

“(B) Treatment of period of service.—

“(i) In general.—Subject to clause (ii), only 1 coin design shall be issued for a period of service for any President, no matter how many consecutive terms of office the President served.

“(ii) Nonconsecutive terms.—If a President has served during 2 or more nonconsecutive periods of service, a coin shall be issued under this subsection for each such nonconsecutive period of service.

“(4) Issuance of coins commemorating 4 presidents during each year of the period.—

“(A) In general.—The designs for the $1 coins issued during each year of the period referred to in paragraph (1) shall be emblematic of 4 Presidents until each President has been so honored, subject to paragraph (2)(E).

“(B) Number of 4 circulating coin designs in each year.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of $1 coins that shall be issued with each of the designs selected for each year of the period referred to in paragraph (1).

“(5) Legal tender.—The coins minted under this title shall be legal tender, as provided in section 5103.

“(6) Treatment as numismatic items.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

“(7) Issuance of numismatic coins.—The Secretary may mint and issue such number of $1 coins of each design selected under this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

“(8) Termination of program.—The issuance of coins under this subsection shall terminate when each President has been so honored, subject to paragraph (2)(E), and may not be resumed except by an Act of Congress.

“(9) Reversion to preceding design.—Upon the termination of the issuance of coins under this subsection, the design of all $1 coins shall revert to the so-called ‘Sacagawea-design’ $1 coins.”.

SEC. 103. FIRST SPOUSE BULLION COIN PROGRAM.

Section 5112 of title 31, United States Code, as amended by section 102, is amended by adding at the end the following:

“(o) First Spouse Bullion Coin Program.—

“(1) In general.—During the same period described in subsection (n), the Secretary shall issue bullion coins under this subsection that are emblematic of the spouse of each such President.

“(2) Specifications.—The coins issued under this subsection shall—

“(A) have the same diameter as the $1 coins described in subsection (n);

“(B) weigh 0.5 ounce; and

“(C) contain 99.99 percent pure gold.

“(3) Design requirements.—

“(A) Coin obverse.—The design on the obverse of each coin issued under this subsection shall contain—

“(i) the name and likeness of a person who was a spouse of a President during the President's period of service;

“(ii) an inscription of the years during which such person was the spouse of a President during the President's period of service; and

“(iii) a number indicating the order of the period of service in which such President served.

“(B) Coin reverse.—The design on the reverse of each coin issued under this subsection shall bear—

“(i) images emblematic of the life and work of the First Spouse whose image is borne on the obverse; and

“(ii) the inscription ‘United States of America’.

“(C) Designated denomination.—Each coin issued under this subsection shall bear, on the reverse, an inscription of the nominal denomination of the coin which shall be ‘$10’.

“(D) Design in case of no first spouse.—In the case of any President who served without a spouse—

“(i) the image on the obverse of the bullion coin corresponding to the $1 coin relating to such President shall be an image emblematic of the concept of ‘Liberty’—

“(I) as represented on a United States coin issued during the period of service of such President; or

“(II) as represented, in the case of President Chester Alan Arthur, by a design incorporating the name and likeness of Alice Paul, a leading strategist in the suffrage movement, who was instrumental in gaining women the right to vote upon the adoption of the 19th amendment and thus the ability to participate in the election of future Presidents, and who was born on January 11, 1885, during the term of President Arthur; and

“(ii) the reverse of such bullion coin shall be of a design representative of themes of such President, except that in the case of the bullion coin referred to in clause (i)(II) the reverse of such coin shall be representative of the suffrage movement.

“(E) Design and coin for each spouse.—A separate coin shall be designed and issued under this section for each person who was the spouse of a President during any portion of a term of office of such President.

“(F) Inscriptions.—Each bullion coin issued under this subsection shall bear the inscription of the year of minting or issuance of the coin and such other inscriptions as the Secretary may determine to be appropriate.

“(4) Sale of bullion coins.—Each bullion coin issued under this subsection shall be sold by the Secretary at a price that is equal to or greater than the sum of—

“(A) the face value of the coins; and

“(B) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

“(5) Issuance of coins commemorating first spouses.—

“(A) In general.—The bullion coins issued under this subsection with respect to any spouse of a President shall be issued on the same schedule as the $1 coin issued under subsection (n) with respect to each such President.

“(B) Maximum number of bullion coins for each design.—The Secretary shall—

“(i) prescribe, on the basis of such factors as the Secretary determines to be appropriate, the maximum number of bullion coins that shall be issued with each of the designs selected under this subsection; and

“(ii) announce, before the issuance of the bullion coins of each such design, the maximum number of bullion coins of that design that will be issued.

“(C) Termination of program.—No bullion coin may be issued under this subsection after the termination, in accordance with subsection (n)(8), of the $1 coin program established under subsection (n).

“(6) Quality of coins.—The bullion coins minted under this Act shall be issued in both proof and uncirculated qualities.

“(7) Source of gold bullion.—

“(A) In general.—The Secretary shall acquire gold for the coins issued under this subsection by purchase of gold mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined.

“(B) Price of gold.—The Secretary shall pay not more than the average world price for the gold mined under subparagraph (A).

“(8) Bronze medals.—The Secretary may strike and sell bronze medals that bear the likeness of the bullion coins authorized under this subsection, at a price, size, and weight, and with such inscriptions, as the Secretary determines to be appropriate.

“(9) Legal tender.—The coins minted under this title shall be legal tender, as provided in section 5103.

“(10) Treatment as numismatic items.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.”.

SEC. 104. REMOVAL OF BARRIERS TO CIRCULATION.

Section 5112 of title 31, United States Code, as amended by sections 102 and 103, by adding at the end the following:

“(p) Removal of Barriers to Circulation of $1 Coin.—

“(1) Acceptance by agencies and instrumentalities.—Beginning January 1, 2006, all agencies and instrumentalities of the United States, the United States Postal Service, all nonappropriated fund instrumentalities established under title 10, United States Code, all transportation and transit systems and entities that receive operational subsidies or any disbursement of funds from the Federal Government, such as funds from the Federal Highway Trust Fund, including the Mass Transit Account, and all entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, including the legislative and judicial branches of the Federal Government, shall take such action as may be appropriate to ensure that by the end of the 1-year period beginning on such date—

“(A) any business operations conducted by any such agency, instrumentality, system, or entity that involve coins or currency will be fully capable of accepting and dispensing $1 coins in connection with such operations; and

“(B) prominently displays signs and notices denoting such capability on the premises where coins or currency are accepted or dispensed, including on each vending machine.

“(2) Publicity.—The Director of the United States Mint, shall work closely with consumer groups, media outlets, and schools to ensure an adequate amount of news coverage, and other means of increasing public awareness, of the inauguration of the Presidential $1 Coin Program established in subsection (n) to ensure that consumers know of the availability of the coin.

“(3) Coordination.—The Board of Governors of the Federal Reserve System and the Secretary shall take steps to ensure that an adequate supply of $1 coins is available for commerce and collectors at such places and in such quantities as are appropriate by—

“(A) consulting, to accurately gauge demand for coins and to anticipate and eliminate obstacles to the easy and efficient distribution and circulation of $1 coins as well as all other circulating coins, from time to time but no less frequently than annually, with a coin users group, which may include—

"(i) representatives of merchants who would benefit from the increased usage of $1 coins;

"(ii) vending machine and other coin acceptor manufacturers;

"(iii) vending machine owners and operators;

"(iv) transit officials;

"(v) municipal parking officials;

"(vi) depository institutions;

"(vii) coin and currency handlers;

"(viii) armored-car operators;

"(ix) car wash operators; and

"(x) coin collectors and dealers;

"(B) submitting an annual report to the Congress containing—

"(i) an assessment of the remaining obstacles to the efficient and timely circulation of coins, particularly $1 coins;

"(ii) an assessment of the extent to which the goals of subparagraph (C) are being met; and

"(iii) such recommendations for legislative action the Board and the Secretary may determine to be appropriate;

"(C) consulting with industry representatives to encourage operators of vending machines and other automated coin-accepting devices in the United States to accept coins issued under the Presidential $1 Coin Program established under subsection (n) and any coins bearing any design in effect before the issuance of coins required under subsection (n) (including the so-called 'Sacagawea-design' $1 coins), and to include notices on the machines and devices of such acceptability;

"(D) ensuring that—

"(i) during an introductory period, all institutions that want unmixed supplies of each newly-issued design of $1 coins minted under subsections (n) and (o) are able to obtain such unmixed supplies; and

"(ii) circulating coins will be available for ordinary commerce in packaging of sizes and types appropriate for and useful to ordinary commerce, including rolled coins;

"(E) working closely with any agency, instrumentality, system, or entity referred to in paragraph (1) to facilitate compliance with the requirements of such paragraph; and

"(F) identifying, analyzing, and overcoming barriers to the robust circulation of $1 coins minted under subsections (n) and (o), including the use of demand prediction, improved methods of distribution and circulation, and improved public education and awareness campaigns.

"(4) BULLION DEALERS.—The Director of the United States Mint shall take all steps necessary to ensure that a maximum number of reputable, reliable, and responsible dealers are qualified to offer for sale all bullion coins struck and issued by the United States Mint.

"(5) REVIEW OF CO-CIRCULATION.—At such time as the Secretary determines to be appropriate, and after consultation with the Board of Governors of the Federal Reserve System, the Secretary shall notify the Congress of its assessment of issues related to the co-circulation of any circulating $1 coin bearing any design, other than the so-called 'Sacagawea-design' $1 coin, in effect before the issuance of coins required under subsection (n), including the effect of co-circulation on the acceptance and use of $1 coins, and make recommendations to the Congress for improving the circulation of $1 coins.".

SEC. 105. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the enactment of this Act will serve to increase the use of $1 coins generally, which will increase the circulation of the so-called "Sacagawea-design" $1 coins that have been and will continue to be minted and issued;

(2) the continued minting and issuance of the so-called "Sacagawea-design" $1 coins will serve as a lasting tribute to the role of women and Native Americans in the history of the United States;

(3) the full circulation potential and cost-savings benefit projections for the $1 coins are not likely to be achieved unless the coins are delivered in ways useful to ordinary commerce;

(4) the coins issued in connection with this title should not be introduced with an overly expensive taxpayer-funded public relations campaign;

(5) in order for the circulation of $1 coins to achieve maximum potential—

(A) the coins should be as attractive as possible; and

(B) the Director of the United States Mint should take all reasonable steps to ensure that all $1 coins minted and issued remain tarnish-free for as long as possible without incurring undue expense; and

(6) if the Secretary of the Treasury determines to include on any $1 coin minted under section 102 of this Act a mark denoting the United States Mint facility at which the coin was struck, such mark should be edge-incused.

TITLE II—BUFFALO GOLD BULLION COINS

SEC. 201. GOLD BULLION COINS.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(11) A $20 gold coin that is of an appropriate size and thickness, as determined by the Secretary, weighs 1 ounce, and contains 99.99 percent pure gold."; and

(2) by adding at the end, the following:

"(q) GOLD BULLION COINS.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Presidential $1 Coin Act of 2005, the Secretary shall commence striking and issuing for sale such number of $20 gold bullion coins as the Secretary may determine to be appropriate, not to exceed 500,000 in any year.

"(2) INITIAL DESIGN.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), the obverse and reverse of the gold bullion coins struck under this subsection during the first year of issuance shall bear the original designs by James Earle Fraser, which appear on the 5-cent coin commonly referred to as the 'Buffalo nickel' or the '1913 Type 1'.

"(B) VARIATIONS.—The coins referred to in subparagraph (A) shall—

"(i) have inscriptions of the weight of the coin and the nominal denomination of the coin incused in that portion of the design on the reverse of the coin commonly known as the 'grassy mound'; and

"(ii) bear such other inscriptions as the Secretary determines to be appropriate.

"(3) SUBSEQUENT DESIGNS.—After the 1-year period described to in paragraph (2), the Secretary may—

"(A) after consulting with the Commission of Fine Arts, and subject to the review of the Citizens Coinage Advisory Committee, change the design on the obverse or reverse of gold bullion coins struck under this subsection; and

"(B) change the maximum number of coins issued in any year.

"(4) SOURCE OF GOLD BULLION.—

"(A) IN GENERAL.—The Secretary shall acquire gold for the coins issued under this subsection by purchase of gold mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined.

"(B) PRICE OF GOLD.—The Secretary shall pay not more than the average world price for the gold mined under subparagraph (A).

"(5) SALE OF COINS.—Each gold bullion coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

"(A) the face value of the coins; and

"(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping.

"(6) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103.

"(7) TREATMENT AS NUMISMATIC ITEMS.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.".

TITLE III—ABRAHAM LINCOLN BICENTENNIAL 1-CENT COIN REDESIGN

SEC. 301. FINDINGS.

Congress finds the following:

(1) Abraham Lincoln, the 16th President, was one of the Nation's greatest leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County (present-day LaRue County), Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men are created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none, and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the "American dream" through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln.

(8) Abraham Lincoln was born in Kentucky, grew to adulthood in Indiana, achieved fame in Illinois, and led the nation in Washington, D.C.

(9) The so-called "Lincoln cent" was introduced in 1909 on the 100th anniversary of Lincoln's birth, making the obverse design the most enduring on the nation's coinage.

(10) President Theodore Roosevelt was so impressed by the talent of Victor David Brenner that the sculptor was chosen to design the likeness of President Lincoln for the coin, adapting a design from a plaque Brenner had prepared earlier.

(11) In the nearly 100 years of production of the "Lincoln cent", there have been only 2 designs on the reverse: the original, featuring 2 wheat-heads in memorial style enclosing mottoes, and the current representation of the Lincoln Memorial in Washington, D.C.

(12) On the occasion of the bicentennial of President Lincoln's birth and the 100th anniversary of the production of the Lincoln cent, it is entirely fitting to issue a series of 1-cent coins with designs on the reverse that are emblematic of the 4 major periods of President Lincoln's life.

SEC. 302. REDESIGN OF LINCOLN CENT FOR 2009.

(a) IN GENERAL.—During the year 2009, the Secretary of the Treasury shall issue 1-cent coins in accordance with the following design specifications:

(1) OBVERSE.—The obverse of the 1-cent coin shall continue to bear the Victor David Brenner likeness of President Abraham Lincoln.

(2) REVERSE.—The reverse of the coins shall bear 4 different designs each representing a different aspect of the life of Abraham Lincoln, such as—

(A) his birth and early childhood in Kentucky;

(B) his formative years in Indiana;

(C) his professional life in Illinois; and

(D) his presidency, in Washington, D.C.

(b) ISSUANCE OF REDESIGNED LINCOLN CENTS IN 2009.—

(1) ORDER.—The 1-cent coins to which this section applies shall be issued with 1 of the 4 designs referred to in subsection (a)(2) beginning at the start of each calendar quarter of 2009.

(2) NUMBER.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of 1-cent coins that shall be issued with each of the designs selected for each calendar quarter of 2009.

(c) DESIGN SELECTION.—The designs for the coins specified in this section shall be chosen by the Secretary—

(1) after consultation with the Abraham Lincoln Bicentennial Commission and the Commission of Fine Arts; and

(2) after review by the Citizens Coinage Advisory Committee.

SEC. 303. REDESIGN OF REVERSE OF 1-CENT COINS AFTER 2009.

The design on the reverse of the 1-cent coins issued after December 31, 2009, shall bear an image emblematic of President Lincoln's preservation of the United States of America as a single and united country.

SEC. 304. NUMISMATIC PENNIES WITH THE SAME METALLIC CONTENT AS THE 1909 PENNY.

The Secretary of the Treasury shall issue 1-cent coins in 2009 with the exact metallic content as the 1-cent coin contained in 1909 in such number as the Secretary determines to be appropriate for numismatic purposes

SEC. 305. SENSE OF THE CONGRESS.

It is the sense of the Congress that the original Victor David Brenner design for the 1-cent coin was a dramatic departure from previous American coinage that should be reproduced, using the original form and relief of the likeness of Abraham Lincoln, on the 1-cent coins issued in 2009.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1047, the Presidential $1 Coin Act of 2005, and urge its immediate passage.

Mr. Speaker, it is rare in this Chamber when we can vote for legislation that is good for business, good for consumers, good for children, good for parents and good for taxpayers all at the same time. Usually we must make our best judgments on how to balance those often competing interests. At this time, however, there are a lot of winners and no losers.

The legislation we are considering, authored by the gentleman from Delaware, holds every chance of solving what has become a real problem in modern commerce, how to get a $1 coin circulating in the sections of the economy that would benefit from having one. We can all remember the old cartwheel silver dollars, or at least some of us can, that were great to have when we were kids, but which were too big and bulky to carry a pocketful, and we can all remember the Treasury's mistake in 1979 when it went to replace the bigger dollars with one that many people thought was indistinguishable from the quarter.

Mr. Speaker, we have all had the experience of trying to buy a fare card in the Metro system here in Washington and having the machine reject our worn dollar time after time or trying to buy something from a vending machine and having it jam with our paper money. That is an inconvenience to the consumer, but it is often a big loss to the operator of the vending machine, not just of that sale, but of all the others who cannot use the machine until it is repaired. Who actually pays for the losses in the end, of course, is the consumer.

Mr. Speaker, doubtless a fully circulating dollar coin will not be as useful or popular in a rural community without public transit as it is in an urban environment. But in cities, it will be a big hit, and in any event, it is the obligation of Congress to provide for the production of coins and currency that allows businesses to operate efficiently.

So the gentleman from Delaware (Mr. CASTLE), who is the author of the 50 State quarter program, a most successful program, and I applaud the gentleman for his leadership and vision. He has come up, again, with an ingenuous solution. Having seen the demand for quarters skyrocket as soon as those coins started changing their design every couple of months, he has designed a program that will do the same for the dollar coin, creating a gimmick, and I don't know whether I wanted to call it a gimmick, but that is what it says right here, that will draw the coins into circulation because of collector demand instead of trying to push the coins out into circulation as the Mint famously and unsuccessfully tried to do in 2000.

Other aspects of the bill, a gold First Spouse coin, a solid gold investor grade coin with a buffalo nickel design and a set of four new penny reverses in 2009 for the 200th anniversary of the birth of Abraham Lincoln, are also good ideas in that regard.

I would also like to make two points. One is that since this idea was that of the gentleman from Delaware, rightfully, the bill we pass ought to bear the number H.R. 902 that he introduced with the gentlewoman from New York and which passed the House 422-6. I chalk the fact that this bill bears a Senate number up to the procedural problem as the Senate rushed to pass the legislation before the Thanksgiving recess, but it is still unfortunate. Make no mistake about it, this legislation came about because of MIKE CASTLE and CAROLYN MALONEY, and I want to thank both of them for their efforts.

Much more serious is a provision in the Senate bill that was not in the House bill and which will, in my estimation, cause some problems as the Presidential dollar program goes forward, a requirement that a third of all the dollar coins issued during the life of the Presidential dollar program bear the Sakakawea design. Mr. CASTLE and Mrs. MALONEY struck a good commonsense agreement with Mr. POMEROY over the House version of this bill that would have continued minting Sakakawea design coins to meet demand throughout the life of the Presidential dollar and then return to full production of that design after the Presidential program is finished and the dollar coin establishes a useful and well-circulating medium of exchange.

Mr. Speaker, although not the fault of the design of Sakakawea herself, there will not be the same demand for the Sakakawea coins as for the Presidents, because there will be no real change in the design of the coin from year to year. The problem, of course, is that if the coins are struck but there is no demand, they will need to be stored somewhere at some cost to the government. I will introduce into the RECORD a letter to that effect from the Federal Reserve.

Mr. CASTLE and other supporters of this legislation have signaled their intent to revisit this provision in the upcoming session to try to find a way to stimulate demand for the Sakakawea design, and I pledge to work with them in that effort.

With those reservations, Mr. Speaker, this is fine legislation. It will benefit businesses, consumers, have great educational value and actually probably make the government a good deal of money as collectors take some of the dollars out of circulation. I urge its immediate passage.

BOARD OF GOVERNORS OF
THE FEDERAL RESERVE SYSTEM,
Washington, DC, December 5, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to provide you with information and perspective on H.R. 902 and S. 1047, the House- and Senate-passed versions of the "Presidential $1 Coin Act of 2005," particularly as these bills would affect the Federal Reserve Banks. These bills are intended, in part, to increase the circulation of $1 coins. Prior to House passage, I provided comments on H.R. 902 in a letter dated March 15, 2005, and my colleague, Federal Reserve Board Governor

Mark Olson, provided comments on a similar bill in an earlier letter dated August 31, 2004. Federal Reserve Board staff also briefed House and Senate staff on similar issues. I appreciate that the bills passed by the House and Senate address several of the comments that were raised in the previous letters and briefings; however, we continue to have concerns about several aspects of the proposed bills.

Both bills require the issuance of four new Presidential $1 coins each year, as well as the continued issuance of the Sacagawea $1 coin. Although both bills provide the Secretary of the Treasury with discretion to determine the appropriate number of Presidential $1 coins per design to issue each year, the Senate bill requires (and the House bill suggests) that the Secretary and the Board ensure that unmixed supplies of each newly-issued $1 coin be available to all institutions that want them during an introductory period. The experience of the Reserve Banks with regard to the state quarter and golden dollar programs has been that the commemorative coin designs increase Reserve Banks' inventories well beyond levels that they would otherwise hold and increase operating costs associated with coin inventory management. The public initially tends to demand a large number of coins for numismatic purposes, but eventually many of those coins are returned to the Reserve Banks. This results in the accumulation of excessive inventories. Assuming that the flow back of excess Presidential $1 coins to the Reserve Banks is consistent with that of earlier commemorative coin designs, we estimate the net present value of the cost associated with storing excess Presidential $1 coins to be approximately $45 million over the life of the program. As we have previously suggested, slowing the rate at which new coin designs are introduced would help reduce these costs.

The Senate-passed bill would exacerbate the Reserve Banks' inventory challenges, compared to the House-passed bill, by requiring the minting and issuance of Sacagawea $1 coins "in quantities no less than 1/3 of the total $1 coins minted and issued" under the Presidential $1 coin program. Establishing such a relative quota for Sacagawea coins, irrespective of the actual public demand for that specific coin design, would likely further increase the amount of excess coin held at the Reserve Banks. Federal Reserve Board staff estimates that the Sacagawea coin quota would further increase the cost associated with storing excess dollar coins by as much as one-third, or $15 million, to an estimated net present value of approximately $60 million over the life of the program. We would expect the Mint to continue to produce Sacagawea coins, and the Reserve Banks to put Sacagawea coins into circulation as needed, and we recommend that the final bill not include a specific requirement that a fixed fraction of new $1 coin production be dedicated to the Sacagawea design.

It has proven very difficult over time to stimulate public demand for the $1 coin. As you may know, the Government Accountability Office (GAO) has reported several times on a number of barriers to the effective circulation of $1 coins, including the U.S. public's continued preference for $1 notes. As a result, we urge that the final legislation be flexible enough to address the possibility of continued low public demand for the $1 coin and the potential implications of slow growth in usage for the costs incurred by the Mint and the Federal Reserve.

On another issue, the House-passed bill provides a sense of the Congress that at such time as the Secretary of Treasury determines to be appropriate, and after consultation with the Federal Reserve, the Secretary should declare the Susan B. Anthony $1 coin to be obsolete. Neither existing law nor the bill defines the word "obsolete." We continue to be concerned that the public might interpret such language as withdrawing the legal tender status of the coin. Further, if "obsolete" means that Susan B. Anthony coins would remain legal tender but that the Treasury and Federal Reserve should remove the coins from circulation, this would likely impose significant operational costs that would also reduce the potential value to the government of the proposed $1 coin program. For example, currently available equipment does not enable the Federal Reserve to sort the different $1 coins according to their designs in order to remove some designs from circulation. Therefore, we continue to believe that it would be prudent not to include language in the bill suggesting that the Susan B. Anthony coin will be withdrawn from circulation or declared obsolete.

We hope these thoughts help clarify some of the remaining technical issues with the two bills. As the House and Senate work to resolve the differences between the bills, we ask that you take into consideration the concerns outlined in this letter.

Sincerely,

DONALD L. KOHN,
Member of the Board.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted that the House is taking up this bill that Congressman CASTLE and I initiated, and I truly believe it is a win-win for taxpayers and the economy, the Presidential $1 Coin Bill.

As we recall, the House passed our version of this bill by an overwhelming bipartisan majority last April, and the Senate has now done the same with its version and sent it back here for final passage.

As our earlier vote reflects, this is an idea that we can all agree on. The Presidential dollar coin will begin in January of 2007 with the issuance of the George Washington dollar and continue at the rate of four Presidents a year until all Presidents who have completed their term of office have been honored, including President Bush and at least one successor.

The back of the coin has the Statue of Liberty, which is located in the harbor of the city I represent. It is recognized throughout the world as the image of the United States and the symbol of freedom and opportunity.

I am particularly pleased and thankful for discussions with Representative POMEROY from North Dakota, Indian tribal chiefs and women's groups, on the provisions of the bill relating to the Sakakawea dollar coin that have been clarified, really strengthened, to make sure that Sakakawea will continue to be honored on the dollar throughout the program and after the program is complete. This is also true in the Senate version which we are voting on today.

This initiative builds on the remarkable success also led by my dear friend and colleague Congressman CASTLE of our 50 State quarter bill. Like the State quarters, the Presidential dollar coin will revive interest in and encourage use of the dollar coin, educate the public about our Presidents and their first ladies and make money for the taxpayers. After 5 years at the halfway point, the 50 State quarter program had made $4 billion for the United States Treasury, primarily from collectors taking the coins out of circulation so that the Federal Reserve then buys more from the Mint.

Over 130 million Americans, including children, adults and collectors, are collecting the quarters. I know from firsthand experience. My daughter is one of these collectors, and she has collected every single quarter, has books on them; her friends collect them. Teachers have told me that they use the quarter in their classrooms for educational purposes, and I believe that the Presidential dollar bill will likewise be used as an educational tool for collectors and for school children. We have similar hopes for the effect of the individuals collecting the Presidential dollar coins for them to be useful in the classroom and helpful to the Treasury.

In addition, this bill will revive interest in and encourage use of the dollar coin. The GAO has estimated that general use of dollar coins could save the government as much as $50 million per year because they last longer than the dollar bill.

I have received correspondence from small businesses, who are delighted that the bill will boost usage of the dollar coin in everyday commerce. As dollar coins achieve greater use in meters, fare machines, coin operated laundromats or car washes, these businesses will benefit and consumers will get faster and more efficient service.

We have done a great deal of research to make sure that this coin is successful. In the course of developing this bill, Congressman CASTLE reached out to the National Federation for the Blind to ask for the perspective of persons with visual impairments whom we might expect to have the most concern over problems with usage of a dollar coin and specifically with distinguishing it from a quarter. The NFB responded that so long as the edge of the coin was distinctive, persons with visual impairments would not have a problem, and we have accommodated that need. The legislation also leaves a great deal of flexibility to the Mint to design the coins in such a way that they will be sufficiently distinctive, and we have made the Mint aware of this imperative.

I am also proud of the bill's provision for also honoring each first spouse. The bill provides for these to be issued both as gold bullion collectors items and also in a bronze version, making them more accessible to school children and the public.

This bill earns money for the government, benefits small businesses and consumers, educates all users of American currency about their Presidents and revitalizes interest in the dollar coin. I would call that a bill that clearly deserves our full support.

I would like to thank Congressman CASTLE for his initiative and steady work on this bill, a bill that should be supported easily by everyone. The fact is that it makes money for the Treasury, educates people and helps our economy, but we had many, many hurdles that we had to jump over, and his thoughtful and persistent work was absolutely critical for its success.

I also thank my good friend Representative POMEROY for helping to make this a bill that continues to honor Sakakawea, both during the time that it is being minted and afterwards; and also our ranking member, Mr. FRANK, for helping us to move this to the floor for a vote.

Of course, Congressman OXLEY, we will miss you and miss your leadership in this body.

I would also like to thank Joe Pinder and Emily Pfeiffer on the majority staff of the Financial Services Committee for their assistance throughout this process.

And I would finally like to thank Jaime Lizarraga of the minority Financial Services Committee and Eleni Constantine for their work on it.

Mr. Speaker, I urge all of my colleagues to support it. It is not often that we have an opportunity to vote on something that will educate adults and children about our history, put money into the Treasury, save taxpayers money, help small business, and it is just plain fun to collect. So I am thoroughly in support of it.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I am pleased now to yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), the First State, who has been a real leader in this effort and shown a great deal of foresight.

Mr. CASTLE. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I am delighted to be able to speak to this bill. Let me just start by thanking you, Mr. Chairman, for expediting this. Sometimes it is not that easy to move along even good legislation. I also wish to thank the ranking member, Mr. FRANK, who is on the floor, for his acceptance of this as well.

I cannot thank CAROLYN MALONEY enough for her exceptional work. You have to get a lot of signatures on these bills. You have to talk to a lot of people. We had a lot of negotiations with respect to some of the changes from Sakakawea to what we are trying to do, and I just cannot thank her enough for her constant support of it. I would bet we talked about this about 100 times in the course of the last couple years, if I had to guess.

I wish it were our bill and not the Senate version of our bill, though, but that is the way things go sometimes. We will still enjoy it.

I would also like to thank particularly Joe Pinder, who knows more about coins probably than anybody in the United States of America, as far as I can ascertain. He talked to me first about the other quarter bill, which I did not think was a particularly sound idea at the time. This was some 10 years ago now, I think. He talked to me about it again. Then he told me Delaware would be first because it was the first State to ratify the Constitution, and then he pointed out it would actually make some money for the Federal Government. By that time, I became convinced after several months of this, and we actually had to convince Secretary Rubin and Deputy Secretary Summers at that time. They thought the same thing I did; it was not a great idea. It turned out to be a very significant and good idea, as we all know now, for all the reasons that Mrs. MALONEY and the chairman spoke about, educating a lot of people, and it has been a wonderfully fun program.

What a lot of people do not realize is these programs make money. That particular program has made $5 billion, billion with a "B" for the Federal Government so far, on its way to probably $8 billion to $10 billion before it is all said and done. It is a complicated process called seniorage, but essentially, they make the coins for 4 or 5 cents, and they sell them for 25 cents, obviously, when the public buys them from the Federal Reserve. And that amount of money, if the coins are not reclaimed, which they are not in the collectors' case, is money that we can use instead of having to appropriate money.

It is also estimated, I should point out, that this particular program which has multiple higher numbers, although there will be fewer coins distributed, we hope will make in the range of $4 to $5 billion as well. So we are talking about something which has a lot of benefit.

I would also like to thank Emily Pfeiffer, who started on my staff and now works for the committee. The committee, which has all this money and can pay higher salaries, I guess is what it is all about, took her away, but she has done some wonderful work on this as well.

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This bill is unique. It has on the side edge incusing, which means on the side of the coin you are going to have what we have above you, Mr. Speaker: In God We Trust and E Pluribus Unum will be on there. It will be gold in color, and it will represent the various Presidents who served our country. It is going to be tremendously educational. There will be a First Lady coin; there will be gold bullion editions of these particular coins for collectors. We think it actually may help bring the dollar coin back into commerce. I see the gentleman from North Dakota (Mr. POMEROY) on the floor, and a lot of our negotiations were with him and he was very concerned about the continuation of the recognition of Sakakawea. My hope is, frankly, this is going to add to that, because it is actually going to get the coins distributed when we revert to that program, and sometime later it will add to it as well.

I must say that I am concerned about what Senator DORGAN did put into the bill, because I prefer what we worked out in the House as a better solution to this, and that is an edition of the third of the coins now still to be Sakakawea, and I am afraid they are going to sit and collect dust and not be distributed.

At this point I would rather have done this differently. But we are working on that, and hopefully we will have a better solution to recognize the great American Indians and what they have done for us in this country before we are all said and done, even while this program is going on. I think there are perhaps better solutions than what the Senate actually did, but that is something we are not going to do unless we all agree. So I think we should pass this legislation, which is very good legislation; and if we can make it even better, we should come back and try to do that at some point in the future. We will continue to work on that.

These coins, the quarters I am referring to now, have been highly successful because of the children's involvement. It is my hope that the children are going to go into the store and ask for dollar coins in change. We think that is very significant in terms of what they might do and in terms of the circulation in the commerce. Four of these will be issued per year, that will be plenty, to make everybody start looking forward to them. Once they collected the one before, they will collect the other one. They will be coined at the Philadelphia and Denver Mints, so they will have the P and the D on them, and people might wish to collect both of them, as a matter of fact.

As a matter of fact, even the National Education Association has sent a letter in support of this bill. It is true, you do not find many bills here in which we actually make money which are educational, which are fun, which are well received by everybody; and that is essentially what this bill does. So I would just like to thank everybody who was involved and urge passage of the legislation hopefully unanimously in the House.

Mrs. MALONEY. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Dakota (Mr. POMEROY), who was instrumental in the passage of this bill. We thank him for his leadership.

Mr. POMEROY. Mr. Speaker, I am delighted to be able to participate in this discussion. I want to thank the gentlewoman for yielding. I also thank the gentlewoman for struggling with the Hidatsa pronunciation of Sakakawea, when most across the Nation learned the Shoshone pronunciation Sacajawea. I think the sensitivity you showed to our feelings that it is the Hidatsa pronunciation that ought to be applicable is really representative of the kind of sensitivity you have shown to our concerns throughout this entire matter.

As far as that goes, I want to really commend my colleague from Delaware, MIKE CASTLE. I commend also the ranking member, BARNEY FRANK, for taking what was clearly set up to be a win-lose proposition, with the losers being those who really are proud of the Sakakawea coin, a coin representing the first Native American woman ever to grace a United States coin, a coin that we think also reflects honor and celebration of the bicentennial of the Lewis & Clark Expedition which opened up the north and west, and so we felt very strongly that the Mint had made the right decision moving the dollar coin forward with Sakakawea, and we were concerned about this coming to an end.

As we worked this through, this win-lose proposition became something that I now view much more favorably as a win-win proposition. I think the gentleman from Delaware has it right when he says that the introduction of the Presidents may spark a whole new interest in the dollar coin itself; and working together, we have been able to ensure that Sakakawea will continue to be on part of those coins.

As to in the end what is a right percentage or should there be a directed percentage, all I would say is we have worked in the end well on this matter, and I will pledge my commitment to continuing to work to make sure that this achieves the ends we all want: a dollar coin more popularly accepted; recognition of our Presidents; a popular collector's item for school children; and continued prominence of the Sakakawea coin in circulation in this country.

I think that in the end this has been for me a very satisfying legislative experience, and I commend the principals for making it so. Certainly, I think that you could have pursued this another way; and really, gosh, if we could do this more often around here on other issues, I think we would get a lot more done.

I also want to take the opportunity at the podium just to recognize Chairman OXLEY. As someone with a former background as an insurance commissioner, I have a deep interest in the matters of the Financial Services Committee, and the chairman's serving as the first chairman of this new committee with its broader reach of jurisdiction than the old banking committee, I think you have set a very high bar of leadership and integrity and fair-mindedness, and we have enjoyed your service in that regard. I look forward to working with you next year as you continue to serve out your chairmanship.

Mrs. MALONEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I again want to reiterate my support and thanks to the leadership of the gentleman from North Dakota and thanks for his cooperation. The gentlewoman from New York's negotiating skills got the Statue of Liberty on the coin. That is pretty impressive. And the gentleman from the First State has been a real leader in this for a long time. In the great tradition of our committee, we look forward to strong bipartisan support.

Mrs. KELLY. Mr. Speaker, I rise today in support of S. 1047. I have the privilege of representing the West Point Mint, the home of our nation's bullion coin programs. Since 1986 the mint and its employees have produced the American Eagle series of silver, gold, and platinum bullion coins with unmatched skill and quality. Each of the tens of millions of American Eagle bullion coins that has been sold is an investment in America, a savings for taxpayers, and a vote of confidence in the workmanship of the West Point Mint.

S. 1047 builds on that legacy by authorizing two new bullion programs, an American Presidential Spouse 24 karat gold bullion coin and an American Buffalo $50 gold bullion coin. Passage of this bill into law will ensure that the West Point Mint remains at the center of American and global bullion coin production for years to come. I urge the members of the House to join me in passing this bill.

Mr. OXLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the Senate bill, S. 1047.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1047.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SMALL PUBLIC HOUSING AUTHORITY ACT

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3422) to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan, as amended.

The Clerk read as follows:

H.R. 3422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Public Housing Authority Act".

SEC. 2. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN SMALL PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following new paragraph:

"(3) EXEMPTION OF CERTAIN SMALL PHAS FROM FILING REQUIREMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

"(i) the requirement under paragraph (1) shall not apply to any qualified small public housing agency; and

"(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified small public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

"(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified small public housing agencies are exempt pursuant to subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified small public housing agency shall, on an annual basis, make the certification described in paragraph (15) of subsection (d) of this section, except that for purposes of such small public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

"(C) DEFINITION.—For purposes of this section, the term 'qualified small public housing agency' means a public housing agency that meets all of the following requirements:

"(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 250 or fewer.

"(ii) The agency is not designated pursuant to section 6(j)(2) as a troubled public housing agency.".

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

"(4) QUALIFIED SMALL PUBLIC HOUSING AGENCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified small public housing agency from the requirement under paragraph (1) to establish one or more resident advisory boards. Notwithstanding that qualified small public housing agencies are exempt pursuant to subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified small public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, in any determinations and actions of the agency regarding establishing goals, objectives, and policies of the agency.

"(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified small public housing agencies, except that for purposes of such small public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

"(f) PUBLIC HEARINGS.—"; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1) of this subsection), by adding at the end the following new paragraph:

"(5) QUALIFIED SMALL PUBLIC HOUSING AGENCIES.—

"(A) REQUIREMENT.—Notwithstanding that qualified small public housing agencies are exempt pursuant to subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified small public housing agency shall, not less than annually, conduct a public hearing to discuss the goals, objectives, and policies of the agency, and any changes to such goals, objectives, and policies, and to invite public comment regarding such issues.

"(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of such a hearing, the qualified small public housing agency shall—

"(i) make all information relevant to the hearing and any determinations of the agency regarding the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

"(ii) publish a notice informing the public that (I) the information is available as required under clause (i), and (II) a public hearing under subparagraph (A) will be conducted.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3422, the Small Public Housing Authority Act, and wish to commend the gentleman from Texas (Mr. NEUGEBAUER) for his work on this important legislation.

The Small Public Housing Authority Act would amend the United States Housing Act of 1937 to exempt a small public housing agency from a requirement to prepare an annual public agency plan if the agency administers not more than a total of 250 dwelling units and section 8 vouchers and is not a troubled agency and provides assurances of resident participation.

Currently, public housing authorities are required to submit both a 5-year plan and an annual plan to HUD. The 5-year PHA plan addresses the agency's mission and their plan to achieve their mission. Specifically, the annual plan has typically required public housing authorities to include information on the housing needs of the families in the jurisdiction, strategies to meet these needs, statement of financial resources, and PHA policies governing eligibility, selection, and administrations.

Typically the average streamlined PHA plan is 47 pages with extensive attachments. For a small PHA with limited staff, compiling such a report is both time consuming and labor intensive. The regulatory relief provided in this legislation will give small public housing authorities more time to focus on the needs of their tenants. This exemption of smaller PHAs from filing plans will not affect the ability of tenant organizations to continue to have input with the managers of their developments. Language incorporated into the legislation ensures tenant participation and requires smaller PHAs to provide advanced planning required under the 5-year plans.

Similar legislation sponsored by our good friend, retired Representative Doug Bereuter, was considered by the Financial Services Committee on March 17, 2004, and passed the House under suspension of the rules on May 5, 2004, in the 108th Congress.

Mr. Speaker, H.R. 3422 deserves our support. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we agree that this is a useful piece of legislation. I am one who believes in appropriate regulation. And if you believe in appropriate regulation, you should be committed to doing away with inappropriate regulation. When you overregulate, when you put too much of a burden on people who should not have the burden, you undercut the case for those restrictions where they should apply. Clearly, when you talk about housing authorities, you are talking about entities that differ greatly; and this is one of those cases where to quote, I guess Marx I am afraid, "Quantity can become quality." Differences in size can become so important that they become difference in kind.

When you talk of the New York Public Housing Authority or the Los Angeles Public Housing Authority and you are talking about some of the very small public housing authorities, you are talking about very different entities, and you ought not try to put them all under one. So we appreciate the initiative that came on the other side from those who wanted to make this more flexible.

We did have some concerns. By "we" I did mean myself and the gentlewoman from California (Ms. WATERS), who chairs the housing subcommittee, because we did not want to have tenants who, after all, are human beings in large authorities as well as small to be somehow inadvertently disadvantaged. So we appreciate the fact that the majority is willing to negotiate with us, and I always say that with trepidation lest my having acknowledged that we worked out something bipartisan in our committee and transformed something routine into an ideological war. But I would assure people that the negotiations here were of a fairly calm level.

What we did, essentially, was to maintain the statutory role for resident advisory boards. They are advisory, and obviously it is important to watch housing authorities that are small and talk to the people who live there.

Secondly, we left in a requirement that they have to have a public hearing at least once a year to talk about their objectives. I think these are beneficial. Finally, we wanted to make clear that they did have to self-certify that they were meeting the civil rights and fair housing laws.

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No one has to investigate them, but leaving that out, leaving that requirement itself out of the equation, the vast majority of housing authorities are well-intentioned, and you do not volunteer to be on a housing authority unless you really care about the people who are there. The people who run the small housing authorities are very often very civic-minded people, people who care about the poor. Very rarely are the people who run these authorities getting back any kind of compensation, enough to make up for the time. But we want to make sure that we did not send the wrong message.

So with those three fairly minor modifications that the majority accepted, this is a fairly useful bill, and we hope that it is passed.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I am now pleased to yield such time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER), the sponsor of the legislation.

Mr. NEUGEBAUER. Mr. Speaker, I thank Chairman OXLEY and Ranking Member FRANK.

Mr. Speaker, H.R. 3422 would exempt public housing authorities with 250 or fewer public housing units and section 8 vouchers combined from the requirement of submitting an annual plan to the Department of Housing and Urban Development.

In the 108th Congress, the House passed a similar legislation sponsored by former Congressman Doug Bereuter. The Senate, however, failed to take up this legislation.

I represent a rural West Texas district. Most of the public housing authorities in my district have fewer than 250 housing units and/or vouchers. Several have part-time directors or directors who split time between public housing authorities.

The annual plan process, mandated by Congress in 1998, requires a significant amount of time and resources for these public housing authorities. This mandate is especially burdensome on our PHAs, our small ones, because they have few staff resources to devote to the annual plans. While HUD has taken regulatory steps to reduce the reporting burden for small PHAs, the plans still require much unnecessary paperwork and additional time.

Reducing the unnecessary paperwork and reporting will help smaller PHAs better serve their communities and focus on their mission of providing affordable rural housing to rural residents in need.

H.R. 3422 only addresses annual plans. Small PHAs will still complete their HUD 5-year plan.

This legislation also requires PHAs to continue providing their residents with opportunity to help set goals and policies for the housing authority and to continue to certify their civil rights compliance with HUD.

However, I would note that the intent of this legislation is for HUD to keep the annual certification process as simple as possible and not create additional requirements and additional reports for PHAs.

This is a small bill, but it has a positive impact on PHAs in rural areas in my district, and I ask the House that this much-needed, commonsense regulatory relief for small public housing authorities be passed.

As the ranking member said, one of the things that makes sense is when government oversteps its bounds, it is appropriate for government to step back in and correct those. I think this is a much-needed correction so that we can let these small public housing authorities focus on the tenants and not on the paperwork.

I thank, again, the chairman and the ranking member.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself some additional time to simply say, I appreciate what the gentleman from Texas said in closing which is to focus on the tenants.

I think it is important that we continue to pay attention to housing authorities. Too often, people slip into the mistake of equating homeownership with homes. Homeownership is very important, yes, to the sense that people are economically and other ways able to own homes, that is a good thing. But a large number of low-income people, through a variety of reasons, economic and others, are not going to own homes, and we ought to be clear that it is the right of people to a home that we want to work for or at least the ability of people to have a decent home.

In many cases, that will be homeownership. But in some cases, it will not be, and we want to make it very clear, as far as the public sector is concerned, we ought to have the same obligation to help people make the most out of their home, whether they are tenants or owners. This is an example of how we do that.

So I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time. I just want to, again, congratulate the gentleman from Texas for his leadership and the cooperation on the other side.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3422, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3422.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 280) to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields, as amended.

The Clerk read as follows:

H.R. 280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brownfields Redevelopment Enhancement Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) returning the Nation's brownfield sites to productive economic use could generate more than 550,000 additional jobs and up to $2,400,000,000 in new tax revenues for cities and towns;

(2) redevelopment of brownfield sites and reuse of infrastructure at such sites will protect natural resources and open spaces;

(3) lack of funding for redevelopment is a primary obstacle impeding the reuse of brownfield sites;

(4) the Department of Housing and Urban Development is the agency of the Federal Government that is principally responsible for supporting community development and encouraging productive land use in urban areas of the United States;

(5) grants under the Brownfields Economic Development Initiative of the Department of Housing and Urban Development provide local governments with a flexible source of funding to pursue brownfields redevelopment through land acquisition, site preparation, economic development, and other activities;

(6) to be eligible for such grant funds, a community must be willing to pledge community development block grant funds as partial collateral for a loan guarantee under section 108 of the Housing and Community Development Act of 1974, and this requirement is a barrier to many local communities that are unable or unwilling to pledge such block grant funds as collateral; and

(7) by de-linking grants for brownfields development from section 108 community development loan guarantees and the related pledge of community development block grant funds, more communities will have access to funding for redevelopment of brownfield sites.

(b) PURPOSE.—The purpose of this Act is to provide cities and towns with more flexibility for brownfields development, increased accessibility to brownfields redevelopment funds, and greater capacity to coordinate and collaborate with other government agencies—

(1) by providing additional incentives to invest in the development and redevelopment of brownfield sites; and

(2) by de-linking grants for brownfields development from community development loan guarantees and the related pledge of community development block grant funds.

SEC. 3. BROWNFIELDS DEVELOPMENT INITIATIVE.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

"SEC. 123. BROWNFIELDS DEVELOPMENT INITIATIVE.

"(a) IN GENERAL.—The Secretary may make grants under this section, on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545), only to eligible public entities (as such term is defined in section 108(o) of this title) and Indian tribes for carrying out projects and activities to assist the development and redevelopment of brownfield sites, which shall include mine-scarred lands.

"(b) USE OF GRANT AMOUNTS.—Amounts from grants under this section—

"(1) shall be used, as provided in subsection (a) of this section, only for activities specified in section 108(a);

"(2) shall be subject to the same requirements that, under section 101(c) and paragraphs (2) and (3) of section 104(b), apply to grants under section 106; and

"(3) shall not be provided or used in a manner that reduces the financial responsibility of any nongovernmental party that is responsible or potentially responsible for contamination on any real property and the provision of assistance pursuant to this section shall not in any way relieve any party of liability with respect to such contamination, including liability for removal and remediation costs.

"(c) AVAILABILITY OF ASSISTANCE.—The Secretary shall not require, for eligibility for a grant under this section, that such grant amounts be used only in connection or conjunction with projects and activities assisted with a loan guaranteed under section 108.

"(d) APPLICATIONS.—Applications for assistance under this section shall be in the form and in accordance with procedures as shall be established by the Secretary.

"(e) SELECTION CRITERIA AND LEVERAGING.—The Secretary shall establish criteria for awarding grants under this section, which may include the extent to which the applicant has obtained other Federal, State, local, or private funds for the projects and activities to be assisted with grant amounts and such other criteria as the Secretary considers appropriate. Such criteria shall include consideration of the appropriateness of the extent of financial leveraging involved in the projects and activities to be funded with the grant amounts.

"(f) DEFINITION OF BROWNFIELD SITE.—For purposes of this section, the term 'brownfield site' has the meaning given such term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)). Such term includes a site that meets the requirements under subparagraph (D) of such section for inclusion as a brownfield site for purposes of section 104(k) of such Act (42 U.S.C. 9604(k)).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2006, 2007, 2008, 2009, and 2010.".

SEC. 4. CLARIFICATION OF BROWNFIELDS REDEVELOPMENT AS ELIGIBLE CDBG ACTIVITY.

(a) TECHNICAL CORRECTION.—Subsection (a) of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) by striking paragraph (24) and all that follows through the end of the subsection and inserting the new paragraph (24) inserted by section 2(3) of Public Law 108–146 (117 Stat. 1883);

(2) by adding at the end (after the paragraph added by paragraph (1) of this subsection) the new paragraph (20) added by section 907(b)(1)(C) of Public Law 101–625 (104 Stat. 4388) and redesignating such paragraph as paragraph (25); and

(3) by adding at the end (after the paragraphs added by paragraphs (1) and (2) of this subsection) the new paragraph (21) added by section 1012(f)(3)) of Public Law 102-550 (106 Stat. 3905) and redesignating such paragraph as paragraph (26).

(b) BROWNFIELDS REDEVELOPMENT ACTIVITIES.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)), as in effect pursuant to subsection (a) of this section, is amended—

(1) in paragraph (24) (as added by subsection (a)(1) of this section), by striking "and" at the end;

(2) in paragraph (25) (as added by subsection (a)(2) of this section), by striking the period at the end and inserting a semicolon;

(3) in paragraph (26) (as added by subsection (a)(3) of this section), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(27) economic development and redevelopment activities related to projects for brownfields sites (as such term is defined in section 123(f)), in conjunction with the appropriate environmental regulatory agencies, except that assistance pursuant to this paragraph shall not be provided in a manner that reduces the financial responsibility of any nongovernmental party that is responsible or potentially responsible for contamination on any real property and the provision of assistance pursuant to this paragraph shall not in any way relieve any party of liability with respect to such contamination, including liability for removal and remediation costs.".

SEC. 5. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG FUNDS TO ADMINISTER RENEWAL COMMUNITIES.

Section 105(a)(13) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(13)) is amended by inserting "and renewal communities" after "enterprise zones".

SEC. 6. APPLICABILITY.

The amendments made by this Act shall apply only with respect to amounts made available for fiscal year 2006 and fiscal years thereafter for use under the provisions of law amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am very pleased to see this bill on the floor today. The revitalization of brownfield sites has always interested me because Ohio has thousands of those underused or vacant properties. I was involved in writing the first brownfields legislation almost 10 years ago at a time when people were just starting to focus on what redevelopment could mean for jobs and cleaning up the environment.

Aside from the contamination at these sites, we found that there were legal and financial obstacles to redevelopment. After working on the issue for several years, Congress passed a major brownfields bill in 2001 that the gentleman from Ohio (Mr. GILLMOR) helped push across the goal line. That bill mainly dealt with EPA's programs.

The Financial Services Committee then started looking at making HUD's programs more effective, specifically the Brownfields Economic Development Initiative. At a hearing, we learned that many communities have been shut out of the BEDI, pronounced Betty, program because they cannot get a grant without going through the cumbersome process of applying for a section 108 loan. That is very hard on smaller communities. In fact, Mayor Lydia Reid from Mansfield in my congressional district testified that is an obstacle to getting redevelopment project off the ground and creating new jobs.

I applaud the gentleman from California (Mr. GARY G. MILLER) for introducing H.R. 280. It will bring needed flexibility to the program by delinking BEDI from the section 108 program. Communities will be able to apply for a grant if that is all they need to get a project going and bring in major private sector investment.

We can unlock a lot of jobs by getting a lot of these properties back to productive use. There are some 450,000 brownfield sites in every State in the Nation. By redeveloping these properties, we also reduce the stress being put on pristine green fields and farmland.

We have had good cooperation in our committees and with other committees in bringing this bill to the floor. A vote for H.R. 280 is a vote for jobs. I urge its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I know that our colleague from California (Mr. GARY G. MILLER) was en route here, and that is appropriate because he has been a major proponent of this bill. He and I have worked together on it.

What we do here is to frankly allow cities, municipalities, to do more to clean up brownfield sites. Surprisingly, initially we ran into some jurisdictional objections, I think based on turf, I guess, in this case, almost literally on turf, from some people who were kind of proponents of the EPA's role there.

I should make it very clear, to the extent that the Environmental Protection Agency can clean up these sites, wonderful. Mayors are not asking for the right to take funds for which they have a large number of demand and divert them into projects that would be otherwise done by the EPA, but there are occasions where we know the EPA does not have the money it ought to have.

I regret the fact that Congress earlier, the majority then in control, decided to end the taxation that we levied on the oil companies to provide funds for EPA. EPA has not got enough money, and we do not give it enough in the appropriations process. So I regret that, and I want to do all that I can to include it, but I do not want to tell a city because we have not given enough money to the EPA that the city is precluded from going forward cleaning up their brownfields.

I also want to talk a little bit about the public sector/private sector issue here. We hear a lot about the value of the private sector, and it is often put in the context of the private sector versus the public sector, with people being critical of the public sector. There are times when the public sector and elements of it do not do well. There are times when the private sector does not, but understand what we are talking about here.

Brownfields are overwhelmingly the product of private sector activity. Brownfields is a somewhat neutral term for ugly, messy stuff, pollutants, chemicals and other things that I guess turn the green grass brown, that turn the earth into an unpleasant situation.

The private sector companies that did that were not bad people. Most of them, a couple of bad people sneak in everywhere, but they really believed that it was their job to do it. They were producing various goods, and the processes used to produce various goods will sometimes produce pollutants.

What we have here with brownfields are situations overwhelmingly where a private sector entity made money by producing certain goods and then went out of business, moved away, moved overseas and left behind quite literally a physical problem in the city. What we are saying here is we are recognizing that the public sector has to step in and clean that up.

In some cases, under environmental law, we try to get private sector, responsible parties, to contribute, but sometimes, they are not around to do that. They have not got the money. They are just not there. Let us be clear. This is a recognition of the need for a well-funded public sector operation to literally clean up the messes left behind by the private sector. This is an example in my mind of how in a rational society seeking the right quality of life, public and private sectors each will have an important role, and they will be cooperative.

I regret that fact that because we had a rule about no new programs that the pilot projects that would have allowed the Secretary of HUD to make some grants to explicitly combine cleaning up the brownfields with subsequent economic development on that cleaned-up site, that that was stricken from the bill. I know the gentleman from California has said, and I appreciate this, that he and I will continue to push for that. I hope that next year we may get that authorized as a separate bill.

What we are doing here is to free up any restrictions on the community development block grant program. One problem in the past was that if cities wanted to use their CDBG funds, they had to do it through a program called section 108 which required them to kind of roll their CDBG funds for many years. This allows them more flexibility. It allows us if we can get some appropriations into this to give them some money so they can also get things cleaned up.

It is, as I said, arming the mayors and local officials with a new set of tools to take areas of their city that have been despoiled by past private sector practices and make them available for the kinds of uses that will help enhance the quality of life, the economic and other kinds of activities in the city.

I just want to pay tribute here to the mayor of the city of New Bedford, Fred Kalisz, a long-serving mayor in the largest city in my district, who is leaving office in a few weeks. It was his advocacy to a great extent that called this issue to my attention, and he will be leaving, but I am very pleased that, as he leaves, we will be passing, and I hope soon the President will sign into law a bill that responds to one of the needs that he identified

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GILLMOR), who I have had the pleasure to work with for many, many years, both in Ohio and here in the Congress. He has been a leader on the brownfields issue since we served together on the Energy and Commerce Committee, and we are pleased to have him participate not only on that committee but our committee as well.

Mr. GILLMOR. I want to thank the gentleman for yielding, and I rise in support of this bill.

Mr. Speaker, for the last 10 years, Federal involvement in brownfields cleanup and redevelopment has been increasing, particularly since our Nation's mayors know that brownfields redevelopment efforts are proven, results-driven programs that have changed the way contaminated property is managed. What once began as an administrative pilot program has now blossomed into a major Federal grant program.

Simply having a brownfield, though, is no guarantee that the land will be cleaned up and redeveloped. When I introduced the legislation in 2001 that has now become our country's primary brownfields law, a major component of that measure was ensuring that Federal grant money was available to seed the development of those run-down properties.

□ 1615

In fact, next to lingering liability concerns, the largest barriers that cities face when trying to acquire and redevelop contaminated brownfields sites was their lack of access to adequate and affordable capital to carry out critical brownfields activities.

This bill does not create a new program, but rather builds on an existing administrative program at HUD. H.R. 280 will increase access to brownfields redevelopment funds for America's more distressed and smaller communities through the Brownfields Economic Development Initiative; and, more importantly, it will couple this money with Federal expertise on community redevelopment projects.

Brownfields are both as a result of private and government activity, and in almost every case the activity which now needs to be cleaned up was legal when it was done. But it is important that we provide the resources so that we can redevelop these sites and bring back the jobs that once existed there.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute, and I appreciate the gentleman from Ohio making that point. Yes, a great many of these activities, probably most of them, were legal at the time. And I think that is an important point.

Society's mores change and customs change; and we are talking about, in many cases, businesses and, in some cases, government with waste disposal that were doing things entirely legal at the time, not fully cognizant of the consequences; and it sometimes falls to later generations literally to clean up.

These things were often things that were legal, not done by bad people, but people who were following the rules at the time; and I think it is fashionable to lament the deterioration of society all the time. This is an example, the whole brownfields approach of higher standards, of the decision of society today not only not to accept some of the things that used to happen but literally to clean them up.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on so many other issues. Bringing this to the floor took a great deal of work and conversations and negotiations and Mr. FRANK led that work in many ways.

I also want to really compliment the passion of GARY MILLER from California, who has introduced this legislation in a number of Congresses. Before coming to Congress, he worked in urban areas in redevelopment and knows the problem that brownfields can cause to localities in holding back economic development. He has been really devoted to passing it, and it has been my pleasure to work with him on this for three Congresses.

The primary purpose of this legislation is to increase the flexibility of the HUD Brownfields Economic Development Initiative, the BEDI program, and make the program available to more local governments.

This is a very important initiative, particularly for upstate New York, a former industrial area. Many manufacturing jobs have left and left behind contaminated brownfields. Our localities, our villages, towns and cities desperately need this money to clean up these brownfields and return these economic centers to economic growth.

The Financial Services Committee has reported this legislation out by an overwhelming bipartisan vote in the past two Congresses, reflecting the bipartisan consensus that brownfields clean-up benefits the economic development of our entire Nation. The legislation eliminates the requirement that communities applying for BEDI grants must pledge their Community Development Block Grant funding as security for the loan. This requirement puts local governments, particularly smaller local governments, between a rock and a hard place.

Since its inception, the larger brownfields program has proven to be an effective government response to a serious environmental problem, and it is important that we maximize its use. Brownfields spot our country from coast to coast, especially in areas with high or formerly high levels of industrial activity, especially urban areas. These brownfields locations have a potential for economic development, but they have been held back by the environmental problems created by former or current users.

New York City and State, and I am sure probably every State and city, is full of them. The EPA program has successfully used a variety of financial and technical assistance to restore these sites which would otherwise be doomed to further decay.

I am very pleased that we are moving this legislation forward today, but very disappointed that the BEDI program appears to be under attack from the administration. The budget the administration put forward this year would have discontinued the BEDI program at HUD and shifted its function to Commerce. Therefore, this bill is especially important this year to preserve the very survival of the brownfields initiative.

I truly do want to thank GARY MILLER for his consistent and persistent leadership in introducing this legislation year after year and Ranking Member FRANK for championing it, along with his staff; and of course Chairman MICHAEL OXLEY for his leadership on this and so many other issues.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 2 minutes.

The gentlewoman from New York reminded me that a lot of these things that are very broadly supported require money. And just as we have seen a cutting off of funding of the EPA, this administration, sadly, has been trying to cut back the funds for the brownfields program.

And indeed I have a rare opportunity in which I can congratulate the Appropriations Committee under the control of the majority because they had the good sense to reject a proposal by this administration to rescind this coming year's money for the brownfields program because they said they needed to deal with it to offset the problems in Katrina.

So this strong support for this brownfields program comes at a very good time, because it is a strong voice of support, I believe on a bipartisan basis, from the Appropriations Committee in repudiating that very ill-thought-out effort by the administration to rescind all of its money.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART), a former member of the Financial Services Committee, who has come back home to participate in this debate on brownfields.

Ms. HART. Mr. Speaker, I especially thank the chairman for his indulgence in allowing me some time on this legislation, and I am honored to be part of the Financial Services Committee argument today for this House bill 280, the Brownfields Redevelopment Enhancement Act, because it will make a real difference for communities throughout this country.

I was a Pennsylvania senator for 10 years; and while I was there, we passed a very forward-thinking brownfields bill that helped to provide more opportunity for development of brownfields without fear of liability. That is one step, and it was important for my State; however, on the Federal level, we have had a program in place, the BEDI program, which is a great program; but there are some impediments to many of our communities being able to utilize that program.

I am a cosponsor of this legislation because it will provide access to funding that is vital to restoring brownfields sites. It is going to improve the BEDI program and make it more practical for America's small cities and communities so that they can thrive.

My district is home to many of these communities that have small brownfields sites right in the middle of town. Revitalizing these sites is key to helping rebuild the economy of these small towns.

The significance of this development was highlighted recently at the U.S. Conference of Mayors in June 2003 when they did their survey. The cities that were surveyed noted that the creation of over 83,000 jobs through redevelopment in 148 cities was because of brownfields redevelopment. However, they also stated that nearly 600,000 more jobs could be created with more liberal use of monies through this program. In addition, by helping to reclaim these old sites, developers do not have to look to undeveloped land to locate businesses or residential properties.

One of the major hurdles to revitalizing these is financing. Unfortunately, this is especially true for these small towns and cities that I mentioned. These are the ones that are most eager to see these sites as host to new development. They face continuous hurdles, and this bill will help remove some of these hurdles.

These grants through BEDI could be a valuable source of funding to revitalize these towns and communities and lead to a brighter future that these towns envision. The program requires communities at this time, though, to take on additional debt. Many of these communities cannot afford to do so. The investment, though, in these communities would provide opportunities for them to grow and to grow their tax base and also add jobs.

I have heard from many in the communities I represent that we need to work to make BEDI grants more available. This bill would do so. By delinking section 108 loans from BEDI grants, H.R. 280 will provide this access to brownfields redevelopment and to this special program which works so well for small communities. It will make it work even better for the small communities in my district and across the Nation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, in closing, let me again recognize a few individuals. GARY MILLER of California, the author of this legislation, has been just dogged in his determination to get this legislation passed. Unfortunately, his plane was delayed coming from California today and so was unable to participate in the debate.

I also want to thank PAUL GILLMOR for his dogged efforts on this, and I appreciate also the cooperation of the ranking member, the gentleman from Massachusetts, and Mrs. MALONEY for their efforts.

It has been 4 years since we began working on this legislation, and I have to say that these are the kinds of bills that do not get a whole lot of attention. They are not overly controversial, but they do a lot of good. They will have a very positive impact on a lot of communities throughout the country.

We debate this under the suspension of the rules, so you will not hear a lot of hue and cry in the media about it. But at the end of the day, it is Congress at its best doing the kind of work we need to do.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would just say that they have one other advantage: they are sufficiently uncomplicated to get the United States Senate to act on them.

Mr. OXLEY. I would echo that. And I am glad we changed the rules, by the way, that one can mention that body instead of referring to it as, quote, the other body.

In any event, this is meaningful legislation that we indeed want to pursue in the other body so that we can get this to the President. It has an enormous upside and potential for communities.

Governor VOINOVICH, when he was Governor before becoming Senator, had a commission which he commissioned in Ohio to study the loss of greenfields in the Buckeye State. One of the things that that commission found was that we could start the flow of that use of very productive farmland in Ohio by better cleaning up brownfields and putting them back to use.

So this bill is basically in that vein, and we think that this will go a long way in that effort.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in strong support of H.R. 280, The Brownfields Redevelopment Enhancement Act.

I would like to thank Committee Chairman OXLEY, Subcommittee Chairman NEY, and Ranking Member FRANK for their leadership and assistance in ensuring this important legislation be considered by the full House prior to adjournment.

COMMUNITY REDEVELOPMENT

Brownfields are abandoned, idle, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

It is estimated that there are over 500,000 Brownfield sites across the country.

Brownfields represent more than just unproductive eyesores blighting individual communities.

They threaten our groundwater supply, cost our local communities jobs and revenue, and contribute to urban sprawl.

Brownfield sites hold tremendous potential for community revitalization. Many of these sites are strategically located in or around key areas of communities.

Redevelopment of these sites is both a challenge and an opportunity and returning them to productive use can serve as a catalyst for local economic recovery.

HUD'S INVOLVEMENT IN BROWNFIELDS REDEVELOPMENT

The largest obstacle cities face when redeveloping Brownfield sites is the lack of capital needed to carry out essential early-stage activities.

Because private financiers are often unwilling or unable to provide the funding to take a site through the full redevelopment cycle, local municipalities and local leaders find themselves confronted with the complex task of redevelopment.

The Brownfields Economic Development Initiative (BEDI) grant program was designed to help cities overcome this challenge.

The BEDI program helps communities to convert abandoned or underutilized sites into useful developments, thereby increasing the area's tax base and creating new job opportunities where none existed.

The BEDI program gives cities the opportunity to minimize urban sprawl and preserve existing green space by working with local developers and builders to utilize previously developed properties.

The program gives local communities a valuable tool to address blight, create new jobs, and expand their tax base.

BEDI IS DISTINCT FROM OTHER FEDERAL BROWNFIELD PROGRAMS

There is a clear and critical role for the Department of Housing and Urban Development (HUD) to play in communities' efforts to redevelop Brownfield sites.

Unlike Brownfields programs in other agencies, BEDI funds are targeted for use, with a particular emphasis upon redevelopment.

Further, HUD emphasizes that resources are to be used on projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base.

Funds are used as the stimulus for local governments and private sector parties to commence redevelopment or continue phased redevelopment efforts on Brownfield sites.

Brownfields funds under other federal agencies, such as the EPA, are more focused on environmental clean-up.

HUD does not encourage applications whose scope is limited only to site acquisition and/or remediation (*i.e.*, land banking), where there is no immediately planned redevelopment.

PROBLEM WITH CURRENT STRUCTURE OF BEDI PROGRAM

While HUD's BEDI program is an important tool for communities to redevelop Brownfield sites, in its current form the grant is difficult, if not impossible, for local communities to utilize.

If a local community wishes to pursue Brownfields redevelopment funds from HUD, they must first apply for a Section 108 loan.

In order to secure this loan, they are required to put up a portion of their Community Development Block Grant (CDBG) money as collateral.

The requirement that communities must obtain a Section 108 loan guarantee before they are awarded a BEDI grant has stymied the effectiveness of the BEDI program because it:

Makes it virtually impossible for small cities to access BEDI resources since they do not get their own CDBG entitlement grants from which to meet the required Section 108 collateral pledge.

Serves as a disincentive for small and mid-sized cities.

Discourages small projects.

Has proven difficult for many cities and counties to meet because of debt caps and concern that the addition of more Section 108 debt would jeopardize basic CDBG programs and services.

Without the Section 108 loan guarantee, cities are effectively locked out of the BEDI grant.

H.R. 280

H.R. 280 provides communities with the flexibility they need to finance Brownfields redevelopment projects.

It makes improvements to the BEDI program, ensuring that communities who have traditionally had trouble obtaining financing for Brownfields Redevelopment activities have access to needed capital.

Specifically, the bill authorizes appropriations for the BEDI program and eliminates the requirement that cities obtain Section 108 loan guarantees as a condition to receiving BEDI grant funding.

CONCLUSION

This legislation gives local communities a valuable tool to address blight, create new jobs, and expand their tax base.

With the flexible access to the BEDI grant program that this bill provides, we can help revitilize Brownfields sites across the country.

Cities have an opportunity to minimize urban sprawl and preserve existing green space by working with local developers and builders to utilize previously developed properties.

This bill will empower cities to take ownership of their Brownfields and work with their development community to design projects that utilize existing infrastructure.

Most importantly, it is estimated that more than $2.4 billion in new tax revenues can be generated through Brownfields redevelopment.

Let's give cities access to the up-front financing they need to clean up Brownfields sites. I urge my colleagues to support this crucial legislation.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 280, which would allow the Department of Housing and Urban Development (HUD) to make grants to assist in the environmental cleanup and economic development of Brownfields sites.

I believe the Brownfields program is one of the most successful programs the Federal Government has to help revitalize urban areas.

These sites, typically in the heart of urban areas, lie idle because no one wants to incur the large costs associated with Superfund cleanups.

As a result, cities are marked by abandoned buildings and vacant lots while developers construct new buildings on what was previously open space in the suburbs.

Specifically, this legislation ensures that communities that have traditionally had trouble obtaining financing for Brownfields Redevelopment activities have access to needed capital.

Though small, these grants have served as seed money, enabling dozens of communities to leverage millions of state and private dollars to move into actual cleanup phase.

By reusing Brownfields sites we not only rebuild blighted communities, but also target development in city centers and avoid unnecessary urbanization on the fringes of metropolitan areas.

Mr. PASCRELL. Mr. Speaker, I want to express my strong support of H.R. 280, "The Brownfields Redevelopment Enhancement Act" and want to thank Representative GARY MILLER for shepherding this important legislation through the House.

This legislation will remove unnecessary obstacles from localities that are poised to transform abandoned or underutilized sites into clean, marketable properties. This type of redevelopment is an important ingredient in the economic recovery of many areas—creating jobs, improving the quality of the environment and spurring the preservation of open space.

There are few issues that we face that have as much strategic potential as redeveloping Brownfields sites.

This redevelopment is not just about real estate—it is a jobs issue, a health issue, an environmental issue, a housing issue and an economic development issue.

A relatively small investment by the Federal Government will yield tremendous benefits for our country's social and economic well being.

The HUD Brownfields Economic Development Initiative (BEDI) is particularly valuable for neighborhood revitalization, since only BEDI funds are specifically targeted for use in economic development projects.

Unfortunately, current law requires that cities obtain Section 108 loan guarantees as a condition of receiving a BEDI grant.

This makes it difficult for small and medium sized cities to obtain BEDI grants since they are often not able to raise the capital necessary to meet the Section 108 collateral requirement.

Let the Congress pass this common sense legislation to remove the Section 108 requirement and unleash the vast economic potential that lies dormant in our cities across the Nation.

Mr. TURNER. Mr. Speaker, I support H.R. 280, the Brownfields Revitalization Enhancement Act. I want to thank Congressman Miller from California for his hard work and dedication toward the issue of brownfields redevelopment. I look forward to working with Congressman Miller in the future on this issue.

Brownfield sites are served by an existing infrastructure and through their remediation, urban sprawl can be reduced. Redeveloping brownfields could create 1.9 billion dollars annually in increased tax revenues for American cities.

H.R. 280 provides grant money to cities and towns to redevelop brownfield sites. This bill also detaches grant availability from section 108 loan guarantees, which allows more communities to have access to critical grant funds.

Mr. Speaker, we must clean up our Nation's brownfields. These contaminated sites are hazards to our communities, and through their remediation we can bring businesses and families back into American cities.

Mr. OXLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Sodrel). The question is on the motion offered by the gentleman from Ohio (Mr. Oxley) that the House suspend the rules and pass the bill, H.R. 280, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 280, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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DESIGNATING CERTAIN BUILDINGS OF CENTERS FOR DISEASE CONTROL AND PREVENTION

Mr. BOOZMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4500) to designate certain buildings of the Centers for Disease Control and Prevention.

The Clerk read as follows:

H.R. 4500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROSA PARKS HEADQUARTERS AND EMERGENCY OPERATIONS CENTER BUILDING.

(a) Designation.—The Headquarters and Emergency Operations Center building (Building 21) of the Centers for Disease Control and Prevention located at 1600 Clifton Road in Atlanta, Georgia, shall be known and designated as the "Rosa Parks Headquarters and Emergency Operations Center Building".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Rosa Parks Headquarters and Emergency Operations Center Building".

SEC. 2. MOTHER TERESA GLOBAL COMMUNICATIONS CENTER BUILDING.

(a) Designation.—The Global Communications Center building of the Centers for Disease Control and Prevention (Building 19) located at 1600 Clifton Road in Atlanta, Georgia, shall be known and designated as the "Mother Teresa Global Communications Center Building".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Mother Teresa Global Communications Center Building".

The SPEAKER pro tempore (Mr. Sodrel). Pursuant to the rule, the gentleman from Arkansas (Mr. Boozman) and the gentlewoman from the District of Columbia (Ms. Norton) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. BOOZMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4500.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4500 honors two great leaders, Rosa Parks and Mother Teresa, by designating buildings in their honor.

This bill designates the Headquarters and Emergency Operations Center Building at the Centers For Disease Control and Prevention as the Rosa Parks Headquarters and Emergency Operations Center. Rosa Parks is most well known as the mother of the civil rights movement. In 1955, she defiantly refused to give up her seat on a segregated bus in Montgomery, Alabama, inspiring further civil disobedience. Rosa Parks' dedication to fight for social and economic justice continued beyond that monumental day in 1955, as she spent the remainder of her life fighting against all forms of discrimination.

Rosa Parks received numerous awards for her contributions to the civil rights movement, including the Presidential Medal of Freedom and Congressional Gold Medal. Rosa Parks passed away earlier this year.

H.R. 4500 also designates the Global Communications Center Building at the Centers for Disease Control and Prevention as the Mother Teresa Global Communications Center.

Mother Teresa spent her life assisting those in poverty in Calcutta, India and throughout central Asia. Her inspiration started a movement of volunteers who continue to spread her message and ministry throughout the world. Today, over 100,000 volunteers in 123 countries participate in Mother Teresa's Missionaries of Charity program, bringing hope and aid to the sick and dying.

Mother Teresa received numerous awards and recognition for her humble acts of kindness, including the Nobel Peace Prize in 1979. Mother Teresa died in 1997.

It is an honor to name facilities used to provide essential human services and protect the health and safety of the American people after two women who devoted their lives to similar causes.

I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I ask unanimous consent that the gentlewoman from Kentucky (Mrs. Northup) be allowed to manage the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I presume this is either All Saints Day or the Christmas season because we are certainly honoring two saints, and I do not think there will be a single "nay" vote on this bill. I am pleased to endorse these bills to name buildings respectively after Mother Teresa and Rosa Parks.

As if a bio was needed for Mother Teresa, the record probably should reveal some of the background of Mother Teresa who began life as an ordinary human being like the rest of us. She just went on to sainthood even before she died.

She was born in Macedonia in August of 1910. At the age of 18, she left home to join the Sisters of Loreto, an Irish community of nuns conducting missionary work in India. In 1931, after training in Dublin, Sister Teresa arrived in India, where from 1931 to 1948 she taught at St. Mary's High School in Calcutta. In 1948, Sister Teresa received permission to leave the high school to minister to the poorest of the poor in the slums of Calcutta. In the ensuing half century, she created a legacy of human charity and good works that have become the standard for all to emulate.

In 1959, she received permission to start her own order known as the Missionaries of Charity whose primary task is to look after those left with no one prepared to look after them.

The Society of Missionaries has spread all over the world, including the former Soviet Union and Eastern Europe. The society provides help to the world's needy in a number of countries and houses alcoholics, the homeless and AIDS sufferers.

Mother Teresa's work is acclaimed throughout the world. Her awards and distinctions are countless. In 1979, she was awarded the Nobel Peace Prize in recognition of her work to bring help to suffering humanity. She is one of only nine women to be awarded the Nobel Peace Prize.

Respect for individual dignity and each person's innate value are at the core of her beliefs and provide the basis for her charitable work. Her order receives the dying, the destitute, abandoned lepers and the poor. Her work and her personal philosophy is grounded in her Christian faith. It is certainly proper and appropriate that the building located on the campus for the Centers for Disease Control at 1600 Clifton Road, Atlanta, Georgia, be named in Mother Teresa's honor.

Also, at the same location, a building dedicated to Rosa Parks will be identified as the Rosa Parks Emergency Operations Center.

We honor Rosa Parks for her courage and conviction. By now, Mr. Speaker, we all know the story of that December evening in 1955, 50 years ago, when a 42-year-old black woman riding a bus in Montgomery, Alabama, refused to give up her seat to a white passenger on demand. Montgomery segregation laws were complex and deeply humiliating, but Rosa Parks' personal and quiet strength and sense of justice changed not only the laws of Montgomery she challenged, but also the laws of the United States of America.

For her boldness, she was arrested and found guilty of disorderly conduct. These actions led to the famous Montgomery bus boycott that lasted over a year and ultimately to a Supreme Court decision that banned segregation in city public transit systems, led also to the great civil rights laws enacted in the 1960s and led also to the civil rights movement itself which followed her lead and took up the struggle with an army of black and white nonviolent activists working in imitation of Rosa Parks.

It is impossible to overstate the impact of her actions in defiance of segregation. Her story has become part of the American story and of the story of Congress itself where she became the first woman to lie in State in the Rotunda in November.

I am honored to support this bill that acknowledges the contributions of two exceptional women.

Mr. Speaker, I reserve the balance of my time.

Mrs. NORTHUP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure to echo the words of the gentlewoman from the District of Columbia (Ms. NORTON) and to have an opportunity to offer H.R. 4500 which names two recently completed Centers for Disease Control buildings after two heroic and renowned women in our Nation's and in fact our world's history: Mrs. Rosa Parks of Tuskegee, Alabama; and Mother Teresa of Calcutta.

In their own ways, each of these women helped to make our country and our world more just and caring. I am sure everyone in this House is aware that Rosa Parks passed away this October, and we have since had a real chance to celebrate her life and her contribution to this Nation. Her courage and her will to do what was right will continue to be an example to all Americans and to the people of other nations who are dedicated to the cause of justice and equality.

Mrs. Parks was a seamstress in Montgomery, Alabama, when, in December, 1955, she refused to give up her seat on a city bus to a white passenger. The bus driver had her arrested for being in violation of the law, granting preferential seating to white passengers. Her subsequent trial and conviction for this act of civil disobedience sparked the Montgomery bus boycott, one of the largest and most successful mass movements against racial segregation in history. It launched Martin Luther King, Jr., as one of the organizers of the boycott, and he came to the forefront of the civil rights movement.

Rosa Parks ignited a civil rights struggle and made possible the eventual overturn of the Jim Crow laws. Over the next four decades, she reminded her fellow Americans of our ideals and our commitment to justice and equal treatment under the law.

She was a recipient of innumerable awards, including the Martin Luther King, Jr., Nonviolent Peace Prize and the Presidential Medal of Freedom. Our country will always be indebted to her for the moral courage she showed to call on our country to live up to our ideals and promises. Senator BARACK OBAMA said it best upon the President's signing of legislation placing a statue of Rosa Parks in Statuary Hall, "Rosa Parks held no public office, but when the history of this country is written, her name and her legacy will be remembered long after the names of Senators and Presidents have been forgotten. So it is fitting that her legacy, her hopes, and her struggles be immortalized alongside the statues of men and women whose hearts she helped change."

Mr. Speaker, this bill also pays homage to the life and work of Mother Teresa by naming the Global Communications Center building at the Centers for Disease Control after her.

Mother Teresa was born in Macedonia in 1910, and at an early age, she felt the calling to serve God and her fellow man and joined the Sisters of Loreto that had missions in India. While teaching high school in India, Mother Teresa witnessed the poverty outside of her convent and asked permission to devote her life and her ministries to serving the poor and the sick, bringing them medical care, education and food.

Her remarkable work helped bring comfort to people around the world that society had forgotten or neglected. The Missionaries of Charity, which she founded, carries on her work, operating schools, orphanages and houses for the poor in over 130 countries.

Mother Teresa's saintly good works received acclaim and recognition throughout the world. In 1979, she was awarded the Nobel Peace Prize and later President Reagan awarded her the Presidential Medal of Freedom in 1985.

In 1996, shortly before she died, Congress made her an honorary citizen of the United States, one of the highest honors our country can bestow on foreign nationals. I think it is particularly fitting that her name adorn CDC's Global Communications Center which will allow it to share in the legacy and mission of Mother Teresa's work by serving the world's poor and sick.

Mr. Speaker, thank you for this opportunity to pay tribute to these two profoundly good women who sacrificed so much so we can all live in a freer and more compassionate world. I urge every Member to support H.R. 4500.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS) and a cosponsor of the bill.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the distinguished gentlewoman from the District of Columbia for yielding me this time.

I am pleased to cosponsor this resolution with the gentlewoman from Kentucky (Mrs. NORTHUP) and rise in strong support of it passage.

Mr. Speaker, this bill renames two buildings at the Centers for Disease Control and Prevention in honor of two of the world's most outstanding and most accomplished contemporary women.

Designation of building one names the Headquarters and Emergency Operations Center Building of the Centers for Disease Control and Prevention located at 1600 Clifton Road in Atlanta, Georgia, as the Rosa Parks Headquarters and Emergency Operations Center Building.

Designation two of this bill changes the name of the Global Communications Center building at the Centers for Disease Control and Prevention Building 19 located at 1600 Clifton Road as the Mother Teresa Global Communications Center Building.

Mr. Speaker, we all know that Mother Teresa was one of the greatest advocates for the poor, disadvantaged and downtrodden that the world has ever seen. She, in many instances, almost single-handedly brought greater attention to poverty and the needs of the poor.

□ 1645

And given the mission of the Centers for Disease Control, there is no greater way or better way to draw attention to its continuing needs than to have one of its buildings named in honor of Mother Teresa.

Mr. Speaker, all of us have most recently participated in the celebration of the life of Rosa Parks, and many of us actually were able to attend her funeral. This dainty freedom fighter who defied years of tradition and the law in refusing to give up her seat on a bus in Montgomery, Alabama to a white person, this calculated act of defiance helped to spark the civil rights movement of the late 1950s and 1960s, which resulted in desegregation of public accommodations throughout the South, brought about the Voting Rights Act of the 1960s, actually fostered development of the War on Poverty, and put America in a serious position to look hard at the health care needs of the poor and disadvantaged in its country.

So naming a building at the Centers for Disease Control and Prevention will help us to recognize that health care needs are still unmet; that there are still great disparities that need to be corrected; that there are still areas of research which need to be conducted. And so, Mr. Speaker, I am indeed pleased to join with the gentlewoman from Kentucky in cosponsoring this resolution and urge its passage.

Mrs. NORTHUP. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I particularly want to thank the gentlewoman from Kentucky (Mrs. NORTHUP) for bringing this piece of legislation before the House Chamber today. This is an important statement to be made on a number of points, one of them being that this bill sends an important message that sitting Members of Congress should not take it upon themselves to name public buildings or infrastructure after themselves or other Members. This violates our House rules.

Mr. Speaker, often in this Chamber we have the opportunity to name Federal buildings after worthy individuals. We are about to do that here today. As we elected officials have a responsibility to our constituents and to the laws that we pass, we must spend our time and the American taxpayers' money wisely, and we have to do so also honestly with the attention and care that I know my constituents in Iowa expect.

When we name Federal buildings, we should do so and insist that they be worthy of our time, our Nation's tax dollars, and the trust of those who elected us. And I think that my record here in this Congress does demonstrate that, and that is why I am here on this floor this afternoon, Mr. Speaker. But most recently, the Centers for Disease Control buildings appeared in the Labor-HHS appropriations bill named after two sitting Senators. And it is in violation of our House rules.

Because that conference report has not yet passed both Houses, both bodies, the buildings are currently unnamed. But under the Labor-HHS conference report that was filed just today, the buildings would be named the Arlen Specter Headquarters and Emergency Operation Center and the Thomas R. Harkin Global Communications Center Building. This provision violates House rule XXI, and that prohibits the naming of a public work after a sitting Member of Congress.

Our bill proposes to name the buildings the Rosa Parks Headquarters and Emergency Operations Center and the Mother Teresa Global Communications Center Building. I urge my colleagues to support this legislation. It prevents abuse of power. It adheres to the rules of the House of Representatives, and it also does a couple of very important things, and that is it honors two of the greatest women in my contemporary time: Rosa Parks, who stood tall and sat down 50 years ago, who inspired generations of Americans and actually was a key player in renovating this concept of segregation that still remain.

And 10 years later, we saw the passage of the Voting Rights Act and piece after piece of the civil rights legislation that came about that same period of time was inspired. And I saw a time when it was a glorious time for the civil rights movement, a glorious time when there were peaceful demonstrations throughout the South. And I watched on a black and white television from up in Iowa wondering really what was going on down there. Now I understand it.

At this stage of my life I appreciate it a great deal. I thought I understood it then, but appreciate it far more today, the movement that was begun in significant part by Rosa Parks, who was honored and lay in state here in this Capitol Building, the first woman ever to be given that honor.

And Mother Teresa, a fine Catholic nun, a sister that through prayer and work and sacrifice and devotion and the power of her personality and her character and self sacrifice, moved millions of people, and her legacy remains today.

I look back on Harkin grants that are granted in my State, and also I think of a building named again in that fashion. I have stated that if we are going to name grants after someone, we should name them after the taxpayers that fund them. And if we are going to name buildings, we should name the buildings after people who are not seated Members of Congress, but people who really stand tall for America and for the world.

So I congratulate the gentlewoman from Kentucky (Mrs. NORTHUP) for bringing this legislation today. I am proud to stand on the floor and join in this request to name these two buildings after Rosa Parks and Mother Teresa.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

I understand the gentleman's point. But I do not understand this bill to be a retort or a response to Senate action. I understand it to be an affirmative act on the part of the bipartisan House of Representatives. The only reason I raise it is because we are not a party to whatever is the discussion that has gone on on that. I do understand the concern, and I listened to it.

But I would not want anything to take away from the way I opened my remarks about All Saints Day and the Christmas season because I think the gentleman perhaps did not mean it. And if I may so, by inserting that, and I am not questioning it, I have no personal knowledge of it, it leaves, I think, an unfortunate impression that I do not think the gentleman means to leave. Perhaps it should have been inserted into the RECORD if the gentleman thought so.

Mr. KING of Iowa. Will the gentlewoman yield?

Ms. NORTON. I will be happy to yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlewoman. I am referencing House rule XXI. And my point was to illustrate what can come from that. But also it is my emphasis to be here today to honor the two people that we hope to name these buildings after, and that is the focus of my remarks.

Ms. NORTON. Mr. Speaker, the gentleman made that clear. I appreciate that the gentleman made that clear. I was trying to think, as my colleague spoke, about whether or not we have named things after Members of the House while they were still here.

I had a young man, kid from D.C., some people brought him in today, along with a whole group of students, and I showed him pictures, I explained pictures on my wall that when I came to Congress, instead of putting some fake Picassos, I put pictures of old

Washington. I went to the Library of Congress and to the D.C. Historical Society. And this child interrupted me, he is a high school student. He said, why do you not have a big picture of yourself there? It simply provided an opportunity for me to let him know that he ought to wonder about a Member of Congress who had a big picture of herself in her office. I do not know who she ought to have, and I did not suggest to him who she ought to have.

But in this season, when we have the opportunity, and I was called, literally, only a couple of hours ago to say would I manage a bill that would name buildings at the Centers for Disease Control against these two women, I said, well, here is one that I know this is only love and praise and I really think we should rest on that, whatever is the predicament that the gentleman discussed.

And I do not mean to cast any aspersion upon what he said because he is talking about matters that are of some concern, insertions into the bill and so forth. But that is not the spirit in which I came forward on this side to offer this bill, and I do not think it is the gentleman's spirit, and I do not think it is the spirit of the House today. And Merry Christmas everybody.

Mr. Speaker, I yield back the balance of my time.

Mrs. NORTHUP. Mr. Speaker, in closing, let me just say that I think that these two women served as wonderful examples of humble and effective service in this country and around the world, and naming these two buildings at CDC is something that I think all Americans would join us in believing would be an appropriate name for those buildings.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 4500, a bill to designate the Headquarters and Emergency Operations Center building of the Centers for Disease Control and Prevention (CDC) in Atlanta, Georgia, as the "Rosa Parks Headquarters and Emergency Operations Center Building". The bill also honors Agnes Gonxha Bojaxhiu, also known as Mother Teresa of Calcutta, by designating the CDC's Global Communications Center building as the "Mother Teresa Global Communications Center Building".

Mother Teresa devoted her life to helping the poor and sick throughout the world. Her compassion and humanity, in the face of abject poverty, war, and starvation serves as a reminder to us all that when our hearts are focused on helping those who can not help themselves, our potential for greatness is unlimited. Although, at first sight, she appeared to have been a tiny woman, Mother Teresa was strong enough to carry the weight of the world's suffering on her narrow shoulders and to bring love and dignity to those facing the greatest challenges that life can offer.

Mother Teresa was born in Skopje in modern day Macedonia on August 27, 1910. She recalled being pulled to the work of God at the age of 12 and, by age 18, she left her family to join the Sisters of Loreto, an Irish community of nuns with missions in India. After teaching at St. Mary's High School in Calcutta for 17 years she found that she could no longer simply hear the stories of dismal poverty and despair that existed outside the convent walls. In 1948, Mother Teresa left the convent school to devote her time to working among the poorest of the poor in the slums of Calcutta. There she opened a school for poor children though she had no money herself.

On October 7, 1950, Mother Teresa received permission to start her own order, "The Missionaries of Charity". Since its inception in 1950, the Missionaries of Charity has spread to all corners of the world, tending to the most desperately needy in Asia, Africa, Eastern Europe, and Latin America. They also assist in relief work in the wake of natural disasters such as floods, epidemics, famine, and earthquakes, and care for the homeless and those suffering with the AIDS virus.

Mother Teresa's work was not limited to the developing world. In the United States, the Missionaries of Charity have established many soup kitchens, emergency shelters for women, shelters for unwed mothers, homes for the dying, prison ministries, service to hospitals, and nursing homes.

In 1985, she received the Presidential Medal of Freedom; in 1997, she was awarded the Congressional Gold Medal. In 1996, Congress passed and the President signed Public Law 104–218, proclaiming Agnes Gonxha Bojaxhiu—Mother Teresa—to be an honorary citizen of the United States of America. At the time she was only the fifth person to ever receive this honor.

Mother Teresa died on September 5, 1997, in Calcutta. She continued to work with the poor right up until her death.

Mr. Speaker, the bill also designates the headquarters of the Centers for Disease Control and Prevention as the "Rosa Parks Headquarters and Emergency Operations Center Building".

As I noted during debate on H.R. 2967, which designates a Federal building in Detroit, Michigan, in honor of Rosa Parks, she is known as the "mother of the civil rights movement." With one single act of defiance—when she refused to give up her seat on the Cleveland Avenue bus in Montgomery, Alabama—she galvanized a Nation and changed the course of history. On December 1, 1955, Mrs. Parks was sitting in the middle rows of the bus with three other black riders. The bus driver demanded that all four give up their seats so that one white man could sit. Three of the riders complied. Mrs. Parks remained seated.

As Mrs. Parks herself has said in the years following that pivotal moment, she hadn't planned on taking a stand that day. She hadn't planned on becoming the face of the injustices of segregation. She had simply had enough. She was tired of being treated like a second-class citizen. She had had enough.

Rosa Parks' act of courage sparked the civil rights movement.

The strength and presence of a Federal building perfectly captures the character and personality of this icon of the civil rights movement.

It is fitting and just that the lives and accomplishments of Mother Teresa and Rosa Parks are acknowledged with these designations.

I strongly support H.R. 4500 and urge its passage.

Mrs. NORTHUP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and pass the bill, H.R. 4500.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 798) to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes, as amended.

The Clerk read as follows:

H.R. 798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methamphetamine Remediation Research Act of 2005".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Methamphetamine use and production is growing rapidly throughout the United States.

(2) Some materials and chemical residues remaining from the production of methamphetamine pose novel environmental problems in locations where methamphetamine laboratories have been closed.

(3) There has been little standardization of measures for determining when the site of a former methamphetamine laboratory has been successfully remediated.

(4) Initial cleanup actions are generally limited to removal of hazardous substances and contaminated materials that pose an immediate threat to public health or the environment. It is not uncommon for significant levels of contamination to be found throughout residential structures where methamphetamine has been manufactured, partially because of a lack of knowledge of how to achieve an effective cleanup.

(5) Data on methamphetamine laboratory-related contaminants of concern are very limited, and uniform cleanup standards do not currently exist. In addition, procedures for sampling and analysis of contaminants need to be researched and developed.

(6) Many States are struggling with establishing assessment and remediation guidelines and programs to address the rapidly expanding number of methamphetamine laboratories being closed each year.

SEC. 3. VOLUNTARY GUIDELINES.

(a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—Not later than one year after the date of enactment of this Act, the Assistant Administrator for Research and Development of the Environmental Protection Agency (in this Act referred to as the "Assistant Administrator"), in consultation with the National Institute of Standards and Technology, shall establish voluntary guidelines, based on the best currently available scientific knowledge, for the remediation of former methamphetamine laboratories, including guidelines regarding preliminary site

assessment and the remediation of residual contaminants.

(b) CONSIDERATIONS.—In developing the voluntary guidelines under subsection (a), the Assistant Administrator shall consider, at a minimum—

(1) relevant standards, guidelines, and requirements found in Federal, State, and local laws and regulations;

(2) the varying types and locations of former methamphetamine laboratories; and

(3) the expected cost of carrying out any proposed guidelines.

(c) STATES.—The voluntary guidelines should be designed to assist State and local governments in the development and the implementation of legislation and other policies to apply state-of-the-art knowledge and research results to the remediation of former methamphetamine laboratories. The Assistant Administrator shall work with State and local governments and other relevant non-Federal agencies and organizations, including through the conference described in section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

(d) UPDATING THE GUIDELINES.—The Assistant Administrator shall periodically update the voluntary guidelines as the Assistant Administrator, in consultation with States and other interested parties, determines to be necessary and appropriate to incorporate research findings and other new knowledge.

SEC. 4. RESEARCH PROGRAM.

The Assistant Administrator shall establish a program of research to support the development and revision of the voluntary guidelines described in section 3. Such research shall—

(1) identify methamphetamine laboratory-related chemicals of concern;

(2) assess the types and levels of exposure to chemicals of concern identified under paragraph (1), including routine and accidental exposures, that may present a significant risk of adverse biological effects;

(3) identify the research efforts necessary to better address biological effects and to minimize adverse human exposures;

(4) evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques; and

(5) support other research priorities identified by the Assistant Administrator in consultation with States and other interested parties.

SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.

(a) CONFERENCE.—Not later than 180 days after the date of enactment of this Act, and at least every third year thereafter, the Assistant Administrator shall convene a conference of appropriate State agencies, as well as individuals or organizations involved in research and other activities directly related to the environmental, or biological impacts of former methamphetamine laboratories. The conference should be a forum for the Assistant Administrator to provide information on the guidelines developed under section 3 and on the latest findings from the research program described in section 4, and for the non-Federal participants to provide information on the problems and needs of States and localities and their experience with guidelines developed under section 3.

(b) REPORT.—Not later than 3 months after each conference, the Assistant Administrator shall submit a report to the Congress that summarizes the proceedings of the conference, including a summary of any recommendations or concerns raised by the non-Federal participants and how the Assistant Administrator intends to respond to them. The report shall also be made widely available to the general public.

SEC. 6. RESIDUAL EFFECTS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Assistant Administrator shall enter into an arrangement with the National Academy of Sciences for a study of the status and quality of research on the residual effects of methamphetamine laboratories. The study shall identify research gaps and recommend an agenda for the research program described in section 4. The study shall pay particular attention to the need for research on the impacts of methamphetamine laboratories on—

(1) the residents of buildings where such laboratories are, or were, located, with particular emphasis given to biological impacts on children; and

(2) first responders.

(b) REPORT.—Not later than 3 months after the completion of the study, the Assistant Administrator shall transmit to Congress a report on how the Assistant Administrator will use the results of the study to carry out the activities described in sections 3 and 4.

SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND DEVELOPMENT PROGRAM.

The Director of National Institute of Standards and Technology, in consultation with the Assistant Administrator, shall support a research program to develop—

(1) new methamphetamine detection technologies, with emphasis on field test kits and site detection; and

(2) appropriate standard reference materials and validation procedures for methamphetamine detection testing.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act shall be construed to add to or limit the regulatory authority of the Environmental Protection Agency.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this Act $3,000,000 for each of the fiscal years 2006 through 2009.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology to carry out this Act $1,500,000 for each of the fiscal years 2006 through 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 798, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 798, legislation to combat an insidious aspect of the methamphetamine crisis, the environmental consequences and the potential harm to those with no connection to the drugs manufacture or use. I want to thank the gentleman from Tennessee (Mr. GORDON) and the gentleman from California (Mr. CALVERT) for their active pursuit and leadership on this issue, which is of great concern to States and localities that have to deal with the aftermath of busting meth labs.

Over the past decade, methamphetamine, or meth, as it is properly called, has spread across the country, killing individuals, destroying families, and devastating communities. We are all too familiar with the facts of the case. The meth epidemic needs to be attacked on many levels. But we also have to deal with the harmful residue that meth leaves behind in homes and in the soil.

Earlier this year, I visited with Sheriff Gary Howard of Tioga County. I was so impressed with what he told me that we invited him to testify before our committee. Tioga County is located in the southern tier of New York within my congressional district.

Between 1989 and 1999, a decade, he indicated that there were only four meth lab incidents reported for the entire State of New York. Since then, the number of seized meth labs has risen quickly and steadily, from eight in the year 2000, this is the whole State, to 73 in 2003. Of that number, most were found in Tioga County.

Sheriff Howard described the terrible human tragedies associated with meth use. He had our panel in the palm of his hands, including the inherent danger to law enforcement from paranoid and agitated addicts. But he also told me, and us, that anyone who lived near or had reason to visit these active and former meth labs was at risk from unseen hazardous chemicals and dangerous byproducts of meth production. During the manufacture of meth, harmful chemicals are released into the air and distributed throughout the surrounding area. In residential settings, these chemicals penetrate and adhere to countertops and floors. They are absorbed into furnishings and carpets and walls, and their toxic byproducts are frequently poured down the drains or spilled onto the ground, potentially contaminating the soil and drinking wells.

While few studies have been conducted on the long-term consequences of exposure to these chemicals, many of the ingredients used in the manufacture of meth are highly caustic and upon exposure are believed to damage the skin, the eyes, the lungs. They do serious damage to the body.

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Yet, as witnesses testified before our Science Committee, we do not have the scientific knowledge to deal responsibly with former meth labs. Little is known about the risk of moving into a house that has been used as a meth lab; the best way to remediate a former lab so the building can be safely occupied; or the long-term effects on those living in the former labs, including but most specifically the children and the elderly. They are the most vulnerable.

States and localities are struggling to protect the public from the adverse effects of meth; yet there are no national guidelines on how to remediate a residential lab for reoccupation or what levels of residues are safe. States have become increasingly concerned about the cleanup and remediation issues related to meth labs, and State officials and law enforcement officials have requested assistance in dealing with the growing number of small labs in their States, particularly those located in residential settings.

H.R. 798 should go a long way toward getting States the assistance they need to protect the wider population from meth residues. The bill requires the Environmental Protection Agency to establish voluntary guidelines for the remediation of former meth labs. These guidelines will combine the best of all existing and new information to help States and local governments respond effectively to this growing problem. The bill also requires the EPA to support research to identify persistent chemicals of concern in the use and manufacture of meth, to determine the most effective cleanup and remediation techniques, and to develop assessment and remediation guidance for States and localities based on the short- and long-term consequences of these former residential labs.

Finally, the bill enlists the National Institute of Standards and Technology to support the development of new testing methods to help law enforcement identify and quantify the risks of meth lab sites in the field.

This is a sensible, targeted, bipartisan bill, which, for a modest investment, will help our State and local governments safeguard our communities from the consequences of these toxic neighborhood labs. For this reason, H.R. 798 has been endorsed by the National Association of Counties, the Fraternal Order of Police, the National Association of Realtors, the National Multi Housing Council and the National Apartment Association, the National Sheriffs' Association, and the National Narcotics Officers' Associations' Coalition.

In conclusion, I want to thank the leadership, particularly Mr. BLUNT, for enabling this bill to come to the floor, and I want to thank the gentleman from Indiana (Mr. SOUDER) for his help in this matter. He heads the Speaker's task force dealing with the very sensitive subject of drug abuse prevention.

This bill will make a real difference in our communities, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 798, the Methamphetamine Research Remediation Act.

Chairman BOEHLERT has already outlined the provisions of H.R. 798. And I want to reiterate that this is a narrow bill designed to address the health and environmental problems caused by former meth labs. H.R. 798 focuses on the cleanup requirement of former meth labs, a tremendous problem facing communities across the country.

The Drug Enforcement Agency reported more than 17,000 domestic meth lab seizures last year alone. Often in residential settings, these former meth labs are contaminated not only with methamphetamine but also with other toxic residues associated with the production of meth. These chemical residues pollute the inside of a residence as well as septic and water systems. People move into these former meth labs in good faith, expecting a safe environment, but instead find a chemical waste site.

Right now there are thousands of unsuspecting families living in homes that were once illegal meth labs. Dangerous and hidden toxic substances exist in these sites, and children are the most vulnerable to the devastating long-term effects of exposure.

H.R. 798 addresses the specific problems of what type of cleanup is required to ensure that a former meth lab is safe to occupy. I want to stress that H.R. 798 is not a Federal mandate. Rather, it requires the Environmental Protection Agency to develop model, voluntary, health-based cleanup guidelines for use by States and localities.

In addition, H.R. 798 authorizes the National Institute of Standards and Technology to initiate a research program to develop meth detection equipment for field use. This will help law enforcement agents detect active meth labs faster and assist in measuring levels of contamination in former meth labs.

Finally, H.R. 798 requires a study by the National Academy of Sciences on the long-term health impacts of children taken from meth labs and on first responders. And I also remind the Speaker that this bill passed unanimously out of the Science Committee with a number of bipartisan sponsors.

Before closing, I want to thank Mr. CALVERT and Chairman BOEHLERT for their support and assistance in bringing this bill to the floor. I also want to thank the Meth Caucus and its cochairs, Representatives CANNON, CALVERT, LARSEN and BOSWELL, for their strong support, as well as Congressman SOUDER for his help in bringing this to the floor. In addition, the National Alliance for Model State Drug Laws has been an invaluable resource in developing this legislation. And, finally, Mike Quear of the Science Committee staff has done a tremendous amount of work in bringing this legislation to this point.

H.R. 798 is not a total solution to the methamphetamine epidemic. Unfortunately, there will always be people who decide to harm themselves by using and manufacturing dangerous drugs such as meth. H.R. 798 is aimed at protecting innocent people whose lives are endangered by these illegal activities.

I would urge every Member to vote "yes" on this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SODREL), a very valuable member of the Science Committee.

Mr. SODREL. Mr. Speaker, I would like to thank all of those who worked hard to bring this bill to the floor.

Mr. Speaker, I rise in strong support of H.R. 798, the Methamphetamine Remediation Research Act of 2005. I am a cosponsor of this bill, and like many of my colleagues, this bill addresses a growing concern back home in our districts needing immediate attention.

Across the country, almost every community has been touched by the meth crisis. Meth is a toxic mixture of chemicals that gives its users an incredible euphoria, followed by dramatic crashes, paranoia and often violence.

My home State of Indiana has the unenviable distinction as one of the leaders in the number of methamphetamine labs. Everyone in Southern Indiana is painfully aware of the tragic toll meth has taken on our communities. The danger from the meth crisis is great, not only because of the lives destroyed by intentional use and production, but also from unintentional contact with the drug by first responders, unwary home buyers and renters, and innocent children.

The law enforcement officials I have met with on the topic tell me meth can be absorbed through inhalation during the manufacturing process and through the skin from contaminated soil, carpeting, drywall and other housing materials. Groundwater can be contaminated with effects that last long after the meth cooks have left the area.

Few know about the long-lasting problems left by the producers of methamphetamine. These makeshift labs are leaving toxic sites around our communities, our highways and our farmland. We must act and do more to clean up this invisible time bomb.

This bill is a good first step in the process. We must know more about how to treat a meth lab when the first responders arrive on the scene, particularly after a fire explosion. We must know more about the long-term effects of meth on those who occupy these lab sites after the meth cooks are gone. We must know more about how to protect children who happen upon these toxic sites.

Mr. Speaker, I thank our leadership for bringing this bill to the House floor. I urge my colleagues to support passage of this bill to protect our police, our first responders, our loved ones from the after-effects of meth production. This assistance is especially important to our rural counties. I urge its adoption.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COSTA), who was a leader in the California State Senate in fighting this meth epidemic.

Mr. COSTA. Mr. Speaker, as a member of the Science Committee, I would like to thank Chairman BOEHLERT and Ranking Member GORDON for introducing this legislation. I believe it is very important throughout the country.

I rise in strong support of the methamphetamine Remediation Act before us today.

While meth abuse is currently sweeping the country, causing great alarm for law enforcement and health officials, we in California's San Joaquin Valley have been fighting rampant meth abuse, production and clean up for over 20 years.

Meth is California's largest drug threat, and the Valley suffers one of the highest rates of abuse, both in production and use.

According to local law enforcement officials, over 13,500 pounds of meth have been seized over the last 3 years. In 2004, Fresno made 180 meth related felony arrests. These are significant achievements, but there is more to be done.

The San Joaquin Valley law enforcement successfully reduced the number of Superlabs seizures from 27 in 2003 to 9 in 2004. However, the need to ensure the former labs are cleaned to a safe level is key to protecting our communities.

Meth abusers are not the only victims of this destructive drug. The production of meth in meth labs and "super labs" leave dangerous bi-products, putting innocent children and law enforcement into harms way.

I am a co-sponsor of this legislation because it provides communities with the guidelines to properly clean up hazardous contaminants from former meth labs and improves meth lab detection tools.

As a Member of the California State legislature, I authored a law raising penalties for trafficking, manufacturing, and sale of meth to the same level as heroin and cocaine.

I also authored legislation authorizing the forfeiture of any boat, airplane or vehicle used to facilitate the manufacture of meth.

My co-sponsorship of H.R. 798 represents my continued commitment to rid our great Valley of this devastating drug.

Mr. GORDON. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. SCHWARZ), a very valued member of the Science Committee but also one who is particularly knowledgeable about this subject matter and has made significant contributions to the development of this package.

Mr. SCHWARZ of Michigan. Mr. Speaker, I would like to thank Chairman BOEHLERT and Ranking Member GORDON from Tennessee for pushing the committee to get this important legislation out.

I have been a physician for 41 years, starting out with problems when people would come into an emergency room high on marijuana, and then we moved to opiates like heroin coming from across the sea, coming from the Asian Continent for the most part, and then cocaine coming up from South and Central America.

But now methamphetamine is made in our own backyards and particularly in areas in this country that are similar to those areas around my home in Michigan. They do not need much. They need chemicals that they can buy in a convenience store or anhydrous ammonia that people can steal from an agricultural operation someplace. It is very, very easy to make. It is very, very addictive, and it is very dangerous, both for those who use it and for those who make it.

This bill deals with the residual things that happen when methamphetamine is made in a lab out someplace usually in the country. What they are left with is a chemical soup.

For every pound of methamphetamine manufactured, 5 pounds of hazardous waste is created. For every lab that has to be cleaned up, somewhere between $8,000 and $15,000 worth of public money is expended. Children are put into foster care because their parents can no longer care for them. It is a huge public health and social problem.

And it is so easy to make. One oxygen molecule from pseudoephedrine, which one can buy over the counter in almost any store, one oxygen molecule taken away and we have methamphetamine. Numbers of arrests coming up almost exponentially in the past 5 years, and the residual in the labs is a terrible thing. It is a horrible thing, and we have to have some systematic way to deal with that residual as we are working on ways to deal with the drug itself.

This bill is a tremendously good start in that direction. And, again, I compliment the chairman, the ranking member, and members of the Science Committee on moving the ball forward, moving it down the field, to help clean up methamphetamine labs.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, let me just say that Senators SMITH and BAUCUS have taken this exact legislation and introduced it in the other body. So, hopefully, after we pass this today, there will be time this week for the other body to also pass this legislation, get it directly to the President and get some action right away.

So, again, my thanks to Chairman BOEHLERT and his staff and all the Members for bringing this bill up today.

Mr. Speaker, I yield back the balance of my time.

□ 1715

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate some of the comments of my colleagues, and as chairman I have had the privilege to sort of move the ball forward. But I think it is right that we acknowledge that the ball was put in motion by Mr. GORDON of Tennessee and Mr. CALVERT of California. They have worked in tandem and partnership, and we have produced a good bill worthy of this House and our mission. I am hopeful that not only will we pass on a strong bipartisan vote the measure today but that the Senate will follow through with this. Senator GORDON and Senator BAUCUS on a bipartisan basis are working on it and with good reason.

The problem is meth is a national crisis. It started out small on the west coast; it now affects all 50 States. The producers, as Dr. Schwarz has indicated, can buy the product over the counter, all the ingredients to this; and then they rent an apartment or rent a motel room and quickly cook the stuff to make the final product. That is what we are concerned about. What about the atmosphere that is created?

They tend to go in the more rural areas of America, bypassing the big cities, because they figure there is an undue concentration of law enforcement officials there, and maybe they can get away with it in the more rural settings. They did not reckon on guys like Sheriff Gary Howard, who has got an outstanding record of busting these guys and carting them off to where they belong, to jail.

But then what? What happens to the property? The owner of the property, totally unaware of what was taking place on their property. I understand it, we can all understand that, and then the owner probably says, well, we will clean it up, we will vacuum the floor and paint the walls and it will be okay. Wrong. Not okay. We have got to do more studies, because the residue is there, and we have got to be concerned about that. That is what this is all about, a modest amount of Federal dollars to deal with a very real and meaningful problem.

Mr. LARSEN of Washington. Mr. Speaker, I rise today in strong support of H.R. 798, the Methamphetamine Remediation Research Act. I commend Mr. GORDON, Mr. CALVERT, and Mr. BOEHLERT for their work introducing this important legislation; and bringing it to the floor.

Meth is a scourge on our communities. It is literally a chemical cocktail, made from hazardous, caustic substances. In the process of cooking a batch of meth, those chemicals seep into the interior of a home. Often, unsuspecting, innocent families move into these houses and apartments, completely unaware that the new home was once used to cook meth. It isn't until they become ill that they learn something is wrong, terribly wrong.

DEA reported over 17,000 meth lab busts last year in 47 states. There is currently no federal standard to determine when a former lab is safe to inhabit. This bill will do that.

H.R. 798 will establish a research program to develop voluntary, health-based, model guidelines for the clean-up of former meth labs. It will establish a research program to develop meth detection equipment for use by first responders, and will require a study on the long-term health impacts on first responders and children taken from meth labs.

It is important for us to know when a house used as a meth lab is safe to inhabit again. It is important that we know the health impacts of exposure to a meth lab. This bill will do both of these things. As a Co-Chair of the Meth Caucus, I am proud to see an important meth bill like this one finally see its day on the floor. I urge my colleagues to vote "yes".

Mr. CRAMER. Mr. Speaker, I rise today in strong support of H.R. 798, the Methamphetamine Remediation Research Act.

I am a member of the Congressional Caucus to Fight and Control Methamphetamines and an original cosponsor of this legislation.

Before coming to Congress, I was the District Attorney of Madison County, Alabama.

It was in that capacity that I learned that meth is not only a danger to adults who use the drug, but also a great danger to people who live in the homes where meth is used or manufactured, especially children.

Unfortunately, the effects the exposure to meth is something that we are still learning more about.

I support today's legislation because I believe it is important for our communities to understand these residual effects.

H.R. 798 addresses the environmental and second-hand impacts of methamphetamine abuse.

It specifically establishes research programs through the Environmental Protection Agency (EPA) and the National Institute of Standards and Technology (NIST) to: identify the harmful chemicals associated with meth labs; discover the impact exposure to these chemicals have; and identify any residual effects of methamphetamine labs.

Additionally, this legislation creates guidelines for the clean up and decontamination of contained meth lab sites.

It also requires NIST to develop and standardize methamphetamine detection methods.

I would like to thank Congressman GORDON for his leadership in addressing this often-overlooked battle in the fight against methamphetamines.

I encourage my colleagues to approve this bill.

Mr. DICKS. Mr. Speaker, the rapid growth in the production and use of methamphetamine is very serious problem that requires the full attention of Congress. In the State of Washington and in my Congressional district in particular, meth has rapidly become the drug of choice. The police chiefs and sheriffs in my district tell me that the percentage of criminals that are also meth users has grown astronomically over that last ten years, and now it is the most frequently used drug by both violent and non-violent offenders.

This drug is highly addictive and easy to make. As most of my colleagues are aware, meth can be made with instructions that can be found on the internet and using ingredients and equipment that can be purchased over-the-counter in virtually any community. Congress must do more, in my opinion, to fight this growing menace.

The by-products of methamphetamine production are highly toxic and can linger at the point of production long after the equipment and drugs have been taken away. These by-products, even in small amounts, can irritate, burn or even kill individuals coming across a lab site well after the drug producers have gone. As a result, state and local agencies often must take extreme measures to remove all traces of toxicity from a lab site. In my own district, state environmental clean-up engineers have had to remove entire hotel rooms—including the furniture, appliances, dry wall and studs—because contamination from routine production of meth has been so extensive.

Cleaning up these toxic messes is the issue addressed by the legislation proposed by my good friend from the state of Tennessee. This bill calls upon the Environmental Protection Agency, together with the National Institute for Standards and Technology to help provide some expertise and guidance to state and local agencies on guidelines for to follow to safely and effectively clean up meth labs. I commend my friend for offering this sensible and needed proposal, and I encourage my colleagues in the House to support it.

Mr. Speaker, I encourage all Members to support H.R. 798, and I urge my colleagues to continue to work together to eradicate this extremely dangerous and locally produce drug.

Mr. COSTA. Mr. Speaker, I rise in strong support of H.R. 798, the Methamphetamine Remediation Act before us today.

While methamphetamine abuse is currently sweeping the country, causing great alarm for law enforcement and health officials, we in California's San Joaquin Valley have been fighting rampant methamphetamine abuse, production and clean up for over 20 years. Methamphetamine is California's largest drug threat, and the Valley suffers one of the highest rates of abuse, both in production and use.

According to local law enforcement officials, over 13,500 pounds of methamphetamine have been seized over the last three years. In 2004, Fresno made 180 methamphetamine related felony arrests. These are significant achievements, but there is more to be done. The San Joaquin Valley law enforcement successfully reduced the number of Superlabs seizures from 27 in 2003 to 9 in 2004. However, the need to ensure the former labs are cleaned to a safe level is key to protecting our communities.

Unfortunately, methamphetamine abusers are not the only victims of this destructive drug. The production of methamphetamine in labs and "super labs" leave dangerous biproducts, putting innocent children and law enforcement into harms way. I am a co-sponsor of this legislation because it provides communities with the guidelines to properly clean up hazardous contaminants from former methamphetamine labs and improves methamphetamine lab detection tools.

As a Member of the California State Legislature, I authored a law raising penalties for trafficking, manufacturing, and sale of methamphetamine to the same level as heroin and cocaine. In addition, I authored legislation authorizing the forfeiture of any boat, airplane or vehicle used to facilitate the manufacture of methamphetamine.

My co-sponsorship of H.R. 798 represents my continued commitment to rid our great Valley of this devastating drug. I urge the adoption of this critical measure.

Mr. COSTELLO. Mr. Speaker, I rise in support of H.R. 798, the Methamphetamine Remediation Research Act, a bill to address the methamphetamine abuse problem and provide support to states and local communities to fight and clean-up methamphetamine (meth) and methamphetamine labs. As a cosponsor of H.R. 798, I believe this legislation takes a crucial first step towards achieving this goal and I applaud Ranking Member GORDON for his leadership on this issue.

As a member of the Congressional Caucus to Fight and Control Methamphetamine and a former law enforcement official, I am actively working with my colleagues to decrease methamphetamine use. In my home state of Illinois, there were 926 methamphetamine seizures reported and 813 methamphetamine arrests in 2004, many in my district in Southern Illinois. In order to combat meth in our communities, I believe we need a comprehensive plan to deal with the environmental, health, and law enforcement challenges facing our communities because of the growing use of this dangerous drug.

Reports show that methamphetamine use in the United States has increased rapidly in recent years. In order to assist local governments prevent and control the spread of methamphetamine, I am pleased grants, such as the Edward Byrne Memorial Justice Assistance Grant, are available for cities and counties to apply for through the Department of Justice. I will continue to assist the local law enforcement agencies throughout my congressional district to ensure they receive funding based on local needs and conditions.

Mr. Speaker, meth labs not only cost communities, they also can create a serious public health threat. It is my continued hope that by raising national awareness about methamphetamine use and providing increased federal resources to combat the methamphetamine problem, we can diminish methamphetamine use. This legislation is a first step toward that goal and I urge my colleagues to support H.R. 798.

Mr. CARNAHAN. Mr. Speaker, I am proud to be an original cosponsor of the "Meth" Remediation and Research Act as it will aid our local law enforcement, environmental regulatory, and health care officials in coping with "meth" abuse by providing voluntary guidelines to clean up and remediate the highly toxic chemicals that are used to make the drug.

The harmful effects of contamination are not fully recognized and first responders, future inhabitants, and sadly, children are at risk of developing health problems—this legislation seeks to remedy this problem.

I am tremendously sensitive to the problem of "meth" abuse due to it's widespread emergence in my district. Last year my home state of Missouri had the unfortunate distinction of being the number one state in the country, by more than double, for methamphetamine laboratory seizures. Furthermore, Jefferson County, which resides in my congressional district, has the most seizures and arrests related to "meth" in the state of Missouri.

I applaud the Science Committee's bipartisan leadership for addressing this growing problem and doing their utmost to move this legislation.

Mr. CASE. Mr. Speaker, I rise today in strong support of H.R. 798, the Methamphetamine Remediation Research Act of 2005, which I was pleased to cosponsor originally.

I commend the dedicated work of the Science Committee in bringing this bipartisan bill to the floor today. I would also like to thank Congressmen Bart GORDON, BEN CALVERT, and Committee Chairman SHERWOOD BOEHLERT, the bill's chief sponsors, for their leadership on this issue.

Last year, 30 methamphetamine labs—including sites where only the chemical were found—were seized in Hawaii. While I fully understand that this number is small in comparison to other states in our country, the number of methamphetamine laboratories is unfortunately growing in our more isolated rural communities like those in Hawaii's Second Congressional District.

H.R. 798 would provide federal support and guidance to our states with rapidly expanding number of closed methamphetamine laboratory sites. The bill would require the Environmental Protection Agency to develop the voluntary guidelines for use by state and local officials and would establish a research program to address the environmental effects from contamination caused by methamphetamine labs and examine ways to clean up such labs and minimize adverse health effects. H.R. 798 would also direct the National Institute of Standards and Technology to conduct research into methamphetamine detection technologies and calls for a separate study by the National Academy of Sciences to examine research on the effects that methamphetamine labs have on the residents of the buildings in which the laboratories were located.

I look forward to continuing to work with any likeminded colleagues on our Congressional Methamphetamine Caucus and otherwise to provide the federal support we need in our collective fight against the national crisis of crystal methamphetamine.

Mahalo (thank you) for this opportunity to express support for H.R. 798.

Mr. CALVERT. Mr. Speaker, I am proud to have joined Mr. GORDON and Mr. BOEHLERT as a lead sponsor of this legislation—H.R. 798, the Methamphetamine Remediation Research Act of 2005. I thank Mr. GORDON for bringing this very important issue to the Congress' attention and Mr. BOEHLERT for steering the bill quickly through the Science Committee. I also thank the Science Committee's Majority and Minority staffs who have diligently worked together for the last two years to develop and revise this legislation.

As a Co-Chairman of the 135-member Congressional Caucus to Fight and Control Methamphetamine, I know the growing meth epidemic in our country shows no deference to district or party line. This is an issue everyone can agree is wreaking havoc on communities across the Nation. As mentioned by my colleagues, H.R. 798 focuses its efforts on the procedures and standards needed to decontaminate a site where a methamphetamine lab is found so our communities can more thoroughly remediate these sites. The creation of voluntary, health-based remediation guidelines for former meth labs, crafted by the Environmental Protection Agency, will protect and ensure the health of our citizens and the surrounding environment.

In my area of Riverside, California, methamphetamine production has reached epidemic proportions with many of these labs having the distinction of being labeled superlabs—these are labs that are capable of producing over ten pounds of finished methamphetamine per batch. One such lab which was seized in 2003 operated out of a barn in a rural area of Riverside County and produced over 6,000 pounds of finished product with a street resale value of over $33 million dollars. Over 4 million pounds of contaminated toxic soil had to be removed with heavy equipment, costing in excess of $226,000. Officials from the California Department of Toxic Substance Control have called this the most difficult and costly methamphetamine lab clean up in California's history.

This is a distressing issue with which my region, and quite frankly, most of America is becoming all too familiar. Our State and local agencies need all the resources and tools that we can provide them within their efforts to address this epidemic. Although we are all aware that much more needs to be done to win the fight against this devastating drug, I am convinced H.R. 789 will be a good start in that fight and will be welcomed by our communities.

I strongly encourage my colleagues to vote yes in favor of H.R. 798 today.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to offer my support for this legislation, of which I am a cosponsor. As a member of the Energy and Commerce Committee, I have participated in several hearings and mark-ups on methamphetamine legislation.

One of the many unsafe effects of this drug is the environmental harm caused by producing it and disposing of the byproducts. Given that the products necessary to produce meth can be purchased at a drug store, and it can be produced in small quantities, many users make the drug in their basement, garage or kitchen, despite the health and safety risks.

Cooking meth indoors allows toxic fumes to escape into the house and be trapped in furniture and walls, causing additional health concerns for those producing it—and especially for the family and children who live in these homes. The production of meth puts family members and children in harm's way, as there is a possibility of inhaling fumes, absorbing chemicals or accidentally ingesting the toxic materials used to manufacture this drug.

Depending on the process used, each pound of meth produced results in about six additional pounds of waste which will likely end up in our sewer systems, in streams or rivers, or on the ground. Given that some of the key ingredients can be acetone, hydrochloric acid, ether and ammonia, disposing of this byproduct improperly can lead to additional health risks and environmental damage.

I am pleased the House is taking up this legislation to address the negative environmental impacts of methamphetamines, and problems posed by clean-up and remediation by directing the EPA to develop assessment standards and remediation guidelines. H.R. 798 also directs studies to be conducted on the residual effects of methamphetamine production, and supports the development of methamphetamine detection testing.

Mr. Speaker, I urge my colleague to join me in supporting this legislation.

Mr. BOEHLERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the bill, H.R. 798, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 17 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRADLEY of New Hampshire) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3199, USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–343) on the resolution (H. Res. 595) waiving points of order against the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–344) on the resolution (H. Res. 596) waiving points of order against the further conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 487, by the yeas and nays;

S. 1047, by the yeas and nays;

H.R. 3422, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

SUPPORTING THE GOALS AND IDEALS OF KOREAN AMERICAN DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 487.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and agree to the resolution, H. Res. 487, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 623]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—28

Bachus
Bonner
Brown, Corrine
Calvert
Clyburn
Costello
Cubin
Davis (FL)
DeGette
Diaz-Balart, M.
Everett
Ford
Fortenberry
Gallegly
Goode
Harris
Hayworth
Hinchey
Hyde
Kind
McDermott
Rehberg
Reynolds
Ros-Lehtinen
Sabo
Udall (CO)
Weiner
Wynn

☐ 1901

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESIDENTIAL $1 COIN ACT OF 2005

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). The pending business is the question of suspending the rules and passing the Senate bill, S. 1047.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the Senate bill, S. 1047, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 291, nays 113, not voting 29, as follows:

[Roll No. 624]

YEAS—291

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Butterfield
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez

Gutknecht
Harman
Hastings (FL)
Hastings (WA)
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu

NAYS—113

Akin
Alexander
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bono
Boozman
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Carter
Chabot
Chocola
Coble
Conaway
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeLay
Doolittle
Drake
Duncan
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Green (WI)
Hall
Hart
Hayes
Hefley
Hensarling
Herger
Hunter
Istook
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Kuhl (NY)
Lewis (KY)
LoBiondo
Lungren, Daniel E.
Mack
McCotter
McCrery
McHenry
McMorris
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Young (AK)
Young (FL)

NOT VOTING—29

Bachus
Bonner
Brown, Corrine
Calvert
Clyburn
Cole (OK)
Costello
Cubin
Davis (FL)
DeGette
Diaz-Balart, M.
Everett
Ford
Fortenberry
Gallegly
Goode
Harris
Hayworth
Hinchey
Hyde
Kind
McDermott
Platts
Reynolds
Ros-Lehtinen
Sabo
Udall (CO)
Weiner
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1915

Ms. HART and Messrs. ROYCE, TURNER, BUYER, GINGREY and HERGER changed their vote from "yea" to "nay."

Mr. NUSSLE and Mr. LATHAM changed their vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 330

In the Senate of the United States, December 12, 2005.

Whereas Eugene J. McCarthy devoted many years of his life to teaching in public high schools and other institutions of higher learning in the service of the youth of our Nation;

Whereas Eugene J. McCarthy served in the House of Representatives from 1949 to 1959;

Whereas Eugene J. McCarthy served the people of Minnesota with distinction from 1959 to 1971 in the United States Senate;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Eugene J. McCarthy, former member of the United States Senate;

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Eugene J. McCarthy.

The message also announced that the Senate has passed without an amendment a bill of the House of the following title:

H.R. 4340. An act to implement the United States-Bahrain Free Trade Agreement.

The message also announced that the Senate has passed bills of the following title in which the concurrence of the House is requested:

S. 2093. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes.

S. 2094. An act to reauthorize certain provisions relating to Indian tribal justice systems.

HONORING THE 50TH ANNIVERSARY OF THE HONORABLE JOHN D. DINGELL'S SERVICE IN THE HOUSE OF REPRESENTATIVES

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 594) honoring the 50th anniversary of the Honorable JOHN D. DINGELL's service in the House of Representatives, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. RES 594

Whereas John D. Dingell learned firsthand about the institution of Capitol Hill at an early age, serving as a House of Representatives Page from 1938 to 1943;

Whereas John D. Dingell served his country during the World War II as a member of the United States Army;

Whereas John D. Dingell has served 50 years in the House of Representatives, since succeeding his late father, the Honorable John David Dingell, Sr., a 12-term incumbent, in a special election to the 84th Congress on December 13, 1955;

Whereas a member of the Dingell family has represented the Detroit metropolitan area in the House of Representatives since 1933;

Whereas John D. Dingell, the Dean of the House of Representatives since the 104th Congress, is the longest serving current Member of the House of Representatives, having been re-elected on 25 subsequent occasions;

Whereas John D. Dingell's term of service is the third-longest term of service in the history of the House of Representatives and the fifth-longest in Congressional history; and

Whereas John D. Dingell has served on the Energy and Commerce Committee (and its predecessors) since the 85th Congress in 1957, and chaired that panel from the 97th through the 103rd Congresses (1981–1995): Now, therefore, be it

Resolved,

SECTION 1. HONORING THE 50TH ANNIVERSARY OF JOHN D. DINGELL'S SERVICE IN THE HOUSE.

The House of Representatives—

(1) honors the lifelong commitment of the Honorable John D. Dingell to the ideals of our Nation;

(2) recognizes the Honorable John D. Dingell's half-century of exceptional dedication to his constituents, to the State of Michigan, and to the United States; and

(3) congratulates the Honorable John D. Dingell on 50 years of superior service in the United States Congress.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the Honorable John D. Dingell.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HASTERT) is recognized for 1 hour.

Mr. HASTERT. Ladies and gentlemen, it is important for the House to recognize important milestones. Tonight, the Democratic leader and I on behalf of the House take this brief time to honor our colleague JOHN DINGELL.

If Members would also like to add words of congratulations, I would encourage them to insert remarks as part of the CONGRESSIONAL RECORD or partake in a Special Order following votes tonight.

I rise in support of this resolution saluting and congratulating our good friend, JOHN DINGELL, for 50 years of service in the U.S. House of Representatives.

As the Clerk said, only two other House Members have made the 50-year milestone, Jamie Whitten and Carl Vinson. For a half century, JOHN has walked the Halls of this Capitol doing the business of the people of southeast Michigan. And I must say the Congress is a better place because we have men like JOHN DINGELL.

I first met JOHN when I came to the House in 1986, and he had already been here three decades at that time. We really got to know each other better when I started my third term when I was named to the House Energy and Commerce Committee. I knew him as Mr. Chairman. In fact, I think I only started to call him JOHN after I became Speaker.

Mr. DINGELL earned my respect early on. He knew the issues under his committee's jurisdiction, which was just about everything. He knew their legislative history. He knew how to count votes. He knew how to get legislation through the process. He was tough, but he was fair.

His congressional work has done much to benefit the American people. During his time in the House, he has left his mark on historic legislation like the Clean Air Act of 1990, the Safe Drinking Water Act, the Children's Health Insurance Program, and every other major energy and telecommunications bill since the 1970s. In fact, during the 1980s, he oversaw the investigation into the safety of the Nation's blood supply, including the procedures that we now have to ensure that donated blood is disease free.

As Dean of the House, JOHN DINGELL administers the oath of office to the Speaker. The Speaker then administers the oath of office to all the Members as well. I could not be more proud to have had JOHN DINGELL administer my oath four times.

Mr. Speaker, in this age of sound-bite politicians, JOHN DINGELL is the real deal. You always know where he stands, and you can always rest assured that he stands for something. And so today we salute JOHN DINGELL for 50 years of service with dignity, with dedication, with courage, with principle, and with honor. I thank you, JOHN, for your good work.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI), the Democratic leader, for her remarks.

Ms. PELOSI. Thank you very much, Mr. Speaker.

I am proud to join you in co-sponsoring this resolution honoring the 50th anniversary of the Honorable JOHN D. DINGELL's service in the House of Representatives. As we celebrated at the National Building Museum before, I am pleased to join you once again in congratulating JOHN DINGELL. It is impossible to acknowledge his service and congratulate him for his great leadership without also acknowledging Debbie Dingell, who has been his partner in so much of his life's work.

As I mentioned, Mr. Speaker, you and I had the privilege of celebrating this milestone with Congressman DINGELL at an extraordinary event at the National Building Museum on October 26. Something phenomenal happened that night when Republicans and Democrats came together in unity to praise this great man. Everyone in the bipartisan group, President Clinton, Vice President CHENEY, Governor Granholm of Michigan, and so many of JOHN's colleagues in the House and Senate, including his chairman, JOE BARTON, who regaled us with DINGELL stories that night, agreed that JOHN DINGELL is an American statesman of the highest order.

President Kennedy could have been describing JOHN DINGELL when he said: "No government is better than the people who serve it. We want the best, we need the best, and we deserve the best." For 50 years in JOHN DINGELL we have had the best.

To the pages in the room, I want to say tonight we could really be celebrating his 54th anniversary in the House because from age 12 to 16, he served here as a page, the longest-serving page in history. It was as a page in 1941 that JOHN DINGELL was standing on the House floor when President Roosevelt asked Congress to declare war on Japan. It was World War II that would ultimately call him to service.

He served in the Army with distinction, rising to the rank of second lieutenant. John would later say of his service, "It taught me the meaning of discipline and respect, two qualities which I believe are key to success in the United States." It also began a public life dedicated to making America strong both at home and abroad.

A member of the Greatest Generation, JOHN DINGELL applied his brilliant mind, his great judgment, and his broad vision to making the future better for generations to come. JOHN always made clear that a strong America had to be a healthy America. Continuing a tradition his father began, in every Congress he has introduced a bill for universal national health insurance. Because of his tireless work in securing health care for the elderly, JOHN presided in the House in 1965 when Medicare was passed into law. The gavel he used that day still sits on his desk. He was a very young man at the time, still is.

As part of his focus on future generations, JOHN was one of the first elected officials to link public health with environmental health, and he has had a hand in almost every major environmental legislation of the past 40 years. He has done as much to clean up government as he has to clean up the environment. For the last 50 years, Federal agencies have checked their mail with one eye squinted open hoping they have not received what became known as "Dingell-grams."

In the 1980s, the EPA even had an employee whose sole responsibility was responding to Chairman DINGELL's inquires, and it was recognized that her job was not an easy one. To work alongside JOHN DINGELL is to be inspired by the history of our institution and humbled by the seriousness of our work. JOHN is a giant in Congress and a symbol of continuity.

Fifty years ago on December 13, 1955, JOHN DINGELL took over the seat that had been opened by his father. After hearing his father's colleagues eulogize John, Sr., JOHN stepped up and said, "My father loved and respected the House and all of its Members. If I can be half the man that my father was, I shall feel that I am a great success."

On this 50th anniversary, we say that we love and respect JOHN DINGELL and by any measure his leadership and his success have been unsurpassed. I am sure that John Dingell, Sr., is very, very proud. We may call JOHN DINGELL the Dean of the House, as the Speaker has done; but for many of us here tonight he has also been a teacher.

I know I speak for all of the Members of the House when I say we are proud to call JOHN DINGELL colleague.

☐ 1930

We are all so glad that your lifetime of service continues. The best is yet to come. Thank you, JOHN DINGELL.

Mr. RAHALL. Mr. Speaker, today, December 13, 2005, JOHN D. DINGELL, Jr. marks 50 years of distinguished service to the people of

Michigan. I have enormous respect for my friend, the gentleman from Michigan, who serves the people he represents, and the country, well and with distinction.

I was a member of this body when the last gentleman to serve 50 years in the House was acknowledged—Congressman Jamie Whitten. And the tribute Mr. DINGELL paid to Mr. Whitten also is fitting in tribute to Mr. DINGELL—For all the wisdom the gentleman from Michigan has displayed during his tenure in the House, his constituents have shown even more wisdom in returning him to Congress 25 times.

Upon reflecting on Mr. Dingell's career, I am reminded of the quote by Martin Luther King, Jr. who said, "the quality, not the longevity, of one's life is what is important."

After half a century of service in this body, serving with 10 presidents and in 25 Congresses, all marvel at the longevity of the gentleman's career. But it is the quality of Mr. DINGELL's service that his colleagues, his constituents and the American people remember.

And let us not forget in celebrating the gentleman's past accomplishments and distinguished service that his career is far from over.

True, his efforts on behalf of the Civil Rights Movement, the American laborer and our Nation's neediest individuals helped shape the second half of the 20th Century.

But as we look to the future, a future where JOHN DINGELL will undeniably play a significant role, we are comforted by the fact that the gentleman from Michigan, always true to his word and with a quick wit, will continue to lead us for many years to come.

I am proud of my friend JOHN and thank him for many years of personal kindnesses and professional courtesies.

Mr. CAMP of Michigan. Mr. Speaker, I rise today to pay tribute to the service of a fellow Michigan congressman: the Honorable JOHN DINGELL, who marks today his fiftieth year as a member of this distinguished House of Representatives. The length of his labors is astounding; his constant concern for his constituents is exemplary; and his integrity is simply beyond reproach.

Having been elected to fill the seat and the shoes of his father (who passed away while still in office), Mr. DINGELL has blazed his own path over the past five decades. Impacting virtually every major piece of legislation to be signed into law during the last half century, Mr. DINGELL is one of a handful of lawmakers whose effectiveness does not rely solely on his party being in the majority.

Impressive in both stature and the tenacity with which he pursues his positions, Mr. DINGELL has lent his life to public service. The good citizens of his district and his colleagues here on the Hill are all the better for his tenure; may it long continue.

Mr. ADERHOLT. Mr. Speaker, I would like to congratulate my colleague, JOHN D. DINGELL, of Michigan, on his 50 years of service in the United States House of Representatives this week. He is rightfully called "the Dean of the House," as the longest currently serving Member of the House. Only two Members of the House have ever served longer, and Congressman DINGELL's congressional career began at age 29, when he won election to succeed his father. JOHN DINGELL is known as a Member who is passionate about the welfare of the constituents he represents, and more broadly, all the residents of the United States. He shares his father's great passion for health care for all persons, and was key to the passage of many health care bills, including the Children's Health Insurance Program, and the Mammography Quality Standards Act. His work on health extends naturally to the environment as well, both in terms of holding polluters accountable for cleanup, and in working to preserve America's outdoor treasures for future generations. Michigan, of course, borders Canada, and Congressman DINGELL has done outstanding work both in resolving pollution issues with Canada and in creating North America's first international wildlife refuge. As ranking member of the House Committee on Energy and Commerce, and former chairman, JOHN DINGELL is known for his extensive knowledge and wisdom, and commands deep respect from both sides of the aisle. I am sure there have been many temptations over the years to leave congressional service for a more lucrative career, but it is a testimony to his dedication and integrity that he has reached this milestone in his career. I extend to him, and to his wife Deborah, and the entire family, my sincere congratulations.

Mr. PRICE of North Carolina. Mr. Speaker, I am pleased to join colleagues in recognizing and honoring JOHN DINGELL as he celebrates his fiftieth anniversary as a member of the House of Representatives.

As a young political scientist teaching about the Congress and doing research on the committee system, I knew a good deal about JOHN DINGELL before I joined him in the House in 1987. I studied his role, along with his friend and colleague John Moss, in shaking up the Commerce Committee in the 1970s, decentralizing the then-Chairman's authority and greatly stepping up oversight of the executive. I came to the House hoping that I could someday become a Commerce member myself. By then, JOHN was chairman, and the Committee was the "place to be" for an activist member, known for its broad legislative reach and vigilant oversight.

As it happened, my region had its full quota of Commerce seats, and I successfully pursued Appropriations instead. But I have continued to admire JOHN's work, now as ranking member. He is totally dedicated to this institution as the keystone of American democracy, and he fully understands the importance of active, assertive committees to the institution's capacity for deliberation and sound lawmaking.

JOHN richly deserves the fulsome tributes we have heard from senior and junior colleagues, of every partisan and political stripe, upon this fiftieth anniversary of his winning the seat vacated by his father's death in 1955. Many have also mentioned Debbie Dingell, JOHN's wife and partner in service. Debbie has been an invaluable resource to the House Democratic Caucus in planning issues conferences and other activities, and I recently was privileged to serve with her on our national party's Commission on Presidential Nomination Timing and Scheduling.

Mr. Speaker, I am proud to join in tribute to JOHN and Debbie DINGELL—to thank them for their dedication and perseverance, for their effectiveness as advocates and public servants, and for what they have meant to each of us and to our country as champions of this institution.

The SPEAKER. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SMALL PUBLIC HOUSING AUTHORITY ACT

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 3422, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3422, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 387, nays 2, not voting 44, as follows:

[Roll No. 625]

YEAS—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra

Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—2

Foxx
Putnam

NOT VOTING—44

Bachus
Bonner
Brown, Corrine
Calvert
Cantor
Clyburn
Coble
Costello
Cubin
Davis (FL)
Davis, Tom
Deal (GA)
DeGette
Diaz-Balart, M.
Everett
Ford
Gallegly
Goode
Harris
Hayworth
Hyde
Jefferson
Jenkins
Johnson (CT)
Kind
Knollenberg
Lewis (CA)
McCarthy
McDermott
Murtha
Oxley
Platts
Price (GA)
Rangel
Reynolds
Ros-Lehtinen
Sabo
Sánchez, Linda T.
Shaw
Solis
Udall (CO)
Waters
Weiner
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1948

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4099

Mr. BOREN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4099.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNIZING AND HONORING AN AMERICAN GIANT: CONGRESSMAN JOHN D. DINGELL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Our friend, Mr. DINGELL. Mr. Speaker, tonight there will only be unanimous bipartisan agreement on this House floor. Tonight, the Members of this body, both Democrats and Republicans, our Speaker and our Democratic leader join together to recognize the extraordinary and many accomplishments of a great Member of this House. And to honor that service to our Nation we honor an American giant: The Dean of the House, our colleague from the State of Michigan, Congressman JOHN DINGELL, Jr.

This day, December 13, 2005, marks Chairman DINGELL's 50th anniversary as a Member of this great body, the people's House. The people are proud of JOHN DINGELL and rightfully so. He is the third longest serving Member in the history of this institution. That means he has survived a long time. And, frankly, 50 years of service is itself something that ought to be honored, but JOHN DINGELL is deserving of honor for much more than longevity.

As I can attest, Congressman DINGELL shows no signs of slowing down. Only Jamie Whitten of Michigan, with whom I served on the Appropriations Committee, with 53 years and 10 months of service, and Carl Vinson, the great Representative of Georgia, with 50 years and 2 months of service have served longer. JOHN DINGELL will surpass, God willing, both of those.

Just consider that during the last half century Congressman DINGELL has searched under 10 presidents. No, that is wrong. JOHN DINGELL serves under no one. JOHN DINGELL has served with 10 Presidents. He has cast nearly 22,000 rollcall votes. In fact, one-fourth of the Members who serve here today, 107 Members to be precise, were born after JOHN DINGELL came to the Congress of the United States.

However, no one should be mistaken. As notable as the length of Congressman DINGELL's tenure is, it is eclipsed by his truly remarkable record of substantive legislation over the last five decades on behalf of his people, on behalf of the people of Michigan, on behalf of the people of this country.

JOHN DINGELL, my constituents, are proud of your service and thankful for your contributions. You have made their lives better. You have made the Chesapeake Bay better. You have made Maryland better. In serving Michigan, you have served us all.

Many of the most important pieces of legislation, on health care, as Leader PELOSI pointed out and as Speaker HASTERT pointed out, on the environment and on workers and consumers rights bear JOHN DINGELL's strong imprint, and a significant number of these bills were written by him.

Examples: The 1990 Clean Air Act, the Endangered Species Act, the Children's Health Insurance Program, the Mammography Quality Standards Act. And he is still fighting for a real Patients Bill of Rights. We should have passed and enacted JOHN DINGELL's Patients Bill of Rights a few years ago. That would have indeed been a testimonial that would have been worthy of his service.

In addition, Congressman DINGELL halls helped craft legislation on issues ranging from telecommunications to drinking water quality, and blocked proposals such as electric utility deregulation that he opposed. Said Senator CARL LEVIN of Michigan, "he has a role in almost every major legislative effort to help average families," working Americans, and his fellow citizens.

And when it comes to effective, tenacious congressional oversight Congressman DINGELL has demonstrated that he has few peers. He has fought to ensure that the intent of the laws were carried out and that tax dollars were spent properly. He wanted to invest, but he wanted that investment to be honest, he wanted that investment to be effective, and he wanted that investment to be carefully husbanded.

The work of his Subcommittee on Oversight and Investigations led to the firing of the Superfund administrator, the discovery of a defense contractor who charged the Pentagon for boarding a dog, and improper billing practices by universities for research expenses.

I had a 15-minute interview with a reporter from USA Today and, unfortunately, she took two words that I said. I said, yes, JOHN DINGELL is a wonderful man. She said, well, I hear he's pretty tough. I said, he can be sometimes gruff and intimidating. He has intimidated me sometimes. But the vast majority of my comments were about his caring for his fellow human beings, his love for Debbie, and indeed the love and respect and honor that he gives to every one of his colleagues, realizing that they too have been chosen by their constituents to serve in this people's House. The people's House is a greater place, this country is a greater country, the people are a richer people because of the service of JOHN DINGELL.

God bless you, JOHN DINGELL, and thank you.

TRIBUTE TO A COLLEAGUE, THE HONORABLE JOHN DINGELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. UPTON) is recognized for 5 minutes.

Mr. UPTON. Mr. Speaker, I rise too, along with all my colleagues, to congratulate our dear friend, JOHN DINGELL, on his 50 years of service as a Member of the United States House of Representatives. Today, we honor not only his work in this Congress but also his lifetime of service to his community and to his country.

Born July 8, 1926, JOHN DINGELL served as a page in this institution, served as a soldier in the United States Army, a forest ranger, and assistant Wayne County prosecutor before replacing his father as Representative from Michigan's 15th Congressional District on December 13, 1955, 50 years ago.

Mr. Speaker, I wish to insert into the RECORD at this point a Certificate of Proclamation from the Governor of our great State making this day Congressman JOHN D. DINGELL Day, as signed by the Governor:

STATE OF MICHIGAN CERTIFICATE OF PROCLAMATION

On behalf of the citizens of Michigan, I, Governor Jennifer M. Granholm hereby proclaim December 13, 2005, as Congressman John D. Dingell Day.

Whereas, For five decades, Congressman John D. Dingell has worked tirelessly for the citizens of Michigan, working for the things that matter most, including a strong manufacturing economy, good paying jobs, a clean environment, and healthcare for every citizen; and,

Whereas, In celebrating his 50th anniversary in Congress, Congressman Dingell is now the third longest serving House member in history; and,

Whereas, Over the course of his 50 years in Congress, Congressman Dingell has cast more than 21,800 roll call votes, served under 10 presidents, and led the House Energy and Commerce Committee; and,

Whereas, Together, Congressman Dingell and his father have represented the citizens of the Detroit area since the Great Depression, a testament to the hard work and dedication the Dingell family has in representing and advocating for the working people of Southeast Michigan; and now therefore be it,

Resolved, That I, Jennifer M. Granholm, Governor of Michigan, do hereby proclaim December 13, 2005, as Congressman John D. Dingell Day in Michigan. I thank Congressman Dingell for being a man of integrity, a man of the people; and most of all, I thank him for his extraordinary commitment and service to the citizens of the great State of Michigan.

JENNIFER M. GRANHOLM,
Governor.

Mr. DINGELL is not only a dear friend; he is an avid hunter and an outdoorsman. And maybe that is why he is such a straight shooter. In my 14 years serving on the Energy and Commerce Committee, I have found that it is far better to have him on your side than having him as an adversary. But when he is, you have to beat him on the merits. Otherwise, you lose.

He has served as an expert on so many subjects that this Congress has dealt with, from telecommunications, to health care, to trade, to energy, and even little things called the Tucker Act. He may be the only Member that really knows the history of that act, which means a lot in the history of this Congress.

He shares with all of us the drive to go after fraud and abuse. In fact, I think it was my very first subcommittee meeting when he was chairman of the Oversight and Investigations Subcommittee, and we were grilling a guy by the name of President Kennedy. No, that is not John F. Kennedy, that was President Kennedy, the former President of Stanford, and the abuse that that university did with taxpayer money.

Mr. Speaker, the current chairman, Mr. BARTON of the Energy and Commerce Committee, recently remarked at the wonderful tribute for JOHN DINGELL, that he thought that most historians would put this gentleman, Mr. DINGELL, in the top ten of all the Members, Republicans and Democrats, that have ever served in this body. I would agree with Mr. BARTON's assessment. It is a lot of Members, a lot of years, and we are fortunate to have someone of Mr. DINGELL's caliber for the years I have served.

For some 50 years, the gentleman from Michigan can be proud, so proud knowing that he indeed made a difference for his country on the field of battle in the Army, but also in the Halls of Congress as a most distinguished and very respected Member.

He is also a Wolverine. That means he represents the University of Michigan, another proud institution, and he has always looked out for the interest of education as well in this body, whether he served on the Education Committee or not.

☐ 2000

Mr. Speaker, I join with all of the House in recognizing a wonderful friend, a dear colleague, a great husband, and I know Debbie is here someplace watching; and I simply say, well done. Many of us look forward to serving with you for a long time yet to come, as you continue to make a difference for the people of southeast Michigan, and all of the people that live in this great country.

PROTECTING FIRST AMENDMENT RIGHT OF MILITARY CHAPLAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, before I start my remarks, I want to pay respect and gratitude to the gentleman from Michigan who served with my father for a number of years, and also has been a friend to me.

Mr. DINGELL, you are an example of what is good about the House of Representatives.

Mr. Speaker, in my remaining time, I want to speak about a serious problem in my opinion, and that is the fact that chaplains in the American military, those who happen to be of the Christian faith, have been told they cannot use the name Jesus Christ when they pray outside of the church.

Mr. Speaker, I would be on this floor tonight if this were a Jewish rabbi or if it were a Muslim chaplain in the United States military.

Mr. Speaker, 72 Members of the House have sent a letter to the President. This is the first sentence. "Mr. President, we are disappointed and gravely concerned to learn that the Christian military chaplains are under direct attack and that their right to pray according to their faith is in jeopardy."

Mr. Speaker, I spoke to a Navy chaplain, and in the last 3 years, I have talked to hundreds of chaplains who have conveyed to me the fact that they are being told outside of their church they cannot pray their faith, and I think this is a tragedy, particularly in our military.

About 10 months ago I spoke to a Navy chaplain in Hawaii who told me he is a Methodist. He told me "Congressman, let me tell you what happened. I was praying at a service to remember Marines who were killed in Afghanistan and Iraq. When I finished my prayer, I prayed in the name of Jesus Christ, our savior."

Mr. Speaker, he told me, about an hour and 15 minutes later, he got a call from a Marine major who reminded him, in those kind of settings, you cannot pray in the name of Jesus Christ, and please in the future do not do so.

He was so upset, Mr. Speaker, he went to a friend of his who happens to be a Jewish chaplain, and he said to his Jewish chaplain friend, "Chaplain, do I offend you when I pray in the name of Jesus Christ?"

The Jewish chaplain said, "No, you do not. This is your faith and your tradition and you should pray in the name of your savior." This came from a Jewish chaplain.

Mr. Speaker, to me this is a very tragic situation. We are asking the President, as Commander-in-Chief, to use his constitutional authority to call up the Secretary of Defense, Donald Rumsfeld, and say, Mr. Secretary, I am Commander-in-Chief and I am asking that you protect the first amendment right of all of our chaplains, whether they be Muslim, Jewish or Christian.

As I begin to close, let me just read a letter that I received from an Army major who is a chaplain. This was last year.

"Dear Congressman Jones:

Thank you for your interest in ending the religious persecution that exists in our military today. I am a chaplain in the United States Army, and I can tell you in all honesty that religious persecution is taking place in the Army on a daily basis. The persecution centers on Christian chaplains praying in the name of our Lord, Jesus Christ."

Mr. Speaker, I want to make it clear tonight that if we do not protect the right of our chaplains in the military; and I have spoken to many, almost 200 as I said just a few minutes ago, that are telling me that they are being encouraged not to pray outside of the church in the name of their religion and their faith; there is something wrong with that.

We are going to do a news conference tomorrow and ask the President to please protect the first amendment right of our Muslim, Jewish and our Christian chaplains, and I will tell you that the American Center for Law and Justice, ACLJ, they have over 158,000 signatures from people around this country asking the President to use his constitutional authority to protect the first amendment rights of all of our chaplains.

With that, I want to say to the gentleman from Michigan, congratulations, you are a great man and a great patriot. And I close by asking God to please bless our men and women in uniform, to please bless the families of our men and women in uniform, and God please bless and hold in his arms those who have given their life dying for this country, and I ask God to please bless America, and continue, God, to show us the light that we might save this great Nation and do what is right in your eyes.

OPENING BORDERS TO U.S. BEEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I also would like to congratulate Mr. DINGELL. Mr. DINGELL lockers next to me in the House gym, and I see him occasionally, and I appreciate the fact that he gets down there on occasion, and we get a chance to talk.

Mr. Speaker, yesterday, the Japanese border was opened to U.S. beef trade. This was good news. This border had been closed since December 2003. In 2003, we exported $1.4 billion in beef to Japan. Since that time, the border has been closed, and we have lost over $3 billion in trade. Regaining the market is not going to be easy. Australia has filled much of the void that was created by this ban on U.S. beef. We also must restore confidence in U.S. beef in Japan. I think roughly two-thirds of the Japanese public are saying that they are not sure that they want to eat beef from the United States. And of course, we have a very safe supply.

We also must ship beef from cows 20 months of age or younger, and to verify that age is going to be difficult because we do not have an animal ID program which is critical for this country. So we hope that this trade can be restored rather quickly.

Over the last year or two, much of the focus on trade issues, particularly in regard to agriculture, has been in regard to the Canadian border and also Japan. But as far as I am concerned, Mr. Speaker, the major issue regarding agricultural trade is not Japan. It is not Canada. It is being played out to some degree this week in WTO talks in China. The major players in these talks in regard to agriculture are the United States and the European Union.

This brings me to a discussion of comparison of these two trading powers. On the chart here, we see the comparison. The economy of the United States is $11.7 trillion a year. The European Union is $9.4 trillion. So they are very comparable economies. Well, the largest two in the world. The import tariffs on European Union goods coming into the United States are roughly 12 percent. In contrast, our goods going into the European Union are being tariffed at 30 percent, more than double. This is hard to understand when you look at the comparison of the economies. The agriculture trade deficit of the United States right now is a minus $6.3 billion to the European Union although we have a slight trade surplus with the overall trade worldwide. This has been a major problem for us. Of course, those tariff differences have been a major issue.

Export subsidies: These are subsidies that are given to promote exports. You see that the European Union is providing roughly $3 billion in export subsidies; the United States, $31 million in subsidies. So it is about a 100 to 1 ratio with the European Union providing $100 for every $1 that we are providing in export subsidies.

Farm subsidy per acre: This is an interesting statistic. The United States subsidizes our farmers $38 an acre, and the European Union subsidizes their agriculture $295 an acre, almost six times as much as we do.

One other interesting statistic of comparison is that we have had two cases of BSE or mad cow disease in the United States, just two. In the European Union, they have had 189,000 cases of BSE in the last 15 years. Last year alone, in 2004, they had 756 cases of BSE where we have had two in the last 3 years in North America. So you would think that we would have a tremendous opportunity to trade beef with the European Union, and yet that has not happened. What has happened is the European Union has not allowed U.S. exports of beef into the European Union at all for the last several years because we use some hormones with our beef. They have used this as a tactic to keep our beef out even though the WTO has declared our beef perfectly safe. So we have had practically no trade with them in this regard.

We also have had genetically modified crops such as corn and soybeans which have been excluded, again for final sanitary reasons which, again, defy logic. They have also shut out our pork and our poultry.

Mr. Speaker, we do not think these issues will be resolved in this current round of trade talks that are occurring now in Hong Kong, but eventually, they must be addressed if there is going to be some equity in world trade. And if the WTO is going to move forward, we absolutely have to have some equanimity in the relations we have with the European Union, and we think that these trade issues need to be resolved.

ALITO CORRECT ON CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, before I begin my remarks, I would also like to congratulate Mr. DINGELL for his 50 years of service to this institution and to his country.

Mr. Speaker, it has come to the attention of the American people that the President's nominee for United States Supreme Court, Judge Samuel Alito, wrote in a job application at the Justice Department some 20 years ago statements to the effect that the Constitution does not protect a right to an abortion. Judge Alito's statements regarding Roe v. Wade reflect a widely held belief by many judges and lawyers and scholars across the political spectrum. These legal experts recognize that Roe v. Wade was indeed bad law created out of whole cloth by an unelected Supreme Court seeking to legislate its social agenda from the bench.

Ironically, if Roe v. Wade was overturned today, it would not end abortion on demand. It would simply leave the matter to the States and to the people through their elected representatives.

Mr. Speaker, this was not the vision of our Founding Fathers. They wrote the U.S. Constitution to specifically protect those that were most innocent and to protect the most basic civil right of all, that being life itself.

The preamble to the Constitution sums up the entirety of their reasons for establishing a constitution in the first place, that we, the people, to "secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America."

The Constitution expressly states in plain language that one of the primary purposes for its existence is to secure the blessings of liberty to our future children. The phrase in the 14th amendment sums up the entire document. It says, "No State shall deprive any person of life, liberty or property without due process of law."

Mr. Speaker, protecting the lives of the innocent and their constitutional rights is why this government exists. How does it secure the blessings of liberty to our posterity to sacrifice their very lives upon the altar of convenience?

Judge Alito was correct; the Constitution does not guarantee the right to hire someone to kill an innocent unborn child and dispose of the body. Our Founding Fathers put pen to paper and proclaimed: We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights, and that among these are life, liberty and the pursuit of happiness.

When our Founding Fathers proclaimed those words, the course of human history was forever changed.

Mr. Speaker, it is time to have this debate on abortion out in the open.

☐ 2015

Those who promote abortion on demand ignore the Constitution and the original intent of our Founding Fathers who took great care to structure a foundation for self-governance that safeguards innocent life and human dignity. America will not remain free if we claim for ourselves the right to destroy innocent human lives simply because they are unwanted or they are at our mercy, or because they lack even the voice to cry out. We cannot embrace the notion that by our own choice we determine the dignity or worth of other human beings. That is the principle of might makes right, and this Nation was founded to dispel that depraved injustice.

Mr. Speaker, the future of this country in freedom depends that the fundamental principle which guarantees the right to the divine gift of life and liberty to each of us must remain intact. This is America's creed. This is our foundation. It is so very simple. We are not born equal; we do not become equal when we reach a certain level of development or age or status. All human beings are created equal. That principle of human equality must not be discarded by the United States of America, because if Americans in the 21st century cannot or will not sustain the will and the courage to protect the innocent, in the final analysis we will never sustain the will or the courage to protect any kind of liberty for anyone.

Mr. Speaker, as the nomination of Judge Samuel Alito moves forward, let us all just remind ourselves that we are Americans, that we walk on the freest soil, and that we breathe the freest air of any people in human history. There is nothing more American than defending innocent human life. So now it is up to this generation, Mr. Speaker, to protect the God-given life to live so that future generations will say of us that we justify our brief moment here. God bless America.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2006 AND THE 5-YEAR PERIOD FY 2006 THROUGH FY 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2006 and for the 5-year period of fiscal years 2006 through 2010. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). This status report is current through December 5, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2006 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2006 and fiscal years 2006 through 2010. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2006 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation as well as the 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (I) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF DECEMBER 5, 2005

[On-budget amounts, in millions of dollars]

	Fiscal year 2006	Fiscal years 2006–2010
Appropriate Level:		
Budget Authority	2,144,384	n.a.
Outlays	2,161,420	n.a.
Revenues	1,589,892	9,080,006
Current Level:		
Budget Authority	2,130,625	n.a.
Outlays	2,155,935	n.a.
Revenues	1,607,200	9,176,091
Current Level over (+) / under (–) Appropriate Level:		
Budget Authority	–13,759	n.a.
Outlays	–5,485	n.a.
Revenues	17,308	96,085

n.a. = Not applicable because annual appropriations acts for fiscal years 2007 through 2010 will not be considered until future sessions of Congress.

Budget Authority: Enactment of measures providing new budget authority for FY 2006 in excess of $13,759,000,000 (if not already included in the current level estimate) would cause FY 2006 budget authority to exceed the appropriate level set by H. Con. Res. 95.

Outlays: Enactment of measures providing new outlays for FY 2006 in excess of $5,485,000,000 (if not already included in the current level estimate) would cause FY 2006 outlays to exceed the appropriate level set by H. Con. Res. 95.

Revenues: Enactment of measures that would reduce revenue for FY 2006 in excess of $17,308,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2006 through 2010 in excess of $96,085,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF DECEMBER 5, 2005

[Fiscal years, in millions of dollars]

House committee	2006		2006–2010 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	100	100	500	500
Current level	38	20	38	38
Difference	–62	–80	–462	–462
Energy and Commerce:				
Allocation	100	100	2,000	2,000
Current level	141	231	2,283	2,240
Difference	41	131	283	240
Financial Services:				
Allocation	0	0	0	0
Current level	2,000	2,000	2,000	2,000
Difference	2,000	2,000	2,000	2,000
Government Reform:				
Allocation	50	50	50	50
Current level	–1	–1	0	0
Difference	–51	–51	–50	–50
House Administration:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	6	6	6	6
Current level	0	0	0	0
Difference	–6	–6	–6	–6
Resources:				
Allocation	8	8	50	50
Current level	0	0	0	0
Difference	–8	–8	–50	–50
Science:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	3,027	0	4,107	0
Current level	4,195	412	37,125	1,271
Difference	1,168	412	33,018	1,271
Veterans' Affairs:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	350	346	1,537	1,914
Current level	631	638	341	370
Difference	281	292	–1,196	–1,544

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of November 2, 2005 (H. Rpt. 109–264)		Current Level Reflecting Action Completed as of December 5, 2005		Current Level Minus Suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,088	18,691	17,031	18,747	−57	56
Defense	403,280	372,696	389,964	401,945	−13,316	29,249
Energy & Water Development	30,495	30,273	30,495	30,696	0	423
Foreign Operations	20,937	25,080	20,937	25,213	0	133
Homeland Security	30,846	33,233	30,846	33,184	0	−49
Interior-Environment	26,159	27,500	26,159	28,760	0	1,260
Labor, HHS & Education	142,514	143,802	141,080	143,150	−1,434	−652
Legislative Branch	3,804	3,804	3,804	3,809	0	5
Military Quality of Life-Veterans Affairs	44,143	81,634	44,143	41,803	0	−39,831
Science-State-Justice-Commerce	57,854	58,856	57,854	58,537	0	−319
Transportation-Treasury-HUD-Judiciary-DC	65,900	120,837	66,518	121,433	618	596
Unassigned	0	430	0	0	0	−430
Total (Section 302(a) Allocation)	843,020	916,836	828,831	907,277	−14,189	−9,559

STATEMENT OF FY2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF DECEMBER 5, 2005

[In millions of dollars]

	Budget Authority
Appropriate Level	23,158
Current Level:	
Elk Hills	0
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Payment to Postal Service	73
Section 8 Renewals	4,200
Shipbuilding and Conversion, Navy	0
Total	4,273
Current Level over (+) / under (–) Appropriate Level	-18,885

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 13, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2006 budget and is current through December 5, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated September 15, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2006:

The Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109-62); The National Flood Insurance Program Enhanced Borrowing Authority Act of 2005 (Public Law 109-65); The Pell Grant Hurricane and Disaster Relief Act (Public Law 109-66); The TANF Emergency Response and Recovery Act of 2005 (Public Law 109-68); The Katrina Emergency Tax Relief Act of 2005 (Public Law 109-73).

The Natural Disaster Student Aid Fairness Act (Public Law 109-86); The Community Disaster Loan Act of 2005 (Public Law 109-88); The Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90); The QI, TMA, and Abstinence Programs Extension and Hurricane Katrina Unemployment Relief Act of 2005 (Public Law 109-91).

The Agriculture, Rural Development, Federal Drug Administration, and Related Agencies Appropriations Act, 2006 (Public Law 109-97); An act to extend the special postage stamp for breast cancer research for 2 years (Public Law 109-100); The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102); The Energy and Water Development Appropriations Act, 2006 (Public Law 109-103); An act making further continuing appropriations for the fiscal year 2006, (Public Law 109-105).

The Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108); The Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (Public Law 109-114); and The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF DECEMBER 5, 2005

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in previous sessions:[1]			
Revenues	n.a.	n.a.	1,607,650
Permanents and other spending legislation	1,346,289	1,314,337	n.a.
Appropriation legislation	0	382,272	n.a.
Offsetting receipts	−479,872	−479,872	n.a.
Total, enacted in previous sessions:	866,417	1,216,737	1,607,650
Enacted this session:			
Authorizing Legislation:			
TANF Extension Act of 2005 (P.L. 109–19)	148	165	0
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109–39)	0	0	−1
Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (P.L. 109–53)	27	27	−3
Energy Policy Act of 2005 (P.L. 109–58)	141	231	−588
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59)	3,444	36	9
National Flood Insurance Program Enhanced Borrowing Authority Act of 2005 (P.L. 109–65)	2,000	2,000	0
Pell Grant Hurricane and Disaster Relief Act (P.L. 109–66)	2	2	0
TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68)[2]	102	105	0
Natural Disaster Student Aid Fairness Act (P.L. 109–86)	36	18	0
Community Disaster Loan Act of 2005 (P.L. 109–88)[2]	751	376	0
QI, TMA, and Abstinence Programs Extension and Hurricane Katrina Unemployment Relief Act of 2005 (P.L. 109–91)	354	341	0
An act to extend the special postage stamp for breast cancer research for 2 years (P.L. 109–100)	−1	−1	0
Appropriations Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13)[2]	−39	−21	11
Interior Appropriations Act, 2006 (P.L. 109–54)	26,211	17,301	122
Legislative Branch Appropriations Act, 2006 (P.L. 109–55)	3,804	3,185	0
Homeland Security Appropriations Act, 2006 (P.L. 109–90)	31,860	19,306	0
Agriculture Appropriations Act, 2006 (P.L. 109–97)	99,262	57,294	0
Foreign Operations Appropriations Act, 2006 (P.L. 109–102)	20,979	8,164	0
Energy and Water Appropriations Act, 2006 (P.L. 109–103)	30,459	19,604	0
Science, State, Justice, Commerce Appropriations Act, 2006 (P.L. 109–108)	58,210	35,763	0
Military Quality of Life and VA Appropriations Act, 2006 (P.L. 109–114)[2]	83,519	67,294	0
Transportation, Treasury, HUD Appropriations Act, 2006 (P.L. 109–115)	81,149	69,465	0
Total, enacted this session:	442,418	300,655	−450
Continuing Resolution Authority:			
Continuing Resolution, 2006 (P.L. 109–105)[2]	511,851	314,131	0
Entitlements and mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	309,939	324,412	n.a.
Total Current Level[2, 3]	2,130,625	2,155,935	1,607,200
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Current Level Over Budget Resolution	n.a.	n.a.	17,308
Current Level Under Budget Resolution	13,759	5,485	n.a.
Memorandum:			
Revenues, 2006–2010:			
House Current Level	n.a.	n.a.	9,176,091
House Budget Resolution	n.a.	n.a.	9,080,006
Current Level Over Budget Resolution	n.a.	n.a.	96,085
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes: $30,757 million in outlays from funds provided in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13); $7,750 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109–61); $21,841 million in outlays from the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109–62); $200 million in budget authority and $245 million in outlays from the TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68); $128 million in budget authority and outlays and −$3,186 million in revenues from the Katrina Emergency Tax Relief Act of 2005 (P.L. 109–73); −$751 million in budget authority from the Community Disaster Loan Act of 2005 (P.L. 109–88); $47,743 million in budget authority and $26,543 million in outlays from the Continuing Resolution, 2006 (P.L. 109–105); $15,000 million in budget authority and $14,000 million in outlays from the National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005 (P.L. 109–106); and $1,225 million in budget authority and $1,103 million in outlays from the Military Quality of Life and VA Appropriations Act, 2006 (P.L. 109–114).

[1] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.
Notes: n.a. = not applicable; P.L. = Public Law.

CONGRATULATING APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to recognize and congratulate the Appalachian State University football team for advancing to the NCAA Division I-AA national championship game this Friday night in Chattanooga, Tennessee.

While this is the 13th time the ASU Mountaineers have made it to the I-AA playoffs, it marks the very first time in history that the team has advanced to the national championship game. It has been a fantastic year for football at Appalachian. The Mountaineers finished the season 8-3 before winning their three playoff games. In addition, the team has won 18 home games in a row at Kidd Brewer Stadium, in Boone, North Carolina. This impressive record helped them go on to win the Southern Conference championship.

The Mountaineers have excelled under the leadership of Coach Jerry Moore, who has been at Appalachian for 17 seasons. Coach Moore is a real asset to the university. He is the winningest coach not only in Appalachian State University history but in the history of the Southern Conference.

Mr. Speaker, I am proud of this football team and their coach, not only for their athletic team but for their teamwork, work ethic, goals, and perseverance. There are two young men on the team who deserve a special recognition. Brian Stokes and Wayne Norman both served their country as marines in Iraq before returning to school. These bright young men bring tremendous leadership and maturity to the football team and serve as positive role models for their peers.

Mr. Speaker, please join me in congratulating the Appalachian State University football team. I wish them the best of luck this Friday. Go Mountaineers.

RECOGNIZING AND HONORING AN AMERICAN GIANT: CONGRESSMAN JOHN D. DINGELL, JR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I have over 15 persons including myself who have asked to be included in this Special Order, that is, celebrating the 50th year of service of the Dean of the House of Representatives JOHN DINGELL of Michigan; and I am very pleased and honored to lead this discussion. I would encourage all of the Members to share this time as expeditiously as they can and insert the rest of their materials or remarks into the RECORD.

Let me begin, Mr. Speaker, by pointing out that the first Member of Congress I ever met in my life was JOHN DINGELL, namely, because he was my Congressman. Further, our relationship and family went back before because my father knew JOHN DINGELL's father. Further, we shared contiguous districts across the entire span of my service, and many of our constituents were mutual and frequently, according to the whims of the Michigan legislature the lines that changed from time to time, and frequently my constituents became his as his became mine.

This is a particularly moving event for me because it did not take long for me to realize that one of the more formidable legislators of the 20th century was the same person who worked so hard for my family as his constituents and for the congressional district he represented, but more for all of the citizens of this country.

The legislative prowess and the ability with which he exercised his leadership as chairman of a major committee and the many different and important pieces of legislation have been recounted already tonight and at other events. But I merely want to say that JOHN DINGELL is the Renaissance man of the 20th century in the Congress, the man for all issues, the leader for all challenges, and the person who has created a friendship and a relationship with, as far as I can tell, every single Member of the House of Representatives who has served with him during these 50 years.

So this celebration is absolutely in order. The fact that it has been so widely recognized and so movingly responded to, not only by Members of Congress but by those across the country, it is no easy task to win the admiration and love of the labor movement and yet retain the respect of the corporate economic system leaders of this great country.

And so it is with great pleasure that I begin this recounting of our memories, of our relationships, of our legislative successes with the Dean of the Congress. And it seems fairly clear to most of us that he will soon be able to exceed the staying power of those several Members who exceeded him in 50 years of service. I am, of course, one of those looking happily and proudly toward that day when that occurs.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY), the ranking member.

Mr. OBEY. Mr. Speaker, do we have to tell the truth about the persons we are honoring tonight?

Mr. Speaker, I guess if we have to tell the truth, then I will have to say the same thing I would have said if we did not have to tell the truth, that JOHN DINGELL is one of the great men in the history of this institution.

I want to thank JOHN DINGELL, not because he is Dean of the House, not because he is the third longest serving Member in the history of the House. I think the most notable aspect of JOHN DINGELL's career is not his length of service, but its quality.

When each of us comes to this institution, we come with one of two desires, either to be something and somebody, or to stand for something. In the end, we take little note of those who merely want to be a Member of Congress, or be a United States Senator. But we take great note of those who use their service here to do things on behalf of the country and the people they represent.

JOHN DINGELL and I both share admiration for former Congressman John Moss, who is a great leader in his own right in this institution. John Moss earned a reputation as a lion fighting for justice and for the rights of the common people of this country. Like John Moss, JOHN DINGELL personifies integrity, courage, independence, and dedication to the public interest. JOHN follows in the footsteps of his father. He has championed the cause of wildlife, of wild lands and wild places. He has championed the cause of consumers in an economy of corporate giants.

He has championed the cause of medical research. He has followed in his father's footsteps in championing the cause of health insurance for all Americans. He is truly a social gospel Democrat who understands that we are elected to this House for the same reason that we are placed on this Earth, namely, to try to do good for others.

I want to congratulate JOHN DINGELL for his passion, for his conscience, for his vigor; and I want to thank his remarkable wife, Debbie, for helping him focus his prodigious abilities on behalf of not only his constituents but so many of our own.

I feel privileged to have served in the same institution with JOHN DINGELL. I am proud of his service, and I want to thank JOHN for the honor that he has done this place by the quality of his service for the last 50 years.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I am so glad to be here with my colleagues. JOHN DINGELL is being lionized here tonight and for good reason, as was true on previous occasions. And I think "lion" is a good term to describe JOHN DINGELL. Ferociousness. There is a ferocity about JOHN, about his beliefs, a belief in the common man and woman and their aspirations and their needs.

□ 2030

A ferociousness about the need for health for everybody in this country. He has devoted his life to this. A ferociousness, and I am not on the committee, but Members who have been there tell me that is so true when he investigates. And also for the automotive industry, it is in his blood. It is in his being, raised in southeast Michigan, knowing the importance of it.

A lion is also known for bravery, and, JOHN, you are gutsy. You are brave. You do not simply look to see where the winds are blowing, and that has been a mark of your career.

A lion is also known for eminence. And I think just, for example, and Mr. OBEY and others have talked about the environment, what a lofty person JOHN has been about our earth, about its sacredness, its sanctity.

And also, JOHN, you have been an eminence in terms of the institution here. You believe in it, and you want everybody else to believe in it.

A lion is also known for gruffness, and there is a bit of that in JOHN. He can be very succinct.

So all those characteristics of a lion, I think, apply to JOHN DINGELL as a lion in this place. But we were chatting in my office. Some of the staff has worked directly with JOHN, and everybody has worked with his staff, and we were talking about another characteristic of JOHN that is sometimes lost, and that is gentleness. Some of it comes from his beloved wife, Debbie, but I think it is part of his being.

So we were talking about, and I finish with this, a fable about a lion, the fable about Androcles and the lion. Androcles was a slave, as we might remember, who escaped. He fled from the Emperor. He wandered about and came across a lion. And the lion, he thought, would go after him. But, no, it was kind of moaning and groaning, and so Androcles approached and found the lion with a huge thorn in the paw. And Androcles took out the thorn, and they became friends. And the lion took Androcles, as the Members may remember, to the cave and helped to feed him. But soon afterwards, the lion and Androcles were captured, and the sentence was to throw the slave into, I guess, the center of a ring and throw him to the lion. And so here they came. And the emperor showed up, and all of his court, and they expected that the lion would approach Androcles and maul and eat him. So they let the lion loose. And the lion comes from the den and rushes in, and there is a lot of roaring. And at first, I guess, the lion roars at Androcles, but then as he comes close, he recognizes who it is, and he licks his hands like a friendly dog.

And the emperor hears this story, wondering what had happened, and Androcles tells the story, and the slave is let loose and the lion.

And I close, if this fable applies, and I think it does, to JOHN and his gentleness. I think JOHN would have done something different. Androcles would have said, Look, the lion is loose; however, I think the lion also would have said to the emperor, We will go after you unless you make sure among all your constituents there is universal health care.

And, JOHN, you have been a lion with the ferociousness of your beliefs and all the other qualities but also with a gentleness. And we salute you today. We are proud of you in good measure because you have made this institution something to be very proud of.

Mr. CONYERS. Mr. Speaker, I thank Mr. LEVIN for his comments.

I now am pleased to yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for from Michigan for holding this Special Order, this well-deserved Special Order.

I have had the privilege of serving on the Energy and Commerce Committee for 30 years with Mr. DINGELL, and I have seen him through three energy crises, two Clean Air Acts, a complete rewrite of the 1934 Communications Act, the creation of Super Fund, on and on and on and on. And he is, without question, going to go down as one of the great congressmen who have ever served in the history of this institution.

And I am not going to go through the entire litany, but what I am going to do is, because I had a front-row seat all those years, and these years continue, and what I am about to describe to the Members continues even this week in the Energy and Commerce Committee, I am just going to take the Members back through time and give them some idea of what happens on our committee on a regular basis because, before JOHN DINGELL was elected to Congress, he was an assistant District Attorney in the State of Michigan where he learned many skills, including the art of inducing recalcitrant witnesses into cooperating. Some of my most memorable moments as his colleague on the Energy and Commerce Committee have occurred as an observer of this talent, judiciously but forcefully applied, to those who over the years have accepted invitations to give testimony on one subject or another before the Energy and Commerce Committee. I have kept a little list of some of the more effective rhetorical gambits, verbal jabs, crosses and haymakers that tend to leave the witness to whom they are directed a little stunned just as he or she is being called upon to respond.

I have culled the list to bring some of the best, which I humbly share with the Members tonight as we celebrate a public life whose tenure in service is as long as its beneficial impact on America is wide and deep.

Mr. Speaker, I give you the top ten JOHN DINGELL hearing questions that mean you are in real trouble.

Number ten: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Number nine: Would the gentleman yield for a few questions, as I am trying to better understand where the witness is going, what the witness is saying?

Number eight: Does the very distinguished gentleman know how much affection and respect that I have for him?

Number seven: Perhaps if I direct a few questions to the distinguished majority counsel, we might be able to shed a little light on the gentleman's proposal.

Number six: Is the witness at all familiar with the Tucker Act?

Number five: I hear what you are saying, but what are you telling me?

Number four: That is an excellent answer but not to the question that I asked.

Number three: I am just a poor Polish lawyer. Perhaps you could help explain a few things to me?

Number two: Did you happen to know that my father wrote that law?

And the number one JOHN DINGELL hearing question that means that you are in real trouble: Did you know that I wrote that law?

Mr. Speaker, one of the great congressmen of all time is being honored on his 50th but not by far his last year in this institution. May he stay here forever.

I thank all here for honoring this gentleman tonight. And I thank the gentleman from Michigan (Mr. CONYERS) for holding this Special Order.

Mr. CONYERS. Mr. Speaker, I thank Mr. MARKEY for his statement.

I now yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to honor my good friend, JOHN D. DINGELL of Michigan.

Today marks JOHN's 50th year of service in the U.S. House of Representatives. JOHN's entire life has been one of service. He has served his community, his State of Michigan and his country as a prosecutor, as a soldier in World War II and now as a congressman.

He is not only the Dean of the House, he is the dean of our Michigan Congressional Delegation. He brings our delegation together to do what is best for the State of Michigan, and our State is a much better place because of all his hard work.

Mr. Speaker, no one in this House has a firmer grasp of the legislative process and the Rules of the House, and JOHN uses his knowledge and experience to move his legislative agenda forward to passage.

JOHN has always taken a balanced approach to the art of governing. While justly earning the title of defender of the automotive industry, JOHN has amassed one of Congress's most meaningful legislative records of protecting our Nation's air, water, land and wildlife. And he has fought tirelessly to protect the rights of organized labor.

This balance tells a lot about the kind of man and the kind of legislator JOHN DINGELL is.

Mr. Speaker, I am proud to number JOHN DINGELL among my colleagues in this House. But I am even more proud to number JOHN among my close, personal friends.

Mr. Speaker, this country is certainly a better Nation because of JOHN DINGELL. This Congress is certainly a better body because of JOHN DINGELL. And I know, Mr. Speaker, that I am a better person because of JOHN DINGELL, and I shall always be grateful for that.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for his statement.

Mr. Speaker, I am pleased to yield to the gentleman from Missouri (Mr. SKELTON), the ranking member of his committee.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for this Special Order and for giving me the opportunity to say a word or two about my friend JOHN DINGELL.

JOHN DINGELL is a friend, a colleague, a gentleman of great knowledge, stature. And at the end of the day, he is known as a pillar of this institution. Fifty years of service to the Nation as a Member of this body. That is wonderful.

It is interesting, having the thrill of a spouse, a wife, who is such a companion to me, I know full well that so much credit goes to the wife of JOHN DINGELL, Debbie Dingell, because she has devoted her life to making this institution better and our country a better place to live. So along with JOHN DINGELL, tonight, we salute Debbie.

In 1944, at the age of 18, John joined the United States Army. He became a second lieutenant and received orders to take part in the first wave of a planned invasion of Japan in November of 1945.

□ 2045

He has been reported to have said that Harry Truman saved his life by using the weapon that he had at hand to end the war with Japan. He finished the military service in the fall of 1946, studied chemistry and law at Georgetown before working as a forest ranger, prosecuting attorney and a lawyer.

When his father passed away while still a Member of this Congress, JOHN was elected to that open seat at the age of 29. He has served Michigan, our country, and this body ever since.

Mr. Speaker, this is an institution of relationships, those who have knowledge, those who have studied this subject and those who understand the word "friendship." If you want something done or something passed, one must have the knowledge and the stature and the respect of others before something becomes law. That is the way this institution works. It is a wonderful, wonderful American way of doing things. JOHN DINGELL is the master of all. He understands the subject matter, he studies it, he speaks well, but, most of all, all of us look to him as a friend.

So we are pleased to salute him tonight as the dean of the House, as a role model for those who will follow in the days and years to come. I can honestly say that each of us who has had the privilege of serving in Congress with JOHN DINGELL says it is a true highlight in our life to do so.

Mr. CONYERS. Mr. Speaker, I am pleased to call upon the gentleman from Texas (Gene Green).

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to thank our ranking member and good friend, JOHN CONYERS, for allowing us to speak tonight and putting together this hour-long Special Order for JOHN DINGELL.

JOHN DINGELL has taught as much as any Member of this House about what it means to represent your district, and, more importantly, what it means to represent the Nation as a whole and to protect the integrity of this House.

JOHN DINGELL has devoted his life to the House of Representatives, the people's House, where his patriotism, intelligence, and trust have been put to the test every 2 years for 50 years; and every other November JOHN has passed that test with flying colors. While the newspapers have recently featured stories of elected officials at all levels who abandon the public's trust and instead look out for themselves or other powerful interests, JOHN has created an unbelievable and unbeatable record of accomplishment fighting for the American consumers for half a century.

He accomplished much of this during his terms as subcommittee and committee Chair of the House Energy and Commerce Committee, which I am honored to serve with him on; but he also continued his strong record of accomplishment as the ranking member. That is the toughest test of effectiveness, being able to get things done when you do not have all the cards.

I am glad that JOHN is still filled with vigor and vitality, and I encourage all Members to seek his advice and wisdom. He is a great resource for all Members, Republican and Democrat.

The mark that JOHN has made on Congress and this House in particular will be enduring. For example, there is no Member that has been more effective at protecting the jurisdiction of this Congress under the U.S. Constitution. JOHN practically invented the modern practice of congressional oversight of the executive branch, which, I may add, we have not been doing for the last few sessions. In addition, he exposed more waste, fraud and abuse in the Federal Government probably than any person in history.

JOHN'S partner in his work is his wife, Debbie, or as he refers to her, as his beautiful wife Debbie; and they are a great team. My wife and I enjoy their friendship, and I have enjoyed serving with JOHN on the Energy and Commerce Committee. But even more fun is when we had the chance to go hunting the few times we could, whether it be quail in Texas or duck on the Eastern Shore or pheasant in northern Maryland. He is a true sportsman in every sense of the word, not only in the field, but as a Member of Congress and his leadership, again, carrying on the tradition that his father did in being an outdoorsman and sportsman.

America owes him a debt of gratitude for his many years, and even more years of service to this Congress and to this country.

I thank, again, my colleague from Michigan for allowing me to speak tonight.

Mr. CONYERS. Thank you so much.

Mr. Speaker, I am delighted now to turn to the gentleman from New Jersey, Mr. FRANK PALLONE, and recognize him at this time.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Michigan for organizing this Special Order tonight as a tribute to JOHN DINGELL.

I did not really have any prepared notes tonight. I figured I would get up here and maybe write a few things down before I got up to speak.

I have to say I have been here 17 years, and that seems like such a short time compared to the time that JOHN DINGELL has been here, 50 years; but I have had enough time in those 17 years to watch JOHN and to realize why he is such a giant in this institution. I want to mention a few things.

First of all, I think most important, JOHN DINGELL is so proud to be a Member of the House of Representatives, and he really sees the House as an institution. In the 17 years I have been here, I have watched as the House has been basically put down, denigrated, many times compared not favorably to the other body or to the other branches of government.

No matter how many times I would come down on this floor, JOHN would remind me about why the House was so important. It was the people's House, and we are elected here every 2 years because we are really more directly representative of the American people than any other institution here in Washington. He is proud to be a Member of this institution, and he wants to make sure that it continues as an outstanding institution.

I think that is one of the reasons that he stayed here for 50 years, or more. We know it is going to be more, because he really thinks it is important to build the House as an institution and to make people proud to be Members here.

The second thing he is so proud of is his committee; and, of course, it is my committee, the Energy and Commerce Committee. If you have watched also in the last 10-or-so years, or maybe more, we have seen the committees sort of break down as institutions. The committees may be seen as less important. Their chairmen, even in the minority now as Democrats, seem less important.

I think once again JOHN feels that that is wrong, that the committees as an institution are just as important as the House as an institution and we need to be proud of them. We need to follow the procedure. We need to have jurisdiction that is defined. We need to have proper process. I think, again, he feels that the institution suffers if we do not follow proper procedure, if we do not follow the process, and he wants to build the institution, not tear it down.

The third thing I want to say is that he is so proud to be a legislator. I think it was DAVE OBEY that said before, some people come down here to be a Congressman or to be a Senator, not to be a legislator and to legislate. He wants to get things done. He wants to get them done on a bipartisan basis, if possible; but, most of all, he wants to get them done. And he wants to hear from the other side. He wants to listen to what the other side of the aisle says. He respects the rights of the minority.

When he was in the majority, and I was there, he always respected the rights of the minority, mainly because he feels that if a person is elected to come down here, then they should have a voice and we should listen to what they have to say so we can get good legislation passed.

Another Member, I think it was GENE GREEN, talked about the oversight and investigative responsibility of Congress. Once again, JOHN always stressed that. He believes that it is an important function of the Congress.

When you think about it, it is not enough to just pass a bill; you want to follow up to make sure it works and it is carried out by the executive branch in the right way. So that is why oversight and investigation are so important, because if we need to make changes, then JOHN wants to say let us make those changes, and he has been forthright in saying that regardless of who is in power, regardless of who is in the majority, that we have to take that oversight and investigation responsibility very seriously.

Now, I have talked about the institutional aspects of JOHN, which I think are so important; but I want to just say a couple personal things before I sit down. First of all, he is always someone that you can turn to for advice. I have not turned to him that many times; but whenever I have, he was always there and offered advice that was very valuable to me.

Next, I want to say he is someone who you can trust. His word is gold. You can take his handshake to the bank, as we say, and that is, unfortunately, not true of every Member; but I think it is more true of him than any other Member, and I think he wants us all to be that way, and it is one of the reasons he is that way.

The last thing I want to mention is Debbie. I see her sitting up there in the gallery, his wife. She has always been by his side, and she also believes in the House as an institution. I have to assume that part of that is because JOHN believes in it, but I also think that she takes on sort of her own responsibility and her own views in that regard. But she shares his views on all the things that I mentioned, and I think those things are so important as well. So I want to thank Debbie as well.

Again, I thank JOHN for being a giant, not because of the legislation that he passed, and I know that it is important, but because of what he stands for and what he believes that this House of Representatives should be.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to CAROLYN MALONEY of New York in this very moving tribute.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for organizing this important Special Order.

Tonight, we stand to honor Michigan's most famous export, JOHN DINGELL. He has served and led in this body for many years. His partner in life, Debbie Dingell, has been an important part of his work and causes.

It is absolutely amazing how much he has helped improve people's lives through the legislation and causes he has advanced. Because JOHN is so tenacious, determined, knowledgeable and effective, I always seek him out to help me with those causes nearest to my heart. There have been many, but one is the equal rights amendment which like-minded men and women have been trying to pass since the first women's rights meeting at Seneca Falls in New York in 1848.

JOHN believed that the best way to advance women's rights was through an economic argument, so we commissioned and worked together on what became known as the Dingell-Maloney Reports. One called "A New Look at the Glass Ceiling" proved that women managers earned significantly less than their male counterparts. Another, "The Glass Ceiling Under the Microscope," proved that this wage gap had persisted unchanged for 20 years. College professors and teachers tell me that they use the Glass Ceiling reports as part of their women's studies curriculum.

JOHN, thank you for helping me on these reports, and for so many other issues, health care, campaign finance reform, energy policy, clean water, clean air.

JOHN is known for many, many, many achievements. He is one of the most outstanding legislators this body has ever seen, but, above all, JOHN cares. He cares about people, and he cares about quality public policy.

We thank Michigan tonight for her proud gift to the Nation, Congressman JOHN DINGELL. And as we say in New York, sto lat, sto lat: may you live 1,000 years, may you serve 1,000 years.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to the gentlelady from Illinois, JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from Michigan for yielding to me.

When I came to the House in 1999, I was often asked what surprised me the most. I answered that it was the passion, energy and depth of engagement of many of the longest-serving Members, and would cite JOHN DINGELL as the example.

JOHN DINGELL has been the driving force behind major landmark progressive legislation, from the Children's Health Insurance Program, to electric utility consumer standards, to environmental protections like the Clean Air Act and Clean Water Act; and he is still going strong.

A master of the legislative process, he is legendary for his oversight hearings, dogged in his determination to protect the public by holding government officials, corporations, and others accountable for their actions.

JOHN DINGELL is a fighter. He continues to be a strong voice for consumers and workers in Michigan and across the country. He told us all at his magnificent 50th anniversary celebration that he has no intention of leaving the House anytime soon and that he intends to be chairman of the Energy and Commerce Committee once again; and I fully believe it will happen, and very soon.

☐ 2100

When it does, I will do all I can to support him as he works to win his goal of securing health care for every American.

Some have used the word "feared" when talking about John Dingell, and it certainly is true that you want to have him on your side and not against him. But the JOHN DINGELL I have personally experienced is a gentleman to all, a loving husband to his spectacular wife and partner, Debbie, a man who is respectful and generous to his staff, who in turn work tirelessly and effectively and are ever loyal to him. He is patient with newer Members, always willing to share his experiences and, when asked, offer solid advice.

I feel privileged to serve with JOHN DINGELL, a patriot, a role model, mentor, and friend. I thank him for his 50 years of service to our country and wish him many, many more.

Mr. CONYERS. Mr. Speaker, I am now delighted to turn to the gentlewoman from California (Mrs. CAPPS) to help us wind down on this Special Order in honor of the Dean of the Congress.

Mrs. CAPPS. Mr. Speaker, I thank our colleague from Michigan for organizing and for allowing me to speak in this time of tribute. It is truly a high privilege and a rare moment to recognize someone who has served 50 years in this remarkable institution and, of course, that is my colleague JOHN DINGELL.

Of course, I am also privileged to call him a friend and a great mentor. And that extends to Debbie, the beautiful Debbie as he calls her, whom I knew first as a congressional spouse and got a glimpse of the partnership that now I know even better, when I saw her leadership among the spouses who add a lot to this place here and a respect for her tireless work amongst us all.

JOHN DINGELL has been a remarkable role model for me in the House and particularly on the Energy and Commerce Committee. It is an understatement to say it is the highest privilege and a matter of great pride to be able to serve with him, to learn from him, to catch the spirit of tenacity, being a bulldog on issues that you care very deeply about. He works so hard on behalf of his constituents and it shows. No matter the issue, first and foremost, as many years as he has served and as beloved as he is by them, he goes back to them time after time.

It has been a pleasure to be in his district and to see the great affection with which he is held. For me he gave reason and definition to my being here to see that there really, truly are people in places of leadership who are champions for the working people of this country. To those without privilege and strong voice, except through those of us who serve here, he has never lost sight of why he followed in his father's footsteps to be here.

He takes a back seat to no one. Those who have opposed him on issues he cared about have learned what a strong advocate he is and how tough it is to face him. But he is also one of the best examples I have seen in this place of how to work across the aisle, how to maneuver deftly amongst the parliamentary procedures to get things done. When there is a chance to make some progress on an issue, when there is a chance to improve the lives of the American people, JOHN DINGELL will not let party lines stand in the way.

I am so privileged that I have had the opportunity to see someone here, and there are more, there are quite a few, but to see someone with the kind of respect he has for this institution. This connection that we have, going back to the beginning, and the way that he conducts the affairs, a lesson for us all in civility and the way to treat other people, particularly those you serve with and especially with whom you do not agree, making a strong point and yet doing it in such a respectful way.

He has been a most important person to me here in my career in Congress. When I was newly elected, he helped me secure a seat on the committee where I wanted to be to serve particularly on the matters of health care. He guided me through the committee's traditions and procedures and has always been there to help me with any kind of particular need I might have to fulfill the goals I have that are similar to his. And for me, for JOHN, it is being a relentless advocate for health care, for health care for everyone.

When the committee, for example, began addressing the nursing shortage, and that was a priority of mine, he joined with me and made it clear that supporting nurses was a personal priority for him; and I can tell you that if you ask a nurse around this country who represents them and what they care about, it is Mr. DINGELL. And that makes me proud as a nurse to be able to serve with my colleague, Mr. DINGELL.

I watched as the Energy and Commerce Committee marked up a couple years ago now the Medicare bill, JOHN's bill, JOHN's father's bill. JOHN did not take this easy. Long into the night for 3 days in a row he led our efforts to reshape that bill into a better proposal, truer to the ideals that came into being. I could go on and on, but I know this country is a better place because JOHN DINGELL has been here for 50 years. It is something that my children, though they have not met him, will appreciate. It is something for sure that my grandchildren will be beneficiaries of.

And only one thing will make my service here better than it already is, and that will be to serve with JOHN DINGELL as chair of the Energy and Commerce Committee.

Mr. CONYERS. Mr. Speaker, I am delighted now to turn to the gentlewoman from California (Ms. MATSUI) to express her congratulations in this tribute.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for putting together this special time and for yielding me some time.

Mr. Speaker, I am pleased this evening to honor a dear friend, JOHN DINGELL, who because of life's twists and turns has also become my colleague. It was actually about 30 years ago that I first met JOHN DINGELL. At that time my husband, Bob, was serving on the Sacramento City Council as well as chair of the reelection campaign of Congressman John Moss.

John Moss and JOHN DINGELL had arrived in Congress at about the same time, building a relationship and friendship as the years passed. When John Moss marked his 20th year in office, he asked his friend, JOHN DINGELL, to come to Sacramento to speak. It was at this milestone that Bob and I first met JOHN DINGELL. Little did Bob and I know that this was only the beginning of what would become a very deep and abiding friendship, as 4 years later John Moss would announce his retirement and Bob would run and succeed him in Congress.

Following his election, John Moss offered Bob some sage advice which, among other things, included John Moss's hope that Bob would build his own relationship and friendship with JOHN DINGELL. Bob took this advice to heart and built a friendship with his new colleague. It was clear that JOHN DINGELL respects and deeply cares and loves this institution. He brings knowledge that spans generations to any debate. And Bob, as a junior Member served alongside him on the Energy and Commerce Committee before his assignment to joining Ways and Means, saw why John Moss had given him the advice he had.

Simultaneously, Bob and I also began a friendship with JOHN and his wife, the lovely Deborah. I would be hard pressed to talk about JOHN without also mentioning Debbie as she is a strength in her own right. Their marriage is a true partnership, and because of that when we honor JOHN, we are also honoring Debbie. Together they have made each other stronger. The friendship I have with both JOHN and Debbie is one I truly value.

JOHN, I know that you have many more years to serve in Congress, and I look forward to working with you through all those many years. Congratulations on the first 50 years.

Mr. CONYERS. Mr. Speaker, I am delighted now to recognize a Member of the House Committee on the Judiciary, the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my distinguished colleague from Michigan, and I thank you for yielding and convening us on the floor of the House to have an opportunity to be part of the celebration and the honoring of our friend and colleague, JOHN DINGELL, for 50 years of service.

I have not had the privilege of serving as a member of the House Energy and Commerce Committee, and so I cannot give testimony to the privilege and the pleasure and the excitement of that room on the first floor in the Rayburn Building. I do know that the fireworks are strong and the leadership is strong because JOHN DINGELL is in the room.

I do, however, have the memories of Mickey Leland, who made it very well known of the excitement he had in having the opportunity to serve on such an important committee and serve alongside of JOHN DINGELL. It was a great step up for the Congressman, and he did great works alongside of JOHN DINGELL as a member of the Committee on Energy and Commerce.

And so, yes, I came here longing after the opportunity to serve on that committee, knowing about JOHN DINGELL's leadership and the great things that could be done. But I am very glad to say that I serve alongside him just down the hall on the Committee on the Judiciary. And even without any membership on that committee, I come here today to cite the kind of counsel that JOHN DINGELL gives to Members, whether it is a minute amendment or a question of an issue going on in his committee or the sharing of his staff to answer questions. I want you to know, Congressman DINGELL, thank you for being a counsel to many Members, whether they served with you in their committee or they just walked past the hall that you are in and are concerned about those issues.

I also want to thank JOHN DINGELL and make mention of the fact that his 50 years saw a lot of tumultuous times, and those times included the 1964 Civil Rights Act and the 1965 Voter Rights Act. Those were difficult times, and no matter whether you were a Member from a northern State or a southern State, there was a great controversy of whether or not you would support that kind of legislation.

Might I say that JOHN DINGELL's courage in standing up to maybe even the obstacles and opposition in his own district, being a vigorous and vibrant supporter of the 1964 Civil Rights Act and the 1965 Voter Rights Bill really gives cause and a basis for me standing here today. For out of that vote that you have made was the creation of what we call majority-minority districts which allowed the maiden holder of this seat, the Honorable Barbara Jordan, to come to Congress as the first African American woman and African American elected to Congress after Reconstruction from the State of Texas.

□ 2115

That was not an easy vote or an easy debate, and those of us who read the history of that debate realize that there was a lot of cajoling and encouraging and sacrifices to be made.

As well I want to thank Congressman DINGELL for another tough time that came along during this recent time in Congress, and that, of course, was the Enron tragedy. I was a Member of the Congress but, of course, not a member of the committee, but of course, Enron was in my congressional district. I went to my ranking member, who I call Chairman DIINGELL, and inquired as to whether or not I could be allowed to sit on the panel as the Enron proceedings began. It was a crowded room, a lot of Members, and he could have easily said it was just simply untenable at the time. Knowing how important it was to our constituents in Houston, many of whom had been laid off, I want to thank you again, Mr. DINGELL, for recognizing the important issues to Members, embracing them and creating a pathway of opportunity.

So, as I rise this evening to be able to cite you for the 50 years and congratulate you, might I thank you for the personal counsel and concern you take on Members' progress and growth and opportunity. Might I thank you for paving the way for sometimes a difficult road, sharing with us maybe the opportunity to pass an amendment or give insight to an issue, albeit we might be on that particular committee and a very powerful committee.

Again, as I met with my senior citizens over this past weekend, talking about the Medicare enrollment part D, I was so proud to be associated with a man who understood what Medicare is supposed to be, the real safety net for senior citizens, something they understand, applaud and appreciate, something that has helped save lives. For many of my seniors, when I asked the question, had they enrolled in Medicare part D or did they understand it, maybe one hand raised in the room. As I asked them whether they had enrolled already, with only a few days before the deadline for them to be covered on January 1, as I looked at their eyes, I was glad to be part of the Dingell plan, who understood the right kind of benefit, a guaranteed prescription drug benefit, that you led the fight on, that someday I know we will have.

So, Mr. DINGELL, you have had 50 years. It may seem like a long time, but I know it has been made lighter by having a wonderful partner like Debbie Dingell alongside of you. Although she handles many of the spouse issues, she is a friend to many of us who are Members of the United States Congress. Her insight and understanding and friendship have certainly been appreciated by all of us. So I think you all make a dynamic duo, a dynamite duo, if you will, and I thank you both for your service to this country.

Thank you, Mr. CONYERS, for giving me the opportunity to salute our friend.

Of course, what I say to him, you are a great American. Certainly a hero, and thank you again for the contributions you make to this great institution, and thank you for allowing us to understand that it is, in fact, a dignified and sacred institution and all who walk into this chamber must show it the respect that you have shown for the years of your service. God bless you as He blesses America.

Mr. Speaker, I rise in strong support of this proposed resolution, "Honoring Rep. JOHN DINGELL on his 50 years of service to the United States House of Representatives and the people of Michigan."

Only two members in the history of the House of Representatives have served longer than our friend, Mr. DINGELL. It is almost hard to believe that he has served his country and his fine state of Michigan in this House for 50 years to the day. This is especially difficult for me because I could have sworn he doesn't look a day over 40 years old!

Over the last five decades, Congressman DINGELL has been a steadfast champion of healthcare. At the beginning of every Congress, Congressman DINGELL introduces the same bill to the House floor, providing for a national health insurance system. This bill was authored by his father many years ago when he was serving in Congress. Congressman DINGELL also remains vigilant in his pursuit of a United States Patients' Bill of Rights. Mr. DINGLE's bill would ensure patients' care is in the hands of doctors.

Aside from fighting for better health care for this country, DINGELL may be best known as one the most committed protectors of our environment, being himself an avid hunter and outdoorsman. Perhaps one of his most famous of his bills is the 1990 Clean Air Act, which ensures cleaner air for our children tomorrow by encouraging responsible stewardship of our air quality today. He also fought for the passage of such landmark legislation such as the Endangered Species Act.

JOHN DINGELL, Dean of the House, is a giant among men. His resume reads as one of the great stories of this past century, but five decades of service in the House has not slowed Mr. DINGELL down one bit. If one man could embody all that is great about this Institution of ours, JOHN DINGELL is that man. For half a century, he has resolutely left his mark on some of the most important legislation of our time. He tirelessly and tenaciously serves the interests of his constituents, and of average citizens across the United States. Quite simply, his enduring presence in the House of Representatives has made the United States a better place for all of us.

I urge my colleagues to join me in honoring Congressman JOHN DINGELL for his 50 years of service and devotion to his country he loves so much. We all look forward to many more years of sharing the Halls of Congress with this great man.

Mr. CONYERS. Mr. Speaker, I thank so much Ms. JACKSON-LEE for her very moving tribute.

Mr. DICKS. Mr. Speaker, on this day, when our colleague and friend Congressman JOHN DINGELL is celebrating 50 years of service in the House of Representatives, I believe it is important for all Members—however long they have served—to reflect not only on the number of years that he has served in this institution, but also on the contributions he has made and on the example that he continues to set for all of us.

In the finest traditions of the House, JOHN DINGELL remains a powerful force among us because of the commitment he made 50 years ago as he took the oath of office for the first time in this chamber. He took that oath very seriously that day and has lived up to it each day since, as he has represented the interests of the people in his district in the State of Michigan. His legislative accomplishments are legendary, and I know many Members today have praised him as a champion of health care reform, consumer protection, worker rights and environmental protection. He deserves all of that praise, and more, because he is truly one of the "workhorses" around the House of Representatives. Without a doubt, JOHN DINGELL is one of the hardest working Members of Congress I have seen during my tenure here, and I am sure he is one of the hardest working individuals who has ever served in the House. Largely because of that work ethic, most of the Members here have their own personal stories about the help or advice they have received from JOHN on issues of importance in their own districts. Since I was elected to Congress in 1976, and certainly during his tenure as Chairman and now Ranking Member of the Commerce Committee, JOHN DINGELL has helped me and has worked with me on a variety of issues that are important to me and to my constituents in the State of Washington. He fought hard for the creation of the Superfund and to sustain it so that harmful contamination at toxic sites in and around Puget Sound can be identified and cleaned up. He has demanded accountability from the Department of Energy, which is responsible for eliminating the waste that still remains from decades of nuclear production work on the Hanford Reservation. Through his leadership of the investigations subcommittee over many years, he exposed abuses and set a new standard for Pentagon procurement and contracting that helps us expand the purchasing power of our defense dollars today. And as an sportsman and wildlife advocate, he has strongly supported our efforts in the House to increase funding for critical habitat protection and for acquisition of public lands for recreational purposes. I have appreciated his support and his leadership on these issues, and I have appreciated his friendship.

So as the House today recognizes Congressman JOHN DINGELL today for the chronological length of his tenure in this institution, I also want to remark that it is recognizing one of the legislative giants who has made his indelible mark on this chamber not just by his tenure but by the breadth and depth of his influence and his accomplishments here. I congratulate him, but I also look forward to continuing to work with him long beyond today's milestone.

Mr. LEWIS of Georgia. Mr. Speaker, I think it is fitting and so appropriate that Members of the U.S. House of Representatives pay tribute to the Honorable JOHN DINGELL on his 50 years of distinguished service in this body.

I want to take a little time to thank my friend JOHN DINGELL for all he has done to make America a better place.

When I was growing up in rural Alabama, and I would visit the little town of Troy, I saw those signs that said "White Men, Colored Men, White Women, Colored Women, White Waiting, Colored Waiting."

I used to ask my mother, my father, my grandparents, and great grandparents, "Why segregation? Why racial discrimination?"

And they would tell me, "Don't get in trouble. Don't get in the way." JOHN DINGELL got in trouble. He got in the way. And it was good trouble. It was necessary trouble.

For the past 50 years, JOHN DINGELL has said through his leadership and with his votes, that as Americans, we have a right to know what is in the food we eat, the water we drink, and the air we breathe. He has said that all Americans have a right to expect and demand simple justice.

He came here to Washington at a time when there was a great deal of drama all over this Nation related to civil rights and social justice. But JOHN DINGELL wasn't afraid to take a stand for what is right.

Mr. Speaker, I believe it was no accident that 12 days before JOHN DINGELL was elected in 1955, a humble and dignified woman named Rosa Parks decided to stand up by sitting down on a city bus in Montgomery, Alabama.

It was no accident that in 1955, the world learned a 14-year-old boy named Emmett Till was kidnapped and murdered in Money, Mississippi.

It was no accident that in 1955 the U.S. Supreme Court said the Brown v. Board of Education decision should be carried out with "all deliberate speed."

It was no accident that in that same year, Congressman JOHN DINGELL took the place of his father in the House of Representatives. And when he did, he took this oath: He said, ". . . I will support and defend the constitution . . . against all enemies, foreign and domestic . . . and I will faithfully discharge the duties of this office . . . so help me God."

He has used the power of his office to fight for the cause of justice, to protect what is good, what is honorable, what is great about America. He used all his power to defend the integrity of this great Nation.

I said this about the late Rosa Parks, and I think it also applies to JOHN DINGELL. There is a force that I like to call the spirit of history that can track you down and select you to help right the wrongs of this world.

JOHN DINGELL is one among a chosen few in the U.S. House of Representatives who helped chart a new ethical and legislative future for these United States.

I am among the many who call him the Dean of the House of Representatives. Mr. Speaker, JOHN DINGELL showed us all how it should be done. He is a champion of the people from the great state of Michigan who has brought honor and dignity to this chamber. It has been an honor and a pleasure to serve with him.

Mrs. MCCARTHY. Mr. Speaker, today I honor my friend and colleague, JOHN DINGELL.

Mr. DINGELL has been a member of the House for 50 years. He is truly an institution within this institution.

Mr. DINGELL has been a leader in passing legislation to improve people's lives. And he has an unmatched record of fighting corruption and waste in this body and throughout the government.

I hope my colleagues on both sides of the aisle will take a good look at Mr. DINGELL's record of accomplishment and cooperation.

Mr. DINGELL has demonstrated how well this body can operate and how much we can achieve by setting aside partisan differences and working together to do what's right for the American people.

Whether you are a Democrat or Republican, whether you are on the same side of an issue or have an opposing view, Mr. DINGELL will work with you to make our country a better place.

The ultimate tribute to the Dean of the House on his first 50 years of service would be to follow his lead and end the partisanship and politics of personal destruction that's going on now.

Our country needs members of Congress to lead, not constantly question the motivation of those who do not agree with them.

Mr. DINGELL serves as the founding fathers intended us to serve.

I am proud to call Mr. DINGELL a colleague. And I am honored to call him a friend. And I look forward to working with him in coming years to help make America stronger and better place.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to commend the service of one of our most distinguished members, Mr. JOHN DINGELL. Today we honor the "Dean of the House" as he celebrates 50 years of service to the people of the state of Michigan and of this country. We also celebrate his wonderful spouse Debbie Dingell.

During his tenure in the House, Representative DINGELL has fought for access to affordable healthcare, a strong economy, and the protection of our environment. He authored the 1990 Clean Air Act which is credited with cleaning up the air we breathe, while preserving American competitiveness. Additionally he has championed laws that address America's most pressing needs like the Children's Health Insurance Program (CHIP) and the Mammography Quality Standards Act.

He has worked tirelessly for the people of Michigan's 15th District. He established the first international wildlife refuge in North America to protect thousands of acres of natural habitat in both Michigan and Canada. He worked with officials in Wayne County to save local taxpayers more than $350 million of the cost to stop pollution of the Rouge River and has been relentless in his efforts to limit the importation of Canadian waste into Michigan.

Representative DINGELL is truly a leader and trailblazer within the House of Representatives. He not only leads by example but sets the example by which we all strive to emulate. On behalf of the people of the 11th Congressional District of Ohio, I thank you Representative DINGELL for your leadership and wish you continued success.

Ms. CARSON. Mr. Speaker, Detroit, Michigan is known as Motown, mecca for Soul R&B music. Here, in the Halls of Congress, Detroit is known as "Dingell town."

Tonight, we continue our salute to Congressman JOHN DAVID DINGELL, Jr. for his 50 years of service as an elected representative in the House of the people.

With the service of Congressman DINGELL's father, the late John Dingell, Sr., in the House for 22 years, the people of Detroit, the state of Michigan, and indeed the Nation have benefited from the Dingell legacy of public service for 72 uninterrupted years.

Congressman DINGELL served in the United States Army during World War II, then attended Georgetown University in Washington, DC, where he graduated in law in 1952. He worked as a Congressional employee, a forest ranger and a prosecuting attorney for Wayne County until 1955, when his father died and he succeeded him in his district.

Congressman DINGELL won the seat in his own right in 1956 and has been re-elected 25 times.

With the retirement of Jamie L. Whitten at the start of a new Congress in January 1995, he became the longest-serving member in Congress. He is only the third person to serve in the House for 50 years, behind only Whitten and Carl Vinson.

Since 1994, Congressman DINGELL has been the Ranking Member of the Energy and Commerce Committee. Before that, he was Chairman for many years of Energy and Commerce.

Congressman DINGELL: Regardless of the change in party majority, the esteem and high regard that your colleagues, and I, past and present, hold for you, will honor you always as Mr. Chairman.

I am pleased to add my best wishes to a statesman and a great American.

Mr. POMEROY. Mr. Speaker, I rise to add my voice to the praise of a remarkable man—one of the most effective legislators ever to grace the Halls of Congress—the gentleman from Michigan, JOHN DINGELL.

Today we celebrate his 50 years in the U.S. Congress. I feel extremely fortunate to have had the chance to observe JOHN DINGELL as one of the most powerful Chairmen of the House and for the last decade a canny Ranking Member, influential by any measure.

If there would ever be a Hall of Fame for Members of Congress, JOHN DINGELL would be admitted on the first ballot.

I consider it a great privilege to have had the chance to learn from a person of such enormous talent, dedication and perservance.

JOHN DINGELL has been steadfast in fighting for the rights and interests of ordinary Americans. He has been unrelenting in his willingness to take on any interest—no matter how powerful—as he has stood up for all who needed such a gifted and forceful champion.

I hope JOHN DINGELL will celebrate many more anniversaries of distinguished service in the House as his tenure continues.

He is a national treasure and we need him now more than ever.

Best wishes JOHN DINGELL. I am proud to be your colleague—prouder yet to be your friend. God bless you.

Mr. STUPAK. Mr. Speaker, thank you, Mr. CONYERS, for the opportunity to stand and recognize one of the finest men to ever serve in the United States Congress.

JOHN DINGELL can be and has been described using a wide variety of adjectives—ranging anywhere from fierce and intimidating to kind and charming and just about everywhere in between. This man has been leaving vivid impressions on those of us he has worked with during his 50 years as a United States Congressman.

Whether one may have come to enjoy the deeply intellectual candor associated with his great knowledge of issues spanning from health care to the environment to labor; or whether one may have become a victim of his witty tongue lashings he has been known to dole out to his opposition or to those testifying before him—either way, these individuals have more than likely walked away from these scenarios respecting Mr. JOHN DINGELL all the more.

Mr. DINGELL is the Dean of the House because he has spent 50 years working diligently to fight for those who may not be able to fight for themselves. He has fought for vulnerable people and worthy causes with an iron first. He has defended large companies even when allies have criticized him because those companies sustain the jobs his constituents depend on to feed their families. He has stood up for unpopular ideas based on righteous values. He has led wars for universal causes in order to see the eventual acceptance of a fair ideal.

The people of southeast Michigan continue to elect JOHN DINGELL to serve and represent them and many others across the country in Congress because he is a good man. He is a shining example as to why term limits are not wise in governance. Consumers would have a hard time investing in a company where a new set of untrained professionals were ushered in to run a major corporation just as their predecessors finally obtained the necessary skills and experiences to truly excel on their behalf.

Each term JOHN DINGELL has brought with him another two years of valuable experiences that help him craft better legislation, provide deeper insight, and mentor his colleagues to be more prepared to lead.

Mr. Speaker, I have the proud privilege of not only standing beside Mr. DINGELL as a friend and colleague from the great state of Michigan, but I am honored to have found his mentorship in our last 6 terms in Congress as some of the most profound advice I could have received.

Congressman DINGELL spent nearly 2 decades heading the Energy and Commerce Committee's Subcommittee on Oversight and Investigation. There he uncovered unparallel fraud and deceptions of companies and government agencies. He drilled witnesses and experts in order to obtain the answers necessary to protect the American people. JOHN DINGELL spent his years on that subcommittee with an unwavering, fiery commitment to do the right thing.

When Congressman JOHN DINGELL, Jr. was inaugurated after winning a special election to succeed his late father, who had served in the House of Representatives since 1932, he told his new colleagues "if I can be half the man my father was, I shall feel I am a great success."

As the new ranking Democrat on the Oversight and Investigation Subcommittee where the great JOHN DINGELL accomplished some of the most memorable and most remarkable feats on behalf of the American people, I declare that if I can do half the job JOHN DINGELL has done during his tenure in Congress, I shall feel I am too am a great success.

Mr. Speaker, I would like to once again thank Mr. JOHN DINGELL of Michigan for being a great leader, example, servant, mentor, and friend. Mr. DINGELL and the work he has done in the last 50 years in the United State Congress will be remembered, valued and respected for as long as this great country stands united.

Mr. OWENS. Mr. Speaker, certainly I would like to associate myself with the previous remarks of congratulations, admiration, and appreciation expressed by numerous members of this House about our esteemed and revered colleague, Congressman JOHN DINGELL of Michigan. It is my opinion that wisdom is the invaluable contribution which Chairman DINGELL continues to offer our deliberations; it is wisdom, gained from years of hard work, experience and keen analytical observations. At a time of relentless public policy turmoil and frequent partisan confrontations, this institution needs well-anchored, seasoned, counseling to blend with the know-how and energy of the fresh and the young. JOHN DINGELL's fifty-year life investment in the House of Representatives continually produces a dividend for all Americans.

Mr. CONYERS. If it pleases the House, I would like to invite the object of our affection this evening and through the last few weeks to make a closing comment, and I would yield now to the Dean of the House of Representatives, the honorable JOHN DINGELL.

EXPRESSING THANKS TO FELLOW MEMBERS FOR THEIR REMARKS

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I rise to thank my good friend and colleague from Michigan, JOHN CONYERS, my dear friend of long standing, for his gracious kindness in this Special Order tonight, and I thank all of my good friends and colleagues who have participated in that. I am deeply grateful, and I am very proud of the friendship that they show me and that I have for them and the kindness that they have shown me throughout these years I have had the privilege of serving in this body.

I want to say that I have been uniquely blessed. Not only have I had the privilege of serving wonderful people in the southeast corner of Michigan, people who are uniquely loyal, decent and good, hardworking and patriotic, who believe in their country and who work to make it better and who raise good kids and who are concerned not just about their well-being but about the country and its future. I have also been uniquely blessed in having an extraordinary staff which has stood loyally by me and which has provided me the basis of knowing how to be a good and effective Congressman.

I have had one unique and special blessing, and that is a beautiful woman who has stood by my side all of these years, the lovely Deborah, who has worked with me, worked for me, worked with and for the people that I have the honor to serve and who is much loved in Michigan and here in Washington, whose good works and whose talents are extraordinary and whose decency and loyalty are absolutely unique.

I want to say how proud I am to have served in the Congress. I am proud of my colleagues and grateful to them for their words, and I repeat my thanks to my good friend from Michigan (Mr. CONYERS) and to my other colleagues who have been so gracious to me today, to the Speaker and to the minority leader for their gracious remarks, for the resolution which this body passed and for the privilege of serving with all of my dear friends and colleagues.

I have only good memories of having served in this institution, and I think if there is one characteristic about the service that I have had here it is with what blinding speed those 50 years have gone by and how many wonderful human beings I have known and served with: Members of Congress, members of the staff, people who work in and around the Congress, lobbyists, the constituents that I have had the privilege of serving and the people in the executive branch. We are fortunate, indeed, that we have men and women who will do the things that my colleagues have done here in terms of coming to Washington to serve.

I cannot tell my colleagues how proud I am of them or how grateful I am to them and the appreciation which I feel for all of them, including not just my friend Mr. CONYERS, but I look at my good friend Mr. KILDEE and the gentlewoman from Texas who was so gracious earlier.

It has been a singular privilege for me to be here. This is a wonderful institution. It belongs to the people. They deserve the best we can give, and it is a wonderful institution. I salute my colleagues for what they do. I express to them my respect and admiration and affection and also my gratitude to them for what it is they do.

Mr. Speaker, I want to again express my affection, my respect and my gratitude to those who have participated in this Special Order, including my very special friend Mr. CONYERS.

Thank you.

PEAK OIL PRODUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I would first like to thank Congressman DINGELL for his many years of service to his country. Sometimes there is a young person who is very bright and well-achieved. And it is said of them that they are wise beyond their years. Congressman DINGELL has served 50 years in the Congress. Before that, he served in World War II. Matter of fact, he is just about a year younger than I, so obviously he is not a really young person. I can truly say of Congressman DINGELL that he, too, is wise beyond his years.

As a matter of fact, the subject I am going to talk about tonight is better understood by Congressman DINGELL, I think, than any other Member of the House. I remember a conversation with him some time ago, several months ago, when he noted that he did not believe that oil would ever be $50 a barrel again. I spoke with him tonight, and he said, you know, we probably had better hope that it is not ever $50 a barrel again because the only thing that could cause it to drop to that level would be the demand construction that would be precipitated by a world crisis. Thank you, Congressman DINGELL, for your friendship, and I thank you for your contribution to your country.

The first chart is taken from a publication from a report that was funded by the Department of Energy. I want to make that clear. The principal investigator was Robert Hirsch. He works for SAIC, a very prestigious scientific organization.

"The peaking of world oil production presents the U.S. and the world with an unprecedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically, and, without timely mitigation, the economic, social, and political costs will be unprecedented. Viable mitigation options exist on both the supply and demand side, but to have substantial impact, they must be initiated more than a decade in advance of peaking."

Dealing with world oil production peaking will be extremely complex, involve literally trillions of dollars and require many years of intense effort.

Mr. Speaker, what is he referring to? To put this in context, as the next slide shows us, we need to go back about six decades. Working for the Shell Oil Company was a scientist by the name of M. King Hubbert, and he watched the exploitation and exhaustion of oil fields. He found that they all tended to follow a similar pattern. Oil came freely at first and then reached a peak production, and then, not surprisingly, the last oil from the field, as a matter of fact, roughly the last half of the oil from the field, was more difficult to get than the first half of the oil from the field.

So he judged that if he could add up all of the little fields in the country and the curve that would be produced by the exploitation and exhaustion of that, and these are called bell curves, they are typical curves of phenomena, that he then could predict when the United States would peak in oil production.

He made this prediction in 1956, and he said that the United States peak oil production would occur about 1970, certainly in the early 1970s. Right on target, the United States peaked in oil production in 1970 or 1971.

The smooth green curve here shows what he predicted. The somewhat more ragged curve with symbols shows the accurate data points. You see how closely this is for the lower 48 States. It shows how closely they followed his predicted curve.

The red curve is the similar curve for the Soviet Union. You notice that on the down side, they peaked some years ago, after us, but some years ago, and on the down side, when the Soviet Union fell apart, they lost a lot of production capacity. Now they are going to have a second small peak, but then on down. Russia is now a major producer of oil in the world, but they were in the past a larger producer of oil in the world.

The next chart shows the sources from which our oil production has come.

□ 2130

And notice that this peak, about 1970, and this curve differ from the previous one in that we have added here the oil from Prudhoe Bay in Alaska. There was a tiny blip on the down slope. Without that oil, there was no blip at all. But in spite of that enormous find in Prudhoe Bay, about a fourth of our total production for a number of years, we still continued our slide down the other side of Hubbert's Peak.

I want to note the yellow there, that is the fabled discoveries of oil in the Gulf of Mexico where there are now, I think, what, 4,000 oil wells. That was supposed to solve our problems with oil for quite some time. Notice the fairly trifling contribution it made. This was a big find. But we and the world use a lot of oil, and that kind of puts it in perspective.

The next chart shows two characteristics of the world. The previous one, the one just removed, we were looking at the United States, and in this one we look at the world. And there are really two curves here, and they are superimposed because that helps us to understand the situation a little better.

The bar graph here, the dark shows the discoveries of oil; and notice that we started discovering a lot of oil back in the 1940s and the 1950s and the 1960s; and after the 1980s, that is 25 years ago, we have had diminishing discoveries of oil. The heavy black line here shows the use of oil. For many, many years we were discovering far more oil than we used. But since about the early 1980s, every year we have used more oil than we found. And until today, and that is at this point, you can see that we are using several times as much oil as we find, maybe four barrels of oil used for every barrel of oil that we find.

Now, of course one can only extrapolate into the future. But if you make reasonable assumptions for what we will find, and that is this curve here, we could find more; we could also find less. But if you look back through the last 20 years, this is a fairly optimistic assumption of what we will find for the next 25 or 30 years.

And then, of course, you cannot pump oil that you have not found. And so the consumption curve, this curve, suggests that that will peak in about 5 years. But the consumption curve must have under it exactly the same area as is the area under the discovery curve, because obviously you cannot pump oil that you have not found.

We will come back to this chart a little later, and we will mention some of the critical relationships here a time or two as we address other points.

Now, there are a number of critics, and the next chart points to the statements that one critic has made. And we will come to the floor, Mr. Speaker, in the future to talk about other critics and the points that they have made, and we will carefully and respectfully address each of the points that they make.

This critic made four comments, four points. And what he said was, if we really understood this, you would not have any concern about peak oil because we are really not facing a problem, in his view.

I am only going to talk about the first one now, and then we will put this chart down here, and we will pull it up after we have talked about this one and then talk about the second, third, and fourth bullet here.

In the first bullet, he says: Simply put, known reserves can produce far more oil if more aggressively drilled, as in the United States.

That is true, and it is not true. As the next chart shows, this shows the relationship between drilling and pumping oil in this country. By 1980, when Ronald Reagan became President, we had already slid 10 years down the other side of Hubbert's Peak; and we knew in this country, and the world knew, that M. King Hubbert had been correct, that the United States had peaked in its oil production.

Mr. Speaker, I wonder why there was not more recognition given to the fact that M. King Hubbert also predicted when the world would peak, which, considering events like a worldwide recession and the oil price spike hikes and so forth, would be about now. I wonder why more people were not concerned that maybe if M. King Hubbert were right about the United States, he might be right about the world. And if he was right about the world, then we really ought to be paying attention to that.

This curve shows the effect of the extra drilling that was encouraged by the tax policy of the early Reagan years. It showed that that had no effect on the amount of oil that we pump, because we went from positive, pumping more oil than we were consuming, to negative, pumping less oil than we were consuming, in spite of the fact that there was a very large spike here in increased drilling.

So depending upon the state of exhaustion of the oil fields, increased drilling may not produce any increased flow of oil. It certainly did not here. In spite of all this increased drilling, we produced relatively less and less oil. Now, it is true that if there is still a lot of oil left in the fields, you could exhaust it more quickly by drilling more wells.

I think that in this country, Mr. Speaker, we have drilled at least three-fourths of all of the oil wells that have been drilled in all of the world. And the critic was saying if we drilled relatively as many wells in Saudi Arabia as we have drilled in this country, that we could get that oil out more quickly. That may be true. But as we will discover a little later in this discussion, Mr. Speaker, that probably is not a good idea.

There is an old adage that says: If you're in a hole, stop digging. And I think a good corollary to that is, if you are climbing a hill and you know that you will fall off the other side, it is obvious that the higher you climb, the greater the fall will be.

So if there is only so much oil there, if we are able to get it out more quickly now by drilling more holes, then does it not stand to reason that there will be even less oil for the future, and the slope down the other side of Hubbert's Peak will be even sharper?

The next slide shows again a relationship between drilling and the amount of oil that you discover. The red curve here is a hyperbolic model. It approaches in ascentot. It will never quite reach the top because it will go up ever more slowly. And the yellow points here show the actual cumulative discovery of oil. And notice that it follows this very clear ascentotic curve.

What that points to, Mr. Speaker, is that there is probably not a lot more oil in the world that we are going to find. For the last number of years, we have had very good techniques: seismic, 3D modeling with computers. We are really very good now at characterizing the geologic formations in which oil is likely to be found, and we have drilled and exploited all of those that held much promise.

The next chart is another one taken from this very excellent report called the "Hirsch Report," done by SAIC, and funded by our own Department of Energy. This shows the net difference between annual world oil reserves, reserve additions, and annual consumption. And this showed when we flipped over from every year finding more oil than we used to the point that for every year since, what, the early 1980s, as you can see from this chart, the world has found less and less oil than it has pumped.

I would like to now come back to the chart that I showed a few minutes ago because I think that this chart actually shows if you make this curve here a straight line, then that produces the curve that you have just seen. I would like to come back to this and point out that the history of discovery indicates that we probably are not going to have any more really large oil fields discovered. The last of the great oil fields were discovered in the 1980s. And in spite of intense drilling and vastly improved discovery techniques, just about on the average every year since then we have found less and less.

And I would like to point out again something which is very obvious, that you cannot pump oil that you have not found. Now, if you want to change the shape of this consumption curve, and you can change the shape of that curve, if you want to change the shape of that curve and have it ever go up and up, then you are obviously going to have to find a lot more oil.

Now, you can in the short term have it go up somewhat faster if you simply were to drill in Saudi Arabia relatively as many wells as we have drilled in this country. But what that will do, Mr. Speaker, is maybe to extend this curve a bit like this.

But you cannot pump more oil than you have found, so then it will fall off very sharply on the other side. I am not sure that is what our economy needs, and I am not sure that is what the world needs. So I am not certain, Mr. Speaker, that in the absence of finding more oil that it is in anybody's self-interest to find ways to exhaust the oil that we have found more quickly than we are doing it now.

Now, if you believe that just around the corner we are going to find enormous additional amounts of oil, then that might be a supportable philosophy. But I would suggest, looking at this history of our discovery of oil, that it would be very prudent to not use techniques for more rapidly exhausting the oil until you have found more oil, or we are simply going to be building a larger and larger economy in the world that is going to be even more and more difficult to support as we inevitably run down the other side of Hubbert's Peak.

I would like now to put back up the comments of this critic, and we want to look at the second bullet here. There is enough tar and natural gas in the world to fuel the globe for hundreds of years at current rates of consumption. And I should have underlined it there, the "at current rates of consumption." There are two things I want to talk about on this.

The first is that there is a great deal of natural gas and other sources of hydrocarbons in the world. I am not sure that they are economically exploitable. And the second thing is at current-use rates. Let me finish this, and then I will put the next chart up. And that does not include even more massive amounts of coal that could be turned into gas and oil, and indeed it can be turned into gas and oil.

That is the way Hitler ran his country and his military in World War II, because we cut him off from oil and he made oil from coal. As a matter of fact, when I was a little boy, the lamps you now call kerosene lamps we called coal oil lamps. And that is because it was coal oil that first replaced whale oil before we learned how to refine crude oil and make kerosene. So we can do that.

The next chart points to what Albert Einstein said was the most powerful force in the universe. After we discovered nuclear power as a result of his theory of relativity and his contributions, he was asked, Dr. Einstein, we have now discovered this incredible power source, energy source. What will be next? And he said, you know, the most powerful force in the universe is the power of compound interest.

Now, that is an exponential function. What we show here are several curves, and this lower curve here shows a 2 percent growth rate: and the straight line shows, if you extrapolate that out without compounding, that is you do not add this year's growth to the baseline for next year's growth, if you have money and interest and you take the interest every year and do not let it accumulate. But notice how much it grows if you let it accumulate. And this is only a 2 percent growth rate. There is a 4 percent growth rate. Notice how much more quickly it grows. By the way, a 2 percent growth rate doubles in 35 years.

This steepest curve here is a 10 percent growth rate. I would like to remind you that that is pretty much the curve that China is on, and India very close behind them. China, about 9.5 percent; 10 percent growth rate doubles in 7 years. It is four times bigger in 14 years, it is 8 times bigger in 21 years. That is exponential growth.

□ 2145

Mr. Speaker, if you will do a Google search for Dr. Albert Bartlett, not a relative of mine, but he gives the most interesting 1-hour lecture I have ever heard, and pull up his lecture on exponential growth and energy. He has some excellent analogies to help understand exponential growth.

I will give just one true story from an ancient kingdom where one of the citizens of the kingdom invented chess. The king was so impressed he called his citizen in and said, I will give you any reasonable request for the contribution you make for inventing chess.

The inventor said, I am a simple man with simple needs; Mr. King, if you will simply take my chess board and put one grain of wheat on the first square and double that and put two grains of wheat on the second square and double it and four on the third square and eight on the fourth until you have finally filled all of the squares of my chess board, that is all the reward I would ask. The king thought, silly man, I would have given him a great deal more. No problem.

But had the king understood the power of exponential growth, he would have had to place on that chess board more wheat than the world has harvested in the last 40 years. That is the power of compound growth.

We see that in the next chart that looks at one of these assumptions, and that is that we have a lot of coal. We do. We have 250 years of coal at current use. But if you have to use more of it, and we certainly will have to use more of it as we have less natural gas; today that topped $15 for a thousand cubic feet, the highest ever, and if you increase the use of coal only 2 percent a year and compound that, notice what happens. It shrinks to about 85 years. That is the power of compound growth. And for much of its use, you will not be able to use coal, you will have to make it, as the critics suggested, into gas and oil, and that takes energy to do that, and so now it has shrunk down to about 50 years.

With just 2 percent growth, we will be really lucky if we can get by with increasing the use of coal only 2 percent, but that now lasts only 50 years. It is there. It is a very valuable resource, and we need to use it, but it is not a long-term solution to our problem.

The next chart shows something which is really very interesting. This shows the current consumption, and it is making an interesting assumption. I would like to pause for just a moment because, in another life, I had a course in statistics, and they give you some probabilities here. That is what statistics is all about, probabilities. They have the 95 percent probability and the 50 percent probability and the 5 percent probability. The 5 percent probability means only 1 time in 20 would you expect that to happen. The 95 percent probability is what is called statistically significant, and 97 percent probability is highly significant.

What they have done here is to take the mean and to assume that is the expected value. No, Mr. Speaker, that is not the expected value. The 50 percent probability means there is 50 percent probability it could be more. There is also 50 percent probability it could be less. What they have done, they say that is the mean. That is really, I think, a major distortion of statistics and reflects a misunderstanding of statistics because it could be just as well less than that as more than that.

But this red curve assumes that there will be 50 percent more. The total amount of oil most authorities believe that was recoverable, and we have recovered about half of it, was about 20,000 giga barrels. That is 2,000 billion barrels. This mean is 3,000. This is roughly the 2,000 here, and the 3,000 is here. Notice, even if you assume, which I think is a very rash assumption, that there will be 50 percent more oil than most of the world's experts believe, notice how little that pushes out the peaking. That is what exponential growth does.

Albert Bartlett uses another interesting explanation of exponential growth. He has a little colony of microbes that are growing in a liter flask and notices that they are doubling every minute. When they are only partially full, they say, we better be looking for more territory because we are soon going to fill up this liter vessel. They send out scouts and find not one or two or three more liters. Wow, three times as much as they now have. That should last them for a long time. Remember, they are doubling every minute.

If they fill their present liter flask at midnight, 1 minute after midnight they fill the second one because they double every minute, and in 2 minutes after midnight, they fill the third and the fourth.

That shows why if we find 50 percent more oil than most of the experts believe is there, that will only push out peak oil those relatively few years. If by some means you are able to extract oil more quickly, like drilling a whole lot more wells or using this enhanced recovery technique, you might push the peak out to 2037, but this curve acknowledges a reality that you cannot pump what is not there. And so now you fall off very quickly, and the area between these two curves is going to have to equal the area between these two curves.

So from a very real perspective, Mr. Speaker, if we are not going to find enormously more oil or gas or coal or large amounts of alternatives, it will not be in the long-term best interest of the world to exploit our present reserves more quickly.

The next chart shows the characteristics that any alternatives will have to be useful because the primary crisis that we face is not just an energy crisis; it is really a crisis of liquid fuels because that is where our economy and the world's economy will be first impacted.

This is an interesting chart, and it has an ordinate and an abscissa. The ordinate is energy-profit ratio. The energy-profit ratio is the amount of energy you have to put in to get out a certain amount of energy, and obviously, the best energy sources will be those where you put in just a little bit of energy, like drilling one well and getting out an awful lot of oil. And the energy profit ratios may be 60 or 80 or 100, and some even 200. That means you get out 200 times as much energy as put into drilling and developing the field.

Now on the abscissa here, we have economic effectiveness in transport. What that means is how convenient it is to use transport. The source that is the highest in both of these is the giant oil fields. None of those exist in this country. They are all in the Middle East and many in Saudi Arabia. But notice that they have a very high energy-profit ratio and also a very high economic effectiveness in transport.

Our oils were just as effective in transport, so they are way over here in the abscissa. But notice they are much more expensive to get than the Middle East oil. This is 1970, and now they are harder and harder to get, and so now we are down at this point where it is maybe five to one. We put in one unit of energy and get out five units of energy. Notice where the tar sands and ethanol are. They are really easy to use once you develop them, but you get very little more energy out of them than you put in them.

Over here we have hydro, coal-fired and nuclear, photo voltaics, and they have really improved, and direct use of coal. So any alternative that we are going to develop to replace our current oil for transportation needs to be put on this table, this chart, to see where it fits. It must have a very high energy-profit ratio, and it should have a very high economic effectiveness in transport quotient.

I will return now to the next of these points made by the critic. He says we have just produced the tip of the shale gas iceberg, and the likely resources in the U.S. are vast. What he is saying is, do not worry about energy; there is absolutely an enormous amount of energy in these shale gases. What they are, are gases trapped so tightly in shale that the only way to get them out is to drill a well and then to put sand and water in that well under a very high pressure, kind of an explosive pressure that fractures the rock and pushes the sand in between the levels of the shale so the gas can now come out. Yes, there is a lot of gas there, and you can get it out by doing that, but it is quite expensive. It is one well for every one relatively small area of the reservoir where this gas is trapped.

What I want to show now is a number of potential sources of energy. As we run down the other side of Hubbard's peak, we are going to have to turn to other sources of energy. Some of those are finite like the tar sands and the oil shales and the shale gas that he was talking about, and coal and nuclear fission and nuclear fusion. I guess the nuclear thing ought to be put in a category kind of by itself because if you are talking about the light water reactors and fissile uranium, you are talking about a finite source. If you are talking about nuclear fusion, and I support all of the money that that technology can absorb, but I do not think that it is likely in any timely manner that we are going to have economically viable fusion to produce power. The general estimates are, in 30 to 50 years, that technology may have matured to where you will be using electricity produced by fusion. That is what happens in the sun and in the hydrogen bomb.

If we were to go to breeder reactors, they are pretty much sustainable, and they would not be finite, so nuclear is in a category by itself. We need to exploit all of these areas, but the energy-profit ratio is very low for those.

Let me give an example of an enormous amount of energy, and we really would have no energy problem if we just could harness that energy. It is called the tides. Every day, the moon lifts all of the oceans about 2 feet. I just pick up two 5-gallon buckets of water, and they are pretty heavy. Can you imagine the amount of energy it takes to lift the oceans 2 feet every day? The oceans are three-fourths of the earth's surface. If we just could capture that energy, we would be home free. But the problem is the energy-profit ratio is very low. There is a lot of energy there. It is very disbursed, very diffuse, very hard to harness, and we still try.

Ocean thermal gradients are another potential source. Here are some potentially enormous sources of energy.

Solar. If we paved our desserts with solar cells, we would have all of the energy we needed. That is a big if. It is about as big an if as getting all of this gas out of the gas shales.

Wind. If we put a wind machine every place the wind was blowing, we would produce incredible amounts of energy, but it is very diffuse, very expensive to build them, and it would take a long time to build enough of them to make any real difference.

Geothermal. If we just drilled down deep enough to tap into the molten core of the earth, there is essentially inexhaustible energy there. But again, the energy-profit ratio, except for a few places where the crust is thin, is very high, and so we are not doing that.

I would like just a word of caution about energy from agriculture. I am a big fan of energy from agriculture, but you must recognize its limitations.

□ 2200

We barely are able to feed the world. Now, you would not believe that by looking at many Americans, but tonight maybe a fifth of the world will go to bed hungry. And so if we are going to take what would otherwise be a food crop like corn or sugarcane and use it for energy, then we have to ask the question, How will we feed the world?

Another caution about energy from agriculture. A lot of the sources of energy are from what is called cellulose or agricultural waste like beet pulp and corn fodder and soybean stocks and switch grass. Now, all of these things are organic. All of them, in one way or another, by sheet composting or some other composting techniques, are returned to the soil to help make what we call top soil. And topsoil is different from subsoil because it has organic material in it that supports life, and it has a quality which we call tilth which is not there if you take the organic material away.

To rob our topsoils of organic material will be the exact equivalent of mining them. You may get away with it for a year or two or a few, Mr. Speaker; but in the long run, unless you husband our topsoils, we will not be able to continue to grow the food we need.

Now, there are potentials for getting energy from agriculture. But they are going to necessarily be limited by our need to feed the world and our need to maintain our top soil. I just heard the other day that for every bushel of corn that we produce in Iowa, three bushels of topsoil go down the Mississippi River. So in spite of no-till farming and the other advanced techniques we have, we still have a problem holding our topsoil.

Here is a great one: waste to energy. Up here in Montgomery County there is a facility that burns waste to produce electricity. I would be proud to have my church next to it or live next to it. You would think it is an office building from the front. The waste comes in in big containers on the back of trucks or trains, and you do not even see it. It is really quite an engineering marvel. We are producing some energy that way. We could produce more and probably should produce more.

The last bullet here: hydrogen. Hydrogen, Mr. Speaker, is not an energy source. Hydrogen is simply a convenient way, and sometimes not all that convenient way because of what it is, an explosive gas. But it is a way to move energy from one place to another. If you think of it in terms of a battery. then you get the notion of where hydrogen is going to fit into our economy. It is a good idea. because when you finally use the hydrogen, it produces, well, we say no pollutants. It produces a little bit of heat. And it produces water, but you know that is really no pollutants compared to what we get from the internal combustion energy in burning gasoline or diesel fuel.

And you can now use it. not in an internal combustion engine, but if we ever perfect them, we can use it in a fuel cell which gets at least twice the efficiency of the internal combustion engine. So you are now burning something, using something that produces, at the point of use, essentially no pollutants, and which produces about twice the net energy output that you can get by burning it in a combustion engine. So it is a good idea, but fraught with problems because if you are going to carry it as a gas, you have to really compress it, a big thick vessel, the lightest element we have, gas molecules just wanting to separate themselves and get out of there, so you have to have a big heavy vessel to contain it.

If you want to liquify it, it is very cold, a lot of insulation, again a big problem. And the experts believe that if it ever becomes a part of our economy, that it is going to be in a solid state form, in other words, a hydrogen battery. So if you will think of it as something maybe quite better than the electron battery that you have in your car, but very similar to that because it is simply something that takes energy from one place, a nuclear power plant for instance, producing electricity that is then used to split water and produce the hydrogen. taken to another place where you use it like using it in your car.

The next chart shows the details on one of these possible alternatives, and that is ethanol. And on the right, we show there the energy balance in getting gasoline from fuel oil. And it shows there that you must start out with 1.23 million Btus of fossil energy to produce 1 million Btus. That is quite reasonable. You have got to drill for the oil. You have got to transport it. You have got to refine it. You have got to haul it to the service station. You have got to pump it out. That all takes energy, and so you put in 1.23 units and you get out 1 unit of energy.

Now, when it comes to corn, to ethanol, which you get from corn here, you start with solar energy. So you would expect that there is going to be some contribution of solar energy. And this, by the way, I am told by some people, is quite optimistic because Dr. Pimental believes that the usual ways of producing ethanol use more energy than you get out of the ethanol because of all of the applications of fossil fuels to building the farm equipment, plowing the ground, putting the corn in, harvesting the corn, that if you account for all the fossil fuel inputs, he says with the usual techniques you use, you get less energy out of the ethanol than you put in growing the corn.

But I think we will do better than that, and we may get to this goal, and that is. you put in .74 units of energy, and you get out one. Well, that is not a really big energy-profit ratio. You would probably never drill an oil well if that is all you got out of it. That is a very low energy-profit ratio. But it is one of the things that we will need to turn to.

The bottom little pie chart here shows something that will stun most people. Notice the big purple, nearly half segment of that circle. That is the energy that goes into producing corn from natural gas producing the nitrogen fertilizer. Very few people know, Mr. Speaker, that essentially the only source today of nitrogen fertilizer is natural gas. When natural gas is gone, we are going to have to find another big energy source to produce nitrogen fertilizer.

By the way, before we learned how to do that, the only source of nitrogen fertilizer were the barn yard manures. We still have those today, but they do not go very far with the enormous agricultural lands we have, and guano. Guano were the droppings of bats and birds over thousands of years in the tropical islands on the cliffs and the bat caves, and there was a generation ago a major industry of mining guano. If we wait another 10,000 years, there will be some more guano.

If you look at this circle, you will see the contribution of oil and gas and natural gas to producing corn. It is hydrocarbon, very energy intensive. Almost literally, Mr. Speaker, the food you eat is gas and oil. If it were not for gas and oil, you would not be eating that food.

The next chart kind of puts this challenge in perspective, and the analogy I like to use here is that we, in our country, are very much like the young couple that had their grandparents die and left them a big inheritance. And so they have established a lifestyle where 85 percent of all the money they spend comes from their grandparents' inheritance, and only 15 percent comes from their earnings. And they look at the rate they are spending it and at the size of their grandparents' inheritance, and it is going to run out a long time before they retire.

So obviously this young couple is going to do one or both of two things: either they are going to have to spend less money, or they are going to have to make more money. And I use that 85/15. Others will tell you it is 86/14, not quite as good as the 85/15, because this is exactly where we are in energy use in our country. Eighty-five percent of the energy we use comes from natural gas, today at the highest price ever, over $15, and oil and coal. And only 15 percent of it comes from other sources. A bit more than half of that 15 percent, 8 percent of it, comes from nuclear. It is 20 percent of our electricity, but only 8 percent of our total energy production.

As you drive home tonight, Mr. Speaker, every fifth house and every fifth business would be dark if it were not for the electricity produced by nuclear power. And here we have blown up the 7 percent of renewable energy. Now, as we run down the other side of Hubbert's Peak, and as we exhaust, as we surely will, in time, the fossil fuels in our world, this is what we will have to deal with, nuclear and renewables. Look at what these renewables are. Conventional hydro. Nearly half of it. We have tapped out in our country. We might get some microhydro, but the big stuff we have dammed up all the rivers we should have and maybe a few that we should not have.

Second largest contributor: wood. That is the paper industry and the timber industry, wisely using what would otherwise be a waste product.

And then burning waste. I mentioned that in a former chart, and that is 8 percent now. That is 8 percent of 7 percent. That is not a lot, by the way. That could grow and should grow.

And then we get down to the things that we increasingly will have to rely on. Now, this is the 2000 chart, and things like solar and wind have been growing at 30 percent. Mr. Speaker, that doubles in about 2½ years. It is four times bigger in 5 years. So this is 5 years later. So let us say it is four times bigger. So instead of being .07 percent, that is what 1 percent of 7 percent is, is it not, .07 percent, instead of being .07 percent, it is .28 percent. Big deal. A little over one-fourth of 1 percent.

Now, eventually we will have to be getting a major proportion of our energy from such things as solar and wind and agricultural. Today they are trifling amounts. And it takes quite awhile to ramp these things up and a lot of investment. It takes investments of both time and energy and also money.

The next chart, I think, is one that puts in perspective what we are talking about better than perhaps any other chart. And I want to look at the top here. The bottom of it, by the way, we simply, for a short time period, explode the petroleum and natural gas. They are joined here, and it is a little better to see them together. But this shows the history of the world from 1600s on, and it shows the Industrial Revolution that began with wood and we were making steel when we were using charcoal from wood.

And then it shows what happened with coal and how much more energy on the ordinate here is quadrillion Btus of energy. Notice what happened when we found oil and gas. It exploded. That is the result of exponential growth. That is 2 percent exponential growth.

Now, it is very steep because we have really compressed the abscissa here. And the previous charts, we will show another one that shows it in a big spread out curve like this. But that is spreading out only a few years. If you expanded this abscissa, that curve would look like that.

And by the way, the world's population has generally followed this. We started out with about a billion people, more or less here. And now we have 7 billion people.

Mr. Speaker, we are about 100 to 150 years into the age of oil. It is probable that we are halfway through the age of oil. I would submit that when we found that incredible wealth under the ground, that we collectively, our country and all the other countries in the world, should have stopped and said, gee, what will we do with this? Now, this was incredible wealth. Let me give you a couple of examples of what this meant. One barrel of oil, the refined product which you can buy for less, about a hundred dollars, will give you the work output of 12 people working all year for you. Imagine how far 1 gallon of gas or diesel fuel will carry your car and how long it would take you to pull your car or SUV or truck that far. You get some idea of the quality of energy, of the energy density in these fossil fuels.

If you worked really hard all day long at manual labor, I will get more work out of an electric motor with less than 25 cents' worth of electricity. That is the quality of this wealth that we found. What we should have done is say, gee, what will we do with this, so that mankind, for now and for the future, will benefit most from this incredible wealth that we found under the ground. We did not do that. What we did, we collectively, the whole world, what we did was to pile in and exploit this just as quickly and irresponsibly as the kids who found the cookie jar.

We really, Mr. Speaker, should have taken note—what will we do with this incredible wealth so that it will do the most good for the most people for the most time? In another 100, 150 years we will be through the age of oil, and 5,000 years of recorded history will be just a blip on this long screen. What will our world be like when we have run down the other side of Hubbert's Peak, when we have exhausted the natural gas, when we have converted the coal to gas and oil and used that?

□ 2215

What will we feed our people, 7 billion people now?

The next chart shows some of these characteristics. This shows kind of the energy density quality. These are gigajoules per ton. A joule is a measure of energy. It is a scientific one that most people do not use in their usual discussions, but it shows here, we start with crude oil, and it gets better and better as we refine it. And then the things that we are going to have to replace it with, domestic refuge, brown coal, that will be gone. Straw, dung. We do not burn much dried dung in our country. In some parts of the world, they cook their meals and warm their houses with dried dung. Wood. Black coal, that will be gone. When we are through the age of oil, we will have used the coal. Ethanol, it does not look at all that bad here, does it? Way short of the energy density of these hydrocarbons from fossil fuels but better than most of these other things, many of which will be gone anyhow by that time. This speaks to the challenge that we have.

Let us put the critics chart back up again. And the fourth one here, By the time we are close to peaking out on all of the types of hydrocarbon molecules which can be refined into oil, a host of competing fuel technologies will have overtaken hydrocarbons altogether, using technologies that no one can anticipate today.

I hope he is right. I hope he is right. I also hope that everybody who has played the lottery today is going to win. Obviously, only one out of the millions who played it is going to win. And I think the odds of this happy scenario happening are roughly the same odds that you or I, and I do not play the lottery, but if I did, the odds of my winning the lottery. What could it possibly be?

I would submit that we need to be very careful how quickly we exhaust the resources we have until we are sure what these miracle replacements are going to be. Once they are out there and definable and achievable, then, yes, okay. But short of that, we really need to husband what we have so that we can make this transition as smooth as possible.

The next chart are some quotes that I would like to spend just a moment on because I think they are so significant. Again I would like to emphasize, this is a report that was funded by our Department of Energy, done by the very prestigious SAIC, Dr. Robert Hirsch, a real authority that headed this, and let me read what they said: World oil peaking is going to happen. No wishful thinking will avoid it. It is going to happen. World production of conventional oil will reach a maximum and decline thereafter. It happened in our country. King Hubbert predicted it. Why will it not happen in the world? It will happen in the world. The only question is, when it will happen? Predicting the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand, elasticity, political influences. Peaking will happen but the timing is uncertain. Most of the authorities believe that it will be within the next decade: Oil peaking presents a unique challenge. And then I emphasize here, The world, he says, has never faced a problem like this. And the first chart, it said, unprecedented challenges. Never have there been challenges like this. Without massive mitigation, more than a decade before the fact, the problem will be pervasive and will not be temporary.

Previous energy transitions, wood to coal and coal to oil, as we just looked at, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary, he says.

In our closing moments, I would like to just show some of the things that they were doing. What they have done is to simplify this bell curve to make it a little triangle because they want to use that to depict the solutions that they are suggesting are possible. On the bottom here is an interesting one, and what it shows is that oil price spike hikes have not made any difference in the amount of oil that is available.

This is the production of oil, and this is price spike hike. If making more profit because it sells for more would stimulate production, then one would have thought we would see a big production peak follow this. Notice we do not really see any big production peak following that.

Now, they have simplified this bell curve, and the next chart shows the reason why. This is just a little schematic, and they have a number of alternatives that they could use to fill the gap. The gap is going up like this, and then it is going to fall off, and we would like it to keep on going up so we could keep using more and more, and these are things we would fill the gap with.

The next chart shows what happens if we wait until it happens. Then we have a major, major economic problem because it takes quite a while to get these things going. If we anticipate it by 10 years, we have less of a problem but still a problem. To not have a meaningful problem, we must anticipate it by 20 years. Clearly, we have probably passed that point. By most people's reckoning, we have passed that point.

The next chart is a little schematic that I think shows it very well. This, again, is a 2-percent curve. This is a schematic curve, and what it shows is a 2-percent increase in the rate at which we are using it, which has been the rate at which we are producing oil. That will slow as we reach peak oil. And notice that the gap starts to occur before we reach peak oil.

I would submit, Mr. Speaker, that what we do not want to do is to try to meet the challenge of filling that gap because, if we do, we only have a really sharp decline on the other side. What we really need to do is to depress our use with conservation efficiency so that we have something to invest in the alternatives that we must invest in. With oil at $60 a barrel, obviously there is not as much as we would like to have or it would be cheaper.

I would like to close by putting up again this chart which I think is so significant. This is kind of a global long-term look at the problem. This is where we are, about halfway through the age of oil. Now, we have been as a world and as a country, as a society, rather grossly irresponsible up to this time.

Mr. Speaker, whether we like it or not, oil will peak. We will start down the other side. We will shift to the alternatives. That will be a much less traumatic transition if we plan for it. And my urging tonight is that we need in our country to address this problem with the kind of an overall commitment we had when we fought World War II, and I lived through that, with the kind of a technical commitment we had to putting a man on the moon and the kind of urgency we had in the Manhattan Project. Mr. Speaker, I think that if we have a national, an international program that has those elements in it, that we probably can have a relatively smooth landing. Minus that, it could be a very rough landing not just for us but for all of the world.

Mr. Speaker, the great ingenuity of the American people cannot be harnessed, and I hope that we can challenge them so that we will meet this challenge and have a relatively smooth transition.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the remaining time until midnight, approximately 48 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again. I would like to thank not only the Democratic leader but the Democratic leadership for allowing the 30-Something Working Group to come to the floor again not only to address the Members but also interested parties in how our country conducts its business and how we operate this government that the American taxpayers have allowed us to oversee.

There is a lot going on, Mr. Speaker. I must add a lot of it is quite discouraging when we start looking at how we are conducting business here in Washington, D.C. But I think it is very important and very appropriate for not only Mr. DELAHUNT but Ms. WASSERMAN SCHULTZ and also Mr. RYAN of Ohio to come to the floor to share with the American people things that the Democratic side of the aisle are working on to improve their lives.

I can tell the Members try, day in and day out, not only in the committees but here on the floor working on behalf of Americans, protecting Americans here at home, dealing with issues as it relates to implementing the recommendations of the 9/11 reports. As Members know, the 9/11 Commission has given this government failing grades across the board of implementing some of the projects that they would like to see implemented to protect Americans. Also, we have been standing up for Americans that have served in harm's way, veterans, making sure that they are able to get improved health care benefits. But in this particular budget that the Republican majority passed, we know the lines are going to get longer and services are going to be cut back or veterans are going to have to pay more.

We released a report today dealing with Hurricane Katrina. In the same week that the Republican majority, Mr. Speaker, is going to pass a budget on the backs of working Americans to give millionaires tax breaks, we still have families living in tents. Tents. While we are kicking others out of hotel rooms, we are giving tax breaks to millionaires and billionaires. And I think it is important that we understand what is happening right now in the moment.

I do not want to wait for the book to come out, Mr. Speaker. I want to do something about it before one can write the book. And if they are going to write a book, it is going to talk about Americans and Congress came together. Hopefully, we can get some of our Republican colleagues in a bipartisan way to save the American taxpayer and to save the Americans that are in need right now.

There is a lot of concern and focus on what is going on hundreds and thousands of miles away as it relates to a group of individuals that we have done quite a bit for recently in Iraq. Americans simply ask for, not just Democrats in the House but also the Senate has asked the President for a clear plan as it relates to dealing with the issue of Iraq and our troops and making sure that we can bring families together in the very near future.

I think it is important that we continue to hit on these issues. I do not know what the American children and families have done to the Republican majority, but I can say that if they passed this budget, what the majority would like to do on the backs of Americans and in the same week give the wealthiest Americans an unprecedented tax break in the history of this Republic, I think it is something that the American people are going to have to evaluate. The Democrats, on this side, we are trying very much to protect access to health care for Americans. Not a mumbling word, not a mumbling word, from this Congress on this issue of the health care crisis here in Congress. But I am glad that the 30-Something Working Group does not find it robbery to come to the floor to bring light to these issues and make sure that not only Independents, Republicans and Democrats know what is happening here under the Capitol Dome but also know what is not happening.

And with that, I yield to the gentlewoman from the great State of Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is a pleasure to join my good friend from Ohio and Massachusetts and Florida here each week.

Just to pick up what the gentleman was talking about, it is, sadly, not only on the gulf coast that we have had the issue of housing difficulties following Wilma. They had the same issue in Katrina on the gulf coast. We have got the same issue going on in Wilma, which was much smaller in scope but affected a significant number of people. We had more people affected by Wilma in terms of electric utility outages than all of Katrina, and we still to this day have Wilma victims in South Florida who have not been given temporary housing assistance, still people who are struggling to find that. Yet we are passing budget reconciliation, budget cut bills. We are passing tax cut bills in the name of offsetting the cost of the relief that we need to provide for Katrina victims and victims of natural disasters when the reality is that what we are doing with budget cuts is a direct result of needing to pay for the tax cuts that were passed just a week later.

And I want to echo what our good friend from Pennsylvania said when he introduced his Iraq War resolution, and he has repeated this a number of times, that just because you say it does not make it true. And our good friends on the other side of the aisle can continue to repeat over and over if they want to that they are offsetting the cost of Katrina relief with budget cuts, but we all know that the reality is, and I mean, we have only to do the math, that when they pass $50 billion in budget cuts one week and then the very next week they pass $70 billion in tax cuts, that is not a Deficit Reduction Act, as they called it and titled that bill, when we are adding $20 billion to the deficit.

I do not know. I go back to my kindergarten and first grade mathematics and can pretty easily sit down with my 6-year-olds, and they can figure out that the math does not work. But, unfortunately, what we have going on here, I guess, the politics of what is going on here is about message. And the Republican leadership's politics is repetition, repetition, repetition. They figure if they repeat the same message over and over again, whether it is true or not, that they figure if it has a kernel of truth, that people will believe it.

□ 2230

But Mr. MURTHA is absolutely right on tax-cut policy, on budget-cut policy, whether it is how we got into the Iraq war and even down to the description of his own resolution. If you say it, just because you say it does not make it true. That is really what we need to get across to the American people.

I would like to yield to my good friend, the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I just totally agree. I think we are talking about some basic principles here of which the government that currently rules is not reflective of what is going on in Ohio, in Florida, in the Gulf States, in Massachusetts. We are clearly not addressing the main issues.

I know my friend from Massachusetts has some comments to make, so I am going to kick it over to him. But I think as we make our presentation tonight, this is not personal with the Republicans, because I think we have all agreed, we have got some good friends on the other side of the aisle. We are just disagreeing with their philosophy of governing.

When you see here tonight, with some great charts that Tom Manatos from our staff has put together for us, the kind of spending that our country is doing in Iraq and the kind of cuts that we have here in the United States, when you see the tax cuts, the amount and who they are going to and the cuts in the budget in specific programs that are geared towards the middle class, Medicare, Medicaid, and the level of sacrifice that average people are being asked to make here, it is unbelievable.

When you talk about Delphi going bankrupt; Ford came out last week, they are going to cut 30,000 jobs and close 10 plants. The economy may be growing, but average middle Americans are not seeing it in their paychecks, and they are seeing tremendous increases in their energy costs and gas and heating oil and the like. I know you have been very instrumental in a variety of ways in Massachusetts to help with that.

Mr. DELAHUNT. Mr. Speaker, I think the point that our colleague Ms. WASSERMAN SCHULTZ was making about arithmetic and the fact that, despite the rhetoric, the reality is that the deficit will increase as a result of the action that this Republican majority will take during the course of this week in concert with the Republican Senate in terms of spending cuts and tax cuts, these so-called reconciliation bills.

I think it is important to note a very disturbing statistic that was referred to in a Wall Street Journal article, and that is that the Federal Government's budget deficit in December, in December 2005, the month just concluded, was in excess of $83 billion. That is for a single month. That is an increase of some 43 percent from a year earlier, that is from November of 2004, and a record high for any November in American history.

So the direction that this country is headed with the economic policies that are debated and voted on, again recognizing that there is a Republican majority, I would submit are heading our Nation into a potential economic tsunami. Distinguished economists from all places on the spectrum have expressed concern. I am sure during the course of our conversation, knowing how well prepared you all are, you 30-somethings, you will be able to provide a quote for our colleagues and for those that are watching our conversation this evening. But stop for one minute and simply think of that figure, $83 billion.

Mr. RYAN of Ohio. Just to clarify that, we are running an $83 billion deficit just for one month, just for the month of November, which means we do not have the money; we are not taking in the money to pay out the bills, and we have got to go and borrow the money. And this $83 billion that the gentleman from Massachusetts was talking about, we are borrowing it from China. We are borrowing it from Saudi Arabia. We are borrowing it from Japan, and we have to pay interest on it.

So we are running up a tab here for the next generation that is not fair. And we are doing things to the next generation, our generation, our generation, that we are going to eventually have to pay the bill.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, there was a time and a place that we could say future generations, but we are talking about right now. We are talking about taking and cutting out of the budget child enforcement, Mr. Speaker, enforcement that State attorneys have to go after deadbeat dads, that mothers will lose money out of, deadbeat parents. Let me say that children will go without.

We are talking in this budget about cutting free and reduced lunches for children. We are talking about cutting money out of the veteran affairs. The Republican majority in this budget is instructing through legislation the Veteran Affairs Committee to cut over $650 million out of veteran affairs.

I do not understand. We can talk about future generations as it relates to the budget and the $27,000-plus that they already owe at birth, but let us talk about what is happening right now. The lines are going to get longer for veterans. Under Medicaid, children will not get eye examinations because of this cut.

I could see it if we were to say, Mr. Speaker, we did not have the money for this. But we are giving the money to millionaires. We are giving the money to billionaires.

Mr. DELAHUNT. We are also giving money to the Iraqi people and denying it to the American people.

Mr. MEEK of Florida. Well, Mr. DELAHUNT, I must add to just say this, that we are compassionate to the oil companies. We are giving them money when they are making record-breaking profits. So when folks say, well, Congressman, when we get an e-mail or so to Members of Congress, well, what are you so alarmed about? We are in the majority. What are you concerned about? You gain the majority on the Democratic side, and you can do something different.

We have reams of plans where we want to put American people first. We want to put our troops first, our troops' families first. We want to put our veterans first. We want to put a child that did nothing but was born as an American child first. That is what we want to do. We want to do away with the culture of corruption and cronyism and incompetence. What is wrong with that?

So, Mr. DELAHUNT and Mr. RYAN and Ms. WASSERMAN SCHULTZ, when we talk about future generations, we have to talk about now in the present. We are not talking about Republican families will not suffer under this. They will suffer just as bad as independents and Democratic families.

So I think it is important that we should be alarmed, that Americans should be alarmed. These are the very same individuals, I am sorry, I have to pull my chart out; Mr. DELAHUNT, you can't say this enough, these are the folks that are saying, Trust us, we know how to operate the government.

Then you have a President that could not do it by himself with a Republican majority who made this country more dependent on foreign countries like China, Saudi Arabia, Japan, borrowing $1.05 trillion. I cannot say that enough. In 4 years, that has trumped 42 presidents before him, $1.01 trillion. In 224 years of presidencies, of all the crises we have had, this President seems to have done it in 4 years.

You would think that cities would be a shining example of the Federal commitment after all of this money has been borrowed from foreign nations. No, cities are putting levies and millage and going out to the taxpayers asking for more money, a penny here, a penny there. Meanwhile, back at the ranch, people are getting tax cuts, millionaires are getting tax cuts on the backs of the very people that we are trying to provide a government for.

So, Mr. DELAHUNT and Ms. WASSERMAN SCHULTZ and Mr. RYAN, if we could talk about the present, because we talk about future generations and some folks will say we will have time, we will recover. But this is unprecedented. The deficit has never been this high.

Mr. DELAHUNT. If I could talk about the immediate future for one moment to follow up, because I think you make a prescient point.

While we are standing here today, there was a report that I listened to that indicated that the chairman of the Defense Appropriations Committee, a highly respected and regarded Member of this House, Chairman BILL YOUNG from Florida, and the senior Democrat, the ranking member whom you alluded to earlier, JOHN MURTHA, again, highly regarded, well-respected, served his country in Vietnam, a senior Democrat, on the Defense Appropriations bill that their staffs are preparing, already an additional $100 billion in that supplemental budget to be put to this House, to this Congress, for approval in the not-too-distant future. That is an additional $100 billion that will be utilized in Iraq, not here in America.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield further, we talk about the culture of corruption and cronyism and the total lack of competence on a regular basis in our 30-Something Working Group, and we are really zeroing in on the incompetence tonight, the incompetence and the indifference, because really the two are hand-in-glove.

Mr. DELAHUNT, you talked about the economic tsunami, and I want to follow up on that, but let us build up to the economic tsunami that you have been describing.

First, Mr. MEEK talks about the debt, the debt under this President being more than the combined total of the previous 42 presidents prior to this one.

Now, we have a chart over here that talks about the Defense budget deficits. Let us just look at the two years when we transitioned from President Clinton to President Bush. If you look in fiscal year 2001 and fiscal year 2002, fiscal year 2001, we had a surplus of $128.2 billion. You move into fiscal year 2002, and we have a deficit of $157.8 billion.

Mr. MEEK of Florida. Incompetence.

Ms. WASSERMAN SCHULTZ. If that is not evidence of incompetence, how do you have that big a swing from one year to the next, with the only difference being the person in the White House?

Mr. RYAN of Ohio. Can I just make a point there, because I think it just fits right into there? $100 billion more in Iraq, $200 billion we have already spent, $100 million here for media campaigns. We have Republican media consultants slopping at the trough of the Defense Department so that they can put on a PR campaign in Afghanistan when the Afghanistan people do not even want it. The same in Iraq.

Ms. WASSERMAN SCHULTZ. It keeps going: $157.8 billion; a $377.6 billion deficit the next year; $412.1 billion deficit the year after that. We are getting a little better; we go back to $319 billion. Now we are at $323 billion. So the track record here is that there was one dip in the whole time that this President has been in office, and now we are climbing back again.

Yet, supposedly, we just passed the Deficit Reduction Act. If you are going to zero in on the incompetence, talk about the fact that the 9/11 Commission just came out with a report grading this administration and this Congress an F on the necessary follow-up to their recommendations. There is still no unified list of terror suspects for use by air travel screeners. There has been a misallocation of funds in terms of Homeland Security money. You have big city police and firefighters who still lack the ability to talk to each other. They lack the communications systems that were one of the key recommendations.

Remember, after 9/11, if you know nothing about what happened after 9/11, the thing that sticks in everyone's mind was it was so shocking that these police and firefighters, between agencies, city to county and station to station, could not talk to each other because their communications systems do not line up. They could not talk to the FBI. That has not been fixed. It is just unbelievable.

They are still cutting. They are still cutting. They are still cutting the budget, and they are cutting taxes. They are giving more money to wealthy people, not just your run-of-the-mill average wealthy person, but the top two-tenths of 1 percent of the wealthiest people in America, people who make more than $1 million annually.

So, Mr. DELAHUNT, you talk about an economic tsunami. The policies that have been going on in this administration and in this Congress, it is not just an economic tsunami. What the American people have been hit with is Hurricane Republican. You really cannot describe it any other way, because they have been hit by Katrina, they have been hit by Rita, they have been hit by Wilma. And instead of fixing it, instead of addressing the problems that the American people need addressed, they have now been hit by Hurricane Republican.

□ 2245

Or they are about to. We can stave it off. We could stave if off because there is a conference report. A bill is passed out of the House. A bill is passed out of the Senate. The cuts Mr. DELAHUNT described do not have to happen. There is still time to rethink this and come together and truly work together, which in my 11 months here just has not happened enough. There are isolated pockets of instances when we do work together, and I know compromise is possible.

I am praying that that happens because the aftermath of the Hurricane Republican could be worse than Katrina, but it does not have to be that way. I yield to the gentleman from Florida.

Mr. MEEK of Florida. Can I amend that chart and say Hurricane Republican Majority, because we represent Republicans that believe in what we are talking about here tonight. Goodness gracious, the average Republican's stomach would turn if they even knew half of what is happening in this House. You can have a convention or you can have a pep talk or you can go on a radio show and give one side, but these are facts, not fiction. There are third-party validators behind all of these numbers. They can go on the U.S. Treasury Web site and find that we are borrowing more in the history than any of the other 42 Presidents before this President from foreign countries. The deficit is higher than it has ever been before.

The Republican majority is saying we are not going to leave until we pass this budget on the backs of the American people. I added "backs of the American people." We are not going to leave until we pass this tax cut for millionaires and billionaires and special interests. We are not going to leave until they get what they want or what we want them to have.

Instead of them saying, We are not going to leave until we make sure that Americans do not have to pay three times as much for heating and oil. We are not going to leave until we put forth a bipartisan health care plan. We are not going to leave until veterans get their fair share out of the Federal Government and we do what we are supposed to do. And we are not going to leave until we pressure this administration to come up with a strategy for Iraq because as we were talking earlier, the bottom line is is it for everything that has happened in Iraq, and maybe Mr. RYAN will want to elaborate on this little more, there has been a time line. But when we start talking about our troops, our men and women that are in harm's way, oh, we cannot talk about time lines now.

Talk about the Iraqi elections, the President just gave a speech saying, well, the elections, this is happening and a permanent parliament will be in place. They will be seated sometime in March, and it is going just as planned. Well, guess what, the insurgency knew about the elections, the insurgency knew of every other benchmark that we put forth; but when it comes down to our men and women, four marines died today. When it comes down to our men and women we cannot ask any questions?

Excuse me, we all salute one flag I think. I think just as the President has the prerogative to say that this Member is wrong or Congress is wrong or that Senator is incorrect, we can say the same thing under this democracy, Mr. Speaker. I think the American people have risen up. It is not a question if they have arrived yet to this conclusion, that we need a plan. We need a plan so our troops know clearly what we are asking of them, so the Defense

Department can stop acting like the State Department and replace them with diplomats. Just like Mr. MURTHA has said, we need a diplomatic solution to Iraq.

Yes, we can do things on the horizon. Yes, we can come in and carry out operations here and there, but to have our troops carrying out convoys on the grounds of Iraq so that the insurgency can continue to pick off 10 and five and eight, these are American families. I think we all in this House should be passionate as if we had children in harm's way. Period. Dot.

If my son or daughter were there, I would want a plan, a plan to where it just does not move based on what the President says about stay the course. Stay the course for what? Stay the course for what? For the elections? We have a plan there. We know when the elections are going to happen. The insurgents know when their government is going to be placed. But to say if we reveal that then it will hurt our operations there. Rhetoric.

So I think it is important if we are going to stay here, and I am prepared to stay, I am prepared to stay until we deal with the real energy crisis that we have here at home, until we deal with health care, until we make sure that jobs are secure here in America, until we make sure that we get a real budget that is going to decrease the budget and we are record breaking.

I want to say this in closing out the comments here, an editorial from the Lafayette Daily Advertiser. I talked this out with the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) because we went through Wilma. We were here fighting on behalf of Hurricane Katrina victims and survivors. Meanwhile, while we are fighting, a hurricane hits our district. Now we are having to talk about not only Katrina, but Rita, Wilma, and a number of other storms. This could be in a paper in a Member's district soon: "Tax Cuts to the Rich Shouldn't Come At Gulf Coast Expense."

Let me take one paragraph from here:

"We can't afford a levee protection system for south Louisiana, but we can afford to give away $56 billion over the next 5 years to people who don't need it."

Now this is what the paper is saying. It is not what I am saying.

There is not enough money to help the people pay their mortgage on uninhabitable homes that insurance companies will not pay for, but we will give millions to millionaires, $32,000 extra each year in tax breaks.

Like I said, if it was a perfect world at this point, I would assume that it would be okay, but it is not. We have Americans living in tents. We have Americans thinking about, I heard some Members coming to the floor talking about Christmas, Hanukkah, Kwanza, you name it, the high religious season that we are getting into now. Meanwhile, we are giving notices to Americans that you are going to be evicted, a judge had to step in and say not so. A judge had to step in.

We have Members here that are throwing rocks at the judiciary. I say thank God for the judiciary in this case. Someone needs to stop this culture of corruption and cronyism and incompetence. And I would add incompetence as it relates to evicting Americans. Meanwhile, we are record breaking spending money over in Iraq right now with no plan, no plan to say we need to take the training wheels off the Iraqi Government and let them know. Just like we can have elections on time, we can have a redeployment plan on time and we are offering that option.

I ask some of my Republican colleagues on the other time, and some of them are, a very small group, but I asked them to be able to rise up because when historians in the very near future, and I do say the very near future, when they start looking at what we were doing and, guess what, what the Republican majority was not doing under the circumstances, I think that there is going to be a price to pay politically for the inaction that they have not taken.

Ms. WASSERMAN SCHULTZ. Sometimes incompetence is benign. We all interact with people who make mistakes, who maybe are not up to the par that we would like them to be. But not when the stakes are this high, not when you are talking about the people who are running the Government of the United States of America. I mean, not when incompetence results in debts.

The thousands of people that are harmed or died as a result of Katrina, incompetence hurt them or killed them. Governor Blanco today, thank God for technology, we talked about that last week a little bit. E-mail technology allows us to know now as opposed to what goes in a paper shredder, that the White House, Homeland Security, and FEMA all knew what was going on down in New Orleans immediately following Katrina and as she was approaching; and they either did nothing or did not know what to do.

That kind of incompetence is dangerous. When it is benign you can look the other way and you can sort of throw up your hands and say, well, those are just things you have to deal with when you encounter incompetence. We cannot allow incompetence to reach the heights that we have in this country.

Mr. DELAHUNT. Mr. Speaker, I would suggest that that incompetence has characterized this administration for the past 5 years. And I say that with no glee. I say that purely from a concern about the quality of life that our people are experiencing here in this country as a result of miscalculations, incompetence, and a blind belief and denial of reality.

Do you remember prior to the war when we were told by the Secretary of Defense, and now I am going to quote Mr. Rumsfeld, "When it comes to reconstruction, before we turn to the American taxpayer, we will turn first to the resources of the Iraqi Government and the international community."

His deputy Paul Wolfowitz, he made the following statement: There is a lot of money to pay for this that does not have to be U.S. taxpayer money and it starts with the assets of the Iraqi people. We are dealing with a country that can really finance its own reconstruction.

If you remember the name of President Bush's chief economic adviser, Larry Lindsey, when he predicted that the cost of the war with Iraq would range somewhere between 100 and $200 billion, he was dismissed, he was fired.

I do not want tonight to talk about intelligence and the issue of weapons of mass destruction and links to al Qaeda, et cetera, et cetera; but there has consistently been mistakes and miscalculations because there is such a conviction of righteousness, if you will.

Mr. RYAN of Ohio. Mr. Speaker, can I make a comment?

We have the poster here from Newsweek that has our esteemed leader in a bubble and it is called the "Isolated President." And I think this goes to exactly what the gentleman was just saying and what Ms. WASSERMAN SCHULTZ was just saying and what Mr. MEEK of Florida was just saying.

The comments that Secretary Wolfowitz made and Secretary Rumsfeld just were not true. The comments about the tax cuts and what they would do for average people just did not turn out to be true. And about the war and how we would progress just did not come to be true. And the bubble here symbolizes all these people like Mr. Lindsey who are saying, no, it is going to cost us $200 billion and they fire him. And the general who said we are going to need a couple hundred thousand troops in order to do this properly, and they dismissed him too. It turns out that we needed all these troops there.

It just seems that this administration does not want to hear from other outside viewpoints in order for us to fix this problem.

Now, Mr. MEEK was talking about what I found very interesting. I have the President's speech here that he was talking about earlier, and the President talks about the first milestone we had was the transfer of sovereignty at the end of June. And the second milestone was the Iraqi election, and the third milestone, if we had these milestones as Mr. MEEK said, these benchmarks, when we were going to transfer, when the election was going to be, when the interim government was going to take place, then December 15, which is coming up in just a day or two, we had benchmarks.

☐ 2300

So why would we not have benchmarks for when we are going to get out? That is all we are arguing here.

No Child Left Behind, in which we all agreed on, the Republican majority has not funded it, which was a key element, but we agreed that schools need to be accountable, and if you do not hit certain levels, you are not helping kids.

Accountability, the President talks a lot about accountability. We need to just say, Mr. President, this administration, Mr. Secretary, you need to be accountable, need to be accountable in Iraq, accountable for the budget deficit, accountable for cutting food stamps and giving tax cuts to the top 1 percent. You need to take responsibility for that.

Ms. WASSERMAN SCHULTZ. You are absolutely right. The President is trying to get away with saying generically, amorphously, we are not going to withdraw traps and withdraw from Iraq until we have results on the ground, results-oriented withdrawal.

I want to know, my constituents want to know, the American people want to know, what does that mean? Does it mean when the Iraqi troops are 50 percent independent and cannot operate on their own and protect their own country, 75, 23? Which is it? You cannot pick and choose. He cannot be allowed to pick and choose which elements of the process in Iraq he is going to put a number on and which element he is not going to.

Mr. RYAN of Ohio. Mr. Speaker, can I make another comment in addition to what you just said, why are not the people who are in his administration being held accountable? You tell the American people and you talk them into something by saying it is not going to cost you any money, we are going to use the oil revenue, we are only going to be there a little while, we will not need as many troops as we actually do really need; why were not any of those people held accountable for their mistakes, all the mistakes that were being made? We went to Iraq, and we are on the Armed Services Committee, and we support the Defense appropriations and body armor and up-armor. We were on all the letters, all the pressure that was applied to make sure these troops had what they needed. We were there to support them every step of the way. No one's going to tell me that I am not supporting the troops, but someone needs to be held accountable.

All the mistakes that were made, are you telling me that no one should get fired? Who is the guy who hired the contractor who committed fraud in the 1990s and then stole $200,000 in the last year or two? Who hired him? What is this Mike Brown all about? I mean, you hire cronies, they do an incompetent job, and no one gets fired.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, let me just insert one more thing because the Newsweek cover just says it all. In Bush's world, in the President's world, you do not have to have accountability. You do not have to put numbers on anything you do. You do not have to say what percentage prepared the troops have to be, and you are never wrong.

I have had to teach my kids, and they love to insist that they do not make mistakes. That is the orientation of a juvenile. My young children do not understand that sometimes they are wrong and this is okay and that you should learn how to change course. But in Bush's world, in the President's world, that does not happen. Because he is the President, he apparently has surrounded himself with people who either cannot convince him that he is wrong or he has surrounded himself with people that insist on agreeing with him all the time.

Mr. RYAN of Ohio. So when they say after 5 years of all of the misrepresentation and all of the lack of accountability and the incompetence and the cronyism and the corruption, the culture of corruption that we have here, when you come to us 5 or 6 years later, in the midst of a war and huge budget deficits, and you say to the American people just trust us, it becomes very difficult for us to just trust.

Mr. DELAHUNT. Mr. Speaker, I am going to refer in a moment to this chart to my left, but I think in fairness we have to note that just this past week, for the first time, President Bush has acknowledged that mistakes were made. I want to commend him for that, and I know we all share that.

He acknowledged last week "that the multibillion dollar reconstruction of Iraq," and I am using his words now, "has 'been uneven' and hobbled by corruption, misplaced priorities and insurgent attacks." This report is from the Washington Post. It is dated December 8. It goes on to state: "In an unusually stark assessment of the situation in Iraq," the President "described several strategic errors in managing a rebuilding effort that he said proceeded in 'fits and starts.' By learning from its mistakes," the President said "the administration has reshaped its approach."

I think it is important that we note that. We welcome that. But it is long, long overdue, and as I said earlier, we are anticipating receiving in the next several months a request, a supplemental request, for an additional $100 billion. Let us talk about what our priorities are in terms of the American people and our involvement in Iraq.

I was here when a supplemental budget came before us. I, and others, advocated that rather than just simply giving this money for reconstruction to the so-called interim government that we put it in the form of a loan. Every other major donor country insisted, clearly providing favorable terms and conditions and years to repay, but that they would be reimbursed so that their children and grandchildren would not have to confront the order of magnitude that we see in terms of our deficits.

Look at this chart for a minute. We are cutting $505 million on student loans, and the interest rates, therefore, will be higher. That is a cut to a generation of students that we need to be engaged at the highest level to compete in this global economy. Yet, at the same time, we are providing $508 million of transportation and communication, including construction of 28 railroad stations in Iraq's southern provinces, and we will never see a dime of that. That is a giveaway. That is a grant. Despite the words of Secretary Rumsfeld and Under Secretary Wolfowitz, that said that we would not have to pay a dime of American taxpayer dollars, what we are doing is we are funding that project and cutting necessary programs for Americans, and we are giving it away overseas.

The tragedy of it all is that there is pervasive corruption going on in Iraq today with those dollars, and the President has acknowledged that. He has acknowledged the fact that there is corruption today in Iraq and American taxpayers dollars are being misused and wasted and stolen. Meanwhile, our own people are suffering.

That is wrong, Mr. Speaker. That ought not to be happening, and there is a responsibility on the part of this Congress, because we have not had a single oversight hearing, despite the requests of many Members, including myself, to take a good and hard look at this massive corruption that is ongoing today as we speak in Iraq.

Ms. WASSERMAN SCHULTZ. Just before we close down in our last couple of minutes, we have been talking about the culture of corruption and cronyism and incompetence, zeroing in on incompetence today, and we are about third party validators. It is not just that we say it.

We got an e-mail on our 30-Something Web site that responded to some of the things we have been talking about. It was actually a Mr. Miller from Connecticut who said, "You folks are a great breath of fresh air. I like the theme of 'a culture of corruption, cronyism, and incompetence.' Well put, but incomplete. The massive rampant incompetence of this administration," he said, "is a huge problem, no doubt. But for me, a bigger problem is their fundamental disbelief in democratic processes of checks and balances combined with overwhelming ideological arrogance that allows belief to trump evidence."

I could not have said it better myself.

□ 2310

Mr. RYAN of Ohio. I want to say, and I know Mr. MILLER was being complimentary of us when he said he liked the culture of corruption, but I do not like it. I do not like it.

I do not like coming down here and trying to inform the American people what third-party validators are saying about what is going on down here in a negative way. Because I would hope we could come down here with solutions and work on it and talk about how we are making this better, how we are having oversight hearings and everything else. Do not think for one second we like it. But this is going on here and the American people need to hear about it.

30somethingdems@mail.house.gov.

That is 30, the number, somethingdems@mail.house.gov.

Mr. MEEK of Florida. Mr. Speaker, we would like to thank the Democratic leader for the time tonight.

ENERGY CONCERNS

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for the remaining time until midnight, approximately 48 minutes.

Mr. KING of Iowa. Mr. Speaker, thank you for the privilege to speak on the floor of the United States House of Representatives. As I listened to the discussion here this evening, some of my material was created by my colleagues on the other side of the aisle, and I wish to begin by responding to some of the remarks that were made.

Again, I hear a consistent message of pessimism and really no message of solution or a plan. In fact, I heard a lament that they are night after night not coming up with the real answers for the American people, and I lament the same thing, and I agree with those statements, Mr. Speaker.

First, some of the notes I wrote down as I picked up on some of the discussion that went on here on the other side of the aisle were concerns about energy and the price of gas and home heating. In fact, there is a government report out some few weeks ago that it is going to cost perhaps 50 to 51 percent more for the average American to heat their home this winter as opposed to last winter. And that is all true.

We tried to move energy policy through this Chamber. In fact, we did move some through this Chamber, but we did not move near enough. I called for drilling on the Outer Continental Shelf and drilling in ANWR. It looks now like we are going to see the new year without a vote on either one of those things. I hope we do and that we get it passed, because it is the right thing to do. But into that bargain there are people that oppose energy development, and here sits this country on 406 trillion cubic feet of natural gas on our Outer Continental Shelf.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. KING of Iowa. Yes, I would be happy to yield.

Mr. RYAN of Ohio. One of the proposals that we had was to take out the $16 billion in corporate subsidies in the energy bill. Would you be willing to support us on that?

Mr. KING of Iowa. Reclaiming my time, Mr. Speaker, I am talking about expanding the energy here in this country. And whether or not you address any kind of subsidies, whether they exist or not, does not affect our overall energy supply except to discourage the development of that energy, Mr. RYAN.

What I am talking about is that we have 406 trillion cubic feet of natural gas on the Outer Continental Shelf. A lot of it is around Florida, and it is really much of the Florida delegation, and that is not a partisan issue down in that part of the panhandle; but we need to open up that gas, and we need to open it up all the way across for all of America, particularly in the Corn Belt where 90 percent of the cost of our nitrogen fertilizer is the cost of natural gas. It has gone up 400 to 500 percent in the last 5 to 6 years. It used to be $2, and the other day it went to $15. That is my point.

So that is a piece of it. But what I am hearing, and my issue really from what I have heard out of your discussion tonight that I do take issue with is that adding $1 billion to LIHEAP and talking about corporate welfare does not increase the supply of energy in this country. What I am about is increasing the supply of energy, because there is a law of supply and demand. The more energy we have, the lower the cost.

We cannot sit here and turn up the heat in our homes and turn down the development of energy and expect that we are going to have a viable economy. In fact, it is economic suicide for a country with an energy component of our economy like we have to not develop our energy in this country. It puts a price on everything that we do.

ANWR is part of the aspect of that, too. We are sitting on this massive supply of hydrocarbon up on the Arctic shore. I have been up there and walked on that sod. There is not an environmental reason not to drill up there. There are no caribou that live there. There are no trees. It is a frozen Arctic tundra. We do all the work on ice roads. We have proven we can do it next door on the north slope. There has not been a report of an environmental damage or an oil spill or an effect on that environment.

There has been, because I did see some locations where they have gone in and reestablished tundra and it will grow back, it takes 5 to 6 years to do that, I have seen the examples and flown over by air and am confident it can be done. Although the tundra will be disturbed, it is not something that is a permanent scar on the landscape.

But this energy is one piece of it. We need to open up the energy supplies in the United States. It does not do to stand here on the floor and talk about tax breaks for corporations. Some of those are incentives so that they will develop energy. What we have is a statutory and a Presidential executive order that lingers from a previous Presidency that prevents us from drilling offshore. And with this massive supply of natural gas offshore and with this increase in gas prices, it puts us at a disadvantage with the rest of the world.

It happens to be this same natural gas that is $15 here in the United States that peaked out here the other day has a natural gas price of 95 cents in Russia and $1.60 in Venezuela. And those are the countries that are producing fertilizer and shipping it over to us. We have our fertilizer companies in this country that are put on hold. They have had to slow their operations down and practically freeze the development or stop the production of fertilizer. That means the farmers that were going to take delivery of fertilizer late in the year, and some of them to try to beat their year end for tax purposes as well, are not going to have that fertilizer.

It means there will be a rush in the spring and prices are likely to be very high in the spring. But we are not far away from losing our entire fertilizer industry in this country because we refuse to develop the natural gas that is right under our very noses.

I did some calculations. I thought, well, if we are going to bring in liquefied natural gas from the Middle East, or if we are going to be bringing it in from just across the Caribbean, from a place like Venezuela, which is a place that has a lot of natural gas, or Trinidad, Tobago, would be another place where there is a lot of natural gas; and it also sounds like the commitment has been made to build a natural gas pipeline from the north slope of Alaska on down to the lower 48 States. So I thought, well, let me do a few simple calculations.

So there are 38 trillion cubic feet of natural gas on the north slope developed at this point that we can tap into. There is likely much more. And it is 4,779 miles, I believe is the number from mile post zero at the pipeline terminal on the north slope of Alaska on down to, and I picked the middle of the United States, Kansas City, so 4,770 miles from north slope, mile post zero, to Kansas City. How far is it to the mother lode of natural gas down on the south side of the Caribbean, Venezuela, for example? Well, it is 2,700-some miles down there, Mr. Speaker.

So would it make more sense to run a pipeline from Alaska or a pipeline from Venezuela, when that gas is $1.60 and ours here on this continent is up to $15? Of course it would make more sense to bring that pipeline from Venezuela up here. It would enrich Hugo Chavez. It does not make a lot of sense. It does not make a lot of sense to run that pipeline right through some of our significant natural gas reserves in this country that we refuse to develop.

But we could cut about a thousand miles off that 2,700-mile pipeline down to Venezuela, or just actually not bother to build the pipeline at all, Mr. Speaker, and continue to drill wells and hook up lines and move our way right around the gulf coast, right on around the tip of Florida and up the other side and right on up the east coast, and some of it up the west coast, Mr. Speaker, where there are some gas supplies offshore in California that are significant and that have not been tapped either.

I think we should open it up, and I think we should open it up all at once. I think we ought to open it up for natural gas and for crude oil, so that we can take the lid off this slow metering of increasing of supplies that is allowing prices to go up while supplies creep up only marginally.

If Alaska can compete with that, great. They are an outstanding State, and I have been quite impressed with what they have done up there. If it makes sense to run the pipeline down here from Alaska, run that too, and let us pump the energy into this country.

There will be, or it is very likely, I should say, a crude oil pipeline to come down through the United States. It will come from up in Alberta where the tar sands are. There is a huge supply of crude oil up there, a very thick oil; and it takes some technology to get it out of the ground. The Canadians are developing, and I believe have developed, that technology. Those kinds of things need to happen.

The rest of the discussion about who got what tax break and what incentive is there and what kind of class envy we can lay out here for the American people and how much pessimism we can pour out here on this floor every night are redundant subjects with regard to the overall question of increasing the size of the energy pie so that we can afford to heat our homes, our factories, produce our products, and produce our fertilizer and produce our food and keep this world economy rolling.

□ 2320

We need to answer those questions and resolve the energy issue. And I will add nuclear to that and expand coal. I would go with hydroelectric if we could get it. I will use wind. I will use everything we can to increase the size of this energy pie. If we let it compete, then supply and demand and costs of capital and the cost of the energy delivery to the system will be what determines how our whole energy supply is provided.

Some of the other concerns here tonight is the concern about this economy. If a person had just woken up from a long and deep sleep and turned on C–SPAN and listened to the discussion about this economy, they would think that the stock market had crashed and people were jumping out of buildings and committing suicide because there was no hope in our economy. There was no signal whatsoever that we have completed 10 consecutive quarters of 3 percent or more growth. And the last quarter was 4.3 percent growth. That takes us back more than a generation to find a period of growth that has an equivalent period of time of consecutive quarters of this kind of growth. That goes back to the early Reagan years where growth after the Carter administration was not that difficult of a challenge.

Mr. Speaker, growth after coming off of the dot-com bubble and the good years through the 1990s is a far more difficult challenge. And growth after September 11, growth after having to pour resources into a worldwide war on terror, growth getting through this bump of Hurricane Katrina, all of that growth came in spite of those things. It is because we have a Bush tax cut plan that stimulated this economy. There is no rational argument that it has been anything but a very, very successful plan. It has done what it was predicted and designed to do.

I hear over here, it just did not pan out over and over again. Mr. Speaker, the numbers are there. It has panned out. It is here, and it is real. Unemployment numbers are going down, down, down. Economic growth numbers are going up, and the interest rate is going up consistently. They just announced that it is going up one more time. I do not remember how many quarters we have had the interest rate increase, but it is an attempt to hold down this economy that is bursting from the seams.

And how does it do that if we are in the middle of an economic and an energy failure? We have failed to develop our energy because environmental extremists, and nearly everyone on this side of the aisle over here, has refused to let us develop the energy supply, and it is irrational to refuse to develop this energy that sits right here under this country and on the outer continental shelf of this country and pay the equivalent of an extortion price to some of the people around the world who are putting this energy into our system and taking the profits out, and we know a significant amount of money from those profits goes to fund our enemies, and it costs American lives.

Opening up energy here in this country converts to more safety for every American, a higher quality of life for ever American, a stronger economy for every American, and an opportunity to move this Nation towards another level of our destiny.

So this economy is strong. We need to do some things to open up energy. The lament that we are evicting Americans, and we are giving them a notice, telling them they have to find another place to live because we do not think that the taxpayers can fund flying people from New Orleans to Washington, D.C. where the hotels are some of the most expensive hotels in the country and putting them up in five-star hotels indefinitely; that is the lament about evicting Americans.

It is a notice that says, after Christmas some time, you are going to need to find a place to live. I advocated for and wish we had simply put a voucher in their hand instead of trying to find a place for them to live and said go find yourself an alternative location. Rent yourself an apartment, buy yourself a house, do what you need to do.

But this idea that we are going to take everyone by the hand and manage their lives because they lived in a disastrous, counterproductive situation, so Americans have to step up and take responsibility for themselves.

Who among us, if we were going to be bunked in a five-star hotel and there was no limit, no end to that, would not just stay in that five-star hotel? Good room service, laundry service, you have all of the facilities that you need. I suppose the bus picks the kids up for school. I cannot imagine living in a hotel for months on end and thinking that was somehow an entitlement.

There are many things we could have done better with Hurricane Katrina and done them better, but there is not a justification for keeping people in five-star hotels in Washington, D.C. and then feeling guilty when we ask them to find an alternative place to live. I think that is about the end of America's generosity when we go to that point.

Food stamps. The argument that we are starving children comes up over and over again. I sat through hours of that in the Committee on Agriculture when we marked up the reconciliation package. We needed to find some savings. I looked back in the last reporting year, and I wanted to know how many dollars worth of food stamps were handed out to people that did not qualify, food stamp fraud. And in the last reporting year, I would find, $1 billion was handed out to people in food stamps, people that did not qualify, so food stamp fraud.

So we set some conditions on this that were minor conditions and, over the grand scheme of millions of Americans, saved a few million dollars, and it had to do with a policy that said, when you come to the United States, you agree you are not going to put pressure on our welfare system for 5 years, and we extended that to 7 years for food stamps.

A couple of tweaks of that nature, and we found all of the savings we needed to find in food stamps. It is not the issue of starving children. There are no children that are going to go without food stamps. Their nutrition is going to be there. I do not know anyone in the United States that is suffering from malnutrition, but yet the wailing and the crying from the other side of the aisle has to come up again because there are some Americans that will listen to that and believe that.

A billion dollars in waste in the last year that was reported to me leaves plenty of room for a little tightening of the belt in food stamps. I think we should tighten that right up to the last dollar of the billionth dollar that is there and take all of the fraud out and take a little of the fat out while we are at it. We did not go anywhere near that, but the demagoguery persists.

As I listened tonight to this group of nattering nabobs of negativity, it reminds me of a Vice President that laid that out on the news media some years ago, and I wonder, the argument was that we should not have troops over there in the Middle East spending money on those troops, a hundred billion or $200 billion, whatever their number was tonight, because we do not have a perfect health care system. We do not have a perfect retirement system. Our jobs are not perfect for everyone; our educational system is not perfect for everyone. So? So we should not be defending the safety and freedom of the American people and in the process liberating tens of millions of people who yearn for that freedom? Where are our priorities?

When would this team that is here every night, when would they ever say we think we have it right now, Mr. President? Let me rephrase that, when would this team that we have here nearly every night say, We think we have it right now, Mr. Republican President? When would they ever say the word "Republican" in a fashion that had anything to do with objectivity or complimentary fashion? When would they ever say the health care system is as good as it needs to be, and we think we can now take care of our national security? And when would they say our retirement, especially for our military, is up to snuff so we can go ahead and protect our security with the military that we have in uniform, the active duty and Guard and Reserve people that are serving us so well and so honorably?

When would they ever say there is an adequate number of jobs for an adequate price that pays an adequate amount of wages and benefits so now we can take a little extra money and put it into our military and defend our safety and our security?

□ 2330

When would they ever say, Mr. Speaker, that the educational system was adequate for all of our children and our young people and that they had an opportunity for a good K through 12 government education and they could go off to higher learning and they could all go off to college, all at the expense of the taxpayer, of course, Mr. Speaker. When would the health care, retirement, jobs education, when would all of that ever meet the satisfaction of the nattering nabobs of negativity that are here every single night, lamenting how terrible it is here in the United States of America.

Meanwhile, we cannot defend our own borders, and 4 million illegal aliens pour across our southern border every single year for the last few years. Why are they coming here? Are they not watching C–SPAN at night? Do they not see how bad it is? I submit, Mr. Speaker, that they see how good it is. They can go on the Web page. They can click on and see what the Department of Labor statistics are. They can see the economic statistics. They know that there have been 10 consecutive quarters of 3 percent or more growth. They know unemployment is going down. They know there is health care accessible to everyone. They know there is nobody malnourished in the United States of America. They know there is a free education.

How can you go wrong in the United States of America when you compare it to any other nation in the world? And so, at what point, Mr. Speaker, do we say we must provide for the safety and security of the American people, and while we are there, let us give the people that are in those countries that opportunity for freedom and liberty so they can erase the habitat that breeds terror. That is what is going on over there.

And then I hear, well, all we are asking for, Mr. President, is we have got benchmark, benchmark, benchmark. Yes, they mentioned some of the benchmarks, Mr. Speaker, and I have some of them here. And I want to point out these benchmarks in Iraq. March 20, 2003, was the beginning of the liberation of Iraq and it was March 19 over here at 9:30 a.m., if you want to mark your calendar and put the time on, eastern standard time. That was March 20.

By May 12, Paul Bremer was in place. He had replaced Jay Garner as the civil administrator in Iraq, May 12, 2003. July 13, Iraq's interim governing council was inaugurated. So just a few short months, April, May, June, halfway through July, 3½ months, and the Iraqi interim governing council was inaugurated.

By July 22, Saddam Hussein's sons, Uday and Kusay, were eliminated in a fire fight in Mosul. And I have been to that site, Mr. Speaker, and the building is gone. The lot is razed. The only sign of it there is I imagine you have to have a GPS locator to figure that out. The neighbors know. But that was the end of the terror of those two terrorists on July 22, 2003.

December 13, 2003, Saddam Hussein was captured. If my date serves me correctly, this is the 2-year anniversary of the capture of Saddam Hussein. And we have something to celebrate here, Mr. Speaker, and that was that we handed over Saddam Hussein to the civilian government then, and a little bit later down the line, or I will pick that date out here in a moment. But this is the 2-year anniversary of the capture of Saddam Hussein. We were delighted on that day. I am still delighted. He is before a court in Iraq. He is receiving a fair trial. It looks a little bit like a circus from time to time, but the Iraqis will bring this out. And they will provide justice.

I have met with the judges over there. They are courageous people. Their lives are on the line. They must have an objective court, and they have got to get into the record the crimes of the administration so that it is recorded in history and once it is recorded and packaged up, then when punishment is meted out to the perpetrators that committed those crimes against humanity, then the Iraqis can move forward and put that stage into their history. So that was December 13, 2003, 2 years ago today, Mr. Speaker.

On March 8, 2004, the Iraqi governing council signed the interim constitution and that guided them. It was a bill of rights, it was a system of checks and balances, and it made the military subordinate to civilian rule. Those were all significant milestones. A bill of rights for the people that have never had a bill of rights before. And on May 28, 2004, Iyad Allawi was designated Prime Minister in the Iraqi interim government, a Shiite neurologist by profession. And it happened to have been my birthday that day as well. So I will try and remember that as a milestone for a couple of reasons.

And I have admired Iyad Allawi, who came to this Chamber and spoke to a joint session of Congress, and he said thank you America, thanks for liberating us, thanks for making us free. It was a moving speech that he gave, not so much for the language, for the words. The words were very appropriate, but for the way it poured from his heart that day. You could feel that reverberate in these Chambers, Mr. Speaker.

Then on June 1, just 3 days later Mr. al-Yahwir was chosen as president. So this set up the Iraqi governing council and gave them leadership. And then the plan was to hand over the governing of Iraq to their interim governing council on June 30 of 2004. But, Mr. Speaker, the Iraqis have been meeting every deadline, every milestone, except when they beat them.

And on this milestone they beat it because the United States transferred sovereignty to the Iraqi interim government on June 28 as opposed to June 30, 2 days early. And I think it was a good move. It said that nothing has been delayed along this way. It has always been done on time.

Then on June 30, was the day, 2 days after, we handed over the civilian control of Iraq to the Iraqis on June 30 of 2004, we just 2 days later handed over control of Saddam Hussein, the legal custody of Saddam Hussein and 11 other high profile, I will say, perpetrators, Baath party officials to the Iraqis. And they took control of that, and it is entirely appropriate that this trial be conducted by Iraqis. They must do this. Then, another milestone. A huge milestone, January 30, 2005 purple finger day. That was the day that millions of Iraqis went to the polls to elect themselves a new national assembly, and this national assembly's job was to draft a Constitution. So they were elected January 30, 2005 and on March 26 they were seated.

The Iraqi assembly was convened and they went to work in drafting not an interim Constitution now, but a real Constitution, a Constitution that was amendable, but a Constitution for all time. So they went to work to draft that Constitution, a Constitution that was amendable, a Constitution for all time. To the polls, dipped their finger in purple ink. January 30, convened their assembly March 26, 2005. Their new Constitution was presented to the Iraqi National Assembly August 28, 2005.

October 15 of 2005 the Iraqis went to the polls. Seventy-nine percent of them voted to ratify their new Constitution. That sets up the stage that we are in right now, and there are elections taking place in Iraq as we speak, and they are elections that build up to the final and formal election day which takes place on the 15th of December. And at that point, Mr. Speaker, there will be named a full general assembly; a sovereign nation will be formed when, in March, the new general assembly is seated under the new Constitution and that will make Iraq as legitimate a government as exists in the Arab world and, in fact, they will have an argument that theirs is as legitimate a government as exists anywhere in the world.

When seated at the United Nations under their new Constitution and their new sovereignty with leaders that are chosen by the people, they will have and enjoy a measure of legitimacy that meets or exceeds the measure of legitimacy of almost every country in the world, certainly in the Middle East. They will surpass that and set the highest standard of legitimacy. They will be an Arab constitutional republic, a democracy.

That is what we have been working for, Mr. Speaker. That is what the treasure has been poured into Iraq for is to change that habitat in that terrorist part of the world, and it is working. Last Friday, Mr. Speaker, I made a trip out to Bethesda to the national naval medical center. I make it a point to go to either Bethesda or Walter Reed or at Landstuhl in Germany if I happen to be going through there at least once a quarter to visit our soldiers and marines and our corpsmen who are wounded and in the hospital and who paid a significant price to defend our freedom and to promote it throughout the world. It is always an uplifting experience for me. It is always something that encourages me and gives me strength and great faith in this country. Sometimes you walk in the room, and no matter the injuries, if they are in pain it is one thing, but there is often laughter in the room.

☐ 2340

There is often a measure of optimism. That optimism often comes from the family, the wife, mother there, maybe the children that are there.

I had great conversations with these Marines last Friday. They pointed out that while so much good work is getting done, the media has not highlighted their efforts to rebuild the critical infrastructure in Iraq and that these important pieces of critical infrastructure lead Iraqis to democratic independence, but we do not hear about it here, Mr. Speaker. And I would point out that there was a report released by the Media Research Center, and it confirms the concerns of the Marines. Out of 1,388 reports broadcast on network news programs, only eight were devoted to recounting episodes of heroism or valor by U.S. troops and only nine featured instances when soldiers reached out to help the Iraqi people. Eight of heroism, nine of helping hand. Calculate the rest of the 1,388 were stories about what was sensationalized bad news, Mr. Speaker. If you sensationalize bad news long enough, the people in the world that are inclined to be the nattering nabobs of negativism will believe it, and that is what is being poured out here on the floor of the House of Representatives each and every night, and this focusing on negativity encourages our enemies.

I will take us back then to the benchmark argument. I have read down through the list of benchmarks that have been met in Iraq. Every benchmark has been met or exceeded. One was exceeded by 2 days of the civilian takeover for the Iraqi people from our CPA and Paul Bremer, and the argument now is, what about all these benchmarks, Mr. President? We need a benchmark to get out, to quote the gentlewoman from Florida.

No, Mr. Speaker, that is the last thing we need, is an announcement on when we might pull out of Iraq.

I happen to remember the previous President set a benchmark to get out of Kosovo. He said we will be there 1 year, no more. We are going to send troops over there, and we are going to send air cover over there, 1 year and no more, and we will be out of Kosovo.

I think we are into the 11th year now since that deployment has been taking place, Mr. Speaker, but it is at least 10. So that benchmark really did not work so well. Benchmarks do not work well in wartime. And even if one could measure that kind of progress and pull out, the enemy is still going to use that to strategize against us. Why is that a difficult concept to understand? If we would say, here is a date on the calendar by which the first American troops are going to get out or the last American troops will be gone, we know very well that the enemy will husband their resources and change their tactics and go underground and store up their munitions and recruit their personnel. They would be able to go out and say, Here, we will take over of Iraq. It will be a terrorist center, and here is how we will handle that: They will be done taking casualties until such time as the Americans are gone.

Remember what happened when we deployed, and that is the kind of word that has been used here, deployed out of Vietnam? I went back and read through some of that legislation from back in that 1973, 1974 and early 1975 era. The legislation that is there confirms my recollection, although my dates were not exactly precise. This Congress took this debate, this national debate, this cut-and-run philosophy to the point where they passed legislation here on the floor of the United States House of Representatives and the United States Senate that forbade any resources from going to even supporting South Vietnamese troops. Not an M-16 bullet for a South Vietnamese troop defending his own freedom in his own country. The Vietnamization program that President Nixon had established, all that shut off. No air cover, no missions flown to protect them, no munitions to support them, squeezed the valve down so there was not a drop of help. In the ensuing aftermath, when helicopters were lifting people off of the U.S. embassy in Saigon and people were doing everything they could to hang on to the struts of those helicopters and they were pouring into boats and going out into the South China Sea to go anywhere to get away from Vietnam and many of the boats capsized and some being sunk intentionally and militarily and thousands of people dying, in fact, tens of thousands of people dying even in the immediate aftermath, millions dying in Southeast Asia in the subsequent aftermath because we did not hold our bargain with the people in Southeast Asia. And millions died, Mr. Speaker.

I heard the gentleman from Ohio say, "No one is going to tell me that I am not supporting our troops." Mr. Speaker, I will submit this: If you do not support the mission, you are not supporting the troops. If you send a soldier off into a hostile region, send him off to war and ask him to go defend your freedom with his life and to do so in a cause that you say is not justified, wrong war, wrong place, wrong time, Mr. Speaker, how can you ask a person to put his life on the line for a cause you do not believe in, a cause that you will not even put your vote behind or your voice behind? How can you ask them to put their life behind that and then say, No one is going to tell me that I am not supporting our troops? Well, supporting the troops, supporting the mission, and they are inseparable. If you do not support the mission, you are not supporting the troops.

Here is a measure of optimism, Mr. Speaker. We hear about casualties continually. The only measure I found in my research over the last 2½ years or a little more is that Saddam Hussein was killing his own people at an average rate of 182 per day. I have gone back and measured some of that, and I can come up with a bigger number and a little smaller number, but that number seems to fit about in the middle of the Iraqis that were killed at the hands of Saddam Hussein. And so I would submit, Mr. Speaker, that we have been at this operation and Saddam has been out of power for approximately 1,000 days; so there are 182,000 Iraqis alive today that would not be if we had not enforced a regime change in Iraq and liberated the Iraqi people; 182,000 alive today, Mr. Speaker. And, yes, there have been casualties, and we have lost more than 2,000 Americans. And there have been something in the neighborhood of 30,000 or perhaps more Iraqis that have been killed in this conflict, civilian Iraqis for the most part. So if we are at the 32,000 to 34,000 number, let us just say 32,000 because that number works out round enough that I can do the math in my head, subtract that 32,000 from 182,000, and we come up with 150,000 Iraqis alive today that would not be if they had not been liberated by coalition troops, especially Americans. That is no small feat. That is no small endeavor to free 25 million people and to have a net savings in lives over 2½ years of 150,000 people. Do we not ever measure the positive side of this ledger, or is it always that the nattering nabobs of negativity cannot get to that plus side so I have to come down here nearly every night and bring this thing back around to reality, Mr. Speaker? And I will continue to do that as long as this message needs to come out to the American people.

I carry a few more messages here that happen to point out some points that I think we do not see in the news media. I have to put on my glasses for this one.

What are some of the changes that are taking place in Iraq in a positive way? And I have a chart here before me. This is a chart that shows the number of Iraqis taking action to provide tips they received from the population. In March of 2005, the early part of this year, there was not much confidence in Iraq that we were going to stick this out. So there were 483 tips given on who the terrorists were, and how do we send troops in there to bust the terrorists? Four hundred and eighty-three tips. They did not all pan out, but that is an indication of the Iraqis being willing to cooperate. That was March, 483. April, 1,591 tips; May, 1,740; June, 2,519 tips; July, 3,303; August, 3,341. And that is where my bar chart stops. So we have gone from 483 tips in March to 3,341 in August. That tells us the Iraqi people are stepping up to provide their own safety, their own security, cooperating with American troops and coalition troops and Iraqi troops, of which about 210,000 are trained. Most of them are combat ready. All of them are operational in one form or another. Some of them are top-ranked troops that will match up with any in the world.

□ 2350

Yet, I hear this drumbeat, the nattering nabobs of negativity, that there is only one battalion that is really combat ready. Well, that is really not true. There are quite a few battalions combat ready. At the time there was only one battalion that was ranked at the very highest level of ready. All of our troops are not ranked at that highest level all the time either. They waiver in and out of that level of readiness, depending on where their training is and what kind of condition that their equipment is in.

So I wanted to make a point here in the last couple of minutes of why it is important to support our troops.

Muqtada al-Sadr. This is a quote that I heard from Al-Jazeera TV in Kuwait City as I waited to go into Iraq June 11, 2004. "If we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu."

Where does a person like Muqtada al-Sadr get such an idea that if he keeps attacking Americans, we are going to leave? Is it from reading the history books? Is it from reading other literature, Mr. Speaker? Is it from observations of history as wishful thinking? I would submit it could be all of those things. But I want to do a little bit from history.

I have here, Mr. Speaker, a book written by an author who hails from my district, Sioux City, Iowa. This is Colonel George Bud Day's book, "Duty, Honor, Country." Colonel Day is the most highly decorated American hero that we have who is living today.

This book is about him being a prisoner of war in Vietnam, Mr. Speaker. It lays out a tone that I think every American should know, every American child should study, and this book should be turned to page 155, Duty, Honor, Country by Colonel Bud Day, Medal of Honor winner.

He writes as he is in the prison camp in Vietnam, and this is the mindset of our enemies, he writes, "The Vietnamese were positive of victory and that their cause was predestined for success. Their propaganda organs had been convinced that massive rioting against the war was commonplace in the United States and in support of the commies. That was the Jane Fonda message."

He goes on. He says, "It was disheartening at a quiz, which means an interrogation, to have Senator Fulbright or some looney politician declaring himself on the enemy's side of the argument. Many a torture was accomplished just to force a POW to say or agree to the same things that were attributed to fellow Americans, Senators and Representatives. It got to the point where the Vietnamese did not have to write their own propaganda against the U.S. They could simply quote Senator Gruening from Alaska, Fulbright from Arkansas, KENNEDY from Massachusetts or a Congressman of the same ilk. I was sickened by these statements," writes Colonel Day, "for the U.S. Congress passed the questionable Gulf of Tonkin Resolution which sent me to Southeast Asia. Loyalty I felt was a two-way street. It is a bit disconcerting not to be able to tells the difference between the words of a U.S. Senator and those of your enemy. More devastating to our cause was the fact that the North Vietnamese thought these statements to be semi-official U.S. policy. When combined with propaganda, it stiffened the Vietnamese backs immeasurably," and I emphasize this point, Mr. Speaker, "adding significantly to the U.S. death list on the battlefield and the death of several POWs in Hanoi."

That is not a hard lesson to understand when you encourage the enemy by sitting in the gun emplacements in North Vietnam, as Jane Fonda did, or speaking out against this effort relentlessly night after night, as happens here on the floor of the United States Congress. It encouraged our enemies in Vietnam, it encourages our enemies around the world today.

In fact, I happened to come across a Web page, and there is a quote here from Colonel Bud Day, and his answer today is, "JOHN KERRY launched his political career more than 30 years ago by comparing the actions of U.S. troops in Vietnam to those of the armies of Genghis Khan." I think that is not a refuted statement. But here is a point that exists today.

Mr. Speaker, after the comparison of the acts of Genghis Khan to create the political career, now we have the same individual saying to the American people, picked up immediately by Al-Jazeera, we all know, saying "American soldiers in the dead of night terrorizing kids and children, women, breaking religious customs." The same individual, this is the Senator that came to Iowa for a year-and-a-half and said wrong war, wrong place, wrong time, gave aid and comfort to our enemies then, gives aid and comfort to our enemies now.

Mr. Speaker, if that were the only one, it would not be so bad. Maybe we could isolate an individual like that. But it is sad to say it is not the only one. I have another example, a blast from the past.

Here is our blast from the past, the individual, the other Senator from Massachusetts. I will not tell you that I just happened to pick a State randomly and pick two of their Senators. No, this is on purpose, Mr. Speaker.

This is the Senator referenced in the book Duty, Honor, Country from more than 30 years ago. He is still here and today he says, "This war was made up in Texas. This whole thing was a fraud. Iraq is George Bush's Vietnam."

Now do we understand, Mr. Speaker, why our enemies believe that Iraq can be another Vietnam? Not because of the forests or the mountains to hide in or the place for guerrilla warfare to take place, because we read in Zarqawi's letter that there are not any mountains to hide in, there are not any forests to hide in, and that the Iraqi people are willing to take the insurgents in and protect them and let them operate from their are as rare as red sulfur.

So the structure of this war in Iraq does not allow for that kind of guerrilla warfare. Yes, it is an urban warfare of a kind, but it is not at all like Vietnam. Iraq is a desert. Vietnam is a jungle. Vietnam has mountains and forests and jungle. Iraq has sand dunes and buildings. There is a huge differential though between the two countries because the Iraqis really do not want to hide these insurgents, and in Vietnam they were forced to hide them. In fact, there were places for the enemy to hide regardless of whether they had the cooperation of the civilians.

But the same individual who encouraged the enemies then, who is attributed by the most decorated American hero as contributing to the loss of American lives and particularly the lives of POWs, is still at it, Mr. Speaker, still at it. "This was made up in Texas. This whole thing was a fraud. This is George Bush's Vietnam."

Is that not some good Al-Jazeera material, Mr. Speaker? And I am not done. This material roles out every day in this country. We are trying to keep up with it by printing posters and putting quotes in there, and I am going to try to come down here on a periodic basis and try to keep the American people up to speed.

But I am glad that our soldiers are too busy with their diplomacy and the liberation of Iraq to be watching the news and have to listen to all of this debate. But I am determined to stand here and defend their efforts. And I support their mission and our soldiers, and that mission and the soldiers and the support for them cannot be separated. You cannot argue that I support them and I do not support the mission, Mr. Speaker.

So, in conclusion, we have a duty here on the floor of the United States Congress and in our jobs across this land as we represent our country and the people from our districts and as we interact with them and with the media to inform the American people that our military mission is on track in Iraq, the political sequence of events is on track in Iraq, and that the economic solution is around the corner. When they truly establish a sovereign Nation in Iraq, which will take place after these elections on the 15th, and when they are seated in March and when they sign a contract to develop that oil and the cash starts to flow into Iraq and free enterprise kicks in and the government gets the kinks out of its systems, and as the Iraqis step forward and do more and more providing the safety and security for the Iraqi people, this will be resolved to the satisfaction of history, if not the satisfaction of the nattering nabobs of negativity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POE). Members are reminded to refrain from improper references to Senators.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCDERMOTT (at the request of Ms. PELOSI) for today on account of illness.

Mr. WYNN (at the request of Ms. PELOSI) for today on account of a family obligation.

Mr. MARIO DIAZ-BALART of Florida (at the request of Mr. BLUNT) for today on account of family reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DINGELL) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

(The following Members (at the request of Mr. UPTON) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and December 14 and 15.

Mr. OSBORNE, for 5 minutes, today and December 14.

Mr. BURGESS, for 5 minutes, today and December 14 and 15.

Mr. FRANKS of Arizona, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, December 14.

Mr. MCCAUL of Texas, for 5 minutes, December 14.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today.

Mr. POE, for 5 minutes, December 15.

Mr. NUSSLE, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, December 15.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. UPTON, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1295. An act to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission; to the Committee on Resources.

S. 2094. An act to reauthorize certain provisions relating to Indian tribal justice systems; to the Committee on Resources in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, December 14, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5611. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethylhexyl Glucopyranosides; Exemption from the Requirement of a Tolerance [OPP-2002-0166; FRL-7729-6] received September 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5612. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Alkyl (C10-C16) Polyglycosides; Exemptions from the Requirement of a Tolerance [OPP-2003-0362; FRL-7729-7] received September 13, 2005, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5613. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Announcement of the Delegation of Partial Administrative Authority for Implementation of Federal Implementation Plan for the Nez Perce Reservation to the Nez Perce Tribe [R10-OAR-2005-TR-0001; FRL-7970-2] received September 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5614. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Re-Establishment of a Tolerance for Emergency Exemption [OPP-2005-0248; FRL-7736-1] received September 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5615. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tralkoxydim; Pesticide Tolerance [OPP-2005-0175; FRL-7722-6] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5616. A letter from the Principal Deputy Associate Administrator, Environmental Protetcion Agency, transmitting the Agency's final rule—Fluoxastrobin; Pesticide Tolerances [OPP-2003-0129; FRL-7719-9] received September 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5617. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General David D. McKiernan, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5618. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Steven R. Polk, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5619. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Leon J. LaPorte, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

5620. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—2-ethoxyethanol, 2-ethoxyethanol acetate, 2-methoxyethanol, and 2-mthoxyethanol acetate; Significant New Use Rule [OPPT-2004-0111; FRL-7740-7] (RIN: 2070-AJ12) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5621. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey Architectural Coastings Rule [Region 2 Docket No. R02-OAR-2005-NJ-0002, FRL-7999-8] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5622. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana [R05-OAR-2005-IN-0007; FRL-7999-3] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5623. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; California; Carbon Monoxide Maintenance Plan Update for Ten Planning Areas; Motor Vehicle Emissions Budgets; Technical Correction [R09-OAR-2005-CA-0010; FRL-8002-4] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5624. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Christian County, Kentucky Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainment Area to Attainment for Ozone; Correction [R04-OAR-2005-KY-0001-200521(c); FRL-7999-5] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5625. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Indiana: Final Authorization of State Hazardous Waste Management Program Revision [FRL-8001-3] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5626. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Massachusetts: Extension of Interim Authorization of State Hazardous Waste Management Program Revision [FRL-7998-8] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5627. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial and Santa Barbara County Air Pollution Control Districts [R09-OAR-2005-CA-0006; FRL-7998-4] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5628. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of 1,2,3-Propanetriol; Technical Correction [OPP-2005-0075; FRL-7744-8] (RIN: 2070-AC61) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5629. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule—Underground Injection Control Program—Revision to the Federal Underground Injection Control Requirements for Class I Municipal Disposal Wells in Florida [FRL-7999-7] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5630. A communication from the President of the United States, transmitting a supplemental consolidated report, consistent with the War Powers Resolution, to keep Congress informed about the deployments of U.S. combat-equipped armed forces in support of the global war on terrorism, Kosovo, and Bosnia and Herzegovina, pursuant to Public Law 93–148; (H. Doc. No. 109-73); to the Committee on International Relations and ordered to be printed.

5631. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5632. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5633. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5634. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-212, "Technical Amendments Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5635. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-195, "Closing of a Portion of a Public Alley in Square 5217, S.O. 03-1548, Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5636. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-210, "Anti-Drunk Driving Clarification Temporary Amendment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5637. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-208, "Department of Small and Local Business Development Clarification Temporary Amendment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5638. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-207, "Natural Gas Taxation Relief Temporary Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-199, "Producer Summary Suspension Temporary Amendment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5640. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-198, "Health-Care Decisions for Persons with Mental Retardation and Development Disabilities Temporary Amendment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5641. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-197, "Heating Oil and Artificial Gas Consumer Relief Temporary Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5642. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-196, "Gasoline Fuel Tax Examiniation Temporary Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5643. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5644. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5645. A letter from the Chairman, Federal Housing Finance Board, transmitting pursuant to the requirements of Section 4 of the Government Performance and Results Act of 1993 and Part 6 of Circular A-11 of the United States Office of Management and Budget, the Board's annual performance and accountability report for FY 2005; to the Committee on Government Reform.

5646. A letter from the Director, Holocaust Memorial Museum, transmitting the Museum's annual commercial activities inventory report as required by the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Government Reform.

5647. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5648. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5649. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5650. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Auditor's Identification of District Government Employees Earning Annual Salaries of At Least $90,000 But Less than $100,000 During Fiscal Year 2001 Through 2004"; to the Committee on Government Reform.

5651. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's report that the standards of reasonable assurance pertaining to internal management controls during FY 2005 have been met as required by the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

5652. A letter from the General Counsel, Office of Government Ethics, transmitting the Office's final rule—Additional Exemption Under 18 U.S.C. 208(b)(2) (RIN: 3209-AA09) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5653. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations: Offshore Super Series Boat Race, St. Petersberg Beach, FL [CGD07-05-116] (RIN: 1625-AA08) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5654. A letter from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Application Fee Increase for Administrative Waivers of the Coastwise Trade Laws [Docket Number: MARAD-2005-21105] (RIN: 2133-AB50) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5655. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; McCook, NE [Docket No. FAA-2005-21608; Airspace Docket No. 05-ACE-18] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5656. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received November 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5657. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Charlotte, NC [Docket No. FAA-2005-20246; Airspace Docket No. 04-ASO-15] (RIN: 2120-AA66) received November 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5658. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Cortland, NY; Ithaca, NY; Elmira, NY; Endicott, NY; Sayre, PA [Docket No. FAA-2005-22494; Airspace Docket No. 05-AEA-22] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5659. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Binghamton, NY [Docket No. FAA-2005-22100; Airspace Docket No. 05-AEA-16] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5660. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Cincinnati, OH [Docket No. FAA-2005-20699; Airspace Docket No. 04-ASO-19] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 2695. A bill to amend the McKinney-Vento Homeless Assistance Act to protect the personally identifying information of victims of domestic violence, dating violence, sexual assault, and stalking (Rept. 109–336). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee of Conference. Conference report on H.R. 3010. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–337). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 1728. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; with an amendment (Rept. 109–338). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3626. A bill to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; with an amendment (Rept. 109–339). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3153. A bill to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs (Rept. 109–340). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2720. A bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes (Rept. 109–341 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 3422. A bill to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; with an amendment (Rept. 109–342). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 595. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes (Rept. 109–343). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 596. Resolution waiving points of order against the further conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–344). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 2720 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on Homeland Security discharged from further consideration of H.R. 4437.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4437. A bill to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with an amendment; (Rept. 109-345, Pt. 1); referred to the Committees on Education and the Workforce, and Ways and Means for a period ending not later than December 14, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(e) and clause 1(t), rule X, respectively. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. NORTHUP (for herself, Mr. Davis of Illinois, Mr. King of Iowa, and Mr. Flake):

H.R. 4500. A bill to designate certain buildings of the Centers for Disease Control and Prevention; considered and passed.

By Mr. HYDE:

H.R. 4501. A bill to amend the Passport Act of June 4, 1920, to authorize the Secretary of State to establish and collect a surcharge to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on International Relations.

By Mr. NORWOOD (for himself, Mr. Davis of Tennessee, and Mr. Graves):

H.R. 4502. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to provide an exemption for workers who work year-round and for other purposes; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself, Mr. Davis of Tennessee, and Mr. Graves):

H.R. 4503. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to provide for mandatory mediation; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself, Mr. Davis of Tennessee, and Mr. Graves):

H.R. 4504. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to provide for recovery of attorneys fees and a statute of limitations, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 4505. A bill to provide for a credit for certain health care benefits in determining the minimum wage for employers required to pay a minimum wage at a rate higher than the current Federal rate; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. Berman, Mr. Nadler, Mr. Scott of Virginia, Ms. Zoe Lofgren of California, Mr. Dingell, Mr. Frank of Massachusetts, and Ms. Harman):

H.R. 4506. A bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Intelligence (Permanent Select), and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 4507. A bill to establish a Federal program to provide reinsurance for State natural disaster insurance programs; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. LoBiondo, Mr. Filner, Mr. Boustany, Mr. Coble, Mr. Boyd, Mr. Baker, Mr. Taylor of Mississippi, Mr. Melancon, Mr. Simmons, Mr. Fortuño, Mr. Hoekstra, Mr. Mack, Mr. Alexander, Ms. Schwartz of Pennsylvania, and Ms. Eddie Bernice Johnson of Texas):

H.R. 4508. A bill to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ABERCROMBIE (for himself and Mr. Case):

H.R. 4509. A bill to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building"; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself, Ms. Watson, Mr. Rush, Ms. Lee, Mr. Brady of Pennsylvania, Mr. Hastings of Florida, Ms. Kilpatrick of Michigan, Mr. McDermott, Mr. Conyers, Mr. Serrano, Mrs. Maloney, Mr. Bishop of Georgia, Mr. Pallone, Mr. Brown of Ohio, Mr. Meeks of New York, Ms. Kaptur, Mr. Chabot, Ms. Millender-McDonald, Ms. Slaughter, Mr. Gilchrest, Mr. Lincoln Diaz-Balart of Florida, Mr. Hoekstra, Ms. Woolsey, Mr. Gene Green of Texas, Mr. Shimkus, Mr. Markey, Mr. Dingell, Mrs. Capps, and Ms. Matsui):

H.R. 4510. A bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the rotunda of the Capitol; to the Committee on House Administration.

By Mr. CANTOR (for himself and Mr. Burgess):

H.R. 4511. A bill to amend the Internal Revenue Code of 1986 to allow the use of flexible spending and health reimbursement arrangements in combination with health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself and Mr. Daniel E. Lungren of California):

H.R. 4512. A bill to direct the Secretary of Homeland Security to conduct a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation; to the Committee on Homeland Security.

By Mr. FRANK of Massachusetts:

H.R. 4513. A bill to temporarily extend the applicability of Terrorism Risk Insurance Act of 2002; to the Committee on Financial Services.

By Mr. JINDAL (for himself, Mr. Thompson of Mississippi, Mr. McCrery, Mr. Pickering, Mr. Wicker, and Mr. Bonner):

H.R. 4514. A bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina or Hurricane Rita, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHL of New York (for himself, Mr. Hunter, Mr. Young of Florida, Mr. Boehlert, Mr. Rangel, Mr. Walsh, Mr. Reynolds, Ms. Slaughter, Mr. Higgins, Mr. McHugh, Mr. Hinchey, Mr. Sweeney, Mr. McNulty, Mrs. Kelly, Mrs. Lowey, Mr. King of New York, Mr. Engel, Mr. Fossella, Mrs. McCarthy, Mr. Bishop of New York, Mr. Israel, Mr. Ackerman, Mr. Crowley, Mr. Nadler, Mr. Owens, Mr. Meeks of New York, Mr. Weiner, Mr. Serrano, Mr. Towns, Mrs. Maloney, and Ms. Velázquez):

H.R. 4515. A bill to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office"; to the Committee on Government Reform.

By Mr. McHUGH (for himself, Mr. Sweeney, Mrs. Kelly, Mr. Fossella, Mr. Kuhl of New York, Mr. Walsh, Mr. King of New York, Mr. Reynolds, Mr. Boehlert, Mrs. Maloney, Mr. Towns, Mr. Engel, and Mr. Crowley):

H.R. 4516. A bill to establish the Hudson-Fulton-Champlain Quadricentennial Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Mr. MEEK of Florida (for himself, Mr. Mario Diaz-Balart of Florida, Mr. Jindal, Ms. Wasserman Schultz, Mr. Hastings of Florida, Ms. Corrine Brown of Florida, Ms. Kilpatrick of Michigan, Mr. Owens, Mr. Payne, and Mr. Lincoln Diaz-Balart of Florida):

H.R. 4517. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to restore Federal aid for the repair, restoration, and replacement of private nonprofit educational facilities that are damaged or destroyed by a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4518. A bill to amend title 5, United States Code, to deny Federal retirement benefits to Government officials convicted of certain crimes; to amend title 18, United States Code, to increase the penalties for certain corruption-related offenses; and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 4519. A bill to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. SPRATT, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. MARKEY, Mr. PALLONE, Mrs. CAPPS, Mr. ALLEN, Ms. BALDWIN, Mr. CAPUANO, Mr. FARR, Ms. HARMAN, Ms. MATSUI, Mr. FRANK of Massachusetts, Mr. HONDA, Mr. BERMAN, Mr. VAN HOLLEN, Ms. LEE, Mr. KILDEE, Mr. KANJORSKI, and Ms. WOOLSEY):

H.R. 4520. A bill to amend part B of title XVIII of the Social Security Act to assure equitable payment for physicians services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4521. A bill to prohibit the Secretary of Defense from purchasing certain steel or equipment, products, or systems made with steel that is not melted and poured in the United States; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 4522. A bill to amend the Higher Education Act of 1965 to provide for student loan forgiveness to encourage individuals to become and remain school administrators in low income areas; to the Committee on Education and the Workforce.

By Mr. ABERCROMBIE (for himself, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. DOYLE, Mr. SHERMAN, Mr. HOLT, Mr. MURTHA, Mr. RYAN of Ohio, Mr. PETERSON of Pennsylvania, Mr. PASCRELL, Mr. KANJORSKI, Mr. UDALL of New Mexico, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Ms. WATERS, Ms. HOOLEY, Mrs. MCCARTHY, Mr. FATTAH, Ms. SCHWARTZ of Pennsylvania, Mr. VISCLOSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. MENENDEZ, Mr. FARR, Mr. HOYER, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Mr. GEORGE MILLER of California, Mr. BERRY, Mr. ETHERIDGE, Mr. BOYD, Ms. DELAURO, Mr. CARDOZA, Mr. CROWLEY, Mr. THOMPSON of California, Mr. ALLEN, Mr. BARROW, Ms. KAPTUR, Mr. EDWARDS, Mr. MARKEY, Mr. SANDERS, Mr. INSLEE, Mr. GENE GREEN of Texas, Mr. NADLER, Mr. RUSH, Mr. DEFAZIO, Mr. DELAHUNT, Mr. FILNER, Mr. TANNER, and Mr. HASTINGS of Florida):

H. Res. 597. A resolution recognizing and congratulating Don Ho on his career in music; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. UPTON introduced a bill (H.R. 4523) for the relief of Ibrahim Parlak; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WESTMORELAND.

H.R. 114: Mr. MEEHAN.

H.R. 136: Mr. INGLIS of South Carolina.

H.R. 226: Mr. BUTTERFIELD and Mr. ALLEN.

H.R. 284: Mr. GILLMOR.

H.R. 303: Mr. SHAYS.

H.R. 389: Mr. MOORE of Kansas and Mr. SANDERS.

H.R. 503: Mr. RYAN of Ohio and Mr. CONYERS.

H.R. 517: Mr. BUTTERFIELD, Mr. DAVIS of Alabama, Mr. SNYDER, and Ms. MCKINNEY.

H.R. 615: Mr. ENGLISH of Pennsylvania and Mr. JEFFERSON.

H.R. 670: Mr. SHERMAN.

H.R. 676: Ms. SCHAKOWSKY and Mr. CAPUANO.

H.R. 752: Mr. BOSWELL.

H.R. 769: Mr. DAVIS of Illinois, Mr. KILDEE, Mr. GARRETT of New Jersey, and Ms. DELAURO.

H.R. 896: Mr. MATHESON and Mr. BOUSTANY.

H.R. 925: Mr. BOOZMAN.

H.R. 1020: Mr. SANDERS.

H.R. 1053; Mr. MCCOTTER, Mr. ROTHMAN, Mr. HINCHEY, Mr. KOLBE, and Mr. BERMAN.

H.R. 1070: Mr. BOUSTANY.

H.R. 1073: Mr. KING of Iowa.

H.R. 1074: Mr. KING of Iowa.

H.R. 1075: Mr. KING of Iowa.

H.R. 1177: Mr. SIMPSON, Mr. ROTHMAN, Mr. FILNER, Mr. KUHL of New York, Mr. RUPPERSBERGER, Mr. SAXTON, Mr. MCGOVERN, Mr. RAHALL, Mr. BOUCHER, Mr. MENENDEZ, Mr. MURPHY, Mr. THOMPSON of Mississippi, Mr. EVANS, and Mr. PAYNE.

H.R. 1188: Mr. GORDON and Mr. INGLIS of South Carolina.

H.R. 1259: Mr. VAN HOLLEN and Mr. PORTER.

H.R. 1290: Mr. RAMSTAD.

H.R. 1298: Mr. THOMPSON of Mississippi and Ms. SOLIS.

H.R. 1310: Mr. ANDREWS.

H.R. 1357: Mr. CONAWAY.

H.R. 1426: Mr. MURPHY.

H.R. 1471: Mr. MORAN of Virginia.

H.R. 1498: Mr. SAM JOHNSON of Texas.

H.R. 1578: Ms. ROS-LEHTINEN, Mr. CRENSHAW, Mrs. MALONEY, Mr. DAVIS of Kentucky, Mr. CAPUANO, Ms. HARRIS, Mr. NEUGEBAUER, Mr. FORD, Ms. SCHWARTZ of Pennsylvania, Mrs. NORTHUP, Mrs. LOWEY, Mrs. TAUSCHER, Mr. MCHUGH, and Mr. COLE of Oklahoma.

H.R. 1588: Ms. MOORE of Wisconsin.

H.R. 1645: Ms. SCHWARTZ of Pennsylvania.

H.R. 1646: Mr. VAN HOLLEN, Mrs. MCCARTHY, Mr. FITZPATRICK of Pennsylvania, Mr. SMITH of Washington, Mr. SKELTON, Mr. SANDERS, Mr. DOGGETT, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. SCOTT of Georgia, Mr. WEXLER, and Mr. MCHUGH.

H.R. 1668: Mr. TOWNS.

H.R. 2048: Mr. ALEXANDER, Mr. BUTTERFIELD, Mr. BOUCHER, Ms. BERKLEY, and Mr. ANDREWS.

H.R. 2134: Ms. CORRINE BROWN of Florida.

H.R. 2206: Mr. BOSWELL.

H.R. 2238: Mr. BROWN of South Carolina.

H.R. 2317: Mr. GIBBONS and Mr. KUCINICH.

H.R. 2345: Ms. NORTON, Mr. CUMMINGS, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. ACKERMAN, and Mr. OWENS.

H.R. 2369: Mr. BROWN of Ohio.

H.R. 2378: Mr. GRAVES and Mr. PAUL.

H.R. 2428: Ms. ROYBAL-ALLARD, Mrs. CAPPS, and Ms. HOOLEY.

H.R. 2637: Mr. BISHOP of New York.

H.R. 2669: Mr. MCCOTTER, Mr. WEXLER, Mr. SANDERS, Mr. GUTIERREZ, Mr. SAXTON, Mr. PASTOR, Mr. LEACH, Ms. HOOLEY, Ms. DELAURO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2793: Mr. CUMMINGS and Mr. JENKINS.

H.R. 2861: Mr. STRICKLAND.

H.R. 2892: Mr. FORTUÑO and Mr. CONYERS.

H.R. 2963: Ms. WOOLSEY.

H.R. 2971: Mr. INGLIS of South Carolina.

H.R. 3037: Mr. SABO and Ms. MCKINNEY.

H.R. 3080: Mr. RADANOVICH, Mr. HOSTETTLER, Mr. SHIMKUS, Mr. ROGERS of Kentucky, Mr. TURNER, and Mr. DEAL of Georgia.

H.R. 3137: Mr. EVERETT.

H.R. 3142: Mr. BRADY of Pennsylvania.

H.R. 3145: Mr. SMITH of New Jersey and Mr. GRIJALVA.

H.R. 3195: Ms. WOOLSEY and Mr. COSTELLO.

H.R. 3337: Mr. FORTUÑO.

H.R. 3361: Mr. CARDIN and Mr. CONYERS.

H.R. 3375: Mr. SHAYS.

H.R. 3449: Mr. CASE.

H.R. 3476: Ms. CARSON and Mr. SAM JOHNSON of Texas.

H.R. 3478: Mr. BUTTERFIELD, Mr. SNYDER, and Mrs. MALONEY.

H.R. 3546: Mr. FARR, Mr. SANDERS, and Ms. WOOLSEY.

H.R. 3607: Mr. HINCHEY.

H.R. 3617: Mr. STRICKLAND and Ms. GRANGER.

H.R. 3657: Mr. GRIJALVA.

H.R. 3753: Mrs. SCHMIDT.

H.R. 3760: Mr. MARKEY.

H.R. 3787: Mr. EVANS.

H.R. 3794: Mr. THOMPSON of Mississippi.

H.R. 3838: Ms. ESHOO and Mr. HOLT.

H.R. 3861: Mr. FILNER, Mr. INSLEE, Mr. OLVER, Mr. CLEAVER, Mr. SNYDER, Mr. ACKERMAN, Ms. JACKSON-LEE of Texas, and Mr. UDALL of Colorado.

H.R. 3876: Mr. PRICE of North Carolina.

H.R. 3883: Mr. RENZI, Mr. SENSENBRENNER, Mr. RAMSTAD, Mr. RYAN of Wisconsin, Mr. STUPAK, and Mr. WAMP.

H.R. 3888: Mr. EVANS and Ms. SOLIS.

H.R. 3925: Ms. DEGETTE.

H.R. 3940: Mr. BOUSTANY.

H.R. 3973: Mr. MILLER of North Carolina.

H.R. 3985: Mr. BOSWELL, Ms. LORETTA SANCHEZ of California, Mr. MEEKS of New York, Mr. VAN HOLLEN, Ms. MATSUI, Mrs. LOWEY, and Mr. SMITH of Washington.

H.R. 4015: Mr. KENNEDY of Minnesota.

H.R. 4019: Mr. MARCHANT and Mr. CHABOT.

H.R. 4092: Mr. OWENS, Mr. ORTIZ, Mr. GRIJALVA, Mr. WAXMAN, and Mr. BUTTERFIELD.

H.R. 4158: Mrs. MCCARTHY.

H.R. 4167: Mr. REYNOLDS, Mr. KANJORSKI, Mr. STEARNS, Mr. SAXTON, Mr. REICHERT, Mr. MCHUGH, Mrs. MILLER of Michigan, and Mr. KING of Iowa.

H.R. 4170: Mr. COBLE.

H.R. 4194: Mr. WAMP.

H.R. 4200: Mr. SHIMKUS and Mr. FRANKS of Arizona.

H.R. 4217: Mr. WAMP.

H.R. 4222: Mr. VAN HOLLEN.

H.R. 4246: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4254: Mr. VAN HOLLEN and Mr. CONYERS.

H.R. 4259: Mr. BROWN of Ohio.

H.R. 4282: Ms. WOOLSEY.

H.R. 4299: Mr. COLE of Oklahoma and Mr. ISTOOK.

H.R. 4315: Mr. SAXTON, Mr. BONNER, Mr. GREEN of Wisconsin, Mr. RAMSTAD, Mr. BOUSTANY, Mr. ENGLISH of Pennsylvania, Ms. WOOLSEY, Mr. HAYES, Mr. SESSIONS, Mr. KING of New York, Mr. SNYDER, Mr. KUHL of New York, and Mr. GERLACH.

H.R. 4318: Mr. BONNER, Mrs. Drake, Miss MCMORRIS, Mr. GOHMERT, Mr. TANCREDO, Mr. CANNON, Mr. FORTUÑO, Mr. BEAUPREZ, Mr. WALDEN of Oregon, Mrs. MUSGRAVE, Mr. SHADEGG, Mr. LINDER, Mr. PITTS, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. RENZI, Mr. WELLER, and Mr. REHBERG.

H.R. 4341: Mr. RADANOVICH, Mr. SCOTT of Georgia, and Ms. HERSETH.

H.R. 4351: Mr. RYAN of Ohio, Mr. VAN HOLLEN, Ms. DELAURO, Mr. DEFAZIO, Mr. ROTHMAN, Ms. KILPATRICK of Michigan, Mr. PALLONE, Mr. CONYERS, and Mr. EVANS.

H.R. 4372: Mr. OWENS, Mr. BACA, and Mr. WEXLER.

H.R. 4384: Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. CONYERS, and Mr. LEACH.

H.R. 4392: Mr. CONYERS and Mr. STARK.

H.R. 4407: Mr. PETERSON of Minnesota.

H.R. 4408: Mr. PRICE of Georgia.

H.R. 4416: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. OWENS, Mrs. CHRISTENSEN, Mr. EVANS, Ms. MCKINNEY, and Mr. BUTTERFIELD.

H.R. 4437: Mr. PICKERING, Mr. BAKER, Mr. BURGESS, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. POE, Mr. KLINE, Mr. MCHUGH, Mr. LEWIS of California, Mrs. BONO, Mr. ROYCE, Mr. MURPHY, and Mr. RYUN of Kansas.

H.R. 4463: Mr. MCDERMOTT, Ms. ESHOO, Mr. ABERCROMBIE, Mr. DAVIS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. SANDERS, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Mr. RUPPERSBERGER, and Ms. ZOE LOFGREN of California.

H.R. 4465: Ms. BALDWIN, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. ANDREWS, and Mr. UDALL of Colorado.

H.R. 4472: Mr. FOLEY, Mr. FORBES, Mr. GALLEGLY, Mr. GIBBONS, Mr. PENCE, Mr. PORTER, Mr. GREEN of Wisconsin, Mr. KLINE, Mr. KENNEDY of Minnesota, Mr. GILLMOR, Mr. WESTMORELAND, Mr. MOORE of Kansas, Mr. ROYCE, Mrs. CAPITO, Ms. HARRIS, Mr. POE, Mr. CALVERT, Mr. GOODE, Ms. GINNY BROWN-WAITE of Florida, and Mr. GRAVES.

H.R. 4479: Mr. GRIJALVA, Mr. HINCHEY, Mr. MICHAUD, Ms. NORTON, Mr. TOWNS, Mr. CONYERS, and Mr. PALLONE.

H.R. 4481: Mr. STUPAK, Ms. DELAURO, and Mr. FRANK of Massachusetts.

H.R. 4491: Mr. STUPAK.

H.R. 4492: Mr. KUCINICH, Mr. CONYERS, and Mr. OWENS.

H. J. Res. 54: Mr. VAN HOLLEN.

H. J. Res. 63: Mr. RAMSTAD.

H. J. Res. 73: Mr. GEORGE MILLER of California, Mr. BACA, Ms. LINDA T. SÁNCHEZ of California, Mr. DOGGETT, Mr. OWENS, Ms. WATSON, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. KUCINICH, Mr. TOWNS, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, and Mr. OBERSTAR.

H. Con. Res. 106: Mr. JOHNSON of Illinois.

H. Con. Res. 177: Mr. SAXTON and Mr. BRADY of Pennsylvania.

H. Con. Res. 222: Mr. SNYDER, Mr. POMBO, and Mrs. DRAKE.

H. Con. Res. 302: Mr. PITTS, Mr. GOODLATTE, Mr. ENGLISH of Pennsylvania, Mr. COLE of Oklahoma, and Mr. CONAWAY.

H. Con. Res. 311: Mr. NEAL of Massachusetts.

H. Res. 85: Mr. HINOJOSA.

H. Res. 483: Mr. FORTUÑO and Mr. ENGLISH of Pennsylvania.

H. Res. 487: Mr. AL GREEN of Texas and Mr. KUCINICH.

H. Res. 498: Mr. PETRI.

H. Res. 526: Mr. SKELTON.

H. Res. 529: Mr. HINCHEY.

H. Res. 566: Mr. UDALL of Colorado, Mr. CASE, Mr. CARNAHAN, Mr. RADANOVICH, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 573: Mr. CONYERS, Mr. GRIJALVA, and Mr. PAYNE.

H. Res. 574: Mr. MCNULTY, Mr. SCHIFF, Ms. ZOE LOFGREN of California, Mrs. NAPOLITANO, Mr. SHERMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. LANTOS, and Mr. FARR.

H. Res. 575: Mr. FRANKS of Arizona, Mr. SCHIFF, Mr. MICHAUD, Mr. SIMPSON, Mr. LANGEVIN, Mr. MOORE of Kansas, Mr. MCHUGH, Mr. NADLER, Mr. SAXTON, Mr. LARSEN of Washington, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Ms. PELOSI, Mr. SMITH of Washington, Ms. HOOLEY, Miss MCMORRIS, Mr. COSTA, Mr. GINGREY, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Illinois, Mr. EVERETT, Mr. MILLER of Florida, Mr. KINGSTON, Mrs. BIGGERT, Mr. MEEK of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. BISHOP of Utah, Mr. MARSHALL, Mr. SPRATT, Mr. BARRETT of South Carolina, Mr. MEEKS of New York, Mrs. MUSGRAVE, Mr. TANCREDO, and Mr. CLYBURN.

H. Res. 579: Mr. ISTOOK, Mr. RYUN of Kansas, Mr. CARTER, Mr. PITTS, Mr. MILLER of Florida, Mr. DOOLITTLE, Mr. GOODLATTE, Mr. MCCOTTER, Mr. COLE of Oklahoma, Mrs. EMERSON, and Mr. FORBES.

H. Res. 590: Ms. BERKLEY, Mr. RADANOVICH, Mr. GILLMOR, Mr. MORAN of Virginia, and Mr. BOOZMAN.

H. Res. 592: Mr. CASTLE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4099: Mr. BOREN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4437

OFFERED BY: MR. FILNER

AMENDMENT NO. 1: At the end of title VII, add the following:

SEC. 709. IMMIGRATION-RELATED DISCRIMINATION.

(a) STUDY.—The Attorney General shall conduct a study on the effect increased enforcement of employer sanctions has on discrimination in the workplace based on national origin or citizenship since 2000.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the study under subsection (a). Such report shall include recommendations regarding how such discrimination may be prevented.

H.R. 4437

OFFERED BY: MR. FILNER

AMENDMENT NO. 2: Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting "distributes (or intends to distribute)," before "or falsely" the first place it appears.

Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting "distributed," before "or falsely" the second place it appears.

H.R. 4437

OFFERED BY: MR. FILNER

AMENDMENT NO. 3: At the end of the bill, insert the following:

TITLE IX—EMERGENCY SERVICES

SEC. 901. SHORT TITLE.

This title may be cited as the "Pay for All Your Undocumented Procedures (PAY UP!) Act of 2005".

SEC. 902. AUTHORIZING FEDERAL PAYMENT TO EMERGENCY AMBULANCE AND MEDICAL SERVICES PROVIDERS FOR THE COST OF UNCOMPENSATED CARE OF ALIENS AIDED BY THE BORDER PATROL OR OTHER FEDERAL IMMIGRATION OFFICIALS.

(a) IN GENERAL.—In the case described in subsection (b), the Secretary of Homeland Security shall, from amounts appropriated under subsection (c), provide payment to the hospital, health clinic, or other provider of the ambulance or other emergency services described in subsection (b) appropriate reimbursement for the costs of such emergency services, but only to the extent that such costs are not otherwise reimbursed through any Federal program and cannot be recovered from the alien or another person.

(b) CASE OF INJURED ALIEN DESCRIBED.—A case described in this subsection is the case of an alien to whom a Border Patrol agent or other Federal immigration official provides assistance in any form, directly or indirectly, in seeking or obtaining emergency medical assistance, including contacting an ambulance service for the transport of the alien to an appropriate medical facility for the receipt of emergency services.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year, beginning with fiscal year 2006, such sums as may be necessary to carry out this section.

H.R. 4437

OFFERED BY: MR. FILNER

AMENDMENT NO. 4: At the end of the bill add the following:

TITLE IX—DOCUMENTARY REQUIREMENTS

SEC. 901. SHORT TITLE.

This title may be cited as the "Visitors Interested in Strengthening America (VISA) Act of 2005".

SEC. 902. WAIVER OF DOCUMENTARY REQUIREMENTS FOR CERTAIN NONIMMIGRANT CHILDREN AND ACCOMPANYING ADULTS.

Section 212(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)) is amended—

(1) by striking "(4)" and inserting "(4)(A)";

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(3) by adding at the end the following:

"(B)(i) Upon application by an alien who is citizen or national of Mexico, and who is applying for admission as a visitor under section 101(a)(15)(B) from Mexico, the Department of Homeland Security official in charge at a port of entry may, in the exercise of his or her discretion, on a case-by-case basis, waive either or both of the requirements paragraph (7)(B)(i) of subsection (a), if the official is satisfied that the alien is in possession of proper identification, as provided under clause (ii), and the alien is a child coming for a regular medical appointment (as evidenced by proof such as a letter from the medical professional concerned), or is the parent (or other adult chaperone) accompanying such a child, except that the number of adults admitted under this subclause shall not exceed one per child;

"(ii)(I) For purposes of this subparagraph, in the case of a child, proper identification shall include a passport, birth certificate, or other proof of citizenship or nationality.

"(II) In the case of an adult, proper identification shall include a passport, birth certificate, or other proof of citizenship or nationality, and a government-issued driver's license, or similar document issued for the purpose of identification, that contains personal identifying information and a photograph.

"(iii) For purposes of this subparagraph—

"(I) the term 'child' means an unmarried person under 16 years of age; and

"(II) the term 'adult' means any person who is not a child.".

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO MARSHA McELLIGOTT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to a dear member of my staff, Marsha McElligott, who will soon retire after nearly 31 years of service to the House of Representatives. I have been fortunate enough to work with Marsha since I was sworn into office in January of 1993, but that was not the beginning of her congressional career. In fact, nearly her entire working life has been devoted to public service.

After graduating from the Katharine Gibbs School, she went to work for my predecessor in representing this district, Congressman Matthew McHugh. She served as his assistant in the Ithaca city prosecutor's office, in the Tompkins County District Attorney's office and then in his private law practice. When Matt was elected to Congress in 1974, she joined him as a caseworker on his staff and stayed through his retirement in 1992. I am very grateful to have inherited her service when I was elected in 1993.

Most of the people in Ithaca, where she's worked for all 31 years, would be surprised to learn that she's never lived in the congressional district. Rather, she's lived all of her life in Watkins Glen, in a neighboring county. It's remarkable for the fact that her knowledge of the communities of this congressional district is so deep and her work has always been so seamless that I think most of my constituents would assume that she had, in fact, been an Ithaca native.

Her service is also unusual in that she has devoted so many years to two members of Congress, Matt McHugh and myself. While we undoubtedly have different styles and have run our congressional offices in different manners, Marsha never missed a beat when she came to work for me, and I doubt that constituents who had received her help ever noticed any transition. They only noticed how very well served they were in her hands.

A congressional career that spans more than 30 years has become very rare, and I fear that there are few Marsha McElligotts left in congressional employment, staff members who are so deeply, personally dedicated to serving the public, serving the Members for whom they work, and upholding the very best goals and ideals of this institution.

I've always said that being a caseworker is the hardest job in a congressional office—it's demanding, it's stressful, and it requires infinite patience and persistence. It takes a very special person to do that job well and for such a long time. I can think of no finer embodiment of these qualities than Marsha McElligott. She has true respect for the role of Congress and for the difference that an individual Member can make in the lives of his or her constituents by providing access to the halls of government.

Like many of our longest-serving and most dedicated staff, Marsha has been relatively anonymous. Constituents may remember for decades the name of the Member of Congress who helped them earn their citizenship, or get their veterans' benefits, or solve a problem with the IRS, but they probably won't remember the name of the staff member who helped them.

That anonymity is a testament to how deeply dedicated to the greater good that Marsha, and staffers like her, truly are. I offer it as a compliment. Some people who work in a public service position for a long time come to be known for their own personalities and their own political careers. For Marsha, her devotion has been to Congressman McHugh and me and to the people of the congressional district. She has been utterly selfless, subsuming her own opinions to be instead the voice of the members of Congress she has served and working always for the good of our constituents, not her own personal gain. Because she is always the picture of discretion, she has the unfailing trust of our constituents, my staff and me.

There are thousands of people in the congressional district I represent—immigrants and new citizens, college students, veterans, people with disabilities, young, old, rich and poor—whose lives have been bettered by the efforts of Marsha McElligott. Marsha's a very modest person, but I believe there's no exaggeration in saying that she's made a difference in the future of our nation, because of her particular devotion to two areas of her work: bringing new citizens into our country and helping to select the finest leaders of our armed forces.

For hundreds of refugees, visa applicants, or those needing help with the naturalization process, Marsha's patience and compassion has meant the difference between hope and despair, success and failure, united or divided families. The long and exhausting process these special cases require have proven no match for Marsha's limitless diligence and desire to serve those in need of help. Many of these cases were presented by people who didn't speak English or didn't know our customs, people who were scared and intimidated. She made a good introduction to these people of what America was all about, and what American government means in the lives of individuals. People who were frightened by the immigration process when they came to our offices were reassured by her direct personal contact, her no-nonsense attitude and the confidence she inspired that she'd sort out whatever sort of bureaucratic mess they were in. A generation of immigrants to the Finger Lakes region from all over the world became citizens because of her.

Hundreds of young men and women seeking appointments to the nation's military academies also have Marsha to thank for their entry into these elite institutions. Marsha's ability to coach these future leaders of our armed forces successfully through the nomination process is worthy of great admiration and praise.

I could go on and on about her professional accomplishments, but I want to close by saying what she has meant to me personally. She has been a pleasure to know and to work with, and I've relied on her wisdom and experience in these 13 years more times than I can count. Day in and day out, she has regularly, faithfully and loyally provided the very best service any Member of Congress could hope for, for more than three decades. I congratulate her as she prepares for this new chapter of her life and know that her husband David, their children and families look forward to spending more time with her.

RECOGNIZING THE SIGNIFICANT CONTRIBUTIONS OF THE NEVADA COMMISSION ON TOURISM

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. PORTER. Mr. Speaker, today I rise with my colleagues, Congresswoman SHELLEY BERKELEY and Congressman JIM GIBBONS, to recognize the significant contributions of the Nevada Commission on Tourism in leading the United States in tourism marketing and promotion in China.

Since 2002, the Nevada Commission on Tourism has been instrumental in collaborating with Chinese officials to strengthen international ties with this burgeoning tourist economy. The Nevada Commission on Tourism is the first U.S. tourism entity at any government level to be granted a license by the Chinese government to advertise its tourism attractions to prospective Chinese tourists. All of this was achieved in less than 1 year and with minimal costs to taxpayers.

The result of their efforts has not solely benefited the State of Nevada, but has encouraged tourism to all parts of the United States. Statistically, Chinese tourism to the United States has increased by 20 percent from 2003 to 2004, when Nevada was able to achieve its licensing goals. Therefore, through their innovative efforts, the Nevada Commission on Tourism has paved the way for other States to actively participate in marketing to this uniquely lucrative economy.

We are encouraged by the tremendous growth in Chinese tourism and we recognize that there is fertile ground in this burgeoning

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

international travel and tourism market. Further, we are optimistic that other states will follow Nevada's lead and actively begin to market travel and tourism to China, the world's largest market place.

Mr. Speaker, again, we applaud the uniquely monumental efforts of the Nevada Commission on Tourism and look forward to witnessing an even greater increase in Chinese tourism to our State and other tourist destinations throughout the United States.

HONORING JAMES RIZZO ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 23

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor James Rizzo, a resident of Chautauqua County for his quest to become the elected representative to the twenty-third legislative district in the Chautauqua County Legislature. Although Mr. Rizzo was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Rizzo traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 23.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Rizzo is one of those people and that is why Mr. Speaker I rise to honor him today.

HONORING THE DISTINGUISHED SERVICE OF DICK PALMER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the distinguished career of Dick Palmer, a Murfreesboro, Tennessee, native who has been the voice of the Middle Tennessee State University Blue Raiders for 25 years.

A 1960 graduate of MTSU, Dick is a Blue Raider through and through. His presence on the airwaves certainly will be missed. For more than 46 years, Dick has been involved in sporting events in Tennessee, from his 9 year stint calling play-by-play for Jackson high school sports to his work with the Memphis Blues baseball team, Memphis Pros ABA team, and Memphis Grizzlies World Football League team.

Although he will be retiring from MTSU broadcasting at the end of this season, I have no doubt that Dick will continue to be an active and valued member of the Murfreesboro community. Not only a family businessman in charge of operations for Palmer Wholesale, Dick also has served as a mentor and role model to countless young people as a Little League baseball coach. I even had the privilege of being coached by Dick when he was my seventh grade basketball coach at Hobgood Elementary School.

Dick's dedication to his community and to the Blue Raiders is truly an inspiration and a shining example of Middle Tennesseans at their best. It has been a pleasure knowing him since I was a young man, and I am proud to call him a family friend. I thank him for all of his contributions to Middle Tennessee and wish him all the best for his retirement.

SIKHS ENTHUSIASTICALLY CELEBRATE GURU NANAK'S BIRTHDAY WITH REVERENCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. TOWNS. Mr. Speaker, last month, Sikhs gathered from around the world to celebrate the birthday of Guru Nanak, the founder of Sikhism, with devotion, enthusiasm, and reverence. Over 25,000 Sikhs gathered in Nankana Sahib, in what is now Pakistan, for the celebration.

The celebration included reading of the Sikh holy scripture, the Guru Granth Sahib, the singing of hymns, a procession through the streets, and speeches. One of the speeches was given by Dr. Gunnit Singh Aulakh, President of the Council of Khalistan, the organization that leads the Sikh struggle for independence. Dr. Aulakh's speech was punctuated with slogans of "Khalistan Zindabad," which means "Long live Khalistan." Khalistan is the name of the Sikh state that declared its independence on October 7, 1987.

The celebration was carried live on Pakistani television and on Punjab Radio from London, which is available worldwide.

Guru Nanak had two companions, one Hindu and one Muslim. He was a shining example of acceptance of all. When Guru Nanak passed away, his burial shawl was torn in half and burned by the Hindus, and buried by the Muslims. Both Hindus and Muslims revered him.

Yet today, Hindus persecute the Sikhs, the followers of Guru Nanak. More than 250,000 Sikhs have been murdered at the hands of the Indian government. According to the Movement Against State Repression, MASR, over 52,000 are being held without charge or trial as political prisoners in "the world's largest democracy." Over 50,000 young Sikh men were picked up by the government, tortured, murdered, and then secretly cremated. Their bodies were declared "unidentified" and never returned to their families.

Christians and Muslims throughout the country are also being persecuted. Over 300,000 Christians in Nagaland and over 90,000 Kashmiri Muslims have been killed by the government. In addition, tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities have been killed.

Are we going to stand idly by and let this happen? By stopping our aid and trade with India and by declaring our support for the fundamental democratic principle of self-determination, we can help bring real peace, prosperity, freedom, and stability to South Asia.

Mr. Speaker, I would like to insert the Council of Khalistan's very informative press release about the celebration of Guru Nanak's birthday into the RECORD at this time.

[From the Council of Khalistan, Nov. 22, 2005]

SIKHS CELEBRATE GURU NANAK'S BIRTHDAY WITH DEVOTION, ENTHUSIASM, REVERENCE

WASHINGTON, DC.—Over 25,000 Sikhs gathered in Nankana Sahib (now in Pakistan) last week for the celebration of the birthday of Guru Nanak, the first Guru of the Sikh religion. About 15,000 were from Pakistan, about 4,500 were from India, and the rest were from abroad. Slogans of "Khalistan Zindabad" resonated throughout Nankana Sahib during the day's speeches.

The celebration began with the performance of Akand Path, which is the The Guru Granth Sahib, the Sikh holy scripture, was read without interruption for 48 hours leading up to Guru Nanak's birthday. Hymns were sung as midnight struck. In the morning, the Pakistan Gurdwara Prabandhak Committee (PGPC) presented government officials and others with siropas. According to Sikh tradition, the afternoon was marked by a procession led by the Guru Granth Sahib, followed by the Panj Piaras, and then the Sangat, of all the Gurdwaras in Nankana Sahib, ending back at Gurdwara Janam Asthan. The evening program featured speeches given by various Sikh leaders, including Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh struggle for independence. When Dr. Aulakh raised slogans of "Khalistan Zindabad," the Sangat responded with great enthusiasm. The Sikh Nation knows that political power is essential for the enhancement of any religion. The Sikh Nation also knows that the gold was added to cover the building of Darbar Sahib when the Sikihs ruled Punjab from 1765 to 1849. Since then, it is also called the Golden Temple. After midnight the celebration concluded with ceremonies according to the Sikh rehat maryada.

The Sang at showed great devotion and reverence on this pious occasion. Guru Nanak was the founder of the Sikh religion. ("Marya Sikha Jagat Sitch Nanak Nirmal Panth Chalaya.") It was an occasion of great happiness for the Khalsa Panth. The events were carried live on Pakistani TV and on Punjab Radio from London, which is heard throughout the world. Sikhs who were able to participate in the celebration were very fortunate.

Guru Nanak confronted Sabar, the Moghul ruler of the time and called him a Jabbar (oppressor) and spoke out against the tyranny of the rulers of that time. He was even imprisoned by Babar, along with his followers. Guru Nanak travelled extensively, to the Middle East, where he visited Baghdad, and throughout India, along with his two companions, one Hindu, one Muslim. He spread his message of truthfulness, respect for the rights of individuals, earning an honest living, sharing with the needy, and praying to Almighty God. He was revered by Hindus and Muslims alike. When he left this world, his body was not found. The sheet covering his body was torn in two. The Hindus cremated it and the Muslims buried it, each according to their customs.

Guru Nanak is remembered as Baba Nanak Shah Faqir, Hindu Da Guru, Mussleman Da

Pir. He preached the equality of all the human race, including gender equality.

Sikhism is a divinely revealed, monotheistic, independent religion which has 25 million followers and is the world's fifth largest religion. The Guru Granth Sahib, the Sikh holy scripture, was written by the Gurus themselves as revealed to them by God. Nobody can add or delete anything in the holy scripture, which is considered to be a living Guru after the tenth Nanak, Guru Gobind Singh Sahib.

IN RECOGNITION OF THE CONTRIBUTIONS AND SERVICE OF SOLANO COUNTY SUPERVISOR SKIP THOMSON

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to recognize the exceptional value of Skip Thomson's thirty plus years of dedicated service to the citizens of Solano County.

In 1976, Skip Thomson began his career by accepting a position as Appraiser Aide in the Assessor's Valuation Division. Shortly thereafter he and his high school sweetheart, Gail Woods, were married, and within ten years Skip and Gail Thomson were blessed with two sons. Their oldest son, Loren, is a First Lieutenant in the California National Guard and is currently serving our country in Iraq. Their second son, Brandon, is currently a sophomore at Sierra Junior College in Rocklin, California, and is pursuing a Liberal Arts Degree.

After 16 years of service in the Assessor's Valuation Division, Skip Thomson campaigned for and won a position as a member of the Solano County Board of Supervisors. Skip served three terms representing the Fifth District, which encompasses 52 percent of Solano County, including the cities of Dixon, Rio Vista, south Vacaville and Suisun City. While serving as a member of the Board, one of Skip's proudest achievements was ensuring Travis Air Force Base the ability to expand if and when necessary.

After leaving his county board position, Skip Thomson was elected County Assessor/Recorder. Under his direction, a plan was developed and implemented that finalized the recording process of a 38,000 document backlog that existed when he took office. For this accomplishment, Skip and his staff were recognized for their achievements in the County's Annual Report.

Skip Thomson has spent his entire career working for his community and for the citizens of Solano County. As he enters retirement, I would like to wish Skip, Gail, and their sons many wonderful years of happiness, prosperity, and good health.

HONORING JOHN BROWN ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 19

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor John Brown, a resident of Chautauqua County for his quest to become the elected representative to the nineteenth legislative district in the Chautauqua County Legislature. Although Mr. Brown was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Brown traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 19.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Brown is one of those people and that is why Mr. Speaker I rise to honor him today.

IN PRAISE OF THE RICHMOND STEELERS FOOTBALL TEAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to pay special tribute to the Richmond Steelers Football Team as they return from the National Youth Football Pigskin League Tournament in Las Vegas. About 128 teams from around the country compete in the Tournament. I am proud to represent them in Congress.

The Richmond Steelers, 200 boys and one girl, under the direction of Head Coach Fred Harris, have long been a story of success in the history of national youth football. The Steelers have won five consecutive California state youth football titles and have compiled a 59–3 record over that span. The team reached their highest mark last year as they took first place in the Midget Division of the Pigskin Tournament.

More than the trophies, the Steelers represent salvation for children who otherwise face numerous hardships. In August 2004, players were devastated by the murder of Terrance Kelley, a former Steelers player and De La Salle High School football star who was on his way to the University of Oregon on a football scholarship. In August of this year, the day before the team's first practice game, beloved Midget coach Waleed Elahi was shot and killed. Waleed and his brother Khalid started an early morning breakfast program to ensure that players had a nutritious meal each morning before going to school.

This year, the opportunity to defend their title was nearly stripped from the Steelers, as they lacked the funds to travel to Las Vegas for the championship games. The team receives no outside funding and relies on membership fees and donations to survive. Steelers President Adrian Muhammad, when asked about the team's situation, said that unless there was a miracle, the team would not be able to afford the trip.

However, miracles still do happen. Once word got out, the community responded, and donations came pouring in. Residents and businesses from Contra Costa County banded together to help the team raise $30,000 in just a few weeks. With such an overwhelming response, the Steelers were able to make the trip.

The Steelers returned to Richmond with four honors, a first place trophy won by the Pee Wees, two second place trophies won by the Midgets and the Mighty Mites, and the Junior Midget's third place bronze medals. However, for these children and the community at large, the fact that the trip was even made possible is every bit as important as the outcome of the games. The individuals, businesses and community organizations of Richmond pooled their resources and together provided the necessary funding. This effort in support of our children represents the very best in community spirit and is an example of hope that we can all celebrate.

Mr. Speaker, it is my honor to recognize the journey that the coaches and players of the Richmond Steelers, and the community in which they live, have traveled this year. Please join me in celebrating their success.

HONORING DONALD L. WOODS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor the tremendous career of Donald L. Woods, who is retiring after more than 13 years of service to the United States Attorney's Office, Western Division.

A Vietnam veteran, Donald Woods served in the United States Navy from 1962–1967. As a young Lieutenant, he was a pilot of anti-submarine aircraft aboard the USS *Bennington* aircraft carrier. From 1967–1982 he flew with Braniff Airlines as a flight engineer and pilot.

In 1989, he became a Certified Public Accountant. From 1990–1992, he served as an investigator with Federal Deposit Insurance Corporation, FDIC. In 1992, he transferred to the Department of Justice, United States Attorney's Office, in Austin, Texas, as an auditor for bank fraud cases.

During the late 1980s, Austin was the site of numerous failures of federally insured banks and savings and loans. Donald Woods was actively involved in the investigation and prosecution of the owners, directors, and officers of these financial institutions. He utilized his accounting skills to investigate and later testify to financial statements and transactions used to defraud federally insured financial institutions and their investors.

Over the course of his career, Donald Woods has demonstrated his commitment to the American justice system and to maintaining the integrity of our financial institutions. Today I would like to recognize his outstanding service to the legal profession and his dedication to the people of Texas and the United States of America.

HONORING ADVENTURES IN MURPHRY'S BURROW

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. GORDON. Mr. Speaker, today I rise to recognize the outstanding work of Nancy Phillips and all of the other talented individuals who help to create Adventures in Murphry's Burrow, a children's television show that airs on Murfreesboro, Tennessee's local cable station.

Children, parents and all residents of Murfreesboro can benefit from the educational content provided on Adventures in Murphry's Burrow. The show introduces children, as well as adults, to community leaders and government figures. In addition, children take an active part in the show by submitting questions to the show's featured guest.

I commend each and every individual who has worked to make Adventures in Murphry's Burrow successful. Nancy creates, writes, and produces the show. She is assisted by co-producer Steve Burris and Alan Bozeman, director of the Channel 3 cable station. Wayne White designed the show's star puppet, Murphry. Linda Gilbert was instrumental in involving the Murfreesboro City School System in the program, and Marilyn Mathis works to promote the program within the school system and community.

I thank them all for their wonderful service to the community, and I wish them continued success as they create new adventures for Murphry and the children of Murfreesboro.

HONORING LULA TAYLOR FOR HER YEARS OF SERVICE TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 11

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Lula Taylor, a resident of Chautauqua County for her service to the eleventh legislative district in the Chautauqua County Legislature. Ms. Taylor has had the opportunity to serve not only as a strong member of the legislature but to her community as a strong community activist.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Ms. Taylor traveled that path with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the voters of district 11.

Lula is one of those people that leave a huge impact on her community. For many years her efforts to better Chautauqua County have left a lasting impression not only on the county itself but in its residents. Her face, voice, opinions and successes were a staple in the legislature. Our county and our residents are better for the undying work Ms. Taylor did during her tenure.

A true testimony to Ms. Taylor can be found in many areas of the county and in many people whose lives she touched. One doesn't have to look far to see what a strong work ethic can do.

Lula is one woman who never stops working for the things she believes in. She serves on the County Human Service Committee, Chautauqua County Board of Health, Chautauqua County Health Network Inc. Advisory Board, Office for the Aging Advisory Board, County Home Advisory Board, Safe House Committee, and is an AIDS Awareness Advocate. Her community activism is a true testament to her love of Chautauqua County.

Chautauqua County is blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Taylor is one of those people and that is why Mr. Speaker I rise to honor her today.

RACISM OF INDIAN FOUNDER EXPOSED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. TOWNS. Mr. Speaker, the unveiling of a statue of Mohandas K. Gandhi in Johannesburg, South Africa, set off a discussion about the anti-black racism of the founder of India.

When the eight-foot high Gandhi statue was unveiled, portraying him as a young human-rights lawyer, many leaders attacked Gandhi's anti-black statements. "Gandhi had no love for Africans," said one letter in The Citizen, a South African newspaper. "To him, Africans were no better than the 'Untouchables' of India."

As you may know, Mr. Speaker, the dark-skinned aborigines of the subcontinent, known as Dalits or "Untouchables," occupy the lowest rung on the ladder of India's rigid and racist caste system. The caste system exists to protect the privileged position of the Brahmins, the top caste. Although it was officially banned by India's constitution in 1950, it is still strictly practiced in Hindu India.

Others have pointed out that Gandhi ignored the suffering of black people during the colonial occupation of South Africa. When he was arrested and forced to share a cell with black prisoners, he wrote that they were "only one degree removed from the animal." In other words, Mr. Speaker, he described blacks as less than human. We condemn anyone who says this in our country, such as the Ku Klux Klan and others, as we should. Why is Gandhi venerated for such statements?

In addition, G.B. Singh, a Gandhi biographer, has looked through many pictures of him and never seen one single black person. Gandhi also attacked white Europeans.

Gandhi is honored as the founder of India. These statements and attitudes reveal the racist underpinning behind the secular, democratic façade of India. It explains a worldview that permits a Dalit constable to be stoned to death for entering the temple on a rainy day, that allows the murders of over 300,000 Christians in Nagaland, over 250,000 Sikhs in Punjab, Khalistan, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims elsewhere in the country, including Graham Staines and his two young sons, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. It explains why the pro-Fascist, Hindu militant RSS is a powerful organization in India, in control of one of its two major political parties.

India must abandon its racist attitudes and its exploitation of minorities. It must allow the enjoyment of full human rights by everyone. Until it does so, we should stop our aid and trade with India. Furthermore, Mr. Speaker, the essence of democracy is the right to self-determination. India must allow self-determination for Kashmir, as it promised the United Nations in 1948, in Punjab, Khalistan, in Nagaland, and wherever the people seek to free themselves from the boot of Indian oppression. We should put this Congress on record in support of self-determination for the people of the subcontinent in the form of a free and fair plebiscite on the question of independence. Khalistan declared its independence on October 7, 1987. The people have never been allowed to have a simple, democratic vote on the matter. Instead, India continues to oppress the people there with over half a million troops.

Mr. Speaker, reporter Rory Carroll of The Guardian wrote an excellent article on the controversy about the Gandhi statue. I would like to place it in the RECORD at this time.

[The Guardian, Friday Oct. 17, 2003]

GANDHI BRANDED RACIST AS JOHANNESBURG HONOURS FREEDOM FIGHTER

(By Rory Carroll)

It was supposed to honour his resistance to racism in South Africa, but a new statue of Mahatma Gandhi in Johannesburg has triggered a row over his alleged contempt for black people. The 2.5 metre high (8ft) bronze statue depicting Gandhi as a dashing young human rights lawyer has been welcomed by Nelson Mandela, among others, for recognising the Indian who launched the fight against white minority rule at the turn of the last century.

But critics have attacked the gesture for overlooking racist statements attributed to Gandhi, which suggest he viewed black people as lazy savages who were barely human.

Newspapers continue to publish letters from indignant readers: "Gandhi had no love for Africans. To [him], Africans were no better than the 'Untouchables' of India," said a correspondent to The Citizen.

Others are harsher, claiming the civil rights icon "hated" black people and ignored their suffering at the hands of colonial masters while championing the cause of Indians.

Unveiled this month, the statue stands in Gandhi Square in central Johannesburg, not far from the office from which he worked during some of his 21 years in South Africa.

The British-trained barrister was supposed to have been on a brief visit in 1893 to represent an Indian company in a legal action, but he stayed to fight racist laws after a conductor kicked him off a train for sitting in a first-class compartment reserved for whites.

Outraged, he started defending Indians charged with failing to register for passes and other political offences, founded a newspaper, and formed South Africa's first organised political resistance movement. His tactics of mobilising people for passive resistance and mass protest inspired black people to organise and some historians credit Gandhi as the progenitor of the African National Congress, which formed in 1912, two years before he returned to India to fight British colonial rule.

However, the new statue has prompted bitter recollections about some of Gandhi's writings.

Forced to share a cell with black people, he wrote: "Many of the native prisoners are only one degree removed from the animal and often created rows and fought among themselves."

He was quoted at a meeting in Bombay in 1896 saying that Europeans sought to degrade Indians to the level of the "raw kaffir, whose occupation is hunting and whose sole ambition is to collect a certain number of cattle to buy a wife with, and then pass his life in indolence and nakedness".

The Johannesburg daily This Day said GB Singh, the author of a critical book about Gandhi, had sifted through photos of Gandhi in South Africa and found not one black person in his vicinity.

The Indian embassy in Pretoria declined to comment, as it prepared for President Thabo Mbeki's visit to India.

Khulekani Ntshangase, a spokesman for the ANC Youth League, defended Gandhi, saying the critics missed the bigger picture of his immense contribution to the liberation struggle.

Gandhi's offending comments were made early in his life when he was influenced by Indians working on the sugar plantations and did not get on with the black people of modern-day KwaZulu-Natal province, said Mr. Ntshangase.

"Later he got more enlightened."

KEARA SAMMONS OF SMOKEY HILL HIGH SCHOOL VARSITY CROSS COUNTRY TEAM

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. TANCREDO. Mr. Speaker, I would also like to applaud the accomplishment of Keara Sammons of Aurora, Colorado. Keara Sammons won the individual high school women's cross country State title. Keara was assisted by her teammates—Lisa Allen, Jeanette Ames, Stephanie Boehm, Steven Bolger, Lindsey Dezman, Nick Donkoh, Grant Duin, Eiger Erickson, Stasia Erickson, Alexander Evans, Luke Fischer, Zachary Fuller, Jennifer Gamboa, Jeanna Hanna, Michael Harris, Corey Jefferson, Michael Kasberg, Sarah Lyle, Andrew Matz, Daniel Mickey, Brittany Nelson, Miriam Olin, Hollee Pentico, Kallie Powers, Stephen Reagan, Matthew Robida, John Sawvel, Matthew Schulz, Matthew Sewick, Erica Smith, Thomas Smith, Erin Stratton, Carter Turnbull, Lauren Vail, Jacob Varey, Casey Vockrodt, Chanel Williams, Teddi Wold, Aaron Wood, Megan Woodworth and Eric Young. Keara and these student-athletes were coached by Greg Weich, Brian Manley, Jeff Bliven and Amy Fox.

Keara continued the impressive streak of Buffalo women who have won 6 of the past 7 State individual women's cross country titles. Keara won by more than 20 seconds, however, her victory was not enough for the Smoky Hill Buffalo girls to win the team title, the first time in 4 years they have not won.

The Buffalos have trained intensively while maintaining a standard of academic excellence throughout the season. It is my pleasure to honor their championship, and to wish them all the best in their future endeavors.

HONORING SUZANNE GRIFFITH

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mrs. BLACKBURN. Mr. Speaker, today I rise to recognize the achievements of Suzanne Griffith. For 21 years Suzanne has served with the Bartlett, Tennessee Chamber of Commerce. She has truly helped make our community a better place to live and work, and for that we can't thank her enough.

Suzanne began her career with the Chamber as the first full-time employee, and today she serves as its President. That sort of dedication is rare these days and we should all take a moment to mark the occasion.

During Suzanne's years at the Chamber she helped foster remarkable commercial development in Bartlett. What started as a rural community has become a thriving, economically diverse town that has given thousands of families a wonderful place to live and grow.

From 1984 to 2004, Tennessee recognized Bartlett as a "Three-Star" recipient for consistent strong economic growth, expansion, and capital improvements. Suzanne was instrumental in helping Bartlett achieve this record of achievement, and it's a credit to her work that today Bartlett has surpassed the requirements of the "Three-Star" program.

The Bartlett we know and love is in no small part due to Suzanne Griffith's work. We thank her for her vision, her hard work, and wish her well as she retires from the Bartlett Chamber of Commerce.

HONORING ANTHONY TERESI FOR HIS YEARS OF SERVICE TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 13

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Anthony Teresi, a resident of Chautauqua County for his service to the thirteenth legislative district in the Chautauqua County Legislature. Mr. Teresi has had the opportunity to serve not only as a strong member of the legislature but as chairman to subcommittees within.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Teresi traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 13.

Anthony is one of those people that leave a huge impact on his community. For many years his efforts to better Chautauqua County have left a lasting impression not only on the county itself but in its residents. His face, voice, opinions and successes were a staple in the legislature. Our county and our residents are better for the undying work Mr. Teresi did during his tenure.

A true testimony to Mr. Teresi can be found in many areas of the county and in many people whose lives he touched. One doesn't have to look far to see what a strong work ethic can do.

Chautauqua County is blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Teresi is one of those people and that is why, Mr. Speaker, I rise to honor him today.

IN MEMORY OF GARFIELD W. THOMPSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. BURGESS. Mr. Speaker, I rise today to remember the Honorable Garfield W. Thompson, 89, a former state representative, a labor leader, and a friend to the Fort Worth community. Mr. Thompson passed away on Wednesday, December 7, 2005.

Garfield W. Thompson was born June 29, 1916, in Grandview, Texas. His family made Fort Worth its home when he was a young boy. He was a 1934 graduate of historic I.M. Terrell High School. At the outbreak of World War II he enlisted in the U.S. Army where he bravely served and was honorably discharged. In 1942, he married Dorothy Ruth Williams.

He worked as a waiter for Texas and Pacific Railroad until retirement after 28 years. He then worked as a custodian at the Tarrant County courthouse. There, he served as the president of the Tarrant County Courthouse AFL–CIO union, and he was later elected regional representative of the Tarrant County Central Labor Council.

Mr. Thompson was elected to the Texas House in 1984 and served District 95 for 10 years until his retirement from public office. In addition to his years in public service, Mr. Thompson was chairman of voter registration for the National Association for the Advancement of Colored People and was an active member of the American Legion, a member and former president of the Ambassadors Club, an elder of St. Peter's Presbyterian Church and a former president of the Men of the Church.

He was granted an honorary doctorate in government from the University of Houston and was a dedicated public servant. He loved and was particularly proud of his Stop Six community. Through all of his grand pursuits, nothing ranked above the love he had for his family.

Today, I would like to recognize and celebrate Garfield W. Thompson's life. It was an honor to represent him in Washington. He was intelligent, thoughtful and a true American. Mr. Thompson will be deeply missed by his family and the people of Fort Worth.

TRIBUTE TO F&M TRUST COMPANY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to honor the F&M Trust Company serving both Franklin and Cumberland Counties in Pennsylvania. On February 5, 2006, the F&M Trust Company will celebrate its 100th anniversary.

In America, numerous organizations have sprouted and grown upon the foundation of service to others in order to ensure a progressive society, creating communities committed to generosity and equality. In December 1905, a group of businessmen, lawyers, farmers, doctors, and merchants met in Chambersburg, Pennsylvania to discuss the organization of a trust company. They wanted to form a corporation that would better serve the community by offering services such as personal guardianships, trusteeships, and title guarantees. One month later, the Commonwealth of Pennsylvania granted the bank a charter under the name "The Farmers and Merchants Trust Company of Chambersburg, PA." By February 5, 1906, the bank opened its doors for the first time.

Throughout the years, banks have been challenged from the depths of the Great Depression through the ongoing consolidation of financial institutions. F&M Trust has met these challenges head on. As banks began to emerge from the depression, our communities witnessed great growth; along with it, the traditional way of banking was changing. The F&M Trust Company began to grow in existing markets and developed new markets by progressively integrating new with traditional products and services. By 1993, F&M Trust became the largest locally owned and managed community bank in Franklin County.

The F&M Trust Company's growth and success can be attributed to many individuals throughout our company's history. While the men who formed the company established the foundation for success, the directors, management, and staff of F&M have been responsible for continuing their commitment to communities, customers, shareholders, and employees through the years.

For its commitment to the citizens of Franklin and Cumberland Counties throughout the last one hundred years, I am extremely grateful to the F&M Trust Company.

Happy Birthday F&M Trust Company, and best wishes for many more!

TRIBUTE TO CHIEF UNITED STATES DISTRICT JUDGE CONSUELO B. MARSHALL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. BERMAN. Mr. Speaker, I rise today to ask my colleagues to join in saluting my good friend Chief United States District Judge Consuelo B. Marshall. Judge Marshall has stepped down from her role as Chief Judge and was honored by the Los Angeles Chapter of the Federal Bar Association on December 6, 2005, for her lifetime commitment to public service.

Judge Marshall has devoted her distinguished career to the struggle for civil rights, justice and tolerance for all people. After service as Deputy City Attorney for the City of Los Angeles, and a period with the firm of Cochran & Atkins, she was appointed as a commissioner on the Los Angeles Superior Court where she was assigned to Juvenile Court, Family Court, and Civil law and Motions. In 1976, she became an Inglewood Municipal Court Judge. In 1977, she was elevated to Los Angeles Superior Court Judge and assigned to the criminal division. In 1980, President Jimmy Carter appointed her to the United States District Court for the Central District of California and in 2001, she became the first woman to serve as Chief Judge of that District—an outstanding achievement.

Judge Marshall is an exceptional woman whose accomplishments are legion. The Los Angeles County Bar Association recently named Judge Marshall the Outstanding Jurist of the Year. She is also the recipient of numerous other awards, including the Los Angeles County Dr. Martin Luther King, Jr. Award, the Kappa Alpha Psi Fraternity Thomas Bradley Distinguished Citizen Award, the Women Lawyers Association Los Angeles Ernestine Stahlhut Award, the Langston Bar Association Bernard S. Jefferson Jurist of the Year Award, and many more, too numerous to mention.

In addition to her professional duties, Judge Marshall generously contributes her time and energy to many worthwhile organizations. She currently serves on the Los Angeles Board of Governors of the Association of Business Trial Lawyers. She served as a member of the Board of Directors for the Weingart Center, a non-profit facility providing health and social services for the homeless, and the Legal Aid Foundation of Los Angeles. She also served on the United States Sentencing Commission's Drug Violence Task Force which was created in an effort to understand the relationship between drugs and violence.

Judge Marshall was a well respected and admired faculty member of The Rutter Group and the Trial Advocacy Workshop at Harvard Law School and has lectured extensively in many parts of the world.

It is my distinct honor to salute Consuelo Marshall for the exemplary leadership she has shown as a Judge and for her outstanding contribution to the field of law.

HONORING JANE FAGERSTROM FOR HER YEARS OF SERVICE TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 12

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Jane Fagerstrom, a resident of Chautauqua County for her service to the twelfth legislative district in the Chautauqua County Legislature. Jane has had the opportunity to serve as a strong member of the legislature and an active member of the community.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Ms. Fagerstrom traveled that path with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the voters of district 12.

Jane is one of those people that leave a huge impact on her community. For many years her efforts to better Chautauqua County have left a lasting impression not only on the county itself but on its residents. Her face, voice, opinions and successes were a staple in the legislature. Our county and our residents are better for the undying work Ms. Fagerstrom did during her tenure.

A true testimony to Jane can be found in many areas of the county and in many people whose lives she touched. One doesn't have to look far to see what a strong work ethic can do.

Chautauqua County is blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Jane is one of those people and that is why Mr. Speaker I rise to honor her today.

PERSONAL EXPLANATION

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. MARSHALL. Mr. Speaker, correction: I intended to vote against the U.S.-Bahrain Free Trade Agreement and attempted to do so. Upon inquiring with the clerk why my vote was recorded as a "yes" instead of a "no", the clerk checked the electronic record and discovered that I had pressed the "no" button several times on the preceding vote. At no time did I intend to cast a "yes" vote on the agreement. To date, I have voted against every trade agreement that has come up while I have been in Congress, including the agreement with Bahrain.

TRIBUTE TO RAYMOND J. MAPA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Ms. PELOSI. Mr. Speaker, on January 3, 2006, Raymond J. Mapa, Senior Property

Manager of the Phillip Burton Federal Building and U.S. Courthouse in San Francisco, will retire after an extraordinary 41-year career in federal service. Ray epitomizes professionalism, community outreach and the American Dream.

Ray came to San Francisco from the Philippines at a young age, and was naturalized at the Federal Building and Courthouse he would later manage.

Ray attended the University of San Francisco and, in 1964, began his civil service career with the U.S. Post Office Department. After one year the General Services Administration's Federal Supply Service selected him for a "trainee" program in Inventory Management. Ultimately, Ray advanced to the position of Director of the Inventory Management Division.

After holding several positions in the Federal Supply Service, Ray moved to the field of property management. He left a rich legacy. Managing the Phillip Burton Federal Building and U.S. Courthouse, particularly in the post-September 11 era, presents significant challenges. Ray's focus on building security led to close cooperation with the U.S. Marshals Service, the Department of Homeland Security and local law enforcement. This collaboration contributes to the safety of all building tenants and visitors.

As tenants of the Phillip Burton Federal Building and U.S. Courthouse, my staff and I appreciate Ray's steadfast commitment to customer service. He instilled these high standards in his employees and it has resulted in a superior level of customer satisfaction.

As Ray's career draws to a close, I wish him, his wife Emma, and his children Christopher, Penny, Renee and Angela—the best life has to offer. Finally, to Raymond's grandchildren, Raymond and Emma, and his future grandchildren, I offer my wishes for the brightest of futures, guided by the stars of your grandfather's great accomplishments.

TRIBUTE TO LOWELL HIGH SCHOOL FOOTBALL TEAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to the outstanding achievements of an exceptional group of students from Lowell High School, located in Indiana's First Congressional District. On Saturday, November 26, 2005, the Lowell High School Football Team won the Class 4A State Championship game.

The people of Lowell, as well as the entire Northwest Indiana community, can be proud of the following members of the football team: Michael Kreczmer, Jeffrey Clemens, Zach Porras, Jacob Gill, Zachary Zolmer, Scott Gray, James Ritter, John Black, Lukas Palmer, Jonathan Cap, Joshua Kuiper, Christopher Jacobson, Max Znika IV, Michael Dowling, Christopher Briggs, Christopher Lampa, Johnny Underwood, Joshua Lofrano, Chad Small, Mark Puskar, Steffan Peck, Christopher Thompson, Dean Frigo, Jeffrey Barker, Timothy Lukasik, Matthew Garton, Joseph Carlson, Daniel Remboski, Paul Demro, Ethan Winel, Tyler Overdorf, Eugene Wentworth, Kaleb Layman, David Lang, Anthony Hurst, Ryan King, Trenton Keelen, Nicholas Traficanti, Andrew Steuer, Chris Caputo, Matthew Heabel, Brandon Werblos, Jed Travis, Joshua Hayden, Robert Becker, Jr., Jon Sgouroudis, Mark Lunsford, Michael Staniewicz, Randy Layman, Eric McGee, Joe Wojcik, Justin Jackson, Gerald Jackson, Ben Rigby, Eric Roadruck, Dustin Warren, Robert Stluka, Mina Jae Park, Manager Sagan Roney, and Manager Lindsay Rothas.

In addition, I would like to recognize the other members of the Lowell State Championship Team: Athletic Trainer Bobby Wong; Student Trainers Ashley Barragan, Jessica Besaw, Nicole Carlson, Courtney DuBord, Nicole Ford, Samantha Norfleet, Krystol Pigg, and Stephanie Revere; the Varsity Cheerleaders, Junior Varsity Cheerleaders, and their coaches—Cindi Blandford, Linda Glaze, Druanne Smith, and Don Bales. The team's success is also due to the outstanding ability and leadership of its teachers and coaches. In particular, Kirk Kennedy, Jim Carlson, Jim Kiechle, Keith Kilmer, Brad Stewart, Trent Staggs and Ed Miracle should be commended for the devotion they have demonstrated as coaches. Additionally, Lowell Principal James Koger and Assistant Principals Mike Chelap and Ben Ingram should be recognized for their strong support of the football team. The accomplishments of these outstanding individuals are a reflection of their hard work and dedication. Their effort, determined preparation, and rigorous approach have made them the best in the state. They have also brought pride to themselves, their families, their school, and their community.

Mr. Speaker, I would like to once again extend my most heartfelt congratulations to the members of the Lowell High School Football Team for their commitment to excellence, as well as to the faculty members who have instilled in their students the desire to succeed. I am proud to have been given this opportunity to recognize these future leaders, and I look forward to their future achievements as they continue to rise to the top!

THREE-MONTH EXTENSION OF THE PATRIOT ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. CONYERS. Mr. Speaker, today I am introducing legislation to extend the PATRIOT Act for three months so that conferees may go back to the bargaining table and produce a conference report that is truly bipartisan and bicameral.

The conference report scheduled for debate this week completely ignores the many concerns expressed by Democrats and Republicans, civil libertarians both left and right, prosecutors and defenders, librarians, gun owners and religious groups. It is in fact facing a bipartisan filibuster in the Senate.

That is why Senator LEAHY and I are introducing a 3-month extension of the PATRIOT Act. It will allow the government uninterrupted use of these authorities until the Congress can agree on reasonable checks and balances that will make sure the war on terror doesn't become a war against innocent Americans.

HONORING TARA HALL VIELE FOR HER YEARS OF SERVICE TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 14

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Tara Hall Viele, a resident of Chautauqua County for her service to the fourteenth legislative district in the Chautauqua County Legislature. Tara has had the opportunity to serve as a strong member of the legislature and an active member of the community.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Tara traveled that path with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the voters of district 14.

Tara is one of those people that leave a huge impact on her community. For many years her efforts to better Chautauqua County have left a lasting impression not only on the county itself but on its residents. Her face, voice, opinions and successes were a staple in the legislature. Our county and our residents are better for the undying work Tara did during her tenure.

A true testimony to Tara can be found in many areas of the county and in many people whose lives she touched. One doesn't have to look far to see what a strong work ethic can do. In the future Tara will continue to better Chautauqua County as she raises her two sons and provides a strong education to her students at Jefferson Middle School.

Chautauqua County is blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Tara is one of those people and that is why Mr. Speaker I rise to honor her today.

IN RECOGNITION OF ROBERT W. LAZAR

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor the retirement of Robert W. Lazar, a man who has made tremendous contributions for small businesses throughout the state of New York, and our nation. Mr. Lazar has graciously served our business community through the New York Business Development Corporation (NYBDC) for the past 35 years.

Mr. Lazar carries with him an extensive and impressive record of helping small businesses across the state of New York. He began his service with the NYBD in 1971, and since that time he has successfully operated in a number of roles within the organization. Since 1987, Mr. Lazar has served as the President and CEO and has been credited with leading his company to unprecedented growth.

With over 1.7 million small businesses in New York, the NYBDC serves a vital role in our state by assisting these businesses in obtaining the financial assistance they so desperately need to start and grow an enterprise. In addition, NYBC also provides much needed credit opportunities to the increasing number of minority and women-owned firms—many of which have difficulty in accessing these types of options elsewhere.

The contributions he has made to our state's small businesses during his tenure at NYBDC have been endless. I have had the pleasure of working with Mr. Lazar in both my capacity as a Member representing Brooklyn, and as the Ranking Democrat on the House Small Business Committee. Some of my fondest memories over the past years include visiting small business owners together, hearing about the aspirations, dreams, and challenges our local businesses are facing, and working to help meet their needs. Small businesses throughout New York have been fortunate to have such a dedicated, and successful, advocate as Bob working to ensure firms have access to capital and opportunity—and we are lucky that his efforts on behalf of small businesses will continue forward.

Throughout the years, Mr. Lazar has created a long list of accomplishments and has received numerous awards for his services. Mr. Lazar has been a steadfast advocate for small business legislation both in New York and Washington. Because of his efforts, the Small Business Administration's (SBA) 504 lending program, one of the most widely used small business loan programs, is now a more viable source of small business lending for entrepreneurs throughout the nation. In addition, as the President of NYBDC, he has played a key role in helping to expand the use of SBA programs, and in contributing to the development of new loan programs through public-private partnerships. These accomplishments benefited not only New York small businesses—but also entrepreneurs nationwide.

In 2000, he was recognized as the "Small Business Advocate of the Year" in the state of New York by the Empire State Development Corporation. He was named as "Entrepreneur of the Year Award" in 2004 by Capital District Business Review, and has been honored with several leadership awards over the past few years. The truth is that Bob could have been recognized as "Small Business Advocate of the Year" every year.

He has served New York's small businesses with tireless dedication, effort and success. The doors he has opened for women and minority business owners, and the assistance Mr. Lazar has granted to aspiring entrepreneurs across the state have been an invaluable asset—and these achievements have set the path for the future small business owners of New York. I know that Bob's contributions to entrepreneurs will not end with his retirement—and that small businesses in New York and across the nation will continue to benefit from his dedication.

I hope that the U.S. House of Representatives will join me today in recognizing Mr. Robert Lazar on his retirement—and in honoring and thanking him for his work and dedication to small businesses in both New York, and the nation.

TRIBUTE TO MATT CUNNINGHAM

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. PENCE. Mr. Speaker, on December 3, 2005 at the annual Firefighter Holiday Dance & Awards in Anderson, Indiana, firefighter Matt Cunningham was named Anderson's Firefighter of the Year. Mr. Cunningham, thirty years old and a lifelong resident of Anderson, was honored with this award because of his dedicated service to the community and outstanding record within the Anderson Fire Department and Engine Co. 6. The award, a medallion for his dress uniform, was presented by the Evening Exchange Club of Anderson.

Mr. Cunningham exemplifies all that is good with this Nation's local first responders. During this year alone, Mr. Cunningham has assisted with or single-handedly pulled four individuals from burning structures. His courage, selflessness and devotion are to be commended and serve as an example to us all.

Only in his third-year of firefighting, Mr. Cunningham clearly has found his calling. At the awards ceremony he stated that firefighting "was something I stumbled into and I'm elated I did." He continued, "I love being in Anderson. I love it. The fire department in Anderson stays busy."

Mr. Speaker, it is wonderful to hear such enthusiasm. Matt Cunningham serves his community as a firefighter of the highest caliber, and I am proud today to honor and recognize him for being named Firefighter of the Year in Anderson, Indiana.

HONORING TONY CLARK ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the contributions Tony Clark has made while interning in my Washington, D.C., office. Tony has been a wonderful addition to the office and has performed many great services to the constituents of Tennessee's Sixth Congressional District.

Tony now must return to Tennessee for his final semester at Vanderbilt University. In May, he will graduate with a degree in Technology and Public Policy Studies. Tony has made the Dean's List every semester, an accomplishment that comes as no surprise to me after witnessing the dedication that goes into every task he undertakes.

During his internship, Tony has been a tremendous help to me and my staff as he has assisted us in various projects. He has addressed constituent concerns, created booklets to let teachers know about educational resources available from federal agencies and endeared himself to visitors as he guided them through the U.S. Capitol.

I hope Tony has enjoyed his internship as much as my staff and I have appreciated his hard work and eager attitude. I wish him all the best in the future.

AKALI LEADERSHIP BETRAYS SIKH NATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. TOWNS. Mr. Speaker, on November 17, leaders of the Akali Dal, the predominant Sikh party, walked out of a seminar in Lahore after Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, predicted that India will break up. The Akali leaders said "We came to unite, not to divide India."

In front of an audience of about 1,500 people, Dr. Aulakh predicted that Kashmir will soon be free and India will break into five or six separate countries, including Khalistan. Former Home Minister L.K. Advani, President of the Bharatiya Janata Party, has said that "if Kashmir goes, India goes." Steve Forbes of Forbes magazine predicted in his magazine that India will break apart as the Austro-Hungarian Empire did.

The Akali leaders who walked out were clearly representing the Research and analysis Wing (RAW), the intelligence operation of the Indian government. Yet as Inderjit Singh Jaijee reported in The Politics of Genocide, more than 250,000 Sikhs were murdered by the Indian government, according to figures compiled by the Punjab State Magistracy. Another 52,268 are being held as political prisoners, according to the Movement Against State Repression (MASR.) Some of these political prisoners have been held since 1984.

Prime Minister Manmohan Singh has apologized for the November 1984 Delhi massacres in which over 20,000 Sikhs were killed. This establishes the guilt of the Indian government beyond any doubt. If he really wants to make amends, he should end India's occupation of Khalistan, the Sikh homeland that declared its independence on October 7, 1987.

India has also killed over 300,000 Christian in Nagaland, over 90,000 Muslims in Kashmir, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. Tens of thousands of Muslims and Christians have been killed in other parts of the country. India is not a single country, but a multinational state that cannot hold together. We must do our part to see that this happens peacefully by supporting self-determination for all the people of South Asia. We should also cut off our aid to India and our trade as well until basic human rights are observed fully and enjoyed by all.

Mr. Speaker, the Council of Khalistan's recently issued a press release about the betrayal of the Sikhs by the Akali Dal. I would like to put this release into the RECORD for the information of my colleagues and the people.

AKALIS AGAIN BETRAY SIKH NATION

WASHINGTON, DC, Nov. 22, 2005.—On November 17, 2005, the Akali Dal again showed its true colors, as its leaders walked out of a seminar in Lahore after Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, predicted the breakup of India during a speech in support of liberating Khalistan, the Sikh homeland, Khalistan. The Sarbat Khalsa passed a resolution on April 29, 1986 for a free Khalistan and established the Panthic Committee. The Panthic Committee declared Khalistan's independence on October 7, 1987, forming the Council of Khalistan to lead the independence struggle.

About 1,500 people attended the seminar. Dr. Aulakh predicted that Kashmir will soon be free and India will break up into six or seven countries' and Khalistan will be free. The Akali leaders said, "We came to unite, not to divide India." This was a clear indication that those leaders were representing RAW, not those of the Sikh Nation. True Sikhs pray every morning "Raj Kare Ga Khalsa" ("the Khalsa shall rule.") Former Jathedar of the Akal Takht Professor Darshan Singh has said, "If a Sikh is not a Khalistani, he is not a Sikh."

India has murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human rights groups and reported in the book The Politics of Genocide by Inderjeet Singh Jaijee. It has also killed more than 90,000 Kashmiri Muslims since 1988, over 300,000 Christians in Nagaland since 1947, and thousands of Christians and Muslims elsewhere in the country, as well as tens of thousands of Assamese, Bodos, Dalits ("Untouchables," the dark-skinned aboriginal people of South Asia), Manipuris, Tamils, and other minorities.

The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Amnesty International reported that tens of thousands of other minorities are also being held as political prisoners. We demand the immediate release of all these political prisoners.

Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple on the anniversary of the Golden Temple attack in the presence of over 30,000 Sikhs. Warrants have been issued for their arrest. The flag of Khalistan was also raised on Republic Day, January 26. 35 Sikhs were arrested at that time. Some of them have been denied bail.

Recently, Indian Prime Minister Manmohan Singh formally apologized to the Sikh Nation for the genocide against the Sikhs in November 1984 in which over 20,000 Sikhs were killed just in Delhi and surrounding areas while Sikh police were locked in their barracks and Indian radio and television called for more Sikh blood. This apology establishes the Indian government's responsibility for the genocide against the Sikh Nation. India must end its occupation of Khalistan, which is the root cause of this genocide. Sikhs are a sovereign nation and they are fighting for their freedom.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family. History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries. Steve Forbes, writing in Forbes magazine, said that India is doomed to disintegrate like the Austro-Hungarian Empire. "India is not a homogeneous state," Forbes wrote. "Neither was the Austro-Hungarian Empire. It attacked Serbia in the summer of 1914 in the hopes of destroying this irritating state after Serbia had committed a spectacular terrorist act against the Hapsburg monarchy. The empire ended up splintering, and the Hapsburgs lost their throne." India is doomed to fall apart just as Austria-Hungary and the others did.

"We must continue to pray for and work for our God-given birthright of freedom," Dr. Aulakh said. "We must continue to press for the liberation of Khalistan," he said. "Without political power, religions cannot flourish and nations perish. India claims to be a democracy. It is time it recognized the right of self-determination for all people in South Asia."

HONORING VIVIAN TAYLOR FOR HIS YEARS OF SERVICE TO THE JAMESTOWN CITY COUNCIL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Vivian Taylor, a resident of Chautauqua County for his service to the people of Jamestown as a member of the Jamestown City Council. Vivian has had the opportunity to serve as a strong member of the council and an active member of the community for many years.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Taylor traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Jamestown.

Vivian is one of those people that leave a huge impact on his community. For many years his efforts to better Jamestown have left a lasting impression not only on the city itself but on its residents. His face, voice, opinions and successes were a staple in the council. Our city and our residents are better for the undying work Mr. Taylor did during his tenure.

A true testimony to Vivian can be found in many areas of the county and in the many people whose lives he touched. One doesn't have to look far to see what a strong work ethic can do. What a true honor it must have been to pass the torch along to his grandson, Michael Taylor, as he ascended into the council. The Taylor family legacy is one to be respected and I'm sure it will continue for years to come.

Chautauqua County is blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Vivian is one of those people and that is why, Mr. Speaker, I rise to honor him today.

INTRODUCTION OF THE MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2005

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. STARK. Mr. Speaker, throughout this year, myself, my colleagues, and our staff have been bombarded by physician lobbyists desperate to prevent a 4.4 percent reduction in Medicare payments scheduled to go into effect in January 2006. While I can empathize with their desire for more money—who doesn't want a raise?—I think it's time that we quell this fevered pitch with a dose of reality and a few facts. That is why I am introducing the Medicare Physician Payment Reform Act today.

Without Congressional intervention, physician fees will decrease 4.4 percent next year and an estimated 5 percent reduction for many years thereafter. This is due to what is widely agreed upon to be a flawed formula in the payment system known as the sustainable growth rate (SGR).

That being said, it is important to note that even if the cuts go into effect next year, total spending for physician services would more than likely increase. This is because physicians have been steadily providing more services, and more intensive services, in recent years. While some growth may be desirable—for example providing additional preventive services—data show that much of the current growth has no clinical benefit or may even be harmful. Although I agree that our current SGR mechanism is flawed, I have serious reservations about repealing it without putting something in its place that will account for the increase in volume and intensity of physician services in Medicare.

At the same time physician groups and members of Congress have been focused on the SGR, other issues with the physician fee schedule have emerged, including the accuracy of pricing for primary care services. These issues, although less well known, are critical to maintaining beneficiary access to high quality care. It has been 14 years since the current reimbursement system was implemented. It is time for Congress to receive an evaluation of how well this system is meeting its goals. In our effort to find a permanent solution to the SGR, we should not miss an opportunity to address these underlying issues.

Medicare Physician Payment Reform Act calls on the Medicare Payment Advisory Committee (MedPAC) to conduct a comprehensive review of the physician payment system, including recommendations on the accuracy of Medicare pricing and alternatives to the SGR. To allow time for MedPAC to complete their work, the bill provides for a 1.5 percent increase for the next 2 years for physicians.

The bill also provides two important additional components. First, the bill protects beneficiaries from Part B premium increases that would otherwise result from the physician update. Second, it repeals the so-called "45 percent trigger," which was created in the Medicare Modernization Act of 2003 to restrict Medicare's general revenue support. If this trigger is left in place, physician increases will force a counter-productive, cyclical effort to cut Medicare spending.

Given problems with potentially unjustifiable increases in volume and intensity of physician services, coupled with other perverse financial incentives in the system, repeal of the SGR is irresponsible and unaffordable. Likewise, the status quo is unacceptable. It is clear that problems with the physician fee schedule go far beyond the difficulties of the SGR, and Congress needs expert guidance to find solutions.

Congress has become quite proficient at short term solutions to Medicare physician payment problems. Unfortunately, this nearsighted view comes at the expense of other Medicare changes that could directly improve benefits or decrease costs for Medicare beneficiaries. This bill lays out a plan for a permanent solution enabling physicians to count on fair annual payment adjustments. It's better for physicians, patients and the American taxpayer.

Numerous proposals have been introduced to find solutions to these payment problems and such a fix is included in the Senate version of the pending budget reconciliation legislation. The concept of pay for performance is also heavily promoted as a potential solution, though everyone should admit that it would take many years for it to be implemented and prove effective.

I think it's imperative we ask the experts for their recommendations before acting, while at the same time ensuring access is maintained and beneficiaries are protected. The Medicare Physician Payment Reform Act of 2005 will provide the intellectual foundation to enable Congress to enact a thoughtful, permanent solution for the physician reimbursement system by 2008. I urge my colleagues to consider this approach as the best alternative to ensure that physicians are appropriately paid and beneficiaries are protected.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. FRANKS of Arizona. Mr. Speaker, I deeply regret that I was unable to be present on the House floor to cast my vote in favor of H.R. 4297: the Tax Relief Extension Reconciliation Act of 2005. This bill will maintain and expand the low-tax environment that has catalyzed our Nation's now-booming economy. I strongly support this legislation. Please be assured that I would have voted in favor of the legislation had I been present, and I look forward to voting in favor of the conference report.

ONGOING OBSTACLES THAT MINORITY BUSINESSES FACE IN OBTAINING CONTRACTS

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Ms. McKINNEY. Mr. Speaker, I support the extension of the Defense Department's program ensuring that its Federal contracting process in no way supports or subsidizes the discrimination that has long been a problem in the contracting business. The extension of the program through September 2009 is needed to help achieve that goal.

Congress has learned a great deal about the effects of discrimination in denying contracting opportunities for minority-owned businesses. The ugly reality is that contracting has long been dominated by "old-boy" networks that make it very difficult for African Americans, Latinos, Asians, and Native Americans to participate fairly in these opportunities, or even obtain information about them.

Years of Congressional hearings have shown that minorities historically have been excluded from both public and private construction contracts in general, and from Federal defense contracts in particular. Since its adoption, the Defense Department program, called the 1207 program, has helped level the playing field for minority contractors. But there is still more to do, as the additional information we have received since the program was last reauthorized makes clear.

Ever since the program was first adopted in 1986, racial and ethnic discrimination—both overt and subtle—have continued to erect significant barriers to minority participation in federal contracting. In cases, overt discrimination has prevented minority-owned businesses from obtaining needed loans and bonds. Prime contractors, unions, and suppliers of goods and materials have preferred to do business with white contractors rather than with minority firms.

These problems affect a wide variety of areas in which the Department offers contracts, and the problems are detailed in many recent disparity studies, including:

City of Dallas Availability and Disparity Study, Mason Tillman Associates, Ltd. (2002);

City of Cincinnati Disparity Study, Griffin & Strong, P.C. (2002);

Ohio Multi-Jurisdictional Disparity Studies, Mason Tillman Associates, Ltd. (2003);

Procurement Disparity Study of the Commonwealth of Virginia, MGT of America, Inc. (2004);

Alameda County Availability Study, Mason Tillman Associates (2004);

City of New York Disparity Study, Mason Tillman Associates, Ltd. (2005).

The 1207 program helps to correct these problems of discrimination without imposing an undue burden on white-owned businesses. Small businesses owned by white contractors are eligible to receive the benefits of the program if they are socially or economically disadvantaged.

All of us benefit when recipients of federal opportunities reflect America's diversity, and I'm proud to support the reauthorization of the 1207 program.

CONGRESSIONAL GLAUCOMA CAUCUS TRIBUTE TO STANLEY J. BUD GRANT, PRESIDENT & CEO, FRIENDS OF THE CONGRESSIONAL GLAUCOMA CAUCUS FOUNDATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. RANGEL. Mr. Speaker, a few years ago, several of my colleagues and I voiced our concerns about glaucoma and its devastating affects to Mr. Stanley Grant. What I will present today is the outcome of that encounter. I am pleased to share with this distinguished body the outstanding work of a responsive and caring citizen, Mr. Stanley J. Bud Grant. Mr. Grant is the President and CEO of the Friends of the Congressional Glaucoma Caucus Foundation. His leadership has brought to this endeavor the vision, the energy and the enthusiasm that has led the Foundation to achieve considerable success. As one of the Founding Members of the Congressional Glaucoma Caucus, a non-partisan body, I have observed the work of the foundation, first hand, and have watched the Congressional Glaucoma Caucus grow to more than 80 Members.

The mission of the Foundation is to serve as the action arm of the Congressional Glaucoma Caucus by providing free glaucoma and vision screenings for at risk groups in congressional districts throughout our beloved country. Screenings for diabetes and hypertension, both risk factors for glaucoma, are documented in the family history, with these screenings frequently being incorporated into the screening protocol.

The emphasis has been on glaucoma screenings since this dreaded eye disease affects more than 3,000,000 Americans and is a silent thief of sight. It can attack children, but is more commonly seen in the later years. Far too many of our people go blind from this disease without even knowing they had it. The true tragedy is that their sight could have been preserved if they had been screened and the disease caught in the early stages. Picture if you will, the boundless joy that the patient and the staff experience when sight is saved.

Since 2001, more than 82,000 men and women from all walks of life have been screened. The early signs of glaucoma were detected in 11,500 individuals. Another 13,000 had vision problems other than glaucoma. Equally important was the fact that 57,000 were given the good news that no eye disease was detected.

One outstanding initiative has been the Student Sight Savers Program. Through this project grants have been awarded to 46 medical schools and teaching hospitals across the country. The aim is to expose medical students to a clinical specialty, ophthalmology in their earlier years of medical school. Through this community service initiative, medical students across the country have screened as many as a quarter of the patients.

We, thus bear witness to a man and his dream. A dream we shared. He joined with many of my colleagues, and myself in seeking to preserve the sight of our people. He convinced glaucoma specialists, other experts and a team of volunteers to follow his lead. Mr. Grant also had the unwavering and committed support of his wife, Mrs. Eleanor Beers Grant. She not only lent him encouragement, but she became quite active in the affairs of the Foundation.

In his indefatigable pursuit, he challenges all of us to match his efforts. He is, moreover, sensitive to the cultural strands of our great nation and the need to seek out and care for those who lack health care services. He has taken his staff on mobile vans into what would be considered inaccessible areas.

This great body has honored many a deserving individual. I am extremely proud to offer a special tribute and recognize Stanley J. Bud Grant for all that he has done and will continue to do on behalf of the American people.

REBUILDING NEW ORLEANS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. RAHALL. Mr. Speaker, 106 days ago, the world watched as one of the worst natural disasters in the history of the United States came crashing down on our Gulf Coast. I spent much of the last weekend in New Orleans, touring the affected areas and speaking with folks about the recovery efforts.

The effects of the hurricane and its aftermath are eerily similar to natural disasters that in recent years have befallen my home state of West Virginia—floods of the 100-year variety.

Displaced families. Businesses boarded up. A sense of despair and unease in the community. Helpless citizens looking for someone, anyone, to provide some guidance to a sound and quick recovery.

The damage done to the Gulf Coast and New Orleans, in particular, is well documented. But so are the promises made to those residents who call New Orleans home. And those promises have so far gone unfulfilled.

Billions of dollars will be needed to rebuild New Orleans. First and foremost, the levee system, which failed New Orleans' residents in the aftermath of the hurricane, must be upgraded to protect from future 100-year storms. Some estimates put that cost at more than $32 billion—and many in Washington are balking at the price tag.

My question is this: Can't we afford America? We have spent more than $300 billion in Iraq and Afghanistan, yet this Republican Congress doesn't have a concrete plan to rebuild New Orleans, or the budget blueprint to do it. We are investing billions of American taxpayer dollars for bridges, levees and infrastructure in Baghdad, yet we can't get a commitment from our leaders to rebuild the levees in New Orleans for Americans. We have enacted tax cut after tax cut—most recently a $95 billion cut for the wealthiest Americans—yet 78,000 American families displaced by the hurricane are still waiting for FEMA trailers in Louisiana.

And what about West Virginia? Parts of southern West Virginia are still recovering from the major floods of the past five years. Many families displaced by those floods have yet to be able to move back to their homes. And we are still unable to secure the necessary investment from the Corps of Engineers to prevent this kind of flood from ever happening again.

It is long past time to look inward and focus on the many issues confronting Americans in America. The flooding of New Orleans exposed more concerns than just the failure of the levee system. Investment in our schools, health care system, infrastructure and homeland security needs to be high on our list of priorities going forward.

This Administration and this Congress have decisions to make. For the sake of all of us who have been—and will be again—affected by severe flooding, it is my sincere hope that they choose to stand with the American people and invest in the rebuilding of New Orleans and the Gulf Coast.

TRIBUTE TO GORDY NEWSTROM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to Gordon (Gordy) Newstrom, who was a true pioneer and visionary in commercial aviation. A long-time resident of Grand Rapids, Minnesota, Gordy Newstrom passed away yesterday, December 12, 2005, at the age of 93.

After training Naval Air Cadets during World War II, Gordy Newstrom returned to Coleraine, Minnesota to establish a flight school in 1944. That same year, Gordy Newstrom founded a charter airline service which he named Mesaba Airlines, to reflect its Minnesota roots. "Mesaba" is a Chippewa Indian word meaning "soaring eagle." For several years, Gordy Newstrom operated Mesaba Airlines as a Fixed Base Operator, while sharing his love of aviation by teaching aspiring pilots to fly. In 1950, Gordy Newstrom moved Mesaba's operations from Coleraine to Grand Rapids, Minnesota. Gordy Newstrom owned the company for its first 26 years of operation; in 1970 he sold it to the Halverson family of Duluth, who began the airline's first scheduled service in 1973.

Over the years, Mesaba Airlines has evolved into the eighth largest regional airline in the United States, with the distinction of being the nation's oldest regional airline. Although many operators in the aviation industry have come and gone, the airline founded by Gordy Newstrom celebrated 61 years of continuous service earlier this year. Today, Mesaba Airlines flies to 100 destinations throughout the United States and Canada, through a cooperative agreement with Northwest Airlines.

To honor the many remarkable contributions Gordy Newstrom made to aviation and Northern Minnesota, the region's airport was renamed the Grand Rapids/Itasca County Airport-Gordon Newstrom Field. It was a well-deserved tribute to the founding father of Mesaba Airlines to honor his vision, dedication and determination.

An avid pilot throughout his life, Gordon Newstrom logged more than 40,000 hours in the cockpit, until piloting his last flight five years ago at the age of 87.

I am proud and honored to share with my colleagues this brief, but deserved tribute to Gordy Newstrom, who gave so much of himself to enrich the lives of others and to serve his community and his country.

HONORING RON CEFALO

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. BISHOP of Utah. Mr. Speaker, in this chamber, we often hear rhetoric of great praise for athletes, authors and statesman. With great fanfare we announce legitimate accomplishments, Other times the rhetoric is to trumpet our own actions and plans with grand gestures, receptions and press.

An American humorist, Al Capp, once said, "The man who is not trying to reform the world—will!" Those who truly change our world are those who labor daily, without praise, to create a better life for themselves and those around them.

Today I would like to introduce the body to a man who is changing the world—not by doing something no one else can, but by doing something of which everyone is capable, but few choose to do. This gentleman is changing the world one person at a time.

Ron Cefalo, is a science teacher at Box Elder High School. He was recently recognized for his outstanding efforts in exciting kids on a regular basis to the world of physical science. That by itself is something not easy to do. The Air Force Association, after a rigorous search, first named Ron the AFA Teacher of the Year for Northern Utah. Later he was also chosen from the regional winners as the Air Force Association Teacher of the Year for the State of Utah.

In his 37th year of teaching, Ron can claim such accomplishments as sending two projects into space on the shuttle and coaching an award winning Academic Olympiad Team. Each year Ron takes students to the annual Utah State University Physics Day at Lagoon, an amusement park in Utah, which competitively demonstrates the properties of physics to 5,000 kids from Nevada, Idaho, Wyoming and Utah. Earlier this year Ron Cefalo's group took home seven awards in four different categories. Ron also won first place in the instructor competition for Curriculum Development. Utah State physics professor JR Dennison noted, "Ron has been participating and winning since the inception of USU Physics Day at Lagoon in 1990. In fact, Ron was one of the participants at a summer workshop for secondary teachers held at USU in 1989 when the idea for a USU Physics Day was founded. Ron has been a tremendous asset to us . . . in connection with the American Association of Physics Teachers' regional activities and as a source of some of the best students in physics here at USU."

His greatest achievement is his ability to draw students through hands-on projects into his lessons. Even though setting up student lab projects takes extra time, money and effort, it is these demonstrations that shook the school, once literally, and had students clamoring to enroll in his class.

Ron Cefalo knows that the success of a teacher is only as great as the success of his students. As a dedicated teacher, Ron instructs year-round, spending his summers at Johns Hopkins University, working at a center for gifted youth from all over the world. One summer, a gifted, but troubled student from a dysfunctional home intentionally broke a number of items in one of the classrooms. Another instructor considered the boy to be "too dangerous" and kicked him out of the class. The Principal, faced with the option of sending the boy home early, asked Ron to give the kid one last chance. Ron Cefalo willingly stepped forward and took this troubled youth into his classroom and taught him without further incident.

As expressed in the lyrics of Utah's Senator ORRIN HATCH in the song, "Every Day Hero":

> Some people have helping hands that go a second mile
> They're willing to love and lift a brother for a while
> Everyday Heroes live in every neighborhood.
> Everyday Heroes, helping in the way a neighbor should.
> Giving just a little time; sharing just a little love.
> God bless each one of those everyday heroes.

It was an honor to teach alongside an "Every Day Hero" before coming to Congress, and I personally know the commitment Ron brings to his job and the "helping hands that go a second mile".

Each of Ron Cefalo's students recognize his uncommon talent for making them personally feel important and realize that they have value and someone cares. Every year Ron helps kids mature and learn. Every month Ron gives of himself for others. Every week Ron creates a learning environment in which kids want to participate. Every day Ron makes the world a better place.

ON THE INTRODUCTION OF A BILL TO NAME A POST OFFICE AFTER SENATOR HIRAM FONG

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. ABERCROMBIE. Mr. Speaker, Senator Hiram L. Fong gave over 30 years of outstanding public service to the people of Hawaii. He began his career of public service at the age of 31, by serving from 1938 to 1954 in Hawaii's territorial House of Representatives.

Early on, Senator Fong showed his ability to work well with both Democrats and Republicans as he forged a coalition of independents from both parties and was elected Speaker of the House during his first term.

Senator Fong went on to serve 17 years in the United States Senate, where he was the first Asian-American U.S. Senator. After leaving politics, he focused on building a financial empire based on real estate, insurance and financing.

Born on October 15, 1906, in Kalihi, Senator Fong was the seventh of 11 children in an immigrant family. He worked his way through the University of Hawaii and graduated from Harvard Law School.

His public service was distinguished by his ability to bridge party and ethnic lines. He did so by championing civil rights, labor rights and immigration reform. At the same time, he was a firm believer in the free market and the need to stand on one's own feet.

The Senator's electoral victories owe greatly to the support of the labor unions, particularly the International Longshore and Warehouse Union, ILWU. In its testimony in support of the establishment of the Senator Hiram L. Fong Commission by the Hawaii State Legislature, the ILWU stated,

> The Senator was a successful businessman and a Republican, but he never forgot his humble beginnings. He was a strong supporter of civil rights and often "crossed the aisle" to cooperate on issues important to Hawaii's unions and workers.
>
> This was recognized by the ILWU Local 142 who endorsed his candidacy and campaigned for his re-election.
>
> It would be appropriate to recognize and honor Senator Hiram L. Fong, who we believe, in his heart and soul, understood what it meant to represent the people of Hawaii without ideological politicized division.

Senator Fong's legislative accomplishments owe greatly to the collaboration and cooperation of Democratic colleagues, particularly the other Senator from Hawaii, Oren E. Long, and Senate Majority Leader, Senator Lyndon Johnson.

Upon the Senator's death in 2004, Frank Damon, administrative assistant to Senator Fong in 1959–61, wrote in a letter to a local newspaper, the Honolulu Advertiser:

> A major accomplishment of Senator Hiram L. Fong during the early days of Hawaii's statehood was the passage of Senate Bill 3395 (introduced by his colleague Senator Oren E. Long) which established the East-West Center. The ultimate success of this bill, incorporated into the Mutual Security Act of 1959, could not have occurred without the leadership and political acumen of Hawaii's two new senators, Sen. Fong and Sen. Oren E. Long, a former Governor of Hawaii.
>
> Senator Fong, a Republican, met often and successfully with members of the Eisenhower Administration; and Sen. Long, a Democrat, won the advocacy of Lyndon Johnson, President of the Senate. Our Hawai'i senators persuaded many of their senatorial colleagues to join them, bringing the total sponsors to 49, a number unheard of at that time and perhaps even today. Prominent scholars such as Everett Dirksen, Mike Mansfield, Hubert Humphrey and Robert Byrd joined as cosponsors."

The establishment of the East-West Center was a tribute to Senators Fong and Long. In the early days of statehood the two colleagues collaborated on much important legislation, particularly the omnibus bill, which made Hawaii a full and sovereign Federal State along with the other 49. Other important legislation included the Interstate Highway system, the National Parks, full inclusion in the land grant university system, the new Hawaii Institute of Geophysics, etc.

Senator Fong died on August 18, 2004, at the age of 97.

After Senator Fong's passing, the Hawaii State Legislature established the Senator Hiram L. Fong Commission in order to honor and recognize the distinguished political, business and community leader. The Commission consisted of eleven members selected from the Fong family, the Chinese-American community, the business community, the labor unions and the University of Hawaii.

After extensive deliberations, the Commission made seven recommendations on how the State of Hawaii should honor Senator Fong. One of the recommendations is to designate a post office after the distinguished Senator.

That is why I am introducing this bill today, to designate the post office located at 1271 North King Street in Honolulu as the Hiram L. Fong Post Office Building. I hope my colleagues will join me in this worthy endeavor.

TRIBUTE TO C.A. "MACK" McKINNEY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. JONES of North Carolina. Mr. Speaker, I rise to recognize an American hero, a loyal friend to everyone who wears the uniform of our Nation's military. C.A. "Mack" McKinney, veteran of three wars and distinguished military legislative advocate for over 30 years died November 15, 2005. He was 80 years old.

In 1942, Mack McKinney enlisted with the Marine Corps at age 17 to join America's. fight against tyranny and oppression, and shipped off to war. He served honorably and tirelessly for over 29 years and participated in the invasion of Okinawa during World War II, the Korean conflict, and the Tet Offensive during the Vietnam War before retiring as a Sergeant Major of Marines in 1971. McKinney is the recipient of 16 medals and commendations including the Combat Action Ribbon.

McKinney's service to this country did not end with his retirement, however. Over the next 34 years he lent his time and efforts to improving the recruiting, retention and readiness of the Armed Forces by petitioning Congress for military compensation and benefits packages commensurate with the "extraordinary demands and sacrifices associated with military service." McKinney devoted his talents to a number of organizations dedicated to bettering the lives of America's fighting forces, as well as their families. At the time of his death he was legislative counsel for the Fleet Reserve Association (FRA), headquartered in Alexandria, Va.

Mack McKinney began his long public-service career with the Marine Corps League (MCL) and the Non-Commissioned Officers Association (NCOA). He played a key role in these organizations and was credited with helping stem the losses of highly skilled mid-career military personnel by convincing leaders of the Senate and House Armed Services Committees to authorize two consecutive double-digit pay raises during the late 1970s.

Recognizing that there is strength in numbers, McKinney became a driving force behind the creation of The Military Coalition (TMC) in 1985, and the original 12 co-founding organizations stopped legislation that would have zeroed out retired pay cost-of-living adjustments for a 7 year period. He served as TMC co-chairman, coordinator and administrator—having been reelected as the latter on November 3, 2005. He also mentored numerous TMC organization representatives, imparting them with his vast knowledge of military benefits and the legislative process. Today TMC is comprised of 36 military and veterans' organizations and represents more than 5.5 million active duty, National Guard, Reserve, retirees and veterans of the uniformed services as well as their families and survivors.

In 1987 McKinney was appointed a member of the Veterans Administration Committee on Cemeteries and Memorials, a position he held until 1993.

NCOA recognized his accomplishments by establishing an award in his name—the C.A. "Mack" McKinney Award—presented annually to current or former uniformed service members who exemplify professionalism, dedication, and service to the country.

He was also the first ever recipient of the Marine Corps League's Gunnery Sergeant John Basilone Award for Commitment, and was honored by the U.S. Coast Guard with the Meritorious Public Service Award "for providing consistent and exceptional support to the Coast Guard."

McKinney was a member of numerous professional organizations and held leadership roles in many of them. He was a founding member and President Emeritus of the Exchange Club of Capitol Hill and helped found the Gang of 30 for the purpose of fostering good fellowship and staying abreast of Corps' activities for active duty and retired Marines. He was a lifetime member of the Veterans of Foreign Wars, the Disabled American Veterans, First and Third, Marine Divisions Associations, Marine Corps Aviation Association, Congressional Marines, Marine Corps Law Enforcement Foundation, Marine Corps Heritage Foundation, the Marine Corps Association and the Fleet Reserve Association. He was also a charter member of and second president elected to head the Combined National Veterans Association as well as a charter member of the Combined National Veterans Associations of America.

In 2004, he was awarded the Department of Defense Medal for Distinguished Public Service, the Award citation reads in part:

> Mr. McKinney played a decisive role in winning enactment of virtually every significant legislative initiative affecting compensation and benefits for active, Reserve and Guard, and retired service members...

Above and beyond his enviable work ethic, Mr. Speaker, Mack McKinney's most memorable quality was his impressive knowledge of legislative issues affecting the service member. McKinney could speak to the issues passionately and convincingly, whether it was one-on-one, or to an entire room. He had a way of speaking that drew attention to his words, and his presence commanded attention. Well known at military retiree and transition seminars, McKinney constantly implored service members to stay abreast of the issues that affected their quality-of-life, remarking often that "what Congress gives, Congress can take away."

McKinney was also famous for his sense of humor and was quick with a joke. When remarking about his time in the Marine Corps he would say, "I stayed in 29 years and 6 months because I didn't want to make it a career." In an interview with Navy Times reporter Rick Maze in 2000, he remarked on his position with the FRA, one he held for 10 years: "I've been here longer than all but a handful of Senators and Representatives but I'm not ready to retire. In fact, my wife won't let me. She says she married me for better or worse but not for lunch."

Mr. Speaker, Sergeant Major Mack McKinney worked until the very end to better the quality-of-life for America's veterans and their families. He held strong to his belief that: "There is a lot more that needs to be done, and I'm going to keep trying to do it. Enlisted people need someone looking out for them." I am proud to have known Mack and honored to call him my friend, I will miss him dearly. Mack McKinney is survived by his beloved wife of 52 years, Rosemarie, three children, six grandchildren and two great grandchildren.

A BILL TO NAME THE KAPALAMA POST OFFICE IN HONOLULU, HAWAII AFTER THE LATE U.S. SENATOR HIRAM L. FONG

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. CASE. Mr. President, I rise today in full support of a bill I have cointroduced to provide a small token of permanent recognition—the naming of the prominent Kapalama post office in Honolulu, Hawaii—of the late, great U.S. Senator Hiram L. Fong of Hawaii, whose long life—he died last August at the age of 97—was dedicated to reshaping, for the betterment of all, the social and political landscape of twentieth-century Hawaii.

Born into poverty in Honolulu on October 1907, Hiram L. Fong was the seventh of 11 children of Chinese-immigrant parents. His father, Fong Sau Howe, originally from China's Kwangtung Province, arrived in Hawaii in 1872, one of 45,000 Chinese immigrants who came to Hawaii to work on the plantations of the islands' once dominant sugar industry. His mother, Fong Lum Shee, arrived in Hawaii when she was 10 years old to work as a maid.

By all accounts, Hiram Fong was enterprising, even as a child. He shined shoes, delivered poi, sold newspapers, led visitors to local tourist spots as well as caddied nine holes of golf for 25 cents.

He attended Hawaii's public schools and was a member of McKinley High School's famous class of 1924, whose 216 members, many of them first-generation immigrants, became some of Hawaii's most distinguished lawyers, business executives, and public servants. Hiram Fong himself became the first resident of Hawaii to receive the Horatio Alger Award for overcoming poverty to achieve great success in law, business, and public service.

As a student at the University of Hawaii, Fong found time to edit the student paper and the yearbook, become a member of the volleyball, rifle and debate teams, and serve as president of the YMCA and Chinese Students Alliance, all the while working at the Pearl Harbor Naval Shipyard as a supply clerk. He somehow managed to graduate from the University of Hawaii with honors in 1930 after just three years.

After working at what was then the Suburban Water System of Oahu from 1930 to 1932, Hiram Fong attended Harvard Law School. Upon graduation in 1935, he returned to Honolulu to work as a deputy city attorney.

In 1938, when he was 31, he founded the law firm of Fong, Miho, Choy and Robinson, and entered and won a race for a seat in the Territorial House of Representatives. A member of the Republican Party, he forged a coalition of independent Republicans and Democrats to win election as speaker of the Territorial House, where he would serve a total of 14 years, including three terms as speaker.

Hiram Fong's political career was interrupted by World War II, when he was called to active duty with the Army Air Corps. He served as judge advocate with the 7th Fighter Command of the Seventh Air Force. He later retired as a colonel in the U.S. Air Force Reserve.

As a member of the Hawaii Territorial House, Fong supported legislation designed to help organized labor and working families. In 1945, he supported what became known as the "Little Wagner Act," which allowed agriculture workers to unionize. It was Hiram Fong's understanding of and identification with Hawaii's laborers and plantation workers and fellow immigrant families that enabled him, a Republican in an increasingly Democratic Party-dominated Hawaii, to continue winning elections.

His one electoral defeat, which ended the first phase of his political career, came in 1954, when he lost his race for re-election to the Territorial House seat by a mere 31 votes. Hiram Fong then focused on real estate, insurance, and investments, and established a number of successful island firms: Finance Factors, Finance Realty, Finance Home Builders, and Finance Investment, to name a few.

In the statehood year of 1959, Fong embarked on the second phase of his political career by running for and winning one of the two new United States Senate seats created for the newly established State of Hawaii. He won re-election in 1964 and 1970, and served with honor and distinction, beloved by all in his native Hawaii and beyond, until his retirement on January 2, 1977. At his retirement, Senator Fong was the ranking Republican on the Senate Committee on Post Office and Civil Service.

But even then, Senator Fong, as he was universally known thereafter with great affection, returned home and to his various business enterprises and to the devotion of and to his expanded family. Well into his nineties, he was a remarkable sight as he strode through downtown Honolulu on his way to and from work, excited by what the day brought and eager to continue his long string of accomplishments. At his death, his body lay in state in Hawaii's State Capitol as whole generations of citizens paid tribute to a remarkable man who led a remarkable life.

It is both fitting and appropriate that we provide this modest memorial, as he would have wished, in order to remember the essence of public service and a life well lived by Hawaii's quintessential native son, Hiram L. Fong.

CONGRESS SHOULD LISTEN TO ETHAN SENSER

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Ms. SCHAKOWSKY Mr. Speaker, I want to share with my colleagues a letter that I recently received from Ethan Senser, a remarkable 7th grade student who attends the Sager Solomon Schechter Middle School in Northbrook, Illinois. Ethan's letter is a persuasive and thoughtful call to action for all of us about the need to prevent global warming and protect the environment for this and future generations.

Ethan not only asks Congress to respond to the looming dangers of global warming and environmental destruction, he lays out clear and eminently doable measures that we can take to achieve those goals. He has provided us with a common sense list of steps to take, from the promotion of energy-efficiency appliances and cars to public transportation to alternative fuel production as a substitute for drilling in environmentally-fragile areas like ANWR. By following Ethan's suggestions, our legislative legacy will be to leave the world a cleaner, safer and better place. If not, Ethan's generation will face the enormous task of cleaning up environmental disasters that we can act now to prevent.

Finally, I want to commend Ethan not just for his ideas but for his activism. He is not just asking Congress to act, relying on us to fix problems. Ethan wants to know what he can do as a young student who is concerned about the environment. Here, too, Ethan is sending a correct and compelling message: that the protection of the planet is everybody's business.

I know that, after reading Ethan's letter, my colleagues will be as impressed with his commitment and vision as I am. And, I hope that it will result in enactment of the legislative priorities that he has suggested we pursue.

DEAR CONGRESSWOMAN SCHAKOWSKY: My name is Ethan Senser. I am in 7th grade at Sager Solomon Schechter Middle School in Northbrook, IL. I am very worried about global warming and how it will affect the world in the future. There are several things that I am concerned about. I am worried about air pollution from cars and factories. I am concerned with the rain forests. The rain forests are disappearing because of the need for lumber and grazing land for cattle. Forests are also being destroyed in this country for lumber. Forests are important because trees remove carbon dioxide from the air, a major greenhouse gas that causes global warming. They are also important animal habitats and many animals are in danger of becoming extinct because of their loss of a place to live and feed. With global warming I am also worried about the Polar ice caps melting and raising the sea level. If this happens cities that are on a coastline would be in serious danger of flooding.

I am hoping that Congress will do something to help stop global warming before it goes too far. I think that Congress should try to make more laws to really help the environment. They should make sure that there is no drilling for oil in the Alaskan nature preserve. Besides ruining animal habitats, tanker accidents can pollute the water. Congress should pressure auto companies to make more fuel efficient cars. They should give incentives for the development of alternative fuels. They should also try to get factories to find ways to produce their products in a safer, cleaner way. There should be more pressure on people to use public transportation. Also. people could be encouraged to use bikes more often. More cities should try to use Carpool lanes to get people to carpool. Companies should make environmental friendly products. Household appliances makers should do the same. More products should be made in recyclable containers. Paper products could be made on recycled paper as well as pop bottles. Many products are over packaged and should be sold in simpler, smaller packaging.

I am writing to you, Congresswoman Schakowsky, because I want to get involved in ways to help stop global warming. As a member of the House Committee on Energy and Commerce, and someone also very concerned about the environment, do you have any suggestions on how a middle school student can make a difference?

TRIBUTE TO RADIO STATION KALW

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor Radio Station KALW for its continuing service to the people of the San Francisco Bay Area and to congratulate KALW on its fifty-fifth anniversary of operations.

KALW began broadcasting in 1941. It was the first FM radio station in San Francisco, the first educational FM station in the United States, the second non-commercial FM station in the country and the first non-commercial FM station west of the Mississippi River.

In a time of media consolidation, KALW maintains its independence and its dedication to local news. Its programs reflect the extraordinary richness and diversity of the people of the Bay Area.

KALW has received more than a dozen national excellence awards in the past five years for its exemplary news coverage. In its programs it draws on the expertise of a brain trust of local community members, including scholars, job coaches, musicians, independent bookstore owners and many others.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a remarkable national resource, radio station KALW, and extending to everyone involved with the station our congratulations on its fifty-fifth anniversary.

SENATE—*Wednesday, December 14, 2005*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Ever loving and eternal God, source of the light that never dims and of the love that never fails, help us to live in faithful expectation of Your triumph in our world. Fill us with hope that we will not become discouraged because of setbacks. Take away doubts that disturb us and worries that distract us. Empower our Senators to be instruments of Your purposes. Make them content to faithfully serve as they live in peace with others.

Give each of us the peace that passes understanding.

We pray in Your loving Name, Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will begin a 30-minute period of morning business. When that time has expired, we will begin consideration of the House message to accompany the deficit reduction bill.

Last night the agreement we entered allows for up to 7 motions to instruct conferees. Several Members spoke to these motions, debating their motions yesterday. Today we will vote on those, prior to lunch.

ORDER OF PROCEDURE

Mr. President, I now ask unanimous consent that at 11:45 this morning we proceed to three consecutive votes, first on the Baucus motion to instruct, to be followed by the Carper motion, to be followed by the Harkin motion; provided further that there be 2 minutes equally divided for debate prior to each of the votes; finally, I ask unanimous consent that following the third vote the Senate stand in recess until 2:15 for the policy luncheon to meet.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, therefore, Senators can expect three votes beginning at 11:45 today. The remaining motions will be debated this morning and this afternoon, and those votes will be scheduled for Thursday afternoon at approximately 3:30.

Today we expect the PATRIOT Act conference report to arrive from the House. If we are unable to reach consent for a limited debate time, then I am prepared to file cloture on that conference report.

I do hope we can come to a consent for the debate time. If not, cloture can be expected. If that is the case, that vote would occur Friday morning. The Labor-Health and Human Services appropriations conference report may also be available to the Senate today. I will be consulting with my colleagues about scheduling that vote as well.

In addition to the items I have mentioned, there is a number of other legislative and executive items that remain. These include the Defense authorization conference report, the Defense appropriations conference report.

As I have said over the last several days on the floor, I urge all Members to remain available and to adjust their schedules accordingly for the remainder of this week and into this weekend, and perhaps beyond as we schedule our final business of this year. We will make every effort to conclude our work as quickly as possible, but it will require the patience and cooperation of all Senators. As all of my colleagues understand, there is a lot of coordination with the House of Representatives with bills going back and forth.

I thank everyone for their help in advance as we move forward on these matters.

COMBAT METH ACT

Mr. FRIST. Mr. President, I briefly speak to an issue that is important to me and important to the American people. As we continue our debate on the PATRIOT Act conference report, I call my colleagues' attention to a special crimefighting provision that promises to thwart the No. 1 drug problem in America today, methamphetamine. The provision is called the Combat Meth Act. It enjoys broad bipartisan support in this body. It is a part of the PATRIOT Act legislation.

In particular, I want to thank my colleague from Missouri, Senator TALENT, for his tireless efforts in advancing this pressing issue. He has been focused on it, and he has talked to all of our colleagues about it. He very passionately expresses the need and the critical importance of this bill. He has worked hand in hand with our colleague from California, Senator FEINSTEIN, and together they introduced the Combat Meth Act in January of this year.

As leadership, I was proud to work with our corresponding House leadership to encourage our Members to work with all of our counterparts to get this done, to work in a bicameral way.

The Combat Meth Act is a victory for law enforcement, a victory for our communities, and a victory for every family who has experienced the pain and the destruction of methamphetamine abuse. In 10 years—one decade—meth has become America's worst drug problem. That is above marijuana, cocaine, heroin—over the last 10 years. It is destroying individuals.

We have all heard stories in our various States and districts of families and whole communities being destroyed by the new emergence of methamphetamine and the destruction it causes. My own State of Tennessee has been hit particularly hard. In 2004, Tennessee ranked No. 2, tied with Iowa and just behind Missouri, in the number of methamphetamine lab seizures. Sandy Mattice, a former U.S. Attorney in Tennessee, and now a Federal judge in Chattanooga, calls meth "the worst stuff" we have ever seen. It has led to some of the worst and most disturbing cases of violence to hit the front pages of today.

This August, when I was back at home traveling across Tennessee, I heard stories again and again from my fellow Tennesseans of the devastating destruction meth is creating in communities all across the State. I heard about addicted mothers and fathers abusing their children, abusing each other during the highs and the lows created by methamphetamine use. I heard about addicts stealing from their own spouses, stealing from their own families because they were so desperate to support this highly addictive drug and the habit that becomes a part of it.

There is one Tennessee story which was so horrific that it made national news. Because it was so accurately reflective of the destruction and pain created by meth, the laws in Tennessee were changed.

In June of last year, authorities found 3-year-old Haley Spicer in her father's mobile home in Campbell County. Haley had been burned over her body with cigarettes, she had been scalded with hot water, and she had been severely beaten. The fumes from her father's meth lab were so toxic that Haley's eyelids were nearly melted shut. Haley has undergone several surgeries to open her eyes. She faces a number of operations in the future to rebuild her nose and to rebuild her injured ear.

Haley's father Tommy Joe Owens was sentenced in October to 95 years in prison for what he did to his child. His live-in girlfriend Charlotte Claiborne pleaded no contest and was sentenced to 20 years behind bars.

Haley's case was so shocking that in August the State legislature passed Haley's Law to drastically toughen child abuse penalties. This was an important victory for child abuse victims, but it didn't get to the concurrent problem of meth abuse and addiction which led to this crime.

Local law enforcement—I heard it all over the State—is literally overwhelmed by the meth crisis. They are calling out for our help. They need us to pass the Combat Meth Act to restrict access to the cold medicines that contain pseudoephedrine and ephedrine, which are the key ingredients easily obtained today and used to manufacture methamphetamine. Once you have those ingredients, meth can literally be manufactured with a few pots and pans in a kitchen.

While some States, such as my home State of Tennessee, have passed laws restricting access to these products, other States have not yet acted. As a result, meth cooks can jump from one State to another State to another State to get the over-the-counter ingredients they use to make this highly addictive toxin.

Law enforcement and prosecutors tell me the single greatest impact we could have on reducing meth abuse is to require all 50 States to restrict access to the cold medicines containing the ingredients used to make methamphetamine. Data from States that have gone ahead and passed laws restricting access to these precursor chemicals proves that indeed to be the case. They work.

Oklahoma, for instance, passed a law last year and with this law has seen a dramatic reduction in meth lab seizures. Data from my own State of Tennessee—we passed a similar law earlier in the year—shows the same trend, a steady decline in meth lab seizures.

The Combat Meth Act will require all 50 States to do what Oklahoma and Tennessee have done. The Combat Meth Act is critical to containing and defeating the meth epidemic. We need one uniform standard to close the loopholes in the system so that producers can't cruise from State to State exploiting our differences.

I again thank Senator TALENT and Senator FEINSTEIN for their leadership and for pushing hard to get this done.

I urge my colleagues to pass the PATRIOT Act, which includes this much needed law. The Combat Meth Act is a victory for law enforcement across this land in our communities. The Combat Meth Act is a victory for towns and for communities and cities all across America. It is a victory for all of the innocent individuals and families who have been harmed by this dangerous and deadly drug.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Colorado.

SECOND BRIGADE COMBAT TEAMS

Mr. ALLARD. Mr. President, last week I had the privilege of meeting privately with numerous soldiers from the 2nd Brigade Combat Team of the 2nd Infantry Division, which is stationed at Fort Carson, CO. These soldiers had just returned from their first tour in Iraq where they helped maintain the peace near the former terrorist hot-bed of Fallujah. I spent over an hour talking with them about their experiences, asking them about their challenges, and hearing their thoughts about whether we should stay the course in Iraq.

These soldiers spent the last year fighting the Iraqi terrorists, in some cases house-to-house. They helped train several Iraqi security units and participated in numerous reconstruction projects throughout central Iraq. Sadly, they lost 68 of their own while in Iraq. Yet, while they deeply mourn the loss of their comrades, they have no regrets about their time in Iraq.

Indeed, if there was one thing I took away from my meeting with the soldiers of the 2nd Brigade Combat Team, it was that each and every one of these soldiers was proud of their accomplishments in Iraq. They completed their mission well and helped thousands of Iraqis better understand the value of freedom and prosperity.

And why shouldn't these soldiers be proud of what they achieved? The progress we have made in Iraq is breath-taking, and these soldiers have been a part of it.

Those who believe that the war in Iraq has become a quagmire certainly haven't been paying attention. The President's strategy is working and we are making progress.

The reconstruction accomplishments in Iraq are staggering:

Over 3,000 schools have been renovated and refurbished; 133,000 primary school teachers—a third of Iraq's educators—have received additional training and technical assistance; primary school enrollment is up 19 percent from prewar levels; nearly 250 health care centers have been renovated and another 563 have received new equipment; over 2,500 primary health care workers have received training to better meet the Iraq's health care needs; in 2005 alone, 98 percent of Iraqi children between 1 and 5 years old have been immunized against measles, mumps, and rubella; more than 3 million Iraqis now have clean water, which was not adequately supplied before the war; more than 4.5 million Iraqis benefit from sewage disposal projects the United States has funded; sewage in many areas of Iraq used to literally run down the streets; 30,000 new businesses have registered with the Iraqi government in the past year alone; Iraqis are buying televisions, air conditioners, microwave ovens, and cell phones—all goods that were nearly impossible to buy unless you were one of Saddam's cronies; the generation of electricity is significantly higher than prewar level, though this area remains a challenge because of the power-consuming goods the Iraqis are buying.

The training of Iraqi security forces is continuing at a brisk pace. Over 200,000 soldiers and policemen have been trained so far. As the soldiers from the 2nd Brigade Combat Team at Fort Carson will tell you, some Iraqi units are highly competent and very capable. Other Iraqi units have a long way to go. Yet progress is being made.

Just in the last 2 weeks, Iraqi security forces conducted nearly 100 company-level combat operations on their own without U.S. assistance.

On the political front, the progress in Iraq has been nothing short of amazing.

As President Bush pointed out in his speech 2 days ago, Iraq was in the iron grip of a cruel dictator who murdered his own people, attacked his neighbors, and continued his decade-long defiance of the United Nations just 2½ years ago.

Since then, the Iraqi people have assumed sovereignty of their own country, held free elections, put together a new constitution, and approved that constitution in a nation-wide referendum.

Tomorrow, Iraqis will again return to the voters booth for the third time in the last year. They will be choosing a new government under a new constitution, and they will be choosing democracy over tyranny.

Hundreds of political parties representing every element of Iraqi society, including Sunni, Shiites, and Kurds, are participating in this highly competitive, completely unprecedented electoral race.

Despite the constant danger of terror attacks, Iraq is buzzing in a campaign-like atmosphere. Baghdad, Najaf, and Mosul are full of signs and posters. Television and radio are filled with political ads and commentary.

Political rallies for candidates are being held around the country. Nothing the terrorists can do or say has stopped this march toward freedom and democracy.

Like Shiites and Kurds, Sunni politicians are now coming under attack by the Iraqi terrorists. But the Sunnis now know that terror will never overcome the political momentum that has been gaining speed in Iraq. They know that an agenda of fear and tyranny will only lead to more death and destruction.

They see that the future of Iraq lies not in the hateful ideology of extremism but in freedom, prosperity, and hope.

As the Denver Post in their editiorial today, tomorrow marks an important milestone towards self-government for the Iraqi people.

The elections in Iraq are a sign of tremendous political progress, but they are not the only sign. The development of the rule of law and building of new political institutions is just as important—if not more so.

The United States is helping build an independent, impartial judiciary system capable of protecting all Iraqis and is helping Iraqi lawmakers develop a body of law that will sustain Iraq through the challenges of the future.

In particular, the trial of Saddam Hussein has shown all Iraqis that even the most despicable criminals deserve due process and an opportunity to prove their innocence under the law.

Some have questioned whether the war in Iraq is really a part of the war against terror. The terrorists have made it abundantly clear that Iraq is central in their war against the civilized world.

They have also made it clear that they will not stop with Iraq; they will strike Iraq's neighbors as they did last month in Jordan; they will strike Europe as they did in the Madrid bombings; and they will not hesitate to strike America again as they did on September 11.

The soldiers of the 2nd Brigade Combat Team of the 2nd Infantry at Fort Carson understand the stakes of the war in Iraq. They know that if we run away, all of their work will go for naught. They know that if we give up, the lives of millions of Iraqis will be put at risk. And they know that if we surrender, the fight the terrorists will be emboldened to hit us where it hurts the most—here in the United States.

I applaud the soldiers of the 2nd Brigade Combat Team for their service to our Nation and to the people of Iraq. They have every right to be proud of their achievements, as does every U.S. soldier, sailor, airman, and marine who has helped bring freedom to Iraq. We owe the men and women in our Armed Forces a debt of gratitude—their courage and bravery has inspired me and should inspire every American.

Mr. President, I appreciate the opportunity to discuss this important issue.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. DURBIN. Mr. President, shortly after 9/11 we came together on a bipartisan basis in Congress to try to make certain that terrible tragedy was never repeated. We worked on a bipartisan basis to give tools to our Government to fight terrorism, to upgrade the laws of the United States so our Government could stay ahead of the curve when it came to that threat. We understood then, as we do now, that those tools were necessary for our Government, and we understood as well that preventing terrorism is the most important and the most valid exercise of governmental responsibility.

But we were concerned, concerned that at that moment in our history we were responding quickly, perhaps emotionally, to the threat and to the tragedy of September 11. So in the wisdom of both Republican and Democratic legislators, we included in the PATRIOT Act this new set of tools to fight terrorism, sunset provisions. We said: Four years from now we will take another look at it. We are going to try to decide at that point in time if we went too far because at issue here was not just fighting terrorism but our basic rights and liberties.

Giving the Government more power over the people in this country may be necessary in some regards to deal with terrorism, but we should always do it carefully because our basic rights and liberties, as guaranteed by our Constitution and the tradition of our laws, are things we are all sworn to uphold and protect. So the PATRIOT Act was passed on a bipartisan basis with only one dissenting vote in the Senate and included these sunset provisions.

Well, the calendar has run, it is 4 years later, and now again we are looking at this PATRIOT Act. I found it interesting that there were certain provisions of this act which were obviously accepted by the American people, provisions which gave the Government more authority. But there were several that became controversial. And over the years, since the act was first passed, a number of Members of the Senate started asking questions about whether perhaps we did go too far in passing the PATRIOT Act. It led to the introduction of legislation which I cosponsored with Senator LARRY CRAIG of Idaho entitled "the SAFE Act," an attempt not to repeal the PATRIOT Act but to change some provisions which may have gone too far.

It was an interesting bill by political standards because the cosponsors could not be more different. Senator CRAIG is a very conservative Republican from Idaho. I, of course, am a Democrat from a blue State in Illinois. Yet we came together and believed we had a common goal of giving the Government enough power to deal with terrorism and protect us but not too much power to take away our basic rights and liberties. We attracted cosponsors from both sides of the aisle—Senator JOHN SUNUNU of New Hampshire; Senator LISA MURKOWSKI of Alaska; Senator RUSS FEINGOLD, who has been a very able leader on this whole issue, as well as Senator KEN SALAZAR, former attorney general of the State of Colorado. We have all come together to try to make certain that rewriting the PATRIOT Act on this 4-year anniversary is done in a responsible fashion.

We could not have had a better outcome in the Senate. I cannot think of one. We passed our revision of the PATRIOT Act out of the Judiciary Committee unanimously. I want to tell you, I have served on the Judiciary Committee for about 8 years now. It is rough to get a unanimous vote for a resolution praising motherhood. But we had a unanimous vote—Democrats and Republicans—on the new PATRIOT Act, brought it to the floor, and it really struck the right chord with all Members of the Senate to the point where we did not have a record vote to pass it. We passed it by unanimous consent, and that says we were on to something, the right balance.

Then, of course, the legislative process takes that bill of the Senate and matches it with the bill in the House, and compromises are made. That is the reason we are here today.

Because, sadly, some of the compromises that were made between the Senate bill and the ultimate bill we are being presented with were significant, historic, and some, I am afraid, were just plain wrong.

In about 2 weeks, several provisions of the PATRIOT Act will expire. There are only a couple days left in this session of Congress. The Senate majority leader, Senator FRIST, said this morning this is one of his high priorities. And it should be.

Later this week, at the last possible moment, the Senate is going to consider the bill to reauthorize the expiring provisions of the PATRIOT Act. I wish we were not doing this at the last minute because this is an important debate. This debate is especially important because the current version of the bill does not include the safeguards which we need to protect the basic freedoms of Americans.

I come to this debate with the belief we have inherent in our democracy, based on our Constitution, certain rights and freedoms and liberties. If this Government, or any government, wants to take that freedom away from me or from any American, they have to make a compelling argument. The presumption is in favor of our freedom. The presumption is in favor of our privacy. It is the Government's responsibility to show that it has to go beyond current law to take away our basic freedom. That is where I start. And I think many Members of the Senate—conservative and liberal—feel exactly the same way.

Now, I understand there may be an attempt to shut off the debate on this PATRIOT Act. I think that is a mistake. I think we should give it the time necessary because we are talking about fundamental freedoms in this country. It is rare we stand on the floor and really consider a bill of this importance and this magnitude. But this is one of them. We rushed through the PATRIOT Act 4 years ago, as I said, in the light of what happened on 9/11, with an understanding we needed to pause and reflect on this in 4 years. We should not rush through this debate again.

Some claim we should not be concerned with problems in this bill because it includes another sunset clause, which gives Congress the power to review three of the bill's most controversial provisions 4 years from now. A sunset is really important. I am glad we included it in the original bill. But it is no justification for delaying changes to the PATRIOT Act that are needed to protect our fundamental liberties. We ought to fix the PATRIOT Act now.

In the last 4 years, 400 communities in 45 different States have passed resolutions expressing concerns about the PATRIOT Act. The American people are sensitive to the fact that this could be an infringement on their basic rights. The communities that passed these resolutions represent about 62 million people across this country from every corner of the United States.

Senator CRAIG and I introduced the SAFE Act to address these concerns. Three Republican Senators, three Democratic Senators, we came together across the aisle to try to find a bipartisan and sensible approach to dealing with this issue. The SAFE Act, as I said, would not eliminate the PATRIOT Act. It would only reform it.

And the bill has an amazing array of support: the American Conservative Union joined with the American Civil Liberties Union. When was the last time those two got together? But they did for this act because they believe whether you are on the right or on the left that basic freedoms should be protected.

The Senate bill was based on the SAFE Act that we introduced. We reached an agreement. We made compromises. So some of the reforms of the SAFE Act were included, some were not. The result was extraordinary. The Senate unanimously passed the bill.

The SAFE Act, like the Senate bill, retains all of the new powers created by the PATRIOT Act but places some reasonable limits on them.

Then came the conference report. The current version of the PATRIOT Act reauthorization legislation does not include some of the most important reforms of the Senate bill. In the limited time I have, let me speak to one or two issues.

Section 215 has been called the library records provision of the PATRIOT Act. Let me tell you what it would do. The bill would allow the Government to use this section to obtain library, medical, tax, gun records, business records, and other sensitive personal information simply by showing that the information might be relevant to an authorized investigation.

This is not in the tradition of American jurisprudence and American constitutional law. It has been our premise that before the Government can investigate any of us, any person who is following this debate, there must be some individualized suspicion about that person. This section of the PATRIOT Act says just the opposite. The Government can start looking at thousands of individual records held by different companies or libraries or hospitals and look to see if there is anything suspicious that they can glean from looking at those records. Section 215 clearly allows such a fishing expedition.

Who has raised concerns about this provision? The U.S. Chamber of Commerce, the National Association of Manufacturers, groups on the right and on the left. They argue that the Government should be required to show a judge that a person whose records they want has some connection to a suspected terrorist or spy.

This is basic to the law of America. In this country, you have the right to be left alone. It is pretty basic and important to all of us. If the Government wants to get into my personal life or yours, it has to do so with a reason, not in general terms that say: Let's look at all of the people who have checked books out of the New York Public Library in the last 30 days. Let's go to a hospital and ask for all of the medical records of people who have had a certain medical procedure, regardless of who those people happen to be. This is too broad.

When the FBI is conducting a terrorism investigation, they should not be able to snoop through your sensitive personal records unless you have some connection to a suspected terrorist act. The original Senate bill would provide that protection. This bill we are going to consider does not. That is what is at stake.

There are other problems with section 215. Let me mention another. An individual who receives a section 215 order—for example, the person who is running a library, the administrator of a hospital with medical records, the administrator of a credit agency, for example, with sensitive financial information—is subject to an automatic permanent gag order that prevents that person from speaking out, even if he believes that this section 215 order has gone way too far and violates their rights.

The original Senate bill we supported on a bipartisan basis and passed unanimously would give someone who receives a section 215 order the right to go to court to ask that the gag order be lifted. The current version of the bill does not.

It, in fact, continues to gag those individuals who could protest the Government reaching too far with a section 215 order. This is a serious threat to our freedom of speech. Courts have held that an individual who is subject to a Government gag order has a first amendment right to challenge that gag order in court. The current version of the PATRIOT Act does not provide that right. I am concerned that that on its face is unconstitutional.

I don't have time to get into all of the details of this conference report. There are many provisions of the bill which trouble me. This morning, I am going to be sending a letter, with several of my colleagues, to our other colleagues in the Senate outlining those concerns.

In this morning's Washington Post, Attorney General Gonzales says we have a choice: either accept this flawed conference report or it will expire. I respectfully disagree. We must not allow the PATRIOT Act to expire. There are provisions we desperately need to keep America safe. But we should not pass a reauthorization that fails to protect basic constitutional rights. Once we give these rights away in this act, can we ever reclaim them?

The 9/11 Commission said it best: The choice between security and liberty is a false choice. Our bipartisan coalition believes this legislation can be changed and improved to protect civil liberties and give the Government the tools it needs to fight terrorism.

We believe it is possible for Republicans and Democrats to come together, dedicated to protecting our basic constitutional rights. We believe we can be safe and free.

The American people have already lived with the PATRIOT Act for 4 years. They shouldn't have to wait any longer for Congress to take action to protect their constitutional rights.

This morning, the Senate majority leader came to the floor to speak about a provision in the PATRIOT Act which I certainly support. It is the Combat Meth Act. My State of Illinois, many States with rural populations, knows that this insidious drug crime has been increasing with these meth labs and an addiction which has destroyed lives and created chaos, starting, of all places, with rural areas and small towns. The Combat Meth Act includes $15 million in COPS funding to combat the growing methamphetamine problem, and I support it. However, what the Senate majority leader did not mention was that the Republicans in this Chamber have consistently voted against COPS funding.

As recently as last March, when the Senate considered the budget resolution—I see my friend, the chairman of the Budget Committee, and he may respond—Senator BIDEN proposed an amendment to increase COPS funding by $1 billion. That amendment did not receive a single vote on the other side of the aisle. Time and again, the President has proposed eliminating funding for hiring additional police officers through the COPS Program to help combat this methamphetamine problem. Simply authorizing another $15 million in COPS funding in the PATRIOT Act is not enough. It is time for Congress to take a stand and provide real money to fund the COPS Program, to help State and local law enforcement fight this insidious meth epidemic across America.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEFICIT REDUCTION ACT OF 2005

The PRESIDING OFFICER. The Chair now lays before the Senate a message from the House.

The bill clerk read as follows:

Resolved, That the bill from the Senate (S. 1932) entitled "An Act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)", do pass with the following amendment.

The bill is printed in the House proceedings of the RECORD of November 17, 2005.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of motions to instruct conferees with respect to S. 1932, and the Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, we are now proceeding to try to appoint conferees for the purposes of passing, hopefully, at some point, the deficit reduction bill which would reduce the deficit of the United States by $45 to $48, maybe $49 billion and, thus, reduce the debt of the United States and be the first piece of legislation passed in the last 8 years which attempts to address one of the most serious issues we have as a matter of Federal spending policy, which is the issue of how we bring under control our entitlement accounts. It is important, as we move down this road, that we once again set the table as to what the issues are. It is a complex issue, and it is one which a lot of people who are not focusing on it probably do not really appreciate the subtleties because it is something that takes a certain amount of expertise or at least a fair amount of time relative to understanding it.

The way the Federal spending process works is that there are essentially two different sets of accounts. One is discretionary. Those are accounts that we spend every year. They are for things such as national defense, education, environmental cleanup, health care, items which every year need to be appropriated. That is called the appropriations bills. They represent about a third of the Federal spending.

Another set of accounts is entitlement accounts. Entitlement accounts are programs from which you, as American citizens or an organization, have a right to receive a payment. It is not a question of being appropriated. In other words, there doesn't have to be a law passed every year for you to get that expenditure like you have to do with national defense.

Rather, this money, you have a right to because the law says you meet certain criteria. You may be a veteran. You may be a student going to college and you have a right to a student loan. You may be a senior citizen who is retired and you have a right to Social Security payments and you have a right to health care payments. You may be a low-income individual and you have a right to Medicaid payments.

The problem we confront in the Federal Government is that although the discretionary accounts have been held at a very low rate of increase—in fact, nondefense discretionary funding has essentially been frozen under the budget resolution we passed. That freeze has been enforced through what is known as spending caps, where in order to go past this essential freeze, you have to have a supermajority to do it. On the entitlement side, there is no way in the regular order of the Senate to control the rate of growth in entitlement spending because, for a certain number of people or programmatic activity, the payment must be made. We confront a fiscal tsunami, driven by the fact that we are facing the largest retired generation in the history of this country, the baby boomers.

As Chairman Greenspan pointed out in what was essentially his wrap-up statement as to what he thought were the concerns we as a Nation should be looking at in the area of fiscal policy—or maybe not his last statement but maybe a major policy statement made in London. He said the one thing that most concerned him was the fact that the baby boom generation—this large generation born after World War II, through the 1950s—when it hits the retirement system, tremendous demands are going to be put on the Federal Treasury and, therefore, on the taxpayers of the country—the younger generation who are trying to earn and have a good lifestyle—are going to be overwhelmed. We are essentially going to confront the situation where we will have so many people retired compared to the number of people working that those people who are working are going to have to pay a disproportionate amount of their income in order to support the retired generation, and it will be to a level that will essentially eliminate or dramatically reduce our children's and grandchildren's ability to have a quality lifestyle. These pages today are going to have a tax burden that is so high that basically their ability to buy a house, to send their children to college, to have a quality of life that is equal to or better than ours—which is, of course, what we hope to pass on to our children—will be dramatically reduced.

To put this in context of dollars—and the dollars are so big it is hard to understand it—there is presently $47 trillion of unfunded liability out there to support the generation that is about to hit the retirement system. That is an unfunded liability. That means there is no way anybody knows how to pay for those programs. The vast majority of that is in the health care area, where there is about $24 trillion of unfunded liability between the Medicare and the Medicaid systems. Those numbers were not numbers I thought up or even that CBO thought up or OMB thought up, the in-house accounting groups we turn to for advice. Those numbers came from the independent, totally objective source of the Comptroller's office.

So we confront this huge cost, and the issue for us as policymakers and as shepherds of hopefully a better America for our children is how do we address that so we don't pass on to them this massive debt.

In the last 8 years, we have done nothing about the entitlements. This section of the Federal spending apparatus has basically been ignored, except that new programs have been added. In the last 4 years, we have seen the largest increase in the history of the country added to entitlements in the prescription drug program, an $8 trillion unfunded liability in that program. So this year in the budget process, the Republican majority, with the exception of a few Members, decided that we would try, for the first time in 8 years, to actually do something about the entitlement accounts, and we passed something called reconciliation instructions, which essentially is a program by which we say as a Congress to the committees of jurisdiction, look at your entitlement spending programs, look at the health care programs, the farm programs, the various education programs and see if there is not some way, without significantly impacting the quality of those programs or the economic integrity of those programs or the benefit of those programs to the people—isn't there some way we can rein in their rate of growth so they will be more affordable for our children's generation to pay for it.

It is the first time we have tried this in 8 years. We didn't pick a big number to hit. It is a big number, but in the context of the Federal spending it is not that big a number. For example, in the Medicaid area, we suggested that the rate of growth be slowed by $10 billion. That is a big number, but in the context of total Medicaid spending, it is not. Total Medicaid spending over the 5-year period, which we asked for a $10 billion savings in, will be $1.2 trillion. So $10 billion is actually less than one-tenth of 1 percent of that total spending, and it will slow the rate of growth of Medicaid spending from somewhere around 40.5 percent down to 40 percent. That is the rate of growth. Forty-percent growth will still occur in the Medicaid account, even if we hit the target that the Senate has proposed. So we are trying as a Congress now to reach agreement on this package of proposals to rein in the rate of growth of Medicaid spending and other entitlement account spending, and we hope to have a package within the $40 billion to $50 billion range. That is a big number, but today we need to get to conference to do that. We have to meet with the House. That is the way it works. We have to go to conference and talk about it.

Some would like to give instructions to the conference as to what the conference should do. Now, it is the legitimate right of everybody in the Senate to offer a motion of instruction before you go to conference. That is so the other side of the aisle, coupled with some Members on our side, have asked to set up a set of motions for instructions. I believe seven will be proposed, and we will hopefully get a vote on conferees. There is an irony to this—in fact, it is more than irony. Other terms may be more appropriate, but I will not use them. But in every instance the people who are offering—the primary offerers—the motions to instruct conferees did not vote for the budget. None of them. They did not vote for the budget. There was one cosponsor of one of these who did vote for it, and I appreciate her vote; it was the Senator from Maine, Ms. COLLINS. But she is not the prime sponsor of it. The prime sponsors of those proposals did not vote for the budget. They not only didn't vote for the budget which had in place the spending restraint which froze discretionary spending and put into place the caps necessary to control discretionary spending and put in place the entitlement reconciliation instructions which would allow us to move forward with a reconciliation bill and try to control spending—so the sponsors of these instructions didn't vote for any spending restraint proposals and now they want to instruct the conference as to how to proceed. And then having not voted for the budget when the reconciliation bill came to the floor, which bill involved, when it passed the Senate, $3 billion of savings, deficit reduction, savings in spending, deficit reduction—they didn't vote for that—none of the sponsors of these motions to instruct the conferees voted to control spending by voting for the deficit reduction package or to control spending by voting for a budget. And now they come to the floor in an act of what I think is exceptional irony, and they wish to advise and tell and instruct the people who are going to try to put together a bill to reduce the deficit and reduce the debt as to what should be done. And in most instances, most of these instructions don't reduce the debt, don't reduce the deficit, but actually increase the debt and increase spending.

As was noted yesterday by the Senator from Iowa, the chairman of the committee that has jurisdiction over this issue, the trade instruction in this bill, which is directed at a special interest program, will actually cost the American taxpayers about $3 billion.

So having voted against the budget to reduce spending, having voted against the deficit reduction bill to reduce spending, they now come to the floor and in an act of extraordinary irony suggest instructing the people who are trying to put together some fiscal responsibility around here that they should spend more money or should have less available to spend.

I think these motions to instruct should be taken with a large grain of salt because of that fact. It would be credible if somebody who had voted for this deficit reduction bill offered a motion to instruct, especially if it is was an instruction, hopefully, to get more deficit reduction, and it would be credible if somebody who had voted for the budget resolution offered an instruction. But most of these instruction requests are not being offered in the context of trying to save funds, reduce the deficit, and reduce the debt, but are actually being offered for the purposes of increasing spending, increasing the debt, and increasing the deficit.

So we go forward with this exercise today of motions to instruct, but I think they need to be put in context, and that is what I have tried to do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate disagrees to the House amendment, requests a conference with the House, and authorizes the Chair to appoint conferees with a ratio of 11 to 9.

The Senator from Ohio is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. DEWINE. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Ohio [Mr. DEWINE] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that any conference report shall not include the provisions contained in section 8701 of the House amendment relating to the repeal of section 754 of the Tariff Act of 1930.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, the motion that I am offering today, with Senator BYRD's support, urges the Senate conferees on the reconciliation bill to oppose efforts by the House to eliminate current law, to eliminate the Continued Dumping and Subsidy Offset Act.

This act, which is current law, which Senator BYRD and I originally introduced in 1999 and which was signed into law in 2000, continues to play a very important role in defending American companies from the injuries that unfair trade causes to American workers.

Repealing this legislation would be a grievous mistake. Let there be no mistake about it, this is about jobs. This is about American jobs. This is about protecting and saving jobs all across our great country and in my home State of Ohio, as well as in 47 other States. This is about punishing illegal trade practices, and it is about giving something back to the victims.

The Continued Dumping and Subsidy Offset Act is really very simple. We have heard a lot of talk about it. We have heard some criticism about it. But when you boil it down, it is very simple.

When foreign companies illegally violate our trade laws, they get punished. They get fined. What this act does is it takes those fines and gives them to the companies that were harmed instead of giving the money back to the U.S. Treasury. That is it. That is what it does. This compensation provides these injured companies and their workers with a remedy and helps them recover from the damage done by the illegal trade practices.

Without this financial compensation, companies would continue to get hurt, jobs would continue to be lost, and that would be the end of the story. When we passed this bill a few years ago, we began to change that.

The truth is these foreign violators of the law—and that is what they are, they are violators of the law—think that this is just a cost of doing business, and they continue to do it. That is why we labeled this bill the Continued Dumping and Subsidy Offset Act. The point is they continue to do it. They look at the penalties they pay as a cost of doing business.

The idea behind this act when we passed it was we were not going to let them continue to get away with that and look at this as a cost of doing business. So instead of taking this money and giving it to the U.S. Treasury and letting them go merrily on their way, we would take this money and give it to the affected companies so these U.S. companies who employ U.S. workers could then take that money and invest it back into those companies, invest it for U.S. workers. That is what they have to do by law. And it has worked.

After the Continued Dumping and Subsidy Offset Act was implemented a few years ago, the disbursement reports have demonstrated the full extent of the dumping and the unfair trade problems our country faces. Let me give an example.

In 2004, no less than 458 companies received funds through this act. That means 458 of them were violated, had been abused. Across the United States, more than 700 producers in 48 States have received distributions from duties collected under our trade laws under this act which tells us that nearly every State in the United States of America is affected by unfair trade. Virtually every Senator in this body represents a State that has been helped by this law.

These recipients range from large, medium, small companies to family-owned businesses, independent workers, farmers, and fishermen. In my home State of Ohio alone, over 35 companies have benefited from the Continued Dumping and Subsidy Offset Act, including businesses in Akron, Canton, Cincinnati, Columbus, Youngstown, Warren, and Wooster.

The financial distributions have allowed businesses to reinvest in their operations, train workers, provide health care and pension programs, and keep high-wage, high-skilled jobs in our country. It matters. It is important.

Despite the many benefits that the Continued Dumping and Subsidy Offset Act has given our economy, some opponents argue that we must repeal it. Why? They say we must repeal it to comply with the WTO's rulings against the law. We must follow what the WTO tells this Congress to do, tells this country what to do. I disagree.

There is no reason the United States should abandon this law as an effective tool in trade talks. Why should we give it up? Like my friend and colleague, Senator CRAIG, said on this floor yesterday, there is nothing in any WTO ruling that tells countries what to do with the proceeds from the fines collected from illegal trade practices. We never agreed to that. The United States never entered into any agreement where we said we couldn't do this.

Why are we letting the WTO tell us these fines can't go back to the true victims, can't go back to the companies and the employees, can't go back to the people who have been hurt by foreign companies' dumping practices?

I find it somewhat ironic that some of the people who want to repeal this law that has worked so well are some of my same colleagues who come to the floor and talk about and criticize activist judges in the United States. We do not like activist judges in the United States. We do not like judges who dream up laws, who go beyond the letter of the law, who go beyond what Congress has written. Why do we want then to follow the WTO when the WTO goes well beyond any agreement this country has entered into? Why do we want to follow them down the road when they have been creative, when they have been activists? Why do we want to follow the logic that says we have to follow them? It makes no sense. They are the ones who are being the activist judges, so to speak. We should not do it.

The Continued Dumping and Subsidy Offset Act enjoys broad bipartisan support in this Chamber because Members know that the act has provided a lifeline to thousands of manufacturers, farmers, and fishermen throughout our Nation, people who have faced aggressive, unfair trade practices on the part of foreign producers.

Over the past couple of years, at least 71 other Senators currently serving in this body have joined me in opposing the act's repeal. Today—and tomorrow when we vote on it—we need to reiterate that support and to vote to build upon our past successes.

Unless our laws work to encourage all competitors to play by the rules, it is more difficult for U.S. producers to regain a declining market share and it makes it impossible to restore jobs that have been lost. The Continued Dumping and Subsidy Offset Act is simply good public policy. It helps ensure that our domestic producers can compete freely and fairly in global markets. I strongly urge my colleagues to oppose its repeal.

I conclude by one additional comment. I have heard people say that this act, this law, represents special interests. I am dumbfounded by that comment. When in the world did it become a special interest to protect American jobs? When is looking out for American workers a special interest? Are American workers a special interest group? Is making sure we have a level playing field in regard to trade practices a special interest? Are American workers a special interest group? I am dumbfounded by that comment. I do not understand it.

I am the strongest supporter in the world of free trade, fair trade, but to say that a law such as this that only goes into effect when it has already been proven that there has been a violation of trade laws, when it has already been proven that there has been illegal dumping, a law that only does the simple thing of compensating victims who have suffered by illegal dumping, and to say that is special interest legislation, I do not understand it. It makes absolutely no sense.

Seventy-one of my colleagues in this body who are currently serving have said this is not special interest, that standing up for American workers is the right thing to do. I hope the day never comes when Members of the Senate think that standing up for American workers is special interest. So I hope when this vote comes, probably tomorrow, we will do what we have every right to do, and that is to instruct the conferees on what the will of the Senate is.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE. I yield to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. KOHL. Mr. President, I rise today to send a motion to the desk to instruct conferees on the budget reconciliation package.

The PRESIDING OFFICER. Without objection, the previous motion is temporarily set aside.

The Senator from Ohio.

Mr. DEWINE. Mr. President, I assume my colleague has his own time under the rules.

The PRESIDING OFFICER. The Senator is correct, and that will be used.

The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that any conference report shall not include any of the provisions in the House amendment that reduce funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), which would reduce funds by $4,900,000,000 over 5 years and have the effect of reducing child support collections by $7,900,000,000 over 5 years and $24,100,000,000 over 10 years, and to insist that the conference report shall not include any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.

Mr. KOHL. Mr. President, I am offering the motion on behalf of myself and Senators SNOWE, HARKIN, CORNYN, OBAMA, ROCKEFELLER and KENNEDY. We are asking conferees to reject the deep cuts that the House made to the child support enforcement program. Perhaps some of my colleagues would like to speak on this matter, and so I will keep my comments brief.

I would hope that this would be a simple vote for my colleagues. The Senate needs to send a strong message to conferees that the cuts the House supported are unacceptable. I would like to remind my colleagues what those cuts are, and what they mean. The House slashes funding for the child support enforcement program by 10 percent, which is nearly $16 billion which will be cut in the next 10 years. In addition, the House language prevents States from drawing down Federal funds based on their performance incentive payments.

What does that mean for States, and more importantly, what will it mean for hard working American families? According to the Congressional Budget Office, the House cuts will reduce child support collections by nearly $7.9 billion in the next 5 years and $24.1 billion in the next 10 years. My State stands to lose $308 million in Federal funding over the next 10 years, and will lose approximately $468 million in child support collections.

Cutting the child support enforcement program is counterproductive. It means cutting one of the most successful, cost-effective Federal programs in existence. In 2004, the program collected $21.9 billion, while total costs were kept at $5.3 billion, which is greater than a $4 dollar return on every dollar the Federal Government invested. In fact, collections are rising faster than expenditures. Child support programs are increasing their cost-efficiency.

Being cost-effective, however, is not the greatest achievement of the child support program. Sixty percent of all single parent families participate in the child support program, and participants are primarily former welfare families or working families with modest incomes. It is proven that the child support program directly increases self-sufficiency and that families receiving child support are more likely to leave welfare and less likely to return. So these cuts have no place in a deficit-reducing measure. If congress cuts this program, it will ultimately push more people onto other Federal aid programs.

I would also like to remind my colleagues that the Senate already has a strong record on this issue. Two weeks ago we unanimously adopted an amendment offered by Senator HARKIN, a sense of the Senate in opposition to these cuts. Members from both sides of the aisle have consistently opposed the cuts, with the backing of a number of groups, ranging from the National Governors Association to the Information Technology Association of America.

I strongly urge my colleagues to find out how these cuts will affect their constituents, and would urge them to vote based on the families these cuts will impact.

Mr. SESSIONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATRIOT ACT

Mr. SESSIONS. Mr. President, if other matters come up, I would be pleased to conclude my remarks and yield to others who may be speaking relative to the reconciliation matter. But I want to talk at this time about the PATRIOT Act, and I want to go straight to the heart of the complaint that we have had against it by first observing that most of the complaints that we have heard, from my perspective, are emotive. They are not specific. Generally, they boil down to say we can't allow our liberties to be eroded out of fear that the terrorists would win—words to that effect. Certainly, that is true. There is no doubt about that.

Some contend that we have rushed into the PATRIOT Act, that all facts were not considered, that the bill was moved rapidly, and they suggest that provisions dangerous to our liberties were placed in the PATRIOT Act as a result of the emotions that arose after 9/11. But that is not true. I was on the Judiciary Committee when all of this occurred. I remember the debate that occurred. This legislation was carefully drafted. The best minds in our country participated. The Judiciary chairman, ORRIN HATCH, and his ranking member, Senator PATRICK LEAHY, deserve great credit for that. The U.S. Department of Justice was engaged, groups from the left and the right, civil liberties groups, the American Civil Liberties Union. All of those groups knew what was being considered. They had an opportunity to and did comment on the language.

The Senate gave it careful attention, and the legislation moved. But it took some time for it to move. We spent a great deal of time considering the language. Anything that raised the slightest possibility of being abused, or even some theoretical fear that it could somehow be abused, was considered carefully. Every line was examined. Every word was examined. Words and lines and provisions were altered continually to address the concerns and fears some people had.

Law enforcement procedures long used and long approved by the Supreme Court were attacked during this process as somehow violating the fundamental liberties of Americans.

It was breathtaking to me as a prosecutor of over 15 years to hear some of the charges being raised against practices that amount to nothing more than standard police procedure which are done in every State and every county in America. It was attacked as something that was somehow going to destroy the liberties that this country takes so seriously.

It is OK, I would say. That is good debate. It is a free country, and maybe it is good that our watchdogs are ever ready to point out any error. And perhaps some of the changes we made were better as a result of complaints that were raised. I don't dispute that. Some changes, however, I think were probably not good. But at any rate, great efforts were made to allay the fears and concerns and make sure this bill did not go too far.

Yes, it is good to have watchdogs, but you don't want the watchdogs biting the house owner. I want to have a bill that protects the owner of the house.

We discussed these issues and addressed them line by line. Senator LEAHY, ranking member, civil libertarian for sure, made certain that the process was open. So did Senator HATCH. Even the most arcane fears were addressed. It was a good process.

We left out things in this legislation that I would liked to have seen. But those things eroded some support, and people were concerned about it, and we left that out. But surely we have not forgotten that this debate just occurred 4 years ago. It was full and vigorous, and the legislation we passed was certainly not something that was rushed through without consideration.

Most importantly, we took down the wall that prohibited our Central Intelligence Agency and Defense agencies to gather intelligence around the world that might be relevant to attacks on our homeland.

This wall—this legal barrier—prevented them from sharing that information with the investigative forces in the United States, the FBI, and the local police, so that they could use it to protect the citizens of America. There was a wall created by the Church committee—an overreaction, frankly, to the Watergate problems that arose during that period of time. And they created this wall. So the data and the information couldn't be shared with the FBI, and the FBI couldn't share information with them. This wall perhaps even prevented the FBI from finding more information that would validate information they already had, and therefore left us less able to defend America and to effectively utilize information about criminal elements that would be important to us. This was an unbelievable situation. But it was the law of the United States.

Some people say surely the agents are not going to do that. Surely, if Defense agencies or the CIA found information that a terrorist organization may be threatening America, they would pass it to the FBI. No. They were not. It was against the law that Congress passed. I think there were bits of evidence proved that indicated that had that wall not be there we might possibly have stopped 9/11. But it is easy to see after the fact that there are circumstances in which that wall would have allowed another 9/11 to happen when, and if it had not existed, we could have stopped it. There is no doubt about that. It is easy to see scenarios where that would happen.

So that is one of the most important things that was part of this act. It was important.

This bill is expiring. If we don't extend it now, that wall will go back up.

I say to my colleagues, this legislation is critical to national security. It is extremely critical to our national security. We are thankful and most pleased that we have gone now 4 years since 9/11 without another major attack on our homeland. It is something that I would not have thought possible. I can tell you that one reason it has not occurred and that we have not had another attack is our local law enforcement, our FBI, and our intelligence agencies which are working together effectively, and with a focus we have never had before on these kind of issues. It is remarkable what they are doing. They have given their heart and soul to it. Frankly, it amazes me to hear people on the floor of the Senate and outside of the Senate often suggesting that the FBI and our investigative agencies are threats to us. There is a paranoia that is not helpful.

I was a Federal prosecutor. I worked with the FBI for many years. These individuals are patriots. They are working night and day to protect our country. We have created many hurdles for them that are difficult for them to overcome and which can actually impair their ability to identify and prosecute terrorist cells that may be operating in our country today. It is not a theoretical matter. This is a matter of tremendous importance. We need to focus on it.

I will go straight to the areas raised as concerns and that have formed the basis of objections from many of our colleagues—some of our colleagues, not many—and from outside groups.

I recall the Senate PATRIOT Act bill cleared the Senate Judiciary Committee 18 to 0. It passed the Senate unanimously by unanimous consent. The legislation then went to conference committee. Much discussion and debate went on with regard to the House version and the Senate version. Frankly, they were not that much apart. Compromises were reached. The Senate bill did rather well as these things go in terms of our side prevailing. We came out with a pretty good bill. I was excited about it.

I am disappointed now we have Members of this Senate filibustering the PATRIOT Act, alleging that there is some sort of big change that has occurred that threatens the liberties of Americans and that we do not need to extend it. It is beyond my comprehension.

Let's talk about some of the issues. I will do it the best I can, fairly and objectively. I will try to say what I think the provisions mean. I will try to give a historical context for these provisions and make some comments with regard to why they are important tools for our law enforcement.

Our investigators are American heroes. They are working in every community. Before September 11, we had, I believe in Arizona, people learning to fly an airplane. They did not want to learn how to land it; they just wanted to learn how to fly it. In Wisconsin, Minnesota, we had other information that came up which was not properly assimilated and not properly evaluated. We had information from Florida that a number of terrorist groups had been stopped for speeding and other activities. The dots were not connected at that time. We know those stories. We were not as focused at that time as we are today post-September 11. We are more focused today.

Some of the problems we had at that time were a result of inadequate laws and procedures that made it even more difficult for investigators to investigate national security threats and terrorist threats, than it is to investigate dope dealers and tax evaders—unbelievable, but it is so.

There has also been a lot of discussion about national security letters, what they are and how they operate. I would like to have seen terrorist investigators given administrative subpoena power. That is something other agencies have. The Drug Enforcement Administration can issue subpoenas for financial records, telephone toll records, motel records, and bank records. They just issue a subpoena, and they give them a record. The IRS can get records like that in the same way. The Customs Service and many other agencies have the ability to obtain records administratively.

But people were concerned about this and said this would be abused. We worked and worked on it. This is what we came up with. It is a very modest proposal. It is a proposal and a legislative enactment which is fair, which is restrained, which is consistent with our history as a nation and consistent with approved criminal justice procedures by the Supreme Court of the United States.

For example, the national security letter is a procedure by which the Federal investigative agent can request information from a third party to obtain financial records, telephone toll records, credit reporting records, and a limited number of records like that. You cannot get medical records. You cannot get library records with a national security letter. But these are the routine things often critical to investigating a terrorist organization. It is extremely important. These cases can move very fast. If you have to have a court order to get it and you need the information on Friday night but cannot get a judge somewhere, death can result. It can be a matter of life and death. It can be a matter of whether an investigation breaks your way and you get the key information necessary to penetrate a terrorist cell or not. This is absolutely consistent with what other agencies have as a matter of their legitimate power. We ought to be able to do that in terrorist investigations, for heavens' sake. There is no doubt about that. This is extremely important.

Looking at the perspective, it is very important—and I know the Presiding Officer is a lawyer—to understand the principles of privacy and search and seizures that are at stake. These subpoenas are not subpoenas to an individual's personal, private records; these are subpoenas issued to third parties. A defendant does not own the telephone toll records. If he does not want the telephone company to know whom he has called, he should not use the phone company. Everyone in the phone company can access the phone numbers he calls—not the contents of the conversation—and can find out whom that person has called. When you go to the bank and use it, the bank maintains records on your account. Those are not your records; they are the bank's records. If you have a credit reporting agency that has collected public data on your payments, they can examine it; why can't an investigator investigating a terrorist have access to that, pray tell? In these areas, there is not the same expectation of privacy.

The U.S. Supreme Court has said repeatedly for the last 100 years or more that you do not have the same expectation of privacy you have in those records because they are not yours. They are somebody else's records. You have an expectation of privacy and the search and seizure laws and search warrants apply to matters in your house, matters in your car, matters at your office desk, any location in which you have exclusive control and dominion. If it is yours, you have a right to it, and the Government cannot come into your house, cannot come into your business and take those kinds of records without a search warrant approved by a Federal judge based on probable cause. They have to file affidavits under oath stating what facts are there to justify the entry into an individual's home or business to obtain those personal records.

This national security letter has nothing to do with the records people own. It in no way changes that historic right that your private property cannot be taken or searched without a warrant approved by a Federal judge in a Federal case. These are records belonging to third parties, and they are subpoenaed every day. Every district attorney in America can subpoena your telephone toll records if he believes they are relevant to an ongoing criminal investigation. That is the standard. That is the standard for Federal prosecutors. The U.S. attorney—which I was for 12 years—issued tens of thousands of subpoenas for those kinds of records routinely on the simple test of whether it is relevant to an ongoing criminal investigation. If you are investigating a drug dealer, a drug deal goes down, and the dealer says, I don't know John Jones, and you subpoena his telephone toll records and see that he made 8 phone calls or 25 phone calls to John Jones in the hours leading up to the dope deal, you have pretty good proof to use at trial. That is the way you make cases. That is the way investigations are done. If they say, I didn't make any money off that, you check his bank record, and see that he deposited $10,000 in cash. That is proof that goes toward whether this person was engaged in selling dope for cash. That is the way you prove cases every day. This is the way you have to prove cases against terrorists. I make that big point.

I have heard people on national television say they can go into your house and search your house without a warrant. Absolutely not true. The great protections to your home and property were changed not one whit by the PATRIOT Act.

It simply allowed the Federal investigators in terrorist investigations to have a much improved ability to timely obtain records. I am telling you, when you are investigating one of these groups and you get a call, a tip, from someone who says, there is a group over here that is pretty dangerous, and we just heard one of the terrorists is coming in from out of the country to meet with them, and you need to check their telephone toll records or check the motel to see if they have been at this motel, to verify whether this occurred, subpoenas can be issued like that. But you do not need to have to go to the FISA court, a Federal court, to get approval any more than a local district attorney would have to do that. As I have indicated, other agencies have these requirements, have these abilities today. It is no big deal, in my view.

Now, what else did we require here? We required that the individual issuing this national security letter, the Federal agency that approves it, certify that it is a national security matter. That is an important certification. They have to do that under oath. Some people may think: Well, they may not comply with that. They could go and break in your house without any warrant. But that is not the way Federal agencies operate. I have worked with them for the biggest part of my career. They do not violate the law. They do not violate this wall between the CIA and the FBI. We have seen that to be true. They do what they are told according to the law. Congress makes these laws, and we need to make sure that laws make sense and do not undermine the ability of those out there working every day to be successful in their work. So it has to be certified, and if an agent lies about that, he or she can lose his or her job, trust me.

They also have to certify that it is a matter that endangers the national security. I think that is too high a burden, frankly. Maybe you do not have that much proof right now that it actually endangers national security, but it is a terrorist organization that you need to dig into and watch more closely. But we have to certify to that. That was part of what it took to get the bill passed, and we just have to live with that. It is something I am not happy with.

Remember, the recipients of these national security letters are third parties who have records—the phone company, the bank, and those kinds of agencies. They can object. They said: Well, they can't object. Yes, they can object. They can file a motion to quash under this bill if there is any abusiveness there, and they can object to the secrecy requirement, and it then requires, if they object, the Attorney General of the United States or one designee of his—the Deputy Attorney General probably—to personally certify that this is a need in which the national security is implicated. That is what you can do.

Let me just pause for a second. Nothing is more important in this act than the fact that we have a system by which our investigators, in terrorist cases, can obtain information from entities that have records relating to these terrorist organizations without those entities telling the terrorists we are investigating them. The last thing you want them to know is that you are onto them. That is so basic in law enforcement. I have been there. I have seen the investigations of drug organizations and things of that kind. You do not want them to know you are onto them. Once they know that, they will scatter like a covey of quail and not be around. They will regroup somewhere else to carry on their evil deeds. Now, you can do that today, but let me tell you the history of it.

When I became an assistant U.S. attorney in the 1970s, if you subpoenaed bank records, you would ask the bank or their agents not to report it to the customer, and they would not do it. But in the years that have gone by, the banks have been sued, so they have gotten lawyers and feel they have an obligation to their customers. Almost all of them have a policy that if a customer's records are subpoenaed, they notify the customer. So that has been a change in policy, and it can be devastating. Sometimes, you desperately need some of those records, but you do not need to tip off the organization you are investigating them. Most of the time, these companies have no real objection, because this eliminates their legal responsibility that lawyers say they may have, and this allows them to reveal it. They are satisfied. You get the records, and they do not tell the terrorist that you are getting them. That is one of the most important things in this whole legislation.

So, as I said, they can object. They can object to the fundamentals through a motion to quash a national security letter, and they can object to the secrecy requirement and require the Attorney General of the United States to certify that it is appropriate to be maintained secret.

Further, the bill says the Department must issue an annual public report to the Nation on how many of these have been issued and under what category.

Also, as part of the conference, we dropped legislation that made it a misdemeanor, with up to 1 year in jail, for a business to violate the court order and reveal the subpoena to the terrorist. I am amazed we did that. But people objected, and to make people happy, we removed the criminal misdemeanor penalty for somebody who tips off the terrorist that the Government has obtained information on them. I think that is terrible, but it is part of it, so it is one of the things I have to accept. If some of my colleagues have concern on the other side, they have to realize no bill is perfect, and we take what we can get.

I see our Budget Committee chairman, Senator GREGG. I was prepared to talk about some of the issues relating to section 215. We can do that later at another time, and I would be pleased to yield to Chairman GREGG if he has some matters he wishes to discuss at this time.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from New Hampshire.

Mr. GREGG. Madam President, I would actually like to get a clarification from the Senator from Alabama because I know he is an expert on this issue, having been a U.S. attorney and having been one of the leading authorities on legal activity here in our country. Because earlier in the day the assistant leader from the Democratic side of the aisle came to the Senate floor and made an extensive statement about how abusive the present bill, which is being moved forward, is, and specifically toward libraries, and how, as he represented it, somebody's records could be subpoenaed from a library, basically carte blanche, and then the library would be gagged from disclosing that information.

As I understood it, the bill, as it has worked its way through conference, has actually put in place stronger protections for libraries, and actually a terrorist gets more protection than, say, somebody who is in the Mafia; is that correct?

Mr. SESSIONS. Madam President, I think the Senator is fundamentally correct. Sometimes investigators need to know which books have you checked out. I prosecuted an individual one time who was a doctor. They made a TV movie out of it. He had a book, a death dealer's manual in his possession and another one on deadly poisons. But when you are trying to prosecute a case, the fact is that this covers even book sales, for example.

Any district attorney in America today can subpoena the book store and find out what you or I bought, if it is relevant to a criminal investigation. In this case, not only must it be relevant to any investigation, it must be relevant to a national security investigation in which the issuer of the subpoena must certify that it endangers the United States. It is a very rare occurrence. The only difference is that there is an automatic ability for the Government to request that it not be revealed to the person investigated on an immediate basis.

These records are available today. The library association, in my view, has misunderstood the principle of law enforcement. Yes, you do not want people willy-nilly probing library records to see what people are reading. Of course, that is not legitimate. But when you certify it is a national security investigation, important to the safety of the United States, when you issue one of these subpoenas, I can't imagine anybody would object to that. It is certainly consistent with the generalized principle of subpoenaing records. I thank the Senator for raising that. I do believe this is out of sync with reality and the complaints are not justified.

If we were to find out that people, agents were probing, going around the country willy-nilly inspecting people's reading habits, this Congress would react just like that, and we would pass laws to stop it. We would get people fired if they were doing those kinds of things. That is in violation of Department of Justice procedures and policies. Anybody caught doing that would be fired on the spot. That is absolutely improper. But when you are investigating a terrorist organization, this is a modest proposal that requires the Government to have a high standard of proof, to support how they have done it, and is otherwise constrained in a way that the Senate Judiciary Committee agreed to by unanimous vote of 18 to nothing.

I would like a little later to talk about section 215 which requires a higher standard, and library records are part of that. With regard to library records in particular, along with medical records, you must present that to a Federal court, a FISA court, and get an approval in advance before you can get library records. It requires advance approval.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent that notwithstanding the previous order, the first vote be on the Carper motion to instruct, followed by the Baucus motion, and then the Harkin motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

MOTION TO INSTRUCT CONFEREES

Mr. HARKIN. Madam President, on behalf of myself and Senator SMITH of Oregon, I call up the motion at the desk to instruct conferees regarding cuts to Federal food assistance programs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] (for himself and Mr. SMITH) moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that any reconciliation conference report agreed to jointly by the House and the Senate does not contain any cuts to Federal food assistance programs, including the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), for the following reasons:

(1) The Federal food stamp program is the first-line of defense in the United States against hunger and food insecurity, providing nutrition assistance for over 25,000,000 people in the United States.

(2) 80 percent of benefits under the food stamp program, over $23,000,000,000 in 2005, are provided to families with children, making the program the most important form of nutrition assistance for children in the United States.

(3) Hunger and food insecurity in the United States are rising, with a recent study by the Department of Agriculture finding that—

(A) 38,200,000 people in the United States live in households that were food insecure in 2004;

(B) the number of food insecure individuals increased by nearly 2,000,000 between 2003 and 2004; and

(C) since 2000, the number of individuals classified by Department of Agriculture as food insecure rose by 7,000,000.

(4) The food stamp program plays an important role during natural disasters and has provided emergency food assistance to approximately 2,200,000 individuals affected by Hurricanes Katrina, Rita, and Wilma, allowing disaster victims to obtain critical food within days.

(5) The food stamp program operates efficiently and effectively, with its error rate at an all-time low.

(6) Reductions in funding for the food stamp program would constitute cuts in or loss of benefits to currently eligible individuals and families and would not come out of fraud, waste, or abuse.

Mr. HARKIN. Madam President, I understand that under the order, I have a couple minutes to speak about this.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. HARKIN. I was told I had 2 minutes and then 1 minute before the vote.

The PRESIDING OFFICER. The order was 2 minutes evenly divided preceding the vote.

Mr. HARKIN. I apologize. Then is there another minute before the vote?

The PRESIDING OFFICER. No, there is not.

Mr. HARKIN. Madam President, the Senate has considered cuts to food assistance programs this year on a bipartisan basis. It rejected such cuts. I commend my colleagues on both sides of the aisle, especially Chairman CHAMBLISS for his leadership. This motion is simple. It instructs the Senate conferees to insist upon the underlying Senate position of no cuts to Federal food assistance.

First, we are at a time when hunger and food insecurity in the United States is increasing rapidly. The number of Americans experiencing food insecurity has increased by approximately 7 million people. This is no time to cut the food stamp program.

Secondly, with all of the emergencies this year with the hurricanes, we have been reminded again of how the food stamp program works in emergencies. There were 2.2 million individuals affected by these hurricanes who got critical food assistance within days.

Finally, again, this has nothing to do with waste, fraud, and abuse. The error rate is at an all-time low in the food stamp program. We have worked on this for over 20 some years to bring it that low. It is working very effectively. The fact is, the House reconciliation bill does not go after fraud, waste, and abuse, but they cut 250,000 people off the food stamp program. That is the wrong way to go.

I thank my colleagues for standing up for hungry families earlier this year. Especially at this Christmas season, let's stand up for them once again and say we are not going to take the food out of the children's mouths.

I urge my colleagues to agree to the motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

MOTION TO INSTRUCT CONFEREES

Mr. BAUCUS. Madam President, I call up a motion to instruct which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Montana [Mr. BAUCUS] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to not report a conference report that would impair access to, undermine eligibility for, make unaffordable by increasing beneficiary cost-sharing, adversely affect Medicaid services, or in any way undermine Medicaid's Federal guarantee of health insurance coverage with respect to low-income children, pregnant women, disabled individuals, elderly individuals, individuals with chronic illnesses like HIV/AIDS, cancer, and diabetes, individuals with mental illnesses, and other Medicaid beneficiaries.

Mr. BAUCUS. Madam President, I ask unanimous consent to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, this motion instructs the Senate conferees on the spending reconciliation bill not to bring back a conference report that hurts Medicaid beneficiaries.

Last month, the House passed a spending reconciliation bill that would increase health costs and cut benefits for millions of seniors and lower-income Americans who depend on Medicaid.

According to the Congressional Budget Office, three-quarters of the Medicaid savings in the House bill came from the these cuts. The bill would increase costs for 17 million people, cut benefits for 5 million people, and force tens of thousands off of Medicaid.

We know the damage that increasing health costs can cause. We have seen it happen. Oregon imposed just a nominal premium for some on Medicaid—from $6 to $20 a month. Within 10 months, nearly half of the people forced to pay had been dropped from coverage. Three-quarters of those who were dropped became uninsured.

These changes impose a tax on our poorest citizens.

And these changes also burden doctors, hospitals, and clinics that treat Medicaid patients. States will deduct the fees regardless of whether providers ever get paid. Healthcare providers will pass these uncompensated costs along through higher rates for all patients in the private market.

Many poor people will pay more, but get less. The House bill allows States to cut Medicaid benefits. Although the bill would protect the poorest children, millions of children would no longer get the medical care that they need. People with disabilities and chronic conditions would also be at risk.

Some say we need to look at Medicaid's rising costs, and I agree. We need to get a handle on spending and make this program sustainable. But shifting costs and cutting benefits for our poorest and least able to pay is not the smart way to do it.

This motion instructs Senate conferees on the reconciliation bill to reject the House changes to Medicaid that would hurt Medicaid beneficiaries or undermine Medicaid's guarantee. The Senate must take a stand in support of the neediest among us.

Let us ensure that we do no harm to the vulnerable people whom Medicaid serves.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent to speak for 2 minutes on the Baucus motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, there is general feeling that the Baucus proposal is—I don't use this in a pejorative sense—benign enough so that everybody can agree to it.

But I do think it is important to understand, relative to the Medicaid issue, that Governors, in a bipartisan way, have come forward and put down some proposals that are really creative, where they feel they can dramatically expand coverage and significantly save money. Some of those do involve using copays of some sort relative to higher income individuals. Having been a Governor—and I know there are other former Governors in this Chamber—I think the flexibility the Governors want is reasonable.

I hope we will come back from conference with language that will give Governors the flexibility necessary to allow them to do creative things in the Medicaid accounts which will save us money, save the States money, and end up with more coverage. That should be our game plan—more people being covered. I think it is doable because a creative Governor who has energy and guts and staff people who are effective—and most Governors do—can do a lot if they are given flexibility and the ability to move forward without being straitjacketed by Federal regulations. So that will be our goal in conference. I don't think it is inconsistent with what the Senator from Montana has proposed.

Mr. BAUCUS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Madam President, what is the regular order?

The PRESIDING OFFICER. The Senator from Delaware is to be recognized.

Mr. GREGG. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. CARPER. Madam President, I ask unanimous consent to address the Senate for 2 minutes on a motion I have at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the motion.

The legislative clerk read as follows:

> The Senator from Delaware [Mr. CARPER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that any conference report shall not include the provisions in the House amendment relating to the reauthorization of the Temporary Assistance for Needy Families Program, including those which would increase work hours for single mothers with young children, impose new cuts on already inadequate child care funding and other proven work supports such as child support, restrict education and training, and reduce State flexibility, and insist that Congress enact free standing legislation that builds on the bipartisan Senate Committee on Finance's reported version of the Personal Responsibility and Individual Development for Everyone Act (the PRIDE Act, S. 667) to reauthorize the Nation's welfare-to-work laws.

Mr. CARPER. Madam President, for the last 3 years that we have been in the Senate, I have been pushing my colleagues, Democrats and Republicans, and pushing the administration and my colleagues in the House of Representatives to reauthorize Temporary Assistance for Needy Families. We first authorized it in 1996. There was a 5- or 6-year authorization that had lapsed, and we need to renew it and establish a path forward for welfare programs in my State, your State, and all other States across this country.

The Senate Finance Committee has approved unanimously, without dissent, legislation to reauthorize it for another 5 years. It is out of committee and ready to come to the floor. We should take it up, debate it, amend it, if we see fit, pass it, and go to conference with the House.

The House passed their own reauthorization measure, which is imperfect in my view. I will mention a couple of problems I have with it. As the Governor of Delaware and lead Governor of the National Governors Association on welfare reform, it occurred to me that if you want people to get off welfare and go to work, they need help with taking care of their kids, and we needed to make sure they had decent health care for the children. If they don't have that, they are not going to be successful in going to work. The measure reported out of the Committee provided extra money for childcare support. It is needed.

There is another problem. Under current law, if you are on welfare, you have to work 30 hours a week. However, if you have young kids under the age of

6, you can work as little as 20 hours a week, not 30 or 40 hours. The House measure says everybody has to work 40 hours a week if you are on welfare. That may sound good at the outset, but if you don't have money for childcare to help with the extra time people are going to be working, it is not going to work. Say somebody has a week-old or month-old or year-old child. They are going to have to work 40 hours a week.

I ask for support on the motion. Let the committee bring the bill forward and debate it and vote and go to conference.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. OBAMA. Madam President, I support Senator CARPER's motion to instruct reconciliation conferees to reject the House TANF provisions. Assisting needy families is too important an issue for this Chamber to cede its legislative authority to the House of Representatives. The TANF Program affects millions of American children and families. It deserves a full and fair debate.

The reconciliation process does not permit that debate. Reconciliation is not the place for policy changes.

The right starting point for Senate debate is the PRIDE bill. PRIDE is not a perfect bill. But it is a reasonable bipartisan effort that addresses childcare, transitional medical assistance, and certain educational opportunities.

Mr. President, we should have a full debate on the PRIDE bill. We should consider what the evidence actually says about moving people from welfare to work, from dependence to independence, from poverty to prosperity. We should have a full debate about what is really required to provide all Americans with equal opportunity.

Unfortunately, reconciliation does not permit that debate. Worse yet, the House provisions are based not on evidence and experience but on ideology.

The cynical increase in the work hour requirement, for example, is a Federal mandate with no basis in the reality of what works to promote work and reduce poverty. The data shows that people meeting the current 30-hour requirement work about 35 hours now. That is a bit more than the national average for "full time" work for all employees, whether they receive TANF or not. Indeed, among all mothers with children under the age of 6, only 43 percent work as much as 35 hours.

People who don't meet the 30-hour TANF requirement now—for whatever reason—are not going to work more just because the requirement has been increased. What will happen is that Congress will punish the States and reduce State flexibility to do what works.

In my own State of Illinois, we are committed to moving people off welfare and into work. And Illinois is not cynical about it. This isn't about pinching pennies but about providing opportunity.

Illinois is serious about the need for work. Tens of thousands of families have worked their way off assistance. But we understand why people find themselves in need of assistance. We have adopted flexible rules to accommodate families where the wage earner was medically unable to work, where a spouse or child was disabled, where the worker was finishing up a training program.

Illinois requires work but allows people to work part time while they take care of their obligations. And to get mothers out of their homes and into the workforce in a productive way, we have improved the child care subsidy system. We have invested in it.

And you know what? People in Illinois have not lingered on TANF. If they could work their way off the program, they have done so.

Unfortunately, the House TANF provisions which raise participation rates to 75 percent will make it harder for States to deal with family sickness, the realities of raising children, and natural disasters. To avoid penalties, States will have to find make-work activities even for TANF recipients who are working full time.

Another problem is that raising work hours and participation rates will increase the need for childcare well beyond the funding provided in the House bill. Childcare funding makes work possible for many women. If we want people to work and be responsible parents, we have to worry about who will care for their kids. Under the House proposal, States will be forced to fund other activities that will leave them with less money for childcare. That makes no sense.

The House TANF provisions make it harder for States to support working families. I urge my colleagues to reject those provisions in reconciliation, and I look forward to an honest debate about TANF and the PRIDE bill here on the Senate floor.

I also rise today to speak in favor of the motion to instruct offered by Senator KOHL. This motion expresses the Senate's view that the Senate conferees should not accept the cuts to the child support program that have been proposed by the Committee on Ways and Means in the House of Representatives.

The child support program is an effective and efficient way to enforce the responsibility of noncustodial parents to support their children. For every public dollar that is spent on collection, more than four dollars are collected to support children. That is a good return on our investment in families. Moreover, these families are then less likely to require public assistance and more likely to avoid or escape poverty. This is a program that works.

The evidence is compelling. For example, in 2004, enforcement efforts helped collect almost $22 billion in child support. Our aggressive State and Federal efforts have translated into $1 billion in collected child support payments in Illinois alone this year. That means 386,000 Illinois families will be better equipped to provide for their children.

Preliminary budget estimates suggest the cuts proposed by the Ways and Means Committee will translate into $7.9 billion in lost collections within 5 years, increasing to a loss of over $24 billion within 10 years. This proposal is not even penny-wise, and it is certainly pound-foolish.

Today, the State of Illinois reports a 32 percent child support collection rate. Let's not take a step backward in the progress that has been made by stripping the States of necessary Federal support. The welfare of too many is at stake.

Child support is the second largest income source for qualifying low-income families. We should not balance our budget on the backs of families that rely on child support to remain out of poverty.

I urge my colleagues to support this motion as well. Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Madam President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to instruct conferees offered by the Senator from Delaware.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from California (Mrs. BOXER) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 27, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—64

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Burns
Byrd
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
DeWine
Dole
Dorgan
Durbin
Feingold
Feinstein
Frist
Grassley
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Thune
Voinovich
Warner
Wyden

NAYS—27

Allard
Allen
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Ensign
Enzi
Gregg
Hagel
Inhofe
Isakson
Lott
Martinez
McConnell
Sessions
Shelby
Sununu
Talent
Thomas
Vitter

NOT VOTING—9

Biden
Boxer
Cantwell
Chambliss
Dodd
Domenici
Graham
Lieberman
McCain

The motion was agreed to.

Mr. GREGG. Madam President. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Madam President, I ask unanimous consent that on the next two votes they be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Madam President, what is the regular order?

The PRESIDING OFFICER. There is now 2 minutes evenly divided prior to the vote on the Baucus motion.

Mr. BAUCUS. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Montana.

Mr. BAUCUS. Madam President, this motion instructs the Senate conferees on the pending reconciliation bill not to bring back a conference report that hurts Medicaid beneficiaries. In fact, these changes amount to a tax on our poorest citizens. They also burden doctors, hospitals, other providers who will pass on the costs to them. More poor people will pay more, but they will get less. It does not make sense. We are cutting Medicaid to take it out of the hide of the poorest people of our country, and that is Medicaid recipients.

May I also say I am supported by a strong letter from a number of Senators on the other side of the aisle. This letter asks the same: that we do not adopt these harsh House Medicaid cuts. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 13, 2005.

Hon. WILLIAM H. FRIST,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. HARRY REID,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER FRIST: Throughout the budget process we have been concerned about the impact to America's lowest income and most vulnerable from policies implemented to secure budget savings. We were heartened by the Senate's effort to protect these Americans by utilizing system efficiencies and eliminating waste and abuse from the Medicaid program. Unfortunately, the House of Representatives did not take a similar path. Therefore, as the Senate begins its work to reconcile the two budget reconciliation bills, we urge you to hold firm in defending the Senate's policies regarding Medicaid.

Medicaid is a vitally important program that serves almost 54 million poor, disabled, chronically ill and elderly Americans. It provides a range of benefits from screenings and vaccinations for the young, to home health and long term care for the elderly. Given the breadth and diversity of the people it helps, Congress must remain committed to the strength and viability of Medicaid.

As indicated by the strong support from beneficiary groups, advocates and providers, the Senate bill ensures that the most vulnerable among us are not called upon to carry the burden of balancing the budget. This was accomplished by adhering to a few key principles. First, the Senate bill limits the cuts to a total of $10 billion, the savings level which the Finance Committee was instructed to achieve. The bill utilizes both Medicare and Medicaid to reach the required $10 billion in budget savings, and holds the net level of Medicaid cuts to under $5 billion. Most importantly, the Senate bill does not achieve any savings through policies that would negatively impact beneficiaries. We strongly urge you to continue to defend these principles and preserve the Senate's policies on Medicaid in the final budget reconciliation agreement.

In particular, we are concerned with policies included in the House bill that would impose new cost-sharing requirements on beneficiaries, alter eligibility policies for long term care that impact the middle-class, and provide unlimited flexibility to states to change benefits. These proposals were debated within the Senate and soundly rejected.

We look forward to working with you on developing a conference report that can garner wide support among Senators and supporters of the Medicaid program.

Sincerely,

GORDON SMITH.
NORM COLEMAN.
ARLEN SPECTER.
LINCOLN CHAFEE.
SUSAN COLLINS.
OLYMPIA SNOWE.
MIKE DEWINE.

Mr. GREGG. Madam President, this will be a 10-minute vote, as well as the following vote, so I hope Senators will stay around to accomplish those votes promptly.

Second, we intend in conference, should we be successful in going to conference under the leadership of Senator GRASSLEY, to bring back a bill which will effectively address the issues of Medicaid, and we see the opportunity here to follow very closely, hopefully, the proposals of the Governors, which are bipartisan in nature.

Mr. BAUCUS. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GREGG. I believe we hope to follow closely the proposals of the Governors, which are bipartisan in nature, and give the Governors the flexibility they need in order to accomplish significant Medicaid reform, which will mean extending Medicaid to more people but doing it in a more efficient way, which will save us more money. We actually don't see that this language impairs that effort, and we think we can report a very effective bill with or without this language.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from California (Mrs. BOXER) would vote "yea."

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 16, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—75

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Burns
Byrd
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Corzine
Craig
Crapo
Dayton
DeWine
Dole
Dorgan
Durbin
Enzi
Feingold
Feinstein
Frist
Grassley
Gregg
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens

Talent
Thomas
Thune
Vitter
Warner
Wyden

NAYS—16

Allard
Allen
Bunning
Burr
Coburn
Cornyn
DeMint
Ensign
Hagel
Inhofe
Isakson
Lott
Sessions
Shelby
Sununu
Voinovich

NOT VOTING—9

Biden
Boxer
Cantwell
Chambliss
Dodd
Domenici
Graham
Lieberman
McCain

The motion was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are 2 minutes equally divided in relation to the motion by Senator HARKIN to instruct conferees.

The Senator from Iowa.

Mr. HARKIN. Mr. President, we are now going to vote on a motion to instruct conferees. Stick with the Senate's position dealing with cuts in the Food Stamp Program. I know arguments have been made about waste, fraud, and abuse. What the House does does not cut waste, fraud, and abuse but cuts 200,000 people off the food stamp rolls. They are working poor. They work every day. They have children. This sends them back on welfare rolls.

I point out there was a letter sent to Senator CHAMBLISS on December 8 from 15 Republican Senators saying, please stick with the Senate position. I compliment those Senators. I publicly thank Senator CHAMBLISS for his great leadership both on the Agriculture Committee and in the full Senate on this issue.

This is not the time to cut food stamps from people who are working and struggling with their children.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first, I also wish to compliment the Senator from Georgia, Mr. CHAMBLISS, who brought to us reconciliation instructions out of his committee which did not cut food stamps. But I do think it would be a mistake for us to tie Senator CHAMBLISS's or anybody's hands as they move forward in conference.

The language which I have concern about in this proposal is the last paragraph. Everything up to the last paragraph is OK, but that last paragraph catches you because he says:

> Reductions in funding for the food stamp program would constitute cuts in or loss of benefits to currently eligible individuals and families and would not come out of fraud, waste, or abuse.

Well, it represents the fact that we cannot save any money from food stamps out of fraud, waste, and abuse. That is just wrong. There are ways to save money in food stamps by addressing fraud, waste, and abuse. There are a lot of ways. Anybody who has been exposed to the program knows that.

I believe this instruction would be counterproductive to the flexibility that Senator CHAMBLISS and others would like as they move forward in this conference, and I intend to vote no on it.

Mr. President, I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent. The Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that if present and voting, the Senator from California (Mrs. BOXER) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 26, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—66

Akaka
Baucus
Bayh
Bennett
Bingaman
Brownback
Burns
Burr
Byrd
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
DeWine
Dole
Dorgan
Durbin
Feingold
Feinstein
Frist
Grassley
Hagel
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thune
Voinovich
Warner
Wyden

NAYS—26

Alexander
Allard
Allen
Bond
Bunning
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Gregg
Hutchison
Inhofe
Isakson
Kyl
Lott
McConnell
Sessions
Shelby
Sununu
Thomas
Vitter

NOT VOTING—8

Biden
Boxer
Cantwell
Chambliss
Dodd
Graham
Lieberman
McCain

The motion was agreed to.

Mr. HAGEL. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. HAGEL. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2:15, the following Senators be recognized to speak as in morning business: ROBERTS, 30 minutes; MIKULSKI, 15 minutes; CARPER, 30 minutes; I further ask unanimous consent that if a Republican Senator seeks recognition between Senator MIKULSKI and Senator CARPER, my request be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 1:09 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. IZAKSON).

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Kansas is recognized for 30 minutes.

PATRIOT ACT

Mr. ROBERTS. Mr. President, I rise today to support the conference report for the USA PATRIOT Improvement and Reauthorization Act of 2005. That is a long title. We are talking about the PATRIOT Act.

I am pleased to report to my colleagues and to the President that the House just passed the PATRIOT Act with a very strong bipartisan vote. We need to do the same. I thank Chairman SPECTER for his hard work in getting this important legislation to the conference.

This conference report is one of the most important that we will pass this year. We must do it prior to leaving because it contains a number of provisions that are absolutely vital to our national security. I say that from my perspective as chairman of the Senate Committee on Intelligence.

Like the original PATRIOT Act, this legislation does contain a number of compromises that are not to my liking. But it is often said that the mark of a good compromise is that it leaves both sides unhappy. We have a great number, apparently, who are unhappy about this bill. I think we can safely say that no one is entirely happy with all of the provisions in the legislation. Simply put, this is not the best possible bill but the best bill possible under difficult circumstances. Again, it is absolutely needed on behalf of our national security.

My primary concern as a conferee was to ensure that the intelligence community retains its ability to effectively use the important tools that are provided by the PATRIOT Act, and I think we have accomplished that goal.

This act reauthorizes all of the PATRIOT Act provisions that are scheduled to sunset at the end of this year. It does, however, impose a 4-year sunset on the use of FISA court orders for business records and roving electronic surveillance and an additional sunset on the FISA—what is called the lone wolf authority.

Personally, I am opposed to these extended PATRIOT Act sunsets. I know Congress has conducted extensive oversight of these provisions. I know the Intelligence Committee and other committees have, and we have yet to find any evidence—I know this is not the perception we read about in the newspapers or that we hear on the electronic media, but we have yet to find any evidence of abuse or overreaching with respect to these or any other provisions of the PATRIOT Act.

Moreover, this very legislation makes modifications to address the perceived problems with the FISA business records and roving wiretap provisions. I ask this simple question: If we fixed these provisions, why is there need for additional sunsets? It seems to me that Congress always retains the ability to amend the law that is enacted. We have a duty to conduct vigorous oversight with the use of these provisions. The Judiciary and Intelligence Committees certainly do that. We don't need and should not use sunsets to compel oversight of these important issues. That ought to be our reasonable obligation, and we do meet those obligations.

Having said that, I want to highlight the modifications made to two investigative tools that have been widely mischaracterized, in my view, by critics and some in the media—FISA business record court orders and national security letters.

With regard to the FISA business record court orders, one of the most contentious issues during this conference was whether a relevance-plus standard should be added to the FISA business record provisions. Critics argued this tool could be used for fishing expeditions. Our oversight did reveal that this was not the case, but we agreed that relevance was the proper standard for obtaining a business record court order.

Some are not satisfied with this approach and demand that we include not only a relevance standard but a requirement to specify facts that would tie the requested records to a foreign power or to an agent of a foreign power, a so-called relevance-plus standard. The problem with this is very easy to understand. It is a standard not used on any other subpoena, certainly not requiring the prior approval by a judge like these FISA orders. The standard would also leave gaps in the FBI's ability to use what is in reality a nonintrusive investigative tool. Under relevance-plus, by then the FBI would have lost the use of section 215 in important circumstances.

Ultimately, the conferees reached a compromise to address the misperceptions about section 215. Under the conference report, the standard remains relevance to an authorized investigation. Let me say that again. The standard remains simple relevance to an authorized investigation. There is no increased burden of proof. The standard remains the same as every other subpoena that Congress has ever enacted.

If the FBI seeks records that are relevant to any authorized, full investigation or a preliminary investigation, it should be able to obtain those records. Under this conference report, it still can. But to address the allegations that the scope of lawful national security investigations is too broad, the conferees included language that does provide for a presumption of relevance if the FBI does provide a statement of facts explaining the link between the requested records and one of three statutory categories. Thus, the compromise language encourages the FBI to seek the protection of presumptive relevance by including a link to one of the three statutory categories in its application, but it also maintains the use of investigative technique in those limited circumstances that fall outside the three categories.

The conferees also placed additional restrictions on section 215 orders. Under the conference agreement, the records obtained with a FISA business record court order must be screened through minimization procedures adopted by the Attorney General. These procedures are not required for any other subpoena, grand jury, court order, administrative, or otherwise. In my opinion, minimization procedures should not be required for this low-level investigative activity, especially in light of the requirement for prior judicial approval of an order.

These procedures unfortunately were part of the price we paid to get this legislation passed—a price that I did reluctantly accept to preserve this investigative tool. I urged the Attorney General when this bill was passed to adopt flexible minimization procedures.

These procedures must maintain the ability of the intelligence community to analyze the important foreign intelligence information now obtained by FISA business record orders. That information must be made available over an extended period of time so that the intelligence community will not lose its ability to connect the so-called dots. One current phone number that would be connected to one 2-year-old credit card record that would be connected to one 10-year-old hotel receipt might be the information necessary to stop an attack. We should never forget that, especially in the age in which we live.

Severe retention or any rules of dissemination for these third-party business records will limit the FBI's ability to prevent attacks, and that is the standard we have demanded post-9/11. I can assure you that the Intelligence Committee will examine these procedures with great interest once they are issued.

Next, with regard to national security letters—and the acronym for that is NSL—this conference report makes three important modifications.

First, it will provide for express enforcement of national security letters by creating criminal penalties for noncompliance with the request.

Second, this bill clarifies the process by which the recipients of a national security letter may seek judicial review of requests that are either unreasonable, oppressive, or otherwise unlawful.

Third, this legislation does replace the current blanket nondisclosure rule with a process that requires a special certification by a high-level official to invoke the protection of the nondisclosure provision. If the official is sufficiently high level, the certification that the disclosure would endanger national security or interfere with foreign relations will not be overturned by a court without a showing of bad faith.

Some have questioned the need for nondisclosure provisions on these national security letters or complained that they can be invoked or defended much too easily. I have an opposite concern. I am concerned that the disclosure of the fact that the FBI has sought business records might hinder the investigation of a terrorist network or an espionage ring. Nondisclosure requirements on these national security letters are absolutely necessary for the protection of our national security. We must all keep in mind that these so-called NSLs are issued in the context of classified investigations of terrorists and spies.

Make no mistake, the national security letter that requests information in support of a classified investigation should also be classified. But because many phone companies, Internet service providers, financial institutions, or credit card companies don't have the facilities to handle classified information, these national security letters are submitted in unclassified form. The FBI relies on the nondisclosure provisions in the NSL statute to prevent the disclosure of classified investigations of terrorists and spies. Without the protection of a nondisclosure provision, the FBI would have to choose between not using a national security letter or taking the risk that its investigation will be disclosed to the spy or terrorist under investigation. We can't afford either option.

If a terrorist becomes aware of an FBI investigation that was directed at him based on the fact that a national security letter has been issued, he obviously can take actions to protect other members of his cell, ensure that the terrorist network does proceed with other planned attacks, or, in the worst-case scenario, speed up the time line of a planned attack.

We also cannot afford for the FBI to walk away from valuable intelligence information from fear the disclosure of a national security letter might undermine an ongoing investigation. These NSLs do provide access to limited categories of third-party business records that form the building blocks of national security investigations. They allow the FBI to identify the activities of a terrorist or spy and others who associate with them.

The conference report maintains the protections of the NSL nondisclosure provision. It does modify the nondisclosure provision so it is no longer automatic; it must be invoked. It provides the recipients with the avenue to challenge the nondisclosure not once, but every single year. Subsequent challenges also require the Government to reexamine the need for secrecy.

With these modifications, it seems to me the conference report strikes the balance needed on this issue. First, we protect the very legitimate rights of the recipients and ensure the sensitive investigations of terrorist and spies certainly are not compromised.

So as my colleagues can see, the protections that are provided in the conference report for privacy and civil liberties are extensive. In fact, I think the modifications to the FISA business record orders and the national security letters should address all concerns raised about these tools. I hope my colleagues who have concerns about this know what is in this bill as opposed to what the perception is.

The conferees did not stop there. In addition to the modifications I have mentioned, the conference report includes the provisions enhancing existing oversight of these tools. For example, the bill requires the Department of Justice Inspector General to conduct extensive audits of both the use by the FBI of the national security letters and FISA business record orders. The bill also expands public reporting on these investigative tools.

I cannot help but note at this point that many of the protections for privacy and civil liberties incorporated in this bill were derived from the protections that the intelligence committee would have applied to the national security administrative subpoena that we reported in June in our bill. This conference report has essentially taken all of the protections that were contained in the national security administrative subpoena provision, but it has failed to provide the FBI with the same ability to access records that now exist in 335 other contexts.

Far too often we legislate to the possible rogue FBI agent, one-tenth of 1 percent who might go beyond the law. When we take this step, we deprive the other 99.9 percent of FBI agents of a lawful investigative tool, and then if something is missed or we have an attack, why, of course, we blame the FBI. Our oversight reveals no abuses. Yet we deprive our national security investigators of these constitutional tools.

I challenge opponents of national security administrative subpoenas to provide one good reason the FBI should not have the authority. I have listened to their arguments. I still have not heard one good reason. Four years removed from 9/11, it is far too easy to put restrictions on the intelligence community that are not necessary or appropriate. It seems to me we must continue to ensure that we provide lawful access to data with appropriate precautions. We must tear down the remaining walls that prevent access to lawfully collected intelligence information. One of the top priority goals of the intelligence committee is information access. That is the one thing that seems to me that we must reach out and accomplish, and obviously passing this act and not rebuilding walls to make this problem worse is a top goal.

When we needlessly restrict intelligence investigations, we increase the possibility that the next attack will succeed. I will oppose such restrictions and will continue to fight for new authorities for the intelligence community. I believe the national security administrative subpoena is an appropriate tool that would increase our security without sacrificing our civil liberties. I will continue to ask a simple question: Why are we withholding administrative subpoenas from those who investigate spies and terrorists when they are being used every day by those who investigate health care fraud, drug violations, and other similar matters.

As I have asked many times before, why can the Attorney General use an administrative subpoena to stop a dirty doctor or a dirty drug dealer but not a dirty bomber? That does not make sense. This is a tool that the President, the Attorney General, and the Director of the FBI have all asked Congress to provide in regard to our national security investigators. Once again, Congress has denied them.

Before concluding, I want to highlight one more important intelligence-related provision in this bill: section 506. That is the section that will establish a national security division within the Department of Justice that is consistent with the recommendations of the executive WMD Commission. The national security division will be headed by the Assistant Attorney General for National Security who will be appointed by the President, with the advice and consent of the Senate.

This process, in regard to confirmation, will be subject to the shared jurisdiction of the Senate Judiciary Committee and our Intelligence Committee.

The provision also requires the Attorney General to consult with the Director of National Intelligence before recommending a nominee to the President. I believe the creation of the national security division will help prevent the rebuilding of these walls that I keep talking about that once hindered access to foreign intelligence information. This new national security division will help ensure that law enforcement and intelligence are indistinguishable partners in the protection of our national security.

Finally, I strongly oppose passing a short-term continuing resolution, as some have suggested, to reauthorize existing authorities. The conferees have already worked extremely hard to reauthorize the existing authorities. I do not believe that any additional time or negotiations will close the gap between the opponents and the supporters in regard to this act.

In fact, on the one issue that prevented some conferees from across the aisle from signing onto the conference report, the so-called bad-faith certification provision, this conference report is actually more protective of national security letter recipients than the version previously passed by the Senate.

I hope the folks who are upset about this know that is in this bill and that this is actually more protective. As convinced as I am that an additional 3 months will not close the gap between opponents and supporters, for those who want a continuing resolution, I am equally convinced that further negotiations will only result in additional concessions that will make the PATRIOT Act tools virtually useless.

I remind my colleagues again that 4 years of oversight of the use of the authorities that are provided by the PATRIOT Act have not revealed one single substantiated—let me emphasize that, substantiated—allegation of abuse. Yet despite this fact the conference report before us today contains numerous additional checks on the use of the PATRIOT Act tools.

The arguments for these additional checks and restrictions are not based on any factual allegations of abuse but, rather, on unsubstantiated allegations, hypotheticals, innuendo, and perception. I understand the concern, but facts are stubborn things, and there has been no abuse. Nonetheless, this conference report will place more burdens on national security investigators using these constitutional tools to defeat terrorists and spies. Further compromise will only serve to negotiate away these very crucial tools. I urge my colleagues to base their position on this important legislation on facts.

Facts are stubborn things, as I said before: The fact that terrorists continue to seek to kill Americans, the fact that they continue to plot attacks against us, the fact that they are determined to continue their war against us, the fact that this conference report does provide significant increased protections for privacy and civil liberties, and the fact that our national security investigators have not abused authorities that are provided under the original act.

We have had plenty of time to oversee the use of authorities that are provided by the PATRIOT Act and plenty of time to separate fact from fiction or the wheat from the chaff.

I am deeply committed to the men and women of the intelligence community. The USA PATRIOT Act has provided them with important tools to keep us safe. We should continue to do that. I will vote for cloture if necessary—I hope it is not necessary—and in favor of this conference report. I, again, am very glad that the House has passed the reauthorization of the PATRIOT Act by a large bipartisan vote because this allows the intelligence community to retain these important PATRIOT Act tools and keep America safe. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Maryland is recognized for 15 minutes.

Ms. MIKULSKI. Thank you, Mr. President.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 2097 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Under the previous order, the Senator from Delaware is recognized for 30 minutes.

IRAQ

Mr. CARPER. Mr. President, 10 days ago, I returned home from a bipartisan, bicameral congressional factfinding mission that took a number of Members, including Senator CHUCK HAGEL of Nebraska, myself, and Congresswoman ELLEN TAUSCHER from California, to a number of Middle Eastern countries. There we met with, among others, the leaders of Israel, the Palestinian Authority, Jordan, Saudi Arabia, and Iraq, as well as with our own civilian and military leaders. For me, our visit was informative, highly informative, even illuminating, and provided me with a number of insights that I wish to share today with my colleagues and with the American people.

For the past several months, Americans have become increasingly skeptical about our ongoing military presence in Iraq, leading to a fierce debate on how to succeed in Iraq and when to begin to redeploy American troops. With so much discord at home, I was surprised and, frankly, heartened to learn during our mission that there is a growing consensus among both U.S. and Iraqi civilian and military officials on a reasonable path forward that I believe many Americans can embrace.

As our President acknowledged somewhat belatedly today, a number of grievous mistakes were made during his administration following the ouster of Saddam Hussein—for example, literally telling the Iraqi army to go home, you are disbanded, not needed anymore. Having said that, there is a whole lot at stake, too much at stake, for us to just cut and run. But somewhere between withdrawing all U.S. forces within 6 months and staying the course is a commonsense policy and a path forward for the United States, for Iraq, and for its Arab neighbors.

I believe tomorrow's parliamentary elections and the likely emergence of a coalition government in Iraq gives us a great opportunity, not so much to stay the course but to begin to alter it. This altered course would provide for a moderate but significant redeployment of U.S. troops from Iraq beginning early next year. It could start with our National Guard men and women, might start with our Reserve Forces. We might bring some of them home. Some of them we may wish to deploy to a place such as Afghanistan where they probably would be needed.

Redeployment or drawdown is, maybe, a good beginning, but by no means does it end there. We must also redouble our effort to enlist the full cooperation of the Arab League and others to stabilize Iraq politically and economically as we continue to help Iraq militarily and their police force shoulder more of the burden in providing security in their country.

On the sensitive issue of withdrawing U.S. troops, I believe if we were to withdraw all of our military forces within the next 6 or even 12 months, we would leave that country in danger of a civil war, and America and Iraq's neighbors would be less safe, not more safe, than they were before we invaded Iraq. The truth is, though, a modest American force may well be needed in Iraq for some time. While it will not be close to the 160,000 or so troops we have there now, America will likely maintain some kind of military presence in Iraq, if the Iraqis want us to, just as we currently do in Afghanistan and Kosovo and several other places around the world.

The President's open-ended statements, however well intentioned, about staying the course cause many Iraqis to question our Nation's true intentions. More and more, Iraqis view our troops as occupiers, not liberators. To a lot of them, the President's rhetoric is code for "We are here for your oil, and we are going to stay until we get it." That is an interpretation that fuels the very insurgency we are trying to defeat.

That is why it makes sense to me to announce as early as January that we plan to redeploy a significant number of American troops from Iraq in 2006 and then begin to do so shortly thereafter. Taking this step will help make clearer to most Iraqis our desire ultimately to leave Iraq and its natural resources where they belong—in the hands of Iraqis.

These views are not mine alone. They reflect the views of Iraq's civilian and military leaders as well as those of top American officials on the ground. We should listen to them. In the words of one of our top American military commanders, he said, pointing toward the door of the room in which we were meeting, it is time for us to begin moving toward the door. And I believe he is right. Otherwise, I fear our troops, who continue to perform courageously under incredibly difficult circumstances, will remain targets of opportunity for months or even years to come.

Although much of the debate in America has focused on withdrawing troops, if all we do by the end of next year is reduce our troop levels, we will not set Iraqis up for success; we will set them up for failure. There is also a political war to win, and it is not going to be easy. I believe America's Ambassador to Iraq, the gifted Zal Khalilzad, has done a remarkable job this year in narrowing the differences among competing factions in Iraq. Now it looks like tomorrow's turnout for the parliamentary elections will be strong, even among minority Sunnis, and result in the need to form a coalition government.

In fact, when we were there, we heard that the Sunnis—of which only 3 percent of them voted a year ago when they formed their interim government, and barely a third of them voted 2 or 3 months ago when they voted on their constitution—I understand now that over half the Sunnis are going to vote tomorrow. They will elect anywhere from 50 to 55 to maybe 60 members of this new parliament. The Kurds are expected to elect a similar number, and the Shiites will elect maybe 100, 110. There is not enough among any of them to have a majority. That outcome will create a need, and that is a need to form a coalition government.

The real challenge will come, though, after the vote, as Iraqis confront at least two enormous tasks. One is setting up a functioning government, and the second is rewriting or amending the constitution they just adopted a couple months ago, while at the same time trying to subdue an armed insurgency.

America must do all we can to make sure that the Iraqis' experiment with democracy does not founder, even if this experiment results in something less than a Jeffersonian democracy. But to succeed and become a new and prosperous country, Iraq will need more than just our help. European countries and other nations, including democratic nations, can do their part by helping Iraq set up government ministries and agencies designed to oversee everything from defense and finance to human services and environmental protection.

In fact, I strongly support a proposal that would call for individual countries to adopt a new ministry in Iraq and help them to develop and implement and execute sound policies. For example, Nation A might adopt a finance ministry, Nation B might adopt a foreign ministry, Nation C might adopt the petroleum industry, Nation D might adopt the transportation industry, and on and on and on. It should not be just us; it should be a whole lot of countries joining with us in this effort.

Arab countries that have been extremely critical of the war and of America's occupation must realize they have a dog in this fight, too. On that point, I am more optimistic than I was before my trip. As Saudi King Abdullah told us a week or so ago—these are his words—"In Iraq, what's done is done." That is coming from a monarch, a King, who, frankly, did not appreciate, nor did his people much appreciate, our invading Iraq and taking down the regime of Saddam Hussein. But his words: "In Iraq, what's done is done." And from that, I infer he means it is time to turn a page. It is time for them and other Arab nations in that region to get off the bench and get into the game. And they sure need to.

To that end, I sense that many of Iraq's neighbors, including Saudi Arabia, the United Arab Emirates, Kuwait, and Qatar, realize it is in their interest to make sure that Iraq does not erupt into civil war, a civil war that could become a regional war or turn Iraq into a haven for terrorism. Those nations could help ensure a better outcome in Iraq by, among other things, forgiving the Iraqi debt they hold while also working to improve political relations within Iraq. The United States, perhaps through the Arab League, should exert considerable influence in the region to make sure this happens.

Another area in which the United States and other nations can be helpful is to assist Iraq in formulating and implementing, next year, an economic recovery and growth strategy. Iraq, as we all know, is blessed with enormous oil and gas revenues. Yet it is almost beyond belief that today, some 30 months after the U.S. invasion of Iraq and the lifting of the oil embargo in Iraq, oil production in that country is really no higher today than it was on the day of our invasion. In fact, we were told on our visit that oil production today continues to hover at barely one-third of Iraq's capacity of some 5 million barrels of oil per day. But, roughly, that leaves 3 million barrels of oil a day untapped in the ground, even though there is the capacity to draw it out and to refine it and to sell it. At $50 per barrel and 3 million barrels per day, that means that Iraq is leaving approximately $150 million per day on the table in unrealized revenues. That is about $1 billion a week. For $1 billion a week, you could hire several armies to protect the generating capacity, the oil production capacity in that country.

That kind of revenue also would allow the Iraqis to have some money left over to meet a number of their needs. And they have plenty of needs to meet. That is money that could be used to lower the 25-percent unemployment rate among young Iraqis, along with the unemployment rate among adults in that country. How? By putting them to work on a host of worthy projects around the country—schools, health centers, roads and transit projects, housing, wastewater treatment, electricity generation, telecommunications infrastructure, and the list goes on.

Speaking of economic development, Saudi Arabia continues to increase its oil revenues by more fully integrating their oil and gas business to include surveying, exploration, drilling, recovery, refining, and transportation, as well as providing feedstocks to a growing petrochemical industry. There is no reason why Iraq could not also do the same over time.

But unlike a number of other Arab nations, Iraq's economy does not have to be what I call a one-trick pony. Iraq is blessed with an adequate water supply and plenty of fertile land. Crops, produce, and fruits raised on that land can feed all of Iraq and much of that region. We can help the Iraqis figure out how to realize their potential, and we ought to do it.

Iraq is also blessed with a well-educated workforce, many of whom would like to be entrepreneurs in their country as they move away from a command-and-control economy to more of a free enterprise system. I am told that last year some 30,000 Iraqis applied for business licenses to start their own businesses. A lot of them could have used an infusion of capital to get started, too. They did not need $50,000 or $100,000, either. In a number of instances, as little as a couple of hundred dollars is all they might have needed.

One of the missing ingredients in Iraq in terms of an economic recovery is a banking system that can make and service loans, including loans to small businesses, which generate a lot of the jobs. In America, we know banking. So do some other nations. We need, collectively, to do more to help Iraqis establish a banking system to fuel, among other things, the growth of small businesses—the engine for job creation.

On a positive note, USAID has begun operating in Iraq trying to develop those micro-loan programs that they are putting in place in other nations around the world where maybe $100 or $200 or $300 is extended in a loan to a small businessperson. That is a good program. It is just beginning, but it is one we ought to kick into high gear there.

The idea of Iraq as a tourist mecca was not the first thing that came to mind as we headed for that part of the world. Having said that, Iraq is the home of several of the holiest shrines in the Muslim world, and, lest we forget, it was also the cradle of civilization. Muslims come from all over the world already to visit a number of those holy shrines in Iraq. Given the chance, I believe a lot more of them would come to visit some of those holy places, other holy places, in Iraq if there were airports to serve them, along with restaurants and hotels, bus service, auto rental agencies, and the like.

Next, let me add a word or two about Iran, a largely Shiite nation that borders Iraq, as we know. Iraq's Shiite population lives primarily in the southern part of Iraq. Hundreds of thousands of people have crossed over the border from Iran into Iraq over the past year or two. Tens of millions of dollars have followed them into Iraq. Many in the region fear, understandably, that Iran is attempting to expand its influence through southern Iraq all the way to its border with Saudi Arabia. Others fear a balkanized Iraq divided into three parts, and maybe eventually three countries, will evolve, and those fears are understandable.

Last week, in an unprecedented move, Iran's supreme religious leader, the real boss in that country—not the President, the real boss in that country—sent a personal emissary to Saudi Arabia to meet with its King, King Abdullah, apparently to begin a dialog. That was 2 weeks ago. I said 1 week. It was 2 weeks ago.

Recently, Iran has also sent word to U.S. officials in Iraq, through the U.N., through Shiite persons in Iraq, that the Iranians would also like to send, I believe, their national security adviser to meet in Iraq with our representatives there. I am told that our administration, apparently, is not prepared to give the green light for those talks, arguing that any talks should involve much lower level Iranian representation.

The words of another Arab leader we spoke to on this subject are instructional. That Arab leader said to us during our stay—he was talking about the U.S. unwillingness to join multilateral talks over Iran's nuclear policy but this monarch said to us:

> Ignoring someone doesn't mean they cease to exist.

Think about those words: "Ignoring someone does not mean that they cease to exist." I would encourage our own administration to give American officials in Iraq the green light and find out what is on the Iranians' minds. It is hard to imagine much damage coming out of such a conversation, and there may be some upside to it. Time will tell.

If we are willing to engage in multilateral discussions with some of those wild and crazy North Koreans, I don't know that there is a lot of danger in sitting down and being involved in direct or multilateral relations with Iranians, all the while making clear that their possession of nuclear weapons is not acceptable to us and the views they have toward Israel and pushing Israel into the sea is anathema to us and something we would never countenance.

Let me conclude on the Middle East by sharing with my colleagues an old Navy story. Long before I came here, I served as a naval flight officer during the Vietnam War in Southeast Asia and later on as a Reserve naval flight officer and mission commander of a Navy P-3 airplane, a four-engine airplane. Our Presiding Officer may have seen the Navy P-3s land at Jacksonville, FL, any number of times in our job to hunt for Red October and patrol the oceans of the world.

Every now and then, we would have to change an engine in one of our planes. They break. You land the plane. You pull into the hangar and pull off the engine and put another one on. It takes a day or two, and you have to test it before you go up in the air again. In the Navy, if you had a really hard job to do, we would liken it to changing an aircraft engine in one of our planes. But a really tough job is one that we had to do by changing the engine of the airplane while the airplane was in flight. When you are doing that, that was a tough job.

What the Iraqis face in the coming weeks and months is the political, economic, and military equivalent of changing the aircraft engine while the aircraft is in flight. Tomorrow, they are going to hold elections. The good news is that for 275 parliamentary seats, some 6,500 candidates have filed and are running. That is an astounding number. When the smoke clears literally and figuratively later in the week, they will have to figure out who won and who of those 6,500 lost. They will have to seat a parliament. Then they will have to start putting together a coalition government, not unlike what the Israelis do from time to time. Nobody is going to have a majority. The Shiites may have 100 or 120. But they will need other forces. Or maybe some of the rest of the people who are there, the Kurds or the Sunnis and others, can create a majority coalition on their own.

They will have to figure out who is going to be the prime minister or deputy prime ministers. They have to figure out who is going to be the minister of finance, of foreign affairs, of transportation, of housing, the environment, petroleum, on and on. They have to put the right people in the leadership roles of those agencies and have good people up or down the line in those agencies so they can formulate, implement, and execute policy.

While they are doing all of that, they will have to rewrite their constitution, or at least part of it. To make matters more challenging, they have to do it all while in the face of an armed insurgency. I suggest to my colleagues, doing any of those things in and of itself—going through the elections tomorrow, electing a parliament, standing up a government, putting the right people in place to lead those ministries, rewriting the constitution—any one of them by itself is a hard thing to do. Doing them all almost simultaneously during the course of an armed insurgency, achieving that would be like the triumph of man's hope over experience.

I returned from Iraq more hopeful than when I left. I acknowledge that a lot of hard work lies ahead for us and, hopefully, for a new coalition of the willing in the Middle East. While there are no easy choices or solutions, I acknowledge that. I think we know that. But if we do begin to alter course, as I have outlined earlier, I believe we increase the likelihood that America, Iraq, and its neighbors will arrive at the destination we all seek.

SERGEANT FIRST CLASS JAMES "SHAWN" MOUDY

Mr. CARPER. Mr. President, I rise to talk about a young man who lost his life last Sunday in Iraq. He is an Army sergeant first class who grew up in Delaware, a graduate of Tatnall High School. His name is James "Shawn" Moudy. He is the ninth soldier from Delaware to have died in Iraq.

Shawn epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. Shawn exhibited unwavering courage, dutiful service to his country and, above all else, honor. The way he lived his life and how we remember him, Shawn reminds each of us how good we can be.

Shawn was born in Wilmington, DE, on July 14, 1968, to James and Thelma Moudy who now reside in Newark, DE. Shawn attended the Independence School and graduated from Tatnall School in 1986, where he enjoyed playing football and lacrosse. Shawn then attended 1 year at Marion Military Institute in Marion, AL.

After earning a nomination to the Coast Guard Academy, Shawn decided instead to enlist in the Army. For almost two decades, Shawn traveled the world on tours of duty in Korea, Germany, Bosnia, and later at Ft. Benning, GA. It was in Korea that he met his wife Myong Sun, and today they have a daughter, Sandra Rebecca. She is 13 years old.

In September 2004, Shawn was transferred to Ft. Drum in Watertown, NY, where his family resides today. He was deployed to Iraq in August 2005, a few months ago. Shawn's mission was to train Iraqi troops, and he joined in the security patrols there. Shawn was a member of the 71st Cavalry Regiment of the 10th Mountain Division. He always knew he wanted to be a soldier. He had several uncles who served in the military. As a child, his mom and dad told me, he always drew pictures of soldiers. According to his mom, with whom I was privileged to speak the night before last, Shawn believed that "the world needs to be safe and protected and free. That's what his whole life was dedicated to." Those are her words and his.

Shawn's parents take comfort in knowing their son was doing what he believed was right. Their son was resolute in his belief that the United States should not leave Iraq until a free society has been established. He died Sunday in western Baghdad when the humvee he was driving struck another one of those roadside bombs we hear so much about.

I rise today on behalf of Senator BIDEN and our whole congressional delegation and the people of Delaware to celebrate his life, to commemorate his life, and to offer his mom and dad and family our support and our deepest sympathy on their tragic loss and on ours.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. CARPER. Mr. President, on behalf of our leadership, I ask unanimous consent that the following Senators be recognized to speak as in morning business:

Senator CLINTON for 1 hour, followed by Senator COLLINS for a time to be determined; Senator KENNEDY for 30 minutes to make a motion to instruct; Senator LANDRIEU for 20 minutes.

I further ask unanimous consent that Republican Senators be accommodated, if seeking recognition, in between two Democratic Senators, and that Republican Senators be allocated time that is equal to that consumed by the minority Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO INSTRUCT CONFEREES

Mr. KENNEDY. Mr. President, tomorrow, we are going to have a series of votes in the Senate to give instructions to our conferees. It is an expression of the Senate to give instructions to conferees on priority items that are going to be before the conference. In this particular instance, it is dealing with the issues of higher education.

I intend to address the Senate again tomorrow. I want to urge a favorable vote by Republicans and Democrats alike because the resolution I will be offering is a reflection of the action that was taken in our HELP Committee, chaired by Senator ENZI, in which there was extremely broad bipartisan support—virtually unanimous support—for that position. That position basically was that the committee would have $8 billion in additional savings for need-based aid.

Our intention is to give this additional aid to Pell eligible students. We would also offer an additional grant of up to $1,500 to Pell-eligible juniors and seniors who are majoring in math or science.

We know that one of the great challenges we are facing in the United States is how we are going to deal with the challenges of globalization.

We have to ask ourselves as Americans whether we are going to be consumed by globalization or whether we are going to accept the challenge and equip every man, woman, and child with the ability to compete in a global market and to equip our country with the ability to succeed in a global market. That means we must be the country, the society, the economy that is innovative and creative, and that is going to mean new opportunities that are presented. That is going to be essential not only for our economy but for our national security. The kind of investments we have and those recommended by our committee are a good start.

I believe we are going to have to do more, and I welcome the opportunity to do more in the next session of this Congress.

This motion that I offer and others support, that will be voted on tomorrow, is a reaffirmation of the importance of strengthening higher education. There are many different aspects of the education budget which are of concern to us. Senator HARKIN and others have outlined those concerns. I join them in expressing our anxiety and disapproval at the fact that we are either going to support education or support greater tax incentives, essentially giveaways, to the wealthiest individuals in our country.

This is really the issue. This is the question. We will have an opportunity to express ourselves tomorrow. The whole battle over the budget is an issue about priorities for our Nation. We can say expending more resources in the area of education isn't going to solve all of our problems, but it is an expression of a nation's priorities: investing, investing, investing to make sure that every young person who has ability, who wants to continue their education is going to be able to do it.

Finally, I will just mention that the additional reason this motion is needed is because the Republican proposal from the House could actually increase the cost of college loans by more than $2,000.

Mr. President, I send a motion to the desk. As I understand, the leadership will work out the voting sequence, and we will have an opportunity tomorrow to go into greater detail on this motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to insist that the Senate provisions increasing need based financial aid in the bill S. 1932, which were fully offset by savings in the bill S. 1932, be included in the final conference report and that the House provisions in the bill H.R. 4241 that impose new fees and costs on students in school and in repayment be rejected in the final conference report, for the following reasons:

(1) The cost of public college tuition and fees has increased by 46 percent since 2001.

(2) The lowest income student at a 4-year public college faces an average of $5,800 in unmet need.

(3) For families in the lowest income quartile, the average cost of attendance at a 4-year public college represents 47 percent of their income.

(4) More than 5,300,000 students received Federal Pell Grants in 2004 through 2005.

(5) The buying power of the maximum Federal Pell Grant has decreased from 57 percent of public college tuition to 33 percent in the last 20 years.

(6) The gap between the cost of attendance at a 4-year public college and the maximum Federal Pell Grant has increased from $5,282 in 2001 to $8,077 in 2005 through 2006.

(7) The typical student who borrows money graduates with a bachelor's degree from a public college with $15,500 of debt.

(8) A person with a bachelor's degree makes $1,000,000 more over the course of the person's lifetime than a person with only a high school degree.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I associate myself with the comments of the Senator from Massachusetts and underscore the importance of the points he was making about the need for us to be better prepared to compete in the global economy. I look forward to supporting the Senator's motion, and hopefully the conferees will pay heed to the Senator's strong admonition about what is in our Nation's best interest in terms of investments. I hope I may be added as a cosponsor of that very important effort.

Mr. President, the holiday season is upon us, presenting an opportunity to give thanks for our blessings, reflect on the past year, and consider how we can better demonstrate goodwill to one another. That is the true spirit of this wonderful and blessed season.

Sadly, the budget we are debating this week and, quite frankly, the work of the Congress this entire session has failed to keep faith with the spirit of the season or the priorities of the American people. We are not following through on the promise to rebuild New Orleans. We are not taking the necessary steps to reduce health care costs or make energy more affordable. We are not investing in education as we should to prepare the next generation.

This entire legislative season has been about the misplaced priorities of the White House and the Republican majority in Congress who are unable or unwilling to recognize the realities facing America's families.

Washington Republicans seem oblivious to the fact that 1.1 million more Americans fell into poverty last year for a total of 37 million of our fellow citizens, including 13 million children. In New York City, one in five residents lives below the poverty line. They have turned a blind eye to the fact that 45 million Americans are without health insurance, including almost 3 million New Yorkers.

They have ignored the devastating effects of the job losses that workers at GM, Ford, and Delphi face and our huge and growing national debt, now $8.1 trillion, that threatens the future of our children.

The Republican budget lays bear the priorities of Washington Republicans: Loopholes for oil companies instead of student loans for middle-class families;

irresponsible tax breaks instead of affordable health care for the working poor. Now these are choices that would even give Ebenezer Scrooge pause—choices that not only ignore the challenges facing American families but make those challenges more difficult to overcome.

Congress is on the verge of enacting a fatally flawed budget plan that finances further irresponsible tax breaks on the backs of Americans who struggle to pay college tuition, to provide health care coverage for their families, and keep their homes warm in winter.

This budget plan is written in the full spirit of the "Grinch Who Stole Christmas." But instead of taking away the presents and the Christmas decorations like the Grinch did, Congress is ringing in the holiday season by taking away Medicaid benefits, food stamps, child support enforcement, childcare programs, affordable housing grants, and student loan benefits.

At the end of the story, the Grinch sees the error of his ways. I can only hope that the Members of this Chamber experience a similar revelation.

We have been told that these steps are necessary to pay down the deficit. We have been told that the proposed additional cuts and tax breaks are the priorities of the American people necessary to continue economic growth.

Cutting Medicaid, food stamps, childcare, affordable housing, and student loans is no way to balance the budget or secure our children's futures. It is not in the long-term interest of our country, and it is not in keeping with the values of the American people.

What is more, under the Republican majority's budget proposals, the budget deficit would actually increase by anywhere from $10 billion to $20 billion.

Democrats in the Congress know what real deficit reduction looks like. It involves difficult choices on both the revenue and spending side. During the Clinton administration, making the tough choices not only eliminated the deficit but produced the largest budget surpluses on record. If those in Congress who support this budget, the Grinch budget, were truly concerned about deficits, then they would not have opposed the restoration of the pay-go rule, a very simple rule which means you don't spend money you don't have. They certainly would not have approved an additional $70 billion in tax breaks along with the budget cuts, tax breaks skewed toward the most affluent among us that will worsen our Nation's growing fiscal imbalance.

What this bill represents is not only an abandonment of our responsibility to middle-class and working families but the steady erosion of the work support programs that have enabled millions of Americans to find work, get off the welfare rolls, and rise above the poverty line.

The right way to cut the deficit is clear.

Instead of cutting programs that help working families get ahead, cut the subsidies flowing to corporate tax breaks, delay further tax cuts on capital gains and dividends while passing those cuts that benefit the middle class such as AMT reform. The tax cuts going already to the wealthiest in this country are nearly seven times larger than all of the proposed budget cuts in the House and Senate. Moreover, there are tax cuts not yet in effect, such as the repeal of the phaseout of personal exemptions and limitations on deductions that go into effect next year, which will cost over $27 billion in the next 5 years.

We could also allow the Government to negotiate with drug companies to lower the cost of prescription drugs, which was prohibited in the flawed Medicare drug benefit. If Medicare were able to reap the kinds of savings we have seen through the VA system's negotiations, seniors could expect to save more than $100 billion over the next decade in drug costs. This alone is more than four times the savings achieved through the harsh budget cuts being proposed.

We could establish a fund for alternative energy investments by requiring that oil companies, which as we know are experiencing amazing record profits this year, to invest in alternative energy. We could require that they help with people's heating bills this winter. We could bring in $20 billion a year with the right energy investments through the strategic energy fund that I have recommended that would have the benefit of making us less energy dependent on foreign oil.

Of course, we could eliminate the $2.6 billion in new tax breaks that those same record profit-making oil companies lobbied for and won in this year's Energy bill. Why do we not take the oil companies off welfare? I think that is an idea we at least ought to debate in this Chamber. Unfortunately, the Republican majority and the administration have made their choice: Breaks for the special interests instead of compassion for common citizens who face new hardships. They must literally wake up each morning and ask, what are we going to do to help our friends today? Never has so much been done for so few who need it so little.

Look at their plans for Medicaid. The Republican majority is recommending cuts of up to $11.4 billion over the next 5 years. The Congressional Budget Office has estimated that these cuts will result in higher premiums and copays for over 7 million people, including 3.5 million children. Some 70,000 people may lose their health care altogether. A family just above the poverty line could see an increase of more than $1,000 annually to maintain their health care coverage.

New York would bear a disproportionately high burden of these cuts, as we would stand to lose over $1.37 billion, putting at risk the more than 4 million New Yorkers who depend on Medicaid. Over 97,000 New York children and 12,400 New York seniors would lose a substantial portion of their services under the cuts being debated. Instead of closing tax loopholes, Washington Republicans are cutting health care. It is very difficult to understand how we could be doing this. If we took that $2.6 billion in new tax subsidies for oil companies that are having an aggregate year of profits of—give or take a billion or so—around $100 billion, with that $2.6 billion we could cover the health care costs of an additional 1.7 million children nationwide.

Sadly, the majority has chosen health care cuts and Medicaid as the tip of the iceberg. We can take a look at other damage that will come to American families because of these misplaced priorities. Working parents struggling to pay for child care, health care, and housing will now have the added burden of losing their food payment assistance. Two hundred and twenty-five thousand people will see their food stamps vanish, including up to 14,000 New York residents and some 5,000 New York children.

To put this in perspective, the Republican majority is proposing an approximately $700 million cut in food stamps. If we simply reinstated the Superfund polluter tax, which forces companies that pollute to bear the expense of cleaning up instead of passing it on to the average taxpayers to clean up their mess, that would generate $7.3 billion over the next 10 years, more than 10 times the cost of the food stamp cut.

Additionally, children in households receiving food stamps are automatically eligible for school meals. The Republican bill in the House, while reducing the number of people who will receive food assistance, also eliminates the automatic link and makes it more difficult for hundreds of thousands of low-income children in New York State, as well as many more around the country, to qualify for free or reduced priced meals at school. The House budget is literally taking food from the mouths of children.

Then, what are they thinking when it comes to child support enforcement? If there ever was a win-win program, it is this. It is designed to go after deadbeat parents, collect the money that is owed, which in turn can be provided to the families that are in need, helping lift those single-parent families out of poverty by requiring that their parents work and make regular payments to support their children. Well, no, that is going to be cut as well. Funding would be slashed by $16 billion. That means some $24 billion in child support payments would go uncollected. In the next 10 years, children in my State would stand to lose over $1.4 billion in child support payments.

It is almost impossible to imagine this happening at any time but here we are in the Christmas season, and we are giving a boon to deadbeat parents, taking food out of the mouths of children, cutting people off of health care and, of course, under the radar screen, the Republican majority is trying to use this budget reconciliation process for a major overhaul of our Nation's welfare rules.

I am very proud of welfare reform. In 1997, we created a welfare program that valued work, built around the notion that people should work and that people who do work should not still be poor after they have worked. And that work leads to dignity and self-sufficiency and provides strong role models for children. Back then—it was not so long ago—Republicans claimed to agree that we should support working families, but the policies they are pushing today will punish working parents. It will push those who are literally tottering on the brink of poverty over the edge.

Under their proposal, 330,000 families would lose child care assistance and cities and towns throughout my State would be the ones that would have to provide some kind of help but not with Federal assistance because they would be required to eliminate subsidies for working families. They are the ones down at the local level who will see the results of these wrong-headed policies.

As working families grapple with rising home prices, the Republican majority is trying to eliminate critical grants that create more affordable housing. These grants have been an invaluable source of funds, providing for the rehabilitation of homes that would otherwise be out of reach for low-income working families.

Since 1995, New York has saved 1,746 units of housing as a result of this program; on the chopping block. Goodbye to help for housing. I do not know where the working families in my State or other States will end up living. A lot of them will end up being homeless.

Then we come to a program that is about the future. It is particularly stunning—I am sure many in this Chamber and the House believe that a college education is certainly critical for their own children and grandchildren and is part of the route to success in today's competitive global economy. Well, one would not know by the budget numbers that are coming out of the Republican majority that they have any value for education at all because they are instituting an additional $14.3 billion in charges for student loan recipients, making an education even more difficult to finance. This would be the largest cut in student aid in the history of the loan program.

So while with one hand we paint college education as the path to achievement, with the other we are erecting an even higher barrier for middle class families and working families, let alone poor families, who all of a sudden are going to be told they better try to get their kid to go to college, but tuition is rising so we know it is more and more expensive. Instead of giving more help as we used to do, we are going to make it harder to get the financial assistance that is needed to go to and complete college.

An average student would be saddled with a lot more in costs. For example, if a student had $17,500 in student loans they might pay an additional $5,800 under the Republican plan. In my State, approximately 472,000 students would see an increase in their costs. I do not understand what we are trying to achieve. If we simply took the $18 billion revenue-raising package adopted by the Senate in its tax bill, which repeals among other loopholes another $4.3 billion tax giveaway to oil companies—honest to goodness, don't the oil companies ever get enough tax breaks? I mean, it is not enough that we are paying so much money to them out of our daily paychecks, now they are going to ask us to pay it out of our tax payments—more and more and more subsidies to companies that are making tens of billions of dollars in profits. It doesn't add up to me.

But if we took away those $4.3 billion in new tax giveaways to oil companies and we cracked down on abusive corporate tax transactions such as setting up offshore tax havens in places such as Bermuda to avoid paying United States taxes, we would not have to make it more painful and costly for students to go to college.

So what is the tradeoff here? More subsidies for the oil companies, more offshore tax havens for companies that call themselves American but are not willing to pay their fair share to fund our young men and women in uniform, to help pay for the victims of Katrina or literally anything else? We could keep doing that. I guess that is the Republican philosophy. Or, we can say: Wait. Enough is enough. We don't have to give the oil companies any more tax breaks and let's close these loopholes. It is unpatriotic for these companies to pay not one penny in taxes to this Government, to our national defense, for the blessings that make it possible for them to do business and have a good standard of living. It is wrong.

Apparently that is not the way the Republican majority sees it. What they say is that these spending and tax cuts are progrowth. They are right about that. They are progrowth for the oil companies. They are progrowth for the tax haven companies. But they are sure not progrowth for somebody trying to get through college or some working mom who needs to collect child support from an ex-husband. I do not see anything progrowth about that for them.

They do not even make economic sense. You know, we know how to do the economy right. We did it in the 1990s. We not only balanced the budget and created a surplus but helped to create 22 million new jobs and lifted millions and millions of people out of poverty. We enjoyed a long period of sustained economic growth. We took on the challenges of the day and we tried to prepare for the future.

That is not what is happening in Washington today, and I am deeply troubled and regretful about the choices that are being made on both ends of Pennsylvania Avenue.

I have spent many years working on behalf of children in foster care. They are probably the most vulnerable of all of our children, the poorest of the poor—abused, neglected, children who get taken away from their families because their families are unable or unwilling to care for them. When they are taken away by the police or by a court or social worker—maybe they are turned in by a neighbor or relative—they become our children. They become the responsibility of every single one of us and we have to work very hard to try to get them reunited with families, to try to find a relative who will love and care for them; absent that, to try to make sure they are safe and secure in foster care while hopefully we try to find a permanent, loving family for them.

It is going to be a lot harder because the Republicans are choosing corporate tax breaks instead of foster care. They are going to slash $600 million from foster care support.

I grew up loving the Christmas season, telling the story over and over again about how Mary and Joseph found themselves with no place to stay and how Jesus was born in the manger. Many people say: Look, they were shut out, left behind. We are shutting out and leaving behind a lot of our children with these budget decisions. It is wrong. It is wrong to reward special interests who can do perfectly fine for themselves and slam the door on foster children who need all kinds of help to even have a chance in life.

It is wrong to give more tax breaks to oil companies and not be sure we are going to have enough money to help families pay their heating bills this winter. It is wrong that we are using Orwellian language to call a budget bill that actually raises the deficit a deficit reduction bill. It may be clever. You might fool some of the people but not for long. The deficit will continue to be a drag on our economy and a burden for future generations.

The American people, and particularly our children, deserve better. The Republican majority's proposals for this budget are not in the best interests of America. They will undermine the hopes and dreams of a lot of hardworking people, people who took us at our word 8 years ago. They got off welfare and they are working now. I see them every day. I go into offices or restaurants all over New York and somebody will come up to me and they will say: Senator, I used to be on welfare, but I am working now and my children are so proud. Thank you. Tell your husband thank you.

I always say: Well, God bless you, take care of those children.

Now what are we doing? We are going to cut the childcare that people need to help take care of their children while they are at work. We are going to cut the housing assistance that people need in order to be able to afford a house or an apartment in most places of which I am aware. We may be cutting their children off Medicaid with all these cuts in Medicaid, so that little girl who needs that expensive asthma medicine in order to keep going to school may be out of luck. We are going to be cutting child support so we are not going after those deadbeat parents to collect money that will help that family stay on the right path, stay out of poverty.

It doesn't make any sense to me, but those are the choices that the elected representatives of the people of this country are about to make. It is time that we go back to arithmetic and reality; we go back to a conservative fiscal policy that pays as you go, doesn't spend what you don't have, produces balanced budgets and surpluses, and takes care of people who are working as hard as they can or who are vulnerable and need our help.

There is a lot of talk about family values. Well, let's value families and let's do it, not just with rhetoric, but with money, decisions, budgets that show what our values are.

So in the spirit of this holiday season I call on the Members of this body to reflect on the choices they will be making in the next few days. These choices are going to have a profound impact on millions of people, less fortunate than we are, but there but for the grace of God go any of us. It will not just be for a holiday season, it will be for years to come.

I think we can do better. I know America deserves better. We can get back on the right path of fiscal responsibility and moral decisionmaking that takes into account the needs of the least among us.

We can build a nation that reflects the best of what we can and should be. I hope we will take this opportunity to do so. If we do not, there will be consequences, and they will reflect badly on our Government.

Let us have a happy ending to the story. The Grinch had an epiphany. The Grinch came back and said: I don't want to be a bad guy. I want to share in the Christmas spirit.

So let us replace this "Grinch budget" with an American budget that does what it should do for all the people of our country.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN PRIORITIES

Mr. ISAKSON. Mr. President, I thank the Presiding Officer. I thank you for the opportunity to speak.

I had not intended to come to the floor today but I passed my television set in my office, and I caught the preceding speech regarding American priorities and certain allegations regarding leadership at both ends of Pennsylvania Avenue. I felt compelled for a second to try to answer some of the rhetorical questions that were asked but never responded to in the speech. If I heard it right—I could be corrected—one of the questions was "I don't understand what we are trying to accomplish." It was stated in the context of extending the tax cuts. I presume the tax cuts the House passed—to extend on capital gains and dividends. I will assume for a second that was part of them. There may have been others, and I will address some of them, but I thought it was time, at least for those who might be watching and listening today.

There are two distinct philosophies in Washington, DC. One has just been characterized. My hope is, in the few minutes I have been allocated, to be able to characterize the other.

When George Bush took office at the beginning of his first term, this country was moving into a serious recession which was realized shortly after that term began.

In September, on the 11th day of September, in the year 2001, America had the most unbelievable, heinous attack upon us that has ever been perpetrated, even worse, both in death toll but also in tragedy, than that of Pearl Harbor. That event, on top of the declining economy which was inherited in large measure by the administration, this President, and in turn this Congress, set on a new course to do two things: One, empower the great economic engine of America, which is American business and free enterprise. We did so by strictly passing legislation in terms of tax cuts and changes in tax policy that would empower American business, offer the incentives for more jobs and bring us out of the economic difficulty we were having.

I submit that is precisely what has happened. If you look at the last 5 years, we have gone from a period of recession, which began in 1999, peaked probably in 2000–2001, and since, we have continued to climb and improve. Why have we done so? We have done so because we empowered the American business person and the American employer and the American employee by allowing them to keep a little bit more of their business and invest it in this great country, spend it in discretionary spending, buy a new home. Economic enterprise breeds economic enterprise which breeds more economic enterprise.

We know from the standpoint of our side of that philosophical issue, if you empower business to do more business, the American Government will prosper. Our revenues have gone up in this country. They have not gone down because of tax cuts. June 15, 2005—this year—was the largest single take in tax revenue in the history of the United States of America. It was because our country is running on all cylinders, or almost all cylinders.

When I went to college, 95 percent employment was full employment. We have that today. We have had an unbelievable sustained period of very positive interest rates. We have had an economy that has not been attacked by inflation, and inflation continues to be under control. The jobs that were lost because of the recession in the early part of this decade are coming back, and they are coming back at a rapid rate. Business formations, prosperity, American home ownership is at an all-time high. The real estate industry is at an all-time high. American business enterprise is thriving, and I submit it is not confusing to me. I do understand what we are doing. What we are doing is we are empowering that which has always taken this country to great heights: the American free enterprise system, the American taxpayer, the American employer, and the American employee. We are empowering them with their money and believing they can do it better, and we can prosper together.

The other side's philosophy is, you charge the people more money to take care of the problems you perceive. Instead of empowering them, you shackle them with less money, you empower government, you breed mediocrity. That is wrong.

No one predicted September 11. Nobody could have ever predicted September 11. But while in the process of reinvigorating the American economy through strategic tax cuts, this administration has confronted the most horrible fate a country could confront on September 11 in the attack of terrorism. We have pursued terrorists around the world. We have secured our airports. We are securing our ports. We have been fortunate not to have an attack on our soil since that date. That did not come cheap. It came at a great price. A great price we have financed, in part, obviously, with the deficits that were referred to. But we paid for an awful lot of it with the growth in our revenue from an empowered taxpayer and an empowered employer and an empowered employee.

I just want to make a couple things clear. I am one member of the majority party of this Senate, and I can only speak for myself. But I take issue with being characterized as someone who is trying to cut health care, someone who is trying to take food out of the mouths of children, somebody who is trying to take welfare and turn it back around and hurt people on welfare to recovery, someone who is trying to make it harder for kids to go to college.

All of those examples that I heard in the previous speech were examples of taking an issue and distorting an issue to make it appear that one side is against children, for hunger, against education, for ignorance—all those negative connotations. So for a second I will address them, if I can.

We had an earlier motion in the Senate today with regard to Medicaid. We have a lot of Governors in this country who are attempting to get flexibility with Medicaid. I happen to be one who supports giving the Governors flexibility from the standpoint of Medicaid. Why? First of all, they and their legislatures administer Medicaid, we don't. We pay for two-thirds of it, but we hold them accountable for its administration. If they are accountable for its administration, and they are paying a third of the costs, and we are holding them accountable, by golly, they ought to get flexibility to use some of the tools. I know the distinguished Presiding Officer knows about tools in medicine today and applies them to health care for our poorest.

Being more flexible for our Governors to deal with one of the largest single expenditures of State government, the largest in my State, is good common sense. It is not cutting health care. It is empowering the people who are helping to get it to the people who need it.

This business of taking food out of the mouths of babes, I do not know what the Senator from New York was referring to specifically, and I will give her the benefit of the doubt. But I will say, cutting the rate of growth in programs is not taking food out of the mouths of people who are getting it. Cutting the rate of growth in spending is trying to manage our budget. I have never seen a time, even back in the early 1990s, when the Republicans were attacked in the House for taking the food out of the mouths of young children. It was the rate of growth in programs that was talked about. It was not real dollars. I submit the reference today was probably precisely the same thing.

As far as welfare rules are concerned, one of the great legislative initiatives of the 1990s was welfare reform and welfare-to-work. I have been to the centers in my State. I have seen the bulletin boards, the success stories today of people who were on welfare, shackled for a lifetime, and then empowered by welfare-to-work legislation. We have reduced our roles in this country tremendously. We have not really reduced the cost of welfare that much because we are providing childcare, we are providing training, we are providing transportation, and we are providing education.

But do you know what we did. We slowed the growth of the cost of welfare to the American taxpayer. In the process of doing it, we empowered Americans who thought they were shackled for a lifetime in poverty, in welfare, because we got them job training. We got them child assistance while they were being trained. We empowered them and challenged them to go off of welfare and on to work. And they are there today. That is a great accomplishment.

As to the student loan business, I do know a little bit about that. We were tasked in the Health, Education, Labor, and Pension Committee on budget reconciliation with finding some savings. The characterization in the previous speech was it will cost students more money to go to college and to borrow on student loans. There are going to be some costs, that is correct. We still, however, as a government, provide through Pell grants and through assistance in the College Loan Program unparalleled assistance to students wanting to go to college and to finance that education. We are merely trying to make that program accountable and live to a certain extent within our means.

There was a comment in the preceding speech that it is time to get back to arithmetic and reality. I will address my remarks to that for just a second.

There is not one Member in here who likes the deficit situation we have been in. I applaud the White House for encouraging us, and I applaud Senator GREGG in his diligent leadership to force us to try to bring about savings and begin to reduce the rate of spending in programs. The reconciliation bill we passed, which I believe was $39.4 billion in savings, is a start. It is only a start. We will have to do more.

In the case of the reconciliation and those savings, whatever the program might be, there is going to be somebody who says: Don't cut here, cut there. But for us eventually to make this budget process accountable, we will have to be able to open all of government, look at all of government, analyze all of government, and make hard choices. The reality of arithmetic is you cannot tax America into prosperity. You cannot solve everyone's problem by taxing those who are producing the jobs that employ the people of the United States of America. What you can do, however, is hold yourself accountable on the spending side and empower those who produce the revenues to do more.

The arithmetic of our tax cuts is simple, because of capital gains reductions, mature assets which were held and not liquidated because of the tax rate were sold, and new money was made, and it was deployed in new investments with growth because dividends became equalized with capital gains and, in fact, were lowered in a rate of taxation. Wall Street began to focus on dividends as being a positive thing for companies to do.

There has been a tremendous move on Wall Street, and the market is stronger and investment in America is stronger because of what we did in bonus depreciation, because of what we did in expensing. In every one of those things that was called a cut, we raised revenue, and we did so because we empowered American business.

But if the Senator from New York or anybody else thinks that if you have a billion-dollar problem, you can just raise taxes by a billion dollars and solve it, and that is the way for us to go in the 21st century, they are dead wrong. Because there is a point at which when you tax, you suppress prosperity, you cause people who have money to make the decision not to deploy that money anymore. You cause the exact opposite of what has happened in this country for the past 3 years since the tax programs were passed.

So while I may have missed some of the points because I caught this in passing and stopped at the TV to listen, I did not miss one point. The point was the question: I don't understand what it is we are trying to accomplish. I will tell you what we are trying to accomplish. We are trying to accomplish empowering the great locomotive of prosperity, American free enterprise, the American employer and employee to do better. And as they do better, the American Government does better, and revenues go up, not because we raised rates but because we raised hope and we raised opportunity.

Secondly, I know where we are trying to go in budget reconciliation. We are trying to go where every American is every day of their life. We are trying to sit around the kitchen table, setting priorities, looking to the future, seeing where we can slow the rate of growth of Government expenditures. We are not trying to take food out of the mouth of a single person, nor to take health care away from a single person. Nor do we want a deadbeat dad not to get caught. We want every child support payment to be made. To characterize one party as being for those things and the other being against them, to me, is quite ludicrous. But you have to go through a budget process of reconciliation and savings by looking at programs, analyzing programs, setting realistic goals for the future, and trying to make them more accountable.

The United States of America is a great and prosperous nation for a lot of reasons. But the most important reason of all, it is a land of hope and opportunity. Taxation can destroy the hope and, in turn, destroy the opportunity when it is carried to the excess no matter how noble the cause on which it is levied.

Mr. President, I thank you for the time yielded to me. I thank you for the opportunity to serve with you in this body. In the next few days, as we close out this legislative session, I hope we can, in the end, be where we started this year, with a goal of empowering the American taxpayer, doing a better job handling the expenses of this country, and doing what we always do in giving thanks to live in the greatest Nation on the face of this Earth, the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I commend the Senator from Georgia for his excellent statement. He presented the themes and the basic philosophy which are behind this bill, the deficit reduction bill, which includes that we, as a government, need to come close to living within our means. Hopefully, we could live completely within our means. Secondly, the American people should not always have money taken out of their pockets to support the largess of the Federal Government. We should have a tax burden that is reasonable, but to the extent we can, we should allow Americans to keep their hard-earned money and allow them to make decisions as to where their money should go.

If we increase taxes dramatically, we basically reduce the incentive of people to go out and be productive, which translates directly into a loss of jobs because people are not willing to take risks, are not willing to be entrepreneurs because if their tax burden is so high, the practical effect is they do not create jobs. A job, of course, is the ultimate economic benefit for any family.

So I congratulate the Senator from Georgia. I think his statement was right on. I especially appreciate his comments relative to trying to put in context the comments of the Senator from New York because the Senator from New York used a few hyperboles, referring to "The Grinch That Stole Christmas." "How the Grinch Stole Christmas," of course, is a classic story. First, I congratulate her. I do congratulate her for using the term "Christmas" and recognizing this is the Christmas season, not the holiday season, something which my wife continually reminds me about. We don't have a holiday tree: we have a Christmas tree.

But independent of that small aside, let me point out that "How the Grinch Stole Christmas" is a wonderful story. It was written by a fellow who went to school in New Hampshire. It is a fantasy. He wrote some other things such as "The Cat in the Hat." And quite honestly, I think the Senator from New York was talking through her hat when she delivered her statement because it, first, was inconsistent with all the facts on the ground, and, second, it represented a philosophy which essentially says, as the Senator from Georgia has pointed out, if you simply tax people more, you can solve your problems as the Federal Government. All it takes is you take more of people's money and we can solve any problem around here.

Where is it factually inaccurate? Well, to begin with, the deficit reduction bill which we passed was a very unique bill. It has only been done once in the last 8 years. This is the first attempt to do it again. It was unique because the way it was structured, as it came out of the Senate—and I congratulate the various chairmen who did this, especially the chairman of the HELP Committee and the chairman of the Finance Committee and the chairman of the Agriculture Committee, which bore the biggest reductions here, and the chairman of the Commerce Committee. Other chairmen also participated, but they had the big, heavy lift.

The way it came out of the Senate was this: It actually ended up saving about $70 billion. But there were decisions made that as we saved some of this money we should reallocate it toward better ideas and better concepts. The practical effect of this was that we significantly, under this bill, expanded the availability of loans called Pell grants to people who want to go to college, low-income people who want to go to college. We significantly expanded it. So 5 million more people, 5 million more kids who want to pursue a college career or college path are going to be able to do so under this bill because of the expansion of the Pell grants.

Why was that decision made? That decision was made because we believe, as Republican Members of this Senate, that if you give people a good education, you give them a better chance to be productive, you give our Nation a better chance to be productive, that as we give more people a better education, we become globally more competitive, and we create more jobs and more economic activity in the United States. As a result, we end up probably benefiting the Federal Treasury because we have more people earning higher incomes who pay more in taxes. But we believe very strongly in that type of commitment.

So this bill, rather than as was represented earlier by the Senator from New York as being some sort of a negative event around here for low-income people, was actually the most significant expansion of the Pell grant program for low-income individuals, certainly in the last 12 years since the beginning of the Pell grant program.

Secondly, the bill again, under this same philosophy, dramatically expanded the availability of funds for low-income and disabled children under Medicaid. This bill, as it passed the Senate, will add 1.1 million people, make Medicaid available for 1.1 million people, basically kids who are disabled and of extremely low income so they will have health care coverage. So some of the savings we took and we applied there.

In addition, the bill expanded the effort to try to help out people who have been impacted by Katrina—unfortunately, a lot of people have been devastated by that storm—and had the effect, and will have the effect, if it is passed, of helping 1.9 million people who were dramatically impacted by Katrina get Medicaid coverage. Again, that was a decision that was made to reallocate resources.

So the bill itself is probably the biggest and most aggressive effort to try to help people of low income that has gone through this Senate in recent history, probably since the welfare reform bill that was signed by the husband of the Senator from New York.

How were these savings generated which were able to be reallocated? Remember that the bill overall, on a net basis, as it left the Senate, saved about $39 billion. My hope is, after we go to conference, it will save about $45 billion, maybe $46 billion, maybe be as high as $48 billion, $49 billion in net savings. But there are other savings that we have taken and reallocated. Where did those savings come from? Did they come from low- and moderate-income individuals? Were they slashing programmatic activity that benefited low-income individuals, as would be represented by the statement of the Senator from New York that the Grinch has been at work? No. As I said, a more appropriate analogy would have been the Cat in the Hat because she was talking through her hat on that issue.

The savings that expand the Pell grant come directly out of the lenders who, if we do not act under this bill, will realize a $12 billion windfall because the interest rate which students will have to pay will be artificially high unless we adjust that rate to appropriately reflect the marketplace. What this bill did, under the leadership of Chairman ENZI—and interestingly enough, this language came out of that committee in a bipartisan way.

The Senator from New York serves on that committee, as do I. I don't think there was any opposition to this proposal. We essentially said, rather than allowing this $12 billion windfall, which will occur if we don't act by the end of the year, which will occur so that these lenders, these corporations which lend this money to students, and they do a service for the Nation by doing that, but they are getting this artificially inflated rate of return. Because of the way the law was structured, it didn't reflect the actual interest costs or what the real interest costs are today, if we don't act, they will get a $12 billion windfall.

What Chairman ENZI and the HELP Committee said was: That doesn't make any sense. Let's take back that windfall, which was artificially created by Federal law, and take a significant amount of it and expand the Pell grant program so 5 million more kids will be able to get Pell grants, low-income kids. In fact, the whole program is targeted to the lowest of low-income kids who want to go to college. And take another big chunk of it and use it to reduce the debt of the Federal Government. That is a pretty logical approach, certainly not a Grinch approach. It is a rather thoughtful approach, a good approach.

I would say the characterization of the Senator from New York of this bill is inconsistent with the facts on the ground and inappropriate.

The Finance Committee looked at places where we could save money in the Medicaid system. It came to the conclusion that a considerable amount of money could be saved by changing the way pharmacies are reimbursed under Medicaid. So they made a decision. They said: Rather than having an artificially high reimbursement for pharmacies and drug manufacturers, they would rather more accurately reflect the cost of those drugs and what those drugs would go for on the open market and thus take the savings from that and, once again, split those savings. They said: Part of those savings should go to expand assistance to low-income kids, adding another 1.1 million kids to the SCHIP program, the Medicaid Program for low-income kids, and taking another part of the savings and applying it to debt reduction, creating a deficit reduction event.

In addition, they said: Listen, if we don't do something about doctor reimbursements, doctors will end up with their fees being cut by 4.8 percent at the end of the year. We are going to have doctors dropping out of the Medicare system. That is not a very good idea. Low-income senior citizens who want to go see a doctor aren't going to have doctors to see because doctors are going to say: I am not going to practice because my income is being cut. Everytime I see one of these patients who is a Medicare patient, I am losing money. I have to pay insurance, my nurses. I have to pay my overhead. I can't take a 4.8-percent cut.

So the committee said: Let's hold the doctors harmless, basically give them no cut. Well, they gave them a 1-percent increase, but it basically amounts to no cut. And they paid for that, again, by basically reducing areas of Medicare which legitimately should be reduced. Specifically, there is $5.6 billion sitting in the Medicare Part D trust fund, which is actually in Part C, but it applies to Part D, which was euphemistically called the stabilization fund, which essentially was walking-around money for the Department of Health and Human Services to basically pay out to various insurance companies, HMOs, and drug companies in order to buy them into the drug program because there was some concern that not enough people would participate in the drug program.

It turns out, in every State, there has been an overwhelming number of different drug companies and insurance companies offering pharmaceuticals that have been willing to participate. In my State, we have 41 different plans. The problem isn't that there aren't enough. The problem is there are so many people getting confused as to what is available. And that is good news. We hope that there are so many participating. We hope to be able to clarify who is offering what. The fact is, the logic behind the stabilization fund didn't come to fruition. So there was no need to have this walking-around money. It has been referred to as a slush fund. So this committee decided to take that walking-around money and basically use it to make sure that patients, when they go to see somebody under Medicare, when they need a doctor, will be able to find a doctor.

Tell me what is Grinchlike about that. What is Grinchlike about the idea of creating a system where there is actually a doctor when a senior citizen wants to find a doctor because they have a problem and having a proposal which accomplishes that? Obviously nothing. Once again, on the facts of it, the Senator from New York was inaccurate as to the implications of this bill and how it affects seniors and low-income seniors.

Yes, this bill does reduce the debt by, as it passed the Senate, $39 billion. And I suspect if we get it back from conference, it will probably be closer to $45, $46, maybe even higher, $48 billion. Again, what is Grinchlike about that? I ask: What is wrong with reducing the Federal debt? What is the Federal debt? It is our generation spending money to benefit, in most cases, people today, and then taking the bill for that and saying to our children and our children's children: You have to pay for it. It is akin to using a credit card only you don't pay the credit card. You give the bill for the credit card to your children or grandchildren. That is not very nice. That is Grinchlike. If the Senator from New York wants to talk about something that is Grinchlike, it is having a Government that continues to run up debt for current expenses, passing those current expenses on to the next generation and the next generation after that to pay for it. That is unfair. That is stealing the Christmas of our children and our children's children or at least undermining their capacity to go out and have the funds to have as good a life as we have had.

The purpose of this bill was, for the first time in 8 years, to step up to the plate on the most significant part of the Federal budget where the most money is spent and where the most growth is occurring which is the entitlement accounts. As I mentioned before, people need to understand how the Federal Government works in the area of spending. We have the account called appropriations. It represents 30 percent of the Federal Government. It is everyday expenses such as national defense, education, laying out roads, environmental expenses. Those dollars are a decision we make every year to spend. We decide to spend dollars to buy our military equipment. We decide to spend dollars to assist a State in laying out a road. But we don't have to spend that money. We can decide not to buy that piece of military equipment or not to lay out that road.

We can do it every year, and it is called the appropriating process.

In the appropriation accounts, we have essentially frozen spending, under this budget, under the budget which was passed in nondefense discretionary activity. But again, it only represents 30 percent of the Federal budget. The rest of the Federal budget, outside of debt financing, is entitlement spending or mandatory spending. Those are programs where people, because of their situation, or institutions or corporations, because of their situation, have the right to come to the Federal Government and get paid.

They may be veterans, students, senior citizens on health care or on Medicaid or on Social Security. They have a right to that benefit because they fit certain criteria—age or income or experience. Those entitlement accounts are the fastest growing element in the Federal Government. They have been for years. Now they are projected to explode in their rate of growth because of the fact that we have something called the baby boom generation that is about to enter the Federal system. A CBO report is coming out that reflects that it is going to overwhelm our capacity as a society to support it.

The concept that you can tax your way out of this, which appears to be the proposal of the Senator from New York, cannot stand in the face of facts. It cannot stand in the face of facts. Three programs—Social Security, Medicare, and Medicaid—make up about 80 percent of the mandatory spending. Those 3 programs today absorb I think probably around 8 or 9 percent of the Federal budget. Maybe it is higher.

When the full baby boom generation has retired by the year 2030, those three programs will cost the American taxpayer 20 percent of the gross national product of the Federal Government. Why is that an important number? Because 20 percent of the gross national product is how much we have, historically, as a Federal Government been willing to spend for all Government activity, including defense spending, education, environmental protection and health care for senior citizens and Social Security. But by 2030, those three programs alone will cost as much as the entire Government spends today as a percentage of our gross national product.

What are the implications of that? The implications are that in order to pay for that, and to have a functioning government, you would have to raise taxes on our children and grandchildren over this 20 percent level. That number keeps going up because the unfunded liability of Medicare and Medicaid alone is $27 billion. The unfunded liability of Medicare and Social Security and Medicaid together and all of the other entitlement programs is about $44 billion. So the number keeps going up well beyond 20 percent, so by 2040 you are looking at 25 to 30 percent gross national product for those three programs. Maybe the Senator from New York is willing to raise taxes as a percentage of the gross national product well above what we have done as a Nation, generally. We have never had a tax rate which has exceeded 21 percent. That has been hit occasionally, but usually the tax rate has been about 18 percent of GDP. Once you get above 18 percent of GDP as your tax rate, you suppress the Nation's ability to be productive. People will come to the conclusion that there is no point in going out and working harder because the Federal Government is simply going to take their money.

That is what happened in the late 1970s when tax rates were up to 70, 75 percent. People said: Why should I go out and work hard to produce that extra dollar? They are just going to tax it away from me. So Ronald Reagan came along, following the ideas of John Kennedy, and said: Let's cut the tax rate, and it will produce more incentive for productivity, more entrepreneurship, and therefore more jobs and more revenues, and that is exactly what happened.

That is also what happened with George W. Bush. He cut the tax rate in the middle of a very severe recession, followed by the attack of 9/11. As a result of the tax-rate cut, we have seen a huge increase in revenues in the last 2 years. That revenue increase is a direct result of the fact that we have created an incentive for people to be productive and create jobs.

So you cannot, as a practical matter, even if you wanted to do this, follow the course that has been outlined by the Senator from New York, which is essentially trying to tax your way out of the problem we confront, which is called the Federal deficit, and the spending of the Federal Government resulting from entitlement spending. The only way you can address this issue is if you take a hard look at the entitlement programs and begin to restructure them so that they become affordable for the next generation.

I wish this deficit reduction bill was much more expansive than it is. I wish it took a hard look at Medicare. I wish we were addressing Social Security. Both of those issues were taken off the table through the political realities of the time. Our colleagues on the other side of the aisle, in I think an act of real fiscal irresponsibility, basically demagogued the President when he suggested that we address the Social Security issue. So we could not move forward on that. Regrettably, the President took Medicare off the table because he said we should let Medicare Part D go forward before we start to move to try to restructure Medicare. I think that was a mistake, but that was the decision. We were left with a narrow number of entitlement programs to look at. Even within those narrow programs, we were asked to limit significantly the scope of our review.

For example, in the area of Medicaid, which we will spend $1.2 trillion to $1.3 trillion on over the next 5 years, our suggestion was simply to reduce that rate of growth of spending by $10 billion. So the rate of spending in Medicaid, instead of being 40.5 percent, would fall back to 40 percent. Even with that, less than a one-tenth-of-1-percent reduction in the rate of growth of Medicaid, it has been described as Grinchlike, even though none of it, as proposed in the Senate, came out of beneficiaries. In fact, as I mentioned, the number of beneficiaries that will receive Medicaid under the Senate bill will expand by 1.1 million people. Rather, the savings came out of pharmacy and drug manufacturers as a result of pricing. But that, under the theory of the Senator from New York, is Grinchlike.

It is hard to accept that on its face, if you look at the facts behind this bill. But what we do know will be Grinchlike is if we pass on to our children a continued expansion of the Federal debt and deficit, so that undertakings which we pursue today as a Government that benefit people today—they are not capital expenses, but they are basically the ordinary operating expenses of the Government from day to day. Those undertakings will continue to be paid for by our children and our children's children. That would be Grinchlike. That takes away from them the opportunity to have as high a quality of life as we have had because their tax burden to pay for our bills will be added to their general tax burden to pay for their bills and, as a result, they will have less money available to do things for their kids, whether it is buying toys, putting them through college or buying a decent family home.

So this deficit reduction bill, which was structured in a very careful way to make sure it expanded benefits to low-income individuals, adding 5.5 million new people to Pell grants, 1.1 million kids to Medicaid, and 1.9 million people who were impacted by Katrina relative to health care costs.

At the same time, it moves forward for the first time in 8 years in an attempt to address the issue of reducing the debt. It is the right policy and it is, rather than being a Grinchlike event, truly an appropriate gift, should we get around to passing it, to our children and our children's children and to those people who benefit from this bill.

Mr. President, at this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to join my colleague from Rhode Island in offering a motion to instruct the conferees to include $2.9 billion in additional funding for the Low-Income Home Energy Assistance Program as part of the budget reconciliation bill.

This funding is absolutely critical to help our Nation's low-income citizens keep warm this winter. I believe we simply must provide more LIHEAP funding this year. Let me describe the situation we are facing in my home State.

Just yesterday, I was in northern Maine, in Aroostook County, which is where I come from, and the high for the day was 12 degrees. That was the high temperature for the day. In weather like this, people simply have no choice but to devote a very large part of their household budget to heating their homes. Unfortunately, with the escalating cost of home heating oil, many people simply cannot afford to do so.

In Maine, 78 percent of the households use home heating oil to heat their homes. Currently, the cost of home heating oil is approximately $2.34 per gallon. That is 38 cents above last year's already inflated prices. These high prices greatly increase the need for assistance, and at least 3,000 additional Mainers are expected to apply for LIHEAP funding this year.

So we have a situation where there are more people in need of assistance compared to last year. The prices are much higher than last year, and yet the average benefit is expected to fall by roughly 10 percent to $440 per qualifying household. Unfortunately, at today's high prices, $440 is only enough to purchase 188 gallons of oil. That is far below last year's equivalent benefit of 251 gallons. I can tell you, that is not nearly enough to get even through the first half of the winter in Maine. With rising prices and falling benefits, we have a real problem. Just to purchase the same amount of oil this year as last year, the State of Maine would need an additional $10 million in LIHEAP funds.

Just a few months ago, we passed and the President signed into law the Energy Policy Act of 2005. This law passed the Senate overwhelmingly, and it authorizes $5.1 billion for the LIHEAP program for fiscal year 2006. The chairman of the appropriations subcommittee, Senator SPECTER, worked very hard to find some funding to increase LIHEAP. He increased it to $2.2 billion. I commend him for his efforts and hard work, but $2.2 billion is not nearly enough.

Our Nation has been struck by three extremely powerful hurricanes. These hurricanes have been devastating to the people of Florida and the gulf coast, but we need to remember that they have had a major impact on the rest of the Nation as well. Just as the Nation should have been building oil supplies for the winter heating season, these hurricanes disrupted our already strained supplies and sent both home heating oil and gasoline prices to painfully high levels.

While high energy prices have been challenges for many Americans, they impose an especially difficult burden on our low-income families and on our elderly living on limited incomes. Low-income families already spend a greater percentage of their incomes on energy, and they have fewer options available when energy prices soar. High energy prices can even cause families to choose between keeping the heat on, putting food on the table, or paying for much-needed prescription medicine. In America today, in a country as prosperous as our country, no family should have to make such a choice. No elderly person should have to choose between buying the fuel oil they need to keep warm to avoid hypothermia and filling a much-needed prescription to stay healthy.

With winter upon us and energy prices soaring, home heating oil bills are already pounding family budgets mercilessly. For low-income families, LIHEAP funds can be the factor that prevents them from having to choose between paying their bills and putting food on the table.

I call on my colleagues to support this motion to instruct the conferees to include this vital assistance as part of the budget reconciliation bill.

I wish to recognize the efforts of my colleague from Rhode Island. We have worked very closely toward this common goal. Those of us who live in the Northeast or the Midwest or cold-weather States have a special appreciation for just how much hardship will be imposed if we do not increase this funding.

I commend the administration for calling for $1 billion in additional funding, but, frankly, that is simply not enough. We need to do more. I hope that just as many of us are responding to the needs of those victims of the hurricanes in the gulf region, that our colleagues from that area of the country and from other areas of the country will join us in averting this looming crisis.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, I commend my colleague, Senator COLLINS, for her leadership on this issue and for the eloquence and persuasiveness of her statement today. She has truly been in the forefront of all these efforts to increase the funding for the Low-Income Home Energy Assistance Program.

MOTION TO INSTRUCT CONFEREES

Mr. President, I send to the desk a motion to instruct conferees on behalf of myself, Senator COLLINS, Senator KENNEDY, Senator SNOWE, Senator LIEBERMAN, Senator LEAHY, Senator BINGAMAN, Senator COLEMAN, Senator SALAZAR, Senator STABENOW, Senator CLINTON, Senator LUGAR, Senator HARKIN, Senator SMITH, Senator KOHL, Senator DAYTON, and Senator CORZINE.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the House amendments to the bill S.1932 (to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)) be instructed to insist on a provision that makes available $2,920,000,000 for the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), in addition to the $2,183,000,000 made available for such Act in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, for the following reasons:

(1) High energy prices threaten to overcome low-income households in the United States. On average, households heating their homes primarily with natural gas will likely spend 38 percent more for home energy this winter than last winter. Households heating their homes primarily with heating oil will likely spend 21 percent more for home energy this winter than last winter. Households heating their homes primary with propane will likely spend 15 percent more for home energy this winter than last winter. For many low-income households, including households with individuals with disabilities or senior citizens living on fixed incomes, those price increases will make home energy unaffordable.

(2) An appropriation of $2,920,000,000 would bring funding for the Low-Income Home Energy Assistance Act of 1981 for fiscal year 2006 to $5,100,000,000, the amount authorized in section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)), as amended by the Energy Policy Act of 2005, for fiscal year 2006.

(3) In the United States, no family should be forced to choose between heating its home and putting food on the table for its children. No senior citizen should have to decide between buying lifesaving pharmaceuticals or paying the senior citizen's electric bill.

Mr. REED. Mr. President, I have very little to add to what Senator COLLINS said. Her remarks were compelling and eloquent. With the increase in prices, with the severity of the winter which is already upon many parts of this country, Rhode Island, and particularly Maine, it is obvious we need more funds just to keep what we were able to do last year. In fact, even if we are successful—and I hope we are—in authorizing the full allocation of $5.1 billion, there will still be a significant number of Americans who qualify for the program who will not be able to receive any type of help this winter. So this is an important step, but it is certainly not a complete solution to the problem of low-income people struggling to heat their homes.

As the Senator also pointed out so accurately, there is a real dilemma. Many families will have to give up food to heat their homes, and they will have to make other sacrifices. This is an extraordinary burden and particularly so this winter because of the huge increase in heating costs and the severity of the weather that is predicted for the region.

There has been some suggestion, or objection, I should say, to our proposal on several grounds. There is a suggestion that we have been inconsistent in what we have asked for. Last September, Senator COLLINS and I authored a letter, and we were joined by 40 of our colleagues, for an increase of about $1 billion. Forty-three Senators, including myself and Senator COLLINS, wrote to the Appropriations Committee. What we were asking for was allocation of emergency funding, funding that would go to the President so that at his discretion he could identify areas of the country under severe conditions and make allocation of these funds.

What we are talking about today is fully funding the State grant program. One of the reasons it is essential to fully fund the State grant program at the level of about $5.2 billion is because of the complexity of the formulas. Unless we fully fund this program, many of the States that are in the most dire circumstances won't receive funding.

Essentially, what happens is there is a front loading of funds to the areas of the country that are affected by winter, but as the funds in LIHEAP increase, appropriations and allocations go to areas of the country—the Southwest, the Southeast—that have problems in the summertime and need cooling assistance. The irony would be if we increase money but do not really increase it to the full level, we would be funding—and I think it is appropriate to do that—States that are not affected by the winter and providing very little for the States such as Wisconsin, Maine, New Hampshire, and others that need the heating assistance today. So that is the rationale underlying our request.

I point out that we have brought this issue to the floor on numerous occasions, and we have had the support of a majority of the Senators on both sides of the aisle and across the country. This is not a regional issue; this is a national issue. This is not a Republican or Democratic issue; this is a bipartisan issue. We have had that support because the majority of our colleagues recognize the reality. Prices are up, the temperature is down. People are going to suffer if we do not act.

There has also been a suggestion that this is inappropriate because it is not offset by cuts in other programs. Well, I would hasten to add that in the next few weeks we are going to consider many programs and funding requests that are not offset. Today, if one reads the newspapers, the Pentagon is preparing about a $100 billion supplemental request for funding in Iraq and Afghanistan. That may come down; it may go up. No one is proposing that we not consider that because it will not be offset by cuts in other programs. I think we are going to see, at least in the House version of the tax reconciliation bill, significant tax cuts which I believe are not offset. I think we should move to a balanced budget. I think we should take the tough steps that we took in the 1980s. I came here as a Congressman in January 1991, and we were running huge deficits every year. It took us a while. It was under the leadership of President Clinton that we were able to reverse that.

At the end of the 1990s, in the year 2000, we were looking at a projected surplus. Lo and behold, it is now the year 2005, and we are back into annual deficits and a projected deficit over many years before us. So we can do it, but I suggest those are not strong arguments to stop us from doing what we have to do today to help people who really will suffer if we do not take appropriate action.

I hope my colleagues would join Senator COLLINS and I—and again I would point out that this is a bipartisan, broadly based group of Senators who are coming together to make a simple request that I think is compelling, given the obvious reality, huge increase in prices, falling temperatures, people who will give up eating to heat their homes, people who will take drastic steps. Unfortunately, we read about it every winter in our part of the country, Senator COLLINS and I, where they turn the stove on at night, they go to sleep, and there is a fire, an explosion, a terrible tragedy. They are just trying to keep warm. We can help them. I hope we will.

I am pleased and proud to be doing this with my colleague and friend, Senator COLLINS from Maine.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wanted to take a few minutes to just kind of talk a little bit about the process of the end of the year here in the Senate and something that I do not think is healthy for the American people. It is certainly not healthy for the Senate, but in the long run it is not healthy for our country.

I have thought a lot about this, considering the campaign I went through to become a U.S. Senator. The theme that keeps recurring in my mind is that we are all Americans. There are multiple parties, there are differences within parties, there are conservative Republicans, liberal Republicans, conservative Democrats, liberal Democrats, but we are all Americans. If there ever was a time our Nation required leadership instead of partisanship, it is now.

We are on an absolutely unsustainable financial course. We have heard great criticisms today, not by a member of any party but by a person who chooses to make those criticisms of the direction it is trying to go in terms of trying to get us off that unsustainable course. It kind of grieves me for our country that we lack the leadership to stay focused on what is important for the country and instead focus on what somebody else does wrong or is perceived to do wrong.

We can have tremendously intelligent and respectful debate that is directed toward a difference of opinion about issues. But the problems that face this country today are greater than any in my lifetime. This last year, we charged to our children and our grandchildren $528 billion. That $528 billion is how much the debt grew last year. It is going to require absolutely zero partisanship over the next 20 years in this country for us to try to attack the structural problems that are going to undermine the future opportunities of our children.

I am reminded of history because Franklin Delano Roosevelt, facing a similar situation to what we have right now in our country, cut out three of his most favorite programs and cut discretionary spending by 22 percent so he could do what was right for the next two generations.

I worry we lack that foresight, or if we do not lack it, we place partisan political positioning and elections that are coming ahead of the best interests of our Nation.

We have heard about cuts. We have heard about taxes. We have heard about all sorts of things, described in a way so you would think anybody who believed opposite of that would just be terrible. That is not the truth. It is not anywhere close to the truth. Anybody who is a Member of this body cares immensely about this country. They just differ about how they want to go about getting to a solution.

If we have half a trillion dollars that we added to our children's debt this year and we are on a course, with Medicare, Medicaid, Social Security, and interest on the national debt—by the way, which nobody ever speaks of, which is the fourth largest item and will soon become the largest item—if we do not have the desire and the will to work together as loyal opponents, with the best interests of our country at heart, taking the partisanship out of it—nobody is bad, they just have a different idea.

I hope as we wind up the Senate year that we will keep in mind that what I believe to be true throughout the country and that is that country is nauseated by partisanship. It doesn't build our country, it tears our country down. It doesn't promote unity, it promotes division, it promotes polarization, and our problems are so great that we ought to be following the advice of John Kennedy. We ought to be following the advice that says: Don't ask what your country can do for you, ask what you can do for your country.

If there is ever a time that we needed to be doing that, both as Members of the Senate and as citizens of this country, it is now. The numbers that face us in the future—a war in Iraq, the devastation on the gulf coast, and a structural deficit—require that we have a shift, and the shift is that we look to the long run, that we don't try to gain the short run, and that we do what is in the best interests of the country, and the first thing we do that is in the best interests of the country is to put partisanship aside.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, if I might inquire of my friend and colleague from Louisiana. I know she is preparing to speak. Might I ask about how long she may speak? I have a speech. I ask unanimous consent, after the Senator from Louisiana finishes speaking, that I be recognized for up to half an hour.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I thank the Senator. I will probably speak for about 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT

CLOTURE MOTION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 3199, the PATRIOT Act, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Conference Report to accompany H.R. 3199: The U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005:

Chuck Hagel, Jon Kyl, John McCain, Richard Burr, Conrad Burns, Pat Roberts, John Ensign, James Talent, C.S. Bond, Johnny Isakson, Wayne Allard, Norm Coleman, Kay Bailey Hutchison, Mel Martinez, John Thune, Jim DeMint, Jeff Sessions, Bill Frist, Arlen Specter.

Mr. FRIST. Mr. President, we will be very brief. I know we have two of our colleagues on the floor prepared to speak.

What we have just done is turn to the conference report on the PATRIOT Act, a vitally important piece of legislation, that in bipartisan way our colleagues have addressed, in a bicameral way, and it is now our intention to address the PATRIOT Act, discuss it over the course of, I am sure, later this evening as well as tomorrow.

Because we were unable to come to a unanimous consent agreement to address this bill in a limited amount of time, in an appropriate amount of time, and then to vote up or down on the bill, I filed a cloture motion, and that cloture vote will actually be Friday morning. I will have more to say about that.

Let me briefly turn to my distinguished colleague, who is chairman of the Judiciary Committee, who has put together, again in a bipartisan way with a lot of negotiation and compromise over the long period of time, a bill that, as we all know, has passed the House of Representatives earlier today with I believe 44 Democrats voting for the PATRIOT Act in the House of Representatives, a bill that we now will be addressing on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I shall be brief. I know two Senators are waiting to speak.

I congratulate the House of Representatives for approving the conference report by a significant margin.

I thank the majority leader for moving ahead procedurally with filing of the cloture motion. There have been a number of public statements made by Senators about an intention to filibuster. We are obviously at the conclusion of our work and we want to proceed. I am advised by the distinguished majority leader that this conference report will be on the floor tomorrow.

I urge my colleagues to come to the Senate to debate the issue. It is a complicated bill. I addressed it at some length the day before yesterday with a floor statement, moving into the critical areas. Yesterday, Senator FEINGOLD and I had an opportunity to discuss the bill for almost an hour. It is valuable for our colleagues to know the details as to what is in the bill. That can be best accomplished by an interchange of ideas, those who have objections stating them, and hearing the responses so that we may fulfill our responsibility as the world's greatest deliberative body. I look forward to that exchange and debate.

I believe it is an acceptable bill, a good bill, not a perfect bill. I am prepared to go into detail. I have talked to many of my colleagues one on one, individually, and I have found, understandably, because of the complexity of the bill, that many of its provisions are not fully understood as to what they mean and what the import is and why we have come to this.

Ideally, I would like to have seen the Senate bill go through unanimously, passed by the Judiciary Committee 18 to 0, and then on the unanimous consent calendar here, which is, I think, unprecedented for a bill of this magnitude. But we have a bicameral system, and we conferred at length with our colleagues in the House of Representatives and are presenting the conference bill, which I submit is a good bill that I am prepared to advocate tomorrow.

I urge those who want to speak to come to the Senate tomorrow morning when we take up the bill and have a constructive debate so our colleagues may be informed about the contents and vote on the cloture motion in a timely way and hopefully move forward to consideration on an up-and-down vote.

I thank my colleagues from Louisiana and Iowa for yielding this time.

Mr. FRIST. Mr. President, let me very briefly close in stating my strong support for the legislation, the substance of the legislation, but also underscore the importance of this Senate acting on this legislation. I encourage our colleagues who have talked about filibuster to do exactly what our distinguished chairman has talked about, and that is look at the substance of the bill. A lot of changes and modifications have been a product of compromise and negotiation and have been put into the bill. It is very strong in terms of issues such as terrorist financing and protection of our ports and addressing issues surrounding mass transit and privacy and personal liberties.

This bill does present us with a stark and clear choice: Should we take a step forward, which we have an opportunity to do in the next several days, or take a step backwards in that goal to make America safer? It does expire on December 31. The PATRIOT Act expires on December 31, but the terrorist threat does not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I begin as my leader is in the Senate to say the bill they most certainly have presented for our consideration is one that needs attention and needs deliberation. The PATRIOT Act is a very important part of the security of our Nation. We can debate the inside and pieces of it, but I strongly suggest to the leadership that protecting America is more than just the chapters and statutes related to the PATRIOT Act.

Protecting America is about protecting patriots in the gulf coast, in Louisiana, in Mississippi—not just citizens who are patriots, taxpayer citizens, hard-working citizens who have come to believe the notion that in America they are safe, or should be safe, and if disaster does strike, the government, with the private sector and with their own effort, will be there to help.

What about the patriots on the gulf coast who are veterans themselves, the 400,000 veterans in Louisiana, the 250,000-plus veterans in Mississippi—just for two States that were affected—men and women who have put on the uniform, served their time, true patriots. What are we doing to secure their homes, their schools, their churches?

I suggest to the leadership that while the PATRIOT Act itself has many pieces of what helps make America secure, it is one piece but not the only piece. We should most certainly not be comfortable leaving here without securing the homes and businesses and dreams of average Americans, patriots, on the gulf coast.

As I speak for just a few minutes this afternoon, it has been over 100 days since two of the deadliest storms hit the coast of America: Katrina and Rita, Katrina on the southeastern part of Louisiana, on the Mississippi section as well, and Rita, just a little over a week later hitting the southwest part of Louisiana and Texas counties as well.

As the days and weeks have unfolded and as there have been investigations and hearings and committees that have looked into what happened, I suggest it was not just a natural disaster that led us to this point but a manmade disaster.

The Times-Picayune, the major newspaper in New Orleans, and other papers in the region, have written extensively on this subject. I ask unanimous consent that this article, "Evidence Points to a Man-Made Disaster," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times-Picayune, Dec. 8, 2005]

EVIDENCE POINTS TO MAN-MADE DISASTER

(By John McQuaid, Bob Marshall and Mark Schleifstein)

As investigators and residents have picked through the battered New Orleans levee system's breaches, churned-up soil and bent sheet pile in the 100 days since Hurricane Katrina struck, they have uncovered mounting evidence that human error played a major role in the flood that devastated the city.

Floodwall breaches linked to design flaws inundated parts of the city that otherwise would have stayed dry, turning neighborhoods into death traps and causing massive damage. In other areas, poorly engineered gaps and erosion of weak construction materials accelerated and deepened flooding already under way, hampering rescue efforts in the wake of the storm.

These problems turned an already deadly disaster into a wider man-made catastrophe and have made rebuilding and resettlement into far tougher and more expensive challenges.

That's the picture that emerges from investigations of the levee system by teams sponsored by the state government, the American Society of Civil Engineers and the National Science Foundation, as well as from dozens of interviews with local residents, officials and engineers.

Experts say the New Orleans flood of 2005 should join the space shuttle explosions and the sinking of the Titanic on history's list of ill-fated disasters attributable to human mistakes.

The evidence points to critical failures in design and construction, as well as a lack of project oversight and responsibility that allowed small problems to metastasize into fatal errors. Twisted lines of authority led to cursory inspections, communications snafus and even confusion about such basic information as wall dimensions.

Outside engineers, political leaders and many New Orleans residents now question the judgments and even the once-unassailable competency of the Army Corps of Engineers, which had final authority over the system. The corps and some of the same firms involved in the original design and construction of the levees are spearheading the effort to repair the system and already are planning to build stronger protections.

Sen. David Vitter, R-La., who sits on two Senate committees investigating the levee failures, says the U.S. system for building flood defenses is broken. The corps, he said, should be overseen by outsiders who can ensure it will do the job right.

"We need a new model, a new structure, a new process to get this done which has to include outside, independent review of the corps by outside, independent engineering experts," he said.

"THE BEST MINDS"

The levee flaws also raise troubling questions about the integrity of flood defenses elsewhere.

"Everybody who has a levee out the back door now has to look out and wonder, is this going to fail? Was it designed right?" said Steve Ellis, vice president of Taxpayers for Common Sense, a Washington fiscal watchdog group critical of the corps' priorities.

Corps spokesman David Hewitt said the agency has several experts and engineers from outside agencies, private firms and academia to aid its investigation. "We are determined to find out exactly what happened both in the technical engineering and the planning and execution process so that we can prevent another occurrence," Hewitt said. "We are engaging the best minds and professional expertise in this important effort."

Engineers say most structures that fail do so not because they're hit by overwhelming forces, but because of flaws that creep in unnoticed during design, construction and upkeep. A paper published this month by Robert Bea, an engineering professor at the University of California at Berkeley who is studying the levee failures, concluded that 80 percent of 600 structural engineering failures he studied in the past 17 years were caused by "human, organizational and knowledge uncertainties."

Bea said everything he has seen about the New Orleans levee system so far tells him it belongs in that category.

NOT AS GOOD AS ADVERTISED

The levee system's design dates to the 1950s, when understanding of hurricane risks and flood dynamics was primitive compared to today. The system was never built to take a hit from the most powerful hurricanes, storms in Categories 4 or 5 on the Saffir-Simpson scale. The levees were designed by congressional mandate to fend off floodwater heights—up to about 11 or 13 feet, depending on location—that Category 1 or 2, and some Category 3 storms would kick up.

But the investigations show that the levees did not live up even to that billing. When Katrina's storm surge rolled in from the Gulf of Mexico before dawn Aug. 29, the huge dome of water followed a path up the Mississippi River and then along the Mississippi River-Gulf Outlet into Lake Borgne.

In a matter of hours, the sheet of water—reaching 25 feet high at some locations—moved relentlessly north and west, pouring over the tops of and eroding large stretches of levees surrounding Chalmette, clearly exceeding their design capacity.

When the surge reached New Orleans' southern edge along the Gulf Intracoastal Waterway, it caused as much as five miles of the 17.5-foot tall levee there to disappear, creating a back door for water into eastern New Orleans.

Water pushed west through the waterway into the Industrial Canal, where it met water already rising from storm surge that had entered Lake Pontchartrain. The water topped levees on both sides of the canal, causing walls to fail on the east side, flooding the Lower 9th Ward, and leaking through smaller levee breaks and a pump station on the west side, flooding the rest of the 9th Ward.

BREACHES BY DESIGN

Later that morning, as surge rose in Lake Pontchartrain, floodwalls along the 17th Street and London Avenue canals breached, even though the water was well below their tops. Investigators say those breaches shouldn't have happened. Observational data and computer modeling indicate that storm surge entering the canals from the lake reached heights ranging from 9 to 11 feet in the 17th Street Canal and 11 to 12 feet in the London Avenue Canal. The walls were 13.5 feet high or higher along much of the two canals and were designed to withstand water rising to 11.5 feet.

Investigators say the walls broke when floodwater, pushing through the soft, porous earth under the steel sheet pile foundations, started moving the soil. In the 17th Street Canal, one breach opened on the east side, and in the London Avenue, two breaches occurred. Water poured into the Lakefront area and moved south, inundating much of central New Orleans over the course of the day and night.

Engineers say some systemic design problem—not merely a localized fluke—caused the breaches because walls gave way in two canals and some walls appear to have been close to breaching at other points.

While it's easy to second-guess after a disaster, outside engineers say the depth of the sheet pile foundation appears too shallow. A survey by Team Louisiana, the state-sponsored forensics group, found—and the corps confirmed last week—that the sheet pile depth was about 10 feet below sea level in the breached areas at both canals, much shallower than the 18.5 foot below-sea-level depth of the canals and 7 feet shorter than the corps thought.

Modjeski & Masters, the firm that designed the 17th Street canal wall, said last week it had initially recommended a 35-foot depth for the piling on the 17th Street Canal, then shortened it at the corps' behest, but the firm offered no documentation to back the claim.

SOIL AND SAFETY

It's still unclear exactly what went wrong, though engineers suggest the soil's resiliency was overestimated.

New Orleans soil is swampy and mushy, with alternating layers of peat, clay and sand. Along the length of a floodwall it varies wildly in consistency and strength. Along both canals, a layer of peat—the weakest and spongiest of soils—lies directly under breaches a few feet below the base of the sheet pile. Along the London Avenue Canal, coarse sand underlay the peat and now lies throughout nearby residential yards and homes, another layer of weakness, the engineers said.

"Those are the kinds of subsurface conditions that lend themselves to having weak pockets or stronger pockets, and Mother Nature will always find the weak pockets," said Joseph Wartman, a Drexel University geotechnical engineer studying the levee failures. "What makes levee design and engineering so challenging is you can have a system that's many, many miles long and you only need the weakest 150 feet to rupture for the whole system to fail."

Another factor in the breaches, one with national implications, is the low safety factor used in constructing the levee banks and floodwalls. A safety factor is a kind of cushion that engineers include in a structure's design to ensure it can withstand all the punishment it's designed to take, plus a little more.

Corps standards for levees and floodwalls date back decades, officials say, and were intended to protect sparsely populated areas, not cities and billions of dollars of infrastructure. The safety factor of 1.3 used in the designs is significantly lower than those used in structures with similarly large-scale tasks of protecting lives and property.

With data from soil borings spaced at more than 300-foot intervals along the canals, engineers could develop only a fragmentary picture of what is underground. They were supposed to account for that uncertainty. That is typically done by raising the safety factor or by making conservative estimates of soil conditions.

Team Louisiana investigators said last week that based on new calculations, they think engineers working for contractors Eustis Engineering and Modjeski & Masters miscalculated the depths of the 17th Street Canal walls. The team has not yet released detailed findings. University of California engineers say the designers might not have accounted for storm surge's effects on the soil.

According to project and court documents, those designs were reviewed and approved by corps engineers.

It's not clear yet whether additional factors such as cost-cutting or specific on-site construction problems contributed to the levee breaches, but the failures can also be linked to a chain of political and managerial decisions.

The corps originally proposed building floodgates at the mouth of each canal—and at the mouth of the Orleans Canal that runs along the west side of City Park—to block surge. But local officials, including those at the Orleans Levee Board and New Orleans Sewerage & Water Board, insisted on building floodwalls because floodgates would have made it difficult to pump water out during a storm. Engineers say the obvious, though expensive, solution is to build pumping stations at the lakefront rather than miles inland.

A 1980s-era Sewerage & Water Board dredging project in the 17th Street Canal next to the breached area left the Orleans Parish canal-side levee wall much narrower than that on the Jefferson Parish side. Investigators say that change probably contributed to the failure of the wall.

Pittman Construction, the contractor that built the 17th Street Canal wall, ran into trouble driving sheet piles in 1993. When the concrete tops to the walls were poured, documents show, the walls tipped slightly. Though the corps attributed this to Pittman's methods, not the site conditions, and a judge agreed, some engineers say the difficulty they encountered was an early warning sign.

WHAT LIES BENEATH

Meanwhile, state and local officials have admitted they generally skipped the canal floodwalls in annual inspections of levees—and the levees they did inspect were examined in a cursory fashion.

Though necessary, visual inspections are of limited use. Absent an obvious problem like water bubbling to the surface, most levee problems go on out of sight, meaning a system's problems can go undetected for years without a more aggressive inspection program that includes probing beneath the surface with soil sampling, sonar or other methods.

"It looks perfect from the outside. It looks in good shape. Even if you had a 10-man crew walking along there every day, you would not have seen the problem," said Jurjen Battjes, a retired professor of engineering from the Technical University of Delft, Netherlands, who is on an American Society of Civil Engineers panel reviewing the corps' investigation.

To the east, assessing the levee system's performance is a more complicated task. Water flowed over levees and floodwalls along the Industrial Canal, Gulf Intracoastal Waterway and Mississippi River-Gulf Outlet. In many spots, the water scoured out earth along the dry side and the walls gave way.

In general, engineers say that once a levee is topped, its structural integrity cannot be guaranteed. But the speed with which many of the walls breached or eroded and the large scope of the damage have alarmed investigators. The outer levee along the Mississippi River-Gulf Outlet protecting St. Bernard Parish and the levee along the north side of the Gulf Intracoastal Waterway protecting part of the Lower 9th Ward were all but washed away by the storm, for example.

Engineers say that if a wall is sturdy enough to remain in place while water flows over it, flooding will be minimized, lasting only until the surge drops. When a breach opens, adjacent neighborhoods basically become part of nearby waterways and the scale of the flooding is many times greater.

THE FUNNEL EFFECT

One source of the scouring and multiple breaches is actually a corps policy, dictated by Congress. Corps officials say they are not allowed to put rip-rap, concrete or other forms of scour protection on the dry side of levees. Doing that anticipates flood level higher than the walls are designed for, which is beyond the corps' mandate for Category 3 protection.

A report published last month by the American Society of Civil Engineers and National Science Foundation teams identified other unanticipated weaknesses in the levee system. Builders used weak, sandy soils in the now-obliterated St. Bernard Parish hurricane levee, and that likely contributed to its rapid destruction. In areas where two different levee sections came together, investigators found many awkwardly engineered transitions that allowed water through.

A much larger problem lies in the overall design of the levees along the city's southeastern flank. Unlike areas fronting Lake Pontchartrain, southeastern areas are more or less directly exposed to waters from the Gulf, and hurricane floods are more likely to strike there and rise higher when they do.

The levee system forms a V-shape where the MR-GO and Intracoastal Waterway meet. That acts as a giant funnel, driving water heights even higher and channeling storm surge directly into canals leading into the city.

Computer modelers have complained for years that the corps had underestimated the risk to those areas, and former corps modeler Lee Butler estimated the actual risk was double the corps estimate in a 2002 study done for The Times-Picayune. The corps only recently announced it will stop dredging the MR-GO.

WAITING FOR ANSWERS

It will take months, and possibly years, to arrive at a detailed assessment of what went wrong and assess responsibility, engineers familiar with the situation say. Investigators must determine not only why individual wall sections failed, but they also must trace the roots of decisions, untangling overlapping responsibilities of the corps, private contractors and local agencies. A federal interagency team investigating the system won't make its report until June. A National Research Council team is only now being formed.

So far, the scope of the disaster, and the human element central to it, have only begun to sink in among political leaders and agency heads, including the corps, which is at the center of all the inquiries. The corps has declined to comment on the causes of the levee failures, pending the outcome of its own studies.

People familiar with the agency say the disaster means things might never be the same.

"In the old days the corps used to get criticized for being way too conservative in their designs," said Don Sweeney, a corps economist for 22 years who left after exposing irregularities in the agency's economic impact statements and now teaches at the University of Missouri. "They would design a structure with a safety factor of 4 or 5. They did have that reputation of building things with integrity that were built to last. And if they said it was built to do something, it would do it."

Ms. LANDRIEU. I also ask unanimous consent to have printed in the RECORD "Corps' Own Study Backs Critics of Levee Engineering."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CORPS' OWN STUDY BACKS CRITICS OF LEVEE ENGINEERING

[From the Times-Pacayune, Dec. 10, 2005]

(By Mark Schleifstein)

An internal review by the Army Corps of Engineers supports most of the criticisms leveled against the New Orleans area levee system by an independent team of engineers, including questions about soil strength, levee maintenance and whether the system was built as designed.

In a Dec. 5 interim report released Friday, the Interagency Performance Evaluation Task Force said its conclusions already have been passed on to engineers who are working to restore the levee system to its authorized protection level before it was overwhelmed by Hurricane Katrina, flooding more than 70 percent of the city.

"The IPET team vigorously agrees that everything possible should be done to reconstitute an effective and resilient flood protection system for the New Orleans area," the report said.

While the level of protection is still limited by past congressional authorizations to the equivalent of a fast-moving Category 3 hurricane, the report said the task force will evaluate the risk and reliability of that system.

"This will provide a clearer perspective of the overall performance capacity of the system for use by individuals and governments in their decision making," the report said.

The task force concurred with the independent engineers from the American Society of Civil Engineers and the National Science Foundation that the failure of levee walls at the 17th Street and London Avenue canals were likely caused by failures in the foundation soils beneath them. The engineers also have noted that sheet piling beneath the walls was too short to properly support the walls.

The independent engineers said soft peaty soils under the 17th Street levee and a combination of soft peat and sand beneath the London Avenue levees allowed water from the canals to push the walls and earth beneath them out of the breach areas, allowing water to flood into much of the city.

"Extensive observations by a number of teams found no signs of major overtopping of these systems at the breach sites," the report said, pointing to a structural failure of the floodwalls at those sites.

ANALYZING FAILURES

The corps task force is studying a variety of other factors that also may be involved in the failures at those two canals:

The potential for differences between how the levee and floodwall structures were built and the plans and specifications that were supposed have guided their construction.

Properties of soil layers beneath the levees to a depth of 60 feet below sea level.

The kinds of soil materials, including whether they were natural deposits or were compacted properly to remove moisture and be more dense.

Whether the soil layers included tree stumps or other organic materials.

The way the soil may have coped with the forces imposed by Katrina's wind and water.

The effect of trees, swimming pools and other objects in nearby back yards that may have affected the levee strength.

How close the levee failures were to bridges, and whether the connection between them was adequate.

Whether operations and maintenance practices by the corps and individual levee boards differed from the corps' Operations and Maintenance Manual.

The task force said it had found evidence that scour, probably from water going over the top of the levee, occurred along the London Avenue Canal at the southeast corner of its intersection with the Robert E. Lee bridge, near a part of the wall that looks deformed. That levee section is directly across from a breach.

Damage near a pump station at the southern end of the Orleans Canal also appears to indicate water topped the levee wall there, the report said.

Along the levee walls of the Industrial Canal and along earthen levees on the Gulf Intracoastal Waterway and Mississippi River-Gulf Outlet, Katrina's storm surge went over the top, causing scouring or in some cases simply washing away large parts of the levees, the report said.

At the Industrial Canal, the water pouring over the wall scoured the levee on what was supposed to be the protected side of the I-shaped levee wall.

"The erosion appeared to be so severe that the sheet piles may have lost all of their foundation support, resulting in failure," the corps report said.

PROTECTING BACK OF LEVEES

The task force also agreed with the independent engineers that those designing repairs to the levee systems should consider ways of protecting the back sides of levees from the effects of water scour in the event another major hurricane's storm surge tops the levees.

Officials with the corps' Task Force Guardian, which is in charge of the rebuilding effort, already have said they plan to use more protective inverted-T levee walls in the 17th Street and London Avenue canals where breaches occurred. Water topping such a wall would splash down on a concrete strip before running off.

The investigative task force also said the use of erosion protection, including riprap, concrete mats or slabs, or paving, should be considered in areas where erosion by waves and surge are possible. The report said additional study is under way into where structures in the levee system are most likely to sustain unusually large surge and wave conditions.

And the report recommended using stronger clay soils in building levees "to improve their survivability chances."

The investigative task force also recommended that in rebuilding, more effort should be put into assuring that connections between different types of protective systems—such as walls and earthen levees—be better designed.

"A common problem observed throughout the flood protection system was the scour and washout found at the transition between structural features and earthen levees," the report said. Similar problems occurred where "penetrations," such as streets or railroad tracks, went through levee structures, the report said.

The task force also agreed with the independent engineers' conclusion that a lack of access to the land side of levees and levee walls, such as found along the canals in New Orleans, led to major problems for emergency personnel attempting to make repairs.

In the aftermath of Katrina, corps contractors had to build a road behind homes along Bellaire Drive to reach the 17th Street canal breach.

Corps officials told the Orleans Levee Board this week that they expect to expand the canal levee walls' rights of way by 15 feet to build an access road.

LOOKING FOR WEAKNESS

The task force also recommended that corps officials undertake an in-depth investigation of the area's levees to determine where other weaknesses might lie.

"Detailed inspection of the entire hurricane protection system using appropriate remote sensing, surveying, inspection and investigation techniques and equipment implemented and analyzed by properly trained and experienced professionals is recommended to identify those structures that have been weakened but have little visual evidence of degradation," the report said.

The corps task force held off on agreeing with a recommendation from the independent engineers to keep sheet piles in place along bridges on the northern end of the 17th Street and London Avenue canals so they could be easily plugged in advance of a storm during the next hurricane season.

That decision will require further study, the report said.

The report said it was outside the task force's authority to concur with the independent engineers' recommendation that the corps should retain an independent board of consultants to review the adequacy of interim and permanent repairs.

The report points out that Katrina's sustained winds were at 147 mph when it crossed the Louisiana coast early Aug. 29.

"The sustained wind speeds for the standard project hurricanes used to design many of the flood protection structures in and around New Orleans were in the neighborhood of 100 miles per hour," the report said. "While wind speed alone is not a complete measure of the surge and wave environments experienced by specific structures, it is a clear indicator of the level of the forces to which the system was subjected."

According to National Weather Service records, the highest winds recorded in the immediate New Orleans area were gusts of 105 mph at Lakefront Airport and Belle Chasse Naval Air Station. But much higher wind speeds were believed to have occurred in eastern New Orleans and St. Bernard and Plaquemines parishes, which were directly in the path of Katrina's eye.

The report said the task force is conducting an analysis of Katrina's surge and wave effects in Lake Borgne and the rest of the New Orleans area so the data can be used in determining the forces acting on levees and floodwalls throughout the area.

Ms. LANDRIEU. The point is, this was not just a natural disaster, it was a manmade disaster. One of our columnists captured it correctly. You could almost argue, based on the evidence that is in, independent evidence, that it was a Federal Government-sponsored disaster.

Let me repeat, these are strong words: A Federal Government-sponsored disaster because it was the Corps of Engineers, the failing of a sophisticated and supposedly a strong levee system that failed, that put a major American city underwater 10 to 15 feet for 2 weeks and flooded a region, with multiple levee breaks in an urban area.

It has never happened in the recent hitory of America. It has not happened since the great floods of 1927 when the Mississippi system was designed. It is written and documented beautifully in John Barry's book, "Rising Tide."

We have a natural disaster of unprecedented proportion coupled by a manmade disaster of neglect, poor design, faulty design, and no telling what else will be discovered. This is the result. These are homes that resulted. A hurricane did not do this. Katrina did not do this. Rita did not do this. We did this. The Federal Government sponsored this disaster by not securing and supporting the levee system, by not engineering it properly, and this home that is in Chalmette, which is in St. Bernard Parish which lost almost every home in the parish. This is why I say we shouldn't go home because people in St. Bernard, in St. Tammany, in Orleans, in Vermilion, in Cameron, in Calcasieu, in counties along the Mississippi gulf coast from towns such as Biloxi and Waveland, this is what their homes look like.

Let me show another picture. The sun is shining, but it is not a happy time for the family that lived in this home. This could have been done from a hurricane, from wind damage. There may or may not have been flooding in this home. I am not sure if this was on the gulf coast, but I can promise, hundreds of thousands of homes along the gulf coast looked like this.

What our delegation has said with the rising voices of the Mississippi delegation, as well as the Louisiana delegation, without action, homes are going to stay looking like this for months, if not years.

I do not know how to express any more clearly that what we have done to date is wholly insufficient. FEMA, on its best day, being led by the finest executive you could find in the country, is not designed to meet the challenges of this kind of disaster. Let me repeat, on its best day, with the finest executive we could find, it is not designed to meet this disaster. So when people continue to say, and legislators and Congressmen, "Well, we have sent $62 billion to FEMA. We have done enough," I, please, want to plead with my colleagues and the citizens of our Nation, do not confuse sending money to FEMA with giving help to homeowners, businesses, large and small, in Mississippi and Louisiana. Please do not confuse that. They are two separate things. You can send money to FEMA and then maybe cross your fingers to see if any of that money gets to solve this problem.

This is a picture I have used a lot because it reminds me of my own grandmother who had a camp a lot like this. There is virtually nothing left of the camp we owned. But this is typical of senior citizens throughout the gulf coast. This would be what most of our grandparents and parents are going to do this holiday. This picture—it really is one of the most heart wrenching, moving pictures, and I have seen thousands of them.

What does this woman do? FEMA is not enough to help. That is why I have said we are going to slow this process down. I know people are anxious to get home for the holidays. I know this is not the only issue before America. But it goes to the heart of what homeland security is about—or should be about. If you cannot be secure in your own hometown, if you cannot be secure in your own home, if you cannot be secure when you are kneeling in your own church or when you are in your own business, where can you be secure? I am not suggesting we are powerful enough to stop hurricanes, but I am suggesting we should be smart enough and powerful enough to mitigate against their damage, to prevent manmade disasters by underinvestment in civil works systems that are important for the growth of the country, and men and women enough when the disaster does happen to step up and think outside the box and do something that actually helps people. So I am not anxious to go home because the people I represent do not have any homes to go home to.

Now, this next picture is not as dramatic a picture, but it will tell you the story. In the South, we have been talking about Hurricane Andrew since it hit. I think it was in 1992. Yes, here it is, 1992. Hurricane Andrew in the South is like a legend. People talk about Camille, they talk about Betsy, but then everybody says: Andrew. It hit Florida. It did not hit us, but a lot of our people went over to Florida to help. We remembered Andrew. We saw pictures of Andrew for months, and we did everything we could to try to help in Florida. And it was the worst, costliest storm ever to hit.

Can I show you what Katrina is? This is not even counting Rita. For Katrina, insured losses are twice—twice—that of Hurricane Andrew. And this is not even showing the costs for Rita. It could be triple the costliest storm in the history of the United States. It is not because the hurricanes were really maybe as bad. And maybe they were equal. But this differential is about a levee break in an urban area, putting 200,000 homes underwater and uninhabitable, and 18,000 businesses.

I believe, if I am not wrong about Hurricane Andrew, we lost 28,000 homes. That is a lot of homes. Think about a town with 30,000 people. That is a pretty big-sized town. Think about every home in the town being destroyed. That is a very terrible tragedy. We had 205,000 homes totally destroyed, uninhabitable, from Katrina. These are not homes with blue tarps on the roof until the roofer can come in, with people in the kitchen; these are homes that you cannot stay in for more than 5 minutes or maybe an hour or two to clean up. There is no water. There is no electricity. There is mold. There is mildew. People are gutting their homes, basically sitting on slabs. That is 205,000 homes totally destroyed. Mississippi had 68,000 homes totally destroyed, we had 205,000 homes totally destroyed, for a total of almost 300,000 homes—poof—gone, destroyed. That is not damaged. That is not thousands of homes that have a tree through the roof or the porch fell off or there was water in the kitchen and the appliances do not work but you can sleep in the bedroom and just kind of wait for the kitchen to get back. These are 300,000 homes gone.

Many of them did not have insurance because they were not required to because our laws were not written correctly to require them to. They were sitting in high places, in places that had never flooded before. And they looked up, and because our levee system failed, they have lost their house, they have lost their business, they have lost their financial future. Their children are not going to college. Their kids are not in the school. They are not worshiping in their church. And we are sitting around here passing 100 bills that have nothing to do with helping them.

Yes, this chart is what I was looking for. Sometimes I cannot keep numbers in my head and sometimes I can. There were 28,000 homes lost from Andrew. Charley, Frances, Ivan, and Jeanne—we still talk about those hurricanes. They were terrible hurricanes and 27,000 homes destroyed. Look at Katrina—275,000 homes destroyed.

Now, this graph is why we are struggling to a point where I just cannot quite describe that if we do not get some real help real soon, this region is not going to be able to stand back up. Now, we will eventually—I will get to that point in a minute—but it is going to be very difficult. We lost 18,752 businesses in Louisiana alone. Mississippi lost close to 2,000. Let me repeat: 18,000 in Louisiana, 2,000 in Mississippi.

Now, I am not saying this to minimize what happened to the gulf coast. As I have shared with Senators with whom I serve, I grew up on the gulf coast. I love Pass Christian probably as much as they do, but they had 2,000 businesses destroyed. But when levees break in a major city, this is what happens. This is virtually every small business or a large part of the small businesses in the metropolitan area.

Now, we stand up here in this Senate all the time and say: Small business is the backbone of our economy. Please, let's help small business. Could somebody tell me how FEMA is actually going to stand up these 18,752 businesses that pay taxes, that were patriots, that played by the rules, paid their employees? These are not big corporations. We only have one Fortune 500 company. But we have a lot of good people who worked hard to build those businesses, and—poof—they are gone. Some of them had insurance, but some of them did not.

So we put in a bill 7 weeks ago. OLYMPIA SNOWE and JOHN KERRY passed a bill almost unanimously in the Senate. It is sitting somewhere because we just cannot get out of the box enough to help these people. We have to go through the same old regular process that is not working. And last time I checked, under the administration's proposal, we had processed a grand total of six—six—six—GO Loans in Louisiana. I have 18,000 businesses gone, and we processed 6 GO Loans last week.

When I suggest we have been about as patient as we can be, that is why we may be staying here through Christmas.

The system is not working. Business owners are losing everything they worked for, not in one lifetime, three lifetimes—grandfather, father, son, or grandmother, daughter, granddaughter, 60, 70 years, businesses gone. And this Congress can't figure out how to help these businesses. But we are building infrastructure in Iraq. We are building businesses in Iraq, but we can't help our own American businesses.

Political allies of the White House have said that more has been accomplished than any other American disaster including 9/11. The claim cannot be justified. That claim is inaccurate. It is not valid. It cannot be substantiated. It is not justified under any objective criteria. What might be true is that we have sent more money through FEMA to try to help, but it is anemic. It is not functioning well. And the money is not getting to the people who need it.

That is why Senator COCHRAN and Senator BYRD have stepped up with a reallocation and said: OK, we hear you Louisiana. We hear you Mississippi. Let's not add any money, but let's take $30 billion of the FEMA money, since it is sitting in a bank account not being used, and move it over, give it to our Governors with community development block grants, full accountability, full flexibility.

We will send you some money, $6,000 per child for your education, because the schools took these children in. They knocked at the door. The schools took our children in, 370,000. They were never asked if they could pay. They have been educating these children for 6 months. The Federal Government has yet to give one of these school systems in Houston or Baton Rouge or Lafayette or Jackson, MS, one penny for taking these kids in. I don't know, do we expect schools that are having trouble anyway to take in children and educate them for free? They have added teachers, classrooms, and the Federal Government sits here giving money out right and left through every door as fast as it can get out, and we can't give money to school systems educating kids whose homes flooded and whose parents have no business anymore.

Senator COCHRAN has put that in his bill, mostly for Louisiana. We don't think that we have to keep saying that if we don't get better levees, not only can we not rebuild our city and region, but it would be morally the worst thing that could be done not to help people feel safe and protected as they make decisions to go back. We have put a substantial amount of money in the budget with Senator COCHRAN's proposal for category 3 real levee protection and a downpayment on category 5 which is essential to us as we rebuild. With the community development block grant, the Governors, along with our parish presidents and municipal officials, can take that money and fashion it to help match private sector donors, to help supplement insurance payments, to help with some strategic housing initiatives and begin getting tools and capital and money out in these communities in the right ways to help stand them up.

We have to argue about this, not adding money to the budget, reallocating FEMA, and yet we are still arguing with the House on the total amount. Maybe they don't want to do 17, so we are down to this or that.

This week we cannot leave until we pass a Cochran-Byrd reallocation of the President's supplemental. With all due respect to the administration, the supplemental that was sent to us was a bill of $17 billion, except for some serious levee money which I thank the administration for. I thank the administration for putting that money—I think it was $1.6 billion—in their original request. We appreciate it. But the rest of the money in that bill was basically to refurbish Federal facilities.

I want to show again the picture of the lady. This is what I want to refurbish. I understand we have to refurbish Federal facilities. I know that Federal bureaucracies are important. But this is where we are trying to get the money, to citizens such as this woman who have worked hard their whole life, raised their family, never asked anybody for too much. Now they are sitting in a house with nothing. This is whom we are trying to help. We are trying to get money to the private sector, to private property owners, not to refurbish Federal Government buildings. So Senator COCHRAN took that bill and said: If you want to help refurbish Federal buildings, fine, but we need to add money to help citizens, patriots, business owners in our States.

I sure hope we can do that because it will be a shame if we do not.

I want to add a quote from Governor Haley Barbour. There has been a lot of discussion about Mississippi's approach and Louisiana's approach. But pain has a way of bringing people together.

Governor Barbour said yesterday:

> We are at a point where our recovery and renewal efforts are stalled because of inaction in Washington, D.C., and the delay has created uncertainty that is having a very negative effect on our recovery and our rebuilding.

If this is coming from Governor Barbour,, who is part of the party in power and was head of the Republican Party for many years, who lost a fraction of the homes that we lost, how do you think the people of Louisiana are feeling about the stalled recovery effort and the desperation as they see Congress winding down for the holidays? They ask: Why aren't people in Washington understanding what we are going through?

I want to read for the RECORD an appropriate and moving quote, right on target as far as I am concerned, from Vanity Fair in November. It says:

> . . . when the damage is this catastrophic, the people so helpless, the government so weak and clumsy, we expect it to take place somewhere else—on the coast of Sri Lanka or Bangladesh, for instance—somewhere distant and more poor. . . . We do not expect to see our government so impotent and indifferent that it is completely paralyzed . . .

I know the men and women with whom I work. I don't find them to be incompetent or paralyzed. I believe they are sensitive and smart and intelligent people. What is it that is keeping us in this Congress from understanding FEMA isn't working. The Red Cross is not sufficient. People are suffering. New tools are needed. Let's get about helping people here at home.

There has been some unbelievable debate about whether New Orleans should be rebuilt. Our city has been there for 300 years. Thomas Jefferson leveraged the entire Treasury to buy the city of New Orleans because of its strategic advantage, which was true then. It is true now. Andrew Jackson took his troops and defeated the British to protect it in 1815 because it is the greatest port system in America. It is America's only energy coast. You can't have a great nation without protecting your Southern border. You can't have great trade. What thought of anyone would be that we can't rebuild New Orleans in the region of south Louisiana after we have given so much to this economy? We are not a charity case. We need help, we need respect, and we need a partner.

We will rebuild New Orleans and south Louisiana and the gulf coast of Mississippi. The people have spoken, and the spirit is strong. We may not have houses to live in or businesses to go to, but the people who have lived in this part of the world are strong people. We are Black and White, Hispanic, different socioeconomic levels, but we have lived there. The question is, Will we have a partner in the Federal Government? This week we will see if we have a partner.

Let's get on to the business of getting these bills passed. We will be slowing it down until we do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, is there a speaker designated to go next?

The PRESIDING OFFICER. The Senator from Iowa is previously designated to follow the Senator from Louisiana.

Mr. FEINGOLD. In light of the fact that the Chair indicated that the Senator from Iowa is to be next, I ask unanimous consent that I may speak next, and that I may use as much time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

CHILDHOOD OBESITY

Mr. HARKIN. Mr. President, over the last several years, we have repeatedly heard alarming reports about the rising tide of overweight and obesity in the United States, particularly among young children. Over the past two decades, the rate of obesity has doubled in children and tripled in adolescents. Fifteen percent of the children in this country are now overweight. In fact, the United States has a higher percentage of overweight teens than any other industrialized country.

This comes at a high price for our country, both in terms of the long-term physical health of our citizens and the enormous health care costs our Nation faces. Just last week, the Institute of Medicine of the National Academy of Sciences released a new report: "Food Marketing to Children and Youth: Threat or Opportunity?"

The report focused on one big factor that contributes to the childhood obesity epidemic: the relentless multibillion-dollar marketing of junk food to our children. This landmark report is the most comprehensive and systematic review to date of the impact of food marketing on the diets of American youth. Its conclusions are troubling, but they hardly come as a surprise to parents who know well the effects of food marketing on their children.

In a nutshell, the Institute of Medicine concluded that there is strong scientific evidence that food marketing influences food preferences, the purchases and diets of children age 12 and below. Even more important, the Institute of Medicine confirms what many had suspected before, that "television advertising influences children to prefer and request high-calorie and low-nutrient food and beverages."

Let me just read two sentences from the executive summary. I am quoting directly from the Institute of Medicine's finding:

> It can be concluded that television advertising influences children to prefer and request high-calorie and low-nutrient foods and beverages.

That is a key finding. Next, on the broad conclusions: Food and beverage marketing practices geared to children and youth are out of balance with healthful diets and contribute to an environment that puts their health at risk.

There you have it. Now, 2 years ago, I requested this study to be done. We put money in the appropriations bill for the CDC to do the study. They contracted with the National Academy of Sciences and the Institute of Medicine to do the study. This is an unbiased landmark study. It proves conclusively that our kids are being inundated nonstop with advertising that puts their health at risk.

The food industry is a $900 billion-a-year business. It spends billions of dollars promoting food products, much of it targeted at kids. The IOM report is important because it outlines in great detail how over the past decade advertising directed at our children has grown to a point where they are bombarded nonstop with ads. Indeed, food marketing has expanded in both intensity and variety into nearly all areas of kids' lives.

The food industry spends more than $11 billion a year targeting kids with marketing campaigns through television, movies, magazines, Internet, in-school marketing, kids clubs, toys, coupons, and product placement in movies and books. Marketing to kids has become so pervasive and sophisticated that over the past several years marketing firms have even begun to employ child psychologists who specialize in this field to help devise their strategies.

On the advice of these psychologists, advertisers make use of media fantasy figures, celebrities, and cartoon characters. They use messages crafted to imply that products will give kids power, make them popular. The aim is simply to exploit kids' imaginations and their vulnerabilities and to sell them products or to get them to nag their parents to buy certain products.

What kind of foods are they marketing to our kids? We are not talking about apples and pears and peaches and broccoli and carrots. We are talking about high-fat, high-sugar, high-sodium foods with little or no nutritional value.

The food industry contends it is concerned about the health and nutrition of our children, and that it is taking active steps to change its marketing practices to introduce new products that are healthier for our children. But is that really the case?

In limited instances, the industry has taken some positive steps. For example, in the past year, both Kraft Foods and Pepsico have announced they will take steps to curb the marketing of unhealthy food products to children, and instead focus on the promotion of healthier products. I have commended publicly, and I do so again today on the floor of the Senate—both Kraft and Pepsico for taking a leadership position in this area.

But here is the problem. This Institute of Medicine report is clear that such responsible actions are far from the industry norm. As you can see from this chart, the number of new products that the food industry has targeted to kids have gone up tenfold over the past 10 years, from around 50 to just under 500 in 2004—500 new products per year—not apples, not salad bars. According to the Institute of Medicine, these 500 products are high in calories and sugar and low in nutrients. This is what dominated those products.

Let's take a look at some of the examples of what is happening to our kids. Many advertisements for junk food snacks use characters popular with children. Here is one. They range from Spiderman to Sponge Bob Square Pants. Kids know these characters. They admire these characters. Quite frankly, when I saw "Shrek 1" and "Shrek 2," I kind of liked Shrek. He became a loveable, nice guy who wanted to do good. Now what do we see? Here is Shrek advertising Twinkies, green Twinkies with a green filling.

Now Shrek has a powerful appeal to kids' minds. Kids see the movie Shrek and they like Shrek. And Shrek, why, he likes Twinkies, so Twinkies must be OK to eat. That is what that message says.

What do we know about Twinkies? The nutritional value is zero, harmful to kids' health.

Shrek now becomes a bad guy trying to get our kids to eat unhealthy food. Shame on the advertisers who take a likable, loveable character when he was first introduced to kids in the movies and now using Shrek to poison our kids. I use the word "poison" because that is what this food does, it poisons our kids by making them obese and unhealthy.

Then what you can do when you see this ad, you can visit twinkies.com. I will show that a little bit later in my presentation.

It is not just limited to television. Food marketing has gone on in numerous ways that we are just beginning to explore. The Institute of Medicine report was shocking. One thing—I didn't know this—only 20 percent of all food and beverage marketing in 2004 was devoted to the traditional methods of television, radio, and print. Only 20 percent. Eighty percent is going to new forms of marketing—product promotions, character licensing, school marketing.

At one time, our schools were considered safe havens for our kids, places of learning that insulated our kids from crass commercial influences. No longer is that the case. Our schools have been inundated with commercial messages that are now a major advertising medium that these food companies are using to establish brand loyalty and to get kids to eat junk food.

Here is a photograph of a hallway in a high school. You have the Coke machine, you have a POWERade machine. You have a vending machine with potato chips, Fritos, cookies, candy bars, M&M's. Nothing in this entire display is of any nutritional value. That is what is happening in schools.

Let's not forget that a lot of these food marketing companies have exclusive contracts with schools and school districts to link the sale of soda pop to cash payments or equipment assistance to schools. These are the very foods that are making our kids obese, contributing to their unhealthy lifestyles.

I often ask parents, What would you think of a parent who sat down with his or her child before they went to school in the morning and measured out 15 teaspoons of sugar, put it in a little plastic bag and told the kid: Here, you can take this to school and eat it. Or, on second thought, measure out 30 teaspoons of sugar, give it to the kid and say: Here, take this to school and eat it. You would think no parent would ever do that. But some children to buy two soda pops every day and two of those 20-ounce soda pops will have 15 teaspoons of sugar each. One 20-ounce soda pop equals 15 teaspoons of sugar. That is why others call this liquid candy. A 20-ounce Coke, liquid candy, that is all it is, 15 teaspoons of sugar.

Why do we allow this? Why do we allow this in our schools? It is sending a message to our kids that this is OK? It is in school, it is promoted by the schools, so it must be OK. That is a new marketing technique they have.

Now we have other techniques such as branded toys and new marketing techniques aimed at babies? Hang on, wait until you see this one: A baby with a 7-Up bottle. Here is a baby being nursed on a bottle that has a 7-Up logo on it. One might say, well, that baby can't buy 7-Up. No, but that baby's eyes are picking up things. When that baby gets older, that is going to be stuck in that baby's mind somewhere in the deep recesses, that was good because what that baby got out of that bottle was good healthy milk, formula probably. And now they are going to associate that with 7-Up. Imagine that, that early in life.

You think that is bad, hang on, you haven't seen anything yet. Look, before I put this picture up here, let's agree on one thing. We all agree—I know the occupant of the Chair and I bet he agrees with this, being a doctor—that the most beneficial, nutritious food for a newborn baby is a mother's milk, breastfeeding. We all know that breastfeeding is the best, and any doctor will tell you if you are capable, you ought to breastfeed your child.

Now look what we have here: A billboard with a baby breastfeeding on a McDonald's Burger. That just about borders on the obscene. It can't get any worse. I understand this did not run in the United States, but it ran on billboards in Europe. Here is a baby, obviously less than a year old supposedly breastfeeding on a McDonald's hamburger bun. Not only does this ad imply that fast food is a developmentally appropriate product for infants, it suggests that fast food is an appropriate replacement for the nutrition of breastfeeding, which is the perfect form of nutrition for babies.

Equating a McDonald's hamburger with breastfeeding, while it might be intended to be humorous, is no laughing matter. It sends very subtle messages that breastfeeding is nutritious and so are McDonald's hamburgers.

Now we have other ways of marketing. I tell you, these are psychologists who devise these ads. They know what they are doing. How about the candy counting books? Here we have "Reese's Pieces Count by 5," "Hershey's Subtraction" book, the "Skittles Riddles Math" book, the "Twizzlers Percentage" book, the "Hershey's Fraction" book, and the "Hershey's Kisses Addition" book.

Here is where I am going to pay tribute again to Kraft Foods. On this floor periodically in the past I have shown the Oreo counting book. Kraft Foods discontinued that practice. Kraft Foods does not allow that any longer. God bless them; good for Kraft Foods.

But here is the problem: You get one company who actually acts responsibly, and look what the rest of them do. They move into the marketplace and take market share away with their counting books.

Again, 2-year-olds, 3-year-olds learn with counting books—Hershey's, M&M's, and Reese's Pieces. I don't have it here, but I saw one counting book where you lay it out and you actually put the M&M pieces on there, and when you count one, you get to eat that one piece, and when you count two, you get to take the two pieces of M&M's off and eat those two, until you get to 10 M&M pieces. Junk food, building brand loyalty early.

Then we have toys. How about the toys? It is an emerging trend that puts the food on the toy so you don't just get it for 30 seconds, you get it all the time you play with your toys.

Here we have a Coca Cola princess, whatever, a cheerleader. We have a Jell-O Barbie. We have a McDonald's Barbie.

So little kids play with these and they build that brand loyalty. They play with a Barbie wearing a McDonald's logo or a Jell-O or a Little Debbie brand. That is what we have come to, where kids are inundated day after day not with just 30-second ads but with everything they play with, everything they see. Now they go to school, and they see the same thing in school. This is a recent innovation. It was not like this 20 years ago.

Now we have the Internet, which is becoming a growing segment of the food marketing industry. Remember, I said earlier that Shrek urges children to visit twinkies.com, well, here you go. If one goes to twinkies.com, they go to Planet Twinkie. At Planet Twinkie, there are all of these little interactive things, visit the Twinkie shop, the Hostess Hall of Fame, the chocolate and cupcakes and snowballs. That is Planet Twinkie.

So a kid sees Shrek, Shrek says: Visit my Web site, visit twinkie.com.

Well, again, what are they saying to kids? They are saying: Eat junk food. It is fun and it is an adventure just to eat junk food and eat Twinkies and to eat candy and stuff, and it is good for you. And guess what, it will make you smart because we do it in school; you go there to school to learn, so since we do it all in school it makes you smart, too.

So when one looks at all of these marketing techniques together, television, schools, product tie-ins, promotions, the Internet, branded baby products, what we are seeing is that the food marketers seek to do nothing less than envelop our children every day during all of their waking hours in a commercial environment that encourages them to eat unhealthy food.

For years the food marketers have been saying: One cannot really prove that food marketing influences children's diets. Not anymore. With this study, food marketers can no longer say that food marketing does not influence children's diets. The evidence is quite clear that marketing has a negative influence on children's food preferences and on their diets.

Some might say: Well, that is obvious. The food industry does not spend $11 billion a year on marketing to kids because it does not work, because they want to throw that money away. They spend it because it works brilliantly, inducing children to purchase it themselves or to beg, whine, and cajole their parents into buying it for them.

Some might say: What about the parents' responsibility? Parents should be responsible, but parents' control is being eroded. Food marketers are inserting themselves between parents and their kids. Their control is being eroded in the face of a highly sophisticated billion-dollar industry. This is not a level playing field.

Again, what can we do? Someone who has been listening to me might say: Well, OK, HARKIN, what can you do? That is the way business works. What can we do about it?

There is plenty we can do about it. The IOM report makes recommendations on what we ought to do. First, they say the industry needs to exhibit a greater level of corporate responsibility. Amen. Some of them have. But here is the problem: If it is not industrywide, one food company may do something good such as Kraft did, got rid of the Oreo cookie counting book. So what happens, their competitor moves in with other counting books. So it has to be industrywide.

IOM calls for sweeping change in the way the food industry, the beverage industry, the fast food restaurant industry, the media, and the entertainment industries do business. They call on all of those industries to use the same creativity, resources and marketing practices that they currently use to sell junk food to instead promote healthier diets for kids. They call on the food companies to change the products they advertise as well as the products they produce. They say that business as usual has to change and has to change now.

I hope corporate America is listening because if they do not change, then we in Congress will make them change. Almost 25 years ago, the Federal Trade Commission warned Congress about the dangers of advertising aimed at children. What did Congress do? We attacked the FTC and took away its regulatory authority as it pertains to children's ads.

In 1978, the FTC undertook an investigation and found that TV advertising directed at young children was both unfair and deceptive. They found that the advertising of high sugar foods to children is unfair and deceptive. They suggested that restrictions on ads directed at the young and vulnerable minds might be appropriate. But the broadcast industry went nuts. The food industries went nuts. The advertisers went nuts, and they got Congress to kill the messenger.

In 1981, this Congress stripped the Federal Trade Commission of its regulatory authority as it pertained to children's advertising. It expressly prohibited the Federal Trade Commission from following through on its proposals to ban or restrict advertising directed at children. This new law made it next to impossible to regulate advertising directed at kids. It is a little known fact that right now the FTC has more authority to regulate advertising at me and you and adults than it does to our kids, and here is how it does that.

There are two ways the Federal Trade Commission can regulate advertising: If it is unfair or deceptive.

In 1981, this Congress cut off one arm of the FTC in regulating advertising to kids. The FTC can only regulate advertising to kids if it is deceptive, not if it is unfair. Interesting point. One might say: Well, an advertisement of junk food is not deceptive, but is it unfair? It is, according to the Institute of Medicine because the Institute of Medicine said that kids lack the cognitive ability to discern between advertising, persuasive intent advertising and a program.

It stands to reason, if one is a young kid, they do not understand what advertising is all about. They get inundated with all of this, and it makes an impression on them, sticks with them, but they do not understand this is advertising. That is what the Institute of Medicine says. This is a medical report.

So I submit that any advertising that advertises high-calorie, high-in-fat junk food to kids that has no nutritional value, that is inherently unfair because kids do not understand the intent. Forget about deceptive. It is unfair. It may not be unfair to adults, since we understand what advertising is about—we should have that ability—but it is to kids. That is why we need to give the Federal Trade Commission the authority to regulate advertising to children both on unfairness and deceptiveness, as it does to adults. I want to point out, in closing, that I have introduced legislation to give FTC that authority.

In addition, the IOM talks about Government responsibility. It says that:

> Government at all levels should marshal the full range of public policy approaches (e.g., subsidies, legislation, regulation, federal nutrition programs), to foster the development and promotion of healthful diets for children and youth.

It says, "Government and industry should work together to set higher standards for marketing to children." They called for changes in the school environment, to get rid of the junk food and the vending machines.

When we come back next session, Senator SPECTER and I will introduce the Child Nutrition Promotion and School Lunch Protection Act. This legislation will, per the recommendation of the IOM, require the Department of Agriculture to update its nutritional guidelines for school food sales and ensure that the foods available to kids during the school day promote, rather than undermine, their health and learning.

We in this Congress have a responsibility to protect America's children from the sophisticated, aggressive, relentless marketing of junk food to our children. We have a responsibility to stick up for our parents. Our parents don't have a chance when our kids are inundated, day after day, hour after hour, even in places where parents don't have control—in our schools, when they watch a movie, when they pick up a book, a counting book.

I was in a school not too long ago, looking at some renovations in a school, an elementary school. Do you know what the kids had to sit on? Coca-Cola chairs; little chairs with the Coca-Cola legend, red and white, with Coca-Cola written on it. I assume that they donated the chairs to the school. But this is the idea, to get it into the kid's head early, that education and having a high sugar soft drink go hand in hand.

Late in her life, Jackie Kennedy said a very wise thing. She said, "If you botch raising your children, nothing else you do in your life matters very much."

With what we now know, thanks to the IOM report, what we know about the destructive impacts of junk food marketing to the kids, with the new insights thanks to the Institute of Medicine, it is clear by allowing the food industry to market junk foods to our kids we are botching the raising of all of our children.

Again, this is enough. This report makes it clear that it is time to say to those who are enveloping our kids in this sort of 24-hour-a-day, 7-day-a-week nonstop advertising, that it is enough. Foods that are high in fat, sugar, and salt have their place. We all like to have a cookie. I enjoy a piece of candy as much as anybody else. They have their place. But they ought to be kept in their place—not in schools, not in advertising. They ought to be kept in their place and the place to start is with sensible, long overdue regulation of the advertising and marketing of junk food to children.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. On behalf of Senator DODD, I wish to inform our colleagues that for health reasons Senator DODD will necessarily be absent from Senate business for the remainder of the week. He thanks his colleagues for their courtesy and understanding.

Mr. President, I commend my colleagues who came to the floor yesterday to discuss the PATRIOT reauthorization, and I thank Chairman SPECTER for initiating a very interesting debate with me when we were both on the floor. That is exactly the kind of dialog we want to see on the floor more often. I hope we will see a lot more of it over the next few days. The PATRIOT Act reauthorization conference report has come to the Senate and the Senate will be faced with a very important choice. I expect this debate will be lengthy and hard fought, so I wanted to take some time tonight to lay out the background and the context for this debate, and to discuss my concerns about the conference report with some specificity.

Because I was the only Senator to vote against the PATRIOT Act in 2001, I want to be very clear about something from the start. I am not—not—opposed to reauthorization of the PATRIOT Act. I supported the bipartisan compromise reauthorization bill that the Senate passed earlier this year, that had no Senator at all objecting. I believe the bill should become law. The Senate reauthorization bill is not a perfect bill, but it is a good bill. If that were the bill we were considering today, I would be on the floor speaking in support of it. In fact, we could have reauthorized the PATRIOT Act several months ago if the House had taken up the bill the Senate approved without any objections.

I also want to respond to those who argue that people who are demanding a better conference report want to let the PATRIOT Act expire. That is actually nonsense. Not a single Member of this body is calling for any provision of the PATRIOT Act to completely expire. As Senator SUNUNU eloquently argued yesterday, just because we are coming up against the end of the year does not mean we should have to compromise the rights of law-abiding Americans. There are any number of ways we can get this done and get it done right before the end of the year.

Let me also be clear about how we ended up voting on a badly flawed conference report just days before certain provisions of the PATRIOT Act expired. The only reason we are debating this conference report in the middle of December, rather than in the middle of September or October, is because the House—the House—refused to appoint its conferees for 3½ months. It passed its reauthorization bill on July 21, but it did not appoint the conferees until November 9. In the Senate, on the other hand, we passed a bill by unanimous consent on July 29 and we appointed our conferees the very same day. We were ready and willing to start the process of resolving our differences with the House right away, leaving plenty of time to get this done without the pressure of the end-of-the-year deadline.

So when I hear Members of the House already attempting to place blame on those of us in the Senate who object to this conference report, I am a little bit frustrated. If there is anyone to blame, it is the House leadership for playing a game of brinkmanship with this crucial and controversial issue. Senators who are standing strong for the rights and freedoms of the American people will not be at fault if parts of the PATRIOT Act expire.

I also want to clear up one related misconception. I have never advocated repeal of any portion of the PATRIOT Act. In fact, as I have said repeatedly over the past 4 years, I supported most of the provisions of the bill. There are many good provisions in the bill. As my colleagues know, the PATRIOT Act did a lot more than expand our surveillance laws. Among other things, it set up a national network to prevent and detect electronic crimes such as the sabotage of the Nation's financial sector, it established a counterterrorism fund to help Justice Department offices disabled in terrorist attacks to keep operating, and it changed the money laundering laws to make them more useful in disrupting the financing of terrorist organizations. One section of the PATRIOT Act even condemned discrimination against Arab and Muslim Americans.

Even some of the act's surveillance sections were not troubling. In fact, one provision authorized the FBI to expedite the hiring of translators. Another added terrorism and computer crimes to the list of crimes for which criminal wiretap orders could be sought. And some provisions helped to bring down what has been termed "the wall," the wall that had been built between intelligence and law enforcement agencies.

This week we have heard a lot of people saying we must reauthorize the PATRIOT Act in order to ensure that this wall does not go back up. Let us make this clear. I supported and continue to support the information-sharing provisions of the PATRIOT Act. One of the key lessons we learned in the wake of September 11 was that our intelligence and law enforcement agencies were not sharing information with each other, even where the statutes permitted it. In the PATRIOT Act we tore down the remaining legal barriers.

Unfortunately, the law was not so much a legal problem as a problem of culture and the report of the 9/11 Commission made that very clear. I am sorry to report that we have not made as much progress as we should have in bringing down those very significant cultural barriers to information sharing among our agencies.

The 9/11 Commission report card that was issued last week gave the Government a "D" for information sharing because their agencies' cultures have not changed enough these 4 years after the change in the law in the PATRIOT Act.

There is a statement issued by Chairman Kean and Vice Chairman Hamilton that explained:

> You can change the law, you can change the technology, but you still need to change the culture. You still need to motivate institutions and individuals to share information.

So far, unfortunately, our Government has not met the challenge.

Talking about the importance of information sharing, as administration officials and other supporters of the conference report have done repeatedly, is part of a pattern that started several years ago. Rather than engage in a true debate on the controversial parts of the PATRIOT Act, as Senator SPECTER did yesterday, unfortunately many proponents of the PATRIOT Act point to noncontroversial provisions of the PATRIOT Act and they talk about how important they are. They say this bill must be passed because it reauthorizes those noncontroversial provisions.

That doesn't advance the debate. It just muddies it further. In fact, it is a red herring.

I have news for those who would try to use that tactic. It won't work. We don't have to accept bad provisions to make sure that good provisions become law. I hope the Senate will make that lesson very clear this week.

Tonight, I want to advance the debate, spend some time explaining my specific concerns about the conference report in some key areas. It is very unfortunate that the whole Congress could not come together, as the Senate did around the bipartisan compromise reauthorization bill. Back in July, the Senate Judiciary Committee, on which I serve, voted unanimously in favor of a reauthorization bill that made meaningful changes to the most controversial provisions of the PATRIOT Act to protect the rights and freedoms of innocent Americans. Shortly thereafter that bill passed the full Senate by unanimous consent. It was not easy for me to support that Senate bill which fell short of the improvements contained in the bipartisan SAFE Act.

At the end of the day, the Senate bill contained meaningful changes to some of the most problematic provisions of the PATRIOT Act, provisions that I have been trying to fix since October of 2001. So I decided to support it. I made it very clear at the time, however, that I viewed that bill as the end point of negotiations, not the beginning. In fact, I specifically warned my colleagues that the conference process must not be allowed to dilute the safeguards in this bill. I meant it. But it appears that people either weren't listening or weren't taking me seriously.

This conference report, unfortunately, does not contain many important reforms of the PATRIOT Act that we passed in the Senate. So I cannot support it. In fact, I will fight it with every ounce of strength I have. And I am delighted to be part of a strong bipartisan consensus that believes, as I do, that this conference report is unacceptable.

Let me start with section 215, the so-called "library" provision, which has received so much public attention.

I remember when the former Attorney General of the United States called the librarians who were expressing disagreement with this provision "hysterical."

What a revelation it was when the chairman of the Judiciary Committee, the Senator from Pennsylvania, opened his questioning of the current Attorney General during his confirmation hearing by expressing his concern—the chairman's concern—about this provision of the PATRIOT Act. He got the Attorney General to concede that, yes, in fact, this provision probably went a bit too far and could be improved and clarified. That was an extraordinary moment. It was a moment, I am afraid, that was very slow in coming and long overdue.

I give credit to the Senator from Pennsylvania because it allowed us to start having, for the first time, a real debate on the PATRIOT Act. But credit also has to go to the American people who stood up despite the dismissive and derisive comments of Government officials and said with loud voices: The PATRIOT Act needs to be changed. And these voices came from the left and the right, from big cities and small towns all across the country. So far, over 400 State and local governmental bodies have passed resolutions calling for revisions to the PATRIOT Act. I plan to read some of those revisions on the floor of the Senate in this debate, and there are a lot of them. Nearly everyone mentions section 215.

Section 215 is at the center of this debate over the PATRIOT Act.

It is also one of the provisions that I tried unsuccessfully to amend on the floor in October 2001.

So it makes sense to start my discussion of the specific problems I had with the conference report with the infamous library provision.

Section 215 of the PATRIOT Act allowed the Government to obtain secret court orders in domestic intelligence investigations, to get all kinds of business records about people, including not just library records but also medical records and various other types of business records. The PATRIOT Act allowed the Government to obtain these records as long as they were "sought for"—that is all, "sought for"—in a terrorism investigation. That is a very low standard. It doesn't require that the records concern someone who is suspected of being a terrorist or a spy, or even suspected of being connected to a terrorist or a spy. It didn't require any demonstration of how the records would be useful in the investigation.

Under section 215, the Government simply said—this is fact—all the Government has to do is say the magic words, that it wanted records for a terrorism investigation, then the secret FISA court was required—required—to issue the order, period. No discretion. The judge had to give the order.

To make matters worse, recipients of these orders are subjected to an automatic gag order. They cannot tell anyone that they have been asked for the records.

Some in the administration and even in this body took the position that people shouldn't be able to criticize these provisions until they can come up with a specific example of abuse.

The Attorney General makes that same argument today in an op-ed in the Washington Post when he simply dismisses concern about the PATRIOT Act by saying: "There have been no verified civil liberties abuses in the 40 years of the Act's existence."

That has always struck me as a strange argument since 215 orders are issued by a secret court, a secret court. And people who receive them are prohibited by law from discussing them.

In other words, the way the law is actually designed, it is almost impossible to know if any abuses have occurred. How would we find out? It is a secret court and nobody can talk about it.

The Government should not have the kind of broad, intrusive powers it gave itself in section 215. And the American people shouldn't have to live with a poorly drafted provision that clearly allows for records of innocent Americans to be searched and just hope that the Government uses it with restraint.

A government of laws doesn't require its citizens to rely on the goodwill and the good faith of those who have those powers, especially when adequate safeguards can be written into the laws without compromising their usefulness as a law enforcement tool.

After lengthy and difficult negotiations, the Judiciary Committee came up with language this year that achieved that goal. It would require the Government to convince a judge that a person has some connection—some connection—to terrorism or espionage before obtaining their sensitive records. When I say some connection, that is what I mean.

The Senate bill standard is the following: One, that the records pertain to a terrorist or a spy; two, the records pertain to an individual in contact with or known to a suspected terrorist or spy; or, three, that the records are relevant to the activities of a suspected terrorist or spy.

That is a three-pronged test in the Senate bill. I think it is quite broad. I think it is more than adequate to give law enforcement the power it needs to conduct investigations but also at the same time protecting the rights of innocent Americans.

It would not limit the types of records that the Government could obtain, and it does not go as far to protect law-abiding Americans as I might prefer, but it would make sure the Government cannot go on a fishing expedition into the records of innocent people.

The Senate bill would also give recipients of a 215 order an explicit, meaningful right to challenge business record orders and the accompanying gag orders in court. These provisions passed the Senate Judiciary Committee unanimously after tough negotiations late into the night. Unfortunately, the conference report just did away with their delicate compromise.

First and most importantly, it does not contain the critical modification to the standard for section 215 orders.

The Senate bill permits the Government to obtain business records only if it can satisfy one or more prongs of the three-pronged test that I just described.

This is a broad standard with a lot of flexibility. But it retains the core protection that the Government cannot go after someone who has no connection whatsoever to a terrorist or a spy or their activities.

What does the conference report do? The conference replaces the three-pronged test with a simple relevant standard. It then provides the presumption of relevance if the Government meets one of the three prongs I just described.

But it is silly to argue that this is adequate protection against a fishing expedition. The only actual requirement in the conference report is that the Government show that the records are relevant to an authorized intelligence investigation. Of course, "relevance" is a very broad standard that can arguably justify the collection of all kinds of information about law-abiding Americans.

The three prongs now are just examples of how the Government can satisfy the relevance standard, and that is simply a loophole, or an exception that swallows the rule. The exception is the rule.

In fact, a better way to say it is that this is actually a complete rule, and the exception has been rendered meaningless.

I will try to make this as straightforward as I can. The Senate bill requires the Government to satisfy one of three tests. Each test requires some connection between the records and a suspected terrorist or spy. The conference report says that the Government only is required to satisfy a new fourth test, which is just relevance, which does not require a connection between the records and a suspect. So basically the other three tests no longer provide any protection at all.

The conference report also does not authorize judicial review of the gag order that comes with a 215 order. While some have argued that the review by the FISA court of a Government application for a section 215 order is equivalent to judicial review of the accompanying gag order, that is simply inaccurate. The statute does not give the FISA court any latitude to make an individualized decision about whether to impose a gag order when it issues a section 215 order. It is required by statute to include a gag order in every section 215 order. That means that the gag order is automatic and permanent in every case. This is a serious deficiency, one that very likely violates the first amendment.

In litigation challenges, a semi-permanent national security letter statute, two courts have found first amendment violations because there is no individualized evaluation of the need for secrecy. I have these decisions right here; perhaps I will have a chance to read them in detail during the debate.

I will discuss other provisions in the conference report that fail to adequately address the concerns expressed in this Senate and around the country about the PATRIOT Act. Section 215 is a linchpin of this debate. To keep faith with the American people and with our constitutional heritage, we have to address the problems with section 215 in this reauthorization bill. There is no way around that.

Let me turn next to a very closely related provision that has finally been getting the attention it deserves—the national security letter, or NSL, an authority that was expanded by sections 358 and 505 of the PATRIOT Act. This NSL issue has flown under the radar for years even though many of us have been trying to bring more public attention to it. I am gratified that we are finally talking about these NSLs, in large part due to a lengthy Washington Post story published last month explaining just what these authorities are and reporting that the use of these powers has increased dramatically.

What are NSLs? Why are they such a concern? Let me spend a little time on this because it is important. National security letters are issued by the FBI to businesses to obtain certain types of records. They are similar to section 215 orders but with one very critical difference: The Government does not need to get any court approval whatever to issue that. It does not have to go to the FISA court and make even the most minimal showing. It simply issues the order signed by the special agent in charge of a field office or some other supervisory official. NSLs can only be used to obtain such categories of business records, while section 215 can be used to obtain "any tangible thing."

Even the categories reachable by NSLs are broad. Specifically, they can be used to obtain three types of business records: subscriber and transactional information related to Internet and phone usage, credit reports, and financial records. That category has been expanded to include records from all kinds of everyday businesses such as jewelers, car dealers, travel agents, and even casinos.

Just as with section 215, the PATRIOT Act expanded the NSL's authorities to allow the Government to obtain records of people not suspected of being or even connected to terrorists or spies. The Government need only certify that the documents are either sought for or relevant to an authorized intelligence investigation—a far-reaching standard that could be used to obtain all kinds of records about innocent Americans. Just as with section 215, the recipient is subject to an automatic permanent gag rule, and the conference report does very little to fix the problems of the national security letter authorities.

In fact, I disagree with the Senator from Pennsylvania, the chairman of this committee, on this point. In fact, I believe it could be argued that the conference report makes the law worse. Let me explain why.

First, the conference report does nothing to fix the standard for issuing a national security letter. It leaves in place the breathtakingly broad relevant standard.

Some have analogized NSLs to grand jury subpoenas issued by grand juries in criminal investigations to obtain records relevant to the crime they are investigating. So the argument goes. What is the big deal if NSLs are also issued under a relevant standard for intelligence investigations? Two critical differences make that analogy break down very quickly.

First of all, the key question is. Relevant to what? In criminal cases, grand juries are investigating specific crimes, the scope of which is explicitly defined in the Criminal Code. Although the grand jury is quite powerful, the scope of its investigation is limited by the particular crime it is investigating. In sharp contrast, intelligence investigations are by definition extremely broad. When you are gathering information in an intelligence investigation, anything could potentially be relevant.

Suppose the Government believes a suspected terrorist visited Los Angeles in the last year or so. It might want to obtain and keep the records of everyone who has stayed in every hotel in Los Angeles or who booked a trip to Los Angeles through a travel agent over the past couple years, and it could argue strongly that information is relevant to a terrorism investigation because it would be useful to run all those names through the terrorist watch list.

I don't have any reason to believe that such broad use of NSLs has happened. But the point is, when you are talking about an intelligence investigation, relevance is a very different concept than in criminal investigations. It is certainly conceivable that NSLs could be used for that kind of a broad dragnet in an intelligence investigation. Nothing in the current law prevents it. The nature of criminal investigations and intelligence investigations is different. Let's not forgot that.

Second, the recipients of grand jury subpoenas are not subject to the automatic secrecy that NSL recipients are. We should not underestimate the power of allowing public disclosure when the Government overreaches. In 2004, Federal officials withdrew a grand jury subpoena issued to Drake University for a list of participants in an antiwar protest. Why? Because there were public revelations about the demand. That could not have happened if the request had been made under section 215 or for records available via the national security letter authority.

Fortunately, there are many other reasons the conference report does so little good on NSLs. Let's talk about judicial review. The conference report creates the illusion of judicial review for NSLs, both for the letters themselves and for the accompanying gag rule, and if you look at the details, it is drafted in a way that makes the review virtually meaningless.

With regard to the NSLs themselves, the conference report permits recipients to consult their lawyer and seek judicial review, but it allows the Government to keep all of its submissions secret and not share them with the challenger regardless of whether there are national security interests at stake. So you can challenge the order, but you have no way of knowing what the Government is telling the court in response to your challenge. Parties could argue about something as garden-variety as attorney-client privilege with no national security issues, and the Government would have the ability to keep this secret. This is a serious departure from our usual adversarial process. I believe it is very disturbing.

The other significant problem with the judicial review provisions is the standard for getting the gag rule overturned. In order to prevail, the recipient has to prove that any certification by the Government that disclosure would harm national security or impair diplomatic relations was made in bad faith. Now, that is a standard of review that is virtually impossible to meet. So what we have here is the illusion—the illusion—of judicial review. When you look behind the words in the statute, you realize it is a mirage.

I also want to take a moment to address again an argument made yesterday by the Senator from Pennsylvania about the NSL provisions of the conference report. He argued that many of the complaints I have about the NSL provisions of the conference report apply equally to the NSL provisions of the Senate bill. And then he says because I supported the Senate bill, by some convoluted theory, my complaints are, therefore, invalid and I should support the conference report.

As I said yesterday, that does not make any sense.

The NSL section of the Senate bill was one of the worst sections of the bill. I did not like it then, and I do not like it now. But in the context of the larger package of reforms that was in the Senate bill, including the important changes to section 215 that I talked about earlier, and the new time limit on sneak-and-peek search warrants, which I will talk about in a moment, I was able to accept that the NSL section was there even though I would have preferred additional reforms.

The argument was made yesterday that after supporting a compromise package for its good parts, now I am supposed to accept a conference report that has the bad parts of the package even though the good parts have been taken out. Now, that is nonsense. Every Member of this Chamber who has ever agreed to a compromise—and I must assume that includes every one of us—knows it.

The other point I want to emphasize is that the Senate bill was passed before the Post reported that there has been extensive use of NSLs and the difficulties that the gag rule poses for businesses that feel they are being unfairly burdened by them, as reported by the Washington Post. At the very least, I would think that an NSL sunset is justified. But the conferees refused to make that change. Nor would they budge at all on the absurdly difficult standard of review, the so-called conclusive presumption.

I suspect that the NSL power is something the administration is zealously guarding because it is one area where there is almost no judicial involvement or oversight. It is the last refuge for those who want virtually unlimited Government power in intelligence investigations. And that is why the Congress should be very concerned and very insistent on making the reasonable changes we have suggested.

We had an interesting discussion on the floor yesterday also about the sneak-and-peek searches. This is another area where the conference report departs from the Senate's compromise language, and it is another reason I must oppose the conference report.

Yesterday, the Senator from Pennsylvania made what seems on the surface to be an appealing argument. He says the Senate bill requires notice of a sneak-and-peek search within 7 days of the search, and the House said 180 days.

The conference compromised on 30 days. "That's a good result," he says. "They came down 150 days, we went up only 23. What's wrong with that?"

Well, let me take a little time to put this issue in context and explain why this is not just a numbers game. An important constitutional right is at stake. One of the most fundamental protections in the Bill of Rights is the fourth amendment's guarantee that all citizens have the right to "be secure in their persons, houses, papers, and effects" against "unreasonable searches and seizures." The idea that the Government cannot enter our homes improperly is actually a bedrock principle for Americans, and rightly so.

The fourth amendment has a rich history and includes in its ambit some very important requirements for searches. One is the requirement that a search be conducted pursuant to a warrant. The Constitution specifically requires that a warrant for a search be issued only when there is probable cause and that the warrant specifically describe the place to be searched and the persons or things to be seized.

Why does the Constitution require that particular description? For one thing, that description becomes a limit on what can be searched or what can be seized. If the magistrate approves a warrant to search someone's home, and the police show up at the person's business, that search is not valid. If the warrant authorizes a search at a particular address, and the police take it next door, they have no right to enter that house.

But, of course, there is no opportunity to point out that the warrant is inadequate unless that warrant is handed to someone on the premises. And if there is no one present to receive the warrant, and the search must be carried out immediately, most warrants require that they be left behind at the premises that were searched. Notice of the search—notice of the search—is part of the standard fourth amendment protection. Without the notice, it does not mean much. It is what gives meaning, or maybe we should say "teeth," to the Constitution's requirement of a warrant and a particular description of the place to be searched and the persons or items to be seized.

Over the years, the courts have had to deal with Government claims that the circumstances of a particular investigation require a search without notifying the target prior to carrying out the search. In some cases, giving notice would compromise the success of the search by leading to the flight of the suspect or the destruction of evidence. The two leading cases on so-called surreptitious entry, which would come to be known as sneak-and-peek cases, came to very similar conclusions.

Notice of criminal search warrants could be delayed—delayed—but not omitted entirely. Both the Second Circuit in U.S. v. Villegas and the Ninth Circuit in U.S. v. Freitas held that a sneak-and-peek warrant must provide that notice of the search will be given within 7 days—7 days—unless extended by the court. Listen to what the Freitas court said about such searches:

> We take this position because surreptitious searches and seizures of intangibles strike at the very heart of the interests protected by the Fourth Amendment. The mere thought of strangers walking through and visually examining the center of our privacy interest, our home, arouses our passion for freedom as does nothing else. That passion, the true source of the Fourth Amendment, demands that surreptitious entries be closely circumscribed.

That is the end of the quote from that case.

So when defenders of the PATRIOT Act say that sneak-and-peek searches were commonly approved by the courts prior to the PATRIOT Act, they are partially correct. Some courts permitted secret searches in very limited circumstances, but they also recognized the need for prompt notice unless a reason to continue to delay was demonstrated. And they specifically said that notice had to occur within 7 days—7 days.

Section 213 of the PATRIOT Act did not get this part of the balance right. It allowed notice to be delayed for any reasonable length of time. Information provided by the administration about the use of this provision indicates that delays of months at a time are now becoming commonplace. Now, those are hardly the kinds of delays that the courts had been allowing prior to the PATRIOT Act.

The sneak-and-peek power in the PATRIOT Act caused concern right from the start, and not just because of the lack of a time-limited notice requirement. The PATRIOT Act also broadened the justifications that the Government could give in order to obtain a sneak-and-peek warrant. It included what came to be known as the catch-all provision, which allows the Government to avoid giving notice of a search if it would "seriously jeopardize an investigation." Some think that that justification in some ways swallows the requirement of notice since most investigators would prefer not to give notice of a search and can easily argue that giving notice will hurt the investigation.

The SAFE Act, the bipartisan bill that many of us worked on, worked to fix both of these problems. First, it tightened the standard for justifying a sneak-and-peek search to a limited set of circumstances—when advanced notice would endanger life or property, or result in flight from prosecution, the intimidation of witnesses, or the destruction of evidence. Second, it required notice within 7 days, with an unlimited number of 21-day extensions if approved by the court.

The Senate bill was a compromise from this. It kept the catch-all provision as a justification for obtaining a sneak-and-peek warrant. Those of us who were concerned about that provision agreed to accept it in return for keeping, and actually getting back, in my view, from the court cases, the 7-day notice requirement. And we accepted unlimited extensions of up to 90 days at a time. The key thing was prompt notice after the fact, or a court order that continuing to delay notice was justified.

That is actually the background of the numbers game that the Senator from Pennsylvania and other supporters of the conference report point to. They want credit for walking the House back from its outrageous position of 180 days, but they refuse to recognize that the sneak-and-peek provision still has the catch-all justification, and unlimited 90-day extensions. And here is the crucial question they refuse to answer: What possible rationale is there for not requiring the Government to go back to a court after 7 days and demonstrate a need for continued secrecy? Why insist that the Government get 30 days free without getting an extension? Could it be that they think the courts usually won't agree that continued secrecy is needed after the search is conducted, so they would not get the 90-day extension? If they have to go back to a court at some point, why not go back after 7 days rather than 30? From the point of view of the Government, I don't see the big deal. But from the point of view of someone whose house has been secretly searched, there is a big difference between notice after 1 week and notice after a month.

Suppose, for example, that the Government actually searched the wrong house, as I mentioned. That is one of the reasons that notice is a fourth amendment requirement. The innocent owner of the place that had been searched might suspect that somebody had broken in. They might be living in fear that someone has a key or some other way to enter. Should we make that person wait a month to get an explanation rather than a week? Presumably, if the search revealed nothing, and especially if the Government realized the mistake and does not intend to apply for an extension, it surely will be no hardship, other than perhaps embarrassment, for notice to be given within 7 days.

All of this is about why I am not persuaded by the numbers game on the sneak-and-peak provisions. The Senate bill was already a compromise on this very controversial provision. There is no good reason not to adopt the Senate's provision. No one has come forward and explained why the Government can't come back to the court within 7 days of executing the search. In fact, on a discussion of this last night on one of the television programs, one of my colleagues literally said, 7 days versus 30 days, what is the big deal? That is the strength of the argument. There is no merit to the idea of making the notice be as potentially late as 30 days.

Let me put it this way: If the House had passed a provision that allowed notice to be delayed for 1,000 days, would anyone be boasting about a compromise that requires notice within 100 days, more than 3 months? Would that be a persuasive argument? I don't think so. The House provision of 180 days was arguably worse than current law, which required notice "within a reasonable time," because it created a presumption that delaying notice for 180 days, 6 months, is reasonable. It was a bargaining ploy. The Senate version was what the courts had required prior to the PATRIOT Act. It was itself a compromise because it leaves in place the catchall provision for justifying a warrant in the first place. That is why I believe the conference report on the sneak-and-peak provision is inadequate and must be opposed.

Let me make one final point about sneak-and-peak warrants. Don't be fooled for a minute into believing that this power is needed to investigate terrorism or espionage. It is not. Section 213 is a criminal provision that could apply in whatever kind of criminal investigation the Government has undertaken. In fact, most sneak-and-peak warrants are issued for drug investigations. So why do I say they are not needed in terrorism investigations? Because FISA also can apply to those investigations and FISA search warrants are always executed in secret and never require notice. If you really don't want to give notice of a search in a terrorism investigation, you can get a FISA warrant. So any argument that limiting the sneak-and-peak power, as we have proposed, will interfere with sensitive terrorism investigations is also a red herring.

I have spoken at length about the provisions of this conference report that trouble me. But to be fair, I should mention one significant improvement to the conference report over last month's draft. This new version does include a 4-year sunset on three of the most controversial provisions: Roving wiretaps, the so-called library provision which I discussed at some length, and the "lone wolf" provision of the Foreign Intelligence Surveillance Act. Previously, the sunsets on these provisions were at 7 years. It certainly is an improvement to have reduced that number so the Congress can take another look at these provisions or can take a look at these provisions sooner.

I also acknowledge that the conference report creates new reporting requirements for some PATRIOT Act powers, including new reporting on roving wiretaps, section 215 sneak-and-peak search warrants, and national security letters. There are also new requirements that the Inspector General of the Department of Justice conduct audits of the Government's use of national security letters and section 215.

In addition, the conference report includes other useful oversight provisions relating to FISA. It requires that Congress be informed about FISA court rules and procedures and about the use of emergency authorities under FISA. And it gives the Senate Judiciary Committee access to certain FISA reporting that currently only goes to the Intelligence Committee. I am glad to see that it requires the Department of Justice to report to us on its data-mining activities.

But adding sunsets and new reporting and oversight requirements only gets us so far. The conference report remains deeply flawed. I appreciate sunsets and reporting. I know that the senior Senator from Pennsylvania worked hard to ensure that they were included. But these improvements are not enough. Sunsetting bad law for another 4 years is not good enough. Simply requiring reporting on the Government's use of these overly expansive tools does not ensure that they won't be abused. We must make substantive changes to the law, not just improve oversight. This is our chance. We cannot let it pass by.

Last Thursday, after the conference deal was announced, the Attorney General termed it a "win for the American people in that it would result in continued security for the United States and also continued protection of civil liberties for all Americans." In a way, that comment shows that we have made some progress. The administration seems to understand now that protecting civil liberties is pretty important to our citizens. That is quite an improvement from the days when people who expressed these concerns were termed hysterical. But the Attorney General also said: "people have seen how the Department of Justice has been very responsible in exercising [its] authorities." This comment reflects a fundamental misunderstanding of the relationship of the Government and the governed in our democracy. Trust of Government cannot be demanded or asserted or assumed. It must be earned. This Government has not earned our trust. It has fought reasonable safeguards for constitutional freedoms every step of the way. It has resisted congressional oversight and often misled the public about its use of the PATRIOT Act. And now the Attorney General is arguing that the conference report is adequate protection for civil liberties for all Americans? It isn't.

We sunsetted 16 provisions of the original PATRIOT Act precisely so we could revisit them and make necessary changes, to make improvements based on the experience of 4 years with the act, and with the careful deliberation and debate that, quite frankly, was missing 4 years ago. This process of reauthorization has certainly generated debate. But if we pass this conference report as currently written, we will have wasted a lot of time, and we will have missed an opportunity to finally get it right. The American people will not be happy with us for missing that chance. They will not accept our explanation that we decided to wait another 4 years before addressing their concerns. They will not settle for half a loaf because we ran out of time to reach consensus.

I submit that an acceptable consensus was reached unanimously by this Senate, every one of us, back in July. We should insist that the House pass that bill and give the American people a reauthorization bill that is worthy of their support and their confidence. I am prepared to keep fighting for as long as it takes to make that happen.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts about the PATRIOT Act and its importance to the security of this country, its reasonableness, the careful way in which it has been crafted and adopted, the full debate to which it has been subjected, and I urge our colleagues not to allow this bill to expire, not to allow the wall to return so that our foreign intelligence agencies cannot share with our domestic intelligence agencies information that may be directly relevant to an attack on the people of the United States. That is exactly what was taking place on 9/11. It is precisely why we have had a failure to share important information. And many people believe that the PATRIOT Act possibly could have prevented the 9/11 attacks. It is easy to contemplate situations where other information not shared could have resulted in the lives of Americans being placed at risk or being lost. That is why we passed this bill.

We have had a full debate about it. This past reauthorization came out of the Senate Judiciary Committee 18 to 0. Senator FEINGOLD supported it. It came out of the Senate floor by unanimous consent. It went to a conference committee with the House. They had some different provisions in their version, as they always do, and the conference committee hammered out the differences. As Senator SPECTER, a civil libertarian himself, and chairman of the Judiciary Committee, who was involved in that process said, about 80 percent of what was disputed was decided in favor of the Senate bill. Now we are faced with a filibuster, an effort to block an up-or-down vote on the PATRIOT Act. It is really an extraordinary thing. In fact, some of the provisions put in by the conference committee strengthened the bill, from a civil liberties point of view, more than the Senate bill that left this body.

I want to just say, first of all, that the provisions in the PATRIOT Act are in no way extreme, in no way novel, in no way contradictory to the principles of the constitutional law this country has operated under since its founding. I mean that very sincerely. I would say that everything here, in any fundamental way that results in a method by which law enforcement can investigate terrorist activity—those procedures, those techniques, those abilities are clarified in this bill. These are standards that they must comply with, and that have been approved by the Supreme Court of the United States.

I remember at one of the hearings I asked witnesses this question: Do you think any of the provisions in this act are going to be found to be unconstitutional by the Supreme Court as required to protect our liberties and enforce the constitutional protections that we as Americans have been given? Every one of them said no. They said that because there is nothing in here that is going to be found unconstitutional. All of these principles and techniques that are provided with clarity, and standards in this act are consistent with what we have already approved in America. But we find that many of the investigatory techniques available to an IRS agent who is investigating somebody for a nonviolent crime involving taxes, or a drug enforcement agent that may be investigating someone for cocaine or marijuana, and many of those procedures that have been approved under the Constitution by the Supreme Court, are not available to investigators investigating terrorists who would kill us.

Everybody knows that it is a different matter when dealing with international entities, people who operate outside the laws of our country, who represent foreign powers, who represent international terrorist groups or other groups that are hostile to the interests of the United States. We have always understood that there are spies and we need a counterspy system in our country which will protect our Nation from those who would destroy it. We have always had principles that deal with that. For example, there have been complaints about the national security letters and section 215. Many of these complaints and those who oppose these provisions worry and suggest that something in the PATRIOT Act is novel, unusual, or unprecedented. But it is not so. I think we have had people who are utterly misinformed or sometimes maybe even deliberately failing to accurately articulate what is important and what is correct.

The national security letters that have been referred to by some of those who oppose this legislation were not created by the PATRIOT Act of 2001. This tactic, this procedure has been available since the 1980's. All the original PATRIOT Act did was add credit reports to the list of things you could get with a national security letter during the course of an investigation involving terrorism. Sometimes you might need a credit report to determine something about an individual, like where he is moving his money, and that kind of thing. That is all that was really added with regard to national security letters. Use of national security letters is limited to six very specific items: telephone toll records, bank records, credit reports, and things of that nature. These are all things that a drug enforcement agent can get with an administrative subpoena this very day to investigate someone for a drug crime.

Yet we don't have similar provisions for the FBI agent who is investigating a terrorist? What kind of idiotic principle of investigation is that? So the bill allows us to do that with national security letters. It has been the law for some time—over 20 years. So we added to the original PATRIOT Act the ability to use a national security letter to get credit reporting records of suspected terrorists—a big change that won't be used much. The conference report more than adequately addresses concerns about the national security letters by setting an extremely high requirement for nondisclosure.

Under the report, in order for the recipient to be precluded from telling others that they received a national security letter, a high Government official must certify that doing so would "endanger the national security of the United States or interfere with diplomatic relations." That is an extremely high standard. In fact, I think it is too high. I think that in a terrorist or national security case, the disclosure is not such an important principle that needs this type of protection.

In my view, the standard of certification is high because we may not always be able to make such certification. An investigator may not be able to certify to every one of those things and therefore may be denied the right to obtain a record and not have the business notify the person about it.

By the way, I will repeat, we are talking about obtaining by national security letter from a third party, records that belong to the third party, not to the defendant or terrorist. You are not going into their house or their automobile or their desk in order to obtain their personal records. These are records being held at a bank, records to which everybody in the bank has access. These records are being held at a telephone company, and show the telephone toll records that you get on your monthly statements.

They are not in your control. They are in the telephone company's control. What used to happen was people would subpoena the toll records and ask the telephone company not to tell the customer, if it was a sensitive investigation. That has been done by every district attorney in America. They issue thousands of these subpoenas. Tens of thousands, I suggest, literally every month are issued for bank records, toll records every day. You have some expectation of privacy, but you don't have an expectation that those records will be secretly maintained by the bank or the telephone company when they are requested by a law enforcement officer for a law enforcement purpose, and relevant to an ongoing criminal investigation. That is the law, and it has been that way forever.

So now, when asking for these records during the course of an investigation into terrorism, we have to certify that if the recipient discloses to the terrorist that we are investigating their records, it would endanger the national security of the United States or interfere with diplomatic relations. Those are extremely high standards.

I know my colleague—and I respect him—Senator FEINGOLD voted for the less restrictive certification requirements that unanimously passed the Senate Judiciary Committee. He was one of the 18 who voted for it. I don't understand an objection now to the conference report that has a higher certification standard. The conference report makes clear that a recipient of an NSL, such as a bank, can consult with their attorney about the NSL without worrying that the consultation would be an unlawful disclosure. The conference report makes clear that the bank can also file a motion to quash the NSL if it does not want to give the government the information requested, and it makes it clear that the bank could ask the court to quash the nondisclosure requirement and allow them to share that information with the customer. So really, the provisions in this conference report only improve the situation from the perspective of civil libertarians, if we reject the conference report these extra protections will not become law.

Let's be frank about this. I am telling you how it works in the real world. I have been there. The banks simply want to be protected. If it is lawful for them to turn over the documents they have on a customer to a law enforcement agency without notifying their customers, they are perfectly willing to do so. But if they are told that in the law, their lawyers are now telling them to protect themselves by notifying customers that they gave their records, and they routinely do so to protect themselves today. They didn't used to do that 25 years ago, but it is because of the threat of being sued that they do that routinely now.

So it is critical that they not disclose because when you are looking at a terrorist organization, a cell that may be plotting to bomb someone but you are not sure who is in it and what it is about, and you are trying to find out about it, maybe you want their bank records, maybe you want motel records, maybe you want telephone toll records. They can provide incredibly valuable information to an investigator. This can prove whether the person being investigated is connected to terrorists. If you get their toll records and there are 25 phone calls to Yemen to somebody who has been identified by foreign intelligence as being connected to al-Qaida, then you have something. So that is very important. You may not be prepared at that moment to arrest the person. There may not be enough evidence to arrest them, but now you have a series of phone calls from a person who is a suspect in some city or State in this country calling a known terrorist in some other part of the world. You want to proceed with this investigation, but you don't want them to know you are on to them.

That is so basic. Talk to investigators. This is what it is all about. It is not academic. This is life and death. We can't ask too much of our investigators. We can not tie their hands by demanding they prove these things beyond a reasonable doubt, and certify all these facts that they are looking for as true before they do an investigation.

How do you get the facts? How do you get them? You have to gather the facts. But if we are not able to gather the facts in a terrorism prosecution with reasonable investigative tools, then how can we ever investigate a case and make a good case?

I feel strongly that this is an incredibly important provision and, in fact, is more civil liberties protective now as it has come out of conference than it was when it went to conference.

With regard to several other matters, I find the debate to be out of sync with reality.

Let's talk about the delayed notice search warrants, the so-called sneak and peek. This provisions is dealing with an everyday, regular search warrant. These are the type of warrants you need a court to approve if you are going to search someone's private house or office. This is not the same as going to the bank and getting a record on third parties. This is a search warrant to get somebody's own property. You can't take that property without a search warrant approved by a judge, and if it is a Federal case, such as a terrorist case, it will be a Federal judge. To get that warrant, you must prove to that Federal judge through an affidavit by real witnesses that there is probable cause to believe that person possesses evidence relevant to an important criminal investigation.

Senator FEINGOLD is correct, when you get a warrant approved on probable cause and then conduct the search, you should do it and give the return on the warrant to the individual whose property has been searched. If for some reason they are not there, you usually tack it on the door so they will know you have come, and that is the traditional way search warrants are done.

In the course of these kinds of investigations, I have had the personal experience on rare occasion to seek delayed notification, and I have heard of it on other occasions, I have read about situations where delayed notice is needed. Courts have approved through the common law process search warrants which they approve delaying notification to the person being searched. There can be many reasons, as one can imagine, why this delayed notice could be good. It had been done for a long time, long before the PATRIOT Act was passed. The U.S. Supreme Court has approved the procedure for delaying notice of a search.

All the delayed notification language does in the PATRIOT Act is set forth standards about how delayed notice procedure should be done.

The Senate bill, when it came out of our committee and voted on the floor, said you have to either to notify the defendant in 7 days that you did the search or come back to the judge within 7 days and ask the judge for more time before you notify them and set forth a reason for needing more time.

The House passed bill said you could delay notification for up to 180 days before you had to go back to the judge and ask for more time as a reason to delay the notification. Maybe you have gone in there and found they are putting material together to make a bomb, or you may find information that bad guys are coming into town and you need to wait on them, those kinds of things might justify further delaying notification. There may be a very delicate investigation of the most critical national importance. That is why delayed notice has been around for decades and that is why the PATRIOT Act sought to provide a national standard for delayed notice.

So, the House was at 180 days, and the Senate was at 7 days, and we had a conference. We reached an agreement on 30 days. Well, you would think this is the end of the world if you believed some of my colleagues. If you are going to have delayed notification, how long should it be? Seven days is not a disaster for an investigator, although it is pretty tight deadline that could cause a good bit of problem. Thirty is much healthier, in my view. But whether it is 20 days, 40 days, whatever, this search has to be approved by a judge before it can be conducted. And if the defendant is not notified immediately, then they have to go back and establish to the court through evidence and proof that the delay should continue beyond the time period set.

It is not a big deal. To suggest that 7 days or 30 days is a difference that invokes some sort of huge constitutional principle that we should block this bill over and not even give it an up-or-down vote because of is beyond my comprehension. It is not a critical difference to our liberties whether it is 7 or 30 days. Some might have a different opinion. We had to reach a compromise. We rejected the 180 days. We took the 30 days, which is a lot closer to 7 than 180. In my view, the Senate already won on this issue.

There are a lot of other issues of the same import. I believe we have gone beyond the pale in criticizing this bill. It has been in effect for 4 years. None of it has been found to be unconstitutional. It is now going to be extended. It is already being curtailed by this conference report in a number of different ways to make the act even more friendly to civil liberties than it was when we first passed it. Nothing in the first bill, frankly, represented any reduction in any of our liberties, the claim that it did is simply untrue. This conference report has the full support of Chairman SPECTER and former Chairman HATCH. Senator LEAHY voted for the reauthorization bill before. He voted for it in committee and then did not object to it moving by unanimous consent off the floor this year in the Senate.

So now we have some that are making objections to some of the modest changes that were made in conference. I, frankly, think these changes were very minor. Our colleagues should not do that. To jeopardize the continuation of the tremendously valuable principles of the PATRIOT Act by filibustering this bill—and it will extinguish, critical parts of it will end soon if we do not break this filibuster and pass the reauthorization this week—is unthinkable to me. So I encourage my colleagues, please do not get upset about the conference report by believing the misinformation that is out there, please read and think carefully about what is in this bill. If they do so, they will find that all the provisions in it are consistent with sound constitutional law. All of these actions and provisions will be affirmed by the Supreme Court, many of them already have been, and it will be a tremendous advantage to our investigators who are working their hearts out this very day, this night, some places in this country today, investigating those who would do us harm.

I will probably share some more thoughts on some of the other provisions tomorrow but at this time would yield the floor and in a moment would, on behalf of the majority leader, do a wrap-up before we conclude. So therefore I will not put us in a quorum call at this time.

REPORTING ON THE DEPLOYMENT OF U.S. FORCES

Mr. STEVENS. Mr. President, I rise today to submit for the RECORD the President's consolidated report on the deployment of U.S. Armed Forces to operations around the world.

This report is provided for the information of all Senators and covers operations in support of the war on terror, Kosovo, and Bosnia and Herzegovina.

This report is submitted by the President, consistent with the war Powers Resolution, and addresses the circumstances under which hostilities were initiated, the scope and duration of such hostilities, and the constitutional and legislative authority under which the introduction of hostilities took place.

I encourage all of my colleagues to review this important report.

I ask unanimous consent to have the President's consolidated report printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 7, 2005.

Hon. TED STEVENS,
President pro tempore of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am providing this supplemental consolidated report, prepared by my Administration and consistent with the War Powers Resolution (Public Law 93–148), as part of my efforts to keep the Congress informed about deployments of U.S. combat-equipped armed forces around the world. This supplemental report covers operations in support of the war on terror, Kosovo, and Bosnia and Herzegovina.

THE WAR ON TERROR

Since September 24, 2001, I have reported, consistent with Public Law 107–40 and the War Powers Resolution, on the combat operations in Afghanistan against al-Qaida terrorists and their Taliban supporters, which began on October 7, 2001, and the deployment of various combat-equipped and combat-support forces to a number of locations in the Central, Pacific, and Southern Command areas of operation in support of those operations and of other operations in our war on terror.

I will direct additional measures as necessary in the exercise of the right of the United States to self-defense and to protect U.S. citizens and interests. Such measures may include short-notice deployments of special operations and other forces for sensitive operations in various locations throughout the world. It is not possible to know at this time either the precise scope or duration of the deployment of U.S. Armed Forces necessary to counter the terrorist threat to the United States.

United States Armed Forces, with the assistance of numerous coalition partners, continue to conduct the U.S. campaign to pursue al-Qaida terrorists and to eliminate support to al-Qaida. These operations have been successful in seriously degrading al-Qaida's training capabilities. United States Armed Forces, with the assistance of numerous coalition partners, ended the Taliban regime and are actively pursuing and engaging remnant al-Qaida and Taliban fighters in Afghanistan. Approximately 280 U.S. personnel are also assigned to the International Security Assistance Force (ISAF) in Afghanistan. The U.N. Security Council authorized the ISAF in U.N. Security Council Resolution 1386 of December 20, 2001, and has reaffirmed its authorization since that time, most recently, for a 12-month period from October 13, 2005, in U.N. Security Council Resolution 1623 of September 13, 2005. The mission of the ISAF under NATO command is to assist the Government of Afghanistan in creating a safe and secure environment that allows reconstruction and the reestablishment of Afghan authorities. Currently, all 26 NATO nations contribute to the ISAF. Ten non-NATO contributing countries also participate by providing military and other support personnel to the ISAF.

The United States continues to detain several hundred al-Qaida and Taliban fighters who are believed to pose a continuing threat to the United States and its interests. The combat-equipped and combat-support forces deployed to Naval Base, Guantanamo Bay, Cuba, in the U.S. Southern Command area of operations since January 2002 continue to conduct secure detention operations for the approximately 500 enemy combatants at Guantanamo Bay.

The U.N. Security Council authorized a Multinational Force (MNF) in Iraq under unified command in U.N. Security Council Resolution 1511 of October 16, 2003, and reaffirmed its authorization in U.N. Security Council Resolution 1546 of June 8, 2004. In U.N. Security Council Resolution 1637 of November 8, 2005, the Security Council, noting the Iraqi Government's request to retain the presence of the MNF, extended the MNF mandate for a period ending on December 31, 2006. Under Resolutions 1546 and 1637, the mission of the MNF is to contribute to security and stability in Iraq, as reconstruction continues, until the completion of Iraq's political transformation. These contributions have included assisting in building the capability of the Iraqi security forces and institutions, as the Iraqi people, represented by the Transitional National Assembly, drafted and approved a constitution and progressed toward the establishment of a constitutionally elected government. The U.S. contribution to the MNF is approximately 160,000 military personnel.

In furtherance of our efforts against terrorists who pose a continuing and imminent threat to the United States, our friends and allies, and our forces abroad, the United States continues to work with friends and allies in areas around the globe. United States combat-equipped and combat-support forces are located in the Horn of Africa region, and the U.S. forces headquarters element in Djibouti provides command and control support as necessary for military operations against al-Qaida and other international terrorists in the Horn of Africa region, including Yemen. These forces also assist in enhancing counterterrorism capabilities in Kenya, Ethiopia, Yemen, and Djibouti. In addition, the United States continues to conduct maritime interception operations on the high seas in the areas of responsibility of all of the geographic combatant commanders. These maritime operations have the responsibility to stop the movement, arming, or financing of international terrorists.

NATO-LED KOSOVO FORCE (KFOR)

As noted in previous reports regarding U.S. contributions in support of peacekeeping efforts in Kosovo, the U.N. Security Council authorized Member States to establish KFOR in U.N. Security Council Resolution 1244 of June 10, 1999. The mission of KFOR is to provide an international security presence in order to deter renewed hostilities; verify and, if necessary, enforce the terms of the Military Technical Agreement between NATO and the Federal Republic of Yugoslavia (which is now Serbia and Montenegro); enforce the terms of the Undertaking on Demilitarization and Transformation of the former Kosovo Liberation Army; provide day-to-day operational direction to the Kosovo Protection Corps; and maintain a safe and secure environment to facilitate the work of the U.N. Interim Administration Mission in Kosovo (UNMIK).

Currently, there are 25 NATO nations contributing to KFOR. Eleven non-NATO contributing countries also participate by providing military personnel and other support personnel to KFOR. The U.S. contribution to KFOR in Kosovo is about 1,700 U.S. military personnel, or approximately 10 percent of KFOR's total strength of approximately 17,000 personnel. Additionally, U.S. military personnel occasionally operate from Macedonia, Albania, and Greece in support of KFOR operations.

The U.S. forces have been assigned to a sector principally centered around Gnjilane in the eastern region of Kosovo. For U.S. KFOR forces, as for KFOR generally, maintaining a safe and secure environment remains the primary military task. The KFOR operates under NATO command and control and rules of engagement. The KFOR coordinates with and supports the UNMIK at most levels; provides a security presence in towns, villages, and the countryside; and organizes checkpoints and patrols in key areas to provide security, protect minorities, resolve disputes, and help instill in the community a feeling of confidence.

In accordance with U.N. Security Council Resolution 1244, UNMIK continues to transfer additional competencies to the Kosovar provisional Institutions of Self-Government, which includes the President, Prime Minister, multiple ministries, and the Kosovo Assembly. The UNMIK retains ultimate authority in some sensitive areas such as police, justice, and ethnic minority affairs.

NATO continues formally to review KFOR's mission at 6-month intervals. These reviews provide a basis for assessing current force levels, future requirements, force structure, force reductions, and the eventual withdrawal of KFOR. NATO has adopted the Joint Operations Area plan to regionalize and rationalize its force structure in the Balkans. The UNMIK international police and the Kosovo Police Service (KPS) have full responsibility for public safety and policing throughout Kosovo except in the area of South Mitrovica, where KFOR and UNMIK share this responsibility due to security concerns. The UNMIK international police and KPS also have begun to assume responsibility for guarding patrimonial sites and established border-crossing checkpoints. The KFOR augments security in particularly sensitive areas or in response to particular threats as needed.

NATO HEADQUARTERS IN BOSNIA AND HERZEGOVINA

Pursuant to the June 2004 decision made by NATO Heads of State and Government, and in accordance with U.N. Security Council Resolution 1575 of November 22, 2004, NATO concluded its Stabilization Force operations in Bosnia-Herzegovina and established NATO Headquarters-Sarajevo to continue to assist in implementing the Peace Agreement in conjunction with a newly established European Force. The NATO Headquarters-Sarajevo, to which approximately 220 U.S. personnel are assigned, is, with the European Force, the legal successor to SFOR. The principal tasks of NATO Headquarters-Sarajevo are providing advice on defense reform and performing operational supporting tasks, such as counterterrorism and supporting the International Criminal Tribunal for the Former Yugoslavia.

I have directed the participation of U.S. Armed Forces in all of these operations pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. Officials of my Administration and I communicate regularly with the leadership and other Members of Congress with regard to these deployments, and we will continue to do so.

Sincerely,

GEORGE W. BUSH,
The White House.

TRIBUTE TO BOB TISCH

Mr. REID. Mr. President, I rise today to pay tribute to the life of Preston Robert "Bob" Tisch, who died this past November after a battle with cancer.

Bob left a permanent impression on many lives, including my own. He was a pillar in his community, well-liked and respected, considerate, wise, and passionate about life and serving others. He will be missed.

Bob was born in New York City and proudly lived there for most of his life. He was chairman of the board of Loews Corporation, a company he cofounded along with his late brother, Lawrence. Bob was also chairman and cochief executive officer of the New York Football Giants.

Bob was a proud New Yorker and greatly assisted in enhancing New York's position as an international business center. He held a number of civic posts, including chairman of the New York City Convention and Visitors Bureau, founding chairman of the New York City Convention and Exhibition Center Corporation, chairman of the New York City Partnership and the New York Chamber of Commerce and Industry.

Bob believed that along with success comes great responsibility and exemplified this by giving back to his country and community. He served as chairman of the Citizens Committee for the Democratic National Conventions held in New York City in 1976 and 1980. From 1986 to 1988, he served as U.S. Postmaster General. In May 1990, Mayor David Dinkins appointed him New York City's Ambassador to Washington, DC.

He also served chairman of New York City Public Private Initiatives, a public-private partnership that funds vital community programs, and was a founding director of New York City Meals-on-Wheels. A graduate of New York City public schools, Bob founded Take the Field, a nonprofit organization dedicated to renovating the athletic fields of New York City's public high schools.

With Bob's passing, we have lost an extraordinary philanthropist, businessman, and a great American. I express my heartfelt sympathies to Joan, his wife of 57 years, his sons Steven and Jonathon, daughter Laurie, and the entire Tisch family. May they be comforted by all that Bob did to enrich the world.

PELL GRANT PROGRAM INTEGRITY ADJUSTMENTS

Mr. GREGG. Mr. President, for several years the Pell Grant Program has been accumulating a shortfall. This shortfall has recently been estimated at $4.3 billion. For a program that costs around $13 billion to run each year, this is a significant problem that puts the entire program in jeopardy. The concurrent resolution on the budget for fiscal year 2006 addressed this issue by including a new scorekeeping rule to ensure that the program is fully funded each year and by providing a reserve fund to retire the $4.3 billion shortfall that has already accrued.

Section 303 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, permits the chairman of the Senate Budget Committee to make adjustments to the 302(a) allocations when certain conditions are met relating to retiring the Pell grant shortfall. These conditions having been met in the Labor-HHS appropriations conference report, I am making the reserve fund adjustment. The following table reflects revised 302(a) allocations. The revised allocations for budget authority and outlays are the appropriate levels to be used for enforcement of the congressional budget.

Additionally, the Senate-passed Labor-HHS appropriations conference report included additional funds for three program integrity initiatives as specified in the 2006 congressional budget resolution, and accordingly on July 28, 2005, I submitted changes to the Appropriations Committee's discretionary 302(a) allocation, increasing both budget authority and outlays by $309 million. However, the Labor-HHS-Education conference report does not include these additional funds for the program integrity initiatives. Therefore, the discretionary 302(a) allocation will be reduced by $309 million in budget authority and outlays.

Pursuant to sections 303 and 404, I hereby ask unanimous consent to have the following revisions to H. Con. Res. 95 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[In millions of dollars]

Current Allocation to Senate Appropriations Committee:	
FY 2006 Budget Authority—General Purpose Discretionary	$843,020
FY 2006 Outlays—General Purpose Discretionary	916,836
FY 2006 Budget Authority—Mandatory	531,782
FY 2006 Outlays—Mandatory	512,469
FY 2006 Budget Authority—Total	1,374,802
FY 2006 Outlays—Total	1,429,305
Adjustments:	
FY 2006 Budget Authority—General Purpose Discretionary	−309
FY 2006 Outlays—General Purpose Discretionary	−309
FY 2006 Budget Authority—Mandatory	4,300
FY 2006 Outlays—Mandatory	0
FY 2006 Budget Authority—Total	3,991
FY 2006 Outlays—Total	−309
Revised Allocation to Senate Appropriations Committee:	
FY 2006 Budget Authority—General Purpose Discretionary	842,711
FY 2006 Outlays—General Purpose Discretionary	916,527
FY 2006 Budget Authority—Mandatory	536,082
FY 2006 Outlays—Mandatory	512,469
FY 2006 Budget Authority—Total	1,378,793
FY 2006 Outlays—Total	1,428,996

PASSAGE OF U.S.-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. GRASSLEY. Mr. President, over the past several years the Congress has worked hand-in-hand with the administration to foster greater peace and stability in the Middle East through trade. We have concluded and implemented free trade agreements with Israel, Jordan, and Morocco. We recently concluded negotiations with Oman and negotiations are ongoing with United Arab Emirates. Perhaps soon, we will launch negotiations with our good friend and ally, Egypt.

Yesterday, with the passage of S. 2027, the U.S.-Bahrain Free Trade Agreement Implementation Act, we took another historic step forward. Once this agreement enters into force, 98 percent of our agricultural exports to Bahrain will enter duty-free and 100 percent of our two-way trade in industrial and consumer products will be duty-free. The agreement sets a new standard on services, with broad commitments by Bahrain to open their service sector to our exports.

Passage of the U.S.-Bahrain FTA will help advance the President's goal of achieving a Middle East Free Trade Area, MEFTA, by 2013. This visionary agenda is a key element in our efforts to help foster economic growth and prosperity in an important region of the world. It also reflects keen appreciation by the Bush administration of the 9/11 Commission Report recommendation that "a comprehensive U.S. strategy to counter terrorism should include economic policies to encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future."

I am pleased that we are able to take another step toward fulfilling this recommendation with passage of the Bahrain agreement. This would not have been possible without the hard work and dedication of many people. I first want to recognize Ambassador Robert Zoellick. As the former U.S. Trade Representative, Ambassador Zoellick spearheaded our trade agenda, including initiation of negotiations with Bahrain. This year, Ambassador Portman took up the reigns as our U.S. Trade

Representative. Ambassador Portman has proven to be an able and effective negotiator who faithfully works with Congress to achieve the best result for America in our trade agreements. Ambassador Portman was assisted by Catherine Novelli, before her departure, as well as her replacement, Ambassador Shaun Donnelly, both serving in their capacity as Assistant U.S. Trade Representatives for Europe and the Mediterranean.

With the passage of this agreement, the Finance Committee continues its tradition of bipartisanship on trade. I appreciate the efforts of my ranking member, Senator MAX BAUCUS, in helping remove any impediments to getting this done. An agreement such as this one also would not have been possible without the professionalism and work ethic of Senator BAUCUS' staff. In this regard, I owe thanks to Russ Sullivan, Democratic staff director, and Bill Dauster, deputy staff director, for their steadfast dedication to the Committee. Brian Pomper, chief international trade counsel to Senator BAUCUS, also deserves special thanks for his efforts as do Shara Aranoff, Demetrios Marantis, Anya Landau, Janis Lazda, and Chelsea Thomas.

I also want to recognize the work of my Finance Committee staff. At the top of the list is Kolan Davis, my chief counsel and staff director. Kolan has been a valuable asset to this committee, lending his counsel and expertise to moving countless bills, including the Bahrain agreement. Everett Eissenstat, chief international trade counsel to the committee, has played an important part in seeing that this agreement is timely implemented. I appreciate his continued dedication to advancing our trade agenda.

Everett manages a strong team of dedicated staff who consistently pull together to achieve our trade agenda. David Johanson, Stephen Schaefer, and Tiffany McCullen Atwell provide valuable support to the team. Their hard work and long hours are much appreciated. I also want to recognize Claudia Bridgeford, international trade policy assistant, and Russell Ugone, who is on detail to my staff from the Bureau of Customs and Border Protection in the Department of Homeland Security. Both Claudia and Russ have contributed a great deal to the work of this committee.

I would be remiss if I did not take this time to thank Mike Smythers, Special Assistant to the President for Senate Affairs from the White House Office of Legislative Affairs. I also want to thank Matt Niemeyer, Counselor and Assistant U.S. Trade Representative for Congressional Affairs. Matt will soon be leaving the Office of the U.S. Trade Representative. Throughout his tenure, he has been a valuable ally in passage of much of our trade agenda. I appreciate his hard work and service to the American people.

Matt was assisted by David "Andy" Olson, who provided critical support in moving this agreement. Jonathon Kallmer from the Office of General Counsel at the Office of the U.S. Trade Representative, also played a key role in working with Congress to ensure faithful implementation of the agreement. I appreciate both of their efforts. Finally, I want to take this opportunity to thank Polly Craghill senior counsel in the Senate's Office of Legislative Counsel, for her role in passing this agreement. Polly never falters in her efforts to provide timely technical expertise to this committee and her work is much appreciated.

This is a good day for the United States and Bahrain. I hope President Bush will soon sign this bill and that we will see quick implementation of this historic agreement.

BAHRAIN FREE TRADE AGREEMENT

Mr. FEINGOLD. Mr. President, I oppose this agreement. It is more of the same flawed trade model that has undermined the standards that our firms operate under and has helped ship millions of jobs overseas. From inadequate protections for workers, the environment, and public health and safety, to lax rules of origin, this trade agreement continues the appalling trade policies of the last decade and more.

We should be working to strengthen our ties with Bahrain and forge a trade agreement that is sustainable and that will enhance the welfare of consumers, businesses, and workers in both countries. This agreement will not do that. Tragically, the record of this trade model has been just the opposite.

My own State of Wisconsin has been hit especially hard by this trade policy. Nor have our trading partners fared well under this flawed trade model. Eleven years of NAFTA have lowered living standards in Mexico, both for urban workers and in rural areas. As I have noted before, Professor Riordan Roett of Johns Hopkins has noted that at least 1.5 million Mexican farmers have lost their livelihoods under NAFTA.

And while this agreement with Bahrain may not have the same devastating impact that NAFTA has had and that CAFTA will have, it is cut from the same cloth as those two trade agreements. Certainly neither the United States nor Bahrain is likely to benefit when the trade agreement's rules of origin provisions invite gaming. As Robert Baugh, executive director of the AFL–CIO, testified before the Senate Finance Committee, the provision permits multinational corporations to manipulate production and purchasing "to ship goods made primarily in third countries through Bahrain for a minimal transformation before entering the U.S. duty free. The rule of origin fails to promote production and employment in the U.S. and Bahrain, and it grants benefits to third-party countries that have provided no reciprocal benefits under the agreement and that are not subject to the agreement's minimal labor and environmental standards."

Mr. President, Wisconsin has paid a heavy price for our trade policy in recent years. Since 2000, Wisconsin has lost nearly 92,000 manufacturing jobs. NAFTA, the GATT, and Most Favored Nation treatment for China have devastated local businesses and punished working families, taking away family-supporting jobs, and offering lower paying jobs, if any, in return. I regret that this trade agreement promises more of the same. Instead of building on this failed model of trade, we should scrap it and establish a new model of trade that is fair to American businesses, workers, and farmers, as well as the small businesses, workers and farmers of our trading partners.

PATRIOT ACT IMPROVEMENT

Mr. JEFFORDS. Mr. President, the people of Vermont are proud of the important role that Senator PATRICK LEAHY is serving in trying to improve the USA PATRIOT Act.

My colleague from Vermont rightly believes that security and civil liberties need not be mutually exclusive objectives. We can and we should advance both goals. As the ranking member of the Judiciary Committee, Senator LEAHY worked closely with Chairman ARLEN SPECTER in helping to produce a bipartisan bill to renew and improve the USA PATRIOT Act. That bill was unanimously approved both by the Judiciary Committee and by the Senate. Now he is working with Senators of both parties in trying to win further improvements in the proposed conference report on that bill.

Just as he did in 2001, then as chairman of the Judiciary Committee and the leader of the Senate's negotiations with the administration in crafting the initial USA PATRIOT Act, Senator LEAHY now, once again, has worked tirelessly to ensure that we do not hastily pass flawed legislation. Back in the fall of 2001, the Bush administration had demanded that Congress pass the PATRIOT Act in 1 week. The Senator from Vermont knew that rushing such an expansive law through Congress was a mistake, and he secured more time, allowing Congress to add crucial checks and balances to the law. In the best tradition of the Senate, Senator PATRICK LEAHY has championed effective law enforcement and the rights and freedoms that we cherish as Americans.

I ask unanimous consent that two recent editorials which have spotlighted these issues and Senator LEAHY's role be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bennington Banner, Dec. 9, 2005]

A Real Green Mountain Patriot

Much has been said about what makes someone a patriot. Sadly much of it has come as a result of the response to the terrorists attacks on the World Trade Center and the Pentagon on Sept. 11, 2001. What makes that sad is that an outside attack should have—and did for a brief time—brought the country closer together.

That has been fractured by political opportunists who responded to the attacks with legislation that Americans would never have accepted before their confidence was rattled so vehemently.

One such piece of legislation is the provocatively named USA Patriot Act. The Patriot legislation was drafted to give the government a way to fight terrorism. No one would argue that's an important and necessary goal.

But it contains too many provisions that we find unacceptable despite the fact that we remain staunchly anti-terrorist and pro-America. (We're cutting off that argument at the pass . . .)

The scariest provision is one that allows the government to get warrants that would allow them to find out what books someone is reading or checking out of the library.

That's un-American enough in a society that prides itself on the free and open exchange of ideas. What's worse is that we wouldn't know what books or articles are on that list that makes a reader a suspect.

To make it scarier, those warrants are requested and granted in secret.

We know that there are armchair generals who are rushing to point out that this is the kind of action needed to fight enemies like terrorists. We remain unconvinced that such secret warrants would make us much different or better than nations that support terrorists.

Nor can we justify giving a tool like this to the federal government under an administration that can't convince its people or the world that it's not engaging in torture. We suspect there will be more Abu Ghraibs before the War on Terror is finished.

So what makes somebody a patriot? How about standing up against faulty legislation even when a nation that's still in fear may support that law? Maybe it's recognizing the lessons of history and trying to protect our country from another shameful incident like the imprisonment of Japanese citizens during World War II?

That's exactly what Sen. Patrick Leahy, the ranking Democrat on the Senate Judiciary Committee, is doing by refusing to sign a version of the Patriot Act that would extend these powers for four years.

We're proud that a patriot like that is serving the people of Vermont.

[From USA Today, Dec. 14, 2005]

Qualms About Anti-Terror Law Unite The Left and Right

Patrick J. Leahy first made his name in politics as a tough-on-crime, attention-grabbing county prosecutor in the turbulent late 1960s and early '70s. His law-and-order aggressiveness propelled him to election as the first—and, so far, only—Democrat to represent historically Republican Vermont in the U.S. Senate.

After the 9/11 attacks, as chairman of the Senate Judiciary Committee, Leahy helped shepherd the questionably named "USA Patriot Act" through Congress. Reassuring a frightened nation, the Patriot Act granted unprecedented powers to law enforcement, some of which are set to expire at the end of this year.

Federal investigators and prosecutors have welcomed the law as providing a clutch of much-needed tools in the war on terrorism. Indeed, much of the act is a good fit for threatening times.

But it's also something else: cover for sweeping invasions of citizens' privacy, secret fishing expeditions into privately held records and muzzling of targets who want to complain about it.

All are convenient for law enforcement. All have already been abused.

This year's rewrite fails to solve these problems and, in fact, would add provisions that have nothing to do with terrorism (see box at right).

Leahy is a useful barometer of just how troubling the latest legislation is.

Today, the former prosecutor is leading a bipartisan coalition in the Senate seeking to block renewal of some of the PATRIOT Act's most controversial provisions until more is done to curb the potential for assaults on privacy and civil liberties. "This much unchecked power doesn't make us any safer," Leahy told us Tuesday. "It makes us less safe. . . . Ultimately, you're secure only if you maintain basic liberties."

Other Senate critics of the bill range the full breadth of the political spectrum, from Idaho Republican LARRY CRAIG to Wisconsin Democrat RUSS FEINGOLD. Their bid to hold up the legislation is a worthy one.

Since Sept. 11, 2001, using the Patriot Act and stretching authority under other laws, government investigators have collected private information on thousands of people who have no apparent connection to international terrorism. Secret sweeps have been made into library records, hotel bookings, car-rental files and other documents. That material is retained, perhaps forever, in government computers. In at least one case, a lawyer's home and office were searched based on false information.

The Bush administration and its allies in Congress have resisted calls for more meaningful protections against invasion of privacy and abuse of civil liberties. While some of the most troubling provisions have been modified in the latest changes, many of the revisions are cosmetic at best.

The pressure is on because portions of the PATRIOT Act, including several of the most troubling provisions, expire Dec. 31, and lawmakers are trying to get home for Christmas.

Leahy and his allies are proposing to extend the law for three months to allow more time to fix what's wrong. That makes sense. Mistakes made in the heat of post-9/11 anxiety shouldn't be compounded and extended based on an artificial deadline.

As Leahy and others have discovered, there's more to patriotism than the label on an antiterrorism law. True patriotism requires not only giving law enforcement the tools it needs, but also adequately protecting citizens against abuse of that power.

ALITO NOMINATION FILIBUSTER

Mr. HATCH. Mr. President, on Monday United Press International reported the good news that our Democratic colleagues do not plan to filibuster the Supreme Court nomination of Judge Samuel Alito.

I hope that UPI report is true, because this body needs to return to our constitutional and commonsense tradition of fully and fairly evaluating and debating judicial nominations.

Senators may, of course, vote for or against a judicial nominee for any reason, or no reason at all. Our constitutional role of advice and consent, however, requires that after vigorous floor debate, we must vote.

UPI quoted a spokesman for the Democratic leader saying that talk of an Alito filibuster is, in his words, silly and unhelpful.

I can only assume that he was speaking for the Democratic leader and, while I agree with his statement, I am afraid the situation is not quite what he would have our fellow citizens believe.

In fact, not 24 hours earlier, this very same spokesman was himself engaging in some silly and unhelpful filibuster talk of his own, telling the Associated Press that all procedural options are on the table for handling the Alito nomination.

We all know what that means.

The list of all procedural options includes the filibuster, by which those who cannot defeat a judicial nomination on the merits try to do so by preventing any confirmation vote at all.

Before the Democratic spin machine cranks out a press release accusing me of silly and unhelpful filibuster talk, let me remind everyone of some possibly inconvenient facts.

I know that my friend, the distinguished Senator from West Virginia, was on the floor Monday claiming that no Democratic Senator had talked about filibustering the Alito nomination.

With all due respect to him, that is simply not accurate and the public record speaks for itself.

On November 1, for example, the Senator from New York, Mr. SCHUMER, told The Hill newspaper that nothing is off the table.

That same day, the Senator from California, Mrs. BOXER, was more specific, telling the Associated Press that, in her words, the filibuster's on the table.

The next day, the Senator from Iowa, my friend Senator HARKIN, went even further.

The Baltimore Sun quotes him saying that he believes Democrats will indeed filibuster the Alito nomination.

Other Democrats, some of them my colleagues on the Judiciary Committee, have also engaged in what their party's spokesman has branded silly and unhelpful filibuster talk.

The distinguished assistant Democratic leader, Senator DURBIN, said the Democrats' decision whether to allow the nomination to go forward at all will be made after next month's hearing.

Again, we all know what that means. It means the filibuster is still on the table.

On November 20, the Senator from Delaware, Mr. BIDEN, a former Judiciary Committee chairman, not only suggested a filibuster was possible, but said its prospects had actually increased.

Democratic National Committee Chairman Howard Dean said last month that Senate Democrats should, in his words, absolutely keep the filibuster option on the table.

And finally, the Democratic leader, Senator REID, himself said back on November 1 that an Alito filibuster is possible.

This record is public and very consistent. And this record makes the statement on Monday by the senior Senator from Massachusetts, Mr. KENNEDY, that he does not know a single Democratic Senator who has talked about an Alito filibuster absolutely baffling.

My Democratic colleagues have certainly done so, early and often.

Some Senators, well-meaning Senators, have said that the judicial nomination filibuster issue is really about freedom of speech. The distinguished Senator from West Virginia made that point on Monday here on the Senate floor.

We all believe in freedom of speech. We all believe in full, fair, and vigorous debate. When it comes to the legislation over which this legislative body has complete authority, debate can become an end in itself. That is, after all, the definition of a filibuster, when ending debate proves impossible.

The filibuster has long been, and I believe should remain, part of the legislative process.

Judicial appointments, however, are different than legislation. The Constitution assigns the power to nominate and appoint judges to the President.

And judicial, as opposed to executive, appointments also dramatically affect the third branch of government.

When it comes to judicial nominations, therefore, debate should be a means to an end.

The end of the judicial confirmation process must be an up-or-down vote for nominations reaching the Senate floor.

The Senate can vote to withhold consent to a judicial nomination, and we have done so in the past.

But refusing to vote at all, especially when a judicial nomination clearly has majority support, goes beyond exercising our advice and consent role and attempts to highjack the President's appointment power altogether.

When Republicans were in the minority, we respected President Clinton's primary role in judicial appointments.

This body confirmed his Supreme Court nominee Judge Ruth Bader Ginsburg in 1993 by an overwhelming vote of 96 to 3.

We confirmed his nominee Judge Stephen Breyer in 1994 by a margin of 90 to 9.

Judicial nomination filibusters, then, are not about freedom of speech.

When it comes to the judicial confirmation process, our freedom of speech must be shaped and balanced by the separation of powers, by the Constitution's assignment of authority in that process.

Until recently, the Senate refused to transfer the powerful tool of the filibuster from the legislative process to the judicial confirmation process.

We refused to go down that road and I believe we should put up a permanent roadblock.

With all due respect to my Democratic colleagues, they cannot have it both ways.

They cannot, as they have been doing now for more than 6 weeks, keep filibuster hopes alive by suggestions and hints, and then claim their political hands are clean when Senators on this side of the aisle respond.

I believe that UPI reported the Democratic spokesman's statement accurately, but I am not as confident that his statement is accurate or operative.

Does it mean that Democratic Senators have abandoned their earlier statements and decided that the Senate should indeed debate and then vote on the Alito nomination?

I believe that is what the American people expect us to do, but is that what Democratic Senators will do?

I hope they do.

I hope we can fully and vigorously debate the Alito nomination, and then vote on it.

I also believe that when the Senate and American people get to know Judge Alito, his experience, his character, and his traditional mainstream views of the law and the Constitution at his confirmation hearing, they will like what they hear.

Judge Alito is a good man and a great judge.

My Democratic colleagues can help sort out the confusion their earlier statements have created.

If they mean what they now say, that talk of filibustering the Alito nomination is indeed silly and unhelpful, then let us take the divisive and politicizing option of a filibuster off the table.

Let us agree, right here and now, that this body will do its duty of fully debating the Alito nomination and then voting on it.

The Constitution, Senate tradition, and the American people demand no less.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. LIEBERMAN. Mr. President, because of a severe head cold I decided, after a telephone discussion with the minority leader, not to attempt to travel on a so-called redeye flight last night from the west coast to arrive this morning back in Washington to vote on 3 motions to instruct conferees. Had I been present, I would like the record to indicate that I would have voted for the motions by Senators HARKIN, CARPER, and BAUCUS. I note that on none of these votes would my vote have affected the outcome; all passed by substantial margins. I want to inform my colleagues that I plan to return by another redeye flight leaving tonight for votes Thursday.•

ADDITIONAL STATEMENTS

HONORING THE LIFE OF PETER H. SORUM

• Mr. KERRY. Mr. President, I would like to take this time to honor the life and accomplishments of Peter H. Sorum, Acting National Ombudsman at the U.S. Small Business Administration. Mr. Sorum passed away at the age of 58, leaving behind an impressive legacy through his work in small business, government, entrepreneurship, publishing, and political fundraising.

In his 4-year tenure at the Small Business Administration, Mr. Sorum served as the Deputy Director of Intergovernmental Affairs, working closely with State and local officials to foster open communication and strong working relationships among Federal, State, and local government officials. Following this, Mr. Sorum became a senior adviser in the agency's Office of the National Ombudsman. In that post, he served a number of roles, including the regulatory fairness board coordinator, trade association coordinator, and Federal agency liaison. Most recently, Mr. Sorum was the Small Business Administration's Acting National Ombudsman where he worked to ensure that small business owners, nonprofit organizations, and small government entities were not faced with unfair Federal regulatory enforcement actions.

Prior to his service in the Small Business Administration, Mr. Sorum, a small business owner himself, was the founder and manager of the software and telecommunications company, Maple Eagle International. Additionally, he published The Word, a Marine Corps Reserve Officers' magazine from 1985–1987 as well as Japan Now from its inception in 1992 until 1994.

Mr. Sorum's commitment to public service and small business lasted until his death. His career spanned several decades, including five Presidential administrations. Mr. Sorum's family, friends, and coworkers should take pride in his service to our Nation.

I offer my condolences to his wife Mary Claire, and to his mother, siblings, and children during this difficult time.•

TRIBUTE TO BILL CARSON

• Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished Hoosier and friend, Mr. Bill Carson, as he steps down at the end of the year after 42 years of dedicated leadership as chief executive of the Indiana Builders Association.

During those 42 years, Bill has overseen the remarkable transformation of the organization to which he dedicated so much time and energy. In that time, the IBA has grown from 12 locals spread across the State to 33 today. Much of the success Bill has enjoyed can be attributed to his ability to work closely with all parties affected by the building industry. I continue to be grateful for the generous counsel and support he has offered to me throughout my career.

Many Hoosiers also know Bill as an accomplished author, having written a best selling pamphlet entitled "Diary of a Mad Home Builder", and a book about the building industry entitled "High Pitches and Other Tall Tales."

Bill has been recognized by his many friends across Indiana and the Nation for the remarkable contributions he has made to the building industry. He has been awarded Indiana's highest housing award, the John C. Hart Presidential Award, and is a recipient of the Seldon Hale Award for Excellence in Association Management from the National Association of Home Builders. Bill has been recognized by three different Governors as a Sagamore of the Wabash, Indiana's highest honor.

From my days as mayor of Indianapolis through today, Bill has been a trusted friend. I look forward to his continued work across Indiana, even as he attempts retirement.•

TRIBUTE TO GENERAL LEON J. LAPORTE

• Mr. WARNER. Mr. President, I would like to recognize the professional dedication, vision and military service of GEN Leon J. LaPorte who is retiring from the U.S. Army after 37 years of dedicated service. It is a privilege for me to recognize the many outstanding achievements General LaPorte has provided the Army, and our great Nation.

General LaPorte was commissioned a second lieutenant in 1968 upon graduation from the University of Rhode Island. He was commissioned an armor officer and served in numerous positions of increasing responsibility to include the position from which he will retire. General LaPorte's contributions throughout his career have made an historic impact and greatly improved our Nation's security.

General LaPorte assumed command of the United Nations Command, Republic of Korea/United States Combined Forces Command, and United States Forces Korea on May 1, 2002. On October 1, 2005, General LaPorte became the longest serving U.S. commander in Korea. Earning this distinction is a tribute to his performance and the excellent relationships he fostered with our Korean allies. General LaPorte's tenure has been highlighted by several very crucial periods in the alliance. During his time in command, we have witnessed multiple North Korean maritime violations and numerous DMZ and airspace incursions. These threats to the security and sovereignty of Korea led General LaPorte to develop deterrent options and force enhancements that provided increased deterrence against aggression. Despite the tremendous implications involved, General LaPorte remained unflappable and skillfully designed military force packages that could be deployed against anticipated threat scenarios to address the uncertain political-military situations.

General LaPorte has been a principal participant in the fast-paced bilateral military and political discussions. General LaPorte earned the reputation as a well-respected ambassador for the United States. He developed and maintained close ties with the military and civilian leadership of the Republic of Korea in partnership with the U.S. Ambassador to Korea. He is credited with fusing a lasting bond between the two nations.

General LaPorte is a soldier's soldier. Throughout his career foremost in his thoughts and his actions have been initiatives in the best interest of the soldiers, civilians, and family members. These priorities are reflected in every decision he makes. He expects those serving below him to do the same. This was never more evident than when he deployed with the 1st Cavalry Division, Fort Hood, TX as the Chief of Staff in October 1990 during Operations Desert Shield and Desert Storm and more recently during the deployment of one of his battalions to Iraq in support of OIF. General LaPorte was tireless in ensuring that each soldier was properly prepared, trained and equipped for the mission and that every family was cared for by a Family Readiness Group. The reenlistment rates in his units demonstrate the love, loyalty and dedication of those who served under General LaPorte.

During his illustrious career in the Army General LaPorte has been nothing less than brilliant. General LaPorte is a great credit to the Army and the Nation. As he now departs to share his experience and expertise with the private sector, I call upon my colleagues on both sides of the aisle to recognize his service and wish him and his wife Judy well in their new endeavors.•

TRIBUTE TO FRANK M. "MARK" NEWTON

• Mr. VITTER. Mr. President, I rise today to recognize Frank M. "Mark" Newton, assessor of Grant Parish. Mr. Newton retired on October 31, 2005, after 45 years of service to Grant Parish. Today, I want to take a moment to offer warm thanks for his years of service to the State of Louisiana and Grant Parish and thank him for all of his endeavors.

A life long resident of Grant Parish, LA, he was the youngest child of Will and Laura Newton and graduated from Dry Prong High School in 1953. After proudly serving in the U.S. Marine Corps for 3 years, he immediately enrolled at Northwestern State University in Natchitoches, LA. Upon graduation in 1960, he became an involved and dedicated teacher in the Grant Parish school system. Soon becoming the business manager for the Grant Parish school system, Mr. Newton served proudly in this position until 1977 when he became the chief deputy tax assessor of Grant Parish. He proudly retained this position until his retirement at the end of October.

Known as someone who would always lend a helping hand, Mr. Newton developed and maintained numerous relationships that have lasted a lifetime. During his tenure as a public servant, not only did Mr. Newton create a wonderful working relationship with all of his employees, but he also became known as a dependable and well respected leader of Grant Parish.

Mr. Newton was recently quoted saying "during my work years, I have tried to follow this motto—follow the law, use common sense, and have compassion for people. Suffice it to say, it's been a good trip." All of the citizens of Grant Parish have come to know that he has honorably and courageously stuck by these words. I now come to the Senate floor today to join the residents of Grant Parish in personally commending, honoring, and thanking him for his 45 years service to central Louisiana.•

TRIBUTE TO DAVID L. BRANT

• Mr. WARNER. Mr. President, I take this opportunity to recognize a dedicated law enforcement official at the Naval Criminal Investigative Service, NCIS, David L. Brant, who is retiring after 28 years of service to the United States. Culminating a law enforcement career spanning over 30 years, Director David Brant has announced his retirement from Federal service effective December 9, 2005.

Following graduation in 1975 with a master's degree in criminology from Indiana State University, Mr. Brant began his law enforcement career as a police officer with the Dade County Metropolitan Public Safety Department in Miami, FL. Two years later, he accepted an offer from the Naval Investigative Service and began his service as a special agent assigned to NISRA Norfolk, VA. During his 4 years in the Norfolk area, Mr. Brant served in four different NIS offices and also completed an assignment as special agent afloat aboard the USS *Independence*.

For 13 years, Mr. Brant served NCIS in a number of assignments in the United States and the Philippines, and he earned an appointment to the Senior Executive Service as Assistant Director for Counterintelligence in 1994. Mr. Brant served in that capacity until he succeeded Roy D. Nedrow as Director of the NCIS in May 1997.

Mr. Brant has been widely recognized within the Department of the Navy and the Department of Defense, as well as within the Federal law enforcement community, for his innovative and transformational approaches to enhancing law enforcement and counterintelligence capabilities. He has led NCIS in developing and implementing operational strategies, across all of the agency's mission areas, which serve as models for others to follow. Additionally, Mr. Brant established the Counterterrorism Directorate and built the Multiple Threat Alert Center, MTAC, specifically to enhance the ability of the NCIS to counter threats facing the Navy and Marine Corps.

Other noteworthy accomplishments during Mr. Brant's tenure include the creation of both the NCIS Contingency Response Field Office, CRFO, to improve the capacity of NCIS to deploy agents to meet naval requirements in high-threat environments like Iraq and Afghanistan, and the Deployment Support Office, DSO, to better support those personnel once they are deployed. Mr. Brant has also led the creation of the Law Enforcement Information Exchange, LInX, Program, which has brought local, State, and Federal law enforcement agencies together to great effect in support of naval force protection and crimefighting in the Hampton Roads area and other parts of the country. He has partnered NCIS with the FBI on Joint Terrorism Task Forces, and assigned agents to Defense Department Force Protection Detachments, FPDs, around the world. Moreover, he has been an outstanding spokesman for NCIS and the Department of the Navy in senior level law enforcement, counterintelligence, and counterterrorism venues around the world.

Most of all, Mr. Brant appreciates that what makes NCIS a truly great agency is the quality of its people. He routinely fought to ensure that agents, analysts, and support personnel alike had the equipment, training, and support required to do their jobs. Under his leadership, NCIS gained civilian arrest authority and built a reputation as a first-class law enforcement agency. He established the Director's Advisory Board, DAB, to provide him with direct feedback for the field on emergent issues. Mr. Brant improved upon the NCIS support infrastructure by hiring specialists in the fields of communications, congressional affairs, human resources, and information technology. He increased the number of SES and other high-grade billets while also working diligently for the additional funding that will ensure the success of his agency for years to come.

During his career, Mr. Brant has been recognized as an outstanding leader by multiple organizations. For his distinguished service, he has received the Department of Defense Presidential Rank Award and the Department of the Navy Distinguished Service Award. Recently, he was honored by the Hispanic American Police Command Officers Association, HAPCOA, with the Aguila Award for Law Enforcement and Criminal Justice and by the Women in Federal Law Enforcement, WIFLE, as the 2004 Outstanding Advocate for Women in Federal Law Enforcement.

As he begins his well deserved retirement, Mr. Brant will remain in the Washington, DC, area with his wife Merri Jo, and his children, Emily and Andrew. I salute David Brant for his dedicated service to our country, and I wish him and his family well in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 125. An act to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

H.R. 280. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

H.R. 452. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Museum located in St. Louis, Missouri, as a unit of the National Park System.

H.R. 798. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

H.R. 853. An act to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

H.R. 975. An act to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes.

H.R. 3422. An act to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building".

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephens en Veterans Memorial Post Office Building".

H.R. 4500. An act to designate certain buildings of the Centers for Disease Control and Prevention.

The message also announced that the House has passed the following bill, without amendment:

S. 1047. An act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 218. Concurrent resolution recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

At 2:26 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

At 3:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the further report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the

Senate to the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 1047. An act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 125. An act to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; to the Committee on Environment and Public Works.

H.R. 280. An act to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 452. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 798. An act to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes; to the Committee on Environment and Public Works.

H.R. 853. An act to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; to the Committee on Energy and Natural Resources.

H.R. 975. An act to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3422. An act to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; to the Committee on Energy and Natural Resources.

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephensen Veterans Memorial Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4500. An act to designate certain buildings of the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4803. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Aviation and International Affairs, received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4804. A communication from the White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of conformations for the following positions: Assistant Secretary and Director General; Under Secretary for Export Administration; Assistant Secretary for Export Enforcement; and Under Secretary for International Trade, received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4805. A communication from the White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a change in previously submitted reported information and the discontinuation of service in the acting role for the position of Under Secretary for International Trade, received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4806. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('Appliance Labeling Rule')" (RIN3084-AA74) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4807. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision License Requirements and Licensing Policy, and Increased Availability of License Exceptions for Certain North Atlantic Treaty Organization (NATO) Member States" (RIN0694-AD61) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4808. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Establishment of New License Exception for the Export or Reexport to U.S. Persons in Libya of Certain Items Controlled for Anti-Terrorism Reasons Only on the Commerce Control List" (RIN0694-AD57) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4809. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (I.D. No. 101405B) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4810. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 101705A) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4811. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits" (I.D. No. 101805C) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4812. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Suspension of the Atlantic Surfclam Minimum Size Limit" (I.D. No. 101705B) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4813. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (I.D. No 102505B.) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4814. A communication from the Acting Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments" (I.D. No. 093005A) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4815. A communication from the Acting Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications Pacific Mackerel Fishery" (RIN0648-AS59) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4816. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Amendment to the Fishery Management Plans of the U.S. Caribbean" (RIN0648-AP51) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4817. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Highly Migratory Species Fisheries; Data Collection Requirements for U.S. Commercial and Recreational Charter Fishing Vessels" ((RIN0648-AT97)(I.D. No. 102903C)) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4818. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting; pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 17" (RIN0648-AT10) received on November 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4819. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Christian County, Kentucky Portion of the Clarksville-Hopkinsville 8-Hour Ozone Nonattainable Area to Attainment for Ozone; Correction" (FRL7999-5) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4820. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indiana: Final Authorization of State Hazardous Waste Management Program Revision" (FRL8001–3) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4821. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Massachusetts: Extension of Interim Authorization of State Hazardous Waste Management Program Revision" (FRL7988–8) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4822. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial and Santa Barbara County Air Pollution Control Districts" (FRL7998–4) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4823. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of 1,2,3-Propanetriol Technical Correction" (FRL7744–8) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4824. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Underground Injection Control Program—Revision to the Federal Underground Injection Control Requirements for Class 1 Municipal Disposal Wells in Florida" (FRL7999–7) received on November 28, 2005; to the Committee on Environment and Public Works.

EC–4825. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a monthly report on the status of the Commission's licensing activities and regulatory duties for September 2005; to the Committee on Environment and Public Works.

EC–4826. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report recommending authorization of the Napa River Salt Marsh Restoration Project, California for the purposes of ecosystem restoration and recreation; to the Committee on Environment and Public Works.

EC–4827. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report relative to the Louisiana Coastal Area, Louisiana, Ecosystem Restoration Program; to the Committee on Environment and Public Works.

EC–4828. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (19) reports relative to vacancy announcements within the Department; to the Committee on Banking, Housing, and Urban Affairs.

EC–4829. A communication from the Acting Under Secretary of Defense for Acquisition, Technology and Logistics, transmitting, pursuant to law, thirteen quarterly Selected Acquisition Reports (SARs) for the quarter ending September 30, 2005; to the Committee on Armed Services.

EC–4830. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of General Leon J. LaPorte, United States Army, and the grade of general on the retired list; to the Committee on Armed Services.

EC–4831. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Steven R. Polk, United States Air Force, and the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4832. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Lieutenant General David D. McKiernan, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

Stephanie Johnson Monroe, of Virginia, to be Assistant Secretary for Civil Rights, Department of Education.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

Marilyn Ware, of Pennsylvania, to be Ambassador to Finland.

Nominee: Marilyn Ware.

Post: Ambassador to Finland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Marilyn Ware $4351, 1/24/01, Republican National State Elections Committee (RNSEC); $375, 1/26/01, RNSEC; $5,000, 9/17/01, Republican Federal Committee of PA; $1,000, 10/11/01, Friends of Jennifer Dunn; $1,000, 11/5/01, Collins for Senator; $9.500, 12/27/01, Republican Party of Florida-Nonfederal Account; $2,000, 1/2/02, John Thune for South Dakota; $1,000, 3/14/02, Hagel for Senate; $1,000, 4/1/02, Diane Allen for U.S. Senate; $1,000, 4/15/02, Friends of Joe Pitts; $50,000, 5/16/02, RNSEC; $1,000, 5/29/02, Pat Toomey for Congress; $50,000, 6/11/02, RNSEC; $1,000, 6/17/02, Greenwood for Congress; $1,000, 7/16/02, Friends of Jim Gerlach; $2,000, 7/24/02, Norm Coleman for U.S. Senate; $1,000, 8/22/02, Bill Shuster for Congress; $1,000, 8/29/02, Friends of Scott McInnis; $1,000, 9/16/02, Friends of Melissa Brown; $20,000, 9/30/02, National Republican Senatorial Committee; $1,000, 9/30/02, Friends of Jennifer Dunn; $60,000, 10/23/02, RNSEC; $1,000, 10/28/02, Sandhills PAC; $1,000, 8/27/03, Friends of Joe Pitts; $2,000, 9/11/03, Bush-Cheney '04, Inc.; $25,000, 10/7/03, Republican National Committee; $1,000, 10/7/03, Jim Gerlach for Congress; $5,000, 3/5/04, Ocean Champions PAC; $2,000, 3/31/04, John Thune for U.S. Senate; $250, 5/7/04, Committee to Elect Sheryl S. Perzel; $1,500, 7/27/04, College Republican National Committee; $1.500, 8/9/04, Paterno for Congress; $250,000, 8/11/04, Progress for America Voter Fund; $275, 8/12/04, FED Political Action Committee (aka FED PAC); $5,000, 8/23/04, Specter Senate Victory Committee; $2,000, 8/24/04, John Thune for U.S. Senate; $12,500, 9/24/04, Republican National Committee; $150,000, 9/30/04, Progress for America Voter Fund; $150,000, 10/19/04, Progress for America Voter Fund; $60,000, 10/19/04, Let Freedom Ring; $2,000, 10/30/04, Jim Gerlach for Congress; $1,000, 12/7/04, Republican Federal Committee of PA; $5,000, 4/7/05, America's Foundation-Santorum PAC.

3. Mark A. Strode, son, $250, 10/30/02, Republican National Committee; $2,000, 9/19/03, Bush-Cheney '04 Primary.

3a. Tina Strode, son's spouse, $2,000, 9/19/03, Bush-Cheney '04 Primary.

3b. Scott Strode, son: $800, 7/20/04, Citizens for Arlen Specter.

3c. Amyla R. Strode, daughter: N/A.

4. Marian S. Ware, mother: $25,000, 1/9/01, Presidential Inaugural Committee; $2,500, 3/15/01, Republican Senate Special Election Fund; $10,000, 9/17/01, PA Republican State Committee; $1,000, 10/11/01, Friends of Jennifer Dunn; $1,000, 11/9/01, Susan Collins for Senator; $9,500, 12/27/01, Republican Party of Florida—Nonfederal Account; $1,000, 1/2/02, John Thune for South Dakota; $1,000, 1/2/02, John Thune for South Dakota; $1,000, 4/15/02, Friends of Joe Pitts; $1,000, 6/19/02, Pat Toomey for Congress Committee; $1,000, 6/17/02, Greenwood for Congress; $1,000, 7/16/02, Friends of Jim Gerlach; $1,000, 9/17/02, Melissa Brown for Congress Committee; $25,000, 9/30/02, NRSC; $1,000, 10/4/02, Team Sununu; $75,000, 10/23/02, Republican National State Elections Committee; $2,000, 9/18/03, Bush-Cheney '04; $2,000, 9/30/03, Bush-Cheney '04; $25,000, 10/7/03, Republican National Committee; −$2,000, 10/30/03, Bush-Cheney '04 (Refund); $2,000, 4/7/04, Citizens for Arlen Specter; $2,000, 4/7/04, Citizens for Arlen Specter; $15,000, 7/23/04, Choices for America; $500,000, 8/17/04, Progress for America Voter Fund; $10,000, 9/9/04, National Republican Senatorial Committee; $10,000, 9/9/04, Specter Senate Victory Committee; $1,500, 12/7/04, Republican Federal Committee of Pennsylvania. $250,000, 10/19/04, Progress for America Voter Fund; $2,000, 10/30/04, Jim Gerlach for Congress Committee.

5. Grandparent's: N/A.

6. Paul W. Ware, brother: $2,000, 9/24/01, Republican Federal Committee of Pennsylvania; $1,000, 10/18/01, Citizens for Arlen Specter; $100, 12/21/01, NARAL; $30, 9/16/02, Friends of Tony Allen; $250, 11/15/02, Citizens for Arlen Specter; $1,000, 12/31/02, Citizens for Arlen Specter; $100, 12/31/02, NARAL; $250, 2/24/03, Fund for Choice; $100, 4/8/03, Friends of Dennis Stuckey; $1,000, 4/10/03, Friends of Better Government; $1,000, 4/10/03, Friends of Dennis Stuckey; $1,000, 4/21/03, Citizens for Arlen Specter; $1,000, 4/21/03, Citizens for Arlen Specter; $5,000, 5/15/03, Friends of Better Government; $2,000, 10/31/03, Bush-Cheney '04; $100, 12/24/03, ACLU; $50, 12/24/03, NOW; $1,000, 3/15/04, "Big Tent" PAC; $1,000, 3/25/04, Republican Federal Committee of Pennsylvania; $100, 5/27/04, ACLU; $50,000, 8/26/04, Progress for America Voter Fund; $50,000, 8/27/04, Progress for America Voter Fund; $250, 9/13/04, Wenger for Senate Committee; $500, 9/29/04, Friends of Better Government; $2,000, 11/29/04, Friends of John Perzel;

6a. Judy S. Ware, brother's spouse: $250, 4/9/03, Citizens for Arlen Specter; $1,500, 4/21/03, Citizens for Arlen Specter; $2,000, 4/21/03, Citizens for Arlen Specter; $2,000, 10/31/03, Bush-Cheney '04; $250, 11/19/03, Citizens for Arlen Specter.

6b. John H. Ware IV, brother: $12,000, 3/8/01, Republican National Committee; $500, 10/13/04, Friends of Scott Paterno; $500, 10/13/04, Freshman PAC; $500, 12/21/04, Freshmen PAC.

7. Carol Ware Gates, sister: $260, 12/2/01, The Wish List; $1,000, 1/3/03, RNC; $2,000, 3/26/03, Friends of Joe Pitts; $4,000, 4/10/03, Citizens for Arlen Specter; $4,000, 4/16/03, The Jim Gerlach for Congress Committee; $4,000, 7/2/03, Republican National Committee; $100, 7/23/03, RNC Life Membership Program; $2,000, 9/10/03, Bush-Cheney '04; $500, 10/29/03, Republican National Committee; $1,000, 2/18/04, The Chairman's Advisory Board; $100, 2/18/04, National Republican Congressional Committee; $2,000, 4/21/04, John Kerry for President; $150, 6/30/04, The Presidents Dinner; $25, 7/21/04, The Chairman's Advisory Board; $2,000, 8/25/04, Kerry-Edwards 2004 GELAC; $100, 8/25/04, Friends of Joe Pitts; $2,975, 2/9/05, The Chairman's Advisory Board; $150, 2/16/05, National Republican Congressional Committee; $1,000, 6/22/05, Planned Parenthood Action Fund PAC.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN (for himself, Mr. DAYTON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2096. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Relations.

By Ms. MIKULSKI:

S. 2097. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, and Mr. BINGAMAN):

S. 2098. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to clarify the eligibility of certain employees of the Department of Energy under that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. ENSIGN, Mr. BENNETT, and Mr. HATCH):

S. 2099. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel from spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. KERRY):

S. 2100. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2101. A bill for the relief of Charles Nyaga; to the Committee on the Judiciary.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2102. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mr. LIEBERMAN):

S. 2103. A bill to impose a temporary windfall profits tax on crude oil and provide a rebate to each household from the revenues resulting from such tax; to the Committee on Finance.

By Mr. REID (for Mr. LIEBERMAN (for himself, Mr. COCHRAN, Mr. CARPER, and Mrs. HUTCHISON)):

S. 2104. A bill to amend the Public Health Service Act to establish the American Center for Cures to accelerate the development of public and private research efforts towards tools and therapies for human diseases with the goal of early disease detection, prevention, and cure, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. BURR, Mr. BINGAMAN, Mrs. FEINSTEIN, and Mr. ISAKSON):

S. Res. 331. A resolution expressing the sense of the Senate regarding fertility issues facing cancer survivors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. Res. 332. A resolution honoring the life of former Governor Carroll A. Campbell, and expressing the deepest condolences of the Senate to his family; considered and agreed to.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. LAUTENBERG):

S. Res. 333. A resolution recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century; considered and agreed to.

By Mr. ISAKSON:

S. Con. Res. 69. A concurrent resolution supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 408

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 678

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 678, a bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 716

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 716, a bill to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes.

S. 765

At the request of Mr. WARNER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 765, a bill to preserve mathematics- and science-based industries in the United States.

S. 959

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 959, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 981

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 981, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1033

At the request of Mr. MCCAIN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1033, a bill to improve border security and immigration.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1315

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1315, a bill to require a report on progress toward the Millennium Development Goals, and for other purposes.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1378

At the request of Mr. TALENT, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1378, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

S. 1399

At the request of Mr. THOMAS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1399, a bill to improve the results the executive branch achieves on behalf of the American people.

S. 1479

At the request of Mr. REED, his name was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1523

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1523, a bill to amend the Internal Revenue Code of 1986 to make permanent increased expensing for small businesses.

S. 1604

At the request of Mr. CRAIG, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1604, a bill to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1779

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1930

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 2012

At the request of Mr. STEVENS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KERRY) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 2012, a bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes.

S. 2071

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2071, a bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program.

S. 2082

At the request of Mr. LEAHY, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2082, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006.

S. 2085

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2085, a bill to provide a supplemental payment to assist agricultural producers in mitigating increasing input costs, including energy and fertilizer costs.

S. 2088

At the request of Mr. ALLARD, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2088, a bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government, and for other purposes.

S. RES. 33

At the request of Mr. LEVIN, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 283

At the request of Mr. ALLEN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 283, a resolution recognizing the contributions of Korean Americans to the United States and encouraging the celebration of "Korean American Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 2097. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, I am here today to talk about a bill I will be introducing that rights a wrong and corrects a terrible injustice. I am introducing legislation called the Kendell Frederick Citizenship Assistance Act of 2005. This is legislation was inspired by a young man from the State of Maryland, who was in the Army, had a green card, was serving this country, though not a citizen, and was killed while serving in Iraq. He was killed by a roadside bomb on his way to be fingerprinted, on his way to become a U.S. citizen. He died on his way to become a U.S. citizen because of the failed and flawed information he was given by our immigration system.

He was a terrific young man, who came to this country when he was fifteen from Trinidad. He joined his mother here in the U.S. and wanted so much to be part of this country. He wanted to serve this country and so he joined the ROTC when he was in high school. In fact, Randallstown High School has one of the best high school ROTCs programs that Maryland has. After graduation, he then joined the Army and off he went to train to serve this country.

He was killed by the botched bureaucracy of the U.S. Government, by their incompetence, by their indifference, by their ineptitude; and this is absolutely inexcusable. Every military death in Iraq is a tragedy, but this one did not need to happen. I am going to tell you a little bit about him and then tell you what happened.

As I said, he graduated from high school and he decided to join the Army with hopes that he would go back to school. In the Army he was a generator mechanic assigned to a heavy combat battalion. His job was to keep that battalion running. All he wanted was to do a good job, help his buddies stay alive, stay alive himself, defend what we were doing in Iraq and, along the way, become an American citizen and come back home and resume his life. He had been trying to become an American citizen for a while. He started working on it when he joined the Army.

Mr. President, because I know of your keen interest in national security, I understand that you know when you join the Army you are fingerprinted and a background check is run. We just don't let anybody join the United States Army. You can't get in if you are a drug dealer, if you have an extensive criminal record or if you would be a threat to the security of the United States. You can't get in if there is even a hint that you might be connected to a terrorist organization. So Kendell Frederick was accepted into the Army after all these security checks were run and his background was vetted. Then he sent in his citizenship application but, guess what, he checked the wrong box. What did that mean? Here he was, training for war, packing up to go to Iraq, saying goodbye to his mom, his brother and two sisters and in the middle of this he checked the wrong box saying that he was not in the military. So his application was derailed, not once but three different times.

The first time was after his mother checked the correct box saying that Kendell was in the military. Immigration sent the application to the wrong office, not the one that handles military applications that is on a fast track but the general one where all the applications are all stacked up. Second, Immigration rejected the fingerprints that were sent from the military. There was no explanation. His mother did not know why the fingerprints had been rejected. He had sent in the paperwork from Iraq. As I said, Kendell had already been fingerprinted, had already had his background vetted when he joined the military. So here was a guy who had been fingerprinted and cleared to join the military. The Army had said, you are OK, Kendell. He had an FBI background check run. The FBI said you are OK, Kendell. The Army wants somebody like you. But when he tried to get through Immigration, they said no, the fingerprints he had taken when he joined the military and even the fingerprints he sent into immigration were not enough.

Finally, when his mother called this 1-800 Immigration number—you try to call that number—she got no help. It is like trying to make a call from the Superdome in the middle of Katrina. You are not going to get help going to get the right answer. His mother called that number. They told his mother that he had to return from Baghdad and go to Baltimore to get his fingerprints. His mother got on the phone again, because he can't call from Baghdad—he is being shot at, he is trying to defend himself and the troops of the United States of America—so he was a little busy, couldn't afford to get a busy signal from Immigration.

When his mother called and said, "My boy is in Baghdad," Immigration at the 800 number told her, there was nothing they could do. They didn't even know their own rules. They didn't know their own system. They didn't know their own laws. Immigration was wrong. They gave his mother the wrong information.

So here is Kendell, still keeping in touch, still trying to do his job, trying to get his fingerprints taken to become a U.S. citizen. Finally, there was an arrangement made. His staff sergeant came to his rescue and made arrangements for him to be fingerprinted at a nearby air base so he could complete this application. On October 19, with the help of his staff sergeant, he was traveling in a convoy to get his fingerprints. He didn't usually go in convoys, but that day he was on that convoy to get his fingerprints to become an American citizen—to compensate for the botched mistakes of Immigration—and on his way a roadside bomb killed him.

They told his mother that immigration would give Kendell U.S. citizenship. They granted his citizenship a week after he died. He was buried at Arlington, as he should have been. He was trying to do the right thing, yet he was given the wrong information.

As I said, his staff sergeant tried to help him, his mother tried to help him, but the system, the immigration system, failed him time and time again.

When I called his mother—and I try to call all the families of our military from Maryland who die; some I reach, some I do not—I spoke to his mother. She said to me that she did not want another mother to go through what she went through, to go through what her son went through. Service members and their moms and dads should not be worrying about what box to check, where the fingerprints are, et cetera. She said Immigration should know their own rules. When we explained to her the rules of Immigration, that he should have been fast tracked, that these fingerprints should have been OK, that he did not have to pay a $400 fee, she said, "Nobody told me that." Every time I called, I got different information.

I am introducing legislation today to prevent this from happening again. His mother asked me to introduce legislation, and she asked me to call it the Kendell Frederick law. I am doing that today, and over in the House Congressman ELIJAH CUMMINGS is doing the same thing. We made this promise when we stood in the church, a small, humble church in an African-American community in Baltimore. We made this pledge to his mother that we would do this for her and we are here today to do just that.

The legislation I am introducing today makes it easier for military servicemembers to become citizens. The provisions cut through the redtape. It requires Immigration to use the fingerprints the military takes when the person enlists in the military.

It requires the creation of a military citizen advocate to inform the servicemembers about the citizenship process and help with the application.

It also means they won't leave boot camp unless they are absolutely apprised of all of the rules and all of the regulations about how to apply to become a U.S. citizen.

The very process they have to go through to join the military, fingerprinting and FBI background check, should be good enough. Because you see, deep down inside, we believe that if you are good enough to fight for this country, you are good enough to become a citizen of this country.

There is a pileup of 3,000 people with green cards fighting in our military today who have applied to become American citizens. You should not have to be standing in that kind of line. We are not saying let anyone become a U.S. citizen, but these are men and women who joined the military and fighting for this country. They have a green card, they have been fingerprinted, and they have passed an FBI check. Why do they have to go through it all over again?

We are passing a law that would stop this needless bureaucracy, and we are establishing a special 800 number for our military and their families.

We talk a lot about standing up for our troops, and we certainly should stand up for our troops. This means we should stand up for them and enable them to follow their dreams. They are certainly standing up for us.

Today, we introduced the Kendell Frederick bill to make sure that anyone in the military who wants to be a U.S. citizen, who has a green card, and who passed the fingerprint checks will be able to do so quickly and easily. If they are willing to fight for America and die for America, they should be able to become an American citizen.

I will be circulating a "Dear Colleague" to my colleagues to join it. I hope we can pass this legislation on a bipartisan basis so that as men and women such as Kendell Frederick fight for freedom, we ensure that their memory is not in vain.

I thank the Chair.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, and Mr. BINGAMAN):

S. 2098. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to clarify the eligibility of certain employees of the Department of Energy under that Act; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I send to the desk for appropriate reference legislation that will clarify that citizens of the former Trust Territory of the Pacific Islands are eligible for coverage and potential compensation under the Energy Employees Occupational Illness Compensation Program Act, EEOICPA, for workers who developed radiogenic cancers and other ailments after working at the Pacific Test Site in the Marshall Islands.

An estimated up to 500 Republic of Marshall Islanders and other Micronesian workers may have been employed by the Department of Energy, or its predecessor agency, or Department subcontractors prior to 1986 when the Trusteeship was terminated for all areas except Palau. Both Bikini and Enewetak Atolls were the sites for numerous nuclear and thermonuclear tests. Other atolls, such as Rongelap and Utrik, were affected by fallout from the Bravo hydrogen bomb test in March 1954.

Congress, in 2000, approved a compensation program to provide aid and pay medical bills for those who suffered radiation-caused illnesses because of working on the nuclear weapons program. Congress specifically set up a "Special Exposure Cohort" to provide compensation to certain workers with radiogenic cancer and other illnesses because it was presumed that their illnesses resulted from workplace exposure to radiation caused by their Government work. Congress, in 2004, amended the act, first approved in the 2001 Military Construction Authorization Act, to speed payments of compensation, including funds for lost wages to workers or their heirs, to those who worked for the Department of Energy and its predecessor agency on nuclear weapons programs.

Earlier this year the Committee on Energy and Natural Resources held an oversight hearing to review a number of issues raised by the government of the Republic of the Marshall Islands related to the effects of the nuclear testing program. One of the issues was coverage for residents of the then-trust territory who were employed during the testing and subsequent cleanup. During that period, the United States was the administering authority over the area under a United Nations Trusteeship Agreement and exercised all the powers of a sovereign. It seems somewhat incongruous for the Congress to have established a program that applied to U.S. citizens but not to those who lived and worked under U.S. administration.

That also seems reasonable, since there is little other reason for the specific inclusion of the Pacific Test Site if the workers were not to be covered. During Senate debate, Senator BINGAMAN, a conferee on the amendment, submitted a list of DOE facilities intended to be covered by the act—a list which included the Marshall Islands, 146 Cong. Rec. S. 4754–7.

While most of the issues raised by the Minister of Foreign Affairs for the Marshall Islands during our oversight hearing are now being discussed with various Federal agencies under the auspices of Secretary of the Interior Norton, this is an issue that will require congressional action, given the interpretations from Federal agencies that questioned whether Congress intended the Act to apply extraterritorially. The act, of course, applies to individuals not jurisdictions and the specific mention of the Pacific Test Site and Enewetak would seem to indicate that Congress intended to include workers at the site.

Subsequent to the hearing, I had the privilege to meet privately with the President of the Marshall Islands when he visited Washington in early September. We had a good meeting and at the time I offered my assistance in ensuring that the proper agencies or groups would review the issues they had raised. As I indicated, most of these issues are properly now being discussed with representatives of the Marshalls through a multi-agency dialogue headed by Secretary Norton. This issue, however, may be one that is best handled directly through the congressional process. Therefore, when I was asked by the Marshall's Embassy here in Washington if I would introduce a bill to clarify worker eligibility so that the proper congressional committees could review it, I agreed.

Given the paperwork, record and radiation dosage requirements for receipt of compensation, it is far from clear how many Marshallese and Micronesian workers will actually qualify for the up to $150,000 in compensation, plus medical benefits and lost wage compensation for ailments caused by radiation stemming from the weapons tests. That is an issue that I hope the congressional committees will consider sympathetically. But it is only just that the program be opened equally to all Department of Energy workers or subcontract workers who labored to produce nuclear weapons to help this Nation's national defense at a critical period of the Cold War. As an Alaskan from a State whose workers have been compensated for injuries they gained resulting from underground weapons testing at Amchitka Island in the Aleutian Chain almost immediately after the ending of weapons testing in the atmosphere over the Marshall Islands, it is impossible not to support aid for the Marshallese.

While Congress and the administration continue to weigh additional aid to the Republic of the Marshall Islands, passage of this measure would be a sign of this Nation's continued commitment to aid the islanders who in February 1946 followed the advice of Bikinian leader, King Juda, and agreed to leave the Bikini Atoll so America could use it for weapons testing saying, "We will go believing that everything is in the hands of God."

I appreciate the understanding and the patience shown by the Marshall's Government and their citizens as we proceed to review the issues raised concerning the effects of the nuclear testing program, and I hope the introduction of this legislation will be seen as an example of our commitment to see that those issues receive a full and fair review and discussion.

By Mr. REID (for himself, Mr. ENSIGN, Mr. BENNETT, and Mr. HATCH):

S. 2099. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel from spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I rise today for Senator ENSIGN, Senator BENNETT and myself to introduce a bill to increase the safety and security of our Nation's nuclear power infrastructure, The Spent Nuclear Fuel On-Site Storage Security Act of 2005.

I am convinced that the proposed Yucca Mountain nuclear waste dump will never be built because of the myriad of scientific, safety and technical problems in which it is mired. It simply is neither safe nor secure, as illustrated by several significant scientific, legal, and budgetary setbacks this past year.

Here are some of the highlights: On July 9, 2004, the DC Circuit Court of Appeals sided with the people of Nevada in a lawsuit to stop the proposed Yucca Mountain project. The court decided that U.S. Environmental Protection Agency's radiation standard for the site was not stringent enough to protect the public from the significant risks associated with nuclear waste and failed to follow the recommendation by the National Academy of Sciences.

On August 31, 2004, the Nuclear Regulatory Commission's Atomic Safety and Licensing Board rejected Department of Energy's Yucca Mountain document database, saying it had failed to make public many of the documents that it had in its possession. The Board said, "Given the 15 years that DOE had to gather, review, and produce its documents and the fact that the date of production, and the incompleteness of its privilege review, it is clear to us that DOE did not meet its obligation, in good faith, to make all reasonable efforts to make all documentary materials available."

On October 4, 2004, the DOE Inspector General found that DOE has given away more than $500,000 worth of Yucca Mountain construction equipment in 2003. Half a million dollars is a tremendous amount of the people's money to waste.

On November 22, 2004, the Nuclear Waste Technical Review Board said DOE does not have a plan for safely transporting nuclear waste to the proposed repository.

On February 7, 2005, Dr. Margaret Chu, most recently the Director of the Office of Civilian Radioactive Waste Management, said the project would be delayed until 2012 and that DOE's license application to the Nuclear Regulatory Commission would not be filed until December 2005, delayed a year. To date, the license application still has not been filed.

On February 8, 2005, the Nuclear Waste Technical Review Board have called for hearings to review concerns over the corrosion of the titanium drip shields that are intended to keep water from leaking into casks inside Yucca Mountain.

On February 28, 2005, a DOE official said the proposed Yucca Mountain repository may not open until 2015.

On March 16, 2005, DOE revealed that documents and models about water infiltration at Yucca Mountain, a key issue, had been falsified.

On July 18, 2005, DOE announced that it will use dedicated train service for its rail transport of spent nuclear fuel and high-level waste to Yucca Mountain, a shift from two decades of administration policy that ignores the fact that about one-third of reactor sites are not capable of shipping fuel by rail.

On August 22, 2005, EPA published its revised radiation standards for the proposed Yucca Mountain high-level waste dump. These standards are wholly inadequate, do not meet the law's requirements and do not protect public health and safety.

On October 13, 2005, DOE began a series of actions to overhaul the Yucca Mountain project. We are going back to the drawing board, frequently revisiting proposals discarded decades ago as unsafe or unworkable.

On October 25, 2005, DOE announced that it would be redesigning the spent fuel storage process, both the containers and facilities.

On November 16, 2005, the DOE Inspector General announced that DOE has ignored numerous admitted instances of falsification of technical and scientific date on the project, showing that years of quality assurance problems continue.

On November 17, 2005, DOE sent a detailed letter to its contractor specifying some of the desired changes in the site proposal.

At the December 7, 2005, at the NRC-DOE quarterly meeting on Yucca Mountain, DOE announced that it expects to re-baseline the project mid-2006, requiring many of the technical and scientific analyses to be redone.

On November 19, 2005, the Energy and Water Appropriations bill became law, cutting the Yucca Mountain budget to $577 million, half of what DOE said it would need to keep the project on track.

In numerous media reports, DOE has confirmed that it is preparing a legislative package that addresses Yucca Mountain. Clearly, DOE cannot meet the current public health, safety and technical requirements.

It should be clear to anyone that the proposed Yucca Mountain project is scientifically unsound and that it cannot meet the requirements of law. It is not going anywhere. Delay after delay costs the taxpayers billions and billions of dollars for a project that the courts have ruled does not meet sufficient safety or public health standards. I do not believe that Yucca Mountain will ever open, and Nevada and the country will be safer for our successful efforts to stop the project.

Yet, we must safely store spent nuclear fuel.

A 1979 study by the Sandia National Laboratory determined that, if all the water were to drain from a spent fuel pool, dense-packed spent fuel would likely heat up to the point where it would burst and then catch fire, releasing massive quantities of volatile radioactive fission products into the air. Both the short-term and the long-term contamination impacts of such an event could be significantly worse than those from Chernobyl. The consequences would be so severe and would affect such a large area that all precautions must be taken to preclude them. This is the type of serious, avoidable risk against which all the Nation's nuclear sites can and should be protected to counter terrorist threats.

It is time to look at other nuclear waste alternatives. Fortunately, the technology to realize a viable, safe and secure alternative is readily available and can be fully implemented within 6 years if we act now. That technology is dry cask storage.

The technology for long-term storage of spent nuclear fuel in dry storage casks has improved dramatically in the past 20 years. Seventeen cask designs have been licensed by the Nuclear Regulatory Commission, which says that spent nuclear fuel can be safely stored using dry cask storage on-site at the nuclear power plants for at least 100 years. Already, dry casks safely store spent nuclear fuel at 34 sites throughout the country, many of them near communities, water ways and transportation routes. The Nuclear Energy Institute has projected 83 of the 103 active reactors will have dry storage by 2050.

Compared to water-filled pools, dry storage casks are significantly less vulnerable to natural and human-induced disasters, including floods, tornadoes, temperature extremes, sabotage, and missile attacks. In addition, dry storage casks are not subject to drainage risks, whether intentional or accidental.

On March 28, 2005, the Washington Post revealed that a classified National Academy of Sciences report concluded that the government does not fully understand the risks a terrorist attack could pose to spent nuclear fuel pools and that it ought to expedite the removal of the fuel to dry storage casks that are more resilient to attack.

Our bill requires commercial nuclear utilities to safely transfer spent nuclear fuel from temporary storage in water-filled pools to secure storage in licensed, on-site dry cask storage facilities. After transferal, the Secretary of Energy will take title and full responsibility for the possession, stewardship, maintenance, and monitoring of all spent fuel thus safely stored. Finally, our bill establishes a grant program to compensate utilities for expenses associated with transferring the waste. The costs of transferring the waste and providing the grants will be offset by withdrawals from the utility-funded Nuclear Waste Fund.

Nuclear facilities currently provide 20 percent of our Nation's electricity, but in light of the events of September 11, they also present a security risk that we simply must address. There cannot be any weak links in the chain of security of our Nation's nuclear power infrastructure. There is absolutely no justification for endangering the public by densely packing nuclear waste in vulnerable spent fuel pools when it can be stored safely and securely in dry casks. This bill guarantees all Americans that our Nation's nuclear waste will be stored in the safest way possible.

I ask unanimous consent that the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spent Nuclear Fuel On-Site Storage Security Act of 2005".

SEC. 2. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

(a) IN GENERAL.—Title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.) is amended by adding at the end the following:

"Subtitle I—Dry Cask Storage of Spent Nuclear Fuel

"SEC. 185. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

"(a) DEFINITIONS.—In this section:

"(1) CONTRACTOR.—The term 'contractor' means a person that holds a contract under section 302(a).

"(2) SPENT NUCLEAR FUEL POOL.—The term 'spent nuclear fuel pool' means a water-filled container in which spent nuclear fuel rods are stored.

"(3) SPENT NUCLEAR FUEL DRY CASK.—The term 'spent nuclear fuel dry cask' means the container, and all the components and systems associated with the container, in which spent nuclear fuel is stored at a Commission-licensed independent spent fuel storage facility located at the power reactor site. The design of any such spent nuclear fuel dry cask shall be approved by the Commission.

"(b) TRANSFER OF SPENT NUCLEAR FUEL.—

"(1) IN GENERAL.—A contractor shall transfer spent nuclear fuel from spent nuclear fuel pools to spent nuclear fuel dry casks at a Commission-licensed independent spent fuel storage facility located at the power reactor site.

"(2) SPENT NUCLEAR FUEL STORED AS OF DATE OF ENACTMENT.—A contractor shall complete the transfer of all spent nuclear fuel that is stored in spent nuclear fuel pools as of the date of enactment of this subsection not later than 6 years after the date of enactment of this subsection.

"(3) SPENT NUCLEAR FUEL STORED AFTER DATE OF ENACTMENT.—A contractor shall complete the transfer of any spent nuclear fuel that is stored in a spent nuclear fuel pool after the date of enactment of this subsection not later than 6 years after the date on which the spent nuclear fuel is discharged from the reactor.

"(4) INADEQUATE FUNDS.—If funds are not available to complete a transfer under paragraph (2) or (3), the contractor may apply to the Commission to extend the deadline for the transfer to be completed.

"(c) FUNDING.—The Secretary shall make grants to compensate a contractor for expenses incurred in carrying out subsection (b), including costs associated with—

"(1) licensing and construction of an independent spent fuel storage facility located at the power reactor site;

"(2) construction and delivery of spent nuclear fuel dry casks;

"(3) transfers of spent nuclear fuel;

"(4) documentation relating to the transfers;

"(5) security; and

"(6) hardening.

"(d) CONVEYANCE OF TITLE.—

"(1) DETERMINATION.—Not later than 30 days after the transfer of spent nuclear fuel from a spent nuclear fuel pool to a spent nuclear fuel dry cask, the Commission shall determine whether the contractor carried out the transfer in full compliance with regulations promulgated by the Commission.

"(2) NONCOMPLIANCE.—If the Commission determines that any technical standard or compliance provision under the regulations was not complied with, the Commission shall—

"(A) notify the contractor; and

"(B) take such actions as are necessary to obtain full compliance.

"(3) CERTIFICATION AND CONVEYANCE OF TITLE.—When the Commission determines that the contractor has fully complied with the regulations—

"(A) the Commission shall certify that safe transfer has been accomplished; and

"(B) the Secretary shall accept the conveyance of title to the spent nuclear fuel dry cask (including the contents of the cask) from the contractor.

"(4) RESPONSIBILITY.—A conveyance of title under paragraph (3)(B) shall confer on the Secretary full responsibility (including financial responsibility) for the possession, stewardship, maintenance, and monitoring of all spent nuclear fuel transferred to the Secretary.".

(b) FUNDING.—Section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the provision of grants under section 185(d).".

SEC. 3. IMMEDIATE CONVEYANCE OF TITLE TO SPENT NUCLEAR FUEL PREVIOUSLY CERTIFIED TO BE IN COMPLIANCE.

Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall accept the conveyance of title to all spent nuclear fuel with respect to which, before the date of enactment of this Act, the Nuclear Regulatory Commission has certified that a contractor under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) has completed transfer to spent nuclear fuel dry casks in compliance with applicable regulations in effect as of the date of transfer.

By Mr. SMITH (for himself and Mr. KERRY):

S. 2100. A bill to amend the Internal Revenue Code of 1986 to improve the deduction for depreciation; to the Committee on Finance.

Mr. SMITH. Mr. President, our economy has changed dramatically in recent years as a result of the development of new technologies and industries. However, we have not updated our tax depreciation system to reflect these advancements. In fact, the recovery periods used to calculate depreciation allowances have not been adjusted since 1986—and in some cases not since 1962. For example, a personal computer has a depreciable life of 5 years even though its economic life is only 2 to 3 years.

Today, I am introducing legislation that will respond to these changes by modernizing and simplifying the tax depreciation rules. Senator KERRY has joined me in introducing the Tax Depreciation, Modernization and Simplification Act of 2005, which will encourage capital investment and make it easier for companies to comply with the tax law.

This legislation will allow the Treasury Department, in consultation with Congress, to modify and create new class lives for capital assets. Any new classification created by the Treasury Department must reflect the anticipated useful life and decline in value over time of the asset. In addition, it should take into account when the asset is technologically or functionally obsolete for its original purpose. With this new regulatory authority, Treasury will be able to develop class lives that are more in line with assets' economic lives.

Another provision in this legislation deals with the mid-quarter convention. The mid-quarter convention is one of the placed-in-service conventions that directs when depreciation for an asset begins or ends. The mid-quarter convention, however, creates significant complexity. Taxpayers must wait until after the tax year ends to determine whether to use the half-year or mid-quarter convention. Therefore, consistent with a Joint Committee on Taxation recommendation, the bill eliminates the mid-quarter convention for simplification purposes.

Small businesses are the heart of our economy. We, in Congress, should do everything we can to ease the administrative burdens for small businesses. That is why we should make small business expensing permanent. These rules permit small businesses to expense immediately up to $100,000 of the cost of property each year. This proposal will maintain this important simplification which is set to expire at the end of 2007.

Finally, this legislation will allow for mass asset accounting. Currently, companies must generally calculate depreciation on an item-by-item basis. For example, if a company has 200 desks or 200 computers, they must account for and depreciate each item separately. This can be a challenge and an administrative burden for companies—especially with small items, like chairs and telephones. Therefore, the bill will permit all companies to elect to use mass asset accounting for property that costs less than $10,000.

The bipartisan Tax Depreciation, Modernization and Simplification Act of 2005 will make much needed changes to the tax depreciation system. I look forward to working with my colleagues to enact these important reforms and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Depreciation, Modernization, and Simplification Act of 2005".

SEC. 2. AUTHORITY TO MODIFY CLASS LIVES.

(a) IN GENERAL.—Paragraph (1) of section 168(i) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) CLASS LIFE.—

"(A) IN GENERAL.—Except as provided in this section, the term 'class life' means the class life (if any) which would be applicable with respect to any property as of January 1, 1986, under subsection (m) of section 167, as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990 (determined without regard to paragraph (4) thereof and as if the taxpayer had made an election under such subsection).

"(B) SECRETARIAL AUTHORITY.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary, after consultation with Congress, may prescribe by regulation—

"(I) a new class life for any property, or

"(II) a class life for any property which does not have a class life within the meaning of subparagraph (A).

"(ii) EXCEPTIONS.—Clause (i) shall not apply to—

"(I) residential rental property or nonresidential real property, or

"(II) property for which a class life, classification, or recovery period is assigned under subsection (e)(3) (other than subparagraph (C)(v) thereof) or subparagraph (B), (C), or (D) of subsection (g)(3).

"(iii) STANDARDS.—Any class life prescribed or modified under clause (i) shall reasonably reflect the anticipated useful life and the anticipated decline in value over time of the property to the industry or other group, and shall take into account when the property is technologically or functionally obsolete for the original purpose under which it was acquired.

"(iv) CONSULTATION.—Not later than 60 days before the date on which the Secretary publishes any proposed regulation under clause (i), the Secretary shall submit to Congress the proposed regulation together with a report containing the information considered by the Secretary in modifying or prescribing any class life under the regulation.

"(v) MONITORING.—The Secretary, through an office established in the Treasury, shall monitor and analyze actual experience with respect to depreciable assets to which this subparagraph applies.

"(C) EFFECT OF MODIFICATION.—Any class life with respect to any property prescribed or modified under subparagraph (B) shall be used in classifying such property under subsection (e) and in applying subsection (g).".

(b) APPLICATION OF CONGRESSIONAL REVIEW ACT.—For purposes of applying chapter 8 of title 5, United States Code, to any regulation prescribed under section 168(i)(1)(B) of the Internal Revenue Code of 1986, each class life prescribed under such section shall be considered to be a separate rule.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. ELIMINATION OF MID-QUARTER CONVENTION.

(a) IN GENERAL.—Subsection (d) of section 168 of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3), and

(2) in paragraph (3), as redesignated by paragraph (1), by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 4. MASS ASSET ACCOUNTING.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(l) MASS ASSET ACCOUNTING.—

"(1) ELECTION.—

"(A) IN GENERAL.—In lieu of the deduction otherwise allowed under this section with respect to an item of qualified property, the taxpayer may elect to add the adjusted basis of such property to the mass asset account of the taxpayer to which such qualified property is assigned and to determine the deduction under this section using the applicable depreciation method with respect to such mass asset account.

"(B) ELECTION TO APPLY TO ALL ASSETS OF THE TAXPAYER WITH SAME RECOVERY PERIOD.—An election made under subparagraph (A) shall be made in such manner as the Secretary may by regulations prescribe and shall apply to all qualified property of the taxpayer which has the same applicable recovery period for such taxable year and all subsequent taxable years.

"(C) ELECTION IRREVOCABLE.—Any election made under this paragraph shall be irrevocable except with the consent of the Secretary. The Secretary shall prescribe rules for the proper accounting of assets in a mass asset account in the case of any such revocation.

"(2) SPECIAL RULES.—

"(A) MODIFICATION OF DEPRECIATION METHOD.—In applying the applicable depreciation method to any mass asset account, subsection (b) shall be applied without regard to paragraph (1)(B) thereof.

"(B) ADJUSTMENT TO REFLECT HALF-YEAR CONVENTION.—In applying the deduction allowable under subsection (a) to any mass asset account, the amount of the deduction under subsection (a) shall be—

"(i) 100 percent of the deduction otherwise allowed under this section in the case of qualified property placed in service before the beginning of the taxable year, and

"(ii) 50 percent of the deduction otherwise allowed under this section with respect to qualified property placed in service during the taxable year.

"(C) SALE OF QUALIFIED PROPERTY.—

"(i) IN GENERAL.—In the case of the sale of any property the adjusted basis of which has been added to a mass asset account, the balance of the mass asset account to which such property was assigned shall be reduced (but not below zero) by the amount of the proceeds from such sale.

"(ii) RECOGNITION OF GAIN.—If the proceeds from the sale of any property the adjusted basis of which has been added to a mass asset account exceed the balance of such mass asset account, then the excess shall be treated as ordinary income.

"(3) QUALIFIED PROPERTY.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified property' means any tangible property—

"(i) to which an applicable depreciation method under paragraph (1) or (2) of subsection (b) applies, and

"(ii) the cost of which is not more than $10,000.

"(B) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning after 2006, the $10,000 amount under subparagraph (A)(ii) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2005' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under the clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.

"(4) MASS ASSET ACCOUNT.—The term 'mass asset account' means an account of the taxpayer which reflects the adjusted basis of all qualified property to which the same applicable depreciation method and applicable recovery period applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 5. PERMANENT EXTENSION OF EXPENSING FOR SMALL BUSINESSES.

(a) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 is amended by striking "$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2008)" and inserting "$100,000".

(b) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) of such Code is amended by striking "$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2008)" and inserting "$400,000".

(c) INFLATION ADJUSTMENTS.—Subparagraph (A) of section 179(b)(5) of such Code is amended by striking "and before 2008".

(d) ELECTION.—Paragraph (2) of section 179(c) of such Code is amended by striking "and before 2008".

(e) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A) is amended by striking "and before 2008".

Mr. KERRY. Mr. President, today Senator SMITH and I are introducing the Tax Depreciation, Modernization, and Simplification Act of 2005. Last July, the Senate Finance Subcommittee on Long-Term Growth and Debt Reduction, on which Senator SMITH is chairman and I am ranking member, held a hearing on updating our depreciation system. During the hearing, we heard that the current depreciation system is out of date and that changes should be made.

Our tax system allows, as a current expense, a depreciation deduction that represents a reasonable allowance for the exhaustion, wear and tear of property used, or of property held for the production of income. Since 1981, the depreciation deduction for most tangible property has been under rules specified in section 168 of the Internal Revenue Code. The Modified Accelerated Cost Recovery System, or MACRS, specified under section 168 applies to most new investment in tangible property. MACRS depreciation allowances are computed by determining a recovery period called a class life and an applicable recovery method for each asset.

The current depreciation system has not kept pace with technological advances. Several industries were not even contemplated when class lives were assigned in 1981, and some class lives even date back to 1962.

In the 1980s it would have been difficult to imagine what our reliance on computer and wireless technology would be today. At that time, for example, the wireless industry was in its infancy, and there was no specifically assigned life for wireless equipment. As a result, today's depreciation system is like playing "audit roulette." There is no certainty in how these assets should be depreciated.

All this matters because it impacts investment, innovation, competitiveness, and ultimately the quality and quantity of jobs in America. My home State of Massachusetts is a leader in the high tech industry. Massachusetts employs hundreds of thousands of skilled workers in key technology sectors, including computer hardware, life sciences, software, medical products, semiconductor, defense technology and telecommunications. We have learned in Massachusetts that a strategic tax policy can have a positive effect on economic competitiveness.

For these reasons, we are introducing the Tax Depreciation, Modernization, and Simplification Act of 2005. This legislation makes four important changes to the current depreciation system.

First, the legislation creates a process that provides the Department of Treasury with the authority to modernize class lives. The Secretary of the Treasury will prescribe regulations to provide a new class life for certain eligible property. Eligible property does not include residential rental property, nonresidential real property, or property for which Congress has specifically legislated the recovery period.

The purpose of this provision is to provide Treasury with a mechanism to modify class lives that reasonably reflect the anticipated useful life and the anticipated decline in value over time of the property to the industry and take into account when the property becomes technologically or functionally obsolete to perform its original purpose. Treasury will also have the authority to modify class lives in order to more accurately reflect economic depreciation. For example, a personal computer has a depreciable life of 5 years, but it has an economic life of only 2 to 3 years. Even though a computer can be used for 5 years, it becomes economically obsolete after a couple of years because of the newer, faster, and more advanced computers on the market.

Our depreciation system has not been adequately updated since Congress revoked Treasury's rule making authority in 1988. When the MACRS system was enacted in 1986, Congress directed Treasury to establish an office to monitor and analyze the actual experience with class lives and to modify class lives if the new class life reasonably reflected the anticipated useful life and the anticipated decline in value over time of the property to the industry. The authority was then revoked because Congress did not agree with all of the decisions made by Treasury.

The authority provided in this legislation addresses this previous problem by requiring Treasury to consult with Congress 60 days prior to publishing any proposed regulations. In addition, the Congressional Review Act would apply to any regulation proposed by Treasury and each class life prescribed by Treasury would be considered a separate rule.

Providing Treasury with the authority to modify class lives would allow the process to move more efficiently than allowing Congress to make piecemeal changes to the current depreciation system. Congress would provide guidelines, and Treasury would have the role of administering the guidelines. Under the legislation, Treasury would monitor and analyze the actual experience of depreciable assets and report their findings to Congress. We expect Treasury to establish guidelines that will take into consideration the fact that some assets lose a significant percentage of their original value in the early part of their lives. This legislation specifically provides consultation with Congress in order for Congress to continue to have a role in this important tax policy issue.

We do not expect Treasury within the first year or two to review all classes of assets. Rather, we expect Treasury to begin with new assets that do not fit into the system, assets that have underdone technological advances, and existing assets that do not really fit into the current system. For example, the current system creates an irrational result for fiber optic lines. The class life of a fiber optic line depends upon whether if it is used for one-way or two-way communications.

Second, the legislation would eliminate the mid quarter convention. The placed-in-service conventions determine the point in time during the year that the property is considered "placed in service" and this determines when depreciation for an asset begins or ends. Under current law, there are the half-year, mid month, and mid quarter conventions. The mid quarter convention is a source of complexity because it requires an analysis of the depreciable basis of property placed in service during the last 3 months of any taxable year. The Joint Committee on Taxation recommended the elimination of the mid-quarter convention in its 2001 recommendations on simplifying the Federal tax system. The calculation of the mid-quarter convention is burdensome, and it requires taxpayers to wait until after the end of the taxable year to determine whether the proper placed-in-service convention was used to calculate depreciation for assets during the taxable year.

Third, the legislation would allow taxpayers to elect to use mass asset accounting for assets with a cost of less than $10,000. Generally, taxpayers calculate depreciation on an item-by-item basis. The bill would allow taxpayers to elect to use mass asset accounting for all assets with the same recovery period. This provision will help simplify the recordkeeping associated with depreciation.

Fourth, the legislation would permanently extend increased expensing for small businesses. In lieu of depreciation, a taxpayer with a small amount of annual investment may elect to deduct such costs. The Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the amount a taxpayer may deduct from $25,000 to $100,000 and increased the total amount of investment a business can make in a year and still qualify for expensing from $200,000 to $400,000. In addition, the Act allows off-the-shelf computer software to be eligible for the provision. These changes originally were effective for 3 years. The American Jobs Creation Act of 2004 provided an additional 2 year extension of this provision through 2007.

The Tax Depreciation, Modernization, and Simplification Act of 2005 would make the $100,000 and $400,000 amounts permanent and index them for inflation. Off-the-shelf computer software would be eligible for the provision. Increased expensing for small businesses helps lower the cost of capital for small businesses and eliminates complicated recordkeeping. In addition, it should reduce administrative costs for small businesses.

The provisions in this legislation will not be the only recommendations made on how to improve our current depreciation system, but the four components of this legislation will result in updating and simplifying the current depreciation system. The Tax Depreciation, Modernization, and Simplification Act of 2005 will provide certainty for taxpayers and put an end to "audit roulette."

By Mr. REID (for Mr. LIEBERMAN (for himself, Mr. COCHRAN, Mr. CARPER, and Mrs. HUTCHISON)):

S. 2104. A bill to amend the Public Health Service Act to establish the American Center for Cures to accelerate the development of public and private research efforts towards tools and therapies for human diseases with the goal of early disease detection, prevention, and cure, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mr. LIEBERMAN. Mr. President, today, Senator COCHRAN, Senator CARPER, Senator HUTCHISON, and I are introducing the American Center for CURES Act of 2005, which would establish the American Center for Cures, within the National Institutes of Health (NIH). The purpose of the Center would be to bring promising and novel diagnostics, therapies, drugs, and tools to treat disease faster to the public.

We continue to face significant health challenges. In the US today, chronic diseases account for 7 out of 10 deaths, with the major killers being heart attack, cancer and stroke. Seventy percent of the $1.7 trillion dollars we spend on healthcare each year goes to chronic disease care. Around the world, HIV, tuberculosis, and malaria kill 4, 3, and 2 million people a year. On the horizon are emerging manmade and natural threats such as SARS, flu and bioterrorism. There are other diseases that we need better treatments and cures for, but that we do not devote enough attention to. Diseases of social stigma, such as depression, which is the most frequent reason people visit their physician, and seizure disorder, which is the primary neurological disorder in children, are often neglected. We have bacteria growing and spreading in our hospitals that do not respond to our antibiotic supply. These are the health challenges facing us in the 21st century.

Fortunately, the United States has no equal in the biomedical sciences. This is due in large part to our nation's premier biomedical research investment the—NIH, which receives $28 billion per year after a doubling of their budget of $14 billion from 1998 to 2003. The NIH is comprised of 27 major institutes and centers, leading the way for the world in cancer, cardiovascular, infectious disease and allergy advancements for health promotion and relief from the burdens of disease. US biomedical advances are also due to our dynamic biotechnology and pharmaceutical sectors.

In our search for answers to our pressing health problems, the NIH has grown in the number of Institutes and Centers and in funding. At the same time, Congress and others have wanted to ensure that we are building on NIH's strengths to respond to complex health problems requiring interdisciplinary and collaborative work. Therefore, Congress commissioned the 2003 National Academy of Sciences report, "Enhancing the Vitality of the National Institutes of Health: Organizational Change to Meet New Challenges", that examined whether and how we could optimize the NIH's organizational structure to meet our next set of health challenges.

The report stated that "no organization as important as NIH should remain frozen in organization space". At the same time, the report cautioned that any changes in organizational structure to achieve greater progress in chronic and emerging diseases were not without some difficulty and risk. The NAS report made a number of recommendations and our CURES legislation addresses the six major points.

First, CURES seeks to strengthen the clinical research process by streamlining the clinical trials process by creating Centralized Internal Review Boards (CIRB). CIRB's would focus on simplifying the human subjects review processes for multi-institutional clinical trials. CURES also significantly augments current NIH investments to train the clinical research workforce of the future, and provides additional funding for multidisciplinary teams of researchers examining issues of quality and design of clinical trials. We need to continue to bring safe and effective diagnostics and therapeutics, but more efficiently.

Secondly, our proposal enhances and increases trans-NIH strategic planning and funding. Currently, the NIH's 27 Centers and Institutes each have their own directors and budgets and thus, operate independently. The resulting structural and organizational stovepipes are limited in their ability to capitalize on the NIH's collective research capacity to address complex problems using the expertise of multiple fields. For example, the problem of diabetic retinopathy could be tackled by researchers in the Institutes of the Eye, Diabetes, Digestive and Kidney disease, Biomedical Imaging and Bioengineering, and Allergy Immunology and Infectious disease. However, there are few mechanisms for such trans-Institute initiatives that could lead to a cure or treatment. To address this problem, CURES has created multiple funding mechanisms for trans-Institute research and cross-fertilization of ideas. Strategic planning and prioritizing disease research is also integral to achieving progress more quickly. Therefore, the American Center for CURES Act would establish a CURES council, comprised of key health stakeholders to produce a translational research agenda for the Center based on research breakthroughs and areas of health need.

Thirdly, the American Center for CURES Act of 2005 strengthens the Office of the NIH Director. Our legislation emphasizes the need for greater budgetary support and flexibility in the area of translational research. This follows much of the NIH Director's current efforts with the NIH Roadmap. Our legislation further supports the spirit of the NIH Roadmap with organizational and funding commitments that bring translational research investment to a necessary and appropriate scale, which has not been the case to date. The NIH Director, with the CURES Advisory Council, would play a key role in these efforts by recommending appointees for the Director of the American Center for CURES to the President. The NIH Director will also be a co-chair of the Center's Council and have a leading role in setting the research and funding priorities for translational research projects at the NIH. The NIH Director will also head other initiatives outlined in the legislation, such as launching a publicly accessible electronic database for all published NIH funded research.

Fourth, our legislation creates a Director's Special Projects Program, called the Health Advanced Research Projects Agency (HARPA). The NAS committee recommended the creation of a program to support high-risk, high-potential payoff research. The Department of Defense has had significant success with its Defense Advanced Research Program Agency (DARPA), where a group of expert portfolio managers invest in and oversee innovative, multidisciplinary, collaborative projects to advance specific fields or to develop needed technologies. DARPA has lead to the creation of stealth technology, satellite surveillance, lasers, internet, and e-mail. Based on this model, HARPA would be housed within the Center and would help lead breakthrough advances using a translational "challenge model" in biomedical research. Breakthroughs could include a vaccine or other treatment against HIV or genetic probes pivotal to the elucidation of disease producing genes. HARPA would also be the key funding mechanism for trans-Institute research to prioritize and foster collaborative and trans-Institute research initiatives.

Fifth, the NAS report recommended that the NIH intramural research program be more unique, innovative, and risk-taking. In response, CURES creates an Office of Intramural Risk Mapping, within the Office of Technology Transfer, which will oversee NIH's intramural research programs to help assure they are complementary to extramural and private sector research. The Office will also ensure that intramural research is also innovative and risk-taking to produce more novel and promising biomedical breakthroughs. The office will also make funds available to trans-Institute and center initiatives that focus on health risk analysis and corresponding scientific risk opportunity.

Sixth, our legislation addresses the NAS report recommendation to standardize data and information management systems. The report was clear that the NIH must increase its capacity for data gathering and reporting to meet its obligations ". . . for effective management, accountability, and transparency." Cures seek to improve the sharing of information by providing funding to the National Library of Medicine to create and maintain a publicly accessible database of all publications resulting from NIH-funded research and by establishing a national electronic registry and results database to increase enrollment in public and private clinical trials and to share efficacy and safety outcomes emanating from NIH-funded clinical research endeavors. Cures focuses on the need to expand the NLM facilities according to the demands of new scientific discoveries and fields, especially within the areas of genomics and proteinomics.

In addition to the NAS report recommendations, other changes in the biomedical research landscape demand more targeted investments in promising and novel treatments. Our current response to research on important health problems is arguably dichotomous. We invest public money into the NIH or we hope the private market will produce essential drugs and tools. However, there needs to be greater collaboration between the private and public sectors. Private sector investment in biomedical research has grown to approximately $46 billion per year—far more than our public sector investment in NIH. For new and effective therapies to become available, we need to build better public and private partnerships. Cures includes key provisions to accomplish this. Cures promotes the innovative efforts of small to medium sized biotechnology and bioengineering firms who require additional support in key traditionally under-funded stages of product development—the so called R&D "Valley of Death." It expands the NIH's current small business support and rapid access to interventional development programs to move basic science through the product development pipeline faster. These programs would facilitate NIH partnerships with private industry in the preclinical stage of the R&D process so as to formulate a plan for health research translation and commercialization from the outset. Additionally, our legislation would move the NIH's Office of Technology Transfer into the American Center for Cures, where it would survey research being conducted in the private and public sectors to avoid duplication, target promising research investments, and broker more flexible and productive agreements for licensing and patents between the public and private sectors. The HARPA entity within the center is also designed to promote public-private joint R&D efforts.

Today, we are proposing the establishment of the American Center for Cures, whose mission would be to promote more rapid translation of public and private research into therapies, diagnostics and tools, which can effectively treat and possibly cure diseases of critical importance to domestic and global health. With more targeted investment in translating our basic science research into diagnostics and therapeutics, we hope to bring more tangible health benefits to Americans and people all over the world.

I ask unanimous consent that explanatory materials on the legislation including, "Short Summary of the American Center for CURES Act of 2005," "Explanation of How the American Center for CURES Act of 2005 Addresses the Findings of the 2003 National Academy of Sciences Report: 'Enhancing the Vitality of the National Institutes of Health: Organizational Change to Meet New Challenges'," "Section by Section Summary of the American Center for CURES Act of 2005," the full text of the legislation, and "Quotes in Support of the American Center for CURES Act of 2005" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SHORT SUMMARY OF THE AMERICAN CENTER FOR CURES ACT OF 2005

A bill to facilitate more rapid development of novel diagnostics, therapies, and cures

From 1998–2003, Congress doubled funding to the world's leader in biomedical research, the National Institutes of Health (NIH), to $28 billion per year. In order to meet 21st century health challenges and optimize the use of this public investment, Senators Lieberman and Cochran have introduced legislation to increase the capacity of the NIH to produce effective treatments, diagnostics and cures for our nation's most burdensome diseases using a novel approach to publicly funded research.

Cures will do the following:

Create an American Center for Cures (ACC) in the NIH to orchestrate focused research and development of solutions to pressing ailments. The ACC, led by a Center Director, will identify and promote translational research, which involves developing basic science research for application purposes, in the public and private sectors. The ACC will fund innovative and collaborative research, breakdown bottlenecks in clinical research, and facilitate information exchange.

Establish an advisory council comprised of key health experts and stakeholders to advise the ACC on national medical needs and novel developments in all sectors. To use public funds effectively, a centralized mechanism to track research on health threats is necessary. A Council will inform the ACC on biomedical needs, technical feasibility issues, and current research breakthroughs.

Create a Health Advanced Projects Agency for research promotion. A research projects agency will promote strategic risk-taking and follow a "challenge model" to support innovative multidisciplinary research between NIH Institutes, other federal agencies, grantees and business partners, for projects with the potential for significant health impact. Funding for projects will be flexible and outcomes based.

Promote the innovative efforts of small to medium sized biotechnology and bioengineering firms. The ACC will support firms requiring assistance in key traditionally underfunded stages of research and development, the R&D "Valley of Death". Funding will be available to assist companies with promising and novel therapeutics and diagnostics in both preclinical and clinical stages.

Strengthen the clinical research process. Clinical trials are essential to ensuring the safety and efficacy of new products. The ACC will streamline clinical trial protocols to supply the public with new treatments in a timelier, more efficient, and more economical way. It will augment NIH training funds to create a clinical research workforce of the future. It will establish a clinical trial registry and results database to promote information sharing and to avoid duplicative efforts.

Facilitate complete and efficient transfer of intellectual property from development at the molecular level to clinical trials and into production. Active participation of the commercial sector in development is critical. An Office of Technology Transfer in the ACC will catalog and disseminate the NIH translational research portfolio and oversee NIH intellectual property licensing.

EXPLANATION OF HOW THE AMERICAN CENTER FOR CURES ACT OF 2005 ADDRESSES THE FINDINGS OF THE 2003 NATIONAL ACADEMY OF SCIENCES REPORT: "ENHANCING THE VITALITY OF THE NATIONAL INSTITUTES OF HEALTH: ORGANIZATIONAL CHANGE TO MEET NEW CHALLENGES"

BACKGROUND

The health challenges facing the U.S. and the world today are a mix of infectious diseases, such as HIV, tuberculosis and malaria, long-standing chronic such as diabetes and cancer, and new emerging threats, such as SARS and avian influenza. In the context of these growing concerns, Congress commissioned the National Academy of Sciences (NAS) in 2001 to report on "whether the current structure and organization of NIH are optimally configured for the scientific needs of the 21st century." Indeed, NIH is America's premier public research investment and between 1998 and 2003, the NIH budget of $14 billion dollars doubled to $28 billion. By commissioning the NAS report, Congress asked how it might optimize its burgeoning research investment. Congress solidified its support for the NIH but simultaneously posed questions of NIH can best address domestic and global health needs:

Are the 27 NIH Institutes and Centers able to coordinate their research goals and priorities to reflect the multidisciplinary nature of today's health problems?

How is the NIH producing and sharing biomedical knowledge from multiple disciplines to spur the development of clinical tools, drugs, and other therapies to battle longstanding and emerging diseases?

Can the NIH respond effectively to acute health threats, such as to burgeoning HIV infection rates and the threat of a bioterrorism attack?

Is the NIH cultivating the next generation of researchers to build upon the great works of NIH past?

The end result was the 2003 NAS and Institute of Medicine (IOM) report, "Enhancing the Vitality of the National Institutes of Health: Organizational Change to Meet New Challenges". The report reinforced NIH successes over the last 50 years as the national and global leader in biomedical research. NIH accomplished this by developing a cutting edge internal research infrastructure and a democratic extramural grant program that almost single-handedly supports University-based research in the biological sciences. However, the report also cautioned that "no organization as important as NIH should remain frozen in organizational space" and any changes in organizational structure to achieve greater progress in chronic and emerging diseases, however essential, would face difficulty and risk.

NAS REPORT FINDINGS

The NAS report made a total of 14 recommendations. In the final analysis, the NAS report recommended maintaining the general structure of NIH to ensure NIH's strengths would be protected: conducting essential basic science, and disease, behavioral, organ, and system based research in its intramural program and funding peer-reviewed grants to University researches in its extramural program. However, the report also recognized the need for organizational changes which could help institutes work across their respective stovepipes, foster a culture of risk-taking and innovation, and give the NIH director, other leadership, and the public the power to prioritize NIH research to solve the Nation's most burdensome health problems. Collectively, these changes would enhance the capacity of the NIH to not only pursue fundamental knowledge about the nature and behavior of living systems, but to apply that knowledge to extend healthy life and reduce the burdens of illness and disability. This is NIH's mission.

CURES ADDRESSES THE SIX KEY RECOMMENDATIONS OF THE NAS REPORT

1. Strengthen Clinical Research: The NAS report recommended that the NIH "pursue a new organizational strategy to better integrate leadership, funding, and management of its clinical research enterprise". Senators Lieberman, Cochran, Carper, and Hutchison are introducing a proposal that creates the American Center for Cures (ACC), headed by a Cures Director. One of the new Director's key charges will be to promote and simplify the clinical research endeavor. The Director will establish a national electronic registry and results database for clinical trials in order to increase enrollment of research subjects and improve sharing efficacy and safety outcomes emanating from the clinical research endeavor. The Director will fund multidisciplinary clinical research teams in the academic and private sector, create Centralized Internal Review Boards (CIRB) to simplify the human subjects review processes for multi-institutional clinical trials, and augment NIH investments in training the clinical research workforce of the future.

2. Enhance and Increase Trans-NIH Strategic Planning and Funding: The 27 NIH Centers and Institutes with their own directors and budgets generally operate independently. The resulting structural and organizational stovepipes are limited in their ability to capitalize on the NIH's collective research capacity to address complex problems from different fields. For example, the problem of diabetic retinopathy could be tackled by researchers in the Institutes of the Eye, Diabetes, Digestive and Kidney disease, Biomedical Imaging and Bioengineering, and Allergy Immunology and Infectious disease. To address this problem, Cures funds innovative multidisciplinary collaborative research across NIH institutes and centers. NIH Institute and Center Directors on the Cures Council will be entrusted to coordinate the intramural research agenda with that of the ACC.

3. Strengthen the Office of the NIH Director: The NAS report emphasizes the need for the NIH Director to have more budgetary support and flexibility. Dr. Zerhouni's office has taken these steps with the NIH Roadmap. The Cures legislation further supports the spirit of the NIH Roadmap with organizational and funding commitments that bring the translational research investment to necessary and appropriate scale. The NIH Director and the Cures Advisory Council will recommend appointees for the Cures Director to the President. The NIH Director will be a co-chair of the ACC Council that will set the research and funding priorities for translational research projects at the NIH. The NIH Director will head efforts to establish a publicly accessible electronic database for all published NIH funded research, among other initiatives.

4. Create a Director's Special Projects Program: The NAS committee recommended the creation of a program to support high-risk, high-potential payoff research. The Department of Defense has had significant success with its Defense Advanced Research Program Agency (DARPA), where a group of expert portfolio managers invest in and oversee innovative, multidisciplinary, collaborative projects to advance specific fields or to develop needed technologies. DARPA has lead to the creation of the stealth technology, satellite surveillance, lasers, internet, and email. A Health Advanced Research Program Agency (HARPA) will be established within the ACC to help lead breakthrough advances, using a translational "challenge" model in biomedical research, such as a vaccine against HIV or genetic probes pivotal to the elucidation of disease producing genes.

5. Promote Innovation and Risk-Taking in Intramural Research: The NAS report recommended that the NIH intramural research portfolio be distinct from that of the extramural program and private sector. Cures creates an Office of Intramural Risk Mapping which will oversee the intramural research programs of the NIH to be certain they are complementary to extramural and private programs. The office will make funds available to groups of institutes and centers to promote engagement in multi-institute projects that focus on health risk analysis and corresponding scientific risk opportunity.

6. Standardize Data and Information Management Systems: The NAS committee recommended that the NIH must increase its capacity for data gathering and reporting to meet its obligations ". . . for effective management, accountability, and transparency". Cures seeks to improve the sharing of information by providing funding to the National Library of Medicine to create and maintain a publicly accessible database of all publications resulting from NIH-funded research and by establishing a national electronic registry and results database to increase enrollment in public and private clinical trials and to share efficacy and safety outcomes emanating from the clinical research endeavor. Cures focuses on the need to grow the NLM facilities according to the demands of new scientific discoveries and fields, especially within the areas of genomics and proteinomics.

CURES BUILD ON THE NIH ROADMAP

In response to the NAS report, NIH Director Dr. Elias Zerhouni launched the NIH Roadmap in FY 2004 with $128 million in funding from existing NIH budget allocations. Funding increases every year until FY 2009 and tops out at $507 million. The NIH Roadmap consists of:

New Pathways to Discovery to obtain a deeper understanding of biological systems based on new models.

Research Teams of the Future to facilitate collaboration across institutes by awarding grants to support institutional partnerships and cutting-edge research.

Re-engineering the Clinical Research Enterprise reforms the clinical trial process to allow for broader participation from community-level patients and providers.

While the NIH roadmap addresses some of the concerns of the NAS report, it does not address key provisions including increasing the power of the NIH Director, establishing an advanced research projects agency, and establishing a new leadership that can facilitate the research essential to moving products faster from bench to bedside. Unlike CURES, the roadmap relies on traditional academic-government relationships. CURES builds on the Roadmap to cultivate new relationships between NIH researchers and innovative industrial partners. Unlike the roadmap, which asks the NIH to focus on new priorities with old tools and funds, Cures provides much higher levels of funding for a Center uniquely devoted to translating research to produce new therapies and even cures to the most important diseases.

Section by Section Summary of the American Center for CURES Act of 2005

A bill to facilitate more rapid development of novel diagnostics, therapies and cures critical to national and global health

Background

When it comes to investments and advancements in biomedical research, the United States has no equal. Its National Institutes of Health (NIH) is the world's largest public source of biomedical research funding with an annual budget of over $28 billion. The NIH is comprised of 27 major institutes and centers, leading the way in cancer, cardiovascular, infectious disease and allergy advancements for health promotion and relief from the burdens of disease.

The private sector is also investing substantial resources in increasing both longevity and quality of life. These companies now invest more than the federal government in biomedical research and development (R&D). Potent pharmaceuticals and cutting edge medical devices provide health care professionals with a therapeutic arsenal that has increased lifespan seven years since

1960 and dropped neonatal mortality four fold. Partnerships between NIH and private industry are not often recognized for their key roles in bringing new treatments to the public, but are of great importance as they have led to life-changing therapies from to Taxol to Claritin to HIV anti-retrovirals.

But how can biomedical R&D proceed even faster? How can partnerships between NIH's Institutes and Centers, disease-based NGO's, biotech companies and small and large pharmaceuticals occur even more frequently? Towards which diseases should our resources be prioritized in the first place? How can NIH and the private sector be more responsive to emerging public health threats such as bioterrorism, an avian flu pandemic, antibiotic resistance, and a waning vaccine supply?

Center for Cures

In response to these pressing questions and the capacity of the NIH to address our health needs, Senators Lieberman, Cochran, Carper and Hutchison are proposing a $5 billion dollar annual investment to create the American Center for Cures (ACC). The mission of this new NIH Center will be to promote more rapid translation of public and private research into therapies, diagnostics and tools, which can effectively treat and possibly cure diseases of critical importance to domestic and global health. The ACC will enhance NIH's ability to not only pursue fundamental knowledge about the nature and behavior of living systems, but to apply that knowledge to extend healthy life and reduce the burdens of illness and disability. This is NIH's mission.

Specifically, the American Center for Cures will:

(1) Direct new resources towards the world's most burdensome diseases and towards biomedical, bioengineering, and biotechnological research with the greatest therapeutic impact and promise.

(2) Create an ACC national advisory board consisting of key health experts and stakeholders, who will help identify the critical diseases and health threats requiring greater public and private investment.

(3) Create a special Health Advanced Research Projects Agency (HARPA) to support innovative multidisciplinary collaborate research between NIH Institutes, between NIH and other federal agencies and between NIH grantees and business partners, for projects with the potential for significant health impact.

(4) Create health-centered Federally Funded Research and Development Centers (FFRDC) which will bring together interdisciplinary teams of experts including scientists, clinicians, epidemiologists, and pharmacists for a time limited period to focus on developing therapeutic breakthroughs for important disease entities.

(5) Invest further in the development of an expert workforce which will augment the nation's translational research capacity. Such an effort will include training new clinical researchers and bioinformatics professionals.

(6) Promote risk-taking and collaboration between NIH Institutes and Centers.

(7) Streamline the clinical research process essential to determining if new treatments are effective and safe.

(8) Promote the innovative efforts of small to medium sized biotechnology and bioengineering firms who require additional support in key traditionally under-funded stages of product development—the so called R&D "Valley of Death".

(9) Facilitate NIH partnerships with private industry in the preclinical stage of the R&D process so as to formulate a plan for health research translation and commercialization from the outset.

(10) Standardize NIH information management systems and reporting requirements of publicly funded research to improve information sharing between the applied science, translational research and business communities.

A section by section summary of the legislation is included below.

Section 1: Short title.

Section 2: Table of contents.

Section 3: Findings.

Section 4: Amends Title IV of the Public Health Services Act to establish a new Center at the National Institutes of Health (NIH) called the American Center for Cures (ACC).

PART J—AMERICAN CENTER FOR CURES

Section 499A: Definitions.

Section 499B(a): States the mission of the proposed American Center for Cures (ACC), which is to increase the capacity of the NIH to promote translational research between its Institutes and Centers, between the NIH and other Federal agencies and between NIH grantees and business partners so as to speed the development of effective diagnostics, therapies and cures essential to human health and well being.

The ACC shall formulate and implement a strategy for the nation's translational research investment based on (1) a prioritization of biomedical research based on disease burden and research promise, and (2) funding for innovative, multi-disciplinary, and collaborative research.

The ACC will be guided in part by a series of "Grand Challenges" or strategic challenges that direct the health research community towards multi-staged projects with the potential to transform the healthcare landscape. Examples include: the creation of laboratory diagnostics that enable the country to detect quickly and accurately to acute health threats, such as an avian flu pandemic or a bioterrorism attack; a commitment by researchers and manufacturers from public and private sectors to develop vaccines for the world's most deadly infectious diseases including HIV, tuberculosis, and malaria. Other examples are provided in this section.

Section 499B(b): Establishes a Director of Cures (to be called in this document the "Director") who will administer the ACC. The President of the United States will appoint the Director. The NIH Director in consultation with the Cures Advisory Council (Section 499B(c)) will recommend candidates for the Director to the President. The NIH Director will work with the Director to promote the nation's translational research efforts.

The Director will have at his disposal an annual acceleration fund of $5 billion dollars to provide support for research and development of breakthrough biomedical discoveries and to carry out the purposes of the ACC. No less than one half of the acceleration fund will be allocated to a Health Advanced Research Projects Agency described in Subpart II.

Section 499B(c): Establishes a Cures Council to advise and direct the translational research efforts of the ACC. The Council will be co-chaired by the Director of Cures and the Director of NIH. Membership will include NIH Institute and Center Directors; leaders from at least 9 federal agencies including the Director of the Agency for Healthcare Research and Quality (AHRQ), the Director of the Defense Advanced Research Projects Agency (DARPA), and the President of the Institute of Medicine (IOM); no fewer than three leaders from the small business community; three leaders from large pharmaceutical or biotechnology companies; and three leaders from academia. All Council members will be appointed by the President.

The Council shall establish subcommittees including one of NIH Institute and Center Directors to coordinate research priorities in, and ensure sharing of research agendas among, the Institutes and Centers. The subcommittee shall also coordinate the ACC research agenda with that of the NIH Institutes and Centers.

The Council will make recommendations that help the Director set research priorities for the ACC. The Council shall consider risk and burden of disease as well as lines of research uniquely poised to deliver effective diagnostics and therapies.

The Council shall be aided by the Office of Intramural Risk Opportunity and Mapping of the Office of Technology Transfer established in subpart V.

The Council shall conduct an annual assessment of ACC priorities and progress and make this available to the public in written and electronic forms.

Section 499B(d): The Director of Cures shall prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the Center.

The Director will receive directly all funds appropriated by Congress for obligation and expenditure by the Center.

SUBPART 1—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

Section 499C: Federally Funded Research and Development Centers (FFRDC's) will serve as sites for multidisciplinary and cross-scientific research within particular areas of health. The Director may establish one or more FFRDC's to carry out activities related to the mission of the ACC. These Centers will establish, as appropriate, technology test beds and incubators, utilize cooperative agreements with the private sector, and conduct large-scale multi-disciplinary translational research projects in health or disease areas which are essential to medical advancement, but lack adequate private sector funding.

The FFRDC's shall consult widely with representatives from private industry, institutions of higher education, nonprofit institutions, other federal governmental agencies, and other federally funded research and development centers.

The Director shall ensure that competitive mechanisms are used to select and to promote the ongoing quality and performance of the FFRDC's.

Contracts between the ACC and FFRDC's shall be for no longer than 7 years, after which time refunding shall be contingent upon approval by the Director and the Cures Council.

Each FFRDC shall biannually submit a report on the activities carried out by the Centers under this section to the Director and the appropriate committees of Congress.

For any fiscal year, the Director may use not more than 25 percent of the funds available in the Director's Acceleration Fund for FFRDC's.

SUBPART 2—HEALTH ADVANCED RESEARCH PROJECTS AGENCY

Section 499d. Technological and scientific innovations often require strategic risk taking and significant funding streams that are rapid and are outcomes based. Funds must also encourage expert multidisciplinary collaboration. This section establishes at the

ACC a Health Advanced Research Projects Agency (HARPA) for these purposes.

HARPA will be headed by a Director of the Research Projects Agency who will be appointed by the Director of Cures.

HARPA shall be composed of not more than 100 expert portfolio managers in key health areas, as determined by the Director of HARPA in conjunction with the Director and Cures Council.

HARPA shall undertake the grand challenges formulated by the Center and encourage innovative, multidisciplinary, and collaborative research between NIH Institutes and Centers, between the NIH and other Federal agencies, and between NIH grantees and business partners.

Management and organizing principles include an agency which is small, flexible, entrepreneurial, and non-hierarchical; which empowers portfolio managers to foster research opportunities free from bureaucratic impediments; which seeks to employ the strongest scientific and technical talent in the Nation; which rotates a significant portion of the staff every 3-5 years, which leverages comparable matching investment from other NIH institutes and centers, federal agencies, and from the private and non profit sectors; which creates a translational research model that supports fundamental research breakthroughs, early and late stage applied development, prototyping, knowledge diffusion, and technology deployment; which establishes metrics to evaluate research success; which ensures that revolutionary research dominates HARPA's agenda and portfolio. Other management and organizing principles are provided.

HARPA activities will include supporting basic and applied research to promote revolutionary technology changes which address health needs. It will advance the development, testing, evaluation, prototyping and deployment of critical health products. Multiple other activities are provided.

HARPA will have flexible hiring practices as described in the Strom Thurmond National Defense Authorization Act, 1999.

HARPA will have the authority to flexibly fund projects, including the prompt awarding, releasing, enhancing and withdrawal of monies.

HARPA will be funded through the Director's acceleration fund at a minimum of $2.5 billion dollars annually.

SUBPART 3—CLINICAL TRIALS

Clinical trials are an essential part of the research and development process. This is where the effectiveness and safety of products are scientifically and systematically investigated. However, clinical trials are complex, expensive, and time-consuming, making it difficult for individuals to perform all the functions necessary to successfully organize and implement clinical trials. This subpart improves how clinical trials are conducted and how their results are disseminated. It also promotes the development of a future clinical research workforce.

Section 499E. Increasing Research Study Participation: The Director of NIH shall create a national electronic clinical trial registry with the National Library of Medicine (NLM) as specified in Subpart 6, Section 499H (b). The ACC shall publicize the registry with special attention given to minority groups, who are frequently underrepresented in clinical trials.

Section 499E-1. Grants for Quality Clinical Trial and Execution: The Director shall provide grants for clinical trial design and execution to academic centers or to private firms with highly promising therapeutic entities to fund multidisciplinary clinical research teams, whose members may include project managers, clinicians, epidemiologists, and nursing staff.

Section 499E-2. Streamlining the Regulatory Process Governing Clinical Research: This section streamlines the regulatory process governing clinical research, which has become increasingly unwieldy due to necessary but complex patient privacy and safety rules. The ACC shall establish a series of Centralized Institutional Review Boards (CIRB) to ensure human subject safety and well-being for multi-institutional clinical trials. CIRB's shall be established in accordance with professional best practices and Good Clinical Practice (GCP) guidelines.

A CIRB shall be housed at the Institute or Center with expertise on the subject of the clinical trial or outside of the NIH in a public or private institution with comparable expertise and organizational capacity.

CIRB's will be available at the request of public or private institutions and funded through user fees or Center funds.

The CIRB shall act on behalf, in whole or in part, of the bodies ordinarily responsible for the safety of research subjects in a locality, on a contractual basis.

The CIRB will review and package research applications for facilitated electronic review by local IRB's participating in multi-center clinical trials. Local IRB review can be performed by a subcommittee that is empowered to make decisions in a timely manner. Local IRB's can either accept or reject the CIRB review.

Local IRB's which are part of the CIRB network shall be responsible for taking into consideration local characteristics such as educational level of research subjects to assure sound selection of research subjects and to minimize risks to vulnerable populations.

Each CIRB shall regularly communicate important information electronically to the local institutional review boards.

Section 499E-3. Training Clinical Researchers of the Future: The ACC will augment NIH's investment into programs developing the nation's clinical research workforce. These programs include: the NIH's Mentored Patient-oriented Research Career Development Award, NIH grants to help institutions develop curricula for clinical researchers, and NIH grants to fund participants in clinical science programs, which shall include but not be limited to clinical science certificates or clinical science Masters' Degrees.

Section 499E-4. Clinical Research Study and Clinical Trial: The Director shall commission the Institute of Medicine (IOM) to study the regulations protecting patient safety and anonymity so that in a contemporary clinical research context, a more realistic balance can be achieved between clinical research promotion and regulatory requirements governing research subject safety and privacy. The IOM will issue a written report within eighteen months of the passage of the Cures act which shall consider changes to the current Health Insurance Portability and Accountability Act (HIPAA) to further promote the clinical research endeavor.

Section 499E-5. Authorization of Appropriations from the Directors Acceleration Fund. $100 million dollars for Sections 499E-1(1), $50 million dollars for Section 499E-2, $200 million dollars for Section 499E-3, $2.5 million dollars for Section 499E-4.

SUBPART 4—VALLEY OF DEATH

Small businesses are major drivers of innovation. Facile, motivated, numerous, and creative, these small businesses can extend the limits of R&D in a way large companies with secure product lines are unable to do. However, small businesses often encounter difficulty securing capital in the so called, "Valley of Death"—the period between a research idea with possible application to the time the safety and efficacy of a product is demonstrated in human clinical trials. Common end-pathways within the Valley of Death include development of pharmacological assays, scale-up of production from lab-scale to clinical-trials scale, development of suitable formulations, evaluation of chemical stability, evaluation of materials testing for durability or reactivity, undertaking initial toxicology studies, and planning and implementation of clinical trials.

Section 499F. Small Business Partnerships: The Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs are effective major investments in promoting the R&D portfolios of small businesses. SBIR and STTR receive 2.5% and 0.3% of the budgets, respectively, of federal agencies with R&D budgets greater than $100 million dollars. SBIR/STTR grants and contracts consist of three phases. Phase I plans for product development and procurement. Phase II addresses implementation of the plan. Phase III involves commercialization yet by law is ineligible for SBIR/STTR funding. Management and orientation of SBIR/STTR programs at the NIH can be improved.

This section moves the NIH's SBIR and STTR programs from the Extramural Research Office to the new Office of Bioscientific Enterprise Development (OBED) in the ACC Office of Technology Transfer (OTT).

The NIH currently awards its SBIR and STTR grants and contracts through a peer review process. Now, not less than 35% of SBIR and STTR grants and contracts shall be rewarded on a competitive basis by an OBED program manager with significant managerial, technical, and translational research experience to expertly assess the quality of a SBIR or STTR proposal.

Program managers will place special emphasis on partnering grantees with potential purchasers or investors of technology from the start of the research and development process with potential purchasers or investors including federal agencies such as the NIH.

ACC shall reduce the time between Phase I and Phase II funding to 6 months or less. Currently, grantees can wait up to 5 years to learn whether or not they are a recipient of a phase II grant.

An SBIR/STTR project manager may petition the OTT for Phase III funding from the Director's acceleration fund for projects requiring a supplementary funds to finalize product commercialization. The maximum funding for Phase III funding of a project shall be $2,000,000 for a maximum of 2 years.

All recipients of SBIR/STTR funding are required to report to the OTT whether there was eventual commercial success of the product. OTT shall keep a publicly accessible electronic record of all SBIR/STTR investments in research and development. The record shall include at minimum the following information: the grantee, a description of the funded research, the amount of money awarded in each phase of SBIR/STTR research, and if applicable, the nature of the products developed.

For each fiscal year, the two grants program managers who have had the greatest success in helping to commercialize products may be awarded a bonus up to $10,000.

Section 499F-1. Rapid Access to Intervention Development: The National Cancer Institute of the NIH has a successful translational research program called RAID (Rapid Access to Interventional Development). RAID lends essential expertise and resources including access to laboratories and facilities to researchers outside of the NIH. OTT shall expand upon this program and establish other RAID programs, designed to accelerate the process of bringing promising and novel discoveries from the laboratory to the pre-clinical trial stage.

RAID awardees have traditionally been selected to receive access to laboratories, facilities and other NIH supports for the preclinical development of drugs, biologics, diagnostics and devices, using the peer review process. Now, not less than 35% of RAID awards shall be awarded on a competitive basis by a program manager with significant managerial, technical, and translational research experience to adequately assess the quality of a project proposal.

Eligible awardees include university researchers, non-profit research organizations, and firms of less than 100 employees in collaboration with one or more university or non-profit organizations.

The Office may discontinue support at any point when the entity fails to meet commercialization success criteria established by the Office.

Examples of RAID support are given. These include advice regarding the investigational new drug or investigational new device filing with the Food and Drug Administration.

The Office shall not support products past proof-of-principle clinical trials.

Section 499F-2. Toxicity Studies: Toxicity studies are essential to the development of any drug therapy, but are difficult to stage. The Center for Cures shall support ongoing research into the most efficient methods of screening for human toxicity, including using cell-based and animal model technologies.

OTT may offer support for toxicity studies to private companies licensing NIH intellectual property.

Section 499F–3. Additional funding sources and models: The Director of the Center for Cures may provide acceleration funds for flexible contracts for translational research development to entities that license intellectual property from NIH where such contracts support innovation and commercialization.

Section 499F–4. Authorization of Appropriations from the Directors Acceleration Fund. $400 million dollars for Sections 499F for $100 million dollars for 499F-1.

SUBPART 5—OFFICE OF TECHNOLOGY TRANSFER

The Office of Technology Transfer (OTT) should be one of the NIH's most active entities. It is within the process of technology transfer where basic science research informs applications to health and where ideas are brought from bench to bedside and back to the bench. The OTT should be a library of innovation administered by experts who have experience in linking the translational research community with industry. This subpart improves upon the current research translation authorities of NIH's OTT.

Section 499G. Restructuring: The NIH Office of Technology Transfer in the NIH Director's Office shall be transferred to a new OTT Office in the American Center for Cures.

Section 499G–1. Marketing Function: The OTT office shall create a program for transfer management & support that cultivates industry interest in NIH funded research, reaches out to potential industry partners, coordinates patents from different NIH Institutes and Centers, and manages Cooperative Research and Development Agreements (CRADA's), biological licensing agreements, material transfer agreements, and intellectual property licensing.

To promote government-industry partnerships, the OTT shall create an electronic database within the National Library of Medicine that tabulates translational research efforts occurring at the NIH. The OTT shall hold an annual translational research conference the bring together public and private stakeholders.

The OTT shall develop a program for transfer management & support which will be familiar with the NIH's intramural and extramural research portfolio as well as with the interests of small and large biotech and pharmaceutical industries. For those Institutes or Centers with their own OTT offices, the new OTT program for transfer management & support will work closely with those offices to coordinate industry outreach efforts.

As appropriate, OTT shall register CRADA's within a publicly accessible electronic database maintained by NLM.

Section 499G–2. Office of Intramural Risk Opportunity and Mapping: An Office of Intramural Risk Mapping within OTT shall oversee the intramural research programs of the NIH to be certain they are complementary, non-duplicative, and distinct from extramural and private programs.

The Office shall identify and map health risks and scientific opportunities and update the data on these topics as necessary to ensure they are current. This information is to be provided to the Cures Council on a biannual basis to help them prioritize the nation's translational research investment.

The Office shall make funds available to groups of NIH Institutes and Centers to promote multidisciplinary projects that focus on health risk analysis and corresponding scientific risk opportunity. Preference will go to projects that demonstrate a high degree of collaboration and which address diseases with the great burden or research promise, and that are most likely to result in the development of a diagnostic or therapeutic prototype.

$150 million dollars is authorized to be appropriated from the Director's Acceleration Fund to fund the Office.

Section 499G–3. Patenting and Licensing Incentives: The OTT shall make every effort to increase licensing to stimulate the availability of products for clinical use. The OTT shall recommend to the Director incentives that create private sector, financial, commercial, and academic interest in the NIH's IP portfolio. These incentives may include extensions of NIH health patents, restoration of NIH health patents, and partnering options to pursue exclusive and nonexclusive licensing to one or multiple partners in the government, industrial, and/or academic sectors.

The Director shall encourage OTT to develop flexible models for contracts that fulfill the needs of industry and the public.

Section 499G–4. Translational Researcher Development: The Director shall oversee development of a curriculum for internships in translational research encompassing rotations through multiple NIH Institutes and Centers, the clinical trial design process, the NLM, and other related disciplines with an emphasis on practical experience.

Tuition grants for extramural translational research programs shall be administered under the supervision of the Director.

The ACC shall train interdisciplinary scientists in the science of risk analysis & mapping through a program of internships and fellowships.

Section 499G–6. Translational Research Training Program: The NIH Director shall ensure that each NIH Institute or Center establishes a translational research training program.

SUBPART 6—DEVELOPING INFORMATION SYSTEMS

The NIH's National Center for Biotechnology Information (NCBI) at the NLM provides essential information resources to scientists worldwide and is the underpinning of much of NIH conducted biomedical research. The NCBI's databases and computational and linkage tools nurture information sharing and are critical to identifying interconnections, developing insights, and accelerating biomedical breakthroughs.

Section 499H. Advancing National Health Information Infrastructure.

The NLM shall develop new computational methods to assist in the processing of genomic data. There is authorized to be appropriated $2.5 million dollars to support the computational infrastructure and $5.5 million dollars to hire expert biologists and computer scientists trained in bioinformatics.

Secretary of Health and Human Services acting through the Director of NIH will work with the NLM to construct a clinical trial registry and clinical results database tracking all phase III clinical trials taking place in the United States. This registry and database will expand upon the NLM's current information system and database.

The registry of clinical trials shall include at least the following: clinical trial title, description of the product under study, the hypothesis to be tested, brief description of the intervention, the study design, methodology, duration and location, participation criteria, contact information and sponsoring organization.

The databank of clinical trial results shall consist of at least the following: trial start date and completion date, summary of the results of the trial, summary data tables with respect to the primary and secondary outcome measures, information on the statistical significance of the results, links to publications in peer reviewed journals relating to the trial, a description of the process used to review the results of the trial, and safety data concerning the trial.

Public or private entities shall register a phase III clinical trial not later than 3 months after submitting the Food and Drug Administration (FDA) approves the clinical trial protocol and report phase III clinical trial results not later than 3 months after completing the trial. Information provided to the NLM must be accurate and updated.

Penalties for not registering clinical trials or reporting clinical trial results can be loss of future public funding or in cases where an entity does not receive public funding, a fine of up to $2,000,000 dollars.

The Secretary may waive clinical trial submission requirements upon a written request from the responsible person if the Secretary determines that providing the waiver is in the public's interest or consistent with protection of the public's health.

Section 499H-1. Publication Requirement for Research: The Director of the NIH shall require that for any research funded by the NIH, Centers for Disease Control and Prevention (CDC), and the Agency for Healthcare Research and Quality (AHRQ), there will be a standardized report of this research for public viewing. Department of Health and Human Services (DHHS) grantees shall provide the NLM an electronic copy of the final version of all peer-reviewed manuscripts accepted for publication for display on their digital library archive, PubMed Central, within 6 months from the date of its publication.

Failure to submit required information to the NLM within 6 months from the date of publication may result in loss of public funding for investigators.

Section 499H–2. Informatics Training and Workforce Development. 21st Century technologies for analyzing DNA, RNA, proteins, and other biologically important molecules are generating a "tsunami of data" which are far beyond the understanding of unaided human cognition, but hold the key to improved understanding of human health and disease. Training of individuals in "clinical bioinformatics"—translational research that applies computerized analytic methods of molecules, cells, tissues, and body systems to the prevention, diagnosis and treatment of human disease—will be pivotal to fostering this emerging and important data-intensive field.

The NIH shall develop a multi-faceted approach to increasing the number of persons trained in clinical bioinformatics. This shall include but not be limited to augmenting secondary school science programs, undergraduate degree programs in Bioinformatics, NIH bioinformatics graduate training programs, and Centers of Excellence in Clinical Bioinformatics.

Authorization of Appropriations from the Cures Acceleration Fund is $50 million dollars for this section.

Section 499H–3. NLM Expansion of Facilities. In 2002, Congress authorized an expansion of the NLM. These facilities may be essential to the NLM's capacity to fill its numerous informatics functions. The Director will commission the IOM to report to Congress on the impact of not funding the expansion of facilities.

SUBPART 7—RESEARCH TOOLS

Innovation requires proper tools for discovery. These include animal models that can be surrogates for human systems and markers that illuminate otherwise invisible cells, DNA, proteins and viruses. Arguably, the development of research tools is subject to the same market forces as more common end products—drugs, medical devices, and vaccines.

Section 499I. NIH Research Tool Inventory: The Director of NIH shall direct the head of each NIH Institute and Center to perform an annual review of its research tool inventory for the specific purpose of enabling each Institute and Center to understand processes for research tool distribution, frequency of use, IP status, and utility. Each NIH Institute and Center shall also describe in its review the type and quantity of research tools it desires to obtain in order to better fulfill its R&D goals.

The ACC shall enter this inventory into an electronic research tool database and use this database to oversee the prioritization and funding of new projects to fulfill pressing needs and to encourage promising technologies.

Section 499I–1. Exceptions to Tool Guidelines: The Director of NIH may advise the OTT to provide exceptions to prohibition against patenting and licensing research tools under some appropriate circumstances when exclusive or non-exclusive licensing provides the swiftest, and most efficacious final development of an important health care technology.

S. 2104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Center for Cures Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. American Center for Cures.

"PART J—AMERICAN CENTER FOR CURES

"Sec. 499A. Definitions.
"Sec. 499B. Establishment of American Center for Cures.

"SUBPART 1—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

"Sec. 499C. Federally Funded Research and Development Centers.

"SUBPART 2—HEALTH ADVANCED RESEARCH PROJECTS

"Sec. 499D. Health Advanced Research Projects Agency.

"SUBPART 3—CLINICAL TRIALS

"Sec. 499E. Increasing research study participation.
"Sec. 499E–1. Grants for quality clinical trial design and execution.
"Sec. 499E–2. Streamlining the regulatory process governing clinical research.
"Sec. 499E–3. Training clinical researchers of the future.
"Sec. 499E–4. Clinical research study and clinical trial.
"Sec. 499E–5. Authorization of appropriations.

"SUBPART 4—VALLEY OF DEATH

"Sec. 499F. Small business partnerships.
"Sec. 499F–1. Rapid access to intervention development.
"Sec. 499F–2. Toxicity studies.
"Sec. 499F–3. Additional funding sources and models.
"Sec. 499F–4. Authorization of appropriations.

"SUBPART 5—OFFICE OF TECHNOLOGY TRANSFER

"Sec. 499G. Restructuring.
"Sec. 499G–1. Marketing function.
"Sec. 499G–2. Office of Intramural Risk Opportunity and Mapping.
"Sec. 499G–3. Patenting and licensing incentives.
"Sec. 499G–4. Translational researcher development.
"Sec. 499G–5. Translational research training program.

"SUBPART 6—DEVELOPING INFORMATION SYSTEMS

"Sec. 499H. Advancing national health information infrastructure.
"Sec. 499H–1. Public access requirement for research.
"Sec. 499H–2. Informatics training and workforce development.
"Sec. 499H–3. National Library of Medicine expansion of facilities.

"SUBPART 7—RESEARCH TOOLS

"Sec. 499I. NIH research tool inventory.
"Sec. 499I–1. Exceptions to tool guidelines.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The National Institutes of Health (referred to in this section as the "NIH") is the United States premier biomedical research investment with annual appropriations exceeding $28,000,000,000.

(2) The mission of the NIH is science in pursuit of fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to extend healthy life and reduce the burdens of illness and disability.

(3) The pace of knowledge application to promote health and reduce disease can be influenced through strategic funding and reorganization of some aspects of the traditional research endeavor. This process is known as translational research investment.

(4) The United States translational research investment will be key to the Nation responding effectively—

(A) to acute man-made or natural health threats;

(B) to the complexity and multi-disciplinary nature of chronic diseases, which are responsible for 7 out of every 10 deaths in the United States and for more than 70 percent of the $1,700,000,000,000 spent in the United States on health care each year; and

(C) to research and development vacuums in the private for-profit market, such as in the fields of vaccine and antibiotic production, drugs for Third World diseases, and medical tools for pediatric populations.

(5) Key components of the translational research process include research prioritization, an expert workforce, multidisciplinary collaborative work, facilitated information exchange, strategic risk taking, support of small innovative businesses caught along common pathways in the research and development Valley of Death, simplification and promotion of the clinical research endeavor, and involvement of private entities early on in the translational research endeavor that are skilled in the manufacturing and marketing process.

SEC. 4. AMERICAN CENTER FOR CURES.

(a) AMERICAN CENTER FOR CURES.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"PART J—AMERICAN CENTER FOR CURES

"SEC. 499A. DEFINITIONS.

"In this part:

"(1) CENTER.—The term 'Center' means the American Center for Cures established under section 499B.

"(2) COUNCIL.—The term 'Council' means the Cures Council established under section 499B.

"(3) DIRECTOR.—The term 'Director' means the Director of the American Center for Cures.

"(4) INCUBATOR.—The term 'incubator' means an economic development organization designed to accelerate the growth and success of entrepreneurial individuals, concepts, and companies.

"(5) RESEARCH TOOL.—The term 'research tool' means a resource that scientists use in their laboratories that has no immediate therapeutic or diagnostic value, including cell lines, monoclonal antibodies, reagents, laboratory equipment and machines, databases, and computer software.

"(6) TEST BED.—The term 'test bed' means the pilot environment to prototype innovation.

"(7) TRANSLATIONAL RESEARCH.—The term 'translational research' means investigation in which knowledge obtained from fundamental research such as with genes, cells, or animals, is transformed through early and late stage development prototyping and testing into diagnostic or therapeutic interventions that can be applied to the treatment or prevention of disease or frailty.

"SEC. 499B. ESTABLISHMENT OF AMERICAN CENTER FOR CURES.

"(a) IN GENERAL.—There is established within the National Institutes of Health an American Center for Cures—

"(1) whose mission shall be to increase the capacity of the National Institutes of Health to promote translational research, including between the institutes and centers of the National Institutes of Health, between the National Institutes of Health and other Federal agencies, and between grantees and business partners of the National Institutes of Health, so as to speed the development of effective therapies, diagnostics, and cures essential to human health and well being;

"(2) that shall formulate and implement a strategy for the Nation's translational research investment, which strategy shall include—

"(A) a prioritization of biomedical research on diseases based on disease burden and research promise; and

"(B) funding for innovative, multidisciplinary, and collaborative research across the institutes and centers of the National Institutes of Health, across Federal agencies, and between public and private partners of the National Institutes of Health;

"(3) that shall be guided, in part, by a series of 'Grand Challenges' formulated through collaboration between the Director of Cures and the Council, that shall be strategic challenges that direct the public and private health research community towards collaborative multi-staged projects that have the potential to transform the healthcare environment, such as—

"(A) the creation of laboratory diagnostics that enable the Nation to detect quickly and accurately acute health threats such as an avian flu pandemic or a bioterrorism attack;

"(B) a focus on therapeutic delivery systems targeting individual viruses or hard to reach cells in the body, such as the brain, using advances in nanotechnology;

"(C) accelerated research into the potential of stem cells to replace the form and function of tissues lost to patients suffering from diseases such as spinal cord injury, Parkinson's disease, and insulin-dependent diabetes;

"(D) creation of a biomedical informatics infrastructure that can organize the human genome and the proteins for which the genome codes in ways that scientists can better understand the genetic contribution to phenotypic disease;

"(E) the elaboration of adjuvant technology that can bolster the effectiveness of vaccines;

"(F) development of antigen sparing vaccines such as those based on triggering the innate immune response;

"(G) development of rapid vaccine manufacturing capacity from new production methods such as viral cell culture or bioengineering technology;

"(H) creation of a fast track clinical trial infrastructure that incorporates a national doctor and patient registry, centralized investigational review boards, electronic medical records, and other health information technologies;

"(I) a focus on addressing less profitable conditions for which research and development efforts are insufficient, such as—

"(i) orphan, small population, and third world diseases;

"(ii) antibiotic resistance;

"(iii) a threat of a flu epidemic or pandemic;

"(iv) diseases associated with social stigma such as depression and seizure disorders; or

"(v) other comparable problems;

"(J) a commitment by researchers and manufacturers from all sectors to develop vaccines for the world's most deadly infectious diseases, including HIV, tuberculosis, and malaria; and

"(K) other appropriate challenges; and

"(4) that shall have other appropriate purposes.

"(b) DIRECTOR OF THE CENTER AND THE DIRECTOR OF NIH.—

"(1) IN GENERAL.—The Center shall be administered by a Director of Cures who shall be appointed by the President with the advice and consent of the Senate. The Director of the NIH, in consultation with the Council, shall recommend candidates for the Director of Cures to the President.

"(2) ACTIVITIES.—

"(A) DIRECTOR OF NIH.—The Director of NIH shall—

"(i) work with the Director of Cures to promote translational research efforts; and

"(ii) serve as a co-chair of the Council.

"(B) DIRECTOR OF CURES.—

"(i) ACCELERATION FUND.—

"(I) IN GENERAL.—The Director of Cures shall have at the Director's disposal an annual acceleration fund to provide support for research and development of breakthrough biomedical discoveries and to carry out the purpose of the Center. Amounts in the fund may be available through grants, contracts, and cooperative agreements to public sector entities, private sector entities, and non-governmental organizations. The Director of Cures shall allocate not less than ½ of the acceleration funds to the Health Advanced Research Projects Agency described in subpart 2. The remainder of such funds shall be available to the Federally Funded Research and Development Centers described in subpart 1 and other activities of the Center.

"(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to fund the acceleration fund under subclause (I) $5,000,000,000 for fiscal year 2007 and each succeeding fiscal year.

"(ii) DIRECT OTHER OFFICES.—The Director of Cures shall direct other offices within the Center that are established under this part.

"(c) COUNCIL.—

"(1) ESTABLISHMENT.—There is established within the Center a Cures Council that shall convene not less frequently than twice a year to help advise and direct the translational research efforts of the Center.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Council shall be composed of the following members:

"(i) The Director of NIH and the Director of Cures who shall be Council co-chairs.

"(ii) The heads of the institutes and centers of the National Institutes of Health.

"(iii) Heads from not less than 9 Federal agencies, including—

"(I) the Administrator for the Substance Abuse and Mental Health Services Administration;

"(II) the Under Secretary for Science and Technology of the Department of Homeland Security;

"(III) the Commanding General for the United States Army Medical Research and Materiel Command;

"(IV) the Director of the Centers for Disease Control and Prevention;

"(V) the Commissioner of Food and Drugs;

"(VI) the Director of the Office of Science of the Department of Energy;

"(VII) the President of the Institute of Medicine;

"(VIII) the Director of the Agency for Healthcare Research and Quality; and

"(IX) the Director of the Defense Advanced Research Projects Agency.

"(B) OTHER MEMBERS.—Membership of the Council shall also include not fewer than 3 leaders from the small business community, 3 leaders from large pharmaceutical or biotechnology companies, and 3 leaders from academia, all of whom shall be appointed by the President.

"(3) SUBCOMMITTEES.—The Council or the Council co-chairs may form subcommittees of the Council as needed.

"(4) RECOMMENDATIONS; COORDINATION.—The Council shall make recommendations that help the Director of Cures set research priorities for the Center. In making recommendations, the Council shall consider risk and burden of disease as well as lines of research uniquely poised to deliver effective diagnostics and therapies. The Council shall also coordinate research priorities in, and ensure sharing of research agendas among, the institutes and centers of the National Institutes of Health.

"(5) OFFICE OF INTRAMURAL RISK OPPORTUNITY AND MAPPING.—The Council shall be aided by the Office of Intramural Risk Opportunity and Mapping of the Office of Technology Transfer of the Center established in subpart 5.

"(6) ANNUAL ASSESSMENT.—The Council shall make an annual assessment of the priorities and progress of the Center and shall make the assessment available to the public in written and electronic form.

"(d) BUDGET AND FUNDS.—The Director of Cures shall—

"(1) prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the Center, after reasonable opportunity for comment (but without change) by the Secretary, the Director of NIH, and the Council; and

"(2) receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Center.

"Subpart 1—Federally Funded Research and Development Centers

"SEC. 499C. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

"(a) IN GENERAL.—The Director of Cures is authorized to establish 1 or more Federally Funded Research and Development Centers that shall carry out activities related to the mission of the Center, as described in section 499B(a)(1).

"(b) DUTIES.—

"(1) IN GENERAL.—The Federally Funded Research and Development Centers shall serve as sites for the performance of multidisciplinary and cross-disciplinary research and shall—

"(A) establish, as appropriate, technology test beds and incubators;

"(B) utilize cooperative agreements with the private sector; and

"(C) conduct large-scale multidisciplinary translational research projects in health or disease areas that are essential to medical advancement but lack adequate private sector funding.

"(2) CONSULTATION.—In carrying out the duties described in paragraph (1), the Federally Funded Research and Development Centers shall consult widely with representatives from private industry, institutions of higher education, nonprofit institutions, other Federal governmental agencies, and other federally funded research and development centers.

"(c) COMPETITION.—The Director of Cures shall ensure that competitive mechanisms are used to select and to promote the ongoing quality and performance of the Federally Funded Research and Development Centers.

"(d) TERM OF FUNDING.—Federally Funded Research and Development Centers shall be funded for not more than 7 years, after which time the Federally Funded Research and Development Centers' re-funding shall be contingent upon approval by the Director of Cures and the Council.

"(e) REPORTS.—Each Federally Funded Research and Development Center receiving funding under this section shall submit a biannual report to the Director and the appropriate committees of Congress on the activities carried out by the Federally Funded Research and Development Center under this section.

"(f) FUNDING FOR SUPPORT.—For any fiscal year, the Director of Cures may use not more than 25 percent of the funds available to the Director under the acceleration fund under section 499B(b)(2)(B)(i)(II) to establish Federally Funded Research and Development Centers under this section.

"Subpart 2—Health Advanced Research Projects

"SEC. 499D. HEALTH ADVANCED RESEARCH PROJECTS AGENCY.

"(a) ESTABLISHMENT.—There is established within the Center a Health Advanced Research Projects Agency (referred to in this section as the 'Research Projects Agency') that shall—

"(1) carry out activities related to the mission of the Center, as described in section 499B(a)(1); and

"(2) be headed by a Director of the Research Projects Agency who is appointed by the Director of Cures.

"(b) COMPOSITION.—The Research Projects Agency shall be composed of not more than 100 portfolio managers in key health areas, which areas are determined by the Director of the Research Projects Agency in conjunction with the Director of Cures and the Council.

"(c) GUIDANCE.—The Research Projects Agency shall be guided by and shall undertake grand challenges formulated by the Center that encourage innovative, multi-disciplinary, and collaborative research across institutes and centers of the National Institutes of Health, across Federal agencies, and between public and private partners of the National Institutes of Health.

"(d) MANAGEMENT GUIDANCE.—The Research Projects Agency shall be guided by the following management and organizing principles in directing the Research Projects Agency:

"(1) Keep the Research Projects Agency small, flexible, entrepreneurial, and non-hierarchical, and empower portfolio managers with substantial autonomy to foster research opportunities with freedom from bureaucratic impediments in administering the manager's portfolios.

"(2) Seek to employ the strongest scientific and technical talent in the Nation in research fields in which the Research Projects Agency is working.

"(3) Rotate a significant portion of the staff after 3 to 5 years of experience to ensure continuous entry of new talent into the Research Projects Agency.

"(4) Use whenever possible research and development investments by the Research Projects Agency to leverage comparable matching investment and coordinated research from other institutes and centers of the National Institutes of Health, from other Federal agencies, and from the private and non-profit research sectors.

"(5) Utilize supporting technical, contracting, and administrative personnel from other institutes and centers of the National Institutes of Health in administering and implementing research effort to encourage participation, collaboration, and cross-fertilization of ideas across the National Institutes of Health.

"(6) Utilize a challenge model in Research Projects Agency research efforts, creating a translational research model that supports fundamental research breakthroughs, early and late stage applied development, prototyping, knowledge diffusion, and technology deployment.

"(7) Establish metrics to evaluate research success and periodically revisit ongoing research efforts to carefully weigh new research opportunities against ongoing research.

"(8) Tolerate risk-taking in research pursuits.

"(9) Ensure that revolutionary and breakthrough technology research dominates the Research Projects Agency's research agenda and portfolio.

"(e) ACTIVITIES.—Using the funds and authorities provided to the Director of Cures, and the authorities provided to the Director of NIH, the Research Projects Agency shall carry out the following activities:

"(1) The Research Projects Agency shall support basic and applied health research to promote revolutionary technology changes that promote health needs.

"(2) The Research Projects Agency shall advance the development, testing, evaluation, prototyping, and deployment of critical health products.

"(3) The Research Projects Agency, consistent with recommendations of the Council, with the priorities of the Director of Cures, and with the need to discuss challenges described in section 499B(a)(3), shall emphasize—

"(A) translational research efforts, including efforts conducted through collaboration with the private sector, that pursue—

"(i) innovative health products that could significantly and promptly address acute health threats such as a flu pandemic, spread of antibiotic resistant hospital acquired infections, or other comparable problems;

"(ii) remedies for diseases afflicting lesser developed countries;

"(iii) remedies for orphan and small population diseases;

"(iv) alternative technologies with significant health promise that are not well-supported in the system of health research, such as adjuvant technology or technologies for vaccines based on the innate immunological response; and

"(v) fast track development, including development through accelerated completion of animal and human clinical trials, for emerging remedies for significant public health problems; and

"(B) other appropriate translational research efforts for critical health issues.

"(4) The Research Projects Agency shall utilize funds to provide support to outstanding research performers in all sectors and encourage cross-disciplinary research collaborations that will allow scientists from fields such as information and computer sciences, nanotechnology, chemistry, physics, and engineering to work alongside top researchers with more traditional biomedical backgrounds.

"(5) The Research Projects Agency shall provide selected research projects with single-year or multi-year funding and require researchers for such projects to provide interim progress reports to the Research Projects Agency on not less frequently than a biannual basis.

"(6) The Research Projects Agency shall award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses, federally-funded research and development centers, and universities.

"(7) The Research Projects Agency shall provide advice to the Director of Cures concerning funding priorities.

"(8) The Research Projects Agency may solicit proposals for competitions to address specific health vulnerabilities identified by the Director and award prizes for successful outcomes.

"(9) The Research Projects Agency shall periodically hold health research and technology demonstrations to improve contact among researchers, technology developers, vendors, and acquisition personnel.

"(10) The Research Projects Agency shall carry out other activities determined appropriate by the Director of Cures.

"(f) EMPLOYEES.—

"(1) HIRING.—The Research Projects Agency, in hiring employees for positions with the Research Projects Agency, shall have the same hiring and management authorities as described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

"(2) TERM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term of such appointments for employees of the Research Projects Agency may not exceed 5 years.

"(B) EXTENSION.—The Director of the Research Projects Agency may, in the case of a particular employee of the Research Projects Agency, extend the term to which employment is limited under subparagraph (A) by up to 2 years if the Director of the Research Projects Agency determines that such action is necessary to promote the efficiency of the Research Projects Agency.

"(g) FLEXIBILITY.—The Research Projects Agency shall have the authority to flexibly fund projects, including the prompt awarding, releasing, enhancing, or withdrawal of monies in accordance with the assessment of the Research Projects Agency and project manager.

"(h) FUNDING.—The Research Projects Agency shall utilize funds received from the acceleration fund, described in section 499B(b)(2)(B)(i), for the Agency's research and development activities. There is authorized to be appropriated from such fund $2,500,000,000 to carry out the activities of the Research Projects Agency.

"Subpart 3—Clinical Trials

"SEC. 499E. INCREASING RESEARCH STUDY PARTICIPATION.

"The Director of NIH shall establish a national clinical study registry within the National Library of Medicine of the National Institutes of Health in accordance with section 499H. The Center shall publicize the registry, with attention given to minority groups that are frequently underrepresented in clinical trials.

"SEC. 499E–1. GRANTS FOR QUALITY CLINICAL TRIAL DESIGN AND EXECUTION.

"The Director of Cures—

"(1) shall award grants for clinical trial design and execution to academic centers to fund multi-disciplinary clinical research teams, which clinical research teams may be composed of members who include project managers, clinicians, epidemiologists, social scientists, and nursing staff; and

"(2) may award grants for clinical trial design and execution to researchers from small firms with highly promising novel therapeutic entities.

"SEC. 499E-2. STREAMLINING THE REGULATORY PROCESS GOVERNING CLINICAL RESEARCH.

"(a) ESTABLISHMENT OF CENTRALIZED INSTITUTIONAL REVIEW BOARDS.—

"(1) IN GENERAL.—The Director of Cures shall establish a series of Centralized institutional Review Boards (referred to in this section as 'CIRBs') to serve as human subject safety and well being custodians for multi-institutional clinical trials that are funded partially or in full by public research dollars.

"(2) EXISTING GUIDELINES AND BEST PRACTICES.—CIRBs shall be established in accordance with professional best practices and Good Clinical Practice (GCP) guidelines so that institutions involved in multi-institutional studies may—

"(A) use joint review;

"(B) rely upon the review of another qualified institutional review board; or

"(C) use similar arrangements aimed to avoid duplication of effort and to assure a high quality of expert oversight.

"(b) HOUSED.—Each CIRB shall be housed—

"(1) at the institute or center of the National Institutes of Health with expertise on the subject of the clinical trial; or

"(2) at a public or private institution with comparable organizational capacity, such as the Department of Veterans Affairs.

"(c) SERVICE.—The use of CIRBs shall be available, as appropriate, at the request of public or private institutions and shall be funded through user fees of the CIRBs or the Center's funds.

"(d) REVIEW PROCESS.—

"(1) IN GENERAL.—Each CIRB shall review research protocols and informed consent to ensure the protection and safety of research participants enrolled in multi-institutional clinical trials.

"(2) PROCESS.—The CIRB review process shall consist of contractual agreements between the CIRB and the study sites of multi-institutional clinical trials. The CIRB shall act on behalf, in whole or in part, of the bodies ordinarily responsible for the safety of research subjects in a locality. In the case in which a locality does not have such a body, the locality shall depend solely on the CIRB to oversee the protection of human subjects and the CIRB shall assume responsibility for ensuring adequate assessment of the local research context.

"(e) RESEARCH APPLICATIONS.—

"(1) IN GENERAL.—Each CIRB shall review and package research applications for facilitated electronic review by local institutional review boards participating in a multi-institutional clinical trial.

"(2) LOCAL REVIEW.—Local institutional review board review may be performed by a subcommittee of the local institutional review board that is empowered to make decisions in a timely manner.

"(3) CIRB REVIEW.—A local institutional review board may accept or reject a CIRB review. In the case in which a local institutional review board accepts a CIRB review, the CIRB shall assume responsibility for annual, amendment, and adverse event reviews.

"(f) WORK IN CONCERT.—In the case in which a local institutional review board works in concert with a CIRB, the local institutional review board shall be responsible for taking into consideration local characteristics (including ethnicity, educational level, and other demographic characteristics) of the population from which research subjects will be drawn, which influence, among other things, whether there is sound selection of research subjects or whether adequate provision is made to minimize risks to vulnerable populations.

"(g) COMMUNICATION OF IMPORTANT INFORMATION.—Each CIRB shall regularly communicate important information in electronic form to the local institutional review boards or, in cases where a local institutional review board does not exist, to the principal investigator, including regular safety updates or changes in research protocol to improve safety.

"(h) COORDINATION.—Each CIRB shall fully coordinate with the institute or center of the National Institutes of Health that has specialized knowledge of the research area of the clinical trial. Other Federal agencies and private entities undertaking clinical trials may contract with the Center to use a CIRB.

"SEC. 499E-3. TRAINING CLINICAL RESEARCHERS OF THE FUTURE.

"The Center shall augment the National Institutes of Health's investment into programs dedicated to developing the clinical research workforce for tomorrow. The programs shall include:

"(1) The National Institutes of Health's Mentored Patient-Oriented Research Career Development Award to support the career development of investigators who have made a commitment to focus their research endeavors on patient-oriented research.

"(2) The National Institutes of Health's award to encourage mentorship among particularly talented early- and mid-career investigators doing clinical research who want to train new investigators.

"(3) The National Institutes of Health grants to help institutions develop curricula for clinical researchers leading to a clinical science certificate or master's degree.

"(4) The National Institutes of Health grants to fund participants in clinical science programs, including clinical science certificates or clinical science masters' degrees.

"SEC. 499E-4. CLINICAL RESEARCH STUDY AND CLINICAL TRIAL.

"The Director of NIH shall—

"(1) commission the Institute of Medicine of the National Academies to study the rules that protect patient safety and anonymity so that in a contemporary clinical research context, a better balance can be achieved between clinical research promotion and regulatory requirement governing research subject safety and privacy; and

"(2) request that the Institute of Medicine issue a written report not later than 18 months after the date of enactment of this part that shall—

"(A) consider changes to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the amendments made by such Act that further promote the clinical research endeavor; and

"(B) include recommendations for changes that shall not be limited to legislation but shall include changes to health care systems and to researcher practice that facilitate the clinical research endeavor.

"SEC. 499E-5. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i)—

"(1) $100,000,000 to carry out section 499E-1(1) for fiscal year 2007 and each succeeding fiscal year;

"(2) $50,000,000 to carry out section 499E-2 for fiscal year 2007 and each succeeding fiscal year;

"(3) $200,000,000 to carry out section 499E-3 for fiscal year 2007 and each succeeding fiscal year; and

"(4) $2,500,000 to carry out section 499E-4.

"Subpart 4—Valley of Death

"SEC. 499F. SMALL BUSINESS PARTNERSHIPS.

"(a) ESTABLISHMENT OF THE OFFICE OF BIOSCIENTIFIC ENTERPRISE DEVELOPMENT.—

"(1) ESTABLISHMENT.—There is established within the Office of Technology Transfer of the Center (as established in subpart 5) an Office of Bioscientific Enterprise Development (referred to in the subpart as the 'OBED').

"(2) TRANSFERS.—

"(A) IN GENERAL.—The OBED shall include the functions (including related personnel and resources) of the following programs of the Office of Extramural Research in the Office of the Director of the National Institutes of Health:

"(i) The Small Business Innovation Research program (referred to in this subpart as the 'SBIR').

"(ii) The Small Business Technology Transfer program (referred to in this subpart as the 'STTR').

"(B) TIME FOR TRANSFERS.—The Secretary shall ensure that the programs described in subparagraph (A) are transferred to the OBED not later than 6 months after the date of enactment of this part.

"(b) SBIR AND STTR GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—Not less than 35 percent of the grants and contracts awarded by the SBIR and STTR shall be awarded on a competitive basis by an OBED program manager with sufficient managerial, technical, and translational research expertise to expertly assess the quality of a SBIR or STTR proposal. The OBED, through such project manager, shall place special emphasis on SBIR and STTR grant and contract applications that identify from the onset products with commercial potential that influence human health.

"(2) POTENTIAL PURCHASERS OR INVESTORS.—The OBED shall administer non-peer reviewed grants and contracts under this subsection through program managers who shall place special emphasis on partnering grantees and entities awarded contracts from the very beginning of the research and development process with potential purchasers or investors of the products, including large pharmaceutical or biotechnology companies, venture capital firms, and Federal agencies (including the National Institutes of Health).

"(3) PHASE I AND II.—The OBED shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR and STTR to—

"(A) 6 months; or

"(B) less than 6 months if the grantee or entity awarded a contract demonstrates that the grantee or entity awarded a contract has interest from third parties to buy or fund the product developed with the grant or contract.

"(4) PHASE III.—

"(A) FUNDING.—A program manager under this subsection may petition the Director of Cures for Phase III funding of the grant or contract for a project that requires a boost to finalize procurement of a product. The maximum funding for Phase III funding of a project shall be $2,000,000 for a maximum of 2 years. Such Phase III funding shall come from the acceleration fund, as described in section 499B(b)(2)(B)(i), of the Director of Cures.

"(B) REPORT SUCCESS.—Each recipient of a SBIR or STTR grant or contract, as a condition of receiving such grant or contract, shall report to the OBED whether there was eventual commercial success of the product developed with the assistance of the grant or contract.

“(5) RECORD.—

“(A) IN GENERAL.—The OBED shall keep a publicly accessible electronic record of all SBIR or STTR investments in research and development.

“(B) CONTENTS.—The record described in subparagraph (A) shall include, at minimum, the following information:

“(i) The grantee or entity awarded a contract.

“(ii) A description of the research being funded.

“(iii) The amount of money awarded in each phase of SBIR or STTR funding.

“(iv) If applicable, the purchaser of the product, current use of the product, and estimated annual revenue resulting from the procurement.

“(6) BONUS.—For each fiscal year, for the non-peer reviewed SBIR and STTR grants or contracts, the 2 program managers who are most successful in terms of the number of grantees or entities awarded a contract who complete Phase III shall each be awarded a $10,000 bonus.

“SEC. 499F-1. RAPID ACCESS TO INTERVENTION DEVELOPMENT.

“(a) ESTABLISHMENT OF OFFICE.—The Office of Technology Transfer of the Center shall establish an Office of Rapid Access to Intervention Development (referred to in this subpart as the ‘RAID’) that—

“(1) is designed to assist translating promising, novel, and scientifically meritorious therapeutic interventions to clinical use by providing support to help investigators navigate the product development pipeline;

“(2) shall aim to remove barriers between laboratory discoveries and clinical trials of new molecular therapies, technologies, and other clinical interventions;

“(3) shall aim to progress, augment, and complement the innovation and research conducted in private entities to reduce duplicative and redundant work using public funds; and

“(4) shall coordinate with the offices of the National Institutes of Health that promote translational research in the pre-clinical phase across the National Institutes of Health.

“(b) PROJECTS.—

“(1) IN GENERAL.—The RAID, in collaboration with the Director of Cures, shall carry out a program that shall select, in accordance with paragraph (2), projects of eligible entities that shall receive access to laboratories, facilities, and other support resources of the National Institutes of Health for the pre-clinical development of drugs, biologics, diagnostics, and devices.

“(2) SELECTION.—Not less than 35 percent of the projects selected under paragraph (1) shall be selected on a competitive basis by a program manager with sufficient managerial, technical, and translational research expertise to adequately assess the quality of a project proposal. Projects under paragraph (1) may also be selected from a peer review process.

“(3) ELIGIBLE ENTITIES.—In this subsection, the term ‘eligible entity’ means—

“(A) a university researcher;

“(B) a nonprofit research organization; or

“(C) a firm of less than 100 employees in collaboration with 1 or more universities or nonprofit organizations.

“(4) DISCONTINUE SUPPORT.—The RAID may discontinue support of a project if the project fails to meet commercialization success criteria established by the RAID.

“(c) DISCOVERIES FROM LAB TO CLINIC.—The program under subsection (b) shall accelerate the process of bringing discoveries from the laboratory to the clinic through—

“(1) the development of pharmacological assays;

“(2) the scale-up of production from lab scale to clinical-trials scale;

“(3) the development of suitable formulations;

“(4) the evaluation of chemical stability;

“(5) the evaluation of materials testing for durability or reactivity;

“(6) undertaking initial toxicology studies;

“(7) planning clinical trials; and

“(8) advice regarding the investigational new drug or investigational new device filing with the Food and Drug Administration.

“(d) ONGOING REVIEW.—The RAID shall review, on an ongoing basis, potential products and may not support products past the proof-of-principle stage.

“SEC. 499F-2. TOXICITY STUDIES.

“(a) ONGOING RESEARCH.—The Center shall support ongoing research into the most efficient methods of screening for in vivo toxicity, including using cell-based and animal model technologies.

“(b) OFFER OF STUDIES.—The Director of Cures shall direct the Office of Technology Transfer of the Center to offer toxicity studies as an available feature to precede completion of licensing agreement contracts because toxicity studies are expensive and rate-limiting barriers to the licensing of intellectual property from the National Institutes of Health.

“SEC. 499F-3. ADDITIONAL FUNDING SOURCES AND MODELS.

“The Director of Cures may provide acceleration funds, described in section 499B(b)(2)(B)(i), for innovative custom contracts for translational research development to entities that license intellectual property from the National Institutes of Health where such contracts support innovation and new models of cooperation and commercialization.

“SEC. 499F-4. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i)—

“(1) $400,000,000 to carry out section 499F for fiscal year 2007 and each succeeding fiscal year; and

“(2) $100,000,000 to carry out section 499F-1 for fiscal year 2007 and each succeeding fiscal year.

“Subpart 5—Office of Technology Transfer

“SEC. 499G. RESTRUCTURING.

“(a) ESTABLISHMENT.—There is established within the Center an Office of Technology Transfer (referred to in this subpart as the ‘OTT’).

“(b) TRANSFERS.—The OTT shall include the functions (and related personnel and resources) of the Office of Technology Transfer in the Office of the Director of the National Institutes of Health.

“SEC. 499G-1. MARKETING FUNCTION.

“(a) IN GENERAL.—The OTT shall establish a program that—

“(1) cultivates industry interest in funded research of the National Institutes of Health;

“(2) reaches out to potential industry partners;

“(3) coordinates patents from the other institutes and centers of the National Institutes of Health; and

“(4) manages Cooperative Research and Development Agreements, biological licensing agreements, material transfer agreements, and intellectual property licensing.

“(b) PROMOTION.—The program under subsection (a) shall assist in promoting the success of government and industry partnerships for the development of new technologies by soliciting involvement of the private sector from the beginning of the translational research process, including by creating an electronic database within the National Library of Medicine, which shall be updated regularly, that tabulates translational research efforts occurring at the National Institutes of Health. The OTT shall hold an annual national translational research conference that brings together researchers and industry representatives from across fields from both the private and public sectors.

“(c) TRANSFER MANAGEMENT AND SUPPORT.—The OTT shall develop a program for transfer management and support that is familiar with the National Institutes of Health's intramural and extramural research portfolio, which program's mission is to reach out to potential industry partners to cultivate interest in collaboration with public researchers with the goal of product development and procurement. For those Institutes or Centers with their own Office of Technology Transfer Offices, the OTT shall work closely with those offices to coordinate industry outreach efforts. Those offices, on a biannual basis, shall meet with the OTT and shall submit a report to the OTT describing the translational research efforts of the Center or Institute and corresponding efforts to attract commercial interest in their research portfolio.

“(d) MANAGEMENT.—

“(1) IN GENERAL.—The OTT shall manage the Cooperative Research and Development Agreements between industry and public research partners.

“(2) REGISTRATION.—The OTT shall—

“(A) as appropriate, register the agreements within a publicly accessible electronic database maintained by the National Library of Medicine of the National Institutes of Health; and

“(B) oversee the collaborative process in terms of pre-determined outputs, negotiating problems that may occur between collaborating entities, and assuring intellectual property protections necessary for successful product development.

“SEC. 499G-2. OFFICE OF INTRAMURAL RISK OPPORTUNITY AND MAPPING.

“(a) ESTABLISHMENT.—There is established in the Office of Technology Transfer of the Center, an Office of Intramural Risk Opportunity and Mapping that shall oversee the intramural research programs of the National Institutes of Health to be certain they are complementary and distinct from extramural and private programs.

“(b) REVIEWS AND REPORTS.—The Office of Intramural Risk Opportunity and Mapping shall—

“(1) conduct regular reviews of the intramural research programs of the National Institutes of Health; and

“(2) report every 2 years on such reviews.

“(c) HEALTH RISKS AND OPPORTUNITIES.—The Office of Intramural Risk Opportunity and Mapping shall—

“(1) identify and map public health risks and scientific opportunities and keep data on such topics current and updated; and

“(2) provide the information described in paragraph (1) to the Council on a biannual basis to help the Council prioritize the Nation's translation research investment.

“(d) TRANS-NIH COLLABORATIVE RESEARCH.—

“(1) IN GENERAL.—The Office of Intramural Risk Opportunity and Mapping shall make, in coordination with the Director of Cures and the Director of NIH, funds available to groups of institutes and centers of the National Institutes of Health to promote engagement in multi-institute projects that focus on translational research endeavors.

“(2) Funding.—Funding levels and periods of funding under paragraph (1) shall be flexible as necessary to achieve trans-institute project objectives. Preference for funding shall be given to projects that promote high levels of cross-disciplinary collaboration, that address diseases with the greatest burden or research promise, and that are most likely to result in the development of a diagnostic or therapeutic prototype.

“(3) Authorization of appropriations.—There is authorized to be appropriated, from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i), to carry out this subsection $150,000,000.

“SEC. 499G–3. PATENTING AND LICENSING INCENTIVES.

“(a) In General.—The OTT shall make every effort to increase licensing throughput in order to stimulate the availability of useful products for patients.

“(b) Incentives.—The OTT shall develop incentives that create private sector, financial, commercial, and academic interest in the National Institutes of Health's intellectual property portfolio, which incentives may include the following:

“(1) The patent extension of National Institutes of Health's health patents, in which there is an extension of the time during which the licensee has exclusive right to the intellectual property.

“(2) The patent restoration of National Institutes of Health's health patents, in which there is restoration of the full patent life, or another agreed upon term, of a technology to the licensee from the time of Food and Drug Administration passage or other agreed upon milestone.

“(3) Partnering options, which are options to pursue exclusive and nonexclusive licensing to 1 or more partners in the government, industrial, or academic sectors.

“(c) Customized Models.—The Director of Cures shall encourage the OTT to cultivate customized models for contracts that fulfill the needs of industry and the public.

“SEC. 499G–4. TRANSLATIONAL RESEARCHER DEVELOPMENT.

“(a) In General.—The Director of Cures shall oversee the development of a curriculum for internships in interdisciplinary research that will encompass rotations through multiple institutes and centers of the National Institutes of Health (including the National Library of Medicine), the clinical trial design process, and other related disciplines with an emphasis on practical experience.

“(b) Tuition Grants.—The Director of Cures shall award tuition grants for extramural interdisciplinary research programs.

“(c) Training.—The Center shall train interdisciplinary scientists in the science and art of risk analysis and mapping through a program of internships and fellowships.

“SEC. 499G–5. TRANSLATIONAL RESEARCH TRAINING PROGRAM.

“The Director of NIH shall ensure that each institute and center of the National Institutes of Health has established, or contracted for the establishment of, a translational research training program at the institute or center.

“Subpart 6—Developing Information Systems

“SEC. 499H. ADVANCING NATIONAL HEALTH INFORMATION INFRASTRUCTURE.

“(a) Genomic Data.—

“(1) In general.—The National Center for Biotechnology Information of the National Library of Medicine of the National Institutes of Health shall develop new computational methods to aid in the processing of genomic data by novice and experienced researchers.

“(2) Authorization of appropriations.—There is authorized to be appropriated, from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i), to carry out paragraph (1) $8,000,000, of which—

“(A) $2,500,000 is authorized to be appropriated to support the program's computational infrastructure; and

“(B) $5,500,000 is authorized to be appropriated for hiring biologists and computer scientists who are trained in bioinformatics.

“(b) Database.—The Secretary, acting through the Director of NIH, shall undertake, in collaboration with the National Library of Medicine of the National Institutes of Health, construction of a clinical study registry and results database that may expand upon the National Library of Medicine's information system and database.

“(c) Clinical Trial Information.—

“(1) In general.—

“(A) In general.—The clinical study registry and results database, described in subsection (b), shall consist of a registry of phase III clinical trials taking place in the United States and a database of their results.

“(B) Clinical study registry.—Participation in the clinical study registry shall be mandatory for both public and private entities.

“(C) Results database.—Participation in the clinical trial results database shall be mandatory for both public and private entities. The clinical trial results database shall include even negative studies, which demonstrate no therapeutic effect.

“(2) Registry of clinical trials.—The registry of clinical trials shall include not less than the following:

“(A) The clinical trial title.

“(B) A description of the product under study.

“(C) The hypothesis to be tested.

“(D) The intervention.

“(E) The study design, methodology, duration, and location.

“(F) Participation criteria.

“(G) Contact information.

“(H) Sponsoring organization.

“(3) Clinical trial results.—The database of clinical trial results shall consist of not less than the following:

“(A) The trial start date and completion date.

“(B) A summary of the results of the trial in a standard, non-promotional summary format.

“(C) Summary data tables with respect to the primary and secondary outcome measures.

“(D) Information on the statistical significance of the results and publications in peer reviewed journals relating to the trial, with, when available, an electronic link to the journal article.

“(E) A description of the process used to review the results of the trial, including a statement about whether the results have been peer reviewed by reviewers independent of the trial sponsor.

“(F) Safety data concerning the trial, including a summary of all adverse events specifying the number and type of events.

“(G) Reference information to the clinical trial in the clinical registry.

“(d) Registration of Trials and Reporting of Results.—

“(1) Website publication.—Each principal investigator of a public clinical trial or responsible person for a private clinical trial shall register phase III clinical trials in accordance with paragraph (2) and report phase III clinical trial results in accordance with paragraph (2) with the National Library of Medicine of the National Institutes of Health. The National Library of Medicine shall make the information available for viewing on the Library's Website, www.clinicaltrials.gov. The National Library of Medicine shall electronically link each registered clinical trial with its database of results and link each database of results with its registered clinical trial.

“(2) Timeline of registration.—

“(A) In general.—An entity described in paragraph (1) shall register a clinical trial not later than 3 months after the Food and Drug Administration has approved the entity's clinical trial protocol and report clinical trial results not later than 3 months after completing the clinical trial, which shall be defined as the point where the specified trial duration has been surpassed and the analysis of the data is complete or the trial is stopped because of vital positive or negative findings, or as the point determined by the judgment of the Secretary. All information submitted to the National Library of Medicine shall be accurate and updated.

“(B) Loss of funding.—In the case in which an entity described in paragraph (1) does not register a clinical trial or report on clinical trial results in accordance with subparagraph (A), the Secretary may—

“(i) not award a grant, contract, cooperative agreements, or any other award to the principal investigators of such entity until the principal investigators comply with the requirements under subparagraph (A); and

“(ii) in the case of an entity that does not receive Federal funding for the clinical trial, fine the entity $10,000 a day for a sum not to exceed $2,000,000 until the responsible person for the clinical trial complies with the requirements under subparagraph (A).

“(C) Waiver.—The Secretary may waive the requirements of subparagraph (A) upon a written request from the responsible person if the Secretary determines that extraordinary circumstances justify the waiver and that providing the waiver is in the public's interest or consistent with the protection of public health.

“SEC. 499H–1. PUBLIC ACCESS REQUIREMENT FOR RESEARCH.

“(a) In General.—The Secretary shall require all funded investigators, whether direct employees of the Department of Health and Human Services or recipients of grants, contracts, or other support of the National Institutes of Health, the Centers for Disease Control and Prevention, or the Agency for Healthcare Research and Quality, to submit to the National Library of Medicine of the National Institutes of Health (referred to in this section as the 'National Library of Medicine'), upon acceptance for publication in a journal or other publication included in the PubMed directory, final manuscripts resulting from research in which direct costs are supported in whole or in part by the National Institutes of Health, the Centers for Disease Control and Prevention, or the Agency for Healthcare Research and Quality.

“(b) Public Availability.—

“(1) In general.—The National Library of Medicine shall include all such manuscripts described in subsection (a), after peer review, for display in the National Library of Medicine's digital library archive, PubMed Central. The copyright holder of a manuscript described in subsection (a) may request the author's manuscript be replaced with final published text.

"(2) TIMELINE.—A manuscript described in subsection (a) shall become publicly available on the Internet through PubMed Central not later than 6 months after the date of publication of the manuscript.

"(3) LOSS OF FUNDING FOR FAILURE TO SUBMIT ON TIME.—Failure to submit required information under this section to the National Library of Medicine within 6 months of the date of publication of the manuscript involved shall be considered by the Secretary in the context of grant compliance review and may result in the loss of public funding for the investigators involved as determined appropriate by the agency involved.

"SEC. 499H-2. INFORMATICS TRAINING AND WORKFORCE DEVELOPMENT.

"(a) IN GENERAL.—The Director of NIH shall develop a multi-faceted approach to increasing the number of persons trained in clinical bioinformatics by implementing appropriate programs, including the programs described in subsection (b).

"(b) PROGRAMS.—The programs under this subsection are the following:

"(1) K-12 SCIENCE PROGRAM.—The National Library of Medicine of the National Institutes of Health shall develop with the National Science Foundation a kindergarten through grade 12 clinical informatics education curriculum that shall include an assessment component. The National Library of Medicine shall award not more than 500 schools each $30,000 to implement the curriculum.

"(2) UNDERGRADUATE DEGREE PROGRAMS IN BIOINFORMATICS.—The National Library of Medicine of the National Institutes of Health shall—

"(A) award grants to academic health centers and graduate training programs to collaborate with an undergraduate institution of higher education's department of biology, chemistry, or computer science to develop curricula leading to a bachelor's degree in bioinformatics; and

"(B) encourage grantees to form an interinstitutional consortium.

"(3) INCREASING THE NUMBER OF NIH BIOINFORMATICS GRADUATE TRAINING PROGRAMS.—The National Library of Medicine of the National Institutes of Health shall increase the number of bioinformatics graduate training programs through funding existing graduate training programs of the National Institutes of Health tc meet the expanding needs for training and outreach to the biomedical community. The programs shall focus on the skills needed to apply bioinformatics methods specifically to problems of human health and disease. The Director of NIH shall hire 12 individuals with a doctorate in molecular biology and expertise in training and developing educational programs to assist in carrying out the programs under this paragraph.

"(4) CENTERS OF EXCELLENCE IN CLINICAL BIOINFORMATICS.—The National Library of Medicine of the National Institutes of Health, through the Center, shall establish Centers of Excellence in Clinical Bioinformatics that shall have state-of-the-art computational methods and tools applicable to human disease prevention, diagnosis, and treatment. The Centers of Excellence in Clinical Bioinformatics shall provide graduate student and postdoctoral support, through distinguished faculty, in order to contribute to the highest level of training in the bioinformatics workforce pipeline.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the acceleration fund of the Director of Cures described in section 499B(b)(2)(B)(i), to carry out this section $50,000,000 for fiscal year 2007 and each succeeding fiscal year of which—

"(1) $15,000,000 is authorized to be appropriated for fiscal year 2007 and each succeeding fiscal year to carry out subsection (b)(1); and

"(2) $2,000,000 is authorized to be appropriated to carry out subsection (b)(3).

"SEC. 499H-3. NATIONAL LIBRARY OF MEDICINE EXPANSION OF FACILITIES.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that Congress should make special effort to fund the expansion of facilities of the National Library of Medicine of the National Institutes of Health. These facilities are essential to the National Library of Medicine being able to fulfill its many informatics functions, which include providing essential informational resources to scientists worldwide and advancing the underpinning of much of the National Institutes of Health conducted biomedical research.

"(b) REPORT.—The Director shall request that the Institute of Medicine of the National Academies report to Congress on the impact of not providing funding for the expansion of facilities described in subsection (a).

"Subpart 7—Research Tools

"SEC. 499I. NIH RESEARCH TOOL INVENTORY.

"(a) ANNUAL REVIEW.—The Director of NIH shall direct the head of each institute and center of the National Institutes of Health to perform an annual review of the institute or center's research tool inventory for the specific purpose of enabling each institute or center to understand the research tool distribution, frequency of use, intellectual property status, and utility. Each institute and center of the National Institutes of Health shall describe in the institute or center's annual review the type and quantity of research tools the institute or center desires to obtain to better fulfill the institute or center's research and development goals.

"(b) DATABASE.—The Director of Cures shall—

"(1) enter the information obtained from the annual review under subsection (a) into an electronic research tool database; and

"(2) use such database to oversee the prioritization and funding of new projects to fulfill pressing needs and promising technologies.

"SEC. 499I-1. EXCEPTIONS TO TOOL GUIDELINES.

"The Director of Cures may advise the Office of Technology Transfer of the Center to provide exceptions to prohibitions against patenting and licensing research tools under some circumstances of customized contracts when exclusive or non-exclusive licensing provides the swiftest and most efficacious final development of an important health care technology.".

(b) CONFORMING AMENDMENT.—Section 401(b)(1) of the Public Health Service Act (42 U.S.C. 281(b)(1)) is amended by adding at the end the following:

"(S) The American Center for Cures.".

QUOTES IN SUPPORT OF THE AMERICAN CENTER FOR CURES ACT OF 2005

"The American Center for Cures will be a tremendous addition to our nation's valuable tradition of biomedical research. By emphasizing translational and applications research as well as discovery of diagnostic markers, the ACC will bring the hope of basic science discovery to the reality of patient care. The mandate and goal will be to prevent, early diagnose, or cure the diseases that cause such suffering to humanity. This effort will promote health diplomacy that will bring the genius and resources of our nation to better the health of all Americans."—Secretary Tommy Thompson, Former Secretary, Department of Health and Human Services, Former Governor, State of Wisconsin.

"The need for a federal focus on finding cures has long been a top priority for all of us who seek the rapid translation of scientific advances into personal health benefits. With their landmark legislative proposal, Senators Cochran and Lieberman have taken a critical step along our path to cures."—S. Robert Levine MD, Chairman of the Health Priorities Project of the Progressive Policy Institute.

"As Governors around the country look to transform our complex health care system, we must seek new cost-effective solutions that continue to improve our overall health and productivity," said Michigan Governor Jennifer M. Granholm. "The American Center for Cures represents a bi-partisan effort to devote significant and lasting resources toward an innovative approach to disease treatment and management, offering Americans grappling with chronic and debilitating diseases the lasting gift of hope."—Governor Jennifer Granholm, Michigan.

"Finding cures will improve the health of mankind. As an example, by simply delaying the onset of Alzheimer's disease by five years, the health and productivity of older Americans will be enhanced. Developing cures will provide American families with a better quality of health care that can be sustained over a longer period of time. That is why I urge the establishment of the American Center for Cures."—Governor Tom Vilsack, Iowa.

The American Center for Cures is a timely and creative proposal for tackling an urgent national challenge: the skyrocketing costs of treating and preventing chronic diseases. The confluence of such diseases and a graying population not only threatens to make health care unaffordable, but also jeopardizes prospects for healthy and successful aging. The Center would focus the prodigious talents of our scientific community on specific strategies to cure disease, saving lives and money over the long run.—Will Marshall, President, Progressive Policy Institute.

"The American Center for Cures is a simple, bold, breakthrough idea: A can-do country ought to have the capacity to solve chronic problems, not just treat them."—Bruce Reed, President, Democratic Leadership Council.

"I think this goes a long way toward improving NIH's ability to do large projects across institutes and to facilitate translational research. I am happy to support this concept . . . there are already a lot of good ideas here."—Leland Hartwell, Ph.D., Nobel Laureate, Medicine and Physiology, President, Fred Hutchinson Cancer Research Center.

"I believe the American Center for Cures (ACC) is a wonderful effort that focuses physicians and scientists on bringing the discoveries of the laboratory to the patient. The lives of many Americans will be improved by having the ACC bring to bear new resources in the fight against chronic neurological diseases such as Alzheimer's, Parkinson's, multiple sclerosis, and other neurodegenerative disorders. I enthusiastically support the American Center for Cures and hope that my colleagues in biomedical research will join me."—Stanley Prusiner, M.D., Nobel Laureate, Medicine and Physiology, University of California, San Francisco.

"The proposed ACC offers a blend of existing federal activities in health research with several new initiatives, all aimed at speeding the move from discovery to products that help human health. The proposal has multiple components including strengthening existing NIH authorities in support of small business. When enacted and in operation the results of this new focused activity should be very visible with improvements to the public health that would not be possible without this new money with mandates on how it is spent."—Robert Day, M.D., Ph.D., M.P.H., Emeritus Professor and Dean, University of Washington School of Public Health and Community Medicine, Emeritus Professor and Director, Fred Hutchinson Cancer Research Center, Member, Public Health Sciences, Member, National Cancer Advisory Board, National Cancer Policy Board.

"The establishment of an American Center for Cures with its emphasis, prominence and integration into the rest of the United States organization of health care related ventures would represent an enormous step forward. The focus of the Center on translation of basic science initiatives to the clinical arena will benefit those whose support has taken us to the present date. I applaud the initiative."—Fritz H Bach, M.D., Lewis Thomas Distinguished Professor, Harvard Medical School.

"Medical discoveries over the past century have greatly increased the quality and quantity of human life. New insights into biology will make even more advances possible. The American Center for Cures will make the translation of biological discoveries to the patient occur not only faster but much more likely to happen. It is hard to imagine another investment that would extend the quality and quantity of life than fully funding the American Center for Cures."—James O. Armitage, M.D., Joe Shapiro Professor of Medicine, University of Nebraska College of Medicine, Member, National Cancer Advisory Board.

"I am pleased to support the American Center for Cures (ACC) proposed legislation that you introduced to the United Sates Senate on Wednesday, December 7. This legislation is critical and in the translation of advances in fundamental biomedical science to improvements in the care of people. Please let me know if I can help make this dream a reality."—Lee Goldman, M.D., MPH, Julius R. Krevans Distinguished Professor and Chair, Associate Dean for Clinical Affairs, University of California San Francisco School of Medicine, President, Association of Professors of Medicine.

"I enthusiastically support The American Center for Cures (ACC) Senate legislation. The ACC will focus our nation's scientists and doctors on applying basic scientific discoveries to help the patient. This critical approach to research will not only help our friends and loved ones with their health, it will be the 21st Century American approach to solving the health care financial crisis. By eliminating or reducing certain diseases for all Americans, the looming federal and state Medicare and Medicaid financial tsunami will be markedly reduced. There is no time to lose. I urge the immediate passage of the ACC legislation." —Stephen Gleason, D.O., Ph.D., Former CEO Mercy Clinics, Former VP Medical Operations for Catholic Health Initiatives, Former White House advisor, Former chief of staff, Governor Tom Vilsack, Former Presidential Representative to the World Health Organization, Assistant Professor, Mayo Graduate School of Medicine.

"The American Center for Cures will be the engine that brings basic science discoveries and apply them to the patient. It has been said that women and minorities are not dying from the lack of research, they are dying from the lack of research being applied to them. The ACC will focus the talent of the greatest scientists and clinicians for one singular purpose: to cure, prevent, or diagnose earlier diseases that afflict so many in the world. As a mother, nurse, researcher, and educator, I believe that the ACC will bring better health to all of us. The time is now . . . let us not waste another moment."—Sandra Underwood, RN, PhD, University of Wisconsin School of Nursing.

"The American Center for Cures is a remarkable idea that will be the bridge between the promise of scientific opportunities and the reality of our nation's health needs—to deliver cures. Americans deserve a center that is totally dedicated to finding cures for our most devastating and debilitating chronic diseases. The ACC is the natural extension of the doubling of the NIH budget. Now we must have as a top national priority an accountable, mission-driven Center for Cures to rapidly identify "cure opportunities" already created by federal, academic and private research laboratories and proactively accelerate and rapidly translate these opportunities into real cures.

In an era of expanding needs, exploding knowledge of the biomedical sciences, and demands of the public to have the knowledge applied to their loved ones' ailments, the American Center for Cures offers new hope and dynamic reality to Americans. The American Center for Cures is the opportunity to commit the American genius, resources, and ethic to a greater cause in a "moonshot" approach to diseases."—Richard J. Boxer, M.D., Clinical Professor, Health Policy, Medical College of Wisconsin, Clinical Professor, Family and Community Medicine, Medical College of Wisconsin, Clinical Professor, Surgery/Urology, University of Wisconsin-Madison.

"Having reviewed the material you so kindly sent me, I want to applaud this pioneering, entrepreneurial approach which will undoubtedly accelerate the process by which we discover and implement cures for diseases and improve and enrich the quality of life of tens of millions of Americans. I hope that this bold solutions-oriented approach will have overwhelmingly bi-partisan support in Congress and that it will be signed into law by the President at the earliest possible moment."—Steve Grossman, Former Chair, Democratic National Committee, C.E.O. Massachusetts Envelope Company.

"The American Center for Cures is the best new idea in Washington DC in a generation. It is timely, creative and compelling."—Joe Andrew, Former Chair, Democratic National Committee, Sonnenschein, Nath and Rosenthal, LLP.

"The combination of NIH and industry-supported research, combined with venture capital, has been very successful in bringing new drugs based on fundamental biological discoveries into commercial reality. In areas that combine fundamental biology and physical science and engineering—biomedical devices, analytical, genomic, and diagnostic tools, bioinformation systems, tissue engineering—the current system works substantially less well."—George Whitesides, Ph.D., Professor of Chemistry, Harvard Medical School, (given in 2004).

"The concept of the new institute is exciting."—Arthur W. Nienhuis, M.D., Director, St. Jude Children's Research Hospital, (given in 2004).

"The concept and its underlying philosophy are right on target. We need to open cancer research in prevention, early diagnosis, and cure to scientists in diverse fields that include physicists, chemists, computer scientists and mathematicians."—Frederick P. Li, M.D., Director, Division of Cancer Epidemiology and Control, Dana-Farber Cancer Institute, (given in 2004).

"The 20th Century saw a 100-percent increase in worldwide life expectancy—one of the greatest achievements in history. Today's children face different challenges, including a higher risk of dying from cancer and other diseases of aging than their grandparents did. In the 21st Century, our challenge is to use incredible advancements in information technology and biology to defeat such diseases as cancer, Alzheimer's, diabetes, Parkinson's and many other afflictions that take years of quality life from our loved ones. The most-important benefit will be reduced human suffering. And the value to our economy will be measured in trillions of dollars. The American Center for Cures (ACC) legislation recognizes and responds to the imperative of defeating these deadly diseases in our lifetimes. I believe we can do that if we summon the will to change the way we pursue new medical solutions. FasterCures supports passage of the ACC legislation and urges its rapid implementation. There is not a moment to lose."—M. Millken, Chairman, FasterCures/The Center for Accelerating Medical Solutions.

"The American Center for Cures will be extraordinarily important for all Americans, and indeed all humanity. The new Center will combine scientific disciplines that have previously not been brought to bear upon biomedical problems. This is a unique and desperately needed approach will break through the impasse and finally bring the formidable power of all science to focus and solve the diseases that plague the world. The American Center for Cures has been designed to bring accountability and responsibility for ultimate cures. Its success will be measured by cures and cures alone. As a father, husband, entrepreneur, and one who has seen too much suffering, I believe it is incumbent upon us to take a bold approach to biomedical research that will make our children and future generations free of the diseases that have afflicted us and our ancestors. Let our descendents look back at our generation and say, 'They reached for the stars, and found they were capable of conquering old paradigms, fears, and diseases.' "—Lou Weisbach, C.E.O. Stadium Capital Associates, Founder, HA-LO Industries, Inc.

"Oscar Wilde once wrote, "Morality, like art, begins with a line being drawn someplace." With tremendous suffering and disease so prevalent in our country, the American Center for Cures' (ACC) proposed legislation being introduced by Senators Lieberman and Cochran draws a line in the sand for health and extending the lifetime of every individual. From a religious point of view, this certainly responds to the notion that we are identified with life affirmation. I heartily endorse this legislation."—Rabbi Steven B. Jacobs, Temple Kol Tikvah, Woodland Hills, CA—Rabbi Michael Lerner, Editor, Tikkun Magazine, Rabbi, Beyt Tikkun Synagogue, San Francisco, California.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 331—EXPRESSING THE SENSE OF THE SENATE REGARDING FERTILITY ISSUES FACING CANCER SURVIVORS

Ms. LANDRIEU (for herself, Mr. Burr, Mr. Bingaman, Mrs. Feinstein, and Mr. Isakson) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 331

Whereas there are more than 10,000,000 cancer survivors in the United States, and approximately 1,000,000 of those survivors were diagnosed during their reproductive years;

Whereas approximately 130,000 people under the age of 45 are diagnosed with cancer each year;

Whereas up to 90 percent of patients diagnosed with cancer under the age of 45 will undergo potentially sterilizing treatments, such as surgery, chemotherapy, or radiation;

Whereas survivorship rates have dramatically increased so that 71 percent of patients who are diagnosed with cancer under the age of 45 can expect to live at least five years beyond the diagnosis of their disease;

Whereas long-term consequences of cancer treatment are of increasing concern to patients since they are increasingly likely to survive their cancer;

Whereas the diagnosis of infertility can be as devastating for many patients as the cancer diagnosis itself;

Whereas successful fertility preservation options for men and women exist and include: sperm banking, oocyte (egg) freezing, and ovarian and testicular tissue freezing;

Whereas many cancer patients have the option of taking steps to preserve their fertility before their potentially sterilizing cancer treatment begins;

Whereas many patients do not take steps to preserve their fertility before treatment because they are not informed by their health care professionals that their fertility is at risk, or, if they are informed of the risk, they are generally not counseled on their fertility preservation options;

Whereas unrelated factors such as marital status or poor prognosis should not preclude certain patients from being informed about their fertility risks and options; and

Whereas the 2003-2004 President's Cancer Panel Report recognized that comprehensive written and verbal information regarding fertility side effects and fertility preservation options for all reproductive-age patients should be provided before treatment: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) cancer-related infertility is a serious quality of life issue for reproductive-age cancer patients;

(2) national and community organizations should be recognized and applauded for their work in promoting awareness of the risks of infertility and fertility preservation options for cancer survivors;

(3) the medical community should increase its efforts to ensure that discussions about the risk of infertility and fertility preservation options are an integral part of pretreatment planning and consent for treatment for all reproductive-age patients; and

(4) the Federal Government, acting through the National Institutes of Health, should endeavor to—

(A) encourage research that will strengthen fertility preservation technologies for cancer patients;

(B) continue to consider ways to improve access to fertility preservation options for cancer patients; and

(C) endeavor to raise awareness about the fertility side effects and fertility preservation options for cancer patients.

SENATE RESOLUTION 332—HONORING THE LIFE OF FORMER GOVERNOR CARROLL A. CAMPBELL, AND EXPRESSING THE DEEPEST CONDOLENCES OF THE SENATE TO HIS FAMILY

Mr. DEMINT (for himself and Mr. Graham) submitted the following resolution; which was considered and agreed to:

S. Res. 332

Whereas the Senate has learned with sadness of the death of Governor Carroll Campbell;

Whereas Carroll Campbell dedicated a lifetime of service to the State of South Carolina and the United States;

Whereas Carroll Campbell served most honorably as the Governor of South Carolina from 1987 to 1995;

Whereas from 1979, and until he was elected Governor of South Carolina, Carroll Campbell served with high moral character and integrity in the United States House of Representatives;

Whereas Carroll Campbell was the first Republican elected to the House of Representatives for the 4th Congressional District since the Reconstruction period;

Whereas during his service as Governor, Carroll Campbell provided extraordinary leadership and comfort to the citizens of South Carolina throughout the devastating aftermath of Hurricane Hugo and the rebuilding of the coast;

Whereas Carroll Campbell improved the economy of South Carolina and the livelihood of its citizens by attracting world class businesses;

Whereas Carroll Campbell worked diligently to restructure the Government of South Carolina, making it more accessible and responsive to its citizens;

Whereas Carroll Campbell focused on improving the quality of public education provided by the State of South Carolina to all of its citizens;

Whereas Carroll Campbell was as devoted to his principles as he was to his loving family, which included his wife Iris, his sons Carroll and Mike, and his grandchildren "Blakeney" Herlong Campbell, Carroll "Berrett" Campbell, Michael "Rhodes" Campbell, and Marie "Riley" Campbell; and

Whereas Carroll Campbell was a visionary who worked to improve the lives of all South Carolinians: Now, therefore, be it

Resolved, That the Senate—

(1) extends its prayers and deepest condolences to the entire Campbell family;

(2) honors the life of Carroll Campbell and expresses profound gratitude for his years of public service; and

(3) acknowledges with appreciation the unfaltering commitment and loyalty of Carroll Campbell to his family and the State of South Carolina.

SENATE RESOLUTION 333—RECOGNIZING THE CENTENNIAL OF SUSTAINED IMMIGRATION FROM THE PHILIPPINES TO THE UNITED STATES AND ACKNOWLEDGING THE CONTRIBUTIONS OF OUR FILIPINO-AMERICAN COMMUNITY TO OUR COUNTRY OVER THE LAST CENTURY

Mr. AKAKA (for himself, Mr. Inouye, and Mr. Lautenberg) submitted the following resolution; which was considered and agreed to:

S. Res. 333

Whereas the peoples of the Philippine archipelago have a long and proud history, and today, as the Republic of the Philippines, embrace democracy, occupy a central strategic position in Asia and the Pacific, and nurture a rich and diverse cultural heritage;

Whereas the United States and the Philippines have enjoyed a long and productive relationship, including the period of United States governance between 1898 and 1946, and the period post-independence starting in 1946, during which the Philippines has taken its place among the community of nations and has been one of our country's most loyal and reliable allies internationally;

Whereas the bonds between our 2 countries have been strengthened through sustained immigration from the Philippines to the United States;

Whereas the 2000 census counted almost 2,400,000 Americans of Filipino ancestry living in all parts of our country, including the top 2 States, California, with almost 1,100,000 Filipino Americans, and Hawaii, with some 275,000;

Whereas the contributions of Filipino Americans to the United States include achievement in all segments of our society, including, to name a few, labor, business, politics, medicine, media and the arts;

Whereas Filipino Americans have especially served with distinction in the Armed Forces of the United States throughout the history of our long relationship, from World Wars I and II through the Korean War, the Vietnam War, the Gulf War, and today in Afghanistan and Iraq;

Whereas within the United States, Filipino Americans retained many of their country's proud cultural traditions and contribute immeasurably to the diverse tapestry of today's American experience;

Whereas Filipino Americans have also maintained close ties to their friends and relatives in the Philippines and in doing so play an indispensable role in maintaining the strength and vitality of the United States-Philippines relationship;

Whereas both the Filipino experience in the United States and the resultant ties between our 2 great countries began in earnest in 1906, when 15 Filipino contract laborers arrived in the then-Territory of Hawaii to work on the islands' sugar plantations, the beginnings of an emigration from the Philippines to Hawaii which, during the subsequent century, has sometimes exceeded 60,000 a year, making Filipinos the largest immigrant group from the Asia-Pacific region;

Whereas 1906 also saw the first class of 200 "pensionados" arrive from the Philippines to obtain United States educations with the intent of returning, although many later became United States citizens and helped form the foundation of today's Filipino-American community;

Whereas the story of America's Filipino-American community is little known and rarely told, yet is the quintessential immigrant story of early struggle, pain, sacrifice, and broken dreams, leading eventually to success in overcoming ethnic, social, economic, political, and legal barriers to win a well-deserved place in American society;

Whereas our Filipino-American community will recognize a century of achievement in the United States in 2006 through a series of nationwide celebrations and memorials honoring the centennial of sustained immigration from the Philippines; and

Whereas this centennial is for all Americans of whatever ethnic origin to celebrate both with and in order to understand and appreciate our Filipino-American community, but also as a remembrance of the struggles and triumphs of all of our predecessors and in honor of our common national experience: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the centennial of sustained immigration from the Philippines to the United States;

(2) acknowledges the achievements and contributions of Filipino Americans over the past century; and

(3) urges the people of the United States to observe this milestone with appropriate celebratory and educational programs, ceremonies and other activities.

SENATE CONCURRENT RESOLUTION 69—SUPPORTING THE GOALS AND IDEALS OF A DAY OF HEARTS, CONGENITAL HEART DEFECT DAY IN ORDER TO INCREASE AWARENESS ABOUT CONGENITAL HEART DEFECTS, AND FOR OTHER PURPOSES

Mr. ISAKSON submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 69

Whereas congenital heart defects are structural problems with the heart that are present at birth;

Whereas such defects range in severity from simple problems, such as "holes" between chambers of the heart, to very severe malformations, such as the complete absence of one or more chambers or valves of the heart;

Whereas more than one million Americans have some form of a congenital heart defect and such defect is the number one cause of death in infants;

Whereas out of 1000 births, eight babies will have some form of a congenital heart disorder, and approximately 35,000 babies are born with such defects each year;

Whereas twice as many children die each year from congenital heart disease compared with childhood cancers, yet funding for pediatric cancer research is five times higher than such funding for congenital heart disease;

Whereas cardiovascular disease is the Nation's leading killer in both men and women among all racial and ethnic groups;

Whereas the United States has a severe shortage of cardiac centers that are fully equipped to provide care for adults living with complex heart defects;

Whereas almost one million Americans die of cardiovascular disease each year, resulting in up to 42 percent of all deaths in the United States;

Whereas the presence of a serious congenital heart defect often results in an enormous emotional and financial strain on young families who are already in a vulnerable stage of their lives;

Whereas severe congenital heart disease requires that families dedicate extensive financial resources for assistance and care both within and outside of a hospital environment;

Whereas congenial heart defects exceed more than $2.2 million a year for inpatient surgery alone; and

Whereas February 14, 2006 would be an appropriate day to recognize A Day for Hearts: Congenital Heart Defect Awareness Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress supports the goals and ideals of A Day of Hearts: Congenital Heart Defect Awareness Day to—

(1) increase awareness about congenital heart defects;

(2) encourage research with respect to the disease; and

(3) support the millions of Americans who are affected by this disease.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GREGG. Mr. President. I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on Wednesday, December 14 regarding EPA's Spill Prevention Control and Countermeasure program, specifically the issues addressed by proposed rule and guidance document issued Friday, December 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, December 14, 2005, 11 a.m., to consider the nominations of Antonio Fratto, to be Assistant Secretary of the Treasury for Public Affairs, U.S. Department of the Treasury, Washington, DC; David M. Spooner, to be Assistant Secretary of Commerce for Import Administration, U.S. Department of Commerce, Washington, DC; Vincent J. Ventimiglia, Jr., to be Assistant Secretary of Health and Human Services for Legislation, U.S. Department of Health and Human Services, Washington, DC; Richard T. Crowder, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, Washington, DC; Jeffrey Robert Brown, to be Member of Social Security Advisory Board, Social Security Administration, Baltimore, MD; and David Steele Bohigian, Assistant Secretary of Commerce, Market Access and Compliance, U.S. Department of Commerce, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent Jon Miles of my staff be granted floor privileges for the duration of today's session.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that John Haffner and Molly Askin, legal interns in my Judiciary Committee office, be given privileges of the floor during the PATRIOT Act conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H. R. 3010

Mr. SESSIONS. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of the conference report to accompany H.R. 3010, the Labor-HHS appropriations bill. I further ask consent that there be 90 minutes of debate under the control of Senator HARKIN, 30 minutes under the control of Senator SPECTER, and 10 minutes for Senator COBURN; further, that following that time, it be temporarily set aside with the vote to occur on the conference report at a time to be determined by the majority leader, after consultation with the Democratic leader, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING CONDOLENCES ON DEATH OF CARROLL CAMPBELL

Mr. SESSIONS. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 332, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 332) honoring the life of former Governor Carroll A. Campbell, and expressing the deepest condolences of the Senate to his family.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 332) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 332

Whereas the Senate has learned with sadness of the death of Governor Carroll Campbell;

Whereas Carroll Campbell dedicated a lifetime of service to the State of South Carolina and the United States;

Whereas Carroll Campbell served most honorably as the Governor of South Carolina from 1987 to 1995;

Whereas from 1979, and until he was elected Governor of South Carolina, Carroll Campbell served with high moral character and integrity in the United States House of Representatives;

Whereas Carroll Campbell was the first Republican elected to the House of Representatives for the 4th Congressional District since the Reconstruction period;

Whereas during his service as Governor, Carroll Campbell provided extraordinary leadership and comfort to the citizens of South Carolina throughout the devastating aftermath of Hurricane Hugo and the rebuilding of the coast;

Whereas Carroll Campbell improved the economy of South Carolina and the livelihood of its citizens by attracting world class businesses;

Whereas Carroll Campbell worked diligently to restructure the Government of South Carolina, making it more accessible and responsive to its citizens;

Whereas Carroll Campbell focused on improving the quality of public education provided by the State of South Carolina to all of its citizens;

Whereas Carroll Campbell was as devoted to his principles as he was to his loving family, which included his wife Iris, his sons Carroll and Mike, and his grandchildren "Blakeney" Herlong Campbell, Carroll "Berrett" Campbell, Michael "Rhodes" Campbell, and Marie "Riley" Campbell; and

Whereas Carroll Campbell was a visionary who worked to improve the lives of all South Carolinians: Now, therefore, be it

Resolved, That the Senate—

(1) extends its prayers and deepest condolences to the entire Campbell family;

(2) honors the life of Carroll Campbell and expresses profound gratitude for his years of public service; and

(3) acknowledges with appreciation the unfaltering commitment and loyalty of Carroll Campbell to his family and the State of South Carolina.

EXECUTIVE CALENDAR

NOMINATIONS DISCHARGED

Mr. SESSIONS. As in executive session, I ask unanimous consent that the following committees be discharged from further consideration of the nominations mentioned and that they be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. From the Foreign Relations Committee, Marilyn Ware, PN 1015; from the HELP Committee, Stephanie Monroe, PN 651; from the Homeland Security Committee, Donald Gambatesa, PN 870.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING CENTENNIAL OF SUSTAINED IMMIGRATION FROM PHILIPPINES TO UNITED STATES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 333 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 333) recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, I rise to speak about the resolution submitted today with the senior Senator from Hawaii; Dan Inouye. This resolution formally recognizes the 2006 centennial of Filipino immigration to Hawaii, acknowledges the contributions of the Filipino-American community to our country, and celebrates the long and productive relationship between the Philippines and the United States.

On December 20, 1906, the first Filipino "sakadas," or farm workers, arrived at Honolulu Harbor. Over the years Filipino workers provided an invaluable service for Hawaiian sugarcane and pineapple plantations. Other Filipino immigrants who arrived on the West Coast contributed to the workforce on farms in California and Washington, lumber operations in the North West, and salmon canneries in Alaska. Three years earlier, following the passage of the Pensionado Act, about 200 Filipino "pensionados," or government scholars, were brought to the U.S. to receive an American education. Though many of the "sakadas" and "pensionados" intended to return to the Philippines, a number of them stayed to become American citizens, forming the foundation of today's Filipino-American community.

Despite being the second-largest Asian-American group in the United States, the story of the Filipino-American community is largely unknown. This resolution pays tribute to the sacrifice of Filipino-Americans and their perseverance in the face of political, social, and ethnic adversity.

Throughout our Nation, there are about 2.4 million Americans of Filipino ancestry. Hawaii has the second largest population of Filipino-Americans with 275,000 residing there today. Our country has benefitted greatly from the many accomplishments of the Filipino-American community, in all areas of society.

As a Nation with a rich immigrant heritage, it is only right that our country recognizes the struggles and triumphs experienced by the Filipino community. I would also like to commend my other colleagues in Hawaii's Congressional delegation, Representatives Ed Case and Neil Abercrombie, for sponsoring this resolution in the other body. I would like to thank my intern, Sylvia Wan, for her assistance in preparing this statement. I urge my colleagues to support this resolution to honor the centennial of Filipino migration to Hawaii and their contributions to our country.

Mr. SESSIONS. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the Record, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 333) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 333

Whereas the peoples of the Philippine archipelago have a long and proud history, and today, as the Republic of the Philippines, embrace democracy, occupy a central strategic position in Asia and the Pacific, and nurture a rich and diverse cultural heritage;

Whereas the United States and the Philippines have enjoyed a long and productive relationship, including the period of United States governance between 1898 and 1946, and the period post-independence starting in 1946, during which the Philippines has taken its place among the community of nations and has been one of our country's most loyal and reliable allies internationally;

Whereas the bonds between our 2 countries have been strengthened through sustained immigration from the Philippines to the United States;

Whereas the 2000 census counted almost 2,400,000 Americans of Filipino ancestry living in all parts of our country, including the top 2 States, California, with almost 1,100,000 Filipino Americans, and Hawaii, with some 275,000;

Whereas the contributions of Filipino Americans to the United States include achievement in all segments of our society, including, to name a few, labor, business, politics, medicine, media and the arts;

Whereas Filipino Americans have especially served with distinction in the Armed Forces of the United States throughout the history of our long relationship, from World Wars I and II through the Korean War, the Vietnam War, the Gulf War, and today in Afghanistan and Iraq;

Whereas within the United States, Filipino Americans retained many of their country's proud cultural traditions and contribute immeasurably to the diverse tapestry of today's American experience;

Whereas Filipino Americans have also maintained close ties to their friends and relatives in the Philippines and in doing so play an indispensable role in maintaining the strength and vitality of the United States-Philippines relationship;

Whereas both the Filipino experience in the United States and the resultant ties between our 2 great countries began in earnest in 1906, when 15 Filipino contract laborers arrived in the then-Territory of Hawaii to work on the islands' sugar plantations, the beginnings of an emigration from the Philippines to Hawaii which, during the subsequent century, has sometimes exceeded 60,000 a year, making Filipinos the largest immigrant group from the Asia-Pacific region;

Whereas 1906 also saw the first class of 200 "pensionados" arrive from the Philippines to obtain United States educations with the intent of returning, although many later became United States citizens and helped form the foundation of today's Filipino-American community;

Whereas the story of America's Filipino-American community is little known and rarely told, yet is the quintessential immigrant story of early struggle, pain, sacrifice, and broken dreams, leading eventually to success in overcoming ethnic, social, economic, political, and legal barriers to win a well-deserved place in American society;

Whereas our Filipino-American community will recognize a century of achievement in the United States in 2006 through a series of nationwide celebrations and memorials honoring the centennial of sustained immigration from the Philippines; and

Whereas this centennial is for all Americans of whatever ethnic origin to celebrate both with and in order to understand and appreciate our Filipino-American community, but also as a remembrance of the struggles and triumphs of all of our predecessors and in honor of our common national experience: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the centennial of sustained immigration from the Philippines to the United States;

(2) acknowledges the achievements and contributions of Filipino Americans over the past century; and

(3) urges the people of the United States to observe this milestone with appropriate celebratory and educational programs, ceremonies and other activities.

SHAREHOLDER CONSIDERATION OF PROPOSALS UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, S. 449.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 449) to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 449) was read the third time and passed, as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENT TO ALASKA NATIVE CLAIMS SETTLEMENT ACT.

Section 36(d)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended—

(1) by striking "(d)(3)" and inserting "(3)";

(2) in the matter preceding subparagraph (A), by striking "of this section" and inserting "or an amendment to articles of incorporation under section 7(g)(1)(B)";

(3) in subparagraph (A)—

(A) by striking ", or" and inserting "; or"; and

(B) by striking "such resolution" and inserting "the resolution or amendment to articles of incorporation"; and

(4) in subparagraph (B), by striking "such resolution" and inserting "the resolution or amendment to articles of incorporation".

ALLOWING BINDING ARBITRATION CLAUSES TO BE INCLUDED IN ALL CONTRACTS AFFECTING LAND WITHIN THE GILA RIVER INDIAN COMMUNITY RESERVATION

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 327, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 327) to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 327) was read the third time and passed.

ORDERS FOR THURSDAY, DECEMBER 15, 2005

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Thursday, December 15. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the conference report to accompany the Labor-HHS bill, as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I further ask unanimous consent that the first 90 minutes be under the control of Senator HARKIN. I further ask unanimous consent that following the use or yielding back of that time, the conference report be set aside, the Senate resume consideration of the PATRIOT conference report, and that the next 2 hours be equally divided between the two leaders or their designees; provided further that following that 2-hour time period, the Senate stand in recess until 2:15 for the policy lunch to meet. I also ask unanimous consent that the time from 2:15 to 3:30 be equally divided between the two leaders or their designees; provided further that at 3:30 the Senate resume consideration of the House message to accompany S. 1932, with all time having been considered used, and the Senate proceed to a series of votes in relation to the remaining motions in the order offered; that the order of motions would be DeWine, Kohl, Kennedy, and Reed; and finally, I ask unanimous consent there be 2 minutes equally divided between each of those votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow we will be considering several measures throughout the day. We will begin the day with debate on the Labor-HHS appropriations conference report. We will resume debate on the PATRIOT Act conference report. At 3:30 we will begin the final series of votes with respect to the remaining motions to instruct on the deficit reduction bill. We also expect to stack the Labor-HHS conference report in that series of votes. Other votes may occur as we work on either executive items or on other legislative issues.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:59 p.m., adjourned until Thursday, December 15, 2005, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 14, 2005:

THE JUDICIARY

PATRICK JOSEPH SCHILTZ, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA, VICE RICHARD H. KYLE, RETIRED.

JACK ZOUHARY, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE DAVID A. KATZ, RETIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

LISA M. ANDERSON, OF VIRGINIA
RICHARD A. BATTAGLIA, OF VIRGINIA
ANN E. MURPHY, OF VIRGINIA
KATHRYN A. SNIPES, OF CALIFORNIA
CHRISTINE M. STROSSMAN, OF NEW YORK

DEPARTMENT OF COMMERCE

J. GREGORY BRISCOE, OF TENNESSEE
BRADLEY A. HARKER, OF NEVADA
KELLIE L. HOLLOWAY JARMAN, OF OREGON
ERIC K.P. HSU, OF OREGON
STEPHEN P. KNODE, OF FLORIDA
JAMES W. MAYFIELD, JR., OF MARYLAND
KEITH L. SILVER, OF NEW HAMPSHIRE

DEPARTMENT OF STATE

DAVID B. FOLEY, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

WANDA BARQUIN, OF CALIFORNIA
ARTINA M. DAVIS, OF MARYLAND
JOHN M. FLEMING, OF MARYLAND
DIANE JONES, OF FLORIDA
MILLAR J.C. WHITE III, OF CALIFORNIA

DEPARTMENT OF STATE

BRIDGET M. ALWAY, OF IDAHO
DANNIELLE RENEE ANDREWS, OF CALIFORNIA
GEOFFREY JAMES ANISMAN, OF NEW YORK
DARIAN LAWRENCE ARKY, OF NEVADA
ELIZABETH MCGEE BAILEY, OF TEXAS
NOLAN E. BARKHOUSE, OF TEXAS
HEIDI-HAKONE L. BARRACHINA, OF VIRGINIA
WENDY K. BARTON, OF NEVADA
BARBARA A. BARTSCH-ALLEN, OF TEXAS
JONATHAN R. BAYAT, OF PENNSYLVANIA
FRANCES J. BELISLE, OF VIRGINIA
JUSTIN DAVID BERG, OF VIRGINIA
MELISSA ANNE BISHOP, OF CALIFORNIA
CHERYL BODEK, OF NEW JERSEY
KRISTIN BONGIOVANNI, OF WASHINGTON
JEFFREY DAVID BORENSTEIN, OF VIRGINIA
ROBERT J. BRENNAN, OF FLORIDA
JENNIFER M. BROWN, OF VIRGINIA
JASON E. BRUDER, OF NEW YORK
ALEXANDER THADDEUS BRYAN, OF FLORIDA
ERIN MARIE BUTLER, OF WASHINGTON
ALFRED THOMAS CANAHUATE, OF MARYLAND
THOMAS SCOTT CARNEGIE, OF VIRGINIA
JANE H. CARPENTER-ROCK, OF MARYLAND
ADAM M. CENTER, OF GEORGIA
MATTHEW ANTHONY CENZER, OF VIRGINIA
ANGELA M. CERVETTI SAAVEDRA, OF VIRGINIA
CAROL-ANNE CHANG, OF NEW YORK
DWAYNE L. CLINE, OF NEVADA
MELISSA ROSS CLINE, OF NEW YORK
RACHEL LEE COOKE, OF VERMONT
ANDREW KENNETH COVINGTON, OF ILLINOIS
FLEUR SOPHIE COWAN, OF THE DISTRICT OF COLUMBIA
C. AMANDA CRANMER, OF CALIFORNIA
JOSEPH L. CROOK, OF WASHINGTON
PETER N. D'AMICO, OF NEW YORK
R. CHRISTOPHER W. DAVY, OF TEXAS
MELISA MARIE DOHERTY, OF MINNESOTA
JACK DOUTRICH, OF WASHINGTON
WILLIAM R. DOWERS, OF FLORIDA
TOD EARL DURAN, OF TEXAS
PATRICIA ELLIS, OF PENNSYLVANIA
BARBARA I. ENSSLIN, OF FLORIDA
KATHERINE L. ESTES, OF FLORIDA
ERIN K. EUSSEN, OF WASHINGTON
MARY SUE FIELDS, OF VIRGINIA
JOSEPH J.O. FITZGERALD, OF WASHINGTON
MATTHEW J. FLANNIGAN, OF WYOMING
AARON P. FORSBERG, OF OREGON
COLIN P. FURST, OF VIRGINIA
JEANNE MICHELLE GALLO, OF NEW YORK
STEPHEN J. GEE, OF OHIO
BRENNAN MICHAEL GILMORE, OF VIRGINIA
MARY ELIZABETH GLANTZ, OF VIRGINIA
ABIGAIL DRESSEL GONZALEZ, OF CONNECTICUT
MICHAEL ANDREW GRAHAM, OF MISSOURI
KRISTEN KAROL GRAUER, OF MICHIGAN
KAREN ELIZABETH GRISSETTE, OF CALIFORNIA
MAUREEN E. HAGGARD, OF WASHINGTON
SUZANNE K. HALL, OF NEW HAMPSHIRE
STACIE RENEE HANKINS, OF VIRGINIA
ZACHARY V. HARKENRIDER, OF NEW YORK
KIMBERLY D. HARRINGTON, OF NEW JERSEY
ELIZABETH J. HARRIS, OF OKLAHOMA
LINDSAY NICOLE HENDERSON, OF OREGON
NATASHA M. HENDERSON, OF PENNSYLVANIA
DAVID ANTHONY HENRY, OF WASHINGTON
THOMAS R. HINES, OF CALIFORNIA
DOVIE A. HOLLAND, OF TEXAS
JAMES ARLEN HOLT, OF FLORIDA
NEIL WILLIAM HOP, OF OREGON
LAURA PHIPPS HRUBY, OF OHIO
BRYCE ALLISON ISHAM, OF WASHINGTON
ELIZABETH EVELYN JAFFEE, OF VIRGINIA
MANAV JAIN, OF CALIFORNIA
AMANDA LYN JOHNSON, OF MONTANA
SHERRY C. KENESON-HALL, OF KENTUCKY
THADDEUS L. KONTEK, OF VIRGINIA
JOEL A. KOPP, OF ALASKA
PAUL W. KREUTZER, OF MARYLAND
THOMAS MARTIN KREUTZER, OF WASHINGTON
LALE KUYUMCU, OF VIRGINIA
CHERIE J. LENZEN, OF ILLINOIS
JOHN ANTHONY LEWANDOWSKI, OF MISSOURI
KEVIN D. LEWIS, OF TEXAS
GENEVIEVE LIBONATI, OF MARYLAND
TIMOTHY EDWARD LISTON, OF VIRGINIA
MATTHEW WILLIAM LONG, OF MASSACHUSETTS
RICHARD N. LYONS III, OF COLORADO
STACY DEE MACTAGGERT, OF WISCONSIN
GREGORY RAGAN MARCUS, OF FLORIDA
R. BRYAN MARCUS, OF ALABAMA
NICOLE M. MARTIN, OF FLORIDA
KAMANA MATHUR, OF TEXAS
MARISSA MAURER, OF DELAWARE
DAVID CHRISTIAN MCFARLAND, OF TEXAS
BRIAN GERALD MCINERNEY, OF INDIANA
ROBERT AARON MCINTURFF, OF VIRGINIA
LEE MCMANIS, OF CALIFORNIA
SUZANNE MCPARTLAND, OF NEW YORK
GENEVE ELIZA MENSCHER, OF NEW JERSEY
JENNIFER T. MERGY, OF CALIFORNIA
KENNETH LEE MEYER, OF OHIO
DEBORAH A. MILLER, OF VIRGINIA
ALLISON MARGARET MONZ, OF CALIFORNIA
JAMES WALTER MOON IV, OF SOUTH CAROLINA
JUDY S. MOORE, OF TEXAS
KRISTINA MOORE, OF ARIZONA
CHARLES H. MORRILL, OF NEW HAMPSHIRE
ELIZABETH ANN MURPHY, OF PENNSYLVANIA
TRACEY B. NEWELL, OF VIRGINIA
VALERIE COLETTE O'BRIEN, OF VIRGINIA
THOMAS ALFRED O'KEEFFE III, OF VIRGINIA
CRAIG OLSON, OF VIRGINIA
MYRNA M. ORTIZ KERR, OF NEW YORK
NICOLE IRELAND OTALLAH, OF VIRGINIA
REBECCA KIMBRELL PATRICK, OF TENNESSEE
ELIZABETH A. PELLETREAU, OF MASSACHUSETTS
KIMBERLY JOY PENLAND, OF FLORIDA
RAFAEL A. PEREZ, OF FLORIDA
QUINN N. PLANT, OF WASHINGTON
TIMOTHY F. PONCE, OF FLORIDA
GAUTAM A. RANA, OF NEW JERSEY
JOHN ANTHONY REGAN, OF PENNSYLVANIA
ANNELIESE LOUISE REINEMEYER, OF TEXAS
TIMOTHY JOE RELK, OF IDAHO
STEVEN MATTHEW RIDER, OF SOUTH DAKOTA
MICHAEL ROMAN ROUSEK, OF OHIO
AMY B. SCANLON, OF VERMONT
ADAM WILLARD SCARLATELLI, OF NEW JERSEY
JOAN PERKINS SHAKER, OF VIRGINIA
SCOTT E SMITH, OF INDIANA
LORELEI GRAYCE SNYDER, OF CALIFORNIA
JENNIFER SARAH PLEUSS SPANDE, OF VIRGINIA
NICOLE E. SPECIANS, OF ILLINOIS
TANYA K. SPENCER, OF TEXAS
VINCENT D. SPERA, OF DELAWARE
TERRY R. STEERS-GONZALEZ, OF TEXAS
KRISTIN M. STEWART, OF COLORADO
GUY T. STRANDEMO, OF MINNESOTA
RICHARD E. SWART III, OF NEW JERSEY
HOLLY LINDQUIST THOMAS, OF MINNESOTA
BENJAMIN A. THOMSON, OF UTAH
EDWARD LEWIS WATERS, OF NEVADA
ELIZABETH WILSON WEBSTER, OF VIRGINIA
CATHERINE J. WESTLEY, OF ILLINOIS
ANTJE L. WEYGANDT, OF VIRGINIA
SCOTT EDWARD WOODARD, OF FLORIDA
JOSEPH LAURENCE WRIGHT II, OF FLORIDA
JANINE S. YOUNG, OF CALIFORNIA
CHRISTOPHER THOMAS ZIMMER, OF FLORIDA
EARL JAY ZIMMERMAN, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

CYNTHIA A. BIGGS, OF FLORIDA
LOUISA H. CHIANG, OF CALIFORNIA

DEPARTMENT OF STATE

ALLYSON MCCOLLUM ALGEO, OF CALIFORNIA
JEFFREY ROBERT ALLEN, OF TEXAS
TODD DAVID ANDERSON, OF KENTUCKY
ANDREA APPELL, OF CALIFORNIA
SELIM ARITURK, OF THE DISTRICT OF COLUMBIA
DAVID PRATHIPAN ARULANANTHAM, OF CALIFORNIA
WILLIAM DONALD BAKER, OF ARKANSAS
BRIAN R. BAUMAN, OF VIRGINIA
LEE BELLAND, OF WASHINGTON
NICOLE N. BLAND, OF MARYLAND
THOMAS R. BREWSTER, OF VIRGINIA
JUDITH ALEXANDRIA BRIDGES, OF TEXAS
SARAH L. BRUTLAG, OF VIRGINIA
BRENT D. BRYSON, OF VIRGINIA
KATHERINE A. CARO, OF FLORIDA
WILLIAM J. CAVANAUGH, OF VIRGINIA
CHRISTINA MICHELLE CHESHIER, OF ARIZONA
ANN MARIE CHIAPPETTA, OF CALIFORNIA
KATHERINE J. CHISHOLM, OF VIRGINIA
JASON CHUE, OF NEW YORK
JONATHAN CLAUS, OF VIRGINIA
GREGORY D. COFFEY, OF VIRGINIA
CECELIA MASON COLEMAN, OF TEXAS
STEVEN M. CONLON, OF PENNSYLVANIA
WAYNE H. CRAWFORD, OF COLORADO
MARTHA A. CRUNKLETON, OF FLORIDA
RICHARD DAVID DAMSTRA, OF MICHIGAN
CHRISTIAN JAEGER DEITCH, OF ILLINOIS
SARA ELIZABETH DEVLIN, OF KENTUCKY
JASON DROGO, OF CALIFORNIA
ALLEN DUBOSE, OF FLORIDA
JOHN E. DUNLOP, OF MARYLAND
MATTHEW JOHN EASTER, OF NEW YORK
JON NICHOLAS EISENLOHR, OF VIRGINIA
GINA ELKOURY, OF NEW JERSEY
ELLEN M. ENGLEHART, OF VIRGINIA
MARIALICE B. EPERIAM, OF ILLINOIS
ADELLE ALLISON FAY, OF WASHINGTON
JOSEPH J. FERRERO, OF CALIFORNIA
EMILY M. FLECKNER, OF NEW YORK
MELINDA J. FOUNTAIN, OF INDIANA
NORMAN GALIMBA, OF ILLINOIS
KATHEY-LEE GALVIN, OF OREGON
TIMOTHY JOHN GILLEN, OF TEXAS
MARGARET GOLDFADEN, OF THE DISTRICT OF COLUMBIA
LAWRENCE GRIPPO, OF NEW JERSEY
GARTH C. GROCE, OF VIRGINIA
CHRISTOPHER G. GROSSMAN, OF OKLAHOMA
KATHLEEN MARIE GUERRA, OF WASHINGTON
KATHRYN A. HARTY, OF VIRGINIA
JASON HEUNG, OF THE DISTRICT OF COLUMBIA
DEREK WILLIAM HOFFMANN, OF INDIANA
JAMES E. HOGAN, OF FLORIDA
JAMES L. HOLLERAN, OF VIRGINIA
SHANE EDWARD HOLMES, OF MARYLAND
YUEN-HAO HUANG, OF THE DISTRICT OF COLUMBIA
MARC I. HURWITZ, OF VIRGINIA
RANDOLPH FOSTER JOHNSON, OF COLORADO
CHRISTOPHER KANE, OF TEXAS
MATTHEW KEENER, OF CALIFORNIA
CHAD M. KELLER, OF VIRGINIA
LUBNA KHAN, OF UTAH
KATHRYN ANN KISER, OF FLORIDA
ELIZABETH VIRGINIA KUHSE, OF COLORADO
ANDREW F. KYLE, OF GEORGIA
SHELBIE CHANDELLE LEGG, OF FLORIDA
GLENN K. LEWIS, OF VIRGINIA
JORGE E LIZARRALDE, OF TEXAS
JEREMY LONG, OF CALIFORNIA
HILARY A. LOOSEMORE, OF VIRGINIA
JOLENE MARIE LOWRY, OF VIRGINIA
ANDREW ROBERT LUCCHESE, OF VIRGINIA
SANTIAGO LUGO, OF MARYLAND
TODD P. MACLER, OF VIRGINIA
DANIEL EDWARD MANGIS, OF TEXAS
SHAILA B. MANYAM, OF FLORIDA
JAMIE MARTIN, OF THE DISTRICT OF COLUMBIA
DONALD G. MAYNARD, OF VIRGINIA
MAUREEN YVONNE MIMNAUGH, OF CALIFORNIA
RONALD WAYNE MITCHELL, OF VIRGINIA
TODD KIYOSHI MIYAHIRA, OF VIRGINIA
LANCE P. MOORE, OF VIRGINIA
MOHAMMED MOTIWALA, OF CALIFORNIA
MICHAEL P. MULROY, OF FLORIDA
ERICA J. MURRAY, OF CALIFORNIA
MARNI A. MYERS, OF THE DISTRICT OF COLUMBIA
REBECCA J. NASLUND, OF TEXAS
BRADLEY J. NIEMANN, OF VIRGINIA
S. SOPHIA O'DONNELL, OF ILLINOIS
WON K. OH, OF VIRGINIA
MARIA ALLEN OLSON, OF VIRGINIA
MICHELLE Y. OUTLAW, OF ARIZONA
DANIEL PAYTON, OF FLORIDA
ERIN ELIZABETH PELTON, OF MINNESOTA
HEIDI MARAE REES, OF VIRGINIA
NINA J. ROBINSON, OF CALIFORNIA
NATHANIEL B. ROTCHFORD, OF VIRGINIA
MELANIE B RUBENSTEIN, OF OHIO
RYAN J. RUSSELL, OF VIRGINIA
AUGUSTO SANCHEZ, OF WEST VIRGINIA
CHRISTA M. SCHNEIDER, OF WISCONSIN
HELENA P. SCHRADER, OF MAINE
CHARLES R. SELLERS, OF OREGON
ERIK R. SHAFER, OF THE DISTRICT OF COLUMBIA
DERRIN RAY SMITH, OF COLORADO
HEATHER M. SMITH, OF MICHIGAN
JENNIFER L. SOLTYS, OF VIRGINIA
HEATHER STEIL, OF CALIFORNIA
KENNETH LAMARR STILES, OF VIRGINIA
JEFFREY D. STONE, OF MARYLAND
JAMES ROBERT STRANGE, OF CALIFORNIA
VIRGIL B. STROHMEYER, OF CALIFORNIA
EASTOR Y. SU, OF NEVADA
MICHAEL B. SULLIVAN, OF VIRGINIA
HEATHER NOEL TIMBERLAKE, OF CALIFORNIA
CAROL TIRADO, OF WEST VIRGINIA
JOSEPH ROBINSON TRUESDALE IV, OF NEW HAMPSHIRE
PETER C. TWINING, OF VIRGINIA
JASON HOWARD ULLNER, OF OHIO
AMY C. WALLA, OF COLORADO
ROGER CROIX WEBB, OF MISSOURI
CRISTINA B. WILLIAMSON, OF VIRGINIA
JON C. WILLIAMSON, OF VIRGINIA
PHILIP DOUGLAS WILSON, OF TEXAS
CHAD LEE WILTON, OF ALASKA
MATTHEW L. WOOD, OF THE DISTRICT OF COLUMBIA
WILLIAM J. WOTOWIEC, OF FLORIDA
GREGORY C YEMM, OF KANSAS

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10 U.S.C., SECTION 12203(A):

To be captain

JAMES R. MONTGOMERY, 8979

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 276:

To be commander

RICHARD E. PETHERBRIDGE, 0839

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

BENES Z. ALDANA, 2147
ROBERT J. BACKHAUS, 4178
ROBERT E BAILEY, 4813
CHRISTOPHER A. BARTZ, 3946
EMILE R. BENARD, 0014
DAVID C. BILLBURG, 4665
ELIZABETH D. BLOW, 8541

FRANCIS T. BOROSS, 8833
JAMES M. BOYER, 0427
MICHAEL C. BRADY, 6759
CRAIG S. BREITUNG, 0159
JEFFREY M. BROCKUS, 4949
JACOB E. BROWN, 6390
SCOTT A. BUDKA, 9074
MATTHEW C. CALLAN, 2729
NICHOLAS D. CARON, 7659
JEFFREY T. CARTER, 1017
DAVID K. CHAREONSUPHIPHAT, 9438
JOSEPH A. CHOP, 9581
RICHARD S. CRAIG, 2104
DAVID H. CRONK, 6615
MARK T. CUNNINGHAM, 8647
ANTHONY C. CURRY, 9488
KENNETH D. DAHLIN, 9242
JOHN M. DANAHER, 6622
CHRISTOPHER L. DAY, 5331
RONALD R. DEWITT, JR., 0525
JEFFREY F. DIXON, 7441
BRIAN J. DOWNEY, 2366
DAVID A. DRAKE, 4919
DARREN A. DRURY, 5297
KEVIN P. DUNN, 2385
ANDREW G. DUTTON, 6655
JAMES L. DUVAL, 0945
DAVID W. EDWARDS, 2515
ERIC S. ENSIGN, 8101
BRAD J. ERVIN, 5597
DAVID M. FLAHERTY, 6054
ERIC J. FORD, 7089
THEODORE B. GANGSEI, 8426
TIMOTHY J. GILBRIDE, 3570
BRIAN S. GILDA, 5216
JOSEPH J. GLEASON, 4495
THOMAS J. GLYNN, 1935
MARK E. HAMMOND, 4241
DAVID C. HARTT, 6547
CHARLES A. HATFIELD, 3536
DIANE J. HAUSER, 6230
JOHN R. HELTON, 0449
STEVEN B. HENDERSHOT, 3360
JEROME H. HILTON, 9836
GREGORY A. HOWARD, 6006
JOSE L. JIMENEZ, 7465
DANIEL C. JOHNSON, 2799
JEFFREY W. JOHNSON, 1356
JAMES J. JONES, 6414
JEFFREY D. KOTSON, 3218
MARK A. LEDBETTER, 0186
GEORGE A. LESHER, 8293
STEPHEN A. LESLIE, 1423
BRIAN R. LINCOLN, 8676
BRIAN M. LISKO, 2898
KEVIN W. LOPEZ, 4477
ERIN D. MACDONALD, 7775
THOMAS I. MACDONALD, 2338
MARTIN L. MALLOY, 6040
KYLE J. MARUSICH, 6960
MARK J. MCCADDEN, 2249
THOMAS MCCORMICK, 5675
ANDREW S. MCGURER, 8718
REGINA A. MCNAMARA, 2675
PAUL MEHLER, 9556
CHRISTOPHER P. MOORADIAN, 6223
WILLIAM J. MOORE, 7602
DAVID C. MORTON, 1252
CHRISTOPHER C. MOSS, 1220
DAVID MOYNIHAN, 9475
DOUGLAS E. NASH, 3690
THOMAS A. NORTON, 9182
BRENDAN E. O'BRIEN, 4008
MICHAEL A. O'BRIEN, 0226
TODD J. OFFUTT, 1567
MARK A. PANICEK, 0056
ROBERT G. PEARCE, 4235
STEVEN T. PEARSON, 0678
FRANK E. PEDRAS, 4771
BRIAN K. PENOYER, 1062
PHIL M. PERRY, 0307
JAMES B. PRUETT, 2866
DAVID E. PUGH, 7720
ROBERT E. PURINGTON, 1626
RICHARD J. RAKSNIS, 0083
JOEL L. REBHOLZ, 5546
RICHARD J. REINEMANN, 1136
FREDERICK C. RIEDLIN, 2298
JAMES B. ROBERTSON, 7175
DANIEL C. ROCCO, 4818
LANCE A. ROCKS, 0321
DANIEL J. SCHIFSKY, 5351
KIRK N. SCHILLING, 4692
DAVID B. SCOTT, 7772
PATTI S. SEEMAN, 1048
JOSEPH H. SNOWDEN, 1111
REED A. STEPHENSON, 1517
THOMAS S. SWANBERG, 5247
ANDREW E. TUCCI, 3502
TRACY J. WANNAMAKER, 7021
MARK D. WARD, 4902
JENNIFER F. WILLIAMS, 2557
DELWIN R. WITTERS, 5141
ANDREW P. WOOD, 4878
CHRISTOPHER J. WOODLEY, 5610
MICHAEL L. WOOLARD, 9053

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C. SECTION 271:

To be lieutenant commander

STEPHEN ADLER, 8131
KRISTINA M. AHMANN, 6083
MICHAEL W. ALBERT, 4214
RYAN D. ALLAIN, 5978
BRIAN R. ANDERSON, 4481
JEFF M. APARICIO, 5313
DAVID L. ARRITT, 7026
REGINALD I. BAIRD, 8124
JONATHAN D. BAKER, 0332
ALAIN V. BALMACEDA, 9494
CLIFFORD R. BAMBACH, 4925
TIMOTHY J. BARELLI, 8806
MICHELLE C. BAS, 9113
LAMONT S. BAZEMORE, 9071
CAROLYN M. BEATTY, 4406
JASON L. BEATTY, 2112
ANNE M. BECKER, 0033
ERIC M. BELLEQUE, 5960
KAILIE J. BENSON, 8436
SCOTT D. BENSON, 4679
JOHN BERRY, 7155
ROBERT H. BICKERSTAFF, 1330
JEFFREY B. BIPPERT, 3162
CHAD E. BLAND, 1335
CHRISTOPHER L. BOES, 8151
ELIZABETH A. BOOKER, 0451
CURTIS E. BORLAND, 4841
MARK A. BOTTIGLIERI, 3858
JOSEPH R. BOWES, 8394
RUSSELL E. BOWMAN, 7078
THOMAS L. BOYLES, 5483
SEAN T. BRADY, 4521
RACHAEL B. BRALLIAR, 7085
LANCE J. BRANT, 7571
PAUL BROOKS, 7850
ANDY S. BROWN, 4418
HEATH M. BROWN, 7905
THOMAS R. BROWN, 2073
TIMOTHY T. BROWN, 3858
WILLIAM A. BUDOVEC, 4186
MARC A. BURD, 0197
RICHARD J. BURKE, 6168
TRAVIS L. BURNS, 1507
VICTOR G. BUSKIRK, 8496
COLIN E. CAMPBELL, 0962
DONALD B. CAMPBELL, 3717
CLINTON S. CARLSON, 1981
TRAVIS L. CARTER, 5348
DANA M. CASWELL, 0222
JOHN T. CATANZARO, 4687
ANTHONY CELLA, 7680
ADAM A. CHAMIE, 7314
CASEY L. CHMIELEWSKI, 8965
BRADLEY CLARE, 8983
ROBERT S. CLARKE, 8990
KATHRYN N. CLEVENGER, 5778
ERIC M. COOPER, 5694
PHILLIP A. CRIGLER, 6302
TIMOTHY P. CRONIN, 4471
PAUL J. CROOKSHANK, 8903
MICHAEL J. DAPONTE, 6137
QUINCY L. DAVIS, 0361
JOHN P. DEBOK, 2892
SETH J. DENNING, 1567
MARTIN J. DIETSCH, 9728
BRIAN J. DONAHUE, 3050
PATRICK DOUGAN, 7091
MARK M. DRIVER, 5249
WILLIAM A. DRONEN, 4722
WILLIAM E. DUNCAN, 1634
BRYAN L. DUNLAP, 8771
MICHAEL P. DUREN, 4599
MICHAEL A. EDWARDS, 0087
HERBERT H. EGGERT, 1495
TOM ENGBRING, 0194
MICHAEL J. ENNIS, 7696
NELL B. ERO, 5953
PHILIP A. ERO, 6920
SALVATORE J. FAZIO, 6453
MICHAEL S. FREDIE, 4641
GINA L. FREEMAN, 0399
JEFFREY R. FRYE, 6272
TYRON V. GADSDEN, 0519
ERNIE T. GAMENG, 4428
KENDALL L. GARRAN, 0043
RILEY O. GATEWOOD, 7479
MICHAEL R. GESELE, 5002
WILLIAM R. GIBBONS, 6325
PETER W. GOODING, 3422
MICHAEL P. GROSS, 5926
ANTHONY D. GUILD, 1163
MICHAEL P. GULDIN, 6590
MARK A. HAAG, 4847
CHRISTOPHER E. HALEY, 8103
KELLEY S. HALL, 9207
JOHN E. HALLMAN, 1944
TIMOTHY D. HAMMOND, 9183
MARK K. HARRIS, 9335
ROBERT HENGST, 6754
MARK D. HEUPEL, 4989
SCOTT T. HIGMAN, 6625
NAKEISHA B. HILLS, 3238
FRANK L. HINSON, 6470
ERIC E. HOERNEMANN, 7342
LINDA M. HOERSTER, 0998
WALTER L. HORNE, 8914
ROBERT A. HUELLER, 9367
JOHN P. HUMPAGE, 7302
JACK W. JACKSON, 4607
MARK A. JACKSON, 1628
THOMAS A. JACOBSON, 2569
BENJAMIN A. JANCZYK, 6292
ANTHONY R. JONES, 6689
GRETCHEN A. JONES, 6624
KIM D. KEEL, 0150
STEVEN R. KEEL, 5201
ADAM L. KERR, 7300
TIMOTHY J. KERZE, 4021
FAIR C. KIM, 1174
CHRIS KLUCKHUHN, 3422
JAMES B. KNAPP, 0526
JASON A. KREMER, 9708
KARL D. LANDER, 6448
JAMES W. LARSON, 0429
PATRICK J. LEE, 3913
CAROLYN L. LEONARDCHO, 5974
ANDREA K. LOGMAN, 2148
VIVIANNE W. LOUIE, 3867
STEPHEN A. LOVE, 3161
EILEEN M. LUTKENHOUSE, 4224
ZACHARY J. MALINOSKI, 7248
CEFERINO W. MANANDIC, 5889
ROBERT J. MANNING, 5299
CHARLES MARINO, 3132
STEPHEN MATADOBRA, 8550
GREGORY A. MATYAS, 1279
BRIAN K. MCCAUL, 3421
GABRIELLE G. MCGRATH, 8723
SUZANNE M. MCNALLY, 4111
BRIAN A. MEIER, 7837
DARREN F. MELANSON, 1519
PETER N. MELNICK, 6819
ERICA L. MOHR, 6444
BRIAN E. MOORE, 2299
ROBERT T. MOORHOUSE, 5083
FERDINAND MORALES, 7256
JOE L. MORGAN, 7670
MICHAEL S. MOYERS, 7261
MARTIN J. MUELLER, 8321
SCOTT W. MULLER, 3177
MICHAEL J. MUNNERLYN, 7667
PAUL D. MURPHY, 5511
JONATHAN E. MUSMAN, 6844
ADAM E. NEBRICH, 2876
KATHERINE M. NILES, 3297
PETER S. NILES, 9021
BLAKE L. NOVAK, 9009
WILLIAM M. NUNES, 3646
CRAIG M. OBRIEN, 4940
DAVID E. OCONNELL, 3780
THOMAS A. OLENCHOCK, 7062
MATTHEW ORENDORFF, 5181
BRIAN PALM, 2038
MICHAEL J. PARADISE, 0386
ANDREW T. PECORA, 3113
JOSE A. PENA, 7102
DIANE D. PERRY, 6712
SCOTT T. PETEREIN, 7532
JEFFREY C. PETERSON, 0216
RICHARD C. POKROPSKI, 0713
KAREN QUIACHON, 3927
KEITH D. RAUCH, 4341
JOHN C. REARDON, 2509
KEVIN B. REED, 8490
DAVID J. ROBERTS, 6087
KEITH M. ROPELLA, 4284
MICHAEL R. ROSCHEL, 8372
JAMES B. RUSH, 6482
ANTHONY L. RUSSELL, 5198
ROSARIO M. RUSSO, 4279
GEORGE A. RUWISCH, 4685
OLAV M. SABOE, 6107
ANDREA L. SACCHETTI, 5971
EMILY C. SADDLER, 8367
MATTHEW J. SALAS, 8543
DAVID P. SANDAHL, 6423
AARON M. SANDERS, 8179
BRIAN S.C. SANTOS, 7959
DEREK T. SCHADE, 8929
DANIEL SCHAEFFER, 2022
MICHAEL SCHOONOVER, 5087
MARK J. SHEPARD, 9439
SAMUEL L. SLAY, 6921
JASON E. SMITH, 0055
JEREMY C. SMITH, 5604
LAWRENCE W. SOHL, 2458
LANE A. SOLAK, 7027
DAN T. SOMMA, 2764
EDWARD L. SONGER, 9692
LAURINA M. SPOLIDORO, 6178
JALYN G. STINEMAN, 2587
SCOTT A. STOERMER, 8801
ERIC R. STPIERRE, 4440
RODERICK A. STROUD, 7440
JONATHAN THEEL, 8040
MICHAEL D. THOMAS, 5132
ROBERTO H. TORRES, 4991
TERRY R. TRELFORD, 0228
ALEXIS L. TUNE, 8220
HEATHER K. TURNER, 0076
MICHAEL L. TURNER, 4486
PAUL W. TURNER, 8211
TODD D. VANCE, 5007
KENNETH VAZQUEZ, 7507
PAUL G. VOGEL, 5824
ERIC WARD, 5005
LINDSAY N. WEAVER, 4378
DAVID C. WELCH, 3195
ANTHONY W. WILLIAMS, 5086
DOUGLAS E. WILLIAMS, 9998
TORRENCE B. WILSON, 0397
CHARLES WOJACZYK, 6729
PATRICIA L. WOOLCOTT, 9111
SCOTT A. WOOLSEY, 0068
JONAS C. YANG, 3151

MAURICE S. YORK, 0984
PETER E. ZOHIMSKY, 0023

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MARTIN E. KEILLOR, 6175

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

ROBERT W. DESVERREAUZ, 0356
KIRK B. STETSON, 5871

To be major

CHETAN U. KHAROD, 0771

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JULIE S. MILLER, 9104

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

KARA A. GORMONT, 4241

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be colonel

CINDY R. JEBB, 4760

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD L. CHAVEZ, 9982

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SAMUEL CASSCELLS, 8538
SLOBODAN JAZAREVIC, 1601

THE FOLLOWING NAMED OFFICERS IN THE GRADES INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOSEPH J. IMPALLARIA, 1030

To be major

ITALIA A. CARSON, 9180
ANTHONY T. FEBBO, 2935
STEPHEN L. HARMS, 7709
ARTHUR E. LEES, 4501

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 6222:

To be captain

MICHELLE A. RAKERS, 3846

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LLOYD G. LECAIN, 3206

HOUSE OF REPRESENTATIVES—*Wednesday, December 14, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 14, 2005.

I hereby appoint the Honorable MARK FOLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"O radiant Dayspring, Splendor of eternal light, come and shine on those who dwell in darkness and the shadow of death."

In today's world, we try to evade winter's darkness by touching a switch. Nevertheless, Lord, the modern world knows a darkness of mind and spirit that can match anything Stone or Bronze Age ancestors felt.

Technology's brilliance alone cannot lift the veil of darkness. Far too many of Your people, Lord, walk in the shadow of death or press on in a life without direction or meaning.

Come, Lord, and shed Your light upon this Nation and its leaders. Diffused within Your people, who are prepared to live transparent lives, You can remove the darkness of fear and anxiety with rays of hope, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. KENNEDY) come forward and lead the House in the Pledge of Allegiance.

Mr. KENNEDY of Minnesota led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE FREEDOM PATH

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in less than 24 hours, the Iraqi people will elect a permanent parliament that will govern their free nation for the next 4 years. They will stand tall against tyranny and watch democracy unfold before their eyes. Mr. Speaker, I went to Iraq for the first historical elections in January and saw firsthand the birth of democracy in this land far, far away.

We will not cut and run on freedom and on Iraq. Otherwise, the terrorists will have won the day, and the Iraqi hope for freedom will disappear into the dismal abyss of lost causes. Freedom has a price. Our troops are paying that sacrificial price for the Iraqi people and world freedom. We will continue to support these sons and daughters of liberty. On the eve of the elections, we pay tribute to our freedom fighters.

President Kennedy once said, "The cost of freedom is always high, but Americans have always paid it, and one path we shall never choose and that is the path of surrender or submission."

Mr. Speaker, we have chosen the right path, the hard path, the freedom path. We will persevere with the freedom-loving people of Iraq until the journey down this path is successfully completed. That's just the way it is.

GENOCIDE IN DARFUR

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, as we approach the last week of our work this session, there are 2 million people trapped in the unfolding nightmare in Darfur; 500 people a day being killed as we prepare for the holiday season. Since we are going to be delaying the work of the House until the end of January, this week is also the last chance for us to act to at least keep the African Union peacekeepers on the job; 7,300 people for an area the size of Texas seems like a fragile reed with which to stop the ongoing genocide in Darfur.

The Defense Appropriations train leaving the station could contain $50 million, which would be the smallest of steps to halt what all of us here say we condemn. We all ought to ask ourselves what we are going to do about it this week.

CIADA—CELEBRATING 50 YEARS OF EXCELLENCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am honored today to salute an organization that has ably served the citizens of North and South Carolina for 50 years. With approximately 2,500 members, the Carolinas Independent Automobile Dealers Association is the largest chapter within the National Independent Dealers Association in the country. Led by executive director Jim Edwards, CIADA encourages its members to abide by a published code of ethics and to actively serve the best interests of their clients. Their commitment to Carolina families has earned this association a reputation of excellence.

The members of this association have also been recognized as national leaders of the automobile industry. Throughout its history, four members of the Carolina Association have served as distinguished presidents of the National Association, including Karen Barbee of Concord, the current president and first woman to lead this national organization.

In conclusion, God bless our troops, and we will never forget September the 11th.

MEDICARE PRESCRIPTION DRUG BENEFITS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, here is a recap of the Medicare Prescription Drug Benefit headlines and highlights: $400 billion cost increases to $800 billion, and not one drug was dispensed.

The program failed to lower the cost of prescription drugs. In fact, drug prices continue to outprice inflation.

The Web site explaining the program did not work and had the wrong information.

When the government sent out the wrong information on the program, they sent seniors the wrong information.

Just this morning, the New York Times reported on delays in processing applications for the new drug benefit. Because of these delays, seniors may not be getting the identification cards they need in time for the January 1st start date, meaning they might not be able to get their prescription drugs.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It is no wonder that President Bush called the benefit program perplexing. But what do you expect? This is the same crowd that mangled the response to Hurricane Katrina and bungled the early stages of the war in Iraq by sending too few troops without proper equipment. It seems the Republican Congress, with this President unchecked, could mess up a one-car parade. Mr. Speaker, it is time for a change and a new set of priorities.

IRAQI FREEDOM

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, today we are on the eve of Iraq's first election for a 4-year government based on their newly adopted constitution. We stand with the Iraqi people as they choose freedom and democracy over terrorism and oppression. In less than 3 years, they have gone from a brutal dictatorship to electing 275 representatives based on province and population, who will then select a prime minister, a presidency cabinet, and a cabinet of ministers.

We congratulate the people of Iraq. We stand beside them, and we thank them for their courage, their bravery and their vision. However, we must acknowledge, as they do, that the path will not be easy, but they are truly a miracle in the journey they have undertaken. We are proud of their progress and hopeful for the future for Iraq, the Middle East and the defeat of terrorism around the world.

IRAQ HAD NOTHING TO DO WITH 9/11

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, 3,124 innocent civilians died in the 9/11 attacks at the World Trade Center, on the airliners and at the Pentagon; 2,151 U.S. soldiers have been killed in action; 15,881 U.S. soldiers have been wounded; 30,000 Iraqi civilian non-combatants, according to the White House, have been killed in Iraq; 500,000 tons of bombs have been dropped on Iraq by just one U.S. air wing. That is equivalent to 1 billion pounds of explosives, 2 million 500-pound bombs, nearly 400 pounds of explosives for every Iraqi man, woman, and child. Zero is the number of weapons of mass destruction found in Iraq. Iraq had nothing to do with 9/11.

VICTORIES IN IRAQ

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today we are here on the eve of the elections in Iraq, and it is a significant victory within itself. We congratulate our Iraqi friends on that victory.

Also, in Nashville, there is going to be plenty of purple to be seen because that is a voting site for Iraqis in America to gather and cast their vote. We have to congratulate the Kurdish population there on that victory.

I just returned from Memphis holding town halls speaking to a Rotary club. Our citizens understand this. This is a significant step. They are talking to our men and women from the 278th who have returned, families of the 101st who are currently deployed. They know progress is being made. The Army has just surpassed its projections; 5,800 new recruits have signed up because they are committed. They understand the vision. And to celebrate all of this achievement, Moveon.org is taking petitions to our district offices, calling for immediate withdrawal. They just do not understand the significance of today. We celebrate the success of the victories in Iraq.

HONORING THE 113TH ENGINEER BATTALION, INDIANA ARMY NATIONAL GUARD

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, it is with great pride that I rise today to pay tribute to the 113th Engineer Battalion of the Indiana National Guard and welcome them home after 1 year of serving our country heroically in Iraq.

Upon arrival, the 113th was nicknamed the "Ironman Battalion" because of their links to Northwest Indiana's steel industry. Throughout the past year, these ironmen and -women have shown a dedication and commitment to their country that is truly as strong as steel.

Today, Mr. Speaker, I am pleased to announce that soldiers of the 113th are coming home, coming home to be with their family and friends, coming home to be with their wives, husbands, sons, daughters, mothers and fathers.

The service of these men and women has not been without sacrifice. Over 40 Purple Hearts have been awarded to the 113th Battalion, each serving as a reminder of the danger our soldiers face every day.

Mr. Speaker, I welcome these soldiers home. I thank them for their service and sacrifice to our Nation, and I pledge that our support for them will remain equal to the sacrifice they have shown to our country.

SECURE OUR BORDERS

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, today we will be taking up the PATRIOT Act, the extension thereof, and it is important that we do so. It is important for the security of the country.

It is ironic in a way that, as we address this issue and as we debate whether or not we need this kind of internal security mechanism in order to make Americans feel better about themselves and in fact provide that security, there is some irony if the fact that the perimeters, our borders, are as porous as they are and as undefended as they are.

Tomorrow we will take up a bill that will hopefully begin to close those gaps also and begin to defend that perimeter, for without it having a PATRIOT Act is like putting a very expensive apparatus in your home to determine whether or not you have an invader inside the house while you are leaving your front and back doors wide open. That is the problem we have. Hopefully, it will be solved tomorrow with the bill we have before us, the Sensenbrenner bill, to begin the process of securing our border and securing our future.

FEMA'S BROKEN PROMISES

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, it has been more than 100 days since Hurricane Katrina devastated the gulf coast region, destroying more than 300,000 homes, taking more than 1,300 lives. FEMA promised help, yet, more than 100 days later, thousands of survivors are still living in tents and shelters. More than 100 days later, promised trailers have not arrived. More than 100 days later, a Federal judge has had to force FEMA to extend its deadline.

FEMA is now opting out of 12-month leases. What FEMA won't do, Congress can do. It is time for this Republican Congress to work with Democrats and enact legislation granting 1 year of housing assistance. It is imperative that this be done before we adjourn. Human suffering continues. I am willing to work with those to end this suffering.

□ 1015

ALITO NOMINATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as the confirmation process of Supreme Court nominee Samuel Alito moves from the back burner to center stage in the coming days, we should not allow it to become politicized by the left.

President Bush has nominated a capable and qualified individual to sit on our highest Court. Judge Alito has more judicial experience than any Supreme Court nominee in the last 70 years. He has a reputation as an even-tempered, impartial, fair-minded judge who believes in judicial restraint. The Senate unanimously confirmed Judge Alito to the U.S. Court of Appeals for the 3rd Circuit in 1990.

Mr. Speaker, as this debate heats up, people should not be fooled by the mischaracterizations and personal attacks that are sure to come from the liberal left wing. Judge Alito is qualified. He deserves an up-or-down vote in the Senate.

REPUBLICAN PRESCRIPTION DRUG PLAN IS CONFUSING

(Mr. HOLT asked and was given permission to address the House for 1 minute.)

Mr. HOLT. Mr. Speaker, after this week we will be adjourning, we are told, for about 6 weeks or more in order to accommodate the court schedule in Texas. There are, therefore, some things that we should get done this week.

Many of us opposed the Republican Medicare prescription drug bill because we thought it was a mess. At least we want it to succeed as best it can for the seniors, but it is so confusing that not even the Bush administration is able to get out the proper information to the very seniors who must make a decision about which plan to choose.

Seniors want help with their ever-increasing prescription drug costs, but they have voiced frustration and confusion over the law that the Republicans passed.

The administration has distributed inaccurate and incomplete information, and Republicans want to penalize any senior who does not sign up for a prescription drug plan by May 15.

Congress should not leave town without giving the seniors at least an additional 6 months to help make a decision that they can live with, that can give them at least some help with their prescription drug costs.

IMPORTANCE OF SUPPORTING METH PROVISIONS IN PATRIOT ACT

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, meth threatens lives, safety, and health at great cost to all of us. That is why the meth provisions included in the PATRIOT Act reauthorization are so important.

I am pleased this legislation contains several significant provisions I authored, including enhanced criminal penalties originally a part of the anti-meth SLAM Act I introduced with Representative DARLENE HOOLEY. This bill also contains a drug certification provision I authored to stop the flow of meth from Mexico.

I thank Chairmen SENSENBRENNER and SOUDER for their extraordinary leadership in moving this bill to the floor. I urge its swift passage. Doing so will send a strong signal that Congress is serious about fighting the scourge of meth.

We must send a signal to the pushers of this poison that they are not welcome in our communities. We must send a signal to the law enforcement officers who wake up every morning to protect our families that we stand with them in the fight against drugs and will work to give them every tool they need to be successful.

I urge all of my colleagues to support this important bill.

OPEC AND ENERGY DEPARTMENT DELIVER MORE BAD NEWS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, OPEC and the U.S. Energy Department delivered another blow to financially strained American consumers Monday when they announced that high energy prices are here to stay.

During a meeting in Kuwait, OPEC members said they may cut production of oil, increasing prices here in the U.S. At the same time, U.S. Federal energy forecasters projected the current high gas prices will last until at least 2014. This news comes at a devastating time for millions of families currently struggling to pay mounting home heating costs.

The onset of bitterly cold winter weather in New York City and across this Nation means that many people will have to make difficult sacrifices to afford these added expenses; and yet, Republican leaders in this body recently passed legislation that provides billions of dollars in financial assistance to energy companies, while cutting vital funds from LIHEAP, the low-income home heating assistance program.

Mr. Speaker, this is unconscionable. We should be increasing the LIHEAP funding and assistance and spreading this to the needed families over this holiday season.

EXPRESSING SUPPORT FOR IRAQI ELECTION

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, today I commend and congratulate the Iraqi people on the occasion of the election which is going to be held there tomorrow. This election represents not only the successful liberation of the Iraqi people from decades of tyranny and oppression but it also is a great leap forward in solidifying democratic institutions in Iraq.

Perhaps more than our Constitution, our flag or our national anthem, it is our elections that best display the enduring success of our American democracy. From the formation of political parties and ideologies to spirited debates on critical issues, it is the symbolic act of casting ballots that continues to make our democracy a beacon of freedom and prosperity to the global community.

The Iraqi people will now have the opportunity to comprehend what Americans have learned over two centuries, that nations are more stable and more peace loving when a multitude of voices share in its operation.

I am confident that democracy will continue to flourish as Iraqis make their opinions heard, rally in support of their visions, and experience for the first time the many liberties that Americans hold dear.

PATRIOT ACT REAUTHORIZATION

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Mr. Speaker, 4 years ago, in the wake of September 11, Congress passed the PATRIOT Act to provide law enforcement new tools to protect America from terrorism. The bill was a rushed response and passed in an urgent hour.

Fortunately, the bill included sunset provisions, allowing Congress to revisit the law, reflect on its implementation, and fix those parts of the law that have clearly become overreaching. Four years later, Congress has failed to seize the opportunity to do so.

I urge my colleagues to oppose the leadership's attempt to irresponsibly rush another flawed bill into law.

Let us not repeat the mistakes of the past. Let us instead strike the right balance between our national security and our constitutional rights.

At a time when so much of the world questions our commitment to our own values, I urge my colleagues to show the American people and the world that we will defend our country, but that we will do so in a way that protects those rights that make it worth defending.

OUR ECONOMIC EXPANSION CONTINUES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, recent reports and statistics are showing that the American economy has rebounded from the devastation of Hurricane

Katrina and is back on its historic track of growth and productivity.

In November, 215,000 new jobs were created for a total of 4.4 million new jobs over the last 2½ years. Our economy grew at a solid 4.3 percent in the third quarter, and unemployment is at a low 5 percent rate. In addition, the productivity of American workers is at an impressive annual rate of 4.7 percent, the fastest pace in 2 years.

Mr. Speaker, this astounding economic growth has all taken effect ever since we passed, and the President signed, the jobs and growth bill into law in May of 2003.

However, we in Congress still have work to do. We must make these tax cuts permanent, cut wasteful spending, and create an environment so that key sectors of our economy, such as the telecommunications industry, can reach their full potential.

If we continue on this path, the ultimate winner will be the American people.

THE PATRIOT ACT REAUTHORIZATION

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Mr. Speaker, I am here today to highlight the contents of H.R. 3889, the Combat Meth Epidemic Act, which has been included in the PATRIOT Act conference report. As a co-chair of the Meth Caucus, I worked with our caucus members to craft a comprehensive meth bill that would attack our Nation's meth problem on multiple fronts. While I would have preferred a straight up-or-down vote on a stand-alone meth bill, these meth provisions do benefit our communities.

Meth has been attacking this country, starting on the west coast and moving steadily eastward. It devastates communities, affecting not just meth users, but families, neighborhoods, public health, the environment, and crime rates.

This conference report takes necessary steps to limit access to a key meth precursor, pseudoephedrine. Significantly, it will allow for an additional prison sentence for individuals convicted of cooking or selling meth where children reside. Children are too often the silent victims of this drug. So this will help protect them by authorizing grants to assist children who have been found in meth labs.

For the first time, Congress is passing comprehensive anti-meth legislation that gives our local law enforcement and communities the tools, resources, and standards to protect themselves against the scourge of meth.

THE BORDER PROTECTION, ANTI-TERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT

(Mr. BEAUPREZ asked and was given permission to address the House for 1 minute.)

Mr. BEAUPREZ. Mr. Speaker, I rise this morning in support of H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act, because I believe it is past time we took serious steps to secure our borders and the safety of this country.

Rest assured, this legislation is not perfect nor is it a silver bullet, but it is a good start in terms of shutting off the magnet that is drawing people into our country to work illegally. Specifically, this bill contains provisions to establish the mandatory use of an employee eligibility verification program, designed to help employers hire only those who are in this country legally.

I submit that I am just as pro-business as anyone else in this Chamber. As such, I believe the Federal Government has a duty to provide the business community with the tools necessary to abide by the rules and then we need to enforce them.

I believe the Border Protection Act takes us a big step in that direction.

FIX THE MEDICARE BENEFIT

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, hundreds of seniors in my district showed up to five town hall meetings I hosted over the past month to explain the Medicare drug benefit.

For as much interest as my constituents demonstrated, they are just as confused and frustrated by the daunting task, as President Bush put it yesterday, of understanding and then choosing a drug plan from the dozens of plans with different premiums, deductibles, copayments, and lists of covered drugs.

Through no fault of their own, seniors are already encountering delays in their applications. Consequently, many will not receive their drug cards until after the sign-up deadline.

But we should not be surprised by a benefit whose flawed design was the result of ideology prevailing over practicality.

It is up to us here and now to make sure seniors understand their benefit and receive, without further delay, the affordable, life-saving drugs they deserve.

The first step should be extending the deadline by at least 6 months. I urge my colleagues to support this simple measure.

Seniors should not be rushed or penalized as they make this very important decision.

IRAQ SOLIDARITY DAY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, Iraqis tomorrow will vote and America will stand firmly behind them for this historic milestone. While we look into the future, it is instructive to look back just a few short years. Iraqis lived in fear. "Freedom of expression" were three words most Iraqis thought they would never experience, and a brutal dictator oppressed millions of people.

Now optimism and success are sweeping Iraq. Hundreds of candidates vying for 275 representative spots are a product of this success. In the span of a few short years, Iraq's economic sector is setting the stage for growth. Introducing a new currency, reopening their stock exchange, loans to encourage small businesses, and infrastructure improvements are just a start.

More Iraqi security forces are being trained every day; and today, over 210,000 have been trained and equipped. The election this week is the next important step that must be taken in order to allow our men and women to begin coming home, having accomplished a great deal.

Mr. Speaker, tomorrow will be a historic day for Iraq, and all America will watch proudly as we witness freedom and democracy coming to reality before our eyes.

MEDICARE DRUG PLAN

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the President breezed through a senior center yesterday, and he said, well, the Medicare drug plan seems perplexing, but he urged seniors to sign up anyway. It's a good deal, he said, of the program.

Well, it's a great deal for the pharmaceutical industry because it protects their profits, and they get subsidies. It's a fabulous deal for the private insurance industry because they are getting subsidized to offer plans which they can change on a daily basis in terms of senior benefits, and seniors can only sign up once a year; but it isn't necessarily a good deal for many seniors. So the President gave bad advice.

Very low-income seniors, yes, they should, if they are not covered by another plan, look very carefully at their options and probably sign up. Others with very high prescription drug costs who don't have another plan, perhaps, but some would be losers under this plan. Many others, it is questionable whether they should sign up, and the government is not making it easy for them.

Minimally, we should extend the penalty deadline. After all, if the pharmaceutical companies and the insurance companies can change the seniors' benefits on a daily basis, why is it seniors can only sign up for one plan a year, can't change plans and will be penalized if they don't sign up by May?

☐ 1030

IMMIGRATION REFORM

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to stress America's need for border security reform. We should be supporting those who enforce our laws, not rewarding those who break them. I believe our border security problem can be managed and controlled, but to do so, we need the vital assistance of our local and State governments.

Local law enforcement personnel see the repercussions of illegal immigration every day, but unfortunately, they do not have the clear authority to handle this problem, nor do they have the infrastructure and financial resources to turn illegal immigrants over to Federal authorities. This has to change.

The House version of our border security plan cannot be complete without language to help local authorities enforce our laws. My friend and colleague from Georgia (Mr. NORWOOD) has introduced the CLEAR Act, and I am a proud cosponsor of this legislation.

As we debate immigration reform, we must remember that illegal immigration is both a national and a local problem, and our solutions must assist law enforcement at all levels.

CONGRESS SHOULD STAY IN SESSION UNTIL IT EXTENDS ENROLLMENT PERIOD FOR PRESCRIPTION DRUG PLAN

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, this House should not adjourn for the year before we extend the enrollment period for seniors to sign up for the Republican Medicare prescription drug plan. I did not support the law, because I favored a benefit within the actual Medicare program. Instead, Republicans chose a plan that forced seniors to choose from multiple plans.

President Bush and congressional Republicans say it is necessary to have multiple drug plans competing in order to help drive down costs, but a report from the Government Reform Committee says the complicated drug benefit has failed to lower drug prices. The prices available to seniors are over 80 percent higher than those negotiated by the Federal Government for veterans and 60 percent higher than the prices available to consumers in Canada.

Instead of lowering drug prices, the new prescription drug plan has resulted in mass confusion for seniors. Seniors should have the time to make the best choice for themselves rather than be penalized if they do not make a decision by May 15.

We should extend the deadline by 6 months before we leave for the year and support the Stark-Schakowsky bill, H.R. 3861.

TRIBUTE TO JAMES HOLMES, JR., SECOND HARVEST VOLUNTEER OF THE YEAR

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to recognize Mr. James Holmes, Jr., for being named America's Second Harvest Food Bank 2005 Volunteer of the Year.

Mr. Holmes is the founder of the community garden at the Children's Home in Winston-Salem, North Carolina. For the past 7 years, he used land at the Children's Home to grow 70,000 pounds of fresh produce to feed the hungry.

When Mr. Holmes started this project at age 76, he had never planted a seed in his life. Nevertheless, he pursued this project with a passion. As a former board member at the Children's Home, he convinced them to donate 3 acres for the garden and to allow staff to assist with the farm equipment.

Mr. Holmes is to be commended for his tremendous efforts. He raised the start-up funding to purchase supplies, recruited and trained hundreds of volunteers, and invested thousands of dollars of his own money to buy a tractor and build a storage building and irrigation system. Each year, he organizes the planting of the garden, schedules people to volunteer twice a week and joins the crews that work through the hot summer months and into the fall harvest.

It is an honor to have compassionate, caring, and hardworking people like James Holmes, Jr., in the Fifth District.

HIGH ENERGY PRICES

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, as this body prepares to adjourn for the year, we have an opportunity to look back at what the people's House has done for the American people. The answer, when it comes to addressing skyrocketing energy prices, is not much, especially for those most in need.

As winter weather settles in around the country, millions of American families are facing skyrocketing home heating prices with even greater impact if cold temperatures persist into the spring. Americans are also feeling the effects of soaring energy prices at the gas pump. The double burden of these added expenses will be far too much for many families.

Rather than taking the opportunity to address these costs for those most in need, the Republican leadership instead gave billions of dollars in tax breaks to those who need it least, big oil and gas companies that have posted not just record profits but the largest profits in the history of the world.

Mr. Speaker, Congress should not leave this year without repealing those tax breaks for big oil and converting the savings to low-income and senior Americans that need the help the most.

HELP DEFEND THE RESPECT OF CONGRESS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, as elected officials, we hold ourselves to the highest standards. As Members of Congress, we pledge to defend the Constitution and uphold the laws of the United States. We are elected to serve the public trust. A breach of law by a Member of Congress is a serious offense that should have very serious consequences.

Taxpayers should not pay for the retirement benefits of a Member of Congress convicted of a felony. That is why I am introducing the Congressional Integrity Act of 2005, to restore trust in the Congress. It is joined by 12 other majority Members, moderates and conservatives for reform.

This important ethics legislation will lead us back to integrity in public life. The Congressional Integrity Act of 2005 would deny a congressional pension to any Member convicted and denied final appeal on a range of crimes directly related to their public duties, including bribery, including illegal compensation, including fraud, solicitation and tax evasion.

Mr. Speaker, similar legislation passed the House in 1996 by a vote of 391–32. It is time to finally pass this important reform.

REPUBLICANS PLAYING THE ROLE OF GRINCH

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the role of the Grinch this year is being played by House Republicans. Rather than spreading holiday cheer this month, House Republicans have done their best to make life more difficult for millions of Americans.

House Republicans want to force college students to pay an additional

$5,200 in college loans. House Republicans plan to take away school lunches from thousands of school children who desperately need the nutritional value that these lunches provide. House Republicans are willing to cut the home heating assistance program for low-income families just before the long winter season. And House Republicans plan to penalize America's seniors who don't sign up for a prescription drug plan before May 15, despite all the confusing information that is coming out of the Bush administration.

Mr. Speaker, it is time House Republicans changed their ways, because nobody wants to be around the Grinch in December.

MEDICARE INFORMED CHOICE ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, 1 month ago, elderly Americans were finally able to start choosing among plans to provide them prescription drug coverage. In less than a month, these benefits will go into effect. But now these seniors are expressing their outrage. The choices they have to make are so complex it was imperative that CMS get them accurate information. But instead, CMS sent out inaccurate information. In addition, they told seniors that they basically had to get their information off the Web or by calling a hotline, but delays on the hotline are enormous, and most seniors are not comfortable using the Internet.

So now they are having to make critical, complex choices that are going to affect their health care with far too little assistance. We need to act to help them. Let us not turn our backs on America's seniors. Let us give them all of 2006 to make this important choice without penalty, and let us make sure that they can make a switch if they make the wrong choice.

Let us pass the Medicare Informed Choice Act.

HURRICANE KATRINA

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, over the last 3½ months, this Republican Congress has failed to act to meet the critical needs of Hurricane Katrina survivors. The few proposals the Republican leadership has put forward fail to go far enough in meeting the challenges of restoring the gulf coast region.

The Congress has yet to enact a clear housing plan for the survivors still living in tents and waiting for promised trailers that have not appeared. Many families may lose their rental assistance at the end of December. And economic revitalization is moving at a snail's pace, with only about 5 percent of small business disaster loan applications approved so far.

Even Republicans have begun to criticize the delay by the administration and the Republican Congress in getting assistance to the gulf coast region. Last week, Mississippi Governor Haley Barbour, a former Chairman of the Republican National Committee, said his State's ability to recover has been severely hampered by Congress's delay in approving more money.

This Congress must not adjourn for the year until we enact measures to address this critical need.

WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 596 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 596

Resolved, That upon adoption of this resolution it shall be in order to consider the further conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. FOLEY). The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend and colleague from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 596 is a rule waiving all points of order against the conference report accompanying H.R. 3010 and against its consideration. This rule provides that the conference report shall be considered as read.

Mr. Speaker, the underlying legislation is one of the most important measures we consider each year. The underlying legislation will fund a broad array of programs improving the health, education and lifestyle of many Americans. I would like to congratulate the chairman and ranking member of the full committee and subcommittee for their hard work on this essential spending bill.

Mr. Speaker, the future of America hinges on the success of our future generations and their ability to compete with the rest of the world. In order for our children to succeed, they must be equipped with a high-quality education. I am happy to say that since Republicans took control of Congress, funding for the Department of Education has doubled; more recently, over the last 5 years, total education spending has increased by nearly 50 percent. Our children will benefit from an improved educational system that will enhance their ability to succeed and better prepare that next generation of workers.

The fundamental root of all education is reading. As we enter the holiday season, many families will join together in reading holiday stories providing wonderful memoirs for years to come. Unfortunately, some children are not able to read at the appropriate grade level. Included in this legislation is $1 billion for reading programs that will enable States to eliminate the reading deficit through science- and research-based reading programs.

I am also very pleased that the TRIO and GEAR UP programs are included in this all-important funding package. These programs assist low-income, first-generation college students in their transition from high school to college. This is a difficult transition for any student, but especially those who are the first in their family to attend college. We must continue to support programs like TRIO and GEAR UP so that these students will continue to flourish.

Mr. Speaker, another important responsibility we have is to ensure that our citizens have access to health care facilities and treatments. Included in this legislation is a $66 million increase in funding for community health centers that are so vitally important across this Nation, but especially in rural States, much like my home State of West Virginia. In the last 5 years, Congress has increased funding for these critical components of our health care delivery system by 48 percent.

I am especially pleased with the increased rural health funding included in this conference report. Millions of Americans across the country, including a majority of my West Virginia constituents, are faced with drastically different health care challenges because they reside in rural areas. This conference report includes a $90 million increase in funding for rural health programs. Included in this package are funds for the Office of Rural Health and Research Policy, Rural Health Outreach Grants, Area Health Education Centers, and Medical Training.

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These programs will improve rural health care delivery through continued research, improved technology, and development of health care professionals in rural America.

The National Institutes of Health, NIH, continues to serve our Nation well by developing new treatments and cures for the many diseases that plague our society. With a total funding level of the $28.6 billion, the researchers at NIH will be able to continue this mission so we may become a healthier Nation and global society.

A key aspect of a healthier society is one where all citizens have access to prescription drugs; and I am proud to say since November 15, Medicare-eligible beneficiaries have been able to sign up for a prescription drug benefit under Medicare. The resources provided in the underlying legislation will allow the Centers for Medicaid and Medicare Services to properly conduct that outreach effort that is so important that will hopefully enroll every senior that stands to benefit from this program.

Mr. Speaker, we are all aware of the challenges that can potentially face all Americans this coming winter, so the high cost of natural gas is something we are very concerned about. In this bill, the State formula grants for the Low Income Home Energy Assistance Program, LIHEAP, are funded at over $2 billion; and we fund an additional billion dollars included in the House-passed Deficit Reduction Act passed earlier this month.

As with any appropriation legislation, we had tough choices to make. These choices are particularly difficult when dealing with the sensitive health and education issues like the ones in this bill. The Committee on Appropriations allocated the available resources in this bill in a manner that emphasizes those programs most important to our Nation.

Mr. Speaker, this is solid legislation that I believe all Members will be able to support.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume, and thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me this time.

Mr. Speaker, today we consider House Resolution 596, the rule allowing consideration of the conference report accompanying the fiscal year 2006 Labor-HHS and Education appropriations bill. If the debate looks familiar to our constituents watching from home, it should. Just before Thanksgiving, the House considered a conference agreement almost exactly like the one before the House this morning. The House voted to reject that shortsighted agreement. It was a striking rebuke of a majority out of touch with concerns of average Americans, and yet here we are again with an agreement that is almost word for word the exact agreement from 3 weeks ago. This new version simply moves around a small amount of money, robbing Peter to pay Paul.

What seems to have been skipped was a discussion of the fundamentally flawed priorities, and there was no discussion of what the American people need, merely what it would take for a few more votes. This means that No Child Left Behind funding is still cut by $779 million, a maximum Pell grant award is still frozen for the fourth straight year, and there is still no new funding for student financial aid and support programs. The bill still provides $4 billion less than Republicans promised for special education through IDEA.

Further, this agreement provides only thin and shortsighted support for innovative research going on today on universities and colleges across the Nation. Hardworking families rely on these advances to ease the suffering or even cure a loved one's illness, but this agreement threatens this hope.

Earlier this month, the UC Davis Cancer Center, the only federally designated cancer center in the central valley of California, discovered a way to improve early detection of breast cancer. And just before Thanksgiving, UC Davis research shed light on how some cancer patients contract chemotherapy-induced leukemia.

These are two examples of living-saving advances among dozens in the University of California system. And they are a reality because of Federal investment. Two out of every three research dollars to the UC system are from the Federal Government. Sadly, misguided priorities, like the ones contained in this conference report, threaten to limit these types of advances.

Mr. Speaker, my local newspaper, the Sacramento Bee, noted earlier this month that today's challenges demand shared sacrifice and better priorities. The paper argued, rightly so, that "the majority in Congress is more intent on locking in President Bush's tax cuts than paying for war, natural disaster, and essential public services for the Nation's most vulnerable people." I could not agree more.

Mr. Speaker, I urge my colleagues once again to reject this conference report.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I would like to respond to the gentlewoman's assertion that this is the second time around, which it most certainly is. Adjustments were made. There were many folks on our side of the aisle who had concerns about the rural health provisions, I among those folks, because we are heavily reliant on our community health centers. Many adjustments were made, as I mentioned in my opening statement, to address some of the issues of rural health.

When we talk about priorities, this bill is chock full of America's priorities, and certainly education is one of them. I would like to review that in this bill there is $100 million more for those special education needs. As I said 3 weeks ago, is this going to solve the problem? Is this enough money to meet every need for every challenged child and every family of a challenged child? Certainly not. But we are getting there and working towards that.

In terms of Pell grants and affordability of higher education, it is at an all-time high, $4,050; and there is an additional $812 million to meet those challenges for those seeking higher education.

There is a particular emphasis in this bill for math and science. We hear about our students who cannot compete in the global economy, how students are not going into the math and science fields and we are getting left behind by those around the world. This will strengthen the K–12 math and science education.

Again, I would like to mention the TRIO and GEAR-UP programs because they are particularly significant in my State, very effective and long-standing, and I am pleased they are going to be there to help that first-time college student meet the challenges as they move towards higher education.

Another important program is Job Corps. It is a labor program that helps those students transition and move from education to the workforce in a very forceful way and a very successful way.

I realize that choices have to be made in these difficult areas of health, education and labor; but the choices we have made here I think are good solid choices, and I support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for the time.

Let me simply make a couple of comments in response to assertions made by the gentlewoman from West Virginia. She caught my attention when she said, and made much of the fact, that since the Republicans have taken control of the House, education funding has essentially doubled. Let me put that in perspective and challenge that statement. This bill is part of a three-part strategy which over the next 5 years will cut funding for education, for social services, for health care, for the people targeted by this bill by $48 billion over a 5-year period.

With respect to education, this bill is the first time in 10 years that the Congress will actually have cut education. With the across-the-board cut which is going to be attached to this bill before the week is over, we will wind up cutting education by over $600 million below last year.

Now, the Republicans say, "Oh, that is okay because we added so much money over the last 10 years." With all due respect, that is rewriting history. The Republican majority in this House had to be dragged kicking and screaming into supporting education at all. They came to power with the demand to abolish the Department of Education. Their very first action rescinded billions of dollars including education funding. They tried three out of the next 4 years to make deep cuts in education. Each time they were blocked by the Democratic minority and by some assistance that we got from the Republican majority in the Senate and from the White House then occupied by Bill Clinton.

Today the fact is that over the past 10 years we have had $18 billion more in education than would have been there if we had passed the Republican House education and labor appropriation bill. So for the Republicans to claim that they have added money to education is a joke.

It reminds me of the orphan who kills his parents and then throws himself on the mercy of the court because he is an orphan. The fact is, if the Republican majority in this House had their way, education would have been funded $18 billion less than it has been funded over the previous decade.

With respect to some of the other claims that have been made this morning, with respect to title I, we are going to have an actual reduction in title I by the time the across-the-board cut actually passes. No Child Left Behind programs have been cut by $779 million.

The gentlewoman mentioned NIH. The fact is that with the across-the-board cut that is going to be attached to this bill, NIH funding will decline by $129 million, there will be fewer research grants provided there than we had 2 years ago.

She mentioned community health centers. The fact is that this bill contains $238 million less than the amount requested by the Bush administration, and this bill totally terminates the entire community-access program to provide health care to people who do not have insurance.

So all I would say is, if you vote for this bill, if you vote for the across-the-board cut, and if you voted for the Republican reconciliation action last week, you will have cut support for people who are helped by this bill by $48 billion over the next 5 years, and you will have used 50 percent of that money to put in the pockets of the richest 1 percent of the people by way of tax cuts. It is an outrageous piece of legislation.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond. I have been in Congress for 5 years, and I have great respect for my colleague who has many more years and much experience, much more experience than I do. But my understanding of a conference report, which we are addressing now, it cannot be amended, it cannot be attached to and it cannot have any spending cut attached to it. He is leading me and others to believe that when we step up to vote for this, we will be voting for an across-the-board 1 percent cut. I find that incredulous because I know there will be no such vote placed on this bill. I want the general public viewing this to realize we are voting on a tough bill.

The appropriation is for labor and education and health services, but we are not voting on an across-the-board cut when we vote for this bill. We have made several choices here. We have put more money into reading which I think is vital. Over the past 5 years, incredible amounts of money have been put into pulling the reading skills up in elementary school and improving that vital part of our educational system.

We have worked on increasing special ed funding. I think we can all agree that the needs there are tremendously important across the country. We have improved that as well.

So I think for the understanding to be that this bill is going to be coupled with an across-the-board cut that means this is less than what it is, I find that to be disingenuous; and, quite frankly, I do not think that is quite actually what is going to occur.

Mr. Speaker, I reserve the balance of my time.

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Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY) to respond.

Mr. OBEY. Mr. Speaker, let me simply say in response to the gentlewoman's comments, the Republican leadership and the Republican caucus has already made clear that they intend to attach a further 1 percent across-the-board cut in all discretionary spending before we leave here for the Christmas holidays. The fact is that the bill before us today is just for openers. And when you put this bill together with the 1 percent cut that they intend to make across the board, and then when you add that to the humongous cuts that they made over the next 5 years in the reconciliation bill last week, they are already on the hook for that. That means, over the next 5 years, there will be a cumulative cut in programs to help the people targeted by this bill of $48 billion.

Mrs. CAPITO. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman, and I want to thank the gentleman from Wisconsin for pointing out to this House that the across-the-board cut which he speaks about is going to only exacerbate the underfunding, which already exists in this particular bill. And I thank the gentleman for that point.

I also want to state that this House, at the request of the administration, over the last few years has passed massive tax cuts that have helped to accelerate the wealth of this country upward, while when it comes to social programs, we are looking at cuts.

I want to speak to education. The education cuts brought before us today in this new conference report are not any better for students than those that were voted down by the House on November 17. Like that conference agreement, the bill before us today demonstrates that education is not a priority for this House's majority. This conference agreement provides a mere $11 million increase for Head Start.

I will bet, Mr. Speaker, that there are some of our wealthiest citizens who are achieving tax breaks in the millions, who together, pooling their tax breaks, would exceed the amount of money being given to Head Start that they call an increase. The fact of the matter is that Head Start is a pivotal program for preschool age children in low-income families across this country. And at current funding levels, it, unfortunately, serves about only half of the children eligible for its services. Now, this is not adequate, and it is not right. This program, which has been repeatedly found to have dramatically increased the academic performance of students, deserves more than a piddling $11 million when you compare it to where the money is going in this budget and in the fiscal policies of this administration.

This conference agreement cuts school improvement funding by 6 percent and flat funds teacher quality grants. These grants, which are used to recruit qualified teachers and support teacher development, are critically important to efforts to improve student achievement.

Rather than strengthening the Pell Grant program and increasing access to higher education for low-income students, the conference agreement maintains the current maximum Pell Grant at $4,050. At this level, the maximum Pell Grant only covers 39 percent of the tuition of the average 4-year public college, making a mockery of its status as the foundation of student aid for the poorest students.

What are our priorities? The votes Members cast today on this conference agreement will show our priorities. Our priorities ought to be education, and they ought to be doing something about adult training grants which, unfortunately, have been cut in this conference report, and youth training grants, which, unfortunately, have been cut in this conference report.

What are our priorities? To continue the acceleration of wealth upwards in this country, or to make sure that all Americans get a chance to be recognized in this budget?

It is time to say no to this policy.

Ms. MATSUI. Mr. Speaker, I would just urge my colleagues once again to reject this conference report, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I urge all of my colleagues to support this fair rule and the underlying legislation, where critical dollars will fund our Nation's education system, health care delivery system and numerous other benefits. With this funding, low-income Americans will be better prepared for a long cold winter with the $2 billion funding in LIHEAP. Our seniors will greatly benefit from the money provided allowing CMS to conduct outreach to our Medicare beneficiaries to sign up for the new prescription drug benefit. The $90 million included for Rural Health Delivery is vitally important to rural America. These are all important programs that will improve the way of life for countless Americans.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 3199, USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 595

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 595 waives all points of order against the conference report and against its consideration.

I rise today in support of House Resolution 595 and the underlying conference report for H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Mr. Speaker, I would first like to take this opportunity to thank Chairmen SENSENBRENNER and KING for all of their work in shepherding H.R. 3199 initially in the committee and then on the floor and now through the conference. This conference report demonstrates this Congress's commitment to find common ground in order to move solid and important legislation for the good and safety of the American people. This conference report is the culmination of 4 years of thorough hearings, extensive oversight, representing a collaborative effort to strengthen and fine tune our law enforcement needs and civil security needs as originally provided by the 2001 USA PATRIOT Act.

Like most Americans, I fully cherish and celebrate our constitutionally protected civil liberties, while also recognizing the need for strengthened national security with thorough and proper oversight. And this Congress has demonstrated and will continue to demonstrate a clear commitment to oversight in order to better achieve the essential and proper balance between necessary protective measures and our sacred civil liberties granted to us by the United States Constitution.

As I mentioned, when the House first considered this legislation back in July, Mr. Speaker, H.R. 3199, like most legislation considered before this House, is not perfect. In an ideal world, it would not be necessary, but today's world is sadly far from ideal. Today, America faces a grave threat from enemies who cowardly operate in the darkness of shadows, waiting with the intent to kill innocent people in the name of their hateful ideology. Therefore, we must never again be caught with our guard down.

This Congress must act and must act decisively and deliberately to provide our law enforcement with the tools they need to protect and to save American lives, both here and abroad.

With respect to the provisions of this legislation, Mr. Speaker, this conference report will make permanent many vital law enforcement tools made available for use against suspected terrorists by the USA PATRIOT Act while establishing 4-year sunsets on a few provisions such as section 206, FISA, Foreign Intelligence Surveillance Act, multi-point wire taps, section 215, FISA business record provisions and finally, the Lone Wolf provision.

With respect to section 206, it is important to recognize that the ability to track terrorists through the use of multi point or roving wire taps is essential because it allows law enforcement to follow a terrorist, rather than a telephone.

Mr. Speaker, terrorists are not reliant on two Dixie cups and a piece of string to coordinate and plot terrorist attacks. They have access to a universal and a vast array of communication technologies, and our laws must take this fact into account.

Additionally, this conference report, through section 215, ensures that law enforcement will still have the ability, under thorough and extensive oversight, let me repeat, under thorough and extensive oversight, to seek out information on terrorists without tipping them off and thereby potentially compromising security and costing lives.

Again, Mr. Speaker, it should be emphasized to all Americans that the USA PATRIOT Act did not establish any new law enforcement capabilities but rather extended techniques long available for use against organized crime or drug trafficking to be used against suspected terrorists as well. If these are acceptable tools against some dope-pushing thug, then they should be acceptable tools against terrorists who seek to destroy American lives and rip apart the very fabric of this great Nation.

Without question, this Congress must, and I trust, will continue to remain vigilant with thorough oversight to protect our Constitution, to protect our civil liberties and to protect our national security.

Mr. Speaker, I encourage all of my colleagues to support the rule and the underlying conference report, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to H.R. 3199. While this conference report makes some improvement to the current PATRIOT Act, it fails to address some major deficiencies, and in many ways, it makes the current situation worse.

The original intent of the PATRIOT Act was to provide our law enforcement officials with the necessary tools to make our country more secure. While maintaining national security is absolutely a necessary responsibility of Congress, it can and must be achieved without compromising our civil liberties.

Unlike the proponents of H.R. 3199, the American people do not believe that security and liberty are mutually exclusive goals. A delicate balance between enhancing security and protecting liberty needs to be present. But unfortunately, this bill before us today falls far short to achieving this appropriate balance.

Mr. Speaker, back in 2001, when the PATRIOT Act was enacted, 16 provisions were sunsetted or authorized for a certain period of time because of their controversial nature and also due to the hurried manner in which they were drafted; 14 of these 16 provisions are made permanent by this conference report. And while three of the most contentious provisions have been sunsetted for 4 years, even that is too long.

Section 215, commonly referred to as the Library Records Provision, grossly expands the Federal government's ability to seize records and investigate citizens' reading habits without any notification.

Section 206, dubbed the Roving Wiretaps Provision, grants the government the power to perform so-called John Doe wiretaps in which they do not have to disclose the phones that will be tapped or even the names of the suspected person.

Section 6001, known as the Lone Wolf Provision, broadly redefines the Foreign Intelligence Surveillance Act's, FISA, standard for the agent of foreign power. The new definition is so expansive that the Government can now define any individual non-U.S. person as a terrorist suspect, even if the individual has no clear ties to a foreign government.

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Mr. Speaker, it is more than apparent that these three provisions pose a threat to American citizens' civil liberties. And while I would rather see these provisions removed from the legislation, I am encouraged that a shorter sunset has been placed upon them.

But, unfortunately, Mr. Speaker, shorter sunsets do not do the trick. Sunsets alone do not fix the severe substantive flaws of these sections, and they do nothing to address the deficiencies of the 14 other provisions that are being made permanent by this report. Instead of opting to apply shorter sunset dates to these misguided provisions, Congress should be exploring appropriate ways to fix them. After all, giving the government the power to violate civil liberties is wrong regardless of whether we give the government that power for 1 year or 4 years or for 100 years.

Most notable of the deficient provisions, which was made permanent by the original PATRIOT Act, is section 505, known as the National Security Letters provision, NSLs. These NSLs are administrative subpoenas, issued by high-ranking Department of Justice officials, which force a person to turn over a wide range of personal records. Essentially, NSLs allow the FBI to conduct secret, warrantless searches of any records they deem relevant to national security.

What is most concerning about NSLs are the rate in which they are being issued and the eventual relevancy of the retrieved records. More than 30,000 NSLs are being issued a year, a hundred-fold increase since the enactment of the PATRIOT Act. Meanwhile, only a handful of NSL investigations have ever gone through the judicial process. Moreover, the FBI has surreptitiously gathered information on tens of thousands of Americans. They are maintaining databases on these citizens. And instead of deleting information on NSL recipients once an investigation is completed, the FBI is abusing this power and holding onto personal information of Americans who have never been accused of any crime.

Mr. Speaker, while this conference report does require the Department of Justice to report the number of national security letters they issue, it fails to address the abuse of power and the unconstitutionality of the provision. As determined by a Federal court judge on October 4, 2005, the NSL provision was ruled to be unconstitutional. So instead of reevaluating this provision or at the very least sunsetting it, the NSL provision remains permanent and continues to infringe upon the civil liberties of the American people.

Mr. Speaker, we all must be reminded that privacy is a right guaranteed by our Constitution, not a luxury that we can simply discard when it becomes inconvenient to the government. Shorter sunsets and minimal regulations imposed on the Department of Justice do not cure the serious problems with these provisions. Congress needs to go back to the negotiating table, reevaluate these provisions, and come up with a report that strikes the appropriate balance between advancing security and defending our civil rights.

That is why, Mr. Speaker, I am a cosponsor of H.R. 4506. This legislation, introduced by the ranking member of the Judiciary Committee, Mr. CONYERS, extends by 3 months the 16 provisions of the PATRIOT Act set to expire at the end of this year. Extending the PATRIOT Act in its current form for 3 months would give lawmakers the opportunity to reevaluate these contentious provisions, fix them, and then issue a conference report that actually protects the civil liberties of the people of this country and not hinders them.

I would like to share a quote from an article entitled "Going Down in History with USA PATRIOT Act," which appeared in the November 27 edition of the Massachusetts Republican: "Unless lawmakers are prepared to revise the USA PATRIOT Act to include modest protections to safeguard civil liberties, they will go down in history as the authors of remarkably bad legislation."

Mr. Speaker, when we in Congress authorize Federal agencies, it is our responsibility to grant them with an appropriate level of power so that abuse will not occur. It is also our responsibility to demand accountability and conduct appropriate oversight. Sadly, under this Republican leadership, neither responsibility has been fulfilled.

One final observation. We are all, every single Member of this House is committed to protecting our country from terrorism. We must adjust our laws accordingly to deal with any potential threat. But we must not undercut or undermine the protection of our civil liberties. Mr. Speaker, democracy requires courage, and we can protect our citizens from terrorism and at the same time protect their civil liberties. They are not mutually exclusive. I am not convinced that the bill as written will enhance our national security, nor am I convinced that these broad, sweeping powers that we are now giving to our government will not be abused.

In our recent history, we have seen abuse of power. We have seen civil rights leaders in this country, people who have advocated equal treatment under the law for all of our citizens, we have seen these people put under surveillance. They have been wiretapped. We have seen others who have raised their voices in dissent or who have advocated issues that are now viewed as the mainstream, we have seen that they have been spied upon by our own government. So let us not give government more power than is needed.

That is my fear today, that we are going too far, that we are paving the way for abuse, and that if we enact this bill as written, a little bit of the Liberty Tree will die.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

In regard to section 215, I want to remind the gentleman that section 215, relating to investigators' access to business records, this reauthorization requires a statement of fact showing reasonable grounds to believe that the records or other things sought are relevant to an authorized investigation to protect against international terrorism or espionage. This provides additional safeguards to the original USA PATRIOT Act, which requires the government only to certify that the records at issue were sought for an authorized investigation without any factual showing.

Mr. Speaker, I could continue with that, but I now yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, let me thank my friend from Georgia for yielding me this time.

I listened very, very closely to the remarks offered by my good friend from Massachusetts (Mr. MCGOVERN) and I have to say that every Member of this House is committed to the national security of the United States. That is our number one responsibility, our priority. But I will go so far as to say every single Member of this House is committed to recognizing the civil liberties of the American people.

When this issue came to the forefront just a few weeks after September 11, 2001, the now Director of the Central Intelligence Agency, former chairman of the House Intelligence Committee and vice chairman of the Rules Committee, our very good friend, Mr. Goss, argued that he believed we should begin with permanence at that point, and I argued then that I thought it important that we focus on sunsetting provisions in the USA PATRIOT Act. Why? Because we were looking at this issue literally weeks after the worst attack on our soil.

So, Mr. Speaker, as we moved ahead, we said we should have these sunset provisions, and we put them into place, and they were very important and helpful. One of the reasons we did it is we wanted to see what kinds of civil liberties were being violated as we focused on our number one priority, that being our national security. And I am very happy to report that, as we look at what has transpired since implementation of the USA PATRIOT Act, it is the following: we have provided every opportunity for any American to raise concern, talk about violations of their civil liberties by going on the Worldwide Web, filing any kind of complaint. And there has not been one instance, not one complaint has been leveled, against the provisions in the USA PATRIOT Act as evidence of violating civil liberties.

I consider myself a small "l" libertarian Republican. I want to do everything in my power to ensure that we recognize the rights of our individuals. But we have to remember that this measure is exactly what Mr. McGovern said it should be. It is a delicate balancing act between our goal of recognizing the importance of our national security and at the same time focusing on civil liberties. That is why we see the 4-year sunset for the so-called Lone Wolf provision, for the roving wiretap provision, for the so-called library provision. These measures that are in there are designed to force us to look at them again. But, Mr. Speaker, there is nothing to say that we cannot look at this again, as one of my staff members just said to me, next week if we so choose.

Now, the United States Congress pursues oversight with great diligence. I was shocked last night when the distinguished ranking member of the Rules Committee said that there had been no oversight by the Judiciary Committee of the USA PATRIOT Act. And Chairman Sensenbrenner, who has done a phenomenal job on this, went through the litany of oversight hearings that have gone on between first implementation of the USA PATRIOT Act and today and will continue, will continue as we see this measure pass.

So, Mr. Speaker, I believe that this does create that fine balancing act that we have recognized, and we do know that at the same time sacrifices have been made. Every single American who travels today has made a sacrifice, because of the fact that we are in the midst of a global war on terror, by virtue of going through the security to get on an airplane. We have had to make sacrifices. Professor Harvey Mansfield of Harvard wrote about the need to make those sacrifices when we are in the midst of war. And we know that this is an ongoing global war on terror; but we cannot, as we pursue that war, move to undermine the great liberties and rights of the American people.

This measure strikes that balance, and I urge my colleagues to support the rule and to support the underlying bill.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. Kucinich).

Mr. KUCINICH. Mr. Speaker, in response to my good friend from California who said there must be sacrifices and sacrifices have been made, I would remind Members of the words of Benjamin Franklin who once said that those who would give up their essential liberties to achieve a measure of security deserve neither.

The tragedy of 9/11 led to the PATRIOT Act, and then it led to a war against Iraq. Fear and suspicion led the U.S. to roll back our civil liberties and attack a nation that did not attack us.

We have become a Nation of leaders, some of whom who have condoned torture and illegal detentions. Fear and suspicion have driven us to that. We need a different type of leadership so the American people could have been spared the effects of 9/11. It could have been different. But, no. We are here today trying to appeal to people to let go of their fear and suspicion because an open, honest review of the FBI's use of the PATRIOT Act would surely find many areas in need of reform.

A careful balance between national security needs and protecting American rights must be struck, but that is not what we have here. Today we are set to pass a whole new round of democracy rollbacks. American citizens are losing more of their free speech rights and privacy rights. The authors of today's bill inserted a very weak and loophole-ridden right to judicial review of government actions. The American public is not served by such minimal accommodation.

Today, the House will ignore more than 400 local communities and seven States that have passed resolutions asking for PATRIOT Act reform. This legislation fails to provide reasonable sunset provisions that guarantee future congressional review. The bill retains 4-year sunsets for only two of the 16 PATRIOT Act provisions and only one of two expiring provisions in the 2004 Intelligence Reform Act. All other intrusive powers are either made permanent or remain permanent.

This bill continues to allow roving wiretaps that permit Federal agents to tap communications of a target where neither the target nor the phone is identified. Criminal wiretaps require one or the other, and the 10-day after-the-fact notice requirement is no substitute for privacy safeguards in the criminal wiretaps.

The bill continues to permit sneak-and-peak searches of a person's home or business to remain secret indefinitely. It drops a Senate provision supported by the Chamber of Commerce, conservatives, libraries, civil liberties organizations that set limits on secret court orders for library, medical, and other personal records. Instead, the bill establishes a false right to judicial review. A recipient must challenge before a preselected group of three court judges and go to the expense of hiring a lawyer with a security clearance who the FISA court agrees can appear before it.

So people have to essentially fight for their rights to be free of the scourge of wiretaps and to be free of the scourge of having the FBI reach into their library records, their reading records, their medical records.

Where are we going with this country? It is not the America it used to be. It has become something that is hard to recognize for many Americans.

Vote against this bill.

□ 1130

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind the gentleman that in the original bill that we considered, H.R. 3199, which 43 of his colleagues supported, there were sunset provisions not in two, but in three, sections that were of 10 years' duration. In their motion to instruct the conferees, the request was to abide by the Senate bill, which would lower those to 4 years each. So that is exactly what we are bringing back in the conference report, exactly what they asked for.

Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. Capito), my colleague on the Rules Committee.

Mrs. CAPITO. Mr. Speaker, I rise today in support of the rule and the underlying PATRIOT Act reauthorization. I would like to take a minute to highlight two aspects of this legislation that we probably will not hear a whole lot about today, but are very important to me.

I am pleased that the conference report includes the amendment that I introduced and which passed the House 362–66 to increase penalties and update outdated laws to protect our rail and mass transportation systems. This provision, section 110 of the conference report, will ensure that those who conspire to commit attacks against our rail systems or fund such attacks can be prosecuted to the fullest extent of the law.

While no penalties can deter some of these terrorists bent on causing death and destruction, these enhanced penalties on conspirators will hinder the efforts of terrorists to secure and finance their networks.

The attacks on the rail systems in Madrid and in the London Underground have demonstrated the real threat that rail and mass transportation systems face. I would like to thank Chairman SENSENBRENNER and all the Members who supported this important provision to add another layer of protection to America's rail systems.

Also I want to commend the conferees for including anti-meth legislation in the conference report. Methamphetamine is a large and growing problem in rural America. In West Virginia, meth labs have been found in neighborhoods, endangering children and innocent members of the community. Provisions of this bill enhance penalties for those who run meth labs in the presence of children.

This bill also places restrictions on the sale of meth precursor chemicals that are similar to those that the West Virginia legislature passed earlier this year and other legislatures throughout the country. Provisions in this bill require that meth precursors be sold from behind the counter or from a locked cabinet and place better controls on mail order and Internet sales.

Authorization in this legislation will ensure that the Meth Hot Spots grant program will continue. This program has already provided assistance to local law enforcement in many districts, including the Metro Drug Task Force in my hometown of Charleston, West Virginia. Continuing this grant program will enable Congress to continue to help our communities fight the meth problem.

Mr. McGOVERN. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just note the most important thing in the PATRIOT Act is the sharing of information between law enforcement and intelligence. I support that reauthorization. I am a member of the Judiciary Committee, a member of the Homeland Security Committee. The Department of Justice has stonewalled Congress on telling us how they are using these powers.

I am a member of the conference committee. Republicans met secretly and separately away from Democrats on the conference committee. We have failed to cure the problems in the bill, and we have missed an opportunity.

Mr. Speaker, I think it's clear that the primary benefit of the USA PATRIOT Act we passed in 2001 has been the sharing of information between criminal investigators and intelligence officials it enabled. I support authorizing that information sharing capability in the original PATRIOT Act, and I support its reauthorization today. But this conference report on reauthorization of the USA PATRIOT Act fails in important ways.

Following the attacks of 9/11, this Congress passed the USA PATRIOT Act to give our law enforcement and intelligence agencies new powers to fight terrorism. I voted for that law, but only after securing support for sunset provisions that allowed this Congress to revisit these issues under less trying circumstances.

Congress has not done its job in providing the thorough review we need of the PATRIOT Act. Nor has the Bush administration done its job in providing us the information we need to properly evaluate the PATRIOT Act. I have repeatedly sought access from the Department of Justice to the national security letters or NSLs it has issued under section 505 of the act, and underlying materials regarding its use of the material witness statute. I have been seeking access to these materials for over 6 months now, with no response from DOJ. I wrote to them again last month seeking this information, and again received no response. This is vital information about DOJ's actual use of PATRIOT Act powers, information which DOJ steadfastly refuses to provide. Yet with this conference report Congress blindly reauthorizes and makes permanent many of these same powers.

In fact, through the cracks in DOJ's veil of secrecy, we've begun to find some information about the PATRIOT Act. We've found out from whistleblowers that the FBI issues more than 30,000 national security letters each year. These are tens of thousands of letters, never reviewed by a judge, demanding information on countless people, the vast majority of whom may be Americans innocent of any terrorist activity. We don't know how many private lives are being swept up in these NSLs, because DOJ won't tell us.

This bill does not correct the problems with national security letters. It creates a new process for judicial review, but leaves that review subject to an extremely vague standard. There are no requirements for law enforcement to "minimize" its collection of NSLs; that is, there's no requirement for DOJ to segregate the vast amount of information collected on innocent Americans unconnected to any terrorist activity. An audit is provided which would allow DOJ to freely continue stockpiling information on Americans without providing any standard.

This bill also adopts too weak a standard for law enforcement to engage in business records searches under section 215 of the PATRIOT Act. The Senate passed unanimously what I thought was a very reasonable standard for law enforcement to meet in order to conduct these searches. The Senate required that these searches actually be relevant to an ongoing terrorism investigation and related to the activities of an agent of a foreign power. But the conference report adopts a presumption of relevance that would essentially tie judges' hands and force them to grant any requested searches.

Adoption of 4-year, rather than 7-year, sunsets on three provisions regarding business records searches, roving wiretaps, and so-called "lone wolf" terrorists acting as agents of foreign powers is positive. Frankly, I would have liked to see 4-year sunsets applied to more provisions of the PATRIOT Act, such as the provisions regarding NSLs. I believe these sunsets provide Congress an important opportunity to review how the PATRIOT Act is actually being used. Given how reluctant DOJ has been to share information with us, these sunsets really provide the main source of leverage Congress has over the Department of Justice to obtain information we should be provided as an equal branch of government.

Mr. Speaker, I'm very disappointed that this legislation has removed the provisions we passed in the House providing for additional funding for first responders. This is vitally needed funding that local first responders need in the event of another terrorist attack or other disaster. This conference report drops all of these provisions passed by the House.

For these reasons, Mr. Speaker, I urge my colleagues to join me in voting against this conference report. Instead of rushing this bill to conclusion, we should give ourselves the time we need to get the PATRIOT Act right. I, along with some of my colleagues, have introduced legislation that would allow us to reauthorize the existing PATRIOT Act authorities for another 3 months, to take the time we need to correct the many deficiencies still remaining in this conference report. I urge that, instead of voting for a bad bill in order to meet an arbitrary deadline, my colleagues join me in voting for more time to turn this into a better bill.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), a member of the Judiciary and Transportation Committees.

Mr. COBLE. Mr. Speaker, on 9/11, evil terrorists, murderers, if you will, inspired and motivated by fanaticism and hatred attacked our country and nearly 3,000 innocent Americans expired. It would be a simple matter to overreact to such an attack; but our response, for the most part, Mr. Speaker, has been thorough and deliberate.

The Judiciary Subcommittee on Crime, Terrorism and Homeland Security alone conducted nine hearings, coupled with two additional hearings before the full House Judiciary Committee. Other committees as well conducted hearings. So this seems to me refutes the charge that this act has been hurriedly rammed through the Congress.

I spoke earlier on this floor, Mr. Speaker, of a constituent who urged me to lead an effort to repeal the PATRIOT Act. When I asked him to cite examples where civil liberties had been abused, he could offer none. Other opponents of the act have likewise been unable to document evidence of abuses. Some have said, well, these points are irrelevant. They are not irrelevant at all, Mr. Speaker, when you are talking to people who oppose the act, but yet are unable to offer evidence to support their opposition. I think it is relevant, indeed.

Finally, Mr. Speaker, I am going to touch on a point that I think many Americans have inadvertently ignored, and that is the fact that there are in excess of 360 ports in the United States and this bill provides basic and much-needed protection thereto. It is clear that our ports and harbors are significant and appealing targets for terrorist attacks. We cannot afford to leave these areas unprotected or hamstring law enforcement efforts to provide basic security against terrorists.

Mr. Speaker, I am not trying to be a Chicken Little and shouting that the sky is falling, but just because we have not been attacked subsequently since 9/11 does not indicate to me that these terrorists, I call them murderers, they are murderers, are asleep at the switch. They are continuing to plot, and we cannot turn a blind eye to them.

Is this act perfect? No. Not many acts that find their way through this Congress are perfect. But it is a piece of legislation that should be enacted, and I urge support.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the President and his administration continue its rhetoric that anyone calling for a withdrawal of troops or questioning the intelligence that led us into the Iraq war is unpatriotic, while, on the other hand, using this war as an excuse, a PATRIOT Act was passed that recklessly violates our civil liberties and attacks the very freedoms our troops in Iraq are told that they are fighting to protect.

This administration and the leadership in this very House we are standing in has tried every trick in the book to spread the blame, pass the buck on this misguided war. They continue to filter the debate in our very own country and to discredit those who disagree with them.

This bill they want us to pass today would continue to limit our constitutional freedoms in our very own country. Though they did not seem to care one bit about the facts before 9/11, they now believe the United States will benefit from hoarding insignificant and ill-gotten information on innocent Americans. They believe that this makes us a safer Nation.

If you want to talk about dishonesty, look at this administration's policies that have led us to ignore facts in order to manipulate the very policies that fly in the face of our own honesty, and this is an administration that also pays for "canned" news overseas.

The real patriots have been those who stand up and question the misleading intelligence and dishonest tactics that got us into this war, those who have challenged the PATRIOT Act and its impact on the civil rights and civil liberties of every American. Actually, it is patriotic to question how the PATRIOT Act affects the very rights that we live under in this country of ours.

Vote "no" on this PATRIOT Act.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I just want to remind my colleagues that prior to 9/11 and before the USA PATRIOT Act in 2001, we had this culture and legal problem where law enforcement could not communicate whatsoever with intelligence. This bill enabled us to finally, finally connect the dots. I think this is very important for all of us to keep in mind.

Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Appropriations Committee.

Mr. WAMP. Mr. Speaker, I thank the gentleman from Georgia, and I thank the chairman and Chairman SOUDER for not only bringing the PATRIOT Act reauthorization to the floor but including these important meth provisions in this legislation.

In rural east Tennessee, over 10 years ago meth production showed up in a real ugly way and spread like moonshine of 50 years ago, but 100 times more lethal, through the mountains and the hills. We attacked it with a comprehensive State-Federal-local partnership called the Southeast Tennessee Meth Task Force and that grew to the East Tennessee Meth Task Force, and now it is a statewide, state-of-the-art, frankly, national model for how to combat this problem; and we were second in the country last year in lab seizures.

One of the innocent results here, though, of fighting meth and the production of meth are the children that are left in these homes. My colleague from Tennessee, a Democrat from Nashville, JIM COOPER, wrote legislation, and I was the original Republican cosponsor, that creates a provision funded at $20 million a year for the next 2 years to deal with the children that come out of these meth homes.

Over 10,000 children nationally between 2000 and 2003 came out of these meth homes and became wards of the State. In my State, 750 alone so far are wards of the State. There was no social service network for these children. This creates that.

So we are not just attacking the problem, but we are dealing with the aftermath of this deadly plague on America called methamphetamine production. It is so responsible to include it.

A second on the PATRIOT Act. In ordinary circumstances, it might not be necessary. These are extraordinary circumstances, and it has been necessary. The facts do not lie. If you listen to the testimony of the attorneys general and the prosecutors and you hear the cases, you know the PATRIOT Act has definitely kept our country safer, safer, since September 11.

We need to reauthorize it. We need to be realistic. We cannot just pander or engage in mythological discussions. Deal with the realities. We have to do certain things and communicate better. The law enforcement personnel have to have the tools and equipment to safeguard our country from these terrorists. This is the reality that we face today. We can change this later if we need to. Today, we need to reauthorize it and keep the teeth in Federal law enforcement and keep the terrorists out of our country.

□ 1145

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong opposition to this conference report. All of us are in agreement that the United States government must do everything it can do to effectively fight terrorism and protect the American people from another terrorist attack. There is no debate about that. But some of us believe that with strong, well-trained and well-funded law enforcement, we can in fact protect the American people without undermining the constitutional rights that make us a free country.

In that regard, I am happy to say that there has been a very strong coming together of Members of Congress and Americans from very different political perspectives, people who usually agree on nothing but who have come together to protect the Constitutional rights of the American people as we fight terrorism.

We should be very proud that, on this issue, such diverse groups as the ACLU, the American Conservative Union, the Gun Owners of America, the U.S. Chamber of Commerce, the American Library Association and the American Book Sellers Association have come together to say to Congress, please support the Senate version. And this is a message that I hope all Members heed.

The simple fact of the matter is that the original Senate bill is a far better piece of legislation than what we are looking at today, and that is the legislation that we should pass.

Mr. Speaker, day after day, we hear the Republican leadership telling us about the virtues of small and limited government, about how we have got to deregulate almost everything and get government out of our lives. In that regard, are my Republican friends really comfortable with allowing the FBI to access Americans' reading records, gun records, medical records and financial records without judicial approval; allowing the FBI to search someone's home without probable cause and without telling that person about the search; allowing the FBI to serve a librarian or a bookstore owner with a section 215 order demanding records without having to provide facts that a person whose records are being sought is involved in a terrorist investigation?

Please vote no on this conference report.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Keller), a member of the Education and Workforce Committee.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, reauthorizing the PATRIOT Act before it expires on December 31 is literally a matter of life or death because it is helping us to win the war on terrorism.

Since we passed the PATRIOT Act in 2001, we have convicted 212 terrorists, and we have frozen $136 million in terrorist assets. Passing the PATRIOT Act is purely a matter of common sense. Is it not common sense that we give law enforcement the same tools to go after terrorists as they now have to go after Mafia dons and drug dealers? Is it not common sense that we can now share data between the intelligence community and the law enforcement community? Is it not common sense that we can now track deadly terrorists even though they cross jurisdictional lines or switch cell phones?

Now, some Members of Congress want to postpone this legislation or even filibuster it. The worst thing that these critics can say about the PATRIOT Act is that supposedly law-abiding citizens will have their book store and library habits monitored. That is a totally bogus allegation. In reality, a prosecutor seeking this information must go before a federal judge, get a court order and prove that it is a matter of international terrorism. Now, how many times has that happened since we first passed the PATRIOT Act in 2001? Exactly zero according to the U.S. Attorney General.

I urge my colleagues to vote yes on the PATRIOT Act and yes on the underlying rule.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Doggett).

Mr. DOGGETT. Mr. Speaker, true patriots need not hide behind the flag nor apply phony titles to cover the misguided purposes of their legislation.

From its origin, this grossly misnamed PATRIOT Act has cloaked its weaknesses by implying that its opponents are "un-patriots" as in "unpatriotic." This is all part of a troubling pattern: secret prisons, sneak and peek searches, gag orders, redefining torture to exclude cruel and degrading punishment, extraordinary rendition, combing through library records, and even attempting to misuse our military to spy on religious groups.

These acts debase our American values. This bill should be rejected because it fails to strike the proper balance between the security we demand and the liberties that we cherish.

Yes, Vice President Cheney has suddenly emerged from his secure, undisclosed location and taken pause from his campaign to preserve torture in order to enthusiastically embrace today's bill. But intrusive, invasive powers in the hands of a few with little oversight and no accountability is a formula for wrongdoing. We should not surrender our liberties to any Administration. Retreating to such abusive tactics is weakness, not strength.

We should not add even more powers to an Administration that has so often been willing to abuse its existing power, nor should we add more authority to an Administration that has acted in authoritarian ways. Real patriots understand that an all-powerful government can undermine our security just as surely as a dangerous religious fanatic.

And all of this is occurring when the bipartisan 9/11 Commission, the citizens' commission that this Administration fought every step of the way, is giving the Administration and this Republican Congress one F after another for not protecting our families. Instead, we get this kind of legislation.

Mr. Speaker, authoritarianism is not born full-bodied. It is conceived in small injustices, which tolerated over time become irreversible. Benjamin Franklin understood when he said, "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

This much is certain, each day of this Administration brings more news of both deaths of true patriots abroad and more abuses of our values by those who claim to be patriots at home. This is an Administration where the ends always seem to justify the means. But their "ends" too often betray our safety, and their "means" forsake our values.

To those who promote this misguided act, pull down your false colors; raise the American flag of freedom. Reject this bill.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

I want to remind the gentleman from Texas that this latest 9/11 Commission so-called report card gave us an F for failing to reveal the amount of intelligence spending to the terrorists. So if that is the kind of report card he is talking about, then I am proud of that F.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Rohrabacher).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this rule but in opposition to the underlying bill, the so-called PATRIOT Act, the USA PATRIOT Act.

I supported the PATRIOT Act when it was first passed and would do so again. I support the war on radical Islam. Our country is under attack and under grave threat. But my original support was based on the inclusion of 4-year sunsets in those sections of the PATRIOT Act, those sections that drastically expanded the police and investigative powers of the Federal Government.

That is what was included in the original PATRIOT Act. Instead, the current legislation before us makes permanent the expansion of police powers which were meant to be only temporary until this war was over. Of the 16 sunset provisions, sections sunsetted in the original 2001 bill, the current conference committee report establishes 4-year sunsets on only two of those 16. The rest of the expanded police powers are being made permanent, the most drastic permanent expansion of these powers being section 213, the sneak and peek section; the section 205, the secret search section; and section 214, which permanently eliminates probable cause needed for the use of eavesdropping devices.

I would support redoing the PATRIOT Act as originally came forward. As the war on terrorism continues, I can support these expanded powers. However, this effort to use the war as a way to alter forever the balance of personal liberty and legitimate restraints on government power should be defeated. Long after the war on terrorism is won, under permanent sneak-and-peek rules, American citizens will have their homes and businesses searched without court order and without legal notification for a month after that search is conducted. Long after the threat of Islamic extremism is over, under permanent secret search rules, Americans will have their business records, phone records, credit records and computer files seized without a judge issuing a warrant based on probable cause. Long after the crisis we face today, under permanent eavesdropping rules, American citizens will have their phone conversations monitored without a warrant.

There is no excuse in peacetime to give our police and our investigative agencies wartime powers, and that is what we are doing here. There have been a few improvements in the bill but not enough improvements, as far as I am concerned, for us to support it. My central theme has always been based on the need for periodic review by Congress of all those dramatic expansions of police power that we are giving our government now in order to win this war on terrorism. This is best achieved by sunsets. We should not live in peacetime under the extraordinary laws passed during times of war and crisis. Emergency powers of investigation should not become the standard.

Let me just note that I think people will rue the day if we give the Federal Government this permanent power over our lives.

Mr. McGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. Lowey).

Mrs. LOWEY. Mr. Speaker, I am deeply disappointed that the conference report, among other things, today does not include an amendment that I offered with Mr. Sweeney to alter the first responder funding formula in the original PATRIOT Act. This provision would have allocated precious Homeland Security resources on the basis of risk. Under the original PATRIOT Act, zero percent of formula grants are distributed on the basis of risk. Under the House proposal, at least 84 percent and up to 100 percent of funding would be risk-based, ensuring that we spend our resources to address the greatest threats our Nation faces. This long overdue change has been approved by the House on three separate occasions, including in a stand-alone bill that passed by a vote of 409 to 10 in May. While the Senate has rejected this commonsense reform, the administration supports it, as does the 9/11 Commission. In a recent report, the Commission gave the government an F for failing to allocate funding where it is needed but stipulated that we can earn an A if the House provisions in the PATRIOT Act reauthorization bill are accepted. As Commission Chairman Kean stated last week, "It is time for senators to exercise leadership and do the right thing for our Nation's security by passing the risk-based funding reform in the PATRIOT Act."

The Senate failed to exercise leadership. We have therefore missed a golden opportunity to improve our Nation's security. We cannot back down from this fight, and we must demand that the Senate accept our proposal in any future Homeland Security legislation. I hope my colleagues will join me.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise in support of the PATRIOT Act and, in particular, title VII of that report, the Combat Methamphetamine Epidemic Act of 2005. This is certainly the biggest, and last night we passed Chairman BOEHLERT and Congressman GORDON's environmental meth bill, but this is the biggest comprehensive bill on meth that we have ever had in front of the United States Congress, and it is important that we pass this.

I want to thank a number of people. It is impossible to thank everybody who has been involved in this, but I would like to thank Chairman SENSENBRENNER of the Judiciary Committee for his co-sponsorship and his willingness to put this in a conference report. If we did not have this in a conference report, it would not see the light of day. We have had the pharmaceutical companies attack this bill. We have had the Mexico and China lobbies attack this bill. We have had the pro-drug groups attack the law enforcement provisions. It would not go through the other body. It is not even clear we can move it to another bill at this point. Yet, it is the only bill standing, and it is a bipartisan effort to try to address this scourge that is crossing the country. I thank Chairman SENSENBRENNER; also Majority Leader ROY BLUNT, who has been an early leader in this charge; Chairman BARTON of the Energy and Commerce Committee for his willingness to have this move on this conference report; Chairman HYDE of the International Relations Committee because it has International Relations jurisdiction and for his support; Chairman YOUNG of the Transportation and Infrastructure Committee; Chairman COBLE of the Judiciary Subcommittee on Crime; Chairman FRANK WOLF of the Appropriations Subcommittee on Science, Commerce, Justice and State, because, without all of their help, we would not have this bill in front of us.

I would also thank the several Members who have worked so hard to make this comprehensive anti-meth legislation happen. In particular, I would like to thank Representatives MARK KENNEDY, DARLENE HOOLEY of Oregon, DAVE REICHERT and JOHN PETERSON, because they provided much of the content of this comprehensive bill and their consistently strong leadership on the House floor.

I would also like to thank the four co-chairmen of the Congressional Meth Caucus, Congressmen LARSEN, CALVERT, BOSWELL and CANNON, for their staffs' assistance in putting this together so we could have a bipartisan effort.

Congressman TOM OSBORNE has crusaded on this House floor and across the country on behalf of anti-meth legislation, as has Congressmen BAIRD, WAMP, BOOZMAN, KING, GORDON and so many others. This would not be happening today if we did not have this bipartisan coalition, and I hope it becomes law.

Mr. Speaker, I rise in support of the conference report to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005, and in particular of title VII of that report, the Combat Methamphetamine Epidemic Act of 2005. I believe this bipartisan legislation is a vital first step in our renewed fight against the scourge of methamphetamine trafficking and abuse, and I hope the House will support its passage.

I would probably take an hour if I tried to thank each of the Members and staff who helped with this legislation, so I will have to mention only a few. First, I'd very much like to thank Chairman SENSENBRENNER of the Judiciary Committee for his cosponsorship of the Methamphetamine Epidemic Elimination Act, H.R. 3889, one of the two bills that was incorporated into today's legislation, and for his leadership in ensuring that anti-meth legislation would be added to the conference report. I would also like to thank Majority Leader ROY BLUNT, Chairman BARTON of the Energy and Commerce Committee, Chairman HYDE of the International Relations Committee, Chairman YOUNG of the Transportation and Infrastructure Committee, Chairman COBLE of the Judiciary Subcommittee on Crime, and Chairman FRANK WOLF of the Appropriations Subcommittee for Science, Commerce, Justice, and State, for their invaluable assistance and support in bringing this bill to the floor for a vote today.

I would also like to thank several Members who worked so hard to make comprehensive anti-meth legislation happen. In particular, I'd like to thank Representative MARK KENNEDY, Representative DARLENE HOOLEY, Representative DAVE REICHERT, and Representative JOHN PETERSON for providing much of the content of this bill, and for their consistently strong leadership on the House floor on meth issues. I would also like to thank the four co-chairmen of the Congressional Meth Caucus, Representative RICK LARSEN, Representative KEN CALVERT, Representative LEONARD BOSWELL, and Representative CHRIS CANNON, for their and their staffs' assistance and support. And to every other Member who has cosponsored either H.R. 3889, or the other major bill incorporated in this conference report, the Combat Meth Act of 2005, H.R. 314, I express my deep appreciation.

I don't have to tell any of you how serious a threat meth is for our communities; pick up almost any newspaper or magazine these days and you can read about it firsthand. As chairman of the Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources, I have held 11 hearings on the meth epidemic since 2001, not only in Washington, DC, but in places as diverse as rural Arkansas, Ohio, Oregon, and Indiana, suburban Minnesota, island of Hawaii, and urban Detroit. There are regional and local variations on the problem, of course, but one thing remains constant everywhere: This is a drug almost unique in its combination of cheapness, ease of manufacture, and devastating impact on the user and his or her community.

There are three aspects of the meth epidemic that I believe need to be emphasized as Congress prepares to enact this legislation. First, meth presents unique challenges to Federal, State, and local law enforcement. The small, clandestine meth labs that have spread like wildfire across our Nation produce toxic chemical byproducts that endanger officers' lives, tie up law enforcement resources for hours or even days, and cost tremendous amounts of money to clean up. That, combined with the rise in criminal behavior, child and citizen endangerment, and other effects, have made meth the number one drug problem for the Nation's local law enforcement agencies, according to a study released over the summer by the National Association of Counties.

Second, the damage this drug causes is not confined to the addict alone; it has terrible effects on everyone around the user, particularly children. Another survey by the National Association of Counties found that 40 percent of child welfare agencies reported an increase in "out of home placements because of meth in the past year." This abuse unfortunately includes physical and mental trauma, and even sexual abuse. Sixty-nine percent of county social service agencies have indicated that they have had to provide additional, specialized training for their welfare system workers and have had to develop new and special protocols for workers to address the special needs of the children affected by methamphetamine. Community health and human services, as well as child welfare services such as fostercare, are being overwhelmed as a result of meth.

Finally, the meth threat is not confined to the small, local labs, but extends well beyond our borders to the "super labs" controlled by large, sophisticated Mexican drug trafficking organizations, and the international trade in pseudoephedrine and other precursor chemicals fueling those super labs. Three-quarters or more of our Nation's meth supply is controlled by those large organizations, and over half of our meth comes directly from Mexico.

The Combat Methamphetamine Epidemic Act will be the first legislation enacted by Congress that addresses all three of these critical aspects. Previous acts of Congress have addressed meth production and precursor chemical diversion, while others have provided assistance to State and local agencies; for the first time, however, we are tackling domestic and international chemical diversion, assistance to State and local agencies, child and family welfare issues, and the criminal production of meth.

The conference committee has filed a detailed section-by-section analysis of the legislation, so I will only briefly mention the highlights of this bill. Among other things, the act would:

Require all pseudoephedrine, ephedrine, and phenylpropanolamine products to be stored behind the counter or in a locked cabinet; impose a daily and a monthly purchase limit; require purchasers to show I.D. and sign a logbook; and require training of all employees handling the products;

Close a number of loopholes in existing import, export, and wholesale regulations of meth precursor chemicals, including import and manufacturing quotas to ensure no oversupply leads to diversion; and regulation of the wholesale "spot market";

Require reporting of major meth precursor exporters and importers, and would hold them accountable for their efforts to prevent diversion to meth production;

Toughen Federal penalties against meth traffickers and smugglers;

Authorize the "Meth Hot Spots" program, as well as increase funding for drug courts, drug endangered children programs, and programs to assist pregnant women addicted to meth.

Each of these steps is vital to our success in the fight against meth, and I hope that the House will support them.

Mr. Speaker, this bill was a true compromise—both between the two parties, and between this House and the other body. Of all the many Members of Congress who worked on this legislation, no one got everything he or she wanted. But what we did get was an excellent bill that will re-energize our fight against methamphetamine. Every one of us, Republican or Democrat, urban or rural, has a stake in the outcome of that fight. We have to stop the meth epidemic from spreading, and we need to start rolling it back. I believe that this legislation will be an important step in that process, and I urge my colleagues to vote for its passage.

Mr. McGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. I rise today in opposition to the PATRIOT Act reauthorization conference report. As a former Federal prosecutor and New Mexico's Attorney General, I am familiar with both the needs of law enforcement to pursue suspects and a strong supporter of law enforcement. I am also a strong supporter of civil liberties and believe that our Constitution must be guarded against encroachment even in the name of security.

On October 24, 2001, a justified sense of urgency resulted in an unjustifiably rushed vote on the PATRIOT Act.

□ 1200

Many of us had little time to study the bill which became law. A bipartisan bill was junked by the majority's Rules Committee in the middle of the night. Since this legislation was enacted, over 385 cities, towns, and counties in 43 States passed resolutions concerning the PATRIOT Act. In New Mexico alone, 10 cities and four counties have adopted resolutions calling for reform. I have received thousands of letters from Americans worried about excessive government power without judicial oversight.

I had hoped during the conference committee Senate provisions granting more congressional oversight and constitutional protections would have been kept in this bill. The Senate version contained greater restrictions on the government's power and required higher standards for record demands.

However, the conference report is more of the same. It extends for 4 years two of the most controversial provisions of the bill, including the section granting law enforcement authorities unprecedented powers to search library and bookstore records without probable cause or the need for search warrants.

This bill also makes permanent 14 provisions of the PATRIOT Act that were set to expire this year. This bill has serious problems.

National security letters are out of control, with no meaningful oversight. It has been reported that 30,000 national security letters are issued every year. These letters allow the government to collect almost limitless sensitive, personal information without judicial approval. We should target this government power against terrorists, not against innocent Americans.

I will vote against this bill today, not because I oppose the PATRIOT Act in its entirety but because I believe that the needs of law enforcement can be met without eroding our liberties.

Mr. GINGREY. Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Madam Speaker, the crippling reach of methamphetamine abuse has become the Nation's leading drug problem today, and this is according to a survey by 500 sheriffs departments in 45 States.

It is cheap to buy. It is easy to make. It is available everywhere. It is highly addictive. Oftentimes it is addictive after just one use. So it is currently replacing cocaine and heroin in many parts of the country. It leads to increased crime, child abuse, increases in the jail population. In many parts of the country, almost 40 to 50 percent of the jail population is due to methamphetamine abuse.

However, the main problem anymore is not the mom-and-pop meth lab out in the countryside. It is the superlabs. Right now 60 to 85 percent of the meth in the United States is coming from superlabs in Mexico, and this is really hard to trace. It is hard to get at.

The one thing that is needed to make methamphetamine is pseudoephedrine or ephedrine, and this is manufactured in only six or seven locations around the world: Czechoslovakia, Germany, China, southeast Asia and so on. This bill would make it more difficult for meth manufacturers to obtain the pseudoephedrine necessary for producing the drug in these superlabs.

H.R. 3199 includes language the House passed earlier as part of the Foreign Operations authorization bill. It identifies and publicizes the five countries which have the highest rate of diversion of pseudoephedrine to manufacturers of meth. We can get the invoices from these manufacturers. The Department of State could then use its existing authority to reduce or eliminate U.S. foreign aid to those countries which are most contributing to the meth problem. This is one thing that gets people's attention, when you take their foreign aid away, because they are producing meth that is being used in these superlabs.

It is a good bill. It gets to the source of the problem. I want to thank Chairman SENSENBRENNER and particularly Chairman SOUDER for their hard work on this bill, and I urge support of the underlying legislation.

Mr. McGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

Listeners should realize that truth is not required in debate on the floor of the House. The chairman of the Rules Committee stood up here and said there has not been one complaint about the use of the PATRIOT Act, or the abuse. He should talk to Brandon Mayfield from Portland, Oregon, who was considered to be a perpetrator of the Madrid bombing and they used the PATRIOT Act to accumulate the non-evidence about him. The government has subsequently apologized, and he sued the government, but I guess that is not a complaint.

Maybe we are not hearing the complaints because librarians, bookstore owners, and business owners can themselves be prosecuted if they tell anybody that there was an unwarranted gathering of records about innocent Americans from them. So, yeah, I guess there is sort of a dearth of complaints.

Then there is the other gentleman. He said, well, we can change this later. We heard that when we passed the first PATRIOT Act, which no Member of the House of Representatives had read, at 10 o'clock in the morning with one copy available on each side of the aisle. We said it sunsets; you can change it later. Now is later. It is time to change it. Guess what? They say well, no, we can't change it now; we might change it later after we make it permanent now. Before it was temporary; we are going to change it later. Now, it is permanent, maybe we will change it later.

Come on. Let's be honest about this debate. You are jamming this through on behalf of the White House and the Attorney General. They want this. It is bad legislation. It threatens the civil liberties of Americans, and I believe it will impinge on our investigation and finding of terrorists.

These national security letters, 30,000 national security letters, gathering huge amounts of data about the lives of innocent Americans. In the past, that would have to be discarded. Now they say, well, we're going to keep it; but don't worry, all the information we're going to accumulate about people, innocent Americans, is going to go into a databank; but it will only be available to the Federal Government, State government, local governments, tribal governments and appropriate private entities. I guess there is one person in America who might not be able to tap into this databank.

This is going to create such a huge haystack of irrelevant information about the lives of innocent Americans that the FBI, who had one terrorist in hand, Musawi, and had an agent in Arizona pointing at the plot, could not even see their hand in front of their face. Now we are going to create a huge mountain of irrelevant data about innocent people and this is somehow going to improve how they perform in finding terrorists in America? I don't think so.

Then the most cynical thing about this bill is to take a meritorious bill that deals with methamphetamine precursors and trafficking, that passed separately in this House of Representatives, which I supported, and they are going to include it as part of this legislation in a cynical ploy to somehow basically force, bully, or trick people into supporting the underlying legislation with its unwarranted attack on the Bill of Rights, the Constitution of America, the foundation of our government, the gathering secretly of information about innocent Americans, and the permanent retention of that information for no good purpose.

This is bad legislation. The time has come to change it. It should be defeated, and we should change it now.

Mr. GINGREY. Madam Speaker, I reserve the balance of my time for the purpose of closing.

Mr. McGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Madam Speaker, I thank the gentleman from the great city of Worcester, Massachusetts, for yielding.

Madam Speaker, I rise in opposition to the conference report on H.R. 3199, the so-called USA PATRIOT Act, because we have not taken meaningful steps to eliminate or correct the most egregious sections of this act.

In particular, it is disappointing that the conference agreement does not include a meaningful judicial review mechanism for FISA wiretaps, under the Foreign Intelligence Surveillance Act, as applied against U.S. citizens.

Given that the power that today's surveillance technology gives to government and given the broad powers that we have given to intelligence agencies under this act, the absence of post-execution judicial review in today's conference report constitutes one of its most critical shortcomings.

Madam Speaker, in order to ensure that the powers granted by the PATRIOT Act are not susceptible to abuse, our government must always operate with meaningful oversight, checks and balances.

After all, it is the maximum transparency and active judicial review which is our ultimate weapon in combating both governmental abuse and overreaching by governments to restrict the individual freedoms of our citizens.

For these reasons, I ask my colleagues to oppose the this version of the PATRIOT Act reauthorization.

Mr. McGOVERN. Madam Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. McGOVERN) has 2½ minutes remaining. The gentleman from Georgia (Mr. GINGREY) has 2¼ minutes remaining.

Mr. McGOVERN. Madam Speaker, I yield 1 minute 20 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, I want to thank the gentleman for yielding and for his leadership.

Madam Speaker, I rise in total opposition to this rule and to the reauthorization of this unpatriotic act. We should be repealing these undemocratic provisions, not expanding government's reach into the private lives of the American people.

Since 2001, the PATRIOT Act has been used more than 150 times to secretly search private homes, and nearly 90 percent of those cases had nothing to do with terrorism.

Americans have rejected provisions in this legislation like sneak-and-peek searches, national security letters, and roving John Doe wiretaps.

Under this renewal, we will see more of the same. Private residences, libraries, businesses, medical records, not even your DNA, are safe from the PATRIOT Act.

I now understand why many have called this bill yet another Big Brother attack.

Requiring an A on the 9/11 Commission recommendations instead of Ds and Fs is how we protect the American people from terrorist attacks, not taking away our civil liberties, which this unpatriotic bill does.

Preserving medical privacy, the right to read and congressional oversight should not be partisan issues, Madam Speaker. Our constituents deserve better. I hope that we all vote "no" on this rule and vote "no" on this very unpatriotic PATRIOT Act as they call it.

Mr. GINGREY. Madam Speaker, I yield to myself 15 seconds and want to remind the gentlewoman from California that under this reauthorization, the USA PATRIOT Act, we are not utilizing powers that were not already granted to the Federal Government in regard to crime prevention and drug lords and organized crime. We are just applying it now to terrorists.

Madam Speaker, I continue to reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, may I inquire of the gentleman from Georgia how many more speakers he has?

Mr. GINGREY. I have no more speakers.

Mr. McGOVERN. Madam Speaker, I will close for our side.

Madam Speaker, this bill overreaches. It paves the way for abuse and is a potential threat to innocent, law-abiding citizens. We are not a police state, and what makes us different from so many others is our freedom and our respect for basic civil liberties and our respect for privacy.

I understand the urge of some to embrace this legislation; but let me remind you that every time you chip away at our civil liberties, you give the terrorists a victory. You take away something that is essential to who we are as Americans.

Let us adjust and enhance our laws accordingly, to give law enforcement officials what they need; but let us not give them more than what they need.

This bill puts us on a dangerous path. There are over 150 provisions in this bill that are noncontroversial, that everybody agrees on, that will help track down terrorists and criminals; but there are a few provisions that so cross the line that they threaten our privacy and our civil liberties and do not make us safer.

We can defend our country; we can protect our people without trashing the Constitution.

With that, Madam Speaker, I urge my colleagues to vote "no" on this bill.

Madam Speaker, I yield back the balance of my time.

Mr. GINGREY. Madam Speaker, I will close this debate by again thanking Chairmen SENSENBRENNER and KING for their work on this important conference report.

This bill is a testament to our open legislative process. Conservatives, liberals, moderates, Democrats, Republicans, Independents, the ACLU, the Department of Justice and various other organizations have all had the opportunity to voice their thoughts and concerns on the underlying bill.

I believe, Madam Speaker, the final product is solid and legal, does not violate our constitutional rights guaranteed by the fourth amendment, and will serve as an important framework to fight terrorism, protect civil liberties and thereby further strengthen America.

Again, I want to encourage all of my colleagues on both sides of the aisle to support both the rule and the underlying bill.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1215

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 595, I call up the conference report on the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to rule XXII, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 8, 2005, at page 27826.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report to accompany H.R. 3199 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my staff has prepared for me an opening statement on this bill, and I am going to put the opening statement in the RECORD and not read it, because after listening to the debate on the rule that was just concluded, the amount of misinformation and misleading information that has been placed in the CONGRESSIONAL RECORD relating to the USA PATRIOT Act is just absolutely astounding.

First of all, let me say that when the original PATRIOT Act was enacted in October of 2001, there were expanded powers that were given to law enforcement in 16 sections, and I was the person that insisted upon a 4-year sunset being placed on each and every one of the powers of law enforcement that were expanded. I was successful in that effort, and we have had this sunset, during which time the Judiciary Committee has conducted vigorous oversight.

I have heard allegations that have been made on the other side of the aisle that there has been no oversight by the Judiciary Committee and that we were lacking and that we were negligent in doing the oversight. Madam Speaker, this is the written record of the oversight that has taken place over the last 4 years. I would submit that there has been no other provision of current law that has been subjected to as extensive oversight as the Judiciary Committee has done on a bipartisan basis on the USA PATRIOT Act.

How have we done this oversight? We have done this oversight through letters to the Department of Justice, usually cosigned by the gentleman from Michigan (Mr. CONYERS) and myself. And when the Department of Justice has been nonresponsive, we have been like the crabby professors asking them to do it again and again until they get it right and to disclose the information that Congress is entitled to.

The Judiciary Committee has done oversight through hearings beginning in 2003. Those records are open to the public. The Judiciary Committee and its Subcommittee on Crime, Terrorism and Homeland Security has done oversight through briefings. Those briefings have been open to Members of both parties.

And when we came up to the reauthorization process, I would remind you, Madam Speaker, and the Members of the House of Representatives, that I strongly opposed a premature striking of the sunset or extending the sunset in the last Congress. And I said that, when the time came to do the reauthorization, the Judiciary Committee would deal with the reauthorization on a section-by-section basis. We did that. I fulfilled that promise. There were 12 hearings, and I am going to insert into the RECORD the chronology of those hearings and who testified at those hearings, many of whom were witnesses that the minority asked to have testify and who did.

Now, what came out of this? It came out of the testimony, including participation by minority witnesses, that 14 of the 16 sunsetted sections were noncontroversial, and as a result, both the committee and this House and the other body made those sections permanent because there was no need for a sunsetted review. A few minutes ago, we heard allegations that this was irresponsible. The record shows that this was the responsible thing to do.

The two sections that were passed in 2001 that were not made permanent related to section 215, the business records or so-called library provisions, and the so-called multipoint wiretaps or roving wiretaps in section 206. In both section 215 and in section 206, we have put in this conference report additional restrictions that protect civil liberties. They have been subjected to a 4-year sunset, as requested by the Senate, rather than the 10-year sunset in the House-passed bill. And if anybody is interested in going into detail as to what those additional protections consist of, I will be happy to do that at a later time.

The other provision that is sunsetted in this bill was not put in the original USA PATRIOT Act, it was put in the intelligence bill that was enacted about a year ago. That involved expanding law enforcement powers in the so-called lone wolf terrorist. That is also subjected to a 4-year sunset so we can see what happens in terms of how the Justice Department and law enforcement deals with the issues.

Now, what did all of this oversight disclose? First of all, it disclosed that none of the 16 provisions where law enforcement powers were expanded has been declared unconstitutional by any Federal Court whatsoever. There was a finding of unconstitutionality relative to the National Security Letters provision of law. But the National Security Letters provision of law was not passed in the PATRIOT Act. It was passed in 1986, 15 years before September 11, in a bill that was written by a member of the other body who has been very critical of this conference report.

We are concerned about National Security Letters. And this conference report, even though the National Security Letters provisions were not contained in the PATRIOT Act, put restrictions on National Security Letters so that there would be increased disclosure and a potential judicial review process.

Now, we have heard an awful lot about delayed notification warrants, and we heard more complaints about them from people who are criticizing this conference report. I want to make it perfectly clear that all the PATRIOT Act did was to give law enforcement the authority to use a delayed notification warrant for terrorist purposes that law enforcement had had for drug trafficking and organized crime and racketeering. And in the case of the last two matters, the organized crime and racketeering and drug trafficking, the United States Supreme Court has upheld delayed notification warrants as constitutional and not in violation of the fourth amendment.

This conference report provides additional civil liberties protection in the area of the business records section, in the area of the delayed notification warrants section, in the area of the roving wiretap section, and in the area of National Security Letters. If it is voted down, all of these protections for civil liberties will go down with this conference report, and we will be back to the existing PATRIOT Act under the proposal that has been advocated by my distinguished ranking member from Michigan (Mr. CONYERS) and members on the other side of the Capitol building.

The PATRIOT Act has been a vital tool in the interception and prevention of terrorist activities, and if it is allowed to expire, the first consequence will be that the wall that prevented the CIA and the FBI from exchanging intelligence information prior to 9/11 will go back up. And if there is one thing the 9/11 Commission said repeatedly, it is that the stovepiping of intelligence information between various agencies of the Federal Government prevented our government from being able to try to connect the dots to see what the terrorists were doing before 3,000 people were killed on September 11, 2001.

The consequence of letting the PATRIOT Act expire will be a boon to terrorists because they will be able to exploit all of the vulnerabilities in our legal system that allowed them to pull 9/11 off. And as a result, I do not think that that is the responsible thing to do.

The Congress, and this House in particular, have three choices: One is to let the act expire, and back goes the wall, and we cannot use delayed notification warrants to figure out what the terrorists are doing, but we can for drug pushers and Mafia dons. We cannot try to get business records of terrorists doing business, whether it is at libraries or elsewhere. And those warrants, by the way, have to be issued by the courts, so there is judicial review before they are issued.

The second thing is to extend the existing law, whether it is for 3 months, as Mr. CONYERS has proposed, or for a longer period of time, which means that all of the civil liberties protections that I have just described will not be in the law, and they will all be lost. And I think that would be a shame.

Or we can pass the conference report. That is what we should do.

Now, since the beginning of this country's history, we have given law enforcement and prosecutors a lot of discretion. And anybody who has a lot of discretion, whether it is the Attorney General of the United States or the cop on the beat, has the potential of abusing the discretion. There has not been an abuse of discretion in the PATRIOT Act. The Inspector General's reports to Congress on abuses of the PATRIOT Act that are required by the original law have said that there are none.

Yes, there is the potential for abuse, and that is what oversight and the civil liberties protections that are contained in the original law and improved in this conference report is all about.

The PATRIOT Act keeps us safer. It does not make us perfectly safe; it keeps us safer. The record here shows that civil liberties have not been trampled upon. The responsible alternative for the Congress to do is to pass this conference report. We should do so promptly.

Madam Speaker, I rise in strong support of the conference report accompanying H.R. 3199, the "USA PATRIOT Improvement and Reauthorization Act of 2005."

In the wake of the attacks of September 11, 2001, congressional and independent investigations showed that terrorists exploited historic divisions between the law enforcement and intelligence communities that prevented authorities from "connecting the dots" in time to avert the attacks. To address this vulnerability, broad bipartisan majorities in both Houses passed the PATRIOT Act to enhance investigatory tools necessary to detect and prevent terrorist attacks. Since its enactment, U.S. law enforcement and intelligence authorities have utilized these tools to gain critical knowledge of the intentions of foreign-based terrorists while preempting terrorist threats on our own soil. The PATRIOT Act has made America safer, but the threat has not receded. Without congressional passage of this conference report, key provisions of the PATRIOT Act will no longer be available to our law enforcement on January 1, 2006—two weeks away.

It is crucial to note at the outset that H.R. 3199, which passed the House by a vote of 257–171, and the amendment to this legislation unanimously approved by the other body, underscore bipartisan and bicameral support for core provisions of the PATRIOT Act. There was broad agreement to make fourteen of the sixteen expiring provisions permanent, and the conference report does so. After exhaustive and comprehensive negotiations in which all conferees were provided an opportunity to extensively participate, the conference report sunsets these two provisions in four years.

The conference report also contains vital provisions to reduce America's vulnerability to terrorist attack. The PATRIOT Act breached the "wall of separation" between law enforcement and the intelligence community; the conference report we consider today ensures that it will not be rebuilt.

The PATRIOT Act strengthened the penalties for attacks against mass transportation systems and our Nation's airports; the conference report enhances these penalties to reflect the urgent threat that the London and Madrid attacks have underlined. The PATRIOT Act helped reduce terrorist funding sources, requiring terrorists to establish and rely upon criminal schemes to finance their murderous ambitions; the conference report adapts to this threat by enhancing penalties against narco-terrorism and other terrorist criminal enterprises.

The conference report also addresses the clear danger to America's communities posed by methamphetamine. It restricts Internet and mobile vendor sales of the precursors necessary to produce methamphetamine, enhances criminal penalties for its sale and manufacture, targets large meth kingpins, and enhances tools necessary to stop meth trafficking across the southwest border. Passing these anti-methamphetamine provisions is vital, and I congratulate the gentleman from Indiana, Mr. SOUDER, for his leadership on this issue.

Now let me talk about the process that has led to this point. When the House Judiciary Committee unanimously reported the PATRIOT Act in October of 2001, I pledged to rigorously examine its implementation to ensure that new law enforcement authorities did not transgress civil liberties. H.R. 3199, which passed the House by a wide margin on July 21, 2005, reflected bipartisan congressional consideration consisting of legislative and oversight hearings, Inspector General reports, briefings, and Committee correspondence.

This extensive record, a chronology of which I ask unanimous consent to submit for the record, has demonstrated that the PATRIOT Act is an effective tool against terrorists and other criminals. Of no less importance, the record shows that there is absolutely no evidence that the Act has been used to violate civil liberties. However, to curtail the potential of government overreach, the conference report contains important amendments and revisions. Specifically, the conference report contains additional judicial and congressional oversight of the use of multipoint wiretapping authority contained in section 206 of the PATRIOT Act.

The conference report also clarifies and refines the use of delayed notice search warrants in section 213 of the legislation. It ensures that information likely to be obtained through section 215 of the PATRIOT Act are subject to a judicial review process that authorizes the judge to set aside or affirm a 215 order that has been challenged.

The conference report establishes additional requirements on the utilization of National Security Letters, including congressional disclosure of the frequency of their use, and enhances congressional oversight of electronic and other types of surveillance. Many of these changes were requested by minority conferees, and the absence of any of their signatures on this vital conference report is disappointing.

I also regret to note that in many ways, the bipartisanship that characterized passage of the PATRIOT Act in 2001 has yielded to the desire of some to engage in political hyperbole and partisan brinksmanship. Some have attempted to create the impression that the PATRIOT Act poses a greater threat to the American people than that presented by terrorism. These claims are not only false, the record clearly demonstrates that they are groundless and irresponsible.

Madam Speaker, the security of the American people is a fundamental responsibility of Congress and an obligation that each of us swears an obligation to uphold. I urge my House colleagues to support passage of this critical antiterrorism initiative and encourage the other body to send the conference report to the President for his signature before vital antiterrorism provisions contained in the PATRIOT Act expire at year's end.

I wish to recognize the important contributions of the following staff who spent much of the last several months working on this historic legislation. From the House Committee on the Judiciary: Philip Kiko; Sean McLaughlin; Beth Sokul; Mindy Barry; Mike Volkov; and Robert Tracci. From the Senate Judiciary Committee: Mike O'Neill, Brett Tolman; Nick Rossi, Joe Matal, and Cindy Hayden. From the House Intelligence Committee, Chris Donessa—from the Senate Intelligence Committee, Brandon Milhorn. From the Department of Justice, William Moschella, Elisabeth Cook, Jim Baker, Matthew Berry, and David Blake.

Madam Speaker, I provide for the RECORD the following document, which is a detailed listing of oversight hearings held on the USA PATRIOT Act:

Oversight of the USA PATRIOT Act From October, 2001, to November, 2005

(1) November 9, 2005, Department of Justice classified briefing for Committee on the Judiciary staff on press accounts of FBI use of NSLs;

(2) October 25, 2005, Department of Justice classified briefing for House & Senate Committees on the Judiciary and Committees on Intelligence staff on press accounts of FBI use of NSLs;

(3) October 6, 2005, Department of Justice classified briefing for Committee on the Judiciary Members and staff on press accounts of mistakes in FBI applications to the Foreign Intelligence Surveillance Court under the USA PATRIOT Act;

(4) July 12, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary responding to July 1, 2005, letter regarding use of the USA PATRIOT Act;

(5) July 12, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary responding to May 19, 2005, letter regarding use of the USA PATRIOT Act;

(6) July 11, 2005, letter from Assistant Attorney General William Moschella to Rep. Bobby Scott responding to questions regarding use of the USA PATRIOT Act;

(7) July 11, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary regarding use of the USA PATRIOT Act;

(8) July 5, 2005, letter from FBI Director Meuller to Senate Committee on the Judiciary responding to questions regarding use of the USA PATRIOT Act;

(9) July 1, 2005, letter from Assistant Attorney General William Moschella to Rep. Bobby Scott responding to questions regarding use of the USA PATRIOT Act;

(10) July 1, 2005, letter from House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(11) June 29, 2005, letter from Assistant Attorney General William Moschella to the Senate Committee on the Judiciary responding to April 5, 2005, letter regarding use of the USA PATRIOT Act;

(12) June 10, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act;

(13) June 8, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act;

(14) May 26, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Material Witness Provisions of the Criminal Code & the Implementation of the USA PATRIOT Act; Section 505 that Addresses National Security Letters; & Section 804 that Addresses Jurisdiction over Crimes Committed at U.S. Facilities Abroad;

(15) May 19, 2005, letter from House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(16) May 10, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on the prohibition of Material Support to Terrorists & Foreign Terrorist Organizations & on the DOJ Inspector General's Reports on Civil Liberty Violations under the USA PATRIOT Act;

(17) May 10, 2005, Senate Committee on the Judiciary hearing on continued oversight of the USA PATRIOT Act;

(18) May 5, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Section 212 of the USA PATRIOT Act that Allows Emergency Disclosure of Electronic Communications to Protect Life and Limb;

(19) May 3, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Sections 201, 202, 213, & 223 of the USA PATRIOT Act & Their Effect on Law Enforcement Surveillance;

(20) April 28, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Section 218 of the USA PATRIOT Act—If It Expires Will the "Wall" Return?;

(21) April 28, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Have Sections 206 and 215 Improved Foreign Intelligence Surveillance Act (FISA) Investigations?;

(22) April 26, 2005, letter from Assistant Attorney General William Moschella to Senator Dianne Feinstein responding to April 14, 2005, letter regarding use of the USA PATRIOT Act;

(23) April 26, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Have Sections 204, 207, 214, & 225 of the USA PATRIOT Act, & Sections 6001 & 6002 of the Intelligence Reform & Terrorism Prevention Act of 2004, improved FISA Investigations?;

(24) April 21, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Crime, Terrorism, & the Age of Technology—(Section 209: Seizure of Voice-Mail Messages Pursuant to Warrants; Section 217: Interception of Computer Trespasser Communications; & Section 220: Nationwide Service of Search Warrants for Electronic Evidence);

(25) April 20, 2005, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing: A Review of the Material Support to Terrorism Prohibition;

(26) April 19, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Sections 203(b) and (d) of the USA PATRIOT Act and their Effect on Information Sharing;

(27) April 6, 2005, House Committee on the Judiciary hearing with Attorney General Gonzales;

(28) April 5, 2005, Senate Committee on the Judiciary hearing on Oversight of the USA PATRIOT Act;

(29) March 22, 2005, Department of Justice law enforcement sensitive briefing for Committee on the Judiciary Members and staff on the use of FISA under the USA PATRIOT Act;

(30) September 22, 2004, Senate Committee on the Judiciary hearing: A Review of Counter-Terrorism Legislation & Proposals, Including the USA PATRIOT Act & the SAFE Act May 5, 2004, Senate Committee on the Judiciary hearing: Aiding Terrorists—a Review of the Material Support Statute;

(31) May 20, 2004, Senate Committee on the Judiciary hearing on FBI Oversight: Terrorism;

(32) April 14, 2004, Senate Committee on the Judiciary hearing on Preventing & Responding to Acts of Terrorism: A Review of Current Law;

(33) February 3, 2004, Department of Justice briefing for House Committee on the Judiciary staff on its views of S. 1709, the "Security and Freedom Ensured (SAFE) Act of 2003," and H.R. 3352, the House companion bill, as both bills proposed changes to the USA PATRIOT Act;

(34) November 20, 2003, request by Chairmen Sensenbrenner & Hostettler to GAO requesting a study of the implementation of the USA PATRIOT Act anti-money laundering provisions. Report was released on June 6, 2005;

(35) October 29, 2003, Department of Justice classified briefing for Committee on the Judiciary Members & staff on the use of FISA under the USA PATRIOT Act;

(36) September 10, 2003, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing on Terrorism: Two Years After 9/11, Connecting the Dots;

(37) August 7, 2003, Department of Justice briefing for House Committee on the Judiciary Members and staff regarding the long-standing authority for law enforcement to conduct delayed searches & collect business records & the effect of the USA PATRIOT Act on those authorities;

(38) July 23, 2003, Senate Committee on the Judiciary hearing on Law Enforcement & Terrorism;

(39) June 13, 2003, letter from Assistant Secretary for Legislative Affairs at the Department of Homeland Security, Pamela J. Turner, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(40) June 10, 2003, Department of Justice classified briefing for Committee on the Judiciary Members & staff on the use of FISA under the USA PATRIOT Act;

(41) June 5, 2003, House Committee on the Judiciary hearing on the U.S. Department of Justice, including its use of the provisions authorized by the USA PATRIOT Act;

(42) May 20, 2003, House Subcommittee on the Constitution hearing: Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can Government Go to Prevent Terrorist Attacks;

(43) May 13, 2003, letter from Acting Assistant Attorney General, Jamie Brown to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(44) April 1, 2003, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(45) October 9, 2002, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing: Tools Against Terror: How the Administration is Implementing New Laws in the Fight to Protect our Homeland;

(46) September 20, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(47) September 10, 2002, Senate Committee on the Judiciary hearing on the USA PATRIOT Act in Practice: Shedding Light on the FISA Process;

(48) August 26, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(49) July 26, 2002, letter from Assistant Attorney General, Daniel Bryant to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(50) July 25, 2002, Senate Committee on the Judiciary hearing on the Department of Justice, including its implementation of the authorities granted by the USA PATRIOT Act;

(51) June 13, 2002, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(52) April 17, 2002, Senate Subcommittee on Administrative Oversight and the Courts hearing: "Should the Office of Homeland Security Have More Power? A Case Study in Information Sharing;"

(53) December 6, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism;

(54) December 4, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism;

(55) November 28, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism; and

(56) October 3, 2001, Senate Subcommittee on the Constitution, Civil Rights, & Property Rights hearing: Protecting Constitutional Freedoms in the Face of Terrorism.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, if only what my good friend, the chairman, said was accurate, we would not be here to ask that this measure be turned down and that we pass a 3-month extension, as I have proposed and is in legislative form, so that the PATRIOT Act and intelligence reform would not be stymied.

It is like coming to a meeting and we have forgotten all the things that most of the Members on my side of the aisle on the Judiciary Committee agreed with is wrong with the PATRIOT Act, but that we have ignored the fact that many other organizations are not for the PATRIOT Act.

Now, what safeguards are being preserved is very interesting for me because the opponents of the PATRIOT Act, including seven States that have passed resolutions opposing parts of the PATRIOT Act and a number of communities that have done so, represent over 62 million Americans.

□ 1230

Additionally, numerous groups ranging across all parts of the political spectrum have come forward to oppose sections of the PATRIOT Act and demand that the Congress conduct more oversight, including the American Civil Liberties Union, the American Conservative Union, the American Immigration Lawyers Association, the American Library Association, the Center For Constitutional Rights, the Center For Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, the Lawyers Committee For Civil Rights, the National Association for the Advancement of Colored People, the Criminal Defense Lawyers, People for the American Way, and numerous other groups concerned about immigrants' rights.

And what about the more than six death penalty additions that have been put into this build with very, very few hearings. Is that something that somebody can hold forward as protecting the rights and improving the PATRIOT Act? I do not think so.

And even worse has been the abuse of unilateral powers by the administration where since September 11 our government has detained and abused physically thousands of immigrants without time limits for unknown and unspecified reasons and targeted tens of thousands of Arab Americans for intensive interrogations. All this serves to accomplish, of course, is to alienate many of those Muslim and Arab Americans that would be working with us.

So, Madam Speaker, there are two pictures of what happened in the Committee on the Judiciary. One is that the bill was made clearly worse, and we have some 92 pages of dissent about the bill itself, and much of it is still of course valid in terms of the conference report that we are examining today.

I urge Members, we have been tricked once, the first time when the bill was substituted, and now we are about to be fooled again if Members do not read our dissents and the reservations that we have about the PATRIOT Act. It can be made better, and we would propose that that is exactly what happen today.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distinguish chairman of the Intelligence Committee.

Mr. HOEKSTRA. Madam Speaker, I rise in strong support of the conference report. Today, our country is at war. We are at war against a global enemy, the global enemy of terrorism. Beginning long before the 9/11 attacks, our citizens have faced potential threats to our safety and security at home within the United States for the first time since Pearl Harbor. We are reminded on a daily basis around the world that those threats are real, serious, and continuing.

As chairman of the Intelligence Committee, I want to take this opportunity to remind my colleagues that the central purpose of this bill is to provide enhanced intelligence authorities to combat spies and terrorists within the United States. We have many national intelligence capabilities, but the authorities that are enhanced by the PATRIOT Act are among the most crucial because they protect the American people from terrorist threats here at home. They are a crucial part of our efforts to build a strong domestic national security capability within the FBI. I want to thank Chairman SENSENBRENNER for his leadership in this conference and on this important legislation.

The conference report under consideration today will make 14 of 16 provisions of the PATRIOT Act permanent while also including sensible clarifications and improvements in many areas where there should be broad, bipartisan agreement.

By the Justice Department's count, the bill adds 30 new safeguards to protect privacy and civil liberties. These include a clearer standard for obtaining certain business records, clarification that that authority may be subject to judicial review, and much more specific standards with respect to the use of national security letters and roving wire taps.

In addition, the Congress will continue its close and continued oversight with the Intelligence Committee paying particular attention to the specific manner in which these authorities are used.

Madam Speaker, this bill needs to be approved. I encourage my colleagues to support this conference report and work to keep America safe.

Mr. CONYERS. Madam Speaker, I am delighted to yield 5 minutes to the gentleman from New York (Mr. NADLER), a subcommittee ranking member.

Mr. NADLER. Madam Speaker, we are engaged in a serious war with terrorism. Unfortunately, we are going after the wrong targets. We are not protecting ourselves, but we are endangering our liberties.

We are not doing anything or anything adequate about collecting the loose nuclear materials all over the former Soviet Union before they are smuggled to al Qaeda to make atomic bombs to attack us with. That costs money.

We are searching 2 percent of the 6 million shipping containers that come into our country's ports every year, any one of which may contain a weapon of mass destruction; but to search them would cost money.

We are not doing much about what the 9/11 Commission said was one of the most important things we should do, providing for intercommunicability between the first responders so police can talk to the fire and military. We are not doing that.

What are we doing? We are violating the civil liberties of our people and making them think that we are protecting ourselves.

Madam Speaker, this country has a great heritage of liberty. It also has an unfortunate history of violating that liberty whenever we get into a war, from the Alien and Sedition Act of 1798 to the Espionage Act of 1971, the Palmer Raids of 1919, the Japanese American Internment Act of World War II, the FBI's egregious COINTELPRO program against opponents of the Vietnam War. And now in this war, this administration has resorted to torture, to indefinite detention without trial, to evasions of the great writ of habeas corpus, to going back in some respects to before Magna Carta.

What does this bill do? This bill continues in that tradition. It does some okay things. It continues breaking down the so-called wall between intelligence and police work. That makes sense. But it also invades our liberties in ways that are very unnecessary. Let me focus on two of them.

Section 215, the so-called libraries provision, allows the government to get orders from a FISA court to search any records of any business of a library regarding a third party who never knows about the search. It does not require a showing of a particularized suspicion of the target as the fourth amendment would seem to require. It simply says that the government has to come up with a statement of fact showing there are reasonable grounds to believe the tangible things sought are relevant to an authorized investigation. Well, that is hardly restrictive at all. Relevant, almost anything can be relevant.

Moreover, it says that the government's statements that the information sought is necessary to protect against international terrorism or clandestine intelligence activities are presumptively relevant if the person they pertain to may be an individual in contact with a subject or agent of a foreign power. Presumptively relevant, that means they do not have to prove it. They do not have to show probable cause. This destroys the fourth amendment requirement for search and seizures.

Then you have the gag order. They cannot tell anybody about it. The Internet service provider or the library that is giving up all the information about what you read or who you talk to cannot tell you. You cannot move in court to quash it.

Section 505, national security letters which have been held unconstitutional by two courts so far do not even require a FISA court. It is an administrative proceeding. It is not even a proceeding; the FBI simply says they want it, and they can get it. This is like the writ of assistance the British granted in 1761 which this is very similar to. That started the American Revolution. But after the FBI gets the information, you can protest the gag order. You can say I want to be able to tell somebody about it, but you can only say that if you can show that revealing that information is not harmful to the national security or diplomatic relations, but the government's statement that it is conclusive, so the court is a cipher. The court cannot make any judgments. There is no evidence. The government's statement is conclusive.

This does not protect liberty; this destroys liberty. We ought to have real protections for our liberty. We ought to have put some procedural safeguards on these powers such as our entire tradition demands. To pass this bill with no sunset of section 505, with no procedural safeguards on these very intrusive provisions is to disregard our entire history of ordered liberty. I very much urge defeat of this bill so we can do it properly after further consideration.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the issue of national security letters was not in the PATRIOT Act that was enacted in 2001. They were enacted in 1986 in a bill that was written over in the other body.

This conference report puts procedural safeguards into national security letters even though they are not a part of the PATRIOT Act that was passed in 2001. It makes changes to all NSL provisions, not just electronic communications as the Senate wanted. It permits disclosure of NSLs to legal counsel and those necessary to comply with the letter. That is not in the law now.

It creates explicit access to judicial review of the government's request for records. It permits the reviewing court to modify or set aside the NSL if compliance would be unreasonable, oppressive or otherwise unlawful, the same standard for quashing a subpoena.

It permits judicial review of the nondisclosure requirement. It creates a 5-year felony criminal penalty for unauthorized disclosures of NSLs with intent to obstruct an investigation or judicial proceeding, just like the obstruction of justice statute. The 1-year misdemeanor for disclosure without intent to obstruct, that is not in the conference reports. That is out.

It requires the DOJ Inspector General to conduct two audits of the FBI's use of national security letters. One audit covers 2003 and 2004, the other 2005 and 2006. It requires the Attorney General and the director of national intelligence to submit to Congress a report on the feasibility of applying minimization procedures to NSL to ensure the protection of constitutional rights of United States persons, and it requires an annual public reporting on national security letters, including the aggregate number of requests made by the Justice Department for information concerning different U.S. persons.

Now, national security letters are not subject to the sunset. They are in the earlier law. If the argument that has been advanced by the gentleman from New York succeeds, all of the protections I have just described go down the drain with the rest of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself 10 seconds.

May I bring to the attention of the chairman of the Judiciary Committee that section 505 of the PATRIOT Act expanded the use of national security letters, so to say they are not in the bill would not be accurate.

Madam Speaker, I yield 1¾ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I rise in opposition to this conference report.

The PATRIOT Act provided new authorities, but it also modified longstanding laws. One such change was the lowering of the standard for issuing government requests for financial, telecommunications credit, and other business records.

□ 1245

These requests commonly referred to as National Security Letters or NSLs are issued directly by the government agencies in national security investigations without the approval of a judge. Before the PATRIOT Act, the FBI and other issuing agencies had to show there was some nexus to an agent of a foreign power or terrorist. Post-PATRIOT Act, the government only has to show the request is relevant to an investigation. The lowering of this standard has resulted in an all time high in the number of NSLs issued.

A recent Washington Post article alleged that over 30,000 National Security Letters have been issued by the FBI to businesses and private institutions across the Nation. Even more disturbing, the article alleged that records collected pursuant to NSLs are retained for an indefinite period of time, even when they are not of interest to investigators, and shared with other Federal agencies and the private sector.

As a citizen, I am deeply disturbed by these allegations. As a Member of Congress, I am disappointed that we have missed a critical opportunity to get the NSL standard right. We have also missed the opportunity to ensure that NSL recipients have an opportunity to seek meaningful judicial review of the nondisclosure or gag requirements that accompany NSLs and further tailor the statutory framework to ensure that privacy and civil liberties are better protected.

I will vote against the conference report. I think the precious balance of civil liberties and security are damaged here.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), the distinguished chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Madam Speaker, today I rise in support of this conference report. And as a conferee, I want to specially thank Chairman SENSENBRENNER for his leadership in negotiating the final details of this very important legislation.

Our Nation continues to be threatened by radical terrorists, and it is critical that we take every step possible to prevent future attacks. Over the past 4 years, the PATRIOT Act has proven to be an effective tool in helping to accomplish this goal. But significant threats continue to exist, endangering the lives of U.S. citizens. With this in mind, it is imperative that detecting and disrupting terrorist activity before it occurs remain a top priority.

It is also critical, however, that we maintain our commitment to protecting American civil liberties. When the House first considered the original PATRIOT Act, I was one of several on the Judiciary Committee who sought to include sunset provisions that would require Congress to reauthorize the legislation after conducting vigorous oversight.

Well, the House Judiciary Committee has extensively reviewed the PATRIOT Act and its implementation. And over a 4-month period, it received testimony from 35 witnesses during 12 hearings on the PATRIOT Act. Furthermore, the committee conducted a nearly 12-hour markup of this legislation, including consideration of 43 amendments.

As chairman of the Subcommittee on the Constitution, we have held PATRIOT Act oversight hearings in my subcommittee, and we remain committed to monitoring the implementation of this legislation through aggressive oversight. I am pleased that another 4-year sunset of the more controversial provisions and several additional safeguards to further protect civil liberties were included in the conference report, and I thank Chairman SENSENBRENNER for that.

The sunset provisions proved to be successful the first time around, and their renewal, coupled with new protections, helped strengthen our defenses against terrorism while demonstrating a strong commitment to civil liberties.

The goal of our enemies is to destroy America and its allies. We must remain steadfast in our resolve to eradicate the plague of terrorism. This act does that.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank the gentleman from Michigan for all of his good work and for yielding me the time now.

I rise in opposition to the PATRIOT Act conference report. These provisions and many others have a deep impact on the freedoms and civil liberties of all Americans. Now, some will say we need these provisions to track down terrorists and build cases against them. But what is often unsaid is that these provisions will also be used against people who have committed no crime and who are completely innocent. It is because of that that the PATRIOT Act must be seen as something that affects all of us. Searching business records can sweep up people, most of whom are innocent. A small number of unnecessary intrusions can have a broadly chilling effect.

Proponents of the PATRIOT bill before us will say that it is directed against terrorists, not law-abiding citizens. But they should try to tell that to Brandon Mayfield of Portland, Oregon.

Mr. Mayfield, an attorney, was detained by investigators last year as a material witness under authority granted through the PATRIOT Act. They alleged that his fingerprints were found on a bag linked to the terrorist bombings in Madrid, Spain. More so-called evidence was collected when his residence was searched without his knowledge under Section 213. However, the investigators were wrong. The FBI has issued an apology for his wrongful detention. But this is small conciliation for a lawyer and Muslim American whose reputation was tarnished by the investigation.

Of course, some mistakes will occur. But this bill strikes the wrong balance and makes those errors more likely. It also allows the fact, the very fact of such a search to remain undisclosed to the subject indefinitely.

I urge my colleagues to oppose this flawed conference report and protect the liberties and freedoms of our citizens that are central to what it means to be an American.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Once again, there has been erroneous information presented to the House. The conference report on the delayed notification search warrant limits initial delayed notification to only 30 days unless the facts justify a later date. It permits extensions of up to 90 days unless the facts justify a later date and only upon the showing of need. And it has new reporting requirements on the use of delayed notification warrants.

Now, the original PATRIOT Act did not have these time limits. The delayed notification was determined it could be for a long period of time by a magistrate judge, a judicial officer, not by law enforcement, but by a judicial officer in determining when the notification would take place.

What I just described in the conference report is new language. It is limitations on how long a magistrate judge, a judicial officer, can delay notification of the warrants. You vote against this bill and you kill this bill, those limitations go down with the bill.

Madam Speaker, I yield 2½ minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I was absent from this chamber for 16 years after serving for 10. The compelling reason for me to return was the events of 9/11. And one of the things that I thought I would never see in the House of Representatives is an Alice in Wonderland type atmosphere where just because you say something, you think it is true.

The fact of the matter is, many of the complaints registered by my friends on the other side of the aisle are taken care of in this conference report. If you vote down the conference report, those sections that are not subject to sunset will continue on without any of the changes that the chairman has articulated. So the very arguments they are making against what they do not like about the law now should compel them to vote for this conference report because we make changes.

Madam Speaker, it is the primary responsibility of government to protect the safety of its citizens. The PATRIOT Act tears down that wall, that artificial wall that existed between the intelligence community and the criminal justice enterprises. And what we did was we said it made no sense, it made us more vulnerable to attack.

Some have said, look, these changes in the PATRIOT Act change what was current law. That is true because there was a need to do so. And some have argued all we need to do is to follow what has been the law in the past. The distinction that must be drawn is that, in the war on terrorism, it is not good enough to collect the evidence after a terrorist attack to try and bring people to justice. The imperative is to stop the terrorist attacks from occurring in the first place. That is why we have the differences in this law.

Yes, there is a different standard. The standard is to allow us to stop the terrorist attacks in the first instance. We have, as a result of oversight, and I have attended every single hearing in the subcommittee and full committee, done unbelievable oversight, reviewing every bit of evidence that has been out there. There has not been one single example of abuse proven, not one. The IG report could not find it. We could not find it. I have been to every single hearing that we have had, been with every witness. They could not prove a one. But because we are concerned about the possibility of abuse, we have put at least 30 additional limitations into this conference report. And so really the question is, do you believe in the essential foundation of the PATRIOT Act which makes changes, recognizing that we are trying to stop terrorist attacks before they occur, rather than doing the regular criminal justice activity of collecting evidence after the fact. I am not willing to place my children and grandchildren in jeopardy by defeating this conference report.

INTRODUCTORY COMMENTS

It is the primary responsibility of government to protect the safety of its citizens. The PATRIOT Act is a critical element in a strategy to provide law enforcement with the necessary tools to conduct antiterrorism investigations. This task is made all the more difficult in that unlike the traditional criminal case, our success will be measured by the ability to prevent a future terrorist attack.

The 9/11 Commission report observed that "The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home." Freedom presumes security. The converse is equally true. In the delicate balance of these important interests. our concern for liberty must not discount the consequences of a failure to keep Americans secure from a cataclysmic event. While it is important to avoid hyperbole on such a serious matter, the very nature of American life—and the traditional regard for liberty—could itself be threatened.

At the same time, it is the solemn responsibility of committees with oversight responsibilities to be ever diligent to assure that government does not overstep the proper limits of its authority in implementing the PATRIOT Act.

In this regard, in our oversight of the PATRIOT Act, the Judiciary Committee conducted 13 hearings and there was no finding of abuse. This was evidenced by the fact that opponents of the act resorted to attacks on the circumstances at Guantanamo, and the Creppy memo—issues related to the wider war on terrorism but unrelated to the PATRIOT Act itself.

COMMENTS ON PROVISIONS FURTHER STRENGTHENING THE PATRIOT ACT

The conference report contains a number of provisions which maintain the integrity of those key provisions necessary to combat terrorism, while at the same time strengthening the protection of civil liberties:

Section 102 (sunset provisions)

As the author of the 10-year sunset provisions in the House bill relating to section 206, roving wiretaps, and section 215, access to business records the final language in the conference report responds to the critics of the legislation. The conference report contains the Senate language of 4-year sunsets of these same provisions and extends the sunset language to the "lone wolf' provisions of the bill as well.

Section 106 (215 business records)

The conference report language relating to business record access includes additional protections not contained in current law.

The conference report explicitly provides for judicial review of any section 215 order.

If the documents sought pertain to sensitive categories of records—such as library, bookstore, tax returns, firearms sales, educational and medical records—the FBI Director, Deputy Director, or the official in charge of intelligence must personally sign off on the application before it can be submitted to the court.

The conference report requires that the application to the FISA court must include "a clear statement of the facts" that demonstrate reasonable grounds to believe the tangible things sought are relevant to the investigation.

The conference report requires the use of so-called minimization procedures to regulate the retention and dissemination of information concerning United States persons and the protection of privileged documents.

The conference report makes it explicit that a recipient of an order has the right to disclose receipt to an attorney or other parties necessary to comply with the order.

Section 108 (206 roving wiretaps)

Section 108 of the conference report imposes several additional safeguards on the use of roving surveillance:

The conference report requires that the order describe the specific target in detail when authorizing a roving wiretap for a target whose identity is not known.

The conference report specifies that the FISA court must find that the possibility of the target thwarting surveillance is based on specific facts in the application.

The conference report requires investigators to inform the court when "roving" surveillance is used to target a new facility—such as when a terrorist or spy changes to a different cell phone.

Section 114 (sec. 213 delayed notice search warrants)

As the former chief law enforcement officer of my State of California, I want to first of all emphasize that delayed notice search warrants are not an invention of the PATRIOT Act. The delayed notice search warrant has been available to California law enforcement for years.

The conference report adds new safeguards relating to the use of delayed notice search warrants.

The conference report places a limit of 30 days on an initial request or on a later date certain if the facts justify such a delay.

Extensions of up to 90 days are possible unless the facts of a particular case justify a longer period.

Sections 115–119 (national security letters)

The language in the conference report provides for explicit judicial review of an NSL.

The conference report provides that a recipient of an NSL may challenge any non-disclosure requirement in court.

The report clarifies that a recipient may disclose receipt of an NSL to an attorney or other necessary party.

CONCLUSION

There is a total absence of any evidence of abuse of the PATRIOT Act. Furthermore, the conference report adds further protections against any potential abuse of the law. The conference report represents a careful balance between our responsibility to protect Americans from terrorist violence, and our responsibility to avoid any potential violations of their civil liberties.

The enactment of this legislation is critical to this endeavor. There are those who will attempt to come here for the sole purpose of murdering innocent Americans. It is our responsibility to keep this from happening. We must provide law enforcement with the necessary tools to carry out this task.

Mr. CONYERS. Madam Speaker, I yield myself 15 seconds.

Let me remind my friend who returned from his California duties to the Congress, did you hear the Brandon Mayfield case just recited by the gentleman from New Jersey? That was an abuse that we heard in the committee.

Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on Homeland Security.

Mr. THOMPSON of Mississippi. Madam Speaker, I thank the gentleman from Michigan for the time.

Madam Speaker, I am opposed to the reauthorization of the PATRIOT Act. First, I do not believe many of the so-called law enforcement tools will make us any safer.

I am probably one of a few Members of Congress who has been spied on by his own government. During the civil rights movement, an agency in the Mississippi State Government called the State Sovereignty Commission kept files on me and countless other people working for change.

I might add that none of us did anything illegal other than just convene and talk about how we would change our State.

From this experience, I have known that, when government has the authority to spy on its own people, it is almost always and will misuse that power.

Nothing good will come from many of the tools in the PATRIOT Act, and I fear that it will lead to more misuse of power.

It is too broad an authorization to continue to give the government these powers, such as to search the library records or to place roving wiretaps without a warrant that at least should say what phone is being tapped.

I am also opposed to the conference report because it fails to include the provision in the House bill that would allocate more Homeland Security funds based on risk.

The 9/11 Commission explicitly recommended that Homeland Security funds be allocated based on risk. The 9/11 Commission members recently said that if the House funding measures were passed, Congress would have received an A grade instead of an F on fulfilling its recommendation.

We must focus our scarce Homeland Security resources on areas that are most at risk of terrorist attack. We cannot yield to politics. We must fulfill the Commission's recommendation by passing the House proposal. Without that measure in this PATRIOT Act reauthorization, I cannot support it.

Mr. SENSENBRENNER. Madam Speaker, I yield 1 minute to the acting majority leader, the very distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the chairman for yielding and for the incredible hard work he has done to bring this bill to the floor, both to help create this legislation 4 years ago, to review it time after time after time for the last 4 years and to extend it into the future with the safeguards that have been discussed here on the floor today.

In terms of the review process, I think the Attorney General today in some information he put out suggested that there were at least 23 separate hearings last year of oversight, this is last year alone, of oversight on this act; witness after witness after witness called to testify about what was happening with the act. This oversight work that the chairman has been largely responsible for has made a difference in the way the law was implemented, has made a difference in the way we offer it to be extended today and has made a difference, frankly, in the safety and security of America.

□ 1300

There is nothing in this law, nothing in the law the last 4 years, nothing in the law as we look to the future that was not available to law enforcement for organized crime. What crime could be more organized than terrorism?

No one has come up with a single instance where someone's rights were impacted by the PATRIOT Act, because of the PATRIOT Act. There is no evidence that there are problems, and we all could easily be aware of a number of instances, where there is no concern about the fact that the PATRIOT Act made a difference in the safety and security of America.

Another thing that the chairman worked hard to put in this act is some legislation that I originally introduced that deals with the problem of methamphetamine, and methamphetamine does become a security issue. It particularly becomes a bigger issue as our borders become more secure. People turn to this drug as the drug for funding of illicit activities, as the drug of choice when imported drugs are not available. That is an important addition to the bill today.

But the PATRIOT Act with two provisions that need to be reviewed in 4 years, the PATRIOT Act with a Judiciary Committee and an oversight responsibility that will continue to be, as it has been, extensive in ensuring that the executive branch does what the PATRIOT Act intends it to do with the maximum protection for individual freedom and the maximum protection for the security of our Nation.

We don't want to face 9/11 again, and we certainly don't want to face a 9/11 that could have been prevented. If the law enforcement techniques and tools that are available for organized crime continue to be available for terrorism, this allows that to happen.

I come to praise the chairman and his committee and to seek a "yes" vote on this bill today.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), distinguished member of the Intelligence Committee.

Mr. RUPPERSBERGER. Madam Speaker, the PATRIOT Act provided tools essential to identifying and tracking terrorists that were not available before the 9/11 terrorist attacks. At the time it passed, just 7 weeks after 9/11, there were concerns that some of the authorities were too broad and susceptible to abuse. The sensible proposal emerged to sunset 16 of the most controversial provisions.

Sunsets matter. They forced the Justice Department and the American public to evaluate the appropriateness of, and need for, the PATRIOT Act. Without sunsets, Congress probably would not have undertaken the same review of key provisions this year and considered significant changes to the law.

For those reasons I offered an amendment to extend the PATRIOT Act sunset during the Intelligence Committee markup of H.R. 3199. I am pleased this conference report includes 4-year sunsets on the most controversial provisions: 215 orders, 206 roving wiretaps, and the Lone Wolf provision.

But additional steps, however, must be taken to ensure the right balance is struck between security and constitutionality. Congress must engage in vigilant oversight of the PATRIOT Act, national security letters, and other authorities granted to law enforcement and intelligence agencies. I am committed to doing my part as a member of the House Select Intelligence Committee to ensure proper oversight occurs.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the chairman for yielding me this time.

I want to commend him for a great process here. Often we do not have a deliberative process when we pass major pieces of legislation. That is not the case here. We had 12 hearings over a year on these provisions, and I want to point out what the chairman has already said, that we are not just dealing with those sections that are sunsetted but we are dealing with those that are not as well. We had some substantive reforms to the NSL process.

After the passage of the first PATRIOT Act, I and others formed the PATRIOT Act Reform Caucus because we felt we needed additional protections. That process yielded about a half dozen amendments which we offered during the House version of the bill, and each of those amendments was accepted and remains part of the legislation. One amendment that we dealt with during consideration of the House bill clarified that a recipient of an NSL, or national security letter, may discuss the NSL with his or her attorney and may disclose that request to an individual whose help is necessary for compliance with the NSL. That is an important safeguard.

And for those who say there is a gag rule that prohibits people from even mentioning the NSL, that is no longer true. If an NSL is challenged, it requires a recertification by either the FBI Director or another official confirmed by the Senate. This reform increases accountability in using NSLs, and it clarifies that judicial review exists and challenges to both the NSL and the prohibition on disclosure are now allowed. It also, as the chairman mentioned, establishes additional reporting requirements to the House and Senate Judiciary and Intelligence Committees on the frequency and use of NSLs. These are commonsense reforms and clarifications.

In addition to these safeguards on NSL authorities, the reauthorization also will add significant safeguards in a number of other areas, as the chairman mentioned. There are now strict time limits for those who are put on delayed notification as well as new reporting requirements to the House and Senate Judiciary Committees.

Madam Speaker, these are reforms that are important, and I am happy to support it, and I hope that we will codify these in the bill.

Mr. CONYERS. Madam Speaker, I yield myself 3 minutes.

I want to quote from a letter that was sent to Chairman SENSENBRENNER from the American Library Association, its president, indeed, Michael Gorman, and a copy to myself.

It says: "Dear Mr. Chairman, I am writing on behalf of the American Library Association to express our opposition to the conference report. We are deeply disappointed that the conferees did not take this opportunity to heed the concerns of library users across this country and to restore protections for records of library use that were stripped away by the PATRIOT Act" itself.

It "does not seriously address any of the library community's concerns with section 215. It does not require a factual connection between the records sought and a terrorist or terrorist organization.

"The report also leaves in place the USA PATRIOT Act standards for national security letters" and would "allow the FBI to continue its unfettered reach into the personal electronic records of the public, including records of their use of the Internet through computers in libraries. Worse, it adds a criminal penalty for noncompliance with the order and for a knowing violation of the gag order. And while adding an ability to challenge the secrecy of a national security letter on the one hand, it takes it away with the other by requiring the court to accept, as conclusive, the government's assertion of harm to national security . . ."

Madam Speaker, this is the clearest description from the president of the American Library Association, supported by thousands of professional librarians from one end of the country to the other.

Please, let us not buy into the fact that this is a new and improved version of the PATRIOT Act. With the death penalties arbitrarily added, it is a definite reversal, a downward, backward movement in which the PATRIOT Act becomes meaner and less democratic and is far more dangerous for people who get caught up in these things who are innocent Americans. Please join us in sending this bill back to committee and supporting my measure that would allow for a 3-month period of time for us to improve the bill.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Michigan talked about the conclusive presumption provisions on national security letters that are contained in the conference report as well as the requirements that have been changed relative to section 215, which is the business records or library provisions.

I would just point out that both the NSL provision and the section 215 provision in this respect were the language in the Senate bill that passed unanimously. And everybody here has been saying that the Senate bill is great and the conference report is not. But if the Senate bill was great, now they are attacking two provisions in the Senate bill. They cannot have it both ways. What we did in the conference report is responsible.

With respect to section 215, I wish that the Library Association had read it, because it requires the statement of facts in an application to the court that issues the 215 order to show reasonable grounds to believe that the records are relevant to an authorized investigation. The Senate's language. Then it creates a presumption in favor of records that pertain to a foreign power or an agent of a foreign power, activities of a suspected foreign power who is the subject of an authorized investigation, or an individual in contact with or known to a suspected agent of a foreign power who is the subject of an authorized investigation.

Now, all of these people are presumably bad folks that want to commit a terrorist attack, and I do not think we should make the libraries or any other place off limits to an investigation to try to see who is trying to blow innocent people up.

Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER), who is the author of the methamphetamine section of this bill.

Mr. SOUDER. Madam Speaker, I thank the chairman for his cosponsorship and his leadership in making sure that this meth bill can pass this bill in the form of passing a conference report, which is the only real way to get this done. I also want to say briefly that I support section 215, which amends the Import and Export Act to make sure that we can have better prosecution methods.

Eighteen of the 40 major organizations that are involved in terrorism also deal in narcotics. The Methamphetamine Act is the single, first comprehensive anti-meth bill that we have ever introduced in Congress, let alone passed in Congress. It is a sweeping anti-meth bill. It will require all pseudoephedrine and ephedrine products to be stored behind the counter or in a locked cabinet; impose a daily and monthly, purchase limit; require purchasers to show ID and sign a logbook; and require training of all employees handling the product.

It closes a number of loopholes in existing import, export, and wholesale regulations of meth precursor chemicals, including import and manufacturing quotas to ensure no oversupply leads to diversion; and regulation of the wholesale "spot market." It requires reporting of major meth precursor exporters and importers. It would hold them accountable for their efforts to prevent diversion to meth production. It toughens Federal penalties against meth traffickers and smugglers. It authorizes the Meth Hot Spots program as well as increases funding for drug courts, drug endangered children programs, and programs to assist pregnant women addicted to meth. In addition, it has EPA environmental regulations.

I want to thank Democrats and Republicans for all their bipartisan effort. This is something we did in a bipartisan way. This is our best chance to really get ahead of this epidemic that swept from Asia to Hawaii to California, the Northwest to the Plains, to the Great Lake States, is headed into the East and is into North Carolina, South Carolina, Pennsylvania, and New York and headed to the Atlantic Ocean. This is our attempt, a massive coordinated multicommittee that took many chairmen to do this, Senators TALENT and FEINSTEIN of the Senate to do this. I thank Chairman SENSENBRENNER, I thank the leadership, because this is a big day for those of us who have been fighting the anti-meth cause.

Mr. CONYERS. Madam Speaker, I yield myself 35 seconds.

I want to give Chairman SENSENBRENNER the benefit of the presumption of a doubt about this section 215 business. What happens in the report is it makes it easier to get library and other records under section 215 by creating a presumption that records of anyone to come into contact with a suspected terrorist even accidentally, innocently, is relevant to an investigation.

□ 1315

Madam Speaker, what he has done is he has moved a part of section 215 to another part of the bill, and that is why it does not operate that way.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a ranking subcommittee member of the Judiciary Committee.

Mr. NADLER. Madam Speaker, I want to make two points: One, the bad parts about section 215 and section 505 are not that, under certain circumstances, the FBI or other investigative agencies can get information from libraries. No one is proposing, as Mr. SENSENBRENNER said, to say that libraries are totally sacrosanct.

The bad part is that the FBI can get all this private personal information without any proper or adequate judicial review and then can tell them, shut up, do not tell the victim about it, and that gag order also operates without any real judicial review. That is the real issue.

Secondly, the gentleman from Wisconsin is attempting to do something, I think, improper, and that is, he tells us you cannot change the PATRIOT Act. There are good things in this bill, things we need, which is true, but you have got to take it or leave it, because your 3-month extension I will not allow to go through. We will blackmail this House. If you do not pass the bill as is today, if it expires, there will be blood on your hands, because he and his side of the aisle will not allow a 3-month extension. Well, if there is fault, if there is real danger by not extending the PATRIOT Act, it is on that side of the aisle by refusing a 3-month extension so that we can get it right.

This country should not be subjected to that kind of blackmail. The Senate has real questions. Many liberals, many conservatives, have real questions about this bill. It should be worked out, and if it takes an additional 3 months, let it be. But we, this House, should not be told, take it or leave it, because if you do not take it the way it is, we will not permit a 3-month extension; there will be dangers to the Republic. Without a 3-month extension, there will be blood on your hands.

That is not the way to legislate. That is not proper procedure. That is not respectful of the Constitution. It is not respectful of the people of this country. It is not respectful of the Members of this House.

Mr. CONYERS. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I rise in opposition to this conference report which would reauthorize the PATRIOT Act by making permanent the expansions of Federal police powers that were temporarily put into the original bill and sunsetted in that bill.

I am unmoved by the argument that we can have faith that, in the future, that there will be proper oversight because there has been proper oversight so far in determining whether or not the new police powers that were put in the original PATRIOT Act were abused. Long after Mr. SENSENBRENNER and myself and others are gone from here, these powers will remain, and Congress may not have that proper oversight.

Let me note that the people in the pro-life movement should take note of what is happening here because the expanded police powers of the Federal Government will be used against them. Our second amendment friends already understand that. Proposition 187, the anti-illegal immigration group in California, the FBI went after them in the last administration.

When you expand the police powers of the Federal Government, no matter how much oversight we might have today and say that power is not being abused, we have opened the door to abuse. That is not what our Founding Fathers had in mind. Our Founding Fathers said, only temporarily increase those powers in an emergency. Otherwise, deny those powers to the Federal Government.

Mr. CONYERS. Madam Speaker, I am delighted to yield 1 minute to our leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding, and thank you, Mr. CONYERS, our ranking member on the Judiciary Committee, for being such an outstanding leader in protecting our civil liberties and also the national security of our country. I also extend that to the Democrats on the committee.

First, let us be clear about what we are voting on today, Madam Speaker. We are not voting for the reauthorization of the PATRIOT Act in general. More than 90 percent of the PATRIOT Act is permanent law and includes many noncontroversial provisions that give law enforcement the tools they need. What is before us on the floor today is the extension of certain provisions which are controversial and have the potential for abuse.

Madam Speaker, all of us support providing law enforcement officers with the tools they need to combat terrorism. In doing so, we must also preserve the balance between security and civil liberties and to recognize that not all of the tools law enforcement officers want are tools that they legitimately need.

I cannot support the PATRIOT Act extension conference report because it does not secure the right balance between security and liberty. Our Founding Fathers knew well the importance of the balance between security and liberty. They led a revolution to secure liberty against an arbitrary power. They knew that you cannot have security without liberty and liberty without security in a democracy.

As we consider this conference report, I ask every Member of Congress, indeed, every American, do you know if a National Security Letter has been issued about you, a letter to your phone company, your Internet provider, your bank, for wholesale collection of records that may include your personal information? This letter does not even have to specify that the specific records sought are connected to terrorism, and the recipients, you do not know if such a letter has been issued. You cannot know. You will never know.

This is the same for every American, and any information, including your most sensitive personal data, along with that of thousands of American citizens gathered by these National Security Letter requests, will be held in perpetuity by law enforcement.

The recipients, the bank, the phone company, the Internet provider, are not allowed to tell anyone they have received this letter about you. These are searches without any warrant and without any judicial supervision.

Just think of it: You do not know, the recipient of the letter who is in possession of your information cannot tell you. You do not know, so you cannot challenge it, and the letter can be sent without demonstrating any relationship between the specific records sought and a connection to terrorism. This is a massive invasion of the privacy of the American people.

This is not just some idle threat. The Washington Post reported last month that the FBI hands out more than 30,000 National Security Letters per year, a reported hundredfold increase over historic norms.

How did this happen? When originally enacted, the PATRIOT Act was intended to be accompanied by Congressional oversight so that the implementation did not violate our civil liberties. Unfortunately, the Bush administration and the Republican Congress have been delinquent in the oversight of the PATRIOT Act. As we have seen with this massive and unprecedented scope of National Security Letters, the implications of the Republican failure of oversight are glaring and have a direct impact on every American. It is long past time for Congress to have real oversight.

This conference has missed an opportunity to address the revelation of the widespread use of National Security Letters. We must have standards that clarify that there must be a connection to terrorism or to a suspected spy.

Section 505 that covers the National Security Letters must now include a sunset. That is why I strongly support the request of Mr. CONYERS for a 3-month extension so that conferees can reconvene, adopt the Senate bill, fix the National Security Letters and get it right. Our democracy requires no less.

Another part of this legislation that requires the government to show some connection between the records sought is under the library provision and an individual suspected of being a terrorist or spy. Such a standard is needed to assure that fishing expeditions do not take place. Yet this standard is missing from the Republican conference report.

The list of failures goes on. That is why I think it is important that we support the motion to recommit to adopt the Senate bill. If not that, then to follow Mr. CONYERS' lead and take 3 months to do this right. Nothing less is at stake than the privacy, the civil liberties, really the essence of our democracy.

We must always remember as we protect and defend the American people, we must honor the oath of office we take here when we are sworn in to protect and defend the Constitution and the civil liberties that it contains. We have an obligation to do that for the American people.

Mr. CONYERS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I thank Leader PELOSI for her very succinct and moving comments.

At the close of this debate, I will offer a motion to recommit the conference report with instructions to recede to the Senate bill in its entirety. Not that the Senate bill is perfect, but it does a far better job at protecting civil liberties than the conference report by requiring that the documents and things collected through section 215 have some connection to a suspected terrorist and providing meaningful judicial review of uses of that authority.

What is wrong with that? The conference report makes sensitive and personal records even easier to get by making every innocent connection with a suspected terrorist presumptively relevant to a terrorist investigation.

Now, the Senate bill also lacks a number of controversial and wholly unrelated provisions tacked on to the end of this bill. It does not have a lot of Christmas tree in it. Some 143 of the 216 pages of this bill have absolutely nothing to do with the PATRIOT Act.

The chairman repeatedly admonished committee Democrats that we were not permitted to consider matters falling outside of the 16 expiring provisions of the PATRIOT Act, but on the floor and in conference, this bill became a Christmas tree for random drug laws, Presidential succession amendments and Federal employee benefit changes.

Some have argued that we must pass this bill now because it is the end of the session and it is so urgent. The House Republican leadership waited 3 months to appoint conferees. Where was the urgency then?

The PATRIOT Act does not need to expire if this bill fails in the House or the Senate, which it should. My bill, H.R. 4506, extends the PATRIOT Act for 3 months so that conferees may go back and make a truly bipartisan and bicameral bill.

Sunsets were a small step in the right direction but do not address the underlying problems. They are not a solution for bad law. We should instead be fixing the problems of the PATRIOT Act. Sunsets will be of no relief to those who will have their constitutional rights violated in the next 4 years and should prevent no one from voting against this bill and in favor of the motion.

This measure before us, this conference report, is neither bipartisan nor bicameral. In fact, not a single Democrat in the House or in the other body would sign it. No one on this side has signed the conference report. It is the conservative House bill with window dressing.

We should not let in the government sneak-and-peek provision for at least 30 days. The Senate bill and Federal courts allow a 7-day delay unless good cause is shown. And listen to these non-PATRIOT add-ons; it is a virtual Christmas tree: It alters the Presidential line of succession, criminalizes peaceful protest behavior, changes employment qualifications and benefits for Federal employees and expands the death penalty for non-terror related offenses.

The Senate sticks to the real issues, so join me in a motion to recommit the conference report with instructions to recede to the Senate bill in its entirety.

☐ 1330

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, the gentleman from Michigan has said that he wants us to recede to the Senate, and that means that the Senate bill goes to the President as passed by that body. That means that there will be no provisions relative to control of methamphetamine. There will be no provisions relating to airline security or port security or mass transit security. The Inspector General's audits that are contained in the conference report will not go to the President, and the minimization procedures to get rid of extraneous material that might come into the presence of the government will also not be in the bill that goes to the President.

Listening to the litany that has come from the gentleman from Michigan and folks on the other side of the aisle, you would think that Halloween is tomorrow, because there is an attempt to scare the American public. The PATRIOT Act had nothing to do with the detention of immigrants, indefinite intentions, invasion of habeas corpus, writs of assistance and warrantless wiretaps. The Brandon Mayfield case which has been cited by others on the other side of the aisle was relating not to the PATRIOT Act but a mistake in fingerprint identification.

If we accept their argument, we ought to abolish the FBI fingerprint lab. That is irresponsible, as are most of their arguments. Vote down the motion to recommit. Keep the good parts in the bill. Pass a good bill, and let's make the American people safer.

Mr. FARR. Madam Speaker, I rise in strong opposition to the PATRIOT Act Conference Report.

Due to concerns about civil liberties infringement, I voted against the original PATRIOT Act in 2001 and the House PATRIOT Act Reauthorization Bill earlier this summer.

The democratic fabric of this country was founded on checks and balances but the PATRIOT Act contains neither. In 1775, one of our Nation's true patriots, Benjamin Franklin, said "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

This legislation tramples on the essential liberties that our Founding Fathers wanted to ensure. They understood that lowering our civil liberties standards would not ensure safety; but it would undermine the relationship of this proud democracy with its citizens.

I believe that the Founders of this country would be rolling in their graves to hear the claims this Administration and Republican Leadership make in the name of safety from terrorists.

Do you really feel safer knowing that the government is allowed to investigate personal records without you knowing? Do you feel safer knowing that the government can issue blank wire tap orders without identifying the line, place or person it wishes to investigate? Do you really feel safer knowing that if you or your neighbor were accused that documents used against you would not be subject to judicial review? Do you really feel safer that your library records can be considered intelligence in an investigative report?

I can not with a clean conscience support this bill which gives government unnecessary access to the lives of innocent Americans and tramples on their civil rights.

Madam Speaker, I urge a "no" vote on this piece of legislation that flies in the face of our forefathers.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to address the many troubling issues associated with the reauthorization of the Patriot Act. Following the 9/11 terrorist attacks, this Congress was faced with the difficult task of revamping our intelligence system. However, the PATRIOT Act is flawed with over-reaching provisions that lack the safeguards to prevent abuse.

Americans deserve a bill that successfully prevents attacks against our country, while protecting our Constitutional rights. We must address the authority this bill gives, and how it may negatively impact Americans.

Most of the provisions within the PATRIOT Act are positive measures that successfully protect American citizens. However, we cannot ignore the provisions that create serious privacy and civil liberty abuses. These include:

Permitting large-scale investigation of Americans for "intelligence purposes."

Having minimal judicial supervision on wiretaps.

Allowing the indefinite detention of non-deportable aliens, even if they are not terrorist suspects.

The power to conduct secret searches without having to notify the target of the search.

And the ability to designate domestic groups as terrorist organizations.

America was built on the notion of strong protection for our privacy and civil liberties. Now is the time to protect our citizens from terrorism while putting forth meaningful reforms.

Mr. MARKEY. Madam Speaker, I rise in strong opposition to the conference report on the USA PATRIOT reauthorization Act.

As a member of the Homeland Security Committee since its creation almost 3 years ago, I understand the importance of providing our Nation's counter-terror and law enforcement officers with the capabilities to act aggressively to detect and deter terrorist attacks. As Co-Chairman of the Congressional Privacy Caucus, I remain concerned about government encroachments into the private lives of innocent Americans, which can undermine the principles of liberty, freedom of association and protection from unjust searches and seizures that have been embedded in our Constitution and culture.

Clearly, the interests of security and privacy must be balanced. Unfortunately, this conference report does not strike the appropriate balance, and I cannot support it.

The conference report fails to include essential privacy protections that had been included in the Senate version of this legislation. Specifically, the Senate-passed bill contained key safeguards not included in the conference report regarding the PATRIOT Act's use of so-called "National Security Letters" and "business and library records".

Madam Speaker, as you know, National Security Letters are, in effect, a form of secret administrative subpoena. They are issued by Federal authorities, most often the FBI, without any court supervision, and recipients are prohibited from telling anyone that they have been served. These letters represent a counter-terror tool that must be carefully and judiciously used, provided their secretive nature outside the traditional judicial process. Unlike the Senate-passed bill, however, the conference report does not provide meaningful judicial review of a National Security Letter's gag order. The conference report requires a court to accept as conclusive the government's assertion that a gag order should not be lifted, unless the court determines the government is acting in bad faith. Despite strong opposition to this provision, House Republicans refused to strip it out of the conference report. House Republicans also refused, as an alternative, to impose a sunset on National Security Letter authorities. Such a sunset provision would have ensured closer oversight of, and public accountability for, the use of National Security Letters.

The conference report eliminated key protections in the Senate-passed bill regarding the "business and library records" provisions. Under the conference report, the government can compel the production of business and library records merely upon the showing that the records are "relevant" to a terrorism investigation. By contrast, the Senate-passed bill required the government to show that the records have some connection to a suspected terrorist or spy. This is a commonsense protection that would not restrict government capabilities, but would prevent government overreaching and fishing expeditions.

The House-Senate conference committee had an opportunity to adjust the PATRIOT Act's expiring provisions to protect the rights and liberties of all Americans more effectively. Regrettably, this opportunity was lost and the conference report we are considering today does not contain key privacy protections that had been included in the Senate-passed bill.

I urge my colleagues to vote "no" on this conference report and support the Democratic substitute offered by Ranking Member CONYERS, which strikes the proper balance between security and privacy.

Mr. LEVIN. Madam Speaker, there is no question that Congress must give law enforcement the tools it needs to prevent terrorist attacks against the American people. When the Congress approved the PATRIOT Act 4 years ago, we recognized that the serious nature of the threat required giving law enforcement broad new powers to help prevent it. There is also no question that the House and Senate should not allow the PATRIOT Act to expire on December 31. Indeed, nearly all of the 166 provisions of the PATRIOT Act are already the permanent law of the land.

Four years ago, the Bush administration and the Leadership of the House rushed the original PATRIOT Act through the House without full debate or the chance to make improvements to the bill. There is no need to rush an imperfect bill through the House today simply to accommodate a 6-week holiday recess.

While the conference report makes a number of improvements to the measure the House approved last summer, further improvement is needed. In particular, I am disappointed that the bill before us does not include language to change how first-responder grants are allocated. We need to make the formula risk-based. Just last week, the bipartisan members of the former 9/11 Commission awarded Congress and the Bush administration a grade of F for our failure to distribute homeland security funds on the basis of risk. The 9/11 Commission made this recommendation 17 months ago. How can we continue to justify a first responder grant formula that awards Wyoming $37.94 per capita while Michigan—a key border State—receives just $7.87 per capita? If we're not going to fix this problem now, then when will we make this change?

In a number of other areas, the Senate-passed version of the bill included key safeguards that were removed from the conference report. In particular, the Senate bill contained important protections relating to the business and library records provisions of the Act that have been so controversial with our constituents. The Senate-passed bill required the government to show that the records sought by the government have some connection to a suspected terrorist or spy. The standard contained in the conference report is much weaker. It would allow the government to compel the production of business or library records merely by showing that the records are "relevant" to a terrorism investigation.

In addition, unlike the Senate-passed bill, the conference report fails to protect the records of innocent Americans collected by means of National Security Letters. The FBI now issues more than 30,000 national security letters a year to obtain consumer records from communications companies, financial institutions, and other companies. These National Security Letters are issued without the approval of a judge and permanently bar recipients from telling anyone besides their lawyer that they have been served. Unlike the Senate-passed bill, the conference report does not provide for meaningful judicial review of the National Security Letter nondisclosure requirement. Under the bill before the House, the records collected under National Security Letters can be kept forever and even used for data-mining. We need better privacy safeguards in this area.

I will vote against passage of this legislation today because I am convinced that we can write a better bill that safeguards both our vital security interests and basic American liberties. To that end, I have cosponsored legislation that calls for a three-month extension of the current PATRIOT Act to give Congress additional time to perfect this legislation. We should take the time we need to do the job right.

Mr. STARK. Madam Speaker, I rise in strong opposition to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act conference report. I would be violating my Oath to uphold the Constitution if I voted to unravel the very freedoms for which we're supposedly fighting.

The PATRIOT Act criminalizes speech, protest and assembly while it removes the right to due process and a search warrant. For example, the formerly bedrock principle that government cannot spy on you unless it provides strong evidence of wrongdoing to a judge no longer exists in America. As a "compromise" in this bill, Americans can now talk to a lawyer when the FBI sends them a National Security Letter. These letters demand their medical, business or Internet records, and it is nearly impossible to get the request blocked.

Madam Speaker, there is no room for compromise in the Bill of Rights. If the FBI wants to know what Web sites I visit, they should justify it to a judge beforehand just like anyone else. With 30,000 of these National Security Letters going out every year, up from 300 before the PATRIOT Act was enacted, this is much more than just an academic argument.

While no amount of success in the war on terror could justify the PATRIOT Act, it is especially tragic that we have little to show for 5 years of police-state tactics. The American people might be surprised to know that the median sentence for people convicted in terrorist investigations over the last 5 years was just 11 months. Most were convicted on technicalities having nothing to do with the PATRIOT Act. In other words, the war on terrorism is just an irrelevant excuse for the expanded power of government to find out what books you buy, send undercover agents to your community group meetings, or search your home without a warrant.

The PATRIOT Act is a war on liberty to create a false sense of security. I urge my colleagues to join me in rejecting this underhanded ploy.

Mr. CASE. Madam Speaker, as an original cosponsor of H.R. 3899, the Combat Methamphetamine Epidemic Act, and as a committed member of the Congressional Caucus to Fight and Control Methamphetamine, I rise in support of its passage, as Title VII in H.R. 3199, the USA PATRIOT Improvement and Reauthorization Act of 2005.

I would like to thank Congressman MARK SOUDER, the chief sponsor of H.R. 3889, for his leadership in addressing our methamphetamine epidemic. Last year, Congressman SOUDER visited my district in order to fully understand first-hand the unique challenges we in Hawaii face, to hear of our efforts to keep drugs out of our homes and communities, and to see our successes in our fight against the scourge of crystal methamphetamine, ice. And he just returned to address the 2nd Annual National Methamphetamine Legislative and Policy Conference of the National Alliance for Model State Drug Laws, Congressman SOUDER has not just talked, but acted.

We in Hawaii share many of the same concerns as others in our Nation in regard to the need to support drug control, education, prevention, and treatment efforts. However, our geographic isolation, not only from the contiguous United States but also from our neighbor islands to the island of Oahu, must be taken into account as we work to end the scourge of crystal methamphetamine.

General drug abuse, of course, has plagued many of our communities for decades. To target what is needed to prevent this abuse now and in the future, we must first understand what causes it and then focus our efforts on overcoming those causes. And uniquely, it is up to our Federal Government to take the lead on the issue as it is the only entity with the resources and ability to coordinate the indispensable multi-pronged approach to stamping out drug abuse.

Title VII of H.R. 3199 is essential in our efforts to address methamphetamine trafficking, both in the United States and abroad. It would classify pseudoephedrine, ephedrine, and phenylpropanolamine, the major methamphetamine precursor chemicals, as "Scheduled Listed Chemicals." It would repeal the federal "blister pack exemption" that currently allows unlimited sales of pseudoephedrine pills. The bill would also require information sharing from importers on the "chain of custody" from foreign manufacturer to U.S. shores of methamphetamine precursor chemicals. Title VII would also strengthen Federal penalties against traffickers and smugglers.

I look forward to continuing to work with my colleagues on both sides of the aisle on initiatives to provide the federal resources and support we need in our fight against methamphetamine.

Mahalo, thank you, for this opportunity to express support for Title VII of H.R. 3199.

Mr. BLUMENAUER. Madam Speaker, with the PATRIOT Act set to expire at the end of the year, Congress has once again missed an opportunity to narrow and tighten the legislation.I opposed the original PATRIOT Act, as it was rushed into law in the wake of 9/11, and I strongly oppose the current conference report. The conference report tries to appease both sides of the debate by extending sunsets on the two most controversial provisions, library records and "roving" wiretaps, while making 14 of the existing 16 provisions permanent thus limiting Congress' ability to exercise checks and balances. This is a step backwards.

But for the existing sunset provisions, we would not have been exercising our oversight function for this sensitive area.

It puts the administration on too long of a leash and does not force Congress to review and modify the act as needed. We can keep America safe without compromising our civil liberties.

Ms. HARMAN. Madam Speaker, this vote on the PATRIOT Act reauthorization is tough; it is far from being the best bill it could be. But I will vote for it and want to explain why.

Imagine a world in which terrorists make deals and connect with recruits on-line, in cabs, hotel lobbies or cafes all over the world. Communication is highly compartmentalized so few, if any, know what the big plans are. Sometimes, physical runners deliver messages to evade listening devices.

Such a world is not the stuff of Hollywood movies. It is our 21st century world.

The horrific events of September 11, and the more recent bombings in Bali, Britain, Jordan, Madrid, Morocco, Saudi Arabia and Turkey remind us that the terrorists are prepared to strike anywhere, at any time—and with maximum destructive force.

With this as a backdrop, it has been and remains my view that the PATRIOT Act tools are needed: to track communications by email and internet, including the use of internet sites in libraries; and to prevent and disrupt plots against us.

Such powerful tools must be narrowly tailored to ensure that they do not violate the rights of innocent Americans. In reauthorizing the PATRIOT Act, Congress had an opportunity to refine the law, but this conference report reflects only modest improvements.

Many of us in both bodies worked hard to make this conference report better. In the end, we asked for three things of critical importance.

First, four-year sunsets on the most controversial provisions—Section 215 orders; Section 206 roving wiretaps, and the Lone Wolf provision. This request was accepted.

Second, dropping the 1-year criminal penalty on divulging that a National Security Letter has been received, even in a case where there is no intent to obstruct justice. This request was also accepted.

Third, modifying the "conclusive" presumption that disclosure of an NSL would harm national security. The legislation properly establishes that recipients of NSLs have the ability to consult an attorney and challenge an NSL in a Federal court. But the "conclusive" presumption language makes it virtually impossible to challenge the "gag" order on recipients of NSLs. This is an important flaw in the bill and, sadly, our requested change was not accepted.

To remedy this, several of us will introduce legislation to replace the "conclusive" presumption language with a "rebuttable" presumption, and to incorporate critical checks and balances on the "front end" of the NSL process. Such changes will help ensure NSLs cannot be used as a "back door" for getting library circulation, medical, tax, educational or other sensitive records, and will help protect against other abuses. This legislation will also ensure Congress is finally provided with meaningful, detailed reports on NSLs, which are critical to effective oversight.

Another flaw in the report is Section 215, commonly called the Library provision, which allows the government to gather a wide range of business materials, including library, medical and tax records. This section is tightened by requiring that the records must be "relevant" to a terrorism investigation. But the conference report should have explicitly required that the records be connected to a foreign power, or an agent of a foreign power—the traditional FISA standard.

My refusal to sign the conference report was to protest the way the Conference was managed. Instead of taking a few additional days to craft a strong bipartisan report that strikes the best balance, the majority rushed to file this flawed report. That is why I have co-sponsored HR 4506, to provide a 3-month extension of the PATRIOT Act to give the conferees additional time to bring to the floor a more carefully tailored bill with strong bipartisan support. But the majority insists we proceed today.

My view of the PATRIOT Act is we need to mend it, not end it. Today we are mending it. Hopefully, soon, we will mend it further.

Mr. HOLT. Mr. Speaker, I rise today in strong opposition to this conference report on the PATRIOT Act. Simply stated, Mr. Speaker, passing this conference report today will institutionalize an abridgment of the Bill of Rights.

Like all of my colleagues, I support common sense measures that will help our law enforcement and intelligence organizations protect the American people. For example, I support the provisions of the PATRIOT Act that permit surveillance or physical searches in foreign intelligence investigations where the "significant" purpose of the action is to collect intelligence. I also favor the provisions that allow the sharing of foreign intelligence information with federal law enforcement agencies, or with intelligence, protective, immigration, or military personnel for their official use. These are useful and necessary provisions that have clearly benefited our intelligence and law enforcement counterterrorism efforts without endangering the civil liberties of Americans. However, the conference report before us today contains too many provisions and excludes too many others, making it impossible for me to support it in its current form.

When this bill was on the House floor in July, I expressed grave concern about several provisions, including Section 213, which allows the so called "sneak and peek" searches in anyone's home, as well as Section 215, which allows investigators broad access to any record without probable cause of a crime. This bill has not improved with age.

If passed, this bill would, among other things:

Allow the "sneak and peak" searches to go on with no meaningful judicial review for at least 4 more years.

Allow the government to spy on your library book checkout habits and possibly your conversations with your attorney for at least 4 more years.

Allow secret eavesdropping and secret search orders that do not name a target or a location for at least 4 more years.

This bill effectively guts the Fourth Amendment. Let me repeat that. This bill guts the Fourth Amendment.

How can any American feel "secure in their persons, houses, papers, and effects, against unreasonable searches" if the Department of Justice can send agents into one's home without notice, either before or after the fact? True, this new version of the Act provides for a 90-day maximum for notification of a subject that her or his dwelling or business has been searched, but it is weak protection that in effect allows the fact of a search to be concealed from the subject indefinitely.

How can any American feel "secure in their persons, houses, papers, and effects, against unreasonable searches" if the government can demand access to privileged information, potentially including conversations between a citizen and his or her lawyer?

How can any American feel "secure in their persons, houses, papers, and effects, against unreasonable searches" if the government is allowed to eavesdrop on a telephone conversation or secretly search a home or business and, in effect, fill in the names and locations on the search order later?

The search powers that would be reauthorized for federal law enforcement are too sweeping and will receive too little oversight if this bill passes in its current form, and that is unacceptable, Mr. Speaker.

Finally, this bill is significant for what it does not do: it fails to restructure the homeland security grant formula to a risk-based model.

There is simply no excuse for a State like New Jersey to get a smaller percentage of homeland security grants than States that clearly are not at the same level of risk of being attacked. Homeland Security grant money should be distributed based on risk, not on politics. The House strongly supported changing the distribution formula so that States, like New Jersey, that face greater risk of terrorist attacks or other catastrophic events would get a greater share of the grant money, a viewed shared by Secretary Chertoff. Further, the members of the 9/11 Commission recently reiterated their support for a change in the formula and said, "it should be obvious that our defenses should be strongest were the enemy intends to strike—and where we are most vulnerable."

Failing to distribute these vital homeland security grants according to risk is like sending hurricane preparedness funds to North Dakota. They may be well-received, but sending them to a low-risk area comes at a price to parts of the country that need it more.

The FBI and Department of Homeland Security have repeatedly warned of the threat to transportation and economic infrastructure targets in New Jersey, and we know from published press reports that Al Qaeda operatives have conducted surveillance activities against economic and other targets in New Jersey. Under this bill, New Jersey will not receive the Federal support it needs to harden these targets or full range of tools that our police and other first responders would require to respond should another 9/11-style attack occur. The conferees had a chance to correct this glaring weakness but they failed to do so, and if for no other reason, I urge my colleagues to vote no on this conference report.

As President Woodrow Wilson said almost 100 years ago, "liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is the history of resistance. The history of liberty is a history of limitations of government power, not the increase of it." Today, we have made the mistake of ignoring history and increased the government's power at the expense of our citizen's liberty. This is a grave error, and it is why I will vote against reauthorization of the PATRIOT Act.

Mr. SMITH of Texas. Madam Speaker, I support this PATRIOT Act conference report, and appreciate the time and effort Chairman SENSENBRENNER has put into bringing it to the floor.

We know Americans will continue to be a terrorist target as long as we stand for freedom and democracy. That lesson was learned on September 11, 2001.

We must do everything legally possible to protect Americans from attack. This conference report helps law enforcement officials prevent, investigate, and prosecute acts of terror.

The original PATRIOT Act was a long overdue measure that enhanced our ability to gather crucial intelligence information on the global terrorist network. It passed by a margin of 98–1 in the Senate and 357–66 in the House.

But certain provisions of the PATRIOT Act expire at the end of this year. This conference report renews many of those provisions and improves on the original legislation.

It makes permanent the ability of law enforcement officials and intelligence officials to communicate about on-going investigations. It also makes permanent provisions that allow the government to do its job by obtaining warrants and gathering information during terrorism investigations.

America is a safer country today than before September 11, 2001, because of the PATRIOT Act.

Over 200 people in the United States have been charged with crimes tied to international terrorist investigations and have been convicted or have pled guilty because of the PATRIOT Act.

Law enforcement and intelligence agencies must continue to have the powers they need to protect all Americans.

I urge my colleagues to support this conference report.

Also, I am placing in the RECORD an op-ed that appeared in the Washington Times on December 13, titled "Preserving the PATRIOT Act."

PRESERVING THE PATRIOT ACT

(By Frank J. Gaffney, Jr.)

The proverbial rubber is about to meet the road. This week, the U.S. Congress will determine if the U.S.A. Patriot Act—the most important domestic security legislation since September 11, 2001—will be re-enacted in slightly weakened form or allowed to lapse in a number of its key provisions.

Since the consequences of the latter would be manifestly detrimental to the War for the Free World, legislators opposed to the Act have offered to extend it for a short period—a gambit they hope will allow them to dumb it down still further. But make no mistake: Additional delay and more negotiations will not improve either the bill or the national security. To the contrary, they likely would jeopardize both.

That would be particularly true if the Patriot Act's most vociferous critics on the Left and their less numerous (and most unlikely) bedfellows on the Right get their way. They tend to characterize the Act as an assault on the basic freedoms enshrined in the Bill of Rights and have sought far-reaching changes in the tools it provides law enforcement to detect and prevent terrorist plots inside the United States.

In reality, the Patriot Act is an eminently sensible overhaul of the government's antiquated counterterror arsenal, an overhaul that reflects the realization we cannot hope to fight a 21st-century war using 20th-century legal instruments.

Consider two elements critics have most insistently demanded be repealed: (1) the socalled "library records" provision (Section 215) and (2) the authorization of what have been derided as "sneak-and-peek" search warrants (Sec. 213).

The dust-up over government access to library information is truly a manufactured controversy. For one thing, libraries are not mentioned anywhere in the pertinent Patriot Act provision. Moreover, law enforcement has been authorized for decades in ordinary criminal cases to subpoena library records (along with any other business records). This has not had any noticeable effect on Americans' reading habits.

The Patriot Act only made business records (including those of libraries) available on roughly the same terms in national security cases as they have long been in criminal cases.

The reason should be obvious: It makes no sense to enshrine libraries as safe havens for terrorist planning.

In fact, as we now know, many of the September 11 hijackers used American and European libraries to prepare the run-up to the attacks. Relevant literature, including bomb manuals and jihadist materials, have been staples of terrorism prosecutions for more than a decade. Privacy extremists of organizations like the American Civil Liberties Union (ACLU) nevertheless have reacted to the Patriot Act's much-needed business records law as if the Gestapo had seized office in the United States.

Similarly, the PATRIOT Act did not—as its critics would have us believe—create new and unsavory "sneak-and-peek" warrants. It does, however, allow agents to search premises but delay notification of the search to subjects of a terrorism investigation.

The PATRIOT Act's notification provision is no different in principle from the legal notice previously required to persons intercepted in a court-ordered wiretap. In such situations, notification of the target has routinely been delayed for weeks or months after the eavesdropping ends.

Doing so can be absolutely critical to the arrest and prosecution of suspected perpetrators: Delayed notification allows the government to complete its investigation without giving the subjects a heads-up that would certainly cause them to flee or destroy evidence.

The PATRIOT Act, in the so-called "sneak-and-peek" arena, established consistent standards federal courts must follow in determining whether to permit delayed notification. Previously, a hodgepodge of different rules were applied in various jurisdictions. This is precisely the sort of fairness and equal protection Congress should provide—yet, it has been criticized sharply for doing so in the PATRIOT Act.

On both the business records and delayed notification sections of the PATRIOT Act (among others), the stance of the American Civil Liberties Union and like-minded critics seems to have an ulterior motive. They not only oppose such legislation in the PATRIOT Act. They appear intent on reopening settled case law on use of these authorities on crimes unrelated to terror.

Congress should not encourage, let alone facilitate, such efforts by holding open the PATRIOT Act for further revision and adulteration. The original PATRIOT Act as a whole infringed only modestly on our civil liberties and did not meaningfully intrude on the privacy rights of law-abiding Americans. We need to keep in mind, moreover, that if its precautions fail to prevent some future terrorist attack, we are likely to see impassioned demands for greater security measures at the expense of our freedoms. Since few, if any of us relish that prospect, we need to ensure the PATRIOT Act retains its core provisions and authorities—and remains an effective tool for securing the home front in the War for the Free World.

Mrs. MALONEY. Madam Speaker, I rise in opposition to the conference report to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Unfortunately, this bill does not do enough to protect the civil liberties of innocent Americans. Clearly, preventing another terrorist attack should be our highest priority. However, it should not be done at the expense of the basic rights guaranteed by the Constitution, and that is what I fear we are doing today.

Like the version of this legislation I voted against in July, this conference report would make permanent 14 of 16 provisions included in the original PATRIOT Act passed in 2001. I continue to have serious concerns about how this administration and future administrations could apply the provisions included in this bill. I simply do not believe that this body should relinquish its oversight duties. Many of these provisions should still have sunset clauses, and Congress should not be abrogating its responsibilities to review how these laws are being implemented.

By agreeing to this conference report today, the House will effectively give up its oversight over sneak-and-peek searches, secret search orders, and surveillance authority provided by this bill given how little oversight we have had on these issues. Our constituents expect more from us. Why are oversight and an independent review so opposed?

While I applaud the efforts of the conferees to reduce the extension of two key provisions relating to roving wiretaps, which allows taps on multiple phones and computers of a suspect, and business and library records from 10 years to 4 years, this legislation is woefully inadequate. My constituents are concerned that the government is watching them just because they are visiting their local library or bookstore. Under the PATRIOT Act, these records could be obtained with insufficient oversight by the courts or any independent review. Law enforcement should spend its time going after the terrorists, not using valuable resources reviewing the library records of innocent people. Unless we have an independent review, I know that I will not be satisfied that our rights are being protected.

To make matters even worse, there are entirely new provisions in the conference report to expand the Secret Service's ability to restrict free speech by creating "exclusion zones." These provisions were included in neither the House nor the Senate version of this bill. I would think that this expansion of the Secret Service's authority at the very least deserves serious consideration by this body, and should not be slipped in at the last minute without any hearings or markups.

My constituents have legitimate concerns about the lack of independent, judicial oversight over the provisions included in the PATRIOT Act. We all want terrorists to be apprehended before they commit horrific acts of violence against innocent people. All we are asking is that we prevent unnecessary civil rights violations by ensuring that the administration is not abusing its powers. But this new provision is just the most glaring example of the lack of diligence that this Congress appears to have on protecting our rights.

I am incredibly disappointed that throughout the entire debate on this legislation, the leadership of this House has refused even to discuss the topic of civil liberties, the very issue that makes this legislation so divisive. When the House debated this bill in July, the Rules Committee denied a bipartisan effort to debate an amendment offered by Representatives Christopher Shays, Tom Udall and myself that would have made the Privacy and Civil Liberties Board, created by the Intelligence Reform and Terrorism Prevention Act, more robust. This board would have been in line with what the 9/11 Commission envisioned when they issued their report. Today, 3 days before the 1 year anniversary of the signing of the Intelligence Reform and Terrorism Prevention Act, the Privacy and Civil Liberties Board has yet to hold its first meeting and the 9/11 Commission has given Congress and the President a D for our work implementing this board. It appears to me that Congress and the President refuses to even have a discussion about our civil liberties and are opposed to implementing commonsense protections. This bill is just another example of that.

I urge my colleagues to vote against this conference report.

Ms. JACKSON-LEE of Texas. Madam Speaker, I join my many colleagues, many victims of terrorism, and many victims of racial and religious profiling in opposing this legislation, H.R. 3199, for several reasons. First, we never have been given the facts necessary to fully evaluate the operation of the underlying bill, the USA PATRIOT Act. Second, there are numerous provisions in both the expiring and other sections of the PATRIOT Act that have little to do with combating terrorism, intrude on our privacy and civil liberties, and have been subject to repeated abuse and misuse by the Justice Department. Third, the legislation does nothing to address the many unilateral civil rights and civil liberties abuses by the administration since the September 11 attacks. Finally, the bill does not provide law enforcement with any additional real and meaningful tools necessary to help our Nation prevail in the war against terrorism. Since 2002, 389 communities and 7 States have passed resolutions opposing parts of the PATRIOT Act, representing over 62 million people. Additionally, numerous groups ranging the political spectrum have come forward to oppose certain sections of the PATRIOT Act and to demand that Congress conduct more oversight on its use, including the American Civil Liberties Union, American Conservative Union, American Immigration Lawyers Association, American Library Association, Center for Constitutional Rights, Center for Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, Lawyers' Committee for Civil Rights, National Association for the Advancement of Colored People—NAACP, National Association of Criminal Defense Lawyers, People for the American Way, and numerous groups concerned about immigrants' rights.

I sit as ranking Democrat on the Subcommittee on Immigration, Border Security, and Claims. Of particular concern to me are a number of immigration-related provisions that cast such a broad net to allow for the detention and deportation of people engaging in innocent associational activity and constitutionally protected speech and that permit the indefinite detention of immigrants and noncitizens who are not terrorists.

Among these troubling provisions are those that:

Authorize the Attorney General, AG, to arrest and detain noncitizens based on mere suspicion, and require that they remain in detention "irrespective of any relief they may be eligible for or granted." (In order to grant someone relief from deportation, an immigration judge must find that the person is not a terrorist, a criminal, or someone who has engaged in fraud or misrepresentation. When relief from deportation is granted, no person should be subject to continued detention based merely on the Attorney General's unproven suspicions.

Require the AG to bring charges against a person who has been arrested and detained as a "certified" terrorist suspect within 7 days, but the law does not require that those charges be based on terrorism-related offenses. As a result, an alien can be treated as a terrorist suspect despite being charged with only a minor immigration violation, and may never have his or her day in court to prove otherwise.

Make material support for groups that have not been officially designated as "terrorist organizations" a deportable offense. Under this law, people who make innocent donations to charitable organizations that are secretly tied to terrorist activities would be presumed guilty unless they can prove they are innocent. Restrictions on material support should be limited to those organizations that have officially been designated terrorist organizations.

Deny legal permanent residents readmission to the U.S. based solely on speech protected by the first amendment. The laws punish those who "endorse," "espouse," or "persuade others to support terrorist activity or terrorist organizations." Rather than prohibiting speech that incites violence or criminal activity, these new grounds of inadmissibility punish speech that "undermines the United States" efforts to reduce or eliminate terrorist activity." This language is unconstitutionally vague and overbroad, and will undeniably have a chilling effect on constitutionally protected speech.

Authorize the AG and the Secretary of State to designate domestic groups as terrorist organizations and block any noncitizen who belongs to them from entering the country. Under this provision, the mere payment of membership dues is a deportable offense. This vague and overly broad language constitutes guilt by association. Our laws should punish people who commit crimes, not punish people based on their beliefs or associations.

In addition, the current administration has taken some deeply troubling steps since September 11. Along with supporting the USA PATRIOT Act, it has initiated new policies and practices that negate fundamental due process protections and jeopardize basic civil liberties for noncitizens in the United States. These constitutionally dubious initiatives undermine our historical commitment to the fair treatment of every individual before the law and do not enhance our security. Issued without congressional consultation or approval, these new measures include regulations that increase secrecy, limit accountability, and erode important due process principles that set our Nation apart from other countries.

I cosponsored the Civil Liberties Restoration Act, CLRA, reintroduced from the 108th Congress by Representatives Howard Berman and William Delahunt, that seeks to roll back some of these egregious post-9/11 policies and to strike an appropriate balance between security needs and liberty interests. The CLRA would secure due process protections and civil liberties for noncitizens in the U.S., enhance the effectiveness of our Nation's enforcement activities, restore the confidence of immigrant communities in the fairness of our government, and facilitate our efforts at promoting human rights and democracy around the world.

While every step must be taken to protect the American public from further terrorist acts, our government must not trample on the Constitution in the process and on those basic rights and protections that make American democracy so unique.

My "safe havens" amendment that relates to the civil forfeiture provision of 18 U.S.C. 981 and would add a section that would allow civil plaintiffs to attach judgments to collect compensory damages for which a terrorist organization has been adjudged liable, fortunately, was included in the text of the conference report as section 127:

It is the sense of Congress that under section 981 of title 18, United States Code, victims of terrorists attacks should have access to the assets forfeited.

This language seeks to allow victims of terrorism who obtain civil judgment for damages caused in connection with the acts to attach foreign or domestic assets held by the United States Government under 18 U.S.C. 981(G). Section 981(G) calls for the forfeiture of all assets, foreign or domestic, of any individual, entity, or organization that has engaged in planning or perpetrating any act of domestic or international terrorism against the United States, citizens or residents of the United States.

The legislation, H.R. 3199, as drafted, fails to deal with the current limitation on the ability to enforce civil judgments by victims and family members of victims of terrorist offenses. There are several examples of how the current administration has sought to bar victims from satisfying judgments obtained against the government of Iran, for example.

In the Sobero case, a U.S. national was beheaded by Abu Sayyaf, an Al-Qaeda affiliate, leaving his children fatherless. The administration responded to this incident by sending 1,000 Special Forces officers to track down the perpetrators, and the eldest child of the victim was invited to the State of the Union Address. Abu Sayyaf's funds have been seized and are held by the U.S. Treasury at this time. The family of the victim should have access to those funds, at the very least, at the President's discretion.

Similarly, the administration barred the Iran hostages that were held from 1979 to 1981 from satisfying their judgment against Iran. In 2000, the party filed a suit against Iran under the terrorist state exception to the Foreign Sovereign Immunity Act. While a Federal district court held Iran to be liable, the U.S. Government intervened and argued that the case should be dismissed because Iran had not been designated a terrorist state at the time of the hostage incident and because of the Algiers Accords—that led to the release of the hostages, which required the U.S. to bar the adjudication of suits arising from that incident. As a result, those hostages received no compensation for their suffering.

Similarly, American servicemen who were harmed in a Libyan sponsored bombing of the La Belle disco in Germany were obstructed from obtaining justice for the terrorist acts they suffered. While victims of the attack pursued settlement of their claims against the Libyan government, the administration lifted sanctions against Libya without requiring as a condition the determination of all claims of American victims of terrorism. As a result of this action, Libya abandoned all talks with the claimants. Furthermore, because Libya was no longer considered a state sponsor of terrorism, the American service men and women and their families were left without recourse to obtain justice. The La Belle victims received no compensation for their suffering.

In addition, a group of American prisoners who were tortured in Iraq during the Persian Gulf war were barred from collecting their judgment from the Iraqi government. Although the 17 veterans won their case in the District Court of the District of Columbia, the administration argued that the Iraqi assets should remain frozen in a U.S. bank account to aid in the reconstruction of Iraq. Claiming that the judgment should be overturned, the administration deems that rebuilding Iraq is more important than recompensing the suffering of fighter pilots who, during their 12-year imprisonment, suffered beatings, burns, and threats of dismemberment.

Finally, the World Trade Center victims were barred from obtaining judgment against the Iraqi government. In their claim against the Iraqi government, the victims were awarded $64 million against Iraq in connection with the September 2001 attacks. However, they were rebuffed in their efforts to attach the vested Iraqi assets. While the judgment was sound, the Second Circuit Court of Appeals affirmed the lower court's finding that the Iraqi assets, now transferred to the U.S. Treasury, were protected by U.S. sovereign immunity and were unavailable for judicial attachment.

While the PATRIOT Act may not deserve all of the ridicule that is heaped against it, there is little doubt that the legislation has been repeatedly and seriously misused by the Justice Department. Consider the following:

It's been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having had nothing to do with terrorism.

It was used against Brandon Mayfield, an innocent Muslim American, to tap his phones, seize his property, copy his computer, spy on his children, and take his DNA, all without his knowledge.

It's been used to deny, on account of his political beliefs, the admission to the United States of a Swiss citizen and prominent Muslim scholar to teach at Notre Dame University.

Its been used to unconstitutionally coerce an internet service provider to divulge information about e-mail activity and web surfing on its system, and then to gag that provider from even disclosing the abuse to the public.

Because of gag restrictions, we will never know how many times its been used to obtain reading records from library and book stores, but we do know that libraries have been solicited by the Department of Justice—voluntarily or under threat of the PATRIOT Act—for reader information on more than 200 occasions since September 11.

It's been used to charge, detain and prosecute a Muslim student in Idaho for posting internet website links to objectionable materials, even though the same links were available on the U.S. Government's website.

Even worse than the PATRIOT Act has been the unilateral abuse of power by the administration. Since September 11, our government has detained and verbally and physically abused thousands of immigrants without time limit, for unknown and unspecified reasons, and targeted tens of thousands of Arab-Americans for intensive interrogations and immigration screenings. All this serves to accomplish is to alienate Muslim and Arab-Americans—the key groups to fighting terrorism in our own county—who see a Justice Department that has institutionalized racial and ethnic profiling, without the benefit of a single terrorism conviction.

Nor is it helpful when our government condones the torture of prisoners at home and abroad, authorizes the monitoring of mosques and religious sites without any indication of criminal activity, and detains scores of individuals as material witnesses because it does not have evidence to indict them. This makes our citizens less safe not more safe, and undermines our role as a beacon of democracy and freedom.

Right now, H.R. 3199 is the most appropriate and timely vehicle in which to address this issue and allow U.S. victims of terrorism to obtain justice from terrorist-supporting or terrorist-housing nations. Madam Speaker, I oppose this legislation and ask that my colleagues work to negotiate real fixes to the sunsetted provisions.

Mr. HYDE. Madam Speaker, I am very pleased with the conference report, H.R. 3199, to renew the PATRIOT Act. I want to thank and compliment all the conferees and the administration for bringing this about.

By renewing this measure, we are continuing to provide our law enforcement agencies and the administration with many of the critical tools needed to combat global terrorism and protect America. Provisions of the PATRIOT Act have already been instrumental in warding off further terrorist attacks since 9/11, and they are responsible for helping to keep us safe here at home.

In addition, the bill includes an added provision, which I authored, offering a new tool to attack the growing phenomenon of narco-terrorism, with the proceeds of illicit drug funding and financing feeding the Foreign Terrorist Organizations, FTOs, and supporting acts of terrorism. Passage of the PATRIOT Act conference report will enhance Federal criminal law to effectively address the current reality, according to the Drug Enforcement Administration, of illicit drugs being linked to nearly half of the designated FTOs around the globe today.

In this measure, my provision makes narcoterrorism, which involves both the illicit drug trade and support for terrorism, a Federal crime, and provides tough penalties that match the nature of such deadly and dual criminal activity.

Our hardworking Drug Enforcement Administration will no longer be challenged to produce evidence of a nexus of these illicit drugs to the United States, if there is proof that the illicit drugs support FTOs or acts of terrorism.

In Afghanistan, most of the heroin from illicit drug production goes to Europe, rather than here, and much of the profit then finances and supports anticoalition terrorists and attacks on our forces there. My provision will give us the tools to attack that drug-related support for terrorism and further protect America, our troops, and coalition forces on the ground in places like Afghanistan.

Madam Speaker, I urge my colleagues to support the passage of the PATRIOT Act conference report.

Ms. HART. Madam Speaker, I rise in Support of H.R. 3199, the PATRIOT Act reauthorization conference report.

This is a balanced reauthorization—protecting civil liberties and extending the necessary provisions to help us fight the war on terror here at home.

I want to thank Chairman SENSENBRENNER for including a number of provisions from H.R. 3007 Combating Terrorism Financing Act.

Funding is the lifeblood of terrorist organizations—if we are to prevent future attacks and continue to dismantle terrorist organizations we must deny them funding.

Terrorist analysts often note that it is fairly inexpensive to carry out a single act of terror—for example, it is estimated that the attack on the World Trade Center cost only $500,000.

Terrorist organizations need money not just to carry out such attacks; they also need funding to continue their operations such as recruiting and training new members and support their current members.

One of the most important lessons we have learned is exactly how terrorists and other criminal organizations transmit money through unregulated financial markets.

Like the patchwork of terrorist organizations and cells, terrorism funding does not come from a single source. Terrorist networks are funded through state sponsorship, charities and businesses fronting as legitimate institutions, and exploitation of markets and financial networks.

The tough terrorism financing language in the conference report will increase penalties for terrorism financing.

In addition, the bill will add new predicate money laundering offenses to allow law enforcement to investigate and dismantle terrorist financing organizations.

Finally, the original PATRIOT Act added a new forfeiture provision for individuals planning or perpetrating an act of terrorism against the United States.

The language in the conference report adds a parallel provision for individuals planning or perpetrating an act of terrorism against a foreign state or international organizations acting within the jurisdiction of the United States.

The language in the conference report builds on our current laws, to address some of the shortfalls that we have learned about since September 11.

Terrorists work to find the holes in our laws and we must make sure that we continue to be diligent to update them so that we can cut off terrorist funds and stop future attacks against us and our allies in the war on terror.

Mr. SKELTON. Madam Speaker, the PATRIOT Act has been an important law enforcement tool in the years following the dastardly terrorist attacks on our country, and taken as a whole, the bill has enhanced our national security. The United States and our allies are fighting a war like no other. It is an unconventional war that must be met with unconventional tools used by law enforcement professionals to protect the American people from those who would do us harm.

The PATRIOT Act provides federal officers greater powers to trace and intercept terrorists' communications for law enforcement and foreign intelligence purposes. It reinforces federal anti-money laundering laws and regulations in an effort to deny terrorists the resources necessary for future attacks. It tightens laws pertaining to seaport security. And, it creates several new federal crimes, such as laws outlawing terrorists' attacks on mass transit and increases penalties for many other violations of the law.

As is true of any law that empowers the government to collect security-related information domestically, evaluating the PATRIOT Act requires us to weigh a wide range of competing interests, like the ability of our government to detect and thwart terrorist attacks and the constitutional rights of the American people. Of course, proper oversight of the PATRIOT Act by Congress is essential to guaranteeing our constitutional rights are not trampled.

Important for Missouri, the PATRIOT Act Conference Report also includes bipartisan language that helps fight the scourge of methamphetamine abuse in America. This drug epidemic has been especially hard on rural areas. The bill bans over-the-counter sales of cold medicines that contain ingredients commonly used to make methamphetamine, allowing the sale only from locked cabinets or behind the counter. It limits the monthly amount any individual could purchase, requires individuals to present photo identification in order to purchase such medicines, and requires stores to keep personal information about these customers for at least 2 years after the purchase of these medicines. The bill also allows judges to impose strict sentences for those who possess pseudoephedrine with the intent to distribute it for methamphetamine creation.

I urge my colleagues to support reauthorization of the PATRIOT Act.

Mr. KENNEDY of Minnesota. Madam Speaker, from keeping our children safe to winning the war on terrorism, we face many challenges, but few are like meth, which threatens lives, safety and health, at great cost to all of us.

I am pleased that this conference report contains many significant provisions that I have authored, including 4 enhanced criminal penalties originally introduced in the Kennedy-Hooley SLAM Act.

It also contains a drug certification provision of mine that will stop the flood of meth from international superlabs.

We must send a signal to the pushers of this poison that they are not welcome in our communities.

Madam Speaker, this bipartisan legislation deserves the support of both bodies because it is a comprehensive response to the methamphetamine problem in America.

It will send a strong signal that Congress is serious about fighting the scourge of meth.

While the criminal penalties in this bill would be more effective if they were as tough as what were originally introduced, Chairmen SENSENBRENNER and SOUDER showed tremendous leadership in moving this bill to the Floor, and I urge the swift passage of this important legislation.

Most importantly, our actions today will send a signal to the law enforcement officers who wake up every morning to protect our families that we stand with them in the fight against drugs and will work to give them every tool they need to be successful.

Additionally, this conference report reauthorizes the USA PATRIOT Act, which fulfills the high responsibility of protecting our citizens while ensuring their fundamental privacy rights are not abused.

For many years, law enforcement officers lacked the same tools for tracking down suspected terrorists as they had for drug dealers, mobsters and other criminals.

Extending the provisions of the PATRIOT Act that are scheduled to expire on December 31 will allow law enforcement officers to monitor suspected terrorists' communications and share critical intelligence information.

These are vital tools for law enforcement that we need to help keep America safe, tools that carry with them strict safeguards to prevent the abuse of our civil liberties.

These safeguards will ensure that the PATRIOT Act is used only for its intended purposes, catching terrorists before they can do us harm, and not to curtail the strong tradition of personal privacy that Americans have long enjoyed.

Madam Speaker, I urge all of my colleagues in both bodies to support this reauthorization of the PATRIOT Act, which contains important provisions in this Nation's fight against meth.

Mr. VAN HOLLEN. Madam Speaker, I rise to explain my decision to vote against the Conference Report on the PATRIOT Act. Some of the provisions that are being authorized in this bill provide law enforcement officials with important tools that may be helpful in detecting and disrupting terrorist activities. I support those provisions. Other provisions, however, fail to provide adequate safeguards to ensure that the privacy rights of innocent citizens are protected. It is very important that, in our effort to defend the liberties that Americans cherish, we not enact measures that erode the very freedoms we seek to protect. We can ensure that the government has the necessary surveillance powers without sacrificing the privacy rights of Americans.

In the aftermath of September 11, 2001, it is essential that we stregthen our ability to detect, deter, and disrupt terrorist activities. Many provisions in the PATRIOT Act accomplish this objective in a balanced way. Other provisions, however, leave citizens vulnerable to unchecked, unwarranted, and potentially abusive invasions of privacy. Many of these concerns were addressed in the Senate bill that passed by bipartisan, unanimous support. unfortunately, the Conference abandoned many of the safeguards in the final Conference agreement.

The Conference Report falls short in a number of areas. Let me focus on 2 of these issues—the inadequate checks on the National Security Letters and the Foreign Intelligence Surveillance Act court orders.

The "National Security Letters" provision: (1.) This authorization has no sunset; (2.) It provides no judicial review of a National Security Letter gag order. This is a departure from current law which allows the recipient of such a Letter to challenge it in court. The conference agreement requires the court to accept the government's assertion as "conclusive". (3.) Moreover, the conference report allows the government to maintain information gathered from the National Security Letters to be kept forever in government databases.

"Foreign Intelligence Surveillance Act" (FISA) Court Orders for Tangible Things (section 215): (1) Unlike the Senate bill, the Conference Report allows the government to obtain personal information on a mere showing of "relevance", thereby striking the safeguard contained in the Senate passed bill that required a 3-part test. This allows the government to obtain this information without demonstrating that the information that they are seeking has some connection to a terrorist or a spy. (2) The conference report does not permit the recipient of a section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment of the Constitution. (3) Finally, the conference report allows the government to use secret evidence to oppose a judicial challenge to a section 215 order. The court must review any government submission in secret, whether or not it contains classified material.

It is important that any policy that is advanced to enhance our nation's security always maintains appropriate "sunshine" and checks and balances on those law enforcement and intelligence agencies that are empowered to promote national security. History reminds us that these law enforcement tools can be overzealously used and may also be directed at innocent parties. The conference report on the PATRIOT Act that is before us today fails to strike the proper balance. The Senate version included many of the necessary safeguards. Unfortunately, many of those provisions were abandoned by the Conference Committee. As a result I voted in favor of Mr. CONYERS' Motion to Recommit the Conference Report to the Conference Committee so that the conferees could return to the consideration of the Senate passed bill. Unfortunately, this motion was defeated. Therefore, I must vote against the passage of the Conference Report that is before us today.

Mr. DINGELL. Madam Speaker, I rise in strong opposition to the conference report to H.R. 3199. We should go back into conference and work on a bipartisan, balanced conference report.

Instead of rushing to finalize a partisan conference report that dismisses concerns for Americans' civil liberties, we should pass a 3 month extension and try to find a bipartisan balance.

Unfortunately, the House leadership is unwilling to strike that balance and have put forth for consideration a conference report that no Democratic conferee signed. This is unconscionable.

Madam Speaker, many objectionable provisions remain in this conference report, but two issues in particular were ignored by the majority. First, the conference report fails to provide a standard to challenge national security letters. We recently learned that over 30,000 national security letters are issued every year to businesses of all types without court approval.

Yet, this conference report provides little to no mechanism to allow for a citizen to challenge these letters in court, and sets no deadline for destroying the private information that has been collected. Shame on us for not allowing a citizen to redress his grievances, and, shame on us for not ensuring that private information is destroyed once it is collected.

Second, this conference report fails to address the very real issue that has been of great concern to many Americans: Section 215 secret court orders for library, medical, and other personal records. It leaves the standard for obtaining "any tangible thing" at simply a "relevance" standard to an investigation, basically allowing the government to conduct a fishing expedition if it deems appropriate.

As I, along with several of my colleagues, said in a letter to Chairman SENSENBRENNER AND Chairman SPECTER, there is nothing in this standard to stop the FBI from asking a library to turn over its circulation list of everyone who had checked out a book on Islam since the September 11th attacks. Shame on us for allowing this to remain in the final conference report.

Madam Speaker, I have heard a lot of talk during the last four years that we will not yield to the terrorists. That we will fight tyranny with freedom and democracy, and the power of our ideas will prevail. I agree with that sentiment.

Yet, today, we are considering limiting freedoms by allowing provisions such as the Section 215 secret court orders and national security letters that I mentioned earlier. As a former prosecutor, I understand the need for tools to prosecute those who would do us harm. I also know that those same tools can be used to curtail freedoms of innocent Americans.

We must provide common sense tools to prosecutors, but we must protect the liberty of all Americans. As I asked in June of this year, and as I ask again now, "What will generations to come think when they have seen we have permanently lowered the bar in protecting their civil liberties?"

Madam Speaker, whenever we discuss the PATRIOT Act, I am reminded of a very wise saying by one of our founding fathers, Benjamin Franklin. He said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

I will vote against this conference report and urge my colleagues to do the same. We should go back to conference and craft a conference report that protects all of our civil liberties.

Mr. LANGEVIN. Madam Speaker, today I rise in opposition to the conference report on H.R. 3199, the USA PATRIOT Act reauthorization. While I do not advocate permitting many of these important terrorism-fighting tools to expire at the end of the year, the American people would be better served by a bill that strikes a more reasonable balance between protecting civil liberties and fighting the war on terrorism. I am disappointed that the conference report does not closely mirror the bipartisan compromise that unanimously passed the Senate. I urge my colleagues to reject this conference report and take a bipartisan approach to protecting Americans' lives and liberties.

Since the USA PATRIOT Act was enacted shortly after 9/11, I have met with many constituents and countless groups to discuss the details of this controversial legislation. Last year, I hosted a town hall meeting to hear what my constituents thought about the USA PATRIOT Act. While some agreed that the act was necessary to prevent another terrorist attack, most of the crowd, as well as most Rhode Islanders, believed we have already ceded too much ground with respect to our civil liberties. In my State, seven cities and towns have passed resolutions opposing parts of the USA PATRIOT Act, and my constituents understand what this bill means to them and their freedom.

Last week, the 9/11 Commission released a report card on the implementation of the group's recommendations. For "balance between security and civil liberties," the government received a "B," which is a high grade considering they were given more "Fs" than "As." However, the report card cautioned that "robust and continuing oversight, both within the Executive and by the Congress, will be essential." We should strive to move closer to A than F, but this conference report does not accomplish that goal. By making 14 of the 16 expiring provisions of the USA PATRIOT Act permanent, I worry that Congress will be less likely to engage in vigorous oversight to protect the civil liberties of law abiding Americans.

The Senate proved that it is possible to protect both lives and liberties. Their legislation made permanent the less controversial portions of the act, but implemented commonsense changes to add a layer of protection for liberties while keeping America safe. Unfortunately, most of these improvements were not incorporated into the conference report. For instance, the Senate version required the government to show that a person is connected to terrorism or espionage before investigators could obtain medical, library or business records. The bill before us permits the government to go on fishing expeditions to look for information without probable cause. In addition, the Senate required new, strong protections for "sneak and peak" searches and roving wiretaps. These improvements are also absent, from the conference agreement. I urge my colleagues to join me in supporting the motion to recommit, which asks conferees to adopt the bipartisan Senate language.

I recognize the need for our laws to keep pace with new technology and a changing world, and I am committed to ensuring our law enforcement has the tools they need to keep our Nation safe. However, providing these tools need not come at the expense of the liberties and freedoms that we hold so dear. If we cede these, we have already given up the very values the terrorists are trying to destroy.

I am disappointed that conferees have decided to once again place partisanship over sound policy. Working together, we make America stronger, but Congress has again divided the American people. I urge my colleagues to join me in opposing H.R. 3199 and instead working to reauthorize the USA PATRIOT Act in a way that protects both our liberties and our country.

Ms. DEGETTE. Mr. Speaker, I was unavoidably absent from the vote today on H.R. 3199, the "USA PATRIOT Improvement and Reauthorization Act of 2005" due to a family medical emergency. Had I been present and voting, I would have voted "no" on this bill as I have steadfastly opposed similar versions of the PATRIOT Act when they have come up in the past.

Make no mistake, like all Americans I believe we should give law enforcement the tools it needs to investigate and fight terrorism. However, we can do this without sacrificing our American values. One of our most precious values is the right to be free from unwarranted government intrusion.

I voted against the original PATRIOT Act when it passed Congress in 2001 because it went too far in creating the potential for government abuses and violations of civil liberties. The bill today makes permanent almost all of the provisions enacted in 2001. While some have been altered to make them slightly less egregious, not enough has changed to allow me to lend my support to this reauthorization.

For example, section 109 of H.R. 3199 makes some changes to section 215 of the original PATRIOT Act, which expanded what the government could seize under the Foreign Intelligence Surveillance Act, FISA, of 1978 to "any tangible things." These include library, medical, tax, and gun records. The bill today maintains the weak threshold adopted in the original PATRIOT Act by again failing to require the materials requested be tied or connected to a specific terrorist or terrorist organization. The broad standard in current law makes it dangerously easy for the records of innocent Americans to be viewed by government. Additionally, recipients of requests for information under section 215 are prevented from telling virtually anyone about the request and they cannot challenge this "gag order" in court.

While this bill at least includes a 4-year sunset for section 215, there is no sunset for section 505, which expanded the power of government to obtain information via national security letters, NSLs. NSLs allow the government, with no prior court approval, access to financial records, credit reports, telephone records, and information from internet service providers. As with section 215, this bill fails to require the materials requested be tied or connected to a specific terrorist or terrorist organization. Tragically, this weak standard is made permanent. There is no sunset. Also, as is true under section 215, there is a "gag order" under section 505. While H.R. 3199 adds a new ability to challenge this "gag order," it is a sham. Violating this gag order even carries criminal penalties.

The bill also fails to adequately reform section 213 of the original PATRIOT Act, which expanded "sneak and peek" warrant authority. This allows the government to search American homes or businesses with delayed, not prior, notice. While the bill today does change the delay in notice allowed from a "reasonable time" to no more than 30 days, the bill allows for unlimited extensions. Limitations on instances in which delayed notice searches are allowed to remain broad. To protect our rights and privacy, the ability for the government to get into our personal lives and records without prior notice needs to be more narrowly crafted.

These are just some examples of the problems with H.R. 3199. I am confident that if we work together, we can develop laws which would allow us to combat terrorism without making it too easy for government to intrude into the private lives of Americans.

Mr. OXLEY. Madam Speaker, I support our action today to reauthorize the USA PATRIOT Act.

Within weeks after the horrendous terrorist attacks of 2001, Congress responded with the PATRIOT Act, providing our law enforcement and intelligence communities with much-needed tools to track down terrorists, sever their communications and funding networks, and prevent future attacks on our citizens.

As chairman of the House Financial Services Committee, I was proud to help write the antiterrorist financing provisions of this act. Millions of dollars in terrorist assets have been frozen or seized since 9/11. We have broken up suspected terrorist financing networks, including one in my home State of Ohio. The terrorist financing tools included in the act were further supplemented by the intelligence reform legislation approved in the wake of the 9/11 Commission's report.

As a former special agent of the FBI, I know that other sections of the PATRIOT Act have proven just as vital in assisting law enforcement combat the new threat of international terrorism. I am pleased that this reauthorization makes permanent all but a few of the act's expiring provisions, but regret that the 4-year sunset for the remaining authorities was made a part of this final product. Including any sunset sends the wrong signal to our law enforcement agencies, indicating that our trust in them is incomplete at a time when their services have helped prevent further terrorist attacks. They should have our full support and every reasonable tool we can give them to help fight the global war on terror.

One of the provisions still subject to a sunset deals with the use of roving wiretaps. As one of the few Members of Congress who has conducted undercover surveillance, I can tell you now that the need for roving wiretap authority will not expire in 7 years. Tying intercept authority to an individual suspect rather than a particular communication device is simply common sense in this era of throwaway cell phones and e-mail.

Further, there is absolutely no evidence that wiretap authority or any other USA PATRIOT Act provision has been used to violate the civil liberties of Americans. Congress recognizes the delicate balance between deterring terrorist activities and preserving the freedoms we hold so dear. I know beyond a doubt that terrorists make no such distinction.

The PATRIOT Act has been a success, and we as a nation are safer for it. Its provisions are helping to put the FBI and CIA on a more equal footing with terrorists, who use every available technology to plot with impunity. The act refines our surveillance laws for the high-technology era—something that has been long overdue.

I support the reauthorization of the USA PATRIOT Act, and hope that Congress will work toward making the roving wiretap and other temporary provisions permanent.

Mr. CARDIN. Madam Speaker, I rise in support of the conference report for H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Through the PATRIOT Act Congress has attempted the essential task of modernizing law enforcement tools to effectively combat the 21st century terrorist, who can now use cell phones, the internet, and e-mails to plan and coordinate attacks in the United States. As originally enacted in October 2001, many PATRIOT Act provisions are set to expire at the end of this month if Congress takes no action.

The conference report before us extends and improves many provisions of the PATRIOT Act. It is a substantial improvement to the bill that was passed by the House in July 2005. I do have significant concerns and misgivings about the administration's use of the new powers of the PATRIOT Act, and I am pleased that this legislation addresses many of these concerns. This legislation: includes three sunset provisions for PATRIOT Act authorities; requires greater oversight by Congress and the judiciary of the Justice Department; and gives new rights to subjects of a government investigation. Given the complexity and importance of this measure, let me review these provisions in some detail.

The 4-year sunsets adopted by the conference report apply to business records, roving wiretaps, and "lone-wolf" terrorist suspects who operate alone rather than as an agent of a foreign power. Congress must revisit these provisions in 4 years, which will expire unless approved again. The conference report adopts the Senate position of 4-year sunsets, and rejected the House position of 10-year sunsets.

Under the business records provision, section 215 of the PATRIOT Act, the bill provides that the government may seek a court order for "any tangible item" if law enforcement officials assert that the records are sought in an effort to obtain foreign intelligence or in a terrorism investigation. The application to the FISA court, the Foreign Intelligence Surveillance Act court, must provide a "statement of facts" proving that the information sought is "relevant" to the investigation. This bill provides greater protection than current law, which simply requires the government to certify the records were sought for an authorized investigation without any factual showing.

The conference report also explicitly provides—unlike current law—that anyone who receives a request for records under this provision may consult with an attorney in order to challenge the request in court. The bill requires new high-level approval by one of the top three FBI officials for certain records, including library records, medical records, educational records, and tax return records. The bill has several new requirements for the Justice Department, including: issuing "minimization procedures" which limits the retention of, and prohibits dissemination of, information concerning U.S. persons; conducting two separate audits of the FBI's use of section 215 orders, which will examine any improper or illegal use of this authority, and the manner in which such information is collected, retained, analyzed, and disseminated by the FBI; and requiring the public reporting of the aggregate use of section 215 orders, and a breakdown of its use to Congress—comparisons of library, medical, educational records, for example.

The roving wiretaps provision, section 206 of the PATRIOT Act, provides that the FISA court may issue "roving" wiretaps to conduct surveillance on a foreign power or their agent when the target of surveillance has taken steps to thwart the investigation by changing accommodations, cell phones, internet accounts, or other forms of communications. Court orders would apply to a person or persons, not a particular device or location, so that the government does not have to return to court each time that a target changes a communications device or moves to another location. The bill requires court orders for roving wiretaps to describe in detail the specific target in cases in which the target's identity is unknown, higher burden than current law, and requires more detailed and timely reporting by the FBI to the courts and Congress on the use of this authority.

The conference report also makes substantial improvements to the national security letter, NSL, process, which existed before Congress enacted the PATRIOT Act in 2001. NSLs allow the FBI to request customer records from communications companies and financial institutions related to an investigation. The bill explicitly provides a new right to NSL recipients to consult with an attorney to challenge the letter in court. The court is also given a new explicit right to review NSL requests. The bill provides that courts may block an NSL if it is "unreasonable, oppressive, or otherwise unlawful" (same standard as used to modify or quash a subpoena in a criminal case). Recipients are also given a new right to challenge the nondisclosure requirement in court. Congress also requires the Justice Department to report to Congress on the number of NSLs sent to U.S. persons or entities, and requires the department's inspector general to conduct an audit of the effectiveness of NSLs. The bill also provides that the Justice Department submit to Congress the annual aggregate number of requests made concerning different U.S. persons in an unclassified format.

Finally, the conference reports places some new restrictions on delayed notice search warrants, commonly called "sneak and peek", under section 213 of the PATRIOT Act. This type of search warrant, which existed before the PATRIOT Act was adopted, requires that a Federal judge must find that there is probable cause to believe that: (1) A crime has been or is about to be committed; (2) evidence of those crimes will be found at the location to be searched; and (3) immediate notice would cause harm under certain specified criteria. The conference report restricts the government's authority to delay notice to 30 days, and allows for an extension only if approved by a court. The bill also requires new reporting to Congress on the use of this provision.

Madam Speaker, we must not repeat the mistakes of the past, when the United States sacrificed the civil rights of particular individuals or groups in the name of security. Whether in times of war or peace, finding the proper balance between government power and the rights of the American people is a delicate and extremely important process. It is a task that rightly calls into play the checks and balances that the Founders created in our system of government. All three branches of government have their proper roles to play in making sure the line is drawn appropriately, as we uphold our oaths to support the Constitution. This legislation attempts to strike a balance as we seek to prevent another terrorist attack on U.S. soil, while protecting Americans' constitutional civil liberties. I will continue to work in Congress to exercise our critical oversight responsibilities to protect our civil liberties.

Mr. HONDA. Madam Speaker, I rise today in opposition to the conference report on H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Last week, Republican House and Senate negotiators reached an agreement to reauthorize the PATRIOT Act. As part of the deal agreed to by House and Senate Republican conferees, Federal law enforcement authorities will retain the right to: Investigate American citizens without judicial oversight, a power that is invoked more than 30,000 times each year; search individuals' private property without notifying them; access citizens' library records, medical records, school records, and financial records virtually unchecked by the judiciary.

The House-Senate conference committee had an opportunity to revise the PATRIOT Act's expiring provisions to protect the rights and liberties of all Americans more effectively. Regrettably, the opportunity was lost when Democratic conferees were excluded from key negotiations. The resulting conference report falls short of what the American people have every reason to expect Congress to achieve in defending their rights while advancing their security.

The conference report drops key protections in the Senate-passed bill regarding "national security letters." National security letters, NSLs, are, in effect, a form of secret administrative subpoena. They are issued by Federal authorities—most often FBI agents—without any court supervision, and recipients are prohibited from telling anyone that they have been served. The conference report also fails to protect the records of innocent Americans collected by means of these NSLs. Under the conference report, such records may be kept forever in government databases, shared with the intelligence community, and used for data-mining.

There is no more difficult task I have as a legislator than balancing the Nation's security with our civil liberties, but this task is not a zero sum game. By passing a conference report that allows the troubling aspects of the PATRIOT Act to continue, we pursue a false sense of national security at the expense of our civil liberties. I opposed the PATRIOT Act when it first came to us in 2001 and I vote against it today.

Mr. POMBO. Madam Speaker, today the House passed the conference report to H.R. 3199, reauthorizing the Patriot Act. While much has already been said about the national security aspects of this report, I would like to commend my colleagues for including the Combat Meth Act in the report. The meth epidemic is sweeping the nation, and has become a major law enforcement problem in California's 11th District.

All the law enforcement officers I meet with tell me that meth is the number one problem they face today. From manufacturers to dealers, and the attendant social crimes they create, meth is devastating communities across the country. Methamphetamine production and distribution leads to murders, assaults and property crimes. Additionally, there is an associated increase in domestic abuse, prostitution, child abuse and neglect, and homelessness. The provisions included in H.R. 3199 are a positive development in the fight against this scourge.

H.R. 3199 will repeal the so-called "blister pack exemption," which currently allows the sale of unlimited quantities of pseudoephedrine. Pseudoephedrine and other major precursor chemicals in meth production will now be classified as "Schedule Listed Chemicals" with a daily purchase limit of 3.6 grams. These drugs will now be kept in locked cabinets or behind the counter at drug stores and other retailers. These measures will help reduce the manufacture of meth in the United States.

As meth is an international problem, the bill contains provisions for international monitoring, and funding for cooperative efforts with Mexico, a source of much of the meth in California. It also strengthens federal penalties against meth smugglers and traffickers.

Finally, there is language to clarify that employers registered under the Controlled Substances Act may ask prospective employees about prior drug convictions, as a safeguard to ensure that people with access to controlled substances do not pose risks to the public welfare. This clarification is necessary to stop the diversion of drugs from pharmacies for illegal purposes. Currently, in many states, employers are not allowed to ask this critical question.

Madam Speaker, as a member of the Methamphetamine Caucus, I applaud the passage of this important language. While we still have a long way to go in the war on meth, this is certainly a step in the right direction.

Mr. UDALL of Colorado. Madam Speaker, four years ago I voted against the bill that became the "USA PATRIOT Act," more commonly called simply the "PATRIOT Act."

I agreed that our law-enforcement agencies needed increased power and more tools to fight terrorists. But I also thought then—and still think today—it was imperative for Congress to proceed carefully in order to protect Americans' civil liberties. However, I took some comfort from the fact that a number of the most troublesome provisions of the new law were temporary and would expire at the end of this year unless Congress acts to renew them.

The imminent expiration of those provisions is why the House considered this legislation in July, and provides the impetus for the conference report before us today.

I think the value of such "sunset" provisions is shown by the debate on that bill and today's debate on the conference report. It is evidence that requiring Congressional action to renew agencies' authorities can and does result in ongoing Congressional oversight and periodic reconsideration.

In July, I voted against the bill because it would have made permanent no fewer than 14 of the 16 provisions of the original "Patriot Act" that were covered by the law's "sunset" clause—as well as other new authorities provided by last year's bill to reform the intelligence community—and under the bill the other two would not have faced a "sunset" for a full 10 years.

However, at the same time I noted that there was considerable support in the other body—by Senators on both sides of the aisle—for provisions that would improve on this legislation. And I hoped and expected that once the Senate had acted and the conference was completed, the result would be a measure that deserves the support of all Members of Congress.

Unfortunately, after careful review I have concluded that this conference report, while an improvement over the bill the House passed in July, is still so seriously flawed that I cannot support it.

The conference report does not do enough to reduce the potential that the authority it gives to the FBI and other agencies could be abused or misused in ways that intrude on Americans' privacy and civil liberties—a potential that has led more than 300 communities and seven States, including Colorado—governments representing over 62 million people—to pass resolutions opposing parts of the Patriot Act.

The Senate, to its credit, did a better job than the House in responding to the concerns that prompted such resolutions, while still providing ample tools that the government can use to work against the threat of more terrorist attacks, at home and abroad.

I could have supported enactment of the bill as passed by the Senate. That is why I voted for the motion to recommit. But I cannot support this conference report as it stands.

Mr. COLE of Oklahoma. Madam Speaker, I rise today to explain my vote against a democrat motion to instruct conferees on December 14, 2005.

Although President Bush and Secretary Rice have made it clear that under no circumstance will the United States use torture, I am also sympathetic to Senator MCCAIN's wish to establish a clear set of rules to govern interrogations of persons under the detention of the Department of Defense. With this said, I don't believe it is beneficial to instruct conferees on an issue that is already under negotiations between the White House, Senator MCCAIN and the United States House of Representatives. These negotiations could yield a much more favorable outcome than what Senator MCCAIN originally requested and it also undermines the legislative process. However, if no compromise is agreed to, I would support the McCain language as our policy toward torture.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to express my opposition to the conference report to the reauthorization of the USA PATRIOT Act.

Mr. Speaker, I stated after the House voted on H.R. 3199 in July, that it was my hope that the conference committee would temper the extremes that are present in this legislation, and that the conferees would keep the American people's respect for privacy and desire for freedom in mind, I do not believe that this conference report reflects those ideals.

National security, homeland security and the collection of intelligence need to be balanced with the fundamental freedoms and civil liberties granted to Americans by our Constitution. Terrorism is a real threat to our security, but so are laws that threaten our liberty by allowing an over-zealous government to infringe on the privacy of individuals, based on vague, undefined, and at times, "classified" evidence. It is possible to be safe, and free, and to protect security while still respecting civil liberties. Unfortunately, this conference report fails to recognize this reality and come to bipartisan agreement in protecting both the security and civil liberties of Americans.

I voted in favor of the motion to recommit, which would have replaced the text of the conference report with the text of the original bill passed by the Senate. The original Senate bill included far more protections for civil liberties than this conference report. That Senate-passed bill would have included a process of judicial review for recipients of a National Security Letter, as well as a standard requiring the Government to show a connection to a suspected terrorist or organization when requesting business or library records. This conference report before me today only requires the Government to demonstrate "relevance" in an investigation.

This conference report makes 14 of 16 controversial PATRIOT Act provisions permanent. In making these provisions permanent, Congress is relinquishing its responsibility to review their use, granting more permanent power to the executive branch. Congressional oversight has been maintained only through the two provisions scheduled to sunset in 4 years, as well as through the inclusion of a "lone wolf" provision, also scheduled to sunset in 4 years. Congress has a responsibility to check the power of the executive branch, not cede that authority, potentially threatening the civil liberties of our citizens. The conference report voted on today unfortunately fails to safeguard individual privacy rights, and allows the Government, with little burden of proof, to scrutinize nearly every aspect of a person's life.

It has been said in this debate that we must sacrifice some of our freedoms in the name of security. This is the wrong approach, and the American people have the right to expect better from Congress. We cannot allow terrorism to erode either our national security or our civil liberties—both present a danger to this country. I urge my colleagues to vote against this conference report, and support both the rights and security of the American people.

Mr. FLAKE. Madam Speaker, I would like to comment on section 507 of today's PATRIOT Act conference report, which authorizes the U.S. Attorney General to certify whether a state has qualified for the expedited habeas corpus procedures in chapter 154 of title 28 of the U.S. Code. Section 507 is of particular importance to my home State of Arizona, which for many years has satisfied the post-conviction counsel requirements of chapter 154, but which has been unfairly denied the procedural benefits of that chapter by the Ninth Circuit.

Section 507 is similar to a section of the Streamlined Procedures Act, a general habeas corpus reform bill that was introduced earlier this year in the House by Mr. LUNGREN of California, and in the Senate by my Home state colleague, Senator KYL. Section 507 is also virtually identical to an amendment that I filed and sought to offer last month to H.R. 1751, the Secure Access to Justice and Court Security Act of 2005. My amendment had been made in order by the Rules Committee and was listed in House Report 109–279. At the last minute, however, various political objections were made to my amendment and Chairman SENSENBRENNER asked me not to offer it to H.R. 1751. The Chairman assured me that he would accommodate me with regard to this matter on some other legislation. I am pleased to see that he was able to do so on the PATRIOT Act, which now appears that it will be enacted into law sooner than H.R. 1751.

My amendment is designed to give States a real incentive to provide quality counsel to death row prisoners in State habeas proceedings. It is also designed to keep a bargain that the Federal Government made with the States in 1996. The amendment assigns the U.S. Attorney General to evaluate whether a State is providing qualified counsel to capital prisoners in State habeas proceedings, a condition for receiving the benefits of the expedited habeas procedures of chapter 154 of the U.S. Code. The amendment thus gives States a real chance to qualify for chapter 154 treatment. By ensuring that States will receive streamlined proceedings in Federal court if they provide quality counsel in State habeas court, the amendment will reduce delays in death penalty appeals.

This is a goal that everyone, left and right, should agree with. Even those who passionately oppose the death penalty should want the system to be fair to victims. No one should support a system that routinely forces the family of a murder victim to endure 10, 15, or even 20 years of appeals. Yet in too many cases, that is exactly how our current system works even in cases where there is no real dispute over guilt. In my home State of Arizona, over two-thirds of death row prisoners have finished all of their State appeals and are engaged in Federal habeas litigation. Most of these cases have now been in the Federal courts for five years or more. Ten cases have been in Federal court for 8 years or more, and 5 cases have been in Federal court for more than 15 years. And this is all on top of the time that it takes to complete all state appeals, which usually requires 5 or 6 years.

Under the current system, victims' families are forced to repeatedly relive an awful event throughout the progress of this lengthy litigation. During that process, they must wonder if they will be forced to appear at another hearing, if there will be another trial, or if the person who killed their son or daughter will even be released. They literally are denied closure, the right to forget about the person who killed their loved one and to move on with their lives. And this frequently goes on for more than 15 years. A system that treats crime victims this way is intolerable.

The amendment that I offer today is particularly important to my home State of Arizona. Arizona is both a State that has experienced extreme delays in Federal-court review of capital cases, and a State that has acted to provide quality counsel in state habeas proceeding in response to the offer that the congress made in 1996. The habeas reform of that year created chapter 154 of title 28. This chapter told the States that, if they provide qualified state habeas counsel to capital defendants, the Federal government would streamline Federal court review of capital cases. In Federal court, chapter 154 would limit the claims that defendants could raise, barring virtually all claims that were not properly raised and addressed on the merits in state court. Chapter 154 would apply strict deadlines to Federal court review, requiring the district court to decide the case in 6 months and the court of appeals to rule in 4 months.

Shortly after the 1996 reforms were enacted, the Arizona legislature and the State supreme court implemented a system that would allow the State to opt in to chapter 154. The State created mandatory competency standards for capital post-conviction counsel, and provided funds to attract good lawyers and allow them to hire necessary experts. The

State now spends a lot of money on post-conviction representation for death-row inmates—the median case costs the State $64,000, while one case cost $138,000. Again, this is just for State habeas review. It does not include the State's expenses to provide counsel at trial or on direct appeal from the trial. For example, Arizona also guarantees a capital defendant two highly qualified attorneys at trial.

One might think that, in light of all that the State of Arizona has done to provide high-quality counsel to capital defendants, surely it must have qualified for chapter 154 by now and must be enjoying the benefits of that chapter. But that is not what has happened. The problem is simple: under current law, the local Federal court of appeals decides whether a State has opted in to chapter 154. In Arizona, the Ninth Circuit has refused to grant Arizona the benefits of chapter 154. Even though Arizona has lived up to its end of the bargain, the Ninth Circuit refuses to allow the Federal government to abide by its end of the deal.

A case that illustrates the problem is the Ninth Circuit's extraordinary decision in Spears v. *Stewart*, 283 F.3d 992 (2002). The three-judge panel in Spears found that Arizona's system for providing post-conviction counsel complied with chapter 154. The court concluded that Arizona's system sets mandatory and binding competency standards for counsel, provides reasonable compensation to counsel, pays reasonable litigation expenses, and offers such counsel to all capital defendants. The court nevertheless managed to find that Arizona could not receive the benefits of chapter 154 because of a delay in appointing counsel. Defense lawyers initially had boycotted this system, and in some cases this resulted in delays. The defendant in Spears did not even allege that this delay prejudiced his case. But the Ninth Circuit found this delay a sufficient excuse to deny Arizona the benefit of chapter 154, even though Arizona's system complied with that chapter.

The decision of the Spears three-judge panel alone is troubling. The chapter 154 qualification decision is supposed to be a one-time decision. Once a State's system qualifies, the issue is not supposed to be litigated again on a case-by-case basis. Even more disturbing than the three-judge panel's decision, however, is a dissent from the full court's refusal to rehear the case that was signed by 11 active judges of the Ninth Circuit. These 11 judges stated that the panel's decision that Arizona's system qualifies for chapter 154 is merely dicta and not binding in future cases. Although the issue of Arizona's 154 status was squarely before the three-judge panel and was decided by that panel, this gang of 11 judges declared that they would not follow that decision in future cases. As they said: "To put it bluntly, neither we, nor any other court is bound by the panel's advisory declarations in this case." *Spears*, 283 F.3d at 998 (Reinhardt, J., dissenting from denial of rehearing).

A statement by 11 judges that they will refuse to follow their own court's final decision itself is extraordinary, as several other judges noted in Spears a concurrence to the denial of rehearing. If a court refuses to abide by its own precedents, litigants can have no way of knowing what the law is and how they should arrange their affairs. Such behavior does substantial damage to the rule of law.

What such behavior also demonstrates is a refusal to enforce the laws enacted by Congress. It shows that chapter 154 will remain a dead letter so long as the obligation to enforce it remains in the hands of courts such as the Ninth Circuit. It is clear that, if any two of the 11 judges who joined the Spears rehearing dissent are assigned to a future Arizona 154 case, they will not feel obligated to follow Spears and the State will be relitigating the issue of its 154 status from scratch. Indeed, portions of the Spears dissent argue that Arizona's "statutory scheme did not comply with Chapter 154's requirements." *Spears*, 283 F.3d at 1002 (Reinhardt, J., dissenting from denial of rehearing). The tone of the 11-judge dissent also betrays an open hostility to the chapter 154 system.

The trouble with chapter 154 is that the courts assigned to decide when it applies are the same courts that would be bound by the chapter's strict deadlines if a State is found to qualify. Simply put, the regional courts of appeals have a conflict of interest. They decide whether the States are entitled to a benefit which places a burden on the courts themselves. Some prosecutors also believe that refusal to enforce chapter 154 also reflects a hostility to the death penalty—that some judges are ignoring the law because they do not want to see death sentences carried out. If this is true, it is absolutely unacceptable. A judge has an obligation to uphold and enforce a valid law, whether or not he agrees with it.

My amendment makes several changes to chapter 154 to ensure that it provides real and meaningful benefits to States that provide quality post-conviction counsel. First and most importantly, it assigns the 154 certification decision to the U.S. Attorney General and the DC Circuit, rather than the local courts of appeals that have an interest in the case. The Attorney General receives no benefits from chapter 154, and he has expertise in evaluating State criminal justice systems. Just last year, for example, Congress assigned the Attorney General to evaluate State DNA testing and capital counsel systems in the Justice for All Act. Review of the Attorney General's decision in the DC Circuit also is appropriate. Because there is no Federal habeas review of criminal convictions in the District of Columbia, the DC Circuit also has no stake in whether or not a State qualifies for chapter 154.

My amendment, like subsection (d) of section 507, also makes clear that a determination that a State has satisfied the chapter 154 standard as of a particular date will apply retroactively to all pending habeas cases for which the prisoner received State habeas after the certified date. This will ensure that a State will receive all of the procedural and litigation benefits that it should have received had the Federal habeas claim been governed by chapter 154 from the day that it was filed, as it should have been. The proposed paragraph 28 U.S.C. 2265(a)(2) in my amendment makes clear that, once the Attorney General determines that a State established a post-conviction capital-counsel system by a particular date, the chapter 154 eligibility certification shall be effective as of that date. Thus, if a capital prisoner received State habeas counsel after that effective date, the case is governed by chapter 154 in Federal proceedings.

However, some courts might construe 2265(a)(2) to mean that while the chapter 154 system thereafter governs Federal habeas applications that have already been filed, the actual procedural benefits of that chapter—especially the claims limitations and amendment limits would only apply on a going-forward basis—i.e., only to claims or amendments filed after the date of enactment of this law. Thus when I added a few other provisions to the amendment, I also inserted subsection (g), which is the same as subsection (d) of section 507. This subsection, by explicitly applying section 507 and the changes that it makes to all qualified pending Federal habeas cases, should make clear that when Congress says that it wants the new law to apply retroactively, it means that the law will apply retroactively—that it will govern new claims as if it had been in effect as of the effective date of the chapter 154 certification.

Any non-retroactive application of chapter 154 would be fundamentally unfair to States such as Arizona, which has been providing post-conviction counsel to State prisoners for nearly a decade but has been inappropriately denied the benefits of chapter 154 for some cases that already have progressed to Federal habeas. In the Spears case, for example, the Ninth Circuit even found that Arizona's counsel system met chapter 154 standards, but the court nevertheless came up with an excuse for refusing to apply chapter 154 to that case. If the Attorney General and the DC Circuit conclude that Arizona met chapter 154 standards prior to Spears's receipt of counsel, as I am confident that they will, Arizona should receive all of the benefits of chapter 154 for that case and subsequent cases, as if chapter 154 had governed the Federal petition as of the day it had been filed (as it should have). Chapter 154, for example, does not allow cases to be remanded to State court to exhaust new claims (a considerable source of delay on Federal habeas), and it places very sharp limits on amendment to petitions. Arizona should not be forced to litigate claims in Spears's petition that were defaulted, that were unexhausted and sent back to State court, or that otherwise were not addressed by State courts when Spears first filed the petition (unless those claims meet the narrow exceptions in subsection 2264(a)). Nor should the State be forced to litigate claims that were added to the petition in amendments that do not satisfy chapter 154's limits on amendments.

Applying chapter 154 retroactively may seem harsh, but it is important to recall that any prisoner whose Federal petition will be governed by 154 necessarily received counsel in State post-conviction proceedings. Unlike the typical uncounseled State habeas petitioner, who may not have been aware of State procedural rules or of all the potential legal claims available to him, a chapter 154 habeas petitioner will have no excuse for not making sure that all of his claims were addressed on the merits in State court. (Or rather, any excuse will be limited to those authorized in 28 U.S.C. 2264(a).) I believe that, given the resources Arizona has devoted to providing post-conviction counsel, the State should easily qualify for chapter 154. The Ninth Circuit has treated Arizona unfairly by denying it chapter 154 status. If the U.S. Attorney General and DC Circuit agree that Arizona should have been 154-certified when Spears filed his Federal petition, Arizona should be placed in the same position that it would be in today had the Spears case proceeded under chapter 154 from the beginning.

My amendment also extends the time for a district court to rule on a 154 petition from 6 months to 15 months. I have been informed that the bill that became the 1996 Act originally adopted 6 months as the limit as an initial bargaining position. The intention had been to eventually extend this to 12 months, but because of the politics of the enactment of AEDPA, it was not possible to change this deadline later in the legislative process. My amendment is even more generous than the original authors' intention, giving the district courts 15 months, in recognition of their burdensome caseloads and the fact that they do the real work in Federal habeas cases—they are the courts that hold hearings, if necessary, to identify the truth of a case. This same change was included in subsection (e) of section 507.

Subsection (f) of section 507 is the same as a provision in subsection (e) of my amendment. This subsection codifies the rule of *McFarland* v. *Scott*, 512 U.S. 849 (1994), which allows a stay to issue on the basis of an application for appointment of Federal habeas counsel (without the actual filing of a petition), but it limits such stays to a reasonable period after counsel is actually appointed or the application for appointment of counsel is withdrawn or denied.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. CONYERS. Yes, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Conyers of Michigan moves to recommit the conference report on the bill H.R. 3199 to the committee of conference with instructions to the managers on the part of the House to recede from disagreement with the Senate amendment.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Madam Speaker, parliamentary inquiry, is it permissible to include instructions in the motion to recommit to conference?

The SPEAKER pro tempore. Yes, it is proper.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the conference report.

The vote was taken by electronic device, and there were—ayes 202, noes 224, not voting 7, as follows:

[Roll No. 626]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

DeGette
Diaz-Balart, M.
Hyde
McDermott
Payne
Poe
Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining.

☐ 1356

Messrs. BRADLEY of New Hampshire, DELAY, ROHRABACHER, MCHENRY, Ms. HART and Mrs. JOHNSON of Connecticut changed their vote from "aye" to "no."

Mr. SALAZAR changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 251, nays 174, not voting 9, as follows:

[Roll No. 627]

YEAS—251

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Edwards
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—174

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (NY)
Bishop (UT)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCollum (MN)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (GA)
Price (NC)
Rahall
Rangel
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

DeGette
Diaz-Balart, M.
Hyde
McDermott
Ortiz
Peterson (PA)
Poe
Radanovich
Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1407

Mr. ISRAEL and Mr. BISHOP of Utah changed their vote from "yea" to "nay."

Mr. TAYLOR of Mississippi and Mr. BOYD changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 627, I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unable to vote during rollcall No. 627. Had I been able to vote, I would have voted "yea" in support of the conference report on H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Clearly, we are in a time of heightened awareness and in need of greater security in order to prevent another terrorist attack on our land. It is our duty as Representatives of our constituents and fellow Americans to see to it that we provide the resources that are necessary to help prevent such an attack.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the further conference report to accompany H.R. 3010.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 596, I call up the further conference report on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 596, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 13, 2005, at page 28005.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume, and I would just like to say to my colleagues and friends on the other side of the aisle to take a second look at this bill. I know that, in our first iteration, they did not give us any votes, but let me point out to you that if the bill were to fail, we would end up with a CR, a full year's CR, because you know we are not going home without something in this field.

These are important programs, over 500 of them. What would happen with a CR? Well, there would be $800 million less for student aid, $278 million less for innovation and improvement programs, $178 million less for higher education programs, $94 million less for title I programs and $84 million less for special education programs. That would be a disastrous result that I do not think any of us on either side of the aisle would want to happen.

In addition, if we were to go to a CR, if this bill were to fail, LIHEAP funding would be reduced by $298 million, with no contingency for extreme weather. Community Services Block Grant would be cut $317 million. National Institutes of Health would be cut $198 million, with 200 fewer research grants.

Mr. Speaker, I want to say to all my colleagues that this is not something we want to make as a Christmas gift to the American people, a CR on this bill. This bill is a good bill. It reflects good management of what we had to work with.

I might say at the outset that there are no earmarks in the bill, none, for anyone, either side or any person. Absolutely no earmarks, and no earmarks for the Senate either. But I want to tell you what happened to the earmarked money, because we had $1 billion in the bill that originally passed the House back early on. Of that money, $100 million is going to title I to help our schools; $100 million is going to special education State grants to help the programs that help the disadvantaged students.

□ 1415

Mr. Speaker, $250 million is going to NIH for research, and we recognize that the challenge is great in that field to research medical issues. There is $317 million for Community Services Block Grant, and these help people with limited means. There is $176 million in LIHEAP and $66 million for community health centers, and community health centers obviously provide a place for people who do not have a family doctor and have limited means. It gives them a place to go. So these are good programs. These are good uses of the money, and I think we all understand that in this time of tight budgets and tight resources, we have to set priorities. In so doing, we set the priorities I just outlined rather than to go into earmarks.

I want to say at the outset that this program is $1.4 billion under 2005, and there is no increase from the bill we had 2 weeks ago. How did we manage to meet these program needs? We did it by managing carefully. We looked at the programs and the funds that were available.

I want to point out to my colleagues on the other side of the aisle that I do not think you want to go home and tell people in the education field that you voted against an increase, let me emphasize, an increase of $100 million over last year in title I. I do not think you want to tell the parents and families of children with special needs that you voted against an increase in special education of $100 million over last year. Head Start is up $6.8 million. Math and science partnerships, and we hear a lot about that today, these are up over last year. We have $100 million to develop teacher and principal programs, incentive programs, particularly at the elementary level.

TRIO and GEAR-UP, the President's budget had zero, and we put those back in because we think those are good programs. Again, they are well funded. Community health centers I mentioned are up $66 million. This is an important program. It is important in many communities, as is LIHEAP. Medicare modernization, we are rolling out the new program, and we have $980 million in this bill to assist in getting people informed to meet their desires in terms of prescription drugs. That would not be in a continuing resolution.

NIH is $107 million over the President's request. It is up this year $200-some million. People think of NIH being research at Bethesda. NIH is basically managing 40,000 grants going out to colleges, hospitals, medical services all over the country. I would guess that almost every Member has one or more research grants in his or her district that is funded out of NIH. That is very important, and we have an increase in that program. That is again part of the earmarked money, $28.6 billion.

Community Services Block Grant, a program that helps people get GEDs, is just one example of what is done with the community services. There are a whole host of things to help people with limited income and who need additional help.

In the Labor Department, we have $1.57 billion for Job Corps and $1.48 billion for dislocated workers.

How did we manage to increase a number of programs while at the same time keeping the total number under last year, $1.4 billion? Well, one of the ways that we have gotten the necessary funding to do the items that I mentioned in the way of increases was to eliminate 20 programs. We went through the whole list of programs, the 500, and said, Does this work? Is this a productive program?

The bill that left the House had about 48 programs terminated. The other body decided to put back some of those, but we still have 20 programs that have been discontinued or will be discontinued because, again, we recognize that we have to manage the resources as carefully as possible to do the important things: education, research at NIH, the effort in CDC to deal with the avian flu issue. So we tried to manage the funds available as carefully as possible. I think the results of that are reflected in the increases I mentioned.

I might say between this and the bill we had previously, we added $90 million for rural health programs, very important programs, obviously; and we did this by reducing the avian flu number because we are going to deal with that in another bill that will be coming along shortly.

So all in all, I want to say again this is a very positive bill; it is a very responsible bill in terms of using the resources that are available.

It is something that every Member can support, every Member can go home and say with a measure of confidence and satisfaction, I did something to improve education, I did something to help the special needs programs, the special education program, I did something to expand the community services programs and the Community Health Centers, NIH, LIHEAP, things that are extremely important to people. This literally is a people's bill, but it is a people's bill, too, in the sense that we manage their tax dollars carefully and try to give them as much in the way of service as possible. I hope my colleagues on the other side of the aisle will take a second look at what we have tried to do in this bill.

I recognize, of course, that you get into the tax issues, you get into budget issues, but this is not a tax bill. It is not a budget bill. This is a bill about taking resources that are available and using them in the best possible way to serve the people.

We had many hearings in our subcommittee. My colleague from Wisconsin was very helpful in those hearings to try to find out what is important to people. We tried to reflect that in the bill given the fact that we had a limited amount of resources. I would love to have more, and I am sure everybody else would, but the facts were we had to work with what we had available. I think the bill reflects a responsible use of the resources that were made available. I think it is a bill that will serve the American public very well.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, let me stipulate from the outset that the gentleman from Ohio is a good man, and I think, with some exceptions, he and I have priorities in this bill that are pretty much the same. What I say is not in any way designed to be an attack upon him or his leadership of the subcommittee; but the fact is that this subcommittee has been given an inadequate allocation and as a result, this Congress is about to make a large mistake if it passes this bill because it will be short-changing this country in terms of the long-term investments that we should be making in America's working families and programs that are focused on the needs of America's working families.

The gentleman argues that we ought to vote for this bill because if we do not, then the majority will bring forth a continuing resolution which will do certain bad things. That is like saying, "Save us before we are irresponsible again." I really think we understand that what needs to happen to this bill is that it needs to be repaired, not further savaged; and that is what we want to see done.

The reason we are in this fix is because the majority, just in the last week and a half, passed almost $70 billion in tax cuts and a very large percentage, approaching 50 percent, went into the pockets of the most well-off 1 percent of people in this country, people who make over $400,000 a year. And then they pay for it, partially, by squeezing bills like this one.

Let me make clear, this bill is virtually identical to the bill that the House rejected just a few days ago by a 209-224 vote on a bipartisan basis. It has moved around a small amount of money in hopes of picking up a few votes because of an improvement in rural health care, but outside of that the bill is virtually the same.

I want to make clear when we vote against this bill today, we will be voting against it not just because we are unhappy with the $1.6 billion cut below last year that this bill represents. To understand what this bill is doing, you must look at it in conjunction with the next step that the Republican leadership of this Congress has already announced that they intend to take, which is to further cut this bill by 1 percent across the board as they cut the entire discretionary budget 1 percent across the board.

That means that this bill will have a double hit. That means in the end this bill, for 1 year alone, will be $3 billion less than was provided for these same programs last year. Over a 5-year period, because this sets us on a course, over a 5-year period if we pass this bill, we will wind up spending $15 billion less for programs in this bill than we would otherwise spend if we simply stuck to last year's baseline.

In addition to that, 2 weeks ago our Republican friends pushed through a package of rescissions and reconciliation actions which cut $33 billion out of programs that benefit the same people who are benefited by this bill. They, for instance, cut $5 billion out of child support enforcement which will result in women in this country over the next 5 years getting $24 billion less in child support money than they are entitled to.

They are cutting over 200,000 kids off health care screening and cutting well over 200,000 families off food stamps. They are saying to people on disabilities, "Sorry, but you are not going to get your full entitlement in your first check after you are declared eligible for disability." Right now the law says that if you apply for disability and if you are adjudged to be eligible, when you get your first check, you will be paid retroactive to the date of application.

The bill that passed 2 weeks ago on this floor, the reconciliation bill, said, "Sorry, folks, if you are declared eligible, you will get only the first 2 months' entitlement in that check; the rest will be strung out over a period of months." The only reason the government saves money under that plan is because people will die before they get what they are entitled to get.

So this House has already taken all of those actions which will cut the assistance to middle-income families and poor families in this country by $33 billion, and then this bill over the next 5 years will wind up imposing an additional $15 billion cut in resources provided over that time.

□ 1430

And as far as I am concerned, it is ironic that this is happening at Christmastime. Usually, Mr. Speaker, at Christmastime, we fill children's stockings. This time around, in sort of "Scroogenomics" fashion, we are emptying those children's stockings and instead moving that money into the pockets of some of the wealthiest people in this country. I do not think that is a way to live up to the Christmas spirit.

I want to point out what some of the real reductions will be. We have 55 million children in public schools. State budgets are stretched thin. And yet, No Child Left Behind funding in this bill is cut $779 million and would be cut $1 billion after the 1 percent across-the-board cut is imposed.

Pell grants: Both parties go home and tell people how much we want to help families who are trying to send their kids to colleges. The College Board spelled out that in the last 5 years, the cost of a 4-year public education has increased by $3,100. The President's response to that was to add $100 to the Pell Grant maximum grant. So he proposed a $100 solution to a $3,100 problem. House Republicans said, "Oh, no, that is too much." So, originally, this bill cut that to $50, and then the conference came back with nothing, zippo. So the Congress is doing nothing to ease the squeeze on families trying to send their kids to college.

And in the reconciliation bill which they passed just 2 weeks ago, they are making that problem, over the next 5 years, $12 billion worse or, I am sorry, $8 billion worse for those same families by raising fees, raising interest rates on student loans. And then they say that they are friends of education.

If you take a look at education technology, this bill cuts that program by $221 million or 45 percent. If you take a look at low-income heating assistance, we have a need to at least double that program, given the fact that we have these huge increases in natural gas prices and home heating-oil prices. In fact, this bill freezes low-income heating assistance. And with the 1 percent across the board that is contemplated that will be on top of this freeze, you will wind up actually reducing money for low-income heating assistance.

Our Republican friends say, "Oh, well, we are going to try to add $1 billion in the reconciliation bill." But we are already told that there is less than a 50/50 chance that reconciliation bill will even be passed before Congress leaves here for the holidays.

Then if you take a look at the International Labor Affairs Program, the program which is supposed to protect American workers' wages by seeing to it that they do not have to compete internationally against slave and child labor, that program is being cut by $21 million or 22 percent by this bill and the across-the-board cut that will shortly follow.

Community health centers: Everybody on both sides of the aisle talks about how important they are. But there is virtually no funding for new community health centers beyond those approved last year. And the majority, in this bill, eliminates the Healthy Communities Access Program, $83 million gone that helps provide health care to persons who do not have any or who do not have health care.

So I would say simply, Mr. Speaker, this bill is highly inadequate. It short sheets America's future. It does not make the investments in health research, in education, in worker training that any civilized, healthy leading society would make.

We do not meet our obligations in this bill, and I would urge a no vote. And I would urge that the majority go back to the drawing board, give this bill a better allocation and live up to the expectations of the American people.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH), a fellow chairman on the Appropriations Committee and a member of our subcommittee.

Mr. WALSH. Mr. Speaker, I would like to thank Chairman REGULA for his leadership on this bill. This bill, of all bills, has a very, very strong history of bipartisanship. One of the predecessor chairmen of this bill was a fellow named Bill Natcher who served with great distinction in this House for 40 years. Never missed a vote. And when he would get up and ask for bipartisan support for this bill, he would get it. As a member of the minority, for year after year I voted for this bill because it is the people's bill, because the needs of the American public are met by this bill. And the people who pay the taxes benefit in large part from the services and support programs provided in this bill. There are over 500 programs in this bill. It is a very complex bill, something that our chairman, Mr. REGULA, understands better than anyone. And he knows this bill inside and out. So I would appeal to my colleagues on the other side of the aisle to provide the same level of nonpartisanship that we did when we were in the minority.

The American public is very concerned about the level of acrimony and partisanship here in Washington today. Here is a day, here is a bill where we can set that aside and work together to provide a bipartisan vote to support this bill. Is it a perfect bill? No. But it is a good bill. And there is an old saying: Do not let the perfect be the enemy of the good. And this is a very good bill.

We do not have unlimited resources in this country. We have to make priorities. And Chairman REGULA has done that. Under his leadership, and since our party became the majority party, we have doubled—doubled the amount of Federal aid to public education. We have doubled. That is an astounding number. And there is an even better one. We have tripled the funding for the National Institutes of Health, the institute that provides the research, that supports the research done at American colleges and research institutions around the country, that gives us, this country, the level of quality of health care that it has, the best in the world. So we not only have set these priorities in a very tough budget year, but he has increased funding. By making further changes in the bill, Chairman REGULA has provided an additional $100 million for funding for special education to States.

Now, again, both parties have been very supportive over the years of the Individuals in Education Act. We, our party, I think, to our credit, have dramatically increased the level of funding in IDEA. The Democrats did their part. We are doing our part.

We have, again, increased LIHEAP, which is very important in my part of the country, in the Northeast. And community health centers, for the people who do not have health insurance in this country, here is an opportunity to help them, to provide health care, good solid health care that we all need. So I just hope that we can set partisanship and some of that acrimony that we all have to deal with on a daily basis down here; let us set it aside on this really good, solid effort, and let us all support this bill.

And I thank Chairman REGULA for his leadership, and I am proud to be a member of this subcommittee.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds. Let me simply say with respect to IDEA, aid to the disabled children, the fact is, this bill cuts the Federal share of that program from 18.6 percent to 18 percent. And under the across-the-board cut that will be coming shortly, it drops further to 17.8 percent. In all, the bill will provide $4 billion less than the glide path to full funding that the Republican budget resolution promised just 2 years ago.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, to my colleague on the other side of the aisle, I just might add that this is the people's bill. But, unfortunately, this particular bill is not meeting the needs of the American public as has been aptly pointed out by my colleague from Wisconsin.

I also might say that there has been bipartisan support in the past because together we could come together and increase the opportunity, whether it was IDEA, whether it was for low-income assistance, whether it was for education, and it was a rallying point on a bipartisan basis to do something for the American people.

Mr. Speaker, when we defeated this bill in November, it cut health research, college loans and low-income energy assistance. It cut assistance to working families and the unemployed by almost 4 percent. And at a time when America is falling behind competitors like China, whose economy is growing three times as fast as ours, it cut worker training. That bill failed by a bipartisan vote of 209 to 224.

What about the bill is so different this time that it warrants passage? Very little. Indeed, this bill is at the same funding level, simply shifting money from one underfunded priority to another. If anything, once you consider the additional $1.4 billion in cuts that the Republican leadership intends to impose with a 1 percent governmentwide across-the-board cut, this bill is worse.

I understand that the chairman and his staff are doing their best. I do recognize that this bill includes many programs that the President had slated for elimination, especially in the area of education and community services block grants. But his is an impossible mission. He has been asked to craft a spending bill with resources that do not even allow for us to meet last year's levels with inflation. And why? And why? Not because America cannot fund these priorities. We are the richest country in the world. Rather, it is because the Republican leadership has chosen to use the funds we have for tax cuts that only impact Americans earning over $200,000 per year. I might add that 53 percent of those tax cuts will go to people who make over $1 million a year. That is the real story behind this so-called budget crunch. That is what is preventing us from providing so many needed resources to help the good people of this country, the good people in our communities to look to government in times of need, and they are looking to government today, and we are saying to them, what government says is: Later for you. Forget it. We are not there when you need it.

As I said in November, ask any middle class family today what is important to them, tax cuts for wealthy Americans or things like lowering the cost of health care, of heating their homes this winter or sending their kids to college? They will tell you every time that all they want is something that makes a difference in their lives and in their family's lives. This bill fails the test. I urge my colleagues to oppose it.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON), a member of our subcommittee.

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding, and I want to commend him for producing a very good bill, and I want to commend the full committee chairman, Mr. LEWIS.

I came to Congress 11 years ago, and over that 11-year time period, I have seen the size of this bill more than double. The working families in my congressional district have not seen their incomes double in that time period.

We have seen unprecedented challenges that we have had to face this year, Hurricane Katrina, recovery from that, Hurricane Wilma, which significantly affected my district and the State I live in, and then, of course, we are fighting a war, a war on terror in this country.

This is a very, very responsible bill. It is a good bill. I just ask all Members to keep in mind, you will hear statements that this bill is going to devastate health care in America. We have an over $13 trillion economy. We spend more than 17 percent on health care. The discretionary accounts in this bill represent less than one-tenth of 1 percent of total health care expenditures.

This is a very, very good bill. It is a very responsible bill, and it is good policy.

I am a conservative. I came here to act in a responsible fashion, and that is what this bill does. I encourage all my colleagues to vote for it. And I again commend the chairman.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the ranking member, Mr. OBEY, and I thank him and applaud him for his steadfast voice on behalf of those who need a voice on the hill, who always speaks up on behalf of those without a voice. And I want to thank the chairman for his steadfast work trying to make the best of a bad situation.

You know, Mr. Chairman, I think that when you got on to that Republican bus and you were trying to find a seat up front for the people's bill, a seat up front for education, a seat up front for health care, a seat up front for human services, all the front row seats were already taken.

□ 1445

They were taken by the tax cut bill, they were taken by the corporate loophole bill for energy companies, and they were taken by the big pharmaceutical giveaways.

I tell the chairman, in many respects, just like Rosa Parks, whose life we celebrated just recently, you were told to take your people's bill to the back of the bus.

Right now, Mr. Speaker, that is just where all of our Nation's priorities are, at the back of the bus. These are priorities that ought to be at the front. These are priorities, like education, that are going to lead our country to the future.

We are talking about a war now in the Middle East. We are going to have another war on our hands. It is an economic war. We used to use our military for political and military hegemony. Now, for us to have political hegemony, we need intellectual power. Our military analogy is our young people need to have textbooks, not tanks. They need to have pencils. They need to have schools that are not falling down on them. They need to be able to go on to higher education.

But, unfortunately, Mr. Speaker, this bill represents the single biggest cut in higher education that we have ever seen in the history of this country. Imagine that at a time when our Nation's economy demands that our soldiers, our men and women who were trying to make a living for themselves, are being taken hostage because they do not have all the protective gear that they need. They do not have an education to wrap themselves around so that they can go out into that economic workforce and be protected and know that they can make a living for themselves in this new-world economy.

So I thank the chairman for doing the best job that he could; but I am sure, as he knows, the people's bill, unfortunately, in this budget took a back seat to many other bills that, unfortunately, I do not believe it should have taken a back seat to.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Washington (Miss MCMORRIS).

Miss MCMORRIS. Mr. Speaker, I thank the chairman for yielding me this time.

I rise in support of House bill 3010, and I especially wanted to highlight the increased funding for critical rural health programs.

Access to quality and affordable health care is one of my top priorities, and in a district that stretches 23,000 square miles between the Canadian, Idaho, and Oregon borders, the distance creates considerable challenges to ensuring quality health care. We continue to see an increasing shortage of health care professionals. In towns like Odessa, Republic, Davenport, primary care coverage is sparse. Pregnant women must travel over 1 hour for care. In addition, it is becoming nearly impossible to retain primary care physicians and dentists, let alone specialists. I have said it before and I will say it again: this is unacceptable for 21st-century health care.

This conference report is an important step in turning this tide for rural health care by increasing funds for the Office of Rural Health and Research Policy, Rural Health Outreach Grants, and Area Health Education Centers. Training in primary care and dentistry will receive $13 million above the original conference report. These title VII funds have helped support Family Medicine Spokane's rural training efforts, which is still producing family practice doctors who want to stay in practice in rural areas like Washington, Wyoming, Alaska, Montana, Idaho. Training and recruitment of health professional students remains an important priority.

When this bill was addressed on the floor in June, I spoke of the need for additional rural health care funds, and Chairman REGULA assured me that he would consider increasing those funds in the conference report. I thank him for helping to preserve the Federal rural health infrastructure and increasing funding for these necessary programs. I appreciate his leadership on this issue.

We have made a solid step, and I urge my colleagues to support this legislation as we continue to advance legislation that will strengthen America's rural health infrastructure.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me this time.

This is not Mr. REGULA's bill. I do not really believe it is Mr. LEWIS' bill. It is the bill that is the result of the fiscal policies we have been pursuing for the last 5 years, however.

And let us be clear. The so-called new and improved Labor-HHS bill is virtually identical to the conference report that the House rejected on November 17 in a bipartisan way. There is no reason for any Member to vote for it today, in my opinion. It is just like the flawed first version. This conference report betrays our Nation's values and, I think, investment in our future.

Last week, this House majority passed more than $94 billion in additional tax cuts, the benefits of which go mostly to the wealthiest in America. This week with this bill, we are slashing discretionary spending for education, health care programs, worker training, and assistance to the most vulnerable of Americans. That is just half of it. If the Republican leadership gets its way, it will impose an across-the-board cut that nearly doubles the cuts in this bill to some $3 billion.

Let no one be mistaken. When push comes to shove, this majority without fail puts its friends ahead of our Nation's future. I do not refer to the chairman of the committee or the chairman of the subcommittee.

Now, our colleagues on the other side of the aisle can claim there is little they can do to improve the funding levels in this bill, because the fiscal policies they have pursued have put them in a position where we have insufficient funds to fund the priorities of this Nation.

They say they have no options, no alternatives. They say they are only complying with funding levels dictated by the Republican budget resolution. One of my Republican predecessors, Mr. REGULA's Republican predecessor, refused to vote for the budget simply for that reason a number of years ago. He said, I cannot do this bill within the context of the budget that is presented.

Now they want to conveniently ignore the undeniable truth. They voted for that budget resolution, which put them in the straits they now find themselves. They want to vote for draconian cuts in April and proclaim that they are getting tough on spending and then 8 months later they want to disclaim responsibility when those cuts are enacted.

The inappropriate funding levels in this conference report are the inevitable consequence of the most irresponsible fiscal policies in the history of our Nation that we are pursuing, of policies that have spawned record deficits. This administration started with a $5.6 trillion surplus. It is now confronted with a $4 trillion deficit. There are no fiscal conservatives on that side of the aisle, I tell my friends, of policies that this Republican majority and the administration have enacted to deliberately deprive our government of the resources that it needs and that our people know our country needs.

Finally, Mr. Speaker, let me say that I am particularly incensed that at a time of record heating costs, the subcommittee defeated Mr. OBEY's amendment to provide an additional $2 billion for the Low Income Home Energy Assistance Program.

I predict to you today, just as when we rejected funding for the veterans that we said was necessary and their health care, you are going to be back here with a supplemental funding additional energy costs for seniors.

And, by the way, let me also say Mr. OBEY had an amendment which was going to give to seniors an additional 6 months to make a determination to figure out this incredibly complex prescription drug bill that we have put on their doorstep, and that was rejected unanimously by Republicans while it was unanimously supported by Democrats.

The message here, Mr. Speaker, is unmistakable and sad. While the wealthy have money to burn, the poor get to shiver in silence. I simply do not understand why the majority refused to adopt a second amendment, as I said, to extend time for seniors. We all know the reality. The Republican prescription drug plan is so complicated and confusing that millions of seniors need and deserve more time to weigh their options.

I urge my colleagues to vote against their conference report. I regrettably say that, but I think the failures contained in it compel that conclusion.

Mr. REGULA. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, one of the previous speakers on the majority side of the aisle said that we have limited resources, we have to make priority choices. That is absolutely right. The problem is with the priority choices that the majority has made.

They are fond of pointing to the fact that we have had extraneous expenses such as Katrina, and they say that is why we have to squeeze bills like this. But, in fact, under actions already taken by the majority party in this Congress, over the next decade they will provide $1.2 trillion in tax cuts for persons who make more than $400,000 a year, the top 1 percent of earners; and they have done virtually all of it by borrowing money to provide those tax cuts. I would point out that that $1.2 trillion is more than five times as much as the Federal Government will spend by anybody's estimate on repairing Katrina.

I would say that also the actions of the last week, when they added $70 billion to the tax breaks that they are providing, again with 50 percent going to the top 1 percent, demonstrate what the values and what the priorities of the majority party would be.

If we ask the average family in this country what they need in order to be able to deal with their own problems, I think what they would say is they need help to see to it that they have adequate access to education for their children. I think they would say that if somebody loses a job, they need help to get decent retraining. I think they would ask for fair treatment in the workplace. I think they would ask that their family have decent health care. And I think seniors would ask that they be provided a secure retirement with adequate medical care and help to pay their drug costs. The fact is that this bill fails on virtually all tests.

I would say also, as the gentleman from Maryland indicated, we did try to do one additional thing for senior citizens. Because of the incredibly confusing prescription drug program which seniors are being asked to sign up for, because that program is so incredibly confusing, we tried to get the majority to consider a 6-month delay in the deadline that seniors have to meet in signing up for that program. That motion failed on a party-line vote, unfortunately, on a 7-7 vote.

I would hope that before this Congress ends, the Congress will recognize that that program is so incredibly convoluted that there must be a delay in the sign-up deadline so that seniors have more time to make what could be a very confusing and devastating choice if they make the wrong choice.

Having said that, Mr. Speaker, I want to thank the staff on both sides of the aisle for the work that they have done on this bill. It has taken a good number of good people to produce what I think is a bad product because of the allocation; but, nonetheless, I appreciate the hard work and I appreciate the enduring friendships that we have across the aisle.

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Mr. Speaker, I assume this is the last time I will speak on the floor before Christmas, so I want to wish everyone Merry Christmas and a happy new year, and enough blessings so that you will reconsider some of the mistakes in this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to my colleague from Wisconsin, if you would give us a few votes, we would have an even merrier Christmas.

Mr. OBEY. Unfortunately, our constituents would not.

Mr. REGULA. Well, I am not too sure about that. I think it is going to be kind of tough to go home and explain how you are voting against an additional $100 million for title I, and I think you are going to have a tough time explaining to parents of children that have special needs that you voted against an additional $100 million for the programs for special needs kids. I think you are going to have a tough time explaining how you voted against adding $250 million in medical research at NIH to deal with the multitude of challenges, and to the communities that are earmarked for Community Health Centers, to help people without a doctor, without medical care. I am not sure how you explain to them they are going to have a merry Christmas when they are not getting their Community Health Centers and the Community Services Block Grants.

I want to say to my colleagues, this is a good bill. I recognize we had limited resources. There are a lot of things that were unusual this year with Katrina and with other challenges, and what we have tried to do is do the best we can with what was available; and I think we have done some pretty positive things.

I want to say to my colleagues on our side of the aisle, we are not getting any help from our friends on the minority side, so I would hope that we will have strong, strong support on our side to demonstrate that we can govern, that we can pass a very responsible bill with less money than the past because we have managed what we had in a more effective way.

But also I say to my colleagues that we want to say to the public that we do care about education, that we do care about the teachers, that we do care about the students who will benefit from that extra $100 million in title I. We want to say to the families of special needs children, we do care about your problem, and we want to support that extra $100 million that is in this bill. And we want to say to people who are confronted with the whole myriad of challenging medical problems, such as juvenile diabetes, that we want to help and we want to support an additional $250 million for NIH.

We want to say to those that need Community Health Centers, where they do not have access to medical care, we want to help you with $66 million additional, and with LIHEAP, with the Northeast in particular, and with the Community Services Block Grants.

This is a bill that is caring about people. I would suggest to my colleagues on this side that we need to demonstrate with a very strong vote that even though our friends on the other side think it is not enough that it is going to have problems involving reconciliation; but this is not a Ways and Means bill, this is not a Budget bill, this is the people's bill with people's programs. It is not the reconciliation bill. That is another topic, and people will have their opportunity to vote on that.

But I simply want to say that given the resources that we have, given the times that we are confronted with, that we have done a very responsible job, even to the point that Members have sacrificed their earmarks. They have sacrificed $1 billion worth of earmarks in order to do the things that I outlined before, to do more education, to do more health research, to do more Community Health Centers. So this is something that all of us are taking part in trying to serve the needs of the American people as effectively as possible. This is a lot of money, $142.5 billion, and this literally is the people's bill.

I want to point out to my friends on the other side that when the Republicans became the majority party, this bill was $69 billion. Today, it is $142 billion, more than double what it was in 1994. That is pretty substantial dedication to education, to health research, to a whole host of things.

I would point out in the last 10 years we have increased title I aid to disadvantaged students by 91 percent. We have increased special education by 380 percent. That is a dramatic increase. I think it is great that we, and I want to say historically that has had strong bipartisan support, that we care about people who have needs.

I was once an elementary principal in a public school, and we did not have any special education program. That was the problem of the families. Today, we have billions of dollars spent on these programs. That is a credit to America, that people do care about each other; and it is demonstrated by the support we have for IDEA, with an increase of 380 percent. That has been bipartisan. We have tripled the Federal funding for reading programs. I think we are more and more aware that learning to read early in your education experience is vitally important.

Today, we are faced within the United States with a dropout rate of over 30 percent. That is a terrible waste of human talent. One of the things that causes that, I think, is inadequate reading programs early on. We are trying to address that problem. We have addressed that problem.

We are also recognizing in this bill that the key to a good public education system is a good teacher, a good principal, a good superintendent, caring people. So we put in this bill some additional money to recruit and retrain quality public school teachers and principals. Parents who have worked with principals in the school system know how important that is.

Pell grants, we have gone up 64 percent in the last 10 years. Again, we want to help those students who want to get an education who have limited economic resources to get an opportunity to participate in the American Dream. We have done this with America's Historically Black Colleges. We have increased their funding 182 percent. That is a dramatic commitment on the part of the Federal Government.

All in all, I think we as a Congress can take some pride. This is not the back of the bus when you spend $142 billion. Anything but. This is a front-row seat. And we have tried to make sure that every American, every American, could be in that front-row seat on the education bus, on the health research bus, on the Labor Department programs for job retraining bus. I think this is a bill we can take pride in.

My colleagues on my side, since we cannot get any help from our friends on the minority side for whatever reason, I have not quite figured that out, but I think our Members need to strongly support this bill and continue the pride we can take in our accomplishments since we became a majority, since 1994, as I have outlined, and particularly in the last 10 years.

This is a bill that is responsible, it is a bill that reflects good management of resources, it is a bill that we should all support strongly. I hope my colleagues on the majority side will come in and vote in a positive way to increase education, to increase medical research, to increase a whole host of things that will serve our people throughout this land effectively.

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to this FY 2006 Labor-HHS Conference Report.

Almost a month ago, this House rejected an earlier version of this legislation by a vote of 209–224 because it shortchanged the nation's critical education, health care and job training priorities.

Today we are being asked to pass judgment again on a virtually identical piece of legislation—as if shuffling $180 million between accounts in a $602 billion conference report can begin to compensate for the deficiencies in the underlying bill.

Mr. Speaker, the Labor-HHS Appropriations bill used to be called "the people's bill." So what are the people getting today? Here's a sample from this legislation's hall of shame:

There are $779 million in cuts for No Child Left Behind, meaning 3.1 million kids won't get the reading and math help they were promised.

A freeze in the Low-Income Home Energy Assistance Program, LIHEAP—despite the 44 percent increase in natural gas prices and 24 percent increase in home heating oil prices expected this winter. This House has refused to provide sufficient help to families in need despite the fact that it voted a few months ago to give the oil and gas industry a $14 billion tax subsidy.

A cut in real terms from the National Institutes of Health that will result in NIH funding 505 fewer research grants than it did just two years ago.

A 5 percent cut in critical services for the 7.4 million unemployed and displaced workers left behind by our increasingly globalized economy.

Mr. Speaker, the list goes on and on.

While this conference report is not completely without merit—ranging from its increased funding for rural health to the reinstatement of the Bureau of Labor Statistics' women worker survey—its overarching trajectory falls far short of what our nation and its people deserve. I do not believe that it reflects the values and priorities of the American people.

Mr. MARKEY. Mr. Speaker, I rise today to oppose the second FY 2006 Labor, Health Human Services and Education Conference Report.

I opposed the first conference report last month because it inadequately funded virtually every area of need and slashed $1.5 billion from our country's critical health, human services, education and labor programs. This new, but definitely not improved conference report slashes $1.6 billion from these programs actually increasing the total cuts to these agencies by $90 million.

While I was pleased to see increases in the Title VII programs and other important health programs, this bill did not provide new funds for these programs, it simply robbed Peter to pay Paul. In this case, the Republican leadership has apparently decided that its more important to provide federal funding for Viagra and other erectile dysfunction drugs than it is to fully prepare ourselves for the threat of a pandemic flu, such as the Asian bird flu.

The new conference report eliminates $120 million for pandemic flu preparedness in order to fund these increases with the promise that they will make up for it in other bills. However, you can't cram for a pandemic. We need to have the funds in place to prepare our public health system for the threat of pandemic influenza now.

Further, the Republicans have been considering making an additional 1 percent cut to all of the programs funded by this bill. If they do that, it will double the cuts in the bill, bringing the total cuts to $3 billion. That is $3 billion less for critical education, job training, health, and energy assistance programs. When you combine these cuts with the Republican spending cuts bill that they passed as a part of Reconciliation, programs that help the poor, the sick, the elderly and other Americans who need our help the most will be cut by $48 billion over the next 5 years.

When you compare these massive cuts for the most vulnerable to the incredible $56 billion Republican tax cut giveaway for millionaires that Republicans passed last week, there is no question where the Republicans priorities are.

When in the span of 2 weeks, the Republicans give the top 1 percent of Americans who are millionaires an extra $32,000 a year and cut unemployment insurance and employment service offices to help the unemployed by $229 million and cut Head Start by $11.2 million and cut Community College training grants by 50 percent and cut the international assistance grants to eradicate child labor by $20 million it is clear what the Republican priorities are.

While the Bush administration has never fully funded the No Child Left Behind Act, this bill goes a step further by actually cutting total federal education funding for the first time in a decade—cutting No Child Left Behind so that it is now $14 billion below the authorized level, slashing special education, safe and drug free schools, education technology grants and freezing the maximum Pell grant award for the fourth year in a row despite rising tuition costs.

At a time when we are trying to prepare our country for the aging of the baby boomers and threat of pandemic flu, this bill cuts funding for healthcare. It cuts the CDC's budget by $249 million and provides the smallest percentage increase to NIH in three decades. And if the Republicans make a 1 percent cut to all of the programs, NIH will get a real cut.

The bill before us today would also freeze funding for the Low-Income Home Energy Assistance, LIHEAP, at $2.18 billion, counting both basic formula grants and emergency grants—the FY 2005 level. LIHEAP serves about 5 million households, the majority of which have at least one member who is elderly, disabled, or a child under age 5. The conference report is freezing LIHEAP even though consumers are expected to pay 52 percent more for natural gas, 30 percent more for home heating oil, and 11 percent more for electricity this winter.

The Republicans won't fully fund LIHEAP because they have other priorities. Their budget makes that quite clear. Tax cuts for millionaires, tax cuts for the giant oil companies, weakening environmental regulations for their business cronies. Those are the priorities for the Republican-controlled Congress. Funding for education, health care and low-income home energy assistance so that seniors on fixed incomes, and poor families can heat their homes this winter, are not their priorities.

I urge a "no" vote on this bill.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to the Labor, Health and Human Services and Education Appropriations conference report before us. One month ago, the House of Representatives voted this bill down because it failed to address the priorities of the American people. I am disappointed that the conferees have sent it back to us without significant changes.

Before we voted on this bill in November, my constituents told me what was important to them. Rhode Islanders, like all Americans, are concerned about health care and the economy. I believe the public sentiment on these issues accounted for the failure of this bill last month. With more than 45 million uninsured Americans and 7.4 million unemployed Americans, now is not the time to cut health professions training grants by 51 percent or take $229 million away from the unemployment insurance and service programs. Yet, this second conference agreement once again proposes to do just that.

The consequences of ignoring these societal problems are far-reaching. Major cutbacks in the areas of education and health care will have a tremendous economic impact on our Nation. However, the Republican leadership set the stage for cuts in these critical programs. When Congress passed H. Con. Res. 95, the Budget Conference Report, they made it clear that tax cuts for the wealthy will continue to be paid for by slashing programs that Rhode Islanders depend on.

Last month, I outlined my concerns about specific aspects of this bill—cuts for No Child Left Behind, an already underfunded mandate; the failure to increase the maximum Pell Grant as included in the original House bill; and providing insufficient funding for the National Institutes of Health, which would decrease the number of federal research grants for the second year in a row. As these concerns have not been addressed in the second conference report, I urge my colleagues to reject H.R. 3010—again.

Mr. STARK. Mr. Speaker, I rise in strong opposition to the newer, but not better, Labor-HHS-Education appropriations conference report.

Less than a month ago, the Members of this House rightfully defeated the previous version of this conference bill. Unfortunately, the Republican Majority did not get the message that Americans do not want Congress to cut $1.5 billion in critical programs.

Like their previous bill, the Republicans continue their assault on health care programs. Even with nearly 46 million uninsured Americans, 800,000 of whom were added last year alone, the Republicans provide virtually no funding for new Community Health Centers beyond those approved last year. They also propose cutting grants for immunizing children, responding to disease outbreaks and improving care for people with chronic diseases.

Unbelievably, the Republicans did not stop there. Just one year after failing to have enough flu vaccine available and with the impending pandemic of avian flu, this bill cuts $100 million of funding for flu preparedness. Also, just one day after President Bush acknowledged that the current Medicare prescription drug benefit was confusing, this bill ensures that help will be even more difficult to come by. It cuts by $60 million the funding used to pay for helping seniors' choosing their new Medicare prescription drug benefit.

Cuts were not limited to health care programs. This bill also cuts No Child Left Behind funding, education technology programs and special education programs. The Education for the Disadvantaged Program receives the smallest increase it has ever received in 8 years, negatively affecting 3.1 million low-income children. It is no wonder Republicans pushed so hard to privatize Social Security earlier this year. With the poorly educated workforce the Republicans are surely creating, there may be too few highly-trained workers to pay into Social Security to take care of my Republican colleagues and me in our retirement.

Beyond education, this bill will literally leave people out in the cold. Consumers are expected to pay 44 percent more for natural gas and 24 percent more for home heating oil this winter, yet Republicans failed to increase funding for programs that provide home heating assistance for low-income seniors and children.

There are, regrettably, many more worthwhile programs the Republicans have targeted. Programs to train workers for high skill, high paying jobs are cut $125 million; job search assistance is cut $89 million; state unemployment insurance and employment service offices are cut $245 million eliminating help for 1.9 million people. The International Labor Affairs Bureau, tasked with protecting American workers from being undercut by child and slave labor abroad, is being cut $20 million. Based on the Republican efforts to cut employment services, you'd never know this Administration has overseen the lowest rate of job growth since Herbert Hoover.

America can do better than a bill that cuts education, health care and labor programs especially while Republicans work to propose tax breaks for the wealthiest among us. This bill clearly shows the misguided priorities of the Republican Majority. I urge my colleagues to join me in voting "no" on this harmful and dishonorable bill.

Ms. LEE. Mr. Speaker, I rise in strong opposition to this conference report and thank Mr. OBEY, Ranking Member of Approps Committee, for the time.

This morning I greeted hundreds of faith leaders on the steps of the Cannon building. They gathered from across the country to march together and pray together and to deliver a message to Congress. Their message was simple: The budget is a moral document and we have a moral obligation to ensure its priorities reflect our values.

Mr. Speaker, I have to ask why aren't we listening to them?

Who better than faith leaders, who serve on the front lines, who feed the hungry, who clothe the naked, who house the homeless, to tell Congress about the impact of this immoral budget on our families and our communities?

They recognize that the priorities reflected in our budget are not a partisan issue, but an issue of who we are as a Nation, and what our values are.

We know that the Republican budget cuts and this conference report, which is a critical part of their budget, is nothing more than an assault on the least among us—and it does not reflect our values.

That is why I encourage my colleagues to vote with their values and let's defeat this bill just like we did a month ago.

Don't tell me we can't do better.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to express my opposition to H.R. 3010—the Labor-HHS-Education Appropriations bill for FY 2006. Just like the conference report that preceded it, and was rejected in the House on November 17, 2005, H.R. 3010 finances tax cuts for this Nation's millionaires and billionaires—those who have the most—on the backs of those who have the absolute least. We, as a Nation, can and should do better.

H.R. 3010 strips critically important dollars from education, health care, job training and social programs—the very same programs that already were underfunded, and the very same programs that help our most vulnerable residents and those who have fallen on hard times have a chance to achieve the American dream.

Mr. Speaker, H.R. 3010 undermines the value and importance of education by cutting No Child Left Behind by $779 million. What's worse, the revised version will leave 3.1 million children without adequate reading and math help and instruction—two academic subjects that are among the most important and in areas where the United States lags behind other countries. H.R. 3010 will leave 6.9 million children without adequate special education services, and cuts safety and drug-free programs by 20 percent! Additionally, H.R. 3010 breaks its promise to low-income students who achieved what some may have thought impossible: working extremely hard to earn acceptance into college. The revised version does not increase the Pell Grant. Instead, it freezes it for the 4th year in a row, all while tuition at public colleges and universities has increased 34 percent in the last 4 years. Furthermore, H.R. 3010 freezes all other student financial aid support and programs. Well, Mr. Speaker, as a parent and as someone who deeply values education, I am not willing to tell hard working kids who are using education as a vehicle to better their situations and their futures that I did not hold up my end of the deal.

Mr. Speaker, I am obviously disheartened by the disastrous cuts to education programs that are included in H.R. 3010. However, as a physician who knows—first hand—how important health care access is to health and well being, and how beneficial health professions training programs are to diversifying the rising pipeline of health care providers, I am horrified at the extensive cuts to health care programs, which include the following:

Cutting $153 million from Title VII health professions training programs;

Putting an essential end to the President's community health center initiative;

Freezing most Ryan White CARE Act programs that provide medical and dental care, and extend often life-saving support service programs to people living with HIV/AIDS and the families who care for them;

Eliminating the Healthy Communities Access Program, a program that was designed to meet the health care needs of this nation's ever-growing uninsured citizens; and

Cutting the Maternal and Child Health Block Grant—which helps states provide mothers with important prenatal care and offer preventive health care and medical treatment to children, including those with disabilities and special needs—by $24 million.

Mr. Speaker, I know what these cuts to health care programs will do: they will increase the already unacceptably high numbers of uninsured Americans; create insurmountable barriers to necessary health care services and treatments for our most medically-needy and medically-underserved citizens; exacerbate the racial and ethnic as well as the rural health disparities that plague and cost our health care system; and leave hundreds of thousands of hard working and decent men, women and children in poorer health with less access to health care.

And, Mr. Speaker, all of this just to finance tax cuts for the wealthiest people in this country.

As a physician, as the Chair of the Congressional Black Caucus Health Braintrust and as a parent and grandparent, these funding cuts to education, health care, job training and other important social programs have me convinced that if we do not change our funding priorities, then we—as a Congress—will be playing an instrumental role in sending this Nation down the wrong path. And, Mr. Speaker, that is not a legacy that I am interested in leaving, and I encourage my colleagues—on both sides of the aisle—to oppose H.R. 3010.

Ms. ROYBAL-ALLARD. Mr. Speaker, I regrettably rise in opposition to the Labor-HHS-Education Appropriations Conference Report, because it grossly under funds the essential programs in education, health and human services that help improve the quality of life of the American people.

Chairman REGULA has done his best to meet the needs of the most vulnerable in our society with the very limited resources he was given. Ironically, these inadequate resources are a direct result of his own Republican leadership putting tax cuts for the wealthiest in our country before the needs of working and middle-class Americans.

This is the second time that the Labor-HHS Conference Report is before this House. Three weeks ago, Republicans and Democrats defeated the original conference report in a rare show of bipartisanship. Members on both sides of the aisle voted against the injustices of this bill, and refused to allow this 109th Congress to be defined by a Labor-HHS-Education bill that turned its back on the American people. This revised Conference Report continues the policy of shortchanging the needs and priorities of the majority of Americans.

There are, however, two incremental improvements in this revised Conference Report. The report restores $37 million to rural health outreach grants and rural health research, bringing them back to last year's funding levels. It also adds $53 million to bring four of the Health Professions Training Programs back to FY 2005 levels. Nevertheless, these modest changes will have little impact on rectifying the enormous gaps created by the funding cuts in this bill. It is simply another version of misguided priorities and unacceptable choices.

If we pass this conference report, the Departments of Labor, Education and Health and Human Services (HHS) will all receive less funding next year than they did in FY 2005. For example, the Department of Labor will receive $430 million less than in FY 2005, resulting in the elimination of skills training for 100,000 personnel in growth industries, and the abolishment of job search assistance for 1.9 million unemployed workers. These are two critical programs that benefit the 7.6 million Americans who remain out of work. The Department of Education will receive $59 million less than it did in 2005, and contrary to the administration's professed commitment to leave no child behind, this second conference report will reduce the "Even Start" program for low-literate and low-income families by 56 percent, freeze the English Language Training program, and fund IDEA with the smallest increase in over a decade. In addition, at a time when 45 million Americans are without health insurance, the Department of Health and Human Services will receive $1.1 billion less than the FY 2005 appropriation. The result is that this revised conference report will further erode the health care safety net by terminating the Healthy Communities Access Program, cutting $24 million out of the Maternal and Child Health Block Grant, and eliminating the Health Care Planning Access Grants that help states expand health coverage to the uninsured.

The revised Labor-HHS-Education Conference Report does not even come close to meeting the health and social welfare needs of our families, the educational requirements of our children, and the responsibilities we have to our most vulnerable citizens. Mr. Speaker, this country was built on a promise of hope and equal opportunity for all of its people. If the majority continues to ignore these values that have set our country apart and contributed to its greatness, we will lose our moral high ground and jeopardize our place as the most powerful country in the world. Our children will then be forced to live with the consequences of an undereducated workforce, a weak economy, and a society where good health and social justice are only afforded to the most privileged. Mr. Speaker, I urge my colleagues to reject this still ill conceived, unacceptable and unnecessarily under funded conference report.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to the conference report on H.R. 3010, Labor, Health and Human Services and Education Appropriations bill for fiscal year 2006. Like the version rejected by the House last month, the revised version still slashes health, education and jobs programs by $1.6 billion below the FY 2005 enacted level.

Mr. Speaker, this is the second time the House has considered the LHHS conference report. Sadly, a second look at the conference report is not better. On November 17, the conference report was rejected because the bill showed that the Republican-led Congress was out of touch with the priorities and needs of the American people.

The bill before us today does not change the core principles rejected in the first conference report. The second conference report still underfunds key programs because of the Republican-led Congress and the Administration's fiscally irresponsible budget priorities, continued insistence on large additional tax cuts for the super rich, and the wars in Iraq and Afghanistan. Although appropriators must make tough choices because of these extraordinarily tight budget constraints, programs that help millions of Americans should not be on the chopping block.

With a record 55 million children in public schools and state budgets stretched thin, No Child Left Behind (NCLB) funding is cut by $779 million. Title I, which is the core of NCLB's efforts to improve reading and math skills, receives the smallest increase for Title I in 8 years—only $100 million—which means 3.1 million low-income children will be left behind.

Even as the cost of a 4-year public college education has increased by 34 percent since 2001, the maximum Pell Grant is frozen for the fourth straight year at $4,050, and no new funding for all other student financial aid and support programs is provided in this conference report.

This conference report will actually cut the federal share of special education costs from 18.6 percent in FY 2005 to 18.0 percent by providing the smallest increase for the Individuals with Disabilities Act in a decade. The bill provides $4 billion less than what was promised for IDEA.

With 7.6 million Americans out of work, Republicans cut the Community College Initiative's, which trains workers for high skill, high paying jobs by $125 million-rescinding funds provided last year and denying this assistance to 100,000 Americans.

Republicans also cut job search assistance through the Employment Service by 11 percent and cut State Unemployment Insurance and Employment Service Offices by 7 percent, eliminating help for 1.9 million people.

Consumers are expected to pay 52 percent more for natural gas, 11 percent more for electricity, and 24 percent more for home heating oil this winter, yet this conference report failed to increase funding for LIHEAP home heating assistance, which helps keep the heat on for low-income seniors and families with children.

Nearly 46 million Americans are without health insurance yet this conference report provides almost no funding for new Community Health Centers beyond those approved last year and eliminates the Healthy Communities Access Program and state planning grants to improve health care coverage.

Preventive Health Block Grants to state health departments help address critical public health problems. The bill provides less for responding to disease outbreaks, immunizing children, and improving care for people with chronic diseases, when it cuts these grants by $31 million.

This conference report reflects the priorities of this Republican-led Congress and not those of Democrats and most Americans. The country's priorities should be based on the shared sacrifice of all Americans, not just sacrifices for the poor, working class, students and seniors.

The Labor-HHS-Education bill should fund significant health, education, job assistance, training and research programs that impact every American. This conference report is way short in meeting the needs of Americans. Congress is walking away from our commitment to equal opportunity and a better quality of life for all Americans. Greater access to employment training, jobs, affordable healthcare, quality education, and ending disparities should be our goal.

This bill falls short of achieving those goals.

Mr. Speaker, despite the addition of modest funding increases for certain rural health programs, this bill still dramatically cuts the core principles and programs that are important to Americans.

I oppose this LHHS conference report and urge all of my colleagues to reject this bill full of misguided priorities.

Mr. BLUMENAUER. Mr. Speaker, a month ago, I voted against H.R. 3010, the Labor, Health and Human Services, Education and Related Agencies first conference report, which failed in the House with 22 Republicans also voting against the bill. Today, a similar bill with some minor tweaks to gain a few more votes for a narrow passage is before the House again.

While I am glad to see $90 million restored to rural health programs, the overall bill is still bad. It is irresponsible to raid from one program to pay for another program. This bill contains $1.6 billion in cuts from FY 2005 to important labor, health, social services, and education services.

It is unfortunate that Republicans in Congress are choosing to strip away essential safeguards for families in order to implement tax cuts benefiting the wealthiest Americans. I am voting against this bill because Americans deserve better.

Ms. LEE. Mr. Speaker, I rise in strong opposition to this conference report and thank Mr. OBEY, Ranking Member of Approps Committee, for the time.

This morning I greeted hundreds of faith leaders on the steps of the Cannon building. They gathered from across the country to march together and pray together and to deliver a message to Congress. Their message was simple: the budget is a moral document and we have a moral obligation to ensure its priorities reflect our values.

Mr. Speaker, I have to ask why aren't we listening to them?

Who better than faith leaders, who serve on the front lines, who feed the hungry, who clothe the naked, who house the homeless, to tell Congress about the impact of this immoral budget on our families and our communities?

They recognize that the priorities reflected in our budget are not a partisan issue, but an issue of who we are as a Nation, and what our values are.

We know that the Republican budget cuts and this conference report, which is a critical part of their budget, is nothing more than an assault on the least among us—and it does not reflect our values.

That is why I encourage my colleagues to vote with their values and let's defeat this bill just like we did a month ago.

Don't tell me we can't do better.

Mr. LEVIN. Mr. Speaker, this Labor, Health and Human Services, and Education Appropriations bill is a very flawed bill which would badly underfund health care, education, and social services critical to all Americans. Although I was unable to vote in favor of the bill, I do want to call attention to one bright spot.

For the first time, the Congress has provided dedicated funding to educate women, their families, and their physicians about the risk factors and early warning signs of gynecologic cancer. Each year, tens of thousands of women die of gynecologic cancers that could have been treated had they been detected earlier. Ovarian cancer, the deadliest of the gynecologic cancers, has a survival rate of 80 to 90 percent if detected in Stage One or Stage Two and a survival rate of 20 percent or less in the late stages.

Although only cervical cancer has a screening test reliable enough for routine use on women without symptoms, gynecologic cancers have clear risk factors and early warning signs. A recent study found that almost 90 percent of women with early stage ovarian cancer had symptoms before being diagnosed. That's why public education is key—if women and their doctors know the risk factors and early signs, a specialist can use diagnostic tools to rule out cancer or detect it in the early stages.

I first became aware of the tremendous opportunity for the federal government to save lives when I heard the story of one of my constituents. Johanna Silver Gordon was a health-conscious public school teacher who died of ovarian cancer after being diagnosed in a later stage—leaving friends, family, and students heartbroken that they and she had not known the early warning signs. Unfortunately, her story is all too common. I first heard Johanna's story from her sister, Sheryl, and I introduced legislation to create Johanna's Law, a national public education campaign to eradicate gynecologic cancer death. Thanks to Sheryl's work and that of thousands of other tireless cancer survivors, family members, and physicians, Johanna's Law has the support of a majority of the House of Representatives and provided the inspiration for the language in this bill.

The language in this bill directs the Secretary of HHS and the Office of Women's Health to coordinate their education and outreach efforts on gynecologic cancers into a national public education campaign, focused on early detection. The bill provides $100,000 in dedicated resources, in addition to the resources HHS already has for cancer education. It is a small but important first step toward ensuring that what happened to Johanna does not happen to other women. I commend the conferees for its inclusion, and hope we can work in a bipartisan fashion to build upon this effort.

I also want to commend my colleagues, DARRELL ISSA, ROSA DELAURO, and KAY GRANGER, who have worked tirelessly with me to promote Johanna's Law and raise awareness of gynecologic cancers. I hope we can continue to work together to build on this start.

Mr. CARDIN. Mr. Speaker, I rise in opposition to the fiscal year 2006 Labor-Health and Human Services-Education Appropriations Conference Report. I was dismayed to hear my friend, the Chairman of the Subcommittee, state that this bill "more than any other, illustrates the compassion of the American people." But the American people did not produce this bill, and, judging from the hundreds of calls and letters to my office, they do not support its provisions.

Across the board, in nearly every area of importance to American families, our citizens are shortchanged by this bill. The Labor-HHS-Education bill is often the most contentious appropriations measure to move through Congress. This is because the programs it funds affect the health, the quality of life, indeed the future of every American. This year, the original version of the conference report was deemed so harmful that it was rejected once already on November 17. Today, the authors of this bill have returned it to the floor with a few cosmetic changes designed only to secure enough votes to squeak the bill through. But this so-called "new and improved version" will be no less objectionable to the sensibilities of the American people and certainly no less harmful to American families.

This legislation sends a clear message to the American people: for educational opportunity, for food assistance to elderly Americans, for help with heating bills next winter, for access to quality health care, for advances in medical research: do not look to this Congress for help.

The majority says it cares about families, about better education, about improved health care, about a productive workforce, about economic opportunity. But it has produced a bill that cuts the bootstraps of middle class families trying to stay afloat and aspiring families who are reaching for the American dream.

Overall, this bill cuts $1.5 billion from last year's funding levels. Let us examine what effect these cuts will have on our Nation.

A strong and productive workforce is key to our Nation's future. According to the Department of Labor, nearly 8 million Americans and 120,000 Marylanders are unemployed. But this Congress is poised to slash more than $400 million from job training and employment services funding.

It will also cut State unemployment insurance and employment service offices by $245 million, and assistance for approximately 1.9 million people will be jeopardized.

This bill also cuts by $250 million the Community College Initiative, which is President Bush's initiative to help community colleges train prospective workers for high-skill jobs. The conference report cuts funding for that effort by $125 million and rescinds $125 million from fiscal year 2005 funds.

A healthy America is key to our Nation's future. We have more than 45 million Americans without health insurance. Many of them rely on networks of community health centers to receive much needed care. I was encouraged by the President's initiative to increase the number of community health centers around the country, but the conference report provides $238 million less than the President's request. The Republican leadership supports this conference report, despite the fact that this House passed in July a resolution stating that community health centers are "vital to the nation's communities." Surely, the dedicated workers at our health centers will find the words of that resolution hollow if this conference report is passed. This conference report cuts health care access for underserved areas of the country. It eliminates the community access program, which provides lifesaving and life-enhancing health care to many regions that lack a sufficient number of health care facilities.

This bill cuts title VII health professions programs by 69 percent and it eradicates several programs entirely. This is particularly outrageous coming from a Congress that claims to want to end health disparities. Johns Hopkins Institutions in my home town of Baltimore receive more than $2.5 million in funding for title VII grants. These programs serve different spheres of the health care system, from the Schools of Nursing, Public Health and Medicine. All of this funding is jeopardized by the bill before us today.

The National Institutes of Health is headquartered in my home State of Maryland. Over the past year, I have met with dozens of representatives from patient groups. They are aware that the President's budget for fiscal year 2006 proposed the smallest increase for NIH in 36 years. The paltry increase in this bill does not even keep pace with inflation. What does it mean in real terms? Not only will we not be able to increase our efforts to fight diabetes, HIV/AIDS, cancer, brain injury, Alzheimer's and other pernicious diseases, we will actually see a reduction in the number of grants and the number of research projects funded by NIH.

Improvements in education are key to our Nation's future. This Congress speaks often about the need to hold our schools accountable, yet this conference takes away the funding our school districts need to improve students' achievement levels.

Title I funding for low-income children are given a 0.8 percent increase—the smallest increase in 8 years, and only a fraction of the increase requested by the President. Special education grants receive a 0.9 percent increase—the smallest increase in 10 years.

We talk a lot about the need to increase education technology, yet this conference report cuts that funding by nearly half. We speak of the need to protect our children from violence and illegal drugs, but this bill cuts Safe and Drug-Free Schools by one-fifth, and provides no increase for after-school programs for the fourth consecutive year.

Everyone in this House can agree that the cost of higher education is soaring, but this conference report fails to provide any increase whatsoever for Pell grants, without which so many college students could not continue their education. President Bush proposed a $100 increase, the House passed a $50 increase, but the conferees did not even provide that. Instead, they froze the maximum Pell grant amount at $4,050 for the fourth consecutive year.

Finally, our goodness as a nation is measured by how we treat the most vulnerable Americans. If we are to truly be a great nation, we must care for those who are less able to care for themselves. It is disappointing that this conference report slashes funding for the Social Security Administration, which is entrusted with processing disability claims for millions of Americans. In my district, the Third Congressional District of Maryland, I represent many employees of the Social Security Administration. They are hardworking, dedicated staffers, but they can only do so much without adequate funding for personnel and technological support. In the Ways and Means Committee, we have had several hearings about the backlogs of cases at SSA, and Commissioner Barnhart has sought congressional assistance in bringing her processing systems up to date. Unfortunately, this bill will not make SSA employees' jobs any easier nor will it help reduce the backlog of pending cases. In fact, the backlogs will get worse. The House failed to provide the President's request, it provides even less than the House- or Senate-passed bills.

Some of my colleagues have defended these cuts as necessary to restore fiscal discipline to our budget. When combined with a planned 1 percent across-the-board cut, this bill will save approximately $3 billion over last year's spending, and $15 billion over the next 5 years. But at the same time, the congressional leadership is advancing an agenda of tax cuts that exceed $70 billion. They are asking us to believe that it is necessary to eliminate programs and inflict pain on American families, but they are doing this not to balance the budget, but to make room for tax cuts.

Mr. Speaker, when this House defeated the Labor-HHS bill prior to the Thanksgiving recess, it was because a majority of this House believed that it would jeopardize vital services for millions of Americans. The revisions in today's conference report are minimal and keep us on the same track toward wiping out key safety net programs. Therefore, I rise again in opposition to this conference report and urge my colleagues to do the same.

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 3010, the Fiscal Year 2006 Appropriations Act for the Departments of Labor, Health and Human Services and Education. H.R. 3010 severely cuts education, health care, and human services that are crucial to North Carolina and to the country. This conference report is only marginally better than one that failed last month.

As the only former state schools chief serving in Congress, I know firsthand the devastating effects that these education cuts will have. At a time when we are asking our schools to do more than ever, H.R. 3010 cuts No Child Left Behind Funding by $779 million below last year's level and makes it impossible for our schools to meet high standards of accountability. These cuts will destroy the morale of our teachers, parents and students.

America's working families are struggling to pay record costs for college tuition and expenses. Last November, President Bush made a campaign promise to increase funding for Pell Grants and invest in higher education. Even though the cost of a four year college education has increased thirty-four percent since 2001, the maximum Pell Grant is frozen at $4,050 for the fourth straight year in a row. America needs a highly trained and educated workforce to compete in the global marketplace of the 21st Century, but H.R. 3010 slashes funding for education at all levels and strains school budgets.

The failure of H.R. 3010 to represent the values of the American people extends beyond the walls of the classroom. H.R. 3010 slashes funding for community health centers that assist the almost 46 million uninsured Americans, and under funds the Centers for Disease Control as we face the possibility of a flu pandemic. And as winter officially begins next week with expected record prices to heat their homes, H.R. 3010 fails to increase funding for LIHEAP home heating assistance, which helps keep the heat on for low-income seniors and children.

Mr. Speaker, H.R. 3010 fails to represent the priorities of the American people. I urge my colleagues to vote against this bad bill and restore funding for essential services for our families.

Mr. REGULA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 213, not voting 6, as follows:

[Roll No. 628]

YEAS—215

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett

Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe

Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula

Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello

Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gibbons
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins

Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui

McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul

Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter

Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—6

DeGette
Diaz-Balart, M.

Feeney
Hyde

McDermott
Ros-Lehtinen

☐ 1540

Mr. BROWN of Ohio, Mrs. McCARTHY, Mr. GUTIERREZ, and Mr. DINGELL changed their vote from "yea" to "nay."

Messrs. HOEKSTRA, REYNOLDS, HEFLEY and YOUNG of Alaska changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

CFTC REAUTHORIZATION ACT OF 2005

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4473) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

The Clerk read as follows:

H.R. 4473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "CFTC Reauthorization Act of 2005".

TITLE I—GENERAL PROVISIONS

SEC. 101. COMMISSION AUTHORITY OVER AGREEMENTS, CONTRACTS OR TRANSACTIONS IN FOREIGN CURRENCY.

(a) IN GENERAL.—Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—

"(i) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

"(I) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a))); and

"(II) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

"(aa) a financial institution;

"(bb)(AA) a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5); or

"(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

"(cc) a futures commission merchant registered under this Act (that is not also a person described in item (bb)), or an affiliated person of such a futures commission merchant (that is not also a person described in item (bb)) if such futures commission merchant makes and keeps records under section 4f(c)(2)(B) of this Act concerning the futures and other financial activities of such affiliated person;

"(dd) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

"(ee) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956); or

"(ff) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i))).

"(ii) Notwithstanding item (cc) of clause (i)(II) of this subparagraph, agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b) if the agreements, contracts, or transactions are offered, or entered into, by a person that is registered as a futures commission merchant or an affiliated person of a futures commission merchant registered under this Act that is not also a person described in any of items (aa), (bb), (dd), (ee), or (ff) of clause (i) of this subparagraph.

"(iii)(I) Notwithstanding item (cc) of clause (i)(II), a particular person shall not participate in the solicitation or recommendation of any agreement, contract, or transaction described in clause (i) entered into with or to be entered into with a person described in such item, unless the particular person—

"(aa) is registered in such capacity as the Commission by rule, regulation, or order shall determine; and

"(bb) is a member of a futures association registered under section 17.

"(II) Subclause (I) shall not apply to—

"(aa) any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(bb) any such person's associated persons.

"(C)(i)(I) This subparagraph shall apply to any agreement, contract, or transaction in foreign currency that is—

"(aa) offered to, or entered into with, a person that is not an eligible contract participant (except that this subparagraph shall not apply if the counterparty, or the person offering to be the counterparty, of the person that is not an eligible contract participant is a person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II)); and

"(bb) offered, or entered into, on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

"(II) Subclause (I) shall not apply to—

"(aa) a security that is not a security futures product; or

"(bb) a contract of sale that—

"(AA) results in actual delivery within 2 days; or

"(BB) creates an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

"(ii)(I) Agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b).

"(II) Subclause (I) of this clause shall not apply to—

'"(aa) any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(bb) any such person's associated persons.

"(iii)(I) A person shall not participate in the solicitation or recommendation of any agreement, contract, or transaction described in clause (i) of this subparagraph unless the person is registered in such capacity as the Commission by rule, regulation or order shall determine, and is a member of a futures association registered under section 17.

"(II) Subclause (I) shall not apply to any person—

"(aa) any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(bb) any such person's associated persons.

"(iv) Sections 4(b) and 4b shall apply to any agreement, contract, or transaction described in clause (i) of this subparagraph as if the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

"(v) This subparagraph shall not be construed to limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

"(vi) This subparagraph shall not be construed to limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products.".

(b) EFFECTIVE DATE.—Clause (iii) of section 2(c)(2)(B) and clause (iii) of section 2(c)(2)(C) of the Commodity Exchange Act, as amended by subsection (a) of this section, shall be effective 120 days after the date of the enactment of this Act or such other time as the Commodity Futures Trading Commission shall determine.

SEC. 102. ANTIFRAUD AUTHORITY.

Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking "SEC. 4b." and all that follows through the end of subsection (a) and inserting the following:

"SEC. 4b. CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.

"(a) UNLAWFUL ACTIONS.—It shall be unlawful—

"(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce or for future delivery that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person; or

"(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g), that is made, or to be made, for or on behalf of, or with, any other person, other than on or subject to the rules of a designated contract market—

"(A) to cheat or defraud or attempt to cheat or defraud the other person;

"(B) willfully to make or cause to be made to the other person any false report or statement or willfully to enter or cause to be entered for the other person any false record;

"(C) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of paragraph (2), with the other person; or

"(D)(i) to bucket an order if the order is represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market; or

"(ii) to fill an order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of the other person to become the buyer in respect to any selling order of the other person, or become the seller in respect to any buying order of the other person, if the order is represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market unless the order is executed in accordance with the rules of the designated contract market.

"(b) CLARIFICATION.—Subsection (a)(2) of this section shall not obligate any person, in or in connection with a transaction in a contract of sale of a commodity for future delivery, or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g), with another person, to disclose to the other person nonpublic information that may be material to the market price, rate, or level of the commodity or transaction, except as necessary to make any statement made to the other person in or in connection with the transaction, not misleading in any material respect.".

SEC. 103. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES.

(a) The agencies represented on the President's Working Group on Financial Markets shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), or both, as appropriate, have taken the actions required under subsection (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30, 2006, risk-based portfolio margining for security options and security futures products; and

(2) by June 30, 2006, the trading of futures on certain security indexes by resolving issues related to debt security indexes and foreign security indexes.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated such sums as are necessary to carry out this Act for each of the fiscal years 2006 through 2010."

SEC. 105. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 4a(e) of the Commodity Exchange Act (7 U.S.C 6a(e)) is amended in the last proviso by striking "section 9(c)" and inserting "section 9(a)(5)".

(b) Section 4f(c)(4)(B)(i) of such Act (7 U.S.C. 6f(c)(4)(B)(i)) is amended by striking "compiled" and inserting "complied".

(c) Section 4k of such Act (7 U.S.C. 6k) is amended by redesignating the second paragraph (5) as paragraph (6).

(d) The Commodity Exchange Act is amended—

(1) by redesignating the first section 4p (7 U.S.C. 6o–1), as added by section 121 of the Commodity Futures Modernization Act of 2000, as section 4q; and

(2) by moving such section to after the second section 4p, as added by section 206 of Public Law 93–446.

(e) Subsections (a)(1) and (d)(1) of section 5c of such Act (7 U.S.C. 7a-2(a)(1), (d)(1)) are each amended by striking "5b(d)(2)" and inserting "5b(c)(2)".

(f) Sections 5c(f) and 17(r) of such Act (7 U.S.C. 7a–2(f), 21(r)) are each amended by striking "4d(3)" and inserting "4d(c)".

(g) Section 8(a)(1) of such Act (7 U.S.C. 12(a)(1)) is amended in the matter following subparagraph (B)—

(1) by striking "commenced" the 2nd place it appears; and

(2) by inserting "commenced" after "in a judicial proceeding".

(h) Section 22(a)(2) of such Act (7 U.S.C. 25(a)(2)) is amended by striking "5b(b)(1)(E)" and inserting "5b(c)(2)(H)".

TITLE II—NATURAL GAS PRICE TRANSPARENCY

SEC. 201. MARKET SURVEILLANCE.

(a) IN GENERAL.—The Commodity Futures Trading Commission (in this section referred to as the "Commission") shall detect and deter manipulation and attempted manipulation and increase the transparency of the pricing of natural gas by conducting surveillance of trading in contracts for natural gas.

(b) CERTAIN EVENTS REQUIRED TO BE REVIEWED.—

(1) REQUIREMENT.—In the event of a significant and highly unusual change in the settlement price of any physically delivered natural gas futures contract traded on a contract market (within the meaning of section 5 of the Commodity Exchange Act) or derivatives transaction execution facility (within the meaning of section 5a of such Act), the Commission shall conduct a review of the factors that caused the price movement in order to determine if manipulation or attempted manipulation in violation of such Act has occurred.

(2) CERTAIN FACTORS REQUIRED TO BE CONSIDERED.—The Commission shall consider in its review, among other things and as appropriate to the circumstances, the following:

(A) Prices and price relationships in the futures and cash markets.

(B) Market information, and cash market supply and demand factors which may be relevant to the price event.

(C) Large futures and options market positions and large futures and options market transactions on the contract market or derivatives transaction execution facility.

(D) Any related contract, agreement or transaction in natural gas.

SEC. 202. REPORTING OF LARGE POSITIONS INVOLVING NATURAL GAS.

(a) IN GENERAL.—Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (e), by striking the last sentence; and

(2) by adding at the end the following:

"(f) REPORTING OF LARGE POSITIONS INVOLVING NATURAL GAS.—

"(1) IN GENERAL.—The Commission, by rule, shall require any person holding, maintaining, or controlling any position in a contract of sale of natural gas for future delivery, or option thereon, on or subject to the rules of any contract market or derivatives transaction execution facility, at or in excess of such limits as the Commission may specify as reportable, to maintain for a period of 5 years and provide on request to the Commission, records of the person regarding the position and any related contract, agreement, or transaction in natural gas to which the person is a party.

"(2) NO DUPLICATE REPORTS.—Except as otherwise provided in this paragraph, the rules prescribed under paragraph (1) shall not apply to any position that otherwise is required to be reported to any agency of the United States if the report would otherwise satisfy the requirements under this subsection and the report of the position is available to the Commission at the request of the Commission. Notwithstanding the preceding sentence, any report of any such position to any agency of the United States shall constitute a statement, report, or document required for the purposes of section 9.

"(3) CRITERIA FOR RULES.—

"(A) IN GENERAL.—In prescribing rules required by paragraph (1), the Commission shall consider—

"(i) the purposes for monitoring large positions in any contract for future delivery of natural gas;

"(ii) the effect of the reporting requirements on the efficiency and liquidity of the market for any agreement, contract, or transaction made in connection with any contract for the future delivery of natural gas; and

"(iii) the costs and burden on the persons that would be required to file the reports.

"(B) FREQUENCY.—The Commission shall require the provision of records under paragraph (1) only in circumstances where manipulation is suspected, except that the Commission may prescribe rules requiring regular or continuous reporting if the Commission finds that such reporting would help to deter or to detect manipulation in any market for any agreement, contract, or transaction made in connection with any contract for the future delivery of natural gas.

"(C) FILING REQUIREMENTS.—Records required to be provided under paragraph (1) shall be required to be filed with the Commission in accordance with such requirements regarding the form, timing, and manner of filing such reports, as the Commission may prescribe by rule.

"(5) OTHER RULES NOT AFFECTED.—This subsection shall not be interpreted to prohibit or impair the adoption by any board of trade licensed, designated, or registered by the Commission of any bylaw, rule, regulation, or resolution requiring reports of positions in any agreement, contract, or transaction made in connection with a contract of sale for future delivery of natural gas (including such a contract of sale), including any bylaw, rule, regulation, or resolution pertaining to filing or recordkeeping, which may be held by any person subject to the rules of the board of trade, except that any bylaw, rule, regulation, or resolution established by the board of trade shall not be inconsistent with any requirement prescribed by the Commission under this subsection.".

SEC. 203. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF THE COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in clause (3) of the 10th sentence—

(1) by inserting "(A)" after "assess such person"; and

(2) by inserting after "each such violation" the following: "or (B) in any case of manipulation of, or attempt to manipulate under section 9(a)(2), a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to such person for each such violation,".

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of such Act (7 U.S.C. 13a) is amended—

(1) in the 1st sentence, by inserting ", or, in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty of not more than $1,000,000 for each such violation" before the period; and

(2) in the 2nd sentence, by inserting ", except that if the failure or refusal to obey or comply with the order involved any offense under section 9(a)(2), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(f)" before the period.

(c) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of such Act (7 U.S.C. 13a-1(d)) is amended by striking "(d)" and all that follows through the end of the paragraph (1) and inserting the following:

"(d) CIVIL PENALTIES.—(1) In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

"(A) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

"(B) in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.".

(d) VIOLATIONS GENERALLY.—Section 9(a) of such Act (7 U.S.C. 13(a)) is amended—

(1) by striking "(or $500,000 in the case of a person who is an individual)"; and

(2) by striking "five years" and inserting "10 years".

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

□ 1545

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Agriculture brings to the House today H.R. 4473, a bill that, among other things, reauthorizes appropriations for the Commodity Futures Trading Commission through fiscal year 2010. The committee approved the bill last week by voice vote.

The committee began the reauthorization process early this year, holding 2 days of hearings in March when all witnesses supported CFTC reauthorization and testified favorably to the general success of the Commodity Futures Modernization Act of 2000. The CFMA brought legal certainty to the off-exchange derivatives industry and brought the exchange-traded regulatory program into an era when the futures pit is being replaced by electronic trading.

The bill the committee brings to the floor today contains remedies to the areas of concern outlined by then FTC chairman, Sharon Brown-Hruska, in her testimony before the Risk Management Subcommittee. With the assistance of the President's Working Group on Financial Markets, the committee has included the following provisions:

A change to the so-called Treasury amendment contained in section 2(c) of the Commodity Exchange Act to stop unscrupulous persons who write and market contracts in foreign currencies that are nothing more than schemes to defraud the general public; a final resolution to the outstanding issues on establishing risk-based portfolio margining systems for stock futures products and stock options; as well as moving forward on approval of trading on foreign debt indexes and foreign security indexes; of these two matters, the bill provides deadlines for action by the Securities and Exchange Commission and the CFTC; a clarification of the Commission's authority to bring anti-fraud actions in off-exchange principal-to-principal transactions under section 4(b) of the CEA; and a refinement of the CFTC's surveillance program to provide certainty to consumers that the CFTC is looking at significant and highly unusual price moves in natural gas and additional information to the CFTC's large trader reporting system.

A number of end user and consumer groups have endorsed title II of the bill, which was originally drafted by my committee colleagues, the gentleman from Missouri (Mr. GRAVES) and the gentleman from Georgia (Mr. BARROW). These new provisions will codify the factors the CFTC will consider as they conduct surveillance of volatile markets in natural gas futures and option contracts. I believe this will go a long way to restore the public's trust and confidence that the price discovery mechanism for natural gas is subject only to the factors of supply and demand.

In conclusion, Mr. Speaker, this legislation makes the adjustments in the Commodity Exchange Act that will enable our markets to continue their efficient operations for price discovery and risk management. The legislation will provide additional tools for the CFTC and the self-regulatory organizations under its purview to police the markets and bring enforcement actions for fraudulent business practices aimed at the unsuspecting public. I urge my colleagues to adopt H.R. 4473.

Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of the bill before us.

I want to commend Chairman GOODLATTE for this fine work, and I also want to thank the subcommittee chairman (Mr. MORAN) and the ranking member (Mr. ETHERIDGE), who have done an excellent job in helping us put this bill together. In addition, Mr. GRAVES, Mr. BARROW and Mr. MARSHALL, all members of the committee, have worked very hard on important issues related to energy markets. I think the bill before us makes important progress thanks to their efforts.

Mr. Speaker, during hearings held in the Agriculture Committee, there was substantial discussion regarding the potential of the effects of the Zelener decision. In that case, the CFTC sought to use provisions of the Commodity Exchange Act to put an end to the deceptive sales practices being employed by one company in the marketing of retail foreign exchange contracts. The case was thrown out, however, because the defendant prevailed in court with his argument that the product he was offering was not technically a futures contract and, therefore, not the jurisdiction of the CFTC. The ruling was upheld in a Federal appeals court, and the Solicitor General declined to appeal the case to the Supreme Court.

Some of our witnesses who testified about the Zelener decision expressed concern that it will have far-reaching effects. Other witnesses were more concerned that a broad response to the decision would have harmful unintended consequences. The President's Working Group on Financial Markets advised the Agriculture Committee to adopt a relatively modest response, and that is what is included in this bill.

Mr. Speaker, I believe the remedy included in this bill will restore the CFTC's ability to ensure that similar perpetrators of deceptive schemes involving foreign exchange trading can be policed effectively. However, because the scope of this fix is limited to foreign exchange contracts, we need to be prepared for the possibility that a similar problem will arise in other product areas.

Because the future in this area is so uncertain, we are counting on the CFTC to monitor developments carefully to determine whether or not in fact criminals are using the Zelener reasoning to avoid detection and prosecution. In their letter to the Agriculture Committee, the President's Working Group did not explain clearly why they are so sure that the modest fix is sufficient to solve the problem. Hopefully, the Working Group's members will join us in monitoring future cases and will be open to developing policy changes quickly that may be necessary to protect our Nation's investors.

Mr. Speaker, the futures industry is an important segment of our economy. Adequate regulation and investor protection must be balanced with the need to allow businesses to promote responsible innovations. Passage of the bill before us today will help us ensure that the Commodity Futures Trading Commission can continue to protect America's investors without excessively impeding progress. I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I would also like to thank the gentleman from Minnesota (Mr. PETERSON) for the cooperation from him and a number of others on his side of the aisle, and also the gentleman from North Carolina as well as my subcommittee chairman, the gentleman from Kansas (Mr. MORAN).

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. OXLEY), chairman of the Financial Services Committee, another individual who has played a critical part in bringing this legislation to the floor and thank him for his cooperation as well.

Mr. OXLEY. Mr. Speaker, let me thank the gentleman for yielding and thank him for his leadership on this critical issue.

I fully support title I of the legislation, particularly sections 101 and 103. These sections reflect legislative language that the President's Working Group proposed this past November clarifying the Commodity Futures Trading Commission's anti-fraud authority, mandating the application of risk-based portfolio margining to both options and single stock futures positions, resolving issues related to the definitions of narrow-based security indexes.

I am inserting the President's Working Group's November letter which proposed this language and the accompanying report language in the RECORD. These provisions will enhance the liquidity and competitiveness of our capital markets, all the while preserving investor protection. These provisions also reaffirm the intent of the CFMA, that is that regulatory parity applies to options and single-stock futures, and that the SEC and the CFTC jointly regulate single-stock futures.

I fully support the application of risk-based portfolio margining not only to options and single-stock futures, as this legislation so mandates, but also to all equities. Risk-based portfolio margining more accurately reflects economic exposure to the marketplace than does the traditional strategy-based margining methodology. Today's investors often use equity options and futures positions interchangeably, and a broader portfolio margining rule would more appropriately reflect these investors' economic risk. I urge the SEC to approve rules to permit portfolio margining for all equities in the same time frame, as this legislation calls for, with respect to options and single-stock futures.

Title II authorizes the CFTC to survey the trading of natural gas contracts to deter manipulation, and we are all familiar with that language. The reasoning behind this title is to combat perceived, and I say perceived, manipulation of prices in the trading of natural gas contracts. This legislation attempts to address deep-seated factors in our energy markets, namely supply-and-demand issues. However, it does so by revamping a derivatives policy that was well-negotiated and well-settled in 2000 under the Commodity Futures Modernization Act.

The CFTC's General Counsel commented this past July that "the CFTC has reviewed this natural gas market several times during the last few years and each time has concluded that the volatility had been due to fundamentals such as tight supplies and other market forces and not due to any price manipulation." Federal Reserve Chairman Greenspan has weighed in similarly, stating that high natural gas prices "are the result of a lack of adequate liquified natural gas import facilities in the United States as well as a lack of adequate facilities abroad to produce liquified natural gas. They are not the result of weaknesses in the regulation of U.S. natural gas markets generally or futures exchanges specifically." And Chairman Greenspan was asked and testified such to our committee on at least two occasions.

This proposed new regulation of over-the-counter derivatives in natural gas may have unintended consequences, including detrimentally affecting the competition in our robust capital markets. I have asked my counterpart at the Committee on Agriculture to work with the Committee on Financial Services and the President's Working Group to ensure that these provisions do not upset the intent of the Commodities Futures Modernization Act. The CFMA was the product of lengthy, and bipartisan congressional negotiations and reflected the President's Working Group's 1999 report.

It was decided then and reflected in the CONGRESSIONAL RECORD and most keenly in a report accompanying the CFMA by the House Banking and Financial Services Committee, one of the predecessor committees to the Committee on Financial Services, that legal certainty and regulatory relief for OTC derivatives was necessary. That committee stated that these products "have become essential to banks' risk-management strategies. These OTC derivative markets have become central to a wide range of banking activities."

I would like to work with the Committee on Agriculture as this legislation moves forward to ensure that the regulatory relief and legal certainty that the CFMA imposed upon the OTC derivative markets in 2000 remain in law.

Upon the introduction of this legislation last Thursday, my colleague, the gentleman from Massachusetts (Mr. FRANK), our ranking member, and I sent a letter to the members of the President's Working Group requesting their views on this title. I am inserting this correspondence in the RECORD and will share a few of their concerns.

Treasury Under Secretary for Domestic Finance, Randal Quarles stated that the provisions in title II "could result in unintended adverse consequences and undermine the regulatory relief and legal certainty that were so carefully crafted through the CFMA of 2000. They could have a significant and negative impact on the important risk-management function that these OTC markets perform in the U.S. economy."

Federal Reserve Chairman Alan Greenspan responded that the

> provisions of Title II are rather vague and could be construed as a broad expansion of the Commodity Futures Trading Commission's mandate. . . . The case for such a broad expansion of the Commission's mandate simply had not been made . . . [B]roadening recordkeeping and reporting requirements beyond futures contracts could impose substantial burdens on market participants that are unlikely to be outweighed by their benefits.

CFTC Chairman Reuben Jeffery reiterated that the CFTC already "has the necessary tools to oversee the markets it regulates."

It is my intent that if this legislation moves forward that the views of the President's Working Group will be taken into consideration. In the event of a House-Senate conference, the Committee on Financial Services will be represented. Our conferees will take into account the intent of the CFMA and the counsel of the President's Working Group.

I thank my colleagues for their time and their work on these important issues.

Mr. Speaker, as mentioned above, I include for the RECORD the President's Working Group's November letter with the proposed language and the accompanying report language.

DEPARTMENT OF THE TREASURY,
Washington, DC, November 3, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN OXLEY: As Chairman of the President's Working Group on Financial Markets (PWG) and on behalf of its members, I am enclosing a joint PWG letter which transmits legislative and report language that addresses the retail foreign currency fraud issues raised by the 7th Circuit's decision of last year in CFTC v. Zelener. The enclosed letter also transmits legislative language to establish statutory deadlines for the resolution of issues related to portfolio margining and certain security indexes. The PWG will continue to monitor the very recent events concerning Refco and its affiliates as the facts unfold to determine whether or not any measures may be needed to address any additional issues that the situation raises.

Sincerely,

JOHN W. SNOW,
Secretary of the Treasury.

DEPARTMENT OF THE TREASURY BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, U.S. SECURITIES AND EXCHANGE COMMISSION, U.S. COMMODITY FUTURES TRADING COMMISSION.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

Hon. BARNEY FRANK,
Ranking Member, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN OXLEY AND RANKING MEMBER FRANK: As representatives of the President's Working Group on Financial Markets (PWG) testified before the Senate Banking Committee on September 8, 2005, the PWG principals have reached agreement on an approach to address the retail foreign currency fraud issues raised by the 7th Circuit's decision of last year in CFTC v. Zelener. As promised, we are enclosing legislative and accompanying report language that would implement the PWG's agreement. This legislative language is supported by each member of the PWG and is drafted as an amendment to section 2(c)(2) of the Commodity Exchange Act (CEA).

The PWG's amendment confirms the CFTC's anti-fraud jurisdiction over retail foreign currency transactions similar to those that were involved in the Zelener case that are offered by persons not already regulated by another financial regulator. The amendment also would grant the CFTC authority to require certain persons involved in soliciting and recommending retail foreign currency futures and similar transactions to register with the CFTC, if such persons are not already regulated by another financial regulator. It is the view of the PWG that it is not necessary at this time to deal with anti-fraud jurisdiction over other products or instruments other than retail foreign currency as set forth in the attached proposed amendment.

In addition to retail foreign currency fraud issues, the PWG members have discussed the complex issues related to (1) the implementation of risk-based portfolio margining systems for security futures products and security options, and (2) resolution of definitional issues relating to narrow-based security indexes. As part of these discussions, the PWG is committed to resolving the portfolio margining system and narrow-based index issues within the time frames set forth below.

With regard to portfolio margining, the SEC has committed to approving self regulatory organization (SRO) rules that permit the use of a risk-based portfolio margining methodology to determine margin requirements for portfolios that include security futures products and for security options by June 30, 2006. In the event that the SEC does not approve such SRO rules, the SEC will promulgate rules to permit risk-based portfolio margining for security options by September 30, 2006, and the SEC and CFTC will do so jointly for security futures products by the same date.

With regard to futures on indexes composed of debt securities, the CFTC and SEC have committed to use joint authority to accommodate the trading of such products by excluding certain debt securities from the definition of "narrow-based security index" by June 30, 2006, and permit trading of futures based on such indexes. The CFTC and the SEC also have committed to resolve whether it is appropriate to exclude certain foreign security indexes from the definition of "narrow-based security index" by June 30, 2006.

We are enclosing legislative language that directs the PWG, working through its member agencies, to resolve these issues within the time periods described above. For both the portfolio margining and narrow-based index issues, the PWG will continue its efforts to resolve these important issues by meeting as appropriate and ensuring open and ongoing communication and discussion among the PWG members and staff. In addition, the PWG will continue to focus on developing a consistent approach to regulatory oversight of margin requirements. Thank you for the opportunity to provide input into your important work of reauthorizing the CFTC and related legislative issues. We look forward to working with your Committee and your counterparts in the Senate as this process moves forward.

Sincerely,

JOHN W. SNOW,
Secretary of the Treasury.
CHRISTOPHER COX,
Chairman, Securities and Exchange Commission.
ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System.
REUBEN JEFFERY, III,
Chairman, Commodity Futures Trading Commission.

COMMODITY EXCHANGE ACT—FOREIGN CURRENCY AMENDMENTS

Section 2(c)(2) of the Commodity Exchange Act is amended by striking all of existing subparagraphs (B) and (C) and inserting instead the following:

"(B) Agreements, contracts, and transactions in retail foreign currency.—

"(i) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

"(I) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 [15 U.S.C. 78f(a)]); and

"(II) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

"(aa) a financial institution;

"(bb)

"(AA) a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5); or

"(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

"(cc) a futures commission merchant registered under this Act (that is not also a person described in item (bb)), or an affiliated person of such a futures commission merchant (that is not also a person described in item (bb)) if such futures commission merchant makes and keeps records under Section 4f(c)(2)(B) of this Act concerning the futures and other financial activities of such affiliated person;

"(dd) an insurance company described in section 1a(12)(A)(ii) of this title, or a regulated subsidiary or affiliate of such an insurance company;

"(ee) a financial holding company (as defined in section 1841 of title 12); or

"(ff) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 [15 U.S.C. 78q(i)]).

"(ii) Notwithstanding item (cc) of subparagraph (B)(i)(II), agreements, contracts, or transactions described in subparagraph (B)(i) shall be subject to subsection (a)(1)(B) and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b) if such agreements, contracts, or transactions are offered, or entered into, by a person that is registered as a futures commission merchant or an affiliated person of a futures commission merchant registered under this Act that is not also a person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II).

"(iii) Notwithstanding item (cc) of subparagraph (B)(i)(II), any person who participates in the solicitation or recommendation of any agreement, contract, or transaction described in subparagraph (B)(i) entered into with or to be entered into with a person described in item (cc) of subparagraph (B)(i)(II) must be registered in such capacity as the Commission by rule, regulation or order shall determine and must be a member of a futures association registered under section 17 of the Act. This clause shall not apply to any person (i) described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II) or (ii) its associated persons. This paragraph shall be effective 120 days from the date of enactment or such other time as the Commission shall determine.

"(C)(i) This subparagraph (C) shall apply to any agreement, contract or transaction in foreign currency that is—

"(I) offered to, or entered into with, a person that is not an eligible contract participant (except that subparagraph (C) shall not apply if the counterparty, or the person offering to be the counterparty, of the person that is not an eligible contract participant is a person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II)); and

"(II) offered, or entered into, on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis; "Provided, however, that subparagraph (C) shall not apply to—

"(aa) a security (as defined in section 1a(30)) that is not a security futures product (as defined in section 1a(32)); or

"(bb) a contract of sale that—

"(AA) results in actual delivery within two days; or

"(BB) creates an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

"(ii) Agreements, contracts, or transactions described in subparagraph (C)(i) shall be subject to subsection (a)(1)(B) and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b). Provided, however, that this clause shall not apply to any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II) or to such person's associated persons.

"(iii) Any person who participates in the solicitation or recommendation of any agreement, contract, or transaction described in subparagraph (C)(i) must be registered in such capacity as the Commission by rule, regulation or order shall determine and must be a member of a futures association registered under section 17 of the Act. This clause shall not apply to any person (i) described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II) or (ii) its associated persons. This clause shall be effective 120 days from the date of enactment or such other time as the Commission shall determine.

"(iv) Sections 4(b) and 4b shall apply to any agreement, contract, or transaction described in subparagraph (C)(i) as though the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

"(v) Subparagraph (C) does not limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

"(vi) Subparagraph (C) does not limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products".

REPORT LANGUAGE TO ACCOMPANY PRESIDENT'S WORKING GROUP RETAIL FOREIGN EXCHANGE LEGISLATIVE LANGUAGE

The Committee notes that the term "line of business" in new subparagraph (C)(i)(II)(bb)(BB) refers to any legitimate line of business, not just a foreign exchange business.

SEC. XXX. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES

(a) The agencies represented on the President's Working Group on Financial Markets shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), or both, as appropriate, have taken the actions required under subsection (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30,2006, risk-based portfolio margining for security options and security futures products; and

(2) by June 30, 2006, the trading of futures on certain security indexes by resolving issues related to debt security indexes and foreign security indexes.

DEPARTMENT OF THE TREASURY,
Washington, DC, December 12, 2005.
Hon. MICHAEL G. OXLEY,
Hon. BARNEY FRANK,
U.S. House of Representatives,
Washington, DC.

DEAR CHAIRMAN OXLEY AND RANKING MEMBER FRANK: I am replying on behalf of Secretary Snow to your letter of December 8, 2005, in which you requested our views on certain language that was recently approved by the House Committee on Agriculture in its "Commodity Futures Trading Commission Reauthorization Act of 2005." The bill contains language in Title II ("Natural Gas Price Transparency") that has not been reviewed previously by the Department of the Treasury or the President's Working Group on Financial Markets (PWG).

While the Treasury Department has had only a brief opportunity to review the natural gas provisions of the Agriculture Committee's bill, we have serious concerns with Title II that are similar to concerns that Treasury and other PWG members have expressed in the past regarding provisions that could affect over-the-counter (OTC) derivatives markets, including energy and natural gas markets.

The scope of Title II is broad, and its vague language could be construed to have implications for natural gas transactions in OTC markets. These provisions could result in unintended adverse consequences and undermine the regulatory relief and legal certainty that were so carefully crafted through the Commodity Futures Modernization Act of 2000 (CFMA). They could have a significant and negative impact on the important risk management function that these OTC markets perform in the U.S. economy.

In testimony before the Senate Banking Committee in September on the subject of the CFMA and recent market developments, I stated that major changes to the significant modernizations made by the CFMA were not warranted. Unless there were a clearly demonstrated need, Treasury continues to believe that legislation that would undo any of the modernizations made by the CFMA—in the area of legal certainty or otherwise—is not warranted.

Thank you very much for the opportunity to present our views on this important matter.

Sincerely,

RANDAL K. QUARLES,
Under Secretary for Domestic Finance.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, December 13, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: You have asked for my views on Title II of the CFTC Reauthorization Act of 2005, which relates to transparency of the pricing of natural gas, and has not been reviewed by the President's Working Group on Financial Markets. Natural gas prices in the United States have been higher and more volatile than natural gas prices abroad in recent years, and these price movements have weakened the competitive position of industries that are heavily dependent on natural gas. However, these developments are the result of a lack of adequate liquefied natural gas import facilities in the United States, as well as a lack of adequate facilities abroad to produce liquefied natural gas. Title II does not affect those market fundamentals and, therefore, will not lower natural gas prices or reduce price volatility.

The provisions of Title II are rather vague and could be construed as a broad expansion of the Commodity Futures Trading Commission's mandate. Specifically, the legislation requires the Commission to conduct surveillance of trading in contracts for natural gas, which could be read to require surveillance of cash markets and over-the-counter derivatives, as well as the exchange-traded markets that the Commission currently oversees. The case for such a broad expansion of the Commission's mandate simply has not been made.

The legislation also directs the Commission to require persons that hold large positions in natural gas futures contracts on an exchange to keep records and submit reports on those contracts, as well as on any related contracts to which the person is a party. The Commission already has broad authority under existing law to require records and reports on futures contracts, so there does not appear to be a need for additional statutory provisions with regard to that authority. Potentially broadening recordkeeping and reporting requirements beyond futures contracts could impose substantial burdens on market participants that are unlikely to be outweighed by their benefits.

Sincerely,

ALAN GREENSPAN,
Chairman.

U.S. COMMODITY FUTURES
TRADING COMMISSION,
Washington, DC, December 13, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. BARNEY FRANK,
Ranking Member, Committee on Financial Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY AND RANKING MEMBER FRANK: Thank you for your letter of December 8 requesting the views of the Members of the President's Working Group on Financial Markets (PWG) regarding the proposed CFTC Reauthorization Act of 2005 (the "Reauthorization Act"). In reporting this bill, the House Agriculture Committee has taken a significant step forward in the process of Congressional reauthorization of the Commodity Exchange Act (CEA).

Thank you for this opportunity to share views on this important legislation. As a member of the PWG, I am supportive of the provisions of the proposed Reauthorization Act that address the issues of retail foreign currency transactions, risk-based portfolio margining for security options and security futures products, and trading of futures on certain debt security and foreign security indexes. These provisions incorporate legislative language on these issues that the PWG submitted to Congress on November 3, 2005. Mindful of the deadlines that would be established if the Reauthorization Act is enacted, staff from the PWG agencies has continued to work on the risk-based portfolio margining and security index issues during the weeks since November 3.

The amendment included in the Reauthorization Act to Section 4b of the CEA, the CFTC's primary anti-fraud provision, incorporates consensus legislative language of the CFTC and industry representatives. It provides an important clarification of the CFTC's anti-fraud authority with respect to off-exchange, principal-to-principal transactions.

We are aware that our PWG colleagues have expressed concern that the proposed natural gas provisions in the Reauthorization Act could be construed to have negative implications on the risk management functions of over-the-counter markets. Our understanding is that these provisions are intended to be narrow in scope and ensure that there is appropriate surveillance in the event of a significant and highly unusual price movement in any physically delivered natural gas futures contract traded on a contract market or derivatives transaction execution facility. The CFTC has stated on many occasions that it has the necessary tools to oversee the markets it regulates, but appreciates the bi-partisan effort by the House Agriculture Committee to address consumer concerns over volatility in the natural gas markets. We will work to ensure that these provisions maintain legal certainty and avoid unintended consequences.

As the legislative process moves forward on CEA reauthorization, we stand ready to work with you and Chairmen Goodlatte, Chambliss, and Shelby, and the respective Committees, to ensure a successful resolution of these issues.

Sincerely,

REUBEN JEFFERY, III.

U.S. SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, December 14,2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your December 8, 2005 letter asking for the views of the members of the President's Working Group on Financial Markets on the CFTC Reauthorization Act of 2005.

I applaud the fact that Title I of the CFTC Reauthorization Act includes language carefully considered and agreed to by the members of the President's Working Group (PWG) that was transmitted to you and other Members of Congress last month on November 3, 2005. That consensus language addresses issues involving retail foreign currency fraud, portfolio margining for security options and security futures products, and debt security indexes and foreign security indexes.

Title II of the CFTC Reauthorization Act includes provisions that would, among other things:

Require reviews by the Commodity Futures Trading Commission (CFTC) of the factors that cause significant and highly unusual changes in the settlement price of any physically delivered natural gas futures contract traded on a contract market or derivatives transaction execution facility;

Require CFTC rulemaking requiring record-keeping and reporting of large positions in natural gas;

Expand CFTC enforcement powers to include criminal and civil penalties for manipulation or attempted manipulation of the price of any commodity.

Unfortunately, there is not enough time between now and the scheduled House consideration of the CFTC Reauthorization Act for the PWG to review and provide you with a reaction to the language in Title II of the proposed legislation. I would note, however, that the PWG has provided comments in the past expressing concerns with other legislative proposals to increase the regulation of over-the-counter derivatives markets.

Although the provisions in Title II do not appear to affect the Commission or the securities markets directly, the Commission has historically been supportive of the development of a robust over-the-counter derivatives market that is free from unnecessary regulatory requirements.

Thank you for bringing this legislation to my attention. I appreciate the opportunity to work with you on this and other matters that affect our Nation's securities markets.

Sincerely,

CHRISTOPHER COX,
Chairman.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from North Carolina (Mr. ETHERIDGE), the ranking member of the Risk Management Subcommittee, who along with Chairman MORAN provided outstanding work and leadership on bringing this legislation to the floor.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time.

This has been a long day coming, but today, this body will vote, and I trust pass, H.R. 4473, a bill that will reauthorize the Commodity Futures Trading Commission. I want to applaud the chairman for his hard work, our ranking member of the full committee, as well as my colleague Mr. MORAN for his hard work, who is chairman of the subcommittee that has jurisdiction over the CFTC for their hard work in making this possible.

I would be remiss if I did not thank the members of our staff who worked hard to help get all the details done.

I also want to add my appreciation to Mr. BARROW, Mr. MARSHALL and Mr. GRAVES for their efforts to bring attention to rising natural gas prices. The provisions in this bill will go a long way to bringing greater transparency to this important market as a result of their actions.

Some people believe that H.R. 4473 does too much. They would have preferred a simple two-line bill that reauthorized the CFTC for 5 years and nothing more. However, it is important that we use the CFTC reauthorization to review the Commodity Exchange Act and the reform enacted in 2000 through the Commodity Futures Modernization Act.

□ 1600

That is because the futures industry impacts our lives every single day. Derivatives trading provides customers with forums for price discovery and price hedging for a wide variety of commodities and financial instruments.

We are talking about a trillion-dollar-plus industry that impacts the price of corn, wheat and soybeans that goes into our food products, the price of meat at the grocery store, the price of gas at the pump, the price of energy to heat our homes, the interest rates we pay on our credit cards, the interest we pay on our mortgages, the price of metals that make up the products that we buy, and many other things that we use every single day.

The issues affecting futures trading are often complex and esoteric. However, it is important that we work through these tough issues if we want to maintain a healthy and vibrant derivatives industry.

I am one of those who believes we should have done more with this bill. I am concerned what we left undone today could come back to haunt us tomorrow, and you have heard talk of the Zelener decision, so I will not go into that. I hope years from now we are not hearing stories of fraud being perpetuated upon the American people through contracts for oil, natural gas, gold, or platinum that act like futures, but remain outside the CFTC's jurisdiction, because we chose to limit this bill's reach to foreign exchange products as recommended by the working group.

I hope we are not seeing an industry still waiting for risk-based margining on security futures or a broad-based security index definition that allows them to compete with foreign exchanges offering similar products.

However, we should not let the perfect become the enemy of the good. This bill remains a good piece of legislation. I intend to support this plan because I believe it is time to move forward. We do not need this legislation unresolved any longer. It is time to pass it and send it to the Senate. I urge my colleagues to vote for H.R. 4473.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN), the chairman of the Commodities Subcommittee.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Virginia and the gentleman from Minnesota for their efforts in regards to this piece of legislation, and especially thank Mr. ETHERIDGE, my ranking member.

The Subcommittee on General Farm Commodities and Risk Management has jurisdiction over the Commodities Futures Trading Commission; and our work product, together with the full committee, is here before the House today for its consideration. I would assure my colleagues in the House that our committee has taken extraordinary steps to make certain that we provide oversight, review, and understanding of what is transpiring at the Commodity Futures Trading Commission since the passage of the Commodity Futures Modernization Act in 2000.

Mr. Speaker, I actually believe that the Commodity Futures Modernization Act of 2000 was one of the most successful pieces of legislation that has been passed by Congress in my time here. What we learned in the hearings and oversight in the reauthorization effort was that it is working well. With only a couple of changes, a couple of additions to this legislation, we bring this modernization act back to the floor for approval again today.

We made a change to deal with what is known as the Zelener case to make certain that the CFTC has jurisdiction over foreign exchange contracts. A court determined CFTC did not have jurisdiction. We have now made that clear. We need to continue to keep our eye on other commodities other than foreign exchange to make certain that if similar circumstances arise to the foreign currency problem that Congress acts. And we also continue to find frustration with the inability of the Securities and Exchange Commission and others to come together to develop the protocols necessary for single stock futures to be traded on markets in the United States. I think there is great opportunity for expansion of this market if we can come together on uniform responsibility for margins between the CFTC and the SEC.

This legislation establishes a firm deadline by which we expect that response to be concluded. So I urge passage of this bill and thank my colleagues for their efforts.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH), one of our more valuable members of the Committee on Agriculture.

Ms. HERSETH. Mr. Speaker, I am pleased to rise today in support of H.R. 4473, the CFTC Reauthorization Act of 2005. As a resident of a farm State and a member of the Committee on Agriculture, I understand the critical role that futures exchanges play in the marketing of agricultural commodities. They are indispensable in providing price discovery and market transparency for producers and commodity users alike. That said, futures markets cannot perform these functions if they are being manipulated. Futures markets must be effectively regulated in order to ensure their integrity and protect the well-being of small investors. This bill strikes that balance.

Five years ago, Congress undertook a major overhaul of the Commodity Exchange Act, which my colleagues who have already risen in support of took a lead. By most accounts, the reforms adopted at that time have worked well, but there have been some issues that have arisen since the bill passed. I believe today's legislation makes important improvements to the act while maintaining a good balance between the competing goals of promoting robust futures exchanges and protecting market participants.

One provision of this bill that is particularly important is language on energy derivatives. This legislation would increase recordkeeping requirements on entities that hold large quantities of natural gas contracts, and give the CFTC access to these records so it can better investigate and prevent market manipulation. The bill also raises civil and criminal penalties for energy price manipulation. In light of today's high natural gas prices, this authority is needed.

Because of the balance that it strikes and because of the provisions that it leaves alone, I strongly support this legislation and urge my colleagues to vote "yes" on this important bill.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I rise today to urge my colleagues to support H.R. 4473. It has been 5 years since this body last passed legislation aimed at reauthorizing the CFTC, which has jurisdiction over futures and options markets.

The Ag Committee has jurisdiction over futures and options because the derivatives were first developed on agricultural products, or commodities as they are commonly called. These innovative products are now predominantly traded on other financial products, such as interest rates and foreign currencies.

The CFTC implemented the Commodity Futures Modernization Act of 2000 in a very straightforward and responsible manner. Yes, there have been a few bumps in the road, but overall CFMA has been very successful.

What issues brought us to the point in 2000 that a major rewrite of the futures laws and passage of CFMA was required? The U.S. futures markets were quickly losing ground to foreign exchanges in the late 1990s due to heavy-handed regulation and antiquated business models. The over-the-counter markets were coming to grips with the fact that they did not have a high enough degree of legal certainty to ensure that their swap products would not be challenged in court as illegal off-exchange futures. And, finally, some foreign exchanges were beginning to seriously encourage the development of single stock futures products.

The futures markets, and other agricultural commodities, were deregulated to allow them to compete with foreign exchanges in both open outcry and electronically traded arenas. The OTC markets were given legal certainty, and the single stock futures guidelines were set in place.

Fast forward to 2005, what has happened? The domestic futures and options exchanges have been reinvigorated. The OTC market is thriving, and a few issues have come to light. The President's working group, consisting of the Federal Reserve, Treasury, the SEC and the CFTC, have weighed in on the Zelener case which found that the CFTC did not have adequate authority to stop certain fraudulent activities regarding retail currency transactions. H.R. 4473 will authorize the CFTC to stop those unscrupulous actors.

The natural gas markets have become an arena of intense scrutiny over the last few years. There is unprecedented demand for natural gas and still a fairly captive supply in the U.S., and indeed the world. It will take time for the energy bill that we recently passed to increase supply, and we are most likely in a period of relatively high natural gas prices. The CFTC does have fairly broad authority under the CFMA to investigate the natural gas markets. It is a very fine line for Congress and the CFTC to decide how much to regulate a market without creating excessive regulatory burden or causing it to become inefficient or allowing another country to become the leader of trading in that commodity.

As a member of both the Agriculture and Financial Services Committees, I know how seriously the two chairmen take their responsibilities. I also know that fair and appropriately applied regulation is necessary. I encourage my colleagues to vote "yes" on H.R. 4473.

Mr. PETERSON of Minnesota. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I rise in support of H.R. 4473, the reauthorization of the Commodity Futures Exchange Act, and I want to thank the chairman for the opportunity to speak on this very important issue.

Last week we passed an amendment out of the Committee on Agriculture markup by a voice vote that addressed prices and market manipulation in the natural gas markets. I am glad to report that the measure had very broad bipartisan support, and I want to thank the chairman for working with me on this very important issue.

The amendment that the chairman and I introduced, along with other members of the committee, addresses volatility in the natural gas market. This amendment seeks to ensure that market manipulation is not creating some of the price spikes that we are seeing today in that natural gas market. Through increased transparency, penalties and oversight, this goal is going to be achieved.

Energy prices right now are at a high. Most solutions being discussed are in the long term. Today's bill includes a provision that can provide some short-term relief by ensuring Americans, consumers, that market manipulation is not going to continue and will not be a contributing factor in the price of natural gas.

It is the farmers, it is the senior citizens, manufacturers, and consumers that I had in mind when I introduced this measure last spring. The price of natural gas is almost double what it was when I first brought this issue to my colleagues' attention. It is my hope that H.R. 4473 will bring some stability to the natural gas market and limit losses associated with extreme natural gas prices and price spikes.

Mr. Speaker, I encourage my colleagues to support this important measure and pass it on the floor.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), the vice chairman of the Committee on Agriculture.

Mr. BOEHNER. Mr. Speaker, I congratulate both the gentleman from Virginia and the ranking member, Mr. PETERSON, for a job well done on the Commodity Exchange Act reauthorization. This is a very important bill for the futures markets in our country. The work that was done in 2000 clearly has paid significant dividends. The Commodity Futures Modernization Act is working and it is working well. I think what we have seen over the last 5 years is nothing short of a firestorm of innovation in these markets.

Between 2000 and 2004, the volumes of futures and options contracts traded on exchanges has increased from 600 million contracts a year to more than 1.6 billion contracts per year. I think the futures industry is stronger today as a result of the Commodity Futures Modernization Act because it has allowed those markets to function without the heavy hand of government, as heavy as it used to be.

I think the bill before us makes some changes to that act. Clearly, in the Zelener case, which has been talked about, I think we take a practical approach to solving the Zelener problem.

Secondly, it follows through on promises made on CFMA by setting a date certain for risk-based portfolio margining for single stock futures and for a definition of broad-based securities indexes.

Now, my colleague before me, Mr. GRAVES, talked about the issue of natural gas. This provision is included in the bill, and it is there because we are hearing from farmers and consumers about the high cost of natural gas. Unfortunately, the provision would not lower the cost of fertilizer or heating oil or natural, and it may have the reverse effect. I have concerns about the language there. I think it is very intrusive and could be overly far reaching. I would hope as this bill goes to conference that my colleagues will take a close look at the natural gas provisions so we do not overreach like we did back in the 1990s.

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Pennsylvania (Ms. HART).

□ 1615

Ms. HART. Mr. Speaker, I also appreciate the opportunity to speak on behalf of the reauthorization of the Commodities Exchange Act. I appreciate the hard work of the gentleman from Missouri (Mr. GRAVES) and especially Chairman GOODLATTE for making sure that this language was included. Very important to a number of us who live in the Northeast, this bill will provide the Commodity Futures Trading Commission with the necessary tools to ensure against market manipulation in the trading of natural gas futures, which could lead to higher prices.

With this cold winter arriving in my district in western Pennsylvania, this issue is especially important to many of the residents in my district who rely on natural gas for heat. Higher heating costs because of the rise in the price of natural gas are already impacting many of my constituents. This legislation will ensure that natural gas traders are not able to gain profits through manipulation of prices on the backs of these individuals.

The price of natural gas is also important to the many manufacturers located in and around my district. This issue translates also into job stability. Unfortunately, many of these manufacturers are already being squeezed by other issues, and the high cost of natural gas is just a contributing factor to their financial problems.

I recently met with many glass manufacturers in Western Pennsylvania, and they explained to me some of the challenges they are facing. Kopp Glass in Pittsburgh, for example, has seen their natural gas cost rise by 83 percent over the last year, eating into the company's profits by 50 percent and also eating into their opportunities to grow their business.

General Shale Products, a brick manufacturer, has announced they are going to close after 40 years of operation because of high natural gas prices. A steel manufacturer has recently asked us to do something about it.

This bill will ensure that the Commodity Futures Trading Commission has the tools it needs to find and prosecute market manipulators.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I rise in support of H.R. 4473, the Commodity Trading Commission Reauthorization Act. And I support the underlying bill, and I salute the chairman's efforts to reauthorize the CFTC. But I do have a little concern with the specific section of the bill dealing with natural gas price transparency. Title II of the bill contains new regulatory burdens on the trading of natural gas, such as future contracts, over-the-counter transactions and cash market purchases. While these provisions will place unwarranted and open-ended regulatory burdens on legitimate business activities, they will in no way reduce volatility or lower the price of natural gas. See, the Commission currently has full authority now to examine and oversee the futures market and to request complete trading information from any participant in the futures market if it suspects price manipulation is occurring.

But the bill now, with that provision, would shift the regulatory intervention away from fraud manipulation to an undefined standard that is not based upon law but is based upon legitimate movements in natural gas prices. I would just urge the conferees, when this bill goes to conference, not to add any new missions to the responsibility and take away from the core responsibilities of the CFTC.

Mr. PETERSON of Minnesota. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the natural gas language contained in the committee bill makes two changes to the CFTC's current regulatory program to detect and deter manipulation or attempted manipulation.

First, upon a finding that there has been a significant and highly unusual change in the market price of natural gas, the CFTC is required to determine what had caused that price change.

Second, persons with futures or option positions in natural gas are required to keep records of those trades and other related transactions and to submit those records to the CFTC upon request.

In the committee's view, and in my view, this is a reasonable compromise that does not add significant new costs to transactions in natural gas, whether futures or options contracts or other transactions used in over-the-counter strategies of most of the major firms involved in the natural gas markets on a daily basis.

This new recordkeeping requirement is the only part of the legislation that imposes any new regulatory mechanism. The CFTC is not required to impose itself into any new market arena and will not as a result of this legislation. The bill requirements are unobtrusive, contain no burdensome new costs and will be used sparingly.

We have seen over the years, over the course of the last half year, an energy sector that is under great stress. And the price response to that stress has been of great concern to all of us. This bill does nothing to add to that stress, and it should be adopted today.

I urge my colleagues to support this legislation.

Mr. POMBO. Mr. Speaker, I rise today to contribute to the debate on H.R. 4473 which is currently under consideration. Title II of the bill creates new regulatory authority for the Commodity Futures Trading Commission (CFTC) to investigate suspected manipulation of the natural gas futures markets.

Currently, the price of natural gas in the United States is floating at a high near $14 MMBtu. When compared to most nations around the world, this amount is four, five, even fourteen times higher than some developing countries! I am encouraged by the attempt of some of my colleagues to correct this serious problem, but I have serious concerns with the manner by which we address this issue in legislation.

As Federal Reserve Chairman Alan Greenspan has made very clear in a recent letter to Chairman MIKE OXLEY, the fundamental problem of natural gas price spikes is a shortage of supply. The only way this can be solved, and Chairman Greenspan appears to agree, is through increased production domestically and less barriers to liquefied natural gas imports. When the supply increases, natural gas prices will most certainly fall.

While I will support passage of H.R. 4473, I believe Title II is a misguided approach that will not ultimately result in lower prices for natural gas. Sadly, some Members of Congress who support Title II of this bill have consistently opposed additional domestic production of energy supplies. They may believe that by voting for this legislation today, they will receive further cover for their positions, when in fact these Members' positions have led to our nation's high energy prices.

Ms. VELÁZQUEZ. Mr. Speaker, I rise to express concerns with Title II of H.R. 4473, which reauthorizes the Commodity Exchange Act (CEA). When the CEA was previously reauthorized in 2000, changes were made that brought much needed legal clarity to over-the-counter derivatives and foreign currency markets. In the same legislation, the regulatory structure of U.S. futures exchanges was enhanced, providing a more flexible approach to the oversight of complex financial instruments. Together, these two developments provided a structure that has promoted the depth and breadth of U.S. capital markets throughout the world. Such vibrancy of U.S. capital markets is critical to creating new jobs, building wealth, and attracting investment.

While the reauthorization of the CEA is essential to the efficient functioning of our Nation's capital markets, I am concerned that title II of H.R. 4473—while well intentioned—may disrupt the balance created through the reauthorization of the CEA in 2000. Title II of H.R. 4473 provides the Commodity Futures Trading Commission (CFTC) with expansive new powers that may be interpreted as applying the CEA to over-the-counter natural gas contracts. Doing so may jeopardize the legal certainty of certain natural gas contracts, potentially undermining the efficiency and robustness of the very markets that proponents of Title II are seeking to promote. The Federal Reserve and the Department of Treasury have raised similar concerns about this legislation.

In addition, other concerns have been expressed about H.R. 4473. Section 201 provides the CFTC with new market surveillance powers, which require the CFTC to investigate any highly unusual price changes in futures contracts for natural gas. Such new powers may not be the most appropriate policy response to address widely fluctuating natural gas prices. The Federal Reserve has noted that wide swings in natural gas prices are not a result of weak regulation, but rather due to supply and demand imbalances related to insufficient infrastructure necessary to produce and transport the underlying commodity. Further, section 202 imposes new position reporting standards on holders of natural gas futures or options contracts, requiring that records of such contracts be maintained for five years and provided to the CFTC as their request. These new requirements are not without costs, which could be significant and may be passed on to homeowners and businesses. As a result, this provision could have the unintended affect of increasing costs on energy consumers.

By potentially expanding CFTC authority beyond that established in the 2000, serious questions have been raised about CEA's scope and construction and the potential impact these new changes may have on energy consumers, investors, and industry participants. As this legislation heads to conference, I urge my colleagues to thoroughly discuss and address these issues and concerns so that we can be confident that our Nation's capital markets remain strong and vibrant.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 4473.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ESTABLISHING THE TASK FORCE ON OCEAN POLICY

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 599) establishing the Task Force on Ocean Policy.

The Clerk read as follows:

H. RES. 599

Whereas the House of Representatives is in need of a Task Force on Ocean Policy to review the final report of the United States Commission on Ocean Policy, entitled "An Ocean Blueprint for the 21st Century", which affects the jurisdiction of several committees of the House, including the Committee on Resources, the Committee on Science, the Committee on Transportation and Infrastructure, and the Committee on International Relations: Now, therefore, be it

Resolved,

SECTION 1. ESTABLISHMENT.

There is hereby established a Task Force on Ocean Policy.

SEC. 2. COMPOSITION.

The task force shall be composed of 12 members appointed by the Speaker, of whom 5 shall be appointed on the recommendation of the Minority leader. The Speaker shall designate one member as chairman. A vacancy in the membership of the task force shall be filled in the same manner as the original appointment.

SEC. 3. JURISDICTION.

The task force may develop recommendations and report to the House on the final report of the United States Commission on Ocean Policy, making recommendations for a national ocean policy, entitled "An Ocean Blueprint for the 21st Century".

SEC. 4. PROCEDURE.

(a) Except as provided in paragraphs (1) and (2), rule XI shall apply to the task force to the extent not inconsistent with this resolution.

(1) Clause 1(b) and clause 2(m)(1)(B) of rule XI shall not apply to the task force.

(2) The task force is not required to adopt written rules to implement the provisions of clause 4 of rule XI.

(b) Clause 10(b) of rule X shall not apply to the task force.

SEC. 5. STAFF; FUNDING.

(a) The chairman may employ and fix the compensation of such staff as the chairman considers necessary to carry out this resolution. To the greatest extent practicable, the task force shall utilize the services of staff of employing entities of the House. At the request of the chairman, staff of employing entities of the House or a joint committee may be detailed to the task force to carry out this resolution and shall be deemed to be staff of the task force.

(b) There shall be paid out of the applicable accounts of the House $450,000 for the expenses of the task force. Such payments shall be made on vouchers signed by the chairman and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. REPORTING.

The task force shall report to the House the final results of its investigation and study, together with detailed findings and such recommendations as it may deem advisable, as soon as practicable and in no event later than on June 30, 2006.

SEC. 7. DISSOLUTION AND WINDUP OF AFFAIRS.

The task force shall cease to exist after July 31, 2006.

SEC. 8. DISPOSITION OF RECORDS.

Upon dissolution of the task force, the records of the task force shall become records of any committee designated by the Speaker.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from California (Ms. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and include extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 599 will establish a House Task Force on Ocean Policy with the express purpose of developing recommendations and reporting to the House on the findings of the United States Commission on Ocean Policy by June 2006.

This bipartisan task force will have members appointed by the Speaker and Minority Leader who will focus on the final report of the United States Commission on Ocean Policy entitled, "An Ocean Blueprint for the 21st Century."

While the task force will have no legislative jurisdiction, it will put in place a mechanism to allow the House to look broadly at the question of caring for our oceans.

The gentleman from Maryland (Mr. GILCHREST) is to be commended for his untiring commitment to the preservation of our ocean resources. We are able to bring this resolution forward today because of his good work and interest on this subject.

It is important that this resolution be considered quickly, so that Members may be appointed to the task force and can begin their work and produce a report by June 2006.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. GILCHREST) and ask unanimous consent that he be allowed to control the time that I have.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I want to thank Mr. HASTINGS for helping bring this legislation to the floor, and I want to thank him for yielding the time. I will speak now for a few minutes explaining the legislation, and I would hope, Mr. Speaker, that we can have a bipartisan vote to move this task force along so that the myriad of issues that cover a broad range of committee assignments, both on the House and the Senate side, and a broad array of Federal departments and agencies can be viewed with a single entity, this task force, between now and June to understand the comprehensive magnificent work of the people under Admiral Watkins that put together this commission report.

The members on the commission are people who have represented and continue to represent the oceans, aquariums around the country, the port authorities, coastal studies, offshore oil drilling, the U.S. Navy, shipping and marine transportation, ocean ecology and fisheries, environmental interests and the banking industry, a broad array of individuals that were appointed by the President, the House and the Senate.

The scientists that represent the Ocean Commission Report that worked to develop the recommended policies are scientists from universities all across the country. Their expertise and diverse fields are in marine economics, coastal and estuarine issues, atmospheric issues, Gulf of Mexico issues and the whole array of problems with hurricanes, fishery science, coastal development, physics of ocean currents, oceanography. The list goes on and on and on.

They presented this report to the U.S. Congress in September of 2004. In this report, there are 31 chapters. Seven of the 31 chapters come under the jurisdiction of the Fisheries and Oceans Subcommittee on Resources. Seven of the 31 chapters come under my jurisdiction in this Ocean Subcommittee. We have held hearings on our part of the Ocean Commission Report. But 24 chapters lie outside the jurisdiction of that Fisheries Subcommittee. And it is important to get this task force so that all those other committees in this House can view this commission task force from the specific recommendations that the task force will assume from the ocean commission report.

What I would like to do is explain to my colleagues, the ocean commission task force makes recommendations in the following areas, which are outside the jurisdiction of the Ocean Subcommittee. Those are: The Congress should establish for better leadership and coordination a national ocean council and a non-Federal ocean council of advisors to view the full range of issues in the departments, the agencies and the executive branch and what goes on in the States and the tribes and the international arena regarding oceans.

They make recommendations to improve NOAA, EPA, the Corps of Engineers, the Department of Interior, USDA and the States in their regional coordination. Right now it is severely fragmented. They make recommendations to clarify offshore responsibilities as far as leasing oil and gas, aquaculture, bioprospecting, wind energy, fisheries, just to name a few. They recommend structural changes in NASA, the Corps of Engineers, the Coast Guard, the U.S. Navy, the National Science Foundation, Aquaculture, Health and Human Services, Department of Justice, Department of State, Department of Labor, Department of Transportation and the United States Agency for International Development. Can all of this be done with one subcommittee or fragmented throughout the course of this Congress? Promote lifelong ocean education, ocean stewardship, science literacy, future ocean leaders, helping to bridge the gap between scientists and educators, a need for qualified ocean science in the classroom, bringing the ocean to the vast array of students across this country. This is the Committee on Education.

Better financial technical institutional support for watershed management initiatives through existing Federal and State laws linking coastal and offshore ecosystems. Better financial technical institutional support for all these issues. Something that is dear to our hearts right now as a result of this past hurricane season, several chapters dealing with guarding people and property against national hazards such as hurricanes and floods. And a year ago, a year and a half ago, in the commission report they predicted, right down to the letter, what could and eventually did happen to New Orleans, to coastal Louisiana, to Mississippi. A vast array of information.

Managing sediment flows: 30 States contribute sediment in the Mississippi River that eventually goes through Louisiana, Mississippi and the Gulf of Mexico.

□ 1630

How do we manage those sediment flows?

Techniques for cost benefit analysis is in this report. Marine commerce and transportation across the oceans, the estuaries, and the rivers in this country. Addressing coastal and water pollution, three major laws, statutes. The National Pollutant Discharge Elimination System, Total Maximum Daily Load Program, Clean Water State Revolving Loan Fund, those are outside the jurisdiction of resources entirely. Their recommendations are for dealing with wastewater treatment plants, septic tanks, industrial facilities, agriculture, urban and suburban runoff.

Addressing the atmospheric deposition problem: the single biggest issue with many estuaries including San Francisco and the Chesapeake Bay is air deposition. Thirty percent of the problem with degrading the Chesapeake Bay is air deposition.

Watershed monitoring: in 1974 we had 500 stations across the country that monitored the quality of water. Today there are 32, from 500 down to 32. The lack of coordination between the State, the Federal Government, and the institutions is appalling.

Limiting vessel pollution and improving vessel safety: that is the EPA, the Coast Guard, and the International Maritime Association. How to deal with invasive species with ballas water, marine organisms, major problems in the Great Lakes, the Mississippi River, and many estuaries around the country.

Connecting the oceans and human health: biomedical research, marine bacteria, contaminated seafood, harmful alga blooms, recommendations that can be gleaned from a single perspective with a single entity such as this task force and then legislative recommendations to the myriad committees that deal with these issues.

Creating a national strategy for increasing scientific knowledge in ocean science, technology, and understanding the oceans' ecosystem.

Collaborating with the international community and funding recommendations for how long this is going to work.

The Ocean Subcommittee under the Resources Committee does not have the time or the resources or the people or the jurisdiction to do this. We have dealt in that ocean subcommittee with our jurisdiction regarding the Ocean Commission Report, which is marine debris, fisheries management, marine mammals, coral reefs, agriculture, ocean observing system, coastal habitats, and so on.

This report by Admiral Watkins and many scientists around this country deserve to have the United States Congress, this institution, take a comprehensive view of this report, study it for several months, and then make legislative recommendations to this body.

I urge my colleagues to vote for the task force.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, strange things happen around this place when we are getting ready for recess. Legislation just seems to come out of the woodwork sometimes, like the resolution on the Suspension Calendar today.

The bill before us today would spend $400,000 of taxpayer money to establish a House Task Force on Ocean Policy. Quite simply, it is duplicative and wasteful. There is already a standing House committee to deal with ocean policy that professional staff already have in place.

The Rules Committee has not met to consider this resolution. In fact, no action, at least none that I am aware of, has been taken beyond the simple introduction of this measure. This resolution just appeared on the schedule at the last minute with no explanation, no details, and no reason for its urgency.

So I am a bit puzzled about why this task force is needed at all. Generally, task forces are created when there is an issue that crosses the jurisdictional lines of several different committees, all of whom claim primary jurisdiction. In that circumstance, there may well be a need to coordinate efforts in an efficient manner. However, in this case, the primary issues fall within the jurisdiction of the Resources Committee. In fact, there is a Subcommittee on Fisheries and Oceans chaired by the gentleman from Maryland (Mr. GILCHREST). That is where this issue belongs.

Let me be clear: our Nation's ocean policy is a worthy project, but I believe that this issue should be taken up by the Resources Committee. That is where the expertise is.

I hope that the resolution's sponsors and other Members speaking here today will shed some light on the need to move so quickly on this measure.

Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman from California for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, in 2003 the Pew Ocean Policy Commission put out a comprehensive report telling us that our oceans were in serious trouble. The Republican leadership quickly ignored the report, saying they wanted to wait for the results of the congressionally appointed U.S. Commission on Ocean Policy. And lo and behold, last September that commission came to the same basic conclusion: that our oceans are in peril from degraded waters, compromised resources, and conflicts between man and nature, and that immediate action is needed. They laid out some pretty pointed recommendations for Congress, and I would like to show this book, which is their recommendations. Over 500 pages at a cost of $10 million. It took them 3 years. They did a comprehensive report at a cost of $10 million.

Well over a year has gone by and still the House Republican leadership has sat on its hands and done virtually nothing for our oceans. At the end of 2004, the Fisheries and Oceans Subcommittee, on which I am the ranking member, held exactly one hearing on the U.S. Ocean Commission's recommendation. This year our subcommittee and the full Resources Committee have done nothing to comprehensively consider or address the commission's recommendations despite my repeated requests.

What we have done instead is to hold a random assortment of hearings on a few areas that are mentioned in the commission's report, but without getting into any of the commission's recommendations. We seem to be highlighting the status quo rather than using the commission's recommendations to move forward.

Now, today in the face of the Republicans' consistent refusal to comprehensively address ocean issues, we are now handed the emptiest of promises that this oceans task force would mean real progress in dealing with the commission's recommendations. We are not going to fall for that, Mr. Speaker. Democrats are going to oppose this task force because it does nothing. Its task will literally be to write a report on a report that itself is already quite prescriptive in its instructions to Congress.

We don't need to study what is wrong with the oceans. We don't need more reports. What we need now is action, real action, not this task force.

I would point out that the resolution says we are going to spend $400,000, that is on top of the $10 million that the U.S. Oceans Commission has already spent. That is taxpayer dollars. That does not count the Pew Commission. That, I think, was mostly private funds. And this is at a time when I keep hearing from the House Republican leadership about how we do not have any money and we have to cut expenses and we do not want to waste our money. Well, why are we wasting another $400,000 in taxpayers' money on a task force that does not even have any legislative responsibility?

I listened to Mr. HASTINGS, who sponsored this resolution. He said that there is no legislative jurisdiction in this task force. And I have heard my colleague, whom I respect greatly, the gentleman from Maryland. He is my chairman and I respect him greatly, but he goes on to say that there are so many committees that have jurisdiction over this that we don't have the time to deal with it.

Let me tell you, the House Republican leadership has no problem even ignoring committees and writing a lot of legislation in the Rules Committee when they want to get something done. I respect my colleague, but don't tell me that this Republican leadership needs another task force to write a bill, because I have seen bills written in the Rules Committee and come to the floor directly without even going to committee. I just don't buy it.

The truth is the real obstructionists are the Republican leaders and the Republicans on the Resources Committee, not all, but most, who have refused to allow a comprehensive consideration of major ocean issues this entire year. And I mean not just haphazard hearings, but actually doing something that is meaningful.

The majority proposes to ignore this issue for another 6 months by creating a task force that has no legislative authority and comes with no guarantee that we will be any closer to serious action than before we started.

I want to say that my Democratic colleagues have specific recommendations that they have put in legislative form, and some of them are here on the floor. The gentleman from California (Mr. FARR) has put together the Oceans 21 bill that has most of the government's issues that come out of the U.S. Commission report.

He is a cochair of the Oceans Caucus. The gentleman from Maine (Mr. ALLEN) has put forward the Fishing Quota Standards Acts, again adopting a lot of these recommendations. We also have the reauthorization of the Coastal Zone Management Act.

Democrats have been out there with legislation that we would like to move through committee that adopt the recommendations of the U.S. Oceans Commission's report. We have alternatives. We do not need another task force.

And I would point out over and over again I am getting very frustrated, and it may be obvious, with the fact that there is no action on the Republican side. The oceans are a tremendous resource for this Nation. The fishermen, the beach-goers, the coastal business owners in my district, they know this. They expect us to be working on problems facing our oceans. They would be quite disappointed to hear that the House leadership continues to ignore these problems and instead is choosing to avoid real action by studying this problem for another year.

Again, the Pew Commission, U.S. Oceans Commission, they have sounded an alarm; and it is time to do something to save our oceans and what is in our oceans. Let us reject this unnecessary task force and get down to some real work.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

I would just like to respond to my colleague on the other side of the aisle. This issue did not pop up out of thin air. My colleagues on the other side of the aisle know full well that we have been working on this. We have had numerous, numerous conversations since last May on this particular task force. Leon Panetta, who headed the Pew Ocean Policy Commission's report, is in favor of this task force. Admiral Watkins, who worked on the Oceans Commission's report, is in favor of this task force. As a matter of fact, both of those men, Leon Panetta and Admiral Watkins, are urging my colleagues on both sides of the aisle to vote in favor of this.

Now, as far as my subcommittee that Mr. PALLONE serves on dealing with these issues, this is a commission report that did cost a few million dollars, and it is worthy of our close scrutiny, not having staff make up a bill that we do not know the substance of that bill. This commission report is worthy of our attention, of our observation, of our analysis, of our critical understanding of it.

My subcommittee has been dealing with the issues that have come under our jurisdiction. We are working on the marine mammal recommendations, marine debris recommendations, coral reef recommendations, Magnuson Act recommendations. We are doing that and passing that through the subcommittee. But 24 chapters are outside those issues. They deal with the Science Committee, the Transportation Committee, the Agriculture Committee, the International Relations Committee, the Education Committee, the Financial Services Committee. We think, instead of fragmenting this all over again because 30 and 40 years ago we went through this with the Stratton report and there was not any single entity in the House of Representatives that took a critical and analytical view of the Stratton report, we want to do that now. Now is the time to do that.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the resolution to create a House Ocean Task Force.

During the more than 20 years I have been here in the Congress, I have made it a priority to promote protection of our oceans and effective conservation and management of the living marine resources. From protecting coastal wetlands to cleaning up our estuaries to promoting sustainable fisheries to preventing ocean pollution, each has been a priority.

We have accomplished a great deal. But as highlighted in the more than 200 recommendations contained in the U.S. Commission on Ocean Policy report released last year, much remains to be done. And as Mr. GILCHREST just pointed out, a bipartisan group to coordinate this activity is necessary, given the fragmentation that has existed in the committee system as it relates to ocean issues for more than 50 years.

As a chief sponsor in the House of the legislation to establish the U.S. Commission on Ocean Policy, I feel it is important to follow through and ensure the recommendations are effectively implemented.

□ 1645

We need to build on the momentum generated last year by the release of both the U.S. and the Pew Ocean Policy Commission reports and accomplish a true sea change in the way we utilize and manage our ocean resources. Given the scope and sheer number of recommendations from both commissions, it is also clear that we need to prioritize our efforts.

The U.S. commission recommendations to Congress include a range of issues that cannot be addressed by any single committee. This task force will develop a number of recommendations that will be forwarded to the relevant standing committees and work with those committees to see that the recommendations are implemented.

I feel it is time that we recognize that in order to make progress, we need a coordinated Congressional focus incorporating policy justifications of each of the standing committees to draft a comprehensive national oceans policy. This task force will enable us to do that, and I might say that the Republican leadership and I hope the Democrat leadership is committed to help in this effort in a very direct way.

It took more than 10 years to implement the recommendations of the Stratton Commission. We cannot wait 10 years. The first U.S. Commission on Ocean Policy was an important one, but 10 years is just too long to wait. We need to work together to ensure implementation does not take that long this time.

We need to capitalize on the enthusiasm and momentum generated by the commission reports and their recommendations. I urge my colleagues on both sides of the aisle to support this House Ocean Task Force resolution so that we will better be able to deal with ocean issues.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I want to put this debate in some perspective. It was a year ago this week that the commission that the United States Congress created gave their report to us, after spending approximately $10 million of the taxpayers' money to put the report together, a year ago. This debate is about how we spend another year before we do anything, and that is wrong.

What is lacking here is leadership. The ocean issue goes back generations. It goes back to the last administration. President Clinton had the first White House Conference on the Oceans out in California in 1997. That was where all the ideas were created that we needed to upgrade all the oceans. President Bush signed into law and appointed members of the committee which gave us this report.

What is happening is that this task force that is before the House today is just a way of delaying, stalling and not getting anything done. Everybody that is speaking here today loves the oceans. Everybody is a supporter of it, and there is not a greater supporter than Mr. GILCHREST. But, unfortunately, there is a lack of leadership behind Mr. GILCHREST.

Where, Mr. Speaker, is the leadership? There is a bill in his committee, it has been there for almost a year, and they say, We need more time. That bill was put together with a coalition of Democrats and Republicans and Sea Grant Fellows, the staff, the Ph.D.'s and MAs to come here and work together. They are on it a year with Members and other staff.

There has been all the work done, and it has been put in a bill. It is a bipartisan bill. It has all the cosponsors of the Oceans Caucus, three Democrats and three Republicans. That bill is H.R. 2139 and the leader of that bill is Mr. WELDON from the Republican Party. We have not even been able to have a hearing, not even scheduled a hearing. That bill could pass, and it is the ocean policy. It is the sum total of the parts of those two commissions. We do not need to spend more taxpayer money and more time in our House trying to decide what to do; we just need to do it.

Now, we created a commission after 9/11, and after the recommendations came back, yes, there was debate on it, but in the same year we adopted it, and we took the recommendations. This is not being done.

Mr. GILCHREST is not getting the support. What they are giving him is a bone and saying, Here, go out and use the bureaucracy of the House to have another task force. I ask, what date are we going to have a hearing for our bill? If we want to have some leadership on this, can you give us a date when the Oceans-21 bill will be heard in your committee?

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

Mr. FARR. I yield to the gentleman from Maryland.

Mr. GILCHREST. I will tell you this, Mr. FARR: The aspects of Oceans-21 in your bill that is subject to the jurisdiction——

Mr. FARR. I just want to know the date. What month? January?

Mr. GILCHREST. The parts of your bill that comes under my jurisdiction—

Mr. FARR. Can we have a hearing on it?

Mr. GILCHREST. We have held hearings on those issues. We have. And we have developed from your bill legislation that is moving through the subcommittee, that many of them have already passed the subcommittee and the full committee and are awaiting floor action.

Mr. FARR. I have not seen any of that, and I am one of the cosponsors of that bill.

The Oceans Blueprint for the 21st Century is the report that we spent $10 million on. The bill to implement that is called Oceans-21. This task force, the caucus, have all been bipartisan, have been equally split. But if you want to look at it, this task force is not only a delay tactic, it is also a very partisan tactic. The task force, for no apparent reason, will have seven Republican members and only five Democratic members. This is the first time in any of the debates we have not been an equal number in leadership and work.

This is a cynical attempt to just delay, to stall. Although you have quoted Mr. Panetta and Admiral Watkins, I know they want more than anything legislation to pass, not creation of another task force.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to read the first paragraph, because there has been a lot of mention around here about delay and the cost of the ocean commission report. I want to read the first paragraph of the ocean commission report: America's oceans and coasts are priceless assets, indispensable to life itself. They also contribute significantly to our prosperity and overall quality of life. Too often, however, we take these gifts for granted, underestimating their value and ignoring our impact on them. Then our use of the oceans becomes abuse and the productive capacity of our marine resources is diminished.

In 6 months, June 30, this bipartisan task force, made up as a reflection of the ratio of Democrats and Republicans in the House, which is standard practice for all committees, will issue its comprehensive report, legislative recommendations, so that each one of the fragmented committees will not have to deal with these issues that they have very little expertise with in any way.

This is a bipartisan task force that is funded with its own staff separate from any other committee or influences from any other committee to deal with the issue of oceans, which determine the climate, determine the weather, determine the air we breathe, the food source for billions of people. This is an issue that we can get together on, have a bipartisan working relationship and put aside our partisan bickering, because the oceans are priceless. We have some work to do, and we can accomplish that by June 30.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this resolution for many of the reasons that my colleagues have cited.

The fact of the matter is, we have the blueprint for what needs to be done on the oceans. $10 million was spent developing it. We have another one from the private sector, from the Pew Foundation, led by our former colleague Leon Panetta. I think they spent over $4 million. The Resources Committee has a budget of $14 million. If there are five other committees, most of their budgets are larger than ours, so you are approaching almost $100 million in public moneys that are available to deal with this issue. And yet we are going to create a task force to study a study and spend another $400,000. Either the place is so terribly bureaucratized that it cannot respond or it does not want to respond.

The fact of the matter is, we can do this through a select committee and end up with a legislative product, or we can do this through a task force and end up with a study of a study recommending to the committees, that have not shown any interest to date, that they should do something about the oceans.

You are right, the oceans are far too important to be left to that mechanism. But the fact of the matter is, this task force does not take this any further down the road.

This is about action. As Mr. FARR said, it is about leadership. We have the expertise in the committees. When we did the energy bill, the Speaker told us that the energy bill would be on the floor by a certain date. The Commerce Committee did their part, the Ways and Means Committee did their part. Transportation did their part. Resources did their part. We saw the bill on Monday. We talked about it on Wednesday, voted on it on Friday. It was on the floor the following week. Not a great process, but they obviously wanted to do something to have an energy bill on the floor.

We have done that in other cases. Here they simply do not want to do it. They really just do not want to do this to protect the oceans, because it requires a commitment of resources. It requires a national commitment to protect the oceans, and the Republican Congress is not interested in doing that. If they wanted to do it, they would do it. They simply do not want to do it.

But what they want to do now is just throw some additional money at it to kind of kick the can down the road. The emotions are too important to be kicked down the road. This should be addressed by this Congress. We have had a year, and nothing has happened. So now we are going to spend another 6 months and the ball is not going to get advanced very far, other than politically, and then we are going to be back telling the committees they should do something about the oceans. We just spent $15 million telling the committees they should do something about the oceans.

So this is about whether you have the will to do something about the oceans, whether you have the political ability to do something about the oceans and the leadership to do something about the oceans, or you do not. It just does not make any sense.

This system, I guess, should become more flexible to deal with, because almost all of the tasks now that the Congress deals with cut across committee jurisdiction lines. So we ought to become more flexible to deal with it. We should not just be throwing more money at it to pretend like we are doing something to advance this incredibly important, incredibly urgent oceans agenda. This task force does not deal with that. I urge my colleagues to vote against this.

Mr. GILCHREST. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, as one point of clarification regarding the claim made by the gentleman, our chairman, that no select committee was formed to consider the Stratton Commission recommendations, I believe that the gentleman from Maryland was in fact wrong on that. The Senate specifically established a National Ocean Policy Study in the Commerce Committee for that purpose.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, as the saying goes, it is time for a lot less talk and a lot more action. The other side of the aisle talks a good game on protecting our oceans, but they control the Resources Committee. They control the House floor schedule. They control this Congress. And what have they done? At any time, they can use the House Resources Committee to bring up legislation to protect the oceans, but they have yet to have hearings or move legislation on marine protected areas, regional governance or coastal management. Instead, they have continually tried to open up our coasts to offshore drilling.

I have introduced H.R. 1712 to protect the coast of Sonoma County, California, as part of the National Marine Sanctuary Program, but there have been no hearings on this bill or any other bill to protect our oceans. Let us be clear with the American people: This task force that this bill creates will have no ability to truly affect policy.

Mr. Speaker, I would ask that instead of talking a good game, that they start bringing up bills, such as H.R. 1712, that would truly protect our oceans.

Mr. GILCHREST. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

☐ 1700

Mr. SAXTON. Mr. Speaker, I would just like to point out to my friends on the other side of the aisle that Mr. GILCHREST has spent a great deal of time in working with leadership on this issue, recognizing that there is a process problem here in that the Oceans-21 bill that we all want to see passed is in the jurisdiction of quite some number of committees.

For example, the Agriculture Committee has jurisdiction with regard to issues involving runoff. The Armed Services Committee has obvious jurisdiction over issues involving the Navy. The Transportation Committee is where the Coast Guard subcommittee is housed. The Resources Committee, obviously made up of Interior members I might add, has great jurisdiction here, as does the Financial Services Committee and the Education Committee.

What Mr. GILCHREST is attempting to do here, and I support his effort very much, is to have a bipartisan commission made up that can work with leadership to work it through this morass, this maze of standing committees. If we do not do that, the sure bet is that this bill in this term is going nowhere.

Mr. PALLONE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, I think it is very important that we vote no on this resolution. Essentially, it is going to accomplish nothing. I said before that, when Mr. HASTINGS, who is the sponsor, first spoke earlier today, he said that the task force will have no legislative jurisdiction. If you read section 3, Jurisdiction, under the resolution, it specifically says: The task force may develop recommendations and report to the House on the final report of the U.S. Commission on Ocean Policy making recommendations for a national oceans policy entitled, An Ocean Blueprint For the 21st Century.

So, again, it says in the resolution, this is nothing but a report on another report which is already 500 pages, and $10 million of taxpayers' money has been spent on it. Why should we spend another $400,000 to come up with another report on the report with no legislative action? My democratic colleague Mr. FARR says he has a bill, Oceans-21. He is the co-chair of the Oceans Caucus, bipartisan legislation. He asked the gentleman from Maryland, when is there going to be a hearing on that? No answer. When is it going to be reported out? No answer. Why? Because this Republican Congress does not want to take any action on the ocean commission's recommendations. They just want to do another study, another report, another 6-month delay, another $400,000, $500,000 spent. It is ridiculous. We had the gentlewoman from California (Ms. WOOLSEY) she said, why isn't her bill being reported?

Now, I know my colleague from Maryland said, Well, we can't do this because this goes across so many committees' jurisdictions. That is really not a legitimate argument.

The bottom line is that this House Republican leadership has taken bills, as I said many times, written them in the Rules Committee. The notion that they cannot get their act together and report out some of these bills, it just does not make any sense. I think that what we are seeing here is a delaying tactic. If you think about it, once this gets started, another 6 months, we will be halfway into the last year of this Congress, and we will basically see absolutely nothing happen. The only way that we are going to see action on the Ocean Commission's recommendations, the only way that we are going to see anything happen here is if we eliminate this task force and we demand and build pressure on the Republican leadership to report out legislation that has already been introduced that would enact the U.S. ocean commission's report. That is the main reason I believe why we must vote no on this legislation. It will accomplish nothing. It is simply another delay.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, .I yield myself the balance of my time.

Mr. Speaker, this task force creates an opportunity to bypass, eliminate the bureaucracy and fragmentation of the myriad of jurisdictions of this body. This task force creates a new dynamic. It brings people in. Democrats, Republicans. It brings the public into the process. It brings scientists into the process. It brings people who work in all the various marine industries into the process to evaluate, to analyze in a very clinical manner the ocean commission recommendations.

This is about specific recommendations coming out of a bipartisan task force with the idea that we eliminate bureaucracy: we eliminate the committee jurisdiction problems and hand to these various committees the specific recommendations that we have evaluated over this 6-month period of time.

The subcommittee is moving legislation with the recommendations from the ocean commission report and the Pew Commission report on oceans. We are dealing with what to do about sanctuaries, marine protected areas, coral reefs, marine debris, Magnuson issues, ecosystem management of the fisheries. All of these things subject to our jurisdiction and the rules of the House are being moved through that subcommittee. I urge my colleagues to vote in favor of the task force.

Mr. RAHALL. Mr. Speaker, I rise to express my opposition to this resolution.

This Ocean Policy Task Force resolution, while well intentioned by its sponsor, is misguided. Its effect would be to deceive the American public into believing that the House of Representatives is actually working to advance the recommendations of two comprehensive ocean policy reports when the opposite is true.

As the Ranking Democratic Member on the Committee on Resources, I staunchly support efforts to restore our ocean and coastal environment. But what we have before us today smells fishy and I urge Members to oppose this ill-advised resolution.

Last September, the U.S. Commission on Ocean Policy sent up to the Congress a comprehensive report that included over two-hundred specific recommendations to guide the development of a new national ocean policy for the 21st Century.

That report—the first of its kind in over thirty years—handed the Congress an action agenda to finally address the degraded condition of our ocean and coastal resources. The Commission was filled with highly credentialed professionals with expertise in policy, economics, science, technology and resource management drawn from both the public and private sectors and academia.

No one, absolutely no one, questions the caliber of the Commission. For the Congress to assert that it can do a better job in six months time than the experts appointed to the Commission did in three years is absurd.

Moreover, the Ocean Commission's report echoed similar findings and recommendations to those made in the 2003 report released by the independent Pew Oceans Commission, chaired by our former colleague, the Honorable Leon Panetta.

If there was anything that these reports conveyed, it is that this is a pressing national problem.

Unfortunately, rather than rolling up our sleeves and working in a bi-partisan fashion to begin a process of genuine oversight to evaluate the merits of the Ocean Commission's work, months have been allowed to lapse with little, if any, meaningful oversight; without the development of any joint strategy; and absent any leadership by the Republican majority.

I, along with Members from both sides of the aisle, have introduced legislation to implement several of the Commission's recommendations. My legislation, for example, addresses fisheries management, including how the various fisheries management councils can perform in a more transparent and effective manner.

But instead of debating these substantive proposals, the majority leadership trots out a resolution to create a toothless Task Force on Ocean Policy which will only waste precious time.

This is a classic stalling tactic of government—to study an issue to death. Sadly, our oceans could be on life support before this Republican-led Congress acts to implement the Commission's recommendations.

I urge members to support true oversight of the Ocean Commission's recommendations and to oppose this misguided resolution.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the resolution, H. Res. 599.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COAST GUARD HURRICANE RELIEF ACT OF 2005

Mr. LoBIONDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4508) to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

The Clerk read as follows:

H.R. 4508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Hurricane Relief Act of 2005".

SEC. 2. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The Coast Guard strategically positioned its aircraft, vessels, and personnel the day before Hurricane Katrina made landfall and launched search and rescue teams within hours after Hurricane Katrina struck.

(3) The Coast Guard moved its operations in areas threatened by Hurricane Katrina to higher ground and mobilized cutters, small boats, and aircraft from all around the United States to help in the response to Hurricane Katrina.

(4) The response to Hurricane Katrina by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(5) The Coast Guard rescued more than 33,000 people affected by Hurricane Katrina through the air and by water, including evacuations of hospitals, and has been at the center of efforts to restore commerce to areas affected by Hurricane Katrina by clearing shipping channels, replacing aids to navigation, and securing uprooted oil rigs.

(6) The Coast Guard was at the forefront of the Federal response to the numerous oil and chemical spills in the area affected by Hurricane Katrina.

(7) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to the Gulf of Mexico coastal region.

(8) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Coast Guard should play a major role in response to any future national emergency or disaster caused by a natural event in the United States in a coastal or offshore area.

SEC. 3. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding section 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title until not later than February 28, 2006, if—

(1) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(2) the individual is a resident of any other State, and the records of the individual—

(A) are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(B) were damaged or lost as a result of Hurricane Katrina.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the Department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title until not later than February 28, 2006, if—

(1) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(2) the individual is a resident of any other State, and the records of the individual—

(A) are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(B) were damaged or lost as a result of Hurricane Katrina.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

SEC. 4. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 3 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires February 28, 2006.

SEC. 5. PRESERVATION OF LEAVE LOST DUE TO HURRICANE KATRINA OPERATIONS.

(a) PRESERVATION OF LEAVE.—Notwithstanding section 701(b) of title 10, United States Code, any member of the Coast Guard who serves on active duty for a continuous period of 30 days, who is assigned to duty or otherwise detailed in support of units or operations in the Eighth Coast Guard District area of responsibility for activities to mitigate the consequences of, or assist in the recovery from, Hurricane Katrina, during the period beginning on August 28, 2005, and ending on January 1, 2006, and who would otherwise lose any accumulated leave in excess of 60 days as a consequence of such assignment, is authorized to retain an accumulated total of up to 90 days of leave.

(b) EXCESS LEAVE.—Leave in excess of 60 days accumulated under subsection (a) shall be lost unless used by the member before the commencement of the second fiscal year following the fiscal year in which the assignment commences, or in the case of a Reserve members, the year in which the period of active service is completed.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this important bill to address the concerns of Coast Guardsmen and the merchant mariner community that were affected by the recent hurricanes along the gulf coast. Most of the provisions that are being offered in this bill are nearly identical to the language that was included in H.R. 889, the Coast Guard Maritime Transportation Act of 2005, that is currently in conference with the Senate. The conferees have made a great deal of progress towards reconciling the language in both bills. However, some issues remain unresolved. As a result, we are moving these temporary extensions today.

This bill authorizes the Coast Guard to temporarily extend the validity of Merchant Mariner Document licenses and vessel certificates of inspection for mariners and vessel owners in the region that was affected by Hurricane Katrina. This extension will allow merchant mariners to continue working in the gulf region and will also allow the Coast Guard to continue its efforts to recover documents that were held at the Regional Examination Center in New Orleans.

This bill also includes a provision to preserve up to 90 days of accumulated leave that would have been lost at the end of this year for Coast Guardsmen who were assigned to operations in response to Hurricane Katrina.

Lastly, the bill commends the men and women of the Coast Guard for their heroic and extraordinary service in response to Hurricanes Katrina and Rita this year.

We all watched with admiration at the skill of the Coast Guard helicopter and boat crews who rescued over 33,000 Americans. And while there were a lot of questions and still remain a lot of questions about the Federal response and that whole situation surrounding the gulf coast storms, the Coast Guard is a shining bright light of what dedication and extraordinary service to their country these young men and women have provided in response to a national disaster and emergency, the likes of which we have hardly ever seen before. We thank them for their selfless service and celebrate their bravery and outstanding efforts.

I urge my colleagues to join me in supporting the Coast Guard and the maritime community by supporting this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume. I thank Mr. LOBIONDO for moving this legislation so rapidly given the emergency circumstances.

As the chairman said, during the days and weeks after the onslaught of Hurricanes Katrina and Rita, the Coast Guard showed what a Federal agency can do when it is prepared.

The Coast Guard, whose motto is Semper Paratus, always ready, was prepared to respond to this storm. Before levees ever broke, the Coast Guard was flying additional helicopters and extra air crews into the gulf region. Once the storm hit, their air crews and boat crews were operating 24 hours a day to save their countrymen.

The chairman and I visited the Coast Guard after the bulk of the work was done in the New Orleans area to get a briefing and to congratulate them on behalf of all the Members of the Congress for their work. And we saw their work. We saw that being prepared to respond to a disaster is not just a paper exercise to sit on the shelf when the big one occurs. Being prepared is something they do every day. They develop relationships with State and local government officials. They know who in the private sector can help provide resources to respond. They make decisions quickly so that they can implement an effective response. And as the chairman said, they saved over 33,000 lives during their response to the hurricanes.

So this bill addresses a number of Coast Guard related issues that need to be addressed very quickly. They were in H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, when we passed the bill in the House in September. However, the conferees on this bill have been unable so far to come to a resolution on all the issues, and there are a few time-sensitive provisions that cannot wait. For example, section 3 of this bill allows the Coast Guard to temporarily extend the license and Merchant Mariner Documents for individuals whose personnel records were damaged or destroyed in the 8 feet of water that flooded the Coast Guard Record Center in New Orleans. It also allows the Coast Guard to extend the license and documents of individuals who are residents of Louisiana, Alabama and Mississippi since their own personal records may have been destroyed in their home or office.

Current law states that a license or Merchant Mariner Document is only valid for 5 years. Some of those documents are expiring, and the Coast Guard feels they cannot extend them without the paperwork that is in their flooded building or in the mariner's home. So this bill allows these licenses and documents to be extended to the end of February 2006.

The gentleman from Florida (Mr. Boyd) has raised this issue with me over the past week when it became apparent that the conferees were not going to complete the work on H.R. 889. And I want to thank the chairman and his staff for allowing us to work this out so quickly and to be able to assure the gentleman that his concerns have been addressed in this bill. Any mariner who is a resident of Florida may have his or her license or Merchant Mariner Document renewed if their records were in the Coast Guard's Records Office in New Orleans that was flooded.

Similarly, section 4 allows the Coast Guard to temporarily extend the certificate of inspection or certificate of compliance if the vessel is normally inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi or Louisiana.

Several hundred men and women in the Coast Guard spent so much time responding to Hurricane Katrina that they themselves were not able to use their accumulated leave before the end of the fiscal year. So this bill in section 5 allows Coast Guard personnel who were involved in this hurricane response to carry over for 90 days instead of the normal 60 days that they were allowed.

Finally, Mr. Speaker, H.R. 4508 expresses a sense of Congress that the men and women serving in the Coast Guard went above and beyond the call of duty when they responded to Hurricane Katrina and thanks them for their continued dedication and service to our Nation.

Mr. Speaker, again, I want to thank Chairman LoBiondo and his staff for working so closely with our staff to get this out quickly. I urge my colleagues to voice their support for H.R. 4508.

Mr. Speaker, I yield back the balance of my time.

Mr. LoBIONDO. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. Souder).

Mr. SOUDER. Mr. Speaker, I want to thank and praise Chairman LoBiondo for his steadfast, consistent, constant advocacy of the Coast Guard because that has been very important here in Congress and very important to the Coast Guard.

I rise to commend the Coast Guard's outstanding response to Hurricane Katrina and support the Coast Guard Hurricane Relief Act of 2005. Recently, more than ever, the Coast Guard has demonstrated its unique multi-mission role as the world's premiere maritime service.

The devastation caused by Hurricane Katrina along our gulf coast had been well documented. One of the best stories to emerge from this disaster has been the heroic work of our Coast Guard. Hurricane Katrina ravaged Coast Guard stations in Gulfport and Pascagoula, Mississippi, and looters wrecked part of its New Orleans base.

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But that did not stop the Coast Guard from sending out rescue helicopters, cutters, and small boats on dangerous and exhausting missions to save lives and clear waterways after the hurricane ravaged the gulf coast.

By August 30, the Coast Guard had rescued some 1,200 people even though continued gale force winds made air and sea operations extremely hazardous.

In the first 5 days after Katrina hit, the Coast Guard surged 30 cutters, 38 helicopters and over 5,000 personnel into the affected areas. In addition to search-and-rescue operations, these assets also provided vital security, logistics, and communications support to the areas hardest hit by the storm. At the height of Katrina rescue operations, over 33 percent of the Coast Guard aircraft were deployed to the affected region.

As a military, multimission maritime service, the Coast Guard performs a unique blend of humanitarian, law enforcement, regulatory, and military missions. The service plays a critical role in providing maritime security, maritime safety, protection of natural resources, and national defense services.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources and a member of the Committee on Homeland Security, I am very aware of the critical role performed by the Coast Guard in drug interdiction and homeland security.

In this past week alone, the Coast Guard, in partnership with the Federal law enforcement agencies in the Department of Homeland Security and Justice, and the Department of Defense, seized over 10 tons of cocaine bound for our shores. In fiscal year 2005, the Coast Guard seized over 300,000 pounds of cocaine, worth approximately $9.7 billion. This was another record year of drug seizures, and the Coast Guard plays a critical role in interdicting these enormous loads before they reach our cities.

As Hurricane Katrina has made abundantly clear, our country needs a strong and robust Coast Guard, and Congress needs to ensure that we are putting the right tools and equipment into the very capable hands of Coast Guard men and women so that they may continue to deliver the robust maritime safety and security America expects and deserves.

The Coast Guard's Deepwater recapitalization project plays an absolutely critical role in building a more ready and capable 21st-century Coast Guard equal to the challenges we face today and anticipate tomorrow.

It is vitally important to our national drug control strategy and our national security, as well as protecting our Nation's citizens from natural disasters such as Hurricane Katrina, that the Deepwater project be accelerated and that there be more Coast Guard ships and aircraft to respond to the many critical missions of the Coast Guard.

The Coast Guard's motto, "Semper Paratus," Always Ready, has been earned through the courage and actions of each member of the Coast Guard. I am very eager to support the Coast Guard Hurricane Relief Act of 2005 and urge this vital legislation be hopefully unanimously adopted.

Mr. LoBIONDO. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Boyd).

Mr. BOYD. Mr. Speaker, I thank the gentleman from California (Mr. Filner) and the gentleman from New Jersey (Mr. LoBiondo) for their work and for yielding me time.

Mr. Speaker, as has been said here earlier, the Coast Guard facility in New Orleans was destroyed by Hurricane Katrina that handles vessel licensing for those of us on the gulf coast, and with that, many of the records that handle the relicensing for those vessels.

I want to thank Chairman Young and Ranking Member Oberstar and these gentlemen for having the foresight to try to fix this problem. They were working on it in the Coast Guard reauthorization bill, obviously; and this piece of legislation will do that.

I also want to particularly thank them for resolving the issue as it relates to Florida boat owners; and so, Mr. Speaker, I just came to say to them, thanks.

Mr. LoBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I will close briefly and thank the gentleman from California (Mr. Filner) for joining me, and the gentleman from Alaska (Mr. Young) and the gentleman from Minnesota (Mr. Oberstar) for their strong support. I thank the gentleman from Florida (Mr. Boyd).

This is a great example of how we can recognize a problem, put our shoulders to the same wheel, and move forward with an issue.

I will just use the opportunity, in addition to urging my colleagues to support this legislation, to remind them that over the year we have continued to give the Coast Guard many more missions, but not any more resources. Katrina and Rita were a great example of the dedication and the training and the patriotism of our men and women in the Coast Guard, and it should be a great example for all of us as to why we must continue to focus on getting these men and women the key resources they need for additional personnel, for men and for assets.

There is not a mission that we could give the Coast Guard that they could not do unless we deny them the ability through the resources to be able to do that.

We have made some great strides this year. The Coast Guard continues to do an outstanding job in relation to their domestic priorities, but especially for their number one mission now, which is homeland security and maritime antiterrorism.

So, Mr. Speaker, once again, I thank my colleagues and urge everyone to support this legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to offer my full support for H.R. 4508, commending the Coast Guard for its outstanding response to Hurricane Katrina.

On August, 2005 we saw one of the worst natural disasters in our nation's history ravage the gulf coast along Alabama, Louisiana, and Mississippi. While many of our government agencies were unprepared to deal with such a disaster, the Coast Guard responded immediately and courageously.

The Coast Guard was responsible for saving over 33,000 lives—six times the number of lives the Coast Guard saved in 2004—after Katrina hit, coordinating pollution response with the Environmental Protection Agency, the state of Louisiana and local industries, and managing the mega-shelters in my hometown of Houston, Texas, where tens of thousands of the evacuees found relief following the storm. They have also been at the center of efforts to restore commerce to areas affected by Katrina by clearing shipping channels, replacing aids to navigation, and securing uprooted oil rigs.

Coast Guard Lieutenant Joe Leonard and the units in Houston did a remarkable job in managing these shelters that received thousands of people in the days and weeks following Katrina. Many of these people were left with nothing, but these shelters provided them food, water, and a place to stay until FEMA and other government agencies could find more suitable housing.

Mr. Speaker, I would again like to commend the Coast Guard for their remarkable job responding to Hurricane Katrina, and would urge all my colleagues to join me in supporting H.R. 4508.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of this bill.

As this body's only licensed mariner, I understand the lengths to which our Nation's mariners and vessel owners go, to obtain or renew their required licenses and documents.

This bill will allow merchant mariners and vessel owners in the gulf region to continue normal operations under existing merchant mariner documents, licenses and certificates of vessel inspection.

The bill will also allow the Coast Guard to continue its recovery of documents that were damaged by flood waters at the Regional Examination Center in New Orleans necessary to issue renewed licenses and documents in the future.

The Coast Guard has done a remarkable job to restore most services in the gulf region despite suffering significant damage to Coast Guard facilities.

However, as a result of coastguardsmen's tireless effort to protect the safety and security of our coasts many servicemen were called to duty when otherwise they would have been on leave.

This bill assures that any member of the Coast Guard that was involved in the response efforts along the gulf coast will retain accumulated leave up to 90 days that would otherwise be lost.

Lastly, this bill commends the men and women of the Coast Guard for their heroic and selfless service in response to hurricanes Katrina and Rita this year.

I urge all members to join me in supporting the Coast Guard and the Merchant Mariner community for their continued efforts to restore normal and safe operations along our gulf coast.

Ms. WOOLSEY. Mr. Speaker, I want to add my voice to those applauding the outstanding disaster response work of the U.S. Coast Guard.

My district is fortunate to host one of the Nation's three Coast Guard highly trained oil spill and hazmat response teams, the Pacific Strike Team located at Hamilton Field in Novato. We are also proud of Coast Guard training center Petaluma, located in the rural Two Rock area. Men and Women from both bases had important roles in the aftermath of Katrina.

For the Pacific Strike Team, quick response to emergencies is normal operating procedure. On the night of August 29, Commander Anthony Lloyd and a dozen or so members of the team flew out of California to join the two other units of the National Strike Force at the forward operating base in Alexandra. In the following weeks they participated in the largest oil cleanup spill since the Exxon Valdez, containing oil spills from 8 or 9 refineries on the Mississippi and the Gulf. With oil spill cleanup almost completed, the Pacific Strike Team has joined the Louisiana environmental officials and the U.S. EPA in an effort to remove hazmat materials scattered along Lousiana's broad coastal zone. To date this unified command, combing the wetlands and bayous, have collected about 1 million commercial 55 gallon drums.

In an emergency, the Coast Guard also relies on its personnel stationed at bases and at sea . . . everyone lends a hand.

Coast Guard Training Center Petaluma, commanded by Captain Brian Marvin, is no exception. Nine Two Rock coasties have recently returned from a 30 day rotation in the Gulf where they performed a variety of duties which exemplify the diverse mission of the Coast Guard. Two chaplains helped with spiritual support and stress management both for hurricane victims and responders; a doctor helped to mend bodies at a relief center in New Orleans; an officer was sent to be in charge of a relief boat command and control center; another officer was sent as a planner; two petty officers served in law enforcement, repairing aids to navigation and participating in search and rescue operations; and another petty officer conducted incident debriefings and helped develop support systems for personnel out in the field.

All these activities were conducted with the highest professionalism, dedication, and compassion—Coast Guard hallmarks. They deserve the highest praise and ongoing support for their mission.

Mr. LoBIONDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). The question is on the motion offered by the gentleman from New Jersey (Mr. LoBIONDO) that the House suspend the rules and pass the bill, H.R. 4508.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4508.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 972) to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes, as amended.

The Clerk read as follows:

H.R. 972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Trafficking Victims Protection Reauthorization Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Prevention of trafficking in conjunction with post-conflict and humanitarian emergency assistance.

Sec. 102. Protection of victims of trafficking in persons.
Sec. 103. Enhancing prosecutions of trafficking in persons offenses.
Sec. 104. Enhancing United States efforts to combat trafficking in persons.
Sec. 105. Additional activities to monitor and combat forced labor and child labor.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

Sec. 201. Prevention of domestic trafficking in persons.
Sec. 202. Establishment of grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking.
Sec. 203. Protection of juvenile victims of trafficking in persons.
Sec. 204. Enhancing State and local efforts to combat trafficking in persons.
Sec. 205. Report to Congress.
Sec. 206. Senior Policy Operating Group.
Sec. 207. Definitions.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Authorizations of appropriations.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States has demonstrated international leadership in combating human trafficking and slavery through the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).

(2) The United States Government currently estimates that 600,000 to 800,000 individuals are trafficked across international borders each year and exploited through forced labor and commercial sex exploitation. An estimated 80 percent of such individuals are women and girls.

(3) Since the enactment of the Trafficking Victims Protection Act of 2000, United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States.

(4) Trafficking in persons also occurs within the borders of a country, including the United States.

(5) No known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation in the United States. According to a report issued by researchers at the University of Pennsylvania in 2001, as many as 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.

(6) Runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. According to the National Runaway Switchboard, every day in the United States, between 1,300,000 and 2,800,000 runaway and homeless youth live on the streets. One out of every seven children will run away from home before the age of 18.

(7) Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post-conflict settings and during humanitarian emergencies.

(8) There is a need to protect populations in post-conflict settings and humanitarian emergencies from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there is a need for further integrated programs and strategies at the United States Agency for International Development, the Department of State, and the Department of Defense to combat human trafficking, including through protection and prevention methodologies, in post-conflict environments and during humanitarian emergencies.

(9) International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions.

(10) The involvement of employees and contractors of the United States Government and members of the Armed Forces in trafficking in persons, facilitating the trafficking in persons, or exploiting the victims of trafficking in persons is inconsistent with United States laws and policies and undermines the credibility and mission of United States Government programs in post-conflict regions.

(11) Further measures are needed to ensure that United States Government personnel and contractors are held accountable for involvement with acts of trafficking in persons, including by expanding United States criminal jurisdiction to all United States Government contractors abroad.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.

(a) AMENDMENT.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following new subsection:

"(h) PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.—The United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.".

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with the Secretary of Defense, shall conduct a study regarding the threat and practice of trafficking in persons generated by post-conflict and humanitarian emergencies in foreign countries.

(B) FACTORS.—In carrying out the study, the Secretary of State and the Administrator of the United States Agency for International Development shall examine—

(i) the vulnerabilities to human trafficking of commonly affected populations, particularly women and children, generated by post-conflict and humanitarian emergencies;

(ii) the various forms of trafficking in persons, both internal and trans-border, including both sexual and labor exploitation;

(iii) a collection of best practices implemented to date to combat human trafficking in such areas; and

(iv) proposed recommendations to better combat trafficking in persons in conjunction with post-conflict reconstruction and humanitarian emergencies assistance.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development, with the concurrence of the Secretary of Defense, shall transmit to the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report that contains the results of the study conducted pursuant to paragraph (1).

SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS.

(a) ACCESS TO INFORMATION.—Section 107(c)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(2)) is amended by adding at the end the following new sentence: "To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.".

(b) ESTABLISHMENT OF PILOT PROGRAM FOR RESIDENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF TRAFFICKING.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall carry out a study to identify best practices for the rehabilitation of victims of trafficking in group residential facilities in foreign countries.

(B) FACTORS.—In carrying out the study under subparagraph (A), the Administrator shall—

(i) investigate factors relating to the rehabilitation of victims of trafficking in group residential facilities, such as the appropriate size of such facilities, services to be provided, length of stay, and cost; and

(ii) give consideration to ensure the safety and security of victims of trafficking, provide alternative sources of income for such victims, assess and provide for the educational needs of such victims, including literacy, and assess the psychological needs of such victims and provide professional counseling, as appropriate.

(2) PILOT PROGRAM.—Upon completion of the study carried out pursuant to paragraph (1), the Administrator of the United States Agency for International Development shall establish and carry out a pilot program to establish residential treatment facilities in foreign countries for victims of trafficking based upon the best practices identified in the study.

(3) PURPOSES.—The purposes of the pilot program established pursuant to paragraph (2) are to—

(A) provide benefits and services to victims of trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

(B) assess the benefits of providing residential treatment facilities for victims of trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(C) assess the need for and feasibility of establishing additional residential treatment facilities for victims of trafficking.

(4) SELECTION OF SITES.—The Administrator of the United States Agency for International Development shall select 2 sites at

which to operate the pilot program established pursuant to paragraph (2).

(5) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this subsection, the Administrator of the United States Agency for International Development shall enter into contracts with, or make grants to, organizations with relevant expertise in the delivery of services to victims of trafficking.

(6) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Administrator of the United States Agency for International Development shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the United States Agency for International Development to carry out this subsection $2,500,000 for each of the fiscal years 2006 and 2007.

SEC. 103. ENHANCING PROSECUTIONS OF TRAFFICKING IN PERSONS OFFENSES.

(a) EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES.—

(1) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 212 the following new chapter:

"CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES

"Sec.
"3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States.
"3272. Definitions.

"§ 3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States

"(a) Whoever, while employed by or accompanying the Federal Government outside the United States, engages in conduct outside the United States that would constitute an offense under chapter 77 or 117 of this title if the conduct had been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

"(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

"§ 3272. Definitions

"As used in this chapter:

"(1) The term 'employed by the Federal Government outside the United States' means—

"(A) employed as a civilian employee of the Federal Government, as a Federal contractor (including a subcontractor at any tier), or as an employee of a Federal contractor (including a subcontractor at any tier);

"(B) present or residing outside the United States in connection with such employment; and

"(C) not a national of or ordinarily resident in the host nation.

"(2) The term 'accompanying the Federal Government outside the United States' means—

"(A) a dependant of—

"(i) a civilian employee of the Federal Government; or

"(ii) a Federal contractor (including a subcontractor at any tier) or an employee of a Federal contractor (including a subcontractor at any tier);

"(B) residing with such civilian employee, contractor, or contractor employee outside the United States; and

"(C) not a national of or ordinarily resident in the host nation.".

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of such part is amended by inserting after the item relating to chapter 212 the following new item:

"212A. Extraterritorial jurisdiction over certain trafficking in persons offenses .... 3271".

(b) LAUNDERING OF MONETARY INSTRUMENTS.—Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (v), by striking "or" at the end;

(2) in clause (vi), by adding "or" at the end; and

(3) by adding at the end the following new clause:

"(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or harboring a person, including a child, for commercial sex acts;".

(c) DEFINITION OF RACKETEERING ACTIVITY.—Section 1961(1)(B) of title 18, United States Code, is amended by striking "1581–1591" and inserting "1581–1592".

(d) CIVIL AND CRIMINAL FORFEITURES.—

(1) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2428. Forfeitures

"(a) IN GENERAL.—The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

"(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

"(2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

"(b) PROPERTY SUBJECT TO FORFEITURE.—

"(1) IN GENERAL.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

"(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

"(B) Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.

"(2) APPLICABILITY OF CHAPTER 46.—The provisions of chapter 46 of this title relating to civil forfeitures shall apply to any seizure or civil forfeiture under this subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2428. Forfeitures.".

SEC. 104. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) APPOINTMENT TO INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.—Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended—

(1) by striking "the Director of Central Intelligence" and inserting "the Director of National Intelligence"; and

(2) by inserting ", the Secretary of Defense, the Secretary of Homeland Security" after "the Director of National Intelligence" (as added by paragraph (1)).

(b) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—

(1) AMENDMENTS.—Section 108(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(A) in paragraph (3), by adding at the end before the period the following: ", measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to prevent the use of forced labor or child labor in violation of international standards"; and

(B) in the first sentence of paragraph (7), by striking "persons," and inserting "persons, including nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking,".

(2) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B) of paragraph (1) take effect beginning two years after the date of the enactment of this Act.

(c) RESEARCH.—

(1) AMENDMENTS.—Section 112A of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a) is amended—

(A) in the first sentence of the matter preceding paragraph (1)—

(i) by striking "The President" and inserting "(a) In General.—The President"; and

(ii) by striking "the Director of Central Intelligence" and inserting "the Director of National Intelligence";

(B) in paragraph (3), by adding at the end before the period the following: ", particularly HIV/AIDS";

(C) by adding at the end the following new paragraphs:

"(4) Subject to subsection (b), the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism.

"(5) An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis.

"(6) The abduction and enslavement of children for use as soldiers, including steps taken to eliminate the abduction and enslavement of children for use as soldiers and recommendations for such further steps as may be necessary to rapidly end the abduction and enslavement of children for use as soldiers."; and

(D) by further adding at the end the following new subsections:

"(b) ROLE OF HUMAN SMUGGLING AND TRAFFICKING CENTER.—The research initiatives described in subsection (a)(4) shall be carried out by the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)).

"(c) DEFINITIONS.—In this section:

"(1) AIDS.—The term 'AIDS' means the acquired immune deficiency syndrome.

"(2) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

"(3) HIV/AIDS.—The term 'HIV/AIDS' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.".

(2) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)) shall submit to the appropriate congressional committees a report on the results of the research initiatives carried out pursuant to section 112A(4) of the Trafficking Victims Protection Act of 2000 (as added by paragraph (1)(C) of this subsection).

(B) DEFINITION.—In this paragraph, the term "appropriate congressional committees" means—

(i) the Committee on International Relations and the Committee on the Judiciary of the House of Representatives; and

(ii) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

(d) FOREIGN SERVICE OFFICER TRAINING.—Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting ", the Director of the Office to Monitor and Combat Trafficking," after "the International Religious Freedom Act of 1998";

(2) in paragraph (1), by striking "and" at the end;

(3) in paragraph (2), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(3) instruction on international documents and United States policy on trafficking in persons, including provisions of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) which may affect the United States bilateral relationships.".

(e) PREVENTION OF TRAFFICKING BY PEACEKEEPERS.—

(1) INCLUSION IN TRAFFICKING IN PERSONS REPORT.—Section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization's employees, contractor personnel, and peacekeeping forces in trafficking in persons or the exploitation of victims of trafficking.".

(2) REPORT BY SECRETARY OF STATE.—At least 15 days prior to voting for a new or reauthorized peacekeeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates (or in an emergency, as far in advance as is practicable), the Secretary of State shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and any other appropriate congressional committee a report that contains—

(A) a description of measures taken by the organization to prevent the organization's employees, contractor personnel, and peacekeeping forces serving in the peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation or abuse, and the measures in place to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and

(B) an analysis of the effectiveness of each of the measures referred to in subparagraph (A).

SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.

(a) ACTIVITIES OF THE DEPARTMENT OF STATE.—

(1) FINDING.—Congress finds that in the report submitted to Congress by the Secretary of State in June 2005 pursuant to section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the list of countries whose governments do not comply with the minimum standards for the elimination of trafficking and are not making significant efforts to bring themselves into compliance was composed of a large number of countries in which the trafficking involved forced labor, including the trafficking of women into domestic servitude.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the Office to Monitor and Combat Trafficking of the Department of State should intensify the focus of the Office on forced labor in the countries described in paragraph (1) and other countries in which forced labor continues to be a serious human rights concern.

(b) ACTIVITIES OF THE DEPARTMENT OF LABOR.—

(1) IN GENERAL.—The Secretary of Labor, acting through the head of the Bureau of International Labor Affairs of the Department of Labor, shall carry out additional activities to monitor and combat forced labor and child labor in foreign countries as described in paragraph (2).

(2) ADDITIONAL ACTIVITIES DESCRIBED.—The additional activities referred to in paragraph (1) are—

(A) to monitor the use of forced labor and child labor in violation of international standards;

(B) to provide information regarding trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State for inclusion in trafficking in persons report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b));

(C) to develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards;

(D) to work with persons who are involved in the production of goods on the list described in subparagraph (C) to create a standard set of practices that will reduce the likelihood that such persons will produce goods using the labor described in such subparagraph; and

(E) to consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN PERSONS.

(a) PROGRAM TO REDUCE TRAFFICKING IN PERSONS AND DEMAND FOR COMMERCIAL SEX ACTS IN THE UNITED STATES.—

(1) COMPREHENSIVE RESEARCH AND STATISTICAL REVIEW AND ANALYSIS OF INCIDENTS OF TRAFFICKING IN PERSONS AND COMMERCIAL SEX ACTS.—

(A) IN GENERAL.—The Attorney General shall use available data from State and local authorities as well as research data to carry out a biennial comprehensive research and statistical review and analysis of severe forms of trafficking in persons, and a biennial comprehensive research and statistical review and analysis of sex trafficking and unlawful commercial sex acts in the United States, and shall submit to Congress separate biennial reports on the findings.

(B) CONTENTS.—The research and statistical review and analysis under this paragraph shall consist of two separate studies, utilizing the same statistical data where appropriate, as follows:

(i) The first study shall address severe forms of trafficking in persons in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in acts of severe forms of trafficking in persons; and

(II) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in acts of severe forms of trafficking in persons by States and their political subdivisions.

(ii) The second study shall address sex trafficking and unlawful commercial sex acts in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in sex trafficking and commercial sex acts, including purchasers of commercial sex acts;

(II) the estimated value in dollars of the commercial sex economy, including the estimated average annual personal income derived from acts of sex trafficking;

(III) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in sex trafficking and unlawful commercial sex acts, including purchasers of commercial sex acts, by States and their political subdivisions; and

(IV) a description of the differences in the enforcement of laws relating to unlawful commercial sex acts across the United States.

(2) TRAFFICKING CONFERENCE.—

(A) IN GENERAL.—The Attorney General, in consultation and cooperation with the Secretary of Health and Human Services, shall conduct an annual conference in each of the fiscal years 2006, 2007, and 2008, and thereafter conduct a biennial conference, addressing severe forms of trafficking in persons and commercial sex acts that occur, in whole or in part, within the territorial jurisdiction of the United States. At each such conference, the Attorney General, or his designee, shall—

(i) announce and evaluate the findings contained in the research and statistical reviews carried out under paragraph (1);

(ii) disseminate best methods and practices for enforcement of laws prohibiting acts of severe forms of trafficking in persons and other laws related to acts of trafficking in persons, including, but not limited to, best methods and practices for training State and local law enforcement personnel on the enforcement of such laws;

(iii) disseminate best methods and practices for training State and local law enforcement personnel on the enforcement of laws prohibiting sex trafficking and commercial sex acts, including, but not limited to, best methods for investigating and prosecuting exploiters and persons who solicit or purchase an unlawful commercial sex act; and

(iv) disseminate best methods and practices for training State and local law enforcement personnel on collaborating with social service providers and relevant nongovernmental organizations and establishing trust of persons subjected to commercial sex acts or severe forms of trafficking in persons.

(B) Participation.—Each annual conference conducted under this paragraph shall involve the participation of persons with expertise or professional responsibilities with relevance to trafficking in persons, including, but not limited to—

(i) Federal government officials, including law enforcement and prosecutorial officials;

(ii) State and local government officials, including law enforcement and prosecutorial officials;

(iii) persons who have been subjected to severe forms of trafficking in persons or commercial sex acts;

(iv) medical personnel;

(v) social service providers and relevant nongovernmental organizations; and

(vi) academic experts.

(C) Reports.—The Attorney General and the Secretary of Health and Human Services shall prepare and post on the respective Internet Web sites of the Department of Justice and the Department of Health and Human Services reports on the findings and best practices identified and disseminated at the conference described in this paragraph.

(b) Termination of Certain Grants, Contracts, and Cooperative Agreements.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) by striking "Cooperative Agreements.—" and all that follows through "The President shall" and inserting "Cooperative Agreements.—The President shall";

(2) by striking "described in paragraph (2)"; and

(3) by striking paragraph (2).

(c) Authorization of Appropriations.—There are authorized to be appropriated—

(1) $2,500,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in subsection (a)(1)(B)(i) and $2,500,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in subsection (a)(1)(B)(ii); and

(2) $1,000,000 for each of the fiscal years 2006 through 2007 to carry out the activities described in subsection (a)(2).

SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN ASSISTANCE PROGRAMS FOR CERTAIN PERSONS SUBJECT TO TRAFFICKING.

(a) Grant Program.—The Secretary of Health and Human Services may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to establish, develop, expand, and strengthen assistance programs for United States citizens or aliens admitted for permanent residence who are the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States.

(b) Selection Factor.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants with experience in the delivery of services to persons who have been subjected to sexual abuse or commercial sexual exploitation and to applicants who would employ survivors of sexual abuse or commercial sexual exploitation as a part of their proposed project.

(c) Limitation on Federal Share.—The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in this section.

SEC. 203. PROTECTION OF JUVENILE VICTIMS OF TRAFFICKING IN PERSONS.

(a) Establishment of Pilot Program.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and carry out a pilot program to establish residential treatment facilities in the United States for juveniles subjected to trafficking.

(b) Purposes.—The purposes of the pilot program established pursuant to subsection (a) are to—

(1) provide benefits and services to juveniles subjected to trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

(2) assess the benefits of providing residential treatment facilities for juveniles subjected to trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(3) assess the need for and feasibility of establishing additional residential treatment facilities for juveniles subjected to trafficking.

(c) Selection of Sites.—The Secretary of Health and Human Services shall select three sites at which to operate the pilot program established pursuant to subsection (a).

(d) Form of Assistance.—In order to carry out the responsibilities of this section, the Secretary of Health and Human Services shall enter into contracts with, or make grants to, organizations that—

(1) have relevant expertise in the delivery of services to juveniles who have been subjected to sexual abuse or commercial sexual exploitation; or

(2) have entered into partnerships with organizations that have expertise as described in paragraph (1) for the purpose of implementing the contracts or grants.

(e) Report.—Not later than one year after the date on which the first pilot program is established pursuant to subsection (a), the Secretary of Health and Human Services shall submit to Congress a report on the implementation of this section.

(f) Definition.—In this section, the term "juvenile subjected to trafficking" means a United States citizen, or alien admitted for permanent residence, who is the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States and who has not attained 18 years of age at the time the person is identified as having been the subject of sex trafficking or severe forms of trafficking in persons.

(g) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section $5,000,000 for each of the fiscal years 2006 and 2007.

SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(a) Establishment of Grant Program for Law Enforcement.—

(1) In general.—The Attorney General may make grants to States and local law enforcement agencies to establish, develop, expand, or strengthen programs—

(A) to investigate and prosecute acts of severe forms of trafficking in persons, and related offenses, which involve United States citizens, or aliens admitted for permanent residence, and that occur, in whole or in part, within the territorial jurisdiction of the United States;

(B) to investigate and prosecute persons who engage in the purchase of commercial sex acts;

(C) to educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts; and

(D) to educate and train law enforcement personnel in how to establish trust of persons subjected to trafficking and encourage cooperation with prosecution efforts.

(2) Definition.—In this subsection, the term "related offenses" includes violations of tax laws, transacting in illegally derived proceeds, money laundering, racketeering, and other violations of criminal laws committed in connection with an act of sex trafficking or a severe form of trafficking in persons.

(b) Multi-Disciplinary Approach Required.—Grants under subsection (a) may be made only for programs in which the State or local law enforcement agency works collaboratively with social service providers and relevant nongovernmental organizations, including organizations with experience in the delivery of services to persons who are the subject of trafficking in persons.

(c) Limitation on Federal Share.—The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General to carry out this section $25,000,000 for each of the fiscal years 2006 and 2007.

SEC. 205. REPORT TO CONGRESS.

Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) the amount, recipient, and purpose of each grant under sections 202 and 204 of the Trafficking Victims Protection Act of 2005; and".

SEC. 206. SENIOR POLICY OPERATING GROUP.

Each Federal department or agency involved in grant activities related to combatting trafficking or providing services to persons subjected to trafficking inside the United States shall, as the department or agency determines appropriate, apprise the Senior Policy Operating Group established by section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)), under the procedures established by the Senior Policy Operating Group, of such activities of the department or agency to ensure that the activities are consistent with the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

SEC. 207. DEFINITIONS.

In this title:

(1) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term "severe forms of trafficking in persons" has the meaning given the term in section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).

(2) SEX TRAFFICKING.—The term "sex trafficking" has the meaning given the term in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).

(3) COMMERCIAL SEX ACT.—The term "commercial sex act" has the meaning given the term in section 103(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(3)).

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) by striking "and $5,000,000" and inserting "$5,000,000";

(B) by adding at the end before the period the following: ", and $5,500,000 for each of the fiscal years 2006 and 2007"; and

(C) by further adding at the end the following new sentence: "In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking for official reception and representation expenses $3,000 for each of the fiscal years 2006 and 2007.";

(2) in subsection (b), by striking "2004 and 2005" and inserting "2004, 2005, 2006, and 2007";

(3) in subsection (c)(1), by striking "2004 and 2005" each place it appears and inserting "2004, 2005, 2006, and 2007";

(4) in subsection (d), by striking "2004 and 2005" each place it appears and inserting "2004, 2005, 2006, and 2007";

(5) in subsection (e)—

(A) in paragraphs (1) and (2), by striking "2003 through 2005" and inserting "2003 through 2007"; and

(B) in paragraph (3), by striking "$300,000 for fiscal year 2004 and $300,000 for fiscal year 2005" and inserting "$300,000 for each of the fiscal years 2004 through 2007";

(6) in subsection (f), by striking "2004 and 2005" and inserting "2004, 2005, 2006, and 2007"; and

(7) by adding at the end the following new subsections:

"(h) AUTHORIZATION OF APPROPRIATIONS TO DIRECTOR OF THE FBI.—There are authorized to be appropriated to the Director of the Federal Bureau of Investigation $15,000,000 for fiscal year 2006, to remain available until expended, to investigate severe forms of trafficking in persons.

"(i) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HOMELAND SECURITY.—There are authorized to be appropriated to the Secretary of Homeland Security, $18,000,000 for each of the fiscal years 2006 and 2007, to remain available until expended, for investigations by the Bureau of Immigration and Customs Enforcement of severe forms of trafficking in persons."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 5 years ago when Congress passed the Trafficking Victims Protection Act of 2000, the United States assumed a leadership role in combating the modern-day slavery known as human trafficking. As chief sponsor of the Trafficking Victims Protection Act, or TVPA, helped transform the way governments and the private sector around the world respond to human trafficking.

Enactment of H.R. 972, the reauthorization of the act, will ensure that we continue to make progress and significant in-roads. Along with many new initiatives, H.R. 972 also reauthorizes appropriations for fiscal years 2006 and 2007 for antitrafficking programs of all relevant Federal agencies.

It is worth noting, Mr. Speaker, that in the past 4 years twice as many people in the United States have been prosecuted and convicted for trafficking than in the prior 4-year period. I would note parenthetically in my own State, Christopher Christie, the U.S. Attorney, has gone after one group of traffickers after another, Russian mobsters and those who have trafficked women in from Latin America, and has gotten convictions while simultaneously liberating the women from this scourge of modern-day slavery. Worldwide, more than 3,000 traffickers were convicted last year, a significant increase from the previous year. These numbers reflect an increasing number of countries adopting the laws necessary to combat trafficking and having the political will to implement those laws.

I would also note that since 2001, more than 800 survivors of trafficking in the United States have been found eligible for assistance. More than 400 victims have received a T visa. Likewise, in many countries, victims—mostly women and young girls—are now receiving shelter, job training, and critical medical assistance.

Just a few weeks ago, my wife and I were in Lima, Peru, and went to a trafficking shelter and saw young women who had been trafficked, who were now getting life skills, but also getting the kind of medical and psychological assistance to get their lives back together again.

Without a doubt, Mr. Speaker, much has been accomplished; and yet an estimated 600,000 to 800,000 people are still being trafficked across international borders each and every year. Possibly millions more are trafficked internally within the borders of countries.

Upon enactment, title I of this bill would continue to fight against international trafficking. H.R. 972 will put pressure on international organizations to implement reforms needed to tackle the unconscionable situation of peacekeepers or other international workers being complicit in trafficking and sexual exploitation.

I would point out that on December 6, the OSCE adopted a decision calling on States to prevent peacekeepers from being complicit in trafficking or abusing in a sexual way the local population. We only have to remember what happened in the Congo, where little 13- and 14-year-old girls were raped by U.N. peacekeepers, and that is as recent as just a few months ago. Thankfully, there is a zero tolerance policy now; and, hopefully, it will have real meaning in the field.

Indeed, as confirmed in an October report by Refugees International, peacekeeper reform has not been implemented at some U.N. missions in places such as Haiti and in Liberia because of a deep-seated culture of tolerating sexual exploitation.

H.R. 972 would also require the annual Trafficking in Persons report to include information by groups like the U.N., the OSCE and NATO to eliminate involvement in trafficking by any of the organizations' personnel. We know we can recount one instance after another where in-country when they are in a very authoritative position these personnel, peacekeeping and nonpeacekeeping alike, have exploited the local population.

Under H.R. 972, the Secretary of State would also report to Congress before voting for a peacekeeping mission about the measures taken to prevent and, if necessary, punish trafficking or sexual exploitation by peacekeepers.

To ensure that our own house is in order, the bill would create criminal jurisdiction over Federal employees and contractors for trafficking offenses committed overseas while on official business.

The bill will also focus the State Department, USAID and DOD on improving trafficking prevention strategies for post-conflict situations and humanitarian emergencies in which indigenous populations face a heightened vulnerability to violence.

The legislation also would amend the criteria used in the annual TIP report, or Trafficking in Persons report. The new criteria will include consideration of governments' efforts to reduce demand for prostitution, to prevent sex tourism, to ensure that peacekeeping troops do not exploit trafficking victims, and to prevent forced labor or child labor in violation of international standards.

Unlike transnational cases of trafficking, few governments are yet willing to recognize internal trafficking within their own borders. Even in the United States, Mr. Speaker, American citizens and nationals who are trafficked domestically, often from one State to another, are still viewed through the lens of juvenile delinquency, rather than victims of crime, worthy of compassion and assistance.

Title II of H.R. 972 shines a new light on our own domestic trafficking problem. Enactment of this bill will begin to shift the paradigms so that these exploited girls and women will receive assistance that they so desperately need.

I would like to thank my good friend and colleague, DEBORAH PRYCE for her good work on this provision. The gentlewoman from Ohio (Ms. PRYCE) was the author of legislation, the End Demand Act, and those provisions are in this legislation, mostly intact, and I want to thank her for her leadership in doing that. It will make a difference for many American girls, mostly the runaways who are then victimized by the traffickers; and I certainly appreciate her work on this.

The bill's domestic provisions, Mr. Speaker, respond to a very real need, and I will give my colleagues one example. On December 6, there was an article in the Seattle Post-Intelligencer that said that Seattle has become a major hub on the child trafficking circuit. The article states: "Despite Seattle's extensive network of services for youths, there is one 15-bed temporary shelter, it is the only place, other than a jail cell, where children trapped in prostitution can find respite, albeit brief. There is nothing in the city, or even in Washington State, dedicated to helping young people permanently free themselves from sex work."

We find that is the case all over the country, including my own State of New Jersey.

Having seen this void, again, this legislation responds. It also provides money for a pilot program under the Department of Health and Human Services to help these victims of trafficking.

The bill also, Mr. Speaker, enhances State and local efforts through grants to encourage the enforcement of antitrafficking and antiprostitution laws, re-education programs, modeled after what they call "john schools" for people arrested for soliciting prostitution, and training for law enforcement on how to work compassionately and effectively with trafficked persons. All of the funded programs will involve collaboration between law enforcement agencies and NGOs.

Again, I would just like to thank my colleagues on both sides of the aisle for their work on this legislation: Chairman SENSENBRENNER, who marked this legislation up and wrote some very, very good provisions; again, I mentioned Chairman PRYCE who, again, was so effective in getting the domestic language into this bill; Chairman HUNTER, Chairman BARTON, Chairman HYDE, my good friend and colleague, Mr. LANTOS, who is ever a great friend and colleague when it comes to anything dealing with human rights and, in particular, on human trafficking.

□ 1730

I also want to thank our Republican leadership, particularly Majority Leader BLUNT and MIKE PENCE, who were original cosponsors, along with almost 100 Members of the House, both sides of the aisle, that have joined in to make this legislation possible. I also want to thank a number of staff members who were instrumental in getting this bill to the floor: Eleanor Nagy, Director of Policy for the Africa, Global Human Rights and International Operations Subcommittee of the committee I serve as chairman; Maureen Walsh, to my left, General Counsel of the OSCE, or Helsinki Commission; Renee Austell; Jack Scharfen; and David Abramowitz. Again, David and I worked with Joseph Reese, way back when the first bill was enacted, and he did yeomen's work on writing provisions and working with us. Dr. King as well for his great work. Katy Crooks from the Judiciary Committee. And Cassie Bevin from the Majority Leader's Office. There are just so many people who have corroborated on this, and I want to thank them for their tremendous work.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, once again, this House is considering a measure that will demonstrate leadership in the fight to end the heinous act of trafficking in human beings, another manifestation of the dark side of globalization that has locked thousands of women, children and men into sexual and labor bondage.

This fight has not been without its victories. Over the past 5 years, since our House first approved the Trafficking Victims Protection Act of 2000, thousands of victims of modern-day slavery have been freed; a number of countries have adopted new comprehensive anti-trafficking legislation; and countries across the globe have woken up to the ravages of this heinous crime.

The international community, Mr. Speaker, continues to ratchet up the pressure on the traffickers, as more and more countries join the International Protocol Against Trafficking negotiated at the United Nations, with the United States ratifying this critical document earlier this month after bipartisan urging by our International Relations Committee.

While we can be proud of what we have accomplished so far on a bipartisan basis, it remains the tragic truth that the problem of trafficking in persons continues to be a human rights violation of extraordinary magnitude. According to our Department of Justice, 600,000 to 800,000 human beings are sent across national borders every year in a state of near or actual slavery, with 15,000 to 20,000 coming to our own shores. Mr. Speaker, we must continue to keep the pressure on our own government and all governments to address this severe human rights violation.

I want to commend my distinguished colleague from New Jersey (CHRIS SMITH) for his extraordinary and persistent work on this most important legislation. He is the hero of this bill and deserves unlimited praise. The bill provides for increased focus on labor trafficking; it launches an initiative in the critical area of child soldiers; establishes new programs for Federal-State partnerships in the area of trafficking here in our own country; and provides for robust funding of U.S. anti-trafficking programs.

Mr. Speaker, let me just say a word about Federal-State cooperation in the area of anti-trafficking legislation. Our 2000 Act has spurred efforts by State and local governments to take responsibility for doing their part to combat this scourge. For example, in California, the State legislature recently adopted legislation supported by Assemblywoman Sally Lieber and State Senator Sheila Kuehl, with key support from San Francisco's outstanding District Attorney Kamala Harris, that creates a new State felony for trafficking and provides extensive protections to trafficking victims that are unique in the United States.

Mr. Speaker, California's leadership on this has been critical. We need to understand that those who are subject to trafficking are not criminals but are victims subject to one of the most devastating practices that leave them in a permanent state of shock. Some of them will never be able to testify against their accusers, and we should not expect them to do so.

I think we must recognize that, here in the United States, this devastating human rights abuse can only be contained and then eradicated with the help of local enforcement and social service agencies which have the contacts in the community to identify trafficking victims and criminal rings. Earlier this year, using many local contacts in our community, San Francisco District Attorney Harris was able to break up a trafficking ring with roots in the Bay area, arresting 27 suspects and freeing over 100 innocent victims.

We need to empower more Kamala Harrises, and for this reason, I fully support the provisions of our legislation that provides support to State authorities to bring them into the alliance to eliminate trafficking. It is the only way we will make real progress in combating this scourge.

Mr. Speaker, I include at this point for the RECORD a more fulsome explanation of the California law.

Mr. Speaker, I would like to commend the actions of three California leaders who have shown great vision, dedication and care in their advocacy for victims of human trafficking by passing through the State legislature and into law the California Trafficking Victims Protection Act, also known as Assembly Bill 22. The sons and daughters of the great State of California owe a great debt of gratitude to Assemblywoman Sally Lieber, State Senator Sheila Kuehl, and San Francisco District Attorney Kamala Harris for shepherding through the passage of AB22 earlier this year.

The bill provides an essential remedy to an ongoing human tragedy. Human trafficking is effectively modern-day slavery. It is the forced movement of innocent people against their will for the purpose of extracting labor from them, usually in the most degrading of duties. Victims of this crime against humanity are often coerced into becoming workers in the sex trade or in sweatshops. Also, forced domestic and agricultural servitude reflect areas where abuse is rampant.

The extent of the human trafficking epidemic is shocking. The State Department estimates that globally well over half a million people, most of them women, are traded in such a manner as if they were mere property every year. However, the problem is not solely a concern for those who conduct the foreign policy of our Nation; there is a notable domestic component to the issue as well. A recent report by the Human Rights Center at my alma mater, the University of California at Berkeley, identified 57 different forced-labor operations in the State of California alone during the period between 1998 and 2003, and its authors estimate that at any given time there are more than 10,000 such victims in our country working under the threat of violence.

This is the remarkable tragedy that the proponents of AB22 have sought so rightfully to address. The most basic function of the bill is to designate a special crime in the State penal code for the category of human trafficking. Whereas the Federal Government passed the Victims of Trafficking and Violence Protection Act in the year 2000, that bill only allows for courts to punish traffickers once they have crossed State lines.

While the existing State law used to bind prosecutors' hands by forcing them to charge these disgusting crimes under various indirect categories such as kidnapping or false imprisonment, the California Trafficking Victims Protection Act creates a special State crime that is punishable with a minimum of 3 years in jail and directs State law enforcement to make human trafficking cases an organizational priority along with combating drug trafficking and gang activities.

The act positions California to be a national leader on this issue. Although in recent months a number of other States have passed laws designed to close the human trafficking loophole in their penal codes at the urging of the Department of Justice—including Minnesota, Missouri, Arizona, and Texas—California has passed a far more comprehensive bill that surpasses Federal guidelines by providing victims of human trafficking with fuller protections under the law.

The California Trafficking Victims Protection Act establishes a victim-caseworker privilege to coax survivors of this brutal crime to seek justice. The bill allows victims to bring civil cases against their captors, and it includes asset-forfeiture provisions to cut into traffickers' profits and take some of the financial incentives out of this black-market phenomenon. The bill also provides for a State-appointed task force to coordinate efforts among nonprofits, law enforcement, and victims' groups to fight human trafficking on a grassroots level.

The bill's author, State Assemblywoman Sally Lieber of Mountain View, CA, has been committed to fighting human trafficking ever since as a city official she was involved in the breakup of a $6 million trafficking ring that forced Chinese women to work at illicit massage parlors in a form of indentured servitude. Assemblywoman Lieber deserves special commendation for her admirable devotion to the fight against human trafficking, as does State Senator Sheila Kuehl, who helped push the bill through the State's upper legislative body. Senator Kuehl played an especially important role in advancing the provision for the antitrafficking task force, in my opinion one of the most commendable aspects of the new law.

I would also like to thank San Francisco District Attorney Kamala D. Harris for her crucial involvement in this cause as well. Under her watch local law enforcement officials unearthed a human trafficking network with roots in the Bay Area, in the city of San Francisco alone arresting 27 suspects and rescuing over 100 victims, most of whom were women who had made their way from South Korea to America in search of opportunity and encountered captivity and enslavement instead.

Ms. Harris also spearheaded a public-relations campaign to raise the profile of AB22, elucidating the need to revise our penal codes to better confront traffickers and winning the endorsement of the California District Attorneys Association for the bill. She properly characterized the issue as a matter of "fundamental women's rights as well as human rights," issues that, as you know, are quite near and dear to my heart, and which I believe are fundamental American values.

The legislation before us today holds out the hope of helping more States to follow California's lead, and to enhance prosecutions against trafficking rings. The legislation provides for a program to assist States with their trafficking investigations and prosecutions, providing critical Federal aid to assist the States efforts. We know that the State law enforcement authorities have the contacts in the community to ferret out these trafficking rings, as District Attorney Harris did in the Bay Area. By bringing Federal resources and expertise to bear, we can build on our specialized capacity to curb this scourge.

Mr. Speaker, most victims of human trafficking—like the exploited South Korean women mentioned above to whom my heart goes out—come to America in search of a dream and instead find misery and denigration where hope had been before. As an immigrant to this great land myself, I know the promise of the American dream, and I know this hope they hold in their hearts.

Mr. Speaker, I commend District Attorney Harris, Assemblywoman Lieber, and State Senator Kuehl for their heroic efforts to share that dream with those among us who truly are the most in need. Our Nation is better off thanks to them, and for that I extend to them the most heartfelt of thanks. Now let us give them the support they deserve and adopt H.R. 972.

Before reserving my time, Mr. Speaker, I want to pay tribute to David Abramowitz of my staff who did extraordinary work on this subject, as well as the staff people on the other side who my colleague (Mr. SMITH) has mentioned.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. PRYCE) and recognize her great contribution.

Ms. PRYCE of Ohio. Mr. Speaker, I thank Chairman SMITH so much for his leadership on this issue which is so important to both of us. It is near and dear to our hearts. I want to express my gratitude and just say how grateful I am to have worked with him and Ghairman SENSENBRENNER on the coordination of these efforts to bring this most important issue to the floor.

When I first learned about trafficking in human beings, I could not believe that slavery or the slave trade still existed. I remember asking, what do you mean women and children and young boys are being bought and sold? This is the 21st century: how can this be happening? And the answers that I got were very grim.

I found out from John Miller, the very esteemed Ambassador at the State Department's Trafficking in Persons Office, that as many as 800,000 men, women and children are trafficked across international borders every year, including the borders of the United States of America.

The trafficking of people is a $9 billion industry. It has recently tied illegal arms dealing as the second fastest growing criminal activity in the world. The legislation before us today will increase our Nation's ability to bring diplomatic pressure to bear on countries who actively or tacitly engage in this heinous practice.

More than that, however, this legislation reflects our Nation's commitment to abolishing the unlawful sexual exploitation of women and children and boys occurring within our own borders. A Nation that stands for the freedom and dignity of every human being cannot tolerate the degradation and exploitation of the innocent occurring on its own soil.

To eradicate sex trafficking in our Nation, we must focus on eradicating the demand for sex trafficking, and I am pleased that this bipartisan legislation that I authored with my good friend and colleague from New York (Mrs. MALONEY) has been incorporated into the legislation before us today.

This is not a partisan issue, Mr. Speaker. There is no politics in sex trade. And when this body is constantly portrayed as bitterly partisan, it is a joy to provide one more example that this is not always the case.

The End Demand for Sex Trafficking Act has received extraordinary support from a diverse and passionate coalition of anti-trafficking and human rights organizations. This measure will combat unlawful trafficking in this country. For the first time, we are going to address demand in our own country.

The provision in the final measure which will require U.S. embassies around the world to report on and monitor countries' efforts to reduce the demand for sex trafficking will be a key motivator overseas as well, because the results of these investigations will be included in the Trafficking in Persons report released by the State Department each year for all the world to see and for our own government to use if sanctions are required.

Mr. Speaker, as the President noted in his speech before the United Nations General Assembly in 2003, there is a special evil in the abuse and exploitation of the most innocent and vulnerable. Today, the House will be able to take an important step toward eradicating this special, special evil. I urge my colleagues to support this important legislation, and thank, once again, the chairman.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as she may consume to my good friend and distinguished colleague from New York (Mrs. MALONEY), who has been a champion on this issue from the day she entered the House of Representatives.

Mrs. MALONEY. Mr. Speaker, I thank Ranking Member LANTOS for yielding me this time, and really thank him for his consistent voice and work for human rights across the globe and for his particular focus on moving this legislation forward as well as Chairman SMITH. And to my dear friend and colleague DEBORAH PRYCE, with whom I worked on the End Demand for Sex Trafficking Act, which has been incorporated in this bill, I thank her for her tenacious, determined persistence in working towards bringing this to the floor. I thank you deeply.

This bill seeks to reduce the demand for sex trafficking by providing critical funding to law enforcement to prosecute the demand side, the purchasers of commercial sex acts, sex traffickers and exploiters. Sex trafficking in people is modern-day slavery, and human trafficking is the slavery of the 21st century.

I had no idea what a huge, huge problem it is: Over 600,000 to 800,000 people are trafficked across international borders each year, mostly women and children, and potentially many more are trafficked within our own borders. This is a $10 billion worldwide industry and the second largest organized crime ring in history.

On the committee on which my colleague DEBORAH and I serve, she serves as the chair and I as the ranking member, the Domestic and International Monetary Policy Subcommittee, we had a series of hearings earlier this year on tracing and trying to track the flow of funds that are derived from trafficking.

For many years, I have been working with Equality Now and Attorney General Eliot Spitzer to end sex tourism and shut down sex tour companies based in New York and in my district. This legislation will help stop sex tour operators, like Big Apple Oriental Tours, which is based in my district, from advertising and taking sex tourists to Thailand, the Philippines and other countries to exploit impoverished young girls and boys. We need to protect all people who are being manipulated and tricked into entering a life of prostitution, no matter where they are from.

☐ 1745

The State Department has been issuing this excellent report, Trafficking in Persons report, and it tracks what is happening internationally, and it rates what other countries are doing; but we cannot focus only on what other countries are doing without working with law enforcement to address the problems here in the United States, and that is what this bipartisan legislation will do. It will provide critical assistance to the victims of sex trafficking, and it will also go after the purchasers of commercial sex acts by providing law enforcement with grants and with improved tools to fight sex trafficking.

It is important that we protect the victims of the sex trade industry and punish the predators and those who are doing this terrible thing.

Many, many people were part of this passage. I would like to thank Lifetime TV, which has highlighted it in programs that they have put on TV. They have also championed Ms. PRYCE's bill and my bill and started a letter-writing campaign in support of it. Oprah Winfrey advocated for those who have no voice and started the Stop Child Sex Trafficking, a letter-writing campaign in support of this bill.

I want to thank everyone who has worked on it. I thank the ranking member, Mr. LANTOS, for yielding me this time and for his extraordinary leadership on this and so many other areas, as well as Mr. BOBBY SCOTT for all of his hard work.

Mr. Speaker, I spend a great deal of time working on women's issues. The stories I have heard from American girls that have been trafficked have been the most heart-wrenching, the most terrible stories I have ever heard in my entire life. This bill will save lives. It is important. It is will protect young girls and boys. It will go a long way toward ending this terrible attack on human dignity; and I include for the RECORD a list of organizations that have come out in support of this bill.

The following groups/individuals have endorsed the end demand for Sex Trafficking Act: AEGIS Foundation; Basic Ministries, International, of Midland, TX; Breaking Free; Coalition Against Trafficking in Women; Concerned Women for America; Dignity House; End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes-USA, Inc.); Equality Now; Faces of Children; Hudson Institute; Institute on Religion and Democracy; Institute on Religion and Public Policy; Leadership Council for Human Rights; National Association of Evangelicals; Polaris Project; Religious Freedom Coalition; Salvation Army; Shared Hope International; Southern Baptist Convention; Standing Against Global Exploitation (SAGE); Survivor Services and Education NetWork; Union of Orthodox Jewish Congregations of America; VERONICA'S Voice; World Vision; Professor Donna Hughes; Oprah Winfrey; Lifetime Television.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, anyone who has been exposed to this is just appalled. And one thing that surprises me is even as our own country was lackadaisical on international prostitution for many years and would not stand up on international conferences, and as we are lackadaisical about looking at the horror of pornography worldwide, we are then surprised that there is this huge demand for both young boys and young girls in sexual trafficking. We need to understand what some of the core issues are that are driving this.

In the subcommittee I chair, we got involved in a case where USAID funded an NGO that was complicit in human trafficking. With one group of funds to one NGO from the State Department, they were trying to rescue minor girls from a brothel in India. Another NGO funded by our tax dollars at USAID interfered in the rescue and ultimately facilitated the potential retrafficking of the girls.

We need legislation like this so we can be the leader in stopping sex trafficking and go directly after those agencies in the United States that are complicit in this. Lastly, I want to thank our former colleague, Linda Smith, for devoting so much of her personal time in rescuing these young girls.

Human trafficking is—plain and simple—modern slavery. The victims of human trafficking, by and large, are women and children in extreme poverty. They suffer some of the worst crimes imaginable.

This bill makes the necessary provisions for our country to continue as the global leader in fighting human trafficking, and to do what is right at every level of government in order to effectively combat the scourge of human trafficking.

This bill effectively ensures that various agencies in our government are united in their efforts and armed with appropriate tools to combat trafficking in humans. I absolutely do not want to see another situation, like that being investigated by the Subcommittee I chair, where a USAID-funded NGO is complicit in human trafficking. This situation involved the efforts of one NGO, with funds from the State Department, trying to rescue minor girls from a brothel in India, and another NGO, funded by USAID, interfering in the rescue, and ultimately facilitating the potential retrafficking of the girls.

It is critical that the United States and its agencies and programs are united in efforts to combat human trafficking. This bill is essential for such efforts.

Among the key provisions of this bill that strengthen our efforts against the crime of human trafficking, while also providing necessary help for the victims:

First, it strengthens our efforts to combat sexual exploitation and trafficking crimes committed by "peacekeepers" in war-torn countries;

It directs the U.S. Agency for International Development, USAID, to establish a pilot program to help victims of trafficking by providing residential treatment facilities;

It authorizes new programs aimed at reducing demand for commercial sex while also strengthening law enforcement programs aimed at investigating and prosecuting trafficking in persons;

Includes compassionate, essential, provisions to assist victims of human trafficking—those women and children who have seen the worst side of humanity—to put their lives back together.

This bill strengthens existing human trafficking laws by reaching out to help the victims with various forms of emotional and material support programs, such as providing guardians ad litem for alien children who are suspected victims of human trafficking, and providing victims with access to legal counsel.

H.R. 972 gives our law enforcement agencies the tools necessary to fight against this terrible crime of human trafficking, domestically and internationally.

The bill also incorporates child protection and trafficking prevention activities into USAID, State, and DOD post-conflict, and post natural-disaster relief programs, increasing anti-trafficking efforts in situations where so many women and children are exploited.

I commend my colleague, Mr. CHRIS SMITH, for his leadership on this important issue. He has done more than anyone I know to bring attention to this terrible crime and its victims, and he has been the driving force behind efforts to combat human trafficking.

Mr. Speaker, thank you for bringing this vital legislation to the Floor today. I urge my colleagues to support H.R. 972, the Trafficking Victims Protection Reauthorization Act.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT) who has been a leader on this issue in the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from California for yielding me this time.

I rise in support of this bill. The trafficking of persons as work slaves, sex slaves, or other exploitive and illicit purposes is a modern slave trade that occurs all too often around the world, including in the United States. Through the Trafficking Victims Protection Act of 2000, we have begun a concerted effort around the world to address this terrible business of trafficking in persons, internationally as well as domestically. We must continue that effort by reauthorizing that law by passing H.R. 972.

At the Judiciary markup of this bill, we added a section to implement the essential provisions of H.R. 2012, the End Demand for Sex Trafficking Act of 2005, which is designed to more effectively get at the issue of domestic trafficking and commercial sex acts in this country as part of the overall effort to address domestic trafficking in persons.

For over a year, I have been working with a bipartisan and politically diverse group of Members of the House and Senate, along with nongovernmental organizations, committed individuals, and others to get at an aspect of trafficking in persons in this country that is just as pernicious as the trafficking in persons anywhere in the world, and that is the brutal pimp system of prostitution of women and young girls. The horrific nature and the appalling magnitude of this scourge is evident by the following information:

It is estimated that the number of women and children trapped in prostitution in the United States ranges between hundreds of thousands to well over a million; the average age of entry into prostitution in the United States is estimated to be about 16 years old; nearly 85 percent of the women and girls in prostitution in the United States have a pimp to whom all of the proceeds of their activities go. Among these women and girls are some as young as 11. Most are physically abused or sexually assaulted; most are controlled by drugs and are isolated, confined, and restrained. Many have weapons used against them and have death threats against them and their families.

Pimping is a lucrative criminal practice. Oakland, California, had a study just a few years ago where they identified 218 minors ages 11 to 15 being prostituted by 155 pimps. They found that the average revenue was about $200,000 a year for each pimp.

When we try to get cooperation of other countries to go after sex trafficking in their country, some point to our toleration of this brutal system of prostitution in this country to suggest that we have no moral authority to criticize them. H.R. 972 with the provisions of the End Demand Act strikes a crushing blow against this brutal system of domestic trafficking in this country; and it is done in a way that is most effective, by funding local law enforcement rather than creating new Federal crimes that will require us to divert Federal assets to this problem. We can fund local law enforcement where it is most effective.

I would like to thank Ms. PRYCE of Ohio and Mrs. MALONEY of New York, the chief sponsors of the End Demand Act; Chairman SENSENBRENNER and the subcommittee chairman, Mr. COBLE; the ranking member, Mr. CONYERS; Chairman HYDE and the subcommittee chairman, Mr. SMITH; Mr. LANTOS, the ranking member; and the subcommittee ranking member, Mr. PAYNE, and their staffs. My staff person, Bobby Vassar, has been working on this extremely hard over the course of at least a year. I thank them for their hard work in putting together an End Demand bill and getting its provisions in a bill in a form on which we can all agree. I urge my colleagues to support the legislation.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. MENENDEZ) with mixed feeling because he has made enormous contributions to this body over many years, and soon he will be leaving us. So while I deeply regret we will not have in the coming years his brilliance and insight and energy and dedication, I am pleased we will see him across the campus in the other body.

Mr. MENENDEZ. Mr. Speaker, I want to thank my dear friend and distinguished ranking member of the committee. It has been a privilege to serve with him under his leadership and all of my colleagues on the International Relations Committee. If I miss one thing, it will be those Members I have had close associations with in this body, but I continue to see in the days ahead.

I want to thank Congressman SMITH for his leadership on this issue. I am proud that someone from my home State of New Jersey has dedicated himself to ending trafficking of people around the world. I want to thank all of my other colleagues collectively because of their leadership, countries around the world have been forced to change their laws and improve enforcement.

All of us know the shocking statistics: somewhere between 600 and 800 people per year are forced across borders to become slaves and prostitutes. If we include those who are trafficked within their own countries, the numbers are even worse, somewhere between 2 and 4 million people. The vast majority of these are women and girls. So as we fight to end trafficking, we are also fighting for the rights of women and girls around the world.

It is easy to forget that each of those numbers represents a person, a daughter, a sister, a mother, or a son who is suffering. It is easy to forget that each of these people is part of a family that has been torn apart by trafficking, and it is easy to forget that the number of individuals trafficked hides the even greater number of families around the world devastated by trafficking.

I am proud to be a cosponsor and strong supporter of this legislation which reauthorizes programs designed to attack trafficking both here at home and abroad. And in particular, the legislation addresses issues of trafficking after natural disasters in postconflict areas.

As we learned after the devastating tsunami in the Indian Ocean, children are among the most vulnerable victims after any disaster and conflict. If there are no adults to protect them and take care of them, these children become particularly susceptible to disease, hunger, and exploitation. In the chaotic environment following a disaster, when normal protection mechanisms may be disrupted, unaccompanied children are more exposed to traffickers; and that is why I strongly support the new focus in this legislation on postconflict and postdisaster areas.

But this law is not only designed to stop trafficking. It is also designed to take care of the victims of trafficking. I cannot imagine the pain that someone goes through after being taken away from their family, their country, and their life. I cannot imagine how it feels to be forced into slavery or prostitution, but I do know that we can and we must take action to help these victims as they once again return to their lives.

The pilot programs authorized in this legislation are designed to provide a safe haven and rehabilitation for the victims of trafficking. We must ensure their success so we can eventually expand them in future pieces of legislation.

Finally, I want to focus our attention on the countries of our own hemisphere. I am deeply concerned to see that five of the 14 tier 3 countries designated by the State Department are from Latin America or the Caribbean. These are the countries that are designated as the worse violators. They are not even complying with the minimum standards to eliminate trafficking. Even worse, they are not making a significant effort to be able to change the course of events. So I hope that this legislation will have our own hemisphere focused on what they must do to stop the hurting and trafficking of their own people.

Finally, I would remind my colleagues of article 5 of the Universal Declaration of Human Rights, which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." This legislation takes those words and turns them into action. I urge all Members to support this important legislation.

Mr. LANTOS. Mr. Speaker, I yield the balance of our time to the gentleman from Illinois (Mr. DAVIS), a champion for human rights.

Mr. DAVIS of Illinois. Mr. Speaker, I want to first of all simply commend and congratulate Chairman HYDE and Mr. LANTOS on their leadership of the International Relations Committee. I also commend the gentleman from New Jersey for his introduction of this outstanding piece of legislation.

I speak because I have a constituent in my community, a woman named Oprah Winfrey, who almost every week sends me a letter talking about this issue and urging that Congress must do as much as it can to bring some help to those individuals throughout the world who are victimized; and so I am strongly in favor of the passage of this bill. I want to thank my constituent for keeping me abreast of the issue by at least writing me once every week or two about this issue.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I want to thank all of the Members who have participated in this debate, and more importantly, note the work that they did to bring this legislation to fruition.

Let me also point out that the modest sanctions that are in the Trafficking Victims Protection Act have yielded significant new laws throughout the world. In 2004 alone, 39 countries enacted new laws or strengthened existing laws. We know when we put some carrots and sticks, the sticks being the possibility of losing nonhumanitarian foreign aid, security aid for example, and then when we place countries in a ranking system that makes determinations concerning a country's achievement in meeting "minimum standards"—tier 1, tier 2, tier 3, and tier 3 being the egregious violators with a new watch list, we get their attention. Many countries have taken action and today we work in a partnership to try to end trafficking.

After drugs and weapons, trafficking in human persons is the biggest moneymaker for organized crime. The ILO suggested in a June study approximately $32 billion a year goes into the coffers of those who are committing such nefarious crimes against innocent individuals.

Finally, I would just say we have in this legislation a provision—a study—that seeks to find whether or not there is a nexus between terrorism and trafficking.

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With that kind of money flowing into trafficking enterprises, these horrific enterprises, we tend to think that there probably is a link with terrorism. We do not know. We want to find out.

Mr. CARDIN. Mr. Speaker, I rise in support and as an original cosponsor of H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005. As the Ranking Member of the Helsinki Commission, let me commend Chairman CHRIS SMITH for all of his hard work on this issue both in the United States and around the world. I also want to thank International Relations Committee Ranking Member TOM LANTOS for his strong support.

In 2000 Congress enacted the Trafficking Victims Protection Act (TVRA), which for the first time provided definitive protection for victims of human trafficking. Governments estimate that between 600,000 and 800,000 people are trafficked across international borders every year, yielding approximately $10 billion annually in illegal gains. When considering internal trafficking within a country, this number rises to an estimated 4 million persons.

Human trafficking destroys families and communities across the world. Human trafficking is a modern-day form of slavery, which traps people into forced labor or sexual slavery. Human traffickers violate the most basic human rights of their victims. The international community must oppose human trafficking in all its forms, and work together to eradicate this scourge on humanity. I commend the work of the Organization for Security and Cooperation in Europe (OSCE) for addressing this issue in a comprehensive manner, by creating an Action Plan to combat trafficking and appointing a Special Representative on Combating Trafficking in Human Beings.

The United States also has a problem with human trafficking as a destination country for many trafficking victims, as we heard in a recent Helsinki Commission hearing on domestic trafficking. The State Department believes that more than 14,500 people are trafficked into the U.S. every year, either for forced labor or sexual exploitation and slavery. Traffickers bring these victims—mainly women and children—from all over the globe, including Southeast Asia and the Americas. Traffickers often use criminal gangs to transport their human cargo. I am pleased that the government has created special "T" visas for victims of human trafficking who cooperate with law enforcement officials.

In 2003 Congress adopted the Trafficking Victims Protection Reauthorization Act, which created a new country "watch list" under the supervision of the Department of State. This list has had a measurable effect on the behavior of offending countries. The State Department places the worst offenders on Tier 3 and makes these countries subject to certain economic and trade sanctions by the U.S. The number of Tier 3 countries has dropped from 27 in 2001 to 14 in 2005, so we have made measurable progress in raising awareness on this issue, but more work needs to be done.

This legislation will require USAID and the Department of Defense to include anti-trafficking policies in post-conflict and humanitarian assistance programs. Governments must put in place special measures to combat trafficking in countries that do not have a functioning and effective central government. This bill would enhance U.S. efforts to combat trafficking involving international peacekeepers.

The bill also authorizes $15 million annually for the Secretary of Health and Human Services to carry out a pilot program to establish U.S. residential treatment facilities for minors who are victims of domestic trafficking. The bill also expands counseling programs for victims of severe forms of trafficking. In total, the bill authorizes $68 million annually to combat human trafficking and assist victims.

We must keep the pressure up on other countries that do little to stop human trafficking, by implementing sanctions when needed and by using all available diplomatic channels. United States courts need to prosecute those individuals who commit these crimes on U.S. soil to the full extent of the law, and to send a message that the United States does not and will not tolerate human trafficking. I urge my colleagues to support this bill.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Davis of Kentucky). The question is on the motion offered by the gentleman from New Jersey (Mr. Smith) that the House suspend the rules and pass the bill, H.R. 972, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 2863.

The SPEAKER pro tempore (Mr. Camp of Michigan). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Murtha moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2863 be instructed to agree to the provisions contained in—
>
> (1) section 8154 of the Senate amendment, relating to uniform standards for the interrogation of persons under the detention of the Department of Defense; and
>
> (2) section 8155 of the Senate amendment, relating to prohibition on cruel, inhuman, or degrading treatment or punishment of persons under custody or control of the United States Government.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Pennsylvania (Mr. Murtha) and the gentleman from Florida (Mr. Young) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. The words "torture," "cruelty" and "abuse" elicit images of draconian and brutal dictatorship. These words are reserved for the worst of human rights offenders. It should never include the United States of America.

The United States of America and the values we reflect abhor human rights violators and uphold human rights. No circumstance whatsoever justifies torture. No emergencies, no state of war, no level of political instability.

According to Secretary Powell, in his letter to Senator McCain in support of the Senator's amendment, "The troops need to hear from Congress, which has an obligation to speak to such matters under Article I, Section 8 of the Constitution."

We have irrefutable evidence of widespread use of unlawful interrogation techniques by American interrogators at Abu Ghraib and other locations. This has been absolutely disastrous to our credibility and our reputation as a Nation that was built on the sanctity of individual rights.

We have a legal and moral and ethical obligation to uphold the values of the Geneva Convention and the United Nations Convention Against Torture.

Furthermore, torture, cruelty and abuse are not effective methods of interrogation. Torture may not yield reliable actionable information and can lead to false confessions. And we have an example of that not long ago, prior to the war.

Torture may not yield information quickly. Torture does not advance our goals. It does not help us win the hearts and minds of people it is used against. It did not aid the cause of the Soviets in Afghanistan and the French in Algeria.

Torture has a corrupting effect on the perpetrators. It has rarely been confined to narrow conditions. Once used and condoned, it easily becomes widespread. The same practices found their way from Guantanamo to Afghanistan to Iraq.

Torture is not only used against the guilty; it often leads to unintentional abuse of the innocent. We cannot torture and still retain the moral high ground.

Torture endangers U.S. service members who might be captured by the enemy. Torture brings discredit upon the United States.

There can be no waiver for the use of torture. No torture and no exceptions.

Gray areas in rules, lack of direction, training and supervision from superiors, lack of standards and clear guidelines from leaders are dangerous and led to the abuse at Abu Ghraib and other locations. During times of war, clear guidelines governing the treatment of prisoners is imperative, especially when due to the lack of manpower, people are put in jobs with little or no experience or people are put in jobs that are not appropriate. The alleged ring leader at Abu Ghraib had a history of domestic abuse and therefore, by law, could not carry a firearm in the United States. Yet, he was a prison guard at Abu Ghraib, and he was not suited for handling prisoners.

It is now evident that abuse of prisoners took place because of lack of supervision, that our troops were given ambiguous instructions which, in some cases, authorized treatment that went beyond what was allowed in the Army Field Manual.

The definition of abusive treatment cannot be a matter of subjectivity and ambiguity.

The administration confused matters further by declaring that U.S. personnel are not bound by the Geneva Convention when interrogating non-U.S. citizens on foreign soil.

Gross inconsistencies resulted: We followed the spirit of the Geneva Convention in Afghanistan, the letter of the Geneva Convention in Iraq. We had one set of rules for the prisoners of war, another for the enemy combatants; one set for Guantanamo, another for Iraq; one for the military, one for the CIA who were at times operating under the same roof.

America does have clear guidelines as set forth in the Army Field Manual. A number of those who were involved told me they would ask their superiors and lawyers, do you think this was torture? Do you think we violated the Geneva Convention? The answers they got differed, as if something this important was a matter of opinion.

In the case of one of these people, Captain Fishback, I believe he thought some of the troops clearly violated the Geneva Convention but that the administration and Congress knew, "as if there was a special hand shake." In other words, when he came to see me, he thought we had something to do with this. He said they were not clear, and they thought that we were just winking at the regulations. And this is dangerous. We cannot tolerate a practice of saying one thing and doing another.

Using the argument terrorists do much worse, that al Qaeda does much worse is a horrifying rationale. As Captain Fishback argues, "since when did al Qaeda become any type of standard by which we measure the morality of the United States?" And that is a quote from Captain Fishback.

Captain Fishback wrote to Senator McCAIN, "If we abandon our ideals in the face of adversity and aggression, then those ideals were never really in our possession. I would rather die fighting than give up even the smallest part of that idea that is America." And Captain Fishback was in Afghanistan for 18 months and in Iraq.

We cannot protect freedom abroad or at home while degrading our society and its political and legal systems. We cannot do it while trampling all over the values which have made this country strong, which define us all as Americans. These values do not belong to any party. They are not Democrat or Republican. They are American values.

We cannot allow our Nation's moral and ethical standards to drift away from the Constitution. Congress is obligated to speak out. Congress cannot give its power to the Executive Branch. Congress is the people's branch.

Thomas Jefferson said in 1814, "How necessary was the care of the Creator in making the moral principle so much a part of our constitution so that no errors of reasoning or speculation might lead us astray from its observance in practice."

He also said, "Moral duties [are] as obligatory on nations as on individuals."

And I have to say this. War is about killing. For those sent to fight an enemy, that killing will stay with them for the rest of their lives. It is in the faces of friends lost, in the shadows the soldiers feel on their souls for having killed. This is the nature of war.

But when torture becomes a part of war, when torture is condoned, if we allow torture in any form, we abandon our honor and the last shred of humanity. Visions of abuse and torture chill our conscience and sear our souls. Torture scars not only its subject; it scars those who perpetrate it and those who are witnesses to it.

Most military leaders know that allowing torture subjects our servicemembers to similar acts if captured. We in Congress must never forget this because we are charged with sending our sons and daughters into battle. This responsibility is doubly heavy today when America is living in a time of great uncertainty and two wars.

In the case of Iraq, we are unsure of the war's rationale and where it will lead us. In the war against terror, we are still struggling to fathom our enemy and are troubled by his tactics.

It is all that more important now that we remember that America stands for the honor of those we have sent to fight this war.

This amendment would restore our credibility, honors our war fighters and affirms the value of this great country, the values that belong to the United States of America.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I think that it is important that we make it very clear that we are opposed to the use of torture, period. As a matter of fact, the basic law of the land already says that we are opposed to torture. And so I have no problem with the gentleman's motion as it relates to that issue.

But I must tell you that, Mr. Speaker, I am really offended by a provision in this amendment that we are talking about that guarantees to terrorists, and understand who those terrorists are, that guarantees to terrorists the same rights under the Constitution of the United States that our law-abiding constituents enjoy. That offends me. And I just do not think that we ought to be giving a terrorist the same protection of our Constitution that you and I have. Not just part of our Constitution, not just one or two amendments or two articles or sections, the entire Constitution would apply to those terrorists. So that does offend me. But I understand that the President's office is in serious negotiations with Senator McCAIN, and we hope that a reasonable agreement on this issue will be reached so that we can get on with this important Defense Appropriations bill that we in the House passed 6 months ago.

Mrs. TAUSCHER. Mr. Speaker, I am proud to rise in strong support of my friend and colleague Representative JACK MURTHA's motion to instruct conferees on the defense appropriations bill.

Mr. MURTHA's effort would retain vital language prohibiting torture of prisoners in U.S. custody wherever they may be held.

Mr. MURTHA's motion would ensure that the final version of the defense bill contains vital language offered by Senator JOHN McCAIN and by Congresswoman JANE HARMAN and myself here in the House.

The McCain amendment would prohibit the Defense Department from using any interrogation practices other than those listed in the Army Field Manual on Intelligence and Interrogation, and would reinforce the long-standing ban on the Federal Government engaging in cruel, inhuman, and degrading treatment throughout the world.

Such clarity in treatment of detainees is vitally needed as continuing revelations of abuse of prisoners in our custody damages the reputation of our Armed Forces abroad, undermines the trust of our allies, and threatens the lives of U. S. service men and women who might be captured by the enemy.

In addition to providing guidance to our troops, this language, by forbidding abuse wherever it may occur, gets at the heart of the issue of ghost detainees, prisoners kept and interrogated by the CIA in countries that have not signed on to the Geneva Conventions.

Major General Taguba called the CIA's practice of holding ghost detainees "deceptive, contrary to Army doctrine and in violation of Army law."

The recent effort led by Vice-President Cheney to eliminate language in the bill to constrain interrogations wherever they may occur is misguided and will endanger our troops.

I agree that our post-9/11 world will never be what it was previously, but that's no justification for turning our back on international commitments and undercutting our international credibility.

If our goal is, as I believe it should be, obtaining the best possible actionable intelligence from suspects, then torture is not the best tool in our arsenal.

Torture is immoral, illegal, and rarely yields necessarily credible intelligence.

We're all too familiar with the misleading testimony of a high level Al Qaeda member, who was rendered to Egypt, where he stated under duress that Saddam Hussein had offered to train Al Qaeda operatives in the use of "chemical or biological weapons."

Following his transfer to Guantanamo, this witness recanted and the 9/11 Commission confirmed that there was no working relationship between Saddam and Al Qaeda.

When we abuse prisoners and flout the Geneva Conventions, we are no better than some of the repressive regimes around the world whom we are trying to change.

While administration officials at the highest levels including Justice Department officials and Secretary Rumsfeld have argued for great flexibility in handling of prisoners, more junior enlisted men and women have been a true example to our Nation.

From Army Spc. Joseph M. Darby, who first reported that abuse was occurring at Abu Ghraib, to Army Captain Ian Fishback, who unsuccessfully called for clearer guidelines on interrogation, our men and women in uniform have been a moral compass to others who have lost their way at all levels of government and who have betrayed our nation's values.

We owe it to the rank and file who fight our Nation's wars and who defend our flag around the world to adopt the McCain/Harman language and to support Mr. MURTHA's motion.

I call on all my colleagues to support this important motion.

Mr. HOYER. Mr. Speaker, I urge my colleagues, on both sides of the aisle: Support this critically important motion to instruct.

It is identical to the amendment offered by Senator McCAIN—and passed 90–9 and by voice vote in the Senate—on the defense appropriations and defense authorization bills.

This motion would do two things. First, it would establish the Army field manual as the uniform standard for the interrogation of department of defense detainees.

There is still much confusion about which interrogation techniques are permissible—and this confusion has been fomented by a White House that believed the Geneva Conventions were outmoded and inapplicable.

Secondly, this motion would prohibit "cruel, inhumane and degrading treatment" of detainees. Thus, it is consistent with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention Against Torture.

Sadly, this prohibition on torture is necessitated by the administration's own actions: its endorsement of interrogation tactics that border on torture, anything short of "organ failure", and a large number of documented cases of abuse, torture and homicide in Iraq and Afghanistan.

While the President stated in November that "We do not torture," his own Vice President has worked against this motion and sought legal language that would allegedly allow the CIA to utilize torture tactics against foreign prisoners it is holding overseas.

As Senator McCAIN, himself a victim of torture at the hands of North Vietnamese, recently stated: The administration's position "means that America is the only country in the world that asserts a legal right to engage in cruel and inhumane treatment."

The administration's position on this matter is simply not defensible.

It undermines our credibility in the world. It harms our efforts in the war on terror. It makes more likely the exposure of our own troops to torture. And, it completely betrays our cherished American values.

This is not a question of whether we must combat—and defeat—terrorists.

We must.

This is an issue of who we are as a people.

And we must never let it be said that when this generation of Americans was forced to confront evil that we succumbed to the tactics of the tyrant; that we stooped to the depths of the dictator.

Mr. Speaker, this Congress has the responsibility under article I, section 8 of our Constitution to make "rules concerning captures on land and water." That is a responsibility that we must embrace today, and not delegate to a zealous executive branch.

I urge my colleagues to support this motion.

Ms. PELOSI. Mr. Speaker, today at long last, because of Congressman JOHN MURTHA's leadership and persistence, the House finally has the chance to go on record in favor of clear procedures for dealing with prisoners and against torture.

In September, 29 retired military officers including General Joseph Hoar, General John Shalikashvili, and our former colleague Ambassador Pete Peterson, sent a letter to Senator McCAIN in support of the amendment that is the subject of Mr. MURTHA's motion to instruct.

The officers state the case against mistreatment of prisoners succinctly: "The abuse of prisoners hurts America's cause in the war on terror, endangers U.S. service members who might be captured by the enemy, and is anathema to the values Americans have held dear for generations."

The Senate responded by adopting the McCain amendment by a vote of 90 to 9. I hope the House will vote in equally strong numbers.

Our troops were sent to war in Iraq without many of the essentials needed for their effectiveness and their safety, including a standard of conduct for the treatment of detainees.

We have seen, to our great shame and regret, the consequences of this lack of clarity. At Abu Ghraib and elsewhere in Iraq, at Guantanamo, and in Afghanistan, allegations and evidence of detainee abuse have damaged the standing of the United States in the world.

Congress should have made it a priority to get to the bottom of the prisoner abuse scandals so that those responsible, regardless of their place in the chain of command, were held accountable and corrective actions taken. That has not been done.

We must heed the requests for assistance from our soldiers in the field who, in the absence of clear limits on permissible treatment are left in an impossible position, are forced to assume all of the risks and shoulder all of the blame.

The United States has long been bound by international agreements prohibiting torture. That we even find it necessary to make the prohibition against torture more explicit is the result of the Bush administration's legal interpretation that these long-standing prohibitions apply only to persons on U.S. soil.

Torture should not be employed as an interrogation technique by the United States for two simple reasons: it doesn't work and it is wrong. We can not rely on information obtained through torture, and even if we could, the cost is too high.

The values that define our country—the values that our men and women in uniform are called upon to defend sometimes at the cost of their lives—are antithetical to the use of torture. The American people are much better than that. Our struggle with the forces of international terrorism is as much a battle of ideas as a battle of arms. We weaken ourselves when we compromise our ideals. Standing against torture helps define the differences between the United States and those who offer no message other than hatred and violence.

Adopting this motion to instruct is in the best traditions, and the best interests, of our country. I urge my colleagues to approve it overwhelmingly.

Mr. MARKEY. Mr. Speaker, I rise in support of the motion offered by the gentleman from Pennsylvania (Mr. MURTHA).

Last month, 64 Members of this body joined with me in signing a letter urging the Appropriations Committee to say "no" to torture and "yes" to the McCain and Markey amendments as part of the Defense Appropriations Conference.

The McCain amendment, which is the subject of this motion, will prevent the use of inhuman interrogation practices.

The Markey amendment will prevent the use of funds in contravention of the UN Convention Against Torture.

We need to send a signal to the administration and the rest of the world that we will not dodge our treaty obligations to our international allies under the U.N. Convention Against Torture.

We do not support the use of torture as an interrogation method. Torture is morally wrong. Always. And without exception.

Not only is torture wrong, confessions obtained from torture are useless. A prisoner will say anything to stop their own suffering.

If we do not approve both the McCain and Markey amendments, we will set a precedent that torture is okay for all and open up our own troops to face torture at the hands of our enemies. Our troops already face enough risks. Shouldn't we protect them any way we can?

Furthermore, if we reduce ourselves to use the methods that we condemn terrorists for using, we lose our moral high ground. We have always been a beacon to the rest of the world on human rights and the rule of law. Should we change hundreds of years of history for this administration?

Reports of "black sites" where detainees in US custody are rendered without a trace come on top of reports of prisoner abuse and even death from the use of torture in U.S.-run prisons such as Abu Ghraib.

We criticize countries like Syria and Uzbekistan even as our CIA secretly sends detainees to be interrogated by the secret police of these very same human rights violators.

It seems obvious, that as a civilized nation, we should not fund torture, use torture as an interrogation tool, or ask other countries to torture for us, yet, for reasons beyond my imagination, we are still discussing this arcane, abhorrent practice today.

The adoption of the McCain and Markey amendments is an important step towards both restoring our nation's reputation for respecting human rights and preventing shameful abuses similar to those that occurred in Abu Ghraib.

We can not tolerate torture by any U.S. official. It is blood on all of our hands, on our countries good name. I support the McCain and Markey amendments and urge the conferees to do so as well.

Mr. DICKS. Mr. Speaker, I rise today in strong support of the language to instruct conferees offered by my esteemed colleague from Pennsylvania, the ranking member of the Appropriations Subcommittee on Defense, Mr. MURTHA.

Mr. Speaker, my support for this language hinges on three fundamental points: torture is not effective; torture does not further the security interests of the United States; and our use of torture adds to the risk that United States military and civilian personnel could be subjected to torture themselves.

Mr. Speaker, I served on the House Permanent Select Committee on Intelligence for eight years; four of those years as the ranking member. I appreciate the value of good, reliable intelligence. In fact, I expect that we all have a greater appreciation for good intelligence in light of what we have learned about the situation in Iraq since we toppled the government of Saddam Hussein. It was just this morning in an address at the Woodrow Wilson Institute that President Bush, in describing the decision to go into Iraq said that "it is true that much of the intelligence turned out to be wrong."

Mr. Speaker, I am not saying that torture was the root cause of our incorrect intelligence assessments in early 2003. My point is that our nation needs the best intelligence that we can get. The intelligence community and our military recognize that torture and abuse are not effective methods of interrogation. We must not allow cruel, inhuman and degrading treatment to be used if for no other reason than that they yield poor results.

Mr. Speaker, my second point is that the use of torture does not advance the security interests of the United States. We are in a global war on terror. This is a war that is going to be waged on many fronts around the world. As much as it is a military conflict, the global war on terror is a battle for the hearts and minds of people around the world. If our nation is to remain the recognized leader in the cause of freedom, democracy and the rule of law, we must live and abide by the principles and laws to which we have committed ourselves. If we do not send a strong message to the world that we will not engage in torture, we undermine our very security by giving terrorists ammunition to use in furthering their aims.

Finally, Mr. Speaker, if we do not renounce the use of torture, we put our own soldiers and citizens at risk of being subjected to these very measures. We cannot allow any perception that we support torture, if we are to call for the world community to resist its use against our own people.

Mr. Speaker, I urge the members of the House to support the language that makes it clear to the world that the United States will not use torture.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support for instructing conferees on the FY2006 Defense Appropriations bill to include the amendment by our colleague in the Senate, JOHN McCAIN. This provision would simply provide for uniform standards for the interrogation of persons under the detention of the Defense Department and a prohibition on cruel, inhumane, or degrading treatment or punishment of persons under custody or control of the U.S. Government.

Senator McCAIN knows the ravages of war and devastating effects of inhumane treatment at the hands of an enemy. He and other American soldiers during the Vietnam War were subjected to terrible treatment that no human being ought to endure. In recent floor remarks, Senator McCAIN explained that during his time in captivity he and his fellow American soldiers drew strength from knowing that the institution to which they belonged, the U.S. military, and the country they served stood for the highest of principles and ideals. They believed that the U.S. would never treat prisoners of war the way that they were being treated.

No one would disagree that "torture, cruel, inhumane, and degrading treatment" is unjust, but there is clear evidence that it is also ineffective. When put under extreme levels of pain or duress during interrogation, a detainee is more likely to say anything to stop the pain, regardless of its accuracy. Moreover, our own cruel treatment of others legitimizes the torture of American citizens. Look no further than the desecrated bodies of American citizens and soldiers killed in Iraq for tragic evidence of this reaction. Furthermore, torture and inhumane treatment aids in the recruitment of terrorists and fuels further terrorist activity.

As members of Congress, we have the Constitutional obligation, under Article I, Section 8, to speak out on this issue and others related to treatment of foreign detainees in war. We also have a moral obligation to oppose cruel and degrading treatment of human beings, and a patriotic obligation to stand up for the honor of this country.

In the wake of the scrutiny and embarrassment that our nation has endured following the treatment of detainees at Abu Ghraib and Guantanamo Bay, it is imperative that we proclaim to the rest of the world that this policy reflects the law of the land and the conscience of our country. Providing our soldiers with clear, written guidance on how to treat detainees not only protects their interests but underscores the freedoms and values we cherish as Americans and that we claim to be the reason we have gone to war in Iraq, Afghanistan and other parts of the world.

Today, as a Congress we must respect and honor our nation, those that risk their lives to serve it, and the high standards and ideals on which it is based. Supporting the McCAIN amendment is not an issue of political difference; it is an issue of national identity.

The McCain amendment is needed to close a loophole in current policy that does not explicitly describe standards for foreigners held under U.S. custody abroad. This amendment reiterates and clarifies our existing policy that prohibits the use of torture, cruel, inhuman, and degrading treatment by U.S. soldiers and agents who are detaining and interrogating prisoners in the global war on terror, requiring that they use the techniques sanctioned in the Army Field Manual on Intelligence and Interrogation.

I urge my colleagues to resist any efforts to accept a watered down version of Senator McCAIN's language that would grant exceptions for the CIA to conduct its own investigations of detainees in locations overseas that are independent of the Army Field Manual. Such a move, which apparently is being orchestrated by the Vice President's office, would only defeat the intent of the provision adopted in the Senate and cause further confusion among military and civilian service people charged with detainee interrogations.

The Army Field Manual has been used as the standard for interrogation guidance since it was established during the Reagan Administration. The Manual does not cast any technique into stone, but changes with time and includes techniques and descriptions that are classified so as not to be uncovered by enemies.

In a sign of broad bipartisan support, the Senate overwhelmingly approved the McCain amendment in a 90 to 9 vote. In addition, 28 retired military leaders, including General Shalikashvili, General Hoar, and General Colin Powell, have supported legislating the use of the Army Field Manual through the McCain amendment.

In today's global war on terror, men and women in the armed forces are charged with the critical task of detaining and interrogating prisoners of war and enemy combatants without clear instructions on what is and what is not permissible. These ambiguities contributed to the absence of standards that resulted in the degrading and inhumane treatment that we, and the rest of the world, witnessed at Abu Ghraib and what apparently occurred at Guantanamo at the hands of young and ill-advised soldiers.

The abuses at Abu Ghraib and Guantanamo stained the honor of our country and our military. I know that most of our constituents want to amend these wrongdoings. In order to do this, and to help protect the treatment of American soldiers who may be held as prisoners of war, we must give our troops clear instructions on acceptable treatment during detainment and interrogation, without equivocation.

Let us not shrink from the responsibility that stands before us; let us rise as a united body to defend our principles, uphold our proud traditions and articulate to the world what America stands for. I urge my colleagues to express their support to Chairman YOUNG to retain the McCain amendment, without modification, in the conference agreement to the FY2006 Defense Appropriations bill.

Mr. CASTLE. Mr. Speaker, I rise in strong support of the Motion to Instruct Conferees on H.R. 2863, the Fiscal Year 2006 Defense Appropriations Act, offered by the gentleman from Pennsylvania.

There is no question that recent charges of misconduct at Guantanamo Bay and Abu Ghraib prisons are obvious indications that there is significant confusion in the field regarding the interrogation of detainees.

Our soldiers and interrogators need to know exactly where the line is when engaging prisoners and there should be absolutely no question about what is acceptable behavior and what is not.

It is clear that any treatment that is cruel, inhuman and degrading is unacceptable. Such treatment is clearly prohibited by the Fifth, Eighth, and Fourteenth Amendments to the U.S. Constitution and these abuses are a direct violation of our government's treaty obligations.

The provisions included in the Senate version of the Defense Appropriations bill simply ensure that persons under U.S. custody or control in facilities outside of this country cannot be subjected to treatment that would be deemed unconstitutional if it occurred in U.S. territory.

I strongly support President Bush's efforts to defeat terrorism and his explicit denouncement of torture is crucial to winning this struggle. Backroom deals to blur the lines or allow exemptions for certain government agencies undermine the very freedoms our soldiers are fighting for around the globe.

It is our duty to provide clarity about the values and standards by which America lives in contrast to our enemies. Now is the time for our government to reaffirm our position as the world's leader on human rights, and establish an unambiguous standard for the international treatment of detainees.

Mr. Speaker, this provision has passed the Senate with broad, bipartisan support and I urge my colleagues to support this very important motion to instruct.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania (Mr. MURTHA).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MURTHA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006 WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 2863 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of the Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to close the conference will be followed by 5-minute votes on the motion to instruct on H.R. 2863, the motion to suspend the rules and agree to H. Res. 599, and the motion to suspend the rules and pass H.R. 972.

The vote was taken by electronic device, and there were—yeas 415, nays 9, not voting 9, as follows:

[Roll No. 629]

YEAS—415

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Blumenauer
DeFazio
Hinchey
Kucinich
Lee
McKinney
Olver
Stark
Woolsey

NOT VOTING—9

Abercrombie
Bishop (UT)
Costa
Diaz-Balart, M.
Hyde
Simpson
Tanner
Watt
Westmoreland

□ 1838

Ms. WOOLSEY and Ms. LEE changed their vote from "yea" to "nay."

Mr. TIERNEY and Mr. BARTON of Texas changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MR. MURTHA

The SPEAKER pro tempore (Mr. CAMP of Michigan). The pending business is the vote on the motion to instruct on H.R. 2863 offered by the gentleman from Pennsylvania (Mr. MURTHA) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 122, not voting 3, as follows:

[Roll No. 630]

YEAS—308

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case

Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gonzalez
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—122

Aderholt
Akin
Baker
Barrett (SC)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Everett
Feeney
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Granger
Graves
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Istook
Jindal
Johnson, Sam
King (IA)
King (NY)
Kingston
LaHood
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Marchant
Marshall
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Oxley
Pearce
Pence
Peterson (PA)
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schmidt
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Taylor (NC)
Terry
Thornberry
Tiahrt
Turner
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—3

Costa
Diaz-Balart, M.
Hyde

□ 1849

Mr. GALLEGLY and Mrs. DRAKE changed their vote from "yea" to "nay."

Mr. MCCAUL of Texas changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ESTABLISHING THE TASK FORCE ON OCEAN POLICY

The SPEAKER pro tempore (Mr. CAMP of Michigan). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 599.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and agree to the resolution, H. Res. 599, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 103, nays 327, not voting 3, as follows:

[Roll No. 631]

YEAS—103

Abercrombie
Akin
Allen
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bradley (NH)
Burgess
Cannon
Capito
Cardin
Cardoza
Case
Castle
Cubin
Davis, Tom
DeLay
Dent
Diaz-Balart, L.
Dreier
Duncan
Ehlers
English (PA)
Fortenberry
Fossella
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Harris
Hastings (WA)
Hobson
Hoekstra
Hunter
Inslee
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
King (NY)
Kingston
Kirk
Kolbe
Latham
Leach
Lewis (KY)
Mack
McCaul (TX)
McCrery
McHugh
Melancon
Mica
Michaud
Miller (MI)
Myrick
Osborne
Petri
Platts
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ruppersberger
Saxton
Schwarz (MI)
Sensenbrenner
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Sweeney
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—327

Ackerman
Aderholt
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capps
Capuano
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall

Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Rangel
Reichert
Renzi
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Wicker
Wilson (SC)
Woolsey
Wu
Wynn

NOT VOTING—3

Diaz-Balart, M.
Ferguson
Hyde

□ 1858

Mr. DICKS changed his vote from "yea" to "nay."

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). The pending business is the question of suspending the rules and passing the bill, H.R. 972, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 972, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 632]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Buyer
Davis (FL)
Diaz-Balart, M.
Ferguson
Hyde
Istook
Sanders

□ 1907

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, HOBSON, BONILLA, FRELINGHUYSEN, TIAHRT, WICKER, KINGSTON, Ms. GRANGER, Messrs. WALSH, ADERHOLT, LEWIS of California, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, Ms. KAPTUR, Mr. EDWARDS and Mr. OBEY.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken at a later time.

REVERSE MORTGAGES TO HELP AMERICA'S SENIORS ACT

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2892) to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

The Clerk read as follows:

H.R. 2892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reverse Mortgages to Help America's Seniors Act".

SEC. 2. ELIMINATION OF CAP ON NUMBER OF MORTGAGES INSURED.

Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (g), by striking the first sentence; and

(2) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and the gentleman from Utah (Mr. MATHESON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we continue to try and find the best ways to improve retirement security for our Nation's seniors, I have looked at numerous programs to lessen the burden that our numerous seniors face: health care, transportation, and homeownership. As a former Bucks County Commissioner and now as a Member of Congress representing Pennsylvania's 8th Congressional District, I have received many calls and letters from seniors looking to find ways to pay their bills so that they could stay in their homes.

Mr. Speaker, earlier this year, I had the great opportunity to meet Arthur Gerald, a constituent from New Hope, Bucks County, Pennsylvania, who took advantage of the reverse mortgage program. Arthur was faced with a horrible decision, whether to sell the home he had built for himself and his wife to pay mounting financial obligations or face certain financial ruin. Arthur told me stories of how he, as a young Broadway actor, moved from New York to Pennsylvania with his wife. His house was more than a home. It became a centerpiece of the community. He built a stage in his backyard to perform plays and shows for his neighbors. His house was a focal point for the community. Listening to his stories, I realized that the house was more than four walls and a roof. It was his life, it was his past, and it was his future.

The reverse mortgage allowed Arthur to stay in his home. He harnessed the power of this loan to achieve financial security and independence and to preserve his memories.

Today, I am proud to bring bipartisan, AARP-endorsed legislation to the floor that would help even more seniors preserve their homes and their memories. The Reverse Mortgages to Help America's Seniors Act, H.R. 2892, makes necessary improvements to the Department of House and Urban Development's Home Equity Conversion Mortgage program by removing the statutory limitation, or ceiling, on the aggregate number of FHA-insured reverse mortgages that may be issued in any given year. Only a complete removal of the volume cap will prevent the possibility of future program disruption that will be detrimental to America's seniors.

A reverse mortgage is a unique loan that enables senior homeowners to convert part of the equity in their homes into tax-free income without having to sell the home, give up title, or take on a new monthly mortgage payment.

Reverse mortgages are aptly named because the payment stream is, in fact, reversed. Instead of making monthly payments to the lender as with a regular mortgage, the lender makes payments to the homeowner. The homeowner has great flexibility in choosing how to receive the money: as a lump sum, fixed monthly payments, a line of credit, or a combination of all three. No monthly payments are required during the term of the loan, and it is paid back only when the resident sells the home, passes away, or permanently moves out of the home.

A key part of the reverse mortgage program is mandatory counseling. To make sure that no one rushes into a mortgage that they are unprepared for, the HECM program requires mandatory counseling prior to providing the application and the loan.

The HECM program is the oldest and most popular reverse mortgage product, accounting for 90 percent of the total market. Available since 1989 to homeowners aged 62 or older, the Home Equity Conversion Mortgage loans are insured by the Federal Government through the FHA. The HUD HECM program has served its mission at an actual savings to the Federal Government. H.R. 2892 would increase discretionary receipts by about $8 million in 2007 and $39 million annually in subsequent years.

The Home Equity Conversion Mortgage program has, in fact, been a huge success. So much so that the rapid pace of growth created a near crisis this April when concerns arose about the fact that the cap was being reached and the program would, in fact, have to be suspended. While the cap was raised from $150,000 to $250,000 in the 2005 emergency supplemental appropriation, this was just a temporary solution. My bill would remove the volume limit and prevent the possibility of future program disruption and uncertainty in the marketplace.

Reverse mortgages benefit seniors who are land rich and cash poor. Many seniors are struggling financially because they do not have a steady income stream coming in, but are sitting on a valuable asset that is not working for them. The funds from their reverse mortgage can be used for needs that every senior faces like health care expenses, prescription drugs, in-home care, prevention of foreclosure, paying off existing debts, home repairs or modifications, or daily living expenses.

H.R. 2892 has gained support from both sides of the aisle. I would like to thank the 34 cosponsors, specifically the gentleman from Utah (Mr. MATHESON), the lead Democrat cosponsor. I think that Congress can agree, regardless of party affiliation, that we want our seniors staying in their homes, especially in a fiscally responsible way.

☐ 1915

Home ownership is a key part of the American Dream, and reverse mortgages allow an avenue of relief for those seniors faced with losing that dream.

I will leave you with a quote from the AARP: We are pleased to be able to support Congressman FITZPATRICK's bill eliminating the loan cap for HECM-qualified, FHA-insured reverse mortgages. We believe that the reverse mortgage instrument provides older Americans with a valuable option for meeting their expenses, especially for those households that are equity-rich but income-poor. This simple but important step will ensure that this unique financial tool will be available to older homeowners.

Madam Speaker, the House must pass H.R. 2892.

Madam Speaker, I reserve the balance of my time.

Mr. MATHESON. Madam Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Speaker, I very much compliment the prime sponsor (Mr. MATHESON) for this bill. This bill really does unlock a secret to very significant cash available to our seniors. This limit that we now have that is going to be removed by this bill really has no particular reason for its existence, and what we are finding is that there is a tremendous demand for these reverse mortgages because it could unlock something like $64 billion of equity that seniors have. Seniors are equity-rich but cash-poor in a lot of circumstances.

We are also finding that seniors are using these reverse mortgages in new ways, to help their grandchildren with their college education, for their recreation, as well as the obvious reasons, for health care and assisted-living facilities and the like. So this has tremendous opportunity.

I hope this is a first step in a continued program to make these mortgages more available. I am working on a bill I hope at some point will pass that will also go to a unified limitation in the dollar amount, the cap that now exists and limits the amount of equity that our seniors can get out of their homes.

Right now, some people can get access to $300,000 plus, but some are limited to under $170,000. So we hope this is a first step in a continued effort to making these reverse mortgages more available. I think seniors will be universally happy with this.

Again, I commend the prime sponsor of this, Mr. MATHESON, for his leadership.

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, I reserve the balance of my time.

Mr. MATHESON. Madam Speaker, I yield myself such time as I may consume.

First of all, I am very pleased to have worked with Representative FITZPATRICK on this important legislation, and I thank him for his leadership, and I also thank the House leadership and Chairman OXLEY and Ranking Member FRANK for getting this important bill to the floor in such an expeditious manner.

H.R. 2892 is a simple bill that will increase opportunities for our Nation's seniors to meet their own financial needs. H.R. 2892, the Reverse Mortgages to Help America's Seniors Act, will eliminate the cap on the volume of federally insured home equity conversion mortgages, or reverse mortgages as they are called. These unique loans enable senior homeowners to convert part of the equity in their homes to tax-free income without having to sell the home, give up title or take on a new monthly mortgage. Instead of making monthly payments to the lender, as with a regular mortgage, the lender makes payments to the homeowner. The majority of loan recipients are elderly widows.

Under current law, the HUD Home Equity Conversion Mortgage, or reverse mortgage program, is capped at $250,000 loans. Removing the cap will provide stability and greater competition in a program that has proven to be useful for many seniors.

This bill is cost-effective for taxpayers and consumers. In fact, CBO estimates that lifting the cap will raise revenues by about $8 million in 2007 and $39 million annually in subsequent years.

This legislation is supported by AARP, the National Reverse Mortgage Lenders Association and others. Again, I want to thank Mr. FITZPATRICK for his leadership on this bill, and I want to also thank Mr. OXLEY and Mr. FRANK, and I encourage my colleagues to vote for this important legislation to provide other seniors with greater tools for managing their expenses.

Madam Speaker, I reserve the balance of my time.

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Speaker, I rise today in strong support of Mr. FITZPATRICK's excellent bill, H.R. 2892, that would remove the Federal Housing Administration's reverse mortgage volume cap.

I was a former realtor before I entered the Congress, and my district is the fifth largest Medicare eligible senior district in America, so this is critically important to their ability to live in their homes that they have tended to and built up over the years. It allows them to stay in their communities and their homes and remain healthy and vibrant in their community.

FHA's reverse mortgage program reflects the very best of FHA, and the elimination of the loan cap represents an appropriate and welcome adjustment to the program. Launched in 1989, FHA's Home Equity Conversion Mortgage program was designed to be an innovative new mortgage product that would allow seniors to tap into their home equity in a safe and affordable manner. Previously, the only way for the homeowner to get cash from their home was to sell their home or borrow against it and begin making monthly payments. A reverse mortgage is a product that allows a homeowner age 62 or older to get cash by tapping their equity without having to make a monthly payment or sell their home.

As I mentioned earlier, their home is their nest, their safety net, a place where they feel independent, secure and feel that their lives still have value and worth. Staying in their home allows them to bring their children and grandchildren into that home, oftentimes the place where they raised those very children. This type of mortgage can be useful to couples who wish to use their homes to pay off medical bills, purchase a vacation home or give to their children or grandchildren as part of a living will.

There are nearly 35 million Americans over 65 years of age, and by 2010, the number of elderly individuals is expected to jump to 40 million and then reach 50 million by 2020. Even more dramatic is the growth of older seniors, persons age 85 and older. Over the next 35 years, that number is expected to quadruple from 3.5 million to 14 million, those over 85.

So I want to thank Mr. FITZPATRICK for his excellent work on this bill. Certainly it is a good bill for Floridians, and I know Pennsylvanians as well. I also want to thank Chairman MIKE OXLEY for his hard work as well as MIKE FITZPATRICK in bringing this important piece of legislation to the floor, and I urge my colleagues to support the measure.

Mr. MATHESON. Madam Speaker, I want to say again that I thank Representative FITZPATRICK and urge passage of the legislation, and I yield back the balance of my time.

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, in closing, approximately 10 years ago there was a pilot project where HUD worked through the Home Equity Conversion Mortgage program and backed reverse mortgages for senior citizens in America. Many, many seniors throughout this country were able to access reverse mortgages to, as you have heard through the testimony here today, stay in their homes, to retain the memories of their home, homes where they raised their families, graduated their children and a place where they just simply want to retire in.

This has been a pilot project that has worked, and I have heard from many, many seniors in my district who need this product and have asked that I sponsor this legislation and make the reverse mortgage product more plentiful and more available to them as they live out and retire in the homes that they have raised their families in.

So in closing, Madam Speaker, I would just ask that my fellow Members of this chamber support this bill and pass it this evening.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 2892, a bill sponsored by my friend and colleague from Pennsylvania, MICHAEL FITZPATRICK. Mr. FITZPATRICK's legislation is a response to the administration's request to access the growing, frequently untapped, equity that seniors have amassed in their homes. That equity, through a very successful FHA program can be accessed through Home Equity Conversion Mortgages.

The number of such loans that the FHA program can handle was capped so that HUD and Congress could determine the safety and soundness of the program. Nearly 10 years later, now we know the program is successful and this bill will ensure that the reverse mortgage program continues uninterrupted and will not place the FHA insurance fund into any risks. By removing this cap, more senior citizens will be able to use the equity in their homes to make them handicapped accessible, to access money for healthcare, or whatever needs their families have. The program also ensures that the reverse mortgage is paid back when they move or when they pass away, and the homeowner will never owe more than the house is worth.

The number of elderly persons in America continues to rise and with advances in health care and technology, seniors will certainly represent a growing number of American citizens. It is of great importance that these citizens' needs be met and addressed now and that they will have as many economic resources as possible to support themselves in the future. Reverse mortgages is a tool that will help in addressing the needs of seniors today and in the years to come.

A home represents more than just a place to live. It represents security and memories that are cherished by their owners. Part of that security can be economic security. I ask that Members of this Congress unanimously support this bill so that seniors may have the money they need without having to move from their homes.

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 2892, the Reverse Mortgages to Help America's Seniors Act.

While this bill is helpful and necessary for allowing seniors to unlock their personal equity gained through homeownership, it also points to a disturbing, new reality facing millions of senior citizens throughout our country. The practice of reverse mortgages allows elder homeowners to borrow against the equity of their homes and H.R. 2892 allows for more seniors to participate in this practice. The increased demand in reverse mortgages suggests seniors are now facing difficult spending priorities. As home heating bills are rising to all-time highs, gasoline prices reaching record levels, municipalities raising local taxes to compensate for lost federal funds, grandkids' college financial aid decreasing, the current pension crises growing, and efforts continuing to jeopardize the future of the Social Security program, seniors have been left high and dry to fend for themselves in the face of these new fiscal obstacles. If the "Ownership Society" envisioned by the President is, in reality, a "Forced Borrowing Society," perhaps we need to pay more attention to what is actually happening to people and less to rhetorical flourishes masquerading as public policy.

While H.R. 2892 is not a solution to the financial problems facing seniors, it does allow them to pay for unexpected medical expenses, home repairs, and a more comfortable retirement. But as my Republican colleagues prepare to approve billions of dollars in tax cuts for the highest income earners and arbitrary across-the-board program funding cuts in social services, seniors are having the rug pulled from under their feet by the federal government. I urge the passage of H.R. 2892, because seniors need all available resources to face the broken promises from the federal government, but let's not forget that there is a reason why more and more seniors are seeking out these reverse mortgage loans.

Mrs. MALONEY. Madam Speaker, I rise in support of H.R. 2892, the Reverse Mortgages to Help America's Seniors Act.

By removing the cap on the number of these loans that HUD can guarantee, this bipartisan bill allows the program to grow with demand.

A reverse mortgage is a creative financing tool that allows seniors to take some of the equity out of their homes without having to sell the home, or take on a new monthly mortgage payment.

Because it allows seniors to remain in their homes and provides them an income, it has proved very popular. These funds can be used for the everyday demands that many seniors face and that can become particularly urgent for those surviving on a fixed income, such as paying off existing debts, paying health care expenses, or paying daily living expenses.

When the statutory cap of 150,000 loans was reached this spring, there was consternation that the program would be suspended even though it is a win-win: it makes money for taxpayers and benefits seniors.

As those events demonstrate, the cap serves no useful purpose and should be removed. There is no reason to deny seniors this benefit if they decide it works for them, especially since it makes substantial money for the government—almost $40 million annually after the first year.

I urge my colleagues to vote for H.R. 2892 and make this financial tool available to any senior who wants to use it.

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Miss McMORRIS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 2892.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed, H.R. 2892, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

2005 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT

Mr. PORTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3508) to authorize improvements in the operation of the government of the District of Columbia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "2005 District of Columbia Omnibus Authorization Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

Sec. 101. Budget flexibility.
Sec. 102. Additional authority to allocate amounts in Reserve Funds.
Sec. 103. Permitting General Services Administration to obtain space and services on behalf of District of Columbia Public Defender Service.
Sec. 104. Authority to enter into Interstate Insurance Product Regulation Compact.

Subtitle B—District of Columbia Courts

Sec. 111. Modernization of Office of Register of Wills.
Sec. 112. Increase in cap on rates of pay for nonjudicial employees.
Sec. 113. Clarification of rate for individuals providing services to indigent defendants.
Sec. 114. Authority of Courts to conduct proceedings outside of District of Columbia during emergencies.
Sec. 115. Authority of Court Services and Offender Supervision Agency to use services of volunteers.
Sec. 116. Technical corrections relating to courts.

Subtitle C—Other Miscellaneous Technical Corrections

Sec. 121. 2004 District of Columbia Omnibus Authorization Act.
Sec. 122. District of Columbia Appropriations Act, 2005.
Sec. 123. Technical and conforming amendments relating to banks operating under the Code of Law for the District of Columbia.

TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

Sec. 201. Promoting independence of Chief Financial Officer.
Sec. 202. Personnel authority.
Sec. 203. Procurement authority.
Sec. 204. Fiscal impact statements.

TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS PROVISIONS

Sec. 301. Acceptance of gifts by Court Services and Offender Supervision Agency.
Sec. 302. Evaluation process for public school employees.
Sec. 303. Clarification of application of pay provisions of Merit Personnel System to all District employees.
Sec. 304. Criteria for renewing or extending sole source contracts.
Sec. 305. Acceptance of grant amounts not included in annual budget.
Sec. 306. Standards for annual independent audit.
Sec. 307. Use of fines imposed for violation of traffic alcohol laws for enforcement and prosecution of laws.
Sec. 308. Certifications for attorneys in cases brought under Individuals With Disabilities Education Act.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

SEC. 101. BUDGET FLEXIBILITY.

(a) PERMITTING INCREASE IN AMOUNT APPROPRIATED AS LOCAL FUNDS DURING A FISCAL YEAR.—Subpart 1 of part D of title IV of the District of Columbia Home Rule Act (sec. 1-204.41 et seq., D.C. Official Code) is amended by inserting after section 446 the following new section:

"PERMITTING INCREASE IN AMOUNT APPROPRIATED AS LOCAL FUNDS DURING A FISCAL YEAR

"SEC. 446A. (a) IN GENERAL.—Notwithstanding the fourth sentence of section 446, to account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia funds under budget approved by Act of Congress as provided in such section may be increased—

"(1) by an aggregate amount of not more than 25 percent, in the case of amounts allocated under the budget as 'Other-Type Funds'; and

"(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts allocated under the budget.

"(b) CONDITIONS.—The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

"(1) The Chief Financial Officer of the District of Columbia shall certify—

"(A) the increase in revenue; and

"(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

"(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with any other requirements under law.

"(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

"(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate not fewer than 30 days in advance of the obligation or expenditure.

"(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal years 2006 through 2007.".

(b) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 1–204.46, D.C. Official Code) is amended by inserting "section 446A," after "section 445A(b),".

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 446 the following new item:

"Sec. 446A. Permitting increase in amount appropriated as local funds during a fiscal year.".

SEC. 102. ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS IN RESERVE FUNDS.

(a) IN GENERAL.—Section 450A of the District of Columbia Home Rule Act (sec. 1–204.50A, D.C. Official Code) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, in addition to the authority provided under this section to allocate and use amounts from the emergency reserve fund under subsection (a) and the contingency reserve fund under subsection (b), the District of Columbia may allocate amounts from such funds during a fiscal year and use such amounts for cash flow management purposes.

"(2) LIMITS ON AMOUNT ALLOCATED.—

"(A) AMOUNT OF INDIVIDUAL ALLOCATION.—The amount of an allocation made from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection may not exceed 50 percent of the balance of the fund involved at the time the allocation is made.

"(B) AGGREGATE AMOUNT ALLOCATED.—The aggregate amount allocated from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection during a fiscal year may not exceed 50 percent of the balance of the fund involved as of the first day of such fiscal year.

"(3) REPLENISHMENT.—If the District of Columbia allocates any amounts from a reserve fund pursuant to the authority of this subsection during a fiscal year, the District shall fully replenish the fund for the amounts allocated not later than the earlier of—

"(A) the expiration of the 9-month period which begins on the date the allocation is made; or

"(B) the last day of the fiscal year.

"(4) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal years 2006 through 2007.".

(b) SPECIAL RULE FOR TIMING OF REPLENISHMENT AFTER SUBSEQUENT ALLOCATION.—

(1) EMERGENCY RESERVE FUND.—Section 450A(a)(7) of such Act (sec. 1-204.50A(a)(7), D.C. Official Code) is amended—

(A) by striking "(7) REPLENISHMENT.—The District of Columbia" and inserting the following:

"(7) REPLENISHMENT.—

"(A) IN GENERAL.—The District of Columbia"; and

(B) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR REPLENISHMENT AFTER ALLOCATION FOR CASH FLOW MANAGEMENT.—

"(i) IN GENERAL.—If the District allocates amounts from the emergency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.

"(ii) DEADLINE.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.".

(2) CONTINGENCY RESERVE FUND.—Section 450A(b)(6) of such Act (sec. 1–204.50A(b)(6), D.C. Official Code) is amended—

(A) by striking "(6) REPLENISHMENT.—The District of Columbia" and inserting the following:

"(6) REPLENISHMENT.—

"(A) IN GENERAL.—The District of Columbia"; and

(B) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR REPLENISHMENT AFTER ALLOCATION FOR CASH FLOW MANAGEMENT.—

"(i) IN GENERAL.—If the District allocates amounts from the contingency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.

"(ii) DEADLINE.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.".

SEC. 103. PERMITTING GENERAL SERVICES ADMINISTRATION TO OBTAIN SPACE AND SERVICES ON BEHALF OF DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.

(a) AUTHORITY TO OBTAIN SPACE AND SERVICES.—At the request of the Director of the District of Columbia Public Defender Service, the Administrator of General Services may furnish space and services on behalf of the Service (either directly by providing space and services in buildings owned or occupied by the Federal Government or indirectly by entering into leases with non-Federal entities) in the same manner, and under the same terms and conditions, as the Administrator may furnish space and services on behalf of an agency of the Federal Government.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

SEC. 104. AUTHORITY TO ENTER INTO INTERSTATE INSURANCE PRODUCT REGULATION COMPACT.

(a) IN GENERAL.—The District of Columbia is authorized to enter into an interstate compact to establish a joint state commission as an instrumentality of the District of Columbia for the purpose of establishing uniform insurance product regulations among the participating states.

(b) DELEGATION.—Any insurance product regulation compact that the Council of the District of Columbia authorizes the Mayor to execute on behalf of the District may contain provisions that delegate the requisite power and authority to the joint state commission to achieve the purposes for which the interstate compact is established.

Subtitle B—District of Columbia Courts

SEC. 111. MODERNIZATION OF OFFICE OF REGISTER OF WILLS.

(a) REVISION OF DUTIES.—Section 11–2104(b), District of Columbia Official Code, is amended to read as follows:

"(b) In matters over which the Superior Court has probate jurisdiction or powers, the Register of Wills shall—

"(1) make full and fair entries, in separate records, of the proceedings of the court;

"(2) record in electronic or other format all wills proved before the Register of Wills or the court and other matters required by law to be recorded in the court;

"(3) lodge in places of safety designated by the court original papers filed with the Register of Wills;

"(4) make out and issue every summons, process, and order of the court;

"(5) prepare and submit to the Executive Officer of the District of Columbia courts such reports as may be required; and

"(6) in every respect, act under the control and direction of the court.".

(b) REPEAL OF PENALTIES.—

(1) IN GENERAL.—Section 11-2104, District of Columbia Code, is amended—

(A) in the heading, by striking "; **penalties**"; and

(B) by striking subsections (d) and (e).

(2) CLERICAL AMENDMENT.—The item relating to section 11-2104 in the table of sections for chapter 21 of title 11, District of Columbia Official Code, is amended by striking "; penalties".

(c) RECORD OF CLAIMS AGAINST NONRESIDENT DECEDENTS.—Section 20-343(d), District of Columbia Official Code, is amended by striking the second sentence and inserting the following: "The Register shall record all such claims and releases.".

SEC. 112. INCREASE IN CAP ON RATES OF PAY FOR NONJUDICIAL EMPLOYEES.

(a) IN GENERAL.—The second sentence of section 11—1726(a), District of Columbia Official Code, is amended by striking "pay fixed by administrative action in section 5373" and inserting "maximum pay in section 5382(a)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 113. CLARIFICATION OF RATE FOR INDIVIDUALS PROVIDING SERVICES TO INDIGENT DEFENDANTS.

(a) IN GENERAL.—Section 11—2605, District of Columbia Official Code, is amended—

(1) by striking subsection (b);

(2) in subsection (c), by inserting after "United States Code," the following: "(or, in the case of investigative services, a fixed rate of $25 per hour)";

(3) in subsection (d), by inserting after "United States Code," the following: "(or, in the case of investigative services, a fixed rate of $25 per hour)"; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to services provided on or after the date of the enactment of this Act.

SEC. 114. AUTHORITY OF COURTS TO CONDUCT PROCEEDINGS OUTSIDE OF DISTRICT OF COLUMBIA DURING EMERGENCIES.

(a) DISTRICT OF COLUMBIA COURT OF APPEALS.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

"§11—710. Emergency authority to conduct proceedings outside District of Columbia.

"(a) IN GENERAL.—The court may hold special sessions at any place within the United States outside the District of Columbia as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court (or, if the chief judge is absent or disabled, the judge designated under section 11-706(a)) or the Joint Committee on Judicial Administration in the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held. The court may transact any business at a special session authorized pursuant to this section which it has the authority to transact at a regular session.

"(b) NOTICE REQUIREMENTS.—If the Court of Appeals issues an order exercising its authority under subsection (a), the court—

"(1) through the Joint Committee on Judicial Administration in the District of Columbia, shall send notice of such order, including the reasons for the issuance of such order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives; and

"(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.".

(2) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter I the following:

"11—710. Emergency authority to conduct proceedings outside District of Columbia.".

(b) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Subchapter I of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

"§11—911. Emergency authority to conduct proceedings outside District of Columbia.

"(a) IN GENERAL.—The Superior Court may hold special sessions at any place within the United States outside the District of Columbia as the nature of the business may require and upon such notice as the Superior Court orders, upon a finding by either the chief judge of the Superior Court (or, if the chief judge is absent or disabled, the judge designated under section 11-907(a)) or the Joint Committee on Judicial Administration in the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held.

"(b) BUSINESS TRANSACTED.— The Superior Court may transact any business at a special session outside the District of Columbia authorized pursuant to this section which it has the authority to transact at a regular session, except that a criminal trial may not be conducted at such a special session without the consent of the defendant.

"(c) SUMMONING OF JURORS.—Notwithstanding any other provision of law, in any case in which special sessions are conducted pursuant to this section, the Superior Court may summon jurors—

"(1) in civil proceedings, from any part of the District of Columbia or, if jurors are not readily available from the District of Columbia, the jurisdiction in which it is holding the special session; and

"(2) in criminal trials, from any part of the District of Columbia or, if jurors are not readily available from the District of Columbia and if the defendant so consents, the jurisdiction in which it is holding the special session.

"(d) NOTICE REQUIREMENTS.—If the Superior Court issues an order exercising its authority under subsection (a), the Court—

"(1) through the Joint Committee on Judicial Administration in the District of Columbia, shall send notice of such order, including the reasons for the issuance of such order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives; and

"(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.".

(2) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter I the following:

"11—911. Emergency authority to conduct proceedings outside District of Columbia.".

SEC. 115. AUTHORITY OF COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO USE SERVICES OF VOLUNTEERS.

Section 11233 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–133, D.C. Official Code) is amended by adding at the end the following new subsection:

"(g) AUTHORITY TO USE SERVICES OF VOLUNTEERS.—

"(1) IN GENERAL.—The Agency (including any independent entity within the Agency) may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the Agency except policymaking.

"(2) APPLICABILITY OF WORKER'S COMPENSATION RULES TO VOLUNTEERS.—Any volunteer whose services are accepted pursuant to this subsection shall be considered an employee of the United States Government in providing the services for purposes of chapter 81 of title 5, United States Code (relating to compensation for work injuries).".

SEC. 116. TECHNICAL CORRECTIONS RELATING TO COURTS.

(a) IN GENERAL.—Section 329 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1345), is amended to read as follows:

"SEC. 329. (a) APPROVAL OF BONDS BY JOINT COMMITTEE ON JUDICIAL ADMINISTRATION.—Section 11–1701(b), District of Columbia Official Code, is amended by striking paragraph (5).

"(b) EXECUTIVE OFFICER.—

"(1) IN GENERAL.—Section 11-1704, District of Columbia Official Code, is amended to read as follows:

'§11—1704. Oath of Executive Officer

'The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of that office.'.

"(2) CLERICAL AMENDMENT.—The table of sections for chapter 17 of title 11, District of Columbia Official Code, is amended by amending the item relating to section 11-1704 to read as follows:

'11—1704. Oath of Executive Officer.'.

"(c) FISCAL OFFICER.—Section 11-1723, District of Columbia Official Code, is amended—

"(1) by striking '(a)(1)' and inserting '(a)';

"(2) by striking subsection (b); and

"(3) by redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c).

"(d) AUDITOR-MASTER.—Section 11-1724, District of Columbia Official Code, is amended by striking the second and third sentences.

"(e) REGISTER OF WILLS.—

"(1) IN GENERAL.—Section 11–2102, District of Columbia Official Code, is amended—

"(A) in the heading, by striking '**bond**;';

"(B) in subsection (a)(2), by striking 'give bond,' and all that follows through 'seasonably to record' and inserting 'seasonably record'; and

"(C) by striking the third sentence of subsection (a).

"(2) CLERICAL AMENDMENT.—The item relating to section 11–2102 in the table of sections for chapter 21 of title 11, District of Columbia Official Code, is amended by striking 'bond;'.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 17 of title 11, District of Columbia Official Code, is amended by amending the item relating to section 11–1728 to read as follows:

"11—1728. Recruitment and training of personnel; travel."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

Subtitle C—Other Miscellaneous Technical Corrections

SEC. 121. 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT.

(a) In General.—The first sentence of section 446(a) of the District of Columbia Home Rule Act (sec. 1-204.46(a), D.C. Official Code) is amended by striking "The Council," and all that follows through "from the Mayor," and inserting "The Council, within 56 calendar days after receipt of the budget proposal from the Mayor,".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of the 2004 District of Columbia Omnibus Authorization Act.

SEC. 122. DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005.

(a) In General.—Section 450A of the District of Columbia Home Rule Act (sec. 1–204.50A, D.C. Official Code), as amended by section 332 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1346), is amended—

(1) in the heading of subsection (a)(2), by striking "In general" and inserting "Operating expenditures defined"; and

(2) in the heading of subsection (b)(2), by striking "In general" and inserting "Operating expenditures defined".

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO BANKS OPERATING UNDER THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

(a) Federal Reserve Act.—

(1) The second undesignated paragraph of the first section of the Federal Reserve Act (12 U.S.C. 221) is amended by adding at the end the following: "For purposes of this Act, a State bank includes any bank which is operating under the Code of Law for the District of Columbia.".

(2) The first sentence of the first undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) is amended by striking "incorporated by special law of any State, or" and inserting "incorporated by special law of any State, operating under the Code of Law for the District of Columbia, or".

(b) Bank Conservation Act.—Section 202 of the Bank Conservation Act (12 U.S.C. 202) is amended—

(1) by striking "means (1) any national" and inserting "means any national"; and

(2) by striking ", and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency".

(c) Depository Institution Deregulation and Monetary Control Act of 1980.—Part C of title VII of the Depository Institution Deregulation and Monetary Control Act of 1980 is amended—

(1) in paragraph (1) of section 731 (12 U.S.C. 216(1)) by striking "and closed banks in the District of Columbia"; and

(2) in paragraph (2) of section 732 (12 U.S.C. 216a(2)) by striking "or closed banks in the District of Columbia".

(d) Federal Deposit Insurance Act.—Section 3(a)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)(2)(B)) is amended by striking "(except a national bank)".

(e) National Bank Consolidation and Merger Act.—Section 7(1) of the National Bank Consolidation and Merger Act (12 U.S.C. 215b(1)) is amended by striking "(except a national banking association located in the District of Columbia)".

(f) An Act of August 17, 1950.—Section 1(a) of the Act entitled "An Act to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes" and approved August 17, 1950 (12 U.S.C. 214(a)) is amended by striking "(except a national banking association)".

(g) Federal Trade Commission Act.—Section 18(f)(2) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(2)) is amended—

(1) in subparagraph (A), by striking ", banks operating under the code of law for the District of Columbia,"; and

(2) in subparagraph (B), by striking "and banks operating under the code of law for the District of Columbia".

TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

SEC. 201. PROMOTING INDEPENDENCE OF CHIEF FINANCIAL OFFICER.

(a) In General.—Section 424 of the District of Columbia Home Rule Act (sec. 1–204.24a et seq., D.C. Official Code) is amended to read as follows:

"CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

"Sec. 424. (a) In General.—

"(1) Establishment.—There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the 'Office'), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the 'Chief Financial Officer').

"(2) Organizational analysis.—

"(A) Office of budget and planning.—The name of the Office of Budget and Management, established by Commissioner's Order 69–96, issued March 7, 1969, is changed to the Office of Budget and Planning.

"(B) Office of tax and revenue.—The name of the Department of Finance and Revenue, established by Commissioner's Order 69–96, issued March 7, 1969, is changed to the Office of Tax and Revenue.

"(C) Office of finance and treasury.—The name of the Office of Treasurer, established by Mayor's Order 89–244, dated October 23, 1989, is changed to the Office of Finance and Treasury.

"(D) Office of financial operations and systems.—The Office of the Controller, established by Mayor's Order 89–243, dated October 23, 1989, and the Office of Financial Information Services, established by Mayor's Order 89–244, dated October 23, 1989, are consolidated into the Office of Financial Operations and Systems.

"(3) Transfers.—Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are established as subordinate offices within the Office:

"(A) The Office of Budget and Planning, headed by the Deputy Chief Financial Officer for the Office of Budget and Planning.

"(B) The Office of Tax and Revenue, headed by the Deputy Chief Financial Officer for the Office of Tax and Revenue.

"(C) The Office of Research and Analysis, headed by the Deputy Chief Financial Officer for the Office of Research and Analysis.

"(D) The Office of Financial Operations and Systems, headed by the Deputy Chief Financial Officer for the Office of Financial Operations and Systems.

"(E) The Office of Finance and Treasury, headed by the District of Columbia Treasurer.

"(F) The Lottery and Charitable Games Control Board, established by the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1301 et seq.).

"(4) Supervisor.—The heads of the offices listed in paragraph (3) of this section shall serve at the pleasure of the Chief Financial Officer.

"(5) Appointment and removal of office employees.—The Chief Financial Officer shall appoint the heads of the subordinate offices designated in paragraph (3), after consultation with the Mayor and the Council. The Chief Financial Officer may remove the heads of the offices designated in paragraph (3), after consultation with the Mayor and the Council.

"(6) Annual budget submission.—The Chief Financial Officer shall prepare and annually submit to the Mayor of the District of Columbia, for inclusion in the annual budget of the District of Columbia government for a fiscal year, annual estimates of the expenditures and appropriations necessary for the year for the operation of the Office and all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies) that report to the Office pursuant to this Act.

"(b) Appointment of the Chief Financial Officer.—

"(1) Appointment.—

"(A) In general.—The Chief Financial Officer shall be appointed by the Mayor with the advice and consent, by resolution, of the Council. Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the appointment takes effect.

"(B) Special rule for control years.—During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

"(i) Prior to the appointment, the Authority may submit recommendations for the appointment to the Mayor.

"(ii) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

"(iii) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under clause (ii), the Mayor shall notify the Authority of the nomination.

"(iv) The nomination shall be effective subject to approval by a majority vote of the Authority.

"(2) Term.—

"(A) In general.—All appointments made after June 30, 2007, shall be for a term of 5 years, except for appointments made for the remainder of unexpired terms. The appointments shall have an anniversary date of July 1.

"(B) Transition.—For purposes of this section, the individual serving as Chief Financial Officer as of the date of enactment of the 2005 District of Columbia Omnibus Authorization Act shall be deemed to have been appointed under this subsection, except that such individual's initial term of office shall begin upon such date and shall end on June 30, 2007.

“(C) CONTINUANCE.—Any Chief Financial Officer may continue to serve beyond his term until a successor takes office.

“(D) VACANCIES.—Any vacancy in the Office of Chief Financial Officer shall be filled in the same manner as the original appointment under paragraph (1).

“(E) PAY.—The Chief Financial Officer shall be paid at an annual rate equal to the rate of basic pay payable for level I of the Executive Schedule.

“(c) REMOVAL OF THE CHIEF FINANCIAL OFFICER.—

“(1) IN GENERAL.—The Chief Financial Officer may only be removed for cause by the Mayor, subject to the approval of the Council by a resolution approved by not fewer than 2/3 of the members of the Council. After approval of the resolution by the Council, notice of the removal shall be submitted to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the removal takes effect.

“(2) SPECIAL RULE FOR CONTROL YEARS.—During a control year, the Chief Financial Officer may be removed for cause by the Authority or by the Mayor with the approval of the Authority.

“(d) DUTIES OF THE CHIEF FINANCIAL OFFICER.—Notwithstanding any provisions of this Act which grant authority to other entities of the District government, the Chief Financial Officer shall have the following duties and shall take such steps as are necessary to perform these duties:

“(1) During a control year, preparing the financial plan and the budget for the use of the Mayor for purposes of subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

“(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D and preparing the 5-year financial plan based upon the adopted budget for submission with the District of Columbia budget by the Mayor to Congress.

“(3) During a control year, assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

“(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Chief Financial Officer's authority, to ensure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis and to ensure that appropriations are not exceeded.

“(5) Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year, and making public—

“(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D of this title, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

“(B) quarterly re-estimates of the revenues of the District of Columbia during the year.

“(6) Supervising and assuming responsibility for financial transactions to ensure adequate control of revenues and resources.

“(7) Maintaining systems of accounting and internal control designed to provide—

“(A) full disclosure of the financial impact of the activities of the District government;

“(B) adequate financial information needed by the District government for management purposes;

“(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

“(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget.

“(8) Submitting to the Council a financial statement of the District government, containing such details and at such times as the Council may specify.

“(9) Supervising and assuming responsibility for the assessment of all property subject to assessment and special assessments within the corporate limits of the District of Columbia for taxation, preparing tax maps, and providing such notice of taxes and special assessments (as may be required by law).

“(10) Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).

“(11) Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District government), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council (or by the Authority during a control year).

“(12) Maintaining custody of all investment and invested funds of the District government or in possession of the District government in a fiduciary capacity, and maintaining the safekeeping of all bonds and notes of the District government and the receipt and delivery of District government bonds and notes for transfer, registration, or exchange.

“(13) Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.

“(14) Certifying all contracts and leases (whether directly or through delegation) prior to execution as to the availability of funds to meet the obligations expected to be incurred by the District government under such contracts and leases during the year.

“(15) Prescribing the forms of receipts, vouchers, bills, and claims to be used by all agencies, offices, and instrumentalities of the District government.

“(16) Certifying and approving prior to payment of all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.

“(17) In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.

“(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer.

“(19) Supervising and administering all borrowing programs for the issuance of long-term and short-term indebtedness, as well as other financing-related programs of the District government.

“(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

“(21) Administering the centralized District government payroll and retirement systems (other than the retirement system for police officers, fire fighters, and teachers).

“(22) Governing the accounting policies and systems applicable to the District government.

“(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

“(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).

“(25) Preparing fiscal impact statements on regulations, multiyear contracts, contracts over $1,000,000 and on legislation, as required by section 4a of the General Legislative Procedures Act of 1975.

“(26) Preparing under the direction of the Mayor, who has the specific responsibility for formulating budget policy using Chief Financial Officer technical and human resources, the budget for submission by the Mayor to the Council and to the public and upon final adoption to Congress and to the public.

“(27) Certifying all collective bargaining agreements and nonunion pay proposals prior to submission to the Council for approval as to the availability of funds to meet the obligations expected to be incurred by the District government under such collective bargaining agreements and nonunion pay proposals during the year.

“(e) FUNCTIONS OF TREASURER.—At all times, the Treasurer shall have the following duties:

“(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Each such report shall include the following:

“(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

"(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

"(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

"(D) Monthly reports reflecting a detailed summary analysis of all District of Columbia government investments, including—

"(i) the total of long-term and short-term investments;

"(ii) a detailed summary analysis of investments by type and amount, including purchases, sales (maturities), and interest;

"(iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;

"(iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information; and

"(v) an analysis of cash utilization, including—

"(I) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

"(II) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and

"(III) comparisons of estimated dollar return against actual dollar yield.

"(E) Monthly reports reflecting a detailed summary analysis of long-term and short-term borrowings inclusive of debt as authorized by section 603, in the current fiscal year and the amount of debt for each succeeding fiscal year not to exceed 5 years. All such reports shall reflect—

"(i) the amount of debt outstanding by type of instrument;

"(ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;

"(iii) a maturity schedule of the debt;

"(iv) the rate of interest payable upon the debt; and

"(v) the amount of debt service requirements and related debt service reserves.

"(2) Such other functions assigned to the Chief Financial Officer under subsection (d) as the Chief Financial Officer may delegate.

"(f) DEFINITIONS.—For purposes of this section (and sections 424a and 424b)—

"(1) the term 'Authority' means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

"(2) the term 'control year' has the meaning given such term under section 305(4) of such Act; and

"(3) the term 'District government' has the meaning given such term under section 305(5) of such Act. ".

(b) CLARIFICATION OF DUTIES OF CHIEF FINANCIAL OFFICER AND MAYOR.—

(1) RELATION TO FINANCIAL DUTIES OF MAYOR.—Section 448(a) of such Act (section 1–204.48(a), D.C. Official Code) is amended by striking "section 603," and inserting "section 603 and except to the extent provided under section 424(d),".

(2) RELATION TO MAYOR'S DUTIES REGARDING ACCOUNTING SUPERVISION AND CONTROL.—Section 449 of such Act (section 1–204.49, D.C. Official Code) is amended by striking "The Mayor" and inserting "Except to the extent provided under section 424(d), the Mayor".

SEC. 202. PERSONNEL AUTHORITY.

(a) PROVIDING INDEPENDENT PERSONNEL AUTHORITY .—

(1) IN GENERAL.—Part B of title IV of the District of Columbia Home Rule Act is amended by adding at the end the following new section:

"AUTHORITY OF CHIEF FINANCIAL OFFICER OVER PERSONNEL OF OFFICE AND OTHER FINANCIAL PERSONNEL

"SEC. 424a. (a) IN GENERAL.—Notwithstanding any provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement), employees of the Office of the Chief Financial Officer of the District of Columbia, including personnel described in subsection (b), shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer of the District of Columbia, and shall be considered at-will employees not covered by the District of Columbia Merit Personnel Act of 1978, except that nothing in this section may be construed to prohibit the Chief Financial Officer from entering into a collective bargaining agreement governing such employees and personnel or to prohibit the enforcement of such an agreement as entered into by the Chief Financial Officer.

"(b) PERSONNEL.—The personnel described in this subsection are as follows:

"(1) The General Counsel to the Chief Financial Officer and all other attorneys in the Office of the General Counsel within the Office of the Chief Financial Officer of the District of Columbia, together with all other personnel of the Office.

"(2) All other individuals hired or retained as attorneys by the Chief Financial Officer or any office under the personnel authority of the Chief Financial Officer, each of whom shall act under the direction and control of the General Counsel to the Chief Financial Officer.

"(3) The heads and all personnel of the subordinate offices of the Office (as described in section 424(a)(2) and established as subordinate offices in section 424(a)(3)) and the Chief Financial Officers, Agency Fiscal Officers, and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (in accordance with subsection (c)), together with all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies, but not including personnel of the legislative or judicial branches of the District government).

"(c) APPOINTMENT OF CERTAIN EXECUTIVE BRANCH AGENCY CHIEF FINANCIAL OFFICERS.—

"(1) IN GENERAL.—The Chief Financial Officers and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (other than those of a subordinate office of the Office) shall be appointed by the Chief Financial Officer, in consultation with the agency head, where applicable. The appointment shall be made from a list of qualified candidates developed by the Chief Financial Officer.

"(2) TRANSITION.—Any executive branch agency Chief Financial Officer appointed prior to the date of enactment of the 2005 District of Columbia Omnibus Authorization Act may continue to serve in that capacity without reappointment.

"(d) INDEPENDENT AUTHORITY OVER LEGAL PERSONNEL.—Title VIII–B of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–608.51 et seq., D.C. Official Code) shall not apply to the Office of the Chief Financial Officer or to attorneys employed by the Office."

(2) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Home Rule Act is amended by adding at the end the following new item:

"Sec. 424a. Authority of Chief Financial Officer over personnel of Office and other financial personnel.".

(b) CONFORMING AMENDMENT.—Section 862 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–260; D.C. Official Code § 1–608.62) is amended by striking paragraph (2).

SEC. 203. PROCUREMENT AUTHORITY.

(a) PROVIDING INDEPENDENT AUTHORITY TO PROCURE GOODS AND SERVICES.—

(1) IN GENERAL.—Part B of title IV of the District of Columbia Home Rule Act, as amended by section 203(a)(1), is further amended by adding at the end the following new section:

"PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL OFFICER

"SEC. 424b. The Chief Financial Officer shall carry out procurement of goods and services for the Office of the Chief Financial Officer through a procurement office or division which shall operate independently of, and shall not be governed by, the Office of Contracting and Procurement established under the District of Columbia Procurement Practices Act of 1986 or any successor office, except the provisions applicable under such Act to procurement carried out by the Chief Procurement Officer established by section 105 of such Act or any successor office shall apply with respect to the procurement carried out by the Chief Financial Officer's procurement office or division.".

(2) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Home Rule Act, as amended by section 203(a)(2), is further amended by adding at the end following new item:

"Sec. 424b. Procurement authority of the Chief Financial Officer.".

(b) CONFORMING AMENDMENTS.—

(1) PROCUREMENT PRACTICES ACT.—Section 104 of the District of Columbia Procurement Practices Act of 1985 (sec. 2–301.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ", and the District of Columbia Financial Responsibility and Management Assistance Authority" and inserting the following: "the District of Columbia Financial Responsibility and Management Assistance Authority, and (to the extent described in section 424b of the District of Columbia Home Rule Act) the Office of the Chief Financial Officer of the District of Columbia"; and

(B) in subsection (c), by striking the second and third sentences.

(2) OTHER CONFORMING AMENDMENT.—Section 132 of the District of Columbia Appropriations Act, 2006 (Public Law 109–115) is hereby repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 6 months after the date of enactment of this Act.

SEC. 204. FISCAL IMPACT STATEMENTS.

The General Legislative Procedures Act of 1975 (sec. 1-301.45 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"FISCAL IMPACT STATEMENTS

"SEC. 4a. (a) BILLS AND RESOLUTIONS.—

"(1) IN GENERAL.—Notwithstanding any other law, except as provided in subsection (c), all permanent bills and resolutions shall be accompanied by a fiscal impact statement before final adoption by the Council.

"(2) CONTENTS.—The fiscal impact statement shall include the estimate of the costs which will be incurred by the District as a result of the enactment of the measure in the current and each of the first four fiscal years for which the act or resolution is in effect, together with a statement of the basis for such estimate.

"(b) APPROPRIATIONS.—Permanent and emergency acts which are accompanied by fiscal impact statements which reflect unbudgeted costs, shall be subject to appropriations prior to becoming effective.

"(c) APPLICABILITY.—Subsection (a) shall not apply to emergency declaration, ceremonial, confirmation, and sense of the Council resolutions.".

TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS PROVISIONS

SEC. 301. ACCEPTANCE OF GIFTS BY COURT SERVICES AND OFFENDER SUPERVISION AGENCY.

(a) AUTHORITY TO ACCEPT GIFTS.—Section 11233(b) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–133(b), D.C. Official Code) is amended by adding at the end the following new paragraphs:

"(3) ACCEPTANCE OF GIFTS.—

"(A) AUTHORITY TO ACCEPT GIFTS.—During fiscal years 2006 through 2008, the Director may accept and use gifts in the form of—

"(i) in-kind contributions of space and hospitality to support offender and defendant programs; and

"(ii) equipment and vocational training services to educate and train offenders and defendants.

"(B) RECORDS.—The Director shall keep accurate and detailed records of the acceptance and use of any gifts under subparagraph (A), and shall make such records available for audit and public inspection.

"(4) REIMBURSEMENT FROM DISTRICT GOVERNMENT.—During fiscal years 2006 through 2008, the Director may accept and use reimbursement from the District government for space and services provided, on a cost reimbursable basis.".

(b) AUTHORITY OF PUBLIC DEFENDER SERVICE TO CHARGE FEES FOR EVENT MATERIALS.—Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607, D.C. Official Code) is amended by adding at the end the following new subsection:

"(d) During fiscal years 2006 through 2008, the Service may charge fees to cover the costs of materials distributed to attendees of educational events, including conferences, sponsored by the Service. Notwithstanding section 3302 of title 31, United States Code, any amounts received as fees under this subsection shall be credited to the Service and available for use without further appropriation.".

SEC. 302. EVALUATION PROCESS FOR PUBLIC SCHOOL EMPLOYEES.

Title XVII of the District of Columbia Merit Personnel Act of 1978 (sec. 1-617.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL EMPLOYEES.

"Notwithstanding any other provision of law, rule, or regulation, during fiscal year 2006 and each succeeding fiscal year the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.".

SEC. 303. CLARIFICATION OF APPLICATION OF PAY PROVISIONS OF MERIT PERSONNEL SYSTEM TO ALL DISTRICT EMPLOYEES.

(a) DISTRICT OF COLUMBIA HOME RULE ACT.—The fourth sentence of section 422(3) of the District of Columbia Home Rule Act (sec. 1-204.42(3), D.C. Official Code) is amended by striking "The system may provide" and inserting the following: "The system shall apply with respect to the compensation of employees of the District government during fiscal year 2006 and each succeeding fiscal year, except that the system may provide".

(b) TITLE 5, UNITED STATES CODE.—Section 5102 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(e) Except as may be specifically provided, this chapter does not apply for pay purposes to any employee of the government of the District of Columbia during fiscal year 2006 or any succeeding fiscal year.".

SEC. 304. CRITERIA FOR RENEWING OR EXTENDING SOLE SOURCE CONTRACTS.

Section 305 of the District of Columbia Procurement Practices Act of 1985 (sec. 2-303.05, D.C. Official Code) is amended by adding at the end the following new subsection:

"(b) During fiscal years 2006 through 2008, a procurement contract awarded through noncompetitive negotiations in accordance with subsection (a) may be renewed or extended only if the Chief Financial Officer of the District of Columbia reviews the contract and certifies that the contract was renewed or extended in accordance with duly promulgated rules and procedures.".

SEC. 305. ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN ANNUAL BUDGET.

(a) AUTHORITY TO ACCEPT, OBLIGATE, AND EXPEND AMOUNTS.—Subpart 1 of part D of title IV of the District of Columbia Home Rule Act (sec. 1–204.41 et seq., D.C. Official Code), as amended by section 101(a), is amended by inserting after section 446A the following new section:

"ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN ANNUAL BUDGET

"SEC. 446B. (a) AUTHORITY TO ACCEPT, OBLIGATE, AND EXPEND AMOUNTS.—Notwithstanding the fourth sentence of section 446, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the budget approved by Act of Congress as provided in such section.

"(b) CONDITIONS.—

"(1) ROLE OF CHIEF FINANCIAL OFFICER; APPROVAL BY COUNCIL.—No Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

"(A) the Chief Financial Officer submits to the Council a report setting forth detailed information regarding such grant; and

"(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

"(2) DEEMED APPROVAL BY COUNCIL.—For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

"(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

"(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

"(c) NO OBLIGATION OR EXPENDITURE PERMITTED IN ANTICIPATION OF RECEIPT OR APPROVAL.—No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

"(d) ADJUSTMENTS TO ANNUAL BUDGET.—The Chief Financial Officer may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts provided in the budget approved by Act of Congress under section 446, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

"(e) REPORTS.—The Chief Financial Officer shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

"(f) EFFECTIVE DATE.—This section shall apply with respect to fiscal years 2006 through 2008.".

(b) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 1-204.46, D.C. Official Code), as amended by section 101(b), is amended by inserting "section 446B," after "section 446A,".

(c) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 101(c), is amended by inserting after the item relating to section 446A the following new item:

"Sec. 446B. Acceptance of grant amounts not included in annual budget.".

SEC. 306. STANDARDS FOR ANNUAL INDEPENDENT AUDIT.

Section 448 of the District of Columbia Home Rule Act (sec. 1-204.48, D.C. Official Code) is amended—

(1) in subsection (a)(4), by striking the semicolon at the end and inserting the following: ", as audited by the Inspector General of the District of Columbia in accordance with subsection (c) in the case of fiscal years 2006 through 2008;"; and

(2) by adding at the end the following new subsection:

"(c) The financial statement and report for a fiscal year prepared and submitted for purposes of subsection (a)(4) shall be audited by the Inspector General of the District of Columbia (in coordination with the Chief Financial Officer of the District of Columbia) pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of

1985, and shall include as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.".

SEC. 307. USE OF FINES IMPOSED FOR VIOLATION OF TRAFFIC ALCOHOL LAWS FOR ENFORCEMENT AND PROSECUTION OF LAWS.

Section 10(b)(3) of the District of Columbia Traffic Act, 1925 (sec. 50–2201.05(b)(3), D.C. Official Code) is amended to read as follows:

"(3) Notwithstanding any other provision of law, all fines imposed and collected pursuant to this subsection during fiscal year 2006 and each succeeding fiscal year shall be transferred to the General Fund of the District of Columbia, shall be used by the District of Columbia exclusively for the enforcement and prosecution of the District traffic alcohol laws, and shall remain available until expended. ".

SEC. 308. CERTIFICATIONS FOR ATTORNEYS IN CASES BROUGHT UNDER INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) RESPONSIBILITIES OF CHIEF FINANCIAL OFFICER.—Section 424(d) of the District of Columbia Home Rule Act (sec. 1–204.24(d), D.C. Official Code), as amended by section 201(a), is amended by adding at the end the following new paragraph:

"(28) With respect to attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia during fiscal year 2006 and each succeeding fiscal year—

"(A) requiring such attorneys to certify in writing that the attorney or representative of the attorney rendered any and all services for which the attorney received an award in such a case, including those received under a settlement agreement or as part of an administrative proceeding, from the District of Columbia;

"(B) requiring such attorneys, as part of the certification under subparagraph (A), to disclose any financial, corporate, legal, membership on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients in any such cases; and

"(C) preparing and submitting quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to such attorneys.".

(b) INVESTIGATIONS BY INSPECTOR GENERAL.—Section 208(a)(3) of the District of Columbia Procurement Practices Act of 1985 (sec. 2–302.08(a)(3), D.C. Official Code) is amended by adding at the end the following new subparagraph:

"(J) During fiscal year 2006 and each succeeding fiscal year, conduct investigations to determine the accuracy of certifications made to the Chief Financial Officer of the District of Columbia under section 424(d)(28) of the District of Columbia Home Rule Act of attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 3508, the 2005 District of Columbia Omnibus Authorization Act, introduced in July by Chairman TOM DAVIS and Congresswoman NORTON and approved by the Committee on Government Reform in September of this year.

This is the second year in a row that Congress has moved an omnibus authorization bill for the District. The purpose of H.R. 3508 is to provide a process by which Congress works with the District to consider annually or biannually any changes that need to be made to Federal laws regarding the District.

H.R. 3508 contains many provisions that will help the District manage its operations more effectively. Also, the legislation will help Congress in its oversight of the affairs of the Nation's capital by permanently creating a D.C. Chief Financial Officer, which will be fully accountable to this Congress, and I urge my colleagues to support H.R. 3508.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume, and I thank my friend from Nevada for sitting in for our good friend, the chair of the committee, Mr. DAVIS, who has worked so closely with me on the 2005 District of Columbia Omnibus Authorization Act on a home rule basis. I thank Chairman DAVIS also for getting this important bill to the floor before we adjourn this month and for his leadership on the bill.

The D.C. Omnibus Authorization Act is a welcome committee innovation designed to achieve greater efficiency in considering District of Columbia matters, most of which are of little importance or concern to Congress but must come here only because they, or similar issues, appear in the D.C. City Charter and cannot become D.C. law until sanctioned by congressional action. It is very wasteful, but that is the way it operates.

All of the provisions in this bill have been passed or approved by the District of Columbia. Of the many provisions in the act, three are particularly important: One, a provision allowing greater budget flexibility for the City to carry out necessary business; two, a section permitting the District to spend more of its reserve funds; and, three, strengthening the Chief Financial Officer.

First, the bill alters a semiannual requirement that the District come to Congress to become part of the Federal supplemental before the City may spend taxing revenue that is collected from District of Columbia taxpayers after the annual appropriation bill has been enacted.

I am grateful that the appropriators, Chairmen LEWIS and COCHRAN, and District of Columbia chairs and ranking members KNOLLENBERG, OLVER, BROWNBACK and LANDRIEU have agreed with the authorizers that this change is beneficial both to the Congress and to the District.

Although funds inevitably come in to any local jurisdiction or any State all year as taxes are paid by residents and businesses, D.C. cannot spend these funds for vital services, even though similar expenditures have been approved by Congress in the prior appropriation bill. This limitation applies to any unauthorized amount, even bonds the City must issue.

We saw the perils of this requirement when there was a fear that the District's bonds for the baseball stadium would be held up.

□ 1930

The press, seeing the D.C. baseball stadium in the 2005 war supplemental, repeatedly and gleefully reported that Congress, not D.C., was building a baseball stadium and had put this provision in a vital bill intended to fund defense. This provision also removes the possibility of such unintended effect.

Of great importance to the greater flexibility of both governments, this section moves the District of Columbia toward the long-time goal of budget autonomy over its own taxpayer-raised funds because it allows the District to spend up to 6 percent of its own money between appropriation bills without coming back to Congress midyear during the supplemental process I have just described.

Under existing law and constitutional interpretation, congressional jurisdiction to change any D.C. matter remains, as always, under this provision, and under this provision Congress loses nothing while the District of Columbia gains much that is necessary to run a big city.

Second, because of its prudence, the District now has emergency reserve and contingency funds that would be the envy of most jurisdictions, and Congress has reinforced these savings with unique requirements not found anywhere else in this country. In the meantime, residents watch the neglect of basic services while the District grows an ever-larger reserve fund that cannot be tapped for any reason. There is special outrage that many of our children attend dilapidated public schools, some as old as I am and that I remember well when I was in school here as a child. This provision authorizes the District to borrow up to 50 percent of the fund balance from the emergency and contingency reserve funds through the end of 2007 provided that the fund is reimbursed within 9 months of the borrowing or by the end of the fiscal year in which the money is borrowed.

Third, although the city's financial officer is a city, and not a Federal, official and is appointed by the Mayor, the provision for this office is in the charter. Therefore, even the pending D.C. Council action to strengthen the CFO needs congressional sanction, even though the provision makes an already strong official even more independent by giving him a term of 5 years with dismissal only for cause by the Mayor subject to the approval of the council by resolution approved by at least two-thirds of its members.

The bill also confirms the CFO's personnel and procurement authority under D.C. law and confirms that the collective bargaining rights of CFO employees are preserved.

Finally, an important provision bears mentioning because it helps preserve the justice system in case of emergency. This provision allows the District courts to conduct business outside of the district in case of an emergency. I appreciate that the House has moved this important bill forward so it may obtain early passage in the Senate where its provisions have strong support.

Madam Speaker, I strongly urge my colleagues to support this bill.

Mr. TOM DAVIS of Virginia. Mr. Speaker, please include the attached exchange of letters between Chairman MICHAEL G. OXLEY of the Committee on Financial Services and myself in the CONGRESSIONAL RECORD at the end of the debate on H.R. 3508 under general leave.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, December 12, 2005.
Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: On September 15, 2005, the Committee on Government Reform ordered reported to the House H.R. 3508, the 2005 District of Columbia Omnibus Authorization Act. Thank you for consulting with the Committee on Financial Services on those matters in H.R. 3508 within the jurisdiction of this Committee, especially the provisions in section 123 making technical and conforming amendments relating to banks operating under the District of Columbia Code. I am writing to confirm our mutual understanding with respect to the further consideration of H.R. 3508. This bill will be considered by the House shortly.

As a result of this consultation and in the interest of expediting the House's consideration of H.R. 3508, the Committee on Financial Services did not request a sequential referral of the bill. However, the Committee did so only with the understanding that this procedural route will not prejudice the Committee's jurisdictional interest and its prerogatives with respect to this bill or similar legislation. I respectfully request your support for an appropriate appointment of outside conferees from this Committee in the event of a House-Senate conference.

Finally, I request that a copy of this letter and your response be included in the Congressional Record during the floor consideration of this bill. Thank you again for your assistance.

Yours truly,
MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, December 13, 2005.
Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding H.R. 3508, the 2005 District of Columbia Omnibus Authorization Act. I appreciate your assistance and your willingness to expedite the consideration of this bill.

I agree that the provisions in section 123 making technical and conforming amendments to banks operating under the District of Columbia Code are within the jurisdiction of the Committee on Financial Services. I also agree that your willingness to waive a sequential referral request does not prejudice the Financial Services Committee's jurisdictional interest and its prerogatives with respect to this bill or similar legislation. I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,
TOM DAVIS,
Chairman.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

Mr. PORTER. Madam Speaker, I urge all Members to support passage of H.R. 3508, as amended; and I yield back the balance of my time.

The SPEAKER pro tempore (Miss MCMORRIS). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and pass the bill, H.R. 3508, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE THAT SYMBOLS AND TRADITIONS OF CHRISTMAS SHOULD BE PROTECTED

Mr. PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 579) expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected, as amended.

The Clerk read as follows:

H. RES. 579

Whereas, Christmas is a national holiday celebrated on December 25; and

Whereas the Framers intended that the First Amendment to the Constitution of the United States would prohibit the establishment of religion, not prohibit any mention of religion or reference to God in civic dialog: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of the symbols and traditions of Christmas;

(2) strongly disapproves of attempts to ban references to Christmas; and

(3) expresses support for the use of these symbols and traditions, for those who celebrate Christmas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 579, which would express the sense of the House of Representatives that the symbols and traditions of Christmas should be protected.

Each year during the month of December, thousands of homes across America are decorated with Christmas trees, lights and festive wreaths. Christmas is the most widely celebrated festival in the world, with traditions and customs that originated long ago and still are very much alive today.

Christmas has long been for giving and sharing and for coming together with family and friends. The tradition is a celebration of the spirit of love which is what makes this holiday so popular throughout the world. I urge all Members to come together to support and protect the pastime and traditions of a holiday that many of us hold very dear.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that I be able to yield 10 minutes of my time to the gentleman from New York (Mr. ACKERMAN) and that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, H. Res. 579 expresses the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for those who celebrate Christmas. While this resolution focuses on the symbols and traditions of Christmas, it gives this body an opportunity to consider the lessons of Christmas.

The story of Christmas is about a child whose conception was, to say the least, unusual and whose birth was under the most lowly of circumstances. This was a child who lived among and served the needy and the poor. This is the lesson of Christmas. Though we have modern-day symbols of Christmas, Christmas is not only about beautifully decorated pine trees and gift-wrapped boxes that lie beneath them. Christmas is about goodwill and peace on Earth. It is about tolerance; it is about providing for the less fortunate among us.

We cannot debate H. Res. 579 without considering how our policies address homelessness, the uninsured, the poor, the sick, and the suffering. Yes, we have Christmas symbols and traditions, but what do they really represent if we do not first embrace the spirit and true meaning of Christmas: love, peace, tolerance, compassion, goodwill, and hope for the future. Those are the true expressions of Christmas.

Madam Speaker, I reserve the balance of my time.

Mr. PORTER. Madam Speaker, I yield such time as she may consume to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise today in support of my resolution, H. Res. 579, as amended, expressing the sense of Congress that the symbols and traditions of Christmas should be protected for those who celebrate Christmas and that references to Christmas should be supported.

This measure simply states congressional support for traditional references to Christmas that I believe are being eradicated from the public dialogue.

Madam Speaker, this is a very busy week in Congress; and we are working on some very important measures that impact our Nation. So with that said, some may question the importance of this resolution in light of other national priorities that we are addressing this week, but this resolution is important because it defends the traditions of Christmas for those who celebrate Christmas. It is unfortunate that a congressional resolution is even needed to do this. It is unfortunate that we have had to come to this point.

Christmas has been declared politically incorrect. Any sign or even mention of Christmas in public can lead to complaints, litigation, protest, and threats. America's favorite holiday is being twisted beyond recognition. The push towards a neutered "holiday" season is stronger than ever so that no one can be even the slightest bit offended.

Madam Speaker, overzealous civil liberties lawyers are making their list and checking it twice. Change the Christmas tree to a Friendship tree, check. Change "We Wish You a Merry Christmas" to "We Wish You a Happy Holiday," check. Remove the colors green and red, check. Get rid of Christmas music, even instrumental, check.

When did wishing someone a Merry Christmas show insensitivity? According to a recent poll, 96 percent of Americans celebrate Christmas. In an effort to create a generic holiday starting at Thanksgiving and ending at New Year's, what are we exactly celebrating?

The purpose of celebrating the Fourth of July is to celebrate our Nation's independence. Why is it not reasonable to say that celebrating Christmas is a celebration of Christ's birth?

This is a selective assault on religious free speech which is a fundamental right. The Founders did not view celebrating Christmas as an issue of church versus State. It is celebrating a holiday that has for thousands of years been celebrated. The framers intended that the first amendment to the Constitution of the United States would prohibit the establishment of religion, not prohibit any mention of religion or reference to God in civic dialogue.

From Madison Avenue to Wall Street, from activists and lawyers to politicians, educators and the media, a culture is being created that shames people for saying Merry Christmas.

Ironically, many retailers, the same group who flood our mailboxes with catalogs and advertisements urging us to purchase gifts for Christmas, have done away with the Christmas greeting Merry Christmas in their stores. Employees have been told not to say Merry Christmas to customers. This is political correctness run amok.

The attack on Christmas, while not new, has now shifted its focus from overtly religious symbols, like the nativity, to symbols regarded by most Americans, including the Supreme Court, to be secular symbols of Christmas, a federally recognized holiday. Now these innocent secular symbols are causing concerns of insensitivity. Santa Claus, Christmas trees, candy canes, Christmas carols, even the colors red and green, they have been place on the endangered list.

They say to boil a frog you have to do it gradually because if you throw it into boiling water, it will jump out; but if you put the frog in cold water and gradually turn up the heat, the frog will never know he is being boiled until it is too late, and I am afraid that is what is happening to us with our Christmas holiday.

Madam Speaker, the transition to replace Christmas with this vague "holiday season" is a gradual process that over the past few years has reached a new crescendo. Let us protect the symbols and traditions of Christmas for those who celebrate Christmas, or before we know it, we will be looking at a holiday season that represents nothing and celebrates anything.

I for one do not want to surrender and let retailers, overzealous civil liberty lawyers, and the media make me feel guilty for wishing someone a Merry Christmas. For generations, Christmas has been a public expression of the celebration of the birth of Christ. I hope we can say that for many more years to come.

With that, Madam Speaker, I wish you a Merry Christmas.

Mr. ACKERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first, let me assure the gentlewoman from Virginia that I know she comes to the floor with a pure heart and with every good intention. Let me also assure her that I am not the Grinch that stole the Christmas tree ornaments.

That being said, I really do not understand what we are doing today. I do not understand why we need to set up a straw man just to knock it down, to protect the symbols of Christmas as if they were under attack. Is this another war we fight for reasons that do not exist?

There are people around who need an enemy at all times to try to separate us one from the other as Americans in order to advance their own agenda. I do not think we should be playing into their hands. Nobody is attacking Christmas or its symbols. I enjoy Christmas, sing Christmas carols. I do not celebrate the religious significance of it, but it is a holiday I tremendously respect, as I do my Christian friends, and do wish them a Merry Christmas. But that is not the point.

What we are doing here is we are selling the American people sizzle and providing no steak. We are choosing symbolism over substance, and we are not providing substance, which is why I think most of us came to the Congress of the United States, not to protect symbols, but to protect everybody's rights.

Now, I know when people want to be inclusive they come to the floor and they are very inclusive. I get included in when you want to talk about Judeo-Christian traditions or heritage.

□ 1945

When you want my participation, you know how to do it. But I am offended by this. You have drawn me out. Why not protect my symbols? My symbols are not protected here. And I am not asking them to be because if you came to the floor protecting my symbols and nobody else's, I would say, no thank you. Do not protect me unless you protect everybody because that is the American way. We are doing symbols over substance. We have embarked on a very slippery slope, the incline of which might be too steep. We do not know the unintended consequences.

I like Christmas. I like the message of Christmas. I like helping the needy and the poor and the least among us. But I did not come here to protect the symbols.

Did something happen when I was not looking? Did somebody mug Santa Claus? Is somebody engaging in elf tossing? Did somebody shoot Bambi? If you eat venison, are you a suspect? What silliness we engage in, protecting symbols.

If you wanted to protect the message of Christmas, come to the floor with real bills with substance. Where is your bill to house the homeless? Where is your bill to feed the needy? Where is your bill to clothe the naked? Where is your bill to protect senior citizens who will not be able to heat their homes this winter? Where is the substance? Why are we engaging, in this terrible time in which we are in, in symbolism?

We can be doing something meaningful. Where is the bill for real health care? Where is the bill to educate the children that we really are leaving behind? We are not doing any of those things. I think we could be doing so much more instead of feeding the flames that divide us instead of bringing us together.

I wish the gentlewoman a merry Christmas. I have no compunction about doing that. But I do not want my government to engage in the foolishness of deciding for people what their symbols should or have to be. And I know that it has been amended so that it now reads that this is for Christian people. I do not want to be here telling Christian people how to observe Christmas. I mean, I did not come here to protect toys and tinsel anymore than I came here to protect presents and potato latkes. This is not my deal. And we have important work to do that is important to real people of all faiths, and people of all faiths should not engage in anything that feeds those who would be divisive.

I know that is not the intent of the gentlewoman, because I think I know her heart well. But this is the unintended consequence of bills such as this when we go down that path.

Madam Speaker, I reserve the balance of my time.

Mr. PORTER. Madam Speaker, I yield as much time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of House Resolution 579 and the tradition of Christmas. I commend my colleague, Ms. DAVIS, for introducing this resolution.

As Americans, we enjoy the freedom to practice our own faith. This heritage inspired the American tradition of respecting individuals in their right to practice their religion, regardless of faith. However, it seems that, in recent years, zealous liberals have tried to destroy this heritage. It all started when schools would no longer call their annual winter recess a Christmas break in order to be politically correct. Now, instead, there is a holiday break, in many instances thanks to actions of the ACLU, American Civil Liberties Union.

While this may be a valid point since various religions observe holidays around the same time, they would not stop there at the erosion. There is a war against Christmas. Our children cannot sing Christmas carols. They can only sing holiday tunes. And now, instead of a Christmas tree, advertising calls them holiday trees. There is no reason why we cannot honor and cherish the traditions of Christmas while also doing the same with Chanukah, Kwanzaa or any other valued religion celebrated in America. America should never single out a religion for the purposes of banning or looking down upon references to their holiday celebrations. That practice flies in the face of the principles that our Nation was founded on. Instead, we must treasure the traditions that remind us of our history and of our country while at the same time respecting Americans of different faiths. As such, I strongly support House Resolution 579 which recognizes and supports symbols and traditions of Christmas.

Madam Speaker, I urge my colleagues to vote in favor of this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), the Dean of the House.

Mr. DINGELL. Madam Speaker, I have a little poem.

'Twas the week before Christmas and all through the House,
no bills were passed 'bout which Fox News could grouse.
Tax cuts for the wealthy were passed with great cheer,
so vacations in St. Barts soon should be near.
Katrina kids were all nestled snug in motel beds,
while visions of school and home danced in their heads.
In Iraq, our soldiers need supplies and a plan,
and nuclear weapons are being built in Iran.
Gas prices shot up, consumer confidence fell.
Americans feared we were in a fast track to . . . well.
Wait, we need a distraction, something divisive and wily,
a fabrication straight from the mouth of O'Reilly.
We will pretend Christmas is under attack,
hold a vote to save it, then pat ourselves on the back.
Silent Night, First Noel, Away in the Manger,
Wake up Congress, they're in no danger.
This time of year, we see Christmas everywhere we go,
From churches to homes to schools and, yes, even Costco.
What we have is an attempt to divide and destroy
when this is the season to unite us with joy.
At Christmastime, we're taught to unite.
We don't need a made-up reason to fight.
So on O'Reilly, on Hannity, on Coulter and those right-wing blogs.
You should sit back and relax, have a few egg nogs.
'Tis the holiday season; enjoy it a pinch.
With all our real problems, do we really need another Grinch?
So to my friends and my colleagues, I say with delight,
a Merry Christmas to all, and to Bill O'Reilly, happy holidays.
Ho, ho, ho. Merry Christmas.

Mr. PORTER. Madam Speaker, I yield as much time as he may consume to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Speaker, if our Founding Fathers could be resurrected and be with us here this evening, they would be astounded that we were discussing, debating this subject. Let me explain. Most of our Founding Fathers came here to escape one of two tyrannies, the tyranny of the crown and the tyranny of the church. In the Second Amendment, they address the tyranny of the crown. But that is a subject for another day. In England, the Episcopal Church was the official state church, and it could and did oppress other churches. On most of the countries of the continent, the Roman Church was the official state church, and it could and did oppress other churches, and our Founding Fathers wanted to make sure that this never could happen in their new country. And so in the First Amendment, they wrote the establishment clause which means exactly what it said, not the way it is frequently interpreted today. Congress shall make no law respecting an establishment of religion, no established state religion, please, or prohibiting the free exercise thereof. Not only should there not be a state religion, there should be free exercise of every religion.

But they had no fear, Madam Speaker, of religion. The Continental Congress bought 20,000 copies of the Bible to distribute to their new citizens. And for the first 100 years of our country, our Congress each year voted funds to send missionaries to the American Indians. For 160 years of its existence, the Supreme Court, up until 1947 when they did an abrupt about face, 180 degrees from where they were before in every decision relative to this subject, our Supreme Court said that we were a Judeo-Christian nation, and they affirmed the right for expression of those beliefs. Indeed, 102, I believe, of the first 104 universities in our country were church schools, including Harvard. Harvard's handbook has an interesting note, that the Bible should be the constant companion of its students. And for the first hundred years of its existence, about half of all of the graduates of Harvard were ministers.

Madam Speaker, if our Founding Fathers could be resurrected and be with us this evening, they would unanimously support this commonsense resolution.

Madam Speaker, we should join them and unanimously support this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I cannot help but note the irony of a bill celebrating Christmas or its symbols coming on the floor in a session that has just destroyed Christmas for millions of poor people.

I am going to make a request of this Member, because I know her and I respect her and I regard her as a friend. And as a Christian, I am going to ask her in the name of interfaith tolerance if she would withdraw this resolution because it is needlessly divisive, and I think she did not realize when she put it in how divisive it is.

For example, the gentlewoman said Merry Christmas to you, Madam Speaker. I do not know what your background is. But I do not believe she would have said Merry Christmas to the gentleman from New York (Mr. ACKERMAN). And in a real sense, that sums up where our country has come simply to be tolerant of the fact that we are from many faiths, and we do not want to insult anybody. And I say to you that, far from references to Christmas needing to be supported, they are glorified, and we all know it. The notion of giving any aid and comport to the Fox campaign against "happy holidays" would be funny if it were not so serious.

Understand how "happy holidays" developed. It developed out of a country, first and foremost, where there was rampant anti-Semitism. Now, of course, we have many more, we have many more religions and much more diversity. It developed simply out of a sensitivity, so we developed proxy language, and so everybody feels comfortable even when it is not your particular religious holiday. I am not going to go up to a brown-skinned person in a turban and say, merry Christmas. I think that it is more appropriate to say, happy holidays. Maybe the gentlewoman understands why this is important for people who, unlike her and unlike me, are not Christians. If you do not want to feel guilty for wishing someone merry Christmas, I do not want to feel guilty for saying happy holidays to someone whose religious background I do not know.

□ 2000

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

I could not imagine growing up that some day I would be on the House floor debating the merits of Christmas, and I certainly have great respect for my colleagues and their concern. But what is great about America is we can debate Christmas on the House floor.

But let us talk about a few other things that we do in this House that I am very proud that we have done. We have recognized Korean Americans and the symbols. We have recognized Filipino Americans, ideals, very special weeks that we recognize here on this House floor numerous times. Pancreatic cancer, campus safety awareness. As a matter of fact, one of our next bills this evening is American Jewish Month.

And that is what is great about America. We can have this debate about Christmas, but certainly there are thousands of Americans and there are thousands of people around the world that believe in this tradition. I too say "happy holidays" in respect to Chanukah. I say "happy holidays," but I also will say "Merry Christmas" because that is what December 25 is about.

Again, I appreciate my colleagues and I think that their point is being well considered. I have great respect for my colleagues across the aisle, but I think it is a very cherished national holiday; and I would certainly encourage that we support this, as we have many other symbols and different groups in this country, because that is what Congress is about.

Mr. WEINER. Madam Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from New York.

Mr. WEINER. Madam Speaker, I have no question about the gentleman's values or his intent.

Is there any element of this bill that if we substituted "Chanukah," which you mentioned, recognizing the importance of the symbols and traditions of Chanukah, would you find that offensive in any way?

Mr. PORTER. Madam Speaker, I am not sure of the protocol of the debate on the floor.

Mr. WEINER. Madam Speaker, he controls the time. He has yielded to me for a question, and now I am asking it.

Mr. PORTER. I would absolutely support a bill that talked about the symbols of Chanukah. Absolutely.

Mr. WEINER. Will the gentleman yield further for another question?

Mr. PORTER. Absolutely.

Mr. WEINER. Would you find anything offensive about recognizing the importance of the symbols and traditions of Diwali, the Indian New Year for Indian Americans?

Mr. PORTER. Madam Speaker, I am, again, not certain this is time for the debate, but I think we should look at all these groups that would like to be considered. Again, this is not a place for the debate, and I would be happy to have this discussion.

Mr. WEINER. It is exactly the place to debate. We are on the floor of the House of Representatives.

Mr. PORTER. But I believe that the gentleman's point is well taken.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, nobody enjoys Christmas more than I. But today we have roughly 160,000 men and women in Iraq putting their lives on the line for an immoral, senseless war. Here at home many of our vulnerable citizens will face a cold, bitter winter because they do not have home energy assistance from the Federal Government. Many others will not get the health care or education they need because of harsh cuts in Medicaid and student loans.

Naturally, the majority does not want to talk about this, and one can always tell when the right wing is in political trouble. They invariably cook up some divisive culture war that has nothing to do with our real challenges in this country.

What American families really want is the ability to afford more gifts for their children this season regardless of whether there is a wreath in the local department store.

Meanwhile, how many casualties have there been in the so-called "war on Christmas"? Here is a hint: several thousand less than in the war on Iraq.

Mr. PORTER. Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I want to thank the gentlewoman for introducing this resolution. I actually share her view and understand her frustration when any government attempts to ban secular symbols like Santa Claus or Rudolph the Red Nose Reindeer or Christmas lights. I do not believe that any community should ban those secular symbols as long as they do not choose one set of symbols over the other: as long as they are inclusive of all symbols.

My difficulty with this resolution is that it excludes some symbols and includes only certain symbols. So I would ask the gentlewoman, in the spirit of diversity, and of the many faiths that we celebrate in this body and throughout America, I would ask her not to withdraw the resolution, but allow this resolution to attract a very significant number of votes, maybe a unanimous vote, simply by adding the words

"Kwanzaa," "Ramadan," and "Chanukah" to her resolution. Do not exclude certain symbols. Be inclusive of all.

The gentleman just stated prior to the gentleman from New York that he would support a resolution that includes the holidays of different faiths. So I would take the gentleman up on that offer.

So, Madam Speaker, I yield to the gentlewoman and ask her if she would change this resolution, change this language, include Chanukah, include Kwanzaa, include Ramadan, include holidays of all faiths so that this resolution can reflect the best of America, which is a place of justice for all.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I would say that the reason for this resolution is that the attack has not been on the menorah or any of the other symbols of the other religions. But the attack has been and is being made on red and green colors, on candy canes, on Santa Claus, which are not even religious symbols. That is the point of the resolution. And with that I will leave it the way the resolution stands.

Mr. PORTER. Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Speaker, this resolution purports to protect the symbols of Christmas, but what really needs to be protected are not the symbols of Christmas, but rather the spirit of Christmas. The spirit of Christmas demands generosity and goodwill towards others.

Instead of legislation that respects the spirit of Christmas, Congress in just these past few weeks has passed a budget that includes mean-spirited attacks on the least of us. For those who are hungry, we are cutting food stamps. For those who are sick, we are cutting Medicaid. For those who are in prison, we are imposing senseless mandatory minimums. For others we are ignoring increases in heating costs and cutting student loans. At the same time we are cutting those programs to help the least of us, we are cutting taxes for the wealthiest in society.

Madam Speaker, we ought to express our passion for Christmas through deeds, not words; and we should not be distracted from our responsibility to uphold the spirit of Christmas as we consider the effects our actions on the Federal budget will have on the least of us during this holiday season.

For these reasons I oppose this resolution.

Mr. PORTER. Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Madam Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Nevada and the gentlewoman from Virginia.

The bottom line is there was a good-faith effort made by the gentleman from New York to change "recognizes the importance of the symbols and traditions of Christmas" to "the symbols of Christmas and Chanukah," and you said no.

It was an attempt to change "strongly disapproves of attempts to ban references to Christmas" to "ban references to Christmas and Kwanzaa," and you said no.

It was a chance to take this and put it into the words that the gentleman from Virginia, the gentlewoman from Florida earlier articulated, and the gentlewoman who is the sponsor says that she intends. The question must be, why? For someone who does not celebrate Christmas, the question looms: Why? Why not say to someone who wants to make this inclusive that, indeed, we are going to make it inclusive? The symbols of Chanukah are not valuable? Sure, they are, I think. The symbols of Kwanzaa are not valuable to some? Sure, they are. I cannot imagine why the gentlewoman who is the sponsor of this, who says that she speaks from a sense of inclusion, would not want to include those. Are those not worthy of being protected? What is the message that is being sent?

The gentleman from Nevada articulated his support. He perhaps should persuade his colleague to offer that UC.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

Again, I appreciate the comments from our friends across the aisle, and I would be happy to cosponsor those bills that were just mentioned. They certainly have merit and should be considered by this House of Representatives.

This evening we are here to discuss H. Res. 579, as amended, and I believe that it should pass. But I also would suggest we do the same for those other religions that were mentioned, from Kwanzaa to Chanukah, and there are many others that should be considered at some point in time.

This evening I respect the fact that my colleague has presented this resolution and would encourage that Members support it.

Madam Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield myself the balance of my time.

I am really very saddened by the fact that when given the opportunity to expand this resolution that the sponsor demurred. I am not sure why.

If you do not know and you are saying that you want this to be what this is because yours is the religion that has its symbols under attack, when was the last time you walked into Wal-Mart and saw it saying "Happy Chanukah"? When did you walk into Toys 'R Us and see it saying "Happy Kwanzaa"? Does that give me the right to say that my religion is under attack, the symbols of my faith or the holiday I wish to celebrate are under attack. It is not, and I am not going to be a crybaby and say that it is.

To tell the truth, it is slightly offensive to see people trying to create a war and claiming they are attacked just so that they go on the offense instead of the defense.

This is a prefabricated issue that has no merit. Nobody is attacking the symbols of Christmas. Are you objecting to our wanting to be included because the symbols of your religion are more important than the symbols of anybody else's religion in America? Or is it because you think that the symbols of your religion are more official? And that is the danger in what we are doing.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself the balance of my time.

We have had a tremendous discussion. The United States of America is a seriously diverse country. I did a bit of research about Christmas and found 32 pages about how we sort of evolved to the point of Christmas in this country.

□ 2015

I think the season is a season to spread goodwill. I would hope that there would not be a political debate necessarily around the yuletide, a political debate, because I was taught, and maybe some of what I was taught is different, that Christ was born, and out of that evolved Christmastime, and we spread good cheer, and we give hope, and we say, happy holidays, we say merry Christmas, happy Ramadan, happy, productive Kwanzaa.

I just could not imagine, though, what it would be like if I could not hear Mahalia Jackson sing "Silent night, holy night; all is calm, all is bright; round young virgin, mother and child; holy infant, so tender and mild," from which I got the impression that the origin of this period came.

So, I would hope that all of us would have a happy Kwanzaa, a happy Chanukah, a happy Ramadan, a merry Christmas and happy holidays to everybody.

Madam Speaker, I yield back the balance of my time.

Mr. HOLT. Madam. Speaker, I am troubled and disappointed that this resolution concerning Christmas is before the House today. It is a solution in search of a problem, it is divisive, and it comes at the cost of substantive issues that should be addressed.

There is a sad irony in this resolution. Christmas is supposed to be a season of goodwill, bringing people together, a holiday that brings out the best in us, and encourages us to reach out to our fellow man. Instead, this resolution was created simply so the Majority could pat itself on the back. It is a straw man, and should not have been considered by the House because it is needlessly divisive and inappropriate.

It comes as a surprise to no one, I'm sure, that as a Christian, I support and look forward to celebrating Christmas with my friends and family. But this is beside the point. More importantly, I support and respect the right of my fellow citizens to celebrate religion as they chose.

The House floor should not be manipulated so one group or members can revel in their own sanctimony. What makes America a great and free society is our system of government and our Constitution, which provides each citizen with broad, basic rights and freedoms. One of these is freedom of religion. This right treats all religions, and the lack of religion, equally. Yet today in this resolution, the House singles out one religion over the others, and defends one religious holiday at the expense of others. I wish this resolution had not come to the floor.

Just over a month ago, the House of Representatives unanimously supported a resolution that I sponsored which stressed the need for continuing interreligious dialogue and respect. Rather than "protecting" one specific religious holiday, we should protect and defend all of them. And we should honor the right of every citizen to celebrate or not celebrate these religious holidays as they chose. We should support and protect Hanukah, Kwanza, Diwali, and all other religious holidays. It is my experience that the American people are much more respectful of each other's differences than the House may believe. They do not need to be told to respect the symbols of Christmas. They already do, just as they respect other religions.

Rather than creating a false argument over Christmas, the House should honor the spirit of Christmas through its own actions. Christmas is not about trees and candy canes, it is about a spirit of giving and helping those who need help. If the House wants to do something about Christmas, it should protect the various federal programs the Majority is trying to cut, such as food stamps, Medicaid, and money to help low income families pay their home heating bills. Ending the cuts on these essential programs for the poor and disadvantaged in our society would truly honor Christmas.

I will vote present on this resolution because it does not belong on the House floor.

Mr. BLUMENAUER. Madam Speaker, this legislation is an excellent example of how the House Leadership politicizes non-issues to distract Congress from substantive issues.

The Federal Government is obviously not opposed to Christmas, an annual celebration that has deep significance for those of us from a Christian tradition. In that sense, a "Yes" vote is appropriate.

But Christmas is not under assault from the Federal Government; there is no need for this resolution. Therefore, a vote of "Present" could be appropriate; there is simply no controversy here.

I chose to vote "No," however, because the resolution is flawed. It misses the point. Christmas is not being threatened by the federal government. Instead, the season that celebrates Christ's humble birth in a manger has been commercialized and cheapened by those who celebrate it as the retail highlight of the year.

My sincere wish for the New Year is that House leadership sets aside its penchant for distracting and divisive issues to focus on solutions to problems that face Americans every day.

Ms. SCHAKOWSKY. Madam Speaker, forgive me if I haven't noticed that Christmas is under attack. Being Jewish, maybe I am simply incapable of judging. Silly me, I thought there were about the same number of Christmas trees, both in private homes and public places—that is, everywhere. Seems like Christmas music is still ubiquitous in elevators, grocery stores, the mall and while on hold on the telephone. No? Having just returned from Eastern Market, I still have the sounds of real live carolers in my ears, and, as a former community choir member, I knew all the words and sang along. (Is it anti-Christmas for a Jew to do that? I should check with Bill O'Reilly.)

Santa was there as usual at Congressmen BARTON's and DINGELL's reception for the Energy and Commerce Committee, and adorable little children of Christian conservatives as well as moderates, and yes, even Democrats, were sitting on his lap. I thought I observed the same mix of awe, fear and delight as in years past, but Jewish eyes can deceive, I guess.

I could be wrong, but I think it would be pretty hard not to guess that it is the "Christmas season" or that "Christmas" is coming if you turned on just about any channel, cable or broadcast, at just about any time of the day or night. Sometimes those reminders also include a request for you to call in and give your credit card number, and do it now, because there are only a few more days until "Christmas."

I'm pretty cheerful about responding to "Merry Christmas" with a "Same to you." I can't recall ever scolding anyone in public or in private for missing the fact that I don't celebrate Christmas. I do try not to say it myself at my synagogue, unless I know for sure the person is Christian, and then I try especially hard to say it.

I'm fond of candy canes. They seem to be available for free in many places at this time of year—"Christmas" time. I try never to pass one up. I even try to like fruit cake, understanding it is one of the typical "Christmas" treats, but I think it may be like gefilte fish—an acquired taste.

If there are some Christians who think that Christmas has become too commercial—the symbol of Christmas being more the Visa or Mastercard than the nativity scene—then I think they deserve to have a serious discussion about that. That discussion, in my Jewish view, would be best held in church, or at home, or just about any place other than the floor of the United States House of Representatives.

Mr. PORTER. Madam Speaker, I urge all Members to support the passage of H. Res. 579, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore (Miss MCMORRIS). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 579, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Madam Speaker, on that I demand the yeas and nays.

PARLIAMENTARY INQUIRY

Mr. ACKERMAN. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ACKERMAN. Madam Speaker, how many Members arose?

The SPEAKER pro tempore. The count by the Chair is not liable to question, but the chair will affirm that she counted more than one-fifth of those present.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

URGING OBSERVANCE OF AMERICAN JEWISH HISTORY MONTH

Mr. PORTER. Madam Speaker, I move to suspend the rules and pass the concurrent resolution (H. Con. Res. 315) urging the President to issue a proclamation for the observance of an American Jewish History Month.

The Clerk read as follows:

H. CON. RES. 315

Resolved by the House of Representatives (the Senate concurring), That Congress urges the President to issue each year a proclamation calling on State and local governments and the people of the United States to observe an American Jewish History Month with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 315.

Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I stand in support of H. Con. Res. 315, which would urge the President to issue a proclamation for the observance of American Jewish History Month.

The United States Jewish population has made many vital contributions in all areas of our society in such ways as helping to develop the cultural, scientific, political and economic life of our country. In fact, 37 percent of all

United States Nobel Prize winners in the 20th century have been representatives of the Jewish community.

Jewish immigration in the 20th century was fueled by the Holocaust, which destroyed most of the European Jewish community. The migration made the United States the home of the largest Jewish population in the world. Starting at the beginning of this century, there was a Jewish population of about 1 million. By the end of the century, the population had grown to almost 6 million Jews residing in the United States of America.

Presently, the Commission for Commemorating 350 Years of American Jewish History has been brought about to encourage and sponsor a variety of historical activities that advance our understanding of the American Jewish experience as it marks this milestone anniversary. Through this initiative, the deep-rooted culture of the Jewish community in our society would be recognized and honored.

I urge all Members to come together to support this initiative to educate and pay homage to the contributions and influence that the Jewish community has had on our country.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that Ms. DEBBIE WASSERMAN SCHULTZ, the sponsor of this legislation, be permitted to control the 20 minutes on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, throughout the past year, the 350th anniversary of Jewish life in America has been marked by ceremonies and celebrations across the United States. As the festivities come to an end, Chairman HYDE and I would like to establish a formal recognition of American Jewish life by creating American Jewish History Month. This is why I have introduced a resolution calling for a Presidential Proclamation in order to create an executive order to designate the month of January as American Jewish History Month to be observed with appropriate programs, ceremonies and activities.

To date, 252 of our esteemed colleagues have expressed support for American Jewish History Month. I wish to thank Chairman HYDE and Mr. CANTOR for their continued support and assistance.

American Jewish History Month would honor the contributions of American Jews to society. Additionally, creation of this month would celebrate the legacy of the American Jewish experience and the rich cultural heritage of American Jewish communities.

Similar to Black History Month in February and Women's History Month in March, American Jewish History Month would present educators with the opportunity and tools to teach diversity and cultural awareness.

As Congress continuously strives to promote understanding and awareness of the many cultures of American society, we believe education is a necessity to combat ignorance and misunderstanding. Though support for Jewish communities, Holocaust education and efforts to combat anti-Semitism is well-known in Congress, support among the American public is not as prevalent.

Sadly, ignorance about Jews and our history, culture and contributions to American society remains widespread in the United States. This ignorance leads to hatred and bigotry, and one way to stop it is through education. As we all know, education leads to understanding.

American Jewish History Month will educate millions of Americans about the rich cultural traditions of the Jewish people, whose contributions to medicine, the arts, science and technology have shaped the fabric of American society and global history.

The previous debate demonstrates the need for more education and understanding of the traditions, beliefs and history of not just the Jewish communities but all minority religions in America. It is clear to me after listening to the proponents of the previous resolution that an American Jewish History Month would heighten the sensitivity of those who simply do not have enough information, exposure or tolerance for minority faiths.

It is my hope that the next generation of Americans, from all faith traditions, will have their knowledge, tolerance and understanding heightened and enhanced by the creation of American Jewish History Month.

I wish to express my sincere appreciation for the 252 Members of Congress from both sides of the aisle who have supported the efforts to establish a formal month. While the expression of the House's sentiment is meaningful, it is essential that the President formally create American Jewish History Month via executive order and put the full strength of the White House behind this effort so that we can enhance the education and understanding of Americans about Jewish cultural traditions.

Additionally, I would like to thank the gentleman from Virginia (Mr. CANTOR), the gentleman from Illinois (Mr. HYDE), Leader PELOSI, and Speaker HASTERT for their support and steadfast commitment to helping to establish this month. It is my hope that in the future there will be a permanent American Jewish History Month in addition to a Presidential Proclamation.

Madam Speaker, I reserve the balance of my time.

Mr. PORTER. Madam Speaker, I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman from Florida for yielding me time.

Madam Speaker, as a Member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H. Con. Res. 315, a resolution sponsored by Representative WASSERMAN SCHULTZ.

H. Con. Res. 315, introduced today, urges the President to issue a proclamation for the observance of an American Jewish History Month. The first Jewish History Month was passed by Congress and was celebrated in September 2004.

Observing American Jewish History Month allows us to commemorate the many contributions made by Jewish Americans in our society at large and in our local neighborhoods and communities. It also allows us the opportunity to better appreciate the journey many Jewish Americans have faced since they first landed at New Amsterdam, now Manhattan Island.

Like many events in Jewish history, the arrival of 23 refugees from Brazil to the United States in 1654 was the result of a fortuitous occurrence. They were blown off course rather than a preplanned migration. Since that time, there has been an organized Jewish community in our country.

Also, Madam Speaker, one could talk about the attributes and the achievements of Jewish people for the rest of the evening on an individualized basis, but I represent a community that has a large Jewish population. I am very proud of the relationships and the work that we have been able to do over the years with groups like the Jewish Council on Urban Affairs, which is headed up by a woman, Jane Ramsey, who is one of the most dedicated and committed people that I have ever met, and the Jewish Federation of Chicago, which provides resources for hospitals, for social service programs, opportunities to help those who are less fortunate.

So I commend the gentlewoman from Florida for her introduction of this legislation and urge its passage.

Mr. PORTER. Madam Speaker, I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

In conclusion, I want to thank again Speaker HASTERT and Mr. CANTOR from Virginia for their efforts to help us bring this resolution to the floor. I also want to thank Leader PELOSI and the rest of my colleagues for their assistance.

I do want to recognize Speaker HASTERT in particular, because he has committed to personally contact the President to urge him to take this resolution and to go ahead and create the executive order. So I look forward to working with him towards that end.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, again, I think one of the great things about America and the House floor is we are able to talk about our diverse country and the respect we have for the different organizations, different religions and different groups. Certainly this is another example of this House of Representatives recognizing a very, very important part of our culture and our country and our future.

Again, I urge that all Members support the passage of this particular concurrent resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am here today to urge President Bush to issue a proclamation for the observance of an American Jewish history month. I further urge all Americans to share in this commemoration to have a greater appreciation for the role the Jewish American community has had in helping to defend and further the liberties and freedom of all Americans.

In 1654, Jewish refugees from Brazil arrived on North American shores and formally established North America's first Jewish community in New Amsterdam, now New York City. America welcomed Jews among the millions of immigrants that streamed through our Nation's gates. The waves of Jewish immigrants arriving in America helped shape our great Nation.

Jewish immigration to America throughout the last 350 years brought with it legions of notable researchers, lawyers, statesmen, inventors, entertainers, artists, scientists, authors, musicians, doctors, ethicists, entrepreneurs and spiritual leaders—men and women who substantially transformed this nation and its urban communities.

In this month of observance of American Jewish history, I think it is also important that we also focus on our country's relationship with Israel. Israel has been one of our strongest and most committed allies since its conception in 1948. For 50 years, the United States and Israel have worked closely to pursue peace in the Middle East. I strongly believe that the dream of peace and stability in the Middle East can become a reality within our lifetime.

I ask my colleagues to support this resolution and urge President Bush to issue a proclamation for the observance of an American Jewish history month. A proclamation by the President will honor the contributions of American Jews throughout our nation's history, but also reiterate the continued importance of our taking an active role in the peace process in the Middle East. We have both an obligation and a vested interest in supporting Israel in its road to secure itself in peaceful, stable, and democratic region. I will leave you with a quote from one of the most famous Jewish American immigrants, Albert Einstein. He said "He who cherishes the values of culture cannot fail to be a pacifist." Let's urge the President to reaffirm the value of the Jewish American Culture to the United States, and in doing so take one small step towards peace in the region.

Mr. PORTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 315.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONGRATULATING TONY STEWART ON WINNING THE 2005 NASCAR NEXTEL CUP CHAMPIONSHIP

Mr. PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 587) congratulating Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship.

The Clerk read as follows:

H. RES. 587

Whereas Tony Stewart won NASCAR's Nextel Cup Championship in 2005, the 57th season of NASCAR's premier series;

Whereas Stewart finished with an amazing 6,533 points, the most for any driver in the 2005 NASCAR series;

Whereas Stewart in the 2005 series won 3 starting pole positions, had 5 wins, 17 top 5 finishes, and 25 top 10 finishes;

Whereas Stewart also won the Gatorade Duel 2, the Dodge/Save Mart 350, the Pepsi 400, the New England 300, and the Sirius Satellite Radio at the Glen;

Whereas Stewart's #20 car started in 22nd position, led the most laps, and also finished first in the Allstate 400 at the Brickyard, continuing Hoosier dominance at the Indianapolis Motor Speedway's only NASCAR Nextel Cup race;

Whereas Stewart is the recipient of Indiana's highest honor, the Sagamore of the Wabash, which was awarded to him by Governor Mitch Daniels on August 29, 2005, after Stewart won the Allstate 400 at the Brickyard;

Whereas Stewart has won 2 NASCAR Nextel Cup Championships in only his 7th year in the NASCAR circuit;

Whereas Stewart has won 8 other auto racing championships in his career including the Indy Racing League;

Whereas Stewart has ranked in the top 10 every season since his 1999 rookie year and has never ranked lower than 7th in the final point standings; and

Whereas Stewart, who began racing in Indiana and excelled at a very young age, was born in Columbus, Indiana, and continues to have close ties with the State of Indiana and the City of Columbus: Now, therefore, be it

Resolved, That the House of Representatives congratulates Tony Stewart for winning the 2005 NASCAR Nextel Cup Championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 587.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 587, which congratulates Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship.

Madam Speaker, as a NASCAR fan and frequent patron of the Las Vegas Motor Speedway, home of many NASCAR races, I am glad to be speaking on this resolution this evening.

Tony Stewart has become the 14th driver in NASCAR history with more than one championship, despite a 15th place finish at the Homestead-Miami Speedway on November 20. The finish solidified his reign in the NASCAR points chase.

□ 2030

He finished with a 35-point lead over fellow driver Greg Biffle to win the Cup. This is Stewart's second title in 4 years, and he joins Jeff Gordon as they claim the honor of being the only active full-time drivers with multiple titles.

For Stewart, it was the perfect finish to a near-perfect season as he consistently stayed on top of the points board for 13 of the final 14 weeks. He was on top at the start of the 10 race chase for the championship and fell off the leader board just once, when he dropped to fifth place after round two. Stewart soon found his way back to the top a week later and never looked back.

I urge all Members to come together to congratulate Tony Stewart on an unforgettable season by adopting H. Res. 587.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 587, congratulating Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship.

Mr. Speaker, born in Columbus, Indiana, in 1971, Tony Stewart has been winning races since the age of 16. He grew up racing go-carts and won the world carting championship in 1987. He raced three-quarter midgets for a handful of years and then moved up to the USAC series. Stewart was the USAC rookie of the year in 1991 and the National Midget Series Champion in 1994.

In 1995, Stewart became the first driver to win USAC's version of the triple crown by earning championships in all three USAC major divisions, National Midget, Sprint and Silver Crown. Stewart burst onto the Nextel Cup scene in 1999 with more experience in the big leagues of motor sports than most other rookies. Posting three wins in his rookie season, he laughed off the often-experienced sophomore slump jinx with six more wins in 2000.

Throughout his stellar career, Stewart has never finished a season outside of the top ten in points, including his brilliant 2002 champion-winning season. His 2005 season was magical. In addition to taking his second Nextel Cup title, the 34-year-old realized a lifelong goal by winning the Brickyard 400 as part of an amazing summer that saw Stewart win five races in seven weeks.

Stewart wrapped up his second NASCAR Nextel Cup championship in Sunday's Ford 400 at Homestead-Miami Speedway, the 57th season of NASCAR's premier series. Winning two NASCAR Nextel Cup Championships in only 7 years on the NASCAR circuit is quite an accomplishment. Tony Stewart is deserving of this resolution which recognizes and congratulates him for his accomplishments, and I would urge its passage and support.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SODREL).

Mr. SODREL. Mr. Speaker, I rise today to speak in support of this resolution. I was happy to offer this resolution honoring a constituent of mine, Tony Stewart, for one of the greatest accomplishments in motor sports, winning the 2005 NASCAR Nextel Cup.

This resolution is co-sponsored by several of my colleagues from Indiana, Mr. PENCE, Mr. BURTON, Mr. SOUDER, Mr. HOSTETTLER and Ms. CARSON. This achievement is even more amazing considering this is Mr. Stewart's second NASCAR Cup win in only his seventh season competing on the NASCAR circuit. Not only has Mr. Stewart won two NASCAR championships, his resume is more impressive when you consider he has also won eight other auto racing championships, including the Indy Racing League.

This season, NASCAR fans and even the casual spectator watching highlights on ESPN SportsCenter all saw Mr. Stewart's number 20 Home Depot/Joe Gibbs racing car capture the checkered flag in an orange and black blur six times during the season. These victories came at the Gatorade Duel 2, the Dodge Save Mart 350, the Pepsi 400, the New England 300, the Sirius Satellite Radio at the Glen and the Allstate 400 at the Brickyard. It was at the Brickyard, Indiana's crown jewel on the NASCAR circuit, where Mr. Stewart started in the 22nd position and worked his way through the pack to lead the most laps on his way to victory.

Mr. Stewart's path to his second championship started in his hometown of Columbus, Indiana. Just outside of Columbus is a town called Westport where he raced go-carts in 1978.

Mr. Speaker, I will be submitting an article from the December 1, 2005, edition of Sports Illustrated which eloquently highlights the career of Mr. Stewart.

Sports Illustrated writer Lars Anderson writes about Mr. Stewart's hardworking Hoosier roots and his entry into the racing world: "Tony Stewart was 22 years old and living rent-free in a friend's house in Rushville, Indiana, when he hit a crossroads. For months, he had been working in a machine shop 8 hours a day, 5 days a week, running a drill press for $5 an hour and wondering if he had what it took to become a professional racer. Then, one afternoon early in 1993, he asked his boss if he could borrow money for a ticket to Phoenix. The Copper World Classic, a USAC event for open-wheel cars at Phoenix International Raceway, was going to be held in a few days, and Stewart, who raced on the weekends in the Midwest, wanted to test his talent against West Coast drivers. So he asked his boss for a loan, and neither Stewart's life nor American motor sports have been the same since."

Indeed, American motor sports have never been the same since.

Mr. Stewart won three carting championships, four USAC titles and the IRL crown before becoming the NASCAR Rookie of the Year in 1999 and winning his first NASCAR Winston Cup title in 2002.

Mr. Stewart recalls to Mr. Andrews how he entered the world of professional auto racing. He said, "I got the loan and wound up finishing second in the race, and I made $3,500." "When I got home from Phoenix, I looked at the paycheck and calculated how long it would take me to make that much in the machine shop. I said to myself, It's now or never, and that's when I decided to go for it."

Mr. Speaker, that is the American dream, going for it; taking the risk; taking advantage of the opportunities. Mr. Stewart's rise to the top is indicative of his Hoosier work ethic and pride in a job well done. But Mr. Stewart should also be recognized for his accomplishments outside of motor sports. His commitment to philanthropy led him to start the Tony Stewart Foundation to help terminally ill children and to aid the families of drivers injured in motor sports.

For his contributions to the State of Indiana, a State rich in motor sports history, Mr. Stewart was awarded the Sagamore of the Wabash, the State of Indiana's highest honor. Governor Mitch Daniels presented the award after Mr. Stewart's number 20 car and his crew won Indiana's only NASCAR Nextel Cup race, the Brickyard 400.

This race is held annually at the most storied of racetracks in the world, the Indianapolis Motor Speedway in Speedway, Indiana. Mr. Stewart is not only held in respect by his fellow Hoosiers but by his fellow racers as well. His colleague Mark Martin said, "Tony Stewart, in my eyes, is the greatest race car driver I have watched drive in this era. A.J. Foyt might have been that when I was a little boy, but Tony Stewart is my driving hero."

Dale Earnhardt, Jr., said, "Tony's as talented as they come. He's also one of the most genuine guys in our sport. He was one of the few people who stepped up for me when my dad died. He's a guy who really cares about his friends, and I guarantee you this won't be the last championship he wins."

Jeff Gordon, a fellow Hoosier and four-time NASCAR Cup champion said, "Tony is a true American racer. You can put him in any car on any track and he'll be fast. He's good on the short tracks, the intermediate tracks, the restrictor-plate tracks and the road courses."

I am proud to honor Mr. Stewart, an American driver at the top of the racing world, a Hoosier, and a Ninth District constituent. I ask for my colleagues to support this resolution to congratulate him on his accomplishments.

[From Sports Illustrated, Dec. 2005]

THE CHAMPION

(By Lars Anderson)

Tony Stewart was 22 years old and living rent-free in a friend's house in Rushville, Ind., when he hit a crossroads. For months he had been working in a machine shop, eight hours a day, five days a week, running a drill press for $5 an hour and wondering if he had what it took to become a professional racer. Then, one afternoon early in 1993, he asked his boss if he could borrow money for a ticket to Phoenix. The Copper World Classic, a USAC event for open-wheel cars at Phoenix International Raceway, was going to be held in a few days, and Stewart, who raced on weekends in the Midwest, wanted to test his talent against West Coast drivers. So he asked his boss for a loan, and neither Stewart's life, nor American motor sports, has been the same since.

"I got the loan and wound up finishing second in the race, and I made $3,500," Stewart recalled as he sat in the back of an Agusta helicopter that was carrying him to Homestead-Miami Speedway on Nov. 17 for the start of what Stewart would later call the most important racing weekend of his life. "When I got home from Phoenix, I looked at the paycheck and calculated how long it would take me to make that much in the machine shop. I said to myself, It's now or never. And that's when I decided to go for it."

In NASCAR's season finale at Homestead, almost 13 years after he made his decision, Stewart solidified his status as one of the top drivers of his generation when he wrapped up his second career Cup championship by coming in 15th in the Ford 400. Stewart, who finished 35 points ahead of Greg Biffle and Carl Edwards in the final standings, joined an exclusive club: He became the 14th driver in NASCAR's 58-year history to win multiple titles. Among current drivers, Stewart is only the second to have won more than one Cup championship. (Jeff Gordon, who has won four, is the other.) Though Stewart didn't win any of the final 10 races of 2005, his average finish of 8.7 during the Chase was second only to Carl Edwards's 8.4. And during the final two thirds of the season, Stewart was as consistent as any NASCAR driver in recent memory: Over the final 22 races of '05 he finished in the top 10 an astonishing 19 times.

"Tony Stewart, in my eyes, is the greatest race car driver I've watched drive in this era," says Mark Martin. "A.J. Foyt might have been that when I was a little boy, but Tony Stewart is my driving hero."

"Tony is a true American racer," says Gordon. "You can put him in any car on any track, and he'll be fast. He's good on the short tracks, the intermediate tracks, the restrictor-plate tracks and the road courses."

"Tony's as talented as they come," says Dale Earnhardt Jr. "He's also one of the most genuine guys in our sport. He was one of the few people who stepped up for me when my dad died. He opened his home to me and offered me his car, his helicopter. He's a guy who really cares about his friends, and I guarantee you this won't be the last championship he wins."

For Stewart, though, it will be a hard one to top in terms of satisfaction. "It's been a very special year," he says of a title run that was far less stormy than his previous one. "This championship means 10 times more than the one I won in 2002. I've had more fun this year than at any time in my life."

All season long Stewart could be seen smiling when he talked to his crew and hamming it up with the media. Which prompts the question: What happened to Tempestuous Tony, the hothead nicknamed Smoke, who infamously shoved a photographer in 2002 and used to challenge other drivers to fights in the garage?

To understand Stewart's dramatic change in demeanor, you must go back to the final race of 2004. Minutes after Stewart hopped out of his Home Depot Chevy at Homestead, he told friends that he was packing his bags and heading west. For six years he had lived just north of Charlotte, the hub of NASCAR, but now he had decided to move back to his childhood home in Columbus, Ind. The move made Stewart happy, and it transformed his team. "I can hit the reset button here—and nobody bothers me," he said one day last summer. "My neighbors think of me as the same punk kid who smacked baseballs into their aluminum siding."

Relaxed and upbeat, Stewart improved not just his attitude but also his listening skills. The communication between Stewart and his crew in 2005 was as free-flowing as it has ever been in his six-year Cup career. In October '04, in a meeting at Joe Gibbs Racing in Charlotte, several crewmen told Stewart that in the past his heat-of-the-moment tongue-lashings had bruised egos. As a result, some in the crew were reluctant to speak to Stewart when problems arose.

"That meeting really opened my eyes," says Stewart. "I'm only 5'8" and 185 pounds, but I can intimidate people. That had to stop because my guys need to be able to talk to me about anything."

"Tony moving home has meant everything to our team," says shock specialist Ronny Crooks. "Instead of looking at problems, Tony now looks at solutions."

That positive attitude carried the team all year, from the ups and downs of spring, through a red-hot summer (sparked by a test session at Michigan in which Stewart and crew chief Greg Zipadelli hit on a key suspension setup), to a carefully controlled Chase, to the final lap at Homestead, ending a season that will stand out in NASCAR history. "I've never really thought about where my place in the history of the sport will ultimately be," says Stewart. "I've got a lot more to accomplish, and hopefully I'll win a few more championships."

While Stewart is clearly driving toward the pantheon of the alltime great American racers—a place where Earnhardt, Foyt, Pearson and Petty all reside—he already shares one trait with the legends: He likes to give the fans a show. So, late in the evening of Nov. 20, at the urging of a few hundred fans still in the Homestead grandstand an hour after the race, Stewart scaled the catch-fence at the start-finish line. As he triumphantly raised his arm, flashbulbs popped, capturing what surely will be the defining image of NASCAR's 2005 season.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me time.

Coming from Texas, we well know the importance and the excitement around NASCAR drivers and NASCAR participants and those who enjoy the excitement of this sport. And so I rise to briefly salute the sport.

Being from Texas, I can assure you that there are thousands and thousands of fans to pay tribute to Mr. Stewart, who has been winning races since the age of 18. His record of being one of the triple crown winners in all three USAC major divisions, the National Midget, Sprint and Silver Crown, means that he is part of a growing and exciting sport. So it gives me great pleasure to join my colleagues as well and to support this initiative, H. Res. 587, to honor and salute him.

Mr. Speaker, I was unable to join my colleagues on the floor of the House as the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) brought forward H. Con. Res. 315, which really speaks to the sensitivities of being an American. And that is the urging of the President to issue a proclamation for the observance of an American Jewish History Month.

I think it makes America better when we understand each other's history. We all come from diverse communities and certainly have grown up understanding the importance of the American Jewish community and also the importance of the relationship between Israel and the United States and the contributions that those who come from throughout Europe and other places around the world of Jewish heritage who have now come to America and made some great contribution, whether it is medicine, politics, academics, science.

We know that the American Jewish community has had an enormous history and impact on America. We also know, as a member of the broad American psyche, that the American Jewish community certainly has been a leader in the civil rights efforts of all Americans. It was very much the American Jewish community that worked alongside Dr. Martin Luther King, who understood the importance of the freedom of speech and the freedom of the first amendment. And so I think that this resolution that Ms. WASSERMAN SCHULTZ offered on the floor of the House, H. Con. Res. 315, should draw the support of all of our colleagues.

It makes America whole. It makes America embracing when we acknowledge and understand the history of all Americans.

Allow me to conclude, as I listened to the debate as I was in another meeting, regarding H. Res. 579, regarding the symbols of Christmas, I do not think there is anything one can say other than we are a great country because we do have diversity and faith, diversity in background. I listened to the debate, although I could not join it as I was in meetings, but I think the simple premise should be that we welcome the freedom to worship and celebrate as our faiths and our cultures dictate.

There are so many good wishes that we could offer during this season. Just a few weeks ago was Ramadan, and certainly, we can wish many others happy Chanukah, and certainly, there are those who celebrate and commemorate and praise the name of Christmas in the spirit of merry Christmas.

I know that some thought H. Res. 579 was a bill that needed to be brought to the floor, but what I want to say, Mr. Speaker, is that none of my constituents has ever approached me to suggest that we should stop saying Merry Christmas or anyone has ever been offended because I might have said happy holidays and they celebrate Christmas.

So why do I not conclude, it seems this may be a vote on the House, to say that I will enthusiastically vote for this bill, but at the same time, I am going to offer to this body that we should be respecting of the different faiths of many different people. And hopefully, by casting a vote for this initiative, H. Res. 579, we will not be casting a vote for discrimination or offense to anyone, but we really will be saying that however you express yourself, we welcome it.

There should be many more bills like this or it should have been a comprehensive bill. But I simply close my remarks by thanking the gentleman from Illinois (Mr. DAVIS) for his leadership, thanking the sponsor for the original underlying bill honoring Mr. Stewart, H. Res. 587, congratulating the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) on the urging of the President to issue a proclamation for the observance of American Jewish History Month.

I conclude by saying Merry Christmas, happy holidays and Happy New Year.

□ 2045

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I do not believe that I am going to have any other requests for time, and so I am prepared to simply close and yield back.

I want to commend the gentleman from Indiana. I come from Chicago where we have the Chicago White Sox and I represent them, and so I know what it feels like to have a champion. I commend him for introducing this resolution.

I also want to take this opportunity, Mr. Speaker, to simply say to the gentleman from Nevada (Mr. PORTER), the chairman of our subcommittee and his staff, that it has indeed been a pleasure working with you and your staff this entire year, and we look forward to coming back at the end of January.

As we go and take all of this time off and be that much away from each other, I certainly want to wish for you and your staff and your family a merry Christmas and a happy holiday season. It has been a pleasure working with you.

Mr. Speaker, I yield back the balance of our time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

First, my congratulations to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). I think it is very appropriate and appreciate her bringing the bill to the floor recognizing such an important part of our culture.

To the gentleman from Illinois (Mr. DAVIS), my ranking member of the subcommittee, I must say I have learned many things from him this year. He truly provides great leadership. He and his staff, too, have been a pleasure to work with, but I say certainly out of all due respect that the gentleman from Illinois (Mr. DAVIS) comes highly thought of to the committee. It has been a pleasure working with him and his professionalism, and I, too, look forward to 2006 and say that to his staff and to Mr. DAVIS, of course, the best, a happy holiday season, a very special merry Christmas and happy Chanukah and for the kind words mentioned by some of your colleagues.

We live in such a great Nation with a diverse background. We have had many problems through the years, and we still will have problems in the future; but I think that this body shows consistently, and continues to show, respect for that diversity. So I, again, say thank you and ask for Members to support the bill.

Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 587.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING COMMODORE JOHN BARRY AS THE FIRST FLAG OFFICER OF THE UNITED STATES NAVY

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 38) recognizing Commodore John Barry as the first flag officer of the United States Navy.

The Clerk read as follows:

H.J. RES. 38

Whereas John Barry, American merchant marine captain and native of County Wexford, Ireland, volunteered his services to the Continental Navy during the American War for Independence and was assigned by the Continental Congress as captain of the Lexington, taking command of that vessel on March 14, 1776, and later participating in the victorious Trenton campaign;

Whereas the quality and effectiveness of Captain John Barry's service to the American war effort was recognized not only by George Washington but also by the enemies of the new Nation;

Whereas Captain John Barry rejected British General Lord Howe's flattering offer to desert Washington and the patriot cause, stating: "Not the value and command of the whole British fleet can lure me from the cause of my country.";

Whereas Captain John Barry, while in command of the frigate Alliance, successfully transported French gold to America to help finance the American War for Independence and also won numerous victories at sea;

Whereas when the First Congress, acting under the new Constitution of the United States, authorized the raising and construction of the United States Navy, it was to Captain John Barry that President George Washington turned to build and lead the new Nation's infant Navy, the successor to the Continental Navy of the War for Independence;

Whereas Captain John Barry supervised the building of his flagship, the U.S.S. United States;

Whereas on February 22, 1797, President Washington personally conferred upon Captain John Barry, by and with the advice and consent of the Senate, the rank of Captain, with "Commission No. 1", United States Navy, dated June 7, 1794;

Whereas John Barry served as the senior officer of the United States Navy, with the title of "Commodore" (in official correspondence), under Presidents Washington, John Adams, and Jefferson;

Whereas as commander of the first United States naval squadron under the Constitution of the United States, which included the U.S.S. Constitution ("Old Ironsides"), John Barry was a Commodore, with the right to fly a broad pendant, which made him a flag officer; and

Whereas in this sense it can be said that Commodore John Barry was the first flag officer of the United States Navy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Commodore John Barry is recognized, and is hereby honored, as the first flag officer of the United States Navy.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 38, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.J. Res. 38. This resolution recognizes Commodore John Barry as the first flag officer of the United States Navy. Born in 1745, John Barry came to America as a young seaman and became a great American patriot and warrior during the Revolutionary War.

John Barry's contributions during the Revolutionary War were unparalleled. He was the first captain to capture a British vessel on the high seas; and while waiting for a warship to be built, he also fought on the land with a company of marines at the Battles of Trenton and Princeton.

When he assumed command of his favorite ship, the frigate Alliance, he captured two British ships after being severely wounded during a ferocious sea battle. In all, he captured over 20 ships and fought the last sea battle of the war at the helm of the frigate Alliance in 1783.

After the war, he was appointed the head of the United States Navy by President George Washington. He was so highly regarded that his contemporaries labeled him the Father of the American Navy.

Today, with this resolution, we honor Commodore John Barry as the first Navy officer authorized to fly his own pennant.

Mr. Speaker, I particularly want to thank my House colleague, the gentleman from New York (Mr. KING), for introducing this resolution. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, rise in support of H.J. Res. 38, honoring Commodore John Barry as the first flag officer of the United States Navy. I want to recognize and thank the gentlewoman from Virginia (Mrs. DRAKE), my friend, for her support of this resolution now before the House.

Mr. Speaker, H.J. Res. 38 is a tribute to a man recognized as the Father of the American Navy. Unfortunately, I suspect most Americans today probably do not remember Commodore Barry, let alone his gallant and heroic actions during the American Revolution.

John Barry was born in Wexford, Ireland, in 1745. A son of a poor Irish farmer, young John followed his uncle, Nicholas Barry, to sea, starting out as a ship's cabin boy and ultimately becoming the senior commander of the entire United States fleet.

In 1766, Barry had his first command aboard the schooner Barbadoes, which sailed out of his home port of Philadelphia. Philadelphia became home to John Barry, not only because it was an emerging maritime trade center but because it was also an environment which promoted religious freedom.

Upon his return from a trade voyage to England, John Barry found that the Colonies and Great Britain were at war. As the war for independence began, Barry was given the responsibility for ensuring that all the Continental Navy ships sailing from Philadelphia were outfitted and provisioned appropriately.

For his exemplary service to our young Nation, John Barry was awarded a captain's commission in the Continental Navy on March 14, 1776. With his commission came command of a new 14-gun ship named the Lexington. On April 7, 1776, Captain Barry captured the British ship Edward. It was the first capture of a British warship by a regularly commissioned American cruiser.

In 1777, Mr. Speaker, the British assaulted Philadelphia, and Captain Barry was forced to scuttle his new ship, the Effingham. While the Effingham was under construction, Barry volunteered his service to the Continental Army and served with a company of marines under the command of General John Cadwalader. He fought at the Battles of Trenton and Princeton, but by March 1778, Barry was back on the sea.

His heroic deeds during the American Revolution were remarkable. He is credited with the capture of over 200 British ships. He was known to have quelled three mutinies, and he authored a signal book that was used to communicate between ships.

On February 22, 1797, President George Washington conferred the first naval commission in the United States Navy on John Barry and gave him the rank of captain.

Captain Barry served as commodore of the U.S. Navy under three Presidents: Washington, Adams, and Jefferson. As commander of the first naval squadron, Commodore Barry was entitled to fly a pendant, which made him, in essence, the Nation's first naval flag officer.

Commodore Barry's last day on active duty was March 6, 1801, but he continued to remain the head of the Navy until his death on September 12, 1803.

This resolution, Mr. Speaker, is an effort to honor Commodore John Barry for his outstanding contributions to the Continental Navy and for his extraordinary accomplishments as the Nation's first flag officer of the United States Navy.

Mr. Speaker, I again thank the gentlewoman from Virginia (Mrs. DRAKE) for her support of this resolution. I want to thank my colleagues and urge support for this resolution.

Mr. KING of New York. Mr. Speaker, today I rise in support of H.J. Res. 38, a resolution which honors and recognizes Commodore John Barry as the first flag officer of the United States Navy.

An American merchant marine captain and native of County Wexford, Ireland, John Barry volunteered for the Continental Navy during the American Revolution. During his 17 years of service, Commodore Barry's naval expertise was instrumental in defeating the British as well as building and leading our new Nation's infant Navy. In addition, he commanded the first U.S. Naval squadron, served as the senior officer in the U.S. Navy (the equivalent of the current position of Chief of Naval Operations) under Presidents George Washington, John Adams, and Thomas Jefferson, and supervised the construction of the USS *United States*.

Throughout his career, from taking command of the *Lexington* to participating in the victorious Trenton and Princeton campaigns, Barry's contributions to the American war effort were monumental. Dubbed the "Father of the American Navy," Commodore Barry continued his service to our country by supervising the construction of the first Naval frigates and urging the creation of the Department of the Navy.

I urge the House of Representatives to pass H. J. Res. 38 and recognize Commodore John Barry as the first flag officer of the United States Navy.

Mr. BUTTERFIELD. Mr. Speaker, if I have no more speakers, and I do not think that I do at this time, I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the joint resolution, H.J. Res. 38.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 327. An act to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 449. An act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

CONGRESSIONAL AWARD ACT REAUTHORIZATION

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 335) to reauthorize the Congressional Award Act.

The Clerk read as follows:

S. 335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF THE CONGRESSIONAL AWARD ACT.

(a) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 104(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking "and 2004" and inserting "2004, 2005, 2006, 2007, 2008, and 2009".

(b) TERMINATION.—

(1) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 2004" and inserting "October 1, 2009".

(2) SAVINGS PROVISION.—During the period of October 1, 2004, through the date of the enactment of this section, all actions and functions of the Congressional Award Board under the Congressional Award Act (2 U.S.C. 801 et seq.) shall have the same effect as though no lapse or termination of the Board ever occurred.

(c) TECHNICAL AMENDMENTS.—The Congressional Award Act is amended—

(1) in section 103 (2 U.S.C. 803)—

(A) in subsection (a)(1) (B) and (C), by striking "a a local" and inserting "a local"; and

(B) in subsection (b)(3)(B), by striking "section" each place it appears and inserting "subsection"; and

(2) in section 104(c)(2)(A) (2 U.S.C. 804(c)(2)(A)), by inserting a comma after "1993".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 335.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Today, the House considers S. 335, a bill which would reauthorize the Congressional Award Act. The Congressional Award program was established by PL 96-114 in 1979 to promote initiative, achievement, and excellence among youths aged 14 to 23. Award recipients complete a self-designed program of challenging, but achievable, goals in four program areas: voluntary service, personal development, physical fitness, and expedition/exploration.

Program participants can work toward a Congressional Award certificate or medal. In either category, there are three achievement levels: gold, silver, and bronze. Minimum requirements must be met regarding the number of hours devoted to each of the four program areas, total hours worked toward the award, and the duration of the participant's efforts.

Senators and Representatives present the awards at local, city, or State ceremonies. It was my great pleasure to make a presentation of the silver award recently in my district to Cameron Harris. Cameron exemplifies all the positive aspects of the Congressional Award. Making that presentation was one of the highlights of my first year in Congress.

Gold medal recipients are recognized each year at the Congressional Award Gold Ceremony at the U.S. Capitol, and I look forward to making a presentation in the near future to Cameron.

In 2000, the Congressional Award Act was amended by PL 106-533 to establish a congressional recognition for excellence in arts education. This act established a nine-member congressional board to recognize schools that promote excellence in arts education.

The Congressional Award program is administered by the Congressional Award Board, which is a nonprofit 503(c)(3) private-public partnership that is statutorily prohibited from receiving Federal funds. In lieu of Federal funding, the board is supported by charitable contributions and is authorized to receive in-kind services from the Federal Government, including free office space and an annual audit by the General Accountability Office, GAO.

□ 2100

S. 335 maintains current law by continuing the prohibition on Federal funding and provides a straight reauthorization that extends current law in-kind services for another 5 years.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 335, the bill to reauthorize the Congressional Award Act, and I am proud to be an original cosponsor of the House companion bill.

This public-private partnership gives the opportunity to young people to set and achieve personally challenging goals that build character and foster community service, personal development, and citizenship. To earn a Congressional Award, as the gentlewoman from North Carolina said, participants set and achieve individual goals in the areas of public service, personal development, physical fitness and expeditions.

We in New Jersey are particularly proud of the Congressional Award because the sponsor of the bill originally, 26 years ago, here in the House of Representatives, was Representative Jim Howard of New Jersey. The award is so good because all young people are equally able to earn the Congressional Award because the goals set are based on individual interests and ability. The young person is not selected to receive the Congressional Award; she or he earns it.

The Congressional Award facilitates neighborhood networks, enabling disadvantaged youth to become part of a community. It attracts youth from all backgrounds. The Congressional Award program fits nicely with extracurricular activities in schools and various youth programs, including Key Clubs, Service Clubs, Scouting, 4-H, and so forth. I have seen the program provide an opportunity for young people to learn from adults who will encourage and support them along the way to earning the Congressional Award.

The award program looks to teachers, guidance counselors, leaders of school and youth groups to spread the word about the program. The award can act as an important component for the personal development of young people. The program establishes a sense of self-confidence and helps enhance problem-solving skills. And perhaps the most important lesson, certainly one of the most important lessons that people can learn, is how to set achievable goals and then how to achieve them.

Created by Congress 26 years ago, the Congressional Award receives no Federal funding. It is fully funded by charitable contributions. However, Congress has assisted the program by authorizing the U.S. Mint to strike medals presented to the recipients. Members of the House and of the Senate recognize their constituents who earn Bronze, Silver and Gold medals. The winners of the Gold Medal Award participate in a ceremony here in Washington held annually.

This year, the number of Gold Medal recipients represented more than 25 States. The 12th Congressional District of New Jersey, my district, is pleased and proud to have 1,004 active participants, more than any other district in the country. There were five Gold Medalists from the 12th District in 2005. There is already a Gold Medalist approved for 2006, and I expect more. I look forward to presenting the awards to them and to dozens of Bronze and Silver Award winners.

Mr. Speaker, I urge my colleagues to support the Congressional Award Act.

Mr. OWENS. Mr. Speaker, I proudly rise today in support of the re-authorization of the Congressional Awards Program and to express my appreciation for the outstanding benefits it brings to my constituents and community. Congress established The Congressional Award in 1979 to recognize initiative, achievement and service in young people. The enabling legislation (Public Law 96–114) established the Congressional Award as a private-public partnership, receiving all funding from the private sector.

Program participants choose what they will do to earn the award based on their own interests and abilities. Participants are honored for achieving their goals. Participants earn Bronze, Silver and Gold Congressional Award Certificates and Bronze, Silver and Gold Congressional Award Medals. Each award level involves setting goals in four program areas: Volunteer Public Service, Personal Development, Physical Fitness, and Expedition/Exploration.

Members of Congress usually present the Award in a ceremony within their Congressional District, but the highest award, the Congressional Award Gold Medal, is presented in the Capitol in Washington, DC. I have been delighted to present 8 Gold Medals to constituents over the last 4 years. Not only have I seen young people from my district participate in the program, but many adults, teachers, guidance counselors, youth leaders, and friends have served as Congressional Award advisors and mentors.

Regardless of the situation, youth can earn the Congressional Award. The program is open to young people from 14- to 23 years old and it accommodates people with special needs or disabilities. There are no minimum grade point average requirements. Participants must select an unrelated adult to act as their advisor. There are more than 13,000 young people presently working to earn a Congressional Award—a number that is growing rapidly.

The Congressional Award is about challenge. Awards are earned—not won. Participants work entirely at their own pace over an extended period of time so that the value of volunteer service, staying fit, learning new skills and exploring new places and activities are made part of the young person's lifestyle. The Congressional Award fosters service, initiative and achievement. The Award builds leadership, confidence and self-esteem in countless young people as they grow into product citizens in all walks of life.

For those who sincerely want to promote positive activities among the youth of our Nation the Congressional Award Program is an ideal national vehicle. That so few Members of the House and the Senate sponsor candidates is a shameful tragedy. Certainly the program would not be experiencing its present fiscal difficulties if the private sector discerned that their Washington legislators really cared. We are missing a golden opportunity to do a great amount of good at a very low cost.

Today, Mr. Speaker, I rise in support of the Congressional Award Program as a significant instrument in our efforts to reach out to young people across the Nation and encourage them to get involved in community service. I encourage my colleagues to support the Congressional Award not only by re-authorizing the program for another 5 years, but also by Members becoming involved in their districts.

Mr. WICKER. Mr. Speaker, I am pleased to support a congressional program that builds character and fosters community service, personal development and citizenship in young Americans—the Congressional Award program. Established in 1979, the Congressional Award is the highest honor Congress bestows upon young people.

Any interested, motivated youth age 14 to 23 may participate. The Congressional Award adapts to meet the needs of each participant. Students set goals according to their own interests and level of abilities. Congressional award recipients represent the best of America. They are required to have committed to bettering themselves and to giving back to the communities in which they reside. It is the making of fulfilling of that commitment that makes these young people so extraordinary.

Over 650 young people in Mississippi are actively pursuing a Congressional Award. Many of these participants are currently involved with Hurricane Katrina relief efforts as a part of their volunteer service commitment. Last year 15 Mississippi youths earned the Congressional Award Gold Medal by serving over 400 hours of volunteer community service and 200 hours each in personal development and physical fitness.

2005 Gold Medal recipient William Fleming of Vardaman, MS, says this of his experience: "I gained a renewed sense of accomplishment and self worth that cannot be replaced. I got all of this from the activities that I completed in the Congressional Award program."

Participation in this program is growing rapidly. Over 2,700 Congressional awards were earned in fiscal year 2005—an increase of 100 percent from just 5 years ago. On June 22, 2005, Members of Congress presented 242 young people with Gold Medals—our highest number to date. In 2006, that number will most likely exceed 300. As a long time supporter of the Congressional Award, I encourage my fellow colleagues to reauthorize this outstanding program.

Mr. HOLT. Mr. Speaker, I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the Senate bill, S. 335.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

TO PROVIDE CERTAIN AUTHORITIES FOR THE DEPARTMENT OF STATE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4436) to provide certain authorities for the Department of State, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDI CENTER.

(a) AUTHORIZATION.—The Secretary of State is authorized to provide for the participation by the United States in the Regional Emerging Diseases Intervention Center (in this section referred to as "REDI Center") in Singapore, as established by the Agreement described in subsection (c).

(b) CONSULTATION AND REPORT.—

(1) CONSULTATION.—Prior to the review required under Article 6.3 of the Agreement described in subsection (c), the Secretary shall consult with the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) REPORT.—In connection with the submission of the annual congressional budget justification, the Secretary shall report on efforts undertaken at the REDI Center with regard to bioterrorism concerns.

(c) AGREEMENT DESCRIBED.—The Agreement referred to in this section is the Agreement between the Governments of the United States of America and the Republic of Singapore Establishing the Regional Emerging Diseases Intervention Center, done at Singapore, November 22, 2005.

SEC. 2. RETENTION OF MEDICAL REIMBURSEMENTS.

Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended by adding at the end the following new subsection:

"(g) Reimbursements paid to the Department of State for funding the costs of medical care abroad for employees and eligible family members shall be credited to the currently available applicable appropriation account. Such reimbursements shall be available for obligation and expenditure during the fiscal year in which they are received or for such longer period of time as may be provided in law.".

SEC. 3. ACCOUNTABILITY REVIEW BOARDS.

Section 301(a) of the Diplomatic Security Act (22 U.S.C. 4831(a)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) FACILITIES IN AFGHANISTAN AND IRAQ.—

"(A) LIMITED EXEMPTIONS FROM REQUIREMENT TO CONVENE BOARD.—The Secretary of State is not required to convene a Board in the case of an incident that—

"(i) involves serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission in Afghanistan or Iraq; and

"(ii) occurs during the period beginning on October 1, 2005, and ending on September 30, 2009.

"(B) REPORTING REQUIREMENTS.—In the case of an incident described in subparagraph (A), the Secretary shall—

"(i) promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the incident;

"(ii) conduct an inquiry of the incident; and

"(iii) upon completion of the inquiry required by clause (ii), submit to each such Committee a report on the findings and recommendations related to such inquiry and the actions taken with respect to such recommendations.".

SEC. 4. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

(a) REPEAL OF LIMITED-SCOPE EFFECTIVE DATE FOR PREVIOUS INCREASE.—Subsection (c) of section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (division D of Public Law 108–199) is repealed.

(b) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended in the third sentence by striking "25 percent of the rate of basic pay or, in the case of an employee of the United States Agency for International Development,".

(c) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking "25 percent of the basic pay of the employee or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development" both places that it appears and inserting "35 percent of the basic pay of the employee".

(d) CRITERIA.—The Secretary of State shall inform the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the criteria to be used in determinations of appropriate adjustments in post differentials under section 5925(a) of title 5, United States Code, as amended by subsection (b), and danger pay allowances under section 5928 of title 5, United States Code, as amended by subsection (c).

(e) STUDY AND REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of State shall conduct a study assessing the effect of the increases in post differentials and danger pay allowances made by the amendments in subsections (b) and (c), respectively, in filling "hard-to-fill" positions and shall submit a report of such study to the committees specified in subsection (d) and to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 5. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting "the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a))," after "considering"; and

(2) by striking "the grievant or" and inserting "the grievant, or".

SEC. 6. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.

Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

SEC. 7. OFFICIAL RESIDENCE EXPENSES.

Section 5913 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(c) Funds made available under subsection (b) may be provided in advance to persons eligible to receive reimbursements.".

SEC. 8. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS EDUCATION BENEFITS.

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended by inserting after paragraph (18) the following new paragraph:

"(19)(A) To provide for the payment of primary and secondary school expenses for dependents of personnel stationed in the Commonwealth of the Northern Mariana Islands (CNMI) at a cost not to exceed expenses authorized by the Department of Defense for such schooling for dependents of members of the Armed Forces stationed in the Commonwealth, if the Board determines that schools available in the Commonwealth are unable to provide adequately for the education of the dependents of such personnel.

"(B) To provide transportation for dependents of such personnel between their places of residence and those schools for which expenses are provided under subparagraph (A), if the Board determines that such schools are not accessible by public means of transportation.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume, and I want to point out to my colleagues and remind them that last July, July 20 to be exact, by a vote of 351–78, the House passed a very comprehensive piece of legislation, H.R. 2601, the Foreign Relations Authorization Act for fiscal years 2006 and 2007. That bill, regrettably, is stalled over in the other body, so this is a much scaled-down version that will provide some very important authorities to the Department of State, and I will just briefly outline that bill at this point.

First, H.R. 4436 provides for U.S. participation in the Regional Emerging Disease Intervention Center, or REDI Centers, in Singapore. This provision will allow the U.S. Government to detail Health and Human Services infectious disease experts to the center to work with their Asian counterparts, by providing training and research to prevent and respond to disease outbreaks and bioterror attacks, such as the avian flu and SARS. Not only will this help prevent the spread of the epidemic abroad, it will also be a vital step in protecting American citizens at home from this and other deadly viruses.

Second, H.R. 4436 addresses key personnel issues which will strengthen the Department of State's ability to manage its people and resources. I have always believed, Mr. Speaker, that personnel is policy, and how we take care of our foreign service officers abroad, many of whom operate under dangerous and difficult conditions, has great impact on how the U.S. is perceived abroad. H.R. 4436 increases the maximum post-differential and danger pay allowance that may be given to an FSO of the Department of State to 35 percent of base pay, bringing it in line with allowances offered to USAID personnel.

Other provisions will restore grievance rights to those being separated for cause and provides funding for educational expenses for dependents of the Broadcasting Board of Governors personnel stationed at the Northern Mariana Islands if the board determines that the commonwealth schools are unable to be recognized as an adequate education.

I would just point out that, earlier, we had a very good briefing with Secretary of State Condoleezza Rice, who spoke to that very issue of the difficulty of attracting experienced State Department personnel for those overseas missions that have great risk affixed to them. She was very glad to hear that this bill would be coming to the floor, as my good friend and colleague, Mr. LANTOS, who was there at that briefing, heard as well.

Third, the bill makes discretionary the convening of an Accountability Review Board in the case of an incident involving serious injury, loss of life or significant destruction of property at or related to a U.S. Government mission in Afghanistan or Iraq. In lieu of such a board, the Secretary of State may conduct an inquiry and submit a report on the incident to the House International Relations and Senate Foreign Relations Committees.

Lastly, the bill amends section 904 of the Foreign Service Act of 1980 to enable the State Department to retain medical insurance reimbursements in the year in which they are collected, strengthening the Department's management tools and ability to provide emergency medical services for its employees abroad.

In conclusion, I urge my colleagues to support this bill. It gives our diplomatic service the resources it needs in this post-9/11 environment to promote U.S. interests and values abroad and to protect American citizens right here at home.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this legislation.

Mr. Speaker, this simple and straightforward bill amends certain authorities of the Department of State so that the Secretary can better manage that global institution.

Many of the provisions have already passed the House in one form or another. One provision of note is the authority for the United States to become a member of the Regional Emerging Diseases Intervention Center which is being established in Singapore. This regional institution, originally designed to address the threat of SARS that was recognized at the end of 2003, now can be a focal point for addressing issues arising out of the avian flu outbreaks that we have seen earlier this year.

Mr. Speaker, I urge all of my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, to conclude, before yielding back, I do want to thank Chairman DAVIS from the Government Reform Committee for his cooperation because there were some issues of jurisdiction, and he acted in a very cooperative and collegial way to help make this legislation possible.

I would also like to thank Kristen Gilley for her fine work in working on this legislation, and to my good friend and colleague Mr. LANTOS as well.

Mr. SMITH of New Jersey. Mr. Speaker, I am attaching an exchange of letters between Chairman HYDE and Chairman DAVIS concerning the bill H.R. 4436, "To provide certain authorities for the Department of State, and for other purposes" for printing in the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, December 14, 2005.

Hon. TOM DAVIS,
Chairman, House Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 4436, to provide certain authorities for the Department of State. There are certain provisions in the bill which fall within the shared Rule X jurisdiction of your Committee. Specifically, I refer to the language in section 4 of the bill relating to increased limits applicable to post differentials; section 6 of the bill which extends the authorization of personal services contracting authority that waives civil service laws and danger pay allowances; and section 7 relating to official residence expenses. Based on discussions between the two committees, I will change the language in this bill as called up to include a modification in section 4 (e) relating to reporting requirements to include your Committee and to sunset the authorization in section 6. Section 7 will remain as in the introduced bill.

In the interest of permitting this Committee to proceed expeditiously to the floor consideration of this bill, I request your Committee to waive further consideration of this matter. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter. I will urge the Speaker to name Members of your Committee to any conference committee which is named to consider this bill.

I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the CONGRESSIONAL RECORD

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, December 14, 2005.
Hon. HENRY J. HYDE,
Chairman, House Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the bill H.R. 4436 to provide certain authorities for the Department of State. I concur in your judgment that certain provisions which you mentioned fall within the jurisdiction of your Committee.

Based on conversations between the two committees and your agreement to make certain changes in the language which will be considered under suspension of the rules, I am willing to waive this committee's right to consider the bill. In so doing, I do not waive its jurisdiction over the subject matter of the bill. I appreciate your commitment to urge the Speaker to name Members of this Committee to any conference committee which is named to consider this bill and to insert this exchange of letters into the CONGRESSIONAL RECORD.

I appreciate your cooperation in this matter.

Sincerely,

TOM DAVIS,
Chairman.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4436, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4436.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SENSE OF CONGRESS REGARDING NICARAGUA

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 252) expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country, as amended.

The Clerk read as follows:

H. CON. RES. 252

Whereas the United States is strongly committed to promoting democracy and the rule of law through the democratically elected government and the civil society of Nicaragua;

Whereas the Democratic Charter of the Organization of American States, of which the United States and Nicaragua are signatories, stipulates that "[t]he peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it";

Whereas after experiencing a revolution, loss of personal liberties, destruction of property, and economic instability a quarter century ago, the people of Nicaragua are committed to maintaining a democratic form of government that functions democratically and whose branches of government respect the rule of law and human rights;

Whereas in November 2001, during the last national election, approximately 90 percent of voters in Nicaragua turned out to vote, indicating a strong commitment to a free electoral process and self determination;

Whereas international observers, including representatives from the National Democratic Institute, the International Republican Institute, the Carter Center, and the Organization of American States, monitored the Nicaraguan elections of November 2001 and determined that the elections met minimum international standards and that the outcome reflected the will of the Nicaraguan people;

Whereas ex-President Arnoldo Aleman and Sandinista Liberation Front (FSLN) leader Daniel Ortega entered into an agreement, which is widely known throughout Nicaragua as "the Pact," to exploit the legislative powers of the National Assembly to undermine the Nicaraguan Constitution, the Presidency of Enrique Bolaños Geyer, and key institutions of representative democratic governance;

Whereas polls indicate that an overwhelming percentage of Nicaraguans oppose the Aleman-Ortega Pact, and tens of thousands of Nicaraguans have taken to the streets in the past year to call for an end to the Pact;

Whereas in September 2005, the Secretary General of the Organization of American States warned that the attempt by the Nicaraguan national legislature to strip President Enrique Bolaños Geyer's ministers and other senior government officials of their official immunity had created circumstances that would have made the country ungovernable and generated endless conflict;

Whereas with regard to the attempt by the National Assembly through the operation of the Aleman-Ortega Pact to undermine the privileges of the Nicaraguan executive branch, the Organization of American States urged, in the strongest possible terms, that "the parties concerned enter into a broad and constructive dialogue, free of pressures and threats" and that the parties "respect the mandate freely conferred upon President Enrique Bolaños Geyer and the other elected officials by the Nicaraguan people";

Whereas the National Assembly, in reaction to pressure from the international community, in October 2005, voted unanimously to delay until after the term of President Enrique Bolaños Geyer expires in January 2007, the enactment of these constitutional amendments by approving the Framework Law for the Stability and Governability of the Country (Framework Law);

Whereas, although the enactment and implementation of the Framework Law has reduced the political tensions in Nicaragua, the practical effect of the Pact remains largely intact as Arnoldo Aleman and Daniel Ortega continue to wield near total control over the National Assembly, the Supreme Court, the Electoral Council, and the Comptroller's Office, and the Human Rights ombudsman's office;

Whereas free, fair, transparent, and inclusive electoral processes, in conjunction with strong adherence to the constitution and democratic institutions, are the bulwark against anti-democratic forces;

Whereas presidential and legislative elections in Nicaragua are scheduled to be held in October 2006; and

Whereas the prerequisites for free, fair, transparent, and inclusive elections have not yet been met, including securing a sufficient number of credible national and international observers, completing the distribution of voter identification cards, and ensuring that all qualified and willing candidates are permitted to contest the elections: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) condemns the continued operation of the Aleman-Ortega Pact as detrimental to democracy in the Republic of Nicaragua, the future of democracy in Nicaragua, and the stability of the entire region;

(B) denounces the previous attempts by the National Assembly to encroach unconstitutionally upon the powers of the executive branch, undermine the governability of the country, and advance the personal ambitions of some of its current and former members;

(C) applauds the diplomatic efforts of the Organization of American States (OAS) and the Secretary-General of the OAS for demonstrating the viability of the Inter-American Charter as an increasingly effective instrument in the Western Hemisphere for overcoming obstacles that impede institutions, whether such institutions are executive, legislative, or judicial in nature, from governing democratically;

(D) concurs with the convening of a broad National Dialogue to address the challenges that confront the Nicaraguan people as they attempt to build a more effective democracy; and

(E) supports the efforts of the Government of Nicaragua and civil society to create the necessary conditions for free, fair, transparent, and inclusive elections in 2006, including by having effective and robust monitoring missions by the Organization of American States and other international observers, supporting the training of domestic election observers, assisting in the auditing of voter rolls to ensure accuracy, promoting the complete distribution without discrimination of proper voter identification documents, and encouraging the lawful inclusion of all qualified candidates in the electoral contests; and

(2) it is the sense of Congress that—

(A) it should be the policy of the United States to support democracy, the rule of law, and human rights in Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish the requisite conditions for free, fair, transparent, and inclusive presidential and legislative elections in 2006;

(B) it should be the policy of the United States to work through the Organization of American States and other regional and international organizations to encourage political elements within Nicaragua to preserve, protect, and defend the letter and spirit of that country's constitution; and

(C) to the extent that electoral or democracy and governance assistance is provided, the President of the United States should ensure that such assistance is provided only for the purposes of training election observers and ensuring the integrity of the electoral process as requested by the President of Nicaragua, that such assistance be provided through nongovernmental organizations on a non-partisan basis in the United States and Nicaragua, and that the details of such assistance be made public on a timely basis to promote transparency and accountability in both countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative in which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume, and I rise today in strong support of this concurrent resolution that expresses the sense of Congress that the United States should actively support efforts in Nicaragua to move that country towards an immediate and full restoration of a functioning democracy.

Further, the resolution calls on the United States and the international community, including the Organization of American States, to actively support the government of Nicaragua and civil society as they work to establish the necessary conditions to ensure a free, fair and transparent electoral process.

Throughout the 1980s and the 1990s, Latin America and the Caribbean, with the notable exception of Cuba, made remarkable progress towards democracy. I believe much of the credit for this progress is due to the courageous leadership of many democracy-minded people in the region who grew weary of the brutal dictatorships, but also the dedication of people like former President Ronald Reagan and others in the U.S. and elsewhere who invested in the future of these countries by helping to plant the seeds of democracy and nurturing them over time.

That investment is paying off, but we should be under no illusions that the work is complete. The truth is that, 15 years after the Managua Spring, democracy and freedom in Nicaragua are being eroded. While democracy is still holding on, it is not without its opponents, and in Nicaragua, the alarm bells are ringing.

Right now in Nicaragua, the hard left and the corrupted right are making common cause in attempting to bring down the democratically elected government of Enrique Bolanos. Sandinista leader Daniel Ortega in alliance with convicted former president Arnoldo Aleman has entered into an arrangement known as the Pact that poses a real and present danger to every democratic institution in that country, from the national assembly, the national electoral council, to the supreme court right on down.

For example, the Pact, through its control of the National Assembly of Nicaragua, tried to strip President Bolanos of his constitutional powers through what is known as the Stability and Governability of the Country Law. In October, however, the assembly, under pressure from the international community and perhaps the introduction of this resolution, voted to postpone this law until after President Bolanos leaves office in January of 2007.

Delaying the governability law has allowed Nicaragua to avoid an immediate constitutional crisis. But as President Bolanos said quite clearly during a recent visit with members of our subcommittee here in Washington, which I chair, the future of Nicaraguan democracy remains under threat and that the United States needs to pay attention before it is too late.

I believe that we must do what we can to ensure that the upcoming elections in Nicaragua are free and fair. Passage of this resolution will send a loud and clear message to the political elements that are attempting to subvert Nicaraguan democracy that the United States does not abandon friends who have stood so strong for the value of democracy.

□ 2115

While the recent actions of the Ortega-Aleman Pact indicate they may have abandoned their immediate efforts to overthrow President Bolanos, we should be under no illusion that they have given up their longer-term goal of returning Nicaragua to the days of oppression and dictatorship. So many Nicaraguans died during the years of violence and civil war for the dream of a free and democratic Nicaragua. Their sacrifice should not be in vain. We must work with the democratic forces of Nicaragua to ensure that Nicaragua continues to thrive and benefit for the people of that nation.

The resolution before us sets out a path which I believe and many of my colleagues on both sides of the aisle believe will ensure that democracy remains viable in Nicaragua. I urge my colleagues to show their support for democracy in Nicaragua by supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this important resolution, and I want to commend my good friend from Indiana for submitting this very important piece of legislation.

Mr. Speaker, although Nicaragua narrowly averted a political and constitutional crisis recently, the country remains gripped by an epic struggle to maintain its democratic form of government and its respect for the rule of law and civil society.

Former Nicaraguan President Arnoldo Aleman and former communist dictator Daniel Ortega conspired to subvert the administration of the democratically elected President Enrique Bolanos to their perverse interpretation of Chinese water torture.

Through their control of the National Assembly in Nicaragua, Aleman and Ortega slowly, but methodically, packed the Supreme Court, the Electoral Council, the comptroller's office, and other institutions with their stooges.

They then planned to carve away key revenue-raising administrative offices, like TelCor, the agency in charge of telecommunications in Nicaragua, and place them under legislative control. The last step for the unholy Aleman-Ortega alliance was to begin the process of removing several members of Bolanos' cabinet and other senior officials from their government positions on very questionable grounds.

Mr. Speaker, the dubious legal proceedings against President Bolanos' government sparked a resounding and near universal international outcry. From the Organization of American States to the Central American Court, to members of this body, led by my friend and colleague, Mr. BURTON, chairman of the Western Hemisphere Subcommittee, a cacophony of respected voices reiterated their unwavering support for true democracy and the rule of law in Nicaragua and their determined opposition to the return of corrupt caudilloism.

Undoubtedly feeling the intense pressure, Sandinista leader Ortega broke ranks with former President Aleman and entered into a new agreement with President Bolanos that postponed the most onerous constitutional and administrative changes until after the end of Bolanos' presidential term in 2007.

Mr. Speaker, while the new agreement between Bolanos and Ortega defused a volatile confrontation between the executive and the other branches of Nicaragua's government, it did not remove Aleman or Ortega loyalists from their government positions, at least to the extent that the Aleman-Ortega Pact still remains in place.

Under normal circumstances, the influence that Aleman and Ortega are able to continue to wield, either individually or jointly over the operation of Nicaragua's government, would be troublesome enough. With presidential and legislative elections scheduled to be held within a year's time in Nicaragua, their influence over the electoral process threatens to undermine the prospects for free, fair, transparent, and inclusive elections next October.

Mr. Speaker, President Bolanos visited us last week and spoke of the many tasks that remain. ID cards need to be distributed to all eligible voters without discrimination based upon political affiliation. All willing and qualified candidates must be allowed to contest the elections. Perhaps most importantly, credible international observers from the Organization of American States and other institutions must be invited and encouraged to monitor the electoral process as soon as possible.

Mr. Speaker, it is my hope that, through international interventions like the resolution before us today, Aleman and Ortega will recognize the destructive folly of their previous acts, maintain Nicaragua on the path of economic and political liberalization, and once again permit the Nicaraguan people to express their choice for the future in next year's elections. I strongly urge my colleagues to support this resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, H. Con. Res. 252 expresses the sense of Congress that the Government of the United States should actively support the aspirations of the democratic, political, and social forces in the Republic of Nicaragua. I want to say it is possible that my good friend, Mr. BURTON, may have already achieved the results that were intended in this resolution.

This bill was crafted to address a pact formed by Arnoldo Aleman, former president of Nicaragua of the LCP Party, who had been sentenced to 20 years of house arrest for looting state coffers of $100 million. The pact was with Mr. Aleman and Daniel Ortega, former president of the Sandinista Party.

The Aleman-Ortega Pact passed so-called constitutional reforms that weakened the power of the Bolanos presidency. It was in this context, I believe, that H. Con. Res. 252 was introduced.

However, I believe the context, perhaps the mere introduction of the bill, helped to bring about a change of the context. In October, days after Nicaragua received a threat from U.S. Deputy Secretary of State Robert Zoellick that Nicaragua risked losing $175 million in U.S. aid if President Bolanos were toppled, Bolanos and Ortega agreed to postpone the constitutional reforms until the next president's term begins in 2007.

So, again, this may be an example where the mere introduction of a bill helped to bring about the desired change, and I think that Mr. BURTON and everybody who has been involved in the introduction of the bill should be commended for their work.

H. Con. Res. 252, expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua may have already achieved its aims and may not be necessary.

This bill was crafted to address a pact formed by Arnoldo Aleman, former President of Nicaragua of the Liberal Constitutional Party, who had been sentenced to 20 years of house arrest for looting state coffers of $100 million, with Daniel Ortega, former President of the Sandanista Party.

The Aleman-Ortega pact passed constitutional reforms that weakened the power of the Bolanos Presidency. It was in this context that H. Con. Res. 252 was introduced.

However, the context has since changed.

In October, days after Nicaragua received a threat from U.S. Deputy Secretary of State Robert Zoellick that Nicaragua risked losing $175 million in U.S. aid if President Bolanos were toppled. Consequently, the members of the pact agreed to postpone the constitutional reforms until the next president's term begins in 2007.

I commend the sponsors of the legislation but would suggest that since the resolution has achieved its ends, it should be withdrawn.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to my good friend and distinguished colleague, the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me start by saying that I support, like everyone else, a free and fair electoral process in Nicaragua in the coming year. And I support democracy in Nicaragua, the separation of powers, the independence of the judiciary, and other institutions.

What I am opposed to is the typical U.S. interference in Latin America. Our foreign policy traditionally, historically, has been to ignore Latin America, and then every once in a while to take some action that is so out of touch with reality in Latin America, and foolish, as this resolution is tonight.

What we are doing on the floor of the House today is a clear example of this warped, nonexistent policy. If U.S. history in Nicaragua were one of supporting elections without taking sides and supporting checks and balances and independent institutions, I would feel differently about a resolution like this. But we have little credibility in Nicaragua today because the U.S. is perceived as having such a strong animosity to Daniel Ortega, my brother from California just called him a communist and I thought that had ended awhile ago, and the FSLN, that any actions we take are viewed as biased and certainly not objective or impartial.

While I can go through sentences in this text that I have differences with, that is not what is driving me to speak on the House floor today. Would we not be providing a better example to the democratic movement in Nicaragua if we led by example and instead of voting on this resolution today, we stayed away from anything that appeared to show the United States taking sides and interfering yet again in Nicaragua?

Given our long and troubled history in this country, we need to be careful not to interfere. Instead, let us support the OAS's effort and not take positions on internal Nicaragua elections.

Let me also take a moment to comment on one line of the resolution that states: "Congress condemns the continued operation of the Aleman-Ortega Pact," which no longer exists, "as detrimental to democracy in the Republic of Nicaragua, the future of democracy in Nicaragua, and the stability of the entire region."

Of course this is right on top of the fact that we now claim that Venezuela is the danger to the region so they have been replaced tonight by Nicaragua as the main danger to the region. I simply have to take issue with the "stability of the entire region" comment. I think what undermines the stability of Latin America is the total lack of attention on an ongoing basis to the concerns of Latin America and then kinds of efforts like this resolution that show up every so often.

If this were coming to a vote, I would vote against this because I know what this is about. This is a little different than the Chavez-Venezuela issue. On that one we did not like the results, and the results are the fact that either through his coalition, through pushing back and attempted coup, which has our fingerprints all over it, President Chavez and his coalition have been elected and reelected eight times. We do not like the results, so we do not like him.

Here we suspect, like the rest of Latin America, that the result may be one we do not like so we are anticipating that by suggesting that they better get their act together, meaning let anybody win except the opposition because that obviously would be undemocratic.

Mr. Speaker, there has to be a reason why Latin America went from military dictatorships to so-called democracies to again electing leftist leaders. Either something is in the water of Latin America or people are fed up with conditions. So what do we do? Instead of saying they are electing leftist governments and we should find out why and support the elected leaders in their desire to bring up the poor, we say beware Chavez, beware Bolivia, beware Peru, beware Chile, beware everybody, and especially beware Nicaragua: we did it to you once; we can do it to you again. If you do not elect the kind of government we want, you are in deep trouble with us and you are not democratic. That is not democracy.

Mr. BURTON of Indiana. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. WELLER), vice chairman of the Western Hemisphere Subcommittee.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Indiana for bringing this resolution to the floor. I am a strong supporter of this resolution.

Democracy in Nicaragua has been and continues to be under threat from something known as "the pact." The pact is an agreement based on corruption and desire for power between two men: former President Aleman and former dictator Ortega, known locally as the party caudillos, strongmen, party bosses; and they are both corrupt.

Let us be clear: the pact today controls the Supreme Court of Nicaragua, the pact controls the Supreme Electoral Council, the pact controls the National Controllers Board, and the public prosecutor's office. These two corrupt caudillos have divided up power so they control it for themselves.

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The Pact is alive and well. A side agreement to weaken President Bolanos failed largely because of civil society, but control of the country's institutions, those I named, still continue. So democracy continues to be threatened in Nicaragua. What is the goal of the Pact? To manipulate the 2006 elections for their benefit, for the benefit of former dictator Ortega and former President Aleman, to feed their corruption. The Pact wants to stay in power, including through controlling the supreme electoral council. Now, what type of people make up the supreme electoral council? I would note that two out of seven of the members have had their visas permanently revoked by the United States. And according to a survey published September 19 of this year by La Prensa, the leading newspaper, three-fourths, 74 percent of Nicaraguans believe that the supreme electoral council is capable of fraud. Evidence points to possible fraud by the supreme electoral council in the most recent election, the 2004 municipal election. Now the supreme court, controlled by Roberto Rivas, is extremely corrupt and influenced by the Ortega side of the Pact. Fully three members of the supreme court of Nicaragua have had their U.S. visas permanently revoked. And the court recently suffered the embezzlement of over $600,000 in confiscated narco-trafficking funds allegedly by Sandinista officials of the court.

Democracy is indeed in danger in Nicaragua, but I am pleased to see that efforts of civil society, groups like the Movimento de Democracia and other groups, particularly the government of Nicaragua under President Bolanos to create free and fair and transparent elections continues to push for true democracy. The United States must actively support democracy. The United States must actively support the rule of law and human rights in Nicaragua and to work with international organizations, especially the Organization of American States, to ensure the conditions exist for democracy and to ensure the integrity of the election process. I am particularly pleased that the International Democratic Institute and the International Republican Institute are both involved, and I hope the Organization of American States becomes fully engaged now, sooner rather than later, in ensuring a transparent and fair election process.

Mr. Chairman, I commend you for bringing this important resolution to the floor before us today. Democracy has had a good start in Nicaragua. It is under threat because of the Ortega-Aleman Pact. We must do everything we can to support true democracy and ensure free, fair and transparent elections, and that is why I strongly support this resolution and urge bipartisan support.

Mr. LANTOS. Mr. Speaker I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from California.

I want to say that I was greatly concerned hearing the comments of my colleague from New York who raises some valid points about the United States' interventions in Latin America. Now, I think that, you know, on one hand, the sponsors of the legislation have already achieved their ends, and I just wonder if the gentleman from Indiana would yield to a question.

Mr. BURTON of Indiana. Mr. Speaker, I will be happy to yield to my colleague.

Mr. KUCINICH. Mr. Chairman, you have sponsored a resolution here that, as I indicated earlier, the sponsorship moved some policy change. In light of that, would you have any interest in withdrawing the resolution and declaring victory?

Mr. BURTON of Indiana. I do not think so at this time. I think this resolution sends a very strong message, and I think we need to pass it.

Mr. LANTOS. Mr. Speaker we have no additional requests for time, and I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Let me just end by saying, thank you to Mr. LANTOS, my very good friend, for his leadership and his hard work on this and a lot of other legislation. Let me just say that Mr. LANTOS and I were both here back in the 1980s when the war took place in Nicaragua and El Salvador, and we saw the horrible result of dictatorships. We saw the horrible result of civil war, and democracy has changed that whole region down there. And we think it is extremely important that we do everything we can to support democratic institutions so that we do not have the bloodshed that we saw back in the 1980s and we do not see the massive flight of people leaving that region to get to the United States and elsewhere to get away from those wars. So I think this resolution sends a strong message. Once again, I thank Mr. LANTOS.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 252, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Expressing the sense of Congress that the Government of the United States should support democracy, the rule of law, and human rights in the Republic of Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish the requisite conditions for free, fair, transparent, and inclusive presidential and legislative elections in 2006.".

A motion to reconsider was laid on the table.

REMEMBERING AND COMMEMORATING THE LIVES AND WORK OF UNITED STATES CHURCHWOMEN EXECUTED IN EL SALVADOR IN 1980

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 458) remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980, as amended.

The Clerk read as follows:

H. RES. 458

Whereas on December 2, 1980, four United States churchwomen, Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, were violated and executed by members of the National Guard of El Salvador;

Whereas in 1980 Maryknoll Sisters Maura Clarke and Ita Ford were working in the parish of the Church of San Juan Bautista in Chalatenango, El Salvador, providing food, transportation, and other assistance to refugees and Ursuline Sister Dorothy Kazel and Cleveland Lay Mission Team Member Jean Donovan were working in the parish of the Church of the Immaculate Conception in La

Libertad, El Salvador, providing assistance and support to refugees and other victims of violence;

Whereas these four United States churchwomen dedicated their lives to working with the poor of El Salvador, especially women and children left homeless, displaced and destitute by the Salvadoran war;

Whereas these four United States churchwomen joined the more than 70,000 civilians who were murdered during the course of the Salvadoran war;

Whereas on May 23 and May 24, 1984, five members of the National Guard of El Salvador—Subsergeant Luis Antonio Colindres Aleman, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, and Jose Roberto Moreno Canjura—were found guilty by the Salvadoran courts of the executions of the churchwomen and were sentenced to thirty years in prison, marking the first case in the history of El Salvador where a member of the Salvadoran Armed Forces was convicted of murder by a Salvadoran judge;

Whereas the United Nations Commission on the Truth for El Salvador was established under the terms of the historic January 1992 Peace Accords that ended El Salvador's twelve years of war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the war;

Whereas in March 1993 the United Nations Commission on the Truth for El Salvador found that the execution of the four United States churchwomen was planned and that Subsergeant Luis Antonio Colindres Aleman carried out orders from a superior to execute them, and that then Colonel Carlos Eugenio Vides Casanova, then Director-General of the National Guard and his cousin Lieutenant Colonel Oscar Edgardo Casanova Vejar, then Commander of the Zacatecoluca military detachment where the murders were committed, and other military personnel knew that members of the National Guard had committed the murders pursuant to orders of a superior and that the subsequent cover-up of the facts adversely affected the judicial investigation into the murders of the four United States churchwomen;

Whereas the United Nations Commission on the Truth for El Salvador determined that General Jose Guillermo Garcia, then Minister of Defense, made no serious effort to conduct a thorough investigation of responsibility for the murders of the churchwomen;

Whereas the families of the four United States churchwomen continue their efforts to determine the full truth surrounding the murders of their loved ones, appreciate the cooperation of United States Government agencies in disclosing and providing documents relevant to the churchwomen's murders, and pursue requests to release to the family members the few remaining undisclosed documents and reports pertaining to this case;

Whereas the families of the four United States churchwomen appreciate the ability of those harmed by violence to bring suit against Salvadoran military officers in United States courts under the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

Whereas the lives of these four United States churchwomen have, for the past 25 years, served as inspiration and continue to inspire Salvadorans, Americans, and people throughout the world to answer the call to service and to pursue lives dedicated to addressing the needs and aspirations of the poor, the vulnerable, and the disadvantaged, especially among women and children;

Whereas the lives of the four United States churchwomen have also inspired numerous books, plays, films, music, religious, and cultural events;

Whereas schools, libraries, research centers, spiritual centers, health clinics, women's and children's programs in the United States and in El Salvador have been named after or dedicated to Sisters Maura Clarke, Ita Ford and Dorothy Kazel and lay missionary Jean Donovan;

Whereas the Maryknoll Sisters, headquartered in Ossining, New York, the Ursuline Sisters, headquartered in Cleveland, Ohio, numerous Religious Task Forces in the United States, and the Salvadoran and international religious communities based in El Salvador annually commemorate the lives and martyrdom of the four United States churchwomen;

Whereas the historic January 1992 Peace Accords allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic political, economic, and social institutions; and

Whereas December 2, 2005, marks the 25th anniversary of the deaths of these four spiritual, courageous, and generous United States churchwomen: Now, therefore, be it

Resolved, That the House of Representatives—

(1) remembers and commemorates the lives and work of Sisters Maura Clarke, Ita Ford, and Dorothy Kazel and lay missionary Jean Donovan;

(2) extends sympathy and support for the families, friends, and religious communities of the four United States churchwomen;

(3) continues to find inspiration in the lives and work of these four United States churchwomen;

(4) calls upon the people of the United States and religious congregations to participate in local, national, and international events commemorating the 25th anniversary of the martyrdom of the four United States churchwomen;

(5) recognizes that while progress has been made during the post-war period, the work begun by the four United States churchwomen remains unfinished and social and economic hardships persist among many sectors of Salvadoran society; and

(6) calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other United States Government departments and agencies to continue to support and collaborate with the Government of El Salvador and with private sector, nongovernmental, and religious organizations in their efforts to reduce poverty and hunger and to promote educational opportunity, health care, and social equity for the people of El Salvador.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on December 2, 1980, 25 years ago this month, four American church women were murdered in El Salvador by members of the El Salvadoran military. In 1984, five national guardsmen were tried, convicted and sent to prison for these murders.

On the occasion of the 25th anniversary of their deaths, the resolution before us commemorates the lives and work of the Maryknoll Sisters, Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel and lay missionary Jean Donovan. It extends our most profound sympathy and support to the families, friends and religious communities of these four women. It encourages us to find inspiration in their lives and work and calls upon the American people and religious congregations to participate in local, national and international events marking the 25th anniversary of their deaths.

The resolution also recognizes that progress has been made in El Salvador following the war, but reminds us that the work of these missionaries on behalf of the poor remains unfinished. Therefore, it calls on us as a Congress to engage ourselves and relevant U.S. agencies to continue to support and collaborate with the Salvadoran government and other private nonprofit and religious groups working to reduce poverty and hunger in El Salvador and to promote educational opportunity, health care and social equity.

I would like to commend Mr. MCGOVERN for bringing this resolution to the floor. It is a fitting tribute to four inspiring American church women who worked on behalf of some of the poorest Salvadorans, including refugees and children left homeless during El Salvador's internal struggles. I think we could all learn a lesson from the events of 25 years ago and work even harder to ensure that democracy remains strong in Central America and elsewhere so that such events can never be repeated. I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this important resolution. Mr. Speaker, El Salvador has progressed much since the 1980s when a horrific civil war tore through the country, consuming some 75,000 lives.

In the last decade, the country has held numerous free and fair elections. Power was transferred peacefully from one political party to another, and the military has withdrawn from the political and economic affairs of the country and returned to its barracks.

Standards of living have also improved. According to the World Bank, fewer infants are dying at birth; more children are attending primary school; and more families have access to safe drinking water today than they did 10 years ago.

El Salvador has also become one of our most trusted and unwavering allies and has taken principled and brave stances on such issues as Iraq and the defense of Israel.

Mr. Speaker, despite these extraordinary accomplishments, El Salvador, like many post-conflict countries, still struggles with a host of social, economic and environmental problems.

Public investments in health, education, sanitation and other social programs are low. As a consequence, the health of the population is generally poorer than that of most of El Salvador's regional neighbors. Also, violence, much of it gang related, is crippling El Salvadoran society. And El Salvador's preparedness to respond and mitigate natural disasters remains lacking.

Today's resolution reminds us to draw strength and inspiration from the lives of four admirable women who were killed for dedicating their lives to trying to bring hope to those who are desperately poor in El Salvador.

Working together with our El Salvadoran friends, I am confident that we can overcome the remaining challenges that confront them and strengthen the already close ties that bind our two great nations.

Mr. Speaker, the resolution before us today takes another step towards fortifying these bonds. I want to applaud my friend and colleague, Chairman HYDE, for expediting this body's consideration of the resolution, and I commend the efforts of the gentleman from Massachusetts (Mr. McGOVERN) for authoring it.

I strongly urge all of my colleagues to support H. Res. 458.

Mr. Speaker, I yield as much time as he might consume to the gentleman from Massachusetts (Mr. McGOVERN), the author of this legislation.

Mr. McGOVERN. Mr. Speaker, I wish to express my gratitude and appreciation to the leadership on both sides of the aisle for bringing this resolution to the House floor before we adjourn for the year. I especially want to thank Western Hemisphere Subcommittee Chairman BURTON, Subcommittee Ranking Member MENENDEZ, House International Relations Committee Chairman HYDE, Ranking Member LANTOS, Majority Leader BLUNT, Democratic Leader PELOSI, Speaker HASTERT, Rules Committee Chairman DREIER and all of their staffs.

Mr. Speaker, on December 2, 1980, Maryknoll Sisters Maura Clark and Ita Ford, Ursuline Sister Dorothy Kazel and Cleveland lay missionary Jean Donovan were brutally violated and murdered by members of the Salvadoran national guard. The guardsmen who pulled the triggers and their immediate superior, a sub-sergeant, were tried, convicted and imprisoned in 1984 for these heinous crimes, although they were later released in 1997 and 1998. But I am not here today to recall these tragic events. I am here to remember and honor their lives.

These four courageous American women dedicated their lives to the safety and welfare of others, to the poor and the desperate of El Salvador, especially the women and children left homeless and destitute by the violence and the war of that era. It is the way that they lived their lives and the work that they carried out that has proven to be so inspirational to so many people in the 25 years since their death and especially the young people who are looking for role models, both secular and spiritual, to guide their own futures.

I had the privilege to spend December 1 through December 6 in El Salvador and to participate in the many 25th anniversary events organized by the Maryknoll Sisters and other Salvadoran and American religious leaders honoring the lives of these four wonderful women. I was a member of a delegation coordinated by the Washington office on Latin America and the Association of Jesuit Colleges and Universities. Our delegation joined over 200 other Americans and an equal number of religious representatives from throughout Central and South America and elsewhere. During our 5 days in El Salvador, we walked in the footsteps of these women. We visited small rural communities where they lived and worked. We met with the campesinos, the priests and the sisters with whom they labored. We attended mass, and we worshipped at the site where their bodies were found.

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And we listened to the members of their families and their religious orders tell stories of their lost loved ones that brought these women vividly and joyously to life for all of us.

While it was a time of sorrow and remembered grief, it was also a time of celebration, for these four American women are remembered with great love and affection by the Salvadoran people and by so many Americans across our country. Their spirits burn bright and have served to inspire many others, including young people, to lives of service. Who now remembers those who brutalized and murdered them, unless it is with a shudder?

Several 25th anniversary events were held here in the United States during the December 2 weekend in cities as diverse as Kansas City, Boston, Cleveland, Seattle, Detroit, and Milwaukee. Across our country we will also find community centers, neighborhood health clinics, and groups that provide counseling for young women and mothers dedicated to these four women. We will find libraries, schools, and scholarly centers named in their honor and books, films, plays and music created to celebrate their lives.

In El Salvador, throughout Latin America, and even around the world, it is common to come across communities and humanitarian projects named after Maura Clarke, Jean Donovan, Ita Ford, and Dorothy Kazel.

I have been very privileged to get to know some of the family members of these women, and I have long been a friend of the Maryknoll Sisters. A finer group of people one simply cannot find. It is for them, the families, friends, and colleagues of these four church women that I am proud the House is acting on this special remembrance of their loved ones who have been lost to them these past 25 years but who always remain, as they say in Spanish, "presente" in their hearts, minds, and souls.

I believe these four American women represent the very best our country has to offer. They represent the best values and ideals, not only of the American people but of all people. My recent time in El Salvador inspired me. It reenergized me. It reminded me that we must remain committed to continuing the church women's legacy by helping the poor and disadvantaged of El Salvador develop their communities and create a more hopeful future for all.

I urge my colleagues to approve of H. Res. 458 and to remember the very special lives dedicated to service of Maura Clarke, Jean Donovan, Ita Ford, and Dorothy Kazel.

STATEMENT ON THE 25TH ANNIVERSARY OF THE FOUR MISSIONARY WOMEN—BISHOP THOMAS G. WENSKI, BISHOP OF ORLANDO, CHAIRMAN, USCCB COMMITTEE ON INTERNATIONAL POLICY, NOVEMBER 21, 2005.

Twenty-five years ago, many throughout the world were shocked by the news of the abduction, rape and murder on December 2nd 1980 of four American missionary women in El Salvador. That same year saw the intensification of the civil war in that country that was dramatically marked first by the assassination of Archbishop Oscar Romero on March 24th and, nearly a decade later, by the slaughter of six Jesuit priests and their two aides at the Central American University on December 16th 1989.

There can be little doubt that the sacrificial deaths—the martyrdoms—of these exemplary Christians, representing the episcopate, the life of vowed religious men and women, and the Catholic laity. Nor is there doubt that the findings of those guilty for these crimes served to hasten the end of that fratricidal war that was finally concluded with the January 1992 Peace Accords.

Sister Maura Clarke, MM, Sister Ita Ford, MM, both of the Maryknoll Sisters, Sister Dorothy Kazel, OSU of the Sisters of St. Ursula, and lay missionary Jean Donovan of the Cleveland Diocesan Mission team were all young, dynamic, deeply committed missionaries. They saw the face of Christ in the poorest and most vulnerable of the people of El Salvador and sought to offer what aid and consolation they could provide. In the poisonous political atmosphere of the time, their concern for "the least of these" was seen by some as a challenge to an unjust status quo.

May we today rededicate ourselves, together with the bishops and faithful of El Salvador and all of Central America, to the task of peace, justice and reconciliation throughout the Americas for which these exemplary women gave their lives.

DECEMBER 7, 2005.

To: Hon. Dennis Hastert, Speaker.
Hon. Roy Blunt, Majority Leader.
Hon. Nancy Pelosi, Minority Leader.

DEAR REPRESENTATIVES HASTERT, BLUNT, AND PELOSI: As people of faith and leaders of our Nation's religious communities, we write to urge you to move H. Res. 458 expeditiously to the House floor for consideration under suspension before the 109th Congress adjourns for the year. The resolution, which currently has 88 bipartisan cosponsors, was approved unanimously by the Western Hemisphere Subcommittee and unanimously by the House International Relations Committee. It was reported out of the HIRC on November 16, with recommendations that it be placed on the suspension calendar.

H. Res. 458 remembers and commemorates the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980.

Through their dedicated witness and untimely deaths in El Salvador, these four women remind us of the powerful gifts of humility, community and faith.

During the early years of El Salvador's tragic civil war, in which over 70,000 civilians eventually lost their lives, Maura Clarke and Ita Ford worked in Chalatenango, providing food, transportation, and other assistance to refugees; Dorothy Kazel and Jean Donovan worked in La Libertad, providing assistance and support to refugees and other victims of violence.

Based on their commitment to Jesus' call to service in the gospel, these four U.S. churchwomen dedicated their lives to working with the impoverished people of El Salvador, especially women and children left homeless, displaced and destitute by the civil war.

Now, 25 years after their kidnapping, rape and murder at the hands of Salvadoran National Guardsmen, it is fitting for Congress to recognize the women and their sacrifice and how their example has inspired so many others to answer the call to service. We strongly encourage your support of H. Res. 458, and again urge you to make every effort to move this resolution through the International Relations Committee in a timely fashion.

Sincerely,

Congregational Leadership Team, Maryknoll Sisters of St. Dominic.

General Council, Maryknoll, Fathers & Brothers.

Leadership Team, Ursuline Sisters of Cleveland.

Leadership Team, Maryknoll Lay Missioners.

Leadership Conference of Women, Religious (LCWR).

Rita Ann Teichman, SSI, Region VII, Leadership Conf. of Women Religious.

Raya Hanlon, OP, Chair Region XIV, Leadership Conf. of Women Religious.

Rev. T. Michael McNulty, SJ, Justice and Peace Director, Conference of Major Superiors of Men (CMSM).

Rev. Charles L. Currie, S.J., President, Association of Jesuit Colleges and Universities.

Rev. James Hug, S.J., President, Center of Concern.

Dave Robinson, Exec. Director, Pax Christi USA.

Rev. Louis Lougen, Provincial, Missionary Oblates of Mary Immaculate.

Sister Janet Yurkanin, IHM, Director, Migration and Refugee Services Diocese of Trenton, NJ.

Franciscan Mission Service.

NETWORK, a National Catholic Social Justice Lobby.

Office of Justice, Peace & Integrity of Creation, Columban Missionaries.

Leadership Team of the Institute of the Sisters of Mercy of the Americas.

Institute Justice Team of the Sisters of Mercy of the Americas.

Sisters of Mercy of the Americas, Vermont Regional Leadership Team.

Sisters of Mercy of the Americas, Cincinnati Regional Leadership Team.

Sisters of Mercy of the Americas, Auburn Regional Community.

Sisters of Mercy of the Americas, Burlingame Regional Leadership Team.

Sisters of Mercy of the Americas, Baltimore Regional Community.

Sisters of Mercy of the Americas, Detroit Regional Leadership Team.

Karen M. Donahue, RSM, Justice Coordinator, Sisters of Mercy Regional Community of Detroit.

Benedictine Sisters of the Sacred Heart, Lisle, IL.

Benedictines for Peace in Pittsburgh.

Benedictine Sisters, Mt. Angel, OR.

Benedictine Sisters of Chicago.

Sisters of St. Benedict, Rock Island, Illinois.

Sister Christine Vladimiroff, Prioress Benedictine Sisters of Erie, PA.

Sister Merle Nolde, OSB, Benedictine Sisters.

Dominican Sisters of Oxford, Leadership Team, Sister Teresita Lipar, OP, Prioress, Sister Susan McMahon, OP, Vicaress, Sister Gene Poore, OP, Councilor.

Adrian Dominican Sisters, Global Mission, Justice and Peace, Adrian Dominican Sisters, Midwest Chapter.

Dominican Sisters of St. Catherine of Siena, Kenosha, Wisconsin.

Leadership Team, Tacoma, Dominican Community, Sister Sharon Casey, Sister Patricia Morisset, Sister Mary Patricia Murphy.

Congregation Justice Committee, Sisters of the Holy Cross, Notre Dame, Indiana.

Ann Oestreich IHM, Congregation Justice Coordinator, Sisters of the Holy Cross.

Office of Justice, Peace & Integrity of Creation, School Sisters of Notre Dame, Mankato, MN.

School Sisters of Notre Dame, Office of Global Justice & Peace.

Sisters of the Living Word, Leadership Team.

Catherine M. Holtkamp, CDP, Director, Office of Peace & Justice, Congregation of Sisters of Divine Providence of Kentucky.

Sister Anne Shepard, Prioress, Mount St. Scholastica, Atchison, KS.

Sisters of the Holy Names of Jesus and Mary, Oregon Province.

Sisters of St. Joseph of Orange.

Sister Mary Quinn, President, Sisters of St. Joseph of Springfield.

Leadership Team, Sisters of St. Joseph, Nazareth, MI.

Sister Patricia Kelly, SSJ, President, Sisters of Saint Joseph, Philadelphia.

Sister Kathleen Coll, SSJ, Coordinator, Sisters of Saint Joseph, Philadelphia.

Sister Ricarda Vincent, SSJ, President, Sisters of St. Joseph, Northwestern Pennsylvania, Sister Rosemarie Lorenz, SSJ.

Sister Maureen P. Kelly, SSJ, Sister Barbara L. Reuben, SSJ, Sister Dorothy Winner, SSJ, Sister Linda M. Larsen, SSJ, Sister Mary Jane Daily, SSJ, Sisters of St. Joseph.

Sisters of St. Joseph of Peace, Our Lady Province.

Sister Joellen Sbrissa, CSJ, Office of Peace, Justice and Integrity of Creation.

Sisters of St. Joseph of La Grange, IL and Wheeling, WV.

Sister Kathleen Lucs, CSJ, Sisters of St. Joseph, of La Grange.

Sisters of St. Joseph of Carondelet, Los Angeles Province.

Rosemary Lynch, IBVM, Provincial, Institute of the Blessed Virgin Mary.

Union of Sisters of the Presentation of the Blessed Virgin Mary.

Congregation of Sisters of St. Agnes.

Sisters of the Presentation, San Francisco.

Sisters of St. Francis, Sylvania, Ohio.

Sisters of St. Francis, Little Falls, MN.

Leadership Team of the Sisters of St. Francis, Clinton, Iowa.

Leadership Team, Sisters of St. Francis of the Holy Cross.

Leadership Council of the Wheaton, IL Franciscans.

Justice, Peace & Integrity of Creation Office, Wheaton, IL Franciscans.

Sisters of St. Francis, Millvale, PA.

Sister Betty Kane, OSF, Director, Evangelical Life Services, Sisters of St. Francis of Philadelphia.

Sister Nancy Celaschi, OSF, School Sisters of St. Francis, Pittsburgh.

Sister Virginia Welsh, OSF, Community Minister, Sisters of St. Francis of Tiffin, Ohio.

Sister Mary Elizabeth Imler, General Community Leader, Franciscan Sisters of the Sacred Heart, Frankfort, Illinois.

U.S. Provincial Team, School, Sisters of St. Francis, Sister Barbara Kraemer, OSF, Sister Elizabeth Heese, OSF, Sister Maureen McCarthy, OSF.

Sister Dominica Lo Bianco, OSF, Our Lady of Angels Convent, Aston, PA.

International Team, School Sisters of St. Francis.

Sister Janet Gardner, OSF, General Minister, Sisters of St. Francis of the Providence of God, Pittsburgh PA.

Sister Rose Marie Surwilo, OSF, Sisters of St. Francis of Mary Immaculate, Joliet, IL.

Daughters of Charity of the East Central Province Leadership Team.

Sister Irene Fortier DHS, Justice Coordinator for Province, Daughters of the Holy Spirit.

Sister Mary Jo Anderson, CHS, General Coordinator, Community of the Holy Spirit.

Sister Margaret O'Rourke, dmj, Social Justice Coordinator, Daughters of Mary and Joseph, Long Beach, CA.

Leadership Team, Servants of Mary, Ladysmith, WI.

Sister Louise Akers, SC, Sisters of Charity.

Sisters of Charity of the Blessed Virgin Mary, Dubuque, Iowa.

Sisters of Charity of Nazareth, Congregational Leadership.

Sisters of Divine Providence of San Antonio, TX.

Sisters of the Immaculate Heart of Mary, New York Area Peace and Justice Group.

Sister Regina E. Flanigan, IHM, Sisters Servants of the Immaculate Heart of Mary, Immaculata, PA.

The Leadership Council Sisters, Servants of the Immaculate Heart of Mary, Monroe, Michigan.

Sister Susan Hadzima, IHM.

Sisters of the Holy Names, California Province.

The Provincial Leadership, Sisters of the Divine Savior—USA Province.

Sisters of the Sacred Hearts of Jesus & Mary, Oakland, CA.

Ursuline Sisters of the Roman Union, Eastern Province.

Office of Justice, Peace and Integrity of Creation, Ursuline Sisters of the Roman Union, Eastern Province.

Sister Joy Peterson, Leadership Team Srs. of the Presentation of the Blessed Virgin Mary, Dubuque, Iowa.

Sister Imelda Gonzalez, cdp, Congregation of Divine, Providence.

Sister Gertrude Myrick, RSM, Sisters of Mercy.

Sister Florence Magnan, CSA, Congregation of Sisters of St. Agnes.

Sister Mary Doretta Cornell, RDC, Sisters of the Divine Compassion.

Sister Eileen White, GNSH, Grey Nuns of the Sacred Heart.

Prof. Rowshan Nemazee, Department of Religious Studies, McGill University Montreal, Quebec, Canada.

Susan Fitzpatrick.

SOLIDARITY FOR THE 21ST CENTURY

REMEMBERING THE MARTYRS OF EL SALVADOR

We are here to honor the memory of four women martyred 25 years ago and of 75,000 others, including Archbishop Romero, who gave their lives for social justice and for human dignity. When corpses were piled high in the public garbage dumps outside this city—when bishops, generals, the nuncio and government officials demanded neutrality from the Church—these four chose to accompany a people made profoundly vulnerable by war and by repression. They lived the virtue of solidarity, not neutrality. Poor people, they believed, were one place of God's revelation in history—an opening where the God of hope and possibility was discovered in the midst of suffering and fear.

When they were killed, for people of faith in the United States and elsewhere in the North, they put a familiar, human face on the thousands of Salvadoran lay people, religious and priests who also were martyred here in those years and they gave great energy to a whole movement learning to act in solidarity with the people of Central America.

Solidarity—not (according to Joe Donders) a feeling of vague compassion or shallow distress at the misfortunes of others, but a firm and persevering determination to commit oneself to the common good.

Maura, Ita, Dorothy and Jean lived a solidarity that, even in these very different times would serve us. The Maryknoll Sisters, in the reflection paper they prepared for this conversation, described solidarity as a posture that is rooted in the identity of each person as a creature of God, a creature endowed with immense dignity, a treasure—who is created for interdependence within our human and earth community. They called us to a spirituality of family solidarity, which sets us free to transform our broken world.

In Like Grains of Wheat, Margie Swedish and I describe solidarity as the practice of accompanying people and the rest of creation marginalized by institutionalized violence, and of engaging in a process of social, economic and environmental transformation that is rooted in right relationships. We talked about a spirituality of solidarity shaped by a process that included several steps or stages:

Moving across boundaries to see with new eyes the reality of the world in which we live.

Having our hearts broken by the injustice we see, by ecological destruction—and broken open by new relationships

Finding life and joy and faithfulness at the margins, even in the midst of great suffering

Going home, reinserting in our own society as people who were changed, challenged—and are there committed to challenging the status quo

Becoming people of hope who believe that a better world is possible—and making or renewing a commitment to work for that better world.

These are times very different from the "era of the martyrs in El Salvador, Latin America." These are times defined by globalization with that phenomenon implies; by excessive wealth concentrated in the hands of a small minority in almost every country of the world and intransigent poverty lived by a global majority; by increasingly evident ecological catastrophy; and by a growing awareness of the intrinsic interconnectedness of humans with each other and with the rest of creation.

What might solidarity look like now and toward what might such a process lead us? That is the question we will all reflect upon this afternoon, but let me offer a few examples around the theme of security, which is becoming the "communist threat" of the 21st century.

Three months ago we watched a painful drama unfold in New Orleans that brought to the surface deep frustration and anger—and spectacular beauty. Immediately, there arose across the country—around the world—a gut level sense that life was precious and that everyone had a right to a dignified rescue from that dreadful situation. When it became evident that some people were much more vulnerable to the ravages of nature than others—that poverty (with its roots in racism) was the determining factor in how one fared, people across the country—around the world—were outraged.

Four years earlier, in the midst of the horrific aftermath of the terrorist attacks in the U.S., the same intuition was evident—to honor the sacredness of every life, to save lives—every life possible. Period. Nothing else mattered—color of skin, language spoken, legal status in the U.S., level of income. Everyone asked immediately how they could help.

We saw with new eyes and our hearts were broken—the beginning of solidarity.

Deep in the human heart, I believe, is an indelible sense of the value of each human life and an instinct for solidarity that accompanies, responds to, needs to shape our conversation around a topic that is too often manipulated for political gain or ideological reasons, yet will be central in many ways to the future of the human community and the integrity of creation.

According to Franciscan theologian Bryan Massingale, "Security in the biblical worldview is an outcome of pursuing [a] more comprehensive vision of shalom. When shalom is established through the pursuit of justice, then true security is found . . . Security is a state of being that flows from the inclusion of all in the bounty of the earth." Inclusive human security, as opposed to national security or personal financial security, guarantees access to food, clean water, healthcare, education and employment for all. It recognizes the right of people to deep democracy—to participate in important political, economic and environmental decisions that affect their lives and it respects the integrity of creation.

This kind of security—inclusive human security—would emerge from a "globalization of solidarity," international cooperation to meet the basic needs of all people in a manner that nurtures right relationships within the community of all life—human and beyond.

The experience of solidarity between U.S. people and the people of Central America in the 1970s and 80s and 90s taught us about interdependence and about security rooted in transnational community. That rich and deep experience of solidarity exposed the lie that the security of a wealthy and powerful few is threatened by the majority's desire for and right to a dignified life. In fact, we learned what the poor of Central America already knew—that the security—the very survival—of the majority of people and of the earth herself is profoundly threatened by the desire of the wealthy and powerful to maintain wasteful and destructive lifestyles.

It is clear now that true, inclusive security has to be rooted in global community—in the globalization of solidarity.

At issue is how we define security, from whose perspective and through what lens.

And it seems to me that the global groaning we are now experiencing is about shifting (especially in the global North) from one definition to the other:

. . . from pursuing security by building higher walls and stronger fences, hiring fiercer guards, inventing more powerful weapons systems, or dominating the global economy

. . . to pursuing security through the adoption of a new—or perhaps a very old—cosmovision that sees and values the whole community of life—and through collaborative attention to ensuring that the basic needs of all human beings everywhere are met. I believe that the role of the Church—of faith communities and of educational institutions is key in facilitating such a shift.

Religious leaders, pastors, educators and the media have to help us—

Grapple with our own fear and insecurity, enabling us to live with vulnerability—even see it as necessary for faithful living in solidarity with the majority of people who are always vulnerable;

Rework our value system from the ground up—reclaiming the positive (exhibited on 9/11 and in response to recent hurricanes) and eliminating rather than orchestrating the violent and destructive;

Reset our priorities from the accumulation of power, wealth and consumer goods to nurturing right relationships with other people and the rest of creation;

Move from individualism to emphasize community—ultimately the global community;

Learn to be present, to listen, to wait—to relinquish our need for instant gratification;

Develop our skills for social, political and economic analysis and historical consciousness that might help us move beyond sound bytes to understand root causes;

Deal with our collective fear of aging and death; and

Reexamine our symbols and myths to strip them of their ability to isolate and blind us—helping us as a people to rethink our way of being in the world, our relationship with the rest of creation.

"Unless the grain of wheat falls to the earth and dies, it remains alone. But if it dies, it bears much fruit." (John 12:23–26)

Unless a seed falls to the ground and dies . . . the last words of Archbishop Oscar Romero were about the price of liberation—the cost of global solidarity, of inclusive human security. His witness and that of Ita, Maura, Dorothy and Jean can give us courage to move in that direction—courage to birth a solidarity fitting for the intensely integrated and bitterly divided world of the 21st century.

Let me end with a little story:

In 1986, with about 20 other internationals, I accompanied a group of about 500 Salvadorans back to their own land near Suchitoto, which was then still under intense conflict. Many of them had been living at Calle Real refugee camp in San Salvador for 7 years and they were bone tired of being unable to plant crops and care for their families. After a few very difficult days we were arrested—forced by the Salvadoran military to leave the returning families a few heavily mined kilometers from their destination. We and they were not sure they would survive. But they did. They planted their crops and when they reaped their first harvest of beans and corn a few months later, they sent each of us a little packet of black beans and corn kernels. I have treasured them since as powerful symbols of courage and life—and solidarity.

I lost my first cousin in the World Trade Center—he worked at Cantor Fitzgerald and left his wife and two very young children. About a week after the attack, I wound my way down to the site of the devastation and planted a few of those seeds from El Salvador in a small park as close as I could get to the destruction. In some ways it was a futile gesture—indicative of my inability to imagine a more practical gesture of support for his family. On the other hand, those seeds carry great weight—the weight of what might blossom were we to open our hearts as a nation to a way of life given to global solidarity.

Over a year later, I returned to Ground Zero with my family. After they went on their way, I found my way back to that little park just to see it after the debris had been cleared—there was a tall stalk of corn where I had planted the seed. It was unbelievable, but a powerful sign of hope to me. The seeds of the solidarity that nourished us—North Americans and Central Americans together will bear rich fruit personally, nationally and globally—if we are willing to risk planting them again.

MARIE DENNIS,
El Salvador, December 3, 2005.

Mr. LANTOS. Mr. Speaker, I commend my friend from Massachusetts for his singularly moving statement.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of this resolution to honor the four United States churchwomen who were murdered in El Salvador 25 years ago this month: Maryknoll Sisters Maura Clarke, Ita Ford, Ursuline Sister Dorothy Kazel, and Maryknoll Lay Missioner Jean Donovan. Sisters Dorothy Kazel and Jean Donovan were both from my hometown of Cleveland. I was present at a neighborhood church during a reception for Sister Dorothy before she left on her last trip to El Salvador and have shared many moments with the Kazel family since then.

These churchwomen, along with other martyrs, dedicated their lives to working with El Salvador's poor during the incredibly dangerous and devastating period of the Salvadoran civil war. What their lives were about was bringing the social Gospel to those most in need. More than 70,000 civilians were murdered during the 12 years of that war.

The legacies of a history ripe with violence have lingered. Perhaps the best way to honor the four churchwomen is to do what they would do, to acknowledge the human rights offenses that have continued to this day. I would like to address such offenses: the continued operation of the School of the Americas in Fort Benning, Georgia, under the new name of the Western Hemisphere Institute for Security Cooperation; and the ongoing threats to the Office of the Human Rights Ombudsman in El Salvador.

I would like to urge support for Dr. Beatrice Alamanni de Carrillo, the Human Rights Ombudswoman of El Salvador. A crucial component of the 1992 Peace Accords that put an end to the Salvadoran civil war was the establishment of the Office of the Human Rights Ombudsman, the principal human rights investigative and monitoring body in El Salvador. Dr. de Carrillo has received numerous accolades for her work strengthening human rights in El Salvador.

Yet 25 years after the murders of the four U.S. churchwomen, threats against defenders of human rights continue. Over the course of the past year, the Ombudswoman has been the target of ongoing intimidation and harassment. The United States has the responsibility not only to recognize the work of the four churchwomen who we memorialize today but also to support those who are continuing to defend human rights in El Salvador.

The murders of the churchwomen and countless others were executed by members of the armed forces of El Salvador. Three of the five officers involved in the 1980 rape and murder of four churchwomen were graduates of the School of the Americas. Other notorious graduates involved in human rights offenses in El Salvador have included: El Salvador death squad leader Roberto D'Abuisson; 19 Salvadoran soldiers linked to the 1989 murder of six Jesuit priests, their housekeeper and her daughter; two of the three killers of Archbishop Oscar Romero of El Salvador; and 10 of the 12 officers responsible for the murder of 900 civilians in the Salvadoran village, El Mozote.

In supporting the resolution honoring the 4 churchwomen, I would like to urge for floor consideration of another bill offered by Congressman MCGOVERN, H.R. 1217, the Latin America Military Training Review Act of 2005, which closes the Western Hemisphere Institute for Security Cooperation.

Additionally, I would like to urge support for Dr. Beatrice Alamanni de Carrillo, the Human Rights Ombudswoman of El Salvador. A crucial component of the 1992 Peace Accords that put an end to the Salvadoran civil war was the establishment of the Office of the Human Rights Ombudsman, the principal human rights investigative and monitoring body in El Salvador. Dr. de Carrillo has received numerous accolades for her work strengthening human rights in El Salvador. Yet 25 years after the murders of the four U.S. churchwomen, threats against defenders of human rights continue. Over the course of the past year, the Ombudswoman has been the target of ongoing intimidation and harassment, including anonymous death and other threats and public slander, at times even by high-ranking State officials. The United States has the responsibility to support the work of human rights defenders in El Salvador whenever we have the opportunity to do so. In memory of the four churchwomen murdered 25 years ago, I urge my colleagues to publicly support the work of Dr. de Carrillo and to pressure the State Department and the Embassy of El Salvador to also publicly support her work.

Mr. OBEY. Mr. Speaker, I rise today to express my support for House Resolution 458, a resolution honoring the lives of four American churchwomen who were murdered just over 25 years ago in El Salvador. I am a cosponsor of the resolution and am gratified that the House has chosen to bring it to the floor under suspension of the rules.

In late 1980, four American churchwomen were serving communities in El Salvador that were wracked by the violence of that country's civil war. They were murdered by members of the National Guard of El Salvador, horrifying the world and bringing home the impact of that war to the American public. These four lives were but a fraction of the 70,000 civilians who perished in that conflict, and those numbers are dwarfed by the toll of the misery inflicted by the violence that raged up and down Central America in the 1970s and 80s.

Locked in the struggle of the cold war, the U.S. turned a blind eye to much of the suffering in the region, focusing its efforts on the geopolitical ends of thwarting potential communist movements through military means, whether supporting the contras in Nicaragua or right-wing governments in places like El Salvador. We look back on this period today with a mixture of relief that democracy prevailed and disgust at the tactics that were used.

Brave action by these churchwomen carried the flag of democracy and human rights into that region, and helped freedom prevail. Our reliance on institutions like the School of the Americas to train the soldiers of leaders whose primary attractiveness to us was being "not a communist" rather than sharing our ideals of human rights hamstrung our efforts. Sadly, our military's reluctance to track those that we have trained makes it impossible for us to look beyond the anecdotal record of those who were the worst, or the best, to assess the true measure of what we did. However, that record was enough for those of us concerned about U.S. training of foreign militaries to push for closure of the School of the Americas and ensuring that the training that the U.S. military conducts here in the U.S. and around the world ensures respect for human rights, democracy, and the rule of law. People like Joe Moakley and Tip O'Neill, who I wish were here to see this. As chairman of the Foreign Operations Subcommittee of the House Appropriations Committee in the 1980s, I led the fight with them to restrict U.S. military assistance to despotic regimes, and to conduct better oversight of foreign military training programs.

Today, as much of our foreign assistance seems to be focused on the military front, in places like Colombia and elsewhere, we should remember that humanitarian assistance, development assistance, and people-to-people contact foster stronger bonds and better allies than military assistance alone. Ensuring clean water, education and stronger civil society provide a better life for everyday people do more to further our goals of fighting terror than another shipment of the weapons of war.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the resolution, H. Res. 458, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOMMENDING INTEGRATION OF CROATIA INTO NATO

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 529) recommending the integration of the Republic of Croatia into the North Atlantic Treaty Organization, as amended.

The Clerk read as follows:

H. RES. 529

Whereas the United States recognized the Republic of Croatia on April 7, 1992, acknowledging the decision of the people of Croatia to live in an independent,. democratic, and sovereign country;

Whereas since achieving their independence, the people of Croatia have built a democratic society, based on the rule of law, respect for human rights, and a free market economy;

Whereas Croatia is a functioning democracy, with stable institutions guaranteeing the rule of law, human rights, and market economy;

Whereas Croatia has previously cooperated with the North Atlantic Treaty Organization (NATO) by allowing NATO free access to its air space during NATO's 1999 military action against Serbia;

Whereas the United States has shown support for Croatia in many ways since its independence, including by providing Croatia with economic and military assistance that has contributed significantly to the continued success;

Whereas Croatia is a reliable partner of the United States, actively contributing to the stabilization of South Central Europe;

Whereas NATO's Membership Action Plan, which was launched in April 1999, is a program of assistance that provides both goals and a roadmap for countries aspiring to NATO membership;

Whereas Croatia was invited into the Membership Action Plan in May 2002 and has made substantial progress in attaining the necessary level of reforms required for receiving an invitation to start accession talks with NATO;

Whereas the United States, Croatia, Albania, and Macedonia are signatories to the United States-Adriatic Charter, which promotes Euro-Atlantic integration and commits the signatory nations to the values and principles of NATO and to joining the Alliance at the earliest possible time;

Whereas Croatia significantly improved its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY);

Whereas on October 3, 2005, the European Union decided to open accession negotiations with Croatia based on the assessment of its Council of Ministers that Croatia met the political and economic criteria for candidacy in the European Union, including that Croatia was fully cooperating with the ICTY;

Whereas Croatia has sent troops to Afghanistan as part of the NATO-led International Security Assistance Force (ISAF) in support of the war against terrorism and has endorsed and is participating in the Proliferation Security Initiative with like-minded nations across the world to prevent the flow of weapons of mass destruction, missile systems, and related material; and

Whereas Croatia shares the common interests and values of the free and democratic world: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Republic of Croatia has made significant progress since its independence in strengthening its democratic institutions and respect for human rights and the rule of law;

(2) Croatia should be commended for its progress in meeting the political, economic, military, and other requirements of NATO's Membership Action Plan, its contribution to the global war on terrorism, and for its constructive participation in the United States-Adriatic Charter;

(3) the Government of Croatia should be commended for its ongoing cooperation with the International Criminal Tribunal for the former Yugoslavia;

(4) Croatia would make a significant contribution to NATO; and

(5) with complete satisfaction of NATO guidelines and criteria for membership, Croatia should be invited to be a full member of the North Atlantic Treaty Organization at the earliest possible date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 529, a resolution introduced that supports the accession of Croatia into the North Atlantic Treaty Organization.

Since achieving their independence in 1992, the people of Croatia have built a democratic society based on the rule of law, respect for human rights, and a free market economy. In addition, they have sent troops to Afghanistan as part of the NATO-led security force in support of the war on terrorism and have provided strong support to the U.S. nonproliferation efforts.

Mr. Speaker, just last week the one remaining impediment to Croatia's entry into NATO was removed when General Ante Gotovina, the alleged Croatian war criminal, was arrested in Spain. General Gotovina has been transferred to The Hague to stand trial before the International Criminal Tribunal for the former Yugoslavia. His arrest last Thursday in the Canary Islands confirms the truthfulness of the statements by the Croatian Government that Gotovina was not hiding in Croatian territory.

House Resolution 529 commends Croatia's significant progress in strengthening its democratic institutions, its support for the global war on terrorism, and its ability to make significant contributions to NATO. It also applauds their ongoing cooperation with the International Criminal Tribunal.

Finally, the resolution states that once it meets NATO's guidelines and criteria for membership, Croatia should be invited to join NATO at the earliest possible date.

Mr. Speaker, Croatia is not only a strong ally of the United States. The American and Croatian people share a love of freedom and democracy. Croatia has been a steadfast friend, and it will make an important contribution to security and peace in Europe and throughout the world as a member of NATO. Both the Europe and Emerging Threats Subcommittee and the House International Relations Committee unanimously approved House Resolution 529, and I urge its adoption in the full House.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this resolution and urge all of my colleagues to do so.

At the outset, I want to commend my good friend and fellow Californian (Mr. GALLEGLY) for introducing this important piece of legislation.

Since dissolution of Yugoslavia, the Balkans have gone through a period of profound instability, a deadly civil war, and the worst atrocities seen in Europe since the end of the Second World War.

It would be entirely understandable in this context if Croatia had given in to the authoritarian impulses of its past and remained a state where the prospect for democracy remained a hope rather than a reality. And, indeed, the first Croatian Government after independence had elements of extreme nationalism that helped contribute to the atrocities of the 1990s.

Fortunately, the Croatian people rose above their history and have embarked on fashioning democratic institutions that are mandatory for a pluralistic society. There have been two peaceful transfers of power in Croatia since 1991, and the parliamentary elections of 2003 were generally judged by the international community to be free and fair.

Recently, the Government of Croatia has also adopted a more cooperative approach to working with the International Tribunal for the former Yugoslavia, providing key materials and documents that assist the work of this vital international institution. In fact, Mr. Speaker, just this past week, the last remaining key Croatian indictee, Ante Gotovina, was apprehended by Spanish authorities in the Canary Islands and transferred to The Hague to stand trial. We congratulate all those who had a part in bringing this infamous war criminal to justice, and we urge Croatia to continue its vital cooperation with the court. No civilized country can do less.

In response to this increased cooperation, the European Union has decided to open accession talks that will eventually lead to the entry of Croatia to the European Union. In this context, Mr. Speaker, it is perfectly appropriate to start looking ahead to eventual full membership for Croatia in the North Atlantic Treaty Organization. Croatia is already a member of the Partnership for Peace, and its membership would further anchor Croatia in the emerging zone of freedom that continues to sweep across the face of the Eurasian land mass.

Mr. Speaker, membership in NATO has been a linchpin in anchoring countries of the former Warsaw Pact firmly in the Euro-Atlantic framework. This resolution seeks to extend this successful policy to Croatia.

However, we should note that becoming members of both the European Union and NATO will require further reforms by Croatia, and the Croatian Government has much work ahead. We should work together to ensure that Croatia takes all the vital steps, and I hope this resolution will kick off this important dialogue.

Mr. Speaker, I urge all of my colleagues to support this important resolution.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank my friend from California (Mr. LANTOS) for yielding me this time.

When Croatia was struggling for its independence and survival, I was one of the American political figures who challenged my own government for its lack of support for Croatia at a critical hour. Here I take great pride in asking my government in the House of Representatives as a Member to support the integration of the Republic of Croatia into the North Atlantic Treaty Organization.

I take great pride in my Croatian heritage. My grandfather John Kucinich came from what is now part of Croatia. My father made sure that we stayed close to the Croatian culture and language while we were growing up in Cleveland, and greater Cleveland has a very large Croatian community. I take great pride in the achievements of my Croatian brothers and sisters in the United States as well as in Croatia and those around the world. And I agree that Croatia ought to be fully integrated into the European Union as well as NATO.

I want to at the same time, though, make sure that I make Congress aware of the conduct of the Croatian television network, HRT, which has, unfortunately, denied an American filmmaker access to documentary film footage so as to frustrate the commercial release of her production.

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This is not a routine matter, Mr. Speaker, because this film by Ms. Brenda Brkusic, "Freedom From Despair," has received great critical acclaim. She has won many awards, including the CINE Golden Eagle Award, which has previously been awarded to international filmmakers Steven Spielberg and George Lucas. She has been recognized by her peers as an emerging talent in the film industry. The Croatian National Foundation has agreed to be her fiscal sponsor; and Amnesty International, the largest human rights organization in the world, has endorsed her film for its strong human rights advocacy.

I believe that the Government of Croatia is sensitive to human rights issues, as has been stated by my friend Mr. GALLEGLY and also by my friend Mr. LANTOS. However, we need to make sure that HRT, which is the state-owned television station, does not escape its responsibility to be sensitive to human rights.

So, I am using this opportunity while I celebrate the support for Croatia, I also believe that it is important to continue to point out wherever there are questions relating to human rights, whether they be in freedom of expression, in telling the truth about the past or in trying to lay the groundwork for a bright future that Congress needs to be the proper forum to make those statements.

Croatia desires to be in NATO to protect itself from outside forces. I want to make sure Croatia is protected from threats to freedom of expression inside the country of Croatia.

When Croatia was struggling for its independence and survival I was one of the American political figures who challenged my own government for its lack of support for Croatia at a critical hour. I take great pride in my Croatian heritage. My grandfather was born in what is now Croatia. I take pride in the achievements of my Croatian brothers and sisters in Croatia, America and around the world.

However, I want to make the Congress aware of the conduct of the Croatian television network HRT, which has deliberately denied an American filmmaker access to documentary film footage, so as to frustrate the commercial release of her production.

The Croatian television network, HRT, initially gave Ms. Brenda Brkusic rights to film footage for student use in the production. Once she asked for commercial rights, HRT refused to cooperate. HRT has refused to answer her questions about the specific price for rights to the footage, giving her general, estimated quotes much higher than are quoted to other people who have inquired for footage rights, and they have suggested unreasonable limitations on those rights. Most recently, when she sent HRT a list of archives she was given by HRT for student use, HRT then informed her that they do not have the right to sell her that material. Ms. Brkusic asked HRT where she must go to get the rights, yet HRT refused to answer her questions. Furthermore, HRT has on other occasions sold that same material that Ms. Brkusic requested to other individuals for broadcast on television.

This is not a routine matter about a routine film. Ms. Brkusic's film, "Freedom from Despair," has received great critical acclaim. She has won many awards, including the CINE Golden Eagle award, which was previously been awarded to the internationally acclaimed filmmakers Steven Spielberg and George Lucas. She has been recognized by her peers as an emerging talent in the film industry. The Croatian National Foundation has agreed to be her fiscal sponsor, and Amnesty International, the largest human rights organization in the world, has endorsed her film for its strong human rights advocacy.

The fact that numerous media outlets have agreed to donate their footage to her film at no cost is noteworthy. They include: ABC 7 Chicago, NBC 5 Chicago, CBS 2, WGN 9 Chicago, and Greater Chicago Broadcast Ministries. They all granted her worldwide rights to their footage in perpetuity for free, within a few weeks of her request.

HRT, on the other hand, has not only been uncooperative, but obstructive. This distresses me. Given the high profile on this film and the extraordinarily fast rising stardom of its director, a young Croatian-American, HRT's antics will damage the reputation of the Croatian government in the international community.

Croatia desires to be in NATO to protect itself from outside enemies. But who will protect Croatia from threats to freedom of expression inside the country?

Mr. LANTOS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume to respond to Mr. KUCINICH.

Mr. Speaker, while I am not aware of the specific details that Mr. KUCINICH outlined, I want to make it very clear I do appreciate his comment about Croatia and his feeling about its accession to NATO.

I would like to say, while I am not familiar with that specific incident, I firmly believe that Croatia's overall record has significantly improved in human rights over the past decade. Although Croatia may not be perfect, just 14 years ago the Croatian people were living under a communist dictatorship and in the intervening period has made great strides in human rights and I believe has a very free press.

Mr. Speaker, Croatia, like many other former communist states in Eastern and Central Europe, are relatively new democracies. There are still some areas that need improvement. However, there should be no doubt that the Croatian Government respects human rights and civil liberties.

Mr. KUCINICH. Mr. Speaker, will the gentleman yield?

Mr. GALLEGLY. I yield to the gentleman from Ohio.

Mr. KUCINICH. First of all, I want to thank my friend for reviewing the history of commitment. I want to thank my friend for pointing out that Croatia has worked toward fulfillment of commitments on human rights. I would agree with that. At the same time, I would ask my friend to assist me in helping Croatia continue that commitment in an area that is really important, and that is freedom of expression.

I would like to at some point after the debate share with the gentleman the specific concerns that I had that caused me to bring this up during debate. But I want to thank the gentleman for his sponsorship, for his commitment, and I join him in it.

Mr. GALLEGLY. Mr. Speaker, reclaiming my time, I would like to personally go on record to make the firm commitment to my good friend Mr. KUCINICH from Ohio to work with him on this issue. I think we are on the same page, and I look forward to working with him.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I would just thank Chairman GALLEGLY for sponsoring this resolution. I am happy to be a cosponsor. I would just make the point that this supports the accession of Croatia into NATO. As either chairman or subcommittee chairman of the Global Human Rights and International Ops Committee for 6 years in the 1990s and as either chairman or cochairman of the Commission on Security and Cooperation in Europe, I have watched very closely the issues relating to Croatia over these many years.

As a matter of fact, FRANK WOLF and I actually got into Vukovar while it was under siege and saw the incredible devastation that occurred early in that war with Serbia, and one house after another, one block after another being literally decimated by the Serbian offensive.

But so much has changed. So much has changed dramatically. As a matter of fact, over the last 5 years we have seen the real changes. For a while there, regrettably, the government was very wedded and many people in Croatia to nationalism, and some would even say extreme nationalism. That has now dissipated largely and now we have a Croat group of people, a free press, increasingly the NGOs, the church, all speaking on one accord for more human rights; and I do think over time and hopefully sooner rather than later they will make their way into NATO, provided the additional benchmarks are met.

So this is a good statement of solidarity with the people of Croatia saying that we think it is time. I thank, again, Mr. GALLEGLY for sponsoring this.

Mr. Speaker, as a cosponsor of H. Res. 529, I rise in strong support of this resolution that supports the accession of Croatia into the North Atlantic Treaty Organization. I have followed developments in Croatia extensively, both as a Chairman of the International Relations Committee and as Chairman or Co-Chairman of the Helsinki Commission. I can particularly recall—indeed, it would be hard to forget—the horror that accompanied the seige and ultimately the fall of Vukovar during the conflict in Croatia in 1991. That was the year Croatia proclaimed its independence from the disintegrating Yugoslavia. Few would have predicted that in such a short period of time Croatia would be advancing toward European integration at its current pace.

It is true, as stated in this resolution, that since achieving independence, the people of Croatia have built a democratic society, based on the rule of law, respect for human rights and a free market economy. To be more precise, however, it is worth noting that most of this progress occurred in the last five years, after Croatia was able to move beyond the conflict but also to make its own transition away from nationalism. The lack of progress which occurred in the early years of Croatia's independence is not something to hide. It makes the progress achieved since 2000 all the more profound.

It is also true that the people of Croatia deserve the credit. It was the Croatian people who became fed up with supporting the agenda of others. Through non-governmental organizations, independent media outlets and ultimately the ballot box, they earned their independence and freedom. Those representing Croatia's Serb community who made the decision to return to their homes, despite fears and lingering obstacles, also deserve credit for Croatia's progress. They have challenged the country to recover and to reconcile, and Croatia is stronger as a result. The people of Croatia have built a democratic society based on the rule of law, respect for human rights and a free market economy.

They have sent troops to Afghanistan as part of the NATO-led security force in support of the war on terrorism and have provided strong support to U.S. nonproliferation efforts. Mr. Speaker, just last week, the one remaining impediment to Croatia's entry into NATO was removed when General Ante Gotovina, the alleged Croatian war criminal, was arrested in Spain. General Gotovina has been transferred to The Hague to stand trial before the International Criminal Tribunal for the former Yugoslavia.

Mr. Speaker, the resolution states that once it meets NATO guidelines and criteria for membership, Croatia should be invited to join NATO at the earliest possible date. With its location, resources and talented people, a Croatia which satisfies the guidelines and criteria for NATO membership will strengthen the alliance.

Support for Croatia's integration into NATO should also encourage others in the region to make similar progress. Two other Adriatic Charter partners, Albania and Macedonia, immediately come to mind. It is also my deepest hope that Bosnia and Herzegovina, ten years after the Dayton Accords ended the conflict there, can move beyond what have become the restraining effects of that peace agreement's ethnic balancing act, adopt serious constitutional reform and accelerate its integration into Europe as well. Finally, we all hope that people in Serbia will continue their efforts to overcome the bankrupt legacy left by extreme nationalism, in particular by taking every effort to bring to justice those responsible for war crimes, crimes against humanity and genocide, so that Serbia, too, can move forward.

H. Res. 529 commends Croatia's significant progress in strengthening its democratic institutions, its support for the global war on terrorism and its ability to make significant contributions to NATO. It also applauds their ongoing cooperation with the international war crimes tribunal.

Mr. Speaker, Croatia is not only a strong ally of the United States. The American and Croatian people share a love of freedom and democracy. Croatia has been a steadfast friend, and it will make an important contribution to security and peace in Europe and throughout the world as a member of NATO.

Both the Europe and Emerging Threats Subcommittee and the House International Relations Committee unanimously approved House Resolution 529, and I urge its passage by the full House.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would just like to thank my good friend, the ranking member of the full committee.

whom I have had the honor and pleasure of working with for many years, and thank him not only for his support, but powerful words this evening in support of this resolution. I ask our colleagues to join with us in passing this resolution tonight.

Mr. CARDIN. Mr. Speaker, I am pleased to support this resolution as the ranking member of the Helsinki Commission. I visited Croatia in 2000, shortly after new leadership came into power, and I was confident of the country's commitment to reform. I believe, 5 years later, we have seen that the people of Croatia truly are committed to reform.

Of particular interest to me as a determinant of U.S. policy toward southeastern Europe has been the degree to which countries cooperate with the International Criminal Tribunal for the former Yugoslavia, located in The Hague. While Croatia has had a generally good record in this regard, the Gotovina case remained as a blot on that record. Fortunately, with Gotovina's recent apprehension on Spain's Canary Islands, Croatia can put this issue behind it.

I hope, however, that the people of Croatia will view the work of the Tribunal as a necessary step to determine guilt or innocence, and that Croatian courts will similarly seek justice regarding cases relating to war crimes and crimes against humanity that it considers, regardless of who was responsible for these crimes and who were the victims.

I also call for all remaining indictees to be apprehended and transferred to The Hague, in particular Ratko Mladic and Radovan Karadzic. The House made a similar call earlier this year when passing the resolution marking the massacre at Srebrenica in Bosnia. There has been some progress this year, but both Bosnian Serb and Serbian authorities need to do more. Otherwise, they will fall further behind in European and Euro-Atlantic integration to their own detriment.

Mr. VISCLOSKY. Mr. Speaker, I rise today as the co-chair of the House Croatian Caucus in strong support of H. Res. 529. I would first like to thank Chairman GALLEGLY for authoring this legislation, the ranking member on the Europe Subcommittee, Mr. WEXLER, as well as Mr. RADANOVICH, my co-chair of the House Croatian Caucus for all of their tireless work advocating for Croatia.

Since 1994, on more than one occasion, Congress has endorsed the enlargement of NATO. Most recently, in 2003, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia signed accession protocols to the Washington Treaty of 1949 signifying their willingness to join NATO. Since its independence from the former Yugoslavia in 1992, Croatia has made substantial progress in attaining the necessary level of military and political reforms required for receiving an invitation to begin accession negotiations with NATO. I am pleased to say that just this past October, the European Union began negotiations with Croatia based on its assessment that Croatia met the political and economic criteria for candidacy in the European Union.

Croatia is a strong ally of the United Sates in the War Against Terrorism. Croatia has sent troops to Afghanistan as part of the NATO-led International Security Assistance Force and has endorsed and is participating in the Proliferation Security Initiative to prevent the flow of weapons of mass destruction to that region.

Stability in South Central Europe is a very high priority, and Croatia has become a valuable, constructive partner in this delicate region. Given the potential for future regional conflicts, NATO should want to take advantage of the greater contribution that Croatia would make toward peace and stability as a full member of NATO.

The resolution before us today expresses the sense of the House of Representatives that Croatia has made significant progress since its independence in strengthening its democratic institutions and its respect for human rights and the rule of law. In addition, it commends the Republic of Croatia for the progress it has made since the end of its war for independence. Further, the Resolution commends Croatia for its progress in meeting the political, economic, military, and other requirements of NATO's Membership Action Plan, for its contribution to the global war on terrorism, and for its constructive participation in the U.S.-Adriatic Charter.

In closing Mr. Speaker, I would like to once again thank the International Relations Committee for reporting this resolution and urge my colleagues to support this resolution and approve Croatia's accession into NATO.

Mr. RADANOVICH. Mr. Speaker, I rise today in support of H. Res. 529, recommending Croatia's integration into NATO. As a co-chair of the Congressional Croatian Caucus I am pleased to support this bipartisan resolution. The success to date of H. Res. 529 is due to the vision and resolve shown by members of the Caucus to effectively drive this important measure forward, in addition to the hard work of the National Federation of Croatian Americans, NFCA, and the Croatian Embassy.

The success of H. Res. 529 is yet another testimony that ongoing reforms by the Croatian Government are reaping significant rewards that are of immense benefit both domestically and internationally. This is crucial in paving the country's path towards Euro-Atlantic integration.

Voting in favor for this cause will send a very strong message that the significant progress Croatia has made to date has not gone unrecognized in Congress. More importantly, the full adoption of H. Res. 529 will officially sanction and invigorate mutually complementary U.S./Croatian strategic interests towards trans-Atlantic integration issues.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 529, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

URGING RUSSIAN FEDERATION TO WITHDRAW LEGISLATION RESTRICTING ESTABLISHMENT OF NONGOVERNMENTAL ORGANIZATIONS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 312) urging the Government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign nongovernmental organizations in the Russian Federation, as amended.

The Clerk read as follows:

H. CON. RES. 312

Whereas Russian Federation President Putin has stated that "modern Russia's greatest achievement is the democratic process (and) the achievements of our civil society";

Whereas the unobstructed establishment and free and autonomous operations and activities of nongovernmental organizations and a robust civil society free from excessive government control are central and indispensable elements of a democratic society;

Whereas the free and autonomous operations of nongovernmental organizations in any society necessarily encompass activities, including political activities, that may be contrary to government policies;

Whereas domestic, international, and foreign nongovernmental organizations are crucial in assisting the Russian Federation and the Russian people in tackling the many challenges they face, including in such areas as education, infectious diseases, and the establishment of a flourishing democracy;

Whereas the Government of the Russian Federation has proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, including erecting unprecedented barriers to foreign assistance;

Whereas the State Duma of the Russian Federation is considering the first draft of such legislation;

Whereas the restrictions in the first draft of this legislation would impose disabling restraints on the establishment, operations, and activities of nongovernmental organizations and on civil society throughout the Russian Federation, regardless of the stated intent of the Government of the Russian Federation;

Whereas the stated concerns of the Government of the Russian Federation regarding the use of nongovernmental organizations by foreign interests and intelligence agencies to undermine the Government of the Russian Federation and the security of the Russian Federation as a whole can be fully addressed without imposing disabling restraints on nongovernmental organizations and on civil society;

Whereas there is active debate underway in the Russian Federation over concerns regarding such restrictions on nongovernmental organizations;

Whereas the State Duma and the Federation Council of the Federal Assembly play a central role in the system of checks and balances that are prerequisites for a democracy;

Whereas the first draft of the proposed legislation has already passed its first reading in the State Duma;

Whereas President Putin has indicated his desire for changes in the first draft that would "correspond more closely to the principles according to which civil society functions"; and

Whereas Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the international community of democracies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) urges the Government of the Russian Federation to withdraw the first draft of the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; and

(2) in the event that the first draft of the proposed legislation is not withdrawn, urges the State Duma and the Federation Council of the Federal Assembly to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices universally adopted by democracies, including the provisions regarding foreign assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of H. Con. Res. 312, introduced by the very distinguished chairman of our full committee, Chairman HENRY HYDE, urging the Government of the Russian Federation to withdraw or modify proposed legislation that would have a chilling effect on civil society in that country.

Amazingly, as Russia prepares to assume leadership of the G–8 and the Council of Europe next month, Russian lawmakers have been working feverishly to subordinate pockets of independent thought and action to state control. The focus of recent days has been on nongovernmental organizations, especially those working in the fields of human rights and democracy. In essence, the provisions would require all nongovernmental organizations to re-register with a government commission empowered with invasive powers to monitor NGO activities.

The Duma has passed amendments to the Law on Public Associations by a vote of 370–18, but the measure must go through further readings scheduled for next week and signed then by Vladimir Putin before it becomes law. In mid-November, members of the Helsinki Commission, which I am cochair of, sent a letter which I will make a part of the RECORD to the Speaker of the Russian Duma, Boris Gryzlov, urging the Duma to reject the pending proposed amendments, purportedly crafted with input from Putin's advisers.

The move against NGOs, Mr. Speaker, is not occurring in a vacuum, but is calculated to move in a lead-up to the critical parliamentary elections that are scheduled for 2007 and a presidential contest the following year to replace Putin, who is prevented from seeking another term.

In response to expressions of concern from the United States and others, some modifications to the draft are apparently being considered, though it is still unclear the extent to which the amendments will be revamped. We will not have a full picture until next week. By then, it may be too late to change before landing on President Putin's desk. Thus, consideration of Chairman HYDE's measure comes at a critical time for the House to be on record opposing the burdensome compulsory registration requirements being proposed.

As originally drafted, the proposed amendments will require Russia's approximately 450,000 NGOs to re-register with a government commission under a complicated registration procedure and would expand the ability of the government to deny registration permission.

Financial auditing, a tactic currently used to harass opposition NGOs, would also become more intrusive under the bill's provisions. No doubt there would be negative impact on foreign-based organizations, such as Human Rights Watch and the Carnegie Foundation, while increasing controls over NGOs of Russian origin.

Mr. Speaker, whatever package of amendments to the legal framework for NGOs in Russia finally emerges, they must be evaluated in light of that country's commitments as a member of the Council of Europe and participating state in the Organization For Security and Cooperation in Europe. Do the proposals under consideration in the Russian Duma fully respect the right of individuals to freedom of association, or do they undermine that fundamental freedom under the guise of fighting corruption and terrorism? That is the key question. This resolution gets us on record, and hopefully it will have some sway with the Duma and with President Putin.

Mr. Speaker, I include for the RECORD the letter I referred to earlier to the Chairman of the Russian State Duma, Boris Gryzlov.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
Washington, DC, November 18, 2005.

Hon. BORIS GRYZLOV,
Chairman, Russian State Duma, 2 Okhotny Ryad, Moscow, Russian Federation.

DEAR MR. CHAIRMAN: As Members of the Commission on Security and Cooperation in Europe, we urge you to seek rejection of the proposed amendments to the Law on Public Associations pending in the State Duma that would have a chilling effect on civil society in the Russian Federation, including the functioning of non-governmental organizations focused on human rights and democracy.

These proposals would seriously undermine the rights of individuals in Russia to freedom of association, subordinating this fundamental right to excessive and intrusive control by organs of the state. Besides apparent conflicts with provisions of the Russian Constitution, these burdensome compulsory registration requirements run counter to numerous international commitments concerning the right of individuals to form, join and participate effectively in nongovernmental organizations, including longstanding OSCE provisions. If adopted, these proposals would jeopardize the very existence of a number of well-established human rights NGOs, cripple the non-governmental sector and undermine effective public oversight of governmental activity and policy. History has shown that a vibrant civil society and economically prosperous nation cannot long withstand such intellectual stagnation.

Under the guise of fighting corruption and terrorism, the amendments would in fact deal a potential death blow to Russian civil society, reversing important advances made since the institution of glasnost. Enhanced enforcement of the existing criminal code should suffice to address any genuine security concerns. Indeed, the pending proposals reflect an attitude toward independent political activity that is reminiscent of Russia's Soviet past. Adoption of these amendments would send a particularly negative signal at a time when Russia is preparing to assume leadership of the G–8 and the Council of Europe.

Mr. Chairman, we know that you and your colleagues aspire to a democratic and prosperous Russia, and trust that you recognize that further restrictions on civil society would lead Russia away from that goal.

Sincerely,

CHRISTOPHER H. SMITH, M.C.,
Co-Chairman.
SAM BROWNBACK, U.S.S.,
Chairman.
BENJAMIN L. CARDIN, M.C.,
Ranking Member.
FRANK R. WOLF, M.C.,
Commissioner.
JOSEPH R. PITTS, M.C.,
Commissioner.
MIKE PENCE, M.C.,
Commissioner.
CHRISTOPHER J. DODD, U.S.S.,
Ranking Member.
RUSSELL D. FEINGOLD, U.S.S.,
Commissioner.
HILLARY RODHAM CLINTON, U.S.S.,
Commissioner.
MIKE MCINTYRE, M.C.,
Commissioner.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in very strong support of this resolution, and I yield myself such time as I may consume.

Mr. Speaker, I want to commend my good friend, the chairman of the International Relations Committee, HENRY HYDE, for introducing this resolution of which I am the principal Democratic cosponsor. I also want to thank my friend from New Jersey (Mr. SMITH) for his strong support.

Mr. Speaker, under Vladimir Putin, Russia is marching back towards its totalitarian past. It has rejected democratic institutions, undermined democratic procedures, and reversed the progress made as the Cold War came to an end. Not long ago, the world looked with hope and optimism towards the emergence of a truly democratic Russia, but then Putin came to power. Under Putin, the Kremlin first focused its attention on stifling independent television, restricting open, free and unrestricted news coverage. That was followed by a heavy-handed effort to intimidate the business community.

The leaders of Russia's largest, most successful and most transparent private corporation, Mikhail Khodorkovsky and Platon Lebedev, were arrested on trumped-up charges, held in prison for many months, put in a cage and tried before a kangaroo court. Then they were sentenced to draconian prison terms and are serving as we meet here tonight in Siberia. Shades of the gulag.

The latest and in many ways one of the most insidious steps is an effort that will take Russia back to the era of the czars and the commissars: legislation was recently introduced in the Russian Duma that would severely restrict the establishment or the activities of domestic and foreign nongovernmental organizations within Russia.

Mr. Speaker, in countries around the globe, civil society is promoted by nongovernmental organizations, some domestic and some international. They foster the values and the virtues that are key to any modern society, limited government, democratic elections and the rule of law and respect for human rights. They promote free association and freedom of expression. They encourage the conditions that are essential for open market-oriented economies. They promote assistance for the poor, the elderly, the sick, and the disabled. Such organizations foster political pluralism, individual liberty, and the rights of individual men and women.

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Mr. Speaker, the resolution we are considering today was introduced by my good friend, the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE). I was pleased to join him as the principal Democratic sponsor.

Our resolution is timely, and it is important. It urges the Russian government to withdraw proposed legislation that would restrict and limit the activities of nongovernmental organizations in Russia. It is in Russia's own interest to have a vigorous and energetic civil society to contribute to the richness and to the diversity of the country.

Mr. Speaker, Russia would like to be treated and to be seen as a leading democratic nation. It wants to be considered a member of the group of industrialized democracies. Putin wants to host the next round of meetings of the G–7 in St. Petersburg, but this is an organization to which Russia, marching towards authoritarianism, does not properly belong.

Russia is not an advanced industrial democracy. It is a resource-rich country whose economy is kept afloat by crude oil and natural gas revenues. As the actions of the Putin government continue to demonstrate, it certainly is not a democracy.

Mr. Speaker, our resolution is a warning to the government of Russia that it is taking a dangerous and counter-productive course, a course that is destructive of the goals that the government and its people seek. As the text of our resolution notes, "Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the Western community of democracies," but the proposed NGO legislation is "incompatible with membership in that community."

Let me also add, Mr. Speaker, that just recently we were profoundly disturbed that Russia agreed to sell to Iran, clearly the number one terrorist-supporting nation on the face of this planet, sophisticated air defense equipment. This is clearly not the action of a democratic and pro-Western society.

I urge all of my colleagues to support this important resolution.

Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman for his eloquence on this matter.

I have been to Russia many, many times, and I believe it is always in the interest of peace between our two countries for us to keep an active dialogue, even on matters that are very difficult.

H. Con. Res. 312 urges the government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations and activities of foreign NGO's in the Russian Federation.

I would agree that there are many NGO's that do great work in civil society and peace and human rights, in workers rights, in the environment and in health care, but there are also some bad apples in the bunch, and we cannot ignore that. If the Russian government were, for example, to be looking at the role that the National Endowment for Democracy played in the April 2002 coup of President Hugo Chavez in Venezuela, the Russian government would have good reason to oppose foreign NGOs in their country.

The State Department's Richard Boucher acknowledged that the Bush administration provided "funding to groups that promote democracy and strengthen civil society in Venezuela and around the globe." He further stated that the funds are "for the benefit of democracy, not to support any particular political faction."

According to the New York Times, the organization "funneled more than $877,000 into Venezuelan opposition groups in the weeks and months before the recently aborted coup attempt." More than $150,000 went to "a Venezuelan labor union that led the opposition work stoppages and worked closely with Pedro Carmona Estanga, the businessman who led the coup." That is from the New York Times.

The National Endowment for Democracy, over the years, has actively worked to destabilize governments in Central America and Eastern Europe. According to a book by former State Department employee, William Blum, entitled, Rogue State: A Guide to the World's Only Superpower, the NED "played an important role in the Iran-Contra affair of the 1980s, funding key components of Oliver North's shadowy Project Democracy network, which privatized U.S. foreign policy, waged war, ran arms and drugs, and engaged in other equally charming activities."

So we in the United States have legitimate complaints about a variety of conditions in the Russian Federation and in other countries around the world, but I question whether we have the right to encourage the channeling of funds into NGOs who work as instruments of U.S. foreign policy. I thank the gentleman for the opportunity to present this.

I have been to Russia many, many times and I believe it is always in the interest of peace between our two countries for us to keep on active dialogue.

H. Con. Res. 312, which urges the Government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign NGOs in the Russian Federation.

While there are many NGOs that do great work in civil society, in working rights, in peace, in environment, in human rights, in health care, there are some bad apples of the bunch and we cannot ignore that. If the Russian government were to look at, for example, the role that the National Endowment for Democracy played in the April 2002 coup of President Hugo Chavez in Venezuela, the Russian government would have good reason to oppose foreign NGOs in their country.

The State Department's Richard Boucher acknowledged that the Bush administration provided "funding to groups that promote democracy and strengthen civil society in Venezuela and around the globe." He further stated that the funds "are for the benefit of democracy, not to support any particular political faction."

According to the New York Times, the organization "funneled more than $877,000 into Venezuela opposition groups in the weeks and months before the recently aborted coup attempt." More than $150,000 went to "a Venezuelan labor union that led the opposition work stoppages and worked closely with Pedro Carmona Estanga, the businessman who led the coup."

The National Endowment for Democracy, over the years, has actively worked to destabilize governments in Central America and Eastern Europe.

According to a book by former State Department employee, William Blum, entitled Rogue State: A Guide to the World's Only Superpower the NED "played an important role in the Iran-Contra affair of the 1980s, funding key components of Oliver North's shadowy Project Democracy network, which privatized U.S. foreign policy, waged war, ran arms and drugs, and engaged in other equally charming activities."

So we in the United States have legitimate complaints about a variety of conditions in the Russian Federation and in other countries around the world, we do not have the right to channel funds into NGOs who work as instruments of U.S. foreign policy.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time. I strongly urge all of my colleagues to vote for this resolution, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS), this is a Hyde-Lantos bill, for his leadership on this bill.

Mr. CARDIN. Mr. Speaker, I rise in support and as a cosponsor of H. Con. Res. 312, to urge the Russian Government to alter or withdraw the proposed legislation affecting nongovernmental organizations, NGO's, operating in Russia. The Russian legislation would severely restrict foreign assistance to NGO's in Russia and would also force existing Russian NGO's to reregister with the government.

The draft Russian bill raises a number of serious concerns, and may violate Russia's commitments to the OSCE. Several hundred thousand nongovernmental organizations currently operate in Russia, representing all sections of society. By forcing all NGO's to reregister, the Russian Government will have the power to subjectively deny registration to some organizations and limit the activities of others. This legislation strikes at the heart of basic democratic freedoms: the right of individuals to freely associate and participate in society. Some of the provisions in this bill would also increase the oversight of financial auditing of NGO's, which the government could use to place restrictions on opposition groups.

Just months ago, the Russian President Vladimir Putin outlawed any foreign funding of political parties in Russia. This legislation goes further and affects human rights groups and other NGO's who are only seeking to improve the nature of Russia's civil society. Foreign organizations would be required to register as legal Russian entities, seriously hindering their attempts to promote democracy and accountability in Russia. Many organizations which have conducted prominent and important human rights work in Russia since the collapse of the Soviet Union would see their activities curtailed under the Russian bill, which may lead to the partial or complete closure of critical offices inside of Russia.

Last month, the State Duma in Russia approved the first reading of the bill by 370 to 18 votes, despite more than 1,000 NGO's appealing for the Duma to reject it. This Friday, December 16, the Duma has scheduled a second reading of the bill. As the ranking member of the Helsinki Commission, I have worked closely with Commission Cochairman CHRIS SMITH in opposition to this bill. The Helsinki Commission sent a bipartisan, bicameral letter in November—which I cosigned—to the Chairman of the Russian State Duma urging the rejection of this legislation. In particular, the letter emphasized the importance that nongovernmental organizations play in civil society and in fulfilling Russia's obligations as a democratic state and member of the international community.

Russia has made great strides since the end of the Cold War. There were serious concerns that Russia would not have a smooth transition to a fully functioning democracy. I am gravely concerned about recent developments in Russia. President Putin himself has said that "modern Russia's greatest achievement is the democratic process (and) the achievements of civil society". I therefore call on President Putin and the State Duma to be true to their word and reject this bill, to reaffirm their commitment to the democratic process and civil society.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 312, as amended.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 312.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONDEMNING THE LAOGAI

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 294) calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government, as amended.

The Clerk read as follows:

H. CON. RES. 294

Whereas the Laogai is a vast prison labor system in the People's Republic of China and consists of a network of more than 1,000 prisons, camps, and mental institutions in which detainees must work at factories, farms, mines, and other facilities;

Whereas the two major aims of the Laogai are to generate economic resources for the state through free labor and to "reform criminals" through hard labor and political indoctrination;

Whereas the Government of the People's Republic of China relies on the Laogai as a tool for political suppression of pro-democracy activists, Internet dissidents, labor activists, and religious and spiritual believers, including Han Chinese, Tibetans, Uyghurs, Mongolians, and "house church" Christians;

Whereas, while the Soviet Gulags no longer exist, the Chinese Laogai is still fully operational, subjecting most of its three million prisoners to forced labor by threatening torture;

Whereas fifty million people have suffered as prisoners in the Laogai since its inception;

Whereas Laogai prisoners are deprived of religious freedom and forced to give up their political views in order to become a "new socialist person" and uphold communism and the Chinese Communist Party;

Whereas in recent years, more than 100,000 religious believers have been unjustly and illegally imprisoned in one Laogai camp alone, where they have been beaten, tortured, and often killed;

Whereas Laogai prisoners are forced to work long hours in appalling conditions, including mining asbestos and other toxic chemicals with no protective clothing, tanning hides while standing naked in vats filled with chemicals used for softening of animal skins, and working in mining facilities where explosions and other accidents are a common occurrence;

Whereas it is documented that China's national policy since 1984 has been to extract organs from executed prisoners without prior consent of the prisoners or their family members, setting China apart from every other country in the world;

Whereas there are more than 1,000 instances in which organs are harvested from executed Chinese prisoners every year;

Whereas both Chinese and foreign patients from around the world receive organs transplanted from executed Chinese prisoners;

Whereas Laogai prisoners are required to make confessions of their wrongdoings, which include political and religious views that the Chinese Communist Party wishes to suppress;

Whereas Chinese citizens are not guaranteed due process of law nor even a right to trial;

Whereas many individuals are often convicted and sentenced with no trial at all, or they are convicted with "evidence" extracted through torture;

Whereas in one part of the Laogai system known as the Laojiao, or reeducation-through-labor, Chinese citizens can be detained for up to three years without any judicial review or formal appearance in the judicial system;

Whereas goods produced by forced labor in the Laogai system continue to be exported to the United States and the world;

Whereas the Chinese Government has continuously encouraged the export of goods produced through the Laogai prison system and relies on forced labor as an integral part of its economy;

Whereas forced labor and torture practices carried out in the Laogai violate international laws, standards, and treaties to which China is party, including the United Nations Charter, the Universal Declaration of Human Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

Whereas China, a member State of the International Labor Organization, also violates many agreements regarding labor conditions and the rights of workers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) calls on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government;

(2) calls on the Government of the United States to fully implement United States laws that prohibit the importation of forced labor products made in the Laogai;

(3) calls on the Government of the United States to take actions to review the implementation of the Memorandum of Understanding on Prison Labor in 1992 and the Statement of Cooperation in 1994 with respect to the Laogai;

(4) will undertake efforts to join with the European Parliament to urge the introduction of a resolution at the United Nations Human Rights Commission condemning the Laogai and the human rights situation in China;

(5) calls on the Government of the People's Republic of China to release information about the Laogai, including the total number of Laogai camps and prisoners throughout China, the exact locations of the camps, and the business production activities taking place at the camps;

(6) calls on the Government of the People's Republic of China to release information about the number of executions of prisoners at the camps that are carried out every year, and the extent of the harvesting and transplantation of organs of executed prisoners;

(7) urges the Government of the People's Republic of China to allow unrestricted visits by international human rights inspectors, including United Nations inspectors, to Laogai camps throughout China; and

(8) urges the Congressional-Executive Commission on China to continue to investigate the Laogai system in China and to make recommendations for United States policy that will help protect human rights for Chinese citizens.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution which calls for the condemnation of the vast Laogai labor system of more than 1,000 prisons, camps and mental institutions maintained by the government of the People's Republic of China, and of the use of forced labor as an integral part of China's economy.

I would note parenthetically that, back in 1992, the gentleman from Virginia (Mr. WOLF) and I gained access to one of those prison camps, Beijing Prison Camp Number 1, a horrible place where 40 Tiananmen Square activists were being punished for their peaceful activities. Hundreds of others were also imprisoned there for political, religious and other alleged crimes. The place reeked of cruelty and sadness and was a nightmarish insight into the dark soul of the Chinese Communist dictatorship. Today, sadly, the Laogai continues its cruelty unabated.

Indeed, the continued operation of this network of Stalinist camps within China's borders raises grave questions about Beijing's commitment to engage in reform even after it seeks to be recognized as a leader among the community of nations.

The Laogai, which was created by the Chinese Communist party under Mao Zedong and modelled after the Soviet Gulag system, serves the one-party dictatorship as a tool to maintain control of a population yearning to be free. The Laogai system has tormented more than 50 million people since its founding and still contains as many as 4 million prisoners today. It not only provides the government a source of cheap labor, it also serves to instill fear in its citizens lest they be forced to go through "reeducation" through hard labor and compulsory political indoctrination.

The low cost of maintaining these prisons provides additional incentive for the PRC to continue its use of the Laogai system. The use of slave labor to manufacture a product for export as an integral part of its economy represents not only a violation of international law and labor standards but represents an unfair trade practice which widens the trade deficit and threatens American jobs.

As is so common in authoritarian regimes, the PRC represses freedom of religion and expression through this system of more than 1,000 prisons. As we know, Mr. Speaker, these prisoners are given no legal rights and are often tortured in order to induce confessions. All Laogai prisoners are forced to labor in order to remake them as new socialist persons. New arrivals are subjected to immediate, daily, lengthy interrogation sessions and forced to admit their "crimes." These sessions may last days, weeks and even months. In some cases, they last years. If a prisoner resists, he or she is tortured.

The horrifying trade in human organs from China is the latest development of the Laogai system. The organs of more than 1,000 executed prisoners have reportedly been harvested for money. In the 1990s and to the year 2005, as part of the series of about 24 Congressional hearings that I have chaired on human rights abuses in China, I conducted one extraordinary hearing on this grizzly business. In that hearing, with the help of the great Harry Wu, a survivor of the Laogai himself, we heard from a former PRC police officer who testified and brought compelling proof as to how prisoners were shot, but not killed, and moved to awaiting ambulances to begin the process of removing their organs for transplantation.

The practice reminded me and many others in that hearing of the atrocities committed by the infamous Nazi, Dr. Joseph Mengele.

Despite numerous human rights treaties, Mr. Speaker, to which the PRC is a signatory, the government continues to use the Laogai as a means to suppress groups such as the Falun Gong and other religious believers, but in the case of the Falun Gong, up to 50 percent of the Laogai prisoner population is made up of those individuals.

Cyber dissidents and journalists are increasingly being crushed by the Laogai system as well. As in the case of Shi Tao, a journalist who is now serving a 10-year forced labor sentence at a jewelry factory attached to the Chishan prison for sending an e-mail through his Yahoo account warning journalists of the dangers of social destabilization and the risks of return of certain dissidents on the 15th anniversary of the Tiananmen Square massacre.

I point out to my colleagues, and I hope that each and every one of you will read this, there is a very, very strong statement on torture by the U.N. rapporteur on torture who has just finished his report, Manfred Nowak.

He said that the abuse of suspects and prisoners remains widespread. His report describes some of the torture methods used by China's police and prison officers to extract confessions and maintain discipline: Emersion in sewage, sleep deprivation, cigarette burns and beating with electric prods. Not surprisingly, Mr. Nowak also accused the Chinese officials of systematically interfering with his investigations.

Victims and family members were intimidated by security personnel during the visit, placed under surveillance or instructed not to meet with Mr. Nowak. Among the prisoners, Mr. Nowak said he observed "a palpable level of fear and self-censorship" that he had not seen in missions in other countries.

One cannot be optimistic given recent events, but killings by gunfire last week of at least 20 residents in the village of Dongzhou in southern China by Beijing's security forces is further evidence that China has a long way to go in achieving the rule of law.

The cold-blooded murder of these villagers protesting over land use and the corruption demonstrates clearly that, 16 years after Tiananmen Square, Chairman Mao's famous dictum that "all political power comes from the barrel of the gun" is still the credo of Beijing's leaders.

Those among our friends in Europe who seek removal of an arms embargo against China should reflect on the use of guns and bullets to kill the innocent villagers in Dongzhou and to keep 4 million inmates, many prisoners of conscience, locked up in the vast Laogai system.

This resolution sends a strong message, and I urge its passage.

Special Rapporteur on Torture Highlights Challenges at End of Visit to China

INTRODUCTION

Beijing, 2 December 2005.—The Special Rapporteur of the United Nations Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment concluded a two-week visit to the People's Republic of China (PRC) today.

Nearly a decade after the initial request, the visit to the PRC by the United Nations Special Rapporteur on Torture, Manfred Nowak, finally materialised from 20 November to 2 December, and included visits to Beijing, Lhasa, Tibet Autonomous Region (TAR) and Urumqi, Xinjiang Uighur Autonomous Region (XUAR). The long-awaited visit of the Special Rapporteur on Torture to China has its origins in a 1995 request by the then Special Rapporteur, Sir Nigel Rodley, for an invitation to carry out a fact-finding visit. The Government responded in 1999 with an invitation for a "friendly visit" in May 2000, however, differences between the Government and the Special Rapporteur on the standard methodology for country visits by United Nations human rights experts (including unannounced visits to detention centres and private meetings with detainees) prevented it from being realized. In spring 2004, the Government extended an unconditional invitation to the then Special Rapporteur, Theo van Boven, for a two-week visit in June of that year, which was then postponed by the Government. Upon Manfred Nowak's appointment as Special Rapporteur on Torture in December 2004, the Government of China renewed its invitation for a visit in 2005, accepting his Terms of Reference.

The mission's aim was two-fold: fact-finding and starting a process of cooperation aimed at the common goal of eradicating torture in the PRC.

The Special Rapporteur wishes to express his deep appreciation to the Ministry of Foreign Affairs, in particular Dr. Shen Yongxiang, Special Representative on Human Rights Affairs, and his team for their professionalism, cooperation, and shared commitment to the objectives of the mission. The Special Rapporteur credits the Ministry for its great efforts in ensuring that the mission proceeded as smoothly as possible and that his Terms of Reference were in principle respected. All meetings with detainees were carried out in privacy and in locations designated by the Rapporteur. No request for a meeting or interviewing of a particular individual was refused. Prison staff were generally cooperative. The Special Rapporteur was also able to meet with a number of individuals outside of his official programme, notwithstanding the obstructions elaborated upon below.

While visits were also planned for Jinan in Shandong Province and Yining in the XUAR, the Special Rapporteur sincerely regrets that he had to cancel these visits due to time constraints, and expresses his gratitude to the Ministry of Foreign Affairs and the respective leaderships of Shandong Province and Yining Autonomous Prefecture for accommodating these last minute changes to the programme.

While in Beijing, the Special Rapporteur met with Government officials, including the Assistant Foreign Minister, the Vice Ministers of Justice and Public Security, the Deputy Procurator-General, as well as prominent members of civil society including the All China Lawyers' Association, the Beijing Lawyers' Association, China University for Political Science and Law, Renmin University, Tsinghua University, Beijing University, the Chinese Academy of Social Sciences, and the Beijing Child Legal and Research Centre. Meetings were also held with individual lawyers, human rights defenders, academics, and members of the diplomatic corps and UN country team. In Lhasa and Urumqi, the Special Rapporteur met with local officials including from the Ministry of Foreign Affairs, the People's Court, the Procuratorate, and Departments of Justice and Public Security.

In Beijing, the Special Rapporteur visited the Municipal Detention Centre, Prison No. 2 (twice), and the Municipal Women's Re-education Through Labour (RTL) Facility. In Lhasa he visited Lhasa Prison, Tibet Autonomous Region Prison (also known as Drapchi Prison), and the recently-opened Qushui Prison. In Urumqi, he visited Prison Nos. 1, 3, and 4, as well as the Liu Dao Wan Detention Centre. In all facilities, the Special Rapporteur met with prison management and interviewed detainees in private.

PARTICULAR CIRCUMSTANCES OF THE FACT-FINDING MISSION

The Special Rapporteur feels compelled to point out that some Government authorities, particularly the Ministries of State Security and Public Security, attempted at various times throughout the visit to obstruct or restrict his attempts at fact-finding. The Special Rapporteur and his team were frequently under surveillance by intelligence personnel, both in their Beijing hotel as well as in its vicinity. Furthermore, during the visit a number of alleged victims and family members were intimidated by security personnel, placed under police surveillance, instructed not to meet the Special Rapporteur, or were physically prevented from meeting with him.

Prison officials imposed their own working hours as limits for interviews which curtailed the number of facilities that could be visited and the number of detainees interviewed. The Special Rapporteur and his team were also prevented from bringing photographic or electronic equipment into prisons.

Furthermore, in contrast to his previous country visits, the Special Rapporteur was unable to obtain a letter of authorization from the relevant authorities to visit detention centres on his own. Consequently, officials from the Ministry of Foreign Affairs accompanied him to detention centres in order to ensure unrestricted access. As the authorities were generally informed an hour in advance, the visits could not be considered to have been strictly "unannounced." Nonetheless, this practice significantly improves upon the modalities employed in previous visits to China of Special Procedures of the Commission on Human Rights.

In his interviews with detainees, the Special Rapporteur observed a palpable level of fear and self-censorship, which he had not experienced in the course of his previous missions. A considerable number of detainees did not express a willingness to speak with the Rapporteur, and several of those who did requested absolute confidentiality.

Under these conditions and taking into account the size and complexity of China as well as the limited duration of the mission, the Special Rapporteur acknowledges the limitations in drawing up a comprehensive set of findings and conclusions on the situation of torture and ill-treatment in China.

SITUATION OF TORTURE AND ILL-TREATMENT

The Special Rapporteur recalls that over the last several years his predecessors have received a significant number of serious allegations related to torture and other forms of ill-treatment in China, which have been submitted to the Government for its comments. These have included a consistent and systematic pattern of torture related to ethnic minorities, particularly Tibetans and Uighurs, political dissidents, human rights defenders, practitioners of Falun Gong, and members of house-church groups. These allegations have been and continue to be documented by international human rights organizations.

The methods of torture alleged include, among others: beatings; use of electric shock batons; cigarette burns; hooding/blindfolding; guard-instructed or permitted beatings by fellow prisoners; use of handcuffs or ankle fetters for extended periods (including in solitary confinement or secure holding areas), submersion in pits of water or sewage; exposure to conditions of extreme heat or cold, being forced to maintain uncomfortable positions, such as sitting, squatting, lying down, or standing for long periods of time, sometimes with objects held under arms; deprivation of sleep, food or water; prolonged solitary confinement; denial of medical treatment and medication; hard labour; and suspension from overhead fixtures from handcuffs. In several cases, the techniques employed have been given particular terminologies, such as the "tiger bench", where one is forced to sit motionless on a tiny stool a few centimeters off the ground; "reversing an airplane", where one is forced to bend over while holding legs straight, feet close together and arms lifted high; or "exhausting an eagle", where one is forced to stand on a tall stool and subjected to beatings until exhaustion. On the basis of the information he received during his mission, the Special Rapporteur confirms that many of these methods of torture have been used in China.

Although he cannot make a detailed determination as to the current scale of these abuses, the Special Rapporteur believes that the practice of torture, though on the decline—particularly in urban areas—remains widespread in China. Indeed, this is increasingly recognized by Government officials and reports. According to the 2005 Supreme People's Procuratorate's (SPP) report to the National People's Congress presented on 9 March 2005, covering the year 2004), 1595 civil servants had been investigated for suspected criminal activity in cases involving "illegal detention, coercion of confessions, using violence to obtain evidence, abuse of detainees, sabotaging elections, and serious dereliction of duty resulting in serious loss of life or property." The report goes on to note that this is a 13.3 percent increase over the previous year's totals and that the SPP personally investigated 82 of the most serious cases. When compared with other national statistics, these official figures are clearly the tip of the iceberg in a country the size of China and demonstrate that most victims and their families are reluctant to file complaints for fear of reprisal or lack of confidence that their complaints will be addressed effectively.

EFFORTS BY THE GOVERNMENT TO COMBAT TORTURE

In recognizing the problem, the Government has undertaken a number of measures to tackle torture. In August 2003, the Minister of Public Security, Zhou Yongkang, issued a set of unified regulations on the standardization of law-enforcement procedures for public security institutions entitled, "Regulations on the Procedures for Handling Administrative Cases", including procedures defining police powers in respect of time limits for confiscation of property, legal means for gathering evidence, time limits on investigation and examination of suspects, etc. In 2004, the Ministry issued regulations prohibiting the use of torture and threats to gain confessions. The Supreme People's Procurotorate announced that eliminating interrogation through torture would be a priority of their work agenda and has instructed procurators that confessions obtained as a result of torture cannot form a basis for the formal approval of arrests and that prosecutors must work to eliminate illegally obtained evidence.

In addition to initiatives at the central level, the Zhejiang provincial Public Security Department issued regulations on forced confessions stating that local police chiefs will be expected to resign in any district where there are more than two cases of forced confessions resulting in injuries, miscarriages of justice or public order problems. In mid-April 2005, Sichuan law enforcement and judicial authorities issued a joint opinion that prohibits the use of illegally obtained evidence, such as coerced confessions in criminal trials, and requires courts to exclude coerced statements and confessions if police cannot provide a rational explanation of the alleged coercion or refuse to investigate allegations of abuse.

Practical measures to combat torture have included piloting systems of audio and video recording in interrogation rooms, strengthening representation during the investigative and pre-trial phase of the criminal process by placing lawyers on a 24-hour basis in pilot police stations, designing interrogation rooms which separate suspects from interrogators, and placing resident procurators in places of detention and near public security bureaux to supervise law enforcement personnel.

The Special Rapporteur also observes positive developments at the legislative level including the planned reform of several laws relevant to the criminal procedure, which he hopes will bring Chinese legislation into greater conformity with international norms, particularly the fair trial standards contained in the International Covenant on Civil and Political Rights (CCPR) which China signed in 1998 and is preparing to ratify. He also welcomes the resumption by the Supreme People's Court (SPC) of its authority to review all death penalty cases, particularly given the fact that the quality of the judiciary increases as one ascends the hierarchy. The Special Rapporteur suggests that China might use the opportunity of this important event to increase transparency regarding the number of death sentences in the country, as well as to consider legislation that would allow direct petitioning to the SPC in cases where individuals do not feel that they were provided with adequate relief by lower courts in cases involving the use of torture, access to counsel, etc.

NEED FOR FURTHER EFFORTS TO PREVENT AND ADDRESS TORTURE

The Special Rapporteur notes that China was among the first States to ratify the UN Convention against Torture (CAT) in 1988, which requires States parties to take measures for the prevention of torture and to punish every act of torture with appropriately serious penalties. Although Chinese law prohibits gathering evidence through torture and provides for punishment of those guilty of torture, the Chinese definition of torture does not fully correspond to the international standard contained in CAT. In particular, physical or psychological torture that leaves no physical trace is difficult if not impossible to punish with appropriate penalties in China (indeed, the Chinese word for torture, "kuxing," principally connotes physical torture).

Combating torture in China is further impeded by the absence of essential procedural safeguards necessary to make its prohibition effective, including: the effective exclusion of evidence from statements established to be made as a result of torture; the presumption of innocence; the privilege against self-incrimination; timely notice of reasons for detention or arrest; prompt external review of detention or arrest; granting of non-custodial measures, such as bail; the right of habeas corpus; and timely access to counsel and adequate time and facilities to prepare a defence.

Other serious shortcomings are the lack of an independent monitoring mechanism of all places of detention and a functional complaints mechanism. A number of authorities have pointed out that mechanisms exist in China for individuals to report instances of torture, particularly procurators, some of which are resident in prisons and near police stations. However, the Special Rapporteur believes that it is difficult to rely on the vigilance of procurators whose interest in convicting suspects as charged might compromise their ability to oversee the police and prison guards. In addition, procurators encounter many difficulties in practice to exercise their supervisory role, including because detainees are afraid to report instances of torture to them.

During his mission, the Special Rapporteur noted the inefficiency of current complaint mechanisms. He was informed, for example, that in Prison No. 4 in Urumqi, the procurators have not received a single torture complaint during the last decade. In the Tibetan Autonomous Region, he was told that no complaint had been received since 2003 and in the Beijing Municipal Detention Centre, none were received since its establishment in June 2004. In the Xinjiang Uighur Autonomous Region, two cases of torture were established by the courts since 2000, and in the Tibet Autonomous Region one such case had been confirmed. The Deputy Procurator-General of the PRC informed the Special Rapporteur that only 33 law enforcement officials had been prosecuted for torture throughout the country during the first nine months of 2005.

Indeed, an important element in combating torture is judicial oversight. However, China lacks an independent judiciary, and the judiciary suffers from relatively low status in comparison to other State organs. Without a court system that judges cases fairly and independently according to law, thereby redressing grievances in a timely manner, the problem of torture cannot be brought under effective control, particularly in a context where police exercise wide discretion in matters of arrest and detention and are under great pressure to solve cases.

FORCED RE-EDUCATION AS A FORM OF INHUMAN AND DEGRADING TREATMENT

The Special Rapporteur also pointed to conceptual or ideological constraints to the effective implementation of the prohibition of torture. The criminal justice system is focused on admission of culpability, and the role of obtaining confessions continues to be central to successful prosecutions. In fact even after persons, who have not confessed to an offence, have been convicted and sentenced, these persons are subject to restrictions within prison, such as limited restricted access to telephone or visiting privileges until they confess, or are provided the incentive of a reduced sentence if they confess. Moreover, the system as such places a strong emphasis on change and re-education of the criminal, and the acceptance of punishment.

Societies that have been successful in establishing a human rights culture differ from others in the degree of tolerance of the majority towards those whose behavior deviates from standard moral and social norms. This right to be different, which finds its legal expression in the human rights to privacy, freedom of expression, religion, assembly and association, lies at the very heart of any democratic society. These freedoms and political rights were not enacted to protect conformist behavior, but non-conformist behavior.

Under international human rights law, Governments are only permitted to interfere with the expression of political opinions, religious convictions, moral values or minority views when they constitute incitement to hatred or violence or a direct threat to national security or public safety in the country. A system of State surveillance of citizens with non-conformist views and with severe punishments for such "deviant behavior", such as Re-Education through Labour (RTL), seems to be incompatible with the core values of a society based upon a culture of human rights and leads to intimidation, submissiveness, self-censorship and a "culture of fear", which interferes with the right not to be subjected to inhuman and degrading treatment or punishment.

Every society has the right, and indeed is required by article 10 of the CCPR, to assist convicted criminals during their prison term through vocational training, education, and measures aimed at ensuring their equal access to the labour market in order to become law-abiding citizens. However, efforts aimed at the rehabilitation and re-socialisation of persons who committed crimes should be clearly distinguished from forms of deprivation of liberty aimed at the forceful re-education of human beings with deviant behaviour through labour and coercion.

The system of RTL in China and similar methods of re-education in prisons and even in pre-trial detention centres go well beyond legitimate rehabilitation measures and aim at breaking the will of detainees and altering their personality. Such measures strike at the very core of the human right to personal integrity, dignity and humanity, as protected by Articles 7 and 10 of the CCPR, as well as articles 1 and 16 of the CAT. RTL constitutes not only a serious violation of the human right to personal liberty, but must also be considered as a systematic form of inhuman and degrading treatment or punishment, if not torture. RTL and similar measures of forced re-education in prisons, pre-trial detention centres and psychiatric hospitals should therefore be abolished.

CIRCUMSTANCES SURROUNDING CAPITAL PUNISHMENT

The Special Rapporteur also expressed concern about the circumstances surrounding the death penalty, including the situation of prisoners on death row. At the Beijing Municipality Detention Centre, where the Rapporteur spoke with prisoners sentenced to death at first instance and awaiting appeal, he noted that these prisoners were handcuffed and shackled with leg-irons weighing approximately 3kg, 24 hours per day and in all circumstances (Le. including during meals, visits to the toilet, etc). Prison officials indicated that the average length of appeal was two months. This practice is reportedly based on a nation-wide regulation for detention facilities. When questioned by the Special Rapporteur on the reasons for the handcuffs and shackles around the clock, prison officials indicated that this was necessary for their own safety, the security of others, to prevent them from fleeing, and to prevent suicide. However, in the Liu Dao Wan Detention Centre in Urumqi, death row prisoners were "only" shackled and not handcuffed. In the opinion of the Special Rapporteur this practice is inhuman and degrading and serves only as an additional form of punishment of someone already subjected to the stress and grievance associated with having been sentenced to death. The Special Rapporteur also expressed concern at the high number of crimes for which the death penalty can be applied. He encouraged the Government to both narrow its scope and to be more transparent towards family members and the public at large regarding its use; including by making statistics on the death penalty public information.

RECOMMENDATIONS TO THE GOVERNMENT OF THE PRC

Among his key preliminary recommendations to the Government, the Special Rapporteur recommended:

Reform the criminal law by adding the crime of torture in accordance with the definition contained in CAT (Art. 1) with appropriate penalties.

Ensure that the reform of the criminal procedure law conforms to ICCPR fair trial provisions, including by providing for the following: the right to remain silent and the privilege against self-incrimination; the right to cross-examine witnesses and the effective exclusion of evidence extracted through torture.

Reform the criminal justice system by transferring several functions of the procurators to the courts, for example, authorization of detention and supervision of the police.

Allow lawyers—particularly criminal defense lawyers—to be more effective in representing the rights and interest of their clients including through involvement at the earliest stages of police custody and pre-trial detention.

Abolish Section 306 of the Criminal Law, according to which any lawyer who counsels a client to repudiate a forced confession, for example, could risk prosecution.

Take measures to enhance the professionalism, efficiency, transparency, and fairness of legal proceedings; and raise the status and independence of judges and courts within the Chinese legal system.

Reduce the number of pre-trial detainees by enlarging the use of noncustodial measures such as bail.

Establish an independent complaints mechanism for detainees subject to torture and ill-treatment.

Accept the right of individual petition to the Committee against Torture and its competence to initiate an inquiry procedure in accordance with Articles 20 and 22.

Abolish imprecise and sweeping definitions of crimes that leave large discretion to law enforcement and prosecution authorities such as "endangering national security", "disrupting social order", "subverting public order," etc.

Abolish "Re-Education through Labour" and similar forms of forced reeducation of detainees in prisons and pre-trial detention centres and psychiatric hospitals.

Bring conditions on death row into conformity with the right of detainees with humane treatment.

Limit the scope of the death penalty by abolishing it for economic and nonviolent crimes.

Utilize the opportunity of the planned restoration of Supreme Court review for all death sentences to publish national statistics on the application of the death penalty.

Establish a national human rights institution in accordance with the Paris Principles. The United Nations Commission on Human Rights and General Assembly have adopted a set of guiding principles on the role, composition, status and functions of national human rights institutions commonly known as the Paris Principles. Commission on Human Rights Resolution 1992/54 of March 1992 and General Assembly Resolution A/RES/48/134 of 20 December 1993. With the authority to carry out unannounced visits to all places of detention.

Ratify the Optional Protocol to the UN Convention against Torture.

Ratify the UN Covenant on Civil and Political Rights.

That OHCHR provide support to the above through its technical cooperation programme within the framework of the recent MOU signed between the High Commissioner for Human Rights and the Chinese Government.

The Special Rapporteur expresses his appreciation to the Government for inviting him to visit the country and looks forward to a long-term process of cooperation with the Government to combat torture and ill-treatment. He also expresses his appreciation for the support of the UN Country Team in China, and the Office of the High Commissioner for Human Rights.

The Special Rapporteur will submit a comprehensive written report on the visit to the UN Commission on Human Rights at its sixty-second session in 2006.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I rise in strong support of this resolution. Mr. Speaker, at the outset, I want to commend my friend from New Jersey for his eloquent and powerful statement.

It was my great pleasure, Mr. Speaker, to join my good friend and colleague, my co-chairman of the Congressional Human Rights Caucus, the gentleman from Virginia (Mr. WOLF) in introducing this important measure regarding China's continued use of forced labor.

□ 2230

Mr. Speaker, the horrendous treatment of prisoners of conscience in China's legal system is legendary. Courtrooms are closed to families. Defense lawyers are imprisoned if they defend their clients vigorously. And the judges themselves make their decisions based on orders from the Communist Party, not based upon the law or the facts of the case.

The other failure of the Chinese State to allow freedom of expression and religion is only exacerbated by the treatment of prisoners upon their arrival in forced labor camps. Prisoners of conscience are forced to work under horrendous, life-threatening conditions for years on end, often with little or no contact with their families.

Thanks to the groundbreaking work of former political prisoner, our friend Harry Wu, we now have documentation that political prisoners have been forced to labor in dangerous mines and in toxic chemical factories with no protective clothing. Other prisoners of conscience are forced to work on assembly lines for up to 18 hours a day, generating cheap clothing and other products destined for sale in the United States and other developed Nations.

Despite two different agreements between the United States and China on the forced labor issue in the early 1990s, prison labor products continue to flow into our Nation and are sold by some of America's largest retailers.

It is also important to remember, Mr. Speaker, that many people are dispatched to the Laogai prison labor system without any trial whatsoever. Tens of thousands of Falun Gong members have been sent involuntarily to psychiatric institutions and other labor camps. Upon arrival, they have been subjected to forced labor, cruel beatings, violent torture, and even death.

Mr. Speaker, our resolution once again puts Congress firmly on record against the Laogai prison labor system, and it demands that the Chinese open up their prisons and work camps to international inspectors. Our resolution also calls on the United States to aggressively implement laws prohibiting the importation of forced labor products.

Mr. Speaker, the existence of the Soviet Gulag is now acknowledged as one of the darkest chapters of modern Russian history. When the history of Communist rule in China will be written, maybe 50 years from now, China's Laogai prison labor system will undoubtedly be treated as a tragic and despicable act perpetrated by the Chinese leadership upon the people of China.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I thank my good friend the gentleman from California (Mr. LANTOS) for his very eloquent statement. This is an issue that very few Americans, very few lawmakers are really aware of, and it is about time the gross cruelty of the Laogai become much more well-known and action needs to be taken.

Mr. WOLF. Mr. Speaker, I would like to thank Chairman HYDE and Ranking Member LANTOS for expediting the consideration of H. Con. Res. 294, which condemns the Laogai prison system in China. I would also like to thank the 44 cosponsors of this resolution.

This system of over 1,000 prisons, camps and mental institutions serves as one of the Chinese Communist Party's main tools of political and religious repression. Chinese citizens held in these prisons have no right to due process, no trial, and are often arrested because of their political or religious views. Thousands of pro-democracy activists, Internet dissidents, labor activists, and religious and spiritual believers, including Han Chinese, Tibetans, Uyghurs, Mongolians, and "house church" Christians are languishing in the Laogai today.

The conditions in the Laogai prisons are abysmal. The system is based on a philosophy of reform through labor. Prisoners are forced to work extremely long hours in shocking conditions that often result in serious injury and even death.

In direct violation of several international treaties of which China is part, the Laogai prisoners are used as free labor to generate products sold on the international market. Next time you buy a product made in China, know that it may have been made by a Laogai prisoner in slave-like conditions.

Even more horrifying is the regular organ harvesting conducted in the prisons. Last week the deputy health minister of China even admitted to this horrific practice. Thousands of foreign patients and Chinese citizens receive organs harvested from Laogai prisoners. Can you imagine receiving an organ cut from someone arrested and killed because of their religious faith?

The Laogai prisons are truly modern day gulags.

I especially want to thank Harry Wu for his work in raising awareness about the Laogai system. Harry knows the system all too well, after spending 19 years behind bars in the Laogai after he was arrested because of his political beliefs. Harry has been courageous and relentless in his advocacy for human rights in China.

I am hopeful that this resolution will bring light to this abysmal system and urge a unanimous vote in support.

Mr. SMITH of New Jersey. Mr. Speaker. I am attaching an exchange of letters between Chairman HYDE and Chairman THOMAS concerning H. Con. Res. 294 "Calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government" for insertion into the CONGRESSIONAL RECORD.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 13, 2005.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing in regard to H. Con. Res. 294, which is scheduled for floor consideration on Wednesday, December 14, 2005. The second clause of the resolution relates to the use of prison labor in China.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning imports. The second resolved clause calls on the Government of the United States to fully implement its laws prohibiting the importation of products made in Chinese forced labor camps, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this resolution for floor consideration, the Committee will forgo action on this resolution. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H. Con. Res. 294, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, December 13, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H. Con. Res. 294, calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government. The bill has been referred to the Committee on International Relations.

I concur with your statement concerning the jurisdiction of the Ways and Means Committee over the second resolved clause of the resolution, which refers to United States laws prohibiting the importation of products made in Chinese forced labor camps. I appreciate your willingness to forgo consideration of the bill.

I also understand that this action on your part does not in any way prejudice your Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation. I will insert this exchange of letters into the Congressional Record during the debate of this bill.

With best wishes,

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 294, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 294, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–346) on the resolution (H. Res. 602) providing for consideration of the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING THE VICTIMS OF THE CAMBODIAN GENOCIDE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 238) honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979, as amended.

The Clerk read as follows:

H. CON. RES. 238

Whereas beginning in April 1975, Pol Pot led the Communist guerilla group, the Khmer Rouge, in a large-scale insurgency in Cambodia that forcibly removed Cambodians from their homes and into labor camps in an attempt to restructure Khmer society;

Whereas traditional Khmer culture and society were systematically destroyed, including the destruction of temples, schools, hospitals, homes, and historic buildings;

Whereas the Khmer Rouge separated and destroyed families and punished and killed innocent civilians, including women, children, doctors, nurses, clergy, teachers, business owners, intellectuals and artisans;

Whereas more than 1.7 million Cambodians, or approximately 21 percent of the population, were killed in one of the worst atrocities of the last century;

Whereas many people were executed simply for being educated, wealthy, or even for wearing glasses as they were seen as bourgeois or contaminated with Western influence;

Whereas after the Khmer Rouge regime was overthrown in 1979, thousands of Cambodians fled on foot to refugee camps in Thailand and many refugees were processed again in other camps in the Philippines and Indonesia;

Whereas from these refugee camps approximately 145,149 Cambodians made their way to the United States, with the majority arriving in the early 1980s and settling in communities across the United States;

Whereas despite the tremendous loss of family members, homes, and even parts of their heritage during the Khmer Rouge regime, Cambodians have shown courage and enormous resiliency;

Whereas, according to United States Census Bureau figures, there are approximately 206,053 Cambodians currently living in the United States;

Whereas the new generation of Cambodian-Americans continues to contribute to all aspects of American society as writers, doctors, professors, and community leaders; and

Whereas the United Nations has taken affirmative steps to establish an international criminal tribunal to bring to justice the perpetrators of the Cambodian genocide: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the victims of the genocide in Cambodia that took place beginning in April 1975 and ending in January 1979; and

(2) welcomes the establishment of an international criminal tribunal to bring to justice the perpetrators of the Cambodian genocide, with the hope that proceedings of the tribunal will meet international standards of justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Thirty years ago, as we all know, Cambodia was thrust into 4-years of hellish chaos that claimed the lives of one-fifth of that country's population. Pol Pot and the Khmer Rouge regime attempted a radical restructuring of Cambodia, systematically destroying traditional Khmer society, forcibly relocating large portions of the population, and purging those whom it regarded as bourgeois, or culturally contaminated. Their movement, which claimed to be a Communist effort to create a classless, utopian state, was, in fact, a genocide.

By the time it ended, 1.7 million Cambodians were dead. It stands as one of the worst crimes of the 20th century and a shocking example of what becomes possible when the dignity of the human person is subordinated to political ideology.

Faced with the terror of the Khmer Rouge, many thousands of Cambodians did what you and I would do in that situation. They and their families fled their homeland, becoming refugees. Of those numbers, more than 145,000 resettled in the U.S. where they have contributed to the strength of communities throughout our Nation. We are proud of our Cambodian American population, which has demonstrated such resilience and industry.

We also are hopeful that there may be yet justice and accountability for the Cambodian genocide. We welcome the steps that the U.N. has taken toward establishing an international criminal tribunal for that purpose. Although that body has yet to become operational, we hope that, when it does, its proceedings will be substantive, transparent and credible.

In light of its history, I am proud that this body is taking up H. Con. Res. 238 which honors the victims of the genocide in Cambodia and welcomes the prospect of justice for that great crime. I want to especially thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for introducing this resolution and urge its unanimous adoption.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to commend my good friend and colleague, JUANITA MILLENDER-MCDONALD, for introducing this important resolution. Her leadership on behalf of all Cambodian-Americans is greatly appreciated.

Mr. Speaker, 30 years ago, one of the saddest chapters in world history began to unfold in the nation of Cambodia. With the victory of the Khmer Rouge, millions of men, women and children were forced from their homes into the countryside and prison labor camps throughout the nation.

They were told they faced "reeducation." Instead they suffered crimes against humanity that became a genocide.

Entire categories of Cambodians were immediately marked for torture and execution by the Khmer Rouge—educated Cambodians, wealthy Cambodians, individuals associated with the previous government, even Cambodians who wore glasses.

Thousands of innocent people were herded into Phnom Penh's infamous S–21 prison. Once behind bars, they were tortured by the Khmer Rouge until they confessed to their so-called crimes. After the confessions were duly recorded and the photos of the doomed were taken and filed away, the imprisoned individuals were summarily executed.

When the killing was over 4 years later, over 1.7 million Cambodians were dead. Many had been executed, hundreds of thousands more were victims of starvation and malnutrition.

Some Cambodians were fortunate enough to escape the madness and brutality of the Cambodian Genocide, making their way as refugees to various Southeast Asian nations. Nearly 150,000 Cambodians ultimately resettled in the United States, and today, there are more than 200,000 Americans of Cambodian descent.

As Cambodians build new lives in the United States, it is appropriate and timely for the Congress to recognize the victims of the Cambodian Genocide, and to welcome the establishment of an international criminal tribunal to bring long-overdue justice to the perpetrators of the Cambodian genocide.

Mr. Speaker, the international tribunal established for Cambodia is not a perfect institution, and only time will tell if those who carried out the genocide will be brought to justice. It remains our profound hope that the work of the tribunal will be carried out according to international standards of justice.

Mr. Speaker, nearly 1 in 7 Cambodians lost their lives during the horrible 4 years of Khmer Rouge rule. With passage of this resolution, we remember the innocent victims of the genocide, and hope that justice prevails.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I yield as much time as she might consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD), my dear friend and distinguished colleague, the author of this important piece of legislation.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. SMITH), the chairman, for his dedication and commitment to this issue, along with my friend the gentleman from California (Mr. LANTOS), the ranking member, for his ongoing support of this piece of legislation, and Mr. Speaker, I thank you for the opportunity to address this issue that is incredibly important to all Cambodian Americans.

The tragic history of over 1.7 million Cambodian men, women and children who died during the Khmer Rouge rule in Cambodia from 1975 to 1979 is unconscionable. The inhumanity of the Khmer Rouge regime and the harrowing events of the killing fields there still touch every Cambodian American family. They live each day with the indelible scars of lost mothers and fathers, brothers and sisters, and other loved ones.

While the tragedy can never be reversed, America's recognition of the 1.7 million lives lost is important to the hundred of thousands of survivors that now call America home.

My legislation, H. Con. Res. 238, commemorates the victims of the Khmer Rouge genocide.

In 1975, a large-scale insurgency took place, resulting in the forced removal of local Cambodians from their villages and into labor camps in an attempt by the Khmer Rouge to restructure society.

The Khmer Rouge maintained control by mass public tortures and executions. Families were separated by sending men, women and children into various labor camps, scattered throughout that country. Famine and disease were epidemic between April of 1975 and January of 1979. Cambodians watched hundreds of thousands of their loved ones die by starvation and thousands more by torture.

When the Khmer Rouge was overthrown in 1979 by Vietnamese troops, thousands of Cambodians fled to nearby refugee camps in Thailand and to camps in the Philippines and Indonesia. As many as 145,000-plus courageous Cambodians made their way to the United States.

With the assistance of the Federal Government, State, local and voluntary agencies, Cambodians were resettled in communities across America. Despite the tremendous loss of family members, homes and parts of their heritage, Cambodians have shown enormous resiliency.

Their culture and contributions to America continue each day to enrich our society, and I am immensely proud that the largest Cambodian presence in the United States resides in my district.

Cambodians have been awaiting justice for over a quarter of a century, and it now seems that the opportunity will soon arise. The United Nations has taken steps to establish an international tribunal in 2007 to bring justice to the perpetrators of the Cambodian genocide. The government of Cambodia seems poised to proceed.

It is my sincere hope that the Cambodian tribunal, once it is up and running, will ensure that justice is finally served, and that those who perpetrated the genocide against innocent Cambodians will finally be punished for their heinous acts. Mr. Speaker, the 10s of thousands of Cambodian Americans who lost loved ones to the killing fields deserve no less.

So I urge all of my colleagues to support this resolution, and again, I thank both the chairman and the ranking member.

Mr. LANTOS. Mr. Speaker, I again want to commend my friend from California for taking up this most important issue. We have no further requests for time, and I yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 238, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING THE GOVERNMENT OF ZIMBABWE'S "OPERATION MURAMBATSVINA"

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 409) condemning the Government of Zimbabwe's "Operation Murambatsvina" under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to "restore order" to the country, as amended.

The Clerk read as follows:

H. RES. 409

Whereas on May 19, 2005, the Government of Zimbabwe launched "Operation Murambatsvina", translated from the Shona language as "Operation Drive Out the Trash", in major cities and suburbs throughout Zimbabwe in an effort that it characterized as an operation to "restore order" to the country;

Whereas hours after the Governor of the Reserve Bank of Zimbabwe called for an end to the parallel market, Operation Murambatsvina began in the city of Harare and subsequently in other urban areas, such as the city of Bulawayo, ostensibly to oust illegal vendors and eliminate illegal structures;

Whereas Operation Murambatsvina was carried out as an indiscriminate demolition of the homes and livelihood of thousands of Zimbabwean citizens already suffering from a protracted economic and political crisis brought on by poor policy directives by the Government of Zimbabwe that forced masses of rural dwellers to urban areas of the country for survival;

Whereas in some communities that were victimized by the forced demolitions, including Cheru Farm and Killarney Farm where more than 20,000 people lived, Zimbabweans had lived in residences for over 20 years and had well-functioning schools, health and HIV/AIDS clinics, orphanages for AIDS-affected children, viable businesses, places of worship, and other amenities;

Whereas in 1993, the Government of Zimbabwe moved families from Cheru Farms to a new location, Porto Farm, which during Operation Murambatsvina was demolished by Zimbabwean Government forces;

Whereas government security forces carried out Operation Murambatsvina, and in doing so, beat residents and forced them to destroy their own homes and places of business, though many residents provided permits from municipal authorities granting permission to build their structures;

Whereas Operation Murambatsvina resulted in the demolition throughout the country of homes, businesses, and religious structures, including a mosque, and an AIDS orphanage and in the intimidation, harassment, and arrest of tens of thousands of people;

Whereas Operation Murambatsvina cut off many AIDS patients from anti-retroviral medicines which will likely lead to a reversal of their health, resistance to the drugs, and a more virulent form of AIDS in Zimbabwe with potential for spreading throughout the region and worldwide;

Whereas churches and private citizens sheltering the victims of Operation Murambatsvina were also intimidated, harassed, and arrested for their efforts to provide a safe haven for the victims during Zimbabwe's harsh winter;

Whereas armed soldiers and police forcibly removed hundreds of homeless people from churches in the city of Bulawayo and banned religious groups from providing humanitarian assistance to those seeking shelter at Hellensvale, a transit camp north of Zimbabwe's second city, and where police arrested and detained religious leaders;

Whereas a strongly worded statement issued by the Bulawayo clergy stated: "The removal of the poor, innocent, weak, voiceless and vulnerable members of society by riot police in the middle of the night was uncalled for and unnecessary. It is inhumane, brutal and insensitive, and in total disregard of human rights and dignity. These people are not criminals but bona fide citizens of this nation. It seems the crime they committed is that they are poor.";

Whereas the African Commission for Peoples' and Human Rights dispatched an African Union envoy, Bahame Tom Nyanduga, Special Rapporteur on Refugees, Internally Displaced Persons, and Asylum Seekers in Africa to investigate the ongoing demolitions;

Whereas the Government of Zimbabwe refused to allow the African Union envoy an opportunity to conduct his mission after being accused by the Government of Zimbabwe through its government-controlled media of "following the agenda of western countries";

Whereas the decision to block access to the African Union envoy is representative of a larger pattern of behavior, whereby the Government of Zimbabwe uses violence, intimidation, and demagoguery to subjugate its people, relies on scapegoats to justify the economic, political, and social crises in Zimbabwe, and detains and slanders United States diplomats who challenge the ruinous policies of that government;

Whereas in response to the crisis, the Secretary-General of the United Nations dispatched a special envoy, Ms. Anna Kajumulo Tibaijuka, Deputy Secretary General, United Nations Human Settlements Program (UN-HABITAT), on a factfinding mission to assess the scope and impact of Operation Murambatsvina on the people of Zimbabwe and its consequences for the Zimbabwean Government;

Whereas the mission of the United Nations special envoy was undertaken between June 26 and July 8, 2005, where she visited the cities of Harare, Headlands, Rusape, Mutare, Gweru, Bulawayo, Hwange, and Victoria Falls and met with victims of Operation Murambatsvina, heard personal testimony from victims, and met with members of the diplomatic community, the Government of Zimbabwe, and international nongovernmental organizations;

Whereas the United Nations special envoy estimated that approximately 700,000 people in cities across the country have lost either their homes, their source of livelihood, or both, and that a total of 2.4 million people or 18 percent of the population was directly or indirectly affected by Operation Murambatsvina and that the operation would have considerable short-term and long-term impact on social and economic conditions in the country;

Whereas 40,800 families directly affected by Operation Murambatsvina were headed by women, and 83,530 children under the age of four and 26,600 people age 60 and older were directly affected;

Whereas President Robert Mugabe described this sudden and extensive operation against thousands of families and business persons in the dead of winter as necessary "to eliminate hideouts of crime and grime";

Whereas the United Nations special envoy is quoted as saying "the poor are not criminals . . . [t]hey work hard to obtain the little which they have and they should not thus be treated like criminals";

Whereas the United Nations special envoy assessed the negative impact of Operation Murambatsvina on shelter, water and sanitation, food and nutrition, basic health services, HIV/AIDS, education, women and girls, refugees and other vulnerable groups;

Whereas the special envoy concluded that Operation Murambatsvina "has rendered people homeless and economically destitute on an unprecedented scale; most of the victims were already among the most economically disadvantaged groups in society; and they have now been pushed deeper into poverty and have become even more vulnerable; and the scale of suffering is immense, particularly among widows, single mothers, children, orphans, the elderly and the disabled persons";

Whereas at the time of independence, President Robert Mugabe was hailed as a liberator and Zimbabwe showed bright prospects for democracy, economic development, domestic reconciliation, and prosperity;

Whereas President Mugabe and his ZANU-PF party in recent years have turned away from the promises of liberation and become a party that uses state power to deny the people of Zimbabwe the freedoms and prosperity for which they fought and deserve;

Whereas the rise of urbanization and the informal sector in Zimbabwe has been the direct result of failed economic policies, a bitterly disputed fast track land reform program, unplanned cash handouts to appease war veterans, the costly military intervention in Congo, and persistent drought;

Whereas before Operation Murambatsvina, unemployment in Zimbabwe was between 70 and 80 percent, the HIV/AIDS prevalence rate was 24 percent, and the inflation rate was 164.4 percent (but was as high as 522.8 percent), and currently Zimbabwe has the world's fastest shrinking economy, there is an ongoing fuel crisis in the country, and the Zimbabwean economy had contracted 7 percent; and

Whereas the staggering suffering brought on by Operation Murambatsvina has been added to the already large-scale humanitarian crisis in Zimbabwe: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) through Operation Murambatsvina, the Government of Zimbabwe has created a humanitarian disaster that has compounded the already existing humanitarian food and economic crises in the country, and the Government of Zimbabwe has insufficient resources to address such crises;

(B) the Government of Zimbabwe has a duty to protect the economic, social, and political rights of its citizens as guaranteed by the Constitution of Zimbabwe and the African Charter on Human and Peoples' Rights; and

(C) the Government of Zimbabwe also is subject to the International Covenant on Economic, Social and Cultural Rights, to which Zimbabwe is a party, which states in part that "forced evictions are prima facie incompatible with the provisions of the Covenant and can only be carried out under specific circumstances"; and

(2) the House of Representatives—

(A) condemns Operation Murambatsvina as a major humanitarian catastrophe caused by the Government of Zimbabwe's callousness toward its own people, disregard for the rule of law, and lack of planning to move families and businesses to more desirable locations;

(B) calls on the United Nations, the African Commission for Peoples' and Human Rights, and the African Union to continue efforts to investigate the impact of the demolitions of housing structures and premises from which informal businesses operated and to provide the international community with a viable strategy to address the problems;

(C) calls on the Government of Zimbabwe to allow international humanitarian organizations access to those affected by the operation who are in need of food, medicine, shelter, sanitation, and water;

(D) calls on the Government of Zimbabwe to hold accountable those responsible for this egregious injury to the Zimbabwean people, both the decisionmakers of the operation and those who carried out the operation;

(E) calls on the Government of Zimbabwe to immediately and aggressively implement policies to promote the private sector and create jobs and build housing to accommodate those displaced by the operation;

(F) calls on the United Nations and the international community to stand by the people of Zimbabwe who have been victimized by their government in this operation and to help them with relief and reconstruction of their lives;

(G) calls on the Secretary of the Treasury to instruct the United States Executive Director at the International Monetary Fund (IMF) to use the voice, vote, and influence of the United States to continue to advocate for further action at the IMF should the Government of Zimbabwe continue to fail to meet its obligations to the IMF;

(H) condemns President Mugabe's harassment of the United States Ambassador to Zimbabwe, including by threatening the Ambassador's expulsion from the country and asserting that he could "go to Hell"; and

(I) calls on President Mugabe to recognize that absent meaningful corrective actions on his part, President Mugabe's legacy will be defined by his responsibility for the ruinous policies and draconian laws that brought untold suffering of his people and the near collapse of Zimbabwe as a nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

☐ 2245

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I begin by commending the gentleman from California (Mr. LANTOS) for crafting and authoring this resolution. It is very timely and extremely important, given the events in Zimbabwe. I would like to point out that H. Res. 409 condemns the government of Zimbabwe for its horrendous abuses of civil and human rights of its citizens.

Zimbabwe is a Nation that even recently was an economic success, an example to other nations in Africa. However, the serious mismanagement of that country's economy has reduced the gross national income to levels last seen in 1953. Inflation in Zimbabwe today exceeds 500 percent.

When the government of Zimbabwe began its so-called Operation Murambatsvina on May 19, it was supposed to be a limited operation to end the parallel market but developed into the most destructive campaign that country has seen in its post-independence history. Months after this vicious campaign, there are estimates of as many as 700,000 displaced persons, many of whom are living without food, water or shelter.

By all accounts, this operation has made existing social problems much worse. Nongovernmental organization representatives have told us that now there are 2 million widows, 1.5 million orphans, 500,000 children with only one surviving parent and 8,000 households headed by children.

While many still recall Zimbabwe President Robert Mugabe's critical role in winning independence for his country, we must hold him accountable for the devastation he has more recently brought upon his country's citizens, serious, serious crimes and human rights abuses. Whatever he has achieved in the past, he is furiously undoing his legacy in the present.

House Resolution 409, which received its due consideration by the House International Relations Committee, seeks to shed light on the profound suffering that this operation has brought and inflicted upon the people of Zimbabwe. It notes that, through this operation, the government of Mugabe has created a manmade humanitarian disaster of epic proportions, which has only compounded the existing human rights and economic crises in Zimbabwe.

It condemns President Mugabe's harassment of the United States Ambassador to Zimbabwe most recently by threatening his expulsion from the country and asserting that he could "go to hell" in response to the Ambassador's efforts to draw attention to the crisis in Zimbabwe.

H. Con. Res. 409 also states that the government of Zimbabwe has a duty to protect its people and calls on that government to immediately and aggressively implement policies to promote private sector development, create jobs and build housing to benefit those displaced by this operation.

It further asserts that, absent such meaningful corrective measures, President Mugabe's legacy will be defined by his responsibility for the ruinous policies and draconian laws that have brought untold suffering to his people and the near collapse of Zimbabwe as a nation.

Finally, the resolution calls on the International Monetary Fund to take further action against the government of Zimbabwe should it continue to fail to meet its obligations to the international community.

My subcommittee held a hearing on Zimbabwe's situation and the U.S. policy toward that country last April. We were dissatisfied with the state of U.S. engagement. Despite diligent State Department efforts, we still lack creative ways to address and resolve this crisis.

One of the problems in engaging the government is the failure to speak with a consistent voice. This resolution may seem harsh to some, but it does not even begin to touch what is really going on in that once prosperous nation.

Mr. Speaker, Greg Simpkins is the leader on the subcommittee of our Professional Staff, and he led a staff CODEL to Zimbabwe on July 1 through the 10th. He was joined by Dr. Pearl-Alice Marsh, Senior Professional Staff Member for the Committee, and they did an extraordinary job in gathering a tremendous amount of information about what has really gone on and what the crisis is all about. I submit herewith their staff report for inclusion in the RECORD.

STAFFDEL SIMPKINS TRIP REPORT: ZIMBABWE AND SOUTH AFRICA

(By Gregory Simpkins)

SUMMARY

Staff delegation Simpkins, consisting of myself and Dr. Pearl-Alice Marsh, Senior Professional Staff Member for the House Committee on International Relations, traveled to Zimbabwe and South Africa from 1–10 July 2005. The purpose of this mission was to investigate the situation on the ground in Zimbabwe, especially in light of the recent government actions to destroy allegedly illegal housing and vending operations. The visit to South Africa was to examine programs involving Zimbabwe refugees, speak with members of the Zimbabwe expatriate community and discuss Zimbabwe with members of the South African government, the ruling African National Congress, the Congress of South African Trade Unions and think tanks.

We thank Ambassador Christopher Dell and his staff in Harare and Ambassador Jendayi Frazer and her staff in Pretoria for their assistance in making our visit productive.

The report on this operation is the result of our discussions with a wide variety of people in and around Harare and Bulawayo in Zimbabwe and in Pretoria and Johannesburg in South Africa (see appendix for list); a 27 June 2005 report by the Solidarity Peace Trust, a non-governmental organization registered in South Africa, and various published reports and subsequent contacts with sources in Zimbabwe.

OPERATION MURAMBATSVINA

On 19 May 2005, the Government of Zimbabwe commenced Operation Murambatsvina. While the Zimbabwean government refers to it as "Operation Restore Order," a literal translation from the Shona language reveals that "Murambatsvina" more closely means "discarding the filth." This places the operation in a more accurate context.

Gideon Gono, Governor of the Reserve Bank of Zimbabwe, called for an end to the parallel market, and hours later the operation began in Harare and subsequently other urban areas, such as Bulawayo, ostensibly to oust illegal vendors and eliminate illegal structures. Very early on, it became clear that this operation would clean out all vendors and non-standard and additional structures whether legal or not. In locations where dozens of vendors had populated longstanding markets that attracted tourists and local people alike, we saw empty spaces. But Operation Murambatsvina did not stop with its urban renewal objective. The operation spread to so-called squatters' camps and other rural areas, tearing down structures in which residents had in some cases invested their life savings in order to construct a substantial house with electricity and water.

Spreading from central business districts to suburbs to farms, this operation eventually evicted even supporters of the ruling Zimbabwe African National Union—Patriotic Front (ZANU–PF) who had seized white-owned commercial farms since 2000. Not even membership in the ruling party could save homes from destruction, as police took down houses despite the pleas of residents wearing ZANU–PF t-shirts. As for the veterans of the liberation war, who had claimed credit for assisting the government's land reform process that has so transformed Zimbabwe's economy, they appear to have been wiped out. Now landless and homeless, they apparently have outlived their usefulness to the ruling party. One war veteran reportedly stood in front of a police bulldozer that had torn down his home and pleaded for police to take his life.

A Zimbabwean employee at the U.S. embassy in Harare told us his supplementary dwelling in the backyard of his property had been built to house some of his children to relieve overcrowding in the main house. Nevertheless, authorities forced him to tear the structure down, despite his holding a legal permit from local authorities. His experience apparently was shared by many other homeowners whose homes were not shacks or shanties and who had locally-provided permits for their construction.

On June 2nd, BBC News quoted a cobbler (who identified himself as "Edson") on his encounter with police who arrived to force him and his fellow vendors from their standard locations in Harare. He told the BBC that the authorities were uninterested in his legal status as a vendor: "They were very firm and just kept saying: 'We don't want you; we don't want you here; we want you to go from this place.' "

Clearly, this operation was not restricted to illegal vendors or dwellings. We were told that police and supporting forces from youth militias and soldiers were not interested in differentiating between what was legal or illegal. One opposition politician showed us a truck load of youth militia and explained that they had been in government camps and prepared to take actions such as those associated with Operation Murambatsvina. Eyewitnesses reported seeing police looting stalls from which vendors were evicted. Others reported to us that police confiscated property for which residents of homes or shops could not produce satisfactory receipts, even if the goods were personal property and not for sale.

This operation was cruelly executed. In Bulawayo, Ms. Shingirai Mmpa told us she had been a vendor for nearly 20 years in the same location. She recounted how police one day suddenly seized the vegetables she and other women were selling as usual. Police came to her home and tried to make her tear it down. She protested unsuccessfully that she was a renter and did not own the house, and when she proved unable to tear the house down, police got her neighbors to help her do so. They then threatened to fine her 1.5 million Zimbabwe dollars if she didn't dispose of the rubble. Her experience was not unique.

In Harare, we were told about a grandmother who had been taking care of her grandchildren and other orphans. They lived in a cottage that had been declared illegal and was destroyed. She now faces a bill of five million Zimbabwe dollars for back rent for a cottage that no longer exists and another substantial bill for removing the rubble from the destroyed cottage.

We witnessed families at the Porta Farms camp whose homes had been utterly destroyed, leaving them to seek refuge, first in the bushes surrounding their former dwellings and then in the ruins on which their homes had stood. We saw beds and furniture sitting in the open, and families living with no food, running water or sanitation facilities. We saw a baby who had been born since the demolition, who had to survive in temperatures that might reach 32° at night. The baby's mother, who had an obvious infection, had to manage without medication from the local clinic that had been managed by New Life Church. It was destroyed along with the other structures.

The evictions at Porta Farms involved more than a little irony. Most residents of Porta Farms had been moved from Chiuru Farm to keep them out of sight of Queen Elizabeth and other world leaders who attended the 1991 Commonwealth Heads of Government meeting in Harare. Some reportedly had been told that if they paid to install electricity and water that they would be given permits for their homes. Operation Murambatsvina abrogated whatever agreement they may have had with the government.

We witnessed a similar situation at Kilarney squatters' camp outside Bulawayo. The camp had been established by the white minority Rhodesian government to move poor blacks out of Bulawayo during colonial times. More residents of the camp had been moved by the government of Robert Mugabe in the 1980s in the aftermath of the government massacre of Ndebele people in Matabeleland. Now residents were on the move again. This time, the camp was completely razed. Where once thousands of people lived in houses often made of brick and mortar, only ruins remained.

Porta Farm residents told us that four people died in the destruction of that camp: a child who was run over by a bulldozer, a pregnant woman who died after being thrown into a truck for transport elsewhere and two critically ill people whose treatment was interrupted by the destruction. They were not the only people who did not survive this operation. A policeman was killed in Bulawayo when the wall of a building he was helping to tear down fell on him. He died in the United Bulawayo Hospital. An unknown number of people have died of exposure or starvation or succumbed to untreated medical conditions since Operation Murambatsvina began.

Estimates range from 300,000 (U.S. embassy) to 700,000 (United Nations) displaced persons. An estimated 46,000 people have been arrested. More than 300,000 children are unable to attend school due to being displaced or because they have to care for siblings or older relatives in distress. By all accounts, Operation Murambatsvina has exacerbated existing social problems. Non-governmental organization representatives told us there are now two million widows, 1.5 million orphans, 500,000 children with only one surviving parent and 8,000 households headed by children.

The official rate of HIV-AIDS in Zimbabwe is 25%, although it could actually be much higher. The way in which Operation Murambatsvina has been applied is certain to ratchet that percentage up much higher. Some women vendors have reported being required to give sexual favors to get licenses to sell goods. Moreover, with so many women vendors now unable to get a license due to being arrested for having an illegal vending operation, prostitution is likely to soar in coming weeks and months. Heretofore, prostitution was not seen as a major contributor to the rate of HIV-AIDS in Zimbabwe. A higher HIV-AIDS rate also will affect those countries to which Zimbabweans are fleeing.

The threat of hunger, estimated by the U.S. embassy to be greater than at any time in Zimbabwe's history, will be exacerbated by Operation Murambatsvina. The food deficit was believed to be 1.6 million metric tons prior to the removals and now will rise dramatically. In the face of rising hunger, the government outlawed "urban farming" and destroyed gardens in and around cities, despite the fact that many people were growing crops to make up for the lack of available produce in Zimbabwe markets.

This operation especially is having an ill effect on Zimbabwe's economy. Early into Operation Murambatsvina, the International Monetary Fund was predicting that Zimbabwe's Gross Domestic Product would fall by 7% this year and that inflation would rise to 200%. The country's Central Statistical Office reported in mid-July that inflation had risen nearly 20 percentage points in June to 164.3%. With the almost utter destruction of the informal economy in this operation and no coherent plan on how to restore the thousands of microenterprises that were shut down, the contraction of GDP could more than double. In fact, Center for Global Development researcher Todd Moss is estimating that Zimbabwe's Gross National Income is now down to its 1953 level.

THE DESTRUCTION'S AFTERMATH

When we spoke to Didymus Mutasa, Minister of National Security, he virtually bragged of having been part of the decision to commence Operation Murambatsvina. He echoed the government position that there were a lot of robberies, prostitution and illegal money changing involved in the informal markets that needed to be curbed. Minister Mutasa added that crime was down significantly (20% by some government estimates) since the operation began. He was adamant that only 40,000 people were involved and that they did not deserve sympathy.

In fact, the government has told diplomatic missions who had been providing food, blankets and medicines to displaced people to stop. In a June 17th article in the Zimbabwe Independent, senior officials at Zimbabwe's Ministry of Social Welfare were reported to have ordered governors of provinces to block donor groups from distributing food and clothing to displaced people since the article noted that it would "expose the shortcomings of the controversial campaign."

There is opposition within the government to requesting food assistance, despite the estimated 4.5 million Zimbabweans believed to need food this year. Discussions with the World Food Program revolved around the government allowing assistance while not requesting it and limiting the supply of food resources to school feeding programs or through the Grain Marketing Board, which has in the past distributed food using political considerations.

The government was said to be formulating its own response. One such response is the establishment of several transit camps, such as the one at Caledonia Farm. The conditions at these camps are widely considered to be squalid. According to a July 3rd report in the Times of London, aid workers say an epidemic of diarrhea has broken out at the camp. Conditions were so poor that church leaders we met with refused to allow the displaced people they were caring for to be taken to the camp.

This concern was confirmed by Lucy Mwanza, a former resident of the Harare suburb of Mbare now living at Caledonia Farm, who told the United Nations Integrated Regional Information Networks, as reported on June 14th: "All they (the government) did was just to come and dump us here, and we have not heard from them since then. Just like the other families that were brought here, my five children and I were forced to set up two shacks using plastic and cardboard boxes, but the cold is unbearable at night."

Father Barnabas Nqindi of the Church of the Ascension in Bulawayo told us he was keeping the more than 100 displaced persons at his church where the community has been generous in helping to provide food and other supplies. Father Nqindi said the transit camps, were too open, lacking proper shelter and the necessary infrastructure to care for residents. He said they were established hastily and remain unorganized. He believes churches will play a major role in ensuring that such camps are ready before people are transferred. Father Nqindi said the churches are concerned about maintaining access to the people once transferred so that they can continue to ensure the necessary services are provided and that eventual settlement of people in the camps is handled humanely.

Subsequent to our visit to Zimbabwe, baton wielding police in full anti-riot gear reportedly stormed Father Nqindi's church and other Bulawayo area churches, rounded up about 500 displaced people and took them to a transit camp about 35 kilometers outside the city. According to various reports, the next morning, the people were dispersed, and the camp was dismantled. WorldVision staff members were prevented from distributing food. Only the Red Cross was allowed to provide any assistance. Father Nqindi was briefly arrested, but has been released for now.

It is the government's intention to transfer many of the people displaced from urban areas to their rural home, if they have one. We saw many trucks carrying furniture leaving cities, presumably on the way back to the original family home. This exodus has been stymied, however, by the lack of fuel in the country. Lacking foreign exchange with which to buy sufficient fuel, the government has been unable to prevent the rapid increase in gasoline prices, which have risen 300% just due to higher world oil prices. In cities, suburbs and more rural areas, lines of empty cars are parked at gasoline stations awaiting word that fuel has arrived.

The government also intends to build housing for the displaced persons more consistent with reasonable urban planning. Governor Gono told us he is confident that the government can find one trillion Zimbabwe dollars to add to three trillion in funding already identified to begin construction of housing soon. However, the shortage of foreign exchange currently is forcing the government to choose between importing food or fuel, and the level of funding necessary for such a major construction project is far beyond known government revenues. Furthermore, to adequately meet the needs of the many displaced people in a timely manner, the rate of construction would have to exceed any known rate for such a project anywhere in the world.

The lack of housing, already a problem even for middle-class Zimbabweans, is now more acute. Housing prices have now doubled and tripled, outpacing the ability to pay of working families, even households headed by professionals. Some middle-class people were among those whose homes were demolished, and with this worsened housing crisis, the homeless in Zimbabwe now include those who make a good living, but who had the misfortune of losing their homes at the worst possible time.

One Zimbabwe businessman, who allegedly has a source within President Robert Mugabe's inner circle, told us that the Zimbabwe president, commenting on the results of Operation Murambatsvina reportedly said: "What a mess!"

Indeed, many of his countrymen would agree, as they are calling this situation "the Mugabe tsunami."

RATIONALE FOR OPERATION MURAMBATASVINA

With such devastation to the Zimbabwe population and to the country's economy, one wonders why Operation Murambatsvina was undertaken in the first place. Of the many reasons offered by sources to whom we spoke, opposition party Member of Parliament David Coltart offered four reasons that encompass what others have suggested as well.

The ZANU-PF government used Operation Murambatsvina as a tool to punish its political opponents. There certainly seems to be some truth to this contention since this operation began in urban areas that had not traditionally voted for President Mugabe or his party. In the March 2005 elections, ZANU-PF won only one urban seat. Mr. Coltart and others see the government's actions as purely retribution for the communities that did not vote for the ruling party. However, as mentioned earlier, this operation spread from the urban to the suburban to the rural areas and punished even ZANU-PF supporters. Whatever the initial rationale for this operation, it seems to have gotten out of hand and fallen victim to a melange of agendas. Some ZANU-PF communities apparently didn't vote in appropriate numbers in March, and the so-called war veterans had served their purpose. Still, the response of many ZANU-PF officials indicated that whoever was targeted by this operation was not to be pitied or helped.

The ZANU-PF government feared an urban uprising and used Operation Murambatsvina to clean out potential armed opponents. Mr. Coltart and others pointed out that the ZANU-PF government has mishandled the economy so badly that unrest is growing, especially with a 70% unemployment rate. The financial crisis is deep and becoming insurmountable without outside help that may not be forthcoming. Some sources reported that youth, whose unemployment is near universal, were becoming particularly restive, and some have said there were efforts to obtain weapons by urban youth. I must emphasize that this report is not broadly corroborated. Nevertheless, the Central Intelligence Organization is aware of sentiments, and due to their widespread infiltration of organizations and movements throughout Zimbabwe, they are aware of the so-called "pub talk." Depopulating urban poor areas and destroying the dissatisfied war veterans likely does provide some protection against those willing and able to rise up in armed opposition to the government.

The ZANU–PF government was convinced that a vast pool of foreign exchange was tied up in the parallel market and used Operation Murambatsvina to obtain this currency. As discussed earlier, the government has mishandled the economy to a disastrous extent, and according to Dr. Tony Hawkins, economics professor at the University of Zimbabwe's School of Business, there is no turnaround in sight. Dr. Hawkins said the central bank is printing money and distributing it, but this is only exacerbating the inflationary spiral the country is experiencing. The government was widely reported to have raided hotels in search of significant amounts of foreign currency, which was not found in the expected amounts. Businesspeople confirmed that their successful Indian colleagues had their homes and businesses raided—again in search of supposed foreign exchange pools that for the most part were not found. The effort to locate and seize large amounts of foreign exchange from the informal sector also has generally failed to turn up enough foreign exchange to justify the raids.

The ZANU–PF government used Operation Murambatsvina as a tool of social engineering to turn the country into a feudal society that is easier to control. With its continual call for displaced people to return to their rural roots, the government seems to want to bring people back to the rural areas where they rule through appointed headmen. Many of the dispersed people no longer have a home in the rural area, never came from the rural areas or are foreign-born. Given the control headmen have in these areas, the displaced who relocate to rural areas will have to be "vetted," meaning that they will have to pass a political litmus test to get land, work or food assistance until they can get established. At the Fountain of Hope Church we visited in Harare, young men were told to keep all the necessary identification on them because if they got picked up by police without it, they could be shipped off to work on a farm. If the commercial farming industry is to be revived, Zimbabwe will need an infusion of farm workers, and the displaced (and possibly forced) could provide a pliable rural workforce.

INTERNAL AND EXTERNAL FORCES

In considering how to deal with this complex and troubling situation in Zimbabwe, it is useful to consider those actors who could be of use in addressing this crisis. They consist of internal and external forces.

Internal Forces

There are four primary domestic actors in Zimbabwe:

ZANU–PF: The ruling party is home to competing interests that are becoming increasingly restive. There are the loyalists, such as Didymus Mutasa; the pragmatists, such as Vice President Joyce Mujuru and her influential husband Simon, and the potential reformers, such as Speaker of Parliament John Nkomo and Gideon Gono. Make no mistake about it: all these figures and those allied with them arrive at decisions based on how they are personally affected. Independent Member of Parliament Jonathan Moyo was once a member of Mugabe's inner circle, but he is now a proclaimed reformer, likely based on his ouster from the ruling party as much as his natural pragmatism.

The hardliners in ZANU–PF are just about unreachable. However, there are elements within the ruling party who might be amenable to working toward a better path for Zimbabwe's future if discussions were initiated through all available channels. ZANU–PF central committee member and former Member of Parliament Pearson Mbalekwa publicly split from the party, and at least 10 other party MPs are said to be considering a similar move. Of course, the rapid seizure of Mbalekwa's assets is a reminder to potential defectors of what is in store if they leave the party. Mr. Moyo has managed to survive life after ZANU–PF, so it is not impossible to carry on successfully after leaving the party if one is as clever as he is. One also must keep in mind that those loyal ZANU–PF leaders involved in business ventures know they cannot withstand the growing isolationism Mugabe's policies are bringing on Zimbabwe.

MDC: The opposition Movement for Democratic Change (MDC) has been almost absent from the fray involving Operation Murambatsvina. When we spoke with top officials from the party, they seemed not to fully understand the political necessity of identifying with their constituents by spending time with them in their misery, helping to bring shelter or food or just helping them clean up the rubble that had been their homes. While thousands were suffering the after-effects of Operation Murambatsvina, MDC leader Morgan Tsvangirai was in South Africa for the release of his autobiography.

This party also is in some turmoil. Mr. Tsvangirai has been quoted as wanting to get rid of his fellow top party leaders, although he has denied this. He would have some reason to question their loyalty, though, since party Vice President Gibson Sibanda and Secretary-General Welshman Ncube met with Mugabe while Mr. Tsvangirai was in Nigeria meeting with Nigerian President Olusegun Obasanjo. There are some who believe this party could split between the so-called activist wing, led by former labor leader Tsvangirai and the parliamentary wing, led by Mr. Ncube and Mr. Sibanda. The party lacks a strong base among civil society, labor or the churches because of its failure to bring all these stakeholders into their political calculations, and MDC has not adequately supported those civil actions that have taken place. With a tarnished reputation abroad caused by their past linkages to white farmers providing their funding, this party needs to reconceptualize its approach if it is to live up to its potential and plays significant role in Zimbabwe.

Civil society: We met with a number of NGOs, and the most impressive was Women of Zimbabwe Arise (WOZA). While much of the population seems unwilling or unable to respond pro actively to the crisis in their country, the members of WOZA put themselves on the line by protesting peacefully against government repression. Other NGOs are trying to respond in their own way, monitoring the political process, providing help for the homeless, offering services to victims of HIV–AIDS and defending the rights of Zimbabweans in court. However, other Africans who have fought for their freedom, particularly in South Africa, look down on Zimbabweans, who are seen as too passive in the struggle for their freedom. WOZA members have suffered beatings and arrests to stand up for the rights of all Zimbabweans.

Despite the fact that the Congress of South African Trade Unions (COSATU) reached out to labor in Zimbabwe and even continued to reach out in the face of repeated expulsions from the country, the Zimbabwe Congress of Trade Unions (formerly headed by Mr. Tsvangirai) has not played a strong role in the battle for Zimbabwe's future. Strikes have fizzled because of a lack of commitment by either civil society leaders or opposition party leaders. The prospect of facing a brutal police reaction seems to have frozen efforts to legally, peacefully oppose government actions.

Churches: I have separated churches out from civil society because until quite recently, most churches have declined to get involved in issues of political rights in favor of sticking with a focus on spiritual needs. Operation Murambatsvina led many churches and church leaders to alter their focus to include feeding and sheltering people. The government's heavy-handed evacuation of displaced people from churches and removal to an uncertain fate may spark a more activist role by churches. The accompanying arrests of ministers merely trying to meet the needs of people may cause more churches to challenge the political status quo and sharpen their criticism in sermons. Even some of the hardliners, such as Minister Mutasa, have demonstrated concerns about their spiritual future, and stronger preaching against cruel and undemocratic government actions could help wear them down as similar tactics began to do with white racists in the American south during the civil rights movement.

External forces

There are four categories of external forces that could impact the situation in Zimbabwe:

International community: Thus far, neither the United States nor the United Kingdom has been effective in making a positive impact on the situation in Zimbabwe since independence. The British, as the former colonial power, have had to work through the resentment of a government to which it ceded power. The United States has had to deal with the resentment of former guerillas who were never supported in the struggle against white minority rule. President Mugabe and his loyalists have a long memory for resentment, and in many ways, they live in the past, fixated on the wrongs they feel were done to them in the 1960s, 1970s and even since independence.

The European Union and nations such as Australia have placed sanctions on Zimbabwe, but much of the rest of the international community apparently has felt that the problems of Zimbabwe are the responsibility of the former colonial power and have shown little patience for engagement with a difficult Zimbabwe regime that has too often fashioned its own reality in its interactions with the rest of the world. Of late, the Mugabe government has "looked East" to Malaysia and China for salvation from an international community that has pressed that government to respect the rule of law and make governance and economic reforms. Even now, the Zimbabwe government is appealing to China and Malaysia to save it from an international community that has no faith in its willingness to reform and has lost patience with its cavalier attitude toward the rights and welfare of its people.

International institutions: The United Nations has condemned various actions by the Government of Zimbabwe over the years, but has done so seemingly reluctantly and ineffectively. It's most recent efforts in Zimbabwe, however, were handled carefully, and hopefully will be its most important contribution to Zimbabwe ever. By sending an envoy whose portfolio was resettlement, the UN appeared to accept the government's rationale that Operation Murambatsvina was a legitimate, if clumsy, exercise. That allowed Ms. Anna Tibaijuka to not only enter the country, but examine the situation at length with few restrictions. Her report accused excoriated Operation Murambatsvina as a "disastrous venture" and accused the ZANU-PF government of creating a "humanitarian crisis of immense proportions."

In contrast, the African Union's initial reaction to the growing Zimbabwe crisis was to reflexively reject calls to pressure the Zimbabwe government to end its evictions, destruction and arrests. AU spokesman Desmond Orjiako told BBC News on June 6th that "If the government that they elected says they are restoring order by their actions, I don't think it would be proper for us to go interfering in their internal legislation." Evidently, the enormity of this operation finally convinced AU leaders to take action, but it was so hastily put together that it failed to appropriately prepare the way for its envoy. As a result, Mr. Bahamas Tom Nyandunga, a member of the AU Commission on Human and People's Rights, was confined to his hotel for several days before being expelled from Zimbabwe during Ms. Tibaijuka's mission. Meanwhile, the International Monetary Fund will consider expelling Zimbabwe at an August meeting for failing to make any reasonable attempt to honor its loan obligations.

African community: The AU, as of this writing, has not reacted publicly to the rejection of its envoy. The organization's bureaucrats are likely lamenting the failure to follow protocols in dispatching their envoy and accepting Zimbabwe's right to reject an envoy forced on them in violation of the government's sovereignty. African housing ministers, meeting during our visit, accepted Zimbabwe's explanation of the reason or Operation Murambatsvina. Moreover, African government have been known to engage in similar mass evictions, such as Kenya's recent eviction of as many as 30,000 people from homes they constructed in the Mau Forest.

South Africa's quiet diplomacy has failed to move either the Zimbabweans or their fellow Southern African Development Community nations. Tanzania, Namibia and Zambia have even complimented the Zimbabwe government and dismissed criticism. Meanwhile, an African coalition of civil society groups, in five news conferences held across the continent, has appealed to the AU and the UN to stop Operation Murambatsvina. Mr. Reuel Khoza, chairman of the New Partnership for Africa's Development (NEPAD) has criticized the AU for "shirking its responsibility" in comments to Business Day on June 29th, calling on the AU to be "more outspoken" in condemning the actions of the Mugabe government. The South Africans seem to have heard the message. In its conditions for funding a financial bailout of the Zimbabwe government, it is requiring a resumption of discussions on cooperation between ZANUPF and MDC, economic and governance reforms and renewed respect for rule of law. South African government officials told us Africans were waiting for the UN report. Now that it has blasted the Zimbabwe government's actions, all eyes are on Africa for its reaction.

African Diaspora: People of African descent throughout the world are often overlooked as regards the influence they could have in bringing to an end the cover under which African despots often operate. By invoking colonialism, neo-colonialism and racism, Zimbabwe and other African nations deflect criticism as efforts by the white international power structure to either diminish their authority or impugn the capability of black leadership. In reality, however, African leaders such as President Mugabe have shown repeatedly that they do not rule in the interest of their countrymen. When Mugabe had the white commercial farms seized, he did not turn the land over to the black farm workers who knew how to till the land. When black professionals merely tried to defend the legal rights of the average Zimbabwean, they were beaten and jailed. When poor black workers tried to create acceptable shelter until they could afford better dwellings, the government destroyed their homes and put their lives in limbo.

African-Americans have a long history of trying to defend the interests of African people. In the 1930s, African-Americans were the leading edge of the movement to save Ethiopia from Italian conquest. Through the 1940s, 1950s and 1960s, African-Americans led the liberation struggle for African nations struggling to break free from colonial rule. Many African-Americans, including members of the Congressional Black Caucus, supported Zimbabwe's liberation struggle even when the U.S. government did not. Caucus members and African-American opinion leaders have shown interest in positively intervening in the Zimbabwe crisis to benefit that country's people. This is an untapped resource that should be utilized for the benefit of Zimbabweans and other African people who need all the help they can get.

RECOMMENDATIONS

American policy toward Zimbabwe has been unable to make any significant impact on that country's government and has had a hostile relationship with the Mugabe government since independence. Given the factors as presented earlier, I would suggest the following coordinated strategy to restructure U.S. policy:

(1) Provide humanitarian assistance to the fullest extent possible to the many displaced people. Even though the Mugabe government would be unlikely to receive humanitarian assistance directly from the United States, it is in the interest of the people of Zimbabwe to funnel such help through the World Food Programme or any other available conduit to meet the housing, food, medical and other needs of the people of Zimbabwe. This assistance must be provided as swiftly as possible, and revulsion as bailing the Zimbabwe government out of the crisis it has created must not prevent a rapid response to this crisis.

(2) Maintain civil society throughout the current crisis and enhance their ability to serve the needs of the people. President Mugabe last year declined to sign a restrictive law that would virtually tie the hands of NGOs by restricting their international funding, but the law is expected to be revived. Therefore, all U.S. efforts to maintain Zimbabwe civil society must be undertaken to build their capacity to defend the rights and interests of Zimbabwe's people. This should take the form of increased funding, as possible, for Zimbabwe NGOs, as well as technical assistance. As for labor and the churches, facilitating ongoing contacts with counterparts in other countries will be vital in enhancing their ability to carry out the increasingly necessary task of safeguarding the welfare of Zimbabwe's people. Funding is included in current authorization and appropriations bills.

(3) Provide support for efforts to inform the Zimbabwean people and the world community about events in Zimbabwe. The established media has been hampered in the effort to film and report on what happens in Zimbabwe. To offset this limitation, the U.S. government has funded "guerilla media" to film and report on Operation Murambatsvina and other actions taken against Zimbabwe's people. Such support must not only continue, but be expanded. In addition to equipment and funding to support guerilla media inside Zimbabwe, support must be extended to SW Radio, which has broadcast by shortwave (now medium wave) into Zimbabwe from London. Moreover, the popular and effective Voice of American broadcasts must continue and expand as needed.

(4) Work with the Zimbabwe business community at home and abroad to build their capacity to survive the economic crisis and strive toward improving the country's economic situation. With the dismantling of the formal economy and the recent destruction of the informal sector, efforts to rebuild both the agriculture and manufacturing sectors, as well as a legalized small and micro-business sector, will be vital in enabling Zimbabweans to survive beyond what aid can provide, accumulate wealth sufficient to escape poverty and produce tax revenues for a reformed public sector. That will mean encouraging the legalization of vendors under a rational, equitable policy, in addition to the reform of the country's investment policies so that expatriate Zimbabweans, South Africans and other investors will feel more certain about the commercial environment. Such investment would be an encouragement to reformist and pragmatic elements of ZANU-PF.

(5) Help legislators in the ruling party and the opposition party engage on issues of mutual concern. South Africa is encouraging talks between the ruling and opposition parties. The most likely basis for commonality now is in finding ways to rebuild the country's economy. Rather than tackling controversial political issues initially, working together to save the economy could build a basis for broader cooperation, especially since governance and economic reforms will be inevitable if Zimbabwe's economy is to be revived. U.S. resumption of USAID-funded programs to facilitate such parliamentary working relationships would be a helpful contribution to this process.

(6) Engage African nations, through their governments and people, to stimulate African efforts to help resolve the Zimbabwe crisis. African leaders are loathe be seen as being forced by the developed world to castigate one of their own. However, with the help of the Diaspora, especially African-Americans, a successful way forward may be found to support good governance and economic policies that build the capacity of all Zimbabweans to escape poverty and not just make selected citizens wealthy. This effort could include encouragement of a team of respected African elders who could speak with President Mugabe about necessary changes, including his retirement. It also should include an effort to work through the African Union and civil society across the continent to promote a just solution to the current crisis.

(7) Selectively engage government officials and ruling party legislators to find ways to end the current crisis and move the country toward true democracy and economic freedom. By lumping all of Zimbabwe's leaders in the same category, there are no channels for discussions about how to use the levers of power to reverse Zimbabwe's current slide. The Zimbabwe Democracy Economic Recovery Act of 2001 allows for a selective waiver of the visa sanctions such that cooperative

elements of ZANU-PF could be allowed into the United States for discussions, or if a visit to the U.S. would pose a problem for such ZANU-PF officials, then meetings could and should be arranged in more neutral settings. However and wherever these talks take place, they must be held if a way forward is to be found. Isolating the entire ruling party and government gives no encouragement for any officials to change their behavior or the direction of the country.

Zimbabwe has been a persistent problem for U.S. policymakers. It is time for the executive and legislative branches to devise a mutually agreeable, coordinated policy to bring Zimbabwe into ranks of African nations who have developed political and economic stability and help that nation avoid the certain fate of becoming a failed state if its course is not changed soon. Such an eventuality will not only have a tragically negative impact on that nation's population, but also will be a tremendous burden for the entire southern African region. It also will represent yet another missed opportunity for Africa to seize available opportunities to make advancements in the global economy.

APPENDIX

The following are the people we met during the staff delegation visit.

Zimbabwe

Hon. Tendai Biti—MDC Member of Parliament
Nikki Blythe-Wood—The Travel Company
Norberto Celestino—International Organization for Migration
Nigel Chanakira—Success Motivation Institute
Hon. David Coltart—MDC Member of Parliament
Lynde Frances—The Centre
Dr. Gideon Gono—Governor, Reserve Bank of Zimbabwe
Valerie Guarnieri—United Nations World Food Programme
Dr. Tony Hawkins—University of Zimbabwe School of Business
Munyaradzi Kereke—Reserve Bank of Zimbabwe
Bishop Trevor Manhanga, Bishop of the Pentacostal Assemblies of Zimbabwe
Isabella Matambandzo—Open Society Initiative for Southern Africa
Dr. Reginald Matchaba-Hove—Zimbabwe Election Support Network
Hon. Priscilla Mishairambwi—MDC Member of Parliament
Shingirai Mmpa—Women of Zimbabwe Arise
Hon. Jonathan Moyo—Independent Member of Parliament
Kilton Moyo—WorldVision
Jonah Mudehwe—National Association of Non-Governmental Organizations
Bishop Patrick Mutume, Auxiliary Bishop for the Catholic Diocese of Mutare
Hon. Didymus Mutasa—Minister for State Security
Priscilla Mutembwa—Zimbabwe Allied Banking Group
Welshman Ncube—MDC Secretary General and Member of Parliament
Fr. Barnabas Nqindi—Pastor, Church of the Ascension
Yvonne Nxumalo—Western Union
Florence Sachikonye—Sachara (clothing manufacturer)
Otto Saki—Zimbabwe Lawyers for Human Rights
Dr. Peter Kagwanja—International Crisis Group
Dr. Anna Tibaijuka—UN Habitat—Special Envoy
Daniel Wang'ang'a—WorldVision
Jenny Williams—Women of Zimbabwe Arise
Mari Yamashita—United Nations—Africa Division

South Africa

Simon Boshielo—COSATU
Richard Cornwell—Institute for Security Studies
Ross Herbert—South African Institute of International Affairs
Paul Fagan—International Republican Institute
Tim Hughes—South African Institute of International Affairs
Dr. Peter Kagwanja—International Crisis Group
Dr. Bane Maleke—Development Bank of Southern Africa
Chris Maroleng—Institute for Security Studies
Strive Masiyiwa—ECONET Wireless
Andrew Meldrum—The Guardian/The Observer
Fr. Richard Menatsi—Southern African Catholic Bishops' Conference
Kgalema Motlanthe—ANC Secretary General
Piers Pigou—Zimbabwe Torture Victims/Survivors Project
Matshidoso Raphadu—South Africa Department of Foreign Affairs
Dr. Piet Viljoen—Development Bank of Southern Africa

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, as the sponsor of this resolution, I would first like to express my appreciation to Chairman HENRY HYDE for his strong support for this measure and for his help in getting it to the floor. I also wish to thank my colleagues for their cosponsorship and concerns expressed for the people of Zimbabwe.

Mr. Speaker, for over two decades, the United States has tried to influence the government of Zimbabwe in the right direction. Many in this body supported the liberation of Zimbabwe from the oppressive, colonial rule of Ian Smith's Rhodesia.

And for years after independence, Zimbabwe's political leaders made great progress for their people in education, economic development, and agricultural production. Until a few years ago, Zimbabwe was considered the breadbasket of southern Africa.

But, Mr. Speaker, all of that changed in 2000 when President Robert Mugabe and his party realized they were losing their monopoly on political power, and changed from being a government of liberation to one of tyranny and ruthless oppression.

In 2001, Congress passed the Zimbabwe Democracy and Economic Recovery Act establishing sanctions on specific individuals who had grossly mismanaged the Zimbabwean economy, instituted draconian legislation in opposition to the rule of law, and used violence to suppress civil society and political opponents during their elections.

In that legislation, Mr. Speaker, we also provided incentives for Zimbabwe's leaders to return to the rule of law, to create new political space, and to pursue economic policies that would benefit their citizens.

Instead of responding to our incentives, conditioned only on their respect for the rule of law and economic common sense, Zimbabwe's leadership lashed out even more strongly against its own citizens.

Mr. Speaker, the event this past spring, called "Operation 'Throw Out the Trash'," by the Mugabe regime, has taken the government of Zimbabwe to a new low. When a government begins to describe its own citizens as "trash," it has lost its sense of purpose and become an enemy to its people.

Mr. Speaker, I have monitored carefully the situation in Zimbabwe and want to share with you some of the devastation documented by the United Nations, our own Agency for International Development, and Zimbabwean human rights organizations.

First, Operation "Throw Out the Trash" occurred as the Zimbabwean economy is in a chronic state of decline. Inflation is well over 300 percent. At a time when 70 percent of Zimbabweans are unemployed, food for a family of six can increase by 160 percent in one month alone. Compounding these economic woes is the HIV/AIDS crisis. Mr. Speaker, one-quarter of Zimbabweans is infected with HIV/AIDS.

With complete disregard for the suffering of its people, the Mugabe's regime launched "Operation Throw Out the Trash" on May 25, 2005, and within a few weeks, displaced 700,000 individuals from their homes or businesses or both, and indirectly affected 2.4 million people. Of the 700,000 directly displaced, an estimated 172,200 were living with HIV/AIDS.

To carry-out the Operation, the government ordered individuals to tear down their own homes and businesses, then loaded men, women and children onto trucks, and dumped them in transit camps outside the cities with no shelter, food, clothing, medicine, or sanitation.

This occurred during the dead of Zimbabwe's winter where night temperatures can fall to freezing. During the Operation, babies were born in the cold winter air and the weak and frail died from exposure.

Mr. Speaker, "Operation Throw Out the Trash" devastated the most vulnerable in Zimbabwean society including the elderly, the mentally ill, the physically challenged, malnourished children, and the chronically ill.

Most devastated, perhaps, were individuals living with HIV/AIDS. The Operation indiscriminately tore down health clinics where individual received voluntary counseling and testing. Patients on antiretroviral treatment were cut off from their doctors and medicines, while home-based care programs for HIV/AIDS patients were decimated.

Most shocking, the Operation destroyed several HIV/AIDS orphanages where the children, who had lost both parents and had no family caretakers, also were living with HIV/AIDS.

In response to an international outcry, the U.N. Secretary General appointed a Special Envoy to assess the situation and report on ways to address the conditions of those affected.

The Special Envoy reported that the Zimbabwe government's purported effort to clamp down on illegal dwellings and illicit activities, was carried out in an indiscriminate and unjustified manner and with disregard for national and international law.

She called for bringing those immediately responsible to account and for immediate reparations to those who had lost property and their livelihood.

Mr. Speaker, on top of this grave injury to his people, Mugabe lashed out recently at U.S. Ambassador Christopher Dell, who simply told the truth about the regime in power. Ambassador Dell stated the simple fact that Zimbabwe's current crisis is due to economic mismanagement and corrupt rule.

Mr. Speaker, we must reinforce Ambassador Dell's message by passing this resolution today.

This resolution sends a clear message to President Mugabe and his tyrannical government that we will speak out against his ruling party's harsh abuse of its citizens and condemn any actions that harm innocent people.

Mr. Speaker, before I close, I want to commend our U.S. AID staff members for their efforts to provide emergency shelter, food, clothing, blankets, and medicine to Mugabe's victims of "Operation Throw out the Trash." The Mission Director, Paul Weisenfeld, and his team, worked around the clock with local partners to provide relief for the affected people.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I want to express my deep appreciation to my good friend and distinguished colleague, Pearl-Alice Marsh, for the extraordinary job she has done in connection with this issue.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 409, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 575), providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 575

Whereas the foundation for the Israeli-Palestinian peace process was Palestinian recognition of Israel's right to exist and a solemn obligation to end terrorism and violence;

Whereas the removal of all Israeli presence in Gaza signifies an end to Israeli responsibility there and a shift in security responsibility of Gaza to the Palestinian Authority;

Whereas Israel's evacuation of Gaza affords the Palestinian Authority, now the responsible governing authority in Gaza, the opportunity to demonstrate its ability to govern, to establish the rule of law, to end corruption, and thereby to demonstrate that it is a partner for peace;

Whereas Palestinian Authority President Mahmoud Abbas has repeatedly called for the establishment of "One Authority, One Law, and One Gun";

Whereas since the withdrawal of Israeli military forces, the Palestinian Authority has taken few steps to establish rule of law in Gaza;

Whereas Hamas, Islamic Jihad, the al-Aqsa Martyrs' Brigade, and other terrorist organizations have vowed to continue terrorism against Israeli civilians, seek the destruction of the State of Israel, and employ violence and terror in fulfillment of that aim;

Whereas the inclusion of Hamas, or any other terrorist group on the State Department list of foreign terrorist organizations, into the Palestinian structure could be construed as an implicit endorsement of their anti-American and anti-Israeli terrorist ideology;

Whereas the first provision of the Road Map to Middle East Peace calls for the Palestinians to dismantle the terrorist infrastructure;

Whereas these terrorist organizations, including Hamas and Islamic Jihad, operate virtually without interference from the Palestinian Authority;

Whereas Hamas has announced its intention to run in Palestinian legislative elections scheduled for January 2006;

Whereas Abbas has indicated his willingness to see Hamas participate in the elections without first calling for it to disband its militia or for it to renounce its goal of destroying the State of Israel;

Whereas the United States has clearly stated that armed militias attached to political parties are incompatible with democratic societies;

Whereas President Bush has stated that Hamas "seeks to end dissent in every form, to control every aspect of life . . . the terrorists are preparing a future of oppression and misery";

Whereas the forces of freedom must continue to keep an untiring vigil against the enemies of rising democracies; and

Whereas the United States has a long-standing policy of not dealing or negotiating with terrorists: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its commitment to the safety and security of the democratic State of Israel;

(2) asserts that terrorist organizations, such as Hamas, should not be permitted to participate in Palestinian elections until such organizations recognize Israel's right to exist as a Jewish state, cease incitement, condemn terrorism, and permanently disarm and dismantle their terrorist infrastructure;

(3) calls on the Palestinian Authority President Abbas before the election to declare openly his intention to take action to dismantle the terrorist organizations;

(4) asserts that the inclusion of Hamas, or any other terrorist group on the Department of State's list of foreign terrorist organizations, in the Palestinian Authority's government will inevitably raise serious questions for the United States about the commitment of the Palestinian Authority and its leadership to making peace with Israel and will potentially undermine the ability of the United States to have a constructive relationship with, or provide further assistance to, the Palestinian Authority; and

(5) states its strong belief that, as underlined in every recent Israeli-Palestinian peace agreement, progress in the peace process requires sustained Palestinian effort to dismantle the terrorist infrastructure, and that delay in confronting that principal obligation only emboldens the opponents of peace and threatens its realization.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of House Resolution 575, and I commend my distinguished colleague and friend, Congressman CANTOR, for introducing this resolution and Congressman MCCAUL for his efforts on this measure. I thank also the House leadership, Chairman HYDE and Ranking Member LANTOS of the International Relations Committee for helping to bring House Resolution 575 to the House floor today.

This resolution takes a united stand against the attempts of the murderous Islamic extremist organizations to hijack the elections that will be taking place within the Palestinian Authority.

Hamas, in particular, is inserting itself in the political process while fully maintaining and reportedly expanding its militant activities. That organization's continuing violence against Israel and its refusal to disarm has been a constant and incendiary impediment in the U.S. efforts to promote peace and security in the region.

Allowing a group with a track record like Hamas to obtain significant influence and legitimacy within the Palestinian Authority severely jeopardizes our goal of eliminating jihadist safe havens through preemptive democratic reform. Conversely, allowing these organizations to masquerade as political parties and abuse the political process would be a triumph for those who wish to spread fear and violence throughout the region.

The participation of Islamist jihadist organizations, such as Hamas, in Palestinian elections will destroy any hope for peace and security for Israel, or for peace, democratic governance, and economic growth and prosperity for the Palestinian people.

A mistake was already made this summer, my colleagues, by allowing Hezbollah, another military jihadist entity, to participate in the Lebanese elections. Despite Hezbollah's refusal to disarm their militias and dismantle their terrorist infrastructure in violation of U.N. Security Council Resolution 1559.

Hezbollah's participation this summer in Lebanon's first elections after Syrian military withdrawal was allowed despite its continued targeting of Israelis, including the recent violence on Israel's northern border. The U.S. must not allow a similar error with respect to Hamas in the upcoming Palestinian elections. The stakes are too high, and the negative consequences are far too ominous.

We must continue to raise our strong opposition to the participation of jihadist organizations in Palestinian elections. Their participation will run counter to both U.S. policy priorities and statements from the Palestinian leadership regarding political reform and the fight against worldwide terrorism.

For the sake of peace and security, and for the benefit of both the Palestinian and the Israeli people, we must leverage our influence to promote and support positive change within the Palestinian Authority and prevent Islamist extremist organizations like Hamas from hijacking the process.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. MCCAUL), and I ask unanimous consent that he be permitted to control the time as the author of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I want to commend my colleagues and friends, Mr. CANTOR and Mr. MENENDEZ, for introducing this important resolution.

Mr. Speaker, I would like to ask my colleagues on both sides to suspend disbelief for a moment and imagine that this body included not just Democrats and Republicans but also representatives of an armed terrorist militia. Imagine that colleagues knew that those who opposed the militia's proposals might be killed as a result. It would certainly change the dynamics of this body just a bit, would it not, Mr. Speaker?

Well, that is exactly the circumstance that the Palestinian Legislative Council will face when it convenes after the January 25 elections, when Hamas, by current projections, is likely to hold over a quarter of the council seats.

Mr. Speaker, corruption of the legislative process is just one of many reasons that parties, so-called parties representing militias have no place in a Democratic system. When terrorist militias participate in elections, voters are intimidated. The concepts of the will of the majority and the rights of the minority are rendered meaningless.

Mr. Speaker, terrorist Hamas has no business participating in a Palestinian election that is supposed to advance the cause of peace; indeed, in a Palestinian election for a legislative body whose very basis is an Israeli-Palestinian agreement in which the Palestinians agreed to foreswear all violence.

In fact, Hamas should be disqualified on two grounds: as a terrorist group and as a group that denies Israel's right to exist. And there is a third reason as well: Hamas is a fundamentalist jihadist organization that has nothing but contempt for democracy, though it is more than happy to exploit democracy for its own nefarious ends.

Mr. Speaker, the participation of Hamas in the January 25 Palestinian election now appears likely. Just today, Hamas submitted its list of candidates. But Hamas participation will be a mistake of historic proportions for the cause of Israeli Palestinian peace. The very first clause of the Middle East roadmap requires that the Palestinians dismantle all terrorist infrastructure.

If that is what Abu Mazen wants to do, he is going about it in an entirely wrong way. With Hamas inside the legislative chicken coop in huge numbers, supported there in the cause of violence and gun-bearing by numerous other factions from Abu Mazen's own Fatah party, it will be more difficult than ever for Abu Mazen and the Palestinian authority to take the necessary action to dismantle Hamas' terrorist infrastructure, much less to convince it and other terrorist groups to disarm peacefully.

I deeply regret that Abu Mazen has welcomed Hamas' unconditional participation in the upcoming Palestinian elections. In passing this resolution, we will call on Abu Mazen to reverse course at the eleventh hour to prevent Hamas from participating and thereby try to help these elections prepare the ground for meaningful post-election peacemaking.

But, Mr. Speaker, even if Abu Mazen does not heed our advice, this resolution sends a powerful message to all the Palestinian people. The United States will have no interest in dealing with a Palestinian government that includes Hamas. Abu Mazen and his colleagues will have to keep that in mind when they form their cabinet.

Moreover, the inclusion of Hamas representatives in the government of the Palestinian Authority will have a profound effect on the attitude of the United States, both our government and the American people, toward Palestinians.

□ 2300

It will inform every decision that this body makes regarding any issue related to the Palestinians, including economic assistance. I urge Abu Mazen in the strongest terms to reconsider his decision to welcome Hamas participation in Palestinian elections. I urge all of my colleagues to support Middle East peace and to fight terrorism by voting for this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution to express the idea that democracy and terrorism are not compatible and that statesmen and terrorists cannot coexist. I want to thank Mr. CANTOR and Ms. ROS-LEHTINEN for their assistance and hard work in bringing this important resolution to the floor. I would also like to thank Mr. MENENDEZ, Mr. LANTOS, Ms. BERKLEY, and Mr. WEXLER for their partnership on this issue.

We have come here today in a very bipartisan fashion in order to deliver a message to Mr. Abbas and to all other developing democracies in the rest of the world.

The future of Palestinian democracy cannot include terrorists and religious fanatics. The first step of President Bush's road map to peace calls for the disarming of Hamas and other terrorist organizations, as well as the dismantling of the terrorist infrastructure. The Palestinian people will have a future only if their leaders begin to take responsibility for the well-being of their citizens, and they must end their obsession with the destruction of the State of Israel.

Democratic parties cannot control armed militias. If the Palestinians wish to have a democratic country, Hamas must lay down its arms, and it must renounce the use of terrorism and violence, and it must recognize Israel's right to exist; or they must know that this Congress will not be a friend to their government. Terrorist organizations do not have a place in a peaceful political process.

It is not unprecedented in recent history for a terrorist organization to lay down its arms, to renounce its violent ways, and then to be accepted into a legitimate democratic government. The

IRA has accomplished this, and Hamas has had the opportunity to do this. But instead, they have repeatedly vowed to continue bloody terrorist acts against innocent Israeli citizens and stated their intentions to seek the destruction of the State of Israel.

President Abbas himself has called for the Palestinian Authority to act with one authority, one law, and one gun. But actions speak louder than words, and this upcoming election is the test for him and for Palestinian democracy.

The Palestinian government has not taken the necessary steps to accomplish this goal, and President Abbas' apparent willingness to allow Hamas to participate without preconditions is disheartening.

The United States has a longstanding policy of not dealing with or making concessions to terrorists. We do not negotiate, we do not trade with, and we do not fund terrorists. Therefore, there is no diplomacy to be had with terrorists, and the Palestinian Authority will be a terrorist government if Hamas candidates are elected.

And what if members of terrorist organizations are elected? Should American taxpayers be forced to send foreign aid to the hands of these terrorists? Should we be giving them an opportunity to divert American foreign aid directly into the hands of terrorists who have pledged to kill innocent civilians? The answer is no.

This resolution is a message to President Abbas. If the Palestinian Authority is determined to continue and allow Hamas to participate as planned, then this government will have to take a new look at our relationship with the Palestinian government.

I urge my colleagues to support emerging democracies in the Middle East and to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Nevada (Ms. BERKLEY), a co-author of this resolution, my dear friend and distinguished colleague.

Ms. BERKLEY. Mr. Speaker, I thank Mr. LANTOS for his leadership on this and so many other issues.

I rise tonight in strong support of H. Res. 575, a resolution that expresses the sense of the House that Hamas should not be permitted to participate in Palestinian elections, and I urge its immediate passage.

I would also like to thank my colleagues who helped author this resolution and move it expeditiously to the floor: Mr. CANTOR, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Mr. MCCAUL, and Mr. WEXLER.

The goal of this resolution is to send a strong and unambiguous message to Abu Mazen that Hamas and the other terrorist groups should not be allowed to participate in the upcoming Palestinian elections. They should be prohibited from participating in the government and the Palestinian Authority should take affirmative steps to disarm and dismantle them. When Abu Mazen was elected, he pledged to root out terrorism and end corruption in the Palestinian Authority. To say he has not lived up to his pledge would be a decided understatement.

I believe Yasser Arafat did a tremendous disservice to the Palestinian people; and I believe that if Abu Mazen does not step up soon, lead his people and do what he has promised to do, that he will also be doing a tremendous disservice to the Palestinian people.

The very first step of the road map to peace is not only the denunciation of terrorism. That is the easy part. It is the dismantling and the disarming of the terrorist infrastructure and terrorist organizations. Abu Mazen has yet to take this essential first step.

No one disputes that Hamas is a terrorist organization. It has conducted numerous suicide bombings inside Israel and is responsible for the death of countless innocent people. Hamas does not accept Israel's right to exist and has never accepted the peace process. They this week announced, I am sorry to say, they vowed to end the truce they negotiated with Israel and vowed it will end by the end of this year.

Instead of striking out against Hamas and instead of stepping up to the plate and disarming the terrorists and dismantling their terrorist organizations, Abu Mazen's latest strategy is to try to co-opt them and bring the terrorist organization Hamas into his government. Allowing terrorist organizations to participate in the election process will not see them wake up the day after the election, embrace each other, sing Kumbaya and strive for peace and recognition of Israel. Instead, it will give them a dangerous foothold in the Palestinian Authority within which they can operate and further embolden those who support terrorism and the destruction of the State of Israel.

Hamas' participation in the election can only continue a long-running cycle of violence and terror. It undercuts the ability of the Palestinian government to engage in true democratic reforms and further strengthens the enemies of Israel and those who oppose peace. Hamas and other terrorist groups should be banned from the upcoming elections and from any future role in government until and unless they recognize Israel's right to exist as a Jewish state, cease all forms of incitement and violence, condemn terrorism, and dismantle their terrorist infrastructures.

Mr. MCCAUL of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Texas for his leadership on this issue, as well as the leadership of the gentleman from Florida, the chairwoman of the Middle East Subcommittee. And I also want to recognize the continued leadership on so many issues of import that the gentleman from California (Mr. LANTOS) has displayed. I also thank the cosponsor of the resolution, the gentleman from New Jersey (Mr. MENENDEZ), as well as the gentlewoman from Nevada who just spoke, and Mr. WEXLER.

I believe that this bipartisan display of support here for H. Res. 575 is no accident. It is an important resolution that demonstrates the unity of this House against what is going on currently in the Palestinian Authority vis-a-vis Hamas and other terrorist organizations.

The Palestinian people will elect a new parliament on January 25, 2006. But even before they choose their elected representatives, they must make another choice. That choice is whether to keep their allegiance with a terrorist past or to begin a new path towards peace.

When he was elected president, Abu Mazen was presented with a historic opportunity to change the direction of the Palestinian Authority from one of terror that existed under Yasser Arafat to one of peace.

But at every turn, he has refused to take the necessary steps to eliminate the terrorist infrastructure that results in the killing of so many innocent men, women and children on the streets of Israel. Now, with an election around the corner, rather than use all of the force he has at his disposal to get rid of the terrorists, Abu Mazen is giving Hamas and other terrorist groups legitimacy by allowing them to participate in the Palestinian elections.

Mr. Abbas has an opportunity right now to make a genuine gesture for peace, ban Hamas and other terrorist groups once and for all from the electoral process in the Palestinian Authority.

To understand the true nature of Hamas, one only needs to look at recent headlines. On Sunday, it was reported in the media that Hamas leaders and leaders from other terrorist groups met with Iran's foreign minister and in the resulting days escalated their terrorist attacks against Israel. Let us not forget that Iran's president recently called for Israel to be wiped off the map. Later he suggested that Israel be moved to Europe and called the Holocaust a myth.

Let us not forget that Hamas is on the State Department's list of terrorist organizations. It has never recognized Israel's right to exist, and it has now displayed an alliance with murderers, thugs, and developers of weapons of mass destruction. The bottom line:

Hamas' entry into a Palestinian government would provide a veil of legitimacy to the terrorists.

As President Bush has said so often to the nations of the world, you are either with us or you are against us. In the United States we do not tolerate the terrorists or those who support them. This standard should and does apply to the Palestinian Authority.

It is an understatement to say there is nothing constructive that can come from Hamas' participation in Palestinian elections. In the strongest way possible, this Congress will speak out; and I urge my colleagues to insist that Hamas and other terrorists be banned from the Palestinian elections.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished chairman of the Democratic Caucus, who will soon move over to the other body to continue his good works.

Mr. MENENDEZ. Mr. Speaker, I thank my distinguished friend from California who I have had the privilege of serving with on the International Relations Committee.

□ 2315

Mr. Speaker, first I want to thank Mr. CANTOR for his work on this resolution, my counterpart on it, and his efforts to bring the resolution to the floor. I also want to thank Mr. LANTOS, Mr. MCCAUL, Ms. ROS-LEHTINEN and Mr. WEXLER, among all the others. There is an enormous number of bipartisan supporters of this resolution which speaks volumes, I think, about where the Congress stands.

We are here today to send a clear message to the Palestinian Authority that terrorism and democracy do not mix. Today we are here to send a clear message to President Abbas and to Hamas before the Palestinian elections on January 25. If Hamas and other terrorist organizations participate in the upcoming legislative elections, without first disarming and renouncing terrorism and their goal of eliminating the State of Israel, they will undermine Palestinian democracy and the Palestinian Authority's relationship with the United States of America.

As Mahatma Gandhi once said, "The spirit of democracy cannot be established in the midst of terrorism, whether governmental or popular."

That is why we are simply asking the Palestinians to join democracies around the world in taking a stand against hatred and terrorism. In fact, the Palestinian Authority's own election law would disqualify groups like Hamas from participating. These groups, who espouse racism, terrorism, intolerance and hatred, have no place in democratic elections.

When I met with President Abbas a few months ago, I made it clear to him that we hoped that he would deal with this issue before the elections. I gave him a letter signed by nearly 300 Members of the House of Representatives, which I wrote with Representative PRYCE, from the House leadership and the International Relations Committee, urging him to take immediate action. Yet we have only to look at the recent suicide bombing in Netanya, which killed five people and wounded at least 30 others, to see that President Abbas has not taken the necessary steps to dismantle the terrorist organizations.

And while President Abbas has taken some steps to quell incitement and has condemned terrorist attacks, I believe that his failure to fully confront Hamas will only hurt him in the future and will threaten Palestinian democracy.

Let me be clear, I simply do not believe that Hamas should be given the ability to use democracy to carry out terrorism.

President Abbas has asked Hamas to respect one authority, one law and one gun. But Hamas has refused to accept that policy. Hamas leaders have even vowed to turn the Palestinian Authority forces into a "resistance force" against Israel.

That is why I am deeply concerned that President Abbas is allowing Hamas to participate in elections. Perhaps he is hoping that, by buying time now, he will be able to disarm them later. But a policy of hoping will not work.

Look at Hezbollah. Hezbollah, a terrorist group funded by Iran and waiting right across Israel's northern border, took part in elections in Lebanon. Now they are armed with political power, as well as guns, and they have used their seats in parliament to avoid disarming.

I can think of no clearer example of the danger of a state run by those who support terrorism and espouse violence and anti-Semitism than the country of Iran. The Iranian president has spewed anti-Semitism and hatred in his calls for the destruction of the state of Israel and his denial of the Holocaust. Meanwhile, his government continues to defy the world with its dangerous nuclear programs.

It is all too clear what President Abbas must do: He should take responsibility as leader of the Palestinian people and demonstrate that the Palestinian Authority can establish the rule of law. That is why we are urging Mr. Abbas to confront Hamas and fully dismantle the terrorist network. Otherwise, we risk more violence, more terror and more Israeli and Palestinian blood. We risk jeopardizing a nascent Palestinian democracy. We risk too much.

Today this Congress needs to send a clear message to Hamas that you cannot manipulate democracy to carry out terrorism.

Today this Congress sends a clear message to President Abbas that we support true democracy for the Palestinian people. Today this Congress needs to send a clear message to Israel that the United States will never waiver, and we will never falter in our support for our historic ally. We will never waiver nor falter in our support for Israeli democracy, and we will never waiver or falter in our fight against terrorism, anti-Semitism, hatred and violence.

As we vote for this resolution, the United States is proud to stand with Israel and the Israeli people.

Mr. LANTOS. Mr. Speaker I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to join with my colleagues in standing up in support of the state of Israel and in demanding that the Palestinian Authority do everything it can to set aside all the statements made by people within its sphere that would call for the destruction of Israel. And they must take action to stop terrorists and their infrastructure.

I would just like to respectfully suggest, however, that this resolution, as well intended as it is, has the potential to have an impact that would be contrary to what you are hoping for. Let me state how, that Congress passing this resolution could actually have a reverse effect in the streets of the Palestinian Authority and end up actually engendering more support for Hamas. I think that, as we are approaching the midnight hour and coming close to the 15th of December, the date when the elections are taking place in Iraq, it is kind of ironic that we are in this situation of, on one hand, encouraging the broadest participation in the Iraqi elections of people in some cases who have been shooting at our own soldiers and, on the other hand, saying that, in the Palestinian Authority, we are going to start to say, well, these groups cannot participate. No matter how much we object, and I do object, to their attacks on Israel; I would just again like to respectfully suggest that all of us who are here in support of a peaceful resolution of the conflict that is taking place in the Middle East, that maybe have a third way that we could proceed other than this resolution.

Letter From Americans for Peace Now:

Later today H. Res. 575 is scheduled to come to a vote on the House floor. This resolution deals with the participation of Hamas in the upcoming Palestinian parliamentary elections, scheduled for January 25, 2006. Americans for Peace Now (APN) rejects terror and has consistently called on President Abbas and the Palestinian Authority to undertake meaningful, sustained action to stop terrorists and destroy terrorist infrastructure. APN agrees that the Palestinian Authority must establish "One Authority, One Law, and One Gun."

However, APN believes that this resolution misses the point on both democracy and Hamas.

APN urges Members, whether or not they vote for the resolution, to speak out during the floor debate and to submit statements for the record drawing attention to the problems with this resolution.

Nobody (except the terrorists) is happy with the prospect of Hamas and other terrorist organizations participating in Palestinian elections. Likewise, few people are happy that Hizballah is an active participant in Lebanon's political process, including a longstanding presence in its parliament and government. Likewise, few people are happy with the participation of armed militias in elections in Iraq.

In the cases of Lebanon and Iraq, however, the decision has been to "not allow the perfect to be the enemy of the good." The goal of eradicating terror and consolidating weapons in the hands of the legal government remains, but the elections were applauded and the process of democratization was not put on hold. Nobody argued that eradicating terror and establishing "one gun" should, in these cases, be a prerequisite for democratic elections, or threatened that if it was not made a prerequisite, the U.S. relationship with the resulting democratically elected body—and U.S. assistance to its people—would suffer.

President Abbas is trying to do in the territories what the U.S. has encouraged the government to do in Iraq: absorb militias into the official armed forces in order to make them accountable to official command and control.

Israel spent nearly three decades trying to defeat Hamas through military means alone, and failed. Since coming to power less than a year ago, President Abbas has made a very public commitment to take on Hamas and other terrorist organizations after elections—a strategy based on the reasonable assertion that, backed by a democratically-elected parliament, he will have the strength and credibility to move forward with this difficult task. He should be held to this commitment.

The reduction of terror against Israeli citizens requires the containment and eventual dismantling of militias, including Hamas. Israeli General (Ret.) Ephraim Sneh, who served as military governor of the West Bank and Deputy Defense Minister of Israel, recently stated:

> "Under current conditions in the Palestinian territories, especially given the Palestinian government's weakness, political containment should precede the dismantling of Hamas's military infrastructure. The urgent objective is to defeat it in the next parliamentary elections. Steps that could strengthen it in the elections should be strictly avoided. Attempts to postpone the elections yet again, or to prevent Hamas's participation, or Israeli disruption of the elections as 'punishment' for the participation of Hamas, will strengthen Hamas in the Palestinian street instead of weakening it. The short time left before the elections must be used to empower all who oppose Hamas, first and foremost the supporters of the elected Palestinian president, Mahmoud Abbas." (Washington Post, October 19, 2005)

In the countdown to the elections, for the sake of democracy and peace in the Middle East—vital components to Israel's security—the focus should be on strengthening Palestinian moderates, including President Abbas. Actions that risk elevating the status of Hamas and other extremists should be avoided.

After the January 25th election, Israel, the Bush Administration, and the international community—as well as the Palestinian people—should hold President Abbas to his commitment, and hold him accountable if he fails to take action.

Mr. LANTOS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. McCAUL of Texas. Mr. Speaker, I yield myself as much time as I may consume.

In closing, I would submit that we all would like to see a peaceful resolution to this. There are many ways to build a democracy. We encourage statesmen to explore all of them and to find the one that will benefit their people the most. However, to allow terrorists and murderers to participate and allowing political parties who control armed militias to gain phony legitimacy through elections is not productive and will ultimately lead their country off the path to democracy. Furthermore, it will force us to reassess our relationship with the Palestinian Authority.

I strongly urge President Abbas to heed this warning, and I strongly urge my colleagues to vote for this resolution.

Mr. HIGGINS. Mr. Speaker, I rise today in support of H. Res. 575, a resolution that renews our commitment to the security of the State of Israel. Israel has long been a friend and ally to the United States. As our two nations enter the 21st century, we must continue to work together against violence and terrorism and in support of peace. A crucial part of the peace process is the emergence of a democratic Palestinian Government that denounces and combats terrorism, and respects the boundaries and sovereignty of all of its neighbors, including Israel.

This cannot happen if Hamas participates in the January 25, 2006 elections held by the Palestinian Authority, PA. H. Res. 575 would make it clear to PA President Abbas that Congress strongly disapproves of Hamas's inclusion in the elections and would have a difficult time working with the PA should Hamas delegates be elected.

In December 2003, Israeli Prime Minister Ariel Sharon announced that Israel would unilaterally withdraw from the Gaza Strip; that evacuation was completed on August 23, 2005. Prime Minister Sharon has taken tremendous steps, and incurred great risk, to encourage peace through the disengagement plan.

PA President Abbas, however, has not followed up on his role in disarming terrorist groups and helping to secure peace. Additionally, Hamas, a U.S. designated terrorist organization that calls for the destruction of Israel, wants to participate in Palestinian parliamentary elections. Hamas is directly responsible for over 200 attacks in Israel and the killing of American citizens. Hamas participation in PA elections violates existing Israeli-Palestinian agreements and undermines internationally supported efforts to establish a stable, democratic and non-violent Palestinian state.

There is wide international precedent for democratic countries to ban extremist and violent political parties from participating in elections until they have disavowed such views or renounced violence. Under the road map peace plan, backed by the quartet—the United States, Russia, the European Union and the United Nations—the PA is required to launch "sustained, targeted, and effective operations aimed at confronting all those engaged in terror" and to begin the "dismantlement of terrorist capabilities and infrastructure." Instead of taking such action, the PA has invited Hamas to participate in the elections with no requirement to disarm. This poses a direct threat to establishing a stable Palestinian state and a peaceful Middle East.

Mr. Speaker, Secretary of State Condoleezza Rice has said "Hamas is a terror organization and it has to be disbanded, both for the sake of peace and security in the Middle East and for the sake of the proper functioning of the Palestinian Authority." I oppose Hamas's participation in the upcoming election as it would legitimize a known terror network. The PA leadership needs to disarm and gain control of Hamas and other terror networks. A party running on a platform calling for Israel's destruction is innately an advocate of violence. Further, a party that would use force for political leverage is a threat to the democratic process. That is why, Mr. Speaker, I will vote in favor of H. Res. 575 today and I urge my colleagues to join me in this front of the war on terror.

Mr. CARDIN. Mr. Speaker, I rise in support and as a cosponsor of H. Res. 575, which states that Hamas and other terrorist organizations should not participate in upcoming January 2006 legislative elections held by the Palestinian Authority. The aims and principles of Hamas, Palestinian Islamic Jihad, and other terrorist groups are incompatible with the democratic process. Hamas has continually called for the destruction of Israel by any means, and their involvement in elections puts the road map process for peace in the Middle East in jeopardy.

The foundation of the peace process was based upon the Palestinian Authority's acknowledgment of Israel's right to exist as a sovereign nation and their duty to end terrorist attacks from Palestinian soil. The first stage of the road map process calls on the Palestinian Authority to disarm all terrorist groups and their infrastructure. I am extremely disappointed that Palestinian President Mahmoud Abbas has made such limited progress in dismantling the terrorist infrastructure in the Palestinian territories.

The Palestinian Authority has the ability to dismantle terrorist groups, as their security forces dwarf the size of the Hamas militia by nearly 10 times. A recent survey indicates that the vast majority of the Palestinian people support an immediate end to all forms of violence. The Palestinian Authority has a unique opportunity under a new President to renounce all forms of terrorism, and move towards securing a lasting peace settlement in the Middle East.

Just as the United States will not negotiate with terrorists, neither will Israel. Should members of Hamas become part of the Palestinian Government, the United States would have to reassess its financial assistance to, and its diplomatic relations with, the Palestinians.

I welcome competitive elections in the Palestinian Authority. However, no functioning democracies permit terrorist organizations to participate in elections. Germany, Italy, Turkey and many other nations all prohibit any terrorist groups from participating in elections. In Iraq and Afghanistan, members of the former Ba'ath Party and the Taliban must renounce any links or support for the former regimes. Egypt and Jordan do not support the existence of Hamas or other terrorist organizations. I call for President Abbas to dismantle the terrorist organizations in the Palestinian territories and to meet his obligations under the Israeli-Palestinian peace process.

Mr. SHAYS. Mr. Speaker, I rise as a cosponsor and strong supporter of this resolution and urge its swift passage.

Some will argue violence perpetrated by Hamas is only undertaken by the militant wing of the organization and that its political arm can otherwise be a legitimate player in Palestinian politics. I reject that argument. We have seen nations throughout recent history require organizations that formerly endorsed violence to formally renounce such tactics before participating in electoral politics. President Abbas should insist upon such action before allowing Hamas to participate in the upcoming legislative elections.

Secretary Rice stated recently that participants in a democratic political process cannot simultaneously keep an option on politics and an option on violence. Unfortunately, that is the case we now see unfolding in the Palestinian territories.

I support the establishment of a Palestinian state that can live side by side in peace and security with Israel and its other neighbors in the Middle East. How, though, will the United States be able to deal honestly and in good faith with a government composed of unrepentant members of an organization that advocates terror and the dissolution of our greatest ally in the Middle East—Israel? And perhaps more importantly, how will the Palestinian Government ever be able to negotiate with Israel?

This is of profound concern to me because the United States should help the Palestinian Government get on its feet and should help it develop an infrastructure that well serves its people. Certainly the Israelis need a legitimate body with which they can negotiate. The bottom line is a Palestinian legislature with members representing Hamas is a weakened body that will be stymied by serious questions about its legitimacy.

The peace process requires a sustained Palestinian effort to dismantle the terrorist infrastructure. President Abbas can take a bold stand by insisting Hamas cease incitement, condemn terrorism, and permanently disarm and dismantle their terrorist infrastructure before participating in the January elections.

Mr. WEXLER. Mr. Speaker, I want to thank my colleagues for joining me in introducing this critical resolution, which states unequivocally that Hamas should not be permitted to participate in the upcoming Palestinian elections unless it disarms, renounces terrorism, ceases incitement and recognizes Israel's right to exist as a Jewish state.

Since its establishment in 1987, Hamas has used terrorism as a means of achieving its primary political goal—that is, the destruction of Israel. Hamas has masterminded and carried-out numerous terrorist attacks, and are responsible for maiming thousands and killing hundreds of innocent Israelis in addition to 26 Americans.

As we approach the Palestinian parliamentary election on January 25, Hamas has opted to participate—for the first time—in the political process. While this presents a unique opportunity for the Palestinian Authority to delineate red lines for political participation—including the denunciation of terror and disarming of militant groups—no preconditions have been set. Instead, the Palestinian Authority has sat by as Hamas continues to assert its right to run for the parliament as a means of promoting its unconscionable agenda of incitement and terror against Israel.

The upcoming Palestinian election presents a critical test for President Mahmoud Abbas, who has, thus far, failed to dismantle terrorist organizations such as the Palestinian Islamic Jihad and Hamas. The recent suicide bombing in Netanya served as a painful reminder that Mr. Abbas's plan for "one authority, one gun" has yet to be realized, and this resolution is intended to send him a message that he must translate empty rhetoric into concrete action on the ground.

The disarmament of Hamas and the true implementation of "one authority, one gun" is in the best interest of the Palestinian people, and the essential first step toward creating an atmosphere conducive to peace.

Ms. LEE. Mr. Speaker, today, the House voted on H. Res. 575, a resolution stating that Hamas should not be permitted to participate in Palestinian elections. I voted "no" because this resolution is based on a faulty premise; that democracies should limit who participates in elections.

First, I want to be clear: I unequivocally denounce and condemn any and all terrorist acts, whether committed by Hamas or any other terrorist group. I believe that the United States should do everything within its power to strengthen President Abbas's ability to establish and ensure respect for the rule of law, to demand that all individuals renounce violence, and to successfully disarm all militant groups.

Participation of Hamas in elections and integration of Hamas into mainstream Palestinian politics is a risky strategy. However, demanding that President Abbas exclude Hamas from participation—and threatening consequences if he does not meet this demand—also involves risks, including undermining the nascent Palestinian democracy and sparking more bloodshed and possibly even civil war.

There is no question that Hamas can and must be disarmed. However, I do not believe the best way to achieve this is necessarily through ultimatums. I believe that the administration and Congress should be working with President Abbas to strengthen his authority, bolster moderates, and ensure that his own strategy for taking on militants—from Hamas and from other parties, including his own Fatah—succeeds. Our shared vision is for a stable and democratic Palestinian state where views are expressed through legitimate political channels rather than violence—a state where there is, as President Abbas has repeatedly stated, one authority and one gun. Our goal must be to find ways to make this happen.

As the former military governor of the West Bank and Israeli Deputy Defense Minister, Ephraim Sneh, wrote in the Washington Post on October 19, 2005: "Attempts to postpone the elections yet again, or to prevent Hamas's participation, or Israeli disruption of the elections as 'punishment' for the participation of Hamas, will strengthen Hamas in the Palestinian street instead of weakening it. The short time left before the elections must be used to empower all who oppose Hamas, first and foremost the supporters of the elected Palestinian president, Mahmoud Abbas."

Mr. Speaker, I am committed to doing all we can to support the fragile peace in the Mideast. Sabre-rattling resolutions like this are only counterproductive.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H. Res. 575, expressing the sense of Congress that Hamas should not participate in elections held by the Palestinian Authority.

Now, many of my colleagues might suggest that my opposition to this non-binding resolution means that I stand with the terrorists. I would argue that it means exactly the opposite.

You see, Mr. Speaker, like many of my colleagues, I want to see peace between the Israelis and the Palestinians. I want a free and democratic Palestinian state to stand side by side with the free and democratic Israeli state. And most importantly, I want both states and their peoples to be safe and secure.

For the first time, the Palestinians are engaging in a truly democratic process. I would defer to Palestinian Authority President Mahmoud Abbas and the Palestinian people on how to do this. Mr. Speaker, I have to be honest with you, I do not want foreign leaders telling the United States how to conduct our elections and I think we owe President Abbas and the Palestinian people the same courtesy.

In fact, this is one of the rare occasions that I actually agree with the Bush Administration. On September 20th, Secretary of State Condoleezza Rice said in response to a question regarding Hamas being a part of the election, ". . . we understand that the Palestinian political system is in transition, that it is in transition toward a democratic system, and that has to be a Palestinian process." Secretary Rice went on to say, "This is going to be a Palestinian process and I think we have to give the Palestinians some room for the evolution of their political system."

We need to vest Hamas in the democratic process.

I want to be clear, Mr. Speaker, terrorism is wrong and it should not be tolerated.

However, if Hamas is brought into the process and given the opportunity to run for political office and become part of the political establishment, they will assume responsibility for governance—leading to moderation.

I would submit for the RECORD a statement by Debra DeLee, President and CEO of Americans for Peace Now. Ms. DeLee nicely lays out the position that Palestinian Authority President Abbas is in and why it is important for the elections to go forward in a way that is inclusive in order to moderate those who traditionally turned to terrorism.

Mr. Speaker, I find myself in the interesting position of voting against this resolution and agreeing with Secretary Rice: the United States must let the Palestinians find their way to a democratic state.

THE SHARONIZATION OF HAMAS

(By Debra DeLee)

Israeli Prime Minister Ariel Sharon's recent statement that he would withhold Israeli cooperation from Palestinian legislative elections in January if Hamas candidates take part flies in the face of his own experience with the moderating influence that holding public responsibility can have on extremist views. In explaining his 180 degree turn from being a strong advocate of Israeli settlements in Gaza to the driving force behind their evacuation, Sharon has repeatedly observed that, "what you see from here [in the Prime Minister's Office], you don't see from there." In other words, it was not until he obtained a position of ultimate responsibility for Israel that Sharon began to recognize the burden that the Gaza settlements imposed on the state.

There is no equivalence between the horrific terrorist acts that Hamas has inflicted on Israelis and Sharon's passion for settlement expansion.

Yet it's clear that Palestinian President Mahmoud Abbas is trying to rein in his Islamist opposition through the process of Sharonization (i.e., co-opting the militants by encouraging them to run for public office and to assume responsibility for governance, in the hope that this process will lead to their moderation.)

In an ideal world, Abbas would decide to round up Palestinian terrorists, place a call to his Interior Minister, then sit back to watch the thugs put in prison or die in attempting to evade arrest. But we do not live in an ideal world. While Abbas deplores terrorism, he wants to avoid a Palestinian civil war. And even if he was willing to launch one, with Abbas already struggling to control events on the ground, it's doubtful that the troops at his disposal would win.

Further, if defeating Palestinian terrorists with force alone was so easy, Israel would have done it long ago. Israel's military might has been vigorously applied to the occupied territories for nearly 40 years. It's chalked up some impressive tactical victories. But it has not succeeded in drying out the swamp of terror. Hamas and its fellow travelers are still around, which is why Sharon is busy encouraging Abbas to fight them.

Abbas deserves a chance to see if his way will work better, with the caveat that he must be prepared after the Palestinian legislative elections to forcefully confront those individuals who continue to engage in terror. It is in Israel's interest to see that Abbas is fortified with development aid and encouraged to carry out internal reforms, as well as to ensure that the Palestinian security forces loyal to him are strengthened in order for him to be able to carry out this task.

It is also in Israel's interest to ensure that these upcoming elections go as smoothly as possible. With its departure from Gaza, Israel will not be able to impede the contests in that region. But it could decide—as Sharon has said—to make it impossible for Palestinian voters in East Jerusalem to cast ballots or for candidates, campaign workers, and voters to move from town to town in the West Bank. If such Israeli impediments are put in place, they would delegitimize any victory that secular nationalist candidates might achieve over Hamas candidates, thereby strengthening the hand of the very terrorists that Israel seeks to weaken. They would also shatter the calm that allowed Israel to withdraw quietly from Gaza.

If the Bush Administration has been less than enthusiastic about Sharon's views of the Palestinian elections, it's because the White House has been pursuing the Sharonization of militants operating in areas under American control. Kurdish and Shiite militias have not been forced to disband in Iraq, yet that hasn't stopped representatives of those groups from running in elections and winning top positions in the current government. If the U.S. demanded that the armed supporters of these candidates lay down their weapons before their leaders could assume power, it must have done so in a whisper.

Hamas candidates did well in two earlier rounds of municipal elections. Lo and behold, they have found it necessary to work with Israelis at the local level in order to deal with mundane issues like sewage and water. And their Israeli counterparts have been willing to talk to them. This kind of practical contact is a long way from having terrorists beat their spears into pruning hooks, but perhaps it points to a way forward.

The Bush Administration should encourage Sharon to let Abbas see if he can duplicate this process at the national level of Palestinian politics. If It succeeds, Israel will be more secure, and Palestinian society will be more stable. If it fails, Israel will still have ample military strength upon which it can rely.

Mr. GARRETT of New Jersey. Mr. Speaker; I rise in strong support of today's commonsense resolution condemning the participation of terrorist organizations in the Palestinian elections. It is disappointing that Congress even needs to make this statement, yet time and time again, history has proven it is necessary.

The Middle East peace process requires that the Palestinian Authority recognize the right of Israel to exist and that it reject the terrorism and violence that have plagued the region since the 1940s. It stands to reason that this requirement can only be met if the very organizations which threaten peace in the Middle East, such as Hamas and Islamic Jihad, are removed from the official political process.

As it is, these organizations currently operate with little interference or admonition from the Palestinian Authority. Were they to become a part of the governing authority, the integrity of the Palestinian government would be compromised. Clearly, the Authority cannot condemn the anti-Israel and anti-American bias of the same groups of which it is comprised.

Mr. Speaker, I encourage my colleagues to reaffirm their support for our strong ally, Israel, and to support this resolution.

Mr. McCAUL of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 575, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McCAUL of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE IMPORTANCE AND CREDIBILITY OF AN INDEPENDENT IRAQI JUDICIARY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 534) recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq.

The Clerk read as follows:

H. RES. 534

Whereas the United States is supportive of a sovereign governing body in Iraq, including the current government as well as future duly elected governments and appointed officials;

Whereas Iraq, as do all sovereign nations, has the duty and responsibility to indict, prosecute, and punish criminals within its jurisdiction;

Whereas the Iraqi Special Tribunal holds the sovereign power to prosecute criminals;

Whereas certain accused individuals have allegedly committed egregious crimes against humanity, genocide, and war crimes;

Whereas the people of a free and democratic Iraq deserve justice for the horrific crimes inflicted upon them; and

Whereas the Iraqi Special Tribunal is empaneled to bring swift and impartial justice for the people, victims, and the nation of Iraq: Now, therefore, be it

Resolved, That the House of Representatives fully supports an independent Iraqi judiciary and its efforts to serve the cause of justice in a free and democratic Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, an independent judiciary is one of the hallmarks of good government and is an essential check on the power of judicial and legislative branches of the modern state. Indeed, a requirement for evenhanded justice is an element of natural law and is called for in the Bible and the Koran which require equal justice for the poor and the rich.

In the case of Iraq, it would have been simple for a kangaroo court of some sort to have convened, held a trial of such obvious violators as Saddam Hussein and then had them shot immediately. This has been the case in some uprisings, both in the Middle East and elsewhere, such as when Romania's regime fell. This is not the path that the Iraqis have chosen, and we should honor them for this choice. The trial of Saddam as it is being carried out stands in sharp contrast to the actions of the Hussein regime against its dissenters who were usually executed after some paperwork was completed but where there was no semblance of a fair trial.

The resolution before us expresses our support for an independent Iraqi judiciary. This judiciary may disappoint from time to time. That is the nature of independent judges, to make unpopular decisions based strictly on law. Adherence to the rule of law and the existence of an independent Iraqi judiciary will be a critical component to the consolidation of Iraqi sovereignty and democratic governance, and I appreciate the efforts of the gentleman from Texas (Mr. BURGESS), the author of this resolution, who traveled to Iraq, met with the Iraqi judges and came away so deeply impressed that he decided to put forward this resolution tonight.

I also thank the chairman and the ranking member of the Committee on International Relations, who expedited its consideration on the floor, and to the House leadership for including it among the matters scheduled this week as we move to the end of the House session.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, as we meet today, Iraq has begun to conduct a historic election that will select a national government for the next four years. Under the Iraqi Constitution approved this past October, the government that emerges from these important elections will have tremendous responsibilities. It must fill in the many blanks left in the Constitution regarding a new social compact for the Iraqi people and the sharing of oil revenues among all ethnic groups.

The creation of a truly independent judiciary is one of the greatest and most important challenges that will face the new Iraqi government.

Mr. Speaker, as we all know, a political settlement that would create a stake by all ethnic groups in a unified, peaceful Iraq has to date eluded the major political factions in Iraq. In fact, Iraqi society is facing a convulsion of violent sectarian conflict and suffering from acts of desperate terrorism.

While the elections now underway may lead to a consolidation of the political gains that were made in October, the establishment of an independent judiciary is a critical precondition for preserving those gains.

Without an independent judiciary that all members of Iraqi society believe will adjudicate disputes fairly, there can be no real peace in Iraq.

Without an independent judiciary that stands up to the rest of the national government and defends the new constitution, there can be no real new social compact in Iraq.

And without an independent judiciary that respects the religious differences among its people, there can be no real trust of that compact.

Mr. Speaker, as we speak, the nascent Iraqi judiciary is trying Saddam Hussein for the horrors of his regime. Based upon his dramatic court appearances, Saddam is clearly living under the delusion that he can orchestrate a triumphal return by manipulating the court for his own political ends.

This effort will fail and we will see Saddam Hussein for what he is—a mass murderer guilty of crimes against humanity who never should have been accorded respect by anyone in the international community.

Let us hope that a successful prosecution of Saddam Hussein with all reasonable procedural protections will help launch the independent judiciary for which this resolution calls.

Mr. Speaker, I urge my colleagues to support this important resolution.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. BURGESS), the original sponsor of the resolution.

Mr. BURGESS. Mr. Speaker, I thank the gentlewoman from Florida for helping us move this legislation expeditiously. Of course, I thank Chairman HYDE for his role in that. I thank the gentleman from California as well.

Two years ago yesterday, December 13, 2003, Saddam Hussein was captured and his tortured reign was finally and officially and completely at an end.

While that was a significant turning point in this war, we all knew the path to a free and democratic Iraq would not be easy. Yet after years of oppression and torture, the Iraqi people are growing closer to having a nation ruled by their people instead of a nation ruled by fear.

Earlier this year, the passage of the Iraqi constitution marked a significant milestone in the recovery of the sovereign nation of Iraq. In excess of 60 percent of the people of Iraq braved the terrorists, braved the threats of violence to be able to cast their vote.

Indeed, at 9 a.m. Eastern Standard Time tomorrow morning, the polls will close in Iraq and the Iraqi people will have reached another historic milestone. Iraqi men and women worldwide are going to the polls in droves to be able to democratically elect the nation's first permanent constitutional parliament in decades.

□ 2330

While there will still be hurdles for the Iraqi people to overcome today, we celebrate with our friends as they continue to take courageous steps in becoming their own sovereign nation.

Mr. Speaker, a free and democratic Iraq will equal a safer world. And for the safety of our own Nation, I firmly believe that we must continue to support the sovereign endeavors of the Iraqi people and this developing nation. Tonight I rise to speak about an important House resolution, H. Res. 534, that enables this body to boldly support the governing efforts in Iraq.

We are all well aware of the current trial of Saddam Hussein; and while this trial is important, a strong, independent Iraqi judicial system is of even greater importance.

A crucial component to a free and democratic nation is its judicial system in which alleged criminals can be indicted; prosecuted; if convicted, punished in a fair and impartial manner. As Members of Congress, we have an obligation to uphold and support this principle especially in a land that has been inflicted with egregious crimes against humanity.

The Iraqi Special Tribunal has been impaneled to bring swift and impartial justice to both the victims and the nation of Iraq, and I call on my colleagues to support H. Res. 534, which recognizes the importance and credibility of an independent Iraqi judiciary.

The people of Iraq, the people of a sovereign nation, deserve true justice, which can only be obtained through a recognized and credible judicial system. The judges, the lawyers involved face daily peril for their courageous stand. And we have an opportunity to stand firmly with the Iraqi people and support the ongoing trials and efforts of the Iraqi Special Tribunal.

Mr. Speaker, I have had the opportunity, the privilege, to travel to Iraq four times during the past 2 years. During every mission, I have been able to witness firsthand the progress that is being made by our troops on the ground and by the Iraqi Government. Mr. Speaker, I have a picture, a picture from my last trip to Iraq in August of this year, and I want to point out this was a picture, Mr. Speaker, that I took flying over in a Blackhawk helicopter. These helicopters are menacing vehicles. They travel low. They travel fast. They have guns sticking out the side. I stuck my camera out the window to take a picture, and mostly I wanted to take a picture of the satellite antennae that were on the rooftops. Of course, satellite television was prohibited under Saddam's regime, and, in fact, a year in prison was the punishment, as I understand. I took a picture because there were satellite antennae on a lot of the rooftops.

But as I looked at this picture when I got home, I noticed that there were two figures on the rooftop. So I blew this picture up considerably. And, Mr. Speaker, as we look at this, we can see two apparently children standing on the rooftop. The larger child, who appears to be a girl, is waving; and a smaller, more inquisitive child, which I think is a boy, is sort of leaning over and looking at this impressive Blackhawk helicopter going over.

And the girl is waving. She has an expression of absolute joy of seeing the helicopter flying over her city. And why would this be? Why would she be happy about seeing a menacing Blackhawk helicopter with guns sticking out the side flying over her city? Well, Mr. Speaker, I submit the reason for her joy is the small boy at her side. The small boy at her side is the reason for her joy because this child knows that 3 years ago, 3 years ago, there is probably a crawl space in this house somewhere where this small boy could be hidden if Saddam's conscriptionists came down the street trying to find people for his army. And that is the reason for her joy. That is the reason why this country should rejoice about what we have been able to do for the people of this long-suffering nation.

Mr. Speaker, significant progress is being made, and it is imperative that they have our continued support. And today, tonight, we can continue to help provide that support through H. Res. 534.

Throughout our efforts in providing continued support to Iraq, I would be remiss if I did not mention the determination, the skill of our Armed Forces and their resolution in continuing their mission in Iraq. It is due to the bravery and the perseverance of the U.S. military members and their coalition allies that the tyranny of Saddam is over, over forever. I applaud our troops and our leadership for their success.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I particularly thank the gentleman from Texas for bringing and offering this resolution.

I am going to include my prepared remarks, Mr. Speaker, because my remarks that are here reflect the remarks that have been made by the other Members here on this floor, and I wish to associate myself with those remarks, and I appreciate the gentleman from California's support as well for this resolution.

And I would rather speak a little bit from the heart, then, about some of the things that I saw there having traveled over to Iraq a number of times and this last time with Mr. BURGESS from Texas. And I saw some of that perspective from the Blackhawk as well. And as we flew into Baghdad, that was not a rare circumstance. It was not a unique circumstance. In fact, I saw numbers of children running out into the streets in twos and threes and waving. It did not happen in every block, but it happened in a number of the blocks that we saw as we came in.

Not only have I seen that in Baghdad but I have seen that also in Mosul. I have seen it in Kirkuk, and I have seen it also in Fallujah, Mr. Speaker. And that endorsement of American power and influence and liberation and coalition power influence and liberation, that comes from the people. And I have watched those Blackhawk helicopters scatter their livestock, and the herdsman and women come out and wave with great joy to see that influence that has provided their freedom.

And an essential component of freedom is to have an independent judiciary. And I asked for a meeting with the Iraqi Special Tribunal because I wanted to get a measure of the men that would be sitting in judgment of Saddam Hussein and the other alleged perpetrators of the crimes against humanity that we know took place in Iraq over the last couple of decades. As we sat in that very hot room and looked across that table and I gazed into the eyes of these men, there was a deep conviction, a significant amount of courage, a tremendous amount of patriotism that is there. They know that their lives are on the line. Since that time from about August 18, I believe that date was, we have seen this unfold to where we know that there have been already two attorneys that have been killed in the process of this trial.

I stand here on the floor of the United States Congress, Mr. Speaker, standing in support and in solidarity of a free and independent judiciary for everyone in this world, but particularly those in Iraq where it will become the second place on the globe where an Arab can get a fair trial, second to Israel.

And where they sit in judgment now of those alleged perpetrators of war crimes, we need to stand with them. We need to send a message across that says free and independent judiciary, rule of law are essential to freedom, and they have got to be independent of the politics that rule also in Iraq. The old Baathist Party, the people that are looking to try to bring leverage for one political reason or another, we have to hold them separate from that and encourage them to stand on that rule of law, which they quoted to me on that hot day in that building in Baghdad back last August.

So I am proud this Congress stands with them, Mr. Speaker, and I appreciate the opportunity to present my argument in support of this resolution before this Congress.

Mr. Speaker, I commend my colleague from Texas for bringing this legislation forward. As you may know, Iraq's march towards democracy has not been easy. They are just now emerging from 24 years of oppression and cruel torture under the rule of Saddam Hussein. Now thanks to the hard work and sacrifice of American and coalition forces, Saddam has been captured. Ironically, he is now receiving the benefits of the fair judicial process he denied to so many.

Last night, I spoke to this House about benchmarks in the progress of the new country. In less than three years, Iraq has gone from a nation suffering under a ruthless dictator to one with a new constitution and only hours away from a democratically elected government. As I have heard from numerous American soldiers in and returning from Iraq, every day the nation is relying less and less on coalition forces for support. At the same time, Iraq is becoming increasingly more capable of providing independent government services.

Mr. Speaker, America stands as a beacon for freedom and justice in the world. And the promising nation of Iraq is now demonstrating similar compassion and commitment to the rule of law. As such, the nation's unbiased judiciary is playing a critical role in its development as a democracy.

Of course, there are those who would like to see Iraq resist freedom and return to brutal dictatorship. The terrorists know that the formation of a strong judiciary threatens their efforts. In turn, some of these terrorists wreak violence against those working to dispense justice in Iraq. The judges and other members of the Iraqi judiciary who carry on in spite of the terrorists' best efforts are incredibly courageous and need to be recognized for their bravery. Despite threats to their personal safety, members of the Iraqi judiciary remain dedicated to their convictions and continue working toward a better nation for all.

This resolution sends a significant message, recognizing the importance and credibility of an unbiased Iraqi judiciary for a new and democratic Iraq. I am a co-sponsor of this legislation which will encourage our friends abroad who are working so hard to secure a free and democratic Iraq. I urge your support of this important resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 534.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KING of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONDEMNING ACTIONS BY SYRIA REGARDING THE ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 598) condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIIC), expressing support for extending the UNIIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty, as amended.

The Clerk read as follows:

H. RES. 598

Whereas on September 2, 2004, United Nations Security Council Resolution 1559 was adopted by the Security Council to address Syria's continued interference in Lebanese politics, reaffirming strict respect for Lebanon's sovereignty, and stipulating the withdrawal of all non-Lebanese forces from Lebanon and the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas on February 14, 2005, former Prime Minister of Lebanon Rafik Hariri and 22 others were killed in a terrorist bombing orchestrated by unidentified assailants;

Whereas on April 7, 2005, the United Nations Security Council adopted Resolution 1595, under which the Security Council decided to "establish an international independent investigation Commission [the UNIIIC] based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help identify its perpetrators, sponsors, organizers and accomplices";

Whereas on October 19, 2005, the first report of the United Nations International Independent Investigation Commission (UNIIIC), headed by former German prosecutor Detlev Mehlis, found "there is converging evidence pointing at both Lebanese and Syrian involvement in this terrorist act";

Whereas the October 19, 2005, report also asserted that "[g]iven the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge";

Whereas on October 31, 2005, the United Nations Security Council adopted Resolution 1636, which expressed extreme concern that "Syrian authorities have cooperated in form but not in substance" with the UNIIIC, that "several Syrian officials tried to mislead the investigation by giving false or inaccurate statements" and that "Syria's continued lack of cooperation with the inquiry would constitute a serious violation of its obligations";

Whereas on December 12, 2005, the second report of the UNIIIC noted that "steady progress" has been made in the Lebanese portion of the investigation that "remains to be matched" in the Syrian portion of the investigation and recommended an extension of the UNIIIC's investigative mandate by a "minimum period of six months" since substantive lines of enquiry are far from being completed and "given the slow pace with which the Syrian authorities are beginning to discharge their commitments to the [Security] Council";

Whereas Syria's actions to hinder the UNIIIC's investigative efforts include credible reports of the arrest and threatening of close relatives of at least one crucial witness, delay caused by procedural maneuvering, and the report of two witnesses that all Syrian intelligence documents concerning Lebanon have been burned;

Whereas since the assassination of Rafik Hariri, intimidation of the press in Lebanon has increased and a series of attacks and explosions in Lebanon have occurred, targeting political leaders and journalists who have advocated Lebanese sovereignty, including Samir Qassir, May Chidiac, and most recently on December 12, 2005, the assassination of Gebran Tuéni, a Member of the Lebanese Parliament and the general manager of the Lebanese daily an-Nahar, which has been a vital editorial voice opposing Syrian political control and influence in Lebanon; and

Whereas Secretary of State Condoleeza Rice on December 12, 2005, expressed outrage at the assassination of Gebran Tuéni and stated: "Syrian interference in Lebanon continues, and it must end completely. The United States will work with its partners on the Security Council and in the region to see that Security Council Resolutions 1595 and 1636 are fully implemented.": Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of Syria for hindering and failing to cooperate fully in a timely and substantive manner with the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIIC);

(2) expresses support for extending the investigative mandate of the UNIIIC for at a minimum an additional six-month period as recommended by the UNIIIC in order to fully ascertain the responsibility for the assassination of former Prime Minister of Lebanon Rafik Hariri;

(3) states its concern that insecurity in Lebanon could have a destabilizing effect on the region and harm the ability of the people of Lebanon to strengthen democracy and economic prosperity in their country;

(4) expresses its gratitude to—

(A) chief investigator Detlev Mehlis and the UNIIIC for their continuing efforts to uncover evidence related to the assassination of Rafik Hariri; and

(B) those who have freely assisted the UNIIIC in its investigation;

(5) demands that Syria commit itself to expeditiously fulfill all obligations to cooperate with the UNIIIC and to meet all obligations of United Nations Security Council Resolutions 1559, 1595, and 1636;

(6) encourages the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States in the United Nations Security Council to advocate for the application of punitive measures against Syria that target its leadership—including the enactment of punitive sanctions against Syria under Chapter VII of the Charter of the United Nations—if Syria further fails to cooperate fully with the ongoing UNIIIC investigation and continues to violate Security Council Resolutions 1559, 1595, and 1636;

(7) urges the Government of the United States to support the extension of the jurisdiction of the UNIIIC to cover assassinations and assassination attempts in Lebanon since October 1, 2004; and

(8) urges the President to implement further measures against the Syrian leadership in accordance with the requirements in the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175), particularly if Syria further fails to cooperate fully with the ongoing UNIIIC investigation and continues to violate Security Council Resolutions 1559, 1595, and 1636.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of House Resolution 598, which seeks to condemn the actions by the government of Syria that have hindered the investigation into the assassination of former Prime Minister Hariri, investigations led by Mr. Mehlis.

Since the attempted assassination of Marwan Hamadeh in October 2004, Lebanon has suffered a series of attacks and assassinations that have targeted political leaders and journalists who have been critical of Syria. The assassination of former Prime Minister Hariri on February 14, 2005, prompted the passage of United Nations Security Council Resolution 1595, which established an international independent investigation commission based in Lebanon to assist the Lebanese Government in finding those responsible for that terrorist attack.

The first report of that commission was delivered on October 19, 2005, and its findings point to Lebanese and Syrian involvement in the assassination of Prime Minister Hariri. The report states: "Given the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to see a scenario whereby such a complex assassination plot could have been carried out without their knowledge."

Furthermore, the commission reported on difficulties it was encountering with regard to the cooperation being extended by the Syrian authorities. United Nations Security Council Resolution 1636 extended the mandate of the commission and addressed the urgency of Syria to cooperate with the investigation.

On December 12, 2005, the second report of the commission was delivered. It presented the progress of the investigation, reinforced preliminary findings of Lebanese and Syrian cooperation in the assassination of Prime Minister Hariri, and outlined progress with regard to the form and content of Syrian cooperation with the commission.

That same day, a member of parliament, who was also the publisher of a leading Lebanese newspaper known for its opposition to Syria's political control and influence in Lebanon, was savagely murdered in a car bomb.

After the assassination of his colleague on June 2, 2005, the parliamentarian and the publisher said the following: "The Lebanese security authorities and the remnants of the Syrian system in Lebanon, and directly the Syrian regime from top to bottom, is responsible for every crime and every drop of blood spilled."

As this resolution notes, Mr. Speaker, there has been a concerted effort to undermine Lebanon's security and sovereignty by targeting opinion leaders. The perpetrators of these evil attacks are attempting to silence Lebanon's most profound thinkers and voices of public opinion. The assassination of these two leaders and the attempted assassination of another one earlier this year indicate that Lebanon's press and freedom of expression are themselves targeted through the elimination of their leading figures.

However, the people of Lebanon see through these cowardly and unjustified acts, and they will not be intimidated. The people of the United States of America stand with the people of Lebanon in their time of sorrow and support their demands to see international investigations into all the unjustified attacks since October 1, 2004.

□ 2345

The United States Government should do all that we can to win the support of the international community and to ensure that the international investigation into the assassination of Prime Minister Hariri is extended so that justice can be served.

I support this resolution and its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I might consume.

Mr. Speaker, at the outset, I want to commend my friend and fellow Californian, Mr. ISSA, for preparing a significant, important and well-crafted piece of legislation.

Mr. Speaker, Syrian brazenness knows no bounds. With his press conference and report to the U.N. Security Council this week, Detlev Mehlis has made clear that Syrian interference with his investigation into the assassination of former Lebanese Prime Minister Rafiq Hariri has only increased.

We now know for certain what we previously only suspected, that Syria has ignored Security Council warnings and persisted in obstructing Mehlis's investigation, using delaying tactics, destroying documents, withholding witnesses and pressuring key individuals involved in these matters by threatening their families, all quite sickening, Mr. Speaker.

But on Monday, Syria appears to have reached a new height of cynicism and treachery. The murder of Gebran Tueni, a parliamentarian and the publisher of the most respected Lebanese daily, an-Nahar, was a devastating response to Mehlis's report on the eve of its release. Of course, Mr. Speaker, Syria denies involvement in the assassination, but, like so many hit jobs before it, including the one on Hariri, it has all the hallmarks of a product "made in Damascus."

Tueni is the latest of several courageous leaders to be the object of a murderous Syrian attack. All of these victims have had one thing in common: A strong commitment to Lebanese independence and sovereignty and the powerful opposition to Syria's control of Lebanon.

Tueni is a special case. His newspaper emerged in recent years as the leading journalistic opponent to the Syrian occupation, and he is the second journalist of that newspaper to be killed in the past 6 months. The former occupiers bided their time, but they got their revenge just a few short months after Tueni prophetically and tragically told the world in August that he was on the top of Syria's list of those marked for assassination.

I would ask, Mr. Speaker, for a moment of silence from this body for Mr. Tueni and all the others, including Prime Minister Hariri, who have lost their lives this year in Syria's murderous and shadowy war on Lebanese patriots. If my colleagues would join me in a moment of silence for these Lebanese heroes who gave their lives for their country's independence.

Thank you.

On October 31, the U.N. Security Council passed Resolution 1636 which warned that "Syria's continued lack of cooperation with the U.N. inquiry would constitute a serious violation of its obligations."

Mr. Speaker, in my view, the clock has now run out on Syria. With its arrogant disregard for human life and all international norms, Damascus has now put the ball squarely in our court. I suggest that we respond, and do so forcefully.

I fully support this resolution's call for the administration to use its influence in the Security Council to seek punitive measures against the Syrian leadership and to utilize all the tools made available in the Syria Accountability and Lebanese Sovereignty Restoration Act to convince the Assad regime in Damascus that its behavior carries a heavy price. We cannot let the cruel regime in Damascus escape unscathed. Its crimes in Lebanon are but one dimension of Syrian transgressions against all standards of decency.

We could go on at length citing Syria's support for terrorists, including the Iraqi terrorists, and its internal repression of all peaceful dissent and its more than 2,000 political prisoners, including most recently the arrest last month of Dr. Kamal al-Labwani following his visit here as a guest of our Department of State's International Visitors Program.

Mr. Speaker, I would be remiss were I not to make one additional observation: International pressure on Syria to withdraw from Lebanon began in a serious way in September 2004 with the passage of U.N. Security Council Resolution 1559, but that resolution not only called for Syrian withdrawal, it also called for the disarming and disbanding of Hezbollah and all other Lebanese militias. That latter point has been woefully neglected by the international community, as well as by the Lebanese government, which has even seen fit to include a Hezbollah representative in its cabinet. Now I fear international, and Lebanese, neglect is coming home to roost.

The shadowy figures who are carrying out Syria's instructions to murder Lebanese patriots may or may not be Hezbollah operatives. But I do know that as long as Hezbollah remains armed, there will be thousands of killers available to carry out the Syrian regime's evil whims, thousands of jihadist killers who are loyal to Syria and care not a whit for Lebanese unity or Lebanese independence.

Mr. Speaker, I strongly support this resolution, which sends a powerful message to the Assad regime. I urge all of my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. ISSA), the author of this resolution.

Mr. ISSA. Mr. Speaker, I would like to thank Madam Chairman for the time, but also as the subcommittee chairwoman, you were instrumental in our ability to be able to bring this legislation to the floor quickly.

Mr. LANTOS particularly not only aided in bringing this to the floor, but, Mr. Speaker, this was a piece of legislation that was drafted and then aid was given on a bipartisan basis to make it a better, more comprehensive piece of legislation, and I am grateful for that.

Mr. Speaker, it is a difficult task to keep coming to the well and asking for Congress to help in a war of words, a war of diplomacy that now wages in Lebanon and in Syria, but it is a better war to fight than a war with tanks and blood. What we are doing here with this resolution is we are saying to Syria that we want to avoid war; we are saying to Lebanon that we want to avoid war; but with the help of the French, the Germans, the United Nations, the entire world, we will in fact see that the murderers of Rafiq Hariri are brought to justice. But, more importantly, I think we send the message that diplomacy is in fact an alternative to war, but it is not an alternative to war forever.

President Bush should be commended for the years of work that first Secretary Powell and now Secretary Rice have done in order to try to convince and cajole Syria to come in to the world of nations, to abandon its occupation of Lebanon, which it did not do without global pressure, and further to come clean about its support for Hezbollah, to certainly come clean for its support of various groups that have committed at least 12 separate bombings in Lebanon.

I do not believe that Syria will hear this. I believe I am here tonight speaking, Mr. Speaker, to the American people and to the rest of the world in saying that, yes, we are using diplomacy to anyone who would possibly hear it. We are doing it with the United Nations, we are doing it in concert with every nation, every nation that rejects terrorism we are doing it with. But I think it is very clear that on a bipartisan basis, the House of Representatives in voting for this resolution is making it clear that we stand together against the kinds of activities that it is clear Syria has been implicated with.

I have met with Bashar Assad. I met with him in 2001 and 2002 and 2003 and 2004. My hope was that he would embrace the West. He had been educated in the West, he had all that it would take to understand the benefits that would come from that, and he said he wanted them.

But at the same time I met with Prime Minister Rafiq Hariri, both here in the United States on his many trips and in Lebanon, and you could see how he was unable to enjoy the fruits of a democracy and a people that were able to bring an economy, even under adverse conditions, to more than twice the GDP of the region, and certainly far greater than Syria has ever had. In fact, Prime Minister Hariri had a model for Syria, but Syria would not follow it, and ultimately that schism between the two cultures led to people who were adverse to what Prime Minister Hariri stood for killing him.

Today we do want to bring them to justice, but today, Mr. Speaker, it is very clear that we are using diplomacy. The Bush administration and this Congress is using diplomacy as an alternative to war, but as someone who recognizes that today, in President Bush's speech at about 11 o'clock today, he talked about there being one democracy in the Arab world.

Mr. Speaker, I do not normally correct the President, but there are two democracies in the Arab world. Clearly Lebanon is a democracy, with a long history of being a democracy. Mr. Speaker, it will not be a functional democracy, it will not be a democracy that people like our President will speak of in those terms, until the outside forces that have dominated their very ability to exercise that democracy are pushed out, by diplomacy, if possible, by greater measures of the UN and the rest of the world if necessary.

Mr. Speaker, I call for all of my fellow Members to vote for this resolution and to stand tall in support of Lebanon's attempt to be a real democracy in the Arab world.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my friend the gentleman from Ohio (Mr. KUCINICH).

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Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would just like to say briefly that I think that our Nation would be much more persuasive in our attempts to try to change the behavior within Syria if we also acknowledged that there are the news reports about a covert war in Iraq that has expanded in recent months to Syria, and that bombing has been taking place along the Syrian border.

I think it is going to be kind of difficult for us to engage Syria in discussions when they may be getting indications that we are attacking their country.

[From the New Yorker, Dec. 12, 2005]

ANNALS OF NATIONAL SECURITY, UP IN THE AIR

WHERE IS THE IRAQ WAR HEADED NEXT?

(By Seymour M. Hersh)

In recent weeks, there has been widespread speculation that President George W. Bush, confronted by diminishing approval ratings and dissent within his own party, will begin pulling American troops out of Iraq next year. The Administration's best-case scenario is that the parliamentary election scheduled for December 15th will produce a coalition government that will join the Administration in calling for a withdrawal to begin in the spring. By then, the White House hopes, the new government will be capable of handling the insurgency. In a speech on November 19th, Bush repeated the latest Administration catchphrase: "As Iraqis stand up, we will stand down." He added, "When our commanders on the ground tell me that Iraqi forces can defend their freedom, our troops will come home with the honor they have earned." One sign of the political pressure on the Administration to prepare for a withdrawal came last week, when Secretary of State Condoleezza Rice told Fox News that the current level of American troops would not have to be maintained "for very much longer," because the Iraqis were getting better at fighting the insurgency.

A high-level Pentagon war planner told me, however, that he has seen scant indication that the President would authorize a significant pullout of American troops if he believed that it would impede the war against the insurgency. There are several proposals currently under review by the White House and the Pentagon; the most ambitious calls for American combat forces to be reduced from a hundred and fifty-five thousand troops to fewer than eighty thousand by next fall, with all American forces officially designated "combat" to be pulled out of the area by the summer of 2008. In terms of implementation, the planner said, "the drawdown plans that I'm familiar with are condition-based, event-driven, and not in a specific time frame"—that is, they depend on the ability of a new Iraqi government to defeat the insurgency. (A Pentagon spokesman said that the Administration had not made any decisions and had "no plan to leave, only a plan to complete the mission.")

A key element of the drawdown plans, not mentioned in the President's public statements, is that the departing American troops will be replaced by American airpower. Quick, deadly strikes by U.S. warplanes are seen as a way to improve dramatically the combat capability of even the weakest Iraqi combat units. The danger, military experts have told me, is that, while the number of American casualties would decrease as ground troops are withdrawn, the over-all level of violence and the number of Iraqi fatalities would increase unless there are stringent controls over who bombs what.

"We're not planning to diminish the war," Patrick Clawson, the deputy director of the Washington Institute for Near East Policy, told me. Clawson's views often mirror the thinking of the men and women around Vice-President Dick Cheney and Defense Secretary Donald Rumsfeld. "We just want to change the mix of the forces doing the fighting—Iraqi infantry with American support and greater use of airpower. The rule now is to commit Iraqi forces into combat only in places where they are sure to win. The pace of commitment, and withdrawal, depends on their success in the battlefield."

He continued, "We want to draw down our forces, but the President is prepared to tough this one out. There is a very deep feeling on his part that the issue of Iraq was settled by the American people at the polling places in 2004." The war against the insurgency "may end up being a nasty and murderous civil war in Iraq, but we and our allies would still win," he said. "As long as the Kurds and the Shiites stay on our side, we're set to go. There's no sense that the world is caving in. We're in the middle of a seven-year slog in Iraq, and eighty percent of the Iraqis are receptive to our message."

One Pentagon adviser told me, "There are always contingency plans, but why withdraw and take a chance? I don't think the President will go for it"—until the insurgency is broken. "He's not going to back off. This is bigger than domestic politics."

Current and former military and intelligence officials have told me that the President remains convinced that it is his personal mission to bring democracy to Iraq, and that he is impervious to political pressure, even from fellow Republicans. They also say that he disparages any information that conflicts with his view of how the war is proceeding.

Bush's closest advisers have long been aware of the religious nature of his policy commitments. In recent interviews, one former senior official, who served in Bush's first term, spoke extensively about the connection between the President's religious faith and his view of the war in Iraq. After the September 11, 2001, terrorist attacks, the former official said, he was told that Bush felt that "God put me here" to deal with the war on terror. The President's belief was fortified by the Republican sweep in the 2002 congressional elections; Bush saw the victory as a purposeful message from God that "he's the man," the former official said. Publicly, Bush depicted his reelection as a referendum on the war; privately, he spoke of it as another manifestation of divine purpose.

The former senior official said that after the election he made a lengthy inspection visit to Iraq and reported his findings to Bush in the White House: "I said to the President, 'We're not winning the war.' And he asked, 'Are we losing?' I said, 'Not yet.'" The President, he said, "appeared displeased" with that answer.

"I tried to tell him," the former senior official said. "And he couldn't hear it."

There are grave concerns within the military about the capability of the U.S. Army to sustain two or three more years of combat in Iraq. Michael O'Hanlon, a specialist on military issues at the Brookings Institution, told me, "The people in the institutional Army feel they don't have the luxury of deciding troop levels, or even participating in the debate. They're planning on staying the course until 2009. I can't believe the Army thinks that it will happen, because there's no sustained drive to increase the size of the regular Army." O'Hanlon noted that "if the President decides to stay the present course in Iraq some troops would be compelled to serve fourth and fifth tours of combat by 2007 and 2008, which could have serious consequences for morale and competency levels."

Many of the military's most senior generals are deeply frustrated, but they say nothing in public, because they don't want to jeopardize their careers. The Administration has "so terrified the generals that they know they won't go public," a former defense official said. A retired senior C.I.A. officer with knowledge of Iraq told me that one of his colleagues recently participated in a congressional tour there. The legislators were repeatedly told, in meetings with enlisted men, junior officers, and generals that "things were fucked up." But in a subsequent teleconference with Rumsfeld, he said, the generals kept those criticisms to themselves.

One person with whom the Pentagon's top commanders have shared their private views for decades is Representative John Murtha, of Pennsylvania, the senior Democrat on the House Defense Appropriations Subcommittee. The President and his key aides were enraged when, on November 17th, Murtha gave a speech in the House calling for a withdrawal of troops within six months. The speech was filled with devastating information. For example, Murtha reported that the number of attacks in Iraq has increased from a hundred and fifty a week to more than seven hundred a week in the past year. He said that an estimated fifty thousand American soldiers will suffer "from what I call battle fatigue" in the war, and he said that the Americans were seen as "the common enemy" in Iraq. He also took issue with one of the White House's claims—that foreign fighters were playing the major role in the insurgency. Murtha said that American soldiers "haven't captured any in this latest activity"—the continuing battle in western Anbar province, near the border with Syria. "So this idea that they're coming in from outside, we still think there's only seven per cent."

Murtha's call for a speedy American pullout only seemed to strengthen the White House's resolve. Administration officials "are beyond angry at him, because he is a serious threat to their policy—both on substance and politically," the former defense official said. Speaking at the Osan Air Force base, in South Korea, two days after Murtha's speech, Bush said, "The terrorists regard Iraq as the central front in their war against humanity. . . . If they're not stopped, the terrorists will be able to advance their agenda to develop weapons of mass destruction, to destroy Israel, to intimidate Europe, and to break our will and blackmail our government into isolation. I'm going to make you this commitment: this is not going to happen on my watch."

"The President is more determined than ever to stay the course," the former defense official said. "He doesn't feel any pain. Bush is a believer in the adage 'People may suffer and die, but the Church advances.'" He said that the President had become more detached, leaving more issues to Karl Rove and Vice President Cheney. "They keep him in the gray world of religious idealism, where he wants to be anyway," the former defense official said. Bush's public appearances, for example, are generally scheduled in front of friendly audiences, most often at military bases. Four decades ago, President Lyndon Johnson, who was also confronted with an increasingly unpopular war, was limited to similar public forums. "Johnson knew he was a prisoner in the White House," the former official said, "but Bush has no idea."

Within the military, the prospect of using airpower as a substitute for American troops on the ground has caused great unease. For one thing, Air Force commanders, in particular, have deep-seated objections to the possibility that Iraqis eventually will be responsible for target selection. "Will the Iraqis call in air strikes in order to snuff rivals, or other warlords, or to snuff members of your own sect and blame someone else?" another senior military planner now on assignment in the Pentagon asked. "Will some Iraqis be targeting on behalf of Al Qaeda, or the insurgency, or the Iranians?"

"It's a serious business," retired Air Force General Charles Homer, who was in charge of allied bombing during the 1991 Gulf War, said. "The Air Force has always had concerns about people ordering air strikes who are not Air Force forward air controllers. We need people on active duty to think it out, and they will. There has to be training to be sure that somebody is not trying to get even with somebody else." (Asked for a comment, the Pentagon spokesman said there were plans in place for such training. He also noted that Iraq had no offensive airpower of its own, and thus would have to rely on the United States for some time.)

The American air war inside Iraq today is perhaps the most significant—and underreported—aspect of the fight against the insurgency. The military authorities in Baghdad and Washington do not provide the press with a daily accounting of missions that Air Force, Navy, and Marine units fly or of the tonnage they drop, as was routinely done during the Vietnam War. One insight into the scope of the bombing in Iraq was supplied by the Marine Corps during the height of the siege of Falluja in the fall of 2004. "With a massive Marine air and ground offensive under way," a Marine press release said, "Marine close air support continues to put high-tech steel on target. . . . Flying missions day and night for weeks, the fixed wing aircraft of the 3rd Marine Aircraft Wing are ensuring battlefield success on the front line." Since the beginning of the war, the press release said, the 3rd Marine Aircraft Wing alone had dropped more than five hundred thousand tons of ordnance. "This number is likely to be much higher by the end of operations," Major Mike Sexton said. In the battle for the city, more than seven hundred Americans were killed or wounded; U.S. officials did not release estimates of civilian dead, but press reports at the time told of women and children killed in the bombardments.

In recent months, the tempo of American bombing seems to have increased. Most of the targets appear to be in the hostile, predominantly Sunni provinces that surround Baghdad and along the Syrian border. As yet, neither Congress nor the public has engaged in a significant discussion or debate about the air war.

The insurgency operates mainly in crowded urban areas, and Air Force warplanes rely on sophisticated, laser-guided bombs to avoid civilian casualties. These bombs home in on targets that must be "painted," or illuminated, by laser beams directed by ground units. "The pilot doesn't identify the target as seen in the pre-brief"—the instructions provided before takeoff—a former high-level intelligence official told me. "The guy with the laser is the targeteer. Not the pilot. Often you get a 'hotread'"—from a military unit on the ground—"and you drop your bombs with no communication with the guys on the ground. You don't want to break radio silence. The people on the ground are calling in targets that the pilots can't verify." He added, "And we're going to turn this process over to the Iraqis?"

The second senior military planner told me that there are essentially two types of targeting now being used in Iraq: a deliberate siteselection process that works out of airoperations centers in the region, and "adaptive targeting"—supportive bombing by prepositioned or loitering warplanes that are suddenly alerted to firefights or targets of opportunity by military units on the ground. "The bulk of what we do today is adaptive," the officer said, "and it's divorced from any operational air planning. Airpower can be used as a tool of internal political coercion, and my attitude is that I can't imagine that we will give that power to the Iraqis."

This military planner added that even today, with Americans doing the targeting, "there is no sense of an air campaign, or a strategic vision. We are just whacking targets—it's a reversion to the Stone Age. There's no operational art. That's what happens when you give targeting to the Army—they hit what the local commander wants to hit."

One senior Pentagon consultant I spoke to said he was optimistic that "American air will immediately make the Iraqi Army that much better." But he acknowledged that he, too, had concerns about Iraqi targeting. "We have the most expensive eyes in the sky right now," the consultant said. "But a lot of Iraqis want to settle old scores. Who is going to have authority to call in air strikes? There's got to be a behavior-based rule."

General John Jumper, who retired last month after serving four years as the Air Force chief of staff, was "in favor of certification of those Iraqis who will be allowed to call in strikes," the Pentagon consultant told me. "I don't know if it will be approved. The regular Army generals were resisting it to the last breath, despite the fact that they would benefit the most from it."

A Pentagon consultant with close ties to the officials in the Vice-President's office and the Pentagon who advocated the war said that the Iraqi penchant for targeting tribal and personal enemies with artillery and mortar fire had created "impatience and resentment" inside the military. He believed that the Air Force's problems with Iraqi targeting might be addressed by the formation of U.S.-Iraqi transition teams, whose American members would be drawn largely from Special Forces troops. This consultant said that there were plans to integrate between two hundred and three hundred Special Forces members into Iraqi units, which was seen as a compromise aimed at meeting the Air Force's demand to vet Iraqis who were involved in targeting. But in practice, the consultant added, it meant that "the Special Ops people will soon allow Iraqis to begin calling in the targets."

Robert Pape, a political-science professor at the University of Chicago, who has written widely on American airpower, and who taught for three years at the Air Force's School of Advanced Airpower Studies, in Alabama, predicted that the air war "will get very ugly" if targeting is turned over to the Iraqis. This would be especially true, he said, if the Iraqis continued to operate as the U.S. Army and Marines have done—plowing through Sunni strongholds on search-and-destroy missions. "If we encourage the Iraqis to clear and hold their own areas, and use airpower to stop the insurgents from penetrating the cleared areas, it could be useful," Pape said. "The risk is that we will encourage the Iraqis to do search-and-destroy, and they would be less judicious about using airpower—and the violence would go up. More civilians will be killed, which means more insurgents will be created."

Even American bombing on behalf of an improved, well-trained Iraqi Army would not necessarily be any more successful against the insurgency. "It's not going to work," said Andrew Brookes, the former director of airpower studies at the Royal Air Force's advanced staff college, who is now at the International Institute for Strategic Studies, in London. "Can you put a lid on the insurgency with bombing?" Brookes said. "No. You can concentrate in one area, but the guys will spring up in another town." The inevitable reliance on Iraqi ground troops' targeting would also create conflicts. "I don't see your guys dancing to the tune of someone else," Brookes said. He added that he and many other experts "don't believe that airpower is a solution to the problems inside Iraq at all. Replacing boots on the ground with airpower didn't work in Vietnam, did it?"

The Air Force's worries have been subordinated, so far, to the political needs of the White House. The Administration's immediate political goal after the December elections is to show that the day-to-day conduct of the war can be turned over to the newly trained and equipped Iraqi military. It has already planned heavily scripted change-of-command ceremonies, complete with the lowering of American flags at bases and the raising of Iraqi ones.

Some officials in the State Department, the C.I.A., and British Prime Minister Tony Blair's government have settled on their candidate of choice for the December elections—Iyad Allawi, the secular Shiite who served until this spring as Iraq's interim Prime Minister. They believe that Allawi can gather enough votes in the election to emerge, after a round of political bargaining, as Prime Minister. A former senior British adviser told me that Blair was convinced that Allawi "is the best hope." The fear is that a government dominated by religious Shiites, many of whom are close to Iran, would give Iran greater political and military influence inside Iraq. Allawi could counter Iran's influence; also, he would be far more supportive and cooperative if the Bush Administration began a drawdown of American combat forces in the coming year.

Blair has assigned a small team of operatives to provide political help to Allawi, the former adviser told me. He also said that there was talk late this fall, with American concurrence, of urging Ahmad Chalabi, a secular Shiite, to join forces in a coalition with Allawi during the post-election negotiations to form a government. Chalabi, who is notorious for his role in promoting flawed intelligence on weapons of mass destruction before the war, is now a deputy Prime Minister. He and Allawi were bitter rivals while in exile.

A senior United Nations diplomat told me that he was puzzled by the high American and British hopes for Allawi. "I know a lot of people want Allawi, but I think he's been a terrific disappointment," the diplomat said. "He doesn't seem to be building a strong alliance, and at the moment it doesn't look like he will do very well in the election."

The second Pentagon consultant told me, "If Allawi becomes Prime Minister, we can say, 'There's a moderate, urban, educated leader now in power who does not want to deprive women of their rights.' He would ask us to leave, but he would allow us to keep Special Forces operations inside Iraq—to keep an American presence the right way. Mission accomplished. A coup for Bush."

A former high-level intelligence official cautioned that it was probably "too late" for any American withdrawal plan to work without further bloodshed. The constitution approved by Iraqi voters in October "will be interpreted by the Kurds and the Shiites to proceed with their plans for autonomy," he said. "The Sunnis will continue to believe that if they can get rid of the Americans they can still win. And there still is no credible way to establish security for American troops."

The fear is that a precipitous U.S. withdrawal would inevitably trigger a Sunni-Shiite civil war. In many areas, that war has, in a sense, already begun, and the United States military is being drawn into the sectarian violence. An American Army officer who took part in the assault on Tal Afar, in the north of Iraq, earlier this fall, said that an American infantry brigade was placed in the position of providing a cordon of security around the besieged city for Iraqi forces, most of them Shiites, who were "rounding up any Sunnis on the basis of whatever a Shiite said to them." The officer went on, "They were killing Sunnis on behalf of the Shiites," with the active participation of a militia unit led by a retired American Special Forces soldier. "People like me have gotten so downhearted," the officer added.

Meanwhile, as the debate over troop reductions continues, the covert war in Iraq has expanded in recent months to Syria. A composite American Special Forces team, known as an S.M.U., for "special-mission unit," has been ordered, under stringent cover, to target suspected supporters of the Iraqi insurgency across the border. (The Pentagon had no comment.) "It's a powder keg," the Pentagon consultant said of the tactic. "But, if we hit an insurgent network in Iraq without hitting the guys in Syria who are part of it, the guys in Syria would get away. When you're fighting an insurgency, you have to strike everywhere-and at once."

Mr. WEXLER. Mr. Speaker, I want to thank Mr. ISSA and Mr. LANTOS for joining me in introducing this critical resolution, which condemns Syrian efforts to hinder the investigation into the assassination of former Lebanese Prime Minister Hariri, expresses support for extending the mandate of the investigative commission, and supports punitive sanctions against Syria if it continues to fail to comply with the ongoing investigation.

On February 14, 2005, former Lebanese Prime Minister Rafik Hariri was assassinated in a vicious terrorist attack in Beirut, Lebanon that killed 22 and injured more than 100. In response, the U.N. Security Council passed Resolution 1595, establishing an international commission to investigate this attack and demanding the full compliance of all U.N. member states with the investigation.

This commission—led by German prosecutor Detlev Mehlis—released its initial findings in a report that implicated senior Syrian officials in the Hariri assassination. This past week, a second report was released that exposed Syrian efforts to impede and obstruct the investigation, including misleading the commission, providing falsified accounts and threatening those involved in the investigation. At this juncture, we must hold the Syrian regime accountable for their actions and demand Syrian compliance with the ongoing investigation.

Since the assassination of Prime Minister Hariri, targeted assassinations aimed at intimidating Lebanese opponents of Syria have continued unabated. Just this past week, a prominent and well-respected journalist was killed in a car-bombing in Beirut. Make no mistake; this was a clear attempt to limit freedom of the press in Lebanon on the part of the Syrian regime.

This resolution does just that. It supports the findings of the Mehlis report, condemns the Syrian Government for its apparent involvement in the assassination of former Prime Minister Hariri and others, and demands Syrian compliance. It also supports U.S.-led efforts to hold Syria accountable for its role in the Hariri assassination under Chapter 7 of the U.N. Charter, which leaves the door open for sanctions.

As the U.N. considers the grave and far-reaching implications of the Mehlis report, I strongly support critical and timely resolution.

Mr. LANTOS. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 598, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0815

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 8 o'clock and 15 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-347) on the resolution (H. Res. 610) providing for consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BLUNT) for December 16 and 17 on account of a medical treatment.

Mr. MARIO DIAZ-BALART of Florida (at the request of Mr. BLUNT) for today on account of family reasons.

Mr. HYDE (at the request of Mr. BLUNT) for today on account of illness in the family.

Mr. POE (at the request of Mr. BLUNT) for today on account of business in his district.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 449. An act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes; to the Committee on Resources.

S. 1231. An act to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education; to the Committee on Education and the Workforce; in addition to the Committee on Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1047. An act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 16 minutes a.m.), the House adjourned until today, Thursday, December 15, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5661. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-fifth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

5662. A letter from the Chairperson, National Council on Disability, transmitting a copy of the NCD's "National Disability Policy: A Progress Report," as required by Section 401(b)(1) of the Rehabilitation Act of 1973, as amended, covering the period from December 2003 through December 2004, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

5663. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 to September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5664. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period April 1, 2005 through September 30, 2005; to the Committee on Government Reform.

5665. A letter from the Acting Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, transmitting the Department's final rule — Obligation to Solicit Race and Gender Data for Agency Enforcement Purposes (RIN: 1215-AB45) received October 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5666. A letter from the Director, Holocaust Memorial Museum, transmitting the Museum's 2004 through 2005 Annual Report and 2006 calendar; to the Committee on Government Reform.

5667. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Fourth Financial Statement for the period October 1, 2003 to September 30, 2004, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5668. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's Performance and Accountability Report for FY 2005, required by the Government Performance and Results Act, the Accountability of Tax Dollars Act, and the Federal Managers Financial Integrity Act; to the Committee on Government Reform.

5669. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the "Accountability of Tax Dollars Act of 2002" and related guidance from the Office of Management and Budget, the Endowment's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5670. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

5671. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2005 through September 30, 2005 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5672. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5673. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Determination Concerning Critical Habitat for the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox (RIN: 1018-AT78) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5674. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Application Procedures, Execution and Filing of Forms: Correction of State Office Address for Filings and Recordings, Proper Offices for Recording of Mining Claims [WO 630-1610-EI-25-2Z] (RIN: 1004-AD77) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5675. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Illinois Regulatory Program [Docket No. IL-103-FOR] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5676. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Alaska Regulatory Program [SATS No. AK-006-FOR] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5677. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [ND-048-FOR, Amendment No. XXXV] received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5678. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 111705A] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5679. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 102605A] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5680. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107—273, section202; to the Committee on the Judiciary.

5681. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Civil Penalty Adjustments (RIN: 1029-AC48) received November 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5682. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Georgia, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5683. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of an editorial entitled, "US Veterans Health Care Healed Itself — So Can Our (Canadian) Medicare System"; to the Committee on Veterans' Affairs.

5684. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Savings Account Eligibility During A Cafeteria Plan Grace Period [Notice 2005-86] received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5685. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Withholding on Payments to Partnerships, Trusts and Estates (Rev. Proc. 2005-77) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5686. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Gains Derived from Dealings in Property (Rev. Rul. 2005-74) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5687. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Credit for Certain Foreign Withholding Taxes [Notice 2005-90] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 602. Resolution providing for consideration of the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes (Rept. 109-346). Referred to the House Calendar.

[Filed on December 15 (legislative day of December 14), 2005]

Mr. GINGREY: Committee on Rules. House Resolution 610. Resolution providing for consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes (Rept. 109–347). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce and Ways and Means discharged from further consideration. H.R. 4437 referred to the Committees of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina (for himself and Mr. Shimkus):

H.R. 4524. A bill to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. McKeon, Mr. Tiberi, Mr. George Miller of California, Mr. Kildee, and Mr. Hinojosa):

H.R. 4525. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BARRETT of South Carolina (for himself, Mr. Franks of Arizona, and Mr. Bishop of Utah):

H.R. 4526. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2011, to extend paygo for direct spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself and Mr. Osborne):

H.R. 4527. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans; to the Committee on Ways and Means.

By Mr. BOYD:

H.R. 4528. A bill to designate the Federal building and United States courthouse located at 111 North Adams Street in Tallahassee, Florida, as the "William Stafford United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CASE (for himself and Mr. Abercrombie):

H.R. 4529. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Resources.

By Mr. CHANDLER (for himself and Mr. Rogers of Kentucky):

H.R. 4530. A bill to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CRAMER:

H.R. 4531. A bill to authorize the Administrator of the Small Business Administration to deem certain small business concerns qualified HUBZone small business concerns; to the Committee on Small Business.

By Mr. CRAMER:

H.R. 4532. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax to encourage them to have their employees provide volunteer services that aid science, mathematics, and engineering education in grades K-12; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 4533. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 4534. A bill to amend the Internal Revenue Code of 1986 to reform the charitable contribution deduction rules on contributions of certain easements on buildings in registered historic districts, and for other purposes; to the Committee on Ways and Means.

By Mr. KIRK (for himself, Mr. Upton, Mr. Platts, Mr. Pence, Mr. Bass, Mr. Terry, Mr. Shadegg, Mr. Price of Georgia, Mrs. Myrick, Mr. Manzullo, Mr. Sodrel, Mr. Hoekstra, Mr. Dent, Mr. Gerlach, Mr. Reichert, Mr. Simmons, Mr. McCaul of Texas, Mr. Paul, Mr. Green of Wisconsin, Mr. Bradley of New Hampshire, Mr. English of Pennsylvania, Mr. Schwarz of Michigan, Mr. Shays, and Mr. Shimkus):

H.R. 4535. A bill to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a

Member, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mr. Boucher, and Mr. Doolittle):

H.R. 4536. A bill to amend title 17, United States Code, to safeguard the rights and expectations of consumers who lawfully obtain digital entertainment; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. Serrano, Mr. Owens, Mr. Nadler, Mrs. McCarthy, Ms. Corrine Brown of Florida, Mr. Pallone, Mr. Bishop of Georgia, Mr. Kildee, Mr. Kind, Mr. Holden, Mr. Gutierrez, Mr. Kucinich, Mr. Schiff, Mr. McDermott, Mr. Hastings of Florida, and Mr. Faleomavaega):

H.R. 4537. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mr. MATHESON (for himself, Ms. Berkley, Mr. Gibbons, Mr. Bishop of Utah, Mr. Cannon, and Mr. Porter):

H.R. 4538. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear utilities to transfer spent nuclear fuel pools into spent nuclear fuel dry casks and convey to the Secretary of Energy title to all spent nuclear fuel thus safely stored; to the Committee on Energy and Commerce.

By Mrs. MUSGRAVE:

H.R. 4539. A bill to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. Wynn, Mr. Owens, Mr. Van Hollen, Mr. Rangel, Mr. Hinojosa, Mr. Holden, Ms. Jackson-Lee of Texas, Ms. Kaptur, Ms. Millender-McDonald, Mr. Hinchey, Mr. Sherman, Mr. Michaud, Ms. Herseth, Ms. Carson, Mr. Pallone, Mr. Grijalva, Mr. McIntyre, Mr. McDermott, Mr. Kucinich, Ms. Solis, Ms. Norton, Mr. Gutierrez, Mr. Boucher, Mr. Ackerman, Mr. Scott of Georgia, Mr. Frank of Massachusetts, Mr. Payne, Mr. Cleaver, Mrs. Christensen, Mr. Conyers, Mr. Crowley, Mr. Honda, Mr. Ryan of Ohio, Ms. Ros-Lehtinen, Mr. Stark, Ms. Matsui, Mr. Towns, Mr. Lynch, Mr. McNulty, Mr. Lantos, Mr. Weiner, Mr. Kildee, Ms. Woolsey, Mr. Langevin, and Mr. Meehan):

H.R. 4540. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. Filner, Mr. Van Hollen, Mr. McDermott, Mr. Grijalva, Mr. Owens, Mr. Kildee, Mr. Sabo, Mr. McGovern, Mr. Sanders, Mr. Israel, Mr. Evans, Mr. Lewis of Georgia, Ms. McCollum of Minnesota, and Mr. Pallone):

H.R. 4541. A bill to amend the Federal Water Pollution Control Act to improve the quality of the waters of the United States in an equitable manner; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. Young of Alaska, Mr. Costello, Mr. LoBiondo, Mr. DeFazio, Ms. Berkley, Mr. Boswell, Mr. Graves, Mr. Smith of New Jersey, Ms. Norton, Ms. Millender-McDonald, Ms. Woolsey, Mr. Pascrell, Mr. Brady of Pennsylvania, Mr. Menendez, Mr. Lynch, Mr. Evans, Mr. McHugh, Ms. Kilpatrick of Michigan, Mr. Rothman, Mr. Visclosky, Mr. Hinchey, Mr. Olver, Mr. Davis of Tennessee, Mr. Davis of Alabama, Mr. Marshall, Mr. Rahall, Mrs. McCarthy, Mr. LaTourette, Mr. Murphy, Mr. Simmons, Mr. Ferguson, Mr. McIntyre, Mr. McNulty, Mr. Udall of New Mexico, Mr. Baca, Mr. Payne, Mr. Andrews, Mr. Meek of Florida, Mr. Michaud, Mr. Matheson, Mr. Ryan of Ohio, Mr. Salazar, Mr. Engel, Mr. Costa, Mr. Holden, Mr. Cummings, Mr. Ney, Mr. Dicks, Mr. Carnahan, Mr. Bishop of New York, Mr. Gene Green of Texas, Mr. Pastor, Mr. Langevin, Mr. Strickland, Mr. Cardin, Mr. Duncan, Mr. Baird, Mr. Berry, Mr. Blumenauer, Mr. Abercrombie, Mr. Carter, and Mr. Filner):

H.R. 4542. A bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to long-standing policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions of United States airlines, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself and Ms. Berkley):

H.R. 4543. A bill to express the policy of the United States to ensure the divestiture of United States pension plans or thrift savings plans and mutual funds sold or distributed in the United States in any bank or financial institution that directly or through a subsidiary has outstanding loans to or financial activities in the Kingdom of Saudi Arabia or its instrumentalities, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Government Reform, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 4544. A bill to amend the Public Health Service Act to revise and expand the section 340B program to improve the provision of discounts on drug purchases for certain safety net providers; to the Committee on Energy and Commerce.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mrs. Napolitano):

H.R. 4545. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG (for himself, Mr. Akin, Mr. Bass, Mr. Brady of Texas, Ms. Ginny Brown-Waite of Florida, Mrs. Bono, Mr. Campbell of California, Mr. Chocola, Mr. Culberson, Mr. Flake, Ms. Foxx, Mr. Fortenberry, Mr. Gingrey, Mr. Gohmert, Mr. Hensarling, Mr. Herger, Mr. Hoekstra, Mr. Kennedy of Minnesota, Mr. Kirk, Mr. McCaul of Texas, Mr. McCotter, Mr. Moran of Kansas, Mrs. Myrick, Mr. Paul, Mr. Neugebauer, Mr. Pence, Mr. Pitts, Mr. Reichert, Mr. Ryan of Wisconsin, Mr. Souder, Mr. Terry, Mr. Westmoreland, and Mrs. Wilson of New Mexico):

H.R. 4546. A bill to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 4547. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. TERRY (for himself, Mr. McCotter, Mr. Murphy, Ms. Hart, Mr. Sullivan, Mr. Nunes, Mr. Fortenberry, Mr. Walden of Oregon, Ms. Ginny Brown-Waite of Florida, Mr. Barrett of South Carolina, Mr. Moran of Kansas, Mr. Hoekstra, Mr. Shadegg, Mr. Kirk, Mr. Rogers of Michigan, Mr. Akin, Mr. Hostettler, Mr. Franks of Arizona, Mr. Culberson, Mr. Hayworth, Ms. Foxx, Mr. McCaul of Texas, Mr. Hensarling, and Mr. Pence):

H.R. 4548. A bill to amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes; to the Committee on Government Reform.

By Mr. JENKINS:

H.J. Res. 74. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. Hyde, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Baca, Mr. Bachus, Mr. Baird, Mr. Baker, Ms. Baldwin, Mr. Barrow, Ms. Bean, Mr. Becerra, Ms. Berkley, Mr. Berman, Mr. Berry, Mrs. Biggert, Mr. Bishop of Georgia, Mr. Bishop of New York, Mr. Blumenauer, Mr. Blunt, Mrs. Bono, Mr. Boren, Mr. Boswell, Mr. Boustany, Mr. Boyd, Mr. Brady of Pennsylvania, Ms. Corrine Brown of Florida, Mr. Brown of Ohio, Ms. Ginny Brown-Waite of Florida, Mr. Burton of Indiana, Mr. Butterfield, Mr. Buyer, Mr. Cantor, Mrs. Capps, Mr. Capuano, Mr. Cardin, Mr. Cardoza, Mr. Carnahan, Mr. Case, Mr. Chabot, Mr. Chandler, Mr. Cleaver, Mr. Clyburn, Mr. Conaway, Mr. Conyers, Mr. Costa, Mr. Costello, Mr. Cooper, Mr.

CRAMER, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Ms. DELAURO, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mr. DAVIS of Florida, Mr. DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Mr. DELAY, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DINGELL, Mr. DOYLE, Mrs. DRAKE, Mr. DREIER, Mr. EMANUEL, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FEENEY, Mr. FILNER, Mr. FITZPATRICK of Pennsylvania, Mr. FOLEY, Mr. FORD, Mr. FORTENBERRY, Mr. FOSSELLA, Ms. FOXX, Mr. FRANK of Massachusetts, Mr. GINGREY, Mr. GOHMERT, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Ms. HARRIS, Mr. HASTINGS of Florida, Mr. HEFLEY, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. KANJORSKI, Ms. KAPTUR, Mr. KELLER, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Minnesota, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KING of New York, Mr. KINGSTON, Mr. KIRK, Mr. KNOLLENBERG, Mr. KUCINICH, Mr. KUHL of New York, Mr. LANTOS, Mr. LANGEVIN, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mrs. MALONEY, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY, Miss MCMORRIS, Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MELANCON, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. MILLER of Florida, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MCINTYRE, Mr. MILLER of North Carolina, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. MOLLOHAN, Mrs. CAPITO, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURTHA, Mrs. MYRICK, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. NORWOOD, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PLATTS, Mr. POE, Mr. POMEROY, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RANGEL, Mr. REYNOLDS, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SABO, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAW, Mr. SHERMAN, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. SODREL, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIAHRT, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. VELÁZQUEZ, Mr. WALSH, Mr. WAXMAN, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. WELDON of Florida, Mr. WELLER, Mr. WESTMORELAND, Mr. WEXLER, Mr. WICKER, Mr. WOLF, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. YOUNG of Florida):

H. Con. Res. 315. Concurrent resolution urging the President to issue a proclamation for the observance of an American Jewish History Month; to the Committee on Government Reform.

By Mr. CHABOT:

H. Con. Res. 316. Concurrent resolution raising awareness and encouraging prevention of stalking by establishing January 2006 as "National Stalking Awareness Month"; to the Committee on the Judiciary.

By Mr. ISSA (for himself, Mr. WEXLER, Mr. LANTOS, and Mr. ACKERMAN):

H. Res. 598. A resolution condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIIC), expressing support for extending the UNIIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty; to the Committee on International Relations.

By Mr. GILCHREST (for himself, Mr. CASE, and Mr. SAXTON):

H. Res. 599. A resolution establishing the Task Force on Ocean Policy; to the Committee on Rules.

By Mr. ROTHMAN (for himself and Mr. RAMSTAD):

H. Res. 600. A resolution calling on the Board of Directors of the National High School Mock Trial Championship to accommodate students of all religious faiths; to the Committee on Education and the Workforce.

By Mr. COLE of Oklahoma (for himself, Ms. ROS-LEHTINEN, Mr. SULLIVAN, Mr. CONAWAY, Mr. KELLER, Mr. MCCOTTER, Mr. GREEN of Wisconsin, Mrs. JO ANN DAVIS of Virginia, Mr. ADERHOLT, Mr. AKIN, Mr. WILSON of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. ACKERMAN, Mr. SAXTON, Mr. KENNEDY of Minnesota, Mr. NORWOOD, Mr. ROGERS of Alabama, Mr. LEWIS of Kentucky, Mr. SENSENBRENNER, Mr. BOREN, Mr. MARCHANT, Mrs. MILLER of Michigan, Mr. CARDOZA, Mr. SIMMONS, Mr. MURPHY, Mr. BROWN of South Carolina, Mr. NEY, Mr. FOSSELLA, Mrs. BONO, Mr. TANCREDO, Mr. FERGUSON, Mr. GERLACH, Mr. WEXLER, and Mr. CHANDLER):

H. Res. 601. A resolution condemning in strongest terms Iranian President Mahmoud Ahmadinejad's hateful rhetoric directed toward Israel; to the Committee on International Relations.

By Mr. ANDREWS (for himself, Mr. BILIRAKIS, Mr. SHERMAN, Mrs. MALONEY, Ms. LEE, Mr. PALLONE, Ms. BERKLEY, Ms. WATSON, Ms. LINDA T. SÁNCHEZ of California, and Mr. KUCINICH):

H. Res. 603. A resolution supporting the removal of Turkish occupation troops from the Republic of Cyprus; to the Committee on International Relations.

By Mr. FOSSELLA:

H. Res. 604. A resolution recognizing the 100th anniversary of the establishment of the paid Fire Department of New York on Staten Island, and for other purposes; to the Committee on Government Reform.

By Mr. FOSSELLA:

H. Res. 605. A resolution recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States; to the Committee on Government Reform.

By Mr. HOYER (for himself, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN):

H. Res. 606. A resolution congratulating the University of Maryland Terrapins men's soccer team, the 2005 National Collegiate Athletic Association Champions; to the Committee on Education and the Workforce.

By Mr. HOYER (for himself, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN):

H. Res. 607. A resolution congratulating the University of Maryland Terrapins women's field hockey team on winning the 2005 National College Athletic Association Championship; to the Committee on Education and the Workforce.

By Mr. MCCOTTER:

H. Res. 608. A resolution condemning the escalating levels of religious persecution in the People's Republic of China; to the Committee on International Relations.

By Mr. NADLER:

H. Res. 609. A resolution expressing the sense of the House of Representatives in support of providing fair and up-to-date teaching in United States secondary schools of the developments of modern day Russia; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. CONAWAY.

H.R. 69: Mr. CONAWAY.

H.R. 147: Ms. FOXX, and Mrs. JONES of Ohio.

H.R. 282: Mr. BISHOP of Utah.

H.R. 284: Mr. EVANS.

H.R. 311: Mr. MEEHAN.

H.R. 314: Mr. PRICE of Georgia.

H.R. 414: Mr. DICKS, Mr. ANDREWS, Mr. FORD, Mr. BROWN of Ohio, Mr. SMITH of Washington, and Ms. ROS-LEHTINEN.

H.R. 415: Mr. KUHL of New York and Mr. DOYLE.

H.R. 517: Mr. SCOTT of Georgia, Mr. SMITH of Washington, and Mr. MARSHALL.

H.R. 602: Ms. NORTON.

H.R. 651: Mr. SALAZAR.

H.R. 783: Mr. MEEHAN and Mr. CASE.

H.R. 808: Mr. BOUSTANY and Mr. MARCHANT.

H.R. 817: Mr. LYNCH, Mr. COSTELLO, and Mr. WOLF.

H.R. 874: Mr. LATHAM.

H.R. 916: Mr. WELDON of Pennsylvania, Mr. LARSON of Connecticut, and Ms. SOLIS.

H.R. 968: Mr. BOUSTANY and Mr. GARRETT of New Jersey.

H.R. 995: Mr. GOODE.

H.R. 998: Mrs. EMERSON.

H.R. 1053: Mr. GALLEGLY, Mr. MARIO DIAZ-BALART of Florida, and Mr. FOSSELLA.

H.R. 1081: Mrs. MALONEY.

H.R. 1120: Mr. LARSEN of Washington and Mr. OTTER.

H.R. 1144: Mr. ABERCROMBIE, Mr. STARK, Mr. KILDEE, Ms. McKINNEY, and Ms. SCHAKOWSKY.

H.R. 1217: Mr. FITZPATRICK of Pennsylvania.

H.R. 1249: Ms. BEAN.

H.R. 1259: Mrs. DRAKE, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. TIBERI, Mr. EVERETT, Mr. FARR, Mr. CAPUANO, Ms. PELOSI, Mrs. LOWEY, Mr. McNULTY, Ms. BALDWIN, Mr. OBEY, Mr. PASTOR, and Ms. WOOLSEY.

H.R. 1264: Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, and Mr. NEY.

H.R. 1277: Mr. MEEHAN.

H.R. 1288: Mr. HIGGINS.

H.R. 1356: Mr. MEEHAN.

H.R. 1405: Mr. BEAUPREZ.

H.R. 1426: Mr. McHUGH and Mr. MEEHAN.

H.R. 1634: Mr. HOLDEN.

H.R. 1646: Mr. McGOVERN and Mr. ENGLISH of Pennsylvania.

H.R. 1704: Ms. LINDA T. SÁNCHEZ of California and Mr. LEWIS of Georgia.

H.R. 1806: Mr. STUPAK.

H.R. 1956: Mr. ENGLISH of Pennsylvania, Ms. HERSETH, Mr. MURPHY, and Mr. BISHOP of Utah.

H.R. 2012: Mr. BOEHLERT.

H.R. 2072: Mr. CONYERS.

H.R. 2076: Mr. SOUDER.

H.R. 2134: Mr. FOLEY.

H.R. 2294: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2345: Mr. HIGGINS.

H.R. 2378: Mr. JENKINS.

H.R. 2498: Mr. MILLER of North Carolina.

H.R. 2553: Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. DAVIS of Alabama, and Mr. AL GREEN of Texas.

H.R. 2669: Mr. WELDON of Pennsylvania, Mr. DeFAZIO, Ms. KILPATRICK of Michigan, Mrs. DAVIS of California, Mr. WYNN, Mrs. JOHNSON of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Ms. MATSUI, Mr. McGOVERN, and Mr. GALLEGLY.

H.R. 2694: Mr. BAIRD.

H.R. 2799: Mrs. JO ANN DAVIS of Virginia.

H.R. 2803: Mr. KNOLLENBERG and Mr. PRICE of North Carolina.

H.R. 2808: Mrs. KELLY and Mr. GILLMOR.

H.R. 2828: Mr. WEINER.

H.R. 2835: Mr. MEEHAN.

H.R. 2892: Ms. DeLAURO and Mr. SHAYS.

H.R. 2943: Mr. KELLER and Ms. HART.

H.R. 3000: Ms. McKINNEY.

H.R. 3005: Mrs. JOHNSON of Connecticut.

H.R. 3042: Mr. BACA.

H.R. 3072: Ms. MOORE of Wisconsin.

H.R. 3127: Mrs. LOWEY, Ms. BERKLEY, and Mr. FRELINGHUYSEN.

H.R. 3313: Mr. FILNER, Ms. BEAN, Ms. WASSERMAN SCHULTZ, and Mr. WEXLER.

H.R. 3323: Mr. SHAW.

H.R. 3406: Mr. SHERMAN.

H.R. 3427: Mr. BISHOP of New York.

H.R. 3479: Mr. ANDREWS.

H.R. 3547: Mr. WEXLER.

H.R. 3550: Mr. UDALL of New Mexico, Mr. KILDEE, Mr. TOWNS, Mr. BERMAN, Mr. PRICE of North Carolina, Mr. McNULTY, Mrs. CHRISTENSEN, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Mr. ROTHMAN, Mr. McCOTTER, Mr. WAXMAN, Mr. DOYLE, Mr. TAYLOR of Mississippi, Mr. ETHERIDGE, Mr. GRIJALVA, and Mr. McGOVERN.

H.R. 3561: Mr. OLVER, Mr. ALLEN, Mr. KENNEDY of Rhode Island, and Mr. RAHALL.

H.R. 3599: Mr. OWENS, Mr. HIGGINS, Mr. ISRAEL, Mr. LaHOOD, Ms. SLAUGHTER, and Mr. SOUDER.

H.R. 3640: Ms. McKINNEY.

H.R. 3641: Ms. McKINNEY, Ms. WOOLSEY, Mr. WEXLER, and Mr. FOLEY.

H.R. 3642: Ms. McKINNEY.

H.R. 3717: Mr. WILSON of South Carolina.

H.R. 3861: Mr. PASTOR, Mr. BAIRD, Mr. GORDON, and Mr. AL GREEN of Texas.

H.R. 3925: Mr. OWENS.

H.R. 3931: Ms. BALDWIN, Mr. LYNCH, Ms. MILLENDER-McDONALD, Mr. FITZPATRICK of Pennsylvania, Mr. HIGGINS, Ms. MATSUI, and Ms. LORETTA SANCHEZ of California.

H.R. 4025: Mr. PETERSON of Minnesota, Mrs. LOWEY, and Mr. GARRETT of New Jersey.

H.R. 4033: Mr. PALLONE.

H.R. 4042: Mr. THORNBERRY.

H.R. 4049: Ms. LORETTA SANCHEZ of California and Mr. STARK.

H.R. 4079: Mr. POE.

H.R. 4098: Mr. HOLDEN and Mr. McHUGH.

H.R. 4120: Mr. TANCREDO.

H.R. 4167: Mr. RYUN of Kansas, Mr. NUSSLE, Mr. JENKINS, Mr. ISRAEL, Mr. COSTELLO, Mr. WELDON of Pennsylvania, Mr. POE, Ms. HERSETH, and Mr. McCRERY.

H.R. 4168: Mr. AKIN.

H.R. 4180: Mr. LEWIS of Kentucky.

H.R. 4190: Mr. SHERMAN.

H.R. 4217: Mr. SAM JOHNSON of Texas and Mrs. JOHNSON of Connecticut.

H.R. 4223: Ms. SOLIS.

H.R. 4236: Mr. HASTINGS of Washington.

H.R. 4253: Mr. FOLEY.

H.R. 4278: Mrs. NAPOLITANO.

H.R. 4300: Mr. LIPINSKI and Mr. RENZI.

H.R. 4315: Mr. CAMP of Michigan, Mr. WILSON of South Carolina, Mr. FITZPATRICK of Pennsylvania, Mr. SULLIVAN, and Mr. WESTMORELAND.

H.R. 4330: Mr. MACK and Mr. HASTINGS of Florida.

H.R. 4332: Mr. BERRY and Mr. FILNER.

H.R. 4350: Mr. SMITH of Washington, Mr. KUCINICH, Mr. SANDERS, and Mr. LEWIS of Georgia.

H.R. 4357: Mr. EHLERS, Mr. RENZI, and Mr. FOLEY.

H.R. 4361: Mr. MILLER of Florida.

H.R. 4381: Mr. KENNEDY of Minnesota, Ms. WASSERMAN SCHULTZ, and Mr. SENSENBRENNER.

H.R. 4384: Mr. UDALL of Colorado and Mr. SANDERS.

H.R. 4446: Mr. COSTELLO.

H.R. 4447: Mr. HONDA, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Ms. HERSETH, and Mr. GRIJALVA.

H.R. 4452: Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mr. BERRY, Mr. LARSEN of Washington, Mr. BRADY of Pennsylvania, Mr. ACKERMAN, and Mr. BROWN of Ohio.

H.R. 4476: Mr. DOGGETT, Mr. SCHIFF, Mr. THOMPSON of Mississippi, Mr. LARSON of Connecticut, and Ms. SOLIS.

H.R. 4506: Mr. MEEHAN, Mr. BROWN of Ohio, Mr. WEXLER, Mr. PALLONE, Mr. ACKERMAN, Mr. UDALL of New Mexico, Mr. SPRATT, Mr. McGOVERN, Mr. ISRAEL, Ms. HOOLEY, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. INSLEE, Mr. LEVIN, and Ms. CARSON.

H.R. 4516: Mr. RANGEL and Mr. McNULTY.

H.R. 4520: Mr. McINTYRE and Ms. SOLIS.

H.J. Res. 73: Mr. DAVIS of Illinois, Ms. McKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. PALLONE, Ms. VELÁZQUEZ, Mr. EVANS, Mr. TIERNEY, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. FILNER, Mr. GUTIERREZ, Ms. MILLENDER-McDONALD, Mr. SCOTT of Virginia, Ms. DeGETTE, Mr. KANJORSKI, Mr. PASCRELL, and Mr. VISCLOSKY.

H. Con. Res. 24: Mr. MEEHAN.

H. Con. Res. 99: Mr. MEEHAN.

H. Con. Res. 137: Mr. GARY G. MILLER of California.

H. Con. Res. 138: Mr. RANGEL.

H. Con. Res. 172: Mr. MEEHAN.

H. Con. Res. 174: Mr. ROTHMAN, and Mr. ENGEL.

H. Con. Res. 177: Mr. SCHWARZ of Michigan and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 197: Mr. EVANS.

H. Con. Res. 231: Mr. SPRATT.

H. Con. Res. 287: Mr. NADLER, Mr. ETHERIDGE, Mr. STRICKLAND, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Ms. PELOSI, and Mr. ROSS.

H. Con. Res. 302: Mr. PLATTS, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, and Mr. LEWIS of Kentucky.

H. Con. Res. 314: Ms. SLAUGHTER.

H. Res. 483: Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Ms. KILPATRICK of Michigan, Mrs. CHRISTENSEN, Mr. HONDA, Mrs. CAPPS, Mrs. MALONEY, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Ms. LEE, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. BECERRA, Mrs. LOWEY, Ms. LINDA T. SÁNCHEZ of California, Mr. LANTOS, Mr. SCHIFF, Mr. SHERMAN, Mr. CONYERS, Mr. BACA, Ms. BORDALLO, Mrs. BIGGERT, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. REICHERT, Mr. CAPUANO, Mr. DAVIS of Alabama, Mrs. BONO, Ms. WATSON, Mr. PALLONE, Mrs. DAVIS of California, Mr. JEFFERSON, Mr. WATT, Mr. SCOTT of Georgia, Mr. CLYBURN, Ms. HOOLEY, Ms. MATSUI, Mr. TOWNS, Mr. ENGEL, Ms. ROYBAL-ALLARD, Mr. SCOTT of Virginia, and Ms. HERSETH.

H. Res. 521: Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. DOYLE, and Mr. CLAY.

H. Res. 526: Mr. PASCRELL.

H. Res. 544: Mr. CARNAHAN.

H. Res. 545: Mr. CARDIN, Ms. BERKLEY, Mr. ROGERS of Alabama, Mr. DELAHUNT, and Mr. PITTS.

H. Res. 556: Mr. LEWIS of Kentucky.

H. Res. 575: Mr. NEUGEBAUER, Mr. BEAUPREZ, Mr. COOPER, Mr. PLATTS, Mr. LINDER, Mr. PICKERING, Mrs. SCHMIDT, Mr. FILNER, Mr. OTTER, Mr. DANIEL E. LUNGREN of California, Mrs. BLACKBURN, Mr. HENSARLING, Mr. ROGERS of Alabama, Mr. HASTINGS of Washington, Mr. MATHESON, Mr. HOYER, Ms. DeLAURO, Mr. SENSENBRENNER, Mr. WESTMORELAND, Mr. LEWIS of Georgia, Mr. BACHUS, Mrs. BONO, and Mr. DOYLE.

H. Res. 577: Mr. DUNCAN.

H. Res. 578: Mr. GORDON.

H. Res. 579: Ms. GINNY BROWN-WAITE of Florida, Mr. SMITH of New Jersey,

Mr. MURPHY, Mr. SOUDER, and Mr. LEWIS of Kentucky.

H. Res. 589: Mr. ENGLISH of Pennsylvania.

H. Res. 592: Mr. HOYER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4437

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 5: At the end of title VI, insert the following new section:

SEC. 615. DECLARATION OF CONGRESS.

Congress condemns rapes by smugglers along the international land border of the

United States and urges in the strongest possible terms the Government of Mexico to work in coordination with United States Customs and Border Protection of the Department of Homeland Security take immediate action to prevent such rapes from occurring.

H.R. 4437

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 6: At the end of title VI, insert the following new section:

SEC. 615. DECLARATION OF CONGRESS.

Congress condemns rapes by smugglers along the international land border of the United States.

H.R. 4437

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 7: At the end of title IV, insert the following new section:

SEC. 409. REMOVAL OF ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

Section 241(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(1)(C)) shall not be construed as preventing the Secretary of Homeland Security from removing an alien from the United States if the alien has failed or refused to make timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal subject to an order of removal.

H.R. 4437

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 8: Add at the end of title II the following:

SEC. 211. SMALL BUSINESS ADMINISTRATION LIAISON.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish the position of Small Business Administration Liaison within the United States Immigration and Customs Enforcement.

(b) FUNCTIONS.—The Liaison shall, in consultation with the Administrator of the Small Business Administration, ensure that the Small Business Administration does not make or guarantee a loan to an alien who is unlawfully present in the United States.

EXTENSIONS OF REMARKS

IN HONOR AND RECOGNITION OF THE 50TH ANNIVERSARY OF THE LEGACY OF ROSA PARKS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 59th Anniversary of the day that the civil rights movement was ignited. On December 1, 1955, Rosa Parks, tired of following societal laws steeped in racism and degradation, became a reluctant hero of the civil rights movement when she refused to surrender her seat and her dignity to a white man on a city bus in Montgomery, Alabama.

Rosa Parks, a soft spoken, private and hardworking seamstress, was immediately arrested and convicted of violating segregation laws. The incident drew an immediate and passionate response. With the support of the NAACP and civil rights leaders, including Rev. Ralph Abernathy and Rev. Dr. Martin Luther King, Jr., African Americans in Montgomery boycotted the city buses and declared their refusal to ride the buses until the U.S. Supreme Court denounced the Jim Crow laws that continued to strangle the soul of America. Thirteen months later, the boycott ended when, in November 1956, the U.S. Supreme Court ruled that segregation on public buses was unconstitutional.

The humiliation experienced by Rosa Parks was reflective of a long line of human injustices directed upon African Americans by the white ruling class since the dawn of our nation. Rosa Parks' simple refusal was a monumental act of courage and dignity that cast centuries of injustice, ingrained in the foundation of American culture, into the clear light of day. She knowingly sacrificed her own safety, the safety of her family and her privacy for the greater good. Rosa Parks' historic refusal to give up her seat on a city bus set the civil rights movement on fire and the power of her simple gesture is as significant and relevant today as it was 50 years ago. She remained dedicated to the civil rights movement and humanitarian causes until her recent death at age 92.

Mr. Speaker and Colleagues, please join me in honor, recognition and memory of Rosa Parks, whose singular life forever changed the world by raising the human race into the promise of justice for all. Her quiet refusal to surrender represented a million acts of resistance that came before her and set a path for those who would follow. Rosa Parks became an icon of human rights and her voice joined with a chorus of millions demanding freedom from oppression, echoing from the isle of a city bus to the hallowed halls of the United States Supreme Court. Rosa Parks' quiet act of defiance awoke America from its centuries old slumber of ignorance and oppression and her journey will continue to bring hope and inspiration to those still fighting to walk in the light of human dignity and justice—in Montgomery, Alabama, across our country and around the world.

HONORING 8TH STREET SANCTUARY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. STEARNS. Mr. Speaker, during this season of charitable giving, I am proud to highlight the efforts of citizens in my district. In downtown Jacksonville, there is a haven for children living in poverty. The Sanctuary on 8th Street's mission is to encourage and empower children to become strong and independent by ministering to their physical, intellectual, social and spiritual needs.

Last month, the community rallied around this outreach in a remarkable way. When the mother of one of the youths tragically passed away, the community gathered funds to make funeral services possible. Due to their giving, the family was able to say their goodbyes to Latricia Ann Spencer on November 18th.

The Sanctuary on 8th Street received even more money than needed, from which they created the Spencer Fund. This emergency fund will provide funeral services for other families in need. This is an inspiring example of what individuals can achieve for their neighbors, and I commend everyone involved.

JOE CASAZZA: A FIRST-RATE PUBLIC SERVANT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, almost exactly 38 years ago, as I was beginning my work as the Executive Assistant to newly elected Boston Mayor Kevin White, who was to take office on January 1. I watched as he went through a very careful and thoughtful process of selecting high officials for his new administration. One of the most important jobs in any municipal government is that of Public Works Commissioner—no city official in Boston has more of an impact on the quality of life of the people who live there. It is a difficult and demanding job, especially in a city like Boston that is one of the oldest in the country and has both the benefits and defects of great age.

There were several very highly qualified applicants for the position of Public Works Commissioner. I remember in particular an individual who had extremely high academic qualifications, and at the time I was myself impressed by the extent to which this individual would bring a full understanding of modern technology to the job. The Mayor was also impressed with him, but he was even more impressed with a—then—young official from a nearby town, who had been Public Works Commissioner in that town. His name was Joseph Casazza. One of the things about Kevin White that made him a great leader was the seriousness with which he approached the appointment of high officials; I was struck also by his good judgment in deciding who would best fit, and in his understanding of the importance of putting together a balanced team where people would have different strengths, in some cases offsetting what might be weaknesses in others.

One result of this process was his selection of Joe Casazza, and it is a tribute to Kevin White's judgment that as Joe Casazza now retires, after 37 years in this very difficult job as Public Works Commissioner of Boston, he is widely recognized for the superb public service he has provided the people of the City.

Mr. Speaker, too often people denigrate those who have chosen to work in the public sector. Knowing Joe Casazza as I do, and having watched him over the years, I have no doubt that he could have been an extraordinarily successful private sector employee, earning far more over his lifetime than he did as the Public Works Commissioner. But his dedication to the well being of his fellow citizens was such that he stayed in the public sector for his entire working career and it is not at all surprising that his understandable decision to retire is greeted with deep regret by those of us who have benefited from his service.

Mr. Speaker, I want to add my words of praise to Joe Casazza—an extraordinary man who has had an extraordinary career in the public service.

CONGRATULATIONS TO THE MIDWAY MIDDLE SCHOOL SELECT BOYS' CHOIR ON THEIR EXEMPLARY PERFORMANCE AT THE WHITE HOUSE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. EDWARDS. Mr. Speaker, I rise today to honor the Midway Middle School Select Boys' Choir following their exemplary performance at the White House Monday, December 12, 2005. Out of the 150 choir groups from across the country who submitted recordings to First Lady Laura Bush's office for consideration, the Midway Middle School Select Boys' Choir was

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1 of only 40 choirs to earn the right to perform at the White House this Christmas season.

Director Tammy Benton and the Midway Boys' Choir are in select company because of their excellence and achievement and I was proud to support their efforts to sing at the White House for Christmas. During this special time of celebration, it was my privilege to help bring some unique blessings from central Texas to Washington. It was also a special privilege to able to give them a tour of our Nation's Capitol, many for the first time.

There is no doubt that their hard work and dedication to choir instilled in them by their director, Tammy Benton, will continue to pay dividends for the rest of their lives.

I sincerely congratulate them and wish them well in all their future endeavors.

HONORING HARRY BOTT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. ENGEL. Mr. Speaker, Harold Bott is a lifelong resident of the Bronx, the son of immigrant parents, who has worked to make his home borough a better place for all. He followed his father into the plumbing business, eventually establishing a successful contracting company. But he never forgot his community and his efforts to help were continual and tireless. He moved to Woodlawn in 1972 with his wife Loretta and their two children and he brought that same sense of community to his new neighborhood. He organized the annual 239th Street Block Party, which was a success every year. He worked with the Boys Club, organized and assisted with the June walk, the placement of flags on Katonah Avenue, the Christmas display, and also served as president of the Woodlawn Taxpayers Association. He also organized a 9/11 Memorial Tribute, the annual Veterans Day celebration, and free tennis lessons for children. He has given selflessly of himself and has served as a role model for how to improve a community. Tonight he is being honored for his contributions to the Woodlawn community and I stand with the residents of that neighborhood in thanking him for his many contributions.

IN HONOR AND REMEMBRANCE OF RITA D. LYNCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Rita D. Lynch, mother, grandmother, great-grandmother, dedicated public servant, community activist, and dear friend to many, including myself.

Mrs. Lynch's passing marks a great loss for her family and friends, and also for the people of Cleveland's west side neighborhood, whom she served with the highest level of commitment and integrity. For nearly 30 years, Mrs. Lynch volunteered her time and talents as a member of the board of the directors with Cudell Improvement, Inc., a non-profit neighborhood organization, working on projects and implementing programs focused on uplifting all aspects of the community. Her dedication to the organization and to her neighborhood is reflected throughout Ward 18 in the City of Cleveland.

Family, friends, faith and community were central to her life. Mrs. Lynch and her late husband, Robert, often worked together on issues of neighborhood concern. Her grown children, John and Maryann, were instilled with the values of hard work, kindness and giving to others. Mrs. Lynch's service to others continues to illuminate the hope and promise of a better day for the people of this diverse Cleveland community.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Rita D. Lynch. Mrs. Lynch lived life with a generous heart and great energy for life. Her legacy of activism and spirit of volunteerism will be remembered always, forever reflecting along Detroit Avenue, Edgewater Road and Clifton Boulevard, and she will never be forgotten.

PEDIATRIC CANCER INROADS AT UNIVERSITY OF FLORIDA

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. STEARNS. Mr. Speaker, there is exciting news recently from the University of Florida, in Gainesville, Florida, in the fight against pediatric cancer. UF scientists believe that they have linked stem cells to a certain type of childhood bone cancer. This discovery could eventually be the key to treating osteosarcoma, the most common form of bone malignancy among children.

Osteosarcoma is a highly aggressive cancer that kills 40 percent of the children diagnosed, most of whom are between the ages of 10 and 20. Currently the only treatment is yearlong doses of chemotherapy and radical surgery. Scientists contend that these stem cells, which have also been linked to cancers such as leukemia and more recently breast cancer, are the only cells that freely replicate and the ability to target these cells will allow doctors to develop new forms of therapy that are much less toxic and far less invasive than existing treatments. Good work and a hopeful prognosis, UF researchers.

CLEAVER EXPLAINS CIVIL RIGHTS-BASED OPPOSITION TO ALITO CONFIRMATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most thoughtful Members to join us in recent years is the gentleman from Missouri (Mr. CLEAVER) who as a former Mayor of Kansas City makes very significant contributions to the work of our Committee on Financial Services, which has jurisdiction over urban affairs.

The gentleman from Missouri is also a civil rights leader, and as a minister is very much in the tradition of those in that profession who have provided moral leadership in the long and continuing fight against racism and its effects. Recently, in the Kansas City, Missouri newspaper, The Call, in the issue for the week of December 9th–December 15th, our colleague laid out in a very persuasive and reasoned fashion the objections to the confirmation of Samuel Alito to the Supreme Court that arise from his record on civil rights. I believe that this very useful analysis makes a significant contribution to the national debate on this question and I ask that it be printed here.

[From The Call, Dec. 9–15, 2005]

ALITO: A THREAT TO CIVIL RIGHTS

(By Rep. Emanuel Cleaver II, 5th Congressional District)

KANSAS CITY, MO.—In a almost every news stqryabout President Bush's latest Supreme Court nominee, Samuel Alito, the subject of Roe v. Wade, the Court's 1973 decision guaranteeing women the right to choose to have abortions has been the focus. Unfortunately, minorities are not receiving "much information on Alito's awful" attitudes on issues of civil rights. In fact, a November 14 edition Newsweek, which carned a seven page story on Alito, did not bother to discuss civil rights.

One case that sheds badly needed light on Alito disgraceful civil rights record involved Beryl Bray; an Africa American housekeeping, manager at a Park Ridge, N.J. Marriott Hotel. Ms. Bray appealed to a trio of federal judge's that she had been turned down on a promotion in the Marriott operation because she" was black. Two judges wrote that enough evidence had been presented to, justify a jury trial. You guessed it, Samuel A. Alito Jr. dissented.

He downplayed the whole matter by writing that the hotel had simply made "minor-inconsistencies" in how they handled hirings; Alito went further in, saying that it would be unfair to allow "disgruntled employees to impose the cost of trial of employers who, although they have not acted with the intent to discriminate, may have treated their employees unfairly."

The two judges with a different view of the case felt so strongly about their evidence that they broke. With tradition and actually criticized Alito's written opinion. According to this fellow judges in Bray v. Marriott hotels, Alito's position would have "eviscerated" legal protection under Title VII of the Civil Rights Act. The majority said that Alito's position would protect employers from suit even in situation where "the employer's belief that it had selected the "best" candidate "was the result of conscious racial bias.'"

In a 2001 racial discrimination case, Alito, cast the deciding vote and wrote the opinion in a 2–1 ruling that rejected claims by African American defendant who had been convicted of feloy murder by an all-white jury from which black jurors had been impermissible struck because of their race.

The full Third Circuit reversed this ruling, and the majority specifically criticized Alito for having compared statistical evidence about the prosecution's exclusion of blacks from juries in capital cases to an explanation of why a disproportionate number of recent

U.S. Presidents have been left-handed: Judge Dolores Slovitar, in Riley v. Taylor wrote that Alito overlooked the obvious fact that there is no provision in the Constitution that protects persons from discrimination based on whether they are right handed or left-handed. To compare the striking of jurors based their race is to minimize the history of discrimination against prospective, black jurors and black defendants.

My colleague, Congresswoman Eleanor Holmes Norton, a former head of the U.S. Equal Employment Opportunity Commission, and a distinguished constitutional scholar in her own right, told me that Alito, in her opinion is dangerous to civil rights.

Ms. Norton has studied Alito's, opinions and has led the Congressional Black Caucus in its opposition to the extremely conservative judge. Senator Edward M. Kennedy (D-Mass.) has stated through a spokeswoman that: ". . . when it comes down to it, he's on the wrong side of civil rights." I strongly agree with the Senator. I reviewing the opinions of Alito, even with my law laity status, I have concluded beyond logical challenge, that this nominee has repeatedly made difficult for those claiming to have been victims of discrimination to prove it or to even get a trial.

Should Alito receive Senate confirmation, he will replace retiring Justice Sandra Day O'Connor who often cast the critical swing vote that protected civil rights. Alito's addition to the Court means that it will clearly move to the right. With affirmative action, Voting Rights Act reauthorization and other issues likely to be considered by the Supreme Court, it would behoove minorities and people of good will to seek additional information, should they desire such, and in the opinion of the 60's soul group Charles Wright and the Watts 103 Street Rhythm Band, "Express Yourself!"

IN HONOR OF DR. JULIAN M. EARLS, DIRECTOR, NASA GLENN RESEARCH CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Julian M. Earls, upon his retirement as Director of the National Aeronautics and Space Administration's (NASA) Glenn Research Center in Cleveland, Ohio. Dr. Earls' service at NASA Glenn reflects 4 decades of leadership, accomplishment and discovery.

Dr. Earls' exemplary service and expertise within the ever-transforming frontier of space aeronautics began at NASA Glenn in 1965 and is a legacy that spiraled from a brilliant academic foundation. He earned a bachelor's degree in physics from Norfolk State University, a master's degree in radiation biology from the University of Rochester, School of Medicine and Dentistry, and a doctorate degree in radiation physics from the University of Michigan.

His exceptional standing at NASA Glenn was framed by integrity, vision, innovation and accomplishment. His incredible intellect was equally matched by his congenial nature and his ability to form vital bonds with staff members and with local, national and international leaders in the field of aeronautics. Dr. Earls' work included the development and direction of programs necessary to accomplish the missions of the Center. His work spanned the scope of research, technology, and systems development programs in aeronautical propulsion, space propulsion, space power, space communications, and micro-gravity sciences in combustion and fluid physics. Dr. Earls has written for 28 educational and technological journals and he wrote the first health physics guides for NASA Glenn.

Mr. Speaker and colleagues, please join me in honor and recognition of Dr. Julian M. Earls, whose integrity, expertise, commitment and leadership has infused energy and possibility throughout all operations at NASA Glenn Research Center. His 40-year legacy of achievement and leadership will continue to exist as a foundation of learning and exploration, where the promise of dreams, discovery and hope take flight. I wish Dr. Earls and his family an abundance of good health and happiness, today and always.

CONGRATULATIONS TO GRANBURY LADY PIRATES' COACH LETA ANDREWS ON HER RECORD SETTING 1218TH VICTORY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. EDWARDS. Mr. Speaker, I rise today to honor a true champion for public education and women's athletics, Leta Andrews of Granbury, Texas, head coach of the Granbury Lady Pirates' basketball team. Coach Andrews recently recorded her 1218th victory, making her the winningest girls' high school basketball coach in U.S. history. Since coaching her first game in 1962, Coach Andrews has come to personify the values of hard work, dedication, and responsibility that she has instilled in her players over the years.

Coach Andrews is now in a category of her own making because of her commitment to excellence and unique ability to motivate, mold, and mentor young lives. While we honor her coaching success on the basketball court, it is her positive example and lasting influence on the lives of her players off the court that will be remembered most. That remarkable achievement alone is enough to qualify her for anyone's hall of fame.

Coach Andrews's impact on women's athletics will continue for years to come. We can all rest assured that Coach Andrews's exemplary mark on history will serve as an inspiration for teachers and coaches of all sports everywhere.

At this time, it is my privilege to honor the extraordinary achievements of Coach Leta Andrews in her 44 years of coaching and I personally want to thank her for the shining example to us all and wish her well in future endeavors.

HONORING JERRY AND LILLIAN FRIEDMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. ENGEL. Mr. Speaker, Jerry and Lillian Friedman are celebrating their 50th anniversary, two wonderful people who have worked as much for their community as for themselves.

Jerry was a Brooklyn boy who saw the light and moved to the Bronx. There he met Lillian and in 1955 they married. They have two children, Evelyn and Stuart, a son-in-law, Mark, and two grandchildren, Sophie and Benjamin.

Lillian was a Girl Scout, and when their daughter was old enough to join the Scouts, Lillian became a Girl Scout Leader. Jerry was a Boy Scout in Brooklyn, and later a Scoutmaster as part of a 65-year relationship with the Scouts.

They were both involved in their communities. They organized tenant-help groups, leading to lower rents and improved upkeep of the apartments. In Co-Op City in the Bronx they helped to form a building association with Jerry eventually becoming a member of the Board of Directors and First Vice President.

Both were also active in local Democratic politics.

Jerry and Lillian are the kind of people who make a community more of a community. I ask all who believe in love to join me in celebrating their 50 years together.

TRIBUTE TO STATE REPRESENTATIVE MARK HASS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. WU. Mr. Speaker, I rise today on behalf of myself and the people of Washington County, Oregon to thank State Representative Mark Hass for his service. His enthusiasm, dedication and success can be attributed to one simple thing: a love for Oregon. Representative Hass chose to turn his compassion into action; to make a real difference for Oregonians.

Mark Hass has served his constituents in Beaverton and the state of Oregon with great distinction for the last three legislative sessions. In 2001, Governor John Kitzhaber signed into law the Hass Scholarship bill which created incentives for businesses to set up scholarship funds for employees. Making college more affordable is a passion he and I share.

Mark Hass has fought for and secured more high quality early intervention and full day kindergarten in Oregon so our children start off with the tools they need to learn and succeed.

He served as House Whip and as vice-chair on the Revenue Committee where he mentored newly elected legislators and became a strong advocate for restructuring Oregon's tax system.

He returns now to private life and to his family, but we are all better off today because

Mark Hass has come forward to serve the State that he loves.

IN HONOR AND RECOGNITION OF LUCILLE CRISAFI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mrs. Lucille Crisafi, devoted wife to her late husband, Ralph Crisafi, devoted aunt and great aunt, and dear friend to many. Let us celebrate her life as her friends and loved ones gather in tribute to her 100th birthday.

Mrs. Crisafi grew up in Cleveland's Clark-Fulton neighborhood and later moved to Parma. In 1927, she married Ralph Crisafi. Their shared values of work, faith, family and community were reflected throughout this Westside neighborhood. For many years, Mr. and Mrs. Crisafi owned and operated an appliance store, located on the corner of Clark and Fulton Roads. Although they never had children, they were devoted to their nieces, nephews and the children of the neighborhood, all of whom affectionately referred to them as 'Aunt Lu' and 'Uncle Ralph.'

Mrs. Crisafi remained in her home 25 years after her husband passed away. Her life-long spirit of activism and volunteerism with St. Rocco's Catholic Church continues to uplift all aspects of the parish. She has been an active member of the Holy Family Sodality of St. Rocco's for 72 years and served as the Financial Secretary for nearly 20 years.

Mr. Speaker and Colleagues, please join me in honor and recognition of Mrs. Lucille "Aunt Lu" Crisafi, as we join her in celebration of her 100th birthday on December 13. At 100 years young, Mrs. Crisafi's sharp intellect, quick wit, kind smile and spirit of love and generosity for others shine brighter than ever and continues to illuminate the hearts of friends and family along Clark Avenue, throughout St. Rocco's parish, in Parma, Ohio and far beyond. I wish Mrs. Crisafi a joyous birthday and many blessings of peace, health and happiness today and always. Cent' Anni, Aunt Lu.

TRINITY CATHOLIC CONGRATULATIONS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. STEARNS. Mr. Speaker, it is with great pleasure that I rise today to congratulate Trinity Catholic High School of Ocala, Florida on its first-ever football state championship.

On Saturday, December 3, the Celtics completed an undefeated season by defeating Pahokee High School 37 to 30 in front of 4,327 fans at Florida International University to clinch the Class 2B state title.

Coach Kerwin Bell and his Celtics became the first team to bring a state championship in football to Marion County since 1979 in only the fourth year of the program's existence. The Celtics' season slogan, "It's our time," embodied the determination that they showed in pursuing their goal. Despite a furious comeback by Pahokee to tie the game in the 4th quarter, the team pulled together and prevailed in a game that came down to the final whistle. The hard work of this group of young men has served as an inspiration to Ocala and Marion County and I congratulate them by saying, "It is your time."

IN RECOGNITION OF TATIANA HORUNOWYCZ VONDERSAAR AND RUSSIAN HERITAGE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise to pay tribute to Tatiana Horunowycz Vondersaar and Russian Heritage on the occasion of the 10th Annual Russian Heritage New Years Celebration, January 15, 2006. Mrs. Vondersaar's contributions to the Russian community have touched countless lives. It is a pleasure to pay tribute to this illustrious community leader and, of course, to all Americans of Russian heritage who have offered so much to our great Nation.

There is no doubt that America has become great because the American people are great. Coming from all parts of the globe and from humble beginnings, the average American is a priceless gift to our society and world. Without the common citizen, America would not have assumed the uncommon role she enjoys among the nations of the earth. Among these citizens are the proud and humble people of Russian heritage who are precious gems in the American mosaic.

I can think of no better example of this unique heritage than Tatiana Horunowycz Vondersaar, who has tirelessly promoted Russian heritage among the citizens of the great State of Florida. Mrs. Vondersaar is a former president and board member of the Russian Heritage located in St. Petersburg, FL. The Russian Heritage was established to preserve and promote Russian heritage, culture and educational programs among family, friends and neighbors.

Volunteering her time and talents to better the lives of others, Mrs. Vodersaar has been active on numerous committees and boards. She represented the St. Petersburg International Folk Fair Society, SPIFFs, promoting Russian heritage and culture. Mrs. Vondersaar has worked with the Police Athletic League and educated students about the influence of Russian customs and traditions. She has lectured at St. Petersburg College and volunteered her time at the Salvador Dali Museum. Mrs. Vondersaar has served as a translator for Russian immigrants for the public defender's office, assisted the elderly, and participated as an active and leading member at St. Andrew's Russian Orthodox Church. She also has served as treasurer of the Association of Russian Cadets, and board member of the Russian American Club.

Mrs. Vondersaar and her husband Lee, a courageous veteran of World War II, are the proud parents of 6 children, 14 grandchildren and 2 great grandchildren.

I want to commend Russian Heritage and its President Bill Parsons for their leadership in raising awareness of the rich contributions of Russian Americans to the United States. I ask my colleagues to join me in honoring all Americans of Russian descent and particularly Tatiana Horunowycz Vondersaar, whose spirit and dedication serve as a model of commitment to us all.

TRIBUTE TO 113TH ENGINEER BATTALION OF THE INDIANA ARMY NATIONAL GUARD

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great pride that I rise today to pay tribute to the 113th Engineer Battalion of the Indiana Army National Guard, and welcome them home after 1 year of serving our country heroically in Iraq.

Upon arrival, the 113th was nicknamed the "Ironman Battalion" because of their links to northwest Indiana's steel industry. And throughout the past year, these Iron men and women have shown a dedication to their mission, and a commitment to their country that truly is as strong as steel.

Today Mr. Speaker, I am pleased to announce that soldiers of the 113th are coming home—coming home to be with their family and friends; coming home to be with their wives, husbands, sons, daughters, mothers and fathers.

Based in Mosul, Iraq since last year, the soldiers of the 113th made heroic missions a part of their daily routine. They located and detonated improvised explosive devices, reinforced police stations and conducted combat patrols.

The service of these men and women has not been without sacrifice. Over 40 Purple Hearts have been awarded to the 113th battalion, each serving as a reminder of the dangers our soldiers face every day.

I welcome these soldiers home. I thank them for their service and sacrifice to our Nation, and I pledge that our support for them is equal to the sacrifice they have shown our country.

Mr. Speaker, the following men and women of the 113th have bravely served their Nation in Iraq, and I am honored to submit their names for the CONGRESSIONAL RECORD:

Rodolfo Alfaro Jr., Jose Luis Andujar, Erendira B. Ayala, Robert Kenneth Banaszak, Lechia Tiara Banks, Timothy Patrick Bishop, Jerry Joe Blackford, Ernest Lee Boyles, Steven Ravey Brumfield, Travis Allen Byrd, Andre Steven Carr, Jason Allen Carrera, Luis Valentin Castro, Johnathan Michael Clabbers, Joseph Earl Collins Jr., Jonathon C Creviston, Michael Brian Daake, Keenon Carlton Davis, Walter Joseph Dinga Sr., Dennis Shawn Eastman, David Michael Eckhard, Tyler Jacob Egli, Saleem Amin Elamin, Wesley Etchison, David James Evans, David Paul Evans, Steven Edward Francher, Anthony Lee Fleming, John Paul Furman III, Jennifer Arlene Graves, Justin

K Greentree, Michael Crispin Guajardo, Karl Eugene Hausenfleck, Shalonda Moniece Henderson, Andre Terrell Hillard, Paris H. Holeyfield, Richard Jakubowicz, Steven John Jesuit, Bradford Shawn Jones, William Michael Rich Kalina, Douglas Paul Kinger Jr., Gary Bernard Kinney Jr., Joshua Daniel Koch, Thomas Kopanda, Thomas Edward Kren, Mark Lathrop, John Lindsey, William Charles Mackey, Anthony Romon Madry, Garrett Emon Marshall, Leo Sharpe Marshall, Scott Arnold Marshall, Nicole Dionne McCant, Gregory Quinn McHenry, Terry Dionne McQuay, Lester Dwayne McSwain, and James Allen Miller.

Keith Allen Miller, William Moses Milligan, Joshua Arvino Miranda, Johnny Melvin Mitchell, Rodney Dean Mitchell, Leticia Marie Montez, Lawrence Edward Nemcek II, Steven Charles Patterson, Melvin Pennington Jr., Jorge Antonio Perez, Ricky Lee Phillips, John Edward Pitt, Peter Alan Pizarek, Thomas Michael Prosser, Mark Steven Reimer, Tommy Wade Roeske, Felicia Ronay, Briggs Obrian Rumph Jr., Alvaro Eneas Saenz, Berris Fitzroy Samuels Jr., Paul Randolph Scott Jr., Richard Dean Shatto, William Michael Sideris, Loretta Silvers, Larry Smith, Leroy Smith Jr., Jeffrey Scott Springer, Henry Louis Stone, Dawn Theresa Swantko, Michael William Thomas, Samantha Nicole Thomas, Johnny A. Trinidad, Michael Ralph Via, Dontreal Walters, Paul Nathaniel Wilderness, Demond Ellis Wilkins, Chery Lynn Williams, David Allen Young, Michael Zinman, Alexander James Baker, Charles Edward Beavers, Sean Peter Begley, Samuel James Benford, Christopher Ryan Boger, Ryan G. Bowerson, Steven Anthony Bramer Jr., Adam Joseph Branson, Johnathan Leon Bright, Aaron A. Brown, Charles Paul Bruce, Michael Joseph Brunsman, Joshua Scott Buikema, and Max Allen Colestock.

Angel Luis Colon, Lasean Antowine Colter, Michael George Coughlin, Corrie Alexander Covelli, David James Croyle, Anthrice Arnez Culp, David Donald Davis, Earl Ernest Deal Jr., Tony Chang Dicharia, Tywan Tremain Dickerson, Ryan Patrick Eder, Matthew Bernard Flaherty, Matthew Alan Gabrano, Joseph Maxwell Gibbs, Mitchel Glover Jr., Michael Aloysius Goin, James Frederick Grauvogl, Elijah David Alvis Gray, Michael Guz, Donald James Adams, Rex E. Agness, Jason Ray Amstutz, Ian Thorne Armstrong, Christopher Brian Aviles, Thomas Shawn Baker, David Matthew Barker, Michael Bauman, Kevin Lee Bell, Tracy Red Bell, Justin Lee Bladecki, Ronnie L. Bond, Shaun Alan Casto, Byron Scott Chambers, Charles Scott Clabbers, Juba Akilaerveal Cochran, Robert Allen Craft, Gary Allen Cravens, Adam Lee Davis, Craig Mathew Dryden, Spencer Lee England, Brian Dean Farlie, Joshua Aaron Filson, Shaun Fitzpatrick, Timothy Alan Fort, Steven Franklin Foss, Daniel Trent Gakle, Brian Keith Gardner, Randy Jay Gauck, Joe Gomez, John Geoffrey Grafton, Christoff Mathew Haglund, Willim Lee Hayes, Michael DeWayne Heffner, David Scott Hitz, and Matthew John Hooper.

William Austin Jarret, David Pascal Johnson Jr., Dean Arthur Jones, Stefen Michael Kaur, Joseph Ralph Kolosci Jr., Andrew Kovats, Jason Michael Landfald, Ricky Lawson, Jared Douglas Leinart, Kyle Lewis Leonard, Israel Lopez, Michael Paul Ludwig, Aaron James Malerich, Jonathan Joseph Martin, Mark Andrew Masters, Kenneth Edward Maynor, Carey Allen McCrary, Jerame Edward Miller, Dale Allen Muzik Jr., James Byron Newland, Charles Carlon Odle Jr., James Kenneth Papay, James Robert Parker, David Lee Peer, David Scott Pegg, Gregory Allen Perra, Harold Thomas Petri Jr., Paul David Price, Franklin Allen Reed Jr., Jason Keith Reed, Brian Michael Richmond, Robert Rollins, Daniel Gabriel Ronay, Aaron John Rosenfeld, Brian Michael Sardeson, Andrew Kevin Scalf, Harrold Allan Schrimsher, Damon Alan Schroeder, Blaine Daniel Schultz, David Sendejas Jr., Thomas Alan Sergent, Sean Patrick Smiertelny, Carl James Smith, Gayle Thomas Smith, Brett Robert Sobiski, Donald Jeffery Spoor, David Michael Stone, Derek William Surowiec, James Raymond Swanson, Timothy Michael Vaclavik, Omar Velez, Rodney Allen Wells, Scott Allen Williams, and Cameron Mitcheal Wright.

Marlin Lee Lloyd Wunder, Anthony Derrell Alston, Brandon R. Antkowiak, Ryan William Ayres, Derek Michael Barragan, James Basinger Jr., Kevin Joseph Bell, Matthew James Bisig, Gary Robert Blake, Jason Paul Blunt, Jacob Ronald James Boyd, Kevin Briskey, Kirk Joseph Brownson, Chandler Clint Cahoon, Tomas Ignacio Canchola, James Edward Cash, Patrick Gerard Cleary, Delbert Lee Clem, Rodrice Lenall Cole, Edward T Cooney, Jason Michael Cribari, Jose Luis Cuadra, Clyde Leonard Daniel, Brian Douglas Delcourt, Rene Delgadillo, Billy Joe Dixon, Matthew Jason Farner, Richard Flores, Richard Paul Freeman, Mark Allen Gerber, Jason Alexander Hefner, Michael Alexander Hermann, Patrick Jermaine Hernandez, Christofer D. Hoyum, Jamie Darrell Jarboe, Michael Jonson, Chester Lee Jones Jr., Michael Ryan Jones, Richard Joseph Kerr Jr., Daniel Gerard Kirby, John Harold Koch, Stephen Kometz, David John Kozinski, Rodney Allen Kreft, Melvin Oswaldo Lira, William Lito Loubriel II, John Quincy Lubbe, Rick Allen Marino Jr., Brien Michael McCartney, Ivan Lamont McIntosh, William Everett McKee III, Matthew Lawrence Mitchell, Jason Moody, Michael Raymond Murray, Spiro David Olympidis, Kenny Wayne Parks, and David James Phillips.

Jon Robert Pitts, Thomas Duane Rankin, Douglas Alan Ricca, Wesley Aaron Robertson, Samuel Victor Rogowski, William John Schissler II, Ryan Scott, Deon Scott, Anthony Joseph Schultz, Robin Laurence Siems, Andrew Wayne Sigler, Christopher Alan Smith, Bartholomew Smith, Adam James Stewart, Jerry L. Sumner Jr., Zoltan Louis Szabo, Marion Otis Thatcher, Jose Anthony Trujillo, Frank Hobert Turner III, Theodore Widin Uzelac Jr., John M. Villegas, Jerod Lee Wagner, Jerome Nathaniel Watts, Kenneth Paul Wells III, Dane Emerson Wheeler, Patrick Williamson, Lamar Benjamin Wilson, Walter Johnson Wright Jr., James Ewel Yacconi, Benjamin Thomas Zimmermann, Yvette Bell, Melissa T. Elliot, James Austin Gazaway, Steven Randall Hines, Kevin E. Kuwik, Paul Timothy South, Reynaldo Benjamin Urra, James Nelson Marker, Charles Richard Socks, Somsack Thanthima, Keith Mark Hall, Matthew John Hamater, Ruben Haro Jr., Demetrius Demonte Henderson, Jaime Demetrio Hoch, Matthew Scott Hopkins, Allen David Hughes, Charles Edward Hunter III, Muain Issa, Alvino Luis Jaime, Robert Anthony Jaso, Derrell Donte Jenkins, William Robert Johnson II, Kerry Kinney, and James Foster Knight.

Nicholas John Kowalczyk, David Marshall Kuzmar, Luis Andre Landecho, Dean Lane, Vincent Isaac Lenart, Kevin Lee Littlejohn, Jason Elliot Loebbaka, Angel Miguel Lozano, Darnell Porter Malone, Thomas Martinez, Brandon Thomas McCormick, Robert William Metcalf, William Arnett Mills Jr., Sean Minard, David Ernest Moake Jr., Donald Marvin Mull, Stephen Michael Otten Jr., Brian Scott Panzik, Gershom Richard Parr III, Bruce Wayne Pierce II, Gregory Allen Potter, Carlos Reyes, Jody Van Roberts, James Michael Robinson, Aaron Shane Santonelli, Julian Anthony Scott, Ashley Cole Sharp, Richard Smart, Terry Alan Specyal, Mark Thomas Tegtman, Jeremy Thomas, Jose Angel Tovalin, Enrique H. Uribe Jr., Aaron Michael Vance, Joseph Edgard Vedette, Michael Edgard Vician, Cornelius Horace Weathers, Aaron Michael Webb, Travis Lane Wheatley, Daniel Kareen Wiley, Larry V. Williams Jr., Danile James Wills Sr., Bryan Thomas Zabrecky, Leonard Leroy Cottom, Paul Raymond Gordon, Steve Elias Haddad, Benjamin Matthew Joy, Michael Alan Kieszkowski, Thomas Willard Lamb, Jeremy Aaron Morton, Charles Andrew Pendleton, Peter Ruvalcaba, Alan Gene Scott, John Spann Everett, Derek Randall Sutton, and Alan Earle Thomas Jr.

IN HONOR OF TIM TAYLOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mr. Tim Taylor, award-winning television journalist, devoted family man, community volunteer and friend and mentor to many, including me, upon the occasion of his retirement that follows more than forty years of excellence in broadcast journalism in Cleveland, Ohio.

Mr. Taylor worked for ten years in radio. For seven of those years, he worked as the News Director at WHK Radio, where he covered stories ranging from everyday events to pivotal moments in history, including the Hough Riots, the Kent State shootings and live coverage of the splashdown of the aborted Apollo 13 mission. Mr. Taylor also conducted in-depth, one-on-one interviews with Presidents Nixon, Ford, Carter, Reagan, Bush and Clinton. His career in TV journalism began in the early 1970s at WEWS TV–5, when he became northeast Ohio's first TV consumer advocate as "Action Reporter."

For nearly thirty years, Mr. Taylor has led the news team every weekday at Fox 8 News. His tenure as Chief News Anchor reflects twenty-five years of talent, grace and professional integrity. His kind and humble nature consistently belied his sharp intellect and keen ability to extract reason, truth and a balanced perspective from news ranging from heartfelt human interest stories to complex national issues. Mr. Taylor was awarded three Emmys and was selected by the National Academy of Television Arts and Sciences as a member of the prestigious Silver Circle. He is only the second news anchorperson ever honored with the Cleveland Association of Broadcaster's "Excellence in Broadcasting" award.

Mr. Taylor's unwavering dedication to his profession parallels his steadfast commitment to giving back to the community. Among his numerous volunteer efforts, Mr. Taylor's thirteen-year involvement with the annual Tim Taylor Golf Tournament to Benefit the Epilepsy Foundation has raised awareness and millions of dollars to assist families and individuals who suffer the devastating effects of epilepsy.

Mr. Speaker and colleagues, please join me in honor, recognition and gratitude of my friend, Tim Taylor, whose unwavering integrity and talent has permanently raised the bar on broadcast excellence in Northeast Ohio and whose genuine concern for others has uplifted our entire community. I wish Mr. Taylor, his wife Cathy, children and grandchildren much health and happiness today and throughout all days to come.

TRIBUTE TO ROBERT L. VON ROCH

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BAIRD. Mr. Speaker, Robert L. Von Roch was born on May 10, 1942 in New York, New York. The son of a German immigrant father who passed away in late 1946, Robert, along with his brothers and sisters, was later placed in a Long Island orphanage around 1951. The children grew up in that orphanage where Robert lived until he graduated from high school and entered Allegheny College in Pennsylvania and enrolled in the Air Force ROTC.

When Robert finished college he entered the United States Air Force on September 30, 1964 as a 2nd lieutenant. He later became a captain and served in the Air Force until he was honorably discharged as a veteran on September 29th, 1968.

Following his service in the Air Force Mr. Von Roch went on to graduate school to pursue a law degree at Villanova. While studying at Villanova Mr. Von Roch was recruited to work on security at U.S. embassies around the world. Mr. Von Roch was hired to provide security at different embassies as well as heading security during construction and reconstruction at various embassies. He served in Russia, Finland, Jordan and Kuwait, among other countries.

Robert Von Roch's final assignment was in Africa where he became ill and was transported to Vienna for treatment. He was later sent home to recuperate fully, but unfortunately Robert never recovered. Mr. Von Roch passed away September 3, 2005. His family misses him greatly.

HONORING MRS. HELEN CAIRO McCARTHY OF ST. LOUIS DE MONTFORT SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Mrs. Helen Cairo McCarthy as she retires from an exceptional career in education.

Mrs. Cairo-McCarthy has devoted twenty-six years to the Catholic education of students in the Archdiocese of Chicago. Just over twenty-one years of her profession were spent as a teacher at St. Louis de Montfort School in Oak Lawn, Illinois.

St. Louis de Montfort School is located in the heart of Oak Lawn Illinois. Since its foundation in 1963 the small, progressive Catholic school has been committed to excellence in education and Catholic values. A dedicated faculty and staff work diligently to serve students in the offered classes, preschool through eighth grade.

Since 1984 Mrs. Cairo-McCarthy has touched countless lives with her gentle, caring manner at St. Louis de Montfort. She has taught students spanning from grades fourth through eighth, has served as a Eucharistic Minister, has been a Minister of Care for the Homebound, has been a facilitator of the Rainbows for All God's Children program. Mrs. Cairo-McCarthy has truly been a tremendous role model for the children as well as the faculty, family and friends of St. Louis de Montfort School.

It is my honor to recognize Mrs. Helen Cairo-McCarthy of St. Louis de Montfort School for her many achievements both within and outside of the classroom, fostering the growth of a community as well as helping solidify a foundation for our future. I ask my colleagues to join me in extending many wonderful wishes for Mrs. Cairo-McCarthy as she enters into retirement. While she may not be in the classroom each day, I am sure she will continue to influence many lives throughout her new endeavors.

TRIBUTE TO RICHARD P. HOWE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to honor Richard P. Howe for his 40 years of public service to the City of Lowell. Richard P. Howe is a community leader, political activist, and dear friend.

The story of the city of Lowell is a cycle of rise and decline, a constant struggle to revive and then maintain the local economy and to always improve the quality of life of its residents. During the past decade, Lowell has been in the ascent. The fully occupied Cross Point office towers, a rejuvenated downtown symbolized by the Bon Marche building, a newly constructed ballpark and arena, and 10 new schools are the symbols of Lowell's resurgence. Many people contributed to the success of these projects. There is one person, however, whose leadership was critical to each of these projects and that is City Councilor Richard P. Howe.

First elected in 1965, Howe's electoral accomplishments alone would identify him as having great impact on the revitalization of the city of Lowell. Tonight marks the end of a 40-year career on the Lowell City council. He has been mayor 4 times (8 years) and a city councilor for longer than anyone else in the city's history.

During the first half of his career, Howe's campaign slogan was "Keep a strong voice in city government." On that note, he never let his constituents down. While his critics—not coincidentally the targets of his pointed questions and critical comments—called him an obstructionist, the voters saw it differently, reelecting him repeatedly by comfortable margins. The time of Howe's fiercest political battles was also the time of his greatest electoral success, topping the ticket on four occasions.

Finishing first once again in the 1987 elections, Howe was unanimously elected mayor in January 1988. In a January 9, 1988 Sun article entitled "Richard Howe: From political outcast to elder statesman" Terry Williams called the veteran councilor's election as mayor "perhaps the most remarkable turnabout in recent Lowell history." Williams, however, ended with a question:

> But will Howe, who made a career as a critic, be "comfortable" in his new role? And more importantly, will he be as effective as a leader as he was a dissident? The answer is critical to Lowell's future.

Events of the past 17 years have answered that question in the affirmative.

The first test of Howe's leadership abilities came within days, when the new mayor attended a hearing in the United States District Court in Boston. Judge Robert Keeton was about to place the city's schools under Federal control in response to a suit brought by the parents of minority students who alleged segregation and unequal treatment in Lowell's schools. Acceding to Howe's plea that, having just taken office, he needed some time to address the problem, the judge delayed the takeover. After numerous meetings, a city team led by Howe negotiated a settlement of the suit that prevented the Federal takeover. As a result of this desegregation settlement the city was able to secure funding for 10 new schools, making the physical plant of its school system the envy of every community in the State.

The city council ratified Howe's leadership by again electing him mayor in 1990, the first time in Lowell's history that a mayor served consecutive terms.

School desegregation was not the only problem that made this period a turbulent one. The influx of 30,000 Southeast Asian immigrants strained the city's resources to the breaking point. During this period, Howe made frequent trips to Washington where he persuaded Senator EDWARD M. KENNEDY to secure additional funds for the city to ease the strain. More importantly, Howe's principled and practical approach to Lowell's newest immigrants set the example for the rest of the city. The relatively smooth and rapid integration of an enormous population of new comers into Lowell's fabric is a remarkable and under appreciated story.

Economic difficulty returned, however. Banks were seized by the FDIC, foreclosures abounded, and Wang filed for bankruptcy. City government faced a $14 million deficit. The city council of 1992–93 seemed powerless—or unwilling—to respond. That all changed with the election of November 1993 when the voters elected 6 new city councilors. They, in turn, elected Richard Howe mayor.

Mayor Howe played a major role in putting together the city council votes necessary to construct the Paul E. Tsongas Arena and Edward LeLacheur Field. No one played a greater role in securing an arena for Lowell than

Paul Tsongas. But Tsongas, whose first vote on the Lowell City Council in January 1970 was to elect Richard Howe mayor, realized that unless you get a majority vote of the city council, no project would succeed. He also realized that Richard Howe, through the strength of his personality and the wisdom of his experience, had an unsurpassed ability to put those votes together.

While votes on the arena and baseball park are better known, Howe's leadership proved critical to the success of two other and equally important projects during this term. The city and the region were shocked when the Wang Towers were sold at auction for only $525,000. Renaming the complex Cross Point, the new owners needed the city's help—in the form of a $4 million letter of credit—to land Nynex as its anchor tenant. Viewed in light of Cross Point's subsequent sale in 1998 for $110 million, the vote on the letter of credit could be viewed as a "no brainer." Nothing could be farther from the truth, however, because the vote to extend the letter of credit faced substantial opposition and succeeded only because of Howe's decisive leadership on the floor of the city council.

This scenario was replayed with the Bon Marche renovations. That building, long the anchor of downtown, had stood vacant and decaying for years until two local residents proposed its redevelopment. The finances would not work without city government providing a major tenant. In spite of strong opposition by some members of the school committee, Howe persuaded a majority of that board to lease two floors of the building for the school department headquarters, and convinced the city council to pay a portion of the rent. Bon Marche was a success, winning an award for historic preservation; it has resumed its former prominence in downtown Lowell.

In Lowell, during the past 40 years, Richard P. Howe has been a strong and independent voice in city government. Cross Point, the Bon Marche building, the Tsongas Arena, LeLacheur Field, and 10 new schools are monuments to his leadership.

CONGRATULATING THE Y.O. RANCH ON ITS 125TH ANNIVERSARY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BRADY of Texas. Mr. Speaker, people leave footprints on the land, but as most private property owners in Texas know, land leaves bigger footprints on people. The brave families that ventured to Texas when Texas was just bare land left an imprint on the land and in the souls of all who live in or around the legacies they leave behind. This is perfectly embodied in the Historic Y.O. Ranch in the heart of the Texas Hill Country. Five generations of the Schreiner family folks have left their indelible prints on the Y.O.

I want to congratulate the Hill Country for taking care of this legend and the Schreiner family for continuing the legacy of the Y.O. Ranch as they join together in their 125th Anniversary Celebration on December 31, 2005.

This legendary ranch sprang from a young man's dream and his family's determination to keep the dream alive. In 1852, 14-year-old Charles A. Schreiner arrived in Texas with his family—18 days later his father died and for the next 2 years Charles helped his family get by. When he turned 16, he enlisted in the Texas Rangers. When he "retired" from the Rangers 2½ years later, Charles took up ranching.

Charles, who was known as Captain Schreiner, began buying up Hill Country property and cattle. During this period, more than 300,000 head of Texas Longhorns bearing his brand trailed up to Dodge City laying the foundation of the Captain's empire. Part of this empire included the present day Y.O. Ranch, which the Captain purchased in 1880.

During his life, the Captain continued to gather land, launch successful enterprises and contribute to his community. In 1917, when he was 79 years old, the Captain divided his holdings, which included 566,000 acres of land, equally among his eight children. Walter R. Schreiner, the Captain's youngest son, was the owner of 69,000 acres located about 40 miles northwest of Kerrville now called the Y.O. Ranch. In 1922, Walter married Myrtle Barton a decision that not only gave the Y.O. a woman's touch, but another leader.

In 1933, Walter died, leaving the Y.O. to his wife, Myrtle and his young son, Charlie III. When Walter died at the heighth of the Great Depression, Myrtle knew nothing about running the ranch, but circumstances forced her to learn quickly and to learn well. She stepped up to the vast challenge of keeping the legacy alive.

Myrtle relied on her brother-in-laws, Gus and Louie Schreiner. By sticking to cattle, sheep and goats, Myrtle kept the ranch afloat and then some. Not bound by convention, in 1943, Myrtle leased the ranch to Petty Geophysical Engineering, not for oil and gas exploration, but for hunting. She pioneered a practice that has been adopted as an income generator on almost every ranch in Texas and has been a vital part of the Y.O.'s economic picture ever since.

Charlie III grew up on the ranch and learned ranching from the ground up, preparing to take on his share of the responsibility. In the aftermath of the drought of the 50s, Charlie III began his relentless pursuit of Longhorns. He had strong feelings for the animals and the role they'd played in developing the West and the Y.O. but the drought drove home the importance of having a hardy, resilient breed of cattle for tough times in tough country. Charlie III not only built the largest quality Longhorn herd in the world, but recruited other cattlemen to the cause and eventually helped found the Texas Longhorn Breeders Association and is widely credited with single handedly saving the longhorn breed from extinction.

Charlie III also undertook another notable conservation project providing a home to exotic wildlife a business that other ranchers later entered. The first animals released were blackbuck antelope and Aoudad sheep, which proved that higher fences were necessary. Today, the Y.O. is home to more than 60 exotic species, many of which are available for hunting.

Charlie III didn't introduce exotics with the intention of establishing a hunting program, but as the animals thrived and reproduced the numbers had to be managed. Plus, hunting is another source of revenue and is a vital part of the ranch's newest undertaking the people business. Other wildlife includes white-tailed deer, wild hogs, wild turkey, axis deer, eland antelope, sika deer and fallow deer.

Charlie III and his sons, Charlie IV, Walter, Gus and Louis, over the years, diversified into photography safaris, Y.O. Adventure Camp for children, corporate retreats and the Y.O. Ranch Steakhouse in Dallas's West End. But perhaps the biggest foray into this area came in 1986, when the Schreiner family set aside 11,000 acres to be sold as home sites for people who weren't born on the Y.O., but wanted to get to the Hill Country as soon as possible. The Schreiner family has worked hard to make it easy to for people to call the ranch home. Inside the high fence that surrounds Y.O. Ranchlands, buyers can choose from tracts ranging from 50 acres to 125 acres, all of which showcase the Hill Country's rugged beauty.

The ranch, then and now, survived strictly on the skills, creativity and determination of the owners. Fighting off Indians, outlaws, Wars, The Depression, Droughts, Estate Taxes, Divorces and Mother Nature, generations of Schreiners—and now landowners who've "joined the family"—continue to care for the beautiful Hill Country of Texas and preserve Texas's proud ranching heritage.

I wish Charlie IV and the rest of the Y.O. Schreiner family (all 17 of them) the best of luck in the future and am proud to congratulate the Y.O. Ranch on its 125th Anniversary.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. HYDE. Mr. Speaker, on December 13, 2005, I was absent for several votes for personal reasons. Had I been present, I would have voted: vote No. 623, Korean American Day, "yes"; vote No. 624, Presidential $1 Coin Act, "no"; vote No. 625, Small Public Housing Authority Act, "yes."

TRIBUTE TO EDWARD A. "ED" PENICHE

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CULBERSON. Mr. Speaker, I rise today to honor my constituent, Edward A. "Ed" Peniche, of Houston, Texas. He has made an immeasurable contribution to America through two outstanding careers—first with the U.S. Army as an airborne soldier, and following his military retirement—achieving advanced degrees that enabled him to embark on a second career as a college professor. This career has been the fulfillment of Ed's childhood dreams for a better life.

Ed was born on June 25, 1925 in Progreso, Yucatan, Mexico. He was the oldest of eight children. His parents were not highly educated, but they instilled in their son the value of an education. To that end, he immigrated to the United States on December 7, 1942 on a student visa to pursue education that was what was not available to him in Mexico.

Ed arrived in Paducah, Kentucky with four dollars in his pocket and stayed with an aunt and uncle while attending high school. During this time, World War II was being fought, and on September 27, 1943, Ed entered active duty with the U.S. Army. He was trained as an airborne infantryman, and served with valor in combat from shortly after D-Day to VE-Day (Victory in Europe.)

Ed is very proud of his airborne training, which instilled in him a "can do" attitude despite all adversities. He served proudly and heroically with the 101st Airborne Division during the Battle of the Bulge, which started on December 16, 1944. This was the greatest battle in the European Theater of World War II. Victory came with ferocious fighting at a cost of thousands of American casualties, but it provided a opening for General Patton's Third Army to march into the heart of Germany, which ultimately led to the unconditional surrender of the Nazi regime on May 8, 1945.

Ed was in Bastogne for eight days to hold the town despite repeated German ground assaults, continuous artillery and rocket bombardment, sub-zero temperatures, and bad weather conditions that prevented Allied air power from supporting the surrounded Americans. Despite these conditions, the 101st Airborne Division courageously held their ground and General McAuliffe famously replied "Nuts!" to the German Commanding General's offer to accept surrender or face immediate annihilation.

Ed was wounded in combat action on January 3, 1945 at Longchamps, Belgium, for which he received the Purple Heart Medal. He was assigned to a 57 mm anti-tank gun that was credited with knocking out three German tanks, and supported the destruction of seven other enemy tanks before an exploding German shell destroyed Ed's gun. Despite his own wounds, Ed voluntarily exposed himself to enemy fire to report the situation and guide medical aid men to the casualties in his unit. For his heroism on that day, he was awarded the Bronze Star Medal with "V" device indicating his personal valor in the engagement. Ed was also awarded a second Bronze Star Medal for meritorious achievement in ground combat against enemy forces in the European Theater of Operations.

After the war, Ed served a brief stint in the Mexican Army and was co-founder of their Parachute School. He returned to the U.S. in 1952, and re-enlisted in the U.S. Army. Ed became a U.S. citizen on February 25, 1953, and on October 6 married Lois Dean "Deanie" Baggett of Paducah, KY. They had three sons, John, Carlos and Frank, six grandchildren to complete Ed and Deanie's family circle.

Ed completed his undergraduate degree by taking night courses while he served on active duty. He was awarded an AA degree in Liberal Arts from George Washington University in 1966, and a BGS degree in Political Science and History from the University of Nebraska-Omaha in 1969. An extended tour of duty in Vietnam lasted from January, 1959 to July, 1962. He was awarded the Joint Services Commendation Medal, Army Commendation Medal, and Good Conduct Medals prior to his retirement from active duty as a U.S. Army Sergeant First Class in 1970.

Retirement allowed Ed to pursue graduate work full time at Murray State University in Kentucky. He was awarded a MA degree in Spanish-American Literature in 1971. Additional graduate work was done at the University of Virginia and the University of Texas.

Ed was a college professor at Central Virginia Community College in Lynchburg, Virginia for 22 years, and was awarded the title of "Professor Emeritus" on May 14, 1996. He was also a professor at Kingwood College, Texas until he retired from active teaching at the age of 74. He keeps busy by speaking at veterans' events and attending memorial commemorations honoring his fallen comrades at the Battle of the Bulge in Longchamps, Belgium.

Edward A. Peniche is the embodiment of the "American Dream." He achieved his ambitions through hard work and self-motivation, and the tireless support of his wife Deanie. Ed has said on more than one occasion "I am most proud that I lived the American dream. This is the greatest country on earth!"

Mr. Speaker, I am very proud to honor Ed Peniche's many lifetime achievements, and wish him and his beloved Deanie much happiness and good health in the years to come.

HONORING THE PERFECT FOOTBALL SEASON OF THE TROUSDALE COUNTY YELLOW JACKETS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. GORDON. Mr. Speaker, today I rise to recognize the championship season of the Trousdale County Yellow Jackets. The Yellow Jackets brought their perfect season to an end by winning the 2005 Tennessee Secondary School Athletic Association's Class 1A state championship.

Residents of Trousdale County, Tennessee, can be proud of their Yellow Jackets. Through determination and hard work, the team dominated their opponents with five shutouts and finished the season with a perfect 15–0 record.

In the state title game, the Yellow Jackets went on a rampage, scoring seven touchdowns and holding the Union City Golden Tornados to only two touchdowns.

Trousdale County High School has a long history of football supremacy. The Yellow Jackets have made the playoffs every year since 1988, and this year's championship win marks the sixth time since state playoffs began in 1969 that the team has won the title.

I commend the Yellow Jackets and their head coach, Clint Satterfield, for a fine season and an outstanding championship win. Kevin Creasy, Phillip Dean, Jackie Dillehay, Jason Dobbs, Jason East, Eric Eden, Adam Keeton, Steve McClain and Ronnie White serve as the team's assistant coaches. Toby Woodmore is Trousdale County High School's principal.

I congratulate all the talented members of the 2005 1A State Champion Yellow Jackets: Dustin Dillehay, Marco Wright, Jared White, Blake Satterfield, Nelson Harper, Sammuel Dunn, Terrian Luster, Cal Welch, Creigh Hall, Michael Ring, Blake Merryman, Leroy Wooten, Josh Cunningham, John Scruggs, Justin Payne, Maurice Harris, Kendall Belcher, Kenneth Pedigo, Zach Porter, Derek Dunn, Tim Cunningham, Trondez Burnley, Shane Johns, Curt McGowan, Jeffrey Butcher, Terrance Calhoun, Krieg Story, Phillip White, Austin Dillion and Steven Angel.

A TRIBUTE TO BILL LEWIS

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today and ask my colleagues to join me in paying tribute to Mr. Bill Lewis, a great American. Mr. Lewis passed away Saturday, November 26, 2005 at the age of 84. As an outstanding resident of Wilson County and as its first Director of Agriculture, I know that I speak for the masses when I say that he will be greatly missed.

Mr. Lewis was born in Fairmont, North Carolina and attended North Carolina State University where he graduated in 1942 with a degree in Agricultural Education. He served the United States of America from 1942 until 1945 as a member of the Army Air Corps in the Pacific Theater. He was discharged as a Captain.

Mr. Speaker, after leaving the Army Air Corps, Mr. Lewis began work with the Agriculture Extension Service in 1948 as an Assistant County Agent working with Turkish tobacco at North Wilkesboro. Two years later he relocated to Wilson County.

Mr. Lewis served the people of North Carolina his entire life. He established Wilson County's Agriculture Extension program which continues to serve the County well. He served as President of the North Carolina Association of County Agricultural Agents (NCACAA) from 1968–1969 and was also Chairman of NCACAA in 1971. He was a member of the National Committee of Extension programs in 1971. Mr. Lewis also served as Agriculture Advisor to North Carolina Governor Jim Hunt where he was able to ensure North Carolina's agricultural success.

Mr. Speaker, Mr. Lewis was awarded for his great contributions to North Carolina agriculture when he was presented with the Distinguished Service Award from Wilson's Kiwanis Club in 1962. Mr. Lewis was also recognized in 1972 by Southern Tobacco Journal and served as Chairman of the extension programs committee of NACAA from 1973 until 1974. Under his Directorship, the Wilson County extension staff was recognized on two occasions by the Epsilon Sigma Phi Fraternity for team work and total performance.

Mr. Speaker, I value this opportunity to pay tribute to such an outstanding citizen. I ask my colleagues to join me in acknowledging the outstanding contributions of Mr. Bill Lewis to the state of North Carolina and to this Nation.

TRIBUTE TO FIRST LIEUTENANT CHRISTOPHER JOHN BUSCAGLIA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor 1LT Christopher John Buscaglia of the 110th Mountain Division of the United States Army. A native of Western New York, Lieutenant Buscaglia exemplifies the character and good will of our community.

Following his graduation from high school, Lieutenant Buscaglia stayed in Buffalo to attend Canisius College. There, he majored in history and excelled academically. Outside of the classroom, he played the French horn in the college band, was a talented photographer for the campus newspaper, and, for three consecutive summers, spent 2 weeks in Mexico City, running a day-camp for neighborhood kids.

Walking through the halls of Canisius, Lieutenant Buscaglia looked like any other student. But if you saw him running down Main Street early in the morning before classes or spending his vacations in camouflage at Fort Drum, Lieutenant Buscaglia looked much different. In addition to all his academic and extra-curricular accomplishments, he spent his free time training to become an officer in the United States Army.

After graduation in 2004, Lieutenant Buscaglia was commissioned and, for the last 5 months, has served with distinction as an intelligence officer and platoon leader in Iraq. Because of his dedication to duty, Lieutenant Buscaglia has recovered information that prevented numerous insurgent attacks and saved American lives. Appropriately, he has received outstanding ratings from senior officers and the respect of his fellow soldiers.

Mr. Speaker, the debt we owe to our servicemen and women can never be fully repaid—they protect our shores, our families, and our democratic government. Lieutenant Buscaglia put his bright future on hold and volunteered to fight on our behalf. I thank him today for his dedication to the safety of all Americans and his willingness to serve our Nation.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. MENENDEZ. Mr. Speaker, I rise to offer a personal explanation. Last Thursday, I was unable to vote on tabling the motion on H. Res. 591, a resolution raising a question of the privileges of the House (rollcall No. 622), due to an unavoidable commitment in New Jersey. Had I been present, I would have voted "no" on rollcall vote 622.

CONGRATULATING THE HIGHLAND PARK SCOTS FOOTBALL TEAM FOR WINNING THE TEXAS CLASS 4A DIVISION I HIGH SCHOOL CHAMPIONSHIP

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to congratulate the Scots of Highland Park High School in Dallas, Texas for winning their first State Championship in almost half a century, defeating the Marshall High School Mavericks by the largest margin of victory in Texas High School eleven-man Football Championship history. I am proud to represent Highland Park as part of the 32nd District of Texas.

Head Coach Randy Allen and his team put on an impressive display at Tyler's Rose Stadium in front of over 14,000 fans plus several thousand more who couldn't get in due to a lack of seating. It was a fitting end to their first-ever undefeated, untied season of 15–0. Highland Park dominated the competition throughout the season on their way to their first State Championship appearance since 1957, with only one game in the entire season decided by 7 points or less.

This team and its fans have certainly waited a long time to reach this point. They have come extremely close to reaching the final game several times in recent years, but have always come up just a little shy. Twice in the past 10 years the Scots have seemingly been within arm's reach of the championship game, losing in the semifinals in both 1996 and 2003. After having come so close with such talented teams, they and their fans were very ready to return to glory.

Their avid fans came out in droves to support them in the championship game, even prompting the operators of the Rose Stadium to erect more seats at the last minute to accommodate up to 2,000 more fans. They also lobbied successfully to have the game broadcast live so that all of the Highland Park faithful who were unable to get tickets to the game could at least watch from afar as their beloved Scots brought home their first championship in 48 years.

The 2005 Scots, dubbed the "Band of Brothers," fielded quite a large and talented team. It consisted of 116 total players, including at least one national standout. Matthew Stafford, the Scots quarterback, broke the school's passing record on the team's road to victory by throwing for over 8,000 yards in his three seasons at the helm. Stafford, considered by some to be the top recruit in the country at his position, will attend the University of Georgia next year. Another notable performance was that of senior Jake Feldt, who scored an incredible five touchdowns in a valiant effort for his team during the championship game.

In closing, I would like to honor the Highland Park Scots Football Team, HP coach Randy Allen, and the Community of Highland Park for their spirit, dedication, and winning attitude in their best season in a historically competitive program.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. FORTENBERRY. Mr. Speaker, on Tuesday, December 13, 2005, I was unavoidably detained due to the birth of my daughter, thus I missed rollcall votes Nos. 623, 624, and 625. Had I been present, I would have voted "aye" on all three votes.

CELEBRATING THE CITY OF FREMONT, CALIFORNIA'S 50TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. STARK. Mr. Speaker, I rise today to recognize the city of Fremont, California's 50th anniversary. Fremont is the largest city in the 13th Congressional District. When Fremont incorporated in 1956, it had a population of approximately 22,000 residents. Today, Fremont residents number over 210,000, nearly 10 times the population of 50 years ago.

The Ohlone people and their ancestors had occupied Fremont for thousands of years when Spanish priests arrived from Mexico and founded Mission San Jose in 1797. After Mexico won independence from Spain in the early 1800s, an appointed administrator divided the mission lands into four large tracts known as Rancho del Agua Caliente, Rancho Arroyo de la Alameda, Rancho Portero de los Cerritos and Mission San Jose.

John C. Fremont arrived in the 1840s to map a trail through Mission Pass. California's admission to the United States and the Gold Rush stimulated further migration to the area, attracting people from all parts of the world. By 1853, the communities of Mission San Jose, Centerville, Niles, Irvington and Warm Springs had formed themselves into Washington Township. The City of Fremont officially came into existence on January 23, 1956, when citizens of these communities voted to incorporate their town to form a single city.

Fremont is one of the most ethnically and culturally diverse cities in the United States. Over 137 languages are spoken; its residents come from all 50 states within the United States as well as 155 countries throughout the world.

The celebration of Fremont's 50th anniversary promises to be as unique as Fremont itself. Celebrate Fremont's mission is to enhance the quality of life in the Fremont Community, now and for generations to come by serving all segments of the community by promoting the vitality of nonprofit organizations, fostering volunteerism and serving as a vital resource that promotes and enhances community activities including but not limited to those civic, cultural, and educational activities that celebrate the past, present and future of Fremont.

I join the City of Fremont's civic leaders and its residents in celebrating Fremont's 50th anniversary. The motto for the celebration is "creating a legacy for tomorrow by cherishing our past and connecting with our present." This celebration offers the city an historic opportunity to celebrate its past, while uniting its diverse community and historic districts around a shared vision for the future. Happy Birthday Fremont and best wishes for continued success as a model city.

REINTRODUCTION OF THE VETERANS HOUSING FAIRNESS ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mrs. MALONEY. Mr. Speaker, today I reintroduce legislation that allows veterans to use their guaranteed VA loans to purchase cooperative housing units. FHA and other government agencies already have programs to give loans for co-operative residential units, and most banks accept co-operative shares as collateral. The Department of Veterans Affairs should do the same. For many veterans who live in communities where co-operative housing is common or where the cost of houses and condominiums can be high, a co-operative residential unit is an affordable alternative.

HONORING THE 100TH ANNIVERSARY OF WATERTOWN, TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. GORDON. Mr. Speaker, today I rise to recognize the 100th anniversary of Watertown, Tennessee, which I have the honor of representing in this esteemed body.

The community in Wilson County was originally known as Three Forks, but the town's Postmaster, Wilson L. Waters, changed the name to Waterstown. Eventually, the town's name changed one final time to Watertown. The town was incorporated in 1905 as a result of a devastating fire in 1903. Today, Watertown's residents enjoy a quality of life that is second to none.

Throughout history, Watertown has been home to several thriving businesses. Williams Pin Mill put the community on the map, as it was the largest manufacturer of threaded insulator rods in the world. Another notable business is the Watertown Bed and Breakfast, the only structure that survived the numerous fires, including the great fire of 1903, that ripped through Watertown during its adolescent years.

The citizens of Watertown embrace their community, and that spirit has made it the flourishing town it is today. The Watertown Jazz Festival, a popular musical event held in July, draws crowds from hundreds of miles away. Another famous attribute is Watertown's Excursion Train. These passenger trains, operated by Tennessee Central Railway Museum, take riders on a scenic tour of Middle Tennessee.

I congratulate Watertown on this anniversary, and I hope the next 100 years are as prosperous and progressive as the first 100 years.

HONORING MR. J.W. ANDREWS ON THE OCCASION OF HIS BEING HONORED WITH "J.W. ANDREWS ROAD"

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. BONNER. Mr. Speaker, today I rise to honor Mr. J.W. Andrews of Preswick, Alabama, on the occasion of his being honored by his community with the naming of the "J.W. Andrews Road" in Jackson, Alabama.

Mr. Andrews was born on August 30, 1919, and he has dedicated much of his life to the service of Clarke county. He married the former Ida B. Tiggs, and they had four children. He is the owner of Andrews Funeral Home in Jackson, Alabama; a business in which he remains active to this day.

In 1978, Mr. Andrews became president of the Clarke County Voter's League. In this position, he ensured African Americans were able to serve as deputy registrars with the Clarke County Board of Registrars.

In 1981, Mr. Andrews was recognized by then Alabama Governor Fob James who praised him for his support in the successful passage of a responsible education budget.

Mr. Andrews was also the first African American to serve on the Clarke County Board of Education, a capacity in which he served for two years.

In 1985, Mr. Andrews became the first of two African Americans to ever be elected to the Jackson City Council. He served on the city council for over 14 years in district one.

I ask my colleagues to join with me in congratulating J.W. Andrews for both the great success he has enjoyed in his life and his outstanding representation of the Clarke County, Alabama. I know his wife Ida, his children, many friends, and colleagues are also proud of him, and I wish Mr. Andrews and his entire family much health and success in the years ahead.

U.S. STATE DEPARTMENT'S SUPPORT OF CROATIA'S MEMBERSHIP IN NATO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. RADANOVICH. Mr. Speaker, I would like to enter this letter into the RECORD. The letter focuses on the importance of the U.S. State Department's support of Croatia's membership into NATO.

NATIONAL FEDERATION OF
CROATIAN AMERICANS (NFCA),
Washington, DC, Nov. 3, 2005.

Re Resolution on The Republic of Croatia and NATO Membership.

The Hon. ELTON GALLEGLY,
Chairman, Europe and Emerging Threats Subcommittee, International Relations Committee, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Federation of Croatian Americans (NFCA), I want to commend and thank you for the courageous leadership you have shown by introducing H. Res. 529. The NFCA was pleased to contribute to the Resolution's development, and we stand ready with our national community to assist you in generating support for its expeditious passage in the U.S. Congress.

The U.S. State Department may object to some of the language in this Resolution, since over time the State Department has ramped up its requirements related to Croatia's membership in the North Atlantic Treaty Organization (NATO). This Department's requirement for support of Croatia's entry into NATO has actually morphed from 'complete cooperation with the International Criminal Tribunal for the former Yugoslavia, ICTY, in the pursuit of the remaining indictee' to 'the capture and delivery of the remaining indictee to The Hague'. The State Department holds to this position in spite of the fact that the ICTY Chief Prosecutor claims that the remaining indictee is hiding in an Italian monastery protected by the Vatican. The ICTY Chief Prosecutor has further asserted that Croatia is now completely cooperating with the ICTY. Furthermore, the new government of Prime Minister Ivo Sanader has affirmed the Government of Croatia's commitment to cooperate fully and continue to take all necessary steps to locate and transfer the remaining indictee to the ICTY. After complying with 626 demands of the ICTY, the people of the free and democratic Republic of Croatia deserve better treatment from the United States and they have certainly earned our strong support expressed so well in this Resolution.

We agree with the view that stability in South Central Europe is of a very high priority, and that Croatia has become a valuable, constructive partner in this delicate region. Given the potential for future regional conflicts, NATO should want to take advantage of the greater contribution that Croatia would make toward peace and stability as a full member of NATO. As you know, Montenegro may wish to break from Serbia in the future, and Kosovo is considering its own independence. Furthermore, Bosnia and Herzegovina has yet to be reconstituted into a nation-state that can equitably govern its three ethnic constituencies. And, unfortunately, The Serbian Radical Party—using Republika Srpska as a foothold—openly promulgates activities oriented towards the creation of a Greater Serbia, which may also include current parts of Croatia. These potentially explosive situations require the stability that a NATO presence in Croatia will provide.

I am taking the liberty of providing a copy of this letter to your Subcommittee's Ranking Member, Representative Robert Wexler, and to the Co-Chairs of the Croatian Caucus, Representatives George Radanovich and Peter Visclosky, who we believe will be helpful on this matter. If I may provide anything further, please do not hesitate to contact me directly or our NFCA Government Relations Director, Mr. Joseph Foley. Thank you again for your important continued support for Croatia's NATO membership.

Sincerely,

EDWARD A. ANDRUS,
President.

PERSONAL EXPLANATION

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 13, 2005

Mr. MARSHALL. Mr. Speaker, CORRECTION: I intended to vote against the U.S.-Bahrain Free Trade Agreement and attempted to do so. Upon inquiring with the clerk why my vote was recorded as a "yes" instead of a "no", the clerk checked the electronic record and discovered that I had pressed the "no" button several times on the preceding vote. At no time did I intend to cast a "yes" vote on the agreement. To date, I have voted against every trade agreement that has come up while I have been in Congress, including the agreement with Bahrain.

TEXAS NATIONAL GUARD—RETURNING FREEDOM FIGHTERS——

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. POE. Mr. Speaker, a National Guard unit is coming back home to Texas. On Saturday, December 17, 2005, the 1st Battalion 133rd Field Artillery will be welcomed back home to the Beaumont Armory, in Beaumont, Texas after bravely serving the past year in Iraq. In August 2004 the Texas Army National Guard deployed the 56th Brigade Combat Team of the 36th Infantry Division, to go to Iraq. They trained for four months in Ft. Hood, and got to Iraq in December of 2004.

The 133rd Field Artillery has a long-standing history. This was the same famous Texas Army National Guard Division that landed on the beaches of Anzio, Italy during WWII, liberated Rome and freed hostages in Dachau, Germany.

They continued this long-standing tradition in Iraq where they conducted offensive operations, deny and destroy operations, combat logistic patrols and civil military affairs operations. They built schools, hospitals, and won the hearts of the Iraqis they met along the way.

In January, I had the privilege of going to Iraq to witness the first elections. I met with our military and saw firsthand their accomplishments in their fight for Iraqi freedom.

Mr. Speaker, freedom has a price. Our troops are paying that sacrificial price for the Iraqi people and world freedom. Unfortunately, the 56th Brigade Combat Team lost 6 members during their fight for freedom and I would like to extend my prayers and our condolences to their family and friends. They were making a difference in the world when they gave their life. Their bravery, dedication and patriotism will never be forgotten.

President John Kennedy once said, "The cost of freedom is always high, but Americans have always paid it. And one path we shall never choose, and that is the path of surrender, or submission." We have chosen the right path, the hard path, the freedom path. We will persevere with the freedom loving people of Iraq until the journey down this path is successfully completed.

The 133rd operated in the Sunni Triangle, Tikrit, Tillal, on the Jordanian Border and in Baghdad and it is my pleasure to welcome them back to Beaumont, Texas today. I would like to extend a sincere thank you to all the members of the 133rd and all the men and women of the United States Armed Forces. They have honored us with their commitment to Texas and the Nation, and the citizens of America and Iraq owe them a debt of gratitude. They are America's best. They are the sons and daughters of liberty, they are freedom fighters. They make us proud.

I join the citizens of Texas's 2nd Congressional District in paying the utmost respect to the 1st Battalion 133rd Field Artillery. Through their service, Iraq is a free democracy, and America remains the land of the free and the home of the brave. That's just the way it is.

RECOGNIZING SCOTT TUCKER, THE SAN FRANCISCO DISTRICT MANAGER OF THE U.S. POSTAL SERVICE, WHO IS RETIRING AFTER 13 YEARS OF EXCELLENCE IN SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Mr. Scott Tucker, District Manager of the San Francisco District of the U.S. Postal Service. Mr. Tucker has served the San Francisco/Bay Area with distinction for thirteen years. On January 1, 2006, Mr. Tucker will retire from his post as District Manager.

Under Mr. Tucker's supervision, the San Francisco postal district has been recognized continually as having one of the best on-time mail services of any metropolitan area in the nation. When one considers that Mr. Tucker oversees a workforce of 10,400 employees who are responsible for delivery of nearly 10 million pieces of mail daily, to 3 million customers in San Francisco, the Peninsula and throughout Northwest California from Sunnyvale to the Oregon border—the success of his district has been no simple feat.

Mr. Speaker, Scott Tucker began his postal career in 1968 as a letter carrier in Hanford, California. During his career with the Postal Service, he has held a succession of managerial positions in postal operations, ascending to his current post in 1992. Throughout his career, Scott Tucker has been recognized by a multitude of community organizations for his outstanding service.

As lead executive for the San Francisco postal district, Mr. Tucker worked aggressively to heighten awareness of the multicultural groups within the District. Establishing diversity leadership advisory councils including a Women's Council, African American Council, Asian American/Pacific Islander Council and Hispanic Council, Scott Tucker was named the recipient of a diversity leadership achievement award presented by the Bay Area Federal Executive Board, for these efforts.

However, Mr. Speaker, Scott Tucker's accolades do not end here. Additionally, he was recognized by the Federal Asian Pacific American Council for promoting Diversity/Equal Employment Opportunity in the workforce. He also earned the Excellence in Public Service Award from the Chinese American Voters Education Committee for his community service.

Mr. Tucker's fine work reached overseas to military service personnel stationed abroad earning him honors by the Joint Military Postal Activity-Pacific. The California National Guard also recognized Mr. Tucker for his support of our troops in Iraq, some of whom are postal employees with reserve status that were called to duty.

Mr. Speaker, under Mr. Tucker's leadership, the San Francisco District received the "Order of Yellow Jersey" for nine consecutive quarters, a prestigious award that recognizes a Postal district for excellence in customer satisfaction and commitment to professionalism.

Last but not least, in the culmination of his dedication in service to the people of the San Francisco Postal District, Mr. Tucker was the recipient of the Postmaster General Award, one of the top awards given to postal executives.

Mr. Speaker, I ask my colleagues to join me in this great opportunity to recognize one of our finest public servants, Mr. Scott Tucker. Please join me in wishing Scott Tucker a happy and fulfilling retirement.

CONGRATULATIONS TO ALCOA HIGH SCHOOL'S TORNADO FOOTBALL TEAM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. DUNCAN. Mr. Speaker, on December 2nd of this year, the Alcoa High School Tornado football team finished its season as the 2005 Class 2A Tennessee state champions after defeating Goodpasture High School of Nashville, 55–13, at this year's championship game in Murfreesboro, TN. This is Alcoa's second straight state championship and the seventh state title in Alcoa High School's history.

This victory capped off an outstanding season for Head Coach John Reid's Tornados as they amassed a record of 14–1. They did so behind the leadership of only nine seniors and a dominant offensive attack led by outstanding play of Quarterback Joei Fiegler, Brandon Warren, recipient of the Mr. Football award as the state's finest player, and Dustin Lindsay, also a finalist for the Mr. Football award and a future University of Tennessee Volunteer.

The Tornado offense lit up scoreboards this season as they scored 40 or more points a remarkable ten times this season, had an amazing five game stretch in which they scored 68, 52, 55, 69 and 91 points respectively and became the first team in Tennessee High School football history to average more than 50 points a game throughout the playoffs.

Mr. Speaker, I ask the readers of the CONGRESSIONAL RECORD and my fellow colleagues to join me in congratulating Head Coach John Reid and the Alcoa High School Tornado football team for their outstanding victory. I also include the following news article printed in the Maryville Daily Times. The team's leadership, strength, and determination should be recognized by all, and their sportsmanship and dedication are at a level that should be followed by every high school team in this Country.

[From the Maryville Daily Times: Dec. 3, 2005]

SHIVERDECKER, HICKS NAMED MVPS

(By Kelly Franklin)

Shooting fish in a barrel would be similar to the job faced by TSSAA officials in choosing Most Valuable Players after Alcoa's state championship victory over Goodpasture on Friday night.

For the record, the offensive hardware was won by Chris Shiverdecker and Bart Hicks took the defensive trophy. Both were well deserved.

Shiverdecker finished with three touchdowns including a back-breaking, 86-yard kickoff return, and ran for 126 yards on 13 carries.

Hicks led the stiff Alcoa defense with nine tackles, including five solo stops. Using a new 5–2 formation with Hicks roaming from sideline to sideline, the defenders didn't allow Goodpasture to crack the end zone until Alcoa was already up 34–0 late in the third period.

But there was no shortage of other candidates.

As Claude Rains said in the classic movie Casablanca, "Round up the usual suspects."

Start with Dustin Lindsey, just as the Tornadoes did. Perhaps feeling snubbed by missing out on the Mr. Football award, the future Volunteer scored Alcoa's first two touchdowns and added another on a 47-yard catch-and-run to give his team a 34–0 halftime lead.

He also added 55 rushing yards, contained the Goodpasture run game from his defensive end-linebacker position, and added a fumble recovery for extra measure.

Then consider how often a quarterback is going to tie a state championship record for touchdown tosses and not be chosen.

Joei Fiegler tied that mark in one quarter, as he went 4 for 4 in period two.

That's four completions, four scores. He finished with nine completions on 11 attempts for 140 yards. Only a pass interference call against Goodpasture early in the fourth quarter prevented the mark from being his alone. As in many Alcoa games this year, the left-hander basically shut down his passing attack at the half once the lead was firmly established.

Fiegler, whose current short-list of colleges includes Louisville, North Carolina State and Southern Miss, also punted for a 41-yard average. His first boomer was mishandled by Goodpasture, recovered by Logan Love (speaking of unsung heroes) and converted into the first Alcoa score of the night.

Throw in Kyrus Lanxter, with two touchdown receptions, and Brian Sommer, who picked off his 12th interception of the season to set up Lanxter's first score.

Alcoa head coach John Reid even offered up a dark-horse entry for MVP status, the offensive line.

"What about the O-line?" asked Reid when queried about the heroes.

"Everyone said they (Goodpasture) were too big and we couldn't move them out, but our line was just tremendous and without them Chris doesn't get those yards," said the third-year skipper.

Shiverdecker and Hicks, both juniors, send a strong signal to future Alcoa opponents that the graduation of Lindsey, Fiegler, Love, Martin White, Brandon Warren and others doesn't mean there's going to be a drop-off.

"They'll be back here next year," said Lindsey. "This is not just us, this is a dynasty.

"We expected the seniors to get those awards," said Shiverdecker, "but it's all just one team working together anyway."

A team, made up of unselfish and talented individuals. And sporting one more championship trophy now.

CELEBRATING THE 100TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF GRANBY, COLORADO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the town of Granby, Colorado.

Granby is a small town with a population of 1,525 located on the Fraser River with breathtaking views of the Continental Divide and Rocky Mountain National Park. Despite its size, Granby holds an important place within Colorado's history. It was first settled in 1904 and incorporated the next year. The town was established along the railroad line being built by Denver, Northwestern & Pacific and was a connection with the state route to Grand Lake.

The Granby site was chosen because of the dry ground and good view of the surrounding mountains. The town was named in appreciation of the services of Denver attorney, Granby Hillyer, who worked to layout the town site.

By the 1920's the town was a thriving commercial and service center for local farmers and ranchers. It was during this time that Granby became known for its lettuce which became a major crop for Granby. In fact, at the peak of the market, the Waldorf Astoria hotel in New York City proudly advertised Granby Head Lettuce on its menus.

Today Granby boasts some of the finest recreational opportunities that Colorado is so well-known for, including hiking, rafting, hunting, gold medal river water for fishing, horseback riding, and dog sledding, to name a few.

Granby is also known for its local charm and hospitality, as well as its preservation of its western rural roots—I have developed an affinity with this town and appreciate the friendliness and communal spirit of its residents. This community has welcomed me to their town in a manner that greatly reflects the essence of Colorado.

Mr. Speaker, I ask that my colleagues join me today in commemorating the historic 100th anniversary of Granby, Colorado. I believe that by honoring Granby and all the other historic small towns of this vast nation, we keep the great tradition of the American spirit alive for future generations. We must not forget about the many places that molded our country into what it is today. Centennial celebrations are few and far between, and Granby is deserving of our recognition.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. GALLEGLY. Mr. Speaker, on Tuesday, December 13, 2005, I was unable to vote on the motion to suspend the rules and agree to H. Res. 487, Supporting the goals and ideals of Korean American Day (rollcall 623); on the motion to suspend the rules and pass S. 1027, to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past President and their spouses, respectively, to improve circulation of the $1 coin, to create a new bulletin coin (rollcall 624); on motion to suspend the rules and pass, as amended, H.R. 3422, the Small Public Housing Authority Act (rollcall 625). Had I been present, I would have vote "yea" on all 3 measures.

HONORING LUCY POPSON

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. GRIJALVA. Mr. Speaker, I rise before you today to recognize Lucy Popson, an outstanding teacher in our community. Mrs. Popson is the proud recipient of the Arizona Teacher of the Year Award for 2005.

The Teacher of the Year Award honors teachers that are not only exemplary in the classroom, but teachers that are involved in the community as well. Nominated teachers are identified as leaders by parents, students, and co-workers. They gain the admiration of everyone they work with, and their efforts on behalf of education are notable.

Lucy Popson exceeds these criteria. She is dedicated to her students and to her community, teaching at Walter Douglass Elementary school for 23 years, and third-grade for the past 11 years.

Mrs. Popson always makes sure her students are learning and she strives to make every student understand the material. She is a teacher that understands the different needs of students, teaching material in multiple styles to ensure that no student is left out in the learning process. Mrs. Popson strives to make her lessons fun and interesting. She is proud of her students and has a superior ability to help all her students achieve.

When Mrs. Popson was asked about her feelings upon receipt of the award, she stated, "This is a team effort . . . Teaching is not one person. It's a bunch of people working together." She brought this statement to life when she dedicated her award to all those who help her in the Plowing Wells School District.

Teaching is a talent that few possess and even fewer choose to pursue as a career. All teachers in our community need to be recognized for their enormous efforts to enrich the lives of children. It is teachers such as Lucy Popson who deserve awards for their daily achievement of helping students.

I honor Lucy Popson for her generosity, kindness, and compassion and thank her for committing herself to the profession of teaching.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. McDERMOTT. Mr. Speaker, I was unable to be in Washington, DC, yesterday, and part of today. As a result I missed several votes. Had I been able to vote I would have voted in support of H. Res. 487, S. 1047, H. Res. 594, for the motion to recommit H.R. 3199, and against final passage of H.R. 3199. I would have voted against H.R. 3010.

CONGRATULATIONS TO MARYVILLE HIGH SCHOOL'S RED REBEL FOOTBALL TEAM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. DUNCAN. Mr. Speaker, on December 3 of this year, the Maryville High School Red Rebel football team finished its season with an undefeated record of 15–0 as it became the 2005 Class 4A State champions. The Red Rebels defeated Melrose High School of Memphis, 23–10 at this year's championship game in Murfreesboro, TN. This victory gave Maryville its second straight State championship, its fifth championship in the past 6 years and its ninth Football State Championship overall.

At the beginning of the 2005 season, Maryville Coach George Quarles stated that it was his goal for each senior class to win a State championship. This particular senior class has not only achieved this goal set by Coach Quarles but they exceeded it. This group of seniors will leave Maryville High School having won three State Championships, completed each of its regular seasons undefeated and achieved an outstanding record of 58 wins to only 1 defeat. The Red Rebels became the first team in 10 years to finish consecutive seasons with an unblemished record.

I am proud of the Maryville Red Rebel football program as it has become a perennial powerhouse under Coach Quarles. Year in and year out, Coach Quarles has produced winners on and off the football field.

Mr. Speaker, I ask the readers of the CONGRESSIONAL RECORD and my fellow colleagues to join me in congratulating Head Coach George Quarles and the Maryville High School Red Rebel football team for their glorious victory. I also include the following news article printed in the Knoxville News Sentinel. The team's leadership, strength, and determination should be recognized by all, and their sportsmanship and dedication are at a level that should be followed by every high school team in this country.

[From the Knoxville News Sentinel, Dec. 11, 2005]

MARYVILLE, ALCOA HONORED FOR STATE CHAMPIONSHIPS

(By Brad Gaskins)

MARYVILLE.—John Reid and George Quarles know good high school football programs when they see 'em. Reid of Alcoa and Quarles of Maryville both won second consecutive state championships last weekend.

Their programs shared the stage in celebration Saturday morning at the amphitheater downtown, on what was proclaimed "Maryville Rebels and Alcoa Tornadoes Day" by the mayors of the respective cities.

The respect between the Blount County programs is more than mere chivalry.

"You think of Alcoa-Maryville, you think of enemies, or rivals," Quarles said. "And it certainly wasn't like that today. Both schools have a healthy amount of respect for one another."

"In their case," Reid said of Maryville, "good coaching is going on. We discuss things back and forth. Both staffs are dedicated to being good football teams."

Both proved how good last weekend in Murfreesboro. Maryville beat Memphis Melrose 23–10 in the Class 4A title game. In 2A, Alcoa beat Goodpasture 55–13.

Maryville mayor Joe Swann had a "unique" situation on his hands.

"A lot of people celebrate a state championship," Swann said. "These kids get a chance to celebrate together.

"They've both accomplished something that's really remarkable. It'll make for a lot of good conversations over the years between these boys as the grow up in this community."

It's that community, Alcoa senior running back and University of Tennessee commitment Dustin Lindsey said, that made all this possible.

"It's not only coaches and players, it's people in general," he said. "We've got a wonderful community that's backing us up, and people that love each other."

The community wasn't cheering the night of Nov. 29, 2003. Both teams were eliminated from the playoffs in semifinal losses.

Since then, neither team has lost to a team outside Blount County. Maryville went undefeated and handed Alcoa its only two losses. Combined record: 58–2.

"I think that says about all you need to say about it," Quarles said. "There's good football in Blount County."

"In this size of a county," Reid said, "to be carrying around four state championship balls is unbelievable."

Three years ago, Reid became Alcoa's coach, wondering if the Tornadoes would ever win a game. They've lost just six.

"How lucky can you get?" Reid asked aloud. "And that's part of it."

"It seems so incredible that 365 days have gone by this fast," Reid said of last year's celebration. "It's a tremendous amount of work to get here, and I think that's one of the things that gets overlooked at times."

Alcoa was expected to win it all this year. Maryville was not, but still won its fifth title in 6 years. What was most fulfilling?

"The fact that a lot of people didn't give us much chance," Quarles said. "We lost so many players from last year's team, but these kids refused to listen to other people. "They wanted to make sure that they gave themselves every opportunity to hopefully win a state championship."

Thirty minutes after the ceremony, Quarles was fielding his last question from reporters. He waved at a passing jogger where the crowd had stood, and offered one last pep talk to players of both teams:

"If you've watched the movie 'Friday Night Lights,' you see people who live in the past, where the greatest thing that ever happened to them was a state championship," he said. "I don't want this to be the best thing that ever happens to these kids. I want them to take what they've learned in football and be successful in life.

"Be a good dad, a good husband, a leader in the community—all those things. Don't let this be the high water mark. A lot of people live in the past. That's a mistake."

SPECIAL TRIBUTE TO DR. ROBERT E. FISCHELL

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Dr. Robert E. Fischell, a mechanical engineer, biomedical engineer, inventor, physicist, researcher and teacher. Robert Fischell is one of the brightest, most accomplished people I have ever met.

Let me tell you a little bit about his career. After graduating cum laude from Duke University in 1951 with a degree in mechanical engineering, Bob earned a Masters degree in physics from the University of Maryland, where he also holds an honorary Doctor of Science degree.

In 1959, he went to work for the Johns Hopkins Applied Physics Lab (APL), where he developed a number of inventions dealing with the control of satellites. His work at APL has led to numerous awards, including the IR–100 Award which is presented annually for the 100 most significant inventions. He has won this honor twice; once in 1970 for a rechargeable pacemaker, and again in 1973 for a drag-free satellite.

Dr. Fischell holds nearly 200 U.S. and international patents. His inventions—which include an implantable insulin pump, a rechargeable pacemaker, a flexible stent for placement in coronary arteries, and a microminiaturized computer that can be implanted to prevent epileptic seizures—have changed the practice of medicine and saved hundreds of thousands of lives.

On December 19, the University of Maryland at College Park is announcing the establishment of the Fischell Department of Bioengineering and the Robert E. Fischell Institute for Biomedical Devices.

I urge my colleagues in the U.S. House of Representatives to join me in honoring Robert E. Fischell, an innovative American inventor who has made enormous contributions to medicine, space discovery and higher education.

COMMEMORATING THE JAVITS-WAGNER O'DAY PROGRAM

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KINGSTON. Mr. Speaker, I wish to commemorate the Javits-Wagner O'Day program (JWOD) on the service they provide to thousands of individuals.

The JWOD program is the single largest source of employment for individuals who are blind or have severe disabilities. This program employs more than 45,000 people. The JWOD program trains persons with disabilities to acquire job skills that will be resourceful in their everyday lives. With these skills and training, a participant in this program can receive wages and benefits thereby gaining a greater independence and quality of life.

In my district in Georgia, there is a JWOD program named Happy Hour that exemplifies the good work that this organization is built upon. Happy Hour employs 170 disabled individuals and gives them an opportunity to contribute to their communities. Executive Director Steve Smith and Community Relations Manager Bob Wilbanks lead an office of 90–100 hard working staffers along with many volunteers who are all dedicated to ensuring each person reaches a common goal.

Happy Hour has a working relationship with Robins Air Force Base. Through this relationship Happy Hour participants are able to help the government and save taxpayers money. A few of the projects that help Robins Air Force Base is Robin's Recycling, respiratory cleaning and repair, tool die numbering, and aircraft sorting. Though they may seem minor, without Happy Hour, workers who do these tasks at Robins AFB would have a much harder time operating.

CONGRATULATING WOMEN IN GOVERNMENT RELATIONS ON ITS 30TH ANNIVERSARY

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Ms. PRYCE of Ohio. Mr. Speaker, I rise, today to honor an organization that has been a staple of empowerment for Washington, D.C. women who serve in the field of government relations.

This year is the 30th anniversary of Women in Government Relations. WGR is a nonpartisan organization that educates and advances women in this field. WGR helps women be smarter, stronger, and more influential in the work they do.

Surprisingly, the field of government relations is fairly new to women. In fact, WGR was founded only about 30 years ago when women were struggling to network in a male-dominated field.

I honor WGR today because it provides educational and networking opportunities for its members and the community. These women serve our country by representing public interest groups; federal, state and local government; corporations; trade associations; and many others.

I am proud to say that I join many of my colleagues here in Congress as an honorary member of WGR. I rise to applaud WGR and encourage the organization to continue its important mission of advancing and empowering women.

Congratulations to WGR for its service to our nation for the past 30 years and for many more years to come.

HONORING DR. KATRINA POE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize an outstanding family physician, Dr. Katrina Poe.

Dr. Katrina Poe, 35, is being recognized by Staff Care Incorporated, an insurance company that provides short-term coverage to physicians as "Country Doctor of the Year." This national honor is awarded to a "doctor who has dedicated his or her life career to serving rural communities. Dr. Poe, a family physician at the Greenwood Leflore Hospital's Kilmichael Clinic, also serves as chief of staff at the Kilmichael hospital.

Since fifth grade, Dr. Poe, a native of Kilmichael, Mississippi wanted to become a physician. She graduated from Kilmichael High School in 1988 and went on to earn a bachelor's degree in biology from Mississippi State University in 1992. Dr. Poe attended medical school at the University Medical Center in Jackson, MS. Only two months after completing her residency training at UMC in June 2001, she began officially serving the people of Kilmichael where she spent several summers assisting Dr. L.C. Henison.

Dr. Poe, who was nominated by Nurse Linda Turner of the Kilmichael Clinic collected and submitted testimonials from patients to the Staff Care nominating committee citing the physician's devotion to the town and its residents. She has an average patient caseload per week of 250, a successful practice of 5,000 patients and works an average of 80 hours per week. The nationally renowned "Country Doctor of the Year" award includes a signature plaque that features an illustration of a physician making his rounds by horse and buggy. In addition, Dr. Poe will be provided with a "fill-in" physician for one week at no charge.

Dr. Poe has received numerous awards and recognition which include being named Business and Professional Woman of the Year, Winona Times; Family Medicine Assistant Chief Resident, University of Mississippi Medical Center; CIBA-Geigy Community Service Award, University of Mississippi School of Medicine and; Cultural Diversity Academic Achievement Award.

Dr. Poe, a shining example of Kilmichael County's finest, has garnered the personal and professional respect of her community, patients and colleagues and is worthy of this auspicious award. I commend Dr. Poe, the "Country Doctor of the Year" and wish her continued success.

IN SUPPORT OF H.J. RES. 73, TO REDEPLOY U.S. FORCES FROM IRAQ

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Ms. ESHOO. Mr. Speaker, I rise today in support of the Joint Resolution introduced by Representative JOHN MURTHA. This Resolution should be brought to the floor because the time has come for a change in our Iraq policy.

I believe our military has done its job. They were sent to Iraq to depose a tyrant and free the Iraqi people from Saddam Hussein's brutal regime. They accomplished what can be described as one of the most successful and well-executed military campaigns in history, defeating the Iraqi army in a matter of days and going on to hunt down and capture Saddam Hussein.

The issue before us is not "surrender" or "cut and run". Our troops have accomplished their mission. What they're now having to battle is an insurgency comprised largely of Iraqis who they were sent to liberate. According to our top military leadership, fewer than 7% of the insurgents in Iraq are foreign militants and the primary target of the insurgents are U.S. troops.

The violence is taking its toll on the Iraqi people, the vast majority of whom want a stable, secure Iraq free from foreign occupation. A recent poll taken in Iraq indicated that 80% of Iraqis want the American military to leave, and most chilling, 45% believe attacks against U.S. forces are justified. The daily toll inflicted on our military and our national purse (close to $1 billion per day now), is simply unsustainable.

Congressman MURTHA has proposed a plan calling for the redeployment of U.S. troops consistent with the safety of U.S. forces, the creation of a quick-reaction force in the region and an "over-the-horizon" presence of Marines, and the pursuit of security and stability in Iraq through diplomacy.

Congressman MURTHA based his sober and professional judgment on the following:

The U.S. and coalition troops have accomplished all they can in Iraq and the American people have not been shown clear, measurable progress for the establishment of a stable and improving security in Iraq or of a stable and improving economy.

American troops have become the primary targets of attacks in Iraq, which is significantly impeding progress. Continued military action is not in the best interest of the United States, the Iraqi people, or the Persian Gulf region.

As Commander of Iraqi forces, General George Casey stated in a September 2005 hearing, "the perception of occupation in Iraq is a major driving force behind the insurgency."

The cost of the war to our country, and the burden on the troops to whom Congressman MURTHA has dedicated his life, is skyrocketing.

Congressman MURTHA knows of what he speaks. He is a 37-year veteran of the Marine

Corps, a Colonel, the first Vietnam War veteran elected to this body and an unimpeachable, first-hand authority on the needs of our military.

Congressman MURTHA is one of the most decorated veterans in the Congress. No one has taken care of our troops on a more consistent basis since coming to the Congress than JACK MURTHA. Previous Presidents know this, this President knows it, present and former members of Congress know it, and most importantly, our troops know it.

Congressman MURTHA has been standing side-by-side with our troops throughout the Iraq war, from his presence in Kuwait just days before the start of the war, to his ongoing weekly visits to wounded troops at Bethesda Naval Medical Center and Walter Reed Army Medical Center, to his regular travel to the region to be with our troops. Each and every step of the way JACK MURTHA has made sure that our troops have what they need, that their families are cared for, and that our country honors their service as deeply as he does. In one case, when a mother told him that bureaucratic red tape would prevent her son, a young man severely wounded in service to his country from receiving a Purple Heart, JACK MURTHA said that if her son didn't get a Purple Heart, he would give him one of his. This is JACK MURTHA.

After great personal reflection on the war and its effects and constant consultation with the military leadership, Congressman MURTHA has done what members of this body are charged to do: He spoke truth to power. He announced it was "time for a change in direction" in Iraq. He did not call for an immediate withdrawal. He has not called for surrender and he has not called for retreat.

Whether Members agree with Congressman MURTHA's judgment on the individual details of his proposal, it's become clear that our current policy in Iraq is unsustainable. It's time to tell the Iraqis that the training wheels have to come off . . . it's time for the Iraqis to take charge of Iraq. Today the American people are ahead of us, with some 65% saying it's time for a change. It's time to begin the overdue debate on how and when we bring our troops home. Congressman MURTHA has set forth a pragmatic and clear proposal. I'm proud to support it.

TRIBUTE TO HARRIET G. SIMPSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a former professional colleague and dear personal friend Harriet G. Simpson. Mrs. Simpson is a dedicated educator and devoted community activist, who is being honored Sunday, December 18, 2005 by the Charleston, South Carolina community and her home church, Mt. Zion AME.

I came to know Mrs. Simpson when I took my first job out of college as a Social Studies teacher in the Charleston, South Carolina public school system. She was one of the leaders in that school system who recognized my leadership potential at an early stage in my development. She became a mentor and one of my most ardent supporters.

Throughout her life, Mrs. Simpson has dedicated herself to the betterment of her community, and has received numerous recognitions for her work. They include, Delta Woman of the Year by Delta Sigma Theta Sorority, the Public Service Award from the Alpha Chi Pi Omega Sorority, and the Omega Service Award by the Omega Psi Phi Fraternity. Also, Arabian Court No. 128 recognized Mrs. Simpson as Outstanding Female Community Worker, and she was a semi-finalist for the Certificate of Achievement as a Role Model from the National Council of Negro Women. She has also been recognized for her achievements by the South Carolina State Senate, and the Moja Arts Festival bestowed upon her an Award for Contribution to Education. Former Charleston Mayor Palmer Gilliard gave Mrs. Simpson the "Key to the City," and Channel 5 Television Station inducted her into its Hall of Fame.

Mrs. Simpson's dedication to her community has manifested itself through her love of education and her deep and abiding religious faith. She has been nominated for as Teacher of the Year at C.A. Brown High School, where I had the privilege of working with her for three years, and received the Human Relations Award from the South Carolina Education Association. She was named Woman of the Year by her home Church Mt. Zion AME in 1987 and 1991. The Charleston Area Women's Missionary Society also chose Mrs. Simpson for their Outstanding Service Award.

Mrs. Simpson continues to make significant contributions to her community. She established the Harriet F. Simpson Scholarship Fund to help deserving students get a college education. She continues to support students while they are in college with financial help, letters of comfort, and small gifts, and helps them find jobs. She was a founding member of the Moja Arts Festival Committee, and has donated artifacts to the Avery Institute. Although she isn't a wealthy woman, Mrs. Simpson contributes generously to the National Heart Association, the American Cancer Society and to Alzheimer's research. And she continues a ministry of calling and writing the sick and shut-in from her church and those that have moved away from Charleston.

Mrs. Simpson earned a Bachelor of Arts in Education from Allen University, and a Masters degree in Education and Guidance from South Carolina State University, and did postgraduate work at North Carolina Central University. Mrs. Simpson has been a devoted wife for 55 years, and is the proud mother of two children. Her family is blessed with two grandchildren and three great-grandchildren. She is a loving friend and caring sister, aunt and godmother.

Mr. Speaker, I ask you and my colleagues to join me in thanking Harriet G. Simpson for her lifetime of devotion to education and her community. She is a shining example of how one person can make a tremendous difference an entire community. I commend Mrs. Simpson for her significant contributions and thank her church family at Mt. Zion AME Church for recognizing her.

HONORING THE FLINT POWERS CATHOLIC H.S. CHARGERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. KILDEE. Mr. Speaker, I am happy to rise today to congratulate the Chargers of Flint Powers Catholic High School, on winning the 2005–2006 Michigan High School Athletic Association Division IV football championship. The Chargers defeated the Grand Rapids Catholic Central Cougars 17–10 in the final game, held November 25 at Ford Field in Detroit.

It was certainly an exciting game that showcased some of the best talent the State of Michigan has to offer.

The Chargers are a true testament of what hard work, dedication, determination, and a passionate desire to win can accomplish. Under the guidance of Head Coach Jack Pratt, and Assistant Coaches John Zintsmaster, David Pratt, John Pratt, and Brian McInerny, the championship served as a wonderful finish to a remarkable year, highlighted by a tremendous record of 12–2.

The Chargers roster includes: seniors Josh Babcock, Tom Birchmeier, Eddy Brady, Nick Brown, Nick DeGroot, David Filipovich, Austin Flores, Billy Gonsler, Matt Gregson, Nate Kopydlowski, Tre Leoni, Andy McCarthy, Jamie Metcalf, Joe Mounger, Dain Murphy, Alex Perry, Tony Poma, Stevie Sleva, Zach Smith, Justin Ward, Ryan Webber, Zeke Zanettaj juniors Matthew Callahan, Kyle Everhart, Chris Filipovich, Eric Fridline, Ricky Guerra, Lance Harchick, Spencer Hickoff, Laval Lucas-Perry, Bobby Macciomei, Michael McPherson, Joshua Michalik, James Milne, Matt Ockerman, Adam Pelc, Ryan Riker, Ryan Sitko, Andrew Skowronski, Thomas Strong, Brad Wittj and sophomores Chris Beer, Steve Bonar, John Buck, Louie Chamberlain, John Crook, Andy Herman, Ernie Jones, Tim Kirtek, Andrew Kowalczyk, Brendan Laney, Ronnie Lark, Jeff Maksymowski, Josh Miller, Aaron Sitko, Kyle Steibel, Alex Summers, David Weishuhn, Tom Zintsmaster, and Mike Zureikat. These young men, led by senior captains Birchmeier, Filipovich, Leoni, Poma, and Ward, proved to be leaders in the classroom, the football field, and the community. They are all shining examples of the school's commitment to success in all aspects of life.

Mr. Speaker, I salute the accomplishments of the Powers Chargers, and share the joy of victory with the students, faculty, parents, alumni, and the entire Flint community. I am certain that when these fine young men look back upon their high school days, they shall deservedly count this state championship as one of their most cherished memories. I ask my colleagues to please join me in congratulating them, and wishing them the very best in their future endeavors.

IN SEARCH OF MIDDLE EAST PEACE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. FARR. Mr. Speaker, the United States must rededicate itself to creating the groundwork for a lasting peace between all the sons of Abraham. A just and lasting peace will be achieved by imbuing the region with the unswerving proof that democracy is the better path than armed conflict and insurgency.

To quote a great American, Abe Lincoln, "The ballot is stronger than the bullet." The Palestinian elections are a historic opportunity to bring more Palestinians into the folds of a democratic state; replacing guns with ballots. This election will, hopefully, give President Abbas the legitimacy to implement the necessary reforms for a democratic government: eliminating paramilitary groups, ending corruption and creating a government infrastructure that can provide economic and social services. Hamas is a popular organization in many parts of the West Bank and Gaza because it, not the state, provides a variety of social services.

President Abbas must work to create law and order but, just as important, he needs to foster economic and social development for the Palestinian people, but he cannot do this alone. The West Bank and Gaza Strip will remain economically stagnant and ripe for further violence unless there are serious international efforts to improve the deplorable living conditions of Palestinians. I urge the Administration and my colleagues in Congress to robustly fund programs that will create economic development for Palestinians, which I believe is an essential step in creating peace in the region.

Finally, the Administration and Congress should be promoting programs that bring about reconciliation between Israelis and Palestinians. For example, programs like the Interfaith Encounter Association based in Jerusalem bring together Muslims, Jews and Christians to work on building peace and reconciliation. I urge the Administration to include robust funding in the FY 07 budget request for reconciliation programs and to work to build a strong, legitimate civil society in West Bank and Gaza so that Palestinians voices, not gunfire, can reverberate throughout the Middle East.

I voted for passage of H. Res. 575 not because it is the only solution, but because dismantling the Hamas terrorist organization is part of a solution for peace between two peoples who are truly brothers.

THE INTRODUCTION OF THE KALAUPAPA MEMORIAL ACT OF 2005

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CASE. Mr. Speaker, I am truly honored today to introduce, with my colleague, Congressman NEIL ABERCROMBIE, the Kalaupapa Memorial Act of 2005, legislation authorizing the establishment of a memorial at a suitable location or locations at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in my home State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969.

Kalaupapa National Historical Park, encompassing most of the isolated and haunting Kalaupapa Peninsula and adjacent lands, was established 25 years ago on December 22, 1980. In advance of celebrating its 25th anniversary, our National Park Service is hosting day-long commemorative activities today at Kalaupapa, and it is entirely fitting that we offer this measure during this time of renewed commemoration.

Kalaupapa National Historical Park is a very special and beautiful park with a rich and tragic history. While the park is widely known for the isolation and settlement of Hansen's disease patients from 1866 until 1969, Native Hawaiians inhabited the Kalaupapa Peninsula for 900 years prior to being forcibly removed from their homelands between 1865 and 1895. Surrounded on three sides by ocean and the fourth by steep cliffs, Kalaupapa is spectacularly breathtaking and ecologically diverse, home to nearly 20 federally listed threatened and endangered species of plants and animals. When one visits Kalaupapa today, it is like stepping back in time.

Due to its steep cliffs and isolated geography, the Kalaupapa Peninsula was used by the Kingdom of Hawaii, and subsequently the Territory and State of Hawaii, as an isolation settlement for individuals considered to have Hansen's disease, widely known as leprosy, for nearly a century. By law, individuals were forcibly separated from their families and isolated at Kalaupapa to "protect the welfare of society." These isolation laws, dating back to 1865, were not abolished until 1969.

Although the World Health Organization still documents over a million registered cases of Hansen's disease worldwide, today it is considered one of the least contagious of all communicable diseases due to established and successful drug treatments. In Hawaii, those needing medical treatment outside of Kalaupapa are able to go to the Hale Mohalu wing of Leahi Hospital in Honolulu.

However, that is now, and the history of Kalaupapa is otherwise. Between 1866 and 1896, the first 5,000 individuals were forcibly relocated to Kalaupapa, most of whom lived at Kalawao. The second wave of patients (approximately 3,000) occurred after 1896 until 1969, when most of the community lived on the Kalaupapa side of the peninsula. Most of these unfortunate fellow citizens died on the peninsula; while many of their final resting places are known and remembered, many are not.

It is right and appropriate that these many lives be remembered, both individually and collectively, within the boundaries of the world to which they were condemned for life, through maintenance of the park itself, the history of the settlement, and an appropriate memorial. Ka Ohana O Kaluapapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park and their family members and friends, was established in August 2003 for just this purpose: to promote the value and dignity of the 8,000+ individuals (at least 90 percent of who were Native Hawaiian) who were forcibly relocated to the Kalaupapa Peninsula.

Since its establishment, Ka Ohana O Kalaupapa has sought to honor and perpetuate the memory of these 8,000+ individuals through the establishment of a memorial at a suitable location or locations at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park. I fully support its efforts, which have broad-based support from the Kalaupapa Advisory Council and the community.

The national and international significance of Kalaupapa is the rich and tragic history of the lives and memories of those individuals who were forcibly relocated to the Kalaupapa Peninsula between 1866 and 1969. It is fitting and appropriate that our nation, through the National Park Service, ensure that they are never forgotten through the establishment of a memorial.

I therefore believe that the establishment of a memorial is consistent with the basis for the park's establishment. It is timely. And it will enhance the purpose of the park, which is to "preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations."

I look forward to working with my House colleagues, particularly members of the House Resources Committee, the National Park Service, and the Hawaii congressional delegation, in passing this legislation.

HONORING THE WORK OF EASTER SEALS OF SOUTHERN NEVADA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. PORTER. Mr. Speaker, I rise today to applaud the extraordinary efforts of Easter Seals in Southern Nevada. Their numerous programs provide the kind of community-based relief for individuals with disabilities and their families.

Unfortunately, one of these most valuable programs is facing significant financial hardship. This particular program has provided after school activities for children with disabilities from the age of 6 to 18 for the past 15 years. Without the help of business leaders and private individuals in the community, these children and their families will lose this most important resource. As a whole, Easter Seals is Nevada's largest community-based organization serving over 2,000 persons with disabilities and their families each year. Their efforts on behalf of individuals with disabilities bring greater self-sufficiency and most importantly greater dignity. We must work to ensure that these resources continue to be available in the community.

Mr. Speaker, I hope to bring to the attention of my colleagues the wonderful services that Easter Seals of Southern Nevada provides to the most vulnerable in our society. The needs of this single program highlight how we, as Members of Congress, must continue all of our efforts to strengthen the resources available to the neediest in our communities.

Easter Seals of Southern Nevada represents the ideal of a community-based care provider for disabled children. Without the generosity of all the individuals who make this dream a reality, these most valuable resources would fail to exist. I am confident that, during this holiday season, the businesses and individuals of Nevada will show their support for this important program and continue to demonstrate the generosity of my home community.

THE SPENT NUCLEAR FUEL ON-SITE STORAGE SECURITY ACT OF 2005

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. MATHESON. Mr. Speaker, Nevada Senators HARRY REID and JOHN ENSIGN introduced federal legislation today to mandate that nuclear waste be stored on-site at nuclear power plant sites. I'm proud to join my colleague from Nevada, SHELLEY BERKLEY, in introducing legislation in the House to mandate that nuclear waste be stored on-site.

The West—whether it is Utah's Skull Valley or Nevada's Yucca Mountain—should not be the de facto dumping ground for nuclear waste. Storing nuclear waste on site is the safest, most reasonable and most effective way of allowing nuclear power plants to continue operating while we search for an appropriate long-term storage solution.

The Utah and Nevada delegations are united on this—JIM GIBBONS and JON PORTER from Nevada, and CHRIS CANNON and ROB BISHOP from my home state of Utah have joined in this fight on the House side and our senators, BOB BENNETT and ORRIN HATCH are cosponsors of the Senate bill.

Under the Nuclear Waste Policy Act of 1982, the federal government has so far only focused on the flawed Yucca Mountain proposal for a central repository for spent nuclear fuel rods. Given the wealth of concerns about incomplete scientific evidence and falsified documentation stemming from the Yucca proposal and the clear gaps in transportation security for waste sent to the West, on-site storage is a much better solution.

Dry cask storage—the method proposed by a private entity that wants to store waste on the Skull Valley site in Utah—is currently being used at 33 nuclear power plants around the country. As approved by the Nuclear Regulatory Commission, dry cask containers can safely store waste for at least 100 years. We should not subject citizens to the dangers posed by transporting it through their communities when it can remain where it is.

The Spent Nuclear Fuel On-Site Storage Security Act of 2005 would require commercial nuclear utilities to transfer nuclear waste from spent nuclear fuel pools into dry storage casks. For spent fuel currently in pools, a contractor licensed to handle spent nuclear fuel would have up to 6 years, to allow sufficient time for cooling and construction, to transfer spent nuclear fuel from pools into dry casks. Any new spent nuclear fuel produced after enactment, also has no more than 6 years to cool, before being transferred into dry casks. Such continuous transfer would mean that the pools are never at capacity, leaving less waste exposed and making the site safer. This bill would also require the Department of Energy to take title of all spent nuclear fuel currently in on-site dry cask storage and would even compensate the utility companies for expenses associated with transferring and storing the waste.

This means that DOE will be responsible for possession, stewardship, maintenance, and monitoring of the spent nuclear fuel on-site, which is entirely appropriate. DOE was supposed to begin taking title to spent nuclear fuel in 1998, but because of the myriad of technical, scientific, legal and political problems surrounding the proposed Yucca Mountain nuclear waste repository, this has not happened. Taking title to spent nuclear fuel fulfills the federal government's obligation and commitment to retake control over nuclear materials. I thank my colleagues for their support of this legislation.

NATIONAL CAREGIVER MONTH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to offer congratulations and thank yous to the many grandparents and other relatives in California and across the Nation who are providing loving homes to some of our most fragile citizens. Children who may have suffered from neglect or abuse through the death of a parent, military deployment, poverty or other causes can be raised in warm, stable homes through subsidized guardianship programs.

Dedicated relatives who step forward to offer such care—sometimes at considerable personal sacrifice—guarantee these children the safe and nurturing upbringing that will enable them to be tomorrow's leaders. Today there are more than 6 million children living in relative-headed households, and I am proud to honor their service during National Caregiver Month and throughout the rest of the year.

H. RES. 438 (ON UNFAIR AND DISCRIMINATORY RESOLUTIONS AGAINST ISRAEL IN THE UNITED NATIONS)

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. HOYER. Mr. Speaker, I urge my colleagues on both sides of the aisle to support this very important bipartisan resolution calling on member states of the United Nations to stop unfairly criticizing Israel and to promote a more balanced approach to the challenges in the Middle East.

In June of this year, the House overwhelmingly adopted a resolution condemning anti-semitic statements made at U.N. meetings and by U.N. member states. It was proper and appropriate that we publicly and vocally condemn some of the outrageous statements made by U.N. officials and member states.

However, there also is a more subtle form of anti-semitism that has been taking place at the United Nations for far too long—the alarming rate at which the U.N. General Assembly has considered and adopted anti-Israel resolutions.

As noted in the text of Mr. Rothman's measure, 21 of the 71 resolutions adopted by roll-call votes during the 59th session of the General Assembly dealt with Israel, and in recent years, the General Assembly and Security Council have introduced and approved hundreds of measures and resolutions that unfairly criticize and condemn Israel.

At a time when the international community is confronted with crises such as the ongoing terror campaign being waged by Al Qaeda against democracies in every corner of the world, the tragic genocide in Darfur, Sudan, and the continued spread of HIV/AIDS, TB and malaria, the U.N. General Assembly has seen fit to devote nearly a third of its time to castigating the state of Israel.

These unbalanced and discriminatory anti-Israel resolutions have been adopted by overwhelming margins. Meanwhile, there has been a disturbing lack of condemnation of Palestinian terror attacks against Israel.

Mr. Speaker, I urge my colleagues to not only support this resolution, but also to carry its message to the ambassadors, foreign ministers and heads of state with whom they meet on a daily basis: The mistreatment of Israel at the hands of the United Nations has not gone unnoticed, and it is no longer acceptable.

Furthermore, this obsessive and inappropriate focus on Israel at the United Nations only serves to harm that institution's credibility and to undermine the U.N.'s ability to serve as an honest broker in the Israeli-Palestinian conflict.

INTRODUCING THE KENDELL FREDERICK CITIZENSHIP ASSISTANCE ACT OF 2005

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to introduce the Kendell Frederick Citizenship Assistance Act of 2005, legislation honoring one of America's fallen heroes who was killed by a roadside bomb in Iraq. Army Reserve Specialist Kendell Frederick's life may have been spared had he not made a fateful trip to provide his fingerprints for his citizenship application.

This bill would lessen the burden non-citizens serving in the U.S. military encounter while attempting to navigate a naturalization process that is all too often fraught with inefficiency and indifference.

Amidst car bombs and insurgent attacks, Specialist Frederick of Randallstown, Maryland, had a dual struggle of fighting the enemy in Iraq and the requirements for U.S. citizenship. All the while, his mother endured both the stress of having a child in a combat zone and the frustration of trying to assist her son meet the bureaucratic demands of naturalization.

Eventually, only one obstacle remained in Specialist Frederick's path-providing the Bureau of Citizenship and Immigration Services with his fingerprints.

Although the U.S. Military already had a copy, Specialist Frederick was required to travel through the battlefields of Iraq in order to provide a duplicate. Tragically, he did not survive this final journey and was awarded his citizenship posthumously.

Last month, Kendell Frederick achieved in death in a matter of minutes what he had so long fought to obtain in life, his U.S. citizenship. Tragically, he never enjoyed the privileges of U.S. citizenship—he would never cast a vote to determine those who govern, nor would he ever know the comfort of being fully embraced as an American by the very Nation he defended to his last breathe.

Fortunately, today we have an opportunity to honor the ultimate sacrifice of Specialist Frederick by doing what is right for the approximately 40,000 non-citizens who are serving on active duty in the U.S. military, including 3,200 brave men and women who are serving in Afghanistan and Iraq.

In 2002, President Bush signed an executive order that provides immediate eligibility for naturalization to active-duty members of the U.S. military during a period of military hostility, bypassing the waiting period that otherwise would apply to them. This was an important step—but we owe our brave soldiers more.

In clear and plain terms, those who are prepared to sacrifice and die for this country deserve a more efficient, common sense naturalization process that bestows to them the admiration and benefits of American citizenship befitting their service. For these reasons, Senator BARBARA MIKULSKI and I have sponsored the Kendell Frederick Citizenship Assistance Act of 2005.

Our proposed legislation would require that the Secretary of Homeland Security use the fingerprints provided by soldiers at the time they enlist in the Armed Forces to satisfy the fingerprinting requirements associated with their applications for citizenship.

New soldiers would be notified in writing about how to obtain citizenship; and the Secretary of Homeland Security would be required to update the appropriate application, guidebook, and Web site maintained by the Department of Homeland Security within 30 days of a change to law or regulation regarding the naturalization process.

Moreover, our bill would establish the position of Citizenship Advocate at each military entry processing station to provide information on the naturalization process to members of the armed forces.

Finally, we would also require the Government Accountability Office, GAO, to study the implementation of this act, including an evaluation of how technology may be used to improve the efficiency of the naturalization process for members of the armed forces. The GAO would then report to Congress its findings and recommendations.

Our bill emphasizes common sense over bureaucratic thinking and clarity over confusion, to establish a naturalization process that is more soldier-friendly and efficient.

Given the life-or-death battles soldiers like Specialist Kendell Frederick routinely face on foreign soil; let us never forget they need not battle red tape here at home. Support our troops by supporting this legislation.

ESTABLISHING A MEMORIAL WITHIN KALAUPAPA NATIONAL HISTORICAL PARK

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. ABERCROMBIE. Mr. Speaker, I rise today in support of a bill introduced by my colleague, Representative ED CASE. His bill to establish a memorial within Kalaupapa National Historical Park would serve to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866–1969.

The sad history of Kalaupapa is well known within the State of Hawaii. Two tragedies occurred on the Kalaupapa Peninsula on the north shore of the island of Moloka'i. The first is the removal of indigenous people in 1865 and 1895. The removal of Hawaiians from where they had lived for 900 years cut the cultural ties and associations of generations of people from the 'aina (land).

The second tragedy is the forced isolation of sick people to this remote place from 1866 until 1969. The establishment of an isolation settlement, first at Kalawao and then at Kalaupapa, tore apart Hawaiian society as the Kingdom of Hawaii, and subsequently the territory of Hawai'i, tried to control the feared disease of leprosy, now known as Hansen's disease. The impact of broken connections with the 'aina and of family members "lost" to Kalaupapa are still felt in Hawai'i today.

Kalaupapa National Historical Park, established in 1980, contains the physical setting for these stories. Within its boundaries are the historic Hansen's disease settlements of Kalaupapa and Kalawao. The community of Kalaupapa, on the leeward side of Kalaupapa Peninsula, is still home for many surviving Hansen's disease patients, whose memories and experiences are cherished values. In Kalawao on the windward side of the peninsula are the churches of Siloama, established in 1866, and Saint Philomena, associated with the work of Father Damien (Joseph De Veuster), a great humanitarian who gave his life to minister to the physical and spiritual needs of those banished to the settlement.

Kalaupapa retains the memories and spirit of all those who lived there. Someday, the last Hansen's disease patient living in Kalaupapa will pass away. A memorial will be a permanent tribute to the brave souls who called Kalaupapa home. I support this legislation and hope my colleagues will also extend their support.

ROMANIA'S BAN ON INTERCOUNTRY ADOPTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. SMITH of New Jersey. Mr. Speaker, last month I introduced a resolution, H. Res. 578, expressing disappointment that the Government of Romania has instituted a virtual ban on intercountry adoptions that has very serious implications for the welfare and well-being of orphaned or abandoned children in Romania. As Co-Chairman of the Commission on Security and Cooperation in Europe (the Helsinki Commission), I am pleased to be joined as original cosponsors by the Commission's Ranking House Member, Representative CARDIN, fellow Commissioners Representative PITTS and PENCE as well as Chairman of the International Relations Subcommittee on the Western Hemisphere Representative BURTON, and Representative NORTHUP, COSTELLO, JO ANN DAVIS, TIAHRT, BRADLEY and FRANK.

Mr. Speaker, the children of Romania, and all children, deserve to be raised in permanent families. Timely adoption of H. Res. 578 will put the Congress on record:

Supporting the desire of the Government of Romania to improve the standard of care and well-being of children in Romania;

Urging the Government of Romania to complete the processing of the intercountry adoption cases which were pending when Law 273/2004 was enacted;

Urging the Government of Romania to amend its child welfare and adoption laws to decrease barriers to adoption, both domestically and intercountry, including by allowing intercountry adoption by persons other than biological grandparents;

Urging the Secretary of State and the Administrator of the United States Agency for International Development to work collaboratively with the Government of Romania to achieve these ends; and

Requesting that the European Union and its member States not impede the Government of Romania's efforts to place orphaned or abandoned children in permanent homes in a manner that is consistent with Romania's obligations under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

In 1989, the world watched in horror as images emerged from Romania of more than 100,000 underfed, neglected children living in hundreds of squalid and inhumane institutions throughout that country. Six weeks after the end of the dictatorial regime of Nicolae Ceausescu, I visited Romania and witnessed the misery and suffering of these institutionalized children. They were the smallest victims of Ceausescu's policies which undermined the family and fostered the belief that children were often better cared for in an institution than by their families.

Americans responded to this humanitarian nightmare with an outpouring of compassion. For years now, Americans have volunteered their labor and donated money and goods to help Romania improve conditions in these institutions. Many families in the United States also opened their hearts to Romania's children through adoption. Between 1990 and 2004, more than 8,000 children found permanent families in the U.S.; thousands of others joined families in Western Europe.

The legacies of Ceausescu's rule continue to haunt Romania and, when coupled with widespread poverty, have led to the continued abandonment of Romania's children. According to a March 2005 report by UNICEF, "child abandonment in 2003 and 2004 [in Romania] was no different from that occurring 10, 20, or 30 years ago." UNICEF reports that more than 9,000 children a year are abandoned in Romania's maternity wards or pediatric hospitals. According to the European Union, 37,000 children remain in institutions; nearly 49,000 more live in nonpermanent settings in "foster care" or with extended families. An unknown number of children live on the streets.

During Romania's first decade of post-communist transition, the corruption which plagued Romania's economy and governance also seeped into the adoption system. There is no question that corruption needed to be rooted out. The U.S. Government and the U.S. Helsinki Commission have been steadfast in our support of Romania's efforts to combat corruption and to promote the rule of law and good governance.

I strongly disagree, however, with supporters of the current ban on intercountry adoption who allege that it was a necessary anti-corruption measure. There are many indications that corruption has been used as a hook to advance an ulterior agenda in opposition to intercountry adoption. In the context of Romania's desire to accede to the European Union, unsubstantiated allegations have been made about the fate of adopted children and the qualifications and motives of those who adopt internationally. Romanian policy makers chose to adopt this law against intercountry adoption in an effort to secure accession despite the fact, as stated in H. Res. 578, that there is no European Union law or regulation restricting intercountry adoptions to biological grandparents or requiring that restrictive laws be passed as a prerequisite for accession to the European Union.

The resolution notes that the Romanian Government declared a moratorium on international adoptions in 2001 but continued to accept new applications and allowed many such applications to be processed under an exception for extraordinary circumstances. Then, in June 2004, Law 273/2004 was adopted, taking effect on January 1, 2005, which banned intercountry adoption except in the exceedingly rare case of a child's biological grandparent living outside the country. At the time of enactment, approximately 1,500 adoption applications were registered with the Romanian Government; of these, 200 children had been matched with prospective parents from the United States and the remainder from Western Europe.

Intercountry adoption is, and always should be, anchored on the need to find homes for children, not to find children for would-be parents. Nonetheless, the individuals who applied to adopt Romanian children in the past few years committed their hearts to these children and we must recognize that the Romanian Government's mishandling of their applications has put them through a years-long emotional agony. H. Res. 578 calls on the Government to conclude the processing of these cases in a transparent and timely manner. Since introduction of the resolution, the Romanian press has reported that intercountry adoption would be denied in all of the pending cases. If indeed this is accurate, then it is impossible to believe that the standard applied in each case was that of the best interest of the child.

Romania's new adoption law and another addressing child protection, Law 272/2004, create a hierarchy of placement for orphaned or abandoned children. By foreclosing the option of intercountry adoption, the laws codified the misguided proposition that a foster family, or even an institution, is preferable to an adoptive family outside the child's country of birth.

On November 29, the European Commission issued a press release stating that "according to the Romanian Office for Adoptions, there are 1,355 Romanian families registered to adopt one of the 393 children available for adoption. Thus there is little scope, if any, for international adoptions." The European Commission's press release fails to mention that more than 80,000 children in Romania are growing up without permanent families—in orphanages, foster care, maternity hospitals, or on the streets. That less than 400 have been declared available for adoption is a denunciation of the child welfare system. Barely 1,000 children have ever been domestically adopted in Romania in any given year and since enactment of the new laws in 2004, the rate of domestic adoption has fallen further. There is no doubt that if more children were to be made available for adoption, there would be a great need for intercountry adoption to provide them with permanent, loving homes. For thousands of children abandoned annually in Romania, intercountry adoption offered the hope of a life outside of foster care or an institution. That hope has now been taken away. This will fall hardest on the Roma children who are least likely to be adopted in-country due to pervasive societal prejudice.

The Romanian Government and the European Commission are attempting to use a Potemkin Village to hide a grim reality of suffering children and bureaucratic obstacles which prevent them from being declared legally available for adoption. In one case that has come to the Commission's attention, an adoptive family is waiting for biological parents to sign away their rights to a child they abandoned at birth and who has spent the first four years of her life with her prospective adoptive parents. She knows no other parents. Her biological parents have on four previous occasions relinquished their parental rights and yet, because of the new laws, the child has still not been declared available for adoption.

Other sources also belie a Potemkin approach. A November 5th article in the British journal The Lancet entitled "Romania's Abandoned Children are Still Suffering," quotes a charity worker saying, "of course something needs to be done to help the children here, but at the moment all the Romanian government is doing is signing forms sending children back to their parents . . . It doesn't seem to matter that the parents might be alcoholics or have no means to look after their kids as long as the numbers are cut." The article continues, "Romanian authorities have proudly claimed that last year only 1,483 children aged 0–2 years were in state institutions, compared with 7,483 in 1997. But those figures do not include hospitals, where staff admit they rely on donations from charities and individuals to keep helping such children. . . . The head of the Neonatology Department at the University Hospital in Bucharest says abandoned children stay on average for 6–7 months [and] the situation is almost as bad as it was in Ceausescu's time." The article also quotes the head of the Neonatology Section at the Bucur Maternity Hospital, also in Bucharest, as saying "last year, we had more abandoned kids than ever because the law changed. And it changed for the worse for the people in the maternity wards because the law forbids us to send children under 2 years old to state orphanages."

At a Helsinki Commission hearing on September 14, Dr. Dana Johnson, Director of the International Adoption Clinic and Neonatology Division at the University of Minnesota Children's Hospital, testified that Romania's concentration on the reunification of an abandoned child with his or her biological family is only superficially consistent with the U.N. Convention on the Rights of the Child or the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. According to Dr. Johnson, "in neither of those documents is the mention of time. . . . It doesn't tell you how long you should spend reunifying that child with the family. . . . Contemporary child development research has clearly shown that there is a known amount of deterioration that occurs in children who are in hospitals or institutional care and outside of family care during the first few years of life. . . . You can predict that every child who is in institutional care during that period of time will lose one month of physical growth, one month of motor development, one month of speech development for every three months they're in institutional care. You also can predict that from age four months through 24 months of age, they will lose one to two I.Q. points a month during that period of time. The other thing we know is that by placing them into a caring, competent family, that you can recover some of this function. . . . A child that is abandoned in Romania today at the end of next summer will have permanently lost 15 I.Q. points. That child two years from now will have permanently lost 30 I.Q. points, which means that half of those kids are going to be mentally retarded."

Mr. Speaker, the clock is ticking for Romania's children. H. Res. 578 notes that Romania is a party to the Hague Convention on Intercountry Adoption which recognizes that "intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin." State Department officials and nongovernmental experts from the adoption and child welfare communities have testified that Romania's child welfare and adoption laws are inconsistent with Romania international commitments under this and other agreements.

The resolution further notes that UNICEF has issued an official statement in support of intercountry adoption which, in pertinent part, reads: "for children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care, which should be used only as a last resort and as a temporary measure. Intercountry adoption is one of a range of care options which may be open to children, and for individual children who cannot be placed in a permanent family setting in their countries of origin, it may indeed be the best solution. In each case, the best interests of the individual child must be the guiding principle in making a decision regarding adoption."

Finally, Mr. Speaker, with regard to the role of the European Union in this debacle, I ask who in the European Union will stand with Members of Congress to protect these defenseless children? All children deserve better than to spend their lives in group homes or warehoused in institutions where their physical, psychological, emotional and spiritual well-being is critically endangered. It is indeed tragic if the price of admission to the European Union is the sacrifice of thousands of Romania's orphaned or abandoned children.

I strongly urge my colleagues to support this resolution. For the sake of the innumerable children in need of permanent families, the voice of the United States Congress must be heard clearly in this transatlantic dialogue on intercountry adoption.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 15, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 16

10:30 a.m.

Armed Services

To receive a closed briefing regarding future naval force structure requirements.

SR–222

JANUARY 9

12 noon

Judiciary

To hold hearings to examine the nomination of Samuel A. Alito, Jr., of New Jersey, to be an Associate Justice of the Supreme Court of the United States.

SH–216

FEBRUARY 9

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine commercial aviation security, focusing on Transportation Security Administration's aviation passenger screening programs, Secure Flight and Registered Traveler, to discuss issues that have prevented these programs from being launched, and to determine their future.

SD–562

2:30 p.m.

Commerce, Science, and Transportation

To continue oversight hearings to examine commercial aviation security, focusing on physical screening of airline passengers, including issues pertaining to Transportation Security Administration's Federal passenger screener force, TSA procurement policy, air cargo screening, and the deployment of explosive detection technology.

SD–562

SENATE—*Thursday, December 15, 2005*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, whose spirit searches all things and whose love bears all things, arise and lift up Your hand as we wait patiently for You. Give Your light, O God, and take away our darkness. Put a new song on our lips for we put our trust in You. Place Your precepts in our minds that we will delight to do Your will. Withhold not Your tender mercies from us, for Your loving-kindness keeps us alive.

Bless the Members of this body. Give them patience and cheerful endurance. Place peace in their hearts and serenity in their minds. Inspire them with an increased understanding of the scope of their task as Your servants.

Stretch forth Your right hand to help and defend us all. Encourage us to seek new depths of dedication.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, we will begin consideration of the Labor-HHS conference report directly, with Senator HARKIN controlling the first 90 minutes. At the conclusion of that time we will return to the PATRIOT Act conference and have a period of debate for the next 2 hours. We will recess at approximately 12:30 until 2:15, for a weekly policy luncheon.

At 2:15 we will have another block of time equally divided until 3:30. At 3:30 we have a stack of rollcall votes ordered on the remaining four motions to instruct conferees relative to the spending reduction bill. Those will be the first votes of the day. After that fourth vote, conferees will be named to that reconciliation measure. We will likely schedule additional votes in that 3:30 sequence and we will announce those votes as they are ordered.

I will have more to say on schedule as we proceed over the course of the day, both for the remainder of the day, this evening, this week, and possibly this weekend.

In the meantime, I will continue to remind Senators and ask that they do remain available over the course of the day and keep their schedules flexible for these votes.

I yield.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 3010, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both houses.

(The conference report is printed in the House proceedings of the RECORD of December 14, 2005.)

The PRESIDENT pro tempore. Under the previous order, there will be 90 minutes under the control of the Senator from Iowa, Mr. HARKIN.

Who yields time?

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, under the rule, I have 90 minutes—some of it has already been used up in the quorum call—to speak on the Labor, Health and Human Services, Education, and Related Agencies appropriations bill that is now before the Senate.

I again ask any Senator who wants to come over and speak on this time to try to be here before 10:30. I would be glad to yield time to Senators who want to come over and talk about this bill and why this bill should not be passed.

At this time of the year when we are seeing all the festive holiday decorations, Christmas trees, all the lights around, there is a certain mood about Christmas. It is a mood of being generous and understanding that it is the season for giving. It is the season for thinking about those who may be less fortunate than ourselves. It is also the time of the year when most families of means get together and think about their giving, how they are going to support charities or charitable giving toward the end of the year. It is true in churches all over the country and many nonprofit organizations. This is the time of year when people decide to give money to the churches, to everything, the Salvation Army, to all kinds of nonprofits. It is the time of the year when we remember "A Christmas Carol" by Charles Dickens, the wonderful stories about "A Christmas Carol" played in high school plays and theaters all over the country every year at this time.

Charles Dickens "A Christmas Carol," the story of Ebenezer Scrooge. "Bah humbug," remember that? That is his familiar saying about Christmas, "bah humbug"—this tight man, ungenerous, miserly, stingy, with no feelings of compassion whatsoever to those less fortunate.

We all know what happened in "A Christmas Carol." He is visited by the ghosts of Christmas past and the Christmas future. He then begins to see clearly that who he has been and what he has stood for is wrong.

The wonderful thing about Charles Dickens and "A Christmas Carol" is, at the end, Scrooge becomes compassionate and generous and changes his ways.

It is a wonderful story for this time of the year. If only life in Congress imitated that, if only Congress could follow the example of Ebenezer Scrooge in the final act of the play. I am sorry to say, in terms of the appropriations bill before us, the bill that funds those things that lift people up, that help the poorest in our society these days, to reach down, to give everyone hope, and try to make our society a little bit

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

more fair and more just—that is what is in this bill. That is what this bill is about. But, sad to say, in this bill, as it is before us, Ebenezer Scrooge—the first Ebenezer Scrooge, the one before he changed in the final act—is in this bill. Scrooge reigns in this bill.

My friend and distinguished senior member of the Appropriations Committee, the Senator from Hawaii, DAN INOUYE, once said of the Defense appropriations bill that it defends America. The Labor, Health and Human Services, and Education bill, he said, is the bill that defines America. I have thought about that over the years. He said that a long time ago. I have thought about that over the years, as I have been chairman of the subcommittee and ranking member, and chairman and ranking member. Both Senator SPECTER and I have changed places on this subcommittee now I think going back over 15 years. I have thought about that, that this is really the bill that defines America.

So how do we want to define America? As the haves with the beautiful Christmas tree, with all the lights, nice cars, warm clothes, good food, who send their kids to the best schools, live in the best neighborhoods? That is America? That is it, that is America? And then down below we have people barely scraping to get by, who don't know how they are going to pay the heating bills in the winter, the elderly, disabled, the poor, those who want to get job training, they have lost their job, but they want to work and are looking for job training assistance; families with meager means who want their kids to get a head start in life so they want to send their kids to a Head Start Program so that their kids, too, will have a decent shot at the American dream; or families who are low income and have poor schools to go to and so they want to at least have good teachers and good facilities and good programs and textbooks and things for their kids so that their kids, too, can get up on that ladder of success; or families who live in low-income areas who have no health care insurance, have no health care, and the only thing they have to go to is the community health center for their health needs, and that is there for them.

I don't know. What kind of America do we want? Do we want an America where at least at this time of the year we think generously? In this beautiful country that we have, all of the riches that we have, can we not find it in our hearts to pass an appropriations bill that at least, at least, does not back down from where we were before? You would think that would sort of be the minimum. You would think at least at this time of the year we would say, well, we are not going to do any more for low-income people, but we are not going to cut them back any more either. You would sort of think that would be the bottom line.

Sad to say, of all of the appropriations bills that this Congress has passed this year, this is the only appropriations bill that is cut below last year's level. This bill, the one that funds education and health, the one that reaches down to help low-income people, this is the one that is cut, the only one, the only one that is cut.

Please, someone explain this to me. Interior appropriations, Transportation appropriations, Agriculture appropriations, Military Construction and Veterans, Foreign Operations, Commerce-State-Justice appropriations, Homeland Security, Energy and Water appropriations, Legislative Branch appropriations—all above last year's level. Labor, Health and Human Services, and Education? Cut below last year's level.

Ten days before Christmas, Congress is poised to deliver a cruel blow to the most disadvantaged members of our society. Sadly, unlike in the Dickens tale, there is no sign of remorse, no nagging conscience, no change of heart at the end of the day.

This bill that we passed—and here I want to just, again, pay my respects and my esteem for our distinguished chairman, Senator SPECTER. He had a tough job. We worked it out. We passed a good bill, a decent bill in the Senate. I think it was unanimous, if I am not mistaken—I am sorry, it was 97 to 3. Well, that is almost unanimous, 97 votes. Both sides voted for the bill that Senator SPECTER crafted and that we worked together on. But then it went to conference, and the House came in and insisted on their position. Again, I just remind Senators and others that what happened is that it came out of conference—I didn't sign the conference report. Many of us would not sign the conference report because of these massive cuts. The bill went to the House last month, and the House rejected it. Then they reappointed conferees, as we did, and we met in conference on Monday evening, this last Monday evening, 3 days ago, for 44 minutes—44 minutes, with very little debate. The gavel was pounded, and we adjourned subject to the call of the Chair. Of course, the Chair never called us back, the Chair being the House Member. The House ran the conference this year. So they never called us back.

Now they jiggled a few things around, I guess, dealing with rural health—I will have more to say about that in a second—to get the votes in the House. Well, the House passed this bill yesterday by two votes. I think it was 215 to 213, if I am not mistaken. Two votes. A very contentious bill, two votes. Now we have it before the Senate. That is sort of the history.

Now it is up to us whether we are going to step back and say: No, we will not accept this bill. We will not accept cuts to these vital programs that I am about to go through here. But we will at least go on a continuing resolution until January. In January, when we come back, maybe there will be a little bit of change of heart and we can do a little better on this bill.

This appropriations bill, as I said, funds things such as the Head Start Program, community health centers, special education, job training, programs that help the neediest in our communities. As I said, most people who are watching today would probably expect these programs to get an increase this year because we know the poverty rate has gone up in this country, or at least you would expect that we would not cut it below last year's level. As I said, this is the only appropriations bill cut below last year's level, and that is about $1.4 billion less than last year. This bill cuts education for the first time in a decade, the first time since 1996 has education been cut.

No Child Left Behind, all of us here, I am sure, hear a lot about that when we go back to our States, the comments about No Child Left Behind. The biggest complaint about No Child Left Behind is that they are not getting the money by which to meet the mandate. In other words, it is like an unfunded mandate on our schools.

Now, I voted for No Child Left Behind. I was at the table when we met with President Bush in 2001 to get this bill through. At that time, it was agreed upon—at least I thought it was agreed upon—that we would have a funding stream to meet the mandate.

The President agreed to that. His people agreed to it. The President himself agreed to that. Yet we are now $13 billion less than what we said we were going to be at 3, 4 years ago. So it is no surprise that people in our communities are upset about No Child Left Behind. They are being told to do certain things, but they are not being funded to do them.

Well, here we are. We are cutting it again in this bill with a 3-percent cut, so there will be $780 million this year less than last year. That now puts us at $13.1 billion below the authorized level. It leaves 120,000 children behind.

Now, what do I say about that? That is title I. In my opening comments, I mentioned the fact that people who live in low-income areas and go to schools that do not have a lot of money need help. They need what we call title I services, the low-income children. It is $9.9 billion below the authorized level. That means that title I services to 120,000 children, who are currently eligible to receive them, will not receive them next year. Think about that: 120,000 children who are now eligible for title I services in our public schools will no longer receive those services next year.

What is the American dream for those kids? What about it? What about the American dream for them? And because of the programs we had in the past—Head Start, title I, all the other programs—we have been able to get kids of low income through secondary school. Now they want to go to college. Well, back in the 1960s we passed a program called the Pell grants, after our distinguished Senator, Claiborne Pell. It was grants to low-income students so they, too, could go to college.

Under this bill, the maximum Pell grant award is frozen for the fourth year in a row. For the fourth year in a row, we have frozen Pell grants. That means the purchasing power of a Pell grant today is about one-fifth of what it was 20 years ago. So if you are low income, and you want to go to college, it would be better if you had gotten it 20 years ago because your Pell grant would have gotten you a lot further then. Today it is worth about one-fifth of what it was then.

And special education: 28 years ago, this Congress passed the Individuals with Disabilities Education Act to meet a constitutional requirement that we had to provide equal and appropriate education for children with disabilities—a constitutional mandate. At the time we passed that, we said our goal was to have the Federal Government provide at least 40 percent of the additional cost of educating kids with disabilities. That was our goal: We would provide 40 percent of that additional cost to our local school districts. That was 27 years ago.

Last year, we had reached 18 percent. In other words, by last year, the Federal Government was providing 18 percent of the additional cost of special education. Under this bill, you would think we would be going forward to 40 percent. This bill goes backward. We are now at 17 percent. We are going in the wrong direction.

How many times have we voted on this floor to fully fund special education? We keep voting to have special education fully funded. We have all these meaningless votes. When it comes down to paying for it, we are going in the wrong direction. We are going in the wrong direction, down to 17 percent this year.

Well, that is the story in education. The story in education is very simple. If you come from a well-to-do family, and you live in a good neighborhood, and you have great schools and high property taxes, don't worry, the American dream is there for you. But if you live in a low-income area, with low property values, low property taxes, you have poor schools, tough luck, you were not born to the right parents. Tough luck. That is what this bill is saying to you. That is education.

Look at health. Look at the health programs. What do we do about health? Again, if you are a Member of the Senate or the Congress, work for the Federal Government, you have a nice Federal Employees Health Benefits plan—like all of us do—and you do not worry about it. We have great coverage. I often think many times those of us who serve in the Senate and the House probably think: Well, probably everybody lives like we do. Everybody makes $150,000 a year. You have a couple of houses, drive nice cars, wear nice clothes. We send our kids to great schools.

Well, I don't know, if I am not mistaken, as to the population of the Senate, out of 100 Senators, I think—what is it—80 now are multimillionaires? There is nothing wrong with that. There is nothing wrong with having money and achieving the American dream and having nicer clothes, a nicer car, a nicer house. There is nothing wrong with that. That is a big part of the American dream. But it seems to me that those of us who have been blessed with good health and good fortune, and who have sort of made it to the top of that ladder, it is incumbent of us that we leave the ladder down for others to climb, too, not pull it up behind us. And there are Senators and Congressmen in this body and in the House who are well to do, who have been blessed with good fortune, who understand the necessity of leaving the ladder down, and who fight constantly to make sure we meet our obligations as a Congress to reach down and help those less fortunate than ourselves.

Nowhere is this more true than in health. Nowhere is this more true than in health. We have tried over the years, since we cannot get a national health insurance program passed, to at least sort of block and tackle, if you will, to fill in the gaps, to help make sure people of low income can get at least some access to decent health care.

One of the most important of those is the community health centers. President Bush himself said at one time that his goal was to have a community health center—it was a State of the Union Message. I was there. President Bush said his goal was to have a community health center in every poor community by 2008, and we all rose and applauded. I believe in community health centers. Obviously, the President does, too. But where is the President? Where is he? Because in this bill not one new community health center will be authorized for next year—not one. Not one will be built in the United States.

Health professions. We want to recruit qualified health professionals to serve in parts of the country. It is slashed by $185 million.

National Institutes of Health: 355 new research grants will be cut. It is the smallest percentage increase in NIH. Actually, it is level funded. It is less than 1 percent, so you might as well say NIH has been level funded. This is the first time since 1970—35 years—that NIH has not received an increase.

Rural health programs: cut by $137 million. Now, you know there was some talk when this bill came back out of conference that they "fixed" the rural health problem. Not true. Not true. Not true. Rural health programs are cut by $137 million and nine vital health programs—trauma care, rural emergency medical services, health education training centers, healthy community access programs, geriatric education centers—are closed.

This one I think deserves a little bit more discussion, the geriatric education centers. We know our society is aging. We know geriatric care is a kind of a specialty. We want health professionals trained in geriatric care so the elderly among us will be healthier, will have better diets and nutrition, will have better exercise, and will have more sociability.

We know when you do those modest things, you keep the elderly out of nursing homes, you keep them out of the doctors' offices, you cut down on Medicare and Medicaid.

Well, here is a map that shows States that will lose geriatric centers. All the stars are geriatric care centers that are going to be closed. Two weeks before the 78 million baby boomers in this country begin to turn 60—that is next month, January—we are going to close all these centers. In Iowa, we have a center at the University of Iowa School of Medicine that trains doctors, osteopaths, nurses, dentists, chiropractors. There is a big need. Iowa has the highest percentage of citizens over the age of 85—the highest of any State in the Nation. This bill eliminates the geriatric center at the University of Iowa. So that is education.

Let's look at labor. We know that people are unemployed and they want to be retrained. The Department of Labor is cut in this bill by $430 million, the biggest cut ever made to the Department of Labor—the biggest ever, at a time when we keep hearing stories about how China is training all these engineers and scientists and doing all this stuff. We need to get people retrained, and this bill cuts adult job training and youth job training. Adult job training is cut and youth job training is cut. I guess we are telling people that you may have had a job and that job has ended, but you may want to get into the new economy. Do it on your own. You are not going to get any help.

People cannot do that. They are broke and out of work, and they have kids and families. Rather than advancing, they will go out and find some job that will at least put bread on the table, when they could be getting job training that would allow a better job and higher income in the future. This slashes employment services by $89 million—an 11-percent cut in employment services.

What are employment services? They are to help people get employed, to get a job. Yet we are cutting it, even though we know the rate of unemployment has gone up. I don't know how anybody can justify this, especially at this time of the year.

Let's take one more look at LIHEAP, the Low Income Heating Energy Assistance Program. This bill provides no additional funding for LIHEAP. We know that fuel costs are skyrocketing. In Iowa, natural gas prices are up 40 percent from last year. Hawkeye Area Community Assistance in southeast Iowa reports that LIHEAP funds are likely to run out in mid January, one of the coldest months of the year in my State. This bill fails to keep up with this overwhelming need.

I was in Iowa a couple weeks ago and I met with some people who applied for and are eligible for LIHEAP. I remember one individual who is disabled and lives by herself. Her monthly cost for fuel has gone up about 50 percent for what she pays every month. I think she qualifies for $232 in LIHEAP funding. I mentioned that to somebody after I met with these people. I mentioned I had this meeting and this one woman who was disabled lived by herself and she qualified for $232 in energy assistance to pay her heating bills. One of the individuals in the group I talked to said, "That ought to pay her monthly bill." I said, "Wait a second, that $232 is for the year." They thought it was for the month. I said that is for the year—October, November, December, January, February, March, and probably April. That is $232 for 6 or 7 months. "I didn't realize that," she said, "I thought it was for the month." I said, "No, that is for the whole year."

Yet we are cutting back on that. We are not providing enough money to take into account the increased price of propane and heating oil and natural gas prices. I have heard: Don't worry, Harkin, we will come back in January and, if we need to, we will pass a supplemental or something at that time.

Don't hold your breath. What about the people who are out there who don't know how to pay their heating bills, who need to get propane delivered, especially in rural communities such as where I live? We have propane tanks. I have a propane tank outside of my house. You call up the company to come fill it. Well, all right, you have to pay the bill. If you have not paid the previous month's bill, you are not going to get it delivered. Unlike natural gas where they cannot cut you off, they can cut you off of propane.

So we are going to come back and do this in January or February. Yet we will let anxiety rise, let people worry about it. I can tell you right now, in my State of Iowa, there are people living on the edge. They have food stamps, they are getting LIHEAP, many are disabled, and many are elderly. They are thinking, I know that next month is going to be cold—in January and February. Maybe I should not buy the drugs I need now because I will need that money next month. Maybe I will cut back a little bit on some of the food I have been buying or I will cut back on some of the things I want to do in order to have the money for the heating bills. That is what is happening now. There is anxiety out there. We are saying: That is okay, be anxious; we will come back in January or February and fix it.

Is that any way to treat people? Put yourself in that position. What if you didn't know whether you could pay your heating bill next month? What if you didn't know whether you were going to be able to pay? They say don't worry about it, we will come back in January and February and we will fix it.

When we passed a continuing resolution at the end of September, I took the floor to beg my colleagues to reject this part of the continuing resolution that would cut the community services block grants by 50 percent. Well, we didn't get that done. Then it was put on the DOD bill, and they told us we will take care of that. The funding for community services block grants goes out to help programs such as Head Start and LIHEAP. In other words, if you are going to apply for LIHEAP, you usually go to some agency—an area agency on aging or you go through one of these community action agencies. They help you with the paperwork and do the necessary things to show that you qualify. If you don't have that, chances are you probably would not qualify.

In our continuing resolution, we cut that by 50 percent. We are told we will take care of it, we will fix it. But that was in September. We have gone through October, November, and December—3 months—and the community services block grant is still cut by 50 percent. They say we will take care of LIHEAP, too. When? In March, April or May?

So whether it is health, human services, education, medical research at NIH—no matter what it is in this bill—what can I say; it is awful. This bill is awful. It is not something we ought to hold our heads up and be proud about. We ought to be ashamed of this, ashamed that we cannot find it in ourselves to meet the needs of the poorest people in our country, the neediest.

This bill ought to be rejected, and we should go to an honest continuing resolution, not one that cuts programs but one that at least keeps last year's level. If we want to, then we will come back and fix it again next year. But this bill is not deserving of our support. It sends the wrong—I don't want to say it sends the wrong message, that is not it; it doesn't do the right thing. It doesn't do what a generous, compassionate nation ought to do for its neediest citizens.

Mr. President, I see my distinguished colleague, Senator KENNEDY, is on the floor. Again, I yield the floor to him. There has been no one who has fought harder for these programs in education and health and human services for all of his adult life, no one who has spoken more passionately and forthrightly about the obligation we have as public servants to meet the needs of our neediest citizens than Senator KENNEDY.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join with those on our side and I think most Americans in commending the Senator from Iowa, Mr. HARKIN, for his steadfastness and determination to make sure we are a fairer country, a country that is going to offer better opportunities for many of those who have been left out and left behind.

I listened carefully to his excellent presentation earlier in outlining the choices, the alternatives for the American people presented in this particular legislative proposal. Once again, he has made the convincing case that we can, as Americans, do a great deal better in terms of those who have been left behind. With this recommendation that has come back from the conference which represents basically the Republican priorities, there are going to be millions and millions of Americans who are going to have a dimmer Christmastime this particular year.

There is an extraordinary irony that we are within 9 days of Christmas Eve when families will gather around the Christmas tree, exchange gifts, will attend church services, and think about the spirit of Christmas. When they realize what their representatives have done in Congress, they know they will have a dimmer Christmas with fewer opportunities for their children and their parents and for the lives of working families in this country.

I thank the Senator from Iowa for his excellent presentation and for the continued battle for decency in our country.

As the Senator from Iowa has pointed out, this is an issue of choices for our Nation. Budgets are an issue of choices and priorities. He mentioned that during his presentation, and he has repeated the areas where we are going to see further reductions that are going to make it more difficult for families in this country.

But you can't get away from the major fact, that a judgment and a decision has been made by the majority for a tax giveaway, effectively, to the wealthiest individuals in this country of $95 billion. Someone has to pay for it. The judgment that has been made by the majority party is that it is going to be the neediest members of our society who are going to have their belts tightened over this period of time. Nothing illustrates it better or more effectively than this chart illustrating where the House bill leaves tax cuts for the wealthy individuals under the Christmas tree but leaves middle-class families out in the cold. Families with incomes over $1 million will receive $32,000, and those families with incomes under $100,000 will receive $29. And people can say, Is that what this legislation is all about? Why in the world are you doing that?

We just listened to the Senator from Iowa talk about all these cuts. What does that have to do with tax cuts? The fact is, if you are going to provide $32,000 in tax incentives to families making over $1 million in income and only $29 for families making under $100,000 in income, you not only have the issue of fairness if you are going to go for the $95 billion—it is grossly unfair in the distribution—but then you have to ask, How are we going to pay for all of that? The Senator has done a very comprehensive job in presenting that issue.

I will take a couple of areas. We have gone through these at other times with the Senator from Iowa—and I commend him—in the health area, the neighborhood health centers, the training of personnel, all the range of public health programs. What I would like to do this morning is take a look at where we are with education funding.

This chart shows where we have been in 1997, 1998, 1999, 2000, 2001, 2002. Look what has been happening in the last 4 years, and this Republican bill contains a $59 million cut in education programs. Look at America's priorities as reflected in education. One can say money doesn't solve everything. It doesn't, but it is a clear reflection of a nation's priorities. This chart is backed up with budget figures. I have the budget items right here that reflect all of this. They indicate that this is what we are saying to Americans on the issues of education.

In my State, we have made some important progress in education. We have made some important progress. Quite frankly, we put in place in our State a number of the reforms that were eventually put into No Child Left Behind—smaller classes and better trained teachers. In the NAEP test, which is the national education test, Massachusetts scored higher than all other states in reading, and tied for first in the Nation in math. In Boston, we saw a 19 point increase in the number of Hispanic students proficient on the math test, and a 10 point increase for African American students. These are the first major breakthroughs in the history of our country in these disparities. We are beginning to see progress because we have been investing in children.

Not anymore. Here is where we are going: Right back to the good old bad days in terms of a nation's priorities in education.

Today, we will have an opportunity, on the issue of education, to reaffirm what we did in the Senate. That was a bipartisan effort that produced a decent bill. We met our obligations under what they call reconciliation and the budget items. In a bipartisan way, led by our chairman, Senator ENZI, and with the assistance of Republicans and Democrats, what did we do? We—in our committee and on the floor—virtually unanimously in our committee increased the maximum need based aid to Pell-eligible students to $4,500. Before that, we haven't been able to increase the maximum Pell grant. We have been flat on these Pell grants. These affect the neediest students. There are 400,000 students who won't go to colleges, who are academically qualified to go to colleges, because they can't afford the dramatic increase in the cost of tuition.

The Senate did something about it. We increased these grants to $4,500, and we gave an additional boost to those students in their junior and senior years who are going to be studying math and science. Why math and science? Because as all of us understand, if we are going to have an innovative economy, we are going to have to invest in the degrees that are going to permit us to have an innovative economy. That is necessary not only because we need an invigorated economy, but we need strengthened national security and defense. We were able to do this in the Senate.

What has the House of Representatives done? The House of Representatives has raised the interest rate caps for students to 8.25 percent.

At that rate, the typical borrower will pay as much as $2,600 more on loans. They raise the origination fees on direct loans in the short term, which will cost the typical borrower $400; they impose a new 1-percent fee on all students who consolidate their loans. It is going to cost students, parents, and families thousands of dollars more to attend or to send their children to college. That is where the House of Representatives goes—increasing the cost of college for working families who are already struggling. That is why we believe it is so important that our negotiators hold firm to the provisions in the Senate bill. We meet our responsibilities, and we provide the kind of help which is so necessary for students in this country. That is what our bill does.

We will have a chance to vote on our motion to instruct conferees this afternoon. We do not always have a chance to offer amendments or motions to instruct conferees on every subject matter but we will in terms of the issues on education and higher education.

I want to mention one other item that the good Senator from Iowa has spoken to because I think it is enormously important to our fellow Americans. Here is the cover of Nature Magazine, publisher of the original human genome paper. The Senator from Iowa was visionary in ensuring that NIH was going to move forward in giving the support for the mapping of the human genome.

With the mapping of the human genome, we have seen all kinds of possibilities in terms of health care and medical breakthroughs. We have seen medical breakthroughs in the historic diseases that have affected every family across America, including all of us in the Senate and the House of Representatives. We have seen breakthroughs addressing the problems of Alzheimer's, the problems of Parkinson's disease, the problems of cancer, the problems of diabetes.

We have begun to see enormous progress that is being made. We are at the tip of the cusp. That is because we have had bipartisan cooperation. The Senate was working together, as we have in education. We worked together, Democrats and Republicans, all during period from the late 90's through 2002 to try to get investment in breakthrough research. Just about every scientist who has appeared before the Senate's Committee on Appropriations says this is the life science century. The possibility of achieving breakthroughs that benefit every family in America are virtually unlimited if we invest the resources.

Does anyone think that is what this administration is doing? No. They say, let us give $95 billion more in tax breaks to the wealthiest, and let us cut all of that potential right off at the knees. That is what they have done. That is what is before us. That is why the Senator from Iowa has said that this is an unacceptable budget. Do not take our word for it. Look at the budget, the choices that have been made. If one goes back, at least in my State, and talks with families, they will probably be talking to you now about the Medicare D Program and how they are going to deal with the confusion. But underneath it all, when it comes to the end of the conversation, they will say: What are the possibilities of getting some real breakthroughs? My father has Alzheimer's, my uncle has Parkinson's disease, what are the real chances of doing something about these diseases? We have to take care of them. We love our family members, what are the possibilities of finding breakthrough treatments to save them?

Every scientist and every researcher was moving along on this. We thought we had an agreement to consider the stem cell legislation, another area on which the Senator from Iowa has been a leader. We thought we had an agreement by the leaders that we were going to bring this up. The House of Representatives has acted on it. My State of Massachusetts has acted on it. Other States have acted on it. What is wrong with the Senate? They say, we have to take more time to pass more tax giveaways to the wealthiest individuals, we cannot afford to take the time to do the stem cell research. No, sir, we cannot do that. I say, this is the priority. That is why the Senator from Iowa is as worked up as he is.

This is the reality of the NIH budget. Dr. Landis, who is the Director of the National Institute on Neurological Disorders and Stroke, says:

> If we are to fund new programs, we will have to stop funding old programs. For every young investigator, a senior investigator will be unfunded. For every senior investigator who's refunded, it means a junior investigator won't be.

Mr. HARKIN. Will the Senator yield on that?

Mr. KENNEDY. Yes.

Mr. HARKIN. I appreciate the Senator pointing this out because yesterday a big story broke in the newspapers from NIH. A lot of times people ask what happened with the human genome project, what is it leading to, mapping of the entire human genome. A couple of years ago, I paid my first visit to Cold Spring Harbor Laboratory in New York, Long Island. It is run by James Watson, who is one of the codiscoverers of the structure of DNA. What they had embarked upon at that time was the beginning of mapping the genes of all of the cancers known to humans. It was a small project. It was funded and it went along. Yesterday, a story broke that Dr. Zerhouni, the distinguished and very capable head of the National Institutes of Health, announced that the National Institutes of Health was embarking upon a program to map and sequence the genome of every known cancer. They are going to go out and take cells of every cancer, take the DNA out, and map it. They think that it is going to take about 10 years to do. It will cost about $1 billion to $1.5 billion.

Is it worthy? Of course. These are the bullets we will have to really get at cancer. It is phenomenal in its concept and what it is going to do.

Here is the problem, as the Senator from Massachusetts pointed out. We do not give them any extra money to do it. That means if they are going to embark on this, they are going to have to take money out of other research on Parkinson's disease, Alzheimer's disease, and everything else.

Yesterday, I asked Dr. Zerhouni: Where is this money coming from? Already we are cutting down and cutting back on the number of grants that are being awarded, and now with this appropriations bill that we have, it is going to get even worse.

I say to my friend from Massachusetts, when we embarked on mapping and sequencing the human genome back in 1991 when I was chairman, we did not take money from some other place. We came to the Congress and said this is important, let us do it, let us fund it and we did it, and we paid for it.

Now, with this tremendous news yesterday that came out about mapping, sequencing the genomes of all known cancers, we are now cutting the funding basically for NIH. So I say to my friend from Massachusetts, what he pointed out, that is what we are confronting. We are confronting cutting back in other needed research to do this or maybe we will not do this after all. That is the dilemma we face. That is the position that this appropriations bill puts us in. I thank the Senator from Massachusetts for pointing that out.

Mr. KENNEDY. I welcome that very important statement. What we are seeing from the research community is not only the progress that is being made in basic research, but the acceleration of breakthroughs through the use of advanced engineering and computers to fast track this kind of research.

This chart reinforces the point that the good Senator has made. Four out of five new ideas will be rejected in fiscal year 2006. This chart states that 79 percent of grant applications to NIH will be rejected. This will be the highest percent of grant rejections in decades. In these grants lie the possibilities of life saving treatments and cures. When we are talking about the grants, as the Senator knows, we are talking about serious grants. These are not grants submitted by someone off the street saying: Listen, give me some dough, I think I think I have an idea. These grants have been researched, examined, and tested. They are the best, in the opinions of the scientists in that particular area, and are worthy of further progress. The opportunities for meaningful progress are in these projects. Eighty percent of those grants are being rejected. Why? Because we want $95 billion to go to the wealthiest individuals in this country. This is who is paying for the budget cut, this right here—the 80 percent of scientists whose grants will be rejected. With the budget squeeze and those few hundreds of millions of dollars saved, we will be able to provide the additional tax breaks, giveaways to the wealthiest individuals.

Finally, I want to bring up the subject on which the Senator from Iowa has been the leader. I want to talk about the dangers of avian flu and the dangers of the pandemic. I have listened to the Senator make the persuasive case for our Nation that avian flu is a danger. I have listened to him stop this Senate and say: Look, we have to take action on this flu legislation. We have to provide the resources to deal with this challenge we are facing.

I know this chart is difficult to read, but it is a time line going back to 1990. It lists all the warnings from June, 1992 through today. We see the warnings all the way back 1992:

> Policymakers must realize and understand the potential magnitude of a pandemic.

Here's the warning in Hong Kong, 1997.

Here it is in the GAO report:

> Federal and State influenza plans do not address key issues surrounding the purchase and distribution of vaccines and antivirals.

Here it is from the World Health Organization:

> Authorities must understand the potential impact and threats of pandemic influenza.

Here it is in Vietnam. Here is the December 2003 outbreak in Korea.

The Senator rightfully challenged this body to say we have to do something about the pandemic threat. And we responded. I had the opportunity to be at NIH when the President of the United States made his commitment to this deal with $7.8 billion. What happened? The money that had been requested by the President, the money that had been put into the budget by the Senator from Iowa was struck out. The President requested it. The Senate went on record. We have the warnings. We have been told about this. Secretary Leavitt has spoken passionately about this issue. Former Secretary Thompson has spoken out about this issue. But we are still falling behind on pandemic preparedness.

This chart is familiar to the Senator from Iowa but is one I think we need constant reminding of. Japan had their comprehensive flu plan in October of 1997; Canada, February '04; Czech Republic, '04; Hong Kong, '05; Britain, '05. We have gone through their plans and they are extensive. The United States released our plan November of '05, and it is incomplete.

Do we think in this budget we are giving the assurances to the American people that we are going to be leaders, able to deal with a possible pandemic? Absolutely not.

I share the real frustration of the Senator. He had mentioned earlier the problems they were going to have in terms of heating oil. Under current funding, families in Massachusetts will receive LIHEAP assistance that is effectively enough for only one tank of oil. Basically, low-income and middle-income working families use two to four tanks over the course of the winter, two to four tanks. They will have one tank under current funding levels.

I think of the number of people, primarily women, who are waiting to go back to work. There are some women who want to go to work, but they do not have the childcare to take care of their child so they can go to work. In Massachusetts, 13,000 children are on waiting lists for childcare slots. Most of these mothers have the opportunities to go to work, but they can't without childcare assistance. I think that is a long, difficult wait for so many of these families who are constantly challenged to protect their child while going out and working and providing for their family. They are constantly facing that every morning they wake up. Do you think we are helping them? Oh, no, we are adding more burdens to them. There will be fewer slots, under this particular proposal, for those families.

I think of the 160,000 people who are unemployed in my State and the 72,000 jobs that are out there waiting for people to be able to receive. The only thing that is missing is the training programs, to train part of the 160,000, train 72,000 so they can get those jobs. Do you think that is in this legislation so these families will be able to participate in their community, make even a greater contribution to their community, plus pay taxes? Oh, no. We are cutting back on that funding. There are further cutbacks on the training programs.

We are cutting back or eliminating the dropout prevention programs. We are cutting back on the afterschool programs. The list goes on. The point has been made very eloquently by the Senator from Iowa. As the Senator from Iowa has pointed out and as I mentioned, this day is about choices in the Senate. It is about choices—whether, on the one hand, we think in our national interest it is more important to give the $95 billion in tax giveaways to the wealthiest individuals in this country. It is not even a fair plan. If you were for a tax program that was going to be fair, at least you could make that case, I would think, and hold your head up. This is $95 billion, and the $32,000 to every family earning over the $1 million and $29 to every family earning under $100,000—that is not even fair, if you thought that was the Nation's priority, paid for by the most vulnerable people in our society.

I do not want to hear a lot from the other side talking about the Christmas spirit. We have seen how the Christmas spirit is reflected in real terms in their votes on these issues here. It is not going to be a happy one.

In our motion to instruct on higher education, which we will address in the afternoon, the following Senators have indicated support. There are others that have contacted me about it as well. Senator HARKIN and Senator DURBIN, Senator DODD, Senator REID, Senator LIEBERMAN, Senator KERRY, Senator REED of Rhode Island, Senator CORZINE, Senator CLINTON, and I will add others as the day goes on.

I thank my colleague and friend from Iowa for his excellent presentation, for his review of all these issues and questions, and for posing the vital issue for the American people, almost at the time of Christmas Eve. He has summarized it. There is no one more knowledgeable or understanding, or anyone who has been a more forceful advocate of all of these causes, than the Senator from Iowa. I thank him for his energy and persuasiveness and his presentation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, parliamentary inquiry: How much time do I have remaining?

The PRESIDING OFFICER. Eleven and one-half minutes.

Mr. HARKIN. Madam President, I don't know if any others want to come over. That is why I asked for 90 minutes to point out how bad the bill is.

Looking at all the various programs that were cut, Senator KENNEDY did an outstanding job of going over how devastating some of these cuts are going to be in terms of health, education, and medical research. Going through a big bill like this, sometimes your eyes kind of glaze over some of the important aspects that people do not bring to the forefront.

But there is one other cut in this bill that people ought to know about. All the staff who are watching, the Senators who are watching, you ought to know about this cut. It is the maternal and child health block grant being cut by 3 percent. The real per-capita purchasing power is now 20 percent below what it was in 2002. What is the maternal and child health block grant? It helps low-income mothers get preventive health services and medical treatment for children who have disabilities and other special needs.

One of the best things we have ever done here to help low-income families have healthy babies and to make sure those babies get the best start in life is the Maternal and Child Health Block Grant Program, which goes out to the States, and it is cut by 3 percent.

Please justify that. When you vote later today on whether to accept this appropriations bill, please justify just that one thing: how you are going to justify cutting the Maternal and Child Health Block Grant Program.

As bad as this bill is, every time I look at it, I ask: Can it get any worse? The answer to that is, yes. It is going to get worse. Here is why.

This bill had a $1.4 billion cut. We have just gone over all of the things that are cut in this bill—the Maternal and Child Health Block Grant Program, to education, to medical research—all vital in defining the kind of country we are. Can it get worse? Yes. Here is what is going to happen. Hang on.

Tomorrow or Saturday or sometime, we will be voting on a Department of Defense appropriations bill. That Department of Defense appropriations bill will have a bunch of things in it that do not deal with the Department of Defense. By the way, it will also have in it a 1-percent across-the-board cut. We are already told it is in there—a 1-percent across-the-board cut.

All of the cuts we have talked about—Maternal and Child Health Care Block Grant Programs, title I funding, special education, geriatric training centers, and NIH—all of that is going to get an additional 1-percent cut.

The way that works out is, the $1.4 billion cut in this bill is going to be a $2.8 billion cut. It will double it.

As bad as this bill is now with the $1.4 billion cut, by the time we are through here tomorrow and voting on a 1-percent across-the-board cut, it will be twice as bad—a $2.8 billion cut in this bill.

That is because this bill is about $140 billion. You take a 1-percent across-the-board cut, that is $1.4 billion. So get ready. That is why this bill should not be passed in its present form because there is going to be that 1-percent across-the-board cut. It is going to double.

The Senator from Massachusetts mentioned the avian flu bill. We put money in here for the avian flu. I offered an amendment on DOD appropriations back in September. In December, the chairman of the Appropriations Committee said that is not the proper place for it, that it ought to be on the Labor-Health and Human Services bill. I agreed with him. But we didn't know if we were going to have a bill. So it was put on the DOD bill.

Later on when we got this bill before us, we added $8 billion to get us prepared to fight perhaps the biggest flu pandemic the world has ever seen, one that could kill hundreds of thousands of our fellow citizens, one that could hospitalize up to 90 million people in this country. We put $8 billion in this bill. Guess what. Look at the bill. It is not in there. It is all gone, all taken out.

They say they are going to put some more in the Department of Defense bill. We haven't seen it yet. But they took it out of this bill.

It is going to get worse. Today is December 15. By the way, it is also the anniversary of the adoption of the Bill of Rights to our Constitution. I hope it is not too much of a leap to ask on this anniversary of the Bill of Rights: What about the rights of poor people? What about the rights of low-income people? What about the rights of our people to be protected from the pandemic flu? What about the rights of our citizens to decent health care, the rights of our citizens to a decent education, no matter where they live or the circumstances of their birth? Should the quality of your education be decided by geography, where you live? What about our rights? This bill before us speaks to rights, human rights, the basic rights of an American citizen to decent health, housing, education, a shot at the American dream. So on this December 15, 10 days before Christmas, the anniversary of the adoption of our Bill of Rights, throughout much of the world it is a season of giving, but here in Congress with this bill it is a season of taking away education programs, taking away job training, taking away home heating assistance, taking away rural health programs, taking away maternal and child health care.

But what it really takes away is hope. It takes away hope from people, hope for a better life, hope for a better shot at the American dream, hope that their children will have it a little bit better than what they have had.

I remember when then-Governor Bush was running for President in 2000. He had a saying at that time—I haven't heard it lately, but he had a saying that the Government can't give hope to people. Well, I beg to differ. Government can give hope to people. It depends on who is running the Government as to who is getting the hope. As the Senator from Massachusetts just pointed out, we have a huge tax bill, more tax breaks for the wealthiest in our society. If you are making over $1 million a year, you have a lot of hope. You are going to get about $32,000 in your Christmas stocking. Thirty-two thousand, you are just going to get it, a nice tax giveaway for the most affluent in our society. A lot of hope has been given to them by this Government.

But if you are low income, if you live in small rural America, if you are elderly, if you are disabled, if you need the help of the Government to lift you up and to give you some hope for a better life, you don't get hope. It is taken away from you.

So what we are saying to low-income families who are working, trying to pay their bills, trying to scrape by, trying to keep their families together, trying to raise their kids, I guess what we are saying is, Merry Christmas, hang your stocking, and Congress is going to put a lump of coal in that stocking for you. That is what you get.

I don't understand how anyone can vote for this bill, especially at this time of the year. I hope our conscience would come to the fore. We all know the wonderful story from Dr. Seuss. We recall reading it to our kids, "The Grinch Who Stole Christmas." This bill is a bill only the Grinch could love. No funding for avian flu, lowest increase in NIH funding in 35 years, cuts education funding as No Child Left Behind requirements are going up, no increase in college aid, cuts job training. I could have added a lot more—as I said, cuts in maternal and child health care, cuts in geriatric training, cuts in Head Start.

Well, if you like the Grinch, I suggest you might want to vote for this bill. But we need to reject it and insist that the leadership provide enough funding to write an acceptable bill. They have the power to do it. We did it in the Senate. I repeat, under the leadership of Senator SPECTER, on a bipartisan basis, we passed a bill here 97 to 3. We can do it. If only the President of the United States just said to the House leadership. We want the Senate bill, we want what the Senate did to be fair and just to all our citizens, we would have this. We would have it. That House of Representatives, they will do whatever the President tells them to do. And if he had waded in there and said, Look, we don't accept this, we will have the Senate-passed version, that is what we would have. We would all vote for it and hold our heads up high and say we did the right thing for the citizens of our country. Yes, leadership has the power to do it. They have the White House, the House, and the Senate.

What is stopping them from giving us a decent bill? As I said, we did it here. We did it on a bipartisan basis in the Senate. But if we pass this bill now, this conference report, and give this very cruel rush—well, we have to get out of here. We have to go home for Christmas. We have to pass the bill. No, we don't. No, we don't. What we need to do is to say no, go back to the drawing board, get us a bill that is acceptable, and if we have to go on a continuing resolution for a month until we come back, or 2 months, until February, we have done that before. We would be better off going on a real continuing resolution, I say to my friends in the Senate. We would be better off than accepting this bill and putting the pressure on the White House and the House to come back with a better bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. That is really the essence of it, Madam President. We need a better bill. We should not vote for this one.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I share the concerns and frustrations expressed by the distinguished ranking member of this subcommittee, Senator HARKIN, and I believe he will agree with me that this bill, the bill that the Senate passed was structured as well as we could have structured it, given the allocation which we had.

Mr. HARKIN. I just said so, yes.

Mr. SPECTER. My question to the Senator from Iowa would be, on this conference report, where I have already said publicly in the conference that I thought it was grossly inadequate, $5 billion under last year on health, which is our No. 1 capital asset in this country, and education, which is a major capital asset—health so we can function, education to prepare us for the future, and job training in the Department of Labor, I would ask him if—and I have said publicly that I intend to vote against this bill as a protest unless my vote is needed. And I know that is unusual for the chairman of the subcommittee to take that position. But I believe that Senator HARKIN and the subcommittee and full Senate and I have done what we can on a bill subject to limitations that we have. I would ask the Senator from Iowa if there is anything more we could do given the restrictions as to allocation of what we were facing?

Mr. HARKIN. First, I say to my friend, and he is a dear friend of mine—we have exchanged chairmanships on this committee going back over 15 years—as I said earlier in the Chamber, and I say again, the bill that our chairman, Senator SPECTER, put together and that we brought out on the Senate floor, we worked it. Our staff worked it. We got a 97-to-3 vote, I say to my friend. The bill that the Chairman brought to the floor we passed 97 to 3. It was a good bill. We always want to do more, but given the restrictions, that was a good bill. That is the bill we ought to have before us now. The problem is that the House wouldn't go along with it. But that doesn't mean that we have to go along with it.

I appreciate the position the chairman is in. I have been in that position, too, in the past. I appreciate the difficult position he is in. But I want the record to be clear that this chairman brought out a good bill, a bill that was passed 97 to 3 by the Senate. I point out that this chairman fought very hard for our priorities and for health funding. I don't want anyone to mistake what I am saying. But I am just saying that the House and I have to say the White House, maybe through inaction or not being involved, let it happen and are now confronting us with this conference report that is totally inadequate. That is totally inadequate.

I might add to my friend from Pennsylvania that what we are facing now is the result of a bad budget. That is what it is. We have a bad budget forced on us. This is sort of the end result of that. But even with that bad budget, we came out with a decent bill. I say to my friend from Pennsylvania, I only wish the White House had been actively involved in this conference and came down and told the House leadership: We want nothing less than what the Senate did.

If we had that, we would have had a bill out here that would pass 97 to 3 again. It might even pass unanimously.

So I say to my friend from Pennsylvania, we can do better than this. I say to my friend, I do not enjoy voting against this bill. I do not enjoy it. I do not enjoy not signing the conference report. But we can do better. We do not have to accept this. We can go on a continuing resolution, a real continuing resolution, and say to the White House and the House: No, we need to do better than this.

That is why I say to my friend from Pennsylvania—I have the greatest respect and admiration for him, as he knows, and he has fought hard for us—sometimes at the end of the day you have to say no, we are not going to accept it. So that is our position and that is my position on this bill.

I say to my friend from Pennsylvania, I know he has other things he has to work on today on different legislation and everything, but we have to send a signal to the House and the White House that this is unacceptable. I say to my friend, I thank him for his leadership and for bringing out a good bill here in the Senate, something we were proud of and voted for. I was proud to work with Senator SPECTER on that bill. I am sorry the House and, yes, I say the White House—they should have been involved in this—are now confronting us with a bill that is unacceptable.

I thank my chairman.

Mrs. MURRAY. Madam President, to keep America strong, we need to keep our families and communities strong. That is why I am very concerned about the fiscal year 2006 Labor, HHS and Education appropriations bill.

The Senate is scheduled to take up the final conference agreement on this bill, and it is bad news for the American people. This bill is filled with the wrong priorities for our country.

If we pass this bill as a result, it will tear apart what is left of America's health care safety net and provide fewer investments in education and workforce training.

Instead of investing here at home—in our people, our children, and our communities—this bill will move us in the wrong direction and will undermine America's strength.

If we can rebuild schools and hospitals in Iraq out of emergency funding, why can't we provide the resources our own communities need here at home?

We know that rebuilding safe and stable communities in Iraq requires investments in education, training, and health care. And the same is true in communities across America.

If we want to be strong here at home, we need to invest here at home, but this falls far short of what we need.

That is really a disappointment because this bill is the most direct tool we have each year to improve the health and education of the American people.

More than any other appropriations bill, the Labor-HHS bill directly impacts almost every family and every community. This is a bill that funds all of the Federal commitment on education. It provides funding for our investment in biomedical research. It funds all of the Older Americans Act programs. And it provides the funding to retrain our workers to succeed in a very competitive global economy.

This is an important bill and it should be used to invest in America, but instead—this bill cuts funding by $540 million from last year's level. When we add in the Medicare administrative funds, the total cut soars to $1.4 billion.

That means we are moving in the wrong direction—and families are going to feel the impact in health care, education and job training.

Let me start with health care.

This bill cuts total health care funding by $466 million. It cuts programs that help the uninsured get health care, efforts like community health centers, the maternal child health block grant; health professions training, rural health, and CDC disease prevention programs.

This bill also moves us in the wrong direction on disease research. We can all be proud of the National Institutes of Health. It is the leading source of biomedical research into deadly diseases like cancer, MS, Parkinson's, ALS, heart disease, and AIDS. But this bill provides the NIH with the smallest increase since 1970. It would move us backward in our fight against cancer and other terminal illnesses. How can we expect to be able to find vaccines for new global pandemics when we are cutting our investment in critical research?

This conference report will also make it harder for uninsured families to see a doctor. Specifically, this bill eliminates the Health Community Access Program, which I have fought to protect for many years now.

This is a program that helps our local communities to coordinate care for the uninsured and provide integrated health care services for vulnerable families.

I have seen the Community Access Program at work in my home State of Washington, and I know it is making a tremendous difference.

These are the very programs we should be investing in today. The HCAP program was authorized with broad bipartisan support in 2002. But this bill would eliminate this successful community-based model for helping the uninsured.

Not only is this bill bad news for health care, it also moves us in the wrong direction on education.

This bill represents the smallest increase in education in a decade. Today, schools are facing increasing requirements under No Child Left Behind. Today, family are facing rising college tuitions. Today is no time to shortchange education. We know the burdens on our local community are growing.

In the coming year, school districts will face higher academic standards, and they will have to meet new requirements for highly qualified teachers. That means they need more help. But the conference reports cuts funding for the No Child Left Behind Act by 3 percent.

Funding in the conference report is $13.1 billion below the authorized funding level.

This bill also marks the first time in 10 years that the Federal Government will slide backward on its commitment to students with disabilities. The Federal share of special education costs would drop from 18.6 percent in fiscal year 2005 to a flat 18 percent in fiscal year 2006.

Every time we cut back our investment in special education, we are putting a higher burden on local school districts, children, and their families.

In addition, funding for disavantaged students-through title I—will receive its smallest increase in 8 years. In fact, the funding level in this bill is $9.9 billion less than what Congress and President Bush committed to provide. The bill would leave behind 3.1 million students who could be fully served by title I if the program were funded at the committed level.

Many students are feeling the impact of higher tuition. This year, tuition and fees grew by 7.1 percent at 4-year public universities. But the conference report fails to increase the maximum Pell grant award for the fourth year in a row.

It also fails to increase funding supplemental educational opportunity grants, the Work-Study Programs, and the LEAP Program, which supports State need-based aid.

In addition, the conference report also fails to increase funding for GEAR UP and the TRIO Programs, which help disadvantaged students complete high school ready to enter and succeed in college.

This bill also moves us in the wrong direction on helping America's workers.

We hear a great deal about economic recovery and building a strong economy. Yet this conference report will cut adult job training by $31 million. It will cut youth training by $36 million. These programs serve over 420,000 people nationwide. How can we hope to strengthen our economy and help those who lost manufacturing jobs if we are reducing our investment in job training?

All of the tools we need to build a strong economy—and a strong America—are on the chopping block in the Conference Reports.

Worst of all, this is not the end.

We know that there will likely be an across-the-board cut in all discretionary programs, including those funded in the Labor, HHS and Education appropriations bill.

That means even more families will lose access to affordable health care, more children and schools will go without the resources they need to meet the Federal mandates of the No Child Left Behind Act, and more workers will see the American dream slip away when their plant closes.

This is not the right message to send to our families and communities.

Let's show them that we want to make America strong again and that we are willing to invest here at home.

I urge my colleagues to reject this conference report and force the Republican leadership to invest in making America stronger.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, there is time available on the bill, the Labor, Health and Human Services, and Education bill, for those who wish to speak in favor of it. If any of my colleagues wish to do so, I invite them to come to the floor at this time. If there are no speakers in favor of the bill on our time, I intend to utilize this time for a discussion on the PATRIOT Act, which has a very limited amount of time to debate and discuss these issues. But I renew my statement. If anybody wants to speak in favor of the bill, they should come to the floor at this time and we will find time for them to speak.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT

The PRESIDING OFFICER. The order on the floor at this time is to go to the conference report to the PATRIOT Act. So under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3199, which the clerk will report.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, parliamentary inquiry: I understood Senator HARKIN had an hour and a half on Labor-HHS and that I would have half an hour on Labor-HHS, and we would then go to the conference report on the PATRIOT Act.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania is preserved, but it is contemplated that time will be used later in the day.

Mr. SPECTER. Reserved, but later?

The PRESIDING OFFICER. Correct.

Mr. SPECTER. May I inquire when later, Madam President?

The PRESIDING OFFICER. At a time to be determined by leadership.

Mr. SPECTER. Will it be in advance of the 3:30 vote on the Labor-HHS bill?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, while this discussion is going on, if I could also make a parliamentary inquiry.

Once we begin on the PATRIOT Act, is it my understanding the distinguished senior Senator from Pennsylvania is in control of an hour and the Senator from Vermont is in control of an hour?

The PRESIDING OFFICER. The Senator is correct. There will be 2 hours equally divided between the two leaders or their designees.

Mr. LEAHY. Thank you. I appreciate that, Madam President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, parliamentary inquiry: We are now proceeding for 2 hours on the PATRIOT Act, as the distinguished senior Senator from Vermont has said, with 1 hour under his control and 1 hour under my control?

The PRESIDING OFFICER. That is correct.

The clerk will now report.

The assistant legislative clerk read as follows:

> Conference report to accompany H.R. 3199, an act to extend and modify authorities needed to combat terrorism, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours equally divided between the two leaders or their designees.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I encourage anyone who has issues of concern to come to the floor at this time so we may consider them. This is a very complicated Act. We have had some debate already. On Monday, I spoke at some length to describe the Act. On Tuesday, Senator FEINGOLD and I had an extended discussion on the act. I talked to other of my colleagues who have raised questions about it, specifically the Senators who have favored a filibuster. And anybody who has an issue which they wish to raise, I would invite them to come to the floor so we can take up their concerns one by one. It will be illuminating, I think, to other Senators to hear what we are doing on these issues.

At the outset, I will address some issues which have already been raised. One contention has been raised by one Senator on a change in the Senate bill to the conference report on challenging efforts to obtain documents under section 215. The conference report permits the recipient of a 215 order to "challenge the legality of that order by filing a petition [with the Foreign Intelligence Surveillance Court]." That provision omits a phrase from the Senate bill which says that they may "challenge the legality of that order, including any prohibition on disclosure, by filing a petition with the Foreign Intelligence Surveillance Court." And the provision is illuminated on, including any prohibition on disclosure.

Now, one Senator has contended that limits the challenge on disclosure, on the so-called gag order, which is not true. Under the conference report, under section 215, you may challenge the order, and that includes challenging a gag order on nondisclosure.

This phrase "including any prohibition on disclosure" was stricken by the conferees, and I believe, on a fair representation, on agreement by the distinguished ranking member and me. He is, of course, free to speak for himself. But the reason it was stricken—whether it was with Senator LEAHY's concurrence or not—was we did not want to limit the grounds for the court on reviewing the order.

If you say there is a specification on prohibition of disclosure, it may raise the inference that is the reason the court would challenge legality. But there is no limitation on the challenge to legality. That would enable the petitioner to challenge legality on disclosure or for any other reason. So the opportunity to stop a gag order is preserved under the conference report.

A second contention which has been raised is that the conference report, on section 215, should not have gone beyond the three criteria for establishing a foreign power. In a closed-door briefing, the Government presented persuasive reasons to have latitude for the court to authorize an order for other tangible things, records, where there was a terrorism investigation and there was good reason to believe these other tangible records were important for that terrorism investigation.

That was not in the Senate bill, but that was a provision that was insisted upon and pressed for by the House, and I thought it was within the realm of reason, and we included it. But the protection of civil liberties is present in the conference report because the court has to find that it is a justifiable request on a terrorism investigation and important to that terrorism investigation.

I have already gone into some detail on the protections in the bill for delayed notice provisions, so-called sneak and peek, where the Senate bill had a 7-day requirement, the House bill had 180 days, and we compromised at 30 days. The Ninth Circuit said that 7 days was presumptively reasonable. The Fourth Circuit has set the time at 45 days. In putting in a 7-day notice, we were not unaware of the fact that was a good negotiating position from which to start. The House made a concession of 150 days, going from 180 to 30. We made a concession of 30 days.

Bear in mind, on the delayed notice, that is where there is a surreptitious, secret search. There has to be justification to get a search warrant to have a delayed notice, and it has to be shown to the satisfaction of the judge that if there was not that delay, the investigation would be impeded.

Bear in mind, for those listening, the traditional safeguard on civil liberty is to interpose an impartial magistrate between the police, law enforcement, and the citizen, so that when you have a delayed notice provision on a showing of cause, that it would impede the investigation if that were not the case.

We have already gone over in some detail in the RECORD the tightening of the provisions on roving wiretaps, where you have to identify the person involved and show that individual is likely to seek to evade the wiretap as a justification.

A key provision we added on the Senate side was the sunset provision, where the Senate bill was a 4-year provision, and the House bill was 10 years. The House wanted to compromise at 7, and we held fast. We had assistance from the White House. The President was personally notified about this. The Vice President participated. We got that 4-year sunset, which is vital, so there will be a review of all of these provisions within the 4-year period.

Bear in mind that the sunset applies to the three controversial provisions in the PATRIOT Act. It does not apply to the national security letters because the national security letters were not authorized by the PATRIOT Act. They have been in existence for decades.

Now I come to a key consideration under the national security letters, where some have objected to the conclusive presumption, where there is a certification as provided for in the conference report by ranking officials that nondisclosure is required because disclosure would hinder national security or would hinder diplomatic negotiations. I have discussed this in the past, but it is worth repeating. The Senate bill that was adopted unanimously, 18 to 0, in committee, and without consent on the Senate floor, had the provision which is virtually identical to the conference report. The Senate bill provides that in reviewing a nondisclosure requirement:

> The certification by the Government that disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.

That language is carried over in identical form in the conference report, with the addition that the conference report is more protective of civil liberties because the certification cannot be made by just anybody in the Government; it has to be made by a ranking official, such as the Attorney General or Deputy or head of the FBI.

Again, let me invite those who have questions on the bill to come to the Chamber so we can have a discussion. If anybody has challenged any of the provisions, I invite them to come and state their concerns. I believe it is in the interest of the consideration by the Senate that we consider the bill in detail so that the Members can understand it and we can deal with specific objections that anyone has.

How much time remains of the hour in the morning session?

The PRESIDING OFFICER. Four minutes 25 seconds remains.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I should note while the distinguished chairman, the senior Senator from Pennsylvania, is on the floor, that nobody has worked more diligently or with more of an effort to reach out to both Republicans and Democrats than he has, and to the other body. In many ways, he has a thankless job, because he is committed, as I am, to having the best antiterrorist legislation this country can have. He is committed, as I am, to having the best tools for law enforcement. He is committed, as I am, to making sure our liberties as a people are protected.

I am concerned that in the process—not through the fault of the distinguished chairman—many wished to raise further issues involving our liberties, and people were excluded. That is why we are running into a somewhat contentious issue as to whether this conference report should go forward.

Earlier this week, I spoke about how the world changed on September 11, 2001. Nearly 3,000 lives were lost on American soil. In the aftermath of the attacks, Congress moved to quickly pass antiterrorism legislation. The fires were still smoldering at Ground Zero when the PATRIOT Act became law on October 30, 2001, just 6 weeks after that horrible day. I know how hard we worked. I was chairman of the Judiciary Committee when we moved that legislation through.

Security and liberty are always in tension in our free society, and especially so in the wake of the attacks of 9/11. The American people today and the next generation of American citizens depend on their elected representatives to strike the right balance. Preventing the needless erosion of liberty and privacy requires constant vigilance and vision from those whom the people have entrusted with writing the laws. It is the 100 men and women in this body who have to protect the rights and liberties of 290 million Americans.

I see the distinguished Senator from New Hampshire on the floor, Mr. SUNUNU. He made reference yesterday to one of my favorite quotes from one of our Founding Fathers, Benjamin Franklin, in which he reminded Americans that those who give up their liberties for security deserve neither, and I might say in the long run get neither.

I negotiated many provisions of the PATRIOT Act and am gratified to have been able to add some checks and balances that were not contained in the initial proposal. But as I said at the time, the PATRIOT Act was not the final bill that I or any of the sponsors on either side of the aisle would have written if compromise had been unnecessary.

In reviewing the PATRIOT Act this year, Congress once again tried to strike the right balance between the security and the liberty that is the birthright of every American. The public expects and deserves that we will diligently fight to achieve that balance. But regrettably, the PATRIOT Act reauthorization bill that is now before the Senate does not accomplish the goal of balance. The bipartisan Senate bill which the Senate Judiciary Committee, under the leadership of the distinguished Senator from Pennsylvania, and then the Senate adopted unanimously—unanimously, Madam President—reached a better balance. Even that, because it was a matter of compromise, was not a perfect bill. None of us thought it was, and we knew there were matters others insisted be added which we hoped to be improved in conference.

But the Senate bill, such as the PATRIOT Act itself, was a legislative compromise achieved through good-faith, bipartisan negotiations. Chairman SPECTER and I were able to achieve a good enough bipartisan compromise that we were able to gain the support of all the Republicans and all the Democrats serving on the Judiciary Committee, including Senators who sponsored the SAFE Act. As a result of that bipartisan compromise and bipartisan effort, it passed unanimously in the Senate last July.

Then the Senate leadership very responsibly moved promptly to appoint conferees. But, unfortunately, the other body did not act as swiftly, and we lost several months that could have been used to seek common ground between the two versions of the bill. The House delayed appointing conferees for several months. They pushed us up against the December 31 deadline from the sunsets in the PATRIOT Act.

In fact, it was only last month that the House finally acted to name conferees, and then the conference met only once and that was for opening statements. There was never a working meeting of the conference in which positions were debated and the conferees were able to offer improvements and vote on them. There was no opportunity to debate this conference report at a public meeting of conferees, and no opportunity to offer improving amendments for consideration by the House-Senate conference and votes.

Instead—and this is most regrettable—there came a point where Democratic conferees were shut out of the process. Key negotiations took place only among Republican conferees and the administration, especially the Department of Justice. The earlier informal bipartisan discussions of which I had been involved had been promising. Republicans and Democrats were working to come together, and a good deal of progress was being made.

Much of what is good about the conference report that is before us is owed to those discussions. I can't help but think what a better bill we would have on the floor today had we not been locked out of those discussions.

I thank Chairman SENSENBRENNER for acknowledging this week that we came to those discussions with good ideas for accountability, for sunshine, for increased oversight, for judicial review, and for better standards by which to measure the authorities being considered for the Government. Tentative agreements were also being reached on removing a number of extraneous provisions, particularly from the House-passed bill.

The House version of the bill was loaded with extras, many of which had no connection to fighting terrorism. These provisions were tacked onto the bill as floor amendments, with little or no debate. Some raised very serious concerns. For example, the original House bill made significant procedural changes to Federal death penalty laws, including the opportunity for Federal prosecutors to convene a new jury and effectively get a do-over whenever they fail to persuade a jury to impose a death sentence. Can you imagine what this is saying? A jury comes back and says we cannot agree to give this person the death penalty. One of the greatest things about our jurisprudence system is our jury system. They come back and the prosecutor says: We don't like that; throw them out, bring in a new jury; let's do it over; let's keep doing it over until we get the result the Government wants. This and other provisions were dropped or substantially modified during the early days of bipartisan meetings.

No one will be surprised to hear that after Democrats were excluded, the negotiations took a turn and resulted in a one-sided conference report. The media reported in banner headlines on November 17 that Congress had arrived at a deal on the PATRIOT Act; it is all over, we are finished. A tad premature. In fact, our first draft conference report was widely criticized by Members of Congress in both parties and across the political spectrum. Among the Republican Senate conferees, there was not the minimum support needed.

Since that time, I have continued to work with other Senate conferees to push for improvements. I also reached out to the White House. I was concerned because the administration had gone along with having us excluded and basically stopping the good progress we were making. But I spent time with them; I reached out to them. And I had many discussions with Chairman SPECTER. The chairman and I have joked on occasion that we spend more time talking with each other, more telephone calls back and forth to each other than anybody else. I say that as a compliment to Senator SPECTER because, as chairman, he has worked to include Republicans and Democrats in all these matters. I especially commend the other Senate Democratic conferees—Senators KENNEDY, ROCKEFELLER, and LEVIN. They have been constructive throughout the process.

Since November 17, when it was reported that this process had been concluded, our efforts led to significant improvements in the conference report. We succeeded in making this a better bill than the earlier one being insisted upon before Thanksgiving. The current bill contains 4-year sunsets, not 7 or 10-year sunsets. It no longer contains a provision that would have made it a crime to merely disclose the receipt of a national security letter. The ban against talking to a lawyer without first notifying the Government in connection with the receipt of a national security letter was modified. Imagine that, it basically said you can't talk to a lawyer before you check in with your Government first. We produced some improvements and better balance, and for that, Americans will be better protected.

I believe that there is still more that we can do and should do before finalizing this important measure. There are more improvements that we can make and, I believe, would have made in an open, bipartisan conference. There are more assurances we can include in the law so that the American people can have greater confidence in the law, how it will be utilized and how Congress and the courts will ensure their rights are protected.

This week, along with Senator SUNUNU, Senator CRAIG, Senator MURKOWSKI, Senator HAGEL and others, I cosponsored a bill to provide a short-term extension of the expiring PATRIOT Act provisions so that we can continue working to make additional improvements to the law. I was disappointed to hear that some are saying that unless this conference report is passed in this form, they would stand by to allow the PATRIOT Act provisions like that regarding sharing of important information with our intelligence community to expire. Those of us working to improve the bill are not taking that position. We want the best bill we can achieve and the greater protection of Americans' civil liberties.

In an editorial just yesterday, USA Today chided the Bush administration and its allies in Congress for "resist[ing] calls for more meaningful protection against invasion of privacy and abuse of civil liberties." It supported the proposal that Senator SUNUNU and I have advanced to extend the PATRIOT Act for 3 months to allow more time to fix what is wrong.

I am encouraged that an FBI spokesman is now endorsing the improvements we have been able to achieve over the last month and which the administration had initially opposed. I know that together we can do better.

I did not sign the conference report in its current form. I understand that on Wednesday more than 200 Members of the House, both Republicans and Democrats, voted to recommit this conference report and continue working to improve it. I have spoken to Senators on both sides of the aisle who would like to see us work out a better bill and stronger protections for the American people. I agree and will continue working to achieve that. I believe that the approach Chairman SPECTER and I took of working together in a bipartisan manner is the better approach. I think that had we followed through with that approach we would have reached a better balanced bill and the American people would have more confidence in it.

It is not just the provisions of the law itself, but the way they are administered and enforced and the perception of the American people that matter. Let me give an example. As librarians and others across the country raised concerns about the use of the business records subpoena authority in the PATRIOT Act, Attorney General Ashcroft could have defused the situation from the outset. Instead he was secretive and scared the American people. He would not work with or share information with the Congress. He claimed variously that the provision had not been used with libraries but then obfuscated when asked whether national security letters were being used in connection with library records. He then classified even the number of subpoenas served upon libraries. When that number was later unclassified, is there any wonder that people remained concerned?

He could and should have worked with Congress to develop better standards and review and oversight. This could have been done administratively or with a legislative correction. Instead, he hoarded the information, raised suspicions and attacked anyone who raised questions about how government power was being used.

I want to express my appreciation, in particular to Chairman SPECTER, but also to Chairman SENSENBRENNER. I do not question their motivation. I respect them. Together they have worked with us to correct several of the problems and concerns about earlier drafts of this conference report. As I have noted, Chairman SPECTER did speak with me and we had many, many discussions about these issues throughout this process. I appreciate his efforts. I regret that we were not able to achieve more of what we had achieved—both the bipartisan process and some of the specifics of the Senate-passed bill.

Both Chairman SENSENBRENNER and Chairman SPECTER share my interest in congressional oversight, and the conference report is a better bill because of it. Throughout the early informal, bicameral discussions and earlier during the Senate's bipartisan consideration of this matter, I advanced several "sunshine" provisions to facilitate oversight and ensure some measure of public accountability for how the government uses its powers. The conference report contains most of these proposals, including public reporting and comprehensive audits on the use of two controversial PATRIOT Act provisions—both business record subpoenas and national security letters.

In addition to sunshine provisions, I proposed that we retain the sunset mechanism that worked so well in the original PATRIOT Act. Back in the fall of 2001, Republican House Majority Leader Dick Armey and I insisted on 4-year sunsets for certain PATRIOT Act powers with great potential to affect the civil liberties of Americans. Those sunsets contributed greatly to congressional oversight. The fact that they were included is the reason we are going through this important review and renewal process now.

This year, I proposed and the Senate agreed to 4-year sunsets on three key provisions. The House initially approved 10-year sunsets on two provisions. With steadfastness and hard work on the part of Senate conferees, we were able to achieve the 4-year sunsets that were in the Senate bill. I commend, as well, Representative CONYERS and the House for passing an instruction to the House conferees to abide by the 4-year sunsets. Despite strong majority support in both bodies for 4-year sunsets and even after the House had voted to instruct its conferees, it took weeks to persuade Republican leaders in the House and the administration to accept this commonsense measure.

The enhanced oversight provisions and 4-year sunsets are positive features of the conference report to be sure, but many problems remain. Let me touch briefly on some of the flaws in this conference report that are still troubling to Senators from both sides of the aisle and to those concerned about civil liberties advocates from both the right and the left.

I will start with the conference report's treatment of section 215 of the PATRIOT Act, the so-called library provision. Under Section 215, the government can obtain a secret order that compels access to sensitive records of American citizens, potentially library records, and also imposes a permanent gag order on the recipient.

Before passage of the PATRIOT Act, there were two significant limitations on the FBI's power to seize business records. First, it could be used only for a few discrete categories of travel records, such as records held by hotels, motels, and vehicle rental facilities. Second, the legal standard for obtaining the order was demanding. The Government had to present specific and articulable facts giving reason to believe that the subject of the investigation was a foreign power or an agent of a foreign power.

The PATRIOT Act did away with these limitations. It both expanded what the FBI may obtain with a section 215 order and it lowered the standard for obtaining it. Under current law, the government need only assert that something—anything—is sought for an authorized investigation to protect against terrorism or espionage, and the judge will order its production. Under this provision, what counts as an authorized investigation is within the discretion of the executive branch.

The Senate, in its reauthorization bill, rightly reestablished a significant check on this power. Under the Senate bill, relevance to an authorized investigation is not enough; the government must also show some connection between the records sought and a suspected terrorist or spy. This is a fundamental protection that would not hamstring the government, but would do much to prevent overreaching in government surveillance. Unfortunately, it was stripped out in conference.

The conference report is deficient with respect to section 215 in two other respects. First, unlike the Senate bill, the conference report does not permit the recipient of a section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the first amendment. Contrary to what has been suggested this morning, I fought to keep the Senate language on this point, to make sure that a section 215 gag order could be challenged in court. I thought it had been accepted at one point during the early, bipartisan negotiations. It was removed from the working draft when the bipartisanship ended and Democratic conferees were shut out.

Second, the conference report allows the Government to use secret evidence to oppose a judicial challenge to a section 215 order. At the Government's request, the court must review any Government submission in secret, regardless of whether it contains classified material. This has the potential to turn an adversarial process into a kangaroo court, and will at a minimum make it extremely difficult for the recipient of a section 215 order to obtain meaningful judicial review that comports with due process. I proposed that we at least allow for limited disclosure, with appropriate security protections, if necessary for the court to make an accurate determination. Again, this modest attempt to allow for meaningful judicial review was tentatively accepted during early bicameral discussions, only to be stripped out when the administration stepped in.

The conference report also falls short on its treatment of National Security Letters, or NSLs. These are, in effect, a form of secret administrative subpoena. They are documents issued by FBI agents without the approval of a judge, grand jury, or prosecutor. They allow the agents to obtain certain types of sensitive information about innocent Americans simply by certifying its relevance to a terrorism or espionage investigation. Like section 215 orders, NSLs come with a permanent gag. The recipient of an NSL is prohibited from telling anyone that he has been served.

Proponents of this conference report have made much of the fact that it creates an explicit right to challenge an NSL in court. But even under current law, NSLs can be, and have been, successfully challenged. Indeed, in recent litigation, the Government has taken the position that NSL recipients have an implied right to judicial review. Making this right explicit makes sense, but it does not, in itself, offer significant protection.

That is particularly so given the one-sided procedures set forth in the conference report, which do not allow meaningful judicial review of NSLs' gag order. The conference report requires a court to accept as conclusive the Government's assertion that the gag is needed, unless the court finds the Government is acting in bad faith. This raises serious first amendment and due process concerns. I cannot understand why anyone would insist on provisions that tie the hands of Federal judges and further reduce our confidence in the use of these tools. Yet, despite strong opposition to this provision from the right and the left sides of the political spectrum, House Republicans refused to strip it out.

In an editorial this week, the Washington Post noted the conference report's deficiencies with respect to section 215 orders and NSLs, but called them "not unsolvable," adding "it's hard to believe the government is today getting much data through uses of these powers that would be forbidden were they written more accurately."

Alternatively, Democratic conferees proposed a 4-year sunset on the NSL authority. While a sunset is no substitute for substantive improvement, it would at least have ensured that Congress would revisit this issue in depth. We would have had an opportunity, then, to study how these judicial review procedures worked in practice. Again, House Republicans rejected this path to bipartisan compromise.

The conference report's treatment of the PATRIOT Act's so-called sneak and peek provision is another area of concern. Section 213 of the PATRIOT Act authorized the Government to carry out secret searches in ordinary criminal investigations. Armed with a section 213 search warrant, FBI agents may enter and search a home or office and not tell anyone about it until weeks or months later.

It is interesting to recall that 4 years ago, the House Judiciary Committee took one look at the administration's original proposal for sneak and peek authority and dropped it entirely from its version of the legislation. As chairman of the Senate Judiciary Committee, I was able to make some significant improvements in the Administration's proposal, but problems remained. In particular, Section 213 says that notice may be delayed for "a reasonable period," a flexible standard that has been used to justify delays of a year or more. Pre-PATRIOT Act case law stated that the appropriate period of delay was no more than 7 days.

The Senate voted to replace the "reasonable period" standard with a basic 7-day rule, while permitting the Government to obtain additional 90-day extensions of the delay. The conference report sets a 30-day rule for the initial delay, more than three times what the Senate, and pre-PATRIOT Act courts, deemed appropriate. The shorter period would better protect fourth amendment rights without in any way impeding legitimate Government investigations. The availability of additional 90-day extensions means that a shorter initial time frame should not be a hardship on the Government.

This conference report also is loaded with extraneous provisions that have nothing to do with the expiring PATRIOT Act authorities, or even with terrorism.

I am particularly concerned that the conference report modifies habeas corpus law, a highly controversial move that is wholly improper to consider in this context. The changes to habeas added here at the insistence of a small number of Republican conferees have nothing to do with terrorism or even more general tools of federal enforcement. These changes were not included in the PATRIOT Act reauthorization bill of either the House or the Senate. They were added late in the conference process, after all Democratic conferees were shut out of discussions. They received no serious consideration by either body's Judiciary Committee, and have been strongly opposed by the U.S. Judicial Conference and others. And yet these modifications could have very serious consequences—possibly unintended consequences—in habeas cases that are already pending in California and other States.

The conference report includes a version of the Combat Methamphetamine Epidemic Act of 2005, a bill that, like the habeas provisions, is extraneous to the PATRIOT Act reauthorization. The version in the conference report contains troubling provisions that I wish could have been debated fully before we were forced to vote on them in this context. A portion of the bill lowers the threshold of the amount of money or drugs necessary for a defendant to qualify as a "kingpin" and to therefore be subject to a mandatory life sentence. This is an excessively harsh sentence for a pool of people who are not truly drug kingpins. No one has sympathy for producers and dealers of methamphetamines, but the punishment must fit the crime, and in these cases, mandatory life is disproportionate.

During early negotiations on the conference report, I fought to strike title II of the House bill, which included provisions that vastly expanded the Federal death penalty and removed important protections for the criminally accused. I already noted one particularly problematic provision, which allowed Federal prosecutors a "do-over" whenever they failed to persuade a jury to impose a death sentence. Another provision was designed to carve out a category of homicides that would be eligible for capital punishment despite the fact that the defendant did not himself kill, intend to kill, or knowingly create a grave risk of death. Yet another provision would have substantially narrowed the jury's power to consider, as a reason not to impose the death penalty, the fact that other equally guilty offenders in the same case were escaping such punishment. These extraneous and ill-considered provisions were ultimately dropped from the conference report, for which we should all be grateful.

House Republicans did, however, insist on keeping other death penalty provisions in the conference report. The most objectionable of these will revive a small group of pending death penalty prosecutions for aircraft hijacking murders committed in the 1970s and 1980s. Specifically, it is designed to overrule the district court decision in United States v. Safarini, which struck the death penalty for a 1986 hijacking offense on the grounds that the Federal Death Penalty Procedures Act of 1994 could not be retroactively applied to a pre-1994 crime, at least absent clear congressional intent to do so.

To my knowledge, Congress has never enacted death penalty legislation intended to allow the execution of a tiny number of known offenders for crimes they are alleged to have committed from one to three decades previously. Whether the Government can ultimately persuade the courts that this does not violate the letter of the Ex Post Facto and Bill of Attainder clauses, it certainly violates their spirit. It is telling that the Department of Justice, in its testimony before the House Judiciary Committee, strongly recommended adding in a severability clause, in case this provision was ultimately held invalid by a court of law. I share the Department's skepticism regarding the constitutionality of this wrong-headed provision, and deeply regret its inclusion in the conference report.

The reauthorization of the PATRIOT Act must have the confidence of the American people. I believe what we passed in the Senate would have the confidence of the American people. This conference report would not.

Congress should not rush ahead to enact flawed legislation to meet a deadline that is within our power to extend. We owe it to the American people to get this right.

The bipartisan bill I introduced with Senator SUNUNU and others to provide a three-month extension for the expiring provisions of the original PATRIOT Act will give us the time to achieve the best bill for all Americans.

This is a vital debate. It should be. These are vital issues to all Americans. If a brief extension is needed to produce a better bill that would better serve all of our citizens then by all means, let us take that time.

We should not finalize the conference report on the PATRIOT Act without fully addressing the privacy and civil liberties concerns that remain in the conference report. It is our job in Congress to work as hard as it takes to protect both the security and the freedoms of the people we represent.

A nation built on freedom, as America is, can do better, and if we work together, we will do better.

Mr. President, I yield to the distinguished senior Senator from California 5 minutes.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member very much. I would like to make a brief statement. I am not sure I can do it in 5 minutes. I may have to ask unanimous consent for a little additional time.

Today the Senate is taking up the conference report to accompany the PATRIOT Act. I am the original Democratic cosponsor of the unanimously passed Senate bill, as well as cosponsor of the Combat Meth Epidemic Act and the Port Security Crimes Act, both of which are incorporated in the conference report. Thus, it is only after careful consideration that I have determined to vote against cloture tomorrow, and I would like to take a moment to explain why.

I fear that it is going to be a very divisive and partisan vote tomorrow. The USA PATRIOT Act has been a valuable tool in our effort to combat terror, but it has also become a divisive point of contention between Democrats and Republicans and, as a result, doesn't have the broad support of the American people. Thus, it is extremely important that every effort be made to reach an accommodation before debate becomes contentious and even more partisan.

Outside the beltway, the USA PATRIOT Act has come to be terribly misunderstood. Many believe it is related to Guantanamo Bay and the detention of prisoners. Others believe it authorizes torture or the secret arrest of Americans. It does none of these things.

At the same time, some have irresponsibly sought to characterize anyone who seeks to improve or criticize the law as somehow playing into the hands of the terrorists. They have implied that the USA PATRIOT Act will expire in its entirety on December 31, and we will be left with no defense against terrorist acts. This, too, is untrue.

What is true is that when it comes to national security, it is so important to build consensus. Our efforts to combat terror in general, and the authorities in the PATRIOT Act specifically, are diminished in effectiveness if they are not seen by most Americans as the product of bipartisan effort in Washington.

I believe our Nation's safety requires this body to reach compromise on this bill.

That is why, when Senator SPECTER asked me to join him in introducing the Senate bill, I agreed. I want to say something. Senator SPECTER has been a wonderful chair of the Senate Judiciary Committee. He listens, he is open, he is smart, he is legally pristine, and he has been a fine leader for the committee.

I believed Senator SPECTER, working with Senator LEAHY and the members of the Judiciary Committee, would be able to build consensus, to reach compromise, and deliver legislation that the American people could be confident represented bipartisan agreement, not politics.

My confidence in Senators SPECTER and LEAHY and my colleagues on the committee was well placed. In July, the committee unanimously reported the bill favorably, and shortly thereafter the Senate, again unanimously, passed the bill.

Having a USA PATRIOT Act reauthorization bill, supported by Senators CORNYN and SCHUMER, KYL AND FEINGOLD, HATCH, KENNEDY, and every single Member of this body gave me great comfort, and I believe was an important step toward healing the divisive partisanship that has come to be associated with the bill.

Unfortunately, that spirit seems to have ended. The conference report process, instead of bringing unity, appears to have had the opposite result: dividing my colleagues by failing to adequately take into account differing views on elements of the bill. The simple result is that in the next day we are likely to divide into two camps.

In the end, of course, we will extend the PATRIOT Act's expiring provisions in some form because despite the rhetoric, nobody doubts that the provisions will be extended. What is at issue is whether and to what extent modifications are made.

What will be lost is the much needed sense that the PATRIOT Act represents a broad consensus. That may be more important than the specific details of provisions and issues. I believe it is. The bottom line is that having a consensus bill is of paramount importance. So I rise today because I still believe——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, I ask the Senator from California how much more time she requires.

Mrs. FEINSTEIN. May I have 5 minutes more, please.

Mr. LEAHY. Mr. President, I yield 5 additional minutes to the Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Vermont.

Yesterday, I urged Majority Leader FRIST to work as hard as he can to bring people back to the table before the vote. The day before, I urged Attorney General Gonzales to work with Senators LEAHY and SPECTER toward the same end. I have said the same thing to Senators SPECTER and LEAHY personally, and today I renew this request.

Press reports today quote insiders saying that efforts to reach compromise have been abandoned. Some seem to believe that a filibuster fight would be an opportunity to force Democrats into bad votes, thus securing partisan advantage in upcoming elections.

Others seem to believe that the American people can be tricked into thinking that Members such as Senators CRAIG, SUNUNU, MURKOWSKI, HAGEL, OBAMA, DURBIN, FEINGOLD, SALAZAR, and KERRY, all of whom signed a moving letter yesterday explaining why they would vote against cloture, are somehow helping terrorists. Still others, counting the votes, think the opportunity to embarrass the administration is too good to miss.

I reject these positions. Instead, I ask respectfully that we get back to work.

I strongly urge my colleagues to carefully read the letter sent by this group of Senators. While I do not agree with every one of their points, the key issues they raise have merit and should be addressed.

The most important of the issues they raise involve section 215—the so-called library provision—and provisions governing judicial review, particularly of national security letters. I believe on these two issues, as well as some of the others, continued good-faith negotiation will result in solving the problems in a way that will be acceptable to a vast majority of this body and will not in any way diminish the ability of our law enforcement and intelligence organizations to do their job.

Congress has a long and honorable tradition of putting aside party politics when it comes to national security. We were able to do that in the Senate with this bill. So it is critical that this approach be carried forward to the end.

I believe the unanimously passed Senate bill represents that compromise. And while I understand that some accommodations must be made to the House, these cannot be so great as to destroy the consensus in the Senate that we have built.

I know that Senator SPECTER and Senator LEAHY have worked long and hard. I also know that Senator LEAHY made some compromises to vote for the Senate bill that passed this body unanimously. I asked Senator SPECTER and Senator LEAHY to please try once again to achieve the compromise that we had when the Senate bill passed this body unanimously.

I believe national security deserves no less, and I believe the distinguished leadership of the Judiciary Committee, Senator SPECTER and Senator LEAHY, can achieve this if given the opportunity and if the leadership puts its clout behind bringing the House on board as well.

Absent that, I will vote for the Sununu legislation to provide an element of time. I also ask that the meth bill, as well as the port security bill, be added to his legislation. I thank the ranking member and the chairman and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, while the Senator from California is on the floor, I want to thank her for the complimentary comments, and I want to thank her for being a very productive and constructive member to the Judiciary Committee not only this year while I have been chairman but for many years. She and I had a 30-minute conversation yesterday by phone, after working hours, talking about these issues. If there are any specific points that trouble the Senator from California, I would be glad to discuss them with her, not only to try to deal with any issue she has, but I find that is a good method for acquainting all the Senators with what is at issue in the bill.

I note there were no specific issues raised, and I am not asking that specific issues be raised. I heard what the Senator from California said, and I agree with her about the point of consensus. Senator LEAHY and I have established a superb relationship, with bipartisanship, which has made the committee function this year, I think, very successfully. I do not think anyone could fault our efforts to come to terms. We just could not do it with the House of Representatives, in a bicameral system, as to what we could accomplish.

I congratulate Chairman SENSENBRENNER for going the extra mile. But if we could just run it through the Senate without a bicameral legislature, it would be a little different. Then we would have the Senate bill.

But there is one thing I would disagree with the Senator from California about—when she says we are going to have a bill. We may not have a bill. The majority leader has said he is not going to go along with the 3-month extension. There is a real issue as to whether the House will take up a 3-month extension. We face many situations in the closing days of the Congress where the House finishes its work and departs. We have taken a lot of House bills where we had no choice, when they were gone. But we may well not have a 3-month extension, and this bill may well expire. That is an alternative which has to be considered by every Senator. I believe there are some

Senators who would say they will take the responsibility for having the bill expire, the act expire. Some will take that.

If cloture is not invoked and somebody says, Arlen Specter, go back and work on it some more, I will salute and I will be a good soldier and I will go back and work on it some more. But there are going to have to be a lot of moving parts coming into place before there is going to be an extension beyond December 31. I think people ought to consider that.

When the majority leader says he is not for it—if he will not take it up, there will be none. Even if he does take it up and even if we pass it, which we might not—if it is not taken up by the House, there will be none. So I believe we have to consider the alternative that there will not be a bill if this bill is not passed. That brings me back to my point about the specific objections.

I see Senator SUNUNU in the Chamber, and I am anxious to have a colloquy with him, if he is willing to do so. But I just wanted to thank the Senator from California and raise those considerations.

Mrs. FEINSTEIN. I wonder, Mr. President, if you will allow me a brief response to the chairman and manager of the bill.

Mr. SPECTER. May I suggest it be on the time of Senator LEAHY.

Mrs. FEINSTEIN. I don't want to take Senator LEAHY's time.

Mr. LEAHY. How much time is remaining to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 38 minutes. The Senator from Pennsylvania has 45 minutes.

Mr. LEAHY. And the last colloquy with the Senator from Pennsylvania——

The PRESIDING OFFICER. It was on the time of the Senator from Pennsylvania.

Mr. LEAHY. I yield to the Senator from California.

Mrs. FEINSTEIN. I very much appreciate the conversation we had last night, where I tried to share this view. I thank the Senator for listening.

It seems to me, and Senator LEAHY will certainly correct me if I am wrong, that the crux of the problem revolves around two sections of the bill. It seems to me there is more than one way to solve that problem. I just think if the two of you got together, and the chairman of the Judiciary Committee of the House, that there might be consensus reached. I believe the rest of the bill certainly can go into play. I do not see any problems with those, on my part. But I think Senator LEAHY, who has participated in this—let me say another thing.

I believe there is a real problem in these conferences where people get shut out at certain points. It is counterproductive. I would urge that not happen in the future because when it does, I believe it conditions, negatively, the entire remainder of the conference.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on my time, if the Senator from California would identify the two sections she is concerned with, I would appreciate it.

Mrs. FEINSTEIN. It is the national security letters and section 215.

Mr. SPECTER. I thank the Senator from California and yield the floor.

Mr. LEAHY. Mr. President, I also thank the Senator from California for her involvement. Nobody wants to kill the PATRIOT Act by this action. I know our distinguished majority leader has said he would oppose the extension. We will see what happens in that vote. Many of us say we will oppose things, and they happen. I am talking about the 3-month extension. Even if the other body has left, they always leave back a couple of people who can do things by unanimous consent.

The Senator from New Hampshire is in the Chamber. How much time does he wish?

Mr. SUNUNU. May I have 4 minutes to touch on a few points?

Mr. LEAHY. I yield 4 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SUNUNU. Let me begin by addressing a concern that was just raised. It was suggested that if cloture is not invoked tomorrow that there might not be a 3-month extension and the expiring provisions of the PATRIOT Act, which are now law, would effectively be killed. Why would there not be a some short-term extension of the PATRIOT Act of 3 months or 6 months? It would be because some Member of Congress—I hope no one in the Chamber at the moment—but some Member of the House or Senate thinks that we will be better off without a PATRIOT Act, rather than with a 3-month extension.

I suggest, No. 1, that is absolutely irresponsible, and, No. 2, that anyone who would make that argument is suggesting that the President, Chairman SPECTER, and the ranking member, Senator LEAHY, are insincere in their suggestion that the tools provided to law enforcement under the PATRIOT Act are extremely important tools that law enforcement genuinely needs.

Anyone who would be willing to oppose a temporary extension and prevent some elements of the PATRIOT Act to remain in force is either behaving irresponsibly or they are arguing—and it may be a heartfelt belief on that person's part that current law actually is not as important as they had previously suggested. I believe everyone can decide for themselves what they think the likely option, the almost certain option would be if cloture is not invoked.

With regard to the substantive concerns, there are many. But let me first address the issue of the national security letters. Under the conference report, there is no meaningful judicial review of a national security letter or its accompanying gag order because the threshold that has to be met by an individual or a business served with a national security letter is a showing of bad faith on the part of the Federal Government. You will never win that argument in court. You will never be able to meet that high a threshold. Therefore, even in the most egregious cases, you will never overturn the national security letter or its accompanying gag order.

The suggestion that this concern is moot because similar language was in the Senate-passed version is irrelevant because that Senate-passed version also included a real standard on Section 215 subpoenas, which required the individual to be connected to a terrorist or spy; it included a judicial review of the gag order associated with a 215 order; and it included a 7-day notification period for delayed notice, or sneak and peak search warrants. All of this, which again, we approved in the Senate package, has been scrapped.

When we saw the Senate bill, many of us were not happy with that national security letter language. But in that bill we had other substantial gains for civil liberty protections, and those have been left at the doorstep by this conference report. To come back and say to us now that our concerns about national security letters do not count because they were part of some previous compromise that is no longer before us avoids the substantive concerns we have raised.

There are other problematic provisions that were put into the bill in conference that were not part of the Senate bill. Under the conference report, you have to tell the FBI if you want to challenge a national security letter or 215. That means you have to tell the FBI you have hired an attorney and you have to tell the FBI the name of the attorney.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SUNUNU. I ask for 1 additional minute.

Mr. LEAHY. I yield an additional minute.

Mr. SUNUNU. I am not a lawyer. I am an engineer by training. But I know of no other provision in law where that is required. Even if it is required in a few very limited cases in law, I believe this will provide a chilling effect on our right to counsel. I believe such a requirement is an unnecessary limitation on our civil liberties.

I have one final point about the arguments made by the administration and by some here in the Senate. The suggestion was made that changes do not need to be made because there has been no evidence of abuse of the existing law. We do not seek to insert protections for civil liberties in law because we do not trust a particular person. The Framers enacted the fourth amendment to the Constitution, not because they didn't trust George Washington but because they wanted to protect these freedoms in perpetuity.

I yield the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the Senator from New Hampshire is wrong on what this law provides. When he picks up the national security letter and says it may be challenged only on the bad faith requirement, he is wrong. There may be a challenge and the national security letter may be quashed under the express terms of the conference report if it is unreasonable or oppressive. The national security letter was not created by the PATRIOT Act, but we took this occasion to put civil liberty safeguards in this bill on the national security letter by eliminating the prohibition against consulting with a lawyer. Today, if you get a national security letter, you can't talk to a lawyer.

The conference report gives an explicit right to talk to a lawyer. There had been a provision that before you talked to a lawyer you had to tell the FBI who the lawyer was. Senator LEAHY raised an objection to that point, and he was right, and it was corrected. Yet if the FBI asks you who your lawyer is, then you have to tell them. But you don't have to go to the FBI first and disclose who your lawyer is.

But there are significant changes in the conference report beyond the bad-faith issue that the Senator from New Hampshire talks about, and we ought to recognize that. But this conference report goes a long way to protect civil liberties by specifically saying you can go to a lawyer and get it quashed for certain reasons.

As to the bad-faith requirement, the Senator from New Hampshire skims lightly over the fact that the Senate bill was even tougher than the conference report by going on to other sections. That is obscuring the issue. Take up the bad-faith requirement. I already read it a couple of times, this morning and on Monday and on Tuesday. But the Senate language was identical.

But the conference report is more protective of civil liberties because, while the Senate bill said the Government had to certify anybody in the Government, the conference report requires a ranking official.

But the Senator from New Hampshire then skips over to the 7-day requirement on notification.

There is already a protection of civil rights because the court has to make a finding that the delayed notice is important to the investigation, or will hinder the investigation.

To have the Fourth Circuit saying "45 days" when you have the current law saying "reasonable," which could be anything, as a bargaining matter, we come with the Senate report at 7 and the House is at 180. We compromised at 30, and I think that is not unacceptable. Is it what ARLEN SPECTER would like, or what Senator SUNUNU would like?

But when the Senator from New Hampshire talks about getting an agreement where the House and Senate disagrees and you have an impasse, you don't have a bill.

Chairman SENSENBRENNER went the extra mile. Is he going to go further? That is a big question? If there is an impasse, there is no bill.

To repeat, if cloture is not invoked, we don't have a bill, and I will go back to work. I will go back to the drawing board, and I will try to get a bill. But that doesn't say that there will be a bill when the majority leader has said he is not going to take up an extension and you have to get agreement from the House.

On the section 215 provision, the conference report does give additional leeway beyond the three-pronged test. But we still have judicial review which you do not have today; and that is the traditional way of interposing the impartial magistrate between the citizen, on the one hand, and the law enforcement officers on the other. There have to be many hurdles gone through to get a terrorism investigation authorized. It is only a terrorism investigation where the court can allow the latitude to get somebody's records where it is important to the investigation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask to be yielded 1½ minutes.

Mr. LEAHY. I yield 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SUNUNU. Mr. President, I want to be courteous to my colleagues who wish also to speak, so I will briefly address a couple of the points raised.

First, I never suggested that the ability, allowed under the conference report, to hire a lawyer to challenge an NSL is an improvement. I am for that. I don't know that is some great show of benevolence on the part of the Federal Government that now for the first time you will actually be allowed to contact a lawyer if you are served with a national security letter. So I appreciate that. But this is about much more than that simple fact.

Judicial review is important. But to have a meaningful judicial review you have to have at least a threshold, that the recipient of a NSL may actually be able to achieve. I suggest that the showing of oppressive or abusive behavior by the Federal Government, the showing of bad faith, is simply too high a threshold to make that judicial review process meaningful.

Finally, I come back to the suggestion that if this bill fails on cloture, we will not have a bill, and portions of the PATRIOT Act and the lone wolf provision will expire. I do not take that to mean that the Senator from Pennsylvania will not support a 3-month extension. I hope and I believe that he would in such an event. I hope and I believe that the House would support such an extension of the expiring provisions because having them remain in place on a short term basis of 3 months or 6 months, is much more important than having these provisions expire.

If those who do not agree with my opposition to cloture on the conference report really think they will have no bill, then obviously their arguments that the PATRIOT Act is a very important piece of legislation don't have credibility.

I yield the floor.

Mr. SPECTER. Mr. President, when the Senator from Hew Hampshire talks about a high bar for upsetting a national security letter, he overlooks the provision that you can quash, if it is unreasonable.

If the judge finds it is unreasonable, is that too high a bar?

Mr. SUNUNU. Mr. President, I will address the question and the concern. I think the threshold is too high. But I would prefer that time be provided to others—there are a number of others on the floor—who support my position and oppose cloture.

Mr. SPECTER. On my time, I redirect the question to the Senator from New Hampshire who says the bar is too high.

Is it a high bar to quash a national security letter, if a court finds it is unreasonable?

Mr. SUNUNU. Mr. President, that is not the only basis on which these will be reviewed. The national security letter and the gag order require showing of bad faith on the part of the Government. I believe that standard as written in the conference report will prove to be too great of a threshold for individuals or businesses to have any reasonable chance of meeting. We have had 30,000 national security letters issued. To the best of my knowledge, none of them have been overturned. I think we owe the public a clear, reasonable, and pragmatic standard in order for those to be overturned. I do not believe this conference report includes such a standard.

Mr. SPECTER. Mr. President, the Senator from New Hampshire is mixing apples and oranges. When he talks about bad faith, he is talking about disclosure. When he talks about a motion to quash a national security letter for its being unreasonable, it may be quashed on that ground alone.

I am not going to ask the question again. I asked it twice. On neither occasion was there an answer that it was too high a bar to quash a national security letter if it is unreasonable. I will let my colleagues decide that who are voting on this.

If the court has latitude to quash the national security letter because it is unreasonable, this is a fair standard.

When the Senator from New Hampshire—if I could have his attention before he leaves—talks about 30,000 national security letters, I already said on the floor that is the Washington Post. But that is not accurate. I have invited my colleagues, and I will not ask the Senator from New Hampshire if he has sought a classified briefing. But I can't tell you what the answer to that is. Although I have asked the Department of Justice to release information to show the Washington Post statement of 30,000 is out of line and not accurate, I ask my colleagues not to vote on this bill based on what they read in the Washington Post.

Where you have a contested issue—and I put this before the Senate on Monday—go to the Department of Justice, they will give you a classified briefing and tell you what the facts are. Don't vote on this bill by what you read in the Washington Post.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, one concern I have is, the Senator from New Hampshire is correct, you have an extraordinarily high bar in trying to overturn a gag order. It is extraordinarily high and raises in my mind some significant first amendment questions.

As to the 30,000, it is difficult to get an answer to this because the Justice Department has been remarkably tightlipped. They have not answered questions. Many times in the normal course of oversight they would not answer the questions. I don't know how many of my letters that have gone down there have been unanswered on these issues. It is extremely difficult to get an accurate and complete answer from this Department of Justice. That is one of the reasons we are so concerned.

I might say, the idea that we have to have a classified briefing which can't be questioned and is totally in the hands of the Department of Justice is one of the things that concerns Americans in the PATRIOT Act.

I yield 1 minute to the distinguished Senator from Wisconsin and 4 minutes to the distinguished Senator from Oregon.

Mr. FEINGOLD. Mr. President, the point the chairman was discussing with the Senator from New Hampshire, it is the Senator from Pennsylvania who is mixing apples and oranges on the NSL requests.

Let me point out these proceedings where you are supposed to challenge an NSL—they are in secret. They are in secret. The person challenging the NSL cannot see what the Government is arguing. So it is all well and good to say there is review of the NSL, but the challenge is not done in a fair proceeding. It is the chairman mixing apples and oranges.

This is the second time the chairman has urged me to get a classified briefing. I did and it did not change my view of the underlying points being made, whether the Washington Post was completely accurate or not. I had that briefing and I tell you I didn't have the same reaction the Senator had.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. On my time, what apples and oranges am I mixing, I ask Senator FEINGOLD?

Mr. FEINGOLD. By not acknowledging the difference of the kinds of proceedings that take place with regard to an NSL and normal criminal proceedings. Those are different kinds of proceedings.

Mr. SPECTER. Of course they are different.

Mr. FEINGOLD. That makes a difference on how one regards the ability to challenge.

And the secrecy, the person challenging the NSL cannot even see what the Government has. That is very different than a normal criminal proceeding.

Mr. SPECTER. Mr. President, I think the Senator from Wisconsin does not know the difference between an apple and an orange. This is not a criminal proceeding. If you have a criminal proceeding and a search warrant, you go into a court with a motion to quash and you put on witnesses, although some of those may be in camera.

I was a district attorney for 8 years and there are occasions where they are in camera. If there are national security issues involved, they are consistently in camera on a variety of procedures.

To say that I am mixing apples and oranges when you compare this to a criminal proceeding simply indicates the Senator from Wisconsin does not know the definition of an apple.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 4 minutes.

Mr. WYDEN. I have enormous respect for Chairman SPECTER and Senator LEAHY, and will say what is so troubling about this particular period: Virtually every single day, almost every day, we see another report about the administration trying to skew the bounds between fighting terrorism ferociously and protecting the civil liberties of the people of our country.

The front page of the paper today: Secret Pentagon databases are kept. Essentially, the administration, when somebody digs it up, finds out that all of this is being done—again in secret.

As I have said many times, the two concepts—security and civil liberties—are not mutually exclusive, and when crafting legislation, they be approached in tandem. In fact, it is my view that the promotion of American security and the protection of Americans' rights and freedoms should be mutually reinforcing principles. If one goal is abandoned for the other, or one goal carries less importance than the other, then a new solution must be found.

A new solution is certainly needed in this case. The PATRIOT Act conference report reflects the wholesale rejection of this two-pronged approach and relegates civil liberties to second class status.

The conference report strips out those Senate provisions that helped ensure good Congressional oversight. It limits the ability of law-abiding Americans to defend themselves from possible PATRIOT Act abuses. These changes do not make the PATRIOT Act a more effective tool for fighting terrorism; ultimately, they leave Americans more vulnerable to violations of privacy and the PATRIOT Act more susceptible to abuse.

I am not going to go through the whole bill, but would like to highlight one issue in particular that Oregonians have raised with me—National Security Letters. National Security Letters authorize the FBI, without judicial approval, to obtain Americans' sensitive information.

Senator SPECTER has enormous technical legal skills, and I am very concerned about the national security letters, as well. I sit on the Intelligence Committee. Of course we cannot get into any aspect of what goes on in those debates, but it seems to me any way you parse the legal language with respect to the conference report and the national security letters, it is not balanced. It is, once again, skewed against the rights of the individual.

The Washington Post recently reported that the FBI is using National Security Letters to go on fishing expeditions, and the FBI issued at least 30,000 NSLs in the last year alone. In these fishing expeditions, the FBI reportedly casts a wide net, gathering personal information on innocent Americans.

The Post article describes the experience of George Christian of Connecticut. Mr. Christian manages digital records for three dozen Connecticut libraries and reportedly received an NSL seeking "all subscriber information, billing information and access logs of any person" who used a specific computer at a certain library branch. The FBI reportedly instructed Mr. Christian that he could never talk to anyone about the request. In spite of this apparent gag order, he decided to challenge the NSL. The court files are sealed, but the Post reported that the judge described the basis for the NSL as laughably vague.

With the FBI issuing at least 30,000 NSLs a year, how many other Americans like Mr. Christian are out there? How many Americans have had personal information turned over to the federal government—who they've called, where they've traveled, what they've bought—because someone didn't have the time or the money to fight an unreasonable NSL? Who is going to have access to all the information the FBI has reportedly gathered that may now be in vast government databases? If any one NSL can be used to gather information on thousands or even tens of thousands of Americans, one can only guess how many Americans have already been affected by these fishing expeditions.

As pointed out in the Post article, the FBI acknowledged from the beginning that the NSL was an incredible power that had to be used judiciously. As one FBI employee stated in a 2001 memo sent to all 56 field offices:

> NSLs are powerful investigative tools, in that they can compel the production of substantial amounts of relevant information . . . However, they must be used judiciously.

Thirty thousand NSLs a year doesn't sound judicious to me. And 30,000 NSLs a year shouldn't sound judicious to the citizens of Oregon.

The reporting on NSLs cries out for proper congressional oversight to ensure that abuse of NSL powers does not occur. For starters, Americans must be armed with the necessary tools to challenge unreasonable National Security Letters. But the conference report further inhibits the ability of Americans to challenge NSLs.

More specifically, the conference report requires an NSL recipient who consults with an attorney to give the name of the attorney to the FBI. Talk about a chilling effect on the right to counsel! I am not aware of a provision like this existing in any other area of law.

For instance, the conference report imposes criminal penalties on an NSL recipient who speaks out in violation of an NSL gag order. So even if the NSL recipient believes that the letter is unconstitutional and that his rights have been violated, he could go to jail for 5 years.

It is provisions in the conference report like these, which expand the federal government's powers and make it more difficult for ordinary Americans and Congress to challenge abuses of that power, that give me serious pause. And there are not just one or two of them. Look in the sections concerning requests for business and library records, roving wiretaps, sneak and peak searches, and of course NSLs: there is a recurring pattern here and it is very disturbing.

There are those who claim that there have been no abuses of the PATRIOT Act. With all due respect, that is, at best, disingenuous. At least two courts have held that the FBI used its NSL power in an unconstitutional manner.

And remember, we are talking about powers that include gag rules—so how many others are out there challenging PATRIOT Act activities in silence?

There are those who will say, "I haven't done anything wrong and I have no problem with the government doing what needs to be done to fight terror—if they end up with my personal information, but don't use it against me, so be it."

I wonder how that innocent person would feel if the FBI were watching over his shoulder as he surfed the Internet, standing by his side and noting whom he calls and when, or standing next to him at the cash register as he pays for a anniversary gift for his wife. Because I'll bet he wouldn't be ok with this. And while technology has made surveillance less obvious, this is exactly what some of the more controversial PATRIOT Act powers allow the government to do with only the vaguest of reasons and little or no oversight.

The obligation to demonstrate that the government is not abusing an individual's rights should not be on the shoulders of that individual. That burden should be squarely on the government's shoulders. The 9-11 Commission endorsed this notion, recommending that "the burden of proof for retaining a particular governmental power should be on the executive . . . ."

With respect to the overall bill, in our part of the world we are terribly concerned about what is going on with methamphetamine. Senator SMITH and I have worked very closely on a bipartisan basis with our colleagues to get a good anti-meth program. The administration comes along at the 11th hour and politicizes this meth issue at a time when we could pass it with a 100-0 vote.

As a cosponsor of the Combat Meth Act, I intend to continue to fight for the passage of the meth bill but not as a part of this badly flawed legislation. And while my decision was made more difficult by the fact that legislation addressing the meth crisis was included in the conference report, I will be opposing the conference report and opposing cloture.

I want it understood I am anxious to work with my colleagues on a bipartisan basis, but given this particular climate and the need to constantly keep the teeter-totter balance—fighting terrorism aggressively, protecting the civil liberties of our country—it seems to me we have to be very judicious with respect to how tools such as the national security letter are being used. Any way you cut it, my colleagues, I don't see that taking place.

So more time is needed to make the necessary corrections to the conference report to ensure that the PATRIOT Act Reauthorization promotes Americans' security and protects their rights and freedoms. The Senate should not be coerced into accepting a piece of legislation that allows the Federal Government to reach, unchecked, further into the personal life of every American, with fewer means of appeal and less oversight.

I therefore urge my colleagues to support the proposal submitted by Senator LEAHY and Senator SUNUNU extending the expiring provisions of the PATRIOT Act for 3 months. I ask unanimous consent that my statement be printed in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, without getting into methamphetamine, where we have accommodated the interests of the Senator from Oregon and other Senators by putting them on this bill because it is a measure which ought to proceed, let me ask the Senator from Oregon, when he complains about the national security letters. I ask whether the conference report is not a big step over existing law? National security letters have been in existence for decades.

Mr. WYDEN. National security letters——

Mr. SPECTER. Mr. President, I have the floor. I have not propounded the question yet.

National security letters have been in existence for decades. While we take up the PATRIOT Act, we have used this occasion to add protections so that whereas today they are secret, we have explicitly provided the right to consult with a lawyer. I don't disagree there ought to be that right without providing it explicitly. Somebody ought to be able to go to a lawyer, but if they get a national security letter today, they are betwixt and between.

Originally, this legislation had a requirement you had to tell the FBI who the lawyer was. The FBI wanted that provision because there are some lawyers who have been alleged to be involved in collusion with the terrorist organizations. As I said earlier, Senator LEAHY objected to that and I agreed that you ought to be able to hire your own lawyer. If the FBI asks, okay, it is a fair request and you can tell them.

Then we provided you can quash those national security letters if they are unreasonable. If you go to a judge and you say, this is unreasonable, now the standard of reasonableness is all over the law, what a reasonable man would do. Is that too high of a bar? There is judicial review.

You come to the point of disclosure where you have the issue as to whether disclosure will impede the investigation. All through the law, there are limitations on disclosure where there is a legitimate law enforcement concern about not impeding an investigation. The determination as to whether you have a national security issue or are impeding diplomatic relations is a pretty touchy subject. We passed a Senate bill with a provision that on national security letters—until now there has been no challenge possible at all.

We put statutory challenges in our Senate bill, and renewing a nondisclosure requirement, the certification by the Government—anybody in the Government, no delineation as to who—"that disclosure may endanger the national security of the U.S. or interfere with diplomatic relations shall be treated as conclusive unless the court finds the certification was made in bad faith." That is a pretty tough standard. But that was the Senate bill. Then in the conference report, we kept it. The Senator from Oregon was one of 100 Senators who did not object to the PATRIOT Act being passed by unanimous consent. But in the conference report we said let's do a little more here. Before you have a certification, let's make sure it is somebody who has a lot of responsibility—the attorney general, Director of the FBI, deputy attorney general, et cetera.

My question to the Senator from Oregon is this: Aren't those at least somewhat meritorious in protecting civil liberties? Should we have gotten in conference—in a tough conference where Chairman SENSENBRENNER, head of the House Judiciary Committee, went the extra mile—should this bill go down? Should this bill be filibustered because of that provision?

Mr. WYDEN. As my friend knows, I think virtually everything the Senator from Pennsylvania does is meritorious. I am troubled, though, about where we are with the national security letters. Yes, they existed for years, but they were greatly expanded with the PATRIOT Act. We know that. I am also concerned as we consider this kind of legal language that there will be a chilling effect on the exercise of the right to counsel, and I get that again without being able to go into the details because of my examination of the issue. I am not going to debate the Senator's good-faith efforts; they have always been to try to strike a balance. But I am concerned that something that even the Government—the executive branch admits this is a tool that should be used carefully, at a time, as I said, when you open the morning newspaper and every day you see another effort to not strike this balance. I think we ought to stay at this national security letter issue and deal with concerns raised here with respect to secrecy and exercise of right to counsel.

My good friend from Pennsylvania and I have worked together on so many issues, and I want him to know of my desire to do it and my respect for his ability to get into some of these technical questions in a fashion that is almost unparalleled.

Mr. SPECTER. I want to call my colleagues' attention to the fact that we received a letter from nine Senators yesterday who are opposed to the PATRIOT Act. We have a detailed reply which is now being circulated. Again, I ask my colleagues to deal with the specifics. Anybody who has any concerns about any specific provisions, come to the floor and we are prepared to discuss them and see if we can satisfy those concerns. Beyond that, I will inform our colleagues as to what this bill is all about so there will be as much information as possible before the vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I ask how much time remains for the distinguished Senator from Pennsylvania and how much time does the Senator from Vermont have following the discussion the Senators from Pennsylvania and Oregon had?

The PRESIDING OFFICER. The Senator from Vermont has 24 minutes; the Senator from Pennsylvania has 28 minutes.

Mr. LEAHY. I suggest the absence of a quorum with the time charged equally to both sides.

Mr. SPECTER. I object. I don't want any time lost on the quorum call.

Mr. LEAHY. I withdraw that request and I yield the floor.

Mr. SPECTER. Mr. President, we don't have a whole lot of time to debate this bill. The Senator from Vermont is right. He and I are due at a meeting on asbestos. The Senator and I are due on many important meetings. I invite anybody who has a question or a doubt about this bill to come to the floor and raise their concerns. If not, I will join my colleague in suggesting the absence of a quorum so we can step across the hall to a meeting.

Mr. LEAHY. Mr. President, I see the Senator from Colorado on the floor. I understand he wishes to speak on this. I ask the Senator how much time would he require?

Mr. SALAZAR. Approximately 10 minutes.

Mr. LEAHY. I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise today to discuss the PATRIOT Act conference report currently before the Senate.

I start by beginning to make absolutely clear my commitment to law enforcement and our fight against terrorism. I served as Attorney General for the State of Colorado for 6 years, and I am intimately familiar with the specific needs of law enforcement in the fight against terrorism and with the paramount importance of police work in this area. The peace officer's badge I carried with me was a constant reminder of the dedication, performance, and sacrifice that our men and women in law enforcement make every day as they work to keep us safe. At the end of the day, we will keep America safe when the 800,000 men and women who work in local, Federal, and State law enforcement are able to do their jobs and have the tools with which to do their jobs.

Accordingly, I wholeheartedly support extending all of the law enforcement powers provided by the USA PATRIOT Act. On September 11, 2001, the magnitude of the terrorist threat was something that galvanized the Nation, and it is imperative that we give law enforcement officers the tools they need to investigate and prosecute terrorists within our borders so that we never face another attack like the ones we saw 4 years ago.

While I strongly support measures that allow for the greater information sharing, it is worth noting that as the 9/11 Commission determined, even without the powers of the PATRIOT Act it was well within the reach of law enforcement to prevent the September 11 terrorist attacks. We knew al-Qaida was operating within our borders. We knew suspected terrorists were in flight schools in America learning how to fly planes. As the Presidential Daily Brief of August 2001 clearly showed, we knew of the possibility that Osama bin Laden was determined to strike our Nation with airplanes.

We had the information to prevent those attacks. Yet we failed to protect the homeland. As my colleagues know, the key goal of the PATRIOT Act was to lower the "wall" between our law enforcement and intelligence agencies that too often prevented the necessary sharing of information among them. That wall is real and existing; it is a legal wall and a cultural wall that is present even today. That wall was recently alluded to in the report card by the 9/11 Commission. That wall exists because in our history of intelligence gathering, every agency has operated within its own silo.

There was very ineffective information sharing about the bad guys laterally across the Federal Government agencies. That wall also exists with the failure to share information between the Federal Government and State and local law enforcement.

We must do more to break down that wall as we move to a more coherent and integrated approach to go after the bad guys. To the extent the conference report before us breaks down that wall of communication and continues to provide the tools to law enforcement to fight the war on terror, its provisions are positive, and I support them.

In addition, there are a number of other provisions in the conference report that are not related to the PATRIOT Act that are also deserving of the support of the Senate. For example, it contains provisions of the Combat Meth Act which I helped introduce at the beginning of this session. This legislation would place restrictions on the sale of products that contain the primary ingredients in methamphetamine to make it harder for criminals to produce the drug in the first place. The conference report also contains provisions to strengthen port security and combat terrorist financing.

Without question, the legislation before us contains provisions that are worthy of support, but I am disappointed about the bill's failure to adequately protect the civil liberties of Americans.

Today, December 15, 2005, marks the 214th anniversary of the ratification of the Bill of Rights in 1791. Among the freedoms enshrined in the Constitution is the fourth amendment's guarantee that the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. Let me state that again because that is what is at stake in this debate. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.

It is ironic that we are now considering passing legislation that would greatly undermine that principle. Instead, we should take this occasion to reflect on the importance of the liberties guaranteed to all of us by that document and to understand that we can give law enforcement officers the tools they need to fight terrorists without sacrificing our constitutional rights and freedoms.

I have worked very hard with my colleagues to achieve that goal. Earlier this year, I joined with five colleagues from both sides of the aisle in introducing the SAFE Act. I am proud of the leadership and courage shown by Senators CRAIG, DURBIN, SUNUNU, FEINGOLD, and MURKOWSKI. That legislation, the SAFE Act, would have extended all of the expiring sections of the PATRIOT Act. It would also have placed reasonable limitations on the way those powers are used to protect America's fundamental freedoms.

As the Senate began its work on the process of reauthorizing the PATRIOT Act, I continued to work closely with the SAFE Act sponsors to incorporate our commonsense proposal into the Senate reauthorization bill. Although the legislation reported out of the Senate Judiciary and Intelligence Committees was not perfect, it took important steps to protect the freedom of innocent Americans and passed the full Senate with unanimous support from among the Republican, Democratic, and Independent membership of this body.

That is why my colleagues and I fought so hard to see that the conference committee remained true to the Senate-passed bill. Unfortunately, when the details of the draft conference report were released in the week before Thanksgiving, it became clear that the conferees had retreated from the modest civil liberties protections included in the Senate bill.

My colleagues and I renewed our request that the civil liberties concerns be addressed. We did not ask for all the provisions of the SAFE Act. We did not even ask for all the provisions in the Senate legislation. Although we could have easily put this issue behind us now if the House had taken up and passed the bill we unanimously adopted in this Chamber, we simply asked the conferees to make modest changes to a handful of critical provisions. Yet those changes were not made.

Let me review what some of the remaining concerns are with respect to the conference report.

First, section 215. One of the most controversial provisions of the PATRIOT Act is section 215. Section 215 allows the Government to go to a secret court to obtain financial, library, medical, travel, and a whole host of other kinds of records that fall under the extremely vague definition of "any tangible thing." The conference report would also impose an automatic permanent gag order preventing the holder of those records from revealing information about the request. It would not permit the recipient to challenge the gag order.

To be clear on that point, in order to obtain a search order under section 215, all the Government has to do is to go to a secret court, the secret FISA court, and claim that the order is relevant to an ongoing terrorist investigation, an application that the court has no discretion, no authority whatsoever to reject. It simply has to do what the Government asks it to do.

The legal standard of relevance is extremely low. "Relevant evidence" is a very low threshold that can provide no protection to the civil liberties we are trying to protect.

In contrast, the Senate bill would have restored a clear and specific standard of individualized suspicion, meaning that the Government would have to show that the records in question are linked to a suspected terrorist or an agent of a foreign power. In addition, the Senate bill would give the recipient of a FISA order the right to challenge the gag order and to receive meaningful judicial review of that order.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SALAZAR. Mr. President, I ask unanimous consent for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, another controversial provision of the PATRIOT Act is section 505, which authorizes the use of national security letters. National security letters are requests for certain specific categories of information, including financial records, business dealings, and telephone and e-mail records.

Under the conference report, NSLs can be issued without the prior approval of a judge and can be authorized by any of several dozen FBI field offices. The Washington Post recently reported that the Government now issues 30,000 NSLs a year—100 times more than historic norms. I respect and honor my friends and the leadership in the Federal Bureau of Investigation with whom I have worked for many years, but when we start issuing 30,000 NSLs a year, we ought to make sure there is some oversight with respect to how those NSLs are issued.

As with section 215, the conference report does not allow meaningful judicial review of an NSL's gag order. Because the Government does not need a judge's approval to send an NSL, meaningful judicial review of a gag order is a critical safeguard and is simply missing in the conference report.

I wish to finally spend just a second speaking about the sneak-and-peek searches under section 213. My colleagues and I expressed concern about the sneak-and-peek searches where the target of the search is not identified or notified for a period of several days or even weeks.

Prior to the enactment of the PATRIOT Act, law enforcement could delay notification of a search warrant in certain limited cases. The PATRIOT Act significantly lowered the standard for delayed notification, allowing sneak-and-peek searches in any case where "immediate notification of the warrant may have an adverse result." The conference report before us is not much better, as it allows the Government to wait up to 30 days to notify the target of a property search.

I believe we can do better, and I believe the proposal which has been introduced on a bipartisan basis to allow us an additional 90 days to try to work through some of these issues on the PATRIOT Act could, in fact, result in the kind of PATRIOT Act that receives a unanimous vote of the Senate.

In my own State, liberal and conservative newspapers have said that this Senate has an obligation to protect the constitutional liberties of Americans.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SALAZAR. I ask unanimous consent for 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. The Rocky Mountain News said last month that we in the

Senate should hang tough because fundamental freedoms of America are at stake.

The Colorado Springs Gazette, a very conservative newspaper, said those insisting on added protections for civil liberties and stricter sunset provisions are doing the right thing by holding their ground.

The Denver Post editorial said: We support a bipartisan effort to block final passage unless safeguards are reinstated.

I believe the Senate can do better in helping us move forward in the fight against terror, giving law enforcement the tools they need in that ongoing battle, and at the same time assuring that we are protecting the cherished freedoms of our democracy enshrined in our Constitution and the Bill of Rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, with all due respect, I think we do not need any newspaper editorials to tell the Senate to hang tough or to tell Senators to hang tough or to tell this Senator to hang tough. I think we have hung tough, mighty tough.

Let me take up the specifics about what the Senator from Colorado has had to say.

Mr. FEINGOLD. Mr. President, we have many speakers on our side, and I just want to be clear that this time is charged to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator is in control of the time.

Mr. SPECTER. There is no doubt about that. I sought recognition, and it is on my time. There is no doubt about that at all.

Mr. FEINGOLD. I just wanted to clarify that.

Mr. SPECTER. The interruption of the Senator from Wisconsin can be charged on his time.

As to section 215, the Senator from Colorado is wrong. The conference report provides that there may be a "challenge to the legality of the order by filing a petition with the FISA court," and that petition can take up the gag order.

When he talks about the standards, there are the three criteria from the Senate bill, but there is an additional provision that the judge, judicial review on a terrorism investigation which has been authorized by going through quite a number of hurdles, those records are important for a terrorism investigation. If the Senator is talking about library records, it has to be the Director of the FBI or the Assistant Director, or the number-three man. They cannot be delegated. So there are really safeguards and protections for civil liberties in this bill. We hung tough and we got them.

When the Senator from Colorado talks about the conference report on delayed notice, so-called sneak and peak, not much better, I will let my colleagues evaluate whether the Senator from Colorado is right or the Senator from Pennsylvania is right. Currently, under the PATRIOT Act, the only limitation is a reasonable period of time, which can be anything. The Senate bill came in at 7 days. The House bill came in at 180 days. The Fourth Circuit has said that 45 days is a reasonable period of time.

Bear in mind that these delayed notice warrants are not issued unless the impartial judicial official standing between the citizen and the law enforcement officer, the judicial official, is satisfied that there ought to be a delay. If there is a customary search-and-seizure warrant which goes out, the target knows they have been served, but these are surreptitious. These are secret. There has to be a showing that the investigation will be harmed. When we put in 7 days, we were not unaware that there would be negotiations and that the House came in at 180 days. I think we had a pretty good result from the Senate's point of view to concede 23 days and the House conceded 150 days.

So if the Senator from Colorado thinks that is "not much better," I will rely on my colleagues to decide whether the Senate bill is not a whole lot better as a result of what we did.

When he talks about the national security letters, I made this point several times on the floor, but perhaps the Senator from Colorado has not heard it because he continues to assert the Washington Post story. There have been briefings available, as I said earlier, and the Senator from Colorado can get one from the Department of Justice, that 30,000 figure is wrong. I cannot say what it is because it is classified, and I have asked the Department of Justice to make it an unclassified disclosure, which they have not done so far. I ask the Senator from Colorado, and I ask all of my colleagues, not to vote on this bill based on what they read in the Washington Post. If they have some concerns, come to the floor and we will find time to listen to their concerns and we will see if we can satisfy them, and certainly in that process inform other Senators as to what this bill is all about.

I think we have come to grips with the concerns which the Senator from Colorado has articulated.

Mr. SALAZAR. Mr. President——

Mr. SPECTER. I have the floor, Mr. President—on the national security letters. We have put in safeguards. The national security letter can be quashed if it is unreasonable. The conference report has set the Senate standard for the conclusive presumption, and I think we have been cognizant of civil rights.

I take second place to no one—I know the Senator from Colorado's record as an attorney general and a protector of civil rights, and I have great respect for it, but I take second place to no one in my tenure in the Senate on protecting civil rights, and I think this bill does that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, a point of inquiry: May I respond to the Senator from Pennsylvania on his time for 30 seconds?

Mr. SPECTER. No, the Senator may not respond on my time.

The PRESIDING OFFICER. The Senator from Pennsylvania does not yield.

Mr. SPECTER. Thirty seconds?

The PRESIDING OFFICER. Thirty seconds.

Mr. SPECTER. Go ahead, on my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, first and foremost, I want to say that I have the utmost respect for the Senator from Pennsylvania as a leader and mentor of all of us. Second, I disagree with his conclusions with respect to the protections for civil liberties because when there is a secret court and the leadership of the FBI essentially in charge of giving those protections to these kinds of provisions in the PATRIOT Act, it is not going to the point where we need to go to protect our civil liberties.

I yield the floor and I thank my good friend and colleague from Pennsylvania.

Mr. SPECTER. One more point before I yield to the Senator from Arizona. It is a secret court because they are discussing national security matters. National security matters are always classified. We are briefed in Senate 407 all the time. We go to a secret room where there are classified materials. There is nothing unusual about that.

I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I do want to agree with one thing my colleague from Colorado said just a moment ago. He said the fundamental freedoms of Americans are at stake. I agree with that. But they are not threatened by the U.S. Government. They are threatened by foreign terrorists who struck us on September 11 and who have continued to threaten us since that time.

There was much criticism of our Government as a result of our failure to prevent that attack on September 11, particularly when the 9/11 Commission reported that there were some things that could have been done that just might at least theoretically have prevented that attack. We quickly acted in the Congress to put in place the legal mechanisms to enable our law enforcement and intelligence people to begin protecting the American people. What we found was that there were a lot of loopholes in our laws that needed to be filled in order to give our law enforcement and intelligence people the weapons, the tools, the support that they needed to protect us.

We did that with the PATRIOT Act. However, because of concerns that possibly some of these authorities could be abused, we said we are going to sunset them so that we have to come back and reconsider what we did, and that is what we are all about here now.

As a result of significant debate in this body and in the other body, we each passed different versions of a reauthorization of the PATRIOT Act, and since then accommodated those differences in what is called a conference committee. We are now considering that compromise between the House and Senate versions in a compromised conference committee report. Those of us who helped to write the original PATRIOT Act and were very anxious to get these authorities in place believe that in some respects we have gone too far. We have leaned over too far backward to those who are so afraid that somehow somebody's freedom might be stepped on in this country, that they have not enabled us to fight the terrorists that are the real enemy. They have not given us the tools we need. But in order to get the conference committee resolved and get the bill on the floor here, we agreed to sign the report and have this debate.

Now we find there are people on the other side who insist on having it all their way. Every single thing they want has to occur or else they are going to filibuster the bill. What does that mean? It means they are going to talk it to death, refuse to allow us to have a final vote on it, with the result that the PATRIOT Act is gone on December 31.

They say: We will agree to extend it for a little while. That is no answer. We have a process. We have gone through the process. It has been very difficult. It has been long. It has been hard. We have gotten a product that is the result of compromise. That is the way we work in the Senate and in the House and in this country, and that compromise has to be voted on, yes or no. If you don't like it, then vote no.

Here is what I suggest. We are at war. We have to be responsible and serious about what we do. I will say it right now, if the filibuster results in this act ceasing to exist, if there is no more PATRIOT Act next year and an attack occurs in this country and it could have been prevented by the provisions of the PATRIOT Act, then everyone who votes to support a filibuster will have to answer for that attack.

There were some things we could have done in the past. I would like to refer to what they are because, from the 9/11 Commission, we know that some of the things we put in the PATRIOT Act might prevent an attack in the future, some of the very things that are being criticized by those who are suggesting they might filibuster. Let me give just a little bit of the detail.

We now know that one of the things that stood in the way of a successful investigation was the previous law, gaps in our terrorism law that prevented the FBI from doing certain things—in particular, to exploit leads that related to al-Qaida.

We came tantalizingly close to substantially disrupting or even stopping this terrorist plot. The investigation to which I refer involved a person by the name of Khalid Al Mihdhar. He was one of the eventual suicide hijackers of American Airlines flight 77, which crashed into the Pentagon, killing 58 passengers and crew and 125 people on the ground. An account of the pre-September 11 investigation of Mihdhar is provided in the 9/11 Commission's staff statement No. 10. Here is what that statement says:

> During the summer of 2001 a CIA agent asked an FBI official * * * to review all of the materials from an Al Qaeda meeting in Kuala Lumpur, Malaysia one more time. * * * The FBI official began her work on July 24, of 2001. That day she found the cable reporting that Khalid Al Mihdhar had a visa to the United States. A week later she found the cable reporting that Mihdhar's visa application—what was later discovered to be his first application—listed New York as his destination. * * * The FBI official grasped the significance of this information.
>
> The FBI official and an FBI analyst working the case promptly met with an INS representative at FBI Headquarters. On August 22 INS told them that Mihdhar had entered the United States on January 15, 2000, and again on July 4, 2001. * * * The FBI agents decided that if Mihdhar was in the United States, he should be found.

At this point, the investigation of Khalid Al Mihdhar came up against the infamous legal "wall" that separated criminal and intelligence investigations at the time. That is a wall, by the way, which will be re-erected if this filibuster succeeds and the PATRIOT Act falls. That wall, everyone agrees, had to come down. The Joint Inquiry Report of the House and Senate Intelligence Committees describes what happened next:

> Even in late August 2001, when the CIA told the FBI, State, INS, and Customs that Khalid al-Mihdhar, Nawaf al-Hazmi, and two other "Bin Laden-related individuals" were in the United States, FBI Headquarters refused to accede to the New York field office recommendation that a criminal investigation be opened, which might allow greater resources to be dedicated to the search for the future hijackers. * * * FBI attorneys took the position that criminal investigators "cannot" be involved and that criminal information discovered in the intelligence case would be "passed over the wall" according to proper procedures. An agent in the FBI's New York field office responded by e-mail, saying: "Whatever has happened to this, someday someone will die and, wall or not, the public will not understand why we were not more effective in throwing every resource we had at certain problems."

You would think we would have learned the lesson of 9/11. If the filibuster succeeds, those who vote for the filibuster will be voting to allow this wall to be reerected. The very wall that we tore down with the PATRIOT Act so the FBI and CIA could talk to each other, the very wall that might have, had we torn it down before 9/11—that wall might have prevented us from discovering two of the key people involved in 9/11, and had we stopped them from getting on the airplane, we might have stopped at least one of the attacks of 9/11.

> Whatever has happened to this, someday, someone will die, and wall or not, the public will not understand why we were not more effective in throwing every resource we had at certain problems.

Unfortunately, this grim prediction turned out to be true; almost 3,000 people died.

We then acted to make sure it would never happen again. Now there are people threatening to filibuster the PATRIOT Act, which will go out of existence on December 31 if the filibuster succeeds, and people will wonder how it is that this wall was resurrected after the experience we had.

Here is what the 9/11 Commission said about the effect of the wall between the criminal and intelligence investigations with respect to the investigation of Khalid al Mihdhar:

> Many witnesses have suggested that even if Mihdhar had been found, there was nothing the agents could have done except to follow him onto the planes. We believe this is incorrect. Both Hazmi and Mihdhar have been held for immigration violations or as material witnesses in the Cole bombing case. Investigation or interrogation of these individuals, and their travel and financial activities, also may have yielded evidence of connections to other participants in the 9/11 plot. In any case, the opportunity did not arise.

As we know, Mr. President, the PATRIOT Act dismantled this legal wall between intelligence and criminal investigations. It was enacted too late to prevent 9/11, but it will prevent future acts of terrorism unless we allow it to expire.

I would like to talk about another key investigation prior to September 11. I will probably have to get just about 5 more minutes of time. Before I do, let me make just this one point about those who say we do not have to let it expire, we could just extend it for another 3 months or so.

Why do they say that? Because they think they can get some more concessions. The House of Representatives is done making concessions, and I agree with them. I would say the concessions already made could go too far, could hamper our law enforcement capability of catching terrorists or infiltrating their organizations or finding evidence to implicate them in crimes. Nonetheless, that time is passed. There is no more conference committee to go back to. We have reached all of the compromises, and not everybody can get everything they want. I certainly have not gotten everything I want. But I understand that at a certain point, the people of the United States have to pull together and act in a unified way to ensure that we have a law in place that will help us fight this war on terrorism.

I think it is extraordinarily selfish to say we have to have our way or no way, let the Act expire. Oh, we will maybe let it go for another 3 months. What kind of uncertainty does that create? Three months, using one set of procedures and not knowing what the law is going to be.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KYL. I ask the Senator from Pennsylvania how much more time he can yield me?

Mr. SPECTER. We have only 10 minutes left. Senator CORNYN wants to speak. I need to engage Senator CRAIG in a dialog.

Mr. KYL. I will not ask for any more time, then, except to say at a later time I will tell the story of Zacarias Moussaoui and how the PATRIOT Act helps to resolve the situation we couldn't resolve with Zacarias Moussaoui, either, and had we done that, he may not have been involved in the 9/11 activities.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Vermont has 8 minutes 22 seconds. The Senator from Pennsylvania has 9½ minutes.

Mr. LEAHY. I yield my remaining time to the Senator from Idaho.

Mr. CRAIG. I thank my colleague from Vermont for yielding. I am glad I have been able to follow my colleague, my friend and associate from Arizona, and to say to him: Senator, you are wrong.

You are just flat wrong—that this Senate or this Congress is going to allow the PATRIOT Act to expire.

I find it fascinating, if not almost humorous, that I am on the floor defending the position of JON KYL and my chairman, ARLEN SPECTER, who brought a bill to the floor which brought unanimity to the Senate; that they accepted, that the House rejected, in part; and that they are now saying we should not revisit it again. It is a phenomenally unique responsibility.

Folks, when we are dealing with civil liberties, you don't compromise them, and you don't let the bad guys win.

The Senate of the United States and the Congress and this President will not let the bad guys win. But we are sure not going to compromise civil liberties.

How do you do it? The check and balance that has always been within the law is what we strive for today.

When I began to become involved in the PATRIOT Act, looking at its reauthorization, I knew it would be an uphill battle. I knew it would be an uphill battle because Americans have grown to be frightened. But now they have grown to be emboldened when they recognized that some of their freedoms were and are at risk.

I began to work, as did some of my colleagues. And out of that, knowing it must be reauthorized, we produced a piece of legislation.

I must say Chairman SPECTER took us seriously. I am pleased he did. The Judiciary Committee took us seriously. I am glad they did. Out of that commitment came a work product of which all of us were very proud. And it passed the Senate unanimously.

I think those charges are simply untrue, that somehow we wanted to destroy the act or that we wanted it to expire and go away. I know the rest of the country doesn't believe us anymore in that sense because they now understand the importance of the balance we are striving to create.

I also find it very unique that we are talking about and focusing on a very small part of the PATRIOT Act itself. It is not sweeping change we are proposing. It is not sweeping change we hope to achieve by opposing cloture and asking the House to reconsider the work we have done. Is it an impossible task and is it a leap too far? Not at all.

Look at the House vote yesterday. Two hundred and twenty four voted for the conference report we are now considering. That isn't the important vote, fellow Senators. The important vote was the 202 who agreed that we ought to agree with the Senate on what they had accomplished. That is simply 13 short of a majority in the House. Rarely—and we know that, those of us who have been around a while—do you ever get the House to agree with the Senate as much as the House agrees with the Senate on this issue.

I am very confident, if the Senate revision of the PATRIOT Act and the reauthorization provision we provided, which passed the Senate unanimously, had been on the floor of the House yesterday and that had been the document being voted on, the vote would not have been 224; it would have been 240 or 250 or possibly 300. It is very possible that they would have been able to achieve that kind of broader support. Why? For all of my colleagues who have joined the debate today, and this is why I think the issues we are talking about are so important.

If we had wanted to kill the PATRIOT Act, we would not have gone as far as we have to work with the chairman and the ranking member of the Judiciary Committee to fine-tune it and to make sure those safeguards are in place.

Americans clearly understand we are at war. That does not need to be restated on the floor of this Senate. Blood has been spilled on our soil, and we know that.

We recognize the very important task at hand, and the authority we have given our security organizations and our intelligence and law enforcement organizations in this area.

But it is incumbent upon me, and it is incumbent upon all of us, to make sure that we don't gray or in some way make it easier for free citizens to have their rights violated, either by accident or if by a rogue investigator who found he or she could use the privilege granted here to somehow leverage a situation of a free citizen. And that is not what we are about.

There is so much to be said here, and my time is very limited.

I ask unanimous consent that the "Dear Colleague" letter that many of us sent out yesterday to our colleagues that breaks down part by part what we have done be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 14, 2005.

DEAR COLLEAGUE: Prior to the Thanksgiving recess, several Senators expressed strong opposition to the draft Patriot Act reauthorization conference report that was circulated by the conferees. We were gratified that Congress did not attempt to rush through a flawed conference report at that time, and we hoped the conferees would make significant improvements to the conference report before we returned to session this month.

We write to express our grave disappointment that the conference committee has made so few changes to the conference report since then. And now, in the last week of the session, the Senate is being asked to reauthorize the Patriot Act without adequate opportunity for debate. If the conference report comes to the Senate in the same form that it was filed in the House last week, we will oppose cloture on the conference report. We urge you to do the same.

As you know, the Senate version of the bill, passed by unanimous consent in July, was itself a compromise that resulted from intense negotiations by Senators from all sides of the partisan and ideological divides. That bill did not contain many Patriot Act reforms that we support, but it took important steps to protect the freedoms of innocent Americans while also ensuring that the government has the power it needs to investigate potential terrorists and terrorist activity. Although the conference report contains some positive provisions, it unfortunately still retreats too far from the bipartisan consensus reached in the Senate. It fails to make some vitally important reforms and in some areas actually makes the law worse.

Last week, Chairman Specter circulated a Dear Colleague suggesting the conference report as drafted addresses the concerns raised about potential civil liberties abuses. We credit Chairman Specter for improving the conference report. However, the most important substantive reforms from the Senate bill were excluded from the conference report. The original cosponors of the SAFE

Act (Senators CRAIG, DURBIN, SUNUNU, FEINGOLD, MURKOWSKI, SALAZAR) identified several items before Thanksgiving as problematic and indicated they would not support the conference report unless additional changes were made in those areas. Those issues were not adequately addressed. They include the following:

The conference report would allow the government to obtain library, medical and gun records and other sensitive personal information under Section 215 of the Patriot Act on a mere showing that those records are relevant to an authorized intelligence investigation. As business groups like the U.S. Chamber of Commerce have argued, this would allow government fishing expeditions targeting innocent Americans. We believe the government should be required to convince a judge that the records they are seeking have some connection to a suspected terrorist or spy, as the three-part standard in the Senate bill would mandate.

Some conferees argue that the language in the conference report would permit the government to use the "relevance" standard only in limited, extraordinary circumstances, and that the Senate bill's three-part standard would continue to apply in most circumstances. To the contrary, the conference report never requires the government to demonstrate that the individual whose records are sought is connected to a terrorist or spy; rather, it permits the "relevance" standard to be used in every case.

It has also been asserted that the government should not be required to abide by the three-part Senate standard because the Department of Justice demonstrated in a classified setting that "circumstances may exist in which an individual may not be known to a foreign power or be a recognized terrorist but may nevertheless be crucial to an authorized terrorism investigation." We are convinced, however, that the three-part standard provides the necessary flexibility in such circumstances. Indeed, the government need only show that the records they seek are relevant to the activities of a suspected terrorist or spy, a very low burden to meet, but one that will protect innocent Americans from unnecessary surveillance and ensure that government scrutiny is based on individualized suspicion, a fundamental principle of our legal system.

Unlike the Senate bill, the conference report does not permit the recipient of a Section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment. While some have asserted that the FISA court's review of a government application for a Section 215 order is equivalent to judicial review of the accompanying gag order, the FISA court is not permitted to make an individualized decision about whether to impose a gag order when it issues a Section 215 order. It is required by statute to include a gag order in every Section 215 order; the gag order is automatic and permanent in every case. The recipient of a Section 215 order is entitled to, but does not receive, meaningful judicial review of the gag order.

The conference report does not sunset the National Security Letter (NSL) authority. In light of recent revelations about possible abuses of NSLs, which were reported after the Senate passed its reauthorization bill, the NSL provision should sunset no more than four years so that Congress will have an opportunity to review the use of this power.

The conference report does not permit meaningful judicial review an NSL's order. It requires the court to accept as conclusive the government's assertion that a gag order should not be lifted, unless the court determines the government is acting in bad faith. As a result, the judicial review provisions do not create a meaningful right to review that comports with due process.

The conference report does not retain the Senate protections for "sneak and peek" search warrants, as Chairman Specter's letter suggests. The conference report requires the government to notify the target of a "sneak and peek" search within 30 days after the search, rather than within seven days as the Senate bill provides and as pre-Patriot Act judicial decisions required. That seven-day period was the safeguard included in the Senate sneak and peek provision. The conference should include a presumption that notice will be provided within a significantly shorter period in order to better protect Fourth Amendment rights. The availability of additional 90-day extensions means that a shorter initial time frame will ensure timely judicial oversight of this highly intrusive technique but not create undue hardship on the government.

While the issues discussed above are the core concerns about the conference report that the original cosponsors SAFE Act asked to be modified, they are not the only problems that we see with the conference report. There are a number of other areas where we believe the conference report falls short.

"LIBRARY RECORDS" PROVISION (SECTION 215)

Unlike the Senate bill, the conference report requires a person who receives a Section 215 order to notify the FBI if he consults with an attorney and to identify the attorney to the FBI. This will have a significant chilling effect on the right to counsel. There is no such requirement any other area of law.

The conference report would give the government unilateral authority to keep all its evidence secret from a recipient who is challenging a 215 order, regardless of whether the evidence is classified. This will make it very difficult for the recipient of a Section 215 order to obtain meaningful judicial review that comports with due process.

Under the conference report, the target of a Section 215 order never receives notice that the government has obtained his sensitive personal information and never has an opportunity to challenge the use of this information in a trial or other proceeding. All other FISA authorities (wiretaps, physical searches, pen registers, and trap and trace devices) require such notice and opportunity to challenge.

NATIONAL SECURITY LETTERS (SECTION 505)

The conference report would allow the government to issue NSLs for certain types of sensitive personal information simply by certifying that the information is sought for a terrorism or espionage investigation. This would allow government fishing expeditions targeting innocent Americans. As business groups have argued, the government should be required to certify that the person whose records are sought has some connection to a suspected terrorist or spy.

Unlike the Senate bill, the conference report requires a person who receives an NSL to notify the FBI if he consults with an attorney and to identify the attorney to the FBI. This will have a significant chilling effect on the right to counsel. There is no such requirement in any other area of law.

Unlike the Senate bill, the conference report for the first time imposes criminal penalties on an NSL recipient who speaks out in violation of an NSL gag order, even if the NSL recipient believes his rights have been violated.

The conference report for the first time gives the government the power to go to court to enforce an NSL, effectively converting an NSL into an administrative subpoena. An NSL recipient could now potentially be held in contempt of court and subjected to serious criminal penalties. The government has not demonstrated a need for NSLs to be court enforceable and has not given any examples of individuals failing to comply with NSLs.

The conference report would give the government unilateral authority to keep all its evidence secret from a recipient is challenging an NSL, regardless of whether the evidence is classified. This will make it very difficult for an NSL recipient to obtain meaningful judicial review that comports with due process.

As with Section 215, the conference report fails to require notice to the target of an NSL if the government seeks to use the records obtained from the NSL in a subsequent proceeding, and fails to give the target an opportunity to challenge the use of those records.

"SNEAK AND PEEK" SEARCHES (SECTION 213)

The conference report does not eliminate the catch-all provision that allows sneak and peek searches any time that notice to a subject would "seriously jeopardize" an investigation. This exception could arguably apply in almost every case.

ROVING WIRETAPS (SECTION 206)

The conference report does not include meaningful checks on "John Doe" roving wiretaps, a sweeping power never authorized in any context by Congress before the Patriot Act. A John Doe roving wiretap does not identify the person or the phone to be wiretapped. Unlike the Senate bill, the conference report does not require that a roving wiretap include sufficient information to describe the specific person to be wiretapped with particularity.

The conference report does not require the government to determine whether the target of a roving intelligence wiretap is present before beginning surveillance. An ascertainment requirement, as has long applied to roving criminal wiretaps, is needed to protect innocent Americans from unnecessary surveillance, especially when a public phone or computer is wiretapped.

PEN REGISTERS AND TRAP AND TRACE DEVICES (SECTION 214 AND 216)

The conference report retains the Patriot Act's expansion of the pen/trap authority to electronic communications, including e-mail and Internet. In light of the vast amount of sensitive electronic information that the government can now access with pen/traps, modest safeguards should be added to the pen/trap power to protect innocent Americans, but the conference report does not do so.

DOMESTIC TERRORISM DEFINITION (SECTION 802)

The conference report retains the Patriot Act's overboard definition of domestic terrorism, which could include acts of civil disobedience by political organizations. While civic disobedience is and should be illegal, it is not necessarily terrorism. This could have a significant chilling effect on legitimate political activity that is protected by the first Amendment.

It is not too late to remedy the problems with the conference report and pass a reauthorization package that we can all support.

The House could take up and pass the bill the Senate adopted by unanimous consent in July, or, if the additional modest but critical improvements to the conference report that the original cosponsors of the SAFE Act laid out priot to Thanksgiving are made, we believe the conference report can easily and quickly pass both the House and the Senate this month.

We appreciate that since Thanksgiving, the conferees agreed to include four-year sunsets of three controversial provisions rather than seven-year sunsets. But we should not just make permanent or, in the case three provisions, extend for another four years the most controversial provisions of the Patriot Act. The sunsets this year provide our best opportunity to make the meaningful changes to the Patriot Act that the American public has demanded. Now is the time to fix these provisions.

We urge you to join us in opposing cloture on the conference report, and in supporting our call for the conferees to make additional improvements. We still have the opportunity to pass a good reauthorization bill this year. But to do so, we must stop this conference report, which falls short of the meaningful reforms that need to be made. We must ensure that when we do reauthorize the Patriot Act, we do it right. We still can—and must—make sure that our laws give law enforcement agents the tools they need while providing safeguards to protect the constitutional rights of all Americans.

Sincerely,

Larry E. Craig, John E. Sununu, Lisa Murkowski, Chuck Hagel, Barack Obama, Dick Durbin, Russ Feingold, Ken Salazar, John F. Kerry.

Mr. CRAIG. Mr. President, let me, for a moment, touch on something I think is important. This issue has spread beyond these walls and beyond this building.

The Idaho Legislature, my legislature in Idaho, by a resolution, a house joint memorial and a senate joint memorial to the Congress, asked that we support the SAFE Act. The SAFE Act was the passage of amendments that the Senate Judiciary Committee incorporated within our version of the reauthorization of the PATRIOT Act that passed this body unanimously.

From the beginning, those of us who have concerns about PATRIOT have had an uphill battle. Practically before the ink was dry on our bill—and certainly well before any committee had reviewed it—we faced a veto recommendation. Before they even read our reform proposals, some of PATRIOT's defenders charged us with wanting to repeal the law and do away with all the tools it provided law enforcement to protect our country against terrorism.

Those charges were not true when we began, and they're not true today. We are not trying to undo PATRIOT. If some Senators still believe that, well, the rest of the country does not.

Most of PATRIOT isn't even at issue today—just a small part of the law is up for renewal. Of that small part, we are only focusing on a few controversial and very important provisions. And even for those few provisions in the small part of the law up for renewal, we are asking for modest checks and balances, not repeal. And we have even been flexible about what shape those reforms should take. We introduced the SAFE Act, offering one way to "fix" what we saw as problems, but in the end, we accepted a Senate Judiciary Committee bill that took a couple of different approaches.

Here is an interesting reaction: When we are dealing with constitutional freedoms, just a little can make all the difference. Some are saying that we are asking for so little, we should just drop it altogether. Our point is that it would take very little to close the gap and provide the assurances we are seeking. Our ask is very do-able. The conference on this bill was squeezed into the very end of the year; changes were being made in the conference agreement even up to the day of its filing. We believe a limited timeframe would allow further discussion and an opportunity to get beyond whatever political issues are in the way. Some of us have even introduced legislation that would extend the expiring provisions of PATRIOT for 3 months, for this purpose.

Furthermore, it's worth emphasizing that our concerns are not about insignificant or technical issues—they relate to what happens when innocent Americans come within the sphere of surveillance in antiterrorism investigations.

Regardless of what Americans think about the PATRIOT Act's effectiveness, they also care about preserving their freedom within the fight against terrorism.

Let me read the resolution passed by the Idaho State Legislature earlier this year on the subject:

A Joint Memorial to the Senate and House of Representatives of the United States in Congress Assembled, and to the Congressional Delegation Representing the State of Idaho in the Congress of the United States

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

Whereas, citizens of the state of Idaho strongly believe that basic civil liberties must be preserved and protected, even as we seek to guard against terrorist and other threats to the national security; and

Whereas, there are some principles of our democracy which are so fundamental to the rights of citizenship that they must be preserved to guard the very liberties we seek to protect; and

Whereas, legislation known as the SAFE Act has been introduced in the Congress of the United States to adopt amendments to the Patriot Act which would address some of the most problematic provisions of the Act; and

Whereas, the SAFE Act amends the Patriot Act to modify the provision regarding the roving wiretaps to require that the identity of the target be given and that the suspect be present during the time when surveillance is conducted; and

Whereas, the SAFE Act revises provisions governing search warrants to limit the circumstances when the delay of notice may be exercised and to require reports to the Congress when delays of notice are used; and

Whereas, the SAFE Act requires specific and articulable facts be given before business records are subject to investigation by the Federal Bureau of Investigation; and

Whereas, the SAFE Act provides that libraries shall not be treated as communication providers subject to providing information and transaction record of the library patrons; and

Whereas, it is appropriate that the Legislature of the State of Idaho, on behalf of the citizens of Idaho, express support of the efforts of Senator Larry Craig to adopt the SAFE Act, and encourage the full support of the Idaho congressional delegation.

Now, therefore, be it *Resolved by the members of the first Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein.* That the Idaho Legislature endorses the efforts to amend the Patriot Act to assure that it works well to protect our security but that it does not unnecessarily compromise essential liberties of the citizens of the United States. We urge the congressional delegation representing the State of Idaho in the Congress of the United States to support legislation introduced by Senator Larry Craig, known as the SAFE Act.

This is just one of hundreds of such statements issued by states, cities, and communities across the Nation on this subject.

I have actually heard colleagues saying that because there have been no publicly reported abuses of PATRIOT Act powers, there is no justification for changing the law. Since when do we have to wait for the Constitution to be breached to take action? Since when do the American people have to justify demanding checks and balances that will make sure there can be no such abuses? Since when did it become the American people's burden of proof to support protecting their civil liberties?

I thought the government worked for the people, and not the other way around

We are not the ones who should have to be justifying a call for checks and balances. It's up to the government to prove those checks and balances are not workable and not in the best interests of the Nation.

Now, we have heard a lot about the civil liberties protections that have been included in this conference report. I stand second to none in giving credit to our Judiciary Committee chairman, ARLEN SPECTER, for achieving these reforms. I well know the opposition he was up against, and I am very pleased he was able to persuade conferees—as he persuaded some in this body—that we can have both: protection of the privacy and civil liberties of innocent citizens, and aggressive fighting against terrorism.

It is worth noting that even those of our colleagues who opposed our original SAFE Act proposals ended up supporting the Senate bill that contained civil liberties reforms. Today these same colleagues are praising the conference report's provisions along those lines—and my message to them is: why not go just a little further toward the Senate's version in some of these areas? You voted for them once before—why not again?

That's how much confidence I have in Chairman SPECTER—that with this additional expression of support from the Senate, he will be able to make a few last—but important—improvements.

The other body voted yesterday on the PATRIOT Act conference report, and a motion to reject that report and instead accept the entire Senate-passed version was narrowly defeated, 202–224. This is a remarkable vote. The U.S. House is a body of 435 Members. 215 is the majority, they were 13 short of passing the Senate bill, the very reform I am asking for today. But those of us seeking more time for negotiations aren't asking that the entire conference report be defeated; we aren't asking for the House to swallow the entire Senate bill. Instead, we have identified a few areas where we believe improvements could and should be made, and I think the House vote shows these changes would be welcomed by a substantial number in that body.

To those of my colleagues who are telling us to "quit while we're ahead," I say: where would we be if they had stopped at the First Amendment of the bill of Rights? Should they have quit while they were ahead, and forgotten about those other nine amendments?

These are important issues, let's allow a little more time for the process to work, and respond to the concerns that our citizens have expressed.

1. The changes we are seeking:

The conference report that we are voting on would allow the government to obtain library, medical and gun records and other sensitive personal information under Section 215 of the PATRIOT Act on a mere showing that those records are relevant to an authorized intelligence investigation. As business groups like the U.S. Chamber of Commerce have argued, this would allow government fishing expeditions targeting innocent Americans. We believe the government should be required to convince a judge that the records they are seeking have some connection to a suspected terrorist or spy, as the three-part standard in the Senate bill would mandate.

Some conferees argue that the language in the conference report would permit the government to use the "relevance" standard only in limited, extraordinary circumstances, and that the Senate bill's three-part standard would continue to apply in most circumstances. To the contrary, the conference report never requires the government to demonstrate that the individual whose records are sought is connected to a terrorist or spy; rather, it permits the "relevance" standard to be used in every case.

It has also been asserted that the government should not be required to abide by the three-part Senate standard because the Department of Justice demonstrated in a classified setting that "circumstances may exist in which an individual may not be known to a foreign power or be a recognized terrorist but may nevertheless be crucial to an authorized terrorism investigation." We are convinced, however, that the three-part standard provides the necessary flexibility in such circumstances. Indeed, the government need only show that the records they seek are relevant to the activities of a suspected terrorist or spy, a very low burden to meet, but one that will protect innocent Americans from unnecessary surveillance and ensure that government scrutiny is based on individualized suspicion, a fundamental principle of our legal system.

Unlike the Senate bill, the conference report does not permit the recipient of a Section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment. While some have asserted that the FISA court's review of a government application for a Section 215 order is equivalent to judicial review of the accompanying gag order, the FISA court is not permitted to make an individualized decision about whether to impose a gag order when it issues a Section 215 order. It is required by statute to include a gag order in every Section 215 order; the gag order is automatic and permanent in every case. The recipient of a Section 215 order is entitled, but does not receive, meaningful judicial review of the gag order.

The conference report does not sunset the National Security Letter, NSL, authority. In light of recent revelations about possible abuses of NSLs, which were reported after the Senate passed its reauthorization bill, the NSL provision should sunset in no more than four years so that Congress will have an opportunity to review the use of this power.

The conference report does not permit meaningful judicial review of an NSL's gag order. It requires the court to accept as conclusive the government's assertion that a gag order should not be lifted, unless the court determines the government is acting in bad faith. As a result, the judicial review provisions do not create a meaningful right to review that comports with due process.

The conference report does not retain the Senate protections for "sneak and peek" search warrants, as Chairman SPECTER's letter suggests. The conference report requires the government to notify the target of a "sneak and peek" search within 30 days after the search, rather than within 7 days, as the Senate bill provides and as pre-PATRIOT Act judicial decisions required. That 7-day period was the key safeguard included in the Senate sneak and peek provision. The conference report should include a presumption that notice will be provided within a significantly shorter period in order to better protect Fourth Amendment rights. The availability of additional 90-day extensions means that a shorter initial time frame will ensure timely judicial oversight of this highly intrusive technique but not create undue hardship on the government.

Unlike the Senate bill, the conference report requires a person who receives an NSL to notify the FBI if he consults with an attorney and to identify the attorney to the FBI. This will have a significant chilling effect on the right to counsel. There is no such requirement in any other area of law.

Unlike the Senate bill, the conference report for the first time imposes criminal penalties on an NSL recipient who speaks out in violation of an NSL gag order, even if the NSL recipient believes his rights have been violated.

The conference report for the first time gives the government the power to go to court to enforce an NSL, effectively converting an NSL into an administrative subpoena. An NSL recipient could now potentially be held in contempt of court and subjected to serious criminal penalties. The government has not demonstrated a need for NSLs to be court enforceable and has not given any examples of individuals failing to comply with NSLs.

The conference report would give the government unilateral authority to keep all its evidence secret from a recipient who is challenging an NSL, regardless of whether the evidence is classified. This will make it very difficult for an NSL recipient to obtain meaningful judicial review that comports with due process.

As with Section 215, the conference report fails to require notice to the target of an NSL if the government seeks to use the records obtained from the NSL in a subsequent proceeding, and fails to give the target an opportunity to challenge the use of those records.

The conference report does not eliminate the catch-all provision that allows sneak and peek searches any time that notice to a subject would "seriously jeopardize" an investigation. This exception could arguably apply in almost every case.

Many of my colleagues say the PATRIOT Act is just giving law enforcement powers in terrorism investigation what they already have in drug investigation.

Well not here. The conference report does not include meaningful checks on "John Doe" roving wiretaps, a sweeping power never authorized in any context by Congress before the PATRIOT Act. A John Doe roving wiretap does not identify the person or the phone to be wiretapped. Unlike the Senate bill, the conference report does not require that a roving wiretap include sufficient information to describe the specific person to be wiretapped with particularity.

The conference report does not require the government to determine whether the target of a roving intelligence wiretap is present before beginning surveillance. An ascertainment requirement, as has long applied to roving criminal wiretaps, is needed to protect innocent Americans from unnecessary surveillance, especially when a public phone or computer is wiretapped. Yes, new technology is challenging but should not allow our privacy rights to be swept away.

The conference report retains the PATRIOT Act's expansion of the pen/trap authority to electronic communications, including e-mail and Internet. In light of the vast amount of sensitive electronic information that the government can now access with pen/traps, modest safeguards should be added to the pen/trap power to protect innocent Americans, but the conference report does not do so.

The conference report retains the PATRIOT Act's overbroad definition of domestic terrorism, which could include acts of civil disobedience by political organizations. While civil disobedience is and should be illegal, it is not necessarily terrorism. This could have a significant chilling effect on legitimate political activity that is protected by the First Amendment.

While the issues discussed above are the core concerns about the conference report that the original cosponsors of the SAFE Act asked to be modified, they are not the only problems that we see with the conference report. There are a number of other areas where we believe the conference report falls short.

Unlike the Senate bill, the conference report requires a person who receives a Section 215 order to notify the FBI if he consults with an attorney and to identify the attorney to the FBI. This will have a significant chilling effect on the right to counsel. There is no such requirement in any other area of law.

The conference report would give the government unilateral authority to keep all its evidence secret from a recipient who is challenging a 215 order, regardless of whether the evidence is classified. This will make it very difficult for the recipient of a Section 215 order to obtain meaningful judicial review that comports with due process.

Under the conference report, the target of a Section 215 order never receives notice that the government has obtained his sensitive personal information and never has an opportunity to challenge the use of this information in a trial or other proceeding. All other FISA authorities—wiretaps, physical searches, pen registers, and trap and trace devices—require such notice and opportunity to challenge.

The conference report would allow the government to issue NSLs for certain types of sensitive personal information simply by certifying that the information is sought for a terrorism or espionage investigation. This would allow government fishing expeditions targeting innocent Americans. As business groups have argued, the government should be required to certify that the person whose records are sought has some connection to a suspected terrorist or spy.

Again, what is important is to understand and plead with our colleagues—that how you negotiate is through power and leverage, not to give up and walk away. I am not going to suggest that the chairman did that at all. He and I dialogued many times over the course of the last 2 weeks as to what we might do to gain greater position, to gain the Senate position with the House.

My compliments to him for the successes that are in the conference report because there are some. But my frustration is that what we did in the Senate in this very important instance has not been adhered to. Those safeguards have not been put in place to the extent that we had asked. And I believe it is reasonable and right to say: No, let us live for 3 more months with the current law while we attempt to achieve even greater protection for the private citizens of this country but most importantly recognize that the law enforcement community needs that time to ask permission and to show that they have very real reason to believe that somebody is involved.

I think it has been a very excellent debate which has gone on on the floor of the Senate. But there is a reality check. That reality check is a vote on the conference report, and I ask my colleagues to vote against cloture so that we can reenter this debate one more time with the House to make sure we get it right so that the first amendment and the fourth amendment are not, in some way, in jeopardy.

I yield the floor.

Mr. SPECTER. Mr. President, I have worked very closely with the distinguished Senator from Idaho, as he noted, on this matter, with lots of discussions and lots of dialog. He and I worked together on the Ruby Ridge investigation, as Senator LEAHY was involved on the other side of the aisle. That was a high watermark of congressional oversight protection of the individual rights.

I have a long history with Senator CRAIG and agree with him that you don't compromise on civil liberties. What you do with civil liberties is you protect them.

But I submit to my colleague from Idaho that we have protected.

I ask him: He starts off with the delayed notice. The pejorative term is "sneak and peek." Delayed notice is when the law enforcement official shows the judge, the impartial arbiter between the citizen and law enforcement, that there are reasons to have delayed notice.

Ordinarily, you have a search-and-seizure warrant. The target knows that right away.

The current bill provides for "reasonable period of time," which could mean anything. Some have gone for enormous periods of time. The House came in at 180 days and the Senate came in at 7 days. We were not unaware in picking 7 days we were starting a negotiating track. We were not going to have our entire way. The Fourth Circuit said 45 days is presumptively reasonable and we ended up with 30.

I ask my colleague from Idaho, is it a compromise of civil liberties to have a 30-day notice period where you change the existing law from what is reasonable—which means anything—and the House comes down 150 days and we go up 30 days; is that a compromise?

Mr. CRAIG. I know my chairman thinks that is a success. First, we have broken and entered a private citizen's home without telling them. Does it take 30 days for law enforcement to determine that what they have found is so valuable that they cannot tell the citizen they have broken into their home? Why not 7 days? And then go to a judge and prove your worth with the evidence you have established by that "break-in"—because that is what you have done. My home is my sanctuary. We have said, yes, we are going to let you break and enter, sneak and peek, but we are going to make sure it is very limited.

So I don't view 30 days as a compromise. Seven days. You were right to begin with. You are wrong now.

Mr. SPECTER. You cannot take all my time.

I will ask another question but may make the argument——

Mr. CRAIG. If the Senator will yield, I will be kinder.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. No, no.

Mr. CRAIG. All right.

Mr. SPECTER. All of this effort to get the floor and I will yield right away? Absolutely not.

The point of the time is not to show what they have gotten is valuable. The time is in order to enable them to conduct an investigation. They got the order initially because they showed a judge, an impartial magistrate, that there was a reason to think if the target knew, it would impede the investigation.

I will let my 98 colleagues evaluate whether that is a compromise on civil liberties.

The letter which the Senator from Idaho refers to, which was filed yesterday and printed in the RECORD, I have already put the reply into the RECORD, which we circulated today. In that letter, the assertion made that the Foreign Intelligence Surveillance Court is not permitted to make an individualized decision about whether to impose a gag order when it issues a section 215 order is incorrect. That is not right. The statute provides there may be a petition to have the court review the 215 order and the Foreign Intelligence Surveillance Court has the authority at that point to say there will be no gag order.

When the Senator from Idaho puts in his letter that they want a sunset on the national security letter, I point out to him the PATRIOT Act does not establish the national security letter. That has been in existence for decades.

Mr. CRAIG. It is broadening of the application, not the establishment.

Mr. SPECTER. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. The PATRIOT Act does not establish the national security letter. But the PATRIOT Act was used as a vehicle for extending civil rights, which the Senator from Idaho is concerned about. He is a civil libertarian and so am I. When he introduced the so-called SAFE Act to cut back on the PATRIOT Act, and he came to me and asked, Would you cosponsor it, I immediately said yes. But when we structured the PATRIOT Act, we took a look at the national security letters and we said, this is an occasion where we ought to rein in the national security letter. And we did so by saying the recipient did not have to keep quiet—which you have to do under existing law—but you could go to a lawyer. I don't think you ought to have to have legislative authority to go to a lawyer. But we made no bones about it. We were not going to leave that to chance, and we said you can go to a lawyer. Then that lawyer could go to court and quash the national security letter if it is unreasonable.

The standard of "reasonable" is all over the law. It is what a reasonable person would do. It controls tort law, accidents, reasonable personal negligence, it controls antitrust law, reasonable restraints. The court has plenary authority, full authority to quash the national security letter if it is unreasonable.

Now, when you come to the point about disclosure, you are dealing with some pretty tough stuff. You are dealing with national security. The Senate bill that went through without objection by anyone, including the Senator from Idaho, has a provision that there is a conclusive presumption if the Government certifies that it will impede national security or harm foreign relations. But in the conference report, in part because Senator CRAIG was vigilant in talking to us about the conference report, we said, that is not enough. It ought to be on the Government, some law enforcement officer in the field. We put in the requirement it had to be the Attorney General or Deputy Attorney General, head of the FBI, or Assistant Attorney General—all positions which are confirmed by the Senate, so they are ranking positions.

We saw to it that the national security letter was reined in. We also saw to it that the wiretaps were reined in. Then we had the big argument about the sunset. I almost had a feeling in one long telephone conversation with Senator CRAIG about 10 days ago that if we got a 4-year sunset, which was a golden prize—the House wanted 10 years and the Senate had 4 years; the House wanted the compromise on 7, halfway between; we said no, we are not going to do that. This was a matter of great importance to many Senators, especially to Senator CRAIG. So we can review all of this and we can have oversight. I almost thought if we got 4 years, we would get Senator CRAIG. He is nodding in the negative.

Mr. CRAIG. It was third on my list.

Mr. SPECTER. We did not get Senator CRAIG.

Mr. President, when the six Senators wrote a letter with a lot of concerns, we responded with a seven-page letter. When yesterday we received a letter with nine Senators, we responded with an eight-page letter which the staff has worked on. We have had extraordinary staff working on all sides. This goes for my staff, this goes for Senator LEAHY's staff. The Judiciary Committee has not had any time off. We had an August recess for the Senate but not for the Senate Judiciary Committee.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. SPECTER. In that event, I stop.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. THOMAS).

The PRESIDING OFFICER. Under the previous order, the time from 2:15 until 3:30 shall be equally divided between the two leaders or their designees.

Mr. BAUCUS. I thank the Chair

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 2107 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, I thank the Senators from Oklahoma and Idaho for their courtesy. There were three of us scheduled to speak at the same time. Obviously, that is very difficult to do. These two Senators graciously allowed me to go ahead. I thank them both.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Oklahoma.

LABOR-HHS APPROPRIATIONS CONFERENCE REPORT

Mr. COBURN. Mr. President, I wish to spend a few minutes of my time talking about the Labor-HHS bill and a lot of the comments we have heard in the Chamber over the last couple days as to what we are and are not doing. I thought the American public should have a good perspective about what has happened in terms of the growth of this department since the fiscal year 1998 started.

This is a tight budget. I commend those who are in charge of it. It is a vast improvement over what we have done in other years. There is no question there are some unmet needs that can be claimed out of this appropriations bill. That is the time we face in our country. The Federal Government cannot meet every need.

In regard to history, Health and Human Services from 1998 to 2005, over that 8-year period, in real dollars has increased at over 10 percent per year. It has actually increased over 13 percent per year, but we have had inflation of 3 percent. So what we have seen is an actual doubling of the size of that component of the Federal Government from September 30 of 1997 to today. It has doubled in size. Education is the same. Actually, education more than doubled in size, net of inflation. That is in terms of real dollars. So when we hear the words that we can't do what we are doing, I would have our fellow colleagues look down the road a little bit. This is just a taste of what we are going to be facing if we don't start making the choices based on priority.

I tell you, we are on an unsustainable path even with this bill. We cannot meet those needs that need to be met if we continue to not prioritize in the functioning of the Federal Government.

Again, I take seriously the claim that we would take away food stamps from people who have no other source of nutrition. But I also take seriously the claim and the knowledge reported by the Department of Agriculture and the Food Stamp Program that last year they paid out $1.6 billion in food stamps to people who were ineligible, who had other sources of income. And yet they continued to spend $1.6 billion.

Why is all this important? It is important because this last year, ending September 30, we spent $538 billion more in that fiscal year than we took in. So the debate has to be in the context of what are we doing to our children and our grandchildren. We have to make a measured balance about how we make these decisions.

The decision of trimming programs that are not effective and doing the hard oversight—the real thing that is lacking is us doing the work of oversight. We have opportunities lost when we don't put money into those programs that are more effective and take money from those programs that are less effective.

The debate is centered about us and our constitutional duties to do oversight but also in terms of the future and what kind of heritage and legacy in terms of debt are we going to leave to our children.

Overall, the Congress has done a good job with this bill. There are still tons of waste in this bill. This bill totaled has $602 billion worth of spending in it.

I have one last comment, and that is there is $55 billion for the new Medicare Part D Program, of which only 1 out of every 15 people who are eligible for that program is a new person who would not have had drugs. So we are going to pay for 14 people who had insurance or other coverage to cover one additional person. And none of that money is paid for. That $55 billion is coming from our grandchildren.

This is a program on which I did not have an opportunity to vote. I would have voted against it. I also didn't have an opportunity to attach it to a supplemental, which I would have offered, to eliminate or freeze this program because our children and our grandchildren absolutely cannot afford it. It is $8.7 trillion between now and 2050 that we are going to put into this brandnew program that is starting today that helps 1 in 15. It helps 1 in 15 who need it. And yet we are saying it is OK for our children to pay that bill.

I commend Senator SPECTER on his hard work on the bill. This is the first time in years that the hard choices have been made. I remind our colleagues that as we face the future with Social Security, Medicare, and Medicaid and a war and natural disasters, hard choices is what we are here for. Yes, as Senator KENNEDY said today, we do need to be concerned about those who can't take care of themselves, but I put forward to my colleagues that with $600 billion—that is $20,000 per man, woman, and child in this country—we ought to be able to take care of them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. I thank the Chair.

(The remarks of Mr. CRAPO and Mr. THOMAS pertaining to the introduction of S. 2110 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Washington.

SPENDING CUTS

Mrs. MURRAY. Mr. President, I have traveled throughout my home State of Washington throughout the past month. A lot of people have told me time and time again they want our country to be strong again, and to be strong we need to invest right here at home, in our people, in our infrastructure, and in our communities. But today the Republican leadership is trying to push us in the wrong direction by cutting those critical investments. Republicans today are attempting to interpose an across-the-board spending cut that will hurt our families, it will hurt our local communities, and it will even jeopardize the housing and safety of the American people.

I am speaking out today to explain how those misguided cuts will affect housing for vulnerable families and the safety of every American who plans to fly this holiday season.

I thank Senator BYRD for his tremendous leadership and his speaking out about this misguided Republican plan. As the ranking member of the Appropriations Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and related agencies, I am here today to tell my colleagues that an additional 1-percent to 2-percent cut across the board will not be harmless. It will chip away at the Federal safety net that protects our vulnerable neighbors, and it will undermine the safety of our commercial aviation system.

Before I turn to those details, I want to make a broader point about priorities. There is something very wrong with the idea behind these broad, across-the-board cuts. Here is what the leadership in the Republican Party is saying with these cuts: When we need to rebuild in Iraq, we will pay for it out of the Treasury. But when we need to rebuild American cities such as New Orleans and Biloxi, we can only do it on the backs of vulnerable Americans. We can only do it by cutting other priorities at home.

That is the wrong message. It is the wrong priority, and America can do better than that. That Republican idea should offend every American taxpayer who believes that the first and greatest responsibility of our Federal Government should be the well-being of our own people. Nonetheless, that is the position of the Republican leadership in this Congress. As a result, we are now being told that, if we want to help the victims of Hurricane Katrina, we have to cut every Federal program across the board, no matter how much those cuts will hurt our safety, our economy, or our security.

Some Senators may try to suggest that a small cut will not have a big impact. I can tell you, as a member of the Appropriations Committee, that is not the case. Let me talk about some of the specific ways these cuts will undermine American families in areas such as transportation and housing and in aviation. I know those areas well because I have worked on them as the ranking member on the Transportation and Treasury and HUD committee.

First of all, these cuts will mean less progress in reducing highway congestion. We will lose more than $720 million in highway construction funds, and with that 34,000 good-paying jobs. Americans will waste more time in traffic, businesses will lose productivity, and our economy will suffer.

Second, those proposed Republican cuts will make life harder for the victims of Hurricane Katrina and for the vulnerable families throughout our country. Hurricane Katrina revealed the harsh truth about poverty in America in 2005. Many people lost what little they had. There are still thousands of victims of that hurricane who are without adequate housing. Some of them are living in tents. Some are still in hotels, wondering when they are going to be thrown out. Others are doubled up with their relatives. And still others have been dispersed all across the country, wondering how they are going to pay for housing when they are earning no income. Neither FEMA nor HUD have done an adequate job addressing the critical housing needs of these Americans.

So here we are trying to address those needs with a supplemental appropriations bill, and Republican leadership is saying if you want to help these Katrina victims, you have to cut housing assistance for other vulnerable families. I think that is the wrong way, to say the only way we will help the victims of Hurricane Katrina is by taking housing away from other needy families. Those cuts would mean that more than 35,000 families will lose the help in housing that they get today through HUD's tenant-based housing assistance program.

Those cuts also threaten to eliminate transitional housing for 1,200 homeless citizens. Think about it. Cutting housing for the homeless, taking help away from 35,000 vulnerable families right before the holidays—that does not reflect my values and that does not reflect my priorities.

In the immediate aftermath of Hurricane Katrina, public housing agencies across America opened their doors and sought to make emergency housing available to the citizens who had to evacuate New Orleans. I saw it even in my home State where housing agencies worked hard, thousands of miles away from the gulf coast, to help these families. Most of those housing agencies already had long waiting lists of low-income families waiting for a unit or for a voucher. By accommodating those Hurricane Katrina victims, those housing agencies effectively pushed their own local citizens further down that very long waiting list.

We should not now make it worse by eliminating vouchers for 35,000 families in order to pay for the additional aid for the Katrina victims. We must not come to the aid of victims of Hurricane Katrina by creating still other victims around the country through these misguided cuts.

These cuts will hurt jobs and transportation. They will hurt the homeless and other families who are living on the brink. And these cuts will affect the safety of our air travel in this country.

I addressed the Senate on this issue of aviation safety on October 6, and I did so because I thought it was critical that all Senators understand the relationship between the funding levels we provide to the FAA and the ability of that agency to ensure that the American people are safe when they board an aircraft.

The holidays are upon us. Thousands of American families are going to board planes shortly to gather with their families across America. When they do, they have the right to expect that we in Congress are doing everything in our power to ensure that they will continue to benefit from the safest aviation system in the world.

Yet the reality is that the FAA is facing an unprecedented budget challenge in adequately staffing its air traffic control facilities with fully trained professionals. And the agency is also challenged when it comes to deploying an adequate number of fully trained aviation safety inspectors to oversee the safety practices of our Nation's airlines.

As I explained back on October 6, over the last few years our national aviation enterprise, airlines, airports, and the FAA, have been under an unprecedented amount of financial pressure. We now have no fewer than six airlines in bankruptcy, and that number could grow.

In the interest of cutting costs, airlines have been cutting back on staff, renouncing their pension plans, and outsourcing an increased percentage of their aircraft maintenance.

I know many Senators like me who travel home every weekend have noticed those changes in the services the airlines offer. Staffing is leaner than ever, and flight delays and mechanical problems are on the rise.

Airlines are now contracting out their aircraft maintenance work to third parties, including, my colleagues should know, many overseas vendors who are known as foreign repair stations.

Let me say that again.

Aircraft maintenance work is being contracted out to overseas vendors who are known as foreign repair stations.

In the past, airlines maintained their planes with experienced veteran unionized mechanics. Today, they outsource more than 50 percent of their maintenance work to independent operators. Airlines, such as Northwest, send some of their aircraft as far as Singapore and Hong Kong for heavy maintenance. We have one major carrier, JetBlue, that sends a large portion of its all-airbus fleet to be maintained in El Salvador, Central America. That is where those planes have mechanics that work on them. America West Airlines, now merged with U.S. Airways, does the same thing. This outsourced work needs adequate oversight, and it needs inspection if the American people are going to be safe.

How has the FAA responded to this growing threat to aviation safety? Because of across-the-board cuts in the prior appropriations bills, the FAA has actually downsized its safety workforce by more than 300 personnel, including more than 230 inspectors. That is right. We have gotten rid of more than 230 inspectors, the very professionals who are charged with ensuring that maintenance operations are meeting adequate safety standards.

That was not the intent of the transportation appropriations subcommittee in either the House or the Senate. Indeed, just last year the Transportation appropriations bill provided every penny the President requested for the FAA's safety office. But the FAA still had to drop the number of inspectors because of the across-the-board cut that was imposed by the Republican leadership.

It also resulted from the fact that Congress granted all civilian Federal employees a higher pay raise than the Bush administration asked for, but none of the appropriations subcommittees were given adequate funding allocations to fully fund those pay raises.

Now we know the FAA's inspection efforts are falling short. We have troubling reports today from the Department of Transportation's Inspector General, from the Government Accountability Office, and the National Transportation Safety Board.

Yet despite all those dangers, the FAA had to go ahead and decrease the number of FAA safety inspectors dramatically last year because of those across-the-board cuts. No one can stand up today and say that an across-the-board cut has no impact.

Let us fast-forward to right now, this year. I am very proud to say that the House and Senate Appropriations Committees have worked to address this safety vulnerability. Both committees provided increased funds over and above the levels requested by the Bush administration to bring the number of safety inspectors back to reasonable levels.

In the fiscal year 2006 Transportation-Treasury-HUD appropriations bill that the President signed a few weeks ago, we provided $8 million dollars to boost employment in the FAA safety office by 119 inspectors. That is not going to restore all of the safety inspectors that we lost last year. But it will move staffing in this critical function in the right direction.

But if Congress enacts an across-the-board cut, it will completely eliminate all of the progress we just made in ensuring safety in our skies.

An across-the-board cut that threatens to be included in the final appropriations bill this year could cut the FAA's operations account by over $160 million and then put the FAA's budgetary situation right back where it was. That will require downsizing of the FAA inspector workforce while the critical workload continues to grow.

The situation is almost identical when it comes to the FAA's efforts to avoid the continued attrition in the ranks of our air traffic controllers. It is estimated that 73 percent of the FAA's air traffic controllers will be eligible to retire over the next decade.

In the fiscal year 2006 Transportation appropriations bill just signed into law, we provided almost $25 million to hire an additional 1,250 air traffic controllers. That funding is essential in order to replace the over 650 air traffic controllers who are expected to retire over the course of the next year and to build that workforce back up so we can handle retirements in the future.

Another across-the-board cut this year will completely nullify our effort to hire an adequate number of air traffic controllers. Such a cut will put America's flying public at great risk.

As I said, those across-the-board cuts have a meaningful impact, and they recklessly eliminate initiatives that are critical to the safety of American citizens.

If Senators don't want to take my word for it, they need to listen to the word's of George Bush's FAA Administrator, Marion Blakey. I have had several discussions with her about this topic in the last few weeks. She recently sent me a letter. I will read a portion of it. It says:

> Over the past two years, we experienced a net loss of 1,000 controllers and 231 safety inspectors. I don't believe Congress intended that to happen, but that has been the impact of unfunded pay raises.
>
> I am concerned it is going to happen again if Congress adopts an across-the-board reduction in the final bill.

Mr. President, I ask unanimous consent that the letter I received from the Bush administration's FAA Administrator, Marion Blakey, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL AVIATION ADMINISTRATION.

DEAR SENATOR MURRAY: Before you complete work on the TTHUD bill, I would like to speak to you about the FAA's budget. Last fiscal year we significantly reduced costs, including contracting our Flight Service Stations and eliminating more than 400 non-safety jobs. Unfortunately, these efforts were not enough to cover our shortfall. Over the past two years, we experienced a net loss of 1,000 controllers and 231 safety inspectors. I don't believe Congress intended that to happen, but that has been the impact of unfunded pay raises and rescissions.

I an concerned it is going to happen again if Congress adopts an across-the-board reduction in the final bill.

MARION BLAKEY,
Administrator.

Mrs. MURRAY. Mr. President, in conclusion, I want to implore my colleagues to heed the warning of the FAA Administrator and me. We have to reject this absurd and reckless policy.

If we can declare an emergency under the Budget Act and provide the funding necessary to rebuild Iraq without offsets, then surely we can do the same when it comes to rebuilding Mississippi and Louisiana.

We certainly should not be cutting essential services to all Americans across the country, especially low-income Americans, for the purpose of funding the needs of the victims of Hurricane Katrina. Those cuts will simply create another wave of victims.

As I just outlined, it will put the well being of Americans at risk.

The PRESIDING OFFICER. The Senator from Illinois.

PATRIOT ACT

Mr. OBAMA. Mr. President, 4 years ago, following the most devastating attack in our history, this Senate passed the USA PATRIOT Act in order to give our Nation's law enforcement the tools they needed to track down terrorists who plot and lurk within our own borders and all over the world; terrorists who, right now, are looking to exploit weaknesses in our laws and our security to carry out attacks that may be even deadlier than those that took place on September 11.

We all agree we need legislation to make it harder for suspected terrorists to go undetected in this country. And we all agree that we needed to make it harder for them to organize and strategize and get flight licenses and sneak across our borders. Americans everywhere wanted to do that.

Soon after the PATRIOT Act passed, a few years before I even arrived in the Senate, I began hearing concerns from people of every background and political leaning that this law, the very purpose of which was to protect us, was also threatening to violate some of the rights and freedoms we hold most dear: that it does not just provide law enforcement the powers it needed to keep us safe but powers it did not need to invade our privacy without cause or suspicion.

Now, in Washington, this issue has tended to generate into the typical either/or debate: Either we protect our people from terror or we protect our most cherished principles. I suggest this is a false choice. It asks too little of us and it assumes too little about America.

That is why, as it has come to time to reauthorize the USA PATRIOT Act, we have been working in a bipartisan way to do both, to show the American people we can track down terrorists without trampling on our civil liberties, to show the American people that the Federal Government will only issue warrants and execute searches because it needs to do so, not because it can do so.

What we have been trying to achieve under the leadership of a bipartisan group of Senators is some accountability in this process to get answers and see evidence where there is suspicion.

Several weeks ago, these efforts bore fruit. The Judiciary Committee and the Senate managed to pass a piece of bipartisan legislation that, while I cannot say is perfect, was able to address some of the most serious problems in the existing law. Unfortunately, that strong bipartisan legislation has been tossed aside in conference. Instead, we have been forced to consider a piece of rushed legislation that fails to address the concerns of Members of both parties as well as the American people.

This is legislation that puts our own Justice Department above the law. When national security letters are issued, they allow Federal agents to conduct any search on any American, no matter how extensive, how wide ranging, without ever going before a judge to prove the search is necessary. All that is needed is a signoff from a local FBI agent. That is it.

Once a business or a person receives notification they will be searched, they are prohibited from telling anyone about it and they are even prohibited from challenging this automatic gag order in court. Even though judges have already found that similar restrictions violate the first amendment, this conference report disregards the case law and the right to challenge the gag order.

If you do decide to consult an attorney for legal advice, hold on; you will have to tell the FBI you have done so. Think about that: You want to talk to a lawyer about whether your actions are going to be causing you to get into trouble, you have to tell the FBI that you are consulting a lawyer. This is unheard of. There is no such requirement in any other area of the law. I see no reason why it is justified here.

If someone wants to know why their own Government has decided to go on a fishing expedition through every personal record or private document, through the library books you read, the phone calls you have made, the e-mails you have sent, this legislation gives people no rights to appeal the need for such a search in a court of law. No judge will hear your plea; no jury will hear your case. This is plain wrong. There are Republican Senators as well as Democratic Senators who recognize it is plain wrong.

Giving law enforcement the tools they need to investigate suspicious activities is one thing and it is the right thing. But doing it without any real oversight seriously jeopardizes the rights of all Americans and the ideals America stands for.

Supporters of this conference report have argued we should hold our noses and support this legislation because it is not going to get any better. That is not a good argument. We can do better. We have time to do better. It does not convince me I should support this report. We owe it to the Nation, we owe it to those who fought for our civil liberties, we owe it to the future and our children to make sure we craft the kind of legislation that would make us proud, not legislation we would settle for because we are in a rush. We do not have to settle for a PATRIOT Act that sacrifices our liberties or our safety. We can have one that secures both.

There have been proposals on both sides of the aisle and in both Houses of Congress to extend the PATRIOT Act for 3 months so we can reach an agreement on this bill that is well thought through. I support these efforts and will oppose cloture on what I consider to be this unacceptable conference report.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFICIT REDUCTION ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having arrived, the Senate will resume consideration of the House message accompanying S. 1932. The clerk will report.

The bill clerk read as follows:

A bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

Pending:

DeWine motion to instruct conferees to insist that any conference report shall not include the provisions contained in section 8701 of the House amendment relating to the repeal of section 754 of the Tariff Act of 1930.

Kohl motion to instruct conferees to insist that any conference report shall not include any of the provisions in the House amendment that reduce funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), and to insist that the conference report shall not include any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.

Kennedy motion to instruct conferees to insist that the Senate provisions increasing need-based financial aid in the bill, S. 1932, which were fully offset by savings in the bill, S. 1932, be included in the final conference report and that the House provisions in the bill, H.R. 4241, that impose new fees and costs on students in school and in repayment be rejected in the final conference report.

Reed motion to instruct conferees to insist on a provision that makes available $2,920,000,000 for the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), in addition to the $2,183,000,000 made available for such act in the Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 2006.

Mr. GREGG. Mr. President, I ask unanimous consent that it be deemed that the yeas and nays have been ordered on the next four items which are set for votes.

The PRESIDING OFFICER. Without objection, it is in order to request the yeas and nays en bloc.

Mr. GREGG. I ask for the yeas and nays en bloc.

Mr. DEWINE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. What is the request?

Mr. GREGG. The point of the request is to allow the yeas and nays on each item and that they be voted on seriatim.

Mr. DEWINE. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered en bloc.

Mr. GREGG. Mr. President, I ask unanimous consent that after the first vote, the subsequent votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO INSTRUCT CONFEREES

The PRESIDING OFFICER. Who yields time on the first motion? The Senator from Ohio.

Mr. DEWINE. Mr. President, I urge my colleagues to vote yes on this motion to instruct the conferees to support something that 72 Senators have already supported in letters they have signed in the past, 72 Members of this body, and I have the list for anyone who would like to see it when they come to the Chamber.

This is to support a bill that is currently law, the Continued Dumping and Subsidy Offset Act. It is a bill that has helped companies in 48 States across this country. More importantly, it has helped workers in 48 States across this country. It has helped employers who create additional jobs. The idea is to compensate companies that have been victimized by illegal foreign dumping in this country. Instead of giving money to the Treasury, it goes to these companies, and these companies have the right then to reinvest and create jobs.

Some people have argued this is some sort of special interest. I ask Members of the Senate, when in the world did it become a special interest to protect American jobs?

This is a proven way to fight back against illegal trade. It is a proven way to protect American jobs. I urge a "yes" vote.

Mr. BYRD. Mr. President, I wish to join my Republican colleagues, Senator DEWINE, Senator SPECTER, and Senator CRAIG, all of whom have already spoken so eloquently in support of a motion introduced by Senator DEWINE yesterday to instruct conferees on the budget bill to strike an ill-conceived House provision that would repeal the Continued Dumping and Subsidy Offset Act, also known as CDSOA.

To repeal or abandon this trade law would be a travesty. The Continued Dumping and Subsidy Offset Act was enacted to save American manufacturing and our agricultural producers from wave after wave of unfairly dumped foreign imports.

CDSOA remains one of the most successful trade programs ever enacted. It maintains America's corporate competitiveness; it enables small and medium-sized businesses—and family-owned businesses—to invest in their futures. It keeps American workers employed, so they can receive health and pension benefits. This law is about American jobs. As Senator DEWINE said yesterday, this law is not about rewarding special interests: It is about keeping American jobs.

Five years ago, a bipartisan majority of the Senate approved our amendment to give U.S. companies injured by unfair trade the ability to invest in their factories and workers with funds collected by the Customs Service from unfairly traded imports. I particularly appreciate the continued strong support that Senator DEWINE and many of our colleagues on the other side of the aisle continue to express in support of this law. In fact, three-fourths of the Senate has publicly pledged support for the law.

Before this law was enacted, the Customs Service imposed antidumping and countervailing duties on dumped and unfairly subsidized imports—to make foreign exporters stop dumping and charge a fair price. Despite Customs' efforts, unfair foreign traders refused to trade fairly. Instead, they continued to dump—year after year. And the prices of the dumped foreign imports from China, Canada, the European Union, Japan, and other countries continued to unfairly undercut the prices of American-made products sold here in the United States.

Faced with eroding U.S. market share, American producers struggled to stay afloat, unable to invest in new plants or equipment or to meet their payrolls. This was particularly true for small businesses and many of our Nation's family farmers, ranchers, and aquacultural producers. Even today, valiant producers of shrimp and crawfish continue to suffer from having endured a double whammy: unending unfair trade and Hurricane Katrina.

CDSOA was enacted to restore conditions of fair trade, so that jobs that should stay in the United States are not sent overseas or "outsourced" as the result of unfair competition. Under the law, each year, Customs distributes duties collected from unfair imports to those American companies and workers who can prove that they have been materially injured by unfair trade.

While the amounts distributed under the program are not large from a budget perspective—approximately $226 million for fiscal year 2005—the law is critically important to American companies and workers who continue to work hard to stay in business, even when foreign producers refuse to stop dumping. American companies that rightfully receive distributions under the law include producers of crawfish, garlic, furniture, honey, lumber, wheat, shrimp, catfish, semiconductor chips, bearings, mushrooms, crawfish, pasta, steel, raspberries, cement, and a long list of others—all of which deserve to be reimbursed under the law for having suffered the negative effects of bringing successful trade cases against illegally traded imports year after year after year.

There was a claim on the Senate floor earlier this week that CDSOA claims may be fraudulent. That shows a basic misunderstanding of the law. To receive reimbursement under the law, companies must certify, in writing, that they have made qualifying expenditures in their workers and facilities. CDSOA reimburses them for those expenditures. And Customs may verify any claim submitted to make certain that a request for reimbursement is valid. So there are very careful safeguards in place under the law to be certain that funds are distributed fairly, honestly, and legally.

Critics of the Continued Dumping and Subsidy Offset Act also argue that the WTO has ruled against the law, so we should abandon it. But the WTO was wrong in opposing it. The WTO was overzealous in ruling against the law; it overreached. The WTO decision against this trade authority was technically beyond the scope of the WTO' legal mandate. The WTO incorrectly read into international agreements a prohibition against our law that was never agreed to by any U.S. trade negotiator. The WTO has no legal basis to request that the United States repeal this law.

Nearly 800 American companies and workers in nearly every State of the Nation receive distributions under its provisions. It is critical to family-owned businesses, like Warwood Tools in Wheeling, WV, and to Wheeling-

Pittsburgh Steel, and to Mittal Steel's facilities in Weirton, WV. It is equally important to the thousands of steelworkers in Ohio, Pennsylvania, and elsewhere across the Nation. They, and all hard-working Americans, deserve to continue to receive these funds so long as foreign traders keep dumping. If our trading partners don't like this trade law, I have only two words for them: stop dumping.

In the fiscal year 2004 and 2005 Consolidated Appropriations Acts—and, now, in the fiscal year 2006 Commerce, Justice, Science, and Related Agencies Appropriations Act—both Houses of Congress included language that directs the administration to negotiate a solution to the WTO dispute concerning this law. In fact, the conference report on the CJS bill that contains this language was approved by the Senate on November 16 by an overwhelming vote of 94 to 5.

Pursuant to these congressional directives, the administration last year put this trade law on the table in the Doha Round of trade negotiations, and the USTR even told our trading partners that it agrees it is "beyond question that countries have the sovereign right to distribute duties as they deem appropriate."

Even if the WTO disagrees with the law, any retaliation by other countries against us is negligible—equal to only a few hours of trade among a few of our trading partners.

Currently, the United States and other nations are seeking to complete negotiations in the Doha Round of international trade talks by the end of 2006. Now is not the time to weaken the hand of our trade negotiators by attempting to repeal one of our Nation's most prominent and effective trade laws.

In fact, now is the time to do more to hold foreign unfair traders accountable, not less.

I urge my colleagues in the Senate to join me in support of this motion to instruct the conferees to strike from the budget reconciliation bill any provision that would repeal this critical trade law.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, this proposal is a motion to instruct which has no binding effect and, thus, I assume Members are just going to vote the way they feel like voting.

I will point out this: No. 1, the effect of this motion, if it had a binding effect, would be to take $3 billion away from the Federal Treasury and give it to specific companies in violation of a WTO ruling. It may have made sense at one time, but since the WTO ruling, it makes no sense. Because of that ruling, other companies are now being penalized inappropriately because we continue to assess this fine.

No. 2, it is very hard for me to understand why, in a bill that is supposed to be reducing the deficit, we would want to increase the deficit by passing this type of instruction. Therefore, I oppose the motion to instruct.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The Legislative Clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Georgia (Mr. ISAKSON), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Pennsylvania (Mr. SANTORUM) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), and the Senator from Connecticut (Mr. DODD) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER), would vote "aye."

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 20, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—71

Akaka
Allen
Baucus
Bayh
Bennett
Bingaman
Bunning
Burns
Burr
Byrd
Carper
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thune
Voinovich
Warner
Wyden

NAYS—20

Alexander
Allard
Bond
Brownback
Chafee
DeMint
Ensign
Frist
Grassley
Gregg
Hagel
Inhofe
Kyl
Lugar
McCain
McConnell
Murkowski
Roberts
Sununu
Thomas

NOT VOTING—9

Biden
Boxer
Cantwell
Chambliss
Dodd
Graham
Isakson
Santorum
Vitter

The motion was agreed to.

CHANGE OF VOTE

Mr. ROBERTS. Mr. President, on rollcall vote 354, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

• Mr. VITTER. Mr. President, I ask that the RECORD show that I would have voted "aye" on rollcall vote 354, the DeWine motion to instruct conferees on S. 1932. I continue to support the Continued Dumping and Subsidy Offset Act, and I agree that its repeal should not be included in the conference report.•

Mr. SANTORUM. Mr. President, I regret that I was unable to vote this afternoon on the DeWine motion to instruct conferees with respect to S. 1932, the deficit reduction bill.

The DeWine motion to instruct conferees was crafted with the goal of preventing Senate conferees to S. 1932 from agreeing with the House provision that repeals the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA) during conference deliberations. Despite widespread support for this provision of law, the House companion bill repeals CDSOA. I have been a supporter of CDSOA since it was first crafted by Senator MIKE DEWINE of Ohio.

Mr. President, I ask that the RECORD reflect that, had I been here, I would have voted in favor of Senator DEWINE's motion to instruct conferees to not repeal CDSOA during conference deliberations on S. 1932.

I ask unanimous consent that my letter of November 29, 2005, to the Honorable CHARLES GRASSLEY, Chairman, Committee on Finance, on the need to maintain CDSOA, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR CHAIRMAN GRASSLEY: I write today concerning a provision contained in H.R. 4241, the House-passed savings reconciliation bill, that repeals the Continued Dumping and Subsidy Offset Act of 2000 [P.L. 106-387]. The Senate companion bill, S. 1932, does not include this repeal. I am optimistic that the Senate will not concur with the House action during conference deliberations on this bill. Please know that I was a cosponsor of the free-standing bill introduced by Senator Mike DeWine that was the blueprint for this amendment.

Over two years ago, the World Trade Organization (WTO) ruled that the Byrd Amendment is inconsistent with the United States' WTO obligations. The WTO has since authorized eight WTO members to retaliate against the United States. Canada, the European Union, Japan and Mexico have imposed about $115 million in retaliation on U.S. exports after the United States failed to meet a December 2003 WTO deadline for repealing the act.

However, in H.R. 2673, the Fiscal Year 2004 Consolidated Appropriations Act, Congress included a provision that directs the Bush Administration to immediately initiate WTO negotiations to recognize the ability of WTO members to distribute monies collected from antidumping and countervailing duties, and to provide regular reports on such negotiations.

Earlier this year, 25 Republican Senators wrote to Majority Leader Frist urging that the Senate not agree to any provisions that would repeal CDSOA. Prior to that letter, over 70 Senators wrote to President Bush expressing the view that U.S. negotiators needed to re-engage WTO members and to continue to push for maintaining CDSOA. It was the view of these Members that U.S. trade laws are designed to insure a level playing field for U.S. industries and their workers that are being harmed by unfair trade.

As you may recall, the Bush administration stated in its November 2002 appeal "[T]he Panel in this case has created obligations that do not exist in the WTO Agreements cited. The errors committed are serious and many about a statute which, in the end, creates a payment program that is not challenged as a subsidy."

With this in mind, I urge you to oppose efforts to repeal CDSOA during House-Senate conference negotiations on H.R. 4241 and S. 1932, the spending reconciliation bills.

Thank you for your kind consideration of this request.

Sincerely,

RICK SANTORUM,
United States Senate.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO INSTRUCT CONFEREES

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER (Mr. CHAFEE). There is 2 minutes evenly divided.

Mr. GREGG. Is that on the Kohl proposal?

The PRESIDING OFFICER. That is correct.

Mr. KOHL. Mr. President, I call up my motion, which is at the desk, to reject the $16 billion cut to the child support program which is in the House bill but which is not in the Senate bill. The House position will result in $24 billion in child support payments going uncollected, and would impact families in every single State. The child support program is a proven success and it has won high praise in the President's 2006 budget for providing a $4 return on every dollar invested in the program.

The House conference report is opposed by a wide range of interests, including the National Governors' Association and the National Conference of State Legislatures. I strongly urge my colleagues to join me in sending a message to the conferees that the Senate will not support cutting benefits for over 17 million children.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. The motion of the Senator from Wisconsin is not binding so I am sure they will vote as they please. It is well-intentioned and I agree with the concept. However, there are issues within the child support questions which should be subject to conference and which, if you read the motion literally and which if it had any binding effect, would undermine our capacity to have flexibility in conference.

Specifically, for example, under the law today, you can use Federal money and make the State match, so what is happening is States are taking Federal money, and instead of using their State dollars to match, they are using Federal money to get more Federal money. That makes no sense at all.

The House has corrected this program. This language would undermine that. I hope we do not support the motion to instruct. The conference will do a good job on this. It does not need this instruction.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), and the Senator from Connecticut (Mr. DODD) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 16, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—75

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Burns
Byrd
Carper
Chafee
Clinton
Coburn
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Frist
Grassley
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NAYS—16

Allard
Allen
Bond
Brownback
Bunning
Burr
Cochran
DeMint
Ensign
Gregg
Hagel
Inhofe
Lott
Martinez
McConnell
Sununu

NOT VOTING—9

Biden
Boxer
Cantwell
Chambliss
Dodd
Graham
Isakson
Santorum
Vitter

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the motion to instruct offered by Senator KENNEDY.

Mr. KENNEDY. Mr. President, I will just take 30 seconds because the other 30 seconds will be taken by the chairman of the HELP Committee. All this motion does is insist that the student aid program—which provides $8 billion more for Pell eligible students—that passed out of our committee, virtually unanimously, will be affirmed in the conference. Effectively, we are taking what was the bipartisan agreement in our committee under the leadership of Senator ENZI and instructing the conferees to support that position.

Many of our colleagues have voiced their public support for this motion, including Senators DURBIN, HARKIN, DODD, REID, LIEBERMAN, KERRY, REED, CORZINE, CLINTON, and LAUTENBERG.

If you are for American competitiveness in the global economy, you will vote for this motion.

If you are for a strong national security, you will vote for this motion.

If you are for opportunity for every American, you will vote for this motion.

I urge my colleagues to join me in doing what is right for American families, especially at Christmas, and send a strong message that students need our help now.

I yield 30 seconds to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I concur with what the Senator from Massachusetts just said. As the body will remember, the Health, Education, Labor, and Pensions Committee had the heaviest lifting in the savings bill, and we met that requirement. We met that requirement while we provided for some grants for both low-income and people who would major in math and science and some special languages.

I would appreciate the support of this body on this instruction. I have been negotiating with the House for 5 full days, and this is one of the issues that is still up. This instruction would help us in that negotiation. I would appreciate the support.

Mr. DURBIN. Mr. President, I rise today to urge my colleagues to support Senator KENNEDY's motion to instruct conferees. The motion instructs Senate conferees to insist on preserving the Senate provisions that increase need-based financial aid in S. 1932. Forty years ago, President Johnson sought to increase accessibility to education by signing into law the Higher Education Act of 1965. In President Johnson's words, "To thousands of young men and women, this [Act] means the path of knowledge is open to all that have the determination to walk it . . . a high school senior anywhere in this great land of ours can apply to any college or any university in any of the 50 States and not be turned away because his family is poor."

Access to higher education has long been and remains a great American goal. The good news is that the number of students enrolling in institutions of higher education has nearly doubled over the past 35 years—from 8.5 million in 1970 to approximately 16 million in 2005. The bad news is that, despite the importance of a college education in the 21st century, so many millions of young adults never make it to college. Sadly, many fail to make it to college due to financial constraints.

Never has higher education played such a critical role in closing the gap between the haves and the have-nots. Over the course of their lifetime, college graduates earn over $1 million more than those without college degrees. Today, 6 out of every 10 jobs require some postsecondary education and training. By 2010, the number of jobs requiring advanced skills will grow at twice the rate of those requiring only basic skills.

In addition to the individual benefits of earning a college degree, investing in and producing more college-educated Americans is vital to our Nation's growth. Economists estimate that the increases in the education level of the U.S. labor force between 1915 and 1999 directly resulted in at least 23 percent of the overall growth in U.S. productivity.

Unfortunately, the cost of a college education is far out of reach for many American students and is hitting poor families the hardest—not just those from poverty-stricken areas but those who come from family farms and those who may be new immigrants. According to the College Board, the inflation-adjusted, real increase in tuition, fees, and room and board at public colleges over the last 5 years has been 2 percent. At 4-year private schools, the same costs have increased by 17 percent.

Federal financial assistance is simply not keeping pace with rising college costs. In the 1970s, the maximum Pell grant for low-income and working class families covered about 40 percent of the average cost of attending a 4-year college. Now it only covers about 15 percent. Smart, hardworking kids from low-income backgrounds deserve a chance to go as far as their talents will take them. According to Postsecondary Education Opportunity, a higher education research group, the percentage of the Nation's poorest students who earned a bachelor's degree by age 24 increased only from 7.1 percent in 1975 to 8.6 percent 2003. The students left behind represent a huge untapped resource for our country.

Recently, many reports have sounded the alarm that America is losing its edge as the world's technological innovator to countries such as China and India. These countries are moving from being the world's supplier of low-wage, high-labor work to becoming the world's technological leaders by investing in their talent pool. In recent years, Americans have felt the effects of the impact of education as newly educated workers from China and India compete for prime jobs once held in the United States. According to the National Academies, in 2004, China graduated 600,000 engineers and India 350,000, while the United States produced only 70,000 engineers. To keep America's edge, we must recognize the value of investing in higher education and provide our young adults with the assistance they need so that they can compete in the global economy.

The Senate provisions included in S. 1932 that increase need-based financial aid—Pell grants and new need-based aid programs such as ProGap and SMART grants—will help many deserving students reach their educational potential. In contrast, the House fails to seize an opportunity to expand Pell grants and other need-based aid. Instead, the House bill includes provisions that would make college more expensive for families. These provisions include: No. 1, a temporary increase in origination fees for direct loan borrowers; No. 2, repeal of a scheduled reduction in the maximum student loan interest rate—from 8.25 percent to 6.8 percent for students and from 9 percent to 7.9 percent for parents; No. 3, imposing a new 1 percent borrower origination fee that will make it more expensive to consolidate loans; and No. 4, requiring lenders to charge student and parent borrowers a 1 percent insurance fee on student loans.

By insisting on the Senate provisions, we will boost need-based aid and in turn help the United States maintain its competitive edge. But most importantly, we will be a step closer to living up to the promise that President Johnson made to America's youth 40 years ago: providing access to higher education for those determined to realize the American dream.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. We yield back the remainder of the time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the motion.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), and the Senator from Connecticut (Mr. DODD) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote "aye".

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 8, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—83

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Brownback
Bunning
Burns
Byrd
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Grassley
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NAYS—8

Bond
Burr
Coburn
DeMint
Gregg
Hagel
Inhofe
Sununu

NOT VOTING—9

Biden
Boxer
Cantwell
Chambliss
Dodd
Graham
Isakson
Santorum
Vitter

The motion was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO INSTRUCT CONFEREES

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided on the Reed motion to instruct conferees. The Senator from Rhode Island.

Mr. REED. Mr. President, I offer this motion along with my colleague, Senator COLLINS from Maine. I will shortly yield to her the last 30 seconds. I also offer it on behalf of myself and other Senators, including Senator LAUTENBERG.

The reality is very clear to so many poor families in this country. Energy prices are rising, temperatures are falling, and they are going to be in a very vulnerable and very disadvantaged position. This amendment would add $2.9 billion in additional funding for LIHEAP. It would bring it up to the authorized level of $5.1 billion.

We have considered this proposal in various procedural means four times. A majority of the Senate has always supported it. I hope it continues to do so.

I yield my remaining time to Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I urge my colleagues to support this motion to instruct the conferees to add $2.9 billion for the LIHEAP program. The time is growing late. In northern Maine, the high temperature earlier this week—the high temperature—was 12 degrees. Let's act now to avert a real crisis for low-income families across this country.

Ms. SNOWE. Mr. President, I rise today for one very simple reason—to ask for the support of my colleagues for the Reed-Collins-Kennnedy-Snowe motion to instruct the conferees to S. 1932, to add $2.92 billion for the Low Income Home Energy Assistant Program, or LIHEAP. This funding, along with the expected $2.18 billion in fiscal year 2006 appropriations, will confirm the commitment we made just this past July and bring LIHEAP up to the level of $5.1 billion we authorized in the 2005 Energy bill.

In the Nation's colder States such as Maine, the days are relentlessly marching toward winter, the clock is ticking as the thermometer edges ever downward and it would be unconscionable for Congress to adjourn for the year without providing critical, additional assistance for LIHEAP at a time when home heating oil prices have been predicted to increase by up to 44 percent this coming winter.

There should be no mistake—this is an emergency and a crisis that is no longer an impending crisis as I have been saying for months—it is now here. I feel very strongly that it would be an abrogation of our responsibility to stand by and allow more and more of our elderly on fixed incomes and low-income people, including children, to suffer because of a lack of heat.

This past week, it was reported to one of my Maine offices that two elderly people—who have already used up their entire LIHEAP allotment for a winter that has not yet officially arrived—were admitted to the hospital with hypothermia. In one of the households, the residence was so cold the water in the toilet bowl was frozen. It has been said that a society is judged by how it treats its most vulnerable citizens. What a failing grade we would get for LIHEAP. The fact is, countless Americans don't have room in their budget for such a surge in home heating prices—but surely, in looking at our national priorities, we can find room in our budget to help Americans stay warm this winter.

It does not take a crystal ball to predict the dire consequences when home heating oil in Maine has risen to $2.59 per gallon, up 66 cents from a year ago, kerosene prices average $2.72 a gallon, 52 cents higher than this time last year, and propane is at $2.20 per gallon, 17 cents higher than last year. Some projections have a gallon of heating oil reaching $3.00 later in the winter.

So understandably, we are hearing the mounting concern "how will I pay for home heating oil when it's already almost 30 percent more than last year, and I struggled to make ends meet then?" "How will I afford to pay half again as much for natural gas?" People need to know now that they can count on us—U.S. Congress—for assistance, not the most disruptive country leader in the Western Hemisphere who comes bearing gifts of discounted oil to our communities and States. This country should take care of its own.

Home heating oil in my State is a necessity of life—so much so that 73 percent of households in a recent survey reported they would cut back on, and even go without, other necessities such as food, prescription drugs, and mortgage and rent payments. Churches, food pantries, and local service organizations are all hearing the cry and sensing the growing need.

Because of the supply disruptions caused by the Gulf hurricanes at a time when prices were already spiraling up, prices have been driven even higher and are directly affecting low-come Mainers and how they Will be able to pay for their home heating oil, propane and kerosene this winter. A recent Wall Street Journal quoted Jo-Ann Choate, who heads up Maine's LIHEAP program. Ms. Choate said, "This year we've got a very good chance of running out." Eighty-four percent of the applicants for the LIHEAP program in the State use oil heat. Over 46,000 applied for and received State LIHEAP funds last winter. Each household received $480, which covered the cost of 275 gallons of heating oil.

The problem this winter is that the same $480 will buy only 172 gallons, which a household will use up in the first 3 to 4 weeks in Maine. What will these people do to stay warm for the four or five months left of winter? The water pipes will freeze and then break, damaging homes. People will start using their stoves to get heat. The Mortgage Bankers Association expects that the steep energy costs could increase the number of missed payments and lost homes beginning later this year. My State is anticipating at least 48,000 applicants this winter, so there will be less money distributed to each household unless we can obtain higher funding for the LIHEAP program.

Ms. Choate says that Maine plans to focus on the elderly, disabled, and families with small children, and is studying how to move others to heated shelters. This is why our efforts are so very important. And it isn't just Maine. It is happening in all of the Nation's cold weather States. Quite simply, without increased funding, we are forcing the managers of State LIHEAP programs to make a Solomon's choice as to who gets served.

The facts are that LIHEAP is projected to help 5 million households nationwide this winter. But that is only about one-sixth of households across the country that actually can qualify for the assistance. So this is a perennial fight we wage even when prices aren't as high as today. And now, that battle becomes all the more pivotal.

I thank Senators REED and COLLINS for their leadership on this motion to instruct the conferees for increased LIHEAP funding, and I am proud to stand shoulder to shoulder with them to secure what is, in essence, literally life-or-death funding for our most vulnerable Americans. The cold weather won't wait—and neither should we when it comes to helping citizens survive through the coming winter.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, let's remember what this amendment does in the context of the LIHEAP issue. This amendment will add $2.9 billion to the national debt and pass that debt on to our children in order to pay for energy costs which are being incurred today.

The correct way to do this is the way we proposed in the Senate, as Republicans, which is to pay for it. That is what we will do in the conference. There is already $1 billion additional money for LIHEAP in the conference, and it will probably go up. The difference between those dollars and what is being proposed in this amendment is we actually pay for it.

It is inappropriate to go to this number, which is a 130-percent increase in the LIHEAP program, when spending on oil is estimated to go up by 28 to 30 percent or maybe even 40 percent. Increasing the program by 130 percent when the oil costs are going up 30 to 40 percent is inconsistent on its face.

It is especially inconsistent when one is taking that bill and giving it to one's children and their children's children so they end up paying for today's oil costs rather than their oil costs 2 or 3 years from today or two or three generations.

The PRESIDING OFFICER. The Senator's time has expired.

The yeas and nays were previously ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), and the Senator from Connecticut (Mr. DODD) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 28, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS—63

Akaka
Baucus
Bayh
Bingaman
Burns
Burr
Byrd
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Crapo
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Voinovich
Warner
Wyden

NAYS—28

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Coburn
Cochran
Cornyn
Craig
DeMint
Ensign
Enzi
Frist
Gregg
Hagel
Hatch
Hutchison
Inhofe
Kyl
Lott
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Thomas

NOT VOTING—9

Biden
Boxer
Cantwell
Chambliss
Dodd
Graham
Isakson
Santorum
Vitter

The motion was agreed to.

• Mr. SANTORUM. Mr. President, I regret that I was unable to vote this afternoon on the Reed motion to instruct conferees with respect to S. 1932, the deficit reduction bill.

The LIHEAP program is of critical importance to Pennsylvania. My State routinely faces very harsh winters. Now that the cold weather is here and bills must be paid, I believe we must act to provide additional funding for this program. My record shows that I have been a consistent LIHEAP supporter, and I am hopeful that an increase will be promptly approved.

Mr. President, I ask that the RECORD reflect that, had I been here, I would have voted in favor of Senator REED's motion to instruct.•

Mr. GREGG. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER.

Under the previous order, the Presiding Officer appoints Mr. GREGG, Mr. DOMENICI, Mr. GRASSLEY, Mr. ENZI, Mr. ALLARD, Mr. SESSIONS, Mr. STEVENS, Mr. SHELBY, Mr. SPECTER, Mr. CHAMBLISS, Mr. MCCONNELL, Mr. CONRAD, Mrs. MURRAY, Mr. HARKIN, Mr. SARBANES, Mr. INOUYE, Mr. BINGAMAN, Mr. BAUCUS, Mr. KENNEDY, and Mr. LEAHY conferees on the part of the Senate.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Massachusetts be recognized at this point for 10 minutes, and after the Senator from Massachusetts has completed his time, the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from New Hampshire.

SBA RESPONSE TO HURRICANES IN GULF STATES

Mr. KERRY. Mr. President, obviously somewhere in the next few days—we don't know when yet—we are going to be wrapping up our business here, and that will mark the end of the first session of the 109th Congress. Before we leave, Members on both sides of the aisle are very concerned that we will not have provided the assistance to the small businesses in the Gulf States region that they desperately need in order to recover from the effects of Hurricanes Katrina and Rita.

The effect is that literally hundreds of thousands of small businesses are in desperate need of assistance throughout that region. Without the jobs those small businesses provide, the economy of the gulf coast is going to have a much harder time coming back.

Since Hurricanes Katrina and Rita hit the gulf coast, regrettably—this has been commented on again by Senators on both sides of the aisle; it is not a partisan issue—there has been a stunningly slow response by the Administration to provide relief to small businesses.

The administration has now sent up three pieces of emergency legislation—three supplemental emergency spending bills worth more than $62 billion—and yet we have not adopted any direct relief for small businesses.

The latest supplemental request asks for $471 million in additional funding for SBA disaster loans and the SBA Inspector General. But, frankly, giving more money to the disaster loan program doesn't address small business needs. It's too narrow in scope and is not delivering relief with urgency.

Senator LOTT has talked about the problems—Senator COCHRAN has too—and there is a recognition that you have a lot of small businesses that can't wait till their disaster loans are processed or disbursed. They need access to capital immediately.

It is a matter of record now, commented on in many national journals, that the SBA has done a completely inadequate job—abysmal may be a better word—of getting disaster loan funds into the hands of small businesses in the gulf region.

It is not because of the lack of funds or the lack of employees. The SBA has enough funding to grant $1.4 billion in disaster loans, and $249 million for administration and staff. The staffing has been increased from some 800 employees to 4,000 employees.

As of Monday of this week, almost 39,000 small businesses had applied for SBA disaster loans. Yet with all of these resources, both personnel and money, only 9,200 loans have been actually processed, which is 25 percent, and only 2,600, which is 7 percent, had actually been approved. Only 240 had actually seen a disbursement of money.

In addition, as of last week, the SBA had handed out only 10 of its new gulf opportunity loans the administration's answer to the business community's call for bridge loans.

We were assured by the SBA Administrator several weeks ago in a bipartisan committee hearing that those loans were on track, that they would respond rapidly, that they had enough people in place, that they were going to get the money out, and, indeed, here we are with the same record that was the incentive to have that hearing in the first place.

These loans, I might add, have an interest rate of as much as 13.5 percent. Why would we be providing a 13.5 percent loan to people who have been hit when you are trying to do it as a matter of disaster response? Frankly, that is beyond me.

The program has generated irate complaints from the very people whom it has been set up to try to help. One small business owner who called my office referred to the SBA and FEMA as "blackwater mercenaries." They feel set upon, not helped. We are not going to help the small businesses down there until we pass comprehensive small business assistance.

Senators LOTT and COCHRAN have stated that the pace of reconstruction in their home State of Mississippi and the other Gulf States is "unacceptable."

Despite the assertion of the administration that the Nation's "small business sector is vibrant," Senator LOTT has said that the slow pace of approving disaster loans "is preventing small businesses from coming back and jobs from returning or being created. Not unexpectedly, the unemployment rates in the two largest coastal counties, Harrison and Jackson, are more than quadruple the national average."

Senator LOTT is absolutely correct, and we need to do something about it.

So far, the best efforts of the Senate have been stymied. One bill passed 96-0 in the Senate during consideration of CJS. That was dropped in conference. Another bipartisan bill, S. 1807, the Small Business Hurricane Relief and Reconstruction Act, has been blocked by the White House since September 30. That is almost 2½ months.

Small business owners such as Dr. Edward Lang and Dr. Angela Lang, who rushed to complete their disaster loan application in the weeks following the hurricane, believing that assistance was going to be there, have been told that everything was going to be done to help people recover. They have gone months now without hearing any response from the SBA whatsoever.

In the immediate aftermath of the storm, their small but successful podiatry office based out of New Orleans was deluged with 5 feet of water.

With their savings all but gone, and the ever-shrinking list of patients, all of whom have been displaced by the storm, the Langs are in dire need of assistance. They want to stay there. They want to rebuild their business there. It is essential to New Orleans that people who make that choice are empowered to be able to do so.

Despite repeated offers from out-of-state hospitals, they are sticking by their plan to try to rebuild in the city they love and the place they want to work. But the cold shoulder they received from the SBA is a virtual death sentence for their livelihood. They are just one example of countless other gulf coast businesses that have been ignored by the very governmental agencies that exist to serve them. On its face, that is unacceptable.

The request that has been put forward by the Small Business Committee for $720 million is a little more than 1 percent of the $62 billion the administration has requested for Katrina relief. This legislation is a very small cost compared to the total amount of money the Government is putting in, but an enormous return for the small businesses that need it.

Once again, we are seeing a situation where big business is able to walk away with most of the funding while the vast majority of the job base is in small business, and they are not getting the assistance they need.

What our bill does is to authorize $450 million for the impacted States to provide immediate assistance to small businesses struggling to get on their feet. It authorizes additional funding for SBA's partners—such as the small business development centers that are out in the field trying to provide business counseling to the many people and to the owners who are trying to determine what comes next.

There are too many businesses on the verge of bankruptcy in the hurricanes' wake. Since the goal shared in a bipartisan way by all of the Senate and the House is to try to get those businesses to be leveraged as best as possible, to be able to return as soon as possible, and each small business that returns helps the other small businesses to be able to return, all of those things will make a difference. Tax breaks will help. But the fact is, tax breaks are not enough because tax breaks do not make an impact until you file your taxes. They have nothing to do with the assistance one needs now to be able to have cash in the pocket, to be able to survive the gap. Small businesses need that additional relief, access to capital, immediate and longer-term.

Our bill also addresses the Administration's failure to contract with small businesses to rebuild the region. The New York Times reported more than 80 percent of FEMA contracts alone were awarded on the no-bid limited competition basis. This bill we have introduced—Senator SNOWE, myself, and other members of the committee—encourages greater competition by implementing a 30-percent goal for prime contracts and a 40-percent subcontracting goal. With billions of dollars being allocated to relief and reconstruction, it is important to demand fair competition. We need to ensure that America's small businesses are not left behind.

The citizens of the gulf region are courageously and desperately trying to rebuild their communities. The empty promises of several weeks ago, "we will do what it takes, we will stay as long as it takes," are ringing in their ears. Frankly, they are wondering where the actions are to back that up.

According to Mike Allen of Time magazine, one Presidential adviser is quoted as saying recently:

> Katrina has fallen so far off the radar screen you can't even find it.

We need to find it. We need to put small businesses back on the radar screen. We need to follow through on the commitments to the victims of these devastating hurricanes. We need to ensure that we do not leave the citizens of the Gulf States behind.

There is bipartisan support to do this. The Senate passed this legislation previously. My hope is before we decide to go home, we will do what is necessary for the citizens who have been so badly impacted in the Gulf State region get the relief they have told us they need.

I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT REQUEST—H.R. 2520

Mr. FRIST. Mr. President, over the next few moments I will be addressing an issue that affects potentially thousands of people today who are without therapy or who have debilitating diseases, and then begin a brief discussion on what is called the cord blood bill.

The bill, broadly supported in a bipartisan way, has widespread support in the Senate, as well as in the House of Representatives.

As my colleagues know, we plan to take up and debate the policy and issues related to Federal support and oversight for embryonic stem cell research early next year.

And I look forward to what I know will be a full debate on the science and ethics surrounding this important research.

Today, I ask consent to move forward with bipartisan legislation to encourage a technology that is producing cures and saving lives now.

This legislation is needed now.

Every day, patients young and old die waiting for transplants of hematopoetic cells because they can't find a suitable match.

Diseases like leukemia, sickle cell anemia, and as many as 70 other blood and genetic diseases have been helped or cured by Cord blood transplants.

Cord blood is a healthy byproduct of normal pregnancies, and is harvested from the placenta after the baby is safely delivered.

The placental byproducts yield blood cells that are genetically immature, but have the remarkable ability to help recreate blood cells in patients who have diseases that traditionally have only helped through bone marrow transplants.

This bill provides for the creation of a public inventory of 150,000 units of cord blood which is estimated to provide well matched transplants for 80-90 percent of the population in need.

These are units that can be available in days, not months, with a success rate in patients as high as 80-90 percent, as compared with 40-50 percent with traditional bone marrow transplants.

Because the cells are initially less mature and more pliable there is less chance of rejection, and therefore fewer complications.

In fact, over 7,000 cord blood transplants have been successfully done here in this country, and around the world.

Leukemia is a devastating blood disease that has been treated by traditional bone marrow transplants.

Unfortunately, although there is a large group of potential bone marrow donors in the United States and Europe, testing, harvesting and transplanting bone marrow cells can take often months, with less dependable success.

Although this is important technology, cord blood transplants may provide an alternative that has already shown to be faster, safer, and potentially reach a larger group of patients affected with leukemia.

Nonmalignant blood conditions such a Sickle cell and Fanconi's anemia are also devastating to those affected by the disease.

Sickle cell anemia affects as many as 50,000 African Americans, while many more are carries of the disease. Although very few unrelated cord blood transplants have occurred, the success has been staggering—Sickle cell anemia can be cured.

Krabbe's disease is a genetic disease that affects only 1 in 100,000, but as many as 1 in 125 Americans are carriers of the genetic deficiency.

To date more than a dozen patients have had a cord blood transplant and have been cured of the disease.

Passage of this bill is especially important for minorities. For example, African American patients have the lowest success rate in getting a transplant from an unrelated bone marrow donor.

A long time member of my staff, Cornell Wedge, experienced this first hand. His brother, Robert Wedge Sr., was diagnosed with leukemia and in spite of sibling typing and numerous bone marrow drives aimed at increasing minority donation, his brother passed away still waiting for a match.

While tragic, this is not uncommon.

It can take months to properly screen, match, test and retest potential donors of traditional bone marrow transplant recipients.

Once we establish and collect a national cord blood inventory, we can significantly increase the chance of every individual in need to obtain a nit for transplantation. Furthermore, because of the relative immaturity of cord blood, rejection of the transplants are fewer and less severe.

I want to thank my colleagues, Senators HATCH, BURR, ENSIGN, BROWNBACK, DODD and REED for spearheadng the effort to produce a bipartisan bill with broad support.

The House of Representatives passed H.R. 2520 with overwhelming bipartisan support.

Furthermore, Chairman ENZI and others in the Senate have worked in a bipartisan manner to achieve the compromise language represented in the bill as reported out of committee.

I'm told the House will move quickly on this bill as soon as the Senate completes action.

There is no question that this issue enjoys broad bipartisan support in the Senate.

We have a responsibility to authorize this program and provide appropriate guidance regarding the establishment of the program.

I will let my colleagues discuss the specifics of the legislation, but I must ask, how can we deny any longer the many patients waiting today to find that match?

Indeed, the patients don't understand.

This is literally a matter of life and death.

Proverbs 27:3 says "Do not withhold good from those who deserve it when it is in your power to act." It is within our power to act." And I hope we do.

We have a responsibility in this body to authorize this program and provide appropriate guidance so we can establish this program and get it up and running. There may be several of my colleagues who want to comment on the specifics of the program.

I will ask consent at this point and hope that we do get agreement and then further comments can be made.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 256, H.R. 2520, the cord blood bill. I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, reserving the right to object, I want to first pay my respects to Senator FRIST and his leadership. He has been a leader in this area. He knows it well. We served on the same committee together when our leader came here to the Senate. I also commend Senator FRIST for his leadership on the stem cell issue, a very courageous stand.

I want to make it very clear that I support the cord blood bill. I am a cosponsor of it. What's more, I joined with Senator SPECTER 2 years ago to create the National Cord Blood Stem Cell Bank Program, and as our leader said, we included $10 million for that purpose in the fiscal year 2004 Labor-Health and Human Services appropriations bill. We have been funding that program ever since. When I say I want this bill to pass, I have a record to back that up.

But I have said for months that we should consider the cord blood bill at the same time that we take up H.R. 810, the Stem Cell Research Enhancement Act. That is what the House of Representatives did. On May 24, the House approved both bills. We have been waiting in the Senate to do the same thing. Senator SPECTER and I, along with Senators HATCH, FEINSTEIN, KENNEDY, and SMITH all agree. Let's have up-or-down votes on cord blood and H.R. 810, as the House did. The House did them together. Then we can send them to the President.

We keep hearing that we want to bring up H.R. 810. In fact, I pay my respects to the leader for his very courageous speech. On July 29, our leader said he would vote for the bill. But we just can't seem to bring it up on the Senate floor. Members keep coming up with new bills to try to confuse things. They want to vote on 5 or 6 or 7 bills, some of which have nothing to do with stem cells or cord blood. I understand there is a lot of pressure on Senators to take up the cord blood bill before the end of the year. I have no problem with that, but under one condition—that we also take up H.R. 810.

I reserve the right to object. I ask the leader if he would modify his request to include H.R. 810 in his amendment at the desk.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. FRIST. Mr. President, reserving the right to object to the request for a modification, all of these issues are critically important to promoting the health and welfare of patients as we look to the future, especially with embryonic stem cells, diseases that occur today. But it is going to take some while to have the research fully developed to be able to apply it. I believe it has huge promise, as I have said on this floor many times. The reason I feel strongly about separating the bills now is that bill is contentious in the sense that it is going to take a lot of debate. This is the embryonic stem cell bill that my distinguished colleague from Iowa refers to. It is going to take some time that I will give on the floor of the Senate early in the year and have committed to do so because of its importance. It is important to address that in order for that research to be amplified. Much of that research needs to be amplified for cures that may occur 5 or 10 years down the road.

The reason I feel strongly, since there is probably unanimous consent on the substance of this bill, that we should move ahead is that we can benefit people who are dying today from diseases such as Fanconi's anemia, diseases such as a whole range of leukemias, childhood leukemia especially, where cord blood is so particularly powerful, diseases such as Krabbes, a pretty rare disease for which there is no treatment today except for the therapy that is applied in terms of cord blood. The reason I think we can justify, and should justify, separating these bills is that we all agree on the substance. It is a good bill. The leadership of Senator HARKIN and Senator SPECTER have brought us to the point that funding has begun. But now is the time to make this registry available nationwide.

The one problem with cord blood today is that it is powerful. It is more powerful than a regular bone marrow transplant, but the quantity that you get out of the placental byproducts has to be accumulated. You need to accumulate it from several different sources. But you do have to have a degree of genetic matching. Therefore, the only way to take advantage of it is to have a national registry where you can go to a computer and see where it is all over the country. Then you pull it together to treat a child who is dying from leukemia today. Therefore, action on this bill will save lives, literally.

We always exaggerate. A lot of people exaggerate the politics about saving lives in a lot of legislation we do. But I do believe that by establishing the registry and the communications network, which has not been done in spite of the funding, we can have a dramatic impact.

Since we have the House bill, we have the bill that we are requesting today, and I have assurances that the House will deal with it before we leave in the next 48 hours, we literally can pass a bill that we all agree upon.

There are a number of other bills. One is the embryonic stem cell bill. But there is an alternative therapy bill. There are a whole range of bills that are very important that we need to take up that are going to take several days on the floor to look at ethical and scientific issues. We are committed to doing that in the early part of the year. This is an important topic, and that is why I will object to the modification because I believe the embryonic stem cell does deserve more thought than we can possibly give it in the next 48 hours.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the majority leader?

The Senator from Kansas.

Mr. BROWNBACK. Reserving the right to object, I want to enter into this discussion. I deeply appreciate the majority leader bringing the issue up. I appreciate the comments of my colleague from Iowa. He and I have been around this debate for some time. I personally want to bring up a human cloning ban. That is something I have had in the mill for 4 years. Each session we are getting close. I think it ought to be included right now and moved forward. Yet I recognize it has some contentiousness to it, as does my colleague from Iowa raising the embryonic stem cell issue. It has a contentious debate on it. I have objections, as a number of my colleagues do, to the use of young human life for research purposes.

The reason that we should go forward with this type of proposal the leader is putting forward is there is nobody opposed to cord blood research in the entire 100 Members here. Everybody supports cord blood research. It is real cures today. I have two pictures of people who are being treated right now, have been treated. This is Keone, sickle cell anemia, cord blood cured. Another one, the next one, Krabbes disease, 3-year-old, cured, cord blood. The problem is, we don't have a big registry of it around the country. So it is a real hit and miss. Some people are lucky enough to find it; others don't and die today.

With embryonic stem cell research, the researchers who are the most supportive of it are looking at decades before we have cures. We are researching on it today.

We can cure more kids such as Erik Haines today or more will die if we don't take up what the majority leader is asking for us to do, a bill for which there is unanimous support. There is not a single person who does not support a cord blood registry and getting the banking of it up so more people can live today.

So I hope my colleagues will look at this and say they don't object. The Senator from Iowa supports the bill; he is one of the sponsors. Let's let this one through, and next year I would love to have a debate on embryonic stem cell research. I would love to debate that and have a debate about cloning. Let's do that and let's have this robust discussion where we don't have agreement.

But here we can save lives today. I am not going to object. I would, though, ask that the majority leader's proffer be accepted so we can save some lives today.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Further reserving the right to object, and I will object, with all due deference to my friend from Kansas, and he is my friend, these two need to be together as they were in the House. I keep hearing about we will bring this up and debate stem cells. I didn't come prepared with pictures. I can show you pictures of people dying today because they could use stem cell transplants right now. My friend from Kansas says decades. No. It will be decades if we keep diddling around and not doing anything. I hear that we will bring it up and debate it. I have heard that for half a year.

Unless the majority leader can give us a date certain—give us a date—hopefully before May 24, 2006—if the majority leader can give us a date before then when we will bring up H.R. 810—if they want to bring up these other bills, fine, as separate bills, not as amendments to H.R. 810; bring them up separately and we will debate and vote on them, fine. I have no problem with that. But unless the majority leader can give us a date certain and not more of this "maybe we will debate it sometime in the future," I will object. I reserve the right to object and I ask the majority leader, can he give us a date certain by which the Senate will take up H.R. 810 as a freestanding bill without amendments? If they want to bring up other bills, the cloning bill, that is fine, too—not as an amendment to H.R. 810, but as a separate bill. I ask the majority leader, can he give us a date certain by which this Senate will set aside time to bring up H.R. 810 as a freestanding bill without amendment, debate it, and vote it up or down?

Mr. FRIST. Mr. President, the case, I think, to be made is whether we can address this particular bill, where 100 percent of the body is for it. It will save lives today and tomorrow. There is a whole range of bills. We have the embryonic stem cell bill and we heard about the cloning bill. There is the alternative embryonic stem cell bill. We have about six or seven bills which I have tried to bring to the floor under a unanimous consent request objected to by the other side, where we bring each of these bills separately, freestanding, to the floor. That has been objected to by the other side of the aisle. Since that time, I have committed that we will be addressing these bills early next year. I cannot give a specific date. I cannot even tell people what we will be voting on tomorrow morning in this body, given our schedule. But the commitment is to address these issues in the early part of next year.

If we don't pass this now, people will be suffering who are waiting for transplants if they cannot find a suitable match. Yet if we were to pass this bill with this registry, the registry will put together a public inventory of 150,000. One person waiting for a transplant that is lifesaving for otherwise untreatable diseases or treatable by a traditional bone marrow transplant—we will have 150,000 units then in a registry where you go to a computer and get a match and that transplant can take place. You can match as many as 80 or 90 percent of the people who are waiting today if we had this registry. The neat thing is that these units are available not within months but days. For transplants, people usually have to wait months, but this is the sort of thing where once you have the registry, you wait not months but days to get the transplant.

One last point is that with these cord blood transplants, outcome is better than with the traditional bone marrow transplants with more mature cells. Cord blood cells are less mature and less pliable than the more adult cells for traditional bone marrow transplants.

With that, I am disappointed that we have heard this objection tonight.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I echo the disappointment of the leader and will make a couple comments on the debate we have already had. I know it is not in the leader's power to bring up a bill that is unamendable. It is possible for the leader—and the leader has made speeches in support of having the embryonic stem cell—to bring up a bill, but when it comes before the body, it can be amended any number of ways. So it is not possible for any leader to be able to give the guarantee that has been asked for today.

Another important part of this debate is that we don't just have the 100 Senators in this body agreeing that this is important, necessary, and immediate legislation; we also have the House agreeing that this is important, necessary, and immediate legislation. This is something for saving lives now. This isn't a big thing to go into the research area. This is treatment that is readily available.

We have preconferenced this bill already with the House, so it is not a matter of debate or discord between the House and the Senate. I am noticing at this time of the year that there is quite bit of that. There are more fights between the House and Senate than between the Republicans and Democrats. I hope we can get all of the debate resolved that we have before us. This is one that ought to only take a few minutes, and it could be done yet today and to the President for signature tomorrow because of the preconferencing we have done. That is unusual for a bill. If any one of the stem cell bills were able to be even unanimous consented within this body, we would be able to take it up as we have a number of bills, such as the pension bill, which was not easy. To have one come up with absolutely an up-or-down vote isn't going to happen around here.

I know we were looking forward to the debate. We expected it. Then a little thing called Katrina happened. The time we would have been debating that, we were debating lives in a little different manner, trying to come up with solutions. We still have some of those outstanding. Time for debate here is a very precious thing, particularly as we are winding up a session. I appreciate the leader saying he would definitely bring it up early next year. I know that is about as strong a commitment as anybody can make around this body.

While we are on this bill, I want to express my support for its passage, and I want to particularly commend Senator HATCH for his work on it. In fact, the base bill we worked with was Senator HATCH's bill. He brought a lot of us along with him on getting an understanding of what this does and what it could do, and he not only had the experience with the bill he submitted, but has been working on this in various stages for years. He has a tremendous body of knowledge he was willing to share and able to share. That is what brought everybody into the picture. He worked with Senators BURR, ENSIGN, DODD, and REED to develop the HELP Committee product that now also the House can support. I appreciate his efforts, as well as the others within the HELP Committee, to reach this delicate compromise.

I also thank my colleagues who were critical to legislation, which would be Senators KENNEDY, BROWNBACK, KYL, and others. They played a significant role. Given that this is a preconference agreement with the House, I appreciate the work of Representative C.W. BILL YOUNG and Chris John, Chairman JOE BARTON, and others in the House who have worked with us to help develop this language, to take the contentiousness out, to get it to the point where it is now. One of the unfortunate things with preconferencing and unanimous consent is that without the wild debate on things, the media normally doesn't pick up when something significant happens around here.

This is one of those issues that is so critical, and we need to get it to the people who need it now. We ought not have a contentious debate just for the sake of getting the word out that we have done it. This is something the media ought to latch onto, if it gets completed, and help us get the word out that it has been done and get it into place.

The compromise we passed out of the HELP Committee in June recognizes the valuable contributions made by stem cells from both bone marrow and cord blood. This legislation establishes a sibling cord blood program in which qualified cord blood banks have the option of providing free collection and storage of cord blood units for families with an ill child or parent who could be treated with a cord blood transplant. In this way, we can ensure that sick children have the best possible chance to receive a closely matched transplant while still emphasizing the availability of private cord blood bank donations.

To make it easier for patients to have access to cord blood and bone marrow, this legislation also requires cord blood and bone marrow programs to collaborate in providing patient advocacy and case management services to patients. In this manner, patients can have access to single point of access to determine the best option for their transplant.

Additionally, this critical bill requires the Food and Drug Administration to provide a report on its progress in developing licensure requirements for cord blood units, given that such requirements will help improve the quality of units provided to patients nationwide.

Finally, I wish to mention a new outcomes database included within the legislation which provides the opportunity for the Health Resources and Services Administration and other researchers to examine the clinical benefit of a variety of these therapeutic products, including bone marrow and cord blood.

All of these critical changes will help improve the quality of care patients receive each day.

This week, I read about a little boy who benefited from a cord blood transplant. This little boy was born in December 1999.

Mr. HARKIN. Mr. President, regular order.

The PRESIDING OFFICER (Mr. CHAFEE). Regular order has been called for. Does the Senator object?

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Wyoming.

Mr. ENZI. Mr. President, thank you for the opportunity to continue. I know there are others who want to speak on this briefly, too.

I read about this boy who was born in December 1999. At age 1, he was diagnosed with a disease causing progressive damage to the brain and adrenal glands. Left untreated, it would lead to his eventual death. For this little boy, an unrelated cord blood or bone marrow transplant was the only known cure for his disease.

When he was just 2 years old, because of the disease progression, he received a cord blood transplant. Two years post-transplant, he is doing extremely well. He is a healthy, normal little boy. If you met him, you never would guess what he had been through and what awaited him without this transplant.

It is for this little boy and others that we are focusing on this critical legislation right now. Like others, I do think that it is important for us to discuss the broader issues of stem cells on the Senate floor. However, it is neither the time nor the place for such a debate. But we can help people now by passing this legislation which has broad bipartisan support. You can't get more bipartisan than 100 percent. So I urge my colleagues not to hold up this critical legislation until that other debate occurs. I urge my colleagues to think of this little boy and other little boys and adults and people in between who would benefit from cord blood or bone marrow transplants.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am hopeful that my dear friend and colleague from Iowa, Senator HARKIN, will withdraw his objection. I think everybody in this body knows it was only after years of study—a very sincere study—that I came out for embryonic stem cell research, as well as cord blood stem cell research.

I mention to my colleague from Iowa that the majority leader, even though he was against embryonic stem cell research, has had the courage to come out for it. Upon reflection and study, he has as great a desire to pass embryonic stem cell research as I do. So when we get down that road of being able to help the living with these tremendous maladies we have, it may be the final answer to health care costs as well. But we have to start now.

There is a difference. This bill is the cord blood research bill. I do not know one person in this whole body who is against it. Not one. I don't know one person in the House of Representatives who is against it. Not one. And by the way, we have preconferenced this bill. It is very difficult to preconference bills. But virtually everybody realizes that if we can pass the cord blood bill, we will go way down the road of being able to help people with these serious problems, especially these young children, as mentioned by our distinguished chairman, Senator ENZI.

I am grateful for all of the people he mentioned in his illustrious remarks. There have been a lot of people who have worked on this issue. I think we should take the majority leader's word as a supporter of embryonic stem cell research that he will bring that bill up for a debate. There are others who also want to debate their particular points of view with regard to embryonic stem cell research, but virtually everybody is for cord blood research.

I believe we should give unanimous consent to immediately call up and adopt H.R. 2520, the Stem Cell Therapeutic and Research Act. We should pass this bill immediately. Patients cannot afford to wait until next year, their families cannot afford to wait until next year, and we in the Congress cannot afford to wait until next year.

Passage of this legislation offers us a rare opportunity to make a difference in the lives of those who either have a serious illness or have a family member who suffers from a serious illness. I don't think we should let this opportunity pass. This is the season of the year when we try to put others before ourselves.

As everyone knows, I have been working on this issue for 3 solid years and, in fact, with my original cosponsors—Senators BROWNBACK, DODD, and SPECTER—introduced the first bill on this issue in the 108th Congress. I am pleased that I have introduced legislation with Senators DODD, BURR, ENSIGN, and REED to put aside our differences and let this legislation pass once and for all. It is the right thing to do because it is in the best interest of my fellow citizens.

My goal, which I share with the other sponsors of this bill, is to create the best possible system to provide patients, clinicians, and families with access to these lifesaving treatments. I believe H.R. 2520 does this by ensuring that the number of bone marrow donors and cord blood units available for transplant and research increases in the near future.

The integrated system will include not only the international bone marrow donor registry but also a network of qualified cord blood banks which will collect, test, and preserve cord blood stem cells. In addition, the system will educate and recruit donors, facilitate the rapid matching of donors and recipients, and quickly make such cells available for transplant centers for stem cell transplantation. The establishment of a national infrastructure for transplant material will help save the lives of many critically ill Americans.

We need to be sure that our Nation can meet the needs of patients and physicians by providing a strong future for both bone marrow and cord blood transplantation in this country.

My personal goal is to ensure that the amount of transplant material available for patient care and research continues to increase in the coming years. The only way that goal may be accomplished is through strong Federal support. It is the only way.

I look forward to working with my colleagues and doing everything possible to provide transplant patients with the best possible options by ensuring a strong future for bone marrow and cord blood transplantation in this country.

Mr. President, this is a good bill. I hope my colleague from Iowa will think this over because this puts us down the road of being able to get on top of some of the most innovative and important and remarkable health care processes this country and any country has ever seen.

If we do not pass this bill in this timeframe and it gets mixed up in the whole panoply of embryonic stem cell research, it could take at least another year, maybe 2 years, before we get even cord blood legislation passed by Congress. Why should patients have to wait another year or 2 for such a lifesaving bill to pass the Congress?

There are many illnesses where cord blood transplantation and research have already made the difference in people's lives.

I think I have made my point, and I urge my colleagues to pass this bill as quickly as possible.

It is apparent we are not going to be able to do the cord blood research because of objection, but I hope that my colleague will reconsider and allow this to happen before the week is out. I know my colleague from Iowa is very sincere. He has been one of the leaders on stem cell research in this country, and he certainly has a right to do whatever he wants, but I am thinking of the thousands, if not millions, of people who could benefit from this research if we get it going with Federal Government help at this time.

Mr. HATCH. Mr. President, I rise today in strong support of the USA PATRIOT Improvement and Reauthorization Act. This bill gives our national security and law enforcement communities, including the FBI, the tools they need to fight the war against terrorism, while at the same time adding new provisions to protect the civil liberties and privacy that all Americans rightfully expect and cherish.

The first responsibility of our national government is to protect the citizens of our country from foreign threats.

My fellow citizens of Utah and all of my fellow Americans expect that the Federal Government will help protect them against terrorist attacks but to do so in a fashion that does not open the lives of ordinary, law-abiding Americans to unjustified government intrusion. The PATRIOT Act protects our citizens by helping to keep us physically safe and protects our essential civil liberties.

The PATRIOT Act Conference report before us makes permanent 14 of the 16 expiring PATRIOT Act provisions, all of which have proven extremely useful over the last 4 years in preventing and prosecuting terrorism. Sometimes lost in the often charged political debate over the PATRIOT Act is the fact that there is broad, in fact almost universal, political consensus that each and every one of the major elements of the PATRIOT Act is essential to protecting the American public.

One hard and true measure of this reality is that there is wide agreement that 14 of the 16 expiring provisions in the PATRIOT Act ought to be made permanent. That is what this bill does. Another measure is that no major component of the PATRIOT Act is being repealed nor, to my knowledge, is anyone making any serious effort to repeal any major component of the PATRIOT Act. There is a simple reason for this simple fact. Overall, the PATRIOT Act is operating well and has not been abused. The PATRIOT Act is necessary to help protect the American public from terrorists.

The bill before us renews, for a 4-year period, the remaining 2 of the 16 expiring provisions of the PATRIOT Act that are not made permanent in this bill. Frankly, many of us think that these two provisions, section 206—the roving wiretaps, and section 215—the business records section, also ought to be made permanent. I know of no serious expert in counterterrorism or law enforcement who is calling for the repeal of either of these two important provisions or who believes that they will not be renewed again in 4 years. The fact is that the main reason that these two provisions have not been made permanent is not because they are fundamentally deficient. The reason is that there is an understandable concern shared by virtually everyone that there ought to be vigilant congressional oversight in the area of counterterrorism generally, and the PATRIOT Act specifically. Adopting these two sunset provision merely ensures that Congress will do what it is doing already—conducting consistent and careful oversight of the PATRIOT Act.

I welcome this scrutiny and debate. We need to stay on top of how this important counterterrorism law is being implemented and enforced. We need, as we have done in this bill, make any necessary refinements that will improve the PATRIOT Act. I think the record is clear that Congress has not shirked its duty when it comes to conducting vigorous oversight of the PATRIOT Act. I understand that this year alone Congress has held some 23 hearings on various elements of the PATRIOT Act and that Department of Justice officials have testified at 18 of these hearings.

The Senate Judiciary Committee has held literally dozens of hearings on elements of the PATRIOT Act since it passed it 2001. During the 108th Congress, when I chaired the Judiciary Committee, we held some 30 hearings that touched on aspects of the PATRIOT Act.

Under Senator SPECTER's capable leadership, the Judiciary Committee held an additional series of more than a half dozen hearings this year that focused on the PATRIOT Act and that does not even count confirmation hearings for senior Department of Justice officials, such as the Attorney General, at which there have been a substantial number of questions related to the PATRIOT Act.

This House Judiciary Committee has held a similar comprehensive set of hearings on the PATRIOT Act.

We have heard from all the major critics of the PATRIOT Act. I think that the bill before us today shows that we have listened to, and where appropriate, have responded to the legitimate concerns of the critics. Frankly, in a number of areas I think we have bent over backwards to address concerns that were more hypothetical than real. To put a point on it, as Attorney General Gonzales says in his Washington Post op-ed published yesterday:

> During this important debate, Republicans and Democrats have discovered that concerns raised about the [PATRIOT's] act's impact on civil liberties, while sincere, were unfounded. There have been no verified civil liberties abuses in the 4 years of the [PATRIOT] Act's existence.

That is a good record by any measure. As with any complex piece of legislation, we should not be surprised that if one day some administrative official, intentionally or otherwise, does abuse their discretion under the statute. Unfortunately, that is only human nature. But just because someone applies the law in an abusive fashion, it does not follow that the law needs to be repealed.

I think it is a testament to the professionalism to the men and women of the FBI—led by its able Director Bob Mueller—and other law enforcement agencies that, to date, there have been no documented cases of PATRIOT Act abuse. Let me just say that many critics of the act have tried their best to make the facts match their critiques but have failed to marshal any definitive evidence.

We should all understand that the chief reason for the bill's inclusion of a 4-year sunset of two provisions acts chiefly as a belt and suspenders approach to help ensure that Congress will continue our extremely active oversight of the PATRIOT Act. In fact, the House bill contained a 10-year sunset renewal period for the two provisions that will not be made permanent.

While it would have been possible to compromise somewhere between the 4-year Senate renewal time period and the 10-year House sunset period, the conference report—which no Democrat signed—contained the lower Senate number of 4 years.

It always leaves you a little empty when you make a major compromise and your colleagues pushing for particular provisions still do not sign onto the compromise package. Whatever happened to compromise around here? The PATRIOT Act reauthorization has been through several drafts as the conference process has taken place. I do not necessarily support every change that we have made but I have always believed that compromise is part of the process of legislation.

I think that a fair reading of the record reveals that in the grand scheme of things the issues that have generated the remaining disagreement on the PATRIOT Act are relatively minor issues. No one is talking about repealing any major part of the PATRIOT Act although some of the outside groups would have you believe that the PATRIOT Act is somehow un-American and a threat to civil liberties.

Hogwash. I support the efforts of our law enforcement and intelligence officials in combating terrorism. They continue to fight terrorists who would wreak havoc and death on America. It seems to me, and many others, that we should at least give law enforcement the same tools to investigate and stop terrorists that we give to combat mail fraud or internet pornography and organized crime. Now that the shock and pain of 9/11 has begun to fade, I hope we do not go backwards in our efforts to prevent terrorism. We should not make it tougher for our law enforcement and intelligence officers to obtain and share information critical to investigate terrorists than we allow for common criminals.

Let me specifically address four provisions of the PATRIOT Act that are often misunderstood at best, and sometimes outright misrepresented by many in this debate. First, section 206—this is the multipoint or roving wiretap provision. Section 206 is an essential provision that addresses the terrorists' use of evolving technology by allowing law enforcement to obtain a wiretap order that covers the communications of a specific individual even when that person—whose name we may not know—changes telephones and locations to evade interception. We live in a day of relatively cheap and disposable cell phones, a reality that terrorists make use of each day to avoid detection.

The PATRIOT Act reauthorization bill requires a full description of a specific target in both the application and the court order, even if the target individual's actual identity is unknown. The act also requires the specific facts be alleged and documented that show how the target's actions may thwart surveillance efforts. Additionally, the act requires the FBI to notify the court within 10 days after beginning surveillance of any new phone. This notice must include the facts and circumstances that justify the FBI's belief that each new phone is being used, or is about to be used, by the target.

Second, section 213 of the PATRIOT Act covers delayed notice search warrants. This may be the most misrepresented provision of the PATRIOT Act in recent years. Its critics sometimes refer to it pejoratively as the sneak and peak provision. They suggest that it somehow gives the FBI carte blanche to rummage through each American home without ever telling the target individual what is being searched and why. That is simply not true.

Delayed notification search warrants always involve judicial review. In fact, delayed notification search warrants are a creature of judicial creation and first appeared about 20 years ago when judges agreed that there were some occasions when the interests of justice made it prudent not to tip-off suspected criminals that their premises were about to be searched.

Former Deputy Attorney General Jim Comey, a distinguished career federal prosecutor, explained at a PATRIOT Act field hearing held in Salt Lake City last year that he was personally involved in several investigations of suspected drug dealers in which judges agreed to allow the FBI to secretly search for drugs before effectuating arrest warrants in order to be able to bring to justice the greatest number of those involved in the drug ring.

In the same way that we have used the judicially created and sanctioned delayed notification search warrants to bring drug dealers to justice for over 20 years, I am certain that we want to continue to bring this same technique to bear against suspected terrorists so we can stop or catch the most senior members of a terrorist cell and to give us the best chance to understand who is involved, and what they are plotting to do against us.

Let me repeat again. Under this bill, delayed notification warrants always require a judge to find that delayed notification is justified.

And what was the big flap over this greatly debated provision?

Not, as some would have it, whether this was an un-American trampling of rights. No, the debate among conferees was whether the initial period for the duration of this special type of search warrant would be 7 days, which was in the Senate bill, or 180 days, which was in the House bill.

Stop the presses, the conference report contains a decidedly un-shocking, 30-day compromise time period. And more important than the presumptive 30-day period contained in the final bill is the fact that a judge can effectively make the 30 days either shorter or longer depending on the facts and circumstances of the application before the court.

The bill permits extensions of the delay period, but only upon an updated showing of the need for further delay. Also, it limits any extensions to 90 days or less, unless the facts of the case justify a longer delay. Moreover, the bill also adds new public reporting on the use of delayed notice warrants.

Despite all of the exaggerated hoopla over the so-called sneak and peek provision, I am aware of no member of Congress that has taken the position that delayed notification search warrants should be eliminated and I am certainly aware of no information that this provision has ever been abused in the relatively few times it has been exercised under the PATRIOT Act during the last 4 years.

If it is constitutional and effective to use delayed notification warrants against drug dealers and child pornographers—which it is—I am all for using this tool against suspected terrorists—and that is what this bill continues to allow.

I doubt many Americans would be for a policy that would mandate that the FBI to knock on the door and tell every suspected member of al-Qaida that.

> Hi, we are here from the FBI and we would like to see if you are making a dirty bomb in your basement and please don't tell your housemates and associates that we have been here searching your home.

Delayed notification warrants are here to stay and will and should be used when circumstances justify as determined by a judge.

Third, section 215. Section 215 is often misleadingly called by its critics as the library records provision. Given the great amount of discussion this provision has engendered, I would like to first note for the record that before this authorization bill that the word library was nowhere to be found in this provision.

I love libraries. I love books. I have nothing but the greatest respect for librarians and patrons of libraries. Nobody in Congress would ever sit by and allow the Federal Government to undertake fishing expeditions to find out who is reading what in libraries.

At the same time, I do not think anyone wants libraries to become safe havens for terrorist research and other terrorist activities such as electronic mail communications with computers paid for by American taxpayers.

Under the new compromise bill, the law for the first time now does refer to libraries—but only in the most bend over backward sense that it allows a very limited, select group of senior government officials, consisting of the FBI Director, the Deputy FBI Director and the Executive Assistant Director for National Security to authorize the FBI to seek a court order under the Foreign Intelligence Surveillance Act for relevant library, book sales, firearms sales, tax return, educational or medical records.

This authority may not be further delegated to anyone else in the FBI. Obviously, this was a compromise that was made in response to the great concerns that many voiced about library and other sensitive personal records. I can live with this compromise but since there was not one documented case of abuse of this provision under existing law, I just hope we have not unintentionally created a bottleneck in the system by requiring the personal involvement of the senior-most FBI officials when local FBI agents might need to act as quick as possible.

There is a good argument to allow this authority to be delegated down further. I, for one, am uncertain why each of our 78 Senate-confirmed U.S. attorneys and each of the 56 career FBI Special Agents-in-Charge of local FBI Field Offices should not have this discretion. We entrust them with broad responsibility to protect us from a wide range of crimes each and every day and there seems no reason why we should not trust them to recommend which applications for business records should be brought before a judge.

I would remind my colleagues that one of the ways the Unibomber, Ted Kaczynski, was caught was through a garden-variety search of library records. I am aware of no complaints that the Unibomber was apprehended and I hope that no one takes the position that illicit users of libraries such as the Unibomber should be informed that, by the way, Mr. Kaczynski, the FBI was in last week comparing your withdrawal records with the Unibomber's written Manifesto and we thought you would be interested that they were asking about where you lived.

Section 215, the business records section allows the FBI to seek court orders—and let me repeat that—to seek court orders—to obtain business records from third parties in intelligence and terrorism cases.

The revisions in the law requires applications for orders for business records to include a statement of facts showing reasonable grounds to believe that the things sought are relevant to an authorized investigation to protect against terrorism or espionage.

Prior to this change there was no explicit relevance standard. Because of concerns that were raised, the relevance standard has now been codified. The administration supported this change. I support this change. Some, including my friend from New Hampshire, Senator SUNUNU, claim that the relevance standard contained in the bill is too broad.

Let us put this issue in perspective. The relevance standard has been used for years in the issuance of grand jury subpoenas. All across the country, dozens of these subpoenas are issued under the general relevance standard each and every day. For example, grand jury investigations routinely are conducted in conjunction with records—business records relevant to the case at hand.

As a matter of fact, in many criminal law contexts, including health care fraud and sexual exploitation cases, federal investigators—without prior judicial review—can issue what are called administrative subpoenas for relevant documents.

I believe that there are over 300 Federal statutes that contain the type administrative subpoena authority that is not included in either the current PATRIOT Act or in the reauthorization bill.

In some ways it is more difficult for the Federal Government to investigate suspected terrorists than it is to investigate Medicare fraud.

Leaving aside the wisdom of not allowing administrative subpoena authority for terrorism investigations, I think it is fair to say that the revision of section 215 that now contains an explicit relevance test is strictly in the mainstream of American criminal law.

It is not a new concept to have to go before a judge and convince him or her that the Government needs certain relevant records; such as hotel or car rental bills, to investigate potential criminal activity.

If the judge does not think it is a bona fide investigation and is just a fishing expedition, the judge can deny the request.

The revised version of the PATRIOT Act section 215 requires the Government to certify that the business records sought are relevant to an authorized investigation to obtain information not concerning a U.S. citizen or to protect against international terrorism or clandestine intelligence activities.

Further, the revision to section 215 creates a three-part test that presumes such information is relevant if it pertains to:

(1) a foreign power or an agent of a foreign power;

(2) the activities of a suspected agent of a foreign power under investigation; or

(3) an individual in contact with, or known to, a suspected agent of a foreign power under investigation.

Some have argued that this three part test is not strong enough or can be circumvented but the judges serving on the Foreign Intelligence Surveillance Court are neither potted plants nor is there any reason to believe that they will rubberstamp any application that is placed before them.

The new language includes additional procedural protections for section 215 orders including:

(1) The explicit right for recipients to consult legal counsel and to seek judicial review;

(2) The requirement that a senior FBI official approve requests for certain sensitive documents, such as library records;

(3) The use of minimization procedures to limit the retention and prohibit the dissemination of information concerning U.S. persons;

(4) Audits by the DOJ inspector general; and

(5) Enhanced reporting to Congress and the public on section 215 activities.

These are important protections, not all of which I believe are 100 percent necessary, but all of which I will support in the spirit of compromise.

Judicial review and approval is still required for every application for business records under section 215. All of these new provisions are intended to act to further safeguard against any potential abuse. Some during this debate have claimed that the new, explicit relevance standard on section 215 will allow the Government to sweep up the records of many innocent Americans.

We all share the concern about the Government getting too big for its britches. None of us would want to be on the wrong end of a misguided Federal investigation in which some overzealous bureaucrat with seemingly unlimited resources acted in an arbitrary and unfair way that could destroy our family's reputation and life savings. But that is not what the PATRIOT Act sanctions.

There is certainly no evidence that this is how the business records section of the PATRIOT Act has acted during the last 4 years.

Americans are right to have a healthy skepticism of government. A large part of what our job as Senators in Washington is to watch over Government agencies like the FBI and IRS.

Nobody wants Big Brother looking at our neighbor's personal financial, medical or library records without a very good reason. And that is exactly what the new protections that we have added to section 215 are intended to do—help make sure that when the Government investigators want to examine business records, they have a very good reason for looking at the records.

Let me repeat once again, the very same type of relevance standard that is being put into place in section 215 of the PATRIOT Act has long been the law of the land when grand juries routinely subpoena records in connection with many, many types of criminal investigations.

Again, these requests will not be in the hands of some rogue Federal agent—or an abusive grand jury—judges must decide on the issuance of a business records order under section 215.

We added additional congressional and public reporting provisions to help us in our oversight function. Additional audits by DOJ's inspector general will also act to check potential abuses.

Moreover, the Conference report requires the Justice Department to promulgate minimization procedures for every section 215 business record order that will direct the FBI not to retain or disseminate documents that are obtained incidentally.

The other day my friend, the junior Senator from New Hampshire, suggested that section 215, as amended, will place an undue burden on those entities required to produce records. I do not believe this and neither should you.

The conference report before us says that no section 215 order can be issued for material that would be beyond the scope of a grand jury subpoena, and since a grand jury subpoena can be quashed if it is unreasonable or oppressive, any section 215 application can be set aside or modified if it is unreasonable or oppressive.

In addition, the conference report expressly allows the recipient of a section 215 order to challenge an order and permits the judge to set aside any order found unlawful.

There are well-developed legal tests that can guide the courts to decide when these requests are, and are not, relevant. As well, judges are well equipped to know when these requests are, and are not, reasonable and will rule accordingly.

Fourth, finally, let me address the issue of National Security Letters or NSLs. National Security Letters allow the FBI to obtain certain third-party materials in intelligence cases. The bill before us adds further protections in this area. For example, the bill makes clear that recipients of such letter are free to disclose the receipt of this letter to their legal counsel.

I guess we can only hope that suspected terrorists do not share the same attorney and a whole terrorist cell will not be tipped off.

The bill provides further clarification that these requests may be challenged in court.

The bill makes clear that reviewing courts may modify or set aside the request if compliance would be unreasonable, oppressive, or otherwise unlawful.

The conference report language also permits judicial review of the nondisclosure requirement that attaches with NSLs.

The revised PATRIOT Act bill fosters congressional oversight by requiring the DOJ inspector general to conduct audits of the FBI's use of National Security Letters.

As well, the conference report adds annual public reporting on NSLs. Some are suddenly now loudly complaining in the last few weeks that the standard for obtaining an NSL—which is a showing of relevance—is too low.

Where were the complaints about this standard before now?

National Security Letter and the standards and practices that apply to them predate the original PATRIOT Act which passed in the fall of 2001 in the aftermath of the September 11 attacks.

The Senate bill—which was approved unanimously by the Judiciary Committee and by the full Senate by unanimous consent—did not make any changes in the standards for the issuance of National Security Letters. Nor did the House bill.

What is going on here?

It sounds a little like a case of, even if it ain't broke, let's fix it.

Yet in the spirit of mutual respect and compromise, I am not opposed trying to improve what is already working well, particularly if changes are important to many both inside and outside of the Congress. That is what has been done with respect to NSLs during the House-Senate Conference process.

As has been referred to repeatedly in this debate, part of the concern stems from a series of articles that appeared in The Washington Post that reports that some 30,000 of these letters have been issued in recent years.

As Senator SPECTER and others have pointed out, the Department of Justice is prepared to give any member a classified briefing that sets the record straight on this topic.

There is scant, if any, evidence that NSLs have been abused.

NSLs can only be used to obtain a very limited range of documents—mostly financial and communications records. They cannot, as some have alleged during this debate, be used to acquire medical records.

I said before and will repeat again that the conference document expressly allows a recipient of a National Security Letter request to challenge the request in court and have it set aside or modified if a judge determines it is unreasonable.

You would not know this from the way that some are describing this provision during this debate.

In fact, the conference report vehicle is actually more protective of civil liberties than the provision in the Senate bill, which was approved by unanimous consent earlier this year.

Specifically, the compromise language before us today requires a set of senior officials, including the Attorney General, Deputy Attorney General, Assistant Attorney General, or FBI Director to certify that disclosure will harm national security or diplomatic relations.

The Senate-passed bill gave that level of deference whenever any unspecified government officials made that certification. By confining the authority to issue NSLs to the most senior officers in DOJ and the FBI, the conference report helps ensure that it will be used with appropriate discretion.

Some are criticizing the so-called gag order provisions of the NSL procedures that forbid public disclosure of ongoing national security investigations involving NSLs.

But do we really want to let our sworn terrorist enemies know precisely what communication and financial records that we are examining in our attempts to thwart future terrorist attacks?

I think not. Nor do I think the American public wants a system that inordinately tips our hand to our enemies.

At the end of the day, I think that the compromises made with respect to NSLs in this bill should be recognized as a good faith effort to strengthen the rights of those who have legitimate challenges to the reasonableness of the governmental request for information.

In the spirit of compromise and in recognition that many citizens have expressed concerns about this bill and are just now focusing on the longstanding NSL procedures, I think it appropriate to make these accommodations so long as we do not unduly burden legitimate law enforcement needs and longstanding practices.

Let me summarize my position on the PATRIOT Act.

I support the Conference report revisions to the PATRIOT Act, although I do not favor each and every particular change.

I urge my colleagues to vote yes on cloture and yes on final passage.

I congratulate the House of Representatives for its leadership in passing this bill yesterday with a bipartisan vote.

I commend my friend, Chairman JIM SENSENBRENNER, for his leadership of this conference committee.

I commend my friend, Senator SPECTER, for his leadership in working overtime to achieve a broad bipartisan consensus on this bill.

I want also commend all of my fellow conferees, including all of those Democratic conferees who did not sign the conference report.

These are important issues and I understand and respect that many in Congress and the American public comes to this debate from different perspectives. I do not question anyone's patriotism just because they are raising questions and concerns about this revised version of the PATRIOT Act. I might question their wisdom and judgment as pertaining to this particular bill but never the ism.

I hope that it comes time to vote that my colleagues will recognize that this is a good, compromise bill.

I understand that not everyone will agree with every jot and tittle of this bill—I certainly do not.

On balance the PATRIOT Act has worked well and we have every reason to believe that these changes will make the PATRIOT Act work even better.

This bill is good for Americans and bad news for the terrorists.

That is the way it should be.

I strongly disagree with those who would filibuster the motion to proceed to this conference report.

Let this body have the same up and down vote that the House held on Wednesday.

A three-month extension just shows the American public that this body cannot even do one of those rare and unusual must-do pieces of legislation in a timely fashion.

As well, no doubt some political pundits will likely interpret a 3-month punt on the PATRIOT Act as a short-term political defeat for the administration.

But this is a double edged sword: The American public will not be pleased if, after they have had the time and opportunity to reflect on the facts, they come to the conclusion that failure to accomplish a comprehensive renewal and strengthening of the PATRIOT Act before the end of this year is interpreted by our enemies as somehow inviting or even enabling further terrorist attacks on U.S. soil.

The Senate should vote to send this bill to President Bush's desk.

I ask unanimous consent that a letter to the Senate and House of Representatives from the board of directors of the 9/11 Families for a Secure America be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

9/11 FAMILIES FOR A
SECURE AMERICA,
Staten Island, NY December 14, 2005.

To the United States Senate and House of Representatives:

The members of 9/11 Families for a Secure America ask you to vote "yes" on the conference report to HR 3199, the Reauthorization of the Patriot Act.

Our families understand that an important reason the 9/11 mass murderers were able to "succeed" in their conspiracy was the existence of "the wall" that blocked information sharing between law enforcement and the intelligence community. The Patriot Act removed that "wall" temporarily and it is important to now remove it forever so that the next 9/11 killers are not aided by the laws of our own country.

The Conference Report addresses many of the objections expressed by some Members to HR 3199 as passed by the House, and is a most reasonable compromise. It is quite apparent that the remaining objections, expressed by a few Members, are based upon theoretical possibilities for abuse of civil liberties. However, the four year history of the Patriot Act has shown what the Washington Post calls "little evidence of abuse, and considerable evidence that the law has facilitated needed cooperation."

Thus, the objections of the opponents of HR 3199 are simply illusions. In contrast, it is not an illusion that nineteen foreign terrorists took advantage of our government's refusal to give its law enforcement and intelligence officers the logical and obvious tools needed to catch the conspirators prior to September 11, 2001. The result was the murder of our parents, spouses, children and friends. We are convinced that the reality of 9/11 outweighs the minor, hypothetical objections that have been raised.

Some Members may think the final version of HR 3199 not quite perfect, but defeat of the Patriot Reauthorization means freedom of operation for terrorists and more needless deaths of innocent Americans. We think that concern for the safety of this country demands that these Members compromise and accept something that may be a little less than what they view as perfection. Please vote "yes" on the conference report to HR 3199.

Sincerely,

The Board of Directors, 9/11 Families for a Secure America:

Bruce DeCell, Sergeant, NYPD (retired), father in law of Mark Petrocelli, age 29.

Bill Doyle, father of Joseph, age 24, WTC North Tower.

Lynn Faulkner, husband of Lynn, WTC South Tower.

Peter & Jan Gadiel, parents of James, age 23, WTC, North Tower 103rd floor.

Grace Godshalk, mother of William R. Godshalk, age 35, WTC South Tower 89th floor.

Joan Molinaro, mother of Firefighter Carl Molinaro.

Will Sekzer, detective Sergeant (retired), NYPD, father of Jason Sekzer, age 31, WTC North Tower 105th floor.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

WAR IN IRAQ

Mr. THUNE. Mr. President, I rise today to speak briefly about the progress on the war in Iraq and, importantly, the well-being and morale of our troops in the field.

Last week, the State of South Dakota lost two of its sons in Iraq, SSG Daniel Cuka, 27, from Yankton, SD, and SFC Richard Shield, 40, from Tabor, SD. Both served in the 147th Field Artillery of the South Dakota National Guard and were killed by improvised explosive devices while riding in their humvees.

They were assigned the mission of assisting in the training of Iraqi police. Three other members of their battery were also wounded. South Dakota is now in the process of grieving for and honoring these two brave men who answered the call of duty.

One week after this tragic loss, an historic event occurred today in Iraq that gives particular meaning and value to the lives and sacrifice of these two men. Today Iraq held a national election to fill parliamentary seats and it appears that there was a massive turnout of voters from each of the major ethnic and religious groups, including from the Sunni population that only a few months ago rejected any participation in the political process.

This election is only the latest in a series of milestones giving testimony to the great progress that has already been made in our effort to transform this country into a true democracy. Granted, it will be a long road to the kind of democracy we have in this country. But it was a long and bumpy road in our own journey. The fact that this Iraqi election occurred at all, is amazing considering where the people of Iraq were 5 years ago, without freedom to determine their future and under the heel of Saddam Hussein's tyranny.

Despite the naysayers in this country, optimism among Iraqis is becoming infectious. Of course, optimism and support for what we are doing has always been prevalent among our troops. Thanks to them and the sacrifices they are making, we are on the cusp of delivering something very special into the hands of the Iraqi people—the ability to shape and control their own lives, lives free from the tyranny of dictators, free from radical Islamic intimidation, and free from hopelessness.

Let us dispell the fiction that America is not making progress in Iraq, right here and right now. Under United States training and guidance, 97 Iraqi battalions are now conducting security operations throughout Iraq. In July of last year, there were only 5 Iraqi battalions equipped and trained to fight.

Currently, 33 battalions have assumed their own areas of operation. Last year at this time, the Iraqi security forces did not have control over any areas of operation. Iraqi border police are now manning 170 border compounds and 22 ports of entry. Over 75,000 Iraqi policemen are patrolling Iraqi cities. In the last election in January, 130,000 Iraqi security forces successfully protected polling sites all over the country and inspired a wave of pride throughout the country and a sharp increase in recruitment. We anticipate that in the election that occurred today, over 225,000 Iraqi security forces provided security to the polling places.

In the January election almost a year ago, 8.5 million Iraqis turned out to vote, defying terrorists threats. In the October referendum, 10 million voters turned out. We expect significantly greater numbers in this election, including from the Sunni population whose Mullahs are now encouraging their people to get out and vote after opposing their participation in previous elections. Progress is clearly being made. To say otherwise is simply inaccurate and demoralizing to our troops in Iraq who are risking their lives to achieve these great milestones.

I would like to read a portion of an email sent to me by the mother of a South Dakota soldier stationed in Iraq.

> Dear John, I am a commissioner in Corson County, McIntosh, SD. I also, happen to be a mother of 2 children in the Army. My son is now in Iraq, stationed at Ar Ramadi—not a very nice place right now! The purpose of this email is to ask you to pass on to Congress the fact that all their back stabbing and finger pointing is very devastating to the families of the sons and daughters now in Iraq. If they think they are representing the families by doing what they are doing on the Hill and in the press they are sadly mistaken. I don't want my son to be where he is, but anyone with any kind of sense knows that we cannot just pick up and desert the Iraqi's at this point. . . . Please, Please get this message out that this is not what the parents, husbands, wives, and families need to hear from our leaders. We have enough worry every waking moment knowing our kids are in harms way. We don't need the politicians using our loved ones in order for them to further their political future.

The two fallen soldiers who are being honored today at a memorial service in South Dakota gave their lives for a cause greater than themselves. Those family members they left behind deserve to know their sacrifices were not in vain.

We will win this war and Iraq will be a free independent democracy. When our work is finished, Iraq will provide a vision and a clear path for other countries in the Middle East to follow toward freedom and democracy. As Americans, we cannot leave the Iraqi people with anything less.

I ask unamious consent that a written statement honoring and paying tribute to Sergeants Cuka and Schild, two American heroes, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Mr. President, South Dakota has paid a heavy price in the effort to make Iraq a functioning democracy and the world a safer place. To date, fifteen South Dakota soldiers have made the ultimate sacrifice in Afghanistan and Iraq, nine of whom died from hostile fire. About 85 percent of South Dakota's National Guard members have been mobilized. Earlier this month, two brave soldiers from my state paid the ultimate price, and three more were wounded. I rise today to give voice to the tremendous sympathy all South Dakota citizens have for the families and friends of each of the courageous soldiers our state has lost and this month, specifically, Army Sgt. 1st Class Richard Schild and Army Staff Sgt. Daniel M. Cuka. On December 4th these two soldiers of the South Dakota National Guard were killed by roadside bombs in Iraq as they went about the dangerous and critically important mission of training the Iraqi Police Force in one of Baghdad's police districts. They have made the ultimate sacrifice in service to our nation, and we as a nation will be forever in their debt.
>
> The soldiers of Battery C of the 147th Field Artillery unit arrived in Baghdad only very recently, and have already been exposed to the horror of war, and the deaths of some of their friends. South Dakota has a very small population, Mr. President, and word of the deaths of our citizen soldiers fighting the war on terror has hit us very hard. I am proud of our state's outpouring of support during this time of great personal tragedy for the loved ones Sgt. Schild and Sgt. Cuka have left behind. I know the communities of Yankton and Tabor will miss them very much.
>
> The lives of these two soldiers are emblematic of the many citizen soldiers currently serving in Iraq. Sgt. Cuka graduated from Yankton High School in 1996 and married his wife Melissa in 2000. They had two young children, Abby, who is 5 years old, and Alex, who is 2. Sgt. Cuka led an active life, and dedicated his life to serving and protecting the public. Apart from serving nearly ten years in the National Guard, he served with Yankton Area Search and Rescue, and his unit has retired his call number, the highest honor it can bestow. He worked for Wilson Trailers in Yankton, and still found time to attend classes at Mount Marty College.
>
> Sgt. Schild was the office manager of Bon Homme Yankton Electric Cooperative. He and his wife Kay also have two young children. He was serving in Iraq along with his brother, Brooks. After graduating from Mount Marty College, he joined the National Guard. It is clear that Sgt. Schild was highly dedicated to doing his duty, and had a strong sense of community. Even though events in the Middle East made it seem likely he would be called to active duty, Sgt. Schild still re-enlisted. Even while he was in Iraq, Sgt. Schild was still concerned about his community being without power due to a severe winter storm late last month. In fact, the National Guard helped to mitigate the effects of that storm. It is humbling to be able to represent a community that has people like Sgt. Schild and Sgt. Cuka.
>
> The human toll during wartime always gives us pause to reflect on what we are fighting for in the war on terror. Throughout America's history, we have faced determined enemies on the battlefield, and we have been victorious. In this war, we face a determined enemy that lurks in the shadows, far from anything that can be characterized as a battlefield. Sgt. Schild and Sgt. Cuka fell to an enemy that could not face them on the battlefield.
>
> The challenges faced by our soldiers in Iraq are far more complicated and delicate than the challenges of a traditional battlefield. While our soldiers make every possible effort to avoid civilian casualties, they face an enemy that hides among civilians, and an enemy that rejoices in maximizing civilian casualties. Sgt. Schild and Sgt. Cuka died while helping the vast majority of peaceful Iraqi citizens develop the means to protect themselves, build a democracy, and enforce the law. They were part of an effort to make the world a safer and freer place for us and for future generations of Americans.
>
> When I think on the deaths of Sgt. Schild and Sgt. Cuka, and indeed all of the deaths of our soldiers in the war on terror, I am reminded of a passage of Scripture that says "Greater love hath no man than this, that a man lay down his life for his friends." To the families of Sgt. Schild and Sgt. Cuka, please

> know that all South Dakotans have lifted you up in our hearts, and that you are in our thoughts and prayers. If there is anything we can do for you, we will do it. I hope it may provide some small measure of comfort to you to know that Sgt. Schild and Sgt. Cuka have laid down their lives for their friends, and we are forever grateful.

Mr. THUNE. What they gave to the State of South Dakota, to this great country and to the people of Iraq should never be forgotten.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQI VOTE FOR FREEDOM

Mr. FRIST. Mr. President, today marks a proud and momentous day in Iraq's history. Today, on December 15, 2005, 15 million registered voters will go to the polls to choose their first permanently elected government in modern Iraqi history. Along with them, Iraqis from all around the world will cast their votes for freedom, for Iraq's future—including Iraqi Kurds in my home town of Nashville, Tennessee.

As it so happens, Nashville is home to the largest Kurdish population in the United States of approximately 8,000 Iraqi expats. This past January, over 3,000 of our Kurdish neighbors voted in the historic January 30 elections which put Iraq on the road to independent, democratic self-rule. Tennessee election organizers predict that the turnout for today's vote will be double that number.

Iraqis from all around the region are converging on Nashville to cast their votes in solidarity with their brothers and sisters of their native land.

Susan Dakak, whose family moved from Baghdad to Tennessee 27 years ago, tells the Chattanooga Times Free Press, "This is a dream come true. I never thought in my life that Iraq would get to where it is politically."

Susan and her husband, Janan, plan to travel from Knoxville to Nashville, and they plan to bring their 9-year-old son with them to witness the personal and historic moment of casting their ballots as free citizens. And as Susan understands, her vote is not just for her birth country, but for her adopted country, as well.

Susan and Janan's votes, along with the millions of Iraqis voting today, are critical to helping defeat the terrorists and vanquishing their violent aspirations.

As Susan explains:

> This will be the beginning of the end of all of the violence. The new Iraqi government will know that it will be their responsibility to clear the terrorists out of the country.

In the short run, today's broad participation will further isolate the terrorists and constructively engage Iraqis across ethnic and sectarian lines. And in the long run, a peaceful, united, stable and secure democracy in the heart of the Middle East will expose the brittle and intolerable tyranny of the terrorist enemy. And it is precisely this outcome that our terrorist enemies fear.

Early in the conflict, a letter from Al Zarqawi was intercepted by coalition forces. In it, he wrote that a free and prosperous Iraq would reject his vision of a medieval, fundamentalist state. He recognized that if Iraqis became accustomed to self-determination and self-rule, they would refuse to submit to a tyrant and they would reject his extreme interpretation of Islam.

Furthermore, Iraq would become a model for the entire Middle East region, driving out extremism and heralding in moderation and peace. Al Zarqawi understands the power of freedom. That is why he is bent on its destruction. But as this remarkable year of steady progress has proven, he cannot and will not succeed. The desire of freedom is too strong and its logic is too irreducible.

Democracy is on the march and today 15 million Iraqis are heading to the polls. Once again, they are showing the world their extraordinary courage and determination to join the modern, free world.

America pledges to stand with the Iraqi people in that worthy effort as they strive to secure the blessings of liberty.

As Tahir Hussain, president of the Nashville Kurdish Forum, told a Tennessee paper on this week:

> We say that everybody should have a voice in Iraq, and everybody should be equal. And today is the day.

SENATOR EUGENE McCARTHY: A GREAT AMERICAN HAS PASSED AWAY

Mr. BYRD. Mr. President, in my book, "Child of the Appalachian Coal Fields," I discussed the Senate class of 1958. That class, which included 15 Democrats and 3 Republicans, constituted the largest turnover in Senate history, and from that class of Senators came a number of Senate leaders and Presidential candidates. Most important, I pointed out, while elected during the Eisenhower administration, the class of 1958 "tackled some of the greatest foreign and domestic problems ever to face the Nation, and they played critical roles in enacting the Great Society programs and ending the war in Vietnam."

One of the most remarkable members of that remarkable class was Senator Eugene McCarthy of Minnesota, who passed away this weekend. He played critical roles both in enacting the Great Society programs and ending the war in Vietnam.

It was my privilege and my pleasure to serve with Eugene McCarthy in the U.S. House of Representatives and here in the Senate as members of the class of 1958.

While serving together, I came to appreciate that Senator McCarthy was a truly gifted and talented person with an extraordinary background. He was, without question, one of the more unusual Members to sit in this chamber. He was a poet, professor, philosopher, and author, and had been a military intelligence official during World War II and a semiprofessional baseball player.

In the Senate, as throughout his life, Senator McCarthy did not hesitate to go his own way. He did not hesitate to stomp out of a Senate hearing, and he was willing to espouse unpopular views. But he always did so with an open heart, an open mind, and deep sincerity and dedication. Therefore, even when I disagreed with him, which was quite often in those early years, my respect for him continued to increase.

And I developed a deep appreciation for his abilities, his wit, his warm personality, and his strong determination to make ours a better country. One of his first assignments in the Senate was chairing the Select Committee on Unemployment, which helped focus national attention on the problems of joblessness and poverty throughout the country. By holding hearings in Beckley, Welch, Fayetteville, and Wheeling, WV, as well as other economically distressed regions of the country, the Select Committee helped undermine the false claims of the so-called Republican prosperity of the 1950s, and, as a result, helped provide the ground work for the Great Society legislation that came a few years later.

As I said earlier, it was members of the class of 1958 who also helped to end the war in Vietnam. Although all of us had voted for the Tonkin Gulf Resolution, many of us came to regret it. Senator McCarthy, to his great credit, was one of the first to speak out against the war. He did so by announcing his break with the Johnson administration, and running against the President for the Democratic presidential nomination. "The Administration," he said, "seems to have set no limit to the price which it is willing to pay for a military victory."

No one expected much from McCarthy's challenge. He was a little-known Senator taking on President Johnson, who at the time, seemed all powerful.

But, as most of us know, in the 1968 New Hampshire Democratic primary, Senator McCarthy stunned the Nation and shocked the political world. His near victory helped to drive President Johnson out of the Presidential race. That contest showed how unpopular the war was. It focused attention on, despite the administration's claims to the contrary, just how disastrous its policies were in Southeast Asia. It brought home to the American people an issue that was dividing the country and costing billions of dollars and thousands of American lives. Furthermore, Senator McCarthy's campaign helped embolden a generation of young Democratic Party activists.

When Senator McCarthy announced that he would be leaving the Senate in 1970, I was one Senator who approached him and tried to change his mind. When I was unsuccessful, I came to the Senate Floor to pay tribute to him. Senator McCarthy, I said, "has made his mark upon our party, he has made his mark upon our country, and he has made an indelible mark upon the hearts of all in the Senate who are privileged to call him friend." I said, "he proves the truth of that verse of Scripture that states, 'He that hath friends must show himself friendly.'"

I have never wavered in those opinions that I expressed 35 years ago. In fact, our friendship became stronger, as did my admiration of him.

Mr. President, our country has lost a good and talented man, and a great American. I will miss my friend. Our country needs more men like him.

God give us men!
A time like this demands strong minds,
great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.

Men who can stand before a demagogue
And brave his treacherous flatteries without winking.

Tall men, sun-crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
It's large professions and its little deeds,
mingles in selfish strife,
Lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God give us men!

Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;
Then wrongs will be redressed, and right will rule the earth.
God Give us men!

WEAK-KNEED BUDGET TRICKS

Mr. BYRD. Mr. President, before we adjourn, the Congress will be asked to vote on an across-the-board cut for every agency and program in the Federal Government. The Congressional majorities have put this Nation on an irresponsible fiscal path, one that promises years of record-breaking red ink, inflationary pressures, and multiplying Federal debts. Instead of making tough choices on spending priorities, or perhaps limiting the massive tax breaks going to Nation's richest citizens, or finding ways to lessen the burden of the war in Iraq on the American citizens, the Republican Congressional leadership is expected to take the expedient route of an across-the-board funding cut.

This may not seem like a big deal. What's 1 or 2 percent? But to the families across this country, that 1 or 2 percent can mean a world of difference, especially when it is coupled with the freeze in services that has already been applied to Federal initiatives.

Take, for an example, community health centers which provide basic health care for some of our most isolated citizens. This arbitrary Republican plan would mean that 55 clinics would be shuttered, and 73,000 Americans would see their health care held hostage by budget games. A 2 percent cut in the Food and Drug Administration budget would force unacceptable delays in the amount of time that it takes to approve new lifesaving drug and medical devices.

At a time when the Congress is considering tax cuts for the wealthy, after a 2 percent cut, food packages for 65,922 elderly participants would vanish. A 2 percent cut in the WIC program would reduce the number of meals for 175,234 economically struggling women, infants, and children. More than 35,000 families would lose access to safe and affordable housing. Under this Congressional leadership, the rich get richer, while tens of thousands of poor and the elderly have to struggle for food and shelter.

The House has passed four tax cut bills, totaling $95 billion, and the Senate has passed tax cuts which add up to $58 billion. The vast majority of these tax cuts are aimed at improving the economic portfolios of the wealthiest Americans at the expense of those Americans who are barely scraping by. At the same time that this Congress is pushing forward with unwise tax cuts, these across-the-board cuts would weaken further the Nation's crumbling infrastructure and rob the economy of new jobs. In fact, a $720 million cut in highway construction, as put forward under the Republican blueprint, would slash more than 34,200 construction jobs from our economy. How many headlines about companies cutting payrolls by the tens of thousands will it take before this Congress stands up and puts the American people first? American families deserve to know that the safety net is not filled with holes. But instead of offering assurances, this Republican plan only serves to jeopardize the future of many Americans.

Children in school districts with a high median income would also suffer. These school districts, which receive title I funding, would have to scramble to fill a $257 million reduction. That kind of cut would hamstring the education of more than 200,000 students around the country. At the same time, special education funding would drop by $214 million, and the number of children in Head Start would be cut by 19,000. Cutting the funds for classroom education may achieve short-term fiscal goals for the Republican majority, but it creates long-term problems for the Nation's future.

Don't care about the classrooms? Think that school districts can absorb this cut with higher property taxes? Then what about our veterans? Each day, new veterans come home from the wars in Iraq and Afghanistan. They join our proud men and women who have served in World War One and World War Two, in Korea, in Vietnam, in the first Gulf War, and in so many places around the world. These men and women have made us proud. Many of these 21st century veterans have specialized health care needs. The battlefields of today are inflicting wounds unlike those experienced by the soldiers, sailors, airmen, and Marines of past wars. Veterans' health care is a responsibility that we must never shirk.

But what do these veterans get in return for their service? More budget cuts from this Congressional majority. The GOP plan means cuts in treatment for approximately 236,000 patients. It means that 1.4 million outpatient visits would disappear. Waiting lists would likely rise by about 176,000 veterans. In addition, the VA will not be able to expand specialty and mental health services at existing sites as planned.

But the short-sighted effects of this Republican cut to America's working families, classrooms, and veterans are only one aspect of backwards priorities of this Republican funding plan. Just this week, the President reiterated his effort to protect the American people from future terrorist attacks. But how much safer will the American people be if the Republican blueprint for budget cuts is signed into law? How much safer will the Nation be with 800 fewer FBI agents?

Similar cuts would face the Drug Enforcement Agency. Under this Republican scheme, the DEA would be forced to cut its planned force by 200 agents. The President and his team have stated that drug profits contribute to terrorism. Does anyone think that it is a good idea to cut more than 200 agents from the DEA?

Border Security would be cut by $96.5 million. As a result, 200 of the promised new border agents would go unhired. Detention and removal efforts for illegal aliens would be sliced by $20 million. All of us know that the U.S.-Mexico border already is terribly porous. But, instead of investing in new agents and tightening security on our borders, this Republican effort would undermine our effort to secure our borders.

What about our airport security? That is not immune from these Republican budget games. The Transportation Security Administration, which is responsible for the screening of passengers at our airports, would also be targeted for stiff reductions. As a result of this misguided GOP blueprint, more than 1,000 TSA screeners would lose their jobs. This is on top of the 2,000 person reduction in screeners already approved by this Congress. At the same time, funding for explosive detection equipment for baggage and passengers would be decreased by $12 million. And safety in the skies would be placed at risk.

We all watched the Coast Guard perform marvelously after Hurricane Katrina devastated Mississippi and Louisiana. But rather than reinforcing the Coast Guard's ability in future disasters, the 2 percent rollback would reduce cutter patrol hours by at least 10,000 hours and aircraft hours by at least 2,000 hours. And military recruiting would be reduced by 60 percent—or 1,158 Coast Guard personnel.

I urge my colleagues to think again about this fiscal foolishness. Think about what it means for our children and for the safety of our families. Think about what it means for our veterans and for our security.

The American people elect Members of Congress to lead, to make tough choices, and to place the best interests of the Nation at the forefront of our work. This across-the-board cut is not leadership, and it is not in the best interests of the Nation.

DEFENSE AUTHORIZATION ACT

Ms. SNOWE. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I rise in support of amendment No. 2529 which was unanimously adopted into S. 1042, the National Defense Authorization Act for fiscal year 2006. This amendment will restore much needed transparency in the small business contract goaling program administered by the Small Business Administration, promote international competitiveness of our Nation's small businesses, and ensure fair access of small businesses to Federal prime contracts and subcontracts for performance overseas.

Currently, many small contractors play a critical role in maintaining a strong domestic defense industrial base and supporting the Global War on Terror. Yet many of these small firms face serious obstacles obtaining prime contracts and subcontracts to perform internationally the work they are already performing so ably domestically. Simply put, this amendment would clarify that the Small Business Act applies to Federal overseas contracts.

In the 2001 report, "Small Business: More Transparency Needed in Prime Contract Goaling Progam," the Government Accountability Office criticized the Small Business Administration, SBA, the Department of Defense, DOD, and other agencies for excluding contracts from the calculations of small business contracting achievements toward the statutory goals established in the Small Business Act based on tenuous rationales. On its face, the Small Business Act applies to all Federal procurements, including all overseas contracts. However, recently there has been some resistance to implementing the Small Business Act as written. Some agencies, like the Department of Defense, go as far as to exempt all overseas-related contracts from the act. Others, such as the Department of State, exempt contracts for performance abroad if they are also awarded abroad but not if they awarded domestically. As a result, prime contracting and subcontracting requirements of the Small Business Act are rendered unenforceable with regard to many military and reconstruction projects, and fair access for small businesses is seriously diminished.

Based on fiscal year 2000 dollars, the GAO found that approximately $8.4 billion in overseas defense contracts were excluded from counting toward the Federal Government's small business performance. Under the Small Business Act, $1.93 billion of these contracts should have been awarded to small businesses. The SBA's and the DOD's rationale for excluding overseas contracts was that small firms have little chance of competing for these contracts in the first place.

The excuse given by the SBA and other agencies to the GAO in 2001 did not hold then, and it surely does not hold now. With an expanded Federal presence in recent years, the dollar volume of overseas contracts has been steadily increasing, and small firms have been playing a substantial part in supporting Federal operations abroad. Indeed, every major contract for the reconstruction for the reconstruction of Iraq funded by the $18.4 billion in 2003 emergency supplemental appropriations has a minimum 10 percent requirement for small business subcontracting and a 23-percent subcontracting goal. Our experience with Iraq reconstruction proves that American small businesses are capable to perform overseas even in the most dire circumstances.

Congress clearly meant what it said in the Small Business Act that procurement goals must be calculated against "total purchases" of the Federal Government. My amendment reaffirms congressional policy that the Small Business Act applies to all contracts and subcontracts regardless of geographic place of award or performance. This amendment directs Federal agency heads with jurisdiction over acquisitions to ensure that all contracts and subcontracts, regardless of geography, are covered by the Small Business Act. Under my amendment, agencies will be able to give due note and recognition to the specific requirements and procedures of any other Federal statute or treaty, such as the provisions governing foreign military sales, which may exempt any Federal prime contract or subcontract from the application of the Small Business Act in whole or in part.

I urge my colleagues to help keep America's defense industrial base and America's global competitiveness strong by supporting fair access to prime contracts and subcontracts by our small businesses.

Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I rise today in support of my amendment No. 2530 to S. 1042, the National Defense Authorization Act for fiscal year 2006, to promote fair access to multiple-award contracts. I am pleased that this amendment was adopted unanimously, and I urge my colleagues to support it in conference. Since the enactment of the Federal Acquisition Streamlining Act, FASA, in 1994, Federal agencies are increasingly relying on contracts and acquisition services offered by other agencies, specifically, the General Services Administration's Multiple Award Schedule/Federal Supply Schedule contracts, MAS/FSS, Government-wide acquisition contracts, GWACs, and multiagency contracts, MACs, to purchase goods and services. These contracting mechanisms were authorized by Congress in the belief that they would encourage the Government to buy commercially available products and services and would open the Federal contracting market to businesses, especially small businesses, which have previously focused only on the private, commercial markets. Essentially, these indefinite-delivery, indefinite-quantity contracts are framework agreements on prices and other terms for any future sales to the Government. In the procurement community, these contracts are popularly known as "hunting licenses" because they permit preapproved contract holders to secure Government work with very limited competition as a result of direct marketing to Federal agencies. Federal contracting officials can place task orders against these contracts with their preferred, preapproved vendors. This amendment is a modest response to numerous complaints from representatives of small businesses and small business trade associations that the actual process for receiving task orders under multiple award contracts, such as the Federal Supply Schedules and multiagency contracts, tends to be biased in favor of large businesses and experienced Government contractors.

Small business representatives testified before my committee that they invest time, effort, and resources to negotiate multiple award and multiagency contracts with the GSA or with another executive agent managing a Government-wide acquisition contract or a multiagency contract. Consultants have been known to charge small firms as much as $25,000 for guiding them through dense, time-consuming paperwork required to receive Government preapproval for one such contract. However, there are serious concerns that small firms do not reap commensurate benefits in the form of task orders. For instance, in recent proceedings before the White House Acquisition Advisory Panel, a representative of the General Services Administration, GSA, indicated that total Multiple Award Schedule/Federal Supply Schedule sales reached $31.1 billion in fiscal year 2004. GSA further indicated that small businesses hold 79.6 percent of total MAS/FSS contracts, but account only for 37.1 percent of sales dollars. At first glance, this level of small business participation is commendable. It exceeds the statutory Government-wide goal of awarding 23 percent of Federal contract dollars to small businesses. However, the significant disparity between these numbers confirms the complaints of small businesses about the barriers they have been facing in Federal indefinite-delivery, indefinite-quantity contracts. I look forward to working with the GSA, the Small Business Administration, and other agencies towards a greater parity between small business participation in the Schedule program itself and their share of contract dollars awarded through this program.

In the acquisition world, there is a perception that contracting officers routinely persist in limiting upcoming task order opportunities to a maximum of three companies on any particular GSA Schedule instead of the three-company minimum as required by law. This situation is a recurring subject of bid protest decisions. In addition, many multiple-award contract holders do not receive a fair notice of upcoming task orders.

Earlier this year, an article in the Veterans Business Journal asked "What Happened to Public Law 108–183?" This law, codified in the Small Business Act, created the contracting preference for small businesses owned by service-disabled veterans. The article pointed out that many service-disabled veterans feel frustrated at the multiple-award contract regulations which undermine the weight of the congressionally established preference and preclude disabled veterans from obtaining set-aside multiple-award acquisitions.

The Senate Committee on Small Business and Entrepreneurship has attempted to mitigate many of these problems. Back in 1994, the Federal Acquisition Streamlining Act included a change to the Small Business Act that created an exclusive reservation for small businesses consisting of all contracts valued at more than $2,500 but not more than $100,000. Federal agencies attempted to exempt themselves from this provision by regulation. In response, I inserted corrective language in S. 1375, the 50th Anniversary Small Business Administration Reauthorization Act. This act, passed unanimously by the Senate during the 108th Congress, included a provision to ensure that task orders on multiple award schedules and multiagency contracts valued at more than $2,500 but not more than $100,000 are reserved for small businesses.

This amendment builds on my prior efforts by establishing a congressional policy that each agency's orders placed under multiple awards contracts must meet statutory small business goals. To facilitate this policy, the amendment authorizes Federal agencies using defense contracting authorities to conduct small business set-aside competitions in the context of multiple-award contracts. My amendment also directs the SBA administrator to provide to my committee a comprehensive report on participation of small businesses in multiple-award contracting.

The measures adopted by the Senate through this amendment are only some of many steps and initiatives which my committee has been pursuing to increase the access of multiple-award contracts to small businesses. I hope that my colleagues will join me in supporting these efforts.

Mr. President, as chair of Senate Committee on Small Business and Entrepreneurship, I rise today to address a bipartisan amendment to S. 1042, the National Defense Authorization Act for fiscal year 2006 from the Senate Committee on Small Business and Entrepreneurship concerning much needed improvements to the Small Business Innovation Research, SBIR, Program and the Small Business Technology Transfer, STTR, Program. Amendment No. 2531 is based on my original amendments S.A. 1536 and S.A. 1537 and builds on language reported by the Senate Armed Services Committee and on legislative initiatives proposed by the Small Business Committee's ranking member, Senator KERRY. I would like to commend Senator KERRY, as well as Senators WARNER and LEVIN, the leaders of the Senate Armed Services Committee, for their bipartisan cooperation on the important subject of accelerating innovation and procurement of innovative technologies by the Federal Government. I also want to thank Dr. Charles Wessner and others at the National Academy of Sciences who have worked on a congressionally authorized study of the SBIR program, the Small Business Technology Council, the Association for Manufacturing Technology, and numerous representatives of Federal agencies, small businesses, and representatives of large prime contractors for the insights into the work of the SBIR and the STTR programs which they have provided to my committee over the years.

Today, the Federal Government spends approximately $2.3 billion on phase I and phase II awards for the SBIR and the STTR programs, with $2.2 billion spent through the SBIR awards to small businesses. The Department of Defense is the major participant in this program, accounting for approximately $1.1 billion in SBIR spending and approximately $50 million in STTR spending. These funds provide a substantial stimulus to the American innovation system, and it is the task of this Congress to ensure that these funds are wisely spent. A key part of this effort is strengthening the existing science and research requirements for the small business research and development programs. This amendment directs the Department of Defense to base its SBIR and STTR research and development priorities on the Department's most current Joint Warfighting Science and Technology Plan, the Defense Technology Area Plan and the Basic Research Plan and to solicit input from program management officials.

In addition to the phase I and phase II awards, the Department of Defense awarded over $456 million in phase III contracts in fiscal year 2004. But the need for innovative technologies in our defense procurement is far greater. The SBIR and the STTR authorities enable contracting officers to quickly buy high-tech products and services for our warfighters. Unfortunately, the commercialization rate from research and development to product acquisition has been hampered by poor commercialization planning and increasing SBIR program administration costs. Since 1998, Congress and the Department of Defense have sought to increase commercialization but without much progress. To address this problem, my amendment authorizes a Commercialization Pilot Program at the Department of Defense and component military departments. Under this program, the Secretary of Defense and the military Secretaries would be required to identify SBIR programs with potential for accelerated transition into the acquisition process. The amendment authorizes the use of one percent of SBIR phase I and phase II funds for administrative expenses of this pilot. Congress will be kept abreast of this pilot through detailed evaluative reports.

As cochair of the Senate Task Force on Manufacturing, I have been concerned about the deteriorating manufacturing base of our Nation and especially the impact of this trend on the defense industrial base. To stem this decline, President George W. Bush signed Executive Order 13329, Encouraging Innovation in Manufacturing, in February 2004. This order directs Federal agencies which participate in the Small Business Innovation Research Program and the Small Business Technology Transfer Program to give "high priority" to manufacturing-related research and development projects to the extent permitted by law. The amendment incorporates this Executive order into law and directs the Small Business Administration and all other relevant agencies to fully implement its tenets.

Finally, the amendment will expand the ability of Federal agencies and prime contractors to use phase II and phase III awards under SBIR and STTR for testing and evaluation of innovative technologies developed by small businesses for use in technical or weapons systems. Insertion of SBIR or STTR technologies into large, integrated systems is often not possible without significant testing efforts. By clarifying that either phase II or phase III may be used for these purposes, the amendment will provide additional incentives to agency program managers and to large systems integrators to commercialize the fruits of the SBIR and the STTR research.

Our Nation's small businesses are also our Nation's innovators. They secure approximately 13 times more patents than large businesses. I urge this Congress to support in conference my measure for keeping America secure in war and in competitive internationally.

ANTI-SEMITIC STATEMENTS BY THE PRESIDENT OF IRAN

Mr. SMITH. Mr. President, I rise today to register my outrage against a series of vehemently anti-Semitic comments made by Iranian President Mahmoud Ahmadinejad. These remarks, all of them vile and baseless, should be condemned by the Senate. Let me describe some of these remarks for the RECORD.

At a conference in Tehran on October 26, President Ahmadinejad said, "Israel must be wiped off the map . . . The Islamic world will not let its historic enemy live in its heartland."

Then, on December 8, he continued his assault, saying "Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces . . . Although we don't accept this claim . . . If the Europeans are honest they should give some of their provinces in Europe—like in Germany, Austria or other countries—to the Zionists and the Zionists can establish their state in Europe."

And, just yesterday, President Ahmadinejad claimed that "They have fabricated a legend under the name 'Massacre of the Jews', and they hold it higher than God himself, religion itself and the prophets themselves"

Mr. President, I do not even know where to begin. Insidious rhetoric such as this is designed to do nothing other than stir hatred and incite hostility.

I have walked the grounds at Auschwitz. I have seen the crematoria. To claim that one of the greatest tragedies in the history of humanity is merely a fabrication to advance a political agenda is simply beyond the pale. But what is worse is that these comments are not isolated. They are a part of persistent, state-sponsored anti-Semitism that is now commonplace in the administration of President Ahmadinejad.

On the eve of the elections in Iraq, one of the greatest democratic milestones in the history of the modern Middle East, I hope that we can work to move past this gross intolerance on the part of the Iranian President.

FREE GUN LOCKS FROM PROJECT CHILDSAFE

Mr. LEVIN. Mr. President, tragedies involving children and guns continue to repeat themselves with alarming frequency around the country. According to local police, at least five Detroit children have been accidentally shot and killed this year alone. Just last week a three year old boy in Detroit nearly lost his life when he accidentally shot himself in the chest with his father's gun.

Following that shooting, Detroit police spokesman James Tate said, "It appears this could have been prevented if a gun lock was on and the gun was secured. It's unfortunate that we end up responding to these types of scenes when there are free gun locks readily available around the city."

One source of free gun locks is Project ChildSafe, the Nation's largest firearm safety education program. This program has provided more than 35 million "firearm safety kits" to gun owners around the country, including more than 517,500 in Michigan this year. Each firearm safety kit includes a free gun lock and materials to educate firearms owners about safe gun storage practices.

Free gun locks from Project ChildSafe are available year round through many local police departments. According to Project ChildSafe, if a local law enforcement agency does not have safety kits available for residents who request them, that agency may contact their governor's office to receive a supply. In addition, Project ChildSafe representatives attend a number of major public events including State fairs, sportsmen's festivals, and community safety days to distribute firearm safety kits. More information on safe gun storage practices and how to acquire a free gun lock can be found on the Project ChildSafe website at www.projectchildsafe.org.

The Project ChildSafe website also includes information concerning a number of safe gun storage practices to reduce the risk of unintentional shooting. In addition to using a gun lock, Project ChildSafe suggests locking up ammunition in a location separate from the firearm. Statistics show this additional precaution can have a dramatic impact on the risk of unintentional shooting. A study published earlier this year in the Journal of the American Medical Association found that the risk of unintentional shooting or suicide by minors using a gun is reduced by as much as 61 percent when ammunition in the home is locked up. Simply storing ammunition separately from the gun reduces such occurrences by more than 50 percent.

Common sense alone tells us that safe firearms storage practices, including the use of gun locks, reduces the risk of accidental shootings. I hope that firearms owners in Michigan and around the country join those who have already chosen to take advantage of the free gun locks and educational materials provided by Project ChildSafe so that fewer children are killed and seriously injured in accidental shootings.

ELECTIONS IN IRAQ

Mr. KENNEDY. Mr. President, all Americans are inspired by the way the Iraqi people once again demonstrated their courage, dedication, and resilience by going to the polls to place their future—and the future of their country—squarely on the side of democracy.

Every American salutes our men and women in uniform who are serving so ably under enormously difficult circumstances, and whose dedication and sacrifice have made today's elections possible. More han 2,100 of America's finest soldiers have made the ultimate sacrifice in Iraq and we owe them and their loved ones an immense debt of gratitude. We all hope that successful elections will give the Iraqi people new confidence that a brighter future lies ahead.

Successful elections can and should be the turning point we've been waiting so long for, when our troops can begin to come home. As our Ambassador to Iraq, Zalmay Khalizad, said today, because the training of the Iraqi security forces is proceeding, "some draw down can begin in the aftermath of the elections."

An open-ended commitment of America's military forces does not serve America's interest and it does not serve Iraq's interest either. If America want a new Iraqi government to succeed, we need to let Iraqis take responsibility for their own future.

MONTREAL CLIMATE CHANGE NEGOTIATIONS

Mr. JEFFORDS. Mr. President, one of the most important issues facing mankind is the problem of human-induced climate change. The broad consensus within the scientific community is that global warming has begun, is largely the result of human activity, and is accelerating.

Global warming will result in more extreme weather, increased flooding and drought, disruption of agricultural and water systems, threats to human health and loss of sensitive species and ecosystems. We must take action now to minimize these effects, for the sake of our children, our grandchildren, and future generations.

Over the last 2 weeks, 189 countries met in Montreal to discuss the important issue of global climate change. These countries met in a spirit of cooperation and in hopes of agreeing on the next steps for reducing harmful emissions of greenhouse gases. These countries, including the United States, have all already agreed, under the United Nations Framework Convention on Climate Change, to take steps to "prevent dangerous anthropogenic interference with the climate system." These past 2 weeks were a test of their resolve.

Unfortunately the United States, led by the Bush administration delegation, attempted to slow, stall, and block the progress of these talks. This is unconscionable, given that the United States is the largest single emitter of greenhouse gases. Fortunately the U.S. negotiators' efforts were not completely successful, and an agreement was reached to have additional talks commencing next year. Although that is a small step and not nearly enough, it is vastly preferable to the outcome this administration wanted, which amounts to no action at all.

In advance of the Montreal meetings, I joined with 23 other Senators in sending a letter to President Bush, reminding the administration of its legal obligation to participate in the Montreal talks. Unfortunately, but perhaps not surprisingly, the administration disregarded this obligation.

A decision to block further discussions on missions reduction commitments cannot be viewed as consistent with the obligations of the United States under the treaty.

While the U.S. has refused to ratify the Kyoto Protocol despite the fact that 157 nations have become parties, actions to block those countries from moving forward with additional commitments under that Protocol is also inconsistent with the U.S. Framework Treaty obligations.

In our letter to the President, we noted that just this year the Senate, by a vote of 53-44, approved a resolution calling for mandatory limits on greenhouse gases within the United States. We wrote this letter and distributed it to interested parties at the negotiations to ensure that other countries understand that not everyone in the United States agrees with the Bush plan for prolonged inaction.

To this end, members of my staff traveled to Montreal and met with representatives and negotiators from other countries. They also met with public interest groups, business groups, and others interested in taking positive action on climate change. They witnessed firsthand how the Bush administration worked very hard to dissuade other countries from agreeing to even discuss further commitments. This is not the position that our Nation should be taking. We should be leading the way on climate change, not burying our head in the sand.

From the outset, even before they left Washington, the administration's delegation insisted that any discussion of future commitments was "a nonstarter" and that any discussion about future commitments prior to 2012, which marks the end of the first set of Kyoto commitments, was premature. They continued at the conference to make this point to all parties. And when the rest of the world decided to engage in actual negotiations about discussions of further commitments under both the Framework Convention and the Kyoto Protocol, the U.S. stated bluntly that such discussions were unacceptable and pointedly walked away from the negotiating table.

The good news is that the rest of the world stayed at that table and talked throughout the night and into the next morning, reaching agreement on a set of decisions for further discussions. And when those decisions were brought into the light of day, and it became apparent that the United States would have to state its opposition publicly, before all 189 countries, the U.S. was forced to agree to return to the negotiating table and to allow talks to continue next year.

This means that 157 countries have agreed to discuss additional commitments under the Kyoto Protocol, even without the U.S. as a party, and that 189 countries, including the U.S., have agreed to look at the issue of further steps under the Framework Convention. Despite arguments to the contrary, cooperative international agreements to reduce greenhouse gas emissions remain a reality, and slow, but significant, progress is taking place to strengthen those commitments.

The overwhelming majority of Americans support taking some form of action on climate change. A recent poll by the Program on International Policy Attitudes, sponsored by the Center for International and Security Studies at the University of Maryland, found that 86 percent of Americans think that President Bush should act to limit greenhouse gases in the U.S. if the G8 countries are willing to act to reduce such gases. All the G8 countries except the U.S. are signatories to the Kyoto treaty and therefore have already committed to such action.

In addition, the study found that 73 percent of Americans believe that the U.S. should participate in the Kyoto treaty. Finally, the study found that 83 percent of Americans favor "legislation requiring large companies to reduce greenhouse gas emissions to 2000 levels by 2010 and to 1990 levels by 2020." Thus, in one way or another, more than 80 percent of Americans favor taking real action on climate change. The current administration is completely out of step with the American public on this issue.

States, regions and even localities are taking on climate change related commitments. Nine Northeastern and Mid-Atlantic States are working together through the Regional Greenhouse Gas Initiative, RGGI, to develop a cap-and-trade system for carbon dioxide, CO_2, emissions from power plants. On June 1, 2005, California Governor Arnold Schwarzenegger signed an executive order setting greenhouse gas emissions targets for the State. The order directs State officials to develop plans that would reduce California's greenhouse gas emissions to 2000 emissions levels by 2010 and 1990 levels by 2020. The U.S. Conference of Mayors adopted an agreement, sponsored by Seattle Mayor Greg Nickels, to reduce greenhouse gas emissions to levels that mirror the Kyoto Protocol limits. California has also adopted a greenhouse gas emission standard for automobiles, and a number of States, including Vermont, have followed suit and adopted the same standards. These actions confirm that there is widespread political desire and motivation to take action within the United States to reduce greenhouse gas emissions.

I have sponsored legislation to reduce greenhouse gas emissions from powerplants, which are a large source of carbon dioxide, a principal greenhouse gas. My bill, S. 150, the Clean Power Act, would reduce greenhouse gas emissions to 1990 levels by 2010. This would be a very important first step by the United States towards combating global warming that would show the rest of the world that we are serious about doing our part. Congress needs to act to provide a mandate and undisputed authority to this and future administration negotiators.

I am both discouraged and heartened by the outcome of the talks in Montreal. Those of us who care about stopping climate change did everything we could to help aid these talks, and despite the Bush administration resistance, the international dialogue on climate change will continue.

But a dialogue is not nearly enough, and the consequences of additional delay are dire. The U.S. has been and remains the largest emitter of greenhouse gases. It has a responsibility to its own people and to the people of the world to be a leader on this issue. Thus far, it has been anything but a leader and these talks highlighted that fact.

I look forward to the day when I can once again be proud of the United States role in these talks, when we can enter these negotiations having done our part. I believe that is what we agreed to in 1992, when the Senate ratified the climate treaty and it is high time we live up to our obligation.

ANWR

Mr. FEINGOLD. Mr. President, over the past year, and on more occasions than I'd like to remember, I have talked about the abuse of process that proponents of drilling in the Arctic Refuge have resorted to in their attempts to pass an unpopular and misguided measure. Sadly, the Senate faces the very same issue today. Let me unequivocally state that talk of attaching an extraneous and obviously controversial provision regarding the Arctic National Wildlife Refuge to the Department of Defense appropriations conference report—a provision that was not included in either the House or Senate version of the bill—is flat out irresponsible and should be rejected.

This last-ditch effort to attach the Arctic Refuge drilling provision to the Department of Defense appropriations bill—or any other bill that is a "must pass" before we adjourn for the year—really reflects poorly on this body. And, what does it mean for greater mischief down the line? That whenever we can't move an unpopular proposal through the regular legislative process, there's no need to worry: you just attach it to an important funding bill? Is this the precedent that we, members of both parties, want to set? I sincerely hope not.

Let me be very clear: I would prefer to be talking about setting a new path for our country's energy policy—a path that reduces our use of fossil fuels while favoring renewable sources of energy. Unfortunately, some of my colleagues are dead set on looking to the past, instead of to the future, for our sources of energy and are even willing to go so far as to use the bill that funds our men and women in uniform as a vehicle for their controversial measure. I am deeply disappointed by this latest move.

I strongly urge any of my colleagues who are currently trying to add language to the Defense appropriations bill, or any other bill we need to consider in the coming days, that would open up the Arctic Refuge to oil and gas development, to reconsider those efforts. Continuing down that path, the path of circumventing established legislative processes to move measures that can't pass on their own merits, is an irresponsible abuse of the rules under which we operate that should be rejected out of hand.

DR. CYNTHIA MAUNG

Mr. OBAMA. Mr. President, I rise today to call attention to the heroic efforts of Dr. Cynthia Maung and her Mae Tao clinic to provide hope on the border of Thailand and Burma. Dr. Maung, herself a Burmese refugee, has dedicated her life to helping those fleeing political and economic turmoil in Burma. Few Burmese refugees are granted official refugee status in Thailand, making it almost impossible to obtain healthcare, employment or education.

On the outskirts of the town of Mae Sot, Dr. Maung started a makeshift facility to treat her malaria stricken fellow refugees as they began crossing by the thousands into Thailand, following the Burmese junta's brutal crackdown on the democracy movement in 1988. Mae Tao is now a thriving clinic treating around 70,000 people a year. From providing maternity care and family planning to treating infectious diseases and fitting landmine victims with prosthetics, the Mae Tao clinic represents hope, safety and a brighter future for some of the most vulnerable people in the world. This is a mission we should do everything we can to support.

Dr. Maung's tireless efforts have not stopped with the Burmese refugee population in Thailand, as she trains medical teams to deliver health services to remote villages in Burma. Unable to return to her homeland, Dr. Maung continues to be a fearless advocate for democracy and justice for the people of Burma—on both sides of the border.

We can and must do more to support this courageous woman, and her work to ensure that the refugee population in Thailand is granted basic rights, including healthcare and education, for all.

ADDITIONAL STATEMENTS

A NEWSPAPER FAMILY FOR 30 YEARS

• Mr. CRAPO. Mr. President, keeping a community connected and informed is one of the most important functions of a local paper. In Cottonwood, ID, this job has been attended to with care and expertise by Pat Wherry and her late husband Bob for the past 30 years. In 1975, Pat and Bob took the helm of the Cottonwood Chronicle and Bob, until his death, and Pat have been serving the community of Cottonwood through their hard work and diligence ever since. Their two sons are involved in the businesses as well, each currently holding positions as editors, one at the Chronicle and the other at the Lewis County Herald. Bob passed away in 1996, but Pat has stayed with the paper, working hours that as many involved in small papers know far exceed 40 hours per week.

The Cottonwood Chronicle is one of the oldest papers in Idaho, first wearing the banner of the "Cottonwood Reporter" in 1892. It has been the Cottonwood Chronicle since around 1910. At one time, the Wherry family also owned both the Valley News in Meridian and the Lewis County Herald in Nez Perce, but later sold the Valley News. They have devoted their time, resources and energy to keeping the people in these communities educated and involved. Editors of small papers especially serve many functions—they are the source of news and schedules of events. They are the keepers of community opinion and concerns. Pat especially is a strong and proud advocate for Cottonwood and I always appreciate her information she shares about the exciting things happening in this growing community. I congratulate Pat and her sons Greg and Steve and wish them well as they continue in their good work.•

APPRECIATION FOR THE WORK OF LYNN ROSENTHAL

• Mr. CRAPO. Mr. President, today I recognize outgoing executive director of the National Network to End Domestic Violence, Lynn Rosenthal. Lynn began at NNEDV in 2000, when I had the wonderful opportunity to become acquainted with her. Since that time, she has worked tirelessly on behalf of victims of domestic violence nationwide. In the course of the past 5 years, she has educated me and other Members of Congress about the high incidence and terrible consequences of domestic violence in the United States and has been instrumental in my becoming ever-increasingly involved in advocating for victims of this terrible crime.

Lynn began her work in her home State of Florida where her leadership and character earned her the Florida Governor's Peace at Home Award. After working in domestic violence advocacy on a regional level, she went on to become the director of the Florida Coalition Against Domestic Violence before serving as the executive director of NNEDV.

Lynn has devoted her life to advocating for safe and nurturing communities and promoting equality. With dignity, poise, and energetic conviction, as executive director of NNEDV, Lynn has been an invaluable voice of education on domestic violence issues for Members of Congress. She speaks for those who cannot speak for themselves, those imprisoned in their homes, victims of cruelty with no way out and no hope. Her work on the Violence Against Women Act has kept it a powerful policy tool to address the injustices that so many women, children, and men face in their own homes. I am honored to have had the opportunity to work with such an incredible woman, and I wish her the very best as she goes to work on economic justice issues back in Florida.•

CONGRATULATING GRAND VALLEY STATE UNIVERSITY ON DIVISION II NATIONAL CHAMPIONSHIP

• Mr. LEVIN. Mr. President, it gives me great pride to congratulate the Grand Valley State University football team on winning the Division II National Championship. This is the Lakers' third championship in the past 4 years, and it crowns a perfect 13-to-0 season. I particularly salute the Lakers' coach, Chuck Martin, who is in his second season with the team.

The Lakers' championship victory came in a game that was thrilling to the end. After finishing the first half down 14-to-7, the Lakers fought back against Northwest Missouri State. A stunning 82-yard scoring drive in the fourth quarter gave the Lakers their first lead of the game with just over 4 minutes left to play. Northwest Missouri mounted an impressive drive of its own, but the Lakers' defense stopped the Bearcats at the 4-yard line as time expired. In this stirring finish, the Lakers showed the skill and poise of true national champions.

Grand Valley is now one of only three schools, including North Dakota State and North Alabama, that have won three or more Division II National Championships in football. And the seniors on the Laker team have tied the NCAA record for the most wins in a 4-year period.

Winning is becoming a tradition at Grand Valley. The volleyball team recently won the Division II championship. The water polo team won a national club title in November. And Mandi Long-Zemba recently won the Division II individual cross-country title as the cross-country team placed second overall.

Congratulations to all of the magnificent athletes at Grand Valley State University on a tremendous year, and best of luck for continued success. Go Lakers.•

TRIBUTE TO CARMEN McCORMICK

• Mrs. LINCOLN. Mr. President, I rise today to honor the life of Carmen McCormick. She was a brave young woman, beloved by her family and friends, who dedicated her life to the nation she loved through honorable service in the U.S. Navy.

Gunner's Mate First Class McCormick enlisted in the Navy in April of 1999 and completed her basic training at the Recruit Training Command in Great Lakes, IL. Upon completion of basic training, she attended Gunner's Mate "A" school, and later continued her technical training at the Naval Training Center in San Diego. Ultimately, her duty led her to the Mayport Naval Station in Jacksonville, FL.

To those who served beside her, McCormick was a tremendous asset as a talented technician and recognized expert in all aspects of ordnance handling, but she was also a trusted leader and a friend whom they came to know and love.

Tragically, she was involved in a serious automobile accident on the night of November 11, 2005. Her shipmates joined her at the hospital shortly after the accident and later joined her family in a constant vigil by her bedside, and throughout the hospital, until the moment she passed away on November 13. She would have been 26 years old next month.

Although Carmen may no longer be with us, I pray that her friends and family have found some sense of solace knowing that she was not alone at the end of her life's journey but was surrounded by loved ones who sought to comfort her with their presence and their prayers. I would like to share the family's appreciation for the U.S. Navy officials who helped everyone through the difficult issues that arose from Carmen's end-of-life care. She had devoted herself to service and looked forward to a promising career in the Navy, and in her final moments they did everything they could to ensure she was treated with the honor and respect she deserved.

Of particular assistance and comfort to the family were Carmen's commanding officer, LCDR Tim Sullivan, as well as Senior Chief Joseph Adamo, LT Tim Johnson, CAPT Charles King, and ADM Annette Brown. Their compassion and understanding made a tragic situation a little more bearable.

My thoughts and prayers go out to the friends and family of Carmen McCormick, particularly her parents, Michael Flanigan and Leslie Santa Maria. Although her time with us was far too short, her spirit and her love will remain in our hearts forever.•

CONTRIBUTIONS OF THE SAN LUIS VALLEY

• Mr. SALAZAR. Mr. President, I today recognize the extraordinary contributions of the San Luis Valley, in my home State of Colorado, to our national heritage and to the history of the West.

As a native son of the San Luis Valley, I know how hard the peoples of the region have fought to protect their traditions, their language, their art and architecture, and the stories of their ancestors. They have fought to protect treasured ranchlands, sand dunes, waterways, and mountain peaks. And they have fought to protect a rural way of life that cherishes family, faith, and hard work.

To support the stewardship efforts of the valley's peoples, and to ensure that the national treasures of the region are preserved for generations to come, I have introduced legislation to create the Sangre de Cristo National Heritage Area in the San Luis Valley.

This legislation will direct the National Park Service to assist citizens, organizations, and local governments in Alamosa, Costilla, and Conejos Counties in developing a management plan to guide the continued stewardship of the region's cultural and natural resources. Though this bill provides local communities assistance from the Federal Government, I am proud that the National Heritage Area Program rewards a consensual, locally driven approach to management rather than a top-down, federally dominated approach.

This bill provides economic assistance to a region that has paid an economic price for preserving its rural way of life. The towns of San Luis and Antonito, among the oldest settlements in Colorado, have successfully preserved their moradas, placitas, historic churches, religious celebrations, and historic festivals, yet the counties they are in, Conejos and Costilla, are two of the four poorest in America. This bill helps these communities leverage their cultural capital to spur economic development by providing up to $10 million to rebuild historic structures, develop interpretive exhibits, and attract tourism.

The cultural and historic value of the Sangre de Cristo National Heritage Area is immeasurable. Since people first settled in the San Luis Valley over 11,000 years ago, the region has been home to Ute, Navajo, Tiwa, Tewa, Kiowa, Hispano, and Anglo peoples, among others. The cultures, lifestyles, and cosmologies of the valley's settlers have converged, conflicted, and coalesced through the centuries, and have left an unmistakable imprint on the peoples who inhabit the Valley today. The region was dubbed "The Land of the Blue Sky People" in honor of the Utes, the oldest continuous residents of what is now Colorado, and is the home of Mount Blanca or Sisnaajini, the sacred mountain that, according to folklore, marks the eastern boundary of the Navajo world. Seventeenth century Spanish, still spoken by about 35 percent of the population of the Sangre de Cristo region, testifies to the strong influence of Hispano settlers, while the narrow gauge rails of the Rio Grande Railroad recall America's era of westward expansion.

In addition to its remarkable historical landmarks and cultural treasures, the San Luis Valley's natural wonders attract visitors from around the world. The valley is home to 3 National Wildlife Refuges, 15 State Wildlife Refuges, a National Forest, 2 National Forest Wilderness Areas, and the Great Sand Dunes National Park and Preserve. These public lands, and thousands of acres of private lands in between, are home to a rich array of plants and animals, from the pika of the alpine tundra to the pronghorn of the prairie and the sandhill cranes among the dunes.

This legislation will help protect these crown jewels of the American landscape by supporting a local, consensus-based approach to land management. Because the best management policies come through cooperation, not coercion, this bill maintains strong protections for private property owners. The Federal funds in this bill cannot be used to purchase private property and the management plan cannot restrict the rights of property owners on their own lands.

For generations the peoples of the San Luis Valley have worked hard to be good stewards of their land and water. They have worked hard to preserve their culture and a rural way of life. And they have worked hard to create this National Heritage Area.

They are looking for our help now to protect a place so central to Colorado peoples, so emblematic of the Western landscape, and so much at the core of the American experience.

Let us honor the contributions of the San Luis Valley to our Nation's heritage by designating the Sangre de Cristo National Heritage Area.●

U.S. MILITARY PERSONNEL SERVING IN IRAQ

● Mr. SANTORUM. Mr. President, today is a historic day for the people of Iraq as they go to the polls to freely elect a permanent 275-member Iraqi National Assembly. It is important to remember that these elections in Iraq would not have been possible without the bravery and sacrifice of the U.S. Armed Forces who have served and are currently serving in Iraq helping to provide the Iraqi people with the freedom and democracy that they deserve.

Our service members who are serving in Iraq are promoting democracy, restoring and repairing public services, working to prevent terror attack, and destroying the insurgency in a country that hasn't known freedom in decades.

As we focus on the meaning of Thursday's election in Iraq, it is important to realize the extraordinary bravery exhibited by our service members.

One unit in particular, the 4th Civil Affairs Group, CAG, U.S. Marine Corps Reserve, based in Washington, DC was deployed to Iraq during the January 30, 2005 elections of a temporary Iraqi National Assembly. These marines, many of whom are from my State of Pennsylvania, helped to promote democracy, restore and repair public services to the Iraqi people, and prevent terror attacks by insurgents. This particular unit played an active role in the election day operations in January by setting up polling locations and participating in security patrols to protect voters and voting sites and was an integral part in the United States' battle for Fallujah. Also during its deployment, the 4th CAG worked to install new electricity transformers in the Iraqi city of Ramadi, the capital city of the al Anbar Province, also known as one of the most dangerous cities in Iraq. And I would be remiss if I failed to mention that the deputy commander of this unit of brave marines was William Reynolds, now proudly serving as Senator Specter's chief of staff.

One marine in particular from that unit, CPL William Cahir, has written about his experiences in Iraq. Corporal Cahir, originally from State College PA, was a journalist before September 11, 2001. After seeing the horrific terrorist attacks that occurred in our country on that day, Bill Cahir felt compelled to serve our country and joined the Marine Corps. As part of the 4th CAG of the Marine Corps Reserve, Corporal Cahir was deployed to Iraq.

During his deployment to Iraq, Corporal Cahir, along with other members of the 4th CAG, helped to establish a Civil Military Operations Center in Ramadi. On election day in January in Iraq, Corporal Cahir and the 4th CAG were responsible for protecting a polling site in Ramadi.

Having returned from his deployment to Iraq, Corporal Cahir has since returned to his civilian job. As a journalist, Bill Cahir covers a multitude of stories but has since focused many of those stories on his own personal experiences in Iraq and the experiences of other service members.

In one article he wrote for The Express-Times, a newspaper from Easton, PA, Mr. Cahir told the story of two service members—COL James T. Anthony, a marine reservist from Nazareth, PA, and LTC Stanley B. Smith, Jr., an Army officer with the Army's 98th Division, Institutional Training. Both service members were on their way to Camp Taji in Baghdad to begin their deployments to Iraq.

In his article, Bill Cahir documented the sentiments of these two service members during their deployments. Colonel Anthony had recounted his observations of the training of Iraqi soldiers. "U.S. Marines, soldiers and sailors, along with their commanders, 'did a fantastic job really pushing the ball forward when it comes to training Iraqi security forces, not just in terms of numbers but in terms of efficiency and effectiveness.'"

Lieutenant Colonel Smith also recounted his experiences in Iraq when he said, "I am able to feel a sense of pride in accomplishment here in seeing real results in the form of construction that has been completed as planned and Iraqi units operating with installations that contribute to mission readiness."

Mr. President, these stories from our soldiers are just a few more examples of the success in Iraq that our troops are contributing to. Each and every one of our service members has contributed to the promotion of democracy, the security, and the rebuilding of Iraq.

I applaud the marines of the 4th Civil Affairs Group and all of the service members who are serving or who have served our Nation in Iraq. The bravery that they have displayed and the progress they have made in Iraq is remarkable, and it needs to be told.●

AIMEE'S LAW

● Mr. SANTORUM. Mr. President, H.R. 3402, the Department of Justice Appropriations Authorization Act, includes "technical changes" to legislation known as "Aimee's Law." I am dismayed that the Department of Justice has waited until now to take the adequate steps to implement this legislation. I sponsored this legislation in the Senate, which was signed into law by President Clinton in October 2000. The law was to be implemented in 2002. I believe that 3 years is more than adequate time to implement this critical protection for my constituents.

Aimee's Law is named after Aimee Willard, a college senior from suburban Philadelphia who was brutally raped and murdered by a convicted murderer who was released early in Nevada and crossed State lines to kill again in Pennsylvania. Aimee's mother, Gail, became a tireless advocate to prevent such unnecessary tragedies from happening to other families, culminating in the passage of Aimee's Law in the U.S. Senate by an 81-to-17 margin and its final inclusion in H.R. 3244, the Victims of Trafficking and Violence Protection Act conference report, which also included the Violence Against Women Act Reauthorization, Pub. L. 106-386. Aimee's Law is narrowly tailored to address the heinous crimes of murder, rape, and child molestation.

The law is designed to protect the residents of one State from the negligence of another State. The law assists States which recognize that the primary responsibility of State and local governments is to maintain public safety. Sexual predators have the highest rate of recidivism of any category of violent crime. The law simply provides that States where a subsequent similar violent crime occurs because of an early release will be reimbursed for the prosecution and incarceration costs through a reduction of future Federal funds from the allocation of the State where the original violent crime and conviction occurred.

I wish to state for the record that I will not object to the "technical changes" of Aimee's Law in H.R. 3402 as the Department of Justice assures me that the law will be implemented within six months. While I think that it is unacceptable that it has taken this long to take the appropriate steps to implement this law, I am hopeful that Aimee's Law will finally and effectively be implemented in the very near future so other families do not suffer the same fate as the Williards.•

TRIBUTE TO DICK FORD

• Mr. TALENT. Mr. Present, today I rise to honor the accomplishments of Dick Ford, one of the most respected broadcast journalists in the St. Louis area. After more than 50 years of media service around the country, Mr. Ford will be retiring today, December 15, 2005. He will be greatly missed by viewers in the St. Louis area and in the field of journalism as a whole.

After receiving a bachelor of science degree in political science from the University of Pittsburgh and serving on active duty aboard an aircraft carrier in the Mediterranean, Dick began his professional career in 1951 and went on to work in a number of States as a reporter, news director, and anchor.

After having established himself as a prominent journalist, Mr. Ford came to the St. Louis area where he began working at KSDK-TV. In July 1992, he joined KTVI Fox 2, from which he will retire.

In his distinguished career, Mr. Ford has been honored with the prestigious Emmy Award, among other recognitions of his journalistic talent and integrity.

The many hallmarks of his career include a training mission in an F–4 Phantom jet, live reports from Rome when Sister Philippine Duchesne was canonized, reports on a nuclear submarine and from the flight deck of an aircraft carrier and travels to Saudi Arabia to report on Desert Storm.

In addition to his passion for journalism, Dick Ford is a committed father and husband. He is also passionate about the community of St. Louis. Mr. Ford currently works with the USO and the St. Patrick's Day Parade Committee, among other St. Louis area organizations.

In his work, both as a journalist and a community leader, Dick has won the respect of his colleagues and viewers alike. I have appreciated very much Dick's dedication and professionalism. He sought more than just the story—he wanted to get the story right. In his interviews with me, he never hesitated to ask the tough questions, but he was always fair about it.

Dick, congratulations on your many contributions to the great State of Missouri and your tremendously successful career.•

TRIBUTE TO TERRY R. LITTLE

• Mr. WARNER. Mr. President, I come to the floor today to recognize the service of an outstanding leader and public servant. After more than 38 years of combined military and civil service, Mr. Terry R. Little will soon retire from the Department of Defense, DOD, and move into private life.

Mr. Little is one of the most seasoned weapons acquisition program managers in the DOD. He has over 24 years of program management leadership in seven major weapon acquisition programs including two highly classified missile programs, the AIM–9X Short Range Air-to-Air Missile, the Joint Direct Attack Munition, the Small Diameter Bomb, the Joint Air-to-Surface Stand-off Missile, and the Kinetic Energy Interceptor Program. Each of these weapon systems has delivered, or promises to provide, unparalleled advancements in capability at affordable costs for the defense of our Nation. His creative ingenuity, tenacious organizational drive, and superior personal leadership directly enabled these advancements.

Mr. Little is currently the Executive Director of the Missile Defense Agency, MDA. In this capacity, he is responsible for acquisition, personnel, and administrative policy. His intellectual commitment for excellence and genuine concern for people have aided immeasurably to the day-to-day operation of the Agency. His professional achievements are numerous, impressive, and reflect his dedication and commitment for achieving the highest standards of professionalism and integrity in the service of the United States.

Terry Little has devoted his adult life to improving the DOD acquisition process. He has inspired teamwork and efficiency in many venues, and he has trained the next generation of acquisition managers to continue his legacy. For these and his many other contributions, Americans owe Mr. Little a debt of gratitude for a lifetime of selfless service and for his profound contributions to our Nation and our security. Those of us in the Senate will miss his leadership and contributions. We wish him and his family all the best in the years ahead.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE EXPORT OF ACCELEROMETERS TO THE PEOPLE'S REPUBLIC OF CHINA'S MINISTRY OF RAILWAYS—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify that the export of 36 accelerometers to the People's Republic of China's Ministry of Railways, for use in a railroad track geometry measuring system, is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 14, 2005.*

MESSAGES FROM THE HOUSE

At 9:02 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. YOUNG of Florida, Mr. HOBSON, Mr. BONILLA, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. KINGSTON, Ms. GRANGER, Mr. WALSH, Mr. ADERHOLT, Mr. LEWIS of California, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. VISCLOSKY, Mr. MORAN of Virginia, Ms. KAPTUR, Mr. EDWARDS, and Mr. OBEY.

At 11:46 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 972. An act to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes.

H.R. 2892. An act to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

H.R. 3508. An act to authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

H.R. 4436. An act to provide certain authorities for the Department of State, and for other purposes.

H.R. 4473. An act to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

H.R. 4508. An act to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

H.J. Res. 38. Joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

The message also announced that the House has passed the following bill, without amendment:

S. 335. An act to reauthorize the Congressional Award Act.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 238. Concurrent resolution honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979.

H. Con. Res. 252. Concurrent resolution expressing the sense of Congress that the Government of the United States should support democracy, the rule of law, and human rights in the Republic of Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish the requisite conditions for free, fair, transparent, and inclusive presidential and legislative elections in 2006.

ENROLLED BILLS SIGNED

At 4:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 335. An act to reauthorize the Congressional Award Act.

H.R. 327. An act to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2892. An act to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 15, 2005, she had presented to the President of the United States the following enrolled bill:

S. 1047. An act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4833. A communication from the Principal Deputy Associate Administrator, Federal Energy Regulatory Commission, transmitting pursuant to law, the report of a rule entitled "Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005" received on December 2, 2005; to the Committee on Energy and Natural Resources.

EC–4834. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005" received on December 12, 2005; to the Committee on Energy and Natural Resources.

EC–4835. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation to amend Act of August 21, 1935 to extend the authorization for the National Park System Advisory Board and for other purposes; to the Committee on Energy and Natural Resources.

EC–4836. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report entitled "Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005"; to the Committee on Energy and Natural Resources.

EC–4837. A communication from the Chief, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Medical: Advance Health Care Planning" (RIN2900–AJ28) received on December 8, 2005; to the Committee on Veterans' Affairs.

EC–4838. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Dependency and Idemnity Compensation: Surviving Spouse's Rate; Payments Based on Veteran's Entitlement to Compensation for Service-Connected Disability Rated Totally Disabling for Specified Periods Prior to Death" (RIN2900–AKL86) received on December 8, 2005; to the Committee on Veterans' Affairs.

EC–4839. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Medical Information Regulations (Part 41)" (RIN1557–AC85) received on December 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4840. A communication from the Secretary of the Treasury, transmitting, pursuant to the National Emergencies Act, the periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–4841. A communication from the Secretary of the Treasury, transmitting, pursuant to the National Emergencies Act, a report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–4842. A communication from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Release in the Public Use Database of Certain Mortgage Data and Annual Housing Activities Report Information of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation" (RIN2501–AD09) received on December 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4843. A communication from the Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding Accounting for Sales of Vaccines and Bioterror Countermeasures to the Federal Government for Placement into the Pediatric Vaccine Stockpile or the Strategic National Stockpile" (RIN3235–AJ49) received on December 6, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4844. A communication from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Construction and Safety Standards" (RIN2502–AI12) received on December 6, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4845. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "One-Year Post-Employment Restriction for Senior Examiners" (RIN3064–AC92) received on December 6, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4846. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Medical Information Regulations" (RIN3064–AC81) received on December 6, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4847. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, the Fiscal Year 2004 Report on Acquisitions From Entities That Manufacture Articles, Materials, or Supplies Outside of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–4848. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Flag Smut; Importation of Wheat and Related Products" (Doc. No. 02–058–3) received on December 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4849. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products" (Doc. No. 03–080–8) received on December 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4850. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Whole Cuts of Boneless Beef From Japan" (Doc. No. 05–004–2) received on December 5, 2005 to the Committee on Agriculture, Nutrition, and Forestry.

EC–4851. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fruits and Vegetables" (Doc. No. 03–048–2) received on December 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4852. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing and Sale of Fluid Milk in Schools" received on December 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4853. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program, Reauthorization: Electronic Benefit Transfer and Retail Food Stores Provisions of the Food Stamp Reauthorization Act of 2002"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4854. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetic Acid; Pesticide Tolerance" (FRL7753–4) received on December 12, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4855. A communication from the Administrator, Housing and Community Facilities Programs, Department of Agriculture and Rural Development, transmitting, pursuant to law, the report of a rule entitled "Direct Single Family Housing Loans and Grants" (RIN0575–AC54) received on December 12, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4856. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers" (RIN0580–AA87) received on December 12, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4857. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Section 901(l) Exception for Back to Back Computer Software Licensing Arrangements" (Notice 2005–90) received on December 5, 2005; to the Committee on Finance.

EC–4858. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Relocation Costs" (Rev. Rul. 2005–74) received on December 5, 2005; to the Committee on Finance.

EC–4859. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Timing of Adoption of Plan Amendments as a Result of Section 415" (Notice 2005–87) received on December 5, 2005; to the Committee on Finance.

EC–4860. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Operational Date in Rev. Proc. 2005–23" (Rev. Proc. 2005–76) received on December 5, 2005; to the Committee on Finance.

EC–4861. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Pension Plan, etc., Cost-of-Living Adjustments for 2006" (Notice 2005–75) received on December 5, 2005; to the Committee on Finance.

EC–4862. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Health Savings Account Eligibility During a Cafeteria Plan Grace Period" (Notice 2005–86) received on December 5, 2005; to the Committee on Finance.

EC–4863. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to Withholding Foreign Partnership and Withholding Foreign Trust Agreements" (Rev. Proc. 2005–77) received on December 5, 2005; to the Committee on Finance.

EC–4864. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2006 Annual Covered Compensation Table" (Rev. Rul. 2005–72) received on December 5, 2005; to the Committee on Finance.

EC–4865. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting Relating to Taxable Stock Transactions" ((RIN1545–BF18)(TD9230)) received on December 6, 2005; to the Committee on Finance.

EC–4866. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2006 Standard Mileage Rates" (Rev. Proc. 2005–78) received on December 6, 2005; to the Committee on Finance.

EC–4867. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Timing of Adoption of Plan Amendments on Retroactive Annuity Starting Date" (Notice 2005–95) received on December 6, 2005; to the Committee on Finance.

EC–4868. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sections 101 and 103 of Hurricane Katrina Emergency Relief Statute—Distributions, Loans, Recontributions" (Notice 2005–92) received on December 6, 2005; to the Committee on Finance.

EC–4869. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Passive Foreign Investment Company (PFIC) Purging Elections" ((RIN1545–BD33)(TD9232)) received on December 12, 2005; to the Committee on Finance.

EC–4870. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Passive Foreign Investment Company (PFIC) Purging Elections" ((RIN1545–BC49)(TD9231)) received on December 12, 2005; to the Committee on Finance.

EC–4871. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Public Comments on Possible Changes to Rev. Proc. 2002–9" (Notice 2005–97) received on December 12, 2005; to the Committee on Finance.

EC–4872. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Valuation of Stock-Based Compensation for Purposes of Qualified Cost Sharing Arrangements" (Notice 2005-99) received on December 12, 2005; to the Committee on Finance.

EC–4873. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Suspension of Employer and Payer Reporting and Wage Withholding Requirements with Respect to Deferrals of Compensation under Section 409A for Calendar Year 2005; No Assertion of Penalties Against Service Providers in Certain Circumstances" (Notice 2005–94) received on December 12, 2005; to the Committee on Finance.

EC–4874. A communication from the Assistant Inspector General Communications and Congressional Liaison, Department of Defense, transmitting, pursuant to law, an audit report on the Defense Authorization Act for Fiscal Year 2005; to the Committee on Armed Services.

EC–4875. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report concerning the Space Based Infrared System; to the Committee on Armed Services.

EC–4876. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a General Officer Frocking Request; to the Committee on Armed Services.

EC–4877. A communication from the Executive Director, U.S.-China Commission, transmitting, pursuant to law, a report on the national security implications of the U.S.-China relationship; to the Committee on Armed Services.

EC–4878. A communication from the Under Secretary of State for Political Affairs, transmitting, pursuant to law, a report relating to post-liberation Iraq; to the Committee on Foreign Relations.

EC–4879. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4880. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $1000,000,000 or more to Singapore; to the Committee on Foreign Relations.

EC–4881. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Austria, Canada, France, Switzerland and the United Kingdom; to the Committee on Foreign Relations.

EC–4882. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the United Kingdom and Sweden; to the Committee on Foreign Relations.

EC–4883. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–4884. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to United Kingdom; to the Committee on Foreign Relations.

EC–4885. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Report on the Fiscal Year 2005 Benjamin A. Gilman International Scholarship Program; to the Committee on Foreign Relations.

EC–4886. A communication from the Executive Secretary and Chief of Staff, United States Agency for International Development, transmitting, pursuant to law, the designation of acting officer for the position of Assistant Administrator, Bureau for Europe and Eurasia; to the Committee on Foreign Relations.

EC–4887. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report relative to the Louisiana Coastal Area, Louisiana, Ecosystem Restoration Program; to the Committee on Environment and Public Works.

EC–4888. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report recommending authorization of the Napa River Salt Marsh Restoration Project, California for the purposes of ecosystem restoration and recreation; to the Committee on Environment and Public Works.

EC–4889. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law a report relative to the flood damage reduction project for the Turkey Creek Basin, Kansas and Missouri; to the Committee on Environment and Public Works.

EC–4890. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-ethoxyethanol, 2-ethoxyethanol acetate, 2-methoxyethanol, and 2-methoxyethanol acetate; Significant New Use Rule" (FRL7740–7) received on December 5, 2005; to the Committee on Environment and Public Works.

EC–4891. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey Architectural Coatings Rule" (FRL7999–8) received on December 5, 2005; to the Committee on Environment and Public Works.

EC–4892. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Indiana" (FRL7999–3) received on December 5, 2005; to the Committee on Environment and Public Works.

EC–4893. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; California; Carbon Monoxide Maintenance Plan Update for Ten Planning Areas; Motor Vehicle Emissions Budgets; Technical Correction" (FRL8002–4) received on December 5, 2005; to the Committee on Environment and Public Works.

EC–4894. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; CO; PM10 Designation of Areas for Air Quality Planning Purposes, Lamar; State Implementation Plan Correction" (FRL8004–9) received on December 6, 2005; to the Committee on Environment and Public Works.

EC–4895. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Construction or Modification" (FRL8005–9) received on December 6, 2005; to the Committee on Environment and Public Works.

EC–4896. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines; Technical Amendments to Evaporative Emissions Regulations, Dynamometer Regulations, and Vehicle Labeling" (FRL8004–7) received on December 6, 2005; to the Committee on Environment and Public Works.

EC–4897. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Modification of Federal On-board Diagnostic Regulations for: Light-Duty Vehicles, Light-Duty Trucks, Medium Duty Passenger Vehicles, Complete Heavy Duty Vehicles and Engines Intended for Use in Heavy Duty Vehicles Weighing 14,000 Pounds GVWR or Less" (FRL8005–4) received on December 6, 2005; to the Committee on Environment and Public Works.

EC–4898. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Oklahoma Department of Environmental Quality" (FRL8006–7) received on December 6, 2005; to the Committee on Environment and Public Works.

EC–4899. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Albuquerque-Bernalillo County Air Quality Control Board" (FRL8006–2) received on December 6, 2005; to the Committee on Environment and Public Works.

EC–4900. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline Including Butane Blenders and Attest Engagements" (FRL8006–5) received on December 6, 2005; to the Committee on Environment and Public Works.

EC–4901. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards and Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units" (FRL8005–5) received on December 6, 2005; to the Committee on Environment and Public Works.

EC–4902. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for California Tiger Salamander, Sonoma District Population Segment; Final Rule" (RIN1018–AU23) received on December 6, 2005; to the Committee on Environment and Public Works.

EC–4903. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Memoranda of Understanding between Texas Department of

Transportation and the Texas Commission on Environmental Quality" (FRL8007-5) received on December 12, 2005; to the Committee on Environment and Public Works.

EC-4904. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Exemption of Certain Area Sources from Title V Operating Permit Programs" (FRL8008-5) received on December 12, 2005; to the Committee on Environment and Public Works.

EC-4905. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category" (FRL8007-8) received on December 12, 2005; to the Committee on Environment and Public Works.

EC-4906. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Process for Exempting Critical Uses of Methyl Bromide for the 2005 Supplemental Request" (FRL8007-9) received on December 12, 2005; to the Committee on Environment and Public Works.

EC-4907. A communication from the Deputy Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Inclusion of Alligator Snapping Turtle (Marcroclemys [=Macrochelys] temminckii) and All Species of Map Turtle (Graptemys spp.) in Appendix III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora" (RIN1018-AF69) received on December 12, 2005; to the Committee on Environment and Public Works.

EC-4908. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a status report on the Bureau of Prisons' compliance with the Revitalization Act's privatization requirements; to the Committee on the Judiciary.

EC-4909. A communication from the Assistant Attorney General, Department of Justice, transmitting, a draft of proposed legislation on improving restitution for victims of crimes; to the Committee on the Judiciary.

EC-4910. A communication from the National President, American Gold Star Mothers, transmitting, pursuant to law, the independent auditors report for 2004 and 2005; to the Committee on the Judiciary.

EC-4911. A communication from the Office of General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers: Removal of Addresses From Rules" (RIN1220-AB36) received on December 5, 2005; to the Committee on the Judiciary.

EC-4912. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal" (RIN1220-AB12) received on December 5, 2005; to the Committee on the Judiciary.

EC-4913. A communication from the Office of General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the D.C. Code" (RIN1220-AB13) received on December 5, 2005; to the Committee on the Judiciary.

EC-4914. A communication from the Deputy Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Procedures to Promote Compliance with Crime Victims' Rights Obligations" (RIN1105-AB11) received on December 6, 2005; to the Committee on the Judiciary.

EC-4915. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Santa Rita Hills Viticultural Area Name Abbreviation to Sta. Rita Hills" (RIN1513-AA50) received on December 2, 2005; to the Committee on the Judiciary.

EC-4916. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Texoma Viticultural Area" (RIN1513-AA77) received on December 12, 2005; to the Committee on the Judiciary.

EC-4917. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Ramonal Valley Viticultural Area" (RIN1513-AA94) received on December 12, 2005; to the Committee on the Judiciary.

EC-4918. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Wahluke Slope Viticultural Area" (RIN1513-AB01) received on December 12, 2005; to the Committee on the Judiciary.

EC-4919. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Terrorist Screening Records System" received on December 12, 2005; to the Committee on the Judiciary.

EC-4920. A communication from the Acting Director, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Fees for Testing, Evaluation and Approval of Mining Products" (RIN1219-AB38) received on December 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4921. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on December 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4922. A communication from the Deputy Assistant Secretary for Federal Contract Compliance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans" (RIN1215-AB24) received on December 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4923. A communication from the Administrator, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models and Labor Attestation Requirements for Employers Using Nonimmigrants on H-1B1 Visas in Specialty Occupations; Filing Procedures; Final Rule" (RIN1205-AB39) received on December 12, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4924. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the implementation of the Age Discrimination Act for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution for Fiscal Year 2006." (Rept. No. 109-207).

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 1312. A bill to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes (Rept. No. 109-208).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 572, A bill to amend the Homeland Security Act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security (Rept. No 109-209).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Coast Guard nomination of Capt. Michael R. Seward to be Rear Admiral (Lower Half).

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Mary M. Rose, of North Carolina, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2011.

*George W. Foresman, of Virginia, to be Under Secretary for Preparedness, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN:

S. 2105. A bill to amend the Internal Revenue Code of 1986 to modify the credit for nonbusiness energy property so that the amount of the credit is determined based on the amount of energy savings achieved by the taxpayer; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2106. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2107. A bill to provide additional appropriations for the Low-Income Home Energy Assistance Act of 1981 for fiscal year 2006 and to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for residential energy cost assistance, and for other purposes; to the Committee on Finance.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2108. A bill to ensure general aviation aircraft access to Federal land and to the airspace over Federal land; to the Committee on Energy and Natural Resources.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. DEWINE, Mr. ALLEN, Mr. BINGAMAN, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. BAYH, Mr. NELSON of Florida, Mr. KOHL, Mr. CORNYN, Mr. ISAKSON, Mr. SMITH, Mr. LEAHY, and Mr. NELSON of Nebraska):

S. 2109. A bill to provide national innovation initiative; to the Committee on Finance.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. THOMAS, and Mr. ALLARD):

S. 2110. A bill to amend the Endangered Species Act of 1973 to enhance the role of States in the recovery of endangered species and threatened species, to implement a species conservation recovery system, to establish certain recovery programs, to provide Federal financial assistance and a system of incentives to promote the recovery of species, and for other purposes; to the Committee on Finance.

By Mr. BAYH:

S. 2111. A bill to amend the Internal Revenue Code of 1986 to provide a credit for small business employee training expenses, to increase the exclusion of capital gains from small business stocks to extend expensing for small businesses, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 2112. A bill to provide for the establishment of programs and activities to increase influenza vaccination rates through the provision of free vaccines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT:

S. 2113. A bill to promote the widespread availability of communications services and the integrity of communication facilities, and to encourage investment in communication networks; to the Committee on Commerce, Science, and Transportation.

By Mr. TALENT:

S. 2114. A bill to establish the Confluence National Heritage Corridor in the States of Missouri and Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. SMITH, Mr. LAUTENBERG, Mrs. MURRAY, Mr. MCCAIN, Mr. COLEMAN, and Mr. DAYTON):

S. 2115. A bill to amend the Public Health Service Act to improve provisions relating to Parkinson's disease research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT:

S. 2116. A bill to transfer jurisdiction of certain real property to the Supreme Court; considered and passed.

By Mr. INHOFE:

S. 2117. A bill to clarify the circumstances under which a person born in the United States is subject to the jurisdiction of the United States, to provide for criminal penalties for forging Federal documents, to establish a National Border Neighborhood Watch Program, and for other purposes; to the Committee on the Judiciary.

By Mr. SUNUNU (for himself, Mrs. FEINSTEIN, Mr. CRAIG, Mr. OBAMA, Ms. MURKOWSKI, Mr. HAGEL, and Mrs. CLINTON):

S. 2118. A bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of the Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006 and to combat methamphetamine abuse; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. REID, Mr. KOHL, Mr. FEINGOLD, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 334. A resolution relative to the death of William Proxmire, former United States Senator from the State of Wisconsin considered and agreed to.

By Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. LIEBERMAN):

S. Con. Res. 70. A resolution urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. SALAZAR):

S. Con. Res. 71. A concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 103

At the request of Mr. TALENT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 267

At the request of Mr. CRAIG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 627

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 716

At the request of Mr. AKAKA, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 716, a bill to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes.

S. 737

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 737, a bill to amend the USA PATRIOT Act to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Montana (Mr. BURNS), the Senator from North Dakota (Mr. CONRAD) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1312

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1312, a bill to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

S. 1321

At the request of Mr. SANTORUM, the names of the Senator from Utah (Mr. HATCH) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1349

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1349, a bill to promote deployment of competitive video services, eliminate redundant and unnecessary regulation, and further the development of next generation broadband networks.

S. 1479

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1608

At the request of Mr. SMITH, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1608, a bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

S. 1779

At the request of Mr. AKAKA, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maryland (Mr. SARBANES), the Senator from Maine (Ms. SNOWE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1800

At the request of Ms. SNOWE, the names of the Senator from Oregon (Mr. WYDEN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1881

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

S. 1916

At the request of Mr. HAGEL, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1916, a bill to strengthen national security and United States borders, and for other purposes.

S. 1917

At the request of Mr. HAGEL, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1917, a bill to require employers to verify the employment eligibility of their employees, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 1974

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1974, a bill to provide States with the resources needed to rid our schools of performance-enhancing drug use.

S. 2038

At the request of Mr. BURNS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2038, a bill to amend the Agricultural Marketing Act of 1946 to restore the original deadline for mandatory country of origin.

S. 2079

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2079, a bill to improve the ability of the

Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting the natural resources of Forest Service land and Bureau of Land Management Land, respectively, to support the recovery of non-Federal land damaged by catastrophic events, to assist impacted communities, to revitalize Forest Service experimental forests, and for other purposes.

S. 2081

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2081, a bill to improve the safety of all-terrain vehicles in the United States, and for other purposes.

S. 2082

At the request of Mr. LEAHY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2082, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006.

At the request of Mr. SUNUNU, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2082, supra.

S. 2088

At the request of Mr. ALLARD, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2088, a bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government, and for other purposes.

S. 2096

At the request of Mr. COLEMAN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2096, a bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

S. CON. RES. 16

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Con. Res. 16, a concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. CON. RES. 54

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Con. Res. 54, a concurrent resolution expressing the sense of Congress regarding a commemorative postage stamp honoring Jasper Francis Cropsey, the famous Staten Island-born 19th Century Hudson River Painter.

S. CON. RES. 65

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 65, a concurrent resolution recognizing the benefits and importance of Federally-qualified health centers and their Medicaid prospective payment system.

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. REED), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

AMENDMENT NO. 2646

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 2646 intended to be proposed to S. 2020, an original bill to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2106. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Santa Ana River Water Supply Enhancement Act of 2005.

This legislation authorizes Federal assistance through Title XVI for projects developed by local communities to reduce their dependence on water from the Colorado River. It helps California develop safer and more reliable water supplies.

Congressman GARY MILLER along with Congressmen CALVERT, DREIER, ROYCE, COX and ROHRABACHER introduced similar legislation in the House. Their bill passed the House in October.

The projects in this bill will increase the region's water supply by 200,000 acre-feet annually and are prototypes for providing water supplies to new communities throughout the arid Western States.

The Orange County Water District's Groundwater Replenishment System is an innovative approach to reuse water resources within one of the most populated counties in the Nation. Seventy-two thousand acre feet of reclaimed water will be produced annually for indirect potable use. This is enough water to meet the needs of more than 300,000 people each year. This bill authorizes $51.8 million for the groundwater replenishment system, just 10 percent of the actual cost of the project.

Another project in the bill expands desalination facilities in the Chino Basin, providing a fourfold increase in the ability to desalinate groundwater supplies. The Chino Basin groundwater desalters will be the primary drinking water supply for 40,000 new homes in Riverside and San Bernardino Counties.

This legislation also authorizes $40 million to construct regional brine sewer lines that will enable our communities to safely dispose of the brine generated from the "desalted" groundwater supplies.

In order to naturally treat the regions water and remove contamination from the Santa Anna River, I am also seeking Federal support for the construction of wetlands. This concept holds the promise of efficiently improving the quality of our groundwater supplies without costly control technologies.

The creation of a Center for Technological Advancement of Membrane Technology will foster research efforts to improve membrane design and testing. Research conducted at this facility will help develop technologies to increase the stability of our water supply.

I believe the ever-growing demand for water throughout Southern California can be satisfied through local supplies. Regional watershed plans, coordinating water use throughout multiple jurisdictions, are a critical tool to reach this goal. All of the projects in this legislation were developed on a regional basis and the Federal cost share of each project is less than 20 percent.

I am pleased to introduce this legislation as it holds the key to providing a roadmap for other communities' efforts to meet the challenges posed by a scarce potable water supply.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Ana River Water Supply Enhancement Act of 2005".

SEC. 2. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1636. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the item relating to section 1634 the following:

"Sec. 1636. Prado Basin Natural Treatment System Project".

SEC. 3. REGIONAL BRINE LINES.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

"SEC. 1637. REGIONAL BRINE LINES.

"(a) SOUTHERN CALIFORNIA.—The Secretary, under Federal reclamation laws and in cooperation with units of local government, may assist agencies in projects to construct regional brine lines to export the salinity imported from the Colorado River to the Pacific Ocean as identified in—

"(1) the Salinity Management Study prepared by the Bureau of Reclamation and the Metropolitan Water District of Southern California; and

"(2) the Southern California Comprehensive Water Reclamation and Reuse Study prepared by the Bureau of Reclamation.

"(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

"(c) COST SHARING.—The Federal share of the cost of a project to construct regional brine lines described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) $40,000,000.

"(d) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of any project described in subsection (a).

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the item relating to section 1635 the following:

"Sec. 1637. Regional brine lines".

SEC. 4. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

"SEC. 1638. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) $50,000,000.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the item relating to section 1636 the following:

"Sec. 1638. Lower Chino dairy area desalination demonstration and reclamation project".

SEC. 5. CEILING INCREASE ON FEDERAL SHARE OF WATER RECLAMATION PROJECT.

Section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C.390h-13(d)) is amended—

(1) in paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) The Federal share of the costs of the project authorized by section 1624 shall not exceed the following:

"(A) $22,000,000 for fiscal year 2007.

"(B) $24,200,000 for fiscal year 2008.

"(C) $26,620,000 for fiscal year 2009.

"(D) $29,282,000 for fiscal year 2010.

"(E) $32,210,200 for fiscal year 2011.

"(F) $35,431,220 for fiscal year 2012.

"(G) $38,974,342 for fiscal year 2013.

"(H) $42,871,776 for fiscal year 2014.

"(I) $47,158,953 for fiscal year 2015.

"(J) $51,874,849 for fiscal year 2016.".

SEC. 6. CENTER FOR TECHNOLOGICAL ADVANCEMENT OF MEMBRANE TECHNOLOGY AND EDUCATION.

(a) IN GENERAL.—The Secretary of the Interior shall establish at the Orange County Water District located in Orange County, California, a center for the expressed purposes of providing—

(1) assistance in the development and advancement of membrane technologies; and

(2) educational support in the advancement of public understanding and acceptance of membrane produced water supplies.

(b) MANAGEMENT OF CENTER.—

(1) CONTRACTS.—In establishing the center, the Secretary shall enter into contracts with the Orange County Water District for purposes of managing such center.

(2) PLAN.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Orange County Water District, shall jointly prepare a plan, updated annually, identifying the goals and objectives of the center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out subsections (a) and (b), $2,000,000, for each of fiscal years 2006 through 2011. Such sums shall remain available until expended.

(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Orange County Water District, shall provide a report to Congress on the status of the center and its accomplishments.

(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.

By Mr. BAUCUS:

S. 2107. A bill to provide additional appropriations for the Low-Income Home Energy Assistance Act of 1981 for fiscal year 2006 and to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for residential energy cost assistance, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing legislation to help families bear the dramatic increase in cost for home heating bills this winter.

The bill, the Household Energy and Taxpayer Assistance Act of 2005, appropriates enough money to fully fund the Low Income Energy Assistance Program at its authorized level and provides for a tax credit up to $300 per family to offset home heating bills.

I cannot overstate the urgency of this legislation. This week, natural gas prices hit record highs. On the New York Mercantile Exchange, January futures rose to $15.78 per million BTUs. Prices have more than doubled since last year.

What does that mean for the consumer?

The Energy Information Administration predicts that the average household heating with natural gas his winter will pay $281 more for fuel this winter than they did last winter. That is a 38 percent increase. Households using home heating oil can expect to pay $255 more, and propane users could see a $167 increase.

Those heating with electricity will likely see a $46 increase in the cost to heat a home.

The bill that I am proposing includes two proposals that Congress should enact immediately to mitigate these price spikes for households.

First and foremost, my legislation fully funds the Federal Low Income Home Energy Assistance Program, or LIHEAP. Despite projections for astronomical energy costs, the conference agreement for the Labor, HHS, Education appropriations bill funds this essential home heating program at less than 50 percent of its authorized level.

And today the Senate will be considering that conference report. The current funding level for LIHEAP is unacceptable. As energy prices continue to skyrocket, we should not be shortchanging this vital program.

In recent years, a growing need for help with home heating bills has consistently outstripped available funding, which has remained flat.

That is why Congress responded by increasing the authorization for the program to $5.1 billion in the recently enacted energy bill. But Congress hasn't appropriated anywhere near as much for this program as it could.

Current appropriations legislation provides only about $2.2 billion in 2006.

My bill would appropriate an additional $2.9 billion for the LIHEAP program. Funding for heating assistance in my home State of Montana would be at least $35 million, about $20 million more than last year.

Montanans and other hard-working families should not have to choose between their home energy bills and affording other basic necessities.

Energy is a basic need, and without LIHEAP assistance, many Montanans wouldn't be able to heat their homes. That's why I'm working to help ease the burden of high heating costs.

In addition, this bill establishes a temporary tax credit to help all taxpayers to defray a portion of their heating bills this winter. That means families can add up their home energy bills, and when tax time comes around they can get 20 percent of that expense back, for heating fuel or utility costs. That credit will provide as much as $200 for an individual or $300 for a family.

The credit is also refundable. Low-income Americans who don't owe any Federal income taxes would still get that rebate against their heating bills.

Americans can't wait until spring for this assistance.

In its current edition, U.S. News & World Report introduces us to Mervalene Eastman, an unemployed woman on the Crow Indian Reservation. Month-to-month, $100 jumps in her heating bills last year put her behind in her bills. Medical problems forced her to leave her job as an emergency dispatcher, and then she lost natural gas service.

Things are so tough she sometimes needed to use her electric oven for heat, especially on cold nights. I am deeply troubled by the thought that more Americans will go without heat this winter. I am concerned families will face a choice between food on their table or heat during the night. They should not have to make that decision. We should pass this legislation and give millions of families an early present this holiday.

Now is the time to act, and I urge my colleagues to join me helping to provide this much needed relief.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, Mr. LUGAR, Mr. DEWINE, Mr. ALLEN, Mr. BINGAMAN, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. BAYH, Mr. NELSON of Florida, Mr. KOHL, Mr. CORNYN, Mr. ISAKSON, Mr. SMITH, Mr. LEAHY, and Mr. NELSON of Nebraska):

S. 2109. A bill to provide national innovation initiative; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I rise today to discuss important new innovation legislation that will address concerns about our country and our ability to compete in the global marketplace. Today, Senator LIEBERMAN and I introduced the National Innovation bill with bipartisan support from Senator LUGAR, Senator DEWINE, Senator BINGAMAN, Senator ALLEN, Senator ALEXANDER, Senator CHAMBLISS, Senator BAYH, Senator BILL NELSON, Senator KOHL, Senator CORNYN, Senator ISAKSON, Senator BEN NELSON Senator LEAHY and Senator SMITH as original cosponsors. We encourage all of our colleagues to join us in this important effort.

Today the World is becoming dramatically more interconnected and competitive. In order to remain globally competitive, the United States must continue to lead the world's innovation. Innovation fosters the new ideas, technologies, and processes that lead to better jobs, higher wages, and a higher standard of living.

Unfortunately, in the disciplines that foster innovation in the 21st Century—science, technology, engineering, and mathematics—America is steadily losing its global edge:

The trouble signs are numerous:

Less than 6 percent of high school seniors plan to pursue engineering degrees, down from 36 percent from a decade ago.

In 2000, only 17 percent of undergraduate degrees earned in the United States were in the hard sciences.

In the same year 56 percent of China's undergraduate degrees were in the hard sciences.

Next year, China will likely produce six times the number of engineers that we will graduate in the United States.

We must address these long-term competitive challenges to America's economic vitality and national security now or risk losing our essential leadership position on innovation. The National Innovation Act will help America meet these interconnected challenges by addressing three primary areas of importance to maintaining and improving United States' innovation in the 21st Century: 1. increasing research investment 2. increasing science and technology talent, and 3. developing an innovation infrastructure.

I am a fiscal conservative, and current Federal budget constraints will require prioritization of spending. New programs must be funded through existing funds or through identifiable funding offsets whenever possible. I look forward to working with Senator LIEBERMAN and the other cosponsors in this effort.

Increased support of basic research through should be a national priority.

Our bill would increases the national commitment to basic research by nearly doubling research funding for the National Science Foundation (NSF) by FY 2011. The National Science Foundation plays a critical role in underwriting basic research at colleges, universities, and other institutions throughout our nation.

NSF supported basic research in chemistry, physics, nanotechnology, and semiconductor manufacturing has brought about some of the most significant innovations of the last 20 years. For example, the World Wide Web, magnetic resonance imaging and fiber optics technology all emerged through basic research projects that received NSF funding.

Because our nation's long-term future economic strength depends in large part on the support we give to basic research projects now, the National Innovation bill also establishes the Innovation Acceleration Grants Program, which encourages Federal agencies funding research in science, technology, engineering, and mathematics to allocate at least 3 percent of their Research and Development (R&D) budgets to grants directed toward high-risk frontier research.

Three percent of overall R&D budgets from federal agencies may not seem like a lot, but this is an important starting point. Although our bill does not specifically require it, I encourage federal agencies engaged in R&D to dedicate an even greater percentage of their budgets to basic research.

Along with strategic investment in the innovation economy, the Federal Government also needs to examine various barriers that impede innovation in the United States.

Our bill instructs the National Academy of Sciences to study factors such as tort litigation that may impede American businesses from engaging in innovation risk-taking and provide recommendations on how best to address these issues. Litigation, taxation, and the substantial costs of regulatory compliance impact innovation and need to be addressed.

Innovation must be a major priority as the United States looks to retain and strengthen its economic leadership and national security in the 21st Century. The National Innovation Act will help ensure that the Federal Government does exactly that by increasing research investment, increasing science and technology talent, and developing an innovation infrastructure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Innovation Act of 2005".

(b) TABLE OF CONTENTS.—

The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—INNOVATION PROMOTION

Sec. 101. President's Council on Innovation.
Sec. 102. Innovation acceleration grants.
Sec. 103. A national commitment to basic research.
Sec. 104. Regional economic development.
Sec. 105. Development of advanced manufacturing systems.
Sec. 106. Study on service science.

TITLE II—MODERNIZATION OF SCIENCE, EDUCATION, AND HEALTHCARE PROGRAMS

Subtitle A—Science and Education

Sec. 201. Graduate fellowships and graduate traineeships.
Sec. 202. Professional science master's degree programs.
Sec. 203. Increased support for science education through the National Science Foundation.
Sec. 204. Innovation-based experiential learning.

Subtitle B—21st Century Healthcare System

Sec. 211. Sense of Congress regarding 21st century healthcare system.

TITLE III—INCENTIVES FOR ENCOURAGING INNOVATION

Subtitle A—Research Credits

Sec. 301. Permanent extension of research credit.
Sec. 302. Increase in rates of alternative incremental credit.
Sec. 303. Alternative simplified credit for qualified research expenses.

Subtitle B—Health and Education

Sec. 311. Study and report on catastrophic healthcare.
Sec. 312. Lifelong learning accounts.

Subtitle C—Savings and Investments

Sec. 321. Regulations relating to private foundation support of innovations in economic development.
Sec. 322. Advisory group regarding valuation of intangibles.

TITLE IV—DEPARTMENT OF DEFENSE MATTERS

Subtitle A—Defense Research and Education

Sec. 401. Revitalization of frontier and multidisciplinary research.
Sec. 402. Enhancement of education.

Subtitle B—Defense Advanced Manufacturing

Sec. 411. Manufacturing research and development.
Sec. 412. Transition of transformational manufacturing processes and technologies to the defense manufacturing base.
Sec. 413. Manufacturing technology strategies.
Sec. 414. Planning for adoption of strategic innovation.
Sec. 415. Report.
Sec. 416. Authorization of appropriations.

TITLE V—JUDICIARY AND OTHER MATTERS

Sec. 501. Sense of Congress on retaining high-tech talent in the United States.
Sec. 502. Study on barriers to innovation.
Sec. 503. Sense of Congress on patent reform.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is the most innovative Nation in the world. Since our Nation's founding, exploration, opportunity, and discovery have remained essential to fulfilling our Nation's strategic economic and political objectives.

(2) In the 21st century, a well-educated and trained workforce, investment in research and development, and a regulatory and physical infrastructure that supports innovators are essential to ensuring that the United States continues to lead the global economy on innovation.

(3) America's future economic and national security will largely depend on the creativity and commitment of our Nation to unleash its innovation capacity.

(4) The world has become dramatically more interconnected and competitive. Cutting edge research, world-class education, and highly skilled labor pools are no longer within the sole purview of the United States.

(5) The United States investment in basic research is currently insufficient to meet the challenges we face.

(6) Federal support for basic research in the physical sciences has consistently lagged behind that given to the life sciences in recent years.

(7) Traditional measurements of innovation capacity focused solely on inputs, such as research and development spending, number of patents and value of physical infrastructure. The traditional measurements are necessary but are not sufficient metrics for innovation in the 21st century's knowledge economy.

(8) Current Federal budget constraints require prioritization of spending and new programs must be funded through existing funds or through identifiable funding offsets whenever possible.

(9) A national, private sector-led, and government supported plan is required if the United States is to adequately respond to the challenges of increased global competition and take advantage of the opportunities this changing global dynamic presents.

(b) PURPOSES.—The purposes of this Act are to—

(1) make innovation a fundamental economic priority for the United States;

(2) create the most fertile policy environment for innovation to occur;

(3) develop greater numbers of American scientists, mathematicians, and engineers;

(4) enhance the quality of math and science education at all levels;

(5) increase the Federal Government's investment in basic research, especially in the physical sciences;

(6) direct greater funding toward multidisciplinary and frontier research where tomorrow's innovations are most likely to occur;

(7) secure a strong advanced manufacturing base in the United States to ensure that as innovations occur, America is poised to reap the benefits via the creation of new jobs and investment; and

(8) examine both the incentives for, and barriers to, innovation to better understand what additional policy changes are warranted.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) DEFENSE MANUFACTURING BASE.—The term "defense manufacturing base" includes any supplier of the Department of Defense, including a supplier of raw materials.

(3) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

(4) EXTENDED PRODUCTION ENTERPRISE.—The term "extended production enterprise" means a system in which key entities in the manufacturing chain, including entities engaged in product design and development, manufacturing, sourcing, distribution, and user entities, are linked together through information technology and other means to promote efficiency and productivity.

(5) INNOVATION.—The term "innovation" means the intersection of invention and insight leading to the creation of social and economic value, including through efforts meeting fundamental technology challenges and involving multidisciplinary work and a high degree of novelty.

(6) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The term "Manufacturing Extension Partnership Program" means the Manufacturing Extension Partnership Program of the Department of Commerce.

(7) MANUFACTURING TECHNOLOGY PROGRAM.—The term "Manufacturing Technology Program" means the Manufacturing Technology Program under section 2521 of title 10, United States Code.

(8) PROFESSIONAL SCIENCE MASTERS PROGRAM.—The term "professional science masters program" means a graduate degree program in science and mathematics that extends science training to strategic planning and business management and focuses on multidisciplinary specialties such as business and information technology (IT), biology and IT (bioinformatics), and computational chemistry.

(9) REGIONAL INNOVATION HOT SPOTS DEFINED.—The term "regional innovation hot spots" means regions that are defined by a high degree of innovation and the availability of talent, investment, and infrastructure necessary to create and sustain such innovation.

(10) SERVICE SCIENCE.—The term "service science" means curriculums, research programs, and training regimens, including service sciences, management, and engineering (SSME) programs, that exist or that are being developed to teach individuals to apply technology, organizational process management, and industry-specific knowledge to solve complex problems.

(11) SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—The term "Small Business Innovation Research Program" has the meaning given that term in section 2500(11) of title 10, United States Code.

(12) SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—The term "Small Business Technology Transfer Program" has the meaning given that term in section 2500(12) of title 10, United States Code.

(13) SSME.—The term "SSME" means the discipline known as service sciences, management, and engineering that—

(A) applies scientific, engineering and management disciplines to tasks that one organization performs beneficially for others, generally as part of the services sector of the economy; and

(B) integrates computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

TITLE I—INNOVATION PROMOTION

SEC. 101. PRESIDENT'S COUNCIL ON INNOVATION.

(a) IN GENERAL.—The President shall establish a President's Council on Innovation (in this section referred to as the "Council").

(b) DUTIES.—The Council's duties shall include—

(1) monitoring implementation of legislative proposals and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this and other Acts;

(2) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact of existing and proposed policies and rules that affect innovation capabilities in the United States;

(3) identifying opportunities and making recommendations for the heads of executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations;

(4) developing metrics for measuring the progress of the Federal Government with respect to improving conditions for innovation, including through talent development, investment, and infrastructure improvements; and

(5) submitting an annual report to the President and Congress on such progress.

(c) MEMBERSHIP AND COORDINATION.—

(1) MEMBERSHIP.—The Council shall be composed of the Secretary or head of each of the following:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Education.

(D) The Department of Energy.

(E) The Department of Health and Human Services.

(F) The Department of Homeland Security.

(G) The Department of Labor.

(H) The Department of the Treasury.

(I) The National Aeronautics and Space Administration.

(J) The Securities and Exchange Commission.

(K) The National Science Foundation.

(L) The Office of the United States Trade Representative.

(M) The Office of Management and Budget.

(N) The Office of Science and Technology Policy.

(2) CHAIRPERSON.—The Secretary of Commerce shall serve as chairperson of the Council.

(3) COORDINATION.—The chairperson of the Council shall ensure appropriate coordination between the Council and the National Economic Council and the National Security Council.

(d) DEVELOPMENT OF INNOVATION AGENDA.—

(1) IN GENERAL.—The Council shall develop a comprehensive agenda for strengthening the innovation capabilities of the Federal Government and State governments, academia, and the private sector in the United States.

(2) CONSULTATION.—The comprehensive agenda required by paragraph (1) shall be developed in consultation with appropriate representatives of the private sector, scientific organizations, and academic organizations.

SEC. 102. INNOVATION ACCELERATION GRANTS.

(a) GRANT PROGRAM.—The President shall establish a grant program, to be known as the "Innovation Acceleration Grants Program", to support and promote innovation in the United States. Priority in the awarding of grants shall be given to projects that meet fundamental technology challenges and that involve multidisciplinary work and a high degree of novelty.

(b) AWARDING OF GRANTS THROUGH DEPARTMENTS AND AGENCIES.—

(1) FUNDING GOALS.—The President shall ensure that it is the goal of each Executive agency that finances research in science, mathematics, engineering, and technology to allocate at least 3 percent of the agency's total annual research and development budget to funding grants under the Innovation Acceleration Grants Program.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Each head of an Executive agency awarding grants under paragraph (1) shall submit a plan for implementing the grant program within such Executive agency to the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget. The implementation plan shall be submitted not later than 90 days after the date of enactment of this Act. The implementation plan may incorporate existing initiatives of the Executive agencies that promote research in innovation as described in subsection (a).

(B) REQUIRED METRICS.—The head of each Executive agency submitting an implementation plan pursuant to this section shall include metrics upon which grant funding decisions will be made and metrics for assessing the success of the grants awarded.

(C) GRANT DURATION AND RENEWALS.—

(i) IN GENERAL.—Any grants issued by an Executive agency under this section shall be for a period not to exceed 3 years.

(ii) EVALUATION.—Not later than 90 days prior to the expiration of a grant issued under this section, the Executive agency that approved the grant shall complete an evaluation of the effectiveness of the grant based on the metrics established pursuant to subparagraph (B). In its evaluation, the Executive agency shall consider the extent to which the program funded by the grant met the goals of quality improvement and job creation.

(iii) PUBLICATION OF REVIEW.—The Executive agency shall publish and make available to the public the review of each grant approved pursuant to this section.

(iv) FAILURE TO MEET METRICS.—Any grant that the Executive agency awarding the grant determines has failed to satisfy any of the metrics developed pursuant to subparagraph (B), shall not be eligible for a renewal.

(v) RENEWAL.—A grant issued under this section that satisfies all of the metrics developed pursuant to subparagraph (B), may be renewed once for a period not to exceed 3 years. Additional renewals may be considered only if the head of the Executive agency makes a specific finding that the program being funded involves a significant technology advance that requires a longer timeframe to complete critical research, and the research satisfies all the metrics developed pursuant to subparagraph (B).

SEC. 103. A NATIONAL COMMITMENT TO BASIC RESEARCH.

(a) PLAN FOR INCREASED RESEARCH.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation shall submit to Congress a comprehensive, multiyear plan that describes how the funds authorized in subsection (b) shall be used. Such plan shall be developed with a focus on utilizing basic research in physical science and engineering to optimize the United States economy as a global competitor and leader in productive innovation.

(b) INCREASED FUNDING FOR NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for the purpose of doubling research funding the following amounts:

(1) $6,440,000,000 for fiscal year 2007.

(2) $7,280,000,000 for fiscal year 2008.

(3) $8,120,000,000 for fiscal year 2009.

(4) $8,960,000,000 for fiscal year 2010.

(5) $9,800,000,000 for fiscal year 2011.

(c) RECOMMENDATIONS FOR RESEARCH AND DEVELOPMENT FUNDING.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall evaluate and, as appropriate, submit to Congress recommendations for an increase in funding for research and development in physical sciences and engineering in consultation with agencies and departments of the United States with significant research and development budgets.

SEC. 104. REGIONAL ECONOMIC DEVELOPMENT.

(a) DEVELOPMENT OF FUNDING STRATEGY.—

(1) IN GENERAL.—The Assistant Secretary for Economic Development of the Department of Commerce shall review Federal programs that support local economic development and prepare and implement a strategy to focus funding on initiatives that improve the ability of communities to participate successfully in the modern economy through innovation. In preparing the strategy, priority should be given to projects that—

(A) emphasize private sector cooperation with State and local governments and nonprofit organizations focused on regional economic development as the means of achieving specific objectives related to the support and promotion of innovation; and

(B) are the most successful in meeting the metrics established under subsection (b).

(2) COORDINATION.—The Assistant Secretary shall coordinate the development and implementation of the strategy with the activities carried out by the Under Secretary for Technology under subsection (d).

(b) EVALUATION OF PROGRAMS.—The Assistant Secretary for Economic Development of the Department of Commerce shall develop metrics to measure the success of Federal programs in supporting and promoting innovation at the local community level while minimizing bureaucracy and overhead expenses.

(c) PROMOTION OF ECONOMIC DEVELOPMENT OPPORTUNITIES.—The Assistant Secretary for Economic Development of the Department of Commerce should work with organizations focused on economic development to highlight opportunities for such organizations to serve local communities through grants focused on economic development and investment in companies pursuing innovation.

(d) Regional Innovation Hot Spots.—

(1) Promotion of regional innovation hot spots.—The Under Secretary for Technology of the Department of Commerce shall coordinate activities focused on promoting innovation through the development of regional innovation hot spots.

(2) Guide to developing successful regional innovation hot spots.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with representatives of regional innovation hot spots, shall publish a report, to be titled the "Guide to Developing Successful Regional Innovation Hot Spots", that examines successful regional innovation hot spots and includes recommendations for establishing and fostering regional innovation hot spots.

(B) Content.—The report required under subparagraph (A) shall—

(i) include information on the evaluation of human capital;

(ii) include information on the role of sponsoring institutions, such as universities, nonprofit organizations, and laboratories, in establishing and fostering regional innovation hot spots;

(iii) include information on the role of State and local government leaders, leaders in the research and business communities, and community organizations in establishing and fostering regional innovation hot spots;

(iv) discuss the importance of collaboration by public and private sector leaders;

(v) identify sources of funding for these activities within Federal, State, and local governments and the private sector; and

(vi) include recommendations for developing strategic plans to stimulate innovation, including recommendations relating to knowledge transfer and commercialization, the support of regional entrepreneurship and increased innovation within existing regional firms, and the linking of primary institutions engaged in the innovation process.

(3) Regional innovation hot spot metrics.—

(A) Development of metrics.—In conjunction with publishing the report required under paragraph (2), the Secretary of Commerce shall develop the following sets of metrics:

(i) Metrics to be considered for identifying potential regional innovation hot spots (in this subsection referred to as "identifying metrics").

(ii) Metrics to be considered for evaluating the impact and effectiveness of established regional innovation hot spots (in this subsection referred to as "evaluation metrics").

(B) Use of metrics.—The Under Secretary of Commerce for Technology shall use the identifying metrics to conduct biannual assessments of potential regional clusters and shall use the evaluation metrics to assess the impact and effectiveness of established regional innovation hot spots in improving the regional economy and regional job market. The Under Secretary shall also assess the cost effectiveness of operating within each regional hot spot. The Under Secretary shall report the biannual assessments to Congress.

SEC. 105. DEVELOPMENT OF ADVANCED MANUFACTURING SYSTEMS.

(a) Research and Development.—The Director of the National Institute of Standards and Technology shall support research and development in collaboration with entities and organizations from the industrial sector to supplement and support work in the private sector on advanced manufacturing systems designed to increase productivity and efficiency and to create competitive advantages for United States businesses. These research and development activities should focus on the following activities:

(1) Supporting industry efforts to develop innovative, state-of-the-art manufacturing processes, advanced technologies through interoperable standards, and related concepts, including—

(A) advanced distributed and desktop manufacturing linked to and made compatible with the extended production enterprise system described in paragraph (2);

(B) non-contact quality inspection processes linked to and made compatible with the extended production enterprise system;

(C) small lot manufacturing processes that are—

(i) as cost-effective as mass production processes; and

(ii) linked to and compatible with the extended production enterprise system; and

(D) the use of state-of-the-art materials and processes at the nanotechnological level.

(2) Supporting industry efforts to develop an extended production enterprise system that integrates key entities, including entities engaged in product design and development, manufacturing, sourcing, distribution, and user entities, including through the development of—

(A) interoperable software and standards designed to maximize the compatibility of the design, modeling, and manufacturing stages of the manufacturing process; and

(B) supply chain software.

(b) Coordination of Activities.—The Director of the National Institute of Standards and Technology shall coordinate activities under subsection (a) with activities under—

(1) the Small Business Innovation Research Program;

(2) the Small Business Technology Transfer Program; and

(3) the Manufacturing Technology Program of the Department of Defense.

(c) Testing.—The Director of the National Institute of Standards and Technology shall support the work of entities and organizations from the industrial sector in developing prototypes and testing areas for testing and refining, in actual production conditions, the processes, technologies, and extended production enterprise system described in subsection (a)(2) in order to maximize productivity gains and cost efficiencies.

(d) Development of Standards.—The Director of the National Institute of Standards and Technology, in coordination with entities and organizations from the industrial sector and the Manufacturing Technology Program, shall support standards to be used as manufacturing performance criteria to accelerate the adoption of improvements and innovative processes and protocols developed under subsection (a).

(e) Pilot Test Beds of Excellence.—

(1) Establishment.—The Director of the National Institute of Standards and Technology shall, in collaboration with entities and organizations from the industrial sector, support not more than 3 pilot test beds of excellence in manufacturing fields important to advanced technologies developed under subsection (a), such as nanotechnology, to be used by the public and private sector. The test beds of excellence shall focus on production development, particularly the invention, prototyping, and engineering development stages of the manufacturing process.

(2) Competition.—The Secretary of Commerce shall conduct a competition to select the pilot test beds of excellence based on criteria and metrics established by the Secretary prior to the competition.

(3) Funding.—The Secretary of Commerce may provide the pilot test beds of excellence selected pursuant to the competition set forth in paragraph (2) with an appropriate level of funding if and only if the following conditions are satisfied:

(A) No more than ⅓ of the funding of each test bed of excellence is provided by the Federal Government.

(B) At least ⅓ of the cost of each test bed of excellence is provided by participants from the private sector.

(C) At least ⅓ of the cost of each test bed of excellence is provided by State or local governments.

(4) Review of funded test beds.—Within 3 years of the start of Federal funding for any test bed of excellence pursuant to this section, the Secretary of Commerce shall use the metrics established pursuant to paragraph (2) and any additional review metrics that the Secretary determines appropriate to assess the performance of the federally funded test beds of excellence. Any test bed of excellence that fails to satisfy any of the performance metrics will be ineligible for additional Federal funding.

(5) Sunset provision.—Federal funding of any test bed of excellence shall cease 5 years after the date of enactment of this Act.

(f) Manufacturing Extension Partnership Focus on Innovation.—The Director of the National Institute of Standards and Technology shall ensure that the Manufacturing Extension Partnership program develops a focus on innovation, including through technology diffusion, supply and distribution chain integration, and the dissemination of the processes, technologies, and extended production enterprise systems developed under this section.

(g) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Commerce for the purpose of carrying out activities under this section the following amounts:

(1) $20,000,000 for fiscal year 2007.

(2) $40,000,000 for fiscal year 2008.

(3) $60,000,000 for fiscal year 2009.

(4) $80,000,000 for fiscal year 2010.

(5) $100,000,000 for fiscal year 2011.

SEC. 106. STUDY ON SERVICE SCIENCE.

(a) Sense of Congress.—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-wage, high-skill employment, the Federal Government should better understand and respond strategically to the emerging vocation and learning discipline known as service science.

(b) Study.—Not later than 270 days after the date of the enactment of this Act, the Director of the National Science Foundation shall conduct a study and report to Congress regarding how the Federal Government should support, through research, education, and training, the new discipline of service science.

(c) Outside Resources.—In conducting the study under subsection (b), the Director of the National Science Foundation shall consult with leaders from 2- and 4-year institutions of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), leaders from corporations, and other relevant parties.

TITLE II—MODERNIZATION OF SCIENCE, EDUCATION, AND HEALTHCARE PROGRAMS

Subtitle A—Science and Education

SEC. 201. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) Graduate Research Fellowship Program.—

(1) In general.—During the 5-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the Foundation so that an additional 1250 fellowships are awarded to United States citizens under such Program during such period.

(2) Extension of fellowship period.—The Director of the National Science Foundation is authorized to award fellowships under the Graduate Research Fellowship Program for a period of 5 years, subject to funds being made available for such purpose.

(3) Authorization of appropriations.—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated $34,000,000 for each of the fiscal years 2007 through 2011 to provide an additional 250 fellowships under the Graduate Research Fellowship Program during each such fiscal year.

(b) Integrative Graduate Education and Research Traineeship Program.—

(1) In general.—During the 5-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Integrative Graduate Education and Research Traineeship program of the Foundation so that an additional 1,250 United States citizens are awarded grants under such program during such period.

(2) Authorization of appropriations.—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated $57,000,000 for each of the fiscal years 2007 through 2011 to provide grants to an additional 250 individuals under the Integrative Graduate Education and Research Traineeship program during each such fiscal year

SEC. 202. PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS.

(a) Definition of Institution of Higher Education.—In this section, the term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(b) Clearinghouse.—

(1) Development.—From amounts appropriated under subsection (d), the Director of the National Science Foundation shall establish a clearinghouse, in collaboration with 4-year institutions of higher learning, industries, and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs.

(2) Availability.—The Director of the National Science Foundation shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

(c) Pilot Programs.—

(1) Program authorized.—From amounts appropriated under subsection (d), the Director of the National Science Foundation shall award grants for pilot programs to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs.

(2) Application.—A 4-year institution of higher education desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Science Foundation may require. The application shall include—

(A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional master's degree program; and

(C) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(3) Preference for alternative funding sources.—The Director of the National Science Foundation shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to support pilot professional science master's degree programs, to those applicants that secure more than ⅔ of the funding for such professional science master's degree programs from sources other than the Federal Government.

(4) Number of grants; time period of grants.—

(A) Number of grants.—Subject to the availability of appropriated funds, the Director of the National Science Foundation shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

(B) Time period of grants.—Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

(5) Evaluation and reports.—

(A) Development of performance benchmarks.—Prior to the start of the grant program, the National Science Foundation, in collaboration with 4-year institutions of higher education, shall develop performance benchmarks to evaluate the pilot programs assisted by grants under this section.

(B) Evaluation.—For each year of the grant period, the Director of the National Science Foundation, in consultation with 4-year institutions of higher education, industry, and Federal agencies that employ science-trained personnel, shall complete an evaluation of each pilot program assisted by grants under this section. Any pilot program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

(C) Report.—Not later than 180 days after the completion of an evaluation described in subparagraph (A), the Director of the National Science Foundation, in consultation with industries and Federal agencies that employ science-trained personnel, shall submit a report to Congress that includes—

(i) the results of the evaluation described in subparagraph (A); and

(ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.

SEC. 203. INCREASED SUPPORT FOR SCIENCE EDUCATION THROUGH THE NATIONAL SCIENCE FOUNDATION.

There are authorized to be appropriated to carry out the science, mathematics, engineering, and technology talent expansion program under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042) the following amounts:

(1) For fiscal year 2007, $35,000,000.
(2) For fiscal year 2008, $50,000,000.
(3) For fiscal year 2009, $100,000,000.
(4) For fiscal year 2010, $150,000,000.

SEC. 204. INNOVATION-BASED EXPERIENTIAL LEARNING.

(a) Pilot Program.—

(1) Program authorized.—The Director of the National Science Foundation shall award grants to local educational agencies to enable the local educational agencies to implement innovation-based experiential learning in a total of 500 secondary schools and 500 elementary or middle schools in the United States.

(2) Application.—A local educational agency desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Science Foundation may require.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2007 and $20,000,000 for each of the fiscal years 2008 and 2009.

Subtitle B—21st Century Healthcare System

SEC. 211. SENSE OF CONGRESS REGARDING 21ST CENTURY HEALTHCARE SYSTEM.

(a) Sense of Congress.—It is the sense of Congress that, in order to improve the United States healthcare system for the 21st century, the Federal Government should encourage the widespread adoption of interoperable health information technology by—

(1) facilitating the creation of standards for interoperable electronic reporting of healthcare data; and

(2) after such standards have been created, each Federal agency or department that collects data for the purposes described in subsection (b) should collect such data in a manner that is consistent with such standards.

(b) Purposes Described.—The purposes described in this subsection include quality reporting, surveillance, epidemiology, adverse event reporting, research, or for other purposes determined appropriate by the Secretary of Health and Human Services.

TITLE III—INCENTIVES FOR ENCOURAGING INNOVATION

Subtitle A—Research Credits

SEC. 301. PERMANENT EXTENSION OF RESEARCH CREDIT.

(a) In General.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(b) Conforming Amendment.—Section 45C(b)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 302. INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.

(a) In General.—Subparagraph (A) of section 41(c)(4) of the Internal Revenue Code of 1986 (relating to election of alternative incremental credit) is amended—

(1) by striking "2.65 percent" and inserting "3 percent";

(2) by striking "3.2 percent" and inserting "4 percent"; and

(3) by striking "3.75 percent" and inserting "5 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 303. ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.

(a) IN GENERAL.—Subsection (c) of section 41 of the Internal Revenue Code of 1986 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.—

"(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

"(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any 1 of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) CREDIT RATE.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

"(C) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.".

(b) COORDINATION WITH ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Section 41(c)(4)(B) of the Internal Revenue Code of 1986 (relating to election) is amended by adding at the end the following: "An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.".

(2) TRANSITION RULE.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (a)) for such year.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Subtitle B—Health and Education

SEC. 311. STUDY AND REPORT ON CATASTROPHIC HEALTHCARE.

(a) STUDY.—The Secretary of Health and Human Services and the Secretary of Labor (in this subsection referred to as the "Secretaries") jointly shall conduct a study to explore methods for managing costs associated with catastrophic healthcare events and costs associated with chronic disease. The Secretaries shall work with healthcare providers, pharmaceutical manufacturers, large and small employers, health plans, and other interested private and public sector entities to develop a consensus regarding potential innovative approaches for reducing the financial risks presented by such health problems and improving such outcomes. The study shall consider, among other factors, the role that best practices, health information technology, evidence-based medicine, quality incentives, and comparative clinical effectiveness research can play in improving quality, value, and efficiency throughout the United States healthcare system.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit a report to Congress on the results of the study conducted under subsection (a), together with such recommendations for administrative and legislative action as the Secretaries determine to be appropriate.

SEC. 312. LIFELONG LEARNING ACCOUNTS.

(a) STUDY.—The Secretary of the Treasury, in collaboration with the Secretary of Labor and the Secretary of Education, shall conduct a study with recommendations for establishing lifelong learning accounts which would be exempt from taxation under the Internal Revenue Code of 1986 and from which funds could only be used for educational or training purposes. Such study shall consider whether individuals should be allowed to transfer to such an account, without incurring tax liability or penalties, funds which are—

(1) held in accounts established under a plan described in section 401(k), 403(b), or 457 of the Internal Revenue Code of 1986; and

(2) held in a qualified tuition program under section 529 of such Code.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the study conducted under subsection (a).

Subtitle C—Savings and Investments

SEC. 321. REGULATIONS RELATING TO PRIVATE FOUNDATION SUPPORT OF INNOVATIONS IN ECONOMIC DEVELOPMENT.

The Secretary of the Treasury or the Secretary's delegate shall as soon as practicable issue regulations under subchapter A of chapter 42 of the Internal Revenue Code of 1986 (relating to excise taxes on private foundations) which—

(1) clearly identify when distributions by private foundations for purposes of stimulating economic development will be treated as made for an exempt purpose described in section 170(c)(2)(B) of such Code; and

(2) clarify the circumstances under which private foundations may make program-related investments described in section 4944(c) of such Code in start-up ventures.

SEC. 322. ADVISORY GROUP REGARDING VALUATION OF INTANGIBLES.

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish an advisory group consisting of representatives of the public and private investment sector. The advisory group shall include representatives from the Department of Commerce, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Board of Governors of the Federal Reserve System, the New York Stock Exchange, the National Association of Securities Dealers Automatic Quotation System, and significant industry sectors.

(b) DUTIES.—The advisory group established under subsection (a) shall—

(1) examine and make recommendations of best practices for valuation of intangibles in order to—

(A) provide investors with an improved method for assessing the impact intangibles have on the accuracy of a company's financial picture; and

(B) support industry trade associations in efforts to adopt guidelines for intangibles appropriate to particular industry sections; and

(2) submit to the Secretary of the Treasury a recommendation regarding whether a litigation safe harbor should be established for those companies that make good faith estimates regarding the value of intangibles under the best practice standards developed under paragraph (1).

(c) RESEARCH NETWORK.—The Secretary of Commerce shall establish a research network of industry and academic expertise to study metrics and solutions for intangible disclosure, and provide such research results to the advisory group.

(d) ACCOUNTING STANDARDS.—The Secretary of the Treasury and the advisory group shall encourage the Financial Accounting Standards Board to reinstate its project on disclosure of information about intangible assets not recognized in financial statements and to move expeditiously toward issuance of a statement of financial accounting standards concerning valuation and disclosure of key intangible assets.

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the advisory group shall submit to the Secretary of the Treasury the results of the examination under subsection (b)(1) and the recommendation under subsection (b)(2).

TITLE IV—DEPARTMENT OF DEFENSE MATTERS

Subtitle A—Defense Research and Education

SEC. 401. REVITALIZATION OF FRONTIER AND MULTIDISCIPLINARY RESEARCH.

It shall be the goal of the Department of Defense to allocate at least 3 percent of the total Department of Defense budget to science and technology. Of this amount, it shall be the goal of the Department of Defense to allocate at least 20 percent to basic research.

SEC. 402. ENHANCEMENT OF EDUCATION.

(a) SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) SCHOLARSHIPS.—

(1) EXTENSION OF PROGRAM.—Section 1105(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended by striking "for three years beginning on the date of the enactment of this Act" and inserting "through September 30, 2011".

(2) EXPANSION OF PROGRAM.—The Secretary of Defense shall, utilizing amounts authorized to be appropriated by paragraph (3), increase the number of participants in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 in each of fiscal years 2007 through 2011—

(A) by an additional 160 participants pursuing doctoral degrees in each such fiscal year; and

(B) by an additional 60 participants pursuing masters degrees in each such fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for each of fiscal years 2007 through 2011 the amount of $41,300,000 for purposes of carrying out this subsection, of which—

(A) $36,000,000 shall be available in each such fiscal year for additional participants in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program who are pursuing doctoral degrees under paragraph (2)(A); and

(A) $5,300,000 shall be available in each such fiscal year for additional participants in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program who are pursuing masters degrees under paragraph (2)(B).

(b) NATIONAL DEFENSE SCIENCE AND ENGINEERING GRADUATE FELLOWSHIPS.—

(1) EXPANSION OF PROGRAM.—The Secretary of Defense shall, utilizing amounts authorized to be appropriated by paragraph (2), increase the number of participants in the National Defense Science and Engineering Graduate (NDSEG) fellowship program in each of fiscal years 2007 through 2011 by an additional 200 participants in each such fiscal year.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for each of fiscal years 2007 through 2011 the amount of $45,000,000 for purposes of carrying out this subsection.

(c) INSTITUTION-BASED TRAINEESHIPS.—

(1) PROGRAM REQUIRED.—The Secretary of Defense shall, utilizing amounts authorized to be appropriated by paragraph (4), carry out a program to award, on a competitive basis, traineeships to undergraduate and graduate students at institutions of higher education in order to permit such students to pursue studies in areas of importance to the Department of Defense in mathematics, science, or engineering in settings or programs that provide such students exposure to multidisciplinary studies, innovation-oriented studies, and academic, private-sector, or government laboratories and research. It shall be the goal of the traineeship program for a trainee to work for the Department of Defense for 10 years after completing his or her degree.

(2) PARTICIPANTS.—In each of fiscal years 2007 through 2011, the number of participants in the program required by paragraph (1) shall be as follows:

(A) Not more than 30 participants pursuing doctoral degrees.

(B) Not more than 30 participants pursuing masters degrees.

(C) Not more than 20 participants pursuing undergraduate degrees.

(3) ANNUAL REPORTS.—Not later than November 30 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the carrying out of the program required by paragraph (1) during the preceding fiscal year. The report shall describe the participants, and the studies pursued by such participants, in the program during the fiscal year covered by the report, and shall include an assessment of the benefits of the program to the Department of Defense.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for each of fiscal years 2007 through 2011 the amount of $11,100,000 for purposes of carrying out the program required by this subsection, of which—

(A) $7,000,000 shall be available in each such fiscal year for participants in the program who are pursuing doctoral degrees under paragraph (2)(A);

(B) $2,600,000 shall be available in each such fiscal year for participants in the program who are pursuing masters degrees under paragraph (2)(B); and

(C) $1,500,000 shall be available in each such fiscal year for participants in the program who are pursuing undergraduate degrees under paragraph (2)(C).

Subtitle B—Defense Advanced Manufacturing

SEC. 411. MANUFACTURING RESEARCH AND DEVELOPMENT.

(a) IDENTIFICATION OF ENHANCED PROCESSES AND TECHNOLOGIES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Director of Defense Research and Engineering, shall identify advanced manufacturing processes and technologies whose utilization will achieve significant productivity and efficiency gains in the defense manufacturing base.

(b) RESEARCH AND DEVELOPMENT.—The Under Secretary shall undertake research and development on processes and technologies identified under subsection (a) that addresses, in particular—

(1) innovative manufacturing processes and advanced technologies; and

(2) the creation of extended production enterprises using information technology and new business models.

(c) DEFENSE PRIORITIES.—In undertaking research and development under subsection (b), the Under Secretary shall consider defense priorities established in the most current Joint Warfighting Science and Technology Plan.

SEC. 412. TRANSITION OF TRANSFORMATIONAL MANUFACTURING PROCESSES AND TECHNOLOGIES TO THE DEFENSE MANUFACTURING BASE.

(a) ACCELERATION OF TRANSITION FROM SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake appropriate actions to accelerate the transition of transformational manufacturing technologies and processes (including processes and technologies identified under section 411) from the research stage to utilization by manufacturers in the defense manufacturing base.

(2) EXECUTION.—The actions undertaken under paragraph (1) shall include a memorandum of understanding among the Director of Defense Research and Engineering, other appropriate elements of the Department of Defense, and the Joint Defense Manufacturing Technology Panel to accelerate the transition of technologies and processes as described in that paragraph.

(b) PROTOTYPES AND TEST BEDS.—

(1) IN GENERAL.—The Under Secretary shall, utilizing the Manufacturing Technology Program, undertake the development of prototypes and test beds to promote the purposes of this section.

(2) COORDINATION OF ACTIVITIES.—The Under Secretary shall coordinate activities under this subsection with activities under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(c) DEVELOPMENT OF IMPROVEMENT PROCESS.—The Under Secretary shall, in consultation with persons and organizations in the defense manufacturing base, develop and implement a program to continuously identify and utilize improvements and innovative processes in appropriate defense acquisition programs and by manufacturers in the defense manufacturing base.

(d) DIFFUSION OF ENHANCEMENTS INTO DEFENSE MANUFACTURING BASE.—The Under Secretary shall ensure the utilization in industry of enhancements in productivity and efficiency identified by reason of activities under this subtitle through the following:

(1) Research and development activities under the Manufacturing Technology Program, including the establishment of public-private partnerships.

(2) Outreach through the Manufacturing Extension Partnership Program under memoranda of agreement, cooperative programs, and other appropriate arrangements.

(3) Coordination with activities under such other current programs for the dissemination of manufacturing technology as the Under Secretary considers appropriate.

(4) Identification of incentives for contractors in the defense manufacturing base to incorporate and utilize manufacturing enhancements in manufacturing activities.

SEC. 413. MANUFACTURING TECHNOLOGY STRATEGIES.

(a) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may—

(1) identify an area of technology where the development of industry-prepared roadmaps for new manufacturing and technology processes applicable to defense manufacturing requirements would be beneficial to the Department of Defense; and

(2) establish a task force, and act in cooperation with the private sector, to map the strategy for the development of manufacturing processes and technologies needed to support technology development in the area identified under paragraph (1).

(b) COMMENCEMENT OF ROADMAPPING.—The Under Secretary shall commence any roadmapping identified pursuant to subsection (a)(1) not later than January 2007.

SEC. 414. PLANNING FOR ADOPTION OF STRATEGIC INNOVATION.

(a) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall ensure that each contract of a value of $50,000,000 or more under a technology or logistics program of the Department of Defense includes requirements for planning by the contractor under such contract for the adoption of innovative technologies under such contract.

(b) PARTICULAR REQUIREMENTS.—The requirements included in a contract under subsection (a) shall include—

(1) requirements for plans for the identification, monitoring, and transition to the utilization under such contract of applicable emerging technologies from the private sector;

(2) requirements for plans for the identification, monitoring, and development under such contract of emerging research initiatives in academia; and

(3) a requirement to submit to the Under Secretary on an annual basis a report on the implementation of the planning carried out pursuant to the requirements included in such contract.

SEC. 415. REPORT.

(a) IN GENERAL.—Not later than December 31, 2008, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the actions undertaken by the Under Secretary under this subtitle during fiscal year 2007.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a comprehensive description of the actions undertaken under this subtitle during fiscal year 2007;

(2) an assessment of effectiveness of such actions in enhancing research and development on manufacturing technologies and processes, and the implementation of such technologies and processes within the defense manufacturing base; and

(3) such recommendations as the Under Secretary considers appropriate for additional actions to be undertaken in order to increase the effectiveness of the actions undertaken under this subtitle in enhancing manufacturing activities within the defense manufacturing base.

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for the Department of Defense for purposes of carrying out this subtitle for fiscal years as follows:

(1) For fiscal year 2007, $20,000,000.

(2) For fiscal year 2008, $40,000,000.

(3) For fiscal year 2009, $60,000,000.

(4) For fiscal year 2010, $80,000,000.

(5) For fiscal year 2011, $100,000,000.

TITLE V—JUDICIARY AND OTHER MATTERS

SEC. 501. SENSE OF CONGRESS ON RETAINING HIGH TECH TALENT IN THE UNITED STATES.

It is the sense of Congress that comprehensive immigration reform should ensure that the United States retains foreign-born high-tech talent educated in the United States and remains the leader in innovation and technological development in an emerging global marketplace. Such comprehensive reform should ensure—

(1) that the United States continues to retain foreign nationals who have received master's or higher degrees in the sciences, technology, engineering or mathematics from United States institutions of higher education under either—

(A) the H–1B visa program; or

(B) as employment-based immigrants;

(2) that the United States must take a forward looking approach with respect to any limitations on the H–1B visa program; and

(3) that immigration reform should also include systematic improvements to the Government's technology infrastructure in order to eliminate delays in processing immigration proceedings, including employment-based visa applications.

SEC. 502. STUDY ON BARRIERS TO INNOVATION.

(a) IN GENERAL.—The National Academy of Sciences shall conduct and complete a study to identify, and to review methods to mitigate, new forms of risk for businesses beyond conventional operational and financial risk that affect the ability to innovate, including studying and reviewing—

(1) incentive and compensation structures that could effectively encourage long-term value creation and innovation;

(2) methods of voluntary and supplemental disclosure by industry of intellectual capital, innovation performance, and indicators of future valuation;

(3) means by which government could work with industry to enhance the legal and regulatory framework to encourage the disclosures described in paragraph (2);

(4) practices that may be significant deterrents to United States businesses engaging in innovation risk-taking compared to foreign competitors, including tort litigation, the nature and extent of any resulting defensive management practices, and recommendations on practices to restore innovation risk-taking and to overcome defensive practices;

(5) means by which industry, trade associations, and universities could collaborate to support research on management practices and methodologies for assessing the value and risks of longer term innovation strategies; and

(6) means to encourage new, open, and collaborative dialogue between industry associations, regulatory authorities, management, shareholders, and other concerned interests to encourage appropriate approaches to innovation risk-taking.

(b) REPORT REQUIRED.—The National Academy of Sciences shall, not later than 1 year after the date of enactment of this Act, submit to Congress a report on the study conducted under subsection (a).

(c) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences $1,000,000 for fiscal year 2007 for the purpose of carrying out the study required under this section.

SEC. 503. SENSE OF CONGRESS ON PATENT REFORM.

It is the sense of Congress that—

(1) to bolster the United States economy and strengthen innovators in the United States, the patent system should be reformed to enhance the quality of patents, to leverage patent databases as innovation tools, and to create best practices for global collaborative standard setting; and

(2) to achieve the objectives described in paragraph (1), the Federal Government should—

(A) fully fund the Patent and Trademark Office and enable the Office to direct its fees to fund process improvements;

(B) improve compliance with existing patenting requirements and create incentives for improved search and disclosure of prior art;

(C) create new standards for searchability of patent applications and new patents;

(D) establish a fair and balanced post-grant patent review procedure for future patents and patent applications;

(E) invest in retroactively creating searchable keywords for a subset of the most highly cited historical patents;

(F) secure reciprocal access to foreign patent databases; and

(G) set best practices and processes for standards bodies to align incentives for collaborative standard setting, and to encourage broad participation.

Mr. LIEBERMAN. Mr. President, today I rise with my colleague Senator ENSIGN to introduce the National Innovation Act, S. 2105. This Act is about building a new century of progress and prosperity for our Nation by spurring a new wave of American innovation—better known around the world as "American ingenuity."

Our Nation was founded by innovators. Washington, Jefferson, Franklin and many of our other Founding Fathers not only created a new republic, but in their spare time were inveterate experimenters and inventors, as well, who believed that innovation would be important to the growth and security of their new nation.

The generations that followed took up the call. Whitney, Bell, Edison, Fulton, Morse, Ford, Colt, the Wrights—I don't even have to say their first names and you know who they are and what they did.

Now we face a new century with new challenges—a global age where competition can come as easily from across an ocean as from across the street. We got a wake up call earlier this week about how tough the challenge is when it was announced that China had overtaken the United States as the world's largest exporter of high-tech products. According to statistics released by the Organization for Economic Cooperation and Development (OECD), China shipped $180 billion worth of such goods worldwide last year, exceeding U.S. exports valued at $149 billion. Even more significant, however, is the fact that the historical paradigm, one that has fueled much of our economic growth in the technology sector in this country, is quickly changing. China now imports far fewer components for tech goods, choosing instead to produce them itself. The OECD noted that between 2000 and 2004, the U.S. and EU shares of China's total imports in such components dropped from 27 to 12 percent. Instead of relying solely on its lower labor and production costs to assemble high-tech goods from components produced in places like the United States and Europe, China increasingly does it all itself now. Chinese scientists now develop many of the newest technologies. Their engineers now design the latest cutting-edge products, and their factories continue to assemble and spit out the goods, all the while steadily lowering costs. Many of the people involved are educated here or in Europe, though even that is changing, in part due to our restrictive immigration policies and technology transfer rules. If this continues unabated, the highest-end and best-paying jobs, key to the innovation-driven economy, could be found in Shanghai and not in American tech centers.

In May of 2004, I released a White Paper on the topic of outsourcing. When I issued that White Paper, I stated that the first thing we should do was to stop blaming others and face the hard facts ourselves. Since that time, there are even more hard facts we need to face, including the statistics I just mentioned, all of which point to the urgent need for action if the American economy is going to adapt to the fundamental changes and growing competition in the global economy. Forrester Research Inc., a Cambridge, MA research firm that has been studying this issue, has estimated that by 2015, 3.3 million high-tech and service industry jobs will move overseas. Deloitte Consulting has estimated that approximately 2 million jobs in the financial services sector, which signifies nearly 15 percent of the industry's total, could move overseas in the next five years. But even more importantly, we are not just losing jobs. I fear we are beginning to lose critical pieces of our innovation infrastructure, and with them, our competitive edge in the global marketplace. What we always believed was our nation's ultimate competitive advantage—our high-end R&D and technological prowess—is increasingly under siege. I said in 2004, the outsourcing of jobs is just the tip of an economic iceberg that America is sailing towards. If the most recent statistics tell us anything, it's that we are even closer to that iceberg than ever before.

Luckily, these developments have not gone unnoticed. Earlier this year, the Council on Competitiveness—drawing on the insights of many experts from industry and academia, and led by Sam Palmisano of IBM and Wayne Clough of Georgia Tech University—circulated a report with detailed recommendations on how to reinvigorate our innovation economy. The National Innovation Act, which Senator ENSIGN and I are introducing today, is based on the Council's recommendations. This is a strongly bipartisan bill, cosponsored by 16 of our colleagues in the Senate. Further, this bill is wholeheartedly supported by members of the business and academic communities in this country, many of whom are eager to see a reinvigoration of American ingenuity. A few exmples of these supportive statements include the following: George Scalise, President, Semiconductor Industry Association: "U.S. leadership in technology has been the cornerstone of America's strategies for driving economic growth and ensuring national security. U.S. leadership is being challenged as never before. The National Innovation Act of 2005 addresses a number of the most critical issues involving technology leadership, especially those related to federal support for basic research. . . . We are especially pleased to support a bipartisan approach to ensuring U.S. technology leadership. The issues at stake—national security and our standard of living in the 21st century—are far too important to become entangled in partisan politics."

Nicholas M. Donofrio, Executive Vice President, IBM Corporation: "IBM applauds the introduction of the National Innovation Act of 2005 . . . Innovation underpins American economic growth and national security. In today's era of global opportunity and change, the rewards flow to those who innovate and turn disruptive shifts to their advantage. America has a long, proud history of recognizing when change is required and rising to the challenge. We are at such an inflection point today. The National Innovation Act of 2005 will create synergies among America's academic, business and government communities to ensure the future growth of the United States. I urge all Senators to support this legislation."

Deborah L. Wince-Smith, President, Council on Competitiveness: "On behalf of the Council's 180 CEOs, university presidents and labor leaders, I applaud the Senators' efforts and desire to ensure the United States remains the most competitive economic power in the world. We must, as a nation, innovate to compete and to prosper. This legislation is a critical step forward towards that goal."

Dave McCurdy, CEO, Electronic Industries Association: "EIA is thrilled by today's introduction of the National Innovation Act of 2005 (NIA), which includes so many measures that can help the U.S. remain an economic leader in the global high-tech economy. It is an ambitious piece of legislation that spans the policy spectrum, but with the commitment and support of policymakers from both sides of the aisle, we hope to see these important provisions quickly begin to take effect and fuel the U.S. innovation engine."

John J. Castellani, President, Business Roundtable: "On behalf of Business Roundtable, an association of 160 chief executive officers of America's leading companies, I applaud Senator Ensign and Senator Lieberman for their leadership on this critical issue. Maintaining our competitive edge in today's world economy is a top priority of the business community, and the National Innovation Act of 2005 is an important step in the right direction."

The list of organizations and companies that have already endorsed this bill includes many of the major players in the field, companies and organizations working to keep America at the cutting edge of technology development, including the following: American Chemical Society, American Mathematical Society, ASTRA (Alliance for Science & Technology Research in America), Athena Alliance, Bell South, Business Roundtable, Center for Accelerating Innovation, Computing Research Association, Council on Competitiveness, Council of Scientific Society Presidents, Electronic Industries Alliance, Federation of American Scientists, IBM, IEEE-USA, Progressive Policy Institute, Semiconductor Industry Association, SEMI North America, and TechNet. In addition, many academic institutions and organizations support our bill because they recognize the importance of expanding education in science, math, and engineering. We have received strong indications of support from the academic community, including the Association of American Universities (AAU), the Council of Graduate Schools (CGS) and Georgia Institute of Technology.

While I won't describe every provision of this far-reaching bill today, a section-by-section summary accompanies this statement in the RECORD, I will say that the National Innovation Act addresses three broad categories—talent, investment, and infrastructure—all of which are key to America's regaining our competitive position among our trading partners.

Number one, Talent: Innovation requires the incubation of curious minds. That means we absolutely must educate and train our science and engineering talent base that is essential to our continued global economic leadership.

The number of jobs that require technical training is increasing at five times the rate of other occupations. To encourage more students to enter these technical professions, our legislation increases Federal support for graduate fellowships and trainee programs in science, math, and engineering by more than $800 million over 5 years. Specifically, the legislation expands the National Science Foundation's (NSF) Graduate Research Fellowship Program by 1,250 fellowships and extends the length of each fellowship from 3 to 5 years. These fellowships are portable fellowships which afford students the greatest flexibility in choosing graduate programs that fit their needs and interests. The legislation also expands the NSF Integrated Graduate Education and Research Traineeship (IGERT) program by 1,250 new traineeships. In the IGERT program, grants are awarded to universities to develop cross-disciplinary training programs for students in areas including science, math, engineering, and policy.

The legislation also expands upon existing Department of Defense efforts and creates new programs in order to encourage more students to enter the fields of science, math, and engineering. Specifically, provisions are included to expand the Defense Department Science, Mathematics, and Research for Transformation (SMART) scholarship program by $41.3 million per year over five years and to expand the National Defense Science and Engineering Graduate Fellowship program by $45 million per year over five years. A new competitive traineeship program, which will initially include 80 students, is created to provide interdisciplinary training in science and engineering to students who are encouraged to work for at least ten years in the Department of Defense after graduation.

This legislation also supports new and existing Professional Science Master's degree programs. These Master's programs typically try to provide cross-disciplinary training within the science, math, and engineering disciplines, and also to couple traditional technical disciplines with business, entrepreneurial, and business law training. Graduates of these programs will comprise a cadre of technical professionals with broad skills in both business and science that will give our industry an edge.

If we are to develop talent at the graduate levels, we must also emphasize science, math, and engineering at the K-12 and undergraduate levels. The results from the International Student Assessment of 2003 showed that U.S. 15-year-olds performed below the international average in math and science literacy. In order to bolster our highly-skilled science and engineering workforce, we must improve performance in our elementary, middle, and high schools.

Recognizing that new approaches must be realized, this legislation establishes a grant program of $10 million in 2007 and $20 million in 2008 and 2009 to help primary and secondary schools develop new experientially-based teaching techniques in math and science. It further addresses the issue of improving talent in scientific disciplines by expanding the existing Technology Talent program to the scope originally intended. The Technology Talent program provides competitive grants to undergraduate universities to develop new methods of increasing the number of students earning degrees in science, math, and engineering. It is essential that we increase the number of college graduates with the skills to contribute to the science and technology workforce, yet this program has never been fully funded.

Number two, Investment: Great ideas need research money if they are to move from imagination to market. But, federal R&D spending as a percentage of GDP has been in steady decline since the mid-1960s. It is less than half of what it was then. This bill bolsters the mission of the National Science Foundation (NSF) by more than doubling its research budget from $4.8 billion in 2004 to nearly $10 billion in 2011. Support for NSF is essential as it funds the full range of scientific disciplines and it encourages multidisciplinary approaches to problem solving. When it was created in 1950, Congress envisioned NSF as one of the primary catalysts for research "to promote the progress of science; to advance the national health, prosperity, and welfare; [and] to secure the national defense." In order for NSF to continue to meet our tremendous needs in all these areas, which notably remain as vital today as they did back then, it needs more funding. At the same time, we must recognize that we, as a country, face difficult choices in how we allocate our resources. Hard choices may have to be made, but we cannot avoid the reality that an investment such as the increase in NSF's research budget that our bill calls for today, is absolutely necessary if we are to generate the talent base we need to remain competitive. It is my belief that this investment will pay vast dividends in the long run for the American people and for the American economy. I also believe we will pay dearly if this investment is not made soon.

Congress is making steady progress toward finding reasonable ways to accommodate the needs of our five major research agencies. Our bill concentrates on two agencies: we double the authorization for NSF and we ask the Department of Defense (DOD) to spend 3 percent of its budget on science and technology, DOD's 6.1, 6.2, and 6.3, programs consistent with Defense Science Board recommendations. The research budget for life sciences at the National Institutes of Health (NIH) has been doubled in recent years and this legislation attempts to bring research in the physical sciences up to the same high level of funding. A major increase for NASA science research is now under consideration in conference and the Congress passed a significant increase in the authorization for Energy Department Science research as part of the energy bill this summer. So, our bill addresses the remaining top R&D agencies—NSF and DOD.

Our bill also creates an "Innovation Acceleration Grants" program to stimulate high-risk research by urging federal research agencies to allocate at least 3 percent of their current R&D budget to breakthrough research—the kind of research that gave us fiber optics, the Internet and countless other technologies relied on every day in this country and around the world. We anticipate this funding would be used for "grand challenges," for what is sometimes referred to as "connected" or "translational" research, which moves from fundamental discoveries through the development and procurement stages. We also anticipate that agencies would step outside the peer review approach, which can be too cautious, and empower talented program managers to drive novel and promising ideas forward. While it doesn't mandate that these agencies spend at least 3 percent of their budgets on high-risk frontier research projects, this provision sets a realistic and reasonable strategic goal. It is our hope and expectation that agencies will view the 3 percent allocation as a starting point and will take the initiative to expand from there. The Innovation Acceleration Grants program is designed to be a streamlined mechanism to support those grants that are making progress and not support those that are floundering. The program has built-in and specially-designed metrics to ensure that granting agencies closely monitor the projects they support, renewing those with strong performance and phasing out those that don't show enough real promise for the types of cutting-edge advancements that are truly innovative. It is important that it is designed in this manner because a cautious approach to these issues cannot work. In order to face the challenge, we need to take risks and be patient. However, in an environment of increasingly tight fiscal pressures, we also must recognize that risk taking can, and often does, lead to dead ends. While many high-risk projects may fail, those that succeed can bring tremendous benefit. The urgency of the threats we face today warrants a balanced approach. We must continue to encourage the groundbreaking experimentation, tinkering and longer-term outlook that made this country great. But we also must continue to take stock of our progress and make sure we are heading toward the ultimate goal of reestablishing the foundational elements of our tremendous successes over the last 50 years, and more.

Switching gears briefly, I think it is also important to note that the government cannot do this alone. The private sector in this country needs to continue to lead the charge. Private sector investment in research in this country, after a sharp rise in the 90's, has been eroding in recent years in part because companies have moved some R&D operations outside the United States. About $17 billion a year in R&D now flows overseas to nations like China and India. And as that research money leaves our shores, the high-skilled 21st century jobs we need to compete sail away with them.

Our bill tries to help stem the tide by making the current Research and Experimentation (R&E) tax credit permanent and extending it to a greater number of enterprises; the same provision that appears in the Invest in America Act of 2005, sponsored by Senators HATCH and BAUCUS with 44 bipartisan cosponsors. These two Senators deserve the credit on this. We are simply trying to emphasize their efforts. Making the credit permanent allows our private entrepreneurial spirit to continue to drive the economic growth of this great nation and at the same time ensures that other countries like China do not lure away our talent and investment, and ultimately the innovation that comes from them. It gives our companies a powerful and reliable long-term incentive to include domestic R&D as a significant component of their strategic plans. Since the original enactment of the research credit in 1981, a public-private partnership has developed, through which the federal government has worked with businesses of all sizes to ensure that research expenditures continue to be made here in the United States. The reward has been the creation of many innovative technologies, well-paying jobs, and an increased growth rate in our economy. The importance of this effort cannot be understated.

At the same time that firms are investing more money in R&D, they must improve their ability to manage the technological innovations that result from this research. The emerging area of "service science" refers to both research and training regimens that are now starting to develop and to teach individuals how to apply technology to solving complex problems in the service and industrial sector. Eighty percent of our economy is service-based, yet we do very little R&D in this area. We now face intense service competition from countries like India, taking advantage of global IT systems. If we don't improve our services productivity, increasingly we won't be able to compete. This legislation asks the Director of the National Science

Foundation to conduct a study for Congress on how the federal government should best support service science through research, education, and training.

Number three, Infrastructure: Once we have helped assure the education foundation to give people the basic skills they need to use their creativity, and the resources they need to support their experimentation, we must then reinvent and transform our manufacturing processes and technologies so that we can secure the gains from the fruits of all this labor. In this era of tough international competition, if we don't manufacture the goods we innovate here in the U.S., we will forfeit our global economic leadership and our children's prosperity to other nations who can. To help facilitate this important goal, our legislation takes several steps.

First, the bill authorizes creates federally-funded and complementary advanced manufacturing programs at the Departments of Commerce and Defense. The development and implementation of state-of-the-art advanced manufacturing systems does not happen overnight, nor can it be done alone. The goal of this new program is to, again, establish a public-private R&D partnership which enables risk taking and creativity to generate new processes and technologies. These new processes and technologies will give us the productivity breakthroughs we need to maintain our manufacturing competitiveness. I continue to believe in the spirit of American ingenuity—if given the chance and the tools to succeed, we will. This legislation also creates the Test Beds of Excellence program, which is designed test and refine these new processes and technologies in a real manufacturing setting once they have been developed. Then, we ask the Manufacturing Extension Program to help disseminate this new innovative knowledge throughout to manufacturing base, including to the many small and mid-sized companies that will be key to our growth. The Test Beds program is a competitive one and, as in the case of the Innovation Acceleration Grants program and other important features of this legislation, it is designed to self-scrutinize and adapt to the constantly changing needs of our manufacturing sector.

In addition to the effort at the Department of Commerce, our bill asks the Department of Defense to work with the private sector to identify and accelerate the transition of advanced manufacturing technologies and processes that will enable us to maintain our technological edge on the battlefield. The Department of Defense relies on innovation, and the bill seeks to expand the Department's traditional manufacturing sector work in this area. An additional motivating factor within the Department of Defense is the inherent security risk associated with using certain overseas suppliers. American manufacturing must remain competitive in order to meet the needs of our military in a timely fashion.

These steps will go a long way toward revitalizing our manufacturing system into a system that is seamlessly integrated with our other efforts to boost American innovation through education and research.

Our bill goes further, recognizing that innovation fundamentally occurs not at the national level, but at the local and regional levels. Certainly there are many lessons to be learned from the rise of Silicon Valley and other similar regions that have sprung up all over this country as centers for high-tech growth. Our competitors, China, India, Israel and many others, have already begun to emulate the success we have achieved in this way. These clusters have developed in areas of the country where educational and research institutions, together with creative elements of the private sector, have partnered to create an environment conducive to innovation. Our bill encourages the development of more regional clusters ("hot spots") of technology innovation throughout the United States. These hot spots spur growth in local economies and also contribute to progress on a national scale. We don't try to impose these from above, from the national level. These must start at the local level to work. But, the federal government can help local communities identify successful models and the right metrics. The Secretary of Commerce will publish a "Guide to Developing Successful Regional Innovation Hot Spots" in order to share successful strategies in the formation and development of regional clusters.

Finally, it is imperative that the executive branch take a strong role in leading and coordinating the broad initiative outlined in this legislation. To help guide progress in all three of the important areas I have outlined, this bill creates a President's Council on Innovation. The goal of the President's Council is to develop a comprehensive national innovation agenda and coordinate all federal efforts related to this agenda. In consultation with the Office of Management and Budget, this Council would develop and use metrics to assess the impact of existing and proposed laws that affect innovation in the United States. In addition, the Council would help to coordinate the various federal efforts that must be spread among many agencies that support innovation, and it would submit an annual report to the President and to the Congress on how the Federal Government can best support innovation. This effort cries out for much better coordination and collaboration than exist now. Why the White House? These issues must be addressed at the highest levels and in a decisive and organized way to achieve success.

The National Innovation Act is organized into five titles, intentionally reflecting the Senate committees of jurisdiction in the subject areas of each title. Title I, "Innovation Promotion" falls within the purview of the Commerce Committee. Title II, dealing with science, education and healthcare programs, covers subjects within the jurisdiction of the Health Education Labor and Pensions Committee. Title III, providing tax incentives to promote innovation, comes within the Finance Committee jurisdiction. Title IV covers Department of Defense programs and would fall within the Armed Services Committee jurisdiction. Title V, which touches on immigration, patent reform, and possible barriers to innovation, would be within the Judiciary Committee purview. The issues of immigration, health care information technology, and patent reform are reflected in this bill as Sense of Congress provisions, because we recognize that the committees of jurisdiction are already working on and moving in these areas and we don't want to get in their way. However, the bill cites these moving issues to mark the importance of considering how legislation on these issues may affect our economy's ability to remain competitive. The provision for an objective National Academy study on barriers to innovation would allow Congress to understand how legal and numerous other structural aspects of the U.S. economy may affect our ability to be innovative.

From the 18th century Franklin stove to the 20th century personal computer, the United States has long been the leader in the technology and innovation that created jobs, wealth, and an ever-increasing standard of living for our people. We call it American ingenuity. It's time to take that native ingenuity and build a new century of progress for America.

I ask unanimous consent that a section-by-section analysis of the National Innovation Act, a short summary of the legislation, and statements of support for this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL INNOVATION ACT OF 2005 SECTION-BY-SECTION ANALYSIS

TITLE I—INNOVATION PROMOTION

Sec. 101. President's Council on Innovation

The President shall create a Council on Innovation comprised of heads of various executive agencies including Commerce, Defense, Education, Energy, and others. The Council, which will be chaired by the Secretary of Commerce, will have oversight over legislative proposals and executive branch initiatives for promoting innovation. Specifically, the Council will develop a process for using metrics to evaluate existing and proposed innovation policies and make recommendations to heads of executive agencies on improvements to innovation policies. In addition, the Council shall develop a comprehensive agenda for strengthening innovation among the Federal Government, states, academia, and the private sector. The Council will submit an annual report to the President and the Congress on its activities.

Sec. 102. Innovation Acceleration Grants

The President will establish the "Innovation Acceleration Grants Program" to promote and accelerate innovation in the United States. Each executive agency that currently funds research and development (R&D) in science, mathematics, engineering, and technology shall have a goal to commit at least 3% of its existing annual R&D budget to this program. Each such executive agency will also submit detailed plans for the implementation and evaluation of the program within the agency. The plans shall include metrics upon which grant funding decisions will be made and upon which the success of the grants awarded will be assessed. Grants shall be issued for a maximum period of three years (with possibility of renewal for another three years) and shall be awarded to projects that propose a novel approach to address fundamental technological challenges. The agency head may grant further renewals to programs requiring an extended timeframe to complete critical research to the extent they satisfy metrics developed to ensure their ongoing usefulness. Granting agencies are responsible for evaluation of all projects sponsored and for publishing such reviews.

Sec. 103. A national commitment to basic research

Authorizations are provided to nearly double NSF research funding from Fiscal Year 2007 through Fiscal Year 2011. Within 180 days of enactment, the Director of the National Science Foundation shall submit to Congress a detailed plan for the use of these funds. The plan shall focus on means by which basic research in science and engineering will optimize the United States economy for global competition and leadership in productive innovation. In addition, within one year of enactment, the director of the Office of Science and Technology Policy shall evaluate funding needs for R&D in physical sciences and engineering in consultation with the relevant agencies and departments. As appropriate, recommendations for increases in such funding should be submitted to Congress.

Sec. 104. Regional economic development

The Assistant Secretary for Economic Development of the Department of Commerce shall review federal programs that support local economic development and devise a strategy to foster innovation within communities. The Assistant Secretary is directed to develop metrics to evaluate existing programs and, consistent with the strategy to foster innovation in local communities, focus funding on projects that satisfy the metrics developed and that best emphasize cooperation between the public and private sector to promote innovation.

In addition, within 1 year of enactment, the Secretary of Commerce shall publish a "Guide to Developing Successful Regional Innovation Hot Spots." The Guide shall be compiled by the Secretary of Commerce in consultation with representatives of successful regional innovation hot spots to identify features of such hot spots and recommend mechanisms for forming new successful regional collaborations. The Department of Commerce will also be responsible for developing metrics to evaluate the efficacy of the regional innovation hot spots and for providing Congress with a biannual assessment of such programs. The Undersecretary for Technology of the Department of Commerce shall coordinate this review of hot spots.

Sec. 105. Development of advanced manufacturing systems

The Director of the National Institute of Standards and Technology (NIST) shall support R&D efforts in the industrial sector to develop innovative, state-of-the-art manufacturing practices. Targeted activities include improving advanced distributed and desktop manufacturing capabilities, developing small lot manufacturing processes that are compatible with extended production systems, and applying nanotechnology to manufacturing. The Director of NIST shall coordinate these activities with activities under the Small Business Innovation Research Program, the Small Business Technology Transfer Program, and DoD's Manufacturing Technology Program.

The NIST Director will support the development of prototypes for new technologies, the testing of these prototypes, and the adoption of standards to accelerate the applicability of these new technologies. NIST will hold a competition to select up to 3 Pilot Test Beds of Excellence to execute these tasks. The Federal Government will provide no more than 1/3 of the funding for each Test Bed. Private sector participants and corresponding state or local governments must each provide at least 1/3 of the funding for each Test Bed. All Test Beds are subject to review and none will receive federal funds for longer than five years.

The NIST Director shall ensure that the Manufacturing Extension Partnership (MEP) develops a focus on innovation.

The bill would authorize a total of $300 million between FY 2007 and FY 2011 to execute the programs in section 105.

Sec. 106. Study on service science

"Service science" refers to training regimens that are being developed to teach individuals how to apply technology to solving complex problems in the industrial sector. It is the sense of the Congress that the Federal Government should develop a better understanding of service science as a learning discipline in order to strengthen the competitiveness of U.S. institutions and enterprises. The Director of the National Science Foundation (NSF) shall conduct a study for Congress on how the Federal Government should best support service science through research, education and training. During the course of this study, the Director will consult with leaders from institutions of higher education and from the private sector.

TITLE II—MODERNIZATION OF SCIENCE, EDUCATION, AND HEALTHCARE PROGRAMS

Subtitle A—Science and Education

Sec. 201. Graduate fellowships and graduate traineeships

This section authorizes funding for fellowship and traineeship programs that encourage students to pursue graduate studies in the sciences, technology, engineering and mathematics. The Director of NSF will expand the agency's Graduate Research Fellowship Program by 250 fellowships per year and extend the length of each fellowship to five years. The bill authorizes $34 million/year for FY 2007–FY 2011 to support these additional fellowships. In addition, funding in the amount of $57 million/year is authorized for a similar expansion of the Integrated Graduate Education and Research Traineeship program by 250 new traineeships per year over five years.

Sec. 202. Professional Science Master's Degree programs

This section encourages universities to develop Professional Science Master's Degree Programs as a means of increasing the number of highly skilled graduates entering the science and technology workforce. The Director of NSF shall establish a clearinghouse in collaboration with institutions of higher learning, industries, and Federal agencies in order to document successful program elements used in existing Professional Science Master's Degree Programs. The clearinghouse will provide an essential database of information for emerging programs.

In addition, the Director of NSF will grant awards to 4-year institutions of higher education for the creation or improvement of Professional Science Master's Degree Programs. Funds may be awarded to a maximum of 200 institutions for a three year term (with possibility of renewal for 2 additional years), and preference will be given to applicants that are able to secure more than 2/3 of their funding from sources outside the Federal Government. NSF will develop performance benchmarks and will report to Congress within 180 days of this process with an evaluation of all funded programs. The bill authorizes $20 million for FY 2007 and such sums as may be necessary to carry out the programs established in Section 202 for each succeeding fiscal year.

Sec. 203. Increased support for science education through the National Science Foundation

This section supports an increased commitment to science education through the Science, Mathematics, Engineering, and Technology Talent expansion program authorized under section 8(7) of the National Science Foundation Authorization Act of 2002. The Tech Talent expansion program encourages American universities to increase the number of graduates with degrees in mathematics and science. The bill authorizes $335 million from Fiscal Year 2007 to Fiscal Year 2010 for continued support of this program.

Sec. 204. Innovation-based experiential learning

The Director of NSF shall award grants to local educational agencies to implement innovation-based experiential learning in 500 secondary schools and 500 elementary or middle schools. Funds are authorized at levels of $10 million for Fiscal Year 2007 and at $20 million/year for Fiscal Year 2008 and Fiscal Year 2009.

Subtitle B—21st Century Healthcare System

Sec. 211. Sense of the Congress regarding 21st Century Healthcare System

It is the sense of the Congress that the Federal Government should encourage the adoption of interoperable health information technology by facilitating the creation of standards for activities such as quality reporting, surveillance, epidemiology, or adverse event reporting. Federal agencies or departments performing such activities are urged to collect data in a manner consistent with devised standards.

TITLE III—INCENTIVES FOR ENCOURAGING INNOVATION

Subtitle A—Research Credits

Sec. 301. Permanent extension of research credit

This provision makes the research credit set forth in Section 41(a) of the Internal Revenue Code permanent. The credit, originally enacted in 1981, has been extended 11 times and is scheduled to expire on December 31, 2005. The permanent tax credit should allow companies to engage more easily in long-term research projects.

Sec. 302. Increase in rates of alternative incremental credit

This section modifies the means for calculation of the elective alternative incremental research credit to increase the rates applicable to such an election. The bill restores the rates to range between 3% and 5%.

Sec. 303. Alternative simplified credit for qualified research expenses

This section creates a new elective alternative simplified credit for qualified research expenses to increase the number of companies that can benefit from the incentive. Taxpayers will be able to elect a new alternative simplified credit equal to 12% of qualified research expenses for the taxable year in excess of 50% of the average qualified research expenses for the 3 prior taxable years.

Firms may only select one of the two alternative credits described in sections 302 and 303.

The language in this subtitle is identical to the provisions of S. 627 introduced by Senators Hatch and Baucus.

Subtitle B—Health and Education

Sec. 311. Study and report on catastrophic healthcare

This provision requires the Secretary of Health and Human Services and the Secretary of Labor to jointly conduct a study and submit a report to Congress regarding costs associated with catastrophic healthcare events and chronic disease. The goal of the study is to develop innovative public and private sector approaches for dealing with such events and the report should discuss approaches and recommendations for administrative and legislative action to minimize the financial risks associated with these events.

Sec. 312. Lifelong learning accounts

This provision requires the Secretary of the Treasury, in collaboration with the Secretaries of Labor and Education, to conduct a study and submit a report to Congress regarding the potential establishment of lifelong learning accounts to be used for education or training purposes, and which would be exempt from personal income taxation. The study should include analysis and recommendations regarding whether individuals should be allowed to transfer funds in certain existing retirement or education-related accounts into a lifelong learning account without incurring tax liability or other penalties.

Subtitle C—Savings and Investments

Sec. 321. Regulations relating to private foundation support of innovations in economic development

This provision requires the Secretary of the Treasury to issue regulations that clearly identify when distributions by private foundations for purposes of economic development will be treated as charitable contributions pursuant to the Internal Revenue Code. This provision also requires the Secretary of the Treasury to issue regulations to clarify the circumstances under which foundations may make investments in start-up ventures without triggering the five percent excise tax applicable to investments which jeopardize the carrying out of any of the Foundation's exempt purposes.

Sec. 322. Advisory group regarding valuation of intangibles

This provision requires the Secretary of the Treasury to establish an advisory group to examine issues related to proper valuation of intangible assets, including R&D, business processes and software, brand enhancement, and employee training. The advisory group consists of representatives from the Department of Commerce, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Board of Governors of the Federal Reserve System, the New York Stock Exchange, the National Association of Securities Dealers Automatic Quotation System and other significant industry sectors. Based on its research, as well as communications with industry and academic experts, the advisory group is required to submit a report to the Secretary of the Treasury within 24 months of enactment, including discussion of best practices for valuation of intangibles and metrics or other solutions for disclosure of intangibles.

TITLE IV—DEPARTMENT OF DEFENSE MATTERS

Subtitle A—Defense Research and Education

Sec. 401. Revitalization of frontier and multidisciplinary research

U.S. Government investment in frontier and multidisciplinary research is key to the further application and development of innovative technologies. This section establishes as a goal that the Department of Defense allocate at least 3% of its total budget toward science and technology research. This provision also urges the allocation of at least 20 percent of this amount toward basic research in such fields.

Sec. 402. Enhancement of education

This section extends the Department of Defense's Science, Mathematics, and Research for Transformation (SMART) Scholarships program through September 30, 2011, and authorizes $41.3 million/year over 5 years for the SMART program to support additional participants pursuing doctoral degrees and master's degrees in relevant fields. This section also authorizes $45 million/year over 5 years to be appropriated to the Department of Defense through 2011 to support the expansion of the National Defense Science and Engineering Graduate Fellowship program to additional participants.

This section also authorizes the creation of a new Department of Defense competitive traineeship program for students in the areas of mathematics, science, and engineering with specific focus on innovation-oriented studies, multidisciplinary studies and laboratory research. This section authorizes $11.1 million/year over 5 years to sponsor up to 30 doctoral candidates, 30 master's candidates, and 20 undergraduates under this program. Program graduates will be encouraged to work for at least 10 years for the Department of Defense. The Secretary of Defense shall submit an annual report to the House and Senate Armed Services Committees describing the work done by all sponsored students and the benefit of this work to the Department of Defense.

Subtitle B—Defense Advanced Manufacturing

Sec. 411. Manufacturing research and development

This section requires the Under Secretary of Defense for Acquisition, Technology, and Logistics to identify innovative manufacturing processes and advanced technologies that could enhance the efficiency and productivity of the defense manufacturing base. Once identified, the Under Secretary is further required to commission research and development of such innovative processes and technologies, and is encouraged to make use of information technology and new business models in the development of extended production enterprises. The Under Secretary shall consider defense priorities established in the most recent Joint Warfighting Science and Technology Plan when undertaking the aforementioned research and development.

Sec. 412. Transition of transformational manufacturing processes and technologies to the defense manufacturing base

This section requires the Under Secretary of Defense for Acquisition, Technology, and Logistics to take certain actions, including the execution of a memorandum of understanding among appropriate elements in the Department of Defense, to accelerate the transition by manufacturers in the defense manufacturing base to transformational manufacturing processes and technologies, including processes and technologies identified or created pursuant to Section 411. The Under Secretary is also required to utilize the existing Manufacturing Technology Program to develop prototypes and test beds for such processes and technologies, and to implement a program for the defense manufacturing base to continuously identify and utilize improvements in such processes and technologies. In order to ensure increases in productivity and efficiency, the Under Secretary will promote research and development under the Manufacturing Technology Program and outreach through the Manufacturing Extension Partnership Program.

Sec. 413. Manufacturing technology strategies

The Under Secretary of Defense for Acquisition, Technology, and Logistics is authorized to identify and investigate innovative areas of technology that could be beneficial to the Department of Defense in carrying out its defense manufacturing requirements. Once identified, the Under Secretary may establish a task force with the private sector to map a strategy for the development of such technologies and related manufacturing processes. The roadmapping process shall begin no later than January, 2007.

Sec. 414. Planning for adoption of strategic innovation

This section requires the Secretary of Defense to ensure that contracts valued at $50,000,000 or more under a technology or logistics program at the Department of Defense include requirements for planning by the contractor under such contract for the adoption of innovative technologies under that contract. Specifically, contracts must include requirements directed toward identifying and implementing innovative technologies developed in the private sector or academia. Further, such contractors must also report annually on the implementation of such technologies.

Sec. 415. Report

This section requires the Under Secretary to submit a report to Congress describing all activities taken pursuant to this Subtitle during Fiscal Year 2007. The report should include an assessment of the effectiveness of each action taken in enhancing the research and development of innovative technologies and processes in the defense manufacturing area, as well as any recommendations for additional actions to be taken consistent with the requirements of this Subtitle.

Sec. 416. Authorization of appropriations

This section authorizes $300,000,000 of funding between Fiscal Year 2007 and Fiscal Year

2011 to the Department of Defense for the purposes of carrying out this subtitle.

TITLE V—JUDICIARY AND OTHER MATTERS

Sec. 501. Sense of the Congress on retaining American-educated high tech talent in the United States

This section states that it is the sense of Congress that U.S. immigration laws should be reformed to accommodate the need to retain in the United States those foreign nationals graduating from U.S. universities with master's or higher degrees in the sciences, technology, engineering or mathematics.

Sec. 502. Study on barriers to innovation

This section requires the National Academy of Sciences to conduct a study to identify forms of risk that create potential barriers to private sector innovation. The study is intended to support research on the long-term value of innovation to the business community and to identify means to mitigate legal or practical risks presently associated with such innovation activities. This section authorizes $1,000,000 for the purposes of carrying out this study and requires the National Academy to submit a report to Congress on its findings within one year of enactment.

Sec. 503. Sense of the Congress on patent reform

It is the sense of the Congress that the United States patent law system should be reformed to enhance the quality of patents, to leverage patent databases as innovation tools, and to create best practices for global collaborative standard-setting. This section further states that the Federal Government should fully fund the Patent and Trademark Office, improve compliance with existing patenting requirements, establish a fair post-grant patent review procedure, and secure reciprocal access to foreign patent databases.

SUMMARY OF THE "NATIONAL INNOVATION ACT OF 2005"

This legislation responds to the recommendations contained in the National Innovation Initiative Report published by the Council on Competitiveness. In responding to the report, this legislation focuses on three primary areas of importance to maintaining and improving United States' innovation in the 21st Century: (1) research investment, (2) increasing science and technology talent, and (3) developing an innovation infrastructure. This bill: Establishes the President's Council on Innovation to develop a comprehensive agenda to promote innovation in the public and private sectors. In consultation with the Office of Management and Budget, this Council would develop and use metrics to assess the impact of existing and proposed laws that affect innovation in the United States. In addition, the Council would help to coordinate the various federal efforts that support innovation, and use metrics to assess the performance of the federal innovation programs located in different administrative agencies, and submit an annual report to the President and to the Congress on how the Federal Government can best support innovation.

RESEARCH INVESTMENT

Establishes the Innovation Acceleration Grants Program which encourages federal agencies funding research in science and technology to allocate 3% of their Research and Development (R&D) budgets to grants directed toward high-risk frontier research. Although this provision sets 3% of R&D budgets as a strategic goal for allocation to high-risk frontier research projects, it does not mandate that the agencies spend at least 3% of their budgets in this manner. All grants provided to this program will be assessed with metrics and no grants will be renewed unless the agency distributing the grant determines that all metrics have been satisfied.

Increases the national commitment to basic research by nearly doubling research funding for the National Science Foundation (NSF) by FY 2011.

Makes permanent the Research and Experimentation (R&E) tax credit with modifications expanding eligibility for incentives to a greater number of firms.

SCIENCE AND TECHNOLOGY TALENT

Expands existing educational programs in the physical sciences and engineering by increasing funding for NSF graduate research fellowship programs as well as Department of Defense science and engineering scholarship programs. These fellowships provide an incentive for more American students to pursue post-graduate degrees in the sciences, technology, engineering, or mathematics.

Authorizes the Department of Defense to create a competitive traineeship program for undergraduate and graduate students in defense science and engineering that focuses on multidisciplinary learning and innovation-oriented studies.

Authorizes funding for new and existing Professional Science Master's Degree Programs to increase the number of qualified scientists and engineers entering the workforce.

INNOVATION INFRASTRUCTURE

Authorizes the Department of Commerce to promote the development and implementation of state-of-the-art advanced manufacturing systems and to support up to three Pilot Test Beds of Excellence for such systems. The Secretary of Commerce will conduct a competition to select the Pilot Test Beds based on objective criteria and metrics.

Encourages the development of regional clusters ("hot spots") of technology innovation throughout the United States.

Empowers the Department of Defense to identify and accelerate the transition of advanced manufacturing technologies and processes that will improve productivity of the defense manufacturing base.

MAJOR ORGANIZATIONS SUPPORT THE NIA

"U.S. leadership in technology has been the cornerstone of America's strategies for driving economic growth and ensuring national security. U.S. leadership is being challenged as never before. The National Innovation Act of 2005 addresses a number of the most critical issues involving technology leadership, especially those related to federal support for basic research. . . . We are especially pleased to support a bipartisan approach to ensuring U.S. technology leadership. The issues at stake—national security and our standard of living in the 21st century—are far too important to become entangled in partisan politics."—George Scalise, President, Semiconductor Industry Association.

"Nothing can do more for the U.S. economy and to help ensure America's global competitiveness than an enhanced focus on innovation and research by the public and private sectors. Senators Ensign and Lieberman are to be commended for bringing bi-partisan leadership to this most critical legislation designed to assure the United States' continued leadership in innovation in the 21st Century."—F. Duane Ackerman, Chairman and Chief Executive Officer—BellSouth Corporation and Chairman of the Council on Competitiveness.

"On behalf of the Council's 180 CEOs, university presidents and labor leaders, I applaud the Senators' efforts and desire to ensure the United States remains the most competitive economic power in the world. We must, as a nation, innovate to compete and to prosper. This legislation is a critical step forward towards that goal."—Deborah L. Wince-Smith, President, Council on Competitiveness.

"America's constant advance on 'endless frontier' of scientific discovery and engineering innovation has paid enormous dividends for generations. But there is no room for complacency in a world where ideas spread around the globe at the speed of light. The National Innovation Act of 2005 ensures that America will continue to focus on the future by supporting essential investments in high risk research and education—investments that will pay dividends far into the future."—Henry Kelly, President of the Federation of American Scientists.

"In response to new competitive threats in the 1980s, Congress enacted important legislation to help American companies successfully meet that challenge. Twenty years later, as America once again faces competitiveness challenges, the National Innovation Act of 2005 proposes critically important policies and programs to foster innovation and help American companies and workers prosper in the new global economy of the 21st century."—Dr. Robert Atkinson, Vice President, Progressive Policy Institute, Washington, DC.

"IBM applauds the introduction of the National Innovation Act of 2005 . . . Innovation underpins American economic growth and national security. In today's era of global opportunity and change, the rewards flow to those who innovate and turn disruptive shifts to their advantage. America has a long, proud history of recognizing when change is required and rising to the challenge. We are at such an inflection point today. The National Innovation Act of 2005 will create synergies among America's academic, business and government communities to ensure the future growth of the United States. I urge all Senators to support this legislation."—Nicholas M. Donofrio, Executive Vice President, IBM Corporation.

"The new bipartisan Innovation Bill represents an important, multifaceted strategic and systemic approach to one of the most important problem sets facing the long term American future."—Martin Apple, President, Council of Scientific Society Presidents.

"EIA is thrilled by today's introduction of the National Innovation Act of 2005 (NIA), which includes so many measures that can help the U.S. remain an economic leader in the global high-tech economy. It is an ambitious piece of legislation that spans the policy spectrum, but with the commitment and support of policymakers from both sides of the aisle, we hope to see these important provisions quickly begin to take effect and fuel the U.S. innovation engine."—Dave McCurdy, CEO, Electronic Industries Association.

"We are writing to express our support for the National Innovation Act of 2005. Athena Alliance is research institute focused on understanding the emerging Information, Innovation and Intangibles (I-Cubed) Economy . . . The United States faces a critical challenge in coping with this new I-Cubed Economy. Athena Alliance believes that the National Innovation Act of 2005 is a step forward in addressing this challenge."—Richard

Cohon, Chairman; Kenan Jarboe, President; Athena Alliance.

"The U.S. government is an important partner in fostering innovation, but together we must do more. The country is facing great competitive challenges and now is the time to demonstrate real leadership. The National Innovation Act lays out a solid plan and I urge the Congress to support it."—Victoria Hadfield, President of SEMI North America.

"I truly believe that our nation's future economic and technological leadership are at risk if we do not act soon to strengthen American competitiveness. Senators Ensign and Lieberman are leading the way by proposing comprehensive legislation that will substantially increase our commitment to basic research, take decisive steps to grow the S&T talent pool, and provide meaningful incentives to encourage innovation."—Dr. Ann Nalley, President of the American Chemical Society.

"IEEE-USA applauds Senators John Ensign and Joseph Lieberman and their staff for their tireless efforts in crafting legislation designed to enhance and preserve U.S. competitiveness and innovation. This bill represents a huge step forward in promoting policies that will sustain U.S. technological leadership and encourage the development of the skilled, creative and competitive workforce critical for U.S prosperity . . . We urge Congress to deal with this legislation expeditiously."—Gerard A. Alphonse, President, IEEE-USA.

"ASTRA, The Alliance for Science & Technology Research in America, strongly supports the National Innovation Initiative and the National Innovation Act of 2005. ASTRA's Board of Directors has identified enactment of the National Innovation Act of 2005 as its top legislative priority for 2006. In many ways, The Act represents the culmination of nearly five years of concerted effort by ASTRA and its members to raise this issue to a national level of discussion and we are very gratified by this initiative."—Robert S. Boege, Exectuive Director, ASTRA.

"There is no more important public policy priority than creating an environment in which innovation will flourish and fuel continued U.S. economic growth and global leadership. The National Innovation Act embodies this goal and rightly calls for our nation to focus our attention on the critical areas of research and development, economic incentives and investments in education in order to maintain our edge. TechNet applauds Senators Ensign and Lieberman on this important measure that will help America remain the global technology and scientific leader."—Lezlee Westine, President and CEO of TechNet.

"The National Innovation Act of 2005 . . . is a significant bi-partisan response to the challenges the U.S. faces in the hypercompetitive, networked global economy . . . The legislation is properly aimed at reversing adverse trends in research and human capital by augmenting funding for multidisciplinary research, accelerating innovation in manufacturing and the service sectors and investing more resources in the next generation scientists, engineers, workers and entrepreneurs."—Egils Milbergs, President, Center for Accelerating Innovation.

TECHNET,
December 14, 2005.

Hon. JOHN ENSIGN,
U.S. Senate,
Washington, DC.
Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS ENSIGN AND LIEBERMAN: As TechNet members and chief executives of the Nation's leading technology companies, we are writing to express our strong support for the National Innovation Act (NIA) of 2005. We commend your leadership in developing the NIA and look forward to working with you to support enactment of this important legislation.

Our Nation has reached a critical juncture unprecedented in our history. While our Nation continues to be the world's leader in many technological and scientific discoveries and breakthroughs, other nations are working to create their own innovation infrastructure. These efforts range from tax incentives to attract new research and development to increased investments in math and science education. In short, with so many countries recognizing R&D's economic development potential, the U.S. can no longer take its current leading position for granted, nor accept the status quo as sufficient to stay competitive.

Not surprisingly, these were the same observations and conclusions reached by those leaders in business and academia who came together to produce Innovate America, the National Innovation Initiative Report, which was released this year by the Council on Competitiveness. This report produced a series of recommendations that collectively represent landmarks on a roadmap leading toward a nation better equipped and educated to both innovate and compete in a global economy.

We are pleased to see a substantial number of these recommendations embodied in the NIA. Your legislation clearly recognizes that changes are needed in a wide range of areas: reforms in tax policy; federal investments in elementary and secondary education; scholarship and grant availability for university graduate and undergraduate students; federal research priorities; intellectual property protection; and critical areas in our innovation infrastructure, including health care and our armed forces.

The depth and diversity of the issues covered in the NIA demonstrate the complexity and the enormity of the fundamental challenge that confronts us: the economic security and competitiveness of our Nation.

We stand ready to work with you to move this important legislation forward and thank you for your shared commitment to the Nation's future innovative capacity and capability.

Sincerely,

Jim Barksdale, Partner, Barksdale Management Corporation, Co-Founder, TechNet; John Chambers, President & CEO, Cisco Systems, Inc., Co-Founder, TechNet; John Doerr, Partner, Kleiner Perkins Caufield & Byers, Co-Founder, TechNet; James Breyer, Managing Partner, Accel Partners; Ronald Conway, Founder & General Partner, Angel Investors, LP; Carol Bartz, Chairman, President & CEO, Autodesk, Inc.; Jesse Devitte, Managing Director, Borealis Ventures; Henry Samueli, Chairman & CTO, Broadcom Corporation; Gary Lauer, Chairman & CEO, eHealthInsurance; Craig R. Barrett, Chairman, Intel Corporation; Brian Keane, President & CEO, Keane, Inc.; Ralph Folz, CEO, Molecular, Inc.; Safra Catz, President & CFO, Oracle Corporation; Phillip Dunkelberger, President & CEO, PGP Corporation; Norman S. Wolfe, President & CEO, Quantum Leaders, Inc.; Lezlee Westine, President & CEO, TechNet; Nancy Heinen, Sr. Vice President & General Counsel, Apple; Tod Loofbourrow, President & CEO, Authoria; Dwight W. Decker, Chairman & CEO, Conexant Systems, Inc.; Donald B. Means, Founder & Principal, Digital Village Associates; Meg Whitman, President & CEO, eBay Inc.; Christopher Greene, President & CEO, Greene Engineers; Brad Smith, Sr. Vice President & General Counsel, Microsoft Corporation; Raouf Y. Halim, CEO, Mindspeed Technologies, Inc.; Harry W. Kellogg, Jr.,; Vice Chairman, Silicon Valley Bank; Chuck Moran, President & CEO, SkillSoft; Robert Farnsworth, CEO, Sonnet Technologies, Inc.; John S. Chen, Chairman, President & CEO, Sybase, Inc.; John Thompson, Chairman & CEO, Symantec Corporation; Aart de Geus, Chairman and CEO, Synopsys, Inc.; Willem Roelandts, CEO, Xilinx; Robin L. Curle, President, CEO & Chairman, Zebra Imaging, Inc.

[From the Association of American Universities]

STATEMENT ON THE NATIONAL INNOVATION ACT OF 2005

The Association of American Universities applauds Senators Ensign and Lieberman for their introduction of the National Innovation Act of 2005. This legislation responds directly to the outstanding set of recommendations made by the Council on Competitiveness for much needed improvements in our Nation's ability to innovate and compete globally.

The Council's report, like subsequent reports by the National Academies and a host of business and academic organizations, makes a powerful case that the Nation's ability to compete effectively in the 21st century is under serious threat. That threat is posed largely by continuing underinvestment in fundamental research and our growing weakness in producing scientists, engineers, and others with the technological skills needed for the workforce of the future.

The proposals contained in the National Innovation Act represent a critical step toward strengthening the Nation's innovation infrastructure for the 21st century. Among other things, the measure would create a Presidential Council on Innovation, authorize doubling research funding at the National Science Foundation by FY 2011, expand graduate fellowships and traineeships, and encourage federal research agencies to devote three percent of their research and development budgets to "high-risk frontier research."

The legislation not only addresses the Council's recommendations but also reflects what has become a consensus among the nation's business and academic communities concerning actions we must take to ensure our future global competitiveness and our national security. It is the hope of AAU and the 60 leading U.S. research universities that comprise its membership that Congress will begin acting on these proposals at the earliest possible date.

COUNCIL OF GRADUATE SCHOOLS,
Washington, DC, December 14, 2005.
Hon. JOSEPH LIEBERMAN,
Hart SOB,
Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing to commend you for supporting U.S. competitiveness, innovation, and research and development through the introduction of the National Innovation Act. The Council of Graduate Schools (CGS) and its 450 plus member institutions are very grateful for your leadership in addressing the important issue of strengthening American competitiveness and for your recognition of the role of graduate education in this process.

We are especially supportive of the National Innovation Act's provisions related to science and technology talent and the strong emphasis on graduate education contained in Sections 201, 202, 203 and 402 of the bill. We are specifically supportive of the following provisions:

Increased funding for the NSF Graduate Research Fellowship and Integrative Graduate Education and Research Traineeship program;

Authorization of funds for new and existing Professional Science Master's Degree programs to increase the number of qualified scientists and engineers entering the workforce and;

Authorization of a competitive traineeship program for undergraduate and graduate students in defense science and engineering focusing on multidisciplinary learning and innovation-oriented studies, and extension of the SMART program supporting additional participants pursuing doctoral and master's degrees in key fields.

Supporting graduate education is critical to achieving the highly skilled workforce needed for the U.S. to compete effectively in the 21st century global economy. Thank you for your leadership in this important policy matter. The Council of Graduate Schools looks forward to working with you to implement this important legislation.

Sincerely,

DEBRA W. STEWART.

By Mr. CRAPO (for himself, Mrs. LINCOLN, Mr. THOMAS, and Mr. ALLARD):

S. 2110. A bill to amend the Endangered Species Act of 1973 to enhance the role of States in the recovery of endangered species and threatened species, to implement a species conservation recovery system, to establish certain recovery programs, to provide Federal financial assistance and a system of incentives to promote the recovery of species, and for other purposes; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce the Collaboration for the Recovery of the Endangered Species Act, or CRESA. Over the years, this body and the Nation as a whole have fiercely debated the merits of the Endangered Species Act. But there is one fundamental concept on which we all agree—saving endangered species is essential.

We have 30 years of experience with the laws that govern species management. We know the original intent. We have witnessed the strengths of the Act and its capability and commitment to save species from extinction. We know about the endless litigation. We have seen disappointingly few species recover. We have lost farms and valuable ranch land, putting families out of business. Ironically, the biggest losers are the very species we are attempting to recover.

However, we have also seen amazing things happen in Idaho, in Arkansas, Wyoming and in California to name just a few. We have seen landowners, conservationists, local, state and Federal agencies come together, figure out a workable plan and set about to do the business of recovering species. These plans are tried and true—they work, and they need to have the strength of the law behind them.

Some ask why the Endangered Species Act needs to be improved. The answer is short—we must apply lessons learned, the most important one being that collaboration works. Collabortion allows the process to move forward. By its very nature, litigation sets one group against another—making them rivals, not partners. Too often we work against each other, rather than with and for each other. We need to encourage what works in order to create the results we all want.

The next logical step and what is needed now is a way to facilitate the ESA in its methods of promoting ongoing species recovery—something that requires collaboration by all—from the marble halls of Federal agencies here in Washington to rangeland in rural Idaho and forests of Arkansas. So, too, in every other state. This is not just a Western problem; the. entire country is searching for effective ways to accomplish the goals of the ESA. The good news is that many of these valuable partnerships are in place, functioning very effectively all across our country.

Take one example from my home State of Idaho, that of sage grouse recovery. Landowners and conservation groups came together to establish strong conservation programs that respected landowners' rights and satisfied environmental concerns. This collaborative, cooperative effort, utilizing the wisdom of those who live and work on the land, the expertise of specialists and those with knowledge of government rules and regulations, has been a magnificently successful alternative to the perils and dead end road of litigation.

Collaboration means more voices. More voices mean more solutions. More solutions mean more options. More options create the best solutions and also bring ownership by all members of the group. Applying this method to species recovery and the ESA means that more people will become involved and concerned about recovering species, especially those who bear the direct burden of compliance with the law. More voices bleans greater innovation in the field of species recovery. Collaboration decreases conflict, and conflict, as we in this body know all too well, usually puts us nowhere.

Collaboration works. Our bill codifies these proven solutions to protect them from the dead-end often found in litigation.

Why do we need to make a change? It is time to build on lessons learned with regard to species recovery, and our bill will put these lessons into concrete, effective action.

CRESA accomplishes the goal of species recovery by building on the successes of the ESA and by applying valuable lessons learned over the past 3 decades.

It promotes species restoration and recovery by rewarding landowners for their recovery efforts. Private property rights are guaranteed to us by our laws. Cost burdens can be onerous, and landowners should be rewarded for recovery efforts under the Endangered Species Act.

Laws must first positively reinforce public values and penalize only as a last resort. We have had it backward for many years and littered in the wake of this travesty are lost family farms and ranches. The old adage about the danger of burning bridges is relevant here: much of the action driven by existing ESA rules and regulations burns bridges—bridges that left intact could bring species across the chasm of extinction to recovery.

CRESA also promotes flexibility. One lesson learned in the course of creating and implementing the successful species management partnerships that I have mentioned today is that it is vital to work at the point of recovery—on the ground, as we tend to say. Working at the point of recovery realizes the benefits of fine-tuning individual solutions to meet specific challenges, but with the greater and broader goal of species recovery. This is flexibility and it cannot be achieved 2,500 miles from where a species needs restoration. It is on the ground that our resources should be applied.

CRESA promotes a freedom of process which encourages flexibility. I cannot emphasize how many times I have spoken with Idaho farmers and ranchers who tell me that, "that solution might work in the halls of Congress—it doesn't work here on my land." It is ludicrous to believe that one-size-fits-all in the arena of species recovery. No two species, topography, environment or human natural resource use are the same, not even in the same county. There are multiple considerations that must be addressed in a cooperative, collaborative manner in order to achieve any kind of effectiveness.

Private property rights are not the enemy of conservation. Rather, the law can encourage landowners to involve themselves in the process. Landowners have a great deal of respect for species. Many of them are the first ones to tell you about the bear they caught sight of in the dim light of evening or the early morning grazing of deer in their fields. If landowners, especially ranchers and farmers, didn't like animals, they likely wouldn't do what they do. It doesn't make sense.

In the same way, environmentalists don't hate people. They, too, live on land somewhere, and many use the products that large landowners produce for our country: meat, wood, leather, and mining products, to name a few. Put in that perspective, it is obvious that working against one another is futile and counterproductive for people and species. We have innovative solutions that work for both species and people, and we need laws that facilitate this critical flexibility.

It is time to come together, sit down at the table and get down to the real matter at hand. We have to, in the words of a good friend who knows this issue well, "concentrate on problem-solving rather than ideologies." While there are great ideological divides on this issue, the ideas for how to solve conservation challenges are not polarized. There is a consensus that there are conservation solutions that can benefit people and species.

We have a tremendous responsibility with regard to our valuable natural resources. Growing up and living in Idaho, I cannot fully convey to those who have never seen it the absolute wonder of my State's wildlife and land. It is farfetched to imagine that I or anyone else who lives and works this breathtaking setting would want to destroy it. Clearly, this is not just an Idaho issue. There are endangered species and wonderful lands in all 50 States and landowners nationwide are instrumental to solving the challenge of species recovery and restoration.

The Collaboration for the Recovery of Endangered Species Act facilitates this tried and true method of species recovery—species recovery not just for today or next week or next year, but for our children and grandchildren. I look forward to this bipartisan, progressive approach to species recovery and encourage all of my colleagues to give very careful consideration to this important legislation that we are introducing today.

I yield the floor.

Mr. THOMAS. Mr. President, I join with my friend from Idaho as a cosponsor to this bill on endangered species. He and I and others have worked on this for a good long time. Both of us have been on the Committee on Environment and Public Works. We are no longer there, but we started working there. We certainly are excited about the opportunity to bring to the floor some ideas that would deal with this whole notion of endangered species.

As the Senator has mentioned, all of us support the idea of continuing to have a program to protect endangered species. That concept is a good one. All of us support that. What we are talking about is a program that would be modernized and reorganized to be able to do that in a more efficient way.

We have good evidence that the program as it is, is not working. In a very simple way, what we have had is nearly 1,500 species listed. We have had less than a dozen delisted or put back where we want them. The emphasis has been on the listing, the emphasis has been on lawsuits, and the emphasis has been on disagreements. We should do what we can do to bring together the people who are interested. Whether they are environmentalists, whether they are landowners, whether they are naturalists, whatever, we all have the notion that we want to continue to make this program work, and we believe we have some ways to make it work better.

As was mentioned, the law is about 30 years old, so it is time to be updated. I agree with the Senator from Oklahoma, we need to review programs as time goes by. What we have learned as they have been in operation is we can make them much more effective.

There are two things that concern me. One is that there needs to be a substantial amount and a necessary amount of scientific data and science required for the listing. We have had some experience in Wyoming with having species listed, and it turns out they were not endangered at all. They were not identified properly and, therefore, we went through all of this debate and all of this discussion only to discover that they were not, in fact, endangered species. So we need to have more science and get into what is necessary to identify an animal or a plant as an endangered species.

Second, the other challenge is to have a plan for recovery, to have a plan for getting cooperation between the landowners and the users and all the people who are interested in a way to lead us to recovery.

One of our latest experiences in Wyoming and in the western part of the country where we are has been with grizzly bears. Grizzly bears were listed, nearly 20 years ago, as endangered species. The numbers that were set forth in the plan for recovery were reached 15 years ago, and we are just now in the process of actually having the recovery and the delisting take place. So we have really lost sight of the goals of recovering species.

This is bipartisan language. We will have supporters from both sides of the aisle, and there is also an Endangered Species Revision Act that passed in the House. So we will have an opportunity when this is passed to come together with the House program to put together something that will be amenable and acceptable to both the House and Senate. It is bipartisan legislation, as indeed it should be.

I am sure we will have hearings, as we should, because there is a lot of interest in this issue. As the Senator pointed out, you have them on the east coast and you have them on the west coast and the situations are different. This bipartisan language would require recovery goals to be published at the time the species is listed. So there is a plan, and we do not go through this endless proposition. It would make it easier to delist them as soon as recovery goals are met, and that should be the purpose of the program.

It increases the State's role. This is very important. Many on the side of animals as opposed to plants, you have Fish and Wildlife Service, you have Park Service, you have Forest Service, you have State game and fish, you have State land agencies, so there needs to be a good deal of cooperation.

There also, of course, needs to be involvement with landowners who are impacted and affected by the plan for listing and the existence of those critters. So that needs to be there.

We need to provide incentives for working together. Much of this can be done without a lot of rules and regulations. The sage grouse was mentioned. There is a good deal of progress being made there in the private sector with groups coming together. We can do that.

I will not take any more time. I look forward to working with my colleagues. It is going to be in the Finance Committee. We hope we can have hearings soon and get this bill on the floor, work with the House, and be able to have a successful program put into place so we can continue to protect endangered species.

By Mr. BAYH:

S. 2111. A bill to amend the Internal Revenue Code of 1986 to provide a credit for small business employee training expenses, to increase the exclusion of capital gains from small business stocks, to extend expensing for small businesses, and for other purposes; to the Committee on Finance.

Mr. BAYH. Mr. President, I rise today to introduce the Small Business Growth Initiative of 2005, which is critical to expanding opportunities for our small businesses to excel in the U.S economy and compete with larger businesses at home and abroad. Our Nation's competitiveness hinges on our ability to cultivate the entrepreneurial spirit and provide a policy environment that helps our Nation's job creators start or expand small businesses. Since I joined the Small Business Committee in 2003, I have redoubled my efforts to help small businesses, and this bill represents my latest ideas and work to provide additional assistance to the small business community.

In my home State of Indiana, small businesses employ nearly 1.3 million Hoosiers and make up 97.5 percent of all Indiana companies. Nationwide, small businesses have created between

60 and 80 percent of net new jobs over the last decade. Despite this success, small businesses are confronted with unique challenges. To understand what small business owners must overcome to build a successful enterprise, one need only know that one-third of small businesses fail in the first 2 years, and about half fail in the first 4 years. To help more small businesses succeed, my bill is designed to help small businesses train their employees, increase access to capital, encourage long-term investments in new technologies and equipment, expand opportunities to conduct research and development for the Federal Government, and finally, offer employee retirement plans.

The global economy requires that successful small businesses continually update workers' skills to remain competitive. To meet this requirement, the first section of the bill provides a $1,000 tax credit for training costs per employee for up to five employees. This tax credit can be used for employees to, among other activities, obtain a new job certification, attend a community college course, or attend a 1-day seminar. Statistics indicate that the U.S. faces a growing skills gap in its workforce. With technology playing a critical role in the economy, it is vital that we continually educate workers so that they are able to meet the challenges of new and innovative tasks. Companies are often reluctant to invest in worker training due to the fear that workers will take their new training to new jobs. This tax credit reduces the cost to the employer and provides much-needed support for employers to develop a skilled workforce.

Access to capital is critical for emerging small businesses as they seek to innovate, create jobs, and create wealth. The second provision in this bill provides a significant incentive to individuals and companies to invest in emerging small businesses, thereby increasing the amount of capital available to small businesses. Specifically, this bill provides a zero capital gains rate for long-term individual and corporate investments in small business stock. A 2004 report by the Council on Competitiveness highlighted small businesses' difficulty in trying to access venture capital. The study found: "Recently, (the funding gap) has been widening as Venture Capital firms are shifting investments to focus on more mature firms with larger capital needs. Entrepreneurs report difficulty in raising money between $2 million and $5 million."

The third section of my bill extends a critical incentive that small businesses have used to invest in new technologies, expand their operations, and most important, create jobs. Under current law, small businesses can expense—rather than depreciate—up to $100,000 in new qualifying machinery or equipment in each year through 2007. My bill extends this tax provision through the end of 2010. This will allow small businesses to enjoy a 5-year planning horizon for new investment. It is difficult for small businesses to make significant investments when the tax code is riddled with "here today, gone tomorrow" provisions. This provision will provide tax savings to small businesses and reduce the amount of time that small businesses would otherwise be forced to spend complying with complex depreciation rules.

The fourth section of my bill would expand research and development opportunities for small businesses by increasing the amount of federal R&D opportunities available through the Small Business Innovation Research Program, SBIR, and the Small Business Technology Transfer Program, STTR. Small businesses produce 13 to 14 times more patents per employee than large firms. Small business patents are twice as likely as large firm patents to be among the 1 percent most cited patents. These programs are critical to expand opportunities for small businesses to enter the Federal marketplace and in so doing, develop new products that can be commercialized and create new jobs. They play a major role in helping the government advance cutting-edge research. According to the Small Business Administration, approximately 1 in 4 SBIR projects will result in the sale of new commercial products or processes.

The fifth and final section of my bill is designed to help small businesses offer employee retirement plans. Too many workers at small companies do not have the opportunity to contribute to their retirement security. Only 31 percent of small businesses with 10 to 24 employees provide retirement plans to their employees. By comparison, 72 percent of large firms with 1,000 or more employees provide retirement plan options to their employees. As we consider ways to help small businesses grow and be competitive, it is important to provide incentives that allow them to recruit and retain qualified employees and better compete with larger businesses at home and abroad that provide retirement plans for their employees.

The problem for small businesses stems, in part, from the administrative costs of starting a retirement plan. To address this problem, my bill doubles the existing tax credit to offset start-up costs associated with setting up new retirement plans. Under this bill, small companies would be eligible to take a 50 percent credit on the first $2,000 in approved costs incurred in each of the first 3 years of a qualified pension plan's existence.

In conclusion, small businesses are the engine of our economy and we need to focus attention on advancing policies that help small businesses grow and prosper. I look forward to working with my colleagues on these and other proposals to help our Nation's entrepreneurs continue to lead the world in innovation and compete effectively with large companies both here and abroad in the global economy.

By Ms. STABENOW (for herself, Mr. SMITH, Mr. LAUTENBERG, Mrs. MURRAY, Mr. MCCAIN, Mr. COLEMAN, and Mr. DAYTON):

S. 2115. A bill to amend the Public Health Service Act to improve provisions relating to Parkinson's disease research; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, today I rise to introduce the Morris K. Udall Parkinson's Disease Research Act Amendments of 2005. I am pleased to be joined in this endeavor by my colleague, Senator SMITH, who co-chairs the Senate Parkinson's Caucus with me, as well as Senators Murray, Lautenberg, McCain, and Coleman as cosponsors.

Monday, December 12, marked the anniversary of the death of Mo Udall of Arizona, an amazing congressman and champion of the environment who passed away from Parkinson's in 1998. In recognition of Congressman UDALL, Senators Wellstone and MCCAIN introduced the Morris K. Udall Parkinson's Research Act of 1997, which expanded basic and clinical research by establishing Udall Centers of Excellence around the nation to further scientific advances against Parkinson's.

In the United States, an estimated 60,000 new cases are diagnosed each year, joining the 1.5 million Americans who currently have Parkinson's disease. I know first-hand the anguish that a family goes through when a loved one is struck with this horrible disease as my grandmother had Parkinson's.

Top scientists say that Parkinson's is one of the first neurological diseases that could be cured but only if the resources are there. The legislation I am introducing today will help give scientists the tools they need by building on the original Parkinson's Research Act. The Udall Act Amendments Act does not call for additional spending. Rather, my bill makes targeted, process-oriented changes to maximize the federal dollars already spent on Parkinson's research.

I am also pleased to have the support of the entire Parkinson's patient community, including the Parkinson's Action Network, Michael J. Fox Foundation for Parkinson's Research, Parkinson's Disease Foundation, National Parkinson Foundation, Parkinson Alliance, and American Parkinson Disease Association.

Additionally, I am pleased to have the support of Henry Ford Health System. Michigan universities and research institutions are leading the Nation in cutting-edge research into health care, and Henry Ford is doing amazing work in Parkinson's research and epidemiology. The William T. Gossett Parkinson's Disease Center at Henry Ford provides comprehensive, experienced, and individualized diagnostic and therapeutic services to patients with Parkinson's disease and other movement disorders. State-of-the-art clinical programs are provided at Henry Ford Hospital, the Henry Ford Medical Center in West Bloomfield, and the Allen Park Neurology Center.

I ask unanimous consent that the text the bill and the support letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Morris K. Udall Parkinson's Disease Research Act Amendments of 2005".

SEC. 2. MORRIS K. UDALL PARKINSON'S DISEASE RESEARCH ACT OF 1997.

(a) FINDINGS.—Subsection (b) of section 603 of the Morris K. Udall Parkinson's Disease Research Act of 1977 (42 U.S.C. 284f note) is amended by striking paragraph (1) and inserting the following:

"(1) FINDING.—Congress finds that, to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.".

(b) PUBLIC HEALTH SERVICE ACT.—Section 409B of the Public Health Service Act (42 U.S.C. 284f) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) CONFERENCE.—

"(A) IN GENERAL.—The Director of NIH shall convene a coordinating and planning conference every 2 years with relevant institutes and non-governmental organizations to conduct a thorough investigation of all Parkinson's research that is funded in whole or in part by the National Institutes of Health and to identify shortcomings and opportunities for more effective treatments and a cure for Parkinson's disease. The Director shall report to Congress on the coordination among the institutes in carrying out such research.

"(B) RESEARCH INVESTMENT PLAN.—

"(i) IN GENERAL.—The results of each conference convened under subparagraph (A) shall be included in a research investment plan that provides for measurable results with the goals of better treatments and a cure for Parkinson's disease being the determining factors in the allocation of Parkinson's disease research dollars. The plan shall include an outline of the manner in which to fully utilize the Udall Center program to ensure the continuation of a particular focus on translational research, including a clinical component.

"(ii) BUDGET AND IMPLEMENTATION STRATEGY.—The plan submitted under clause (i) shall include a budget (that includes both programmatic and dollar line items) and implementation strategy (that incorporates the use of special initiatives such as Requests for Applications, Program Announcements with set-asides or similar directed research mechanisms) together with results to be reported back to Congress. The budget shall include

"(C) SUBMISSIONS TO CONGRESS.—The plan under subparagraph (B) (including the budget and implementation strategy) and the expected results of plan implementation shall be submitted to Congress not later than 3 months after the conference is convened under subparagraph (A). Reports on the outcomes of the plan, including actual spending and actual results, shall be submitted to Congress on an annual basis.

"(D) FUNDING.—The Secretary shall ensure that adequate funding is available under this section to carry out the activities described in the investment plan under subparagraph (B).";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "not more than 10"; and

(ii) by adding at the end the following: "The Director shall ensure that an additional center shall be funded under this paragraph to serve as the coordinating center to coordinate the activities conducted by each of the centers funded under this paragraph to further focus and manage the interdisciplinary efforts of such centers.";

(B) in paragraph (2)(A)(ii), by striking "conduct basic and clinical research" and inserting "in carrying out research, ensure that a significant clinical component is provided for in addition to ongoing basic research"; and

(C) by adding at the end the following:

"(5) REVIEW PROCESS.—The Director of NIH shall establish a review process with respect to applications received for grants under paragraph (1). Such process shall provide for the evaluation of applicants in a manner that recognizes the unique aspects of the clinical, coordination, and multidisciplinary components of the applicants.";

(3) in subsection (d)—

(A) by striking "is authorized to establish a grant program" and inserting "shall award grants"; and

(B) by inserting before the period at the end the following: "and shall be awarded in a manner consistent with the research investment plan under subsection (b)(2)(B)"; and

(4) by striking subsection (e) and inserting the following:

"(e) REPORT.—The Director of NIH, in consultation with the Director of the Centers for Disease Control and Prevention, shall conduct an investigation, and prepare and submit to the appropriate committees of Congress a report, on the incidence of Parkinson's disease, including age, occupation, and geographic population clusters, and related environmental factors relating to such disease.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, section 301, and this title with respect to research focused on Parkinson's disease, there are authorized to be appropriated not to exceed such sums as may be necessary for each of fiscal years 2007 through 2012.".

HENRY FORD HEALTH SYSTEM,
Detroit, MI, December 12, 2005.

Re Morris K. Udall Parkinson's Disease Research Act Amendments of 2005.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: The Henry Ford Health System strongly supports your legislation which would reauthorize the Morris K. Udall Parkinson's Disease Research Centers and allow an expansion of this important research to other states, including Michigan.

The Henry Ford Health System has been engaged in significant Parkinson's Disease research for many years, with published research on linkages between Parkinson's Disease and occupational exposure to lead, copper and agricultural pesticides, as well as life-style going back to 1993. The etiology of Parkinson's Disease is considered to have a strong environmental component, but relatively few studies have investigated the potential association between occupation and the disease. The HFHS research is enriched by our strong clinical and research programs in Neurology, Biostatistics, and Research Epidemiology at the HFHS Health Sciences Center, as well as our formal affiliation with Wayne State University and the National Institute of Environmental Health Sciences Center in Molecular and Cellular Toxicology with Human Applications at WSU.

Henry Ford Health System provides healthcare to more than 1 million patients, including approximately 25% of residents in the greater Southeast Michigan region, as well as many patients from virtually every state in the nation. Patients are drawn to Henry Ford Health System because of important advancements in diagnostics and treatment that may not be readily available elsewhere. Because of our ability to combine research with our strong clinical programs, HFHS offers an ideal setting for the kinds of changes called for in this legislation. We believe the intent to focus more of the National Institutes of Health Parkinson's dollars on translational research and therapies will bring a strong return on investment and lead to better treatments for more than one million Americans fighting Parkinson's disease.

Thank you for your leadership on this important health care issue. We appreciate your dedication and support for funding the research that can eventually lead to a cure for Parkinson's Disease. We look forward to working with you on this legislation and offer our assistance in achieving the positive changes called for in the Udall Act Amendments.

Sincerely,
NANCY M. SCHLICHTING,
President & CEO.

PARKINSON'S ACTION NETWORK,
Washington, DC, November 1, 2005.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.
Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW AND SENATOR SMITH: The Parkinson's community strongly supports your legislation, the Morris K. Udall Parkinson's Disease Research Act Amendments of 2005.

Recognizing the need to accelerate the pace of Parkinson's disease research, Congress passed the Morris K. Udall Parkinson's Research Act of 1997 (Udall Act) and it was signed into law. The Udall Act Amendments builds on the historic 1997 Udall Act to strengthen and focus critical Parkinson's disease research.

Your legislation will ensure that NIH-funded research will hasten discovery of better treatments and a cure for Parkinson's disease. We believe the positive changes called for in the Udall Act Amendments will require the NIH to focus more of its Parkinson's dollars on translational research and therapies, recognize the unique aspects of the Udall Centers, and give us a stronger understanding of who is impacted by this devastating disease and why. We are confident that the Udall Act Amendments will ensure that federally-funded Parkinson's disease research brings the strongest return on investment possible and will ultimately lead to better treatments and a cure for the more than one million Americans fighting Parkinson's disease.

The Parkinson's community applauds your legislation and looks forward to working with you to ease the burden and find a cure for Parkinson's disease. We thank you for your leadership and dedicated efforts on behalf of the entire Parkinson's community.

Sincerely,

JOEL GERSTEL,
American Parkinson Disease Association.
AMY COMSTOCK,
Parkinson's Action Network.
DEBI BROOKS,
The Michael J. Fox Foundation for Parkinson's Research.
JOSE GARCIA-PEDROSA,
National Parkinson Foundation.
ROBIN ELLIOTT,
Parkinson's Disease Foundation.
CAROL WALTON,
The Parkinson Alliance.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 334—RELATIVE TO THE DEATH OF WILLIAM PROXMIRE, FORMER UNITED STATES SENATOR FROM THE STATE OF WISCONSIN

Mr. FRIST (for himself, Mr. REID, Mr. KOHL, Mr. FEINGOLD, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 334

Whereas William Proxmire served in the Military Intelligence Service of the United States Army from 1941 to 1946;

Whereas William Proxmire served the people of Wisconsin with distinction from 1957 to 1989 in the United States Senate;

Whereas William Proxmire served the Senate as Chairman of the Committee on Banking, Housing, and Urban Affairs in the ninety-fourth to ninety-sixth and one hundredth Congresses;

Whereas William Proxmire held the longest unbroken record for rollcall votes in the Senate;

Whereas William Proxmire tirelessly fought government waste, issuing monthly "Golden Fleece" awards beginning in 1975 for the "biggest or most ridiculous or most ironic example of government waste;"

Whereas William Proxmire worked endlessly to eradicate the world of genocide, culminating in the ratification by the Senate of an international treaty outlawing genocide;

Revolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable William Proxmire, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable William Proxmire.

SENATE CONCURRENT RESOLUTION 70—URGING THE GOVERNMENT OF THE RUSSIAN FEDERATION TO WITHDRAW THE FIRST DRAFT OF THE PROPOSED LEGISLATION AS PASSED IN ITS FIRST READING THE STATE DUMA THAT WOULD HAVE THE EFFECT OF SEVERELY RESTRICTING THE ESTABLISHMENT, OPERATIONS, AND ACTIVITIES OF DOMESTIC, INTERNATIONAL, AND FOREIGN NONGOVERNMENTAL ORGANIZATIONS IN THE RUSSIAN FEDERATION, OR TO MODIFY THE PROPOSED LEGISLATION TO ENTIRELY REMOVE THESE RESTRICTIONS

Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. LIEBERMAN) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 70

Whereas Russian Federation President Putin has stated that "modern Russia's greatest achievement is the democratic process (and) the achievements of our civil society";

Whereas the unobstructed establishment and free and autonomous operations and activities of nongovernmental organizations and a robust civil society free from excessive government control are central and indispensable elements of a democratic society;

Whereas the free and autonomous operations of nongovernmental organizations in any society necessarily encompass activities, including political activities, that may be contrary to government policies;

Whereas domestic, international, and foreign nongovernmental organizations are crucial in assisting the Russian Federation and the Russian people in tackling the many challenges they face, including in such areas as education, infectious diseases, and the establishment of a flourishing democracy;

Whereas the Government of the Russian Federation has proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, including erecting unprecedented barriers to foreign assistance;

Whereas the State Duma of the Russian Federation is considering the first draft of such legislation;

Whereas the restrictions in the first draft of this legislation would impose disabling restraints on the establishment, operations, and activities of nongovernmental organizations and on civil society throughout the Russian Federation, regardless of the stated intent of the Government of the Russian Federation;

Whereas the stated concerns of the Government of the Russian Federation regarding the use of nongovernmental organizations by foreign interests and intelligence agencies to undermine the Government of the Russian Federation and the security of the Russian Federation as a whole can be fully addressed without imposing disabling restraints on nongovernmental organizations and on civil society;

Whereas there is active debate underway in the Russian Federation over concerns regarding such restrictions on nongovernmental organizations;

Whereas the State Duma and the Federation Council of the Federal Assembly play a central role in the system of checks and balances that are prerequisites for a democracy;

Whereas the first draft of the proposed legislation has already passed its first reading in the State Duma;

Whereas President Putin has indicated his desire for changes in the first draft that would "correspond more closely to the principles according to which civil society functions"; and

Whereas Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the international community of democracies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) urges the Government of the Russian Federation to withdraw the first draft of the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; and

(2) in the event that the first draft of the proposed legislation is not withdrawn, urges the State Duma and the Federation Council of the Federal Assembly to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices

universally adopted by democracies, including the provisions regarding foreign assistance.

SENATE CONCURRENT RESOLUTION 71—EXPRESSING THE SENSE OF CONGRESS THAT STATES SHOULD REQUIRE CANDIDATES FOR DRIVER'S LICENSES TO DEMONSTRATE AN ABILITY TO EXERCISE GREATLY INCREASED CAUTION WHEN DRIVING IN THE PROXIMITY OF A POTENTIALLY VISUALLY IMPAIRED INDIVIDUAL

Mr. AKAKA (for himself, Mr. INOUYE, and Mr. SALAZAR) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 71

Whereas many people in the United States who are blind or otherwise visually impaired have the ability to travel throughout their communities without assistance;

Whereas visually impaired individuals encounter hazards that a pedestrian with average vision could easily avoid, many of which involve crossing streets and roadways;

Whereas the white cane and guide dog should be generally recognized as aids to mobility for visually impaired individuals;

Whereas many States do not require candidates for driver's licenses to associate the use of the white cane or guide dog with potentially visually impaired individuals; and

Whereas visually impaired individuals have had their white canes and guide dogs run over by motor vehicles, have been struck by the side view mirrors of motor vehicles, and have suffered serious personal injury and death as the result of being hit by motor vehicles: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that each State should require any candidate for a driver's license in such State to demonstrate, as a condition of obtaining a driver's license, an ability to associate the use of the white cane and guide dog with visually impaired individuals and to exercise greatly increased caution when driving in proximity to a potentially visually impaired individual.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2677. Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill S. 1390, to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

SA 2678. Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill S. 1390, supra.

SA 2679. Mr. MCCONNELL (for Mr. AKAKA) proposed an amendment to the concurrent resolution H. Con. Res. 218, recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

TEXT OF AMENDMENTS

SA 2677. Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill S. 1390, to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; as follows:

On page 3, beginning in line 24, strike "impacts or other physical damage to coral reefs, including" and insert "impacts, derelict fishing gear, vessel anchors and anchor chains, or".

SA 2678. Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill S. 1390, to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; as follows:

On page 4, strike lines 14 through 19, and insert the following:

"(2) leverage resources of other agencies.".

SA 2679. Mr. MCCONNELL (for Mr. AKAKA) proposed an amendment to the concurrent resolution H. Con. Res. 218, recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century; as follows:

Beginning in page 4, line 8, strike "requests that the President issue a proclamation calling on" and insert "urges".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, December 15, 2005, at 10 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, December 15, 2005, at 10 a.m., for a hearing titled, "Hurricane Katrina: Who's In Charge of the New Orleans Levees?".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affaris be authorized to hold an off-the-floor markup during the session on Thursday, December 15, 2005, to consider the nominations of George W. Foresman to be Under Secretary for Preparedness, U.S. Department of Homeland Security, and Mary M. Rose to be Member, Merit Systems Protection Board.

Agenda

Nominations

(1) George W. Foresman to be Under Secretary for Preparedness, U.S. Department of Homeland Security.

(2) Mary M. Rose to be Member, Merit Systems Protection Board.

Post Office Naming Bills

(1) S. 1445, a bill to designate the facility of the U.S. Postal Service located at 520 Colorado Avenue in Arriba, CO, as the "William H. Emery Post Office."

(2) S. 1792/H.R. 3770, a bill to designate the facility of the U.S. Postal Service located at 205 West Washington Street in Knox, IN, as the "Grant W. Green Post Office Building."

(3) S. 1820, a bill to designate the facility of the U.S. Postal Service located at 6110 East 51st Place in Tulsa, OK, as the "Dewey F. Bartlett Post Office."

(4) S. 2036, a bill to designate the facility of the U.S. Postal Service located at 320 High Street in Clinton, MA, as the "Raymond J. Salmon Post Office."

(5) S. 2064, a bill to designate the facility of the U.S. Postal Service located at 122 South Bill Street in Francesville, IN, as the "Malcolm Melville 'Mac' Lawrence Post Office."

(6) S. 2089, a bill to designate the facility of the U.S. Postal Service located at 1271 North King Street in Honolulu, Oahu, HA, as the "Hiram L. Fong Post Office Building."

(7) H.R. 2113, a bill to designate the facility of the U.S. Postal Service located at 2000 McDonough Street in Joliet, IL, as the "John F. Whiteside Joliet Post Office Building."

(8) H.R. 2346, a bill to designate the facility of the U.S. Postal Service located at 105 NW Railroad Avenue in Hammond, LA, as the "John J. Hainkel, Jr. Post Office Building."

(9) H.R. 2413, a bill to designate the facility of the U.S. Postal Service located at 1202 1st Street in Humble, TX, as the "Lillian McKay Post Office Building."

(10) H.R. 2630, a bill to designate the facility of the U.S. Postal Service located at 1927 Sangamon Avenue in Springfield, IL, as the "J.M. Dietrich Northeast Annex."

(11) H.R. 2894, a bill to designate the facility of the U.S. Postal Service located at 102 South Walters Avenue in Hodgenville, KY, as the "Abraham Lincoln Birthplace Post Office Building."

(12) H.R. 3256, a bill to designate the facility of the U.S. Postal Service located at 3038 West Liberty Avenue in Pittsburgh, PA, as the "Congressman James Grove Fulton Memorial Post Office Building."

(13) H.R. 3368, a bill to designate the facility of the U.S. Postal Service located at 6483 Lincoln Street in Gagetown, MI, as the "Gagetown Veterans Memorial Post Office."

(14) H.R. 3439, a bill to designate the facility of the U.S. Postal Service located at 201 North 3rd Street in Smithfield, NC, as the "Ava Gardner Post Office."

(15) H.R. 3548, a bill to designate the facility of the U.S. Postal Service located on Franklin Avenue in Pearl River, NY, as the "Heinz Ahlmeyer, Jr. Post Office Building."

(16) H.R. 3703, a bill to designate the facility of the U.S. Postal Service located at 8501 Philatelic Drive in Spring Hill, FL, as the "Staff Sergeant Michael Schafer Post Office."

(17) H.R. 3825, a bill to designate the facility of the U.S. Postal Service located at 770 Trumbull Drive in Pittsburgh, PA, the "Clayton J. Smith Memorial Post Office."

(18) H.R. 3830, a bill to designate the facility of the U.S. Postal Service located at 130 East Marion Avenue in Punta Gorda, FL, as the "U.S. Cleveland Post Office Building."

(19) H.R. 4053, a bill to designate the facility of the U.S. Postal Service located at 545 North Rimsdale Avenue in Covina, CA, as the "Lillian Kinkella Keil Post Office."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent at the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 15, 2005, at 2:30 p.m., to hold a closed meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that privilege of the floor be granted to Katie Winthrop, a detailee from the Bureau of Land Management serving on my staff, for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF FORMER SENATOR WILLIAM PROXMIRE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 334, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 334) relative to the death of William Proxmire, former United States Senator from the State of Wisconsin.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. It is with deep sadness that I note the passing of the distinguished public servant, Wisconsin's own William Proxmire.

William Proxmire was a man of fierce iconoclasm, robust physical energy, and strong moral fiber. During his 32 years of service in the Senate, he proved himself a friend to consumers everywhere and a steadfast enemy of Government wastefulness.

Born in Lake Forest, IL, as Edward William Proxmire, Senator Proxmire dropped his given first name as a youth to emulate his childhood hero, the cowboy William Hart.

Following an education at Yale and Harvard Universities, he returned to the Midwest where he worked as a newspaper reporter, a farm implement dealer, a printer, and a radio announcer. He won a seat in the Wisconsin State Assembly in 1950, followed by three unsuccessful attempts to become Governor. Finally, in a special election, he won a seat in the U.S. Senate.

Senator Proxmire was an arch opponent of profligate spending. Every month, he would name his Golden Fleece Award to the latest boondoggle on the Government books. He uncovered Government efforts to subsidize surfing, study the body shapes of female airline flight attendants, and investigate the mechanics of why people fall in love.

In 22 years, he never missed a single vote, setting the record which stands to this day for having cast the most consecutive rollcall votes in the Senate.

Between 1967 and 1986, the Senator came to the floor each day to call upon his colleagues to ratify the Convention for the Prevention and Punishment of the Crime of Genocide. Finally, in 1986, after years of tenacious advocacy, the Senate acted and approved the convention.

Senator Proxmire became so popular with the people of Wisconsin that the last two times he stood for elections, he refused to accept any campaign contributions. Aside from filing fees, his main campaign expenses, the Washington Post reported, ended up being envelopes—for returning contributions that citizens sent in anyway.

Even as he aged, he stood by a sturdy regime of clean living: 100 pushups after waking up, long daily runs, a healthy diet, and early bedtimes.

Senator Proxmire was proud of the liberal, progressive politics he learned growing up in Wisconsin. But he also clung to a steadfast desire to protect the American taxpayer. His chaperone eagle eye on the Government budget earned him the admiration of many on the political right. Even today, he remains a hero to many in the tax reform movement.

William Proxmire proved himself an able public servant to the people of Wisconsin, the American taxpayer, and, indeed, the American public at large.

On behalf of my colleagues, I extend my deepest sympathies to the Senator's wife Ellen and the entire Proxmire family.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 334) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 334

Whereas William Proxmire served in the Military Intelligence Service of the United States Army from 1941 to 1946;

Whereas William Proxmire served the people of Wisconsin with distinction from 1957 to 1989 in the United States Senate;

Whereas William Proxmire served the Senate as Chairman of the Committee on Banking, Housing, and Urban Affairs in the ninety-fourth to ninety-sixth and one hundredth Congresses;

Whereas William Proxmire held the longest unbroken record for roll call votes in the Senate;

Whereas William Proxmire tirelessly fought government waste, issuing monthly "Golden Fleece" awards beginning in 1975 for the "biggest or most ridiculous or most ironic example of government waste;"

Whereas William Proxmire worked endlessly to eradicate the world of genocide, culminating in the ratification by the Senate of an international treaty outlawing genocide:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable William Proxmire, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable William Proxmire.

TRANSFERRING PROPERTY TO THE SUPREME COURT

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 2116 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2116) to transfer jurisdiction of certain real property to the Supreme Court.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2116) was read the third time and passed, as follows:

S. 2116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF JURISDICTION OVER CERTAIN REAL PROPERTY TO THE SUPREME COURT.

(a) SHORT TITLE.—This section may be cited as the "Supreme Court Grounds Transfer Act of 2005".

(b) TRANSFER OF JURISDICTION.—

(1) IN GENERAL.—Jurisdiction over the parcel of Federal real property described under paragraph (2) (over which jurisdiction was transferred to the Architect of the Capitol under section 514(b)(2)(B)(i) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 5102 note; Public Law 104–333; 110 Stat. 4165)) is transferred to the Supreme Court of the United States, without consideration.

(2) PARCEL.—The parcel of Federal real property referred to under paragraph (1) is that portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Architect of the Capitol, including any contiguous sidewalks, bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

(c) MISCELLANEOUS.—

(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

(2) INCLUSION IN SUPREME COURT GROUNDS.—Section 6101(b)(2) of title 40, United States Code, is amended by inserting before the period "and that parcel transferred under the Supreme Court Grounds Transfer Act of 2005".

(3) UNITED STATES CAPITOL GROUNDS.—

(A) DEFINITION.—Section 5102 of title 40, United States Code, is amended to exclude within the definition of the United States Capitol Grounds the parcel of Federal real property described in subsection (b)(2).

(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall not have jurisdiction over the parcel of Federal real property described in subsection (b)(2) by reason of such parcel formerly being part of the United States Capitol Grounds.

(4) RECORDING OF MAP OF SUPREME COURT GROUNDS.—The Architect of the Capitol shall record with the Office of the Surveyor of the District of Columbia a map showing areas comprising the grounds of the Supreme Court of the United States that reflects—

(A) the legal boundaries described under section 6101(b)(1) of title 40, United States Code; and

(B) any portion of the United States Capitol Grounds as described under section 5102 of title 40, United States Code, which is contiguous to the boundaries or property described under subparagraph (A) of this paragraph.

(d) EFFECTIVE DATE.—This Act shall apply to fiscal year 2006 and each fiscal year thereafter.

CORAL REEF CONSERVATION AMENDMENTS ACT OF 2005

Mr. McCONNELL. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 294, S. 1390.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1390) to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments.

(Strike the parts shown in black brackets and insert the parts shown in italic.)

S. 1390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coral Reef Conservation Amendments Act of 2005".

SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

(a) PROJECT DIVERSITY.—Section 204(d) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d)) is amended—

(1) by striking "GEOGRAPHIC AND BIOLOGICAL" in the heading and inserting "PROJECT"; *and*

[(2) by striking "40 percent" in paragraph (2) and inserting "30 percent"; and

(3)] *(2)* by striking paragraph (3) and inserting the following:

"(3) Remaining funds shall be awarded for—

"(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

"(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.".

(b) APPROVAL CRITERIA.—Section 204(g) of that Act (16 U.S.C. 6403(g)) is amended—

(1) by striking "or" after the semicolon in paragraph (9);

[(2) by redesignating paragraph (10) as paragraph (12); and]

(2) by striking paragraph (10); and

(3) by inserting after paragraph (9) the following:

"(10) *promoting* activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those activities described in section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs; *or*

"(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef [systems; or".] *systems.".*

SEC. 3. EMERGENCY RESPONSE.

Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. [6404] *6405) is amended to read as follows:*

"SEC. 206. EMERGENCY RESPONSE ACTIONS.

"(a) IN GENERAL.—The Administrator may undertake or authorize action necessary to prevent or minimize the destruction or loss of, or injury to, coral reefs or coral reef ecosystems from vessel impacts or other physical damage to coral reefs, including damage from unforeseen or disaster-related circumstances.

"(b) ACTIONS AUTHORIZED.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel and any impacted coral reef.

"(c) PARTNERING WITH OTHER FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

"(1) be conducted in partnership with other Federal agencies, including the United States Coast Guard, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, and the Department of the Interior; and

"(2) leverage resources of such other agencies, including funding or assistance authorized under other Federal laws, such as the Oil Pollution Act of 1990, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Federal Water Pollution Control Act.".

SEC. 4. NATIONAL PROGRAM.

Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406) is amended—

(1) by striking "and" after the semicolon in paragraph (3);

(2) by striking "partners." in paragraph (4) and inserting "partners; and"; and

(3) by adding at the end the following:

"(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those activities [described] identified in section 210(b).".

SEC. 5. REPORT TO CONGRESS.

(a) IN GENERAL.—Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407) is amended to read as follows:

"SEC. 208. REPORT TO CONGRESS.

"Not later than March 1, 2007, and every 3 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

"(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

"(2) a description of Federal interagency and cooperative efforts with States and United States territories to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reefs, including projects undertaken with the Department of Interior, Department of Agriculture, the Environmental Protection Agency, and the United States Army Corps of Engineers;

"(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;"

"(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

"(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs.".

(b) CLERICAL AMENDMENT.—The table of contents for the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking the item relating to section 208 and inserting the following:

"208. Report to Congress.".

SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.

(a) IN GENERAL.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by striking "organization solely" and all that follows in section 205(a) (16 U.S.C. 6404(a)) and inserting "organization—

"(1) to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef strategy under section 203; and

"(2) to address emergency response actions under section 206.";

(2) by adding at the end of section 205(b) 16 U.S.C. 6404(b)) "The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including activities described in section 210(b)(2).";

(3) by striking "the grant program" in section 205(c) (16 U.S.C. 6404(c)) and inserting "any grant program or emergency response action";

(4) by redesignating sections 209 and 210 as sections 212 and 213, respectively; and

(5) by inserting after section 208 the following:

"SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

"(a) In General.—The Administrator may make grants to entities who have received grants under section 204(c) to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and [the best scientific information available] *scientific experts* as high priorities for focused attention. The plans shall—

"(1) support attainment of 1 or more of the criteria described in section 204(g);

"(2) be developed at the community level;

"(3) utilize watershed-based approaches;

"(4) provide for coordination with Federal and State experts and managers; and

"(5) build upon local approaches or models, including traditional or island-based resource management concepts.

"(b) Terms and Conditions.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '[25 percent] *75 percent*' shall be substituted for '50 percent'.

"SEC. 210. VESSEL GROUNDING INVENTORY.

"(a) In General.—The Administrator may maintain an inventory of all vessel grounding incidents involving coral reef resources, including a description of—

"(1) the impacts to such resources;

"(2) vessel and ownership information, if available;

"(3) the estimated cost of removal, mitigation, or restoration;

"(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

"(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

"(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

"(b) Identification of At-Risk Reefs.—The Administrator may—

"(1) use information from any inventory maintained under subsection (a) or any other available information source to identify coral reef areas outside designated National Marine Sanctuaries that have a high incidence of vessel impacts, including groundings and anchor damage; and

"(2) identify appropriate measures, including action by other agencies, to reduce the likelihood of such impacts.

"SEC. 211. REGIONAL COORDINATION.

"The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overharvesting.".

(b) Clerical Amendment.—The table of contents for the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating the items relating to sections 208 through 211 as relating to sections 211 through 214; and

(2) by inserting the following after the item relating to section 207:

"209. Community-based planning grants.
"210. Vessel grounding inventory.
"211. Regional coordination.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Coral Reef Conservation Act of 2000 (formerly 16 U.S.C. 6408), as redesignated by section 6, is amended—

(1) by striking "$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004," in subsection (a) and inserting "$30,000,000 for fiscal year 2006, $32,000,000 for fiscal year 2007, $34,000,000 for fiscal year 2008, and $35,000,000 for each of fiscal years 2009 through 2012, of which no less than 30 percent per year (for each of fiscal years 2006 through 2012) shall be used for the grant program under section 204 and up to 10 percent per year shall be used for the Fund established under section 205.";

(2) by striking "$1,000,000" in subsection (b) and inserting "$2,000,000"; and

(3) by striking subsection (c) and inserting the following:

"(c) Community-Based Planning Grants.—There is authorized to be appropriated to the Administrator to carry out section 209 the sum of $8,000,000 for fiscal years 2007 through 2012, such sum to remain available until expended."; and

(4) by striking subsection (d).

Mr. McCONNELL. Mr. President, I ask unanimous consent the amendments at the desk be agreed to, the committee-reported amendments, as amended, if amended, be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2677 and 2678) were agreed to, as follows:

AMENDMENT NO. 2678

(Purpose: To strike references to certain laws)

On page 4, strike lines 14 through 19, and insert the following:

"(2) leverage resources of other agencies.".

AMENDMENT NO. 2677

(Purpose: To make it clear that damage from derelict fishing gear and vessel anchors and anchor chains warrants emergency response action)

On page 3, beginning in line 24, strike "impacts or other physical damage to coral reefs, including" and insert "impacts, derelict fishing gear, vessel anchors and anchor chains, or".

The committee amendments were agreed to.

The bill (S. 1390), as amended, was read the third time, and passed as follows:

S. 1390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coral Reef Conservation Amendments Act of 2005".

SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

(a) Project Diversity.—Section 204(d) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d)) is amended—

(1) by striking "Geographic and Biological" in the heading and inserting "Project"; and

(2) by striking paragraph (3) and inserting the following:

"(3) Remaining funds shall be awarded for—

"'(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

"(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.".

(b) Approval Criteria.—Section 204(g) of that Act (16 U.S.C. 6403(g)) is amended—

(1) by striking "or" after the semicolon in paragraph (9);

(2) by striking paragraph (10); and

(3) by inserting after paragraph (9) the following:

"(10) promoting activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those activities described in section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs; or

"(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef systems.".

SEC. 3. EMERGENCY RESPONSE.

Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6405) is amended to read as follows:

"SEC. 206. EMERGENCY RESPONSE ACTIONS.

"(a) In General.—The Administrator may undertake or authorize action necessary to prevent or minimize the destruction or loss of, or injury to, coral reefs or coral reef ecosystems from vessel impacts, derelict fishing gear, vessel anchors and anchor chains, or damage from unforeseen or disaster-related circumstances.

"(b) Actions Authorized.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel and any impacted coral reef.

"(c) Partnering With Other Federal Agencies.—When possible, action by the Administrator under this section should—

"(1) be conducted in partnership with other Federal agencies, including the United States Coast Guard, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, and the Department of the Interior; and

"(2) leverage resources of other agencies.".

SEC. 4. NATIONAL PROGRAM.

Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406) is amended—

(1) by striking "and" after the semicolon in paragraph (3);

(2) by striking "partners." in paragraph (4) and inserting "partners; and"; and

(3) by adding at the end the following:

"(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those activities identified in section 210(b).".

SEC. 5. REPORT TO CONGRESS.

(a) In General.—Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407) is amended to read as follows:

"SEC. 208. REPORT TO CONGRESS.

"Not later than March 1, 2007, and every 3 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

"(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

"(2) a description of Federal interagency and cooperative efforts with States and United States territories to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reefs, including projects undertaken with the Department of Interior, Department of Agriculture, the Environmental Protection Agency, and the United States Army Corps of Engineers;

"(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;"

"(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

"(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs.".

(b) Clerical Amendment.—The table of contents for the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking the item relating to section 208 and inserting the following:

"208. Report to Congress.".

SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.

(a) In General.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by striking "organization solely" and all that follows in section 205(a) (16 U.S.C. 6404(a)) and inserting "organization—

"(1) to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef strategy under section 203; and

"(2) to address emergency response actions under section 206.";

(2) by adding at the end of section 205(b) 16 U.S.C. 6404(b)) "The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including activities described in section 210(b)(2).";

(3) by striking "the grant program" in section 205(c) (16 U.S.C. 6404(c)) and inserting "any grant program or emergency response action";

(4) by redesignating sections 209 and 210 as sections 212 and 213, respectively; and

(5) by inserting after section 208 the following:

"SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

"(a) In General.—The Administrator may make grants to entities who have received grants under section 204(c) to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and scientific experts as high priorities for focused attention. The plans shall—

"(1) support attainment of 1 or more of the criteria described in section 204(g);

"(2) be developed at the community level;

"(3) utilize watershed-based approaches;

"(4) provide for coordination with Federal and State experts and managers; and

"(5) build upon local approaches or models, including traditional or island-based resource management concepts.

"(b) Terms and Conditions.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '75 percent' shall be substituted for '50 percent'.

"SEC. 210. VESSEL GROUNDING INVENTORY.

"(a) In General.—The Administrator may maintain an inventory of all vessel grounding incidents involving coral reef resources, including a description of—

"(1) the impacts to such resources;

"(2) vessel and ownership information, if available;

"(3) the estimated cost of removal, mitigation, or restoration;

"(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

"(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

"(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

"(b) Identification of At-Risk Reefs.—The Administrator may—

"(1) use information from any inventory maintained under subsection (a) or any other available information source to identify coral reef areas outside designated National Marine Sanctuaries that have a high incidence of vessel impacts, including groundings and anchor damage; and

"(2) identify appropriate measures, including action by other agencies, to reduce the likelihood of such impacts.

"SEC. 211. REGIONAL COORDINATION.

"The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overharvesting.".

(b) Clerical Amendment.—The table of contents for the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating the items relating to sections 208 through 211 as relating to sections 211 through 214; and

(2) by inserting the following after the item relating to section 207:

"209. Community-based planning grants.
"210. Vessel grounding inventory.
"211. Regional coordination.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Coral Reef Conservation Act of 2000 (formerly 16 U.S.C. 6408), as redesignated by section 6, is amended—

(1) by striking "$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004," in subsection (a) and inserting "$30,000,000 for fiscal year 2006, $32,000,000 for fiscal year 2007, $34,000,000 for fiscal year 2008, and $35,000,000 for each of fiscal years 2009 through 2012, of which no less than 30 percent per year (for each of fiscal years 2006 through 2012) shall be used for the grant program under section 204 and up to 10 percent per year shall be used for the Fund established under section 205.";

(2) by striking "$1,000,000" in subsection (b) and inserting "$2,000,000"; and

(3) by striking subsection (c) and inserting the following:

"(c) Community-Based Planning Grants.—There is authorized to be appropriated to the Administrator to carry out section 209 the sum of $8,000,000 for fiscal years 2007 through 2012, such sum to remain available until expended."; and

(4) by striking subsection (d).

PROVIDING AUTHORITIES FOR THE DEPARTMENT OF STATE

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4436, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4436) to provide certain authorities for the Department of State, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4436) was read the third time and passed.

CENTENNIAL OF SUSTAINED IMMIGRATION FROM THE PHILIPPINES TO THE UNITED STATES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 218, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 218) recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent that an Akaka amendment at the desk be agreed to, the concurrent resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2679) was agreed to, as follows:

Beginning on page 4, line 8, strike "requests that the President issue a proclamation calling on" and insert "urges".

The concurrent resolution (H. Con. Res. 218), as amended, was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 2892

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2892) to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

Mr. McCONNELL. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read again on the next legislative day.

ORDER TO SUBMIT TRIBUTES

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senators be permitted to submit tributes to Senator (Governor-elect) CORZINE for the RECORD until December 29, 2005, and that they be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREDISASTER MITIGATION PROGRAM REAUTHORIZATION ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 4324, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4324) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4324) was read the third time and passed.

ORDERS FOR FRIDAY, DECEMBER 16, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on tomorrow, Friday, December 16. I further ask that following the prayer and the pledge the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period of morning business for up to 30 minutes, with the Democrats in control of the first 15 minutes and the majority controlling the second 15 minutes.

I further ask that the Senate then resume consideration of the conference report to accompany H.R. 3199, the PATRIOT Act, and there then be 60 minutes of debate equally divided between the majority and the minority, followed by a vote on a motion to invoke cloture on the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Tomorrow morning at approximately 11 o'clock, the Senate will have a cloture vote on the PATRIOT Act conference report. Senators should anticipate additional votes during tomorrow's session as we work through these last must-do items for this session. Executive items will also be considered as we work to complete action before breaking for the Christmas holidays. We will likely be in session through the weekend.

I thank Senators for their patience and hard work to get through the final stretch of activity for this session of the 109th Congress.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order and as a further mark of respect to Senator William Proxmire.

There being no objection, the Senate, at 7:54 p.m., adjourned until Friday, December 16, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 15, 2005:

THE JUDICIARY

STEPHEN G. LARSON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT CALIFORNIA, VICE ROBERT J. TIMLIN, RETIRED.

DEPARTMENT OF JUSTICE

TERRANCE P. FLYNN, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE MICHAEL A. BATTLE, RESIGNED.

HOUSE OF REPRESENTATIVES—*Thursday, December 15, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God who neither deceives nor will be deceived, our trust is placed in You as persons and as a nation. Our hope is not a mocking dream. For You, Lord God, have placed in our hearts great desires for what is good for Your people and a deep sense of needing Your assistance to meet the challenges You set before this Congress. We could not expect any response to our prayer or have unfailing hope in You, unless You had not already placed in our hearts a glimpse of a vision that there is something to hope for.

Lord God, You are creating a new world and a better America by placing within us hopes and dreams of greater tranquility in this world and enduring justice for Your people. Having begun this good work in us, bring it now to completion. This we ask seeking Your kingdom now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oregon (Mr. DEFAZIO) come forward and lead the House in the Pledge of Allegiance.

Mr. DEFAZIO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 one-minutes on each side.

PRESCRIPTION DRUG PRICING

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, Americans purchase 68 percent more prescription drugs today than they did just 10 years ago, and at the same time, retail prescription prices have risen three times the rate of inflation.

How can people afford the medication they need? Some propose price controls, others want the government to pay, but let us also give the power to the patient. Whether we are buying groceries or clothes or cars or even airline tickets, when consumers can compare prices they can drive those prices down. Why not do the same for prescription drugs?

Today, many State governments are setting up Web sites for consumers to compare drug prices in their area. These Internet sites help patients to shop smarter and get more affordable choices. One study found that Web sites offering drug comparisons can save patients as much as 40 percent. Congress should support public-private partnerships for sharing online information to help lower these costs for consumers. I urge my colleagues to learn more about how informed consumers can lower their costs on prescription drugs by visiting my Web site at murphy.house.gov.

RECORD TRADE DEFICIT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, well, the Bush administration set yet another record yesterday. Congratulations to the Bush administration. We set the highest 1-month trade deficit in the history of the United States, eclipsing the highest deficit figure previous record which was set last month.

We are headed toward a $718 billion trade deficit this year. We are borrowing $2 billion a day from people overseas to buy things made overseas that used to be made here, and they keep standing up on that side of the aisle and saying what is wrong with Americans, can't they see the economy is booming? Yes, it is booming, we are borrowing money overseas to buy goods overseas, and that makes it look like a booming economy while people are losing their jobs here in America, 3 million manufacturing jobs left, and these trade policies are driving down wages in this country.

That is their idea of a successful economy, because the CEOs and a few investors are doing really well. It is a disaster. No more record trade deficits. We need a new trade policy for this country.

HONORING RALPH H. BAER

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute.)

Mr. BRADLEY of New Hampshire. Madam Speaker, I rise today to pay tribute to Ralph H. Baer of Manchester, New Hampshire who has recently been named the recipient of the National Medal of Technology. Mr. Baer has achieved great success, and his home State is extremely proud of him.

Mr. Baer left Nazi Germany with his family at the age of 14, and moved to Manchester in 1955 to work as a chief engineer with Transitron, Incorporated. He later joined Sanders Associates as a staff engineer to manage the equipment design division. Since 1975, he has successfully owned and operated R.H. Baer Consultants.

The National Medal of Technology has been bestowed by the President since 1985 as the Nation's highest award for innovation. The award was mandated by Congress in 1980 to recognize the significant contributions that America's leading innovators have made to the Nation's economic strength and standard of living. The National Medal of Technology laureates are also recognized for innovation that has revolutionized communication, education, entertainment, medicine, and transportation.

I applaud Mr. Baer for his creativity and the risks he took in his career. Technological innovations like those developed by Mr. Baer have allowed the United States to continue to break down the barriers to scientific advancement. I am honored to recognize his contributions to science and our Nation.

TRADE POLICY

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Madam Speaker, I enjoyed my colleague's tirade on trade. He says there is too much coming in, but they consistently vote against any going out. They do not assist us in the trade policy that will bring balance to trade.

What have we done positively? Let us talk a little bit about the economy. GDP is up. The stock market is nearing 11,000. Not since 9/11 have we seen such a robust economy. Consumer confidence is up. Gas prices are subsiding. Unemployment in Florida and the Nation is the lowest it has been in decades; and the Nation is at an all-time high in prosperity index. We have had job creation; and, yes, we have had tax relief, giving people their own money

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

back to spend in their communities. That is leadership.

If you listen to the other side of the aisle, it is a pity party, it is pessimism, it is negativity, and it seems to spawn itself to a defeatist attitude whether it is about the war in Iraq, or the health of our economy. We have got a lot to boast about, and I think it is important that national leaders stand up and talk about the great things that are happening in this country. I applaud what we have done. Reflective in the numbers we have shown leadership, the Nation is stronger than ever, our economy is better than ever, and I think we all ought to wish people a Merry Christmas as we head into a prosperous season.

RECOGNIZING MAGNET AMERICA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to recognize a wonderful family-owned business headquartered in the heart of North Carolina's Fifth Congressional District.

Magnet America based in King, North Carolina is the original creator of the yellow Support Our Troops ribbon car magnets. All of their products are made in the U.S.A., and all of their employees are true American patriots.

This company is exceptional because it serves as a fund-raising tool to help the families of our troops and to send care packages to those serving overseas. The company has had an amazing success story. Dwain Guillion first made the ribbon magnets to sell at his family's Christian bookstore. The idea took off when he sent a box of 50 magnets to a national convention of Vietnam veterans. Within weeks, he was getting orders from all over the country. By 2004, his company had 150 employees and was shipping more than 100,000 magnets per week.

It is unfortunate that Chinese knockoffs of their designs are having a negative impact on Magnet America's business. It is my hope that people will visit www.magnetamerica.com and support this great American company.

IRAQ'S PARLIAMENTARY ELECTIONS

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Madam Speaker, I rise today in support of the Iraqi people. Today, millions of people in Iraq are headed to the polls to cast their vote for a free and open society. This vote stands directly in opposition to the prior government which was predicated on terror and fear, and ruled by the iron fist of one of the world's most vicious dictators. This is the most powerful blow to the terrorists and rejectionist elements of the Iraqi insurgency to date. Iraqis are determining their own destination, their own destiny, and by doing so they have reached an important benchmark drawing the U.S. closer to victory and reducing American presence in Iraq. Today's parliamentary elections in Iraq have the makings of a watershed moment in history, not only for the Middle East, but for the long-term security of the United States.

A democratic Iraq is absolutely essential to winning the global war on terror. Now, more than ever, America's leaders must stand united behind the Iraqi people as they venture forward in the hope for a better future.

IRAQI ELECTIONS

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Madam Speaker, what a difference 2 years makes. In August of 2003, I was in Iraq, and every Marine I met wanted to show me the field that Iraqis began digging in as soon as they took control of it. A mass grave was there with 3,000 bodies, part of the 400,000 to 500,000 mass graves around the country. This hopelessness has really driven the Iraqis to embrace the freedom that our brave soldiers have given them the opportunity for. That is why, as we stand here today, millions of Iraqis, Shia, Sunni, Kurds are giving the terrorists the finger, the ink-stained finger voting for the third time this year, and as they do that, they are piercing through the hopelessness that breeds terrorism. They are giving themselves the opportunities for a better life. They are transforming a region. They are making America safer. We applaud the Iraqis. We thank the American troops that have made this possible.

MEDICARE PART D

(Mr. GINGREY asked and was given permission to address the House for 1 minute.)

Mr. GINGREY. Madam Speaker, I rise today to encourage all Americans to talk with their loved ones about Medicare part D, the new voluntary prescription drug benefit available to all seniors.

Now is the perfect time to assist a senior with this important decision. After all, many of us are about to spend the holiday season with several generations of our family, and it is easy to help. In fact, this past weekend, I help my mother, Helen Gingrey, enroll in a Medicare part D plan. Now, my mother is in her eighties, and while she is a sharp lady, she is not very familiar with computers, but together, we visited the Web site www.medicare.gov, and walked through the enrollment process. It took less than an hour, and now starting January 1, my mother will have affordable prescription drug coverage.

If everyone in our community took the time to assist just one senior in this way we could help millions of seniors get access to the prescription drugs they need to stay well. Seniors can choose a plan and enroll by visiting the Web site www.medicare.gov, or by calling 1–800–Medicare.

Madam Speaker, I encourage all Americans to help a senior in their lives with this important health care decision.

NEITHER PEACE ON EARTH, NOR GOODWILL TOWARD MEN

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker, today Republicans propose to criminalize those who offer the slightest help to undocumented immigrants—water to the thirsty or food for the hungry. Church members could become felons for their faith, facing 5 years in prison.

So if on some silent night, when all is calm and all is bright, a young man and a clearly pregnant woman from out of town ask if they can rest by your manger, be warned: first verify their visas.

With similar zealotry to preserve the right to torture, cut food stamps and deny aid to abused and neglected children, these same folks publicly preach that it's the rest of us who have forgotten the meaning of Christmas.

But this year the Administration's true Christmas tidings seem to be—"Neither Peace on Earth, nor Goodwill Toward Men."

□ 1015

STRONG ECONOMY

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Madam Speaker, with Christmas just around the corner, the latest economic indicators are welcome gifts to the American people. In the last 5 years, this country has endured terrorist attacks, stock market decline and natural disasters. Yet despite all of this, the latest numbers show that our economy is strong and it is getting stronger.

Just in time for holiday travel, gas prices continue to decline and are down nearly 23 cents in the last 4 weeks. Sales of new homes rose 13 percent in October, which was the largest monthly gain in 12 years. Finally, nearly 4.5 million jobs have been added in the last 2½ years. We have even seen an impressive 200,000 jobs per month.

And, State and local revenue has risen 7.2 percent. In fact, in my State of Florida, we expect a surplus of more than $3 billion.

These positive numbers are the result of Republicans' pro-growth economic policies. The Democrats, however, believe that a good gift is to continue to tax and spend.

Madam Speaker, right now we have a strong, vibrant economy. Republicans remain committed to these policies that will endure and all Americans can realize the American dream and have a merry, merry Christmas.

RESPECTFUL BORDER SECURITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, we are all descendants of immigrants—legal immigrants. America is a good and a generous Nation. We open our arms to the world. It is that spirit that makes us unique, inviting and vulnerable.

The world has changed. Our borders must be secure for our Nation to be secure. This week we finally have an opportunity to fulfill our responsibility to our constituents. We have an opportunity to address the issue of border security for the first time in years.

Madam Speaker, if our borders are not secure, our Nation is not secure. A solution to this crisis is being demanded by our constituents. This should be a positive action. It should be one respectful of history and all Americans.

I urge my colleagues to be respectful of the institution, to be respectful of the wonder of the deliberative process, to be respectful of motive, to be respectful of each other. Madam Speaker, it is time we take the honorable steps necessary to ensure that our borders and our Nation are secure.

IRAQ AND IMMIGRATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, the world is watching democracy in action today. I applaud our Iraqi allies and thank our men and women in uniform for making this historic election possible. We are reshaping a region responsible for creating terrorism that murdered nearly 3,000 Americans on September 11. Today's election is a step in the right direction.

Madam Speaker, I also want to commend Chairman SENSENBRENNER for leading the House in the effort to get a hold on our illegal immigration problem. In both the 108th and 109th Congresses, I introduced the Federal Contractors Security Act to tackle the problem we have seen, a documented and publicized problem, of illegal entrants working for Federal contractors at critical infrastructure sites.

I am pleased the Judiciary Committee inserted many of the provisions of my bill into H.R. 4437 to implement the worker verification system. Chairman SENSENBRENNER listened to our concerns and his bill will do so much to address the problem of illegal entry into this great Nation.

IRAQI PARLIAMENTARY ELECTIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, today is a historic day for democracy and freedom. Iraqis go to the polls to democratically elect the 275 seats of the new Iraqi Council of Representatives. The newly elected Council will then select a Prime Minister, a Presidency Council, and a Cabinet of Ministers.

By any measure, today's elections are remarkable. In just under 3 years, 26 million Iraqis have gone from brutal tyranny to representative democracy. A ruthless and dangerous dictator has been removed, and the stabilizing influence of democracy is taking root in a region desperately in need of it.

This progress is a fitting tribute to the brave men and women in uniform who have sacrificed so much to see this day realized. There is more work to be done and there will be more setbacks to overcome, but this is tremendous progress. I salute them.

WELCOMING HOME UNITS OF TEXAS ARMY NATIONAL GUARD

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, the gentleman from Pennsylvania is exactly right. In fact if my arithmetic is correct, the polls in Iraq closed just a little over an hour ago. Of course, we owe the great success of three successful elections in Iraq to the dedication of our troops that have served so well over there. In fact, this past weekend in Waco, Texas, citizens of Texas welcomed back the 56th Combat Brigade, over 2,000 Texans from the Texas Army National Guard who have been serving for 11 months in the country of Iraq.

This is especially important to my hometown of Denton, Texas. Seventy-eight members of the Denton-based Company A, 2nd Battalion of the 112th Army, have returned to their homes in north Texas. This is the first deployment of the Denton-based Texas National Guard since World War II, according to an editorial in the Denton Record Chronicle last week.

The 56th Battalion was not without its casualties. There were six who died in combat, two who died in training accidents, and 58 were wounded. Fortunately, none of the soldiers that left from Denton, Texas, were killed in action in Iraq. Only one was wounded. During that time they performed 7,000 combat patrols, escorted convoys for 1.3 million miles, and built 15 schools.

There is a parade in Denton this Saturday morning. We may not be done voting. I may not be able to attend, but my heart will be with my citizens in Denton as they welcome their sons and daughters home.

NEEDS OF THE AMERICAN PEOPLE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, today I rise to express my strong disappointment in the misguided priorities of the Republican majority in Congress. As we are preparing to adjourn for this year, we have not addressed the real needs of the American people. In my district in East Los Angeles and the San Gabriel Valley and across this country, more and more families are being forced to make difficult choices. The absence of affordable housing, health care, a living wage for workers and high heating costs are just a few of the reasons that more people are slipping into poverty.

According to the U.S. census, there were 37 million people living in poverty in 2004, an increase of 5.4 million during the Bush administration. In my district alone, 20,000 families live below the poverty line. We are failing the working men and women of our country, we are failing our children, and we are failing the senior citizens as well.

I urge my colleagues today to work together to meet the needs of all American people and let's put their priorities first.

IMMIGRATION ENFORCEMENT

(Mr. KING of Iowa asked and was given permission to address the House for 1 minute.)

Mr. KING of Iowa. Madam Speaker, today as we celebrate Iraqi Freedom Day, I want to raise a different subject, and that is that we will be bringing legislation to the floor of this House that will bring some enforcement to our immigration laws. It has been a long time coming. There has been a lot of good work done by a lot of people. I am hopeful that this legislation now will also include an amendment that I hope to propose, H.R. 3095, the New IDEA bill. New IDEA stands for the Illegal Deduction Elimination Act.

The IRS is more inclined, I believe, to enforce our immigration laws than DHS has proven to be. I would submit that they can go in and do their regular audits and check the Social Security numbers of the employees through the instant check program that will be renamed the employer verification system hopefully today or tomorrow and then give safe harbor to those employers that do that verification of their employees. Otherwise the expense that is a business expense that will be written off will have to be denied as a deduction so that it becomes taxable if it is a profitable business. That takes a $10 an hour illegal up to a $16 an hour and lets the legal person have a job instead of the illegal person.

SALUTING PROGRESS AND MILESTONE ELECTIONS IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, in October 2002, Saddam Hussein ridiculously reported he received 100 percent support during a sham election in which he was the only candidate in the race. Three years later due the bravery of American troops and Iraqi security forces, the people of Iraq now have an historic opportunity to select 275 individuals from over 6,655 candidates to serve in their national Council of Representatives.

National elections in Iraq are another symbol of progress and another demonstration of our coalition troops' efforts, including my son who served a year in Iraq, to spread freedom throughout the world. Our brave soldiers recognize that they are fighting in a war that will secure democracy in Iraq which ultimately protects American families from terrorists who would rather attack our citizens.

As the Iraqi people continue down the path of democracy, they should know the American people are proud of their continued successes and believe in the future of Iraq.

In conclusion, God bless our troops, and we will never forget September 11.

PROVIDING FOR CONSIDERATION OF H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 602

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes. The bill shall be considered as read. In lieu of the amendments recommended by the Committees on Education and the Workforce and Ways and Means now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) 90 minutes of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce and the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2830 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 602 is a closed rule providing for 90 minutes of debate in the House on H.R. 2830, the Pension Protection Act, as amended, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce and the chairman and ranking minority member of the Committee on Ways and Means. The rules waives all points of order against consideration of the bill. In lieu of the amendments recommended by the Committees on Education and the Workforce and Ways and Means now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying the resolution shall be considered as adopted. The rule waives all points of order against the bill, as amended, and provides one motion to recommit, with or without instructions. Finally, it provides that notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

Madam Speaker, the recent financial troubles and pension terminations at several large companies underscore the need for fundamental pension reform. H.R. 2830, the Pension Protection Act, will ensure that millions of hardworking Americans who rely on single and multi-employer pension benefits can continue to count on them. It is vital that we modernize current pension laws by strengthening workers' retirement security and reducing the prospect of a future multi-billion-dollar taxpayer bailout. The Pension Protection Act will fix outdated pension rules and help workers by giving employers incentives to properly and adequately fund their pension plans, and by enhancing transparency and disclosures about the status of their pension plans. In recent years, we have seen participants mistakenly believe that their pension plans were well funded, only to be surprised when their plan was abruptly terminated. This bill is intended to end that practice.

The Pension Protection Act encourages workers to increase their personal savings by permanently extending several provisions to enhance pension participation and retirement savings that are currently set to expire in the year 2010. Among the provisions to be permanently extended are: increasing annual contribution limits for individual retirement accounts and qualified pension plans, allowing additional catchup contributions to individuals age 50 and older, and establishing incentives for small employers to offer pension plans. The bill also encourages lower income workers and families to plan and save for their retirement by permanently extending a Federal "match" in the form of an income tax credit for the first $2,000 of annual contributions to an individual retirement account or qualified pension plan.

☐ 1030

Madam Speaker, the Pension Protection Act implements a comprehensive and bipartisan investment advice proposal that allows employers to provide workers access to qualified investment advisers who can inform them of the need to diversify and help them choose appropriate investments while including safeguards to ensure that the advice is solely in their best interest. This changes outdated Federal rules which actually discourage employers from providing workers with access to professional advice.

One provision, Madam Speaker, I am especially pleased was included in this bill, was to allow employees who participate in tax-preferred flexible spending accounts to carry forward up to $500 of their unused balances each year. This provides flexibility to employees that otherwise must use all of their balances each year or lose it to their employers.

Madam Speaker, without a comprehensive fix to our outdated pension plans more companies will default on their worker pension plans and more will stop providing defined benefit pension plans to their workers entirely. Now is the time for Congress to act on this important piece of legislation.

The Rules Committee approved this House Resolution 602 by a voice vote. Accordingly, I encourage my colleagues to support the rule and the underlying bill, the Pension Protection Act.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1½ minutes to my colleague on the Rules Committee, the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Madam Speaker, Mr. MCGOVERN, my distinguished friend from Massachusetts; my good friend, the distinguished gentleman from the State of Washington; and I were in 6 hours of hearings yesterday on something called border security, anti-terrorism, and illegal immigration, and we came here this morning at 7 a.m., ostensibly to pass out the rules necessary to hear that bill. Until 15 minutes ago, I was on this floor of this House waiting to hear that bill.

I ask my colleagues in the majority: Where is this terribly onerous, atrocious bill? Why do you not pull it? The reason that we are not taking it first, rather than what we are now patching up as pensions, and caution to America, what we are about to see is protection of CEOs with their golden parachutes while workers and their pensions are getting a brass shaft.

But that is not my point I want to make. What I want to say is we are getting ready to create fear and confusion, and there is substantial confusion on the majority side in light of the fact that they are shifting from this bill to that bill and not dealing with the things we need to do and get on out of here.

We do not need to do this immigration and border security bill, and I hope that your confusion led you to the same conclusion and that you will pull that sucker.

Mr. McGOVERN. Well, let me thank my colleague from Florida for that eloquent and accurate statement and assessment of where we are here.

And, Madam Speaker, let me thank my friend from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself 7 minutes.

Madam Speaker, millions of Americans who work in the private sector are relying on having an employer-sponsored pension plan when they retire. An important part of the American dream is to have a nest egg that people can tap into during their golden years so that they are not forced to literally work until they die. American workers have fought for and earned the right to pay into a pension system that will provide an income once they retire. Unfortunately, there are serious problems with America's private pension system.

Madam Speaker, pension security is an important issue, one indeed which should be addressed by this Congress, but pension security must be addressed in the right way and it deserves to be addressed in a democratic way.

Bankruptcies in the airlines, steel, and the auto parts industries, for example, are straining the abilities of the Pension Benefit Guaranty Corporation, or the PBGC, to guarantee the private pensions of workers in these industries. The PBGC was created as an insurance system for America's private pension plans. It exists to make sure that America's workers will receive a pension when they retire, even if the company they work for cannot pay that pension.

Now, while there are real problems in some industries, like the steel industry, there are also serious cases of pension dumping, where a corporation claims it cannot fulfill its obligations and dumps its pension onto the PBGC. The net effect is a real strain on the PBGC and ultimately a crisis in the pension system.

The PBGC is an insurance policy for America's workers. It is a safety net should a company not be able to pay its pension obligations. But it is not supposed to be a dumping ground for corporations who want to boost their bottom line and just do not feel like paying the pensions they promised their workers. It is this looming crisis in America's pension system that brings us here today.

Now, no one believes we should sit and wait while America's pension system crashes around us, but we need to address this problem in the right way, and regrettably, Madam Speaker, the Pension Protection Act the Republicans have concocted is not the right way.

Mr. BOEHNER, one of the authors of this bill, told the Rules Committee yesterday that this bill is tough medicine. What he did not say is that it is tough medicine for America's workers. Madam Speaker, this bill will have a real effect on millions of Americans' lives and on the quality of their lives as they grow older.

The fact is that this bill that Chairman THOMAS and Chairman BOEHNER have brought before us will make the problem worse, not better. This is the wrong prescription for what ails America's pension system. Both the Congressional Budget Office and the PBGC estimate that the Pension Protection Act will actually lead to an increase in pension plan terminations and an increase in the PBGC's liabilities by billions of dollars. Clearly, that simply cannot be what anyone in this Chamber really wants.

The goal should be to enact legislation that guarantees workers their full pensions. Instead, passage of this bill will allow corporations to turn their backs on their loyal employees and shirk the responsibilities they face to provide a real pension to their employees.

There exists in this country a culture of corporate corruption, where companies like Enron and WorldCom squander billions of dollars in retirement funds, and this legislation does not do anything, nothing, to fix that.

Congressman GEORGE MILLER, a strong champion of the American worker and working families, recently released a report entitled: Broken Promises—America's Pension Plans At Risk. This report shows that pension plans are underfunded by $450 billion; that the PBGC is $23 billion in the red, with more obligations coming in every day, and that the current pension and bankruptcy laws allow companies to dump their unwanted pension obligations on to the PBGC. Proving that this bill makes things worse and not better, the report documents that the Boehner-Thomas bill could, and I quote, "cause as many as half of all large pension plans to freeze benefits."

Ranking Member MILLER, along with Ranking Member on the Ways and Means Committee RANGEL, have an answer. They have crafted a substitute that actually protects workers' pensions. The substitute also reforms the bankruptcy laws so that corporations cannot hide behind bankruptcy in order to dump their pension obligations onto the PBGC.

In addition, the Miller-Rangel bill addresses a serious inequity where rank and file pension plans are at risk of being dumped onto the PBGC but somehow the corporate executives continue to receive golden parachutes. A CEO should not receive millions of dollars in bonuses and other incentives if they have terminated the pension plan for their rank-and-file workers.

Now, I am sure my friends on the other side of the aisle will boast about how their legislation they have crafted is fabulous. I disagree, but I respect their right to have their say and to have their views debated. Those of us on this side of the aisle believe we have a better approach, one that is fair to millions of Americans and their families who get up every morning, put in a hard day's work and are the very backbone of America's economy and our communities.

Unfortunately, Madam Speaker, we will not have an opportunity to present our proposal. The Republicans on the Rules Committee late last night said, no, an alternative viewpoint will not be tolerated, cannot be presented to the Members of this House, and it certainly will not be debated and voted on on this floor.

Apparently, the Republican definition of democracy is my way or the highway. They have decided that the United States House of Representatives is really not a deliberative body, it is a place that does not respect differing viewpoints, and it is unreasonable to have a full and open debate on an issue as important as pension protection.

Last night, Chairman BOEHNER, to his credit, said he had no problem with Democrats having an ability to offer a substitute. So what happened? I will tell you what happened. The Republican leadership, in yet another display of arrogance and disrespect, decided to close the process, to gag us, to use the

Rules Committee as a weapon to stifle debate. Once again the Rules Committee is where democracy comes to die.

Now, let me say, with all due respect to my friends on the other side of the aisle, it is the majority that is responsible for creating a climate in this House that is devoid of bipartisanship and civility. It is beyond my comprehension why the majority would deliberately choose to shut us out of being able to offer an alternative.

This is not the House of only Republicans, this is the people's House, where serious issues should be debated and voted on. This rule is anti-democratic, this rule is closed, and this rule should be defeated.

BROKEN PROMISES—AMERICA'S PENSION PLANS AT RISK: INDEPENDENT ANALYSIS FINDS THAT REPUBLICAN PLAN MAKES PENSION CRISIS WORSE

BROKEN PROMISES PUT MILLIONS OF AMERICANS' PENSIONS AT RISK

Americans are worried sick about their retirement nest-egg, and they are demanding decisive action by Congress. They saw what happened at Enron and WorldCom and at other companies—where billions of hard earned investments by employees disappeared forever in only months due to corporate fraud and mismanagement.

Today employees and retirees are watching as some employers like United and USAir have rushed to dump their pension promises onto the taxpayer and other employers, at the expense of employees and retirees who face billions in uninsured pension promises. Traditional pension plans, once the sturdy pillar of retirement security, are very much at risk unless Congress takes immediate action.

Here are the serious warning signs that threaten our nation's pension plans:

Pension plans are now underfunded by $450 billion, up over 1.000% since 2000.

The agency that insures traditional pension plans (the Pension Benefit Guaranty Corporation) is $23 billion in the red, and is facing billions more in possible claims from companies such as Delta Airlines, Delphi, and Northwest Airlines.

Pension and bankruptcy laws allow companies to dump their unwanted pension promises onto the PBGC, leaving taxpayers, employees and retirees to foot the bill.

Like the savings and loan debacle of the 1980s, taxpayers are at risk of having to pay billions of dollars due to broken promises, this time by company-sponsored pension plans.

Many employees and retirees face severe reductions in their promised pension benefits as their plans are turned over to the federal government, or frozen by companies when their sponsor falls behind in their obligation to fund promised benefits.

Employees are blindsided when their plan is dumped onto the federal government because they are not provided up-to-date information on the real financial condition of their pension plan.

Employees and retirees in such cases are not only cheated out of promised pension benefits, but sometimes suffer further injury and insult by company executives who cut their own sweetheart golden parachute deals.

Now Delta and Northwest are in bankruptcy and very well could dump their pension plans onto the PBGC. According to the PBGC, Delta Airlines is underfunded by $10.6 billion. The PBGC loss would be $8.4 billion, and the employees and retirees would lose $2.2 billion in promised benefits. Northwest Airlines is $5.7 billion underfunded. The PBGC loss would be $2.8 billion, and the employee loss even greater—$2.9 billion. And now more dominos are falling. Delphi Auto Parts has filed for bankruptcy—the largest such filing in the history of the auto industry. According the PBGC, the Delphi claim on the PBGC would be $4.1 billion. The hit on employees—estimated over $10 billion in uninsured losses—would be the largest ever. That tops the $6 billion in worker losses that PBGC estimates occurred from its 4 previous largest pension plan terminations.

REPUBLICAN PROPOSAL ACTUALLY MAKES PENSION CRISIS WORSE, NOT BETTER

According to the Congressional Budget Office, the Republican House Bill (H.R. 2830) passed by the Education and Workforce Committee and Ways and Means Committee would increase the PBGC's red ink by $9 billion over the next ten years. The PBGC also analyzed the House bill and found it would increase the agency's deficit bill billions more than current law projections. Specifically, it found that Republican House bill would permit pension sponsors to slash required contributions by $75 billion over the next ten years compared to contributions required under current law. The PBGC's 35 page study released on October 26, 2005 analyzed detailed information of 400 pension plans, representing 50% of the liabilities and underfunding in the pension system. The Republican proposal could cause as many as half of all large pension plans to freeze benefits. The PBGC estimates that more than 50% of a sample of large pension plans would either have to freeze some or all benefits if the Republican proposal's benefit limitation provisions had been in effect (based on the Administration's most recent data.) The limitations would prevent benefit increases and lump sum payments for all affected plans, and prohibit future benefit accruals by the most underfunded plans.

H.R. 2830 fails to reform pensions in several other respects. The bill fails to stop companies from dumping their obligations on to the federal government, fails to provide employees with accurate information on the financial condition of pension plans, fails to stop executives from cutting and running with their own sweetheart pension deal while slashing employee pensions, fails to protect older employees when a company converts to "cash balance" plans, permits conflicted investment advice, and punishes employees for plan underfunding by curtailing benefits.

DEMOCRATS FIGHT TO SAVE AND STRENGTHEN TRADITIONAL PENSION PLANS

Democrats are fighting to save and strengthen pension plans by: Stopping companies like United from dumping their unwanted pension promises onto the taxpayers and employees. Because the Congress didn't lift a finger to stop United from unloading its pension plan, we have a new group of companies ready to dump and run. The government should not be a cookie jar for companies who failed to keep their fiduciary promise to set aside funds for their employee pension plans.

Requiring pension plans to follow a clear and fair plan to restore their pension funds. The pension bills going through Congress right now actually make underfunding worse according to the Congressional Budget Office and the PBGC government pension insurance agency.

Requiring pension plans to give employees accurate, up-to-date information on their pension plans financial condition. Employees should never have to wake up one morning and read in the papers that their pension plan has failed. Today, sponsors of pension plans are permitted to keep two sets of books, one set of books make available to the public and one set of more accurate books that is kept secret by the federal government.

Prohibiting company executives in charge of underfunded pension plans from entering into sweetheart retirement deals while they're moving to dump their employees pension plan on to the taxpayers.

CONCLUSION

Millions of Americans have worked hard to earn the retirement promised by their company. Without urgent, decisive action by Congress, millions of Americans face the loss of billions in irreplaceable like savings due to the broken promises of their plan sponsor. The Republican answer to this crisis is to hasten the unraveling of pension plans by allowing companies to skip out on over $75 billion in contributions over the next 10 years, and increasing PBGC's red ink by billions of dollars. At the same time, Republicans are refusing to stop companies from dumping their unwanted pension promises onto the PBGC at the expense of taxpayers, employees, and other employers.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the committee.

Mr. EHLERS. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise today in support of House Resolution 602, the rule for consideration of the Pension Protection Act, H.R. 2830. Both the rule and the bill are excellent. I would especially like to commend Chairman BOEHNER and Chairman THOMAS for their work on this very important pension bill.

In recent years low-interest rates, the stock market decline, and the increasing number of retirees have left many defined-benefit pension plans underfunded. As a result, companies from many industries claim that they will soon be unable to contribute the amount they are required to contribute under law. In particular, the aviation and manufacturing industries have been hard hit by these and other financial difficulties, and the penalties under the current pension law are creating tremendous financial burdens for already struggling employers, and in fact encouraging them to go into bankruptcy so they can get out from under the burdens of the current pension law.

The Pension Protection Act provides the long-term solution that is sorely needed to shore up pension benefits for millions of Americans. It makes the most comprehensive reforms to our Nation's traditional pension system in more than a generation.

The bill ensures that employers fund their pension promises to workers. It also keeps employers and unions from making pension promises that cannot be kept. I would note that the manager's amendment includes compromise language that will ensure that UAW retirees' pensions are protected, something very important in my district and, indeed, in all of Michigan.

I was surprised at the comments of the previous speaker, who has attacked the bill on that point. And certainly if the UAW believes it is a good bill, it cannot be as bad as the speaker claimed it is. In fact, I believe it is a very good bill, and it is designed to address the problems that he outlined.

The bill does not, however, ensure that airline workers' pensions receive needed additional protection. The Senate bill, the Pension Securities and Transparency Act of 2005, contains airline pension provisions. The Senate bill allows the airlines to pay their pension obligations over an extended period of time, ensuring that airlines can fund their pension obligation and helping to prevent the Pension Benefit Guaranty Corporation from becoming insolvent as a result of taking on the burden of the airline pensions.

I understand that Chairman BOEHNER intends to support airline pension provisions in the conference committee, and I strongly support him in his efforts to include airline pension provisions in the final version of the conference report.

I urge my colleagues to support this excellent rule and also encourage them later in the day to support the Pension Protection Act when it is considered.

Mr. McGOVERN. Madam Speaker, we will have an opportunity to debate the substance of this bill, I guess not only during the rule but afterwards, but I am still kind of baffled as to why this bill has to be brought to the floor under a closed rule, why the ranking Democrats on the committee of jurisdiction could not even be given the courtesy of being allowed to offer an alternative. This is unbelievable to me, that a bill of this importance would come to the floor and we are entirely shut out.

And speaking of being shut out, the gentleman from Indiana (Mr. VISCLOSKY) had four amendments to be brought before the Rules Committee. He waited patiently and testified before the Rules Committee. Four good amendments, and all four of those were dismissed routinely as well.

Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Madam Speaker, I rise today in strong opposition to the restrictive rule for H.R. 2830, the Pension Protection Act, and I ask my colleagues to join me in opposition.

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Last night not only were my four amendments disallowed, but a substitute measure offered by Mr. RANGEL and Mr. MILLER was also disallowed. From my perspective, given the importance of the underlying legislation, we ought to have an open debate. We ought to have votes, and we ought to have decisions made by the full membership.

In terms of the amendments I offered last night to the Rules Committee, the first set essentially said that the funds in retirement accounts are the workers' money, and employees ought to have a voice in single employer pension plans regarding the management of those moneys. Given the number of pensions that have been thrown overboard, and given the tens of thousands of Americans who have been hurt, I also think, as a bare minimum, companies ought to once, every 3 years, be required to inform their employees of the health of their pension funds.

The third amendment I offered essentially said that every last option, whether it be from the perspective of the PBGC or the company be exhausted before that pension is assumed by the Pension Benefit Guaranty Corporation, given the fact that, on average, at least 15 percent of the retirees who have their pensions assumed by the corporation are going to receive less than their full promised pension.

A case in point was in United Airlines negotiations, the unions of the company were still bargaining and the PBGC came in and unilaterally assumed that pension.

The final goes to the heart of the matter, and that is to close that gap. For those pensioners that do not receive their full pension under the PBGC, they are out that pension money. I am disgusted by the fact that they do not have standing under the procedures. And I would use Adelphi Corporation, which recently declared bankruptcy as an example of the abuse of the system and the disadvantage that the employees are put under.

Adelphi, headed by Mr. Smith, who also was at Bethlehem Steel when they went bankrupt and they dumped their pensions over, really has no interest in going out of business. They want to dump their liabilities. Under the Bankruptcy Code, Mr. Miller and up to 500 executives at Adelphi are entitled to 30 to 250 percent bonuses for running their company into the ground, going through bankruptcy, dumping their liabilities and hurting people.

What happens to the workers who do not get their full pension after Mr. Miller and his gang dump those pensions overboard, they have no standing under the Bankruptcy Code.

All I asked the Rules Committee last night was that we ought to talk about that here on the House floor and we ought to have a debate. Those people who gave their lives to that company who are now short money for the rest of their lives when they need it the most should have some standing. I ask Members to oppose the rule.

Mr. Speaker, I rise today in strong opposition to this restrictive rule for H.R. 2830, the Pension Protection Act and I ask that my colleagues join me in opposition.

Last night in the Rules Committee, I offered four amendments that I believe would have made this a better bill, none of which were found to be in order. Furthermore, this restrictive closed rule does not even make in order a substitute measure authored by Ranking Members MILLER and RANGEL. In a time when Delphi will be awarding 500 executives, bonuses of 30 percent to 250 percent of their base salaries, workers are seeing their pensions frozen, I find it very troubling that the majority refuses to have a full and open debate on an issue so critical to our Nation's retirement security.

My first amendment would have put employee representatives on the trustee board of single employer pension plans, which would ensure that employees have a voice in how their investments are managed. The growing significance of pension plans in the U.S. economy has sparked a continued public debate over the control of pension fund investments. A generation ago, Congress took action to safeguard pensions in response to an Enron-like debacle at Studebaker. These protections for defined benefit plans included diversification requirements as well as government insurance. Pension funds represent deferred compensation and there is no reason why single-employer pension plans still lack employee representation on their boards.

My second amendment would have required that plan sponsors furnish pension participants with the most current benefit statement at least once every 3 years. Fiscally unhealthy pensions have caused severe hardship on employees who have depended on their pensions as part of their retirement security. In order for pensioners to have a more complete understanding of the health of their pension fund, it is necessary to provide full and accurate information on a timely basis. Both the underlying bill as well as Mr. MILLER's substitute address this issue, but I do not believe that they go far enough.

My third amendment would make it more difficult for companies to abuse the bankruptcy process in order to dump their pension obligations. Specifically, this provision requires that alternatives to pension-dumping be identified, which would essentially make pension-dumping a last resort for companies rather than a financial-planning tool. The amendment would require both employer-initiated and PBGC-initiated terminations to identify and disclose alternatives to dumping their pension obligations.

There is a disturbing trend of companies dumping their pension obligations not because the company is going out of business, but because the company does not want to follow through on the financial commitment made to its employees. This legislation would make it more difficult for financially-viable companies to engage in pension dumping to increase their long-term profits. Current law does not sufficiently protect against the termination of plans. By implementing this provision, pension participants would have greater opportunity to work with companies to find alternatives to eliminating existing pension plans.

After a company successfully terminates its pension plan, the Pension Benefit Guarantee Corporation, PBGC, takes over the financial obligations to make payments to pensioners. In certain instances, the maximum amount the PBGC will pay is less than the original amount promised by the pension.

My final amendment would have made the cost of the pension payment "gap" an administrative expense for the company, which would make it easier for pensioners to collect the missing funds in bankruptcy court. Pensioners deserve the full pension amount they were promised. In cases where the company goes bankrupt, and the PBGC payment is less than the original amount promised, pensioners deserve to be near the front of the line when it comes to collecting debts from the company in bankruptcy court. I believe that a promise is a promise, and if a company emerges from bankruptcy with the finances to pay the difference of a lower pension, they should do so.

Once again, I urge my colleagues to oppose this restrictive rule.

Mr. HASTINGS of Washington. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE), a member of the committee.

Mr. PRICE of Georgia. Madam Speaker, I thank the gentleman for yielding me this time to address both the rule and the bill.

Madam Speaker, I rise in support of the rule and the bill. And frankly, I never cease to be amazed by some of the discussion from the other side, for oftentimes they accurately identify the problem, and then completely ignore the solution.

Madam Speaker, traditional pension plans once the legacy of a lifetime of work are crumbling. They are crumbling. We are able to bring this bill to the floor today for swift passage because there is an ever-growing coalition of support behind it from labor and employer groups to other individuals who know acutely the problem that we have.

Action by Congress is necessary to protect the important retirement of all hardworking Americans. Large and small businesses need changes to current law in order to have greater flexibility to help their employees plan for their financial security.

Current plans, defined benefit plans primarily, have not adapted to the times. They have used the same formula since their inception: The number of years worked multiplied by a certain amount of money. This formula does not account for a changing marketplace, and it does not result in the most benefit for workers. Today, a retirement plan must be as dynamic as our society. Inflexibility for both employers and employees is imperative. This Pension Protection Act is a step in the right direction, and it is important that Congress pass it.

A couple of the provisions I would like to highlight are reforms. These are significant changes and require employers to make significant contributions to the plans to meet 100 percent of the funding target. That is an improvement. This bill provides for a permanent interest rate to more accurately measure liabilities. That is an improvement. It appropriately raises premiums that employers pay into the PBGC. We understand and appreciate that the PBGC, that cushion between pension plans and the taxpayer, needs to be more financially secure. It requires defined benefit plans to include detailed information and greater disclosures, and allows employees to receive better investment advice. Madam Speaker, these are all improvements.

The other side says this allows employers to shirk their responsibilities. Frankly, that is just plain wrong. Without reform, the system may very well collapse under the weight of mounting deficits and the government and taxpayer bailouts are not fair for employers, they are not fair for employees, and they are not fair, certainly, for taxpayers. Americans expect us to solve difficult problems. The Pension Protection Act is one of those things that requires and deserves ours attention.

I urge my colleagues to support both the rule and the underlying bill. I also look forward to the discussion with the chairman of the committee during the debate on the bill itself, and highlight the need for reform in the airline industry, which, in my area and across this Nation, is so drastically calling out for reform.

Mr. McGOVERN. Madam Speaker, the gentleman from Georgia just gave a nice speech, but nobody on that side has explained why on this very important issue that the Democrats and people with alternative views should be entirely locked out from participating in amending this bill. This is an outrage.

Madam Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I see the chairman of the Committee on Education and the Workforce is in the Chamber. I want to give him initially a compliment. That committee has had a number of hearings. I believe the gentleman has wrestled with this issue, and I believe he has come up with a deeply flawed solution, but I give him credit for an initial effort.

Now on the other hand the chairman deserves much rebuke for tolerating the process that is unfolding here.

Madam Speaker, getting pension funding fixed, getting this done correctly is a technically exacting proposition with enormous risks because if we miss the mark, pension plans are going to terminate. Pension plans are going to freeze. Millions of workers will lose their pension coverage. This is not a Republican thing, it is not a Democrat thing. Trying to get this right ought to be a shared purpose, and so how dare you participate in a process that does not give us a substitute? Your way is not the only reasonable way. Reasonable minds differ here. There are issues that we put forward in our substitute that were important for consideration by this body.

The legislative process ought to be run with a fundamental fairness that allows the consideration of various issues. There are a lot of important constituencies watching this debate, and I want them to know that the chairman of the Committee on Education and the Workforce complicit with the chairman of the Ways and Means Committee complicit with the majority leadership of this body worked to shut down the process, to shut out the consideration of other views, to present only their way or the highway as an ultimate resolution of this issue.

I firmly believe that healthy pension plans today will terminate or freeze their benefits for other workers going forward, because I believe this is a deeply flawed proposal, and I know there has been an effort to pick a group here and pick a group there and make a compromise here and make a compromise there, but the core of the bill is rotten and we could have had a much better result. Shame on you for depriving us of our alternative. Defeat this rule.

Mr. HASTINGS of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Madam Speaker, I rise in support of this rule and the underlying bill.

I believe this piece of legislation is one of the most important pieces of legislation that we will take up in the 109th Congress, and I do not believe it is getting an adequate level of public attention considering the enormity of the significance.

In my 11 years in the House of Representatives, I have seen more and more the movement of our economy into a global economy where our U.S. corporations are increasingly finding themselves having to compete no longer with other domestic corporations, but foreign companies that operate under very, very different rules in their domestic country of origin, and particularly as it relates to pension plans.

What I am getting at, Madam Speaker, is that we desperately need to modernize our pension laws and probably most importantly, more than anything else, we have seen tragically, in recent years, many workers come to their retirement years to find that their pension plans are insolvent, that the company that had guaranteed them a retirement is bankrupt, and increasingly that these pension plans are underfunded.

Now is this a perfect bill? No. There is no bill that comes through a legislative process as complex as this involving two committees that anybody can label as perfect. But this is moving us in the right direction. We are going to go to conference with the Senate and what is going to emerge is going to be a good bill. I think this is a very good product.

Chairman BOEHNER and Chairman THOMAS deserve a great deal of credit for the effort and hard work they have put into this. I believe this is going to have ramifications for protecting our workers and making our companies more competitive in this global marketplace so we can increasing compete effectively and create jobs and protect jobs and defend the hardworking American people who are depending on these retirement plans to be there in their retirement years.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, once again, we heard an interesting speech but no explanation as to why we have to bring this bill to the floor under a closed process and why we are shut out from even offering an alternative.

Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I thank the gentleman for all his hard work on the Rules Committee.

It is rather interesting, and Mr. McGOVERN has alluded to this a number of times, but it is interesting today as we watch with great anxiety and anticipation and a sense of celebration as Iraqis run the gauntlet of violence to go out and vote for democracy, at the same time the Republicans in the House of Representatives close down democracy in the people's House.

Republicans, a number of them stood up here today and said this is a very complex bill. This is the most important bill that may come before this Congress because it affects millions of Americans' livelihoods and retirements, but it has to come under a closed rule. It cannot withstand debate, it cannot withstand amendments, and it cannot withstand changes. That is the death of democracy in the people's House.

So let us applaud it in Iraq today, but let us understand what is happening here, the gradual glacial process of destroying debate on the floor of the House of Representatives and the right of Members. Mr. VISCLOSKY wanted to talk about people who were being impacted by these policies who were losing their jobs and losing their workplace and losing their retirement benefits, but he was not going to be allowed to offer those amendments to have that amendment because of the autocratic nature of the Republican leadership in this House. They cannot stand democracy, they cannot stand open rules, and they cannot stand open debate. Because it is their way, as Mr. McGOVERN says, or the highway.

This Republican pension bill is the greatest assault on the middle class standard of living in the history of Congress because this bill accelerates the process by which millions of American workers will lose the retirement nest eggs that they were counting on. They will lose the security of their golden years, if you will, because of the accounts that they were counting on.

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And it need not happen. It is not just about the organized plans, UAW or the Teamsters or the building trades. This is about millions of Americans who do not have the benefit of a union, who do not have the benefit of collective bargaining, because in a survey of the major employers by the Benefits Association, 60 percent of those people say that this bill will cause them to freeze their plans, freeze their retirement benefits. You can continue to work, but you will not continue to get any retirement, additional retirement benefits.

What does the CBO say about this bill? It says it makes this problem $9 billion worse for the Pension Guaranty Corporation. What does the Pension Guaranty Corporation say about this bill? That it will make it billions of dollars worse over the next few years. So we have made the problem worse, which is the solvency of the Pension Guaranty Corporation, and that is a corporation that protects pensions that now is anticipating hundreds of billions of dollars of potential liabilities in the future.

So we accelerate the problem and we diminish the capacities of the government to deal with this and the ability of the private sector to deal with it. And interestingly enough, we make it easier for corporations to simply get rid of these pension benefits without negotiations just as United Airlines did. We were told that a couple of those plans possibly could have been saved, according to the Pension Guaranty Corporation. Two days later they were put into bankruptcy.

This pension plan was designed when corporations went out of business. The gentleman from Indiana is here. When Studebaker went out of business we created this because there was no more company. Yesterday in USA Today United Airlines announced it is coming out of bankruptcy and a couple of hundred executives are going to take 15 percent ownership in the company and they are going to leave bankruptcy with $285 million in their pocket, in their pocket. And those workers who gave back their pensions, gave back their wages year after year after year to help this airline which was mismanaged and run into the ground, they leave with nothing. You say, oh, they have a job. Well, the people who are responsible, the executives for running this company, they leave with stock bonuses.

That is what this bill does. It continues this problem, this absolute problem of corruption of the rights of people to protect their retirements.

Mr. HASTINGS of Washington. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I appreciate my friend and colleague from California's passion, even when he is wrong and overstates his case. The comparison to Iraq is just such an egregious misrepresentation of American democracy to anybody in the world who is watching this. We sat in the Education Committee for days, into the late hours of the night taking amendment after amendment. They lost the amendments. That does not mean democracy does not work. It means that we spent in the areas of the subcommittee and the committee working this for years, working through committee and bringing the document to the floor with many compromises in it.

Now, I share some of the concerns of my colleague from California, because I have had a frustration in watching people who work their whole life, see their pensions reduced or eliminated at the time some of the executives have enriched themselves. And I supported this bill. I supported this bill because long term it will help the Pension Guaranty Corporation, but short term our goal has to be how are these companies not going to go into bankruptcy? How can we make sure that they can function, have their pension funds there and avoid the problem, and then long term stabilize the Guaranty Corporation?

Secondly, as a representative of the number one manufacturing district in America, I have more manufacturing jobs and percentage of the work force in my district in manufacturing than any other, I was very concerned about some of the provisions and how this might relate to GM. I very much appreciate the leadership of Chairman BOEHNER in our committee of working first the process through so that people have the hopes of pension. I mean, we all understand the basic principle here. We have the same problem in Social Security. We are more underfunded, quite frankly, than private areas. We have this in Medicare. We have this in any savings program where we assumed there was going to be a huge work force paying in and now it is a declining work force paying into a huge retirement population. How do we work this through? This bill is an attempt to address it in a comprehensive way. But I was concerned about a provision that would allow the basic pensioners to have to pay first. In other words, there would have been the option, even when the company had an ability, through changing their funds around, to not freeze pension wages, and pension benefits, that they could have done so.

Chairmen BOEHNER and Chairman THOMAS have fixed this. This is now supported by the UAW and by GM. That is a pretty big accomplishment, to have a pension bill supported by the UAW and GM, and I want to commend the leadership of the Education Committee, Chairman BOEHNER and the chairman of the Ways and Means Committee for working out this critical thing so that management does not get crippled in their ability to put funds in to strengthen these pensions. At the same time, people who are 50, 55, already retired, who do not have the ability to adjust their pensions will not get it arbitrarily frozen. And I think this is a great compromise that had hours and hours and days and days of work on this, and it is an example of how democracy works, not how it does not work.

Mr. SOUDER. Madam Speaker, I rise today to commend the distinguished chairman of the Education and Workforce Committee for putting together a well-balanced bill to reform our Nation's outdated pension laws. Putting this bill together has been a long and difficult process, and the Chairman should be commended for his perseverance and diligence.

Our Nation's pension laws have not undergone comprehensive reform for over 30 years. Unfortunately, the recent examples of United Airlines and Bethlehem Steel show that this system is broken. We cannot have a situation where companies continually underfund their pension plans, go bankrupt, and then transfer their pensions to the PBGC. Workers lose the money they were depending on for retirement, and American taxpayers are expected to pick up the slack for companies' irresponsibility.

H.R. 2830 will help ensure that workers' pensions are better funded. It changes current law to require plans to be 100 percent funded. If plans are underfunded, this bill will force companies to make up their shortfall in 7 years. H.R. 2830 will also help stabilize the PBGC by raising the premiums companies pay for the PBGC's protection. Further, by requiring employers that terminate their pensions in bankruptcy to pay an annual premium of $1,250 per participant to the PBGC for the 3 years after they emerge from bankruptcy, this bill makes terminating pension plans a less attractive option for employers. Companies who want to dump their pensions to escape bankruptcy and raise their bottom line will have a tougher time doing so.

Furthermore, the Pension Protection Act will help stop the unacceptable practice of labor and management negotiating for pension benefits that both sides know are unaffordable. If a pension plan is underfunded, it will not be able to increase benefits or pay shutdown benefits unless it pays for such benefits immediately.

I would also like to commend Chairman BOEHNER for his efforts this week to reach an agreement with the United Auto Workers union over their concerns with the bill. Mr. Chairman, I have the largest manufacturing district in the country, and many union members let me know their concerns with this bill in its original form. Unfortunately, this bill would have allowed some companies to freeze their employees' pension benefits and limit accruals—even if they had the money to fund them. The agreement that Chairman BOEHNER reached with the UAW requires companies to use all the money in their plan before they can freeze benefits and limit accruals. This will prevent companies from gaming their funded status in order to deliberately trigger these benefit restrictions.

Again, I thank Chairman BOEHNER for his hard work writing a bill supported by such a broad coalition of both labor and management groups, and urge my colleagues to support it.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Indiana tells us we should all be happy because the Education Committee deliberated on this and there were votes in that committee. I should remind the gentleman that there are 49 members of the Education Committee. There are 435 Members of the House of Representatives.

The gentleman gets all upset when Mr. MILLER talks about the fact that it is important for us to be an example to Iraq about what democracy is, and that there are elections in Iraq and, you know, here we are engaged in an undemocratic process here today. But I will say this. At least in Iraq everyone has an opportunity to vote. Here we are being denied an opportunity deliberately on this floor on an issue that impacts millions and millions of our fellow citizens. This is an outrage. You know, I am amazed that people on the other side, who only a few years back would decry a closed process like this, have now come to embrace this process. This has become the norm in this House, and it has to stop. This is not democracy. This is not a deliberative process. This is a closed process where legitimate, important debate on important issues is being denied routinely.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have to join the gentleman from Massachusetts on his concern and dismay, frustration, and I think that outrage that the opportunity for a Democratic substitute, first of all, to express some of the failures of this particular underlying bill and as well the opportunities to improve this legislation seemingly has been denied.

I speak from a particularly unique perspective, Mr. Speaker, because my district contained Enron, and the thousands of employees that, within hours of the bankruptcy filing by Enron, lost not only their jobs but their lives, their homes and their future. I cannot tell you the number of individuals in Houston and the surrounding areas and other areas that were impacted, lost their lives, actually died because of the absolute oppression and outrage and the impact of what happened to them.

And then we speak to the pensions and the investment of course in company stock. But this particular bill as it relates to the pension issue just does not go far enough because what it happens to do is it emphasizes the pension crisis, and it causes many of the companies, and I think those who are listening beyond the borders of this particular Chamber should understand that this bill that will be voted on today really causes companies to freeze or abandon your pension plans. This does not encourage investment in your pension plans. It also denies the necessary flexibility and relief for airlines that unfortunately did not get in this bill, but is in the Senate bill.

Any of us who fly the Nation's airways know that the flight attendants are constantly saying that we, after 20 years and 30 years, are being forced to give up our pension rights. Why could we not come to the floor of the House and have a better plan?

This, of course, provides a funding crisis that is far worse. It increases the debt by $9 billion. It causes companies, it does not stop companies from dumping underfunded pension plans onto taxpayers. And so, if you want to look into the eyes of despair, just follow the track of Enron when those particular employees who had bought into the seriousness and the depth of commitment called family that Enron represented, and in a matter of a pen, in the matter of 48 hours, they were not only dumped, their pensions were dumped and they had nothing.

What we should be doing in this instance is then ensuring and shoring up those liabilities or the potential of those liabilities and the negative impact it would have on people who work so very hard.

I would ask my colleagues, we have enough time. There is time to continue this debate and to send this particular underlying bill back. There is time to make this bill compatible with the Senate before it even leaves the House. There is time, I guess if we wanted to waive the points of order, to allow a democratic substitute. But this is not the route that we should be taking. And in the name of those who we pretended to be concerned about, not only the Enron employees who spent almost 2 years with us here in the United States Congress, but other employees and workers around America, I would ask my colleagues to send this bill back and make a better bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise in strong support of this rule and of H.R. 2830, the Pension Protection Act of 2005. I sincerely appreciate the strong leadership today of Mr. HASTINGS, as he is certainly presenting this in a very positive manner. I commend Chairmen BOEHNER and THOMAS for crafting just a comprehensive and necessary legislation. This measure will both preserve and strengthen our private sector, employer sponsored retirement system for both current and former retirees.

This legislation, when enacted, will provide the most significant reform of our pension system since the initial passage of ERISA in 1974. This legislation will require higher levels of funding for single employer plans and provide the tools necessary to trustees, both labor and management, of multiemployer plans to more effectively deal with distressed plans. This legislation is the product of more than a year of hard work among Congress, the executive branch and a broad coalition of employers, labor unions and retirement system advocates. This coalition strongly supports passage of the Pension Protection Act of 2005, and it will go a long way toward preserving the benefits of millions of American workers and their families.

That is why it is so disheartening to see the Democrats and their leader NANCY PELOSI continue their just say no obstructionism by urging their Members to oppose this critical legislation. Rather than support pension reform that would aid American workers, the Democratic leadership continues its cynical and destructive strategy of opposing all substantive legislation in a futile attempt to influence public opinion against the Republican Congress. The opposition's motives could not be more transparent on this issue.

Employers, including auto makers, airlines and manufacturers, along with labor unions, including the United Auto Workers, Carpenters, United Food and Commercial Workers all support this reform measure and have urged all Members of Congress to support passage of H.R. 2830. For those Members on the other side of the aisle who demonstrate courage and reject their leadership's contemptuous call to oppose this legislation, you will be rewarded by the gratitude of your constituents and all Americans for doing the right thing.

I urge all Members to support retirement security reform and vote yes on H.R. 2830.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me just again say to the gentleman from South Carolina who just spoke, what we are asking for here is an opportunity to offer what we think is best. We disagree with you. We disagree with your approach. Not only do we disagree with your approach, the AARP disagrees with your approach.

AARP,
December 12, 2005.

DEAR REPRESENTATIVE: AARP is writing to express its opposition to a number of critical elements of H.R. 2830, the Pension Protection Act of 2005, scheduled for House consideration this week. We share the goal of enacting new pension funding rules that will require employers to fully fund their pension plans and provide new revenue for the Pension Benefit Guaranty Corporation. These changes are long overdue and should be enacted into law as soon as possible. However, we cannot support legislation that would clarify the legal status of cash balance pension plans without providing protections for older, long-service workers involved in cash balance plan conversions and without including a prohibition on all discriminatory age based "wearaway." We are also deeply concerned that this bill would, for the first time, permit defined contribution pension plans to provide investment advice subject to inherent financial conflicts.

1. Cash Balance Pension Plans

AARP believes that cash balance plans have a role to play in the private pension system if—and only if—they are designed and adopted in a manner that protects the millions of older workers who have given up wages in exchange for traditional defined benefit pensions.

Cash balance pension plan conversions change the rules in the middle of the game, and older, longer-service workers are at considerable risk. They generally lose out on larger late career benefits, have less time to accumulate benefits under the new cash balance formula, and are less able to leave their current job if benefits are cut because they typically have fewer job prospects.

H.R. 2830 does not protect older and longer-service workers that are involved in cash balance pension plan conversions. The bill represents a step back from the Administration's legislative proposal, which would eliminate wearaway (both normal and early retirement) and provide transition rules to protect some benefits for current workers. The recently passed Senate bill includes similar protections. The current legislation clearly fails to recognize the need for transition rules to protect promised benefits and fails to protect the most vulnerable older, longer service workers.

H.R. 2830 would not only lower the bar for transition protections for older workers set in the Administration proposal, but would lower it substantially below the "best practices" followed by companies involved in conversions over the past few years. Many employers—recognizing the harm to older workers—have adopted transition rules, such as the choice to remain under the old plan formula, or have "grandfathered" older, longer service workers under the traditional plan. As recent reports by both the General Accounting Office and AARP confirm, most employers have adopted transition practices designed to protect the benefits that older and longer serving employees have earned. Any legislation should ensure these protections for older workers, not undercut them.

2. Investment Advice

AARP shares the Committee's goal of increasing access to investment advice for individual account plan participants, but we oppose the elimination of the conflict-of-interest protection. The approach advanced in this bill would, for the first time, permit plans to provide advice subject to inherent financial conflicts. This is inconsistent with the Employee Retirement Income Security Act's (ERISA) longstanding protections for plan participants. While we agree that individualized advice can be helpful, such advice must be subject to ERISA's fiduciary rules, be based on sound investment principles, and be protected from conflicts of interest.

H.R. 2830 would turn back the clock and replace ERISA's prohibition on conflicts of interest with a weak disclosure model—an inappropriate and unnecessary step given today's marketplace. Over half of existing plans already provide investment advice to their employees through financial institutions and firms that do not have a financial conflict. In fact, most large financial service providers have already developed alliances with independent advisors to make such advice available.

Rather than permit advice subject to financial conflict, Congress should encourage more employers to provide independent advice by addressing the key barrier—employer liability. Potential employer liability is by far the most important reason that advice is not offered. Congress should clarify that the employer would not be liable for specific investment advice so long as the employer undertook due diligence in selecting and monitoring the independent advice provider. It is in the best interest of both the plan and participants to enhance the independent advice market, and we urge Congress to adopt this approach.

AARP urges you to stand with us in opposition to these critical provisions in H.R. 2830 in order to provide protections for older workers that are necessary, reasonable and fair, and to ensure that employers provide quality investment advice without the potential for conflict. If there are additional questions or you need further information, please feel free to call me or have your staff contact Frank Toohey at (202) 434–3760.

Sincerely,

WILLIAM D. NOVELLI,
Chief Executive Officer.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I mostly want to talk about substance. But you know it is so hypocritical for anybody on the majority side to come here and say that the minority is just saying no when you will not allow us to put on the floor a substitute to which we want to say a resounding yes. That is really hypocrisy. This is too important a subject to be governed by the tyranny of the majority. We need to strengthen and to save defined benefit plans in this country. This is the question. Will this bill do that? And I think the answer is basically, in all likelihood, it will not strengthen and preserve, but it will weaken and over time eliminate.

Look, when it came to Social Security your mantra was save, strengthen Social Security. And the President, in this Chamber, used those terms, when the real purpose was not to save and strengthen Social Security. The purpose was to replace it. And there is a legitimate issue here, whether what you are proposing here, when combined with the Senate's and with the administration's position, will it preserve and strengthen defined benefit plans or will it likely undermine?

□ 1115

And the answer, I think, is that it will do the latter.

When we come to the general debate, I am going to be talking about a number of the factors. There are four key factors at play in this bill. They are technical, but they are vital: the yield curve, the credit balance issue, the credit rating or how assets are evaluated, and the averaging and smoothing issues.

As to just one of them, the yield curve provision in this bill, the people who work with these issues, the chief financial investment people, 60 percent, say essentially that most of the pension plans are going to either be frozen or they are going to be eliminated. That is what 60 percent of these officers say will be the result.

So you are not going to be protecting workers from underfunded pension plans. What you are going to be doing, essentially, is putting in place rules that will make it difficult for pension plans to exist and, therefore, they will be withdrawn, if not, frozen. So that is really the basic issue here. And it is heightened because of the administration's position. They want to so tighten the rules that it will be hard for any of these defined benefit plans to survive.

So this is the basic issue, whether in this country we want to try to preserve defined benefit plans. Most of them are not in trouble. Many of them would be placed in trouble through a combination of the provisions in this bill and in the Senate bill.

So I want to close with this: What you are saying, and you have said it on the floor, is leave it to the conference committee. For example, there is no protection for airline workers here at all. Leave it to the conference committee. What you have said to a few of the people is we will make some adjustments here in this bill, but there is no assurance that those adjustments will prevail. So in a word, what you are trying to do is not protect defined benefit plans, but through these provisions and those in the Senate bill, with the help of the administration, you are going to accelerate their demise. That is our position. And it is worthy of discussion. It is worthy of debate, and it is worthy of your giving us a substitute that would make sure that defined benefit plans can survive in the United States of America for the workers of this country.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I rise in strong support of this rule and the Pension Protection Act. Over the past several years, we have all witnessed some disturbing occurrences as we have seen far too many hardworking Americans contribute money into a pension plan, only to find their benefits dwindle or depleted entirely.

We must find ways to ensure that employers keep their promises to their retiring workers. I believe we have done so in this bill. Chairman BOEHNER and THOMAS are to be applauded for their determination to make this happen. They have spent countless hours in negotiations with employers, employees, unions, and all other parties who have a dog in this fight. The resulting bill we consider here today does exactly what its title says: It further protects the pensions of America's workers.

As I see it, the two most important parts of the Pension Protection Act are provisions to require more accountability and provisions that ensure fiscal responsibility. This bill strengthens current law and requires more accountability on the part of employers in funding their workers' benefit plans. It requires employers to put more cash contributions into worker pension plans. It closes loopholes allowing underfunded plans to skip pension benefits, and it calls for more transparency about the status of workers' pension plans. How can anyone oppose instilling more accountability into the pension system?

The Pension Protection Act is supported by a broad coalition of labor unions and employers like the United Auto Workers, the Brotherhood of Carpenters, the U.S. Chamber of Commerce, and the Financial Services Roundtable. The bill includes a broad package of multiemployer reforms sought by unions and employers. In addition to these reforms, the bill ends excessive compensation for executives if an employer plan is severely underfunded. It also insists on more accountability by prohibiting employers and unions from offering pension benefit increases when plans are already severely underfunded.

The Pension Benefit Guaranty Corporation is suffering from a $23 billion deficit. Unless we want all taxpayers to pony up and bail out the PBGC, we must demand reforms to place the defined benefit system on more solid ground. We must continue to fight for fiscal responsibility.

I urge my colleagues to support this bill.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there are numerous problems with this bill. This bill, as Republicans have drafted it, makes the pension crisis worse. This bill would cause many employers to freeze or terminate pensions. This bill does nothing to protect the struggling American Continental, Delta, and Northwest Airline employees and retirees. This bill does not stop companies from dumping pension plans in bankruptcy or protect the United Airline employees and retirees. The bill would freeze and cut worker pension benefits. The bill does not ensure fairness between workers and executives. I mean, I could go on and on and on.

The bottom line is that many of us who have been on the side of workers consistently have deep concerns about this bill and what its impact will be on working families. We think that this bill should not only be much better, but, in fact, this bill, as it stands, will be harmful to American families. And there will be a debate about that, but absent from the debate will be what we want to propose, what others in this House want to propose, what other ideas may be.

Let me just say to my friends on the other side of the aisle that you are not perfect. You are not always right. In fact, you are usually wrong. And when it comes to workers, you are usually wrong, in protecting workers' rights. To allow a bill this important to come to the floor without a single amendment being made in order, to allow this bill to come to the floor and shut us out and gag us is unconscionable.

For the life of me, I cannot understand what the hesitation is by the leadership on that side of the aisle to allow us to be able to deliberate on this bill, to have a give and take, to be able to offer an amendment, to be able to have an up-or-down vote.

The distinguished chairman of the Education Committee, when he was before the Rules Committee last night, said he had no problem with our offering an alternative. I commend him for that. I mean, that is the way this should be. We disagree. We have honest disagreements. We should be able to work them out in a deliberative way on the House floor. But here we are on a bill that impacts millions and millions of Americans, a bill that we believe adversely impacts millions of Americans, and we are totally shut out of this. It is not because of lack of time. We have plenty of time today. And the immigration bill seems all messed up; so we even have more time than we thought. But the fact of the matter is this important kind of legislation should not come to the floor under a closed process. This is outrageous. This has become the norm in this House.

And I would simply say to my colleagues on the other side of the aisle, someday the tables are going to turn. You are going to be in the minority again, hopefully sooner rather than later. I hope nobody over there cries and shouts and complains if a bill comes to the floor under a closed rule.

Defeat this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I appreciate my colleague from Washington for yielding me this time.

And I appreciate the concern that my colleague from Massachusetts has raised. Now, if this bill was as bad as the gentleman has tried to define it, why would we bring it to the floor? Why would any Member of this House seek to bring a bill to the floor that would hurt American workers?

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. I can say why do you bring most of the bills that you bring to the floor that I think adversely impact American workers, from repealing worker protections and worker benefits.

Mr. BOEHNER. Mr. Speaker, reclaiming my time, I think the gentleman is well aware that there is a crisis in America when it comes to the issue of protecting people's pensions. And I think all of us on both sides of the aisle have a responsibility to work hard, to develop legislation that will, in fact, protect American workers and retirees in the pensions that they have been promised.

Over the last 5 or 6 years, I have spent hundreds and hundreds of hours meeting with stakeholders from companies that offer plans voluntarily to union members and others, trying to craft a bill. We have worked with Members on both sides of the aisle in order to develop this legislation.

So what are the goals here? The goals here are, very simply, to make sure that those companies who offer defined benefit pension plans continue to keep them. Secondly, for companies who make promises to their workers, there ought to be some insurance that they will keep the commitments that they have made to their workers. And, thirdly, to the Pension Benefit Guaranty Corporation that ensures that these pension payments will be made, we need to strengthen the financial condition at the PBGC to avert a possible taxpayer bailout in the future.

What does this underlying bill do? It will, in fact, ensure that there is more money contributed to these pension plans, whether it is restricting the use of credit balances, whether it is using a more accurate interest rate to determine what those obligations are, whether it is closing down the amount of averaging that goes on. There are a number of provisions that we will talk about when we get into this bill that will strengthen these pension plans by moving more money into them.

The second part of this is to reduce the long-term exposure to the Pension Benefit Guaranty Corporation that is, in fact, facing a deficit. We not only increase premiums paid by employers to the Pension Benefit Guaranty Corporation as part of strengthening them: but long term, by requiring companies to fully fund their plans at 100 percent, we will, in fact, reduce the exposure of the PBGC long term to a taxpayer bailout.

Now, we are going to hear a lot of debate today as this bill comes up from those who have their own views as to how this should work, and I would ask my colleagues let us not make perfect the enemy of the good. We have a very good, sound bill that we are bringing to the floor, supported by many employer groups, supported by virtually every major labor group in America as well. There is a finely tuned balance in this bill, and I do, in fact, believe that it will pass today with broad bipartisan support.

Now let me address one other issue. And that issue is the fact that there is no substitute today. As the gentleman knows, in the Rules Committee last night and in a letter to the Rules Committee yesterday, I asked them to make a substitute in order. There was a question posed to me last night about supporting such a measure. And I said I would support not only amendments, but also a substitute as long as it did not contain tax issues in there that were unrelated or dealt with the tax side of this bill. I do not know whether the substitute had these or not. But all I can say is that there is no one in this House who has argued more for a fair, open debate than I have.

I have been in the minority. I have been in your position. I have made the arguments that you are making, and I do believe that when we stymie debate in the House, we short circuit our constitutional responsibilities.

I am sorry there is not a substitute here. I am not sure why, but I am sure there are very good reasons. Whether there are tax issues involved in what you were offering, I do not know.

But the fact is that it is a good underlying bill. We are going to have a very healthy debate about it today. And I would urge my colleagues, on behalf of American workers, that we have a responsibility to pass this bill now.

Is it perfect? I am sure it is not, but I do believe when this bill passes here today with bipartisan support, we will get to a conference with the Senate where we will hammer out the differences between the House and Senate bill. But the longer this House waits to move this bill, the longer we make arguments, that we make perfect the enemy of the good, the more we are jeopardizing the retirement security of American workers. And I believe that we have to act now, get ourselves to conference, and get a bill passed that brings comprehensive reform to our pension laws.

☐ 1130

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this debate has been on the rule to deal with a very important bill that has been talked about on both sides that needs to be addressed. I would just simply point out that there will be a motion to recommit, which has always been part of what the Republican majority has suggested on every major piece of legislation since we have been in control.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 610 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 610

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. After disposition of the further amendments printed in part B of the report of the Committee on Rules, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 610 is a structured rule. It provides 2 hours of general debate, equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member of the Committee on Homeland Security. It waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill, modified by the amendment printed in part A of the Rules Committee report accompanying the resolution, shall be considered as adopted in the House and in the Committee of the Whole and shall be considered as read. It waives all points of order against the bill, as amended.

This resolution makes in order only those amendments printed in part B of the Rules Committee report. It provides that the amendments printed in part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. It waives all points of order against amendments printed in part B of the report, and it provides that after disposition of the amendments printed in part B of the report, the Committee of the Whole shall rise without motion, and no further consideration of the bill shall be in order except by a subsequent order of the House.

Mr. Speaker, I rise today in support of House Resolution 610 and the underlying H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

Today, this Congress continues an ongoing and difficult debate. The need for fundamental immigration reform is critical and long overdue. In 1986, President Reagan pushed for reforms to address this problem. In 1996, the 104th Congress pushed for more reforms to address the problem. Now here we are 10 years later. This Congress once again has an opportunity to debate how to best secure our borders and remove incentives for illegal immigration by enacting meaningful changes.

I want to thank Chairman SENSENBRENNER and Chairman KING for this bill to close our borders to illegal immigrants and potential terrorists.

Mr. Speaker, since the attacks of September 11, 4 years ago, the debate on immigration is a fundamentally different debate. Border security is no longer just a legal or economic issue, which of course it still is. Secure borders now are also a matter of national security.

Procrastination and ignoring the problem will simply not make it go away. Every day we put off debating and passing comprehensive reform creates more and more opportunities for illegal immigrants to break our laws and violate our borders with the social, economic and political repercussions. For instance, there are an estimated 376,000 illegal immigrants who live in my home State of Georgia and bear an incredible toll on our social services and health care system.

The burden of illegal immigrants continues to increase for the American citizens as hospitals and schools are filled with illegal immigrants who cannot pay for their education and medical expenses.

Mr. Speaker, some of our schools continue to struggle simply because of the inherent burden of some illegal immigrants who require extensive remedial education at the expense of the American taxpayer and our schoolchildren. Regardless of their intention, this effect on our schools highlights the fact that illegal immigration is not a victimless crime.

As this Congress continues to contemplate ways to relieve escalating medical costs, part of that expense is to reimburse doctors, nurses and hospitals who have treated illegal immigrants who could not pay their medical bills. I am a firsthand witness to doctors who have treated patients, only to have them skip out on a medical bill because they are here illegally and they do not want to be traced.

Mr. Speaker, illegal immigration also endangers the lives of the immigrants themselves. I do not think this can be stated too forcefully; illegal immigration also endangers the lives of the immigrants themselves. Just ask the families of the 19 illegal immigrants who were found dead in the back of a tractor-trailer truck in Victoria, Texas, in May of 2003. As long as incentives for human border smuggling persist, we will continue to see people manipulated, abused and, yes, even killed through this deplorable process.

As I mentioned earlier and as is clearly evidenced and described, illegal immigration is not a victimless crime, and H.R. 4437 goes a long way to combating it on multiple fronts, from the provision against illegal immigrants themselves to those who would either incentivize or aid them in illegally entering this country.

First, Mr. Speaker, this bill will make illegal immigration into this country a felony offense, thereby increasing the penalties for jumping the border. H.R. 4437 will combat the economic incentives for illegal immigration by transferring the current employment verification system that validates Social Security numbers from a voluntary program to a mandatory program.

☐ 1145

This bill also would increase civil and criminal penalties for those employers who knowingly and repeatedly employ or hire an illegal worker. Further, this bill would mandate detention for all aliens apprehended at the border while also stiffening the penalties for aliens already removed once from this country who try to reenter.

Additionally, H.R. 4437 would increase existing and establish further mandatory minimums for alien smuggling and would vigorously combat through deportation members of alien street gangs. From the border to the street of every city, this bill takes a holistic approach to reforming our immigration laws, strengthening our border in defense of our country against a very real threat to not only American security but also, Mr. Speaker, American sovereignty.

I ask for my colleagues' full support of the rule and this underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY), my friend, for yielding the time.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON), the distinguished ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I appreciate the gentleman from Florida (Mr. HASTINGS) yielding me time.

Mr. Speaker, this rule demonstrates that this legislation is simply not ready for consideration by the House. I have worked carefully with my Republican colleague on the Homeland Security Committee, Chairman KING, to develop a border security bill that has made many good provisions. This rule defeats that.

We could have given the House a Christmas present of a bipartisan bill that would secure our border in a real and fair way. Now this bill looks like a gift from an extremist Grinch, rather than one from Santa Claus. The Committee on the Judiciary has so loaded up our bill with controversial immigration proposals that now it is opposed by every reasonable business, immigration or human rights group in America. The Irish Lobby for Immigration Reform opposes this bill. The U.S. Chamber of Commerce opposes it. The American Bar Association opposes it. The U.S. Conference of Catholic Bishops opposes it. What reasonable group, Mr. Speaker, does not oppose it?

Now the Republican leadership is grasping for straws as it tries to figure out what amendments can best fit the bill. We are now here debating a rule with only half the amendments to be allowed, but we have not even seen what the final version of the bill looks like. How can we be here debating amendments when we do not even know what we are amending? This feels like another Republican power grab.

Mr. Speaker, we need to go slow and think this thing through. Let us take the bill back to the drawing board and pass a real border security bill that is fair and effective, not a partisan bill that almost no reasonable organization supports. And now, as we are about to return to our districts, let us think about the people that this bill will hurt, what kind of Christmas they will have.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KING), the chairman of the Committee on Homeland Security.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY), my good friend, for yielding me time.

I rise in support of this rule and the underlying legislation, H.R. 4437. Let me just say at the outset, because I know this will be a very heated debate over the next several days, let me say I have had nothing but the utmost cooperation from my good friend, Mr. THOMPSON of Mississippi, the ranking member of the Homeland Security Committee. We did report out a piece of legislation which did pass by voice vote. And while there were differences along the way, they were resolved equitably. I wanted to commend Mr. THOMPSON from Mississippi for that and put that on the record.

This legislation, which incorporates both the bill adopted in the Homeland Security Committee and then the bill adopted in the Judiciary Committee under Chairman SENSENBRENNER, is a wide-ranging bill. All of us realize that more has to be done on the issue of immigration.

This is probably the first step in a three-legged stool. Much more has to be done. This is a very, very significant first step in protecting our borders, because until the borders are protected, we cannot have any type of meaningful immigration reform.

Just several of the high points is that it requires the Secretary of Homeland Security to do whatever has to be done to secure the border, using whatever physical infrastructure is required, whatever technology is required, whatever personnel is required. It also for the first time requires the Secretary of Homeland Security and the Secretary of Defense to utilize military technology to control the borders. This is a significant first step and I believe very, very important.

It also ends the practice of catch and release, whereby hundreds of thousands of illegal immigrants coming across the border would be captured and then released back into society and asked to return at some time for a hearing. Many, of course, never did. And the last several years we saw a significant increase in immigrants coming across the southern border illegally other than Mexicans, OTMs, which raises significant homeland security and national security issues.

This has gone beyond just being an immigration issue, just an issue with social aspects. It also has very, very severe homeland security, internal security and national security issues. The attacks of 9/11 made us aware of that. That is why I urge adoption of the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Rules Committee for yielding me time, and I thank you, Mr. Speaker, very much for allowing me the opportunity to cast this debate hopefully in as broad a light as it possibly can be cast.

I would like to suggest that members of the Homeland Security Committee and Committee on the Judiciary all have participated in what we call the "heavy lifting." As a member of both committees, I know that there are individuals, well intentioned, who had come together to try to construct, if you will, a reasonable response to this pending and ongoing concern that Americans have expressed.

But let me tell you why this rule is fractured and why the underlying bill needs to be returned back to not only the Rules Committee but the committee in order to put together for America the real comprehensive immigration reform that I hope legislators will bring to the floor of the House, as opposed to political sound bites.

It is well known that America is asking for the enforcement of our immigration laws, but they are not asking for enforcement only. They want a comprehensive reform package that provides a pathway to citizenship and legalization and enforcement. As someone who comes from a border State, and particularly Texas, I can assure you that there is no divide amongst many Members on the needs for security and protection at the border. It was our State that experienced the viciousness and the seriousness of the Victoria deaths. Out of that particular tragedy I authored alien smuggling legislation which I am proud to say was included in the 9/11 legislation passed almost a year ago.

We are very serious about border security, but this underlying bill does not speak to border security. What it does do is it provides the enormous burden of unfunded mandates and it is impracticable. It cannot work.

What it does, Mr. Speaker, and you will hear us say this over and over again today, it criminalizes 11 million individuals, as the number seems to be of undocumented individuals, in this country. That means that they may be here, taxpayers, children in school, recognizing that they may have come to this particular place undocumented. But it criminalizes them by their very presence. That means they have to be mandatorily put in jail. Whether you are an elderly person, whether you are a child, you have to be mandatorily put in jail.

The so-called "employer verification program" was a pilot program. There is no guarantee in this bill for full funding for that, nor is there a guarantee that the data base is secure enough that the employers can rely upon it. I believe employers should verify who they are employing, but they cannot do it with a system that is fractured and is not funded the way it should be funded.

This bill requires a lot of work and the work is that we must combine comprehensive immigration reform. We must also address the question very quickly, Mr. Speaker, of giving the right equipment to border patrol agents. None of that is in there: night goggles, computers, helicopters, power boats.

In the Homeland Security Committee, Mr. THOMPSON of Mississippi, the ranking member, and myself offered an amendment that would equip the border patrol agents as they should be. You ask one American, Do you want your border patrol agents to have the right uniforms, the right ID, and the right equipment? They cannot function without helicopters, power boats, night goggles, computers and other technology to help them secure the border, nor can they work without doubling or tripling the number of border patrol agents. That is why this bill is fractured.

So I conclude by simply saying, respond to what America is asking us to do: comprehensive immigration reform, earned access to legalization and, as well strong, strong enforcement.

Mr. GINGREY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my good friend for yielding, and I thank him for the work he has done on this and a wide range of other very important issues.

We have by virtue of calling up this rule begun the debate on what is clearly one of the most contentious, challenging, and difficult issues that we will face as an institution. We know that this is a volatile issue, but it is one that does need to be addressed.

This has really come to the forefront since September 11 of 2001, a renewed focus on something that is critically important for any nation, and that is the security of its borders. But in light of what we went through on September 11 and in light of the fact that we are in the midst of the global war on terror, there is a renewed understanding of how great the threat is to us.

We have just this week passed the renewal of the USA PATRIOT Act which is an important step in dealing with that. We have been able to put into place by virtue of seeing our friend from New York (Mr. KING) here, that he ably chairs the Committee on Homeland Security, a Department of Homeland Security. We have made major modifications in the way we deal with the security of our borders. And yet we continue to have a very serious problem with the security of our borders.

The thing that is very, very troubling for many of us is the prospect of seeing this debate degenerate into something that it should not be. I believe that we need to have a full recognition of the rights of every human being. I believe that it is absolutely essential for us to realize that 98 percent of the people who enter this country illegally enter here with one goal and one goal only, and that is to feed their families, to make a better life for themselves, to see their economic standing improve.

In light of that, Mr. Speaker, it is my hope that we can deal with the issue of the demand side on this question of border security and immigration reform in an important way. Much of what we are going to be doing in considering this legislation is focused on the supply side, trying to put a fence at the areas that are most dangerous. I am joining my colleague from California, Mr. HUNTER, and several others, Mr. ROYCE. I know Mr. GINGREY will be supportive of our amendment, to focus as we have along the 14-mile stretch from the Pacific Ocean to the Otay Mesa at San Diego. We will be having an amendment that will deal with that.

It is important that we do other things to focus on the supply side, but it is also equally important for us to focus on the demand side, the magnet that draws people into this country illegally. And it is also important for us to recognize, Mr. Speaker, that there is an economic demand that exists in the United States of America for a workforce. That is why as we proceed with this debate, I hope that we can recognize the dignity of everyone involved while doing all that we can to secure our borders and stem the flow of illegal immigration, in fact, bring an end to illegal immigration.

That is our goal. Our goal is to see an end to this kind of illegal action that has taken place. It is my sense that beginning with border security, which is what this measure that we are going to be considering does, it starts with that process.

□ 1200

I happen to think that as we look towards moving this legislation to the President's desk, it should include comprehensive reform.

Sitting on the front row here is my very good friend, the gentleman from Arizona (Mr. KOLBE), who is in his last term here. He, unfortunately, has chosen to retire, but one of the issues that he has championed is the recognition that an economic demand that exists in the United States of America is addressed. That is why I happen to concur that a responsible, non-amnesty-granting, temporary worker program is the right thing to do.

I believe it is in our national security interest. Why? We regularly hear, Mr. Speaker, about the 11 million people who are in this country illegally. We know that we have not seen a terrorist from Mexico in the United States, and that is something that I think is important for us to underscore again and again and again so the people do not engage in the demonization of Mexico and Mexicans, but I think it is important for us to realize that there is the threat that a terrorist could, in fact, be among the 11 million people who are in this country illegally.

That is why a responsible, non-amnesty-granting, temporary worker program allows people to come from the shadows, and it allows them to become part of society without making them American citizens but, in fact, focusing on the need for their work and the need for our security.

So, Mr. Speaker, as this debate proceeds, I hope very much that we are able to recognize the importance of security of our borders, recognize the importance of ending the problems of illegal immigration. We all have story after story, and I can tell my colleagues, coming from southern California, we have tremendous problems that have been inflicted, whether it is dealing with Mexican nationals who have reportedly killed law enforcement agents like Deputy Sheriff David March 3 months ago and fled into the country of Mexico, or dealing with the onerous responsibility of providing services to people who are here illegally and then, of course, other crime, and then, as I said a moment ago, the threat of terrorism. We need to deal with these issues.

But let us do the first step by focusing on border security, and then as we move ahead with this legislation, look comprehensively at the need to address this very, very challenging question.

Mr. HASTINGS of Florida. Mr. Speaker, would the Chair be kind enough to advise both sides as to the remaining time?

The SPEAKER pro tempore (Mr. ADERHOLT). The gentleman from Florida (Mr. HASTINGS) has 24 minutes remaining. The gentleman from Georgia (Mr. GINGREY) has 13½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this restrictive rule and the underlying legislation which is nothing more than a xenophobic attack on immigrants who were in search of a better way of life for them and their children.

The United States has long been a shining example of inclusion and diversity. Even in some of our darkest days of intolerance, we have always managed to rise above our differences and fuel the flame beneath the world's melting pot. By resolving these differences, we have cultivated a strong Nation of citizens from around the world.

That is why I find it so troubling that some here today are determined to extinguish that flame with so-called immigration reform that does little to address current immigration challenges or make our borders safer.

Even worse is the manner by which this legislation is being brought to the floor today. Under the rule, part A, a meager 15 of the 130 amendments that were offered in the Rules Committee are actually made in order. That means that 115 amendments, 115 ideas, 115 voices are all shut out from debate under this rule, and you multiply that by their constituents.

Included in these 115 blocked amendments is an amendment offered by my good friend from south Florida (Mr. MEEK) which sought to remedy some of the double standard immigration practices that apply to Haitian immigrants. Also blocked from consideration under the rule are the Sanchez-Conyers substitute and the President's very own guest worker visa program offered by Representatives KOLBE, BERMAN, FLAKE and GUTIERREZ.

I heard the chairman a moment ago say that we should have this guest worker program. Well, he did not put it in this rule, and all we had to do was do that to at least give some credibility to that argument. I was confused as I heard him. I did not know whose side he was on.

Clearly, the autocracy in this Republican-controlled body has reached an all-time high when a Republican President cannot get a vote on his own proposal.

I offered an amendment to the rule this morning at 7 a.m., barely 3 hours ago, that would have made the Kolbe-Berman amendment in order, but Republicans on the Rules Committee, except one, rejected my amendment and blocked this amendment from being considered by the House.

I understand that the House leadership has told many in the majority that it intends to consider the President's proposal on the floor sometime before the House recesses this week. If that is, in fact, the case then why did the chairman of the Rules Committee specifically tell his assembled Republican colleagues this morning to vote against making the President's proposal in order?

Perhaps it is because the majority do not want to consider what they cannot defeat or perhaps they have zero intention of ever considering the Kolbe-Berman amendment.

Whatever the reason, Mr. Speaker, if I had a dollar for every time the Republican leadership promised a Member something and failed to keep that promise since 1995, well, I would be a Republican. Words are cheap until they are backed up with action, and if anybody thinks that this part A is getting ready to have the necessary appropriations to undertake the meager measures on border security, then I have a bridge in Mr. NADLER's general area that I would like to sell them.

Our immigration laws are in dire need of revision. Everybody in this House knows, Mr. Speaker, that our immigration laws are broken. The current system is rife with double standards, quota limit, wet foot-dry foot, air foot-boat foot, student visas, just to name a few.

The bill before us today does absolutely nothing to address these shortcomings in the law. Instead, it is a harsh set of laws that favor heavy-handed enforcement in the guise of protection.

Mr. Speaker, my south Florida-based district staff, as I am speaking, work every single day, and today as I speak there are immigrants lined up throughout the halls of the office that I am privileged to serve, lined sometimes as many as 30 or 40 people deep snake through the hallways of that office. Some came here legally. Others arrived illegally. Regardless, all of them share the same American dream with one another and all of us. Our rich and diverse cultural backgrounds are our strength.

The underlying legislation, however, mocks that diversity and creates a system under which simply applying for citizenship would be risky. Arbitrary factors could deny naturalization on the basis of whether an alien is a person of good, moral character.

If this bill becomes law, anyone who has ever had an illegal presence in the United States will be arrested, convicted of a felony and jailed. Even those who seek asylum from honor killings, human trafficking, and forced prostitution would immediately be branded as felons and thrown into American jails.

This wide net of prosecution is also cast upon American citizens accused of helping, hiring or transporting potential immigrants. We have a wonderful and rich history of churches and philanthropic groups who serve as a lifeline for newly arrived immigrants who diligently seek legal status.

Business owners could also be fined and penalized for not verifying the citizenship of every worker through a new system of stringent checks that is an unfunded mandate at best. These checks would require approximately 7 million American employers to screen almost 140 million workers. These are the people who do not believe in big government.

We owe it to all who live here, whether born on this soil or not, the chance to contribute in a fair and meaningful way that protects our safety, provides for our prosperity and values our distinction.

Let me go back and say that there are people in this country, there are elected officials in this country whose parentage may very well have been brought here under certain circumstances, forced here under others, came here of their own volition, and likely were here illegally. Many of those persons are some of the stellar citizens in our respective communities. I look no further south than my district and can tell you the significant number of Cuban Americans and Haitian Americans that all of us ought be proud they are here and Jamaican Americans, the whole Caribbean basin, many from South America, everybody ain't in this category of 11 million people who we are getting ready to felonize.

We need look no further than our own families to appreciate the richness and diversity of this country. Most of us here today in this House are no more than two to three generations away from an ancestor who traveled to America by boat, plane or even on foot or were brought here by others to work for nothing. Many came at great risk and sacrifice. Thousands died on the way here. They journeyed here not for a free ride but for a better way of life, not for a handout but for a hand up.

I went a few months ago to the Statue of Liberty, and I had my grandson with me. We stood and we looked and he began to understand what it meant more and more. He is 11 years old, and I could see the pride as he thought of his many friends that he goes to school with that come from other countries and his understanding the need for tolerance that that great symbol signifies for this Nation.

As a nation of immigrants, it is beyond irresponsible to address this issue with such closed minds. It is time for us to undertake comprehensive illegal reform, and I urge my colleagues to reject this restrictive rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman from Florida is well aware that we will be having another rule and additional amendments made in order under that rule. Many of the ones that he mentioned hopefully will have that opportunity to be made in order and to be discussed.

I want to point out also that the give and take between the Democrats and the Republicans on the Rules Committee brought to the attention this potential problem of criminalizing existing illegal aliens, and we will have a manager's amendment in the next rule that corrects that.

Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. KELLER), a member of the Judiciary Committee.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the number one issue my constituents raise with me at town hall meetings is the need to strengthen our border security by cracking down on illegal immigration. Why? Our current immigration system is broken, and the American people expect us to secure our borders.

We have 11 million illegal aliens in the United States. Illegal aliens continue to enter the U.S. from the Mexican border at the rate of 8,000 per day. Last year, our border patrol agents arrested 1.2 million illegal aliens attempting to enter the United States. Significantly, 155,000 arrests of illegal immigrants were from countries other than Mexico. They included illegal immigrants from Iran, Iraq, Afghanistan.

This poses a very serious national security problem according to the testimony of CIA Director Porter Goss before the Senate Armed Services Committee on March 17 of this year.

Our law enforcement authorities believe that the mass movement of illegal aliens across the porous Mexican-U.S. border offers the perfect cover for terrorists seeking to enter the U.S., especially since tighter controls have been imposed to airports.

□ 1215

For example, when we go to the airport, our names are checked against the terrorist watch list. We have to produce a photo ID, we remove our shoes, we walk through a metal detector, and we send our briefcase and luggage through an x-ray machine to check if there are any weapons or explosive devices. Of course, this does not happen to 8,000 illegal aliens who enter the U.S. every day from the Mexican border. There are no terrorist background checks, no photo ID checks, no shoe removal, no metal detectors, and no x-ray machines for bombs or weapons.

In addition to threatening our national security, illegal immigration places a crushing burden on the American taxpayers who end up getting stuck with a tab for over $45 billion a year for the health care and education of illegal aliens.

Mr. Speaker, we must get serious about strengthening our border by cracking down on illegal immigration. Good fences make good neighbors, but that is only a start. We need to build more fences, hire more border patrol agents, use unmanned aerial drones to enforce the border, authorize our local sheriffs to enforce our immigration laws, and hold our employers accountable for knowingly hiring illegal workers. This bill is a step in the right direction. I urge my colleagues to take positive action today to secure our borders. Vote "yes" on the rule and vote "yes" on H.R. 4437.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, today the House will debate legislation attempting to address immigration in our country, the challenges of which are extremely complex. Unfortunately, this legislation focuses entirely on border security and cracking down on illegal immigration. It fails to truly address the underlying issue of why people risk long boat rides in cargo containers, open rafts, extreme temperatures crossing deserts and risking death to come to the United States. This legislation overlooks the multifaceted nature of immigration and sadly ignores the fact the immigration system is broken.

Individuals waiting years to receive a visa is not an uncommon occurrence, nor is it rare for someone who came to the United States legally for work or to study to wait years at a time to bring their spouses, children, and loved ones to this country to join them.

What we cannot forget is that these are real people. My grandparents were immigrants. So many people from California, Florida, North Carolina, Texas, New York, I could go on and on, are immigrants. We should take a breath and hold for a moment before we rush this. What we do to address our broken immigration system must be thoughtful.

Like many of our districts, my hometown of Sacramento has an immigrant population, and in Sacramento that population includes many from Russia and the former Soviet Union. I am currently helping some of my constituents to bring their 13-year-old son back to the United States. Seven years ago, this constituent legally came to our country. This past June, the family traveled to Russia for vacation and on return was shocked to learn that their son's eligibility had been canceled. Their son was barred from reentering this country with his parents. We are working as fast as we can to correct what seems to be a mistake and reunite this family. Until then, this young boy must remain in Russia.

As a mother and grandmother, I cannot fathom what this family must be going through, nor can I understand how we have not reformed a system that would allow this separation. We must not put families in a situation where they feel they must make a decision to enter legally or illegally or separate their families. We must reform our immigration system to end backlogs and to help reunite families.

As I said before, this is a multifaceted issue of which family unification is only one component. There are an estimated 11 million undocumented immigrants in the United States. They came here illegally in search of a better opportunity, to work on farms and restaurants, hotels, and hundreds of other service jobs. Whether we like it or not, they are part of our economy and fill a needed gap in our labor force.

That is why the chamber of commerce, the business community, the immigrant community, and the President all support a guest worker program. That is the only way to end the incentive to enter the United States illegally to find work, and bring out of shadows the illegal immigrants already here.

This legislation, however, ignores these issues. That is not to say it is without some needed provisions. I support increasing the number of border patrol agents and port inspectors as well as adding radiation detection equipment at all of our maritime ports. However, on the whole, it is filled with ill-considered provisions. What makes this worse is that there is no reason why we need to rush this through in the last days of the session.

It is clear there are many questions surrounding this legislation. The action we take on immigration will reverberate across the country and affect people's lives. We need to know its full implications before we proceed. It is not clear that we need to do this now. The American people deserve clarity now.

I urge my colleagues to vote against this rule.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to my physician colleague from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise in support of this rule and strong support of the underlying bill. As was previously stated on the debate on the rule on the pension bill, let us not make the perfect enemy of the good. This is not a good bill; it is a very good bill. It is a step in the right direction. Yes, we do need to do more.

I have been saying for years there is no greater disconnect between the will of the American people and the inside-the-Beltway environment than on this issue of border security and illegal immigration, and we are finally taking a strong step in the right direction here.

I want to address one of the most important features in this issue, and that is the fundamental issue of security, of securing our borders. The American people know that coming across the border are some people, and the FBI Director has testified to this effect in the committee that I serve on, there are some people who are not economic immigrants. They are coming from countries other than Mexico, Middle Eastern countries; they are here to do us harm. So it is desperately important we secure our borders.

This bill gets at one of the most important things that I think we need to address, and that is employer sanctions. I want to share with my colleagues a story. My brother-in-law installs air-conditioning systems on construction sites in New York, and he told me the story of how on one Monday morning he saw a new man on that construction site and he asked the gentleman to explain to him in his broken English when he came to the United States. He said that he had come on Saturday. He had come across the American border and he had gone to a safe house in the Southwest, gotten a plane ticket, flew to New York specifically for a job that was waiting for him there.

We need to put a stop to this, and we need stronger sanctions against employers. We need better enforcement of our existing laws. This is a national security issue. We desperately need to pass this bill, and we need to do more to end this way of illegal immigration and secure our borders.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my classmate and good friend from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, what an underhanded, sneaky rule and bill this is. The Social Security Act has a provision that prohibits, that prohibits the use of Social Security trust funds for changing the Social Security cards. This bill repeals that provision. CBO estimates the cost that could be incurred there by between 5 and $10 billion to be looted out of the Social Security and Medicare trust funds by that provision of this bill.

Now, I offered an amendment to restore this provision, to repeal the repeal. Mr. THOMAS ran into the Rules Committee at midnight last night with his own amendment, because they saw the damage this could do. And his own amendment ostensibly repeals this, but it does not. The Thomas amendment only applies to the Social Security trust fund, but allows the looting of the Medicare trust fund. It allows monies from all trust funds, including Social Security, to carry out section 707 of the bill, a smaller expenditure, but a major expenditure.

The Thomas amendment limits the prohibition against raiding the trust funds to title VII of the current bill. My amendment prohibits the use of these monies for any costs incurred in developing and implementing any change in Social Security cards. The Thomas amendment leaves open the possibility of future legislation looting all the trust funds.

Why will we not simply restore the provision, as my amendment would, that this bill would take out? Why are we opening up the Social Security and Medicare and disability and unemployment insurance trust funds to be looted for these purposes? Mr. THOMAS's amendment undoes a little of the damage, but it leaves wide loopholes. Wide.

Does anybody know that in the immigration bill we are debating is permission to take $5 billion to $10 billion out of Social Security and Medicare and unemployment and disability? Is that what we want to do?

I urge the Rules Committee, if it wants to make sure this is honestly done, make my amendment in order, not just Mr. THOMAS's amendment, which is self-executed in this rule, although only brought to the Rules Committee at midnight last night. Make my amendment in order so we can stop the looting of the Social Security, disability unemployment, and Medicare trust funds.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong opposition to this rule and the underlying bill, H.R. 4437.

This is not a theoretical exercise for me. No congressional district in the United States suffers more from the degradations of illegal immigration than mine. For years now, we have had the largest number of apprehensions in the country. In fact, more people cross the border illegally in the border-patrolled Tucson sector than all, all of the other border States combined. The strain on law enforcement, on education, on health care, and on social services is severe. It is real and it hurts.

No, Mr. Speaker, in my part of the country we know what illegal immigration means. So I will listen today with a mixture of anger and amusement to all the things said here today by the experts who, for more than a decade, have paid no attention to the complaints and cries of alarm to those of us along the border.

Unfortunately, the bill before us today does nothing to solve the real problems of immigration. In fact, it is worse than nothing. It is worse than nothing because it tries to fool the public. It pulls the wool over their eyes. It pretends we are doing something to secure our border, when in fact we are doing nothing except throwing words and money at the problem.

Anyone who really cares about a solution to our immigration woes knows that border enforcement is one prong of a three-part solution. The first is enforcement, border enforcement and employer enforcement. Second, you have to have some means of allowing those who want to work and are willing to work come into the United States legally to work on a temporary basis. And, third, you have to deal with the 10, 11, 12 million people illegally in this country now.

Now, that is the reality. But the bill brought before us today is an amnesty bill. That is our dark little secret, the unspoken truth that no one wants to talk about.

Why do I say that? Because if you are really for enforcement, you have to get those 11 million people out of the country. We have to round them up, apprehend them, and ship them back home. But this bill does not do that. It ignores the problem.

The committee knows that. The leadership knows that. We are going down this path, continuing this charade, continuing to lie to the American people, continuing to pretend we are doing something to prevent illegal immigration.

The real question, Mr. Speaker, is when will this body have a serious dialogue about immigration issues? When will we engage each other and the American people on this difficult problem? We can only hope someday soon. But not today, Mr. Speaker. Not today. Not with this bill. Not with this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague across the aisle from Florida for yielding me this time. I rise in part because I disagree with the previous speaker in the well on many points dealing with the immigration question and border security. But I rise to oppose the rule precisely because of our disagreements.

I rise in reluctance, but these are the circumstances in which we confront this. Here we are rushing toward the Christmas holiday break and at the last nanosecond of the 11th hour, we are going to debate this important question. The American people deserve more.

No, there will not be unanimity on this question. Illegal immigration threatens our sovereignty, our security, and our reverence for the rule of law. It discriminates against American workers, particularly those who struggle to survive at the lowest rung of the economic ladder.

□ 1230

It also locks illegal aliens into a permanent underclass to be exploited and discarded. It demands that we give serious deliberative attention to the question of illegal immigration on our economy, on the health care system, our public school system and our criminal justice system. Because it is so important, we need more time to deliberate and debate and make the right choices. Vote no on the rule.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, there is a no-spin zone in my district called Radams. As a family-owned agriculture supply store, this is a place where normally 40 to 50 farmers and growers meet every morning before the sun comes up to talk about the issues of the day. I was there last Friday, and the mood was not a happy one because we all learned the day before the Judiciary Committee had marked up this immigration bill, and I do not think there was a single hearing on that bill.

I am one that does not believe you can do a broad, bipartisan comprehensive immigration bill without including provisions related to guest workers. My district is a microcosm of the country. That means I have agriculture. In fact, I have a ton of fruit and vegetable growers, and they rely on good, migrant labor to harvest their crops, starting with asparagus in the spring, going through apples in the fall. None of those family operators, none of them, can survive without migrant or seasonal workers. Many have between 50 and 150 workers. Yet in this legislation there are no provisions, none, that will help my growers keep a viable workforce in order to pick their crops.

Whenever I raise this issue, this shortcoming in this bill, I am told the Senate will deal with it. They will save it. They will take it up.

Mr. Speaker, why are we punting on the issues? Amendments were submitted to deal with this, but they were rejected by the Rules Committee. That means if this rule passes, there will be no debate, let alone a vote on whether these provisions should be included. I think that is wrong, and I would urge my colleagues to vote no on this rule so amendments can be considered. This is too important an issue to gag this debate. Let us have a real debate, a constructive debate that will actually do something about the problem of illegal immigration.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Listen to Mr. KOLBE, Mr. UPTON and Mr. HAYWORTH. This rule will bring to the floor a bill which is an insult to the intelligence of the American people and an insult to the intelligence of this body. We can have all kinds of debates; guest worker, no guest worker; birthright citizenship, no birthright citizenship; fence, no fence. These are legitimate arguments to have. But a bill that the Speaker of the House, the chairman of the Rules Committee and the chairman of the Judiciary Committee know cannot solve the crisis of illegal immigration, they know from the start, that they bring up and ask this body to pass in order to tell the American people they are doing something about a problem they know cannot be solved by the bill they are presenting is insulting the intelligence and trying to con the American people. This rule should be rejected for that reason.

In this bill is an employer-eligibility system which is a critical component of a comprehensive approach to dealing with illegal immigration. How are you ever going to impose effectively an employer-verification system where every person who is hired and every person who is now working has to be verified by the Social Security Administration when you have 11 million people in this country, almost all of whom are working except for the children, almost all of whom are working in undocumented fashion for an employer, the heart of the perishable fruit and vegetable industry, the heart of a number of other industries in this country, and expect that system to pass. This is a con.

There are only two things going on. Mr. J.D. HAYWORTH is right: Either they expect the Senate to add the program for adjustment of status and guest workers and bring it back to the floor to the squeals of many of the people on the other side of the aisle, or they intend never to see this bill again but say for the next elections that they are solving a problem or trying to solve a problem that they know intellectually and personally and have said over and over and over again in conversations and in the press will not solve the problem.

Vote no on the rule. Reject this con, put together a proposal that solves the crisis in illegal immigration, that does something about the national security issues that illegal immigration threatens, that does something about the humanitarian tragedy that now exists, that recognizes the crisis and that provides the solution that the American people are entitled to.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in support of this rule as well as the underlying bill. This legislation is absolutely long overdue, and it is time we enact some very pragmatic and useful methods to prevent noncitizens from moving freely back and forth across our borders.

Quite frankly, the American people have lost their sense of humor when it comes to illegal immigration. They are demanding action, and it is no secret that our borders are porous. Every day, countless individuals are entering our country illegally and advantaging themselves of government services at taxpayer expense, and they take the jobs that otherwise could go to American citizens as well as those immigrants who came here legally, who abided by our laws.

It is time that we put these practices to an end. It is time that we as Americans take more responsibility in the fight against illegal immigration.

One of the most important provisions in this bill ends the ludicrous practice of catch and release with detained illegal aliens. Upon passage of this bill, anyone caught in this country illegally will be detained until further judicial action can be taken. It is unfathomable that this has not been the procedure since day one, but I am pleased that we are finally going to put an end to that.

Another key feature of this bill is the increased cooperation between Federal authorities and local law enforcement. This bill will reimburse sheriffs on the southern border for immigration enforcement and treat any individuals in their custody as Federal detainees. I hope this is the beginning and not the end of immigration reform. And let us keep in mind that while we are having this national debate today, that because our laws currently require us to count noncitizens for the purposes of the apportionment of congressional seats, that a number of Members of this House represent districts where fully 30 to 40 percent of their constituents are illegal aliens or noncitizens. So perversely, illegal aliens will be well represented in the U.S. Congress on the vote today to secure our border and to crack down on illegal aliens, and it is my hope that the issue of congressional representation for American citizens can also be dealt with as we move forward in this process so the full voice of the American people can be heard and that American citizens do not continue to have their vote disenfranchised. I support the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, every country has a right to control its borders to regulate who enters, and that includes the United States of America. Several speakers have mentioned that this obligation or right has been elevated since 9/11, and I think we all acknowledge that is true. Unfortunately, the administration has completely dropped the ball when it comes to regulation of those entering the United States without authorization.

I want to talk about just one item, which is the citation and release of individuals who are apprehended, who then promise to appear for their proceedings and then promptly disappear. The failure-to-appear rate appears to be in excess of 80 percent.

We have heard psychologists say that the definition of insanity is doing the same thing over and over again and expecting a different result. If so, the administration has lost its mind because this citation release program has not resulted in individuals appearing as promised.

Does this bill do anything about that, about the hundreds of thousands of individuals who are in America who made a promise to appear? Unfortunately, no, it does not.

Now, I am a member of the Homeland Security Committee and the House Judiciary Committee, and I have gone through this bill in some detail. There are some things that have absolutely nothing to do with unlawful immigration.

Section 404 of the act is something I want to mention because it is going to be important to a lot of Americans. This provision provides that the Secretary may deny admission to any person from countries that unreasonably delay or deny repatriation of citizens whom we have ordered deported. That is not about unlawful immigration; it is about people who are legal residents of the United States, husbands and wives of American citizens, who can be denied admission to the United States even though they are legal because the country they were born in has done something wrong. This is the new Chinese exclusion act which we repealed.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I just want to echo some of the sentiments of some of the earlier speakers, particularly Mr. KOLBE from Arizona. We have to have comprehensive reform, and until we do, we are ignoring the elephant in the middle of the room, and that is the 11 million or so illegals who are here at present.

This is called an enforcement bill, but it does nothing to enforce the law and the interior. It says that if you are employing an illegal, you have up to 6 years to check their status; 6 years for that person to stay in the shadows, driving without a license, driving without insurance. That is not enforcement.

We have to have comprehensive reform that deals with border security, a temporary worker program and also dealing effectively with those who are here illegally at present. I hope if we do this bill that we move quickly on to more comprehensive legislation that will do all we need to do.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), my good friend and classmate.

Mr. DOGGETT. Mr. Speaker, all Americans have an interest in securing our borders, but this bill is neither genuine security nor fairness. It threatens American businesses, agriculture, and it certainly threatens to destroy border commerce and punish hardworking border citizens.

This is just the latest in a series of bad bills that appeal to the worst fears and prejudices of xenophobes rather than advancing meaningful immigration reform. It is a cynical bill because it is not comprehensive. There is no one-dimensional solution looking solely at law enforcement that can succeed. There is no wall that can be built high enough to solve this problem.

Over a century ago, my own great grandfather came from Sweden to Louisiana to chop sugar cane. He came for the same reason that many people come to this country today: to take on the most difficult jobs in order to have a better life. Until we address that economic concern with a meaningful guest worker program, we will not address immigration today.

To the extent that the border is inadequately patrolled, this is a direct result not of the lack of a law, but a lack of will by the Bush administration in its mismanagement of the Border Patrol. Last year, this Congress approved 2,000 additional Border Patrol agents, and President Bush responded by saying we only need 210 of those 2,000 Border Patrol agents for the entire country. In September, even our Texas Republican colleagues demanded that President Bush "stop raiding our Texas Border Patrol" and called the reassignment of agents to Arizona an "outrageous action [that] is crippling border security in Texas." Today, instead of Border Patrol agents, the Republicans say we need to punish church workers who live their faith by assisting persons in need without first checking their visas.

The kind of measure we are offered is not new. It is part of a sad and recurring theme in American history. In the 19th century, it was the work of the Know-Nothing Party. Today, there are some in this Republican leadership who want to make the Republican Party the Know-Nothing Party of the 21st century.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time for the purpose of closing.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I include for the RECORD a letter from the U.S. Chamber of Commerce.

U.S. CHAMBER OF COMMERCE,
Washington, DC, December 15, 2005.

MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: As you prepare to debate the rule on H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005," the U.S. Chamber of Commerce opposes this legislation due to its adverse impact on employers, and asks that you reject House Resolution 610. The process that led to the development of this legislation and its consideration on the floor has been seriously flawed. The Chamber remains strongly opposed to this legislation.

We have been urging Congress to fix our broken immigration system for years, which would include securing our borders, creating an employment verification system that is fast and reliable, designing a temporary worker program that meets the future demand for workers, and reasonably addressing the legal status of the undocumented workers and their families currently in the United States. With the notable exception of border security, this bill, particularly the provisions of Title VII, would make our dysfunctional immigration system even worse.

The bill mandates that all employers of all sizes comply with a new government-run electronic/telephonic verification system to ensure that all employees are authorized to work. The concept is based on past, very limited pilot projects, and it is doubtful whether a new mandate of this breadth, applicable to over seven million employers and over 140 million employees, can realistically be implemented, particularly under this legislation's deadlines. These pilot projects were limited to approximately 3,600 employers and only new hires, while the legislation will also apply to existing employees. Further, there have been many practical, documented compliance problems under the program. While improvements have been made, the extension of this program to a much broader universe creates serious questions as to its practicality in the real world. The proposal also includes massive, in some cases uncapped, increases in penalties against employers. Paperwork violation penalties are increased 25 fold—up to $25,000 per individual.

Furthermore, the bill would now transform into a felony with jail terms what until now has been a civil violation for unauthorized presence in the United States subject to fines and deportation. This provision is directly inconsistent with the President's proposal, which recognizes the economic contributions of these workers, and that there should be a pathway for these workers to earn legal status. The debate over the proper status of these workers should have been left to the context of comprehensive reform initiatives.

The Chamber continues to support the concept of a workable verification system as part of a comprehensive reform package, but new laws that simply place more burdens on employers through worksite enforcement alone are not the answer. The Chamber has repeatedly called for legislation to: 1) provide for increased national security and control of our nation's borders; 2) create an efficient temporary worker program that allows employers to recruit immigrant workers when there is a shortage of domestic workers; and 3) provide legal status for qualified, screened undocumented migrants now in the country. As the President has stated, all three of these elements must be part of any initiative.

The Chamber has supported efforts to address these critical issues, and is dismayed that the House rule essentially forecloses any meaningful debate on these important areas. Due to the critical importance of this issue to the business community and our nation's economy, the Chamber will use the vote on this rule in our annual How They Voted rankings. Again the Chamber urges you to vote 'no' on House Resolution 610, the rule on H.R. 4437.

Sincerely,

R. BRUCE JOSTEN.

Mr. Speaker, the last paragraph of this letter states, "The Chamber has supported efforts to address these critical issues and is dismayed that the House rule essentially forecloses any meaningful debate on these important areas. Due to the critical importance of this issue to the business community and our Nation's economy, the Chamber will use the vote on this rule in our annual How They Voted rankings. Again, the Chamber urges you to vote no on House Resolution 610, the rule on H.R. 4437."

□ 1245

The Chamber's display is the same dismay that we have seen in a bipartisan fashion here. It is not that we do not need reform. But what is needed is comprehensive reform. And simply put, we are not reaching that with the legislation that we are making a rule on at this time. And we cannot do that, I might add, with a restrictive rule.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

I will draw this first debate to a close by again congratulating the Committee on the Judiciary, Chairman SENSENBRENNER, as well as the Committee on Homeland Security and Chairman KING for bringing this comprehensive bill before the House today.

As I stated in my opening remarks, the problem of illegal immigration poses multiple threats and must be addressed in multiple ways, and I am pleased that this bill before us today goes a long way and is a great first step to attacking the problem, both from the supply-and-demand sides of the equation, as well as from the security side.

Mr. Speaker, through both strengthening our borders and diminishing economic incentives for illegal immigration, we stand a much better chance of truly reducing this problem in a meaningful way. And, yes, we do intend, in an expeditious manner, to address the issue of a solution for the existing 11 million illegals, most of whom are working hard to support their families.

Again, I want to encourage all of my colleagues on both sides of the aisle to support this rule so we can move forward with the initial consideration of the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the resolution.

The question was taken: and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on the question of adopting House Resolution 602, which was previously postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2830, PENSION PROTECTION ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 602 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 199, not voting 8, as follows:

[Roll No. 633]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Berkley
Boucher
Davis (FL)
Diaz-Balart, M.
Fitzpatrick (PA)
Fossella
Hyde
McHugh

□ 1313

Ms. VELÁZQUEZ and Mr. BARROW changed their vote from "yea" to "nay."

Messrs. GOHMERT, KIRK, LEACH and JONES of North Carolina changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1315

PENSION PROTECTION ACT OF 2005

Mr. BOEHNER. Madam Speaker, pursuant to House Resolution 602, I call up the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to House Resolution 602, the bill is considered read.

The text of the bill is as follows:

H.R. 2830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pension Protection Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REFORM OF FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

Sec. 101. Minimum funding standards.
Sec. 102. Funding rules for single-employer defined benefit pension plans.
Sec. 103. Limitations on distributions and benefit accruals under single-employer plans.
Sec. 104. Technical and conforming amendments.

Subtitle B—Amendments to Internal Revenue Code of 1986

Sec. 111. Minimum funding standards.
Sec. 112. Funding rules for single-employer defined benefit pension plans.
Sec. 113. Limitations on distributions and benefit accruals under single-employer plans.
Sec. 114. Technical and conforming amendments.

Subtitle C—Other provisions

Sec. 121. Modification of transition rule to pension funding requirements.

Sec. 122. Treatment of nonqualified deferred compensation plans when employer defined benefit plan in at-risk status.

TITLE II—FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

Sec. 201. Funding rules for multiemployer defined benefit plans.
Sec. 202. Additional funding rules for multiemployer plans in endangered or critical status.
Sec. 203. Measures to forestall insolvency of multiemployer plans.
Sec. 204. Withdrawal liability reforms.
Sec. 205. Removal of restrictions with respect to procedures applicable to disputes involving withdrawal liability.

Subtitle B—Amendments to Internal Revenue Code of 1986

Sec. 211. Funding rules for multiemployer defined benefit plans.
Sec. 212. Additional funding rules for multiemployer plans in endangered or critical status.

TITLE III—OTHER INTEREST-RELATED FUNDING PROVISIONS

Sec. 301. Interest rate assumption for determination of lump sum distributions.
Sec. 302. Interest rate assumption for applying benefit limitations to lump sum distributions.

TITLE IV—IMPROVEMENTS IN PBGC GUARANTEE PROVISIONS

Sec. 401. Increases in PBGC premiums.

TITLE V—DISCLOSURE

Sec. 501. Defined benefit plan funding notices.
Sec. 502. Additional disclosure requirements.
Sec. 503. Notice to participants and beneficiaries of section 4010 filings with the PBGC.

TITLE VI—INVESTMENT ADVICE

Sec. 601. Amendments to Employee Retirement Income Security Act of 1974 providing prohibited transaction exemption for provision of investment advice.
Sec. 602. Amendments to Internal Revenue Code of 1986 providing prohibited transaction exemption for provision of investment advice.

TITLE VII—DEDUCTION LIMITATIONS

Sec. 701. Increase in deduction limits.
Sec. 702. Updating deduction rules for combination of plans.

TITLE I—REFORM OF FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

SEC. 101. MINIMUM FUNDING STANDARDS.

(a) REPEAL OF EXISTING FUNDING RULES.—Sections 302 through 306 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082 through 1085a) are repealed.

(b) NEW MINIMUM FUNDING STANDARDS.—Part 3 of subtitle B of title I of such Act (as amended by subsection (a)) is amended further by inserting after section 301 the following new section:

“MINIMUM FUNDING STANDARDS

“SEC. 302. (a) REQUIREMENT TO MEET MINIMUM FUNDING STANDARD.—

“(1) IN GENERAL.—A plan to which this part applies shall satisfy the minimum funding standard applicable to the plan for any plan year.

“(2) MINIMUM FUNDING STANDARD.—For purposes of paragraph (1), a plan shall be treated as satisfying the minimum funding standard for a plan year if—

“(A) in the case of a defined benefit plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which, in the aggregate, are not less than the minimum required contribution determined under section 303 for the plan for the plan year,

“(B) in the case of a money purchase plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which are required under the terms of the plan, and

“(C) in the case of a multiemployer plan, the employers make contributions to or under the plan for any plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 304 as of the end of the plan year.

“(b) LIABILITY FOR CONTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amount of any contribution required by this section (including any required installments under paragraphs (3) and (4) of section 303(i)) shall be paid by any employer responsible for making contributions to or under the plan.

“(2) JOINT AND SEVERAL LIABILITY WHERE EMPLOYER MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if the employer referred to in paragraph (1) is a member of a controlled group, each member of such group shall be jointly and severally liable for payment of such contributions.

“(c) VARIANCE FROM MINIMUM FUNDING STANDARDS.—

“(1) WAIVER IN CASE OF BUSINESS HARDSHIP.—

“(A) IN GENERAL.—If—

“(i) an employer is (or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan is) unable to satisfy the minimum funding standard for a plan year without temporary substantial business hardship (substantial business hardship in the case of a multiemployer), and

“(ii) application of the standard would be adverse to the interests of plan participants in the aggregate,

the Secretary of the Treasury may, subject to subparagraphs (B) and (C), waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard. The Secretary of the Treasury shall not waive the minimum funding standard with respect to a plan for more than 3 of any 15 (5 of any 15 in the case of a multiemployer plan) consecutive plan years.

“(B) EFFECTS OF WAIVER.—If a waiver is granted under subparagraph (A) for any plan year—

“(i) in the case of a single-employer plan, the minimum required contribution under section 303 for the plan year shall be reduced by the amount of the waived funding deficiency and such amount shall be amortized as required under section 303(j), and

“(ii) in the case of a multiemployer plan, the funding standard account shall be credited under section 304(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 304(b)(2)(C).

“(C) WAIVER OF AMORTIZED PORTION NOT ALLOWED.—The Secretary of the Treasury may not waive under subparagraph (A) any portion of the minimum funding standard under subsection (a) for a plan year which is attributable to any amortization payment required to be made for such plan year with respect to any amortization described in subparagraph (B) of any waived portion of the minimum funding standard for any preceding plan year.

“(2) DETERMINATION OF BUSINESS HARDSHIP.—For purposes of this subsection, the factors taken into account in determining temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan) shall include (but shall not be limited to) whether or not—

“(A) the employer is operating at an economic loss,

“(B) there is substantial unemployment or underemployment in the trade or business and in the industry concerned,

“(C) the sales and profits of the industry concerned are depressed or declining, and

“(D) it is reasonable to expect that the plan will be continued only if the waiver is granted.

“(3) WAIVED FUNDING DEFICIENCY.—For purposes of this part, the term ‘waived funding deficiency’ means the portion of the minimum funding standard under subsection (a) (determined without regard to the waiver) for a plan year waived by the Secretary of the Treasury and not satisfied by employer contributions.

“(4) SECURITY FOR WAIVERS FOR SINGLE-EMPLOYER PLANS, CONSULTATIONS.—

“(A) SECURITY MAY BE REQUIRED.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), the Secretary of the Treasury may require an employer maintaining a defined benefit plan which is a single-employer plan (within the meaning of section 4001(a)(15)) to provide security to such plan as a condition for granting or modifying a waiver under paragraph (1).

“(ii) SPECIAL RULES.—Any security provided under clause (i) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Corporation, by a contributing sponsor (within the meaning of section 4001(a)(13)), or a member of such sponsor's controlled group (within the meaning of section 4001(a)(14)).

“(B) CONSULTATION WITH THE PENSION BENEFIT GUARANTY CORPORATION.—Except as provided in subparagraph (C), the Secretary of the Treasury shall, before granting or modifying a waiver under this subsection with respect to a plan described in subparagraph (A)(i)—

“(i) provide the Pension Benefit Guaranty Corporation with—

“(I) notice of the completed application for any waiver or modification, and

“(II) an opportunity to comment on such application within 30 days after receipt of such notice, and

“(ii) consider—

“(I) any comments of the Corporation under clause (i)(II), and

“(II) any views of any employee organization (within the meaning of section 3(4)) representing participants in the plan which are submitted in writing to the Secretary of the Treasury in connection with such application.

Information provided to the Corporation under this subparagraph shall be considered tax return information and subject to the safeguarding and reporting requirements of section 6103(p) of the Internal Revenue Code of 1986.

“(C) EXCEPTION FOR CERTAIN WAIVERS.—

“(i) IN GENERAL.—The preceding provisions of this paragraph shall not apply to any plan with respect to which the sum of—

“(I) the shortfall amortization charge (within the meaning of section 303(c)(1)) for the plan year, and

“(II) the aggregate total of shortfall amortization installments determined for succeeding plan years under section 303(c)(2),

is less than $1,000,000.

“(ii) TREATMENT OF WAIVERS FOR WHICH APPLICATIONS ARE PENDING.—The amount described in clause (i)(I) shall include any increase in such amount which would result if all applications for waivers of the minimum funding standard under this subsection which are pending with respect to such plan were denied.

“(5) SPECIAL RULES FOR SINGLE-EMPLOYER PLANS.—

“(A) APPLICATION MUST BE SUBMITTED BEFORE DATE 2½ MONTHS AFTER CLOSE OF YEAR.—In the case of a single-employer plan, no waiver may be granted under this subsection with respect to any plan for any plan year unless an application therefor is submitted to the Secretary of the Treasury not later than the 15th day of the 3rd month beginning after the close of such plan year.

“(B) SPECIAL RULE IF EMPLOYER IS MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if an employer is a member of a controlled group, the temporary substantial business hardship requirements of paragraph (1) shall be treated as met only if such requirements are met—

“(i) with respect to such employer, and

“(ii) with respect to the controlled group of which such employer is a member (determined by treating all members of such group as a single employer).

The Secretary of the Treasury may provide that an analysis of a trade or business or industry of a member need not be conducted if the Secretary of the Treasury determines such analysis is not necessary because the taking into account of such member would not significantly affect the determination under this paragraph.

“(6) NOTICE TO EMPLOYEE ORGANIZATIONS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall, before granting a waiver under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such waiver to each employee organization representing employees covered by the affected plan, and each affected party (as defined in section 4001(a)(21)). Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under subparagraph (A).

“(7) CROSS REFERENCE.—For corresponding duties of the Secretary of the Treasury with regard to implementation of the Internal Revenue Code of 1986, see section 412(c) of such Code.

“(d) MISCELLANEOUS RULES.—

“(1) CHANGE IN METHOD OR YEAR.—If the funding method, the valuation date, or a plan year for a plan is changed, the change shall take effect only if approved by the Secretary of the Treasury.

“(2) CERTAIN RETROACTIVE PLAN AMENDMENTS.—For purposes of this section, any amendment applying to a plan year which—

“(A) is adopted after the close of such plan year but no later than 2½ months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

“(B) does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

“(C) does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances,

shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary of the Treasury notifying him of such amendment and such Secretary has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary of the Treasury unless such Secretary determines that such amendment is necessary because of a substantial business hardship (as determined under subsection (c)(2)) and that a waiver under subsection (c) (or, in the case of a multiemployer plan, any extension of the amortization period under section 304(d)) is unavailable or inadequate.

“(3) CONTROLLED GROUP.—For purposes of this section, the term ‘controlled group’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the items relating to sections 302 through 306 and inserting the following new item:

“Sec. 302. Minimum funding standards.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2005.

SEC. 102. FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by section 101 of this Act) is amended further by inserting after section 302 the following new section.

“MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

“SEC. 303. (a) MINIMUM REQUIRED CONTRIBUTION.—

“(1) IN GENERAL.—For purposes of section 302(a)(2)(A), except as otherwise provided in this subsection, the minimum required contribution with respect to a plan for a plan year is the target normal cost of the plan for the plan year.

“(2) SHORTFALL AMORTIZATION CHARGE.—In any case in which the value of plan assets (determined without regard to subsection (e)(1)) of the plan for the plan year which are held by the plan immediately before the valuation date is less than the funding target of the plan for the plan year, the minimum required contribution with respect to the plan for the plan year is the sum of the amount determined under paragraph (1) plus a shortfall amortization charge for such plan year determined under subsection (c).

“(3) CREDIT FOR EXCESS ASSETS.—In any case in which the value of plan assets of the plan for the plan year which are held by the plan immediately before the valuation date exceed the funding target of the plan for the plan year, the minimum required contribution with respect to the plan for the plan year is the amount determined under paragraph (1), reduced by such excess.

“(4) PRE-FUNDING BALANCE.—In the case of any plan year in which—

“(A) the ratio (expressed as a percentage) which—

“(i) the value of plan assets (determined without regard to subsection (e)(1)(B)) for the preceding plan year, bears to

“(ii) the funding target of the plan for the preceding plan year (determined without regard to subsection (g)(1)),

is at least 80 percent, and

“(B) the plan sponsor elects (in such form and manner as shall be prescribed in regulations of the Secretary of the Treasury) to credit against the minimum required contribution for the current plan year all or a portion of the funding standard carryover balance and the pre-funding balance (to the extent provided in subsection (h)) for the preceding plan year (not in excess of such minimum required contribution),

the minimum required contribution for the plan year shall be reduced by the amount so credited by the plan sponsor.

“(b) TARGET NORMAL COST.—For purposes of this section, subject to subsection (g)(2), the term ‘target normal cost’ means, for any plan year, the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year. If any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase shall be treated as having accrued during the current plan year.

“(c) SHORTFALL AMORTIZATION CHARGE.—

“(1) IN GENERAL.—The shortfall amortization charge for a plan for any plan year is the aggregate total of the shortfall amortization installments for such plan year with respect to the shortfall amortization bases for such plan year and each of the 6 preceding plan years.

“(2) SHORTFALL AMORTIZATION INSTALLMENT.—

“(A) IN GENERAL.—For purposes of paragraph (1), the plan sponsor shall determine, with respect to the shortfall amortization base of the plan for any plan year, the amounts necessary to amortize such shortfall amortization base, in level annual installments over a period of 7 plan years beginning with such plan year. The annual installment of such amortization for each plan year in such 7-plan-year period is the shortfall amortization installment for such plan year with respect to such shortfall amortization base.

“(B) COMPUTATION ASSUMPTIONS.—The determination of any annual installment under subparagraph (A) for any plan year shall be made as of the valuation date for such plan year, using the effective rate of interest for the plan for such plan year.

“(3) SHORTFALL AMORTIZATION BASE.—The shortfall amortization base of a plan for a plan year is the excess (if any) of—

“(A) the funding shortfall of such plan for such plan year, over

“(B) the present value (determined using the effective interest rate of the plan for the plan year) of the aggregate total of the shortfall amortization installments, for such plan year and the 5 succeeding plan years, which have been determined with respect to the shortfall amortization bases of the plan for each of the 6 plan years preceding such plan year.

“(4) FUNDING SHORTFALL.—For purposes of this section, the funding shortfall of a plan for any plan year is the excess (if any) of—

"(A) the funding target of the plan for the plan year, over

"(B) the value of plan assets of the plan for the plan year which are held by the plan immediately before the valuation date.

"(5) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the shortfall amortization charge for such plan year and succeeding plan years, the shortfall amortization base for all preceding plan years shall be reduced to zero.

"(d) RULES RELATING TO FUNDING TARGET.—For purposes of this section—

"(1) FUNDING TARGET.—Except as provided in subsection (g)(1), the funding target of a plan for a plan year is the present value of all liabilities to participants and their beneficiaries under the plan for the plan year.

"(2) FUNDING TARGET ATTAINMENT PERCENTAGE.—The 'funding target attainment percentage' of a plan for a plan year is the ratio (expressed as a percentage) which—

"(A) the value of plan assets for the plan year, bears to

"(B) the funding target of the plan for the plan year (determined without regard to subsection (g)(1)).

"(e) VALUATION OF PLAN ASSETS AND LIABILITIES.—

"(1) VALUE OF PLAN ASSETS.—For purposes of this section (other than paragraph (4) and subsections (a)(2) and (h)(3)), the term 'value of plan assets' means the excess of the value of plan assets (determined without regard to this paragraph) over the sum of—

"(A) the pre-funding balance of the plan maintained under subsection (h)(1), and

"(B) the funding standard carryover balance of the plan maintained under subsection (h)(2).

"(2) TIMING OF DETERMINATIONS.—Except as otherwise provided under this subsection, all determinations under this section for a plan year shall be made as of the valuation date of the plan for such plan year.

"(3) VALUATION DATE.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the valuation date of a plan for any plan year shall be the first day of the plan year.

"(B) EXCEPTION FOR SMALL PLANS.—If, on each day during the preceding plan year, a plan had 500 or fewer participants, the plan may designate any day during the plan year as its valuation date for such plan year. For purposes of this subparagraph, all defined benefit plans (other than multiemployer plans) maintained by the same employer (or any member of such employer's controlled group) shall be treated as 1 plan, but only employees of such employer or member shall be taken into account.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF PLAN SIZE.—For purposes of this paragraph—

"(i) PLANS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of the first plan year of any plan, subparagraph (B) shall apply to such plan by taking into account the number of participants that the plan is reasonably expected to have on days during such first plan year.

"(ii) PREDECESSORS.—Any reference in subparagraph (B) to an employer shall include a reference to any predecessor of such employer.

"(4) AUTHORIZATION OF USE OF ACTUARIAL VALUE.—For purposes of this section, the value of plan assets (determined without regard to paragraph (1)) shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury, except that—

"(A) any such method providing for averaging of fair market values may not provide for averaging of such values over more than the current plan year and the 2 preceding plan years, and

"(B) any such method may not result in a determination of the value of plan assets which, at any time, is lower than 90 percent or greater than 110 percent of the fair market value of such assets at such time.

"(5) ACCOUNTING FOR CONTRIBUTION RECEIPTS.—For purposes of this section—

"(A) CONTRIBUTIONS FOR PRIOR PLAN YEARS TAKEN INTO ACCOUNT.—For purposes of determining the value of plan assets for any current plan year, in any case in which a contribution properly allocable to amounts owed for a preceding plan year is made on or after the valuation date of the plan for such current plan year, such contribution shall be taken into account, except that any such contribution made during any such current plan year beginning after 2006 shall be taken into account only in an amount equal to its present value (determined using the effective rate of interest for the plan for the preceding plan year) as of the valuation date of the plan for such current plan year.

"(B) CONTRIBUTIONS FOR CURRENT PLAN YEAR DISREGARDED.—For purposes of determining the value of plan assets for any current plan year, contributions which are properly allocable to amounts owed for such plan year shall not be taken into account, and, in the case of any such contribution made before the valuation date of the plan for such plan year, such value of plan assets shall be reduced for interest on such amount determined using the effective rate of interest of the plan for the preceding plan year for the period beginning when such payment was made and ending on the valuation date of the plan.

"(6) ACCOUNTING FOR PLAN LIABILITIES.—For purposes of this section—

"(A) LIABILITIES TAKEN INTO ACCOUNT FOR CURRENT PLAN YEAR.—In determining the value of liabilities under a plan for a plan year, liabilities shall be taken into account to the extent attributable to benefits (including any early retirement or similar benefit) accrued as of the beginning of the plan year.

"(B) ACCRUALS DURING CURRENT PLAN YEAR DISREGARDED.—For purposes of subparagraph (A), benefits accrued during such plan year (after those taken into account under subparagraph (A)) shall not be taken into account, irrespective of whether the valuation date of the plan for such plan year is later than the first day of such plan year.

"(f) ACTUARIAL ASSUMPTIONS AND METHODS.—

"(1) IN GENERAL.—Subject to this subsection, the determination of any present value or other computation under this section shall be made on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(2) INTEREST RATES.—

"(A) EFFECTIVE INTEREST RATE.—For purposes of this section, the term 'effective interest rate' means, with respect to any plan for any plan year, the single rate of interest which, if used to determine the present value of the plan's liabilities referred to in subsection (d)(1) would result in an amount equal to the funding target of the plan for such plan year.

"(B) APPLICATION TO FUNDING TARGET.—For purposes of determining the funding target of a plan for any plan year, the interest rate used in determining the present value of the liabilities of the plan shall be—

"(i) in the case of liabilities reasonably determined to be payable during the 5-year period beginning on the first day of the plan year, the first segment rate with respect to the applicable month,

"(ii) in the case of liabilities reasonably determined to be payable during the 15-year period beginning at the end of the period described in clause (i), the second segment rate with respect to the applicable month, and

"(iii) in the case of liabilities reasonably determined to be payable after the period described in clause (ii), the third segment rate with respect to the applicable month.

"(C) SEGMENT RATES.—For purposes of this paragraph—

"(i) FIRST SEGMENT RATE.—The term 'first segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 5-year period commencing with such month.

"(ii) SECOND SEGMENT RATE.—The term 'second segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 15-year period beginning at the end of the period described in clause (i).

"(iii) THIRD SEGMENT RATE.—The term 'third segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during periods beginning after the period described in clause (ii).

"(D) CORPORATE BOND YIELD CURVE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'corporate bond yield curve' means, with respect to any month, a yield curve which is prescribed by the Secretary of the Treasury for such month and which reflects a 3-year weighted average of yields on investment grade corporate bonds with varying maturities.

"(ii) 3-YEAR WEIGHTED AVERAGE.—The term '3-year weighted average' means an averaging methodology under which the most recent year is weighted 50 percent, the year preceding such year is weighted 35 percent, and the second year preceding such year is weighted 15 percent.

"(E) APPLICABLE MONTH.—For purposes of this paragraph, the term 'applicable month' means, with respect to any plan for any plan year, the month which includes the valuation date of such plan for such plan year or, at the election of the plan administrator, any of the 4 months which precede such month. Any election made under this subparagraph shall apply to the plan year for which made and all succeeding plan years unless revoked with the consent of the Secretary of the Treasury.

"(F) PUBLICATION REQUIREMENTS.—The Secretary of the Treasury shall publish for each month the corporate bond yield curve (and the corporate bond yield curve reflecting the modification described in section 205(g)(3)(B)(iii)(I)) for such month and each of the rates determined under subparagraph (B) for such month. The Secretary of the Treasury shall also publish a description of the methodology used to determine such yield curve and such rates which is sufficiently detailed to enable plans to make reasonable projections regarding the yield curve and such rates for future months based on the plan's projection of future interest rates.

"(G) TRANSITION RULE.—

"(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, for plan years beginning in 2006 or 2007, the first, second, and third segment rates for a plan with respect to any month shall be equal to the sum of—

"(I) the product of such rate for such month determined without regard to this subparagraph, multiplied by the applicable percentage, and

"(II) the product of the rate determined under the rules of section 302(b)(5)(B)(ii)(II) (as in effect for plan years beginning in 2005), multiplied by a percentage equal to 100 percent minus the applicable percentage.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 33⅓ percent for plan years beginning in 2006 and 66⅔ percent for plan years beginning in 2007.

"(3) MORTALITY TABLE.—

"(A) IN GENERAL.—The mortality tables used in determining any present value or making any computation under this section shall be the RP-2000 Combined Mortality Table, as published by the Society of American Actuaries, as in effect on the date of the enactment of the Pension Protection Act of 2005 and as revised from time to time under subparagraph (B).

"(B) PERIODIC REVISION.—The Secretary of the Treasury shall (at least every 10 years) make revisions in any tables in effect under this paragraph to reflect the actual experience of pension plans and projected trends in such experience.

"(C) TRANSITION RULE.—Under regulations of the Secretary of the Treasury, any difference in assumptions as set forth in the mortality table specified in subparagraph (A) and assumptions as set forth in the mortality table described in section 302(d)(7)(C)(ii) (as in effect for plan years beginning in 2005) shall be phased in ratably over the first period of 5 plan years beginning in or after 2006 so as to be fully effective for the fifth plan year.

"(4) PROBABILITY OF BENEFIT PAYMENTS IN THE FORM OF LUMP SUMS OR OTHER OPTIONAL FORMS.—For purposes of determining any present value or making any computation under this section, there shall be taken into account—

"(A) the probability that future benefit payments under the plan will be made in the form of optional forms of benefits provided under the plan (including lump sum distributions, determined on the basis of the plan's experience and other related assumptions), and

"(B) any difference in the present value of such future benefit payments resulting from the use of actuarial assumptions, in determining benefit payments in any such optional form of benefits, which are different from those specified in this subsection.

"(5) APPROVAL OF LARGE CHANGES IN ACTUARIAL ASSUMPTIONS.—

"(A) IN GENERAL.—No actuarial assumption used to determine the funding target for a single-employer plan to which this paragraph applies may be changed without the approval of the Secretary of the Treasury.

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan only if—

"(i) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii)) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13)) and members of such sponsors' controlled groups (as defined in section 4001(a)(14)) which are covered by title IV (disregarding plans with no unfunded vested benefits) exceed $50,000,000; and

"(ii) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the funding target of the plan before such change.

"(g) SPECIAL RULES FOR AT-RISK PLANS.—

"(1) FUNDING TARGET FOR PLANS IN AT-RISK STATUS.—

"(A) IN GENERAL.—In any case in which a plan is in at-risk status for a plan year, the funding target of the plan for the plan year is the sum of—

"(i) the present value of all liabilities to participants and their beneficiaries under the plan for the plan year, as determined by using, in addition to the actuarial assumptions described in subsection (f), the supplemental actuarial assumptions described in subparagraph (B), plus

"(ii) a loading factor determined under subparagraph (C).

"(B) SUPPLEMENTAL ACTUARIAL ASSUMPTIONS.—The actuarial assumptions used in determining the valuation of the funding target shall include, in addition to the actuarial assumptions described in subsection (f), an assumption that all participants will elect benefits at such times and in such forms as will result in the highest present value of liabilities under subparagraph (A)(i).

"(C) LOADING FACTOR.—The loading factor applied with respect to a plan under this paragraph for any plan year is the sum of—

"(i) $700, times the number of participants in the plan, plus

"(ii) 4 percent of the funding target (determined without regard to this paragraph) of the plan for the plan year.

"(2) TARGET NORMAL COST OF AT-RISK PLANS.—

"(A) IN GENERAL.—In any case in which a plan is in at-risk status for a plan year, the target normal cost of the plan for such plan year shall be the sum of—

"(i) the present value of all benefits which are expected to accrue under the plan during the plan year, determined under the actuarial assumptions used under paragraph (1), plus

"(ii) the loading factor under paragraph (1)(C), excluding the portion of the loading factor described in paragraph (1)(C)(i).

"(B) MINIMUM AMOUNT.—In no event shall the target normal cost of a plan determined under this paragraph be less than the target normal cost of such plan as determined without regard to this paragraph.

"(3) DETERMINATION OF AT-RISK STATUS.—For purposes of this subsection, a plan is in 'at-risk status' for a plan year if the funding target attainment percentage of the plan for the preceding plan year was less than 60 percent.

"(4) TRANSITION BETWEEN APPLICABLE FUNDING TARGETS AND BETWEEN APPLICABLE TARGET NORMAL COST.—

"(A) IN GENERAL.—In any case in which a plan which is in at-risk status for a plan year has been in such status for a consecutive period of fewer than 5 plan years, the applicable amount of the funding target and of the target normal cost shall be, in lieu of the amount determined without regard to this paragraph, the sum of—

"(i) the amount determined under this section without regard to this subsection, plus

"(ii) the transition percentage for such plan year of the excess of the amount determined under this subsection (without regard to this paragraph) over the amount determined under this section without regard to this subsection.

"(B) TRANSITION PERCENTAGE.—For purposes of this paragraph, the 'transition percentage' for a plan year is the product derived by multiplying—

"(i) 20 percent, by

"(ii) the number of plan years during the period described in subparagraph (A).

"(h) PRE-FUNDING AND FUNDING STANDARD CARRYOVER BALANCES.—

"(1) PRE-FUNDING BALANCE.—

"(A) IN GENERAL.—The plan sponsor of a pension plan which is a single-employer plan shall maintain a pre-funding balance for purposes of this subsection. Such balance shall consist of a beginning balance of zero, increased and decreased to the extent provided in subparagraphs (B) and (C), and adjusted further as provided in paragraph (3).

"(B) INCREASES.—As of the valuation date for each plan year beginning after 2006, the pre-funding balance of a plan shall be increased by the amount elected by the plan sponsor for the plan year. Such amount shall not exceed the excess (if any) of—

"(i) the aggregate total of employer contributions to the plan for the preceding plan year, over

"(ii) the minimum required contribution for such preceding plan year (increased by interest on any portion of such minimum required contribution remaining unpaid, at the effective interest rate for the plan for the preceding plan year, for the period beginning with the first day of such preceding plan year and ending on the date that payment of such portion is made).

"(C) DECREASES.—As of the valuation date for each plan year after 2006, the pre-funding balance of a plan shall be decreased (but not below zero) by the sum of—

"(i) the amount credited under subsection (a)(4) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

"(ii) the amount elected by the plan sponsor as a reduction in the pre-funding balance (for purposes of the determination under subsection (e)(1) and any other purpose under this section).

"(D) COORDINATION WITH FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero—

"(i) no amount of the pre-funding balance of such plan may be credited under subsection (a)(4) in reducing the minimum required contribution, and

"(ii) no election may be made under subparagraph (C)(ii).

"(E) NO USE OF BALANCE TO REDUCE MINIMUM REQUIRED CONTRIBUTION IF USED TO AVOID SHORTFALL AMORTIZATION.—The amount of the pre-funding balance of such plan may be credited under subsection (a)(4) in reducing the minimum required contribution only if the plan sponsor has elected to apply subsection (a)(2) to the plan for such plan year by substituting 'subsection (e)(1)(B)' for 'subsection (e)(1)'.

“(2) FUNDING STANDARD CARRYOVER BALANCE.—

“(A) IN GENERAL.—The plan sponsor of a pension plan to which this paragraph applies shall maintain a funding standard carryover balance for purposes of this subsection. Such balance shall consist of a beginning balance determined under subparagraph (C), decreased to the extent provided in subparagraph (D), and adjusted further as provided in paragraph (3).

“(B) PLANS TO WHICH THIS PARAGRAPH APPLIES.—This paragraph applies to any plan which—

“(i) is a single-employer plan subject to this part,

“(ii) was in effect for a plan year beginning in 2005, and

“(iii) had a positive balance in the funding standard account under section 302(b) as in effect for such plan year and determined as of the end of such plan year.

“(C) BEGINNING BALANCE.—The beginning balance of the funding standard carryover balance shall be the positive balance described in subparagraph (B)(iii).

“(D) DECREASES.—As of the valuation date for each plan year after 2006, the funding standard carryover balance of a plan shall be decreased (but not below zero) by the sum of—

“(i) the amount credited under subsection (a)(4) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

“(ii) the amount elected by the plan sponsor as a reduction in the funding standard carryover balance (for purposes of the determination under subsection (e)(1) and any other purpose under this section).

“(3) ADJUSTMENTS.—In determining the pre-funding balance or the funding standard carryover balance of a plan as of the valuation date of the plan (before applying any increase or decrease under paragraph (1) or (2)), the plan sponsor shall, in accordance with regulations which shall be prescribed by the Secretary of the Treasury, adjust such balance of the plan so as to reflect the rate of net gain or loss (determined, notwithstanding subsection (e)(4), on the basis of fair market value) experienced by all plan assets for the period beginning with the valuation date for the preceding plan year and ending with the date preceding the valuation date for the current plan year, properly taking into account, in accordance with such regulations, all contributions, distributions, and other plan payments made during such period.

“(4) ELECTIONS.—Except as otherwise provided in this subsection, any election made under this subsection shall be made at such time and in such form and manner as the Secretary of the Treasury may provide.

“(5) COORDINATION WITH WAIVERS.—For purposes of this subsection, the term ‘minimum required contribution’ means for any plan year the minimum required contribution for such plan year determined without regard to this subsection and by taking into account any waiver under section 302(c) and any waiver amortization charge under subsection (j) for such plan year.

“(i) PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.—

“(1) IN GENERAL.—For purposes of this section, the due date for any payment of any minimum required contribution for any plan year shall be 8½ months after the close of the plan year.

“(2) INTEREST.—Any payment required under paragraph (1) for a plan year made after the valuation date for such plan year shall be increased by interest, for the period from the valuation date to the payment date, at the effective rate of interest for the plan for such plan year.

“(3) ACCELERATED QUARTERLY CONTRIBUTION SCHEDULE FOR UNDERFUNDED PLANS.—

“(A) INTEREST PENALTY FOR FAILURE TO MEET ACCELERATED QUARTERLY PAYMENT SCHEDULE.—In any case in which the plan has a funding shortfall for the preceding plan year, if the required installment is not paid in full, then the minimum required contribution for the plan year (as increased under paragraph (2)) shall be further increased by an amount equal to the interest on the amount of the underpayment for the period of the underpayment, using an interest rate equal to the excess of—

“(i) 175 percent of the Federal mid-term rate (as in effect under section 1274 of the Internal Revenue Code of 1986 for the 1st month of such plan year), over

“(ii) the effective rate of interest for the plan for the plan year.

“(B) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of subparagraph (A)—

“(i) AMOUNT.—The amount of the underpayment shall be the excess of—

“(I) the required installment, over

“(II) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

“(ii) PERIOD OF UNDERPAYMENT.—The period for which any interest is charged under this paragraph with respect to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan.

“(iii) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of clause (i)(II), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

“(C) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—For purposes of this paragraph—

“(i) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.

“(ii) TIME FOR PAYMENT OF INSTALLMENTS.—The due dates for required installments are set forth in the following table:

“In the case of the following required installment:	The due date is:
1st	April 15
2nd	July 15
3rd	October 15
4th	January 15 of the following year

“(D) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this paragraph—

“(i) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.

“(ii) REQUIRED ANNUAL PAYMENT.—For purposes of clause (i), the term ‘required annual payment’ means the lesser of—

“(I) 90 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the plan year under this section, or

“(II) in the case of a plan year beginning after 2006, 100 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the preceding plan year.

Subclause (II) shall not apply if the preceding plan year referred to in such clause was not a year of 12 months.

“(E) FISCAL YEARS AND SHORT YEARS.—

“(i) FISCAL YEARS.—In applying this paragraph to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this paragraph, the months which correspond thereto.

“(ii) SHORT PLAN YEAR.—This subparagraph shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary of the Treasury.

“(4) LIQUIDITY REQUIREMENT IN CONNECTION WITH QUARTERLY CONTRIBUTIONS.—

“(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment under paragraph (3) to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

“(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan (other than a plan that would be described in subsection (e)(3)(B) if ‘100’ were substituted for ‘500’ therein) which—

“(i) is required to pay installments under paragraph (3) for a plan year, and

“(ii) has a liquidity shortfall for any quarter during such plan year.

“(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (3)(A), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

“(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funding target attainment percentage of the plan for the plan year (taking into account the expected increase in funding target due to benefits accruing or earned during the plan year) to 100 percent.

“(E) DEFINITIONS.—For purposes of this subparagraph:

“(i) LIQUIDITY SHORTFALL.—The term ‘liquidity shortfall’ means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of—

“(I) the base amount with respect to such quarter, over

“(II) the value (as of such last day) of the plan’s liquid assets.

“(ii) BASE AMOUNT.—

“(I) IN GENERAL.—The term ‘base amount’ means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

“(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary of the Treasury that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

“(iii) DISBURSEMENTS FROM THE PLAN.—The term ‘disbursements from the plan’ means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

"(iv) ADJUSTED DISBURSEMENTS.—The term 'adjusted disbursements' means disbursements from the plan reduced by the product of—

"(I) the plan's funding target attainment percentage for the plan year, and

"(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary of the Treasury shall provide in regulations.

"(v) LIQUID ASSETS.—The term 'liquid assets' means cash, marketable securities, and such other assets as specified by the Secretary of the Treasury in regulations.

"(vi) QUARTER.—The term 'quarter' means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

"(F) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as are necessary to carry out this paragraph.

"(j) WAIVER AMORTIZATION CHARGE.—

"(1) IN GENERAL.—The minimum required contribution for any plan year under subsection (a) shall be increased by the amount of the waiver amortization charge (if any) for such plan year.

"(2) DETERMINATION OF WAIVER AMORTIZATION CHARGE.—The waiver amortization charge for a plan for any plan year is the aggregate total of the waiver amortization installments for such plan year with respect to the waiver amortization bases for such plan year and each of the 4 preceding plan years.

"(3) WAIVER AMORTIZATION INSTALLMENT.—For purposes of paragraph (2), the plan sponsor shall determine, with respect to the waiver amortization base of the plan for any plan year, the amounts necessary to amortize such waiver amortization base, in level annual installments over a period of 5 plan years beginning with such plan year. The annual installment of such amortization for each plan year in such 5-plan year period is the waiver amortization installment for such plan year with respect to such waiver amortization base.

"(4) COMPUTATION ASSUMPTIONS.—The determination of any annual installment under paragraph (2) for any plan year shall be made as of the valuation date for such plan year, using the effective rate of interest for the plan for the preceding plan year.

"(5) WAIVER AMORTIZATION BASE.—The waiver amortization base of a plan for a plan year is the excess (if any) of—

"(A) the portion of the minimum required contribution of such plan waived under section 302(c) for such plan year, over

"(B) the aggregate total of the waiver amortization installments, for such plan year and the 3 succeeding plan years, which have been determined with respect to the waiver amortization bases of the plan for each of the 4 plan years preceding such plan year.

"(k) IMPOSITION OF LIEN WHERE FAILURE TO MAKE REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—In the case of a plan covered under section 4021 of this Act and to which this subsection applies (as provided under paragraph (2)), if—

"(A) any person fails to make a contribution payment required by section 302 and this section before the due date for such payment, and

"(B) the unpaid balance of such payment (including interest), when added to the aggregate unpaid balance of all preceding such payments for which payment was not made before the due date (including interest), exceeds $1,000,000,

then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

"(2) PLANS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to a defined benefit plan which is a single-employer plan for any plan year for which the funding target attainment percentage (as defined in subsection (d)(2)) of such plan is less than 100 percent.

"(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of contribution payments required under this section and section 302 for which payment has not been made before the due date.

"(4) NOTICE OF FAILURE; LIEN.—

"(A) NOTICE OF FAILURE.—A person committing a failure described in paragraph (1) shall notify the Pension Benefit Guaranty Corporation of such failure within 10 days of the due date for the required contribution payment.

"(B) PERIOD OF LIEN.—The lien imposed by paragraph (1) shall arise on the due date for the required contribution payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

"(C) CERTAIN RULES TO APPLY.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.

"(5) ENFORCEMENT.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by the contributing sponsor (or any member of the controlled group of the contributing sponsor).

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) CONTRIBUTION PAYMENT.—The term 'contribution payment' means, in connection with a plan, a contribution payment required to be made to the plan, including any required installment under paragraphs (3) and (4) of subsection (i).

"(B) DUE DATE; REQUIRED INSTALLMENT.—The terms 'due date' and 'required installment' have the meanings given such terms by subsection (i), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under section 303.

"(C) CONTROLLED GROUP.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986.

"(l) QUALIFIED TRANSFERS TO HEALTH BENEFIT ACCOUNTS.—In the case of a qualified transfer (as defined in section 420 of the Internal Revenue Code of 1986), any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act (as amended by section 101) is amended by inserting after the item relating to section 302 the following new item:

"Sec. 303. Minimum funding standards for single-employer defined benefit pension plans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 2005.

SEC. 103. LIMITATIONS ON DISTRIBUTIONS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.

(a) PROHIBITION OF SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.—Section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

"(g) PROHIBITION OF SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.—

"(1) IN GENERAL.—No pension plan which is a single-employer plan may provide benefits which are payable upon the occurrence of—

"(A) a plant shutdown, or

"(B) any other unpredictable contingent event.

"(2) UNPREDICTABLE CONTINGENT EVENT.—For purposes of this subsection, the term 'unpredictable contingent event' means an event other than—

"(A) attainment of any age, performance of any service, receipt or derivation of any compensation, or the occurrence of death or disability, or

"(B) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury).".

(b) OTHER LIMITS ON BENEFITS AND BENEFIT ACCRUALS.—

(1) IN GENERAL.—Section 206 of such Act (as amended by subsection (a)) is amended further by adding at the end the following new subsection:

"(h) FUNDING-BASED LIMITS ON BENEFITS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.—

"(1) LIMITATIONS ON PLAN AMENDMENTS INCREASING LIABILITY FOR BENEFITS.—

"(A) IN GENERAL.—No amendment to a single-employer plan which has the effect of increasing liabilities of the plan by reason of increases in benefits, establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits become nonforfeitable to the plan may take effect during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year is—

"(i) less than 80 percent, or

"(ii) would be less than 80 percent taking into account such amendment.

"(B) EXEMPTION.—Subparagraph (A) shall cease to apply with respect to any plan year, effective as of the first date of the plan year (or if later, the effective date of the amendment), upon payment by the plan sponsor of a contribution equal to—

"(i) in the case of subparagraph (A)(i), the amount of the increase in the funding target of the plan (under section 303) for the plan year attributable to the amendment, and

"(ii) in the case of subparagraph (A)(ii), the amount sufficient to result in a funding target attainment percentage of 80 percent.

"(2) FUNDING-BASED LIMITATION ON CERTAIN FORMS OF DISTRIBUTION.—A single-employer plan shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 80 percent, the plan may not after such date pay any prohibited payment (as defined in section 206(e)).

"(3) LIMITATIONS ON BENEFIT ACCRUALS FOR PLANS WITH SEVERE FUNDING SHORTFALLS.—A single-employer plan shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 60 percent, all future benefit accruals under the plan shall cease as of such date.

“(4) NEW PLANS.—Paragraphs (1) and (3) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this paragraph, the reference in this paragraph to a plan shall include a reference to any predecessor plan.

“(5) PRESUMED UNDERFUNDING FOR PURPOSES OF BENEFIT LIMITATIONS BASED ON PRIOR YEAR'S FUNDING STATUS.—

“(A) PRESUMPTION OF CONTINUED UNDERFUNDING.—In any case in which a benefit limitation under paragraph (1), (2), or (3) has been applied to a plan with respect to the plan year preceding the current plan year, the funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year shall be presumed to be equal to the funding target attainment percentage of the plan as of the valuation date of the plan for the preceding plan year until the enrolled actuary of the plan certifies the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year.

“(B) PRESUMPTION OF UNDERFUNDING AFTER 10TH MONTH.—In any case in which no such certification is made with respect to the plan before the first day of the 10th month of the current plan year, for purposes of paragraphs (1), (2), and (3), the plan's funding target attainment percentage shall be conclusively presumed to be less than 60 percent as of the first day of such 10th month, and such day shall be deemed, for purposes of such paragraphs, to be the valuation date of the plan for the current plan year.

“(C) PRESUMPTION OF UNDERFUNDING AFTER 4TH MONTH FOR NEARLY UNDERFUNDED PLANS.—In any case in which—

“(i) a benefit limitation under paragraph (1), (2), or (3) did not apply to a plan with respect to the plan year preceding the current plan year, but the funding target attainment percentage of the plan for such preceding plan year was not more than 10 percentage points greater than the percentage which would have caused such paragraph to apply to the plan with respect to such preceding plan year, and

“(ii) as of the first day of the 4th month of the current plan year, the enrolled actuary of the plan has not certified the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year,

until the enrolled actuary so certifies, such first day shall be deemed, for purposes of such paragraph, to be the valuation date of the plan for the current plan year and the funding target attainment percentage of the plan as of such first day shall, for purposes of such paragraph, be presumed to be equal to 10 percentage points less than the funding target attainment percentage of the plan as of the valuation date of the plan for such preceding plan year.

“(6) RESTORATION BY PLAN AMENDMENT OF BENEFITS OR BENEFIT ACCRUAL.—In any case in which a prohibition under paragraph (2) of the payment of lump sum distributions or benefits in any other accelerated form or a cessation of benefit accruals under paragraph (3) is applied to a plan with respect to any plan year and such prohibition or cessation, as the case may be, ceases to apply to any subsequent plan year, the plan may provide for the resumption of such benefit payment or such benefit accrual only by means of the adoption of a plan amendment after the valuation date of the plan for such subsequent plan year. The preceding sentence shall not apply to a prohibition or cessation required by reason of paragraph (5).

“(7) FUNDING TARGET ATTAINMENT PERCENTAGE.—For purposes of this subsection, the term ‘funding target attainment percentage’ has the meaning provided such term under section 303(d)(2).”.

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 101 of such Act (29 U.S.C. 1021) is amended—

(i) by redesignating subsection (j) as subsection (k); and

(ii) by inserting after subsection (i) the following new subsection:

“(j) NOTICE OF FUNDING-BASED LIMITATION ON CERTAIN FORMS OF DISTRIBUTION.—The plan administrator of a single-employer plan shall provide a written notice to plan participants and beneficiaries within 30 days after the plan has become subject to the restriction described in section 206(h)(2) or at such other time as may be deterimined by the Secretary.”.

(B) PENALTY.—Section 502(c)(1)(A) of such Act (29 U.S.C. 1132(c)(1)(A)) is amended by striking “section 606” and all that follows through “101(f)” and inserting “section 606, 101(e)(1), 101(f), or 101(j)”.

(c) SPECIAL RULE FOR PLAN AMENDMENTS.—A plan shall not fail to meet the requirements of section 204(g) of the Employee Retirement Income Security Act of 1974 or section 411(d)(6) of the Internal Revenue Code of 1986 solely by reason of the adoption by the plan of an amendment necessary to meet the requirements of the amendments made by this section.

(d) EFFECTIVE DATE.—

(1) SHUTDOWN BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (a) shall apply with respect to plant shutdowns, or other unpredictable contingent events, occurring after 2006.

(2) OTHER BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (b) shall apply with respect to plan years beginning after 2006.

(3) COLLECTIVE BARGAINING EXCEPTION.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, the amendments made by this subsection shall not apply to plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last collective bargaining agreement relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(ii) the first day of the first plan year to which the amendments made by this subsection would (but for this subparagraph) apply, or

(B) January 1, 2009

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this subsection shall not be treated as a termination of such collective bargaining agreement.

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.

(a) SECURITY REQUIRED FOR PLAN AMENDMENT RESULTING IN SIGNIFICANT UNDERFUNDING.—Section 307 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085b) is amended—

(1) in subsection (a)(1), by striking “current liability under the plan” and inserting “the funding target of the plan”;

(2) in subsection (a)(2), by striking “funded current liability percentage” and inserting “funding target attainment percentage”, and by striking “unfunded current liability” and inserting “unfunded liabilities”;

(3) in subsection (c)(1)(A), by striking “funded current liability percentage” and inserting “funding target attainment percentage”, and by “unfunded current liability” and inserting “unfunded liabilities”;

(4) in subsection (c)(1)(B), by striking “current liability” and inserting “funding target”;

(5) in subsection (d), by striking “funded current liability percentage” each place it appears and inserting “funding target attainment percentage”; and

(6) in subsection (f), by striking “the terms” and all that follows and inserting the following: “the terms ‘funding target’ and ‘funding target attainment percentage’ shall have the meanings given such terms by sections 303(d) and 303(g)(4), respectively, and the term ‘unfunded liabilities’ means, with respect to any plan year, the excess (if any) of the funding target of the plan over the value of the plan's assets determined under section 303(e)(4).”

(b) MISCELLANEOUS AMENDMENTS.—Subtitle B of title I of such Act (29 U.S.C. 1021 et seq.) is amended—

(1) in section 101(d)(3), by striking “section 302(e)” and inserting “section 303(i)”;

(2) in section 101(f)(2)(B), by striking clause (i) and inserting the following:

“(i) a statement as to whether—

“(I) in the case of a single-employer plan, the plan's funding target attainment percentage (as defined in section 303(g)(4)), or

“(II) in the case of a multiemployer plan, the plan's funded current liability percentage (as defined in section 305(e)(4)),

is at least 100 percent (and, if note, the actual percentage);”;

(3) in section 103(d)(8)(B), by striking “the requirements of section 302(c)(3)” and inserting “the applicable requirements of sections 303(f) and 304(c)(3)”;

(4) in section 103(d), by striking paragraph (11) and inserting the following:

“(11) If the current value of the assets of the plan is less than 70 percent of—

“(A) in the case of a single-employer plan, the funding target (as defined in section 303(d)) of the plan, or

“(B) in the case of a multiemployer plan, the current liability (as defined in section 304(c)(6)(C)) under the plan,

the percentage which such value is of the amount described in subparagraph (A) or (B).”;

(5) in section 203(a)(3)(C), by striking “section 302(c)(8)” and inserting “section 302(d)(2)”;

(6) in section 204(g)(1), by striking “section 302(c)(8)” and inserting “section 302(d)(2)”;

(7) in section 204(i)(2)(B), by striking “section 302(c)(8)” and inserting “section 302(d)(2)”;

(8) in section 204(i)(3), by striking “funded current liability percentage (within the meaning of section 302(d)(8) of this Act)” and inserting “funding target attainment percentage (as defined in section 303(g)(4))”;

(9) in section 204(i)(4), by striking “section 302(c)(11)(A), without regard to section 302(c)(11)(B)” and inserting “section 302(b)(1), without regard to section 302(b)(2)”;

(10) in section 206(e)(1), by striking “subject to the additional funding requirements of section 302(d)” and inserting “in at-risk

status under section 303(g)", and by striking "section 302(e)(5)" and inserting "section 303(i)(4)(E)(i)";

(11) in section 206(e)(3), by striking "section 302(e) by reason of paragraph (5)(A) thereof" and inserting "section 303(i)(3) by reason of section 303(i)(4)(A)"; and

(12) in sections 101(e)(3), 403(c)(1), and 408(b)(13), by striking "American Jobs Creation Act of 2004" and inserting "Pension Protection Act of 2005".

(c) REPEAL OF EXPIRED AUTHORITY FOR TEMPORARY VARIANCES.—Section 207 of such Act (29 U.S.C. 1057) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2005.

Subtitle B—Amendments to Internal Revenue Code of 1986

SEC. 111. MINIMUM FUNDING STANDARDS.

(a) IN GENERAL.—Section 412 of the Internal Revenue Code of 1986 (relating to minimum funding standards) is amended to read as follows:

"SEC. 412. MINIMUM FUNDING STANDARDS.

"(a) REQUIREMENT TO MEET MINIMUM FUNDING STANDARD.—

"(1) IN GENERAL.—A plan to which this part applies shall satisfy the minimum funding standard applicable to the plan for any plan year.

"(2) MINIMUM FUNDING STANDARD.—For purposes of paragraph (1), a plan shall be treated as satisfying the minimum funding standard for a plan year if—

"(A) in the case of a defined benefit plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which, in the aggregate, are not less than the minimum required contribution determined under section 430 for the plan for the plan year,

"(B) in the case of a money purchase plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which are required under the terms of the plan, and

"(C) in the case of a multiemployer plan, the employers make contributions to or under the plan for any plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 431 as of the end of the plan year.

"(b) LIABILITY FOR CONTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amount of any contribution required by this section (including any required installments under paragraphs (3) and (4) of section 430(i)) shall be paid by any employer responsible for making contributions to or under the plan.

"(2) JOINT AND SEVERAL LIABILITY WHERE EMPLOYER MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if the employer referred to in paragraph (1) is a member of a controlled group, each member of such group shall be jointly and severally liable for payment of such contributions.

"(c) VARIANCE FROM MINIMUM FUNDING STANDARDS.—

"(1) WAIVER IN CASE OF BUSINESS HARDSHIP.—

"(A) IN GENERAL.—If—

"(i) an employer is (or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan is) unable to satisfy the minimum funding standard for a plan year without temporary substantial business hardship (substantial business hardship in the case of a multiemployer), and

"(ii) application of the standard would be adverse to the interests of plan participants in the aggregate,

the Secretary may, subject to subparagraphs (B) and (C), waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard. The Secretary shall not waive the minimum funding standard with respect to a plan for more than 3 of any 15 (5 of any 15 in the case of a multiemployer plan) consecutive plan years.

"(B) EFFECTS OF WAIVER.—If a waiver is granted under subparagraph (A) for any plan year—

"(i) in the case of a single-employer plan, the minimum required contribution under section 430 for the plan year shall be reduced by the amount of the waived funding deficiency and such amount shall be amortized as required under section 430(j), and

"(ii) in the case of a multiemployer plan, the funding standard account shall be credited under section 431(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 431(b)(2)(C).

"(C) WAIVER OF AMORTIZED PORTION NOT ALLOWED.—The Secretary may not waive under subparagraph (A) any portion of the minimum funding standard under subsection (a) for a plan year which is attributable to any amortization payment required to be made for such plan year with respect to any amortization described in subparagraph (B) of any waived portion of the minimum funding standard for any preceding plan year.

"(2) DETERMINATION OF BUSINESS HARDSHIP.—For purposes of this subsection, the factors taken into account in determining temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan) shall include (but shall not be limited to) whether or not—

"(A) the employer is operating at an economic loss,

"(B) there is substantial unemployment or underemployment in the trade or business and in the industry concerned,

"(C) the sales and profits of the industry concerned are depressed or declining, and

"(D) it is reasonable to expect that the plan will be continued only if the waiver is granted.

"(3) WAIVED FUNDING DEFICIENCY.—For purposes of this part, the term 'waived funding deficiency' means the portion of the minimum funding standard under subsection (a) (determined without regard to the waiver) for a plan year waived by the Secretary and not satisfied by employer contributions.

"(4) SECURITY FOR WAIVERS FOR SINGLE-EMPLOYER PLANS, CONSULTATIONS.—

"(A) SECURITY MAY BE REQUIRED.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), the Secretary may require an employer maintaining a defined benefit plan which is a single-employer plan (within the meaning of section 4001(a)(15) of the Employee Retirement and Income Security Act of 1974) to provide security to such plan as a condition for granting or modifying a waiver under paragraph (1).

"(ii) SPECIAL RULES.—Any security provided under clause (i) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Corporation, by a contributing sponsor (within the meaning of section 4001(a)(13) of such Act), or a member of such sponsor's controlled group (within the meaning of section 4001(a)(14) of such Act).

"(B) CONSULTATION WITH THE PENSION BENEFIT GUARANTY CORPORATION.—Except as provided in subparagraph (C), the Secretary shall, before granting or modifying a waiver under this subsection with respect to a plan described in subparagraph (A)(i)—

"(i) provide the Pension Benefit Guaranty Corporation with—

"(I) notice of the completed application for any waiver or modification, and

"(II) an opportunity to comment on such application within 30 days after receipt of such notice, and

"(ii) consider—

"(I) any comments of the Corporation under clause (i)(II), and

"(II) any views of any employee organization (within the meaning of section 3(4) of the Employee Retirement and Income Security Act of 1974) representing participants in the plan which are submitted in writing to the Secretary in connection with such application.

Information provided to the Corporation under this subparagraph shall be considered tax return information and subject to the safeguarding and reporting requirements of section 6103(p).

"(C) EXCEPTION FOR CERTAIN WAIVERS.—

"(i) IN GENERAL.—The preceding provisions of this paragraph shall not apply to any plan with respect to which the sum of—

"(I) the shortfall amortization charge (within the meaning of section 303(c)(1)) for the plan year, and

"(II) the aggregate total of shortfall amortization installments determined for succeeding plan years under section 303(c)(2),

is less than $1,000,000.

"(ii) TREATMENT OF WAIVERS FOR WHICH APPLICATIONS ARE PENDING.—The amount described in clause (i)(I) shall include any increase in such amount which would result if all applications for waivers of the minimum funding standard under this subsection which are pending with respect to such plan were denied.

"(5) SPECIAL RULES FOR SINGLE-EMPLOYER PLANS.—

"(A) APPLICATION MUST BE SUBMITTED BEFORE DATE 2½ MONTHS AFTER CLOSE OF YEAR.—In the case of a single-employer plan, no waiver may be granted under this subsection with respect to any plan for any plan year unless an application therefor is submitted to the Secretary not later than the 15th day of the 3rd month beginning after the close of such plan year.

"(B) SPECIAL RULE IF EMPLOYER IS MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if an employer is a member of a controlled group, the temporary substantial business hardship requirements of paragraph (1) shall be treated as met only if such requirements are met—

"(i) with respect to such employer, and

"(ii) with respect to the controlled group of which such employer is a member (determined by treating all members of such group as a single employer).

The Secretary may provide that an analysis of a trade or business or industry of a member need not be conducted if the Secretary determines such analysis is not necessary because the taking into account of such member would not significantly affect the determination under this paragraph.

"(6) NOTICE TO EMPLOYEE ORGANIZATIONS.—

"(A) IN GENERAL.—The Secretary shall, before granting a waiver under this subsection, require each applicant to provide evidence satisfactory to the Secretary that the applicant has provided notice of the filing of the application for such waiver to each employee organization representing employees covered by the affected plan, and participant, beneficiary, and alternate payee (within the meaning of section 414(p)(8)). Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

"(B) Consideration of relevant information.—The Secretary shall consider any relevant information provided by a person to whom notice was given under subparagraph (A).

"(d) Miscellaneous Rules.—

"(1) Change in method or year.—If the funding method, the valuation date, or a plan year for a plan is changed, the change shall take effect only if approved by the Secretary.

"(2) Certain retroactive plan amendments.—For purposes of this section, any amendment applying to a plan year which—

"(A) is adopted after the close of such plan year but no later than 2½ months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

"(B) does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

"(C) does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances,

shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary notifying him of such amendment and the Secretary has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary unless the Secretary determines that such amendment is necessary because of a substantial business hardship (as determined under subsection (c)(2)) and that a waiver under subsection (c) (or, in the case of a multiemployer plan, any extension of the amortization period under section 431(d)) is unavailable or inadequate.

"(3) Controlled group.—For purposes of this section, the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(4) Certain insurance contract plans.—A plan is described in this paragraph if—

"(A) the plan is funded exclusively by the purchase of individual insurance contracts,

"(B) such contracts provide for level annual premium payments to be paid extending not later than the retirement age for each individual participating in the plan, and commencing with the date the individual became a participant in the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective),

"(C) benefits provided by the plan are equal to the benefits provided under each contract at normal retirement age under the plan and are guaranteed by an insurance carrier (licensed under the laws of a State to do business with the plan) to the extent premiums have been paid,

"(D) premiums payable for the plan year, and all prior plan years, under such contracts have been paid before lapse or there is reinstatement of the policy,

"(E) no rights under such contracts have been subject to a security interest at any time during the plan year, and

"(F) no policy loans are outstanding at any time during the plan year.

A plan funded exclusively by the purchase of group insurance contracts which is determined under regulations prescribed by the Secretary to have the same characteristics as contracts described in the preceding sentence shall be treated as a plan described in this paragraph.".

(b) Effective Date.—The amendments made by this section shall apply to plan years beginning after 2005.

SEC. 112. FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

(a) In General.—Subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to deferred compensation, etc.) is amended by adding at the end the following new part:

"PART III—MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

"SEC. 430. MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

"(a) Minimum Required Contribution.—

"(1) In general.—For purposes of section 412(a)(2)(A), except as otherwise provided in this subsection, the minimum required contribution with respect to a plan for a plan year is the target normal cost of the plan for the plan year.

"(2) Shortfall amortization charge.—In any case in which the value of plan assets (determined without regard to subsection (e)(1)) of the plan for the plan year which are held by the plan immediately before the valuation date is less than the funding target of the plan for the plan year, the minimum required contribution with respect to the plan for the plan year is the sum of the amount determined under paragraph (1) plus a shortfall amortization charge for such plan year determined under subsection (c).

"(3) Credit for excess assets.—In any case in which the value of plan assets of the plan for the plan year which are held by the plan immediately before the valuation date exceed the funding target of the plan for the plan year, the minimum required contribution with respect to the plan for the plan year is the amount determined under paragraph (1), reduced by such excess.

"(4) Pre-funding balance.—In the case of any plan year in which—

"(A) the ratio (expressed as a percentage) which—

"(i) the value of plan assets (determined without regard to subsection (e)(1)(B)) for the preceding plan year, bears to

"(ii) the funding target of the plan for the preceding plan year (determined without regard to subsection (g)(1)),

is at least 80 percent, and

"(B) the plan sponsor elects (in such form and manner as shall be prescribed in regulations of the Secretary) to credit against the minimum required contribution for the current plan year all or a portion of the funding standard carryover balance and the pre-funding balance (to the extent provided in subsection (h)) for the preceding plan year (not in excess of such minimum required contribution),

the minimum required contribution for the plan year shall be reduced by the amount so credited by the plan sponsor.

"(b) Target Normal Cost.—For purposes of this section, subject to subsection (g)(2), the term 'target normal cost' means, for any plan year, the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year. If any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase shall be treated as having accrued during the current plan year.

"(c) Shortfall Amortization Charge.—

"(1) In general.—The shortfall amortization charge for a plan for any plan year is the aggregate total of the shortfall amortization installments for such plan year with respect to the shortfall amortization bases for such plan year and each of the 6 preceding plan years.

"(2) Shortfall amortization installment.—

"(A) In general.—For purposes of paragraph (1), the plan sponsor shall determine, with respect to the shortfall amortization base of the plan for any plan year, the amounts necessary to amortize such shortfall amortization base, in level annual installments over a period of 7 plan years beginning with such plan year. The annual installment of such amortization for each plan year in such 7-plan-year period is the shortfall amortization installment for such plan year with respect to such shortfall amortization base.

"(B) Computation assumptions.—The determination of any annual installment under subparagraph (A) for any plan year shall be made as of the valuation date for such plan year, using the effective rate of interest for the plan for such plan year.

"(3) Shortfall amortization base.—The shortfall amortization base of a plan for a plan year is the excess (if any) of—

"(A) the funding shortfall of such plan for such plan year, over

"(B) the present value (determined using the effective interest rate of the plan for the plan year) of the aggregate total of the shortfall amortization installments, for such plan year and the 5 succeeding plan years, which have been determined with respect to the shortfall amortization bases of the plan for each of the 6 plan years preceding such plan year.

"(4) Funding shortfall.—For purposes of this section, the funding shortfall of a plan for any plan year is the excess (if any) of—

"(A) the funding target of the plan for the plan year, over

"(B) the value of plan assets of the plan for the plan year which are held by the plan immediately before the valuation date.

"(5) Early deemed amortization upon attainment of funding target.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the shortfall amortization charge for such plan year and succeeding plan years, the shortfall amortization base for all preceding plan years shall be reduced to zero.

"(d) Rules Relating to Funding Target.—For purposes of this section—

"(1) Funding target.—Except as provided in subsection (g)(1), the funding target of a plan for a plan year is the present value of all liabilities to participants and their beneficiaries under the plan for the plan year.

"(2) Funding target attainment percentage.—The 'funding target attainment percentage' of a plan for a plan year is the ratio (expressed as a percentage) which—

"(A) the value of plan assets for the plan year, bears to

"(B) the funding target of the plan for the plan year (determined without regard to subsection (g)(1)).

"(e) Valuation of Plan Assets and Liabilities.—

"(1) Value of plan assets.—For purposes of this section (other than paragraph (4) and subsections (a)(2) and (h)(3)), the term 'value of plan assets' means the excess of the value of plan assets (determined without regard to this paragraph) over the sum of—

"(A) the pre-funding balance of the plan maintained under subsection (h)(1), and

"(B) the funding standard carryover balance of the plan maintained under subsection (h)(2).

"(2) TIMING OF DETERMINATIONS.—Except as otherwise provided under this subsection, all determinations under this section for a plan year shall be made as of the valuation date of the plan for such plan year.

"(3) VALUATION DATE.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the valuation date of a plan for any plan year shall be the first day of the plan year.

"(B) EXCEPTION FOR SMALL PLANS.—If, on each day during the preceding plan year, a plan had 500 or fewer participants, the plan may designate any day during the plan year as its valuation date for such plan year. For purposes of this subparagraph, all defined benefit plans (other than multiemployer plans) maintained by the same employer (or any member of such employer's controlled group) shall be treated as 1 plan, but only employees of such employer or member shall be taken into account.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF PLAN SIZE.—For purposes of this paragraph—

"(i) PLANS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of the first plan year of any plan, subparagraph (B) shall apply to such plan by taking into account the number of participants that the plan is reasonably expected to have on days during such first plan year.

"(ii) PREDECESSORS.—Any reference in subparagraph (B) to an employer shall include a reference to any predecessor of such employer.

"(4) AUTHORIZATION OF USE OF ACTUARIAL VALUE.—For purposes of this section, the value of plan assets (determined without regard to paragraph (1)) shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary, except that—

"(A) any such method providing for averaging of fair market values may not provide for averaging of such values over more than the current plan year and the 2 preceding plan years, and

"(B) any such method may not result in a determination of the value of plan assets which, at any time, is lower than 90 percent or greater than 110 percent of the fair market value of such assets at such time.

"(5) ACCOUNTING FOR CONTRIBUTION RECEIPTS.—For purposes of this section—

"(A) CONTRIBUTIONS FOR PRIOR PLAN YEARS TAKEN INTO ACCOUNT.—For purposes of determining the value of plan assets for any current plan year, in any case in which a contribution properly allocable to amounts owed for a preceding plan year is made on or after the valuation date of the plan for such current plan year, such contribution shall be taken into account, except that any such contribution made during any such current plan year beginning after 2006 shall be taken into account only in an amount equal to its present value (determined using the effective rate of interest for the plan for the preceding plan year) as of the valuation date of the plan for such current plan year.

"(B) CONTRIBUTIONS FOR CURRENT PLAN YEAR DISREGARDED.—For purposes of determining the value of plan assets for any current plan year, contributions which are properly allocable to amounts owed for such plan year shall not be taken into account, and, in the case of any such contribution made before the valuation date of the plan for such plan year, such value of plan assets shall be reduced for interest on such amount determined using the effective rate of interest of the plan for the preceding plan year for the period beginning when such payment was made and ending on the valuation date of the plan.

"(6) ACCOUNTING FOR PLAN LIABILITIES.—For purposes of this section—

"(A) LIABILITIES TAKEN INTO ACCOUNT FOR CURRENT PLAN YEAR.—In determining the value of liabilities under a plan for a plan year, liabilities shall be taken into account to the extent attributable to benefits (including any early retirement or similar benefit) accrued as of the beginning of the plan year.

"(B) ACCRUALS DURING CURRENT PLAN YEAR DISREGARDED.—For purposes of subparagraph (A), benefits accrued during such plan year (after those taken into account under subparagraph (A)) shall not be taken into account, irrespective of whether the valuation date of the plan for such plan year is later than the first day of such plan year.

"(f) ACTUARIAL ASSUMPTIONS AND METHODS.—

"(1) IN GENERAL.—Subject to this subsection, the determination of any present value or other computation under this section shall be made on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(2) INTEREST RATES.—

"(A) EFFECTIVE INTEREST RATE.—For purposes of this section, the term 'effective interest rate' means, with respect to any plan for any plan year, the single rate of interest which, if used to determine the present value of the plan's liabilities referred to in subsection (d)(1) would result in an amount equal to the funding target of the plan for such plan year.

"(B) APPLICATION TO FUNDING TARGET.—For purposes of determining the funding target of a plan for any plan year, the interest rate used in determining the present value of the liabilities of the plan shall be—

"(i) in the case of liabilities reasonably determined to be payable during the 5-year period beginning on the first day of the plan year, the first segment rate with respect to the applicable month,

"(ii) in the case of liabilities reasonably determined to be payable during the 15-year period beginning at the end of the period described in clause (i), the second segment rate with respect to the applicable month, and

"(iii) in the case of liabilities reasonably determined to be payable after the period described in clause (ii), the third segment rate with respect to the applicable month.

"(C) SEGMENT RATES.—For purposes of this paragraph—

"(i) FIRST SEGMENT RATE.—The term 'first segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 5-year period commencing with such month.

"(ii) SECOND SEGMENT RATE.—The term 'second segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 15-year period beginning at the end of the period described in clause (i).

"(iii) THIRD SEGMENT RATE.—The term 'third segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during periods beginning after the period described in clause (ii).

"(D) CORPORATE BOND YIELD CURVE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'corporate bond yield curve' means, with respect to any month, a yield curve which is prescribed by the Secretary for such month and which reflects a 3-year weighted average of yields on investment grade corporate bonds with varying maturities.

"(ii) 3-YEAR WEIGHTED AVERAGE.—The term '3-year weighted average' means an averaging methodology under which the most recent year is weighted 50 percent, the year preceding such year is weighted 35 percent, and the second year preceding such year is weighted 15 percent.

"(E) APPLICABLE MONTH.—For purposes of this paragraph, the term 'applicable month' means, with respect to any plan for any plan year, the month which includes the valuation date of such plan for such plan year or, at the election of the plan administrator, any of the 4 months which precede such month. Any election made under this subparagraph shall apply to the plan year for which made and all succeeding plan years unless revoked with the consent of the Secretary.

"(F) PUBLICATION REQUIREMENTS.—The Secretary shall publish for each month the corporate bond yield curve (and the corporate bond yield curve reflecting the modification described in section 417(e)(3)(A)(iii)(I)) for such month and each of the rates determined under subparagraph (B) for such month. The Secretary shall also publish a description of the methodology used to determine such yield curve and such rates which is sufficiently detailed to enable plans to make reasonable projections regarding the yield curve and such rates for future months based on the plan's projection of future interest rates.

"(G) TRANSITION RULE.—

"(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, for plan years beginning in 2006 or 2007, the first, second, and third segment rates for a plan with respect to any month shall be equal to the sum of—

"(I) the product of such rate for such month determined without regard to this subparagraph, multiplied by the applicable percentage, and

"(II) the product of the rate determined under the rules of section 412(b)(5)(B)(ii)(II) (as in effect for plan years beginning in 2005), multiplied by a percentage equal to 100 percent minus the applicable percentage.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 33⅓ percent for plan years beginning in 2006 and 66⅔ percent for plan years beginning in 2007.

"(3) MORTALITY TABLE.—

"(A) IN GENERAL.—The mortality tables used in determining any present value or making any computation under this section shall be the RP-2000 Combined Mortality Table, as published by the Society of American Actuaries, as in effect on the date of the enactment of the Pension Protection Act of 2005 and as revised from time to time under subparagraph (B).

"(B) PERIODIC REVISION.—The Secretary shall (at least every 10 years) make revisions in any tables in effect under this paragraph to reflect the actual experience of pension plans and projected trends in such experience.

"(C) TRANSITION RULE.—Under regulations of the Secretary, any difference in assumptions as set forth in the mortality table specified in subparagraph (A) and assumptions as set forth in the mortality table described in section 412(d)(7)(C)(ii) (as in effect for plan years beginning in 2005) shall be phased in ratably over the first period of 5 plan years beginning in or after 2006 so as to be fully effective for the fifth plan year.

"(4) PROBABILITY OF BENEFIT PAYMENTS IN THE FORM OF LUMP SUMS OR OTHER OPTIONAL FORMS.—For purposes of determining any present value or making any computation under this section, there shall be taken into account—

"(A) the probability that future benefit payments under the plan will be made in the form of optional forms of benefits provided under the plan (including lump sum distributions, determined on the basis of the plan's experience and other related assumptions), and

"(B) any difference in the present value of such future benefit payments resulting from the use of actuarial assumptions, in determining benefit payments in any such optional form of benefits, which are different from those specified in this subsection.

"(5) APPROVAL OF LARGE CHANGES IN ACTUARIAL ASSUMPTIONS.—

"(A) IN GENERAL.—No actuarial assumption used to determine the funding target for a single-employer plan to which this paragraph applies may be changed without the approval of the Secretary.

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan only if—

"(i) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii) of the Employee Retirement and Income Security Act of 1974) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13) of such Act) and members of such sponsors' controlled groups (as defined in section 4001(a)(14) of such Act) which are covered by title IV (disregarding plans with no unfunded vested benefits) exceed $50,000,000; and

"(ii) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the funding target of the plan before such change.

"(g) SPECIAL RULES FOR AT-RISK PLANS.—

"(1) FUNDING TARGET FOR PLANS IN AT-RISK STATUS.—

"(A) IN GENERAL.—In any case in which a plan is in at-risk status for a plan year, the funding target of the plan for the plan year is the sum of—

"(i) the present value of all liabilities to participants and their beneficiaries under the plan for the plan year, as determined by using, in addition to the actuarial assumptions described in subsection (f), the supplemental actuarial assumptions described in subparagraph (B), plus

"(ii) a loading factor determined under subparagraph (C).

"(B) SUPPLEMENTAL ACTUARIAL ASSUMPTIONS.—The actuarial assumptions used in determining the valuation of the funding target shall include, in addition to the actuarial assumptions described in subsection (f), an assumption that all participants will elect benefits at such times and in such forms as will result in the highest present value of liabilities under subparagraph (A)(i).

"(C) LOADING FACTOR.—The loading factor applied with respect to a plan under this paragraph for any plan year is the sum of—

"(i) $700, times the number of participants in the plan, plus

"(ii) 4 percent of the funding target (determined without regard to this paragraph) of the plan for the plan year.

"(2) TARGET NORMAL COST OF AT-RISK PLANS.—

"(A) IN GENERAL.—In any case in which a plan is in at-risk status for a plan year, the target normal cost of the plan for such plan year shall be the sum of—

"(i) the present value of all benefits which are expected to accrue under the plan during the plan year, determined under the actuarial assumptions used under paragraph (1), plus

"(ii) the loading factor under paragraph (1)(C), excluding the portion of the loading factor described in paragraph (1)(C)(i).

"(B) MINIMUM AMOUNT.—In no event shall the target normal cost of a plan determined under this paragraph be less than the target normal cost of such plan as determined without regard to this paragraph.

"(3) DETERMINATION OF AT-RISK STATUS.—For purposes of this subsection, a plan is in 'at-risk status' for a plan year if the funding target attainment percentage of the plan for the preceding plan year was less than 60 percent.

"(4) TRANSITION BETWEEN APPLICABLE FUNDING TARGETS AND BETWEEN APPLICABLE TARGET NORMAL COST.—

"(A) IN GENERAL.—In any case in which a plan which is in at-risk status for a plan year has been in such status for a consecutive period of fewer than 5 plan years, the applicable amount of the funding target and of the target normal cost shall be, in lieu of the amount determined without regard to this paragraph, the sum of—

"(i) the amount determined under this section without regard to this subsection, plus

"(ii) the transition percentage for such plan year of the excess of the amount determined under this subsection (without regard to this paragraph) over the amount determined under this section without regard to this subsection.

"(B) TRANSITION PERCENTAGE.—For purposes of this paragraph, the 'transition percentage' for a plan year is the product derived by multiplying—

"(i) 20 percent, by

"(ii) the number of plan years during the period described in subparagraph (A).

"(h) PRE-FUNDING AND FUNDING STANDARD CARRYOVER BALANCES.—

"(1) PRE-FUNDING BALANCE.—

"(A) IN GENERAL.—The plan sponsor of a pension plan which is a single-employer plan shall maintain a pre-funding balance for purposes of this subsection. Such balance shall consist of a beginning balance of zero, increased and decreased to the extent provided in subparagraphs (B) and (C), and adjusted further as provided in paragraph (3).

"(B) INCREASES.—As of the valuation date for each plan year beginning after 2006, the pre-funding balance of a plan shall be increased by the amount elected by the plan sponsor for the plan year. Such amount shall not exceed the excess (if any) of—

"(i) the aggregate total of employer contributions to the plan for the preceding plan year, over

"(ii) the minimum required contribution for such preceding plan year (increased by interest on any portion of such minimum required contribution remaining unpaid, at the effective interest rate for the plan for the preceding plan year, for the period beginning with the first day of such preceding plan year and ending on the date that payment of such portion is made).

"(C) DECREASES.—As of the valuation date for each plan year after 2006, the pre-funding balance of a plan shall be decreased (but not below zero) by the sum of—

"(i) the amount credited under subsection (a)(4) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

"(ii) the amount elected by the plan sponsor as a reduction in the pre-funding balance (for purposes of the determination under subsection (e)(1) and any other purpose under this section).

"(D) COORDINATION WITH FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero—

"(i) no amount of the pre-funding balance of such plan may be credited under subsection (a)(4) in reducing the minimum required contribution, and

"(ii) no election may be made under subparagraph (C)(ii).

"(E) NO USE OF BALANCE TO REDUCE MINIMUM REQUIRED CONTRIBUTION IF USED TO AVOID SHORTFALL AMORTIZATION.—The amount of the pre-funding balance of such plan may be credited under subsection (a)(4) in reducing the minimum required contribution only if the plan sponsor has elected to apply subsection (a)(2) to the plan for such plan year by substituting 'subsection (e)(1)(B)' for 'subsection (e)(1)'.

"(2) FUNDING STANDARD CARRYOVER BALANCE.—

"(A) IN GENERAL.—The plan sponsor of a pension plan to which this paragraph applies shall maintain a funding standard carryover balance for purposes of this subsection. Such balance shall consist of a beginning balance determined under subparagraph (C), decreased to the extent provided in subparagraph (D), and adjusted further as provided in paragraph (3).

"(B) PLANS TO WHICH THIS PARAGRAPH APPLIES.—This paragraph applies to any plan which—

"(i) is a single-employer plan subject to this part,

"(ii) was in effect for a plan year beginning in 2005, and

"(iii) had a positive balance in the funding standard account under section 412(b) as in effect for such plan year and determined as of the end of such plan year.

"(C) BEGINNING BALANCE.—The beginning balance of the funding standard carryover balance shall be the positive balance described in subparagraph (B)(iii).

"(D) DECREASES.—As of the valuation date for each plan year after 2006, the funding standard carryover balance of a plan shall be decreased (but not below zero) by the sum of—

"(i) the amount credited under subsection (a)(4) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

"(ii) the amount elected by the plan sponsor as a reduction in the funding standard carryover balance (for purposes of the determination under subsection (e)(1) and any other purpose under this section).

"(3) ADJUSTMENTS.—In determining the pre-funding balance or the funding standard carryover balance of a plan as of the valuation date of the plan (before applying any increase or decrease under paragraph (1) or (2)), the plan sponsor shall, in accordance with regulations which shall be prescribed by the Secretary, adjust such balance of the plan so as to reflect the rate of net gain or loss (determined, notwithstanding subsection (e)(4), on the basis of fair market value) experienced by all plan assets for the period beginning with the valuation date for the preceding plan year and ending with the date preceding the valuation date for the current plan year, properly taking into account, in accordance with such regulations, all contributions, distributions, and other plan payments made during such period.

"(4) ELECTIONS.—Except as otherwise provided in this subsection, any election made under this subsection shall be made at such time and in such form and manner as the Secretary may provide.

"(5) COORDINATION WITH WAIVERS.—For purposes of this subsection, the term 'minimum required contribution' means for any plan year the minimum required contribution for such plan year determined without regard to this subsection and by taking into account any waiver under section 412(c) and any waiver amortization charge under subsection (j) for such plan year.

"(i) PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—For purposes of this section, the due date for any payment of any minimum required contribution for any plan year shall be 8½ months after the close of the plan year.

"(2) INTEREST.—Any payment required under paragraph (1) for a plan year made after the valuation date for such plan year shall be increased by interest, for the period from the valuation date to the payment date, at the effective rate of interest for the plan for such plan year.

"(3) ACCELERATED QUARTERLY CONTRIBUTION SCHEDULE FOR UNDERFUNDED PLANS.—

"(A) INTEREST PENALTY FOR FAILURE TO MEET ACCELERATED QUARTERLY PAYMENT SCHEDULE.—In any case in which the plan has a funding shortfall for the preceding plan year, if the required installment is not paid in full, then the minimum required contribution for the plan year (as increased under paragraph (2)) shall be further increased by an amount equal to the interest on the amount of the underpayment for the period of the underpayment, using an interest rate equal to the excess of—

"(i) 175 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), over

"(ii) the effective rate of interest for the plan for the plan year.

"(B) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of subparagraph (A)—

"(i) AMOUNT.—The amount of the underpayment shall be the excess of—

"(I) the required installment, over

"(II) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

"(ii) PERIOD OF UNDERPAYMENT.—The period for which any interest is charged under this paragraph with respect to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan.

"(iii) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of clause (i)(II), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

"(C) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—For purposes of this paragraph—

"(i) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.

"(ii) TIME FOR PAYMENT OF INSTALLMENTS.—The due dates for required installments are set forth in the following table:

"In the case of the following required installment:	The due date is:
1st	April 15
2nd	July 15
3rd	October 15
4th	January 15 of the following year

"(D) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this paragraph—

"(i) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.

"(ii) REQUIRED ANNUAL PAYMENT.—For purposes of clause (i), the term 'required annual payment' means the lesser of—

"(I) 90 percent of the minimum required contribution (without regard to any waiver under section 412(c)) to the plan for the plan year under this section, or

"(II) in the case of a plan year beginning after 2006, 100 percent of the minimum required contribution (without regard to any waiver under section 412(c)) to the plan for the preceding plan year.

Subclause (II) shall not apply if the preceding plan year referred to in such clause was not a year of 12 months.

"(E) FISCAL YEARS AND SHORT YEARS.—

"(i) FISCAL YEARS.—In applying this paragraph to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this paragraph, the months which correspond thereto.

"(ii) SHORT PLAN YEAR.—This subparagraph shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary.

"(4) LIQUIDITY REQUIREMENT IN CONNECTION WITH QUARTERLY CONTRIBUTIONS.—

"(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment under paragraph (3) to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan (other than a plan that would be described in subsection (e)(3)(B) if '100' were substituted for '500' therein) which—

"(i) is required to pay installments under paragraph (3) for a plan year, and

"(ii) has a liquidity shortfall for any quarter during such plan year.

"(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (3)(A), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

"(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funding target attainment percentage of the plan for the plan year (taking into account the expected increase in funding target due to benefits accruing or earned during the plan year) to 100 percent.

"(E) DEFINITIONS.—For purposes of this subparagraph:

"(i) LIQUIDITY SHORTFALL.—The term 'liquidity shortfall' means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of—

"(I) the base amount with respect to such quarter, over

"(II) the value (as of such last day) of the plan's liquid assets.

"(ii) BASE AMOUNT.—

"(I) IN GENERAL.—The term 'base amount' means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

"(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

"(iii) DISBURSEMENTS FROM THE PLAN.—The term 'disbursements from the plan' means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

"(iv) ADJUSTED DISBURSEMENTS.—The term 'adjusted disbursements' means disbursements from the plan reduced by the product of—

"(I) the plan's funding target attainment percentage for the plan year, and

"(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary shall provide in regulations.

"(v) LIQUID ASSETS.—The term 'liquid assets' means cash, marketable securities, and such other assets as specified by the Secretary in regulations.

"(vi) QUARTER.—The term 'quarter' means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

"(F) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this paragraph.

"(j) WAIVER AMORTIZATION CHARGE.—

"(1) IN GENERAL.—The minimum required contribution for any plan year under subsection (a) shall be increased by the amount of the waiver amortization charge (if any) for such plan year.

"(2) DETERMINATION OF WAIVER AMORTIZATION CHARGE.—The waiver amortization charge for a plan for any plan year is the aggregate total of the waiver amortization installments for such plan year with respect to the waiver amortization bases for such plan year and each of the 4 preceding plan years.

"(3) Waiver amortization installment.—For purposes of paragraph (2), the plan sponsor shall determine, with respect to the waiver amortization base of the plan for any plan year, the amounts necessary to amortize such waiver amortization base, in level annual installments over a period of 5 plan years beginning with such plan year. The annual installment of such amortization for each plan year in such 5-plan year period is the waiver amortization installment for such plan year with respect to such waiver amortization base.

"(4) Computation assumptions.—The determination of any annual installment under paragraph (2) for any plan year shall be made as of the valuation date for such plan year, using the effective rate of interest for the plan for the preceding plan year.

"(5) Waiver amortization base.—The waiver amortization base of a plan for a plan year is the excess (if any) of—

"(A) the portion of the minimum required contribution of such plan waived under section 412(c) for such plan year, over

"(B) the aggregate total of the waiver amortization installments, for such plan year and the 3 succeeding plan years, which have been determined with respect to the waiver amortization bases of the plan for each of the 4 plan years preceding such plan year.

"(k) Imposition of Lien Where Failure to Make Required Contributions.—

"(1) In general.—In the case of a plan covered under section 4021 of the Employee Retirement and Income Security Act of 1974 and to which this subsection applies (as provided under paragraph (2)), if—

"(A) any person fails to make a contribution payment required by section 412 and this section before the due date for such payment, and

"(B) the unpaid balance of such payment (including interest), when added to the aggregate unpaid balance of all preceding such payments for which payment was not made before the due date (including interest), exceeds $1,000,000,

then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

"(2) Plans to which subsection applies.—This subsection shall apply to a defined benefit plan which is a single-employer plan for any plan year for which the funding target attainment percentage (as defined in subsection (d)(2)) of such plan is less than 100 percent.

"(3) Amount of lien.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of contribution payments required under this section and section 412 for which payment has not been made before the due date.

"(4) Notice of failure; lien.—

"(A) Notice of failure.—A person committing a failure described in paragraph (1) shall notify the Pension Benefit Guaranty Corporation of such failure within 10 days of the due date for the required contribution payment.

"(B) Period of lien.—The lien imposed by paragraph (1) shall arise on the due date for the required contribution payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

"(C) Certain rules to apply.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 of the Employee Retirement and Income Security Act of 1974 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.

"(5) Enforcement.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by the contributing sponsor (or any member of the controlled group of the contributing sponsor).

"(6) Definitions.—For purposes of this subsection—

"(A) Contribution payment.—The term 'contribution payment' means, in connection with a plan, a contribution payment required to be made to the plan, including any required installment under paragraphs (3) and (4) of subsection (i).

"(B) Due date; required installment.—The terms 'due date' and 'required installment' have the meanings given such terms by subsection (i), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under section 430.

"(C) Controlled group.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), and (o) of section 414.

"(l) Qualified Transfers to Health Benefit Accounts.—In the case of a qualified transfer (as defined in section 420), any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.".

(b) Effective Date.—The amendments made by this section shall apply with respect to plan years beginning after 2005.

SEC. 113. LIMITATIONS ON DISTRIBUTIONS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.

(a) Prohibition of Shutdown Benefits and Other Unpredictable Contingent Event Benefits Under Single-Employer Plans.—Part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to deferred compensation, etc.) is amended—

(1) by striking the heading and inserting the following:

"PART III—RULES RELATING TO MINIMUM FUNDING STANDARDS AND BENEFIT LIMITATIONS

"Subpart A. Minimum funding standards for pension plans.

"Subpart B. Benefit limitations under single-employer plans.

"Subpart A—Minimum Funding Standards for Pension Plans

"Sec. 430. Minimum funding standards for single-employer defined benefit pension plans.",

and

(2) by adding at the end the following new subpart:

"Subpart B—Benefit Limitations Under Single-employer Plans

"Sec. 436. Prohibition of shutdown benefits and other unpredictable contingent event benefits.

"SEC. 436. PROHIBITION OF SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS.

"(a) In General.—No pension plan which is a single-employer plan may provide benefits which are payable upon the occurrence of—

"(1) a plant shutdown, or

"(2) any other unpredictable contingent event.

"(b) Unpredictable Contingent Event.—For purposes of this subsection, the term 'unpredictable contingent event' means an event other than—

"(1) attainment of any age, performance of any service, receipt or derivation of any compensation, or the occurrence of death or disability, or

"(2) an event which is reasonably and reliably predictable (as determined by the Secretary).".

(b) Other Limits on Benefits and Benefit Accruals.—

(1) In general.—Subpart B of part III of subchapter D of chapter 1 of such Code is amended by adding at the end the following:

"SEC. 437. BENEFIT LIMIATIONS ON UNDERFUNDED PLANS.

"(a) Limitations on Plan Amendments Increasing Liability for Benefits.—

"(1) In general.—No amendment to a defined benefit plan (other than a multiemployer plan) which has the effect of increasing liabilities of the plan by reason of increases in benefits, establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits become nonforfeitable to the plan may take effect during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year is—

"(A) less than 80 percent, or

"(B) would be less than 80 percent taking into account such amendment.

"(2) Exemption.—Paragraph (1) shall cease to apply with respect to any plan year, effective as of the first date of the plan year (or if later, the effective date of the amendment), upon payment by the plan sponsor of a contribution equal to—

"(A) in the case of paragraph (1)(A), the amount of the increase in the funding target of the plan (under section 430) for the plan year attributable to the amendment, and

"(B) in the case of subparagraph (1)(B), the amount sufficient to result in a funding target attainment percentage of 80 percent.

"(b) Funding-Based Limitation on Certain Forms of Distribution.—A defined benefit plan (other than a multiemployer plan) shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 80 percent, the plan may not after such date pay any prohibited payment (as defined in section 206(e) of the Employee Retirement and Income Security Act of 1974).

"(c) Limitations on Benefit Accruals for Plans With Severe Funding Shortfalls.—A defined benefit plan (other than a multiemployer plan) shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 60 percent, all future benefit accruals under the plan shall cease as of such date.

"(d) New Plans.—Subsections (a) and (c) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

"(e) Presumed Underfunding for Purposes of Benefit Limitations Based on Prior Year's Funding Status.—

"(1) PRESUMPTION OF CONTINUED UNDERFUNDING.—In any case in which a benefit limitation under subsections (a), (b), or (c) has been applied to a plan with respect to the plan year preceding the current plan year, the funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year shall be presumed to be equal to the funding target attainment percentage of the plan as of the valuation date of the plan for the preceding plan year until the enrolled actuary of the plan certifies the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year.

"(2) PRESUMPTION OF UNDERFUNDING AFTER 10TH MONTH.—In any case in which no such certification is made with respect to the plan before the first day of the 10th month of the current plan year, for purposes of subsections (a), (b), and (c), the plan's funding target attainment percentage shall be conclusively presumed to be less than 60 percent as of the first day of such 10th month, and such day shall be deemed, for purposes of such paragraphs, to be the valuation date of the plan for the current plan year.

"(3) PRESUMPTION OF UNDERFUNDING AFTER 4TH MONTH FOR NEARLY UNDERFUNDED PLANS.—In any case in which—

"(A) a benefit limitation under subsections (a), (b), or (c) did not apply to a plan with respect to the plan year preceding the current plan year, but the funding target attainment percentage of the plan for such preceding plan year was not more than 10 percentage points greater than the percentage which would have caused such paragraph to apply to the plan with respect to such preceding plan year, and

"(B) as of the first day of the 4th month of the current plan year, the enrolled actuary of the plan has not certified the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year,

until the enrolled actuary so certifies, such first day shall be deemed, for purposes of such subsection, to be the valuation date of the plan for the current plan year and the funding target attainment percentage of the plan as of such first day shall, for purposes of such subsection, be presumed to be equal to 10 percentage points less than the funding target attainment percentage of the plan as of the valuation date of the plan for such preceding plan year.

"(f) RESTORATION BY PLAN AMENDMENT OF BENEFITS OR BENEFIT ACCRUAL.—In any case in which a prohibition under subsection (b) of the payment of lump sum distributions or benefits in any other accelerated form or a cessation of benefit accruals under subsection (c) is applied to a plan with respect to any plan year and such prohibition or cessation, as the case may be, ceases to apply to any subsequent plan year, the plan may provide for the resumption of such benefit payment or such benefit accrual only by means of the adoption of a plan amendment after the valuation date of the plan for such subsequent plan year. The preceding sentence shall not apply to a prohibition or cessation required by reason of subsection (e).

"(g) FUNDING TARGET ATTAINMENT PERCENTAGE.—For purposes of this section, the term 'funding target attainment percentage' has the meaning provided such term under section 430(d)(2).".

(2) CLERICAL AMENDMENT.—The table of sections for such subpart is amended by adding at the end the following new item:

"Sec. 437. Benefit limitations on underfunded plans.".

(c) SPECIAL RULE FOR PLAN AMENDMENTS.—A plan shall not fail to meet the requirements of section 204(g) of the Employee Retirement Income Security Act of 1974 or section 411(d)(6) of the Internal Revenue Code of 1986 solely by reason of the adoption by the plan of an amendment necessary to meet the requirements of the amendments made by this section.

(d) EFFECTIVE DATE.—

(1) SHUTDOWN BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (a) shall apply with respect to plant shutdowns, or other unpredictable contingent events, occurring after 2006.

(2) OTHER BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (b) shall apply with respect to plan years beginning after 2006.

(3) COLLECTIVE BARGAINING EXCEPTION.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, the amendments made by this subsection shall not apply to plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last collective bargaining agreement relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(ii) the first day of the first plan year to which the amendments made by this subsection would (but for this subparagraph) apply, or

(B) January 1, 2009.

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this subsection shall not be treated as a termination of such collective bargaining agreement.

SEC. 114. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS RELATED TO QUALIFICATION REQUIREMENTS.—

(1) Section 401(a)(29) of the Internal Revenue Code of 1986 is amended to read as follows:

"(29) BENEFIT LIMITATIONS ON PLANS IN AT-RISK STATUS.—In the case of a defined benefit plan (other than a multiemployer plan) to which the requirements of section 412 apply, the trust of which the plan is a part shall not constitute a qualified trust under this subsection unless the plan meets the requirements of sections 436 and 437.".

(2) Section 401(a)(32) of such Code is amended—

(A) in subparagraph (A), by striking "412(m)(5)" each place it appears and inserting "section 430(i)(4)", and

(B) in subparagraph (C), by striking "section 412(m)" and inserting "section 430(i)".

(3) Section 401(a) is amended by striking paragraph (33) and by redesignating paragraph (34) as paragraph (33).

(b) VESTING RULES.—Section 411 of such Code is amended—

(1) by striking "section 412(c)(8)" in subsection (a)(3)(C) and inserting "section 412(d)(2)",

(2) in subsection (b)(1)(F)—

(A) by striking "paragraphs (2) and (3) of section 412(i)" in clause (ii) and inserting "subparagraphs (B) and (C) of section 412(d)(4)", and

(B) by striking "paragraphs (4), (5), and (6) of section 412(i)" and inserting "subparagraphs (D), (E), and (F) of section 412(d)(4)", and

(3) by striking "section 412(c)(8)" in subsection (d)(6)(A) and inserting "section 412(e)(3)".

(c) MERGERS AND CONSOLIDATIONS OF PLANS.—Subclause (I) of section 414(l)(2)(B)(i) of such Code is amended to read as follows:

"(I) the amount determined under section 431(c)(6)(A)(i) in the case of a multiemployer plan (and the sum of the target liability amount and target normal cost determined under section 430 in the case of any other plan), over".

(d) TRANSFER OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.—

(1) Section 420(e)(2) of such Code is amended to read as follows:

"(2) EXCESS PENSION ASSETS.—The term 'excess pension assets' means the excess (if any) of—

"(A) the lesser of—

"(i) the fair market value of the plan's assets (reduced by the pre-funding balance and the funding standard carryover balance, as determined under section 430(e)(1)), or

"(ii) the value of plan assets as determined under section 430(e)(4) after reduction under section 430(e)(1), over

"(B) 125 percent of the sum of the target liability amount and the target normal cost determined under section 430 for such plan year.".

(2) Section 420(e)(4) of such Code is amended to read as follows:

"(4) COORDINATION WITH SECTION 430.—In the case of a qualified transfer, any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.".

(e) EXCISE TAXES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 4971 of such Code are amended to read as follows:

"(a) INITIAL TAX.—If at any time during any taxable year an employer maintains a plan to which section 412 applies, there is hereby imposed for the taxable year a tax equal to—

"(1) in the case of a single-employer plan, 10 percent of the aggregate unpaid minimum required contributions for all plan years remaining unpaid as of the end of any plan year ending with or within the taxable year, and

"(2) in the case of a multiemployer plan, 5 percent of the accumulated funding deficiency determined under section 431 as of the end of any plan year ending with or within the taxable year.

"(b) ADDITIONAL TAX.—If—

"(1) a tax is imposed under subsection (a)(1) on any unpaid required minimum contribution and such amount remains unpaid as of the close of the taxable period, or

"(2) a tax is imposed under subsection (a)(2) on any accumulated funding deficiency and the accumulated funding deficiency is not corrected within the taxable period,

there is hereby imposed a tax equal to 100 percent of the unpaid minimum required contribution or accumulated funding deficiency, whichever is applicable, to the extent not so paid or corrected.".

(2) Section 4971(c) of such Code is amended—

(A) by striking "the last two sentences of section 412(a)" in paragraph (1) and inserting "section 431", and

(B) by adding at the end the following new paragraph:

"(4) UNPAID MINIMUM REQUIRED CONTRIBUTION.—

"(A) IN GENERAL.—The term 'unpaid minimum required contribution' means, with respect to any plan year, any minimum required contribution under section 430 for the plan year which is not paid on or before the due date (as determined under section 430(i)(1)) for the plan year.

"(B) ORDERING RULE.—Any payment to or under a plan for any plan year shall be allocated first to unpaid minimum required contributions for all preceding plan years on a first-in, first-out basis and then to the minimum required contribution under section 430 for the plan year.".

(3) Section 4971(e)(1) of such Code is amended by striking "section 412(b)(3)(A)" and inserting "section 412(a)(1)(A)".

(4) Section 4971(f)(1) of such Code is amended—

(A) by striking "section 412(m)(5)" and inserting "section 430(i)(4)", and

(B) by striking "section 412(m)" and inserting "section 430(i)".

(5) Section 4972(c)(7) of such Code is amended by striking "except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof)" and inserting "except, in the case of a multiemployer plan, to the extent that such contributions exceed the full-funding limitation (as defined in section 431(c)(6))".

(f) REPORTING REQUIREMENTS.—Section 6059(b) of such Code is amended—

(1) by striking "the accumulated funding deficiency (as defined in section 412(a))" in paragraph (2) and inserting "the minimum required contribution determined under section 430, or the accumulated funding deficiency determined under section 431.", and

(2) by striking paragraph (3)(B) and inserting:

"(B) the requirements for reasonable actuarial assumptions under section 430(f)(1) or 431(c)(3), whichever are applicable, have been complied with.".

Subtitle C—Other Provisions

SEC. 121. MODIFICATION OF TRANSITION RULE TO PENSION FUNDING REQUIREMENTS.

(a) IN GENERAL.—In the case of a plan that—

(1) was not required to pay a variable rate premium for the plan year beginning in 1996,

(2) has not, in any plan year beginning after 1995, merged with another plan (other than a plan sponsored by an employer that was in 1996 within the controlled group of the plan sponsor); and

(3) is sponsored by a company that is engaged primarily in the interurban or interstate passenger bus service,

the rules described in subsection (b) shall apply for any plan year beginning after 2005.

(b) MODIFIED RULES.—The rules described in this subsection are as follows:

(1) For purposes of section 430(i)(3) of the Internal Revenue Code of 1986 and section 303(i)(3) of the Employee Retirement Income Security Act of 1974, the plan shall be treated as not having a funding shortfall for any plan year.

(2) For purposes of—

(A) determining unfunded vested benefits under section 4006(a)(3)(E)(iii) of such Act, and

(B) determining any present value or making any computation under section 412 of such Code or section 302 of such Act,

the mortality table shall be the mortality table used by the plan.

(c) CONFORMING AMENDMENT.—

(1) Section 769 of the Retirement Protection Act of 1994 is amended by striking subsection (c).

(2) The amendment made this subsection shall apply to plan years beginning after 2005.

SEC. 122. TREATMENT OF NONQUALIFIED DEFERRED COMPENSATION PLANS WHEN EMPLOYER DEFINED BENEFIT PLAN IN AT-RISK STATUS.

(a) IN GENERAL.—Subsection (b) of section 409A of the Internal Revenue Code of 1986 (providing rules relating to funding) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) EMPLOYER'S DEFINED BENEFIT PLAN IN AT-RISK STATUS.—In the case of a plan to which section 412 applies, if—

"(A) during any period in which any defined benefit plan of an employer is in an at-risk status (as defined in section 412(g)(3)), assets are set aside (directly or indirectly) in a trust (or other arrangement determined by the Secretary), or transferred to such a trust or other arrangement, for purposes of paying deferred compensation under a nonqualified deferred compensation plan of the employer, or

"(B) a nonqualified deferred compensation plan of the employer provides that assets will become restricted to the provision of benefits under the plan in connection with such at-risk status (or other similar financial measure determined by the Secretary) of the defined benefit plan, or assets are so restricted,

such assets shall for purposes of section 83 be treated as property transferred in connection with the performance of services whether or not such assets are available to satisfy claims of general creditors.".

(b) CONFORMING AMENDMENTS.—Paragraphs (4) and (5) of section 409A(b) of such Code, as redesignated by subsection (a) of this subsection, are each amended by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2), or (3)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2006.

TITLE II—FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

SEC. 201. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by section 102) is amended further by inserting after section 303 the following new section:

"MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS

"SEC. 304. (a) IN GENERAL.—For purposes of section 302, the accumulated funding deficiency of a multiemployer plan for any plan year is—

"(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

"(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 4243.

"(b) FUNDING STANDARD ACCOUNT.—

"(1) ACCOUNT REQUIRED.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

"(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

"(A) the normal cost of the plan for the plan year,

"(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

"(i) in the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this section applies, over a period of 40 plan years,

"(ii) in the case of a plan which comes into existence after January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this section applies, over a period of 15 plan years,

"(iii) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(iv) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

"(v) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 302(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

"(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 302(b)(3)(D) (as in effect on the day before the date of the enactment of this section), and

"(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 302(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of this section).

"(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

"(A) the amount considered contributed by the employer to or under the plan for the plan year,

"(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount of the waived funding deficiency (within the meaning of section 302(c)(3)) for the plan year, and

"(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 305 (as in effect on the day before the date of the enactment of this section), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

“(4) SPECIAL RULE FOR AMOUNTS FIRST AMORTIZED TO PLAN YEARS BEFORE 2006.—In the case of any amount amortized under section 302(b) (as in effect before the date of the enactment of Pension Protection Act of 2005) over any period beginning with a plan year beginning before 2006, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

“(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary of the Treasury, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

“(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

“(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

“(6) INTEREST.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

“(7) CERTAIN AMORTIZATION CHARGES AND CREDITS.—In the case of a plan which, immediately before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 3(37) as in effect immediately before such date)—

“(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose;

“(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose;

“(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises; and

“(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

“(i) was adopted before such date, and

“(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date,

shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises.

“(8) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this part—

“(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV shall be considered an amount contributed by the employer to or under the plan. The Secretary of the Treasury may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

“(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

“(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

“(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 4243(a) as of the end of the last plan year that the plan was in reorganization.

“(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of this Act or to a fund exempt under section 501(c)(22) of the Internal Revenue Code of 1986 pursuant to section 4223 of this Act shall reduce the amount of contributions considered received by the plan for the plan year.

“(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary of the Treasury.

“(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 302(b)(7)(F) (as in effect on the day before the date of the enactment of this section) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(iv) shall not apply to the amount so charged).

“(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 in such manner as is determined by the Secretary of the Treasury.

“(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the plan during a period that does not exceed 14 years, paragraph (2)(B)(iii) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for ‘15’.

“(c) ADDITIONAL RULES.—

“(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this part, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

“(2) VALUATION OF ASSETS.—

“(A) IN GENERAL.—For purposes of this part, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury.

“(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary of the Treasury shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of such Secretary.

“(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

“(A) which, in the aggregate, are reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

“(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

“(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

“(B) a change in the definition of the term ‘wages’ under section 3121 of the Internal Revenue Code of 1986, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5) of such Code,

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

“(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

“(A) the funding standard account shall be credited with the amount of such excess, and

“(B) all amounts described in subparagraphs (B), (C), and (D) of paragraph (2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

“(6) FULL-FUNDING LIMITATION.—

“(A) IN GENERAL.—For purposes of paragraph (5), the term ‘full-funding limitation’ means the excess (if any) of—

“(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(ii) the lesser of—

“(I) the fair market value of the plan's assets, or

“(II) the value of such assets determined under paragraph (2).

"(B) MINIMUM AMOUNT.—

"(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

"(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

"(II) the value of the plan's assets determined under paragraph (2).

"(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

"(C) CURRENT LIABILITY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'current liability' means all liabilities to employees and their beneficiaries under the plan.

"(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

"(I) age, service, compensation, death, or disability, or

"(II) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury),

shall not be taken into account until the event on which the benefit is contingent occurs.

"(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (D).

"(iv) MORTALITY TABLES.—

"(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary of the Treasury which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A) of the Internal Revenue Code of 1986) used to determine reserves for group annuity contracts issued on January 1, 1993.

"(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, such Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

"(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

"(I) IN GENERAL.—In the case of plan years beginning after December 31, 1995, the Secretary of the Treasury shall establish mortality tables which may be used (in lieu of the tables under clause (ii)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. Such Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

"(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

"(vi) PERIODIC REVIEW.—The Secretary of the Treasury shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent such Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

"(D) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan's current liability for purposes of this paragraph—

"(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(5) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

"(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

"(I) IN GENERAL.—Except as provided in subclause (II), the term 'permissible range' means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

"(II) SECRETARIAL AUTHORITY.—If the Secretary of the Treasury finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, such Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

"(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

"(I) determined without taking into account the experience of the plan and reasonable expectations, but

"(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

"(E) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3) of the Internal Revenue Code of 1986).

"(7) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary of the Treasury.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan's current liability (as defined in paragraph (6)(C) without regard to clause (iv) thereof).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (6)(C) without regard to clause (iv) thereof).

"(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary of the Treasury.

"(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—In the case of a multiemployer plan—

"(1) AUTOMATIC EXTENSION.—The Secretary of the Treasury shall, upon application and subject to the requirements of paragraph (4), extend the period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of the plan for a period of time not in excess of 5 years.

"(2) EXTENSION FOR CAUSE.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan may be extended (in addition to any extension under paragraph (1)) by the Secretary of the Treasury for a period of time (not in excess of 5 years) if he determines that such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and their beneficiaries and if he determines that the failure to permit such extension would—

"(A) result in—

"(i) a substantial risk to the voluntary continuation of the plan, or

"(ii) a substantial curtailment of pension benefit levels or employee compensation, and

"(B) be adverse to the interests of plan participants in the aggregate.

"(3) INTEREST RATE.—The interest rate applicable for any plan year under any arrangement entered into by the Secretary of the Treasury in connection with an extension granted under this subsection shall be the greater of—

"(A) 150 percent of the Federal mid-term rate (as in effect under section 1274 of the Internal Revenue Code of 1986 for the 1st month of such plan year), or

"(B) the rate of interest used under the plan for determining costs.

"(4) REQUIRED NOTICE.—

"(A) IN GENERAL.—The Secretary of the Treasury shall, before granting an extension under this section, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such extension to each employee organization representing employees covered by the affected plan and to the Pension Benefit Guaranty Corporation.

"(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under paragraph (1).

"(e) RESTRICTION ON PLAN AMENDMENTS.—

"(1) IN GENERAL.—No amendment of a multiemployer plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under section 302(c) or an extension of time under subsection (d) is in effect with respect to the plan, or if a plan amendment described in section 302(d)(2) has been made at any time in the preceding 24 months. If a plan is amended in violation of the preceding sentence, any such waiver, or extension of time, shall not apply to any plan year ending on or after the date on which such amendment is adopted.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any plan amendment which—

"(A) the Secretary determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

"(B) only repeals an amendment described in section 302(d)(2), or

"(C) is required as a condition of qualification under part I of subchapter D, of chapter 1, of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENTS.—

(1) Section 301 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1081) is amended by striking subsection (d).

(2) The table of contents in section 1 of such Act (as amended by section 102 of this Act) is amended further by inserting after the item relating to section 303 the following new item:

"Sec. 304. Minimum funding standards for multiemployer plans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2005.

SEC. 202. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by the preceding provisions of this Act) is amended further by inserting after section 304 the following new section:

"ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS

"SEC. 305. (a) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

"(1) IN GENERAL.—During the 90-day period beginning on first day of each plan year of a multiemployer plan, the plan actuary of shall certify to the Secretary of the Treasury whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year.

"(2) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

"(A) IN GENERAL.—In making the determinations under paragraph (1), the plan actuary shall make projections under subsections (b)(2) and (c)(2) for the current and succeeding plan years, using reasonable actuarial assumptions and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year, as set forth in the actuarial statement prepared for the preceding plan year under section 103(d).

"(B) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any such actuarial projection of plan assets shall assume—

"(i) reasonably anticipated employer and employee contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

"(ii) employer and employee contributions projected for the current and succeeding plan years under the terms of such collective bargaining agreements (assuming the continued application of such terms indefinitely to such plan years), but only if the plan actuary determines there have been no significant demographic changes that would make continued application of such terms unreasonable.

"(3) PRESUMED STATUS IN ABSENCE OF TIMELY ACTUARIAL CERTIFICATION.—If certification under this subsection is not made before the end of the 90-day period specified in paragraph (1), the plan shall be presumed to be in critical status for such plan year until such time as the actuary makes a contrary certification.

"(4) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered or critical status for a plan year under paragraph (1), is presumed to be in critical status under paragraph (3), or is deemed to be in critical status under subsection (b)(7), the plan sponsor shall, not later than 30 days after the date of the certification, presumption, or deeming, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary of the Treasury, and the Secretary of Labor.

"(b) FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year, the plan sponsor shall, in accordance with this subsection, amend the plan to include a funding improvement plan upon approval thereof by the bargaining parties under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan is certified to be in endangered status under subsection (a)(1).

"(2) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under subsection (c)—

"(A) the plan's funded percentage for such plan year is less than 80 percent, or

"(B) the plan has an accumulated funding deficiency for such plan year under section 304 or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 304(d).

"(3) FUNDING IMPROVEMENT PLAN.—

"(A) BENCHMARKS.—A funding improvement plan shall consist of amendments to the plan formulated to provide, under reasonable actuarial assumptions, for the attainment, during the funding improvement period under the funding improvement plan, of the following benchmarks:

"(i) REDUCTION IN UNFUNDED CURRENT LIABILITY.—A percentage decrease in the plan's unfunded current liability from the amount for the first plan year of the funding improvement period to the amount for the last plan year of the funding improvement period, of at least 33⅓ percent.

"(ii) AVOIDANCE OF ACCUMULATED FUNDING DEFICIENCIES.—No accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 304(d)).

"(B) FUNDING IMPROVEMENT PERIOD.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

"(i) the second anniversary of the date of the adoption of the funding improvement plan, or

"(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date after the day of the certification as of which collective bargaining agreements covering on the day of such certification at least 75 percent of active participants in such multiemployer plan have expired.

"(C) REPORTING.—A summary of any funding improvement plan or modification thereto adopted during any plan year shall be included in the annual report for such plan year under section 104(a) and in the summary annual report described in section 104(b)(3).

"(4) DEVELOPMENT OF FUNDING IMPROVEMENT PLAN.—

"(A) ACTIONS BY PLAN SPONSOR PENDING APPROVAL.—Pending the approval of a funding improvement plan under this paragraph, the plan sponsor shall take all reasonable actions, consistent with the terms of the plan and applicable law, necessary to ensure—

"(i) an increase in the plan's funded percentage, and

"(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Such actions include applications for extensions of amortization periods under section 304(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan's benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

"(B) RECOMMENDATIONS BY PLAN SPONSOR.—

"(i) IN GENERAL.—During the period of 90 days following the date on which a multiemployer plan is certified to be in endangered status, the plan sponsor shall develop and provide to the bargaining parties alternative proposals for revised benefit structures, contribution structures, or both, which, if adopted as amendments to the plan, may be reasonably expected to meet the benchmarks described in paragraph (3)(A). Such proposals shall include—

"(I) at least one proposal for reductions in the amount of future benefit accruals necessary to achieve the benchmarks, assuming no amendments increasing contributions under the plan (other than amendments increasing contributions necessary to achieve the benchmarks after amendments have reduced future benefit accruals to the maximum extent permitted by law), and

"(II) at least one proposal for increases in contributions under the plan necessary to achieve the benchmarks, assuming no amendments reducing future benefit accruals under the plan.

"(ii) REQUESTS BY BARGAINING PARTIES.—Upon the request of any bargaining party who—

"(I) employs at least 5 percent of the active participants, or

"(II) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of the active participants,

the plan sponsor shall provide all such parties information as to other combinations of increases in contributions and reductions in future benefit accruals which would result in achieving the benchmarks.

"(iii) OTHER INFORMATION.—The plan sponsor may, as it deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution structures or benefit structures or other information relevant to the funding improvement plan.

“(5) MAINTENANCE OF CONTRIBUTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan, the multiemployer plan may not be amended so as to provide—

“(A) a reduction in the level of contributions for participants who are not in pay status,

“(B) a suspension of contributions with respect to any period of service, or

“(C) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

“(6) BENEFIT RESTRICTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan—

“(A) RESTRICTIONS ON LUMP SUM DISTRIBUTIONS AND SIMILAR DISTRIBUTIONS.—The multiemployer plan may not be amended so as to provide additional forms of benefits.

“(B) PROHIBITION ON BENEFIT INCREASES.—

“(i) IN GENERAL.—No amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted.

“(ii) EXCEPTION.—Clause (i) shall not apply to any plan amendment which—

“(I) the Secretary of the Treasury determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

“(II) only repeals an amendment described in section 302(d)(2), or

“(III) is required as a condition of qualification under part I of subchapter D of chapter 1 of subtitle A of the Internal Revenue Code of 1986.

“(7) DEFAULT CRITICAL STATUS IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—If no plan amendment adopting a funding improvement plan has been adopted by the end of the 240-day period referred to in subsection (a)(1), the plan shall be in critical status as of the first day of the succeeding plan year.

“(8) RESTRICTIONS UPON APPROVAL OF FUNDING IMPROVEMENT PLAN.—Upon adoption of a funding improvement plan with respect to a multiemployer plan, the plan may not be amended—

“(A) so as to be inconsistent with the funding improvement plan, or

“(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to meet the the benchmarks described in paragraph (3)(A).

“(c) FUNDING RULES FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year, the plan sponsor shall, in accordance with this subsection, amend the plan to include a rehabilitation plan under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan is certified to be in critical status under subsection (a)(1) or is presumed to be in critical status under subsection (a)(3), or the first day of the plan year in the case of a plan that is deemed to be in critical status under subsection (b)(7).

“(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if—

“(A) the plan is in endangered status for the plan year and the requirements of subsection (b)(1) are not met with respect to the plan for such plan year, or

“(B) as determined by the plan actuary under subsection (a), the plan is described in paragraph (3).

Any multiemployer plan which is in critical status under subparagraph (A) or (B) for a plan year shall be treated as in critical status also for the succeeding plan year.

“(3) CRITICALITY DESCRIPTION.—For purposes of paragraph (2)(B), a plan is described in this paragraph if the plan is described in at least one of the following subparagraphs:

“(A) A plan is described in this subparagraph if, as of the beginning of the current plan year—

“(i) the funded percentage of the plan is less than 65 percent, and

“(ii) the sum of—

“(I) the market value of plan assets, plus

“(II) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 6 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 6 succeeding plan years (plus administrative expenses for such plan years).

“(B) A plan is described in this subparagraph if, as of the beginning of the current plan year, the sum of—

“(i) the market value of plan assets, plus

“(ii) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year remain in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

“(C) A plan is described in this subparagraph if—

“(i) as of the beginning of the current plan year, the funded percentage of the plan is less than 65 percent, and

“(ii) the plan has an accumulated funding deficiency for the current plan year or is projected to have an accumulated funding deficiency for any of the 4 succeeding plan years, taking into account any extension of amortization periods under section 304(e).

“(D) A plan is described in this subparagraph if—

“(i)(I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining cost under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

“(II) the present value, as of the beginning of the current plan year, of the reasonably anticipated employer and employee contributions for the current plan year,

“(ii) the present value, as of the beginning of the current plan year, of nonforfeitable benefits of inactive participants is greater than the present value, as of the beginning of the current plan year, of nonforfeitable benefits of active participants, and

“(iii) the plan is projected to have an accumulated funding deficiency for the current plan year or any of the 4 succeeding plan years.

“(E) A plan is described in this subparagraph if—

“(i) the funded percentage of the plan is greater than 65 percent for the current plan year, and

“(ii) the plan is projected to have an accumulated funding deficiency during either of the following 3 plan years.

“(4) REHABILITATION PLAN.—

“(A) IN GENERAL.—A rehabilitation plan shall consist of—

“(i) amendments to the plan providing (under reasonable actuarial assumptions) for measures, agreed to by the bargaining parties, to increase contributions, reduce plan expenditures (including plan mergers and consolidations), or reduce future benefit accruals, or to take any combination of such actions, determined necessary to cause the plan to cease, during the rehabilitation period, to be in critical status,

“(ii) measures, agreed to by the bargaining parties, to provide funding relief, or

“(iii) reasonable measures to forestall possible insolvency (within the meaning of section 4245) if the plan sponsor determines that, upon exhaustion of all reasonable measures, the plan would not cease during the rehabilitation period to be in critical status.

“(B) REHABILITATION PERIOD.—The rehabilitation period for any rehabilitation plan adopted pursuant to this section is the 10-year period beginning on the earlier of—

“(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

“(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date after the day of the certification as of which collective bargaining agreements covering on the day of such certification at least 75 percent of active participants in such multiemployer plan have expired.

“(C) REPORTING.—A summary of any rehabilitation plan or modification thereto adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) and in the summary annual report described in section 104(b)(3).

“(5) DEVELOPMENT OF REHABILITATION PLAN.—

“(A) PROPOSALS BY PLAN SPONSOR.—

“(i) IN GENERAL.—Within 90 days after the date of the certification under subsection (a) that the plan is in critical status (or the date as of which the requirements of subsection (b)(1) are not met with respect to the plan), the plan sponsor shall propose to all bargaining parties a range of alternative schedules of increases in contributions and reductions in future benefit accruals that would serve to carry out a rehabilitation plan under this subsection.

“(ii) PROPOSAL ASSUMING NO CONTRIBUTION INCREASES.—Such proposals shall include, as one of the proposed schedules, a schedule of those reductions in future benefit accruals that would be necessary to cause the plan to cease to be in critical status if there were no further increases in rates of contribution to the plan.

“(iii) PROPOSAL WHERE CONTRIBUTIONS ARE NECESSARY.—If the plan sponsor determines that the plan will not cease to be in critical status during the rehabilitation period unless the plan is amended to provide for an increase in contributions, the plan sponsor's proposals shall include a schedule of those increases in contribution rates that would be necessary to cause the plan to cease to be in critical status if future benefit accruals were reduced to the maximum extent permitted by law and the rate of future benefit accruals did not exceed 1 percent per plan year.

“(B) REQUESTS FOR ADDITIONAL SCHEDULES.—Upon the joint request of all bargaining parties, each of whom—

“(i) employs at least 5 percent of the active participants, or

“(ii) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of the active participants,

the plan sponsor shall include among the proposed schedules such schedules of increases in contributions and reductions in future benefit accruals as may be specified by the bargaining parties.

“(C) DEFAULT SCHEDULE.—In any case in which the bargaining parties, as of 240 days after the later of the date of the certification under subsection (a) or the first day the plan is in critical status under subsection (a)(3) or (b)(7), have not agreed to at least one of the proposed schedules, the plan sponsor shall amend the plan to implement the schedule required by subparagraph (A)(ii).

“(D) SUBSEQUENT AMENDMENTS.—Upon the adoption of a schedule of increases in contributions or reductions in future benefit accruals as part of the rehabilitation plan, the plan sponsor may amend the plan thereafter to update the schedule to adjust for any experience of the plan contrary to past actuarial assumptions, except that such an amendment may be made not more than once in any 3-year period.

“(E) ALLOCATION OF REDUCTIONS IN FUTURE BENEFIT ACCRUALS.—Any schedule containing reductions in future benefit accruals forming a part of a rehabilitation plan shall be applicable with respect to any group of active participants who are employed by any bargaining party (as an employer obligated to contribute under the plan) in proportion to the extent to which increases in contributions under such schedule apply to such bargaining party.

“(6) MAINTENANCE OF CONTRIBUTIONS AND RESTRICTIONS ON BENEFITS PENDING ADOPTION OF REHABILITATION PLAN.—The rules of paragraphs (5) and (6) of subsection (b) shall apply for purposes of this subsection by substituting the term ‘rehabilitation plan’ for ‘funding improvement plan’.

“(7) DEEMED WITHDRAWAL.—Upon the failure of any employer who has an obligation to contribute under the plan to make contributions in compliance with the schedule adopted under paragraph (6) as part of the rehabilitation plan, the failure of the employer may, at the discretion of the plan sponsor, be treated as a withdrawal by the employer from the plan under section 4203 or a partial withdrawal by the employer under section 4205.

“(d) DEFINITIONS.—For purposes of this section—

“(1) BARGAINING PARTY.—The term ‘bargaining party’ means, in connection with a multiemployer plan—

“(A) an employer who has an obligation to contribute under the plan, and

“(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

“(2) CURRENT LIABILITY.—The term ‘current liability’ has the meaning provided such term in section 304(c)(6)(C).

“(3) UNFUNDED CURRENT LIABILITY.—The term ‘unfunded current liability’ means the excess (if any) of—

“(A) the current liability of the plan, over

“(B) the value of the plan's assets determined under section 304(c)(2).

“(4) FUNDED PERCENTAGE.—The term ‘funded percentage’ means the percentage expressed as a ratio of which—

“(A) the numerator of which is the value of the plan's assets, as determined under section 304(c)(2), and

“(B) the denominator of which is the accrued liability of the plan.

“(5) UNFUNDED VESTED BENEFITS.—The term ‘unfunded vested benefits’ has the meaning provided in section 4241(b)(9).

“(6) ACCUMULATED FUNDING DEFICIENCY.—The term ‘accumulated funding deficiency’ has the meaning provided such term in section 304(a).

“(7) ACTIVE PARTICIPANT.—The term ‘active participant’ means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

“(8) INACTIVE PARTICIPANT.—The term ‘inactive participant’ means, in connection with a multiemployer plan, a participant who—

“(A) is not in covered service under the plan, and

“(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

“(9) PAY STATUS.—A person is in ‘pay status’ under a multiemployer plan if—

“(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

“(B) to the extent provided in regulations of the Secretary of the Treasury, such person is entitled to such a benefit under the plan.

“(10) OBLIGATION TO CONTRIBUTE.—The term ‘obligation to contribute’ has the meaning provided such term under section 4212(a).”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (as amended by the preceding provisions of this Act) is amended further by inserting after the item relating to section 304 the following new item:

“Sec. 305. Additional funding rules for multiemployer plans in endangered status or critical status.”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to plan years beginning after 2005.

SEC. 203. MEASURES TO FORESTALL INSOLVENCY OF MULTIEMPLOYER PLANS.

(a) ADVANCE DETERMINATION OF IMPENDING INSOLVENCY OVER 5 YEARS.—Section 4245(d)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1426(d)(1)) is amended—

(1) by striking “3 plan years” the second place it appears and inserting “5 plan years”; and

(2) by adding at the end the following new sentence: “If the plan sponsor makes such a determination that the plan will be insolvent in any of the next 5 plan years, the plan sponsor shall make the comparison under this paragraph at least annually until the plan sponsor makes a determination that the plan will not be insolvent in any of the next 5 plan years.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations made in plan years beginning after 2005.

SEC. 204. WITHDRAWAL LIABILITY REFORMS.

(a) REPEAL OF LIMITATION ON WITHDRAWAL LIABILITY IN THE EVENT OF CERTAIN SALES OF EMPLOYER ASSETS TO UNRELATED PARTIES.—

(1) IN GENERAL.—Section 4225 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1405) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 4225.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales occurring on or after January 1, 2006.

(b) REPEAL OF LIMITATION TO 20 ANNUAL PAYMENTS.—

(1) IN GENERAL.—Section 4219(c)(1) of such Act (29 U.S.C. 1399(c)(1)) is amended by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to withdrawals occurring on or after January 1, 2006.

(c) PARTIAL WITHDRAWALS BY MEANS OF OUTSOURCING.—

(1) IN GENERAL.—Section 4205(b)(2)(A) of such Act (29 U.S.C. 1385(b)(2)(A)) is amended—

(A) by striking “or” at the end of clause (i);

(B) by striking “ceased.” at the end of clause (ii) and inserting “ceased, or”; and

(C) by adding at the end the following new clause:

“(iii) an employer continues to perform work of the type for which contributions are made under the plan by means of services of individuals who are not employees of such employer covered by such plan.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to work performed on or after January 1, 2006.

(d) REPEAL OF SPECIAL RULE FOR LONG AND SHORT HAUL TRUCKING INDUSTRY.—

(1) IN GENERAL.—Subsection (d) of section 4203 of such Act (29 U.S.C. 1383(d)) is repealed.

(2) EFFECTIVE DATE.—The repeal under this subsection shall apply with respect to cessations to have obligations to contribute to multiemployer plans and cessations of covered operations under such plans occurring on or after January 1, 2006.

(e) APPLICATION OF FORGIVENESS RULE TO PLANS PRIMARILY COVERING EMPLOYEES IN THE BUILDING AND CONSTRUCTION.—

(1) IN GENERAL.—Section 4210(b) of such Act (29 U.S.C. 1390(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan withdrawals occurring on or after January 1, 2006.

SEC. 205. REMOVAL OF RESTRICTIONS WITH RESPECT TO PROCEDURES APPLICABLE TO DISPUTES INVOLVING WITHDRAWAL LIABILITY.

(a) IN GENERAL.—Section 4221(f)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1401(f)(1)) is amended—

(1) in subparagraph (A) by inserting “and” after “plan,”, and

(2) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) such determination is based in whole or in part on a finding by the plan sponsor under section 4212(c) that a principal purpose of any transaction which occurred at least 5 years (2 years in the case of a small employer) before the date of the complete or partial withdrawal was to evade or avoid withdrawal liability under this subtitle,".

(b) SMALL EMPLOYER.—Paragraph (2) of section 4221(f) of such Act is amended by adding at the end the following new subparagraph:

"(C) SMALL EMPLOYER.—For purposes of paragraph (1)(B)—

"(i) IN GENERAL.—The term 'small employer' means any employer who (as of immediately before the transaction referred to in paragraph (1)(B)) employs not more than 250 employees.

"(ii) CONTROLLED GROUP.—Any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer for purposes of this subparagraph.".

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 4221(f)(2) of such Act is amended by striking "Notwithstanding" and inserting "In the case of a transaction occurring before January 1, 1999, and at least 5 years before the date of the complete or partial withdrawal, notwithstanding".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any employer that receives a notification under section 4219(b)(1) of the Employee Retirement Income Security Act of 1974 on or after the date of the enactment of this Act.

Subtitle B—Amendments to Internal Revenue Code of 1986

SEC. 211. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (added by section 112 of this Act) is amended by adding at the end the following new section:

"SEC. 431. MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS.

"(a) IN GENERAL.—For purposes of section 412, the accumulated funding deficiency of a multiemployer plan for any plan year is—

"(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

"(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 418B.

"(b) FUNDING STANDARD ACCOUNT.—

"(1) ACCOUNT REQUIRED.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

"(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

"(A) the normal cost of the plan for the plan year,

"(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

"(i) in the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this section applies, over a period of 40 plan years,

"(ii) in the case of a plan which comes into existence after January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this section applies, over a period of 15 plan years,

"(iii) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(iv) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

"(v) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 412(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

"(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 412(b)(3)(D) (as in effect on the day before the date of the enactment of this section), and

"(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 412(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of this section).

"(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

"(A) the amount considered contributed by the employer to or under the plan for the plan year,

"(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount of the waived funding deficiency (within the meaning of section 412(c)(3)) for the plan year, and

"(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 412(g) (as in effect on the day before the date of the enactment of this section), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

"(4) SPECIAL RULE FOR AMOUNTS FIRST AMORTIZED TO PLAN YEARS BEFORE 2006.—In the case of any amount amortized under section 412(b) (as in effect before the date of the enactment of Pension Protection Act of 2005) over any period beginning with a plan year beginning before 2006, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

"(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

"(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

"(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

"(6) INTEREST.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

"(7) CERTAIN AMORTIZATION CHARGES AND CREDITS.—In the case of a plan which, immediately before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 414(f) as in effect immediately before such date)—

"(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose;

"(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose;

"(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises; and

"(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

"(i) was adopted before such date, and

"(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date,

shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises.

"(8) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this part—

"(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV shall be considered an amount contributed by the employer to or under the plan. The Secretary may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

"(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

"(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

"(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 418B(a) as of the end of the last plan year that the plan was in reorganization.

"(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of the Employee Retirement Income Security Act of 1974 or to a fund exempt under section 501(c)(22) pursuant to section 4223 of such Act shall reduce the amount of contributions considered received by the plan for the plan year.

"(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

"(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 412(b)(7)(F) (as in effect on the day before the date of the enactment of this section) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(iv) shall not apply to the amount so charged).

"(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 in such manner as is determined by the Secretary.

"(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the plan during a period that does not exceed 14 years, paragraph (2)(B)(iii) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for '15'.

"(c) ADDITIONAL RULES.—

"(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this part, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

"(2) VALUATION OF ASSETS.—

"(A) IN GENERAL.—For purposes of this part, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary.

"(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of the Secretary.

"(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

"(A) which, in the aggregate, are reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

"(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

"(B) a change in the definition of the term 'wages' under section 3121, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5),

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

"(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

"(A) the funding standard account shall be credited with the amount of such excess, and

"(B) all amounts described in subparagraphs (B), (C), and (D) of paragraph (2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

"(6) FULL-FUNDING LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (5), the term 'full-funding limitation' means the excess (if any) of—

"(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

"(ii) the lesser of—

"(I) the fair market value of the plan's assets, or

"(II) the value of such assets determined under paragraph (2).

"(B) MINIMUM AMOUNT.—

"(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

"(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

"(II) the value of the plan's assets determined under paragraph (2).

"(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

"(C) CURRENT LIABILITY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'current liability' means all liabilities to employees and their beneficiaries under the plan.

"(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

"(I) age, service, compensation, death, or disability, or

"(II) an event which is reasonably and reliably predictable (as determined by the Secretary),

shall not be taken into account until the event on which the benefit is contingent occurs.

"(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (D).

"(iv) MORTALITY TABLES.—

"(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A)) used to determine reserves for group annuity contracts issued on January 1, 1993.

"(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

"(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

"(I) IN GENERAL.—In the case of plan years beginning after December 31, 1995, the Secretary shall establish mortality tables which may be used (in lieu of the tables under clause (ii)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

"(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

"(vi) PERIODIC REVIEW.—The Secretary shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent the Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

"(D) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan's current liability for purposes of this paragraph—

"(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(5) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

"(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

"(I) IN GENERAL.—Except as provided in subclause (II), the term 'permissible range' means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

"(II) SECRETARIAL AUTHORITY.—If the Secretary finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, the Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

"(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

"(I) determined without taking into account the experience of the plan and reasonable expectations, but

"(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

"(E) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3)).

"(7) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan's current liability (as defined in paragraph (6)(C) without regard to clause (iv) thereof).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (6)(C) without regard to clause (iv) thereof).

"(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary.

"(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—In the case of a multiemployer plan—

"(1) AUTOMATIC EXTENSION.—The Secretary shall, upon application and subject to the requirements of paragraph (4), extend the period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of the plan for a period of time not in excess of 5 years.

"(2) EXTENSION FOR CAUSE.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan may be extended (in addition to any extension under paragraph (1)) by the Secretary for a period of time (not in excess of 5 years) if he determines that such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and their beneficiaries and if he determines that the failure to permit such extension would—

"(A) result in—

"(i) a substantial risk to the voluntary continuation of the plan, or

"(ii) a substantial curtailment of pension benefit levels or employee compensation, and

"(B) be adverse to the interests of plan participants in the aggregate.

"(3) INTEREST RATE.—The interest rate applicable for any plan year under any arrangement entered into by the Secretary in connection with an extension granted under this subsection shall be the greater of—

"(A) 150 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), or

"(B) the rate of interest used under the plan for determining costs.

"(4) REQUIRED NOTICE.—

"(A) IN GENERAL.—The Secretary shall, before granting an extension under this section, require each applicant to provide evidence satisfactory to the Secretary that the applicant has provided notice of the filing of the application for such extension to each employee organization representing employees covered by the affected plan and to the Pension Benefit Guaranty Corporation.

"(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary shall consider any relevant information provided by a person to whom notice was given under paragraph (1).

"(e) RESTRICTION ON PLAN AMENDMENTS.—

"(1) IN GENERAL.—No amendment of a multiemployer plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under section 412(c) or an extension of time under subsection (d) is in effect with respect to the plan, or if a plan amendment described in section 412(d)(2) has been made at any time in the preceding 24 months. If a plan is amended in violation of the preceding sentence, any such waiver, or extension of time, shall not apply to any plan year ending on or after the date on which such amendment is adopted.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any plan amendment which—

"(A) the Secretary determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

"(B) only repeals an amendment described in section 412(d)(2), or

"(C) is required as a condition of qualification under part I of subchapter D, of chapter 1.".

(b) CONFORMING AMENDMENTS.—

(1) Section 418(b)(2) of such Code is amended—

(A) by striking "section 412(b)(2)" in subparagraph (A) and inserting "section 431(b)(2)", and

(B) by striking "section 412(b)(3)(B)" in subparagraph (B) and inserting "section 431(b)(3)(B)".

(2) Section 418B of such Code is amended—

(A) by striking "section 412(b)(2)(A) or (B)" in subsection (d)(1)(B) and inserting "section 431(b)(2)(A) or (B)",

(B) by striking "section 412(c)(8)" in subsection (e) and inserting "section 412(g)(2)", and

(C) by striking "section 412(c)(3)" in subsection (g) and inserting "section 431(c)(3)".

(3) Section 418D(a)(2) of such Code is amended—

(A) by striking "section 412(c)(8)" and inserting "section 412(g)(2)", and

(B) by striking "section 412(c)(10)" and inserting "section 431(c)(8)".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter D of chapter 1 of such Code is amended by adding after the item relating to section 430 the following new item:

"Sec. 431. Minimum funding standards for multiemployer plans.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2005.

SEC. 212. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 431 the following new section:

"SEC. 432. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS.

"(a) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

"(1) IN GENERAL.—During the 90-day period beginning on first day of each plan year of a multiemployer plan, the plan actuary of shall certify to the Secretary whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year.

"(2) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

"(A) IN GENERAL.—In making the determinations under paragraph (1), the plan actuary shall make projections under subsections (b)(2) and (c)(2) for the current and succeeding plan years, using reasonable actuarial assumptions and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year, as set forth in the actuarial statement prepared for the preceding plan year under section 6058.

"(B) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any such actuarial projection of plan assets shall assume—

"(i) reasonably anticipated employer and employee contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

"(ii) employer and employee contributions projected for the current and succeeding plan years under the terms of such collective bargaining agreements (assuming the continued application of such terms indefinitely to such plan years), but only if the plan actuary determines there have been no significant demographic changes that would make continued application of such terms unreasonable.

“(3) PRESUMED STATUS IN ABSENCE OF TIMELY ACTUARIAL CERTIFICATION.—If certification under this subsection is not made before the end of the 90-day period specified in paragraph (1), the plan shall be presumed to be in critical status for such plan year until such time as the actuary makes a contrary certification.

“(4) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered or critical status for a plan year under paragraph (1), is presumed to be in critical status under paragraph (3), or is deemed to be in critical status under subsection (b)(7), the plan sponsor shall, not later than 30 days after the date of the certification, presumption, or deeming, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary of the Treasury, and the Secretary of Labor.

“(b) FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year, the plan sponsor shall, in accordance with this subsection, amend the plan to include a funding improvement plan upon approval thereof by the bargaining parties under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan is certified to be in endangered status under subsection (a)(1).

“(2) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under subsection (c)—

“(A) the plan's funded percentage for such plan year is less than 80 percent, or

“(B) the plan has an accumulated funding deficiency for such plan year under section 431 or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 431(d).

“(3) FUNDING IMPROVEMENT PLAN.—

“(A) BENCHMARKS.—A funding improvement plan shall consist of amendments to the plan formulated to provide, under reasonable actuarial assumptions, for the attainment, during the funding improvement period under the funding improvement plan, of the following benchmarks:

“(i) REDUCTION IN UNFUNDED CURRENT LIABILITY.—A percentage decrease in the plan's unfunded current liability from the amount for the first plan year of the funding improvement period to the amount for the last plan year of the funding improvement period, of at least 33⅓ percent.

“(ii) AVOIDANCE OF ACCUMULATED FUNDING DEFICIENCIES.—No accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 431(d)).

“(B) FUNDING IMPROVEMENT PERIOD.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

“(i) the second anniversary of the date of the adoption of the funding improvement plan, or

“(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date after the day of the certification as of which collective bargaining agreements covering on the day of such certification at least 75 percent of active participants in such multiemployer plan have expired.

“(C) REPORTING.—A summary of any funding improvement plan or modification thereto adopted during any plan year shall be included in the annual report for such plan year under section 104(a) of the Employee Retirement and Income Security Act of 1974 and in the summary annual report described in section 104(b)(3) of such Act.

“(4) DEVELOPMENT OF FUNDING IMPROVEMENT PLAN.—

“(A) ACTIONS BY PLAN SPONSOR PENDING APPROVAL.—Pending the approval of a funding improvement plan under this paragraph, the plan sponsor shall take all reasonable actions, consistent with the terms of the plan and applicable law, necessary to ensure—

“(i) an increase in the plan's funded percentage, and

“(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Such actions include applications for extensions of amortization periods under section 431(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan's benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

“(B) RECOMMENDATIONS BY PLAN SPONSOR.—

“(i) IN GENERAL.—During the period of 90 days following the date on which a multiemployer plan is certified to be in endangered status, the plan sponsor shall develop and provide to the bargaining parties alternative proposals for revised benefit structures, contribution structures, or both, which, if adopted as amendments to the plan, may be reasonably expected to meet the benchmarks described in paragraph (3)(A). Such proposals shall include—

“(I) at least one proposal for reductions in the amount of future benefit accruals necessary to achieve the benchmarks, assuming no amendments increasing contributions under the plan (other than amendments increasing contributions necessary to achieve the benchmarks after amendments have reduced future benefit accruals to the maximum extent permitted by law), and

“(II) at least one proposal for increases in contributions under the plan necessary to achieve the benchmarks, assuming no amendments reducing future benefit accruals under the plan.

“(ii) REQUESTS BY BARGAINING PARTIES.—Upon the request of any bargaining party who—

“(I) employs at least 5 percent of the active participants, or

“(II) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of the active participants,

the plan sponsor shall provide all such parties information as to other combinations of increases in contributions and reductions in future benefit accruals which would result in achieving the benchmarks.

“(iii) OTHER INFORMATION.—The plan sponsor may, as it deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution structures or benefit structures or other information relevant to the funding improvement plan.

“(5) MAINTENANCE OF CONTRIBUTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan, the multiemployer plan may not be amended so as to provide—

“(A) a reduction in the level of contributions for participants who are not in pay status,

“(B) a suspension of contributions with respect to any period of service, or

“(C) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

“(6) BENEFIT RESTRICTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan—

“(A) RESTRICTIONS ON LUMP SUM DISTRIBUTIONS AND SIMILAR DISTRIBUTIONS.—The multiemployer plan may not be amended so as to provide additional forms of benefits.

“(B) PROHIBITION ON BENEFIT INCREASES.—

“(i) IN GENERAL.—No amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted.

“(ii) EXCEPTION.—Clause (i) shall not apply to any plan amendment which—

“(I) the Secretary determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

“(II) only repeals an amendment described in section 430(d)(2), or

“(III) is required as a condition of qualification under part I of subchapter D of chapter 1 of subtitle A.

“(7) DEFAULT CRITICAL STATUS IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—If no plan amendment adopting a funding improvement plan has been adopted by the end of the 240-day period referred to in subsection (a)(1), the plan shall be in critical status as of the first day of the succeeding plan year.

“(8) RESTRICTIONS UPON APPROVAL OF FUNDING IMPROVEMENT PLAN.—Upon adoption of a funding improvement plan with respect to a multiemployer plan, the plan may not be amended—

“(A) so as to be inconsistent with the funding improvement plan, or

“(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to meet the the benchmarks described in paragraph (3)(A).

“(c) FUNDING RULES FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year, the plan sponsor shall, in accordance with this subsection, amend the plan to include a rehabilitation plan under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan is certified to be in critical status under subsection (a)(1) or is presumed to be in critical status under subsection (a)(3), or the first day of the plan year in the case of a plan that is deemed to be in critical status under subsection (b)(7).

“(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if—

“(A) the plan is in endangered status for the plan year and the requirements of subsection (b)(1) are not met with respect to the plan for such plan year, or

“(B) as determined by the plan actuary under subsection (a), the plan is described in paragraph (3).

Any multiemployer plan which is in critical status under subparagraph (A) or (B) for a plan year shall be treated as in critical status also for the succeeding plan year.

"(3) CRITICALITY DESCRIPTION.—For purposes of paragraph (2)(B), a plan is described in this paragraph if the plan is described in at least one of the following subparagraphs:

"(A) A plan is described in this subparagraph if, as of the beginning of the current plan year—

"(i) the funded percentage of the plan is less than 65 percent, and

"(ii) the sum of—

"(I) the market value of plan assets, plus

"(II) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 6 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 6 succeeding plan years (plus administrative expenses for such plan years).

"(B) A plan is described in this subparagraph if, as of the beginning of the current plan year, the sum of—

"(i) the market value of plan assets, plus

"(ii) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year remain in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

"(C) A plan is described in this subparagraph if—

"(i) as of the beginning of the current plan year, the funded percentage of the plan is less than 65 percent, and

"(ii) the plan has an accumulated funding deficiency for the current plan year or is projected to have an accumulated funding deficiency for any of the 4 succeeding plan years, taking into account any extension of amortization periods under section 431(d).

"(D) A plan is described in this subparagraph if—

"(i)(I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining cost under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

"(II) the present value, as of the beginning of the current plan year, of the reasonably anticipated employer and employee contributions for the current plan year,

"(ii) the present value, as of the beginning of the current plan year, of nonforfeitable benefits of inactive participants is greater than the present value, as of the beginning of the current plan year, of nonforfeitable benefits of active participants, and

"(iii) the plan is projected to have an accumulated funding deficiency for the current plan year or any of the 4 succeeding plan years.

"(E) A plan is described in this subparagraph if—

"(i) the funded percentage of the plan is greater than 65 percent for the current plan year, and

"(ii) the plan is projected to have an accumulated funding deficiency during either of the following 3 plan years.

"(4) REHABILITATION PLAN.—

"(A) IN GENERAL.—A rehabilitation plan shall consist of—

"(i) amendments to the plan providing (under reasonable actuarial assumptions) for measures, agreed to by the bargaining parties, to increase contributions, reduce plan expenditures (including plan mergers and consolidations), or reduce future benefit accruals, or to take any combination of such actions, determined necessary to cause the plan to cease, during the rehabilitation period, to be in critical status,

"(ii) measures, agreed to by the bargaining parties, to provide funding relief, or

"(iii) reasonable measures to forestall possible insolvency (within the meaning of section 418E) if the plan sponsor determines that, upon exhaustion of all reasonable measures, the plan would not cease during the rehabilitation period to be in critical status.

"(B) REHABILITATION PERIOD.—The rehabilitation period for any rehabilitation plan adopted pursuant to this section is the 10-year period beginning on the earlier of—

"(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

"(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date after the day of the certification as of which collective bargaining agreements covering on the day of such certification at least 75 percent of active participants in such multiemployer plan have expired.

"(C) REPORTING.—A summary of any rehabilitation plan or modification thereto adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) and in the summary annual report described in section 104(b)(3) of the Employee Retirement and Income Security Act of 1974.

"(5) DEVELOPMENT OF REHABILITATION PLAN.—

"(A) PROPOSALS BY PLAN SPONSOR.—

"(i) IN GENERAL.—Within 90 days after the date of the certification under subsection (a) that the plan is in critical status (or the date as of which the requirements of subsection (b)(1) are not met with respect to the plan), the plan sponsor shall propose to all bargaining parties a range of alternative schedules of increases in contributions and reductions in future benefit accruals that would serve to carry out a rehabilitation plan under this subsection.

"(ii) PROPOSAL ASSUMING NO CONTRIBUTION INCREASES.—Such proposals shall include, as one of the proposed schedules, a schedule of those reductions in future benefit accruals that would be necessary to cause the plan to cease to be in critical status if there were no further increases in rates of contribution to the plan.

"(iii) PROPOSAL WHERE CONTRIBUTIONS ARE NECESSARY.—If the plan sponsor determines that the plan will not cease to be in critical status during the rehabilitation period unless the plan is amended to provide for an increase in contributions, the plan sponsor's proposals shall include a schedule of those increases in contribution rates that would be necessary to cause the plan to cease to be in critical status if future benefit accruals were reduced to the maximum extent permitted by law and the rate of future benefit accruals did not exceed 1 percent per plan year.

"(B) REQUESTS FOR ADDITIONAL SCHEDULES.—Upon the joint request of all bargaining parties, each of whom—

"(i) employs at least 5 percent of the active participants, or

"(ii) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of the active participants,

the plan sponsor shall include among the proposed schedules such schedules of increases in contributions and reductions in future benefit accruals as may be specified by the bargaining parties.

"(C) DEFAULT SCHEDULE.—In any case in which the bargaining parties, as of 240 days after the later of the date of the certification under subsection (a) or the first day the plan is in critical status under subsection (a)(3) or (b)(7), have not agreed to at least one of the proposed schedules, the plan sponsor shall amend the plan to implement the schedule required by subparagraph (A)(ii).

"(D) SUBSEQUENT AMENDMENTS.—Upon the adoption of a schedule of increases in contributions or reductions in future benefit accruals as part of the rehabilitation plan, the plan sponsor may amend the plan thereafter to update the schedule to adjust for any experience of the plan contrary to past actuarial assumptions, except that such an amendment may be made not more than once in any 3-year period.

"(E) ALLOCATION OF REDUCTIONS IN FUTURE BENEFIT ACCRUALS.—Any schedule containing reductions in future benefit accruals forming a part of a rehabilitation plan shall be applicable with respect to any group of active participants who are employed by any bargaining party (as an employer obligated to contribute under the plan) in proportion to the extent to which increases in contributions under such schedule apply to such bargaining party.

"(6) MAINTENANCE OF CONTRIBUTIONS AND RESTRICTIONS ON BENEFITS PENDING ADOPTION OF REHABILITATION PLAN.—The rules of paragraphs (5) and (6) of subsection (b) shall apply for purposes of this subsection by substituting the term 'rehabilitation plan' for 'funding improvement plan'.

"(7) DEEMED WITHDRAWAL.—Upon the failure of any employer who has an obligation to contribute under the plan to make contributions in compliance with the schedule adopted under paragraph (6) as part of the rehabilitation plan, the failure of the employer may, at the discretion of the plan sponsor, be treated as a withdrawal by the employer from the plan under section 4203 of the Employee Retirement and Income Security Act of 1974 or a partial withdrawal by the employer under section 4205 of such Act.

"(d) DEFINITIONS.—For purposes of this section—

"(1) BARGAINING PARTY.—The term 'bargaining party' means, in connection with a multiemployer plan—

"(A) an employer who has an obligation to contribute under the plan, and

"(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

"(2) CURRENT LIABILITY.—The term 'current liability' has the meaning provided such term in section 431(c)(6)(C).

"(3) UNFUNDED CURRENT LIABILITY.—The term 'unfunded current liability' means the excess (if any) of—

"(A) the current liability of the plan, over

"(B) the value of the plan's assets determined under section 431(c)(2).

"(4) FUNDED PERCENTAGE.—The term 'funded percentage' means the percentage expressed as a ratio of which—

"(A) the numerator of which is the value of the plan's assets, as determined under section 431(c)(2), and

"(B) the denominator of which is the accrued liability of the plan.

"(5) UNFUNDED VESTED BENEFITS.—The term 'unfunded vested benefits' has the meaning provided in section 418(b)(7).

"(6) ACCUMULATED FUNDING DEFICIENCY.—The term 'accumulated funding deficiency' has the meaning provided such term in section 431(a).

"(7) ACTIVE PARTICIPANT.—The term 'active participant' means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

"(8) INACTIVE PARTICIPANT.—The term 'inactive participant' means, in connection with a multiemployer plan, a participant who—

"(A) is not in covered service under the plan, and

"(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

"(9) PAY STATUS.—A person is in 'pay status' under a multiemployer plan if—

"(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

"(B) to the extent provided in regulations of the Secretary, such person is entitled to such a benefit under the plan.

"(10) OBLIGATION TO CONTRIBUTE.—The term 'obligation to contribute' has the meaning provided such term under section 4212(a).".

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter D of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 432. Additional funding rules for multiemployer plans in endangered status or critical status.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2005.

TITLE III—OTHER INTEREST-RELATED FUNDING PROVISIONS

SEC. 301. INTEREST RATE ASSUMPTION FOR DETERMINATION OF LUMP SUM DISTRIBUTIONS.

(a) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subparagraph (B) of section 205(g)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(g)(3)) is amended to read as follows:

"(B) For purposes of subparagraph (A)—

"(i) The term 'applicable mortality table' means the mortality table specified for the plan year under section 303(f)(3).

"(ii) The term 'applicable interest rate' means the adjusted first, second, and third segment rates applied under rules similar to the rules of section 303(f)(2)(B).

"(iii) For purposes of clause (ii), the adjusted first, second, and third segment rates are the first, second, and third segment rates which would be determined under section 303(f)(2)(C) if—

"(I) section 303(f)(2)(D)(i) were applied by substituting 'the yields' for 'a 3-year weighted average of yields', and

"(II) the applicable percentage under section 303(f)(2)(G) were determined in accordance with the following table:

"In the case of plan years beginning in:	The applicable percentage is:
2006	20 percent
2007	40 percent
2008	60 percent
2009	80 percent.".

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 417(e)(3)(A) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and inserting the following:

"(ii) APPLICABLE MORTALITY TABLE.—For purposes of clause (i), the term 'applicable mortality table' means the mortality table specified for the plan under section 430(f)(3).

"(iii) APPLICABLE INTEREST RATE.—For purposes of clause (i), the term 'applicable interest rate' means the adjusted first, second, and third segment rates applied under rules similar to the rules of section 430(f)(2)(B).

"(iv) ADJUSTED FIRST, SECOND, AND THIRD SEGMENT RATES.—For purposes of clause (iii), the adjusted first, second, and third segment rates are the first, second, and third segment rates which would be determined under section 430(f)(2)(C) if—

"(I) section 430(f)(2)(D)(i) were applied by substituting 'the yields' for 'a 3-year weighted average of yields', and

"(II) the applicable percentage under section 430(f)(2)(G) were determined in accordance with the following table:

"In the case of plan years beginning in:	The applicable percentage is:
2006	20 percent
2007	40 percent
2008	60 percent
2009	80 percent.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 2005.

SEC. 302. INTEREST RATE ASSUMPTION FOR APPLYING BENEFIT LIMITATIONS TO LUMP SUM DISTRIBUTIONS.

(a) IN GENERAL.—Clause (ii) of section 415(b)(2)(E) of the Internal Revenue Code of 1986 is amended to read as follows:

"(ii) For purposes of adjusting any benefit under subparagraph (B) for any form of benefit subject to section 417(e)(3), the interest rate assumption shall not be less than the greater of—

"(I) 5.5 percent,

"(II) the rate that provides a benefit of not more than 105 percent of the benefit that would be provided if the applicable interest rate (as defined in section 417(e)(3)) were the interest rate assumption, or

"(III) the rate specified under the plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions made in years beginning after 2005.

TITLE IV—IMPROVEMENTS IN PBGC GUARANTEE PROVISIONS

SEC. 401. INCREASES IN PBGC PREMIUMS.

(a) FLAT-RATE PREMIUMS.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended—

(1) by striking clause (i) of subparagraph (A) and inserting the following:

"(i) in the case of a single-employer plan—

"(I) for plan years beginning after December 31, 1990, and before January 1, 2008, an amount equal to the sum of $19, and

"(II) for plan years beginning after December 31, 2007, an amount determined under subparagraph (F),

plus the additional premium (if any) determined under subparagraph (E) for each individual who is a participant in such plan during the plan year;"; and

(2) by adding at the end the following new subparagraph:

"(F)(i) Except as otherwise provided in this subparagraph, for purposes of determining the annual premium rate payable to the corporation by a single-employer plan for basic benefits guaranteed under this title, the amount determined under this subparagraph is the greater of $30 or the adjusted amount determined under clause (ii).

"(ii) The adjusted amount determined under this clause is the product derived by multiplying $30 by the ratio of—

"(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year before the calendar year in which the plan year begins, to

"(II) the national average wage index (as so defined) for 2006,

with such product, if not a multiple of $1, being rounded to the next higher multiple of $1 where such product is a multiple of $0.50 but not of $1, and to the nearest multiple of $1 in any other case.

"(iii) For purposes of determining the annual premium rate payable to the corporation by a single-employer plan for basic benefits guaranteed under this title for any plan year beginning after 2007 and before 2012—

"(I) except as provided in subclause (II), the premium amount referred to in subparagraph (A)(i)(II) for any such plan year is the amount set forth in connection with such plan year in the following table:

"If the plan year begins in:	The amount is:
2008	$21.20
2009	$23.40
2010	$25.60
2011	$27.80; or

"(II) if the plan's funding target attainment percentage for the plan year preceding the current plan year was less than 80 percent, the premium amount referred to in subparagraph (A)(i)(II) for such current plan year is the amount set forth in connection with such current plan year in the following table:

"If the plan year begins in:	The amount is:
2008	$22.67
2009	$26.33
2010 or 2011	the amount provided under clause (i)

"(iv) For purposes of this subparagraph, the term 'funding target attainment percentage' has the meaning provided such term in section 303(d)(2).".

(b) RISK-BASED PREMIUMS.—

(1) IN GENERAL.—Section 4006(a)(3)(E) of such Act (29 U.S.C. 1306(a)(3)(E)) is amended—

(A) in clause (ii), by striking "$9.00" and inserting "the greater of $9.00 or the adjusted amount determined under clause (iii)";

(B) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(C) by inserting after clause (ii) the following new clause:

"(iii) The adjusted amount determined under this clause is the product derived by multiplying $9.00 by the ratio of—

"(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year before the calendar year in which the plan year begins, to

"(II) the national average wage index (as so defined) for 2006,

with such product, if not a multiple of $1.00, being rounded to the next higher multiple of $1.00 where such product is a multiple of $0.50 but not of $1.00, and to the nearest multiple of $1.00 in any other case.".

(2) CONFORMING AMENDMENTS RELATED TO FUNDING RULES FOR SINGLE-EMPLOYER PLANS.—Section 4006(a)(3)(E) of such Act (as amended by paragraph (1)) is amended further—

(A) by striking clause (iv) and inserting the following:

"(iv)(I) For purposes of clause (ii), except as provided in subclause (II) or (III), the term 'unfunded benefits' means, for a plan year, the amount which would be the plan's funding shortfall (as defined in section 303(c)(4)), if the value of plan assets of the plan were equal to the fair market value of such assets and determined without regard to section 303(e)(1), and only vested benefits were taken into account.

"(II) The interest rate used in valuing vested benefits for purposes of subclause (I) shall be equal to the first, second, or third segment rate which would be determined under section 303(f)(2)(C) if section 303(f)(2)(D)(i) were applied by substituting 'the yields' for 'the 3-year weighted average of yields', as applicable under rules similar to the rules under section 303(f)(2)(B)."; and

(B) by striking clause (iv).

(3) EFFECTIVE DATES.—

(A) The amendments made by paragraph (1) shall apply with respect to premiums for plan years after 2007.

(B) The amendments made by paragraph (2) shall apply with respect to plan years beginning after 2005.

TITLE V—DISCLOSURE

SEC. 501. DEFINED BENEFIT PLAN FUNDING NOTICES.

(a) APPLICATION OF PLAN FUNDING NOTICE REQUIREMENTS TO ALL DEFINED BENEFIT PLANS.—Section 101(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)) is amended—

(1) in the heading, by striking "MULTIEMPLOYER";

(2) in paragraph (1), by striking "which is a multiemployer plan"; and

(3) in paragraph (2)(B)(iii), by inserting after "plan" the following: ", and a summary of the rules governing termination of single-employer plans under subtitle C of title IV".

(b) INCLUSION OF STATEMENT OF THE RATIO OF INACTIVE PARTICIPANTS TO ACTIVE PARTICIPANTS.—Section 101(f)(2)(B) of such Act (29 U.S.C. 1021(f)(2)(B)) is amended—

(1) in clause (iii)(II) (added by subsection (a)(3) of this section), by striking "and" at the end;

(2) in clause (iv), by striking "apply." and inserting "apply; and"; and

(3) by adding at the end the following new clause:

"(v) a statement of the ratio, as of the end of the plan year to which the notice relates, of—

"(I) the number of participants who are not in covered service under the plan and are in pay status under the plan or have a nonforfeitable right to benefits under the plan, to

"(II) the number of participants who are in covered service under the plan.".

(c) COMPARISON OF MONTHLY AVERAGE OF VALUE OF PLAN ASSETS TO PROJECTED CURRENT LIABILITIES.—Section 101(f)(2)(B) of such Act (29 U.S.C. 1021(f)(2)(B)) (as amended by the preceding provisions of this section) is amended further—

(1) by striking clause (ii) and inserting the following:

"(ii) a statement of a reasonable estimate of—

"(I) the value of the plan's assets for the plan year to which the notice relates,

"(II) projected liabilities of the plan for the plan year to which the notice relates, and

"(III) the ratio of the estimated amount determined under subclause (I) to the estimated amount determined under subclause (II);"; and

(2) by adding at the end (after and below clause (v)) the following:

"For purposes of determining a plan's projected liabilities for a plan year under clause (ii)(II), such projected liabilities shall be determined by projecting forward in a reasonable manner to the end of the plan year the liabilities of the plan to participants and beneficiaries as of the first day of the plan year, taking into account any significant events that occur during the plan year and that have a material effect on such liabilities, including any plan amendments in effect for the plan year.".

(d) STATEMENT OF PLAN'S FUNDING POLICY AND METHOD OF ASSET ALLOCATION.—Section 101(f)(2)(B) of such Act (as amended by the preceding provisions of this section) is amended further—

(1) in clause (iv), by striking "and" at the end;

(2) in clause (v), by striking the period and inserting "; and"; and

(3) by inserting after clause (v) the following new clause:

"(vi) a statement setting forth the funding policy of the plan and the asset allocation of investments under the plan (expressed as percentages of total assets) as of the end of the plan year to which the notice relates.".

(e) NOTICE OF FUNDING IMPROVEMENT PLAN OR REHABILITATION PLAN ADOPTED BY MULTIEMPLOYER PLAN.—Section 101(f)(2)(B) of such Act (as amended by the preceding provisions of this section) is amended further—

(1) in clause (v), by striking "and" at the end;

(2) in clause (vi), by striking the period and inserting "; and"; and

(3) by inserting after clause (vi) the following new clause:

"(vii) a summary of any funding improvement plan, rehabilitation plan, or modification thereof adopted under section 305 during the plan year to which the notice relates.".

(f) NOTICE PROVIDED TO ALTERNATE PAYEES.—Section 101(f)(1) of such Act (29 U.S.C. 1021(f)(1)) is amended by adding at the end the following new sentence: "For purposes of this paragraph, the term 'beneficiary' includes an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)) receiving benefits under the plan.".

(g) NOTICE DUE 90 DAYS AFTER PLAN'S VALUATION DATE.—Section 101(f)(3) of such Act (29 U.S.C. 1021(f)(3)) is amended by striking "two months after the deadline (including extensions) for filing the annual report for the plan year" and inserting "90 days after the end of the plan year".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 502. ADDITIONAL DISCLOSURE REQUIREMENTS.

(a) ADDITIONAL ANNUAL REPORTING REQUIREMENTS.—Section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) is amended—

(1) in subsection (a)(1)(B), by striking "subsections (d) and (e)" and inserting "subsections (d), (e), and (f)"; and

(2) by adding at the end the following new subsection:

"(f)(1) With respect to any defined benefit plan, an annual report under this section for a plan year shall include the following:

"(A)(i) The ratio of the number of inactive participants under the plan as of the end of such plan year to the number of active participants as of the end of such plan year.

"(ii) For purposes of clause (i)—

"(I) the term 'active participant' means an individual who is in covered service under the plan, and

"(II) the term 'inactive participant' means an individual who is not in covered service under the plan who is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

"(B) In any case in which any liabilities to participants or their beneficiaries under such plan as of the end of such plan year consist (in whole or in part) of liabilities to such participants and beneficiaries borne by 2 or more pension plans as of immediately before such plan year, the funded ratio of each of such 2 or more pension plans as of immediately before such plan year and the funded ratio of the plan with respect to which the annual report is filed as of the end of such plan year.

"(C) For purposes of this paragraph, the term 'funded ratio' means, in connection with a plan, the percentage which—

"(i) the value of the plan's assets is of

"(ii) the liabilities to participants and beneficiaries under the plan.

"(2) With respect to any defined benefit plan which is a multiemployer plan, an annual report under this section for a plan year shall include the following:

"(A) The number of employers obligated to contribute to the plan as of the end of such plan year.

"(B) The number of participants under the plan on whose behalf no employer contributions have been made to the plan for such plan year. For purposes of this subparagraph, the term 'employer contribution' means, in connection with a participant, a contribution made by an employer as an employer of such participant.".

(b) ADDITIONAL INFORMATION IN ANNUAL ACTUARIAL STATEMENT REGARDING PLAN RETIREMENT PROJECTIONS.—Section 103(d) of such Act (29 U.S.C. 1023(d)) is amended—

(1) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively; and

(2) by inserting after paragraph (11) the following new paragraph:

"(12) A statement explaining the actuarial assumptions and methods used in projecting future retirements and asset distributions under the plan.".

(c) SUMMARY ANNUAL REPORT FILED WITHIN 15 DAYS AFTER DEADLINE FOR FILING OF ANNUAL REPORT.—Section 104(b)(3) of such Act (29 U.S.C. 1024(b)(3)) is amended—

(1) by striking "Within 210 days after the close of the fiscal year," and inserting "Within 15 business days after the due date under subsection (a)(1) for the filing of the annual report for the fiscal year of the plan"; and

(2) by striking "the latest" and inserting "such".

(d) INFORMATION MADE AVAILABLE TO PARTICIPANTS, BENEFICIARIES, AND EMPLOYERS WITH RESPECT TO MULTIEMPLOYER PLANS.—

(1) IN GENERAL.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021) is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following new subsection:

"(j) MULTIEMPLOYER PLAN INFORMATION MADE AVAILABLE ON REQUEST.—

"(1) IN GENERAL.—Each administrator of a multiemployer plan shall furnish to any plan participant or beneficiary or any employer having an obligation to contribute to the plan, who so requests in writing—

"(A) a copy of any actuary report received by the plan for any plan year which has been in receipt by the plan for at least 30 days, and

"(B) a copy of any financial report prepared for the plan by any plan investment manager or advisor or other person who is a plan fiduciary which has been in receipt by the plan for at least 30 days.

"(2) COMPLIANCE.—Information required to be provided under paragraph (1) —

"(A) shall be provided to the requesting participant, beneficiary, or employer within 30 days after the request in a form and manner prescribed in regulations of the Secretary, and

"(B) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to persons to whom the information is required to be provided.

"(3) LIMITATIONS.—In no case shall a participant, beneficiary, or employer be entitled under this subsection to receive more than one copy of any report described in paragraph (1) during any one 12-month period. The administrator may make a reasonable charge to cover copying, mailing, and other costs of furnishing copies of information pursuant to paragraph (1). The Secretary may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.".

(2) ENFORCEMENT.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) is amended by inserting "or 101(j)" after "101(f)(1)".

(3) REGULATIONS.—The Secretary shall prescribe regulations under section 101(j)(2) of the Employee Retirement Income Security Act of 1974 (added by paragraph (1) of this subsection) not later than 90 days after the date of the enactment of this Act.

(e) NOTICE OF POTENTIAL WITHDRAWAL LIABILITY TO MULTIEMPLOYER PLANS.—

(1) IN GENERAL.—Section 101 of such Act (as amended by subsection (e) of this section) is amended further—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

"(k) NOTICE OF POTENTIAL WITHDRAWAL LIABILITY.—

"(1) IN GENERAL.—The plan sponsor or administrator shall furnish to any employer who has an obligation to contribute under the plan and who so requests in writing notice of—

"(A) the amount which would be the amount of such employer's withdrawal liability under part 1 of subtitle E of title IV if such employer withdrew on the last day of the plan year preceding the date of the request, and

"(B) the average increase, per participant under the plan, in accrued liabilities under the plan as of the end of such plan year to participants under such plan on whose behalf no employer contributions are payable (or their beneficiaries), which would be attributable to such a withdrawal by such employer.

For purposes of subparagraph (B), the term 'employer contribution' means, in connection with a participant, a contribution made by an employer as an employer of such participant.

"(2) COMPLIANCE.—Any notice required to be provided under paragraph (1)—

"(A) shall be provided to the requesting employer within 180 days after the request in a form and manner prescribed in regulations of the Secretary, and

"(B) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to employers to whom the information is required to be provided.

"(3) LIMITATIONS.—In no case shall an employer be entitled under this subsection to receive more than one notice described in paragraph (1) during any one 12-month period. The person required to provide such notice may make a reasonable charge to cover copying, mailing, and other costs of furnishing such notice pursuant to paragraph (1). The Secretary may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 503. NOTICE TO PARTICIPANTS AND BENEFICIARIES OF SECTION 4010 FILINGS WITH THE PBGC.

(a) IN GENERAL.—Section 4010 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1310) is amended by adding at the end the following new subsection:

"(d) NOTICE TO PARTICIPANTS AND BENEFICIARIES.—

"(1) IN GENERAL.—Not later than 90 days after the submission by any person to the corporation of information or documentary material with respect to any plan pursuant to subsection (a), such person shall provide notice of such submission to each participant and beneficiary under the plan (and under all plans maintained by members of the controlled group of each contributing sponsor of the plan). Such notice shall also set forth—

"(A) the number of single-employer plans covered by this title which are in at-risk status and are maintained by contributing sponsors of such plan (and by members of their controlled groups) with respect to which the funding target attainment percentage for the preceding plan year of each plan is less than 60 percent;

"(B) the value of the assets of each of the plans described in subparagraph (A) for the plan year, the funding target for each of such plans for the plan year, and the funding target attainment percentage of each of such plans for the plan year; and

"(C) taking into account all single-employer plans maintained by the contributing sponsor and the members of its controlled group as of the end of such plan year—

"(i) the aggregate total of the values of plan assets of such plans as of the end of such plan year,

"(ii) the aggregate total of the funding targets of such plans, as of the end of such plan year, taking into account only benefits to which participants and beneficiaries have a nonforfeitable right, and

"(iii) the aggregate funding targets attainment percentage with respect to the contributing sponsor for the preceding plan year.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) VALUE OF PLAN ASSETS.—The term 'value of plan assets' means the value of plan assets, as determined under section 303(a)(2).

"(B) FUNDING TARGET.—The term 'funding target' has the meaning provided under section 303(d)(1).

"(C) FUNDING TARGET ATTAINMENT PERCENTAGE.—The term 'funding target attainment percentage' has the meaning provided in section 303(d)(2).

"(D) AGGREGATE FUNDING TARGET ATTAINMENT PERCENTAGE.—The term 'aggregate funding targets attainment percentage' with respect to a contributing sponsor for a plan year is the percentage, taking into account all plans maintained by the contributing sponsor and the members of its controlled group as of the end of such plan year, which

"(i) the aggregate total of the values of plan assets, as of the end of such plan year, of such plans, is of

"(ii) the aggregate total of the funding targets of such plans, as of the end of such plan year, taking into account only benefits to which participants and beneficiaries have a nonforfeitable right.

"(E) AT-RISK STATUS.—The term 'at-risk status' has the meaning provided in section 303(h)(3).

"(3) COMPLIANCE.—

"(A) IN GENERAL.—Any notice required to be provided under paragraph (1) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to individuals to whom the information is required to be provided.

"(B) LIMITATIONS.—In no case shall a participant or beneficiary be entitled under this subsection to receive more than one notice described in paragraph (1) during any one 12-month period. The person required to provide such notice may make a reasonable charge to cover copying, mailing, and other costs of furnishing such notice pursuant to paragraph (1). The corporation may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to plan years beginning after 2006.

TITLE VI—INVESTMENT ADVICE

SEC. 601. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 PROVIDING PROHIBITED TRANSACTION EXEMPTION FOR PROVISION OF INVESTMENT ADVICE.

(a) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

"(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

"(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

"(B) The transactions described in this subparagraph are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.".

(b) REQUIREMENTS.—Section 408 of such Act is amended further by adding at the end the following new subsection:

"(g) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—

"(1) IN GENERAL.—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(i) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

"(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

"(vi) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

"(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(2) STANDARDS FOR PRESENTATION OF INFORMATION.—

"(A) IN GENERAL.—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(B) MODEL FORM FOR DISCLOSURE OF FEES AND OTHER COMPENSATION.—The Secretary shall issue a model form for the disclosure of fees and other compensation required in paragraph (1)(A)(i) which meets the requirements of subparagraph (A).

"(3) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of subparagraph (A) in currently accurate form and in the manner described in paragraph (2) or fails—

"(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(4) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(5) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

"(B) CONTINUED DUTY OF PRUDENT SELECTION OF ADVISER AND PERIODIC REVIEW.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

"(C) AVAILABILITY OF PLAN ASSETS FOR PAYMENT FOR ADVICE.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

"(6) DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

"(A) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(ii) a bank or similar financial institution referred to in section 408(b)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

"(iii) an insurance company qualified to do business under the laws of a State,

"(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(v) an affiliate of a person described in any of clauses (i) through (iv), or

"(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(B) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(C) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to advice referred to in section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 provided on or after January 1, 2006.

SEC. 602. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986 PROVIDING PROHIBITED TRANSACTION EXEMPTION FOR PROVISION OF INVESTMENT ADVICE.

(a) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended—

(1) in paragraph (14), by striking "or" at the end;

(2) in paragraph (15), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(16) any transaction described in subsection (f)(7)(A) in connection with the provision of investment advice described in subsection (e)(3)(B)(i), in any case in which—

"(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(C) the requirements of subsection (f)(7)(B) are met in connection with the provision of the advice.".

(b) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(7) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

"(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(16), in connection with the provision of investment advice by a fiduciary adviser, are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

"(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—The requirements of this subparagraph (referred to in subsection (d)(16)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

"(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

"(VI) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

"(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

"(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(16) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

"(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

"(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

"(i) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(II) a bank or similar financial institution referred to in subsection (d)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

"(III) an insurance company qualified to do business under the laws of a State,

"(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(V) an affiliate of a person described in any of subclauses (I) through (IV), or

"(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(ii) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(iii) Registered Representative.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).".

(c) Effective Date.—The amendments made by this section shall apply with respect to advice referred to in section 4975(c)(3)(B) of the Internal Revenue Code of 1986 provided on or after January 1, 2006.

TITLE VII—DEDUCTION LIMITATIONS

SEC. 701. INCREASE IN DEDUCTION LIMITS.

(a) Increase in Deduction Limit for Single-Employer Plans.—Section 404 of the Internal Revenue Code of 1986 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended—

(1) in subsection (a)(1)(A), by inserting "in the case of a defined benefit plan other than a multiemployer plan, in an amount determined under subsection (o), and in the case of any other plan" after "section 501(a),", and

(2) by inserting at the end the following new subsection:

"(o) Deduction Limit for Single-Employer Plans.—For purposes of subsection (a)(1)(A)—

"(1) In general.—In the case of a defined benefit plan to which subsection (a)(1)(A) applies (other than a multiemployer plan), the amount determined under this subsection for any taxable year shall be equal to the amount determined under paragraph (2) with respect to each plan year ending with or within the taxable year.

"(2) Determination of amount.—The amount determined under this paragraph for any plan year shall be equal to the excess (if any) of—

"(A) the greater of—

"(i) the sum of—

"(I) 150 percent of the funding target applicable to the plan for such plan year, determined under section 430(e), plus

"(II) the target normal cost applicable to the plan for such plan year, determined under section 430(b), or

"(ii) in the case of a plan that is not in an at-risk status (as determined under 430(g)), the sum of—

"(I) the funding target which would be applicable to the plan for such plan year if such plan were in an at-risk status, determined under section 430(e) (with regard to section 430(g)), plus

"(II) the target normal cost which would be applicable to the plan for such plan year if such plan were in an at-risk status, determined under section 430(b) (with regard to section 430(g)), over

"(B) the value of the plan assets (determined under section 430(e) as of the valuation date of the plan).

"(3) Special rule for terminating plans.—In the case of a plan which, subject to section 4041 of the Employee Retirement Income Security Act of 1974, terminates during the plan year, the amount determined under paragraph (2) shall not be less than the amount required to make the plan sufficient for benefit liabilities (within the meaning of section 4041(d) of such Act).

"(4) Definitions.—Any term used in this subsection which is also used in section 430 shall have the same meaning given such term by section 430.".

(b) Increase in Deduction Limit for Multiemployer Plans.—Section 404(a)(1)(D) of such Code is amended to read as follows:

"(D) Amount determined on basis of unfunded current liability.—

"(i) In general.—In the case of a defined benefit plan which is a multiemployer plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded current liability of the plan.

"(ii) Unfunded current liability.—For purposes of clause (i), the term 'unfunded current liability' means the excess (if any) of—

"(I) 140 percent of the current liability of the plan determined under section 431(c)(6)(C), over

"(II) the value of the plan's assets determined under section 431(c)(2).".

(c) Technical and Conforming Amendments.—

(1) The last sentence of section 404(a)(1)(A) of such Code is amended by striking "section 412" each place it appears and inserting "section 431". .

(2) Section 404(a)(1)(B) of such Code is amended—

(A) by striking "In the case of a plan" and inserting "In the case of a multiemployer plan",

(B) by striking "section 412(c)(7)" each place it appears and inserting "section 431(c)(6)",

(C) by striking "section 412(c)(7)(B)" and inserting "section 431(c)(6)(A)(ii)",

(D) by striking "section 412(c)(7)(A)" and inserting "section 431(c)(6)(A)(i)", and

(E) by striking "section 412" and inserting "section 431".

(3) Section 404(a)(1) of such Code is amended by striking subparagraph (F).

(4) Section 404(a)(7) of such Code is amended—

(A) in subparagraph (A)(ii), by striking "for the plan year" and all that follows and inserting "which are multiemployer plans for the plan year which ends with or within such taxable year (or for any prior plan year) and the maximum amount of employer contributions allowable under subsection (o) with respect to any such defined benefit plans which are not multiemployer plans for the plan year.",

(B) by striking "section 412(l)" in the last sentence of subparagraph (A) and inserting "paragraph (1)(D)(ii)", and

(C) by striking subparagraph (D) and inserting:

"(D) Insurance contract plans.—For purposes of this paragraph, a plan described in section 412(d)(3) shall be treated as a defined benefit plan.".

(5) Section 404A(g)(3)(A) of such Code is amended by striking "paragraphs (3) and (7) of section 412(c)" and inserting "sections 430(d)(1) and 431(c) (3) and (6)".

(d) Effective Date.—The amendments made by this section shall apply to contributions for taxable years beginning after 2005.

SEC. 702. UPDATING DEDUCTION RULES FOR COMBINATION OF PLANS.

(a) In General.—Subparagraph (C) of section 404(a)(7) (relating to limitation on deductions where combination of defined contribution plan and defined benefit plan) is amended by adding after clause (ii) the following new clause:

"(iii) Limitation.—In the case of employer contributions to 1 or more defined contribution plans, this paragraph shall only apply to the extent that such contributions exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans. For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions to the extent attributable to employer contributions to such plans in such preceding taxable years.".

(b) Conforming Amendments.—Subparagraph (A) of section 4972(c)(6) of such Code (relating to nondeductible contributions) is amended to read as follows:

"(A) so much of the contributions to 1 or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the amount of contributions described in section 401(m)(4)(A), or".

(c) Effective Date.—The amendments made by this section shall apply to contributions for taxable years beginning after December 31, 2005.

The SPEAKER pro tempore. In lieu of the amendments recommended by the Committees on Education and the Workforce and Ways and Means printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 109–346 is adopted.

The text of the amendment in the nature of a substitute is as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Pension Protection Act of 2005".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REFORM OF FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

Sec. 101. Minimum funding standards.
Sec. 102. Funding rules for single-employer defined benefit pension plans.
Sec. 103. Benefit limitations under single-employer plans.
Sec. 104. Technical and conforming amendments.

Subtitle B—Amendments to Internal Revenue Code of 1986

Sec. 111. Minimum funding standards.
Sec. 112. Funding rules for single-employer defined benefit pension plans.
Sec. 113. Benefit limitations under single-employer plans.
Sec. 114. Technical and conforming amendments.

Subtitle C—Other Provisions

Sec. 121. Modification of transition rule to pension funding requirements.
Sec. 122. Treatment of nonqualified deferred compensation plans when employer defined benefit plan in at-risk status.

TITLE II—FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

Sec. 201. Funding rules for multiemployer defined benefit plans.

Sec. 202. Additional funding rules for multiemployer plans in endangered or critical status.
Sec. 203. Measures to forestall insolvency of multiemployer plans.
Sec. 204. Withdrawal liability reforms.
Sec. 205. Removal of restrictions with respect to procedures applicable to disputes involving withdrawal liability.

Subtitle B—Amendments to Internal Revenue Code of 1986

Sec. 211. Funding rules for multiemployer defined benefit plans.
Sec. 212. Additional funding rules for multiemployer plans in endangered or critical status.
Sec. 213. Measures to forestall insolvency of multiemployer plans.

TITLE III—OTHER PROVISIONS

Sec. 301. Interest rate for 2006 funding requirements.
Sec. 302. Interest rate assumption for determination of lump sum distributions.
Sec. 303. Interest rate assumption for applying benefit limitations to lump sum distributions.
Sec. 304. Distributions during working retirement.
Sec. 305. Other amendments relating to prohibited transactions.
Sec. 306. Correction period for certain transactions involving securities and commodities.
Sec. 307. Recovery by reimbursement or subrogation with respect to provided benefits.
Sec. 308. Exercise of control over plan assets in connection with qualified changes in investment options.
Sec. 309. Clarification of fiduciary rules.
Sec. 310. Government Accountability Office pension funding report.

TITLE IV—IMPROVEMENTS IN PBGC GUARANTEE PROVISIONS

Sec. 401. Increases in PBGC premiums.

TITLE V—DISCLOSURE

Sec. 501. Defined benefit plan funding notices.
Sec. 502. Additional disclosure requirements.
Sec. 503. Section 4010 filings with the PBGC.

TITLE VI—INVESTMENT ADVICE

Sec. 601. Amendments to Employee Retirement Income Security Act of 1974 providing prohibited transaction exemption for provision of investment advice.
Sec. 602. Amendments to Internal Revenue Code of 1986 providing prohibited transaction exemption for provision of investment advice.

TITLE VII—BENEFIT ACCRUAL STANDARDS

Sec. 701. Benefit accrual standards.

TITLE VIII—DEDUCTION LIMITATIONS

Sec. 801. Increase in deduction limits.
Sec. 802. Updating deduction rules for combination of plans.

TITLE IX—ENHANCED RETIREMENTS SAVINGS AND DEFINED CONTRIBUTION PLANS

Sec. 901. Pensions and individual retirement arrangement provisions of Economic Growth and Tax Relief Reconciliation Act of 2001 made permanent.
Sec. 902. Saver's credit.
Sec. 903. Increasing participation through automatic contribution arrangements.
Sec. 904. Penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.
Sec. 905. Waiver of 10 percent early withdrawal penalty tax on certain distributions of pension plans for public safety employees.
Sec. 906. Combat zone compensation taken into account for purposes of determining limitation and deductibility of contributions to individual retirement plans.
Sec. 907. Direct payment of tax refunds to individual retirement plans.
Sec. 908. IRA eligibility for the disabled.
Sec. 909. Allow rollovers by nonspouse beneficiaries of certain retirement plan distributions.

TITLE X—PROVISIONS TO ENHANCE HEALTH CARE AFFORDABILITY

Sec. 1001. Treatment of annuity and life insurance contracts with a long-term care insurance feature.
Sec. 1002. Disposition of unused health and dependent care benefits in cafeteria plans and flexible spending arrangements.
Sec. 1003. Distributions from governmental retirement plans for health and long-term care insurance for public safety officers.

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Provisions relating to plan amendments.

TITLE I—REFORM OF FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

SEC. 101. MINIMUM FUNDING STANDARDS.

(a) REPEAL OF EXISTING FUNDING RULES.—Sections 302 through 308 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082 through 1086) are repealed.

(b) NEW MINIMUM FUNDING STANDARDS.—Part 3 of subtitle B of title I of such Act (as amended by subsection (a)) is amended further by inserting after section 301 the following new section:

"MINIMUM FUNDING STANDARDS

"SEC. 302. (a) REQUIREMENT TO MEET MINIMUM FUNDING STANDARD.—

"(1) IN GENERAL.—A plan to which this part applies shall satisfy the minimum funding standard applicable to the plan for any plan year.

"(2) MINIMUM FUNDING STANDARD.—For purposes of paragraph (1), a plan shall be treated as satisfying the minimum funding standard for a plan year if—

"(A) in the case of a defined benefit plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which, in the aggregate, are not less than the minimum required contribution determined under section 303 for the plan for the plan year,

"(B) in the case of a money purchase plan which is a single-employer plan, the employer makes contributions to or under the plan for the plan year which are required under the terms of the plan, and

"(C) in the case of a multiemployer plan, the employers make contributions to or under the plan for any plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 304 as of the end of the plan year.

"(b) LIABILITY FOR CONTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amount of any contribution required by this section (including any required installments under paragraphs (3) and (4) of section 303(j)) shall be paid by the employer responsible for making contributions to or under the plan.

"(2) JOINT AND SEVERAL LIABILITY WHERE EMPLOYER MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if the employer referred to in paragraph (1) is a member of a controlled group, each member of such group shall be jointly and severally liable for payment of such contributions.

"(c) VARIANCE FROM MINIMUM FUNDING STANDARDS.—

"(1) WAIVER IN CASE OF BUSINESS HARDSHIP.—

"(A) IN GENERAL.—If—

"(i) an employer is (or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan is) unable to satisfy the minimum funding standard for a plan year without temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan), and

"(ii) application of the standard would be adverse to the interests of plan participants in the aggregate,

the Secretary of the Treasury may, subject to subparagraph (C), waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard. The Secretary of the Treasury shall not waive the minimum funding standard with respect to a plan for more than 3 of any 15 (5 of any 15 in the case of a multiemployer plan) consecutive plan years.

"(B) EFFECTS OF WAIVER.—If a waiver is granted under subparagraph (A) for any plan year—

"(i) in the case of a single-employer plan, the minimum required contribution under section 303 for the plan year shall be reduced by the amount of the waived funding deficiency and such amount shall be amortized as required under section 303(e), and

"(ii) in the case of a multiemployer plan, the funding standard account shall be credited under section 304(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 304(b)(2)(C).

"(C) WAIVER OF AMORTIZED PORTION NOT ALLOWED.—The Secretary of the Treasury may not waive under subparagraph (A) any portion of the minimum funding standard under subsection (a) for a plan year which is attributable to any waived funding deficiency for any preceding plan year.

"(2) DETERMINATION OF BUSINESS HARDSHIP.—For purposes of this subsection, the factors taken into account in determining temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan) shall include (but shall not be limited to) whether or not—

"(A) the employer is operating at an economic loss,

"(B) there is substantial unemployment or underemployment in the trade or business and in the industry concerned,

"(C) the sales and profits of the industry concerned are depressed or declining, and

"(D) it is reasonable to expect that the plan will be continued only if the waiver is granted.

"(3) WAIVED FUNDING DEFICIENCY.—For purposes of this part, the term 'waived funding deficiency' means the portion of the minimum funding standard under subsection (a) (determined without regard to the waiver) for a plan year waived by the Secretary of the Treasury and not satisfied by employer contributions.

"(4) SECURITY FOR WAIVERS FOR SINGLE-EMPLOYER PLANS, CONSULTATIONS.—

"(A) SECURITY MAY BE REQUIRED.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), the Secretary of the Treasury may require an employer maintaining a defined benefit plan which is a single-employer plan (within the meaning of section 4001(a)(15)) to provide security to such plan as a condition for granting or modifying a waiver under paragraph (1).

"(ii) SPECIAL RULES.—Any security provided under clause (i) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Corporation, by a contributing sponsor (within the meaning of section 4001(a)(13)), or a member of such sponsor's controlled group (within the meaning of section 4001(a)(14)).

"(B) CONSULTATION WITH THE PENSION BENEFIT GUARANTY CORPORATION.—Except as provided in subparagraph (C), the Secretary of the Treasury shall, before granting or modifying a waiver under this subsection with respect to a plan described in subparagraph (A)(i)—

"(i) provide the Pension Benefit Guaranty Corporation with—

"(I) notice of the completed application for any waiver or modification, and

"(II) an opportunity to comment on such application within 30 days after receipt of such notice, and

"(ii) consider—

"(I) any comments of the Corporation under clause (i)(II), and

"(II) any views of any employee organization (within the meaning of section 3(4)) representing participants in the plan which are submitted in writing to the Secretary of the Treasury in connection with such application.

Information provided to the Corporation under this subparagraph shall be considered tax return information and subject to the safeguarding and reporting requirements of section 6103(p) of the Internal Revenue Code of 1986.

"(C) EXCEPTION FOR CERTAIN WAIVERS.—

"(i) IN GENERAL.—The preceding provisions of this paragraph shall not apply to any plan with respect to which the sum of—

"(I) the aggregate unpaid minimum required contribution for the plan year and all preceding plan years, and

"(II) the present value of all waiver amortization installments determined for the plan year and succeeding plan years under section 303(e)(2),

is less than $1,000,000.

"(ii) TREATMENT OF WAIVERS FOR WHICH APPLICATIONS ARE PENDING.—The amount described in clause (i)(I) shall include any increase in such amount which would result if all applications for waivers of the minimum funding standard under this subsection which are pending with respect to such plan were denied.

"(iii) UNPAID MINIMUM REQUIRED CONTRIBUTION.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'unpaid minimum required contribution' means, with respect to any plan year, any minimum required contribution under section 303 for the plan year which is not paid on or before the due date (as determined under section 303(j)(1)) for the plan year.

"(II) ORDERING RULE.—For purposes of subclause (I), any payment to or under a plan for any plan year shall be allocated first to unpaid minimum required contributions for all preceding plan years on a first-in, first-out basis and then to the minimum required contribution under section 303 for the plan year.

"(5) SPECIAL RULES FOR SINGLE-EMPLOYER PLANS.—

"(A) APPLICATION MUST BE SUBMITTED BEFORE DATE 2½ MONTHS AFTER CLOSE OF YEAR.—In the case of a single-employer plan, no waiver may be granted under this subsection with respect to any plan for any plan year unless an application therefor is submitted to the Secretary of the Treasury not later than the 15th day of the 3rd month beginning after the close of such plan year.

"(B) SPECIAL RULE IF EMPLOYER IS MEMBER OF CONTROLLED GROUP.—In the case of a single-employer plan, if an employer is a member of a controlled group, the temporary substantial business hardship requirements of paragraph (1) shall be treated as met only if such requirements are met—

"(i) with respect to such employer, and

"(ii) with respect to the controlled group of which such employer is a member (determined by treating all members of such group as a single employer).

The Secretary of the Treasury may provide that an analysis of a trade or business or industry of a member need not be conducted if such Secretary determines such analysis is not necessary because the taking into account of such member would not significantly affect the determination under this paragraph.

"(6) ADVANCE NOTICE.—

"(A) IN GENERAL.—The Secretary of the Treasury shall, before granting a waiver under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such waiver to to each affected party (as defined in section 4001(a)(21)). Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

"(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under subparagraph (A).

"(7) RESTRICTION ON PLAN AMENDMENTS.—

"(A) IN GENERAL.—No amendment of a plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under this subsection or an extension of time under section 304(d) is in effect with respect to the plan, or if a plan amendment described in subsection (d)(2) has been made at any time in the preceding 12 months (24 months in the case of a multiemployer plan). If a plan is amended in violation of the preceding sentence, any such waiver, or extension of time, shall not apply to any plan year ending on or after the date on which such amendment is adopted.

"(B) EXCEPTION.—Paragraph (1) shall not apply to any plan amendment which—

"(i) the Secretary of the Treasury determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

"(ii) only repeals an amendment described in subsection (d)(2), or

"(iii) is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986.

"(8) CROSS REFERENCE.—For corresponding duties of the Secretary of the Treasury with regard to implementation of the Internal Revenue Code of 1986, see section 412(c) of such Code.

"(d) MISCELLANEOUS RULES.—

"(1) CHANGE IN METHOD OR YEAR.—If the funding method, the valuation date, or a plan year for a plan is changed, the change shall take effect only if approved by the Secretary of the Treasury.

"(2) CERTAIN RETROACTIVE PLAN AMENDMENTS.—For purposes of this section, any amendment applying to a plan year which—

"(A) is adopted after the close of such plan year but no later than 2½ months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

"(B) does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

"(C) does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances,

shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary of the Treasury notifying him of such amendment and such Secretary has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary of the Treasury unless such Secretary determines that such amendment is necessary because of a substantial business hardship (as determined under subsection (c)(2)) and that a waiver under subsection (c) (or, in the case of a multiemployer plan, any extension of the amortization period under section 304(d)) is unavailable or inadequate.

"(3) CONTROLLED GROUP.—For purposes of this section, the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.".

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the items relating to sections 302 through 308 and inserting the following new item:

"Sec. 302. Minimum funding standards.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2006.

SEC. 102. FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by section 101 of this Act) is amended further by inserting after section 302 the following new section:

"MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

"SEC. 303. (a) MINIMUM REQUIRED CONTRIBUTION.—For purposes of this section and section 302(a)(2)(A), except as provided in subsection (f), the term 'minimum required contribution' means, with respect to any plan year of a single-employer plan—

"(1) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) is less than the funding target of the plan for the plan year, the sum of—

"(A) the target normal cost of the plan for the plan year,

"(B) the shortfall amortization charge (if any) for the plan for the plan year determined under subsection (c), and

"(C) the waiver amortization charge (if any) for the plan for the plan year as determined under subsection (e);

"(2) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) exceeds the funding target of the plan for the plan year, the target normal cost of the plan for the plan year reduced by such excess; or

"(3) in any other case, the target normal cost of the plan for the plan year.

"(b) Target Normal Cost.—For purposes of this section, except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year. For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.

"(c) Shortfall Amortization Charge.—

"(1) In general.—For purposes of this section, the shortfall amortization charge for a plan for any plan year is the aggregate total of the shortfall amortization installments for such plan year with respect to the shortfall amortization bases for such plan year and each of the 6 preceding plan years.

"(2) Shortfall amortization installment.—The plan sponsor shall determine, with respect to the shortfall amortization base of the plan for any plan year, the amounts necessary to amortize such shortfall amortization base, in level annual installments over a period of 7 plan years beginning with such plan year. For purposes of paragraph (1), the annual installment of such amortization for each plan year in such 7-plan-year period is the shortfall amortization installment for such plan year with respect to such shortfall amortization base. In determining any shortfall amortization installment under this paragraph, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

"(3) Shortfall amortization base.—For purposes of this section, the shortfall amortization base of a plan for a plan year is the excess (if any) of—

"(A) the funding shortfall of such plan for such plan year, over

"(B) the sum of—

"(i) the present value (determined using the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)) of the aggregate total of the shortfall amortization installments, for such plan year and the 5 succeeding plan years, which have been determined with respect to the shortfall amortization bases of the plan for each of the 6 plan years preceding such plan year, and

"(ii) the present value (as so determined) of the aggregate total of the waiver amortization installments for such plan year and the 5 succeeding plan years, which have been determined with respect to the waiver amortization bases of the plan for each of the 5 plan years preceding such plan year.

"(4) Funding shortfall.—For purposes of this section, the funding shortfall of a plan for any plan year is the excess (if any) of—

"(A) the funding target of the plan for the plan year, over

"(B) the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) for the plan year which are held by the plan on the valuation date.

"(5) Exemption from new shortfall amortization base.—

"(A) In general.—In any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(A)) is equal to or greater than the funding target of the plan for the plan year, the shortfall amortization base of the plan for such plan year shall be zero.

"(B) Transition rule.—

"(i) In general.—In the case of a non-deficit reduction plan, subparagraph (A) shall be applied to plan years beginning after 2006 and before 2011 by substituting, for the funding target of the plan for the plan year, the applicable percentage of such funding target determined under the following table:

"In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	92 percent
2008	94 percent
2009	96 percent
2010	98 percent.

"(ii) Limitation.—Clause (i) shall not apply with respect to any plan year after 2007 unless the ratio (expressed as a percentage) which—

"(I) the value of plan assets for each preceding plan year after 2006 (as reduced under subsection (f)(4)(A)), bears to

"(II) the funding target of the plan for such preceding plan year (determined without regard to subsection (i)(1)),

is not less than the applicable percentage with respect to such preceding plan determined under clause (i).

"(iii) Non-deficit reduction plan.—For purposes of clause (i), the term 'non-deficit reduction plan' means any plan—

"(I) to which this part (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) applied for the plan year beginning in 2006, and

"(II) to which section 302(d) (as so in effect) did not apply for such plan year.

"(6) Early deemed amortization upon attainment of funding target.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the shortfall amortization charge for such plan year and succeeding plan years, the shortfall amortization bases for all preceding plan years (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero.

"(d) Rules Relating to Funding Target.—For purposes of this section—

"(1) Funding target.—Except as provided in subsection (i)(1) with respect to plans in at-risk status, the funding target of a plan for a plan year is the present value of all liabilities to participants and their beneficiaries under the plan for the plan year.

"(2) Funding target attainment percentage.—The 'funding target attainment percentage' of a plan for a plan year is the ratio (expressed as a percentage) which—

"(A) the value of plan assets for the plan year (as reduced under subsection (f)(4)(B)), bears to

"(B) the funding target of the plan for the plan year (determined without regard to subsection (i)(1)).

"(e) Waiver Amortization Charge.—

"(1) Determination of waiver amortization charge.—The waiver amortization charge (if any) for a plan for any plan year is the aggregate total of the waiver amortization installments for such plan year with respect to the waiver amortization bases for each of the 5 preceding plan years.

"(2) Waiver amortization installment.—The plan sponsor shall determine, with respect to the waiver amortization base of the plan for any plan year, the amounts necessary to amortize such waiver amortization base, in level annual installments over a period of 5 plan years beginning with the succeeding plan year. For purposes of paragraph (1), the annual installment of such amortization for each plan year in such 5-plan year period is the waiver amortization installment for such plan year with respect to such waiver amortization base.

"(3) Interest rate.—In determining any waiver amortization installment under this subsection, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

"(4) Waiver amortization base.—The waiver amortization base of a plan for a plan year is the amount of the waived funding deficiency (if any) for such plan year under section 302(c).

"(5) Early deemed amortization upon attainment of funding target.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the waiver amortization charge for such plan year and succeeding plan years, the waiver amortization base for all preceding plan years shall be reduced to zero.

"(f) Reduction of Minimum Required Contribution by Pre-Funding Balance and Funding Standard Carryover Balance.—

"(1) Election to maintain balances.—

"(A) Pre-funding balance.—The plan sponsor of a single-employer plan may elect to maintain a pre-funding balance.

"(B) Funding standard carryover balance.—

"(i) In general.—In the case of a single-employer plan described in clause (ii), the plan sponsor may elect to maintain a funding standard carryover balance, until such balance is reduced to zero.

"(ii) Plans maintaining funding standard account in 2006.—A plan is described in this clause if the plan—

"(I) was in effect for a plan year beginning in 2006, and

"(II) had a positive balance in the funding standard account under section 302(b) as in effect for such plan year and determined as of the end of such plan year.

"(2) Application of balances.—A pre-funding balance and a funding standard carryover balance maintained pursuant to this paragraph—

"(A) shall be available for crediting against the minimum required contribution, pursuant to an election under paragraph (3),

"(B) shall be applied as a reduction in the amount treated as the value of plan assets for purposes of this section, to the extent provided in paragraph (4), and

"(C) may be reduced at any time, pursuant to an election under paragraph (5).

"(3) Election to apply balances against minimum required contribution.—

"(A) In general.—Except as provided in subparagraphs (B) and (C), in the case of any plan year in which the plan sponsor elects to credit against the minimum required contribution for the current plan year all or a portion of the pre-funding balance or the funding standard carryover balance for the current plan year (not in excess of such minimum required contribution), the minimum required contribution for the plan year shall be reduced by the amount so credited by the plan sponsor. For purposes of the preceding sentence, the minimum required contribution shall be determined after taking into account any waiver under section 302(c).

"(B) COORDINATION WITH FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero, no amount of the pre-funding balance of such plan may be credited under this paragraph in reducing the minimum required contribution.

"(C) LIMITATION FOR UNDERFUNDED PLANS.—The preceding provisions of this paragraph shall not apply for any plan year if the ratio (expressed as a percentage) which—

"(i) the value of plan assets for the preceding plan year (as reduced under paragraph (4)(C)), bears to

"(ii) the funding target of the plan for the preceding plan year (determined without regard to subsection (i)(1)),

is less than 80 percent.

"(4) EFFECT OF BALANCES ON AMOUNTS TREATED AS VALUE OF PLAN ASSETS.—In the case of any plan maintaining a pre-funding balance or a funding standard carryover balance pursuant to this subsection, the amount treated as the value of plan assets shall be deemed to be such amount, reduced as provided in the following subparagraphs:

"(A) APPLICABILITY OF SHORTFALL AMORTIZATION BASE.—For purposes of subsection (c)(5), the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance, but only if an election under paragraph (2) applying any portion of the pre-funding balance in reducing the minimum required contribution is in effect for the plan year.

"(B) DETERMINATION OF EXCESS ASSETS, FUNDING SHORTFALL, AND FUNDING TARGET ATTAINMENT PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subsections (a), (c)(4)(B), and (d)(2)(A), the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance and the funding standard carryover balance.

"(ii) SPECIAL RULE FOR CERTAIN BINDING AGREEMENTS WITH PBGC.—For purposes of subsection (c)(4)(B), the value of plan assets shall not be deemed to be reduced for a plan year by the amount of the specified balance if, with respect to such balance, there is in effect for a plan year a binding written agreement with the Pension Benefit Guaranty Corporation which provides that such balance is not available to reduce the minimum required contribution for the plan year. For purposes of the preceding sentence, the term 'specified balance' means the pre-funding balance or the funding standard carryover balance, as the case may be.

"(C) AVAILABILITY OF BALANCES IN PLAN YEAR FOR CREDITING AGAINST MINIMUM REQUIRED CONTRIBUTION.—For purposes of paragraph (3)(C)(i) of this subsection, the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance.

"(5) ELECTION TO REDUCE BALANCE PRIOR TO DETERMINATIONS OF VALUE OF PLAN ASSETS AND CREDITING AGAINST MINIMUM REQUIRED CONTRIBUTION.—

"(A) IN GENERAL.—The plan sponsor may elect to reduce by any amount the balance of the pre-funding balance and the funding standard carryover balance for any plan year (but not below zero). Such reduction shall be effective prior to any determination of the value of plan assets for such plan year under this section and application of the balance in reducing the minimum required contribution for such plan for such plan year pursuant to an election under paragraph (2).

"(B) COORDINATION BETWEEN PRE-FUNDING BALANCE AND FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero, no election may be made under subparagraph (A) with respect to the pre-funding balance.

"(6) PRE-FUNDING BALANCE.—

"(A) IN GENERAL.—A pre-funding balance maintained by a plan shall consist of a beginning balance of zero, increased and decreased to the extent provided in subparagraphs (B) and (C), and adjusted further as provided in paragraph (8).

"(B) INCREASES.—As of the valuation date for each plan year beginning after 2007, the pre-funding balance of a plan shall be increased by the amount elected by the plan sponsor for the plan year. Such amount shall not exceed the excess (if any) of—

"(i) the aggregate total of employer contributions to the plan for the preceding plan year, over

"(ii) the minimum required contribution for such preceding plan year (increased by interest on any portion of such minimum required contribution remaining unpaid as of the valuation date for the current plan year, at the effective interest rate for the plan for the preceding plan year, for the period beginning with the first day of such preceding plan year and ending on the date that payment of such portion is made).

"(C) DECREASES.—As of the valuation date for each plan year after 2007, the pre-funding balance of a plan shall be decreased (but not below zero) by the sum of—

"(i) the amount of such balance credited under paragraph (2) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

"(ii) any reduction in such balance elected under paragraph (5).

"(7) FUNDING STANDARD CARRYOVER BALANCE.—

"(A) IN GENERAL.—A funding standard carryover balance maintained by a plan shall consist of a beginning balance determined under subparagraph (B), decreased to the extent provided in subparagraph (C), and adjusted further as provided in paragraph (8).

"(B) BEGINNING BALANCE.—The beginning balance of the funding standard carryover balance shall be the positive balance described in paragraph (1)(B)(ii)(II).

"(C) DECREASES.—As of the valuation date for each plan year after 2007, the funding standard carryover balance of a plan shall be decreased (but not below zero) by the sum of—

"(i) the amount of such balance credited under paragraph (2) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

"(ii) any reduction in such balance elected under paragraph (5).

"(8) ADJUSTMENTS TO BALANCES.—In determining the pre-funding balance or the funding standard carryover balance of a plan as of the valuation date (before applying any increase or decrease under paragraph (6) or (7)), the plan sponsor shall, in accordance with regulations which shall be prescribed by the Secretary of the Treasury, adjust such balance so as to reflect the rate of net gain or loss (determined, notwithstanding subsection (g)(3), on the basis of fair market value) experienced by all plan assets for the period beginning with the valuation date for the preceding plan year and ending with the date preceding the valuation date for the current plan year, properly taking into account, in accordance with such regulations, all contributions, distributions, and other plan payments made during such period.

"(9) ELECTIONS.—Elections under this subsection shall be made at such times, and in such form and manner, as shall be prescribed in regulations of the Secretary of the Treasury.

"(g) VALUATION OF PLAN ASSETS AND LIABILITIES.—

"(1) TIMING OF DETERMINATIONS.—Except as otherwise provided under this subsection, all determinations under this section for a plan year shall be made as of the valuation date of the plan for such plan year.

"(2) VALUATION DATE.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the valuation date of a plan for any plan year shall be the first day of the plan year.

"(B) EXCEPTION FOR SMALL PLANS.—If, on each day during the preceding plan year, a plan had 500 or fewer participants, the plan may designate any day during the plan year as its valuation date for such plan year and succeeding plan years. For purposes of this subparagraph, all defined benefit plans which are single-employer plans and are maintained by the same employer (or any member of such employer's controlled group) shall be treated as 1 plan, but only participants with respect to such employer or member shall be taken into account.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF PLAN SIZE.—For purposes of this paragraph—

"(i) PLANS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of the first plan year of any plan, subparagraph (B) shall apply to such plan by taking into account the number of participants that the plan is reasonably expected to have on days during such first plan year.

"(ii) PREDECESSORS.—Any reference in subparagraph (B) to an employer shall include a reference to any predecessor of such employer.

"(3) AUTHORIZATION OF USE OF ACTUARIAL VALUE.—For purposes of this section, the value of plan assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury, except that—

"(A) any such method providing for averaging of fair market values may not provide for averaging of such values over more than the 36-month period ending with the month which includes the valuation date, and

"(B) any such method may not result in a determination of the value of plan assets which, at any time, is lower than 90 percent or greater than 110 percent of the fair market value of such assets at such time.

"(4) ACCOUNTING FOR CONTRIBUTION RECEIPTS.—For purposes of this section—

"(A) CONTRIBUTIONS FOR PRIOR PLAN YEARS TAKEN INTO ACCOUNT.—For purposes of determining the value of plan assets for any current plan year, in any case in which a contribution properly allocable to amounts owed for a preceding plan year is made on or after the valuation date of the plan for such current plan year, such contribution shall be taken into account, except that any such contribution made during any such current plan year beginning after 2007 shall be taken into account only in an amount equal to its present value (determined using the effective rate of interest for the plan for the preceding plan year) as of the valuation date of the plan for such current plan year.

"(B) CONTRIBUTIONS FOR CURRENT PLAN YEAR DISREGARDED.—For purposes of determining the value of plan assets for any current plan year, contributions which are properly allocable to amounts owed for such plan year shall not be taken into account, and, in the case of any such contribution made before the valuation date of the plan for such plan year, such value of plan assets shall be reduced for interest on such amount determined using the effective rate of interest of the plan for the current plan year for the period beginning when such payment was made and ending on the valuation date of the plan.

"(5) ACCOUNTING FOR PLAN LIABILITIES.—For purposes of this section—

"(A) LIABILITIES TAKEN INTO ACCOUNT FOR CURRENT PLAN YEAR.—In determining the value of liabilities under a plan for a plan year, liabilities shall be taken into account to the extent attributable to benefits (including any early retirement or similar benefit) accrued or earned as of the beginning of the plan year.

"(B) ACCRUALS DURING CURRENT PLAN YEAR DISREGARDED.—For purposes of subparagraph (A), benefits accrued or earned during such plan year shall not be taken into account, irrespective of whether the valuation date of the plan for such plan year is later than the first day of such plan year.

"(h) ACTUARIAL ASSUMPTIONS AND METHODS.—

"(1) IN GENERAL.—Subject to this subsection, the determination of any present value or other computation under this section shall be made on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(2) INTEREST RATES.—

"(A) EFFECTIVE INTEREST RATE.—For purposes of this section, the term 'effective interest rate' means, with respect to any plan for any plan year, the single rate of interest which, if used to determine the present value of the plan's liabilities referred to in subsection (d)(1), would result in an amount equal to the funding target of the plan for such plan year.

"(B) INTEREST RATES FOR DETERMINING FUNDING TARGET.—For purposes of determining the funding target of a plan for any plan year, the interest rate used in determining the present value of the liabilities of the plan shall be—

"(i) in the case of liabilities reasonably determined to be payable during the 5-year period beginning on the first day of the plan year, the first segment rate with respect to the applicable month,

"(ii) in the case of liabilities reasonably determined to be payable during the 15-year period beginning at the end of the period described in clause (i), the second segment rate with respect to the applicable month, and

"(iii) in the case of liabilities reasonably determined to be payable after the period described in clause (ii), the third segment rate with respect to the applicable month.

"(C) SEGMENT RATES.—For purposes of this paragraph—

"(i) FIRST SEGMENT RATE.—The term 'first segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 5-year period commencing with such month.

"(ii) SECOND SEGMENT RATE.—The term 'second segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 15-year period beginning at the end of the period described in clause (i).

"(iii) THIRD SEGMENT RATE.—The term 'third segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary of the Treasury for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during periods beginning after the period described in clause (ii).

"(D) CORPORATE BOND YIELD CURVE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'corporate bond yield curve' means, with respect to any month, a yield curve which is prescribed by the Secretary of the Treasury for such month and which reflects a 3-year weighted average of yields on investment grade corporate bonds with varying maturities.

"(ii) 3-YEAR WEIGHTED AVERAGE.—The term '3-year weighted average' means an average determined by using a methodology under which the most recent year is weighted 50 percent, the year preceding such year is weighted 35 percent, and the second year preceding such year is weighted 15 percent.

"(E) APPLICABLE MONTH.—For purposes of this paragraph, the term 'applicable month' means, with respect to any plan for any plan year, the month which includes the valuation date of such plan for such plan year or, at the election of the plan sponsor, any of the 4 months which precede such month. Any election made under this subparagraph shall apply to the plan year for which the election is made and all succeeding plan years, unless the election is revoked with the consent of the Secretary of the Treasury.

"(F) PUBLICATION REQUIREMENTS.—The Secretary of the Treasury shall publish for each month the corporate bond yield curve (and the corporate bond yield curve reflecting the modification described in section 205(g)(3)(B)(iii)(I)) for such month and each of the rates determined under subparagraph (B) for such month. The Secretary of the Treasury shall also publish a description of the methodology used to determine such yield curve and such rates which is sufficiently detailed to enable plans to make reasonable projections regarding the yield curve and such rates for future months based on the plan's projection of future interest rates.

"(G) TRANSITION RULE.—

"(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, for plan years beginning in 2007 or 2008, the first, second, or third segment rate for a plan with respect to any month shall be equal to the sum of—

"(I) the product of such rate for such month determined without regard to this subparagraph, multiplied by the applicable percentage, and

"(II) the product of the rate determined under the rules of section 302(b)(5)(B)(ii)(II) (as in effect for plan years beginning in 2006), multiplied by a percentage equal to 100 percent minus the applicable percentage.

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 33⅓ percent for plan years beginning in 2007 and 66⅔ percent for plan years beginning in 2008.

"(iii) NEW PLANS INELIGIBLE.—Clause (i) shall not apply to any plan if the first plan year of the plan begins after December 31, 2006.

"(3) MORTALITY TABLE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the mortality table used in determining any present value or making any computation under this section shall be the RP-2000 Combined Mortality Table using Scale AA published by the Society of Actuaries (as in effect on the date of the enactment of the Pension Protection Act of 2005), projected as of the plan's valuation date.

"(B) SUBSTITUTE MORTALITY TABLE.—

"(i) IN GENERAL.—Upon request by the plan sponsor and approval by the Secretary of the Treasury for a period not to exceed 10 years, a mortality table which meets the requirements of clause (ii) shall be used in determining any present value or making any computation under this section. A mortality table described in this clause shall cease to be in effect if the plan actuary determines at any time that such table does not meet the requirements of subclauses (I) and (II) of clause (ii).

"(ii) REQUIREMENTS.—A mortality table meets the requirements of this clause if the Secretary of the Treasury determines that—

"(I) such table reflects the actual experience of the pension plan and projected trends in such experience, and

"(II) such table is significantly different from the table described in subparagraph (A).

"(iii) DEADLINE FOR DISPOSITION OF APPLICATION.—Any mortality table submitted to the Secretary of the Treasury for approval under this subparagraph shall be treated as in effect for the succeeding plan year unless such Secretary, during the 180-day period beginning on the date of such submission, disapproves of such table and provides the reasons that such table fails to meet the requirements of clause (ii).

"(C) TRANSITION RULE.—Under regulations of the Secretary of the Treasury, any difference in present value resulting from the difference in the assumptions as set forth in the mortality table specified in subparagraph (A) and the assumptions as set forth in the mortality table described in section 302(d)(7)(C)(ii) (as in effect for plan years beginning in 2006) shall be phased in ratably over the first period of 5 plan years beginning in or after 2007 so as to be fully effective for the fifth plan year. The preceding sentence shall not apply to any plan if the first plan year of the plan begins after December 31, 2006.

"(4) PROBABILITY OF BENEFIT PAYMENTS IN THE FORM OF LUMP SUMS OR OTHER OPTIONAL FORMS.—For purposes of determining any present value or making any computation under this section, there shall be taken into account—

"(A) the probability that future benefit payments under the plan will be made in the form of optional forms of benefits provided under the plan (including lump sum distributions, determined on the basis of the plan's experience and other related assumptions), and

"(B) any difference in the present value of such future benefit payments resulting from the use of actuarial assumptions, in determining benefit payments in any such optional form of benefits, which are different from those specified in this subsection.

"(5) APPROVAL OF LARGE CHANGES IN ACTUARIAL ASSUMPTIONS.—

"(A) IN GENERAL.—No actuarial assumption used to determine the funding target for a plan to which this paragraph applies may be changed without the approval of the Secretary of the Treasury.

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan only if—

"(i) the plan is a single-employer plan to which title IV applies,

"(ii) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii)) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13)) and members of such sponsors' controlled groups (as defined in section 4001(a)(14)) which are covered by title IV (disregarding plans with no unfunded vested benefits) exceed $50,000,000, and

"(iii) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the funding target of the plan before such change.

"(i) SPECIAL RULES FOR AT-RISK PLANS.—

"(1) FUNDING TARGET FOR PLANS IN AT-RISK STATUS.—

"(A) IN GENERAL.—In any case in which a plan is in at-risk status for a plan year, the funding target of the plan for the plan year is the sum of—

"(i) the present value of all liabilities to participants and their beneficiaries under the plan for the plan year, as determined by using, in addition to the actuarial assumptions described in subsection (h), the supplemental actuarial assumptions described in subparagraph (B), plus

"(ii) a loading factor determined under subparagraph (C).

"(B) SUPPLEMENTAL ACTUARIAL ASSUMPTIONS.—The actuarial assumptions used in determining the valuation of the funding target shall include, in addition to the actuarial assumptions described in subsection (h), an assumption that all participants will elect benefits at such times and in such forms as will result in the highest present value of liabilities under subparagraph (A)(i).

"(C) LOADING FACTOR.—The loading factor applied with respect to a plan under this paragraph for any plan year is the sum of—

"(i) $700, times the number of participants in the plan, plus

"(ii) 4 percent of the funding target (determined without regard to this paragraph) of the plan for the plan year.

"(2) TARGET NORMAL COST OF AT-RISK PLANS.—In any case in which a plan is in at-risk status for a plan year, the target normal cost of the plan for such plan year shall be the sum of—

"(A) the present value of all benefits which are expected to accrue or be earned under the plan during the plan year, determined under the actuarial assumptions used under paragraph (1), plus

"(B) the loading factor under paragraph (1)(C), excluding the portion of the loading factor described in paragraph (1)(C)(i).

"(3) DETERMINATION OF AT-RISK STATUS.—For purposes of this subsection, a plan is in 'at-risk status' for a plan year if the funding target attainment percentage of the plan for the preceding plan year was less than 60 percent.

"(4) TRANSITION BETWEEN APPLICABLE FUNDING TARGETS AND BETWEEN APPLICABLE TARGET NORMAL COSTS.—

"(A) IN GENERAL.—In any case in which a plan which is in at-risk status for a plan year has been in such status for a consecutive period of fewer than 5 plan years, the applicable amount of the funding target and of the target normal cost shall be, in lieu of the amount determined without regard to this paragraph, the sum of—

"(i) the amount determined under this section without regard to this subsection, plus

"(ii) the transition percentage for such plan year of the excess of the amount determined under this subsection (without regard to this paragraph) over the amount determined under this section without regard to this subsection.

"(B) TRANSITION PERCENTAGE.—For purposes of this paragraph, the 'transition percentage' for a plan year is the product derived by multiplying—

"(i) 20 percent, by

"(ii) the number of plan years during the period described in subparagraph (A).

"(j) PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—For purposes of this section, the due date for any payment of any minimum required contribution for any plan year shall be 8½ months after the close of the plan year.

"(2) INTEREST.—Any payment required under paragraph (1) for a plan year that is made on a date other than the valuation date for such plan year shall be adjusted for interest accruing for the period between the valuation date and the payment date, at the effective rate of interest for the plan for such plan year.

"(3) ACCELERATED QUARTERLY CONTRIBUTION SCHEDULE FOR UNDERFUNDED PLANS.—

"(A) INTEREST PENALTY FOR FAILURE TO MEET ACCELERATED QUARTERLY PAYMENT SCHEDULE.—In any case in which the plan has a funding shortfall for the preceding plan year, if the required installment is not paid in full, then the minimum required contribution for the plan year (as increased under paragraph (2)) shall be further increased by an amount equal to the interest on the amount of the underpayment for the period of the underpayment, using an interest rate equal to the excess of—

"(i) 175 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), over

"(ii) the effective rate of interest for the plan for the plan year.

"(B) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of subparagraph (A)—

"(i) AMOUNT.—The amount of the underpayment shall be the excess of—

"(I) the required installment, over

"(II) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

"(ii) PERIOD OF UNDERPAYMENT.—The period for which any interest is charged under this paragraph with respect to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan.

"(iii) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of clause (i)(II), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

"(C) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—For purposes of this paragraph—

"(i) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.

"(ii) TIME FOR PAYMENT OF INSTALLMENTS.—The due dates for required installments are set forth in the following table:

'In the case of the following required installment:	The due date is:
1st	April 15
2nd	July 15
3rd	October 15
4th	January 15 of the following year

"(D) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this paragraph—

"(i) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.

"(ii) REQUIRED ANNUAL PAYMENT.—For purposes of clause (i), the term 'required annual payment' means the lesser of—

"(I) 90 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the plan year under this section, or

"(II) in the case of a plan year beginning after 2007, 100 percent of the minimum required contribution (without regard to any waiver under section 302(c)) to the plan for the preceding plan year.

Subclause (II) shall not apply if the preceding plan year referred to in such clause was not a year of 12 months.

"(E) FISCAL YEARS AND SHORT YEARS.—

"(i) FISCAL YEARS.—In applying this paragraph to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this paragraph, the months which correspond thereto.

"(ii) SHORT PLAN YEAR.—This subparagraph shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary of the Treasury.

"(4) LIQUIDITY REQUIREMENT IN CONNECTION WITH QUARTERLY CONTRIBUTIONS.—

"(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment under paragraph (3) to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

"(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan (other than a plan that would be described in subsection (f)(2)(B) if '100' were substituted for '500' therein) which—

"(i) is required to pay installments under paragraph (3) for a plan year, and

"(ii) has a liquidity shortfall for any quarter during such plan year.

"(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (3)(A), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

"(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funding target attainment percentage of the plan for the plan year (taking into account the expected increase in funding target due to benefits accruing or earned during the plan year) to 100 percent.

"(E) DEFINITIONS.—For purposes of this subparagraph:

"(i) LIQUIDITY SHORTFALL.—The term 'liquidity shortfall' means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of—

"(I) the base amount with respect to such quarter, over

"(II) the value (as of such last day) of the plan's liquid assets.

"(ii) BASE AMOUNT.—

"(I) IN GENERAL.—The term 'base amount' means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

"(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary of the Treasury that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

"(iii) DISBURSEMENTS FROM THE PLAN.—The term 'disbursements from the plan' means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

"(iv) ADJUSTED DISBURSEMENTS.—The term 'adjusted disbursements' means disbursements from the plan reduced by the product of—

"(I) the plan's funding target attainment percentage for the plan year, and

"(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary of the Treasury shall provide in regulations.

"(v) LIQUID ASSETS.—The term 'liquid assets' means cash, marketable securities, and such other assets as specified by the Secretary of the Treasury in regulations.

"(vi) QUARTER.—The term 'quarter' means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

"(F) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as are necessary to carry out this paragraph.

"(k) IMPOSITION OF LIEN WHERE FAILURE TO MAKE REQUIRED CONTRIBUTIONS.—

"(1) IN GENERAL.—In the case of a plan to which this subsection applies (as provided under paragraph (2)), if—

"(A) any person fails to make a contribution payment required by section 302 and this section before the due date for such payment, and

"(B) the unpaid balance of such payment (including interest), when added to the aggregate unpaid balance of all preceding such payments for which payment was not made before the due date (including interest), exceeds $1,000,000,

then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

"(2) PLANS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to a single-employer plan for any plan year for which the funding target attainment percentage (as defined in subsection (d)(2)) of such plan is less than 100 percent. This subsection shall not apply to any plan to which section 4021 does not apply (as such section is in effect on the date of the enactment of the Pension Protection Act of 2005).

"(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of contribution payments required under this section and section 302 for which payment has not been made before the due date.

"(4) NOTICE OF FAILURE; LIEN.—

"(A) NOTICE OF FAILURE.—A person committing a failure described in paragraph (1) shall notify the Pension Benefit Guaranty Corporation of such failure within 10 days of the due date for the required contribution payment.

"(B) PERIOD OF LIEN.—The lien imposed by paragraph (1) shall arise on the due date for the required contribution payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

"(C) CERTAIN RULES TO APPLY.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.

"(5) ENFORCEMENT.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by the contributing sponsor (or any member of the controlled group of the contributing sponsor).

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) CONTRIBUTION PAYMENT.—The term 'contribution payment' means, in connection with a plan, a contribution payment required to be made to the plan, including any required installment under paragraphs (3) and (4) of subsection (i).

"(B) DUE DATE; REQUIRED INSTALLMENT.—The terms 'due date' and 'required installment' have the meanings given such terms by subsection (j), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under section 303.

"(C) CONTROLLED GROUP.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986.

"(l) QUALIFIED TRANSFERS TO HEALTH BENEFIT ACCOUNTS.—In the case of a qualified transfer (as defined in section 420 of the Internal Revenue Code of 1986), any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act (as amended by section 101) is amended by inserting after the item relating to section 302 the following new item:

"Sec. 303. Minimum funding standards for single-employer defined benefit pension plans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 2006.

SEC. 103. BENEFIT LIMITATIONS UNDER SINGLE-EMPLOYER PLANS.

(a) PROHIBITION OF SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.—Section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

"(g) FUNDING-BASED LIMITATION ON SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.—

"(1) IN GENERAL.—No defined benefit plan which is a single-employer plan may provide benefits to which participants are entitled solely by reason of the occurrence of a plant shutdown or any other unpredictable contingent event occurring during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year—

"(A) is less than 80 percent, or

"(B) would be less than 80 percent taking into account such occurrence.

"(2) EXEMPTION.—Paragraph (1) shall cease to apply with respect to any plan year, effective as of the first date of the plan year, upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 303) equal to—

"(A) in the case of paragraph (1)(A), the amount of the increase in the funding target of the plan (under section 303) for the plan year attributable to the occurrence referred to in paragraph (1), and

"(B) in the case of paragraph (1)(B), the amount sufficient to result in a funding target attainment percentage of 80 percent.

Rules similar to the rules of subsection (h)(6) shall apply for purposes of this paragraph.

"(3) UNPREDICTABLE CONTINGENT EVENT.—For purposes of this subsection, the term 'unpredictable contingent event' means an event other than—

"(A) attainment of any age, performance of any service, receipt or derivation of any compensation, or the occurrence of death or disability, or

"(B) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury).

"(4) NEW PLANS.—Paragraph (1) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

"(5) DEEMED REDUCTION OF FUNDING BALANCES.—A rule similar to the rule of subsection (h)(8) shall apply for purposes of this subsection.".

(b) OTHER LIMITS ON BENEFITS AND BENEFIT ACCRUALS.—

(1) IN GENERAL.—Section 206 of such Act (as amended by subsection (a)) is amended further by adding at the end the following new subsection:

"(h) FUNDING-BASED LIMITS ON BENEFITS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.—

"(1) LIMITATIONS ON PLAN AMENDMENTS INCREASING LIABILITY FOR BENEFITS.—

"(A) IN GENERAL.—No amendment to a defined benefit plan which is a single-employer plan which has the effect of increasing liabilities of the plan by reason of increases in benefits, establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits become nonforfeitable to the plan may take effect during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year is—

"(i) less than 80 percent, or

"(ii) would be less than 80 percent taking into account such amendment.

For purposes of this subparagraph, any increase in benefits under the plan by reason of an increase in the benefit rate provided under the plan or on the basis of an increase in compensation shall be treated as effected by plan amendment.

“(B) EXEMPTION.—Subparagraph (A) shall cease to apply with respect to any plan year, effective as of the first date of the plan year (or if later, the effective date of the amendment), upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 303) equal to—

“(i) in the case of subparagraph (A)(i), the amount of the increase in the funding target of the plan (under section 303) for the plan year attributable to the amendment, and

“(ii) in the case of subparagraph (A)(ii), the amount sufficient to result in a funding target attainment percentage of 80 percent.

“(2) FUNDING-BASED LIMITATION ON CERTAIN FORMS OF DISTRIBUTION.—

“(A) IN GENERAL.—A defined benefit plan which is a single-employer plan shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 80 percent, the plan may not after such date pay any prohibited payment (as defined in section 206(e)).

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any plan for any plan year if the terms of such plan (as in effect for the period beginning on June 29, 2005, and ending with such plan year) provide for no benefit accruals with respect to any participant during such period.

“(3) LIMITATIONS ON BENEFIT ACCRUALS FOR PLANS WITH SEVERE FUNDING SHORTFALLS.—A defined benefit plan which is a single-employer plan shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 60 percent, all future benefit accruals under the plan shall cease as of such date.

“(4) NEW PLANS.—Paragraphs (1) and (3) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

“(5) PRESUMED UNDERFUNDING FOR PURPOSES OF BENEFIT LIMITATIONS BASED ON PRIOR YEAR'S FUNDING STATUS.—

“(A) PRESUMPTION OF CONTINUED UNDERFUNDING.—In any case in which a benefit limitation under paragraph (1), (2), or (3) has been applied to a plan with respect to the plan year preceding the current plan year, the funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year shall be presumed to be equal to the funding target attainment percentage of the plan as of the valuation date of the plan for the preceding plan year until the enrolled actuary of the plan certifies the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year.

“(B) PRESUMPTION OF UNDERFUNDING AFTER 10TH MONTH.—In any case in which no such certification is made with respect to the plan before the first day of the 10th month of the current plan year, for purposes of paragraphs (1), (2), and (3), the plan's funding target attainment percentage shall be conclusively presumed to be less than 60 percent as of the first day of such 10th month, and such day shall be deemed, for purposes of such subsections, to be the valuation date of the plan for the current plan year.

“(C) PRESUMPTION OF UNDERFUNDING AFTER 4TH MONTH FOR NEARLY UNDERFUNDED PLANS.—In any case in which—

“(i) a benefit limitation under paragraph (1), (2), or (3) did not apply to a plan with respect to the plan year preceding the current plan year, but the funding target attainment percentage of the plan for such preceding plan year was not more than 10 percentage points greater than the percentage which would have caused such subsection to apply to the plan with respect to such preceding plan year, and

“(ii) as of the first day of the 4th month of the current plan year, the enrolled actuary of the plan has not certified the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year,

until the enrolled actuary so certifies, such first day shall be deemed, for purposes of such subsection, to be the valuation date of the plan for the current plan year and the funding target attainment percentage of the plan as of such first day shall, for purposes of such paragraph, be presumed to be equal to 10 percentage points less than the funding target attainment percentage of the plan as of the valuation date of the plan for such preceding plan year.

“(6) RESTORATION BY PLAN AMENDMENT OF BENEFITS OR BENEFIT ACCRUAL.—In any case in which a prohibition under paragraph (2) of a payment described in paragraph (2)(A) or a cessation of benefit accruals under paragraph (3) is applied to a plan with respect to any plan year and such prohibition or cessation, as the case may be, ceases to apply to any subsequent plan year, the plan may provide for the resumption of such benefit payment or such benefit accrual only by means of the adoption of a plan amendment after the valuation date of the plan for such subsequent plan year. The preceding sentence shall not apply to a prohibition or cessation required by reason of paragraph (5).

“(7) FUNDING TARGET ATTAINMENT PERCENTAGE.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘funding target attainment percentage’ means, with respect to any plan for any plan year, the ratio (expressed as a percentage) which—

“(i) the value of plan assets for the plan year (as determined under section 303(g)) reduced by the pre-funding balance and the funding standard carryover balance (within the meaning of section 303(f)), bears to

“(ii) the funding target of the plan for the plan year (as determined under section 303(d)(1), but without regard to section 303(i)(1)).

“(B) APPLICATION TO PLANS WHICH ARE FULLY FUNDED WITHOUT REGARD TO REDUCTIONS FOR FUNDING BALANCES.—

“(i) IN GENERAL.—In the case of a plan for any plan year, if the funding target attainment percentage is 100 percent or more (determined without regard to this subparagraph and without regard to the reduction under subparagraph (A)(i) for the pre-funding balance and the funding standard carryover balance), subparagraph (A) shall be applied without regard to such reduction.

“(ii) TRANSITION RULE.—Clause (i) shall be applied to plan years beginning after 2006 and before 2011 by substituting for ‘100 percent’ the applicable percentage determined in accordance with the following table:

“In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	92 percent
2008	94 percent
2009	96 percent
2010	98 percent.

“(iii) LIMITATION.—Clause (ii) shall not apply with respect to any plan year after 2007 unless the funding target attainment percentage (determined without regard to this subparagraph and without regard to the reduction under subparagraph (A)(i) for the pre-funding balance and the funding standard carryover balance) of the plan for each preceding plan year after 2006 was not less than the applicable percentage with respect to such preceding plan year determined under clause (ii).

“(8) DEEMED REDUCTION OF FUNDING BALANCES.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers—

“(A) IN GENERAL.—In any case in which a benefit limitation under paragraph (1), (2), or (3) would (but for this paragraph and determined without regard to paragraph (1)(B)) apply to such plan for the plan year, the plan sponsor of such plan shall be treated for purposes of this Act as having made an election under section 303(f)(5) to reduce the balance of the pre-funding balance and the funding standard carryover balance for the plan year (in a manner consistent with the requirements of section 303(f)(5)(B)) by such amount as is necessary for such benefit limitation to not apply to the plan for such plan year.

“(B) EXCEPTION FOR INSUFFICIENT FUNDING BALANCES.—Subparagraph (A) shall not apply with respect to a benefit limitation for any plan year if the application of subparagraph (A) would not result in the benefit limitation not applying for such plan year.”.

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 101 of such Act (29 U.S.C. 1021) is amended—

(i) by redesignating subsection (j) as subsection (k); and

(ii) by inserting after subsection (i) the following new subsection:

“(j) NOTICE OF FUNDING-BASED LIMITATION ON CERTAIN FORMS OF DISTRIBUTION.—The plan administrator of a defined benefit plan which is a single-employer plan shall provide a written notice to plan participants and beneficiaries within 30 days after the plan has become subject to the restriction described in section 206(h)(2) or at such other time as may be determined by the Secretary.”.

(B) ENFORCEMENT.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) is amended by striking “section 302(b)(7)(F)(vi)” and inserting “sections 101(j) and 302(b)(7)(F)(vi)”.

(c) EFFECTIVE DATE.—

(1) SHUTDOWN BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (a) shall apply with respect to plant shutdowns, or other unpredictable contingent events, occurring after 2006.

(2) OTHER BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (b) shall apply with respect to plan years beginning after 2006.

(3) COLLECTIVE BARGAINING EXCEPTION.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, the amendments made by this subsection shall not apply to plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last collective bargaining agreement relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(ii) the first day of the first plan year to which the amendments made by this subsection would (but for this subparagraph) apply, or

(B) January 1, 2009.

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this subsection shall not be treated as a termination of such collective bargaining agreement.

(d) SPECIAL RULE FOR 2007.—For purposes of applying paragraph (5) of section 206(h) of such Act (as added by this section) to current plan years (within the meaning of such paragraph) beginning in 2007, the modified funded current liability percentage of the plan for the preceding year shall be substituted for the funding target attainment percentage of the plan for the preceding year. For purposes of the preceding sentence, the term “modified funded current liability percentage” means the funded current liability percentage (as defined in section 302(l)(8) of such Act), reduced as described in subparagraph (E) thereof in the case of a plan with a funded current liability percentage (as so defined and before such reduction) which is less than 100 percent.

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE I.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended—

(1) in section 101(d)(3), by striking “section 302(e)” and inserting “section 303(j)”;

(2) in section 101(f)(2)(B), by striking clause (i) and inserting the following:

“(i) a statement as to whether—

“(I) in the case of a defined benefit plan which is a single-employer plan, the plan's funding target attainment percentage (as defined in section 303(d)(2)), or

“(II) in the case of a defined benefit plan which is a multiemployer plan, the plan's funded percentage (as defined in section 305(d)(2)),

is at least 100 percent (and, if not, the actual percentage);”;

(3) in section 103(d)(8)(B), by striking “the requirements of section 302(c)(3)” and inserting “the applicable requirements of sections 303(h) and 304(c)(3)”;

(4) in section 103(d), by striking paragraph (11) and inserting the following:

“(11) If the current value of the assets of the plan is less than 70 percent of—

“(A) in the case of a defined benefit plan which is a single-employer plan, the funding target (as defined in section 303(d)(1)) of the plan, or

“(B) in the case of a defined benefit plan which is a multiemployer plan, the current liability (as defined in section 304(c)(6)(D)) under the plan,

the percentage which such value is of the amount described in subparagraph (A) or (B).”;

(5) in section 203(a)(3)(C), by striking “section 302(c)(8)” and inserting “section 302(d)(2)”;

(6) in section 204(g)(1), by striking “section 302(c)(8)” and inserting “section 302(d)(2)”;

(7) in section 204(i)(2)(B), by striking “section 302(c)(8)” and inserting “section 302(d)(2)”;

(8) in section 204(i)(3), by striking “funded current liability percentage (within the meaning of section 302(d)(8) of this Act)” and inserting “funding target attainment percentage (as defined in section 303(d)(2))”;

(9) in section 204(i)(4), by striking “section 302(c)(11)(A), without regard to section 302(c)(11)(B)” and inserting “section 302(b)(1), without regard to section 302(b)(2)”;

(10) in section 206(e)(1), by striking “section 302(d)” and inserting “section 303(j)(4)”, and by striking “section 302(e)(5)” and inserting “section 303(j)(4)(E)(i)”;

(11) in section 206(e)(3), by striking “section 302(e) by reason of paragraph (5)(A) thereof” and inserting “section 303(j)(3) by reason of section 303(j)(4)(A)”; and

(12) in sections 101(e)(3), 403(c)(1), and 408(b)(13), by striking “American Jobs Creation Act of 2004” and inserting “Pension Protection Act of 2005”.

(b) MISCELLANEOUS AMENDMENTS TO TITLE IV.—Title IV of such Act is amended—

(1) in section 4001(a)(13) (29 U.S.C. 1301(a)(13)), by striking “302(c)(11)(A)” and inserting “302(b)(1)”, by striking “412(c)(11)(A)” and inserting “412(b)(1)”, by striking “302(c)(11)(B)” and inserting “302(b)(2)”, and by striking “412(c)(11)(B)” and inserting “412(b)(2)”;

(2) in section 4003(e)(1) (29 U.S.C. 1303(e)(1)), by striking “302(f)(1)(A) and (B)” and inserting “303(k)(1)(A) and (B)”, and by striking “412(n)(1)(A) and (B)” and inserting “430(k)(1)(A) and (B)”;

(3) in section 4010(b)(2) (29 U.S.C. 1310(b)(2)), by striking “302(f)(1)(A) and (B)” and inserting “303(k)(1)(A) and (B)”, and by striking “412(n)(1)(A) and (B)” and inserting “430(k)(1)(A) and (B)”;

(4) in section 4011(b) (29 U.S.C. 1311(b)), by striking “to which” and all that follows and inserting “for any plan year for which the plan's funding target attainment percentage (as defined in section 303(d)(2)) is at least 90 percent.”;

(5) in section 4062(c)(1) (29 U.S.C. 1362(c)(1)), by striking paragraphs (1), (2), and (3) and inserting the following:

“(1)(A) in the case of a single-employer plan, the sum of the shortfall amortization charge (within the meaning of section 303(c)(1) of this Act and 430(c)(1) of the Internal Revenue Code of 1986) with respect to the plan (if any) for the plan year in which the termination date occurs, plus the aggregate total of shortfall amortization installments (if any) determined for succeeding plan years under section 303(c)(2) of this Act and section 430(c)(2) of such Code (which, for purposes of this subparagraph, shall include any increase in such sum which would result if all applications for waivers of the minimum funding standard under section 302(c) of this Act and section 412(c) of such Code which are pending with respect to such plan were denied and if no additional contributions (other than those already made by the termination date) were made for the plan year in which the termination date occurs or for any previous plan year), or

“(B) in the case of a multiemployer plan, the outstanding balance of the accumulated funding deficiencies (within the meaning of section 304(a)(2) of this Act and section 431(a) of the Internal Revenue Code of 1986) of the plan (if any) (which, for purposes of this subparagraph, shall include the amount of any increase in such accumulated funding deficiencies of the plan which would result if all pending applications for waivers of the minimum funding standard under section 302(c) of this Act or section 412(c) of such Code and for extensions of the amortization period under section 304(d) of this Act or section 431(d) of such Code with respect to such plan were denied and if no additional contributions (other than those already made by the termination date) were made for the plan year in which the termination date occurs or for any previous plan year),

“(2)(A) in the case of a single-employer plan, the sum of the waiver amortization charge (within the meaning of section 303(e)(1) of this Act and 430(j)(2) of the Internal Revenue Code of 1986) with respect to the plan (if any) for the plan year in which the termination date occurs, plus the aggregate total of waiver amortization installments (if any) determined for succeeding plan years under section 303(e)(2) of this Act and section 430(j)(3) of such Code, or

“(B) in the case of a multiemployer plan, the outstanding balance of the amount of waived funding deficiencies of the plan waived before such date under section 302(c) of this Act or section 412(c) of such Code (if any), and

“(3) in the case of a multiemployer plan, the outstanding balance of the amount of decreases in the minimum funding standard allowed before such date under section 304(d) of this Act or section 431(d) of such Code (if any);”;

(6) in section 4071 (29 U.S.C. 1371), by striking “302(f)(4)” and inserting “303(k)(4)”;

(7) in section 4243(a)(1)(B) (29 U.S.C. 1423(a)(1)(B)), by striking “302(a)” and inserting “304(a)”, and, in clause (i), by striking “302(a)” and inserting “304(a)”;

(8) in section 4243(f)(1) (29 U.S.C. 1423(f)(1)), by striking “303(a)” and inserting “302(c)”;

(9) in section 4243(f)(2) (29 U.S.C. 1423(f)(2)), by striking “303(c)” and inserting “302(c)(3)”; and

(10) in section 4243(g) (29 U.S.C. 1423(g)), by striking “302(c)(3)” and inserting “304(c)(3)”.

(c) AMENDMENTS TO REORGANIZATION PLAN NO. 4 OF 1978.—Section 106(b)(ii) of Reorganization Plan No. 4 of 1978 (ratified and affirmed as law by Public Law 98–532 (98 Stat. 2705)) is amended by striking “302(c)(8)” and inserting “302(d)(2)”, by striking “304(a) and (b)(2)(A)” and inserting “304(d)(1), (d)(2), and (e)(2)(A)”, and by striking “412(c)(8), (e), and (f)(2)(A)” and inserting “412(d)(2) and 431(d)(1), (d)(2), and (e)(2)(A)”.

(d) REPEAL OF EXPIRED AUTHORITY FOR TEMPORARY VARIANCES.—

(1) IN GENERAL.—Section 207 of such Act (29 U.S.C. 1057) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 207.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after 2006.

Subtitle B—Amendments to Internal Revenue Code of 1986

SEC. 111. MINIMUM FUNDING STANDARDS.

(a) NEW MINIMUM FUNDING STANDARDS.—Section 412 of the Internal Revenue Code of 1986 (relating to minimum funding standards) is amended to read as follows:

“SEC. 412. MINIMUM FUNDING STANDARDS.

“(a) REQUIREMENT TO MEET MINIMUM FUNDING STANDARD.—

“(1) IN GENERAL.—A plan to which this section applies shall satisfy the minimum funding standard applicable to the plan for any plan year.

“(2) MINIMUM FUNDING STANDARD.—For purposes of paragraph (1), a plan shall be treated as satisfying the minimum funding standard for a plan year if—

“(A) in the case of a defined benefit plan which is not a multiemployer plan, the employer makes contributions to or under the plan for the plan year which, in the aggregate, are not less than the minimum required contribution determined under section 430 for the plan for the plan year, “(B) in the case of a money purchase plan which is not a multiemployer plan, the employer makes contributions to or under the plan for the plan year which are required under the terms of the plan, and

“(C) in the case of a multiemployer plan, the employers make contributions to or under the plan for any plan year which, in the aggregate, are sufficient to ensure that the plan does not have an accumulated funding deficiency under section 431 as of the end of the plan year.

“(b) LIABILITY FOR CONTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amount of any contribution required by this section (including any required installments under paragraphs (3) and (4) of section 430(j)) shall be paid by the employer responsible for making contributions to or under the plan.

“(2) JOINT AND SEVERAL LIABILITY WHERE EMPLOYER MEMBER OF CONTROLLED GROUP.—In the case of a defined benefit plan which is not a multiemployer plan, if the employer referred to in paragraph (1) is a member of a controlled group, each member of such group shall be jointly and severally liable for payment of such contributions.

“(c) VARIANCE FROM MINIMUM FUNDING STANDARDS.—

“(1) WAIVER IN CASE OF BUSINESS HARDSHIP.—

“(A) IN GENERAL.—If—

“(i) an employer is (or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan is) unable to satisfy the minimum funding standard for a plan year without temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan), and

“(ii) application of the standard would be adverse to the interests of plan participants in the aggregate,

the Secretary may, subject to subparagraph (C), waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard. The Secretary shall not waive the minimum funding standard with respect to a plan for more than 3 of any 15 (5 of any 15 in the case of a multiemployer plan) consecutive plan years.

“(B) EFFECTS OF WAIVER.—If a waiver is granted under subparagraph (A) for any plan year—

“(i) in the case of a defined benefit plan which is not a multiemployer plan, the minimum required contribution under section 430 for the plan year shall be reduced by the amount of the waived funding deficiency and such amount shall be amortized as required under section 430(e), and

“(ii) in the case of a multiemployer plan, the funding standard account shall be credited under section 431(b)(3)(C) with the amount of the waived funding deficiency and such amount shall be amortized as required under section 431(b)(2)(C).

“(C) WAIVER OF AMORTIZED PORTION NOT ALLOWED.—The Secretary may not waive under subparagraph (A) any portion of the minimum funding standard under subsection (a) for a plan year which is attributable to any waived funding deficiency for any preceding plan year.

“(2) DETERMINATION OF BUSINESS HARDSHIP.—For purposes of this subsection, the factors taken into account in determining temporary substantial business hardship (substantial business hardship in the case of a multiemployer plan) shall include (but shall not be limited to) whether or not—

“(A) the employer is operating at an economic loss,

“(B) there is substantial unemployment or underemployment in the trade or business and in the industry concerned,

“(C) the sales and profits of the industry concerned are depressed or declining, and

“(D) it is reasonable to expect that the plan will be continued only if the waiver is granted.

“(3) WAIVED FUNDING DEFICIENCY.—For purposes of this section and part III of this subchapter, the term ‘waived funding deficiency’ means the portion of the minimum funding standard under subsection (a) (determined without regard to the waiver) for a plan year waived by the Secretary and not satisfied by employer contributions.

“(4) SECURITY FOR WAIVERS FOR SINGLE-EMPLOYER PLANS, CONSULTATIONS.—

“(A) SECURITY MAY BE REQUIRED.—

“(i) IN GENERAL.—Except as provided in subparagraph (C), the Secretary may require an employer maintaining a defined benefit plan which is a single-employer plan (within the meaning of section 4001(a)(15) of the Employee Retirement Income Security Act of 1974) to provide security to such plan as a condition for granting or modifying a waiver under paragraph (1).

“(ii) SPECIAL RULES.—Any security provided under clause (i) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Corporation, by a contributing sponsor (within the meaning of section 4001(a)(13) of the Employee Retirement Income Security Act of 1974), or a member of such sponsor's controlled group (within the meaning of section 4001(a)(14) of such Act).

“(B) CONSULTATION WITH THE PENSION BENEFIT GUARANTY CORPORATION.—Except as provided in subparagraph (C), the Secretary shall, before granting or modifying a waiver under this subsection with respect to a plan described in subparagraph (A)(i)—

“(i) provide the Pension Benefit Guaranty Corporation with—

“(I) notice of the completed application for any waiver or modification, and

“(II) an opportunity to comment on such application within 30 days after receipt of such notice, and

“(ii) consider—

“(I) any comments of the Corporation under clause (i)(II), and

“(II) any views of any employee organization (within the meaning of section 3(4) of the Employee Retirement Income Security Act of 1974) representing participants in the plan which are submitted in writing to the Secretary in connection with such application.

Information provided to the Corporation under this subparagraph shall be considered tax return information and subject to the safeguarding and reporting requirements of section 6103(p).

“(C) EXCEPTION FOR CERTAIN WAIVERS.—

“(i) IN GENERAL.—The preceding provisions of this paragraph shall not apply to any plan with respect to which the sum of—

“(I) the aggregate unpaid minimum required contribution (within the meaning of section 4971(c)(4)) for the plan year and all preceding plan years, and

“(II) the present value of all waiver amortization installments determined for the plan year and succeeding plan years under section 430(e)(2),

is less than $1,000,000.

“(ii) TREATMENT OF WAIVERS FOR WHICH APPLICATIONS ARE PENDING.—The amount described in clause (i)(I) shall include any increase in such amount which would result if all applications for waivers of the minimum funding standard under this subsection which are pending with respect to such plan were denied.

“(5) SPECIAL RULES FOR SINGLE-EMPLOYER PLANS.—

“(A) APPLICATION MUST BE SUBMITTED BEFORE DATE 2½ MONTHS AFTER CLOSE OF YEAR.—In the case of a defined benefit plan which is not a multiemployer plan, no waiver may be granted under this subsection with respect to any plan for any plan year unless an application therefor is submitted to the Secretary not later than the 15th day of the 3rd month beginning after the close of such plan year.

“(B) SPECIAL RULE IF EMPLOYER IS MEMBER OF CONTROLLED GROUP.—In the case of a defined benefit plan which is not a multiemployer plan, if an employer is a member of a controlled group, the temporary substantial business hardship requirements of paragraph (1) shall be treated as met only if such requirements are met—

“(i) with respect to such employer, and

“(ii) with respect to the controlled group of which such employer is a member (determined by treating all members of such group as a single employer).

The Secretary may provide that an analysis of a trade or business or industry of a member need not be conducted if the Secretary determines such analysis is not necessary because the taking into account of such member would not significantly affect the determination under this paragraph.

“(6) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary shall, before granting a waiver under this subsection, require each applicant to provide evidence satisfactory to the Secretary that the applicant has provided notice of the filing of the application for such waiver to to each affected party (as defined in section 4001(a)(21) of the Employee Retirement Income Security Act of 1974). Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV of the Employee Retirement Income Security Act of 1974 and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary shall consider any relevant information provided by a person to whom notice was given under subparagraph (A).

“(7) RESTRICTION ON PLAN AMENDMENTS.—

“(A) IN GENERAL.—No amendment of a plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under this subsection or an extension of time under section 431(d) is in effect with respect to the plan, or if a plan amendment described in subsection (d)(2) has been made at any time in the preceding 12 months (24 months in the case of a multiemployer plan). If a plan is amended in violation of the preceding sentence, any such waiver, or extension of time, shall not apply to any plan year ending on or after the date on which such amendment is adopted.

“(B) EXCEPTION.—Paragraph (1) shall not apply to any plan amendment which—

“(i) the Secretary determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

“(ii) only repeals an amendment described in subsection (d)(2), or "(iii) is required as a condition of qualification under part I of subchapter D, of chapter 1.

"(d) MISCELLANEOUS RULES.—

"(1) CHANGE IN METHOD OR YEAR.—If the funding method, the valuation date, or a plan year for a plan is changed, the change shall take effect only if approved by the Secretary.

"(2) CERTAIN RETROACTIVE PLAN AMENDMENTS.—For purposes of this section, any amendment applying to a plan year which—

"(A) is adopted after the close of such plan year but no later than 2½ months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

"(B) does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

"(C) does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances,

shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary notifying him of such amendment and the Secretary has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary unless the Secretary determines that such amendment is necessary because of a substantial business hardship (as determined under subsection (c)(2)) and that a waiver under subsection (c) (or, in the case of a multiemployer plan, any extension of the amortization period under section 431(d)) is unavailable or inadequate.

"(3) CONTROLLED GROUP.—For purposes of this section, the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(e) PLANS TO WHICH SECTION APPLIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to a plan if, for any plan year beginning after December 31, 2006—

"(A) such plan included a trust which qualified (or was determined by the Secretary to have qualified) under section 401(a), or

"(B) such plan satisfied (or was determined by the Secretary to have satisfied) the requirements of section 403(a).

"(2) EXCEPTIONS.—This section shall not apply to—

"(A) any profit-sharing or stock bonus plan,

"(B) any insurance contract plan described in paragraph (3),

"(C) any governmental plan (within the meaning of section 414(d)),

"(D) any church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made,

"(E) any plan which has not, at any time after September 2, 1974, provided for employer contributions, or

"(F) any plan established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plan are made by employers of participants in such plan.

No plan described in subparagraph (C), (D), or (F) shall be treated as a qualified plan for purposes of section 401(a) unless such plan meets the requirements of section 401(a)(7) as in effect on September 1, 1974.

"(3) CERTAIN INSURANCE CONTRACT PLANS.—A plan is described in this paragraph if—

"(A) the plan is funded exclusively by the purchase of individual insurance contracts,

"(B) such contracts provide for level annual premium payments to be paid extending not later than the retirement age for each individual participating in the plan, and commencing with the date the individual became a participant in the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective),

"(C) benefits provided by the plan are equal to the benefits provided under each contract at normal retirement age under the plan and are guaranteed by an insurance carrier (licensed under the laws of a State to do business with the plan) to the extent premiums have been paid,

"(D) premiums payable for the plan year, and all prior plan years, under such contracts have been paid before lapse or there is reinstatement of the policy,

"(E) no rights under such contracts have been subject to a security interest at any time during the plan year, and

"(F) no policy loans are outstanding at any time during the plan year.

A plan funded exclusively by the purchase of group insurance contracts which is determined under regulations prescribed by the Secretary to have the same characteristics as contracts described in the preceding sentence shall be treated as a plan described in this paragraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

SEC. 112. FUNDING RULES FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

(a) IN GENERAL.—Subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to deferred compensation, etc.) is amended by adding at the end the following new part:

"PART III—MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS

"SEC. 430. MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

"(a) MINIMUM REQUIRED CONTRIBUTION.—For purposes of this section and section 412(a)(2)(A), except as provided in subsection (f), the term 'minimum required contribution' means, with respect to any plan year of a defined benefit plan which is not a multiemployer plan—

"(1) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) is less than the funding target of the plan for the plan year, the sum of—

"(A) the target normal cost of the plan for the plan year,

"(B) the shortfall amortization charge (if any) for the plan for the plan year determined under subsection (c), and

"(C) the waiver amortization charge (if any) for the plan for the plan year as determined under subsection (e);

"(2) in any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) exceeds the funding target of the plan for the plan year, the target normal cost of the plan for the plan year reduced by such excess; or

"(3) in any other case, the target normal cost of the plan for the plan year.

"(b) TARGET NORMAL COST.—For purposes of this section, except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year. For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.

"(c) SHORTFALL AMORTIZATION CHARGE.—

"(1) IN GENERAL.—For purposes of this section, the shortfall amortization charge for a plan for any plan year is the aggregate total of the shortfall amortization installments for such plan year with respect to the shortfall amortization bases for such plan year and each of the 6 preceding plan years.

"(2) SHORTFALL AMORTIZATION INSTALLMENT.—The plan sponsor shall determine, with respect to the shortfall amortization base of the plan for any plan year, the amounts necessary to amortize such shortfall amortization base, in level annual installments over a period of 7 plan years beginning with such plan year. For purposes of paragraph (1), the annual installment of such amortization for each plan year in such 7-plan-year period is the shortfall amortization installment for such plan year with respect to such shortfall amortization base. In determining any shortfall amortization installment under this paragraph, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

"(3) SHORTFALL AMORTIZATION BASE.—For purposes of this section, the shortfall amortization base of a plan for a plan year is the excess (if any) of—

"(A) the funding shortfall of such plan for such plan year, over

"(B) the sum of—

"(i) the present value (determined using the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)) of the aggregate total of the shortfall amortization installments, for such plan year and the 5 succeeding plan years, which have been determined with respect to the shortfall amortization bases of the plan for each of the 6 plan years preceding such plan year, and

"(ii) the present value (as so determined) of the aggregate total of the waiver amortization installments for such plan year and the 5 succeeding plan years, which have been determined with respect to the waiver amortization bases of the plan for each of the 5 plan years preceding such plan year.

"(4) FUNDING SHORTFALL.—For purposes of this section, the funding shortfall of a plan for any plan year is the excess (if any) of—

"(A) the funding target of the plan for the plan year, over

"(B) the value of plan assets of the plan (as reduced under subsection (f)(4)(B)) for the plan year which are held by the plan on the valuation date.

"(5) EXEMPTION FROM NEW SHORTFALL AMORTIZATION BASE.—

"(A) IN GENERAL.—In any case in which the value of plan assets of the plan (as reduced under subsection (f)(4)(A)) is equal to or greater than the funding target of the plan for the plan year, the shortfall amortization base of the plan for such plan year shall be zero.

"(B) TRANSITION RULE.—

"(i) IN GENERAL.—In the case of a non-deficit reduction plan, subparagraph (A) shall be applied to plan years beginning after 2006 and before 2011 by substituting, for the funding target of the plan for the plan year, the applicable percentage of such funding target determined under the following table:

"In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	92 percent
2008	94 percent
2009	96 percent
2010	98 percent.

"(ii) LIMITATION.—Clause (i) shall not apply with respect to any plan year after 2007 unless the ratio (expressed as a percentage) which—

"(I) the value of plan assets for each preceding plan year after 2006 (as reduced under subsection (f)(4)(A)), bears to

"(II) the funding target of the plan for such preceding plan year (determined without regard to subsection (i)(1)),

is not less than the applicable percentage with respect to such preceding plan determined under clause (i).

"(iii) NON-DEFICIT REDUCTION PLAN.—For purposes of clause (i), the term 'non-deficit reduction plan' means any plan—

"(I) to which this part (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) applied for the plan year beginning in 2006, and

"(II) to which section 412(d) (as so in effect) did not apply for such plan year.

"(6) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the shortfall amortization charge for such plan year and succeeding plan years, the shortfall amortization bases for all preceding plan years (and all shortfall amortization installments determined with respect to such bases) shall be reduced to zero.

"(d) RULES RELATING TO FUNDING TARGET.—For purposes of this section—

"(1) FUNDING TARGET.—Except as provided in subsection (i)(1) with respect to plans in at-risk status, the funding target of a plan for a plan year is the present value of all liabilities to participants and their beneficiaries under the plan for the plan year.

"(2) FUNDING TARGET ATTAINMENT PERCENTAGE.—The 'funding target attainment percentage' of a plan for a plan year is the ratio (expressed as a percentage) which—

"(A) the value of plan assets for the plan year (as reduced under subsection (f)(4)(B)), bears to

"(B) the funding target of the plan for the plan year (determined without regard to subsection (i)(1)).

"(e) WAIVER AMORTIZATION CHARGE.—

"(1) DETERMINATION OF WAIVER AMORTIZATION CHARGE.—The waiver amortization charge (if any) for a plan for any plan year is the aggregate total of the waiver amortization installments for such plan year with respect to the waiver amortization bases for each of the 5 preceding plan years.

"(2) WAIVER AMORTIZATION INSTALLMENT.—The plan sponsor shall determine, with respect to the waiver amortization base of the plan for any plan year, the amounts necessary to amortize such waiver amortization base, in level annual installments over a period of 5 plan years beginning with the succeeding plan year. For purposes of paragraph (1), the annual installment of such amortization for each plan year in such 5-plan year period is the waiver amortization installment for such plan year with respect to such waiver amortization base.

"(3) INTEREST RATE.—In determining any waiver amortization installment under this subsection, the plan sponsor shall use the segment rates determined under subparagraph (C) of subsection (h)(2), applied under rules similar to the rules of subparagraph (B) of subsection (h)(2).

"(4) WAIVER AMORTIZATION BASE.—The waiver amortization base of a plan for a plan year is the amount of the waived funding deficiency (if any) for such plan year under section 412(c).

"(5) EARLY DEEMED AMORTIZATION UPON ATTAINMENT OF FUNDING TARGET.—In any case in which the funding shortfall of a plan for a plan year is zero, for purposes of determining the waiver amortization charge for such plan year and succeeding plan years, the waiver amortization base for all preceding plan years shall be reduced to zero.

"(f) REDUCTION OF MINIMUM REQUIRED CONTRIBUTION BY PRE-FUNDING BALANCE AND FUNDING STANDARD CARRYOVER BALANCE.—

"(1) ELECTION TO MAINTAIN BALANCES.—

"(A) PRE-FUNDING BALANCE.—The plan sponsor of a defined benefit plan which is not a multiemployer plan may elect to maintain a pre-funding balance.

"(B) FUNDING STANDARD CARRYOVER BALANCE.—

"(i) IN GENERAL.—In the case of a defined benefit plan (other than a multiemployer plan) described in clause (ii), the plan sponsor may elect to maintain a funding standard carryover balance, until such balance is reduced to zero.

"(ii) PLANS MAINTAINING FUNDING STANDARD ACCOUNT IN 2006.—A plan is described in this clause if the plan—

"(I) was in effect for a plan year beginning in 2006, and

"(II) had a positive balance in the funding standard account under section 412(b) as in effect for such plan year and determined as of the end of such plan year.

"(2) APPLICATION OF BALANCES.—A pre-funding balance and a funding standard carryover balance maintained pursuant to this paragraph—

"(A) shall be available for crediting against the minimum required contribution, pursuant to an election under paragraph (3),

"(B) shall be applied as a reduction in the amount treated as the value of plan assets for purposes of this section, to the extent provided in paragraph (4), and

"(C) may be reduced at any time, pursuant to an election under paragraph (5).

"(3) ELECTION TO APPLY BALANCES AGAINST MINIMUM REQUIRED CONTRIBUTION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of any plan year in which the plan sponsor elects to credit against the minimum required contribution for the current plan year all or a portion of the pre-funding balance or the funding standard carryover balance for the current plan year (not in excess of such minimum required contribution), the minimum required contribution for the plan year shall be reduced by the amount so credited by the plan sponsor. For purposes of the preceding sentence, the minimum required contribution shall be determined after taking into account any waiver under section 412(c).

"(B) COORDINATION WITH FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero, no amount of the pre-funding balance of such plan may be credited under this paragraph in reducing the minimum required contribution.

"(C) LIMITATION FOR UNDERFUNDED PLANS.—The preceding provisions of this paragraph shall not apply for any plan year if the ratio (expressed as a percentage) which—

"(i) the value of plan assets for the preceding plan year (as reduced under paragraph (4)(C)), bears to

"(ii) the funding target of the plan for the preceding plan year (determined without regard to subsection (i)(1)),

is less than 80 percent.

"(4) EFFECT OF BALANCES ON AMOUNTS TREATED AS VALUE OF PLAN ASSETS.—In the case of any plan maintaining a pre-funding balance or a funding standard carryover balance pursuant to this subsection, the amount treated as the value of plan assets shall be deemed to be such amount, reduced as provided in the following subparagraphs:

"(A) APPLICABILITY OF SHORTFALL AMORTIZATION BASE.—For purposes of subsection (c)(5), the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance, but only if an election under paragraph (2) applying any portion of the pre-funding balance in reducing the minimum required contribution is in effect for the plan year.

"(B) DETERMINATION OF EXCESS ASSETS, FUNDING SHORTFALL, AND FUNDING TARGET ATTAINMENT PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subsections (a), (c)(4)(B), and (d)(2)(A), the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance and the funding standard carryover balance.

"(ii) SPECIAL RULE FOR CERTAIN BINDING AGREEMENTS WITH PBGC.—For purposes of subsection (c)(4)(B), the value of plan assets shall not be deemed to be reduced for a plan year by the amount of the specified balance if, with respect to such balance, there is in effect for a plan year a binding written agreement with the Pension Benefit Guaranty Corporation which provides that such balance is not available to reduce the minimum required contribution for the plan year. For purposes of the preceding sentence, the term 'specified balance' means the pre-funding balance or the funding standard carryover balance, as the case may be.

"(C) AVAILABILITY OF BALANCES IN PLAN YEAR FOR CREDITING AGAINST MINIMUM REQUIRED CONTRIBUTION.—For purposes of paragraph (3)(C)(i) of this subsection, the value of plan assets is deemed to be such amount, reduced by the amount of the pre-funding balance.

"(5) ELECTION TO REDUCE BALANCE PRIOR TO DETERMINATIONS OF VALUE OF PLAN ASSETS AND CREDITING AGAINST MINIMUM REQUIRED CONTRIBUTION.—

"(A) IN GENERAL.—The plan sponsor may elect to reduce by any amount the balance of the pre-funding balance and the funding standard carryover balance for any plan year (but not below zero). Such reduction shall be effective prior to any determination of the value of plan assets for such plan year under this section and application of the balance in reducing the minimum required contribution for such plan for such plan year pursuant to an election under paragraph (2).

"(B) COORDINATION BETWEEN PRE-FUNDING BALANCE AND FUNDING STANDARD CARRYOVER BALANCE.—To the extent that any plan has a funding standard carryover balance greater than zero, no election may be made under subparagraph (A) with respect to the pre-funding balance.

"(6) PRE-FUNDING BALANCE.—

"(A) IN GENERAL.—A pre-funding balance maintained by a plan shall consist of a beginning balance of zero, increased and decreased to the extent provided in subparagraphs (B) and (C), and adjusted further as provided in paragraph (8).

"(B) INCREASES.—As of the valuation date for each plan year beginning after 2007, the pre-funding balance of a plan shall be increased by the amount elected by the plan sponsor for the plan year. Such amount shall not exceed the excess (if any) of—

"(i) the aggregate total of employer contributions to the plan for the preceding plan year, over

"(ii) the minimum required contribution for such preceding plan year (increased by interest on any portion of such minimum required contribution remaining unpaid as of the valuation date for the current plan year, at the effective interest rate for the plan for the preceding plan year, for the period beginning with the first day of such preceding plan year and ending on the date that payment of such portion is made).

"(C) DECREASES.—As of the valuation date for each plan year after 2007, the pre-funding balance of a plan shall be decreased (but not below zero) by the sum of—

"(i) the amount of such balance credited under paragraph (2) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

"(ii) any reduction in such balance elected under paragraph (5).

"(7) FUNDING STANDARD CARRYOVER BALANCE.—

"(A) IN GENERAL.—A funding standard carryover balance maintained by a plan shall consist of a beginning balance determined under subparagraph (B), decreased to the extent provided in subparagraph (C), and adjusted further as provided in paragraph (8).

"(B) BEGINNING BALANCE.—The beginning balance of the funding standard carryover balance shall be the positive balance described in paragraph (1)(B)(ii)(II).

"(C) DECREASES.—As of the valuation date for each plan year after 2007, the funding standard carryover balance of a plan shall be decreased (but not below zero) by the sum of—

"(i) the amount of such balance credited under paragraph (2) (if any) in reducing the minimum required contribution of the plan for the preceding plan year, and

"(ii) any reduction in such balance elected under paragraph (5).

"(8) ADJUSTMENTS TO BALANCES.—In determining the pre-funding balance or the funding standard carryover balance of a plan as of the valuation date (before applying any increase or decrease under paragraph (6) or (7)), the plan sponsor shall, in accordance with regulations which shall be prescribed by the Secretary, adjust such balance so as to reflect the rate of net gain or loss (determined, notwithstanding subsection (g)(3), on the basis of fair market value) experienced by all plan assets for the period beginning with the valuation date for the preceding plan year and ending with the date preceding the valuation date for the current plan year, properly taking into account, in accordance with such regulations, all contributions, distributions, and other plan payments made during such period.

"(9) ELECTIONS.—Elections under this subsection shall be made at such times, and in such form and manner, as shall be prescribed in regulations of the Secretary.

"(g) VALUATION OF PLAN ASSETS AND LIABILITIES.—

"(1) TIMING OF DETERMINATIONS.—Except as otherwise provided under this subsection, all determinations under this section for a plan year shall be made as of the valuation date of the plan for such plan year.

"(2) VALUATION DATE.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the valuation date of a plan for any plan year shall be the first day of the plan year.

"(B) EXCEPTION FOR SMALL PLANS.—If, on each day during the preceding plan year, a plan had 500 or fewer participants, the plan may designate any day during the plan year as its valuation date for such plan year and succeeding plan years. For purposes of this subparagraph, all defined benefit plans (other than multiemployer plans) maintained by the same employer (or any member of such employer's controlled group) shall be treated as 1 plan, but only participants with respect to such employer or member shall be taken into account.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF PLAN SIZE.—For purposes of this paragraph—

"(i) PLANS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of the first plan year of any plan, subparagraph (B) shall apply to such plan by taking into account the number of participants that the plan is reasonably expected to have on days during such first plan year.

"(ii) PREDECESSORS.—Any reference in subparagraph (B) to an employer shall include a reference to any predecessor of such employer.

"(3) AUTHORIZATION OF USE OF ACTUARIAL VALUE.—For purposes of this section, the value of plan assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary, except that—

"(A) any such method providing for averaging of fair market values may not provide for averaging of such values over more than the 36-month period ending with the month which includes the valuation date, and

"(B) any such method may not result in a determination of the value of plan assets which, at any time, is lower than 90 percent or greater than 110 percent of the fair market value of such assets at such time.

"(4) ACCOUNTING FOR CONTRIBUTION RECEIPTS.—For purposes of this section—

"(A) CONTRIBUTIONS FOR PRIOR PLAN YEARS TAKEN INTO ACCOUNT.—For purposes of determining the value of plan assets for any current plan year, in any case in which a contribution properly allocable to amounts owed for a preceding plan year is made on or after the valuation date of the plan for such current plan year, such contribution shall be taken into account, except that any such contribution made during any such current plan year beginning after 2007 shall be taken into account only in an amount equal to its present value (determined using the effective rate of interest for the plan for the preceding plan year) as of the valuation date of the plan for such current plan year.

"(B) CONTRIBUTIONS FOR CURRENT PLAN YEAR DISREGARDED.—For purposes of determining the value of plan assets for any current plan year, contributions which are properly allocable to amounts owed for such plan year shall not be taken into account, and, in the case of any such contribution made before the valuation date of the plan for such plan year, such value of plan assets shall be reduced for interest on such amount determined using the effective rate of interest of the plan for the current plan year for the period beginning when such payment was made and ending on the valuation date of the plan.

"(5) ACCOUNTING FOR PLAN LIABILITIES.—For purposes of this section—

"(A) LIABILITIES TAKEN INTO ACCOUNT FOR CURRENT PLAN YEAR.—In determining the value of liabilities under a plan for a plan year, liabilities shall be taken into account to the extent attributable to benefits (including any early retirement or similar benefit) accrued or earned as of the beginning of the plan year.

"(B) ACCRUALS DURING CURRENT PLAN YEAR DISREGARDED.—For purposes of subparagraph (A), benefits accrued or earned during such plan year shall not be taken into account, irrespective of whether the valuation date of the plan for such plan year is later than the first day of such plan year.

"(h) ACTUARIAL ASSUMPTIONS AND METHODS.—

"(1) IN GENERAL.—Subject to this subsection, the determination of any present value or other computation under this section shall be made on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(2) INTEREST RATES.—

"(A) EFFECTIVE INTEREST RATE.—For purposes of this section, the term 'effective interest rate' means, with respect to any plan for any plan year, the single rate of interest which, if used to determine the present value of the plan's liabilities referred to in subsection (d)(1), would result in an amount equal to the funding target of the plan for such plan year.

"(B) INTEREST RATES FOR DETERMINING FUNDING TARGET.—For purposes of determining the funding target of a plan for any plan year, the interest rate used in determining the present value of the liabilities of the plan shall be—

"(i) in the case of liabilities reasonably determined to be payable during the 5-year period beginning on the first day of the plan year, the first segment rate with respect to the applicable month,

"(ii) in the case of liabilities reasonably determined to be payable during the 15-year period beginning at the end of the period described in clause (i), the second segment rate with respect to the applicable month, and

"(iii) in the case of liabilities reasonably determined to be payable after the period described in clause (ii), the third segment rate with respect to the applicable month.

"(C) SEGMENT RATES.—For purposes of this paragraph—

"(i) FIRST SEGMENT RATE.—The term 'first segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 5-year period commencing with such month.

"(ii) SECOND SEGMENT RATE.—The term 'second segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during the 15-year period beginning at the end of the period described in clause (i).

"(iii) THIRD SEGMENT RATE.—The term 'third segment rate' means, with respect to any month, the single rate of interest which shall be determined by the Secretary for such month on the basis of the corporate bond yield curve for such month, taking into account only that portion of such yield curve which is based on bonds maturing during periods beginning after the period described in clause (ii).

“(D) CORPORATE BOND YIELD CURVE.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘corporate bond yield curve’ means, with respect to any month, a yield curve which is prescribed by the Secretary for such month and which reflects a 3-year weighted average of yields on investment grade corporate bonds with varying maturities.

“(ii) 3-YEAR WEIGHTED AVERAGE.—The term ‘3-year weighted average’ means an average determined by using a methodology under which the most recent year is weighted 50 percent, the year preceding such year is weighted 35 percent, and the second year preceding such year is weighted 15 percent.

“(E) APPLICABLE MONTH.—For purposes of this paragraph, the term ‘applicable month’ means, with respect to any plan for any plan year, the month which includes the valuation date of such plan for such plan year or, at the election of the plan sponsor, any of the 4 months which precede such month. Any election made under this subparagraph shall apply to the plan year for which the election is made and all succeeding plan years, unless the election is revoked with the consent of the Secretary.

“(F) PUBLICATION REQUIREMENTS.—The Secretary shall publish for each month the corporate bond yield curve (and the corporate bond yield curve reflecting the modification described in section 417(e)(3)(D)(i) for such month and each of the rates determined under subparagraph (B) for such month. The Secretary shall also publish a description of the methodology used to determine such yield curve and such rates which is sufficiently detailed to enable plans to make reasonable projections regarding the yield curve and such rates for future months based on the plan's projection of future interest rates.

“(G) TRANSITION RULE.—

“(i) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, for plan years beginning in 2007 or 2008, the first, second, or third segment rate for a plan with respect to any month shall be equal to the sum of—

“(I) the product of such rate for such month determined without regard to this subparagraph, multiplied by the applicable percentage, and

“(II) the product of the rate determined under the rules of section 412(b)(5)(B)(ii)(II) (as in effect for plan years beginning in 2006), multiplied by a percentage equal to 100 percent minus the applicable percentage.

“(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is 33⅓ percent for plan years beginning in 2007 and 66⅔ percent for plan years beginning in 2008.

“(iii) NEW PLANS INELIGIBLE.—Clause (i) shall not apply to any plan if the first plan year of the plan begins after December 31, 2006.

“(3) MORTALITY TABLE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the mortality table used in determining any present value or making any computation under this section shall be the RP–2000 Combined Mortality Table using Scale AA published by the Society of Actuaries (as in effect on the date of the enactment of the Pension Protection Act of 2005), projected as of the plan's valuation date.

“(B) SUBSTITUTE MORTALITY TABLE.—

“(i) IN GENERAL.—Upon request by the plan sponsor and approval by the Secretary for a period not to exceed 10 years, a mortality table which meets the requirements of clause (ii) shall be used in determining any present value or making any computation under this section. A mortality table described in this clause shall cease to be in effect if the plan actuary determines at any time that such table does not meet the requirements of subclauses (I) and (II) of clause (ii).

“(ii) REQUIREMENTS.—A mortality table meets the requirements of this clause if the Secretary determines that—

“(I) such table reflects the actual experience of the pension plan and projected trends in such experience, and

“(II) such table is significantly different from the table described in subparagraph (A).

“(iii) DEADLINE FOR DISPOSITION OF APPLICATION.—Any mortality table submitted to the Secretary for approval under this subparagraph shall be treated as in effect for the succeeding plan year unless the Secretary, during the 180-day period beginning on the date of such submission, disapproves of such table and provides the reasons that such table fails to meet the requirements of clause (ii).

“(C) TRANSITION RULE.—Under regulations of the Secretary, any difference in present value resulting from the difference in the assumptions as set forth in the mortality table specified in subparagraph (A) and the assumptions as set forth in the mortality table described in section 412(l)(7)(C)(ii) (as in effect for plan years beginning in 2006) shall be phased in ratably over the first period of 5 plan years beginning in or after 2007 so as to be fully effective for the fifth plan year. The preceding sentence shall not apply to any plan if the first plan year of the plan begins after December 31, 2006.

“(4) PROBABILITY OF BENEFIT PAYMENTS IN THE FORM OF LUMP SUMS OR OTHER OPTIONAL FORMS.—For purposes of determining any present value or making any computation under this section, there shall be taken into account—

“(A) the probability that future benefit payments under the plan will be made in the form of optional forms of benefits provided under the plan (including lump sum distributions, determined on the basis of the plan's experience and other related assumptions), and

“(B) any difference in the present value of such future benefit payments resulting from the use of actuarial assumptions, in determining benefit payments in any such optional form of benefits, which are different from those specified in this subsection.

“(5) APPROVAL OF LARGE CHANGES IN ACTUARIAL ASSUMPTIONS.—

“(A) IN GENERAL.—No actuarial assumption used to determine the funding target for a plan to which this paragraph applies may be changed without the approval of the Secretary.

“(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan only if—

“(i) the plan is a defined benefit plan (other than a multiemployer plan) to which title IV of the Employee Retirement Income Security Act of 1974 applies,

“(ii) the aggregate unfunded vested benefits as of the close of the preceding plan year (as determined under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974) of such plan and all other plans maintained by the contributing sponsors (as defined in section 4001(a)(13) of such Act) and members of such sponsors' controlled groups (as defined in section 4001(a)(14) of such Act) which are covered by title IV (disregarding plans with no unfunded vested benefits) exceed $50,000,000, and

“(iii) the change in assumptions (determined after taking into account any changes in interest rate and mortality table) results in a decrease in the funding shortfall of the plan for the current plan year that exceeds $50,000,000, or that exceeds $5,000,000 and that is 5 percent or more of the funding target of the plan before such change.

“(i) SPECIAL RULES FOR AT-RISK PLANS.—

“(1) FUNDING TARGET FOR PLANS IN AT-RISK STATUS.—

“(A) IN GENERAL.—In any case in which a plan is in at-risk status for a plan year, the funding target of the plan for the plan year is the sum of—

“(i) the present value of all liabilities to participants and their beneficiaries under the plan for the plan year, as determined by using, in addition to the actuarial assumptions described in subsection (h), the supplemental actuarial assumptions described in subparagraph (B), plus

“(ii) a loading factor determined under subparagraph (C).

“(B) SUPPLEMENTAL ACTUARIAL ASSUMPTIONS.—The actuarial assumptions used in determining the valuation of the funding target shall include, in addition to the actuarial assumptions described in subsection (h), an assumption that all participants will elect benefits at such times and in such forms as will result in the highest present value of liabilities under subparagraph (A)(i).

“(C) LOADING FACTOR.—The loading factor applied with respect to a plan under this paragraph for any plan year is the sum of—

“(i) $700, times the number of participants in the plan, plus

“(ii) 4 percent of the funding target (determined without regard to this paragraph) of the plan for the plan year.

“(2) TARGET NORMAL COST OF AT-RISK PLANS.—In any case in which a plan is in at-risk status for a plan year, the target normal cost of the plan for such plan year shall be the sum of—

“(A) the present value of all benefits which are expected to accrue or be earned under the plan during the plan year, determined under the actuarial assumptions used under paragraph (1), plus

“(B) the loading factor under paragraph (1)(C), excluding the portion of the loading factor described in paragraph (1)(C)(i).

“(3) DETERMINATION OF AT-RISK STATUS.—For purposes of this subsection, a plan is in ‘at-risk status’ for a plan year if the funding target attainment percentage of the plan for the preceding plan year was less than 60 percent.

“(4) TRANSITION BETWEEN APPLICABLE FUNDING TARGETS AND BETWEEN APPLICABLE TARGET NORMAL COSTS.—

“(A) IN GENERAL.—In any case in which a plan which is in at-risk status for a plan year has been in such status for a consecutive period of fewer than 5 plan years, the applicable amount of the funding target and of the target normal cost shall be, in lieu of the amount determined without regard to this paragraph, the sum of—

“(i) the amount determined under this section without regard to this subsection, plus

“(ii) the transition percentage for such plan year of the excess of the amount determined under this subsection (without regard to this paragraph) over the amount determined under this section without regard to this subsection.

“(B) TRANSITION PERCENTAGE.—For purposes of this paragraph, the ‘transition percentage’ for a plan year is the product derived by multiplying—

“(i) 20 percent, by

“(ii) the number of plan years during the period described in subparagraph (A).

“(j) PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.—

“(1) IN GENERAL.—For purposes of this section, the due date for any payment of any minimum required contribution for any plan year shall be 8½ months after the close of the plan year.

“(2) INTEREST.—Any payment required under paragraph (1) for a plan year that is made on a date other than the valuation date for such plan year shall be adjusted for interest accruing for the period between the valuation date and the payment date, at the effective rate of interest for the plan for such plan year.

“(3) ACCELERATED QUARTERLY CONTRIBUTION SCHEDULE FOR UNDERFUNDED PLANS.—

“(A) INTEREST PENALTY FOR FAILURE TO MEET ACCELERATED QUARTERLY PAYMENT SCHEDULE.—In any case in which the plan has a funding shortfall for the preceding plan year, if the required installment is not paid in full, then the minimum required contribution for the plan year (as increased under paragraph (2)) shall be further increased by an amount equal to the interest on the amount of the underpayment for the period of the underpayment, using an interest rate equal to the excess of—

“(i) 175 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), over

“(ii) the effective rate of interest for the plan for the plan year.

“(B) AMOUNT OF UNDERPAYMENT, PERIOD OF UNDERPAYMENT.—For purposes of subparagraph (A)—

“(i) AMOUNT.—The amount of the underpayment shall be the excess of—

“(I) the required installment, over

“(II) the amount (if any) of the installment contributed to or under the plan on or before the due date for the installment.

“(ii) PERIOD OF UNDERPAYMENT.—The period for which any interest is charged under this paragraph with respect to any portion of the underpayment shall run from the due date for the installment to the date on which such portion is contributed to or under the plan.

“(iii) ORDER OF CREDITING CONTRIBUTIONS.—For purposes of clause (i)(II), contributions shall be credited against unpaid required installments in the order in which such installments are required to be paid.

“(C) NUMBER OF REQUIRED INSTALLMENTS; DUE DATES.—For purposes of this paragraph—

“(i) PAYABLE IN 4 INSTALLMENTS.—There shall be 4 required installments for each plan year.

“(ii) TIME FOR PAYMENT OF INSTALLMENTS.—The due dates for required installments are set forth in the following table:

“In the case of the following required installment:	The due date is:
1st	April 15
2nd	July 15
3rd	October 15
4th	January 15 of the following year

“(D) AMOUNT OF REQUIRED INSTALLMENT.—For purposes of this paragraph—

“(i) IN GENERAL.—The amount of any required installment shall be 25 percent of the required annual payment.

“(ii) REQUIRED ANNUAL PAYMENT.—For purposes of clause (i), the term ‘required annual payment’ means the lesser of—

“(I) 90 percent of the minimum required contribution (without regard to any waiver under section 412(c)) to the plan for the plan year under this section, or

“(II) in the case of a plan year beginning after 2007, 100 percent of the minimum required contribution (without regard to any waiver under section 412(c)) to the plan for the preceding plan year.

Subclause (II) shall not apply if the preceding plan year referred to in such clause was not a year of 12 months.

“(E) FISCAL YEARS AND SHORT YEARS.—

“(i) FISCAL YEARS.—In applying this paragraph to a plan year beginning on any date other than January 1, there shall be substituted for the months specified in this paragraph, the months which correspond thereto.

“(ii) SHORT PLAN YEAR.—This subparagraph shall be applied to plan years of less than 12 months in accordance with regulations prescribed by the Secretary.

“(4) LIQUIDITY REQUIREMENT IN CONNECTION WITH QUARTERLY CONTRIBUTIONS.—

“(A) IN GENERAL.—A plan to which this paragraph applies shall be treated as failing to pay the full amount of any required installment under paragraph (3) to the extent that the value of the liquid assets paid in such installment is less than the liquidity shortfall (whether or not such liquidity shortfall exceeds the amount of such installment required to be paid but for this paragraph).

“(B) PLANS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to a plan (other than a plan that would be described in subsection (f)(2)(B) if ‘100’ were substituted for ‘500’ therein) which—

“(i) is required to pay installments under paragraph (3) for a plan year, and

“(ii) has a liquidity shortfall for any quarter during such plan year.

“(C) PERIOD OF UNDERPAYMENT.—For purposes of paragraph (3)(A), any portion of an installment that is treated as not paid under subparagraph (A) shall continue to be treated as unpaid until the close of the quarter in which the due date for such installment occurs.

“(D) LIMITATION ON INCREASE.—If the amount of any required installment is increased by reason of subparagraph (A), in no event shall such increase exceed the amount which, when added to prior installments for the plan year, is necessary to increase the funding target attainment percentage of the plan for the plan year (taking into account the expected increase in funding target due to benefits accruing or earned during the plan year) to 100 percent.

“(E) DEFINITIONS.—For purposes of this subparagraph:

“(i) LIQUIDITY SHORTFALL.—The term ‘liquidity shortfall’ means, with respect to any required installment, an amount equal to the excess (as of the last day of the quarter for which such installment is made) of—

“(I) the base amount with respect to such quarter, over

“(II) the value (as of such last day) of the plan’s liquid assets.

“(ii) BASE AMOUNT.—

“(I) IN GENERAL.—The term ‘base amount’ means, with respect to any quarter, an amount equal to 3 times the sum of the adjusted disbursements from the plan for the 12 months ending on the last day of such quarter.

“(II) SPECIAL RULE.—If the amount determined under subclause (I) exceeds an amount equal to 2 times the sum of the adjusted disbursements from the plan for the 36 months ending on the last day of the quarter and an enrolled actuary certifies to the satisfaction of the Secretary that such excess is the result of nonrecurring circumstances, the base amount with respect to such quarter shall be determined without regard to amounts related to those nonrecurring circumstances.

“(iii) DISBURSEMENTS FROM THE PLAN.—The term ‘disbursements from the plan’ means all disbursements from the trust, including purchases of annuities, payments of single sums and other benefits, and administrative expenses.

“(iv) ADJUSTED DISBURSEMENTS.—The term ‘adjusted disbursements’ means disbursements from the plan reduced by the product of—

“(I) the plan’s funding target attainment percentage for the plan year, and

“(II) the sum of the purchases of annuities, payments of single sums, and such other disbursements as the Secretary shall provide in regulations.

“(v) LIQUID ASSETS.—The term ‘liquid assets’ means cash, marketable securities, and such other assets as specified by the Secretary in regulations.

“(vi) QUARTER.—The term ‘quarter’ means, with respect to any required installment, the 3-month period preceding the month in which the due date for such installment occurs.

“(F) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this paragraph.

“(k) IMPOSITION OF LIEN WHERE FAILURE TO MAKE REQUIRED CONTRIBUTIONS.—

“(1) IN GENERAL.—In the case of a plan to which this subsection applies, if—

“(A) any person fails to make a contribution payment required by section 412 and this section before the due date for such payment, and

“(B) the unpaid balance of such payment (including interest), when added to the aggregate unpaid balance of all preceding such payments for which payment was not made before the due date (including interest), exceeds $1,000,000,

then there shall be a lien in favor of the plan in the amount determined under paragraph (3) upon all property and rights to property, whether real or personal, belonging to such person and any other person who is a member of the same controlled group of which such person is a member.

“(2) PLANS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to a defined benefit plan (other than a multiemployer plan) for any plan year for which the funding target attainment percentage (as defined in subsection (d)(2)) of such plan is less than 100 percent. This subsection shall not apply to any plan to which section 4021 of the Employee Retirement Income Security Act of 1974 does not apply (as such section is in effect on the date of the enactment of the Pension Protection Act of 2005).

“(3) AMOUNT OF LIEN.—For purposes of paragraph (1), the amount of the lien shall be equal to the aggregate unpaid balance of contribution payments required under this section and section 412 for which payment has not been made before the due date.

“(4) NOTICE OF FAILURE; LIEN.—

“(A) NOTICE OF FAILURE.—A person committing a failure described in paragraph (1) shall notify the Pension Benefit Guaranty Corporation of such failure within 10 days of the due date for the required contribution payment.

“(B) PERIOD OF LIEN.—The lien imposed by paragraph (1) shall arise on the due date for the required contribution payment and shall continue until the last day of the first plan year in which the plan ceases to be described in paragraph (1)(B). Such lien shall continue to run without regard to whether such plan continues to be described in paragraph (2) during the period referred to in the preceding sentence.

"(C) CERTAIN RULES TO APPLY.—Any amount with respect to which a lien is imposed under paragraph (1) shall be treated as taxes due and owing the United States and rules similar to the rules of subsections (c), (d), and (e) of section 4068 of the Employee Retirement Income Security Act of 1974 shall apply with respect to a lien imposed by subsection (a) and the amount with respect to such lien.

"(5) ENFORCEMENT.—Any lien created under paragraph (1) may be perfected and enforced only by the Pension Benefit Guaranty Corporation, or at the direction of the Pension Benefit Guaranty Corporation, by the contributing sponsor (or any member of the controlled group of the contributing sponsor).

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) CONTRIBUTION PAYMENT.—The term 'contribution payment' means, in connection with a plan, a contribution payment required to be made to the plan, including any required installment under paragraphs (3) and (4) of subsection (i).

"(B) DUE DATE; REQUIRED INSTALLMENT.—The terms 'due date' and 'required installment' have the meanings given such terms by subsection (j), except that in the case of a payment other than a required installment, the due date shall be the date such payment is required to be made under section 430.

"(C) CONTROLLED GROUP.—The term 'controlled group' means any group treated as a single employer under subsections (b), (c), (m), and (o) of section 414.

"(l) QUALIFIED TRANSFERS TO HEALTH BENEFIT ACCOUNTS.—In the case of a qualified transfer (as defined in section 420), any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2006.

SEC. 113. BENEFIT LIMITATIONS UNDER SINGLE-EMPLOYER PLANS.

(a) PROHIBITION OF SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.—

(1) IN GENERAL.—Part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to deferred compensation, etc.) is amended—

(A) by striking the heading and inserting the following:

"PART III—RULES RELATING TO MINIMUM FUNDING STANDARDS AND BENEFIT LIMITATIONS

"Subpart A. Minimum funding standards for pension plans.

"Subpart B. Benefit limitations under single-employer plans.

"Subpart A—Minimum Funding Standards for Pension Plans

"Sec. 430. Minimum funding standards for single-employer defined benefit pension plans.", and

(B) by adding at the end the following new subpart:

"Subpart B—Benefit Limitations Under Single-employer Plans

"Sec. 436. Funding-based limitation on shutdown benefits and other unpredictable contingent event benefits under single-employer plans.

"SEC. 436. FUNDING-BASED LIMITATION ON SHUTDOWN BENEFITS AND OTHER UNPREDICTABLE CONTINGENT EVENT BENEFITS UNDER SINGLE-EMPLOYER PLANS.

"(a) IN GENERAL.—No defined benefit plan (other than a multiemployer plan) may provide benefits to which participants are entitled solely by reason of the occurrence of a plant shutdown or any other unpredictable contingent event occurring during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year—

"(1) is less than 80 percent, or

"(2) would be less than 80 percent taking into account such occurrence.

"(b) EXEMPTION.—Subsection (a) shall cease to apply with respect to any plan year, effective as of the first date of the plan year, upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 430) equal to—

"(1) in the case of subsection (a)(1), the amount of the increase in the funding target of the plan (under section 430) for the plan year attributable to the occurrence referred to in subsection (a), and

"(2) in the case of subsection (a)(2), the amount sufficient to result in a funding target attainment percentage of 80 percent.

Rules similar to the rules of section 437(f) shall apply for purposes of this subsection.

"(c) UNPREDICTABLE CONTINGENT EVENT.—For purposes of this section, the term 'unpredictable contingent event' means an event other than—

"(1) attainment of any age, performance of any service, receipt or derivation of any compensation, or the occurrence of death or disability, or

"(2) an event which is reasonably and reliably predictable (as determined by the Secretary).

"(d) NEW PLANS.—Subsection (a) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

"(e) DEEMED REDUCTION OF FUNDING BALANCES.—A rule similar to the rule of section 437(h) shall apply for purposes of this section.".

(2) CLERICAL AMENDMENT.—The table of parts for suchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"PART III RULES RELATING TO MINIMUM FUNDING STANDARDS AND BENEFIT LIMITATIONS".

(b) OTHER LIMITS ON BENEFITS AND BENEFIT ACCRUALS.—

(1) IN GENERAL.—Subpart B of part III of subchapter D of chapter 1 of such Code is amended by adding at the end the following:

"SEC. 437. FUNDING-BASED LIMITS ON BENEFITS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.

"(a) LIMITATIONS ON PLAN AMENDMENTS INCREASING LIABILITY FOR BENEFITS.—

"(1) IN GENERAL.—No amendment to a defined benefit plan (other than a multiemployer plan) which has the effect of increasing liabilities of the plan by reason of increases in benefits, establishment of new benefits, changing the rate of benefit accrual, or changing the rate at which benefits become nonforfeitable to the plan may take effect during any plan year if the funding target attainment percentage as of the valuation date of the plan for such plan year is—

"(A) less than 80 percent, or

"(B) would be less than 80 percent taking into account such amendment.

For purposes of this paragraph, any increase in benefits under the plan by reason of an increase in the benefit rate provided under the plan or on the basis of an increase in compensation shall be treated as effected by plan amendment.

"(2) EXEMPTION.—Paragraph (1) shall cease to apply with respect to any plan year, effective as of the first date of the plan year (or if later, the effective date of the amendment), upon payment by the plan sponsor of a contribution (in addition to any minimum required contribution under section 430) equal to—

"(A) in the case of paragraph (1)(A), the amount of the increase in the funding target of the plan (under section 430) for the plan year attributable to the amendment, and

"(B) in the case of paragraph (1)(B), the amount sufficient to result in a funding target attainment percentage of 80 percent.

"(b) FUNDING-BASED LIMITATION ON CERTAIN FORMS OF DISTRIBUTION.—

"(1) IN GENERAL.—A defined benefit plan (other than a multiemployer plan) shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 80 percent, the plan may not after such date pay any payment described in section 401(a)(32)(B).

"(2) EXCEPTION.—Paragraph (1) shall not apply to any plan for any plan year if the terms of such plan (as in effect for the period beginning on June 29, 2005, and ending with such plan year) provide for no benefit accruals with respect to any participant during such period.

"(c) LIMITATIONS ON BENEFIT ACCRUALS FOR PLANS WITH SEVERE FUNDING SHORTFALLS.—A defined benefit plan (other than a multiemployer plan) shall provide that, in any case in which the plan's funding target attainment percentage as of the valuation date of the plan for a plan year is less than 60 percent, all future benefit accruals under the plan shall cease as of such date.

"(d) NEW PLANS.—Subsections (a) and (c) shall not apply to a plan for the first 5 plan years of the plan. For purposes of this subsection, the reference in this subsection to a plan shall include a reference to any predecessor plan.

"(e) PRESUMED UNDERFUNDING FOR PURPOSES OF BENEFIT LIMITATIONS BASED ON PRIOR YEAR'S FUNDING STATUS.—

"(1) PRESUMPTION OF CONTINUED UNDERFUNDING.—In any case in which a benefit limitation under subsection (a), (b), or (c) has been applied to a plan with respect to the plan year preceding the current plan year, the funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year shall be presumed to be equal to the funding target attainment percentage of the plan as of the valuation date of the plan for the preceding plan year until the enrolled actuary of the plan certifies the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year.

"(2) PRESUMPTION OF UNDERFUNDING AFTER 10TH MONTH.—In any case in which no such certification is made with respect to the plan before the first day of the 10th month of the current plan year, for purposes of subsections (a), (b), and (c), the plan's funding target attainment percentage shall be conclusively presumed to be less than 60 percent as of the first day of such 10th month, and such day shall be deemed, for purposes of such subsections, to be the valuation date of the plan for the current plan year.

"(3) PRESUMPTION OF UNDERFUNDING AFTER 4TH MONTH FOR NEARLY UNDERFUNDED PLANS.—In any case in which—

"(A) a benefit limitation under subsection (a), (b), or (c) did not apply to a plan with respect to the plan year preceding the current plan year, but the funding target attainment percentage of the plan for such preceding plan year was not more than 10 percentage points greater than the percentage which would have caused such subsection to apply to the plan with respect to such preceding plan year, and

"(B) as of the first day of the 4th month of the current plan year, the enrolled actuary of the plan has not certified the actual funding target attainment percentage of the plan as of the valuation date of the plan for the current plan year,

until the enrolled actuary so certifies, such first day shall be deemed, for purposes of such subsection, to be the valuation date of the plan for the current plan year and the funding target attainment percentage of the plan as of such first day shall, for purposes of such subsection, be presumed to be equal to 10 percentage points less than the funding target attainment percentage of the plan as of the valuation date of the plan for such preceding plan year.

"(f) RESTORATION BY PLAN AMENDMENT OF BENEFITS OR BENEFIT ACCRUAL.—In any case in which a prohibition under subsection (b) of a payment described in subsection (b)(1) or a cessation of benefit accruals under subsection (c) is applied to a plan with respect to any plan year and such prohibition or cessation, as the case may be, ceases to apply to any subsequent plan year, the plan may provide for the resumption of such benefit payment or such benefit accrual only by means of the adoption of a plan amendment after the valuation date of the plan for such subsequent plan year. The preceding sentence shall not apply to a prohibition or cessation required by reason of subsection (e).

"(g) FUNDING TARGET ATTAINMENT PERCENTAGE.—

"(1) IN GENERAL.—For purposes of this section, the term 'funding target attainment percentage' means, with respect to any plan for any plan year, the ratio (expressed as a percentage) which—

"(A) the value of plan assets for the plan year (as determined under section 430(g)) reduced by the pre-funding balance and the funding standard carryover balance (within the meaning of section 430(f)), bears to

"(B) the funding target of the plan for the plan year (as determined under section 430(d)(1), but without regard to section 430(i)(1)).

"(2) APPLICATION TO PLANS WHICH ARE FULLY FUNDED WITHOUT REGARD TO REDUCTIONS FOR FUNDING BALANCES.—

"(A) IN GENERAL.—In the case of a plan for any plan year, if the funding target attainment percentage is 100 percent or more (determined without regard to this subparagraph and without regard to the reduction under paragraph (1)(A) for the pre-funding balance and the funding standard carryover balance), paragraph (1) shall be applied without regard to such reduction.

"(B) TRANSITION RULE.—Subparagraph (A) shall be applied to plan years beginning after 2006 and before 2011 by substituting for '100 percent' the applicable percentage determined in accordance with the following table:

"In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	92 percent
2008	94 percent
2009	96 percent
2010	98 percent.

"(C) LIMITATION.—Subparagraph (B) shall not apply with respect to any plan year after 2007 unless the funding target attainment percentage (determined without regard to this paragraph and without regard to the reduction under paragraph (1)(A) for the prefunding balance and the funding standard carryover balance) of the plan for each preceding plan year after 2006 was not less than the applicable percentage with respect to such preceding plan year determined under subparagraph (B).

"(h) DEEMED REDUCTION OF FUNDING BALANCES.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers—

"(1) IN GENERAL.—In any case in which a benefit limitation under subsection (a), (b), or (c) would (but for this subsection and determined without regard to subsection (a)(2)) apply to such plan for the plan year, the plan sponsor of such plan shall be treated for purposes of this title as having made an election under section 430(f)(5) to reduce the balance of the pre-funding balance and the funding standard carryover balance for the plan year (in a manner consistent with the requirements of section 430(f)(5)(B)) by such amount as is necessary for such benefit limitation to not apply to the plan for such plan year.

"(2) EXCEPTION FOR INSUFFICIENT FUNDING BALANCES.—Paragraph (1) shall not apply with respect to a benefit limitation for any plan year if the application of paragraph (1) would not result in the benefit limitation not applying for such plan year.".

(2) CLERICAL AMENDMENT.—The table of sections for such subpart is amended by adding at the end the following new item:

"Sec. 437. Funding-based limits on benefits and benefit accruals under single-employer plans.".

(c) EFFECTIVE DATE.—

(1) SHUTDOWN BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (a) shall apply with respect to plant shutdowns, or other unpredictable contingent events, occurring after December 31, 2006.

(2) OTHER BENEFITS.—Except as provided in paragraph (3), the amendments made by subsection (b) shall apply with respect to plan years beginning after December 31, 2006.

(3) COLLECTIVE BARGAINING EXCEPTION.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of the enactment of this Act, the amendments made by this subsection shall not apply to plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last collective bargaining agreement relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(ii) the first day of the first plan year to which the amendments made by this subsection would (but for this subparagraph) apply, or

(B) January 1, 2009.

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this subsection shall not be treated as a termination of such collective bargaining agreement.

(d) SPECIAL RULE FOR 2007.—For purposes of applying subsection (e) of section 437 of such Code (as added by this section) to current plan years (within the meaning of such subsection) beginning in 2007, the modified funded current liability percentage of the plan for the preceding year shall be substituted for the funding target attainment percentage of the plan for the preceding year. For purposes of the preceding sentence, the term "modified funded current liability percentage" means the funded current liability percentage (as defined in section 412(l)(8) of such Code), reduced as described in subparagraph (E) thereof in the case of a plan with a funded current liability percentage (as so defined and before such reduction) which is less than 100 percent.

SEC. 114. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS RELATED TO QUALIFICATION REQUIREMENTS.—

(1) Section 401(a)(29) of the Internal Revenue Code of 1986 is amended to read as follows:

"(29) BENEFIT LIMITATIONS ON PLANS IN AT-RISK STATUS.—In the case of a defined benefit plan (other than a multiemployer plan) to which the requirements of section 412 apply, the trust of which the plan is a part shall not constitute a qualified trust under this subsection unless the plan meets the requirements of sections 436 and 437.".

(2) Section 401(a)(32) of such Code is amended—

(A) in subparagraph (A), by striking "412(m)(5)" each place it appears and inserting "430(j)(4)", and

(B) in subparagraph (C), by striking "section 412(m) by reason of paragraph (5)(A) thereof" and inserting "section 430(j)(3) by reason of section 430(j)(4)(A)".

(3) Section 401(a)(33) of such Code is amended—

(A) in subparagraph (B)(i), by striking "funded current liability percentage (as defined in section 412(l)(8))" and inserting "funding target attainment percentage (as defined in section 430(d)(2))",

(B) in subparagraph (B)(iii), by striking "subsection 412(c)(8)" and inserting "section 412(d)(2)", and

(C) in subparagraph (D), by striking "section 412(c)(11) (without regard to subparagraph (B) thereof)" and inserting "section 412(b) (without regard to paragraph (2) thereof)".

(b) VESTING RULES.—Section 411 of such Code is amended—

(1) by striking "section 412(c)(8)" in subsection (a)(3)(C) and inserting "section 412(d)(2)",

(2) in subsection (b)(1)(F)—

(A) by striking "paragraphs (2) and (3) of section 412(i)" in clause (ii) and inserting "subparagraphs (B) and (C) of section 412(e)(3)", and

(B) by striking "paragraphs (4), (5), and (6) of section 412(i)" and inserting "subparagraphs (D), (E), and (F) of section 412(e)(3)", and

(3) by striking "section 412(c)(8)" in subsection (d)(6)(A) and inserting "section 412(d)(2)".

(c) MERGERS AND CONSOLIDATIONS OF PLANS.—Subclause (I) of section

414(l)(2)(B)(i) of such Code is amended to read as follows:

"(I) the amount determined under section 431(c)(6)(A)(i) in the case of a multiemployer plan (and the sum of the target liability amount and target normal cost determined under section 430 in the case of any other plan), over".

(d) Transfer of Excess Pension Assets to Retiree Health Accounts.—

(1) Section 420(e)(2) of such Code is amended to read as follows:

"(2) Excess pension assets.—The term 'excess pension assets' means the excess (if any) of—

"(A) the lesser of—

"(i) the fair market value of the plan's assets (reduced by the pre-funding balance and the funding standard carryover balance, as determined under section 430(f)), or

"(ii) the value of plan assets as determined under section 430(g)(3) (reduced by the pre-funding balance and the funding standard carryover balance, as determined under section 430(f)), over

"(B) 125 percent of the sum of the target liability amount and the target normal cost determined under section 430 for such plan year.".

(2) Section 420(e)(4) of such Code is amended to read as follows:

"(4) Coordination with section 430.—In the case of a qualified transfer, any assets so transferred shall not, for purposes of this section, be treated as assets in the plan.".

(e) Excise Taxes.—

(1) In general.—Subsections (a) and (b) of section 4971 of such Code are amended to read as follows:

"(a) Initial Tax.—If at any time during any taxable year an employer maintains a plan to which section 412 applies, there is hereby imposed for the taxable year a tax equal to—

"(1) in the case of a defined benefit plan which is not a multiemployer plan, 10 percent of the aggregate unpaid minimum required contributions for all plan years remaining unpaid as of the end of any plan year ending with or within the taxable year, and

"(2) in the case of a multiemployer plan, 5 percent of the accumulated funding deficiency determined under section 431 as of the end of any plan year ending with or within the taxable year.

"(b) Additional Tax.—If—

"(1) a tax is imposed under subsection (a)(1) on any unpaid required minimum contribution and such amount remains unpaid as of the close of the taxable period, or

"(2) a tax is imposed under subsection (a)(2) on any accumulated funding deficiency and the accumulated funding deficiency is not corrected within the taxable period,

there is hereby imposed a tax equal to 100 percent of the unpaid minimum required contribution or accumulated funding deficiency, whichever is applicable, to the extent not so paid or corrected.".

(2) Section 4971(c) of such Code is amended—

(A) by striking "the last two sentences of section 412(a)" in paragraph (1) and inserting "section 431", and

(B) by adding at the end the following new paragraph:

"(4) Unpaid minimum required contribution.—

"(A) In general.—The term 'unpaid minimum required contribution' means, with respect to any plan year, any minimum required contribution under section 430 for the plan year which is not paid on or before the due date (as determined under section 430(j)(1)) for the plan year.

"(B) Ordering rule.—Any payment to or under a plan for any plan year shall be allocated first to unpaid minimum required contributions for all preceding plan years in the order in which such contributions became due and then to the minimum required contribution under section 430 for the plan year.".

(3) Section 4971(e)(1) of such Code is amended by striking "section 412(b)(3)(A)" and inserting "section 412(a)(2)".

(4) Section 4971(f)(1) of such Code is amended—

(A) by striking "section 412(m)(5)" and inserting "section 430(j)(4)", and

(B) by striking "section 412(m)" and inserting "section 430(j)(3)".

(5) Section 4972(c)(7) of such Code is amended by striking "except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof)" and inserting "except, in the case of a multiemployer plan, to the extent that such contributions exceed the full-funding limitation (as defined in section 431(c)(6))".

(f) Reporting Requirements.—Section 6059(b) of such Code is amended—

(1) by striking "the accumulated funding deficiency (as defined in section 412(a))" in paragraph (2) and inserting "the minimum required contribution determined under section 430, or the accumulated funding deficiency determined under section 431,", and

(2) by striking paragraph (3)(B) and inserting:

"(B) the requirements for reasonable actuarial assumptions under section 430(h)(1) or 431(c)(3), whichever are applicable, have been complied with,".

(g) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2006.

Subtitle C—Other Provisions

SEC. 121. MODIFICATION OF TRANSITION RULE TO PENSION FUNDING REQUIREMENTS.

(a) In General.—In the case of a plan that—

(1) was not required to pay a variable rate premium for the plan year beginning in 1996,

(2) has not, in any plan year beginning after 1995, merged with another plan (other than a plan sponsored by an employer that was in 1996 within the controlled group of the plan sponsor); and

(3) is sponsored by a company that is engaged primarily in the interurban or interstate passenger bus service,

the rules described in subsection (b) shall apply for any plan year beginning after December 31, 2006.

(b) Modified Rules.—The rules described in this subsection are as follows:

(1) For purposes of section 430(j)(3) of the Internal Revenue Code of 1986 and section 303(j)(3) of the Employee Retirement Income Security Act of 1974, the plan shall be treated as not having a funding shortfall for any plan year.

(2) For purposes of—

(A) determining unfunded vested benefits under section 4006(a)(3)(E)(iii) of such Act, and

(B) determining any present value or making any computation under section 412 of such Code or section 302 of such Act,

the mortality table shall be the mortality table used by the plan.

(3) Section 430(c)(5)(B) of such Code and section 303(c)(5)(B) of such Act (relating to phase-in of funding target for exemption from new shortfall amortization base) shall each be applied by substituting "2012" for "2011" therein and by substituting for the table therein the following:

In the case of a plan year beginning in calendar year:	The applicable percentage is:
2007	90 percent
2008	92 percent
2009	94 percent
2010	96 percent
2011	98 percent.

(c) Definitions.—Any term used in this section which is also used in section 430 of such Code or section 303 of such Act shall have the meaning provided such term in such section. If the same term has a different meaning in such Code and such Act, such term shall, for purposes of this section, have the meaning provided by such Code when applied with respect to such Code and the meaning provided by such Act when applied with respect to such Act.

(d) Special Rule for 2006.—

(1) In general.—Section 769(c)(3) of the Retirement Protection Act of 1994, as added by section 201 of the Pension Funding Equity Act of 2004, is amended by striking "and 2005" and inserting ", 2005, and 2006".

(2) Effective date.—The amendment made by paragraph (1) shall apply to plan years beginning after December 31, 2005.

(e) Conforming Amendment.—

(1) Section 769 of the Retirement Protection Act of 1994 is amended by striking subsection (c).

(2) The amendment made by paragraph (1) shall take effect on December 31, 2006, and shall apply to plan years beginning after such date.

SEC. 122. TREATMENT OF NONQUALIFIED DEFERRED COMPENSATION PLANS WHEN EMPLOYER DEFINED BENEFIT PLAN IN AT-RISK STATUS.

(a) In General.—Subsection (b) of section 409A of the Internal Revenue Code of 1986 (providing rules relating to funding) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) Employer's defined benefit plan in at-risk status.—If—

"(A) during any period in which a defined benefit plan to which section 412 applies is in an at-risk status (as defined in section 430(i)(3)), assets are set aside (directly or indirectly) in a trust (or other arrangement determined by the Secretary), or transferred to such a trust or other arrangement, for purposes of paying deferred compensation under a nonqualified deferred compensation plan of the employer maintaining the defined benefit plan, or

"(B) a nonqualified deferred compensation plan of the employer provides that assets will become restricted to the provision of benefits under the plan in connection with such at-risk status (or other similar financial measure determined by the Secretary) of the defined benefit plan, or assets are so restricted,

such assets shall for purposes of section 83 be treated as property transferred in connection with the performance of services whether or not such assets are available to satisfy claims of general creditors. Subparagraph (A) shall not apply with respect to any assets which are so set aside before the defined benefit plan is in at-risk status.".

(b) Conforming Amendments.—Paragraphs (4) and (5) of section 409A(b) of such Code, as redesignated by subsection (a) of this subsection, are each amended by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2), or (3)".

(c) Effective Date.—The amendments made by this section shall apply to transfers or reservations of assets after December 31, 2005.

(d) Special Rule for 2006.—For purposes of determining if a plan is in at-risk status (within the meaning of section 409A of such Code, as added by this section) for any plan year beginning in 2006, such section shall be applied by substituting the plan's modified funded current liability percentage for the plan's funding target attainment percentage. For purposes of the preceding sentence, the term "modified funded current liability percentage" means the funded current liability percentage (as defined in section 412(l)(8) of such Code), reduced as described in subparagraph (E) thereof.

TITLE II—FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS

Subtitle A—Amendments to Employee Retirement Income Security Act of 1974

SEC. 201. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) In General.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by section 102) is amended further by inserting after section 303 the following new section:

"MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS

"Sec. 304. (a) In General.—For purposes of section 302, the accumulated funding deficiency of a multiemployer plan for any plan year is—

"(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

"(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 4243.

"(b) Funding Standard Account.—

"(1) Account required.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

"(2) Charges to account.—For a plan year, the funding standard account shall be charged with the sum of—

"(A) the normal cost of the plan for the plan year,

"(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

"(i) in the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this part applies, over a period of 40 plan years,

"(ii) in the case of a plan which comes into existence after January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this part applies, over a period of 15 plan years,

"(iii) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(iv) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

"(v) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 302(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

"(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 302(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), and

"(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 302(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005).

"(3) Credits to account.—For a plan year, the funding standard account shall be credited with the sum of—

"(A) the amount considered contributed by the employer to or under the plan for the plan year,

"(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount of the waived funding deficiency (within the meaning of section 302(c)(3)) for the plan year, and

"(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 305 (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

"(4) Special rules for certain pre-2007 amortizations.—

"(A) In general.—In the case of any amount amortized under section 302(b) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

"(B) Interest rate.—For purposes of amortizations under section 302(b) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), in the case of any waiver under section 303 (as so in effect) or extension under section 304 (as so in effect) with respect to which application has been made before June 30, 2005, the interest rate under section 303(a)(2) (as so in effect) or section 304(a) (as so in effect), as the case may be, shall apply.

"(5) Combining and offsetting amounts to be amortized.—Under regulations prescribed by the Secretary of the Treasury, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

"(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

"(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

"(6) Interest.—Except as provided in subsection (c)(9), the funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

"(7) Certain amortization charges and credits.—In the case of a plan which, immediately before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 3(37) as in effect immediately before such date)—

"(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose,

"(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose,

"(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises, and

"(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

"(i) was adopted before such date, and

"(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date,

shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises.

"(8) Special rules relating to charges and credits to funding standard account.—For purposes of this section—

"(A) Withdrawal liability.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV shall be considered an amount contributed by the employer to or under the plan. The Secretary of the Treasury may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

“(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

“(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

“(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 4243(a) as of the end of the last plan year that the plan was in reorganization.

“(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of this Act or to a fund exempt under section 501(c)(22) of the Internal Revenue Code of 1986 pursuant to section 4223 of this Act shall reduce the amount of contributions considered received by the plan for the plan year.

“(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary of the Treasury.

“(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 302(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(iv) shall not apply to the amount so charged).

“(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 302 in such manner as is determined by the Secretary of the Treasury.

“(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the plan during a period that does not exceed 14 years, paragraph (2)(B)(iii) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for ‘15’.

“(c) ADDITIONAL RULES.—

“(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this section, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

“(2) VALUATION OF ASSETS.—

“(A) IN GENERAL.—For purposes of this section, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury.

“(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary of the Treasury shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of such Secretary.

“(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

“(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

“(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

“(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

“(B) a change in the definition of the term ‘wages’ under section 3121 of the Internal Revenue Code of 1986, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5) of such Code,

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

“(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

“(A) the funding standard account shall be credited with the amount of such excess, and

“(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b)(2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

“(6) FULL-FUNDING LIMITATION.—

“(A) IN GENERAL.—For purposes of paragraph (5), the term ‘full-funding limitation’ means the excess (if any) of—

“(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(ii) the lesser of—

“(I) the fair market value of the plan's assets, or

“(II) the value of such assets determined under paragraph (2).

“(B) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

“(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

“(II) the value of the plan's assets determined under paragraph (2).

“(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

“(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3) of the Internal Revenue Code of 1986).

“(D) CURRENT LIABILITY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘current liability’ means all liabilities to employees and their beneficiaries under the plan.

“(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

“(I) age, service, compensation, death, or disability, or

“(II) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury),

shall not be taken into account until the event on which the benefit is contingent occurs.

“(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

“(iv) MORTALITY TABLES.—

“(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary of the Treasury which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A) of the Internal Revenue Code of 1986) used to determine reserves for group annuity contracts issued on January 1, 1993.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, such Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

“(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

“(I) IN GENERAL.—In the case of plan years beginning after December 31, 1995, the Secretary of the Treasury shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. Such Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

“(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

“(vi) PERIODIC REVIEW.—The Secretary of the Treasury shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent such Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

“(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan's current liability for purposes of this paragraph—

“(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

“(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

“(I) IN GENERAL.—Except as provided in subclause (II), the term ‘permissible range’ means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

“(II) SECRETARIAL AUTHORITY.—If the Secretary of the Treasury finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, such Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

“(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

“(I) determined without taking into account the experience of the plan and reasonable expectations, but

“(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

“(7) ANNUAL VALUATION.—

“(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary of the Treasury.

“(B) VALUATION DATE.—

“(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

“(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

“(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary of the Treasury.

“(9) INTEREST RULE FOR WAIVERS AND EXTENSIONS.—The interest rate applicable for any plan year for purposes of computing the amortization charge described in subsection (b)(2)(C) and in connection with an extension granted under subsection (d) shall be the greater of—

“(A) 150 percent of the Federal mid-term rate (as in effect under section 1274 of the Internal Revenue Code of 1986 for the 1st month of such plan year), or

“(B) the rate of interest used under the plan for determining costs.

“(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—In the case of a multiemployer plan—

“(1) EXTENSION.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan shall be extended by the Secretary of the Treasury for a period of time (not in excess of 5 years) if it is demonstrated to such Secretary that—

“(A) absent the extension, the plan would have an accumulated funding deficiency in any of the next 10 plan years,

“(B) the plan sponsor has adopted a plan to improve the plan's funding status, and

“(C) taking into account the extension, the plan is projected to have sufficient assets to timely pay its expected benefit liabilities and other anticipated expenditures.

“(2) ADDITIONAL EXTENSION.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan may be extended (in addition to any extension under paragraph (1)) by the Secretary of the Treasury for a period of time (not in excess of 5 years) if such Secretary determines that such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and their beneficiaries and if such Secretary determines that the failure to permit such extension would—

“(A) result in—

“(i) a substantial risk to the voluntary continuation of the plan, or

“(ii) a substantial curtailment of pension benefit levels or employee compensation, and

“(B) be adverse to the interests of plan participants in the aggregate.

“(3) ADVANCE NOTICE.—

“(A) IN GENERAL.—The Secretary of the Treasury shall, before granting an extension under this section, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21)) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

“(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under paragraph (1).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 301 of such Act (29 U.S.C. 1081) is amended by striking subsection (d).

(2) The table of contents in section 1 of such Act (as amended by section 102 of this Act) is amended further by inserting after the item relating to section 303 the following new item:

“Sec. 304. Minimum funding standards for multiemployer plans.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

SEC. 202. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by the preceding provisions of this Act) is amended further by inserting after section 304 the following new section:

“ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS

“SEC. 305. (a) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

“(1) IN GENERAL.—During the 90-day period beginning on first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary of the Treasury whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year.

“(2) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

“(A) IN GENERAL.—In making the determinations under paragraph (1), the plan actuary shall make projections under subsections (b)(2) and (c)(2) for the current and succeeding plan years, using reasonable actuarial assumptions and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year, as based on the actuarial statement prepared for the preceding plan year under section 103(d).

“(B) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any such actuarial projection of plan assets shall assume—

“(i) reasonably anticipated employer and employee contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

“(ii) that employer and employee contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make continued application of such terms unreasonable.

“(3) PRESUMED STATUS IN ABSENCE OF TIMELY ACTUARIAL CERTIFICATION.—If certification under this subsection is not made before the end of the 90-day period specified in paragraph (1), the plan shall be presumed to be in critical status for such plan year until such time as the plan actuary makes a contrary certification.

“(4) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered status under paragraph (1) or enters into critical status, the plan sponsor shall, not later than 30 days after the date of the certification or entry, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary of the Treasury, and the Secretary of Labor.

“(b) FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year and no funding improvement plan under this subsection with respect to such multiemployer plan is in effect for the plan year, the plan sponsor shall, in accordance with this subsection, amend the multiemployer plan to include a funding improvement plan upon approval thereof by the bargaining parties under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan is certified to be in endangered status under subsection (a)(1).

"(2) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under subsection (a)—

"(A) the plan's funded percentage for such plan year is less than 80 percent, or

"(B) the plan has an accumulated funding deficiency for such plan year under section 304 or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 304(d).

"(3) FUNDING IMPROVEMENT PLAN.—

"(A) BENCHMARKS.—A funding improvement plan shall consist of amendments to the plan formulated to provide, under reasonable actuarial assumptions, for the attainment, during the funding improvement period under the funding improvement plan, of the following benchmarks:

"(i) INCREASE IN FUNDED PERCENTAGE.—An increase in the plan's funded percentage such that—

"(I) the difference between 100 percent and the plan's funded percentage for the last year of the funding improvement period, is not more than

"(II) ⅔ of the difference between 100 percent and the plan's funded percentage for the first year of the funding improvement period.

"(ii) AVOIDANCE OF ACCUMULATED FUNDING DEFICIENCIES.—No accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 304(d)).

"(B) FUNDING IMPROVEMENT PERIOD.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

"(i) the second anniversary of the date of the adoption of the funding improvement plan, or

"(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date after the day of the certification as of which collective bargaining agreements covering on the day of such certification at least 75 percent of active participants in such multiemployer plan have expired.

"(C) SPECIAL RULES FOR CERTAIN SERIOUSLY UNDERFUNDED PLANS.—

"(i) In the case of a plan in which the funded percentage of a plan for the plan year is 70 percent or less, subparagraph (A)(i)(II) shall be applied by substituting '⅘' for '⅔' and subparagraph (B) shall be applied by substituting 'the 15-year period' for 'the 10-year period'.

"(ii) In the case of a plan in which the funded percentage of a plan for the plan year is more than 70 percent but less than 80 percent, and—

"(I) the plan actuary certifies within 30 days after certification under subsection (a)(1) that the plan is not able to attain the increase described in subparagraph (A)(i) over the period described in subparagraph (B), and

"(II) the plan year is prior to the day described in subparagraph (B)(ii),

subparagraph (A)(i)(II) shall be applied by substituting '⅘' for '⅔' and subparagraph (B) shall be applied by substituting 'the 15-year period' for 'the 10-year period'.

"(iii) For any plan year following the year described in clause (ii)(II), subparagraph (A)(i)(II) and subparagraph (B) shall apply, except that for each plan year ending after such date for which the plan actuary certifies (at the time of the annual certification under subsection (a)(1) for such plan year) that the plan is not able to attain the increase described in subparagraph (A)(i) over the period described in subparagraph (B), subparagraph (B) shall be applied by substituting 'the 15-year period' for 'the 10-year period'.

"(D) REPORTING.—A summary of any funding improvement plan or modification thereto adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) and in the summary annual report described in section 104(b)(3).

"(4) DEVELOPMENT OF FUNDING IMPROVEMENT PLAN.—

"(A) ACTIONS BY PLAN SPONSOR PENDING APPROVAL.—Pending the approval of a funding improvement plan under this paragraph, the plan sponsor shall take all reasonable actions, consistent with the terms of the plan and applicable law, necessary to ensure—

"(i) an increase in the plan's funded percentage, and

"(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Such actions include applications for extensions of amortization periods under section 304(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan's benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

"(B) RECOMMENDATIONS BY PLAN SPONSOR.—

"(i) IN GENERAL.—During the period of 90 days following the date on which a multiemployer plan is certified to be in endangered status, the plan sponsor shall develop and provide to the bargaining parties alternative proposals for revised benefit structures, contribution structures, or both, which, if adopted as amendments to the plan, may be reasonably expected to meet the benchmarks described in paragraph (3)(A). Such proposals shall include—

"(I) at least one proposal for reductions in the amount of future benefit accruals necessary to achieve the benchmarks, assuming no amendments increasing contributions under the plan (other than amendments increasing contributions necessary to achieve the benchmarks after amendments have reduced future benefit accruals to the maximum extent permitted by law), and

"(II) at least one proposal for increases in contributions under the plan necessary to achieve the benchmarks, assuming no amendments reducing future benefit accruals under the plan.

"(ii) REQUESTS BY BARGAINING PARTIES.—Upon the request of any bargaining party who—

"(I) employs at least 5 percent of the active participants, or

"(II) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of the active participants,

the plan sponsor shall provide all such parties information as to other combinations of increases in contributions and reductions in future benefit accruals which would result in achieving the benchmarks.

"(iii) OTHER INFORMATION.—The plan sponsor may, as it deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution structures or benefit structures or other information relevant to the funding improvement plan.

"(5) MAINTENANCE OF CONTRIBUTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan, the multiemployer plan may not be amended so as to provide—

"(A) a reduction in the level of contributions for participants who are not in pay status,

"(B) a suspension of contributions with respect to any period of service, or

"(C) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

"(6) BENEFIT RESTRICTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan—

"(A) RESTRICTIONS ON LUMP SUM AND SIMILAR DISTRIBUTIONS.—In any case in which the present value of a participant's accrued benefit under the plan exceeds $5,000, such benefit may not be distributed as an immediate distribution or in any other accelerated form.

"(B) PROHIBITION ON BENEFIT INCREASES.—

"(i) IN GENERAL.—No amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted.

"(ii) EXCEPTION.—Clause (i) shall not apply to any plan amendment which is required as a condition of qualification under part I of subchapter D of chapter 1 of subtitle A of the Internal Revenue Code of 1986.

"(7) DEFAULT CRITICAL STATUS IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—If no plan amendment adopting a funding improvement plan has been adopted by the end of the 240-day period referred to in subsection (b)(1), the plan enters into critical status as of the first day of the succeeding plan year.

"(8) RESTRICTIONS UPON APPROVAL OF FUNDING IMPROVEMENT PLAN.—Upon adoption of a funding improvement plan with respect to a multiemployer plan, the plan may not be amended—

"(A) so as to be inconsistent with the funding improvement plan, or

"(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to meet the the benchmarks described in paragraph (3)(A).

"(c) FUNDING RULES FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year as described in paragraph (2) (or otherwise enters into critical status under this section) and no rehabilitation plan under this subsection with respect to such multiemployer plan is in effect for the plan year, the plan sponsor shall, in accordance with this subsection, amend the multiemployer plan to include a rehabilitation plan under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan enters into critical status.

“(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if—

“(A) the plan is in endangered status for the preceding plan year and the requirements of subsection (b)(1) were not met with respect to the plan for such preceding plan year, or

“(B) as determined by the plan actuary under subsection (a), the plan is described in paragraph (3).

“(3) CRITICALITY DESCRIPTION.—For purposes of paragraph (2)(B), a plan is described in this paragraph if the plan is described in at least one of the following subparagraphs:

“(A) A plan is described in this subparagraph if, as of the beginning of the current plan year—

“(i) the funded percentage of the plan is less than 65 percent, and

“(ii) the sum of—

“(I) the market value of plan assets, plus

“(II) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 6 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 6 succeeding plan years (plus administrative expenses for such plan years).

“(B) A plan is described in this subparagraph if, as of the beginning of the current plan year, the sum of—

“(i) the market value of plan assets, plus

“(ii) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year remain in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

“(C) A plan is described in this subparagraph if—

“(i) as of the beginning of the current plan year, the funded percentage of the plan is less than 65 percent, and

“(ii) the plan has an accumulated funding deficiency for the current plan year or is projected to have an accumulated funding deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 304(d).

“(D) A plan is described in this subparagraph if—

“(i)(I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining cost under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

“(II) the present value, as of the beginning of the current plan year, of the reasonably anticipated employer and employee contributions for the current plan year,

“(ii) the present value, as of the beginning of the current plan year, of nonforfeitable benefits of inactive participants is greater than the present value, as of the beginning of the current plan year, of nonforfeitable benefits of active participants, and

“(iii) the plan is projected to have an accumulated funding deficiency for the current plan year or any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 304(d).

“(E) A plan is described in this subparagraph if—

“(i) the funded percentage of the plan is greater than 65 percent for the current plan year, and

“(ii) the plan is projected to have an accumulated funding deficiency during any of the succeeding 3 plan years, not taking into account any extension of amortization periods under section 304(d).

“(4) REHABILITATION PLAN.—

“(A) IN GENERAL.—A rehabilitation plan shall consist of—

“(i) amendments to the plan providing (under reasonable actuarial assumptions) for measures, agreed to by the bargaining parties, to increase contributions, reduce plan expenditures (including plan mergers and consolidations), or reduce future benefit accruals, or to take any combination of such actions, determined necessary to cause the plan to cease, during the rehabilitation period, to be in critical status, or

“(ii) reasonable measures to forestall possible insolvency (within the meaning of section 4245) if the plan sponsor determines that, upon exhaustion of all reasonable measures, the plan would not cease during the rehabilitation period to be in critical status.

A rehabilitation must provide annual standards for meeting the requirements of such rehabilitation plan.

“(B) REHABILITATION PERIOD.—The rehabilitation period for any rehabilitation plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

“(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

“(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date, after the date of the plan's entry into critical status, as of which collective bargaining agreements covering at least 75 percent of active participants in such multiemployer plan (determined as of such date of entry) have expired.

“(C) REPORTING.—A summary of any rehabilitation plan or modification thereto adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) and in the summary annual report described in section 104(b)(3).

“(5) DEVELOPMENT OF REHABILITATION PLAN.—

“(A) PROPOSALS BY PLAN SPONSOR.—

“(i) IN GENERAL.—Within 90 days after the date of entry into critical status (or the date as of which the requirements of subsection (b)(1) are not met with respect to the plan), the plan sponsor shall propose to all bargaining parties a range of alternative schedules of increases in contributions and reductions in future benefit accruals that would serve to carry out a rehabilitation plan under this subsection.

“(ii) PROPOSAL ASSUMING NO CONTRIBUTION INCREASES.—Such proposals shall include, as one of the proposed schedules, a schedule of those reductions in future benefit accruals that would be necessary to cause the plan to cease to be in critical status if there were no further increases in rates of contribution to the plan.

“(iii) PROPOSAL WHERE CONTRIBUTIONS ARE NECESSARY.—If the plan sponsor determines that the plan will not cease to be in critical status during the rehabilitation period unless the plan is amended to provide for an increase in contributions, the plan sponsor's proposals shall include a schedule of those increases in contribution rates that would be necessary to cause the plan to cease to be in critical status if future benefit accruals were reduced to the maximum extent permitted by law.

“(B) REQUESTS FOR ADDITIONAL SCHEDULES.—Upon the request of any bargaining party who—

“(i) employs at least 5 percent of the active participants, or

“(ii) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of active participants,

the plan sponsor shall include among the proposed schedules such schedules of increases in contributions and reductions in future benefit accruals as may be specified by the bargaining parties.

“(C) SUBSEQUENT AMENDMENTS.—Upon the adoption of a schedule of increases in contributions or reductions in future benefit accruals as part of the rehabilitation plan, the plan sponsor may amend the plan thereafter to update the schedule to adjust for any experience of the plan contrary to past actuarial assumptions, except that such an amendment may be made not more than once in any 3-year period.

“(D) ALLOCATION OF REDUCTIONS IN FUTURE BENEFIT ACCRUALS.—Any schedule containing reductions in future benefit accruals forming a part of a rehabilitation plan shall be applicable with respect to any group of active participants who are employed by any bargaining party (as an employer obligated to contribute under the plan) in proportion to the extent to which increases in contributions under such schedule apply to such bargaining party.

“(E) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any schedule proposed under this paragraph shall not reduce the rate of future accruals below the lower of—

“(i) a monthly benefit equal to 1 percent of the contributions required to be made with respect to a participant or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the plan year in which the plan enters critical status, or

“(ii) if lower, the accrual rate under the plan on such date.

The equivalent standard accrual rate shall be determined by the trustees based on the standard or average contribution base units that they determine to be representative for active participants and such other factors as they determine to be relevant.

“(F) PROTECTION OF RESTORED RATES OF ACCRUAL.—

“(i) IN GENERAL.—Any schedule proposed under this paragraph shall not reduce the rate of future accruals below any restored accrual rate.

“(ii) RESTORED ACCRUAL RATE.—For purposes of clause (i), the term ‘restored accrual rate’ means a rate of benefit accruals which was reduced and subsequently restored before entry of the plan into critical status.

“(6) MAINTENANCE OF CONTRIBUTIONS AND RESTRICTIONS ON BENEFITS PENDING ADOPTION OF REHABILITATION PLAN.—The rules of paragraphs (5) and (6) of subsection (b) shall apply for purposes of this subsection by substituting the term 'rehabilitation plan' for 'funding improvement plan'.

"(7) SPECIAL RULES.—

"(A) AUTOMATIC EMPLOYER SURCHARGE.—

"(i) 5 PERCENT AND 10 PERCENT SURCHARGE.—For the first plan year in which the plan is in critical status, each employer otherwise obligated to make a contribution for that plan year shall be obligated to pay to the plan a surcharge equal to 5 percent of the contribution otherwise required under the respective collective bargaining agreement (or other agreement pursuant to which the employer contributes). For each consecutive plan year thereafter in which the plan is in critical status, the surcharge shall be 10 percent of the contribution otherwise required under the respective collective bargaining agreement (or other agreement pursuant to which the employer contributes).

"(ii) ENFORCEMENT OF SURCHARGE.—The surcharges under clause (i) shall be due and payable on the same schedule as the contributions on which they are based. Any failure to make a surcharge payment shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.

"(iii) SURCHARGE TO TERMINATE UPON CBA RENEGOTIATION.—The surcharge under this paragraph shall cease to be effective with respect to employees covered by a collective bargaining agreement, beginning on the date on which that agreement is renegotiated to include—

"(I) a schedule of benefits and contributions published by the trustees pursuant to the plan's rehabilitation plan, or

"(II) otherwise collectively bargained benefit changes.

"(iv) SURCHARGE NOT TO APPLY UNTIL EMPLOYER RECEIVES 30-DAY NOTICE.—The surcharge under this subparagraph shall not apply to an employer until 30 days after the employer has been notified by the trustees that the plan is in critical status and that the surcharge is in effect.

"(v) SURCHARGE NOT TO GENERATE INCREASED BENEFIT ACCRUALS.—Notwithstanding any provision of a plan to the contrary, the amount of any surcharge shall not be the basis for any benefit accruals under the plan.

"(B) BENEFIT ADJUSTMENTS.—

"(i) IN GENERAL.—The trustees shall make appropriate reductions, if any, to adjustable benefits based upon the outcome of collective bargaining over the schedules provided under paragraph (5).

"(ii) RETIREE PROTECTION.—Except as provided in subparagraph (C), the trustees of a plan in critical status may not reduce adjustable benefits of any participant or beneficiary who was in pay status at least one year before the first day of the first plan year in which the plan enters into critical status.

"(iii) TRUSTEE FLEXIBILITY.—The trustees shall include in the schedules provided to the bargaining parties an allowance for funding the benefits of participants with respect to whom contributions are not currently required to be made, and shall reduce their benefits to the extent permitted under this title and considered appropriate based on the plan's then current overall funding status and its future prospects in light of the results of the parties' negotiations.

"(C) ADJUSTABLE BENEFIT DEFINED.—For purposes of this paragraph, the term 'adjustable benefit' means—

"(i) benefits, rights, and features, such as post-retirement death benefits, 60-month guarantees, disability benefits not yet in pay status, and similar benefits,

"(ii) retirement-type subsidies, early retirement benefits, and benefit payment options (other than the 50 percent qualified joint-and-survivor benefit and single life annuity), and

"(iii) benefit increases that would not be eligible for a guarantee under section 4022A on the first day of the plan year in which the plan enters into critical status because they were adopted, or if later, took effect less than 60 months before reorganization.

"(D) NORMAL RETIREMENT BENEFITS PROTECTED.—Nothing in this paragraph shall be construed to permit a plan to reduce the level of a participant's accrued benefit payable at normal retirement age which is not an adjustable benefit.

"(E) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—

"(i) BENEFIT REDUCTIONS.—Any benefit reductions under this paragraph shall be disregarded in determining a plan's unfunded vested benefits for purposes of determining an employer's withdrawal liability under section 4201.

"(ii) SURCHARGES.—Any surcharges under this paragraph shall be disregarded in determining an employer's withdrawal liability under section 4211, except for purposes of determining the unfunded vested benefits attributable to an employer or under a modified attributable method adopted with the approval of the Pension Benefit Guaranty Corporation under subsection (c)(5) of that section.

"(8) RESTRICTIONS UPON APPROVAL OF REHABILITATION PLAN.—Upon adoption of a rehabilitation plan with respect to a multiemployer plan, the plan may not be amended—

"(A) so as to be inconsistent with the rehabilitation plan, or

"(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to cease to be in critical status.

"(9) IMPLEMENTATION OF DEFAULT SCHEDULE UPON FAILURE TO ADOPT REHABILITATION PLAN.—If the plan is not amended by the end of the 240-day period after entry into critical status to include a rehabilitation plan, the plan sponsor shall amend the plan to implement the schedule required by paragraph (5)(A)(ii).

"(10) DEEMED WITHDRAWAL.—Upon the failure of any employer who has an obligation to contribute under the plan to make contributions in compliance with the schedule adopted under paragraph (4) as part of the rehabilitation plan, the failure of the employer may, at the discretion of the plan sponsor, be treated as a withdrawal by the employer from the plan under section 4203 or a partial withdrawal by the employer under section 4205.

"(11) SPECIAL RULE FOR PLAN AMENDMENTS.—A multiemployer plan in critical status shall not fail to meet the requirements of section 204(g) or section 411(d)(6) of the Internal Revenue Code of 1986 solely by reason of the adoption by the plan of an amendment necessary to meet the requirements of this subsection.

"(d) DEFINITIONS.—For purposes of this section—

"(1) BARGAINING PARTY.—The term 'bargaining party' means, in connection with a multiemployer plan—

"(A) an employer who has an obligation to contribute under the plan, and

"(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

"(2) FUNDED PERCENTAGE.—The term 'funded percentage' means the percentage expressed as a ratio of which—

"(A) the numerator of which is the value of the plan's assets, as determined under section 304(c)(2), and

"(B) the denominator of which is the accrued liability of the plan.

"(3) ACCUMULATED FUNDING DEFICIENCY.—The term 'accumulated funding deficiency' has the meaning provided such term in section 304(a).

"(4) ACTIVE PARTICIPANT.—The term 'active participant' means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

"(5) INACTIVE PARTICIPANT.—The term 'inactive participant' means, in connection with a multiemployer plan, a participant who—

"(A) is not in covered service under the plan, and

"(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

"(6) PAY STATUS.—A person is in 'pay status' under a multiemployer plan if—

"(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

"(B) to the extent provided in regulations of the Secretary of the Treasury, such person is entitled to such a benefit under the plan.

"(7) OBLIGATION TO CONTRIBUTE.—The term 'obligation to contribute' has the meaning provided such term under section 4212(a).

"(8) ENTRY INTO CRITICAL STATUS.—A plan shall be treated as entering into critical status as of the date that such plan is certified to be in critical status under subsection (a)(1), is presumed to be in critical status under subsection (a)(3), or enters into critical status under subsection (b)(7).".

(b) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6) by striking "(6), or (7)" and inserting "(6), (7), or (8)";

(2) by redesignating subsection (c)(8) as subsection (c)(9); and

(3) by inserting after subsection (c)(7) the following new paragraph:

"(8) The Secretary may assess a civil penalty against—

"(A) any person of not more than $1,100 per day for each violation by such person of subsection (a)(1), (b)(1), or (c)(1) of section 305, or

"(B) any plan sponsor for failure by the plan sponsor to implement the terms of any funding improvement plan or rehabilitation plan adopted under section 305.".

(c) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (as amended by the preceding provisions of this Act) is amended further by inserting after the item relating to section 304 the following new item:

"Sec. 305. Additional funding rules for multiemployer plans in endangered status or critical status.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 2005.

(e) SPECIAL RULE FOR 2006.—In the case of any plan year beginning in 2006, any reference in section 305 of the Employee Retirement Income Security Act of 1974 (as added by this section) to section 304 of such Act (as added by this Act) shall be treated as a reference to the corresponding provision of the

Employee Retirement Income Security Act of 1974 as in effect for plan years beginning in such year.

SEC. 203. MEASURES TO FORESTALL INSOLVENCY OF MULTIEMPLOYER PLANS.

(a) ADVANCE DETERMINATION OF IMPENDING INSOLVENCY OVER 5 YEARS.—Section 4245(d)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1426(d)(1)) is amended—

(1) by striking "3 plan years" the second place it appears and inserting "5 plan years"; and

(2) by adding at the end the following new sentence: "If the plan sponsor makes such a determination that the plan will be insolvent in any of the next 5 plan years, the plan sponsor shall make the comparison under this paragraph at least annually until the plan sponsor makes a determination that the plan will not be insolvent in any of the next 5 plan years.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations made in plan years beginning after December 31, 2005.

SEC. 204. WITHDRAWAL LIABILITY REFORMS.

(a) REPEAL OF LIMITATION ON WITHDRAWAL LIABILITY IN THE EVENT OF CERTAIN SALES OF EMPLOYER ASSETS TO UNRELATED PARTIES.—

(1) IN GENERAL.—Section 4225 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1405) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 4225.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales occurring on or after January 1, 2006.

(b) REPEAL OF LIMITATION TO 20 ANNUAL PAYMENTS.—

(1) IN GENERAL.—Section 4219(c)(1) of such Act (29 U.S.C. 1399(c)(1)) is amended by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to withdrawals occurring on or after January 1, 2006.

(c) WITHDRAWAL LIABILITY CONTINUES IF WORK CONTRACTED OUT.—

(1) IN GENERAL.—Clause (i) of section 4205(b)(2)(A) of such Act (29 U.S.C. 1385(b)(2)(A)) is amended by inserting "or to another party or parties" after "to another location".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to work transferred on or after the date of the enactment of this Act.

(d) REPEAL OF SPECIAL RULE FOR LONG AND SHORT HAUL TRUCKING INDUSTRY.—

(1) IN GENERAL.—Subsection (d) of section 4203 of such Act (29 U.S.C. 1383(d)) is repealed.

(2) EFFECTIVE DATE.—The repeal under this subsection shall apply with respect to cessations to have obligations to contribute to multiemployer plans and cessations of covered operations under such plans occurring on or after January 1, 2006.

(e) APPLICATION OF FORGIVENESS RULE TO PLANS PRIMARILY COVERING EMPLOYEES IN THE BUILDING AND CONSTRUCTION.—

(1) IN GENERAL.—Section 4210(b) of such Act (29 U.S.C. 1390(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan withdrawals occurring on or after January 1, 2006.

SEC. 205. REMOVAL OF RESTRICTIONS WITH RESPECT TO PROCEDURES APPLICABLE TO DISPUTES INVOLVING WITHDRAWAL LIABILITY.

(a) IN GENERAL.—Section 4221(f)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1401(f)(1)) is amended—

(1) in subparagraph (A) by inserting "and" after "plan,", and

(2) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) such determination is based in whole or in part on a finding by the plan sponsor under section 4212(c) that a principal purpose of any transaction which occurred at least 5 years (2 years in the case of a small employer) before the date of the complete or partial withdrawal was to evade or avoid withdrawal liability under this subtitle,".

(b) SMALL EMPLOYER.—Paragraph (2) of section 4221(f) of such Act is amended by adding at the end the following new subparagraph:

"(C) SMALL EMPLOYER.—For purposes of paragraph (1)(B)—

"(i) IN GENERAL.—The term 'small employer' means any employer who (as of immediately before the transaction referred to in paragraph (1)(B))—

"(I) employs not more than 500 employees, and

"(II) is required to make contributions to the plan for not more than 250 employees.

"(ii) CONTROLLED GROUP.—Any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer for purposes of this subparagraph.".

(c) ADDITIONAL AMENDMENTS.—

(1) Subparagraph (A) of section 4221(f)(2) of such Act (29 U.S.C. 1401(f)(2)) is amended by striking "Notwithstanding" and inserting "In the case of a transaction occurring before January 1, 1999, and at least 5 years before the date of the complete or partial withdrawal, notwithstanding".

(2) Section 4221(f)(2)(B) of such Act (29 U.S.C. 1401(f)(2)(B)) is amended—

(A) by inserting "with respect to withdrawal liability payments" after "determination" the first place it appears, and

(B) by striking "any" and inserting "the".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any employer that receives a notification under section 4219(b)(1) of the Employee Retirement Income Security Act of 1974 on or after the date of the enactment of this Act.

Subtitle B—Amendments to Internal Revenue Code of 1986

SEC. 211. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (added by section 112 of this Act) is amended by adding at the end the following new section:

"SEC. 431. MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS.

"(a) IN GENERAL.—For purposes of section 412, the accumulated funding deficiency of a multiemployer plan for any plan year is—

"(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which section 412 applies to the plan) over the total credits to such account for such years, and

"(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 418B.

"(b) FUNDING STANDARD ACCOUNT.—

"(1) ACCOUNT REQUIRED.—Each multiemployer plan to which section 412 applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

"(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

"(A) the normal cost of the plan for the plan year,

"(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

"(i) in the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which section 412 applies, over a period of 40 plan years,

"(ii) in the case of a plan which comes into existence after January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which section 412 applies, over a period of 15 plan years,

"(iii) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(iv) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

"(v) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 412(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

"(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 412(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), and

"(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 412(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005).

"(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

"(A) the amount considered contributed by the employer to or under the plan for the plan year,

"(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount of the waived funding deficiency (within the meaning of section 412(c)(3)) for the plan year, and

“(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 412(g) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

“(4) SPECIAL RULES FOR PRE-2007 AMORTIZATIONS.—

“(A) IN GENERAL.—In the case of any amount amortized under section 412(b) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

“(B) INTEREST RATE.—For purposes of amortizations under section 412(b) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005), in the case of any waiver under section 412(d) (as so in effect) or extension under section 412(e) (as so in effect) with respect to which application has been made before June 30, 2005, the interest rate under section 412(d)(1)(A) (as so in effect) or section 412(e) (as so in effect), as the case may be, shall apply.

“(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

“(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

“(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

“(6) INTEREST.—Except as provided in subsection (c)(9), the funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

“(7) CERTAIN AMORTIZATION CHARGES AND CREDITS.—In the case of a plan which, immediately before the date of the enactment of the Multiemployer Pension Plan Amendments Act of 1980, was a multiemployer plan (within the meaning of section 414(f) as in effect immediately before such date)—

“(A) any amount described in paragraph (2)(B)(ii), (2)(B)(iii), or (3)(B)(i) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the amount arose,

“(B) any amount described in paragraph (2)(B)(iv) or (3)(B)(ii) of this subsection which arose in a plan year beginning before such date shall be amortized in equal annual installments (until fully amortized) over 20 plan years, beginning with the plan year in which the amount arose,

“(C) any change in past service liability which arises during the period of 3 plan years beginning on or after such date, and results from a plan amendment adopted before such date, shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises, and

“(D) any change in past service liability which arises during the period of 2 plan years beginning on or after such date, and results from the changing of a group of participants from one benefit level to another benefit level under a schedule of plan benefits which—

“(i) was adopted before such date, and

“(ii) was effective for any plan participant before the beginning of the first plan year beginning on or after such date,

shall be amortized in equal annual installments (until fully amortized) over 40 plan years, beginning with the plan year in which the change arises.

“(8) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this section—

“(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall be considered an amount contributed by the employer to or under the plan. The Secretary may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

“(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

“(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

“(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 418B(a) as of the end of the last plan year that the plan was in reorganization.

“(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of the Employee Retirement Income Security Act of 1974 or to a fund exempt under section 501(c)(22) pursuant to section 4223 of such Act shall reduce the amount of contributions considered received by the plan for the plan year.

“(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV of such Act and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

“(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 412(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Protection Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(iv) shall not apply to the amount so charged).

“(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 in such manner as is determined by the Secretary.

“(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the plan during a period that does not exceed 14 years, paragraph (2)(B)(iii) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for ‘15’.

“(c) ADDITIONAL RULES.—

“(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this section, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

“(2) VALUATION OF ASSETS.—

“(A) IN GENERAL.—For purposes of this section, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary.

“(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of the Secretary.

“(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

“(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

“(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

“(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

“(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

“(B) a change in the definition of the term ‘wages’ under section 3121, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5),

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

“(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

“(A) the funding standard account shall be credited with the amount of such excess, and

“(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b)(2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

“(6) FULL-FUNDING LIMITATION.—

“(A) IN GENERAL.—For purposes of paragraph (5), the term ‘full-funding limitation’ means the excess (if any) of—

“(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(ii) the lesser of—

“(I) the fair market value of the plan's assets, or

“(II) the value of such assets determined under paragraph (2).

“(B) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

“(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

“(II) the value of the plan's assets determined under paragraph (2).

“(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

“(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3)).

“(D) CURRENT LIABILITY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘current liability’ means all liabilities to employees and their beneficiaries under the plan.

“(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

“(I) age, service, compensation, death, or disability, or

“(II) an event which is reasonably and reliably predictable (as determined by the Secretary),

shall not be taken into account until the event on which the benefit is contingent occurs.

“(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

“(iv) MORTALITY TABLES.—

“(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A)) used to determine reserves for group annuity contracts issued on January 1, 1993.

“(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

“(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

“(I) IN GENERAL.—In the case of plan years beginning after December 31, 1995, the Secretary shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

“(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

“(vi) PERIODIC REVIEW.—The Secretary shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent the Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

“(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan's current liability for purposes of this paragraph—

“(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

“(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

“(I) IN GENERAL.—Except as provided in subclause (II), the term ‘permissible range’ means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

“(II) SECRETARIAL AUTHORITY.—If the Secretary finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, the Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

“(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

“(I) determined without taking into account the experience of the plan and reasonable expectations, but

“(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

“(7) ANNUAL VALUATION.—

“(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

“(B) VALUATION DATE.—

“(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

“(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

“(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary.

“(9) INTEREST RULE FOR WAIVERS AND EXTENSIONS.—The interest rate applicable for any plan year for purposes of computing the amortization charge described in subsection (b)(2)(C) and in connection with an extension granted under subsection (d) shall be the greater of—

“(A) 150 percent of the Federal mid-term rate (as in effect under section 1274 for the 1st month of such plan year), or

“(B) the rate of interest used under the plan for determining costs.

“(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—In the case of a multiemployer plan—

“(1) EXTENSION.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan shall be extended by the Secretary for a period of time (not in excess of 5 years) if it is demonstrated to the Secretary that—

“(A) absent the extension, the plan would have an accumulated funding deficiency in any of the next 10 plan years,

“(B) the plan sponsor has adopted a plan to improve the plan's funding status, and

“(C) taking into account the extension, the plan is projected to have sufficient assets to timely pay its expected benefit liabilities and other anticipated expenditures.

“(2) ADDITIONAL EXTENSION.—The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any multiemployer plan may be extended (in addition to any extension under paragraph (1)) by the Secretary for a period of time (not in excess of 5 years) if the Secretary determines that such extension would carry out the purposes of the Employee Retirement Income Security Act of 1974 and would provide adequate protection for participants under the plan and their beneficiaries and if the Secretary determines that the failure to permit such extension would—

"(A) result in—

"(i) a substantial risk to the voluntary continuation of the plan, or

"(ii) a substantial curtailment of pension benefit levels or employee compensation, and

"(B) be adverse to the interests of plan participants in the aggregate.

"(3) ADVANCE NOTICE.—

"(A) IN GENERAL.—The Secretary shall, before granting an extension under this section, require each applicant to provide evidence satisfactory to the Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21) of the Employee Retirement Income Security Act of 1974) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV of such Act and for benefit liabilities.

"(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary shall consider any relevant information provided by a person to whom notice was given under paragraph (1).".

(b) CONFORMING AMENDMENTS.—

(1) Section 418(b)(2) of such Code is amended—

(A) by striking "section 412(b)(2)" in subparagraph (A) and inserting "section 431(b)(2)", and

(B) by striking "section 412(b)(3)(B)" in subparagraph (B) and inserting "section 431(b)(3)(B)".

(2) Section 418B of such Code is amended—

(A) by striking "section 412(b)(2)(A) or (B)" in subsection (d)(1)(B) and inserting "section 431(b)(2)(A) or (B)",

(B) by striking "section 412(c)(8)" in subsection (e) and inserting "section 412(d)(2)", and

(C) by striking "section 412(c)(3)" in subsection (g) and inserting "section 431(c)(3)".

(3) Section 418D(a)(2) of such Code is amended—

(A) by striking "section 412(c)(8)" and inserting "section 412(d)(2)", and

(B) by striking "section 412(c)(10)" and inserting "section 431(c)(8)".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter D of chapter 1 of such Code is amended by adding after the item relating to section 430 the following new item:

"Sec. 431. Minimum funding standards for multiemployer plans.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

SEC. 212. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 431 the following new section:

"SEC. 432. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS.

"(a) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

"(1) IN GENERAL.—During the 90-day period beginning on first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year.

"(2) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

"(A) IN GENERAL.—In making the determinations under paragraph (1), the plan actuary shall make projections under subsections (b)(2) and (c)(2) for the current and succeeding plan years, using reasonable actuarial assumptions and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year, as based on the actuarial statement prepared for the preceding plan year under section 103(d) of the Employee Retirement Income Security Act of 1974.

"(B) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any such actuarial projection of plan assets shall assume—

"(i) reasonably anticipated employer and employee contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

"(ii) that employer and employee contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make continued application of such terms unreasonable.

"(3) PRESUMED STATUS IN ABSENCE OF TIMELY ACTUARIAL CERTIFICATION.—If certification under this subsection is not made before the end of the 90-day period specified in paragraph (1), the plan shall be presumed to be in critical status for such plan year until such time as the plan actuary makes a contrary certification.

"(4) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered status under paragraph (1) or enters into critical status, the plan sponsor shall, not later than 30 days after the date of the certification or entry, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary of the Treasury, and the Secretary of Labor.

"(b) FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year and no funding improvement plan under this subsection with respect to such multiemployer plan is in effect for the plan year, the plan sponsor shall, in accordance with this subsection, amend the multiemployer plan to include a funding improvement plan upon approval thereof by the bargaining parties under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan is certified to be in endangered status under subsection (a)(1).

"(2) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under subsection (a)—

"(A) the plan's funded percentage for such plan year is less than 80 percent, or

"(B) the plan has an accumulated funding deficiency for such plan year under section 431 or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 431(d).

"(3) FUNDING IMPROVEMENT PLAN.—

"(A) BENCHMARKS.—A funding improvement plan shall consist of amendments to the plan formulated to provide, under reasonable actuarial assumptions, for the attainment, during the funding improvement period under the funding improvement plan, of the following benchmarks:

"(i) INCREASE IN FUNDED PERCENTAGE.—An increase in the plan's funded percentage such that—

"(I) the difference between 100 percent and the plan's funded percentage for the last year of the funding improvement period, is not more than

"(II) ⅔ of the difference between 100 percent and the plan's funded percentage for the first year of the funding improvement period.

"(ii) AVOIDANCE OF ACCUMULATED FUNDING DEFICIENCIES.—No accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 431(d)).

"(B) FUNDING IMPROVEMENT PERIOD.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

"(i) the second anniversary of the date of the adoption of the funding improvement plan, or

"(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date after the day of the certification as of which collective bargaining agreements covering on the day of such certification at least 75 percent of active participants in such multiemployer plan have expired.

"(C) SPECIAL RULES FOR CERTAIN SERIOUSLY UNDERFUNDED PLANS.—

"(i) In the case of a plan in which the funded percentage of a plan for the plan year is 70 percent or less, subparagraph (A)(i)(II) shall be applied by substituting '⅘' for '⅔' and subparagraph (B) shall be applied by substituting 'the 15-year period' for 'the 10-year period'.

"(ii) In the case of a plan in which the funded percentage of a plan for the plan year is more than 70 percent but less than 80 percent, and—

"(I) the plan actuary certifies within 30 days after certification under subsection (a)(1) that the plan is not able to attain the increase described in subparagraph (A)(i) over the period described in subparagraph (B), and

"(II) the plan year is prior to the day described in subparagraph (B)(ii),

subparagraph (A)(i)(II) shall be applied by substituting '⅘' for '⅔' and subparagraph (B) shall be applied by substituting 'the 15-year period' for 'the 10-year period'.

"(iii) For any plan year following the year described in clause (ii)(II), subparagraph (A)(i)(II) and subparagraph (B) shall apply, except that for each plan year ending after such date for which the plan actuary certifies (at the time of the annual certification under subsection (a)(1) for such plan year) that the plan is not able to attain the increase described in subparagraph (A)(i) over the period described in subparagraph (B), subparagraph (B) shall be applied by substituting 'the 15-year period' for 'the 10-year period'.

"(D) REPORTING.—A summary of any funding improvement plan or modification thereto adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) of the Employee Retirement Income Security Act of 1974 and in the summary annual report described in section 104(b)(3) of such Act.

"(4) DEVELOPMENT OF FUNDING IMPROVEMENT PLAN.—

"(A) ACTIONS BY PLAN SPONSOR PENDING APPROVAL.—Pending the approval of a funding improvement plan under this paragraph, the plan sponsor shall take all reasonable actions, consistent with the terms of the plan and applicable law, necessary to ensure—

"(i) an increase in the plan's funded percentage, and

"(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Such actions include applications for extensions of amortization periods under section 431(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan's benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

"(B) RECOMMENDATIONS BY PLAN SPONSOR.—

"(i) IN GENERAL.—During the period of 90 days following the date on which a multiemployer plan is certified to be in endangered status, the plan sponsor shall develop and provide to the bargaining parties alternative proposals for revised benefit structures, contribution structures, or both, which, if adopted as amendments to the plan, may be reasonably expected to meet the benchmarks described in paragraph (3)(A). Such proposals shall include—

"(I) at least one proposal for reductions in the amount of future benefit accruals necessary to achieve the benchmarks, assuming no amendments increasing contributions under the plan (other than amendments increasing contributions necessary to achieve the benchmarks after amendments have reduced future benefit accruals to the maximum extent permitted by law), and

"(II) at least one proposal for increases in contributions under the plan necessary to achieve the benchmarks, assuming no amendments reducing future benefit accruals under the plan.

"(ii) REQUESTS BY BARGAINING PARTIES.—Upon the request of any bargaining party who—

"(I) employs at least 5 percent of the active participants, or

"(II) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of the active participants,

the plan sponsor shall provide all such parties information as to other combinations of increases in contributions and reductions in future benefit accruals which would result in achieving the benchmarks.

"(iii) OTHER INFORMATION.—The plan sponsor may, as it deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution structures or benefit structures or other information relevant to the funding improvement plan.

"(5) MAINTENANCE OF CONTRIBUTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan, the multiemployer plan may not be amended so as to provide—

"(A) a reduction in the level of contributions for participants who are not in pay status,

"(B) a suspension of contributions with respect to any period of service, or

"(C) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

"(6) BENEFIT RESTRICTIONS PENDING APPROVAL OF FUNDING IMPROVEMENT PLAN.—Pending approval of a funding improvement plan by the bargaining parties with respect to a multiemployer plan—

"(A) RESTRICTIONS ON LUMP SUM AND SIMILAR DISTRIBUTIONS.—In any case in which the present value of a participant's accrued benefit under the plan exceeds $5,000, such benefit may not be distributed as an immediate distribution or in any other accelerated form.

"(B) PROHIBITION ON BENEFIT INCREASES.—

"(i) IN GENERAL.—No amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted.

"(ii) EXCEPTION.—Clause (i) shall not apply to any plan amendment which is required as a condition of qualification under part I of subchapter D of chapter 1 of subtitle A.

"(7) DEFAULT CRITICAL STATUS IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—If no plan amendment adopting a funding improvement plan has been adopted by the end of the 240-day period referred to in subsection (b)(1), the plan enters into critical status as of the first day of the succeeding plan year.

"(8) RESTRICTIONS UPON APPROVAL OF FUNDING IMPROVEMENT PLAN.—Upon adoption of a funding improvement plan with respect to a multiemployer plan, the plan may not be amended—

"(A) so as to be inconsistent with the funding improvement plan, or

"(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to meet the the benchmarks described in paragraph (3)(A).

"(c) FUNDING RULES FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year as described in paragraph (2) (or otherwise enters into critical status under this section) and no rehabilitation plan under this subsection with respect to such multiemployer plan is in effect for the plan year, the plan sponsor shall, in accordance with this subsection, amend the multiemployer plan to include a rehabilitation plan under this subsection. The amendment shall be adopted not later than 240 days after the date on which the plan enters into critical status.

"(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if—

"(A) the plan is in endangered status for the preceding plan year and the requirements of subsection (b)(1) were not met with respect to the plan for such preceding plan year, or

"(B) as determined by the plan actuary under subsection (a), the plan is described in paragraph (3).

"(3) CRITICALITY DESCRIPTION.—For purposes of paragraph (2)(B), a plan is described in this paragraph if the plan is described in at least one of the following subparagraphs:

"(A) A plan is described in this subparagraph if, as of the beginning of the current plan year—

"(i) the funded percentage of the plan is less than 65 percent, and

"(ii) the sum of—

"(I) the market value of plan assets, plus

"(II) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 6 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 6 succeeding plan years (plus administrative expenses for such plan years).

"(B) A plan is described in this subparagraph if, as of the beginning of the current plan year, the sum of—

"(i) the market value of plan assets, plus

"(ii) the present value of the reasonably anticipated employer and employee contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year remain in effect for succeeding plan years,

is less than the present value of all nonforfeitable benefits for all participants and beneficiaries projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

"(C) A plan is described in this subparagraph if—

"(i) as of the beginning of the current plan year, the funded percentage of the plan is less than 65 percent, and

"(ii) the plan has an accumulated funding deficiency for the current plan year or is projected to have an accumulated funding deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 431(d).

"(D) A plan is described in this subparagraph if—

"(i)(I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining cost under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

"(II) the present value, as of the beginning of the current plan year, of the reasonably anticipated employer and employee contributions for the current plan year,

"(ii) the present value, as of the beginning of the current plan year, of nonforfeitable benefits of inactive participants is greater than the present value, as of the beginning of the current plan year, of nonforfeitable benefits of active participants, and

"(iii) the plan is projected to have an accumulated funding deficiency for the current plan year or any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 431(d).

"(E) A plan is described in this subparagraph if—

"(i) the funded percentage of the plan is greater than 65 percent for the current plan year, and

"(ii) the plan is projected to have an accumulated funding deficiency during any of the succeeding 3 plan years, not taking into account any extension of amortization periods under section 431(d).

"(4) REHABILITATION PLAN.—

"(A) IN GENERAL.—A rehabilitation plan shall consist of—

"(i) amendments to the plan providing (under reasonable actuarial assumptions) for measures, agreed to by the bargaining parties, to increase contributions, reduce plan expenditures (including plan mergers and consolidations), or reduce future benefit accruals, or to take any combination of such actions, determined necessary to cause the plan to cease, during the rehabilitation period, to be in critical status, or "(ii) reasonable measures to forestall possible insolvency (within the meaning of section 418E) if the plan sponsor determines that, upon exhaustion of all reasonable measures, the plan would not cease during the rehabilitation period to be in critical status.

A rehabilitation must provide annual standards for meeting the requirements of such rehabilitation plan.

"(B) REHABILITATION PERIOD.—The rehabilitation period for any rehabilitation plan adopted pursuant to this subsection is the 10-year period beginning on the earlier of—

"(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

"(ii) the first day of the first plan year of the multiemployer plan following the plan year in which occurs the first date, after the date of the plan's entry into critical status, as of which collective bargaining agreements covering at least 75 percent of active participants in such multiemployer plan (determined as of such date of entry) have expired.

"(C) REPORTING.—A summary of any rehabilitation plan or modification thereto adopted during any plan year, together with annual updates regarding the funding ratio of the plan, shall be included in the annual report for such plan year under section 104(a) of the Employee Retirement Income Security Act of 1974 and in the summary annual report described in section 104(b)(3) of such Act.

"(5) DEVELOPMENT OF REHABILITATION PLAN.—

"(A) PROPOSALS BY PLAN SPONSOR.—

"(i) IN GENERAL.—Within 90 days after the date of entry into critical status (or the date as of which the requirements of subsection (b)(1) are not met with respect to the plan), the plan sponsor shall propose to all bargaining parties a range of alternative schedules of increases in contributions and reductions in future benefit accruals that would serve to carry out a rehabilitation plan under this subsection.

"(ii) PROPOSAL ASSUMING NO CONTRIBUTION INCREASES.—Such proposals shall include, as one of the proposed schedules, a schedule of those reductions in future benefit accruals that would be necessary to cause the plan to cease to be in critical status if there were no further increases in rates of contribution to the plan.

"(iii) PROPOSAL WHERE CONTRIBUTIONS ARE NECESSARY.—If the plan sponsor determines that the plan will not cease to be in critical status during the rehabilitation period unless the plan is amended to provide for an increase in contributions, the plan sponsor's proposals shall include a schedule of those increases in contribution rates that would be necessary to cause the plan to cease to be in critical status if future benefit accruals were reduced to the maximum extent permitted by law.

"(B) REQUESTS FOR ADDITIONAL SCHEDULES.—Upon the request of any bargaining party who—

"(i) employs at least 5 percent of the active participants, or

"(ii) represents as an employee organization, for purposes of collective bargaining, at least 5 percent of active participants,

the plan sponsor shall include among the proposed schedules such schedules of increases in contributions and reductions in future benefit accruals as may be specified by the bargaining parties.

"(C) SUBSEQUENT AMENDMENTS.—Upon the adoption of a schedule of increases in contributions or reductions in future benefit accruals as part of the rehabilitation plan, the plan sponsor may amend the plan thereafter to update the schedule to adjust for any experience of the plan contrary to past actuarial assumptions, except that such an amendment may be made not more than once in any 3-year period.

"(D) ALLOCATION OF REDUCTIONS IN FUTURE BENEFIT ACCRUALS.—Any schedule containing reductions in future benefit accruals forming a part of a rehabilitation plan shall be applicable with respect to any group of active participants who are employed by any bargaining party (as an employer obligated to contribute under the plan) in proportion to the extent to which increases in contributions under such schedule apply to such bargaining party.

"(E) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any schedule proposed under this paragraph shall not reduce the rate of future accruals below the lower of—

"(i) a monthly benefit equal to 1 percent of the contributions required to be made with respect to a participant or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the plan year in which the plan enters critical status, or

"(ii) if lower, the accrual rate under the plan on such date.

The equivalent standard accrual rate shall be determined by the trustees based on the standard or average contribution base units that they determine to be representative for active participants and such other factors as they determine to be relevant.

"(F) PROTECTION OF RESTORED RATES OF ACCRUAL.—

"(i) IN GENERAL.—Any schedule proposed under this paragraph shall not reduce the rate of future accruals below any restored accrual rate.

"(ii) RESTORED ACCRUAL RATE.—For purposes of clause (i), the term 'restored accrual rate' means a rate of benefit accruals which was reduced and subsequently restored before entry of the plan into critical status.

"(6) MAINTENANCE OF CONTRIBUTIONS AND RESTRICTIONS ON BENEFITS PENDING ADOPTION OF REHABILITATION PLAN.—The rules of paragraphs (5) and (6) of subsection (b) shall apply for purposes of this subsection by substituting the term 'rehabilitation plan' for 'funding improvement plan'.

"(7) SPECIAL RULES.—

"(A) AUTOMATIC EMPLOYER SURCHARGE.—

"(i) 5 PERCENT AND 10 PERCENT SURCHARGE.—For the first plan year in which the plan is in critical status, each employer otherwise obligated to make a contribution for that plan year shall be obligated to pay to the plan a surcharge equal to 5 percent of the contribution otherwise required under the respective collective bargaining agreement (or other agreement pursuant to which the employer contributes). For each consecutive plan year thereafter in which the plan is in critical status, the surcharge shall be 10 percent of the contribution otherwise required under the respective collective bargaining agreement (or other agreement pursuant to which the employer contributes).

"(ii) ENFORCEMENT OF SURCHARGE.—The surcharges under clause (i) shall be due and payable on the same schedule as the contributions on which they are based. Any failure to make a surcharge payment shall be treated as a delinquent contribution under section 515 of the Employee Retirement Income Security Act of 1974 and shall be enforceable as such.

"(iii) SURCHARGE TO TERMINATE UPON CBA RENEGOTIATION.—The surcharge under this paragraph shall cease to be effective with respect to employees covered by a collective bargaining agreement, beginning on the date on which that agreement is renegotiated to include—

"(I) a schedule of benefits and contributions published by the trustees pursuant to the plan's rehabilitation plan, or

"(II) otherwise collectively bargained benefit changes.

"(iv) SURCHARGE NOT TO APPLY UNTIL EMPLOYER RECEIVES 30-DAY NOTICE.—The surcharge under this subparagraph shall not apply to an employer until 30 days after the employer has been notified by the trustees that the plan is in critical status and that the surcharge is in effect.

"(v) SURCHARGE NOT TO GENERATE INCREASED BENEFIT ACCRUALS.—Notwithstanding any provision of a plan to the contrary, the amount of any surcharge shall not be the basis for any benefit accruals under the plan.

"(B) BENEFIT ADJUSTMENTS.—

"(i) IN GENERAL.—The trustees shall make appropriate reductions, if any, to adjustable benefits based upon the outcome of collective bargaining over the schedules provided under paragraph (5).

"(ii) RETIREE PROTECTION.—Except as provided in subparagraph (C), the trustees of a plan in critical status may not reduce adjustable benefits of any participant or beneficiary who was in pay status at least one year before the first day of the first plan year in which the plan enters into critical status.

"(iii) TRUSTEE FLEXIBILITY.—The trustees shall include in the schedules provided to the bargaining parties an allowance for funding the benefits of participants with respect to whom contributions are not currently required to be made, and shall reduce their benefits to the extent permitted under this title and considered appropriate based on the plan's then current overall funding status and its future prospects in light of the results of the parties' negotiations.

"(C) ADJUSTABLE BENEFIT DEFINED.—For purposes of this paragraph, the term 'adjustable benefit' means—

"(i) benefits, rights, and features, such as post-retirement death benefits, 60-month guarantees, disability benefits not yet in pay status, and similar benefits,

"(ii) retirement-type subsidies, early retirement benefits, and benefit payment options (other than the 50 percent qualified joint-and-survivor benefit and single life annuity), and

"(iii) benefit increases that would not be eligible for a guarantee under section 4022A of the Employee Retirement Income Security Act of 1974 on the first day of the plan year in which the plan enters into critical status because they were adopted, or if later, took effect less than 60 months before reorganization.

"(D) NORMAL RETIREMENT BENEFITS PROTECTED.—Nothing in this paragraph shall be construed to permit a plan to reduce the level of a participant's accrued benefit payable at normal retirement age which is not an adjustable benefit.

"(E) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—

"(i) BENEFIT REDUCTIONS.—Any benefit reductions under this paragraph shall be disregarded in determining a plan's unfunded vested benefits for purposes of determining an employer's withdrawal liability under section 4201 of the Employee Retirement Income Security Act of 1974.

"(ii) SURCHARGES.—Any surcharges under this paragraph shall be disregarded in determining an employer's withdrawal liability under section 4211 of the Employee Retirement Income Security Act of 1974, except for purposes of determining the unfunded vested benefits attributable to an employer or under a modified attributable method adopted with the approval of the Pension Benefit Guaranty Corporation under subsection (c)(5) of that section.

"(8) RESTRICTIONS UPON APPROVAL OF REHABILITATION PLAN.—Upon adoption of a rehabilitation plan with respect to a multiemployer plan, the plan may not be amended—

"(A) so as to be inconsistent with the rehabilitation plan, or

"(B) so as to increase future benefit accruals, unless the plan actuary certifies in advance that, after taking into account the proposed increase, the plan is reasonably expected to cease to be in critical status.

"(9) IMPLEMENTATION OF DEFAULT SCHEDULE UPON FAILURE TO ADOPT REHABILITATION PLAN.—If the plan is not amended by the end of the 240-day period after entry into critical status to include a rehabilitation plan, the plan sponsor shall amend the plan to implement the schedule required by paragraph (5)(A)(ii).

"(10) DEEMED WITHDRAWAL.—Upon the failure of any employer who has an obligation to contribute under the plan to make contributions in compliance with the schedule adopted under paragraph (4) as part of the rehabilitation plan, the failure of the employer may, at the discretion of the plan sponsor, be treated as a withdrawal by the employer from the plan under section 4203 of the Employee Retirement Income Security Act of 1974 or a partial withdrawal by the employer under section 4205 of such Act.

"(11) SPECIAL RULE FOR PLAN AMENDMENTS.—A multiemployer plan in critical status shall not fail to meet the requirements of section 204(g) of the Employee Retirement Income Security Act of 1974 or section 411(d)(6) solely by reason of the adoption by the plan of an amendment necessary to meet the requirements of this subsection.

"(d) DEFINITIONS.—For purposes of this section—

"(1) BARGAINING PARTY.—The term 'bargaining party' means, in connection with a multiemployer plan—

"(A) an employer who has an obligation to contribute under the plan, and

"(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by such an employer.

"(2) FUNDED PERCENTAGE.—The term 'funded percentage' means the percentage expressed as a ratio of which—

"(A) the numerator of which is the value of the plan's assets, as determined under section 431(c)(2), and

"(B) the denominator of which is the accrued liability of the plan.

"(3) ACCUMULATED FUNDING DEFICIENCY.—The term 'accumulated funding deficiency' has the meaning provided such term in section 431(a).

"(4) ACTIVE PARTICIPANT.—The term 'active participant' means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

"(5) INACTIVE PARTICIPANT.—The term 'inactive participant' means, in connection with a multiemployer plan, a participant who—

"(A) is not in covered service under the plan, and

"(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

"(6) PAY STATUS.—A person is in 'pay status' under a multiemployer plan if—

"(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

"(B) to the extent provided in regulations of the Secretary, such person is entitled to such a benefit under the plan.

"(7) OBLIGATION TO CONTRIBUTE.—The term 'obligation to contribute' has the meaning provided such term under section 4212(a) of the Employee Retirement Income Security Act of 1974.

"(8) ENTRY INTO CRITICAL STATUS.—A plan shall be treated as entering into critical status as of the date that such plan is certified to be in critical status under subsection (a)(1), is presumed to be in critical status under subsection (a)(3), or enters into critical status under subsection (b)(7).".

(b) EXCISE TAX ON FAILURES TO ACT WITH RESPECT TO MULTIEMPLOYER PLANS IN CRITICAL STATUS.—Section 4971 of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following:

"(g) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

"(1) SUBSTITUTION OF EXCISE TAX FOR INITIAL AND ADDITIONAL TAX.—In the case of a multiemployer plan to which section 432(c) applies for a period, subsections (a) and (b) shall not apply with respect to such period.

"(2) FAILURE TO ADOPT REHABILITATION PLAN.—

"(A) IN GENERAL.—In the case of a multiemployer plan to which section 432(c) applies, there is hereby imposed a tax on the failure of such plan to adopt a rehabilitation plan.

"(B) AMOUNT OF TAX.—The amount of the tax imposed under subparagraph (A) with respect to any plan sponsor shall be the greater of—

"(i) the amount of tax imposed under subsection (a) (determined without regard to this subsection), or

"(ii) the amount equal to $1,100 multiplied by the number of days in the period beginning on the first day of the 240-day period described in section 432(c)(1) and ending on the day on which the rehabilitation plan is adopted.

"(C) LIABILITY FOR TAX.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A) shall be paid by each plan sponsor.

"(ii) PLAN SPONSOR.—For purposes of clause (i), the term 'plan sponsor' in the case of a multiemployer plan means the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

"(3) FAILURE TO COMPLY WITH REHABILITATION PLAN.—

"(A) IN GENERAL.—In the case of a multiemployer plan to which section 432(c) applies, there is hereby imposed a tax on each failure to make a required contribution under the rehabilitation plan within the time required under such plan.

"(B) AMOUNT OF TAX.—The amount of the tax imposed by subparagraph (A) shall be, with respect to each required contribution under the rehabilitation plan, the amount equal to the excess of the amount of such required contribution over the amount contributed.

"(C) LIABILITY FOR TAX.—The tax imposed by subparagraph (A) shall be paid by the employer responsible for contributing to or under the rehabilitation plan which fails to make the contribution.

"(4) REHABILITATION PLAN.—For purposes of this subsection, the term 'rehabilitation plan' means the plan required to be adopted under section 432(c).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter D of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 432. Additional funding rules for multiemployer plans in endangered status or critical status.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2005.

(e) SPECIAL RULE FOR 2006.—In the case of any plan year beginning in 2006, any reference in section 432 of the Internal Revenue Code of 1986 (as added by this section) to section 431 of such Code (as added by this Act) shall be treated as a reference to the corresponding provision of such Code as in effect for plan years beginning in such year.

SEC. 213. MEASURES TO FORESTALL INSOLVENCY OF MULTIEMPLOYER PLANS.

(a) ADVANCE DETERMINATION OF IMPENDING INSOLVENCY OVER 5 YEARS.—Section 418E(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "3 plan years" the second place it appears and inserting "5 plan years", and

(2) by adding at the end the following new sentence: "If the plan sponsor makes such a determination that the plan will be insolvent in any of the next 5 plan years, the plan sponsor shall make the comparison under this paragraph at least annually until the plan sponsor makes a determination that the plan will not be insolvent in any of the next 5 plan years.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations made in plan years beginning after December 31, 2005.

TITLE III—OTHER PROVISIONS

SEC. 301. INTEREST RATE FOR 2006 FUNDING REQUIREMENTS.

(a) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subclause (II) of section 302(b)(5)(B)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(b)(5)(B)(ii)) is amended—

(A) by striking "January 1, 2006" and inserting "January 1, 2007", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, AND 2006".

(2) CURRENT LIABILITY.—Subclause (IV) of section 302(d)(7)(C)(i) of such Act (29 U.S.C. 1082(d)(7)(C)(i)) is amended—

(A) by striking "or 2005" and inserting ", 2005, or 2006", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, AND 2006".

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subclause (II) of section 412(b)(5)(B)(ii) of the Internal Revenue Code of 1986 is amended—

(A) by striking "January 1, 2006" and inserting "January 1, 2007", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, AND 2006".

(2) CURRENT LIABILITY.—Subclause (IV) of section 412(l)(7)(C)(i) of such Code is amended—

(A) by striking "or 2005" and inserting ", 2005, or 2006", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, AND 2006".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 302. INTEREST RATE ASSUMPTION FOR DETERMINATION OF LUMP SUM DISTRIBUTIONS.

(a) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Paragraph (3) of section 205(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(g)(3)) is amended to read as follows:

"(3)(A) For purposes of paragraphs (1) and (2), the present value shall not be less than the present value calculated by using the applicable mortality table and the applicable interest rate.

"(B) For purposes of subparagraph (A)—

"(i) The term 'applicable mortality table' means a mortality table, modified as appropriate by the Secretary of the Treasury, based on the mortality table specified for the plan year under section 303(h)(3).

"(ii) The term 'applicable interest rate' means the adjusted first, second, and third segment rates applied under rules similar to the rules of section 303(h)(2)(C) for the month before the date of the distribution or such other time as the Secretary of the Treasury may by regulations prescribe.

"(iii) For purposes of clause (ii), the adjusted first, second, and third segment rates are the first, second, and third segment rates which would be determined under section 303(h)(2)(C) if—

"(I) section 303(h)(2)(D)(i) were applied by substituting 'the yields' for 'a 3-year weighted average of yields',

"(II) section 303(h)(2)(G)(i)(II) were applied by substituting 'section 205(g)(3)(A)(ii)(II)' for 'section 302(b)(5)(B)(ii)(II)', and

"(III) the applicable percentage under section 303(h)(2)(G) were determined in accordance with the following table:

"In the case of plan years beginning in:	The applicable percentage is:
2007	20 percent
2008	40 percent
2009	60 percent
2010	80 percent.".

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 417(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) DETERMINATION OF PRESENT VALUE.—

"(A) IN GENERAL.—For purposes of paragraphs (1) and (2), the present value shall not be less than the present value calculated by using the applicable mortality table and the applicable interest rate.

"(B) APPLICABLE MORTALITY TABLE.—For purposes of subparagraph (A), the term 'applicable mortality table' means a mortality table, modified as appropriate by the Secretary, based on the mortality table specified for the plan year under section 430(h)(3).

"(C) APPLICABLE INTEREST RATE.—For purposes of subparagraph (A), the term 'applicable interest rate' means the adjusted first, second, and third segment rates applied under rules similar to the rules of section 430(h)(2)(C) for the month before the date of the distribution or such other time as the Secretary may by regulations prescribe.

"(D) APPLICABLE SEGMENT RATES.—For purposes of subparagraph (C), the adjusted first, second, and third segment rates are the first, second, and third segment rates which would be determined under section 430(h)(2)(C) if—

"(i) section 430(h)(2)(D)(i) were applied by substituting 'the yields' for 'a 3-year weighted average of yields',

"(ii) section 430(h)(2)(G)(i)(II) were applied by substituting 'section 417(e)(3)(A)(ii)(II)' for 'section 412(b)(5)(B)(ii)(II)', and

"(iii) the applicable percentage under section 430(h)(2)(G) were determined in accordance with the following table:

"In the case of plan years beginning in:	The applicable percentage is:
2007	20 percent
2008	40 percent
2009	60 percent
2010	80 percent.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2006.

SEC. 303. INTEREST RATE ASSUMPTION FOR APPLYING BENEFIT LIMITATIONS TO LUMP SUM DISTRIBUTIONS.

(a) IN GENERAL.—Clause (ii) of section 415(b)(2)(E)·of the Internal Revenue Code of 1986 is amended to read as follows:

"(ii) For purposes of adjusting any benefit under subparagraph (B) for any form of benefit subject to section 417(e)(3), the interest rate assumption shall not be less than the greater of—

"(I) 5.5 percent,

"(II) the rate that provides a benefit of not more than 105 percent of the benefit that would be provided if the applicable interest rate (as defined in section 417(e)(3)) were the interest rate assumption, or

"(III) the rate specified under the plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions made in years beginning after December 31, 2005.

SEC. 304. DISTRIBUTIONS DURING WORKING RETIREMENT.

(a) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subparagraph (A) of section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) is amended by adding at the end the following new sentence: "A distribution from a plan, fund, or program shall not be treated as made in a form other than retirement income or as a distribution prior to termination of covered employment solely because such distribution is made to an employee who has attained age 62 and who is not separated from employment at the time of such distribution.".

(b) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (34) the following new paragraph:

"(35) DISTRIBUTIONS DURING WORKING RETIREMENT.—A trust forming part of a pension plan shall not be treated as failing to constitute a qualified trust under this section solely because a distribution is made from such trust to an employee who has attained age 62 and who is not separated from employment at the time of such distribution.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning after December 31, 2005.

SEC. 305. OTHER AMENDMENTS RELATING TO PROHIBITED TRANSACTIONS.

(a) DEFINITION OF AMOUNT INVOLVED.—Section 502(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(i)) is amended to read as follows:

"(i)(1) In the case of a transaction prohibited by section 406 by a party in interest with respect to a plan to which this part applies, the Secretary may assess a civil penalty against such party in interest. Except as provided in paragraph (2), the amount of such penalty may not exceed 5 percent of the amount involved in each such transaction for each year or part thereof during which the prohibited transaction continues.

"(2) If the transaction is not corrected (in such manner as the Secretary shall prescribe in regulations) within 90 days after notice from the Secretary (or such longer period as the Secretary may permit), such penalty may be in an amount not more than 100 percent of the amount involved.

"(3) For purposes of paragraph (1)—

"(A) Except as provided in subparagraphs (C) and (D), the term 'amount involved' means, with respect to a prohibited transaction, the greater of—

"(i) the amount of money and the fair market value of the other property given, or

"(ii) the amount of money and the fair market value of the other property received.

"(B) For purposes of subparagraph (A), fair market value shall be determined as of the date on which the prohibited transaction occurs, except that in the case described in paragraph (2) fair market value shall be the highest fair market value during the period between the date of the transaction and the date of correction.

"(C) In the case of services described in subsection (b)(2) or (c)(2) of section 408, the term 'amount involved' means only the amount of excess compensation.

"(D) In the case of principal transactions prohibited under section 406(a) involving securities or commodities, the term 'amount involved' means only the amount received by the disqualified person in excess of the amount such person would have received in an arm's length transaction with an unrelated party as of the same date.

"(E) For the purposes of this paragraph—

"(i) the term 'security' has the meaning given such term by section 475(c)(2) of the Internal Revenue Code of 1986 (without regard to subparagraph (F)(iii) and the last sentence thereof), and

"(ii) the term 'commodity' has the meaning given such term by section 475(e)(2) of such Code (without regard to subparagraph (D)(iii) thereof).".

(b) EXEMPTION FOR BLOCK TRADING.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 408(b) of such Act (29 U.S.C. 1108(b)), as amended by section 601, is further amended by adding at the end the following new paragraph:

"(15)(A) Any transaction involving the purchase or sale of securities between a plan and a party in interest (other than a fiduciary described in section 3(21)(A)(ii)) with respect to a plan if—

"(i) the transaction involves a block trade,

"(ii) at the time of the transaction, the interest of the plan (together with the interests of any other plans maintained by the same plan sponsor), does not exceed 10 percent of the aggregate size of the block trade, and

"(iii) the terms of the transaction, including the price, are at least as favorable to the plan as an arm's length transaction.

"(B) For purposes of this paragraph, the term 'block trade' includes any trade which will be allocated across two or more client accounts of a fiduciary.".

(2) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(A) IN GENERAL.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by striking "or" at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ", or", and by adding at the end the following new paragraph:

"(17) any transaction involving the purchase or sale of securities between a plan and a party in interest (other than a fiduciary described in subsection (e)(3)(B)) with respect to a plan if—

"(A) the transaction involves a block trade,

"(B) at the time of the transaction, the interest of the plan (together with the interests of any other plans maintained by the same plan sponsor), does not exceed 10 percent of the aggregate size of the block trade, and

"(C) the terms of the transaction, including the price, are at least as favorable to the plan as an arm's length transaction.

"(D) For purposes of this paragraph, the term 'block trade' includes any trade which will be allocated across two or more client accounts of a fiduciary.".

(B) SPECIAL RULE RELATING TO BLOCK TRADE.—Subsection (f) of section 4975 of such Code (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) BLOCK TRADE.—For purposes of subsection (d)(17), the term 'block trade' includes any trade which will be allocated across two or more client accounts of a fiduciary.".

(c) BONDING RELIEF.— Section 412(a) of such Act (29 U.S.C. 1112(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by striking "and" at the end of paragraph (1); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) no bond shall be required of an entity which is subject to regulation as a broker or a dealer under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or an entity registered under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), including requirements imposed by a self-regulatory organization (within the meaning of section 3(a)(26) of such Act (15 U.S.C. 78c(a)(26)), or any affiliate with respect to which the broker or dealer agrees to be liable to the same extent as if they held the assets directly.".

(d) EXEMPTION FOR ELECTRONIC COMMUNICATION NETWORK.—

(1) IN GENERAL.—Section 408(b) of such Act (as amended by subsection (b)) is further amended by adding at the end the following:

"(16) Any transaction involving the purchase or sale of securities, or other property (as determined in regulations of the Secretary) between a plan and a fiduciary or a party in interest if—

"(A) the transaction is executed through an exchange, electronic communication network, alternative trading system, or similar execution system or trading venue subject to regulation and oversight by—

"(i) the applicable Federal regulating entity, or

"(ii) such other applicable governmental regulating agency as the Secretary may determine appropriate in the case of any fiduciary or party in interest or class of fiduciaries or parties in interest or any transaction or class of transactions,

"(B) neither the execution system nor the parties to the transaction take into account the identity of the parties in the execution of trades,

"(C) the transaction is effected pursuant to rules designed to match purchases and sales at the best price available through the execution system,

"(D) the price and compensation associated with the purchase and sale are not greater than an arm's length transaction with an unrelated party,

"(E) if the fiduciary or party in interest has an ownership interest in the system or venue described in subparagraph (A), the system or venue has been authorized under the plan for transactions described in this paragraph, and

"(F) not less than 30 days prior to the initial transaction described in this paragraph executed through any system or venue described in subparagraph (A), the plan administrator is provided written notice of the execution of such transaction through such system or venue.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 30 days after the date of the enactment of this Act.

(e) CONFORMING ERISA'S PROHIBITED TRANSACTION PROVISION TO FERSA.—Section 408(b) of such Act (29 U.S.C. 1106), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

"(17)(A) transactions described in subparagraphs (A), (B), and (D) of section 406(a)(1) between a plan and a party that is a party in interest (under section 3(14)) solely by reason of providing services, but only if in connection with such transaction the plan receives no less, nor pays no more, than adequate consideration.

"(B) For purposes of this paragraph, the term 'adequate consideration' means—

"(i) in the case of a security for which there is a generally recognized market—

"(I) the price of the security prevailing on a national securities exchange which is registered under section 6 of the Securities Exchange Act of 1934, taking into account factors such as the size of the transaction and marketability of the security, or

"(II) if the security is not traded on such a national securities exchange, a price not less favorable to the plan than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer and of the party in interest, taking into account factors such as the size of the transaction and marketability of the security, and

"(ii) in the case of an asset other than a security for which there is a generally recognized market, the fair market value of the asset as determined in good faith by a fiduciary or fiduciaries in accordance with regulations prescribed by the Secretary.".

(f) RELIEF FOR FOREIGN EXCHANGE TRANSACTIONS.— Section 408(b) of such Act (as amended by the preceding provisions of this section) is further amended by adding at the end the following new paragraph:

"(18) Any foreign exchange transactions, between a bank or broker-dealer, or any affiliate of either thereof, and a plan with respect to which the bank or broker-dealer, or any affiliate, is a trustee, custodian, fiduciary, or other party in interest, if—

"(A) the transaction is in connection with the purchase or sale of securities,

"(B) at the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms generally available in comparable arm's length foreign exchange transactions between unrelated parties, or the terms afforded by the bank or the broker-dealer (or any affiliate thereof) in comparable arm's-length foreign exchange transactions involving unrelated parties, and

"(C) the exchange rate used by the bank or broker-dealer for a particular foreign exchange transaction may not deviate by more than 3 percent from the interbank bid and asked rates at the time of the transaction as displayed on an independent service that reports rates of exchange in the foreign currency market for such currency.".

(g) DEFINITION OF PLAN ASSET VEHICLE.—Section 3 of such Act (29 U.S.C. 1002) is amended by adding at the end the following new paragraph:

"(42) the term 'plan assets' means plan assets as defined by such regulations as the Secretary may prescribe, except that under such regulations the assets of any entity shall not be treated as plan assets if, immediately after the most recent acquisition of any equity interest in the entity, less than 50 percent of the total value of each class of equity interest in the entity is held by employee benefit plan investors. For purposes of determinations pursuant to this paragraph, the value of any equity interest owned by a person (other than such an employee benefit plan) who has discretionary authority or control with respect to the assets of the entity or any person who provides investment advice for a fee (direct or indirect) with respect to such assets, or any affiliate of such a person, shall be disregarded for purposes of calculating the 50 percent threshold. An entity shall be considered to hold plan assets only to the extent of the percentage of the equity interest owned by benefit plan investors. For purposes of this paragraph, the term 'benefit plan investor' means an employee benefit plan subject to this part and any plan to which section 4975 of the Internal Revenue Code of 1986 applies.".

SEC. 306. CORRECTION PERIOD FOR CERTAIN TRANSACTIONS INVOLVING SECURITIES AND COMMODITIES.

(a) AMENDMENT OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)), as amended by sections 304 and 601, is further amended by adding at the end the following new paragraph:

"(19)(A) Except as provided in subparagraphs (B) and (C), a transaction described in section 406(a) in connection with the acquisition, holding, or disposition of any security or commodity, if the transaction is corrected before the end of the correction period.

"(B) Subparagraph (A) does not apply to any transaction between a plan and a plan sponsor or its affiliates that involves the acquisition or sale of an employer security (as defined in section 407(d)(1)) or the acquisition, sale, or lease of employer real property (as defined in section 407(d)(2)).

"(C) In the case of any fiduciary or other party in interest (or any other person knowingly participating in such transaction), subparagraph (A) does not apply to any transaction if, at the time the transaction occurs, such fiduciary or party in interest (or other person) knew (or reasonably should have known) that the transaction would (without regard to this paragraph) constitute a violation of section 406(a).

"(D) For purposes of this paragraph, the term 'correction period' means, in connection with a fiduciary or party in interest (or other person knowingly participating in the transaction), the 14-day period beginning on the date on which such fiduciary or party in interest (or other person) discovers, or reasonably should have discovered, that the transaction would (without regard to this paragraph) constitute a violation of section 406(a).

"(E) For purposes of this paragraph—

"(i) The term 'security' has the meaning given such term by section 475(c)(2) of the Internal Revenue Code of 1986 (without regard to subparagraph (F)(iii) and the last sentence thereof).

"(ii) The term 'commodity' has the meaning given such term by section 475(e)(2) of such Code (without regard to subparagraph (D)(iii) thereof).

"(iii) The term 'correct' means, with respect to a transaction—

"(I) to undo the transaction to the extent possible and in any case to make good to the plan or affected account any losses resulting from the transaction, and

"(II) to restore to the plan or affected account any profits made through the use of assets of the plan.".

(b) Amendment of Internal Revenue Code of 1986.—

(1) In general.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions), as amended by this Act, is amended by striking "or" at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting ", or", and by adding at the end the following new paragraph:

"(18) except as provided in subsection (f)(9), a transaction described in subparagraph (A), (B), (C), or (D) of subsection (c)(1) in connection with the acquisition, holding, or disposition of any security or commodity, if the transaction is corrected before the end of the correction period.".

(2) Special rules relating to correction period.—Subsection (f) of section 4975 of such Code (relating to other definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

"(9) Correction period.—

"(A) In general.—For purposes of subsection (d)(18), the term 'correction period' means the 14-day period beginning on the date on which the disqualified person discovers, or reasonably should have discovered, that the transaction would (without regard to this paragraph and subsection (d)(18)) constitute a prohibited transaction.

"(B) Exceptions.—

"(i) Employer securities.—Subsection (d)(18) does not apply to any transaction between a plan and a plan sponsor or its affiliates that involves the acquisition or sale of an employer security (as defined in section 407(d)(1)) or the acquisition, sale, or lease of employer real property (as defined in section 407(d)(2)).

"(ii) Knowing prohibited transaction.—In the case of any disqualified person, subsection (d)(18) does not apply to a transaction if, at the time the transaction is entered into, the disqualified person knew (or reasonably should have known) that the transaction would (without regard to this paragraph) constitute a prohibited transaction.

"(C) Abatement of tax where there is a correction.—If a transaction is not treated as a prohibited transaction by reason of subsection (d)(18), then no tax under subsection (a) and (b) shall be assessed with respect to such transaction, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

"(D) Definitions.—For purposes of this paragraph and subsection (d)(18)—

"(i) Security.—The term 'security' has the meaning given such term by section 475(c)(2) (without regard to subparagraph (F)(iii) and the last sentence thereof).

"(ii) Commodity.—The term 'commodity' has the meaning given such term by section 475(e)(2) (without regard to subparagraph (D)(iii) thereof).

"(iii) Correct.—The term 'correct' means, with respect to a transaction—

"(I) to undo the transaction to the extent possible and in any case to make good to the plan or affected account any losses resulting from the transaction, and

"(II) to restore to the plan or affected account any profits made through the use of assets of the plan.".

(c) Effective Date.—The amendments made by this section shall apply to any transaction which the fiduciary or disqualified person discovers, or reasonably should have discovered, after the date of the enactment of this Act constitutes a prohibited transaction.

SEC. 307. RECOVERY BY REIMBURSEMENT OR SUBROGATION WITH RESPECT TO PROVIDED BENEFITS.

(a) In General.—Section 502(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)) is amended by adding, after and below paragraph (9), the following new sentence:

"Actions described under paragraph (3) include an action by a fiduciary for recovery of amounts on behalf of the plan enforcing terms of the plan that provide a right of recovery by reimbursement or subrogation with respect to benefits provided to or for a participant or beneficiary.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2006.

SEC. 308. EXERCISE OF CONTROL OVER PLAN ASSETS IN CONNECTION WITH QUALIFIED CHANGES IN INVESTMENT OPTIONS.

(a) In General.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

"(4)(A) In any case in which a qualified change in investment options occurs in connection with an individual account plan, a participant or beneficiary shall not be treated for purposes of paragraph (1) as not exercising control over the assets in his account in connection with such change if the requirements of subparagraph (C) are met in connection with such change.

"(B) For purposes of subparagraph (A), the term 'qualified change in investment options' means, in connection with an individual account plan, a change in the investment options offered to the participant or beneficiary under the terms of the plan, under which—

"(i) the participant's account is reallocated among one or more new investment options which are offered in lieu of one or more investment options offered immediately prior to the effective date of the change, and

"(ii) the characteristics of the new investment options, including characteristics relating to risk and rate of return, are, as of immediately after the change, reasonably similar to those of the existing investment options as of immediately before the change.

"(C) The requirements of this subparagraph are met in connection with a qualified change in investment options if—

"(i) at least 60 days prior to the effective date of the change, the plan administrator furnishes written notice of the change to the participants and beneficiaries, including information comparing the existing and new investment options and an explanation that, in the absence of affirmative investment instructions from the participant or beneficiary to the contrary, the account of the participant or beneficiary will be invested in the manner described in subparagraph (B),

"(ii) the participant has not provided to the plan administrator, in advance of the effective date of the change, affirmative investment instructions contrary to the change, and

"(iii) the investments under the plan of the participant or beneficiary as in effect immediately prior to the effective date of the change was the product of the exercise by such participant or beneficiary of control over the assets of the account within the meaning of paragraph (1).".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to changes in investment options taking effect on or after January 1, 2006.

SEC. 309. CLARIFICATION OF FIDUCIARY RULES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall issue final regulations clarifying that the selection of an annuity contract as an optional form of distribution from an individual account plan to a participant or beneficiary—

(1) is not subject to the safest available annuity standard under Interpretive Bulletin 95–1 (29 C.F.R. 2509.95–1), and

(2) is subject to all otherwise applicable fiduciary standards.

SEC. 310. GOVERNMENT ACCOUNTABILITY OFFICE PENSION FUNDING REPORT.

(a) In General.—The Comptroller General of the Government Accountability Office shall transmit to the Congress a pension funding report not later than one year after the date of the enactment of this Act.

(b) Report Content.—The pension funding report required under subsection (a) shall include an analysis of the feasibility, advantages, and disadvantages of—

(1) requiring an employee pension benefit plan to insure a portion of such plan's total investments;

(2) requiring an employee pension benefit plan to adhere to uniform solvency standards set by the Pension Benefit Guaranty Corporation, which are similar to those applied on a State level in the insurance industry; and

(3) amortizing a single-employer defined benefit pension plan's shortfall amortization base (referred to in section 303(c)(3) of the Employee Retirement Income Security Act of 1974 (as amended by this Act)) over various periods of not more than 7 years.

TITLE IV—IMPROVEMENTS IN PBGC GUARANTEE PROVISIONS

SEC. 401. INCREASES IN PBGC PREMIUMS.

(a) Flat-Rate Premiums.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended—

(1) by striking clause (i) of subparagraph (A) and inserting the following:

"(i) in the case of a single-employer plan, an amount equal to—

"(I) for plan years beginning after December 31, 1990, and before January 1, 2006, $19, or

"(II) for plan years beginning after December 31, 2005, the amount determined under subparagraph (F),

plus the additional premium (if any) determined under subparagraph (E) for each individual who is a participant in such plan during the plan year;"; and

(2) by adding at the end the following new subparagraph:

"(F)(i) Except as otherwise provided in this subparagraph, for purposes of determining the annual premium rate payable to the corporation by a single-employer plan for basic benefits guaranteed under this title, the amount determined under this subparagraph is the greater of $30 or the adjusted amount determined under clause (ii).

"(ii) For plan years beginning after 2006, the adjusted amount determined under this clause is the product derived by multiplying $30 by the ratio of—

"(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which the plan year begins, to

"(II) the national average wage index (as so defined) for 2004,

with such product, if not a multiple of $1, being rounded to the next higher multiple of $1 where such product is a multiple of $0.50 but not of $1, and to the nearest multiple of $1 in any other case.

"(iii) For purposes of determining the annual premium rate payable to the corporation by a single-employer plan for basic benefits guaranteed under this title for any plan year beginning after 2005 and before 2010—

"(I) except as provided in subclause (II), the premium amount referred to in subparagraph (A)(i)(II) for any such plan year is the amount set forth in connection with such plan year in the following table:

"If the plan year begins in:	The amount is:
2006	$21.20
2007	$23.40
2008	$25.60
2009	$27.80; or

"(II) if the plan's funding target attainment percentage for the plan year preceding the current plan year was less than 80 percent, the premium amount referred to in subparagraph (A)(i)(II) for such current plan year is the amount set forth in connection with such current plan year in the following table:

"If the plan year begins in:	The amount is:
2006	$22.67
2007	$26.33
2008 or 2009	the amount provided under clause (i).

"(iv) For purposes of this subparagraph, the term 'funding target attainment percentage' has the meaning provided such term in section 303(d)(2).".

(b) Premium Rate for Certain Terminated Single-Employer Plans.—Subsection (a) of section 4006 of such Act (29 U.S.C. 1306) is amended by adding at the end the following:

"(7) Premium Rate for Certain Terminated Single-Employer Plans.—

"(A) In general.—If there is a termination of a single-employer plan under clause (ii) or (iii) of section 4041(c)(2)(B) or section 4042, there shall be payable to the corporation, with respect to each applicable 12-month period, a premium at a rate equal to $1,250 multiplied by the number of individuals who were participants in the plan immediately before the termination date. Such premium shall be in addition to any other premium under this section.

"(B) Special rule for plans terminated in bankruptcy reorganization.—If the plan is terminated under 4041(c)(2)(B)(ii) or under section 4042 and, as of the termination date, a person who is (as of such date) a contributing sponsor of the plan or a member of such sponsor's controlled group has filed or has had filed against such person a petition seeking reorganization in a case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State (or a case described in section 4041(c)(2)(B)(i) filed by or against such person has been converted, as of such date, to such a case in which reorganization is sought), subparagraph (A) shall not apply to such plan until the date of the discharge of such person in such case.

"(C) Applicable 12-month period.—For purposes of subparagraph (A)—

"(i) In general.—The term 'applicable 12-month period' means—

"(I) the 12-month period beginning with the first month following the month in which the termination date occurs, and

"(II) each of the first two 12-month periods immediately following the period described in subclause (I).

"(ii) Plans terminated in bankruptcy reorganization.—In any case in which the requirements of subparagraph (B) are met in connection with the termination of the plan with respect to 1 or more persons described in such subparagraph, the 12-month period described in clause (i)(I) shall be the 12-month period beginning with the first month following the month which includes the earliest date as of which each such person is discharged in the case described in such clause in connection with such person.

"(D) Coordination with section 4007.—

"(i) Notwithstanding section 4007—

"(I) premiums under this paragraph shall be due within 30 days after the beginning of any applicable 12-month period, and

"(II) the designated payor shall be the person who is the contributing sponsor as of immediately before the termination date.

"(ii) The fifth sentence of section 4007(a) shall not apply in connection with premiums determined under this paragraph.".

(c) Risk-Based Premiums.—

(1) Extension through 2006.—Section 4006(a)(3)(E)(iii)(V) of such Act is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(2) Conforming amendments related to funding rules for single-employer plans.—Section 4006(a)(3)(E) of such Act is amended by striking clauses (iii) and (iv) and inserting the following:

"(iii)(I) For purposes of clause (ii), except as provided in subclause (II), the term 'unfunded vested benefits' means, for a plan year, the amount which would be the plan's funding shortfall (as defined in section 303(c)(4)), if the value of plan assets of the plan were equal to the fair market value of such assets and only vested benefits were taken into account.

"(II) The interest rate used in valuing vested benefits for purposes of subclause (I) shall be equal to the first, second, or third segment rate which would be determined under section 303(h)(2)(C) if section 303(h)(2)(D)(i) were applied by substituting 'the yields' for 'the 3-year weighted average of yields', as applicable under rules similar to the rules under section 303(h)(2)(B).".

(d) Effective Dates.—

(1) In general.—The amendments made by subsection (a) and (c)(1) shall apply to plan years beginning after December 31, 2005.

(2) Premium rate for certain terminated single-employer plans.—The amendment made by subsection (b) shall apply with respect to cases commenced under title 11, United States Code, or under any similar law of a State or political subdivision of a State after October 26, 2005.

(3) Conforming amendments related to funding rules for single-employer plans.—The amendments made by subsection (c)(2) shall take effect on December 31, 2006, and shall apply to plan years beginning after such date.

TITLE V—DISCLOSURE

SEC. 501. DEFINED BENEFIT PLAN FUNDING NOTICES.

(a) Application of Plan Funding Notice Requirements to All Defined Benefit Plans.—Section 101(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)) is amended—

(1) in the heading, by striking "Multiemployer";

(2) in paragraph (1), by striking "which is a multiemployer plan"; and

(3) by striking paragraph (2)(B)(iii) and inserting the following:

"(iii)(I) in the case of a single-employer plan, a summary of the rules governing termination of single-employer plans under subtitle C of title IV, or

"(II) in the case of a multiemployer plan, a summary of the rules governing insolvent multiemployer plans, including the limitations on benefit payments and any potential benefit reductions and suspensions (and the potential effects of such limitations, reductions, and suspensions on the plan); and".

(b) Inclusion of Statement of the Ratio of Inactive Participants to Active Participants.—Section 101(f)(2)(B) of such Act (29 U.S.C. 1021(f)(2)(B)) is amended—

(1) in clause (iii)(II) (added by subsection (a)(3) of this section), by striking "and" at the end;

(2) in clause (iv), by striking "apply." and inserting "apply; and"; and

(3) by adding at the end the following new clause:

"(v) a statement of the ratio, as of the end of the plan year to which the notice relates, of—

"(I) the number of participants who are not in covered service under the plan and are in pay status under the plan or have a nonforfeitable right to benefits under the plan, to

"(II) the number of participants who are in covered service under the plan.".

(c) Comparison of Monthly Average of Value of Plan Assets to Projected Current Liabilities.—Section 101(f)(2)(B) of such Act (29 U.S.C. 1021(f)(2)(B)) (as amended by the preceding provisions of this section) is amended further—

(1) by striking clause (ii) and inserting the following:

"(ii) a statement of a reasonable estimate of—

"(I) the value of the plan's assets for the plan year to which the notice relates,

"(II) projected liabilities of the plan for the plan year to which the notice relates, and

"(III) the ratio of the estimated amount determined under subclause (I) to the estimated amount determined under subclause (II);"; and

(2) by adding at the end (after and below clause (v)) the following:

"For purposes of determining a plan's projected liabilities for a plan year under clause (ii)(II), such projected liabilities shall be determined by projecting forward in a reasonable manner to the end of the plan year the liabilities of the plan to participants and beneficiaries as of the first day of the plan year, taking into account any significant events that occur during the plan year and that have a material effect on such liabilities, including any plan amendments in effect for the plan year.".

(d) Statement of Plan's Funding Policy and Method of Asset Allocation.—Section 101(f)(2)(B) of such Act (as amended by the preceding provisions of this section) is amended further—

(1) in clause (iv), by striking "and" at the end;

(2) in clause (v), by striking the period and inserting "; and"; and

(3) by inserting after clause (v) the following new clause:

"(vi) a statement setting forth the funding policy of the plan and the asset allocation of investments under the plan (expressed as percentages of total assets) as of the end of the plan year to which the notice relates.".

(e) Notice of Funding Improvement Plan or Rehabilitation Plan Adopted by Multiemployer Plan.—Section 101(f)(2)(B) of such Act (as amended by the preceding provisions of this section) is amended further—

(1) in clause (v), by striking "and" at the end;

(2) in clause (vi), by striking the period and inserting "; and"; and

(3) by inserting after clause (vi) the following new clause:

"(vii) a summary of any funding improvement plan, rehabilitation plan, or modification thereof adopted under section 305 during the plan year to which the notice relates.".

(f) Notice Due 90 Days After Plan's Valuation Date.—

(1) In general.—Section 101(f)(3) of such Act (29 U.S.C. 1021(f)(3)) is amended by striking "two months after the deadline (including extensions) for filing the annual report for the plan year" and inserting "90 days after the end of the plan year".

(2) Model notice.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall publish a model version of the notice required by section 101(f) of the Employee Retirement Income Security Act of 1974.

(g) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 502. ADDITIONAL DISCLOSURE REQUIREMENTS.

(a) Additional Annual Reporting Requirements.—Section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) is amended—

(1) in subsection (a)(1)(B), by striking "subsections (d) and (e)" and inserting "subsections (d), (e), and (f)"; and

(2) by adding at the end the following new subsection:

"(f)(1) With respect to any defined benefit plan, an annual report under this section for a plan year shall include the following:

"(A) The ratio, as of the end of such plan year, of—

"(i) the number of participants who, as of the end of such plan year, are not in covered service under the plan and are in pay status under the plan or have a nonforfeitable right to benefits under the plan, to

"(ii) the number of participants who are in covered service under the plan as of the end of such plan year.

"(B) In any case in which any liabilities to participants or their beneficiaries under such plan as of the end of such plan year consist (in whole or in part) of liabilities to such participants and beneficiaries borne by 2 or more pension plans as of immediately before such plan year, the funded ratio of each of such 2 or more pension plans as of immediately before such plan year and the funded ratio of the plan with respect to which the annual report is filed as of the end of such plan year.

"(C) For purposes of this paragraph, the term 'funded ratio' means, in connection with a plan, the percentage which—

"(i) the value of the plan's assets is of

"(ii) the liabilities to participants and beneficiaries under the plan.

"(2) With respect to any defined benefit plan which is a multiemployer plan, an annual report under this section for a plan year shall include the following:

"(A) The number of employers obligated to contribute to the plan as of the end of such plan year.

"(B) The number of participants under the plan on whose behalf no employer contributions have been made to the plan for such plan year. For purposes of this subparagraph, the term 'employer contribution' means, in connection with a participant, a contribution made by an employer as an employer of such participant.".

(b) Additional Information in Annual Actuarial Statement Regarding Plan Retirement Projections.—Section 103(d) of such Act (29 U.S.C. 1023(d)) is amended—

(1) by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively; and

(2) by inserting after paragraph (11) the following new paragraph:

"(12) A statement explaining the actuarial assumptions and methods used in projecting future retirements and forms of benefit distributions under the plan.".

(c) Filing After 285 Days After Plan Year Only in Cases of Hardship.—Section 104(a)(1) of such Act (29 U.S.C. 1024(a)(1)) is amended by inserting after the first sentence the following new sentence: "In the case of a pension plan, the Secretary may extend the deadline for filing the annual report for any plan year past 285 days after the close of the plan year only on a case by case basis and only in cases of hardship, in accordance with regulations which shall be prescribed by the Secretary.".

(d) Internet Display of Information.—Section 104(b) of such Act (29 U.S.C. 1024(b)) is amended by adding at the end the following:

"(5) Identification and basic plan information and actuarial information included in the annual report for any plan year shall be filed with the Secretary in an electronic format which accommodates display on the Internet, in accordance with regulations which shall be prescribed by the Secretary. The Secretary shall provide for display of such information included in the annual report, within 90 days after the date of the filing of the annual report, on a website maintained by the Secretary on the Internet and other appropriate media. Such information shall also be displayed on any website maintained by the plan sponsor (or by the plan administrator on behalf of the plan sponsor) on the Internet, in accordance with regulations which shall be prescribed by the Secretary.".

(e) Summary Annual Report Filed Within 15 Days After Deadline for Filing of Annual Report.—Section 104(b)(3) of such Act (29 U.S.C. 1024(b)(3)) is amended—

(1) by striking "Within 210 days after the close of the fiscal year of the plan," and inserting "Within 15 business days after the due date under subsection (a)(1) for the filing of the annual report for the fiscal year of the plan,"; and

(2) by striking "the latest" and inserting "such".

(f) Disclosure of Plan Assets and Liabilities in Summary Annual Report.—

(1) In general.—Section 104(b)(3) of such Act (as amended by subsection (a)) is amended further—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B) The material provided pursuant to subparagraph (A) to summarize the latest annual report shall be written in a manner calculated to be understood by the average plan participant and shall set forth the total assets and liabilities of the plan for the plan year for which the latest annual report was filed and for each of the 2 preceding plan years, as reported in the annual report for each such plan year under this section.".

(g) Information Made Available to Participants, Beneficiaries, and Employers With Respect to Multiemployer Plans.—

(1) In general.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021) (as amended by section 103(b)(2)(A)) is further amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

"(k) Multiemployer Plan Information Made Available on Request.—

"(1) In general.—Each administrator of a multiemployer plan shall furnish to any plan participant or beneficiary or any employer having an obligation to contribute to the plan, who so requests in writing—

"(A) a copy of any actuarial report received by the plan for any plan year which has been in receipt by the plan for at least 30 days, and

"(B) a copy of any financial report prepared for the plan by any plan investment manager or advisor or other person who is a plan fiduciary which has been in receipt by the plan for at least 30 days.

"(2) Compliance.—Information required to be provided under paragraph (1)—

"(A) shall be provided to the requesting participant, beneficiary, or employer within 30 days after the request in a form and manner prescribed in regulations of the Secretary, and

"(B) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to persons to whom the information is required to be provided.

"(3) Limitations.—In no case shall a participant, beneficiary, or employer be entitled under this subsection to receive more than one copy of any report described in paragraph (1) during any one 12-month period. The administrator may make a reasonable charge to cover copying, mailing, and other costs of furnishing copies of information pursuant to paragraph (1). The Secretary may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.".

(2) Enforcement.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) (as amended by section 103(b)(2)(B)) is further amended by striking "sections 101(j) and 302(b)(7)(F)(iv)" and inserting "sections 101(j), 101(k), and 302(b)(7)(F)(iv)".

(3) Regulations.—The Secretary shall prescribe regulations under section 101(k)(2) of the Employee Retirement Income Security Act of 1974 (added by paragraph (1) of this subsection) not later than 90 days after the date of the enactment of this Act.

(h) Notice of Potential Withdrawal Liability to Multiemployer Plans.—

(1) In general.—Section 101 of such Act (as amended by subsection (g) of this section) is further amended—

(A) by redesignating subsection (l) as subsection (m); and

(B) by inserting after subsection (k) the following new subsection:

"(l) Notice of Potential Withdrawal Liability.—

"(1) In general.—The plan sponsor or administrator of a multiemployer plan shall furnish to any employer who has an obligation to contribute under the plan and who so requests in writing notice of—

"(A) the amount which would be the amount of such employer's withdrawal liability under part 1 of subtitle E of title IV if such employer withdrew on the last day of the plan year preceding the date of the request, and

"(B) the average increase, per participant under the plan, in accrued liabilities under the plan as of the end of such plan year to participants under such plan on whose behalf no employer contributions are payable (or their beneficiaries), which would be attributable to such a withdrawal by such employer.

For purposes of subparagraph (B), the term 'employer contribution' means, in connection with a participant, a contribution made by an employer as an employer of such participant.

"(2) Compliance.—Any notice required to be provided under paragraph (1)—

"(A) shall be provided to the requesting employer within 180 days after the request in a form and manner prescribed in regulations of the Secretary, and

"(B) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to employers to whom the information is required to be provided.

"(3) Limitations.—In no case shall an employer be entitled under this subsection to receive more than one notice described in paragraph (1) during any one 12-month period. The person required to provide such notice may make a reasonable charge to cover copying, mailing, and other costs of furnishing such notice pursuant to paragraph (1). The Secretary may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.".

(2) Enforcement.—Section 502(c)(4) of such Act (29 U.S.C. 1132(c)(4)) (as amended by paragraph (1)) is further amended by striking "sections 101(j), 101(k), and 302(b)(7)(F)(iv)" and inserting "sections 101(j), 101(k), 101(l), and 302(b)(7)(F)(iv)".

(i) Model Form.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall publish a model form for providing the statements, schedules, and other material required to be provided under section 104(b)(3) of the Employee Retirement Income Security Act of 1974, as amended by this section.

(j) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 503. SECTION 4010 FILINGS WITH THE PBGC.

(a) Change in Criteria for Persons Required to Provide Information to PBGC.—Section 4010(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking paragraph (1), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting before paragraph (3) (as so redesignated) the following new paragraphs:

"(1) the aggregate funding target attainment percentage of the plan (as defined in subsection (d)(2)) is less than 60 percent;

"(2)(A) the aggregate funding target attainment percentage of the plan (as defined in subsection (d)(2)) is less than 75 percent, and

"(B) the plan sponsor is in an industry with respect to which the corporation determines that there is substantial unemployment or underemployment and the sales and profits are depressed or declining;".

(b) Notice to Participants and Beneficiaries.—Section 4010 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1310) is amended by adding at the end the following new subsection:

"(d) Notice to Participants and Beneficiaries.—

"(1) In general.—Not later than 90 days after the submission by any person to the corporation of information or documentary material with respect to any plan pursuant to subsection (a), such person shall provide notice of such submission to each participant and beneficiary under the plan (and under all plans maintained by members of the controlled group of each contributing sponsor of the plan). Such notice shall also set forth—

"(A) the number of single-employer plans covered by this title which are in at-risk status and are maintained by contributing sponsors of such plan (and by members of their controlled groups) with respect to which the funding target attainment percentage for the preceding plan year of each plan is less than 60 percent;

"(B) the value of the assets of each of the plans described in subparagraph (A) for the plan year, the funding target for each of such plans for the plan year, and the funding target attainment percentage of each of such plans for the plan year; and

"(C) taking into account all single-employer plans maintained by the contributing sponsor and the members of its controlled group as of the end of such plan year—

"(i) the aggregate total of the values of plan assets of such plans as of the end of such plan year,

"(ii) the aggregate total of the funding targets of such plans, as of the end of such plan year, taking into account only benefits to which participants and beneficiaries have a nonforfeitable right, and

"(iii) the aggregate funding targets attainment percentage with respect to the contributing sponsor for the preceding plan year.

"(2) Definitions.—For purposes of this subsection—

"(A) Value of plan assets.—The term 'value of plan assets' means the value of plan assets, as determined under section 303(g)(3).

"(B) Funding target.—The term 'funding target' has the meaning provided under section 303(d)(1).

"(C) Funding target attainment percentage.—The term 'funding target attainment percentage' has the meaning provided in section 303(d)(2).

"(D) Aggregate funding targets attainment percentage.—The term 'aggregate funding targets attainment percentage' with respect to a contributing sponsor for a plan year is the percentage, taking into account all plans maintained by the contributing sponsor and the members of its controlled group as of the end of such plan year, which

"(i) the aggregate total of the values of plan assets, as of the end of such plan year, of such plans, is of

"(ii) the aggregate total of the funding targets of such plans, as of the end of such plan year, taking into account only benefits to which participants and beneficiaries have a nonforfeitable right.

"(E) At-risk status.—The term 'at-risk status' has the meaning provided in section 303(i)(3).

"(3) Compliance.—

"(A) In general.—Any notice required to be provided under paragraph (1) may be provided in written, electronic, or other appropriate form to the extent such form is reasonably accessible to individuals to whom the information is required to be provided.

"(B) Limitations.—In no case shall a participant or beneficiary be entitled under this subsection to receive more than one notice described in paragraph (1) during any one 12-month period. The person required to provide such notice may make a reasonable charge to cover copying, mailing, and other costs of furnishing such notice pursuant to paragraph (1). The corporation may by regulations prescribe the maximum amount which will constitute a reasonable charge under the preceding sentence.

"(4) Notice to congress.—Concurrent with the provision of any notice under paragraph (1), such person shall provide such notice to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, which shall be treated as materials provided in executive session.".

(c) Effective Date.—The amendment made by this section shall apply with respect to plan years beginning after December 31, 2006.

TITLE VI—INVESTMENT ADVICE

SEC. 601. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 PROVIDING PROHIBITED TRANSACTION EXEMPTION FOR PROVISION OF INVESTMENT ADVICE.

(a) Exemption From Prohibited Transactions.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

"(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

"(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

"(B) The transactions described in this subparagraph are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.".

(b) REQUIREMENTS.—Section 408 of such Act is amended further by adding at the end the following new subsection:

"(g) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—

"(1) IN GENERAL.—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(i) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

"(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

"(vi) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

"(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(2) STANDARDS FOR PRESENTATION OF INFORMATION.—

"(A) IN GENERAL.—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(B) MODEL FORM FOR DISCLOSURE OF FEES AND OTHER COMPENSATION.—The Secretary shall issue a model form for the disclosure of fees and other compensation required in paragraph (1)(A)(i) which meets the requirements of subparagraph (A).

"(3) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of subparagraph (A) in currently accurate form and in the manner described in paragraph (2) or fails—

"(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(4) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(5) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

"(B) CONTINUED DUTY OF PRUDENT SELECTION OF ADVISER AND PERIODIC REVIEW.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

"(C) AVAILABILITY OF PLAN ASSETS FOR PAYMENT FOR ADVICE.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

"(6) DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

"(A) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(ii) a bank or similar financial institution referred to in section 408(b)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

"(iii) an insurance company qualified to do business under the laws of a State,

"(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(v) an affiliate of a person described in any of clauses (i) through (iv), or

"(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(B) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(C) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to advice referred to in section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 provided on or after January 1, 2006.

SEC. 602. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986 PROVIDING PROHIBITED TRANSACTION EXEMPTION FOR PROVISION OF INVESTMENT ADVICE.

(a) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions), as amended by this Act, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(19) any transaction described in subsection (f)(10)(A) in connection with the provision of investment advice described in subsection (e)(3)(B)(i), in any case in which—

"(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(C) the requirements of subsection (f)(10)(B) are met in connection with the provision of the advice.".

(b) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

"(10) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

"(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(19), in connection with the provision of investment advice by a fiduciary adviser, are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

"(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—The requirements of this subparagraph (referred to in subsection (d)(19)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

"(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

"(VI) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

"(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

"(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(19) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

"(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

"(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(19)—

"(i) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(II) a bank or similar financial institution referred to in subsection (d)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

"(III) an insurance company qualified to do business under the laws of a State,

"(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(V) an affiliate of a person described in any of subclauses (I) through (IV), or

"(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(ii) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(iii) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section

202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) (substituting the entity for the investment adviser referred to in such section).".

(c) Effective Date.—The amendments made by this section shall apply with respect to advice referred to in section 4975(c)(3)(B) of the Internal Revenue Code of 1986 provided on or after January 1, 2006.

TITLE VII—BENEFIT ACCRUAL STANDARDS

SEC. 701. BENEFIT ACCRUAL STANDARDS.

(a) Amendments to the Employee Retirement Income Security Act of 1974.—

(1) Rules relating to reduction in rate of benefit accrual.—Section 204(b)(1)(H) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)(H)) is amended by adding at the end the following new clauses:

"(vii)(I) A plan shall not be treated as failing to meet the requirements of clause (i) if a participant's entire accrued benefit, as determined as of any date under the formula for determining benefits as set forth in the text of the plan documents, would be equal to or greater than that of any similarly situated, younger individual.

"(II) For purposes of this clause, an individual is similarly situated to a participant if such individual is identical to such participant in every respect (including period of service, compensation, position, date of hire, work history, and any other respect) except for age.

"(III) In determining the entire accrued benefit for purposes of this clause, the subsidized portion of any early retirement benefit (including any early retirement subsidy that is fully or partially included or reflected in an employee's opening balance or other transition benefits) shall be disregarded.

"(IV) In determining the entire accrued benefit for purposes of this clause, such benefit may be calculated as the present value of accrued benefits projected to normal retirement age, as an account balance, or as the current value of the accumulated percentage of the employee's final average compensation.

"(viii) A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides allowable offsets against those benefits under the plan which are attributable to employer contributions, based on benefits which are provided under title II of the Social Security Act, under the Railroad Retirement Act of 1974, under another plan described in section 401(a) of the Internal Revenue Code of 1986 maintained by the same employer, under any retirement program for officers or employees of the Federal Government or of the government of any State or political subdivision thereof, or under such other arrangements as the Secretary of the Treasury may provide. For purposes of this clause, allowable offsets based on such benefits consist of offsets equal to all or part of the actual benefit payment amounts, reasonable projections or estimations of such benefit payment amounts, or actuarial equivalents of such actual benefit payment amounts, projections, or estimations (determined on the basis of reasonable actuarial assumptions).

"(ix) A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides a disparity in contributions or benefits with respect to which the requirements of section 401(l) of the Internal Revenue Code of 1986 are met.

"(x)(I) A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides for indexing of accrued benefits under the plan.

"(II) Except in the case of any benefit provided in the form of a variable annuity, subclause (I) shall not apply with respect to any indexing which results in an accrued benefit less than the accrued benefit determined without regard to such indexing.

"(III) For purposes of this clause, the term 'indexing' means, in connection with an accrued benefit, the periodic adjustment of the accrued benefit by means of the application of a recognized investment index or methodology.".

(2) Determinations of accrued benefit as balance of benefit account.—Section 203 of such Act (29 U.S.C. 1053) is amended by adding at the end the following new subsection:

"(f)(1) A defined benefit plan under which the accrued benefit payable under the plan upon distribution (or any portion thereof) is expressed as the balance of a hypothetical account maintained for the participant shall not be treated as failing to meet the requirements of subsection (a)(2), section 204(c) (but only in the case of a plan which does not provide for employee contributions), or section 205(g) solely because of the amount actually made available for such distribution under the terms of the plan, in any case in which the applicable interest rate that would be used under the terms of the plan to project the amount of the participant's account balance to normal retirement age is not greater than a market rate of return.

"(2) The Secretary of the Treasury may provide by regulation for rules governing the calculation of a market rate of return for purposes of paragraph (1) and for permissible methods of crediting interest to the account (including fixed or variable interest rates) resulting in effective rates of return meeting the requirements of paragraph (1).".

(b) Amendments to the Internal Revenue Code of 1986.—

(1) Rules relating to reduction in rate of benefit accrual.—Subparagraph (H) of section 411(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clauses:

"(vi) Comparison to similarly situated younger individual.—

"(I) In general.—A plan shall not be treated as failing to meet the requirements of clause (i) if a participant's entire accrued benefit, as determined as of any date under the formula for determining benefits as set forth in the text of the plan documents, would be equal to or greater than that of any similarly situated, younger individual.

"(II) Similarly situated.—For purposes of this clause, an individual is similarly situated to a participant if such individual is identical to such participant in every respect (including period of service, compensation, position, date of hire, work history, and any other respect) except for age.

"(III) Disregard of subsidized early retirement benefits.—In determining the entire accrued benefit for purposes of this clause, the subsidized portion of any early retirement benefit (including any early retirement subsidy that is fully or partially included or reflected in an employee's opening balance or other transition benefits) shall be disregarded.

"(IV) Entire accrued benefit.—In determining the entire accrued benefit for purposes of this clause, such benefit may be calculated as the present value of accrued benefits projected to normal retirement age, as an account balance, or as the current value of the accumulated percentage of the employee's final average compensation.

"(vii) Certain offsets permitted.—A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides allowable offsets against those benefits under the plan which are attributable to employer contributions, based on benefits which are provided under title II of the Social Security Act, under the Railroad Retirement Act of 1974, under another plan described in section 401(a) maintained by the same employer, under any retirement program for officers or employees of the Federal Government or of the government of any State or political subdivision thereof, or under such other arrangements as the Secretary may provide. For purposes of this clause, allowable offsets based on such benefits consist of offsets equal to all or part of the actual benefit payment amounts, reasonable projections or estimations of such benefit payment amounts, or actuarial equivalents of such actual benefit payment amounts, projections, or estimations (determined on the basis of reasonable actuarial assumptions).

"(viii) Permitted disparities in plan contributions or benefits.—A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides a disparity in contributions or benefits with respect to which the requirements of section 401(l) are met.

"(ix) Indexing permitted.—

"(I) In general.—A plan shall not be treated as failing to meet the requirements of this subparagraph solely because the plan provides for indexing of accrued benefits under the plan.

"(II) Protection of economic value.—Except in the case of any benefit provided in the form of a variable annuity, subclause (I) shall not apply with respect to any indexing which results in an accrued benefit less than the accrued benefit determined without regard to such indexing.

"(III) Indexing.—For purposes of this clause, the term 'indexing' means, in connection with an accrued benefit, the periodic adjustment of the accrued benefit by means of the application of a recognized investment index or methodology.".

(2) Determinations of accrued benefit as balance of benefit account.—Subsection (a) of section 411 of such Code is amended by adding at the end the following new paragraph:

"(13) Determinations of accrued benefit as balance of benefit account.—

"(A) In general.—A defined benefit plan under which the accrued benefit payable under the plan upon distribution (or any portion thereof) is expressed as the balance of a hypothetical account maintained for the participant shall not be treated as failing to meet the requirements of subsection (a)(2), subsection (c) (but only in the case of a plan which does not provide for employee contributions), or section 417(e) solely because of the amount actually made available for such distribution under the terms of the plan, in any case in which the applicable interest rate that would be used under the terms of the plan to project the amount of the participant's account balance to normal retirement age is not greater than a market rate of return.

"(B) Regulations.—The Secretary may provide by regulation for rules governing the calculation of a market rate of return for purposes of subparagraph (A) and for permissible methods of crediting interest to the account (including fixed or variable interest rates) resulting in effective rates of return meeting the requirements of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods beginning on or after June 29, 2005.

TITLE VIII—DEDUCTION LIMITATIONS

SEC. 801. INCREASE IN DEDUCTION LIMITS.

(a) INCREASE IN DEDUCTION LIMIT FOR SINGLE-EMPLOYER PLANS.—Section 404 of the Internal Revenue Code of 1986 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended—

(1) in subsection (a)(1)(A), by inserting "in the case of a defined benefit plan other than a multiemployer plan, in an amount determined under subsection (o), and in the case of any other plan" after "section 501(a),", and

(2) by inserting at the end the following new subsection:

"(o) DEDUCTION LIMIT FOR SINGLE-EMPLOYER PLANS.—For purposes of subsection (a)(1)(A)—

"(1) IN GENERAL.—In the case of a defined benefit plan to which subsection (a)(1)(A) applies (other than a multiemployer plan), the amount determined under this subsection for any taxable year shall be equal to the amount determined under paragraph (2) with respect to each plan year ending with or within the taxable year.

"(2) DETERMINATION OF AMOUNT.—The amount determined under this paragraph for any plan year shall be equal to the excess (if any) of—

"(A) the greater of—

"(i) the sum of—

"(I) 150 percent of the funding target applicable to the plan for such plan year, determined under section 430, plus

"(II) the target normal cost applicable to the plan for such plan year, determined under section 430(b), or

"(ii) in the case of a plan that is not in an at-risk status (as determined under 430(i)), the sum of—

"(I) the funding target which would be applicable to the plan for such plan year if such plan were in an at-risk status, determined under section 430(d) (with regard to section 430(i)), plus

"(II) the target normal cost which would be applicable to the plan for such plan year if such plan were in an at-risk status, determined under section 430(d) (with regard to section 430(i)), over

"(B) the value of the plan assets (determined under section 430(g)).

"(3) SPECIAL RULE FOR TERMINATING PLANS.—In the case of a plan which, subject to section 4041 of the Employee Retirement Income Security Act of 1974, terminates during the plan year, the amount determined under paragraph (2) shall not be less than the amount required to make the plan sufficient for benefit liabilities (within the meaning of section 4041(d) of such Act).

"(4) DEFINITIONS.—Any term used in this subsection which is also used in section 430 shall have the same meaning given such term by section 430.".

(b) INCREASE IN DEDUCTION LIMIT FOR MULTIEMPLOYER PLANS.—Section 404(a)(1)(D) of such Code is amended to read as follows:

"(D) MINIMUM DEDUCTION FOR MULTIEMPLOYER PLANS.—In the case of a defined benefit plan which is a multiemployer plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the excess (if any) of—

"(i) 140 percent of the current liability of the plan determined under section 431(c)(6)(D), over

"(ii) the value of the plan's assets determined under section 431(c)(2).".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The last sentence of section 404(a)(1)(A) of such Code is amended by striking "section 412" each place it appears and inserting "section 431".

(2) Section 404(a)(1)(B) of such Code is amended—

(A) by striking "In the case of a plan" and inserting "In the case of a multiemployer plan",

(B) by striking "section 412(c)(7)" each place it appears and inserting "section 431(c)(6)",

(C) by striking "section 412(c)(7)(B)" and inserting "section 431(c)(6)(D)",

(D) by striking "section 412(c)(7)(A)" and inserting "section 431(c)(6)(A)", and

(E) by striking "section 412" and inserting "section 431".

(3) Section 404(a)(1) of such Code is amended by striking subparagraph (F).

(4) Section 404(a)(7) of such Code is amended—

(A) in subparagraph (A)(ii), by striking "for the plan year" and all that follows and inserting "which are multiemployer plans for the plan year which ends with or within such taxable year (or for any prior plan year) and the maximum amount of employer contributions allowable under subsection (o) with respect to any such defined benefit plans which are not multiemployer plans for the plan year.",

(B) by striking "section 412(l)" in the last sentence of subparagraph (A) and inserting "paragraph (1)(D)(ii)", and

(C) by striking subparagraph (D) and inserting:

"(D) INSURANCE CONTRACT PLANS.—For purposes of this paragraph, a plan described in section 412(e)(3) shall be treated as a defined benefit plan.".

(5) Section 404A(g)(3)(A) of such Code is amended by striking "paragraphs (3) and (7) of section 412(c)" and inserting "sections 430(h)(1) and 431(c)(3) and (6)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions for taxable years beginning after December 31, 2006.

SEC. 802. UPDATING DEDUCTION RULES FOR COMBINATION OF PLANS.

(a) IN GENERAL.—Subparagraph (C) of section 404(a)(7) of the Internal Revenue Code of 1986 (relating to limitation on deductions where combination of defined contribution plan and defined benefit plan) is amended by adding after clause (ii) the following new clause:

"(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans, this paragraph shall only apply to the extent that such contributions exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans. For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions to the extent attributable to employer contributions to such plans in such preceding taxable years.".

(b) CONFORMING AMENDMENTS.—Subparagraph (A) of section 4972(c)(6) of such Code (relating to nondeductible contributions) is amended to read as follows:

"(A) so much of the contributions to 1 or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the amount of contributions described in section 401(m)(4)(A), or".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions for taxable years beginning after December 31, 2006.

TITLE IX—ENHANCED RETIREMENTS SAVINGS AND DEFINED CONTRIBUTION PLANS

SEC. 901. PENSIONS AND INDIVIDUAL RETIREMENT ARRANGEMENT PROVISIONS OF ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 MADE PERMANENT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the provisions of, and amendments made by, subtitles (A) through (F) of title VI of such Act (relating to pension and individual retirement arrangement provisions).

SEC. 902. SAVER'S CREDIT.

(a) PERMANENCY.—Section 25B of the Internal Revenue Code of 1986 (relating to elective deferrals and IRA contributions by certain individuals) is amended by striking subsection (h).

(b) VOLUNTARY DEPOSIT INTO QUALIFIED ACCOUNT.—

(1) Section 25B of such Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(h) VOLUNTARY DEPOSIT INTO QUALIFIED ACCOUNT.—

"(1) IN GENERAL.—So much of any overpayment under section 6401(b) as does not exceed the amount allowed as a tax credit under subsection (a) shall, at the election of the taxpayer, be paid on behalf of the individual taxpayer to an applicable retirement plan designated by the individual, except that in the case of a joint return, each spouse shall be entitled to designate an applicable retirement plan with respect to payments attributable to such spouse.

"(2) APPLICABLE RETIREMENT PLAN.—For purposes of this subsection, the term 'applicable retirement plan' means any eligible retirement plan (as defined in section 402(c)(8)(B)) that elects to accept deposits under this subsection.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 2006.

SEC. 903. INCREASING PARTICIPATION THROUGH AUTOMATIC CONTRIBUTION ARRANGEMENTS.

(a) IN GENERAL.—Section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangement) is amended by adding at the end the following new paragraph:

"(13) ALTERNATIVE METHOD FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS TO MEET NONDISCRIMINATION REQUIREMENTS.—

"(A) IN GENERAL.—A qualified automatic contribution arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii).

"(B) QUALIFIED AUTOMATIC CONTRIBUTION ARRANGEMENT.—For purposes of this paragraph, the term 'qualified automatic contribution arrangement' means any cash or deferred arrangement which meets the requirements of subparagraphs (C) through (F).

"(C) AUTOMATIC DEFERRAL.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to a qualified percentage of compensation.

"(ii) ELECTION OUT.—The election treated as having been made under clause (i) shall cease to apply with respect to any employee if such employee makes an affirmative election—

"(I) to not have such contributions made, or

"(II) to make elective contributions at a level specified in such affirmative election.

"(iii) QUALIFIED PERCENTAGE.—For purposes of this subparagraph, the term 'qualified percentage' means, with respect to any employee, any percentage determined under the arrangement if such percentage is applied uniformly, does not exceed 10 percent, and is at least—

"(I) 3 percent during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in clause (i) is made with respect to such employee,

"(II) 4 percent during the first plan year following the plan year described in subclause (I),

"(III) 5 percent during the second plan year following the plan year described in subclause (I), and

"(IV) 6 percent during any subsequent plan year.

"(iv) AUTOMATIC DEFERRAL FOR CURRENT EMPLOYEES NOT REQUIRED.—Clause (i) shall be applied without taking into account any employee who was eligible to participate in the arrangement (or a predecessor arrangement) immediately before the date on which such arrangement becomes a qualified automatic contribution arrangement (determined after application of this clause).

"(D) PARTICIPATION.—

"(i) IN GENERAL.—An arrangement meets the requirements of this subparagraph for any year if, during the plan year or the preceding plan year, elective contributions are made on behalf of at least 70 percent of the employees eligible to participate in the arrangement other than—

"(I) highly compensated employees, and

"(II) at the election of the plan administrator, employees described in subparagraph (C)(iv).

"(ii) FIRST PLAN YEAR.—An arrangement (other than a successor arrangement) shall be treated as meeting the requirements of this subparagraph with respect to the first plan year with respect to which such arrangement is a qualified automatic contribution arrangement (determined without regard to this subparagraph).

"(E) MATCHING OR NONELECTIVE CONTRIBUTIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, the employer—

"(I) makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 6 percent of compensation, or

"(II) is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 2 percent of the employee's compensation.

"(ii) APPLICATION OF RULES FOR MATCHING CONTRIBUTIONS.—The rules of clauses (ii) and (iii) of paragraph (12)(B) shall apply for purposes of clause (i)(I).

"(iii) WITHDRAWAL AND VESTING RESTRICTIONS.—An arrangement shall not be treated as meeting the requirements of clause (i) unless, with respect to employer contributions (including matching contributions) taken into account in determining whether the requirements of clause (i) are met—

"(I) any employee who has completed at least 2 years of service (within the meaning of section 411(a)) has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from such employer contributions, and

"(II) the requirements of subparagraph (B) of paragraph (2) are met with respect to all such employer contributions.

"(iv) APPLICATION OF CERTAIN OTHER RULES.—The rules of subparagraphs (E)(ii) and (F) of paragraph (12) shall apply for purposes of subclauses (I) and (II) of clause (i).

"(F) NOTICE REQUIREMENTS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, within a reasonable period before each plan year, each employee eligible to participate in the arrangement for such year receives written notice of the employee's rights and obligations under the arrangement which—

"(I) is sufficiently accurate and comprehensive to apprise the employee of such rights and obligations, and

"(II) is written in a manner calculated to be understood by the average employee to whom the arrangement applies.

"(ii) TIMING AND CONTENT REQUIREMENTS.—A notice shall not be treated as meeting the requirements of clause (i) with respect to an employee unless—

"(I) the notice explains the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf (or to elect to have such contributions made at a different percentage),

"(II) in the case of an arrangement under which the employee may elect among 2 or more investment options, the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the employee, and

"(III) the employee has a reasonable period of time after receipt of the notice described in subclauses (I) and (II) and before the first elective contribution is made to make either such election.".

(b) MATCHING CONTRIBUTIONS.—Section 401(m) of such Code (relating to nondiscrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

"(12) ALTERNATIVE METHOD FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

"(A) is a qualified automatic contribution arrangement (as defined in subsection (k)(13)), and

"(B) meets the requirements of paragraph (11)(B).".

(c) EXCLUSION FROM DEFINITION OF TOP-HEAVY PLANS.—

(1) ELECTIVE CONTRIBUTION RULE.—Clause (i) of section 416(g)(4)(H) of such Code is amended by inserting "or 401(k)(13)" after "section 401(k)(12)".

(2) MATCHING CONTRIBUTION RULE.—Clause (ii) of section 416(g)(4)(H) of such Code is amended by inserting "or 401(m)(12)" after "section 401(m)(11)".

(d) CORRECTIVE DISTRIBUTIONS.—

(1) IN GENERAL.—Section 414 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(w) AUTOMATIC CONTRIBUTION ARRANGEMENTS.—

"(1) IN GENERAL.—No tax shall be imposed under section 72(t) on a distribution from an applicable employer plan to the employee with respect to whom such contribution relates if such distribution does not exceed the erroneous automatic contribution amount and is made not later than the 1st April 15 following the close of the taxable year in which such contribution was made.

"(2) ERRONEOUS AUTOMATIC CONTRIBUTION AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'erroneous automatic contribution amount' means the lesser of—

"(i) the amount of automatic contributions made during the applicable period which the employee elects in a notice to the plan administrator to treat as an erroneous automatic contribution amount for purposes of this subsection, or

"(ii) $500.

"(B) AUTOMATIC CONTRIBUTION.—The term 'automatic contribution' means contributions which, under the terms of the plan—

"(i) the employee can elect to be made as contributions under the plan on behalf of the employee, or to the employee directly in cash, and

"(ii) which are made on behalf of the employee under the plan pursuant to a plan provision treating the employee as having elected to have the employer make such contributions on behalf of the employee until the employee affirmatively elects not to have such contribution made or affirmatively elects to make contributions as a specified level.

"(3) APPLICABLE EMPLOYER PLAN.—For purposes of this subsection, the term 'applicable employer plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b), and

"(C) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).

"(4) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means, with respect to any employee, the three month period that begins on the first date that an automatic contribution described in paragraph (2)(B) is made with respect to such employee.

"(5) SPECIAL RULES.—A distribution described in paragraph (1) (subject to the limitation of paragraph (2))—

"(A) shall not be treated as a distribution for purposes of sections 401(k)(2)(B)(i), 403(b)(7), 403(b)(11), and 457(d)(1)(A), and

"(B) shall not be taken into account for purposes of section 401(k)(3).".

(2) VESTING CONFORMING AMENDMENTS.—

(A) Section 411(a)(3)(G) of such Code is amended by inserting "an erroneous automatic contribution under section 414(w)," after "402(g)(2)(A),".

(B) The heading of section 411(a)(3)(G) of such Code is amended by inserting "OR ERRONEOUS AUTOMATIC CONTRIBUTION" before the period.

(C) Section 401(k)(8)(E) of such Code is amended by inserting "an erroneous automatic contribution under section 414(w)," after "402(g)(2)(A),".

(D) The heading of section 401(k)(8)(E) of such Code is amended by inserting "OR ERRONEOUS AUTOMATIC CONTRIBUTION" before the period.

(E) Section 203(a)(3)(F) of the Employee Retirement Income Security Act of 1974 (29

U.S.C. 1053(a)(3)(F)) is amended by inserting "an erroneous automatic contribution under section 414(w) of such Code," after "402(g)(2)(A) of such Code,".

(e) CONTROL OVER PLAN ASSETS DEEMED TO HAVE BEEN EXERCISED WITH RESPECT TO DEFAULT INVESTMENT ARRANGEMENTS.—Section 404(c) of the Employee Retirement Income Security Act of 1974, as amended by section 308, is further amended by adding at the end the following new paragraph:

"(5)(A) For purposes of paragraph (1), a participant in an individual account plan shall be treated as exercising control over the assets in the account with respect to the amount of contributions made under a default investment arrangement.

"(B)(i) For purposes of this paragraph, the term 'default investment arrangement' means an arrangement—

"(I) which meets the requirements of subparagraph (C),

"(II) under which the participant is treated as having elected to have the plan sponsor exercise control over the assets in the participant's account until the participant specifically elects to exercise such control, and

"(III) under which assets described in subclause (II) are invested in accordance with regulations prescribed by the Secretary.

"(ii) The regulations prescribed pursuant to clause (i)(III) shall provide guidance on the appropriateness of certain investments for designation as default investments under the arrangement, which shall include guidance regarding—

"(I) appropriate mixes of default investments and asset classes which the Secretary considers consistent with long-term capital appreciation, and

"(II) the designation of other default investments.

"(C)(i) For purposes of subparagraph (B)(i)(I), an arrangement meets the requirements of this subparagraph for any plan year if, within a reasonable period before such plan year, the plan administrator gives to each participant to whom the arrangement applies for such plan year notice of the participant's rights and obligations under the arrangement which—

"(I) is sufficiently accurate and comprehensive to apprise the participant of such rights and obligations, and

"(II) is written in a manner calculated to be understood by the average participant to whom the arrangement applies.

"(ii) A notice shall not be treated as meeting the requirements of clause (i) with respect to a participant unless—

"(I) the notice includes an explanation of the participant's right under the arrangement to specifically elect to exercise control over the assets in the participant's account,

"(II) the employee has a reasonable period of time, after receipt of the notice described in subclause (I) and before the assets are first invested, to specifically make such an election, and

"(III) the notice explains how contributions made under the arrangement will be invested in the absence of any investment election specifically made by the employee.".

(f) PREEMPTION OF CONFLICTING STATE REGULATION.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of this section, this title shall supersede any law of a State which would directly or indirectly prohibit or restrict the inclusion in any plan of an automatic contribution arrangement. The Secretary may prescribe regulations which would establish minimum standards that such an arrangement would be required to satisfy in order for this subsection to apply in the case of such arrangement.

"(2)(A) For purposes of this subsection, the term 'automatic contribution arrangement' means an arrangement—

"(i) which meets the requirements of paragraph (3),

"(ii) under which a participant may elect to have the plan sponsor make payments as contributions under the plan on behalf of the participant, or to the participant directly in cash,

"(iii) under which a participant is treated as having elected to have the plan sponsor make such contributions in an amount equal to a uniform percentage of compensation provided under the plan until the participant specifically elects not to have such contributions made (or specifically elects to have such contributions made at a different percentage), and

"(iv) under which such contributions are invested in accordance with regulations prescribed by the Secretary.

"(B) The regulations prescribed pursuant to subparagraph (A)(iv) shall provide guidance on the appropriateness of certain investments for designation as default investments under the arrangement, which shall include guidance regarding appropriate mixes of default investments and asset classes which the Secretary considers consistent with long-term capital appreciation

"(3)(A) For purposes of paragraph (2)(A)(i), an arrangement meets the requirements of this paragraph for any plan year if, within a reasonable period before such plan year, the plan administrator gives to each participant to whom the arrangement applies for such plan year notice of the participant's rights and obligations under the arrangement which—

"(i) is sufficiently accurate and comprehensive to apprise the participant of such rights and obligations, and

"(ii) is written in a manner calculated to be understood by the average participant to whom the arrangement applies.

"(B) A notice shall not be treated as meeting the requirements of subparagraph (A) with respect to a participant unless—

"(i) the notice includes an explanation of the participant's right under the arrangement not to have elective contributions made on the participant's behalf (or to elect to have such contributions made at a different percentage),

"(ii) the participant has a reasonable period of time, after receipt of the notice described in clause (i) and before the first elective contribution is made, to make such election, and

"(iii) the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the participant.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 904. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR INDIVIDUALS CALLED TO ACTIVE DUTY FOR AT LEAST 179 DAYS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.—

"(i) IN GENERAL.—Any qualified reservist distribution.

"(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—Any individual who receives a qualified reservist distribution may, at any time during the 2-year period beginning on the day after the end of the active duty period, make one or more contributions to an individual retirement plan of such individual in an aggregate amount not to exceed the amount of such distribution. The dollar limitations otherwise applicable to contributions to individual retirement plans shall not apply to any contribution made pursuant to the preceding sentence. No deduction shall be allowed for any contribution pursuant to this clause.

"(iii) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified reservist distribution' means any distribution to an individual if—

"(I) such distribution is from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii),

"(II) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)), ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

"(III) such distribution is made during the period beginning on the date of such order or call and ending at the close of the active duty period.

"(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph applies to individuals ordered or called to active duty after September 11, 2001, and before September 12, 2007. In no event shall the 2-year period referred to in clause (ii) end before the date which is 2-years after the date of the enactment of this subparagraph.".

(b) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) in the case of a qualified reservist distribution (as defined in section 72(t)(2)(G)(iii)), the date on which a period referred to in subclause (III) of such section begins, and".

(2) Section 403(b)(7)(A)(ii) of such Code is amended by inserting "(unless such amount is a distribution to which section 72(t)(2)(G) applies)" after "distributee".

(3) Section 403(b)(11) of such Code is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for distributions to which section 72(t)(2)(G) applies.".

(c) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after September 11, 2001.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 905. WAIVER OF 10 PERCENT EARLY WITHDRAWAL PENALTY TAX ON CERTAIN DISTRIBUTIONS OF PENSION PLANS FOR PUBLIC SAFETY EMPLOYEES.

(a) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 (relating to subsection not to apply to certain distributions), as amended by section 904, is amended by adding at the end the following new subsection:

"(H) DROP DISTRIBUTIONS TO QUALIFIED PUBLIC SAFETY EMPLOYEES IN GOVERNMENTAL PLANS.—

"(i) IN GENERAL.—Distributions to an individual who is a qualified public safety employee from a governmental plan within the meaning of section 414(d) to the extent such distributions are attributable to a DROP benefit.

"(ii) DEFINITIONS.—For purposes of this subparagraph—

"(I) DROP BENEFIT.—The term 'DROP benefit' means a feature of a governmental plan which is a defined benefit plan and under which an employee elects to receive credits to an account (including a notional account) in the plan which are not in excess of the plan benefits (payable in the form of an annuity) that would have been provided if the employee had retired under the plan at a specified earlier retirement date and which are in lieu of increases in the employee's accrued pension benefit based on years of service after the effective date of the DROP election.

"(II) QUALIFIED PUBLIC SAFETY EMPLOYEE.—The term 'qualified public safety employee' means any employee of any police department or fire department organized and operated by a State or political subdivision of a State if the employee provides police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision and if the employee was eligible to retire on or before the date of such election and receive immediate retirement benefits.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 906. COMBAT ZONE COMPENSATION TAKEN INTO ACCOUNT FOR PURPOSES OF DETERMINING LIMITATION AND DEDUCTIBILITY OF CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—Subsection (f) of section 219 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) SPECIAL RULE FOR COMPENSATION EARNED BY MEMBERS OF THE ARMED FORCES FOR SERVICE IN A COMBAT ZONE.—For purposes of subsections (b)(1)(B) and (c), the amount of compensation includible in an individual's gross income shall be determined without regard to section 112.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 907. DIRECT PAYMENT OF TAX REFUNDS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall make available a form (or modify existing forms) for use by individuals to direct that a portion of any refund of overpayment of tax imposed by chapter 1 of the Internal Revenue Code of 1986 be paid directly to an individual retirement plan (as defined in section 7701(a)(37) of such Code) of such individual.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after December 31, 2006.

SEC. 908. IRA ELIGIBILITY FOR THE DISABLED.

(a) IN GENERAL.—Subsection (f) of section 219 of the Internal Revenue Code of 1986 (relating to other definitions and special rules), as amended by this Act, is further amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) SPECIAL RULE FOR CERTAIN DISABLED INDIVIDUALS.—In the case of an individual—

"(A) who is disabled (within the meaning of section 72(m)(7)), and

"(B) who has not attained the applicable age (as defined in section 401(a)(9)(H)) before the close of the taxable year,

subparagraph (B) of subsection (b)(1) shall not apply.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 909. ALLOW ROLLOVERS BY NONSPOUSE BENEFICIARIES OF CERTAIN RETIREMENT PLAN DISTRIBUTIONS.

(a) IN GENERAL.—

(1) QUALIFIED PLANS.—Section 402(c) of the Internal Revenue Code of 1986 (relating to rollovers from exempt trusts) is amended by adding at the end the following new paragraph:

"(11) DISTRIBUTIONS TO INHERITED INDIVIDUAL RETIREMENT PLAN OF NONSPOUSE BENEFICIARY.—

"(A) IN GENERAL.—If, with respect to any portion of a distribution from an eligible retirement plan of a deceased employee, a direct trustee-to-trustee transfer is made to an individual retirement plan described in clause (i) or (ii) of paragraph (8)(B) established for the purposes of receiving the distribution on behalf of an individual who is a designated beneficiary (as defined by section 401(a)(9)(E)) of the employee and who is not the surviving spouse of the employee—

"(i) the transfer shall be treated as an eligible rollover distribution for purposes of this subsection,

"(ii) the individual retirement plan shall be treated as an inherited individual retirement account or individual retirement annuity (within the meaning of section 408(d)(3)(C)) for purposes of this title, and

"(iii) section 401(a)(9)(B) (other than clause (iv) thereof) shall apply to such plan.

"(B) CERTAIN TRUSTS TREATED AS BENEFICIARIES.—For purposes of this paragraph, to the extent provided in rules prescribed by the Secretary, a trust maintained for the benefit of one or more designated beneficiaries shall be treated in the same manner as a trust designated beneficiary.".

(2) SECTION 403(a) PLANS.—Subparagraph (B) of section 403(a)(4) of such Code (relating to rollover amounts) is amended by inserting "and (11)" after "(7)".

(3) SECTION 403(b) PLANS.—Subparagraph (B) of section 403(b)(8) of such Code (relating to rollover amounts) is amended by striking "and (9)" and inserting ", (9), and (11)".

(4) SECTION 457 PLANS.—Subparagraph (B) of section 457(e)(16) of such Code (relating to rollover amounts) is amended by striking "and (9)" and inserting ", (9), and (11)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2005.

TITLE X—PROVISIONS TO ENHANCE HEALTH CARE AFFORDABILITY

SEC. 1001. TREATMENT OF ANNUITY AND LIFE INSURANCE CONTRACTS WITH A LONG-TERM CARE INSURANCE FEATURE.

(a) EXCLUSION FROM GROSS INCOME.—Subsection (e) of section 72 of the Internal Revenue Code of 1986 (relating to amounts not received as annuities) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

"(11) SPECIAL RULES FOR CERTAIN COMBINATION CONTRACTS PROVIDING LONG-TERM CARE INSURANCE.—Notwithstanding paragraphs (2), (5)(C), and (10), in the case of any charge against the cash value of an annuity contract or the cash surrender value of a life insurance contract made as payment for coverage under a qualified long-term care insurance contract which is part of or a rider on such annuity or life insurance contract—

"(A) the investment in the contract shall be reduced (but not below zero) by such charge, and

"(B) such charge shall not be includible in gross income.".

(b) TAX-FREE EXCHANGES AMONG CERTAIN INSURANCE POLICIES.—

(1) ANNUITY CONTRACTS CAN INCLUDE QUALIFIED LONG-TERM CARE INSURANCE RIDERS.—Paragraph (2) of section 1035(b) of such Code is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, a contract shall not fail to be treated as an annuity contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract.".

(2) LIFE INSURANCE CONTRACTS CAN INCLUDE QUALIFIED LONG-TERM CARE INSURANCE RIDERS.—Paragraph (3) of section 1035(b) of such Code is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, a contract shall not fail to be treated as a life insurance contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract.".

(3) EXPANSION OF TAX-FREE EXCHANGES OF LIFE INSURANCE, ENDOWMENT, AND ANNUITY CONTRACTS FOR LONG-TERM CARE CONTRACTS.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance policies) is amended—

(A) in paragraph (1) by striking "contract," and inserting "contract or for a qualified long-term care insurance contract;",

(B) in paragraph (2) by striking "contract;" and inserting "contract, or (C) for a qualified long-term care insurance contract;", and

(C) in paragraph (3) by striking "contract." and inserting "contract or for a qualified long-term care insurance contract.".

(4) TAX-FREE EXCHANGES OF QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance policies) is amended by striking "or" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "; or", and by inserting after paragraph (3) the following new paragraph:

"(4) a qualified long-term care insurance contract for a qualified long-term care insurance contract.".

(c) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE OR ANNUITY CONTRACT.—Subsection (e) of section 7702B of such Code (relating to treatment of qualified long-term care insurance) is amended to read as follows:

"(e) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE OR ANNUITY CONTRACT.—

"(1) COVERAGE TREATED AS CONTRACT.—Except as otherwise provided in regulations prescribed by the Secretary, in the case of any long-term care insurance coverage (whether or not qualified) provided by a rider on or as part of a life insurance contract or an annuity contract, this title shall apply as if the portion of the contract providing such coverage is a separate contract.

"(2) DENIAL OF DEDUCTION UNDER SECTION 213.—No deduction shall be allowed under section 213(a) for any payment made for coverage under a qualified long-term care insurance contract if such payment is made as a charge against the cash value of an annuity contract or the cash surrender value of a life insurance contract.

"(3) APPLICATION OF SECTION 7702.—Section 7702(c)(2) (relating to the guideline premium limitation) shall be applied by increasing the guideline premium limitation with respect to the life insurance contract, as of any date—

"(A) by the sum of any charges (but not premium payments) against the life insurance contract's cash surrender value (within the meaning of section 7702(f)(2)(A)) for coverage under the qualified long-term care insurance contract made to that date under the life insurance contract, less

"(B) any such charges the imposition of which reduces the premiums paid for the life insurance contract (within the meaning of section 7702(f)(1)).

"(4) PORTION DEFINED.—For purposes of this subsection, the term 'portion' means only the terms and benefits under a life insurance contract or annuity contract that are in addition to the terms and benefits under the contract without regard to long-term care insurance coverage.

"(5) ANNUITY CONTRACTS TO WHICH PARAGRAPH (1) DOES NOT APPLY.—For purposes of this subsection, none of the following shall be treated as an annuity contract:

"(A) A trust described in section 401(a) which is exempt from tax under section 501(a).

"(B) A contract—

"(i) purchased by a trust described in subparagraph (A),

"(ii) purchased as part of a plan described in section 403(a),

"(iii) described in section 403(b),

"(iv) provided for employees of a life insurance company under a plan described in section 818(a)(3), or

"(v) from an individual retirement account or an individual retirement annuity.

"(C) A contract purchased by an employer for the benefit of the employee (or the employee's spouse).

Any dividend described in section 404(k) which is received by a participant or beneficiary shall, for purposes of this paragraph, be treated as paid under a separate contract to which subparagraph (B)(i) applies.".

(d) INFORMATION REPORTING.—

(1) Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by adding at the end the following new section:

"SEC. 6050U. CHARGES OR PAYMENTS FOR QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS UNDER COMBINED ARRANGEMENTS.

"(a) REQUIREMENT OF REPORTING.—Any person who makes a charge against the cash value of an annuity contract, or the cash surrender value of a life insurance contract, which is excludible from gross income under section 72(e)(11) shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth—

"(1) the amount of the aggregate of such charges against each such contract for the calendar year,

"(2) the amount of the reduction in the investment in each such contract by reason of such charges, and

"(3) the name, address, and TIN of the individual who is the holder of each such contract.

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name, address, and phone number of the information contact of the person making the payments, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(2) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of such chapter 61 of such Code is amended by adding at the end the following new item:

"Sec. 6050U. Charges or payments for qualified long-term care insurance contracts under combined arrangements.".

(e) TREATMENT OF POLICY ACQUISITION EXPENSES.—Subsection (e) of section 848 of such Code (relating to classification of contracts) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF CERTAIN QUALIFIED LONG-TERM CARE INSURANCE CONTRACT ARRANGEMENTS.—An annuity or life insurance contract which includes a qualified long-term care insurance contract as a part of or a rider on such annuity or life insurance contract shall be treated as a specified insurance contract not described in subparagraph (A) or (B) of subsection (c)(1).".

(f) TREATMENT AS QUALIFIED ADDITIONAL BENEFIT.—Subparagraph (A) of section 7702(f)(5) of such Code (relating to qualified additional benefits) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) qualified long-term care insurance contract which is a part of or a rider on the contract, or".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to contracts issued before, on, or after December 31, 2006, but only with respect to periods beginning after such date.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply with respect to exchanges occurring after December 31, 2006.

SEC. 1002. DISPOSITION OF UNUSED HEALTH AND DEPENDENT CARE BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

"(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH AND DEPENDENT CARE BENEFITS.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because under such plan qualified benefits include—

"(A) a health flexible spending arrangement under which not more than $500 of unused benefits under such arrangement may be—

"(i) carried forward to the succeeding plan year of such health flexible spending arrangement, or

"(ii) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee, and

"(B) a dependent care flexible spending arrangement under which not more than $500 of unused benefits under such arrangement may be carried forward to the succeeding plan year of such dependent care flexible spending arrangement.

"(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

"(3) DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'dependent care flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for dependent care assistance which meets the requirements of section 129(d).

"(4) UNUSED BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused benefits' means the excess of—

"(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement or the dependent care flexible spending arrangement, as the case may be, over

"(B) the actual amount of reimbursement for such year under such arrangement.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 1003. DISTRIBUTIONS FROM GOVERNMENTAL RETIREMENT PLANS FOR HEALTH AND LONG-TERM CARE INSURANCE FOR PUBLIC SAFETY OFFICERS.

(a) IN GENERAL.—Section 402 of the Internal Revenue Code of 1986 (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new subsection:

"(l) DISTRIBUTIONS FROM GOVERNMENTAL PLANS FOR HEALTH AND LONG-TERM CARE INSURANCE.—

"(1) IN GENERAL.—In the case of an employee who is an eligible retired public safety officer who makes the election described in paragraph (6) with respect to any taxable year of such employee, gross income of such employee for such taxable year does not include any distribution from an eligible retirement plan to the extent that the aggregate amount of such distributions does not exceed the amount paid by such employee for qualified health insurance premiums of the employee, his spouse, or dependents (as defined in section 152) for such taxable year.

"(2) LIMITATION.—The amount which may be excluded from gross income for the taxable year by reason of paragraph (1) shall not exceed $5,000.

"(3) DISTRIBUTIONS MUST OTHERWISE BE INCLUDIBLE.—

"(A) IN GENERAL.—An amount shall be treated as a distribution for purposes of paragraph (1) only to the extent that such amount would be includible in gross income without regard to paragraph (1).

"(B) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which an amount is treated as a distribution for purposes of subparagraph (A), the aggregate amounts distributed from an eligible retirement plan in a taxable year (up to the amount excluded under paragraph (1)) shall be treated as includible in gross income (without regard to subparagraph (A)) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE RETIREMENT PLAN.—For purposes of paragraph (1), the term 'eligible retirement plan' means a governmental plan (within the meaning of section 414(d)) which is described in clause (iii), (iv), (v), or (vi) of subsection (c)(8)(B).

"(B) ELIGIBLE RETIRED PUBLIC SAFETY OFFICER.—The term 'eligible retired public safety officer' means an individual who, by reason of disability or attainment of normal retirement age, is separated from service as a public safety officer with the employer who maintains the eligible retirement plan from which distributions subject to paragraph (1) are made.

"(C) PUBLIC SAFETY OFFICER.—The term 'public safety officer' shall have the same meaning given such term by section 1204(8)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(8)(A)).

"(D) QUALIFIED HEALTH INSURANCE PREMIUMS.—The term 'qualified health insurance premiums' means premiums for coverage for the eligible retired public safety officer, his spouse, and dependents, by an accident or health insurance plan or qualified long-term care insurance contract (as defined in section 7702B(b)).

"(5) SPECIAL RULES.—For purposes of this subsection—

"(A) DIRECT PAYMENT TO INSURER REQUIRED.—Paragraph (1) shall only apply to a distribution if payment of the premiums is made directly to the provider of the accident or health insurance plan or qualified long-term care insurance contract by deduction from a distribution from the eligible retirement plan.

"(B) RELATED PLANS TREATED AS 1.—All eligible retirement plans of an employer shall be treated as a single plan.

"(6) ELECTION DESCRIBED.—

"(A) IN GENERAL.—For purposes of paragraph (1), an election is described in this paragraph if the election is made by an employee after separation from service with respect to amounts not distributed from an eligible retirement plan to have amounts from such plan distributed in order to pay for qualified health insurance premiums.

"(B) SPECIAL RULE.—A plan shall not be treated as violating the requirements of section 401, or as engaging in a prohibited transaction for purposes of section 503(b), merely because it provides for an election with respect to amounts that are otherwise distributable under the plan or merely because of a distribution made pursuant to an election described in subparagraph (A).

"(7) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amounts excluded from gross income under paragraph (1) shall not be taken into account under section 213.

"(8) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The amounts excluded from gross income under paragraph (1) shall not be taken into account under section 162(l).".

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a) of such Code (relating to taxability of beneficiary under a qualified annuity plan) is amended by inserting after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—To the extent provided in section 402(l), paragraph (1) shall not apply to the amount distributed under the contract which is otherwise includible in gross income under this subsection.".

(2) Section 403(b) of such Code (relating to taxability of beneficiary under annuity purchased by section 501(c)(3) organization or public school) is amended by inserting after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—To the extent provided in section 402(l), paragraph (1) shall not apply to the amount distributed under the contract which is otherwise includible in gross income under this subsection.".

(3) Section 457(a) of such Code (relating to year of inclusion in gross income) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—In the case of a plan of an eligible employer described in subsection (e)(1)(A), to the extent provided in section 402(l), paragraph (1) shall not apply to amounts otherwise includible in gross income under this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after December 31, 2005.

TITLE XI—GENERAL PROVISIONS

SEC. 1101. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any pension plan or contract amendment—

(1) such pension plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such pension plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any pension plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this Act, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2008.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2010" for "2008".

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. CAMP), and the gentleman from New York (Mr. RANGEL) each will control 22½ minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2830.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will put this as bluntly as I can: our Nation's pension laws are outdated and broken and placing at risk the retirement security of millions of American workers. Today, we have an opportunity to change this by voting for the most comprehensive reforms to worker pension laws in more than a generation.

The Pension Protection Act is the outcome of one of the most thorough and remarkable legislative processes I have seen during my years in the House. On June 4, 2003, the Committee on Education and the Workforce held the first of nearly a dozen hearings on traditional pension plans, and from these hearings they have covered a broad set of issues, ranging from what is broken to who it has impacted to how we should go about fixing it. And, today, we stand ready to debate and vote on the product of those 30 months of deliberations.

There are three key strengths of this bill, and I would like to highlight each of those for my colleagues. It is a balanced approach, it is comprehensive in nature, and it is a benefit to American taxpayers.

First, the bill's greatest strength is its balanced approach to the pension crisis that we face. While some are calling for suffocating pension funding rules which would place an incredible burden on employers who voluntarily offer retirement benefits, our bill makes certain not to tighten the rules so much that employers leave the defined benefit system altogether.

While others call for relaxation of pension rules, our bill ensures that employers and unions keep their promises to workers and retirees who are counting on their pension benefits. In short, our bill aims to shore up the traditional defined benefit pension system to which we and our parents have grown accustomed so our children and grandchildren might have a chance to be part of it as well.

The second major strength of the Pension Protection Act is inherently comprehensive in nature. As you can see on the chart that is next to me, the measure would ensure that pensions are fully funded to restore worker and retiree confidence; it has enhanced disclosure requirements so that workers and retirees are no longer kept in the dark about the health of their pensions; it would improve the financial condition of the Federal agency charged with ensuring some 30,000 private pension plans; it would reform outdated laws that deny workers access to professional and secure investment advice while providing even more workers with 401(k)-type plans; and it would end sweetheart deals like those we have seen at some airlines and other corporations that have terminated their plans in which executives enjoy a windfall of cash while workers and retirees are left wondering about their futures.

Incidentally, these five reforms are only the tip of the iceberg. There is much more that this bill offers to workers and retirees, far more than this chart could ever tell us.

Finally, yet another strength of this measure is its benefit to American taxpayers. Each of us remembers all too well the savings & loan bailout of more than a decade ago. By enacting the Pension Protection Act, we can be more confident that history will not repeat itself with regard to our pension system.

As you can see on this second chart, the Pension Benefit Guaranty Corporation, which ensures nearly 30,000 private worker pensions, is in dire financial condition. With some $450 billion in pension plan underfunding among financially weak companies looming on the horizon, the PBGC's debt could balloon even further than its current $23 billion.

Even though no taxpayer funds fund the Pension Benefit Guaranty Corporation, could American taxpayers be called upon to bail out the agency if its financial condition continues to deteriorate? I think so. That is why the Pension Protection Act includes responsible increases to employer-paid premiums for the first time since 1991, along with substantial reforms to place the defined benefit system on more solid ground. For taxpayers who may be left holding the bag otherwise, I think this is good news.

Madam Speaker, throughout this process I have made every effort to include my colleagues on both sides of the aisle. And even after my Democratic friends voted "present," that is right, they did not vote "no," they voted "present," when our committee approved the bill back in June, I was hopeful that they would join us and the ever-growing coalition of labor and employer groups in support of these reforms.

However, some of my colleagues have offered nothing more than rhetoric based on quirky accounting schemes and purposely skewed modeling in an effort to characterize the Pension Protection Act in a negative manner. I expect these hollow and misleading arguments will continue today as they seek to detract from a debate which they have largely been absent from for the last 30 months. It is my sincere hope, however, that many of my Democrat colleagues will look beyond the rhetoric and support these long-overdue reforms. This bill definitely deserves bipartisan support.

Madam Speaker, the Pension Protection Act would not be before us if it were not for the work of my friend, the chairman of the Ways and Means Committee, Mr. THOMAS; the Employer-Employee Relations Subcommittee chair and vice chair, Mr. JOHNSON and Mr. KLINE; my friend from Ohio, Mr. TIBERI, a committee colleague who worked tirelessly to garner support for the bill; and all of the others on my committee and throughout the House who understand how imperative it is to reform our Nation's outdated pension laws for the benefit of workers, retirees, and taxpayers alike. I thank them for their efforts to bring this bill to the floor.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume.

My colleagues, I do not know how the majority gets away with what they do. I do not think that their legislative initiatives are just for the legislation, but rather to do away with traditions that have existed under Democrat administrations.

If you have an immigration problem, lock up the immigrants and lock up the employers. If you have a health problem, then get rid of Medicaid and Medicare and let the private sector resolve the problems. If you have a prescription drug problem and you want to subsidize that and help out the older people, do not let the Federal Government do it. Give the money to the private sector; let them compete and let them do it. The Social Security system, if people have relied on their government when they get older or disabled, do not let the government be involved. Get some private accounts and let them do it.

Now we are talking about how well the economy is doing: plants are closing; people are fearful of losing their jobs; pension plans are going busted; and, really, people do not feel nearly as good as the Republicans and the President think.

Now we have a bill before us where these pension plans would be a heck of a lot better if we did nothing, rather than do the harm that we are about to do to them. The demands that are going to be made on employers to reach sometimes the increase of 240 percent in making contributions to these plans will cause many of them to drop the plan and go into bankruptcy. The whole idea of how much revenue we are going to lose, some $70 billion, is not even an issue, if at the end of the day enough sweetheart nips and tucks were given to a handful of people so that we would be assured that the days of defined benefit pensions are just about over.

Some people will have to make political choices today in terms of support of this because there are some vested interest people that need short-gain satisfaction. But at the end of the day, the same way people regret their votes for the Gulf of Tonkin Resolution, they will have to come back and ask did they do more damage than good on today. If you look at actuaries and people who have studied this, they realize that so few pensions are now protected by the PBGC, and in the future many less will be protected.

So, Madam Speaker, these bills are not brought up just to become law. Many of the bills that are coming to this floor are brought to see which people are going to vote against the title of the bill and pay a price for that at the polls, or whether some are secure enough to vote against the substance of the bill that in the long term is going to adversely affect our workers.

At this time with the House permission, I would like to turn the balance of my time over to Congressman BEN CARDIN from Maryland who has spent a lot of time on pensions and can share with the House the pitfalls that we have in this bill before the House today.

I yield the balance of my time to Congressman CARDIN.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland will control the balance of the time.

There was no objection.

□ 1330

Mr. BOEHNER. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SAM JOHNSON), the chairman of the Employer-Employee Subcommittee of the Education and Workforce Committee.

Mr. SAM JOHNSON of Texas. Madam Speaker, I have the honor of chairing a subcommittee that has jurisdiction over pension law and being an original sponsor of the Pension Protection Act. As a member of both the Committee on Education and the Workforce and the

Ways and Means Committee, we have been working for the last 2 years to get a pension bill to the House floor, and I am proud to rise in strong support of the bill.

The Pension Protection Act is good and it is tough. Our bill makes companies put their money behind their promises and keep employees well informed on the health of their pension plans.

While this bill is tough, it does not go overboard with more red tape that has almost killed traditional pension plans. Even with all the red tape that currently binds up these pension plans, there still are some loopholes in current law that have allowed companies to run away from their responsibilities and dump pension promises onto the Pension Benefit Guaranty Corporation.

The PBGC says it is $23 billion in the hole, and they say that, with expected terminations, they are close to $28 billion. Our bill will tighten up pension laws so that companies making promises to employees for their retirement security actually put the money behind their promises.

It is a shame our pension laws have allowed those most directly affected, workers and retirees, to be left unaware that there may be little money behind the promises of a secure retirement. United Airlines' pilots' pension plan was only 30 percent funded when it was dumped on the government. Those pilots and their families did not know how bad the situation was, and they are the ones that are now trying to figure out how to live on one-third of what they had planned to receive.

Our bill requires a company to tell their employees if the pension plan is less than 80 percent funded. Employees will now push their bosses to put money into the plans to match the promises being made. This is a really important reform and should not be minimized.

Also, not to be underestimated is a provision that will allow for a phased retirement of older workers. The provision would allow people to continue working, but also collect their employer-based pension after the age of 62. Current rules prohibit working for the same employer while also collecting a pension today. This prohibition simply forces many people to change jobs or work for a competitor or stop working altogether. My constituents have been really happy to hear about this additional way to step lightly into retirement.

The bill also helps to modernize the pension law on cash balance pension plans. This type of pension plan represents the best chance we have at maintaining defined benefit plans in the future. Cash balance plans are a better fit than traditional plans with today's mobile workforce where employees generally do not stay with one employer for their entire career. The bill clarifies that in the future these plans are not age discriminatory. We need to provide this certainty. In fact, we should go further in providing certainty for plans regardless of when they were created, but because of litigation we cannot.

We need to get this bill through the House and on to conference with the Senate and quickly enacted early next year. The number of traditional pension plans has been declining rapidly. The companies dropping these plans are in two groups. The first group is those that do not put their money behind their pension promises and turn their liabilities over to the government. We have seen that in the steel and airline industries.

The second group is companies that are just sick of the red tape and uncertainty of our laws so they decide to stop offering plans altogether, like Verizon announced last week.

In the many hearings on pension issues we have heard over and over again that companies need predictability and stability in their plans. We need to get this bill enacted so that companies put their money behind their promises so they can plan with certainty in the long term. Support this bill.

Mr. CARDIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the objective of this legislation should be to encourage the retention and expansion of traditional defined benefit plans. Traditional defined benefit plans generally offer a guaranteed benefit to the worker and, they are generally well managed and diversified. The passage of this bill, in my view, will set up a conference report that will come back to us that will accelerate the termination of well-funded and managed traditional defined benefit plans. And I say that for three reasons.

Three parts of this legislation will adversely affect well-funded and managed plans. First, the funding roles are more costly and more restrictive. That in and of itself will act as a disincentive for continuation of these plans.

Second, there is a failure to include relief for the airline industry, clearly putting pressure on well-funded and managed plans to pick up the costs for other industries, questioning whether they should stay and provide these plans.

Third, we continue to allow companies to go into bankruptcy in order to dump their costs onto the PBGC, once again affecting those well-funded plans that are going to be asked to pick up the tab.

For all these reasons this legislation is likely to accelerate the termination of plans that we would want to see continued. The termination of these plans will just adversely affect the funding of the PBGC, the guaranteed fund, complicating the situation and making it worse.

Madam Speaker, I want to point out that there are provisions in this legislation that are very good. The provisions dealing with the defined contribution provisions are needed and, as it was pointed out in the Ways and Means Committee, contain many of the provisions that were worked on through the Portman-Cardin process as well as legislation presented by Mr. EMANUEL and Mr. POMEROY. It includes automatic enrollment, the split refunds where tax refunds can go partially into retirement savings, the extension of the savers credit, the ability for individuals to roll over funds and keep them in retirement funds longer.

All of those are positive aspects. However, when you look at this bill in balance, we do need to pass legislation; but on balance this legislation will cause more harm than good, and I urge my colleagues to reject the bill.

Madam Speaker, I reserve the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. McKEON), the chairman of the 21st Century Competitiveness Subcommittee.

Mr. McKEON. Madam Speaker, I rise in strong support of H.R. 2830, and I thank Chairmen BOEHNER and THOMAS and JOHNSON for their great work in getting us to this point.

This bill represents a responsible approach that will protect the retirement benefits of millions of American workers and help ensure that their pension benefits will be there when they retire.

In recent years, our important retirement security system has come under strain from the increased aging of the workforce and from dishonest employers who made promises they could not keep. Many workers and retirees have been misled into believing that they will have a secure retirement only to see their pension plan terminated due to plan underfunding.

This bill includes reforms to ensure employers more accurately measure and fund their short-term and long-term pension promises. It includes tough new funding requirements to ensure plans are adequately and consistently funded, and it provides meaningful disclosure provisions about the financial status of pension benefits.

In addition, this bill is important to protect taxpayers from a multibillion dollar bail-out of the Pension Benefit Guaranty Corporation. When the PBGC cannot pay benefit for plans where they have assumed planned liabilities, taxpayers are on the hook for the difference. In fact, in November the Pension Benefit Guaranty Corporation reported a long-term liability deficit of $22.8 billion. That is billion with a B.

The Pension Protection Act will reasonably increase employer-paid premiums to help shore up the PBGC and protect taxpayers from this potentially large liability.

This bill contains commonsense reforms that will help protect the pensions of millions of Americans; and this bill is supported by a broad array of unions, employers, and other organizations. Passage of the Pension Protection Act is important to the retirement security of millions of Americans, and it is important to help protect taxpayers from an expensive bail-out.

I strongly urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, when we are starting to deal with the pension plans that protect America's retirements, one of the things we should do is to make a decision not to do any harm. But the fact of the matter is that this bill makes things worse in many ways for many pensioners in this country and many future pensioners.

First and foremost, we created the Pension Benefit Guaranty Corporation to be there to protect some of the retiree benefits of people if pension plans went bust or the corporations went bust. We are now told that this legislation makes that problem worse.

The speaker who was just in the well said there was some $23 billion in deficit in that plan. And what we now see is a Pension Benefit Guaranty Corporation, the Congressional Budget Office tells us that this makes it at least $9 billion worse over the next decade. So while we narrow the deficit, in fact we see that we increase this agency's deficit problems.

This is an agency that can look out into the future and can see up to $100 billion of liabilities possibly coming their way. Maybe some of them will not come because of this bill, but many of them will come because of this bill, because this bill, in fact, makes it easier, makes it easier to terminate plans. It makes it easier to put plans into bankruptcy. It certainly does not make it any more difficult to put into bankruptcy as we saw with United Airlines.

So what does that mean? That means that a plan that was designed, an insurance policy that was designed for when companies went out of business, now companies can take their pension plans, the retirement nest eggs of their workers, and put them into bankruptcy, and the company can go merrily on its way. I do not choose that term lightly, "merrily on its way," because after what we saw after years and decades of manipulating the pension plans of United Airlines, about not being truthful with the employees, not being truthful with the public, not being truthful with the shareholders about their liabilities, they put them into bankruptcy. Those workers had given back billions of dollars in wage concessions, retirement concessions to try to keep that airline afloat. They were not able to because they went into bankruptcy.

Yesterday, we learned that the top executives of that corporation have now petitioned the court to distribute $235 million in stock to those very same executives that ran this corporation into the ground, that they are going to get $235 million in stock. The employees who had all of the concessions, all of the cutbacks, the employees are going to be required to service, maintain, run and staff those airlines, start all over, having fallen and been cast to the floor.

That is what is wrong with this legislation. It treats those in the corporate suites entirely differently than it takes care of the workers on the shop floor or on the airlines or in the repair facilities. That is the problem with it is that we see that this plan simply does not provide the kinds of protections necessary, the kinds of protections that are necessary for those employees who have worked so terribly long for those corporations, who invested their entire lives in these corporations.

Plus the fact that it also makes it, and we are told by a number of the employer groups, this is what makes it more likely that the companies will terminate their plans, that they will freeze their plans. What does that mean? That means a lots of people who may be 50, 55 years old today, just as we found out with the cash balance plans, this makes it easier to do a cash balance, a lot of people who are working today are going to find out that they will not have a retirement nest egg that they have been planning on. They will not be able to carry out the standard of living that they were anticipating to provide for their families.

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That is what this legislation does. It makes those kinds of decisions much easier, much easier for the companies to do that.

What does that mean? That means that America is going to end up with a poorer retired population than they had before. That means that these people are going to have less of the kind of retirement that they had anticipated because of the acceleration of the terminations, because of the acceleration of the freezing of the plans and because of the ease which you can now go and apparently the acceptability in the business community of entering bankruptcy.

We changed the personal bankruptcy laws in this Congress because we said people were using it as a convenience. It is interesting now that the corporations have decided they will use it as a convenience to redesign themselves, to reconfigure themselves, to reinvent themselves. If United Airlines is the model, the only losers will be the workers and the retirees in those corporations.

That is what this legislation does not do. It does not really speak to trying to make sure that we could do all that we can to secure the retirement of current workers and of future retirees.

I would urge my colleagues to vote against this legislation when we get to that vote and understand that we should not be making the problems of America's pensioners even worse than they are today.

Madam Speaker, we are facing a serious pension crisis that has already cost employees across the Nation billions of dollars in lost benefits—benefits they were told were ironclad. If you calculate just the losses employees suffered in the Nation's four largest pension terminations it exceeds $6 billion in earned defined benefit promises.

Let's be clear what is happening to our retirement system—this Enron the sequel. This is Enron 2 with a vengeance. This is a national disgrace.

This bill does absolutely nothing about companies who decide to use the Federal Government to dump and run on their promises to employees. Exploiting loopholes in our pension and bankruptcy laws, clever lawyers have turned a Federal agency that was supposed to be a last resort for companies that were closing shop, into a dumping ground for companies to ditch unwanted promises to reward investors at the expense of employees and taxpayers. So powerful is this gaping hole in our pension protections, companies can now exact major wage and benefit concession by merely threatening to terminate their pension plan.

Folks, if you want help fast forward to the new Wal-Mart economy—this is your bill. If you want to further weaken employees' hand in the battle for fair wages and benefits, this is your bill. If you want to stand by and watch as companies freeze, downgrade or drop their pension plans, this is your bill.

Last summer thousands of United Airline employees—mechanics, flight attendants, and pilots—lost billions in irreplaceable pension savings that changed their lives forever. These families—denied the courtesy of even a single hearing before the Education and Workforce Committee—participated in an online hearing Democrats sponsored. Over 1,000 participated in this unique online hearing and their powerful voices were heard.

They wrote to us about the personal and financial devastation resulting from the loss of promised benefits, and the lost opportunity to earn future benefits. Listen to Kenneth Schmidt, a long-time employee of United from Goodyear, AZ, who wrote:

> Dear Congressmen,
>
> I had worked for United for 38 years when I retired in February of 2003. My job as a mechanic was always a source of pride to me. I worked midnights for many years, with doing so I missed out on many family gatherings, holidays, etc. This was what I chose to do in life, and I did it with no complaints. But, now I am faced with large cuts to my retirement benefits. My retirement should be a time of taking it easy, traveling, and enjoying my "Golden Years". If this cut happens both my wife and I will be forced to reenter the work world, probably full time, if our medical insurance is also affected. This is a sad time in this country for all the workers who are relying on a pension to ease their lives, and make this time relaxing, and enjoyable. The stress that is being created

> by this turn in events is not healthy for anyone. Please try and help all retirees, and future retirees out of this most unfortunate set of troubles.

Guess what this bill says to Kenneth Schmidt and the millions of future Ken Schmidt's who have suffered from broken pension promises: Too bad, tough luck. You're on your own.

How can it be that tens of thousand of United Airlines employees like Ken Schmidt lose billions of dollars in promise benefits, and we do nothing? For example, we all know that United Airlines was permitted to terminate its flight attendants plans without ever having to show it was necessary to continue operating the company. The plan was terminated despite the testimony of a government hired economist who concluded the United plan was affordable and should be continued. This bill does nothing for them. The Democratic substitute—denied by the Republican leadership—would have restored the United plan until the company showed it couldn't afford it.

This bill does nothing for thousands of pilots whose benefits are cut by half or more by the Federal Government when a plan is terminated. When a plan is taken over by the PBGC after termination by its sponsor, the PBGC is required by law to impose a heavy penalty of those who retire at age 60—even airline pilots who are forced to retire at age 60 under Federal law. Our substitute fixes this injustice and allows pilots to get the same maximum PBGC benefit other workers receive.

H.R. 2830 rejects the Senate bill provisions that provide urgent relief to companies like Delta and Northwest airlines so these companies don't terminate their plans. Our Democratic substitute includes this urgently needed relief.

If you want to let the hard-earned pensions of airline employees across the Nation crumble into a heap of broken promises like United and USAirways, this is your bill.

Mr. Chairman, the sponsors of H.R. 2830 have referred to it as a "pension reform bill." They say it will reform the Pension Benefits Guaranty Corporation that's already $23 billion in the red and going up. And they say it will turn around $450 billion in underfunding reported by the Nation's pension plans. In truth, this bill not only fails to tackle pension reform, it actually hastens the unraveling of the PBGC and defined benefit plans. Here is what the Congressional Budget Office says about this bill: "H.R. 2830 would actually increase the PBGC's 10 year net costs by $9 billion, or by about 14 percent compared to with what it would be under current policy." The PBGC found the same—that H.R. 2830 would mean billions more red ink to its agency over current law.

How can a bill be reforming a system if it is increasing the PBGC's red ink over current law? It can't, and that's why this bill is a sham.

This bill also repeals two long-standing, bedrock protections for employees that, if permitted to pass, will haunt employees for years to come.

First, this bill overrides discrimination laws against older, existing workers for cash balance plans without any transition protections. It means that older workers will face up to what the GAO calculated would be up to a 50 percent cut in their benefits. These angry constituents will be calling the offices of Members of Congress in droves—just like thousands of IBM employees who spent years seeking to rectify deep cuts in pension benefits from a cash balance conversion. They will ask why Congress permitted companies to slash their benefits with no transition protections, no option to stay in the traditional plans, with no legal recourse. Tough luck to them, according to H.R. 2830. By contrast, the bipartisan Senate bill has significant protections for older workers, but this bill rejects them all.

This bill is also larded up with lots of special interest perks, but none as pernicious as the repeal of the longstanding prohibition on conflicted investment advice. Federal pension law has always required investment advice to employees to be on the level—free from self-interested, tainted financial advice. No more. This bill gives a sweetheart deal to investment houses by allowing them to offer conflicted investment advice to employees so long as they disclose to them that fix is in. And of course, it ignores years of mutual fund financial scandals involving padded fees and commissions, secret market timing, late trading, and more uncovered by the SEC, Elliot Spitzer, and other State attorneys general.

Here is what Arthur Levitt, former SEC chairman, says about the Boehner/Thomas investment advice provision.

> . . . I have reservations when . . . advice comes from the very same mutual fund company whose products are for sale to a plans participants. One of my bedrock principles of investing is that advice should come from mutual parties with no axe to grind.

Financial journalist Jane Bryant Quinn and NY Attorney General Elliot Spitzer have also expressed strong opposition to this change.

It's amazing that we don't lift a finger for the Ken Schmidts of the world, but we pull out all the stops to reverse a 30-year bedrock protection for employees for mutual funds and investment firms' lobbyists.

By contrast, the Senate bill does not include this repeal and goes further to actually strengthen the independent advice employees receive.

This bill does nothing to ensure fair treatment between workers and executives. Under this bill, if an employer does not fund its pension plan above 80 percent, then the workers get punished by benefit limits. What's the penalty for the executives who ran the plan down between 60 percent and 80 percent? Zero? If an employer does not fund above 60 percent, the bill requires more benefits limits for workers. For executives, only a weak provision for new executive compensation, with loopholes that allow the companies to promise future golden parachutes.

This bill doesn't reform our pensions; it actually hastens the pension crisis according to two independent Federal agencies. Rather than encouraging companies to keep their defined benefit plan in place, it encourages companies to freeze, downgrade or drop their pension plans altogether. It gives the green light to companies who want to dump and run, and opens new loopholes for mutual funds to steer employees into investments that feather their own nests at the expense of employees. It overrules age discrimination laws to slash the pensions of older workers and other existing employees. And it launches new, punishing benefit cuts for employees of underfunded pension plans, while letting the very executives who ran the company and the pension plan into the ground off the hook. And it does nothing to address the urgent crisis of our airline companies and employees—where jobs and the hard-earned retirement benefits of hundreds of thousands of Americans hang in the balance.

I urge you to oppose this bill.

Madam Speaker, I reserve the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield myself 3 minutes, and I yield to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, would the chairman engage in a colloquy with me and my colleague, the gentleman from Minnesota (Mr. KLINE), concerning the difficulties facing the airline industry, particularly in terms of assisting airlines and that they fulfill their pension promises to their employees?

Mr. BOEHNER. I will be happy to do so.

Mr. PRICE of Georiga. As you and I are both aware, the airline industry continues to amass losses as the industry strives to become more dynamic, both externally and internally. Losses during the last 4 years have proven that the business model used by legacy carriers is outdated but under duress by high-fuel prices and post-9/11 repercussions.

A primary component playing into the equation of legacy carrier viability is the pension systems currently in place. The current model of defined benefit pension plans and the rules associated with it have come under scrutiny as two legacy carriers, making up approximately 20 percent of the domestic airline market, recently terminated their employee pension plans.

There are no winners when airlines default on their pension plans. Employees now are planning for a retirement with a fraction of what they were originally promised, and further, the Pension Benefit Guaranty Corporation, the government agency and guarantor of all pension plans, is put more and more into the red, and taxpayers are exposed to greater risk. Eventually, the point will be reached when taxpayers have to bail out the PBGC if no action is taken.

With these concerns in mind, I would ask the chairman to agree to work with me and the gentleman from Minnesota (Mr. KLINE) to develop a process, as the Senate has done, to provide airlines with the flexibility needed to fund their defined benefit pension systems over a long amortization period. I believe it is critical that we join with the Senate in this effort and through the conference process to develop final legislation that contains industry-specific reform for the airlines.

Mr. BOEHNER. Madam Speaker, reclaiming my time, let me thank my colleague from Georgia for his work on this issue for lo these many months. I know that my colleague from Minnesota (Mr. KLINE) has similar concerns, and I am happy to yield to him.

Mr. KLINE. Madam Speaker, I thank the chairman for yielding.

I would like to echo my colleague from Georgia's comments on this important subject. I, too, come from a district full of hardworking airline employees that have genuine concerns about the future of their pension plan. Throughout this process, I have worked to ensure that we address this issue in a way that does two critical things: One, make sure airlines can continue to afford participation in their defined benefits system; two, support the policy priorities of our committee, the Education and the Workforce Committee, in our efforts to protect employees by making sure the promises they have been made are backed with well-funded pension plans.

Madam Speaker, I commend the chairman for all his work on this bill and ask for his continued good efforts on behalf of the airline industry as we go forward.

Mr. BOEHNER. Madam Speaker, reclaiming my time, as has been the case all year, the lines of communication between those of us that are interested in this, both on and off the committee, and those on the other side of the aisle as well, the lines of communication are open and will remain open.

As we move into conference, the process, I remain committed to ensuring that the concerns of all stakeholders involved are addressed in a bipartisan fashion as we complete action on comprehensive reforms in an expeditious manner.

I remain committed, as I believe both of my colleagues do, that airlines do, and that we need to find a solution that will allow airlines to maintain their plans and ensure employees of both plans are adequately funded.

Madam Speaker, I reserve the balance of my time.

Mr. CARDIN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Madam Speaker, this bill proves that the Republicans are not just after poor people. This pension bill boils down to one fundamental principle: The Republicans want all Americans, including flight attendants and everybody else out there on a pension, to be entirely alone, isolated from the strength and compassion of American values.

I am here to say that this pension bill that forces elderly Americans into solitary confinement is abusive, irresponsible and morally bankrupt. This whole year has been about doing it to people. Get rid of Social Security, privatize it, put them on their own. Medicare: Privatize it, put them on their own. Now we have the pension bill: Privatize it, put them on their own.

Take away the union benefit, how will they do it? They are going to Boeing. They squeeze Boeing tight, and Boeing flips into 401(k), and there goes the pension down the drain.

Now this raises the question, what is wrong with you people? We decided a long time ago in this country that there was strength in numbers. We had to do things together. That is why Social Security was developed. That is why Medicare was developed.

The Republican vision articulated in this bill is that America is a sinking ship, and the shout is for every man and woman, you are on your own.

They call it an ownership society. You will still have a pension; it will be a 401(k). But it really is, you are on your own. If you can figure out the market, good luck, baby.

There are not enough lifeboats in the water, and we know that, and everybody is jumping off the ship. In 1980, 40 percent of employers provided a pension. Today, only 20 percent do. Now, that is a 50 percent reduction in 20 years, and the pensions that are provided, fewer provide a guaranteed benefit than they used to get.

So what do we have left? The stark fact is that half of America's retirees have less than $15,000 income. Imagine living in the United States on $15,000 after working for 45 years. Only 50 percent of American households have retirement savings at all, but if they do not have a benefit from the pension and their Social Security, which has not been ripped away from them, they got nothing.

Now, half of the households who have savings have an average $385 a month. So they get their Social Security, $1,800 a month at the maximum, and $385, oh, they are living fat on $2,000 a month.

The people without any savings are disproportionately poor, have nothing except Social Security, and the Republicans, as I say, tried to take that away earlier in the year. We beat them on that, and we should beat them on [illegible]

This is the definition of fin[illegible] freedom that Republicans wa[illegible] Americans: They want riskier pensions, and no way for anybody to be sure of anything. I urge my colleagues to vote no on this.

Mr. BOEHNER. Madam Speaker, I am pleased to yield 1½ minutes to the gentleman from Louisiana (Mr. BOUSTANY), a member of our committee.

Mr. BOUSTANY. Madam Speaker, I rise in strong support of this bill.

This bill strengthens our Nation's retirement system and comes at a critical time as economic conditions are requiring companies to confront new challenges.

This legislation provides steps to help employers plan and manage finances accurately, to determine pension liabilities and to ensure pensions are funded and benefits are paid.

I want to discuss an important section of the bill regarding multi-employer pension plans. Under current law, multi-employer pension plans are loosely regulated and have few requirements for timely disclosure of information.

For the first time ever, beneficiaries and contributing employers of these multi-employer pension plans will have transparent information to make accurate funding decisions. The legislation creates a system for identifying financially troubled plans and improving their funding status.

Furthermore, new notice and disclosure requirements will provide participants with clearer and more specific financial information. Workers and retirees must be provided with an annual update on the plan's assets, liabilities, financial condition and funding policies. Underfunded plans are required to file financial information with the PGBC and provide notice to workers and retirees. Existing financial disclosure documents are updated to provide more information, particularly about plan mergers and actuarial assumptions.

Multi-employer plans must notify a contributing employer of their withdrawal liability upon request.

Madam Speaker, I urge colleagues to back this bill and take a very important opportunity to put employees' pension plans on a solid foundation.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, American workers know that a defined pension plan is a promise from their employer, a promise that, when they retire, they will receive a benefit they can rely on. In fact, they have planned their retirement future on that promise. This bill allows companies to break that promise. It allows companies to switch midstream to cash balance plans, ignoring that promise to their workers.

These workers have trusted that this benefit will be there. It will be there at the end of their service to a company. In fact, these workers have quite often given up pay raises or other benefits for their retirement security. These pension benefits have been earned. They have been promised. They must be honored.

Actually, earlier this year, the Republican majority tried but failed to destroy the Social Security system by going back on their promise to every American that at a certain age they would receive a defined benefit, a benefit they could count on.

Americans overwhelmingly stood up to the Republicans and said Social Security is ours, you promised it, we rely on it, you cannot have it.

So the Republican majority could not take Social Security away from Americans with privatization. Now, they are trying to pull the rug out from under people who have dedicated their lives working hard for their companies.

Madam Speaker, these workers were promised defined retirement benefits. They earned those benefits, and this Congress cannot allow companies to go back on their word. We must ensure that these hardworking Americans get the pension benefits they have been promised that they have earned.

I urge my colleagues to oppose H.R. 2830. Protect American pensions.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume, and I yield to my colleague the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Madam Speaker, I appreciate the chairman rising to engage me in a colloquy.

I would like to thank both you and Chairman THOMAS for your work on this bill. As you remember, back during the committee, I spoke about shutdown benefits and appreciate the work that you and Chairman THOMAS have done in the last couple of days to deal with stakeholders in that industry. However, the language contained in the bill does not quite go far enough, I believe, in helping everybody in every industry.

Mr. Chairman, as I have told you before, my father worked in the manufacturing business as an employee for over 20 years. He was a member of the steel workers, and one day when I was in high school, he came home and was out of a job, which is traumatic enough, but he was also out of a pension.

Today, employers and employer groups can work together to provide shutdown benefits to employees and to families, and my hope is that your commitment still stands, as it has, that we will work, particularly with the steel industry as we have done with the auto industry, to make sure that shutdown benefits remain a vital option for employers.

Mr. BOEHNER. Madam Speaker, reclaiming my time, I would say to my colleague that I agree with his comments regarding the importance of shutdown benefits to workers who may suddenly find that the plant for which they have worked, for 20 years in your father's case, happens to be closed.

I think the gentleman knows that I am troubled by the fact that shutdown benefits are often paid from a company's pension plan, despite the fact that they are not technically retirement benefits in the true sense of the word. These benefits resemble severance-type pay benefits, and more importantly, these benefits are not funded.

But I want to make clear, for the benefit of my colleagues, that our bill does not prohibit shutdown benefits, as some have suggested.

Instead, with further modifications that we have made over the last few days, it merely requires that shutdown benefits be paid from corporate assets and not pension plan assets, if the pension plan is funded at below 80 percent. I think this is an important change, and I believe it will help restore the financial integrity of this important benefit.

My colleague from Ohio correctly notes that we still have work to do on this issue of shutdown benefits, specifically as it relates to the steel industry, and as such, I pledge to him and other Members who may have an interest in this as well that on this issue we will continue to work on this matter throughout this legislative process.

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Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I am going to vote to send this bill along to the conference and vote "yes" for two reasons: first, I think the bill very wisely includes relief for multi-employer plans, an issue that many of us have worked on for a very long period of time. These are plans run by small businesses who find large contributions to be very stifling to their ability to compete. I think this relief is long overdue, and it is the principle reason that I will vote to send the bill along to conference.

The second reason is I think conference will finally be the forum where some very serious flaws in the bill can be addressed and renegotiated. Mr. MILLER's substitute, which unfortunately was not made in order under this rule, addresses those flaws.

First of all, the law makes it far too easy for failed pension plans to be dumped into the Pension Benefit Guarantee Corporation. Mr. MILLER and Mr. RANGEL had ideas that would preclude that dumping from happening. They ought to be adopted.

Second, I think the law ought to make it clear that there cannot be bias or favoritism in favor of highly compensated people at the expense of the rank and file. Mr. RANGEL and Mr. MILLER's substitute accomplishes that. The underlying bill does not.

These and some other issues, I believe, need to be worked out in the conference. I think, unfortunately, they should have been worked out on this House floor with a proper rule, but with those reservations I will vote to send the bill along to conference.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I rise to urge my colleagues to vote "yes" on this important piece of legislation for several reasons. Paramount, it will help an industry that badly needs our help at a very critical time, and the only way we can help the airline industry is to get it into conference. There are a lot of things that may be right with this bill, there a lot of things that may be wrong with this bill, but the only answer and the logical and most responsible thing that we need to do is to vote "yes" and send the bill to conference, allow the process to work.

I appreciate Mr. MILLER who has worked very diligently with me and understands my concerns. I represent an area that has probably more airline employees maybe than any other district. I represent Delta Airlines. We all know that Delta Airlines is in a bankruptcy fight, fighting for its very life; and the two most critical issues that they need help on is doing something to lower the high cost of fuel, which we have problems with and how we can do it. There are all kinds of questions. But there is one thing we can do, and that is to help them with relief of their pension plans. So I urge my colleagues to vote "yes" on this important legislation.

Mr. Speaker, this is a comprehensive pension reform bill that will protect workers' retirement incomes, give companies a longer window to make underfunded plans whole, and will help protect U.S. taxpayers from taking on the liability associated with future plan terminations.

Now I'm asking your help to help my people in Georgia.

One area that remains to be addressed in conference are major airlines' pension plans. Delta Air Lines employs thousands of men and women in my district who rely now or plan to rely in whole or in part on retirement benefits provided by Delta.

Without a change in current law that allows Delta and other air carriers that have defined benefit plan obligations, like Northwest, Continental and American, to make their pension payments over a longer period of time—20 years—it's certainly a possibility that some or all of these plans will be terminated, benefits reduced and liability shifted to the taxpayer.

These carriers want to honor their obligations, but need to be equipped with the tools to have a fighting chance to do so. And getting this pension bill to conference is our only hope.

Although we are not addressing this specific need today, I strongly support continued pursuit in conference of an airline specific provision similar to that passed by the Senate, extending the payment period for these carriers to 20 years.

Help us get this bill to conference. Let's help Delta and all the airlines who need our help so much.

I want to thank Chairman BOEHNER for your hard work in making this reform bill a reality, and look forward to working with the conferees.

Mr. BOEHNER. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 2830, the so-called Pension Protection Act. It should be pointed out that H.R. 2830 is opposed by AARP, by the Pension Rights Center, and pension advocates across the country. While I recognize that the Republican leadership included some modest provisions to attract some union support, H.R. 2830 still has a number of provisions that will jeopardize the retirement security of millions of American workers.

Among other harmful provisions, this bill would legalize age discrimination in cash balance pension conversions. Year after year, Congress has voted against cash balance pension conversions because of the harm they have caused older workers.

Mr. Speaker, we do not tolerate discrimination in this country based on race, gender, religion, or disability; and we must not tolerate discrimination based on age with regard to pensions.

Unfortunately, that is exactly what H.R. 2830 does. According to the GAO, cash balance conversions without protections slash the pension benefits of an average 50-year-old by $238 a month. Younger workers are also hurt. As the GAO reported, a typical 30-year-old would see his or her pension benefits slashed by $59 a month under a cash balance conversion. H.R. 2830 would legitimize these harmful pension cuts by legalizing cash balance conversions without requiring employers to protect older workers. That is wrong.

Mr. Speaker, let me read to you what the AARP and the Pension Rights Center have to say about this legislation. According to the AARP: "We cannot support legislation that would clarify the legal status of cash balance pension plans without providing protections for older, long-service workers involved in cash balance plan conversions."

I urge a "no" vote.

Mr. CARDIN. Mr. Speaker, I am curious: Is the majority on the Ways and Means side going to be using their time or not? Does the gentleman know?

Mr. BOEHNER. I assume so.

Mr. CARDIN. Can I inquire as to the amount of time that remains on all sides?

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from Maryland has 13½ minutes remaining. The gentleman from Ohio has 3½ minutes. The gentleman from California has 11 minutes remaining.

Mr. CARDIN. The time for the gentleman from Michigan?

The SPEAKER pro tempore. The gentleman from Michigan still has 22½ minutes remaining.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to oppose H.R. 2830, the so-called Pension Protection Act, not because the system certainly does not need to be reformed, but because I think this particular vehicle, the way it was constructed, actually does damage to what used to be our three-legged stool of retirement security.

We used to rely on pensions; personal savings; and, of course, Social Security. We spent a great deal of this past year fighting any efforts to privatize Social Security and making sure that we had that leg in place. This bill does nothing to enhance personal savings, something this Congress ought to be taking up and making sure we do enhance.

With respect to pensions, we are in need of serious reform, but this moves us in the wrong direction. We have millions of Americans who have worked and tried to put their houses in order, tried to make sure when they retired they had a dignified and comfortable living, but this situation shows us over and over again that companies are now finding it better for themselves financially to go into bankruptcy, capsize their pension responsibilities, and then sometimes coming out more profitable for the shareholders and for some of the CEOs but not for the rank-and-file workers. This is not fair, it is not right, and it certainly is not sound policy for this country.

In too many instances, these companies are defaulting without first having made every possible effort to finance these pension plans and making them work. Workers on the other hand have had decades of working for companies, providing loyal service, the bargain for which was that in the end they would have a guaranteed pension. Many of them had forgone wages during the course of their 20, 25, 30 years of service. CEOs, however, are still getting golden parachutes. They are getting the chance to steer their businesses into court to dump the pension plans and come out and still get taken care of handsomely; yet workers do not.

The Congressional Budget Office and the Pension Benefit Guaranty Corporation both say that this bill will actually add to the Pension Benefit Guaranty Corporation's deficit; that the bill could actually chase companies out of the defined benefit system and leave workers with fewer choices and plans for retirement than they have now.

This bill does not seem to do anything to discourage the pension plan terminations that threaten workers' retirement security, and it does not stop companies from dumping plans in bankruptcy.

In committee, we offered an amendment that would allow the Pension Benefit Guaranty Corporation to intervene earlier, to work with companies in making sure they first exhausted all their options for making sure the plans survived before permitting them to terminate the plans and go into bankruptcy. A substitute for this bill would have allowed us to present that notion again.

Unfortunately, our colleagues on the Republican majority saw fit not to allow a substitute amendment so that we could not debate this proposal. And I suspect we do not see it here today because it would have carried. We would have gotten a majority of people in this Chamber to understand that everything should be done that is possible to prevent a plan from going into bankruptcy before the plan is actually terminated.

Companies should first have to exhaust every single avenue of creative financing in order to save and restore pensions before they allow bankruptcy filings. The Pension Benefit Guaranty Corporation does have expertise it can lend to companies before it gets to that situation.

For those reasons and many others, Mr. Speaker, I urge we vote against this bill and hope we get a better vehicle in the future.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

As I listen to my colleagues on the other side of the aisle, I have to tell you that I am confused. Some of them say the rules that we are proposing here are too tough and are going to drive employers out of the pension business, while we have some of my colleagues on the other side of the aisle saying the rules are not tight enough and we are going to create more deficits at the Pension Benefit Guaranty Corporation. Ladies and gentlemen, I think the bill is just right.

Yes, these are better rules that will require companies to better fund their plans. They certainly are better than current law. But I do not believe they go to the point of driving companies out of the defined benefit system.

My good friend from California believes we are going to drive up the deficit. Now, if the rules were not strong enough, I would not have had virtually every employer in America who has a defined benefit plan beating on my office door complaining about the rules we were proposing. I would not have had every labor organization talking to me about how do we get this right.

The fact is, if you look at the chart that we have here, plans must meet a 100 percent funding target. That is not the law today. If they are in the 80–90 percent range, it is good enough. But then as soon as the market turns down or the industry has a bump in the road, it is not long before they are under 60 and in deep trouble. So requiring plans to be 100 percent funded, I think, is a very good idea.

Having an interest rate that is commensurate with their liabilities is something that we have not done ever. We have had one interest rate used to calculate the plan's liabilities. Under this modified yield curve proposal, they will have three different interest rates to use based on the longevity of their workforce, 0–5 years, 5–20, and those employees who will retire after 20 years. It will give us a more accurate reflection of the true cost of those plans.

Third, it requires funding shortfalls to be erased over 7 years. We want to give companies time to go from the current rules to these more responsible rules; and if we do not have a sufficient transition time, what is going to happen is that we are going to create real havoc in the marketplace.

Fourth, it restricts unlimited use of credit balances. We all know that the current rules about credit balances are, frankly, some of the most irresponsible public policy that I have seen. Beginning to restrict the use of those credit balances will, in fact, strengthen these plans.

Fifth, it curves benefit increases for underfunded plans. We all know there are plans that were underfunded, severely underfunded, and yet increasing benefits at the same time. That is not fair to workers who are being given promises that someone has no intention of keeping.

Last, it shores up the finances of the Pension Benefit Guaranty Corporation.

All of these will bring more funding to company pension plans, it will bring more funding to the Pension Benefit Guaranty Corporation, and put our pension system for American workers on a stronger foundation.

□ 1415

Why else do I think we are just right? I have a long list of business organizations that are supporting this bill and a long list of labor organizations that are supporting this bill. It is a balanced bill. I urge my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, when United Airlines announced it was going to go into bankruptcy, the Democratic members of the Committee on Education and the Workforce planned an e-hearing so those people who were most affected by the termination of that plan and the bankruptcy of that company would have an opportunity to talk to their representatives in Congress. We were not going to have a hearing on this problem, and these people could not come to Washington and testify. So we opened up the Internet to them, and we received thousands of replies from people telling us their life stories. The amazing thing about it was how many of these people were using their retirement to care for another member of their family. It could be a spouse with an illness, it could be a child, a grandchild, and all of a sudden, half of their pensions were evaporated into the bankruptcy of United Airlines.

Mr. Kenneth Schmidt, a long-time employee of United from Goodyear, Arizona, wrote, "Dear Congressman, I had worked at United for 38 years when I retired in February of 2003. My job as a mechanic was always a source of pride to me. I worked midnights for many years, and in doing so, I missed many of my family gatherings and holidays. This was what I chose to do in life, and I did it with no complaints. But now I am faced with large cuts in my retirement benefits. My retirement should be a time for taking it easy, traveling and enjoying my 'golden years.' If this cut happens, both my wife and I will be forced to reenter the work world, probably full time if our medical insurance is also affected. This is a sad time in this country for all the workers who are relying on a pension to ease their lives and make this time relaxing and enjoyable. The stress that is being created by the turn of events is not healthy for anyone. Please try and help all retirees and future retirees out of this most unfortunate set of troubles."

What the problem is is that this legislation does nothing for the Kenneth Schmidts of the world, he and his family. It does nothing to keep companies from simply making a business decision that they can throw the company into bankruptcy, get rid of the retirement and health care obligations to retirees and move along. This is not some unusual practice to bring shame upon a company. The steel companies did it. The airlines have done it. There is a question of whether the automobile industry will go this way.

It is really not completely about their pensions. It is about a decision of a business plan. It is about competition and a change in the marketplace. But the fact of the matter is that, at the end of the day, there is no showing. United did not have to show that for these pension plans they would be a solvent company. In fact, the people from the PBGC wrote and said that they thought the flight attendant plan could be salvaged, and in fact, maybe the others could. But the decision was made and they went into bankruptcy without a hearing on that issue.

Companies should have to exhaust all of their attempts to try to save the retirement plans of these Americans, these people who have worked hard. Remember, these pension plans, they traded pay. They traded health care benefits. They traded vacation days for this pension plan. That was the agreement and the guarantee. Now, unilaterally, the company gets up and walks away from it.

And to rub salt into their wounds, there were pilots required by the laws of this Nation to retire earlier. They take an additional hit on their pension because they are early retirees, not because they wanted to stop flying but because the law says they have to retire.

So we have pension plans that could have been salvaged and people who are being punished because of the Federal law in terms of their early retirements, and this bill does nothing to fix that.

We do that in our motion to recommit. We address the concerns of the flight attendants. We address the concerns of the early retirees, and we address the concerns of the airlines, but it does not do that in the majority bill because they want to go off and use those people as trading chips, the retirement nest eggs of these hardworking Americans, in the conference committee. I urge Members to vote against this legislation.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2830, the Pension Protection Act of 2005 strengthens retirement security for millions of Americans. Current pension funding laws and structures are outdated and threaten the financial stability of the pension system. In fact, the Pension Benefit Guaranty Corporation, PBGC, the government insurer of pension plans, estimates that single employer plans are underfunded by up to $450 billion.

Furthermore, an increasing number of companies are using the bankruptcy system to dump massively underfunded pension plans on the PBGC. Since traditional pensions are a critical component of retirement security, it is essential to form law that modernizes and strengthens funding rules. H.R. 2830 ensures that companies fulfill their pension promises to working people. It requires employers to fully fund their pension plans and rectify funding shortfalls more quickly. It also ensures that employees receive up-to-date and accurate information about their pensions and prevents companies from making future promises when they cannot even meet current obligations.

The bill strikes the right balance in ensuring the plans will begin to be more appropriately funded while not being so strict that the companies providing pension plans are in danger of having to terminate them. To that end, H.R. 2830 provides transition relief to employers, giving them time and flexibility to get their pension funding in order.

In addition, the Ways and Means Committee incorporated into this package a number of tax incentives to increase retirement savings for Americans. Included in H.R. 2830 are provisions to make permanent the savers' credit and the increased contribution limits for IRAs and other 401(k) plans. The bill also increases savings opportunities for our men and women in combat and provides increased pension flexibility for public safety officers, including firefighters, policemen and emergency medical service employees.

Furthermore, this bill provides tax benefits to make health care and long-term care more affordable. H.R. 2830 makes permanent bipartisan pension improvements established in 2001. While pension reform is a difficult area to make adjustments, given the unique needs of each employer, this legislation is a fair and balanced package that will provide economic security for millions of Americans. It has broad support for both the employer and labor communities. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Maryland (Mr. CARDIN) for his control in this debate.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), the senior Democrat on the Subcommittee for Social Security and who understands retirement security.

Mr. LEVIN. Mr. Speaker, in a few words, what we need to do is to reform our pension system but not to undermine it.

There is a basic issue here, and I hope Members will pay attention to it. We have had in this country in the private sector a system of guaranteed monthly benefits under defined pension plans in the private sector for millions and millions of people. That has been meaningful.

What I think is going to happen if this bill becomes law and if it were to be combined in conference with provisions in the Senate is essentially to undermine defined benefit plans and move us towards what are called defined contribution plans, so more and more, everybody will rely on a 401(k) instead of the guaranteed benefit in the private sector. That shift was tried in Social Security by the majority. It failed for good reasons, and now I think there is another effort here regarding private pension plans to lead to the same result.

We asked the Bush administration when they testified before Ways and Means, tell us the impact on industry of your proposals. They could not tell us. If you look at the chief financial officers, 60 percent of them who deal with pension plans essentially say that this yield curve of the administration, and there is a modified version of it in this bill, would lead to benefit cuts and termination of defined benefit plans, and that would affect manufacturing as well as other industries.

I know there have been some efforts to moderate that. Various people have scrambled to try to reduce the potential undermining of defined benefit plans through this provision on credit balances, but I want everybody to know that that is not likely to work out in the main because this Republican bill would discourage companies from doing the responsible and sensible thing, advance funding their pension plans to free up resources in years when they needed to make big expenditures, like rolling out a big product line, and penalize those who would do it any way, who would advance funds.

Look, there are some transition rules, but they are not going to basically resolve this issue of whether we are going to maintain, strengthen defined benefit plans.

Now, it is said, look to the conference committee. All I can say is, look at the history of conference committees in this institution in recent years. What is likely to come out is a bill that would make this bill even worse, and even if it did not, what we face with this bill is this basic question: Do we want to strengthen defined guaranteed pension plans and payments, or are we going to move to everybody on their own? I think this House should stand up and say, let us stand up for a defined benefit system in this country.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I rise again in support of this important legislation. I wanted to get down to this, well, to kind of deal with some specifics as to why it is important that we move this bill on over into conference.

First of all, this is a comprehensive pension reform bill that will protect workers' retirement incomes. It will give companies a longer window to make underfunded plans whole, and it will help protect U.S. taxpayers from taking on the liability associated with future plan terminations.

As I mentioned before, Delta Airlines employs thousands of men and women in my district, and other airlines, in many of your districts throughout this country, rely now or plan to rely in whole or in part on retirement benefits provided by Delta. Without a change in current law, that will allow Delta and other airline carriers that have defined benefit plans and obligations, like Northwest, Continental and American, to make their pension payments over a longer period of time, 20 years, then it is a certainty that some or all of these plans will be terminated. Benefits will be reduced, and liabilities will be shifted to the taxpayer.

We have an opportunity with this vehicle today to make sure that does not happen. We do not need to extend this liability over to the taxpayers. These employers and airline carriers want to honor their obligations, their pensions, but they need our help. They need to be equipped with the tools just to have a fighting chance to do so.

Mr. Speaker, let us give our airlines this fighting chance. I know that is not the main item on the agenda, but this is the only vehicle we have that we can use in conference to fix the situation. I urge Members to give us a chance so we can help a very important industry.

□ 1430

Mr. CARDIN. Mr. Speaker, first let me yield myself 30 seconds to point out that I wish we did have provisions in this bill to deal with the airline industry, because I think we should. The problem is that we do not, and we go to conference with a situation where those who have well-funded plans are now likely to be asked to pay because of the costs of the airline industry. And let me also point out from Mr. BOEHNER's comment about making the PBGC better funded, if we have a lot of terminated plans, it is not going to be better funded. And the gentleman brags about a permanent yield curve which is unpredictable to business. It would be better to have a corporate bond rate, and I am sorry that is not in the legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a senior members of the Ways and Means Committee and one of the leading experts on retirement issues.

Mr. NEAL of Massachusetts. Mr. Speaker, as the consumer listens to this debate, one of the things I believe that they want to understand is that the advocates of this legislation, they are the ones that, just a year ago, were trying to privatize the Social Security system. They wanted to privatize the Social Security system. That should not be dismissed. So this bill is now shuttled to the floor, barely a word of consideration in the Ways and Means Committee, and the Republicans on the Rules Committee would not grant us the opportunity to offer an alternative.

Pensions, like Social Security, should be sacred between the employer and the employee. There are few things that matter more than long-term security and a guaranteed pension.

Now, let me give you the schedule of the Ways and Means Committee. We found days to discuss a free trade agreement with Bahrain, days to hear testimony about Bahrain, a country with 700,000 people. And then we took months and months and months, as they attempted to privatize Social Security. We spent a disproportionate amount of time, after the American people said, and the Wall Street Journal poll today, by the way, indicates quite clearly how they felt about their privatization plan of Social Security. Boy, is that clear. I will bet you on the other side everybody has read that poll by now. That was a terrible idea, and this is a terrible idea.

So where do we find ourselves? This legislation will do more harm than it will do good. The Committee on Investment of Employee Benefit Assets, a group that represents chief investment officers from the larger corporations in the country, recently conducted their own survey and concluded that if this were to pass, 60 percent of those employers would either freeze or terminate their pension plans. Everybody knows the most robust debate in America next year is going to take place over retirement security. Reject this legislation.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself 30 seconds just to say that we had several hearings on this pension bill in the Ways and Mean Committee, including the Select Revenue Subcommittee which I chair. Let me just say that the PBGC's analysis shows that funding contributions to this end up being lower only in the short term; but, actually, starting in 2010, contributions to pension plans will increase. And that is because the funding reforms in the bill are phased in over 5 years.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I particularly want to commend the Chairs of the Ways and Means and Education and the Workforce Committees for putting together a bill which could finally fix the antiquated laws that govern pension plans and protect, at the same time, the interests of workers, retirees, and taxpayers.

What comprehensive pension reform must do and what this bill does for the first time in a generation is to significantly shore up pension funds through tough funding rules, but without pushing employers into termination, bankruptcy, and a multibillion dollar taxpayer bail-out of the PBGC.

But this bill goes beyond reforming pension laws. It also embraces new tax policies to encourage savings for retirement. First, the bill provides for automatic enrollment into 401(k) plans. While defined contribution plans such as 401(k)s have seen increases in participation since their inception, our national savings rate now is well below 1 percent.

A study by the Vanguard Group projected that enacting the automatic enrollment provisions in this bill would boost participation to create 5.5 million new participants in 401(k) plans.

The bill also provides for split tax refunds, where taxpayers may direct all or part of their tax refund to be deposited into an IRA. Recently, we became aware of a pilot project that gave a sampling of tax filers the opportunity to split their refunds between a savings account and a refund check. Participants deposited $583, on average, 47 percent, of their refunds into savings accounts. Most significantly, 75 percent of these individuals had no prior savings. These results speak for themselves.

As cochairman of the Savings and Ownership Caucus, I believe that reaching out and empowering working families is essential to increasing the country's savings rate and ultimately to improve on our trade balance, strengthening our economy and providing a growth path for the American future. I urge a "yes" vote on this pro-worker, pro-retiree, pro-savings legislation.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), one of the leaders in the Ways and Means Committee on pension issues, the former insurance commissioner from North Dakota.

Mr. POMEROY. Mr. Speaker, there are two major problems with this bill. The first is that it costs $70 billion and the costs are not paid for, not offset anywhere. It drives the deficit deeper.

Last week, this Chamber voted to deal with the AMT 1-year fix, $31 billion. The majority voted to pass a budget reconciliation that added another $56 billion in deficit. This adds an additional $70 billion in deficit. $177 billion in deeper deficits.

You know, it is Christmastime. People are thinking what to give their children. Well, the majority seems intent on giving them quite a present indeed, $177 billion deeper deficit going on top of $8 trillion of debt.

The second aspect of this bill that I want to point out is that it is deeply flawed pension policy, and it will cause the cancellation, freezing of thousands of plans affecting millions of workers.

Do not take my word for it. This is the estimate of the chief investment officers in an organization known as CIVA. They estimate that if this bill passes, 60 percent of the plans will freeze. Frozen plans mean frozen benefits. And we do not know, the rest may freeze as well. They conclude: "These proposals would have long-term consequences for current and future workers with the potential to damage the retirement security of millions of Americans." Potential to damage the retirement security of millions of Americans.

We have seen this story before. This is a group that worked for months to privatize Social Security, take away that monthly dependable income our seniors enjoy. Well, they failed on that one. Now they are after pensions, and without question this will dismantle pensions in the very same way they tried to dismantle Social Security.

Now, several groups are for this bill. Why? Well, airlines are so desperate for a fix they are arguing for this bill even though it has no provisions for airlines. I was stunned when the chairman announced in a colloquy his lines of communication are open. Well, Mr. Chairman, people have been calling. Airlines have been calling. Hello. Advocates for airlines, worrying about their workers have been calling. Hello. Northwest Airlines has been calling. Hello. Delta Airlines, calling. Hello. No answer. No answer from the majority. And so someone that supports an airline urged to vote for this bill when the provision is utterly left out, it makes no sense. You do not help airlines with this proposal. The Democrats had an alternative that had airline relief in it. It was not even allowed for consideration.

You think you are going to be treated fairly in conference committee. The administration opposes airline relief. The chairman has spoken out against airline relief. There is nothing in the bill for airline relief. They are hoping against hope that something will be done. They deserve so much more than that.

I believe that this bill is deeply flawed pension policy. It will hurt workers. Vote "no."

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD), a distinguished member of the Ways and Means Committee.

Mr. RAMSTAD. Mr. Speaker, I strongly support this important legislation to address pending funding issues for America's workers, and I applaud the work of Chairman THOMAS and Chairman BOEHNER on this bill.

As my friend from North Dakota, on the other side of the aisle, just pointed out, relief for the pension plans of America's struggling airlines is not in the current House bill. Certainly important to my district, but I have been assured, Mr. Speaker, that as this bill moves to conference with the Senate version, the special challenges facing airlines will be addressed. It is important to the people of my district. Northwest Airlines is the largest employer in the Third Congressional District of Minnesota, and thousands of Northwest employees are counting on Congress to rescue their pension plan. No one wants to see another pension plan fail and be turned over to the Pension Benefit Guarantee Corporation.

Northwest Airlines is struggling to emerge from bankruptcy and is trying to do the right thing for its employees by maintaining its pension plan. So as this bill moves through the process, I agree, we must provide relief to this fragile industry. But we must pass this bill today to get it to conference so we can take care of the airlines. We must act today by passing this bill so employees can get the benefits they were promised and so the PBGC and taxpayers will not be on the hook. So let us pass this bill, get it to conference, address the airlines' pension problems in conference, and get this bill to the President before we go home for the holidays.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a distinguished member of the Ways and Means Committee.

Mr. CHOCOLA. Mr. Speaker, it is because of today's outdated pension rules, workers, retirees and taxpayers all stand to lose unless we act now to reform our pension system. Under current law, employers have been allowed to underestimate their future pension liabilities and to make promises they simply cannot keep. The recent example of United Airlines underscores the need for reform. United Pilots Plan was severely underfunded, yet the company was not required to make cash contributions to that plan in 8 years prior to its termination.

The legislation before us today strikes a careful balance between preserving the defined benefit pension system for workers and ensuring that employers properly fund their plans. This bill provides workers with meaningful disclosure about the status of their pensions, and it protects taxpayers from a possible multibillion dollar bailout of the PBGC, which insures the pensions of some 44 million workers.

But H.R. 2830 contains other important provisions aimed at improving the economic security of retired Americans. For example, it provides retired firefighters and police officers, who often retire early without Medicare coverage, with a tax break on pension withdrawals to pay for health insurance premiums. This provision enjoys strong bipartisan support and offers a small measure to protect against exorbitant health care costs that follow a career spent responding to emergencies.

All together, Mr. Speaker, this bill represents a balanced approach to protecting the interest of workers, retirees and taxpayers, and I urge my colleagues to support its passage.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, when this issue first came to the floor, I was very concerned, certainly, about how it dealt with some of our manufacturing companies and our workers as well. So many people in my district have worked a lifetime to secure a good pension to help them in their retirement years. They perform jobs that are difficult on them, both physically and mentally; and they have earned their pension.

In Michigan we have so many workers in the airline industry, because, of course, Detroit is the hub for Northwest Airlines. But we obviously also have a huge number of auto workers because of the Big Three and the numerous suppliers to the auto industry that reside there.

Northwest Airlines supports this legislation, as does Continental Airlines, American Airlines, Delta Airlines. So you might think, well, it must be bad for the airline workers then, right? But the bill is actually supported by the Airline Pilots Association and the Association of Flight Attendants. So both management and labor do support this bill.

This bill is also supported by General Motors and even the Delphi Corporation. So you might think it might be bad for auto workers, right? Well, it is actually also supported by the United Auto Workers Union. In fact, it is also supported by the Affiliated Unions of the Building and Construction Trades Department of the AFL–CIO, the Bricklayers and Allied Craft Workers, the Transport Workers Union, the United Brotherhood of Carpenters and Joiners, and the United Food and Commercial Workers Union.

□ 1445

It is also supported by the U.S. Chamber of Commerce and the Business Roundtable. Any bill that acquires the support of business and labor must be doing something right in today's economy and this climate.

I think we have crafted an excellent piece of legislation. It does what needs to be done: It protects workers pensions. Let us pass this legislation. Let us get it into conference with the Senate, and let us get on with the job of ensuring that workers are secure in the knowledge that the pension that they have worked so hard to get will be there when they retire.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a distinguished member of the Ways and Means Committee.

Mr. DOGGETT. Mr. Speaker, in Texas, gray skies could mean a twister, a hurricane, or just a lot of rain. To avoid disaster, we want a reliable weather forecast. The same when we go to the doctor, a diagnosis before taking necessary action. And the same should also be true of our economic health.

Families that work hard to earn a pension depend on it for retirement security. But too many suddenly find that their pension funds are drained, denying them of the dignified and comfortable retirement for which they have worked a lifetime.

In addition to the many other problems identified here today by my Democratic Ways and Means colleagues, this bill lacks a pension disclosure requirement that would empower workers to understand just how strong or weak their pension plans really are. Having to wait until a retirement fund's bankruptcy is announced in the newspaper is a little too late for employees to take any remedial action to be able to protect themselves.

Both the Government Accountability Office and the Pension Benefit Guaranty Corporation recommend that employees be provided information far beyond the provisions of this bill. I think it is important that we not leave the employees in the dark with corporate employers blocking the light switch.

A majority of the House voted to allow the Federal Government to comb through library records yesterday. Why can employees not be allowed full access to their own pension information today?

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to offer my support also for the comprehensive pension reform legislation that we are now considering. I would also like to congratulate and thank Chairman BOEHNER and Chairman THOMAS for their hard work in getting us to a point where we can make meaningful and necessary reforms to our pension system.

It has become very clear to us that the laws governing pension plans are antiquated. This is evident from recent high-profile bankruptcies, pension plan terminations and the Pension Benefit Guaranty Corporation's, PBGC, latest report of a $22.8 billion long-term deficit. It would be criminal if Congress were to ignore these instances and not do something to protect the interests of workers, retirees and taxpayers alike.

As we have all heard here this afternoon, H.R. 2830 will strengthen pension plan funding rules, provide workers with meaningful disclosure about the health of their pension plans and protect taxpayers from a possible multibillion dollar bailout of the PBGC. I would like to highlight a couple of provisions within the bill that I believe are also vital to the health of the system.

First, many workers and retirees in recent years mistakenly believed that their pension plans were well funded only to receive a shock when the plan was terminated. Without basic information, workers and retirees are left without the most basic tool they need to hold their employers accountable: complete and accurate information about the true funded status of their pension plans. The Pension Protection Act ensures workers and retirees are given timely, accurate and straightforward information about the health of their plans and thus their own financial future. It is my belief that requiring transparency is one of the most important things that Congress can do for employees.

Second, when pension plans are underfunded and worker retirement security is in jeopardy, excessive executive compensation packages can add insult to injury by heaping lavish benefits on executives while workers and retirees wonder if they will have any retirement benefit at all. The Pension Protection Act restricts the funding of such executive compensation arrangements if an employer has a severely underfunded plan. Moreover, it requires plans that become subject to these limitations to notify affected workers and retirees.

Again, I thank the chairmen for their leadership, and I urge my colleagues to support the Pension Protection Act.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a distinguished member of the Ways and Means Committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I cannot think of anything more scary, anything worse than working one's lifetime, working hard every day and then seeing their pension go before them, seeing their pension get terminated. That is the worst possible thing that could happen to a worker and to a family.

We have a system that needs fixing, Mr. Speaker. We have a pension system that has some loopholes where companies could not put money in their pension plan when they needed to, to make them funded, and then we have a system that disincentivizes companies from putting more money in their pension plan to prefund the workers and employees when they have one and they have the will to do so. That is wrong, and that needs to be fixed.

Yet, on the other hand, Mr. Speaker, as this legislation was being drafted, we want to make sure we get to a time where companies fully fund their workers' pensions. Getting to that transition was difficult, and I want to thank the chairman of the Ways and Means Committee, Mr. THOMAS; the chairman of the Education and the Workforce Committee, Mr. BOEHNER, for working with us to address our concerns specifically on behalf of the auto sector. Because of this, the issues surrounding credit balances, plant shutdown benefits and those things that were raised by the auto sector, by the UAW, have been addressed in this legislation, are being addressed in this manager's amendment.

I opposed this bill in committee. I was the only Republican to do so. But, Mr. Speaker, we have fixed this legislation. This legislation is good for labor. This legislation is good for management. But, most importantly, this legislation is good to the employees and the workers of America.

I encourage and I ask for a yes vote on this bill because it is fixed. It is good, and it should pass.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES), distinguished member of the Ways and Means Committee.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

The prior speaker said we have fixed it. Well, if it is fixed, why are the airlines not included in the legislation?

I have been on the floor of the House ever since I came here. My daddy worked for United for 40 years. My sister worked for United for 25 years. My brother-in-law worked for United for 27 years. My niece works for United right now. If we are so concerned about them, why is it not in the legislation?

Secondly, if we fixed it, why is it unclear what happens with cash balance plans that are already in place and the IRS has not given them a decision? We go prospectively, but we do not go retroactively.

In the City of Cleveland, there are four companies that went into a cash balance plan, and cash balance plans are the wave of the future. People want portability. They are not going to work for United, like my dad, for 40 years. They are going to work one place 7 years. They are going to work somewhere else 7 years, and they need to move their money around. It is the wave of the future, and we have not fixed cash balance plans. And I encourage my colleagues to fix it. If they are saying we fixed it, fix it right now.

I want to encourage Mr. BOEHNER, Mr. THOMAS, Mr. CAMP and everyone else: Do not tell us we are going to fix it in conference. Put it in the bill. I would like to see it in writing. I want to see it in red, black, blue, brown, whatever color you want to give it to me. Our promises are idle if it is not in writing. I want this legislation to work for Americans because people do deserve certainty. They deserve certainty. Employers who went into a plan, they even paid up for their employees to deal with the issue of wear-away, and they cannot get clarity on the programs that they have in place right now. Help them. Fix it.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. KENNEDY) for the purpose of a colloquy.

Mr. KENNEDY of Minnesota. Mr. Speaker, I believe that section 122 of this bill is an important public policy statement that says corporate executives who are not properly funding the pension plans of their employees should not be feathering their own nests with overly generous retirement packages. Currently, the bill penalizes employers who fund executive compensation if the sponsor's employee defined plans are less than 60 percent funded. My concern is that by setting this threshold too low, we are not discouraging them enough from being irresponsible with the retirement security of their employees while they take care of their own retirement packages.

I ask the chairman to work with me in conference to increase the threshold to at least 80 percent so that we encourage executives to take their pension funding obligations more seriously, not leave their defined benefit plan beneficiaries and, indeed, the PBGC and taxpayers on the hook.

Mr. CAMP of Michigan. Mr. Speaker, reclaiming my time, I would just say to the gentleman, as chairman of the Select Revenue Measures Subcommittee of Ways and Means, I look forward to working with him on this and other issues as this legislation moves through the process and to conference.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman for his response.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), a distinguished member of the Ways and Means Committee.

Ms. HART. Mr. Speaker, I thank the subcommittee chairman, Mr. CAMP, and my colleagues for working so hard on this bill, along with our chairman and chairman of the Education and the Workforce Committee. Without their urging, this bill would not be on the floor today, and this bill is so extremely important, especially to constituents in my district.

Over the last year, I have met with employees, union members, covered by both multi-employer and single-employer plans, also with the employers to discuss their concerns regarding pensions. Pension protection continues to be their top issue. Many of my constituents have faced challenges to their pensions with companies like U.S. Airways filing for bankruptcy or others turning their plans over to the Pension Benefit Guaranty Corporation.

This bill would establish sensible funding rules, requiring employers to fund 100 percent of their pension liabilities. In this bill, fair consideration is given to those plans which need to catch up, but funding shortfalls must be made up within 7 years. Also, employers are urged to increase their pension contributions during profitable years, which they cannot currently do freely under the present rules.

In addition, the bill encourages greater transparency so that employees know the status and financial health of their own company's pension plan. Ultimately, this is their own retirement financing. They have a right to know. These requirements will create more stability and certainty in these pension plans.

This bill also prohibits employers from funding golden parachute executive compensation plans if the pension plans of the rank and file are underfunded. U.S. Airways executives walked away with $35 million in executive compensation after running the company nearly into the ground and dragging concessions out of their employees, including reductions in pension benefits for pilots and leaving other employees in the dark about the funding of their pension plans. This is unfair to the hardworking employees of these companies, and this bill would prevent such a travesty in the future.

Finally, this bill encourages additional retirement savings by extending and improving incentives to save. The bill makes permanent provisions passed in 2001 to increase annual contributions to IRAs and qualified pension plans and "catch-up" contributions for individuals over 50.

I hope my colleagues will support this legislation because it finally gives employees what they need: stability in their retirement.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL), whose provisions are in this bill concerning split refunds and automatic enrollment and other issues that he has brought to the table.

Mr. EMANUEL. Mr. Speaker, this legislation is a missed opportunity.

As my colleague from Maryland just noted, I have sponsored legislation on the automatic enrollment and 401(k) plans, direct deposit of tax savings into a savings plan, and the savers credit for people with moderate income, to start saving. Why? Because basically almost 80 percent of small business employees have no retirement plan outside of Social Security. For approximately 38 percent of the households in America, the only savings plan they have is Social Security.

By doing what is right, by helping people start up their personal savings through 401(k)s and other types of personal savings, we would actually encourage people to save for their retirement. So this legislation on the defined contribution level takes the right step. And it is so unfortunate because we can get an overwhelming vote for those provisions to help Americans save outside of Social Security. And I am glad we took this year to stop the privatization of Social Security. But in doing that, they have added the provisions on the defined benefit plans. On a standalone, none of that would pass. So what they are trying to do is get the goods through Customs using the defined contributions to get through what I think are some very dangerous provisions as it relates to the defined benefit plans for millions of workers who have basically negotiated a deal with their employers. Because what does this legislation do?

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It makes a bad situation worse.

The PBGC and the Congressional Budget Office have estimated that in fact $9 billion in defaulted plans would be left on the taxpayers. We started 3 years ago with the PBGC, which guarantees all retirement plans in this country, with a surplus. Today, we are running a deficit, and this legislation would make that situation worse. As the old saying goes, when you are in a hole stop digging. This legislation would dig even faster.

Companies, and we know them all, we have seen the stories, are using our bankruptcy laws to literally dump their pension systems, and it is a backdoor to walk out of their obligation. This legislation does nothing to stop companies from dumping their plans, and it does not ensure fairness between workers and executives. So while there are good provisions that relate to the defined contributions, it makes the defined benefit plans much worse.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, pension reform is more than just an accounting issue; it is about protecting the trust between employers and their employees. It is critical for Congress to address this issue and step in and fix rules that no longer work. Many businesses are complying with pension laws. However, the current system is too weak, and many companies have plans that are underfunded. It is time for Congress to step in and reform single-employer pension plans, multi-employer plans, improve disclosure and enhance retirement savings. The bill before us achieves these goals.

The pension bill requires companies to accurately measure how much to contribute to their plans and how much they owe.

This bill also protects shutdown benefits. Those are benefits that are paid to workers who are being laid off because of a plant closing. These benefits are critical to help older workers affected by corporate downsizing. It is imperative that well-funded plans be able to continue to provide their workers with shutdown double benefits, and I am glad this Pension Protection Act preserves this important pension security tool.

The strength of multi-employer pension plans is critical to the retirement security of many Americans. Approximately 1,600 multi-employer plans cover about 9.8 working people in the United States. Multi-employer plans, like single-employer plans, cannot simply be turned over to the PBGC. Therefore, it is even more important to those involved that these plans are properly funded.

This bill strengthens the solvency of multi-employer defined pension benefit plans by providing trustees with the tools to fix the plan's financial situation. The bill requires trustees to adopt rehabilitation plans for critically funded pensions and protects employers from defaulting on their promises.

One important provision of this bill, and perhaps one of the least mentioned, is regarding disclosure requirements. The bill would give retirees and employees better information on the financial condition of their plan. Now workers will be sent information from their plan's sponsor and the plan's ratio of assets to liabilities, the plan's funding and asset allocation policies and other critical information.

While protecting pensions is a focus of this legislation, the bill does much more than that. It includes new opportunities for people to prepare for their retirement and bolster their savings. The bill provides individuals with new insurance products that help Americans better afford long-term health care costs.

I applaud the work of Chairman THOMAS and Chairman BOEHNER and urge support of this bill.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am sure that people who are watching this debate are somewhat confused about some of the technical provisions that we have talked about on the funding of a guaranteed fund. But let me try to simplify it.

The bottom line is that the total changes that are being suggested make it more rigid and less predictable for those companies that have traditional pension plans as to how much money they have to put into the guaranteed fund. Understand that the guaranteed fund is funded by the companies making contributions to the guaranteed fund. It is not funded by the government.

So if you have a plan that is well-funded and you are now being told it is going to cost you more to stay in that plan, there is an incentive for you to freeze your plan or to leave. That is what is going to happen, and that is why we are very concerned about many people losing their traditional pension plans as a result of this legislation.

The second point, let me point out, is that many Members have been talking about the airline industry and to try to help the airline industry. I pointed out that I think we should do that. We should do that because, A, it will allow the guaranteed fund to concentrate on other plans, and companies will not arbitrarily cancel their plans because they are afraid they are going to be stuck with the costs of bailing out the airline industry. That makes sense. But we are told: We are going to do that in conference, trust us.

We are the legislative body. We should do it. How do we know what is going to come out of conference? It is our responsibility to make sure it is done. We made some changes for the auto industry. Why have we not brought in those provisions? It is our responsibility to do it.

And I haven't heard anyone talk about how we are going to correct the problem of an industry going into bankruptcy in order to save their costs. Is there any hope that that will come out of conference? I doubt it.

We can do better. I urge my colleagues to reject this bill.

Mr. CAMP of Michigan. Mr. Speaker, I yield the balance of my time to the distinguished chairman of the Education and Workforce Committee, the gentleman from Ohio (Mr. BOEHNER).

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from Ohio is recognized for 3 minutes.

Mr. BOEHNER. Let me thank my colleague and my friend and classmate, Mr. CAMP, for yielding me time, and thank all of my colleagues for what I think has been a very healthy debate today about how we strengthen America's pension system.

We have heard Members argue that the bill that we are bringing before us is too difficult, that we will force companies out of pension plans and leave their employees hanging; while others have argued that the rules are not tough enough, and we are keeping the door open to irresponsible practices.

I truly do believe that we have a bill that is balanced, that will not push employers who have these plans out of the system and will protect American workers who have been promised these benefits.

If we do not act, we know exactly what is going to happen: Millions and millions more Americans are going to lose an opportunity for a defined benefit pension plan, and millions of Americans who already have one are going to be at risk that they will not have their plan. So Congress must act.

Not only did we deal with single-employer pension plans, but we have not talked much about multiple-employer pension plans that you find traditionally in the trucking industry, the food industry and others. And while they have not been talked about much today in this debate and the administration did not propose changes, there are serious changes to the multi-employer pension system in this plan that will help strengthen that system.

Those plans, by and large, are healthier than single-employer plans, and we have labor and management on both sides in the multi-employer sector come together to put rules in place so that their plans can never get into a very weakly funded position. I am glad they are in the bill.

Lastly, let me point out that there are large numbers of groups supporting this bill. Every major labor organization, with the exception of several, is supporting this bill. Many in the management sector in every large business organization is supporting this bill. Why would all of the labor organizations and the business organizations all be on board in support of this bill? Because they think it is balanced. They think it is the right thing to do, and they know that Congress needs to act.

Is everything perfect in the bill? No. As the gentleman pointed out, we have got airline relief that we will probably be talking about again soon. Our commitment is to deal with this in conference.

My colleague from Ohio talked about the need to go further on cash balance language. I certainly agree with her. There are 7 million Americans who have cash balance plans or other types of hybrid plans. We need to provide legal certainty for those who have converted to a cash balance plan so that we do not put in jeopardy the 7 million Americans counting on benefits from those plans.

We have a good bill. I would urge my colleagues to support it.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in strong opposition to the Pension Protection Act of 2005. This Act does not protect the American worker. In fact, this bill places the future of today's American worker in jeopardy.

Even worse, this bill places those who have put in the years and worked hard at the mercy of bad management decisions.

Furthermore, pensions are a financial safety net that many Americans and businesses pay into. Pension programs are an important factor when workers choose a job and it plays a large part in financial planning.

Many people go their entire career thinking they will have this money upon retirement and regularly contribute even when they could use the money to take their family on vacation or buy their children clothes. Instead, they place earnings into their pensions as much in the short run as they will need in the future.

Pension plans are as much about personal responsibility as they are about good financial planning.

The American worker's pension should not be a pawn for businesses to navigate bankruptcy. I am especially concerned about the adverse affect this bill has on women.

As a Member on the Aviation subcommittee and a frequent flyer, I have worked for years with airlines and flight attendants.

Many, many airline employees are women. Many of those women are single mothers. Without a guaranteed source of retirement income, it is almost impossible for these women to stay in the employ of the airlines—and worse yet, many of these women have already put in years of hard work and have already lost upwards of 75 percent of their pensions.

Mr. Speaker, my office has received a towering pile of heartbreaking letters from people whose pensions have been lost.

How do we as Members of Congress tell these people that after all these years of paying into a pension—working toward a retirement—they have to make other plans for their golden years.

We have an opportunity to do some real good. We have an opportunity to strengthen the commitment between the employers and workers, however this bill further drives a wedge between the two.

Vote no against this bill today and let us pledge to come back during the second session of the 109th Congress and do this right.

We owe it to the American people to take their financial future as seriously as they do. Vote no on the Pension Protection Act of 2005.

Mr. HOLT. Mr. Speaker, I rise to express my opposition to the pension reform legislation that we are considering today. I oppose this legislation because it will further erode an employer's willingness to provide defined benefit plans and will close the loopholes that allow companies to dump their pension obligations on to taxpayers.

Throughout the 1990's, in American workplaces a dramatic shift from traditional defined-benefit plans to defined-contribution plans occurred. Rather than being able to count on a regular pension check of a specified amount each month for the rest of his or her life, many workers must now put money in a mutual fund or other investment and take what comes each month for as long as it may last. Many other companies began to "cash out" their pensions giving employees a cash balance payout, claiming it was equivalent to a pension. It is not equivalent to a pension. Furthermore, some companies have used the Pension Benefit Guarantee Corporation to bail them out of their financial troubles. Now, millions of workers have entered retirement, only to learn that their company could not provide the benefits they had been promised. The Pension Benefit Guarantee Corporation has amassed a $23 billion deficit, jeopardizing its ability to insure defined pension benefit plans. As millions of more workers face reduced benefits, it is clear that Congress must find an effective solution to this problem. Unfortunately, the legislation we are considering today will not strengthen the defined benefit program or help to ensure that millions of workers receive the benefits they have been promised and planned on for retirement.

Unlike the Democratic substitute that Representative MILLER and Representative RANGEL tried to offer, this bill will not make it more difficult for companies to use the bankruptcy code to dump their pension obligations to the Pension Benefit Guarantee Corporation (PBGC). The decision of United Airlines to force the PBGC to cover its pension obligations resulted in reduced benefits for its employees and retirees and shifted its burden to fulfill pension promises on to the American taxpayer. As a result of United Airlines action, the PBGC was forced to absorb $8 billion in guaranteed benefits, and employees and retirees lost $3 billion in their earned pension benefits. Then the directors of the reorganized company gave themselves bonuses. Northwest and Delta Airlines, as well as companies such as Delphi are also on the verge of following in the path of United Airlines. This will undoubtedly increase the PBGC deficit, and further jeopardize its ability to insure pension plans. I hope that when this bill moves to conference, the conferees will include important provisions from the Democratic substitute that will reduce a company's ability to dump their pension liabilities to the PBGC. Specifically, pension reform legislation should include measures that require companies to seek alternatives before terminating their pension plan and require companies to prove that the plan is unaffordable in a court of law.

I also believe that the provisions in the bill that legalize cash balance plans will hurt millions of workers. Over 8 million workers have already been affected by cash balance conversions, before the courts put a hold on the discriminatory way companies converted to these cash balance plans. The GAO has estimated that without older worker protections over 85 percent of younger workers and 90 percent of older workers would loose expected pension benefits if a defined benefit plan were converted to a cash balance plan. Legalizing cash balance plans will hurt workers that are nearing retirement and will cause more anxiety for younger workers that must plan for retirement with uncertain benefits.

Although I will oppose this bill for the aforementioned reasons, there are provisions that I believe will benefit workers. For example, this legislation will allow employers to give their employees access to professional investment advice. With the dramatic increase in hybrid plans and defined contribution plans, employees are now faced with making multiple investment decisions that will have a profound impact on their retirement security. This investment advice provision will ensure that workers will be able to make informed decisions regarding their future.

American workers deserve to know that their pension is secure and that they will receive the benefits that they have been promised during their years of service. As this bill moves to conference, I hope the conferees will be able to improve the shortcomings of this legislation so that we can pass legislation that will preserve the defined benefit pension system.

Mr. MARKEY. Mr. Speaker, I rise in opposition to the so-called pension "reform" bill today on the House Floor.

The bill before us today fails to address fundamental problems that have robbed millions of hard-working Americans of the retirement benefits they have earned. This Republican bill will not prevent companies from dumping their pension plans onto the Pension Benefit Guarantee Corporation (PBGC), which already is burdened with a $23 billion deficit and may have to be bailed out by taxpayers. This bill does nothing to protect older workers when their pension plan is converted to a "cash-balance" plan that could short-change them of the benefits they have accrued. This bill also contains provisions that increase the costs and regulations for companies to maintain pension plans to the point that many companies will freeze or abandon their plans, accelerating the growing pension crisis.

Democrats were not permitted to offer amendments to improve this bill. While I cannot support this flawed, misguided Republican bill, I support the Democratic Substitute offered by Representative MILLER, Representative RANGEL and Representative CARDIN. The Democratic Substitute would stabilize existing pension plans by extending for 2 years the corporate-bond-rate used to determine PBGC liabilities, encourage employers to maintain defined benefit plans without cuts in workers' pension benefits, and protect older workers during cash-balance conversions.

As the pensions of workers remain at risk, I am concerned about conflicts-of-interest, hidden financial arrangements and unlawful activities that may be causing or contributing to the poor financial health of pension plans at companies across the country. In May 2005, the Securities and Exchange Commission (SEC) released a report, "Examinations of Select Pension Consultants", that revealed significant conflict-of-interest and non-disclosure issues within the pension plan consultant industry. Specifically, the SEC found, among other conclusions, that:

> [P]ension consultants may steer clients to hire certain money managers and other vendors based on the pension consultant's (or affiliate's) other business relationships and receipt of fees from these firms, rather than because the money manager is best-suited to the client's needs. Such a conflict can compromise the fiduciary duty that investment advisers owe their clients.

The findings included in the Commission's report are particularly disturbing for pension plan beneficiaries, whose benefit payments are dependent upon their plan management's diligent performance of its fiduciary duties, and for the Federal Government, which is faced with an enormous deficit at the Pension Benefit Guaranty Corporation (PBGC) as a result of a series of massive corporate bankruptcies that have resulted in PBGC assumption of severely underfunded pension plans terminated when the corporations entered bankruptcy.

Representative MILLER and I have requested that the Government Accountability Office (GAO) investigate whether the Federal Government is aggressively regulating and enforcing statutes intended to protect pension plans and their beneficiaries from conflicts-of-interest and similar undisclosed relationships that can impair pension fund returns. We have urged GAO to examine whether any of the 3,500 terminated pension plans that are now the responsibility of the PBGC may have been adversely affected—prior to PBGC assumption ofthe plans' liabilities—by the types of conflicts and hidden financial arrangements uncovered by the SEC.

I am hopeful that the pension legislation considered today by the House will be greatly improved during the conference with the Senate, so that we can have a vote on pension reform legislation that actually addresses the real problems that exist in the current system. Additionally, I look forward to GAO's work in the important area of pension fund consultants. The ongoing crisis in the pension fund marketplace requires a thorough, independent review to identify problems with government regulation and enforcement and recommend improvements. American workers have relied on the pension promises of their employers. It is unconscionable to abandon these workers.

I urge a "no" vote on this Republican pension bill, and a "yes" vote on the Democratic Substitute.

Mr. GUTKNECHT. Mr. Speaker, I rise to speak on behalf of 7,000 current and former IBM employees who live in my district. While most of this bill is necessary and the legislation is appropriate, the weakness of the bill is that it fails to clarify the rules concerning the conversion of defined benefit pension plans into cash balance pension plans.

I understand the bill will not affect the IBM employees and their court case. It could, however, affect millions of Americans that are currently vested in defined benefit pension plans. Even though they may be working for a very profitable company, they could, under the terms of this bill, show up for work one day and learn that their promised benefits have been dramatically reduced with the sweep of a pen.

Under cash balance plans, older, long-serving employees do not have the same opportunities to build up retirement benefits that younger workers do. The bill before us today would allow conversions to take place but gives no protections to workers during these transitions. I offered an amendment last night at the Rules Committee to provide protections to vested workers. Unfortunately, the Committee did not rule my amendment in order.

The Senate version of the bill contains more protections for workers. For those and other reasons AARP supports the Senate passed bill and opposes the House bill. I would hope protections like the amendment I tried to offer will be incorporated in the final version.

While I am voting today to move the bill forward into conference with the Senate in the hopes more worker protections can be added, I reserve the right to oppose a report that fails to correct this glaring omission.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in opposiiton to the so-called Pension Protection Act and in support of the Democratic motion to recommit.

There is no question that our Nation is facing a pension crisis. Over 34 million American workers currently rely on the benefits they receive from a defined benefit pension plan to make ends meet. Yet, with the growing number of corporations cutting pension benefits or declaring bankruptcy, people are increasingly concerned about their retirement security. More and more, American workers are facing the prospect of seeing their employers use our Nation's bankruptcy laws to back out of their pension promises and turning their obligations over to the Pension Benefit Guaranty Corporation (PBGC)—which only partially funds promised benefits.

Unfortunately, the bill before us today is a missed opportunity to provide American workers with real pension protection.

H.R. 2830 makes significant changes to the rules for defined benefit pension plans, increases the premiums that companies pay into the PBGC, and does nothing to prevent companies from dumping their pension obligations on American taxpayers. According to the Chief Investment Officers of over sixty percent of our Nation's largest pension plans, these likely will lead to cuts or terminations of existing plans. According to the Congressional Budget Office, this legislation would add over $70 billion to the federal deficit and fails to improve the PBGC's financial condition by increasing the agency's financial shortfall by $2.5 billion.

Rather than allowing an open debate on this important issue, the majority leadership has chosen to close this bill from amendments or even allow consideration of a Democratic substitute. The Miller/Cardin motion to recommit protects American pension benefits by making it harder for companies to declare bankruptcy and abandon workers pensions, protects worker's retirement security by providing employers with pension funding stability and gives the airlines the tools they need to shore up their employee pension plans. This alternative would provide American workers with real pension protection, rather than continued retirement insecurity.

Mr. Speaker, today's legislation is the latest in a series of attempts to privatize profits and socialize losses. It is my sincere hope that as we move into conference, we can produce legislation that will protect the hard earned pension benefits of our Nation's workers.

Mr. NORWOOD. Mr. Speaker, I rise in strong support of the Pension Protection Act (H.R. 2830), legislation that responds to the many challenges currently facing the financial health of the defined benefit pension system.

The defined benefit system provides millions of American retirees and current workers with retirement benefits earned over the course of a lifetime. Yet the rules governing the structure of the defined benefit system are geared towards a 20th century workforce that no longer exists. The Pension Protection Act will bring these outdated rules into the 21st century and respond to the rapidly evolving American workforce that is more fluid, technologically advanced and diverse than ever before.

H.R. 2830 accomplishes this goal by implementing four commonsense reforms that hold employers to a higher standard and will ensure the fiscal future of the defined benefit system: (1) The legislation will ensure employers properly and adequately fund employees' defined benefit pension plans; (2) provide meaningful new disclosure to workers about the status of their pension plan; (3) secure the financial future of the Pension Benefit Guarantee Corporation (PBGC) and prevent a possible multi-billion dollar taxpayer-funded bailout; (4) encourage greater employee savings for retirement goals by reforming outdated defined contribution plan rules.

The legislation also prohibits executive compensation arrangements when a rank and file employee pension plan is severely under-funded. This important provision will prevent corporate chieftains from escaping via the golden parachute when an employer carries a qualified pension plan that is 60 percent underfunded or more. After all, the average working man in rural Georgia deserves nothing less than a corporate executive in New York.

And while H.R. 2830 includes important reforms to ensure employers more accurately fund their pension obligations, it also holds union leaders to a higher standard as well. Over the years, union leaders have exerted tremendous pressure on employers in every commercial sector by negotiating benefit increases to defined benefit plans that are already under-funded.

While many employers have not held up their end of the bargain by responsibly funding plan benefits, union leaders are equally responsible for misleading their workers and pushing for unrealistic benefit increases knowing full well an employer's plan is already under-funded. This is no less outrageous, and H.R. 2830 takes important steps to prevent union leaders and employers from negotiating unrealistic benefit increases that will only hasten plan failure and an eventual taxpayer bailout.

In addition, the compromise measure includes a series of requirements to address "Critical Multiemployer Plans" funded between 65 percent and 70 percent. These plans face significant and immediate funding problems. H.R. 2830 not only strengthens the funding requirements for critical plans, it also requires trustees to develop a rehabilitation proposal to show a 20 percent improvement over 15 years.

Mr. Speaker, the number of employer sponsored defined benefit plans are declining by the day, down from an all-time high of 170,000 in 1985 to 30,000 today. This is unacceptable. Congress should not sit idly by while the defined benefit system continues to die on the vine, and for that reason I urge all of my colleagues to avert the pending retirement security crisis by passing the Pension Protection Act today.

Mr. UDALL of Colorado. Mr. Speaker, I must reluctantly oppose this legislation.

I support changing the current rules related to pensions, and had hoped that this bill would be considered under procedures that would allow it to be improved.

However, the Republican leadership has made it impossible for even a single amendment to be considered—and the bill's flaws so outweigh its good features that it should not be passed in its current form.

Among the most troubling aspects of the bill is its potential effect on defined-benefit pension plans.

Some 34 million Americans are now covered by defined-benefit plans, but their retirement security is threatened by the failure of some companies to adequately fund the plans, by corporate bankruptcies such as that of United Airlines, and consideration by even profitable companies of freezing benefits and ending their plans.

And many of the people who manage large pension plans tell us the result of enacting this bill's provisions that would make significant changes to the rules for these plans and increase the premiums companies pay the Pension Benefit Guaranty Corporation, PBGC, could be benefit cuts or, worse, termination of even well-funded plans.

At the same time, the bill's requirements for increased payments to PBGC threatens the financial health of many manufacturing companies and fail even to adequately improve PBGC's financial condition—its own analysis found that the bill would increase the agency's financial shortfall by $2.5 billion.

And both the Congressional Budget Office and PBGC have concluded that the bill would increase claims on the Federal Government by billions of dollars, which would increase the likelihood of a massive taxpayer bailout as well as the loss of billions of dollars in employee and retiree benefits.

I am not prepared to support legislation that would increase the chances of such outcomes, especially when its tax provisions would substantially increase future budget deficits and would primarily benefit taxpayers in the highest income groups.

According to the Joint Committee on Taxation, the revenue effects of the tax provisions primarily benefiting higher-income households would grow from $3.6 billion in 2012, the first full year affected, to $5.6 billion a year by 2015. But the effect of extending the saver's credit, which is most important to lower-income households, would fall from $1.4 billion in 2008, the first full year affected by that provision, to $943 million by 2015.

That means that while in 2012, the saver's credit would account for one-fourth of the total benefits of all of these provisions, by 2015 it would account for only 14 percent of the total benefits. And after that the saver's credit would dwindle further, eventually fading away, while the upper-income pension tax changes would become still more robust.

As the Center on Budget and Policy Priorities says, "To allow the severe erosion over time of the principal tax incentive for modest-income families to save for retirement does not make sense as retirement policy. To do so while protecting very generous retirement tax-cut benefits that go overwhelmingly to higher-income taxpayers who generally are able to save adequately for retirement anyway, without these tax subsidies, is even less defensible. And incorporating regressive tax policy of this nature into a bill that swells budget deficits, and opens the door to still more deficit-increasing tax cuts in the future, stands sound policy on its head."

I think they are right.

And, in addition to badly framed provisions, the bill's flaws also include some serious omissions. I am particularly disappointed there is nothing in the bill like the bipartisan Senate-passed provisions to protect the pensions of employees and retirees of airline companies. As Coloradans know all too well, the employees and retirees of United Airlines already have lost $3 billion in earned pension benefits. We should be working to help them, and we also should be working to make it less likely that their experience will be repeated.

In summary, Mr. Speaker, while I recognize that there are good aspects to this bill, and while I think Congress does need to act on this subject, I think that on balance the bill as it stands should be rejected so that a better-balanced measure can be brought forward.

Mr. BLUMENAUER. Mr. Speaker, the income security of Americans has been under constant attack by the administration and Congress this year, especially those families who have not had the good fortune to earn a living that places them in our highest income brackets.

The year started with efforts to dismantle Social Security, an efficient program that is the primary source of income for a majority of retirees. Next, a slanted bankruptcy bill that puts no burden of responsibility on unscrupulous lenders and credit card companies and all of it on the families that face hardships from large medical bills, family breakups, and job losses. Congress has been wringing its hands the last couple of months over which programs for America's most vulnerable should be cut so tax cuts can be extended years from now.

The latest attack on the security of American families is this pension bill. It is clear that the Pension Benefit Guaranty Corporation must be strengthened and that rules must be put in place to ensure companies adequately fund the promises they make to employees.

Instead, the Congressional Budget Office has reported that this bill would actually increase the PBGC's deficit by $9 billion over the next 10 years. The bill also legalizes cash balance plans without protections for long serving employees. It has been reported that without older worker protections over 90 percent of older workers would lose expected pension benefits if a defined benefit plan were converted to a cash balance plan. Additionally, this bill does nothing to help the struggling airline industry that has already seen United Airlines employees and retirees lose over $3 billion in earned pension benefits.

Strengthening the pension system and providing security to all families should be a priority of Congress and can be achieved with fiscal responsibility and fair policy. This bill falls short on both accounts.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 2830, which would be better titled the Republican Pension Destruction Act. American workers deserve much better than a bill that will reduce employee pensions and provide incentives for employers to break pension promises to employees.

Recent bankruptcies in the airline industry shed a bright light on exactly what big corporations are up to. A few months ago, United Airlines dumped its flight attendant pension program onto the Pension Benefit Guaranty Corporation (PBGC)—a government organization meant to serve as an insurance policy for corporations who can no longer afford to meet their pension obligations. The PBGC, however, does not fund pensions at 100 percent, instead making a reduced payment to retired employees.

As a result, tens of thousands of United employees, past and present, will receive smaller pension payments than they deserve. Unbelievably, in the same bankruptcy proceedings United Airline's CEO Glen Tilton was allowed to keep his $4.5 million pension. This is unacceptable, and the bill offered today does nothing to prevent CEOs from opening these golden parachutes while their employees are forced to take a reduction in their benefits.

I've heard from hundreds of constituents on this issue. I can't say it any better than this former United employee from Hayward, CA who made the following statement during an e-hearing I have been co-hosting regarding the United Airlines crisis.

"I worked for United Airlines 35 years as a mechanic. Two years ago I retired with the promise that my pension was safe. If I lose a big chunk of pension I will have to sell my house and take my almost blind wife to another state where it's cheaper to live. Away from our doctors and family. I am not able to work anymore—physically unable—can you help us?"

We could help United employees and the retirement security of millions of Americans by passing real pension reform, but Republicans would rather destroy pensions instead of protecting them. When Democrats offered legislation to fix the pension solvency issue by protecting retirees and forcing CEOs to be held accountable, the Republican Majority wouldn't bring it up for a vote because it could have passed. Sadly, this is just one more example of Republicans siding with corporate campaign donors instead of working Americans.

The list of problems associated with this bill is seemingly endless. The PBGC itself says its own ability to cover pensions will decrease by $2.5 billion under this bill. The Republican bill does nothing to protect airline employees. And in a final slap in the face to hardworking taxpayers, the bill adds $71 billion to the deficit over the next 10 years, because Republicans refuse to be fiscally responsible and pay for their reforms.

This Republican pension bill undermines retirement security and puts the once guaranteed pension benefits of millions of hard working Americans in jeopardy. I urge all my colleagues to vote "no" on this bill.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in reluctant support of the Pension Protection Act of 2005, H.R. 2830. I commend the authors of this bill who worked with elements of the union movement to craft legislation designed to address some of the issues affecting the employer-provided pension system. Key stakeholders in Michigan's 13th Congressional District support the bill that we will consider today. Organizations like General Motors, Ford Motor Company, the United Auto Workers Union, building trade unions, Northwest Airlines, airline pilots, flight attendants, and more have contacted my office to express their support for the bill.

The leadership of my party has pointed out that the bill has several major shortcomings. My leadership argues that H.R. 2830 does very little over the long-term to strengthen traditional, defined benefit plans. Had the majority permitted Members on my side of the aisle to amend the bill, I am sure that our suggestions would go a long way to improving the legislative product before us. We, however, are being denied that opportunity, and I must decide what best represents the interests of the income security needs of my Southeast Michigan constituents. After careful examination, I have decided to support the passage of H.R. 2830, but with the hope that it will be improved when a compromised is reached with the other body.

My district is the center of the world automotive industry. As my colleagues know, the economic condition of the GM, Ford Motor and Daimler-Chrysler is under stress. The workers employed in local plant sites throughout the Nation feel their future income security is threatened because their pensions are dependent on the financial health of company-sponsored plans.

All in all, this bill strengthens funding for employer pension plans and includes reforms advocated by companies and unions who participate in multi-employer pension plans. Therefore, I vote for this bill with hope that it will move the process forward to address the pension concerns of the airline industry and airline employees and the concerns of our steelworkers, who take exception with shutdown provisions of the bill to address the pension needs of companies in total "shutdown" status.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in strong support of H.R. 2830, The Pension Protection Act of 2005. This bill addresses a serious issue facing our Nation. The ultimate enactment of pension reform must be a priority to this House and the Congress.

I congratulate and thank Chairman BOEHNER and Chairman THOMAS for crafting a comprehensive pension reform bill with so much support from the business and the labor communities.

This legislation represents a successful compromise that will help protect workers in the auto industry and also protect the major U.S. auto manufacturers against loss of promised benefits or plan terminations.

One area that remains to be addressed in conference is the issue of airline pension plans. The Cincinnati/Northern Kentucky Airport is one of the Nation's busiest. It is home to Delta Air Lines' second largest hub. Thousands of men and women in Kentucky's Fourth District work for airlines. They depend on the retirement benefits provided by the airline industry.

Without a change in current law that allows air carriers with Defined Benefit plan obligations to make their pension payments over a longer period of time—20 years—it is possible that some or all of these plans will be terminated, benefits reduced and liability shifted to the American taxpayer.

The airlines want to keep their promises to their employees. They want to honor their obligations. They do NOT want to terminate their pension plans nor to reduce benefits. But, they need to be equipped with the tools necessary to have a fighting chance to keep those promises.

The Senate airline pension language is carefully crafted to meet the particular concerns of all the major carriers and provide them with a 20 year period to meet their obligations.

Although we are not addressing this specific issue today, I strongly support continued pursuit in conference of the Senate-passed airline pension provision.

Finally, I wish to thank my colleagues on the Ways and Means and Education and Workforce Committees and their staff for the hard work that has brought us to this point today. I urge all of my colleagues to vote in favor of final passage.

Mr. VISCLOSKY. Mr. Speaker, I rise today in opposition to H.R. 2830. I am old enough to remember a time when everyone on my block in the Glen Park section of Gary, Indiana had a pension. The defined benefit pension system today, which protects the retirement security of over 44 million workers, retirees, and their families, is at a critical juncture. The number of defined benefit plans has declined from over 100,000 in 1985 to under 32,000 in 2004. While the number of active workers covered by such plans has dropped from over 40 million to under 20 million, an additional 20 million retirees depend on defined benefit plans for their retirement security.

Both the Congressional Budget Office and the Pension Benefit Guaranty Corporation have found that H.R. 2830 will add billions more to the PBGC's already mounting deficit. According to the CBO, this legislation would increase the PBGC's deficit by $9 billion dollars over the next ten years. The PBGC is already facing a deficit of $23 billion and could face additional liabilities of up to $100 billion in the near future.

In the five years leading up to the closings of LTV and Bethlehem Steel, steel companies in North America were filing for bankruptcy in record numbers, using the bankruptcy courts to break their contractual obligations and impose cuts or outright elimination of jobs, benefits, pensions and wages of steelworkers. In 2000, LTV Steel filed for Chapter 11 bankruptcy for protection from its creditors, including its obligations to its pension plan. In 2002, LTV filed Section 7 bankruptcy, which liquidated its assets. Today's legislation would put additional pressure on an agency that is already picking up the slack because corporate America has used them as a dumping ground.

In addition, H.R. 2830 does not ensure fair treatment between workers and executives. The bill permits CEOs to receive executive golden parachutes at the same time employees are suffering deep cuts in their promised retirement benefits. Under H.R. 2830, if an employer does not fund its pension plan above 80 percent, then workers cannot receive any increases in benefits or take a lump sum at retirement. No similar restriction is imposed on executives. If an employer does not fund above 60 percent, then the workers' plan must be frozen with no new benefits allowed to accrue. Only at 60 percent are employers prohibited from transferring funds to executive compensation. However, employers can get around this prohibition and make promises of future benefits to executives. I find this deplorable at a time when we are seeing companies like Delphi abuse the system. Under Chapter 11 reorganization, Delphi could award 500 of their executives cash bonuses of 30 percent to 250 percent of their base salary for exiting Chapter 11.

In closing Mr. Speaker, I urge my colleagues to oppose H.R. 2830. According to CBO, H.R. 2830 would increase the Federal deficit by over $70 billion from 2006–2015. It contains a variety of unoffset tax incentives for corporate America that will not secure the pension of the hardworking men and women who are making our steel, mining our coal, building our homes, and flying our airplanes. Congress owes working Americans more.

Mr. PAUL. Mr. Speaker, while H.R. 2830, the Pension Protection Act of 2005, is not perfect, it does decrease the risk that employees will be deprived of pension benefits they were promised as part of their employment contracts. H.R. 2830 also decreases the likelihood that American taxpayers will be forced to bailout private pensions, and reduces the tax burden on American workers to provide them with greater incentives and opportunities to save for their own retirements. Therefore, I will vote for this bill on final passage.

However, I oppose this rule, because I do not like the process under which this bill is being brought to the floor. The rule before us today does not allow any member to offer, or vote on, amendments that may improve this bill. In particular, I was hoping to vote on an amendment protecting United Airline retirees from having their pension benefits reduced or terminated even though United expects to make $1 billion in profit within 1 year of being discharged from bankruptcy. The Senate version of the bill does address same problems of the airline industry. However it fails to protect United Airlines retirees. The Federal Government should not facilitate a large companies getting out of its contractual obligations to their retired workers. I, therefore, urge my colleagues to protect the pensions of retired United Airline employees by rejecting this rule and voting for a rule that allows us to consider adding, language helping the United Airline retirees to the bill. If this rule does pass, I urge my colleagues to move the process foreword by voting for the bill and working to add language protecting the United Airline pilots to the bill when it goes to conference with the Senate.

Mr. BRADY of Texas. Mr. Speaker, I rise today in strong support of H.R. 2830, the Pension Protection Act of 2005. I applaud the chairman of the Ways and Means Committee, the distinguished BILL THOMAS, as well as the chairman of the Education and Workforce Committee, JOHN BOEHNER, for their hard work and leadership on this issue. Protecting the pensions of millions of Americans is a top priority for this 109th Congress and H.R. 2830 is strong legislation designed to that end.

I rise today to also thank Chairman THOMAS for his inclusion in the Pension Protection Act of legislation I introduced related to the waiver of a 10 percent federal tax penalty for public safety employees—our Nation's firefighters, police officers and emergency medical personnel. People who put their lives on the line for us everyday deserve our full support and they are receiving that support here today thanks to Chairman THOMAS.

Many public safety personnel begin their careers at a young age. They will vest in their regular pension plans and, even if they participate in one of the new deferred plans and remain on the job longer, will be eligible for retirement before they reach age 55.

For example, in Houston the average firefighter begins his career at age 23. After 20 years of service, now age 43, the average firefighter is fully vested in the regular pension fund and can retire and begin receiving benefits immediately. Today, the firefighter can participate in the deferred plan for up to an additional 10 years. If the firefighter participates for the full 10 years and then elects to retire, he or she will be age 53 and, in general, will not be able to take distributions prior to the age of 59½ without triggering the 10-percent penalty.

For distributions to public safety employees that are subject to the 10-percent penalty, section 905 of H.R. 2830 would waive the penalty. This provision has received considerable attention and support during this and previous Congresses. The effort began in 2002, when my Texas colleague, Congressman GENE GREEN, introduced H.R. 4796. Later that year, Senator JIM INHOFE introduced companion language, S. 3072.

Mr. Speaker, in closing, I want to applaud my House colleagues and, particular, Ways and Means Chairman THOMAS, to whom I would like to express the deep gratitude of our Nation's firefighters, police and emergency medical service employees for including section 905 in the House bill and moving the issue forward.

I strongly urge my colleagues to support passage of H.R. 2830, the Pension Protection Act.

Mr. RAHALL. Mr. Speaker, the House today passed the Pension Protection Act. I voted in favor of this legislation, though with great reservation.

The Pension Protection Act is a comprehensive attempt to reform our Nation's pension laws. Congress is taking up this issue in the wake of several major corporations defaulting on their pension plans. American workers are crying out for assistance as their nest eggs, for which they've worked their entire lives, are shrinking before their very eyes. I don't think anyone can argue the fact that something must be done.

But H.R. 2830 is a far cry from what is needed to place our pension system on a strong foundation. I am concerned that the workers in many of our Nation's oldest industries are going to lose out when this legislative process shakes out. I am concerned that the future of the defined benefit—and the future of the worker's nest egg built through a defined benefit plan—is in jeopardy. And I am concerned that companies will continue to be able to dump their negotiated pension plans through bankruptcy proceedings.

Today's bill does not go far enough in alleviating my concerns.

However, I can tolerate this legislation for the simple reason that it gives us an opportunity to go to conference and improve this bill. And improve it we must—or I will be unable to support final passage on a conference agreement.

Today's debate was a needed and necessary exercise. But as we look to conference, we must remain focused on protecting the retirement dreams, and indeed the American dream, to which so many of our workers look forward.

If the conference report doesn't include the silver lining of pension protection our workers will depend upon in their golden years, I will be unable to support this bill on final passage.

Mr. VAN HOLLEN. Mr. Speaker, the good news is that this Congress is at long last attempting to address the looming crisis in our nation's pension system. The bad news is that the best available evidence suggests that today's optimistically entitled Pension Protection Act doesn't achieve its stated objective.

Pension rules are complex. But in my view, the goals of pension policy are really pretty simple. First, we must protect taxpayers from an S&L style bailout of the Pension Benefit Guaranty Corporation (PBGC). And second, we must shore up the long term viability of the pension benefits promised our workers.

The PBGC today faces a current deficit of about $23 billion, with additional liabilities estimated at up to $100 billion. However, rather than closing that gap, H.R. 2830 actually increases the PBGC's deficit by $9 billion over the next 10 years, according to the Congressional Budget Office (CBO).

Mr. Speaker, I simply cannot support pension legislation that puts taxpayers in greater jeopardy than they already face today.

With respect to pension security, we would do well to recall the Hippocratic admonition to "First, Do No Harm". Congressional action that results in companies terminating or freezing or failing to establish defined benefit plans in the first place hurts precisely the same workers we say we are trying to help. Yet that's precisely what this bill does.

A recent survey of the Committee on Investment of Employee Benefit Assets (CIEBA), an organization representing Chief Investment Officers from the nation's largest corporations, found that 60% of pension plans would be frozen or terminated if this legislation becomes law. The CIEBA goes on to warn that HR 2830 would "have long term consequences for current and future workers, with the potential to damage the retirement security of millions of Americans."

If we are not effectively securing the earned pension benefits of our workers, then what are we doing here today?

Mr. Speaker, I have a final objection to today's proceedings regarding the inability of our side to offer a Democratic substitute. If we had been allowed a substitute, this House would have had an opportunity to debate a range of critical issues not adequately addressed by the underlying bill—including the inappropriate use of the PBGC as a dumping ground for underfunded pensions run by companies seeking a competitive advantage in the marketplace, the right of older workers not to face age discrimination under federal pension rules and the ability of all workers to receive disinterested investment advice for their company sponsored defined contribution plans. Because the majority has abused its procedural power to block our alternative, these and other important issues that ought to be receiving our careful attention will not see the light of this day.

Mr. Speaker, for the sake of the millions of hardworking Americans counting on their hard-earned pension benefits to support themselves and their families in retirement, this Congress has an obligation to pass meaningful pension reform.

However, I cannot and I will not support pension legislation that further imperils the taxpayers and workers real pension reform is supposed to serve.

I urge my colleagues to vote no on H.R. 2830, and I yield back the balance of my time.

Mr. STUPAK. Mr. Speaker, today, the House of Representatives passed the Pension Protection Act on a vote of 294–130. I voted in favor of this bill in order to move the legislative process forward because failure to approve pension reform legislation endangers the retirement security of hundreds of thousands of workers. Without changes our pension system, many employers will face even greater pressure to file for bankruptcy to terminate their workers' pension plans. Though I supported H.R. 2830, it is my hope that the final conference report will be a product more closely resembling the version that passed the Senate on a near unanimous vote.

It is my understanding that when the Conference Committee convenes, Education and Workforce Chairman BOEHNER will support including a Senate provision that provides some industries with needed time to address their unique financial circumstances. Without immediate passage of this bill, some defined benefit plans may be forced to default on its payments to retirees.

While not perfect, H.R. 2830, the Pension Protection Act, contains many important provisions that will strengthen our defined benefit system. For example, the Act provides relief to multi-employer pension plans by allowing more affordable and appropriate contributions to maintain their employees' pensions. This will greatly benefit workers in the skilled trades, such as plumbers, carpenters, and transport workers. I was disappointed that multi-employer pensions were excluded from the temporary pension relief that was signed into law last year, and I am glad that this bill provides long overdue relief to secure these workers' pensions.

Though House passage of H.R. 2830 is better than passage of no bill at all, this legislation must be improved during the conference between the House and Senate. I would like to see a bill that does more to protect older workers whose employers convert their defined benefit pension plans to cash-balance plans. Further, this bill provides that the Pension Benefit Guarantee Corporation guarantee some, but not all, pensions when a factory or plant shuts down. Stronger protections for older workers and insurance for all shut down pension benefits should be included in the final Conference Report.

All workers in every type of industry require immediate changes in our current pension laws if we are to ensure that future generations are able to participate in the defined benefit retirement plans that offer superior retirement security. Failure to pass this bill and move the legislative process forward endangers thousands of workers pensions. Though the Pension Protection Act is not a perfect bill, I am compelled to support this legislation so that our pension system can be changed to assist all employees.

Mr. MOORE of Kansas. Mr. Speaker, I rise today to express my support for H.R. 2830, the Pension Protection Act of 2005.

As the nature of our economy has changed in recent decades, our manufacturing sector has experienced difficult times. Many companies in the auto, auto parts, and steel producing industries are now burdened with expensive legacy costs, particularly pension obligations, that are increasingly difficult to honor. Long-term costs have contributed to the need for companies in these industries to seek significant cost savings, sometimes through factory closings and employee layoffs. Consequently, defined benefit pension plans sponsored by some of the companies in these industries, as well as in the airline industry, in which several companies have sought Chapter 11 bankruptcy protection in recent years, have been turned over to the Pension Benefit Guaranty Corporation [PBGC].

This legislation, while not perfect, seeks to increase private companies' funding of their employees' pension plans, as well as improve the financial health of the PBGC by increasing companies' premiums to the agency. The risk of a taxpayer-funded bailout of the PBGC, which is funded entirely by companies' that sponsor defined benefit pension plans, is very real in the near future. According to Bradley Belt, the Executive Director of the PBGC, "Unfortunately, the financial health of the PBGC is not improving. The money available to pay benefits is eventually going to run out unless Congress enacts comprehensive pension reform to get plans better funded and provide the insurance program with additional resources." Congress has a responsibility to act now to prevent a PBGC bankruptcy and future taxpayer bailout of the agency.

Last year, the PBGC absorbed 120 terminated defined benefit pension plans, and last month the agency announced that in fiscal year [FY] 2005 it had liabilities of $79.2 billion and assets of $56.5 billion. That amounts to a deficit in the pension insurance program of $22.8 billion. While the FY05 deficit improved slightly over FY04's deficit of $23.3 billion, the latest deficit figure from the PBGC is somewhat misleading. The agency's FY05 deficit actually would have increased to $25.7 if it had included company-plan terminations announced after the fiscal year ended on September 30. Probable pension losses from companies that filed for Chapter 11 protection in September, including 2 large airlines and a major auto-parts supplier, will likely increase the PBGC's liabilities. The PBGC estimates that the pension plans in those companies are underfunded by more than $15 billion. The agency includes those pension plans in its category of financially weak company plans, the liabilities of which rose to $108 billion this year from $96 billion in 2004.

In 2004, the PBGC collected only $1.5 billion in premiums from the companies that it insures. H.R. 2830 would raise companies' annual PBGC premium payments from $19 to $30 per participant. The $30 premium would be phased in beginning in 2007, on a schedule based on a plan's funded status. Even with premium increases in H.R. 2830, it could take more than a decade to close the agency's deficit. I hope that this bill is the beginning of the PBGC's long march back to fiscal health.

Further, H.R. 2830 would increase companies' funding requirements for their defined benefit plans and would shorten the period over which funding shortfalls must be eliminated. The bill's provisions regarding both single- and multi-employer plans move companies in the right direction.

I also appreciate the willingness of Chairmen JOHN BOEHNER and BILL THOMAS to agree to a significant improvement in the "shutdown benefits" provision of H.R. 2830 as introduced. Shutdown benefits, which are payments made to long-service employees when a plant is shut down, would have been prohibited under the original version of H.R. 2830. The improved version of this measure allows a defined benefit plan to provide shutdown benefits if the plan is at least 80 percent funded. Well-funded pension plans will be able to continue providing shutdown benefits to employees who have worked hard over their careers and expect the retirement benefits that they have been promised. H.R. 2830 will soften the blow of expected plant shutdowns at companies that have fulfilled their responsibilities to their employees and funded their pension plans as they were supposed to over the years.

Finally, I am very supportive of the provisions in H.R. 2830 that would make permanent several retirement savings provisions that were included in the 2001 tax law, including the increases in IRA and 401(k) contribution limits, with their full adjustments for inflation. Prior to 2001, the maximum amount that a taxpayer could contribute to an IRA was $2,000 per year. The 2001 tax law gradually increased that limit to $5,000 [by 2008]. I worked to ensure that IRA contribution limits increased in that law, and believe that the permanent extension of those limits will increase the certainty needed in retirement planning. Likewise, I strongly support the bill's language that would make permanent the saver's credit for low-income taxpayers. Taxpayers with incomes below $50,000 for a married couple, and below $25,000 for individuals, are eligible to receive a tax credit of up to 50% of contributions [up to $2,000] that they have made during the year to employer-sponsored retirement plans or IRAs. Increasing incentives for people of all income brackets to save for their retirements should be a top priority of Congress, and I will continue to work with my colleagues in both parties to improve the national savings rate in our country.

Mrs. MALONEY. Mr. Speaker, I rise in opposition to H.R. 2830, the Pension Protection Act of 2005.

Any bill that is called the "Pension Protection Act" should protect pensions, but the bill we have before us makes things worse in many ways for many current pensioners in this country and for many future pensioners.

First and foremost, the Pension Benefit Guaranty Corporation was first created to protect some of the retiree benefits of people if pension plans went bust or the corporations went bust. We are now told that this legislation makes that problem worse. The Congressional Budget Office tells us that this will make it at least $9 billion worse over the next decade.

This is an agency that can look out into the future and can see up to $100 billion of liabilities possibly coming their way. Much of which will come because this bill makes it easier to terminate plans. Simply, it makes it easier to put plans into bankruptcy.

This bill does nothing to solve the problems we have seen with airline industry pensions because their pension plans can be dumped during bankruptcy just as easily as they can now. This bill does nothing to prevent this.

The way we can tell that this legislation does not do the job is the way the Republican Leadership is making us debate the bill by taking the unusually restrictive step of not allowing us to debate substitute legislation. I guess they realize that this bill is so bad that if they allowed us the substitute, it certainly would have prevailed over this legislation. I would have supported the legislation that Congressmen RANGEL and GEORGE MILLER had prepared.

I urge my colleagues to vote against this legislation. Its only accomplishment is to make the problems of America's pensioners even worse than they are today.

Ms. DEGETTE. Mr. Speaker, I rise today in strong support of comprehensive pension reform, a topic that has been weighing heavily on the minds of thousands of my constituents, not to mention workers and retirees across the country. While I agree with many of the provisions of H.R. 2830, I cannot in good conscience support the bill in its current form. In fact, some provisions could make the current situation worse.

I don't believe it's fair to rush through this complicated issue, one that is so critical to workers and retirees, without meaningful public debate and thorough consideration of alternatives. I had hoped to support this legislation, but I have many misgivings in its current form. We need to make it harder, not easier, for companies to unload pensions onto the taxpayers. We need to give employers more, not fewer incentives to keep their promises to retirees. And we need to return the PBGC to sound financial footing to protect the retirement security of hardworking Americans. On whole, many provisions in this bill will be a marked improvement over current law, but I cannot support it because we can do much better.

For years, workers depended on employer-sponsored pensions to pay their bills and live comfortably in retirement. But now workers and retirees live in fear of losing these benefits, which they have rightfully earned over long careers. Each week it seems another company is considering bankruptcy filing, and too often the first costs they want to unload are promises to pensioners. Nationwide, the pension system is underfunded by $450 billion. We must do what we can to require companies to take all possible steps to fulfill the promises they make to workers. Unfortunately, the bill before us may make the problem worse, and could force even more companies to unload their pensions.

The bill fails to shore up the Pension Benefit Guaranty Corporation, the government insurer of defined benefit pensions. The PBGC is currently $24 billion in the hole, and if we do not take meaningful steps now, it will require a taxpayer bailout. I support a Democratic alternative that would make it harder for companies to unload their obligations to the PBGC, and help return the agency to solvency. This option was not even given the benefit of an up-or-down vote.

Another major concern I have with this legislation is its lack of protection for older workers. Cash balance plans, hybrid plans that have become attractive alternatives to traditional pension plans, can unfairly discriminate against older employees. When companies switch to cash balance plans, older workers often see their promised benefits summarily reduced. Even the Bush administration has recognized these complications, and I would like to see a pension bill with more adequate protections for older workers.

This bill also fails to hold company executives to the same standards they expect of their rank-and-file employees. When faced with financial problems, CEOs have made decisions to cut the benefits earned by employees and unloading pension obligations onto the federal government. Far too often, these executives escape with multi-million dollar benefit packages, leaving the company in bankruptcy and workers in poverty. Congress has the chance to require our business leaders to act in the best interest of their firm and their employees, and sacrifice along with them if the financial situation is beyond repair.

I am also concerned that this bill does not have sufficient disclosure requirements. Beneficiaries have the right to know the funding status of their pensions, and companies should not be allowed to keep this information from regulators or retirees. Current law allows companies to use accounting techniques to make their pensions seem more solvent than they really are. This needs to stop, but bill does not go far enough.

Mr. Speaker, on the same day voters are going to the polls in Iraq, democracy has been subverted in this distinguished chamber. The majority has not allowed adequate time for debate on this measure, refused to allow the consideration of amendments, and did not allow the Democrats to offer a common-sense alternative. This is no way to legislate, and we can do better.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 602, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to recommit on behalf of myself and Congressman CARDIN.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEORGE MILLER of California. Yes, I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. George Miller of California moves to recommit the bill H.R. 2830 to the Committee on Education and the Workforce and the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Pension Protection Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—INTEREST RATE FOR 2006 AND 2007 FUNDING REQUIREMENTS

Sec. 101. Interest rate for 2006 and 2007 funding requirements.

Sec. 102. Government Accountability Office pension funding report.

TITLE II—PROTECTING PENSION BENEFITS IN BANKRUPTCY

Sec. 201. Promotion of reasonable alternatives to plan termination.

Sec. 202. Election by employer to restore plan upon emergence from bankruptcy.

Sec. 203. Date on which lien for missed contributions is deemed perfected.

TITLE III—PROTECTION OF PENSION PLANS FOR AIRLINE EMPLOYEES

Sec. 301. Special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals.

Sec. 302. Recognition of legally mandated early retirement ages in determining amount of guaranteed benefits.

TITLE IV—FAIRNESS FOR RANK AND FILE EMPLOYEES

Sec. 401. Treatment of nonqualified deferred compensation plans when employer defined benefit plan in at-risk status.

Sec. 402. Nonqualified deferred compensation reduced by percentage of underfunded plan upon bankruptcy of employer.

Sec. 403. Termination fairness standard for nonqualified deferred compensation plans in connection with pension plan terminations based on bankruptcy reorganization.

TITLE V—FUNDING AND DEDUCTION RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS AND RELATED PROVISIONS

Subtitle A—Funding Rules

PART I—AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Sec. 501. Funding rules for multiemployer defined benefit plans.

Sec. 502. Additional funding rules for multiemployer plans in endangered or critical status.
Sec. 503. Measures to forestall insolvency of multiemployer plans.
Sec. 504. Special rule for certain benefits funded under an agreement approved by the Pension Benefit Guaranty Corporation.
Sec. 505. Withdrawal liability reforms.
Sec. 506. Special rules for multiple employer plans of certain cooperatives.

PART II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Sec. 511. Funding rules for multiemployer defined benefit plans.
Sec. 512. Additional funding rules for multiemployer plans in endangered or critical status.

PART III—SUNSET OF FUNDING RULES

Sec. 516. Sunset of funding rules.

Subtitle B—Deduction and Related Provisions

Sec. 521. Deduction limits for multiemployer plans.
Sec. 522. Transfer of excess pension assets to multiemployer health plan.

TITLE VI—ENHANCED RETIREMENT SAVINGS AND DEFINED CONTRIBUTION PLANS

Sec. 601. AmeriSave matching credit.
Sec. 602. Manner in which AmeriSave matching credit allowed.
Sec. 603. Increasing participation through automatic contribution arrangements.
Sec. 604. Preemption of State laws precluding automatic enrollment or automatic rollovers.
Sec. 605. Fiduciary standards relating to automatic or default investments.
Sec. 606. Penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.
Sec. 607. Waiver of 10 percent early withdrawal penalty tax on certain distributions of pension plans for public safety employees.
Sec. 608. Combat zone compensation taken into account for purposes of determining limitation and deductibility of contributions to individual retirement plans.
Sec. 609. Direct payment of tax refunds to individual retirement plans.
Sec. 610. Allow rollovers by nonspouse beneficiaries of certain retirement plan distributions.
Sec. 611. IRA eligibility for the disabled.

TITLE VII—PROVISIONS TO ENHANCE HEALTH CARE AFFORDABILITY

Sec. 701. Treatment of annuity and life insurance contracts with a long-term care insurance feature.
Sec. 702. Disposition of unused health benefits in cafeteria plans and flexible spending arrangements.
Sec. 703. Distributions from governmental retirement plans for health and long-term care insurance for public safety officers.

TITLE VIII—REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER $1,000,000

Sec. 801. Reduction in benefit of rate reduction for families with incomes over $1,000,000.

TITLE I—INTEREST RATE FOR 2006 AND 2007 FUNDING REQUIREMENTS

SEC. 101. INTEREST RATE FOR 2006 AND 2007 FUNDING REQUIREMENTS.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Subclause (II) of section 302(b)(5)(B)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(b)(5)(B)(ii)(II)) is amended—

(A) by striking "January 1, 2006" and inserting "January 1, 2008", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, 2006, AND 2007".

(2) CURRENT LIABILITY.—Subclause (IV) of section 302(d)(7)(C)(i) of such Act (29 U.S.C. 1082(d)(7)(C)(i)(IV)) is amended—

(A) by striking "or 2005" and inserting ", 2005, 2006, or 2007", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, 2006, AND 2007".

(3) RISK-BASED PREMIUMS.—Section 4006(a)(3)(E)(iii)(V) of such Act (29 U.S.C. 1306(a)(3)(E)(iii)(V)) is amended by striking "January 1, 2006" and inserting "January 1, 2008".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Subclause (II) of section 412(b)(5)(B)(ii) of the Internal Revenue Code of 1986 is amended—

(A) by striking "January 1, 2006" and inserting "January 1, 2008", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, 2006, AND 2007".

(2) CURRENT LIABILITY.—Subclause (IV) of section 412(l)(7)(C)(i) of such Code is amended—

(A) by striking "or 2005" and inserting ", 2005, 2006, or 2007", and

(B) by striking "AND 2005" in the heading and inserting ", 2005, 2006, AND 2007".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

SEC. 102. GOVERNMENT ACCOUNTABILITY OFFICE PENSION FUNDING REPORT.

(a) IN GENERAL.—The Comptroller General of the Government Accountability Office shall transmit to the Congress a pension funding report not later than one year after the date of the enactment of this Act.

(b) REPORT CONTENT.—The pension funding report required under subsection (a) shall include an analysis of the feasibility, advantages, and disadvantages of—

(1) requiring an employee pension benefit plan to insure a portion of such plan's total investments;

(2) requiring an employee pension benefit plan to adhere to uniform solvency standards set by the Pension Benefit Guaranty Corporation, which are similar to those applied on a State level in the insurance industry; and

(3) amortizing a single-employer defined benefit pension plan's shortfall amortization base (referred to in section 303(c)(3) of the Employee Retirement Income Security Act of 1974 (as amended by this Act)) over various periods of not more than 7 years.

TITLE II—PROTECTING PENSION BENEFITS IN BANKRUPTCY

SEC. 201. PROMOTION OF REASONABLE ALTERNATIVES TO PLAN TERMINATION.

(a) ADDITIONAL REQUIREMENTS FOR DISTRESS TERMINATION.—Section 4041(c)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)(2)(B)) is amended by adding at the end the following:

"(iv) ADDITIONAL REQUIREMENTS.—Notwithstanding any other provision of this section, unless the corporation or the court, in the case of a distress termination pursuant to clause (ii), has determined that reasonable efforts to consider available alternatives to termination (including, but not limited to, alternatives described in section 4042(c)(3)) have been undertaken by such person (and, in the case of a plan maintained pursuant to a collective bargaining agreement, have been undertaken by the bargaining parties in good faith bargaining), the plan may not be terminated. A participant or beneficiary of the plan or an employee organization representing such participants or beneficiaries may bring an action in the appropriate court to challenge such determination by the corporation and seek equitable relief or must be afforded an opportunity to be heard by the appropriate court if a court is making such determination.".

(b) EFFORTS BY THE CORPORATION AT CONSULTATION WITH PARTIES.—Section 4042(c) of such Act (29 U.S.C. 1342(c)) is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking "If the corporation and the plan administrator agree" and all that follows through "in subsection (d)(3).";

(3) by redesignating paragraph (3) as paragraph (2); and

(4) by adding at the end the following new paragraph:

"(3)(A) The corporation may not institute proceedings under this section to terminat such plan unless the corporation demonstrates that it has made all reasonable efforts to negoitate with the plan sponsor, the plan participants, and (in the case of a plan maintained pursuant to a collective bargaining agreement) the employee organization representing plan participants for purposes of collective bargaining to determine whether there are any reasonable available alternatives to termination (including, but not limited to, alternatives described subparagraph (B).

"(B) The reasonable alternatives to termination referred to in subparagraph (A) consist of measures which are in the best interest of plan participants and which include (but are not limited to) the following:

"(i) Financing or loans sought by any member of the plan sponsor's controlled group, with or without assistance from the corporation, in order to obtain plan financing, including back-up guarantees to any such financing which the corporation is hereby authorized to provide for such purpose.

"(ii) New plan structures agreed to by the parties, such as transfer of plan liabilities to multiemployer plans, new benefit formulas for new hires or non-vested participants, or other plan restructuring alternatives agreed to by the parties.

"(iii) Reinsurance which the corporation is hereby authorized to obtain for the plan.

"(iv) An agreement by the parties authorizing alternative funding schedules, approved by the corporation, which shall thereafter be treated as meeting the minimum funding requirements for the plan under part 3 of subtitle B of title I.

"(v) Purchase by the plan sponsor of an annuity contract to cover liabilities of the plan, which the corporation is hereby authorized to guarantee as necessary to secure such a contract.".

(c) REQUIRED COURT DETERMINATIONS.—Section 4042(c) of such Act is amended by adding at the end the following new paragraph:

"(4)(A) A plan may not be terminated under this section unless the court, in the proceedings described in paragraph (1), finds that—

"(i) reasonable efforts to consider available alternatives to termination (including, but not limited to, alternatives described in paragraph (3)) have been undertaken by the plan sponsor (and, in the case of a plan maintained pursuant to a collective bargaining agreement, have been undertaken by the bargaining parties in good faith bargaining),

"(ii) without such termination, a contributing sponsor of the plan (or a member of such a sponsor's controlled group) would be unable to pay its debts when due and—

"(I) if such proceedings include proceedings in which reorganization of such sponsor or member is sought in a case under title 11, United States Code, or under any similar law of a State or political subdivision of a State, such sponsor or member could not be discharged in such proceedings, or

"(II) in any other case, such sponsor or member would be unable to continue in business, and

"(iii) all otherwise applicable requirements for termination under this section are met.

"(B) Any party consisting of the plan sponsor, a plan participant, or (in the case of a plan maintained pursuant to a collective bargaining agreement) the employee organization representing plan participants for purposes of collective bargaining may intervene in the proceedings described in paragraph (1) to challenge whether all applicable requirements for termination under this section are met.".

(d) NOTICE.—

(1) Section 4041(a) of such Act (29 U.S.C. 1341(a) is amended by adding at the end the following new paragraph:

"(4) NOTICE OF RIGHT TO CHALLENGE.—Together with the notice of intent to terminate, the plan administrator shall provide to each participant and beneficiary a written notice of the right of participants and beneficiaries to challenge determinations under this section, written in a manner likely to be understood by the participant or beneficiary.".

(2) Section 4042(a) of such Act (29 U.S.C. 1342(a)) is amended by adding at the end the following new sentence: "Prior to commencing proceedings under this section with respect to any plan, the corporation shall provide notice to plan participants and beneficiaries of the right to challenge determinations under this section, written in a manner likely to be understood by the participant or beneficiary.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to any plans undergoing termination proceedings pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974 which are pending on or after the date of the enactment of this Act.

(2) TRANSITIONAL RULE FOR INVOLUNTARY TERMINATIONS.—In any case in which, during the period beginning December 1, 2004, and ending with the date of the enactment of this Act, the Pension Benefit Guaranty Corporation has commenced termination proceedings under section 4042 of the Employee Retirement Income Security Act of 1974 (including the execution of any termination or trust agreement under such section)—

(A) the Corporation or other entity serving as trustee shall, effective as of the date of the enactment of this Act—

(i) cease any activities undertaken to terminate the plan, and

(ii) take such actions as may be necessary to restore the plan to its status immediately prior to the commencement of such proceedings or the execution of such agreement, and

(B) the procedures and requirements of section 4042 of the Employee Retirement Income Security Act of 1974 (as amended by this section) shall apply to any further such proceedings undertaken after the date of the enactment of this Act.

SEC. 202. ELECTION BY EMPLOYER TO RESTORE PLAN UPON EMERGENCE FROM BANKRUPTCY.

(a) IN GENERAL.—Section 4047 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1347) is amended—

(1) by inserting "(a)" before "Whenever", and

(2) by adding at the end the following new subsection:

"(b) Within 3 years after the date on which a plan sponsor of a plan terminated under section 4041(c)(2)(B)(ii) or under section 4042 with respect to a reorganization case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State (or with respect to a case described in section 4041(c)(2)(B)(i) which has been converted to such a reorganization case), is discharged in such case (or the case is otherwise dismissed), the plan sponsor may elect to restore the plan to its pretermination status. Rules similar to the rules of subsection (a) shall apply with respect to any election made under this subsection. ".

(b) PREMIUM RATE FOR TERMINATED SINGLE-EMPLOYER PLANS WHICH ARE NOT RESTORED.—Subsection (a) of section 4006 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306) is amended by adding at the end the following:

"(7) PREMIUM RATE FOR CERTAIN TERMINATED SINGLE-EMPLOYER PLANS.—

"(A) IN GENERAL.—In any case in which a plan sponsor of a plan terminated under 4041(c)(2)(B)(ii) or under section 4042 with respect to a reorganization case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State, (or with respect to a case described in section 4041(c)(2)(B)(i) which has been converted to such a reorganization case) is discharged in such case (or the case is otherwise dismissed), unless there is in effect an election under section 4047(b) in connection with such case after such discharge (or dismissal), there shall be payable to the corporation, with respect to each applicable 12-month period before the end of the 3-year period after such discharge (or dismissal) for which such election is not in effect, a premium at a rate equal to $1,250 multiplied by the number of individuals who were participants in the plan immediately before the termination date. Such premium shall be in addition to any other premium under this section.

"(B) APPLICABLE 12-MONTH PERIOD.—For purposes of subparagraph (A), the term 'applicable 12-month period' means—

"(i) the 12-month period beginning with the first month following the month in which the termination date occurs, and

"(ii) each of the first two 12-month periods immediately following the period described in subclause (I).

"(C) COORDINATION WITH SECTION 4007.—

"(i) Notwithstanding section 4007—

"(I) premiums under this paragraph shall be due within 30 days after the beginning of any applicable 12-month period, and

"(II) the designated payor shall be the person who is the contributing sponsor as of immediately before the termination date.

"(ii) The fifth sentence of section 4007(a) shall not apply in connection with premiums determined under this paragraph.

"(D) USE OF FUNDS.—All amounts paid to the corporation under subparagraph (A) shall be deposited in the appropriate fund established under section 4005(a). Amounts deposited under the preceding sentence shall only be available to the corporation for payment of nonforfeitable benefits under the plan to participants of the terminated plan in excess of the corporation's guarantee under section 4022.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan terminations with respect to which proceedings are instituted, or are pending, on or after November 9, 2005.

SEC. 203. DATE ON WHICH LIEN FOR MISSED CONTRIBUTIONS IS DEEMED PERFECTED.

(a) IN GENERAL.—Section 4041 of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new subsection:

"(f) In the case of the commencement of any reorganization case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State, (a case described in section 4041(c)(2)(B)(i)) by or against a plan sponsor which has been converted to such a reorganization case), any lien or other security of a plan in such plan sponsor for missed contributions to the plan shall be treated as being perfected as of the earlier of the date of the commencement of such case or the date such security or lien is filed.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to plan terminations with respect to which proceedings are instituted, or are pending, on or after November 9, 2005.

TITLE III—PROTECTION OF PENSION PLANS FOR AIRLINE EMPLOYEES

SEC. 301. SPECIAL FUNDING RULES FOR PLANS MAINTAINED BY COMMERCIAL AIRLINES THAT ARE AMENDED TO CEASE FUTURE BENEFIT ACCRUALS.

(a) IN GENERAL.—If an election is made to have this section apply to an eligible plan—

(1) in the case of any applicable plan year beginning before January 1, 2007, the plan shall not have an accumulated funding deficiency for purposes of section 302 of the Employee Retirement Income Security Act of 1974 and sections 412 and 4971 of the Internal Revenue Code of 1986 if contributions to the plan for the plan year are not less than the minimum required contribution determined under subsection (d) for the plan for the plan year, and

(2) in the case of any applicable plan year beginning on or after January 1, 2007, the minimum required contribution determined under sections 303 of such Act and 430 of such Code shall, for purposes of sections 302 and 303 of such Act and sections 412, 430, and 4971 of such Code, be equal to the minimum required contribution determined under subsection (d) for the plan for the plan year.

(b) ELIGIBLE PLAN.—For purposes of this section—

(1) IN GENERAL.—The term "eligible plan" means a defined benefit plan (other than a multiemployer plan) to which sections 302 of such Act and 412 of such Code applies—

(A) which is sponsored by an employer—

(i) which is a commercial airline passenger airline, or

(ii) the principal business of which is providing catering services to a commercial passenger airline, and

(B) with respect to which the requirements of paragraphs (2) and (3) are met.

(2) ACCRUAL RESTRICTIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if, effective as of the first day of the first applicable plan year and at all times thereafter while an election under this section is in effect, the plan provides that—

(i) the accrued benefit, any death or disability benefit, and any social security supplement described in the last sentence of section 411(a)(9) of such Code and section 204(b)(1)(G) of such Act, of each participant are frozen at the amount of such benefit or supplement immediately before such first day, and

(ii) all other benefits under the plan are eliminated,

but only to the extent the freezing or elimination of such benefits would have been permitted under section 411(d)(6) of such Code and section 204(g) of such Act if they had been implemented by a plan amendment adopted immediately before such first day.

(B) INCREASES IN SECTION 415 LIMITS DISREGARDED.—If a plan provides that an accrued benefit of a participant which has been subject to any limitation under section 415 of such Code will be increased if such limitation is increased, the plan shall not be treated as meeting the requirements of this paragraph unless, effective as of the first day of the first applicable plan year and at all times thereafter while an election under this section is in effect, the plan provides that any such increase shall not take effect. A plan shall not fail to meet the requirements of section 411(d)(6) of such Code and section 204(g) of such Act solely because the plan is amended to meet the requirements of this subparagraph.

(3) RESTRICTION ON APPLICABLE BENEFIT INCREASES.—

(A) IN GENERAL.—The requirements of this paragraph are met if no applicable benefit increase takes effect at any time during the period beginning on July 26, 2005, and ending on the day before the first day of the first applicable plan year.

(B) APPLICABLE BENEFIT INCREASE.—For purposes of this paragraph, the term "applicable benefit increase" means, with respect to any plan year, any increase in liabilities of the plan by plan amendment (or otherwise provided in regulations provided by the Secretary) which, but for this paragraph, would occur during the plan year by reason of—

(i) any increase in benefits,

(ii) any change in the accrual of benefits, or

(iii) any change in the rate at which benefits become nonforfeitable under the plan.

(4) EXCEPTION FOR IMPUTED DISABILITY SERVICE.—Paragraphs (2) and (3) shall not apply to any accrual or increase with respect to imputed service provided to a participant during any period of the participant's disability occurring on or after the effective date of the plan amendment providing the restrictions under paragraph (2) if the participant—

(A) was receiving disability benefits as of such date, or

(B) was receiving sick pay and subsequently determined to be eligible for disability benefits as of such date.

(c) ELECTIONS AND RELATED TERMS.—

(1) IN GENERAL.—A plan sponsor shall make the election under subsection (a) at such time and in such manner as the Secretary of the Treasury may prescribe. Except as provided in subsection (h)(5), such election, once made, may be revoked only with the consent of such Secretary.

(2) YEARS FOR WHICH ELECTION MADE.—

(A) IN GENERAL.—The plan sponsor may select the first plan year to which the election under subsection (a) applies from among plan years ending after the date of the election. The election shall apply to such plan year and all subsequent years.

(B) ELECTION OF NEW PLAN YEAR.—The plan sponsor may specify a new plan year in the election under subsection (a) and the plan year of the plan may be changed to such new plan year without the approval of the Secretary of the Treasury.

(3) APPLICABLE PLAN YEAR.—The term "applicable plan year" means each plan year to which the election under subsection (a) applies under paragraph (1).

(d) MINIMUM REQUIRED CONTRIBUTION.—

(1) IN GENERAL.—In the case of any applicable plan year during the amortization period, the minimum required contribution shall be the amount necessary to amortize the unfunded liability of the plan, determined as of the first day of the plan year, in equal annual installments (until fully amortized) over the remainder of the amortization period. Such amount shall be separately determined for each applicable plan year.

(2) YEARS AFTER AMORTIZATION PERIOD.—In the case of any plan year beginning after the end of the amortization period, section 302(a)(2)(A) of such Act and section 412(a)(2)(A) of such Code shall apply to such plan, but any charge or credit in the funding standard account under section 302 of such Act of section 412 of such Code shall be zero.

(3) DEFINITIONS.—For purposes of this section—

(A) UNFUNDED LIABILITY.—The term "unfunded liability" means the unfunded accrued liability under the plan, determined under the unit credit funding method.

(B) AMORTIZATION PERIOD.—The term "amortization period" means the 20-plan year period beginning with the first applicable plan year.

(4) OTHER RULES.—In determining the minimum required contribution and amortization amount under this subsection—

(A) the provisions of section 302(c)(3) of such Act and section 412(c)(3) of such Code, as in effect before the date of enactment of this section, shall apply,

(B) the rate of interest under section 302(b) of such Act and section 412(b) of such Code, as so in effect, shall be used for all calculations requiring an interest rate, and

(C) the value of plan assets shall be equal to their fair market value.

(5) SPECIAL RULE FOR CERTAIN PLAN SPIN-OFFS.—For purposes of subsection (a), if, with respect to any eligible plan to which this subsection applies—

(A) any applicable plan year includes the date of the enactment of this Act, and

(B) a plan was spun off from the eligible plan during the plan year but before such date of enactment,

the minimum required contribution under subsection (a)(1) for the eligible plan for such applicable plan year shall be determined as if the plans were a single plan for that plan year (based on the full 12-month plan year in effect prior to the spin-off). The employer shall designate the allocation of the minimum required contribution between such plans for the applicable plan year and direct the appropriate reallocation between the plans of any contributions for the applicable plan year.

(e) FUNDING STANDARD ACCOUNT AND PREFUNDING BALANCE.—Any charge or credit in the funding standard account under section 302 of such Act or section 412 of such Code, and any prefunding balance under section 303 of such Act or section 430 of such Code, as of the day before the first day of the first applicable plan year, shall be reduced to zero.

(f) AMENDMENTS TO OTHER PROVISIONS.—

(1) QUALIFICATION REQUIREMENT.—Section 401(a)(36) of the Internal Revenue Code of 1986, as added by section 402 of this Act, is amended by adding at the end the following: "This paragraph shall also apply to any plan during any period during which an amortization schedule under section 403 of the Pension Security and Transparency Act of 2005 is in effect."

(2) PBGC LIABILITY LIMITED.—Section 4022 of the Employee Retirement Income Security Act of 1974, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR PLANS ELECTING CERTAIN FUNDING REQUIREMENTS.—During any period in which an election by a plan under section 301 of the Pension Protection Act of 2005 is in effect, then this section and section 4044(a)(3) shall be applied by treating the first day of the first applicable plan year as the termination date of the plan. This subsection shall not apply to any plan for which an election under section 403(h) of such Act is in effect.".

(3) LIMITATION ON DEDUCTIONS UNDER CERTAIN PLANS.—Section 404(a)(7)(C)(iii) of the Internal Revenue Code of 1986, as added by this Act, is amended by adding at the end the following new sentence: "This clause shall also apply to any plan for a plan year if an election under section 403 of the Pension Security and Transparency Act of 2005 is in effect for such year."

(4) NOTICE.—In the case of a plan amendment adopted in order to comply with this section, any notice required under section 204(h) of such Act or section 4980F(e) of such Code shall be provided within 15 days of the effective date of such plan amendment. This subsection shall not apply to any plan unless such plan is maintained pursuant to one or more collective bargaining agreements between employee representatives and 1 or more employers.

(g) SPECIAL RULES FOR TERMINATION OF ELIGIBLE PLANS.—During any period an election is in effect under this section with respect to an eligible plan, the Pension Benefit Guaranty Corporation shall, before it seeks or approves a termination of such plan under section 4041(c) or 4042 of the Employee Retirement Income Security Act of 1974—

(1) make a determination under section 4041(c)(4) or 4042(i) of such Act whether the termination would be necessary if the Secretary of the Treasury were to enter into an agreement under section 4047(a) of such Act which provides an alternative funding agreement to replace the amortization schedule under this section, and

(2) if the Corporation determines such an agreement would make such termination unnecessary, take all necessary actions to ensure the agreement is entered into.

The Pension Benefit Guaranty Corporation shall make the determination under paragraph (1) within 90 days of receiving all information needed in connection with a request for a termination (or if no such request is made, within 90 days of consideration of the termination by the Corporation).

(h) CERTAIN BENEFIT ACCRUALS AND INCREASES ALLOWED IF ADDITIONAL CONTRIBUTIONS MADE TO COVER COSTS.—

(1) IN GENERAL.—If an employer elects the application of this subsection—

(A) the requirements of paragraphs (2) and (3) of subsection (b) shall not apply with respect to any eligible plan maintained by the employer and specified in the election, and

(B) the minimum required contribution under subsection (d) for any plan year with respect to the plan shall be increased by the amounts described in paragraphs (2) and (3). Any liabilities and assets taken into account under this subsection shall not be taken into account in determining the unfunded liability of the plan for purposes of subsection (d).

(2) CURRENT FUNDING OF ACCRUALS AND INCREASES.—The amount determined under this paragraph for any plan year is the target normal cost which would occur under section 302 of such Act and 412 of such Code if—

(A) any benefit accrual, or benefit increase taking effect, during the plan year by reason of this subsection were treated as having been accrued or earned during the plan year, and

(B) the plan were treated as if it were subject to section 302(d) of such Act and section 412(d) of such Code.

(3) FUNDING MUST BE MAINTAINED.—The amount determined under this paragraph for any plan year is the amount charged to the funding standard account under section 302(d) of such Act and section 412(d) of such Code if—

(A) the funding target were determined by only taking into account benefits to which paragraph (2) applied for preceding plan years,

(B) the only assets taken into account were the contributions required under this paragraph and paragraph (2) for preceding plan years (and any earnings thereon),

(C) the amortization period included only the plan year,

(D) the transition rule under section 303(c)(4)(B) of such Act and section 430(c)(4)(B) of such Code did not apply, and

(E) the plan were treated as if it were subject to section 302(d) of such Act and section 412(d) of such Code.

(4) SPECIAL RULES FOR YEARS BEFORE 2007.—Notwithstanding any other provision of this Act, in the case of an applicable plan year of an eligible plan to which this subsection applies which begins before January 1, 2007, in determining the amounts described in paragraphs (2) and (3) for such plan year—

(A) the provisions of, and amendments made by, sections 101, 102, 111, and 112 shall apply to such plan year, except that

(B) the interest rate used under section 303 of such Act and section 430 of such Code for purposes of applying paragraphs (2) and (3) to such plan year shall be the interest rate determined under section 302(b)(5) of such Act and section 412(b)(5) of such Code, as in effect for plan years beginning in 2005.

(5) ELECTION OUT OF SECTION.—An employer maintaining an eligible plan to which this subsection applies may make a one-time election with respect to any applicable plan year not to have this section apply to such plan year and all subsequent plan years. Subject to subsection (d)(2), the minimum required contribution under section 302 of such Act and 412 of such Code for all such plan years shall be determined without regard to this section.

(i) EXCLUSION OF CERTAIN EMPLOYEES FROM MINIMUM COVERAGE REQUIREMENTS.—

(1) IN GENERAL.—Section 410(b)(3) of such Code is amended by striking the last sentence and inserting the following: "For purposes of subparagraph (B), management pilots who are not represented in accordance with title II of the Railway Labor Act shall be treated as covered by a collective bargaining agreement described in such subparagraph if the management pilots manage the flight operations of air pilots who are so represented and the management pilots are, pursuant to the terms of the agreement, included in the group of employees benefitting under the trust described in such subparagraph. Subparagraph (B) shall not apply in the case of a plan which provides contributions or benefits for employees whose principal duties are not customarily performed aboard an aircraft in flight (other than management pilots described in the preceding sentence).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning before, on, or after the date of the enactment of this Act.

(j) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to plan years ending after the date of the enactment of this Act.

SEC. 302. RECOGNITION OF LEGALLY MANDATED EARLY RETIREMENT AGES IN DETERMINING AMOUNT OF GUARANTEED BENEFITS.

(a) SINGLE-EMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(3)) is amended, in the flush matter following subparagraph (B), by adding at the end the following: "If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining a specified age which is less than age 65, the first sentence of this paragraph shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.".

(b) AGGREGATE LIMIT ON BENEFIT GUARANTEED.—Section 4022B(a) of such Act (29 U.S.C. 1322b(a)) is amended by adding at the end the following: "If, as of such date, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining a specified age which is less than age 65, this subsection shall be applied to an individual who is a participant in any such plan by reason of such service by substituting such age for age 65.".

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to benefits payable on or after the date of the enactment of this Act.

TITLE IV—FAIRNESS FOR RANK AND FILE EMPLOYEES

SEC. 401. TREATMENT OF NONQUALIFIED DEFERRED COMPENSATION PLANS WHEN EMPLOYER DEFINED BENEFIT PLAN IN AT-RISK STATUS.

(a) IN GENERAL.—Subsection (b) of section 409A of the Internal Revenue Code of 1986 (providing rules relating to funding) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) EMPLOYER'S DEFINED BENEFIT PLAN IN AT-RISK STATUS.—

"(A) If—

"(i) during any period in which a defined benefit plan to which section 412 applies is in an at-risk status, assets are set aside (directly or indirectly) in a trust (or other arrangement determined by the Secretary), or transferred to such a trust or other arrangement, for purposes of paying deferred compensation under a nonqualified deferred compensation plan of the employer maintaining the defined benefit plan, or

"(ii) a nonqualified deferred compensation plan of the employer provides that assets will become restricted to the provision of benefits under the plan in connection with such at-risk status (or other similar financial measure determined by the Secretary) of the defined benefit plan, or assets are so restricted,

such assets shall for purposes of section 83 be treated as property transferred in connection with the performance of services whether or not such assets are available to satisfy claims of general creditors.

"(B) AT-RISK STATUS.—For purposes of subparagraph (A), a plan is in an at-risk status if the funded current liability percentage (as defined in section 412(l)(8)), reduced as described in subparagraph (E) thereof, of the plan is less than 60 percent. ".

(b) CONFORMING AMENDMENTS.—Paragraphs (4) and (5) of section 409A(b) of such Code, as redesignated by subsection (a) of this subsection, are each amended by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2), or (3)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers or reservations of assets after December 31, 2005.

SEC. 402. NONQUALIFIED DEFERRED COMPENSATION REDUCED BY PERCENTAGE OF UNDERFUNDED PLAN UPON BANKRUPTCY OF EMPLOYER.

(a) IN GENERAL.—Subsection (b) of section 409A of the Internal Revenue Code of 1986 (providing rules relating to funding), as amended by section 302, is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) REDUCTION IN ALLOWABLE DEFERRED COMPENSATION UPON BANKRUPTCY.—

"(A) Upon the commencement of any reorganization case under title 11 of the United States Code, or under any similar Federal or State law—

"(i) during any period in which a defined benefit plan to which section 412 applies is in an at-risk status, assets are set aside (directly or indirectly) in a trust (or other arrangement determined by the Secretary), or transferred to such a trust or other arrangement, for purposes of paying deferred compensation under a nonqualified deferred compensation plan of the employer maintaining the defined benefit plan, or

"(ii) a nonqualified deferred compensation plan of the employer provides that assets will become restricted to the provision of benefits under the plan in connection with such at-risk status (or other similar financial measure determined by the Secretary) of the defined benefit plan, or assets are so restricted,

the employer shall reduce the amount of benefit under the non-qualified plan by the applicable percentage of underfunding in the pension plan.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is the excess (if any) of 100 percentage points over the funded current liability percentage (as defined in section 412(l)(8)), reduced as described in subparagraph (E) thereof.

"(C) ADDITIONAL TAX.—The tax imposed by this chapter for any taxable year on any taxpayer with respect to whom a benefit is reduced under subparagraph (A) shall be increased by 100 percent of the amount of such reduction. Such amount shall not be treated as a tax for purposes of section 26(b)(2).".

(b) CONFORMING AMENDMENTS.—Paragraphs (5) and (6) of section 409A(b) of such Code, as redesignated by subsection (a) of this subsection, are each amended by striking "or (3)" each place it appears and inserting "(3), or (4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers or reservations of assets after December 31, 2005.

SEC. 403. TERMINATION FAIRNESS STANDARD FOR NONQUALIFIED DEFERRED COMPENSATION PLANS IN CONNECTION WITH PENSION PLAN TERMINATIONS BASED ON BANKRUPTCY REORGANIZATION.

(a) IN GENERAL.—Section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended by adding at the end the following new subsection:

"(g) TERMINATION FAIRNESS STANDARD FOR NONQUALIFIED DEFERRED COMPENSATION PLANS IN CONNECTION WITH PENSION PLAN TERMINATIONS BASED ON BANKRUPTCY REORGANIZATION.—

"(1) IN GENERAL.—In any case in which a corporation is a plan sponsor of a defined benefit plan with respect to which a plan amendment is adopted that has the effect of implementing a distress termination of the plan under section 4041(c) based on bankruptcy reorganization or a termination of the plan initiated by the Pension Benefit Guaranty Corporation under section 4042 based on bankruptcy reorganization, in any case in which the plan is not sufficient for guaranteed benefits (within the meaning of section 4041(d)(2)) as of the proposed termination date, any covered deferred compensation plan established or maintained by such plan sponsor after the date of the adoption of such plan amendment shall meet the termination fairness standard of this subsection with respect to such plan amendment.

"(2) TERMINATION FAIRNESS STANDARD.—A covered deferred compensation plan established or maintained by a plan sponsor described in paragraph (1) meets the termination fairness standard of this subsection with respect to a plan amendment described in paragraph (1) if, during the 5-year period beginning on the date of the adoption of such plan amendment—

"(A) no amount of deferred compensation accrues to a disqualified individual under the terms of such covered deferred compensation plan (irrespective of whether the accrual in deferred compensation is expressed in the form of a promise, a guarantee, or any other representation), and

"(B) in the case of a covered deferred compensation plan established during or after the 1-year period preceding the notice date (or any amendment to a covered deferred compensation plan if such amendment is adopted during or after such 1-year period), no distribution of accrued deferred compensation is made under such plan (or such amendment) to a disqualified individual.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) NOTICE DATE.—The term 'notice date' means, with respect to an amendment described in paragraph (1)—

"(i) in the case of a distress termination under section 4041(d), the date of the advance notice of intent to terminate provided pursuant to section 4041(a)(2), and

"(ii) in the case of a termination initiated by the Pension Benefit Guaranty Corporation under section 4042, the date of the application to the court under section 4042(c).

"(B) COVERED DEFERRED COMPENSATION PLAN.—

"(i) IN GENERAL.—The term 'covered deferred compensation plan' means any plan providing for the deferral of compensation of a disqualified individual, whether or not—

"(I) compensation of the disqualified individual which is deferred under such plan is subject to substantial risk of forfeiture,

"(II) the disqualified individual's rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the plan sponsor,

"(III) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation (including income), and all income attributable to such amounts, remain (until made available to the disqualified individual or other beneficiary) solely the property of the plan sponsor (without being restricted to the provision of benefits under the plan),

"(IV) the amounts referred to in subclause (III) are available to satisfy the claims of the plan sponsor's general creditors at all times (not merely after bankruptcy or insolvency), and

"(V) some or all of the compensation of the disqualified individual which is deferred under such plan is guaranteed by an insurance company, insurance service, or other similar organization.

"(ii) EXCEPTION FOR QUALIFIED PLANS.—Such term shall not include a plan that is—

"(I) described in section 219(g)(5)(A) of the Internal Revenue Code of 1986, or

"(II) an eligible deferred compensation plan (as defined in section 457(b) of such Code) of an eligible employer described in section 457(e)(1)(A) of such Code.

"(iii) PLAN INCLUDES ARRANGEMENTS, ETC.—For purposes of this subparagraph, the term 'plan' includes any agreement or arrangement.

"(C) DISQUALIFIED INDIVIDUAL.—The term 'disqualified individual' means a director or executive officer of the plan sponsor.

"(D) TERMINATION BASED ON BANKRUPTCY REORGANIZATION.—A termination of a plan which is a distress termination under section 4041(c) or a termination instituted by the Pension Benefit Guaranty Corporation under section 4042 is 'based on bankruptcy reorganization' if such termination is based in whole or in part on the filing, by or against any person who is a contributing sponsor of such plan or a member of such sponsor's controlled group, of a petition seeking reorganization in a case under title 11, United States Code, or under any similar law of a State or political subdivision of a State (or such a case in which liquidation is sought has been converted to a case in which reorganization is sought).

"(E) TITLE IV TERMINOLOGY.—Any term used in this subsection which is defined in section 4001(a) shall have the meaning provided such term in section 4001(a).

"(4) SPECIAL RULES.—

"(A) COORDINATED BENEFITS.—If the benefits of 2 or more defined benefit plans established or maintained by an employer are coordinated in such a manner as to have the effect of the adoption of an amendment described in paragraph (1), the sponsor of the defined benefit plan or plans providing for such coordination shall be treated as having adopted such a plan amendment as of the date such coordination begins.

"(B) MULTIPLE AMENDMENTS.—The Secretary shall issue regulations to prevent the avoidance of the purposes of this subsection through the use of 2 or more plan amendments rather than a single amendment.

"(C) CONTROLLED GROUPS, ETC.—For purposes of this subsection, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

"(D) TREATMENT OF EARNINGS.—References to deferred compensation shall be treated as including references to income attributable to such compensation or such income.

"(5) COORDINATION.—The Secretary and the Secretary of the Treasury shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which both such Secretaries have responsibility under this subsection and section 4980H of the Internal Revenue Code of 1986 are administered so as to have the same effect at all times.

"(6) EFFECT OF WAIVER GRANTED BY SECRETARY OF THE TREASURY.—To the extent that any requirement of the termination fairness standard of section 4980H(a)(2) of the Internal Revenue Code of 1986 is waived by the Secretary of the Treasury with respect to any disqualified individual under section 4980H(g) of such Code in the case of any plan amendment having the effect of a termination described in paragraph (1) of this subsection, such requirement under the termination fairness standard of paragraph (2) of this subsection shall not apply with respect to such individual in the case of such plan amendment.".

(b) EXCISE TAX ON FUNDING NONQUALIFIED DEFERRED COMPENSATION PLANS IN THE EVENT OF A PENSION PLAN TERMINATION BASED ON BANKRUPTCY REORGANIZATION.—

(1) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980H. FUNDING NONQUALIFIED DEFERRED COMPENSATION PLANS.

"(a) IMPOSITION OF TAX IN THE EVENT OF A PENSION PLAN TERMINATION BASED ON BANKRUPTCY REORGANIZATION.—

"(1) IN GENERAL.—In any case in which a corporation is a plan sponsor of a defined benefit plan with respect to which an plan amendment is adopted that has the effect of implementing a distress termination of the plan under section 4041(c) of the Employee Retirement Income Security Act of 1974 based on bankruptcy reorganization or a termination of the plan initiated by the Pension Benefit Guaranty Corporation under section 4042 of such Act based on bankruptcy reorganization, in any case in which the plan is not sufficient for guaranteed benefits (within the meaning of section 4041(d)(2) of such Act) as of the proposed termination date, there is hereby imposed a tax on any failure to meet the termination fairness standard of paragraph (2) with respect to such plan amendment.

"(2) TERMINATION FAIRNESS STANDARD.—A covered deferred compensation plan established or maintained by a plan sponsor described in paragraph (1) meets the termination fairness standard of this subsection with respect to a plan amendment described in paragraph (1) if, during the 5-year period beginning on the date of the adoption of such plan amendment—

"(A) no amount of deferred compensation accrues to a disqualified individual under the terms of such covered deferred compensation plan, irrespective of whether the accrual in deferred compensation is expressed in the form of a promise, a guarantee, or any other representation, and

"(B) in the case of a covered deferred compensation plan established during or after the 1-year period preceding the notice date (or any amendment to a covered deferred compensation plan if such amendment is adopted during or after such 1-year period), no distribution of accrued deferred compensation is made under such plan (or such amendment) to a disqualified individual.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to the amount of the accrual described in subsection (a)(2)(A) comprising the failure or the distribution described in subsection (a)(2)(B) comprising the failure.

"(c) Liability for Tax.—The plan sponsor shall be liable for the tax imposed by this section.

"(d) Definitions.—For purposes of this section—

"(1) Notice date.—The term 'notice date' means with respect to an amendment described in subsection (a)(1)—

"(A) in the case of a distress termination under section 4041(d) of the Employee Retirement Income Security Act of 1974, the date of the advance notice of intent to terminate provided pursuant to section 4041(a)(2) of such Act, and

"(B) in the case of a termination initiated by the Pension Benefit Guaranty Corporation under section 4042 of such Act, the date of the application to the court under section 4042(c) of such Act.

"(2) Covered deferred compensation plan.—

"(A) In general.—The term 'covered deferred compensation plan' means any plan providing for the deferral of compensation of a disqualified individual, whether or not—

"(i) compensation of the disqualified individual which is deferred under such plan is subject to substantial risk of forfeiture,

"(ii) the disqualified individual's rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the plan sponsor,

"(iii) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation, and all income attributable to such amounts, remain (until made available to the participant or other beneficiary) solely the property of the (without being restricted to the provision of benefits under the plan),

"(iv) the amounts referred to in clause (iii) are available to satisfy the claims of the plan sponsor's general creditors at all times (not merely after bankruptcy or insolvency), and

"(v) some or all of the compensation of the disqualified individual which is deferred under such plan is guaranteed by an insurance company, insurance service, or other similar organization.

"(B) Exception for qualified plans.—Such term shall not include a plan that is—

"(i) described in section 219(g)(5)(A), or

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).

"(C) Plan includes arrangements, etc.—For purposes of this paragraph, the term 'plan' includes any agreement or arrangement.

"(3) Disqualified individual.—The term 'disqualified individual' means a director or executive officer of the plan sponsor.

"(4) Termination based on bankruptcy reorganization.—A termination of a plan which is a distress termination under section 4041(c) of the Employee Retirement Income Security Act of 1974 or a termination instituted by the Pension Benefit Guaranty Corporation under section 4042 of such Act is 'based on bankruptcy reorganization' if such termination is based in whole or in part on the filing, by or against any person who is a contributing sponsor of such plan or a member of such sponsor's controlled group, of a petition seeking reorganization in a case under title 11, United States Code, or under any similar law of a State or political subdivision of a State (or such a case in which liquidation is sought has been converted to a case in which reorganization is sought).

"(5) Title IV terminology.—Any term used in this section which is defined in section 4001(a) of the Employee Retirement Income Security Act of 1974 shall have the meaning provided such term in such section 4001(a).

"(e) Special Rules.—

"(1) Coordinated benefits.—If the benefits of 2 or more defined benefit plans established or maintained by an employer are coordinated in such a manner as to have the effect of the adoption of an amendment described in subsection (a)(1), the sponsor of the defined benefit plan or plans providing for such coordination shall be treated as having adopted such a plan amendment as of the date such coordination begins.

"(2) Multiple amendments.—The Secretary shall issue regulations to prevent the avoidance of the purposes of this section through the use of 2 or more plan amendments rather than a single amendment.

"(3) Controlled groups, etc.—For purposes of this section, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer.

"(4) Treatment of earnings.—References to deferred compensation shall be treated as including references to income attributable to such compensation or such income.

"(f) Coordination.—The Secretary and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which both such Secretaries have responsibility under this section and section 206(g) of the Employee Retirement Income Security Act of 1974 are administered so as to have the same effect at all times.

"(g) Waiver.—

"(1) In general.—In the case of any plan amendment having the effect of a termination described in subsection (a)(1), the Secretary may waive the application of any requirement of the termination fairness standard of subsection (a)(2) with respect to any disqualified individual who first commences service for the plan sponsor after the notice date with respect to such plan amendment. The Secretary may grant any such waiver in the case of any such plan amendment with respect to any such disqualified individual only after consultation with the Pension Benefit Guaranty Corporation. The Secretary shall promptly notify the Secretary of Labor of any such waiver granted by the Secretary.

"(2) Requirements for waiver.—A waiver may be granted under paragraph (1) only—

"(A) upon the filing with the Secretary by the plan sponsor of an application for such waiver, in such form and manner as shall be prescribed in regulations of the Secretary,

"(B) upon a showing, to the satisfaction of the Secretary, that such waiver is a business necessity for the plan sponsor, as determined under such regulations, and is in the interest of plan participants and beneficiaries, as determined under such regulations, and

"(C) after the participants, in such form and manner as shall be provided in such regulations, have been notified of the filing of the application for the waiver and have been provided a reasonable opportunity to provide in advance comments to the Secretary regarding the proposed waiver.".

(2) Clerical amendment.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

"Sec. 4980H. Funding nonqualified deferred compensation plans.".

(c) Effective Date.—The amendments made by this section shall apply to—

(1) plan amendments adopted on or after May 10, 2005, and

(2) plan amendments adopted before such date implementing a plan termination as described in section 206(g)(1) of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)) or section 4980H(a)(1)(A) of the Internal Revenue Code of 1986 (as added by subsection (b)) based on a bankruptcy reorganization in a case under title 11 of the United States Code (or under any similar law of a State or a political subdivision of a State) pending on such date.

TITLE V—FUNDING AND DEDUCTION RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS AND RELATED PROVISIONS

Subtitle A—Funding Rules

PART I—AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 501. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) In General.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by this Act) is amended by inserting after section 303 the following new section:

"MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS

"Sec. 304. (a) In General.—For purposes of section 302, the accumulated funding deficiency of a multiemployer plan for any plan year is—

"(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

"(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 4243.

"(b) Funding Standard Account.—

"(1) Account required.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

"(2) Charges to account.—For a plan year, the funding standard account shall be charged with the sum of—

"(A) the normal cost of the plan for the plan year,

"(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 302(c)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years, "(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 302(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), and

"(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 302(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005).

"(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

"(A) the amount considered contributed by the employer to or under the plan for the plan year,

"(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount of the waived funding deficiency (within the meaning of section 302(c)(3)) for the plan year, and

"(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 305 (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

"(4) SPECIAL RULE FOR AMOUNTS FIRST AMORTIZED TO PLAN YEARS BEFORE 2007.—In the case of any amount amortized under section 302(b) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

"(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary of the Treasury, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

"(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

"(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

"(6) INTEREST.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

"(7) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this part—

"(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV shall be considered an amount contributed by the employer to or under the plan. The Secretary of the Treasury may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

"(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

"(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

"(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 4243(a) as of the end of the last plan year that the plan was in reorganization.

"(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of this Act or to a fund exempt under section 501(c)(22) of the Internal Revenue Code of 1986 pursuant to section 4223 of this Act shall reduce the amount of contributions considered received by the plan for the plan year.

"(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary of the Treasury.

"(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 302(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(ii) shall not apply to the amount so charged).

"(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 of the Internal Revenue Code of 1986 in such manner as is determined by the Secretary of the Treasury.

"(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the terms of the plan for a period that does not exceed 14 years from the effective date of the amendment, paragraph (2)(B)(i) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for '15'.

"(c) ADDITIONAL RULES.—

"(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this part, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

"(2) VALUATION OF ASSETS.—

"(A) IN GENERAL.—For purposes of this part, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary of the Treasury.

"(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary of the Treasury shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of such Secretary.

"(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

"(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

"(B) a change in the definition of the term 'wages' under section 3121 of the Internal Revenue Code of 1986, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5) of such Code,

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

"(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

"(A) the funding standard account shall be credited with the amount of such excess, and

"(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b) (2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

"(6) FULL-FUNDING LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (5), the term 'full-funding limitation' means the excess (if any) of—

"(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

“(ii) the lesser of—

“(I) the fair market value of the plan's assets, or

“(II) the value of such assets determined under paragraph (2).

“(B) MINIMUM AMOUNT.—

“(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

“(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

“(II) the value of the plan's assets determined under paragraph (2).

“(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

“(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3) of the Internal Revenue Code of 1986).

“(D) CURRENT LIABILITY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term 'current liability' means all liabilities to employees and their beneficiaries under the plan.

“(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

“(I) age, service, compensation, death, or disability, or

“(II) an event which is reasonably and reliably predictable (as determined by the Secretary of the Treasury),

shall not be taken into account until the event on which the benefit is contingent occurs.

“(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

“(iv) MORTALITY TABLES.—

“(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary of the Treasury which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A) of the Internal Revenue Code of 1986) used to determine reserves for group annuity contracts issued on January 1, 1993.

“(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, such Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

“(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

“(I) IN GENERAL.—The Secretary of the Treasury shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. Such Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

“(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

“(vi) PERIODIC REVIEW.—The Secretary of the Treasury shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent such Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

“(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan's current liability for purposes of this paragraph—

“(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

“(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

“(I) IN GENERAL.—Except as provided in subclause (II), the term 'permissible range' means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

“(II) SECRETARIAL AUTHORITY.—If the Secretary of the Treasury finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, such Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

“(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

“(I) determined without taking into account the experience of the plan and reasonable expectations, but

“(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

“(7) ANNUAL VALUATION.—

“(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary of the Treasury.

“(B) VALUATION DATE.—

“(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

“(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

“(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

“(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary of the Treasury.

“(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—

“(1) AUTOMATIC EXTENSION UPON APPLICATION BY CERTAIN PLANS.—

“(A) IN GENERAL.—If the plan sponsor of a multiemployer plan—

“(i) submits to the Secretary of the Treasury an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), and

“(ii) includes with the application a certification by the plan's actuary described in subparagraph (B),

the Secretary of the Treasury shall extend the amortization period for the period of time (not in excess of 5 years) specified in the application. Such extension shall be in addition to any extension under paragraph (2).

“(B) CRITERIA.—A certification with respect to a multiemployer plan is described in this subparagraph if the plan's actuary certifies that, based on reasonable assumptions—

“(i) absent the extension under subparagraph (A), the plan would have an accumulated funding deficiency in the current plan year or any of the 9 succeeding plan years,

“(ii) the plan sponsor has adopted a plan to improve the plan's funding status,

“(iii) the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period as extended, and

“(iv) the notice required under paragraph (3)(A) has been provided.

“(2) ADDITIONAL EXTENSION.—

“(A) IN GENERAL.—If the plan sponsor of a multiemployer plan submits to the Secretary of the Treasury an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), the Secretary of the Treasury may extend the amortization period for a period of time (not in excess of 5 years) if the Secretary of the Treasury makes the determination described in subparagraph (B). Such extension shall be in addition to any extension under paragraph (1).

“(B) DETERMINATION.—The Secretary make grant an extension under subparagraph (A) if the Secretary determines that—

"(i) such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and their beneficiaries, and

"(ii) the failure to permit such extension would—

"(I) result in a substantial risk to the voluntary continuation of the plan, or a substantial curtailment of pension benefit levels or employee compensation, and

"(II) be adverse to the interests of plan participants in the aggregate.

"(C) ACTION BY SECRETARY.—The Secretary of the Treasury shall act upon any application for an extension under this paragraph within 180 days of the submission of such application. If the Secretary rejects the application for an extension under this paragraph, the Secretary shall provide notice to the plan detailing the specific reasons for the rejection, including references to the criteria set forth above.

"(3) ADVANCE NOTICE.—

"(A) IN GENERAL.—The Secretary of the Treasury shall, before granting an extension under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21)) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV and for benefit liabilities.

"(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary of the Treasury shall consider any relevant information provided by a person to whom notice was given under paragraph (1).".

(b) SHORTFALL FUNDING METHOD.—

(1) IN GENERAL.—A multiemployer plan meeting the criteria of paragraph (2) may adopt, use, or cease using, the shortfall funding method and such adoption, use, or cessation of use of such method, shall be deemed approved by the Secretary of the Treasury under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(e)(1) of the Internal Revenue Code of 1986.

(2) CRITERIA.—A multiemployer pension plan meets the criteria of this clause if—

(A) the plan has not used the shortfall funding method during the 5-year period ending on the day before the date the plan is to use the method under paragraph (1); and

(B) the plan is not operating under an amortization period extension under section 304(d) of such Act and did not operate under such an extension during such 5-year period.

(3) SHORTFALL FUNDING METHOD DEFINED.—For purposes of this subsection, the term "shortfall funding method" means the shortfall funding method described in Treasury Regulations section 1.412(c)(1)-2 (26 C.F.R. 1.412(c)(1)-2).

(4) BENEFIT RESTRICTIONS TO APPLY.—The benefit restrictions under section 302(c)(7) of such Act and section 412(d)(7) of such Code shall apply during any period a multiemployer plan is on the shortfall funding method pursuant to this subsection.

(5) USE OF SHORTFALL METHOD NOT TO PRECLUDE OTHER OPTIONS.—Nothing in this subsection shall be construed to affect a multiemployer plan's ability to adopt the shortfall funding method with the Secretary's permission under otherwise applicable regulations or to affect a multiemployer plan's right to change funding methods, with or without the Secretary's consent, as provided in applicable rules and regulations.

(c) CONFORMING AMENDMENTS.—

(1) Section 301 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1081) is amended by striking subsection (d).

(2) The table of contents in section 1 of such Act (as amended by this Act) is amended by inserting after the item relating to section 303 the following new item:

"Sec. 304. Minimum funding standards for multiemployer plans.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN AMORTIZATION EXTENSIONS.—If the Secretary of the Treasury grants an extension under section 304 of the Employee Retirement Income Security Act of 1974 and section 412(e) of the Internal Revenue Code of 1986 with respect to any application filed with the Secretary of the Treasury on or before June 30, 2005, the extension (and any modification thereof) shall be applied and administered under the rules of such sections as in effect before the enactment of this Act, including the use of the rate of interest determined under section 6621(b) of such Code.

SEC. 502. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Part 3 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by the preceding provisions of this Act) is amended by inserting after section 304 the following new section:

"ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS

"SEC. 305. (a) GENERAL RULE.—For purposes of this part, in the case of a multiemployer plan—

"(1) if the plan is in endangered status—

"(A) the plan sponsor shall adopt and implement a funding improvement plan in accordance with the requirements of subsection (c), and

"(B) the requirements of subsection (d) shall apply during the funding plan adoption period and the funding improvement period, and

"(2) if the plan is in critical status—

"(A) the plan sponsor shall adopt and implement a rehabilitation plan in accordance with the requirements of subsection (e), and

"(B) the requirements of subsection (f) shall apply during the rehabilitation plan adoption period and the rehabilitation period.

"(b) DETERMINATION OF ENDANGERED AND CRITICAL STATUS.—For purposes of this section—

"(1) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is not in critical status for the plan year and either—

"(A) the plan's funded percentage for such plan year is less than 80 percent, or

"(B) the plan has an accumulated funding deficiency for such plan year, or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 304(d).

For purposes of this section, a plan described in subparagraph (B) shall be treated as in seriously endangered status.

"(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is described in 1 or more of the following subparagraphs as of the beginning of the plan year:

"(A) A plan is described in this subparagraph if—

"(i) the funded percentage of the plan is less than 65 percent, and

"(ii) the sum of—

"(I) the market value of plan assets, plus

"(II) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 5 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 5 succeeding plan years (plus administrative expenses for such plan years).

"(B) A plan is described in this subparagraph if—

"(i) the plan has an accumulated funding deficiency for the current plan year, not taking into account any extension of amortization periods under section 304(d), or

"(ii) the plan is projected to have an accumulated funding deficiency for any of the 3 succeeding plan years (4 succeeding plan years if the funded percentage of the plan is 65 percent or less), not taking into account any extension of amortization periods under section 304(d).

"(C) A plan is described in this subparagraph if—

"(i)(I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining costs under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

"(II) the present value of the reasonably anticipated employer contributions for the current plan year,

"(ii) the present value of nonforfeitable benefits of inactive participants is greater than the present value of nonforfeitable benefits of active participants, and

"(iii) the plan has an accumulated funding deficiency for the current plan year, or is projected to have such a deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 304(d).

"(D) A plan is described in this subparagraph if the sum of—

"(i) the market value of plan assets, plus

"(ii) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

"(3) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

"(A) IN GENERAL.—During the 90-day period beginning on the first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary of the Treasury—

"(i) whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year, and

"(ii) in the case of a plan which is in a funding improvement or rehabilitation period, whether or not the plan is making the scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan.

"(B) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

"(i) IN GENERAL.—In making the determinations and projections under this subsection, the plan actuary shall make projections required for the current and succeeding plan years, using reasonable actuarial estimates, assumptions, and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year. The projected present value of liabilities as of the beginning of such year shall be determined based on the actuarial statement required under section 103(d) with respect to the most recently filed annual report or the actuarial valuation for the preceding plan year.

"(ii) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any actuarial projection of plan assets shall assume—

"(I) reasonably anticipated employer contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

"(II) that employer contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make such assumption unreasonable.

"(C) PENALTY FOR FAILURE TO SECURE TIMELY ACTUARIAL CERTIFICATION.—Any failure of the plan's actuary to certify the plan's status under this subsection by the date specified in subparagraph (A) shall be treated for purposes of section 502(c)(2) as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4).

"(D) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered or critical status under subparagraph (A), the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary of the Treasury, and the Secretary.

"(c) FUNDING IMPROVEMENT PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year, the plan sponsor, in accordance with this subsection—

"(A) shall adopt a funding improvement plan not later than 240 days following the required date for the actuarial certification of endangered status under subsection (b)(3)(A), and

"(B) within 30 days after the adoption of the funding improvement plan—

"(i) in the case of a plan in seriously endangered status, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the applicable requirements under paragraph (3) in accordance with the funding improvement plan, including a description of the reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to meet the applicable requirements if the plan sponsor assumes that there are no increases in contributions under the plan other than the increases necessary to meet the applicable requirements after future benefit accruals have been reduced to the maximum extent permitted by law, and

"(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to achieving the requirements under paragraph (3) in accordance with the funding improvement plan.

"(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a funding plan adoption period or funding improvement period by reason of the plan being in endangered status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial determination year with respect to the funding improvement plan to which it relates.

"(3) FUNDING IMPROVEMENT PLAN.—For purposes of this section—

"(A) IN GENERAL.—A funding improvement plan is a plan which consists of the actions, including options or a range of options to be proposed to the bargaining parties, which, under reasonable actuarial assumptions, will result in the plan meeting the requirements of this paragraph.

"(B) PLANS OTHER THAN SERIOUSLY ENDANGERED PLANS.—In the case of plan not in seriously endangered status, the requirements of this paragraph are met if the plan's funded percentage as of the close of the funding improvement period exceeds the lesser of 80 percent or a percentage equal to the sum of—

"(i) such percentage as of the beginning of such period, plus

"(ii) 10 percent of the percentage under clause (i).

"(C) SERIOUSLY ENDANGERED PLANS.—In the case of a plan in seriously endangered status, the requirements of this paragraph are met if—

"(i) the plan's funded percentage as of the close of the funding improvement period equals or exceeds the percentage which is equal to the sum of—

"(I) such percentage as of the beginning of such period, plus

"(II) 33 percent of the difference between 100 percent and the percentage under subclause (I), and

"(ii) there is no accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 304(d)).

"(4) FUNDING IMPROVEMENT PERIOD.—For purposes of this section—

"(A) IN GENERAL.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the first day of the first plan year of the multiemployer plan beginning after the earlier of—

"(i) the second anniversary of the date of the adoption of the funding improvement plan, or

"(ii) the expiration of the collective bargaining agreements in effect on the due date for the actuarial certification of endangered status for the initial determination year under subsection (b)(3)(A) and covering, as of such due date, at least 75 percent of the active participants in such multiemployer plan.

"(B) COORDINATION WITH CHANGES IN STATUS.—

"(i) PLANS NO LONGER IN ENDANGERED STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is no longer in endangered status and is not in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the preceding plan year.

"(ii) PLANS IN CRITICAL STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the plan year preceding the first plan year in the rehabilitation period with respect to such status.

"(C) PLANS IN ENDANGERED STATUS AT END OF PERIOD.—If the plan's actuary certifies under subsection (b)(3)(A) for the first plan year following the close of the period described in subparagraph (A) that the plan is in endangered status, the provisions of this subsection and subsection (d) shall be applied as if such first plan year were an initial determination year, except that the plan may not be amended in a manner inconsistent with the funding improvement plan in effect for the preceding plan year until a new funding improvement plan is adopted.

"(5) SPECIAL RULES FOR CERTAIN UNDERFUNDED PLANS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if the funded percentage of a plan in seriously endangered status was 70 percent or less as of the beginning of the initial determination year, the following rules shall apply in determining whether the requirements of paragraph (3)(C)(i) are met:

"(i) The plan's funded percentage as of the close of the funding improvement period must equal or exceed a percentage which is equal to the sum of—

"(I) such percentage as of the beginning of such period, plus

"(II) 20 percent of the difference between 100 percent and the percentage under subclause (I).

"(ii) The funding improvement period under paragraph (4)(A) shall be 15 years rather than 10 years.

"(B) SPECIAL RULES FOR PLANS WITH FUNDED PERCENTAGE OVER 70 PERCENT.—If the funded percentage described in subparagraph (A) was more than 70 percent but less than 80 percent as of the beginning of the initial determination year—

"(i) subparagraph (A) shall apply if the plan's actuary certifies, within 30 days after the certification under subsection (b)(3)(A) for the initial determination year, that, based on the terms of the plan and the collective bargaining agreements in effect at the time of such certification, the plan is not projected to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, and

"(ii) if there is a certification under clause (i), the plan may, in formulating its funding improvement plan, only take into account the rules of subparagraph (A) for plan years in the funding improvement period beginning on or before the date on which the last of the collective bargaining agreements described in paragraph (4)(A)(ii) expires.

Notwithstanding clause (ii), if for any plan year ending after the date described in clause (ii) the plan actuary certifies (at the time of the annual certification under subsection (b)(3)(A) for such plan year) that, based on the terms of the plan and collective bargaining agreements in effect at the time of that annual certification, the plan is not projected to be able to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, the plan may continue to assume for such year that the funding improvement period is 15 years rather than 10 years.

"(6) UPDATES TO FUNDING IMPROVEMENT PLAN AND SCHEDULES.—

"(A) FUNDING IMPROVEMENT PLAN.—The plan sponsor shall annually update the funding improvement plan and shall file the update with the plan's annual report under section 104.

"(B) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

"(C) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

"(7) PENALTY IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—A failure of the plan sponsor to adopt a funding improvement plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4).

"(8) FUNDING PLAN ADOPTION PERIOD.—For purposes of this section, the term 'funding plan adoption period' means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial determination year and ending on the day before the first day of the funding improvement period.

"(d) RULES FOR OPERATION OF PLAN DURING ADOPTION AND IMPROVEMENT PERIODS; FAILURE TO MEET REQUIREMENTS.—

"(1) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the plan adoption period—

"(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

"(i) a reduction in the level of contributions for any participants,

"(ii) a suspension of contributions with respect to any period of service, or

"(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation,

"(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law, and

"(C) in the case of a plan in seriously endangered status, the plan sponsor shall take all reasonable actions which are consistent with the terms of the plan and applicable law and which are expected, based on reasonable assumptions, to achieve—

"(i) an increase in the plan's funded percentage, and

"(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Actions under subparagraph (C) include applications for extensions of amortization periods under section 304(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan's benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

"(2) COMPLIANCE WITH FUNDING IMPROVEMENT PLAN.—

"(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to be inconsistent with the funding improvement plan.

"(B) NO REDUCTION IN CONTRIBUTIONS.—A plan sponsor may not during any funding improvement period accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

"(i) a reduction in the level of contributions for any participants,

"(ii) a suspension of contributions with respect to any period of service, or

"(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

"(C) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to increase benefits, including future benefit accruals, unless—

"(i) in the case of a plan in seriously endangered status, the plan actuary certifies that, after taking into account the benefit increase, the plan is still reasonably expected to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan, and

"(ii) in the case of a plan not in seriously endangered status, the actuary certifies that such increase is paid for out of contributions not required by the funding improvement plan to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan.

"(3) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—Notwithstanding section 4971(g) of the Internal Revenue Code of 1986, if a plan fails to meet the requirements of subsection (c)(3) by the end of the funding improvement period, the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 of such Code for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

"(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive part or all of the tax imposed by section 4971 of such Code to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(e) REHABILITATION PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year, the plan sponsor, in accordance with this subsection—

"(A) shall adopt a rehabilitation plan not later than 240 days following the required date for the actuarial certification of critical status under subsection (b)(3)(A), and

"(B) within 30 days after the adoption of the rehabilitation plan—

"(i) shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to emerge from critical status in accordance with the rehabilitation plan, and

"(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to emerging from critical status in accordance with the rehabilitation plan.

The schedule or schedules described in subparagraph (B)(i) shall reflect reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to emerge from critical status. One schedule shall be designated as the default schedule and such schedule shall assume that there are no increases in contributions under the plan other than the increases necessary to emerge from critical status after future benefit accruals and other benefits (other than benefits the reduction or elimination of which are not permitted under section 204(g)) have been reduced to the maximum extent permitted by law.

"(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a rehabilitation plan adoption period or rehabilitation period by reason of the plan being in critical status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial critical year with respect to the rehabilitation plan to which it relates.

"(3) REHABILITATION PLAN.—For purposes of this section—

"(A) IN GENERAL.—A rehabilitation plan is a plan which consists of—

"(i) actions which will enable, under reasonable actuarial assumptions, the plan to cease to be in critical status by the end of the rehabilitation period and may include reductions in plan expenditures (including plan mergers and consolidations), reductions in future benefit accruals or increases in contributions, if agreed to by the bargaining parties, or any combination of such actions, or

"(ii) if the plan sponsor determines that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan can not reasonably be expected to emerge from critical status by the end of the rehabilitation period, reasonable measures to emerge from critical status at a later time or to forestall possible insolvency (within the meaning of section 4245).

Such plan shall include the schedules required to be provided under paragraph (1)(B)(i). If clause (ii) applies, such plan shall set forth the alternatives considered, explain why the plan is not reasonably expected to emerge from critical status by the end of the rehabilitation period, and specify when, if ever, the plan is expected to emerge from critical status in accordance with the rehabilitation plan.

"(B) UPDATES TO REHABILITATION PLAN AND SCHEDULES.—

"(i) REHABILITATION PLAN.—The plan sponsor shall annually update the rehabilitation plan and shall file the update with the plan's annual report under section 104.

"(ii) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

"(iii) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

"(C) DEFAULT SCHEDULE.—If the collective bargaining agreement providing for contributions under a multiemployer plan that was in effect at the time the plan entered critical status expires and, after receiving a schedule from the plan sponsor under paragraph (1)(B)(i), the bargaining parties have not adopted a collective bargaining agreement with terms consistent with such a schedule, the default schedule described in the last sentence of paragraph (1) shall go into effect with respect to those bargaining parties.

"(4) REHABILITATION PERIOD.—For purposes of this section—

"(A) IN GENERAL.—The rehabilitation period for a plan in critical status is the 10-year period beginning on the first day of the first plan year of the multiemployer plan following the earlier of—

"(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

"(ii) the expiration of the collective bargaining agreements in effect on the date of the due date for the actuarial certification of critical status for the initial critical year under subsection (a)(1) and covering, as of such date at least 75 percent of the active participants in such multiemployer plan.

If a plan emerges from critical status as provided under subparagraph (B) before the end of such 10-year period, the rehabilitation period shall end with the plan year preceding the plan year for which the determination under subparagraph (B) is made.

"(B) EMERGENCE.—A plan in critical status shall remain in such status until a plan year for which the plan actuary certifies, in accordance with subsection (b)(3)(A), that the plan is not projected to have an accumulated funding deficiency for the plan year or any of the 9 succeeding plan years, without regard to use of the shortfall method or any extension of amortization periods under section 304(d).

"(5) PENALTY IF NO REHABILITATION PLAN ADOPTED.—A failure of a plan sponsor to adopt a rehabilitation plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4).

"(6) REHABILITATION PLAN ADOPTION PERIOD.—For purposes of this section, the term 'rehabilitation plan adoption period' means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial critical year and ending on the day before the first day of the rehabilitation period.

"(7) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any reduction in the rate of future accruals under any schedule described in paragraph (1)(B)(i) shall not reduce the rate of future accruals below—

"(A) a monthly benefit (payable as a single life annuity commencing at the participant's normal retirement age) equal to 1 percent of the contributions required to be made with respect to a participant, or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the initial critical year, or

"(B) if lower, the accrual rate under the plan on such first day.

The equivalent standard accrual rate shall be determined by the plan sponsor based on the standard or average contribution base units which the plan sponsor determines to be representative for active participants and such other factors as the plan sponsor determines to be relevant. Nothing in this paragraph shall be construed as limiting the ability of the plan sponsor to prepare and provide the bargaining parties with alternative schedules to the default schedule that established lower or higher accrual and contribution rates than the rates otherwise described in this paragraph.

"(8) EMPLOYER IMPACT.—For the purposes of this section, the plan sponsor shall consider the impact of the rehabilitation plan and contribution schedules authorized by this section on bargaining parties with fewer than 500 employees and shall implement the plan in a manner that encourages their continued participation in the plan and minimizes financial harm to employers and their workers.

"(f) RULES FOR OPERATION OF PLAN DURING ADOPTION AND REHABILITATION PERIOD.—

"(1) COMPLIANCE WITH REHABILITATION PLAN.—

"(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to be inconsistent with the rehabilitation plan.

"(B) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to increase benefits, including future benefit accruals, unless the plan actuary certifies that such increase is paid for out of additional contributions not contemplated by the rehabilitation plan, and, after taking into account the benefit increase, the multiemployer plan still is reasonably expected to emerge from critical status by the end of the rehabilitation period on the schedule contemplated in the rehabilitation plan.

"(2) RESTRICTION ON LUMP SUMS AND SIMILAR BENEFITS.—

"(A) IN GENERAL.—Effective on the date the notice of certification of the plan's critical status for the initial critical year under subsection (b)(3)(D) is sent, and notwithstanding section 204(g), the plan shall not pay—

"(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 204(b)(1)(G)),

"(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

"(iii) any other payment specified by the Secretary of the Treasury by regulations.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to a benefit which under section 203(e) may be immediately distributed without the consent of the participant or to any makeup payment in the case of a retroactive annuity starting date or any similar payment of benefits owed with respect to a prior period.

"(3) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—Any benefit reductions under this subsection shall be disregarded in determining a plan's unfunded vested benefits for purposes of determining an employer's withdrawal liability under section 4201.

"(4) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the rehabilitation plan adoption period—

"(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

"(i) a reduction in the level of contributions for any participants,

"(ii) a suspension of contributions with respect to any period of service, or

"(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation, and

"(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

"(5) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—Notwithstanding section 4971(g) of the Internal Revenue Code of 1986, if a plan—

"(i) fails to meet the requirements of subsection (e) by the end of the rehabilitation period, or

"(ii) has received a certification under subsection (b)(3)(A)(ii) for 3 consecutive plan years that the plan is not making the scheduled progress in meeting its requirements under the rehabilitation plan,

the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 of such Code for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

"(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive part or all of the tax imposed by section 4971 of such Code to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(g) EXPEDITED RESOLUTION OF PLAN SPONSOR DECISIONS.—If, within 60 days of the due date for adoption of a funding improvement plan under subsection (c) or a rehabilitation plan under subsection (e), the plan sponsor of a plan in endangered status or a plan in critical status has not agreed on a funding improvement plan or rehabilitation plan, then any member of the board or group that constitutes the plan sponsor may require that the plan sponsor enter into an expedited dispute resolution procedure for the development and adoption of a funding improvement plan or rehabilitation plan.

"(h) NONBARGAINED PARTICIPATION.—

"(1) BOTH BARGAINED AND NONBARGAINED EMPLOYEE-PARTICIPANTS.—In the case of an employer that contributes to a multiemployer plan with respect to both employees who are covered by one or more collective bargaining agreements and to employees who are not so covered, if the plan is in endangered status or in critical status, benefits of and contributions for the nonbargained employees, including surcharges on those contributions, shall be determined as if those nonbargained employees were covered under the first to expire of the employer's collective bargaining agreements in effect when the plan entered endangered or critical status.

"(2) NONBARGAINED EMPLOYEES ONLY.—In the case of an employer that contributes to a multiemployer plan only with respect to employees who are not covered by a collective bargaining agreement, this section shall be applied as if the employer were the bargaining parties, and its participation agreement with the plan was a collective bargaining agreement with a term ending on the first day of the plan year beginning after the employer is provided the schedule or schedules described in subsections (c) and (e).

"(3) EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT.—The determination as to whether an employee covered by a collective bargaining agreement for purposes of this section shall be made without regard to the special rule in Treasury Regulation section 1.410(b)–6(d)(ii)(D).

"(i) DEFINITIONS; ACTUARIAL METHOD.—For purposes of this section—

"(1) BARGAINING PARTY.—The term 'bargaining party' means—

"(A)(i) except as provided in clause (ii), an employer who has an obligation to contribute under the plan; or

"(ii) in the case of a plan described under section 404(c) of the Internal Revenue Code of 1986, or a continuation of such a plan, the association of employers that is the employee settlor of the plan; and

"(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by an employer who has an obligation to contribute under the plan.

"(2) FUNDED PERCENTAGE.—The term 'funded percentage' means the percentage equal to a fraction—

"(A) the numerator of which is the value of the plan's assets, as determined under section 304(c)(2), and

"(B) the denominator of which is the accrued liability of the plan, determined using actuarial assumptions described in section 304(c)(3).

"(3) ACCUMULATED FUNDING DEFICIENCY.—The term 'accumulated funding deficiency' has the meaning given such term in section 304(a).

"(4) ACTIVE PARTICIPANT.—The term 'active participant' means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

"(5) INACTIVE PARTICIPANT.—The term 'inactive participant' means, in connection with a multiemployer plan, a participant, or the beneficiary or alternate payee of a participant, who—

"(A) is not in covered service under the plan, and

"(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

"(6) PAY STATUS.—A person is in pay status under a multiemployer plan if—

"(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

"(B) to the extent provided in regulations of the Secretary of the Treasury, such person is entitled to such a benefit under the plan.

"(7) OBLIGATION TO CONTRIBUTE.—The term 'obligation to contribute' has the meaning given such term under section 4212(a).

"(8) ACTUARIAL METHOD.—Notwithstanding any other provision of this section, the actuary's determinations with respect to a plan's normal cost, actuarial accrued liability, and improvements in a plan's funded percentage under this section shall be based upon the unit credit funding method (whether or not that method is used for the plan's actuarial valuation).

"(9) PLAN SPONSOR.—In the case of a plan described under section 404(c) of the Internal Revenue Code of 1986, or a continuation of such a plan, the term 'plan sponsor' means the bargaining parties described under paragraph (1).".

(b) CAUSE OF ACTION TO COMPEL ADOPTION OF FUNDING IMPROVEMENT OR REHABILITATION PLAN.—Section 502(a) of the Employee Retirement Income Security Act of 1974 is amended by striking "or" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; or" and by adding at the end the following:

"(10) in the case of a multiemployer plan that has been certified by the actuary to be in endangered or critical status under section 305, if the plan sponsor has not adopted a funding improvement or rehabilitation plan under subsection (c) or (e) of that section by the deadline established in that section, by an employer that has an obligation to contribute with respect to the multiemployer plan or an employee organization that represents active participants in the multiemployer plan, for an order compelling the plan sponsor to adopt a funding improvement or rehabilitation plan.".

(c) 4971 EXCISE TAX INAPPLICABLE.—Section 4971 of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h), and inserting after subsection (f) the following:

"(g) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—No tax shall be imposed under this section for a taxable year with respect to a multiemployer plan if, for the plan years ending with or within the taxable year, the plan is in critical status pursuant to section 305 of the Employee Retirement Income Security Act of 1974. This subsection shall only apply if the plan adopts a rehabilitation plan in accordance with section 305(e) of such Act and complies with such rehabilitation plan (and any modifications of the plan) and shall not apply if an excise tax is required to be imposed under this section by reason of a violation of such section 305.".

(d) NO ADDITIONAL CONTRIBUTIONS REQUIRED.—

(1) Section 302(b) of the Employee Retirement Income Security Act of 1974, as amended by this Act , is amended by adding at the end the following new paragraph:

"(3) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—Subparagraph (A) shall not apply in the case of a multiemployer plan for any plan year in which the plan is in critical status pursuant to section 305. This paragraph shall only apply if the plan adopts a rehabilitation plan in accordance with section 305(e) and complies with such rehabilitation plan (and any modifications of the plan).".

(2) Section 412(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

"(3) MULTIEMPLOYER PLANS IN CRITICAL STATUS.—Subparagraph (A) shall not apply in the case of a multiemployer plan for any plan year in which the plan is in critical status pursuant to section 305 of the Employee Retirement Income Security Act of 1974. This paragraph shall only apply if the plan adopts a rehabilitation plan in accordance with section 305(e) of such Act and complies with such rehabilitation plan (and any modifications of the plan).".

(e) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (as amended by the preceding provisions of this Act) is amended by inserting after the item relating to section 304 the following new item:

"Sec. 305. Additional funding rules for multiemployer plans in endangered status or critical status.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply with respect to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN RESTORED BENEFITS.—In the case of a multiemployer plan—

(A) with respect to which benefits were reduced pursuant to a plan amendment adopted on or after January 1, 2002, and before June 30, 2005, and

(B) which, pursuant to the plan document, the trust agreement, or a formal written communication from the plan sponsor to participants provided before June 30, 2005, provided for the restoration of such benefits,

the amendments made by this section shall not apply to such benefit restorations to the extent that any restriction on the providing or accrual of such benefits would otherwise apply by reason of such amendments.

SEC. 503. MEASURES TO FORESTALL INSOLVENCY OF MULTIEMPLOYER PLANS.

(a) ADVANCE DETERMINATION OF IMPENDING INSOLVENCY OVER 5 YEARS.—Section 4245(d)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1426(d)(1)) is amended—

(1) by striking "3 plan years" the second place it appears and inserting "5 plan years"; and

(2) by adding at the end the following new sentence: "If the plan sponsor makes such a determination that the plan will be insolvent in any of the next 5 plan years, the plan sponsor shall make the comparison under this paragraph at least annually until the plan sponsor makes a determination that the plan will not be insolvent in any of the next 5 plan years.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations made in plan years beginning after 2006.

SEC. 504. SPECIAL RULE FOR CERTAIN BENEFITS FUNDED UNDER AN AGREEMENT APPROVED BY THE PENSION BENEFIT GUARANTY CORPORATION.

In the case of a multiemployer plan that is a party to an agreement that was approved by the Pension Benefit Guaranty Corporation prior to June 30, 2005, and that—

(1) increases benefits, and

(2) provides for special withdrawal liability rules under section 4203(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1383),

the amendments made by sections 201, 202, 211, and 212 of this Act shall not apply to the benefit increases under any plan amendment adopted prior to June 30, 2005, that are funded pursuant to such agreement if the plan is funded in compliance with such agreement (and any amendments thereto).

SEC. 505. WITHDRAWAL LIABILITY REFORMS.

(a) REPEAL OF LIMITATION ON WITHDRAWAL LIABILITY OF INSOLVENT EMPLOYERS.—

(1) IN GENERAL.—Subsections (b) and (d) of section 4225 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1405) are repealed.

(2) CONFORMING AMENDMENTS.—Subsections (c) and (e) of section 4225 of such Act are redesignated as subsections (b) and (c), respectively.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales occurring on or after January 1, 2006.

(b) WITHDRAWAL LIABILITY CONTINUES IF WORK CONTRACTED OUT.—

(1) IN GENERAL.—Clause (i) of section 4205(b)(2)(A) of such Act (29 U.S.C. 1385(b)(2)(A)) is amended by inserting "or to an entity or entities owned or controlled by the employer" after "to another location".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to work transferred on or after the date of the enactment of this Act.

(c) APPLICATION OF FORGIVENESS RULE TO PLANS PRIMARILY COVERING EMPLOYEES IN THE BUILDING AND CONSTRUCTION.—

(1) IN GENERAL.—Section 4210(b) of such Act (29 U.S.C. 1390(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to plan withdrawals occurring on or after January 1, 2006.

SEC. 506. SPECIAL RULES FOR MULTIPLE EMPLOYER PLANS OF CERTAIN COOPERATIVES.

(a) GENERAL RULE.—Except as provided in this section, if a plan in existence on July 26, 2005, was an eligible cooperative plan for its plan year which includes such date, the amendments made by this subtitle and subtitle B shall not apply to plan years beginning before the earlier of—

(1) the first plan year for which the plan ceases to be an eligible cooperative plan, or

(2) January 1, 2017.

(b) ELIGIBLE COOPERATIVE PLANS.—For purposes of this section, the term "eligible cooperative plan" means a plan which is maintained by more than 1 employer and at least 85 percent of the employers are—

(1) rural cooperatives (as defined in section 401(k)(7)(B) of the Internal Revenue Code of 1986 without regard to clause (iv) thereof),

(2) rural telephone cooperative associations described in section 3(40)(B)(v) of the Employee Retirement Income Security Act of 1974 which is not described in paragraph (1), or

(3) organizations described in section 1381(a) of such Code more than 50 percent of the ownership or capital and profits interests of which are held—

(A) by producers of agricultural products, or

(B) organizations described in section 1381(a) of such Code meeting the requirements of subparagraph (A).

PART II—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 511. FUNDING RULES FOR MULTIEMPLOYER DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (as added by this Act) is amended by inserting after section 430 the following new section:

"SEC. 431. MINIMUM FUNDING STANDARDS FOR MULTIEMPLOYER PLANS.

"(a) IN GENERAL.—For purposes of section 412, the accumulated funding deficiency of a multiemployer plan for any plan year is—

"(1) except as provided in paragraph (2), the amount, determined as of the end of the plan year, equal to the excess (if any) of the total charges to the funding standard account of the plan for all plan years (beginning with the first plan year for which this part applies to the plan) over the total credits to such account for such years, and

"(2) if the multiemployer plan is in reorganization for any plan year, the accumulated funding deficiency of the plan determined under section 4243 of the Employee Retirement Income Security Act of 1974.

"(b) FUNDING STANDARD ACCOUNT.—

"(1) ACCOUNT REQUIRED.—Each multiemployer plan to which this part applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

"(2) CHARGES TO ACCOUNT.—For a plan year, the funding standard account shall be charged with the sum of—

"(A) the normal cost of the plan for the plan year,

"(B) the amounts necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount necessary to amortize each waived funding deficiency (within the meaning of section 412(d)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years,

"(D) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under section 412(b)(3)(D) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), and

"(E) the amount necessary to amortize in equal annual installments (until fully amortized) over a period of 20 years the contributions which would be required to be made under the plan but for the provisions of section 412(c)(7)(A)(i)(I) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005).

"(3) CREDITS TO ACCOUNT.—For a plan year, the funding standard account shall be credited with the sum of—

"(A) the amount considered contributed by the employer to or under the plan for the plan year,

"(B) the amount necessary to amortize in equal annual installments (until fully amortized)—

"(i) separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 15 plan years,

"(ii) separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years, and

"(iii) separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 15 plan years,

"(C) the amount of the waived funding deficiency (within the meaning of section 412(d)(3)) for the plan year, and

"(D) in the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard under section 412(g) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005), the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

"(4) SPECIAL RULE FOR AMOUNTS FIRST AMORTIZED TO PLAN YEARS BEFORE 2007.—In the case of any amount amortized under section 412(b) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) over any period beginning with a plan year beginning before 2007, in lieu of the amortization described in paragraphs (2)(B) and (3)(B), such amount shall continue to be amortized under such section as so in effect.

"(5) COMBINING AND OFFSETTING AMOUNTS TO BE AMORTIZED.—Under regulations prescribed by the Secretary, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

"(A) may be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

"(B) may be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

"(6) INTEREST.—The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary of the Treasury) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

"(7) SPECIAL RULES RELATING TO CHARGES AND CREDITS TO FUNDING STANDARD ACCOUNT.—For purposes of this part—

"(A) WITHDRAWAL LIABILITY.—Any amount received by a multiemployer plan in payment of all or part of an employer's withdrawal liability under part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974 shall be considered an amount contributed by the employer to or under the plan. The Secretary may prescribe by regulation additional charges and credits to a multiemployer plan's funding standard account to the extent necessary to prevent withdrawal liability payments from being unduly reflected as advance funding for plan liabilities.

"(B) ADJUSTMENTS WHEN A MULTIEMPLOYER PLAN LEAVES REORGANIZATION.—If a multiemployer plan is not in reorganization in the plan year but was in reorganization in the immediately preceding plan year, any balance in the funding standard account at the close of such immediately preceding plan year—

"(i) shall be eliminated by an offsetting credit or charge (as the case may be), but

"(ii) shall be taken into account in subsequent plan years by being amortized in equal annual installments (until fully amortized) over 30 plan years.

The preceding sentence shall not apply to the extent of any accumulated funding deficiency under section 4243(a) of such Act as of the end of the last plan year that the plan was in reorganization.

"(C) PLAN PAYMENTS TO SUPPLEMENTAL PROGRAM OR WITHDRAWAL LIABILITY PAYMENT FUND.—Any amount paid by a plan during a plan year to the Pension Benefit Guaranty Corporation pursuant to section 4222 of such Act or to a fund exempt under section 501(c)(22) pursuant to section 4223 of such Act shall reduce the amount of contributions considered received by the plan for the plan year.

"(D) INTERIM WITHDRAWAL LIABILITY PAYMENTS.—Any amount paid by an employer pending a final determination of the employer's withdrawal liability under part 1 of subtitle E of title IV of such Act and subsequently refunded to the employer by the plan shall be charged to the funding standard account in accordance with regulations prescribed by the Secretary.

"(E) ELECTION FOR DEFERRAL OF CHARGE FOR PORTION OF NET EXPERIENCE LOSS.—If an election is in effect under section 412(b)(7)(F) (as in effect on the day before the date of the enactment of the Pension Security and Transparency Act of 2005) for any plan year, the funding standard account shall be charged in the plan year to which the portion of the net experience loss deferred by such election was deferred with the amount so deferred (and paragraph (2)(B)(ii) shall not apply to the amount so charged).

"(F) FINANCIAL ASSISTANCE.—Any amount of any financial assistance from the Pension Benefit Guaranty Corporation to any plan, and any repayment of such amount, shall be taken into account under this section and section 412 in such manner as is determined by the Secretary.

"(G) SHORT-TERM BENEFITS.—To the extent that any plan amendment increases the unfunded past service liability under the plan by reason of an increase in benefits which are payable under the terms of the plan for a period that does not exceed 14 years from the effective date of the amendment, paragraph (2)(B)(i) shall be applied separately with respect to such increase in unfunded past service liability by substituting the number of years of the period during which such benefits are payable for '15'.

"(c) ADDITIONAL RULES.—

"(1) DETERMINATIONS TO BE MADE UNDER FUNDING METHOD.—For purposes of this part, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

"(2) VALUATION OF ASSETS.—

"(A) IN GENERAL.—For purposes of this part, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of valuation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary.

"(B) ELECTION WITH RESPECT TO BONDS.—The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of the Secretary.

"(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE.—For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods—

"(A) each of which is reasonable (taking into account the experience of the plan and reasonable expectations), and

"(B) which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

"(4) TREATMENT OF CERTAIN CHANGES AS EXPERIENCE GAIN OR LOSS.—For purposes of this section, if—

"(A) a change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

"(B) a change in the definition of the term 'wages' under section 3121, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5),

results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

"(5) FULL FUNDING.—If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency in excess of the full funding limitation—

"(A) the funding standard account shall be credited with the amount of such excess, and

"(B) all amounts described in subparagraphs (B), (C), and (D) of subsection (b) (2) and subparagraph (B) of subsection (b)(3) which are required to be amortized shall be considered fully amortized for purposes of such subparagraphs.

"(6) FULL-FUNDING LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (5), the term 'full-funding limitation' means the excess (if any) of—

"(i) the accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

"(ii) the lesser of—

"(I) the fair market value of the plan's assets, or

"(II) the value of such assets determined under paragraph (2).

"(B) MINIMUM AMOUNT.—

"(i) IN GENERAL.—In no event shall the full-funding limitation determined under subparagraph (A) be less than the excess (if any) of—

"(I) 90 percent of the current liability of the plan (including the expected increase in current liability due to benefits accruing during the plan year), over

"(II) the value of the plan's assets determined under paragraph (2).

"(ii) ASSETS.—For purposes of clause (i), assets shall not be reduced by any credit balance in the funding standard account.

"(C) FULL FUNDING LIMITATION.—For purposes of this paragraph, unless otherwise provided by the plan, the accrued liability under a multiemployer plan shall not include benefits which are not nonforfeitable under the plan after the termination of the plan (taking into consideration section 411(d)(3)).

"(D) CURRENT LIABILITY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'current liability' means all liabilities to employees and their beneficiaries under the plan.

"(ii) TREATMENT OF UNPREDICTABLE CONTINGENT EVENT BENEFITS.—For purposes of clause (i), any benefit contingent on an event other than—

"(I) age, service, compensation, death, or disability, or

"(II) an event which is reasonably and reliably predictable (as determined by the Secretary),

shall not be taken into account until the event on which the benefit is contingent occurs.

"(iii) INTEREST RATE USED.—The rate of interest used to determine current liability under this paragraph shall be the rate of interest determined under subparagraph (E).

"(iv) MORTALITY TABLES.—

"(I) COMMISSIONERS' STANDARD TABLE.—In the case of plan years beginning before the first plan year to which the first tables prescribed under subclause (II) apply, the mortality table used in determining current liability under this paragraph shall be the table prescribed by the Secretary which is based on the prevailing commissioners' standard table (described in section 807(d)(5)(A)) used to determine reserves for group annuity contracts issued on January 1, 1993.

"(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation prescribe for plan years beginning after December 31, 1999, mortality tables to be used in determining current liability under this subsection. Such tables shall be based upon the actual experience of pension plans and projected trends in such experience. In prescribing such tables, the Secretary shall take into account results of available independent studies of mortality of individuals covered by pension plans.

"(v) SEPARATE MORTALITY TABLES FOR THE DISABLED.—Notwithstanding clause (iv)—

"(I) IN GENERAL.—The Secretary shall establish mortality tables which may be used (in lieu of the tables under clause (iv)) to determine current liability under this subsection for individuals who are entitled to benefits under the plan on account of disability. The Secretary shall establish separate tables for individuals whose disabilities occur in plan years beginning before January 1, 1995, and for individuals whose disabilities occur in plan years beginning on or after such date.

"(II) SPECIAL RULE FOR DISABILITIES OCCURRING AFTER 1994.—In the case of disabilities occurring in plan years beginning after December 31, 1994, the tables under subclause (I) shall apply only with respect to individuals described in such subclause who are disabled within the meaning of title II of the Social Security Act and the regulations thereunder.

"(vi) PERIODIC REVIEW.—The Secretary shall periodically (at least every 5 years) review any tables in effect under this subparagraph and shall, to the extent such Secretary determines necessary, by regulation update the tables to reflect the actual experience of pension plans and projected trends in such experience.

"(E) REQUIRED CHANGE OF INTEREST RATE.—For purposes of determining a plan's current liability for purposes of this paragraph—

"(i) IN GENERAL.—If any rate of interest used under the plan under subsection (b)(6) to determine cost is not within the permissible range, the plan shall establish a new rate of interest within the permissible range.

"(ii) PERMISSIBLE RANGE.—For purposes of this subparagraph—

"(I) IN GENERAL.—Except as provided in subclause (II), the term 'permissible range' means a rate of interest which is not more than 5 percent above, and not more than 10 percent below, the weighted average of the rates of interest on 30-year Treasury securities during the 4-year period ending on the last day before the beginning of the plan year.

"(II) SECRETARIAL AUTHORITY.—If the Secretary finds that the lowest rate of interest permissible under subclause (I) is unreasonably high, the Secretary may prescribe a lower rate of interest, except that such rate may not be less than 80 percent of the average rate determined under such subclause.

"(iii) ASSUMPTIONS.—Notwithstanding paragraph (3)(A), the interest rate used under the plan shall be—

"(I) determined without taking into account the experience of the plan and reasonable expectations, but

"(II) consistent with the assumptions which reflect the purchase rates which would be used by insurance companies to satisfy the liabilities under the plan.

"(7) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) USE OF PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if, as of such date, the value of the assets of the plan are not less than 100 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (6)(D) without regard to clause (iv) thereof).

"(8) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this subparagraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary.

"(d) EXTENSION OF AMORTIZATION PERIODS FOR MULTIEMPLOYER PLANS.—

"(1) AUTOMATIC EXTENSION UPON APPLICATION BY CERTAIN PLANS.—

"(A) IN GENERAL.—If the plan sponsor of a multiemployer plan—

"(i) submits to the Secretary an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), and

"(ii) includes with the application a certification by the plan's actuary described in subparagraph (B),

the Secretary shall extend the amortization period for the period of time (not in excess of 5 years) specified in the application. Such extension shall be in addition to any extension under paragraph (2).

"(B) CRITERIA.—A certification with respect to a multiemployer plan is described in this subparagraph if the plan's actuary certifies that, based on reasonable assumptions—

"(i) absent the extension under subparagraph (A), the plan would have an accumulated funding deficiency in the current plan year or any of the 9 succeeding plan years,

"(ii) the plan sponsor has adopted a plan to improve the plan's funding status,

"(iii) the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period as extended, and

"(iv) the notice required under paragraph (3)(A) has been provided.

"(2) ADDITIONAL EXTENSION.—

"(A) IN GENERAL.—If the plan sponsor of a multiemployer plan submits to the Secretary an application for an extension of the period of years required to amortize any unfunded liability described in any clause of subsection (b)(2)(B) or described in subsection (b)(4), the Secretary may extend the amortization period for a period of time (not in excess of 5 years) if the Secretary of the Treasury makes the determination described in subparagraph (B). Such extension shall be in addition to any extension under paragraph (1).

"(B) DETERMINATION.—The Secretary may grant an extension under subparagraph (A) if the Secretary determines that—

"(i) such extension would carry out the purposes of this Act and would provide adequate protection for participants under the plan and their beneficiaries, and

"(ii) the failure to permit such extension would—

"(I) result in a substantial risk to the voluntary continuation of the plan, or a substantial curtailment of pension benefit levels or employee compensation, and

"(II) be adverse to the interests of plan participants in the aggregate.

"(C) ACTION BY SECRETARY.—The Secretary shall act upon any application for an extension under this paragraph within 180 days of the submission of such application. If the Secretary rejects the application for an extension under this paragraph, the Secretary shall provide notice to the plan detailing the specific reasons for the rejection, including references to the criteria set forth above.

"(3) ADVANCE NOTICE.—

"(A) IN GENERAL.—The Secretary shall, before granting an extension under this subsection, require each applicant to provide evidence satisfactory to such Secretary that the applicant has provided notice of the filing of the application for such extension to each affected party (as defined in section 4001(a)(21) of the Employee Retirement Income Security Act of 1974) with respect to the affected plan. Such notice shall include a description of the extent to which the plan is funded for benefits which are guaranteed under title IV of such Act and for benefit liabilities.

"(B) CONSIDERATION OF RELEVANT INFORMATION.—The Secretary shall consider any relevant information provided by a person to whom notice was given under paragraph (1).".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN AMORTIZATION EXTENSIONS.—If the Secretary of the Treasury grants an extension under section 304 of the Employee Retirement Income Security Act of 1974 and section 412(e) of the Internal Revenue Code of 1986 with respect to any application filed with the Secretary of the Treasury on or before June 30, 2005, the extension (and any modification thereof) shall be applied and administered under the rules of such sections as in effect before the enactment of this Act, including the use of the rate of interest determined under section 6621(b) of such Code.

SEC. 512. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) IN GENERAL.—Subpart A of part III of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (as amended by this Act) is amended by inserting after section 431 the following new section:

"SEC. 432. ADDITIONAL FUNDING RULES FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS OR CRITICAL STATUS.

"(a) GENERAL RULE.—For purposes of this part, in the case of a multiemployer plan—

"(1) if the plan is in endangered status—

"(A) the plan sponsor shall adopt and implement a funding improvement plan in accordance with the requirements of subsection (c), and

"(B) the requirements of subsection (d) shall apply during the funding plan adoption period and the funding improvement period, and

"(2) if the plan is in critical status—

"(A) the plan sponsor shall adopt and implement a rehabilitation plan in accordance with the requirements of subsection (e), and

"(B) the requirements of subsection (f) shall apply during the rehabilitation plan adoption period and the rehabilitation period.

"(b) DETERMINATION OF ENDANGERED AND CRITICAL STATUS.—For purposes of this section—

"(1) ENDANGERED STATUS.—A multiemployer plan is in endangered status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is not in critical status for the plan year and either—

"(A) the plan's funded percentage for such plan year is less than 80 percent, or

"(B) the plan has an accumulated funding deficiency for such plan year, or is projected to have such an accumulated funding deficiency for any of the 6 succeeding plan years, taking into account any extension of amortization periods under section 431(d).

For purposes of this section, a plan described in subparagraph (B) shall be treated as in seriously endangered status.

"(2) CRITICAL STATUS.—A multiemployer plan is in critical status for a plan year if, as determined by the plan actuary under paragraph (3), the plan is described in 1 or more of the following subparagraphs as of the beginning of the plan year:

"(A) A plan is described in this subparagraph if—

"(i) the funded percentage of the plan is less than 65 percent, and

"(ii) the sum of—

"(I) the market value of plan assets, plus

"(II) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 5 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 5 succeeding plan years (plus administrative expenses for such plan years).

"(B) A plan is described in this subparagraph if—

"(i) the plan has an accumulated funding deficiency for the current plan year, not taking into account any extension of amortization periods under section 431(d), or

"(ii) the plan is projected to have an accumulated funding deficiency for any of the 3 succeeding plan years (4 succeeding plan years if the funded percentage of the plan is 65 percent or less), not taking into account any extension of amortization periods under section 431(d).

"(C) A plan is described in this subparagraph if—

“(i)(I) the plan's normal cost for the current plan year, plus interest (determined at the rate used for determining costs under the plan) for the current plan year on the amount of unfunded benefit liabilities under the plan as of the last date of the preceding plan year, exceeds

“(II) the present value of the reasonably anticipated employer contributions for the current plan year,

“(ii) the present value of nonforfeitable benefits of inactive participants is greater than the present value of nonforfeitable benefits of active participants, and

“(iii) the plan has an accumulated funding deficiency for the current plan year, or is projected to have such a deficiency for any of the 4 succeeding plan years, not taking into account any extension of amortization periods under section 431(d).

“(D) A plan is described in this subparagraph if the sum of—

“(i) the market value of plan assets, plus

“(ii) the present value of the reasonably anticipated employer contributions for the current plan year and each of the 4 succeeding plan years, assuming that the terms of all collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years,

is less than the present value of all benefits projected to be payable under the plan during the current plan year and each of the 4 succeeding plan years (plus administrative expenses for such plan years).

“(3) ANNUAL CERTIFICATION BY PLAN ACTUARY.—

“(A) IN GENERAL.—During the 90-day period beginning on the first day of each plan year of a multiemployer plan, the plan actuary shall certify to the Secretary—

“(i) whether or not the plan is in endangered status for such plan year and whether or not the plan is in critical status for such plan year, and

“(ii) in the case of a plan which is in a funding improvement or rehabilitation period, whether or not the plan is making the scheduled progress in meeting the requirements of its funding improvement or rehabilitation plan.

“(B) ACTUARIAL PROJECTIONS OF ASSETS AND LIABILITIES.—

“(i) IN GENERAL.—In making the determinations and projections under this subsection, the plan actuary shall make projections required for the current and succeeding plan years, using reasonable actuarial estimates, assumptions, and methods, of the current value of the assets of the plan and the present value of all liabilities to participants and beneficiaries under the plan for the current plan year as of the beginning of such year. The projected present value of liabilities as of the beginning of such year shall be determined based on the actuarial statement required under section 103(d) of the Employee Retirement Income Security Act of 1974 with respect to the most recently filed annual report or the actuarial valuation for the preceding plan year.

“(ii) DETERMINATIONS OF FUTURE CONTRIBUTIONS.—Any actuarial projection of plan assets shall assume—

“(I) reasonably anticipated employer contributions for the current and succeeding plan years, assuming that the terms of the one or more collective bargaining agreements pursuant to which the plan is maintained for the current plan year continue in effect for succeeding plan years, or

“(II) that employer contributions for the most recent plan year will continue indefinitely, but only if the plan actuary determines there have been no significant demographic changes that would make such assumption unreasonable.

“(C) PENALTY FOR FAILURE TO SECURE TIMELY ACTUARIAL CERTIFICATION.—Any failure of the plan's actuary to certify the plan's status under this subsection by the date specified in subparagraph (A) shall be treated for purposes of section 502(c)(2) of such Act as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary under section 101(b)(4) of such Act.

“(D) NOTICE.—In any case in which a multiemployer plan is certified to be in endangered or critical status under subparagraph (A), the plan sponsor shall, not later than 30 days after the date of the certification, provide notification of the endangered or critical status to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, the Secretary, and the Secretary of Labor.

“(c) FUNDING IMPROVEMENT PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN ENDANGERED STATUS.—

“(1) IN GENERAL.—In any case in which a multiemployer plan is in endangered status for a plan year, the plan sponsor, in accordance with this subsection—

“(A) shall adopt a funding improvement plan not later than 240 days following the required date for the actuarial certification of endangered status under subsection (b)(3)(A), and

“(B) within 30 days after the adoption of the funding improvement plan—

“(i) in the case of a plan in seriously endangered status, shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to meet the applicable requirements under paragraph (3) in accordance with the funding improvement plan, including a description of the reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to meet the applicable requirements if the plan sponsor assumes that there are no increases in contributions under the plan other than the increases necessary to meet the applicable requirements after future benefit accruals have been reduced to the maximum extent permitted by law, and

“(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to achieving the requirements under paragraph (3) in accordance with the funding improvement plan.

“(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a funding plan adoption period or funding improvement period by reason of the plan being in endangered status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial determination year with respect to the funding improvement plan to which it relates.

“(3) FUNDING IMPROVEMENT PLAN.—For purposes of this section—

“(A) IN GENERAL.—A funding improvement plan is a plan which consists of the actions, including options or a range of options to be proposed to the bargaining parties, which, under reasonable actuarial assumptions, will result in the plan meeting the requirements of this paragraph.

“(B) PLANS OTHER THAN SERIOUSLY ENDANGERED PLANS.—In the case of plan not in seriously endangered status, the requirements of this paragraph are met if the plan's funded percentage as of the close of the funding improvement period exceeds the lesser of 80 percent or a percentage equal to the sum of—

“(i) such percentage as of the beginning of such period, plus

“(ii) 10 percent of the percentage determined under clause (i).

“(C) SERIOUSLY ENDANGERED PLANS.—In the case of a plan in seriously endangered status, the requirements of this paragraph are met if—

“(i) the plan's funded percentage as of the close of the funding improvement period equals or exceeds the percentage which is equal to the sum of—

“(I) such percentage as of the beginning of such period, plus

“(II) 33 percent of the difference between 100 percent and the percentage under subclause (I), and

“(ii) there is no accumulated funding deficiency for any plan year during the funding improvement period (taking into account any extension of amortization periods under section 431(d)).

“(4) FUNDING IMPROVEMENT PERIOD.—For purposes of this section—

“(A) IN GENERAL.—The funding improvement period for any funding improvement plan adopted pursuant to this subsection is the 10-year period beginning on the first day of the first plan year of the multiemployer plan beginning after the earlier of—

“(i) the second anniversary of the date of the adoption of the funding improvement plan, or

“(ii) the expiration of the collective bargaining agreements in effect on the due date for the actuarial certification of endangered status for the initial determination year under subsection (b)(3)(A) and covering, as of such due date, at least 75 percent of the active participants in such multiemployer plan.

“(B) COORDINATION WITH CHANGES IN STATUS.—

“(i) PLANS NO LONGER IN ENDANGERED STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is no longer in endangered status and is not in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the preceding plan year.

“(ii) PLANS IN CRITICAL STATUS.—If the plan's actuary certifies under subsection (b)(3)(A) for a plan year in any funding plan adoption period or funding improvement period that the plan is in critical status, the funding plan adoption period or funding improvement period, whichever is applicable, shall end as of the close of the plan year preceding the first plan year in the rehabilitation period with respect to such status.

“(5) SPECIAL RULES FOR CERTAIN UNDERFUNDED PLANS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if the funded percentage of a plan in seriously endangered status was 70 percent or less as of the beginning of the initial determination year, the following rules shall apply in determining whether the requirements of paragraph (3)(C)(i) are met:

“(i) The plan's funded percentage as of the close of the funding improvement period must equal or exceed a percentage which is equal to the sum of—

“(I) such percentage as of the beginning of such period, plus

"(II) 20 percent of the difference between 100 percent and the percentage under subclause (I).

"(ii) The funding improvement period under paragraph (4)(A) shall be 15 years rather than 10 years.

"(B) SPECIAL RULES FOR PLANS WITH FUNDED PERCENTAGE OVER 70 PERCENT.—If the funded percentage described in subparagraph (A) was more than 70 percent but less than 80 percent as of the beginning of the initial determination year—

"(i) subparagraph (A) shall apply if the plan's actuary certifies, within 30 days after the certification under subsection (b)(3)(A) for the initial determination year, that, based on the terms of the plan and the collective bargaining agreements in effect at the time of such certification, the plan is not projected to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, and

"(ii) if there is a certification under clause (i), the plan may, in formulating its funding improvement plan, only take into account the rules of subparagraph (A) for plan years in the funding improvement period beginning on or before the date on which the last of the collective bargaining agreements described in paragraph (4)(A)(ii) expires.

Notwithstanding clause (ii), if for any plan year ending after the date described in clause (ii) the plan actuary certifies (at the time of the annual certification under subsection (b)(3)(A) for such plan year) that, based on the terms of the plan and collective bargaining agreements in effect at the time of that annual certification, the plan is not projected to be able to meet the requirements of paragraph (3)(C)(i) without regard to this paragraph, the plan may continue to assume for such year that the funding improvement period is 15 years rather than 10 years.

"(6) UPDATES TO FUNDING IMPROVEMENT PLAN AND SCHEDULES.—

"(A) FUNDING IMPROVEMENT PLAN.—The plan sponsor shall annually update the funding improvement plan and shall file the update with the plan's annual report under section 104 of the Employee Retirement Income Security Act of 1974.

"(B) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

"(C) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

"(7) PENALTY IF NO FUNDING IMPROVEMENT PLAN ADOPTED.—A failure of the plan sponsor to adopt a funding improvement plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) of such Act as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary of Labor under section 101(b)(4) of such Act.

"(8) FUNDING PLAN ADOPTION PERIOD.—For purposes of this section, the term 'funding plan adoption period' means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial determination year and ending on the day before the first day of the funding improvement period.

"(d) RULES FOR OPERATION OF PLAN DURING ADOPTION AND IMPROVEMENT PERIODS; FAILURE TO MEET REQUIREMENTS.—

"(1) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the plan adoption period—

"(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

"(i) a reduction in the level of contributions for any participants,

"(ii) a suspension of contributions with respect to any period of service, or

"(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation,

"(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law, and

"(C) in the case of a plan in seriously endangered status, the plan sponsor shall take all reasonable actions which are consistent with the terms of the plan and applicable law and which are expected, based on reasonable assumptions, to achieve—

"(i) an increase in the plan's funded percentage, and

"(ii) postponement of an accumulated funding deficiency for at least 1 additional plan year.

Actions under subparagraph (C) include applications for extensions of amortization periods under section 431(d), use of the shortfall funding method in making funding standard account computations, amendments to the plan's benefit structure, reductions in future benefit accruals, and other reasonable actions consistent with the terms of the plan and applicable law.

"(2) COMPLIANCE WITH FUNDING IMPROVEMENT PLAN.—

"(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to be inconsistent with the funding improvement plan.

"(B) NO REDUCTION IN CONTRIBUTIONS.—A plan sponsor may not during any funding improvement period accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

"(i) a reduction in the level of contributions for any participants,

"(ii) a suspension of contributions with respect to any period of service, or

"(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation.

"(C) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a funding improvement plan under subsection (c) so as to increase benefits, including future benefit accruals, unless—

"(i) in the case of a plan in seriously endangered status, the plan actuary certifies that, after taking into account the benefit increase, the plan is still reasonably expected to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan, and

"(ii) in the case of a plan not in seriously endangered status, the actuary certifies that such increase is paid for out of contributions not required by the funding improvement plan to meet the requirements under subsection (c)(3) in accordance with the schedule contemplated in the funding improvement plan.

"(3) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—Notwithstanding section 4971(g), if a plan fails to meet the requirements of subsection (c)(3) by the end of the funding improvement period, the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

"(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive part or all of the tax imposed by section 4971 of such Code to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(e) REHABILITATION PLAN MUST BE ADOPTED FOR MULTIEMPLOYER PLANS IN CRITICAL STATUS.—

"(1) IN GENERAL.—In any case in which a multiemployer plan is in critical status for a plan year, the plan sponsor, in accordance with this subsection—

"(A) shall adopt a rehabilitation plan not later than 240 days following the required date for the actuarial certification of critical status under subsection (b)(3)(A), and

"(B) within 30 days after the adoption of the rehabilitation plan—

"(i) shall provide to the bargaining parties 1 or more schedules showing revised benefit structures, revised contribution structures, or both, which, if adopted, may reasonably be expected to enable the multiemployer plan to emerge from critical status in accordance with the rehabilitation plan, and

"(ii) may, if the plan sponsor deems appropriate, prepare and provide the bargaining parties with additional information relating to contribution rates or benefit reductions, alternative schedules, or other information relevant to emerging from critical status in accordance with the rehabilitation plan.

The schedule or schedules described in subparagraph (B)(i) shall reflect reductions in future benefit accruals and increases in contributions that the plan sponsor determines are reasonably necessary to emerge from critical status. One schedule shall be designated as the default schedule and such schedule shall assume that there are no increases in contributions under the plan other than the increases necessary to emerge from critical status after future benefit accruals and other benefits (other than benefits the reduction or elimination of which are not permitted under section 411(d)(6)) have been reduced to the maximum extent permitted by law.

"(2) EXCEPTION FOR YEARS AFTER PROCESS BEGINS.—Paragraph (1) shall not apply to a plan year if such year is in a rehabilitation plan adoption period or rehabilitation period by reason of the plan being in critical status for a preceding plan year. For purposes of this section, such preceding plan year shall be the initial critical year with respect to the rehabilitation plan to which it relates.

"(3) REHABILITATION PLAN.—For purposes of this section—

"(A) IN GENERAL.—A rehabilitation plan is a plan which consists of—

"(i) actions which will enable, under reasonable actuarial assumptions, the plan to cease to be in critical status by the end of the rehabilitation period and may include reductions in plan expenditures (including plan mergers and consolidations), reductions in future benefit accruals or increases in contributions, if agreed to by the bargaining parties, or any combination of such actions, or

“(ii) if the plan sponsor determines that, based on reasonable actuarial assumptions and upon exhaustion of all reasonable measures, the plan can not reasonably be expected to emerge from critical status by the end of the rehabilitation period, reasonable measures to emerge from critical status at a later time or to forestall possible insolvency (within the meaning of section 4245 of the Employee Retirement Income Security Act of 1974).

Such plan shall include the schedules required to be provided under paragraph (1)(B)(i). If clause (ii) applies, such plan shall set forth the alternatives considered, explain why the plan is not reasonably expected to emerge from critical status by the end of the rehabilitation period, and specify when, if ever, the plan is expected to emerge from critical status in accordance with the rehabilitation plan.

“(B) UPDATES TO REHABILITATION PLAN AND SCHEDULES.—

“(i) REHABILITATION PLAN.—The plan sponsor shall annually update the rehabilitation plan and shall file the update with the plan's annual report under section 104 of the Employee Retirement Income Security Act of 1974.

“(ii) SCHEDULES.—The plan sponsor may periodically update any schedule of contribution rates provided under this subsection to reflect the experience of the plan, except that the schedule or schedules described in paragraph (1)(B)(i) shall be updated at least once every 3 years.

“(iii) DURATION OF SCHEDULE.—A schedule of contribution rates provided by the plan sponsor and relied upon by bargaining parties in negotiating a collective bargaining agreement shall remain in effect for the duration of that collective bargaining agreement.

“(C) DEFAULT SCHEDULE.—If the collective bargaining agreement providing for contributions under a multiemployer plan that was in effect at the time the plan entered critical status expires and, after receiving a schedule from the plan sponsor under paragraph (1)(B)(i), the bargaining parties have not adopted a collective bargaining agreement with terms consistent with such a schedule, the default schedule described in the last sentence of paragraph (1) shall go into effect with respect to those bargaining parties.

“(4) REHABILITATION PERIOD.—For purposes of this section—

“(A) IN GENERAL.—The rehabilitation period for a plan in critical status is the 10-year period beginning on the first day of the first plan year of the multiemployer plan following the earlier of—

“(i) the second anniversary of the date of the adoption of the rehabilitation plan, or

“(ii) the expiration of the collective bargaining agreements in effect on the date of the due date for the actuarial certification of critical status for the initial critical year under subsection (a)(1) and covering, as of such date at least 75 percent of the active participants in such multiemployer plan.

If a plan emerges from critical status as provided under subparagraph (B) before the end of such 10-year period, the rehabilitation period shall end with the plan year preceding the plan year for which the determination under subparagraph (B) is made.

“(B) EMERGENCE.—A plan in critical status shall remain in such status until a plan year for which the plan actuary certifies, in accordance with subsection (b)(3)(A), that the plan is not projected to have an accumulated funding deficiency for the plan year or any of the 9 succeeding plan years, without regard to use of the shortfall method or any extension of amortization periods under section 431(d).

“(5) PENALTY IF NO REHABILITATION PLAN ADOPTED.—A failure of a plan sponsor to adopt a rehabilitation plan by the date specified in paragraph (1)(A) shall be treated for purposes of section 502(c)(2) of the Employee Retirement Income Security Act of 1974 as a failure or refusal by the plan administrator to file the annual report required to be filed with the Secretary of Labor under section 101(b)(4) of such Act.

“(6) REHABILITATION PLAN ADOPTION PERIOD.—For purposes of this section, the term 'rehabilitation plan adoption period' means the period beginning on the date of the certification under subsection (b)(3)(A) for the initial critical year and ending on the day before the first day of the rehabilitation period.

“(7) LIMITATION ON REDUCTION IN RATES OF FUTURE ACCRUALS.—Any reduction in the rate of future accruals under any schedule described in paragraph (1)(B)(i) shall not reduce the rate of future accruals below—

“(A) a monthly benefit (payable as a single life annuity commencing at the participant's normal retirement age) equal to 1 percent of the contributions required to be made with respect to a participant, or the equivalent standard accrual rate for a participant or group of participants under the collective bargaining agreements in effect as of the first day of the initial critical year, or

“(B) if lower, the accrual rate under the plan on such first day.

The equivalent standard accrual rate shall be determined by the plan sponsor based on the standard or average contribution base units which the plan sponsor determines to be representative for active participants and such other factors as the plan sponsor determines to be relevant. Nothing in this paragraph shall be construed as limiting the ability of the plan sponsor to prepare and provide the bargaining parties with alternative schedules to the default schedule that established lower or higher accrual and contribution rates than the rates otherwise described in this paragraph.

“(8) EMPLOYER IMPACT.—For the purposes of this section, the plan sponsor shall consider the impact of the rehabilitation plan and contribution schedules authorized by this section on bargaining parties with fewer than 500 employees and shall implement the plan in a manner that encourages their continued participation in the plan and minimizes financial harm to employers and their workers.

“(f) RULES FOR OPERATION OF PLAN DURING ADOPTION AND REHABILITATION PERIOD.—

“(1) COMPLIANCE WITH REHABILITATION PLAN.—

“(A) IN GENERAL.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to be inconsistent with the rehabilitation plan.

“(B) SPECIAL RULES FOR BENEFIT INCREASES.—A plan may not be amended after the date of the adoption of a rehabilitation plan under subsection (e) so as to increase benefits, including future benefit accruals, unless the plan actuary certifies that such increase is paid for out of additional contributions not contemplated by the rehabilitation plan, and, after taking into account the benefit increase, the multiemployer plan still is reasonably expected to emerge from critical status by the end of the rehabilitation period on the schedule contemplated in the rehabilitation plan.

“(2) RESTRICTION ON LUMP SUMS AND SIMILAR BENEFITS.—

“(A) IN GENERAL.—Effective on the date the notice of certification of the plan's critical status for the initial critical year under subsection (b)(3)(D) is sent, and notwithstanding section 411(d)(6), the plan shall not pay—

“(i) any payment, in excess of the monthly amount paid under a single life annuity (plus any social security supplements described in the last sentence of section 411(b)(1)(A)),

“(ii) any payment for the purchase of an irrevocable commitment from an insurer to pay benefits, and

“(iii) any other payment specified by the Secretary by regulations.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant or to any makeup payment in the case of a retroactive annuity starting date or any similar payment of benefits owed with respect to a prior period.

“(3) ADJUSTMENTS DISREGARDED IN WITHDRAWAL LIABILITY DETERMINATION.—Any benefit reductions under this subsection shall be disregarded in determining a plan's unfunded vested benefits for purposes of determining an employer's withdrawal liability under section 4201 of the Employee Retirement Income Security Act of 1974.

“(4) SPECIAL RULES FOR PLAN ADOPTION PERIOD.—During the rehabilitation plan adoption period—

“(A) the plan sponsor may not accept a collective bargaining agreement or participation agreement with respect to the multiemployer plan that provides for—

“(i) a reduction in the level of contributions for any participants,

“(ii) a suspension of contributions with respect to any period of service, or

“(iii) any new direct or indirect exclusion of younger or newly hired employees from plan participation, and

“(B) no amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 or to comply with other applicable law.

“(5) FAILURE TO MEET REQUIREMENTS.—

“(A) IN GENERAL.—Notwithstanding section 4971(g), if a plan—

“(i) fails to meet the requirements of subsection (e) by the end of the rehabilitation period, or

“(ii) has received a certification under subsection (b)(3)(A)(ii) for 3 consecutive plan years that the plan is not making the scheduled progress in meeting its requirements under the rehabilitation plan,

the plan shall be treated as having an accumulated funding deficiency for purposes of section 4971 for the last plan year in such period (and each succeeding plan year until such requirements are met) in an amount equal to the greater of the amount of the contributions necessary to meet such requirements or the amount of such accumulated funding deficiency without regard to this paragraph.

"(B) WAIVER.—In the case of a failure described in subparagraph (A) which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by section 4971 to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(g) EXPEDITED RESOLUTION OF PLAN SPONSOR DECISIONS.—If, within 60 days of the due date for adoption of a funding improvement plan under subsection (c) or a rehabilitation plan under subsection (e), the plan sponsor of a plan in endangered status or a plan in critical status has not agreed on a funding improvement plan or rehabilitation plan, then any member of the board or group that constitutes the plan sponsor may require that the plan sponsor enter into an expedited dispute resolution procedure for the development and adoption of a funding improvement plan or rehabilitation plan.

"(h) NONBARGAINED PARTICIPATION.—

"(1) BOTH BARGAINED AND NONBARGAINED EMPLOYEE-PARTICIPANTS.—In the case of an employer that contributes to a multiemployer plan with respect to both employees who are covered by one or more collective bargaining agreements and to employees who are not so covered, if the plan is in endangered status or in critical status, benefits of and contributions for the nonbargained employees, including surcharges on those contributions, shall be determined as if those nonbargained employees were covered under the first to expire of the employer's collective bargaining agreements in effect when the plan entered endangered or critical status.

"(2) NONBARGAINED EMPLOYEES ONLY.—In the case of an employer that contributes to a multiemployer plan only with respect to employees who are not covered by a collective bargaining agreement, this section shall be applied as if the employer were the bargaining parties, and its participation agreement with the plan was a collective bargaining agreement with a term ending on the first day of the plan year beginning after the employer is provided the schedule or schedules described in subsections (c) and (e).

"(3) EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT.—The determination as to whether an employee covered by a collective bargaining agreement for purposes of this section shall be made without regard to the special rule in Treasury Regulation section 1.410(b)-6(d)(ii)(D).

"(i) DEFINITIONS; ACTUARIAL METHOD.—For purposes of this section—

"(1) BARGAINING PARTY.—The term 'bargaining party' means—

"(A)(i) except as provided in clause (ii), an employer who has an obligation to contribute under the plan; or

"(ii) in the case of a plan described under section 404(c), or a continuation of such a plan, the association of employers that is the employee settlor of the plan; and

"(B) an employee organization which, for purposes of collective bargaining, represents plan participants employed by an employer who has an obligation to contribute under the plan.

"(2) FUNDED PERCENTAGE.—The term 'funded percentage' means the percentage equal to a fraction—

"(A) the numerator of which is the value of the plan's assets, as determined under section 431(c)(2), and

"(B) the denominator of which is the accrued liability of the plan, determined using actuarial assumptions described in section 431(c)(3).

"(3) ACCUMULATED FUNDING DEFICIENCY.—The term 'accumulated funding deficiency' has the meaning given such term in section 412(a).

"(4) ACTIVE PARTICIPANT.—The term 'active participant' means, in connection with a multiemployer plan, a participant who is in covered service under the plan.

"(5) INACTIVE PARTICIPANT.—The term 'inactive participant' means, in connection with a multiemployer plan, a participant, or the beneficiary or alternate payee of a participant, who—

"(A) is not in covered service under the plan, and

"(B) is in pay status under the plan or has a nonforfeitable right to benefits under the plan.

"(6) PAY STATUS.—A person is in pay status under a multiemployer plan if—

"(A) at any time during the current plan year, such person is a participant or beneficiary under the plan and is paid an early, late, normal, or disability retirement benefit under the plan (or a death benefit under the plan related to a retirement benefit), or

"(B) to the extent provided in regulations of the Secretary, such person is entitled to such a benefit under the plan.

"(7) OBLIGATION TO CONTRIBUTE.—The term 'obligation to contribute' has the meaning given such term under section 4212(a) of the Employee Retirement Income Security Act of 1974.

"(8) ACTUARIAL METHOD.—Notwithstanding any other provision of this section, the actuary's determinations with respect to a plan's normal cost, actuarial accrued liability, and improvements in a plan's funded percentage under this section shall be based upon the unit credit funding method (whether or not that method is used for the plan's actuarial valuation).

"(9) PLAN SPONSOR.—In the case of a plan described under section 404(c), or a continuation of such a plan, the term 'plan sponsor' means the bargaining parties described under paragraph (1)."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply with respect to plan years beginning after 2006.

(2) SPECIAL RULE FOR CERTAIN RESTORED BENEFITS.—In the case of a multiemployer plan—

(A) with respect to which benefits were reduced pursuant to a plan amendment adopted on or after January 1, 2002, and before June 30, 2005, and

(B) which, pursuant to the plan document, the trust agreement, or a formal written communication from the plan sponsor to participants provided before June 30, 2005, provided for the restoration of such benefits,

the amendments made by this section shall not apply to such benefit restorations to the extent that any restriction on the providing or accrual of such benefits would otherwise apply by reason of such amendments.

PART III—SUNSET OF FUNDING RULES

SEC. 516. SUNSET OF FUNDING RULES.

(a) REPORT.—Not later than December 31, 2011, the Secretary of Labor, the Secretary of the Treasury, and the Executive Director of the Pension Benefit Guaranty Corporation shall conduct a study of the effect of the amendments made by this subtitle on the operation and funding status of multiemployer plans and shall report the results of such study, including any recommendations for legislation, to the Congress.

(b) MATTERS INCLUDED IN STUDY.—The study required under subsection (a) shall include—

(1) the effect of funding difficulties, funding rules in effect before the date of the enactment of this Act, and the amendments made by this subtitle on small businesses participating in multiemployer plans,

(2) the effect on the financial status of small employers of—

(A) funding targets set in funding improvement and rehabilitation plans and associated contribution increases,

(B) funding deficiencies,

(C) excise taxes,

(D) withdrawal liability,

(E) the possibility of alternatives schedules and procedures for financially-troubled employers, and

(F) other aspects of the multiemployer system, and

(3) the role of the multiemployer pension plan system in helping small employers to offer pension benefits.

(c) SUNSET.—

(1) IN GENERAL.—Except as provided in this subsection, notwithstanding any other provision of this Act, the provisions of, and the amendments made by, this subtitle shall not apply to plan years beginning after December 31, 2014, and the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 shall be applied to such plan years under the provisions of sections 302 through 308 of such Act and 412 of such Code (as in effect before the amendments made by this Act).

(2) FUNDING IMPROVEMENT AND REHABILITATION PLANS.—If a plan is operating under a funding improvement or rehabilitation plan under section 305 of such Act or 432 of such Code for its last year beginning before January 1, 2015, such plan shall continue to operate under such funding improvement or rehabilitation plan during any period after December 31, 2014, such funding improvement or rehabilitation plan is in effect and all provisions of such Act or Code relating to the operation of such funding improvement or rehabilitation plan shall continue in effect during such period.

(3) AMORTIZATION SCHEDULES.—In the case of any amount amortized under section 304(b) of such Act or 431 of such Code (as in effect after the amendments made by this subtitle) over any period beginning with a plan year beginning before January 1, 2015, such amount shall, in lieu of the amortization which would apply after the application of this subsection, continue to be amortized under such section 304 or 431 (as so in effect).

Subtitle B—Deduction and Related Provisions

SEC. 521. DEDUCTION LIMITS FOR MULTIEMPLOYER PLANS.

(a) INCREASE IN DEDUCTION.—Section 404(a)(1)(D) of the Internal Revenue Code of 1986, as amended by this Act, is amended to read as follows:

"(D) AMOUNT DETERMINED ON BASIS OF UNFUNDED CURRENT LIABILITY.—

"(i) IN GENERAL.—In the case of a defined benefit plan which is a multiemployer plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded current liability of the plan.

"(ii) UNFUNDED CURRENT LIABILITY.—For purposes of clause (i), the term 'unfunded current liability' means the excess (if any) of—

"(I) 140 percent of the current liability of the plan determined under section 431(c)(6)(C), over

"(II) the value of the plan's assets determined under section 431(c)(2).".

(b) Exception From Limitation on Deduction Where Combination of Defined Contribution and Defined Benefit Plans.—

(1) In general.—Section 404(a)(7)(C) of such Code, as amended by this Act, is amended by adding at the end the following new clause:

"(v) Multiemployer plans.—In applying this paragraph, any multiemployer plan shall not be taken into account.".

(2) Conforming amendment.—Section 404(a)(7)(A) of such Code is amended by striking the last sentence.

(c) Effective Dates.—

(1) Deduction limit.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2006.

(2) Exception.—The amendments made by subsection (b) shall apply to years beginning after December 31, 2005.

SEC. 522. TRANSFER OF EXCESS PENSION ASSETS TO MULTIEMPLOYER HEALTH PLAN.

(a) In General.—Section 420(e) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(5) Application to multiemployer plan.—In the case of any plan to which section 404(c) applies (or any successor plan primarily covering employees in the building and construction industry)—

"(A) the prohibition under subsection (a) on the application of this section to a multiemployer plan shall not apply, and

"(B) this section shall be applied to any such plan—

"(i) by treating any reference in this section to an employer as a reference to all employers maintaining the plan (or, if appropriate, the plan sponsor), and

"(ii) in accordance with such modifications of this section (and the provisions of this title and the Employee Retirement Income Security Act of 1974 relating to this section) as the Secretary determines appropriate to reflect the fact the plan is not maintained by a single employer."

(b) Amendments of ERISA.—

(1) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking "American Jobs Creation Act of 2004" and inserting "Pension Security and Transparency Act of 2005".

(2) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking "American Jobs Creation Act of 2004" and inserting "Pension Security and Transparency Act of 2005".

(3) Section 408(b)(13) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking "American Jobs Creation Act of 2004" and inserting "Pension Security and Transparency Act of 2005".

(c) Effective Date.—The amendment made by this section shall apply to transfers made in taxable years beginning after December 31, 2004.

TITLE VI—ENHANCED RETIREMENT SAVINGS AND DEFINED CONTRIBUTION PLANS

SEC. 601. AMERISAVE MATCHING CREDIT.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. AMERISAVE MATCHING CREDIT.

"(a) Allowance of Credit.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 100 percent of so much of the qualified retirement savings contributions of the eligible individual for the taxable year as do not exceed the applicable limit.

"(b) Applicable Limit.—For purposes of this section—

"(1) In general.—The applicable limit is $1,000, reduced (but not below zero) by the reduction amount for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the threshold amount.

"(2) Reduction amount; threshold amount.—For purposes of paragraph (1), the reduction amount and the threshold amount shall be determined in accordance with the following table:

"In the case of	The reduction amount is:	The threshold amount is:
Joint return ...	$50	$50,000
Head of a household.	$66.67	$37,500
All other cases	$100	$25,000.

"(3) Joint return.—In the case of a joint return, this subsection shall be applied separately to each individual filing such return, except that for purposes of paragraph (1), the adjusted gross income shall be their combined adjusted gross income of the taxpayer.

"(4) Coordination with manner in which credit allowed.—The credit under subsection (a) shall be allowed only as provided in section 6430.

"(c) Eligible Individual.—For purposes of this section—

"(1) In general.—The term 'eligible individual' means any individual if such individual has attained the age of 18 as of the close of the taxable year.

"(2) Dependents and full-time students not eligible.—The term 'eligible individual' shall not include—

"(A) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, and

"(B) any individual who is a student (as defined in section 152(f)).

"(d) Qualified Retirement Savings Contributions.—For purposes of this section—

"(1) In general.—The term 'qualified retirement savings contributions' means, with respect to any taxable year, the sum of—

"(A) the amount of the qualified retirement contributions (as defined in section 219(e)) made by the eligible individual,

"(B) the amount of—

"(i) any elective deferrals (as defined in section 402(g)(3)) of such individual, and

"(ii) any elective deferral of compensation by such individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(C) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4974(c)).

"(2) Reduction for certain distributions.—

"(A) In general.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the aggregate distributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) may be made. The preceding sentence shall not apply to the portion of any distribution which is not includible in gross income by reason of a trustee-to-trustee transfer or a rollover distribution.

"(B) Testing period.—For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes such taxable year and the 3 preceding taxable years.

"(C) Excepted distributions.—There shall not be taken into account under subparagraph (A)—

"(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g)(2), 404(k), or 408(d)(4), and

"(ii) any distribution to which section 408A(d)(3) applies.

"(D) Treatment of distributions received by spouse of individual.—For purposes of determining distributions received by an individual under subparagraph (A) for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

"(3) Additional tax on early net withdrawals.—

"(A) In general.—If with respect to a taxable year there is a disqualified net withdrawal, the amount of tax imposed by this chapter for such taxable year shall be increased by the amount determined under subparagraph (B).

"(B) Determination of amount.—The amount determined under this subparagraph is the aggregate decrease in credits allowed under this section for any of the preceding 10 taxable years if the disqualified net withdrawals were applied against (and operated to reduce) the qualified retirement savings contributions taken into account under subsection (a). Such reduction shall be applied in order beginning with the first taxable year in such 10-year period and shall take into account any prior application of this paragraph.

"(C) Disqualified net withdrawals.—The term 'disqualified net withdrawals' means the aggregate distributions subject to tax under section 72(t) for the taxable year over the qualified retirement savings contributions for the taxable year.

"(e) Special Rules.—For purposes of this section—

"(1) Adjusted gross income.—Adjusted gross income shall be determined without regard to sections 911, 931, and 933.

"(2) Investment in the contract.—Any credit under this section shall be disregarded in determining investment in the contract.

"(f) Regulations.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting.

"(g) Termination.—This section shall not apply to taxable years beginning after December 31, 2010.".

(b) Repeal of Savers Credit.—Subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking section 25B (relating to elective deferrals and IRA contributions by certain individuals).

(c) Conforming Amendments.—

(1) Section 26(b)(2) of such Code is amended by striking "and" at the end of subparagraph

(R), by striking the period at the end of subparagraph (S) and inserting ", and", and by inserting after subparagraph (S) the following new subparagraph:

"(T) section 36(d)(3) (relating to additional tax where net withdrawals exceed credit).".

(2) Section 24(b)(3)(B) of such Code is amended by striking "sections 23 and 25B" and inserting "section 23".

(3) Section 25(e)(1)(C) of such Code is amended by striking "25B,".

(4) Section 26(a)(1) of such Code is amended by striking "sections 23, 24, and 25B" and inserting "sections 23 and 24".

(5) Subchapter C of part IV of subchapter A of chapter 1 of such Code is amended—

(A) by redesignating section 36 as section 37, and

(B) by redesignating section 25B, as moved by paragraph (1), as section 36.

(6) Section 904(h) of such Code is amended by striking "sections 23, 24, and 25B" and inserting "sections 23 and 24".

(7) Section 1400C of such Code is amended by striking "sections 23, 24, and 25B" and inserting "section 23 and 24".

(8) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following:

"Sec. 36. AmeriSave matching credit.
"Sec. 37. Overpayments of tax.".

(9) The table of sections for subpart A of part IV of such Code is amended by striking the item relating to section 25B.

(10) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ", or from section 36 of such Code" before the period at the end.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 602. MANNER IN WHICH AMERISAVE MATCHING CREDIT ALLOWED.

(a) In General.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application) is amended by adding at the end the following new section:

"SEC. 6430. MANNER IN WHICH AMERISAVE MATCHING CREDIT ALLOWED.

"(a) General Rule.—The credit allowed under section 36 shall be allowed only as provided in this section.

"(b) Amount Paid Directly to Retirement Plan.—The credit allowed under section 36 for a taxable year shall be paid directly by the Secretary to a plan to which qualified retirement savings contributions (as defined by section 36(d)) may be made, as specified by the taxpayer on the return for such taxable year.

"(c) Treatment of Amounts Received by Plans.—

"(1) Certain rules disregarded.—Amounts paid under this section to a retirement plan shall be disregarded for all purposes in determining whether the plan meets the applicable requirements of subtitle A.

"(2) Acceptance by plans.—A plan to which payments may be made under this section shall not fail to be treated as qualified merely on account of the receipt of such payments.

"(d) Amount not Treated as Credit or Refund.—Except as provided by subsection (b), the credit allowed under section 36 shall not be used as a credit under subtitle A or refunded as part of a return under subtitle A.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section.".

(b) Clerical Amendment.—The table of sections for subchapter B of chapter 65 of such Code is amended by adding at the end the following new item:

"Sec. 6430. Manner in which AmeriSave matching credit allowed.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 603. INCREASING PARTICIPATION THROUGH AUTOMATIC CONTRIBUTION ARRANGEMENTS.

(a) Amendments to the Internal Revenue Code of 1986.—

(1) In general.—Section 401(k) of the Internal Revenue Code of 1986 (relating to cash or deferred arrangement) is amended by adding at the end the following new paragraph:

"(13) Alternative method for automatic contribution arrangements to meet nondiscrimination requirements.—

"(A) In general.—A qualified automatic contribution arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii).

"(B) Qualified automatic contribution arrangement.—For purposes of this paragraph, the term 'qualified automatic contribution arrangement' means any cash or deferred arrangement which meets the requirements of subparagraphs (C) through (F).

"(C) Automatic deferral.—

"(i) In general.—The requirements of this subparagraph are met if, under the arrangement, each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to a qualified percentage of compensation.

"(ii) Election out.—The election treated as having been made under clause (i) shall cease to apply with respect to any employee if such employee makes an affirmative election—

"(I) to not have such contributions made, or

"(II) to make elective contributions at a level specified in such affirmative election.

"(iii) Qualified percentage.—For purposes of this subparagraph, the term 'qualified percentage' means, with respect to any employee, any percentage determined under the arrangement if such percentage is applied uniformly, does not exceed 10 percent, and is at least—

"(I) 3 percent during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in clause (i) is made with respect to such employee,

"(II) 4 percent during the first plan year following the plan year described in subclause (I),

"(III) 5 percent during the second plan year following the plan year described in subclause (I), and

"(IV) 6 percent during any subsequent plan year.

"(iv) Automatic deferral for current employees not required.—Clause (i) shall be applied without taking into account any employee who was eligible to participate in the arrangement (or a predecessor arrangement) immediately before the date on which such arrangement becomes a qualified automatic contribution arrangement (determined after application of this clause).

"(D) Participation.—

"(i) In general.—An arrangement meets the requirements of this subparagraph for any year if, during the plan year or the preceding plan year, elective contributions are made on behalf of at least 70 percent of the employees eligible to participate in the arrangement other than—

"(I) highly compensated employees, and

"(II) at the election of the plan administrator, employees described in subparagraph (C)(iv).

"(ii) First plan year.—An arrangement (other than a successor arrangement) shall be treated as meeting the requirements of this subparagraph with respect to the first plan year with respect to which such arrangement is a qualified automatic contribution arrangement (determined without regard to this subparagraph).

"(E) Matching or nonelective contributions.—

"(i) In general.—The requirements of this subparagraph are met if, under the arrangement, the employer—

"(I) makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to 50 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 6 percent of compensation, or

"(II) is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 2 percent of the employee's compensation.

"(ii) Application of rules for matching contributions.—The rules of clauses (ii) and (iii) of paragraph (12)(B) shall apply for purposes of clause (i)(I).

"(iii) Withdrawal and vesting restrictions.—An arrangement shall not be treated as meeting the requirements of clause (i) unless, with respect to employer contributions (including matching contributions) taken into account in determining whether the requirements of clause (i) are met—

"(I) any employee who has completed at least 2 years of service (within the meaning of section 411(a)) has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from such employer contributions, and

"(II) the requirements of subparagraph (B) of paragraph (2) are met with respect to all such employer contributions.

"(iv) Application of certain other rules.—The rules of subparagraphs (E)(ii) and (F) of paragraph (12) shall apply for purposes of subclauses (I) and (II) of clause (i).

"(F) Notice requirements.—

"(i) In general.—The requirements of this subparagraph are met if, within a reasonable period before each plan year, each employee eligible to participate in the arrangement for such year receives written notice of the employee's rights and obligations under the arrangement which—

"(I) is sufficiently accurate and comprehensive to apprise the employee of such rights and obligations, and

"(II) is written in a manner calculated to be understood by the average employee to whom the arrangement applies.

"(ii) Timing and content requirements.—A notice shall not be treated as meeting the requirements of clause (i) with respect to an employee unless—

"(I) the notice explains the employee's right under the arrangement to elect not to have elective contributions made on the employee's behalf (or to elect to have such contributions made at a different percentage),

"(II) in the case of an arrangement under which the employee may elect among 2 or more investment options, the notice explains how contributions made under the arrangement will be invested in the absence of any investment election by the employee, and

"(III) the employee has a reasonable period of time after receipt of the notice described in subclauses (I) and (II) and before the first elective contribution is made to make either such election.".

(2) MATCHING CONTRIBUTIONS.—Section 401(m) of such Code (relating to nondiscrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

"(12) ALTERNATIVE METHOD FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

"(A) is a qualified automatic contribution arrangement (as defined in subsection (k)(13)), and

"(B) meets the requirements of paragraph (11)(B).".

(3) EXCLUSION FROM DEFINITION OF TOP-HEAVY PLANS.—

(A) ELECTIVE CONTRIBUTION RULE.—Clause (i) of section 416(g)(4)(H) of such Code is amended by inserting "or 401(k)(13)" after "section 401(k)(12)".

(B) MATCHING CONTRIBUTION RULE.—Clause (ii) of section 416(g)(4)(H) of such Code is amended by inserting "or 401(m)(12)" after "section 401(m)(11)".

(4) CORRECTIVE DISTRIBUTIONS.—

(A) IN GENERAL.—Section 414 of such Code (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(w) AUTOMATIC CONTRIBUTION ARRANGEMENTS.—

"(1) IN GENERAL.—No tax shall be imposed under section 72(t) on a distribution from an applicable employer plan to the employee with respect to whom such contribution relates if such distribution does not exceed the erroneous automatic contribution amount and is made not later than the 1st April 15 following the close of the taxable year in which such contribution was made.

"(2) ERRONEOUS AUTOMATIC CONTRIBUTION AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'erroneous automatic contribution amount' means the lesser of—

"(i) the amount of automatic contributions made during the applicable period which the employee elects in a notice to the plan administrator to treat as an erroneous automatic contribution amount for purposes of this subsection, or

"(ii) $500.

"(B) AUTOMATIC CONTRIBUTION.—The term 'automatic contribution' means contributions which, under the terms of the plan—

"(i) the employee can elect to be made as contributions under the plan on behalf of the employee, or to the employee directly in cash, and

"(ii) which are made on behalf of the employee under the plan pursuant to a plan provision treating the employee as having elected to have the employer make such contributions on behalf of the employee until the employee affirmatively elects not to have such contribution made or affirmatively elects to make contributions as a specified level.

"(3) APPLICABLE EMPLOYER PLAN.—For purposes of this subsection, the term 'applicable employer plan'means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(4) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means, with respect to any employee, the three month period that begins on the first date that an automatic contribution described in paragraph (2)(B) is made with respect to such employee.".

(B) VESTING CONFORMING AMENDMENTS.—

(i) Section 411(a)(3)(G) of such Code is amended by inserting "an erroneous automatic contribution under section 414(w)," after "402(g)(2)(A),".

(ii) The heading of section 411(a)(3)(G) of such Code is amended by inserting "**OR ERRONEOUS AUTOMATIC CONTRIBUTION**" before the period.

(iii) Section 401(k)(8)(E) of such Code is amended by inserting "an erroneous automatic contribution under section 414(w)," after "402(g)(2)(A),".

(iv) The heading of section 401(k)(8)(E) of such Code is amended by inserting "**OR ERRONEOUS AUTOMATIC CONTRIBUTION**" before the period.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2005.

SEC. 604. PREEMPTION OF STATE LAWS PRECLUDING AUTOMATIC ENROLLMENT OR AUTOMATIC ROLLOVERS.

(a) IN GENERAL.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) The provisions of this title shall supersede any and all State laws insofar as they may preclude, or have the effect of precluding—

"(1) the establishment or operation of, or making of contributions to, a pension plan under a qualified automatic enrollment arrangement (as defined in section 401(k)(13) of the Internal Revenue Code of 1986), or

"(2) a distribution described in section 401(a)(31)(B) of the Internal Revenue Code of 1986 or the establishment or operation of an individual retirement plan (as defined in section 7701(a)(37) of such Code) allowing receipt of such distributions.".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to actions (described in paragraph (1) or (2) of section 514(d) of the Employee Retirement Income Security Act of 1974 (added by this subsection)) taken before, on, or after the date of the enactment of this Act.

SEC. 605. FIDUCIARY STANDARDS RELATING TO AUTOMATIC OR DEFAULT INVESTMENTS.

(a) IN GENERAL.—Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

"(e)(1) A fiduciary with respect to an individual account plan shall be deemed to have satisfied the requirements of subsection (a)(1)(B) with respect to the plan, in connection with any qualifying automatic investment under the plan, to the extent those requirements pertain to asset allocation as between equity instruments or investments and debt instruments or investments and to such further extent as may be specified by the Secretary in administrative guidance of general applicability.

"(2) For purposes of this subsection, the term 'qualifying automatic investment' means, in connection with a participant in a plan, an investment of assets constituting some or all of the participant's accrued benefit under the plan in a form of investment specified by the plan, in any case in which—

"(A) such assets—

"(i) are attributable to employer contributions (and earnings thereon) made pursuant to a qualified automatic enrollment arrangement (as defined in section 401(k)(13) of the Internal Revenue Code of 1986),

"(ii) are attributable to distributions described in section 401(a)(31)(B) of such Code, or

"(iii) have been identified by the Secretary as appropriate for automatic investment,

"(B) the plan provides for investment of such assets in such form of investment unless, in lieu thereof, alternative forms of investments, which are also made available to the participant under the terms of the plan, are selected by the participant,

"(C) the plan provides, under such form of investment, for investment of such assets under constraints designed to—

"(i) limit the risk associated with the investment portfolio to a reasonable level of risk while seeking to maximize return consistent with that level of risk, or

"(ii) minimize risk while seeking a reasonable expected return, and

"(D) the expenses associated with the investment meet the standards of paragraph (3).

"(3)(A) The expenses associated with an investment meet the standards of this paragraph if they do not exceed reasonable expenses. Such expenses shall not be treated as exceeding reasonable expenses solely because the expenses in any year (excluding expenses for acquisition of the investment) exceed the investment returns for that year and cause a reduction in principal.

"(B) For purposes of subparagraph (A), the term 'expense' means any fee, charge, commission, load, or other cost or expense associated with the investment (including cost of acquisition, establishment, maintenance, surrender, or termination of the investment and any other cost of managing or administering the investment) to the extent borne by participants.

"(C) The expenses associated with an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) shall not be treated as meeting the standards of this paragraph if such expenses exceed the expenses normally charged by the trustee or custodian of a comparable individual retirement plan established to receive rollover contributions (as defined in section 408(d)(3) of such Code) which are not distributions described in section 401(a)(31)(B) of such Code.

"(4) The requirements of paragraph (2)(C) shall be treated as satisfied with respect to investments provided for by a plan to the extent such investments consist of—

"(A) a balanced portfolio comprised of both equity investments and either stable value or fixed income investments provided by a financial institution (or similar financial entity) that is regulated by the United States or a State in any case in which—

"(i) the equity investments are broad-based index funds or, to the extent permitted by the Secretary under regulations, guidelines, or other administrative guidance, actively managed funds that are broadly diversified so as to minimize the risk of large losses, and

"(ii) the stable value or fixed income investments—

"(I) are designed to comprise at least 20 percent of the total (measured in terms of fair market value), and

"(II) are either diversified to minimize the risk of large losses or are obligations (which may include inflation-protected obligations) issued by the United States, or

“(B) stable value investments.

For purposes of this paragraph, the term ‘stable value investments’ means investments provided by a financial institution regulated by the United States or a State that are designed to preserve principal and provide a reasonable rate of return, whether or not guaranteed, which may include investments designed to maintain a stable dollar value equal to the original value of the investment. The Secretary may prescribe regulations or other administrative guidance prescribing the manner in which the requirements of paragraph (A)(i) may be applied taking into account classes of investment determined on the basis of investment in large, intermediate, or small capitalization funds, funds of varying styles (such as growth funds or value funds), or funds consisting of, or not consisting of, foreign or international securities.

“(5) An investment otherwise described in the preceding provisions of this subsection shall not be treated as failing to be a qualifying automatic investment solely by reason of:

“(A) the availability to the participant under the terms of the plan of alternative forms of investment which meet the requirements of subsection (c)(1) or are managed by an independent investment manager;

“(B) the extent to which provisions of the plan are or are not directed toward limiting the risk of loss of principal under such investment or promoting long-term capital appreciation;

“(C) any change or variation in the percentages of equity and stable value investments included in the investment portfolio or other aspects of the constituent investments to the extent such change or variation is based on:

“(i) automatic rebalancing or variable investment returns prior to periodic rebalancing,

“(ii) the participant's age, or

“(iii) other factors relating to the participant's situation, such as years until retirement, other retirement plan coverage, financial situation, or investment preferences expressed to the plan by the participant; or

“(D) the extent to which such investment consists of interests in real estate or real-estate-based investments, if such interests are broadly diversified and do not comprise more than 10 percent of the equity portion of the total investment of plan assets.

“(6)(A) Notwithstanding paragraph (1), the requirements of subsection (a)(1)(C) shall not be treated as satisfied in connection with any qualifying automatic investment unless such investment (other than the stable value portion thereof) is designed so that no more than 0.5 percent of the total fair market value of the assets invested are invested in securities issued by, or interests in the property of, any single person.

“(B) For purposes of subparagraph (A), any person and all affiliates thereof shall be treated as a single person. A corporation is an affiliate of a person if such corporation is a member of any controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986, except that ‘applicable percentage’ shall be substituted for ‘80 percent’ wherever the latter percentage appears in such section) of which person is a member. For purposes of the preceding sentence, the term ‘applicable percentage’ means 50 percent, or such lower percentage as the Secretary may prescribe by regulation. A person other than a corporation shall be treated as an affiliate of any other person to the extent provided in regulations of the Secretary. Regulations under this subparagraph shall be prescribed only after consultation and coordination with the Secretary of the Treasury.

“(7) The Secretary shall issue regulations or other administrative guidance specifying the manner in which investments under independent professional investment management pursuant to sections 402(c)(3) and 403(a)(2) and other qualifying automatic investments may serve as the default investment arrangement with respect to some or all plan assets without adversely affecting plan compliance with this part, as governed by subsection (c)(1) with respect to assets over which participants or beneficiaries exercise control.

“(8)(A) The Secretary may issue regulations or other administrative guidance for compliance with the requirements of this subsection which are consistent with the provisions of this subsection. Compliance with such regulations or guidance shall be deemed to be compliance with the requirements of this subsection. Such regulations or guidance may express compliance in terms of percentages of assets under management, flat dollar amounts, or other factors.

“(B) The regulations issued pursuant to subparagraph (A) may include procedures for granting conditional or unconditional exemptions of investments, classes of investments, investment managers, or classes of investment managers from all or part of the requirements of this subsection. Such procedures shall be similar to the procedures applicable under section 408(a) and subject to the same standards and limitations as apply under section 408(a). Such exemptions may include, in the case of qualifying automatic investments, relief from, or simplified methods of compliance with, the requirements of subparagraphs (B) and (C) of subsection (a)(1) and the provisions of subsection (c).”.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to investments made on or after January 1, 2005 (irrespective of the extent to which the Secretary of Labor has issued regulations, guidelines, or other administrative guidance pursuant to section 404(e) of the Employee Retirement Income Security Act of 1974 (added by this subsection)).

SEC. 606. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR INDIVIDUALS CALLED TO ACTIVE DUTY FOR AT LEAST 179 DAYS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

“(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.—

“(i) IN GENERAL.—Any qualified reservist distribution.

“(ii) AMOUNT DISTRIBUTED MAY BE REPAID.—Any individual who receives a qualified reservist distribution may, at any time during the 2-year period beginning on the day after the end of the active duty period, make one or more contributions to an individual retirement plan of such individual in an aggregate amount not to exceed the amount of such distribution. The dollar limitations otherwise applicable to contributions to individual retirement plans shall not apply to any contribution made pursuant to the preceding sentence. No deduction shall be allowed for any contribution pursuant to this clause.

“(iii) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subparagraph, the term ‘qualified reservist distribution’ means any distribution to an individual if—

“(I) such distribution is from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii),

“(II) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)), ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

“(III) such distribution is made during the period beginning on the date of such order or call and ending at the close of the active duty period.

“(iv) APPLICATION OF SUBPARAGRAPH.—This subparagraph applies to individuals ordered or called to active duty after September 11, 2001, and before September 12, 2007. In no event shall the 2-year period referred to in clause (ii) end before the date which is 2 years after the date of the enactment of this subparagraph.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking “or” at the end of subclause (III), by striking “and” at the end of subclause (IV) and inserting “or”, and by inserting after subclause (IV) the following new subclause:

“(V) in the case of a qualified reservist distribution (as defined in section 72(t)(2)(G)(iii)), the date on which a period referred to in subclause (III) of such section begins, and”.

(2) Section 403(b)(7)(A)(ii) of such Code is amended by inserting “(unless such amount is a distribution to which section 72(t)(2)(G) applies)” after “distributee”.

(3) Section 403(b)(11) of such Code is amended by striking “or” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, or”, and by inserting after subparagraph (B) the following new subparagraph:

“(C) for distributions to which section 72(t)(2)(G) applies.”.

(c) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after September 11, 2001.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 607. WAIVER OF 10 PERCENT EARLY WITHDRAWAL PENALTY TAX ON CERTAIN DISTRIBUTIONS OF PENSION PLANS FOR PUBLIC SAFETY EMPLOYEES.

(a) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 (relating to subsection not to apply to certain distributions), as amended by section 904, is amended by adding at the end the following new subsection:

“(H) DROP DISTRIBUTIONS TO QUALIFIED PUBLIC SAFETY EMPLOYEES IN GOVERNMENTAL PLANS.—

“(i) IN GENERAL.—Distributions to an individual who is a qualified public safety employee from a governmental plan within the meaning of section 414(d) to the extent such distributions are attributable to a DROP benefit.

"(ii) DEFINITIONS.—For purposes of this subparagraph—

"(I) DROP BENEFIT.—The term 'DROP benefit' means a feature of a governmental plan which is a defined benefit plan and under which an employee elects to receive credits to an account (including a notional account) in the plan which are not in excess of the plan benefits (payable in the form of an annuity) that would have been provided if the employee had retired under the plan at a specified earlier retirement date and which are in lieu of increases in the employee's accrued pension benefit based on years of service after the effective date of the DROP election.

"(II) QUALIFIED PUBLIC SAFETY EMPLOYEE.—The term 'qualified public safety employee' means any employee of any police department or fire department organized and operated by a State or political subdivision of a State if the employee provides police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision and if the employee was eligible to retire on or before the date of such election and receive immediate retirement benefits.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 608. COMBAT ZONE COMPENSATION TAKEN INTO ACCOUNT FOR PURPOSES OF DETERMINING LIMITATION AND DEDUCTIBILITY OF CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—Subsection (f) of section 219 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) SPECIAL RULE FOR COMPENSATION EARNED BY MEMBERS OF THE ARMED FORCES FOR SERVICE IN A COMBAT ZONE.—For purposes of subsections (b)(1)(B) and (c), the amount of compensation includible in an individual's gross income shall be determined without regard to section 112.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 609. DIRECT PAYMENT OF TAX REFUNDS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall make available a form (or modify existing forms) for use by individuals to direct that a portion of any refund of overpayment of tax imposed by chapter 1 of the Internal Revenue Code of 1986 be paid directly to an individual retirement plan (as defined in section 7701(a)(37) of such Code) of such individual.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after December 31, 2006.

SEC. 610. ALLOW ROLLOVERS BY NONSPOUSE BENEFICIARIES OF CERTAIN RETIREMENT PLAN DISTRIBUTIONS.

(a) IN GENERAL.—

(1) QUALIFIED PLANS.—Section 402(c) of the Internal Revenue Code of 1986 (relating to rollovers from exempt trusts) is amended by adding at the end the following new paragraph:

"(11) DISTRIBUTIONS TO INHERITED INDIVIDUAL RETIREMENT PLAN OF NONSPOUSE BENEFICIARY.—

"(A) IN GENERAL.—If, with respect to any portion of a distribution from an eligible retirement plan of a deceased employee, a direct trustee-to-trustee transfer is made to an individual retirement plan described in clause (i) or (ii) of paragraph (8)(B) established for the purposes of receiving the distribution on behalf of an individual who is a designated beneficiary (as defined by section 401(a)(9)(E)) of the employee and who is not the surviving spouse of the employee—

"(i) the transfer shall be treated as an eligible rollover distribution for purposes of this subsection,

"(ii) the individual retirement plan shall be treated as an inherited individual retirement account or individual retirement annuity (within the meaning of section 408(d)(3)(C)) for purposes of this title, and

"(iii) section 401(a)(9)(B) (other than clause (iv) thereof) shall apply to such plan.

"(B) CERTAIN TRUSTS TREATED AS BENEFICIARIES.—For purposes of this paragraph, to the extent provided in rules prescribed by the Secretary, a trust maintained for the benefit of one or more designated beneficiaries shall be treated in the same manner as a trust designated beneficiary.".

(2) SECTION 403(a) PLANS.—Subparagraph (B) of section 403(a)(4) of such Code (relating to rollover amounts) is amended by inserting "and (11)" after "(7)".

(3) SECTION 403(b) PLANS.—Subparagraph (B) of section 403(b)(8) of such Code (relating to rollover amounts) is amended by striking "and (9)" and inserting ", (9), and (11)".

(4) SECTION 457 PLANS.—Subparagraph (B) of section 457(e)(16) of such Code (relating to rollover amounts) is amended by striking "and (9)" and inserting ", (9), and (11)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2005.

SEC. 611. IRA ELIGIBILITY FOR THE DISABLED.

(a) IN GENERAL.—Subsection (f) of section 219 of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following:

"(8) SPECIAL RULE FOR CERTAIN DISABLED INDIVIDUALS.—In the case of an individual—

"(A) who is disabled (within the meaning of section 72(m)(7)), and

"(B) who has not attained the applicable age (as defined in section 401(a)(9)(H)) before the close of the taxable year,

subparagraph (B) of subsection (b)(1) shall not apply.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

TITLE VII—PROVISIONS TO ENHANCE HEALTH CARE AFFORDABILITY

SEC. 701. TREATMENT OF ANNUITY AND LIFE INSURANCE CONTRACTS WITH A LONG-TERM CARE INSURANCE FEATURE.

(a) EXCLUSION FROM GROSS INCOME.—Subsection (e) of section 72 of the Internal Revenue Code of 1986 (relating to amounts not received as annuities) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

"(11) SPECIAL RULES FOR CERTAIN COMBINATION CONTRACTS PROVIDING LONG-TERM CARE INSURANCE.—Notwithstanding paragraphs (2), (5)(C), and (10), in the case of any charge against the cash value of an annuity contract or the cash surrender value of a life insurance contract made as payment for coverage under a qualified long-term care insurance contract which is part of or a rider on such annuity or life insurance contract—

"(A) the investment in the contract shall be reduced (but not below zero) by such charge, and

"(B) such charge shall not be includible in gross income.".

(b) TAX-FREE EXCHANGES AMONG CERTAIN INSURANCE POLICIES.—

(1) ANNUITY CONTRACTS CAN INCLUDE QUALIFIED LONG-TERM CARE INSURANCE RIDERS.—Paragraph (2) of section 1035(b) of such Code is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, a contract shall not fail to be treated as an annuity contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract.".

(2) LIFE INSURANCE CONTRACTS CAN INCLUDE QUALIFIED LONG-TERM CARE INSURANCE RIDERS.—Paragraph (3) of section 1035(b) of such Code is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, a contract shall not fail to be treated as a life insurance contract solely because a qualified long-term care insurance contract is a part of or a rider on such contract.".

(3) EXPANSION OF TAX-FREE EXCHANGES OF LIFE INSURANCE, ENDOWMENT, AND ANNUITY CONTRACTS FOR LONG-TERM CARE CONTRACTS.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance policies) is amended—

(A) in paragraph (1) by striking "contract;" and inserting "contract or for a qualified long-term care insurance contract;",

(B) in paragraph (2) by striking "contract;" and inserting "contract, or (C) for a qualified long-term care insurance contract;", and

(C) in paragraph (3) by striking "contract." and inserting "contract or for a qualified long-term care insurance contract.".

(4) TAX-FREE EXCHANGES OF QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—Subsection (a) of section 1035 of such Code (relating to certain exchanges of insurance policies) is amended by striking "or" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "; or", and by inserting after paragraph (3) the following new paragraph:

"(4) a qualified long-term care insurance contract for a qualified long-term care insurance contract.".

(c) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE OR ANNUITY CONTRACT.—Subsection (e) of section 7702B of such Code (relating to treatment of qualified long-term care insurance) is amended to read as follows:

"(e) TREATMENT OF COVERAGE PROVIDED AS PART OF A LIFE INSURANCE OR ANNUITY CONTRACT.—

"(1) COVERAGE TREATED AS CONTRACT.—Except as otherwise provided in regulations prescribed by the Secretary, in the case of any long-term care insurance coverage (whether or not qualified) provided by a rider on or as part of a life insurance contract or an annuity contract, this title shall apply as if the portion of the contract providing such coverage is a separate contract.

"(2) DENIAL OF DEDUCTION UNDER SECTION 213.—No deduction shall be allowed under section 213(a) for any payment made for coverage under a qualified long-term care insurance contract if such payment is made as a charge against the cash value of an annuity contract or the cash surrender value of a life insurance contract.

"(3) APPLICATION OF SECTION 7702.—Section 7702(c)(2) (relating to the guideline premium limitation) shall be applied by increasing the guideline premium limitation with respect to the life insurance contract, as of any date—

"(A) by the sum of any charges (but not premium payments) against the life insurance contract's cash surrender value (within the meaning of section 7702(f)(2)(A)) for coverage under the qualified long-term care insurance contract made to that date under the life insurance contract, less

"(B) any such charges the imposition of which reduces the premiums paid for the life insurance contract (within the meaning of section 7702(f)(1)).

"(4) PORTION DEFINED.—For purposes of this subsection, the term 'portion' means only the terms and benefits under a life insurance contract or annuity contract that are in addition to the terms and benefits under the contract without regard to long-term care insurance coverage.

"(5) ANNUITY CONTRACTS TO WHICH PARAGRAPH (1) DOES NOT APPLY.—For purposes of this subsection, none of the following shall be treated as an annuity contract:

"(A) A trust described in section 401(a) which is exempt from tax under section 501(a).

"(B) A contract—

"(i) purchased by a trust described in subparagraph (A),

"(ii) purchased as part of a plan described in section 403(a),

"(iii) described in section 403(b),

"(iv) provided for employees of a life insurance company under a plan described in section 818(a)(3), or

"(v) from an individual retirement account or an individual retirement annuity.

"(C) A contract purchased by an employer for the benefit of the employee (or the employee's spouse).

Any dividend described in section 404(k) which is received by a participant or beneficiary shall, for purposes of this paragraph, be treated as paid under a separate contract to which subparagraph (B)(i) applies.".

(d) INFORMATION REPORTING.—

(1) Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by adding at the end the following new section:

"SEC. 6050U. CHARGES OR PAYMENTS FOR QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS UNDER COMBINED ARRANGEMENTS.

"(a) REQUIREMENT OF REPORTING.—Any person who makes a charge against the cash value of an annuity contract, or the cash surrender value of a life insurance contract, which is excludible from gross income under section 72(e)(11) shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth—

"(1) the amount of the aggregate of such charges against each such contract for the calendar year,

"(2) the amount of the reduction in the investment in each such contract by reason of such charges, and

"(3) the name, address, and TIN of the individual who is the holder of each such contract.

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name, address, and phone number of the information contact of the person making the payments, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.".

(2) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of such chapter 61 of such Code is amended by adding at the end the following new item:

"Sec. 6050U. Charges or payments for qualified long-term care insurance contracts under combined arrangements.".

(e) TREATMENT OF POLICY ACQUISITION EXPENSES.—Subsection (e) of section 848 of such Code (relating to classification of contracts) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF CERTAIN QUALIFIED LONG-TERM CARE INSURANCE CONTRACT ARRANGEMENTS.—An annuity or life insurance contract which includes a qualified long-term care insurance contract as a part of or a rider on such annuity or life insurance contract shall be treated as a specified insurance contract not described in subparagraph (A) or (B) of subsection (c)(1).".

(f) TREATMENT AS QUALIFIED ADDITIONAL BENEFIT.—Subparagraph (A) of section 7702(f)(5) of such Code (relating to qualified additional benefits) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) qualified long-term care insurance contract which is a part of or a rider on the contract, or".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to contracts issued before, on, or after December 31, 2006, but only with respect to periods beginning after such date.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply with respect to exchanges occurring after December 31, 2006.

SEC. 702. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

"(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be—

"(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

"(B) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

"(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

"(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

"(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

"(B) the actual amount of reimbursement for such year under such arrangement.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 703. DISTRIBUTIONS FROM GOVERNMENTAL RETIREMENT PLANS FOR HEALTH AND LONG-TERM CARE INSURANCE FOR PUBLIC SAFETY OFFICERS.

(a) IN GENERAL.—Section 402 of the Internal Revenue Code of 1986 (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new subsection:

"(l) DISTRIBUTIONS FROM GOVERNMENTAL PLANS FOR HEALTH AND LONG-TERM CARE INSURANCE.—

"(1) IN GENERAL.—In the case of an employee who is an eligible retired public safety officer who makes the election described in paragraph (6) with respect to any taxable year of such employee, gross income of such employee for such taxable year does not include any distribution from an eligible retirement plan to the extent that the aggregate amount of such distributions does not exceed the amount paid by such employee for qualified health insurance premiums of the employee, his spouse, or dependents (as defined in section 152) for such taxable year.

"(2) LIMITATION.—The amount which may be excluded from gross income for the taxable year by reason of paragraph (1) shall not exceed $5,000.

"(3) DISTRIBUTIONS MUST OTHERWISE BE INCLUDIBLE.—

"(A) IN GENERAL.—An amount shall be treated as a distribution for purposes of paragraph (1) only to the extent that such amount would be includible in gross income without regard to paragraph (1).

"(B) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which an amount is treated as a distribution for purposes of subparagraph (A), the aggregate amounts distributed from an eligible retirement plan in a taxable year (up to the amount excluded under paragraph (1)) shall be treated as includible in gross income (without regard to subparagraph (A)) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE RETIREMENT PLAN.—For purposes of paragraph (1), the term 'eligible retirement plan' means a governmental plan (within the meaning of section 414(d)) which is described in clause (iii), (iv), (v), or (vi) of subsection (c)(8)(B).

"(B) ELIGIBLE RETIRED PUBLIC SAFETY OFFICER.—The term 'eligible retired public safety officer' means an individual who, by reason of disability or attainment of normal retirement age, is separated from service as a public safety officer with the employer who maintains the eligible retirement plan from which distributions subject to paragraph (1) are made.

"(C) PUBLIC SAFETY OFFICER.—The term 'public safety officer' shall have the same meaning given such term by section

1204(8)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(8)(A)).

"(D) QUALIFIED HEALTH INSURANCE PREMIUMS.—The term 'qualified health insurance premiums' means premiums for coverage for the eligible retired public safety officer, his spouse, and dependents, by an accident or health insurance plan or qualified long-term care insurance contract (as defined in section 7702B(b)).

"(5) SPECIAL RULES.—For purposes of this subsection—

"(A) DIRECT PAYMENT TO INSURER REQUIRED.—Paragraph (1) shall only apply to a distribution if payment of the premiums is made directly to the provider of the accident or health insurance plan or qualified long-term care insurance contract by deduction from a distribution from the eligible retirement plan.

"(B) RELATED PLANS TREATED AS 1.—All eligible retirement plans of an employer shall be treated as a single plan.

"(6) ELECTION DESCRIBED.—

"(A) IN GENERAL.—For purposes of paragraph (1), an election is described in this paragraph if the election is made by an employee after separation from service with respect to amounts not distributed from an eligible retirement plan to have amounts from such plan distributed in order to pay for qualified health insurance premiums.

"(B) SPECIAL RULE.—A plan shall not be treated as violating the requirements of section 401, or as engaging in a prohibited transaction for purposes of section 503(b), merely because it provides for an election with respect to amounts that are otherwise distributable under the plan or merely because of a distribution made pursuant to an election described in subparagraph (A).

"(7) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amounts excluded from gross income under paragraph (1) shall not be taken into account under section 213.

"(8) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The amounts excluded from gross income under paragraph (1) shall not be taken into account under section 162(l).".

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a) of such Code (relating to taxability of beneficiary under a qualified annuity plan) is amended by inserting after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—To the extent provided in section 402(l), paragraph (1) shall not apply to the amount distributed under the contract which is otherwise includible in gross income under this subsection.".

(2) Section 403(b) of such Code (relating to taxability of beneficiary under annuity purchased by section 501(c)(3) organization or public school) is amended by inserting after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—To the extent provided in section 402(l), paragraph (1) shall not apply to the amount distributed under the contract which is otherwise includible in gross income under this subsection.".

(3) Section 457(a) of such Code (relating to year of inclusion in gross income) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR HEALTH AND LONG-TERM CARE INSURANCE.—In the case of a plan of an eligible employer described in subsection (e)(1)(A), to the extent provided in section 402(l), paragraph (1) shall not apply to amounts otherwise includible in gross income under this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after December 31, 2005.

TITLE VIII—REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER $1,000,000

SEC. 801. REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER $1,000,000.

(a) GENERAL RULE.—Section 1 of the Internal Revenue Code of 1986 (relating to imposition of tax on individuals) is amended by adding at the end the following new subsection:

"(j) REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER $1,000,000.—

"(1) IN GENERAL.—If the adjusted gross income of a taxpayer exceeds the threshold amount, the tax imposed by this section (determined without regard to this subsection) shall be increased by an amount equal to 1.8 percent of so much of the adjusted gross income as exceeds the threshold amount.

"(2) THRESHOLD AMOUNTS.—For purposes of this subsection, the term 'threshold amount' means—

"(A) $1,000,000 in the case of a joint return, and

"(B) $500,000 in the case of any other return.

"(3) TAX NOT TO APPLY TO ESTATES AND TRUSTS.—This subsection shall not apply to an estate or trust.

"(4) SPECIAL RULE.—For purposes of section 55, the amount of the regular tax shall be determined without regard to this subsection.

"(5) TERMINATION.—This subsection shall not apply to taxable years beginning after December 31, 2010.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, we offer this motion to recommit to address a number of issues that are not addressed in the legislation before us and to hopefully not do some of the things that the legislation before us does. We believe that we can do these things without driving employers out of the defined benefit system.

The current bill before us provides a compilation of interest rates and premium fees and costs that we believe will drive employers to accelerate the termination and freezing of these plans. That is not because we say it; that is what the employers have told one another in their associations, the expectation that some 60 percent of the employers will freeze or terminate their plans.

We believe that our motion to recommit does not impose arbitrary benefit cuts and freezes on workers who do not control whether or not the employers fund the pension plans or not.

The motion to recommit would require companies to seek alternatives to the termination and prove that a plan is in fact unaffordable before they can cast it away in bankruptcy, as we saw United Airlines do, that cost the employees billions of dollars in pension benefits.

Importantly, the motion to recommit would actually help the employees of American, Continental, Delta and Northwest Airlines, whose pension plans are in danger of being terminated. The bill before us does not do that. It talks about doing that in the future.

The motion to recommit would also protect 9 million workers who are covered by multi-employer pension plans in the construction, food service and transportation industries. We would ensure that workers and executives would be affected equally in pension plans. Again, the horrible demonstration out of United Airlines, as the executives walked away with $235 million in a new, debt-free company and the employees walked away with wage cuts and benefits cuts and the loss of retirement benefits.

Finally, the motion to recommit would help workers who do not have access to defined benefit plans through the automatic enrollment in 401(k) plans and the expanded savers credit.

This legislation, if it is not corrected, is the greatest assault on the pension benefits and the retirement nest eggs of hardworking, middle class Americans in the history of this Congress. I say that because it is quite clear that this will expedite and will accelerate the freezing and the termination of these plans that so many millions of Americans are relying on.

One thing this legislation will do, if you want to continue to debate Social Security, you will now prove with the passage of this legislation that Social Security is the most secure retirement system in this country, that it is the only one that people can count on, because these other plans are in jeopardy.

Mr. Speaker, I yield to my colleague, Mr. CARDIN from Maryland.

Mr. CARDIN. Let me thank Mr. MILLER for offering this substitute. I am pleased to join him.

I listened to a lot of my colleagues talk in favor of this bill, telling me things they do not particularly like about it, things that will be, they hope, corrected in conference, and now we have a motion to recommit that does exactly that.

So if we are sincere in wanting to move the process forward so that we can get to conference, let us speak to what we want to get from the conference report. Let me make it clear that the rule did not permit us to offer this directly as a substitute, so the only way we can do it is by the motion to recommit.

But it does contain the issues that many have talked about. It has the good without the bad. It has the provisions for the defined contributions, so that we can deal with the 401(k)s and the IRAs and the savers credits and automatic enrollments and those provisions that are important. But it also deals with the issue of the airline industry directly, not on a promise that we will deal with it in conference, and it deals with the revolving door of bankruptcy, which, if we do not correct, we are going to have other problems in addition to the airline industry. So it deals with those problems.

But it does one more thing, Mr. Speaker, that is critically important: It takes away the additional deficit that this bill would create. This bill will add an additional $14 billion to the deficit of this country. The substitute pays for the cost of the legislation so that we do not add to the growing problem of the deficit of this Nation.

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This is a responsible motion, and I urge my colleagues to support it.

Mr. BOEHNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LATHAM). The gentleman is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, the debate today on the floor is about the massive underfunding in worker pensions and the need to change the status quo. Unfortunately, what we have just been presented is what would actually make pensions less secure by preserving the status quo and putting at risk millions of American pensions.

Let me make five points. First, the motion to recommit preserves the status quo by requiring employers and union leaders to fund their plans at 90 percent or in some cases only 80 percent, instead of the 100 percent funding requirements that we have in the underlying bill. It just does not pass the straight-face test.

Second, they are preserving the status quo by continuing to allow employers to take up to 30 years to erase any funding shortfall in their plan. Pension experts agree that this increases the risk of plan termination, threatening the benefits of workers and retirees.

Third, they are preserving the status quo on unrestricted use of credit balances which mask the massive pension plan underfunding we see today. We know that the credit balance rules that are in place today are irresponsible public policy. They must be changed if we are going to strengthen the pension system. And to allow those rules to stay in place, again, does not pass the straight-face test.

Fourth, they propose preserving the status quo by failing to incorporate the full package of multi-employer reforms that were agreed to by a broad coalition of organized labor and employer groups.

Last, they preserve the status quo by promoting uncertainty among employers if these pension benefits and workers who are relying on them maintain the current interest rate package for 2 years and then go back to the 30-year rate thereafter.

The modified yield curve in the underlying bill presents a more accurate picture of the liabilities that these plans have and should, in fact, stay in the bill.

Mr. Speaker, I believe that the underlying bill is far more balanced. It really does strengthen American pensions, and I would urge my colleagues to reject this.

I yield to the gentleman from Michigan.

Mr. CAMP of Michigan. Mr. Speaker, I thank the distinguished chairman for yielding.

I oppose the motion to recommit. This motion to recommit leaves current pension funding rules in place which ends up weakening the funding rules in the underlying bill. This means that businesses would not be fulfilling their promises to working people.

The motion to recommit also has a $53 billion surtax contained in it on small business. That surtax is bad for workers, bad for small business, bad for America. So I would urge a "no" vote on the motion to recommit, a "yes" vote on the underlying bill, which would ensure that pension plans would be appropriately funded, but not so strict as to cause employers to terminate their pension plans. I urge a "yes" vote on the underlying bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passage, if ordered; adoption of H. Res. 610; and motions to suspend the rules with respect to H. Res. 579 and H. Con. Res. 315.

The vote was taken by electronic device, and there were—yeas 200, nays 227, not voting 6, as follows:

[Roll No. 634]

YEAS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley

Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Davis (FL)
Diaz-Balart, M.
Hyde
Pearce
Pickering
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1542

Mr. BARRETT of South Carolina and Mr. SOUDER changed their vote from "yea" to "nay."

Messrs. McDERMOTT, REYES and FARR changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 132, not voting 7, as follows:

[Roll No. 635]

AYES—294

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—132

Abercrombie
Ackerman
Allen
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Boyd
Brown, Corrine
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Clyburn
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—7

Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Gilchrest
Hyde
Pickering
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1550

Mr. COSTELLO and Mr. MEEK of Florida changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Speaker, on rollcall Nos. 634 and 635, I was unavoidably detained. I would have voted "nay" on recommit and "aye" on passage.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTI-TERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 610 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 206, not voting 7, as follows:

[Roll No. 636]

YEAS—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—7

Davis (FL)
Diaz-Balart, M.
Emanuel
Hunter
Hyde
Souder
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1559

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE THAT SYMBOLS AND TRADITIONS OF CHRISTMAS SHOULD BE PROTECTED

The SPEAKER pro tempore (Mr. LATHAM). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 579, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 579, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 22, answered "present" 5, not voting 5, as follows:

[Roll No. 637]

YEAS—401

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—22

Ackerman
Blumenauer
Capps
Cleaver
DeGette
Harman
Hastings (FL)
Honda
Lee
Lewis (GA)
McDermott
Miller, George
Moore (WI)
Moran (VA)
Payne
Rush
Schakowsky
Scott (VA)
Stark
Wasserman Schultz
Wexler
Woolsey

ANSWERED "PRESENT"—5

Holt
Israel
Lowey
Owens
Schwartz (PA)

NOT VOTING—5

Davis (FL)
Diaz-Balart, M.
Emanuel
Hyde
Waters

□ 1608

Mr. PAYNE changed his vote from "yea" to "nay."

Mr. ROHRABACHER changed his vote from "nay" to "yea."

Mr. RUSH changed his vote from "present" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for those who celebrate Christmas"."

A motion to reconsider was laid on the table.

URGING OBSERVANCE OF AMERICAN JEWISH HISTORY MONTH

The SPEAKER pro tempore (Mr. BASS). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 315.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 315, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 10, as follows:

[Roll No. 638]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)

Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Davis (FL)
Deal (GA)
Diaz-Balart, M.
Emanuel
Gonzalez
Herger
Hunter
Hyde
Tierney
Waters

☐ 1616

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4437 to be considered shortly.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 610 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4437.

☐ 1618

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 2 hours, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS), the gentleman from New York (Mr. KING), and the gentleman from Mississippi (Mr. THOMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4437, the Border Security, Antiterrorism, and Illegal Immigration Control Act of 2005.

Mr. Chairman, our Nation has lost control of its borders, which has resulted in a sharp increase in illegal immigration and has left us vulnerable to infiltration by terrorists and criminals. Estimates indicate that there are currently more than 10 million illegal aliens already here, and that population continues to grow by an estimated half million additional aliens each year.

Large majorities of Americans support efforts to restore the security of our Nation's borders and to assure accountability of those who illegally enter the United States. America is a compassionate Nation that welcomes legal immigrants from all corners of the world. But it is also a Nation of laws. These concepts are not mutually exclusive, and H.R. 4437 reflects this.

This legislation, which I introduced with Homeland Security Committee Chairman KING, will diminish the lure of higher-wage employment that drives illegal entry into the United States while enhancing border security. This legislation will re-establish respect for our laws by holding violators accountable, including human traffickers, employers who hire illegal aliens, and alien gang members who terrorize communities throughout the country.

I am pleased that this bill incorporates vital border security provisions from legislation reported by the Committee on Homeland Security and congratulate Chairman KING for his committee's important role in drafting this component of the bill.

H.R. 4437 will deliver on the unkept promise of the Immigration Reform and Control Act of 1986 by providing employers with a reliable method of determining whether their employees are eligible to work. The bill expands on the premise of Representative CALVERT's legislation, H.R. 19, to build upon a successful pilot program that currently enables employers to verify the employment eligibility of their workers. Currently, employer participation in this program is on a voluntary basis. Within 2 years, this bill provides that all employers must check new hires against this database.

The bill also increases penalties for alien smuggling. Those who suffer most from alien smuggling are often the most vulnerable and desperate, entering the country in perilous conditions that sometimes result in injury or even death.

Moreover, debts owed to alien smugglers by those transported into the country illegally often create a form of indentured servitude that enriches criminal syndicates. The GAO has found that convicted smugglers, including those responsible for death or serious injury, receive an average prison sentence of only 10 months. Only 10 months, far less than that imposed for transporting illegal drugs or committing other serious crimes. The bill corrects these disparities by increasing criminal penalties for alien smugglers.

The legislation also gets tough on alien members of violent street gangs. It incorporates H.R. 2933, the Alien Gang Removal Act, which was authored by the gentleman from Virginia (Mr. FORBES). Alien gangs are a threat to communities across the country and represent a problem that is international in scope. We should not have to wait until alien gang members commit violent crimes before we can remove them from our communities.

The legislation also increases penalties for previously deported aliens who illegally re-enter the United States. These provisions are incorporated from H.R. 3150, the Criminal Alien Accountability Act, introduced by the gentleman from California (Mr. ISSA).

Another crucial provision of the legislation remedies the current situation in which the Department of Homeland Security is required to release dangerous alien criminals who cannot be deported. This has compelled the release of nearly 1,000 criminal aliens, including murderers and rapists, onto our streets. One such alien shot a New York state trooper. The legislation allows for the continued detention of these violent criminal aliens.

The bill also contains commonsense provisions that would bar aliens who are terrorists or security risks from being naturalized U.S. citizens, making aggravated felons inadmissible to the United States, and facilitate the deportation of aliens who sexually abuse minors.

Mr. Chairman, this legislation represents a critical step in helping to regain control of our borders and to prevent illegal immigration. I urge my colleagues to support this important bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Ladies and gentlemen, let me say from the outset that we on this side, the Democrats, believe that a strong border security policy is an absolute necessity for this Nation. We must ensure that terrorists cannot lurk in the shadows of our society and do us harm. Let us begin with that.

Now, if you will look at the dissenting views in our report on this measure, there may be 20 to 40 different reasons that we do not like the bill. So rather than take all that time up, what I want to talk about is the one that offends me the most, and that is the criminalizing of unlawful presence. Now, this, alone, should turn away a majority of the House. There are roughly 11 million undocumented individuals in the United States who, under sections 203 and 201 of this bill, would be subject to mandatory detention if convicted of a crime of being unlawfully in the United States. First time in history. Are you ready for this? These individuals would be mandatorily retained without regard to whether the person is a flight risk or poses any danger.

Re-entry after removal would also be another aggravated felony, and these provisions would result in a permanent bar to re-entry and no chance of a waiver whatsoever.

Now, criminalizing unlawful presence by an incarceration of more than 1 year is, to me, over the top. Millions of immigrants could be impacted and would suddenly be unable to apply for relief if they had been convicted of unlawful presence. Any immigrant who overstayed a visa and was convicted would be permanently barred from any form of immigration relief. Families who have been living and working in the U.S. for years would suddenly be ineligible for immigration relief that they would otherwise be able to receive. Virtually anyone who overstayed a visa could be guilty of an aggravated felony and thus ineligible for release.

Now, the last thing I want to mention before I reserve the balance of my time is to state what we do need. And I have taken a little time to come around to this. We do need a program for the 11 million people in this country who are out of status to a system of earned legalization. This is the only rational solution that I can bring to you today, my colleagues. The President of the United States, who I seldom quote, has said that without a comprehensive approach that includes earned legalization, we will not solve the problem. Otherwise, these millions will remain in this country, in the shadows; and we will not know what they are doing and who they are and where they are going.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Michigan, I think, has exposed what the difference is between those who are for this bill and those who are against this bill.

□ 1630

Earned legalization is a nice word for amnesty for illegal aliens. The American public is against amnesty for illegal aliens. This bill does not give amnesty to illegal aliens, and it should not because it rewards somebody for breaking our laws.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, the American people know the difference between legal immigration, which has made our country great, and illegal immigration, which threatens our homeland security.

This legislation represents a crucial step forward in securing our borders and protecting the lives and property of the American people. Sponsored by Chairman SENSENBRENNER and Chairman KING, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 achieves four essential goals.

It combats illegal immigrant smuggling and makes it easier to deport illegal aliens, 20 percent of all Federal prisoners, who have committed crimes. This will make our communities much safer. This legislation makes it easier to apprehend, convict and deport potential terrorists. It allows employers to determine whether a job applicant is legally in the United States. Last year, not a single employer was fined for illegally hiring someone. If we do not diminish the magnet of jobs, no amount of border enforcement alone will prevent illegal immigration. Lastly, Mr. Chairman, this initiative will result in more individuals being held accountable for breaking our immigration laws.

Our hearts go out to those who want to come to this country. We are the freest, most prosperous nation in the world. It is no surprise that America welcomes more legal immigrants than all other countries combined.

But no nation can protect its residents without knowing who is entering and why. Thousands of people continue to cross our borders illegally every day instead of playing by the rules and coming into the country the right way.

No Member of Congress advocates rounding up 10 to 20 million illegal immigrants, no one really knows how many, for mass deportation. But if we enforce our laws, many either will leave voluntarily or decide not to enter illegally. Perhaps the time will come for a limited foreign worker program, but that is only after we have secured our borders and put the interests of American workers first.

Immigration is an emotional, sensitive, complex subject. But Americans, citizens and legal immigrants alike, have every right to secure borders in a safe homeland. And it is time we turned that right into reality.

Mr. Chairman, Chairman SENSENBRENNER and Chairman KING deserve much credit and the thanks of the American people for bringing this legislation to the House floor.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a distinguished member of the Judiciary Committee, the head of the California Democratic delegation.

Ms. ZOE LOFGREN of California. Mr. Chairman, every country has the right, even the obligation, to control its borders, and that includes the United States of America. Since 9/11, as many have mentioned, that obligation has taken on increased importance and significance, and all of us believe that we need to do a better job. The truth is that the bill before us today really does not do that better job.

We all watch TV, and we see the extravagant comments made, and some of them turn out to be correct. There is something called "catch and release," and actually what it is, is individuals who are apprehended as they unlawfully enter the United States are cited and released with the promise that they will appear. It turns out that over 80 percent of the people who promise to appear do not show up. Now, when I was in local government, we had a failure-to-appear rate in single digits. We were alarmed at that. But even though the administration has seen this rate, they have not stopped doing it. Does this bill order the administration to go out and find those people that fail to appear and bring them in for processing to be deported or whatever the law requires? No, it does not.

When I was in local government, we would have individuals who were undocumented, without papers, who committed a crime, and they would be in our jail. And every week, the Immigration Service would come, and they would take those people away from our jail after their sentences were served, and they would deport them, which we thought was a pretty good deal. Recently, the ball has been dropped on that score. And so we have got people who have committed crimes, who should be deported, and they are not being deported. And sometimes they are being released from jail. Does this bill tell the administration to go out and find those people and bring them in, ready to be deported, as the law provides? No, it does not. It does not.

Does it order the administration to enhance its efforts so that criminals who are in jails who are supposed to be brought in for deportation are brought in? No, it does not do that either. It does not increase the resources.

And it does some things that I think are quite weird and unfortunate. I am a member of the Homeland Security Committee as well as the Judiciary

Committee, and I have mentioned section 404 in both committees. Section 404 allows for the exclusion of legal residents if they were born in the following countries: China, Vietnam, Cuba, Ethiopia, India, Eritrea or Laos. Why is that? Those countries refuse to accept or unreasonably delay the acceptance of people whom we deport. The answer is not to exclude legal residents who were born in those countries.

I thank the gentleman for yielding me this time, and I will have further comments as the day proceeds.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. ZOE LOFGREN of California. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, could we begin this discussion amongst ourselves by distinguishing between earned legalization and amnesty? Earned legalization is not a free lunch. Those working under this program will have to work for years in the United States to gain citizenship. They are here. They work. They pay taxes. They raise their families. And that is one legitimate plan.

What does someone have here for an alternative? The bill before us does nothing about the 11 million people who are already here. And, by the way, is the President of the United States supporting an amnesty program? I do not think so.

I thank the gentlewoman for yielding to me.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, one of the primary attributes of a sovereign nation is the ability to control its own borders. In this regard, it is clear that the Constitution, article 1, section 8, places this duty right here, in the Congress. We have thus arrived at that moment of decision where the American people have a legitimate expectation that we will rise to this fundamental responsibility of governance.

As one who has had the opportunity to participate in the birthing process of this legislation in both of the committees of primary jurisdiction, I would be the first to acknowledge that this was not an immaculate conception. It remains my belief that a comprehensive approach to the issue is necessary if we are to maximize the effectiveness of our resources on the border.

However, it is critical that we have to take a first step. This bill should be judged on the basis of what it does contain, not for what it does not. On its own merits, this is a good bill. It is a good first step towards regaining control of our borders. And, furthermore, we have the assurances of the chairman of the Judiciary Committee that other aspects of the larger immigration issue will be considered after our return. The decision has been made to begin the process of reform of the border security bill. Why? Because that is what the American people expect of us. Even if it is not a Rembrandt, it is not a bad paint job.

As one who participated in the crafting of the 1986 Immigration Reform and Control Act, actually as the Republican floor manager of that bill, I can tell the Members that it was on the issue of employer sanctions that that bill crashed and burn. That legislation made it illegal for employers to knowingly hire or employ aliens not eligible to work in the United States. It was part of a carefully crafted compromise. It was part of the balance in the program. Little did we know that neither Republican nor Democratic administrations were going to enforce it nor Democratic nor Republican Congresses were going to support it. There is enough blame to go around. It is not just in the Executive branch. It is here in this body as well. And the American people now are demanding that we do something about it.

Under the law then passed, employers were to check the identity and work eligibility documents of all new hires. However, the explosion of a new industry dedicated to the production of false and fraudulent documents completely undermined the employer sanctions provision of the bill. It did not have to happen that way. Congressman HALL of Texas offered a verification system somewhat like that contained in the bill before us. However, at that time I did not believe, nor did others in this body, that we had the technology to make it work. However, today, we do. It is incumbent upon us that we must learn from the past and have a reliable system of employment verification if employer sanctions are to work. A workable employment verification system is the critical linchpin in devising a strategy to demagnetize the attraction of unlawful employment.

These and other things are in this bill. This is a good first step. Let us not fall on our own swords in an effort to try to say we want a perfect bill. If we do not do this, we will not do anything.

Mr. CONYERS. Mr. Chairman I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), ranking member of the Subcommittee on Immigration and member of the House Judiciary Committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman very much for yielding me this time.

And might I thank Mr. SENSENBRENNER because, as I said in the Rules Committee, I believe, between the ranking chairman of the Judiciary Committee and certainly the chairman and ranking member of the Homeland Security Committee, there are a lot of good intentions. But, frankly, I think it is overwhelming to expect that, in this short period of time, that we can answer all of the concerns of the American people and answer the question of 20 years of shortsighted enforcement-only legislation to address this question of the enormity of illegal and undocumented individuals but, in particular, to address the question of security. That is the underpinning of this border security bill, and that is where I believe that we have a number of failures.

The American people have polled repeatedly on one concept. That is whether or not they consider the immigration question a crisis worthy of our attention. But when they are asked about solutions, they specifically suggest the idea of comprehensive immigration reform. Strong enforcement at the border, which many legislative initiatives offered by KOLBE and GUTIERREZ, offered by members of the Homeland Security Committee, offered in Judiciary, offered by H.R. 4044, the Rapid Response Border Protection bill, all had reasonable responses, enforcement and earned access to immigration.

But allow me to tell my colleagues why this particular bill is going to fall on its own weight and, as I heard someone say, the wheels are going to fall off, unless we turn back the bill and work together.

It is important to note that as we stand here on the floor today, there are members of the United States military on the frontlines of Iraq and Afghanistan whose family members are undocumented. We have a program that many of us supported that would allow those who are on the frontlines of Iraq to become documented, legal permanent residents. In fact, we heard a story of a young man who was killed on his way to get fingerprinted, tragically. But it allows them to be able to be documented, and they can then access legalization for their family members.

While they are on the frontlines of Iraq, the very presence of their grandmother, their mother, their sister or their father will allow them to be incarcerated as a felon under this bill, will allow them to be detained under this bill. And then you want to ask the employers of America, who I believe should be responsible for who they hire, not to verify people whom they may question, and that means that they will think that anyone with a name that sounds unlike American should be verified.

☐ 1645

That will be close to 146 million persons who are currently employed and then 54 million persons who are eligible for employment. The basic pilot program will fall under its own weight. Why? Because the technology is not yet able to document and detail whether one name that has a particular sounding name is equal to the other name. Our technology does not equal that kind of competence at this point.

And we have not answered the question of the funding because we require mandatory detention. The question is what kind of resources will be utilized.

There are many elements to this bill that we could find common ground on, and those are the technology aspects. I believe there should be more in there to provide for our Border Patrol agents, the equipment, the night goggles, the computers that we have been saying they need over and over again, the helicopters, power boats and training. But that, unfortunately, was not allowed in this legislation.

So, Mr. Chairman, as I conclude, might I thank those who have done the heavy lifting, might I thank the work that the Hispanic Caucus has done on behalf of all immigrants or individuals that may be undocumented. I value the fact that we as a Congress have been charged with the responsibility of securing America. Criminalizing undocumented hotel workers and restaurant workers does not do the job. Let us turn this bill back so that we will have an opportunity to work in a bipartisan manner.

I rise in support of my Rapid Response Border Protection Amendment, H.R. 4044, to the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437, and against the underlining bill as it is presently drafted.

H.R. 4437 has a substantial number of provisions that would increase border security, but it is lacking in one very important respect. It does not provide the Border Patrol with the equipment and resources that it needs to secure the border. My amendment would address that deficiency.

For instance, aircraft and watercraft are invaluable tools for spotting people illegally crossing our borders and for assisting in their apprehension. They also are essential for rescue operations when people crossing the border need emergency assistance. The Secretary of the Homeland Security Department would be required to increase the number of Border Patrol helicopters by at least 100 and to increase the number of Border Patrol powerboats by at least 250.

The Border Patrol currently suffers from a severe shortage of serviceable, police-type vehicles. In many locations, agents have to wait for vehicles to be brought in from the field by other agents on the previous shift before they can begin their duties. The Secretary would be required to establish a fleet of such motor vehicles of at least one vehicle per every three Border Patrol agents.

The lack of portable computers precludes Border Patrol agents from utilizing biometric databases in the field. This results in inadequate checks being performed before suspects are released. The Secretary would be required to ensure that each police-type motor vehicle in the Border Patrol's fleet is equipped with a portable computer with access to all necessary law enforcement databases.

Smugglers and other criminals historically have used the cover of darkness to cross our borders. Although technology that enables the user to see at night has been available for many years, it is not readily available to all of the Border Patrol agents, and the Border Patrol is one of the few law enforcement agencies that conducts most of its operations in remote areas during the hours of darkness. The Secretary would be required to ensure that sufficient quantities of state-of-the-art night vision equipment are provided for every Border Patrol agent who works during the hours of darkness.

Body armor is a relatively inexpensive piece of protective equipment that has saved the lives of countless law enforcement officers. The Secretary would be required to ensure that every Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officers.

Currently, fewer than 11,000 Border Patrol agents are responsible for patrolling more than 8,000 miles of land and coastal borders. Because of the need to provide continuous, around-the-clock coverage, no more than 25 percent of those agents are securing our borders at any given time. That averages one Border Patrol agent every 3 miles. A substantial increase in personnel is desperately needed. The Secretary would be required to hire an additional 10,000 agents.

Recruitment and retention problems make it difficult to maintain a large force of experienced Border Patrol agents. One of the key difficulties in this regard is the fact that the pay lags behind that of many other law enforcement officers. The amendment would address this problem by requiring the Secretary to raise the base pay for all journey-level Border Patrol agents to a GS–13 level.

Nonimmigrant S visas are available for aliens who assist the Government with the investigation or prosecution of a criminal organization or a terrorist organization. The amendment would establish a third category for aliens who assist the United States Government with the investigation or prosecution of a commercial alien smuggling organization or an organization engaged in the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully. A protection program would be available for informants who need it.

A rewards program would be established for encouraging informants to assist in the elimination or disruption of commercial alien smuggling operations or an organization engaged in the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully. A protection program would be available if needed.

Those who object to the cost of H.R. 4044 need to recall the enormous costs, not just in monetary terms, of the last terrorist attacks. If we want to prevent another terrorist attack on American soil, we must be prepared to devote whatever resources are necessary to keeping terrorists out of our country.

I urge you to vote for this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the distinguished gentleman from Wisconsin for yielding me time and for his extraordinary leadership of the Judiciary Committee on which I serve. I also congratulate Chairman KING for his hard work on this important legislation.

As the grandson of an Irish immigrant, I believe in the ideals that are enshrined on the Statue of Liberty in New York Harbor. America has always and will always be a welcoming Nation, welcoming under the law any and all with the courage enough to come to this shining city on a hill. But a nation without borders is not a nation, and across this country Americans are anxious about the security of our border. Night after night they see news images of people sneaking across the border in the dark of night; they hear tales of people paying thousands of dollars to so-called "coyotes" to smuggle them into the country; they worry that drugs will make their way into the hands of their children more readily; and they rightly fear that our porous borders make it more likely that terrorists will cross with deadly intentions against our families.

This year alone, some 115,000 illegal aliens from countries other than Mexico have been apprehended by our Border Patrol; and simply as an ordinary American, I share this concern. That is why I support the legislation before us today.

Estimates vary, but it is generally accepted that around 11 million illegal aliens are living in our Nation today. The great majority of these people entered America by making an illegal border crossing. We cannot allow this trend to continue.

In today's legislation, the Department of Homeland Security is required to develop and submit to Congress a comprehensive strategy for securing the border, including surveillance plans, a timeline for implementation, 1,000 additional port of entry inspection personnel, 1,500 additional canine units and beyond.

Also, importantly, this legislation takes a giant step towards ending the current practice of what is known as "catch and release" that plagues the border by requiring mandatory detention of illegal border crossers until an immigration removal hearing can be held. As part of a well-developed strategy, the bill mandates that Homeland Security use every available detention bed and authorizes new detention space.

Finally, this bill addresses the need to enforce our employment laws by instituting an employer verification system whereby employers will be required to submit information to the Department of Homeland Security and the Social Security Administration for verification. Providing this verification system will ensure that only Americans and legal visitors to the United States of America are living and working in our Nation.

We have before us today an important first step in securing America's borders and stopping the flow of illegal immigrants into our Nation. I rise again in strong support of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. With gratitude for its authors, I urge its passage.

Mr. CONYERS. Mr. Chairman, I yield 5½ minutes to the gentleman from Illinois (Mr. GUTIERREZ), the one gentleman not on the Judiciary Committee that has worked with us all year long on this subject matter, who has done noble work for his caucus and for the committee.

Mr. GUTIERREZ. Mr. Chairman, I thank the chairman very much for all of his hard work.

Mr. Chairman, I guess I come to speak before this very, very able body today to say that we are really not solving the problem. The fact is that this bill represents a retreat from true immigration reform and from true security. Evaluate the bill, and you will see that it neither demonstrates the political will nor commits the requisite resources to deport 11 million people who currently live and work in the United States of America.

So after the bill is passed, there will still be 11 million, and I do not see anything in the bill that is going to cure that problem: 11 million people who we should, as President Bush has urged, as all like-minded people have urged, should be given the opportunity to come out of the shadows of darkness, should come out of the marginalized existence of exploitation in which they live and be able to join all of us doing three things: demonstrating their good moral character; demonstrating that they pay taxes; demonstrating that they work and they contribute to this great country of ours.

The bill does not do anything. It is silent. Eleven million people. Are we going to go out and arrest and detain and deport 11 million people? Nobody would argue that that is what we are going to do, because we have never demonstrated the political will to do that, nor have we ever committed the requisite resources to do that. So in the absence of that, if you truly want security here, I suggest that we should get their fingerprints; that we should have them come out of the darkness and give us their fingerprints; give us their bank accounts; give us their addresses and become full-fledged members of our society.

I am not saying put them at the head of the line. Put them at the back of the line. Let us see what it truly is. They have committed what is a civil offense. That is what it is, according to our statute. You cannot retroactively make it a criminal offense. It is a civil offense, and let us deal with the civil offense that they have committed.

What offense have they committed to come here? I do not know. But I just think that in America no one is in fear and trepidation of the Windex-wielding cleaning lady at K-Mart. I do not think anyone in America is in fear of the woman who wakes up every morning to cherish and to nourish and to raise the children of American citizens. No one is in fear when they go to their hotel room and they see the woman that has made their bed and cleaned their carpeting and placed their towels in their appropriate places. No one in this place fears walking into a restaurant and eating from the dishes that have been cleaned. No one in this room would say, God, I cannot eat those grapes, will not touch those apples from Washington State. Yet we well know who has toiled in those vineyards and in that agricultural sector in very tough conditions with very low wages.

I do not see people in America saying, God, Luis, the Congress of the United States should do something. I want my son to be a dishwasher. I want my daughter to pick grapes out there in the State of California.

We know who is doing these jobs. As a matter of fact, according to our own Department of Labor, our economy will continue to create low-wage, low-skilled, entry-level jobs for which there will not be an American workforce to fulfill those necessities.

So given that reality, let us not cast that all of the problems and ills of our society are somehow upon the immigrants who have come to this country. I will suggest to you that they are your neighbors; that you know that when you walk into a building and you see those shiny floors, you know who was up the night before shining those floors; when you walk into that comfortable room after a long day of work, you know who cleaned that room; when you eat from those dishes, you know who washed them.

It is critical and essential to our economy for their being here in the United States of America. So let us stop it. Let us put an end to it.

I would say to all of my colleagues here today, if you are selling drugs, if you are a rapist, if you are a robber, if you are a murderer, if you are someone of ill repute, I and the colleagues I know would be the first to stand up and to say, Out with you and back to your country of origin, if that is what you have come here to do.

But let us be honest. The immense majority of them are hardworking. The immense majority of them are people we know that are hardworking, tax-paying, good moral character people who want to do nothing more than what other immigrants have done before them, to become part of this great process.

So let us keep that in mind as we continue this debate. Let us take the high road, not the low road, in this debate.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I rise in support of H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act. I would like to thank Chairman SENSENBRENNER and Chairman King for the remarkable job they have done to bring this bill to the floor today.

A mandatory electronic employment verification system must be a key component in any immigration reform bill worthy of the name. We can never gain control of our borders until we turn off the job magnet that encourages people to flout the law. If illegal immigrants know that a job awaits them in the United States provided they can get past the gauntlet of the border, no amount of border security will ever stop them.

Every employee already fills out an I-9 immigration form and presents documents confirming their identify and eligibility to work. Of course, the current system does not work because the documents themselves are easily forged and cannot be checked.

The system proposed today would simply require that the information on the I-9 form be confirmed. It is not discriminatory; it is easy to use and will do more to stem the tide of illegal immigration than any other single provision.

Many people have commented on the mandatory employment verification system, and some comments have missed the point. This system is all about ensuring a legal workforce by preventing document fraud during the hiring process.

I believe that most employers are trying to do the right thing and hire only legal workers. Unfortunately, the current employment verification system does not give the employer enough information to be confident that their workforce is legal. Forged documents easily pass through the system without a problem, which leaves the employer with dubious U.S. citizens and legal immigrants at a competitive disadvantage and encourages the mass illegal immigration America is experiencing today.

Not only would this system strike a blow against document fraud; it would also reduce identity theft, a practice on the rise in the United States. Just like credit card companies can flag unusual purchases to stop identity theft, this program would flag unusual behavior.

This is a good program, and this bill must pass.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), one of our dedicated members on the Judiciary Committee and a leader in the Hispanic Caucus.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I thank the gentleman from Michigan for yielding me time.

Mr. Chairman, I rise today in strong opposition to H.R. 4437. Americans are right to demand better border security and better enforcement of our immigration laws, but this bill is just a false sense of security. It does not secure our borders, it leaves our ports of entry exposed, and does nothing to reform our broken immigration system. What is needed is enforcement of laws that work, and we cannot have this without comprehensive immigration reform. Even President Bush agrees on this.

We should not be debating a bill thrown together at the 11th hour before we adjourn for recess, a bill that basically opens the door for witch hunts of anyone who looks foreign and a bill that erodes basic civil liberties and human rights for migrants, legal immigrants, and even citizens.

In looking at the lack of merit in this bill, we need to ask ourselves what kind of America do we want to live in. Do we want an America where we have mass deportations? Do we want an America where police officers can randomly ask foreign-looking Americans to produce identification to prove their legal status? Do we want an America where people can be detained for life when their home country is unwilling to take them back? Do we want an America where American citizens will have to carry national identification cards to travel, work, or just walk down the street? Do we want an America that criminalizes 1.6 million children? Because that is exactly what this bill will do.

☐ 1700

As the daughter of immigrants, I am offended by this bill, and I urge my colleagues to think long and hard about the vote they are about to cast and the detrimental impact it will have on the proud tradition of immigration that this country was built on.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN) who is an emeritus member of the Judiciary Committee.

Mrs. BLACKBURN. Mr. Chairman, I thank Chairman SENSENBRENNER and Chairman KING of New York for their extraordinary efforts on this bill. I do rise in support of H.R. 4437 today.

We do have a border crisis on our hands, and it is time that we do something about it other than talk. The chairmen have done a great job in bringing this forward. Everywhere I go in my district, Democrats, Republicans, everyone is united in the belief that our border enforcement is out of control and we have to give our border agents the tools they need to protect this great Nation.

My constituents see this truly as an issue of national security and of grave importance to our country. It is one we cannot wait to handle. We have to do something to secure those borders.

I am especially pleased to see that the Judiciary Committee has inserted several items on the bill that I had worked on while I was a member of the committee. During the 108 and 109th Congress, I introduced the Federal Contractor Security Act to tackle the problem of illegal entrants working for Federal contractors at critical infrastructure sites, at sites that are sensitive to our national security. And now the bill makes it mandatory for all employers, including Federal contractors, to use the worker verification system.

This is a system that employers can use at no charge, at no charge, and provide the sense of security that is needed by American citizens that the individuals working are indeed who they claim to be.

The legislation removes the guesswork about a worker's status and separates illegal entrants well before a business has invested time and money to train them.

Again, I want to thank Chairman SENSENBRENNER and Chairman KING of New York. I want to thank the leadership for their work and encourage support of H.R. 4437. This is something that is good for business. It is good for our Nation's security.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this very poorly drafted bill. I learned long ago in my legislative career that you should not enact laws that you cannot enforce. This bill has some good provisions, but it also has a lot of bad provisions.

If there was ever a moment, I think, in legislative history of congressional hypocrisy, it has got to be right now. Just a few minutes ago we voted to recognize and support the symbols of Christmas. This bill steps on the spirit of Christmas for 11 million people in America who are now being given a Christmas present, being told they are "criminals." Not only are all the undocumented people made instant criminals, so are their churches, so are their neighbors, and so are the people that support them and employ them.

Mr. Chairman, this bill declares war mostly on Mexicans because they are the vast majority of undocumented people in the United States. They are people that are already here, working, living in our communities. Who are these people? They may be your town heroes. They may be the latest valedictorian in your high school. They might have been the star of your football team or other sports team. They may have been the next scholarship winners. They may be some of America's brightest, our future. And yet now, by caveat, they are criminals.

Some cut your lawn, some clean your house, some harvest your food and that is the food that we pray over. This bill makes criminals out of innocent children, their mothers and their fathers. You cannot enforce this bill, I think, without a revolution. That is why the Chamber of Commerce, the American Bar Association, the Association of Builders and Contractors, the Episcopal Church, the International Association of Firefighters, the Jewish Federation of Greater Philadelphia, and many other areas oppose this legislation.

I ask for a "no" vote on a badly drafted bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, just to clarify everything, if someone entered the United States illegally, they have committed a Federal misdemeanor. If they overstayed their visa, they have committed a civil grounds of inadmissibility. So the people who snuck under the fence are already criminals, and what this bill does is criminalize the 40 percent who entered legally and did not go home when they were supposed to. And that is fair and that is equal.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I rise today in strong support of H.R. 4437. This legislation is long overdue, and I want to thank Chairman SENSENBRENNER and Chairman KING of New York for their great work in bringing this bill to the floor.

My constituents are fed up with porous borders, lax enforcement, and excuses about why the Federal Government is unable or unwilling to ensure that immigrants entering our country are legal.

This measure provides genuine solutions such as state-of-the-art surveillance technology, 8,000 new border agents, and widespread physical barriers.

The citizens of Altoona, Pennsylvania, experienced the sobering realities of a poorly enforced immigration system when this last August an illegal alien with a prior criminal record of assault, reckless endangerment, and a weapons violation murdered three innocent people. Had the catch and release practice been eliminated and mandatory detention been in place, perhaps this painful tragedy could have been prevented.

Mr. Chairman, this bill's time has come. We cannot continue to allow overwhelming numbers of illegal immigrants to flood our communities without any scrutiny. I urge all of my colleagues to support this commonsense approach that will combat illegal immigration and strengthen our Nation's security.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. BERMAN), a senior member of the Judiciary Committee.

Mr. BERMAN. Mr. Chairman, I appreciate the gentleman yielding me the time.

I am told that the chairman of the committee, I was not on the floor, in his comments after our ranking member spoke said, This shows the difference between the Democrats and the Republicans. Democrats are for amnesty. Republicans are not.

I remember back in the campaign in 1968 for President, or one in one of his races for Governor, George Wallace made the comment that, No one was going to out-"seg" me.

Those kinds of charges and that kind of misuse of language is done by people who know that they are trying to fool the American people into thinking they are doing something.

This bill will never become law. It may pass this House, but it will never become law for the very reasons that it does not take a comprehensive approach to the problem.

The chairman of the Judiciary Committee says it is already illegal to come to this country without permission, without a visa of one kind or another; and he is right. That is why we call them illegal immigrants. And he says, so all we are doing with this bill is dealing with the people who came legally and then overstayed. I guess that is because the first part of it, dealing with the people who came here illegally, has worked so well. That is why every year hundreds of thousands of people are able to cross this border and work in this country. A few do some horrible things. But they come and the law has not made a difference. Unless you take a comprehensive approach, you will never solve the problem.

If what the chairman defines as amnesty is amnesty, then George Bush is for amnesty; JOHN CORNYN, the Senator from Texas, is for amnesty; Senator KYL of Arizona is for amnesty; and the chairman himself by saying that there needs to be a guest worker program eventually is for amnesty, because when the people who came here illegally get to come back into this country, because they have left or they have applied from within this country to work in our fields or our restaurants or other industries that have become heavily reliant on unauthorized workers, we are saying you get to do what you came here to do even though you committed an illegal act.

The fact in 1986 was not amnesty. None of the proposals now for a comprehensive immigration proposal include amnesty because they are all based on meeting certain future obligations, paying fines, continuing to work, coming out of the shadows, going through a background, learning whether or not they have committed any criminal acts other than the entrance here.

At the heart of why this bill will never become law are the reasons that the gentleman from California (Mr. CALVERT) spoke to. In this bill is a very logical employer verification system. It was what was missing from the 1986 bill. It is why the 1986 bill did not work. But everyone knows you can never implement an employer verification system unless you deal with the 11 million people who are now in this country. Because otherwise every grower, every restaurant owner, every hotel, every tourism industry, huge numbers of construction firms are all going to get the answer back on this verification system: the person you have working for you is not here legally; you will have to fire them. They will be closed down.

That will never happen. The employers of this country will never let that pass, because this bill will not even allow us to offer an amendment to make it comprehensive, to accept every one of the provisions, some of them to my way of thinking are draconian and over broad, but accept every one of the provisions of this bill and just add that aspect of the bill that can make for a coherent whole. They will not even let us bring that as an amendment.

I urge that Members of this House rise above the demagoguery that is going on about who stands for what and oppose this bill until we are allowed the chance to vote for a tough, comprehensive bill that does something real about illegal immigration.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I thank Chairman SENSENBRENNER and Chairman KING of New York for working on this bill and bringing something very substantial forward for our Members to vote on.

Mr. Chairman, the Federal Government for decades has ignored this problem. And it has become an enormous problem facing the entire Nation, not just the border States.

I am not sure I agree with my friend and colleague, Mr. BERMAN, that a comprehensive bill is actually possible. It is a big, big problem. We have got to make a start at least. I think this legislation represents a good-faith attempt to begin to deal with the problem. Dealing with that 11 million is extremely difficult. I think at a minimum we need to start to deal with those who continue to enter the country illegally. It is certainly unacceptable for people to enter this country illegally, seek out our taxpayer-financed services, and hand the bill to the taxpayers.

I commend the chairman for putting provisions in the bill that reduce the likelihood of that continued flow of illegals into the country. I particularly like the provisions dealing with the San Diego-type fences in the urban areas. That is very, very important and I think will be effective. I know those are to be considered for approximately a dozen places along the border.

The other thing I like, in fact, several months ago I introduced a bill to end the absurd catch and release policy where our government has been giving tickets, essentially, to people who enter illegally and then letting them go and show up of their own volition. So far about 90,000 people this year have failed to appear in court who entered illegally and received such tickets. I am grateful that the provision to end that was included in the bill. That will make a big difference and will start us down the road to having a more effective border security policy. And I am confident we will have to continue to work together as we address this important issue. Please support this legislation.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 90 seconds to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise today in support of this legislation, the Border Protection Antiterrorism, and Illegal Immigration Control Act.

I support this bill for several reasons, but I think one of the things that must be noted is it provides the Federal Government with needed authority to secure the borders.

□ 1715

It also closes the loopholes in current law that illegal immigrants and their facilitators exploit to enter and remain in the United States illegally. It is estimated that more than 11 million people, as it has been brought out here today, enter the U.S. illegally. That number includes those who have stayed over their visa and those who have entered this country illegally in the first place.

Of course, America is a very charitable Nation. We welcome those with open arms who wish to live here, who wish to work here, raise a family here and eventually become naturalized citizens. That is why we have a legal process to do so.

Since September 11, 2001, we as a Nation have had to reevaluate our willingness to have among us so many noncitizens that are here illegally. For the sake of our national security, for the sake of government programs that many of our colleagues on this side also cherish, we must pass a bill to begin to perform our duties to secure our borders.

This bill also facilitates cooperation between border sheriffs and Federal law enforcement by authorizing reimbursements to local sheriffs, along the border, for the cost of enforcing immigration laws and detaining illegal immigrants until transferred to Federal custody. This has been a growing problem, and the clarification provided in this bill and the financial resources are important.

Mr. President, I rise today in support of the Border Protection, Anti-terrorism and Illegal Immigration Control Act. I support this bill because it provides the Federal Government with needed authority to secure our borders. It also closes loopholes in current law that illegal immigrants and their facilitators exploit to enter and remain in the U.S. illegally. It's estimated that there are more than 11 million people in the U.S. here illegally. That number includes those who have overstayed their visas and those who have entered the country illegally.

America is a charitable nation; welcoming those who wish to live, work, raise a family and eventually become naturalized citizens. This is why we have a legal process to do so. Since September 11, 2001 we, as a nation, have had to re-evaluate our willingness to have among us so many non-citizens that are here illegally. For the sake of our national security, and for the sake of the government programs that many of my colleagues on the other side of the aisle cherish, we must pass this bill and begin to perform our duty to secure our borders.

Since the changes will increase the number of illegal aliens in Federal custody, this bill includes provisions to increase the number of beds available to house these illegal aliens. The Department of Homeland Security will expand capacity to house those awaiting court hearings or removal.

I want to thank the Chairman for yielding time and I'll close by asking all of my colleagues to support this bill; it is long overdue and a vital first step towards improving border security.

Mr. CONYERS. Mr. Chairman I yield 2 minutes to the courageous gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding me the time and for his leadership and for making sure that we in this entire country understand what this so-called immigration reform bill is really about.

I rise in strong opposition to this bill. At best, this legislation is unbalanced; it is harsh, and it is unfair. Quite frankly, I think it is very un-American.

It criminalizes millions of hardworking people simply for being undocumented. It would turn local law enforcement into deputies of the border patrol, and innocent people will be needlessly scrutinized and jailed. I can only imagine how this irresponsible provision will affect racial profiling of Hispanics and other minorities.

This bill also ignores due process and would expand the government's ability to keep noncitizens locked up behind bars if they cannot be deported to their native countries. Jailed immigrants will lose the ability to appeal a deportation order.

Mr. Chairman, these are only a few of the reasons why this bill really makes no sense for our great country. Let us address the real issues of immigration reform that include a clear path to citizenship and commonsense protections for our borders. We need full immigration initiatives that make sense, not these very punitive and very un-American provisions that are included in this bill.

We cannot, and we must not, forget the undeniable history, our history, American history, that we have as a nation of immigrants and the contribution that immigrants have had on our economy, on our diversity and our way of life. This bill, quite frankly, just flies in the face of that history, and it should be rejected.

Mr. Chairman, I want to thank the gentleman again for his leadership and for yielding me the time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, with great respect to both chairmen on this bill. I do understand the importance of this measure and all of the hard work that has gone into it. We do need border security, and we need to beef up our Federal personnel and protect our citizens from terrorist threats.

However, we should not be moving a border bill that imposes penalties on employees and avoids dealing with the undocumented workers who are here now.

I do not support H.R. 4437 because it does not include comprehensive guest worker reform that my constituents desperately want back home in the San Joaquin Valley of California.

In 1986, Congress passed immigration reform. Two major mistakes were made when this bill was passed. Number one, it did not contain a guest worker provision, and number two, it provided amnesty for millions of illegal immigrants.

In passing immigration reform and granting amnesty in 1986, Congress thought that they would stop illegal immigration. Well, they were wrong, because today, we have about 10 million immigrants in our country.

Now we are here once again debating an immigration bill, and there is no guest worker program in the provisions. In this bill, we are penalizing employers without dealing with the millions of illegal workers currently here.

As long as this House continues to avoid the need to include a guest worker program in immigration reform, we will continue to have an illegal immigration problem in the United States.

U.S. border patrols are overwhelmed, and the cost of enforcement has skyrocketed. If we are implementing a guest worker program to provide temporary worker permits and allow workers to go home for part of the year, border enforcement officials could focus their resources on securing the border.

I urge my colleagues to vote against this measure, and it is with great respect to the chairman because it does not contain comprehensive guest worker reform.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of the time.

This debate has a peculiar forgetfulness about where we are. The Republicans have been in control for 5 years, and we keep hearing about what is wrong: There is not enough personnel; there is not enough equipment; we are giving people tickets and letting them go; the whole program is horrible.

Would you explain to me why it has not been corrected before now, and you offer now criminalizing up to 11 million people as a solution? This doesn't make sense.

But, folks, hang on to your hats because tomorrow it could get worse. The distinguished Rules Committee has proposals before them. We do not know what we will get on the floor. Citizenship for people born in the United States, just because their parents were born somewhere else, forfeiture of church property if they provide shelter for illegal immigrants, jail sentences for priests or nuns who help illegal immigrants get food or shelter; these are serious Republican proposals for improving immigration policy of which they have complained without letup since this discussion has begun. The Rules Committee takes these proposals up tomorrow, and we may see them on the floor with recommendations that they become part of this bill.

We don't need it to get worse to know that we don't need this measure. It's going nowhere, and I hope that somebody feels that they are getting some sound-bites out of this because I feel very badly about this important measure.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I was here in 1986 when the Simpson-Mazzoli bill was passed. I voted against it because I didn't think it was a balanced bill, and I didn't think it was a workable bill, and I think that what has happened in the last 19 years showed that a no vote was the right vote.

That bill was based on the fact that we would solve the illegal alien problem by giving those who are already here amnesty and then we would impose sanctions on employers who hired new illegal aliens. The reason it didn't work, as my friend from California (Mr. DANIEL E. LUNGREN) has stated, is that the employer sanctions were never enforced. As a result, illegal aliens came across the border in increasing floods.

The current system gives an incentive to an employer to hire an illegal alien in an entry-level job that is labor intensive because illegal aliens work for less money than either documented aliens with green cards or United States citizens. As a result, the bad actors in areas like the hotel and restaurant business, agriculture, landscaping and the construction business, are able to have such a competitive economic advantage because of the low wages over those who are trying to do it the right way.

I can understand why the Chamber of Commerce is against this bill because of the employer verification system. I guess if I were lobbying for them, I would be, too, because they have benefited from the low wages, and the low wages that these corporations have benefited from have depressed the wages of honest, hardworking, middle-income American people and those who are trying to get these entry-level jobs who are authorized to work in this country.

The key in this bill is Mr. CALVERT's employer verification system because that will flush out those who hire large numbers of illegal aliens, and they can go into the marketplace and pay a decent wage to people who are legally entitled to work here. I think that this is the main reason why this bill should pass.

We have heard a litany of complaints about all of the enforcement provisions, fences on the border, making a criminal offense overstaying one's visa, giving the sheriffs in border counties the authority to enforce the immigration law which they don't have now. The fact is that those people who are against this bill don't want any changes in the existing system except perhaps amnesty or, excuse me, earned legalization and ultimately citizenship for those who have broken the law.

This bill has our priorities straight. We have to secure the border. We have to provide law enforcement the tools to apprehend those who have broken the law, and we have to force our employers to flush out all the fake documents that are out there that are held by people who are illegally in this country, which is what the verification program proposes to do.

This is a good bill. It is a necessary first step, and if this bill is defeated, as all of those who have been saying no to everything goes down, the consequence is going to be the continuation of the intolerable existing system.

Mr. Speaker, I yield back the balance of my time.

The CHAIRMAN. The Chair now recognizes the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005.

The bill before us today incorporates both border security and immigration enforcement provisions and is the result of a strong collaborative effort by the Committee on Homeland Security and the Committee on the Judiciary to address these important issues.

The Committee on Homeland Security began this process last month when we introduced the bill, H.R. 4312, entitled the Border Security and Terrorism Prevention Act of 2005. This measure focused on border security provisions and reflected a truly bipartisan effort among members of my committee to solve lingering problems in our border defenses. I particularly appreciate the strong and able leadership of the gentleman from Mississippi (Mr. THOMPSON), our ranking member, in achieving important goals in this bill. I also want to commend the gentlewoman from California (Ms. LORETTA SANCHEZ). Thanks to their cooperation, we were able to pass H.R. 4312 on a voice vote with absolutely no opposition.

I also want to thank my friend, Chairman SENSENBRENNER, and his staff for their diligence and willingness to cooperate with us in expanding and improving this legislation.

Mr. Chairman, I will focus in my remarks on the border security aspects of the bill because, since September 11, it has become more and more apparent that our borders are in crisis. In addition to whatever social issues there are with immigration or whatever criminal issues there are with immigration, there are now, since September 11 brought home to us dramatically, the terrorism aspects of illegal immigration.

The homeland security provisions of this bill try to, and I believe do, very effectively address the issue of terrorism that must be confronted if we are to survive as a people.

This legislation requires 100 percent coverage of our land and maritime borders, including physical infrastructure, border patrol personnel and the use of all available technology.

□ 1730

It also requires a joint and collaborative effort between the Department of Homeland Security and the Department of Defense to use all available military technology to ensure that our borders are controlled and sealed. Most importantly, I believe, and as importantly as any other provision, it ends the policy of catch and release, which has been discussed in the previous hour; and it mandates expedited removal. We no longer have the luxury; and if we are talking about, I know the gentleman from Michigan before was talking about, who has been in control and who has not been in control, I would be the first to say that we are dealing with a bipartisan problem which is why it requires a bipartisan effort. That was the bill that we attempted to pass out of the Homeland Security Committee, because we have to end such policies as catch and release and expedited removal.

I would hope that, as the debate goes forward, both sides acknowledge the good faith of the others. This is too serious an issue to be trivialized or demagogued. It is too serious an issue to be looked at in any kind of casual way. I listened very carefully to the gentleman from California (Mr. RADANOVICH). I understand his concerns about there not being guest worker provisions in this bill; but I believe that if the American people are to take us seriously, they want to see us address the issue of border control before we go on to any other expansion of rights or any other legalization of those who are here already or even setting in process a motion where we make it easier for workers to come into this country. We have to show we can control the borders before we go further, and that is the purpose of this bill.

Mr. Chairman, let me just say that as the grandson of immigrants who grew up in an immigrant neighborhood in New York City, I yield to no one in my admiration of what immigrants have contributed, are contributing, and must continue to contribute to our country; but it has to be legal immigration. I say that. Some of the things that maybe were looked at or not looked at prior to September 11 can not longer be ignored. They have to be addressed. We have to address head on the issue of illegal immigration because of its ties to international terrorism.

So while I grew up in a neighborhood of immigrants as a child, I also saw many of my neighbors killed on September 11. So neighborhoods have changed; things have changed. What was tolerated before September 11 maybe in some quarters can no longer be tolerated now. We no longer have the luxury of looking the other way. We have to address head on this issue of illegal immigration. That is what this bill is about. Certainly the aspects passed from the Homeland Security Committee, that is what they were about, combating illegal immigration and thereby also undercutting international terrorism.

I would ask the debate go forward in a reasonable way where we can exchange ideas, confront the issues that are confronting our Nation on this issue of illegal immigration.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it used to be said that we are all either Republicans or we are all Democrats, but I wonder what is happening to this country as I look at this bill. But today that principle is long gone, replaced by partisan efforts to satisfy extremist groups. The Democratic members of the committee of Homeland Security, including myself, Ms. SANCHEZ, Ms. LOFGREN, worked tirelessly with my counterpart, Chairman KING, to create a good border security bill that had many, many good provisions; but after that bill left our committee, it fell into partisan hands to satisfy the extremist anti-immigrant groups.

Instead of giving the American people a Christmas present of a bipartisan bill that would secure our borders in a real and fair way, we are giving them a bill that looks more like a gift from an extremist Grinch who stole Christmas and trampled our Constitution on the way. The Judiciary Committee has loaded up our bill with controversial immigration proposals that are now opposed by nearly every reasonable business, immigration, and human rights group in America. I hope my chairman from New York recognizes this.

I know it is difficult, but if you look at the groups that have opposed this piece of legislation, you can understand why it is a bad bill. The Chamber of Commerce opposes this bill. The American Bar Association opposes this bill. The Irish Lobby for Immigration Reform opposes this bill. The U.S. Conference of Catholic Bishops oppose this bill. What reasonable organization is left to support it?

Mr. Chairman, this bill is so ridiculous that, according to the Republican version, Santa Claus himself would be a criminal for trekking from the North Pole to deliver holiday gifts without a visa. This bill is not a step in the right direction. It is time that we pass a real border security bill that is fair and effective, not a partisan bill that does not solve our problem.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, the gentleman's reference to Santa Claus shows what a pleasure it is to deal with the gentleman.

Mr. Chairman, at this time I yield 3 minutes to the gentleman from Texas (Mr. McCAUL) who is a former Federal prosecutor, a member of the Joint Terrorism Task Force, and chairman of the Subcommittee on Investigations.

Mr. McCAUL of Texas. Mr. Chairman, I would like to thank Chairman KING for his hard work on this much-needed legislation.

Mr. Chairman, before running for Congress, as the chairman indicated, I had a counterterrorism background as a Federal prosecutor in the Justice Department. My jurisdiction included the Mexican border. Based upon this experience, I have a direct understanding of America's need for this comprehensive border security legislation; and I am proud to say out of our committee, Mr. Chairman, it was truly bipartisan.

The Border Security and Terrorism Prevention Act is a result of the United States' grave and perpetual problem with undocumented aliens. An estimated 8 million to 12 million undocumented aliens are here in the United States. Last year alone, over 1 million illegal aliens were apprehended at the border, and the Border Patrol estimates that many more have crossed undetected. In addition, there is evidence to support that al Qaeda would like to exploit our southwest border, and we know that it is vulnerable.

In the post-9/11 world, these figures no longer represent just an immigration problem, but rather one of national security. America's borders are being compromised by our inability to identify those who are coming into our country. This commonsense legislation will work to fix this growing problem and will greatly enhance security along our Nation's borders. If passed, America will begin to establish operational control of its borders and ports and have a national strategy, thereby ensuring a safer and more secure home for all of us.

I am honored to serve on the Homeland Security Committee and to have played a role in the drafting of this important legislation, including the mandatory detention provisions which will end the so-called catch and release policy of undocumented aliens, particularly those from other countries other than Mexico. Unknown OTMs crossing our borders present a dire national security risk, since most of the detained OTMs are immediately released into our streets never to return for their court date. Sadly, the number of OTMs crossing America's border has tripled over the last 3 years.

The second provision that I was proud to have a part in was to reimburse State and local law enforcement agencies for the cost they bear due to the national border security burden. If we have learned anything after 9/11, it is that the Federal Government must work with the State and local law enforcement to prevent terrorism.

It is our duty, indeed it is our responsibility as Members of this distinguished body, to do everything in our power to ensure that another 9/11 never occurs in this country again. This vital piece of legislation will greatly advance our efforts towards preventing terrorists from entering our shores.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong opposition to H.R. 4437. The chairman of the Committee on Homeland Security, the committee on which I serve, is right in saying that we worked on this bill in a very bipartisan way, at least the initial King-Sanchez bill that came to the Homeland Committee. We did it over a period of 2 months. We worked back and forth many of us on our side of the committee with Mr. KING and others, and then we brought a bill to the Homeland Security Committee, a bill that dealt with border security. Border security.

By the way, it was not just the immediate southern border we were talking about; we were talking about issues that are affecting us all, many of the borders and airports and coastal sections, and it included, this border security bill, even land away from the border, in the sense that it comes up to the area I represent. If you are in Disneyland in my district, you are less than 100 miles away from the California border with Mexico. This bill that we had in Homeland Security would have affected my area.

Now, not everything was great about the Homeland Security bill. In fact, I was very angry at some pieces that managed to get in. But we had a real debate, and we took our time, and we understood what we were talking about. And then this bill was taken over by the Judiciary Committee, usurped, with many, many more pieces put on, pieces that do not make any sense and really are not about border security. They are not about getting rid of the catch and release process that we have right now; they are not about tightening. They are about being mean, mean to immigrants in this community. And not just those who have no documents to be in the United States. This bill dangerously is unfair and penalizes everyday Americans regardless of what their immigration status is.

Under this legislation, the Sensenbrenner bill, it would be a criminal offense, criminal offense, to be in the United States in violation of immigration laws. It would affect millions of legal immigrants, including lawful permanent residents and nonimmigrants who accrue technical violations of immigration regulations, like failing to report a change of address.

Now, I know this because we have been working, we have been thinking, and we have been looking. But many of my colleagues may not understand the impact that the Sensenbrenner bill has on the people of America, legal residents in some cases. People would be criminalized under H.R. 4437.

In addition, this bill criminalizes anyone who assists undocumented immigrants in the United States; and this would include, listen to this, please, it would include churches, other faith-based groups, volunteers that provide food aid, shelter, or other life-saving assistance to members of its community who may not have documents.

Do we really want to clog up the Federal system with decent people who are just trying to be Good Samaritans? Is that what this is about? For you taxpayers, is that what you want to spend your monies on, providing public defenders for everyone we are about to put in jail? And the 11 million, supposed, because we do not even know really how many people there are here without documents, that we are going to criminalize, women and children, where are we going to hold them? Because the mere presence of them being in the United States the day after a bill like this passes would make them felons in this country, according to Sensenbrenner.

So, it is not a good bill. This has not been thought through, the implications and how we handle it. And the money that this would cost is something that America really is not really ready for.

The Sensenbrenner bill also cripples American businesses. All of these people all of a sudden are felons. They are not in. They are not working. And all employers would be forced to use an employment eligibility verification system that, quite frankly, is not capable of handling the increase in volume that this Sensenbrenner bill would require.

The database for the employment eligibility verification system contains widespread flaws and false information, false information, which would show many legal workers as undocumented, depriving legal employees of jobs and employers of the much-needed workers, the reason these people are here.

The U.S. Chamber of Commerce and business groups across America oppose H.R. 4437 because the employers will pay the price for these impractical provisions and because enforcement-only legislation like H.R. 4437 will not create a rational immigration system needed to serve all Americans, businesses, and potential immigrants.

□ 1745

It does not address real comprehensive immigration reform, which is necessary for everybody out there in America who thinks that undocumented workers are a problem. This Sensenbrenner bill will not fix what we have on our hands. You have only to look at demographics to understand we in America need more workers than we can provide. And we need to get them from somewhere. So we need to get back to comprehensive immigration reform, not just closing off borders or hurting people or taking children away from mothers or deporting mothers. This will not solve the problem we have at hand.

And so when we were in the Homeland Security Committee, we were working on border security in the hopes that this would be a good-faith effort to work together in a bipartisan manner and to get the ball rolling to work on more comprehensive reform that would bring about what we need here: Family reunification, good economic conditions for our economy and homeland security.

I urge my colleagues to oppose H.R. 4437. We deserve a comprehensive solution to our immigration problems.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), the chairman of the Subcommittee on Economic Security, Infrastructure Protection and Cyber Security, and the former attorney general of California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, there are a number of major provisions in this bill, and let me speak of one that has been referred to on both sides of the aisle, some in support and some not in support.

Section 407 which is the expedited removal section, this was adopted in the markup in the Homeland Security Committee. The question of expedited removal was one that we explored in our subcommittee. The specific context of our hearing involved the growing number of illegal border crossings by what is referred to by the service as "other than Mexicans" or "OTMs." Let me explain what this is.

Most people who come across the border illegally from our adjoining countries, either on the north from Canada or on the south from Mexico, accept voluntary departure. They agree to voluntarily go home and agree that they do not go through the various processes involved. We cannot do that with those people who are not from those countries because neither Mexico nor Canada would accept them. So we have to have an acknowledgment from the country from whence they came, their home country, that they are, in fact, residents of those countries or citizens of those countries. That requires us to detain those people for some period of time. That requires detention space, and the subject that has been discussed before, the idea of catch and release was created as a result of insufficient detention space and insufficient resources dedicated to that proposition. After that was revealed by the press earlier this year, the administration responded by trying out a couple of pilot projects in certain sectors. Instead of catch and release, it was retain them and then have expedited removal. They found that to be successful, and so they have expanded it to the entire southern border.

Our bill mandates that not only be a temporary policy but a permanent policy. Yes, it does extend within 100 miles of the border, and it is limited to 14 days. That is, people who have been here less than 14 days, even though the underlying law allows it to be done for a 2-year period of time, it does not limit it to 100 miles from the border. This is a border security bill, and we limit it in that fashion. It is directed at those who have come here.

We even had the incident of a large number of people from Brazil this past year coming up, and we found that not only did they come across the border but instead of running away from our immigration officers, they ran to them. They ran to them to surrender, and they ran to them to surrender so they could be cited so they could actually get the citation which said you have entered this country illegally, you have to show up for your hearing 90 days hence. And 90-some percent did not show up.

My question is, why did the 6 percent show up? If you look at it, we have created a system with every incentive to come back. That has turned around because of the pilot project. What this bill does is mandates it. It is commonsensical. It is the right thing to do. It helps us take a right step in the right direction.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman. Members on both sides of the aisle believe that the government has a right to know who is coming into this country.

Secondly, it would seem to me, once you get past the rhetoric, that we do not accept lawlessness. But I must say to Chairman KING, a man of intellect and compassion, and I will get to that in a second, and my very good friend, I must say to the chairman that, when we look at section 612, denying citizenship to any legal permanent resident who has been unlawfully present in the country at any time in their life, what we are doing is forgetting how Italians and how Irish came into this country.

Now 9/11 did change a lot of things, obviously; no question about that. And it does not mean that we should open the floodgates or close them or build them or not build them. But when we forget how our ancestors got here, many times not in a pristine fashion, this is not of your doing, Mr. Chairman. You can scream to the high moon, but this is not your idea, and even if you put your name on this, I know it is not for sure. We didn't pass this out of the Homeland Security Committee.

And by the way, how many folks are we going to have to hire to do all of this? Who is paying for this?

You have lost your background, and I mean that in a complimentary way. I do not mean that to be a wise guy. What you did just several years ago with the Irish immigrants who came here, when our British friends wanted to pluck them up and throw them out of the country, it was courageous. You cannot deny this in a bill. You cannot deny your heritage. I call on you to look at your heritage.

We are making all immigrants here suspects. I believe, and I think all of us do, that it is a moral imperative for Congress to enact comprehensive immigration reform. Both sides of the aisle agree on that. We need a full and robust approach, one that includes not only strong and effective enforcement provisions but strategies to create new legal channels for future flows of immigrants because they are coming.

Family immigration backlogs. Families, we want to unite families in a legal fashion. This bill does not do that, Mr. Chairman.

Indeed, it fails to address many of the most important elements of immigration reform while imposing harsh, considered punitive, measures. That is why I believe it is a moral imperative to vote this bill down today. I do not think it is wise, and I do not think it is a real plan. Instead of proceeding in a judicious manner that could affectively stem the flow of illegal immigration, we are debating ineffectual enforcement measures that do not increase the safety and security of the American people.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members to address their remarks to the Chairman of the Committee of the Whole.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

I, once again, admire the passion of the gentleman from New Jersey and assure the gentleman that I hold in high esteem the contributions immigrants have made, are making and will continue to make to this country. I believe, however, that it is essential that we put it on a legal basis in fairness to those who are coming here legally and also because of the situation that developed after 9/11. Having said that, I have the greatest respect for the gentleman from New Jersey, and he and I, in our own way, will be able to resolve some of our differences.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I rise today in favor of H.R. 4437. To paraphrase an old Ford commercial, border security is job one for America. Safeguarding the integrity of our borders is an important component of both economic and national security. H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, represents an important step towards the completion of this job.

H.R. 4437 modernizes and improves our border security operations, allows the Department of Homeland Security to utilize the Department of Defense surveillance assets to monitor activities around the border. It establishes physical barriers to crossing, and it calls for the utilization of new technology, such as unmanned aerial vehicles, UAVs, to ensure that we have 100 percent coverage of the areas in question.

And in order to monitor those coming across at legal check points, it authorizes 100,000 new, full-time port-of-entry inspectors as well as the training of 1,500 additional K-9 units over the next 5 years. This will go a long way towards making sure that people who are not supposed to be here, whether they be undocumented aliens or terrorists or both, do not get here.

The border is a dangerous place. It is a dangerous place to us as a country, as it can be an open door to those wishing to do us harm. But it is also dangerous place for individuals who cross for other reasons. Many women have been murdered along the border, and most of these homicides remain unsolved. People have died in the desert after being exploited by human traffickers, known as coyotes. This bill provides for mandatory minimum sentences for those convicted of alien smuggling. It also has the potential to save many lives.

Because of the enhanced surveillance capabilities provided by the bill, we are more likely to detect individuals who are lost, in distress or who are about to become victims of crime near these border crossings.

For all of the foregoing reasons, I ask that the body pass this important legislation. I commend Chairman KING and Chairman SENSENBRENNER for their leadership on this issue.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ), the chairman of the Hispanic Caucus Task Force.

Mr. GONZALEZ. Mr. Chairman, I thank the gentlewoman from California, and I rise today in opposition to the legislation.

First of all, let us get it straight, this is not about border protection, and it is not about antiterrorism. If it was, we would be debating the bill that was voted out of Homeland Security. But instead, that bill has been hijacked and now is a vehicle used to promote ineffective and hypocritical so-called illegal immigration control.

Let us start with the obvious. When it comes to the hiring of the undocumented worker, and that is simple: Demand will always determine supply. If you were serious about limiting the number of undocumented workers coming into this country, then significantly increase the fines levied against the employers. This bill does not do that. Make it as easy to criminalize the act of hiring as you do the act of entry into this country; this bill does not do that. Exclude employers that hire undocumented workers from government contracts and foreign subsidies and make sure that is a fact; this bill does not do that.

Overall, we need to stop the hypocrisy, and we need to deal with the reality. It is the hypocrisy of failing to acknowledge that the undocumented worker comes to this country at our behest and that they make this economy work. We should be discussing the legal framework that addresses these realities, that encourages assimilation, becoming one people and one Nation.

□ 1800

I believe many supporters of this bill are concerned with the changing face of this country when what they are doing today and tomorrow will be changing the heart and soul of this country, which matters much more. The nature of those concerns happens to be superficial, just as this legislation is superficial. If this legislation does not fail now before it becomes law, it will fail later after it becomes law. I ask my colleagues, do not vote for failure.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER), the chairman of the Subcommittee on Prevention of Nuclear, Chemical and Biological Attacks.

Mr. LINDER. Mr. Chairman, I thank the chairman for yielding this time, and I want to commend both Chairman KING and Chairman SENSENBRENNER for being able to work together and bring this legislation to the floor. This is not a perfect bill, but it is a very, very good start.

Mr. Chairman, I rise in support of H.R. 4437 and urge my colleagues to join me. While much of our Nation's attention is rightfully focused on hostilities abroad, I am pleased that the House is working to uphold the other half of its responsibility to protect the American people, namely, the prevention of dangers here at home.

It is widely acknowledged that issue one of illegal immigration must be addressed on two major fronts, the first of which being the prevention of illegal entry into the United States, and the second, concentrating on finding, documenting and in most cases deporting illegals already within our borders. The bill before us addresses both of these contentious points.

It appears that protecting our borders has drawn the ire of some, including our neighbors to the south, who have called our effort today "disgraceful and shameful" and question whether the economic prosperity of our country will be adversely affected by our actions.

My response is that until they fully grasp the concept that a lack of control at the border allows in not only those seeking a better life in this country but those also seeking to destroy us, I, for one, will respond that the United States has a sovereign right and responsibility to protect its own domestic interests as it sees fit.

I agree with the assessment of many regarding the positive contributions of those from other nations, without whom many components of our economy could be hurt.

But, frankly, today's debate is one of security, not commerce. If we are to believe that our immigration laws simply have no value, as our current policies would have us believe, should we then simply throw them all out, the entire lot of immigration law? I hope not.

The American people want economic prosperity, high-quality goods and low prices, all of which I support. My concerns, however, are very simple. If we fail to secure our borders, to prevent the entry of individuals illegally into this country and to uphold the rule of law, then we waste our time worrying about the strength of our economy, for an attack involving a weapon of mass destruction, carried by a terrorist who brought that weapon across our borders, would certainly destroy it all, and preventing that scenario, which is the mission of my subcommittee, the Homeland Security full committee and the Congress as a whole, should be reason enough to support this bill.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself 3 minutes.

It is interesting that in the face of a massive failure of administration of our border security, the Congress responds not with enhancing the remedies and its personnel so that we can enforce the law, but instead comes up with a bill to dramatically change the law.

I mentioned earlier, we have cited and released individuals who never showed up, 80 percent of the time or better. And what did the administration do? They just kept doing it. That is the definition of insanity, doing the same thing over and over again and expecting a different outcome. Well, changing the law is not going to change the fact that this has been a massive failure of administration. Making 11 million people without their papers aggravated felons is not going to remedy the failure of the administration at the border.

The gentleman from Michigan (Mr. CONYERS) mentioned that there was a provision that could criminalize churches. In fact, it is section 202 in the base bill. It provides that people who assist those who do not have their papers could be guilty of a crime and, in fact, requires the seizure of property. We know that some of our churches that are helping the homeless do not ask for papers when they hand out the soup. In this bill it requires seizure of their church properties.

I want to mention another provision I touched on earlier, and that is section 404 of the bill. It does not make any sense at all when we are talking about the need to secure our borders, which every country has a right and an obligation to do, to reinstate the exclusion of legal persons based on the place they were born.

There is a sad part of American history. In 1882, the 47th Congress of the United States passed a bill called the Chinese Exclusion Act, and that bill haunted this country, really, into 1943. It provided that people from China could not come.

In section 404, we are de facto reinstituting the Chinese Exclusion Act because we are saying that countries that do not cooperate with us, currently the State Department tells me it is China, Vietnam, Ethiopia and Cuba, then we have the ability to exclude people who are born in those countries.

Let me just give you an example. I have a lot of Vietnamese Americans in my district. Do you think the Communist government in Vietnam cares if we do not let a refugee from their country into the United States? Do you think that the communists in China really would be concerned if a Chinese citizen was escaping from China, because they are facing a forced abortion in China? Do you think that enhancing the Communist governments of Cuba, Vietnam and China is really about securing our Nation's borders? I think not.

This bill is defective in so many ways that a wide number of groups have opposed it. The minority leader, Ms. PELOSI, will submit the list for the RECORD.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. ROGERS), the chairman of the Subcommittee on Management, Integration and Oversight.

Mr. ROGERS of Alabama. Mr. Chairman, I rise today in strong support of this bill and in particular the provisions of this bill that help secure our border and protect our homeland.

The bill we are considering today contains many key border security provisions from H.R. 4312, the Border Security and Terrorism Prevention Act of 2005, which was passed recently out of the Homeland Security Committee by a unanimous voice vote.

I would like to note that H.R. 4312 was the first major bill reported by the committee under the chairmanship of Mr. KING, and we appreciate his leadership.

Mr. Chairman, we have nothing less than a crisis situation on our borders. This past August I led a congressional delegation to our southern border with Mexico, and we saw firsthand vast areas without fences and densely populated areas where illegal aliens find their way across our border.

And I would urge you, Mr. Chairman, and our colleagues to refer to these individuals as what they are. They are illegal aliens, not the benign, friendly, undocumented worker phrase. They are illegal aliens.

I was impressed during this visit with the dedication and level of our Border Patrol agents. However, they desperately need more resources.

We also need to make sure that they have more cameras; more vehicles; and in particular, more canine assets.

Section 108 of this bill that we are considering today in particular will strengthen border security by increasing the number of canine detection teams working with our Border Patrol agents. These detection dogs are instrumental in finding concealed humans, explosives, drugs, and bulk cash.

We also need to ensure new border surveillance equipment is functional and cost efficient.

Section 109 of this bill addresses these concerns. It requires that a DHS Inspector General conduct reviews of each contract action over $20 million relating to the new Secure Border Initiative.

With thousands of new Border Patrol agents being hired, we also need to ensure they are trained as cost effectively as possible. Therefore, section 110 of this bill would instruct the GAO to evaluate and review the cost of Border Patrol training.

H.R. 4437 includes many other strong border security provisions that will improve the safety and security of this great Nation.

I commend Chairman KING for his leadership on these issues, and I urge my colleagues to support this legislation.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a member of the Homeland Security Committee.

Mrs. CHRISTENSEN. Mr. Chairman, I too want to commend Chairman KING and Ranking Member THOMPSON for their work on legislation which passed on a voice vote out of our Homeland Security Committee and which is included in this bill before us today.

Mr. Chairman, securing our Nation's air, land, and sea borders is a difficult, yet critical, task. While H.R. 4437 takes some good steps in addressing this problem, such as authorizing more Border Patrol agents and creating a new Border Patrol unit in my district, it also includes a number of harsh and contentious provisions which makes it impossible for it to receive the same kind of bipartisan support that was achieved in the Homeland Security Committee.

So while I am pleased that the passage of this bill would mean that over 175 miles of unprotected and open borders in the U.S. Virgin Islands, a gateway of choice for smugglers into the United States, would finally receive protection from a newly established Border Patrol unit, I remain deeply concerned that H.R. 4437 would be excessively harmful to immigrants, families, businesses, and communities. It was a much better bill when it left out of the Homeland Security Committee. And I would hope that as we continue the process of moving this bill through Congress, we would find a way to develop a consensus on the final form that the legislation would take, which would protect our borders without doing harm to immigrants and Americans of all backgrounds.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume and yield to the gentleman from New Jersey (Mr. LoBiondo), the chairman of the Subcommittee on Coast Guard Maritime Transportation, for the purposes of a colloquy.

Mr. LoBIONDO. Mr. Chairman, I thank the gentleman for yielding this time, and I thank him for engaging in a colloquy to clarify the intent of this bill regarding our Nation's seaports.

Mr. Chairman, I would like to ask you if it is the sentiment of the chairman that this bill does not intend to duplicate or supersede existing policies and strategies that have been developed specifically for the maritime domain as part of the Strategy for Maritime Security or the National Maritime Transportation Security Plan, because these strategies provide a comprehensive framework to enhance maritime domain awareness including activities that may affect or threaten our maritime border security.

Mr. KING of New York. I would say to the gentleman that it is my intent that maritime border security strategies called for in H.R. 4437 should be developed under the framework of the Strategy for Maritime Security and in a way that complements the maritime security strategies that are being implemented under that plan

Mr. LoBIONDO. As the chairman knows, the Coast Guard has been identified as the lead Federal agency with responsibilities over maritime domain awareness. The Coast Guard's efforts to enhance awareness of activities in the maritime domain, in addition to the services role as the lead law enforcement agency in the maritime environment, enhance the Nation's capabilities to maintain security along our maritime borders. The Coast Guard carries out missions every day to interdict illegal immigrants, drugs, and suspect cargo and crew before each reaches the United States.

I ask the chairman if it is his intent to continue this House's support of the Coast Guard's efforts to maintain heightened border security and that this act would not hinder these critical Coast Guard missions.

Mr. KING of New York. Nothing in this act should be understood to divert existing responsibilities for maritime border security or more generally any component of security in the maritime domain from the Coast Guard to any other entities in the Department of Homeland Security.

Mr. LoBIONDO. I thank the chairman for clarifying these very critically important issues regarding our maritime homeland security and the Coast Guard.

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. Hinojosa).

Mr. HINOJOSA. Mr. Chairman, I rise in strong opposition to this ill-conceived and harmful legislation, H.R. 4437. Our immigration laws are in need of a complete overhaul. There are bipartisan proposals on the table, but the majority is not interested in solutions. It is interested in finding its next wedge issue for this 2006 campaign season. Our Nation will suffer as a result.

For the past 20 years we have taken a get-tough enforcement-only approach to this immigration problem, and the result has been the situation we find ourselves in today.

Those of us who represent border districts live on the front lines on the immigration issue. Let me give you a view from where we live. Our schools, hospitals, law enforcement, and social services are being stretched to the limit. At the same time, we have experienced a surge in economic activity and growth. My area has one of the fastest rates of job growth in the Nation.

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Immigration is both a challenge and an engine for growth. We need laws that are up to the challenge.

For a perspective from the front lines, listen to the words of John McClung, the president of the Texas Produce Association: "Attempting to solve our border problems by passing draconian 'enforcement' legislation, absent a credible guest worker program, would be enormously destructive to the economy, unfair to employers, ruinous to our relations with Mexico, and, yes, that really does matter."

Mr. Chairman, I will submit the full text of this letter into the Record.

This bill will not help families. In my district, our caseworkers and our advocacy organizations, on a daily basis, work with families who have been waiting 10 years or more to be reunited with loved ones—a spouse, a sister, a child, a grandparent. The backlogs are enormous, and the system is capricious and errorridden. Call for information on your immigration case, and the temporary contract worker at the call center with little to no training in immigration rules will give you a different answer every time.

This bill does nothing to fix our immigration system. It is not reality-based. It should be rejected.

Texas Produce Association,
Mission, TX, December 13, 2005

Hon. Ruben E. Hinojosa,
Washington, DC.

Dear Rep. Hinojosa: I am writing the Texas Congressional delegation in the belief that the Congress is perilously close to passing ill conceived immigration reform legislation that will do grave injury to this country, and fail in its objectives.

My office is about five miles from the U.S./Mexico border. My home is about a third of a mile from that border. I am as mindful as any American—more than most—of the surge of illegals into this country, and I certainly understand, and sympathize with, the need most of us feel to return to the rule of law. From the front yard of my house in the rural Rio Grande Valley, I often see groups of illegals trudging down the road. Many times I've watched the Border Patrol agents chase them down, cuff them, and haul them away. I can tell you that there's no satisfaction in it, no sense of the good guys prevailing. Only a sad recognition that this country's immigration laws are a dismal failure by any measure: economic, humanitarian, political. The saving grace is that enough illegals, get through to do most of the jobs that need doing, as disgraceful, flawed and inefficient as our nonsystem may be.

At least, they get through for now. I represent an industry that employs thousands of semi-skilled laborers, and increasingly is unable to find anywhere near an adequate supply of willing workers. Most people don't want to do stoop labor in the fields, no matter the pay scale. They certainly don't want their kids doing it. So we truly need guest workers from Mexico or Central America or wherever. So does the restaurant industry, and the construction industry, and every other industry that requires numbers of semiskilled workers. And what is the U.S. Congress doing about this mess? Preparing, it appears, to make a very bad situation a lot worse.

Most of us get it down here in rural Texas.

Why can't more members of Congress get it?

Is the need to act tough for the media so compelling? Is the ideologue mantra of no amnesty (adjustment of status?) for lawbreakers going to be allowed to jeopardize American agriculture, and conceivably the national economy? Is the fact that these illegals want essential jobs in this country that none of our own citizens will take at any realistic pay rate of no consequence at all because they're "illegal" or "undocumented"?

Attempting to solve our border problems by passing draconian "enforcement" legislation, absent a credible guest worker program, would be enormously destructive to the economy, unfair to employers, ruinous to our relations with Mexico (and yes, that really does matter), and ultimately unenforceable. The Sensenbrenner bill just passed out by the Judiciary Committee (H.R. 4437)—the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005—is a grand example. It relies on bludgeoning U.S. employers into submission with fines and administrative procedures, but only after denying them the only source of labor they might realistically have hoped for. As I hope you recognize, it's just one of several one-sided bills designed to appease the "broken borders" crowd.

Here's what we're asking. The Sensenbrenner bill needs to be shelved, as do all proposals that do not include a practical alien worker provision. To require electronic verification of employment eligibility without a smart guest laborer program, and without some form of "amnesty," won't succeed. For those who gag on the idea of amnesty, the real question isn't determining how to avoid rewarding scofflaws—the real issue is deciding to avoid punishing this country. The produce industry has long supported the Craig-Kennedy AgJOBS bill (Flake-Kolbe on the House side), and continues to do so. If you and your colleagues can engineer a better bill than Flake-Kolbe, that would be great. If you can't, pass AgJOBS. Either way, please help lead the nation away from a politically expedient catastrophe.

Thank you for your consideration.

John M. McClung,
President and CEO.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. Souder).

Mr. SOUDER. Mr. Chairman, I would like to thank Chairman KING and Subcommittee Chairman LUNGREN for their leadership in bringing this to the floor.

I have serious problems with some non-Homeland Security parts of this bill, but I want to praise the Homeland Security section because I think they have done a terrific job.

I would like to thank them in particular for two key provisions that we have been working to fix ever since Homeland Security has broken them. One is in section 502, the Office of Air and Marine Operations, AMO; and in section 503 relating to the Native American Customs Patrol Officers known as the Shadow Wolves.

Section 502 relates to the AMO, which has historically been responsible for interdicting drug smuggling airplanes and "go-fast" speed boats; for supporting Customs drug investigations and raids as well as migrant interdictions; for providing airspace security in the Nation's capital and at special events like the Olympics; and for providing crucial maritime patrol aircraft, most notably the fleet of P–3 radar planes, for drug interdiction operations in the Caribbean and Eastern Pacific. Now they are being deployed as a picket fence. It makes no sense, and this bill helps to start to fix that before we destroy one of our best units in the United States Government.

In section 503, the Shadow Wolves have fallen victim to the same kind of over-compartmentalized thinking that threatens AMO. The Shadow Wolves are one of the last remaining Customs Patrol Officer units in the country. They control one of the critical points of the border and operate on the Tohono O'odham Indian Reservation in southern Arizona, which has 70 miles of the U.S.-Mexican border running through it.

Here we have a Native American group that has been honored all over the United States and the world, something we need at several other parts of the border, and they want to break them up and make them fit some arbitrary thing, when they are really more like detectives than patrol officers, and put them as part of the Border Patrol. I do not have any axe to grind with the Border Patrol. I think they do a great job. But units like AMO and the Shadow Wolves do not fit this cookie cutter approach in trying to systematize this agency, and this bill fixes that before we lose some of our most effective anti-drug units in our entire government. And I thank the chairman and the subcommittee chairman for finally addressing this question.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. REYES), who had a distinguished career in the Border Patrol before being elected to Congress.

Mr. REYES. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, the well-known comedienne Joan Rivers used to say: Can we talk? And that is what I would like to say tonight, is, can we talk about a terrible bill, a bill that may feel good and make some people think they are voting for border security and to do a better job of monitoring the borders of our Nation but really is not?

We can do much better. This bill reminds me a lot of the automobile that was built by Dr. Seuss that looked like an abomination. This bill has fenders sponsored by Congressman ISSA. It has got a horn and a steering wheel sponsored by somebody else. It has got an engine that belongs to somebody else. And in its totality, it does nothing to address the issues and the problems that we have as a Nation.

It talks about getting tough on smugglers, and do my colleagues know what it does? It criminalizes immediate family members. That means, if an individual is bringing in his wife or his children or his parents, he gets zapped just like that individual that is bringing in people for profit. Terrible.

It talks about mandatory sentencing. That translates, if we are serious about that, to billions of dollars in prison construction. It does nothing for assistant U.S. Attorneys who are going to have to prosecute all these new felons. It does nothing to provide new judges that are going to be needed in this process. And it certainly is silent on U.S. marshals who, today, their vehicles average about 140,000 miles when the replacement suggested mileage is about 95,000.

But, oh, no, we are not doing anything about the things that we really need on the border. We are doing things that are mean spirited, things that are not in keeping with the best traditions of a Nation that was founded by our immigrants. It betrays our legacy. It insults our immigrants. And I will tell my colleagues, Mr. Chairman, we can do much better.

In fact, last week, in my district, I was informed that two young men that had just come back from Iraq, two young men that I have gotten to know because their father a long time ago came into this country as a bracero; he overstayed, raised a family here, and under the provisions and amendments that are proposed in this legislation, those two young men would be ineligible to be U.S. citizens. But, oh, yes, by the way, that is okay that they can go to Iraq and fight for the principles and for the rights of all people in this country.

This is a terrible bill. I am opposed to it. I recommend that all our colleagues oppose it. Let us talk about doing a better job for this country by doing a better job with immigration.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), the new member of the committee, who, also, is back from surgery.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in strong support of H.R. 4437, the Border Protection, Antiterterrorism, and Illegal Immigration Control Act of 2005.

I am proud to be a new member of the Homeland Security Committee and appreciate this opportunity to work with Chairman KING on this legislation.

Every weekend, when I go back home to Florida, I hear from constituents that our country is being overrun by illegal immigrants. Today, we truly show our constituents that Congress is listening to them and that we mean business.

For starters, the bill requires mandatory detention of illegal aliens, eliminating the Department of Homeland Security's dangerous catch-and-release policy. Catch and release does nothing other than allow the Border Patrol to apprehend illegal immigrants then release them with nothing but a flimsy promise that they will return for a deportation hearing. Ha, ha. It does not happen. As Members may guess, 75 percent of them do not show up for their court date and are free to roam throughout our neighborhoods. That policy has existed for far too long. This bill requires that law enforcement hold illegal aliens until they are deported.

I am also pleased that the chairman was able to include some language in the bill that authorizes Homeland Security to engage in competitive contracts with companies to help manage the transportation of illegal aliens. Allowing the Secretary to engage in these contracts will free up these resources and assist the department as it eliminates the harmful catch-and-release policy.

Mr. Chairman, our Nation's lawmakers did not craft our immigration laws as suggestions or reading material for insomniacs. Our laws were made to ensure proper, secure and legal entry into our country. This bill helps to accomplish exactly that, and I urge my colleagues to support it.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER), our distinguished whip.

Mr. HOYER. Mr. Chairman, let us set the record straight. This legislation is not real. It is a cynical political ploy.

Do not take my word for it. Grover Norquist, one of your heroes, said this, this morning: "The good news is that the legislation that is being voted on, even with amendments that would improve it and make it less problematic, is not a piece of legislation that is going to pass the Senate and be signed by the President." So we are making political points, not policy.

This bill, even if it did become law, would not solve the real issue that confronts our Nation: the Federal Government's failure to ensure that our borders are secure. Who says that? George Bush, President of the United States, says that.

Let no one be mistaken. Our Nation has a border security problem. And it has an immigration problem. These problems were not created overnight, and they will not be remedied with a misguided, mean-spirited proposal that the majority has put on the floor today. The fact is, Republican inaction has left the United States ill-prepared to prevent or respond to another terrorist attack on our soil. Do not take my word for it. Tom Kean, former Republican Governor, and the 9/11 Commission gave Congress and the White House grades of D and F on the implementation of 17 of the commission's recommendations. This legislation would do little to prevent would-be terrorists from entering our country.

Democrats are for the rule of law. We want to get border security right. But this bill is not about solving problems, It is all about harsh, punitive measures that will not work.

Oppose this legislation.

Mr. Chairman, let's set the record straight: This legislation is a cynical, political charade.

But don't take my word for it. Just listen to Grover Norquist, the President of Americans for Tax Reform and a White House confidante.

This morning he is quoted as saying: "The good news is that the legislation that is being voted on, even with amendments that would improve it and make it less problematic, is not a piece of legislation that is going to pass the Senate and be signed by the President."

This bill, even if it did become law, would not solve the real issue that confronts our Nation—the Federal Government's failure to ensure that our borders are secure.

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These problems were not created overnight. And they will not be remedied with the misguided, mean-spirited proposal that the majority has put on this floor today.

The fact is, Republican inaction has left the United States ill-prepared to prevent or respond to another terrorist attack on our soil.

The 9/11 commission just issued a report card that gave Congress and the White House grades of D or F on the implementation of 17 of the Commission's recommendations.

This legislation would do little to prevent would-be terrorists from entering our country.

Democrats are for the rule of law, we want to get border security right.

But this bill is not about solving problems. It is all about harsh, punitive measures that will not work.

This Republican Congress has simply failed to provide the resources that our Federal law enforcement agencies need to get the job done.

And, we certainly do not have the detention space necessary to keep all the undocumented migrants we detain—much less the millions of people that this bill would force us to incarcerate.

So, after allowing this situation to become a crisis, Republicans today offer a purely political proposal that promises a quick-fix, a magic bullet: Make them all criminals—the workers, their neighbors, and their employers.

And, make local and State law enforcement officials do the job of the Federal Government.

Democrats have a different approach. We want to take on this challenge in a comprehensive fashion.

We would do what's necessary to protect our borders, give law enforcement the tools that they need, ensure that our businesses have the workers they require, allow families to stay united, and honor the principles of inclusion and freedom that have always been our hallmark.

I urge my colleagues to vote against this bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the subcommittee chairman for yielding me this time to speak on this issue.

I rise to strongly support the reform of our border security and enforcement and strengthening of current law.

My constituents keep asking me: When are we going to do something about illegal immigration? When are we going to take this problem seriously? Our borders must be secure, and our laws must be enforced.

America is a good and a generous Nation. We open our arms to the world. It is that spirit that makes us unique and inviting and vulnerable. And the world has changed, and our Nation is not secure unless our borders are secure. And it ought not be too much to ask to bring accountability to the prevention of illegal immigration. And is that not what it is all about, accountability? Those who break our immigration laws should be held accountable. Those who hire illegal aliens should be held accountable. And those who turn the other way and claim that there is no problem should be held accountable.

Mr. Chairman, we have a large and a growing crises in our country, and it is our responsibility to act on behalf of our constituents and our Nation. Simply put, if our borders are not secure, our Nation is not secure. The time to act is now.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), our distinguished Democratic leader.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding, and I want to commend her for her tremendous leadership on keeping our borders safe and strong and secure and for moving toward a comprehensive immigration policy.

I also want to thank the ranking member of the Judiciary Committee, Mr. CONYERS; and the ranking member of the Homeland Security Committee, Mr. BENNIE THOMPSON, for their outstanding work in keeping America secure.

Mr. Chairman, the previous speaker said in his opening remarks, When are we going to take this issue seriously, the issue of borders and the issue of immigration?

That is exactly what I would like to know. For a long time now, there have been Members on both sides of the aisle, led by Mr. KOLBE on the Republican side, who have called for comprehensive immigration reform. That would be taking this issue seriously.

We ask the same question of the President. When, Mr. President, are we going to take this issue seriously? And instead of having one bad bill after another come to the floor, we can have comprehensive bipartisan reform. It does exist now in the Kolbe-Gutierrez legislation that is also sponsored in the Senate by Senator MCCAIN and Senator KENNEDY. I want to commend Mr. GUTIERREZ on our side of the aisle for his leadership as well.

Broken borders, that is an oxymoron, something we cannot tolerate. Borders, by their nature, are our definition as a Nation and our protection as a country. Broken borders, they do not exist. We cannot tolerate them.

☐ 1830

So let us say from the start that we all in this body, and I know I can speak very firmly for the Democrats, support strong border control, and it must be part and the first part of any comprehensive immigration reform. Our obligation as elected officials is to keep the American people safe, and our borders are one of our early lines of defense to do that. It used to be our first and only line of defense, but in this age of technology, more is possible.

In our caucus, we have a true expert on the issue of border security, the gentleman from Texas, Mr. REYES, who just recently spoke on the floor. He is ready to further these efforts. Over and over, Democratic initiatives to make our borders more secure have been soundly rejected by the majority of the Republicans and the Republican leadership.

Democrats also support enforcing laws, current laws, against those who came here illegally and those who hire illegal immigrants; yet the Bush administration has refused to do just this. There is all of this talk about illegal immigration to the United States and going after those workers who are working here illegally, and we should, but we also must have employer sanctions. Where are these people working? Why are we not enforcing the law against employers who hire illegal, undocumented people here?

The Bush administration has prosecuted only three employer sanctioned cases in the last fiscal year; only three cases. When, yes, when, are we going to take this issue seriously? That is my question, my colleagues.

The point employer clarification provision in this bill, however, would have a big percentage of error built into it because it is so unwise and would put enormous financial burdens on American businesses, again unwisely. It would be discriminatory in questioning the legal status of not only every newcomer to our country but anyone who looked like a newcomer to our country.

Democrats have led the way to meet our urgent homeland security needs as well, not only at our borders but in all aspects identified by the 9/11 Commission; at our ports, at our nuclear facilities, at our chemical plants and rail yards. But Republicans have not done so, even 4 years after 9/11. So if we want to talk about broken borders, as I said earlier, those borders as they define our country geographically, we can also be invaded in ways that go well beyond our borders, and that is why the 9/11 Commission has given the President and the Republican Congress a failing grade.

For the first time in our history, this bill would make it a Federal crime instead of a civil offense to be in the United States in violation of immigration laws or regulations. This provision would turn millions of immigrants currently here into criminals, hindering their ability to acquire any legal status, and would effectively frustrate the proposals that would provide real immigration reform.

Under the guise of an expansive definition of smuggling, it could make criminals out of Catholic priests and nuns, ministers, rabbis and social service workers who provide assistance and acts of charity to those in need. It would impose prison sentences of up to 5 years on those who answer God's call and provide assistance to those in need. This is from the party who claims to promote religious and family values.

I will submit for the record, Mr. Chairman, a list of organizations that are opposing this bill. From the Jewish community, from the Methodist community, from the Presbyterian community, from the Catholic community, from the Lutheran community, from the Arab community, from almost every denomination that you can name; the list goes on and on of religious people of faith who are opposing this legislation.

Mr. Chairman, it simply does not take the immigration and broken borders issue seriously. It does not. It misses the mark completely by its arbitrary provisions, and, again, it misses an opportunity for comprehensive immigration reform.

Mr. Chairman, we all know what we must do. Democrats have long called for strong border security, effective law enforcement and for comprehensive immigration reform, not this punitive, mean-spirited legislation that does nothing to weed out terrorists.

This Republican bill before us is an attempt to belatedly address some border security needs but fails to provide real security, as I said, as envisioned by the 9/11 Commission. It is not comprehensive immigration reform, and that is what we need. Instead, Republicans have proposed a bill that is an abomination of the worst kind. It calls upon the worst political and most craven impulses. It is a failure of leadership. It is a failure of moral leadership.

All in all, what we must do as elected officials, we have the responsibility to make the American people safer and to make America stronger. We can make America stronger, not only at our borders but in upholding our values and our principles.

I want to commend, again, Mr. KOLBE and others who have worked with Mr. GUTIERREZ and others on our side of the aisle to make America safe and strong, because I know that, together, America can do better.

Mr. Chairman, I include for the RECORD the list of organizations opposing this legislation.

List of Groups Opposed to Border Security Bill

LEAD NATIONAL ORGANIZATIONS

League of United Latin American Citizens (LULAC), Mexican American Legal Defense and Educational Fund (MALDEF), National Council of La Raza—NCLR, National Immigration Forum, American Civil Liberties Union, National Asian Pacific American Legal Consortium, National League of Cities, People For the American Way, NALEO—National Association of Latino, Elected and Appointed Officials, American Jewish Committee, Anti-Defamation League, Catholic Charities USA, Episcopal Church, Episcopal Migration Ministries, Leadership Conference for Civil Rights, American Jewish Community, National Immigration Forum, ACORN, and US Action.

FAITH GROUPS

American Jewish Committee (AJC), Amnesty International USA, Arab Community Center for Economic and Social Services, Arizona Interfaith Network (AIN), Episcopal Migration Ministries, FaithAction, Jesuit Refugee Services, Jesuit Conference of the United States, Jewish Federation of Greater Philadelphia, Justice for Immigrants—Catholic Coalition, Lutheran Immigration and Refugee Service (LIRS), Presbyterian Church USA, National Catholic Association of Diocesan, U.S. Conference of Catholic Bishops, Church World Service/Immigration, Refugee Program, Catholic Charities of Dallas, Inc., Catholic Charities of Des Moines—Iowa, Catholic Charities of the Diocese of Santa Rosa, and Catholic Charities of the Diocese of Stockton.

LABOR

AFL–CIO, Service Employees International Union, American Federation of Teachers, and United-Here.

MINORITY GROUPS

American-Arab Anti-Discrimination Committee, Polish American Association, Asian American Justice Center (AAJC), Asian American Legal Defense and Education Fund, Asian Pacific American Legal Resource Center, Asian Pacific American Community, and Organization of Chinese Americans.

BUSINESS GROUPS

Alliance for Worker Freedom, American Council on International Personnel and Society for Human Resource Management (Joint Letter), American Hotel & Lodging Association, American Nursery & Landscape Association, American Road and Transportation Builders Association, American Trucking Associations, Americans for Tax Reform, Associated Builders and Contractors, Associated General Contractors, Essential Worker Immigration Coalition (EWIC), HR Policy Association, International Foodservice Distributors Association, International Franchise Association, National Association of Home Builders, National Association of Manufacturers, National Club Association, National Council of Chain Restaurants, National Restaurant Association, National Retail Federation, National Roofing Contractors Association, National Utility Contractors Association, Plumbing-Heating-Cooling Contractors—National Association, Retail Industry Leaders Association, Small Business & Entrepreneurship Council, Society of American Florists, The Associated General Contractors of America, U.S. Chamber of Commerce, U.S. Hispanic Chamber of Commerce, U.S. African American Chamber of C ommerce, and US-Mexico Chamber of Commerce.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank my friend from California for yielding me time.

Mr. Chairman, I rise in support of this bill. Nothing is more important than good border security for our national security. Nothing is more important than enforcing the law of the land. And we cannot go on indefinitely with immigration laws that nobody pays any attention to. Yes, indeed, this is a bill that is courageous. It is bold. Certainly, it is controversial. But it is a step in the right direction, and it moves this issue forward.

What I am most particularly interested in is the committee's acceptance of a provision that Congressman NORWOOD and I brought to the first responders bill that would allow States to use homeland security funds, State police, local police and so forth, to round up illegal immigrants and deliver them to the Feds. In New Hampshire, we spent over $650,000 in State police funds last year doing Federal duties and $200,000 from the Marine Patrol on the sea coast. I think this is a provision that adds flexibility to a bill that needs to be passed in this Congress.

Mr. Chairman, my constituents and constituents all over the country are crying out for a just law to end this process of having undocumented illegal aliens working and flaunting the law.

Ms. ZOE LOFGREN of California. Mr. Chairman, we are fortunate in Homeland Security to have two of us who serve both on the Judiciary Committee and Homeland Security Committee, and I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member of the Immigration Subcommittee of the House Judiciary Committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, what disappoints me most on this legislation is, the men and women that are on the front lines, the Border Patrol agents, are the most left out of this particular legislative vehicle.

Quickly, Mr. Chairman, I will tell you that an amendment that was offered by myself and Mr. THOMPSON, the ranking member, specifically gives tools to those Border Patrol agents, who I believe are the people that are entrusted with the responsibility of securing the borders by the American people.

We do not have aircraft and watercraft, which are valuable tools. We do not have the helicopters that are necessary. We do not have the necessary Border Patrol agents, which in my amendment to H.R. 4044, the bill that we offered, the homeland security legislation, we would have added 10,000 more agents. We would have added provisions about recruitment and retention problems so that we would have an experienced Border Patrol agency.

Mr. Chairman, my friend, Mr. REYES, indicated the importance of a secure homeland with the right kind of personnel. We would have raised the base pay for a journey level Border Patrol agent to a GS–13. We leave out the very men and women on the front lines, and I would hope we will go back and fix this legislation to do that.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I rise in strong support of this bill. If we fail to secure our borders, we could face an even greater terrorist attack than 9/11. We live in the greatest country on Earth. It is no wonder that so many people from other nations want to live in a land of such opportunity. I certainly do not want to stop people from wanting to live and work in this great country. My paternal grandparents were legal immigrants to America several decades ago. But we have a responsibility to keep this great Nation safe and secure for future generations.

If we continue to neglect our porous borders and the potential harm that can come from that, then we might as well bury the American flag in the sand. Every day that we fail to secure our borders is another day when a hardened criminal or even a terrorist might slip through. We risk the lives of our sons and daughters and risk the longevity of this great Nation.

I am certainly not saying that all of those who have come through our borders illegally are criminals or terrorists, but the possibility of letting in just one who is could cost many American lives and wreak havoc on our way of life.

Securing our borders is not closing them. I applaud Chairman SENSENBRENNER and Chairman KING and their staffs for their tireless efforts on this bill to secure our borders and prevent potential terrorist attacks.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, remember at the height of Katrina, that tragedy, and we heard the words, "Good job, Brownie." Well, we have someone equally qualified now in charge of the immigration function in the Homeland Security Department, and I think it is that level of competence that has led us to the problem that we face today, and that is that we have basically dropped the ball, the administration has dropped the ball at the border. They have permitted thousands, tens of thousands, of individuals to promise to appear and then simply to escape into the country.

This bill does not direct the administration to go find them and deport them or have their matter be heard. We used to, on a regular basis during the first Bush administration, the father Bush and the Clinton administration, persistently go and grab criminals after their sentences were served out in State and local incarceration facilities and deport them. The law provides for that. The ball has been dropped on that. This bill does not direct the administration to go find those folks who should have been taken in, who should have been deported.

Mr. Chairman, I have had some questions about section 404 of the act that I have mentioned previously, and I want to spend a moment on that. Incredibly enough, it provides that legal individuals, permanent residents of the United States, could be precluded, barred from reentry if they leave. Let me give you an example of how it would work.

Say your son falls in love with a gal who was born in Cuba. She becomes a legal permanent resident because your son is an American citizen. They go on vacation to London. They try to come back in. Your son gets in, but his wife, a legal permanent resident of the United States, is refused admission. Why? Because Cuba will not accept people who we deport. Now, do you think Fidel Castro cares whether your daughter-in-law is barred or not? I do not think so.

This is a ridiculous provision, and it is punitive towards people who were born in China, in Vietnam, in Cuba and in Ethiopia. It has nothing to do with securing our borders, but it does have a lot to do with the de facto reinstatement of the Chinese Exclusion Act of 1882 and has a very pernicious, very pernicious result for those who have fled communism in Vietnam and also in Cuba.

People are calling in wondering about this bill. They cannot believe that it is true. But let me explain how other provisions would work. The proposal is that individuals who are here without their proper documents, something none of us approve of, would become aggravated felons under this bill. If you are a 10-year-old and you came in here with your parents, you do not have your papers, under this bill, you are an aggregated felon. This will not make up for the Bush administration's failure at the border.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this has been a very lively and interesting debate. I would hope that as we go through the amendments and into tomorrow, we would keep focusing on the fact that everyone here is well-intentioned.

We face a crisis on our borders. We face a national crisis. We face a crisis involving international terrorism, and we must fix it. We must take significant first steps. That is what this bill is.

We can have honest disagreements, but it is wrong, I believe, to be impugning motives, to be suggesting someone is anti-immigrant.

For instance, the gentlewoman from California is talking about section 404. What that does is give the Secretary of Homeland Security the right, in consultation with the Secretary of State, to take action if the Secretary deems it necessary.

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That to me is an appropriate power, an appropriate discretionary power to be given to the Secretary of Homeland Security at a time when our homeland security is being threatened. It is irresponsible to not give the Secretary that power, and that is what this is about. It is a power, by the way, which the Secretary of State has had for many years.

As we go forward, let us keep in mind that this country was built by immigrants, that immigrants are essential. They are the life's blood of our Nation. All of us are descendents of immigrants. At the same time, for our country to survive, for our country to be secure, for our country to be safe we must be as certain as we can be that the immigrants entering this country deserve to be in this country, that they are no threat to this country.

As long as we have this mass entrance of millions and millions of illegal immigrants, we do not have that security that we need. We do not have the sense of safety that we need, and we are not protecting ourselves to the extent we must if we are going to avoid having another September 11.

I lost many people in my district on September 11. I do not want another

9/11 commission to come back in several years and say why did you not close the borders, why did you not allow another 9/11 to go forward, to happen? Why could you not stop another 9/11? Because you did not have the guts to take the tough action.

We are being confronted here by many forces including big business. Big business does not want this. We also have advocacy groups that do not want it. We cannot yield our responsibility to any outside pressure groups, whether they be big business or advocacy groups. I urge the adoption of this legislation as we go through this process.

Mr. HONDA. Mr. Chairman, I rise in strong opposition to this measure.

Border security is a critical component of our nation's security, but we cannot have true border security without addressing comprehensive immigration reform.

As U.S. Homeland Security Department Secretary Chertoff pointed out,

"[t]he problem of immigration is one that's been with this country for 20 years. So we are digging ourselves out of a hole which it took 20 years to dig ourselves into."

During the past twenty years, Congress has been taking an enforcement only approach which has put us in the "hole" that Secretary Chertoff referenced.

If you want to get out of a hole, the first step is to stop digging.

The Border Security bill we have today will only worsen an already broken immigration system and it represents the latest in misguided enforcement only approaches.

In the past few years we have passed the Patriot Act, the Real ID act and now we are further expanding a big brother form of government by taking up this flawed bill.

To fix our immigration system we must uphold American values by reuniting families, providing earned legalization for immigrants who have proven to be law abiding members of society and as the president has said, develop a guest worker program.

Reuniting families is of particular concern for Congressional Asian Pacific American Caucus. Our family preference immigration system has not been updated in more than a decade, and an increasing number of families face periods of separation of up to twenty years.

Family reunification is impeded by immigration backlogs and by outdated quota systems. The backlog for processing children of permanent residents to come to the U.S. is unconscionable if we are a nation that truly believes in family values.

Earned legalization is important to the many Asian Americans who are here working hard, paying taxes and need a chance to adjust their status.

A fair, efficient and sensible guest worker program is also needed to provide a labor supply for American employers.

Again, the real solution requires a comprehensive approach, not a border enforcement only measure.

H.R. 4437, a bill that deals with enforcement only, ignores the reality of our current immigration challenges and will not be an effective way to address the security of our nation and the well being of our people.

The time has come for Congress to make immigration reform a priority.

Congress is long overdue in passing immigration laws that meet the real needs of families and businesses while reflecting America's tradition of embracing the contributions of immigrants.

Mr. CANNON. Mr. Chairman, I rise today to support HR 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act.

The debate over our nation's immigration policy has steadily moved from the back of the newspaper to the front page. I should know. I've been working on this issue since I first came to the House of Representatives in 1996.

Americans are rightly concerned about the security and the integrity of our nation's borders because the very system designed to stem the flow of illegal immigrants into our country is broken. Current statistics estimate that we now have at least 10 million illegal aliens in this country.

Mr. Chairman, if we are going to fix this system, it is important that we fix it in the right way, comprehensively, so that we are not back debating this issue within a year.

We need a system that will encourage well-intentioned, contributing aliens out of the shadows so they can be identified. Standing on the soap box, spouting fire and brimstone is not going to do that, but laws implementing a guest worker program will.

From 1990 to 2000, the number of U.S. Border Patrol agents nearly tripled, but illegal immigration increased by as much as 5.5 million. Increasing enforcement resources to keep out willing immigrant workers, as we did throughout the 1990s, has obviously failed.

Mr. Chairman, as most are well aware, I have long stated that enforcement, border security and a guest worker program are the pieces of the puzzle that need to be linked together to allow us to effectively control our border. A broader strategy that includes both enforcement and the creation of adequate legal channels for immigration serves our nation's interests.

Our immigration laws and policies must reflect the realities we face today. Our economy demands workers, but our national security demands that we identify those lurking in the shadows.

An editorial that ran on KSL-TV of Utah last week stated: "Steps must be taken to stop the torrential northward flow of illegal workers. As that is accomplished, attention can focus on rationally dealing with the millions of illegal immigrants already here. A realistic temporary worker program, in some form, must be part of the effort."

Mr. Chairman, KSL has it right. Enhanced enforcement must be a priority for immigration policy, but as part of today's debate, we must realize that we owe it to our constituents to resolve all the issues that contribute to true immigration reform and that includes a guest worker program.

I would like to note that the Mexican government and their President Vincente Fox have taken steps to work cooperatively with the United States to protect our southern border. What often goes unnoticed in the immigration debate is Mexico's efforts to reign in organized crime, stymie drug trafficking and the ongoing cooperation between our Attorney Generals to combat narcotics, illegal immigration and related violence on the border. The OASISS, a prosecution program launched by our countries this year to stop human smuggling by criminal rackets, has helped stem the illegal flow of persons, but there is more to do. President Fox has shown himself to be an ally of America's national and economic security by standing up to the dictators of Latin America, like Hugo Chavez, and this should not go unnoticed.

I encourage my colleagues to support this bill. Broader immigration reform has been outlined by President Bush, and there are ideas in both Houses of Congress that will restore public confidence in a safe and secure immigration system.

I stand committed to seeing comprehensive immigration reform passed out of Congress and sent to the President for his signature. That is what America wants and needs.

I would like to thank Chairman SENSENBRENNER for his tireless work on this issue. I support this bill as the first step in the process towards true immigration reform.

Mr. MARKEY. Mr. Chairman, rise in strong opposition to this bill, which fails to provide the strengthened border security our nation needs to deter terrorists while also leaving many of our internal immigration problems unresolved. This bill claims to address the problem of illegal immigration, but it offers an enforcement-only solution, where a comprehensive strategy is needed. I planned to offer two amendments to improve this bill, Mr. Speaker, but the Republican-controlled Rules Committee refused to permit them to be debated and voted on today on the House Floor. Many of my colleagues also were blocked from offering important amendments.

Shutting out more than 100 amendments certainly represents serious "sins of omission" by this Republican Congress. There are also many "sins of commission" tucked into this bill. For example, the bill:

Subjects members of churches and other humanitarian organizations to criminal penalties of up to 5 years in prison if they provide food, shelter, or health care to undocumented immigrants, even if they are in desperate or life-threatening circumstances; and the bill

Reclassifies 11 million undocumented immigrants—including children—as aggravated felons who could be arrested and imprisoned for more than a year if they are caught.

These provisions do not make us safer. Mr. Chairman, and they do not reflect the values of our nation.

The first amendment I planned to offer today would have tightened security on the millions of cargo containers that enter our country from overseas, from Mexico and from Canada. Seven million cargo containers arrive at U.S. ports every year. These containers represent an important component of our economy, providing consumers with an enormous array of choices. In Massachusetts, the port of Boston—which became an international cargo port in 1630 and is the oldest continually active major port in the Western Hemisphere—handles 1.3 million tons of general cargo and 12.8 million tons of bulk fuel cargos every year. Clearly, such global commerce is critical to the economic health of our country.

At the same, however, cargo containers represent tempting targets for terrorists. Arms control expert Graham Allison has said that "more likely than not", there will be terrorist attack using a nuclear bomb in our country. He has described the detonation of a nuclear explosive device in a cargo container in one of our ports as a nightmare scenario for our country. Steven Flynn, a senior fellow at the Council on Foreign Relations and former officer in the Coast Guard, wrote in his book America the Vulnerable about "catastrophic consequences of terror in a box" delivered by a cargo ship to one of our ports. [Page 84].

To balance the need to participate in the global economy and the security concerns associated with the millions of cargo containers entering our ports every year, the Department of Homeland Security's Customs and Border Security division developed the Customs-Trade Partnership Against Terrorism (C–TPAT). Under C–TPAT, shippers commit to improving the security of their cargo shipments, and in return, they receive a range of benefits from our government.

Specifically, if shippers provide information about their operations to Customs and Border Protection, their goods are less likely to be inspected at the border. They basically receive an "E-Z Pass" from our government, sort of like drivers who speed right through toll booths without having to stop.

The problem is that Customs and Border Protection grants these special benefits without verifying that the security information provided by the shippers—is reliable, accurate and effective. According to the GAO, Customs and Border Protection has conducted validations at the facilities of only 11 percent of all the C–TPAT members. ["Key Cargo Security Programs Can be Improved," May 26, 2005]

Basically, the C–TPAT program really is a "STAND PAT" program. It takes a complacent posture towards port security by giving companies the benefit of speedy approval at the border without checking to make sure that promised security measures actually are in place at their facilities.

Customs and Border Program also has a related program, called "FAST", which stands for Free and Secure Trade program. The FAST program requires that trucking companies subject their drivers to background checks and participate in the C–TPAT program. Again, the problem is that the truckers get waved through the FAST lane, but the trucking companies' facilities are rarely, if ever, inspected to validate that the security policies they've promised to implement are fact or fiction.

This makes the FAST program, really the "FAST ONE" program, since truckers are pulling a fast one on our country by getting benefits without having to demonstrate the promised security policies.

My amendment would have required Customs and Border Protection to verify the security measures at the facilities of each member of the C–TPAT and FAST programs within one year of the enactment of this bill and twice a year thereafter. Moreover, the amendment would require Customs and Border Protection to establish policies if members do not live up to their obligations under the C–TPAT and FAST programs.

Now, some of my colleagues may argue that we simply do not have the resources to conduct these validations. Or real validations would bring global commerce to a grinding halt.

The numbers simply do not support this assertion. Customs and Border Protection has approximately 100 inspectors to conduct validations, and there are approximately 11,000 "STAND PAT" and "FAST ONE" members.

If each inspector performed only about 2 validations per week, all the facilities could be validated in less than a year—within 45 weeks or so.

When it comes to these two programs, we should follow the Reagan Doctrine of cargo inspection and Trust and Verify that the shippers are performing as promised.

The second amendment I would have offered today, if the Republican-controlled Rules Committee it in order, deals with the issue of torture of detainees. Mr. Chairman, this issue has received considerable attention recently—and for good reason—but we cannot have a full and open debate today on the House Floor because the Republican majority has shut out my amendment.

Mr. Chairman, my amendment provides that if an alien is apprehended at or between a port of entry or along the interational land or maritime borders of the United States, and is then detained pursuant to the new authorities set forth in Section 301 of the bill, than that alien shall not be transferred or rendered to any country if there are substantial grounds to believe that the alien would be in danger of being tortured, or of being subjected to cruel, humiliating or degrading treatment or punishment.

The Convention Against Torture already bars the practice of torture, or of rendering persons to countries where they are likely to face torture or other forms of cruel, humiliating or degrading treatment. This treaty was signed by the United States during the Reagan Administration, and ratified by the Senate in 1994.

Despite our commitments under this treaty and the statements made by the Administration emphasizing that the U.S. is emphatically and unambiguously against the use of torture, reports keep growing of the U.S. sending detainees to countries where they are likely to face torture, including to countries notorious for human rights violations. This practice known as "Extraordinary Rendition," and amounts to nothing more than Outsourcing Torture.

Article 3 of the Convention Against Torture explicitly requires parties to refrain from sending persons to countries where they are likely be tortured.

In order to be able to argue that it is meeting this obligation under the Convention, the Bush Administration has been engaging in a piece of legalistic fiction. The Administration obtains "diplomatic assurances" that the transferred detainee will not be tortured, and then based on these assurances, it argues that our obligation under the Convention has been satisfied because there is no longer a substantial likelihood that the person we are sending to one of these known torturing countries will, in fact, be tortured.

In other words, our government is relying on "diplomatic assurances" or promises from countries like Egypt or Syria that they will not torture transferred detainees. Based on the word of Syria or Libya, our government is arguing that our obligations under the Convention Against Torture are satisfied. Apparently, the Bush Administration's motto here is "In Syria We Trust".

This is outrageous. Is there any Member who thinks that we should accept the word of Syria and Libya—longtime human rights violators?

Here is how the State Department's annual human rights report describes typical Syrian methods of interrogation:

"administering electrical shocks, pulling out fingernails, forcing objects into the rectum, . . ."

My amendment reaffirmed our commitment to the Convention Against Torture. It said that we should not transfer aliens who have tried to enter this country to other countries where they are likely to face torture. It said that we should not rely on "diplomatic assurances" from torturers that they will refrain from engaging in torture. Torture mocks the core values on which our nation was founded. And it endangers our men and women in uniform who we send abroad to fight for our freedom.

We should not be sending aliens who have sought entry into this country, and who have been apprehended and detained by the U.S., to other countries where they are likely to be tortured and then pretend to stand against torture. This is wrong.

Mr. Chairman, the Rules Committee made in order only 15 of the more than 120 amendments submitted to the Committee. These amendments could have substantially improved the bill on the Floor today. Without these perfecting amendments, I cannot support this flawed bill, and I urge my colleagues to vote "No."

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise today in strong opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. I too am committed to protecting our borders and strengthening our immigration policies. However, this bill does neither.

Instead of offering necessary comprehensive immigration reform, this bill simply continues the same failed policies of the past. Over the last decade, from Fiscal Year 1993 to Fiscal Year 2004, the number of Border Patrol officers tripled from 3,965 to 10,835 agents, and spending on border enforcement quintupled from $740 million to $3.8 billion per year. In that same time frame, the number of undocumented immigrants in the U.S. doubled from 4.5 million to 9.3 million. Clearly our current policies have failed to stop the flow of illegal immigration. Yet this bill simply offers more of the same failed remedies to our immigration problems.

Furthermore, this bill contains several unacceptable provisions. Please allow me to outline a few of the most egregious of these.

First, by expanding mandatory detention, this bill would allow women and children seeking asylum to be held in jails or prison-like detention centers while their immigration proceedings are pending even though they are no threat to our national security. Imprisoning these asylum seekers who often times are trying to escape brutalities back home violates the integrity of what our nation stands for and undermines our history of due process of law.

Second, this bill unfairly denies admission to immigrants who legally come to the U.S. from countries that do not accept the re-entry of their citizens. This means that, even though our State Department has approved their visas, legal immigrants and refugees from communist countries such as Vietnam, China and Somalia would be refused entry into the U.S. and forced to return to the oppressive regimes they are trying to escape.

Third, this bill takes valuable time and resources away from urgent police responsibilities, such as dealing with murder, rape, and gang activity by empowering state and local police to enforce immigration laws which is currently the responsibility of the Department of Homeland Security.

Fourth, this bill would classify as aggravated felons children who through no fault of their own are brought here illegally by their parents. While I support cracking down on criminal aliens, I cannot support the criminalization of innocent children and thus deny them the opportunity to advance their lives in the future.

Fifth, this bill can weaken our fight against terrorism by permitting Homeland Security Grant Funds to be diverted from critical personnel such as our first responders. The State Homeland Security Grant Program has already been cut in half from $1.1 billion to $550 million. Our state and local governments cannot afford further shrinking of these critical funds if they are to protect us in the event of another terrorist attack.

Finally, this bill would expand the controversial process of removing individuals from our country without a fair hearing. This flawed procedure, known as expedited removal, has already resulted in the wrongful deportation of refugees who faced torture and death when they were returned to their native countries. Rather than fix this unjust procedure and protect these vulnerable individuals, this provision further denies them due process of law.

Our great nation serves as a model for democracy, fairness, and the rule of law. Unfortunately, this bill takes us away from these ideals upon which our nation was founded. I urge my colleagues to join me in defeating this dangerous bill.

Mr. MORAN of Virginia. Mr. Chairman, I rise today in opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. Rather than take a hard look at our immigration system, this legislation uses broad strokes targeting both legal and undocumented immigrants and would make felons of nonprofits working to care for the underserved in our communities.

The American public knows that our immigration system is broken. Polls show that two-thirds of the country believes that our system needs to be fixed. But instead of working to assemble a comprehensive package to fix our Nation's immigration system, we are being given this bill that has no chance of being enacted, that is intent on punishing immigrants, and relies more on rhetoric than real solutions.

What we need is a comprehensive approach that deals not just with border security, but with employers and the undocumented immigrants who are supporting our economy by working in jobs Americans refuse to take. This legislation is a punitive, heavy-handed measure that would not in any shape reform immigration, but would only make matters worse.

First and foremost, this bill seeks to criminalize both legal and illegal immigrants. Current law holds that undocumented immigrants face civil charges and may be subject to fines and deportation if found to be living here illegally. This legislation would change those civil charges to a criminal felony, ensnaring not only undocumented immigrants but also people who are here legally but have not notified the Government of technical changes in their status, such as an address change. These people, here legally and working hard to support their families in low wage jobs, could face up to a year in prison under the bill's provisions.

Many of the working immigrants who are here illegally perform jobs that U.S. citizens simply do not want or will not take. They are mainly in service and agricultural jobs, which are a vital part of our economy. Punishing those people, who contribute greatly to our economy, rather than providing some form of guest worker visa program, is penny wise but pound foolish. We should be in the business of helping them gain a pathway to legal status rather than locking them up.

One of the most deleterious provisions of this legislation is the section that would make it a crime for a U.S. citizen to help an undocumented immigrant, even if this is done unknowingly. Under the expanded definition of smuggling, a citizen could be prosecuted for simply driving a neighbor to the grocery store or hospital emergency room.

Such a provision risks criminalizing the work of nonprofits and religious organizations, whose sole purpose is to help human beings in need. Many organizations work on behalf of refugees and asylum seekers, helping them navigate their way through the Byzantine immigration process. Because our immigration system is so complicated, it is possible that asylum seekers are in the United States illegally for a short time. Any citizen who helps people who have fled their home country because they feared for their lives could be prosecuted under the wording of this bill. This is totally unacceptable and runs counter to the values that have made our country great. The United States is a beacon for democracy and has always been a refuge for people seeking freedom. From the first settlers who were escaping religious persecution, to Europeans escaping Communist regimes, accepting the huddled masses yearning to be free has been a part of our Nation's genetic code.

Mr. Chairman, President Kennedy once stated, "Everywhere immigrants have enriched and strengthened the fabric of American life." This can be seen in all aspects of our society from advances in science and medicine to great works of art and literature. If this legislation is passed, the fabric of our Nation could be permanently altered.

Mr. KING of New York. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 109-347, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 4437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. State defined.
Sec. 3. Sense of Congress on setting a manageable level of immigration.

TITLE I—SECURING UNITED STATES BORDERS

Sec. 101. Achieving operational control on the border.
Sec. 102. National strategy for border security.
Sec. 103. Implementation of cross-border security agreements.
Sec. 104. Biometric data enhancements.
Sec. 105. One face at the border initiative.
Sec. 106. Secure communication.
Sec. 107. Port of entry inspection personnel.
Sec. 108. Canine detection teams.
Sec. 109. Secure border initiative financial accountability.
Sec. 110. Border patrol training capacity review.
Sec. 111. Airspace security mission impact review.
Sec. 112. Repair of private infrastructure on border.
Sec. 113. Border Patrol unit for Virgin Islands.
Sec. 114. Report on progress in tracking travel of Central American gangs along international border.
Sec. 115. Collection of data.
Sec. 116. Deployment of radiation detection portal equipment at United States ports of entry.
Sec. 117. Consultation with businesses and firms.

TITLE II—COMBATTING ALIEN SMUGGLING AND ILLEGAL ENTRY AND PRESENCE

Sec. 201. Definition of aggravated felony.
Sec. 202. Alien smuggling and related offenses.
Sec. 203. Improper entry by, or presence of, aliens.
Sec. 204. Reentry of removed aliens.
Sec. 205. Mandatory sentencing ranges for persons aiding or assisting certain reentering aliens.
Sec. 206. Prohibiting carrying or using a firearm during and in relation to an alien smuggling crime.
Sec. 207. Clarifying changes.
Sec. 208. Voluntary departure reform.
Sec. 209. Deterring aliens ordered removed from remaining in the United States unlawfully and from unlawfully returning to the United States after departing voluntarily.
Sec. 210. Establishment of a special task force for coordinating and distributing information on fraudulent immigration documents.

TITLE III—BORDER SECURITY COOPERATION AND ENFORCEMENT

Sec. 301. Joint strategic plan for United States border surveillance and support.

Sec. 302. Border security on protected land.
Sec. 303. Border security threat assessment and information sharing test and evaluation exercise.
Sec. 304. Border Security Advisory Committee.
Sec. 305. Permitted use of Homeland Security grant funds for border security activities.
Sec. 306. Center of excellence for border security.
Sec. 307. Sense of Congress regarding cooperation with Indian Nations.

TITLE IV—DETENTION AND REMOVAL

Sec. 401. Mandatory detention for aliens apprehended at or between ports of entry.
Sec. 402. Expansion and effective management of detention facilities.
Sec. 403. Enhancing transportation capacity for unlawful aliens.
Sec. 404. Denial of admission to nationals of country denying or delaying accepting alien.
Sec. 405. Report on financial burden of repatriation.
Sec. 406. Training program.
Sec. 407. Expedited removal.
Sec. 408. GAO study on deaths in custody.

TITLE V—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

Sec. 501. Enhanced border security coordination and management.
Sec. 502. Office of Air and Marine Operations.
Sec. 503. Shadow Wolves transfer.

TITLE VI—TERRORIST AND CRIMINAL ALIENS

Sec. 601. Removal of terrorist aliens.
Sec. 602. Detention of dangerous aliens.
Sec. 603. Increase in criminal penalties.
Sec. 604. Precluding admissibility of aggravated felons and other criminals.
Sec. 605. Precluding refugee or asylee adjustment of status for aggravated felonies.
Sec. 606. Removing drunk drivers.
Sec. 607. Designated county law enforcement assistance program.
Sec. 608. Rendering inadmissible and deportable aliens participating in criminal street gangs; detention; ineligibility from protection from removal and asylum.
Sec. 609. Naturalization reform.
Sec. 610. Expedited removal for aliens inadmissible on criminal or security grounds.
Sec. 611. Technical correction for effective date in change in inadmissibility for terrorists under REAL ID Act.
Sec. 612. Bar to good moral character.
Sec. 613. Strengthening definitions of "aggravated felony" and "conviction".
Sec. 614. Deportability for criminal offenses.

TITLE VII—EMPLOYMENT ELIGIBILITY VERIFICATION

Sec. 701. Employment eligibility verification system.
Sec. 702. Employment eligibility verification process.
Sec. 703. Expansion of employment eligibility verification system to previously hired individuals and recruiting and referring.
Sec. 704. Basic pilot program.
Sec. 705. Hiring halls.
Sec. 706. Penalties.
Sec. 707. Report on Social Security card-based employment eligibility verification.
Sec. 708. Effective date.

TITLE VIII—IMMIGRATION LITIGATION ABUSE REDUCTION

Sec. 801. Board of Immigration Appeals removal order authority.
Sec. 802. Judicial review of visa revocation.
Sec. 803. Reinstatement.
Sec. 804. Withholding of removal.
Sec. 805. Certificate of reviewability.
Sec. 806. Waiver of rights in nonimmigrant visa issuance.

SEC. 2. STATE DEFINED.

In titles I, III, IV, and V of this Act, the term "State" has the meaning given it in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

SEC. 3. SENSE OF CONGRESS ON SETTING A MANAGEABLE LEVEL OF IMMIGRATION.

It is the sense of Congress that the immigration and naturalization policy shall be designed to enhance the economic, social and cultural well-being of the United States of America.

TITLE I—SECURING UNITED STATES BORDERS

SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) IN GENERAL.—The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers;

(3) hiring and training as expeditiously as possible additional Border Patrol agents authorized under section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); and

(4) increasing deployment of United States Customs and Border Protection personnel to areas along the international land and maritime borders of the United States where there are high levels of unlawful entry by aliens and other areas likely to be impacted by such increased deployment.

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term "operational control" means the prevention of the entry into the United States of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) SURVEILLANCE PLAN.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States. The plan shall include the following:

(1) An assessment of existing technologies employed on such borders.

(2) A description of whether and how new surveillance technologies will be compatible with existing surveillance technologies.

(3) A description of how the United States Customs and Border Protection is working, or is expected to work, with the Directorate of Science and Technology of the Department of Homeland Security to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) The identification of any obstacles that may impede full implementation of such deployment.

(6) A detailed estimate of all costs associated with the implementation of such deployment and continued maintenance of such technologies.

(7) A description of how the Department of Homeland Security is working with the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(b) NATIONAL STRATEGY FOR BORDER SECURITY.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a National Strategy for Border Security to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States. The Secretary shall update the Strategy as needed and shall submit to the Committee on Homeland Security of the House of Representatives, not later than 30 days after each such update, the updated Strategy. The National Strategy for Border Security shall include the following:

(1) The implementation timeline for the surveillance plan described in subsection (a).

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at points along the international land and maritime borders of the United States.

(3) A risk assessment of all ports of entry to the United States and all portions of the international land and maritime borders of the United States with respect to—

(A) preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) protecting critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(5) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(6) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations with respect to how the Department of Homeland Security can improve coordination with such authorities, to enable border security enforcement to be carried out in an efficient and effective manner.

(7) A prioritization of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of legitimate travel and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States in accordance with the National Strategy for Border Security required under this subsection and the mandatory detention requirement described in section 401 of this Act.

(10) A description of how the Secretary shall ensure accountability and performance metrics within the appropriate agencies of the Department of Homeland Security responsible for implementing the border security measures determined necessary upon completion of the National Strategy for Border Security.

(11) A timeline for the implementation of the additional security measures determined necessary as part of the National Strategy for Border Security, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, and resource estimates and allocations.

(c) Consultation.—In creating the National Strategy for Border Security described in subsection (b), the Secretary shall consult with—

(1) State, local, and tribal authorities along the international land and maritime borders of the United States; and

(2) an appropriate cross-section of private sector and nongovernmental organizations with relevant expertise.

(d) Priority of National Strategy.—The National Strategy for Border Security described in subsection (b) shall be the controlling document for security and enforcement efforts related to securing the international land and maritime borders of the United States.

(e) Immediate Action.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States pursuant to section 101 of this Act or any other provision of law.

(f) Reporting of Implementing Legislation.—After submittal of the National Strategy for Border Security described in subsection (b) to the Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House legislation authorizing necessary security measures based on its evaluation of the National Strategy for Border Security.

(g) Appropriate Congressional Committee.—For purposes of this title, the term "appropriate congressional committee" has the meaning given it in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY AGREEMENTS.

(a) In General.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 102(g)) a report on the implementation of the cross-border security agreements signed by the United States with Mexico and Canada, including recommendations on improving cooperation with such countries to enhance border security.

(b) Updates.—The Secretary shall regularly update the Committee on Homeland Security of the House of Representatives concerning such implementation.

SEC. 104. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2006, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the IDENT and IAFIS fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

SEC. 105. ONE FACE AT THE BORDER INITIATIVE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report—

(1) describing the tangible and quantifiable benefits of the One Face at the Border Initiative established by the Department of Homeland Security;

(2) identifying goals for and challenges to increased effectiveness of the One Face at the Border Initiative;

(3) providing a breakdown of the number of inspectors who were—

(A) personnel of the United States Customs Service before the date of the establishment of the Department of Homeland Security;

(B) personnel of the Immigration and Naturalization Service before the date of the establishment of the Department;

(C) personnel of the Department of Agriculture before the date of the establishment of the Department; or

(D) hired after the date of the establishment of the Department;

(4) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(5) outlining the steps taken by the Department to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 106. SECURE COMMUNICATION.

The Secretary of Homeland Security shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure two-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land border who do not have mobile communications, as the Secretary determines necessary; and

(4) between all appropriate Department of Homeland Security border security agencies and State, local, and tribal law enforcement agencies.

SEC. 107. PORT OF ENTRY INSPECTION PERSONNEL.

In each of fiscal years 2007 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 250 the number of positions for full-time active duty port of entry inspectors. There are authorized to be appropriated to the Secretary such sums as may be necessary for each such fiscal year to hire, train, equip, and support such additional inspectors under this section.

SEC. 108. CANINE DETECTION TEAMS.

In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 25 percent above the number of such positions for which funds were allotted for the preceding fiscal year the number of trained detection canines for use at United States ports of entry and along the international land and maritime borders of the United States.

SEC. 109. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) In General.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) Report by Inspector General.—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) Report by Secretary.—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 102(g)) a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(d) Authorization of Appropriations.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

SEC. 110. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) In General.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Department of Homeland Security to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) Components of Review.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how the curriculum has changed since September 11, 2001.

(2) A review and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2) of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) An evaluation of whether and how utilizing comparable non-Federal training programs, proficiency testing to streamline training, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year and reducing the per agent costs of basic training; and

(B) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 111. AIRSPACE SECURITY MISSION IMPACT REVIEW.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report detailing the impact the airspace security mission in the National Capital Region (in this section referred to as the "NCR") will *have on the ability of the Department of Homeland Security to protect the international land and maritime borders of the United States. Specifically, the report shall address:*

(1) The specific resources, including personnel, assets, and facilities, devoted or planned to be devoted to the NCR airspace security mission, and from where those resources were obtained or are planned to be obtained.

(2) An assessment of the impact that diverting resources to support the NCR mission has or is expected to have on the traditional missions in and around the international land and maritime borders of the United States.

SEC. 112. REPAIR OF PRIVATE INFRASTRUCTURE ON BORDER.

(a) IN GENERAL.—Subject to the amount appropriated in subsection (d) of this section, the Secretary of Homeland Security shall reimburse property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a United States Government right-of-way delineating the international land border when such damages are—

(1) the result of unlawful entry of aliens; and

(2) confirmed by the appropriate personnel of the Department of Homeland Security and submitted to the Secretary for reimbursement.

(b) VALUE OF REIMBURSEMENTS.—Reimbursements for submitted damages as outlined in subsection (a) shall not exceed the value of the private infrastructure prior to damage.

(c) REPORTS.—Not later than six months after the date of the enactment of this Act and every subsequent six months until the amount appropriated for this section is expended in its entirety, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report that details the expenditures and circumstances in which those expenditures were made pursuant to this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated an initial $50,000 for each fiscal year to carry out this section.

SEC. 113. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2006, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 114. REPORT ON PROGRESS IN TRACKING TRAVEL OF CENTRAL AMERICAN GANGS ALONG INTERNATIONAL BORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives on the progress of the Department of Homeland Security in tracking the travel of Central American gangs across the international land border of the United States and Mexico.

SEC. 115. COLLECTION OF DATA.

Beginning on October 1, 2006, the Secretary of Homeland Security shall annually compile data on the following categories of information:

(1) The number of unauthorized aliens who require medical care taken into custody by Border Patrol officials.

(2) The number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials encounter, and refer to local hospitals or other health facilities.

(3) The number of unauthorized aliens with serious injuries or medical conditions who arrive at United States ports of entry and subsequently are admitted into the United States for emergency medical care, as reported by United States Customs and Border Protection.

(4) The number of unauthorized aliens described in paragraphs (2) and (3) who subsequently are taken into custody by the Department of Homeland Security after receiving medical treatment.

SEC. 116. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT AT UNITED STATES PORTS OF ENTRY.

(a) DEPLOYMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall deploy radiation portal monitors at all United States ports of entry and facilities as determined by the Secretary to facilitate the screening of all inbound cargo for nuclear and radiological material.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Department's progress toward carrying out the deployment described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary for each of fiscal years 2006 and 2007.

SEC. 117. CONSULTATION WITH BUSINESSES AND FIRMS.

With respect to the Secure Border Initiative and for the purposes of strengthening security along the international land and maritime borders of the United States, the Secretary of Homeland Security shall conduct outreach to and consult with members of the private sector, including business councils, associations, and small, minority-owned, women-owned, and disadvantaged businesses to—

(1) identify existing and emerging technologies, best practices, and business processes;

(2) maximize economies of scale, cost-effectiveness, systems integration, and resource allocation; and

(3) identify the most appropriate contract mechanisms to enhance financial accountability and mission effectiveness of border security programs.

TITLE II—COMBATTING ALIEN SMUGGLING AND ILLEGAL ENTRY AND PRESENCE

SEC. 201. DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (N), by striking "paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling)" and inserting "section 274(a)" and by adding a semicolon at the end;

(2) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph", and inserting "section 275 or section 276 for which the term of imprisonment was at least one year";

(3) in subparagraph (U), by inserting before "an attempt" the following: "soliciting, aiding, abetting, counseling, commanding, inducing, procuring or"; and

(4) by striking all that follows subparagraph (U) and inserting the following:

"The term applies—

"(i) to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years;

"(ii) even if the length of the term of imprisonment is based on recidivist or other enhancements;

"(iii) to an offense described in this paragraph even if the statute setting forth the offense of conviction sets forth other offenses not described in this paragraph, unless the alien affirmatively shows, by a preponderance of evidence and using public records related to the conviction, including court records, police records and presentence reports, that the particular facts underlying the offense do not satisfy the generic definition of that offense; and

"(iv) regardless of whether the conviction was entered before, on, or after September 30, 1996, and notwithstanding any other provision of law (including any effective date).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to offenses that occur before, on, or after the date of the enactment of this Act.

SEC. 202. ALIEN SMUGGLING AND RELATED OFFENSES.

(a) IN GENERAL.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended to read as follows:

"ALIEN SMUGGLING AND RELATED OFFENSES

"SEC. 274. (a) CRIMINAL OFFENSES AND PENALTIES.—

"(1) PROHIBITED ACTIVITIES.—Whoever—

"(A) assists, encourages, directs, or induces a person to come to or enter the United States, or to attempt to come to or enter the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to or enter the United States;

"(B) assists, encourages, directs, or induces a person to come to or enter the United States at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such person has official permission or lawful authority to be in the United States, knowing or in reckless disregard of the fact that such person is an alien;

"(C) assists, encourages, directs, or induces a person to reside in or remain in the United States, or to attempt to reside in or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in or remain in the United States;

"(D) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, where the transportation or movement will aid or further in any manner the person's illegal entry into or illegal presence in the United States;

"(E) harbors, conceals, or shields from detection a person in the United States knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States;

"(F) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from one country to another or on the high seas, under circumstances in which the person is in fact seeking to enter the United States without official permission or lawful authority; or

"(G) conspires or attempts to commit any of the preceding acts,

shall be punished as provided in paragraph (2), regardless of any official action which may later be taken with respect to such alien.

"(2) CRIMINAL PENALTIES.—A person who violates the provisions of paragraph (1) shall—

"(A) except as provided in subparagraphs (D) through (H), in the case where the offense was not committed for commercial advantage, profit, or private financial gain, be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both;

"(B) except as provided in subparagraphs (C) through (H), where the offense was committed for commercial advantage, profit, or private financial gain—

"(i) in the case of a first violation of this subparagraph, be imprisoned for not more than 20 years, or fined under title 18, United States Code, or both; and

"(ii) for any subsequent violation, be imprisoned for not less than 3 years nor more than 20 years, or fined under title 18, United States Code, or both;

"(C) in the case where the offense was committed for commercial advantage, profit, or private financial gain and involved 2 or more aliens other than the offender, be imprisoned for not less than 3 nor more than 20 years, or fined under title 18, United States Code, or both;

"(D) in the case where the offense furthers or aids the commission of any other offense against the United States or any State, which offense is punishable by imprisonment for more than 1 year, be imprisoned for not less than 5 nor more than 20 years, or fined under title 18, United States Code, or both;

"(E) in the case where any participant in the offense created a substantial risk of death or serious bodily injury to another person, including—

"(i) transporting a person in an engine compartment, storage compartment, or other confined space;

"(ii) transporting a person at an excessive speed or in excess of the rated capacity of the means of transportation; or

"(iii) transporting or harboring a person in a crowded, dangerous, or inhumane manner,

be imprisoned not less than 5 nor more than 20 years, or fined under title 18, United States Code, or both;

"(F) in the case where the offense caused serious bodily injury (as defined in section 1365 of title 18, United States Code, including any conduct that would violate sections 2241 or 2242 of title 18, United States Code, if the conduct occurred in the special maritime and territorial jurisdiction of the United States) to any person, be imprisoned for not less than 7 nor more than 30 years, or fined under title 18, United States Code, or both;

"(G) in the case where the offense involved an alien who the offender knew or had reason to believe was an alien—

"(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

"(ii) intending to engage in such terrorist activity,

be imprisoned for not less than 10 nor more than 30 years, or fined under title 18, United States Code, or both; and

"(H) in the case where the offense caused or resulted in the death of any person, be punished by death or imprisoned for not less than 10 years, or any term of years, or for life, or fined under title 18, United States Code, or both.

"(3) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

"(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

"(1) IN GENERAL.—Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

"(2) ALIEN DESCRIBED.—A alien described in this paragraph is an alien who—

"(A) is an unauthorized alien (as defined in section 274A(h)(3)); and

"(B) has been brought into the United States in violation of subsection (a).

"(c) SEIZURE AND FORFEITURE.—

"(1) IN GENERAL.—Any property, real or personal, that has been used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

"(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

"(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws.

"(e) ADMISSIBILITY OF EVIDENCE.—

"(1) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—Notwithstanding any provision of the Federal Rules of Evidence, in determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the violation lacks lawful authority to come to, enter, reside, remain, or be in the United States or that such alien had come to, entered, resided, remained or been present in the United States in violation of law:

"(A) Any order, finding, or determination concerning the alien's status or lack thereof made by a federal judge or administrative adjudicator (including an immigration judge or an immigration officer) during any judicial or administrative proceeding authorized under the immigration laws or regulations prescribed thereunder.

"(B) An official record of the Department of Homeland Security, Department of Justice, or the Department of State concerning the alien's status or lack thereof.

"(C) Testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack thereof.

"(2) VIDEOTAPED TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination at the deposition and the deposition otherwise complies with the Federal Rules of Evidence.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or the regulations prescribed thereunder. Such term does not include any such authority secured by fraud or otherwise obtained in violation of law, nor does it include authority that has been sought but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside, remain, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

"(2) The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present, or any country from which or to which the alien is traveling or moving.".

(b) CLERICAL AMENDMENT.—The item relating to section 274 in the table of contents of such Act is amended to read as follows:

"Sec. 274. Alien smuggling and related offenses.".

SEC. 203. IMPROPER ENTRY BY, OR PRESENCE OF, ALIENS.

Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in the section heading, by inserting "UNLAWFUL PRESENCE;" after "IMPROPER TIME OR PLACE;";

(2) in subsection (a)—

(A) by striking "Any alien" and inserting "Except as provided in subsection (b), any alien";

(B) by striking "or" before (3);

(C) by inserting after "concealment of a material fact," the following: "or (4) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder,"; and

(D) by striking "6 months" and inserting "one year and a day";

(3) in subsection (c)—

(A) by striking "5 years" and inserting "10 years"; and

(B) by adding at the end the following: "An offense under this subsection continues until the fraudulent nature of the marriage is discovered by an immigration officer.";

(4) in subsection (d)—

(A) by striking "5 years" and inserting "10 years";

(B) by adding at the end the following: "An offense under this subsection continues until the fraudulent nature of the commercial enterprise is discovered by an immigration officer."; and

(5) by adding at the end the following new subsections:

"(e)(1) Any alien described in paragraph (2)—

"(A) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both, if the offense described in such paragraph was committed subsequent to a conviction or convictions for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony); or

"(B) shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both, if such offense was committed subsequent to a conviction for commission of an aggravated felony.

"(2) An alien described in this paragraph is an alien who—

"(A) enters or attempts to enter the United States at any time or place other than as designated by immigration officers;

"(B) eludes examination or inspection by immigration officers;

"(C) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact; or

"(D) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder.

"(3) The prior convictions in subparagraph (A) or (B) of paragraph (1) are elements of those crimes and the penalties in those subparagraphs shall apply only in cases in which the conviction (or convictions) that form the basis for the additional penalty are alleged in the indictment or information and are proven beyond a reasonable doubt at trial or admitted by the defendant in pleading guilty. Any admissible evidence may be used to show that the prior conviction is an aggravated felony or other qualifying crime, and the criminal trial for a violation of this section shall not be bifurcated.

"(4) An offense under subsection (a) or paragraph (1) of this subsection continues until the alien is discovered within the United States by immigration officers.

"(f) For purposes of this section, the term 'attempts to enter' refers to the general intent of the alien to enter the United States and does not refer to the intent of the alien to violate the law.".

SEC. 204. REENTRY OF REMOVED ALIENS.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking all that follows "United States" the first place it appears and inserting a comma;

(B) in the matter following paragraph (2), by striking "imprisoned not more than 2 years," and inserting "imprisoned for a term of not less than 1 year and not more than 2 years,";

(C) by adding at the end the following: "It shall be an affirmative defense to an offense under this subsection that (A) prior to an alien's reembarkation at a place outside the United States or an alien's application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to the alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, such alien was not required to obtain such advance consent under this Act or any prior Act.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "imprisoned not more than 10 years," and insert "imprisoned for a term of not less than 5 years and not more than 10 years,";

(B) in paragraph (2), by striking "imprisoned not more than 20 years," and insert "imprisoned for a term of not less than 10 years and not more than 20 years,";

(C) in paragraph (3), by striking ". or" and inserting "; or";

(D) in paragraph (4), by striking "imprisoned for not more than 10 years," and insert "imprisoned for a term of not less than 5 years and not more than 10 years,"; and

(E) by adding at the end the following: "The prior convictions in paragraphs (1) and (2) are elements of enhanced crimes and the penalties under such paragraphs shall apply only where the conviction (or convictions) that form the basis for the additional penalty are alleged in the indictment or information and are proven beyond a reasonable doubt at trial or admitted by the defendant in pleading guilty. Any admissible evidence may be used to show that the prior conviction is a qualifying crime and the criminal trial for a violation of either such paragraph shall not be bifurcated.";

(3) in subsections (b)(3), (b)(4), and (c), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears;

(4) in subsection (c), by striking "242(h)(2)" and inserting "241(a)(4)"; and

(5) by adding at the end the following new subsection:

"(e) For purposes of this section, the term 'attempts to enter' refers to the general intent of the alien to enter the United States and does not refer to the intent of the alien to violate the law.".

SEC. 205. MANDATORY SENTENCING RANGES FOR PERSONS AIDING OR ASSISTING CERTAIN REENTERING ALIENS.

Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) is amended—

(1) by striking "Any person" and inserting "(a) Subject to subsection (b), any person"; and

(2) by adding at the end the following:

"(b)(1) Any person who knowingly aids or assists any alien violating section 276(b) to reenter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such alien to reenter the United States, shall be fined under title 18, United States Code, imprisoned for a term imposed under paragraph (2), or both.

"(2) The term of imprisonment imposed under paragraph (1) shall be within the range to which the reentering alien is subject under section 276(b).".

SEC. 206. PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.

Section 924(c) of title 18, United States Code, is amended—

(1) in paragraphs (1)(A) and (1)(D)(ii), by inserting ", alien smuggling crime," after "crime of violence" each place it appears; and

(2) by adding at the end the following new paragraph:

"(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, or 1328).".

SEC. 207. CLARIFYING CHANGES.

(a) EXCLUSION BASED ON FALSE CLAIM OF NATIONALITY.—

(1) IN GENERAL.—Section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is amended—

(A) in the heading, by inserting "OR NATIONALITY" after "CITIZENSHIP"; and

(B) by inserting "or national" after "citizen" each place it appears.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to acts occurring before, on, or after such date.

(b) SHARING OF INFORMATION.—Section 290(b) of such Act (8 U.S.C. 1360(b)) is amended—

(1) by inserting ", or as to any person seeking any benefit or privilege under the immigration laws," after "United States";

(2) by striking "Service" and inserting "Secretary of Homeland Security"; and

(3) by striking "Attorney General" and inserting "Secretary".

(c) EXCEPTIONS AUTHORITY.—Section 212(a)(3)(B)(ii) of such Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking "Subclause (VII)" and inserting "Subclause (IX)".

SEC. 208. VOLUNTARY DEPARTURE REFORM.

(a) ENCOURAGING ALIENS TO DEPART VOLUNTARILY.—

(1) AUTHORITY.—Subsection (a) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(A) by amending paragraph (1) to read as follows:

"(1) IN LIEU OF REMOVAL PROCEEDINGS.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, in lieu of being subject to proceedings under section 240, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4).";

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by inserting after paragraph (1) the following new paragraph:

"(2) PRIOR TO THE CONCLUSION OF REMOVAL PROCEEDINGS.—After removal proceedings under section 240 are initiated, the Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, prior to the conclusion of such proceedings before an immigration judge, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4)."; and

(E) in paragraph (4), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

(2) VOLUNTARY DEPARTURE PERIOD.—Such section is further amended—

(A) in subsection (a)(3), as redesignated by paragraph (1)(C)—

(i) by amending subparagraph (A) to read as follows:

"(A) IN LIEU OF REMOVAL.—Subject to subparagraph (C), permission to depart voluntarily under paragraph (1) shall not be valid for a period exceeding 120 days. The Secretary of Homeland Security may require an alien permitted to depart voluntarily under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.";

(ii) in subparagraph (B), by striking "subparagraphs (C) and (D)(ii)" and inserting "subparagraphs (D) and (E)(ii)";

(iii) in subparagraphs (C) and (D), by striking "subparagraph (B)" and inserting "subparagraph (C)" each place it appears;

(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(v) by inserting after subparagraph (A) the following new subparagraph:

"(B) PRIOR TO THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to depart voluntarily under paragraph (2) shall not be valid for a period exceeding 60 days, and may be granted only after a finding that the alien has established that the alien has the means to depart the United States and intends to do so. An alien permitted to depart voluntarily under paragraph (2) must post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive posting of a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will be a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure."; and

(B) in subsection (b)(2), by striking "60 days" and inserting "45 days".

(3) VOLUNTARY DEPARTURE AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

"(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure will be granted only as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

"(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security in the exercise of discretion may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

"(3) FAILURE TO COMPLY WITH AGREEMENT AND EFFECT OF FILING TIMELY APPEAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including a failure to timely post any required bond), the alien automatically becomes ineligible for the benefits of the agreement, subject to the penalties described in subsection (d), and subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b). However, if an alien agrees to voluntary departure but later files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences thereof, but the alien may not again be granted voluntary departure while the alien remains in the United States.".

(4) ELIGIBILITY.—Subsection (e) of such section is amended to read as follows:

"(e) ELIGIBILITY.—

"(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to depart

voluntarily under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

"(2) ADDITIONAL LIMITATIONS.—The Secretary of Homeland Security may by regulation limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class or classes of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsection (a)(2) or (b) for any class or classes of aliens. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and section 1361 and 1651 of such title, no court may review any regulation issued under this subsection.".

(b) AVOIDING DELAYS IN VOLUNTARY DEPARTURE.—

(1) ALIEN'S OBLIGATION TO DEPART WITHIN THE TIME ALLOWED.—Subsection (c) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

"(4) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary of Homeland Security in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.".

(2) NO TOLLING.—Subsection (f) of such section is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and section 1361 and 1651 of such title, no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.".

(c) PENALTIES FOR FAILURE TO DEPART VOLUNTARILY.—

(1) PENALTIES FOR FAILURE TO DEPART.—Subsection (d) of section 240B of the Immigration and Nationality Act (8 U.S.C. 229c) is amended to read as follows:

"(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to depart voluntarily under this section and fails voluntarily to depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the following provisions apply:

"(1) CIVIL PENALTY.—

"(A) IN GENERAL.—The alien will be liable for a civil penalty of $3,000.

"(B) SPECIFICATION IN ORDER.—The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record.

"(C) COLLECTION.—If the Secretary of Homeland Security thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law.

"(D) INELIGIBILITY FOR BENEFITS.—An alien will be ineligible for any benefits under this title until any civil penalty under this subsection is paid.

"(2) INELIGIBILITY FOR RELIEF.—The alien will be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249.

"(3) REOPENING.—

"(A) IN GENERAL.—Subject to subparagraph (B), the alien will be ineligible to reopen a final order of removal which took effect upon the alien's failure to depart, or the alien's violation of the conditions for voluntary departure, during the period described in paragraph (2).

"(B) EXCEPTION.—Subparagraph (A) does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture.

The order permitting the alien to depart voluntarily under this section shall inform the alien of the penalties under this subsection.".

(2) IMPLEMENTATION OF EXISTING STATUTORY PENALTIES.—The Secretary of Homeland Security shall implement regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act, as amended by paragraph (1).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (b)(2) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is entered on or after such date.

SEC. 209. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY AND FROM UNLAWFULLY RETURNING TO THE UNITED STATES AFTER DEPARTING VOLUNTARILY.

(a) INADMISSIBLE ALIENS.—Paragraph (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) in subparagraph (A)(i), by striking "within 5 years of" and inserting "before, or within 5 years of,"; and

(2) in subparagraph (A)(ii) by striking "within 10 years of" and inserting "before, or within 10 years of,".

(b) FAILURE TO DEPART, APPLY FOR TRAVEL DOCUMENTS, OR APPEAR FOR REMOVAL OR CONSPIRACY TO PREVENT OR HAMPER DEPARTURE.—Section 274D of such Act (8 U.S.C. 1324d) is amended—

(1) in subsection (a), by striking "Commissioner" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following new subsection:

"(c) INELIGIBILITY FOR RELIEF.—

"(1) IN GENERAL.—Subject to paragraph (2), unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal pursuant to a motion to reopen during the time the alien remains in the United States and for a period of 10 years after the alien's departure.

"(2) EXCEPTION.—Paragraph (1) does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture.".

(c) DETERRING ALIENS FROM UNLAWFULLY RETURNING TO THE UNITED STATES AFTER DEPARTING VOLUNTARILY.—Section 275(a) of such Act (8 U.S.C. 1325(a)) is amended by inserting "or following an order of voluntary departure" after "a subsequent commission of any such offense".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal, whether the removal order was entered before, on, or after such date.

(2) VOLUNTARY DEPARTURE.—The amendment made by subsection (c) shall take effect on the date of the enactment of this Act and shall apply with respect to conduct occurring on or after such date.

SEC. 210. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR COORDINATING AND DISTRIBUTING INFORMATION ON FRAUDULENT IMMIGRATION DOCUMENTS.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a task force (to be known as the Task Force on Fraudulent Immigration Documents) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and Foreign governments on the production, sale, and distribution of fraudulent documents intended to be used to enter or to remain in the United States unlawfully.

(2) Maintain that information in a comprehensive database.

(3) Convert the information into reports that will provide guidance for government officials on identifying fraudulent documents being used to enter or to remain in the United States unlawfully.

(4) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—Distribute the reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

TITLE III—BORDER SECURITY COOPERATION AND ENFORCEMENT

SEC. 301. JOINT STRATEGIC PLAN FOR UNITED STATES BORDER SURVEILLANCE AND SUPPORT.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Defense shall develop a joint strategic plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with the surveillance activities of the Department of Homeland Security conducted at or near the international land and maritime borders of the United States.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit to Congress a report containing—

(1) a description of the use of Department of Defense equipment to assist with the surveillance by the Department of Homeland Security of the international land and maritime borders of the United States;

(2) the joint strategic plan developed pursuant to subsection (a);

(3) a description of the types of equipment and other support to be provided by the Department of Defense under the joint strategic plan during the one-year period beginning after submission of the report under this subsection; and

(4) a description of how the Department of Homeland Security and the Department of Defense are working with the Department of Transportation on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 302. BORDER SECURITY ON PROTECTED LAND.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of the Interior, shall evaluate border security vulnerabilities on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior related to the prevention of the entry of terrorists, other unlawful aliens, narcotics, and other contraband into the United States.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—Based on the evaluation conducted pursuant to subsection (a), the Secretary of Homeland Security shall provide appropriate border security assistance on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior, its bureaus, and tribal entities.

SEC. 303. BORDER SECURITY THREAT ASSESSMENT AND INFORMATION SHARING TEST AND EVALUATION EXERCISE.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall design and carry out a national border security exercise for the purposes of—

(1) involving officials from Federal, State, territorial, local, tribal, and international governments and representatives from the private sector;

(2) testing and evaluating the capacity of the United States to anticipate, detect, and disrupt threats to the integrity of United States borders; and

(3) testing and evaluating the information sharing capability among Federal, State, territorial, local, tribal, and international governments.

SEC. 304. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory committee to be known as the Border Security Advisory Committee (in this section referred to as the "Committee").

(b) DUTIES.—The Committee shall advise the Secretary on issues relating to border security and enforcement along the international land and maritime border of the United States.

(c) MEMBERSHIP.—The Secretary shall appoint members to the Committee from the following:

(1) State and local government representatives from States located along the international land and maritime borders of the United States.

(2) Community representatives from such States.

(3) Tribal authorities in such States.

SEC. 305. PERMITTED USE OF HOMELAND SECURITY GRANT FUNDS FOR BORDER SECURITY ACTIVITIES.

(a) REIMBURSEMENT.—The Secretary of Homeland Security may allow the recipient of amounts under a covered grant to use those amounts to reimburse itself for costs it incurs in carrying out any activity that—

(1) relates to the enforcement of Federal laws aimed at preventing the unlawful entry of persons or things into the United States, including activities such as detecting or responding to such an unlawful entry or providing support to another entity relating to preventing such an unlawful entry;

(2) is usually a Federal duty carried out by a Federal agency; and

(3) is carried out under agreement with a Federal agency.

(b) USE OF PRIOR YEAR FUNDS.—Subsection (a) shall apply to all covered grant funds received by a State, local government, or Indian tribe at any time on or after October 1, 2001.

(c) COVERED GRANTS.—For purposes of subsection (a), the term "covered grant" means grants provided by the Department of Homeland Security to States, local governments, or Indian tribes administered under the following programs:

(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

SEC. 306. CENTER OF EXCELLENCE FOR BORDER SECURITY.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence.

(b) ACTIVITIES OF THE CENTER.—The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by United States borders and border control systems. The activities shall include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the borders.

SEC. 307. SENSE OF CONGRESS REGARDING COOPERATION WITH INDIAN NATIONS.

It is the sense of Congress that—

(1) the Department of Homeland Security should strive to include as part of a National Strategy for Border Security recommendations on how to enhance Department cooperation with sovereign Indian Nations on securing our borders and preventing terrorist entry, including, specifically, the Department should consider whether a Tribal Smart Border working group is necessary and whether further expansion of cultural sensitivity training, as exists in Arizona with the Tohono O'odham Nation, should be expanded elsewhere; and

(2) as the Department of Homeland Security develops a National Strategy for Border Security, it should take into account the needs and missions of each agency that has a stake in border security and strive to ensure that these agencies work together cooperatively on issues involving Tribal lands.

TITLE IV—DETENTION AND REMOVAL

SEC. 401. MANDATORY DETENTION FOR ALIENS APPREHENDED AT OR BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Beginning on October 1, 2006, an alien who is attempting to illegally enter the United States and who is apprehended at a United States port of entry or along the international land and maritime border of the United States shall be detained until removed or a final decision granting admission has been determined, unless the alien—

(1) is permitted to withdraw an application for admission under section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) and immediately departs from the United States pursuant to such section; or

(2) is paroled into the United States by the Secretary of Homeland Security for urgent humanitarian reasons or significant public benefit in accordance with section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(b) REQUIREMENTS DURING INTERIM PERIOD.—Beginning 60 days after the date of the enactment of this Act and before October 1, 2006, an alien described in subsection (a) may be released with a notice to appear only if—

(1) the Secretary of Homeland Security determines, after conducting all appropriate background and security checks on the alien, that the alien does not pose a national security risk; and

(2) the alien provides a bond of not less than $5,000.

(c) RULES OF CONSTRUCTION.—

(1) ASYLUM AND REMOVAL.—Nothing in this section shall be construed as limiting the right of an alien to apply for asylum or for relief or deferral of removal based on a fear of persecution.

(2) TREATMENT OF CERTAIN ALIENS.—The mandatory detention requirement in subsection (a) does not apply to any alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

SEC. 402. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention.

SEC. 403. ENHANCING TRANSPORTATION CAPACITY FOR UNLAWFUL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of United States Customs and Border Protection to detention facilities and other locations as necessary.

(b) CRITERIA FOR SELECTION.—Notwithstanding any other provision of law, to enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of service, cost, and security.

SEC. 404. DENIAL OF ADMISSION TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended to read as follows:

"(d) DENIAL OF ADMISSION TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—Whenever the Secretary of Homeland Security determines that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, the Secretary, after consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country until the country accepts the alien who was ordered removed.".

SEC. 405. REPORT ON FINANCIAL BURDEN OF REPATRIATION.

Not later than October 31 of each year, the Secretary of Homeland Security shall submit to the Secretary of State and Congress a report that details the cost to the Department of Homeland Security of repatriation of unlawful aliens to their countries of nationality or last habitual residence, including details relating to cost per country. The Secretary shall include in each such report the recommendations of the Secretary to more cost effectively repatriate such aliens.

SEC. 406. TRAINING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security—

(1) review and evaluate the training provided to Border Patrol agents and port of entry inspectors regarding the inspection of aliens to determine whether an alien is referred for an interview by an asylum officer for a determination of credible fear;

(2) based on the review and evaluation described in paragraph (1), take necessary and appropriate measures to ensure consistency in referrals by Border Patrol agents and port of entry inspectors to asylum officers for determinations of credible fear.

SEC. 407. EXPEDITED REMOVAL.

(a) In General.—Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(1) in subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(2) by adding at the end the following new subclause:

"(III) Exception.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.".

(b) Exceptions.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended by striking "who arrives by aircraft at a port of entry" and inserting ", and who arrives by aircraft at a port of entry or who is present in the United States and arrived in any manner at or between a port of entry".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended on or after such date.

SEC. 408. GAO STUDY ON DEATHS IN CUSTODY.

The Comptroller General of the United States, within 6 months after the date of the enactment of this Act, shall submit to Congress a report on the deaths in custody of detainees held on immigration violations by the Secretary of Homeland Security. The report shall include the following information with respect to any such deaths and in connection therewith:

(1) Whether any crimes were committed by personnel of the Department of Homeland Security.

(2) Whether any such deaths were caused by negligence or deliberate indifference by such personnel.

(3) Whether Department practice and procedures were properly followed and obeyed.

(4) Whether such practice and procedures are sufficient to protect the health and safety of such detainees.

(5) Whether reports of such deaths were made under the Deaths in Custody Act.

TITLE V—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

SEC. 501. ENHANCED BORDER SECURITY COORDINATION AND MANAGEMENT.

The Secretary of Homeland Security shall ensure full coordination of border security efforts among agencies within the Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services, and shall identify and remedy any failure of coordination or integration in a prompt and efficient manner. In particular, the Secretary of Homeland Security shall—

(1) oversee and ensure the coordinated execution of border security operations and policy;

(2) establish a mechanism for sharing and coordinating intelligence information and analysis at the headquarters and field office levels pertaining to counter-terrorism, border enforcement, customs and trade, immigration, human smuggling, human trafficking, and other issues of concern to both United States Immigration and Customs Enforcement and United States Customs and Border Protection;

(3) establish Department of Homeland Security task forces (to include other Federal, State, Tribal and local law enforcement agencies as appropriate) as necessary to better coordinate border enforcement and the disruption and dismantling of criminal organizations engaged in cross-border smuggling, money laundering, and immigration violations;

(4) enhance coordination between the border security and investigations missions within the Department by requiring that, with respect to cases involving violations of the customs and immigration laws of the United States, United States Customs and Border Protection coordinate with and refer all such cases to United States Immigration and Customs Enforcement;

(5) examine comprehensively the proper allocation of the Department's border security related resources, and analyze budget issues on the basis of Department-wide border enforcement goals, plans, and processes;

(6) establish measures and metrics for determining the effectiveness of coordinated border enforcement efforts; and

(7) develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

(A) coordinating all Federal border security activities;

(B) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

(C) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

SEC. 502. OFFICE OF AIR AND MARINE OPERATIONS.

(a) Establishment.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 431. OFFICE OF AIR AND MARINE OPERATIONS.

"(a) Establishment.—There is established in the Department an Office of Air and Marine Operations (referred to in this section as the 'Office').

"(b) Assistant Secretary.—The Office shall be headed by an Assistant Secretary for Air and Marine Operations who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the Secretary. The Assistant Secretary shall be responsible for all functions and operations of the Office.

"(c) Missions.—

"(1) Primary mission.—The primary mission of the Office shall be the prevention of the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

"(2) Secondary mission.—The secondary mission of the Office shall be to assist other agencies to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

"(d) Air and Marine Operations Center.—

"(1) In general.—The Office shall operate and maintain the Air and Marine Operations Center in Riverside, California, or at such other facility of the Office as is designated by the Secretary.

"(2) Duties.—The Center shall provide comprehensive radar, communications, and control services to the Office and to eligible Federal, State, or local agencies (as determined by the Assistant Secretary for Air and Marine Operations), in order to identify, track, and support the interdiction and apprehension of individuals attempting to enter United States airspace or coastal waters for the purpose of narcotics trafficking, trafficking of persons, or other terrorist or criminal activity.

"(e) Access to Information.—The Office shall ensure that other agencies within the Department of Homeland Security, the Department of Defense, the Department of Justice, and such other Federal, State, or local agencies, as may be determined by the Secretary, shall have access to the information gathered and analyzed by the Center.

"(f) Requirement.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary shall require that all information concerning all aviation activities, including all airplane, helicopter, or other aircraft flights, that are undertaken by the either the Office, United States Immigration and Customs Enforcement, United States Customs and Border Protection, or any subdivisions thereof, be provided to the Air and Marine Operations Center. Such information shall include the identifiable transponder, radar, and electronic emissions and codes originating and resident aboard the aircraft or similar asset used in the aviation activity.

"(g) Timing.—The Secretary shall require the information described in subsection (f) to be provided to the Air and Marine Operations Center in advance of the aviation activity whenever practicable for the purpose of timely coordination and conflict resolution of air missions by the Office, United States Immigration and Customs Enforcement, and United States Customs and Border Protection.

"(h) Rule of Construction.—Nothing in this section shall be construed to alter, impact, diminish, or in any way undermine the authority of the Administrator of the Federal Aviation Administration to oversee, regulate, and control the safe and efficient use of the airspace of the United States.".

(b) Technical and Conforming Amendments.—

(1) Additional assistant secretary.—Section 103(a)(9) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(9)) is amended by striking "12" and inserting "13".

(2) Clerical amendment.—The table of contents in section 1(b) of such Act (6 U.S.C. 101) is amended by inserting after the item relating to section 430 the following new item:

"Sec. 431. Office of Air and Marine Operations.".

SEC. 503. SHADOW WOLVES TRANSFER.

(a) Transfer of Existing Unit.—Not later that 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation (commonly known as the "Shadow Wolves" unit).

(b) Establishment of New Units.—The Secretary is authorized to establish within United States Immigration and Customs Enforcement additional units of Customs Patrol Officers in accordance with this section, as appropriate.

(c) DUTIES.—The Customs Patrol Officer unit transferred pursuant to subsection (a), and additional units established pursuant to subsection (b), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(d) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this section shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security's Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(e) SUPERVISORS.—Each unit described in this section shall be supervised by a Chief Customs Patrol Officer, who shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

TITLE VI—TERRORIST AND CRIMINAL ALIENS

SEC. 601. REMOVAL OF TERRORIST ALIENS.

(a) EXPANSION OF REMOVAL.—

(1) Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended—

(A) in subparagraph (A)—

(i) by striking "Attorney General may not" and inserting "Secretary of Homeland Security may not";

(ii) by inserting "or the Secretary" after "if the Attorney General"; and

(B) in subparagraph (B)—

(i) by inserting "or the Secretary of Homeland Security" after "if the Attorney General";

(ii) by striking "or" in clause (iii);

(iii) by striking the period at the end of clause (iv) and inserting "; or";

(iv) by inserting after clause (iv) the following new clause:

"(v) the alien is described in any subclause of section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case only of an alien described in subclause (IV) or (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security determines, in the Secretary's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States."; and

(v) in the third sentence, by inserting "or the Secretary of Homeland Security" after "Attorney General"; and

(vi) by striking the last sentence.

(2) Section 208(b)(2)(A)(v) of such Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended—

(A) by striking "subclause (I), (II), (III), (IV), or (VI)" and inserting "any subclause";

(B) by striking "237(a)(4)(B)" and inserting "212(a)(3)(F)"; and

(C) by inserting "or (IX)" after "subclause (IV)".

(3) Section 240A(c)(4) of such Act (8 U.S.C. 1229b(c)(4)) is amended—

(A) by striking "inadmissible under" and inserting "described in"; and

(B) by striking "deportable under" and inserting "described in".

(4) Section 240B(b)(1)(C) of such Act (8 U.S.C. 1229c(b)(1)(C)) is amended by striking "deportable under" and inserting "described in".

(5) Section 249 of such Act (8 U.S.C. 1259)) is amended—

(A) by striking "inadmissible under" and inserting "described in"; and

(B) in paragraph (d), by striking "deportable under" and inserting "described in".

(b) RETROACTIVE APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and sections 208(b)(2)(A), 240A, 240B, 241(b)(3), and 249 of the Immigration and Nationality Act, as so amended, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;

(2) all applications pending on or filed after the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2), acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 602. DETENTION OF DANGEROUS ALIENS.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1231) is amended—

(1) in subsection (a), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears;

(2) in subsection (a)(1)(B), by adding after and below clause (iii) the following:

"If, at that time, the alien is not in the custody of the Secretary (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary.";

(3) by amending clause (ii) of subsection (a)(1)(B) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(4) by amending subparagraph (C) of subsection (a)(1) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.";

(5) in subsection (a)(2), by adding at the end the following: "If a court orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary in the exercise of discretion may detain the alien during the pendency of such stay of removal.";

(6) in subsection (a)(3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or perform affirmative acts, that the Secretary prescribes for the alien, in order to prevent the alien from absconding, or for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(7) in subsection (a)(6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien";

(8) by redesignating paragraph (7) of subsection (a) as paragraph (10) and inserting after paragraph (6) of such subsection the following new paragraphs:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary, in the Secretary's discretion, may parole the alien under section 212(d)(5) of this Act and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

"(8) APPLICATION OF ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The procedures described in subsection (j) shall only apply with respect to an alien who—

"(A) was lawfully admitted the most recent time the alien entered the United States or has otherwise effected an entry into the United States, and

"(B) is not detained under paragraph (6).

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraphs (6), (7), or (8) or subsection (j) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right."; and

(9) by adding at the end the following new subsection:

"(j) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—

"(1) APPLICATION.—The procedures described in this subsection apply in the case of an alien described in subsection (a)(8).

"(2) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—

"(A) IN GENERAL.—The Secretary shall establish an administrative review process to determine whether the aliens should be detained or released on conditions for aliens who—

"(i) have made all reasonable efforts to comply with their removal orders;

"(ii) have complied with the Secretary's efforts to carry out the removal orders, including making timely application in good faith for travel or other documents necessary to the alien's departure, and

"(iii) have not conspired or acted to prevent removal.

"(B) DETERMINATION.—The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraphs (3) and (4). The determination—

"(i) shall include consideration of any evidence submitted by the alien and the history of the alien's efforts to comply with the order of removal, and

"(ii) may include any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

"(3) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD .—

"(A) INITIAL 90 DAY PERIOD.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

"(B) EXTENSION.—

"(i) IN GENERAL.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days authorized in subparagraph (A) if the conditions described in subparagraph (A), (B), or (C) of paragraph (4) apply.

"(ii) RENEWAL.—The Secretary may renew a certification under paragraph (4)(A) every six months without limitation, after providing an *opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under such paragraph.*

"(iii) DELEGATION.—Notwithstanding section 103, the Secretary may not delegate the authority to make or renew a certification described in clause (ii), (iii), or (v) of paragraph (4)(B) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iv) HEARING.—The Secretary may request that the Attorney General provide for a hearing to make the determination described in clause (iv)(II) of paragraph (4)(B).

"(4) CONDITIONS FOR EXTENSION.—The conditions for continuation of detention are any of the following:

"(A) The Secretary determines that there is a significant likelihood that the alien—

"(i) will be removed in the reasonably foreseeable future; or

"(ii) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal.

"(B) The Secretary certifies in writing any of the following:

"(i) In consultation with the Secretary of Health and Human Services, the alien has a highly contagious disease that poses a threat to public safety.

"(ii) After receipt of a written recommendation from the Secretary of State, the release of the alien is likely to have serious adverse foreign policy consequences for the United States.

"(iii) Based on information available to the Secretary (including available information from the intelligence community, and without regard to the grounds upon which the alien was ordered removed), there is reason to believe that the release of the alien would threaten the national security of the United States.

"(iv) The release of the alien will threaten the safety of the community or any person, the conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and—

"(I) the alien has been convicted of one or more aggravated felonies described in section 101(a)(43)(A) or of one or more crimes identified by the Secretary by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such crimes, for an aggregate term of imprisonment of at least five years; or

"(II) the alien has committed one or more crimes of violence and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future.

"(v) The release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony.

"(C) Pending a determination under subparagraph (B), so long as the Secretary has initiated the administrative review process no later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

"(5) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary in the exercise of discretion may impose conditions on release as provided in subsection (a)(3).

"(6) REDETENTION.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to cooperate in the alien's removal from the United States, or if, upon reconsideration, the Secretary determines that the alien can be detained under paragraph (1). Paragraphs (6) through (8) of subsection (a) shall apply to any alien returned to custody pursuant to this paragraph, as if the removal period terminated on the day of the redetention.

"(7) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry into the United States but has neither been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary in the exercise of discretion may decide not to apply subsection (a)(8) and this subsection and may detain the alien without any limitations except those imposed by regulation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after the date of enactment of this Act.

SEC. 603. INCREASE IN CRIMINAL PENALTIES.

Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by inserting "or 212(a)" after "section 237(a)"; and

(B) by striking "imprisoned not more than four years" and inserting "imprisoned for not less than six months or more than five years"; and

(2) in subsection (b)—

(A) by striking "not more than $1,000" and inserting "under title 18, United States Code"; and

(B) by striking "for not more than one year" and inserting "for not less than six months or more than five years (or 10 years if the alien is a member of any class described in paragraph (1)(E), (2), (3), or (4) of section 237(a)".

SEC. 604. PRECLUDING ADMISSIBILITY OF AGGRAVATED FELONS AND OTHER CRIMINALS.

(a) EXCLUSION BASED ON FRAUDULENT DOCUMENTATION.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by adding "or" at the end; and

(3) by inserting after subclause (II) the following new subclause:

"(III) a violation (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act or section 1028 of title 18, United States Code,".

(b) EXCLUSION BASED ON AGGRAVATED FELONY, UNLAWFUL PROCUREMENT OF CITIZENSHIP, AND CRIMES OF DOMESTIC VIOLENCE.—Section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following new subparagraphs:

"(J) AGGRAVATED FELONY.—Any alien who is convicted of an aggravated felony at any time is inadmissible.

"(K) UNLAWFUL PROCUREMENT OF CITIZENSHIP.—Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of, a violation of (or a conspiracy or attempt to violate) subsection (a) or (b) of section 1425 of title 18, United States Code is inadmissible.

"(L) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS; CRIMES AGAINST CHILDREN.—

"(i) DOMESTIC VIOLENCE, STALKING, OR CHILD ABUSE.—

"(I) IN GENERAL.—Subject to subclause (II), any alien who at any time is convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible.

"(II) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—Subclause (I) shall not apply to any alien described in section 237(a)(7)(A).

"(III) CRIME OF DOMESTIC VIOLENCE DEFINED.—For purposes of subclause (I), the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) VIOLATORS OF PROTECTION ORDERS.—

"(I) IN GENERAL.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or person for whom the protection order was issued is inadmissible.

"(II) PROTECTION ORDER DEFINED.—For purposes of subclause (I), the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.".

(c) WAIVER AUTHORITY.—Section 212(h) of such Act (8 U.S.C. 1182(h)) is amended—

(1) by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may, in the discretion of the Attorney General or such Secretary, waive the application of subparagraph (A)(i)(I), (A)(i)(III), (B), (D), (E), (K), and (L) of subsection (a)(2)";

(2) in paragraphs (1)(A) and (1)(B) and the last sentence, by inserting "or the Secretary" after "Attorney General" each place it appears;

(3) in paragraph (2), by striking "Attorney General, in his discretion," and inserting "Attorney General or the Secretary of Homeland Security, in the discretion of the Attorney General or such Secretary,";

(4) in paragraph (2), by striking "as he" and inserting "as the Attorney General or the Secretary";

(5) in the second sentence, by striking "criminal acts involving torture" and inserting "criminal acts involving torture, or an aggravated felony"; and

(6) in the third sentence, by striking "if either since the date of such admission the alien has been convicted of an aggravated felony or the alien" and inserting "if since the date of such admission the alien".

(d) CONSTRUCTION.—The amendments made by this section shall not be construed to create eligibility for relief from removal under section 212(c) of the Immigration and Nationality Act, as in effect before its repeal by section 304(b) of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208), where such eligibility did not exist before these amendments became effective.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after the such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

SEC. 605. PRECLUDING REFUGEE OR ASYLEE ADJUSTMENT OF STATUS FOR AGGRAVATED FELONIES.

(a) IN GENERAL.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by adding at the end the following: "However, an alien who is convicted of an aggravated felony is not eligible for a waiver or for adjustment of status under this section.".

(b) EFFECTIVE DATE.—The amendment made, by subsection (a) shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

SEC. 606. REMOVING DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(F)) is amended by inserting ", including a third drunk driving conviction, regardless of the States in which the convictions occurred, and regardless of whether the offenses are deemed to be misdemeanors or felonies under State or Federal law," after "offense)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to convictions entered before, on, or after such date.

SEC. 607. DESIGNATED COUNTY LAW ENFORCEMENT ASSISTANCE PROGRAM.

(a) DESIGNATED COUNTIES ADJACENT TO THE SOUTHERN BORDER OF THE UNITED STATES DEFINED.—In this section, the term "designated counties adjacent to the southern international border of the United States" includes a county any part of which is within 25 miles of the southern international border of the United States.

(b) AUTHORITY.—

(1) IN GENERAL.—Any Sheriff or coalition or group of Sheriffs from designated counties adjacent to the southern international border of the United States may transfer aliens detained or in the custody of the Sheriff who are not lawfully present in the United States to appropriate Federal law enforcement officials, and shall be promptly paid for the costs of performing such transfers by the Attorney General for any local or State funds previously expended or proposed to be spent by that Sheriff or coalition or group of Sheriffs.

(2) PAYMENT OF COSTS.—Payment of costs under paragraph (1) shall include payment for costs of detaining, housing, and transporting aliens who are not lawfully present in the United States or who have unlawfully entered the United States at a location other than a port of entry and who are taken into custody by the Sheriff.

(3) LIMITATION TO FUTURE COSTS.—In no case shall payment be made under this section for costs incurred before the date of the enactment of this Act.

(4) ADVANCE PAYMENT OF COSTS.—The Attorney General shall make an advance payment under this section upon a certification of anticipated costs for which payment may be made under this section, but in no case shall such an advance payment cover a period of costs of longer than 3 months.

(c) DESIGNATED COUNTY LAW ENFORCEMENT ACCOUNT.—

(1) SEPARATE ACCOUNT.—Reimbursement or pre-payment under subsection (b) shall be made promptly from funds deposited into a separate account in the Treasury of the United States to be entitled the "Designated County Law Enforcement Account".

(2) AVAILABILITY OF FUNDS.—All deposits into the Designated County Law Enforcement Account shall remain available until expended to the Attorney General to carry out the provisions of this section.

(3) PROMPTLY DEFINED.—For purposes of this section, the term "promptly" means within 60 days.

(d) FUNDS FOR THE DESIGNATED COUNTY LAW ENFORCEMENT ACCOUNT.—Only funds designated, authorized, or appropriated by Congress may be deposited or transferred to the Designated County Law Enforcement Account. The Designated County Law Enforcement Account is authorized to receive up to $100,000,000 per year.

(e) USE OF FUNDS.—

(1) IN GENERAL.—Funds provided under this section shall be payable directly to participating Sheriff's offices and may be used for the transfers described in subsection (b)(1), including the costs of personnel (such as overtime pay and costs for reserve deputies), costs of training of such personnel, equipment, and, subject to paragraph (2), the construction, maintenance, and operation of detention facilities to detain aliens who are unlawfully present in the United States. For purposes of this section, an alien who is unlawfully present in the United States shall be deemed to be a Federal prisoner beginning upon determination by Federal law enforcement officials that such alien is unlawfully present in the United States, and such alien shall, upon such determination, be deemed to be in Federal custody. In order for costs to be eligible for payment, the Sheriff making such application shall personally certify under oath that all costs submitted in the application for reimbursement or advance payment meet the requirements of this section and are reasonable and necessary, and such certification shall be subject to all State and Federal laws governing statements made under oath, including the penalties of perjury, removal from office, and prosecution under State and Federal law.

(2) LIMITATION.—Not more than 20 percent of the amount of funds provided under this section may be used for the construction or renovation of detention or similar facilities.

(f) DISPOSITION AND DELIVERY OF DETAINED ALIENS.—All aliens detained or taken into custody by a Sheriff under this section and with respect to whom Federal law enforcement officials determine are unlawfully present in the United States, shall be immediately delivered to Federal law enforcement officials. In accordance with subsection (e)(1), an alien who is in the custody of a Sheriff shall be deemed to be a Federal prisoner and in Federal custody.

(g) REGULATIONS.—The Attorney General shall issue, on an interim final basis, regulations not later than 60 days after the date of the enactment of this Act—

(1) governing the distribution of funds under this section for all reasonable and necessary costs and other expenses incurred or proposed to be incurred by a Sheriff or coalition or group of Sheriffs under this section; and

(2) providing uniform standards that all other Federal law enforcement officials shall follow to cooperate with such Sheriffs and to otherwise implement the requirements of this section.

(h) EFFECTIVE DATE.—The provisions of this section shall take effect on its enactment. The promulgation of any regulations under subsection (g) is not a necessary precondition to the immediate deployment or work of Sheriffs personnel or corrections officers as authorized by this section. Any reasonable and necessary expenses or costs authorized by this section and incurred by such Sheriffs after the date of the enactment of this Act but prior to the date of the promulgation of such regulations are eligible for reimbursement under the terms and conditions of this section.

(i) AUDIT.—All funds paid out under this section are subject to audit by the Inspector General of the Department of Justice and abuse or misuse of such funds shall be vigorously investigated and prosecuted to the full extent of Federal law.

(j) SUPPLEMENTAL FUNDING.—All funds paid out under this section must supplement, and may not supplant, State or local funds used for the same or similar purposes.

SEC. 608. RENDERING INADMISSIBLE AND DEPORTABLE ALIENS PARTICIPATING IN CRIMINAL STREET GANGS; DETENTION; INELIGIBILITY FROM PROTECTION FROM REMOVAL AND ASYLUM.

(a) INADMISSIBLE.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), as amended by section 604(b), is further amended by adding at the end the following:

"(M) CRIMINAL STREET GANG PARTICIPATION.—

"(i) IN GENERAL.—Any alien is inadmissible if the alien has been removed under section 237(a)(2)(F), or if the consular officer or the Secretary of Homeland Security knows, or has reasonable ground to believe that the alien—

"(I) is a member of a criminal street gang and has committed, conspired, or threatened to commit, or seeks to enter the United States to engage solely, principally, or incidentally in, a gang crime or any other unlawful activity; or

"(II) is a member of a criminal street gang designated under section 219A.

"(ii) CRIMINAL STREET GANG DEFINED.—For purposes of this subparagraph, the term 'criminal street gang' means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence, as defined in section 16 of title 18, United States Code) in 2 or more separate criminal episodes in relation to the group or association.

"(iii) GANG CRIME DEFINED.—For purposes of this subparagraph, the term 'gang crime' means conduct constituting any Federal or State crime, punishable by imprisonment for one year or more, in any of the following categories:

"(I) A crime of violence (as defined in section 16 of title 18, United States Code).

"(II) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

"(III) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(IV) Any conduct punishable under section 844 of title 18, United States Code (relating to explosive materials), subsection (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of such title) or is a serious drug offense (as defined in

section 924(e)(2)(A)), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 of such title (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 of such title (relating to penalties), section 930 of such title (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 of such title (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 of such title (relating to fraud and related activity in connection with identification documents or access devices), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

"(V) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of this Act.".

(b) DEPORTABLE.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(F) CRIMINAL STREET GANG PARTICIPATION.—

"(i) IN GENERAL.—Any alien is deportable who—

. "(I) is a member of a criminal street gang and is convicted of committing, or conspiring, threatening, or attempting to commit, a gang crime; or

"(II) is determined by the Secretary of Homeland Security to be a member of a criminal street gang designated under section 219A.

"(ii) DEFINITIONS.—For purposes of this subparagraph, the terms 'criminal street gang' and 'gang crime' have the meaning given such terms in section 212(a)(2)(M).".

(c) DESIGNATION OF CRIMINAL STREET GANGS.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

"DESIGNATION OF CRIMINAL STREET GANGS

"SEC. 219A. (a) DESIGNATION.—

"(1) IN GENERAL.—The Attorney General is authorized to designate a group or association as a criminal street gang in accordance with this subsection if the Attorney General finds that the group or association meets the criteria described in section 212(a)(2)(M)(ii)(I).

"(2) PROCEDURE.—

"(A) NOTICE.—

"(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Attorney General shall notify the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate a group or association under this subsection, together with the findings made under paragraph (1) with respect to that group or association, and the factual basis therefor.

"(ii) PUBLICATION IN FEDERAL REGISTER.—The Attorney shall publish the designation in the Federal Register seven days after providing the notification under clause (i).

"(B) EFFECT OF DESIGNATION.—

"(i) A designation under this subsection shall take effect upon publication under subparagraph (A)(ii).

"(ii) Any designation under this subsection shall cease to have effect upon an Act of Congress disapproving such designation.

"(3) RECORD.—In making a designation under this subsection, the Attorney General shall create an administrative record.

"(4) PERIOD OF DESIGNATION.—

"(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (b).

"(B) REVIEW OF DESIGNATION UPON PETITION.—

"(i) IN GENERAL.—The Attorney General shall review the designation of a criminal street gang under the procedures set forth in clauses (iii) and (iv) if the designated gang or association files a petition for revocation within the petition period described in clause (ii).

"(ii) PETITION PERIOD.—For purposes of clause (i)—

"(I) if the designated gang or association has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

"(II) if the designated gang or association has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

"(iii) PROCEDURES.—Any criminal street gang that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the gang is warranted.

"(iv) DETERMINATION.—

"(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination as to such revocation.

"(II) PUBLICATION OF DETERMINATION.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

"(III) PROCEDURES.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

"(C) OTHER REVIEW OF DESIGNATION.—

"(i) IN GENERAL.—If in a 5-year period no review has taken place under subparagraph (B), the Attorney General shall review the designation of the criminal street gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

"(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

"(iii) PUBLICATION OF RESULTS OF REVIEW.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

"(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

"(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

"(A) IN GENERAL.—The Attorney General may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Attorney General finds that the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation.

"(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

"(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

"(8) USE OF DESIGNATION IN HEARING.—If a designation under this subsection has become effective under paragraph (2)(B) an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection at any hearing.

"(b) JUDICIAL REVIEW OF DESIGNATION.—

"(1) IN GENERAL.—Not later than 30 days after publication of the designation in the Federal Register, a group or association designated as a criminal street gang may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

"(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record.

"(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation the court finds to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

"(D) lacking substantial support in the administrative record taken as a whole; or

"(E) not in accord with the procedures required by law.

"(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

"(c) RELEVANT COMMITTEE DEFINED.—As used in this section, the term 'relevant committees' means the Committees on the Judiciary of the House of Representatives and of the Senate.".

(2) CLERICAL AMENDMENT.—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 219 the following:

"Sec. 219A. Designation of criminal street gangs.".

(d) MANDATORY DETENTION OF CRIMINAL STREET GANG MEMBERS.—

(1) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(A) by inserting "or 212(a)(2)(M)" after "212(a)(3)(B)"; and

(B) by inserting "237(a)(2)(F) or" before "237(a)(4)(B)".

(2) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection are effective as of the date of enactment of this Act and shall apply to aliens detained on or after such date.

(e) INELIGIBILITY OF ALIEN STREET GANG MEMBERS FROM PROTECTION FROM REMOVAL AND ASYLUM.—

(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting "who is described in section 212(a)(2)(M)(i) or section 237(a)(2)(F)(i) or who is" after "to an alien".

(2) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking "or" at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following: "(vi) the alien is described in section 212(a)(2)(M)(i) or section 237(a)(2)(F)(i) (relating to participation in criminal street gangs); or".

(3) DENIAL OF REVIEW OF DETERMINATION OF INELIGIBILITY FOR TEMPORARY PROTECTED STATUS.—Section 244(c)(2) of such Act (8 U.S.C. 1254(c)(2)) is amended by adding at the end the following:

"(C) LIMITATION ON JUDICIAL REVIEW.—There shall be no judicial review of any finding under subparagraph (B) that an alien is in described in section 208(b)(2)(A)(vi).".

(4) EFFECTIVE DATE.—The amendments made by this subsection are effective on the date of enactment of this Act and shall apply to all applications pending on or after such date.

(f) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section are effective as of the date of enactment and shall apply to all pending cases in which no final administrative action has been entered.

SEC. 609. NATURALIZATION REFORM.

(a) BARRING TERRORISTS FROM NATURALIZATION.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(g) No person shall be naturalized who the Secretary of Homeland Security determines, in the Secretary's discretion, to have been at any time an alien described in section 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and shall be binding upon, and unreviewable by, any court exercising jurisdiction under the immigration laws over any application for naturalization, regardless whether such jurisdiction to review a decision or action of the Secretary is de novo or otherwise.".

(b) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—The last sentence of section 318 of such Act (8 U.S.C. 1429) is amended—

(1) by striking "shall be considered by the Attorney General" and inserting "shall be considered by the Secretary of Homeland Security or any court";

(2) by striking "pursuant to a warrant of arrest issued under the provisions of this or any other Act:" and inserting "or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced:"; and

(3) by striking "upon the Attorney General" and inserting "upon the Secretary of Homeland Security".

(c) PENDING DENATURALIZATION OR REMOVAL PROCEEDINGS.—Section 204(b) of such Act (8 U.S.C. 1154(b)) is amended by adding at the end the following: "No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could (whether directly or indirectly) result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(d) CONDITIONAL PERMANENT RESIDENTS.—Section 216(e) and section 216A(e) of such Act (8 U.S.C. 1186a(e), 1186b(e)) are each amended by inserting before the period at the end the following: ", if the alien has had the conditional basis removed under this section".

(e) DISTRICT COURT JURISDICTION.—Section 336(b) of such Act (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period after the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section, as such terms are defined by the Secretary pursuant to regulations, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary for the Secretary's determination on the application.".

(f) CONFORMING AMENDMENTS.—Section 310(c) of such Act (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", no later than the date that is 120 days after the Secretary's final determination" before "seek"; and

(2) by striking the second sentence and inserting the following: "The burden shall be upon the petitioner to show that the Secretary's denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 340, notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, for purposes of an application for naturalization, whether an alien is a person of good moral character, whether an alien understands and is attached to the principles of the Constitution of the United States, or whether an alien is well disposed to the good order and happiness of the United States.".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed on or after, such date.

SEC. 610. EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL OR SECURITY GROUNDS.

(a) IN GENERAL.—Section 238(b) of the Immigration and Nationality Act (8 U.S.C. 1228(b)) is amended–

(1) in paragraph (1)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security in the exercise of discretion"; and

(B) by striking "set forth in this subsection or" and inserting "set forth in this subsection, in lieu of removal proceedings under";

(2) in paragraph (3), by striking "paragraph (1) until 14 calendar days" and inserting "paragraph (1) or (3) until 7 calendar days";

(3) by striking "Attorney General" each place it appears in paragraphs (3) and (4) and inserting "Secretary of Homeland Security";

(4) in paragraph (5)—

(A) by striking "described in this section" and inserting "described in paragraph (1) or (2)"; and

(B) by striking "the Attorney General may grant in the Attorney General's discretion" and inserting "the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or Attorney General, in any proceeding";

(5) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(6) by inserting after paragraph (2) the following new paragraph:

"(3) The Secretary of Homeland Security in the exercise of discretion may determine inadmissibility under section 212(a)(2) (relating to criminal offenses) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who

"(A) has not been admitted or paroled;

"(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in section 235(b)(1)(B); and

"(C) is not eligible for a waiver of inadmissibility or relief from removal.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act as of such date

SEC. 611. TECHNICAL CORRECTION FOR EFFECTIVE DATE IN CHANGE IN INADMISSIBILITY FOR TERRORISTS UNDER REAL ID ACT.

Effective as if included in the enactment of Public Law 109–13, section 103(d)(1) of the REAL ID Act of 2005 (division B of such Public Law) is amended by inserting ", deportation, and exclusion" after "removal".

SEC. 612. BAR TO GOOD MORAL CHARACTER.

(a) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following new paragraph:

"(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or section 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and which shall be binding upon any court regardless of the applicable standard of review;";

(2) in paragraph (8), by inserting ", regardless whether the crime was classified as an aggravated felony at the time of conviction" after "(as defined in subsection (a)(43))"; and

(3) by striking the sentence following paragraph (9) and inserting the following: "The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good moral character. The Secretary and the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.".

(b) AGGRAVATED FELONY EFFECTIVE DATE.—Section 509(b) of the Immigration Act of 1990 (Public Law 101–649), as amended by section 306(a)(7) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Public Law 102–232) is amended to read as follows:

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 29, 1990, and shall apply to convictions occurring before, on, or after such date.".

(c) TECHNICAL CORRECTION TO THE INTELLIGENCE REFORM ACT.—Effective as if included in the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), section 5504(2) of such Act is amended by striking "adding at the end" and inserting "inserting immediately after paragraph (8)".

(d) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other benefit or relief or any other case or matter under the immigration laws pending on, or filed on or after, such date.

SEC. 613. STRENGTHENING DEFINITIONS OF "AGGRAVATED FELONY" AND "CONVICTION".

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) by amending subparagraph (A) of paragraph (43) to read as follows:

"(A) murder, manslaughter, homicide, rape, or any sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;"; and

(2) in paragraph (48)(A), by inserting after and below clause (ii) the following:

"Any reversal, vacatur, expungement, or modification to a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that the reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any act that occurred before, on, or after the date of the enactment of this Act and shall apply to any matter under the immigration laws pending on, or filed on or after, such date.

SEC. 614. DEPORTABILITY FOR CRIMINAL OFFENSES.

(a) IN GENERAL.—Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended—

(1) in clause (ii), by striking "or" at the end;

(2) in clause (iii), by inserting "or" at the end; and

(3) by inserting after clause (iii) the following new clause:

"(iv) of a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code,".

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)), as amended by section 608(b), is amended by adding at the end the following new subparagraph:

"(G) SOCIAL SECURITY AND IDENTIFICATION FRAUD.—Any alien who at any time after admission is convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act or section 1028 of title 18, United States Code is deportable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any act that occurred before, on, or after the date of the enactment of this Act, and to all aliens who are required to establish admissibility on or after such date and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

TITLE VII—EMPLOYMENT ELIGIBILITY VERIFICATION

SEC. 701. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by adding at the end the following:

"(7) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish and administer a verification system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

"(i) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

"(ii) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

"(B) INITIAL RESPONSE.—The verification system shall provide verification or a tentative nonverification of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing verification or tentative nonverification, the verification system shall provide an appropriate code indicating such verification or such nonverification.

"(C) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONVERIFICATION.—In cases of tentative nonverification, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final verification or nonverification within 10 working days after the date of the tentative nonverification. When final verification or nonverification is provided, the verification system shall provide an appropriate code indicating such verification or nonverification.

"(D) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

"(i) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

"(ii) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

"(iii) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

"(iv) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

"(I) the selective or unauthorized use of the system to verify eligibility;

"(II) the use of the system prior to an offer of employment; or

"(III) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

"(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such verification or nonverification) except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

"(F) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—(i) As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and alien identification or authorization number which are provided in an inquiry against such information maintained by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, and whether the alien is authorized to be employed in the United States.

"(ii) When a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number, the Secretary of Homeland Security shall conduct an investigation, within the time periods specified in subparagraphs (B) and (C), in order to ensure that no fraudulent use of a social security account number has taken place. If the Secretary has selected a designee to establish and administer the verification system, the designee shall notify the Secretary when a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number. The designee shall also provide the Secretary with all pertinent information, including the name and address of the employer or employers who submitted the relevant social security account number, the relevant social security account number submitted by the employer or employers, and the relevant name and date of birth of the employee submitted by the employer or employers.

"(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subparagraph (C).

"(H) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, nothing in this paragraph shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this paragraph for any other purpose other than as provided for.

"(ii) NO NATIONAL IDENTIFICATION CARD.—Nothing in this paragraph shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(I) FEDERAL TORT CLAIMS ACT.—If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this subparagraph.

"(J) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION.—No person or entity shall be civilly or criminally liable

for any action taken in good faith reliance on information provided through the employment eligibility verification mechanism established under this paragraph.''.

(b) Repeal of Provision Relating to Evaluations and Changes in Employment Verification.—Section 274A(d) (8 U.S.C. 1324a(d)) is repealed.

SEC. 702. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(3), by inserting ''(A)'' after ''Defense.—'', and by adding at the end the following:

''(B) Failure to seek and obtain verification.—In the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

''(i) Failure to seek verification.—

''(I) In general.—If the person or entity has not made an inquiry, under the mechanism established under subsection (b)(7), seeking verification of the identity and work eligibility of the individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring, the date specified in subsection (b)(8)(B) for previously hired individuals, or before the recruiting or referring commences, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

''(II) Special rule for failure of verification mechanism.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

''(ii) Failure to obtain verification.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (b)(7)(B) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.'';

(2) by amending subparagraph (A) of subsection (b)(1) to read as follows:

''(A) In general.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Secretary by regulation, that it has verified that the individual is not an unauthorized alien by—

''(i) obtaining from the individual the individual's social security account number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under paragraph (2), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

''(ii)(I) examining a document described in subparagraph (B); or (II) examining a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and, if the document bears an expiration date, that expiration date has not elapsed. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and is sufficient to meet the first sentence of this paragraph, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce another document.'';

(3) in subsection (b)(1)(D)—

(A) in clause (i), by striking ''or such other personal identification information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section''; and

(B) in clause (ii), by inserting before the period ''and that contains a photograph of the individual'';

(4) in subsection (b)(2), by adding at the end the following: ''The individual must also provide that individual's social security account number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under this paragraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.''; and

(5) by amending paragraph (3) of subsection (b) to read as follows:

''(3) Retention of verification form and verification.—

''(A) In general.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity must—

''(i) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual or the date of the completion of verification of a previously hired individual and ending—

''(I) in the case of the recruiting or referral of an individual, three years after the date of the recruiting or referral;

''(II) in the case of the hiring of an individual, the later of—

''(aa) three years after the date of such hiring; or

''(bb) one year after the date the individual's employment is terminated; and

''(III) in the case of the verification of a previously hired individual, the later of—

''(aa) three years after the date of the completion of verification; or

''(bb) one year after the date the individual's employment is terminated;

''(ii) make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of an individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring or in the case of previously hired individuals, the date specified in subsection (b)(8)(B), or before the recruiting or referring commences; and

''(iii) may not commence recruitment or referral of the individual until the person or entity receives verification under subparagraph (B)(i) or (B)(iii).

''(B) Verification.—

''(i) Verification received.—If the person or other entity receives an appropriate verification of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final verification of such identity and work eligibility of the individual.

''(ii) Tentative nonverification received.—If the person or other entity receives a tentative nonverification of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the process for secondary verification provided under paragraph (7). The nonverification will remain tentative until a final verification or nonverification is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonverification becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

''(iii) Final verification or nonverification received.—If a final verification or nonverification is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a verification or nonverification of identity and work eligibility of the individual.

''(iv) Extension of time.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

''(v) Consequences of nonverification.—

''(I) Termination or notification of continued employment.—If the person or other entity has received a final nonverification regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

''(II) Failure to notify.—If the person or entity fails to provide notice with respect to an individual as required under subclause (I), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

''(vi) Continued employment after final nonverification.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonverification, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).''.

SEC. 703. EXPANSION OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM TO PREVIOUSLY HIRED INDIVIDUALS AND RECRUITING AND REFERRING.

(a) Application to Recruiting and Referring.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(1)(A), by striking "for a fee";

(2) in subsection (a)(1), by amending subparagraph (B) to read as follows:

"(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).";

(3) in subsection (a)(2) by striking "after hiring an alien for employment in accordance with paragraph (1)," and inserting "after complying with paragraph (1),"; and

(4) in subsection (a)(3), as amended by section 702, is further amended by striking "hiring," and inserting "hiring, employing," each place it appears.

(b) Employment Eligibility Verification for Previously Hired Individuals.—Section 274A(b) of such Act (8 U.S.C. 1324a(b)), as amended by section 701(a), is amended by adding at the end the following new paragraph:

"(8) USE OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM FOR PREVIOUSLY HIRED INDIVIDUALS.—

"(A) On a voluntary basis.—Beginning on the date that is 2 years after the date of the enactment of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 and until the date specified in subparagraph (B)(iii), a person or entity may make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the person or entity, as long as it is done on a nondiscriminatory basis.

"(B) On a mandatory basis.—

"(i) A person or entity described in clause (ii) must make an inquiry as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity who have not been previously subject to an inquiry by the person or entity by the date three years after the date of enactment of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

"(ii) A person or entity is described in this clause if it is a Federal, State, or local governmental body (including the Armed Forces of the United States), or if it employs individuals working in a location that is a Federal, State, or local government building, a military base, a nuclear energy site, a weapon site, an airport, or that contains critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))), but only to the extent of such individuals.

"(iii) All persons and entities other than those described in clause (ii) must make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity who have not been previously subject to an inquiry by the person or entity by the date six years after the date of enactment of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.".

SEC. 704. BASIC PILOT PROGRAM.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "at the end of the 11-year period beginning on the first day the pilot program is in effect" and inserting "two years after the enactment of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005".

SEC. 705. HIRING HALLS.

Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)) is amended by adding at the end the following new paragraph:

"(4) Definition of recruit or refer.—As used in this section, the term 'refer' means the act of sending or directing a person or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person. Generally, only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition. However, union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in the definition whether or not they receive remuneration, as are labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party. As used in this section the term 'recruit' means the act of soliciting a person, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person. Generally, only persons or entities recruiting for remunerations (whether on a retainer or contingency basis) are included in the definition. However, union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in this definition whether or not they receive remuneration, as are labor service agencies, whether public, private, for-profit, or nonprofit that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.".

SEC. 706. PENALTIES.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)(4)—

(A) in subparagraph (A), in the matter before clause (i), by inserting ", subject to paragraph (10)," after "in an amount";

(B) in subparagraph (A)(i), by striking "not less than $250 and not more than $2,000" and inserting "not less than $5,000";

(C) in subparagraph (A)(ii), by striking "not less than $2,000 and not more than $5,000" and inserting "not less than $10,000";

(D) in subparagraph (A)(iii), by striking "not less than $3,000 and not more than $10,000" and inserting "not less than $25,000"; and

(E) by amending subparagraph (B) to read as follows:

"(B) may require the person or entity to take such other remedial action as is appropriate.";

(2) in subsection (e)(5)—

(A) by inserting ", subject to paragraph (10)," after "in an amount";

(B) by striking "$100" and inserting "$1,000";

(C) by striking "$1,000" and inserting "$25,000";

(D) by striking "the size of the business of the employer being charged, the good faith of the employer" and inserting "the good faith of the employer being charged"; and

(E) by adding at the end the following sentence: "Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).";

(3) by adding at the end of subsection (e) the following new paragraph:

"(10) Mitigation of civil money penalties for smaller employers.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment by an employer and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring by an employer, the dollar amounts otherwise specified in the respective paragraph shall be reduced as follows:

"(A) In the case of an employer with an average of fewer than 26 full-time equivalent employees (as defined by the Secretary of Homeland Security), the amounts shall be reduced by 60 percent.

"(B) In the case of an employer with an average of at least 26, but fewer than 101, full-time equivalent employees (as so defined), the amounts shall be reduced by 40 percent.

"(C) In the case of an employer with an average of at least 101, but fewer than 251, full-time equivalent employees (as so defined), the amounts shall be reduced by 20 percent.

The last sentence of paragraph (4) shall apply under this paragraph in the same manner as it applies under such paragraph.".

(4) by amending paragraph (1) of subsection (f) to read as follows:

"(1) Criminal penalty.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than one year, or both, notwithstanding the provisions of any other Federal law relating to fine levels."; and

(5) in subsection (f)(2), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 707. REPORT ON SOCIAL SECURITY CARD-BASED EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) Report.—

(1) In general.—Not later than than 9 months after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Secretary of Treasury, the Secretary of Homeland Security, and the Attorney General, shall submit a report to Congress that includes an evaluation of the following requirements and changes:

(A) A requirement that social security cards that are made of a durable plastic or similar material and that include an encrypted, machine-readable electronic identification strip and a digital photograph of the individual to whom the card is issued, be issued to each individual (whether or not a United States citizen) who—

(i) is authorized to be employed in the United States;

(ii) is seeking employment in the United States; and

(iii) files an application for such card, whether as a replacement of an existing social security card or as a card issued in connection with the issuance of a new social security account number.

(B) The creation of a unified database to be maintained by the Department of Homeland Security and comprised of data from the Social Security Administration and the Department of Homeland Security specifying the work authorization of individuals (including both United States citizens and noncitizens) for the purpose of conducting employment eligibility verification.

(C) A requirement that all employers verify the employment eligibility of all new hires using the social security cards described in subparagraph (A) and a phone, electronic card-reading, or other mechanism to seek verification of employment eligibility through the use of the unified database described in subparagraph (B).

(2) Items included in report.—The report under paragraph (1) shall include an evaluation of each of the following:

(A) Projected cost, including the cost to the Federal government, State and local governments, and the private sector.

(B) Administrability.

(C) Potential effects on—

(i) employers;

(ii) employees, including employees who are United States citizens as well as those that are not citizens;

(iii) tax revenue; and

(iv) privacy.

(D) The extent to which employer and employee compliance with immigration laws would be expected to improve.

(E) Any other relevant information.

(3) ALTERNATIVES.—The report under paragraph (1) also shall examine any alternatives to achieve the same goals as the requirements and changes described in paragraph (1) but that involve lesser cost, lesser burden on those affected, or greater ease of administration.

(b) INSPECTOR GENERAL REVIEW.—Not later than 3 months after the report is submitted under subsection (a), the Inspector General of the Social Security Administration, in consultation with the Inspectors General of the Department of Treasury, the Department of Homeland Security, and the Department of Justice, shall send to the Congress an evaluation of the such report.

SEC. 708. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of enactment of this Act, except that the requirements of persons and entities to comply with the employment eligibility verification process takes effect on the date that is two years after such date.

SEC. 710. LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.

The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent (extent for the purpose of carrying out section 707) the Secretary of Homeland Security has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

TITLE VIII—IMMIGRATION LITIGATION ABUSE REDUCTION

SEC. 801. BOARD OF IMMIGRATION APPEALS REMOVAL ORDER AUTHORITY.

(a) IN GENERAL.—Section 101(a)(47) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(47)) is amended to read as follows:

"(47)(A) The term 'order of removal' means the order of the immigration judge, the Board of Immigration Appeals, or other administrative officer to whom the Attorney General or the Secretary of Homeland Security has delegated the responsibility for determining whether an alien is removable, concluding that the alien is removable or ordering removal.

"(B) The order described under subparagraph (A) shall become final upon the earliest of—

"(i) a determination by the Board of Immigration Appeals affirming such order;

"(ii) the entry by the Board of Immigration Appeals of such order;

"(iii) the expiration of the period in which any party is permitted to seek review of such order by the Board of Immigration Appeals;

"(iv) the entry by an immigration judge of such order, if appeal is waived by all parties; or

"(v) the entry by another administrative officer of such order, at the conclusion of a process as authorized by law other than under section 240.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to ordered entered before, on, or after such date.

SEC. 802. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by amending the last sentence to read as follows: "Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to visa revocations effected before, on, or after such date.

SEC. 803. REINSTATEMENT.

(a) IN GENERAL.—Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

"(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—If the Secretary of Homeland Security finds that an alien has entered the United States illegally after having been removed or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

"(A) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed;

"(B) the alien is not eligible and may not apply for any relief under this Act, regardless of the date that an application for such relief may have been filed; and

"(C) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry.

Reinstatement under this paragraph shall not require proceedings before an immigration judge under section 240 or otherwise.".

(b) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(h) JUDICIAL REVIEW OF REINSTATEMENT UNDER SECTION 241(a)(5).—

"(1) IN GENERAL.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, sections 1361 and 1651 of such title, or subsection (a)(2)(D) of this section, no court shall have jurisdiction to review any cause or claim arising from or relating to any reinstatement under section 241(a)(5) (including any challenge to the reinstated order), except as provided in paragraph (2) or (3).

"(2) CHALLENGES IN COURT OF APPEALS FOR DISTRICT OF COLUMBIA TO VALIDITY OF THE SYSTEM, ITS IMPLEMENTATION, AND RELATED INDIVIDUAL DETERMINATIONS.—

"(A) IN GENERAL.—Judicial review of determinations under section 241(a)(5) and its implementation is available in an action instituted in the United States Court of Appeals for the District of Columbia Circuit, but shall be limited, except as provided in subparagraph (B), to the following determinations:

"(i) Whether such section, or any regulation issued to implement such section, is constitutional.

"(ii) Whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority of the Attorney General or the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this Act or is otherwise in violation of a statute or the Constitution.

"(B) RELATED INDIVIDUAL DETERMINATIONS.—If a person raises an action under subparagraph (A), the person may also raise in the same action the following issues:

"(i) Whether the petitioner is an alien.

"(ii) Whether the petitioner was previously ordered removed or deported, or excluded.

"(iii) Whether the petitioner has since illegally entered the United States.

"(C) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph must be filed no later than 60 days after the date the challenged section, regulation, directive, guideline, or procedure described in clause (i) or (ii) of subparagraph (A) is first implemented.

"(3) INDIVIDUAL DETERMINATIONS UNDER SECTION 242(a).—Judicial review of determinations under section 241(a)(5) is available in an action under subsection (a) of this section, but shall be limited to determinations of—

"(A) whether the petitioner is an alien;

"(B) whether the petitioner was previously ordered removed, deported, or excluded; and

"(C) whether the petitioner has since illegally entered the United States.

"(4) SINGLE ACTION.—A person who files an action under paragraph (2) may not file a separate action under paragraph (3). A person who files an action under paragraph (3) may not file an action under paragraph (2).".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on April 1, 1997, and shall apply to all orders reinstated on or after that date by the Secretary of Homeland Security (or by the Attorney General prior to March 1, 2003), regardless of the date of the original order.

SEC. 804. WITHHOLDING OF REMOVAL.

(a) IN GENERAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C 1231(b)(3)) is amended—

(1) in subparagraph (A), by adding at the end the following: "The burden of proof is on the alien to establish that the alien's life or freedom would be threatened in that country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least one central reason for such threat."; and

(2) in subparagraph (C), by striking "In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A)" and inserting "For purposes of this paragraph".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 101(c) of the REAL ID Act of 2005 (division B of Public Law 109–13).

SEC. 805. CERTIFICATE OF REVIEWABILITY.

(a) ALIEN'S BRIEF.—Section 242(b)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(3)(C)) is amended to read as follows:

"(C) ALIEN'S BRIEF.—The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available. The court may not extend this deadline except upon motion for good cause shown. If an alien fails to file a brief within the time provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result.".

(b) CERTIFICATE OF REVIEWABILITY.—Section 242(b)(3) of such Act (8 U.S.C. 1252 (b)(3)) is amended by adding at the end the following new subparagraphs:

"(D) CERTIFICATE.—

"(i) After the alien has filed the alien's brief, the petition for review shall be assigned to a single court of appeals judge.

"(ii) Unless that court of appeals judge or a circuit justice issues a certificate of reviewability, the petition for review shall be denied and the government shall not file a brief.

"(iii) A certificate of reviewability may issue under clause (ii) only if the alien has made a substantial showing that the petition for review is likely to be granted.

"(iv) The court of appeals judge or circuit justice shall complete all action on such certificate, *including rendering judgment, not later than 60 days after the date on which the judge or circuit justice was assigned the petition for review, unless an extension is granted under clause (v).*

"(v) The judge or circuit justice may grant, on the judge's or justice's own motion or on the motion of a party, an extension of the 60-day period described in clause (iv) if—

"(I) all parties to the proceeding agree to such extension; or

"(II) such extension is for good cause shown or in the interests of justice, and the judge or circuit justice states the grounds for the extension with specificity.

"(vi) If no certificate of reviewability is issued before the end of the period described in clause (iv), including any extension under clause (v), the petition for review shall be deemed denied, any stay or injunction on petitioner's removal shall be dissolved without further action by the court or the government, and the alien may be removed.

"(vii) If a certificate of reviewability is issued under clause (ii), the Government shall be afforded an opportunity to file a brief in response to the alien's brief. The alien may serve and file a reply brief not later than 14 days after service of the Government's brief, and the court may not extend this deadline except upon motion for good cause shown.

"(E) No further review of the court of appeals judge's decision not to issue a certificate of reviewability.—The single court of appeals judge's decision not to issue a certificate of reviewability, or the denial of a petition under subparagraph (D)(vi), shall be the final decision for the court of appeals and shall not be reconsidered, reviewed, or reversed by the court of appeals through any mechanism or procedure.".

(c) Effective Date.—The amendments made by this section shall apply to petitions filed on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 806. WAIVER OF RIGHTS IN NONIMMIGRANT VISA ISSUANCE.

(a) In General.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following new paragraph:

"(3) An alien may not be issued a nonimmigrant visa unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the inadmissibility of the alien at the port of entry into the United States; or

"(B) to contest, other than on the basis of an application for asylum, any action for removal of the alien.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to visas issued on or after the date that is 90 days after the date of the enactment of this Act. .

The Acting CHAIRMAN. No further amendment to the committee amendment is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

PART B AMENDMENT NO. 1 OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 printed in House Report 109-347 offered by Mr. CARTER of Texas:

In section 106, in the matter preceding paragraph (1), strike "communication capabilities" and insert "communication capabilities, including the specific use of satellite communications".

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

This amendment would ensure that the Secretary of Homeland Security would look at all technical solutions to find the best solution for effective two-way communication on the United States border. By specifically requiring the Department of Homeland Security to include satellite communications as part of this solution to curing the inefficiencies of existing communication on the border, Congress would be ensuring the consideration of the only proven communication tool that can maintain the constant connection to the Border Patrol officers in the field, thereby saving their lives and providing homeland security seamlessly and flawlessly.

In many instances during the recent natural disasters of hurricanes Katrina and Rita, satellite technology was the only reliable method of communication. Moreover, this technology has been used extensively by the U.S. military in inhospitable and remote areas of Afghanistan and Iraq. Satellite communication has proven its worth.

During the Katrina disaster, I had a conversation with the gentleman from Nevada (Mr. PORTER) about going down with a load of provisions to help folks down there. When he arrived at the town, I do not remember the name of the town, he ask if they had talked to FEMA and they said, yes, they gave us a phone number to call, but, unfortunately, our cell phones do not work, and our land lines are down so there is no telephone in this town.

Mr. PORTER had his satellite phone with him. He shared his satellite phone with those disaster victims, and they were able to communicate with FEMA.

Given the unique characteristics of our border area, satellite technology would be specifically useful in alleviating many of the communication problems that currently exist and can be done in a very cost-effective way to the U.S. taxpayer. This amendment ensures that all available options would be considered instead of limiting the Border Patrol to outmoded and frequently ineffective technology.

I ask my colleagues to support this amendment because it will greatly enhance the U.S. Border Patrol's ability to protect our Nation's borders and provide for their individual safety.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who claims time in opposition?

Ms. ZOE LOFGREN of California. Mr. Chairman, although I do not oppose the amendment, I would note that we will support this amendment, and I would also like to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in support of my Texas colleague's amendment, but against the bill with reservations. There are many aspects of this bill that I support. I believe we should improve security along the border. Every nation in the world should control their borders and know who is crossing their borders. That is why I co-sponsored the Border Security Act last Congress with our former colleague Jim Turner.

I believe we should prevent immigration officials from having to catch and release detainees because there are not enough detention beds and holding facilities. That is why I co-sponsored legislation with the gentleman from Texas (Mr. ORTIZ) and the gentleman from Texas (Mr. REYES) that would give us the number of beds we need. However, I cannot support this bill in its current form.

Under this bill, approximately 11 million people in this country would become aggravated felons. If you think we have catch and release problems now, wait until we have an additional 11 million felons that have to be detained under this legislation. There are not enough prisons to handle these numbers. I cannot imagine our country loading box cars with the estimated 10 to 12 million people who do not have documents showing they are legal. This brings visions of deportation and Nazi Germany and Stalin and the Soviet Union.

Currently, 40 percent of immigration detainees are held in Department of Homeland Security facilities; 60 percent of these detainees are in local jails under contract with the Federal Government. The Federal Government needs to take responsibility for holding all of these detainees, much less the concern we have about an additional 11 million.

It is estimated by making all these people felons there are approximately 3 million U.S. citizen children that would be impacted by having their parents or guardians detained or deported. This is something we need to review closely and make sure we are not making life harder for children that are U.S. citizens who happen to be born to undocumented parents.

Finally, this bill closes the door to the courthouse for many immigrants. Without judicial review, we cannot be certain that our laws are being enforced appropriately. I believe in increasing protection along our borders, realistically addressing the current undocumented population; but I also oppose a new guest worker program.

Mr. CARTER. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, let me commend the gentleman from Texas (Mr. CARTER) for this very fine amendment. It is important to the bill. It is a well-intentioned and well-drawn amendment. I am willing to accept the amendment.

I thank the gentleman for his thoughtful consideration and for all that he does on this very, very vital issue.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I mentioned earlier, I do not oppose the amendment. Land line and cellular telecommunications can be severely disrupted in a time of natural disaster, and it is important to have satellite communications available so that they are a reliable alternative for first responders and others involved in natural disasters.

However, I would note that while I will be happy to vote "aye" on the amendment; we do not actually need this amendment to have the use of satellite communications. That is something that the administration could have done on its own. There are some other things that they ought to be doing that would really make a difference.

The U.S. Border Patrol needs additional agents, and we need new training for those agents. We need 2,000 additional agents in ICE and 250 additional detention officers. U.S. Marshals need 250 additional personnel and $50 million for vehicles, communications equipment, and miscellaneous equipment. U.S. Attorneys, we need 100 additional personnel on the southwest border and $30 million for additional office space. Why? We have talked about detention beds, but the issue is we need to be able to process these cases, not just hold people. We needs to bring charges against them, those who have an arguable claim, and then adjudicate that claim: either deport them or find that their claim is a valid one.

We need additional immigration judges. We need 2,500 additional enforcement personnel in the Coast Guard, and we need 25,000 detention beds. We need 1,000 investigators for fraudulent schemes and documents. We need at least 100 helicopters and 250 power boats for the Border Patrol and at least one police-type motor vehicle for every three agents for the Border Patrol. We need enough portable computers for every Border Patrol motor vehicle. We need hand-held global positioning systems for each Border Patrol agent.

We need night vision equipment for all Border Patrol agents working during hours of darkness. We need enough body armor appropriate for the climate and risks faced by individual Border Patrol agents. We need to reestablish the Border Patrol anti-smuggling unit. And we need to establish specialized criminal investigator occupations: one for the investigation of violations of immigration law, another for customs laws, and a third for ag laws.

We need to require foreign language training for all our officers in the Department of Homeland Security who come into contact with aliens who cross the border illegally.

Yes, this amendment is worth supporting, but we do not really need it to get satellite communications. We do need, however, to authorize the equipment and the personnel so we can enforce the laws at America's borders both north and south. Unfortunately, the underlying bill before us does not do that. It is not a real enforcement measure.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

PART B AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

Mr. GOHMERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 printed in House Report 109-347 offered by Mr. GOHMERT of Texas:

At the end of section 109, add the following new subsection:

(e) ACTION BY INSPECTOR GENERAL.—In the event the Inspector General becomes aware of any improper conduct or wrongdoing in accordance with the contract review required under subsection (a), the Inspector General shall, as expeditiously as practicable, refer information related to such improper conduct or wrongdoing to the Secretary of Homeland Security or other appropriate official in the Department of Homeland Security for purposes of evaluating whether to suspend or debar the contractor.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Texas (Mr. GOHMERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank Chairman KING of New York and Chairman SENSENBRENNER for their hard work on this important legislation. Some have said it seemed like it was spur of the moment, but those of us who have spent hundreds of hours on this issue this year know otherwise and took it up in committee and subcommittee. I would also like to thank Mr. DREIER for allowing me to bring this amendment up in the Rules Committee.

I will be brief, since my amendment is pretty straightforward. This amendment will help ensure that the Federal Government is doing business with ethical contractors. Section 109 of the bill requires the Inspector General to review contracts over $20 million. This review is to be sure that the contracts were properly competed.

My amendment adds a subsection that says that during this review if the Inspector General discovers any wrongdoing or misconduct, the Inspector General will refer this information to the Secretary of Homeland Security for the purpose of evaluating whether suspension or debarrment is warranted.

Some Members may be familiar with the Darlene Druyun case. She was a top Air Force acquisition official who awarded billions of dollars' worth of contract to one particular defense contractor and all the while she was negotiating with that same defense contractor for a job for herself and her daughter. The officials at the company that negotiated her employment and she, herself, were debarred.

Some are familiar with Representative Cunningham. He did wrong, and he will and should be punished accordingly; but the contractors who competed illegally and unethically should also suffer.

This amendment helps address issues such as this as it requires the Inspector General to go forward with information to the Secretary to evaluate for possible debarrment or suspension. Suspension and debarrment are less costly to the government than criminal or civil remedies that involve the Department of Justice. In addition, companies learn from the process and as a result they create innovative compliance and ethics programs.

Contracting with ethical companies ultimately saves taxpayers' dollars and gives us more quality for the money. For that reason and to that end I humbly offer this amendment.

Mr. Chairman, I reserve the balance of my time.

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The Acting CHAIRMAN (Mr. SIMPSON). Does the gentlewoman from California claim the time in opposition?

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition; although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized.

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment. The Department of Homeland Security IG has exposed improper conduct or wrongdoing of contractors who maintain Federal contracts with the department. and I think this amendment is along the lines of trying to make sure that the American taxpayers are not going to get ripped off like they have been in the past.

Take a look at the level of fraud in contracting that has occurred in the Middle East, in Iraq; I mean, hundreds of thousand of dollars of stolen money and the stories that are coming out of the taxpayers being ripped off by contractors in the gulf region after Hurricane Katrina. We know that the record is not a good one in terms of this administration choosing contractors who will not cheat us. So I do think it is important to have this amendment, and I commend the Congressman for bringing this forward.

In June, the Homeland Security Committee heard testimony from Joel Gallay who is the acting Inspector General of GSA. Mr. Gallay provided a detailed account of significant deficiencies he discovered in evaluating the efficacy of ISIS, and of particular concern to the IG was the procurement of remote surveillance equipment, the lack of progress in implementing the system and what he called the chronic inattention to the proper administration of the contract.

The IG wrote that the program was severely hampered by ineffective management that led to waste, and the report showed deficiencies in the ISIS contract management and in the training of government officials responsible for implementing the program.

Now, it is unfortunate that we need this amendment. We would like to think that our administration would not be inept; that they would have accountability; that they would know how to administer; and they would not have this rip-off of taxpayers that has been identified to the committee repeatedly. Unfortunately, that appears not to be the case, and therefore, I do support this amendment to try and stop this rip-off of the taxpayers.

As the philosopher George Santayana cautioned. Those who do not learn from history are condemned to repeat it.

I hope that this amendment will be adopted, and that will help us from continuing to see the rip-off of American taxpayers in the arena of the Department of Homeland Security.

Mr. Chairman, I reserve the balance of my time.

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

I appreciate my colleague from California's support on this amendment, and as I think she knows, this is an issue that knows no party boundaries, and so I am proud to stand with those who want to end this, and that would include Chairman KING.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, I thank the gentleman for yielding me time, and let me express my strong support for this amendment and thank the gentleman from Texas (Mr. GOHMERT) for the contribution he has made, for the dedication he brings to this issue.

I also would say, parenthetically, if someone with his accent and my accent are supporting this bill, it shows how extensive and wide-ranging the support is for this bill. It shows that all Americans, from one end of the country to the other, one accent to the other, stand behind a bill which is good, an amendment which really adds substantially to the bill and does provide the level of integrity and honesty and interaction that we need.

With that, I express my strong support for the gentleman's amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I would just note that the gentleman from Mississippi (Mr. THOMPSON), the ranking member of our full committee, worked very hard on this in collaboration with the majority. I would like to thank him for his extraordinary efforts on this, along with that of the author and the chairman.

As I say, we support this, although it is a sad day that it is so needed because of the poor administration at the department overall.

Mr. Chairman, I yield back the balance of my time.

Mr. GOHMERT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The amendment was agreed to.

PART B AMENDMENT NO. 3 OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 3 printed in House Report 109-347 offered by Mr. SAM JOHNSON of Texas:

At the end of title I. insert the following:

SEC. 118. SENSE OF CONGRESS REGARDING ENFORCEMENT OF IMMIGRATION LAWS.

(a) FINDINGS.—Congress finds the following:

(1) A primary duty of the Federal Government is to secure the homeland and ensure the safety of United States citizens and lawful residents.

(2) As a result of the terrorist attacks on September 11, 2001, perpetrated by al Qaida terrorists on United States soil, the United States is engaged in a Global War on Terrorism.

(3) According to the National Commission on Terrorist Attacks Upon the United States, up to 15 of the 9/11 hijackers could have been intercepted or deported through more diligent enforcement of immigration laws.

(4) Four years after those attacks, there is still a failure to secure the borders of the United States against illegal entry.

(5) The failure to enforce immigration laws in the interior of the United States means that illegal aliens face little or no risk of apprehension or removal once they are in the country.

(6) If illegal aliens can enter and remain in the United States with impunity, so, too, can terrorists enter and remain while they plan, rehearse, and then carry out their attacks.

(7) The failure to control and to prevent illegal immigration into the United States increases the likelihood that terrorists will succeed in launching catastrophic or harmful attacks on United States soil.

(8) There are numerous immigration laws that are currently not being enforced.

(9) Law enforcement officers are often discouraged from enforcing the law by superiors.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President, the Attorney General, Secretary of State, Secretary of Homeland Security, and other Department Secretaries should immediately use every tool available to them to enforce the immigration laws of the United States, as enacted by Congress.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Texas (Mr. SAM JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself 4 minutes.

Listen up. According to the 9/11 Commission, up to 15 hijackers should have been deported, but our immigration laws are not being enforced.

We cannot sit here as a body that makes laws and just watch them collect dust as our enemies plot against us.

My amendment expresses a sense of Congress that immigration laws enacted by Congress must be enforced. This amendment sends a simple message from the Congress to the administration: Enforce the law.

We can debate how to solve the illegal immigration problem until we are blue in the face, and I see some very blue faces around the room, but if the laws we enact are not being enforced, then it is just a bunch of hot air.

I have got a four-page list of immigration laws in front of me that are currently being ignored. This is unacceptable. This non-enforcement must end. The United States Congress must demand it right now.

Let me give my colleagues a couple of examples. In 2002, we enacted a law requiring implementation of a system known as Chimera. This means there will be information sharing from Federal databases in the intelligence community to any Federal official considering an immigrant's admissibility or deportability. Well, you knew as you heard information sharing, it is not happening.

Did you know we have a law forbidding public colleges from giving in-State tuition to illegals unless they offer it to every citizen in the United States? It is going on in nine States. Federal law is being violated, and guess what, the Federal Government's doing nothing about it.

Do you know that all registered aliens are required to notify DHS within 10 days of changing address? Failure to do so is a deportable offense. This has tremendous national security value, and it is not being enforced.

In 1996, we made a law requiring the Department of State to suspend all visas to any country who refuses to receive a national who has been deported from the United States. So, hypothetically, if China would not accept people we are deporting back to China, which they are, then the Federal Government is not allowed to issue anymore visas to people coming from China. Who here thinks we are not giving visas to people from China?

The list goes on and on. I will submit it for the RECORD at this point.

IMMIGRATION LAWS THE ADMINISTRATION IS NOT ENFORCING

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

Integration of all databases and data systems maintained by [DHS] that process or contain information on aliens (§202).

DHS has no plan to accomplish this.

Implementation of an interoperable electronic data system (also known as the "Chimera" system) to provide current and immediate access to information in databases of Federal law enforcement agencies and the intelligence community that is needed to determine whether to issue a visa or to determine the admissibility or deportability of an alien (§202).

Chimera is to incorporate the integrated alien data system;

information in Chimera must be readily and easily accessible—

to any consular officer responsible for the issuance of visas;

to any Federal official responsible for determining an alien's admissibility to or deportability from the United States; and

to any Federal law enforcement or intelligence officer determined by regulation to be responsible for the investigation or identification of aliens.

DHS has no plan to accomplish this.

Make interoperable all security databases relevant to making determinations of admissibility under section 212 of the Immigration and Nationality Act (§302).

DHS has no plan to accomplish this.

Not later than October 26, 2004, DHS and the State Department shall issue to aliens only machine-readable, tamper-resistant visas and other travel and entry documents that use biometric identifiers (§303).

DHS still issues easily counterfeited temporary cards until a more secure card is mailed to the alien.

Not later than October 26, 2004, the Attorney General, in consultation with the Secretary of State, shall install at all ports of entry of the United States equipment and software (i.e., machine readers) to allow biometric comparison and authentication of all United States visas and other travel and entry documents issued to aliens, and passports (§303).

About 500 readers have been put in place in only some POEs, and all are in secondary, rather than primary, inspection.

Beginning upon implementation of Chimera, not later than 72 hours after receiving notification of the loss or theft of a United States or foreign passport, DHS and State, as appropriate, shall enter into Chimera the corresponding identification number for every lost or stolen passport (§308).

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

An alien presenting a border crossing identification card (i.e., a laser visa) is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien (§104).

The Administration exempted Mexico from participation in US–VISIT, so biometrics are not being verified and border crossing cards are merely inspected visually.

Process all aliens through US–VISIT (the automated entry-exit control system) so as to "collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States" (§110).

Only about 20 percent of nonimmigrants are being processed through the entry part of US–VISIT; the other 80 percent of nonimmigrants have been exempted; immigrants (lawful permanent residents) also have been exempted; and the exit part of the system is still being tested in pilots at a handful of POEs.

Aliens who have resided illegally in the United States for more than six months but less than one year and voluntarily departed are barred from re-entry for three years; aliens who have resided illegally in the United States for more than one year are barred from re-entry for ten years (§301).

Only about 12,000 aliens were subjected to these bars on re-entry during the first four years after this provision took effect: it is estimated that the bars could have been applied to up to 2.5 million aliens during that period.

Mandatory detention pending removal of all aggravated felons and other aliens who are inadmissible or removable due to criminal convictions (§303).

Limited detention space and mismanagement of budgets result in criminal aliens being routinely released from detention prior to removal: more than 80,000 criminal aliens are free in American communities.

Mandatory detention of aliens from the time they are issued a final order of removal until the alien is actually removed or until 90 days have passed if the alien cannot be removed within that period (§305).

In 2004, almost half (34,800) of the more than 75,000 "other than Mexicans" apprehended by the Border Patrol were released on their own recognizance pending removal: an estimated 90 percent of nondetained aliens abscond after being issued an order of removal.

Upon notification by DHS or the AG that a foreign government refuses or unreasonably delays the return a national of that country who is ordered removed from the United States, the State Department shall suspend the issuance of immigrant and/or nonimmigrant visas to nationals of that country (§307).

A handful of governments routinely refuse to issue travel documents to their nationals who have been ordered removed from the United States, but this provision is not invoked.

Each Department of the Federal Government shall elect to participate in a pilot program to verify employment authorization of its employees and shall comply with the terms and conditions of such election (§402).

The 1996 law created three different pilot programs from which government agencies could choose; when two of them were allowed to lapse and only one, the Basic Pilot, was extended, agencies using one of the lapsed pilots simply stopped participating rather than sign up for the remaining one.

Public institutions of higher education may not offer in-state tuition to illegal aliens unless they also offer it to every citizen of the United States (§505).

Neither DHS nor the Justice Department has challenged any of the nine states that have passed laws that violate this law, despite the fact that Federal law clearly supersedes state law in the area of immigration.

Any alien seeking admission to the United States or a change of status who is likely to become a public charge or who is a public charge is excludable, if seeking admission, or removable, if already here and seeking adjustment of status (§531).

DHS has yet to come up with a definition of "public charge" to implement this provision.

Upon notification that a sponsored alien has received any means-tested public benefit, the entity (nongovernmental, Federal, state or local) that provided the benefit shall request full reimbursement by the sponsor (§551).

Only one lawsuit seeking reimbursement has been filed, and it was filed by private citizens trying to force the Los Angeles public hospital system to seek reimbursement from sponsors: the case was dismissed on technical, not substantive, grounds.

States and localities may not adopt policies, formally or informally, that prohibit employees from communicating with DHS regarding the immigration status of individuals (sanctuary policies) (§642).

Neither of the two sanctuary states, Maine and New Mexico, nor any of the multitude of sanctuary cities have been challenged by DHS or DOJ for violating this provision: soon after this law passed, the City of New York challenged the law in court and the court upheld the law and ordered the City to rescind its sanctuary policy: instead, the City modified its policy slightly, but the Federal Government has not challenged it.

DHS shall respond to an inquiry by a Federal, State, or local government agency seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law (§642).

This law also required the establishment by then-INS of the Law Enforcement Support Center (LESC), which is available 24/7 to state and local police seeking information on alienage and citizenship: however, state and local police who contact ICE about illegal aliens they have taken into custody are routinely rebuffed and told to simply release the aliens.

IMMIGRATION AND NATIONALITY ACT

The Secretary of DHS is authorized to expand expedited removal procedures to any or all aliens who have not been admitted or paroled into the United States and who have not affirmatively shown to the satisfaction of an immigration officer that they have been physically present in the United States continuously for two years immediately prior to this determination (§235).

The Secretary has only recently used this authority to expand expedited removal to nine Border Patrol sectors. The fact that our Federal court system is clogged with appeals of removal orders—the number of cases filed in Federal court rose from just over 2,000 in 1994 to more than 14,500 in 2004—and the fact that the illegal alien population in the United States continues to grow would suggest that expedited removal needs to be expanded along the entire land border of the United States.

Once an alien is apprehended and removal proceedings are initiated, DHS may detain the alien, release him on a minimum $1,500 bond, or release him on conditional parole (§236).

Since on estimated 90 percent of non-detained aliens abscond after being issued an order of removal, and since DHS has the authority to detain aliens pending removal, it makes no sense that almost half (34,800) of the more than 75,000 "other than Mexicans" apprehended by the Border Patrol were released on their own recognizance pending removal in 2004.

Marriage fraud, used in the past by at least nine terrorists to prolong their stay in the United States, is a deportable offense (§237).

ICE has announced that single-instance marriage fraud is a low priority and so will not be investigated or prosecuted.

Domestic violence, false claims to US citizenship and voting illegally are deportable offenses (§237).

Illegal aliens who are victims of domestic violence can obtain green cards through the Violence Against Women Act, but the abuser is rarely prosecuted and even more rarely deported; as happened in New York City with Mayor Giuliani's "broken-window policing," stepped up enforcement of these "low priority" violations would begin to reassert the rule of law in our immigration system.

Failure of an alien intending to remain in the United States for thirty days or longer to apply for registration and fingerprinting during that thirty-day period is a deportable offense (§262).

Enforcement of this provision would be of obvious national security value, and it would send a clear message that security is our top priority.

All registered aliens are required to notify DHS within ten days of changing addresses; failure to do so is a deportable offense (§266).

This, too, has important national security value.

Any individual or entity that "encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law" is guilty of a felony punishable by imprisonment (§274).

A strong case could be made that localities like Herndon, Virginia, that are using taxpayer funds to build and promote day-labor sites for aliens they know to be illegal, and government entities like the Illinois Housing Development Authority, which has set aside taxpayer funds to provide mortgages to illegal aliens, are "encourag[ing illegal aliens] to reside in the United States." The same case can be made against banks that accept consular ID cards to open accounts or allow illegal aliens to use individual taxpayer ID numbers to get home loans.

It is unlawful to knowingly hire, recruit, or refer for a fee an alien who is not authorized to work in the United States, and it is unlawful to hire any individual without verifying the employment authorization of that individual, either through the I–9 process alone or combined with the Basic Pilot program (§274A).

While it is exceedingly difficult to establish that an employer knew an employee was illegal, it is not difficult to establish that an employer failed to complete the I–9 process; it is also not difficult to encourage employers to use the Basic Pilot to verify work eligibility.

Aliens who commit fraud, use false or altered documents, or make misrepresentations on applications for immigration benefits are ineligible for the benefits (§§212, 237, 340, among others).

Not only does USCIS grant benefits to aliens despite indications of, and sometimes even evidence of, fraud or misrepresentation, ICE rarely investigates cases of alleged benefits fraud referred by USCIS. USCIS estimates that ICE declines to investigate over 70 percent of the benefits fraud referrals it receives. It is exceedingly rare for either agency to attempt to rescind a benefit once it is granted.

Millions of new immigrants come to America every year, and the numbers are rising. Do you know why these numbers continue to increase? Because when we don't enforce the laws, we send the message that we don't take our laws seriously.

We don't pass laws to be ignored. Join me in supporting this amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does the gentlewoman from California claim the time in opposition?

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition, but I will not oppose the gentleman's amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman can claim the time in opposition.

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I will note that the amendment does not really accomplish anything; although, I certainly really would not want to oppose enforcing the law.

The gentleman mentioned some things that are deficient in the administration of our immigration laws, and they are not new things.

Let me just give you an example on reporting a change of address. Do you know how that is done? You fill out a piece of paper, and you submit it. Do you think it is possible to actually find those pieces of paper, the millions of pieces of paper? Anybody who came in and who is a legal permit resident, you could file it, but no one will ever find it.

We mention often the terrorists that came into our country and did such damage to us on 9/11. You know what? Those people, most of them were not admissible to the United States, but the poor officer at the border, he did not know that. He could not know it because the piece of information that would have told him that was on a piece of microfiche sitting in a bucket in Florida waiting to be translated into an actual database.

There is a lack of technology in the department, and nothing in this bill changes that.

Further, nothing in this bill orders the President to order his department to go out and get the people who promised to appear and then disappeared. Let us go find those people. Let us bring them to justice. Either they will be deported or they will have their day and find their remedy.

Nothing in this bill tells the department to go out and find the people who have been convicted of crimes, who were supposed to be deported, who instead were released from county jail or from State prison because the department failed to go pick them up. There is nothing in this bill that says, go every day, check with the jails, find out who is a criminal alien and who is about to be released and deport them. There is nothing in there. There are no resources.

So this underlying bill is a failure. The amendment is well-meaning I am sure, but it accomplishes almost nothing. Nevertheless, it would be wrong to oppose it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. ZOE LOFGREN of California. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman very much.

Let me just say, Mr. JOHNSON is a good friend from Texas, and I know that this sense of Congress reflects the attitude of the people of Texas and America that we should enforce the immigration laws. I am going to enthusiastically join and support him on this idea of enforcing the Nation's immigration laws.

But what I do want to indicate is that this is building on some enforcement laws that we have had, and that is that, over the years, we have enacted 20 enforcement laws in the last 20-years. We have increased the Border Patrol budget by a factor of 10, but it has not been enough. We have tripled the number of agents, but we need to do more, and we have created a Department of Homeland Security.

What we have not been able to do is write real, if you will, effective immigration law that brings in the comprehensive nature of immigration law which provides, if you will, an earned access to legalization and the building up and the securing of our borders by the enhancement of our Border Patrol agents, for example, scholarships, recruitment.

There is another amendment coming up about making sure that clothing comes from the right country. I think this is a good amendment, but I think that we can do better by looking at this from a comprehensive perspective and building and writing the kinds of laws that would be effective, if you will, to ensure that we are enforcing those laws.

Ms. ZOE LOFGREN of California. Mr. Chairman, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I thank the gentlewoman from Houston for her comments. I appreciate it.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I want to thank the gentleman from Texas for introducing this amendment to this fine legislation. He recognizes that the failure to control and to prevent illegal immigration into the United States increases the likelihood that terrorists will succeed in launching a catastrophic or harmful attack on the United States.

His amendment is a message to the executive branch: Please enforce the laws that we have now to stop illegal immigration. They will listen to the gentleman from Texas with his stature and patriotism. It will be a fine message.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I would simply note that this amendment will not really cure the problems in this bill. It will not get the resources. It will not make the administration do its job. It will not cure the incompetence and lack of performance that we have seen at the borders, both borders, southern and northern, as well as our ports of entry.

It a good idea to enforce the laws. Unfortunately, the administration is not doing so. Nothing in this bill is going to help them do so.

Mr. Chairman, I yield the remainder of my time to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I rise in opposition of H.R. 4437. I have nothing against this particular amendment, but I am totally against this legislation.

We are all about protecting our borders. We are all about enforcement, and we are about developing a comprehensive immigration reform legislation that really will impact our people, but this bill today, it is flawed. It is inconsistent with the American values.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield the remaining time to the gentleman from New York (Mr. KING), the chairman of the committee.

□ 1915

Mr. KING of New York. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I just want to emphasize that I stand in strong support of his amendment. This is just one more example of the outstanding contributions to public service made by the gentleman from Texas. I support it and urge its adoption.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Texas (Mr. SAM JOHNSON).

The amendment was agreed to.

PART B AMENDMENT NO. 4 OFFERED BY MR. RENZI

Mr. RENZI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 printed in House Report 109-347 offered by Mr. RENZI:

Add at the end of title I the following new section:

SEC. 118. SECURING ACCESS TO BORDER PATROL UNIFORMS.

Notwithstanding any other provision of law, all uniforms procured for the use of Border Patrol agents shall be manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Arizona (Mr. RENZI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by thanking the chairman of our Homeland Security Committee for his allowing to move forward on this amendment, and more so for the protection he is now about to provide to many of our Border Patrol agents. I rise today to offer an amendment that would require all the uniforms worn by our Border Patrol agents to be made in America.

Imagine yourself a Border Patrol agent who serves in harm's way along this vast and violent border who dons the uniform of this Nation which is currently made in Mexico and which could easily fall into the wrong hands. As we speak, uniforms worn by our Border Patrol agents are manufactured in Mexico and could be easily lost or stolen or, worse yet, intentionally produced to undermine our border security efforts. These uniforms represent the law and order on our border, and allowing these uniforms to be made in America would minimize the possibilities that they could be procured by smugglers, terrorists, or others who pose great risk to our agents.

In 1941, Congress passed the Berry amendment, which restricts the Department of Defense from procuring some military uniforms for national security purposes outside of them being manufactured in America. For over 60 years Congress has chosen to keep this policy in place, and yet every day on our border our agents are besieged by armed human smugglers and drug traffickers and those who want to use lethal means to target our agents.

Just 2 years ago, the Border Patrol confiscated a smuggler's vehicle down on the southwest border that was painted like a Border Patrol vehicle.

While we may not be able to prevent individuals from painting trucks, we can surely stop them from getting these uniforms and from these uniforms falling into the wrong hands. Our Border Patrol agents need to be able to take pride in the uniforms they wear. They need to be secure in the knowledge that, when they are on the border peering into the darkness at night protecting us and when they are trying to determine whether the individual approaching them is friend or foe, that these uniforms are not being used as a tool against them. When our agents wake up each morning, they need to see the American flag and the "Made in U.S.A." label on their uniforms. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who claims time in opposition to the amendment?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition, but I will not oppose it.

The Acting CHAIRMAN. Without objection, the gentlewoman may claim the time in opposition.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to the distinguished gentleman that offered the amendment, that is why we have suggested that we can work on these issues in a bipartisan manner. I think you have a very reasonable amendment, and might I just say that the National Border Patrol Council supports this amendment because it involves officer and public safety.

Since early last year, the Border Patrol uniforms, including the patches, the identifying patches, have been made outside of the country. It would be quite simple for someone to bribe a low-paid factory worker or truck driver in order to procure a quantity of uniforms for the purpose of masquerading as a Border Patrol agent. Obviously this makes sense, and that is why part of the problem with the underlying bill is, frankly, that it is weighted down by the criminalizing of the undocumented and not focusing on the criminalizing of the criminals. This, in fact, is a very instructive amendment because it helps to ensure the sanctity of the Border Patrol officers' uniform and their work. Inasmuch as the Border Patrol's work is done at night and low-light surroundings, it would be nearly impossible for the genuine Border Patrol agents to spot the imposters until they were close enough to harm the agents if they had a false uniform. Likewise, members of the public could easily be fooled into believing that the imposters had authority to stop and question them, and they could perpetrate crimes.

Mr. Chairman, I support this amendment, and I am delighted to yield such time as he may consume to my distinguished colleague from California (Mr. Baca).

Mr. BACA. Mr. Chairman, once again I stand in opposition to this legislation. This is not comprehensive legislation. We all believe that we could have stronger enforcement not only on our borders but also stronger enforcement in reference to what happened to immigrants, but basically this legislation is not a comprehensive educational law reform or immigration reform. It basically is deplorable legislation. It violates the 13th and 14th amendments of the Constitution. We are abolishing the Constitution that protects us. How can we alter the Constitution?

I must remind our colleagues that we are talking about individuals who have a human face, a senior, an adult, and a young child. So this legislation, instead, will say the 11 million undocumented workers are felons, are felons. Is that what America wants, to arrest and lock up 11 million immigrants? Are we going to have detention camps, concentration camps? What are we going to do with these 11 million individuals who would be designated as undocumented individuals? What happens to children of individuals that will be labeled? They will be labeled, and they will have to carry that label the rest of their lives as either a felon or an individual who has a misdemeanor. When you have that label, you carry that label with you the rest of your life, and you are asking us to be productive individuals. What happens to those individuals that every day of their life some individual will tell them, well, you are the little individual, you are the criminal. We see a little white person looking, a little brown person stereotyping them and says, you are a felon, you are here in this country illegally. They had nothing to do with them being out here.

Let me tell you, this legislation is horrible, it is terrible, it is deplorable. We must stop this kind of legislation. We must develop comprehensive legislation. We must not have concentration camps; we must not kick our students out of school. What happens to a lot of our kids who are in our schools because the legislation will label them as a criminal? ADA funding that goes to our schools, what happens? Who arrests them? Are we aiding and abetting? When we go to church and we see someone in our church or a pew right next to us, do we then turn in someone because we assume that you are an undocumented? We will begin to do more profiling. We will begin to identify more individuals like myself and others to say, Are you legal or not legal here in the United States? And people who look a different color will not be asked to prove their identity.

This legislation is horrible. We should not support this kind of legislation. We should protect our Constitution.

Mr. RENZI. Mr. Chairman, I want to thank the gentleman for California. I do have respect for him. I think his passion on the issue has to do with the overall bill, while we are here discussing my amendment which relates to Border Patrol uniforms.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. Hayes).

Mr. HAYES. Mr. Chairman, I thank Mr. Renzi for his very thoughtful amendment, and I thank him for yielding the time.

Mr. Chairman, this is about Border Patrol uniforms, the amendment. Mr. Chairman, I rise today in strong support of this amendment. I know we need to take the necessary steps to ensure the Federal Government is producing sensitive goods such as U.S. Border Patrol uniforms in the United States to help alleviate this national security risk. After reading an Associated Press article in late November, I was shocked to learn that U.S. Border Patrol uniforms are not made in America.

The article states that agents and lawmakers are concerned about the consequences if the uniforms for agents charged with combating illegal immigration fall into the hands of criminals or terrorists. The article detailed some of the concerns I have been expressing for some time now.

For years now I have been a stalwart for strengthening the Berry amendment, which requires the Department of Defense to give preference to domestically produced and manufactured products, notably clothing, food, fabrics, and specialty medals. Soon I will reintroduce a bill that applies the Berry amendment guidelines to Department of Homeland Security procurement.

It is imperative that we remedy this issue to help protect our borders and deter terrorists or criminal acts. Not only is this an issue of national security but it would help our Nation's economic security by maintaining a strong U.S. manufacturing base as well.

I commend Mr. Renzi for offering the amendment, and I look forward to working closely with him and my colleagues and the administration to ensure that we are all doing everything that we can to protect America's national security. I urge all my colleagues to support this important amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to acknowledge the fact that we could be doing more on this bill. Clearly, we want our Border Patrol agents to be well equipped and well uniformed. That is the missing part of this bill. The uniform "Made in the USA" is a good statement to make, but you cannot have Border Patrol agents without power boats, helicopters, night goggles, computers; and you cannot have them without recruitment, scholarship, and increased numbers to secure the border.

That is what we should be doing with the underlying bill, but I do support the amendment and just wish we could do more.

Mr. RENZI. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. King), the new chairman of the Homeland Security Committee, who has stepped up to protect our Border Patrol agents and who championed this amendment.

Mr. KING of New York. Mr. Chairman, I thank the gentleman for yielding me this time, and there is no one who is not on the committee who has done more work than the gentleman from Arizona to really work on the issue of terrorism in the intelligence area, in the homeland security area, and I strongly support this amendment.

It is in keeping with the spirit of the law. It is in keeping in the spirit that we should be searching for as we try to stop illegal immigration, stand behind those on the borders who are protecting us against this massive increase of illegal immigrants.

So I am proud to stand by and endorse the amendment of the gentleman from Arizona.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. Renzi).

The amendment was agreed to.

PART B AMENDMENT NO. 5 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 printed in House Report 109-347 offered by Mr. Castle of Delaware:

At the end of title I, insert the following new section:

SEC. 118. US-VISIT.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a timeline for—

(1) equipping all land border ports of entry with the US-VISIT system;

(2) developing and deploying at all land border ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Department of Homeland Security.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I rise to offer this simple amendment to the legislation before us today. In the post-9/11 world, our primary concern has to be stopping terrorists from penetrating our borders. Chairman SENSENBRENNER's dedication to fixing gaps in our security is commendable, and I am proud to join him and Chairman KING in improving our border security capabilities while allowing American citizens and legal immigrants to continue contributing to our economy.

Both Congress and the 9/11 Commission have identified the US–VISIT biometric entry and exit system as essential to preventing terrorists from entering the country through land borders, airports, and seaports. Currently, US–VISIT kiosks are deployed at most airports and some land borders, where travelers submit biometric information, including digital fingerprints and a photograph, and the Department of Homeland Security screens the data against terrorist watch lists and criminal record databases.

Since its implementation, US–VISIT has caught more than 900 murderers, pedophiles, and other dangerous criminals attempting to enter the United States. Still, the system records only a fraction of foreign arrivals and does not yet record when foreign travelers leave the country. While US–VISIT is presently being used at some of the busiest border crossings, the Department has yet to deploy the tracking system at all land border ports of entry.

The development of the system's exit component has also been slow; and thus our government does not yet have a reliable way of tracking visa overstays. In addition, the 9/11 Commission and other recent reports have highlighted the need for the Department to improve the interoperability of US–VISIT and its other immigration screening systems to ensure that terrorists and criminals do not slip through the cracks.

The Department of Homeland Security is already working on a plan to expand US–VISIT and eventually track every foreign visitor entering and leaving the country. My amendment would simply require the Department to update Congress on the progress of this plan by submitting a detailed time line for equipping all land borders with the US–VISIT system, developing and deploying the exit component of the system at all land borders, and making all immigration screening systems operated by the Department compatible with one another.

Improving the quantity and quality of the information in US–VISIT will undoubtedly enhance our ability to better track and identify potential security threats to our Nation. The Department already has a plan to do this, and my amendment will ensure that Congress is updated on the status of this important process.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who claims time in opposition?

Ms. ZOE LOFGREN of California. Mr. Chairman, I will not oppose the amendment, but I claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I will support the amendment, but I am under no illusion that the amendment will actually achieve what the author hopes.

Over 5 years ago, before there was a Department of Homeland Security, I strongly suggested to the then immigration service that we engage in a biometric study so that we would have a secure biometric system that could be deployed and would be both with our immigration screening systems and also with other databases. We were told by the National Institute of Standards and Technology that they could accomplish that in 6 months for about $2 million. Unfortunately, we never did it.

So we now have biometrics that are incompatible in various databases, law enforcement, immigration, and certain other databases that we have. Consequently, even the system that we have on US–VISIT is not fully functional. I would like to note also that the databases that are utilized by US–VISIT are also not integrated.

It is true, we have caught some people who have committed crimes who should not be admitted to the United States through US–VISIT, and I count that as a good thing. But the 9/11 Commission was looking at the need to stop terrorists. The problem is that US–VISIT is completely disconnected with our databases relative to terrorists, and I do not think this amendment is going to fix that.

I would also like to note that the amendment suggests that we accelerate, I believe, the exit component of US–VISIT.

□ 1930

There is no exit component of the US–VISIT. Basically, it does not exist.

The situation with databases and technology in the department is simply dismal. We should be filing all immigration matters by biometrics so we do not have the confusion we currently have of names that sound similar, or, in some languages, first and last names get traded back and forth rather interchangeably. It is ridiculous that we have not done that; but it is not for lack of asking, urging and insisting.

And I will say something else about getting reports. I sit on the Homeland Security Committee. We are due so many reports by this department, I cannot even begin to count them. We were due a rail security report, I believe, it was last June. We are due reports on cybersecurity; that is several years ago. The department basically thumbs its nose at the United States Congress. It does not provide the reports required under current law. I suppose hope springs internal, and we should ask again, but this resolution will not cure the massive arrogance and incompetence of the department.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, the Castle amendment is extremely well written. I am proud to endorse it.

I also would emphasize that the points raised in the amendment do refer to points that we have been asking DHS to provide us information on. This amendment will give us more of the muscle that we need to ensure DHS is in compliance. I thank the gentleman for his amendment and urge its adoption.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself the balance of my time.

As I said earlier, I plan to support the amendment. I think it is worth making clear: There is no exit system now. So why does that matter? People come into the United States, they put their fingerprints on the US–VISIT system. It catches some people, and it does not catch others. And then they come into the United States.

We have been talking earlier about making aggravated felons of those who overstay their visas, whether they be visitor or whatever. At the current time, and I do not see this changing any time soon, we do not catch those people. If they leave, we do not know if they have left or if they are here. Because we do not have a connection with our database, we do not know if they are connected with terrorism or not.

So the lack of functionality that we have in technology and the lack of deployment of additional technology has left us more vulnerable than we need to be.

I mentioned earlier this evening that some of the 9/11 terrorists were not admissible to the United States. The officer who inspected them could not know that because the fact of their ineligibility was on a piece of microfiche sitting in a bucket. You cannot search a database if it is on a piece of microfiche sitting in a bucket. We are not that much better off today than we were at that time. I am sure the gentleman is distraught about that. I am as well. I have been trying to get this changed for more than half a decade.

The timeline for a billion-dollar program is a good idea, but I do not have any real confidence that the department will perform any better after this amendment is adopted than it has in the past several years with a lot of pushing and insisting from Members, frankly, on both sides of the aisle. The incompetence just does not quit.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield myself the balance of my time.

I agree with almost everything that the gentlewoman from California has said about this particular system. I share her concerns. I appreciate her support for my amendment and Mr. King's support as well.

I think the whole business of biometrics and US–VISIT has tremendous potential that is not being realized. The reason I present this amendment is not to change anything they are doing; this is not complimenting anything that they are doing or saying that they are doing it particularly well; but to force some sort of reportorial system back to Congress, that is all this amendment does, so perhaps they will get it in their heads that they have to do better than they are doing now.

The gentlewoman is right, there is a lot of disorganization and incompatibility and inconsistency in terms of what is happening, and yet it has potential.

Ms. ZOE LOFGREN of California. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Chairman, we have numerous reports that are required. I sit on the committee, which is why I know this. They never do the reports. They are required by law to submit the reports. We have dozens, hundreds of reports that simply have never been delivered. I hope this is an exception, but I do not have a high level of confidence.

Mr. CASTLE. Mr. Chairman, we can tweak them a little bit if this amendment passes because I do believe, and it has worked, and even with the limitations the gentlewoman has shown, it has worked rather well in some areas where they have actually captured people who have done things that they should not have done. I think it could do a heck of a lot more in terms of terrorism, and it should. I intend to force it. We know this department has some start-up difficulties, and we have to deal with that. Having said that, I think this is a good step in the right direction. If we stand behind it and help it work, it will help us all.

I thank the gentlewoman for her support.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. Simpson). The question is on the amendment offered by the gentleman from Delaware (Mr. Castle).

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. King of Iowa) assumed the Chair.

MESSAGE FROM THE SENATE

A message from the Senate Ms. Curtis, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 1932) "An Act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)." and requests a conference with the House on the disagreeing votes of the two Houses thereon, and

That on December 15, 2005, appoints Mr. Gregg, Mr. Domenici, Mr. Grassley, Mr. Enzi, Mr. Allard, Mr. Sessions, Mr. Stevens, Mr. Shelby, Mr. Specter, Mr. Chambliss, Mr. McConnell, Mr. Conrad, Mrs. Murray, Mr. Harkin, Mr. Sarbanes, Mr. Inouye, Mr. Bingaman, Mr. Baucus, Mr. Kennedy, and Mr. Leahy, to be the conferees on the part of the Senate.

The SPEAKER pro tempore. The Committee will resume its sitting.

BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The Committee resumed its sitting.

PART B AMENDMENT NO. 6 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 printed in House Report 109–347 offered by Mr. Gingrey of Georgia:

At the end of title I, insert the following new section:

SEC. 118. SUSPENSION OF VISA WAIVER PROGRAM.

(a) In General.—Notwithstanding any other provision of law, the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187)is hereby suspended until such time as the Secretary of Homeland Security determines and certifies to Congress that—

(1) the automated entry-exit control system authorized under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is fully implemented and functional;

(2) all United States ports of entry have functional biometric machine readers; and

(3) all nonimmigrants, including Border Crossing Card holders, are processed through the automated entry-exit control system.

(b) Repeal.—Subparagraph (B) of section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is hereby repealed.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Georgia (Mr. Gingrey) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, I believe that the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 needs to address a loophole in our immigration system. I have introduced this amendment which suspends, not cancels, but suspends temporarily the Visa Waiver Program until the machine-readable and tamper-resistant biometric identification system mandated by the PATRIOT Act to be the cornerstone of the entry-exit system is fully operational.

Until we have the technical and human resources to secure our points of entry, we cannot afford to allow visitors to come to the United States without prescreening them prior to arrival. Despite the fact that the United Kingdom is one of our Nation's closest friends and allies, the London subway bombings earlier this year were executed in large part by British citizens with known ties to terrorism.

We know that terrorists like Zacharias Moussaui and Richard Reid exploited the Visa Waiver Program to travel to the United States. Do we want individuals like these to fly to America unchecked and to attack our subway system in the name of terrorist groups like al Qaeda under the cloak of the Visa Waiver Program? Do we want French citizens with Islamofascist mindsets to get a free pass through Customs? If not, we need to suspend this program until we are equipped to check the criminal and terrorist backgrounds of every visitor who arrives at a point of entry and to confirm the identity of each visitor using biometric identifiers.

The success and failure of the Visa Waiver Program can trace its roots back to 1986 when it was passed as part of the Immigration Reform Control Act. As many of my colleagues know, what we left undone in 1986 is in large part why we need to consider a new immigration reform law in 2005 that is consistent with the recent reauthorization of the PATRIOT Act. The Visa Waiver Program was only designed to be a temporary program for a small and select group of nations. Today, 27 countries are eligible under visa waivers, opening the door widely, widely, Mr. Chairman, for an unscreened terrorist to attack the United States.

Yesterday, the United States USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 passed by a vote of 251–174, a strong endorsement for securing our Nation against terrorism. The PATRIOT Act acknowledges the problem of the Visa Waiver Program, and I have introduced this amendment to suspend the program until the solution made possible by the PATRIOT Act can realistically take effect. This is an issue that extends beyond apprehending illegal immigrants and actually works to secure our points of entry from those who desire to attack our Nation.

Mr. Chairman, I include for the RECORD a letter from the 9/11 Families for a Secure America in full support of this amendment.

9/11 FAMILIES FOR A SECURE AMERICA,
DECEMBER 15, 2005.
Staten Island, NY,

Hon. PHIL GINGREY,
Cannon House Office Building,
Washington, DC.

DEAR MR. GINGREY, 9/11 Families for a Secure America fully supports your amendment to H.R. 4437 to suspend the Visa Waiver Program until the automated entry-exit control system authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is fully implemented.

The recent civil disturbances in France make it quite clear that the time is past when citizens of particular countries should be granted blanket permission to enter the United States without first applying for a visa. Many of the nations of Europe, after decades of permitting mass immigration from nations that sponsor terrorism have created a situation where large numbers of Islamic extremists, though closely connected to the terrorism that originates in countries such as Saudi Arabia, are themselves citizens or native born in any of a dozen European nations. The result is that Islamic extremism is no longer limited to persons born in or citizens of Middle Eastern nations. For this reason, citizens of European countries should be subject to the same visa application process which applies to the other nations of the world.

If Islamic extremists commit another 9/11 it will not make any difference to the victims of that attack that the people responsible carried French passports rather than ones issued by Iran, Saudi Arabia or Lebanon.

Sincerely,
THE BOARD OF DIRECTORS,
9/11 FAMILIES FOR A SECURE AMERICA

Bruce DeCell, Sergeant, NYPD (retired), Father-in-law of Mark Petrocelli, age 29.

Bill Doyle, father of Joseph, age 24, WTC North Tower.

Lynn Faulkner, husband of Wendy, WTC South Tower.

Peter and Jan Gadiel, parents of James, age 23, WTC, North Tower 103rd floor.

Grace Godshalk, mother of William R. Godshalk, age 35, WTC South Tower 89th floor.

Joan Molinaro, mother of firefighter Carl Molinaro.

Will Sekzer, Detective Sergeant (retired) NYPD, father of Jason Sekzer, age 31, WTC North Tower 105th floor.

Mr. KING of New York. Mr. Chairman, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from New York.

Mr. KING of New York. Mr. Chairman, these are issues that must be addressed. and I will assure the gentleman that, as chairman of the Homeland Security Committee, that I will work on these issues and address the very real concerns that you have. I would ask in that context you consider withdrawing the amendment with that pledge I make to you.

Mr. GINGREY. Mr. Chairman, I appreciate that spirit of cooperation. I know there are some concerns about the amendment. Indeed, a major airline in my district, in my State, has some concern over it, and people who are concerned about tourism and the economic effects of this amendment.

But I think this is a situation where, when we look back and think about 9/11, it would probably cost our economy $3 trillion if we have another attack of that magnitude. The cost of that, of reduced tourism, would pale in comparison to another $3 trillion cost to our economy if that should occur. I sincerely appreciate the chairman's willingness to cooperate with us, and I look forward to working with him on this issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

PART B AMENDMENT NO. 7 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 printed in House Report 109–347 offered by Mr. CAMPBELL of California:

At the end of title III, add the following:

SEC. 308. COMMUNICATION BETWEEN GOVERNMENT AGENCIES AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(1) by striking "Immigration and Naturalization Service" and inserting "Department of Homeland Security" each place it appears; and

(2) by adding at the end the following:

"(d) ENFORCEMENT.—

"(1) INELIGIBILITY FOR FEDERAL LAW ENFORCEMENT AID.—Upon a determination that any person, or any Federal, State, or local government agency or entity, is in violation of subsection (a) or (b), the Attorney General shall not provide to that person, agency, or entity any grant amount pursuant to any law enforcement grant program carried out by any element of the Department of Justice, including the program under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 241(i)), and shall ensure that no such grant amounts are provided, directly or indirectly, to such person, agency, or entity. In the case of grant amounts that otherwise would be provided to such person, agency, or entity pursuant to a formula, such amounts shall be reallocated among eligible recipients.

"(2) VIOLATIONS BY GOVERNMENT OFFICIALS.—In any case in which a Federal, State, or local government official is in violation of subsection (a) or (b), the government agency or entity that employs (or, at the time of the violation, employed) the official shall be subject to the sanction under paragraph (1).

"(3) DURATION.—The sanction under paragraph (1) shall remain in effect until the Attorney General determines that the person, agency, or entity has ceased violating subsections (a) and (b).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to grant requests pending on or or after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from California (Mr. CAMPBELL) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are cities around this country that have laws or executive orders under which they prohibit law enforcement officials from reporting to the Department of Homeland Security when they encounter, through the normal course of law enforcement practice, individuals who are aliens, who are foreign nationals and who are in this country illegally. That, first of all, is a violation of Federal law. Both the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 both prohibit cities from adopting that sort of ordinance.

But secondly, it is just wrong. We have Federal law here, and we have people in the ordinary course of their law enforcement activities encountering people who are foreign nationals and in this country illegally, and cities are passing ordinances making it a crime basically for those law enforcement officials to let Department of Homeland Security know that.

The reason this happens is there is no enforcement mechanism on this Federal law right now. What this amendment would do is simply provide an enforcement mechanism by making those law enforcement agencies in those areas not eligible for Federal grants if they have such a prohibition which is in violation of Federal law.

Mr. Chairman, I reserve the balance of my time.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say to the gentleman from California (Mr. CAMPBELL) that it is interesting that we come to the floor and try to make like there is a divide in the arresting and detaining of criminals. Every jurisdiction, outside of the Federal jurisdiction, has the right and responsibility to arrest criminals, whether they be documented or undocumented. There is no divide on that question. Local law enforcement, local sheriffs, local constables, local police, can, in fact, arrest criminals, detain them and even send them through our judicial system.

Your amendment, however, breaks the back of our local jurisdiction, and it creates an enormous unfunded mandate. It would force cash-strapped State and local governments to enforce civil immigration laws. We want the criminals off the street. But you would force our local governments to take on extra responsibilities without funding.

Let me remind you that the idea of enforcement of terrorism really begins outside of our borders. That is what we are here to talk about, to ensure that we have strong border security enforcement.

I would also offer to say that we hope that the DeFazio-Lungren bill passes in a few moments because that is what it does, it ensures that we protect against those who would come inside. That would protect the Federal jurisdiction and the State. But this amendment preempts any State and local laws that bar their law enforcement officers from assuming the Federal responsibility of enforcing civil immigration laws.

But more importantly, what it does is it forces local jurisdictions to send private information on crime victims, possibly a rape victim, who may be an undocumented immigrant. And this amendment opposes another unfunded mandate on State and local governments. It undermines effective community policing, increases racial profiling. As well, let me suggest that it requires local government to give information that it might not even have. Then you eliminate their opportunities to secure their own communities.

And so, frankly, this is a bill that most of the law enforcement are against, and it is enormously burdensome, and it breaks up the responsibility, or it stops the responsibility of law enforcement because it is divisive and it is unworkable.

Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments from the gentlewoman from Texas, but let me make it clear what this bill does and does not do, what this amendment does and does not do. It does not require local governments to do anything. All it does is tell them they should not prohibit, they should not actively prohibit their law enforcement officials from giving this information to the Department of Homeland Security. It does not require them to give the information. It says you may not prohibit or you lose Federal funds.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, my colleagues, I welcome the newest Member of the House from California; and I, likewise, welcome this commonsense amendment because in this amendment the gentleman from California encapsulates the challenge facing this House. We claim we are going to enforce existing laws. Let us begin here. Thirty-two cities and counties have not been cooperating. They say let us carve out an exception. Two states in our Union are sanctuaries, Oregon and Maine.

Ladies and gentlemen, if border security is national security, if we have found that we have illegally in this Nation over 80,000 convicted felons from other cultures, why should it be difficult for local law enforcement agencies to themselves obey the law? "Yes" on this amendment. It puts some teeth in the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, would the author please tell me what is broken that needs fixing? Where is the local agency not, I mean, as you say in your bill, you shall not provide any person, agency or entity, pursuant, any grant, even any formula grants. You are going to just bring law enforcement to a standstill here. You are going to create the biggest bureaucracy in the world.

I represent a lot of local governments. I do not know any of them that do not share this information. But I also know that there are times when local law enforcement has undercover agents who are undocumented. I found that out from previous experiences where they may not want to tell anybody that is an undercover agent. And is that the kind of thing? I mean, this is not the law that the local city councils adopt. This is the way law enforcement does their business. And with your amendment, I see that the Attorney General has now to determine whether that city or county receives any formula funds of any amount, and that they cannot receive those amounts in the future. What are you going to do about Katrina? What are you going to do about all those cities that you are trying to bail out with the floods? I think this amendment is fixing something that is not even broken. I oppose it.

Mr. CAMPBELL of California. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I rise in strong support of the Campbell amendment. This legislation is quite straightforward. It informs our States and localities to enforce the law. That sounds ridiculous to us, I am sure. But the fact is that one of the main problems with our immigration laws is that we are not enforcing them. And under the immigration reform legislation we passed in 1996, we prohibited States and localities from barring their entities and barring officials from providing immigration information to the Department of Homeland Security.

Now, these counties and these States have decided to defy the law. There should be a cost for that. And the cost, according to this amendment, which says we mean what we say, the cost is that they would receive no grant amounts made available to any Federal, State, or local government agency or entity that violates the law. The rule of law is important. Support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

You know, I wish that we could find common ground on really securing America and not, if you will, unduly burdening our local and State jurisdictions that already comply with the law, that already arrest the criminals. Now you are asking them to engage in civil immigration issues, which should be under Federal jurisdiction.

And my good friend suggests that this is an allowance amendment; it simply allows them to do this. He knows that by the very announcement or pronouncement coming from the Federal Government, what he does is he intimidates local jurisdictions and they take on burdens that they truly cannot fund.

We should be focusing on securing the borders, providing an enhanced, pre-testing program for those who are coming into the United States, providing more resources for Border Patrol agents, allowing them to enforce the border, giving them the law enforcement authority, being more secure in the visa program that we have. Those are some of the underlying elements that are missing out of this legislation, and I am sad to say that the present amendment will not in any way, I believe, provide any more security than what we have.

Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I yield 45 seconds to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I urge all Members to support Mr. CAMPBELL's amendment to help rid our communities of dangerous illegal alien criminals. I commend Mr. CAMPBELL for his commitment to immigration reform. His amendment would make sure that cities do not get Federal taxpayer dollars if they have policies in place that harbor and give sanctuary to illegal alien criminals. Sanctuary policies tie the hands of local law enforcement officers and keep illegal aliens who commit crimes in our country rather than deporting criminals according to U.S. law. Under these so-called sanctuary policies, in certain cities the police officers are prohibited from reporting the illegal aliens who commit crimes to Federal immigration authorities for deportation. As a result, taxpayers pay to incarcerate illegal alien prisoners who are later released back onto the streets.

Welcome to Congress. You have had an impact right away, Mr. CAMPBELL.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I point out to all Members the reason you must pass this amendment is it is against the law to have a sanctuary city, a sanctuary State. This amendment goes to the heart of the frustrations of the police and deputies. They apprehend the criminal aliens, are forced to turn them back onto the streets. You want to know what is wrong? Somebody says tell me something is wrong.

Newlywed Dallas, Texas, police officer Brian Jackson, 28 years old, is the latest victim of this outrage. He was shot and killed November 13 in the line of duty. The suspect is an illegal alien that had been arrested and released by Dallas Police Department on September the 11 and again on September the 16 with the full knowledge that he was violating the law. That is why you need to vote for this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

This bill will not work because local officials are not trained. They do not understand the difference between those who are undocumented or citizens. We are putting an unfunded mandate on it. We are keeping crime victims from reporting the crimes to local law enforcement. We are breaking community policing; and we are putting this heavy burden, and we are not securing America.

Provide resources to the Border Patrol and you will secure America. Provide technology and you will secure America. Vote "no" on the amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 109–347.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. The request of the gentlewoman is not timely.

PART B AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 printed in House Report 109–347 offered by Ms. JACKSON-LEE of Texas:

Amend section 402 to read as follows:

SEC. 402. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

(a) In General.—Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention (in accordance with subsection (b)).

(b) Secure Alternatives to Detention Program.—

(1) Nature of the program.—For purposes of this section, the secure alternatives to detention referred to in subsection (a) is a program under which eligible aliens are released to the custody of suitable individual or organizational sponsors who will supervise them, use appropriate safeguards to prevent them from absconding, and ensure that they make required appearances.

(2) Program development.—The program shall be developed in accordance with the following guidelines:

(A) The Secretary shall design the program in consultation with nongovernmental organizations and academic experts in both the immigration and the criminal justice fields. Consideration should be given to methods that have proven successful in appearance assistance programs, such as the appearance assistance program developed by the Vera Institute and the Department of Homeland Security's Intensive Supervision Appearance Program.

(B) The program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, a supervised group home, or in a supervised, non-penal community setting that has guards stationed along its perimeter.

(C) The Secretary shall enter into contracts with nongovernmental organizations and individuals to implement the secure alternatives to detention program.

(c) Eligibility and Operations.—

(1) Selection of participants.—The Secretary shall select aliens to participate in the program from designated groups specified in paragraph (4) if the Secretary determines that such aliens are not flight risks or dangers to the community.

(2) Voluntary participation.—An alien's participation in the program is voluntary and shall not confer any rights or benefits to the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(3) Limitation on participation.—

(A) In general.—Only aliens who are in expedited removal proceedings under section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) may participate in the program.

(B) Rules of construction.—

(i) Aliens applying for asylum.—Aliens who have established a credible fear of persecution and have been referred to the Executive Office for Immigration Review for an asylum hearing shall not be considered to be in expedited removal proceedings and the custody status of such aliens after service of a Notice to Appear shall be determined in accordance with the procedures governing aliens in removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(ii) Unaccompanied alien children.—Unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act (6 U.S.C. 279(g)(2))) shall be considered to be in the care and exclusive custody of the Department of Health and Human Services and shall not be subject to expedited removal and shall not be permitted to participate in the program.

(4) Designated groups.—The designated groups referred to in paragraph (1) are the following:

(A) Alien parents who are being detained with one or more of their children, and their detained children.

(B) Aliens who have serious medical or mental health needs.

(C) Aliens who are mentally retarded or autistic.

(D) Pregnant alien women.

(E) Elderly aliens who are over the age of 65.

(F) Aliens placed in expedited removal proceedings after being rescued from trafficking or criminal operations by Government authorities.

(G) Other groups designated in regulations promulgated by the Secretary.

(5) Implementing regulations.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement the secure alternatives to detention program and to standardize the care and treatment of aliens in immigration custody based on the Detention Operations Manual of the Department of Homeland Security.

(6) Decisions regarding program not reviewable.—The decisions of the Secretary regarding when to utilize the program and to what extent and the selection of aliens to participate in the program shall not be subject to administrative or judicial review.

(d) Reporting Requirements.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary of the Senate a report that details all policies, regulations, and actions taken to comply with the provisions in this section, including maximizing detention capacity and increasing the cost-effectiveness of detention by implementing the secure alternatives to detention program, and a description of efforts taken to ensure that all aliens in expedited removal proceedings are residing under conditions that are safe, secure, and healthy.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section. Amounts appropriated pursuant to this section shall remain available until expended.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very concise and very direct. The amendment deals with eligible aliens who are released to the custody of suitable individual or organizational sponsors who will supervise them, prevent them from absconding, and ensure required appearances.

Decisions on eligibility for participation are made on case-by-case determination by DHS with no judicial review. The various options for secure alternatives include placement with sponsor, group home or supervised environment with adequate security.

There is a need for secure alternative programs because my good friends over here are criminalizing the elderly, the sick, children, and others who are now undocumented in the country.

The annual population of aliens in DHS custody is more than 200,000. We will add another 11 million. The gap between the number of noncitizens in immigration proceedings on a given day and the number of detention beds available to the DHS continues to grow.

This is a simple, straightforward amendment that would allow alternative sites to be established with criteria given by the Secretary of Homeland Security so that you can, in essence, provide secure alternatives for the elderly, the sick, the infirm, and children. When you make criminals out of 11 million undocumented who are here in the United States, by their very presence are made criminals, then I would assure you that this particular secure alternative program is needed. I would ask my colleagues to support this amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just like to rise in support of this very intelligent amendment. You know, most people do not realize that we actually have fewer beds, detention space in America today than we did on September 11. We have 700 fewer beds today than we did on September 11, 2001.

I have a bill that has not been scheduled for action that relates to unaccompanied minor children, and I would like to just mention the plight of one young boy, Malik Jarno, who came to the United States in his Boy Scout uniform to go to a Boy Scout jamboree. He is slightly retarded and he ended up, a long story I will not bore you with, being arrested. He did not commit any crime and was put in a jail, a 16-year-old boy in his Boy Scout uniform, put in a jail with adults. It is absolutely wrong to treat children in that manner.

The gentlewoman's amendment would make sure that children are treated appropriately while their matters are being reviewed. It does not say what the outcome has got to be, but just that we do not put children in prison with adults. Civilized nations do not do that. And I commend the gentlewoman for her amendment. It would also increase the ability to hold those who are not currently able to be held since, for reasons we cannot understand, the Bush administration has 700 fewer beds today than we did on September 11, 2001.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). Who claims time in opposition to the amendment?

Mr. McCAUL of Texas. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. McCAUL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me say at first, I have great respect for the gentlewoman from Texas, and I know this is a well intentioned amendment. However, I believe there are numerous problems with this amendment.

It is unnecessary and seeks to create a class of aliens who will are not be detained with the rest of the alien population. However, the mandatory detention provision of H.R. 4377 preserves the already existing parole authority under section 212(d)(5)(A) of the Immigration and Nationality Act that waives mandatory detention and releases aliens for urgent humanitarian reasons or for significant public benefit. In other words, the Secretary already is empowered and has discretion to release juveniles and aliens who have serious medical conditions in which continued detention would not be appropriate and women who have been medically certified as pregnant, the very classes that the gentlewoman seeks too release.

Also, this amendment creates a whole new bureaucracy that is not necessary. It takes away power from the department and those who are really experienced with these issues and concerns involving the detention of aliens and empowers independent groups, NGOs and academic experts from the immigration and the criminal justice field, with the authority to design this program separate and apart from the Department of Homeland Security. This amendment also requires the Secretary of Homeland Security to enter into contracts with groups including the NGOs and individuals to implement the program.

Simply put, this amendment applies only to illegal aliens who are in expedited removal, which is typically 30 to 90 days. Such individuals will be removed quickly from the United States. Allowing them to be released outside of what the statute already prescribes would only create more incentive for them to enter into and remain in this country.

In addition, this amendment seeks to protect aliens with valid claims of asylum who are already protected under this bill. H.R. 4377 does not change current law regarding those with valid claims of asylum. They currently have and, if this bill passes, will still have that right. Detention of such aliens is still discretionary once placed into asylum proceedings.

And, finally, this amendment seeks to shift the authority for unaccompanied alien children to the Department of Health and Human Services. We have a serious and significant youth alien gang problem in the United States, MS-13, for instance, whose members are primarily from El Salvador and enter illegally into the United States across our land borders. Some of these gangs are dangerous criminals and such members of alien gangs who could potentially be not only criminals but terrorists. This amendment provides for a sweeping shift of power from the Department of Homeland Security to HHS to deal with such aliens. I submit that DHS has the expertise to deal with aliens.

We are in a crisis. That is why we are debating this bill today, and mandating this change in law is not how the government should be responding to these types of serious problems. This provision, simply put, removes all discretion from the Secretary of Homeland Security, where it properly resides, to determine who should be detained and not detained. And, therefore, for those reasons, I respectfully oppose this well-intentioned amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, will the gentleman yield?

Mr. McCAUL of Texas. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Chairman, I know the gentleman is a decent person, and I respect that. But I do not know if he is aware of the government's dismal record of arresting the 16-year-old in his Boy Scout uniform having attended the International Boy Scout Jamboree and then putting him in jail with adult prisoners. The record is not a pretty one, and I just note that the Secretary retains full power to lock up anyone he wants to if they are a criminal, but we have a very serious problem.

Mr. McCAUL of Texas. Mr. Chairman, reclaiming my time, I am sure we can point to extreme examples, but the fact of the matter is that the statute does already provide and gives the Secretary of the Department of Homeland Security discretion to release juveniles, aliens with medical conditions and aliens who are medically certified as pregnant. I think this is already addressed by the law. And, therefore, this well-intentioned amendment, I believe, is unnecessary.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

First of all, I, too, have respect for the gentleman from Texas, but I think he should read the bill and see that the bill already has a secure alternative program in place. This amendment does not require the Secretary of Homeland Security to be advised or the program to be structured by a number of groups that he might consult with.

It only allows the Secretary to seek advice. Also, this provides only the ability to set criteria for the different secure alternative programs that might be put in place, that might help the elderly, the infirm, the sick and children. And I give an example. In 1996, the INS contracted with the Vera Institute of Justice to run a 3-year demonstration program in New York. It was effective, and it worked. These are the kinds of suggestions that could be handled by the secure alternative program amendment that I offer.

Mr. Chairman, I reserve the balance of my time.

Mr. McCAUL of Texas. Mr. Chairman, I yield myself such time as I may consume.

The gentlewoman's, again, well-intentioned amendment says that the Secretary shall, mandatory language, shall design a program in consultation with nongovernmental organizations and academic experts in immigration and criminal justice. Again, this is a very serious matter, and I believe that the Secretary of the Department of Homeland Security is in the best position to make these determinations, not outside groups. And, of course, the Secretary can get any advice he wishes, but this is a decision for him to make and not for outside nongovernmental organizations.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think if my colleagues would studiously and deliberatively think about what this amendment stands for, they would understand that this is simply an advisory amendment that allows the Secretary to consult with very reasonable organizations who understand the importance of providing secure alternatives for detainees who happen to be infirm or children or the elderly. The Center for Gender and Refugee Studies, the Episcopal Migration Ministries, the Ethiopian Community Development Center, the Florence Immigrant and Refugee Rights Project, the Florida Immigrant Advocacy Center, the Illinois Coalition for Immigrant and Refugee Rights, the Immigrant Children's Advocacy Program, the Kurdish Human Rights Watch, Midwest Immigrant and Human Rights Center, Mississippi Immigrants Rights Alliance, National Immigration Forum, Political Asylum Project of Austin, U.S. Committee on Refugees and Immigrants, and a number of other individuals recognize that this is a reasonable approach. It is a risk-based approach that would allow the Secretary to consult to protect these detainees.

I ask my colleagues to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

PART B AMENDMENT NO. 9 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 printed in House Report 109–347 offered by Mr. CASTLE of Delaware:

At the end of title IV, insert the following new section:

SEC. 408. REPORT ON APPREHENSION AND DETENTION OF CERTAIN ALIENS.

(a) REPORT REQUIRED.—Not later than two years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on—

(1) the number of illegal aliens from noncontiguous countries who are apprehended at or between ports of entry since the date of enactment of this Act;

(2) the number of such aliens who have been deported since the date of enactment of this Act; and

(3) the number of such aliens from countries the governments of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or other provision of law, are governments that have repeatedly provided support for acts of international terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security should develop a strategy for entering into appropriate security screening watch lists the appropriate background information of illegal aliens from countries described in paragraph (3) of subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer this straight-forward amendment to the legislation before us today.

Following the attacks of 2001, it is essential that we improve our ability to track and identify terrorists attempting to cross our borders. Chairman SENSENBRENNER and Chairman KING have drafted legislation to better detect terrorist infiltrators, and I applaud them for their hard work on this important issue.

While most of the illegal immigrants who enter the United States do so for the purposes of finding work and making a better life, there are also those that may take advantage of our porous borders to enter the country and take part in terrorist activities. In fact, recent reports have projected that as many as 4,000 immigrants from countries identified as high risk will be arrested trying to enter the country illegally this year. As we speak, terrorists are using alien smugglers and document forgers to help move people through Iran and Pakistan, and it is only a matter of time until terrorist organizations attempt to use these techniques to enter the United States.

In 2004, the Border Patrol estimated that over 55,000 illegal immigrants from countries other than Mexico crossed our borders during a 10-month period. Of the illegal aliens from countries identified by the Secretary of State as sponsors of terrorism who have been ordered deported, only about 6 percent have actually been removed, and these are only the ones we know about.

This legislation takes steps to enhance our border security procedures and improve our ability to identify and remove potential terrorists. As part of this effort, it is imperative that we closely monitor trends in the number of immigrants from noncontiguous nations, other than, obviously, Mexico and Canada, who enter our country illegally. After 2 years of this bill's enactment, my amendment would provide essential oversight on the effectiveness of this system by requiring the Department of Homeland Security to report to Congress on the number of illegal aliens from noncontiguous countries who are apprehended at or between ports of entry and the numbers of such aliens from countries identified by the State Department as sponsors of terrorism.

My amendment would also encourage Homeland Security to develop a strategy for entering the appropriate background information of illegal aliens from countries sponsoring terrorism into appropriate security screening watch lists.

With millions of illegal immigrants flooding over our vastly unsecured borders, there remains a huge vulnerability to terrorist attack. There is no doubt that al Qaeda and other terrorist groups will take advantage of any area that we fail to secure. Illegal aliens from countries known to sponsor international terrorism, in particular, should raise red flags, and Congress and the Department of Homeland Security need to closely monitor these trends.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who claims time in opposition to the amendment?

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from California will control the time in opposition.

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree that we should get this information, and, actually, I believe that, under current law, the department is required to give us this information. In fact, there is an Office of Immigration Statistics buried in the bureaucracy of this department that is supposed to provide information to us on a variety of subjects.

I would just note that this is an agency that not only cannot administer, it is an agency that cannot count. We have had, for example, and it is a different issue, certainly, than terrorism, but I think several years in the last half decade where they have failed to count the number of visas when there were limits on employment visas, and then they say a big oops; they have given too many. And sometimes they even try to sneak around and deduct the overassessment from the next year's. They cannot count because they do not have any technology.

I think it would be quite a dandy idea to find out not only who has been apprehended from countries other than those who are immediately adjacent to us but a whole variety of other information, statistical information, about these individuals.

Again, I appreciate that the author is in good faith trying to make this happen. I will make him a side bet, maybe lunch, that we will never get this information any more than we get the information on the H-1B program that usually is due every year and usually we get it somewhere between 1, 2 and even 3 years late and wrong. I would like to get the information, but none of this is really going to happen until the inept administration of this function is improved. And I, regrettably, do not see that with the new Brownie coming on.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I agree, again, with the gentlewoman from California. I am worried about her pessimism in all this as to whether we can get these kinds of reports or not.

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But I think it is important to do this. I think it is very important that we ask this Department to come forward with this information. This basically is, again, a study after 2 years. They have got to give us the report. But, by God, we have got to hold them to it, too. I just think we have to know how these systems are working.

I do not think there is any question that the systems we have been talking about tonight on a couple of occasions could work, but they do not work because the Department has not been able to implement very well what they are prescribed to do by law already. We are not asking them to do anything different here except to do some reporting. In that case, we can start to make decisions about what is working or not.

So I understand exactly what she is saying and understand her frustration, as a matter of fact; and in spite of that frustration, she is supportive and I appreciate that also.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KING), the chairman of the committee.

Mr. KING of New York. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I once again am proud to urge adoption of his amendment. It is very a constructive addition to the bill. It certainly deserves the support of all Members, and I urge its adoption.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wonder if I could ask the chairman of the committee a question: I understand from the Democrats on the Rules Committee that we have not yet received the manager's amendment that has been discussed so frequently on the floor today to the underlying bill. We have not seen anything. Do you have any idea when Members will see this manager's amendment that has been discussed today?

Mr. KING of New York. Mr. Chairman, will the gentlewoman yield?

Ms. ZOE LOFGREN of California. I yield to the gentleman from New York.

Mr. KING of New York. No, I cannot enlighten the gentlewoman at all. As soon I find out, you will be the first to know.

Ms. ZOE LOFGREN of California. Mr. Chairman, reclaiming my time, I appreciate that.

Before recognizing my colleague, I just wanted to mention that on Mr. CASTLE's amendment there are several other issues that I think we need to consider, assuming they are going to pay any attention to this at all, which I have questions about. We do have expedited removal provisions, and the data-keeping is not very good there.

I would note also that part of our problem is that not only do we have inadequate enforcement at the border; we are just not enforcing the laws at the border, but we do not have the personnel to actually adjudicate matters once we have apprehended people.

Now, the expedited removal at the border, it is controversial among some, but I think not at points of entry. Judgments can be made. There are problems that the General Accounting Office has told us relative to asylum, the application asylum laws, that do need to be addressed. But it is not at all clear that these numbers are going to be folded into this, and I think we ought to be aware of that.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman. You have made some very valid points, and I would rise to support Mr. CASTLE's amendment; but I would appreciate if he would recognize some of the dilemma that we face.

One of my colleagues from Texas, Mr. ORTIZ, was one of the first Members, I think, to raise the question of OTMs, which your amendment in part would give us some answers to by providing information for those undocumented aliens who would be coming through the southern border who were not from contiguous countries.

One of the issues that all of us are concerned about is the route of terrorism that might occur and might be utilized by individuals coming from places other than Mexico. As you well know, over the years, unfortunately, we have had a gap in our enforcement, and those individuals have been released on their own recognizance.

My concern is as you have this thoughtful amendment, and I ask you to consider this, we, frankly, do not have the detainee space, detention beds, and the enforcement, internal enforcement officers, and also Border Patrol officers, even though this is a report, to deal with the large numbers of those who are coming in that we have been able to ascertain. In fact, 110,000 OTMs have been released last year due to lack of detention facilities. Legislation that I offered asked for 100,000 detention beds.

So I just raise that with the gentleman. I think the amendment is thoughtful, but we still are without the resources to do what we need to do on these particular detainees or undocumented aliens.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just respond for a moment, if I may, to the gentlewoman from Texas. I do not disagree with what you are saying. Part of the reason to get reports is to understand exactly where the problems are, do we have insufficient detainee and foot patrol officers and a whole variety of other things, for all that matter, judicial personnel or whatever it may be, to take care of some of the problems that exist.

It is fine to make the initial detention; but if you cannot do anything with it, you have not really achieved much in terms of perhaps preventing terrorism. So I do not disagree at all, and that is part of my goal.

I do not disagree with the gentlewoman from California. I think there are a lot of holes in all this; and I do not expect immediate, strong, good reports. As a matter of fact, I think we are going to have to prod to get some of these reports. But I think it is going to give us information that is helpful. That is the reason we have come forward with the amendment, probably to underline a lot of what you are concerned about and saying in terms of what we have to improve with respect to this whole situation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think as long as we collectively, the gentlewoman from California, myself, are raising concerns, and you accept or at least recognize that they exist, I do think getting a handle on the numbers and maybe seeing that they are larger than, and it would be wonderful if they are less than, but if we at least have a definition of the problem. I thank the gentleman for his amendment.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I do recognize the problems you have raised, and I do think those are things that we have to consider.

I do appreciate everybody's support for the bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. GINGREY). The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

PART B AMENDMENT NO. 10 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 printed in House Report 109-347 offered by Ms. GINNY BROWN-WAITE of Florida:

At the end of title VI, insert the following new section:

SEC. 615. DECLARATION OF CONGRESS.

Congress condemns rapes by smugglers along the international land border of the United States and urges in the strongest possible terms the Government of Mexico to work in coordination with United States Customs and Border Protection of the Department of Homeland Security take immediate action to prevent such rapes from occurring.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reports of the lawlessness along our borders are unprecedented. Stories about the number of young girls and women who smugglers and society's dregs rape as they attempt to cross the border are widespread.

Numerous recent articles have told stories of Minuteman members who are haunted by cries of women who are being raped and abused, who when they first heard the cries, they actually thought they were coyotes wailing in the desert. These are women and young girls being raped. All along the southern border, the sight of women's undergarments hang from border fences as trophies. This is appalling, and yet it is also very telling. There are stories of mattresses tucked in caves for more convenient access to rape young girls as young as 8- and 9-years-old crossing the border. Violent acts against females in this manner are despicable. Congress cannot and should not tolerate this behavior.

H.R. 4437, the Border Protection, Antiterterrorism, and Illegal Immigration Control Act of 2005, takes decisive action to reduce and eliminate this criminal activity. My amendment to the bill is a declaration that Congress condemns these rapes along the United States border.

Additionally, my amendment urges the Government of Mexico and U.S. Customs and Border Protection to work together to take immediate action to prevent such rapes from continuing.

We all understand that the best mechanism for preventing these rapes is to encourage legal citizenship and to stop people from crossing our borders illegally and therefore putting themselves in harm's way. By including my amendment in the underlying legislation, this House is sending a loud and clear message of its dedication to improving all aspects of border security. Urging both the United States and Mexico to take action is a good first step toward a peaceful, safe, and secure border.

The bill also provides a tremendous overhaul of the United States immigration policies, and I am very pleased that the House is debating this issue before we adjourn for the year. As a member of the Committee on Homeland Security, I look forward to implementing these measures, and I also look forward to the time when reports of rape and cruelty to young girls and women are not an issue on our border.

Mr. Chairman, I urge my colleagues to support my amendment, and I thank the gentleman for his recognition of this amendment's merits.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, I rise today in strong support of this amendment offered by my colleague from Florida. Shockingly, thousands of women who cross the U.S. border illegally from Mexico are promised safe passage in return for sex and money. These women are not given safe passage, but rather become the trophies of criminal rapists as they hang the undergarments of their victims on the border fences.

But human trafficking and sexual exploitation impacts every corner of the globe; and the United States must lead an intensive, multilateral effort to stop it. Last year, an estimated 27 million people were forced into slavery around the world. I have heard the heart-wrenching stories of women and children, young girls, who are tricked, kidnapped, and sold into sexual slavery.

These crimes occur in many forms, from sex trafficking to involuntary servitude. Women, even young girls, are told they will be taken out of the country where restaurants and hair salons need workers. When these girls enter the country, their identification is taken away and there is no restaurant, no salon, only brothels. Furthermore, these girls are commonly told they must pay a debt for their transportation into the country, and they are forced to sell their bodies to pay off this debt. Our borders must not become the avenues for pimps, traffickers to make millions of dollars.

These victims are left with insufficient housing, no access to social services, no education, or job opportunities. Sex trafficking rings are frequently linked to corruption, and law enforcement in some regions are even bribed to ignore these sex slavery rings. This must stop.

Mr. Chairman, this amendment before us today takes the necessary first step not only condemning the exploitation of people along our borders but also strongly urges immediate action to prevent such abuse from occurring in the future. I strongly urge my colleagues to vote in favor of this amendment and condemn this lawlessness on our borders.

The Acting CHAIRMAN (Mr. SIMPSON). Who claims the time in opposition to the amendment?

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman will control 5 minutes.

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment. The amendment calls on the Mexican Government to work closely with U.S. Customs and Border Protection to take immediate action to prevent the occurrence of rape along the U.S.-Mexican border.

Rape is a horrendous crime. Every 2½ minutes somewhere in the United States someone is sexually assaulted, and only 36 percent of the rapes are reported to law enforcement in the

United States. It is safe to assume that the rate of reporting is considerably less along the border.

The women who are crossing our border are extremely vulnerable, and they are unlikely to tell law enforcement officials that they were raped while trying to cross the border without their papers. The smugglers know that these women are vulnerable, and they take advantage of them. I think in many ways this amendment makes clear what many have been talking about today, and that is the need to gain control of the situation at the border.

I have talked today a lot about how dysfunctional the administration of our laws has been. We do not have enough Border Patrol agents; they are not properly equipped; we do not have enough prosecutors; we do not have enough judicial personnel; we are citing and releasing individuals and letting them go. We have a chaotic situation at the border, and we need to create an orderly situation at our borders. We need to take control of it. It is not occurring right now.

Part of that, and again this has been discussed, is to regularize the ability of individuals who want to come and be part of the American Dream so that they do not have to be with smugglers, vulnerable victims of crime, victims of rape; that there is some orderly manner for individuals to move back and forth across the border, to do the jobs that we know are not going to get done without them.

Earlier today, not on the record, someone said, Well, you know, if this bill passes, that is the end of salads in America. I think we need to contemplate the role that immigrant labor plays in the area of agriculture, fast food, tourism, the hotel industry, the tourist industry and the like. I think it is a mistake that the underlying bill does not deal with that issue.

I do agree, however, that the gentlewoman's amendment really calling on our two governments to coordinate, to fight this horrendous crime of rape is well intentioned, it is something I can support; and I hope it does some good.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

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PART B AMENDMENT NO. 11 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 printed in House Report 109–347 offered by Mr. HUNTER of California:

At the end of the bill, add the following:

TITLE IX—FENCING AND OTHER BORDER SECURITY IMPROVEMENTS

SEC. 901. FINDINGS.

The Congress finds the following:

(1) Hundreds of people die crossing our international border with Mexico every year.

(2) Illegal narcotic smuggling along the Southwest border of the United States is both dangerous and prolific.

(3) Over 155,000 non-Mexican individuals were apprehended trying to enter the United States along the Southwest border in fiscal year 2005.

(4) The number of illegal entrants into the United States through the Southwest border is estimated to exceed one million people a year.

SEC. 902. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) in the subsection heading by striking "NEAR SAN DIEGO, CALIFORNIA"; and

(2) by amending paragraph (1) to read as follows:

"(1) SECURITY FEATURES.—

"(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for least 2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors—

"(i) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

"(ii) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

"(iii) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

"(iv) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

"(v) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

"(B) PRIORITY AREAS.—With respect to the border described—

"(i) in subparagraph (A)(ii), the Secretary shall ensure that an interlocking surveillance camera system is installed along such area by May 30, 2006 and that fence construction is completed by May 30, 2007; and

"(ii) in subparagraph (A)(v), the Secretary shall ensure that fence construction from 15 miles northwest of the Laredo, Texas port of entry to 15 southeast of the Laredo, Texas port of entry is completed by December 31, 2006.

"(C) EXCEPTION.—If the topography of a specific area has an elevation grade that exceeds 10%, the Secretary may use other means to secure such area, including the use of surveillance and barrier tools. ".

SEC. 903. NORTHERN BORDER STUDY.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study on the construction of a state-of-the-art barrier system along the northern international land and maritime border of the United States and shall include in the study—

(1) the necessity of constructing such a system; and

(2) the feasibility of constructing the system.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Congress on the study described in subsection (a).

SEC. 904. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Secretary of Homeland Security shall take all necessary steps to secure the Southwest international border for the purpose of saving lives, stopping illegal drug trafficking, and halting the flow of illegal entrants into the United States.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a few years ago, in fact in 1994, we mandated the construction of a fence in San Diego California, a triple fence. And that fence, with a basic fence on the border, a Border Patrol road, then a secondary higher fence with an overhang, a second Border Patrol road and then a third fence were designed to stop the massive drug trade and the smuggling of narcotics and people across what was the most prolific smugglers' corridor in America, that between Tijuana and San Diego.

At that time we had some 10 border murders a year. We had gangs that roamed that area that they called a "no man's land" to the point where Joseph Wambaugh wrote the best seller "Lines and Shadows" about the no man's land that existed between Tijuana and San Diego. We had some 300 drug trucks a month crashing that border and running up with cocaine for our children.

We built that fence, Mr. Chairman, and in doing that we knocked down the murders from 10 a year to zero. We knocked down the border drive-throughs from 300 a month to zero. We knocked down the smuggling of both illegal aliens and narcotics to almost zero where that fence was.

I might say that the great Border Patrol chief, Mr. Sylvester Reyes, stood in testimony, even adversely to his administration, and testified to the sufficiency of that fence.

This proposal, Mr. Chairman, is 700 additional miles of fence, and it has a great humanitarian aspect. The first piece of this fence, 361 miles from Calexico to Douglas, Arizona, is the area through which most of the people come who have represented those 400 deaths a year by dehydration in the deserts of Arizona.

If we had 400 college kids or high school kids or neighborhood kids a year dying in a lake in a city, we would immediately fence it. By fencing that area we are going to prevent those deaths. We cannot fence it by the next hot season, which will start in the end of May this coming year, but we have in this legislation directed interlocking cameras so we can see people when they come across the border while we are building the fence and we can respond. We can both deport them, and we can also save their lives, Mr. Chairman.

The second piece that is mandatory here is the 15 miles on each side of Laredo. Across the river from Laredo is Nuevo Laredo where the drug lords reign, where they kill the local law enforcement officers within, some cases, a few hours of their taking office. If we can dry up that massive land smuggling with backpacks full of cocaine coming across that smugglers' jump-off point in Nuevo Laredo by fencing both sides with a double fence, 10 miles on each side of Nuevo Laredo, and we want to have it done and it is mandated by this bill by the end of the year this next year, we will have done great things for the people of America and the good citizens of Nuevo Laredo.

This has a great humanitarian aspect to it, and we costed it out. It is roughly $2.2 billion. That is a fraction of what we spend each year to incarcerate the criminal aliens whom we currently have in massive numbers in our Federal penitentiaries and in our local jails.

That is the essence of this.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who claims time in opposition to the amendment?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim time in opposition.

The Acting CHAIRMAN. The gentlewoman will control 10 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment and what it says about the United States of America.

I wish this debate had been held in committee and that something more than just the last-minute long list of amendments could be debated right here tonight, because I think most of the Members of this House have not read this amendment nor understand the implications.

This amendment allows the Secretary of Homeland Security to not only build a wall between Mexico and the United States but to study building a wall across Canada, across our U.S. borders. In so doing, it gives the political appointee the authority to waive all laws, not only all environment laws but also notwithstanding any other provision of the law, child labor laws, laws to protect workers from ensuring safe and healthy workplaces, Davis-Bacon laws, civil rights provisions, ethics laws for clean contracting and procurement policy, laws and statutes that give small businesses a fighting chance for winning contracts for construction.

There is no recourse to the abuse of power and certainly no good will come as demonstrated in this manner in safeguarding our national borders.

I urge all my colleagues to be rational lawmakers and avoid overreacting in the hysteria of a few.

Mexico is California's number one trading partner. Our border with Mexico is the busiest in the world. More people and commerce legitimately cross that border than any other border in the world. Why would the Government of the United States at a time when we are advocating support for enforcement of law, why would the government now want to forbid the use of a law to finish the fence? Not even the importance of securing our border can justify placing a government official above the law.

How can we celebrate tearing down the Berlin Wall, fight undemocratic regions around the world, and build respect for law here at home with this kind of message?

Allowing a political appointee to waive the law and to prohibit legal appeals is not winning the war on terrorism; it is supporting it.

Ronald Reagan said, "General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization, come here to this gate. Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall."

Unfortunately, someone will have to say that about this wall some day because an America with walls between Canada and Mexico is not an America that reaches out for the people of this world to come here legally.

Mr. HUNTER. Mr. Chairman, I just wanted to mention that Ronald Reagan closed down the border when our agent Kiki Camarena was murdered and the killer was not produced forthrightly by Mexican authorities.

Mr. Chairman, I yield 2 minutes to the gentleman who is a co-author of this legislation and a tireless worker for the border fence in San Diego.

Mr. DREIER. Mr. Chairman, I agree with my friend from California (Mr. FARR). We look forward to when we can tear this down. We want to be able to tear this down when we see an end to illegal drug trafficking, when we see an end to illegal crossings of our border, when we see economies of scale because of trade. But until that time, because of the success that we have seen with the 14-mile border fence from the Pacific Ocean to the Otay Mesa, it is absolutely essential that we build on that success.

We are in the midst of completing that 3½ mile gap, and Mr. HUNTER has just referred to the diminution that we have seen in cars running across the border and people running across the border at that fence.

This is a humanitarian issue as well. It is humanitarian because when we look at the 1,500 people, fellow human beings, who have died in the desert because of the fact that they have crossed illegally into our country, the existence of these fences at the most dangerous spots along our 2,000-mile border will go a long way toward saving the lives of our fellow human beings.

It is absolutely essential that we do all that we can to strengthen our relationship in trade, to strengthen our relationship in working with the Mexican Government; but when we have a problem that is killing people, literally killing people, and costing the United States of America billions of dollars, the existence of this fence is the right thing to do. And I do anxiously look forward when we see things improved to our saying that we can completely tear down this wall.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my good friend knows that the fence is no substitute for good intelligence.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), a member of the Homeland Security Committee and the Transportation Committee.

Mr. DEFAZIO. Mr. Chairman, they are proposing here to build an extensive triple-wall fence along the Mexican border, ostensibly building on the success of a very short section of fence, and they are also proposing that we should study building a fence along the entire 2,000-plus-mile Canadian border. They are not talking much about that.

Here is a picture of one of the world's existing fences that completely surrounds an area. It is in Melilla; and like Ceuta, which is attempting to keep Africans from getting into the Spanish parts of Morocco, they do not work.

The EU paid for these double fences. They use deadly force. They kill people there, and people still go over it, around it, and through it. It is 10 feet high with concertina wire on top. They will make it 20 feet high with concertina wire on top. It does not work.

When Hong Kong was walled off by the Communist Chinese, again, a fairly extensive piece of land, and they could use deadly force, businesses were set up on the Communist Chinese side of the border, the entrepreneurs there, to guarantee to get people through in less than a minute. And they did. And it did not work.

They say it is only $2.2 billion. We could do a lot more with $2.2 billion. We could do some interior enforcement to keep illegal people from working here. We could hire more Border Patrol agents. There are a lot of things we could do with $2.2 billion, but to build or extend this fence, yeah, it will make someone rich like Bechtel or Halliburton or whoever is going to build the fence, they will get a pile of money out of it; but it is not going to work. It does not work in Africa. It did not work in Communist China, again, where they are using deadly force. Are we going to use deadly force?

How about some enforcement on the Mexican side of the border? Well, they do not want to go there because they all voted for NAFTA. They do not want to say let us withdraw from NAFTA unless the Mexicans put enforcement on their side of the border. Right now people line up on the border at night and the Mexican police say, hi, how you doing? Okay. And then they run across.

How about a little bit of international cooperation? There are a lot of things we could do here, but the things we could do that are effective offend big business who are the patrons of the Republican Party. That is interior enforcement, employer enforcement. People do not come here to go on vacation. They come here to go to work. If they could not get work, they would not sneak across the border. If we force the Mexican Government to do something on their side by threatening to withdraw from NAFTA, which we can do with 6 months' notice, again, big business would not allow the Republicans to do that or George Bush certainly would not do it because he is for open borders. But they can pretend here they are doing something.

They are wasting $2.2 billion of taxpayer money to do something that has not worked anywhere else in the world even where they are willing to shoot the people that go through the fence, Communist China, Morocco. It is not going to work here either.

And what about Canada? Come on, guys, talk about the Canada part. Tell us about the 2,000-plus-mile fence along the Canadian border. That is going to be a real piece of work.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. ROYCE) who has been a major proponent for this fence.

Mr. ROYCE. Mr. Chairman, I rise in support of this amendment. Of course, the circumstance is that in San Diego this fence has worked. In San Diego those crossing and apprehended where we have erected this fence have dropped from 202,000 a year in 1992 to less than 9,000 by 2004. So, yes, people still find a way around the fence, but not many. And if we are going to be serious, the establishment of a border fence project like this is probably going to have the same impact on these other communities that it has on San Diego, which is to say crime rates have fallen to a fraction of what they were.

San Diego is no longer one of the most prolific drug smuggling corridors. So where is the fence needed? On these corridors you see here. This is where we can have the maximum impact.

Why is it important? Partly because this has become post-9/11 a national security concern. If we do nothing to stop people attempting to enter illegally off our southern borders, when we know that al Qaeda has already indicated that its intention is to send agents over the southern border of the United States with the intent of carrying out an attack on the United States, we are not doing our jobs under the Constitution of the United Nations to protect the American public.

Now, will we catch everyone? Maybe not, but 3,000 people from state sponsors of terrorism have been stopped to date, and this is a chance to make certain that al Qaeda operatives do not have an easier chance of getting into the United States.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me tell you what the 9/11 Commission announced to America as one of the key elements of the disaster and tragedy of 9/11. Even the families of the 9/11 victims who insisted on such a commission acknowledged that it was faulty and failed intelligence.

□ 2045

In this time of 21st century technology, my good friends and colleagues, who I have great respect for on the other side of the aisle, want to put into place the old Berlin Wall, again the same wall that Ronald Reagan had torn down, the same wall that will be as inept and ineffective and destructive as the Berlin Wall.

I think it is important to note for those who are talking about the area of Laredo, part of the State of Texas, and many of my colleagues from Texas have been champions on this issue, but my friends should realize that the reason for the drug cartels in Nuevo Laredo is because we busted the Colombian drug cartels in Colombia, and they simply moved to Mexico.

So, rather than the old Berlin Wall, again, what we really need is an effective law enforcement at the border. We are going to put the Berlin Wall up, but we are not going to have 15,000 extra Border Patrol agents.

I would offer to say that the Berlin Wall, without law enforcement, is misleading the American people into false security.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. GOODE), my great cosponsor on this.

Mr. GOODE. Mr. Chairman, I want to thank Chairman HUNTER, Chairman DREIER and all of the supporters of this amendment.

Will this wall, will this fence make America absolutely safe, absolutely secure, and will it stop every illegal alien? No, it will not, but it will make us more secure. It will make us safer, and it will surely cut down the horrific numbers that flood into this country.

Vote to help save America. Vote yes on Hunter.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. SIMPSON). The gentlewoman from Texas (Ms. JACKSON-LEE) has 3½ minutes remaining. The gentleman from California (Mr. HUNTER) has 2½ minutes remaining. The gentlewoman from Texas has the right to close.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my pleasure to yield 1 minute to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding me time.

I just want to make a comment to my colleagues from California. Yes, the fence they showed was a fence that has been built without waiving any laws, a fence that is in existence. It did not need to do this Draconian kind of legislation here where you are going to an appointed official and giving them the authority to waive every law.

What really bothers me, and nobody has seen this, is one section. In your section 903, "The Secretary of Homeland Security shall conduct a study on the construction of a state-of-the-art barrier system along the northern international land and maritime border of the United States and shall include in the study," a whole bunch of studies.

That northern international border, as I know it, is called the Canadian border. This bill is not just about building a fence across the Mexican border. It is also about studying and building a fence across the Canadian border. It is a meat-axe approach, giving all these waivers, and it should be rejected.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I am happy to join my colleagues in cosponsoring this important amendment.

In many ways, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 is a return to basics for a complete overhaul of our system of immigration. An integral component of the basics is the long overdue need for securing the most populous areas of our southern border with physical barriers. Like locking the door to your house before turning on the alarm, it only makes sense to begin enforcement of our border with physical barriers.

My colleagues, Chairman HUNTER, Chairman DREIER and Mr. ROYCE, have attested to the success of the border fence in California. I believe we can apply this success to other parts of our borders using additional fencing and 21st century technology.

We need to stop the fluidness of our border before we consider any other immigration idea. In the words of a doctor, we need to stop the bleeding before we can stitch the wound, and constructing barriers on our borders is a critical first step toward curing this patient who has long suffered from inadequate therapy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me just briefly bring to the attention of my colleagues again the point that we are trying to make.

We started out by saying that border security has no divide among Democrats and Republicans. It has no divide among Americans, but there is a right way to do and to enhance border security.

In this legislation, are going to offer the old Berlin Wall, again separating the north from the south, separating us from our Canadian neighbors.

It is interesting, however, that when we ask for 15.000 more border patrol agents, increased recruitment and training of those agents, adding more equipment to those agents, we get a resounding no.

We need to do sensible, comprehensive immigration reform, not one that simply feels good, because the American people need real security.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Chairman, I thank the chairman for the time.

I rise in support tonight of the Hunter amendment. Nine years ago, Congress decided to build a 14-mile fence along the San Diego-Mexico border to curb drug trafficking and illegal immigration. As a result, the number of people caught crossing the border illegally along this area dropped by nearly 200,000 in 12 years.

Mr. Chairman, Americans are upset. They understand that too much of our border is still vulnerable. The world's a different place than it was 9 years ago, and illegal entry has grown well beyond that 14-mile stretch of land.

By mandating construction of a security fence along the five most dangerous areas of the southern border, this amendment seeks to take the next step in making our Nation safer.

Additionally, I would like to thank Chairman HUNTER for working with me to include language requiring the Secretary of Homeland Security to conduct a study on the use of physical barriers along the northern border.

I urge my colleagues to support the Hunter amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve my time.

Mr. HUNTER. Mr. Chairman, I yield the remaining time to close to the gentleman from California (Mr. DANIEL E. LUNGREN), the former Attorney General of the State of California, who understands border control.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I have heard the references to the Berlin Wall. There is only one problem: The Berlin Wall was built to keep people in, not keep people out. I do not recall in searching my memory a single example of people trying to jump over the Berlin Wall to get into East Germany.

This is for a different purpose. It is a different thing, and your suggestion that this is a Berlin Wall is only off by about 180 degrees.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the remaining time.

I thank the distinguished gentleman for his recharacterization of the Berlin Wall. It kept people out, and it kept people in, and that is what we are saying about the largest gated community in the western hemisphere. It will keep the good people of Canada, the good people of the southern border out, the trade and commerce, the friendship that we have developed, and it will cause no extra security to the American people.

Might I suggest to you that the 9/11 Commission reinforced the fact that it is intelligence, good intelligence, that keeps Americans secure. It is good equipment, good resources, good Border Patrol agents that are trained, professionally developed, not the falsehood of a security fence that cannot provide any security.

Might I remind my friends that the Berlin Wall allowed people to jump out and to jump in. The Berlin Wall was not a secure wall for the East Germans. People escaped from East Germany. People will escape from Mexico and the southern border.

This will only injure the relationships and cause no greater security. I believe this amendment is doomed to fail, and it should fail because the falseness of a security fence will not allow any Americans to sleep good at night.

Let us reinforce the intelligence community of America. Let us reinforce our Border Patrol agents, and let us reinforce friendship. Together, we can fight against terrorists, and we can fight against those who would come into the United States, undocumented, with real immigration reform and a comprehensive immigration plan as offered by many of our colleagues, such as GUTIERREZ, KOLBE, MCCAIN and KENNEDY. Let us talk about comprehensive reform.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

PART B AMENDMENT NO. 12 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 12 printed in House Report 109-347 offered by Mr. DEFAZIO:

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE ___—PRESCREENING OF AIR PASSENGERS

SEC. ___. IMMEDIATE INTERNATIONAL PASSENGER PRESCREENING PILOT PROGRAM.

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger's information against the integrated and consolidated terrorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted to board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and

(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term "passenger" includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system's accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, and computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Hopefully, this will be a relatively noncontroversial amendment, unlike the preceding.

We are doing something nonsensical today. We have, post-9/11, required that manifests be submitted to the United States of America to our law enforcement intelligence authorities for incoming flights for all passengers on board. That is good. That was only voluntarily before 9/11.

Unfortunately, we do not require that this be done until the flight has left, and we have all seen that a number of times flights have been turned back. They have had to land in Canada or Maine. People have had to be offloaded. It would be a lot more sensible to have a program where we could vet the manifest before the plane leaves.

So this amendment would set up a pilot program. The technology exists. It is being done in Australia and elsewhere very successfully, to have a pilot program so that we could show that this will work so that we can both make America more secure and facilitate international air travel.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does the gentleman from California claim the time in opposition?

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I do claim it; although I do not oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, it gives me great pleasure to be involved in this bipartisan amendment with my friend from Oregon.

The amendment addresses a dangerous flaw in our current system.

Under current practices, Customs and Border Protection does not receive the names of passengers on board international flights bound for the U.S. until after the flight is in the air, as the gentleman explained.

When CBP finally gets the passenger manifest, it sends it over to the Transportation Security Administration, TSA, so they can compare it against the terrorist databases. At that point, if they find a name match, there is no way to reconcile the situation.

This has resulted in numerous high-profile instances where a plane was forced to divert from its intended destination, I believe in almost every case while over the Atlantic. This inconveniences passengers and costs the airlines hundreds of thousands of dollars per incident. There have been, as I understand, seven diversions this year alone.

What is worse, since CBP and TSA have been operating this program, there have been two occasions on which the individuals flagged turned out to be the dangerous individuals on the watch list.

Fortunately, there is a commercially available system in use for flights to Australia that provides the airlines with a cleared or not cleared decision for each passenger in real-time, not 4 hours before or not 2 hours after they have taken off, but in real-time, at the time of check-in.

The system has been offered free of charge to CBP on a pilot basis. They have declined the offer and have yet to conduct any tests. Instead, they have been trying to internally develop a new system for over a year now. I believe we are wasting valuable time.

This amendment, at a minimum, will force CBP to conduct a test of the commercially available systems within 90 days of the date of enactment. If CBP can complete the development of its own proprietary system, we will also get a real apples-to-apples comparison of the various products.

Ultimately, Mr. Chairman, this amendment will speed implementation of this vital program to ensure that the airlines will know who can board the plane safely and who cannot long before the plane leaves the ground.

I believe everyone agrees that is the best possible situation. We have, on a bipartisan basis I think, been frustrated by the responses we have received as to why they cannot develop their own program and why they then resist conducting a pilot program utilizing something that has already been done in another country.

The only question it seems to me is scaleability: Can they scale up to the volumes we have in the United States because obviously Australia is a smaller country with a smaller number of people? But in this computerized era in which we live today, I do not believe that scaleability is a problem. That is the reason for this pilot project.

I would like to thank the gentleman from Oregon for his efforts and his willingness to work with me on this language. I would urge all Members to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, the chairman has spoken so eloquently that I don't think I can improve upon that.

□ 2100

Mr. Chairman, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109-347 on which further proceedings were postponed, in the following order:

Amendment No. 8 by Ms. JACKSON-LEE of Texas.

Amendment No. 11 by Mr. HUNTER of California.

This will entail a 15-minute vote followed by a 5-minute vote.

PART B AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 252, not voting 19, as follows:

[Roll No. 639]

AYES—162

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner

Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—252

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—19

Barton (TX)
Cantor
Clay
Davis (FL)
DeLay
Diaz-Balart, M.
Emanuel
Feeney
Hyde
LaHood
Lynch
McCarthy
Meeks (NY)
Rogers (MI)
Saxton
Sweeney
Thomas
Waters
Young (AK)

□ 2122

Messrs. CARTER, LoBIONDO, HALL, LEWIS of California, MANZULLO, and TANNER changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 11 OFFERED BY MR. HUNTER

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 159, not voting 14, as follows:

[Roll No. 640]

AYES—260

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Costa
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—159

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berman
Blumenauer
Boehlert
Bonilla
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Cleaver
Clyburn
Conaway
Conyers
Cooper
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Ehlers
Engel
Eshoo
Evans

Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinojosa
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Reynolds
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—14

Barton (TX)
Cannon
Clay
Davis (FL)
Diaz-Balart, M.
Emanuel
Hyde
LaHood
Lynch
McCarthy
Meeks (NY)
Sweeney
Waters
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 2130

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. KING of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REHBERG) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, had come to no resolution thereon.

URGING RUSSIAN FEDERATION TO WITHDRAW LEGISLATION RESTRICTING ESTABLISHMENT OF NONGOVERNMENTAL ORGANIZATIONS

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to clause 8 or rule XX, the unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 312, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 312, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 15, not voting 13, as follows:

[Roll No. 641]

YEAS—405

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—15

Abercrombie
Coble
Duncan
Gutknecht
Hastings (FL)
Jenkins
Jones (NC)
Kucinich
Otter
Paul
Saxton
Sensenbrenner
Taylor (NC)
Wamp
Weldon (PA)

NOT VOTING—13

Barton (TX)
Brown, Corrine
Davis (FL)
Diaz-Balart, M.
Emanuel
Hyde
Kirk
LaHood
McCarthy
Murtha
Sweeney
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REHBERG) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 2148

Mr. HASTINGS of Florida changed his vote from "yea" to "nay."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions.".

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 73

Mr. UDALL of Colorado. Mr. Speaker, because it was added in error, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 73.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HUNTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. Skelton moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1815 be instructed to agree to the provisions contained in section 1047 of the Senate amendment, relating to a report on alleged clandestine detention facilities for individuals captured in the Global War on Terrorism.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise to offer a motion instructing House conferees on the National Defense Authorization Act for Fiscal Year 2006 to support the Senate provision requiring a classified report on alleged clandestine detention facilities for individuals captured in the global war on terrorism.

Before I get to the motion itself, let me speak to the broader issue of detainee policy that has been under consideration in this conference. Our conferees have an opportunity to bring back a conference report that will strongly state that it is our law and policy that no one in custody of the United States will be subject to cruel, inhuman or degrading treatment or punishment. This House spoke resoundingly on that issue last night on Mr. MURTHA's motion. This is the right policy, and I commend Senator MCCAIN for offering his amendment for this Nation and our military forces as well as intelligence personnel.

Mr. Speaker, I am confident that the ultimate conference report we bring back will contain this language. The rest of the provisions in that detainee package are complex. They deal with intricate changes in the law, and their implications will be felt for a long time to come. We would have been better served by a more deliberative process with hearings and debate. I will have more to say about the outcome of that package when we return a conference report to this body.

A critical issue beyond the McCain language that should be included in the conference report is the issue of congressional oversight of potential secret prisons around the world. On November 2, the Washington Post published a story claiming that "the CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe." Citing U.S. and foreign officials familiar with the arrangement, the article said that "the secret facility is part of a covert prison system set up by the CIA nearly 4 years ago that at various times has included sites in eight countries."

The story has been followed by a flurry of press reports, both here and abroad, and statements by the administration. It has created a firestorm of concern amongst our European allies and defense partners that threatens to undermine our efforts in the war against terror. Just yesterday, the 25-nation European Union legislature voted to establish a "temporary ad-hoc committee on the alleged use by the CIA of European countries for the illegal transport and detention of prisoners."

No nation or individual should question America's commitment to combating terrorism; yet what sets us apart from the enemy is our fundamental commitment to human rights and the rule of law. While the administration has publicly stated that Americans do not torture and that the United States does not secretly move terrorism suspects to foreign countries that torture to get information, Congress has a fundamental responsibility to verify these claims on behalf of the American people. It is critical to ensure that the appropriate Members of Congress are fully informed about these activities. Congress must not hear of these matters from a newspaper.

During Senate consideration of the defense bill, an amendment was adopted with bipartisan support, by a vote of 82-9, that would clearly establish congressional oversight expectations over clandestine facilities currently or formerly operated by the U.S. Government, regardless of location, where detainees in the global war on terrorism are or were being held.

The provision, which had the support of both the chairman and ranking minority member of the Senate Intelligence Committee, does not pass judgment on the merit or values of these facilities. It simply asks for a classified accounting of activities related to the facilities by the director of National Intelligence to the Congressional Intelligence Committees.

The provision was offered as a compromise measure by Senator KERRY and Senator ROBERTS, chairman of the Senate Select Committee on Intelligence. Senator ROCKEFELLER, vice chairman of the Intelligence Committee, also supported the provision.

The Senate provision sets a higher standard for congressional oversight than what we have seen throughout the war on terror on numerous matters, including the abuses of detainees. We must set a higher standard in our own oversight and in what we expect the administration to tell us.

Success in any war requires the informed consent of the American people, and in a matter as sensitive as this, that can only be derived from Congress reviewing appropriate information from the administration so we can understand the issues involved and provide such consent.

The Senate provision is reasonable and limited in scope. It is the least we can ask for from the administration as it simply reenforces existing legal responsibility under title 50 of the U.S. Code to inform Congress about intelligence matters.

Voting for this motion to instruct will send a clear message to the American people that the Congress intends to thoroughly review this matter and fulfill our important oversight responsibilities. It will also send a message to our allies that we are taking this matter seriously. It is a reasonable and modest motion, and I urge my colleagues to vote yes.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just start off by saying that I think this is a somewhat dangerous thing that we are doing right now. We are responding to newspaper articles. We are talking about an issue that is not within the jurisdiction of this committee, and we are implying in this response that, if we have a positive vote that somehow there has been an inadequacy, somehow people have not been briefed about ongoing operations around the world, somehow there is a breakdown in our process. And I think that is precisely the wrong message to be sending.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. HOEKSTRA), who chairs the appropriate committee, the Intelligence Committee.

Mr. HOEKSTRA. Mr. Speaker, I would like to thank my colleague from the House Armed Services Committee for yielding me this time and for acknowledging that the item under discussion tonight is an item that falls under the jurisdiction of the Intelligence Committee. And as much as my colleague and I wrestled last year at almost exactly the same time, as we arm wrestled together to work out the responsibilities and the shape of the new director of National Intelligence, we worked through that process.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I have a serious question. Is there a question as to whether there is proper jurisdiction? If there is, would not the Parliamentarian have ruled that we are out of order now and not carry forward?

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, I am pointing out why it is, from my perspective, inappropriate under the Defense Authorization Bill to instruct the Intelligence Committee what we need to be doing.

As I was indicating, it was last year at roughly this time, when my colleagues and I on the Defense Committee and the Intelligence Committee were shaping the new director of National Intelligence, responding to the concerns of the 9/11 Commission. And as we acknowledged through that process, we had a tremendous amount to learn from our colleagues on the House Armed Services Committee about how they used intelligence. They had, I think, a shared view that they had much to learn from the Intelligence Committee about how others in the intelligence community and policymakers might use intelligence.

□ 2200

But one of the things that we really focused on was that we could learn from each other, that we would each stay in our lanes of the road. They are the experts on defense, we attempt to be the experts on intelligence, and we respect these roles.

One of the other things that came out of the 9/11 Commission report, besides giving us some guidance in terms of how to restructure the intelligence community, was the emphasis that the 9/11 Commission said there has been inadequate oversight by the Intelligence Committees of what is going on in the intelligence communities, and it is important for the Congress to respond to that. The Intelligence Committee has responded to that.

As we went forward this year, one of the first things we did with committee funding is, on a bipartisan basis, this Congress supported an increase of 25 percent of the staff for the Intelligence Committee. That staff is focused on primarily one new subcommittee in the Intelligence Committee. It is our Oversight and Investigations Subcommittee.

We have taken seriously the directive or the instructions or the suggestions, whatever you want to call them, from the 9/11 Commission saying, strengthen oversight, and we have been able to do that in a very, very positive and a very, very constructive and in a very bipartisan way.

So we are monitoring what is going on in the intelligence community. We are monitoring the implementation and the standup of the new DNI organization on a bipartisan basis. We are going to be putting in place metrics so that we can measure the performance of the DNI against benchmarks that we have established that will talk about the progress that we are making. Oversight is alive and well within the intelligence community. It is a key priority. It is a key focus, and it is a key bipartisan focus to make sure that we do our job well.

The last thing that we need to be doing as we are at war with radical Islam, in the middle of the war, is to begin instructing the Director of National Intelligence on what they should or should not be doing or what they should be preparing for Congress based on press reports in the Washington Post, the Washington Times, the New York Times or any other outlet. That is a very interesting way to direct a Federal bureaucracy.

The work that needs to be done is being done on a bipartisan basis. The DNI and other elements of the intelligence community understand their responsibility to be accountable to Congress for what they are doing, how they are doing it, and to make sure that they are acting within the confines of the laws and the framework that we have established.

Oversight is working. It is demonstrated in the work we do every day in the committee. It is demonstrated in the intelligence authorization bill that went through this Congress earlier this year, and when we come back with a conference report in February, you will continue to see the progress that we have made on a number of these issues.

It is being done in a professional way. It is not being done in an ad hoc way of reading a newspaper and saying, wow, that is an interesting allegation or theory that is out there. Yeah, we ought to put it into a bill that does not have anything to do with the intelligence community and say, we ought to instruct the intelligence community to go do this.

Let us do this in a professional way, in a bipartisan way. Let us defeat this motion to instruct conferees and let us move forward and let the DNI focus on doing the job that they are doing, which is the tip of the spear in winning the war on terrorism.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is our constitutional responsibility to exercise oversight, and I want to say to the gentleman who just spoke, the chairman of the Intelligence Committee, this side of the aisle believes that you have been more bipartisan and are trying to include both sides in the deliberations, and we believe that is the correct way to do it, and we congratulate you for that.

This issue, of course, came up after your bill passed, so it could not have been offered in your bill because the issue was not known. It asked for a report to the Defense Committee as well. That is the bill that we are discussing. It is, I think, very relevant. I would hope that every Member would vote for this motion.

Quite simply, this motion would instruct conferees to agree to a Senate provision, passed 82–9, that requires the director of the National Intelligence Agency to provide members of the House and Senate Intelligence Committees with a detailed report of any clandestine prison or detention facility where detainees in the global war on terrorism are or were being held.

This Congress ought to know that information. The Intelligence Committee ought to know that information. Indeed, in my opinion, perhaps all America ought to know that.

I say to my colleagues, whether you are troubled by recent revelations that the United States operates a clandestine prison or prisons on foreign soil or not, and I am one who is troubled by it, you should not quarrel with the proposition that the Members of this Congress have a constitutional obligation to conduct oversight on the administration's conduct of this war. That is what makes America different.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Mr. Speaker, I would be happy to yield to the gentleman from New York, had I more time.

Mr. HUNTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. McHUGH) for the purposes of conducting a colloquy with the gentleman from Maryland.

Mr. McHUGH. Mr. Speaker, I thank the gentleman from Maryland and the chairman of the Armed Services Committee.

Mr. Speaker, as I think the only Member in the House tonight who is both a member of the Armed Services Committee and the Intelligence Committee, I listened to what the gentleman said. The gentleman said that he felt the information should be known to the Intelligence Committee, and I agree with the gentleman, and also to the House.

Would the gentleman help me understand, because based on the language of the instruction, I see no requirement that the information reported to the Intel Committee be reported to the full House, is that his understanding, that somehow that very clandestine, very important information, very secretive information, should be shared to the whole House? Because that is not contained in the instruction.

Mr. HOYER. Mr. Speaker, reclaiming my time, I think the gentleman is correct, that it would not be shared with the whole House as a public disclosure. My understanding, and I stand to be corrected, is that every Member of the House, however, has the opportunity to go to the Intelligence Committee and see that information for themselves. I think I am correct on that. The gentleman may know more about that than I do.

Mr. McHUGH. Mr. Speaker, reclaiming my time, I would ask the gentleman, why are we here tonight? The fact of the matter is, as I believe the chairman of the Intel Committee suggested, the oversight activities associated with these kinds of facilities is being conducted by the Intel Committee and is in fact available to those Members of the House who wish to come here. Why is this instruction necessary?

Mr. HOYER. Mr. Speaker, reclaiming my time, the reason for that is for the same reason that overwhelmingly in the Senate they asked, because they wanted to assure that the information on the publicly disclosed conduct is in fact available to the Intelligence Committees of both Houses and to the Defense Committees.

Now, the gentleman who chairs that committee has said, we have that information. We do not have the information on our side of the aisle that in fact we have information from the National Intelligence Director as it relates to the publicly disclosed facilities and the use of those facilities and the countries which are receptors for those facilities.

Mr. McHUGH. Mr. Speaker, reclaiming my time, just so I understand, is the gentleman from Maryland saying that the gentlewoman from California (Ms. HARMAN), the ranking member of the Intelligence Committee, does not have that information available to her, because that is what the gentleman very strongly suggested? I do not see the gentlewoman from California on the floor tonight. I do not think she would agree with that kind of assertion.

Mr. HOYER. Are you asking me whether Ms. HARMAN has it? I have not had a conversation with Ms. HARMAN, so I cannot respond.

Mr. McHUGH. Mr. Speaker, I cannot either. I have not talked to the gentlewoman from California, but I feel very confident, and certainly if the chairman of the full committee would like to stand forward to the microphone and take this, I would be shocked, I would be stunned, if the gentlewoman from California, the ranking member of the Intelligence Committee, did not have that information. The point being, at the end of the day, and there is no one, no one I respect more and feel more affection toward, in all areas but particularly in the area of defense, than the ranking member of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON), but it just seems to me that these are activities that are already occurring. They are activities that, as a 13-year member of the Armed Services Committee, in spite of my loyalty to that committee, I feel are beyond the bounds of this committee and are not necessary, and I am confused as to why we are here as members of the Armed Services Committee trying to instruct the Intelligence Committee to do something that is already being done.

Mr. HUNTER. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from Maryland (Mr. HOYER) has 1½ minutes remaining.

Mr. HOYER. Mr. Speaker, the chairman of the Senate Intelligence Committee was a cosponsor of this resolution. Obviously, it was his conclusion the Intelligence Committees did not have it.

Regrettably, very frankly, I tell my friend from New York, this Congress has shown little inclination for oversight. I am not going to go into the number of incidents that I think we should have had oversight on that we have not, particularly in the House as opposed to the Senate, which has had some more but not much. In my judgment, the revelations of clandestine CIA interrogation centers are serious and disconcerting, and this Congress, on behalf of the American people, needs to get at the bottom of it. The contention is that we have. Perhaps so. But apparently, again, the chairman of the Senate Intelligence Committee does not think that is the case.

These revelations, if true, and the administration has not denied them, threaten to undermine our standing as the world's leading advocate for basic human rights and the rule of law. That concerns me. I presume it concerns every Member of this body. They threaten to underline our alliance.

Following in the footsteps of the mistreatment of prisoners at Abu Ghraib, which I think seriously undermined our position, Guantanamo Bay and Bagram Air Base, this story is yet another example of the administration's attitude toward adherence to domestic and international law. That concerns me. It ought to concern the Congress. That is what separation of powers is about.

When we abandon the moral standards upon which our country was founded in the conduct of the war on terror, which I have supported, we not only diminish our standing in the world, we foment resentment against the United States and embolden those with whom we are engaged in a daily struggle.

I have supported that struggle. I intend to continue to support that struggle. But I think our moral standing needs to be as strong, frankly, as our military standing. Both will stand this country and Nation in good stead, as they have through history.

I thank the gentleman for yielding me time, and urge support of the gentleman's motion.

□ 2215

Mr. HUNTER. Mr. Speaker, I yield 9 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from California, the chairman of the House Armed Services Committee, for yielding me time.

I want to just look at the facts that are presented as modified in the amendment. Now, Senator ROBERTS has been part of this, and I have deep respect for Senator ROBERTS from Kansas. He is a great American. He has served in the marines, and I think he makes clear sense. But what we have in this amendment says we want reported on "any clandestine prison or detention facility currently or formerly operated by the United Stated Government, regardless of location, where detainees in the global war on terrorism are or were being held."

Now, terrorism is something that we have tried to define, to be interpreted in current terms. But are we talking about terrorism in the Revolutionary War, the War of 1812, the Civil War, World War I, World War II, the Vietnam conflict or Operation Iraqi Freedom? It is not really clear in this piece of legislation.

I think if you visit Iraq and the facilities that we have to hold prisoners of war or enemy combatants or if you have visited Gitmo, Guantanamo Bay, and the facilities we have there. I have been to both locations, and from my observation and my perspective as a Member of Congress from Kansas and the oversight that I have tried to conduct, we have conducted our incarceration of these people at a level that exceeds the Geneva Convention requirements. We have treated these people over and above those requirements so I am not really sure what I am trying to get to.

Even in Gitmo, or Guantanamo Bay, if these enemy combatants have tried to take their own life through starvation, we have gone over and above any requirements that are included in the Geneva Convention to keep these people alive. We even put them in the type of container so that we can give them food and nourishment to keep them alive. We have gone over and above.

So what we are trying to do, I think, in this language and with great respect to the gentleman from Missouri is something I think that goes beyond what we need to expose to public debate in order to keep this country safe.

We have tried to explain to the American public that we are going to do everything that is necessary to keep the American public from exposure to terrorist attacks. Part of that requirement says that we must take detainees, enemy combatants who have chosen to inflict harm on the American public, to a situation where we can get information from them to keep from further attacks occurring in America.

Now, in order to do that we have to put them in facilities, treat them with respect, give them access to any religious capabilities, but doing that in a fashion that we still keep them in a position where they can yield to us information that will keep Americans safe from attack from terrorists.

Now, this has gotten a great deal of public attention from headlines in the national media. Part of the problems that we face as Members of Congress is that we do not react to headlines, but react to proper policy. Headlines can be without substantiation. Headlines can be based on partial facts. Headlines can be based on things that are not complete in their basis of intention. So what we have to do is, as Members of Congress, is take out all of the problems that are taken through these headlines that are not related to the facts, move that aside, and base our decisions on the facts.

What we are trying to do is protect the American public, number one. Number two, make sure that we treat these people with respect who are enemy combatants. And, number three, remember the point that it is against the law in America, no matter where you are on the face of the globe, if you are an American citizen you cannot torture an enemy combatant or a prisoner of war. It is against the law. If you do it, it is against the law. If it is a secret prison, whether they exist or not, it is against the law. If it is Gitmo, if it is Iraq it is again the law to torture anybody.

So to inform that we are doing that in some secret prisons and somewhere in Europe or in Asia or somewhere on the face of the globe is absolutely wrong because if you do commit torture as an American citizen, it is against the law.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. One of the tragedies of this debate over torture over the last several months has been a clear message going out from the media that somehow the United States has gone out, the theme has gone out, carried on in American media, that somehow Americans are debating whether or not to stop torturing people.

In fact, torture is banned. It is under title XVIII, United States Code, I believe section 2348, which says under the word "torture" that if you torture someone, whether you are an agent of an intelligence agency or a uniformed soldier or just an average American, if you torture somebody, you can get up to 20 years in prison; and if you kill them while you are torturing them, you can be executed by the United States of America.

So the idea that somehow torture is not banned by American law and it does not carry heavy criminal penalties has been lost on the American media. One well-known reporter asked me does it really use the term "torture" in this United States Code. And I showed that person the code and said, yes, it does, right there; and it has been banned for a long time.

It has also been banned in our signatory, the effect of our signature on the anti-torture treaty. So I thank the gentleman for that clarification.

Mr. TIAHRT. Mr. Speaker, the two points I want to make in conclusion are very clear. Number one, it is against the law to torture anybody. If you are held in detention as an enemy combatant or prisoner of war or even in our civil prison system, it is against the law to torture anyone. Number two, after my personal review of Guantanamo in Cuba and the prisons in Iraq, we have exceeded the requirement of the Geneva Convention. We have taken care of our prisoners better than the requirements in the Geneva Convention.

If you go to Guantanamo Bay today and you walk through the prison cells, you will see that we have indicated the direction of Mecca. We have given them the ability to have a Koran which is not touched by the hands of infidels. We give them all respect to their religion, to them as human beings. They are properly fed. We will not even allow them to starve themselves to death because we believe that it is more important to keep these people alive than it is to take their life because they are enemy combatants. We have gone over and above the requirements. And I think as Americans we should be proud of what our troops have done in containing these enemy combatants, in containing prisoners of war.

Wherever it is on the globe, we do not commit torture because it is against the law. We exceed the requirements of the Geneva Convention. So I think that this piece of legislation as modified from the Senate is not required. It is, I think, inefficient and it should not be voted into law. I think that what we have done is proper and within the law and with respect to all human beings on the face of the Earth.

Mr. SKELTON. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from Missouri (Mr. SKELTON) has 20½ minutes remaining. The gentleman from California (Mr. HUNTER) has 9 minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was William Shakespeare who once said, Me thinkest thou protest too much.

Why are those speaking against this motion doing so? Are not they anxious to learn the truth? That is what this is, an informational inquiry.

We have been hearing discussions from our friends on the other side, particularly my friend from Kansas, about something else. He did not address this particular motion.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I had not intended to speak tonight, but I felt I must in light of what has been said about the operations of the Intelligence Committee on which I sit.

It has been suggested that this motion is unnecessary because we are already conducting full oversight. Oversight means collecting the information and then acting on it. That is what oversight is. That is what is expected of Congress under the Constitution. We have not conducted that oversight.

On the committee, as a committee, the House Permanent Select Committee on Intelligence has not collected information about purported possible or former detention facilities currently or formerly operated by the United States Government, regardless of location, where the detainees in the global war on terrorism are or were being held.

Perhaps the chairman has had some briefings, because there are very many things that the chairman of the committee gets to hear that the rest of the committee does not, but we have not. The ranking minority member has told me that she has not. This motion would be worthwhile to be undertaken.

Mr. McHUGH. Mr. Speaker, I reserve the balance of our time.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I think it is really a little bit beneath what our committee represents on armed services to think that Mr. SKELTON would be responding to headlines.

Mr. SKELTON brings this motion because of what was in the Senate bill that was supposed to be under consideration for us during conference, a conference which we have not had.

Geneva Convention in our known facilities? Perhaps that is true. I expect it is true and it should be true, but that is what we are talking about.

Mr. Rumsfeld routinely responds to these questions on behalf of the Department of Defense. This question is before us because it is in the bill that we have to take up by way of conference. And the question that needs to be answered I raised publicly with the chairman while Senator WARNER was there and while Ms. HARMAN was there.

I asked does this language or anything having to do with the accusations that have been made whether in the newspapers or elsewhere, does any of that find its way into this bill, into our conference discussions in a way that deals with the outsourcing of torture, with renditions, a word which is now coming into our nomenclature, where we send people out for others to do it. That is at stake here and is clearly and explicitly involved in the motion to instruct. That is what we are trying to deal with.

□ 2230

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Speaker, the gentleman has spoken very eloquently about the Defense authorization bill and instruction. Will the gentleman tell me how this motion to instruct has anything to do with the defense authorization bill? If the gentleman will answer the question I just posed, because I am confused, which happens often.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman is confused, it is the first time in my entire relationship when such was the condition.

Mr. McHUGH. The gentleman's very kind but very inaccurate, but in any event, the motion to instruct, as I understand it, has nothing to do with this Defense bill. It has everything to do with the Intelligence Committee.

Mr. ABERCROMBIE. Mr. Speaker, we have gone through this. Whether the gentleman likes that it is before us in this context is really beside the point. I would have preferred it in another context as well, but we have to deal with the reality that it came to us as a result of the Senate action and is on the floor. If it was inappropriate, if there was some parliamentary reason for it not to be here, I expect we would not be having the discussion.

So my answer to the gentleman is that I am trying to deal with it in the context within which it has been presented, and I would like to deal with the substance of the issue rather than the process.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

I would say I appreciate the gentleman's comments. My question was predicated upon the gentleman's assertion that this motion to instruct was related to this Defense bill when, in fact, it is not. The gentleman may wish to interject arguments about whether or not it is important or is not.

My single point was this has nothing, with a capital N, to do with the Defense authorization bill. It is a motion to instruct another committee to do something that this committee does not have jurisdiction over.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I quite understand the gentleman's position, and what I was trying to do in good faith in response was say, I cannot argue the process with you. In fact, I am willing to concede even on process, but it is the substance which is before us right now in the Defense bill that came to our attention in the House, and that is what I think we need and that is what I was trying to respond to was the substance. I will not argue with the gentleman about whether the process is correct or not.

Mr. McHUGH. Mr. Speaker, reclaiming my time, my point was not to debate the process, not to disagree with the substance, but rather to talk about the accuracy of the gentleman's words which were inaccurate.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

I understand the gentleman from Hawaii, and I checked to make sure I understood him correctly and the facts correctly, is that the Senate has offered an amendment which is included in the Defense bill which is being conferenced, the very bill to which this motion is being directed, that we take the Senate language that is in the Defense bill. So, obviously, it is absolutely relevant on the bill that is going to conference. In fact, it would not be relevant in any other piece of legislation.

I suggest to my friend that the gentleman is correct, it ought to be offered in a relevant time, and now is the relevant time.

Mr. McHUGH. Mr. Speaker, if I may reclaim my time, I do not disagree with the gentleman that the Senate, as the Senate does, has done something that should not be done. It is something inappropriate and something totally based upon the rule of no rule. I agree with the gentleman.

However, the gentleman from Hawaii's context was to the House bill, which has no application, no provision, to this. That was the relevancy in my comments. That is all I was questioning was his comment relevant to the House bill. There is no provision, as there should have not have been, because this is not relevant to the House bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 30 additional seconds to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for the time.

My reference, in fact, was to what was in the Senate bill. This is the only way we get to discuss it, and here we have spent the last few minutes arguing process.

The substance here is very, very simple and direct. Are we outsourcing torture to third parties and pretending, by citing what Americans are required to do under American law, that such a thing is not taking place? That is what we need to bring forward in terms of what this does, and that is what we need to debate here tonight.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

My good friend from New York failed to read the part of the Senate bill that makes this all correctly before us. In section 1047, subsection A, the President shall ensure that the U.S. government continues to comply with the authorization reporting notification requirements of Title V of the National Security Act of 1947. The National Security Act of 1947 deals with this subject matter before us.

Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, the process for consideration of the Defense bill this year has been a disappointment. Conferees appointed tonight, and the bill will probably come out tomorrow. We have had a very limited opportunity to meet, debate and discuss the bill.

It is my understanding, primarily from press reports, that a provision is being considered affecting Channel Islands National Park off the coast of California, specifically Santa Rosa Island, effectively taking control away from the National Park Service.

The history of this is that in 1986 our tax dollars spent $30 million to make this island part of the National Park Service. A plan has continued in which a group of business people who were grandfathered in at the time have been managing hunts of trophy elk and deer, literally for thousands of dollars a hunt. This will phase out in the year 2011, five years from now, and this island will be returned to its natural state as part of the National Park Service.

Here is the problem. This provision is going to be put in the Defense bill. I called up today to the management company that manages this island. They referred me to a spokesperson. I called that person and the call said I will be out of the office from December 13 until December 19 and I am not available for questions; I do not think I am going to be checking messages. I called back to the management company on the island. They say that is it.

So here is the situation. This provision involving Channel Islands National Park was not in the House bill, was not in the Senate bill. The gentleman from New York (Mr. MCHUGH) was talking about jurisdiction. There is no jurisdiction for this bill. No hearings, no notice, no jurisdiction, no request from the Department of Defense, the National Park Service, the Department of Interior or the Department of Veterans Affairs.

Both California senators are opposed. The gentlewoman from California (Mrs. CAPPS), the House Member of the district, is opposed, and yet mysteriously this provision is rumored to be appearing in the conference report.

It is not the way to be doing business on the Defense bill in a time of war, and I hope that this provision will not be in the conference report when we consider it tomorrow.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER), the chairman of the full committee.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me the time.

The gentleman from Arkansas has just discussed the park for Santa Rosa Island and the idea that I wanted to use that great resource for Marines and soldiers and paralyzed veterans and allow them a chance to have recreational opportunities, and I guess I have to plead guilty.

This came about when I was passing that island with a car full of Marines who had just returned from Iraq. They mentioned to me that that is one of the great resources on our coast. It is owned by a family which does charge a lot of money to people to hunt and fish. One of them said, you know, it would be great if they did not exterminate all the deer and elk on that island because the Park Service has a plan, and it is a written plan, and I have seen it, to exterminate with helicopters every single deer and elk on this beautiful island.

The Marines continued, it would be great because that is such a neat place, and it is the kind of place where people in wheelchairs can access that great sport of hunting and fishing, if we could have some kind of a permission to continue to hunt and fish there but not pay the $10,000 that is presently charged but have that when the U.S. government takes it over for paralyzed veterans and disabled veterans and not exterminate every single deer and elk on that island.

That was the intent of this gentleman in placing that provision in the bill, and I find it somewhat ironic that the people who profess to love the wildlife and love the flora and fauna and the environment seem to have no trouble with the National Park Service gunning down every single animal on that island in an extermination operation and not leaving any of that great resource for the people who defend this country.

I thank the gentleman for the time.

Mr. MCHUGH. Mr. Speaker, I reserve the balance of our time.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I am proud to rise in strong support of my friend and ranking member IKE SKELTON's motion to instruct conferees on the defense authorization bill of which I am a conferee.

Mr. SKELTON's motion would ensure that the conference report keep a vital Senate provision that is in the bill on the Senate side which would require that the Director of National Intelligence report to Congress on what may be a covert CIA prison system.

While it is vital that the military be given the proper intelligence to fully prosecute the war on terror, I am deeply concerned, as are many Americans, that the administration and the CIA may be resorting to illegal and immoral tactics that are destroying our national credibility and threatening the safety of our own troops should they be captured by the enemy.

The war on terror is in large part a battle of ideas and accounts of prisoners being whisked away off European streets and elsewhere by the CIA to be interrogated at secret facilities, beyond being unconscionable, undermine our reputation and the spread of our democratic values.

If we had had a conference that actually met, and if we had actually been able to talk about this issue, I think we would have had the same kind of response that the Senate did, which was an overwhelming vote in favor of having these provisions included in the bill, but we did not have a conference. We still have not had a conference where we have all met.

What I find to be fascinating as a Member of Congress from California, there has been great discussion this evening about the prerogatives of the House and jurisdiction, and we have now a national park in California that has never had a hearing, that the Member of Congress from that district is deeply opposed to having it transferred to the military. Look, we are all for saving the deer and the elk, and we are certainly all for our veterans, but how about regular order? How about doing this the right way?

We would not have a provision, a shameful provision, in this bill that transfers Santa Rosa Island to the military for the purpose of private recreation that is inserted in the 11th hour.

Including this provision is an egregious abuse of power to please certain special interests and would certainly embarrass its proponents at a time when we should be using this bill only to support the young men and women who are fighting and dying in Afghanistan and Iraq.

The provision supported by Mr. SKELTON's motion would restore Congressional oversight by providing vital information on the extent of these facilities, their location, the number of detainees currently being held there and the type of interrogations being conducted at these locations.

Separate but related to this bill I am deeply troubled by a shameful provision regarding the transfer of the Santa Rosa Island to the military for the purpose of private recreation that was inserted at the eleventh hour.

Including this provision is an egregious abuse of power to please certain special interests and should embarrass its proponents at a time when we should be using this bill only to support our young men and women in uniform fighting and dying in Iraq and Afghanistan.

This section was never reviewed by the committee and has no place in this bill and I urge its removal.

I urge my colleagues to support this motion to instruct.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

To my friend from Arkansas, who is the ranking member on the Military Personnel Subcommittee of the Armed Services Committee, the subcommittee on which I chair, I would simply say that I find it somewhat incredible that he would be calling into question provisions in the Armed Services authorization bill that provides in the Santa Rosa Channel Islands chain the opportunity for disabled veterans to have recreational opportunities.

I would say as the chairman of that subcommittee, the question is not why we have done it. The question is, why has it taken us so long to do it, and I cannot believe that if a vote were up today to whether or not we should authorize that kind of activity in that area, the distinguished gentleman from Arkansas would vote no, and yet he questioned it.

□ 2245

Let me say that at the end of the day, Mr. Speaker, this motion to instruct is misplaced, it is misguided, and, quite frankly, it is political. Let me just read to you the opening lines of the reference to the Senate bill that is contained in this instruction. It says: "The President shall ensure that the United States Government continues," continues, as if the President would not, "continues to comply with the authorization, reporting, and notification requirements in title V of the National Security Act of 1947."

I have stood here, Mr. Speaker, and listened to the entire debate. Not once did any speaker on the other side suggest, imply, accuse the President, anyone in the administration of not abiding by that provision. And yet they are here tonight trying to suggest in a bill that has no jurisdiction over the Intelligence Committee that somehow we should instruct that Intelligence Committee to comply and require that the President do something that he is already doing. This is, sadly, Mr. Speaker, politics at its worst.

There is nothing really substantially wrong in what this instruction requires, except that this House, this floor, at a time of war, on the very day the Iraqi people went, over 10 million strong, to vote for democracy, we should be casting a vote that somehow calls into question the integrity of this administration, an administration that has freed 50 million people between Afghanistan and Iraq, an administration that today, with the support of this Congress on a bipartisan, bipartisan level, agreed and supported that.

This instruction should be rejected not on its substance but on its politics.

Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. First of all, Mr. Speaker, the allegation that somehow this is a political thing is troubling, given that this provision that is being discussed by the gentleman from Missouri is part of the Senate defense bill. It is why it is on the floor. Our side, regardless of what we think about the specific provision, has every right to have a motion to instruct on a provision that is in one of the two bills.

With regard to the provision that is not in either bill, which is the one with regard to the Channel Islands National Park, the allegation that somehow I am against veterans or against veterans with disabilities, by that rationale every national park in the country, we should say, is open for hunting by all veterans with disabilities. The point is, this is a national park. Under the Reagan administration, $30 million was paid to make this part of the national park with a management plan that is being followed.

Now, perhaps Mr. HUNTER has the right idea with this plan, I do not know. We have had no hearings about it. I know that it does not fall under the jurisdiction of the House Armed Services Committee; but to make an allegation that somehow I am opposed to veterans, I do not hear anyone suggesting we take the entire National Park System and because we are at a time of war we should open all the national parks for hunting.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from New York.

Mr. McHUGH. I thank the gentleman for yielding. I would just say to him that I never accused him of being against veterans. What I said was, I find it incredible that the gentleman would be against this provision that opened this park, and I named the specific park, to disabled veterans.

Does the gentleman disagree? Are you against that?

Mr. SNYDER. Reclaiming my time, I am opposed to this park being taken from the National Park System. It is part of the National Park System.

Mr. McHUGH. Then you are against it. I respect your opinion.

Mr. SNYDER. There is a place for hunting. This place is open to the public.

Now, the issue is the process by how we got here to preserve our national parks. The current management company there has introduced elk and deer that are not native to the island. They are threatening the species of plant life that are native to the island. That is why the National Park Service has a plan to phase out the hunting in the year 2011.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me this time.

This country is blessed with a powerful and brave military. We have incredible natural resources and the strongest economy in the world. But the greatest strength of this country is our reputation for the adherence to human dignity as a core value of our country. The issue in this motion to instruct is whether we are strong enough and confident enough in that value that we are not afraid to make sure that it is true.

We have heard some comments from the other side about accusations being made or not being made about what is happening. There are no accusations here. There is a desire to understand what the facts are.

A country that is strong enough to be self-critical is truly strong, an administration that is strong enough to be evaluated is truly strong, and a Congress that is strong enough to do its job of oversight is truly strong enough to carry out its constitutional responsibilities. This country is able to rally people around the world to our cause because people around the world believe that we hold human dignity as a core value.

It is my belief that there is probably no record of torture anywhere that can be found. And that is precisely the point we want the rest of the world to know, so that those who defame us are not telling the truth about us. But if we are confident in that core belief and we are confident in our behavior, then we will be confident enough within reason of national security to let this Congress know, to let the country know, and let the world know that we practice what we preach.

We should vote "yes" for this amendment because we are strong, because what we say are our core values are in fact our core values in practice. Vote for Mr. Skeleton's amendment because its reflects those core values.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I would ask my friend if he would yield to a question, because I am looking here at the motion that he has, and it basically refers to the majority's bill and instructs them, according to their bill, and it is within our jurisdiction to do that. And it gives them the jurisdiction to follow up, does it not?

Mr. SKELTON. If the gentleman will yield, yes, this part of the Senate bill became part thereof as a result of the majority chairman of their Senate committee.

Mr. KUCINICH. Taking back my time, Mr. Speaker, you see, we have a right as a Nation to defend ourselves, but we do not have any right to shred the Constitution or to nullify the role that Congress has as a coequal branch of government or to nullify the right we have to give motions to instruct. We have an absolute right to do that.

Now, this all goes back to 9/11, where all the fear has been created; and we have people now more concerned about leaks and more concerned about open discussion exposing secret prisons than they are in exposing those prisons. People want to deny congressional oversight and deny the power of coequality.

I mean, the facts are that there is a real body of evidence suggesting that secret prisons do exist; that there has been rendition; that people have been basically taken off the streets, moved to countries that use torture, and violations of human rights. I mean, what is happening to our country?

Let us look at our Constitution. We have habeas corpus, people have a right to be told what crime they have committed, they have a right to an attorney and to a fair and speedy trial. Now, why do we have those things? Because in America we stand for something.

So we are, in effect, permitting the shredding of our Constitution. The violation of international law. What has become of our Nation when we do not challenge that or at least have the opportunity to support Mr. Skeleton's motion to instruct, which is our right to do, to go along with what has already been approved in the Senate, and to say, look, we think that there ought to be a role for the Director of National Intelligence to give a report to the Intelligence Committee setting forth the nature and cost and otherwise providing a full accounting on any clandestine prison or detention facility currently or formerly operated by the United States Government regardless of location.

Look, let us remember what we stand for as a Nation. We are losing sight of that here. We are becoming something that could be called in another era un-American. Let us stand for our American values here and support the Skeleton motion.

Mr. Speaker, I wish to insert for the RECORD the following articles relating to my comments:

[From the Free Republic, June 6, 2005]

U.S. RUNNING 'ARCHIPELAGO' OF SECRET PRISONS: AMNESTY INTERNATIONAL

WASHINGTON.—The U.S. government is operating an "archipelago" of prisons around the world, many of them secret camps into which people are being "literally disappeared," a top Amnesty International official said Sunday.

Amnesty International executive director William Schulz criticized the administration of U.S. President George W. Bush for holding alleged battlefield combatants in "indefinite incommunicado detention" without access to lawyers in an interview with Fox News Sunday.

Schulz was pressed to substantiate Amnesty's claim in a May 25 report that the U.S. prison camp at the Guantanamo Bay, Cuba naval base—where hundreds of foreign terror suspects are being held indefinitely—represents the "gulag of our times."

The gulag claim, referring to the notorious prison camp system of the Soviet Union, has drawn withering criticism from the U.S. president, who called it "absurd." Vice President Richard Cheney and Defense Secretary Donald Rumsfeld have also slammed the rights group's claim.

Russian 1970 Nobel Prize winner Aleksandr Solzhenitsyn described the Soviet prison camp system in his best-selling book "The Gulag Archipelago."

Schulz said the gulag reference was not "an exact or a literal analogy."

"But there are some similarities. The United States is maintaining an archipelago of prisons around the world, many of them secret prisons into which people are being literally disappeared—held in indefinite incommunicado detention without access to lawyers," Schulz told Fox.

Asked how AI could compare the detentions of millions of Soviet citizens in the gulag system to purported anti-U.S. combatants captured on the battlefield, Schulz said some of those held in Guantanamo "happened to be in the wrong place at the wrong time.

"We do know that at least some of the 200 some prisoners who have been released from Guantanamo Bay have made pretty persuasive cases that they were imprisoned there, not because they were involved in military conflict but simply because they were enemies of the Northern Alliance," he said.

Schulz called for an official probe into the alleged rights abuses at U.S. detention centers around the globe.

Amnesty refers in the May 25 report to Rumsfeld and U.S. Attorney General Alberto Gonzales as alleged "torture architects."

The United States "should be the one that should investigate those who are alleged at least to be architects of torture, not just the foot soldiers who may have inflicted the torture directly, but those who authorized it or encouraged it or provided rationales for it," Schulz said.

According to Amnesty, Rumsfeld provided "the exact rules, 27 of them in fact, for interrogations, some of which do constitute torture or cruel, inhumane treatment," Schulz said.

The Guantanamo Bay camp and U.S. detention practices have been the subject of renewed debate in recent weeks, sparked by a Newsweek magazine report—since retracted—that Guantanamo interrogators flushed a Koran in a toilet to rattle Muslim prisoners.

Amnesty is not the only rights group to have called on Washington to investigate alleged abuses at the camp—Schulz pointed to released FBI documents that also raised concerns about Guantanamo interrogations.

U.S. officials insist such concerns are unfounded, and that the "war on terror" detainees are treated as humanely as possible.

U.S. soldiers have been tried and punished for abusing detainees—notably at Iraq's Abu Ghraib prison, where at least one captive died—but U.S. officials say those are isolated incidents.

The furor sparked by Amnesty's claims shows no signs of abating.

The New York Times said Sunday that the Guantanamo Bay prison should be closed down, saying it had become "a national shame" and a "propaganda gift to America's enemies."

"What makes Amnesty's gulag metaphor apt is that Guantanamo is merely one of a chain of shadowy detention camps that also includes Abu Ghraib in Iraq, the military prison at Bagram Air Base in Afghanistan and other, secret locations run by the intelligence agencies," the Times said.

The Washington Post, whose editorial page has been more critical of Amnesty's gulag claim, reported Sunday—citing Schulz—that Amnesty's donations have quintupled and new memberships have doubled in the past week since it released its report. (Wire reports)

[FROM THE WASHINGTON POST, WED. NOV. 2, 2005]

CIA HOLDS TERROR SUSPECTS IN SECRET PRISONS

(By Dana Priest)

The CIA has been hiding and interrogating some of its most important al Qaeda captives at a Soviet-era compound in Eastern Europe, according to U.S. and foreign officials familiar with the arrangement.

The secret facility is part of a covert prison system set up by the CIA nearly four years ago that at various times has included sites in eight countries, including Thailand, Afghanistan and several democracies in Eastern Europe, as well as a small center at the Guantanamo Bay prison in Cuba, according to current and former intelligence officials and diplomats from three continents.

The hidden global internment network is a central element in the CIA's unconventional war on terrorism. It depends on the cooperation of foreign intelligence services, and on keeping even basic information about the system secret from the public, foreign officials and nearly all members of Congress charged with overseeing the CIA's covert actions.

The existence and locations of the facilities—referred to as "black sites" in classified White House, CIA, Justice Department and congressional documents—are known to only a handful of officials in the United States and, usually, only to the president and a few top intelligence officers in each host country.

The CIA and the White House, citing national security concerns and the value of the program, have dissuaded Congress from demanding that the agency answer questions in open testimony about the conditions under which captives are held. Virtually nothing is known about who is kept in the facilities, what interrogation methods are employed with them, or how decisions are made about whether they should be detained or for how long.

While the Defense Department has produced volumes of public reports and testimony about its detention practices and rules after the abuse scandals at Iraq's Abu Ghraib prison and at Guantanamo Bay, the CIA has not even acknowledged the existence of its black sites. To do so, say officials familiar with the program, could open the U.S. government to legal challenges, particularly in foreign courts, and increase the risk of political condemnation at home and abroad.

But the revelations of widespread prisoner abuse in Afghanistan and Iraq by the U.S. military—which operates under published rules and transparent oversight of Congress—have increased concern among lawmakers, foreign governments and human rights groups about the opaque CIA system. Those concerns escalated last month, when Vice President Cheney and CIA Director Porter J. Goss asked Congress to exempt CIA employees from legislation already endorsed by 90 senators that would bar cruel and degrading treatment of any prisoner in U.S. custody.

Although the CIA will not acknowledge details of its system, intelligence officials defend the agency's approach, arguing that the successful defense of the country requires that the agency be empowered to hold and interrogate suspected terrorists for as long as necessary and without restrictions imposed by the U.S. legal system or even by the military tribunals established for prisoners held at Guantanamo Bay.

The Washington Post is not publishing the names of the Eastern European countries involved in the covert program, at the request of senior U.S. officials. They argued that the disclosure might disrupt counterterrorism efforts in those countries and elsewhere and could make them targets of possible terrorist retaliation.

The secret detention system was conceived in the chaotic and anxious first months after the Sept. 11, 2001, attacks, when the working assumption was that a second strike was imminent.

Since then, the arrangement has been increasingly debated within the CIA, where considerable concern lingers about the legality, morality and practicality of holding even unrepentant terrorists in such isolation and secrecy, perhaps for the duration of their lives. Mid-level and senior CIA officers began arguing two years ago that the system was unsustainable and diverted the agency from its unique espionage mission.

"We never sat down, as far as I know, and came up with a grand strategy," said one former senior intelligence officer who is familiar with the program but not the location of the prisons. "Everything was very reactive. That's how you get to a situation where you pick people up, send them into a netherworld and don't say, 'What are we going to do with them afterwards?' "

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, this Congress ought to support Mr. SKELTON's motion because the reason we are here is that the United States Congress has refused to use its power of oversight to look at what we have been doing overseas. Have we had hearings about Abu Ghraib? Have we had hearings about secret prisons in Romania, in Poland, or wherever?

The Republican leadership of the House says we are not going to look. We simply will hold our hands over our eyes and we will not look out there to see what is going on. Unfortunately, there is the rest of the world. There is the Guardian newspaper, there are newspapers in France and Germany and all over the place looking at this information, and it is now worldwide known what we are doing. Yet the Congress walks around here, see no evil, hear no evil, speak no evil.

This Congress has abrogated, you have given up your responsibility of oversight. Mr. SKELTON brings out a simple amendment that says, let's follow the Senate, which has gotten up on their hind legs and said, let's have some oversight in what we're doing, and suddenly you guys object.

It is clear what you don't want people to know. You don't want the people to know what went on in the Vice President's office or in the White House or what was going on when the Attorney General——

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. No, I am not going to yield. You don't know how to play the game. You have got to learn the rules.

When you let the Attorney General of the United States say that torture in certain circumstances is probably all right, man, you have opened the door to disrepute.

PARLIAMENTARY INQUIRY

Mr. MCHUGH. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman may state his inquiry.

Mr. MCHUGH. The gentleman from Washington suggested I did not know the rules. Is it not within the rules for a Member to ask another Member to yield?

The SPEAKER pro tempore. It is within the rules for a gentleman to ask another gentleman to yield.

Mr. MCHUGH. So in the context of the gentleman's response, I did know the rules; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. MCHUGH. I thank the Speaker.

☐ 2300

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Senate of the United States passed a section to which I would like to have as a centerpiece in my motion to instruct conferees to adopt. By a vote of 82–9 the Senate adopted this amendment which was offered by the chairman of the Senate Intelligence Committee.

I do not understand why some people do not want to learn the truth. That is what this is. It is an attempt to have a provision that allows us in the Congress of the United States, both the House and the Senate, under the provisions of this language to learn the truth. We do not want to learn things from the front page of a newspaper. We want to learn things as they should be properly reported to us from the White House which this motion to instruct would require. It is that simple.

The other side seems to wish to confuse the issue which causes me to scratch my head as to why they oppose this motion to instruct. It is clear-cut. A huge majority of the Senators, both parties, voted in favor thereof in the Senate.

Mr. Speaker, I urge adoption of my motion to instruct, and I yield back the balance of my time.

Mr. SPRATT. Mr. Speaker, I rise today in support of the Skelton motion to instruct. Two years ago, the image of the United States was tarnished by photographs of prisoner abuse at Abu Ghraib. The photographs drew condemnation from members of Congress, the American people, and the world. At a time when we were professing American values, these photographs told a story of secrecy and disgusting abuse.

That's why the Washington Post's revelations about the CIA's clandestine detention facilities last month are so troubling. We all understand the difficult job our interrogators have in trying to pry useful intelligence from tough, hostile prisoners. We all believe that the vast majority of our interrogators perform their jobs admirably and within the rules, and the information they have obtained has served as the intelligence foundation of our War on Terror. But at a time when the wounds of Abu Ghraib have still not fully healed, fresh allegations of secrecy and questions about interrogation have the potential to reopen old issues of abuse that we have struggled for months to put to rest.

The President has said that "we do not torture" prisoners, and I take him at his word, but we have the right to ask for answers about clandestine facilities supplied, of course, in classified form.

The Skelton motion to instruct simply calls on the President to disclose to the Congress the nature, cost, location and operations of the detention facilities referenced by the Post, and the ultimate disposition of the detainees that are held there. This would in no way hinder the effectiveness of interrogations, but it would go a long way toward showing the world we are serious about preventing prisoner abuse. As Senator McCain so eloquently said, "We are Americans. We hold ourselves to humane standards of treatment of people, no matter how evil or terrible they may be . . . The enemy we fight has no respect for human life or human rights. They don't deserve our sympathy. But this isn't about who they are; this is about who we are. These are the values that distinguish us from our enemies." I urge my colleagues to support the Skelton motion to instruct. All it seeks is information to which we are already entitled under Title 50 of the U.S. Code, and information we need to fulfill our duties under Article I, Clause 8 of the Constitution.

The SPEAKER pro tempore (Mr. REHBERG). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Missouri (Mr. SKELTON).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 334

In the Senate of the United States, December 15, 2005.

Whereas William Proxmire served in the Military Intelligence Service of the United States Army from 1941 to 1946;

Whereas William Proxmire served the people of Wisconsin with distinction from 1957 to 1989 in the United States Senate;

Whereas William Proxmire served the Senate as Chairman of the Committee on Banking, Housing, and Urban Affairs in the ninety-fourth to ninety-sixth and one hundredth Congresses;

Whereas William Proxmire held the longest unbroken record for roll call votes in the Senate;

Whereas William Proxmire tirelessly fought government waste, issuing monthly "Golden Fleece" awards beginning in 1975 for the "biggest or most ridiculous or most ironic example of government waste;"

Whereas William Proxmire worked endlessly to eradicate the world of genocide, culminating in the ratification by the Senate of an international treaty outlawing genocide;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable William Proxmire, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable William Proxmire.

The message also announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4324. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4436. An act to provide certain authorities for the Department of State, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 218. Concurrent resolution recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century.

The message also announced that the Senate has passed bills of the following titles:

S. 1390. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

S. 2116. An act to transfer jurisdiction of certain real property to the Supreme Court.

CERTIFYING EXPORT OF CERTAIN MATERIAL AND EQUIPMENT TO PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-74)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify that the export of 36 accelerometers to the People's Republic of China's Ministry of Railways, for use in a railroad track geometry measuring system, is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

GEORGE W. BUSH.

The White House, *December 14, 2005.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ST. MARY'S COUNTY HURRICANE RELIEF FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Madam Speaker, I rise today to recognize the extraordinary efforts of Joe St. Clair, Tom Jarboe, and Donald Cropp, founders of the St. Mary's Hurricane Relief Fund. That is the county in which I live.

Following the devastation of Hurricane Katrina, these three men organized the St. Mary's Hurricane Relief Fund to help the victims of the storm in the small town of D'Iberville, Mississippi, located in the district of my friend, Congressman Gene Taylor.

This October, Joe, Tom and Don drove two tractor trailers stocked with needed school supplies, book bags and other goods the entire way to D'Iberville. These items were collected with the assistance of countless St. Mary's County businesses and volunteers. Literally, tens of thousands of dollars of contributions.

The Hurricane Relief Fund's work to help D'Iberville did not stop when they returned to St. Mary's County. Since their initial trip, the St. Mary's Hurricane Relief Fund has organized an Adopt A Kid Campaign to ensure that the children of D'Iberville had the resources that they needed, facilitated stationing a medical team in D'Iberville, sent educational supplies to Sacred Heart Catholic School, sent 80 first-aid kits to D'Iberville Health Care Clinic and worked to fulfill the needs of the community as requested by D'Iberville officials.

This December, Joe, Tom and Don organized another massive donation drive, Operation Mississippi Christmas, this time to ensure that no child in D'Iberville went without a present.

Last Friday, I visited with the organizers and a group of volunteers at a warehouse as they loaded two additional tractor trailers bound for D'Iberville. That is four tractor trailers for these young people. I am proud I was able to participate in this noble effort by donating hundreds of duffle bags filled with gifts.

When the trucks left for the gulf coast on Saturday morning, they were loaded with more than just presents, and included among their cargo were 200 book bags loaded with school supplies, 50 additional first-aid kits, cases of needed medical supplies for the D'Iberville clinic, quilts donated by the local Amish community, bicycles, hundreds of duffle bags, 35 complete computer systems with printers, cables, et cetera, all donated by SmartCo, defibrillator batteries and a charger donated by St. Mary's Hospital, a critical item for the medical clinic, and 1,160 Wal-Mart gift cards for the upper middle and high school students.

On Sunday afternoon, the trucks rolled into D'Iberville, completing the approximately 16 hours and 1,000 mile journey.

On Monday, D'Iberville Elementary School held a pizza party as the presents were handed out and the goods distributed to the grateful community. At the end of the day, I received a call from the group indicating they had accomplished their mission of handing something to every school child, every school child in D'Iberville.

St. Mary's Hurricane Relief Fund has organized an amazingly successful relief effort, and I applaud its hard work. I would like to personally and publicly thank you, Joe St. Clair, Joe Cropp, Tom Jarboe, Guy Curley, Reggie Townsend, Ann Raley, Vince Whittles, the St. Mary's Chamber of Commerce, Father John Ball and the St. Mary's Trinity Episcopal Parish, Technology Security Associates, Larry Wise and the folks at BAE Systems, Bo Bailey and his son Tony for driving the trucks, and the hundreds of additional contributors, volunteers and businesses that contributed St. Mary's Hurricane Relief Fund's drive to help D'Iberville, Mississippi.

I am proud that my constituents, realizing that they are part of a community bigger than St. Mary's County, have sought to help our neighbors in Mississippi during their time of need. Their efforts surely for us all symbolize the true meaning of compassion, and I think it sets a great example of giving in this holiday season.

Joe St. Clair and Don tell the story of the children and their eyes gleaming as they received these gifts. Joe St. Clair, a crusty businessman about 55 years of age, telling me the story had tears flowing down his cheeks.

Mr. Speaker, there is a lot of acrimony on this floor too often, and too often we forget to remember our neighbors and our friends. This is an example of the best that is America.

TODAY'S IRAQI ELECTION

Mr. OSBORNE. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. OSBORNE. Madam Speaker, the Iraqis voted today, and it is estimated that approximately 10 million of 15 eligible voters did vote. Women voted in record numbers. The Sunnis participated in large numbers for the first time. The vote completes the political process in Iraq.

Last January, they elected an assembly to draft a constitution. In August, the constitution was completed. In October, the constitution was approved by a large margin, about 70 percent of the voters. Now a new government is elected, and this was all done today with relatively little violence as the Iraqis went to the polls.

There is some other news that I think is positive as well: School attendance in Iraq is up by as much as 80 percent; 774 schools have been built or renovated; 36,000 teachers have been trained; and 142 health care facilities have been built or are under construction. Nearly all young Iraqis have been vaccinated for the first time. Satellite dishes, newspapers, TV stations and small businesses are developing and springing up, and 211,000 Iraqi troops have been trained and equipped.

Still, there are many who say that there is no progress in Iraq, and I would like to reflect on some comments from a young soldier from Nebraska that I met in a recent trip to the Middle East who said this. He said it is important that we finish the job there and not pull out prematurely because, if we do leave early, three things will happen.

Number one, thousands of Iraqis will die, and we have promised them we would not abandon them, and so we will break a promise.

Secondly, we will encourage more terrorism worldwide and in the U.S. as well. It would inform the terrorists that terrorism does work.

And lastly, 2,000-plus soldiers would have died in vain. I think this is an important point to consider. As I have talked to parents of soldiers who have died, this is something that they do not want to have happen. There was a letter distributed today by Congressman JEFF MILLER from Bud Clay, and it was written to President Bush upon the death of his son, Staff Sergeant Daniel Clay in Iraq. This is what Mr. Clay wrote to President Bush, and I quote, he said, "We and many others are praying for you to see this through. As Lincoln said, 'that these might not have died in vain.'"

Included in the letter from Mr. Clay was a letter from his son, and this letter was written if he should happen to be killed in combat, and it was written to his family.

□ 2315

And this is what Daniel Clay said. He said, what we have done in Iraq is worth any sacrifice. Why? Because it was our duty. That sounds simple, but all of us have a duty. Duty is defined as a God-given task. Without duty, life is worthless. It holds no type of fulfillment. The simple fact that our bodies are built for work has to lead us to the conclusion that God who made us put us together to do His work. And then he goes on, finally he says, I know what honor is. It is not a word to be thrown around. It has been an honor to protect and serve all of you, meaning his family. I faced death with the secure knowledge that you would not have to. This is as close to Christ-likeness as I can be. That emulation is where all honor lives. I thank you for making it worthwhile.

SAVING FOR A RAINY DAY

Mr. SCHIFF. Madam Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, the poet Longfellow once wrote: "Thy fate is the common fate of all; into each life some rain must fall." How true this is.

We know that calamities will come to our Nation. We know that terrorists are trying to attack us again and that Osama bin Laden wants to strike us with weapons of mass destruction. We know that in years to come hurricanes, earthquakes, tornadoes, and other natural disasters will devastate our shores, our towns, our homes, and most terrible, our very lives.

We must prepare, not only with a strong military and good infrastructure but also with a reserve of funds to cushion the impact to our economy and to meet the needs of the victims. Part of being prepared is doing what many families know as saving for a rainy day.

America has seen both prosperity and depressions, periods of unbridled growth and periods of stubborn stagnation. We have seen strong budget surpluses and huge budget deficits.

While any economy has periodic cycles of expansion and contraction, we know that fiscally irresponsible policies of an administration or a Congress can abbreviate an upturn or prolong a downturn.

Today, a lack of revenue, uncontrolled spending and faulty planning have put our national debt so high that putting our fiscal house in order seems out of reach. I am here to tell you that it is not out of reach. It will take time, but it is possible and it must be done.

The Blue Dog Coalition has put together a comprehensive 12-point plan to make needed reforms to our budget process, and one of these critical reforms is the creation of a rainy-day fund to set aside money for good times to pay for disasters, which we know will eventually come.

Madam Speaker, as you know, unlike the Federal Government, States must balance their budgets each year. In tough times States must raise revenue or cut spending. And generally, they cannot put these decisions off for another year or another generation. But many States have been resourceful. Forty-five of them, including my own home State of California, have created their own rainy-day funds. These funds are still small, too small and the States are in poor fiscal health. But they have begun the process of planning for their own rainy days.

According to the Center on Budget and Policy Priorities, since 2001, States have used around $30 billion from their rainy-day funds and general fund balances to help offset more than $250 billion in deficits.

Even during these weak economic times, States must continue to maintain and grow the viability of their rainy-day funds. In California we understand only too well that an earthquake, wildfire, or other calamity can strike our State without notice; and these funds will be crucial to helping Californians deal with the crisis.

The Federal Government must also be prepared for the Nation's next crisis; but, sadly, we are not. Even today, this Congress struggles with the unprecedented task of rebuilding the gulf coast after the worst natural disaster in our Nation's history.

Because the Federal Government failed to make the proper investment into the levees protecting New Orleans, one of our prized cities now lies in ruins. If we had had the foresight to establish a national rainy-day fund prior to Katrina, immediate fiscal decisions of this Congress could have been so much less painful, the cuts so much less devastating, and we would not have to go so far deeper into debt to come to the aid of our fellow citizens.

Imagine also that if Congress properly invested each year into the rainy-day fund, the interest from this fund could be used to make needed infrastructure improvements, the same type of improvements that could have saved the city of New Orleans from such devastating flooding.

Congress has so far provided more than $62 billion in emergency funds to respond to Hurricane Katrina, but we know that so much more will be needed. So much more was spent after September 11 and still our Nation's needs are not met.

Let us do what we encourage all of our children to do and save for the future. I encourage this Congress to take a strong look at the Blue Dogs' 12-point plan and establish a rainy-day fund.

A REMARKABLE DAY IN IRAQ

Mr. HAYES. Madam Speaker, I ask unanimous consent to take the time of the gentleman from Texas (Mr. BURGESS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Madam Speaker, this has been a remarkable day in Iraq, and I would like to redirect our attention for a moment to the things that Mr. OSBORNE outlined. Remarkable, the accomplishments of Iraqi people today. More than 70 percent of their population went to the polls and exercised the right that they have never had before, the right to vote for a democratic government. That vote was courageous. It showed commitment. It showed the resolve of the Iraqi people to take control of their destiny and their future. It was a tremendous step forward for peace, stability in the future of freedom in the Middle East. So I would like to take a part of my time to salute and to call attention to the incredible things that the Iraqis have done today and have committed themselves to do in the future by voting for a free Iraq.

But more especially, Madam Speaker, I would like to call attention to the men and women in uniform from America and around the globe in the coalition forces, but especially tonight the American men and women who have made this election possible, who have spoken out, who have given, in many cases, their lives so that Iraqi men and women could vote today and determine their own future.

My most sincere thanks and the thanks of a grateful Nation is extended from every quarter today to these men and women who have performed so courageously and so remarkably and have made this day and this election possible. I do not know how we can thank them enough, but it is a privilege for me to stand before the people's House and call attention to these wonderful men and women who represent America and all we stand for: freedom, democracy, equal opportunity.

They did it today. What a tribute to them, but especially a tribute to their families, the moms and dads, wives and husbands of those soldiers, sailors, airmen and marines whose lives have been lost in the quest for freedom for people around the world.

So as I close, Madam Speaker, thank you for allowing me to speak tonight on behalf of myself, the Eighth Congressional District of North Carolina, the home of Fort Bragg, the 18th Airborne Corps, the 82nd Airborne Division, and all the men and women in uniform. God has blessed America so richly by giving us these men and women who have stood and fought and won for democracy.

God bless them all.

IRAQI ELECTIONS

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, with the holidays upon us, some Members of this body have been working really hard to divert attention from much of the pressing issues that we should be working on in this Congress. They have been doing this by complaining about some kind of war on Christmas.

You can always tell when their poll numbers are down. That is when they reach into their bag of culture war tricks and gin up a divisive controversy that has nothing to do with Americans' real challenges and Americans' real aspirations. It is really interesting, my colleagues on the other side of the aisle are very interested in preserving the symbols of Christmas. But the war they are supporting and the budgets they are passing, more Scrooge than Santa, demonstrate that they have forgotten the true meaning of Christmas, particularly the part about peace on Earth and goodwill towards all.

Besides, how many casualties have there been in this so-called war on Christmas? Here is a hint. Several thousand less than the war on Iraq. Today, without a doubt, we should congratulate the Iraqi people for what appears to be a successful, high turnout election. For the third time this year, courageous Iraqi citizens have enthusiastically exercised their democratic rights.

But successful elections do not, and cannot, obscure the devastating national tragedy that is the Iraq war. It does not change the fact that over 2,100 Americans have died for weapons of mass destruction that never existed. It does not change the fact that this war has turned Iraq into a hotbed of terrorist activity. It does not change the fact that our troops are sitting ducks for the insurgents who have been emboldened, not deterred, by our military presence in Iraq.

Now that the elections are over, the question is, What now? What next in terms of U.S. policy towards Iraq? Aside from trying to spin it and take credit for it, what is the President's reaction to this Iraqi election? All indications are that even with a modest reduction in troops, he will insist that we must stay the course. That means continuing with this bloody occupation that has killed or maimed thousands of our people, has cost us hundreds of billions of dollars and turned the entire world against us. Furthermore, he will not see the irony in celebrating Iraqi democracy while we use United States taxpayer money to manufacture propaganda and spread it in the Iraqi press. He will ignore the contradiction in praising Iraqi freedom while violating civil liberties at home by pushing for a more heavy-handed and invasive sequel to the PATRIOT Act.

Here is the bottom line: a successful Iraqi election should, at the very least, reinforce the imperative of bringing our troops home. If Iraq is truly able to self-govern, then we have no business occupying their country and meddling in their affairs.

I have argued all year long that it is time to restore Iraqi sovereignty and give Iraq back to the Iraqi people. If the election is a watershed moment, as the White House claims, then what is the continued justification for having our troops over there in harm's way?

Now is the time to enlist the support of the international community to establish an interim security force for Iraq. But that is just the first step. As I have written to the President in a letter signed by 61 other Members of the House, the United States must also launch a diplomatic offensive recasting our role in Iraq as a reconstruction partner, rather than a military occupier.

We must also lead the way in establishing an international peace commission to oversee the post-war reconciliation and coordinate peace talks between Iraq's various factions.

Madam Speaker, sometimes it seems like the only people who still support this war work in the big white building down Pennsylvania Avenue. There is barely any constituency left for our Iraq policy. The majority of the American people are not behind it; our global allies are not behind it. The Iraqi people are not behind it. Even Iraqi leaders, Sunnis, Shiite and Kurdish alike, who agree on practically nothing, have united around the call for the United States military to leave. With the Iraqi people having voted once again, let us offer the ultimate vote of confidence in their democracy. Let us reward the self-sufficiency they have demonstrated by giving them their country back and bringing our American soldiers home.

□ 2330

U.S. AUTO INDUSTRY SUPPORTS UNIVERSAL HEALTH CARE—IN CANADA

Mr. McDERMOTT. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, as we spend our time here talking about Christmas and the war on Christmas, I think we have missed the whole point. At least the Republicans have.

My passion since I arrived in Congress has been that every American should have access to affordable health care coverage. It should be a right, not a privilege as it is today. Over 45 million Americans have no coverage at all, and millions more cannot afford to get sick because of inadequate or expensive coverage.

Democrats have made health care a top priority, but the Republicans have not. Christmas trees seem to be more in their order. I have repeatedly introduced H.R. 1200, universal health care legislation. My friend and colleague JOHN DINGELL has done the same. My colleague JOHN CONYERS has done the same. We have many proposals all approaching a universal solution to a problem for this country.

Dozens of Democrats have been willing to sign on to this bill. But the majority, the Republicans, have talked but done absolutely nothing. Instead, they have used every opportunity to disparage government and claim that solutions to everything always end in the words "incorporated." "privatized." Whether it is Social Security or Medicare or drugs or whatever, it always has got to be private.

Republicans claim government, the one they control, is incapable of addressing America's needs. They proved it down in Louisiana. They proved it themselves. Their tortured logic says that we can wage war, but we cannot solve the health care crisis.

Pick up the newspaper, and the conclusion is inescapable. There are no more tomorrows. The health care crisis is real and a present danger to the American people and the U.S. economy, much more than this war on terror.

Especially hard hit is the manufacturing sector. Employees throughout the country are bracing for plant closings or wage and benefit cuts. We came out here and did pensions again today. We continue to do it to the workers.

Companies like General Motors and Ford cite the cost of providing health care coverage as a major factor in their current financial crises. So quietly behind the scenes here on Capitol Hill, the domestic auto industry has been talking to lawmakers about a bailout. They are looking for tens of billions of dollars next year and say it is required to save the auto industry and thousands of family wage jobs.

I am a strong supporter of America's labor movement and a strong supporter of family wage jobs. And if a company treats its employees right, I strongly support them as well. That might make me a candidate for supporting an auto bailout. But it really makes me wonder why Republicans will not join Democrats and fight for its family from within, a health care system that is destroying people, business, and our way of life.

Republicans say, let the market fix it. Well, we have done that. And the special interests have said stay out of it because people like me want this Nation to guarantee health coverage for everybody. Lobbyists make a living in this town out of spinning the tale of us against them and how we have to do it individually, and we cannot do it as a country.

Well, I will enter into the RECORD a letter that sets the record straight and give us a chance to finally confront America's health care crisis. This letter was sent separately to the Canadian government by the Ford Motor Company, General Motors, Daimler Chrysler and the union representing auto workers in late 2002.

The so-called big three U.S. car companies put their full support behind publicly, publicly, funded health care in Canada. Let me read some excerpts. "Canada's publicly funded health care system provides essential and affordable health care services for all Canadians, regardless of their income. For both employers and workers in the auto industry, it is vitally important that the publicly funded health care system be preserved and renewed."

The letter sent by GM, Ford, and Daimler Chrysler, concludes: "In addition to reinforcing the quality and accessibility of health care for all Canadians, these measures would also help to ensure the long-run success of the Canadian auto industry." There is a business reason to do it. That is the U.S. auto industry acting outside the United States. It is time for them to act inside the United States and for us to act.

H.R. 1200 provides universal health care with guidelines for Federal Government decisions by local government and health care by the private sector.

My Democratic friends have other ideas. There is more than one idea how to do this. We ought to get them on the table. It is time for the Republican majority to make health care a priority. It is time for the auto industry to support a solution that is morally responsible and economically urgent: health care. Every American has a right.

Madam Speaker, we have been talking about it, and we have not done anything. It is it time to stop talking about Christmas trees and start talking about health care for all Americans.

SEPTEMBER 10, 2002.

Canada's publicly funded health care system provides essential and affordable health care services for all Canadians, regardless of their income. Publicly funded health care also enhances Canada's economic performance in several important ways.

The auto industry is Canada's most important export industry; it directly employs over 150,000 Canadians in high-wage jobs, supports hundreds of thousands of other spin-off jobs, produces $90 billion worth of shipments per year, and generates billions of dollars in tax revenues for all levels of government in Canada. The success of this industry has been crucial to Canada's economic progress over the past decade. Canada's health care system has been an important ingredient in the auto industry's performance.

Workers in the auto industry, and in the many manufacturing and service industries which supply automakers, benefit directly from access to public health care services. Thanks to this system, they are healthier and more productive. Employers in the auto industry, meanwhile, enjoy significant total labour cost savings because most health care services are supplied through public programs (rather than through private insurance plans).

The public health care system significantly reduces total labour costs for automobile manufacturing firms, compared to the cost of equivalent private insurance services purchased by U.S.-based automakers; these health insurance savings can amount to.several dollars per hour of labour worked. Publicly funded health care thus accounts for a significant portion of Canada's overall labour cost advantage in auto assembly, versus the U.S., which in turn has been a significant factor in maintaining and attracting new auto investment to Canada.

Canada's publicly funded health care system is now facing demographic, technological, and fiscal pressures. The erosion of publicly funded health care through measures such as the delisting of currently-covered services, the imposition of user fees, the failure of the public system to keep up with the changing nature of health care, and new costs such as prescription drugs and homecare, will impose significant costs on automotive employers and undermine the attractiveness of Canada as a site for new automotive investment.

For both employers and workers in the auto industry, it is vitally important that the publicly funded health care system be preserved and renewed, on the existing principles of universality, accessibility, portability, comprehensiveness, and public administration. The system needs a secure multi-year funding base from government, and must be expanded to cover an updated range of services (including prescription drugs and home care services) that reflects both the evolving nature of medical science and the emerging needs of our population.

To this end, Ford Motor Company and CAW-Canada jointly urge the federal and provincial governments to take appropriate actions to preserve the public health care system, secure its funding base, and modernize the range of services which it covers. In addition to reinforcing the quality and accessibility of health care for Canadians, these measures would also help to ensure the long-run success of Canada's auto industry.

ALAIN BATTY,
President and Chief Executive Officer, Ford Motor Company of Canada, Limited.
BASIL "BUZZ" HARGROVE,
National President, CAW-Canada.

A FREE IRAQ

Mr. KING of Iowa. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the opportunity to be recognized on the floor of this United States Congress and the opportunity to address the Members.

As I sit here and listen to this discussion that has gone on tonight, I would kind of like to unravel some of this from the top down and little bit. And, again, the lamentations come down about all the things that are going wrong in the world and particularly a list of things that are allegedly going wrong in Iraq.

My colleagues might notice that my finger is purple today. And it is purple in celebration and in solidarity with the freedom of the Iraqi people. The people have gone to the polls three times in this calendar year, and each time they said it could not be done, and each time they did an even better job. The January 30 election that elected the interim government that has now put together the constitution; the October 15 election that ratified the constitution; and then today's election that concluded today, December 15 by their calendar, that has now elected a new general assembly that will select from them a prime minister. And he will be seated in March, and they will be the most sovereign, the most representative Arab country in the world. Imagine that, Madam Speaker, sitting at the United Nations with Iraq having the most integrity because they represent the real people in their government.

The argument came from the gentlewoman that there were no weapons of mass destruction and that was allegedly the only reason that we went there. When did this country give up on liberation, Madam Speaker? Did we give up on this when we went to the Philippines after the USS *Maine* was sunk in Havana Harbor? We had the Spanish-American War that took place, and the USS *Maine* is still at the bottom of the harbor in Havana. But the Filipino people were liberated by the United States Marine Corps, and today, the Filipinos are grateful that the Americans came and liberated them, and we carried over there our way of life, our free enterprise system, our property rights concept, an educational system, an English language. And today, they are a prosperous people because they were liberated by Americans in 1898.

And look at the liberation that took place in the Civil War, Madam Speaker. There the war was about States' rights. It was about saving the Union. Abraham Lincoln's efforts were focused on saving the Union. And then, later on in the war, he signed the Emancipation Proclamation. No one thought too much of it at the time. Now we remember that as the war to free the slaves.

So sometimes we have to have a list of reasons why we have to go to war, Madam Speaker. And this is a war that has freed 25 million Iraqi people, 25 million Afghanis, has established the lodestars for the Arab world to follow this democracy that is going to be now a prosperous Iraq, and that can bring freedom to the entire Arab world, which brings peace to most of the world as we know it and eliminates the habitat for terrorists throughout the world.

This is a very, very noble thing that this country has done. It is a very, very noble sacrifice on the part of the 2,100 and more Americans who have sacrificed their lives for the freedom of the Iraqi people, for the safety of the American people.

It is not a terrorist center there unless you want to say a grave center for terrorists. They are taking 3,000 terrorists off the street every month between killed and captured. That is far more than the casualties that we are taking. Saddam Hussein was killing his own people at the rate of 182 per day, Madam Speaker. That adds up to over 100,000 Iraqis that are alive today that would not be if Saddam Hussein were still running his torture chambers, still running his plastic shredder machine, and with weapons of mass destruction, real gas weapons of mass destruction, killing his own people. This adds up to a humanitarian effort that is not unsurpassed in the world but unsurpassed by other countries aside from the United States of America.

The argument that we are using dollars to purchase propaganda in the Iraqi newspapers. Good night. How far do you to go to make an argument against the American people? Maybe we ought to spend these tax dollars to try to get the real news printed in the New York Times or the Washington Post, Madam Speaker. If that is what it takes, that is what we ought to do because part of this war is to defend our troops and our military. And I am tired of listening on this floor, and I did not hear it happen tonight, of people that say, "I support our troops but I oppose the war." That means they oppose their mission, and they are asking soldiers to put their lives on the line for a mission that they do not believe in.

FOREIGN-HELD DEBT

Ms. KAPTUR. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, there are some things that Congress and the President can really do something about. And one of those is the management of our Federal accounts.

The news today reports in USA Today, Oil imports help push the trade gap to record highs. Every time I see the fact that we are importing more oil than finding ways to become more energy independent here at home, I say to myself, there is something that America really can do but is not doing.

The New York Times reported, and I include this in the RECORD, today that the U.S. trade deficit indeed has hit record highs, threatening U.S. growth. We are going deeper and deeper into debt every day with imports climbing much faster than exports. The American people know this. One can hardly find anything made in this country anymore. In fact, the trade deficit is so huge, it is now three-quarters of $1 trillion and rising and, with it, our foreign indebtedness. This widening gap is likely to reduce our overall growth as a country.

Now, our thirst for imported petroleum as a part of this increase rose 13 percent. And the Secretary of Treasury is living in another world when he says the reason that we are going into hock is because other nations are not growing fast enough, when, in fact, other nations are the very countries that are lending us money to make up this gap.

The New York Times says a growing number of economists worry that the United States has become locked into becoming the world's consumer of last resort, a role that is leading to ever higher levels of foreign indebtedness financed in large part by central banks of China, Japan and other Asian countries.

And not just Asian. As this chart illustrates, the amount of debt being held by foreigners is going up. Japan, over $100 billion over last year to a level of $681 billion. They are literally owning us, owning our debt.

Europe, $471.8 billion. And a lot of that, I think, comes through the London markets, particularly the oil markets. So this masks some of the buying that actually is occurring through the Middle East.

China, Hong Kong, at a level now of over $295 billion. And those kinds of ownership of our assets and debt means we owe them interest. And that level of interest is what I want to discuss tonight.

The proportion of our foreign-held debt is now nearly half of what we owe as a country. Nearly half. It has grown exponentially, and the interest we pay on that debt is one of the largest components of the Federal budget. In fact, in this coming fiscal year, the interest alone that Americans will pay to foreigners for their borrowings to us will be nearly $100 billion. Take the amount that we have to pay Hong Kong and China for what they have lent to us. We will pay them over $13 billion. How much is $13 billion? $13 billion is nearly equal to all of the money we spend as a Federal Government financing student loans in the Pell grant program to make post-secondary study a reality for thousands of students.

□ 2345

How about the $30 billion in interest that we will owe Japan, when you think that that amount is $6 billion more than we devote to funding the No Child Left Behind Act. And it is twice as much as we spend on funding employment training and unemployment services combined.

In Ohio, for example, this past week only one school in the northeastern part of Ohio got funds in order to do additional job training, though President Bush campaigned very hard on that issue in Ohio. Ohio did not get 15 grants or 20 grants, we got one.

Our money is going to pay interest to foreigners who are lending us money. We are cutting money for Head Start by more than $11 billion, and yet we are paying over $100 billion to foreign interests who are lending us money. We cannot afford to pay TRICARE for the needs of those in the Guard and Reserve, many of whom are returning home and finding their benefits are cut, and we have a shortfall in the veterans affairs budget. All of those accounts put together are a pittance compared to the interest that we are paying on our foreign-owned debt.

I have introduced, along with several of my colleagues on both sides of the aisle, H.R. 4405, The Trade Balancing Act of 2005, which will require that in cases in which the annual trade deficit, that is the trade gap, the difference between imports and exports, between the United States and another country is $10 billion a year for three consecutive years, the President must take the necessary steps to create a more balanced trading relationship with that country.

I am asking my colleagues to help communicate this message to the President, to our colleagues, before a foreclosure sign is posted on our Treasury building. There could be nothing more important that this Congress could do than to turn a sound economy over to the future.

Madam Speaker, I will place these additional articles in the RECORD. Let us put America back on an even keel.

TRADE DEFICIT HITS RECORD, THREATENING U.S. GROWTH

(By Edmund L. Andrews)

WASHINGTON, Dec. 14.—The United States' trade deficit ballooned to a record in October, the government said Wednesday, with imports climbing much faster than exports even though prices for imported oil declined.

The trade deficit widened by $3 billion, to $68.9 billion, confounding forecasts on Wall Street that the gap would narrow and signaling that the nation's huge trade imbalance has not begun to stabilize.

The nation's deficit is on track to top $700 billion this year, up from last year's record of $618 billion, and its foreign indebtedness is rising at least as rapidly.

Because imports are about 50 percent higher than exports, the United States would need to increase exports twice as fast as imports simply to keep its imbalances from growing even more.

The widening gap is likely to reduce the nation's overall growth in the final quarter of this year. Morgan Stanley reduced its forecast for growth this quarter to 3 percent, from 3.4 percent on Wednesday, and Merrill Lynch shaved its already pessimistic forecast to just 2.3 percent.

News of the deficit also ignited a fresh round of political accusations in Washington over trade and globalization, with Democrats accusing President Bush of being soft on countries like China.

The United States stepped up its purchases from every part of the world and in most categories of goods, even as global demand softened, the Commerce Department reported.

The trade deficit with China through October hit $166.8 billion, exceeding the $162 billion deficit with China for all of last year.

Over all, the Commerce Department estimated that American exports grew by 1.7 percent in October, while imports climbed 2.7 percent.

But exports were weaker than the headline numbers implied, because virtually all of the increase stemmed from a big increase in aircraft sales after the end of a strike at Boeing.

Excluding aircraft, exports of capital goods and industrial goods were essentially flat. Exports of consumer goods declined 5.6 percent, to $9.37 billion.

Many analysts had expected the trade deficit to narrow slightly, partly because of the increase in airplane exports and partly because oil prices declined slightly during the month.

But American thirst for imported petroleum shot up 13 percent, largely to make up for the loss of production in the Gulf of Mexico cause by Hurricane Katrina.

The United States' trade deficit with the Organization of the Petroleum Exporting Countries totaled $77 billion for the first 10 months of this year, up from $59.1 billion for the same period last year. The higher deficit is the result of both higher oil prices over the last year and higher volumes of imports. But that was only part of the reason that the trade balance deteriorated. The trade balance for nonpetroleum products for the first 10 months of this year has widened to $447 billion, up from $400 billion last year.

Representative Benjamin L. Cardin of Maryland, a top Democrat point man on trade issues, accused the Bush administration of failing to create an effective strategy for dealing with unfair trade practices.

Representative Marcy Kaptur, an Ohio Democrat, stepped up her call for legislation to force the administration to take action against countries that consistently run trade surpluses with the United States of more than $10 billion a year.

Even some Republicans expressed dismay at the size of the deficit.

"Small business owners in Maine and across the nation are fighting to remain competitive with countries such as China that flagrantly disregard fair trade practices," said Senator Olympia J. Snowe, Republican of Maine.

The Treasury secretary, John W. Snow, said the administration was pushing countries like China, but added the trade deficit was largely a result of slow growth in other countries.

"If our major industrialized trading partners were growing faster, the U.S. wouldn't have such a large trade gap," Mr. Snow said at a briefing on the economy with Commerce Secretary Carlos M. Gutierrez and Labor Secretary Elaine L. Chao.

The American economy grew at an annual rate of 3.8 percent in the first three quarters of this year, far faster than either the European Union or Japan.

A growing number of economists worry that the United States has become locked into being the world's consumer of last resort, a role that is leading to ever higher levels of foreign indebtedness financed in a large part by central banks of China, Japan and other Asian countries.

Robert Sinche, a currency strategist at Bank of America, predicted on Wednesday that foreigners would own about $4 trillion in American assets, about 30 percent of its gross domestic product, by the end of 2006.

IRAQ AND THE 56TH BRIGADE

Mr. GOHMERT. Madam Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore (Mrs. SCHMIDT). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Madam Speaker, it was truly great to have the 56th Brigade home this past weekend from Iraq. Commanded by Colonel James "Red" Brown of Lindale, Texas, they did a great thing this past year. It was the largest deployment of troops from the Texas reserve unit since World War II. This was not just a difficult year in their own and their families' lives, it was a historical year for the ages.

Many believe that the area Iraq occupies was where mankind had its beginning. There, in the cradle of mankind, Iraq, had an historic election of representatives to write a constitution. It drafted and approved its constitution, and now today, because of the efforts of so many military members, including the 56th, that area elected its first true representatives to lead a democratic form of government.

There are those who have said it is a quagmire in Iraq and it is a mistake for us to be there. Some made these statements because of personal heartache. Some, on the other hand, were made from partisan political motivation, and some from disdain for our president and a desire to see his efforts fail, even though it risked world stability and national security.

But our soldiers were there. They know they have done a great thing. They have seen the admiring faces of Iraqi children that were never present in Vietnam. They have heard gratitude from many there in Iraq, our soldiers have. We have not heard as much here.

They not only fought, protected and defended, the 56th, for example, built a school and other important infrastructure improvements. They also saw the frantic efforts of terrorists who were terrified that democracy and the people will begin to rule over them and their oppressive dictatorial ways. They kept many terrorists occupied there, rather than here in America.

Some say that the freedom, democracy and liberty they were fighting for and the evil they have fought against simply was not worth it. My friends, it is worth it, and they are our heroes. They and their families have sacrificed for us, and we are grateful.

My friend from Lindale, who is also a Texas Aggie and a citizen soldier, Colonel Brown, is an American patriot. He and his distinguished command Sergeant Major Chambless led a band of great American patriots, and they led them well.

The quote from the 1800s by philosopher John Stewart Mill certainly applies to our present situation. He said, "War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. The person who has nothing for which he is willing to fight, nothing which is more important than his own personal safety, is a miserable creature and has no chance of being free unless made and kept so by the exertions of better men than himself."

Those who have been serving in Iraq and Afghanistan and in harm's way on our behalf are some of the better people of whom Mills spoke.

Today was just an incredible day in Iraq. That for which we have been hoping and fighting happened. The Iraqis elected their first elected officials who will preside for the next years to come. There have been threats this year against any Iraqi who voted on. Those Iraqis who stuck their fingers into the ink knew they were readily identifiable for two to three weeks to any terrorist that wanted to kill them. What courage. We have voters here who will not even go out if it sprinkles or rains, and yet they were willing to risk the threat of death. They are not out of the woods. They can see the home lights though glowing from where they have gotten.

It was particularly distasteful though that so many had stepped up their screaming and their histrionics to "pull out now." Have you wondered why the surrender call became so shrill just weeks and days before this historic election? Many of those knew if things went too well, the President's numbers might go up, the Republicans' numbers might go up. So, some had good motives, some did not. They risked the national security.

Now, because of the work of our heroes in Iraq, a great thing happened today, and we are grateful. May God comfort those who have paid with the sacrifice of a loved one in our Nation's defense. May God bless our defenders, our champions, our servicemembers. God bless their efforts and keep them safe. And through their valiant efforts may God continue to bless our America.

To those in Iraq, I say I look forward to seeing you in just a couple of days.

TRIBUTE TO SENATOR WILLIAM PROXMIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Madam Speaker, early today the people of Wisconsin and this great Nation lost a great public servant, and I lost a good friend and a political hero, Senator William Proxmire. Senator Proxmire passed away at the age of 90 after a long and courageous battle against Alzheimer's.

I had the great fortune and honor to intern for Senator Proxmire after my junior year in college. He was to me all that is good and decent about public service. I valued his counsel and advice when I became a Member of the United States Congress. During his 32 years in the United States Senate, Senator Proxmire epitomized what a good public servant should be about; hard work, dedicated, principled and accountable to the people he represented.

He was famous back home in Wisconsin for two things: Shaking a lot of hands and giving out a monthly Golden Fleece Award for the most ridiculous expenditure of taxpayer dollars. I am still amazed even today when people come up to me to share their favorite Proxmire story. I swear everyone living in the State of Wisconsin during Senator Proxmire's years in office had the opportunity to shake his hand at some sporting or other public event or on the main street of their hometown.

He was tireless when it came to representing the people of Wisconsin, and tireless traveling around the State to give people a chance to meet their United States Senator. He did it so well that in his last couple of election campaigns, he actually spent more money returning campaign contributions than he spent in his entire reelection campaign. He is probably the last person from a past political era who could do that in light of the mud-slinging and the attack ads that, unfortunately, exemplify modern campaigns.

Also as an intern, I had fun investigating some of Senator Proxmire's famous Golden Fleece Awards for wasteful government spending. Senator Proxmire was talking about fiscal responsibility before it became fashionable. Because of it, he was not the most popular guy in D.C. during those years, given the attention he would draw to wasteful programs or projects.

I am sure he would be disappointed today to see the breakdown in fiscal management of taxpayer dollars and the return of large budget deficits that jeopardize our long-term economic and military strength, and I am also sure he would be disappointed today seeing the number of ethical and criminal investigations surrounding public officials in our country.

He was a person above reproach. He believed that those involved in public service owed the people of this country a higher standard of ethical conduct, and he exemplified that conduct each and every day.

His greatest regret in office he once said was his initial support for our involvement in Vietnam. His greatest accomplishment was the ratification of the Anti-Genocide Treaty. For 19 years, Senator Proxmire delivered a daily speech on the floor of the United States Senate about the need to ratify a treaty against genocide. He found it amazing that the leader of the free world would be one of the last countries to ratify the Anti-Genocide Treaty, rather than being one of the first. But he persevered in reminding his colleagues of the moral imperative to do, and he finally ratification of the treaty shortly before his retirement in 1989.

Senator Proxmire also would deliver a speech on the Senate floor about the need to stop the proliferation of nuclear weapons throughout the world which he viewed as potentially the ultimate genocide of human race.

People back home in Wisconsin viewed him has a maverick because he called it the way he saw it. He believed in standing up for the little guy and treating everyone decently and fairly. He believed, as many of us do today, that there is too much big money in government and too much influence of large special interests affecting the public's agenda. He was a strong advocate for getting the big money out of politics and he supported campaign finance reform.

His marriage to Ellen Proxmire was a true partnership in every sense of the word. Ellen and the family endured the demands and sacrifice of public life and were by Bill's side during the difficult years battling Alzheimer's. Through their courageous battle, they helped open the eyes of many people about the urgent need to find a cure for this horrific disease before the national tidal wave hits our country in future years due to our aging population.

Much of what I learned about being an elected official I learned from Bill Proxmire. That is why I am proud to call myself a Proxmire Democrat. His legacy will endure, whether it is the call for greater fiscal responsibility with the people's money, or leveling the playing field in politics for people who work hard and play by the rules.

My thoughts and prayers are with Ellen and the entire Proxmire family. I hope they find some peace and comfort in the knowledge that Senator Proxmire touched many lives. He was loved by many, and he will be missed.

May God bless Senator Proxmire and take him into His care.

THE DAWN OF A NEW DAY IN IRAQ

Mr. GINGREY. Madam Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I feel honored this evening as we approach the midnight hour here in Washington to realize that it is the dawn of a new day in Iraq. The sun is coming up almost as we speak, and I raise my hand and my index finger in symbolic fashion to salute the 10.5 million people who went to the polls in that historic election on December 15.

Madam Speaker, listen to what some of the Iraqi people have had to say about how they feel about the vote that was cast yesterday. "This day is revenge for Saddam." Kurdish voter Chiman Saleh, whose two brothers were killed by Saddam's forces. The ink-stained finger after he voted.

"The time has come to build Iraq with our own hands and to use the great wealth that God has granted to Iraq, to rebuild Iraq so that we can turn our poverty into wealth and our misery into happiness." Prime minister al-Jaafari.

Finally, from the Associated Press, some good news: "So many Sunni Arabs voted that ballots ran out in some places. The strong participation by Sunnis," the backbone of the insurgency, Madam Speaker, "bolstered United States hopes that the election could produce a broad-based government capable of ending the daily suicide attacks and other violence." From the Associated Press. Good news indeed.

Madam Speaker, listen to what General George Casey, the Multinational Force Commanding General in Iraq, said today: "The Iraqi people have had a great day. It is their third national poll this year: January 30th elections for the Transitional National Assembly, 8.5 million people voted; October 15th national referendum on the constitution, 10 million election people voted on. December 15th elections for a permanent assembly, 10.5 to 11 million people voted, and many, many Sunnis. Voter turnout was high. We expect it to be at or above the October level. Turnout in the Anbar Province in western Iraq, the most violent part, the Sunni stronghold, is suspected to have increased fairly substantially over October. There was low violence across Iraq. We expect it to be at or below the October level. The Iraqi Security Forces performed wonderfully to maintain security at the polling sites. The high sentiment was set this morning when Iraqis swiftly repaired damage from an improvised explosive device at a polling place and that polling site was still open at 7 o'clock in the morning."

Listen to this, Madam Speaker, from General Casey. "Three years ago, Saddam Hussein was still tyrannizing the Iraqi people. The accomplishments of the Iraqis and the Coalition since then have been unprecedented, even in the face of a ruthless and a resilient insurgency. They include the transition to sovereignty, elections for a transitional government, a peaceful transition from the interim to the transitional government, the drafting and approving of the constitution, the building of Iraqi Security Forces to more than 200,000, and today, the elections for a permanent assembly."

Madam Speaker, as we close out, I just want to say that this is also a great day for those 2,175 soldiers, men and women, who have given their lives, 15,000 others who have been severely injured, and 30,000 or more innocent Iraqi people, many of them women and children, who have given their lives for this cause. This is a great day.

This gives some peace and comfort, I am sure, to the Brown family of Atlanta, who gave their son Tyler, a First Lieutenant, in this battle, as he was killed in action: and the Johnson family of Armuchee, Georgia, in my district, when Joe and Janet gave their precious son Justin.

At least some comfort will come to these families at this time of Christmas when everybody else is celebrating and they have a certain sadness in their heart that will never go away. They will know that their sons did not die in vain, that this is the success that they were fitting and dying for. God bless them, God bless the Commander-in-Chief, and God bless America.

RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 15, 2005.

Hon. Karen Haas,
Clerk of the House,
Washington, DC.

DEAR MADAM CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative BLUNT to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and Senate, respectively, of any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternative Members of the House listed in a letter placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that on December 15, 2005, the Speaker delivered to the Clerk a letter listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 0715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 7 o'clock and 15 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 612, EXPRESSING THE COMMITMENT OF THE HOUSE OF REPRESENTATIVES TO ACHIEVING VICTORY IN IRAQ

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109-348) on the resolution (H. Res. 619) providing for consideration of the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109-349) on the resolution (H. Res. 620) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–350) on the resolution (H. Res. 621) providing for further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCHUGH (at the request of Mr. BLUNT) for today until 2:00 p.m. on account of attending a funeral.

Mr. MARIO DIAZ-BALART of Florida (at the request of Mr. BLUNT) for today on account of family reasons.

Mr. HYDE (at the request of Mr. BLUNT) for today and December 16 on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

(The following Members (at the request of Mr. OSBORNE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, December 16.

Mr. PRICE of Georgia, for 5 minutes, December 16.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, December 16.

Mr. DUNCAN, for 5 minutes, today and December 16.

Mr. POE, for 5 minutes, December 16.

Mr. HAYES, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KING of Iowa, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1390. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes, to the Committee on Resources.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 327. An act to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 335. An act to reauthorize the Congressional Award Act.

ADJOURNMENT

Mr. COLE of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 16 minutes a.m.), the House adjourned until today, Friday, December 16, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5688. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Information Technology Equipment — Screening of Government Inventory [DFARS Case 2003-D054] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5689. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Modifications [DFARS Case 2003-D024] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5690. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Administration [DFARS Case 2003-D023] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5691. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extraordinary Contractual Actions [DFARS Case 2003-D048] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5692. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Telecommunications Services [DFARS Case 2003-D055] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on December 16 (legislative day of December 15), 2005]

Mr. COLE: Committee on Rules. House Resolution 619. Resolution providing for consideration of the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq (Rept. 109–348). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 620. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–349). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules, House Resolution 621. Resolution providing for further consideration of the bill (H.R. 4437) to amend the Immigation and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes (Rept. 109–350). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAMSTAD (for himself, Mr. LEWIS of Georgia, Mr. KELLER, Mr. DAVIS of Florida, Mr. FEENEY, Mr. HAYWORTH, and Mr. BEAUPREZ):

H.R. 4549. A bill to amend the Internal Revenue Code of 1986 to provide for the disclosure of certain prisoner return information to prison officials; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. HONDA):

H.R. 4550. A bill to amend the Public Health Service Act to direct the Secretary of

Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management program that will lead to a marked reduction in liver cirrhosis and a reduction in the cases of, and improved survival of, liver cancer caused by chronic hepatitis B infection; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN:

H.R. 4551. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. RYAN of Ohio, Mr. REGULA, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. MURTHA, and Mr. COSTELLO):

H.R. 4552. A bill to suspend temporarily the duty on N-Cyclohexylthiophthalimide; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. RYAN of Ohio, Mr. REGULA, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. MURTHA, and Mr. COSTELLO):

H.R. 4553. A bill to suspend temporarily the duty on 4,4'-Dithiodimorpholine; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. RYAN of Ohio, Mr. REGULA, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. MURTHA, and Mr. COSTELLO):

H.R. 4554. A bill to suspend temporarily the duty on Tetraethylthiuram Disulfide; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. RYAN of Ohio, Mr. REGULA, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. MURTHA, and Mr. COSTELLO):

H.R. 4555. A bill to suspend temporarily the duty on Tetramethylthiuram Disulfide; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mrs. MALONEY):

H.R. 4556. A bill to direct the Secretary of Labor to make a grant to a public university to establish the Center for the Study of Women and Workplace Policy; to the Committee on Education and the Workforce.

By Mr. GERLACH:

H.R. 4557. A bill to amend part D of title XVIII of the Social Security Act to remove the Medicare prescription drug benefit late enrollment penalty and to extend the initial enrollment period for 2006 through July 15, 2006; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. BURTON of Indiana, Mrs. DRAKE, Mr. OTTER, Mr. SAM JOHNSON of Texas, Mr. HALL, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. KINGSTON, Mr. WESTMORELAND, Mr. NORWOOD, Mr. HOSTETTLER, Mr. WELDON of Florida, Mr. MARCHANT, and Ms. FOXX):

H.R. 4558. A bill to prohibit United States assistance to foreign countries that oppose the position of the United States in the United Nations; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H.R. 4559. A bill to provide for the conveyance of certain National Forest System land to the towns of Laona and Wabeno, Wisconsin, to authorize the Secretary of Agriculture to convey certain isolated parcels of National Forest System land in Florence and Langlade Counties, Wisconsin, and for other purposes; to the Committee on Agriculture.

By Mr. DUNCAN:

H.R. 4560. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. SESSIONS, Mr. EDWARDS, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. CUELLAR, Mr. ORTIZ, Mr. REYES, Mr. DOGGETT, and Mr. HINOJOSA):

H.R. 4561. A bill to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the "Francisco 'Pancho' Medrano Post Office Building"; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. HYDE, Ms. PELOSI, Mr. WOLF, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. MORAN of Virginia, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Mr. CROWLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SABO, Mr. WALSH, and Mrs. MALONEY):

H.R. 4562. A bill to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights and religious understanding; to the Committee on Financial Services.

By Mr. RYUN of Kansas:

H.R. 4563. A bill to amend the Servicemembers Civil Relief Act to provide improved interest rate relief for servicemembers during periods of military service; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Mississippi:

H.R. 4564. A bill to make improvements in the administration of charitable donations made in the aftermath of disasters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. BARROW, Ms. BEAN, Ms. BORDALLO, Mr. CASE, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 4565. A bill to amend the Small Business Investment Act of 1958 to establish the Angel Investment Program; to the Committee on Small Business, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. LANTOS, Mr. PAYNE, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. OWENS, Ms. SOLIS, Mr. NADLER, Ms. KILPATRICK of Michigan, Ms. SCHAKOWSKY, Mr. PALLONE, Mr. SANDERS, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mr. GRIJALVA, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. HONDA, and Mr. CLEAVER):

H. Con. Res. 317. Concurrent resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes; to the Committee on International Relations.

By Mr. MARKEY (for himself and Mr. UPTON):

H. Con. Res. 318. Concurrent resolution expressing concern regarding nuclear proliferation with respect to proposed full civilian nuclear cooperation with India, and for other purposes; to the Committee on International Relations.

By Mr. DENT:

H. Res. 611. A resolution condemning, in the strongest possible terms, Iranian President Mahmoud Ahmadinejad's outrageous and despicable statements directed toward Israel; to the Committee on International Relations.

By Mr. HYDE (for himself and Ms. ROS-LEHTINEN):

H. Res. 612. A resolution expressing the commitment of the House of Representatives to achieving victory in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Ms. PELOSI, Mr. HOYER, and Mr. HASTINGS of Florida):

H. Res. 613. A resolution congratulating the people of Iraq on the three national elections conducted in Iraq in 2005; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H. Res. 614. A resolution providing for consideration of the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Rules.

By Mr. ISRAEL (for himself and Mr. WEINER):

H. Res. 615. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Hanukkah, Ramadan, and Kwanzaa should be protected; to the Committee on Government Reform.

By Mr. LYNCH (for himself, Mr. WAXMAN, Mr. LANTOS, Mr. KANJORSKI, Mrs. MALONEY, Mr. CUMMINGS, Ms. NORTON, Mr. HIGGINS, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 616. A resolution directing the Committee on Government Reform to hold hearings on intelligence relating to the rationale for the commencement of Operation Iraqi Freedom; to the Committee on Rules.

By Ms. MILLENDER-MCDONALD (for herself and Mrs. JOHNSON of Connecticut):

H. Res. 617. A resolution supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Week; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself and Mr. ENGEL):

H. Res. 618. A resolution expressing the sense of the House of Representatives concerning Syria and Lebanon; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

209. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 4 memorializing the Congress of the United States to take such action as are necessary to create a national wind insurance program to be combined with the National Flood Insurance Program in order to create a national catastrophe insurance program; to the Committee on Financial Services.

210. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 23 memorializing the Congress of the United States to increase the coverage limit for a single-family structure under the National Flood Insurance Program from two hundred fifty thousand to five hundred thousand dollars; to the Committee on Financial Services.

211. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 38 memorializing the Congress of the United States to take such actions as are necessary to require all federal jobs that have been lost or relocated due to Hurricane Katrina and Rita and their associated funding to be restored as soon as possible; to the Committee on Government Reform.

212. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 5 memorializing the Congress of the United States to take such actions as are necessary to grant for distributions from DROP accounts to active state and local government employees who are members of public retirement systems similar tax relief as that provided to members of qualified retirement plans by the Katrina Emergency Tax Relief Act of 2005 and to permit such distrbutions from tax-qualified plans; to the Committee on Ways and Means.

213. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 27 memorializing the Congress of the United States to take such actions as are necessary to grant to victims of Hurricane Rita similar tax relief as that provided by the Katrina Emergency Tax Relief Act of 2005, and to include distributions from DROP accounts to active state and local government employees who are members of public retirement systems and who are victims of Hurricane Katrina and Hurricane Rita as eligible retirement plan distributions, and to permit such distributions from tax-qualified plans; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. HOOLEY introduced a bill (H.R. 4566) for the relief of Anton Goloubev; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 69: Mr. INGLIS of South Carolina.

H.R. 303: Ms. DEGETTE.

H.R. 363: Ms. MATSUI and Mr. PASCRELL.

H.R. 500: Ms. GRANGER.

H.R. 503: Mr. LEWIS of Georgia.

H.R. 517: Mr. CANNON.

H.R. 521: Mr. ADERHOLT.

H.R. 615: Mr. SIMMONS and Mr. PETERSON of Minnesota.

H.R. 676: Mr. DELAHUNT, Ms. VELÁZQUEZ, Ms. WATERS, and Mr. RUSH.

H.R. 691: Mr. WALDEN of Oregon.

H.R. 699: Mr. SHERMAN and Ms. BERKLEY.

H.R. 817: Mr. LEACH, Ms. MOORE of Wisconsin, Mr. STRICKLAND, Mrs. MCCARTHY, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. LATOURETTE, Ms. ROYBAL-ALLARD, Mr. LEWIS of Georgia, and Mrs. CAPITO.

H.R. 916: Mr. BLUMENAUER, Mrs. NAPOLITANO, and Mr. KANJORSKI.

H.R. 955: Mr. MEEHAN.

H.R. 995: Mr. ENGLISH of Pennsylvania.

H.R. 1053: Ms. SCHWARTZ of Pennsylvania and Mrs. LOWEY.

H.R. 1071: Mr. BILIRAKIS.

H.R. 1131: Mr. CAPUANO.

H.R. 1182: Mr. TOWNS.

H.R. 1237: Mr. DENT.

H.R. 1259: Mr. TANCREDO, Mr. BOSWELL, Mr. MURTHA, Mr. SHAYS, Mr. PRICE of North Carolina, and Mr. WU.

H.R. 1288: Miss MCMORRIS.

H.R. 1290: Mr. ALLEN.

H.R. 1333: Mr. HIGGINS and Ms. SOLIS.

H.R. 1456: Mr. SANDERS and Mr. FITZPATRICK of Pennsylvania.

H.R. 1474: Mr. RENZI.

H.R. 1505: Mr. MOORE of Kansas.

H.R. 1549: Ms. MATSUI, Mr. ALLEN, Mr. REYES, and Mr. PASCRELL.

H.R. 1632: Mr. KANJORSKI.

H.R. 1634: Mr. SHIMKUS.

H.R. 1671: Mr. PETERSON of Pennsylvania.

H.R. 1696: Mr. WELDON of Pennsylvania.

H.R. 1707: Mr. MILLER of North Carolina, Mr. DEFAZIO, Ms. WATSON, and Ms. DELAURO.

H.R. 1994: Mr. WATT.

H.R. 2043: Mr. SMITH of New Jersey, Mr. KOLBE, and Mr. RENZI.

H.R. 2134: Mr. BUTTERFIELD.

H.R. 2177: Mr. MARSHALL.

H.R. 2259: Mr. LEVIN.

H.R. 2292: Mr. GRIJALVA.

H.R. 2356: Mr. BOREN and Mr. FATTAH.

H.R. 2386: Mr. LARSEN of Washington.

H.R. 2389: Mr. BOREN.

H.R. 2429: Mr. BARROW.

H.R. 2531: Mr. TERRY.

H.R. 2617: Mr. GONZALEZ and Mr. KUCINICH.

H.R. 2631: Ms. CARSON and Mr. KUCINICH.

H.R. 2669: Ms. LORETTA SANCHEZ of California, Mr. WHITFIELD, Ms. WOOLSEY, Mr. MCDERMOTT, and Mr. BAIRD.

H.R. 2682: Ms. BERKLEY and Mr. SESSIONS.

H.R. 2792: Mrs. JO ANN DAVIS of Virginia.

H.R. 2793: Mr. ALLEN.

H.R. 2989: Mr. LEVIN.

H.R. 3011: Mrs. SCHMIDT.

H.R. 3042: Ms. BALDWIN.

H.R. 3095: Mrs. BLACKBURN.

H.R. 3174: Mr. HASTINGS of Florida and Mr. AL GREEN of Texas.

H.R. 3373: Mr. ETHERIDGE.

H.R. 3428: Mr. PAUL and Mr. EMANUEL.

H.R. 3449: Mr. SNYDER.

H.R. 3451: Mr. DENT.

H.R. 3459: Mr. MOLLOHAN.

H.R. 3478: Ms. FOXX and Ms. CARSON.

H.R. 3492: Mr. MARKEY.

H.R. 3505: Mr. CHABOT.

H.R. 3547: Mr. MURPHY.

H.R. 3616: Ms. MCKINNEY, Mr. WU, Ms. HERSETH, Mr. ROTHMAN, and Mr. ACKERMAN.

H.R. 3708: Mr. MEEHAN.

H.R. 3717: Ms. VELÁZQUEZ.

H.R. 3805: Mr. ROGERS of Alabama.

H.R. 3852: Mr. CONYERS.

H.R. 3875: Mr. KELLER and Mr. SOUDER.

H.R. 3883: Mr. GRAVES and Mr. BLUMENAUER.

H.R. 3931: Mr. STRICKLAND, Mr. HOBSON, Mr. BAIRD, Ms. CORRINE BROWN of Florida, and Mrs. CAPITO.

H.R. 4015: Mr. BOOZMAN.

H.R. 4025: Mr. BUTTERFIELD.

H.R. 4033: Mr. TIBERI.

H.R. 4052: Ms. SOLIS.

H.R. 4081: Ms. FOXX.

H.R. 4082: Mr. RUPPERSBERGER.

H.R. 4083: Mr. DOOLITTLE.

H.R. 4098: Mr. TIBERI, Mr. THOMPSON of Mississippi, Mr. WILSON of South Carolina, and Mr. ADERHOLT.

H.R. 4157: Ms. ESHOO.

H.R. 4167: Mr. FORBES, Mrs. SCHMIDT, Mr. COSTA, Mr. HOLDEN, Mr. BUTTERFIELD, Mr. BROWN of South Carolina, and Mr. DEAL of Georgia.

H.R. 4180: Mr. SIMMONS.

H.R. 4186: Ms. MATSUI.

H.R. 4200: Mr. ADERHOLT.

H.R. 4223: Mr. FARR.

H.R. 4268: Mr. GINGREY, Mr. SESSIONS, Mr. GORDON, Mr. KELLER, Mr. EHLERS, and Mr. BROWN of Ohio.

H.R. 4315: Mr. SMITH of Washington, Mrs. CAPITO, Mr. SIMMONS, Mr. DINGELL, Mr. STUPAK, Mr. SHAYS, Mr. MCCOTTER, Mr. SCHWARZ of Michigan, Mr. ROGERS of Michigan, and Mr. OTTER.

H.R. 4318: Mrs. NORTHUP, Mr. BARTON of Texas, Mr. GENE GREEN of Texas, Mr. GUTKNECHT, Mr. BURTON of Indiana, Mr. HALL, Mr. BRADY of Texas, Mr. HOEKSTRA, Mr. PAUL, Mr. OTTER, Mr. RYUN of Kansas, Mr. LUCAS, Mr. CONAWAY, Mr. MELANCON, Mr. SIMPSON, and Mr. ORTIZ.

H.R. 4325: Mr. BOUCHER.

H.R. 4341: Mrs. MYRICK, Mr. GRAVES, Mr. FORTENBERRY, and Mr. JONES of North Carolina.

H.R. 4348: Ms. MCKINNEY.

H.R. 4350: Mr. PAYNE and Mr. GORDON.

H.R. 4351: Mr. MCGOVERN, Mr. LEVIN, and Mr. SERRANO.

H.R. 4357: Mr. FORTUÑO.

H.R. 4410: Ms. KAPTUR.

H.R. 4427: Mrs. LOWEY, Mr. MEEK of Florida, Mr. ETHERIDGE, Mrs. CHRISTENSEN, and Mr. CONYERS.

H.R. 4434: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORD, Mr. OWENS, Mr. ISRAEL, Ms. HOOLEY, Mr. WEXLER, and Mr. BUTTERFIELD.

H.R. 4435: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORD, Mr. OWENS, Mr. ISRAEL, Mr. WEXLER, and Mr. BUTTERFIELD.

H.R. 4447: Mr. BERMAN.

H.R. 4452: Mr. MCINTYRE, Mr. GRIJALVA, Mr. LANTOS, Ms. DELAURO, Mr. CAPUANO, Mr. MCCOTTER, and Ms. MCCOLLUM of Minnesota.

H.R. 4460: Mr. MICHAUD, Mr. TIBERI, and Mr. WALSH.

H.R. 4463: Mr. BUTTERFIELD and Mrs. MALONEY.

H.R. 4472: Ms. HART and Mr. POMEROY.

H.R. 4474: Mr. MARKEY.

H.R. 4479: Mr. OWENS, Mr. MCGOVERN, Mr. NADLER, Mr. FARR, and Ms. SCHWARTZ of Pennsylvania.

H.R. 4492: Mr. MCDERMOTT.

H.R. 4494: Mr. COBLE and Mr. LOBIONDO.

H.R. 4502: Mr. KLINE.

H.R. 4503: Mr. KLINE.

H.R. 4504: Mr. KLINE.

H.R. 4506: Mr. STUPAK, Mr. HIGGINS, Ms. McCOLLUM of Minnesota, and Mr. SCHIFF.

H.R. 4510: Mr. SCOTT of Georgia, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. ORTIZ, Mr. HINCHEY, Mr. WEINER, Ms. HERSETH, Mr. BERRY, Mr. MICHAUD, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GEORGE MILLER of California, Mr. SNYDER, Mr. SABO, Mr. BOSWELL, Ms. BERKLEY, Mr. MELANCON, Mr. FILNER, Mr. UDALL of New Mexico, Mr. BACA, Ms. BALDWIN, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Ms. McCOLLUM of Minnesota, Mr. BECERRA, Mr. SANDERS, Ms. MOORE of Wisconsin, Mr. ACKERMAN, Mr. ISRAEL, Mr. CLAY, Mr. CLEAVER, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, Mr. EMANUEL, Mr. CAMP of Michigan, Mr. WYNN, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Ms. SOLIS, Mr. HOLT, Mr. GRIJALVA, Mr. CARNAHAN, Mr. BARROW, Mrs. BIGGERT, Mr. MORAN of Virginia, Mr. UPTON, Mr. BOEHLERT, Mr. LEACH, Ms. McKINNEY, Mr. PASCRELL, Mr. BURTON of Indiana, Mr. AL GREEN of Texas, Mr. LANGEVIN, Mr. CLYBURN, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. OBERSTAR, Mr. COSTA, Mr. FATTAH, Mr. NEY, Mr. THOMPSON of Mississippi, Mr. ABERCROMBIE, Mr. TIERNEY, Mr. DELAHUNT, Mr. MEEHAN, Mr. MARSHALL, Mr. TAYLOR of Mississippi, Ms. HART, Mr. MEEK of Florida, Mrs. EMERSON, Mr. TAYLOR of North Carolina, Mr. CUMMINGS, Mr. LYNCH, Mr. COSTELLO, Ms. WASSERMAN SCHULTZ, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Mr. HIGGINS, Mr. WAXMAN, Mrs. McCARTHY, Ms. LINDA T. SÁNCHEZ of California, Mr. DICKS, Mr. JACKSON of Illinois, Mr. SIMMONS, Mr. YOUNG of Florida, and Mr. HONDA.

H.R. 4524: Mr. PAUL, Mr. McCOTTER, and Mr. GERLACH.

H.R. 4540: Ms. BORDALLO and Mr. FORD.

H.R. 4542: Mr. HIGGINS, Mr. STUPAK, Mr. PALLONE, Mr. GRIJALVA, Mr. ALLEN, Mrs. JOHNSON of Connecticut, Ms. ROYBAL-ALLARD, Ms. HART, Mr. SNYDER, Mr. HONDA, Mr. LARSON of Connecticut, Mr. BOYD, Mr. ETHERIDGE, Mr. WU, Ms. HERSETH, Mr. SANDERS, Mr. LARSEN of Washington, Mr. SAXTON, Mr. FORD, Mr. McDERMOTT, Mrs. JONES of Ohio, and Ms. HOOLEY.

H.J. Res. 60: Ms. FOXX.

H.J. Res. 70: Ms. JACKSON-LEE of Texas and Mr. MICHAUD.

H.J. Res. 73: Ms. WASSERMAN SCHULTZ.

H. Con. Res. 108: Mr. MEEHAN.

H. Con. Res. 137: Mr. WAXMAN.

H. Con. Res. 206: Mr. MEEHAN.

H. Con. Res. 210: Mr. BURGESS and Mr. AL GREEN of Texas.

H. Con. Res. 222: Mr. INGLIS of South Carolina.

H. Con. Res. 298: Ms. JACKSON-LEE of Texas, Mr. BURGESS, Mr. WOLF, Mr. PAYNE, Mrs. DRAKE, Mr. BURTON of Indiana, Mr. McNULTY, and Mr. McGOVERN.

H. Con. Res. 301: Mr. NEUGEBAUER.

H. Con. Res. 312: Mr. McCOTTER, Mrs. TAUSCHER, Ms. HARRIS, Mr. BURTON of Indiana, Mr. DOGGETT, Mr. CROWLEY, Mr. ROTHMAN, Ms. WATSON, Mr. MORAN of Virginia, and Mr. CARDIN.

H. Res. 414: Mr. McCOTTER, Mr. GRIJALVA, and Mr. ROTHMAN.

H. Res. 483: Ms. NORTON, Mr. LATHAM, Mr. AL GREEN of Texas, and Mr. BUTTERFIELD.

H. Res. 490: Mrs. JONES of Ohio, Mr. KUCINICH, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Mr. HONDA, Ms. ZOE LOFGREN of California, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. BUTTERFIELD, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. RUSH, Ms. CORRINE BROWN of Florida, Ms. HARMAN, Mr. CLYBURN, and Mr. AL GREEN of Texas.

H. Res. 507: Mr. LINDER.

H. Res. 521: Mr. BISHOP of New York, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mrs. McCARTHY, Mr. PAYNE, Mr. PALLONE, and Mr. McNULTY.

H. Res. 524: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 561: Mr. GRIJALVA, Mr. FORTUÑO, Mr. BRADY of Pennsylvania, and Mr. MEEK of Florida.

H. Res. 575: Mr. PRICE of Georgia.

H. Res. 578: Ms. FOXX.

H. Res. 590: Mr. ISSA.

H. Res. 600: Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. WEINER, Mr. HIGGINS, Mr. HOLDEN, Mr. McGOVERN, Mr. HOLT, Mr. ISRAEL, Mr. CROWLEY, and Mr. PALLONE.

H. Res. 601: Mr. ISSA, Mrs. KELLY, Mr. WELLER, Ms. BEAN, Mr. CONYERS, Mr. PENCE, Mr. WELDON of Pennsylvania, Mr. CANTOR, Mr. CROWLEY, Mrs. BLACKBURN, Mr. ROGERS of Michigan, Mrs. NORTHUP, Mr. KLINE, Mr. BURTON of Indiana, Mr. PALLONE, Mr. SOUDER, Ms. HARMAN, and Ms. BERKLEY.

H. Res. 603: Mr. LANGEVIN and Ms. SOLIS.

H. Res. 605: Mr. SWEENEY, Mr. TANNER, Mr. CROWLEY, Mr. TOWNS, Mr. FERGUSON, Mr. RANGEL, Mr. PALLONE, Mrs. McCARTHY, Mrs. MALONEY, Mr. WALSH, Mr. SERRANO, Mr. ISRAEL, Mr. WEINER, Mr. KING of New York, Mr. HINCHEY, Mr. OWENS, Mrs. DRAKE, Mrs. LOWEY, Mr. HAYWORTH, Mr. McNULTY, Mr. FOLEY, Mr. ROTHMAN, and Mr. McCOTTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 73: Mr. UDALL of Colorado.

EXTENSIONS OF REMARKS

HONORING RETIRING CHAUTAUQUA COUNTY EXECUTIVE MARK THOMAS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HIGGINS. Mr. Speaker, for the past eight years, Chautauqua County government has been led by one of the singularly intelligent, committed and respected public officials in New York State. Mr. Speaker, today I rise today to honor Mark Thomas, whose service as Chautauqua County Executive will be concluded on December 31, 2005.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Thomas traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of Chautauqua County.

Mark is the type of person who leaves a lasting impact on his community. For many years, as a candidate and as an elected leader, Mark's efforts to better Chautauqua County have left a permanent impression not only on the county itself but on its residents. His face, voice, opinions and successes were and still are a staple in Chautauqua County. Our county and our residents are better for the undying work and issues that Mr. Thomas uncovered during his campaign and during his tenure.

A true testimony to Mark can be found in many areas of the county and in many people whose lives he touched. One doesn't have to look far to see what a strong work ethic can do. His campaign was full of energy and enthusiasm. I have no doubt that good things are still to come from Mark; he is a truly dedicated and determined person.

As a state legislator from 1998 to 2004, I knew Mark Thomas well. Quietly, without a lot of fanfare, Mark Thomas trudged the halls in Albany working diligently for the reform of the Medicaid program, which has threatened to cripple county governments throughout New York State. In 2004, New York State began what is hoped to be a long process of providing Medicaid relief to local governments. No elected leader in New York State is more responsible for that success than is Mark Thomas.

I had the opportunity to get to know Mark even better in 2004, when we competed against one another in a primary election for the Democratic Party's nomination for this congressional seat. Throughout that campaign, I always said that if I couldn't win, I wanted Mark Thomas to win, because Mark is a true believer, someone who believes that government is in place to help people, and to help make one's area a better place to live, work and raise a family. During that campaign, I was consistently amazed at the level of respect that the people of Chautauqua County had for him. During my first year in Congress, Mark and I have worked together closely on a number of projects important to Chautauqua County, and my respect for him, his dear wife Elaine and his family only continues to grow.

Mr. Speaker, in closing, I want to thank Mark Thomas. Mark has shown me the way in Chautauqua County, and I will forever be grateful to him for that gift.

Chautauqua County is blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mark Thomas is one of those people and that is why I rise to honor him and his service to this community.

HONORING THE GOVERNMENT STREET PRESBYTERIAN CHURCH ON THE OCCASION OF ITS 175TH YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to the Government Street Presbyterian Church on the occasion of its 175th year.

Government Street Presbyterian Church has been a vital partner of the city of Mobile and the State of Alabama. The church was founded in 1831, and the present sanctuary was built in 1836. For 166 years, this congregation has been worshipping God from the same location. Designated a National Landmark, the oldest sanctuary in Mobile is one of the most beautiful buildings in the city.

True to its mission to glorify God, the congregation of the Government Street Presbyterian Church uses its resources and opportunities to provide hope, comfort, instruction, and inspiration to all people so that they may become followers of Jesus Christ.

For the past twenty years, the Government Street Presbyterian Church has lovingly served the people of Mobile through its Coffee Club and Meals on Wheels, providing 35,000 meals annually to the homeless and poor. Members are also actively involved through urban ministries, international ministries, Baytreat ministries, worship, education, and fellowship.

It is my sincere hope that the Government Street Presbyterian Church will continue to be such a source of inspiration, hope, and comfort to Mobilians for another 175 years, and I rise today to salute this congregation and the many contributions they have made toward the betterment of south Alabama.

RECOGNIZING PUBLIC SERVICE OF EDWARD E. NICHOLS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. WOLF. Mr. Speaker, I am proud today to recognize my constituent, Mr. Edward E. Nichols of Purcellville, Virginia, who has served the town of Purcellville in some capacity for the last 55 years. During his dedicated service to the people of Purcellville and Loudoun County, Mr. Nichols served 20 years on the Purcellville Town Council, 8 years on the Planning Commission, 5 years on the Board of Zoning Appeals, as well as on numerous other advisory committees.

It gives me great pleasure to recognize Mr. Nichols' contributions to the Purcellville community. Mr. Nichols's father opened "Nichols Hardware" which has been in business for 91 years. Even today Ed's son Ted is part-owner of the family business. Mr. Nichols and his wife Meg have raised two sons, one daughter, and are the proud grandparents of seven and also have one great granddaughter. Mr. Nichols should be commended on raising an exceptional family while continually remaining actively involved in his community. Today, at 86 years-old, Mr. Nichols continues to serve on the Board of Zoning Appeals, and shows tremendous passion for serving the people of Purcellville.

CELEBRATING THE BIRTH OF LUCAS SCOTT WAGNER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Matt and Kate Wagner of Columbus, Georgia, on the birth of their new baby son. Lucas Scott Wagner was born on December 15, 2005 at 1:29 p.m., weighing 6 pounds, 11 ounces and measuring 19 inches long. Luke has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His birth is a blessing.

HONORING KEN LASKER FOR HIS CAMPAIGN TO BECOME CHAUTAUQUA COUNTY DISTRICT ATTORNEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Ken Lasker, a resident of Chautauqua

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

County for his quest to become the Chautauqua County District Attorney.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Lasker traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of Chautauqua County.

Ken is one of those people that leave a huge impact on his community. For many years, both as a candidate or as an attorney at the law firm, Burgett and Robbins, his efforts to better Chautauqua County have left a lasting impression not only on the county itself but on its residents. His face, voice, opinions and successes were and still are a staple in Chautauqua County. Our county and our residents are better for the undying work and issues that Mr. Lasker uncovered during his campaign.

A true testimony to Ken can be found in many areas of the county and in many people whose lives he touched. One doesn't have to look far to see what a strong work ethic can do. His campaign was full of energy and enthusiasm. I have no doubt that good things are still to come from Ken, he is a truly dedicated and determined person.

Chautauqua County is blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ken is one of those people and that is why, Mr. Speaker, I rise to honor him today.

PERSONAL EXPLANATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. COSTA. Mr. Speaker, on rollcall No. 630, I would vote to put the House on record as opposed to torture of prisoners held by the U.S. government.

Had I been present, I would have voted "aye."

RECOGNIZING MS. OLGA WAGNER'S VOLUNTEER WORK AT OVERLEA-FULLERTON SENIOR CENTER

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I wish to recognize Ms. Olga Wagner for her superior volunteer work at the Overlea-Fullerton Senior Center in Baltimore, Maryland. She has been a loyal aide to the center for close to thirty years; brightening the days of many seniors with her "four hugs a day" rule: a rule in which she must hug at minimum, four people everyday.

Ms. Wagner donates her time-on Mondays and Fridays with the federally sponsored, 'Eating Together' lunch by preparing food and serving meals. She also contributes to the community by cashing-in bingo cards during games.

The Overlea-Fullerton Senior Center is a place for seniors, sixty and over, to gather taking advantage of activities and services such as line dancing, ceramics, painting, aerobics and much more. It is one of eighteen nationally accredited senior centers operated by the Baltimore County Department of Aging.

Because of the dependability Ms. Wagner has shown over the years, she was inducted into the Maryland Senior Citizens Hall of Fame on the twenty seventh of October, two-thousand five. Inductees are recognized statewide for their substantial volunteer work which ultimately benefits the community at large. Ms. Wagner's dedication to improving the lives of seniors in her community is commendable and is a true testament to her character.

Mr. Speaker, I am proud to rise before you today to recognize the good deeds of Ms. Olga Wagner. Her contribution to seniors in the Overlea-Fullerton community is greatly appreciated and worthy of great praise.

HONORING SCOTT TUCKER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Ms. PELOSI. Mr. Speaker, it gives me great pride to recognize Scott Tucker for his leadership and extraordinary service to the City of San Francisco as he prepares to step down as District Manager of Customer Service and Sales of the San Francisco District of the U.S. Postal Service. Throughout his distinguished career with the Postal Service, he proved the San Francisco District leads the nation in postal quality control systems and customer service.

Scott joined the Postal Service in 1968 as a letter carrier in Hanford, California, and will bring his career to a close in January 2006. He was appointed District Manager in 1992, and has since earned the Postmaster General Award, the second highest award given to postal executives.

A business administration student at College of Sequoias, Sonoma State, Fresno State and Dartmouth College in Massachusetts, Scott used his education everyday supervising a workforce of 10,400 employees. Scott's career is a shining example of excellence in commitment and service.

Throughout his 23 years as District Manager, Scott worked to raise awareness of the multi-cultural groups within our District by establishing a Women's Council, an African American Council, an Asian American/Pacific Island Council and a Hispanic Council. These efforts earned him the Diversity Achievement Award from the Bay Area Federal Executive Board.

With the daunting responsibility of delivering 10 million pieces of mail to three million customers daily throughout northwest California, Scott was largely responsible for our City's reputation as having one of the best on-time mail services of any metropolitan area in the nation. Scott was generous with his time and expertise to assist my District Office staff with constituent concerns.

Scott was instrumental in making the Lunar New Year commemorative stamp series a reality. His close partnership with San Francisco's Asian American community helped produce a spectacular series of stamps for our City to take pride in, and for the rest of the nation to admire and enjoy. As Executive Chair of United Way's Combined Federal Campaign in the Bay Area for two years, Scott was honored for his leadership and tremendous success.

Scott's leadership and dedication remain an inspiration to all who knew and admired him. I join his friends and colleagues in sending best wishes for a well-deserved retirement and many years of health and happiness.

HONORING LORI CORNELL FOR HER CAMPAIGN TO BECOME CHAUTAUQUA COUNTY CLERK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Lori Cornell, a resident of Chautauqua County for her quest to become the Chautauqua County Clerk.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Ms. Cornell traveled that path with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the voters of Chautauqua County.

Lori is one of those people that leave a huge impact on her community. For many years, both as a candidate or as the District Director for Assemblyman Bill Parment, her efforts to better Chautauqua County have left a lasting impression not only on the county itself but on its residents. Her face, voice, opinions and successes were and still are a staple in Chautauqua County. Our county and our residents are better for the undying work and issues that Ms. Cornell uncovered during her campaign.

A true testimony to Lori can be found in many areas of the county and in many people whose lives she touched. One doesn't have to look far to see what a strong work ethic can do. Her campaign was full of energy and enthusiasm. I have no doubt that good things are still to come from Lori, she is a truly dedicated and determined person.

Chautauqua County is blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Lori is one of those people and that is why, Mr. Speaker, I rise to honor her today.

CONGRATULATING MR. WILLIAM W. WYNNE, JR. ON THE OCCASION OF HIS RETIREMENT FROM SERVICE TO THE FEDERAL GOVERNMENT AND HIS APPOINTMENT TO THE ALABAMA STATE BOARD OF PARDONS AND PAROLE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. William W. Wynne, Jr. on the occasion of his retirement after serving south Alabama for nearly 30 years. I also rise to congratulate him on his appointment to the Alabama Board of Pardons and Paroles.

A Mobile native, Mr. Wynne has served as a U.S. Probation Officer for the Southern District of Alabama, a district encompassing 13 counties in southwest Alabama, since 1976. He has served as the district's Chief U.S. Probation Officer since 1988. A nationally recognized leader, Mr. Wynne has overseen the district's advances in court management and automation. His tireless work led to the development of the Internal Operating Policy on Disposition of Criminal Cases in his district.

In the midst of his demanding professional schedule, Mr. Wynne also found time to serve on a number of national committees: the Automation and Technology Users' Group; the Probation and Pretrial Services Case Management and Statistics Umbrella Group; the Ad Hoc Task Force on Allotment Simplification; the committee on the National Law Enforcement Telecommunications System; the Electronic Public Access Working Group; the Chiefs' Advisory Group; the District Court Advisory Group; the Budget and Finance Advisory Group; and the Law Enforcement Formula Group.

Mr. Wynne is an outstanding example of the quality of individuals who have devoted their lives to the field of law enforcement. Mr. Speaker, I ask my colleagues to join with me in congratulating him on this remarkable achievement. I know Bill's colleagues, his wife Laura, his family, and many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the citizens of the First Congressional District and the state of Alabama.

ALLISON BIGGS—2005 PAMELA HARRIMAN FOREIGN SERVICE FELLOWSHIP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. WOLF. Mr. Speaker, I am proud today to recognize and commend my constituent, Ms. Allison Biggs of Front Royal, Virginia, upon being selected as one of three recipients of the 2005 Pamela Harriman Foreign Service Fellowship. In 1999 the College of William and Mary in Virginia, in cooperation with the U.S. Department of State, established the Fellowship program to encourage top students to pursue careers in public service.

The fellowships are offered to three outstanding undergraduates from across the nation. Ms. Biggs, a senior at William and Mary, is an accomplished student and community leader. She was accepted for a highly competitive internship in the State Department's Office of Policy Planning, working on nonproliferation and arms control issues.

Now more than ever, as a nation we need to do everything we can to encourage our best and brightest young people to explore the call of public service, especially in serving our international interests. The Harriman Foreign Service Fellowship program will help Ms. Biggs gain invaluable work experience, and I ask my colleagues to join me in honoring Allison for receiving this outstanding recognition.

CELEBRATING THE BIRTH OF COLE CHANDLER SWANSON CONATSER

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Elizabeth and Blake Conatser of Washington, DC, on the birth of their new baby son. Cole Chandler Swanson Conatser was born on November 20, 2005 at 2:51 p.m., weighing 9 pounds and measuring 20.5 inches long. Cole has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His birth is a blessing.

HONORING RETIRING EDEN TOWN COUNCILMAN TIMOTHY WALKER

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HIGGINS. Mr. Speaker, on December 31, 2005, a dedicated public servant will end his years of service as a member of the Eden Town Board. That day will be the last day of Councilman Tim Walker's service, and I want to take a moment to commemorate his service here today.

Tim Walker is a solid public official whose dedication both to his constituents as well as to the law is inspiring. With more than fifteen years of private sector legal experience, and after a stint as Eden Town Prosecutor, Tim Walker has concurrently served as a member of the Eden Town Board and as a member of that town's school board. Tim's service has been exemplary, as Eden has crept ever so slowly from its status as a very rural town to its status today, as a featured destination for many who seek to escape the hustle and bustle of city or first ring suburban life. Many people do this because Eden is a great place to live and raise a family; it is that way because of dedicated public servants like Tim Walker.

Tim Walker leaves the Eden Town Board because he chose to run for judicial office. Though unsuccessful in that run, many local residents are hopeful that Tim will remain an active member of the local community, and indeed, there is no reason to assume that he will not. Tim Walker is a fine public servant, and I am proud to honor him here today.

I want to thank you, Mr. Speaker, for offering me this opportunity to honor the public service of Tim Walker, and I hope that you will join me in offering to Mr. Walker the House's best wishes of good luck and Godspeed in all of his future endeavors.

PERSONAL EXPLANATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. COSTA. Mr. Speaker, on rollcall No. 629, I would have voted "aye." Had I been present, I would have voted "aye."

HONORING ADOPTION ANGELS, WILLIAM AND MARGURITE ADDISON

HON. C. A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. RUPPERSBERGER. Mr. Speaker, it is my privilege to bring before the House of Representatives a couple who made the selfless commitment of improving the lives of five children from Maryland's foster care system. I rise before you today to recognize the generosity of Adoption Angels, William and Margurite Addison.

In the year nineteen hundred ninety-eight, the Pikesville couple officially adopted one of their nephews, Ralph, who would be the first of five children to find a permanent home with them. Between the years of nineteen hundred ninety-nine and two thousand four they opened their home to Malik, Kevin, Warren, and Bryleigh who range in ages from three to nine.

Mr. Addison works in Rockville, Maryland, at the Regional Institute for Children and Adolescents as an educator and administrator. The institute is a state-run facility for emotionally disabled young people. His wife, Mrs. Addison, formally worked as a truant officer for the Baltimore City Public School System. Together they have opened their hearts and their home to five children seeking a permanent, safe, and loving family.

As a result of their generosity, the Addisons are recipients of the Two Thousand Five Congressional Angels in Adoption Award, which recognized unsung heroes who have dedicated their lives to helping the future of our most vulnerable children.

Mr. Speaker, I stand before you humbled and honored to recognize the kindness of these two individuals. Because of their humanity five children from Maryland's foster care system will be given an opportunity to experience true family life. By investing in our children, we invest in our future and make our community stronger. Please join with me to commend Mr. and Mrs. William Addison for their extraordinary kindheartedness.

TRIBUTE TO MR. TONY STEWART

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Ms. CARSON. Mr. Speaker, I rise today to congratulate Mr. Tony Stewart, winner of the 2005 NASCAR Nextel Cup Championship.

On November 20, Mr. Stewart won his second NASCAR Championship, becoming only the second active driver to win multiple NASCAR championships.

Today we recognize this Hoosier who has placed himself among the greatest drivers in the storied history of American racing.

Tony Stewart's passion for the track began as a young boy racing go-karts in his hometown of Columbus, Indiana. His win at the national karting championship in 1987 was a springboard to the Indianapolis Racing League, and a sign of triumphs to come.

In 1999 Mr. Stewart joined the NASCAR circuit, where he has ranked in the top 10 every season since. 2005 marks his most successful year on tour, with a total of five first-place finishes.

In August, Mr. Stewart underscored his strong and deep roots in the Hoosier state by winning the Brickyard 400 at Indianapolis Motor Speedway.

Today let us remember that Tony Stewart is respected by both fans and competitors not only for his racing prowess, but for his respect for and dedication to the sport of car racing.

I am proud to call Tony Stewart a fellow Hoosier, and I once again congratulate him on this remarkable accomplishment.

HONORING RETIRING HAMBURG TOWN SUPERVISOR PATRICK H. HOAK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HIGGINS. Mr. Speaker, it is my distinct honor and great pleasure to rise today to honor one of Western New York's premiere elected leaders, and someone who has given nearly twenty years of dedicated service to the residents and taxpayers of the town of Hamburg. I rise today to honor retiring Hamburg Town Supervisor Patrick H. Hoak.

Pat Hoak's love for government service was sparked by the example of his father, the late State Senator Bertrand H. Hoak. Through the years, Pat has served Hamburg as a community leader, a sports and youth league coach, a teacher and a longtime businessman. In 1987, however, he assumed more official duties in the town as a member of the Town Board.

First elected to the Town Board in 1987, Pat served as Councilman until his initial election as Town Supervisor in 1993. As Councilman, Pat put a great deal of focus on the expansion of recreational programs and facilities for town residents, including the expansion of the town's golf course.

Starting in 1992 and for thirteen years afterward, Pat Hoak presided over one of the most efficiently-run town governments in New York State.

As Supervisor, Pat's leadership resulted in the creation of nationally acclaimed programs for Senior Citizens. His administration resulted in an unprecedented level of cooperation between government and the private sector in quality of life issues, including combating drug addiction and family violence. Working with other dedicated town leaders, Pat helped turn the town of Hamburg into a model for town governments statewide, winning awards for fiscal responsibility and making Hamburg into a premiere suburban town for residents to live, work and raise a family.

The Hoak family has been very blessed over the years, and the family has given much back to the community it loves so dearly. For his nearly twenty years of public service and his many decades of community service, the town of Hamburg is better for the contributions made to it by Pat Hoak. We thank him for his service to our community, and wish Pat and his family all the best of good luck and Godspeed in all of his future endeavors.

CONGRATULATIONS TO LOXLEY ELEMENTARY SCHOOL ON BEING NAMED "STATE CHAMPION" BY THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to congratulate Loxley Elementary School on receiving the State Champion Award by the President's Council on Physical Fitness and Sports.

The President's Challenge Physical Activity and Fitness Awards program, available to the Nation's schools since 1966, offers presidential recognition and awards for fitness to all participating young people.

The State Champion award is presented annually to three schools in each state having the highest number of students scoring at or above the 85th percentile on the President's Challenge Physical Fitness Test.

As a State Champion, Loxley Elementary School is a role model for other schools because of its dedication to helping students encourage physical activity and gain fitness skills along with an understanding of the health benefits of being regularly active. Encouraging adequate amounts of daily physical activity is an excellent way to instill healthy lifestyle habits at an early age.

The five assessments of the President's Challenge Physical Fitness Test measure four components of physical fitness: a one-mile run/walk for heart and lung endurance; curl-ups for abdominal strength and endurance; a "sit and reach" stretch for muscular flexibility; pull-ups for upper body strength and endurance; and a shuttle run for agility.

Mr. Speaker, I ask my colleagues to join me in congratulating Loxley Elementary School in Loxley, Alabama, for this honor. This school deserves public recognition and our appreciation for their concerted efforts to instill healthy lifestyle habits in the youth of south Alabama.

HONORING SSGT DANIEL CLAY, USMC

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. MILLER of Florida. Mr. Speaker, this week I attended the funeral of SSgt Daniel Clay. Sergeant Clay was from my district and one of ten Marines killed by an IED in Fallujah, Iraq on December 1, 2005.

Dan's father, Bud Clay, shared with me a letter his son wrote to his loved ones before he was killed. Accompanying his son's letter was a letter Bud had written to President Bush. Mr. Clay asked me to take this to Congress and share with you so that we could all see Dan's final thoughts and wishes.

May God Bless SSgt Daniel Clay, his family, our veterans, our troops, and the United States of America.

MOM, DAD, KRISTIE, JODIE, KIMBERLY, ROBERT, KATY, RICHARD, AND MY LISA: Boy do I love each and every one of you. This letter being read means that I have been deemed worthy of being with Christ. With MaMa Jo, MaMa Clay, Jennifer . . . all those we have been without for our time during the race. This is not a bad thing. It is what we hope for. The secret it out. He lives and His promises are *real*! It is not faith that supports this . . . But fact and I now am a part of the promise. Here is notice! Wake up! All that we hope for is *Real*. Not a hope. But Real.

But here is something tangible. What we have done in Iraq is worth any sacrifice. Why? Because it was our duty. That sounds simple. But all of us have a duty. Duty is defined as a God given task. Without duty life is worthless. It holds no type of fulfillment. The simple fact that our bodies are built for work has to lead us to the conclusion that God (who made us) put us together to do His work. His work is different for each of us. Mom, yours was to be the glue of our family, to be a pillar for those women (all women around you), Dad, yours was to train and build us (like a Platoon Sgt) to better serve Him. Kristie, Kim, Katy you are the five team leaders who support your Squad ldrs, Jodie, Robert and Richard. Lisa you too. You are my XO and you did a hell of a job. You all have your duties. Be thankful that God in His wisdom gives us work. Mine was to ensure that you did not have to experience what it takes to protect what we have as a family. This I am so thankful for. I know what honor is. It is not a word to be thrown around. It has been an Honor to protect and serve all of you. I faced death with the secure knowledge that you would not have to. This is as close to Christ-like I can be. That emulation is where all honor lies. I thank you for making it worthwhile.

As a Marine this is not the last Chapter. I have the privilege of being one who has finished the race. I have been in the company of heroes. I now am counted among them. Never falter! Don't hesitate to honor and support those of us who have the honor of protecting that which is *worth* protecting.

Now here are my final wishes. Do not cry! To do so is to not realize what we have placed all our hope and faith in. We should not fear. We should not be sad. Be thankful. Be so thankful. All we hoped for is true. Celebrate! My race is over, my time in war zone is over. My trials are done. A short time separates all of us from His reality. So laugh. Enjoy the moments and your duty. God is wonderful.

I love each and every one of you.

Spread the word . . . Christ lives and He is *Real*.

SEMPER FIDELIS.

PENSACOLA, FL,
December 7, 2005.

President GEORGE BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: My name is Bud Clay. My son, SSgt Daniel Clay—USMC was killed last week, 12/01/05, in Iraq. He was one of the ten Marines killed by the IED in Fallujah.

Dan was a Christian—he knew Jesus as Lord and Savior—so we know where he is. In his final letter (one left with me for the family—to be read in case of his death) he says "if you are reading this, it means my race is over." He's home now—his and our real home.

I am writing to you—to tell you how proud and thankful we (his parents and family) are of you and what you are trying to do to protect us all. This was Dan's second tour in Iraq—he knew and said that his being there was to protect us.

I want to encourage you. I hear in your speeches about "staying the course". I also know that many are against you in this "war on Terror" and that you must get weary in the fight to do what is right. We and many others are praying for you to see this through—as Lincoln said, "that these might not have died in vain".

You have a heavy load—we are praying for you.

God bless you.

BUD CLAY.

CONGRATULATING TONY STEWART

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. PENCE. Mr. Speaker, I rise today to recognize fellow Columbus, Indiana native Tony Stewart, not only for winning the 2005 NASCAR Nextel Cup Championship this year, but also for consistency and determination to finish each race.

Before winning the 2002 Nextel Cup, Stewart declared, "If we're going to win the championship, then we need to have consistency . . . winning helps too, but consistency—front-running consistency is what it's all about."

Tony's racing legacy began at age seven, Tony started his career like many young aspiring auto racing drivers: behind the wheel of a go-kart. In 1983, when Tony was 12, he won his first championship.

In 1989, Stewart moved from go-karts to open wheelers, winning his first championship in the National Midget category in 1994; followed by the U.S. Auto Club's Triple Crown the very next year.

It was in 1997 that Stewart began his NASCAR career racing in both the Indy Racing League and a full Busch schedule with team owner Joe Gibbs.

By 1999, Stewart had taken the Winston Cup Racing Series by storm. That year the Indiana native debuted on the front-row of his first Daytona 500 and went on to score three more victories, more than any rookie driver in Winston Cup history. He also obtained two poles, 12 top-five finishes, and 21 top-10 finishes, snagging 1999 Rookie of the Year.

The hometown crowd was there this past August when Stewart, already a winner on short tracks, super-speedway and road course, capped an emotional day by clinching the Indianapolis Brickyard. And now, Stewart has out-dueled his rivals to take a second Nextel Cup title.

Congratulations, Tony. Just like 2002, you got the job done with consistency and determination that makes Hoosiers proud.

HONORING RETIRING BOSTON TOWN COUNCILMAN KARL J. SIMMETH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor a public official whose service as a member of the Boston Town Board has been honorable and whose dedication to his community has been steadfast. Today, I want to honor the service of Councilman Karl Simmeth.

Karl Simmeth served as a member of the Boston Town Board while his town continued to see growth and expansion, as more Western New Yorkers choose to live in towns beyond the first ring of Erie County's suburbs. The town of Boston is well-known as a great place to live and raise a family, and it is so, in no small measure, because of the dedicated service of public officials like Karl.

Karl took his work on the town board very seriously. Karl's areas of expertise included committees and other town board functions involving street lighting, the town's Conservation Advisory Council, drainage and solid waste, and the oversight of South Boston Park. In short, Karl worked to deal with issues important to local residents.

Karl wears another hat in town, and that hat is political—he is Chairman of the town's Republican committee. Accordingly, when it comes to matters political, Karl and I were rarely on the same side of the fence. However, when it comes to his love for the town of Boston and for his work on its behalf, Karl always checked his politics at the door. His work was always professional and I am grateful to him for his advocacy on the town's behalf.

Mr. Speaker, when all is said and done, a public servant wants to leave government in better shape than when he or she came in; that is certainly the case here. The town of Boston is a better place for Karl Simmeth's service, and I am pleased and appreciative to have had the opportunity to recognize him here today.

CONGRATULATING MS. ANNA BELLE NEWMAN ON THE OCCASION OF HER RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Ms. Anna Belle Newman on the occasion of her retirement after serving Mobile County for 17 years.

Ms. Newman was elected to the position of general administrator of Mobile County in 1988, and she is currently the longest serving local Republican elected official in Mobile County. A ninth generation Mobilian, Ms. Newman is a graduate of Murphy High School. She attended both the University of Alabama and Spring Hill College.

In the midst of her professional schedule, Ms. Newman also finds time to serve the community. She is an active member of St. Paul's Episcopal Church, the Daughters of the American Revolution, the Colonial Dames of the 17th Century, and the Friends of Mobile. She is a former founding member of the Mobile Art Patrons League and a former member of the Mobile County Republican Executive Committee.

Mr. Speaker, I ask my colleagues to join me in congratulating a dedicated community leader and friend to many throughout south Alabama. I know Ms. Newman's colleagues, her family, and her many friends join with me in praising her accomplishments and extending thanks for her many efforts over the years on behalf of Mobile County and the First Congressional District.

ILLEGAL IMMIGRATION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. MARCHANT. Mr. Speaker, illegal immigration touches us all, whether you live in a border state, such as Texas, or not. Millions of Americans pass through airports daily. Before they travel city to city or state to state, they have to show a valid i.d., remove their shoes, have their belongings examined, and walk through metal detectors. Meanwhile, thousands of illegal immigrants waltz across our borders, undetected, every day. America's failure to control its borders has cost us billions of dollars, and heightened the possibility of criminal and terrorist activity on our home soil.

It is time to prevent illegal immigration. The first step is taking control at the borders and holding people accountable. We can achieve this by passing legislation such as The Border Protection, Antiterrorism, and Illegal Immigration Control Act.

Mr. Speaker, this country has been enriched by foreigners who respect our laws and become citizens the proper way. We do not wish to deny others this opportunity. However, illegal immigration and disrespect for our laws cannot be tolerated. We cannot secure this nation without securing its borders.

IN HONOR AND REMEMBRANCE OF ALEX HUMEL McCANN

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 15, 2005

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the life of Alex Humel McCann, cherished son, brother, grandson, cousin, nephew and friend to many, whose unexpected passing has saddened our entire community. Although he will be greatly missed, Alex's young life had a profound impact upon the lives of countless individuals, in Cleveland, Ohio and around the world, and his inner light will shine on forever.

When Alex was in kindergarten, he journeyed with his parents and brothers to Botswana, Africa, to participate in a three-year mission with Habitat for Humanity International. In his 17 young years, Alex traveled to 17 countries and 5 continents. With an open heart, Alex absorbed the colorful offerings of every new culture and developed a profound sensitivity to human injustices and struggles that exist around the world.

An independent thinker and adventurous soul, Alex's passion and joy for life paralleled his passion for helping others. As a student at St. Edward High School, Alex was an active member with the Council on Human Relations, the Free Thought Society and his most cherished activity, the St. Edward Wilderness Retreat Program. His diagnosis of epilepsy at age thirteen did not lessen his enthusiasm and energy for living. He was an avid cyclist, golfer, hiker, and camper. He was a talented young actor who graced the stages of the Beck Center, St. Ed's and St. Joseph Academy. His energy and talent were consistently matched by his unique sense of humor, quick smile and kind heart.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Alex Humel McCann. I extend my deepest condolences to his mother and father, Joyce Humel and Michael McCann; his brothers, Nick and Aaron; his extended family members and many friends. Alex Humel McCann's young life reflected limitless joy and love and he will live forever in the hearts and memories of those who loved him most—his family and friends—from Cleveland, Ohio to Botswana, Africa, and he will never be forgotten.

HONORING RETIRING CONCORD TOWN SUPERVISOR MARK STEFFAN

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 15, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor a man whose years of service, both as a councilman, and for the last four years as Supervisor of the town of Concord, have served his town admirably. Today, I want to honor retiring Concord Town Supervisor Mark Steffan.

Mark Steffan is someone who loved his town with every fiber of his being. A successful businessman, Mark was elected to the Concord Town Board and his recent service as Supervisor has come at a time when more people in Erie County and Western New York look to the town of Concord and its incorporated village of Springville as an outstanding place to live, work and raise a family. It is that way because of the dedicated service of public officials like Mark Steffan.

Mark Steffan and his family are moving on with a planned move out of Western New York. I want to take this opportunity, Mr. Speaker, to commend Mark Steffan for his service to the residents and the taxpayers of the town of Concord, and remind him that local residents are better for the service he provided to town government.

HONORING THE MEMORY OF MR. VICTOR A. McSWAIN

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 15, 2005

Mr. BONNER. Mr. Speaker, the city of Mobile and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Victor A. McSwain was a devoted family man and dedicated community leader throughout his life.

Mr. McSwain began his 44 year career with the city of Mobile in his late teens. After serving in various positions, he worked his way up to the position of traffic engineer—a position he held for 17 years before becoming Mobile's director of transportation. Mr. McSwain worked for the city while obtaining two college degrees—a bachelor's degree in civil engineering from the University of South Alabama and a master's degree in civil engineering from Penn State University.

In the midst of his intense professional schedule, Mr. McSwain also found time to serve in many community organizations. He served on both the city's Planning Commission and the Metropolitan Planning Organization. Mr. McSwain was a past president of the University of South Alabama Alumni Association, the Crichton Optimist Club, and the Order of the Inca, a local Mardi Gras Society.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Mr. McSwain will be deeply missed by his family—his wife of 42 years, Barbara McSwain; his children, Angel Odom and Yvette Jones; and four grandchildren, Justin and Kyle Odom and Kelsey and Melody Jones—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

TRIBUTE TO DORA BAKOYANNIS

HON. MICHAEL BILIRAKIS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 15, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise today to congratulate Dora Bakoyannis, Mayor of Athens, Greece, who was chosen to receive the 2005 World Mayor Award. This recognition is part of the World Mayor Project, which aims to bring greater attention to mayors who have well served their own communities as well as other national and international cities.

The World Mayor Project was launched in January of 2004 by City Mayors, an internet based platform designed to raise awareness about issues facing the world's cities. City Mayors was created by a group of economists and journalists from Europe, the Americas and Asia in April of 2003. From January to October of 2005, over 87,000 people worldwide voted in the annual internet based. World Mayor contest.

After being elected in 2003, Mayor Bakoyannis had the great challenge of preparing the historic city of Athens to host the 2004 summer Olympic Games. Due to her outstanding leadership, Athens rose magnificently to the challenge and demonstrated the pride and honor that comes with hosting the biggest sporting event in the world.

Mr. Speaker and colleagues, please join me in recognizing Dora Bakoyannis whose work has not only brought physical transformation to Athens, but also a renewed sense of national pride for her citizens which reflects true leadership. We wish her continued success as she works to enhance the quality of life for all Athenians.

INTRODUCTION OF A RESOLUTION URGING THE OBSERVANCE OF GLOBAL FAMILY DAY OF PEACE AND SHARING

HON. JOHN CONYERS, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 15, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce a resolution calling for the observance of Global Family Day, One Day of Peace and Sharing.

Everyone in this body is concerned with finding a way to achieve peace. Peace in Iraq, peace in every corner of the world. Many of us have widely divergent views about how to achieve that peace—but I am confident—we all want peace.

We all have families back home who are longing for peace in the world and an end to the suffering caused by poverty, disease and hunger. Our friends, our neighbors, our parents and our children, all are hoping that this holiday season can bring more understanding, more generosity, more genuine friendship and caring among people of all faiths and cultures.

Perhaps we can't agree on military strategies, or budgets. Perhaps we will remain at odds on many matters when we come back after the holiday recess. But there's one matter on which the Congress agreed in 2000 and which I believe a unanimous Congress can agree upon now.

Mr. Speaker, I am today introducing a concurrent resolution which calls upon all Americans to observe Global Family Day, One Day of Peace and Sharing every January 1st. It asks that we use the first day of every year as a time to reach out to others in the spirit of peace, to share a meal, to help the needy at home and around the world.

This is a matter that once agreed on by Congress, can lead to greater understanding and cooperation among political parties, faith groups, people of different races and economic class. In other words, it's something that can help us all—and that positive effect can begin during this holiday season.

In the year 2000, the Congress adopted a similar resolution asking the president to issue an annual proclamation recognizing this special day, and in 2001, following the tragedy of 9/11, the United Nations General Assembly followed suit. Heads of state in more than 20 countries have personally endorsed the initiative. However, there is little public knowledge that this important tool for peace already exists. Members of Congress can remedy that.

We all know how powerful an influence holidays have in our lives. Our earliest memories are often of family gatherings at Thanksgiving, or parades on the Fourth of July. Holidays teach us about the beliefs that our families hold, they inspire us, they reunite us and remind us annually about the ways in which we ought to behave.

As we approach the 20th anniversary next year of our national celebration of the life and teachings of Dr. Martin Luther King, I ask that the Congress take the time to ratify once again its recommendation that our increasingly interdependent world celebrate each year with a holiday of peace and sharing that belongs equally to all our human family.

Mr. Speaker, many Americans are troubled by our deteriorating image in the world, by the growing disputes among our elected leaders, by the dangers of terrorism and by the suffering of others, both at home and abroad. Yet they feel helpless to do anything about it.

Global Family Day provides a way in which every man, woman and child in the United States can help to reduce suffering at home, repair our damaged image abroad, and help us remember that in the end, all peoples belong to the same family.

I urge immediate action on this resolution.

CONGRATULATING THE HIGHLAND PARK'S TEAM TENNIS FOR WINNING ITS THIRD STRAIGHT TEXAS CLASS 4A DIVISION I HIGH SCHOOL CHAMPIONSHIP

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to congratulate the Highland Park Scots Tennis Team for winning its third straight State Championship. On Saturday, November 5th, the Scots defeated New Braunfels High School 10–3 for the title.

This program and its coach have shown an incredible amount of character since losing to San Antonio Alamo Heights in the 2002 state finals. They have not lost a single match since then, winning a state record seventy straight team matches.

The team of twenty-five varsity players (thirteen boys and twelve girls) is so filled with talent that Head Coach Dan Holden had reserve players who are nationally ranked on the sidelines, a testament to the depth of this team. Coach Holden has not only prepared his players for the championship match, however; he has also helped them to seek higher education. This two-pronged approach to coaching is what Coach Holden calls his "Win-Win" strategy. He kept practices shorter than normal so that the players could have time to work with their personal coaches to improve their abilities for U.S. Tennis Association Tournaments. These tournaments provide excellent recruiting opportunities for college scouts, in turn providing the exposure necessary for the players to impress scouts in the hopes of earning a college scholarship.

Proof of his success is evident. For example, Tyler Taransky, a senior at Highland Park, came back to Highland Park for his last year after a brief foray into the world of full-time competitive tennis and home schooling. As a result, he helped to lead his team to victory one last time before enrolling at Texas A&M, where he will play tennis next fall for the Aggies.

For his efforts, the United States Professional Tennis Association named Coach Holden the 2004 National High School Coach of the Year. He was also honored as the Dallas Morning News' 2004 All-Area Tennis Coach of the Year.

In closing, I would like to congratulate Coach Dan Holden and the Highland Park Scots' Team Tennis on their outstanding achievement. Their competitive spirit and domination in their field are truly inspirational.

TRIBUTE TO MR. CHESTER DEVENOW

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Ms. KAPTUR. Mr. Speaker, it is a privilege to pay tribute today to Mr. Chester Devenow, an Ohio business and civic leader whose recent loss our community has sustained. Regarded as a "titan of industry," Chester Devenow always took on broader missions to those beyond his board and firm. He located Sheller Globe's headquarters in the heart of our community to strengthen it economically, and struck labor agreements with its employees that helped build our region's middle class. He was highly regarded for his philanthropy and contributions to the institutions of our community.

His business acumen enabled him to create a Fortune 500 company, and he was truly a leader in industry. In his later career, his skills were often utilized in the mediation of labor-management disputes. Even after a well-earned retirement, Chester Devenow's abilities remained valuable to area business leaders. His knowledge and institutional memory were well-regarded by his peers.

Upon graduation from high school in Detroit, he studied music at the Julliard School. A decorated veteran, Chester Devenow received a degree in political science from New York University and attended Harvard Law School.

President Theodore Roosevelt noted "We demand that big business give the people a square deal; in return we must insist that when anyone engaged in big business honestly endeavors to do right he shall himself be given a square deal." Chester Devenow earned this distinction among the industry's titans.

We offer our sympathy to Maudette, loving wife of 27 years; his brother Leonard; sons Mark and Jeffrey; daughter Susie; stepchildren William and Abigail Schachner; his six grandchildren; and his numerous friends. May they find some small peace as Chester Devenow joins his daughter Sara and the Creator of us all.

A TRIBUTE TO ROBERT THOMAS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Ms. MATSUI. Mr. Speaker, it gives me great pleasure today to honor Mr. Robert Thomas, the City of Sacramento's City Manager, who is retiring this week from a distinguished career of public service. As his friends, family and coworkers all gather to celebrate his career, I ask all my colleagues to join me in honoring one of Sacramento's finest citizens.

Mr. Thomas began his career in Sacramento with the North Highlands Recreation and Park District and later worked with the County of Sacramento, Southgate Recreation and Park District and City of Santa Cruz. At each step of his career Bob eagerly took on increased responsibilities for the recreational facilities that make Sacramento and California such a wonderful place to live.

In 1981, he returned to Sacramento as the Director of Parks and Community Services. For ten years Bob headed the department, managing over 600 employees and hundreds of volunteers. Under his direction the department increased revenue, grant funding and accomplished many important projects, including an expansion of the Crocker Art Museum.

Recognizing his management abilities, Bob was appointed Deputy City Manager in 1991, and he served in that position until being named Sacramento County's Executive in 1996. While with the County, he implemented the Board of Supervisors' policies and was ultimately responsible for managing over ten thousand employees and an annual budget of 1.4 billion dollars. Among the long list of achievements with the County, he was able to effectively reorganize the Economic Development Program and helped implement reuse plans at McClellan and Mather Air Force Bases, both of which were shut down.

From 1999 until the present day, the people of Sacramento have been incredibly fortunate to have Mr. Thomas serve as Sacramento's City Manager. He has been an effective leader, working with the City Council on many issues of great importance. These include flood control projects, major transportation upgrades across the city and managing the development of many new neighborhoods. In recognition of his superb work, Mr. Thomas was named Public Administrator of the Year in

2005 by the American Society for Public Administration.

Bob was also an active member of the California National Guard 175th Medical Brigade until his retirement from the Guard this year. Given his extensive background in municipal government, work with the California National Guard and decades spent living in Sacramento, I was always confident that Sacramento was being taken care of with Bob Thomas at the helm, as was my late husband Congressman Robert Matsui.

Whether it has been with the California National Guard, County of Sacramento, or with the City of Sacramento, Bob Thomas has left a legacy of successful public management and service that will be hard to match. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in thanking Bob Thomas for his public service and to wish him a healthy and happy retirement.

TRIBUTE TO JACK WILSON

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Jack Wilson, a prominent real estate developer, who helped the Tampa Bay area evolve into the vibrant, bustling community it is today.

Born in Royston, Georgia, Jack earned his bachelor's degree from the Georgia Institute of Technology and his master's degree from Harvard Business School. He came to Tampa in the 1970's as Florida president of the Landmarks Group, but soon he was developing important projects through his own company, the Wilson Co.

Jack rapidly put his mark on Tampa. The cofounder and first president of the Westshore Alliance, Jack helped turn this area around and make Westshore a hub of business activity. Jack also worked on revitalizing Tampa's downtown, renovating the Franklin Exchange and a number of office towers. Thousands of Tampa Bay residents have come to know Jack's projects—whether they work in Bayport Plaza or Cypress Center, have visited the Grand Hyatt Tampa Bay, or reside in one of the thousands of affordable rental housing units that Jack built.

Tampa's sports fans owe a huge debt of gratitude to Jack as well. He supervised the construction of the New York Yankees Legends Field, helped secure public funding for Raymond James Stadium and headed up the task force that brought Super Bowl XXXV to Tampa.

But Jack was always focused on more than just building his business. He also cared deeply about building up his community, and it showed in the quality of his work, the foresight in his development plans and the attention he paid to the impact of his projects on the environment. In fact, Jack was the first developer to receive an award from the Tampa Audubon Society.

Jack served Tampa's business community as well, working as chairman of the Greater Tampa Chamber of Commerce and the Tampa Bay Partnership and volunteering his time for a long list of other business and charitable organizations. In 2001, he was inducted into the Tampa Bay Business Hall of Fame.

Those who had the privilege of getting to know Jack will remember his generosity, his Southern charm, his thoughtfulness and his constant willingness to help others. There is no doubt about it—Jack had an enormous amount of class. On behalf of the residents of Tampa Bay, I would like to extend my deepest sympathies to Jack's family. His legacy will live on not only in the structures he built but in the community he improved.

TRIBUTE TO SCOTT TUCKER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Ms. WOOLSEY. Mr. Speaker, we rise today to honor Scott Tucker, of Petaluma, California. On January 1, 2006, Scott will officially retire after 13 years as the San Francisco District Manager, and 38 years with the United States Postal Service. He is the longest serving postal service executive at any major metropolitan area in consecutive years.

Mr. Tucker's career with the United States Postal Service began in 1968 in Hanford, California as a letter carrier. He held a succession of managerial positions in postal operations, until in September 1992, he was appointed to his current position as the San Francisco District Manager.

As the District Manager, Scott is responsible on a daily basis for the delivery of approximately 10 million pieces of mail to 3 million customers throughout northwest California that ranges from Sunnyvale in the south to the Oregon Border in the north. He supervises a workforce of 10,400 mail carriers, mail handlers, mail clerks, postmasters, and operations managers. In the North Bay we have grown to approximately 3,000 employees spread throughout 205 postal facilities under Scott's leadership.

The San Francisco postal district has for nine consecutive quarters, under Scott's leadership, received the "Order of Yellow Jersey" award for excellence in customer satisfaction and commitment to professionalism. The district has been repeatedly recognized by IBM's Business Consulting Services Unit, as one of the best on-time mail services for any metropolitan area in the Nation.

In the past 13 years, Scott has helped increase awareness of multicultural groups within the district. Under his leadership, numerous diversity leadership advisory councils were established including the Women's Council, African American Council, Asian American/Pacific Island Council, and the Hispanic Council. The Bay Area Federal Executive Board recognized his efforts and presented him with a diversity leadership achievement award.

Mr. Speaker, it is with great pleasure that we honor Scott Tucker today for the years he has dedicated to consistently improving upon how we all receive our mail. The San Francisco District of the United States Postal Service employees and customers will greatly miss him. He has left some very big shoes to fill.

TRIBUTE TO FRANKLIN REGIONAL HIGH SCHOOL PANTHERS FOOTBALL TEAM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Franklin Regional High School Panthers Football team for winning the Western Pennsylvanian Interscholastic Athletic League (WPIAL) 2005 AAA Championship.

The Panthers have had an excellent season with a record of 14 wins. The team, under the leadership of head coach Greg Botta, have worked incredibly hard in the season, and off seàson, to earn the title of WPIAL.

The Panthers travel to Central Pennsylvania on December 9, 2005 to battle the Pottsville Area High School Tide for the AAA State Champion title. The game will take place at Hershey Park Stadium at 7 pm.

I ask my colleagues in the United States House of Representatives to join me in honoring the Franklin Regional High School Varsity Football team. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the determined scholar-athletes, like the Panthers, and their dedicated coaching staff.

TRIBUTE TO MR. MEL KING

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Robert "Sonny" Smith who was recently inducted into the Babe Ruth Baseball Hall of Fame. Babe Ruth Baseball was started as a "grass roots" movement in the small, rural communities of Colorado. The town of Las Animas is no exception, and like most towns, the Babe Ruth program has flourished because of the efforts and actions of volunteers like Sonny who stepped up to the plate to serve others.

Sonny's involvement with Babe Ruth began around 1982. He was the District 2 Commissioner for 10 years and then became the Assistant State Commissioner for the 15 year-old Babe Ruth program. He has held that position from 1992 to the present time.

Sonny has not just been active in Babe Ruth in his community, but in other endeavors as well. He was the Las Animas Ball Association Vice President from 1978–1980. He served as a Las Animas City Councilman from 1982–1986 and was the chairman for the Parks and Swimming Pool committees. Sonny was a member of the Las Animas School Board from 1996–2000. He has been a member of the Bent County Recreation Committee from 1978 to the present time. He served on the St. Mary's Catholic Church Council from

1988–1992, and he has served as a football, baseball, softball, and basketball official from 1978 to the present time.

One of Sonny's most notable achievements was his work on the Ad Hoc Committee for building the new baseball field in Las Animas from 1998–2004. This field has hosted many area tournaments, as well as the local Babe Ruth League games.

Where does this man get the energy to accomplish these feats? I believe it comes from a strong desire to see the young people in his community and around the state have an opportunity to participate and excel in the great game of baseball.

Sonny has been a very valuable member of the Colorado Babe Ruth League, Inc. management team. His good-natured attitude and "laid back" style have served him well when handling issues that come up at the various levels of tournament play. He has even worked on Babe Ruth Tournaments for the Midwest Region.

Because of Sonny's love for kids and his commitment to the Babe Ruth program, he has been welcomed into the Colorado Babe Ruth Hall of Fame, and I am proud to represent such a fine individual in the U.S. Congress. I ask my colleagues to join me in congratulating Robert "Sonny" Smith for his outstanding contributions to his community.

ON "EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT DEPLORABLY INFRINGED ON PARENTAL RIGHTS IN FIELDS v. PALMDALE SCHOOL DISTRICT."

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, today this House considers a resolution to condemn a ruling by a United States Court of Appeals. Whether we agree with the Court's decision or not, the Court returned its decisions based on Constitutional law. A Congressional resolution in reaction to the Palmdale School District's part in the development and use of the survey tool would be the more appropriate role for this Congress. The Palmdale School District, not the Court, failed the parents and students. Parents have the right to a final say in the type of education their child receives and the right to deny their child's participation in surveys and research. Parents can only do so when they are given full and accurate information.

As a Member of Congress, it is my role to create, consider, and vote on legislation. The Court's role is to rule on those laws. I will vote "present" on this resolution before us today because I believe strongly in the separate branches of our government and that Congress oversteps our role by denouncing the Court's decision.

ONE FOR TINA DUBLIN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to celebrate the wedding anniversary of John and Frances Cuellar, a couple from South Texas who has been married for 50 years.

Mr. Speaker, John Cuellar and Frances Gonzales were both born during the Depression and derived great family values from having little to their name. Family, honesty and love have led them to 50 years of happiness. They met while they were independently involved in the Catholic Youth Organization in Cuero, Texas.

After they met, Mr. Cuellar joined the U.S. Navy and was sent to Maryland. The couple wed on Dec. 28, 1955 while John was home on leave for Christmas. They both moved to Maryland after their marriage to start their lives together.

After his tour in the Navy was over, Mr. Cuellar joined the Texas Highway Department and then transitioned into law enforcement with the Cuero Police Department. At the close of his professional career, he was employed with the U.S. Marshall's office in Victoria, Texas. Mrs. Cuellar worked as a deputy county clerk and is now retired. She is a licensed nurse and prides herself on being so.

The Cuellar's raised four children, John Jr., Mike, Ronnie and Tina. They have fifteen grandchildren and five great grandchildren. Texas is honored to have such a fine couple who has served Southern Texas faithfully and diligently.

Mr. Speaker, I am proud to honor John and Francis Cuellar and I thank you for this time.

HONORING DOUGLAS W. DODGE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. RADANOVICH. Mr. Speaker, I rise to honor Captain Douglas W. Dodge of Turlock, CA upon his retirement for his tremendous service to his community. Turlock Police Services will hold an event to honor Captain Dodge on December 15th, 2005.

After returning from service with the United States Army in Vietnam, Douglas Dodge took a position as a reserve officer with the Turlock Police Services in 1973. In September of 1974, he was hired as a full-time Parking Enforcement Officer and worked in this classification for approximately one and one-half years. During this assignment he worked other duties, including property/evidence, dispatch, and identifications for the Investigations Bureau. In February of 1976, he became a full-time sworn police officer and worked patrol and investigations assignments. Over the years he was promoted up through the ranks and in April of 2002 made the rank of Captain.

In 1999, Captain Dodge returned to college to pursue a Bachelor's Degree in Business Management. He is a member of the Stanislaus County Peace Officer's Association and an associate member of the California Police Chief's Association. At present, he serves on the Steering Committees for the Ray Simon Regional Criminal Justice Training Center and the Sacramento Valley High Tech Crimes Task Force.

Mr. Speaker, I rise to honor Captain Douglas W. Dodge of Turlock, CA for his years of dedicated service. I invite my colleagues to join me in thanking Captain Dodge for his tireless efforts and in wishing him many years of continued success.

TRIBUTE TO CARDON AND JOYCE BERRY—2005 MERITORIOUS SERVICE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Cardon and Joyce Berry, the 2005 4–H Meritorious Service Award winners. At the 2005 Kiowa County 4–H Achievement Banquet on Friday, November 4, 2005 the Meritorious Service Award was presented to a couple that believe in the 4–H program and the benefits and opportunities it offers to youth. They were both ten-year 4–H members and have devoted numerous years as leaders. They raised two children who were very active in 4–H and are now assisting their grandchildren who are active members in a local club today.

The Berrys made an important decision to have their children participate in 4–H, knowing how much it had meant in their youth. Cardon grew up in Kiowa County and raised his own family in the same home in which he had lived. The 4–H Club he participated in was no more, but the community had once again found itself with many youngsters. The Berrys helped to reinstate the Prairie Queen 4–H Club for the kids who benefited from the experience.

The Berry family is faithful in attending numerous 4–H activities, and have sponsored many trophies over the years. They are both active in many different civic roles within Kiowa County and they make their community a better place.

I am honored to be representing Cardon and Joyce Berry in the U.S. Congress. Individuals like this make 4–H and the youth who participate a valuable asset to the community. I'm sure Kiowa County will be blessed for many more years because of the selflessness of the Berry Family.

30TH ANNIVERSARY OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, today I rise in support of this resolution celebrating the 30th anniversary of the enactment of the Education for All Handicapped Children Act and reaffirming Congress's support for the Individuals with Disabilities Education Act (IDEA).

I believe strongly that Congress must provide the funding promised nearly 30 years ago for IDEA and that is why I support legislation that would fully fund this commitment to special education. All American children must have access to a free public education in an environment that is appropriate and supportive.

While this resolution today acknowledges the promise to our states and schools to fund IDEA at 40 percent of the average per pupil expenditure, it fails to address how far we are from making that goal a reality. This Republican-controlled Congress funds IDEA at less than 20 percent of its promise. We owe it to our students, their families, and our communities to make full funding a reality. I will continue to work with my colleagues on both sides of the aisle to fully fund our commitment to special education.

Because of the efforts of families, teachers, and school administrators across the country, we are, today, able to make the needs of students with disabilities a priority. It is time that this Congress remembers not only the anniversary, but also the promise and commitment made to families and children. I urge my colleagues to support this important resolution and to continue to vote in favor of funding our federal responsibility to special education in order to move us forward in our goal to provide an equal, quality education for all students.

ONE FOR DEBUTANT

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the 80th anniversary of The Pals, an organization in San Antonio, Texas that has been helping young black women enter adulthood with more ease and grace through their annual Debutante Ball.

Mr. Speaker, in 1925, four young ladies were meeting weekly for a social game of bridge. One of the women, Vivian Lowery Vincent suggested that they start The Pals. The name derived from the phrase "pleasant attitude toward life." Others soon joined the group, and by 1927, these women envisioned a dream to present young, African American girls approaching adulthood to society. This dream became reality when The Pals hosted the first Debutante Ball in 1928.

The Club members believed that the social life of young Black women in San Antonio would be more secure by having, in their background, the interest of older, caring, dynamic women. They also knew that, in the goal for the perpetuity of African Americans, there was an urgency to preserve "gentility" within the race. Subsequently, The Pals selected and sponsored debutantes to develop and promote social and civic awareness, cultural dignity, pride and sense of self.

In 1979, The Pals were honored by the United Negro College Fund, Inc and presented the Fred D. Patterson Award and in 1992, the National Council of Negro Women, Inc honored The Pals for the organization's outstanding leadership toward the growth and development of the Minority Community of San Antonio. Each year accolades are received from parents, citizens and debutantes.

Mr. Speaker, I am proud to honor The Pals for helping young women in our community.

HONORING CHIEF LONALD LOTT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. RADANOVICH. Mr. Speaker, I rise to honor chief Lonald Lott of Turlock, CA upon his retirement for his dedicated service to his community. Turlock Police Services will hold an event to honor Chief Lott on December 15th, 2005.

After serving in the United States Coast Guard, Lonald Lott entered law enforcement in 1973 as a reserve police officer for the City of Hayward. A year later, he moved to the Central Valley after having accepted a position as a police officer for the City of Modesto. In 1980, Officer Lott traveled slightly south to the City of Turlock to serve as a police officer. Having demonstrated tremendous leadership, Officer Lott was appointed to the position of Chief of Police in February of 1997.

Chief Lonald Lott holds a Bachelor of Science degree in Organizational Behavior, a Master of Arts degree in Criminal Justice, and is a graduate of the FBI National Academy. Chief Lott has held leadership positions in numerous law enforcement organizations, including the California Police Chiefs Association, Stanislaus County Association of Law Enforcement Executives and has served as a member of the Stanislaus County Peace Officers Association, the California Peace Officers Association and the International Association of Chiefs of Police.

Chief Lott also serves as a part-time faculty member at California State University-Stanislaus where he teaches courses in Criminal Justice, Management, and Leadership.

Mr. Speaker, I rise to honor Chief Lonald Lott of Turlock, CA for his years of dedicated service. I invite my colleagues to join me in thanking Chief Lott for his tireless efforts and in wishing him many years of continued success.

TRIBUTE TO MR. MEL KING

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the patriotism and heroism of Mr. Mel King.

Mr. King served with distinction in the Army Air Corp during the harrowing days of the Second World War. As a B–17 crew member in the 815th Squadron of the 483 Bombardment Group, Mr. King and his fellow crew members played an integral role in the Allied defeat of Nazi Germany.

The crew of the Good Deal formed in November 1943 with Mr. Melbourne King of Crook, CO as one of the thirteen member crew, which included Paul E. Ray, Warren O. Griffin, Carl B. Hardy, Gerald Kramer, Foster F. Knight, James I. Korshak, Walter J. Gladieux, August O. Bresciz, Theodore Engelun, Fred A. Clark, Jr., Robert J. Dalzin, and John M. Spear.

On April 12, 1944 Mr. King and the crew of the Good Deal participated in their first mission to Split, Yugoslavia. In the following months, the crew of the Good Deal saw action over Toulon, Milan, Weiner Neustadt, Vienna, Budapest, Blechhammer, Ploesti, and Memmingen.

Despite the fact that fourteen of twenty-six American B–17s were lost over the German town of Memmingen on July 18, 1944, Mr. King and his crewmates successfully downed seven German fighters.

Mr. Speaker, I am proud of Mr. King's distinguished service and humbled by his courageous patriotism. The sacrifices he and the men of the Good Deal made to ensure the liberty and freedom of future generations will never be forgotten. I urge my colleagues to join me in honoring Mr. Melbourne D. Ring and the crew of the Good Deal.

COMMEMORATING THE JAVITS-WAGNER O'DAY PROGRAM

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. KINGSTON. Mr. Speaker, I wish to commemorate the Javits-Wagner O'Day program (JWOD) on the service they provide to thousands of individuals.

The JWOD program is the single largest source of employment for individuals who are blind or have severe disabilities. This program employs more than 45,000 people. The JWOD program trains persons with disabilities to acquire job skills that will be resourceful in their everyday lives. With these skills and training, a participant in this program can receive wages and benefits thereby gaining a greater independence and quality of life.

In my district in Georgia, there is a JWOD program named Happy Hour that exemplifies the good work that this organization is built upon. Happy Hour employs 170 disabled individuals and gives them an opportunity to contribute to their communities. Executive Director Steve Smith leads an office of 90–100 hard working staffers along with many volunteers who are all dedicated to ensuring each person reaches a common goal.

Happy Hour has a working relationship with Robins Air Force Base. Through this relationship Happy Hour participants are able to help the government and save tax payers money. A few of the projects that help Robins Air Force Base is Robin's Recycling, respiratory cleaning and repair, tool de numbering, and air craft hardware sorting. Though they may seem minor, without Happy Hour, workers who do these tasks at Robins AFB would have a much harder time operating.

RECOGNIZING MR. GEORGE KAITSA

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. TIBERI. Mr. Speaker, I rise today to recognize Mr. George Kaitsa for his dedication to public service as he prepares to return to private life.

Mr. Kaitsa has a record of dedicated public service as a Member of Council and leader for Powell, Ohio. I am certain that his foresight and commitment to building a brighter future for the citizens of Powell will continue to inspire others. Providing Powell with the best representation and leadership possible has always been George's goal, and his service in office and commitment to his constituents over the years ensures his legacy will continue to be felt far into the future.

Thank you, George, for your service. Please allow me to join your friends and family in wishing you good health and prosperity.

WOOD CHIP CO-GENERATION SYSTEM TO HEAT AND POWER VERMONT HOSPITAL

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. SANDERS. Mr. Speaker, I wanted to share with you some information regarding a bold new system that will help a small hospital in my state save hundreds of thousands of dollars annually in energy costs, while dramatically reducing greenhouse gas emissions and other environmental pollutants.

North Country Hospital in Newport, Vermont, has instituted an ingenious heating and electricity co-generation system that utilizes biomass wood chips instead of traditional heating oil as its fuel source. It is believed to be the first use of such technology in any hospital in the country. At today's energy prices, this new biomass gasification system could save the hospital as much as $328,000 annually in energy costs.

In addition to providing heat for the hospital complex, the process heats water from the chips into steam, which not only provides a supplemental source of electricity, but will produce the hospital's hot water and also help operate other critical equipment within the hospital, such as sterilization equipment, dishwashers and clothes dryers.

Energy cost savings realized by this environmentally sound energy choice will save the hospital, and hence its patients, substantial money that can be better directed toward critical healthcare services. This system provides an innovative example to hospitals and other public buildings in Vermont, across the country, and throughout the world.

Already, business people, government officials and hospital administrators from other regions are touring the new facility with an eye toward implementing such a system themselves. A company in Spain is designing a system based on North Country's model, with the exception that it will actually burn tomato vines instead of wood chips as its energy source. Surely, a system so versatile has tremendous potential to be effectively used far and wide.

Wood chips are a renewable source of energy, which recycles carbon that already exists in the natural carbon cycle; meaning no new carbon dioxide is added to the atmosphere from this biomass energy source. Wood chips are supplied from within Vermont; hence money spent on wood chips stays in the local economy and supports jobs in the area's forest products industry. For buildings 50,000 sq. ft. and larger, fuel cost savings likely more than offset capital financing costs and additional maintenance staff time requirements; hence, in many cases, a system can pay for itself in 5 to 10 years.

I enthusiastically commend the Board of Trustees at North Country Hospital and their innovative staff, especially Larry Labor, Steve Wolff and Terry Robbins, for taking energy matters into their own hands and raising the bar for how local leadership can have national and international significance and positive impact. Each of them deserves high praise for their efforts. They have given us a sterling example of how American hospitals can save substantial money on energy costs, help improve environmental conditions related to heat and energy production, and help support their local job markets in the process. I encourage other hospitals and institutions in Vermont and across the country to study the potential of this new system for their own facilities and to duplicate it where appropriate.

HONORING THE LIFE AND LEGACY OF HENRY KIRKSEY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy of Henry Kirksey, former Mississippi State Senator, veteran proponent of civil rights and retired Tougaloo College professor.

Henry Kirksey personified the face of bravery. He was the lead plaintiff in most of the redistricting cases brought in Mississippi to bring the state into compliance with the 1965 Voting Rights Act in the late 1960s and early 1970s, when Mississippi was a dangerous place to do so. This was instrumental in opening the door to the creation of fair redistricting plans throughout the State. In 1965, Kirksey filed suit against the State, challenging county-wide election of State Representatives and Senators. That suit resulted in the adoption of single-member legislative districts in 1979.

We blacks elected in the State of Mississippi today owe that election more so to Henry Kirksey than anyone else. As a result of Kirksey's sacrifice, Mississippi today appears to have more African American elected and appointed officials at every level of government than any other State in the Nation. Kirksey's service as a plaintiff, expert witness and community organizer has led to the election of almost 600 African-Americans to public office in Mississippi. As part of this process, Kirksey became the first African American elected to the Mississippi Senate since Reconstruction.

He became known for filing the lawsuit that led to Jackson changing its form of government in 1985 to the mayor-seven-member council system. He also was a member of the group that fought for reapportionment changes in the late 1970s that led to a record number of black candidates being elected to the Legislature. Kirksey was instrumental in challenging the districts from which state court judges ran, resulting in more diversity on the bench.

As a noted map-maker, Kirksey was significant to the formation of Mississippi's majority-black 2nd Congressional District, which I have the distinct pleasure of representing today.

I applaud the life and legacy of Henry Kirksey.

SUPPORT FOR MILITARY TECHNOLOGICAL CAPABILITIES

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. MCCAUL of Texas. Mr. Speaker, our military forces need and deserve ample resources and superior technological capabilities to remain strong, which requires ongoing development efforts by both the public and private sector.

In fact, some of the military's most innovative technologies are being developed by small companies. Two examples are in the 10th District of Texas, with each of these Austin-based companies developing a technology with significant military value. To accelerate the availability of these new technologies for military applications, I have recommended that funding support be included in the Department of Defense Appropriations Act for 2006.

One of the technologies is a unique 3–D holographic imaging system developed by Zebra Imaging, which will soon be deployed by the Army in Iraq for intelligence and operational uses. The $2.25 million requested for this technology would advance the current non-portable imaging system to a field deployable unit for combat forces, with this capability available within 24 months. Army intelligence and operational units have urged the acceleration of this development effort because of the strategic and tactical value to combat troops, which the requested funding seeks to achieve.

The second technology is in the field of micro-electronics and involves RF MEMS switches and relays under development by TeraVicta Technologies. These micro devices, which provide enormous advances in the size, capabilities and performance of military electronics, are key to achieving faster and more powerful network communications, radar and satellite systems. The $2.25 million requested will accelerate TeraVicta's development work, specifically supporting a program to bring RF MEMS switches to a production-ready status and available for a variety of military applications.

These two technologies are recognized within the military as crucial developments, and I hope the Defense Appropriators provide the necessary funding to quickly bring them to operational use.

A NEW TECHNOLOGY IN PERMANENT, SELF-CLEANING AIR FILTERS FOR MILITARY VEHICLES

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. McCAUL of Texas. Mr. Speaker, I rise today to support a new technology in permanent, self-cleaning air filters for military vehicles operating in high-dust environments, such as in the Middle East.

A company in my district, Signature Science LLC, and its partners are proposing to adapt, integrate and fully test a new self-cleaning air filter technology developed for military vehicles that will save the Department of Defense millions of dollars annually by eliminating the cost of disposable air filters in addition to reducing maintenance costs of vehicle engines. Diesel engines on military vehicles currently use disposable air filters that require frequent changes to protect engines from the damage caused by dusty environments. In Iraq for example, these filters must be replaced after as little as 16 hours of use on some vehicles operating there.

Signature Science's technology for a permanent, self-cleaning air filter will save American tax dollars while avoiding logistical problems for the military such as operational burdens, decreased fuel efficiency and increased security risks.

For these reasons we need to advance this technology beyond the research phase in the very near term, and I believe that the Defense Appropriators would be serving the national interest by funding the development and testing of these air-filter prototypes for our military vehicles.

H.R. 4550, THE NATIONAL HEPATITIS B ACT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HONDA. Mr. Speaker, I rise today in strong support of H.R. 4550, the National Hepatitis B Act. Mr. DENT from Pennsylvania and I have partnered in this bipartisan effort to address the needs of Americans afflicted with chronic Hepatitis B.

Chronic Hepatitis B is a serious public health concern here in the United States and worldwide. The Hepatitis B vaccine is the most effective way to prevent chronic Hepatitis B and its deadly implications of liver cancer and liver failure. Yet, vaccination rates remain low and Hepatitis B is one of the most commonly reported vaccine-preventable diseases in the U.S.

Chronic Hepatitis B is often called a "silent disease" because more than two-thirds of those infected with Hepatitis B have no recognized symptoms. Without appropriate screening and management of the disease, one in four Hepatitis B carriers dies from liver cancer or liver disease. Early detection reduces the likelihood that the virus is unknowingly transmitted to others. Unfortunately, many of those who become infected with the disease do not recognize the symptoms until after they have developed significant liver damage or have already passed it on.

Mr. Speaker, as Chair of the Congressional Asian Pacific American Caucus, I am especially concerned because Hepatitis B is one of the greatest health disparities affecting the Asian Pacific Islander American community. As many as 1 in 10 Asian Pacific Islander Americans are chronically infected with the Hepatitis B virus.

We all have constituents affected by this disease. More importantly, we have the ability to stop the spread of this disease. Last May, I was pleased by the strong bipartisan support in both the House and Senate for the resolutions supporting National Hepatitis B Awareness Week. We also had tremendous bipartisan interest in the Hepatitis B "Aim for the B" Congressional Briefing held on July 21, 2005.

We know that there is hope. We have vaccines and treatments available that were not available 25 years ago. With treatment, patients have a better shot at beating this disease and preventing its progression to liver disease. However, there is much work that needs to be done. We need to increase public education about Hepatitis B, help infected patients and their physicians identify and manage this disease, raise awareness of the consequences of untreated chronic Hepatitis B, and help increase the length and quality of life for those diagnosed with this life-threatening disease. We need to improve state-by-state tracking of trends, incidences and prevalence of chronic Hepatitis B.

I urge all my colleagues to come together to prioritize this public health issue and support H.R. 4550.

RECOGNIZING GRANDPARENT-HEADED AND OTHER RELATIVE-HEADED HOUSEHOLDS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HINCHEY. Mr. Speaker, there are more than six million grandparent-headed and other relative-headed households in the United States. In my home state of New York, 9 percent of the children live with non-parent relatives. These relatives have opened their hearts and homes to children who can no longer, for a variety of reasons, live with their parents. During this holiday season, I would like to recognize these relatives for providing safety, shelter, food, and love. Their kindness and generosity is acknowledge. I extend my most sincere appreciation for the selflessness these families demonstrate and note that their selflessness provides a benefit not only to the children under their care but also to the community at large.

HONORING CAREY HOBBS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to recognize the outstanding achievements of Mr. Carey Hobbs. I have had the pleasure of knowing Carey Hobbs for more than 20 years. He is a man who loves his country and cares deeply about his community. He is selfless and unassuming. He is a dedicated family man and a devoted Christian, and I am very proud to call him my friend.

Following his graduation from high school in Abilene, Texas, Carey Hobbs began his lifelong association with Texas Tech University as an undergraduate student. After earning his degree, Carey Hobbs joined the military in 1958 and received a commission in the United States Marine Corps. During his five years of active duty, he flew jet fighters and also served as a test pilot.

Over the course of his professional career, Carey Hobbs has become a successful small business owner and a leader in the textile industry. He is a true entrepreneur, who has helped drive innovation and job creation. Since 1972, he has been the President and CEO of Hobbs Bonded Fibers in Waco, Texas. He holds several patents and has served on board of directors for both the National Association of Nonwoven Fabrics Industry and the National Cotton Batting Institute. For eight years, he was a member of the U.S. Department of Commerce Industry Sector Advisory Committee for Trade Policy Matters for Textiles and Apparel. In 1988, Carey Hobbs was named Small Business Person of the Year for the Dallas District.

Through the years, Carey Hobbs has remained a steadfast supporter of his alma mater, Texas Tech University, and higher education in Texas. He has served on the Texas Tech Board of regents and was President of the Texas Tech Alumni Association National Board of Directors. He has also dedicated his time to enriching higher education through his service on the Texas Higher Education Coordinating Board and as a participant in Texas A&M University's Visiting Executive Program.

Carey Hobbs is an important and positive role for the youth of Texas. He is an active member of the Stonegate Community Church in Waco. He serves on the board of World Hunger Relief and the International Medical Education Foundation, which is working to build a hospital in the Ukraine. Carey Hobbs is also a devoted family man. He and his wife Brenda have five children: Larry, Terri, Angela, Andy and Cindy.

As the Congressman for the Fifth District of Texas and a longtime friend of Carey Hobbs, it is my honor to recognize him for his outstanding achievements in business and in life.

Carey Hobbs has truly made his community and his country a better place.

TRIBUTE TO TEXAS STATE UNIVERSITY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the achievements of the Texas State University Football Team that made it all the way to the semi-finals of the Division 1-AA playoffs.

Mr. Speaker, Texas State University, which is located in San Marcos, Texas, represented their school with tremendous pride and ability. The Bobcats finished the season with an 11–3 record and a Southland Conference championship, their first conference championship since 1983.

In only his second year, Head Coach David Bailiff and staff have taken the Bobcats from a good record in 2004 to a great one in 2005. Coach Bailiff and his staff will attempt to bring the national championship to San Marcos next year, a title that would be a restoration of the powerful tradition of Division II national championships in prior years.

Texas State football players have made their school proud off the field as well. Several players have spent time in area San Marcos elementary schools mentoring the children in the community. The team was also honored to have six student-athletes named to the conference's All-Academic team, a testament to the dedication the coaches and players have to achieve in the classroom as well.

Mr. Speaker, I am proud to celebrate Texas State's outstanding football season and I thank you for this time.

IN RECOGNITION OF BARBARA CONACCHIO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of Barbara Conacchio, who will be honored by the Queens Board of Elections on January 26, 2006 for her 25 years of dedicated service.

Barbara's career with the Queens Board of Elections began in January of 1981, when she was hired as a temporary employee. Less than a week later, realizing what a great asset Barbara was, the Board of Elections offered her a permanent position. Seven years later, in 1988, the Board once again recognized her outstanding work and promoted Barbara to Administrative Assistant, where she performed masterfully. In June of 1991, she was appointed as Chief Clerk of the Queens Board of Elections. Over the past fourteen years, Barbara has held this post with remarkable poise, leadership and distinction.

Despite her hectic career, Barbara has voluntarily served our community through a number of organizations. She is a Past-President of the Knights of Columbus—General Father Sherman Shine Columbiettes, a member of the Queens Historical Society, and Secretary of the Board of Directors of the Mitchell Gardens Co-op.

While Barbara has had a distinguished and praiseworthy career at the Board of Elections, and is celebrated as a community leader, her family—her husband of 30 years, Ronald, along with her two daughters, Amanda and Lisa, and two granddaughters, Brianna and Tiffani—remains the source of her greatest pride and inspiration.

Mr. Speaker, it is with great satisfaction that I rise to commend Barbara Conacchio. The accolades bestowed upon her for the 25 years of outstanding service she has given to the Queens Board of Elections are entirely deserved. I know all my colleagues in the House will join me in honoring Barbara for her outstanding work and wishing her many more years of success.

TRIBUTE TO DORENA KNEPPER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. SHERMAN. Mr. Speaker, I rise today on behalf of myself and my California colleague HOWARD "BUCK" MCKEON to honor a talented individual, Dorena Knepper, on the occasion of her retirement as director of Government Affairs at California State University, Northridge. Due in no small part to Dorena's hard work, guidance and support, CSUN has become one of the largest and most prominent universities in the California State University system.

Just last year we congratulated Dorena upon the celebration of her 40 years of public service at CSUN. During her impressive tenure, Dorena has made an exceptional contribution both to the university and to the greater community. Working with her on Federal appropriations and other legislative issues, I have been impressed by her dedication and efficacy. Few individuals are as deserving of recognition.

Dorena's 40 years of service speak volumes about her personal investment in, and dedication to, the CSUN community. Dorena began her relationship with the university as a student at what was then San Fernando Valley State College. Dorena has been employed at CSUN since 1964. Beginning in 1972, she held a variety of positions in the Office of the President, including 16 years as executive assistant for former President James Cleary. Her career in governmental relations began in 1982 when she dealt primarily with community inquiries. Today, as director of Governmental Affairs, Dorena oversees the seamless operation of CSUN's local, State, and Federal Government relations.

Dorena is equally comfortable whether working with national leaders, students, staff, or community members. She is a leader on campus, serving on and chairing diverse faculty, administrative, staff and student committees. She also deals effectively with the concerns of the local community. This dexterity was evidenced by her work during the aftermath of the 1994 Northridge Earthquake. The Earthquake hit the University hard, causing extensive damage throughout the campus. Dorena coordinated visits from local and national leaders to help them survey the damage and plan the recovery. She arranged a campus visit by President Clinton on the first anniversary of the earthquake. That presidential visit brought national attention to the importance of CSUN as a vital center of higher education in the Los Angeles area and helped promote the recovery.

Active in numerous business groups, including three chambers of commerce and the Valley Industry and Commerce Association, she also is a legislative advocate for two nonprofit charitable associations.

Mr. Speaker, please join Mr. MCKEON and me in honoring Dorena Knepper, a remarkable woman who has dedicated her life and career to CSUN, its students and to promoting higher education and civic service in the San Fernando Valley. We all wish her a fulfilling retirement.

URGING MORE AID TO PAKISTAN FOR EARTHQUAKE VICTIMS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to draw the attention of my colleagues to the growing tragedy in Kashmir, a northern region of Pakistan located along the Indian border. In early October of this year, an earthquake devastated that area, killing tens of thousands of people and leaving millions more homeless. Each passing day brings new heartbreak to that remote region as exposure, illness, and famine continue to wreak havoc on the population. These people are desperate, and they need our help.

The earthquake's epicenter hit Muzaffarabad, the regional capital, and registered a magnitude of 7.6 on the Richter scale. For comparison, the 1989 earthquake that hit San Francisco had a magnitude of 7.1 and its epicenter was more than 70 miles away. The Pakistani Government has reported that at least 73,000 people have died, 15,000 they believe to be school children. The World Bank and the Asian Development Bank reported in their assessment after the quake that at least 3.5 million people have been dislocated, and that another 1.6 million are without adequate food supplies.

This mountainous region of Pakistan lies at the foothills of the great Himalayan Mountains. The area receives as much as 10 feet of snow during the winter months, and nighttime temperatures can easily drop to 50 degrees Fahrenheit below zero. As winter quickly approaches, the severe potential for further catastrophe grows for the millions of homeless Pakistanis living in makeshift tent communities.

Mr. Speaker, the earthquake that devastated the capital city and surrounding communities disastrously separated brother from sister, parent from child, and destroyed the lives and livelihoods of countless families. International aid organizations have speculated that the tragedy of the quake's aftermath could surpass that of the tsunami that struck just months earlier given the region's severe climate, remoteness, and the shortfall of international assistance. Without immediate action by the international community, thousands more will surely perish.

The World Bank estimates that $5.2 billion will be needed to adequately rebuild the region and care for the quake's victims. The Bush administration has provided $50 million in emergency assistance and pledged another $150 million; however, more is needed. For this reason I have written to President Bush requesting that he double his request to Congress, and provide $300 million towards Pakistani reconstruction.

The United States and Pakistan have long worked together, and jointly we are fighting the ongoing war on terror. In addition, additional aid from our country would send a signal to other nations that the United States stands ready to help in times of need. Mr. Speaker, I call upon my colleagues in the House to strongly support measures that would send addition aid to help alleviate the suffering the Pakistani people.

STATEMENT ON REMOVING NAME FROM H.J. RES. 73

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. UDALL of Colorado. Mr. Speaker, I want to explain why I sought and obtained unanimous consent to have my name removed as a cosponsor of H.J. Res. 73, a resolution introduced by my friend and colleague Rep. JACK MURTHA calling for the rapid withdrawal of American forces from Iraq.

In short, my name was added in error. But I'd like to take this opportunity to explain why I cannot support Mr. MURTHA's resolution at this time.

Rep. MURTHA's call for the rapid redeployment of U.S. forces carries significant weight in Congress because he is not only a decorated veteran, but also one of the most respected voices in our country on military and national security policy.

Like Rep. MURTHA, I believe the Bush administration has largely failed in Iraq because the civilian direction of the war has not matched the skill and sacrifice of our soldiers. Going to war the way we did was a strategic mistake, and the aftermath has been a failure because of the president's refusal to plan and refusal to listen.

Unlike Mr. MURTHA, I voted against the resolution authorizing the president to rush to war in the first place. I did so because I had concerns about the president's refusal to consider more aggressive inspections of WMD before going to war, his inability to secure greater international support, his obvious failure to develop a plan for securing peace after ousting Saddam, and his reckless disregard of experienced military advice.

Although I was an outspoken opponent of going to war in Iraq, I have supported our brave soldiers because it has seemed to me that our national security is now linked, like it or not, to a credible plan for stabilizing Iraq and preventing a catastrophic civil war in the region.

I remain concerned about setting an arbitrary date for withdrawal because how we leave is as important as when we leave. Nevertheless, Mr. MURTHA's call, coupled with the evaporation of public confidence in the president's management of the war, should be a wake-up call to the president to develop a strategy that can garner bipartisan support and set an unmistakable path toward exiting Iraq expeditiously and with our interests and security intact.

This country cannot have 535 commanders-in-chief. There can only be one commander-in-chief, and we need him to better explain his strategy and to be honest with the American people about the costs and timetable for executing that strategy.

We were led into war as a divided nation and today we are even more divided. A successful outcome in Iraq can only be helped if Congress and the Bush Administration work to bring unity at home. In a hopeful sign, that kind of unity was on display when the Senate recently passed with overwhelming bipartisan support a resolution requiring accountability by the president in Iraq. The House should, at a minimum, do the same.

IN MEMORY OF HANK GROVER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HALL. Mr. Speaker, I am saddened to announce the passing of a great Texan, Henry Cushing "Hank" Grover, a man of singular vision and integrity. Born of humble roots in Corpus Christi, Texas, and raised in San Antonio during the Great Depression, Hank understood what it was to be humble and poor.

The middle child of eight, Hank was raised with solid grounding in those values Americans hold dear. His mother was a German immigrant, and his father was a descendent of Irish roots. Hank was a sixth generation Texan, whose family predated even the Republic of Texas. His great-great grandfather was the first European doctor on Texas soil, and his studies of Kickapoo medicine are archived in The University of Texas library. His ancestor was a Minuteman in the Revolutionary War. His great uncle fought at San Jacinto. Another great uncle was a founder of Lawrence, Kansas, and ran an underground railroad out of his barn. Hank's father was a childhood friend of Jesse James and Harry S. Truman, in Independence, Kansas.

With this family background, it is no surprise that Hank studied history as an undergraduate at the University of Saint Thomas and received his master's degree from the University of Houston. He taught history at Lamar High School in the 1950s, where he had such a profound effect on his students that many entered public service, becoming attorneys, judges and legislators. His students encouraged him to run for office, and he first stood for the Texas House in 1959 and was first elected in 1961. He served three terms as a Democrat in the Texas House, then switched to the Republican Party in 1965, a radical move in Texas at that time, and won three more terms as Senator from District 15.

In 1972 Hank ran for governor of Texas and came within 200,000 votes of victory—an amazing accomplishment in a state that had not elected a Republican Governor since Reconstruction. Hank's race helped strengthen the Republican Party in Texas and set the stage for Republican Mark White to be elected Governor. He also was the largest private contributor in the effort to elect Ronald Regan as President in 1980.

Hank believed deeply in limited government and fiscal responsibility. He sought to limit federal power and to rein in deficit spending both at the state and federal level. His was a moral and ethical view, grounded in the history and culture of America. Hank also was devoted to his family—his wonderful wife of 56 years, Kathleen Downey Grover, and his children, Bernard Downey, Bridget Cushing, Joseph Courtney, Hilary Helen, Laetitia Jane, and Patrick Fleming (who served on my staff).

Mr. Speaker, as we complete the Nation's business today, let us do so in honor and in memory of this great American who dedicated his life to upholding the values on which America was founded and whose legacy will live on through his family, his friends and the many students whose lives he influenced. Let us pay our last respects to Henry Cushing "Hank" Grover.

COMMENDING WWII VETERAN HARRY THOMPSON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. HALL. Mr. Speaker, it is a privilege to recognize Harry A. Thompson, a veteran of World War II and a WWII Prisoner of War. Harry is a longtime resident Wolfe City, Texas, and for the past fifty years has been working on his memoirs of his experience as a POW in Germany. His book, entitled Patton's Ill-Fated Raid, relates how he fell into enemy hands on the second day of the Battle of the Bulge and the events that transpired thereafter.

Chief Warrant Officer Harry Thompson was a Battalion Personnel Officer assigned to the 924th Field Artillery Battalion of the 99th Infantry Division in Bullingen, Belgium, when the German Army broke through the American lines during the Battle of the Bulge, and he was captured. He was taken to Hammelburg, the German POW camp for American officers where General Patton's son-in-law also was being held. As a result of the ill-fated raid to liberate the POWs in Hammelburg, all POWs were evacuated from camp and were forced to walk a treacherous journey of 241 miles in subzero weather across Germany before their liberation on May 2, 1945.

Mr. Thompson's account of his harrowing experiences at Hammelburg and during this long march is a sobering reminder to readers of the sacrifices of our men and women in uniform. In his introduction he wrote, "The fiftieth anniversary of the Battle of the Bulge has passed. World War II seems ancient history to my grandchildren as much as the Civil War seemed to me when I was growing up. This narrative is for my family as much as for the public, a memoir of a horrible time, the likes of which I hope they will never have to live."

Mr. Speaker, I want to take this opportunity to commend Harry Thompson for publishing his memoirs. He says that he hopes that other Veterans and POWs will share their stories and "that together we can record what it is for America to be at war, what it is to serve in the armed Forces of the United States of America and, after service during wartime, what it means to salute the flag as well as why we, as Veterans, sometimes have a tear or two when we see a patriotic ceremony or parade."

Harry Thompson has served our Nation in two important ways—by his service and sacrifice during World War II, and by the publication of his book that will be part of the history of America for all to read. I am honored to pay tribute today in the House of Representatives to this great American and Veteran of World War II and to thank him for his service to our Nation.

TO RECOGNIZE THE DEDICATION OF FORT FILLMORE, NEW MEXICO IN HONOR OF FIRST LIEUTENANT JOHN SALOPEK

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. PEARCE. Mr. Speaker, I rise today to recognize the dedication of Fort Fillmore, New Mexico in honor of First Lieutenant John Salopek, as celebrated in the biography by Gerald Carson, "Big John', or 1Lt John Salopek, to whom Fort Fillmore is being dedicated today, was born on September 17, 1921 in Croatia. At age eight, he arrived in the United States, settling in Las Cruces, New Mexico.

Salopek received a Reserve Officer's Training Corps (ROTC) commission in June 1944. He was assigned to a platoon leader position in 1st Platoon, Company G of the infamous 42nd "Rainbow" Division, 7th US Army. Salopek's unit arrived in Marseille, France in December, 1944. The unit fought in the Ardennes-Alsace Campaign near Gambshein, France. On January 5, 1944, Salopek's platoon was attacked by German panzers, and most were taken prisoner of war (POW) the next day. Salopek was taken to a headquarters command post of the elite Waffen-Schutztaffel (SS). Later, Salopek was transferred to Hammelburg Offizierlager XIIIB (Oflag) POW camp of 1,500 officers, to include the son of Soviet Premier Joseph Stalin and the son-in-law of General Patton. On March 26, 1945, General Patton ordered Task Force Baum to Hammelburg to rescue the paws. Only 300 of the 1,500 were rescued, to include 1LT Salopek. Two days later, Task Force Baum was captured by Germans. Most were either killed or again taken POW. Salopek evaded capture and fled to a German farm house near Richenbuch, where he remained until American troops liberated the Hammelburg POW camp on April 5, 1945. The following year, 1LT Salopek, returned to his family's farm in Mesilla, New Mexico.

Salopek's father left over 300 acres of pecan farms to John in the Las Cruces area. Salopek spent the remainder of his life working his land.

LT Salopek was awarded the Silver Star, Bronze, and Purple Heart for action in the Ardennes-Alsace Campaign. He died on April 15, 2002."

TRIBUTE TO LATE JIM DUFF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. BACA. Mr. Speaker, it is with regret and deep sadness that I rise to honor James "Jim" Duff, a constituent from Rialto, California who passed away on December 11, 2005. I cannot begin to express how saddened I am by the passing of my friend Jim. All men die, but not all men really live; we can honestly say that Jim lived to the fullest. He was a model citizen, veteran, community leader, father, grandfather, and an extraordinary man.

Jim Duff was born and raised in Bonham, Texas but lived in Rialto, California for many years until his passing. Jim was a remarkable example of courage and sacrifice. He joined the Air Force and fought in World War II and Vietnam. Jim was a dedicated soldier who risked his life in the line of duty. For instance he was part of Project Ivy, the famous first test of a hydrogen bomb at the Eniwetok atoll. Nevertheless, one of his proudest accomplishments was Operation Fiddles, an effort to deliver food to innocent victims of war.

After 25 years of service in the military, Jim retired in 1970 to enjoy retirement with his lovely wife of 55 years, Mrs. Doris Duff. Jim and Doris met in Bonham, Texas where they grew up and went to school together. Aside from Doris, his sister Mary Fae Kamm, his son Bobby Douglas Duff, and two grandchildren, Sequoia and Madrone, survive Jim. His dedication and courage live in his family; his son is a successful business owner in Duncanville, Texas and his deceased daughter Carol D-Lynn lost her life while rescuing her children from a dangerous riptide.

Since retiring from the Air Force, Jim had become a fixture of the community. He was Commander of Post 8737 of the Veterans of Foreign Wars for fourteen years and held office within the organization at the statewide and national level, even serving as National VFW Post American Commander. In the Veterans of Foreign Wars, he dedicated himself to help fellow veterans by volunteering twice a week without fail at Loma Linda Veterans Hospital. Jim helped veterans fill out paperwork, file claims, and fight for the health care rights they deserve. I knew him well as a member of my Veterans Advisory Board.

Mr. Speaker, I therefore wish to offer the condolences of a grateful Nation to the family of Mr. James Duff, an irreplaceable man who will not be forgotten.

SENATE—*Friday, December 16, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, by whose power people are moved to work for the common good of humanity, keep us aware of Your presence. Strengthen us by the memory of people who invested their lives to serve Your purposes. Teach us that You can bring order from chaos.

Empower our Senators today to do Your will. Touch them with Your presence and embrace them with Your love. Make them content to sow good seeds in the knowledge that the harvest is certain.

Help each of us to be led by You beyond the portals of selfishness to the spaciousness of service. Love us until we can live and love as we have been loved by You. We pray this in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the minority leader or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, after 30 minutes of morning business, the Senate will resume consideration of the PATRIOT Act conference report. At approximately 11 a.m. the Senate will vote on the motion to invoke cloture on the PATRIOT Act. It is my hope cloture will be invoked and that we could then adopt the conference report during today's session. Senators should anticipate additional votes on legislative and executive items we must complete action on before breaking for the holidays, including a number of judges and other nominations. As all of our colleagues know, we have a lot of work to do and a lot to accomplish over the next several days before we break for the holidays.

I thank our colleagues for their patience and their hard work. We are working in a bicameral way. As our colleagues know, much of this legislation has to originate now and pass through the House before coming to us. We are working with the House to get that legislation appropriately.

THE PATRIOT ACT

Mr. FRIST. Mr. President, later this morning the Senate will vote on the issue of whether to limit debate on the USA PATRIOT Act. I urge my colleagues to support the cloture motion. The PATRIOT Act passed with near unanimous support 4 years ago. Since its passage, this commonsense law has proved to be one of the most useful, important tools we have in our antiterror arsenal. If we can take ourselves back to that morning on September 11, many people were at work, many others on the way to work when we all heard and soon saw that shocking news that 19 young men had hijacked four passenger planes and slammed them into the World Trade Center and into the Pentagon, 3 or 4 miles away. A fourth plane was en route, and its fate was unknown.

The oceans separating us from them suddenly vanished and America was struck with a horrific force we had never seen before. Three thousand innocent Americans lost their lives, and we learned on that dark day that out there, hiding in the shadows, is a patient and brutal enemy, determined to inflict colossal violence on our shores.

This enemy does not wear a uniform or march under a national banner. It hides among us as neighbors and coworkers, at subway shops and at cyber cafes. It hides in plain sight, plotting and planning until the moment comes to inflict its massive and terrible cruelty.

On 9/11, our enemy declared war on the American people, and war is what they got. We toppled the Taliban in Afghanistan. We brought down Saddam Hussein and dismantled his tyranny. Yesterday, under the protection of brave American and Iraqi soldiers, 11 million Iraqi people streamed to the polls to freely choose, for the first time in the country's modern history, a permanent, democratically elected government of and by the people. It was a historic milestone for the Iraqi people. It was a historic milestone for freedom. It proved once again that every day we are making progress.

We are fighting the terrorist enemy at home and in the mountains of Afghanistan, on the worldwide Web and in the streets of Baghdad. We are coordinating our efforts both inside and outside our borders so that we never have to suffer another terrorist attack.

In the days following 9/11, we learned that the enemy had been able to elude law enforcement, in part because our agencies were not able to share key investigative information. Once we understood this awful reality, we swiftly took action. Within 6 weeks of the attacks on America, the Congress passed the USA PATRIOT Act with overwhelming bipartisan support. The Senate vote was near unanimous, with 98 Senators voting in favor. The PATRIOT Act went to work tearing down the information wall between agencies and allowed the intelligence community and law enforcement to work more closely in pursuit of terrorist suspects.

Since then, it has been highly effective in tracking down terrorists and making our country safer. Because of the PATRIOT Act, the United States has charged over 400 suspected terrorists. More than half of them have already been convicted. Because of the PATRIOT Act, law enforcement has broken up terrorist cells all across the country, from New York to California, Oregon, Virginia, and Florida.

In San Diego, officials were able to use the PATRIOT Act to investigate and prosecute several suspects in an al-Qaida drug-for-weapons plot. The investigation led to several guilty pleas.

The PATRIOT Act also allowed prosecutors and investigators to crack the Virginia Jihad case, involving 11 men who had trained for Jihad in northern Virginia, Pakistan, and Afghanistan. It specifically encourages information sharing among the many branches of Government so that our crime-fighting officials can adapt and respond more effectively to the terrorist threat. It also levels the playing field, so that law enforcement utilizes the tools they already have in other kinds of criminal cases, such as drug trafficking and mob activity. It is now easier for law enforcement at all levels to appropriately

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

investigate and track suspected terrorists already in the United States.

The conference report to reauthorize the PATRIOT Act includes all of these provisions and goes further to strengthen and improve America's security. It enhances vital safeguards to protect our civil liberties and privacy, and it contains new provisions to combat terrorist financing and money laundering, to protect our mass transportation systems and railways from attacks such as the ones on the London subway last summer, secure our seaports, and fight methamphetamine drug abuse, America's No. 1 drug problem.

The clock is ticking. We do need to take action now. In just 15 days—December 31—nearly all of the provisions of the PATRIOT Act expire. If they do, we are right back to where we were pre-9/11. The information walls go right back up. We cannot let this happen. We cannot lose ground.

The House, as we all know, acted last week. They passed a conference report with a bipartisan vote of 251 to 174. Now is the time for the Senate to follow suit.

The choice is clear. Should we take a step forward in making America safer or should we go back to the pre-9/11 days when terrorists slipped through the cracks? I believe the answer is clear, and I believe we have only one choice.

I ask my colleagues who are threatening to filibuster to take a closer look at that PATRIOT Act conference report. This reasonable compromise reached by Senate and House negotiators may not contain everything that each and every Member in this body would like, but it is much closer to the Senate bill that passed unanimously than it is to the House bill. It includes 4-year sunsets on the most controversial provisions, just as in the Senate version. And like the Senate version, it includes extensive privacy and civil liberty safeguards, as well as enhanced congressional oversight.

As we prepare to vote on cloture later this morning, I urge my colleagues to join in support of this essential legislation.

The FBI, the intelligence community, and our law enforcement need us to act. The American people want us to act. American national security demands that we act. A nation in fear cannot be a nation that is free.

I urge my colleagues to stand up for freedom and security for the United States of America.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MARTINEZ). The minority leader is recognized.

THE PATRIOT ACT

Mr. REID. Mr. President, in approximately an hour and a half, there will be a vote on the motion to invoke cloture on the PATRIOT Act conference report. Rather than terminate debate on this flawed piece of legislation, the Senate should work harder to achieve a strong, bipartisan PATRIOT Act that strengthens national security while protecting the privacy of innocent Americans.

Earlier this year, after negotiations that went late into the night, the Senate Judiciary Committee unanimously approved a bill to reauthorize and improve the PATRIOT Act. Soon after, the full Senate passed this bill by unanimous consent. Every Senator, Democrat and Republican, approved this reauthorization of the PATRIOT Act. Every Democrat and every Republican in the Senate—every one of us—is firmly on record in support of giving law enforcement the appropriate tools to fight terrorism.

We all know the House of Representatives is in shambles. Leadership is in a state of disarray.

The spirit of bipartisanship that led to passage of the Senate bill, because of the problems in the House of Representatives, did not prevail in the conference. Not long after the House appointed conferees, Democratic negotiators were shut out of discussions. In fact, Senator LEAHY's staff was directed by the chairman of the Judiciary Committee in the House to leave the room.

The final bill was written by Republican-only conferees working behind closed doors with Justice Department lawyers. The result was an imbalanced conference report that departed significantly from the bipartisan Senate bill.

Chairman SPECTER, to his credit, joined other conferees in refusing to sign the conference report. Over the next few weeks, he and Senator LEAHY worked hard to improve it and succeeded in eliminating some of the worst provisions.

I commend and applaud the efforts of the chairman and our ranking member to work to improve this conference report.

But I am sorry to say, in my view—and in the view of many of my colleagues on both sides of the aisle—the conference report still does not contain enough checks on the expanded powers granted to the Government by the PATRIOT Act. It simply is not acceptable.

I supported the passage of the original PATRIOT Act in 2001. This was enacted in the days immediately following the vicious attacks on September 11, 2001. I do not regret my vote. Much of the original act consisted of noncontroversial efforts to update and strengthen basic law enforcement authorities. More than 90 percent of the 2001 act is already part of permanent law and will not expire at the end of this year.

We are currently considering renewal of these provisions that were considered so expansive and so vulnerable to abuse that Congress wisely decided to subject them to 4-year sunsets, meaning that after 4 years they had to be renewed or they would fall. The authors of the act wanted Congress to reassess these in a more deliberative manner with the benefit of experience.

The act of 2001 came, as I mentioned, when the country was feeling the devastation of the terrorist attacks of 2001. I, frankly, don't think we took enough time at that time to do it the right way. That is why a number of us demanded the sunset provisions.

Now, more than 4 years later, we are presented with the opportunity to do it right.

While the conference report before us makes certain improvements over the original PATRIOT Act, it still does not strike the right balance.

We can provide the Government with the powers it needs to investigate potential terrorists and terrorist activity and at the same time protect the freedom of innocent Americans.

Liberty and security are not contradictory. Additional congressional and judicial oversight of the Government's surveillance and investigative authorities need not hamper the Government's ability to fight terrorism.

I say to the Presiding Officer, someone whose heritage is from the island of Cuba, where there is very little liberty and very little security, we are in the United States of America. We are not a dictatorship like Cuba. We can have liberty and we can have security.

As I said, additional congressional and judicial oversight of the Government's surveillance and investigative authorities need not hamper the Government's ability to fight terrorism. These checks are needed to ensure that the Government does not overreach or violate the privacy of ordinary American citizens who have nothing to do with terrorism.

Is there any reason to be concerned? Yes. There is a reason to be concerned.

For example, the need for such checks is based on a number of things, not the least of which is the story that ran in the Washington Post in early November of this year after the Senate passed the bill. The story reported that the FBI issues more than 30,000 national security letters a year—30,000. These letters go to businesses. And they say: I want you to tell everything you know about Ron Weich, Gary Myrick, Russ Feingold, Herb Kohl. It doesn't matter who it is. And that person—the names I have mentioned—does not know that they have had this request to give all information about them or any information about them. The person who has been requested to give the information can't tell them. It is against the law to tell them.

These national security letters are issued by FBI agents without any judicial supervision. The third party recipients of these orders, such as banks, phone companies, and Internet service providers, are prohibited, as I have said, from telling anyone that they have been served. The customers whose records are seized will never know that the FBI has gathered their personal information.

For example, the article described an incident at the end of 2003 in which the Department of Homeland Security compiled information of hundreds of thousands of New Year's visitors to Las Vegas. They obtained the records of everyone who had rented a hotel room, car, or storage unit, and every airplane passenger who landed in the city of Las Vegas. They obtained records, how much they paid for their hotel room, did they order any X-rated movies. I don't know what other information they got.

When Las Vegas businesses objected to this effort to gather unprecedented amounts of information on their customers, the FBI responded by serving them with national security letters. According to one law enforcement source quoted in this piece, agents encouraged voluntary disclosure of information by threatening to demand further records, further profiles from the casinos about their guests.

Perhaps worst of all, what happened in Las Vegas did not stay in Las Vegas, but, instead, stayed in Federal data—banks. It is still in the Federal databanks. None of the information gathered in that investigation has been purged to this date. The rental and travel records of hundreds of thousands of innocent Americans remain in Government hands.

Las Vegas first; was there any place else? Did they go to the New Year's Eve celebration at Times Square in New York? Did they go to the warm beaches of Florida snooping and spying?

I have three major concerns about this conference report. First, I am disturbed the conference report provides neither meaningful judicial review nor a sunset provision for those provisions regarding national security letters. Instead of protections, this conference report effectively turns these NSLs, as they are referred to, national security letters, into administrative subpoenas. For the first time, the report authorizes the Government to seek a court order to compel compliance with one of these letters. Recipients who do not comply could be found in contempt, fined, or even sent to jail.

A third-party recipient, such as one of the Las Vegas hotels, could theoretically challenge an NSL in court in order to protect the privacy of its customers, but the conference report makes it unlikely such judicial review will matter because the court is not required to find any individualized suspicion that the records sought are connected to a terrorist.

Second, I have significant concerns about section 215, often referred to as the library provision. Under a key provision in the Senate compromise reached this summer, the Government would have been required to show that the records sought under this provision had some connection to a suspected terrorist or spy. But under the conference report we have now before the Senate, the Government may demand sensitive personal information of innocent Americans merely upon a showing that the records are "relevant" to a terrorism investigation.

For example, the Government may be broadly suspicious of individuals in a particular immigrant community. Under section 215, the Government could go to the library in that community and demand the records of library cardholders to see which individuals are reading what. What about someone reading scientific texts, maybe even Smithsonian or one of the magazines people read dealing with automobiles, or Scientific American? Are these people considered terrorist threats?

A court challenge to a section 215 order must be conducted in secret. At the Government's request, the recipient is not permitted to review Government submissions regardless of whether the Government has any national security concerns in that particular case. Moreover, the conference report does not permit any challenge to the automatic permanent gag order under section 215.

Third, the conference report contains sections not included in either the House or Senate bills limiting the right of habeas corpus in cases that have nothing to do with terrorism. These provisions have not been passed by the Senate or the House. One provision would eliminate judicial review of whether a State has an effective system in providing competent lawyers in death penalty cases. That does not belong in this. Such a far-reaching change should not be inserted in an unrelated conference report.

There are many other problems with the conference report that leaves largely in place a definition of domestic terrorism so broad it could be read to cover acts of civil disobedience. For example, a few days ago we had members of the clergy who, believing that the budget before the House and the Senate is immoral, were protesting, saying it is a bad budget. There were a number of arrests. Are these individuals to be deemed domestic terrorists? They could be under the conference report.

The conference report still contains a catchall provision that authorizes a government to conduct a sneak-and-peek search upon a showing that notice would seriously jeopardize an investigation. Sneak and peek, what does it mean? It means they can go into your home, look around, see if there is anything that is incriminating, and then come back out and seek permission to use what they have obtained all without telling you—which I believe is un-American.

As many critics of the bill have observed, a good prosecutor could fit about any search under this provision. I say "good" prosecutor any prosecutor. He wouldn't even have to be good.

The Justice Department reported 90 percent of the searches that have taken place under sneak and peek under this act have nothing to do with terrorism. For these and other reasons, this conference report does not meet the American standard. It certainly should not merit Senate approval.

Fortunately, we do not face the choice of accepting this conference report or allowing the 16 PATRIOT Act provisions to expire. I am a cosponsor of S. 2082, introduced by Senator SUNUNU, to enact a 3-month extension of the expiring PATRIOT Act so we can take the time we need to produce a good bipartisan bill that will have the confidence of the American people.

The majority leader said previously he won't accept such a 3-month extension. I hope, if we fail in invoking cloture, he would reconsider this. I am confident in the end that it would be so much better that we extend this for 3 months to see if we can reach an acceptable goal.

Based on that, I ask unanimous consent the cloture vote be vitiated, the Judiciary Committee be discharged from further consideration of Senator SUNUNU's bill, S. 2082, the 3-month extension of the PATRIOT Act, the Senate proceed to its immediate consideration, the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there an objection?

Mr. FRIST. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, with regard to the unanimous consent request, I need to be clear once again, and I have over the last couple of days, that I absolutely oppose a short-term extension of the PATRIOT Act. The House of Representatives opposes such an extension and the President will not sign such an extension. Extending the PATRIOT Act does not go far enough.

It is time to bring this to a vote this morning. We will see what the outcome of that vote is in terms of ending debate. I don't understand why opponents of the PATRIOT Act want to extend legislation at this juncture that has been fully debated, that has been the product of reasonable compromise and in a bipartisan way over the last several weeks and months.

With an extension, if that were to be the case, we would not be able to take advantage of the civil liberty safeguards that have been placed in the conference report, the additional provisions on protecting our ports, on addressing money laundering by terrorists, protection of our railways and mass transit systems, fighting methamphetamine abuse.

The PATRIOT Act represents a historic choice, a clear choice: Should we take a step forward or should we take a step backward in keeping America safe?

I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I will continue to work to reauthorize the PATRIOT Act in a way that gives the Government needed tools to protect national security while placing sensible checks on those expanded powers.

I apologize to all my colleagues. I am sorry I took more time than I should have. I know there is a lot to do. I appreciate everyone's courtesy.

The PRESIDING OFFICER (Mr. ISAKSON). Under the previous order, the next 15 minutes is supposed to be controlled by the minority leader or his designee.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent that I be able to proceed to a piece of legislation before we go to morning business. I think we have it agreed to and worked out.

The PRESIDING OFFICER. Is there objection to proceeding?

Hearing none, the Senator is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 4440

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 328, H.R. 4440.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, through the Chair to the distinguished junior Senator from Mississippi, it is my understanding this is the Katrina matter we spoke about last night.

Mr. LOTT. It is, Mr. President.

Mr. REID. Mr. President, I would say to my friend, we are very close to being able to have that cleared on this side. In fact, I have been very busy since early this morning. I have not had a chance to check with even my staff on this yet. But I think we are close to being able to do something very quickly. So, therefore, I object.

Mr. LOTT. Mr. President, let me say to Senator REID, I have been working with the Senator and both sides of the aisle, and we are trying to make sure everybody understands what we are doing here. This is very critical legislation to aid the Katrina victims in all the affected States, including Texas, Louisiana, Mississippi, and Alabama.

I hope we can get this agreed to shortly before we get into the extended debate with regard to the other legislation, the PATRIOT Act. So as soon as we could get notification from the Democratic leader, we are ready to proceed. I will be standing by waiting for that opportunity because there are thousands of people waiting for this help, and they need it now.

I thank Senator REID. And since he has objected, I will withhold at this time but will be on standby ready to go momentarily.

I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, what is the regular order now? Are we in morning business for 15 minutes to the minority and 15 minutes to the majority?

The PRESIDING OFFICER. The first 15 minutes of morning business is to be controlled by the minority, the second 15 minutes by the majority.

Mr. GREGG. Mr. President, therefore, ask that at the end of the minority's time I be recognized for 5 minutes. I ask unanimous consent to be recognized for 5 minutes of the period that the majority has.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

FORMER SENATOR WILLIAM PROXMIRE

Mr. KOHL. Mr. President, I rise today to mourn the passing and celebrate the life of William Proxmire—a great Senator, a great Wisconsinite, and a great man. It is particularly fitting that we pay tribute to Senator Proxmire during this first part of morning business—time he virtually always controlled during his over 30 years in the Senate. He was a giant in the Senate in a time when this Chamber was filled with giants. He followed his conscience, lived his principles, said what he thought, and thought more actively and deeply than most.

Senator Proxmire came to the Senate in 1957, winning a special election to fill the seat of Joseph McCarthy. Overjoyed at a Democratic pickup in a narrowly divided Senate, Majority Leader Lyndon Johnson met Proxmire at the airport to shake his hand. Two years later, Senator Proxmire was on the floor of the Senate calling LBJ a "dictator" in a speech dubbed by the press as "Proxmire's farewell address."

But that was Prox: independent, outspoken, and not at all afraid to challenge conventions or conventional wisdom. In fact, there was very little that was conventional about William Proxmire.

He was a Democrat but not a reliable vote for the Democrats—or the Republicans, for that matter. He was fiercely protective of consumer rights, civil liberties, and oppressed minorities all over the world—a true liberal Democrat on social issues. But he also had a legendary frugal streak, perhaps a product of his Harvard business school background. He believed in the free market and business competition, and hated to see money wasted. His Golden Fleece awards and relentless scrutiny of Department of Defense procurement were renowned—and shamed the powers-that-be into saving many hundreds of millions of taxpayer dollars.

He did not accept sloppiness or waste in Government or in the conduct of his own business and personal affairs. He started each day with hundreds of push-ups and a 5-mile run. He demanded of his office the same sort of efficiencies he demanded from the rest of Government and returned one-third of his office budget to the Treasury every year.

He was as disciplined as he was determined. He still holds the record for most consecutive rollcall votes: 10,252 between April of 1966 and October of 1988. And there are colleagues still serving today who remember his daily morning business speeches on the Senate floor.

Most of these speeches were on the Convention on the Prevention and Punishment of the Crime of Genocide. This convention languished in the Senate for over 20 years, viewed as a lost cause by its few supporters. But not William Proxmire. He gave a speech about the convention every day the Senate was in session from 1967 to 1986, when the convention was ratified by the U.S. Senate by a vote of 83 to 11—3,211 speeches in all. One former staff member remembers that Senator Proxmire was often the only Member on the floor during his speeches, so he concentrated on the Presiding Officer. So one by one, he reasoned and cajoled his captive colleagues into supporting this seminal human rights measure.

William Proxmire didn't only fight for his principles, he lived them. He was the last of the true populist politicians, who took no campaign contributions, spent virtually nothing on his campaigns, and shook the hand of almost everyone in the State of Wisconsin—whether they supported him or not. Though he broke every rule of modern campaign strategy, he won his reelections in landslides and was beloved by the people of Wisconsin.

Senator Proxmire leaves behind his wife Ellen, five children, and nine grandchildren. He also is mourned by his Senate family, both those Senators who served with him and the members of his staff renowned for their professionalism, intelligence and loyalty.

Neither Wisconsin nor the Senate will see his equal again, and both are the poorer for his passing.

Mr. President, I yield the floor to my colleague from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the senior Senator from Wisconsin, my friend.

Mr. President, anybody who grew up in Wisconsin in the second half of the 20th century regarded William Proxmire as a consummate Wisconsin political figure.

I rise, too, with great sadness to pay tribute to one of Wisconsin's and the Nation's great public servants. Senator Proxmire passed away early yesterday morning at the age of 90. He was, simply put, a legend in Wisconsin, a man who represented the very best of our State, and who will be remembered as one of the greatest advocates for a better government, and a healthier democracy, to ever serve in this body.

On this very floor he railed against Government waste, and against corruption. I think the American people can be grateful to Bill Proxmire for so many things. But, perhaps most of all, we owe him a debt of gratitude for his work to change the culture in Congress when it comes to wasteful spending.

He didn't buy into a culture that treats Government spending like a tab that someone else will pick up, that tucks pork-barrel spending into bills late at night, or lets boondoggles slip by unnoticed. He knew that sunlight was the best disinfectant, and he wasn't afraid to tear down the drapes, throw open the windows, and let the sun shine in on the legislative process. He didn't shy away from public outrage about what was wrong with the system—he brought that outrage to bear as he fought to change the system for the better. Anyone who comes to the floor today to try to put the brakes on a wasteful project, or to try to push for budget discipline, can thank Bill Proxmire for the example he set, and for the way he challenged the status quo.

I am not just grateful for what Bill Proxmire did for our State, and our country, but, frankly, for the many things that he taught me. He was a tireless representative for our State. Watching Proxmire, you couldn't help but learn how important it was to listen—really listen—to the people you represent, and how much you can learn from that genuine exchange of ideas. When Bill Proxmire hit the campaign trail, it wasn't about a barrage of expensive ads. It was about connecting with voters and giving them a chance to have their say—even when they said something you didn't agree with. As he once joked, "The biggest danger for a politician is to shake hands with a man who is physically stronger, has been drinking and is voting for the other guy." And he knew that from experience because nobody—nobody ever in the history of American politics, I believe—shook more hands than Bill Proxmire.

And the people of Wisconsin loved him for it. After an early career of some tough defeats, once he won, he just kept on winning, with reelection margins of 71 percent of the vote in 1970, 73 percent in 1976, and 65 percent in 1982, when he ran for a fifth 6-year term. Incredibly, in those last 2 reelection campaigns he was reelected despite refusing contributions altogether. A lot of the money he did spend in his campaigns was on postage to return donations.

As somebody who wanted to run for public office myself, and as somebody who kept being asked again, "where are you going to get the money to run?" Bill Proxmire gave me hope. His example helped me to believe that you can run on ideas, not just on money. And that example didn't just help me in my run for office, it helped inspire me in the fight for the McCain-Feingold campaign finance reform bill, and the ongoing fight against the undue influence of money in politics.

His example of real shoe-leather campaigning went hand in hand with his work on open Government. He didn't just want to be accessible himself, he thought all of Government should be open and responsive to the people it served.

In this, as in so many things, he represented the true spirit of Wisconsin, which pioneered laws in this area. He once said that "Power always has to be kept in check; power exercised in secret, especially under the cloak of national security, is doubly dangerous." Today, as we struggle for openness and oversight on national security issues, I think his words have never been more true, and open, accountable government has never been more important.

And then there's Bill Proxmire's lesson in courage. How many times did he stand on this floor and say what needed to be said, truly representing the people back home, saying what they would say if they stood here themselves, about boondoggle projects, or the importance of open government? Here was a man who knew what mattered, and knew how to bring attention to a cause no one else was championing.

He was perhaps most famous for his Golden Fleece Awards, where he put the spotlight on the kind of waste that, unfortunately, we still see too much of in the Senate today. While most members just let waste pass by unnoticed, Proxmire was unrelenting. Here are a couple choice examples of Golden Fleece winners: To the National Institute of Dental Research in 1984, for sponsoring a $465,000 study on the "effects of orthodontia on psycho-social functioning"; to 190 Federal officials in September 1982, for door-to-door chauffeur service costing $3.4 million; and to the Law Enforcement Assistance Administration in February 1977, for a $27,000 study of why prison inmates want to escape.

I think that last one says it all about why the Golden Fleece awards struck such a chord with the American public. There's a lot of numbness in Washington to wasteful spending, but Bill Proxmire wasn't numb to it. He was outraged by it. He had the innate aversion to waste that the American people have, people who have to sit down at their kitchen tables, work out a budget, and decide what they can afford, and what they can't. They think that if they have to do this, we should to. So Senator Proxmire stood up and demanded a little common sense, and a measure of discipline for the Federal budget. It was very courageous and very representative of the people who sent him here, I can tell you.

This is a very sad day for our State. But it is also a day to reflect on the Proxmire legacy, and to be proud of the impact he made on our state, and on the Nation. He was a fighter, literally and figuratively. He was a college boxing champ who managed to hold off two people who tried to mug him near the Capitol, and then helped in a dragnet that led to their arrest. He was a proud veteran, a newspaper reporter, and a dogged campaigner who lost three races for office and was written off by a lot of people in Wisconsin politics before he won the race to fill the seat of Senator Joe McCarthy after McCarthy died in 1957.

He was as determined as they come, it was that quality that served him so well during his years in this body. It continued to serve him all his life, even as he fought a long and difficult battle against Alzheimer's disease.

His wife Ellen, his children and grandchildren are in all of our thoughts today. As we remember William Proxmire, and all that he did, I feel deeply proud that he represented my State. He did great honor to the State of Wisconsin by personifying the highest standards of public service in this country. So I humbly honor his memory, and express my gratitude for his outstanding service to our Nation to our democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join the Senators from Wisconsin in praising the late Senator William Proxmire. Neither of the Senators currently representing Wisconsin was in the Chamber when Senator Proxmire was here. The distinguished senior Senator, Mr. KOHL, was elected in 1988, when Senator Proxmire retired. Senator FEINGOLD was elected in 1992. I had the opportunity to serve 8 years with Senator Proxmire. He was a powerful figure. He sat in the last row on the extreme right-hand side, the seat now occupied by Senator ROCKEFELLER. He was on the floor every day talking about genocide. He was the conscience of the Senate, the conscience of the Congress, the conscience of the country, really, the conscience of the world speaking on that subject every single day.

He never missed a vote. I don't recollect exactly how many consecutive votes he had, but I think it was in the range of 17,000 that he never missed.

He had a record for minimal expenditures on campaigns for his own reelection. I recollect the average figure was about $173. That figure sticks in my mind as to what he spent to be reelected. There is some variance on what it costs to be reelected today to the U.S. Senate, but he was a towering figure. There ought to be more Senators on the floor commenting about him. Even our senior Senator, Mr. LOTT, was not elected until 1988 and Senator GREGG until 1992, so most of the Senators who are around today didn't have the advantage of working with Bill Proxmire. There is a difference between knowing about him and actually seeing him in action and seeing him work. But he is a legend.

The Senators from Wisconsin have spoken eloquently about him. I wanted to add my voice in tribute to Bill Proxmire. He is still sitting in that chair. I still hear talk about the necessity to eliminate genocide. That voice, once lonely, is now the predominant voice. A good bit of what he has said has been accepted around the world to the benefit of humanity.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized for 5 minutes.

Mr. GREGG. Mr. President, I ask unanimous consent that the 15 minutes which was to go to the majority for morning business be expanded a little bit and that 7 minutes be yielded to the Senator from Florida, then 5 minutes to the Senator from New Hampshire, and then 7 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, and I don't intend to, what is the business before the Senate now?

The PRESIDING OFFICER. The Senate is currently in morning business.

Mr. KENNEDY. And what time do we start the 1 hour prior to the cloture vote?

The PRESIDING OFFICER. Under the previous order, there is 15 minutes to be controlled by the majority at the present time. Then the Senate will proceed to the debate on the PATRIOT Act.

Mr. KENNEDY. At that time, after this consent agreement, then the hour tolls prior to the cloture vote; am I correct?

The PRESIDING OFFICER. The hour begins.

Mr. KENNEDY. And the time is divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. So just as a point of information, what time do we expect that time will begin, if the pending request for time is agreed to and whatever time the floor leaders agreed to?

The PRESIDING OFFICER. If the pending request is agreed to, that would be 20 minutes from now.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Florida is recognized for 7 minutes.

IRAQ ELECTION

Mr. MARTINEZ. Mr. President, yesterday we saw a historic day in Iraq. For the third time in less than a year, the people of Iraq did what only a couple of years ago would have been a dream: they voted in free elections. For those of us who have the appreciation of democracy as a result of having lived where that is denied, the ink-stained finger, the smiles, the celebratory atmosphere akin to a wedding is something to give us all hope.

Yesterday was a relatively trouble-free day. Seventy percent of Iraqis voted. Poll stations were open for an extra hour because of such long lines. The turnout was so good that ballot shortages were reported. This was clearly a successful day.

How does a date like this come to be? How do we go from a brutal dictatorship that threatens its citizens to a society of free elections? The answer is that it is about choices. Do people want a way of life built around tyranny, oppression, and terrorism, or do they want to embrace democracy, freedom, and prosperity? Clearly, the people of Iraq have chosen the latter. Yes, they have chosen the more difficult path, but the rewards will be enormous.

I congratulate the people of Iraq for yesterday's historic elections. History will judge these elections to be pivotal, vital to building democracy, and part and parcel of our efforts in the war on terror.

As President Bush has highlighted in several recent statements, in an unbelievably brief period of time, Iraq has made tremendous gains in democracy and freedom. I commend the Iraqi people for these unprecedented strides.

The administration has outlined a clear strategy for going forward: three key tracks—political, economic, and security—with realistic terms that avoid imposing unrealistic expectations and very dangerous time frames.

I want to mention the story of a constituent of mine, a man who saw his son go into the service of his country, who saw his son called to war, and then sadly was here in Washington this week to lay that son to rest at Arlington National Cemetery.

Bud Clay of Pensacola shared a letter from his son, SSG Daniel Clay of the U.S. Marine Corps. Dan was one of 10 marines killed in Iraq by a roadside bomb in Fallujah. Knowing the danger he faced, knowing the unpredictability of war, Staff Sergeant Clay wrote a letter to his family to be opened only in the event of his death.

He wrote in part:

> What we have done in Iraq is worth any sacrifice. Why? Because it was our duty. That sounds simple. But all of us have a duty. It has been an honor to protect and serve all of you. I faced death with the secure knowledge that you would not have to.

Staff Sergeant Clay writes:

> As a marine, this is not the last chapter. I have the privilege of being one who has finished the race. I have been in the company of heroes. I now am counted among them.

He concludes by saying:

> My race is over, my time in the war zone is over. My trials are done . . . Semper Fidelis.

SSG Daniel Clay was laid to rest Wednesday at Arlington National Cemetery. He is a hero. We honor his sacrifice, just as we honor the sacrifice of all those who have given so much in this war.

I conclude by again offering congratulations to the people of Iraq. Congratulations for going to the polls, for taking another significant step forward for your own future, and for embracing that glimmer of hope that your country can be as free, peaceful, and prosperous as any other society that rejects tyranny and entrusts its government to its people.

Soldiers such as Staff Sergeant Clay are sustaining the development of Iraqi forces. We owe them our respect, gratitude, and undying honor as we demonstrate unwavering determination to complete this mission.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 5 minutes.

NEW HAMPSHIRE PRIMARY

Mr. GREGG. Mr. President, there is an irony today as we look at Iraq. As democracy is flourishing, the Democratic Party in the United States has tried to contract the democratic process by attempting to mute the New Hampshire primary.

The New Hampshire primary is sort of the last best hope for the dream that anybody can become President in this country. It is the last opportunity in this country for a person who is underfunded and who has not been chosen by the Washington talking heads as a potential candidate of purpose to have the opportunity to go somewhere and actually make an impact. Underfunded, nonrecognized candidates who have legitimacy can succeed in New Hampshire and, therefore, interject themselves into the opportunity to become President. And it has happened time and again.

The argument that New Hampshire is not representative is belied by the facts. Again and again, New Hampshire has reflected an opportunity for people to come to New Hampshire, participate in the process, make a name for themselves, and move forward in the process.

Henry Cabot Lodge upset Nelson Rockefeller and Barry Goldwater there. Eugene McCarthy and George McGovern upset the candidates who were perceived to be the sure-fire winners of their nomination, in fact, in one case, a sitting President. Jimmy Carter and Bill Clinton not only came to New Hampshire and made a name for themselves as people not recognized nationally but moved on to become President of the United States. Even Ronald Reagan, arguably, might not have become President of the United States had he not had the opportunity to come to New Hampshire and participate in the national debate where he said:

> I paid for this microphone, Mr. Green.

More importantly, New Hampshire gives the people of this country the only opportunity they have to test candidates for President one on one. Without any script, without any prescreening, Presidential candidates have to come to New Hampshire and go into living rooms, they have to go into VFW halls, they have to go to Rotary clubs, and they have to go to union halls. They have to answer questions from everyday American citizens, and those questions are tough. Regrettably, time and again, candidates have not lived up to that test.

So what we have today in the Democratic Party is an attempt by the kingmakers of that party to try to eliminate the threat of having the American people actually meet their candidates and be tested by those questions as they try to mute the New Hampshire primary process.

This was said extraordinarily well in an article ironically written by a professor in England who is a specialist on the American political process. He looks at New Hampshire as the last best hope to maintain a populist approach to how we pick our Presidents in this country. Rather than having to have lots of money to pay for campaigns in big States or large groups of primary States or have a national name recognition that comes through having cozied up to the national press, a candidate can come to New Hampshire with very little money, without national name recognition, but with ideas, with purpose, with fire in their belly, and they can succeed in putting themselves and injecting themselves into the Presidential process.

It would be a huge detriment to a fundamental element of the American dream, which is that if you have purpose, if you have substance, and if you have a track record of success and have been a producer in our Nation, you can continue that course and pursue the Presidency. It will undermine fundamentally the capacity of the American people to participate in the picking of a President if they don't have one place in this country where people who want to be President have to actually answer questions from everyday Americans.

I certainly hope the Democratic Party will relent in its efforts to try to crush this one element of democracy which is so critical to our entire democratic process.

I ask unanimous consent that the article written by Roddy Keenan, a professor of American studies in England, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Concord (NH) Monitor, Dec. 16, 2005]

EVEN FROM ACROSS THE POND, PRIMARY'S BEAUTY IS PLAIN TO SEE

(By Roddy Keenan)

Gary Hart had just won New Hampshire. The race for the Democratic nomination had been turned on its head. And it was all because of New Hampshire. To a 14-year-old watching the news in Ireland, this was all unfamiliar to me. But on that night in 1984, a fascination was born for a nation's politics and for a picturesque snow-covered state in New England.

Now, 21 years later, the New Hampshire primary is under attack. Watching from afar, I believe that attempts by Democratic powers-that-be to dilute the primary come with little justification, minimal forethought and an absence of logic.

I can only imagine that those looking to create such mischief have never witnessed the process or are fitted with the blinkers of self-interest.

For these reforming politicians and officials deeming themselves to be redressing an absence of inclusiveness and decrying the unrepresentative nature of the primary, there can be no greater example of being divorced from reality.

In a nation where voter turnout is a major issue, the New Hampshire primary has no such problem. Those casting aspersions on the democratic relevance of New Hampshire should look at their own states' turnout before denigrating others. Moreover, the state's primary provides for a greater show of grassroots democracy than caucuses do.

The proposals to add more early caucuses will only serve to exacerbate the problem of front loading.

But it is the nature of the primary that I believe will be the greatest loss to the nation's political and democratic culture. In a college here in the United Kingdom, I teach U.S. politics to students who receive their view of the U.S. political system from various media. Big money, stadium rallies and nonstop tarmac campaigns comprise the portrayal they are presented with.

That's until I tell them of New Hampshire—of town hall meetings, coffee klatches and earnest discussion, of living rooms and factory gates in the snow, of genuine democracy in action—the politics of people.

It is deeply ironic that in the week that saw the passing of Eugene McCarthy, the future of the New Hampshire primary is being challenged. His insurgent campaign in 1968 was a key factor in the democratization of the system of presidential selection.

It was only because of the unique character of New Hampshire, its people's desire for serious political dialogue and the democratic character of the state's primary that such a challenge proved to be possible.

Long may it continue. Looking forward to seeing you in '08, '12 and '16.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 7 minutes.

Mr. INHOFE. Repeat the time, Mr. President.

The PRESIDING OFFICER. Seven minutes.

IRAQ

Mr. INHOFE. Mr. President, I returned 2 days ago from Iraq. There was an article in yesterday's Hill magazine that was erroneous—there will be a correction printed—where they inaccurately stated the number of times I have been over to Iraq. It has actually been 10 times. I have been doing this not because I am a member of the Senate Armed Services Committee, but because I believe it is our constitutional responsibility to see firsthand that our guys over there are getting the equipment they need to prosecute the war, and they have been.

I want to share with you what happened the first of this week because even though the vote took place yesterday, on Thursday, the vote for the Iraqi security forces actually took place on Monday and Tuesday. We had a chance to go up there and visit with them.

The interesting point is, we saw this coming. There have been a lot of politicians coming back and talking about how bad things are over there. I can't figure out where they get their information because as we have been approaching these elections over the last few months, we have noticed the IED incidents have been down 30 percent and suicide bombs have been down 70 percent.

There is a road that goes from where we get off the C-130s to go into the Green Zone. Mr. President, you have been there. We were averaging about 10 terrorist incidents on that road each week up until June. We haven't had one since June. So we see all these good things are happening, and then the unexpected quality of the training we are getting for the Iraqi security forces. These guys right now—and I think this is significant because people keep asking, What is the exit strategy? I can tell you what I believe. One Senator believes we are going to be out.

Right now there are 214,000 Iraqi soldiers who are trained and equipped. At the end of this month, while we are drawing down—we are drawing down probably 15,000 to 20,000 of ours troops—they are going to increase to 220,000. By the end of 2006, it is anticipated they will be at 300,000. The goal is to get 10 divisions of Iraqi security forces. Ten divisions of Iraqi security forces equal 325,000 troops. That will happen by July of 2007.

In terms of the way we are functioning now, we will be out of there, but there will still be some troops there. We still have troops in Kosovo and in Bosnia, but the heavy lifting will be over. They will be taking care of themselves.

I see the incredible courage of these people. Up in Fallujah 3 nights ago, I had all of the Iraqi security forces that had voted that day come in. They were all rejoicing, and I said to them—this is kind of funny. I said to them, through an interpreter: When is it going to be that you are going to be able to be on your own without our support? Is that going to be in the near future?

And they said: No, no—which broke my heart when I heard this. Then I found out, in the Iraqi language, "yes" means "na'am." So they are saying, "Yes, yes," and when they shake their head this way, it also means "yes." Anyway, a little advice in case that happens to anyone.

These people are ready. They are so proud of the level of training they have had. Keep in mind, this is in the Sunni triangle. These are the Sunnis who are supposed to dislike us.

Several weeks ago, I was there and I met General Mahdi, who is in charge of the Iraqi security forces in Fallujah. He had been in charge—under Saddam Hussein he was a brigade commander. He hated Americans until he started working with the Marines. He said he learned to love the Marines so much that when they rotated them out, they all got together and they cried. That guy right now, General Mahdi, is now over the eastern one-third of the entire city of Baghdad. We do not have our military there. It is all under Iraqi security. We have half of the city under security now. It is going to be up to 75 percent in a very short period of time.

I think, when we see the successes—and even if that were not true, if one stops and realizes the bloody regime of Saddam Hussein, yes, the targets for the terrorists right now are not Americans, they are Iraqis, and they are killing some of the Iraqis, but when one stops and puts it on a chart, during the 10 years that Saddam Hussein had his bloody regime, on a monthly basis he was torturing to death more people than the terrorists are killing today. When one looks at the way that they have done it, the forms of torture, include gouging out of eyes, severe beatings, electric shocks—there is a testimonial here about a 3-month-old baby girl who was taken, and they gouged her eyes out in front of the father, smashed her head and broke it open against a concrete wall.

There is a lot of talk on the other side of this issue about prisoner abuse. We do not have prisoner abuse. The documentation is right here about what they do with their prisoners. They will put them in shredders. If they are lucky, they will shred their head first. If they are unlucky, they will put their feet in there. This is what has been happening over there, but it is all over now, and they are in charge of their own destiny.

I have enjoyed so much visiting with the members of Parliament who were going to be up for election. This would have been on Wednesday, and they were going to be up the next day. One lady was quite outspoken and quite negative in terms of what her people were saying to her. I said: Did it ever occur to you 5 years ago that there would be an opportunity for a woman to serve in Parliament, let alone to talk the way you are talking? She stopped and said: You know, I think that is right.

So we are seeing such a change now in the attitudes. The polls look so good. The polls are showing that 70 percent of the people in Iraq are appreciative of the Americans being there. They want them to stay and get out when they are able to stand up on their own.

I met with the election commission, and to handle the election the way they did was totally unprecedented. We could never have predicted how smoothly things would go. We talked to the people, and I want to particularly pay tribute to IFES, the International Foundation of Electrical Systems. They have done a great job. They had people on the ground, and they have truly been able to conduct an election that is actually comparable and better than many other mature countries, maturing democracies. It has been a great success. I am rejoicing with all the people of Iraq today and with the people of America.

Lastly, I pay tribute to the brave people of Iraq who for the third time this year have gone to the polls in record number to vote for a brighter and more democratic future in Iraq. The early reports indicate that across the 18 provinces of Iraq, Iraqis again turned out in massive numbers to vote in favor of a democratic Iraq. In doing so the Iraqis demonstrated to us all the importance of voting.

Earlier this week I was in Iraq and had the opportunity to see first hand the preparations for the historic election on December 15. I even had a chance to witness some of the early voting that took place in Iraq. It was a moving experience and one that demonstrated that the great sacrifice that America has made in Iraq helped to free people from tyranny and start them on the road to a democratic future.

While in Baghdad, I met with the Chairman of the Independent Election Commission of Iraq, IECI, Isadin Al Mohamaady and the members of the commission. I had an opportunity to see first hand the extensive preparations that were being undertaken by the Iraqis. I was impressed by the sacrifice made by the members of the commission and their staff, many of whom have paid the ultimate price for democracy with their lives. However, the spirit that I found in Baghdad, Fallujah, and everywhere I went, was one of determination, professionalism, and a dedication to making sure that Iraqis could freely select their future leaders at the ballot box.

It is important also to recognize the work of the International Foundation for Election Systems also known as IFES that has played a critical role in helping advance free and fair elections in Iraq and in 120 countries around the world. With the support of U.S. taxpayers, IFES was able to provide critical assistance that helped to make these elections possible.

I stand here to salute the brave Iraqis who at great personal risk sent an important message to the world about the triumph of the ballot over the bullet. Iraqis of all ethnic groups have joined together with unity and determination to freely choose their leaders in a free and fair election. They have sent a message around the world that the best way to defeat tyranny is at the ballot box, the source of power of the people, by the people and for the people.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Senator from Mississippi.

UNANIMOUS CONSENT REQUEST—H.R. 4440

Mr. LOTT. Mr. President, I have a unanimous consent request that we have been working on, and I think we are ready to go with. We would like to get that done before we go to the hour of debate on the PATRIOT Act. I wish to see if we can confirm that with the minority.

Mr. FEINGOLD. Mr. President, I object.

Mr. LOTT. Mr. President, could I inquire what the anticipated time is on when we could get this done? I know the Democratic leader has indicated we are very close and should be able to get this done momentarily. Do we have any information on that?

Mr. FEINGOLD. Mr. President, my understanding is that colleagues are working to clear this continued Katrina tax relief issue and that there is progress being made. That is the reason we are objecting. As soon as we can get it cleared, we will interrupt what we are doing to take it up.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I must say my patience is wearing thin. I have been going through this for several days now and have been assured by the Democratic leader himself that we would get this done this morning. I am expecting that to occur. I am going to be standing right here waiting for that signal from the Democratic leader.

The people of the area that have been damaged by Hurricane Katrina cannot wait any longer. I expect this to be done momentarily, and if it is not, there is going to be hell to pay this day.

I yield the floor.

The Senator from Oklahoma.

NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM

Mr. INHOFE. Mr. President, yesterday I introduced S. 2117, which is a bill engaging our Nation to fight concerning our right to control entry. It is legislation that covers many aspects of the problem we are having on our very porous borders. One part of this is utilizing retired law enforcement officers. As many people know, national law enforcement officers have to retire at age 57. We learned of their availability after 9/11 when the Transportation Safety Administration and our office was inundated with calls from these brave law enforcement officers who are retired, saying that they wanted to participate in this activity, and they are willing to do it for costs. The legislation I have introduced does include the very sophisticated type of a fence that goes along the border between Mexico and the United States and also with an army of people who can join those who have already demonstrated very clearly that if we have enough people down there, we will be able to secure our borders.

I am cautioning any of our colleagues who are concerned about this issue not to be tempted to use military because right now our military is stressed. We have an OPTEMPO that is unacceptable as it is right now. It should not be taking on other duties. Besides that, with the enactment of S. 2117, that would not be necessary.

Illegal immigration is at an all-time high, with around 1 million illegal aliens infiltrating our borders each year.

My legislation focuses on empowering our citizens and law enforcement officers to fight this flood of illegal immigration.

First of all, I want to make it clear that I honor the millions of immigrants that have come to this Nation, waited their turn, and gone through all the requirements to become American citizens to make our great country what it is today. I have spoken at many naturalization services and seen what these people have gone through to become American citizens.

I agree with the 1997 U.S. Commission on Immigration Reform that measured, legal immigration has "led" to create one of the world's greatest "multiethnic nations."

I also agree with the Commission that immigrants who are "Americanized" help cultivate a shared commitment to "liberty, democracy and equal opportunity" in our Nation. However, I cannot stand idly by and watch this great Nation collapse under the pressure of uncontrolled illegal immigration.

Roy Beck, Executive Director of Numbers USA, a non-profit organization dedicated to immigration reform, stated that "a presence of 8 to 11 million illegal aliens in this country is a sign that this country has lost control of its borders and the ability to determine who is a member of this national community . . . a country that has lost that ability increasingly loses its ability to determine the rules of its society—environmental protections, labor protections, health protections, safety protections."

Beck goes on to say, "In fact, a country that cannot keep illegal immigration to a low level quickly ceases to be a real country, or a real community. Rather than being self-governed, such a country begins to have its destiny largely determined by citizens of other countries who manage to move in illegally."

My bill, the ENFORCE Act, works to solve the illegal immigration problem in several ways. It will provide a way for more civilians and retired law enforcement officers to help the Border Patrol in stopping illegal border crossings and reduce the illegal immigration rate.

Through the creation of the National Border Neighborhood Watch Program, NBNW, retired law enforcement officials called the Border Regiment Assisting in Valuable Enforcement, BRAVE, Force agents, will come and work alongside Border Patrol agents. Civilian volunteers, much like the now well-known Minutemen, will be able to report immigration violations to assigned BRAVE Force agents.

The NBNW Program is modeled after the National Neighborhood Watch program, a collaboration between law enforcement, businesses, and concerned citizens who watch for and report suspicious criminal activity in neighborhoods to the local police.

The Neighborhood Watch Program has proven effective in reducing the crime rate in areas where it is implemented. I am hopeful that the National Border Neighborhood Watch Program will have the same effect in reducing illegal border crossings as the Neighborhood Watch Program has had in reducing crime.

I also believe that the BRAVE Force will provide significant assistance to the Minutemen, who are sacrificing their time and energy as they work to preserve our liberties and enforce our laws.

Another provision of the ENFORCE Act will make it a felony to be illegally present in the U.S.

Under current law, it is only a misdemeanor to be unlawfully present in the U.S. This means that if illegal aliens are caught in the U.S. today and are deported, most of the time, they can turn around and come right back into our country legally, without consideration of the fact that they were previously in our country illegally.

By making unlawful presence a felony under the ENFORCE Act, when caught, illegal aliens will be entered into the National Crime Information Center, NCIC, database, a computerized index of criminal justice information (i.e., criminal record history information, fugitives, stolen properties, missing persons), available to Federal, State, and local law enforcement and other criminal justice agencies. They will also be banned from legally entering the U.S. for 5 years.

My bill will also establish another Immigration and Customs Enforcement, ICE, office in Tulsa, OK.

We only have one ICE office in the whole State of Oklahoma and this is not enough to do the job of enforcing our immigration laws. For example, in September 2004, 18 illegal aliens were riding in a van in Catoosa, OK. The police pulled them over and found several illegal minors, as well as cocaine in the van. When the police called the ICE office in Oklahoma City, ICE authorities told the officers to let the illegals go because ICE did not have the resources or manpower to take them into custody. So Catoosa police let them go.

This is outrageous.

This year alone, 12 agents of the Office of Investigations of the Bureau of Immigration and Customs Enforcement served the 3,500,000 people residing in Oklahoma.

Additionally, Highway I-44 and US-75 are major roads through Tulsa that are used to transport illegal aliens to areas throughout the country.

We must provide our States and communities with the tools to arrest and detain illegal aliens. Creating a second ICE office in Tulsa, one of Oklahoma's largest cities, will help improve the lack of immigration enforcement in Eastern Oklahoma.

I would also like to note that my colleague, Congressman JOHN SULLIVAN, has introduced similar legislation to create an ICE office in Tulsa. Not only do I believe adding another ICE office in Tulsa will help local and Federal law enforcement. I also believe providing specific immigration training for law enforcement officers will help solve our illegal immigration crisis.

Our State, local, and tribal law enforcement are experiencing increasing encounters with illegal and criminal aliens during routine police duties. The typical officer often does not know the law, policy, and procedures for determining immigration status or violations—apart from or in conjunction with other offenses—concerning alien lawbreakers.

As immigration continues to affect interior communities, a key to addressing situations that intersect with other law enforcement involves providing State, local, and tribal law enforcement officers with basic training in immigration law and policy. Rather than expending millions of dollars on traditional classroom training, this basic training can be cost-effectively accomplished using the Internet.

Knowledge of basic immigration enforcement can complement law enforcement's core mission; should a local officer have strong reason to suspect other law violations without sufficient evidence to hold or charge the alien on other offenses, immigration violations may constitute sufficient grounds to hold a criminal.

This requires basic familiarity with immigration matters; therefore, this provision authorizes $3 million for a demonstration project to establish such an on-line training program through Cameron University in Lawton, OK. These funds will be used to develop and facilitate on-line training in basic immigration enforcement for up to 100,000 State, local, and tribal law enforcement officers in 6 to 8 States, similar to the 4 hours of classroom training provided to all of Alabama's state troopers in 2003.

This system will also provide, at the end of the demonstration project, a "return on investment" study documenting the project's cost-effectiveness.

Not only are illegal immigrants increasing by crossing the border and dodging law enforcement officers, they are having "anchor babies" in rapid numbers.

Anchor babies are born to illegal aliens who come to our country and have a baby who is then treated as a citizen because it was born on U.S. soil. These babies are helping the immigration population grow more rapidly than the birth rate of American citizens.

In fact the Census Bureau estimates that at the time of the 2000 Census, the illegal immigration population reached approximately 8 million. Therefore, according to this estimate, the illegal-alien population grew by almost half a million a year in the 1990s.

These numbers are derived from a draft report given to the House immigration subcommittee by the INS that estimated the illegal population was around 3.5 million in 1990. In order for the illegal population to have reached 8 million by 2000, the net increase would be around 400,000 to 500,000 per year during the 1990s.

Furthermore, according to the Center for Immigration Studies, CIS, a non-profit immigration reform organization, based on numbers from the National Center for Health Statistics, in 2002 there were about 8.4 million illegal aliens, which represent about 3.3 percent of the total U.S. population. That same year, there were about 383,000 babies born to illegal aliens, which represents about 9.5 percent of all U.S. births in 2002.

In the Spring 2005 issue of the American Physicians and Surgeons Journal, Dr. Madeleine Pelner Cosman says, "American hospitals welcome anchor babies.

"Illegal alien women come to the hospital in labor and drop their little anchors, each of whom pulls its illegal alien mother, father, and siblings into permanent residency simply by being born within our borders.

"Anchor babies are, and instantly qualify for public welfare aid."

Between 300,000 and 350,000 anchor babies annually become citizens because of the Fourteenth Amendment to the U.S. Constitution which says: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside."

These anchor babies are being used to enable their parents to skirt the law, cross our borders, and bring in additional, illegal aliens. As the law currently stands, because these children are considered citizens, it creates an incentive for more aliens to illegally cross into our country.

My bill will end this incentive by clarifying that only children born to citizens or legal permanent residents are considered citizens and "subject to the jurisdiction thereof."

The ENFORCE Act will also address several issues including clarification of acceptable identification documents, verification of Social Security numbers and benefits, clarification of the rights of local and state law enforcement officers concerning illegal immigration and construction of a fence along our southern border.

There is a growing problem regarding fraudulent identification, identity theft and foreign-issued consular cards in our country. Illegal aliens often steal a person's identification, such as the birth certificate of a deceased person, and use it to gain employment and other benefits.

My bill will help eliminate this fraud by establishing birth and death registries for localities to have the ability to check a person's identification to ensure they are truly who they claim to be. It will also require independent verification of birth records of people applying for a Social Security number.

The ENFORCE Act will clarify which identification documents can be used for official identification within the United States—such as driver's licenses, passports, etc.—eliminating the use of consular cards for identification.

Often, foreign embassies, within the U.S., will issue consular cards to their citizens who are in the U.S. These cards are unnecessary because the U.S. government either recognizes foreign passports or issues its own identification documents to foreigners who are legally in the U.S. The majority of consular cards have been found to be used as identification for illegal aliens and have been called an insecure document by the FBI and Department of Homeland Security.

Another provision in my bill will address Social Security benefits for work performed by illegal aliens.

Under current law, former illegal aliens, who gain legal status, are able to receive Social Security benefits for the work they performed while they were illegal.

My bill will end this practice by not allowing anyone to collect Social Security benefits for work performed while they were illegally present in this country. Our Social Security system is already strained and faces bankruptcy. Allowing work performed by illegals to be counted and used to further drain our Social Security system must stop.

The ENFORCE Act will also address fraudulent use of the Individual Taxpayer Identification Number, ITIN.

The IRS created the ITIN in 1996 to improve tax administration because it needed a more efficient way to identify and track the tax reporting of non-citizens, such as foreign investors, who could not obtain a Social Security number when filing tax returns and other tax documents. ITIN applications can be mailed to the IRS, submitted at an IRS walk-in, taxpayer assistance center, or submitted through an acceptance agent.

A GAO testimony by Michael Brostek before the House Subcommittee on Oversight and Social Security in March 2004 revealed that IRS controls for the ITIN could be easily bypassed and that it could be used for non-tax purposes, such as general identification. Mr. Brostek went on to testify that the "IRS concluded that most resident aliens who have ITINs and earn a wage income are not legally employed in the U.S."

This creates many concerns about use of the ITIN by illegal aliens, which is why my bill will make the ITIN look physically different than a Social Security number and not allow it to be used to obtain tax credits.

Another issue my bill addresses is building a fence along our southern border.

It is known, according to government reports, that foreign nationals from countries such as Syria, Iran and Saudi Arabia have crossed our southern borders, not to mention the high number of illegal aliens from other countries.

According to We Need a Fence, an organization dedicated to ensuring a fence is built along our southern border, a CNN poll has shown that 87 percent of its respondents support building a security fence along the U.S.-Mexico border.

The ENFORCE Act will direct a high security, state-of-the-art fence to be built along our southern border to prevent illegal border crossings. This fence will actually consist of two fences separated by a patrol road, ditches, barbed wire, and surveillance cameras. While the initial cost to build the fence is considered high by some, I firmly believe it will result in savings in the long run by preventing illegal border crossings and eliminating the cost of finding, arresting, detaining and deporting illegal aliens.

The ENFORCE Act will also make it illegal to establish day-laborer centers and to assist illegal aliens in finding employment, much like the sites that are set to be built for illegal aliens in Fairfax County, VA.

Earlier this year, the Fairfax County's Board of Supervisors voted unanimously to provide $400,000 in taxpayer funds to be used to build three day laborer sites to assist illegal aliens in finding employment. It makes no sense to not only ignore the large numbers of illegal aliens gathering in one place, but to enable them to continue to break the law by working in the U.S. and encourage others, such as employers, to break the law by helping illegals obtain jobs.

Another problem we face is educating illegal aliens.

Some states, such as Oklahoma, allow illegal aliens to receive in-state tuition at colleges and universities. This is a slap in the face to out-of-state students who must pay higher tuition than illegal aliens who have broken the law and do not even belong in our country. My bill will address this problem so that illegal aliens will not be able to receive this benefit.

I would like to conclude by sharing a personal story regarding illegal aliens who commit crimes in the United States and then flee across the border to Mexico.

Last May, my friend's son, Jeff Garrett, was tragically shot by an illegal alien while Jeff was turkey hunting in Colorado. After he shot Jeff, the illegal fled to Mexico, where he is hiding today.

I know this story is just one among many about innocent Americans murdered each year by illegal aliens who then find safe harbor in Mexico.

I believe the ENFORCE Act will not only help prevent these criminals from coming across our borders, but is a good start to ending our rampant problem of illegal immigration in general.

I ask my colleagues to join me in solving our immigration problem by cosponsoring the ENFORCE Act.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 3199, which the clerk will report.

The assistant legislative clerk read as follows:

> Conference report to accompany H.R. 3199, an act to extend and modify authorities needed to combat terrorism, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes equally divided between the majority and the minority.

Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are approaching a vote to invoke cloture on the PATRIOT Act which will require 60 Senators to cut off debate so that we can move ahead to a vote up or down on the act. The act, as is well known, is set to expire on December 31, 2005. When the Judiciary Committee, which I chair, approached the reauthorization of the PATRIOT Act, we tackled it early in the year, and there was a committee bill, which I sponsored, which had remarkable success getting a unanimous vote in the committee, which has Senators from both ends of the political spectrum. It then came to the floor in a manner perhaps unprecedented: It went through by unanimous consent. There was no debate. Not a single Senator objected. It was heralded as uniquely well balanced, from the considerations of providing adequate tools for law enforcement to continue the fight against terrorism, which is vital for our national safety, and balanced to protect civil liberties.

Under our system of government, the Senate does not have the last word. I only wish that were so. We have a bicameral system. Then the legislation has to receive the signature of the President.

We then went into negotiations with the House of Representatives. I again thank and commend Chairman SENSENBRENNER, who is the chairman of the Judiciary Committee in the House of Representatives, for working through some very difficult proceedings to come to a conclusion that a conference report could be signed and filed and voted upon by both Houses.

The House of Representatives has supported the conference report with a 77-vote majority—very substantial. Now we have it in the Senate. The conference report was not signed by Senators when originally presented on November 18, 2005. I declined to sign it because I wanted to work through and try to get the joinder of Democrats. It has been my experience that the close relationship which Senator LEAHY and I have established, working on the Judiciary Committee on a bipartisan basis, has yielded significant positive results for the committee, for the Senate, for the Congress, and for the country. We have been able to work through major legislation this year, passing class action reform, passing bankruptcy reform, voting out and confirming the Attorney General very promptly, working through data privacy—a very tough legislative bill voted out of committee; voting out of committee asbestos reform. People said that could not be done. It is going to be the first item on the agenda next year.

It was apparent to me that we needed to have a bipartisan approach. As one Senator said on the floor yesterday in announcing that the Senator was going to vote against cloture—he had been a cosponsor of the bill, but in the absence of this bipartisan support there was too much public confusion. The public cannot understand all of the intricacies of the PATRIOT Act, and the shorthand signal is, when Democrats and Republicans agree, there is a modicum of confidence. Regrettably, we could not get it on this bill.

When the debate started earlier this week, I invited all Members to come to the floor to state what their concerns were. I called many Members to reach out to those I knew could use some elaboration and also discussion for my benefit, and then from the floor repeatedly urged my colleagues to come to the floor, raise their concerns, let us have a discussion. Perhaps we can satisfy their concerns. If not, we can describe the bill and explain it so the people and the Senators will understand it.

I do not think we have been successful in conveying to the public at large, and perhaps not even to the Senators, what this bill really provides. In this morning's paper, one of the most prominent newspapers in the United States, they described the bill this way:

> . . . the bill gives the government far too much power to issue "national security letters," demanding private financial, medical and library records, without the permission or oversight of a judge.

The writer of this editorial does not understand the basic tenets of the bill. The writer of this editorial is mixing up section 215, which provides for obtaining records—library records, medical records—with national security letters. The bill is explicit in giving judicial review.

At the present time, an agent can go out and, unilaterally, on the agent's own authority, get library records or medical records. One of the principal safeguards in the PATRIOT Act, as passed by the Senate and as maintained by the conference report, has been to interpose the magistrate, the judge, in between the policeman and the citizen, to see to it that law enforcement does not overstep its bounds; that law enforcement could get access on a showing of reason to do so, but there is judicial supervision there.

One of the other most prominent newspapers in the country published a story about 30,000 national security letters being issued, which is false. I cannot tell you what the facts are because it is classified. I have tried to get the Department of Justice to come forward and say what the facts are. But repeatedly on the floor of the Senate we heard this quotation: 30,000 national security letters—which is absolutely false. I beg my colleagues not to base their votes on what they read in the newspapers but to get a briefing, find out what the facts are. Senators can find that out in a classified briefing, but do not rely upon the assertions in the newspapers or the assertion in today's editorial, which is just wrong as it describes what the act is.

On the floor of the Senate yesterday there were references to hometown newspapers saying hang tough.

Newspapers don't vote. Senators vote. Jefferson made one of history's great statements in saying if he had to choose between government without newspapers or newspapers without government, he would choose newspapers without government. We do not have to make that choice. We have both newspapers and government. And render under Caesar—the appropriate line. And let us look to the newspapers, let us consider what they have to say, but when they are wrong, let's not act on wrong information. Let's not act on wrong information. It is up to Senators to hang tough. We don't have to take instructions from the newspapers, as we heard yesterday, urging their United States Senator to hang tough. They don't vote. We vote.

A big, tough problem here has been to acquaint people with what this bill does provide. I am confident, if that has occurred sufficiently, that this bill will be passed.

I have been on the Judiciary Committee during my entire tenure in the Senate and have demonstrated a strong record to protect civil liberties on legislation which has come through the committee to the floor and in the confirmation process. Nobody has a stronger record in this body than I do. I will take second place to no one. There are many equals here. Many in this body, I would say all in this body, are concerned about civil liberties. But there is no mathematical equation where it can be established, as to the balance between law enforcement and the balance as to civil liberties. If you take a look at the specifics of this legislation, that balance has been achieved. It may not be as good a balance as the Specter-Leahy bill, which passed the Senate unanimously and without dissenting voice here, but it has balance.

I have already commented about section 215. There is judicial supervision. And, on national security letters, they were not created with the PATRIOT Act, but we took the occasion of the PATRIOT Act to put in safeguards on national security letters, which are in existence. If the PATRIOT Act goes out of existence, you will not have section 215 to get certain records by law enforcement, but the national security letters are still there. But we took this occasion to provide for judicial review.

The recipient may consult a lawyer, who moves to quash the national security letter if it is unreasonable. It may not be everything that everybody wants, but in legislation and the art of the possible, you don't get everything that everybody wants.

Then you have the delayed notice warrants. A delayed notice warrant means that the judge has examined the situation and has given special permission that the law enforcement officials do not have to notify the target when the search and seizure warrant is executed.

Ordinarily, if there is a search and seizure warrant, the law enforcement officers go to the premise or an office and it is known to the target, but where there are reasons to keep it secret because the disclosure would impede an investigation, our laws have permitted for decades a delayed notice warrant.

Then the concern was, How long should there be before notice is given? The Senate bill had 7 days, the House bill had 180 days, and we compromised on 30 days. The Fourth Circuit Court of Appeals said that presumptively 45 days would be adequate.

The delayed notice requirement is illustrative of the vagaries of how you have something in perfection. But when the Senate established a 7-day notice requirement, we knew we were going to meet in a negotiating session, and I thought 30 days was a tremendous achievement for prompt notification. The House came down 150 days, from 180 to 30, and we went up by 23 days.

Then there is the provision of the roving wiretaps which has been tightened up, as I explained in greater detail yesterday and earlier this week—twice. There has to be a description of the individual who has been intercepted, and there has to be a showing, to have a roving wiretap, that the person is going to resist the wiretap.

Then you have what is perhaps as important as any provision—I wouldn't say the most important, they are all important, but as important as any—sunset. The House wanted a 10-year sunset, the Senate said 4 years is what it ought to be, and the House was insistent on compromising in between at 7 years, and we held fast at 4 years. It had been my expectation with good reason to believe that some Democrats would sign the conference report if it came in at 4 years. It required assistance from the White House, and the President was personally involved in the 4-year decision—not to the satisfaction of the House conferees, but we got that done.

If you take a look at the specifics, if you don't get your facts from the newspapers but instead get your facts from the CONGRESSIONAL RECORD, if you get your facts from reading the statute, I believe a fair conclusion would be that it is balanced. It is nice to be the heroes of the editorial pages. It makes great hometown reading. We have had quite a few comments on the floor of the Senate on the PATRIOT Act and on other acts citing the editorials and how pervasive, albeit subtle, that influence is.

I have only been chairman of the committee for less than a year, but I have come to see the vicissitudes of leadership. You don't have the freedom to be the dissenter, to stand up and articulate your own views and to accept nothing short of what ARLEN SPECTER has done or I am going to vote no. I have done that a few times when I have had greater freedom, but if you are the chairman of the committee, you have to carve out consensus.

In refusing to sign the conference report on November 18, 2005—to the dissatisfaction of many people—but waiting until December to sign it, that was an effort to gain more negotiations and to try to satisfy more people. My job was to get a consensus, was to work through what is the art of the possible, to get a bill.

The six Senators who opposed the bill issued their press releases not before the ink was dry on the conference report but before the ink was finished on the conference report. When I went to the press galleries on December 8, 2005 to announce the conference report, before I got there the dissenters had already issued their press releases. They weren't waiting to see what the conference report had to say. They did not issue their objections before the ink was dry; they issued their objections before the ink was finished. And you can do that if you are a dissenter and if you are an objecter. But if you are the chairman and you have the obligation to pull the parties together—and when I signed the report on December 6, 2005 I still couldn't get some members of my committee to sign the report. They thought it went too far.

The President has taken the position that this conference report goes as far as he is going to go. I am advised that he issued a statement earlier today that he will not sign a 3-month extension. The majority leader said yesterday that he would not bring up a 3-month extension. There may be ways to get it on the floor in any event. You can't amend the conference report.

If I am given instructions in my capacity as chairman to go back and negotiate, I will salute and go back and negotiate and try to work through whatever circumstances require. But where the President has said he is not going to sign a 3-month extension, if he means business, and I think he does, then in voting on cloture and in looking to a final vote up or down, this body is going to be faced with the alternative of either accepting the conference report, which is a balanced bill, or, if not, the PATRIOT Act is going to expire, and the responsibilities will be on those of us who vote and take positions.

Although we are a considerable distance from 9/11—more than 4 years—terrorism continues to be a problem. This bill gives important tools to law enforcement in a balanced way. This bill has provisions to protect subways, seaports, and airports. It is important that we have a balanced bill, and it is important that we have a bill. There is no mathematical formula, but this bill is a balanced bill.

How much time remains of my 30 minutes?

The PRESIDING OFFICER. Eight minutes forty seconds.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, before I start, with the distinguished senior Senator from Pennsylvania in the Chamber, I totally appreciate what he said about the problems of being the leader on a committee and having to make the decisions of how you are going to get a bill through.

I was chairman of the committee when we put through the first PATRIOT Act. I remember the balancing act we went through at that time and how difficult it was to get a bill through. And that PATRIOT Act is this PATRIOT Act. It contains a number of items that I wrote.

I also note that throughout, the chairman and I have kept in very close contact. We have spoken several times. I have considered during my 31 years in the Senate that one of the things which has given me the greatest sense of satisfaction is the relationship the distinguished chairman and I have in getting things through, and we have. I am concerned because we have come so close on this.

As Senator SALAZAR noted, yesterday was the anniversary of the adoption of the Bill of Rights of the Constitution.

Yesterday we engaged in debate seeking to protect and reserve those rights under the USA PATRIOT Act. I thank Senators SUNUNU, FEINSTEIN, CRAIG, WYDEN, FEINGOLD, SALAZAR, and OBAMA for their thoughtful remarks, their willingness to work in a bipartisan way which, after all, is the best tradition of the Senate.

Let all Members understand, this is a vital debate. The terrorist threat to America's security is very real. It is vital we arm the Government with the tools needed to protect American society and security.

At the same time, the threat to civil liberties is also very real in America today. I do read the papers. Today's New York Times reports that over the past 3 years, under a secret order signed by President Bush, the Government has been monitoring international telephone calls and international e-mail messages of people inside the United States—with no court approval, no checks and balances, one person's signature and that is it. This warrantless eavesdropping program is not authorized by the PATRIOT Act, it is not authorized by any act of Congress, and it is not overseen by any court.

According to the report, it is being conducted under a secret Presidential order based on secret legal opinions by the same Justice Department lawyers, the same ones who argued secretly that the President could order the use of torture.

It is time to have some checks and balances in this country. We are a democracy. Let's have checks and balances, not secret orders and secret courts and secret torture.

The debate is not about whether the Government should have the tools it needs to protect the American people. Of course it should. That is why, as I say, I coauthored the PATRIOT Act 4 years ago. That is why the act passed with such broad bipartisan support. When I voted for that PATRIOT Act, I did not think it was an ideal piece of legislation. I knew it would need careful oversight, but I was in favor of most of the PATRIOT Act. I am in favor of most of the PATRIOT Act now. That is why I voted for the bipartisan Senate bill in July. The distinguished chairman of the Senate Judiciary Committee got it through our committee unanimously, with Senators from the right to the left voting for it.

This debate is not whether it should suddenly expire. Of course it should not. That is why Senators from both parties have offered a bill to extend it in its present form for 3 months in order to give us time to either return to the bipartisan compromise we reached, pass the Senate bill, or reach a new bipartisan compromise.

Our goal is to mend the PATRIOT Act, not to end it. None of us want it to expire. Those who threaten to let it expire rather than fix it are playing a dangerous game. This is a debate about reconciling two shared and fundamental goals—assuring the safety of the American people and protecting their liberty by a system of checks and balances that keeps the Government, their Government, our Government, accountable.

America can do better. And we should. Those goals are not the goals of any particular party or ideology. They are shared American goals.

How to balance security with liberty and Government accountability was the most fundamental dilemma with which the Framers of our Constitution wrestled. How to adjust that balance with the post-September 11 world is the most fundamental dilemma before this Congress.

No one should doubt those who vote for cloture on the conference report care deeply about the liberty of the American people. We all do. No one should doubt that those who vote against cloture are devoted to protecting both the security and liberty of the American people. We all care deeply.

However, let us have a Government of checks and balances. In the long run, we are more secure. Our liberties are more secure. Frankly, we are more American in doing that.

The PRESIDING OFFICER. Senator from Nevada.

MILK REGULATORY EQUITY ACT OF 2005

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2120 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2120) to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2120) was read the third time and passed, as follows:

S. 2120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Milk Regulatory Equity Act of 2005".

SEC. 2. MILK REGULATORY EQUITY.

(a) MINIMUM MILK PRICES FOR HANDLERS; EXEMPTION.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural

Marketing Agreement Act of 1937, is amended by adding at the end the following new subparagraphs:

"(M) Minimum Milk Prices for Handlers.—

"(i) Application of minimum price requirements.—Notwithstanding any other provision of this section, a milk handler described in clause (ii) shall be subject to all of the minimum and uniform price requirements of a Federal milk marketing order issued pursuant to this section applicable to the county in which the plant of the handler is located, at Federal order class prices, if the handler has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases.

"(ii) Covered milk handlers.—Except as provided in clause (iv), clause (i) applies to a handler of Class I milk products (including a producer-handler or producer operating as a handler) that—

"(I) operates a plant that is located within the boundaries of a Federal order milk marketing area (as those boundaries are in effect as of the date of the enactment of this subparagraph);

"(II) has packaged fluid milk product route dispositions, or sales of packaged fluid milk products to other plants, in a milk marketing area located in a State that requires handlers to pay minimum prices for raw milk purchases; and

"(III) is not otherwise obligated by a Federal milk marketing order, or a regulated milk pricing plan operated by a State, to pay minimum class prices for the raw milk that is used for such dispositions or sales.

"(iii) Obligation to pay minimum class prices.—For purposes of clause (ii)(III), the Secretary may not consider a handler of Class I milk products to be obligated by a Federal milk marketing order to pay minimum class prices for raw milk unless the handler operates the plant as a fully regulated fluid milk distributing plant under a Federal milk marketing order.

"(iv) Certain handlers exempted.—Clause (i) does not apply to—

"(I) a handler (otherwise described in clause (ii)) that operates a nonpool plant (as defined in section 1000.8(e) of title 7, Code of Federal Regulations, as in effect on the date of the enactment of this subparagraph);

"(II) a producer-handler (otherwise described in clause (ii)) for any month during which the producer-handler has route dispositions, and sales to other plants, of packaged fluid milk products equaling less than 3,000,000 pounds of milk; or

"(III) a handler (otherwise described in clause (ii)) for any month during which—

"(aa) less than 25 percent of the total quantity of fluid milk products physically received at the plant of the handler (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition or is transferred in the form of packaged fluid milk products to other plants; or

"(bb) less than 25 percent in aggregate of the route disposition or transfers are in a marketing area or areas located in one or more States that require handlers to pay minimum prices for raw milk purchases.

"(N) Exemption for Certain Milk Handlers.—Notwithstanding any other provision of this section, no handler with distribution of Class I milk products in the marketing area described in Order No. 131 shall be exempt during any month from any minimum price requirement established by the Secretary under this subsection if the total distribution of Class I products during the preceding month of any such handler's own farm production exceeds 3,000,000 pounds.

"(O) Rule of Construction Regarding Producer-Handlers.—Subparagraphs (M) and (N) shall not be construed as affecting, expanding, or contracting the treatment of producer-handlers under this subsection except as provided in such subparagraphs.".

(b) Exclusion of Nevada From Federal Milk Marketing Orders.—Section 8c(11) of the Agriculture Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agriculture Marketing Agreement Act of 1937, is amended—

(1) in subparagraph (C), by striking the last sentence; and

(2) by adding at the end the following new subparagraph:

"(D) In the case of milk and its products, no county or other political subdivision of the State of Nevada shall be within the marketing area definition of any order issued under this section.".

(c) Records and Facility Requirements.—Notwithstanding any other provision of this section, or the amendments made by this section, a milk handler (including a producer-handler or a producer operating as a handler) that is subject to regulation under this section or an amendment made by this section shall comply with the requirements of section 1000.27 of title 7, Code of Federal Regulations, or a successor regulation, relating to handler responsibility for records or facilities.

(d) Effective Date and Implementation.—The amendments made by this section take effect on the first day of the first month beginning more than 15 days after the date of the enactment of this Act. To accomplish the expedited implementation of these amendments, effective on the date of the enactment of this Act, the Secretary of Agriculture shall include in the pool distributing plant provisions of each Federal milk marketing order issued under subparagraph (B) of section 8c(5) of the Agriculture Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agriculture Marketing Agreement Act of 1937, a provision that a handler described in subparagraph (M) of such section, as added by subsection (a) of this section, will be fully regulated by the order in which the handler's distributing plant is located. These amendments shall not be subject to a referendum under section 8c(19) of such Act (7 U.S.C. 608c(19)).

GULF OPPORTUNITY ZONE ACT OF 2005

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 328, H.R. 4440.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, this amendment 2680 acts on our commitment to provide rebuilding assistance to areas of the country devastated by this year's relentless hurricane season. It will benefit residents of the gulf region, as well as more recently impacted areas of Texas and Florida, and provides much needed relief and resources for economic rebuilding to those areas.

As promised, we have made our best effort to marry up our compassion for displaced persons and damaged communities with attention to fiscal discipline and the best use of taxpayer dollars. This bill represents an effort to most efficiently and effectively use the tax code to assist in the rebuilding and revitalization of those regions. I will reiterate the guiding principles of our hurricane relief legislation. First, because market forces will be the driver in getting these regions back on their feet, our bill includes only provisions that encourage and incentivize redevelopment. Second, our package provides resources only to those who incurred uninsured losses and does not provide for a bailout of those who assumed risk as an insurer in our capitalist, free-market system. Third, we have focused our limited Federal resources on those most in need—like the many devastated small business employers who were the backbones of these economies and who will be the engines of their future growth and prosperity. The amendment provides front-loaded incentives on a timely basis to encourage people and businesses to return to the region as quickly as possible.

I want to show my appreciation to my colleagues in the Senate and in the House for working to get this legislation to the President as quickly as possible. Before we go home to spend time with our families, it is important for us to help the many families who have had their lives overturned by the recent hurricanes. Hopefully they will think of this holiday season as a time of rebuilding and opportunity.

The amendment also includes tax technical correction provisions related to the American Jobs Creation Act of 2004 and other tax legislation. Technical corrections measures are routine for major tax acts and are necessary to ensure that the provisions of the acts are working consistently with their original intent, or to provide clerical corrections. Because these measures carry out congressional intent, no revenue gain or loss is scored from them.

The process and test for technical corrections ensures that only provisions narrowly drawn to carry out Congressional intent are included. Technical corrections are derived from a deliberative and consultative process among the congressional and administration tax staffs. That means the Republican and Democratic staffs of the House Ways and Means and Senate Finance Committees are involved as is the Treasury department staff. All of this work is performed with the participation and guidance of the nonpartisan Joint Committee on Taxation staff. A technical enters the list only if all staffs agree it is appropriate.

The Senate Finance Committee and the Committee on Ways and Means, in consultation with the Joint Committee on Taxation and the Department of the Treasury, are continuing to assess proposals for other technical corrections which may be needed to achieve congressional intent. On that point, no double benefit is intended under the railroad track maintenance credit of code section 45G. If the current basis adjustment rule is not serving to carry out that intent, the provision may need to be clarified. Such a clarification might provide that basis or tax attribute reduction applies to the taxpayer taking the credit. I would like to ask the staff to work on this.

In conclusion, this package will show those affected by Hurricanes Rita, Wilma, and Katrina that their needs have not been forgotten, and that we will continue to help them rebuild their homes, communities, and lives.

Mr. BAUCUS. Mr. President, shortly, we will complete legislative business and adjourn for the year. Senators will leave to spend the holidays with our families. Senators will travel to the comfort of our homes.

But there are still those in the gulf region who do not have homes.

Hurricane Katrina struck almost 4 months ago. We cannot, in good conscience, conclude our action for the year without passing tax relief for the gulf region.

The legislation before us today is a good bill. We must pass it today.

In September, I was pleased that Congress could come together and quickly pass emergency tax relief for victims of Hurricane Katrina.

Prior to passing that legislation, I promised that I would work with my colleagues to draft a long-term tax relief package. And that is what we did.

We worked to create legislation that would help rebuild homes and businesses. We worked to create legislation that would pump money into local economies. And we worked to create legislation that would help distressed working families.

We must come together again. We must pass this legislation today.

On November 18th, the Senate passed the tax reconciliation bill. We included Hurricane tax relief. We included Alternative Minimum Tax relief. And we included more than a dozen important tax provisions that expire on December 31st, including the Work Opportunity Tax Credit and the Research and Development Tax Credit.

With the help of many, Chairman GRASSLEY and I fit all of that legislation within the constraints of the budget resolution's instructions.

But the House did not take up our bill. Instead, the House passed hurricane relief and Alternative Minimum Tax relief outside of the budget reconciliation process. Then the next day, the House passed a tax reconciliation bill.

Why did the House need three bills to achieve what the Senate succeeded in passing in one bill?

The reason is simple. The reason is the capital gains and dividends tax cut.

I am disappointed in the House. I am disappointed that Congress could not pass all the important tax relief that the Senate did in one bill.

And that is why we have the legislation before us today, the House hurricane tax relief bill.

The amendment that Chairman GRASSLEY and I have crafted to this bill recognizes that to revitalize the gulf region, the region must have a strong economy. We must encourage individuals to return. And that means that there must be jobs for them to return to. This legislation gives businesses help to create those jobs.

We would provide bonus depreciation. We would increase small business expensing limits. We would also provide new authority for tax-favored private activity and mortgage bonds.

We would also extend to victims of Hurricanes Rita and Wilma some of the tax relief that we provided to victims of Hurricane Katrina in September. This includes penalty-free early tax-free withdrawals from pensions and IRAs. We would allow victims to fully deduct casualty losses. And we would remove the cap on allowable corporate charitable contributions made in response to the hurricanes.

And thanks to the hard work and persistence of the good Senators from Florida and Texas, we have been able to forge an agreement to provide extra low-income housing benefits for the Rita and Wilma hurricane zones. My good friend from Florida, Senator NELSON, has made the convincing case that these devastated areas need more assistance with low-income housing, and I am pleased to say this bill will be providing that very help.

The substitute that Senator GRASSLEY and I offer today provides $8 billion in tax relief for the gulf region. We take the House bill, but we provide additional tax relief for employers and students to encourage people to return to the gulf region.

One item of particular importance to me is tax relief to employers who continued to pay their workers after the hurricanes struck. Employers located in the Katrina, Rita, and Wilma disaster zones will be able to take up to a $2,400 tax credit on wages paid to employees during the period the business was shut down. These business owners have tapped into their savings to help out their workers. They deserve tax relief. We provided this relief in our first bill, but it was limited to small employers. I have always felt and argued strongly that any employer that helps out their workers while the business is shut down deserves this assistance. I am very pleased that we were able to eliminate this cap, and extend this relief for the Rita and Wilma zones as well.

Another priority item for me is a provision to encourage students to return to the gulf region. Many colleges and universities were forced to shut down after Hurricane Katrina and students have been scattered across the country. To encourage these students, and new students as well, to come back to the gulf region, we double the Hope Scholarship and Lifetime Learning tax credits. Students from around the country would be able to take a credit up to $4,000 for tuition, room and board, books, and fees for attending college in the areas affected by Hurricane Katrina. I was very pleased that we could include this benefit in our Senate version and that we have retained it in this substitute. I think it will be extremely valuable to the colleges and universities who have really suffered from this hurricane.

One further priority item for me is the additional $1 billion in new markets tax credit authority for the Katrina zone. I fought to get this credit in our Senate version because I am convinced this program works. The program provides access to capital for small businesses through established community development entities. Entities with a significant mission of rebuilding in the hurricane zone may access these additional tax credits in order to help these struggling businesses rebuild. These businesses may not be able to utilize some of the other tax benefits in the bill, but access to capital will help many of them stay in business and stay in the zone.

One last item that I would like to highlight is an employer credit for providing housing for workers and their families. My good friend from Louisiana, Senator LANDRIEU, offered this provision during our floor debate last month. And if I could just take a moment to point out to our colleagues the tremendous work she has done on this bill. She has truly been our compass during these negotiations and has been essential in conveying the true plight of her constituents.

She has told me about the many hurricane victims who still do not have housing in the gulf region. Under her provision, workers and their families receiving housing from their employers could exclude up to $600 a month from their income for tax purposes, plus the business can receive a partial credit for this expense. Business leaders have told us that they simply cannot get back to work unless their workers have housing. The Landrieu housing provision helps them immensely.

Finally, this bill provides that soldiers in Iraq and Afghanistan may include combat pay when calculating their earned income tax credit. This has been a priority item for our friend from Arkansas, Senator PRYOR, who championed this fix for our military families serving in combat last year. We extend the benefit for another year in this substitute and I commend Senator PRYOR for his tireless work on behalf of military families.

We have a good bill before us. It has been nearly 4 months. We are set to adjourn the Senate for the year. We need to come together and help those most in need. I urge my colleagues to pass this legislation today.

ANIMAL RACING

Mr. BUNNING. Mr. President, I thank the chairman for working with me on an issue of importance regarding the applicability of the animal racing facility limitation contained in the Senate amendment to H.R. 4440. I understand that the legislative language creates new section 1400N(p) of the Internal Revenue Code which indicates that property directly related to animal racing is not eligible for certain benefits contained in certain subsections of new section 1400N. My understanding is that items not directly related to the racing of animals or the viewing of such races, such as barns, stables, practice facilities, restaurants, some administrative offices, gift shops, and parking areas are eligible for these benefits.

Mr. GRASSLEY. I thank the Senator for that clarification. His description is correct.

EMPLOYEE RETENTION CREDIT—TAX-EXEMPT FINANCING

Mr. LOTT. Mr. President, because there is no committee report accompanying this legislation, I would like to engage Chairman GRASSLEY in a colloquy to clarify the intent of two provisions contained in this important legislation.

First, among the tax benefits contained in this package is the employee retention credit. This incentive will play a pivotal role in helping businesses retain their employees even if they are temporarily out of business while the gulf coast rebuilds. As I understand the committee's intent, the credit will apply both where a company is completely out of business, and where it did not suffer total devastation to its trade or business operations. For example, the credit would apply in cases where one part of the operation in the designated zone was rendered "inoperable" while another location of that same business continued to operate. Is that correct?

Mr. GRASSLEY. I agree with Senator LOTT's interpretation of this provision of the bill.

Mr. LOTT. Another provision of H.R. 4440 would make eligible for tax-exempt financing the costs of nonresidential real property located in the Gulf Opportunity Zone. It is my understanding that the intent of this provision is that nonresidential real property includes any tangible property other than fixtures and equipment that are movable, without regard to the class life of such property or its use as part of manufacturing, production, or extraction, or of furnishing services or property.

Mr. GRASSLEY. I agree with Senator LOTT's interpretation of this provision of the bill.

Mr. SANTORUM. Mr. President, I rise today to raise an issue of concern with the Katrina tax relief bill, known as the Gulf Opportunity Zone. This bill quite rightly provides incentives to bring back businesses and capital to the devastated regions of the gulf coast. This package is needed legislation that will continue to drive redevelopment and provide encouragement for businesses and others to come back and rebuild, creating jobs in the rebuilding and jobs in the businesses themselves and providing much needed revenues for the local communities.

However, I have raised a concern to my colleague from Mississippi regarding providing incentives to certain industries such as casinos. I read with interest an article in the New York Times on December 14, 2005, regarding the return of casinos to the gulf coast. The article noted that while the storm damaged 9 out of 10 casinos in Biloxi, MS 3 of the 9 damaged would be open again before the new year. In fact "[a]ll 10 Biloxi casinos have told the city they will rebuild, and most plan larger, more elaborate facilities." Clearly, the casinos and gaming industry do not need Congress to give them tax breaks to entice them to reopen.

More importantly, there are significant concerns about the impact of gambling on communities and families. In 2000, the Government Accountability Office found that "individuals suffering from pathological gambling engaged in destructive family behavior, committed more crime than other citizens, and had higher suicide rates." It also found the "destructive family behavior" included domestic violence, divorce, and homelessness. Additionally, GAO "also reported that children of individuals suffering from pathological gambling are often prone to suffer abuse and neglect." As we look at soaring costs for social programs and ever-increasing needs, it is most troubling that this report noted that "lifetime pathological, problem, and at-risk gamblers are more likely than low-risk or nongamblers to have been alcohol or drug dependent" and estimates that "15 million adults are at risk of becoming problem gamblers."

With the heartbreaking impact this industry has on some of our most vulnerable citizens, I am pleased that my colleague from Mississippi has recognized my concern and offered a package that ensures the necessary economic assistance for his State and communities without exacerbating the social toll on these already devastated communities and families.

I urge my colleagues to support the expeditious passage of this bill. I am hopeful our House colleagues will then adopt this bill and send it on to the President's desk so we can get this help out to these States, communities, businesses and families before the new year. Then hopefully the Congress can turn its attention back to the Tax Relief Act and enact its charitable incentives to help the countless nonprofits working day and night to heal the wounds in Katrina's wake. That element of the tax bill is critical, and we should move forward on this bill in short order.

EITC AND CTC FOR KATRINA VICTIMS

Mr. BAUCUS. As we consider this legislation to provide tax relief to respond to Katrina, it is particularly important that we recognize the impact of the hurricane on those struggling working families who are eligible for the earned income tax credit and the child tax credit. I am particularly concerned that the disruptions and displacement affecting these families in both their jobs and their homes may make it more difficult for them to receive these critical tax credits to which they are legally entitled—credits which they need more than ever. Some families will become eligible for these credits for the first time, yet may not be aware of these programs let alone how to apply for them. In addition, we have seen a tremendous outpouring of support for those hit by Katrina from families and friends of the victims, often at great cost. These relatives and friends may also qualify for assistance but find it more difficult to meet all the normal requirements.

For example, there are many families who have taken in nonrelative children displaced by the hurricane. They are essentially foster parents but may not be considered as such under current law. Due to the need to act quickly in response to Katrina, these foster children will not have been formally placed by an authorized agency but under current rules, such individuals could not claim these children for the EITC or the child tax credit. This would be true even if they continued to care for the children for more than 6 months in 2006 and thus meet the qualifying child residency requirement.

The only potential relief such individuals have is the $500 additional exemption in 2005 for housing a Katrina survivor more than 60 days provided in the Hurricane Katrina Emergency Tax Relief Act, HKTRA. However, this is a minimal support for a family taking in a child as a member of the family. In addition, the exemption is unavailable to low-income families with no income tax liability.

Taxpayers caring for such children may ultimately seek to formalize the arrangement with an authorized agency during 2006. but a placement decision may not be reached until later in the year. If only the time in residence with a child after the placement decision is considered for the purposes of meeting the residency test, the taxpayer may be unable to meet that test for the EITC and CTC. Some low-income taxpayers, unaware of the EITC or CTC rules, may simply continue to care for the child in their family and not pursue a formal arrangement until a later point and yet may be counting on the income from these credits.

Clearly the IRS needs to address this problem.

Mr. GRASSLEY. I share concern with the impact that Katrina will have on the ability of low wage working families who qualify for the child tax credit and the earned income tax credit to receive them for the 2005 tax year. In addition, I certainly agree that something must be done to address this problem for families who generously gave of themselves and took in a child displaced by Katrina but may lack the proper formal authorization that would prevent them from receiving the EITC they qualify for and would otherwise get.

To help address this problem, I would urge the IRS to accept a child placement decision by an authorized agency as being retroactive to the earliest point in 2006 when the taxpayer first took in the child. This would apply only to children who had resided in a hurricane disaster zone in 2005 as defined under HKTRA and under any subsequent legislation extending HKTRA provisions to Rita and Wilma survivors.

I have been advised that the IRS has the ability to adopt this approach under section 407 of HKTRA and any equivalent extension to Rita and Wilma survivors—that enables the Secretary to make adjustments in application of rules to ensure that hurricane survivors do not lose tax benefits. I know my colleague from Montana joins me in urging the IRS to use this authority to help these foster care families who so generously took in children displaced by Katrina.

Mr. BAUCUS. I wholeheartedly agree with my friend from Iowa.

I would like to raise another concern regarding these tax credits and the Katrina families.

As we approach the next filing season, there are so many families affected by the hurricane who previously received the EITC and the CTC but now face significant confusion about whether they will get the credit and how much they will receive. And, of course, some of the normal sources of taxpayer assistance in the gulf are not available now. Accordingly, it is exceedingly important the IRS do everything it can to maximize information and assistance provided to the public to help those eligible secure these credits.

While we wrote section 406 and section 407 of the Hurricane Tax relief bill to help eligible hurricane survivors receive the benefits of the EITC and CTC, it is really up to the IRS to effectively inform taxpayers and the tax preparation community of how the provisions are being implemented. In particular, section 407 provides that the IRS ". . . may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina."

I understand that the IRS is working to decide how this "adjustment authority" will be implemented and is preparing a new Publication 4492. However, low-income taxpayers and those who assist them in the preparation of their 2005 tax returns will need to understand the nature and limits of the adjustments IRS is willing to make so that returns are prepared properly. It will take a very thorough and comprehensive public education program to make sure that nontechnical information is made available through various means to help educate the public and those who help prepare tax returns. I am very concerned that the IRS take every possible step it can to make sure eligible low-income working families affected by Katrina know about special temporary adjustments to these credits and what they need to do to ensure they receive these credits.

Mr. GRASSLEY. I agree that many eligible hard-working families who qualify for the EITC and the child tax credit but whose lives have been sharply affected by the hurricane may face particular challenges and hurdles in applying for and receiving these credits. I also concur that is incumbent upon the IRS to take all steps it can to ensure that the public and the tax preparation community have clear, detailed, and understandable information about any adjustments and modifications it makes to help Katrina victims who qualify for the credits get them.

I believe that the IRS should report to Congress within the next couple of weeks the action it has taken to implement the provisions of section 406 and section 407 HKTRA, pertaining to the EITC and CTC, including outreach and communication efforts undertaken by IRS to inform taxpayers, tax practitioners, and volunteer tax preparation programs of these provisions, including the guidance provided to them by IRS on how the flexible authority to IRS in section 407 is being interpreted and implemented. IRS should publish such guidance, including typical questions and answers, in formats that are accessible to taxpayers, commercial tax practitioners, volunteer tax preparer organizations and low-income taxpayer clinics, including but not limited to the IRS Web site.

Mr. BAUCUS. I thank the Chairman and join in his recommendations to the IRS.

Mr. KERRY. Mr. President, I commend Senate Finance Chairman GRASSLEY and Ranking Member BAUCUS for putting together a bipartisan bill that will provide tax relief to individuals and businesses who are struggling due to the aftermath of Hurricane Katrina. This legislation creates a gulf opportunity zone in those areas in Alabama, Louisiana, and Mississippi that were hardest hit by the hurricane. Businesses operating in this zone will be eligible for specified tax breaks. In addition, the legislation provides relief to help with housing and the cost of higher education.

I support providing businesses with the appropriate tax relief that will help them rebuild. However, I am concerned that this tax relief will not be helpful if we do not provide assistance to small businesses. If the assistance to small businesses continues at its present pace, tax relief will be somewhat meaningless. Currently, 74 percent of hurricane-related Small Business Administration, SBA, disaster business loan applications have not even been processed, and less than 10 percent of the approved business loans have been fully disbursed. I have introduced legislation that would allow the affected States to distribute $450 million in bridge loans to help businesses that are waiting for an SBA loan to begin rebuilding immediately. If we do not provide businesses with loans, they will not be able to rebuild and benefit from these tax incentives.

I am pleased that this legislation includes a provision that would extend the current law provision that allows military personnel the option of treating certain combat pay as earned income for the purpose of computing the earned income tax credit, EITC, for 1 year. I have introduced legislation that strengthens the EITC. It includes a provision to allow permanently military personnel to elect to treat certain combat pay as income for purposes of calculating the EITC. During the debate on S. 2020, the Tax Relief Act of 2005, I along with Senator OBAMA offered an amendment on the EITC that would have extended this provision through 2007, but it was subject to a point of order because it included outlays.

This provision should be made permanent, but it is important that we are not allowing it to expire. It is a commonsense provision that would prevent members of the armed services from losing their EITC when they are mobilized and serving their country. Military families are often faced with increased expenses when a loved one is deployed. Thousands of reservists, for example, take a cut in pay when they are called to active duty.

Without this extension, several military families that are benefiting from the EITC would not longer be eligible for the credit. Eligibility for the EITC is based on income, and certain combat pay does not count as income for tax purposes. The election included in this provision would allow military personnel to choose whether they want their combat zone pay to count as income for purposes of calculating the EITC.

This provision will help military families with some of their financial burdens. It does not repay the sacrifices that they are making for us, but it shows that we are supporting our troops at home as well as abroad.

Mr. LOTT. Mr. President. I would like to thank Chairman GRASSLEY and Senator BAUCUS for their commitment to enacting a long-overdue tax bill that will help get cash back into the pockets of businesses and individuals who are rebuilding their lives and their communities in the wake of hurricane's Katrina, Rita, and Wilma.

By significantly lowering the cost of capital for small, medium, and large businesses alike, the provisions in this legislation will spur business investment on the gulf coast, increase the supply of affordable housing, and put dislocated employees back to work.

Specifically, this legislation includes roughly $8 billion in tax incentives to help the gulf coast. These provisions: 50 percent bonus depreciation for property acquired in the GO Zone; double small business expensing for small businesses in the Zone: increase the amount of tax-exempt bonds Mississippi is allowed to allocate by $4.8 billion: allow for an additional advanced refunding for bonds previously issued by Mississippi and by all local issuers within the GO Zone; increase the amount low-income housing tax credits available to Mississippi; increase the allocation of new markets tax credits available for companies investing in Mississippi businesses and construction; allows for a 5-year net operation loss carryback for businesses in the zone; allows for a 10-year NOL for public utility disaster losses; allows public utility disaster losses to be carried back 5 years; increases reforestation expensing from $10,000 to $20,000 for expenses incurred in the Go Zone for 2006; allows small timber growers a 5 year NOL carryback for losses incurred in the zone; allows increased expensing for demolition and clean up costs through 2007; and makes the employees retention credit available to all employers in the zone.

We have been at this for several months now. My constituents have been patient, and deserve action now. This is a vitally important bill. It is critical that we pass it today and that it is sent to the President for his signature before we adjourn.

This amendment modifies recent legislation introduced by Chairman Grassley by making clear that the business tax incentives in this legislation do not apply to the construction of private or commercial golf courses, country clubs, massage parlors, hot tub facilities or suntan facilities, racetracks or other facilities used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises.

However, it also makes clear that tax incentives do apply to the construction of hotels, restaurants, parking lots, and other attachments to gaming facilities.

I would have much preferred a clean bill, but in the interest of my constituents. I am offering this amended legislation today. I ask unanimous consent that the amendment be adopted.

Ms. LANDRIEU. Mr. President, the Senate has taken a big step forward in helping Louisiana and the other States affected by Hurricanes Katrina, Rita, and Wilma by passing H.R. 4440, the Gulf Opportunity Zone Act of 2005, also known as the GO Zone Act. I realize that there are a number of very important pieces of legislation pending before the Senate and the House of Representatives as we wind down this session. But I want my colleagues to know that I am grateful, and the people of Louisiana are grateful, for the Senate's passing this bill by unanimous consent. I must thank Chairman GRASSLEY and Ranking Member BAUCUS of the Finance Committee for their work on this legislation and for the tremendous support of their staffs.

The GO Zone Act contains a number of tax incentives to rebuild our economic infrastructure. Our State will be able to issue bonds to build housing, roads, bridges, and industrial plants. The bill increases the allocation of low-income housing tax credits in the GO Zone to $18 per person—more than nine times the amount we are currently allocated—to build housing to allow all of our citizens to return home. Businesses will be able to get favorable depreciation and enhanced deductions for investing in plant and equipment in the devastated areas. These tax incentives are aimed at helping our businesses stay in business. We also included an expansion of the Hope scholarship and lifetime learning credit for students who return to the GO Zone to continue their educations.

The bill also contains a housing provision that I offered as a floor amendment when the Senate considered this legislation. The amendment, cosponsored by Senator VITTER, will create reward employers who have provided housing for workers and their families in the hurricane disaster area. These dedicated employers have made it possible for their workers to live on company property so that their business operations could get going again. They have rented or purchased trailers and put them on their property, all hooked up to utilities. Our business leaders recognized that they could not get back on their feet if their employees had no place to live near where they worked. FEMA has been incapable and incompetent in getting people into housing, so our businesses have stepped in to fill the void.

Under this provision, employees working at firms in the GO Zone may exclude up to $600 per month from income for employer-provided housing assistance. Employers get a tax credit of up to 30 percent of assistance provided to employees. The provision is temporary, lasting only 6 months, but it was the right thing to do for companies that believe in Louisiana and the gulf as a great place to do business.

I must also note that the housing amendment had strong support from local and national business organizations, including the U.S. Chamber of Commerce, Greater New Orleans, Inc., and Michael Olivier, the Louisiana State Secretary for Economic Development. I ask unanimous consent that their letters of support be printed in the RECORD.

These tax incentives, however, are still only a beginning. Tax cuts will not build a levee, and without our levees, we will not rebuild New Orleans. I was pleased that the President recently announced his support for $3 billion in additional funding to restore our levees to true Category 3 protection, along with a down payment to get us to Category 5 protection.

Now our focus must be on passing Chairman THAD COCHRAN's hurricane relief package, which adds to the President's $17 billion request for Federal assistance another $17.5 billion in aid to Louisiana and Mississippi, including funding for levee repairs. The chairman's leadership has built up support for the measure in the Senate, but we need to urge the White House and leadership in House of Representatives to follow suit and commit to giving a hand up to the people of the gulf coast. We should not go home for the holidays without taking this step for the thousands still left without homes to go home to.

Mr. President, with the passage of the GO Zone Act, the Senate has taken a key step toward helping the people of the gulf rebuild our communities. We must finish the job for this year in the gulf before we adjourn for the year.

I ask that my complete statement and the additional letters in support of the Landrieu amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, December 14, 2005.

Hon. CHARLES GRASSLEY,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I write to express our support for the Landrieu housing tax credit amendment included as part of the GO Zone tax incentive package in the Senate tax reconciliation bill (S. 2020). The proposal would give tax relief to employers in the Katrina disaster area who provide employees with housing so that they can return to work.

Many employers in Louisiana have made housing available to their employees in order to get their business operations up and running again. The tax reconciliation bill establishes a Gulf Opportunity Zone (GO Zone) with a number of additional tax incentive provisions to bring investment and to rebuild Louisiana and the Gulf Coast. The Landrieu amendment will encourage more employers to do the same.

The Landrieu amendment will allow employees to exclude up to $600 per month in employer-provided housing from their income. An employee will be able to take advantage of this exclusion for housing provided to the employee, the employee's spouse, as well as any dependents. Employers who make housing available to employees in the Katrina GO Zone will be allowed a tax credit of up to 30 percent of the value of such housing. The maximum monthly credit will be $180 per employee.

We urge you to include the Landrieu housing amendment in the final version of any hurricane tax relief bill that is voted on before Congress adjourns for the year.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, December 14, 2005.

Hon. MAX BAUCUS,
Ranking Member, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR RANKING MEMBER BAUCUS: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I write to express our support for the Landrieu housing tax credit amendment included as part of the GO Zone tax incentive package in the Senate tax reconciliation bill (S. 2020). The proposal would give tax relief to employers in the Katrina disaster area who provide employees with housing so that they can return to work.

Many employers in Louisiana have made housing available to their employees in order to get their business operations up and running again. The tax reconciliation bill establishes a Gulf Opportunity Zone (GO Zone) with a number of additional tax incentive provisions to bring investment and to rebuild Louisiana and the Gulf Coast. The Landrieu amendment will encourage more employers to do the same.

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We urge you to include the Landrieu housing amendment in the final version of any hurricane tax relief bill that is voted on before Congress adjourns for the year.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

STATE OF LOUISIANA,
LOUISIANA ECONOMIC DEVELOPMENT,
Baton Rouge, LA, December 9, 2005.

Hon. CHARLES GRASSLEY,
Chairman, U.S. Senate Committee on Finance, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: Louisiana Economic Development strongly endorses Senator Mary Landrieu's Housing Tax Relief Amendment to the Senate Tax Reconciliation Bill. This amendment will give tax relief to employers who provide their employees with housing so that they can return to work. It is a necessary and important financial benefit to those Louisiana employers who have tirelessly worked to bring their work forces back to our state and to the communities damaged by the Katrina disaster.

In doing so, the proposed Landrieu Amendment provides relief to employers and their employees who return to work in rebuilding Louisiana from the catastrophic disaster that occurred. This is essential so that our businesses can resume operations, our workers can return to their communities, and both businesses and their employees can have a stake in the recovery of their communities. Your endorsement of and the ultimate passage of the Act fulfills these important goals.

Sincerely,

MICHAEL J. OLIVIER,
Secretary.

STATE OF LOUISIANA,
LOUISIANA ECONOMIC DEVELOPMENT,
Baton Rouge, LA, December 9, 2005.

Hon. MAX BAUCUS,
Ranking Member, U.S. Senate Committee on Finance, Hart Senate Office Building, Washington, DC

DEAR SENATOR BAUCUS: Louisiana Economic Development strongly endorses Senator Mary Landrieu's Housing Tax Relief Amendment to the Senate Tax Reconciliation Bill. This amendment will give tax relief to employers who provide their employees with housing so that they can return to work. It is a necessary and important financial benefit to those Louisiana employers who have tirelessly worked to bring their work forces back to our state and to the communities damaged by the Katrina disaster.

In doing so, the proposed Landrieu Amendment provides relief to employers and their employees who return to work in rebuilding Louisiana from the catastrophic disaster that occurred. This is essential so that our businesses can resume operations, our workers can return to their communities, and both businesses and their employees can have a stake in the recovery of their communities. Your endorsement of and the ultimate passage of the Act fulfills these important goals.

Sincerely,

MICHAEL J. OLIVIER,
Secretary.

GREATER NEW ORLEANS, INC.,
New Orleans, LA, December 9, 2005.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER BAUCUS: On behalf of Greater New Orleans, Inc., the regional economic development organization for Southeast Louisiana, I want to thank you for all of your efforts to assist the people of Louisiana and the City of New Orleans in our efforts to rebuild our communities and our economy after Hurricanes Katrina and Rita. Under your leadership, the Senate recently passed a tax reconciliation plan, S. 2020 that included $7 billion in additional incentives for investment to rebuild the Gulf Coast. The House of Representatives has also passed a hurricane relief package, similar to the provisions in the S. 2020. Both the House and Senate Katrina packages will greatly help the people in the Gulf rebuild homes, businesses and communities.

During the Senate's consideration of S. 2020, it adopted an amendment, sponsored by Senator Landrieu and cosponsored by Senator Vitter, to provide tax relief to employers in the Katrina affected areas who are providing housing for their employees. Under the amendment, employees will be able to exclude up to $600 per month in the value of any housing assistance they receive from their employer. Employers will be eligible for a tax credit of 30 percent of the housing assistance they provide to their employees.

The lack of housing to bring back employees is one of the largest detriments in bringing back the local economy and serves as the base for establishing local commerce. The Landrieu-Vitter amendment addresses one of the most pressing needs in Louisiana, the need for housing while we rebuild our economy. Our employers would like to open up for business again, but their employees cannot return to work if they do not have a place to live. We have worked with hundreds of employers who have already taken steps to make housing available to their employees through trailers and temporary housing, but this amendment will encourage more employers to do the same. With their employees close by, our businesses can begin their operations helping to drive our economic rebuilding. The Landrieu-Vitter amendment will help give this growth a jumpstart.

We urge you to include the Landrieu-Vitter housing amendment in the final version of any hurricane tax relief bill before Congress adjourns for the year.

Sincerely,

MARK C. DRENNEN,
President and CEO.

Mr. LOTT. I ask unanimous consent the substitute amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2680), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 4440), as amended, was read a third time and passed.

Mr. LOTT. Briefly, I express appreciation to Senator GRASSLEY, Senator BAUCUS, especially Senator REID for his efforts, my colleague from Mississippi, Senator COCHRAN, the input and the help and the determination of Senator LANDRIEU from Louisiana, and Senator VITTER, Senator HUTCHISON and Senator CORNYN. I will have my additional remarks. I thank all those involved.

This is important legislation. This is almost $8 billion in tax incentives and relief for the people in the hurricane areas. It means so much. Now we will be able to pass this back to the House, and hopefully they will take it up and send it directly to the President.

Mr. REID. This is not the time for a long statement. I especially extend my appreciation to the chairman and the ranking member of the Committee on Finance—it has been tough sledding—and, of course, the delegation from Mississippi, that of the Senator from Louisiana.

I ask unanimous consent the Senator from Louisiana be recognized for 90 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, it will only take 90 seconds to thank Senator LOTT for his leadership and the two managers, Senator GRASSLEY and Senator BAUCUS, who have literally worked tirelessly on this piece of legislation to help the people along the gulf coast. This is part of a relief package that will help us to help ourselves, get our people back home, our businesses back to work, and the gulf coast on its feet, so we can continue to support the needs of this Nation through energy and commerce and trade.

I thank Senator LOTT particularly for the extra effort he has put into this bill. I thank the leadership for passing it this morning.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005 CONFERENCE REPORT—Continued

Mr. LEAHY. I yield up to 3 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 3 minutes.

Mr. CRAIG. Mr. President, I thank the ranking member of the Judiciary Committee for yielding. Let me also thank the chairman of the Judiciary Committee. I thought he gave a thoughtful overview of the progression of time and thought that has gone into the conference report that is before the Senate at this moment.

Of all that we do this year that is lasting beyond tomorrow, clearly the PATRIOT Act is one of those pieces of legislation. I say that because it deals with fundamental constitutional rights in this country. At the same time, it deals with our right to protect ourselves against foreign interests that might intrude upon our shores.

The chairman has said so well, it is a very precarious balancing act between the right of the free citizen and a civil society that is protected by law. That is what we as Senators are about at this moment. That is what I have always been about, along with my colleagues. That is why some of us joined well over a year and a half ago to say that when it came time to reauthorize the PATRIOT Act, here were some provisions that stepped us back toward the right of free citizens to be protected by their Government, in fact, against their Government's law enforcement capability; while at the same time not hand-tying the ability of law enforcement and intelligence to come together to review, to investigate, and to determine whether someone's acts were terrorist in nature and might put free citizens of our country in jeopardy.

I cannot, nor will I, vote for cloture today because I am here to defend what the Senate has already done so well in such a bipartisan and in such a thoughtful way. We will not adjourn this session of this Congress without a PATRIOT Act in place, whether it is the 3-month extension we offered or whether it is the chairman, as he said, and the ranking member sitting down with the House to once again shape, in limited ways, those areas we think are critically necessary to make sure the balance the chairman so clearly spoke to is adhered to within a reauthorized PATRIOT Act.

So I would urge my colleagues' calmness and sensitivity to the fundamental civil liberties of our country, as we worked so hard to balance them against our country's and our Constitution's and our Government's primary responsibility; and that is to keep us safe and secure in a free environment.

I thank the ranking member for yielding, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, we have only had 2½ hours of debate on this major matter. We have very little time. I yield up to 3 minutes to the distinguished senior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, America deserves laws that protect both their security and their civil liberties. This conference report does not. After years of doubt about the PATRIOT Act, this morning Americans woke up to more startling reports. For the past 3 years, the administration has been eavesdropping on hundreds of calls without warrants or oversights. These are the newspapers: "Bush Authorized Domestic Spying," "Bush Lets U.S. Spy on Callers Without Courts."

Well, the administration is not responding to the article, but they tell us: Trust us. We follow the law. Give me a break. Across the country and across the political spectrum, no one is buying it anymore.

This administration feels it is above the law, and the American people and our Constitution pay the price. There is no accountability. There is no oversight. The President continues to ignore history.

In the 1970s, Big Brother spied on its citizens, and the American people stood up and said "no." President Nixon's program, the COINTELPRO, allowed broad spying on law-abiding American citizens. We stopped Big Brother then by establishing the FISA court to ensure proper oversight and protections. Now this administration believes it is above even those protections. This is Big Brother run amok. With these new developments, we must take a step back and not rush the PATRIOT Act, further risking our civil protections.

The entire world is watching to see how we strike the balance between intelligence gathering and the Constitution. We cannot protect our borders if we do not protect our ideals. We need a bipartisan consensus that protects both our security and our liberty while restoring the public trust.

Our country is at a new low. Not since Watergate has there been such a lack of openness and honesty in our Government. Americans deserve better. The leaking of a CIA agent's identity is the prime example. The President promised he would clean house of anyone in the White House who had anything to do with the leak in the Plame case or the coverup. It has been suggested that the President himself may know the identity of the source, and I urge him to set the record straight.

The President needs to answer three questions: One, what did he know and when did he know it? Two, did he tell the special prosecutor, Fitzgerald, the whole story? And, three, who else knows the facts? CHENEY? Gonzales? Ashcroft? If Novak knew and the President knew, then the American people should know, too.

Mr. President, answer these questions.

In the last few days, we have heard a lot about whether America will be safer if the Senate approves the PATRIOT Act conference report this week.

Let's set the record straight—our national security will not be 3 jeopardized—at all—if existing laws stay in place for 3 more months. These surveillance methods will expire only if the Republican leadership refuses to negotiate—even with Members of their own party.

We have unfinished business on the table. The conference report fails to do all we can to improve intelligence-gathering capabilities and legislative oversight.

Americans deserve a law that protects both their security and their liberties, and this bill does not.

We need to preserve the basic powers created by the PATRIOT Act, but we also need to improve the safeguards that are indispensable to our democracy. Civil liberty protections are a continuing source of our country's strength—not just fringe benefits to be abandoned in time of crisis.

We all agree on the need for law enforcement and intelligence officers to have strong powers to investigate terrorism, to prevent future attacks, and improve information-sharing between Federal, State and local law enforcement.

In the wake of the tragic events on September 11, Congress, the administration, and the country faced the urgent need to do everything possible to strengthen our national security and counterterrorism efforts, and the original PATRIOT Act was our response to that need.

Even at that time, many of us had concerns about whether the law went too far. In November 2001, Nancy Talanian and a small group of neighbors in western Massachusetts came together to launch the Bill of Rights Defense Committee—what has now become a nationwide movement to protect the Bill of Rights.

This small Massachusetts group encouraged similar community discussions across the country. Seven States and hundreds of local governments engaged in vigorous public debate on the scope of the PATRIOT Act. As of this week, 400 resolutions have been passed.

These efforts can't be casually dismissed because the administration claims there have not been any "verified abuses" of the PATRIOT Act.

The Republican leadership tells us that time has run out and this legislation must be passed without further debate. We are told that enough oversight has taken place.

But it took 2 years—2 years—for the Department of Justice to respond to questions from the Senate Judiciary Committee about the use of the PATRIOT Act tools. We didn't receive the significant written answers until after the committee approved its bill.

We then learned that the Federal Government has only reported three instances in which a U.S. person was informed of a search because there was no national security interest in keeping it secret. Only three times has the Attorney General notified a United States person that they have been searched.

Yet we read more newspaper stories about FBI mistakes. The FBI says it averages about 10 mistakes a year. As a result of litigation, the FBI has admitted publicly that unauthorized electronic surveillance has gone on for months before mistakes were caught.

Now, I don't doubt that the FBI is trying to do a good job—but how many mistakes does it take to count as an abuse?

This administration tells us to disregard such mistakes because the information is being collected only about individuals linked to terrorism. Clearly, that is not the case.

I know personally about mistakes in the war on terror. Not long ago, I was on the no-fly list, and had to make a number of calls to clear up the resulting confusion.

Countless others have had a similar experience. I received a letter from a man in California. He had gone to the airport with his family to begin a vacation to Disneyland. Arriving at the airport, they encountered an unexpected surprise. His nephew, Liam Collins—at that time just 7 years old—was on the government's no-fly list. Seven years old and on the no-fly list.

Liam and his family convinced airport officials it was a "mistake." Liam made it to Disneyland but he sent me a picture about his experience—which had become a memorable part of the trip.

Since then, Liam hasn't traveled by plane, so no one knows whether the "mistake" has been fixed.

What about other mistakes? The Justice Department tells us that the so-called libraries provision has never even been used to search a library.

That may be just a clever way of saying that it is happening in a different way. In 2002, Attorney General Ashcroft told Congress that "national security letters" would be the better tool for library searches anyway.

Maybe Ashcroft was right. The so-called libraries provision has only been used 35 times—but over 30,000 national security letters have been issued, according to the Washington Post. The public doesn't know if that number is accurate, because the administration refuses to confirm it.

The conference report will require public reporting on the use. It will also require the Inspector General to audit their use.

But under these authorities, the Government is not required to obtain a court order. Your local library has no clear right to challenge demands for computer records in court. For consumers, there is zero protection—much less notice—if your records are taken by mistake. The recipient of a national security letter is barred forever from talking about it—even if the need for secrecy no longer exists.

On these national security letters, the conference report has two major shortcomings. One of the most glaring omissions is the failure to include a sunset provision for national security letters, which would be consistent and logical given the new reporting and auditing provisions contained in the conference report. Without doubt, it is more meaningful to have a sunset on a provision used 30,000 times than one that is used 35 times.

What we anticipated 4 years ago is abundantly clear now: 4-year sunsets are the only means to ensure adequate congressional oversight of controversial law enforcement and counterterrorism activities.

In addition, recipients of these orders should have a meaningful right to judicial review. The administration's acquiescence in giving recipients the right to consult an attorney is not a meaningful concession. The Justice Department has already taken that position in litigation. The conference report does not advance civil liberties on that point. In fact, it makes it harder to win in court. Under the conference report, banks, phone companies, and libraries challenging these authorities will have to overcome an even higher threshold in court, and companies may have to turn over records even where there is not even an individualized suspicion of terrorism.

The Federal Government should focus on whether the country is doing enough to protect citizens from another terrorist attack, and is providing adequate safeguards to protect fundamental civil liberties.

What Americans want and deserve is responsible legislation. Our Senate bill included the necessary assistance for law enforcement, while maintaining fundamental protections in accord with the Bill of Rights. As a result, it received unanimous approval of the entire Senate.

At the first and only meeting of this conference, I urged my colleagues to support the Senate bill, keeping in mind the recommendations of the bipartisan 9/11 Commission, which made clear that the executive branch has the burden of proof to justify why a particular governmental power should be retained—and Congress has the responsibility to see that adequate guidelines and oversight are made available.

On the two most contentious surveillance methods, the executive branch has failed to meet the 9/11 Commissioners' burden of proof—much less the burden of persuasion. The American people are not convinced that these methods achieve the right balance between our national security and protection of our civil liberties.

This conference report, however, failed to meet the 9/11 Commissioners' recommendations. It is especially alarming that the Commissioners' report card gave five failing grades in key areas of need. Obviously, America is not as safe as it should be.

Snooping on library computers is no substitute for strong and effective steps to prevent terrorist attacks.

With this conference report, some harsh provisions were deleted, but other abusive provisions were added. Debate about extraneous provisions took priority over improvements in the core provisions. It appears that the PATRIOT Act can't get better without also getting worse.

The administration wants to get this bill done—but the American people want it done right.

I urge my colleagues to join in supporting our bipartisan bill to extend the deadline for the expiring provisions for another 90 days. With a March 31 deadline, we can deal responsibly with the major issues still on the table. Serious concerns about the standards and oversight of the most contentious surveillance methods can and must be addressed.

Our Senate bill contained fundamental protections in accord with the Bill of Rights. It passed with our unanimous support, and it is disappointing that this conference report fails to do the same.

We need an effective strategy to win the war on terror, a strategy that strengthens terrorism laws that work, corrects laws and policies that don't, and protects the rights and privacy of all law-abiding Americans.

The entire country is watching to see how we strike the balance between national security and the Constitution. We are very close to agreement on this bill. Let's take the necessary time to reach a bipartisan consensus that protects both our security and our liberty, and restores the public trust in Congress as an institution.

Mr. CORNYN. Mr. President, I come to the Chamber today to speak about the PATRIOT Act reauthorization conference report. While this agreement does not give everyone all that they want, it is the result of lengthy, difficult negotiations. It represents a reasonable compromise for all parties involved, and it extends tools important to our national security, while enhancing civil liberties protections.

It has been more than 4 years since the terrorist attacks of September 11, 2001. In the days, weeks, and months since that day, the American people have braced themselves for the possibility of another terrorist attack on our homeland.

After all, we know all too well that al-Qaida is a stealthy, sophisticated, and patient enemy, and its leadership is motivated to launch another devastating attack on American citizens and soil.

Outside the United States, al-Qaida and its affiliates have continued to be remarkably active, responsible for numerous attacks, spanning the globe from Pakistan to Bali, Spain to London.

It is precisely because al-Qaida is so aggressive, so motivated, and so demonstrably hostile to America that I am grateful that, to date, they still have not successfully launched another attack on our soil. There are undoubtedly many reasons for this. First and foremost: the brave men and women of our Armed Forces. They are fighting the terrorist abroad so that we do not have to face them at home. Also, our efforts to strengthen antiterrorism and law enforcement tools through the USA PATRIOT Act has had much to do with this record of success and peace to date.

This diligence that has kept us safe at home must continue. The war on terrorism must be fought aggressively—but consistent with the protection of civil rights and civil liberties. That is why I am disappointed when we witness false reports and scare tactics about phantom civil rights violations. Such reports and tactics serve no legitimate cause—but they do a grave disservice to the American people. Whenever real civil liberties problems do arise, we must learn about them right away, so that we can fix them swiftly. Congress works hard to strike both a careful and wise balance between national security and civil liberties. While this is not always easy, we do so with the best interests of our Nation in mind—and we do so in a manner that is both honest and in good faith. This conference report strikes a careful balance by both preserving the provisions that have made America safer since 9/11 and increasing congressional and judicial oversight—which should alleviate the concerns of those who believe the law enforcement tools endanger civil liberties.

Many who oppose this agreement do so because of concerns that law enforcement will abuse these tools. While a legitimate concern, it simply has not been borne out by facts. First, the reports issued by the Department of Justice's independent inspector general have repeatedly found no systematic abuses of any of the provisions of Patriot. Second, these provisions are carried out by professional and dedicated law enforcement officers in a way that respects the rights of all Americans.

It has been said that time is a great healer. And, as time goes by, the shock we all felt following the 9/11 attacks has abated, somewhat. But as we recall those terrible memories, we are reminded of the institutional failures of our Government that failed to prevent the attacks. And we as a Nation, and the Congress in particular, vowed to tear down the walls that prevented information sharing, and to enact other tools vital to defending this country. It is clear that the PATRIOT Act has played a significant role in this process, as it has been instrumental in dismantling terrorist cells from New York to Oregon.

The failure to pass this conference report will cause these critical tools to lapse. It will weaken our country by reverting to September 10th-era tools. We cannot allow that to happen. We are living in profoundly different times. There are obviously deep feelings about the PATRIOT Act from all quarters. I and others support the PATRIOT Act and have been vocal about making these provisions permanent. Because not everyone agrees with this view, negotiations and compromises took place to reach an agreement that achieves the dual goals of continuing these critical authorities and enhancing congressional and judicial oversight.

Some have proposed that we pass a 3-month extension to continue working on the reauthorization. I oppose that. The Congress placed a December 31, 2005, deadline for a reason. The President, the Attorney General and the House support this agreement. We should vote on this agreement, and I intend to vote for cloture and will support the conference report.

However, if we are searching for alternatives, I propose the Senate take up and immediately pass legislation that I cosponsored last Congress which would strike all of the sunsets contained in the PATRIOT Act. This would eliminate the deadline we face, those in the House and those in the Senate can offer what they consider improving legislation and work to move it through the regular legislative process. That way, none of the vital authorities will be allowed to lapse and any changes that majority of the Congress supports will be implemented through the regular order.

Beyond this proposal, I want to discuss some of the specific items addressed by the conference report and try to explain why I think this report should be supported, beginning with sunsets.

I have stated that I oppose sunsets for this important legislation. I believe that our intelligence and law enforcement officials should never again be left wondering whether the Congress will manage to agree to reauthorize the tools that protect our Nation.

But realizing that there are those who feel that these sunsets are important to the negotiations, I choose to support the sunsets, even though if we were going to have sunsets I would have preferred the 10-year sunsets included in the House-passed version. This conference report retains 4-year sunsets for two of the most controversial PATRIOT Act provisions, the multipoint or "roving" wiretaps and the business records provision.

It also includes a sunset for the "Lone Wolf" provision added to the Foreign Intelligence Surveillance Act by last year's Intelligence Reform Act. This guarantees the Congress will review these provisions and continue to conduct rigorous oversight.

Senator SPECTER and others on the conference attempted to address civil liberty concerns in many ways, for example, dealing with the delayed search warrant provision. As my colleagues know, this section is not to sunset. Nevertheless, recognizing the sensitivity to this provision certain Members had, the conference report requires the Government to now give notice of any search under this provision within 30 days of its execution, unless the facts justify a later date certain.

Although the 30-day period is a few weeks longer than the 7-day time limit contained in the original Senate bill, it is considerably shorter than the 180 days permitted under the House bill. The conference report allows for extensions but only "upon an updated showing of the need for further delay." Also, it limits any extensions to 90 days or less, unless the facts of the case justify a longer delay.

It also adds new public reporting on the use of delayed notice warrants, so that Congress and the American people will be better informed about the use of this provision.

My time is short today, but I want to briefly mention other civil liberties protections Chairman SPECTER negotiated. The report made explicit the ability of recipients of NSL letters and 215 orders to seek judicial review. Significantly, on both of these authorities, the conference report requires the inspector general to conduct two audits of these authorities, one audit covering 2002 through 2004; another covering 2005–2006. And, in recognition of concerns about NSLs, the conference report adds a new "sunshine" provision. Namely, it requires annual public reporting on NSLs, including the aggregate "number of requests made by the Department of Justice."

Additionally, this report gives the Senate Judiciary Committees access to significant FISA reporting currently provided to the Intelligence Committee. It also includes a provision cosponsored by Senators SPECTER and LEAHY requiring that rules and procedures of the FISA court be supplied to Congress. It further creates new reporting requirements to Congress for the use of emergency authorities under FISA and requires new reporting on the use of emergency disclosures of communications information made under Section 212 of the PATRIOT Act. And finally, it retains a modified version of the data-mining report contained in the House-passed bill which will require the Department of Justice to submit a report to Congress on the Department's data-mining activities.

I also want to mention another provision contained in the conference report because it is based on legislation that I introduced in the Senate. The Narco-Terrorism Prevention Act confronts the new reality and very real danger of the deadly mix of drug trafficking and terrorism.

Terrorists, like the old organized crime syndicates from the past, have recognized that illegal drug trafficking is a valuable source of financing and another way to threaten our country.

My State is experiencing the collateral effects of a drug war being carried out by modern day narco-terrorists in Nuevo Laredo, Mexico. News reports have described an ongoing battle between rival drug cartels over drug smuggling routes from Mexico into the United States. These organizations assassinate police officers and other government officials in a clear attempt to force the local government to allow these organizations to carry on their illegal activity, unimpeded. Our government needs every available tool at its disposal to combat this activity.

This new provision makes it a Federal crime designed to punish the trafficking of controlled substances which are intended to benefit a foreign terrorist organization or any one else planning a terrorist attack. It also carries stiff penalties for anyone convicted. Importantly, it provides for extraterritorial jurisdiction which allows law enforcement to reach beyond our borders to arrest and deter those who intend to carry out a crime of this nature.

Mr. President, I have opposed changing the core provisions of the PATRIOT Act and have opposed any increase in the burdens for terrorism or national security investigations or on terrorism or national security investigators because they should have the same tools available to them as do ordinary criminal investigators.

We must remain vigilant, and we must make sure that evidentiary hurdles do not creep back into the law in terrorism and national security investigations. We should avoid moving back to a pre-9/11 mindset. I believe that the package before us today continues the reforms we have made in the post-9/11 period, and I intend to vote in favor of this package.

Mr. JEFFORDS. Mr. President, since the beginning of our country's history, Americans have recognized the vital importance of balancing the safety and security of our people with the need to uphold civil liberties in our society. There have been times when the Congress has succeeded in achieving this fine balance, and there have been times when the Congress has failed to do so.

In 2001, I supported the passage of the PATRIOT Act because I believed the legislation that emerged from the conference between the House and the Senate had achieved this goal. However, this legislation has since been used for purposes beyond what we had envisioned 4 years ago, and that troubles me. As a result, I have cosponsored the Security and Freedom Enhancement, SAFE, Act, which would modify the law.

I was pleased to support the legislation to reauthorize the PATRIOT Act as it unanimously passed the Senate earlier this year. This version reflected many of the important changes contained in the SAFE Act. It would have restored the balance between security and civil liberties, while the House version would further tilt the balance away from civil liberties. I was hopeful the final conference report on this legislation would reflect the Senate version, but unfortunately, this is not the case.

This conference report falls short in restoring the balance between security and civil liberties, and therefore I cannot in good conscience support its passage. The conference report falls short because the legislation contains no sunset for controversial provisions like "sneak and peek" warrants; the legislation's standard for being able to obtain records is only mere relevance, rather than requiring an actual connection with a spy or terrorist; the legislation makes it nearly impossible to obtain a meaningful judicial review of production orders and the gag orders that accompany them; and the legislation allows for a disturbing lack of notice to individuals whose records are obtained under the law.

In short, this legislation fails to restore the critical balance between security and civil liberties, a balance that I believe all Americans consider a vital part of our democracy.

Therefore, I will oppose limiting debate on the conference report and final passage of the conference report in its current form. Given that the end of the session is fast approaching, we should pass a short-term extension of the expiring PATRIOT Act provisions, as advanced by Senators LEAHY, SUNUNU and others, to allow this conference report to be improved and ultimately strike the proper balance.

Mr. AKAKA. Mr. President, today I raise my strong concerns about news reports regarding the administration's blatant disregard for American's privacy rights and civil liberties. I am shocked by the recent revelation that President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without court-approved warrants. I am equally appalled by the Pentagon's dismal enforcement of guidelines that reuire deleting information on American citizens from a counterterrorism database within 3 months if they pose no security threats.

Government agencies are not following important rules and procedures designed to protect the American people. Just this summer, the nonpartisan Government Accountability Office issued a report at my request which found that agencies are not following privacy laws designed to protect personal information in Federal data mining systems. Considering that there are nearly 200 data mining systems in the Federal Government, these actions pose real threats to Americans' privacy.

Merely having policies and safeguards in place does nothing if agencies are not following the law. As such, I cannot vote to renew some of the most troublesome PATRIOT Act provisions that threaten civil liberties, including the Government's far-reaching powers to obtain personal, medical, library, and business records or coduct "sneak-and-peek" searches, without ensuring that meaningful checks and balances are in place.

I want to assure the people of Hawaii and all Americans that I am working on legislation to strengthen Federal privacy laws.

Mr. BINGAMAN. Mr. President, I rise today to speak in opposition to closing off debate on the PATRIOT Act conference report as it has come back to the Senate.

The events of September 11 demonstrated various deficiencies in our understanding of the terrorist threat and our capabilities in terms of combating terrorism. In response, Congress acted decisively and passed the PATRIOT Act to ensure that our Government has all the tools necessary to protect the American people. I supported that legislation.

The PATRIOT Act, as originally enacted, was 342 pages long and contained 10 titles and 116 sections. The bill improved our laws with regard to international money laundering, terrorism financing, intelligence gathering, surveillance, cooperation between law enforcement and intelligence authorities, and strengthened our criminal laws relating to terrorism. The vast majority of these provisions are not expiring. They remain the law of the land. Indeed, only 16 of the most controversial sections in the bill contained sunset provisions.

Congress recognized that we were extending to law enforcement and intelligence authorities expansive new surveillance powers and that it was important to go back and look at how these powers have been used and whether we needed to make any changes in the law to ensure that Americans' civil liberties are protected. While I support the reauthorization of these expiring provisions, I believe that there are changes that need to be made to address some of the problematic provisions.

Let me be clear. I support giving law enforcement the tools necessary to aggressively fight terrorism but believe that modest modifications are required to ensure that we protect constitutional rights and properly balance civil liberties with national security concerns. To this end, in July the Senate unanimously passed a bipartisan bill that would reauthorize the PATRIOT Act with important safeguards in place to protect the rights of Americans. Although this bill wasn't perfect, it struck a reasonable balance between giving law enforcement the tools they need and protecting civil liberties.

When the PATRIOT Act was originally passed in 2001, Congress provided that some of the controversial provisions, such as section 215 which allows the Government access to library and medical records, would expire in 2006.

One example of where the current version of the bill falls short is with regard to section 215, the so-called library provision which allows the Government to obtain sensitive personal records, including library, business, and medical records, of Americans by merely saying that they are relevant to a terrorism investigation. This provides the Government almost unfettered authority to look at the personal records of Americans. Under the Senate-passed bill, the Government would have to demonstrate that the person whose records they are seeking has some connection to a suspected terrorist or spy.

In particular, the Government would have to show that, No. 1, the records pertain to a suspected terrorist or a spy; or No. 2, that the records pertain to an individual in contact with a suspected terrorist or a spy; or No. 3, that the records are relevant to the activities of a suspected terrorist or spy. It is reasonable to require that if the Government is going to look at the private records of Americans without a traditional warrant that the Government show at a minimum that the request for records has some connection to a terrorist and isn't just part of a fishing expedition.

In addition, when a person receives a section 215 order requesting medical records or library records, the person who receives this request is subject to an automatic and permanent gag order that prevents them from speaking about the order or challenging the gag order in court. Similar restrictions on challenging gag orders have been found to be unconstitutional and a violation of the first amendment.

Another section of the bill that is of great concern relates to national security letters, or NSLs. These requests for documents are similar to section 215 orders except that they do not require any court approval at all. Although a section 215 order needs to be approved by the Foreign Intelligence Surveillance Court, a NSL is simply issued by the FBI, without any judicial review, to a business to obtain certain records, such as financial records, that it believes are relevant to a terrorism or intelligence investigation.

The conference report does allow a NSL recipient to challenge the NSL in court, but it also stipulates that regardless of whether there are national security concerns, all of the Government's submissions are secret and cannot be shared with the person challenging the order. And to be clear, the business being denied knowledge of the "governmental submissions" is not the target of the investigation but the recipient of the order for the requested documents.

Also the recipient of the NSL is subject to an automatic gag order. Although the gag order can be challenged in court, the only way to prevail is to demonstrate that the Government is acting in bad faith, a burden that is almost impossible to prove.

I also have concerns about other aspects of the conference report, such as the "sneak and peek" provision which allows law enforcement to search homes without notifying individuals of the search for an extended period of time.

This bill has profound implications on the constitutional rights of Americans, and I strongly believe that we shouldn't be hastily approving a bill that falls short of adequately protecting civil liberties.

Simply reauthorizing the most controversial provisions and saying that we will take another look at the bill in 4 years when the new sunset provisions expire is not the appropriate way to deal with this issue. It has been 4 years since the bill was enacted and it is time that Congress addresses the substantive problems with the act.

The Senate has demonstrated that it is prepared to reauthorize all of the expiring provisions, and there is no need to pass this version of the bill in its flawed form. I agree with Senator LEAHY that we should temporarily extend the PATRIOT Act for 3 months to give Congress more time to work out the remaining issues in a thoughtful way. It is my hope that a solution can be reached that reflects the commonsense improvements that were included in the Senate-passed version of the bill.

Mr. BAUCUS. Mr. President, I rise today to speak about the Combat Meth Act. I am proud to be a cosponsor of the Combat Meth Act because it addresses a problem that impacts every aspect of our society. I was excited when the Combat Meth Act was included as part of the Commerce, Justice, State Appropriation bill this year, and I was extremely disappointed that it wasn't included in the final conference report. Though Senator LEAHY requested that the Combat Methamphetamine Epidemic Act be presented to the Senate as a freestanding bill, it is unfortunately included at the end of the PATRIOT Act.

So much has been said on the PATRIOT Act's civil liberty provisions, yet little has been said about the very important section of the conference report, the Combat Meth Act.

The methamphetamine problem in this country needs attention. Methamphetamine abuse has increased dramatically in recent years, reaching all comers of the United States. It is a very large problem in the State of Montana.

That is why I was pleased when the Senate gave methamphetamine the attention it deserved. And we worked together to produce a bipartisan bill.

The Senate Combat Meth Act provided greater regulations for methamphetamine, just what law enforcement officers asked us for. The Senate bill focused on regulation, monitoring, treatment, and prevention.

The conference report does not provide the same provisions we negotiated in the Senate for the Combat Meth Act. Though I support the ideas behind many sections of the conference report, including the restrictions on the allowable quantity purchasable, the requirement for over-the-counter medicines containing pseudoephedrine to be sold by a licensed pharmacist, and the establishment of a log book for these products, I still do not believe we have done enough to solve the methamphetamine problem.

In addition, the conference report changed the drug kingpin statute and lowered the eligibility thresholds for death sentences and mandatory life sentences. This is not what we need most. We need to work more on prevention.

Though I voted to oppose cloture on the PATRIOT Act, I support the Combat Meth Act and the need for legislation on this important issue. We must help solve the methamphetamine problem. Law enforcement officers depend on us. Methamphetamine addicts depend on us. And children of methamphetamine users depend on us to work together to bring this piece of legislation to the floor again.

I will work with my colleagues to make sure methamphetamine is a high priority issue when we come back after the New Year.

Mrs. CLINTON. Mr. President, in the wake of the September 11 terrorist attacks, this body came together—Republicans and Democrats alike—around the shared goal of preventing a similar tragedy from ever occurring again on our soil. Toward this end, Congress worked in a bipartisan manner to pass the provisions of the USA PATRIOT Act, legislation that expanded many of our laws, providing our Government and law enforcement with the tools needed to ably combat these threats. We understood then, as we do now, that these tools are important in our fight against terrorism. And because there is no greater responsibility that we bear as Members of this body than ensuring the safety of our citizens. I voted in favor of the USA PATRIOT Act in 2001 and supported its reauthorization when the Senate considered its bill earlier this year.

But even in the immediate aftermath of the September 11 tragedy, Congress recognized that in its haste to give law enforcement these expanded powers, there was a risk that this new authority was coming at the expense of constitutionally guaranteed rights and liberties. And so in the wisdom of both Republican and Democratic legislators, several provisions of the PATRIOT Act included 4-year sunsets, allowing Congress the opportunity to revisit whether the PATRIOT Act strikes the proper balance between securing our safety and ensuring our freedom.

I have very serious concerns that the current PATRIOT Act reauthorization conference report, which was negotiated largely without the input of Democrats, does not do enough to strike this proper balance. I believe that we can be both safe and free. The conference report falls well short of achieving that goal. I am hopeful that bipartisan negotiations can result in a compromise bill like the one agreed to in the Senate in July, a bill which did a far better job of protecting our civil liberties.

The current conference report fails in many respects.

Section 215 of the PATRIOT Act gives law enforcement in domestic intelligence investigations nearly limitless power to obtain all types of personal records, including business, library, and medical records. Under current law, the Government merely needs to demonstrate that the records it seeks are "sought for" a terrorism investigation. Upon such a showing, a secret court is required to issue the order. This is an extremely lenient standard, one that for the first time gives the Government almost unchecked access to the sensitive personal information of innocent Americans. To compound matters, the third parties—business, libraries, hospitals, and the like—who are recipients of these orders are subject to an automatic gag order. They cannot tell anyone that they have been asked for these records, including the person whose documents the Government is seeking.

Given its broad scope, this provision has tremendous potential for abuse. Innocent Americans should not be subjected to these possible intrusions when adequate safeguards can be written into the law, ones that would not sacrifice the utility of these orders as a law enforcement tool. Americans should not have to hope that the Government will demonstrate self-restraint in its exercise of this power, nor should they fear that their personal records will be part of a Government fishing expedition.

The Senate bill, which I supported, not only required the Government to meet a higher standard before issuing these orders, it also gave recipients of a FISA order an explicit and meaningful right to challenge these orders and their accompanying gag orders in court. The conference report sadly retains a variation of the current law's exceptionally lenient standard of review, a standard that effectively turns the courts into little more than a rubberstamp. Further, the conference report does not give the recipient of a FISA order any express right at all to seek meaningful judicial review of its gag order. Quite simply, the conference report places inadequate checks on these orders.

Another failure of the conference report was exposed in an article appearing in the Sunday, November 6, 2005 edition of The Washington Post, which brought to light a very troubling practice by the FBI that underscores the importance of adopting proper safeguards.

National security letters, NSLs, are administrative subpoenas that allow the FBI to obtain sensitive information about ordinary Americans in national security cases. NSLs are issued by FBI agents without the authorization or approval of a judge, grand jury or prosecutor. While the FBI has long employed NSLs, the PATRIOT Act greatly expanded their scope, significantly lowering the standard for their issuance. The result has been, according to The Washington Post, a "hundredfold increase" in their use, with the FBI annually issuing thousands of NSLs demanding private information about ordinary Americans not necessarily suspected of any crime. These records include financial, library, credit card, telephone, Internet service provider, and e-mail records as well as customer transaction information. These NSLs are governed by strict gag orders that prevent companies from telling their customers that their records were given to the FBI.

As this description suggests, NSLs are very similar to section 215 FISA orders but with one very critical difference—NSLs do not require the Government to get any court approval whatsoever. While NSLs can be an important tool in our fight against terrorism, their unfettered and unchecked use makes them susceptible to abuse that infringes upon the privacy of innocent people. The Senate version of the PATRIOT Act reauthorization bill created important checks on the power to issue and enforce NSLs—protections absent from the conference report—without hindering the effectiveness of this law enforcement tool.

Other sections of the conference report give rise to additional concerns. The conference report would give law enforcement the free-wheeling power to impose roving "John Doe" wiretaps without the safeguards needed to protect innocent Americans from unnecessary surveillance, casting aside important checks on this power that were included in the Senate bill. The report would also give the FBI the right to enter and search a home or business without providing notice to the owner of the residence or business for a month or longer after the search. And the conference report contains a provision that seriously curtails the habeas corpus rights of prisoners to challenge their convictions in court. This provision was in neither the House nor Senate bills, and there has been practically no debate on the merits of this change.

Apart from the serious civil liberties concerns, perhaps the greatest shortcoming of the conference report is its failure to incorporate a threat-and-risk-based formula for the allocation of critical homeland security funds to our local communities, States, and first responders. This deficiency was emphasized just last week by the former 9/11 Commission, which issued a blistering indictment of our homeland security failures.

As I said earlier, I have long maintained that protecting the security of our citizens and our homeland is the most important responsibility I bear as a Senator. To that end, I believe that to truly make America safe, we need to carefully allocate our homeland security resources. We need to make sure that the money gets to where it is needed, that our American cities and States living under the greatest threat receive the funding they need to protect themselves. Unfortunately, up until now, a substantial portion of our homeland security money has been allocated according to congressionally mandated formulas that bear little relation to need and risk.

Our resources should be dedicated to addressing our most glaring weaknesses. During their negotiations, I encouraged my House and Senate colleagues considering the PATRIOT Act reauthorization bill to account for this reality in our homeland security funding. I have maintained—as the former 9/11 Commission reiterated in its report last week—that lawmakers should cease playing politics with the allocation of our limited resources by promoting distribution formulas that ignore risk and threat. The Commission's report card was a condemnation of this administration and the Congress, both of whom have demonstrated far too little urgency in enacting the reforms needed to properly secure our homeland and fight the war on terror.

The former 9/11 Commission sent a clear, discernible message to the entire Nation last week—reform is needed at all levels of Government. The failure to incorporate in the PATRIOT Act conference report a much-needed threat-based formula for the allocation of homeland security funds is a major shortcoming and needs to be corrected.

As I noted at the outset, apart from these concerns, the PATRIOT Act contains provisions that provide law enforcement with important tools in the war on terror. Because we cannot afford to be without these tools, I am supporting bipartisan legislation that will extend the sunsetting provisions of the PATRIOT Act by 3 months. Just because we are coming up against the end of the year does not mean we should have to compromise the rights of law-abiding Americans. This extension will preserve the current state of the law on a temporary basis, giving those working on the bill the opportunity to craft a compromise that both safeguards our liberty and gives our law enforcement the capabilities they need to effectively combat and investigate terrorist threats. I am also hopeful that during this 3-month extension, those working on the reauthorization bill will heed the call of the former 9/11 Commission and include provisions that mandate the distribution of homeland security funds on the basis of threat and risk.

While we all recognize the importance of equipping our law enforcement with the tools they need to effectively combat terrorism, we also must ensure that those tools are administered in a manner that does not unnecessarily restrict the freedom and liberty that are the hallmark of American life. Like all Americans, I am troubled by recent reports that the President signed an order in 2002 that authorized the National Security Agency to conduct domestic spying on U.S. citizens and foreign nationals in the United States, despite legal prohibitions against such activity. Likewise, I am disturbed by recent reports that the Department of Defense is maintaining a database in order to monitor the activity of peaceful antiwar groups. The balance between the urgent goal of combating terrorism and the safeguarding of our most fundamental constitutional freedoms is not always an easy one to draw. However, they are not incompatible, and unbridled and unchecked executive power is not the answer.

I believe the conference report falls short of this goal, and I am hopeful that with more time, those negotiating these provisions will find the proper balance.

Mr. PRYOR. Mr. President, I would like to state for the record that I am disappointed we were not able to pass a version of the PATRIOT Act today. My vote against cloture should not be viewed as a vote against the PATRIOT Act. It should be seen as a vote for balance.

I think most Americans want legislation that keeps us safer from the threat of terrorism, but they also want their civil liberties protected. The version of the PATRIOT Act, which passed the Senate earlier this year with my support, struck that balance. Unfortunately, the conference report we have before us today does not. This conference report is invasive and vague. It takes focus off of preventing terrorism instead permitting government fishing expeditions that invade the privacy of all Americans.

My vote against cloture should not be seen as a parliamentary move to kill this bill. I am voting today to allow conferees more time to get it right. I join my colleagues in a bipartisan push to extend the current PATRIOT Act 3 months so that the problems that brought this bill down can be resolved. It is my hope that the distinguished majority leader allows us to move forward with a vote on this extension.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, let me agree with Senators who have spoken out very sharply in opposition to the disclosures in the press this morning about "President Bush Lets U.S. Spy on Callers Without Courts." That is wrong, clearly and categorically wrong.

If you read some of the fine print, there are some indications that there were some level heads within the executive branch. If you get down into the fine print—it takes a lot of reading beyond page 1 and the other headlines—this appears:

> [I]n mid-2004, concerns about the program expressed by national security officials, government lawyers and a judge prompted the Bush administration to suspend elements of the program and revamp it.

Later the article says:

> Several national security officials say the powers granted the N.S.A. by President Bush go far beyond the expanded counterterrorism powers granted by Congress under the USA PATRIOT Act. . . .

There is no doubt that this is inappropriate. The chief judge of the Foreign Intelligence Surveillance Court stepped in and said: Don't provide this court with any information you got this way to get a warrant. Just don't do it.

So if you read the fine print, there were some parts of the system which were working. But it is inexcusable to have spying on people in the United States without court surveillance in violation of our law, beyond any question. And I can tell you that this will be a matter for oversight by the Judiciary Committee as soon as we can get to it in the new year—a very high priority item.

I might add, by way of addendum, that on a morning when we come to have a vote on the PATRIOT Act, it is a little disconcerting to see these headlines. It is not very good publicity with a broad brush as to what the Government is doing. The editorials are frequently published on the day the Senate is to vote. Somebody suggested that the news story, which had been held back by more than a year, was timed as well. I certainly would not want to suggest that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania yields back.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield 2 minutes to the distinguished Senator from New Hampshire, Mr. SUNUNU.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. SUNUNU. Thank you, Mr. President.

As was indicated by Senator CRAIG, this is not a last-minute effort to derail a piece of legislation. These are concerns that began with the introduction of the SAFE Act nearly 2 years ago and our goal was and still is to make improvements to the PATRIOT

Act, and to ensure that it better protects civil liberties without undermining law enforcement's ability to do their job in terrorist investigations.

I met with the Attorney General after he was confirmed. I know Senator CRAIG and others did the same thing. I spoke to senior White House staff not weeks, or months, but as long as a year ago and underscored the importance of sitting down and working through the legislation. I made very specific recommendations in just a few key areas of the PATRIOT Act and indicated that we could come to an agreement on a strong bipartisan bill.

I heard effectively nothing in response to that request. Moreover, even after all of our requests, no substantive material has been provided to argue how our specific changes would weaken or undermine law enforcement's ability to do its job in pursuing terrorists. A standard should be to put in place which will protect civil liberties no matter who holds the power in the executive, the legislative or the judicial branches.

So we are here today with a conference report that has many shortcomings, including a 215 standard that is too broad and could potentially be abused. There is no reason why we cannot clarify it to assure a connection to a specific spy or a terrorist. The conference report also has no meaningful judicial review of national security letters. Specifically there is a gag order requirement on national security letters that can only be overturned by a showing of bad faith on the part of the Federal Government. This is a requirement that will never be met by any individual or small business.

There is no judicial review explicit of the 215 gag order in the bill. This section requires that all evidence from the recipient of a 215 order is kept, even if that evidence is unclassified. It requires that if you are the target of one of these orders you must identify any lawyer you speak with to the FBI. To the best of my knowledge, this is a provision that exists nowhere else in law and could have a chilling effect on the individual's right to counsel. But more importantly it is unclear how eliminating this provision, and allowing one who receives a 215 warrant or national security letter to have the same right to counsel as anyone who is served with a normal subpoena undermines our ability to fight terrorism. We should not be afraid of a judicial review or setting the appropriate standards of evidence. We need to be mindful of Ben Franklin's words over 200 years ago: Those who would give up essential liberty in the pursuit of a little temporary security deserve neither liberty nor security.

We could pass a 6-month extension or take up the Senate bill which is on the calender and still respect important freedoms. We need to be more vigilant and we can do better.

Mr. LEAHY. Mr. President, I yield up to 3 minutes to another member of the conference, the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. I thank my friend from Vermont.

Mr. President, when this bill left the Senate, under the leadership of Senators SPECTER and LEAHY, we had a balanced bill with provisions which protected both our security and our liberty. We are all very much in their debt for the bill that left the Senate a few months ago. But what now has come back to the Senate is a bill which contains provisions which could sweep into the net of a fishing expedition the most private records of innocent Americans. The conference report amends section 215 of the PATRIOT Act. This is one of many examples, and 3 minutes only allows one example. Section 215 permits the Government to seek court orders, to compel the production of any tangible thing, including library and medical records, in foreign intelligence investigations. Under the new provision, the Government need not describe, much less identify, a particular person to whom the records relate. The PATRIOT Act's standard in the conference report fails to narrow the scope of records that the Government can subpoena to less than the entire universe of records of people who, for instance, patronize the library or visit a doctor's office.

One example of that: The Government could seek all of a doctor's records, if it has an allegation that some unidentified patient of the doctor was sending money to an organization in the Middle East that was being looked at as part of a foreign intelligence investigation and the government thought that reviewing all of the records of that doctor might help identify that unidentified person.

Therefore, the Government argues, all of that doctor's records are relevant to a foreign intelligence investigation.

The same thing with library records; all of a library's records would be subject to being turned over to the Government if the Government has an allegation that somebody, one unidentified person, is using that library for some purpose; for instance, its computer, to have access to some organization in the Middle East that is involved in a terrorist organization. Everybody's library records would be swept into that net.

When this bill left the Senate, it had protective provisions against that. There had to be a showing, not just of relevance to a foreign intelligence investigation, there had to be a showing that the records sought were relevant and either pertained to a foreign power or an agent of a foreign power, were relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation, or pertained to an individual in contact with or known to be a suspected agent. In other words, the order had to be linked to some identifiable individual or suspected agent. Those protections are missing.

This is not the first time that Congress has addressed this issue. For instance, the Internal Revenue Code places limitations on what it calls "John Doe" summons for the production of certain taxpayer records.

Under 26 U.S.C. 2709 any summons which:

> Does not identify the person with respect to whose liability the summons is issued may be served only after a court proceeding in which the Secretary establishes that—
>
> (1) the summons relates to the investigation of a particular person or ascertainable group or class of persons,
>
> (2) there is a reasonable basis for believing that such person or group or class of persons may fail or may have failed to comply with any provision of any internal revenue law, and
>
> (3) the information sought to be obtained from the examination of the records or testimony (and the identity of the person or persons with respect to whose liability the summons is issued) is not readily available from other sources.

Some kind of narrowing language should be included in the Patriot Act for 215 orders. Without it, the PATRIOT Act authorizes the rankest kind of fishing expedition.

In addition to the problem with the standard for issuing 215 order, a gag order can be imposed by the FBI to prevent the library from telling people that their records were turned over. That means innocent Americans might never know that the government was looking into their reading habits or medical records. Further, while some argue that the recipient of a gag order could challenge that gag order in court, the conference report is not at all clear on this point. During staff negotiations, language that would have clarified the right to challenge a gag order was rejected. The idea of a permanent, unreviewable restraint on the First Amendment rights of American citizens is deeply troubling.

To add insult to injury, if the library wanted to seek legal advice, this conference report requires the library to tell the government who it had consulted even if the lawyer consulted had turned down the case.

The conference report is similarly flawed in its treatment of National Security Letters or NSLs. NSLs compel phone companies and banks, for example, to turn over certain customer records. The government can issue an NSL without going to court. And, like 215 court orders, NSLs can be issued without identifying anyone in particular that the government suspects is a terrorist or spy. Again, the government does not have to show any connection between the records sought and a person who the government thinks is a terrorist or spy. And like 215 orders, the government can impose a gag order on the recipient of an NSL.

While the conference report does permit recipients of NSLs to challenge gag orders in court, it severely constrains the court's discretion to review the gag order, potentially rendering the review meaningless. Under the conference report, if the Attorney General or another specified senior official certifies that disclosure may endanger national security or harm diplomatic relations, the court may modify or set it aside it only if it finds "bad faith" on behalf of the government.

And, like 215 court orders, if the recipient of an NSL wanted to seek legal advice before turning over records, the conference report would require the recipient to tell the government who they had consulted.

Also troubling about the NSL authority is that there is no requirement that the government destroy records acquired with an NSL that are irrelevant to the investigation under which they've been gathered. These are records that relate to innocent Americans. The government should be required to destroy them if they contain no relevant material.

I outlined many of my concerns in a December 7th letter to the Chairman and Ranking member of the Senate Judiciary Committee. I'd ask consent that a copy of that letter be placed in the record.

As I and my fellow Senate Democratic conferees said in a December 8th letter to the Chairmen of the House and Senate Judiciary Committees, the conference report falls short of what the American people have every reason to expect Congress to achieve in defending their rights while advancing their security. Congress should not rush ahead to enact flawed legislation to meet a deadline that is within our power to extend. We owe it to the American people to get this right. If three more months are needed to make this an acceptable bill, then we should take and prudently use that time.

I ask unanimous consent to have printed in the RECORD a letter dated December 7, 2005.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 7, 2005.

Senator ARLEN SPECTER,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.
Senator PATRICK LEAHY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN SPECTER: The USA PATRIOT Act responded to the terrorist attacks of September 11th by giving law enforcement agencies important new tools to use in combating terrorism. However, as I said when the Senate passed the bill, the PATRIOT Act is not perfect. The bill's sunset provisions give us the opportunity to revisit the law so we can both protect national security and the civil liberties of American citizens.

As we have discussed, I am troubled that, in some important areas, the most recent draft of the conference report fails to achieve that goal. Some of my concerns are described below.

Standard for 215 court orders—The bill passed by the Senate achieved a reasonable middle ground between the standard that existed prior to the PATRIOT Act and that which the PATRIOT Act established for the FBI to access sensitive records of American citizens with Section 215 orders. These orders can compel things like library records that reveal the reading habits of American citizens and sensitive medical records. While technical changes to the Senate-passed language may be warranted, I am concerned that the draft conference report eliminates the nexus required in the Senate-passed bill between the records sought and the target of an investigation. I believe that the relevance standard, which the conference report would instead establish for access to these records, does not cure the problem.

Nondisclosure requirements for 215 court orders—The most recent draft conference report permits the Federal Bureau of Investigation (FBI) to attach nondisclosure requirements to a 215 court order but does not permit recipients of such orders to challenge those nondisclosure requirements in court. I am troubled by what could amount to a permanent, unreviewable restraint on the First Amendment rights of American citizens. I am also troubled that, while the draft permits recipients of 215 orders to disclose the receipt of such an order to a lawyer to obtain legal advice, it requires recipients to tell the FBI, if asked, from whom they have sought or plan to seek legal advice on how to respond to the order.

Nondisclosure requirements for National Security Letters (NSLs)—The most recent draft conference report permits recipients to challenge nondisclosure requirements attached to NSLs. However, under the draft report, the court may only modify or set aside an NSL nondisclosure requirement if there is no reason to believe that disclosure may endanger national security, interfere with an investigation, diplomatic relations or endanger the life or physical safety of a person. In addition, if the Attorney General or another specified senior official certifies that disclosure may endanger national security or harm diplomatic relations, the court's discretion to modify or set aside the nondisclosure requirement is virtually eliminated. In addition, like 215 orders, the draft permits recipients to disclose the receipt of an NSL to a lawyer to obtain legal advice, but also requires recipients to tell the FBI, if asked, from whom they have sought or plan to seek legal advice on how to respond to the order.

Destruction of irrelevant NSL records—The latest draft conference report contains no requirement that the government destroy records acquired with an NSL that are irrelevant to the investigation under which they were gathered. The government should be required to "minimize" the records of innocent American citizens that are acquired though the issuance of an NSL.

Thank you for your consideration.

Sincerely,

CARL LEVIN.

Mr. LEAHY. Mr. President, I ask unanimous consent that an additional 5 minutes be given to each side.

The PRESIDING OFFICER. Is there objection to adding 5 minutes to each side?

Mr. SPECTER. Mr. President, if they need more time, I am glad to agree with the distinguished ranking member.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield 4 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Vermont, not only for yielding time but for his tremendous leadership on this issue. I am deeply grateful for it.

Let me echo what Senator KENNEDY said.

This morning we saw an astounding story in the New York Times. Since 2002, the Government has been reportedly wiretapping the international phone and e-mail conversations of hundreds, even thousands of people inside the United States without wiretap orders. If you want to talk about abuses, I can't imagine a more shocking example of an abuse of power, to eavesdrop on American citizens without first getting a court order based on some evidence that they are possibly criminals, terrorists, or spies. It is truly astonishing to read that this administration would go this far beyond the bounds of the statutes and the Constitution. We, as an institution, have a duty and the obligation to get to the bottom of this.

I hope this morning's revelation drives home to people that this body must be absolutely vigilant in its oversight of Government power. I don't want to hear again from the Attorney General or anyone on this floor that this Government has shown it can be trusted to use the power we give it with restraint and care. This shocking revelation ought to send a chill down the spine of every Senator and every American.

When we look at section 215 of the PATRIOT Act, remember this is the section where Attorney General Ashcroft once said that librarians concerned about the privacy rights of their patrons were "hysterical." But then the Attorney General conceded at his nomination hearing in the Senate Judiciary Committee that some changes would be justified. Unfortunately, the administration was not willing to make the real changes to that provision that are necessary to protect the rights and freedoms of innocent Americans.

The provisions of the bill related to national security letters are also deficient. There is no requirement that the records sought under that authority, which doesn't involve a court at all, have some connection to a suspected terrorist or spy. The judicial review that the conference report allows after the fact of the national security letter itself and the mandatory gag order is a mirage. After what the Times reported this morning, no one in this body should be comfortable with a government having this kind of unreviewable power.

This conference report is inadequate, and it should not be passed. I believe it will not pass.

Let me talk, finally, to what happens if the cloture motion fails. Do those who oppose the conference report want the PATRIOT Act to expire? Of course not. It is false to suggest that we do, and it is shameful to threaten that that is what will happen if the Senate does not approve this conference report. The only way the PATRIOT Act will expire at the end of this year is if the proponents of the conference report in this body or the other body block alternative reauthorization bills that can easily pass with widespread bipartisan support. Now is not the time for brinkmanship or threats. Now is the time to do the right thing for the American people and for the constitutional rights and freedoms that make our country great.

I am very proud to be part of a bipartisan coalition working together to strengthen protections for civil liberties in the PATRIOT Act. The demonstration of bipartisanship on this floor over the last few days has been simply remarkable. We have stayed together ever since our bill, the SAFE Act, was first introduced. We knew that a time would come when we would have to take a stand. Now we have. We are united today, as we were then.

This is not a partisan issue. This is an American issue. This is a constitutional issue. We can come together to give the Government the tools it needs to fight terrorism and protect the rights and freedoms of innocent citizens, and we can do this before the end of this year. But first we must keep this inadequate conference report from becoming law by voting no on cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield up to 3 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. SALAZAR. Mr. President, once again I thank the distinguished Senator from Vermont and the distinguished Senator from Pennsylvania for their leadership on this effort. I wish to take this opportunity to once again express my serious concerns about the PATRIOT Act conference report that is currently before the Senate.

As I stated yesterday, as a former attorney general, I am very familiar with the needs of the more than 800,000 men and women working in law enforcement throughout our country, including those engaged in the fight against terrorism. For that reason, I support extending all the expiring powers of the USA PATRIOT Act.

I firmly believe we can extend those powers while at the same time providing sufficient checks on those powers to protect America's fundamental civil liberties. That is what the bipartisan SAFE Act did. That is what the bipartisan, unanimously supported Senate bill did. That is what this conference report could have done if it simply addressed the modest concerns my colleagues and I laid out in our letter to conferees with respect to section 215, national security letters, and sneak-and-peek searches.

Unfortunately, these concerns were not addressed in the conference report, and I am left with no choice but to work with my colleagues, both Democrats and Republicans, to defeat the bill before us.

This morning, the Washington Post and New York Times reported that President Bush signed an Executive order authorizing the National Security Agency to eavesdrop on American citizens without a warrant. These reports suggest that the phone calls and e-mails of hundreds, perhaps even thousands, of Americans have been monitored over the past 3 years without the approval of a judge or even the approval of the secret FISA court. These allegations, if true, are deeply troubling. If we needed a wake-up call about the need for adequate civil liberties protections to be written into our laws, this is the wake-up call.

The bill before us does not contain the needed protections. We still have the time to get it right. Several of my colleagues and I have introduced legislation to extend the current PATRIOT Act for 3 months so we can get back to the table and make the necessary and vital improvements that will protect our rights under our Constitution.

I urge my colleagues to vote against invoking cloture and in favor of giving Congress the time it needs to preserve the basic rights and freedoms of all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, permit me to interject very briefly just to correct some of the misstatements which have been made that crop up again and again. This bill is not understood. This bill is not understood by Senators who are making representations on the floor which are not correct. I don't suggest they are doing it deliberately, but they don't know the bill.

The argument has been made that the recipient of a national security letter has to tell the FBI the identity of his lawyer. That is simply not true.

The conference report reads:

> In no circumstance shall a person be required to inform the Director of the FBI or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.

The representation is made here again and again that in section 215, there does not have to be a connection to a terrorism investigation or someone suspected of being a terrorist. The conference report does add a provision to the three criteria for foreign power, but the court has to make a determination on a factual showing that there is a terrorism investigation that does involve foreigners and that records are sought from another person, albeit not identified with one of the three criteria, in order to carry on the investigation.

Again and again, the essence of the protection of civil rights traditionally has been that you interpose an impartial magistrate between the policeman and the citizen, and that protection is given under section 215.

The argument has been made repeatedly that under the national security letter, there is no review. That is simply not the case. The recipient goes to a lawyer who can challenge the national security letter in court and have it quashed, eliminated, dispensed with, on a showing that it is unreasonable.

If you get to the national security issue, then it is different with respect to a bad-faith showing. There is judicial review beforehand on the very broad term of being unreasonable, which is a hallmark of American law in auto accident cases and antitrust cases every time you turn around. The reasonable standard is traditional under our law.

I yield to the Senator from Arizona, who has requested 2 minutes, and he can take whatever time he chooses.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I compliment the Senator from Pennsylvania on a job exceedingly well done in trying to find a way that we can reauthorize the PATRIOT Act, with very emotional feelings on all sides of the issue and working through very difficult compromises, especially after the conference committee in which it would appear to me—and I think even our colleagues who oppose the bill would agree—the end result is probably about 80 percent Senate product and about 20 percent House product.

This is a defining moment. There are no more compromises to be made, no more extensions of time. The bill is what it is now, and it is very unfair and unrealistic to expect that either the House of Representatives would concede to the Senate position 100 percent or that the President would do so after what he has now said. As a result, we are going to have an opportunity to vote yes or no.

One of my colleagues said this is not a partisan issue. If 90-plus percent of the Democrats vote against cloture and 90-plus percent of the Republicans vote for cloture, it is hard to argue that is not partisan. It is true that this should not be a partisan issue, but having worked through it to the extent we have, and having had the very strong support in the House of Representatives with over I think it was 44 Democrats in the House of Representatives voting for reauthorization of the PATRIOT Act, it seems to me that the Senate would do well to also try to act here in a more bipartisan way and not to have a partisan vote.

We need to reauthorize the PATRIOT Act. It is the tool for our law enforcement and intelligence agencies to help protect us from terrorists. Just as we send our men and women into battle with good training and equipment, we have to do the same thing with law enforcement and our intelligence agencies. If we deny them the key tool, the PATRIOT Act, they are not going to be able to do their job to protect us. And there is no more time to stretch this out with maybes or let's negotiate more, and so on. This act will expire on December 31. My colleagues either vote yes to reauthorize it or no, not to reauthorize it. There is no middle ground.

I will say this as directly and seriously as I can. I doubt there is anyone in this Chamber today who would argue with the proposition that we needed to tear down the wall between the law enforcement and intelligence agencies. The PATRIOT Act does that. The wall goes right back up again on January 1. Is that what we want? God help us if there is some kind of terrorist attack when we are not protected by the PATRIOT Act and the act could have enabled our law enforcement or our intelligence people to help protect us. We will have to answer for that if we don't vote to extend the PATRIOT Act.

I implore my colleagues to put partisanship aside, to consider the fact that not everybody can get 100 percent of what they want, to recognize that the House of Representatives has made a tremendous concession to us, whether you talk about the period of time, the section 215 concessions, and, of course, the sunset concessions.

I found it very difficult myself to sign the conference report because, frankly, we had made it so difficult for law enforcement to do its job with some of the compromises that were made, but they were made in order to achieve a consensus on which we could vote. Now we find that consensus in jeopardy.

Mr. President, I urge my colleagues to think very carefully about what they are about to do. If they vote against cloture, they are voting to allow the PATRIOT Act to expire. We will not have that tool available for law enforcement and intelligence agencies to protect us from terrorists. Is that what you want? I daresay the American people will hold us accountable if anything happens and we are not able to reauthorize the PATRIOT Act.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before the Senator from Arizona sits down, I wish to ask him a question to further elaborate upon a point he has made.

The President has said that he is not going to sign an extension of 3 months or, by implication, any extension of time. So if the conference report is not adopted so the President can sign it, there will be no PATRIOT Act in effect after December 31.

The Senator from Arizona has talked about the wall.

The Senator was on the Intelligence Committee the day he came to the Senate. He was elected in 1994. I chaired the Intelligence Committee of the 104th Congress. He has been on it. He has been on Judiciary. He has been a leader on this measure. As the Senator said, he had trouble signing the conference report. By the way, I thank him for signing the conference report. Without his signature, we could not have filed it.

As to the other provisions beside the wall, if the PATRIOT Act lapses, and there is none, what will the effect be on the fight against terrorism?

Mr. KYL. Mr. President, I thank the chairman for his remarks. We know of two stories that the 9/11 Commission wrote following the investigation into what went wrong. What they found was that there was not only the wall that separated our intelligence and law enforcement officials from being able to speak to each other, but other problems with the law that we corrected with the PATRIOT Act. Had the PATRIOT Act been in effect prior to 9/11, it is possible that not all of or even part of 9/11 would have happened.

There are two specific stories. One related to Zacarias Moussaoui, the other related to two fellows by the name of Hazmi and al Mihdhar. These were the fellows who used library computers to verify their airline reservations on 9/11. We knew that they were connected—well, one agency with the Government knew that they were connected with the al-Qaida. The other agency knew that they had tried to come into the United States and decided that maybe we should try to find them but had no idea how important it was to try to find them. And had we been able to be on their tail at this time and find out that they were verifying airline reservations on September 11, knowing that they were connected to al-Qaida and were up to no good, history might well be different than it is today.

How on Earth we could allow the corrections in the law that we put in place as a result of our investigation to lapse is beyond me. The terrorists have not stopped their efforts to attack us, and largely we have been free from attack because of things such as the PATRIOT Act.

So the chairman is exactly right. We corrected the errors that were brought to our attention that prevented us from doing what needed to be done before September 11. That is what this PATRIOT Act conference report is all about. The act needs to be reauthorized. Our people need that tool to protect us. Why would we allow it to lapse, especially on a partisan basis? We need to think very carefully about what we are about to do. I hope for the sake of the American people and our security that the Senate will act responsibly and ensure that the PATRIOT Act will continue to protect us and not allow it to lapse.

Mr. SPECTER. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, as I said earlier, I do not question the patriotism or the intent to stop terrorists of either those who vote for or those who vote against cloture. I hope others would not. If we wanted to make this a partisan thing, we could have brought out the fact that even under the laws that existed before 9/11, it was this administration's Department of Justice that ignored clear warnings and evidence that they had, which the 9/11 Commission and others have pointed out might well have prevented the terrorist attacks. That could have been done with or without the PATRIOT Act.

All of us rallied behind the administration, even though the attack occurred during this administration and the attack occurred even though this administration's Department of Justice had information which might have stopped the attack.

I yield 3 minutes to the distinguished Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. SCHUMER. Mr. President, first I want to thank both my colleagues from Pennsylvania and from Vermont for their fine efforts on this legislation. I went to bed last night unsure of how to vote on this legislation. I want to give a lot of credit to my colleague from Pennsylvania. This is a significant improvement over present law. It is a significant improvement over the House bill and comes a lot closer to the Senate bill than many are giving it credit for. On the other hand, even before last night, I had real doubts that we did not correct the formula in terms of distributing aid which definitely hurts my State of New York. But as I said, I went to bed undecided.

Today's revelation that the Government listened in on thousands of phone conversations without getting a warrant is shocking and has greatly influenced my vote. If this Government will discard a law that has worked well for over 30 years, without a whit of discussion or notice, then for sure we better be certain that we have safeguards on that Government. The balance between security and liberty is a delicate one, and there is great room for disagreement as to where that ought to come down.

I do not question the motives of anybody. I tend to be fairly hawkish on these types of things, as my colleagues know. But there is one thing for sure: there ought to be discussion, there ought to be debate. Whenever there is discussion and debate, we usually come out right, and that is true on the wiretap law. When J. Edgar Hoover and other leaders of the FBI had unchecked power, there were abuses. We put in an independent arbiter, a judge. We put in a standard, probable cause, and neither the prosecutor community nor the defense community has complained.

So then why, with the flick of a wrist, did this administration ignore those laws and listen in on conversations of hundreds of people when it would have been so easy to obey the law? Today's revelation makes it crystal clear that we have to be very careful, and Senator LEAHY's suggestion that we renew the present law for 3 months and come to an agreement like we did in the Senate that all can live with is eminently sensible.

One final point. My good friend from Arizona and I respect the sincerity on this issue. We have written parts of this law together, particularly the lone wolf provision. But he says that we will have no law if we do not vote for cloture.

I ask unanimous consent for an additional 30 seconds.

Mr. LEAHY. Yes, with 30 given on the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 30 minutes.

Mr. SCHUMER. Thirty minutes, I will take that.

The PRESIDING OFFICER. The Chair is out of order. The Senator is recognized for 30 seconds.

Mr. SCHUMER. I thank the chair for his generosity.

If cloture is not invoked and the opportunity to renew this law for 3 months or 6 months comes before us, and the President vetoes it, it will be crystal clear that he is putting politics above safety because the bottom line is, the present law is, if anything, tougher than the law that is on the books.

Let us not invoke the threat that the President will not extend the PATRIOT Act. It would be a dereliction of his duty as Commander in Chief and chief law enforcement officer of this land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it has been claimed that somehow the so-called wall between law enforcement and intelligence would go back up if the PATRIOT Act expires. That is not true. Even if the relevant change made by the PATRIOT Act expired, there would be no legal barrier to information-sharing, and no wall would go back up, because FISA as it existed pre-PATRIOT Act contained no such barrier. So ruled the FISA court of review in November 2002 at the request of the government. It held that the change we made in the PATRIOT Act to take down the wall was not necessary, that FISA never required a wall, and that the Department of Justice unnecessarily imposed bureaucratic constraints on sharing information. So let us not delude ourselves into thinking that somehow the wall goes back up if PATRIOT expires. It does not. It was not legally required in the first place.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 48 seconds.

Mr. LEAHY. I yield it to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Vermont for yielding the time and for his leadership on this issue. I voted for the PATRIOT Act. It was a bit of a leap of faith because I was not sure. I did not know if we were giving the Government more authority and more power than it needed to keep America safe, but I felt, as most Americans did, that in light of September 11, we had to do more to make America safer.

The Senator from Vermont, along with the Senator from Utah, came together on a bipartisan basis and produced a PATRIOT Act to give the Government more tools to fight terrorism. In their wisdom, they understood that perhaps we had moved too far and too fast, and they said at the end of 4 years we would revisit this law and make sure that we had not given up more personal freedom in America than we had to be safe, and that is why we are here today.

In the meantime, I joined with a bipartisan coalition, an interesting coalition when one looks at our political spectrum in the Senate. I joined with my friend, LARRY CRAIG of Idaho, Senator JOHN SUNUNU, Senator LISA MURKOWSKI, Senator RUSS FEINGOLD, and Senator KEN SALAZAR in a bipartisan coalition that has been working to reform the PATRIOT Act for over two years. We studied the PATRIOT Act very carefully and came to the conclusion that certain provisions did not contain adequate safeguards to protect the rights and liberties of Americans. That is why we introduced the SAFE Act.

It was our efforts together in the Senate Judiciary Committee and the good leadership of the Senator from Pennsylvania as its chairman that resulted in a bill that came out of that committee unanimously. It was a bipartisan bill that came to the floor to reauthorize the PATRIOT Act and passed on the floor by a voice vote. It was not perfect, but it was a consensus, bipartisan, compromise bill. Then, sadly, it went into a conference committee where the most important safeguards were removed, which brings us to this moment in time.

Let me salute the Senator from Pennsylvania. He has argued this issue on its substance. He has not argued it politically. But he has said during the course of this debate that there have been no verified abuses of the PATRIOT Act. I would say to my friend from Pennsylvania, it is not the burden of the American people to prove that their rights have been violated. That's not how the American legal system works. We should build in checks and balances to ensure that abuses do not take place in the first instance.

Moreover, it is difficult to find verified abuses of the PATRIOT Act when so many provisions are cloaked in secrecy. In most cases, people will never learn that their medical, tax, or gun records have been seized. An individual who receives a Section 215 order or a National Security Letter is bound by a gag order so he cannot speak out, even if he believes his rights have been violated.

Now today's headlines suggest this administration went beyond the pale in authorizing hundreds and perhaps thousands of warrantless wiretaps on Americans in the United States. This violates the long-standing legal requirement that the government must obtain a warrant from a court in order to eavesdrop on Americans in the United States.

If these stories are true, it makes the PATRIOT Act reforms we have suggested even more urgent, and additional reforms may be necessary. But it is certainly premature to approve this flawed conference report before we learn more about these allegations.

The obvious question is this: Whether or not we pass the PATRIOT Act, will the administration argue they have the authority to go forward, anyway?

What we need to do is to defeat cloture, pass a 3-month extension of this PATRIOT Act, and move on to make changes to the law that are needed to protect our freedom while giving law enforcement the authority they need to fight terrorism. We can be both safe and free in America.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Pennsylvania has 47 seconds.

Mr. SPECTER. I shall use it. Another correction. The Senator from Illinois incorrectly says I have argued that there have been no abuses of the PATRIOT Act. I have never made that representation. I don't think you are entitled to credit for not being abusive. That is to be expected. If you have not been abusive, don't look for credit. That is what you ought to be: not abusive. I have not made that argument.

My arguments have been limited squarely to the threat of terrorism, and the balance of civil liberties on an itemized approach, one by one by one by one, that this is a balanced bill.

How much time do I have?

The PRESIDING OFFICER. The Senator has 5 seconds remaining.

Mr. SPECTER. I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded under the previous order.

Mr. FRIST. Mr. President, on leader time?

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the PATRIOT Act expires on December 31, but the terrorist threat does not. We have a clear choice before us today: Do we advance against terrorism to make America safer or do we retreat to the days before 9/11, when terrorists slipped through the cracks. Advance or retreat? It is as simple as that.

Some Members of Congress have called for a retreat-and-defeat strategy in Iraq, and that is the wrong strategy in Iraq, and it is the wrong strategy here at home. A vote against the PATRIOT Act amounts to retreat and defeat here at home, against terrorism. To those who still harbor concerns with this bill, I have a simple reply: We have more to fear from terrorists than this PATRIOT Act compromise.

The compromise includes more civil liberty safeguards than in current law, more congressional oversight, more judicial review. The same people who criticize the lack of civil liberties in current law are arguing for a 3-month extension. That makes no sense.

It is time to come together to advance, not retreat, from terrorist threats. I urge my colleagues to vote yes, to advance against terrorism, to make America safer, and to safeguard our civil liberties.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Conference Report to accompany H.R. 3199: The U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005:

Chuck Hagel, Jon Kyl, John McCain, Richard Burr, Conrad Burns, Pat Roberts, John Ensign, James Talent, C.S. Bond, Johnny Isakson, Wayne Allard, Norm Coleman, Kay Bailey Hutchison, Mel Martinez, John Thune, Jim DeMint, Jeff Sessions, Bill Frist, Arlen Specter.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 3199, the U.S. PATRIOT Terrorism Prevention Reauthorization Act of 2005, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Craig
Dayton
Dorgan
Durbin
Feingold
Feinstein
Frist
Hagel
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Sununu
Wyden

NOT VOTING—1

Dodd

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I now enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion to reconsider is entered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I discussed this with the distinguished majority leader. I will make this unanimous-consent request.

UNANIMOUS-CONSENT REQUEST—S. 2082

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2082, the 3-month extension of the PATRIOT Act, that the Senate proceed to its immediate consideration, the bill be read a third time and passed, and the motion to reconsider be laid on the table. And I do that because that would keep the PATRIOT Act in existence after December 31.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, as I stated earlier this morning and yesterday, I oppose a short-term extension of the PATRIOT Act. The House opposes such an extension. The President will not sign such an extension. Why? Because extending the PATRIOT Act for a short period of time simply does not do enough. The same people who criticized the lack of civil liberties safeguards in current law are arguing for an extension. That does not make sense.

This compromise we have discussed over the last several days does address more civil liberty safeguards than current law, more congressional oversight, more judicial review. Thus, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Mr. President, we are at an interesting point. We have seen an enormous amount of work done by the distinguished senior Senator from Pennsylvania, who has worked in good faith with members on both sides of the aisle; and, I might say, it has been done with a great deal of work by myself, but also it has been done with a great deal of work by those who both supported cloture and opposed cloture.

Now, one thing that should unite all of us is our opposition to terrorism. We would not serve in this body, actually in this building that faced a possible devastating terrorist attack, if we did not care both for our country and for the Senate and for the Capitol.

But there are ways of securing our liberties and ways in which it can appear we are but, instead, we are taking them away. We saw this amazing step in today's news, where Americans are being spied on, not through any court order, not through any act of Congress, not with any oversight, not with any check and balance, but simply by a stroke of the pen of the President, following the advice of the same people in the Department of Justice who advised him that torture was legal.

We have rejected the concept that torture is legal. We should reject the concept that we can have Americans spy on Americans with no checks and balances in a free and democratic Nation such as ours. What we want—and I have written many parts of the PATRIOT Act—and what we should have is checks and balances. A democratic nation does not exist without them.

I would hope Republicans and Democrats would come together, and the administration, and find a way to go forward with those things that protect America. But ultimately, America is most protected when we have the checks and balances that protect our liberties, the liberties we fought a Revolution to gain, and fought a Civil War and two World Wars to preserve. We can do that. There are cooler heads here. There are distinguished Senators from both parties who can bring this about.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the PATRIOT Act remains on the floor. I switched my vote in order to recommit. So in essence, it is 53 to 47. I simply ask that debate continue. Let everybody look at what is in the bill. We have had excellent debate the last couple of days. What this vote has basically said is that we don't stop debating it. I encourage people, especially those who voted against cloture, to take advantage of this opportunity to discuss and debate and come forward. We remain on the PATRIOT Act, and the vote right now speaks for itself. We accept that. But the debate will continue on this very important bill. Again, we will not see a short-term extension.

I yield the floor.

Mr. KERRY. Mr. President, today I voted against cloture on the PATRIOT Act reauthorization conference report. I want to make clear that this vote was not about whether I support reauthorizing the PATRIOT Act—I do. This vote was about whether I thought that the significant and unnecessary invasions into the privacy rights of all Americans were necessary to protect our national security—I do not.

Last July, the Senate passed by unanimous consent a PATRIOT Act reauthorization bill. I supported that bipartisan, compromise bill. Even though it did not contain all the privacy protections I would have liked, it took a lot of steps towards improving the problems in the PATRIOT Act that have become evidence since its passage. If that bill was on the floor today, I would support it.

But it is not. What we do have on the floor is a conference report that fails to address some of the most serious problems with the PATRIOT Act. For example, its version of Section 215 allows the Government to obtain library, medical, gun records, and other sensitive personal information on a mere showing that those records are relevant to an authorized intelligence investigation. That is it. Relevance is all that is required. The Senate bill, on the other hand would have established a three part test to determine whether the records have some connection to a suspected terrorist or spy. This seemingly small change will help prevent investigations which invade the privacy of American citizens that may have no connection to any suspected terrorist or spy. This is an important restriction.

In addition, unlike the Senate bill the conference report provides no mechanism for the recipient of a Section 215 order to challenge the accompanying automatic, permanent gag order. The FISA, Foreign Intelliegence Surveillance Act, court reviews are simply not sufficient. They have the power only to review the Government application for the underlying Section 215 order. They do not have the power to make an individualized determination about whether a gag order should accompany it. So the recipient of a Section 215 order is automatically silenced forever. How is that fair? How is that consistent with our democratic principles?

The conference report doesn't provide judicial review of National Security Letters either. The Senate bill did. Judicial review is one of our best checks on unnecessary Government intrusion into individual privacy. Why deny it to our citizens?

Lastly, I would like to mention the problem with the conference reports provisions on the so-called sneak-and-peek search warrants. Unlike the Senate bill, the conference report does not include any protections against these warrants. Rather than requiring that the government notify the target of these warrants within 7 days, as the Senate bill did, the conference report requires notification within 30 days of the search. Thirty days. That is an awfully long time to go before learning that you have been the subject of a Government search.

These are just a few of the problems with the conference report. They are the most significant problems. Those in support know that it is flawed, but they are creating artificial time pressure to force us to approve the bill, flawed as it may be.

I realize that 16 provisions of the PATRIOT Act are set to expire. I certainly do not want that to happen. But passing this conference report is not the only way to prevent their expiration. That is why I have cosponsored legislation to extend those provisions by three months to allow us time to fix the problems with the conference report. If that effort fails and the PATRIOT Act expires, the blame rests only with the White House and leadership that controls the House and the Senate. There was and remains a simple, unified way to get this done, and they rejected it.

There is no reason why we cannot be safe and free. The Senate bill accomplished this. And, I will keep working with my colleagues in the Senate to ensure that whatever legislation we ultimately pass to reauthorize the PATRIOT Act also accomplishes this.

Mr. REED. Mr. President, today the Senate was presented with a false choice on the conference report to H.R. 3199, the USA PATRIOT Act. That is why I voted against the motion to invoke cloture. There is a better way that gives us the time we need to thoughtfully debate some very weighty constitutional and civil liberty issues. With 90 percent of the PATRIOT Act already permanently authorized, we can and should extend the provisions expiring on December 31, 2005, for 3 months.

Let me be clear, those of us advocating for a 3-month extension support reauthorizing the PATRIOT Act. What we want to do is keep the law intact, exactly as it is right now, so that we can more carefully debate these important matters without feeling rushed by the impending adjournment of this session of Congress.

Like almost everyone in this Chamber, I voted for the PATRIOT Act shortly after the September 11 terrorist attacks. I believed the PATRIOT Act would bolster the ability of Federal authorities to conduct criminal and intelligence investigations, to bar and expel foreign terrorists from the United States, to separate terrorists from their sources of financial support, to punish acts of terrorism, and to assist victims of the events of September 11. While I had reservations about some parts of this legislation, the need to address the obvious threat, combined with the fact that many of the more untested provisions in the act were set to expire on December 31, 2005, prompted me to vote for the bill.

The provision of greater investigative authority to our Nation's law enforcement officials is a matter that raises many issues, most particularly, the need to balance Government power and civil liberties. Certainly, there is a great onus upon the Department of Justice, DOJ, to utilize the awesome authority of the PATRIOT Act in a circumspect and cautious manner. At the same time, Congress has a responsibility to conduct vigorous oversight on the use of the PATRIOT Act's powers and to carefully debate any changes to these powers.

In the spring, in anticipation of the impending need to reauthorize the sunsetting provisions of the PATRIOT Act, I cosponsored S. 737, the Security and Freedom Enhancement, SAFE, Act of 2005. This thoughtful, bipartisan legislation was introduced by Senator CRAIG on April 6, 2005, and seeks to revise and improve—not eliminate—several of the more controversial provisions of the PATRIOT Act, including roving wiretaps, sneak-and-peek searches, and FISA orders for library and other personal records.

Many of the proposed revisions to the PATRIOT Act in S.737 were ultimately incorporated in some form into S. 1389, the Senate version of the PATRIOT

Act reauthorization. S. 1389, the USA PATRIOT Act Terrorism Prevention Reauthorization Act, passed by unanimous consent in July and the Senate immediately appointed conferees so that the House and the Senate could begin discussing their very different visions of the reauthorization. Unfortunately, the House waited until November to appoint its conferees, which in large part is why we are now in the position of having very little time to debate and resolve the differences between the two bills.

The Senate's version of the PATRIOT Act attempted to deal with many of the civil liberties issues that have come to the fore since the passage of the PATRIOT Act. In particular, S. 1389 would require that the Department of Justice convince a judge that a person is connected to terrorism or espionage before obtaining their library records, medical records, or other sensitive information. It would require that targets of sneak-and-peek searches are notified within 7 days, instead of the undefined delay that is currently permitted under the PATRIOT Act. The Senate bill also would prohibit the issuance of "John Doe" roving wiretaps, which identify neither the person nor the place to be put under surveillance.

Additionally, S. 1389 would give the recipient of an order for sensitive personal information the right to challenge the order in court on the same grounds they could challenge a grand jury subpoena, as well as provide a right to challenge the gag order that currently prevents people who receive a request for records from speaking out even if they feel the Government is violating their rights. The legislation also requires increased reporting by the DOJ on its use of PATRIOT Act powers and sets a 4-year sunset on three provisions regarding roving wiretaps, business record orders, and "lone wolf" surveillance.

Unlike the Senate bill, the House version proposed to permanently reauthorize all but two of the expiring provisions—instead it sunsets FISA orders for library and other personal records and the roving wiretap provision after 10 years—and placed few, if any, limits on many of the expanded law enforcement powers in the PATRIOT Act.

Unfortunately, the conference report has removed or weakened some of the most important limits on enhanced investigative powers in the Senate bill, particularly those relating to FISA orders for library, medical, and other types of business records about people, National Security Letters, and notification of sneak-and-peek searches. We need to reauthorize the expiring provisions of the PATRIOT Act, but we need to do so with procedural safeguards like those in the Senate bill.

The Senate is known as the more contemplative body in Congress for a reason, and I think we should take the time we need to truly debate and discuss some important civil liberties issues that the conference report implicates. For this reason, I have cosponsored Senator SUNUNU's bill, S. 2082, which would extend the expiring provisions of the PATRIOT Act until March 31, 2006. I believe that 3 months is enough time for us to come back after the holidays and work out the differences between the House and Senate versions of the PATRIOT Act reauthorization. I would encourage all of my colleagues to do the same.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I rise to express my disappointment with the vote. This is a very important piece of legislation. It is important for our country. I wish to say how hard we worked to achieve bipartisan support. This bill came up in the Senate for reauthorization after 4 years and virtually no serious criticism of the workings of any of the provisions in it. There was a generalized view that we should, in fact, extend it.

We discussed it in the Judiciary Committee. Some of us who would like to strengthen a few provisions to protect this country from terrorists did not make much headway there, but we did achieve one thing: we achieved a unanimous vote in the Judiciary Committee—18 to nothing—to report this PATRIOT Act to the floor of the Senate. When it came to the floor of the Senate, we discussed it, and it was cleared by this Senate unanimously.

It went to conference. The House had a bill. We discussed it in conference. Senator SPECTER led our conferees. For those who wanted the Senate bill to win in toto, they were not perfectly happy. But as Senator SPECTER has said, 80 percent of the bill was the Senate bill. Only a few things were given to the House Members out of the differences in the two pieces of legislation. It comes back here to be voted on. It is blocked from an up-or-down vote so it could be passed and made law before it expires at the end of this year.

A tremendous amount of effort and work has been placed into making this a piece of legislation we could all unite behind. We thought we did so. We went to conference, and we came out with a bill that is far more like the Senate bill than the House bill.

As someone who served in law enforcement for many years, I urge my colleagues to look at the language of the legislation. I don't believe there is a single investigative law enforcement technique in this legislation that is inconsistent with what we have been doing for years. The average county attorney in any city and county in America today can issue a subpoena for library records. The average county attorney can get medical records on one basis—is it relevant to an investigation that office is conducting? They don't have to get prior court approval to issue those subpoenas. It is done every day. So there has been confusion. I urge my colleagues to think about it.

With regard to the delayed notice search warrants, this law in not one whit changes the standards for a search warrant. You still have to have all the proof you have to conduct a search of someone's private property or house. You have to have that. It simply says that you could delay notice to the terrorist organization about what is going on. That is law today.

As a Federal prosecutor, I have sought approval of a court to delay the notification of a drug dealer. I saw a story recently about a Mafia investigation in the Northeast. They got a delayed notice warrant under basically American common law. There were no legal standards. Whatever the judge said about how long you would delay in notifying the bad guys is what went on in that case.

This bill for the first time sets forth statutory standards that must be approved. You must prove to the judge that it is important to the safety of the country or important to the safety of enforcing the law that the notification is delayed. So you don't get that automatically just because you ask it; you have to convince a court in advance of that.

The section 215 provisions require FISA court prior judicial approval. They require reports made to the Congress. They allow objections to be raised.

I urge my colleagues to go back and think about the vote you just cast in favor of this bill and review and see if there is anything that occurred in conference that in any way significantly alters or erodes the liberties this country has known and loved and is determined to protect. I urge my colleagues to do that. If they do, I believe they will feel very confident that there is nothing here that goes against what we believe is necessary to preserve the liberties with which we are familiar. Please do that. If you do, I think you will feel a lot better about it.

I would be glad to discuss any particular point you would raise. As we go forward, I hope people will feel comfortable in casting a positive vote for this legislation. It is critical that we not allow it to expire. We need to do this bill while we are here. But to continue to weaken the legislation, as some have asked, for beyond what we agreed to in conference is a mistake.

We don't need to continue to weaken it. If we weaken it so much that it is not effective, then it is not a good idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

FAREWELL TO THE SENATE

Mr. CORZINE. Mr. President, I would like to give what I think will more than likely be the last speech I give on this great floor, this historic floor, in front of this deliberative body. I am grateful for your courtesies. It is with bittersweet feeling that I make these remarks.

I have been honored beyond words to be a United States Senator. I think all of us know that feeling in our hearts and souls. I will be forever grateful to the 9 million New Jerseyans who put their trust in me and asked Senator LAUTENBERG and myself, and others before us, to represent their hopes and dreams at this time and in this place.

In the 229 years of our Republic, fewer than 2,000 men and women have come to this floor and represented the voices of the people who elected them or selected them in previous times. And like each of my predecessors and those to follow, including Congressman ROBERT MENENDEZ, who will be sworn in to fill out my term, we have all been sworn to uphold and protect the Constitution.

I now look at the great Senator, ROBERT BYRD, who has so eloquently and so frequently represented the challenge that all of us take on as we are sworn in to be Senators to represent and carry forward those traditions of our Constitution and to serve the interests of our people. So there are really two purposes. I can only hope that the people of New Jersey will believe that has been my sole purpose here on this floor.

Now as I take my leave, I guess there will be some folks who will say some nice things about me, and they have. That is a little bit different than in the last days of the campaign. It reminds me of a Jack Benny story. He was giving a presentation and listening to the presenter praise him at length. He said, "I don't deserve this award, but I don't deserve diabetes either." I will take the compliments and the kind remarks. I very much appreciate it.

I want you to know that I cherish the friendships I have established with the men and women here. I admire the debates—I don't always agree with all of my colleagues—but I always respect and admire the commitments of the men and women who sit on this floor. And I add that it is on both sides of the aisle, not just my friends in the Democratic Party. Believe me, some of the remarks I have heard in the last few days are a little different than they were 6 years ago when I ran for my good friend Senator LAUTENBERG's open seat at that time. Ross Baker is a commentator on the national political scene, and he teaches at Rutgers. He told one reporter that the people in New Jersey don't know JON CORZINE from a cord of wood. Hopefully, we have gotten a little farther down the pike than a cord of wood.

This has been one of the most remarkable experiences anyone could ever dream of having. I came here for a clear purpose. I believe in American citizenship and the rights we have. We certainly have incredible opportunities in this Nation—I have experienced many of them—but it comes with responsibilities. To those of us whom much is given, much is required. I know that I had no chance to succeed in life without the kind of great support I have had from my community, my Nation, and my friends. That is why one comes here—to give back, to fight for fairness and the opportunity for all.

Senator DURBIN knows of the little town in which I grew up. Like so many of you, I have lived the American promise. It is a little town in central Illinois called Willy Station, with a population of less than 50. In fact, there are more cows than people there. My father was a corn and soybean farmer. He sold insurance. My mom was a schoolteacher. To have a chance to walk on the floor of the Senate and represent the interests of a great State that is really entirely different than the background from where I came represents the American promise. I believe in it, and I believe we have a responsibility to give back.

Both of my parents were good Republicans, Senator DURBIN. My mom still is, by the way. I am not sure if she voted for my friend. She had big dreams, and so did my father, about how life would serve us.

I grew up at a time when Adlai Stevenson was Governor and then ran for President. Paul Douglas and Paul Simon worked the circuits in central Illinois. We had great Democratic Senators who passionately stood for economic and social justice for all Americans. We had another great Illinois Senator who worked the same circuits, Everett Dirksen. Like my parents, he was a Republican, but he also stood up for the promise of justice and equality for everyone in America. He believed deeply enough in those promises to use his position as leader to help pass the Civil Rights Act of 1964.

Mr. BYRD. Will the Senator yield?

Mr. CORZINE. Yes.

Mr. BYRD. Lord Byron said, "Thank God I have done my duty." May I say to the Senator from New Jersey, he has done his duty. He is a good Senator. We will miss you. I will. Thank you for standing up for what you believe. Thank you very much. Bless your heart.

Mr. CORZINE. Mr. President, there is not much that means more than that coming from a great Senator who has served this Nation so much. Thank you.

I was talking about Senator Dirksen. He actually sat at this desk and worked at this desk. So did George Mitchell and a whole host of great Americans. It is remarkable what the history of this institution presents and the opportunities it affords. It has been a remarkable time. I think all of you know that.

In the last 5 years, it seems as if we have jammed more historic moments in than you could ever imagine, with an unprecedented Presidential election in 2000, where we all sat in this Chamber and confirmed the results of that election. We had a 50/50 Senate, and everybody was trying to figure out how it worked. And then, with a shift of one vote in the caucus, that changed the control of the Senate.

That dark day on September 11 changed the lives of Americans forever. I live in Hoboken, NJ. It looks out almost directly across the river where the Twin Towers once stood. New Jersey's heart has never fully healed from those losses. It never will. We lost 700 of our citizens. We have much to do, and it has stimulated even the debate we have on this floor today. There were kids who lost their lives on that day whom I coached in soccer when they were growing up in my previous hometown of Summit. We still have a lot to do.

Today, we are challenged with the war against terrorism and debate about our constitutional freedoms, which we are talking about today—the challenge of tradeoffs in security and freedom, and protecting what it is that the American Constitution stands for. This is a great institution for making sure the rights of our people are represented.

I came to the Senate to try to use my knowledge and experience to help work on some of those problems that are most important to our Nation—health care, economic and racial justice, education—there is a whole series of those things. I am proud of that progressive agenda. I see so many peers and colleagues who fight so hard on those every day.

Mr. President, 9/11 brought us together regardless of our political backgrounds in ways we could never have been imagined. I am proud of how our Nation responded and also how the leadership of this great body came together and acted, regardless of background or place, in ways I don't think any of us could have imagined. I am grateful to all of my colleagues for that leadership.

We also have great people in New Jersey. The Jersey girls, as a lot of my colleagues know, have been fighters for making sure we had the 9/11 Commission, the compensation fund, responses to human needs, as well as the strategic intelligence and homeland security needs that the American people deserve. I am proud of them. I am proud of the work we have all done because it encourages us.

We provided over $350 million to address New Jersey's unique security needs after the September 11th terrorist attacks.

There was an element of unity that I hope we can restore that was born in those moments because the challenges are just as great. The immediacy is a little different, but there is no reason we can't stand together.

I am proud of the opportunity to be a partner with my chairman, Senator SARBANES, CHRIS DODD, and others with regard to helping restore investor confidence that was also broken around that time where people lost their life savings, where people in the world I had come from had taken advantage of other human beings' savings, retirement securities, and their jobs. It is not a proud moment for those of us who believe in the capitalistic system.

With the kind of response that came through the Sarbanes-Oxley bill, I think we have actually made a major contribution to making sure that balance sheets and income statements are what they are, that people can have more confidence in our fundamental system. I was honored to be a part of the detail and the work that brought that back. We should protect it as we go forward.

There is more to do with our pension system. There are many things that are part of our financial structure which is such a fundamental defining element of what America is about. We need to make sure they have the integrity that was built into the theme of the Sarbanes-Oxley reforms.

I am proud to have represented the Democratic caucus for 2 years in the push back against the privatization of Social Security. We had a debate on the floor where Senator SANTORUM, Senator SUNUNU, Senator DURBIN, and myself, for a remarkable hour and a half, had dialog among Senators. All of those elements of debate are still in play. We need to make sure we protect the security of our seniors. I know folks on this side of the aisle feel so strongly in winning that battle, and we should continue.

There are many others issues: affordable drug benefits, college tuition. Senator KENNEDY and others have fought so hard to make sure everybody has access to the American promise. I am proud that I had a role—an amendment role, a voting role, a sponsorship role—to be a part of those agendas. We can do, and have done, a lot to protect our environment to make quality of life better.

Together with my colleagues from New Jersey, we protected people in our state from federal changes that would have weakened New Jersey's model prescription drug program for seniors and people with disabilities.

We lifted federal home loans mortgage limits to help more New Jersey veterans buy their own homes.

We fought the administration's effort to reduce the availability of student loans. We held them off for a year—long enough to enable many students to stay in school instead of having to drop out.

We preserved the unspoiled beauty and critical water supply in the New Jersey Highlands.

And we stopped a plan by the administration that would have paved the way for oil and gas drilling off the New Jersey shore. Because America needs a balanced energy plan that invests in conservation and alternative energy sources—not oil derricks lining our beaches.

In the highway bill that passed this year, we increased New Jersey's rate of return on the federal highway tax dollar form 90.5 cents to 92 cents. And we paved the way for the New Jersey Trans-Hudson Midtown Corridor.

There is a lot more to do. I have some challenges that I leave for all of my colleagues. Maybe the most important one, and the one I feel most passionately about, is the ongoing challenge to man's inhumanity to man in Darfur, Sudan. We have lost 300,000 lives, give or take. People don't really know the degree to which life has been lost. But we need to make sure that we don't revisit Rwanda and other places where we have turned our backs on the killing of one man and one woman, one at a time.

There is much to do. I am proud of the efforts that Senator BROWNBACK and I have done to make sure this body recognized for the first time that genocide was taking place, that there was much to do, that we had some financing to sponsor the African Union to do that which would bring an end to the rape, the killing, and the pillaging that is going on. There is much more to do. Please, please, make sure, whether it is in Darfur or other places, that this body speaks out for humanity, something I know all of my colleagues carry in their hearts. It is one of the great hopes and dreams.

I know a number of my colleagues—Senator OBAMA, Senator DURBIN, Congressman PAYNE on the other side of this great Capitol, communities of faith, concerned citizens—are really committed to these issues, particularly as it relates to Darfur. But we should stand up, and we should move forward.

I have a big hope that my colleagues will take the opportunity to move on chemical plant security, which is something I have hooted and hollered about and bored people to death with over the last 4 years. We are so close but yet so far and at such risk. Whether it is rail security,—and all of us have a number of other issues—it is painful for us to get such low marks in how we have addressed our homeland security.

Now I go to be a Governor of a State where the primary day-to-day practice and responsibility is to protect the lives of the people who live in these communities. I hope we will move forward in an expeditious manner to address some of those items that we all know are at great risk.

There is a lot of progress to be made in a lot of areas. I could go on. I am proud of the initiative on kids accounts, which I hope a lot of you will get behind. We can change the financial underpinnings and knowledge of so many folks. I am proud of this idea. I know there are a number of my colleagues who are interested in the idea of giving every child who gets a Social Security number a start in life. It is implemented in Great Britain. We ought to do it here. There is a real hope it can bring about a different opportunity and potential for every person.

And I'm proud of what we've done for financial literacy. It's mind-boggling to me that we live in a capitalist society, yet our schools provide students with few, if any, tools about how to navigate the system. We push our kids out into the world and say "You're on your own. Good luck." As more financial risk is shifted onto individuals, the consequences of bad financial decisions grow more dire. That's why I pushed to include basic financial literacy in the No Child Left Behind Act to teach young people the basic principles of capitalism and responsible money management.

I will look to this body to come up with answers on health care, Medicare, making sure our children are educated appropriately. The agenda is large. There are great disappointments, by the way. I close with a few of those. It is hard for me to imagine when I came here that we were running a couple hundred billion dollars in surpluses, and now we have created debt that is greater in the 5 years than was ever created in the history of the country. I think we are really in danger of going over the precipice on the twin deficits with regard to fiscal management of this country. It seems grossly unfair that we are placing that burden on future generations the way we are.

I can tell my colleagues, as it ripples down to our State levels, they are going to hear a former Senator hooting and hollering pretty high about how we are crowding out and crowding in responsibilities that will be very difficult.

The fact we haven't raised the minimum wage in the years I have been in the Senate is hard to imagine. There is a study out this week that if you earn the minimum wage, there is not a county in this country where someone can afford a one-bedroom apartment. It is time to move on some of these issues.

I know I am preaching to the choir, but it is time to move. We ought to ban racial profiling. There are a whole host of issues.

Since I came to the Senate in 2001, the number of uninsured Americans has swelled to over 45 million people. We have made some important strides in improving access to care for certain populations, but these piecemeal attempts to address our health care crisis have fallen far short of providing all Americans with quality, affordable health care. I would like to see us come together as a nation to guarantee health care to each and every American.

Senator Lautenberg and I would like to see Bruce Springsteen honored, too. We think we ought to step up and acknowledge both the poetry and the majesty of his fights for the working men and women of this world.

I wish to thank my colleagues and the people of New Jersey for this great opportunity. I leave the Senate with incredible excitement and optimism about the future. I am looking forward to my new job in a way I cannot even get my mind around half the time because it seems so profoundly interesting and applies to the day-to-day lives of folks.

I have no serious regrets. I have sadness about not being able to walk onto this great floor, but I love this place and look forward to coming back and working together on those issues that matter.

I close by especially thanking my colleague, Senator Frank Lautenberg, who has just been a gem to work with, and my leaders, Tom Daschle and Harry Reid, who have been extraordinary.

Mr. President, I say to all of my colleagues, they have been great.

I mentioned Robert Byrd, a giant on this floor.

I cannot help but remember the man maybe I admired the most here, because he had the greatest courage, was Paul Wellstone and his incredible fire and commitment to equality and justice in every possible way.

It has been some run. I want to say thanks to my children, who supported me, Jennifer, Josh, and Jeffery; an incredible staff who have worked hard. I have a list of the names of the staff who have served the people of New Jersey with me. I do not think I will read them all, but I ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Current DC and NJ Staff

Cynthia Alicea, Renee Ashe, Lucas Ballet, Vicky Beyerle, Elizabeth Brinkerhoff, Alison Brosnan, Sandra Caron George, Jason Cassese, Anthony Coley, Gwendolyn Cook, Deborah Curto, Christopher Donnelly, Karin Elkis, Jennifer Friedberg, Michael Goldblatt, Evan Gottesman, Heather H. Howard, Julie Kashen, Vanessa Lawson, Mada Liebman.

Jose Lozano, Jonathan Luick, Anne Milgram, Jamaal Mobley, Emma Palmer, Dave Parano, Elizabeth Ritter, Keith Roachford, John Santana, Karen Slachetka, James Souder, Ellen Stein, Brooke Stolting, Jason Tuber, Margaret J. Van Tassell, Steven Van Zandt, David Wald, Barbara A. Wallace, Marilyn Washington, Sarah Wetherald, Benjamin Wilensky.

Former DC and NJ Staff

Steven Adamske, Arlene Batista, Simon Brandler, Allen Brooks-LaSure, Christine Buteas, Brian Chernoff, James Connell, Amanda Consovoy, Anthony Cruz, Arpan Dasgupta, Marilyn Davis, Lizette DelGado, Kevin Drennan, Erica Farrand, Enrique Fernandez-Roberts, June Fischer, Lauren Garsten, Elizabeth Gilligan, Jessica Goldstein, Hamlet Darius Goore.

Derrick L. Green, Robert Helland, Roger Hollingsworth, Anne Hubert, Phillip Jackman, Christopher Jones, Grace Kim, Bruce King, Scott Kisch, Jarrod R. Koenig, Allison Kopicki, Mark Layl, Robert Levy, Jonathan Liou, Duncan Loughridge, Jonathan Lovett, Elizabeth Mattson, Shauna McGowan, Patricia E. McGuire, Lena McMahon.

Hemen Mehta, Francis Meo, Maggie Moran, Michael Pagan, Sara Persky Foulkes, Carlos Polanco, Miguel Rodriguez, Julia Roginsky, Andrew Schwab, Thomas Shea, Amanda Steck, Lauren Sypek, Todd Tomich, Dan Utech, Wilson Bradley Woodhouse, David York, Muneera Zaineldeen.

Mr. CORZINE. I would not be worth a darn without what they have been able to do. I want to say that the staff who works the floor has been remarkable. Without Lula Davis' help and people such as Marty and other folks who guide us through how we get things done, none of us would be in the same place, as well as the Parliamentarians, the clerks, and others. I am extraordinarily grateful for their support.

I would be remiss if I did not mention Jeri Thomson who has been so great.

To all of you and to all of those who go unmentioned but not unthought of, let me say thank you. It has been a privilege of a lifetime and I look forward to serving the people of the State of New Jersey and our great country in the years ahead.

I yield the floor.

(Applause.)

Mr. LAUTENBERG. Mr. President, I wasn't here when Jon Corzine arrived in the Senate 5 years ago in fact, he actually took my place at the time. We met to share ideas on an agenda for New Jersey and America and I followed his progress closely. I was impressed by what I saw in Jon's service in the Senate, where he has earned respect and affection. Jon came from great success in the world of finance and industry, but he is able to communicate with ordinary people, as well.

Some people arrive here and immediately head for the headlines. But that isn't Jon Corzine's style. Jon is a committed "workhorse," who works long hours with high intensity. He doesn't have a lot of flash, but he is very effective.

He came to Washington for one reason: to serve the people of New Jersey. Now, with some sorrow on my part, he is leaving us here for the same reason: to help New Jersey even more directly.

Even before the terrorist attacks on 9/11, work had been done to strengthen security at our chemical plants. Jon recognized the importance of that issue long before most people, so when he arrived here in the Senate, he took the ball and ran with it. Jon introduced a plan to overhaul security at chemical plants, and many people were surprised when he got it unanimously approved in committee. But those who know Jon Corzine weren't surprised. Even when that bill was blocked by lobbyists, Jon didn't give up. He has continued to fight to make our chemical plants safer. He has raised awareness of the problem, which I will take up once again, because we are at risk across this Nation from the most horrible devastation to our people and communities.

Jon Corzine carried an agenda here that was so appropriate for New Jersey that he established a place for himself in the history of the State even before he becomes Governor.

I wasn't a Member of the Senate on that fateful day of September 11, 2001, when my State lost almost 700 people. But I knew we would have a strong advocate in Jon Corzine. And we did. Jon listened to the families who had lost loved ones, and he knew they deserved answers. So he fought to establish the 9/11 Commission. I honestly don't think it ever would have come to pass without his efforts. He has been a great ally in my fight to make New Jersey and our Nation safer by directing homeland security resources to where they are most needed.

By the time I returned to the Senate almost 3 years ago, Jon had earned a reputation as a hard worker who cares more about getting results than getting credit. People had learned that when you talk to Jon Corzine, he really listens. They had learned that he isn't in love with the sound of his own voice. And they had learned that when Jon Corzine does speak, he has something to say.

Three years ago our Nation was rocked by the Enron scandal, and by other incidents that undermined public confidence in the integrity of major corporations. With his background as the CEO of one of the largest financial services firms in the country, Jon realized the importance of restoring public trust and confidence. Even though he worked mostly behind the scenes on the Sarbanes-Oxley bill the most far-reaching corporate reform law since the Great Depression he was recognized by the New York Times as the bill's "primary architect."

Sarbanes-Oxley improved business accounting standards, helped restore investor confidence, and protected the savings of millions of Americans. Jon's name isn't on that bill, but his influence is.

Jon has been a great teammate for me, working for New Jersey day in and day out. He has also worked with many of you, on both sides of the aisle.

I know how hard he has worked with Senator BROWNBACK, for instance, to stop genocide in the Darfur region of the Sudan. As a member of the Foreign Relations Committee, JON offered the first Senate resolution to classify this horrific situation as "genocide." The passage of this bipartisan resolution, coupled with other efforts to increase awareness of atrocities in Darfur, prompted then-Secretary of State Colin Powell to declare that genocide was in fact occurring. After traveling to Sudan personally, Senator CORZINE championed a successful bipartisan effort to provide $75 million for African Union peacekeeping troops. He also introduced a bill establishing sanctions against Sudan, which the Senate passed.

JON served in the Marine Corps Reserves, and he understands the burdens on our men and women in uniform especially the National Guard and Reserves, who have provided so many of the troops in Iraq.

After I served in World War II, I went to college on the G.I. bill. JON CORZINE has worked to update the G.I. bill for the 21st century, to meet rising education costs. He has fought for better health care for veterans and military families. And he sponsored a bill that will help 90,000 vets buy their own homes. For these reasons and many more, the Veterans of Foreign Wars gave JON their Congressional Award in 2004.

Over the past 3 years I have been proud to call JON CORZINE my friend and my colleague. Today, I am equally proud to call him the next Governor of my home State of New Jersey. I will miss him here in the Senate. But I will take comfort in knowing that he will be leading New Jersey in the right direction. I hope all of my colleagues will join me today in wishing Senator CORZINE a fond farewell and great success in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think the Senator from California had a unanimous consent request?

Mrs. FEINSTEIN. If I may, and I thank the Senator from Massachusetts, I ask unanimous consent that I be recognized when the tributes to Senator CORZINE have concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is a privilege to join my Senate colleagues in paying tribute to JON CORZINE, congratulating him on his election as Governor of New Jersey, and commending him for his skillful service to the people of New Jersey and to the Nation as a Senator.

For the past 5 years in the Senate, Senator CORZINE has stood up for working families, for affordable health care, for pension security, and on many other challenges. Again and again, he has demonstrated his commitment to the fundamental principle of fairness—that government should represent the interests of all Americans, regardless of race, income, or disability. It has been an honor to work with him.

JON is committed to helping others achieve the American Dream. He believes very deeply that through hard work and determination, people can make better lives for themselves and their families. He believes this so deeply, because he has lived it himself.

Growing up on a small farm in Illinois, JON dedicated himself to his studies and graduated from the University of Illinois. He then joined the Marine Corps Reserve and began his impressive career in business and banking.

His talents helped him rise in the business world too—from a bond trader at Goldman Sachs to chairman and CEO of the firm.

Once his hard work and talent helped him reach the pinnacle of his profession, JON decided to give something back by helping all Americans achieve their full potential.

When he came to the Senate in 2001, he made an immediate impact, bringing the same talents and commitment in the business world to his work for New Jersey and the country.

We could all see that JON was a committed and progressive public servant, motivated by a strong sense what's right and what's fair.

Not long after he was elected, the Nation faced a sudden challenge of massive corporate fraud, involving Enron, WorldCom, and others. Families' pensions were lost. Workers' savings went up in smoke because of cooked books and insider deals.

The administration dragged its feet, but JON stood up for those workers and sent a clear message to those executives that if they defraud the American people, they must pay.

JON's compassion and invaluable business experience helped persuade Congress to pass the most sweeping corporate reforms since the Great Depression.

He brought that same knowledge of the financial markets and securities industry and that same sense of fairness to the battle to protect Social Security. When others tried to frighten the American people into undermining the most important social safety net program the Nation has ever had, JON stood firm, and the so-called reforms were not passed.

I was especially impressed by the way Senator CORZINE rose to the challenge of 9/11 and rallied the people of New Jersey after the terrorist attacks. He was only 9 months into his term, but he stepped up and provided real leadership at a time of enormous crisis and uncertainty.

He did his best to ease the grief of the survivor's families, and he did everything he could to see that the Federal Government lived up to its responsibility to provide relief to those families.

Month after month, year after year, JON also insisted that the 9/11 Commission get answers to their tough questions, no matter how entrenched the opposition.

For 5 years, he has been a driving force to improve homeland security, by making sure that our Nation's ports receive the resources they need, and by pressing the administration to protect chemical plants in New Jersey and across the Nation.

We will miss JON's leadership and eloquence here in the Senate. The people of New Jersey are fortunate to have him as their new Governor, and I know he will continue the outstanding leadership we have all come to know and admire. New Jersey is in good hands, and I wish him continuing success in the years ahead.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that following my comments, Senator STABENOW be recognized, then Senator SALAZAR and Senator REED be recognized. All of us seek to speak about our colleague, Senator CORZINE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. I thank the Chair.

Mr. President, in a few weeks our good friend, JON CORZINE, will leave the Senate, where he so effectively represented New Jersey and its people over the past 5 years, to become Governor of his State. I have been privileged to serve with Senator CORZINE on the Committee on Banking, Housing, and Urban Affairs, to whose work he has brought an extraordinary combination of principle, vision, intelligence, and solid common sense. I wish to say a few words today about his spectacular work on that committee. For a while, I was privileged to serve as chairman of the committee, and I can tell you that no chairman could have a better fate than to have JON CORZINE as one of his members.

Prior to entering the U.S. Senate, JON CORZINE spent nearly a quarter of a century with Goldman Sachs, the New York investment bank, including five as its chairman and CEO. His long and wide-ranging experience in the financial markets made him especially well qualified to deal with the issues that came within the Banking Committee's jurisdiction. In very short order, it was apparent that whenever JON CORZINE's turn in a committee meeting came to put questions to witnesses, even the most confident and sophisticated among them listened more intently and responded more carefully.

Senator CORZINE's contribution to the accounting reform and investor protection legislation known as Sarbanes-Oxley was invaluable. Along with Senator DODD, who also serves on the committee, JON CORZINE was among the first members of the Senate to call for hearings on investor protection in the wake of the collapse of Enron Corporation. Those hearings took place in February and March of 2002, and Senator CORZINE, along with others on the committee, Senator DODD and others, played a critical role in shaping the reform legislation enacted 4 months later. I have done it before and I wish to again acknowledge the very substantial and significant contributions JON CORZINE made in helping to shape and develop that legislation. His work was invaluable.

Consistently in the work of the committee, JON CORZINE played a critical role in efforts to strengthen protections for investors in our capital markets. BusinessWeek, in fact, noted that his work in this area gave him "an unusually high profile for a junior Senator."

His contributions to the work of the committee were by no means focused only on these issues. Indeed, he touched virtually every issue in the committee's jurisdiction. He has worked vigorously to expand housing opportunities and the effectiveness of Federal housing programs. He has been a forceful spokesman for full funding for critical programs of the Department of Housing and Urban Development—section 8 vouchers, housing for the elderly, improved public housing, and other efforts to assist low-income homeowners and renters. It is indicative of his commitment, and in his statement here in the Chamber only a few minutes ago he again was making reference to how people who work at minimum wage can't afford an apartment in county after county across the country.

He led efforts to expand coverage of FHA insurance for multifamily housing, something especially relevant in States such as New Jersey where inflated housing costs affected previous program ceilings. He pressed for energy efficiency requirements in public and assisted housing, and he has remained committed to Federal action to assure secondary mortgage market liquidity and affordable housing.

JON CORZINE was an original cosponsor of the legislation to stop predatory lending practices and spoke forcefully in the committee's deliberation about the harsh and cynical techniques predatory lenders used to exploit vulnerable borrowers seeking mortgages and other credit. He has been one of the leaders in the Senate in the fight against Federal preemption of State consumer protection laws which are designed to protect our citizens against these practices.

He has been among the Senate's most outspoken advocates for public and private financial literacy programs to ensure that all Americans of all ages and all backgrounds have the skills to grasp the financial implications of the often complex credit card loans and other financial arrangements they are offered.

He has obtained Federal funding for financial education programs in elementary and secondary schools and was a leader in the ultimately successful efforts in 2003 to pass the Financial Literacy and Education Improvement Act, which incorporates many of his ideas. For his work on this issue, the JumpStart Coalition for Personal Financial Literacy named him "Federal Financial Literacy and Education Legislator of the Year."

Throughout his tenure, Senator CORZINE has been among our most articulate advocates for public transportation, whose importance in the day-to-day lives of his constituents he knows firsthand since he represents the most densely populated State in the Nation. He fought to preserve and enhance the Federal transit program as the new surface transportation authorization legislation was developed. As a result of his efforts, New Jersey will receive nearly $2.5 billion in transit formula funds from 2004 through 2009, a 50-percent increase over the amount the State received in the predecessor legislation.

He also succeeded in assuring priority treatment in terms of planning, funding, and execution under this new legislation for a new commuter rail tunnel under the Hudson River. This project, the Trans-Hudson Midtown Corridor, has been identified as a crucial investment for the region's mobility and security. As a result of his efforts, the National Transit Institute, which provides training, education, and clearinghouse services to support public transportation, will be maintained at Rutgers, the State University of New Jersey.

Senator CORZINE was a leader in the effort to develop a Federal backstop for terrorism insurance after the attacks of September 11, 2001. Those attacks left such insurance widely unavailable and put businesses and commercial property owners at risk of future losses from terrorism without having insurance coverage. He recognized immediately this situation would create a drag on economic activity and again brought his expertise to bear in helping to develop the Federal legislation under which the Federal Government would share the risk of future terrorism losses with the industry.

Senator CORZINE was one of the first to recognize the threat that identity theft poses both to consumers and to the integrity of the Nation's payments system. He has been a leader in the fight for safeguards on personal information, on protecting the privacy of our citizens.

Many of these things I have spoken about reflect a common theme, and that is JON CORZINE's concern for those left out and left behind. It has been a hallmark of his service in the Senate that he has sought to bring into the mainstream of American life those who have been left out of it. This concern for those, in a sense, who have been forgotten, was reflected in his work in the international arena, particularly the emphasis he placed on the situation in Darfur. Again and again, JON CORZINE took the floor of the Senate to bring to our attention the terrible things that were happening there and to push for measures to help alleviate that situation.

Finally, let me say what has distinguished Senator CORZINE's service in the Senate over and above his many specific accomplishments is the dedication and vision and principles that underlie all his work. Before coming to the Senate, he spent much of his professional life as an investment banker. But he brought to his responsibilities certain fundamental convictions about the nature of American society, a hopeful and optimistic vision of American life that first took shape as he was growing up in a small farming community in central Illinois. It was there he has said he learned "the meaning of hard work and the opportunities afforded by a strong education system."

JON CORZINE went on to earn his B.A. as Phi Beta Kappa at the University of Illinois at Urbana-Champaign, and enlisted in the Marine Corps Reserve where he served for 6 years. He attended the University of Chicago Business School at night, and not too much later he joined Goldman Sachs.

His many years in the financial markets have not dimmed JON CORZINE's vision of America as a nation grounded in opportunity—opportunity for a good education, for a decent job, a place to raise one's family and someday to retire with dignity, security, and self-respect. He has dedicated his efforts to advance programs that can make this vision a reality for all his fellow Americans.

When he announced his candidacy for Governor of New Jersey last December, Senator CORZINE pledged he would "fight like crazy to make sure that there is a view that government can be a partner in lifting up the lives of the rest of America." This is surely what he has done in the Senate.

In just 5 short years, notwithstanding his junior status in a body that sets a high premium on seniority—when I first came here I was very critical of the seniority system, but I have to admit that as time has gone by I have come to see the virtues of the system—JON CORZINE has had an impressive record of accomplishment. He has demonstrated the astute and principled leadership in the Senate that will most assuredly make him a distinguished Governor of the State of New Jersey in the service of all its people.

If I may be so bold as to address a word to the people of New Jersey, I simply say they have an extraordinary leader about to take over as the Governor of their State. I urge them to give JON CORZINE their backing and support so he can bring his vision to bear in the State of New Jersey.

When Woodrow Wilson became Governor of the State of New Jersey, he introduced a progressive agenda which became the model for the Nation. New Jersey went to the very forefront of the 50 States in addressing fairness and opportunity for its citizens and enhancing their quality of life. I say today, as we bid our dear colleague a fond farewell, JON CORZINE can provide that kind of leadership for New Jersey. He can move that State to the very forefront of the 50 States and make it a shining example of what can be accomplished when all of us pull together in order to enhance opportunity for each and every one. I wish him the very best as he leaves this body and in the years ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to join my colleagues in honoring a man I have come to know as a colleague, a dedicated public servant, and a friend.

JON CORZINE is a shining example of the American dream—of what one can accomplish with hard work and the opportunity to obtain a good education.

Growing up in rural Illinois as the son of a corn and soybean farmer and a public school teacher, JON CORZINE learned early in life the importance of family, responsibility and service to his community.

These are the values that led him to serve his country as a member of the U.S. Marine Corps Reserves—and over the years, his strong values have guided his career in both in private industry and public service.

JON CORZINE started his career on the ground floor of American business. And even as he worked hard and achieved extraordinary success, he never lost sight of his values.

When he served as chairman and chief executive officer of Goldman Sachs, he led that company from a private partnership to a public offering. At the same time, expanded the company's philanthropic outreach efforts to better serve people in need.

He continued that important work here in the U.S. Senate, where he used his political power to fight for people without political influence. For the last 5 years, he has been a tireless advocate or veterans, seniors, students, women, children and families in New Jersey and across our Nation.

Senator CORZINE and I were sworn into the Senate on the same day—and I served with him on both the Budget Committee and the Banking, Housing and Urban Affairs Committee. There, we worked together to preserve funding for programs that help our Nation's most vulnerable citizens—programs such as Medicare and Medicaid, veterans health care, and education.

We also worked together to lead the fight to keep the security in Social Security.

His business expertise made him a strong advocate for fiscal responsibility. He fought to get the national debt under control so we could preserve and create opportunities for our Nation's young people—rather than saddle them with the burden of our government's debts.

He has lived the American dream and continues to work hard to ensure that others have a chance to live it too.

JON CORZINE is a thoughtful, hardworking man who worked with his colleagues from both sides of the political spectrum to do the right thing for the people of New Jersey and this Nation.

I am honored to have him as a friend and a colleague—and I wish him well in his new role as Governor of New Jersey.

I add my comments, along with my friends and colleagues in the Senate, for someone who has become a personal friend, as well as someone I admire greatly and that we are going to greatly miss. New Jersey is very lucky to have JON CORZINE coming in as Governor of that great State.

Senator CORZINE and I have worked together both on the Committee on the Budget and on the Committee on Banking. I can say it is true what Senator SARBANES said, that even though he sat at the end of the table at the Committee on Banking and we were squeezed in with our staff trying to make sure we did not fall off the end of the platform, I always knew when the person at the end was about to speak and ask his questions, there was going to be silence in the room and tremendous respect for what he was going to say and concern about whether they would be able to effectively answer his questions, as the witnesses were answering various questions concerning finances.

To watch Senator CORZINE work has been to watch an example of what we want in public service. To see someone who grew up in a small town—like I did in Michigan—growing up in a small town, serve his country in the Marines, as so many of my colleagues have. I am particularly proud of the people on the Democrat side of the aisle who have served in public service as it relates to our Armed Services and continue to bring that perspective and support today.

But certainly Senator CORZINE is one of them. And to go on to be so incredibly successful in business, and then to bring that expertise here on behalf of the people of New Jersey to work with all of us I think is an example of a tremendously great American success story. I am proud to have worked with Senator CORZINE and look forward to working with him as the Governor of New Jersey.

I will simply echo my colleagues in saying, when we talk about corporate responsibility and accountability, Senator CORZINE and his expertise has been there. Housing, public transit, homeland security, his passion for Social Security, addressing so many different issues that are important to people, important to communities, important to our democracy, have had the voice of JON CORZINE.

So I congratulate you on your service. I congratulate the people of New Jersey on the public service that is to come. And, mostly, I thank JON CORZINE for his generosity of heart and for his willingness to invest in so many ways to better the community with his own resources. This is someone who has been incredibly generous and caring and smart and compassionate and dedicated to the right values that we all care about deeply.

I know he is going to do an outstanding job as Governor and that we will all be better off for his public service.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I stand here today to not only say thank you but to congratulate the Senator from New Jersey, the Governor-elect of New Jersey, JON CORZINE.

For me, my whole life has been touched by many people who have helped me live the American dream. But it is an American dream, too, that has come with challenges in dealing with the issues of poverty and in dealing with the issues of racism.

There was a time in my life when I thought anything was possible for anyone in America. There was also a time in my life when I thought there were limitations placed on myself personally that I could never overcome because of the history of racism and the effects of poverty within my own life.

Notwithstanding the fact that I was a proud son of that great generation of World War II, soldiers who fought in World War II, and steeped in the history of New Mexico and southern Colorado, there were many people who, when I decided to seek this position in the Senate, thought that it could not be done. There were many people who brought up reason after reason why this was not a place where I could serve.

One of the people who disagreed with those conclusions was JON CORZINE. JON CORZINE told me that, yes, it was possible to still believe in the American dream, that no matter what your background is and no matter what your economic circumstance might be, everything is still possible here in America. His inspiration and his vision and his leadership contributed to my serving today in the Senate.

When I characterize my friendship with JON CORZINE and look at him as a person and as a leader, the words that come to my mind are "an authentic leader." He is who he is. He is a very successful businessperson, but he is the kind of person whom we ought to have in the Senate all of the time; that is, people who care about our Nation and the people whom we represent here every day. He has put them and our Nation ahead of his own self-interest. That is the legacy that we now pass on to New Jersey, the legacy that New Jersey has grabbed for itself, as they take him as the next Governor of New Jersey.

I know he will continue to do great things in New Jersey as the Governor of that State, in the same way he has done great things in the Senate—those things my colleagues have spoken about on the floor of the Senate today.

I wish him well, and I know his continued leadership is something we will continue to see in the days and years ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, it is a privilege to be here today to say a few words about my colleague and friend, JON CORZINE. He has honored this Senate and he has honored the people of New Jersey with his service.

I did not know JON before he came here. I heard about his campaign. I heard about his success on Wall Street. I, frankly, must confess, I did not know what quite to expect. Having seen the movie "Wall Street," I almost thought that Michael Douglas would walk in the door in a $3,000 suit and with expensive accoutrements.

JON surprised us all because he is not like that. He might have found his success on Wall Street, but his values were formed in the heartland of America and in the U.S. Marine Corps. He believes very deeply in values that are important and central to our party and to the people of this country: the notion of opportunity for all and the notion that this is a community, not just a collection of individuals.

His service in this body has exemplified those values and made us all extraordinarily proud. I served with JON on the Senate Banking Committee. As the chairman and ranking member at various times of the Housing and Transportation Subcommittee, I was familiar with all of JON's efforts in making real progress on issues of importance to the people of New Jersey and the people of this country.

My friend and colleague, Senator SARBANES, has pointed out some of these, and I would like to, for the RECORD, amplify again what JON has done.

The Federal Housing Administration Multifamily Housing Program provides insurance to those seeking to build multifamily rental housing. The program has played a critical role in the development of affordable multifamily rental housing. However, as the cost of building new housing has dramatically increased in recent years, Federal multifamily mortgage insurance loan limits have failed to keep pace with inflation.

In 2002, Senator CORZINE led the way to secure passage of a provision to raise FHA multifamily loan limits by indexing them to the annual construction cost index to ensure that the program keeps pace with inflation.

In 2003, Senator CORZINE further improved the FHA multifamily loan program by securing passage of legislation to boost those limits in high-cost communities around the country.

Specifically, his legislation raised the loan limits in high-cost areas to 140 percent of the statutory base limit and by 170 percent on a project-by-project basis.

These increases have been vitally important in the construction and rehabilitation of affordable rental housing in high-cost States such as New Jersey and my own State of Rhode Island where the shortage of affordable housing has become a crisis.

JON recognizes that at the heart of every family's efforts to educate their children, to find work, to hold work, is the need for safe and affordable housing. Senator CORZINE has been on the vanguard of that effort. I salute him for that.

He has also been particularly concerned about housing for veterans. The Veterans' Administration Home Loan Program provides access to home financing for veterans who often, because of their time spent serving our Nation, have not had the opportunity to build up the credit they need to qualify for a conventional mortgage. Senator CORZINE's legislation to increase veterans' home purchasing power, which became law as part of the Veterans Benefits Improvement Act of 2004, raised the loan limits available under the VA Home Loan Program to allow veterans to obtain mortgages of up to $333,700, the same level available in the traditional mortgage market.

Finally, the Senator from New Jersey has been a fierce advocate for mass transit funding, not in his home State of New Jersey but across this country. He has been particularly effective, though, in helping his home State.

Senator CORZINE was instrumental in providing legislation to help build a commuter rail tunnel under the Hudson River as part of the recently passed Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. The language that Senator CORZINE included will expedite the proposed rail tunnel under the Hudson River and require the Federal Transit Administration to sign a Full Funding Grant Agreement with New Jersey Transit that will provide the Federal funding needed to complete the tunnel, and in so doing not only will he assist the people of New Jersey, but he will assist the economy of this Nation, since so much is dependent upon transit access through New Jersey to the Eastern Seaboard, Boston, New York and down to Washington.

We all are going to miss Senator CORZINE immensely in the Senate, but he is going forth now to a mission that is equally important; that is, to serve the people of New Jersey as their Governor. I know he will be successful. And I know those values of opportunity and community and fairness and tolerance and decency that exemplified his service in the Senate will mark him as a remarkable Governor for the State of New Jersey.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, knowing JON CORZINE as I think I do, if he had known he was going to have to sit through all these speeches after he spoke, he would have come down here a lot later at night, I suspect, or certainly waited until we got out of town, because that is the nature of this Senator, Governor to be.

I have listened to my colleagues and I listened to his speech. He left us with some important warnings, some important pleas, which I hope colleagues will take seriously. I would incorporate into my comments about JON all of the things Senator SARBANES said. They were a wonderful summary of what he did and how he did it, his accomplishments.

He did veterans, and he has been a passionate advocate for public transportation. He was instrumental in housing. These are the sorts of signal accomplishments you can measure, which he can point to and colleagues have, that define the few years he has been here.

I say a word or two about the things that helped push him in the direction of accomplishing those goals. What has always struck me about JON CORZINE and the thing that has been singled out in a number of comments made by my colleagues is the quality of the person, almost an improbable quality when you measure it against the profession he chose for so many years.

Maybe a comment about Wall Street, certainly a comment that I know JON CORZINE would articulate any number of different times in different ways, that we don't think of people traditionally, with the obvious exceptions, a Bob Rubin, some others. JON CORZINE always kept, No. 1, a great sense of idealism; No. 2, a very strong moral compass that led him to always distinguish between right and wrong; and, No. 3, an integrity about the approach to public life that willingly disclosed great wealth, willingly submitted himself to unbelievable attacks in order to pursue a greater good. Most people would shy away from that today. When you talk to people in the private sector today about running for office, they are quick to say: Do that? Why would I want to do that? Why would I want to subject myself to that? Why would I want to put myself through that scrutiny?

JON CORZINE has always been driven by his sense that there is too much missing in governance today, that there is a bigger purpose than all of us individually, a noble purpose in what we are trying to achieve. He believes unabashedly that Government can be part of the solution, that Government actually helps people. And unlike so much of the rhetoric of the last years that has attacked everything Government does until you have a Katrina, when you understand why you need it, or until you see the potholes in the streets and the bridges falling apart and you begrudgingly acknowledge you need it, JON always believes you need it proactively. He understands the good it can do.

Every one of us who has had the privilege of being here for awhile was impressed by that passion and moral compass he brought to some of the issues. When business people in America were abusing their trust, JON brought this extraordinary credibility to that debate. There are huge provisions, as Senator SARBANES will tell us, and a great deal of guidance through that process that came from this freshman Senator.

Likewise, with respect to Darfur, an issue where the country ought to be providing a sense of moral outrage, JON doggedly and tenaciously pursued that issue without grandstanding, without trying to do it in a way that was sort of hit and run. He stayed at it and got the Senate ultimately to take some measures, though never what we ought to be doing, and the country has yet to do what he knows and understands we ought to be doing.

He always has had a sense of right and wrong. The minimum wage, the incomprehensibility of us being a country where people can live out work values and you can't live, and his sense of injustice at giving a tax cut to people such as him who have been blessed with the fruits of great wealth, who understand that there is a different set of priorities, a sense of outrage that we would be cutting children off of Medicaid, and so on down the list.

I am thrilled, and I know when I was privileged to be in New Jersey, I could feel it in the people of New Jersey who obviously were inundated with an onslaught of confusing and reprehensible kinds of claims in the context of a campaign, which we have seen too much of, but he plowed through that, because of that idealism and his sense of purpose for the State. Those folks are anticipating the same kind of excitement that he said in his comments he will bring to this new challenge.

The people of New Jersey have chosen wisely. They are going to have a leader who will do exactly what Senator SARBANES talked about. He has the opportunity to make that State one of the great laboratories in the country, to do what we are unsuccessful and unwilling to do too often at this moment in our history here in Washington. I almost envy him that opportunity to grab the executive reins and go out and do it. He is going to be an exceptional Governor. He is going to continue to have an impact on what Congress chooses to do because of those priorities that he sets in the State.

There is no question in my mind that our caucus, which has looked to him regularly as sort of the resident expert on issues of fiscal, trade, Wall Street matters, is going to miss that expertise enormously.

I thank this Senator for his service to us, to the country, and we look forward to the service he will provide as Governor of New Jersey.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to wish Senator JON CORZINE the very best as he goes from service in this body to become the next Governor of the State of New Jersey. I have had the privilege of serving with Senator CORZINE on the Budget Committee. He has been a valued member of that committee. He has made an extraordinary contribution there, always thoughtful and well informed. Senator CORZINE is deeply respected by colleagues on both sides. It is fair to say that no one on the Senate Budget Committee and no one in this Chamber has a better understanding of financial markets or economic issues than Senator JON CORZINE.

On the Budget Committee, Senator CORZINE has warned repeatedly of the risks of exploding deficits and debt. As someone who has been extraordinarily successful in the private sector, and as someone who has displayed in the real world a profound understanding of what moves markets, Senator CORZINE words have weight, especially when he says to the members on the committee and here on the Senate floor that we are running unacceptable risks as we run up the deficit and debt of the United States. Senator CORZINE has time after time alerted us to the risks to the economy of higher interest rates as a result of burgeoning deficits and debt.

Senator CORZINE has told this body and told the country that it is unsustainable to double the foreign holdings of our debt in 5 years. It is remarkable and terribly unfortunate that in 5 years, we have taken the external debt of the United States, which was $1 trillion 5 years ago, to $2 trillion today.

Mr. President, it took, as Senator CORZINE has pointed out, 224 years to run up a trillion dollars of external debt, and that amount has been exceeded in the last 5 years. Senator CORZINE has said consistently and firmly that these are risks that are being run that have the potential to lead to a dramatic increase in interest rates, which would have negative consequences—extremely negative consequences for the American economy. It would threaten economic growth, and has the potential to put us into recession.

Mr. President, we have been fortunate to have someone of JON CORZINE's character and wisdom serving with us in the Senate. I am going to miss Senator CORZINE very much. He has been such a strong member of the Budget Committee—someone to whom we could look for expertise that is highly regarded by all Members of this Chamber.

I know JON CORZINE will do a remarkable job as Governor of the State of New Jersey. As he leaves here, we wish him well. I thank the Chair.

Mr. DAYTON. Mr. President, I also want to join with my colleagues in paying tribute to our departing Senator from New Jersey, Senator JON CORZINE. I met him for the first time when we were both sworn in on January 3 of 2001.

Even before that time, I knew of his success but also his high caliber by virtue of the fact that he was cochairman of a great firm, Goldman Sachs, whose previous contributions to the U.S. Government included John Whitehead, Deputy Secretary of State under President Reagan, and Robert Rubin, the Secretary of the Treasury under President Clinton. Senator CORZINE followed in that tradition of very successful men who could do anything they wanted with their lives for the rest of their lives but had chosen to commit themselves to public service.

It has been an honor and a privilege and a pleasure to serve with Senator CORZINE these last 5 years, to learn from his own wisdom and experience as it relates to so many matters affecting the betterment of our country, and then to watch him forego what would have been a safe track and a relatively easy reelection next year as a Senator because he felt he could be of better service to his fellow citizens from New Jersey by acting as their Governor, going through the rigors and ordeals of another campaign, a challenging endeavor but where he sacrificed himself and his own resources in order to give greater service to the people of New Jersey.

Our loss in the Senate with his departure will be a gain for his fellow citizens from that State as he devotes full time in New Jersey to their better interests. I wish him well. We will miss him. He will carry out even further the great talents he has and his ability to improve his State and our country.

I yield the floor.

Mr. REID. Mr. President, when the Senate returns in January, we unfortunately will be without one of the finest Senators in this body. Senator JON CORZINE will be moving to New Jersey to serve as its Governor. I want to publicly congratulate Senator CORZINE on an impressive victory, and congratulate the people of New Jersey for making an outstanding choice. Their gain is the Senate's loss.

JON CORZINE has been an exceptional Senator largely because he is an exceptional person. It didn't take Senator CORZINE long to demonstrate to his colleagues his intelligence and his impressive knowledge of a broad range of political and economic issues. But perhaps even more important, he quickly convinced members on both sides of the aisle that he possessed a genuine decency and humility.

JON CORZINE surely has one of the most impressive resumes of any American anywhere. He has a remarkable record of accomplishment, both in business and public service. But success never went to his head. And if you are fortunate enough to meet him—no matter who you are or what your place in society—you can be sure that Senator CORZINE will treat you with respect. He is sincere. He listens. And he's humble. Its almost impossible not to like JON CORZINE.

When Senator CORZINE came to Washington just 5 years ago, it didn't take him long to earn both the admiration and the affection of his colleagues. But he wasn't just a nice, smart guy. He also worked on behalf of the citizens of New Jersey and the Nation like there was no tomorrow. And it didn't take long for him to make his mark.

Soon after coming to the Senate, Senator CORZINE played a critical role in efforts to respond to widespread abuses at corporations like Enron. At the time, Congress needed someone who understood corporate America and who could help find balanced solutions that made sense. JON CORZINE stepped to the plate and helped develop one of the most important corporate reforms in American history. That legislation, known as Sarbanes-Oxley, may not bear his name, but it surely bears his mark, and all Americans owe him a great debt of gratitude for his contribution.

Senator CORZINE's economic expertise also helped him become a real leader on budget and fiscal issues. Since coming to office, he has been an outspoken advocate for fiscal responsibility and a leading defender of Social Security. In the last Congress, he headed the Senate Democratic Task Force on Social Security, where he developed the case against privatization long before the issue was in the headlines. Democrats stopped the administration's misguided attempt to privatize Social Security dead in its tracks this year. Senator CORZINE's efforts last year laid the groundwork for much of what we were able to accomplish.

Senator CORZINE also has taken up another important cause that still fails to attract sufficient attention: the genocide in Darfur. After prior mass murders abroad, such as the one in Rwanda, many Americans looked back with regret at our Nation's failure to act. Yet today, in the midst of another terrible genocide, the U.S. response is again woefully and tragically inadequate. JON CORZINE has personally gone to Darfur and has worked hard to focus the Nation's attention on this crisis. It has been a thankless task with no apparent political benefits. For his willingness to pursue this moral cause, he deserves real credit from every American. It will be incumbent on all of us to remain focused on this terrible tragedy after he leaves.

Another cause of great importance on which Senator CORZINE has taken the lead is the effort to prevent terrorism at chemical plants. As Senator CORZINE has told us repeatedly, there are more than 100 chemical facilities around our Nation where a terrorist attack could endanger more than a million people. Unfortunately, security at too many of our plants is grossly inadequate. Senator CORZINE recognized the importance of addressing these security risks now before a catastrophe occurs. Each of us has a responsibility to push forward on this issue he has pushed so tirelessly.

I could go on about the many other issues on which Senator CORZINE has taken a lead from protecting prescription drug benefits of New Jersey seniors to promoting financial literacy to preserving our environment, blocking cuts in student aid and protecting workers against unsafe conditions. In his relatively short time in the Senate, Senator CORZINE has been one of our most active Senators and he has had an impact on a surprisingly broad range of issues.

I also want to take a moment on behalf of the Senate Democratic caucus to publicly thank Senator CORZINE for his work in the last Congress as head of the Democratic Senatorial Campaign Committee. Senator CORZINE had a tough Job and was dealt a tough hand. But he worked extremely hard, as he always does, and he did an excellent job.

Let me also express my appreciation to Senator CORZINE for selecting an outstanding member of Congress to replace him. While we will miss Senator CORZINE greatly, BOB MENENDEZ is going to be an excellent Senator for New Jersey. It is a credit to Senator CORZINE to have chosen such a talented and committed public servant, who I am confident will not only represent New Jersey well but will also help this body better represent the great diversity of our Nation.

Now Senator CORZINE moves from Washington to Trenton, where he will take on some very difficult challenges. But, nobody should ever underestimate JON CORZINE. The people of New Jersey have selected a man who not only has extraordinary talent but someone who always give it everything he has. I know he will serve them well and I know at the end of the day, he will remain what he is today: a kind, humble, and principled person who represents the very best of our Nation.

Mr. DURBIN. Mr. President, I just left a small farewell party for my colleague, JON CORZINE of New Jersey. He is, of course, leaving the Senate in a few days to become Governor of the State of New Jersey. Congressman BOB MENENDEZ will be appointed to fill his vacancy and stand for election in about a year.

I am going to miss JON CORZINE for a lot of reasons. First, we have a lot in common. JON was born and raised in the small town of Willy Station, which is just a few miles away from the bustling metropolis of Taylorville in Christian County, IL, just a few miles from where I live. I know a little about the Corzine family today, and I sense what his upbringing was all about. He grew up on a farm, with a dad who raised corn and soybeans. It was not a comfortable and wealthy existence, but it was a great upbringing. He was raised in the Midwestern tradition of working hard. He started at age 13 with his first job. He worked his way through college, going to the University of Illinois where he was a walk-on on the basketball team. He has assured me time and again he was no superstar. But the fact that he did that and served in the Marine Corps and went on to the University of Chicago for a master's degree in business tells me he is a person who had a good work ethic—not only that but a great deal of talent.

JON's career took him to the highest levels in the business world. He was a partner at Goldman Sachs at the age of 33. He was cochair and co-CEO of that investment banking giant at the age of 50. He started there fetching coffee for his superiors. He came up not only quickly but the right way. When he was first running, I remember reading accounts in the New York Times about what kind of a CEO he was. He knew the elevator operator's name, and he would go to the mailroom and talk to the workers there and try to provide financial assistance so that workers could go on to earn a college degree.

That is the same JON CORZINE I came to know in the Senate, a very caring and compassionate individual in so many different ways. He would fight tooth and nail for things he believed in, and he would also pick causes that were not quite that popular and put all of his energy and skill at work on them as well.

I can recall the terrible genocide in Dafur and how he made that his issue. Time and again, he came to the floor of the Senate to remind all of us about that tiny country on the other side of the world and the people being oppressed there. That is JON CORZINE. Time and again, he showed us that you could be both financially successful in life and not lose your bearings when it came to good moral conduct and good values.

When I think about his heroes in life, I share many of them. He used to talk about Paul Douglas, the first man I worked for in the Senate as a college intern. Paul Douglas was from the University of Chicago faculty, and he was a person who inspired many of us, not only because he worked hard and did his best to speak for the common man, but because he was all over the State appreciating the variety of life you can find in Illinois. Then, of course, was his successor and protege, Paul Simon, whom I was honored to succeed in the Senate, also a friend of JON CORZINE's. So we had the Paul Douglas and Paul Simon connection. And, of course, the admiration JON CORZINE had for them said it all.

When I look back at these heroes of JON CORZINE, I realize that we have that much in common—our Illinois roots and a lot more. We come from the same place. We share many of the same values. We fought on the same side of many of the same battles. We share many of the same heroes. Like JON CORZINE, I admired Senators Douglas and Simon. I had the privilege to know and work with them. Paul Douglas helped design Social Security. JON CORZINE helped to save it. Like Paul Douglas, JON CORZINE is a brave champion of civil rights, economic justice, and the environment. Like Paul Douglas, JON CORZINE is unafraid to speak his mind for the good of the country.

All in all, I am certain that Paul Douglas and Paul Simon would approve of the short, though important, Senate career of JON CORZINE. They would thank him, as we all do, for fighting hard and well for people and values of this great Nation. I will miss JON CORZINE. The people of New Jersey have made a wise choice. He will be a good, thoughtful, compassionate leader of their great State. I look forward to working with him for many years to come for the values that we share.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I want to share my thoughts about JON CORZINE. He had a great record at Goldman Sachs. I didn't really know he was a farm boy. That is something Senator DURBIN added to the mix. I think I had heard that but had forgotten it. He was successful in the financial world in an extraordinary way. He was a marine. Of course, every marine I have known has been shaped by that, and I believe Senator Zell Miller wrote a book saying that everything he ever needed to know he learned in the Marine Corps, or something to that effect.

JON CORZINE has been an active Member of the Senate. I remember the time we spent together in Montgomery, AL, on a civil rights trip. We were at the church that Martin Luther King preached in on Dexter Avenue, the Dexter Avenue Church. We had a discussion at that time about Rosa Parks, whom we have just honored and who recently passed away. At that very site, Martin Luther King led the efforts of the bus boycott that ended the concept that a person must go to the back of the bus because of the color of their skin. JON CORZINE didn't have to go to Montgomery, but he was interested in those issues and he believed strongly in equality and civil rights.

Senator CORZINE has been a strong advocate for the Democratic Party and its principles, heading its campaign committee. We didn't agree on those issues, but he was always courteous and professional. I cannot remember a single harsh word that we have had. In fact, I cannot remember him having a harsh word with any other Senators.

I have enjoyed the opportunity to know JON CORZINE and to gain respect for him. I wish him every success as Governor of the important State of New Jersey. That will be a challenge, but he has the gift and ability necessary to be successful in that job.

Mr. LEAHY. Mr. President, I rise today to congratulate and bid farewell to my friend and colleague, JON CORZINE.

Our world has changed quite drastically since JON first joined the Senate. It has been an honor to work with him on the many issues we were forced to confront following the terrorist attacks of September 11, 2001. We will miss JON's leadership and determination on behalf of his constituents in New Jersey and the American people.

While JON has served in the Senate for a relatively short period of time, he leaves an important legacy of leadership on issues ranging from protecting our homeland to crafting legislation that stabilized our financial markets.

Rarely in this body does one Senator see the enactment one of their first bills introduced as a freshman Member. But JON did just that when he called for mandatory Federal standards to protect our Nation's chemical plants and saw that become law.

When the entire corporate and financial community was rocked by pervasive accounting scandals, JON was instrumental in crafting extraordinary changes to accounting oversight that stabilized confidence in our markets when they were teetering. He recognized that Americans were at risk, and he worked tirelessly on their behalf, a legacy that will last well past his last day here in the Capitol.

JON also brought to the Senate an appreciation of open and accountable Government. He saw security and accountability as going hand in hand, a way for citizens to know what their chosen representatives are doing to ensure the health and safety of their own neighborhoods and communities. He recognized the need to balance the ever-changing need for security with the everlasting principles of openness that make our democracy the strongest in the world. I was pleased to work with him to protect the Freedom of Information Act which the current administration has sought to weaken at every turn of the road.

As further testament to JON's leadership and determination, he will certainly be remembered for his work to secure an end to the terrible genocide that the world has witnessed in western Sudan. As the ranking member of the Foreign Operations Subcommittee, I can personally attest that JON repeatedly brought the reality of this terrible tragedy to the attention of all of us. He knew that the solution would not be Democratic or Republican. Instead, he reached across the aisle, demanded a call for action, and spoke eloquently for those without a voice.

I will miss my friend JON CORZINE here in the Senate. I have enjoyed the time we shared working together in this body. Marcelle and I wish him all the best as he moves on to the new and exciting challenges that await him in Trenton. His service to the American people in the United States Senate has been selfless. His departure is a loss for the United States Senate but a great gain for the citizens of New Jersey.

Mr. JOHNSON. Mr. President, I rise today to pay tribute to my colleague, Senator JON CORZINE, who is leaving the Senate and will be sworn in as the Governor of New Jersey on January 17, 2006.

I have greatly appreciated working with Senator CORZINE during his time in the Senate. We have served together on the Banking, Housing and Urban Affairs Committee, the Energy and Natural Resources Committee, and the Budget Committee. His depth of knowledge and experience will be missed on these committees, and in the Senate as a whole.

While Senator CORZINE will be continuing in public service, he has already had a long and distinguished career. After serving in the Marine Corps, he received an MBA from the University of Chicago and began working in the private sector, rising to be the cochief executive officer at Goldman

Sachs. He decided to enter public service and was elected to the Senate in 2000 where he has worked tirelessly on behalf of the people of New Jersey. In November, Senator CORZINE was elected to be Governor of New Jersey and I am confident he will continue his outstanding public service work in this new position.

I am very pleased that while he served in the Senate, Senator CORZINE had the opportunity to visit my home State of South Dakota in 2002 during my re-election campaign. The trip gave him the opportunity to experience the beauty and friendliness of South Dakota, and I know that those who met Senator CORZINE were very impressed with him and pleased that he had visited the State.

Once again, I would like to thank Senator CORZINE for his extraordinary service in the Senate and wish him the very best on his new challenges and opportunities as Governor of New Jersey.

Mr. WYDEN. Mr. President, I rise to say a word or two about our good friend Senator CORZINE, who will be leaving the Senate to assume the governorship of New Jersey.

What I would like to do—because I have heard a lot about Senator CORZINE and his background in Illinois today—is to talk about when I saw him in action for the first time. It was when the Senate was working on the post 9/11 airline relief legislation. A lot of us were very troubled about how that ought to be done. We were sympathetic to the needs of the airlines after 9/11 but concerned about the very large sums of money that were going to be directed to one sector of our economy when many of our important economic sectors were hurt after 9/11; in that period when our country suffered tragically in New York but where there were economic ramifications across the country.

That legislation would not have passed if Senator CORZINE, along with help from our former colleague, Senator Fitzgerald, had not stepped in and figured out how to deal with the financing in a responsible way that protected taxpayers while providing some help to the airlines. Senator CORZINE took out a sharp pencil, using the expertise he had acquired in his years at Goldman Sachs and throughout his training in finance, and figured out how to make sure there was not a bailout in effect for just one sector that would have taxpayers holding the bag and was sensitive to the needs of all concerned.

I was struck, as I watched him deal with that airline legislation, how in this individual a combination of compassion, fairness, and intelligence worked in a very quiet and dignified way to bring together different parties, different Senators who had widely diverse views, and tackled an issue of great importance.

I think that is exactly what he is going to do when he assumes the Governorship of New Jersey. He is going to bring exactly that combination of fairness, compassion, and brains, always done in a kind of low-key, understated way. I believe the people of New Jersey will benefit as they have in his service here in the U.S. Senate.

We hope Governor CORZINE will come to Oregon because he has expressed an interest in looking at some of our innovative approaches, particularly in the area of health care and the environment. We wish him well and know he is going to have a very distinguished career as the new Governor of New Jersey.

I yield the floor.

Mr. PRYOR. Mr. President, I rise today to pay tribute to the career of my colleague Senator JON CORZINE of New Jersey. This institution has benefited greatly from his presence, and the people of New Jersey can be proud that such an energetic and compassionate man will continue to serve them as their new Governor.

Senator CORZINE is a man that knows how to be successful, whether as a leader in the field of investment banking or as a champion on behalf of the interest of working families as a U.S. Senator. His commitment to public service is commendable, and he has set a positive example for his fellow lawmakers when it comes to establishing the right priorities for Government. His philosophy is one of inclusion, which seeks to ensure that no American is left out of the enterprise of this great Nation.

I am particularly grateful for Senator CORZINE's work on the Banking, Housing and Urban Affairs Committee. His was an early voice for revamping the laws governing corporate accounting practices, long before the events of WorldCom and other accounting scandals destroyed the savings of thousands of loyal employees and shareholders, tarnishing the reputation of corporate America. Before, during, and after the debates that produced the landmark Sarbanes-Oxley corporate accountability legislation, Senator CORZINE was there with the knowledge and energy to provide much needed solutions to a serious problem. He has also championed many other inventive policies to tackle our Nation's problems, including his "Kid's Account" lifetime savings plan, his work to protect individuals from identity theft, and his initiatives to promote financial literacy for all Americans.

In addition to finding creative solutions to the financial problems that our country faces, Senator CORZINE has also been a reliable defender of public education, affordable health care and prescription drugs, and support for our men and women in uniform. As a member of the Senate Budget Committee, he has championed the priorities of everyday, working Americans time and again. He consistently opposed the fiscal policies that have led our Nation to such a dangerous budget deficit, choosing instead to vote for sound economic and social policies that would keep America strong and healthy.

I wish my colleague from New Jersey the best of luck as he enters into this new chapter in his public life. His presence will be missed but his work on behalf of working Americans will not be forgotten.

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to a great Senator and the Governor-elect of New Jersey, JON CORZINE. While Senator CORZINE has only been in the Senate for 5 short years, he has made an indelible mark on our Nation and on his Senate colleagues, myself included. I have had the opportunity and pleasure of serving with Senator CORZINE on the Senate Intelligence Committee, seeing firsthand his patriotism, his dedication to our Nation, and his work ethic.

Senator CORZINE has been an invaluable resource here in the Senate, especially as we confronted the corporate scandals of recent years. With his expertise as the former CEO and chairman of Goldman Sachs, we looked to Senator CORZINE during the reform process. He stepped up to the challenge, helping push through sweeping changes in our Nation's corporate governance. I know that he is proud of this accomplishment, and our Nation is better for his efforts.

While Senators come to Washington to represent their States, their actions have consequences for every American citizen. America has been well served by having JON CORZINE in the Senate and I know that the citizens of New Jersey could not have chosen a better man to serve as their Governor. He will bring not only his work ethic and intellect, but a unique blend of Government and corporate experience to bear on the challenges facing New Jersey.

I have been proud to call Senator CORZINE my colleague, and I congratulate him on his election. I also want to wish him luck on the new responsibilities he takes on and the new challenges he will face. Senator CORZINE, you will be missed.

Mr. AKAKA. Mr. President, I rise to join my colleagues in thanking the gentleman from New Jersey, Senator JON CORZINE, for his service to the people of the Garden State and the rest of our country. My colleague and friend brought his extensive experience from corporate America to bear on the business that we conduct here, and our country greatly benefitted from his expertise.

I enjoyed working with Senator CORZINE during the time when I served on the Banking Committee. Under the leadership of Ranking Member SARBANES, we shored up corporate governance through the enactment of Sarbanes-Oxley—the influence of which has been felt in corporate boardrooms, and even nonprofit boardrooms, across America.

The Senate and the Congress will especially miss the dedication of our colleague in the effort to promote economic and financial literacy. Senator CORZINE has been a stalwart in working with me, and Senators SARBANES, STABENOW, ENZI, ALLEN, and others, to bring to light the need to reverse economic and financial illiteracy in our country.

Senator CORZINE has been an important ally in supporting several of my initiatives in this area, including annual efforts to secure and increase funding for the Excellence in Economic Education Act for grades K through 12; efforts to work on college campuses through the College Literacy in Finance and Economics or LIFE Act, S. 468; and annual resolutions designating April as the month for highlighting the need for financial literacy.

I have been a proud cosponsor of his initiatives in this area, S. 923, S. 924, and S. 925. The TANF Financial Education Promotion Act, S. 923, requires a State to specify how it intends to establish goals and take action to promote financial education among parents and caretakers receiving Temporary Assistance for Needy Families assistance. The Education for Retirement Security Act, S. 924, authorizes grants for financial education programs targeted toward mid-life and older Americans, including striving to increase financial and retirement knowledge and reduce individuals' vulnerability to financial abuse and fraud. Finally, the Youth Financial Education Act, S. 925, authorizes grants to State educational agencies for the development and integration of youth financial education programs for students in elementary and secondary schools, as well as a grant to establish and operate a national clearinghouse for instructional materials and information regarding model financial education programs and best practices.

It is clear that my colleague from New Jersey cares about giving people access to additional tools that can help them make decisions about credit and debt management, spending and saving, and essential choices in a world of limited resources, in addition to helping increase their financial acumen so as to avoid being taken in by predatory credit offers and unscrupulous marketing. I commend him for taking this broad view, and wish him and his family well as he goes on to lead the Garden State as its Governor.

Mrs. LINCOLN. Mr. President, today I rise to pay tribute to my friend and colleague Senator and now Governor-elect JON CORZINE. With his election to the Senate in 2000, JON CORZINE has been a source of wisdom and a great friend to me and to many of my colleagues.

JON CORZINE was elected to the Senate after serving as cochairman and cochief executive officer of the investment company Goldman Sachs. During his time in the Senate, he has focused on serving the State of New Jersey, applying his financial expertise to major economic and regulatory issues and pushing a forward-looking, progressive agenda.

Senator CORZINE has pursued new safeguards to protect chemical facilities against terrorist attack, introduced legislation to improve access to education and health care, fought for stronger environmental policies, and lead the effort in Congress to crack down on corporate abuse.

The Senate recently adopted Senator CORZINE's resolution declaring the need for new safeguards at the Nation's vulnerable chemical plants. He also secured Federal funding toward the construction of a second railroad tunnel underneath the Hudson River, long sought by New Jersey's congressional delegation, and won Federal support for a wide variety of community and economic development projects throughout the State of New Jersey.

On a more personal note, it has been a great pleasure for me to work with such a gifted and dedicated public servant. He has never hesitated to put the people of New Jersey and the people of this Nation first. The people of New Jersey have made a wise choice in selecting Senator CORZINE to be the chief executive of their great State. He will take the same enthusiasm and professionalism to the Governor's mansion that he has exhibited here in the Senate.

I wish him well in his new responsibilities. I know that he will be a benefit to the people of his home State of New Jersey. We will miss his passion and insight here in the Senate. But our loss will be the people of New Jersey's gain. Farewell and Godspeed.

Mr LEVIN. Mr. President, although we will miss him greatly in the Senate, I join my colleagues in congratulating Senator JON CORZINE on his election as Governor of New Jersey. It has been a pleasure to serve with JON on the Intelligence Committee and to work with him on issues of corporate accountability. He has been a strong and determined leader here, and I know he will continue to make the people of New Jersey proud in his new position.

JON CORZINE has led a distinctly American life. He grew up on a family farm. He served his country in the Marine Corps Reserves. He had extraordinary success in business as a self-made man. And he has continued to serve his country in public life, first as a Senator and soon as a Governor. JON loves America and fights for what he believes is best for our people.

In the Senate, JON has used the financial expertise he gained at Goldman Sachs to become a singularly credible voice for corporate reform. He was a driving force on the landmark Sarbanes-Oxley legislation, which cracked down on corporate abuses such as those that led to the Enron and WorldCom scandals. He has been a leader on strengthening oversight of the mutual fund industry and on protecting the financial privacy of Americans. JON has also been at the forefront of promoting financial literacy, so that Americans can manage their personal finances wisely.

Working with JON on the Intelligence Committee, I have seen JON's piercing mental acumen and commitment to protecting our country. Following the September 11 attacks, which took a heavy toll on his State, JON recognized the weakness of our system of chemical plant security. He seized that issue and did not let go. In October, Congress finally passed mandatory security requirements at chemical plants based on JON's work. That this necessary improvement in our security will be substantially improved is due to his tenacity.

On every issue, JON has been outspoken in support of policies that benefit working Americans. He has fought for universal health care, for expanded student aid, and for full funding for education programs. JON has also been a passionate voice for human rights around the world. Just last month, the Senate approved the Darfur Peace and Accountability Act, which JON sponsored with Senator BROWNBACK, to help stop the genocide in the Sudan.

During his short time in the Senate, JON CORZINE has made a big impact. His is a unique voice that will be personally missed. I join my colleagues in saluting JON on his election as Governor and in wishing him well in his new position.

Mr. FEINGOLD. Mr. President, I am proud today to join in honoring JON CORZINE and congratulating him on his outstanding service here in the Senate. I have had the pleasure of working with him for 5 years and have found him to be a tremendous ally on a number of issues, as well as a great friend and colleague.

This Senate has benefited enormously from his hard work and commitment since he came to this body in 2001. I have served with him on both the Foreign Relations and the Budget Committees, and I have seen him work diligently and effectively, with members from both sides of the aisle, and always in the best interests of the American people.

Senator CORZINE has led the effort to stop the ongoing violence in Darfur with the bipartisan Darfur Peace and Accountability Act of 2005, of which I am a cosponsor. I applaud his efforts in this area, as well as his work to reaffirm support for the Convention on the Prevention and Punishment of the Crime of Genocide. This is a critically important legacy as the world faces the tragedy in Sudan. There has never been a more important time for the U.S. to recommit itself to ending the crime of genocide, and Senator CORZINE has taken a lead role in that effort.

We have also worked together on issues of great concern to us both—racial profiling and the death penalty. On both these issues, Senator CORZINE has been a courageous voice for justice and fairness. He has been steadfast in his efforts to ban racial profiling, a practice that runs contrary to the fundamental American value of equal treatment under the law. And he has been just as dedicated in focusing attention on the glaring flaws in the administration of capital punishment, and in calling for a thorough, nationwide review of the death penalty.

Finally, I want to say that I am deeply grateful for Senator CORZINE's support for the amendments I offered during the Senate's consideration of the PATRIOT Act in October of 2001. I was proud to have his support that night, and I have been proud to work with him as a cosponsor of the SAFE Act. I can't think of a better time to thank him for his work to protect Americans' freedoms than today, in the midst of a fight to make reasonable changes to the PATRIOT Act.

JON CORZINE has earned the utmost admiration and respect during his time in the Senate. I will miss him as a colleague and friend, but I am so glad that he will continue to serve the people of New Jersey with such dedication and integrity. I have no doubt that he will be an outstanding Governor, and that he will continue to be a national leader on the issues to which he was so committed in the Senate.

So today I join my colleagues in thanking Senator CORZINE for his work in this body. He is a great public servant and a good friend. I wish him all the best.

Mr. LIEBERMAN. Mr. President, it is my honor today to pay tribute and bid a fond farewell to my colleague and friend Senator JON S. CORZINE of New Jersey. Senator CORZINE as we know will be leaving the Senate next month to serve as New Jersey's Governor, and before he leaves us to begin what I can only be certain will be a wildly successful and innovative tenure as New Jersey's chief executive, I thought it appropriate to take the time to celebrate not only Mr. CORZINE's fine service in the Senate but his inspiring life story as well.

In many ways, JON CORZINE's life is an example of the American dream fulfilled. Mr. CORZINE was born on New Year's Day, 1947, and grew up on his family's farm in Willey's Station, IL. His father ran the farm and sold insurance; his mother was a public school teacher. Through his own hard work and that of his family, Mr. CORZINE attended the University of Illinois at Urbana-Champaign, where he graduated Phi Beta Kappa in 1969. After graduating college, Mr. CORZINE served his country by enlisting in the U.S. Marine Corps Reserves, and he continued in the Reserves until 1975, rising to the rank of sergeant in his infantry unit.

After Senator CORZINE's Active Duty was up, he began what would become a long and successful career in the finance sector. His first job was with the Continental Illinois National Bank in Chicago, where he worked as a portfolio analyst. At the same time, Mr. CORZINE began taking night classes at the University of Chicago's Graduate School of Business, where he received his MBA in 1973.

In 1975, after working briefly at a regional bank in Ohio, Mr. CORZINE was recruited to go to work for the New York investment firm Goldman Sachs as a bond trader, beginning what would be a meteoritic rise through the company's ranks. After only 5 years, Mr. CORZINE was named a partner in the firm. In 1994, Mr. CORZINE became both the firm's chairman and chief executive officer. Through hard work, Senator CORZINE rose from his family's farm in rural Illinois to being the chief executive officer of a New York investment firm.

But the story doesn't end there for Mr. CORZINE had a very successful tenure at the helm of Goldman Sachs. When he took over in 1994, the proud and respected firm was in a period of some decline. But Mr. CORZINE and his team turned the company's fortunes upwards. During his 5 years as chief executive. Mr. CORZINE also oversaw the firm's successful transition from a private partnership to a public company.

While serving as chief executive, Mr. CORZINE also demonstrated a passion for public service. Under his leadership, Goldman Sachs was a strong corporate citizen, expanding its community outreach and philanthropic programs. Mr. CORZINE also chaired a Presidential commission that studied how capital budgeting could be used to increase Federal investment in education.

It is this commitment to public service that I saw JON CORZINE bring to his work in the Senate everyday. Elected in 2000 by the people of New Jersey, Senator CORZINE has been a tireless advocate for corporate accountability, helping co-author the Sarbanes-Oxley Act, and has worked to protect our environment, where he has been a steadfast ally in the fights to prevent drilling in the Arctic National Wildlife Refuge and to tackle climate change. On the international front, Senator CORZINE has sponsored the Darfur Accountability Act, an act I am proud to cosponsor, which seeks to address the terrible genocide currently occurring in the Darfur region of Sudan.

What I will remember most about Senator CORZINE's tenure is his commitment to strengthening our Nation's homeland security. Having worked with Senator CORZINE on several homeland security issues, I know firsthand that he was determined to do everything in his power to protect the American people from another terrorist attack. Senator CORZINE and I worked together in passing legislation that created the 9/11 Commission, whose service to the American people we are all well aware of. In addition, Senator CORZINE has been a leader in legislative efforts to increase security at our Nation's chemical plants, which remain vulnerable to attack. Senator CORZINE crafted strong legislation aimed at protecting these facilities, and I remain hopeful that Congress will act on this area of great vulnerability. I will continue to be inspired by the dedication Senator CORZINE applied to this critical issue.

Let me end my statement, Mr. President, by taking the time to thank JON CORZINE for his service in the Senate. I wish him, his daughter Jennifer, and his two sons, Josh and Jeffrey, nothing but the best for the future, and I look forward to seeing the fine things I know he will continue to do for the people of New Jersey, now as their Governor. Once again, thank you, JON CORZINE.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about our colleague Senator JON CORZINE, congratulate him on his recent election as Governor of New Jersey, and also thank him for his great contribution to the Senate and to the entire country during the time he served here.

JON came to the Senate from a very successful career on Wall Street. We are all aware of that. He came here for the best of reasons: his desire to make a difference, to improve the situation of average Americans in this country, to see that this country pursued an economic course that created opportunity and jobs for the people he represented in New Jersey and throughout this country.

On economic issues, I think all of us in the Senate came to believe—I certainly did—that no one was better able to read the tea leaves about what was happening economically in this country, what was happening in the various economic statistics which come out each week, than JON CORZINE. He could understand the economic circumstance we continue to struggle with in this country and the impact it is having on the lives of average Americans.

While he has been here, he has demonstrated a passion for fairness to all in our society. He has not been a representative of Wall Street. He has been a representative of the great mass of the American people. He has looked to raise the standard of living of all Americans and lift all boats. We all owe him a debt of gratitude for that passion he has brought to this job.

I serve as the ranking Democrat on the Senate Energy and Natural Resources Committee. We have been very fortunate that JON has served on that committee as well. He has been an active participant in the writing of energy legislation, which we passed earlier this year. He made a great contribution in that legislation. In short, JON has had a very distinguished career in the Senate. I am confident he will have a very distinguished career as Governor of New Jersey and will have a very long and successful career in public life.

Again I congratulate him on his victory. I thank him for his service and his friendship, and I look forward to opportunities to work with him again in his new capacity as Governor of New Jersey.

I yield the floor.

Mrs. CLINTON. Mr. President, I wish to take this opportunity to say farewell to the distinguished Senator from New Jersey, Mr. JON S. CORZINE. In January, he will resign his seat, bound for greener pastures. While he will be missed tremendously in this Chamber, I know that, as Governor, he will serve the people of New Jersey well.

Senator CORZINE and I were elected to the Senate in the same year, and I have since been glad to have his friendship and advice. I would also like to say, how fortunate New Jersey has been to be represented by Senator CORZINE. I am proud of the work that we did together in the time we shared in the Senate and am sad to see him go.

Along with his dedication to building a practical, progressive Government, Senator CORZINE always brought a fresh and original perspective to this body. His previous career as cochairman and CEO at Goldman Sachs allowed him the benefit of invaluable experience in helping to solve the problems that face our economy and our financial sector. His combination of principle and practice, are, more than anything, what the Senate will sorely miss.

Consider Senator CORZINE's role in crafting the Sarbanes-Oxley Act of 2002. His work on this bipartisan legislation helped produce reforms that, in the wake of corporate abuse scandals, restored confidence in the markets, protected shareholders, and ensured that additional and more impartial oversight would act to prevent the damage to our economy that might flow from unchecked corporate malfeasance. Senator CORZINE stood by his principles, worked with Democrats and Republicans, and used his expertise to help craft legislation to promote ethics, accountability, and economic growth.

We can also look to Senator CORZINE's efforts to end the crisis ravaging Darfur, Sudan. I was proud to cosponsor the legislation by Senator CORZINE and Senator SAM BROWNBACK to expand aid to the African Union and provide a framework for tackling the ongoing violence. We can all be proud that Senator CORZINE was able to help usher the Darfur Peace and Accountability Act through the Senate. His dedication to the issue and commitment to stopping the genocide is admirable, to say the least. Senator CORZINE has stood by his values, and worked hard to see those values reflected in the work of the Senate, the Congress, and the Nation.

Recently, I joined Senator CORZINE in introducing legislation to help the victims of sexual assault receive the medical treatment they need and deserve. Senator CORZINE believes as I do that we have a duty to these women; a woman who has already suffered so much should not have to worry about whether she will be offered emergency contraception to prevent an unwanted pregnancy. Senator CORZINE's passion for protecting and improving access to health care and medical treatment, and to protecting the rights of patients, is truly exemplary.

Finally, Senator CORZINE served New Jersey and his constituents with compassion and dedication in the days, weeks, months, and years following the attacks on September 11, 2001. New Jersey and New York shared in so much grief and loss that day, and Senator CORZINE was tireless in his commitment to the citizens of New Jersey who bore the burden of that loss.

In the years since, he has remained steadfast in fighting for the families of 9/11 and fighting to strengthen our Nation to prevent future acts of terrorism. His hard work to secure our Nation's vulnerable chemical facilities serves as a noteworthy example. I was proud to cosponsor his legislation to safeguard our Nation's chemical plants, the Chemical Security Act, and share in his commitment to doing all we can to strengthen America's homeland security.

I would also acknowledge Senator CORZINE's tenure at the Democratic Senatorial Campaign Committee. In his leadership at the DSCC and throughout his time in office, Senator CORZINE served with honesty, integrity, and a passion for improving the lives of all Americans.

JON CORZINE's absence will long be felt in the Senate, as will his good work. He brought his expertise and values to bear on the challenges facing our economy, our security, and our country.

To the great benefit of the citizens of New Jersey, JON CORZINE—while retiring from the Senate will bring his values, his expertise, his passion, and his dedication with him to the Governorship of the Garden State. The citizens of New Jersey will no doubt continue to be fortunate to have JON CORZINE in their corner.

Mr. BROWNBACK. Mr. President, as Senator CORZINE spends his final days representing the people of New Jersey in the Senate, I wish to spend a few moments speaking about his commitment to human rights and the pressing crisis of genocide in Darfur, Sudan.

I have worked on the issue of war and humanitarian disaster in Sudan for several years. But nearly 2 years ago, as the Comprehensive Peace Agreement for Sudan was in its final negotiations, we became aware of the unfolding crisis in Sudan's western region of Darfur. It was Senator CORZINE who came to me to work together and champion this issue. We joined each other on the Senate floor in countless speeches showing photos of the anguish in Darfur. We joined each other in seeing the Darfur Peace and Accountability Act through the Senate. We joined each other to secure funding for the security and humanitarian needs of the people.

I have had the opportunity to work with many Members across party lines on human rights and humanitarian issues. I remember partnering with Paul Wellstone on the Trafficking Victims' Protection Act. Some called us strange bedfellows since we were at opposite ends of the political spectrum. But I have learned an important lesson: these issues are sufficiently urgent that ideological and partisan differences should not be allowed to impede cooperation, especially where lives and basic freedoms are at stake. And such has been true in the case of Darfur. I have no doubt that Senator CORZINE's commitment and perseverance to raise this issue to the highest levels has made a difference to the people of Darfur. I also saw firsthand his sincere compassion and commitment to the suffering of the world when we traveled to tsunami-ravaged South Asia together earlier this year.

I will always consider Senator CORZINE an ally and a friend on one of the greatest moral issues in foreign policy today. In his absence, I will look to my other colleagues to ensure that this crisis is not easily forgotten.

As we close out 2005, I urge my colleagues to secure additional funding for the African Union in the Defense Appropriations conference and I urge my colleagues in the House to pass the Darfur Peace and Accountability Act. Without continued action by the United States and the international community, more lives will be lost.

I would like to take this opportunity to formally and publicly thank Senator CORZINE for his partnership and his commitment to the people of Darfur. I express my very best wishes as he leaves this body to become the next Governor of New Jersey.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I believe I am to be recognized by unanimous consent directly following the tributes to Senator CORZINE. I would like to give my heartfelt thanks to the Senator from New Jersey. He has been indeed a good Senator. His tenure here has distinguished him. That is clearly recognized by people of New Jersey. I believe he is going to be a great Governor for that great State.

Mr. SARBANES. Will the Senator yield me 30 seconds?

Mrs. FEINSTEIN. Certainly.

Mr. SARBANES. I thank the very able Senator from California for her yielding to allow these tributes to be paid to Senator CORZINE. I know she has been here quite a while waiting to speak on another issue. It was extremely gracious of her to do that. I wanted to recognize that and thank her very much.

Mr. CORZINE. Will the Senator yield for my last word?

Mrs. FEINSTEIN. I certainly will.

Mr. CORZINE. I am appreciative of the Senator's gracious and kind words as well. I follow with great interest her views and visions on a lot of major issues of the day. I know she is going to speak on one of the more important ones in a few minutes. I am particularly appreciative of her kindness.

The PRESIDING OFFICER. The Senator from California is recognized.

THE PATRIOT ACT

Mrs. FEINSTEIN. Mr. President, I rise today as a 12-year member of the Senate Judiciary Committee and a 5-year member of the Senate Intelligence Committee. I do so indeed with a very heavy heart. I have had, until now, great confidence in America's intelligence activities. I have assured people time and time again that what happens at home has always been conducted in accordance with the law.

I played a role in the PATRIOT Act. I moved one of the critical amendments having to do with the wall and the FISA court. Today's allegations as written in the New York Times really question whether this is in fact true. I read it with a heavy heart, yet without knowing the full story.

Let me be clear. Domestic intelligence collection is governed by the Foreign Intelligence Surveillance Act, known as FISA. This law sets out a careful set of checks and balances that are designed to ensure that domestic intelligence collection is conducted in accordance with the Constitution, under the supervision of judges and with accountability to the Congress of the United States.

Specifically, FISA allows the Government to wiretap phones or to open packages, but only with a showing to a special court—the FISA court—and after meeting a legal standard that requires that the effort is based on probable cause to believe the target is an agent of a foreign power.

Let me cite two sources. The first is a 1978 report by the Senate Select Committee on Intelligence. In the report is a comment by the then-chairman of that committee, Senator Birch Bayh. He is talking about the FISA bill that had just come to the floor in 1978:

> The bill requires a court order for electronic surveillance, defined therein, conducted for foreign intelligence purposes within the United States or targeted against the international communications of particular United States persons who are in the United States. The bill establishes the exclusive means by which such surveillance may be conducted.

That is the bill, FISA, which was passed in 1978.

Second, in late 2001 this subject came up again on the Senate Intelligence Committee. The Senate Intelligence Committee discussed this subject and amended at that time in its authorization bill National Security Act section 502, which is the reporting of intelligence activities other than covert action.

Section 502 states:

> To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall:
>
> (1) keep the congressional intelligence committees—

It doesn't say only the chairman and the vice chairman—

> fully and currently informed of all intelligence activities other than a covert action (as defined in section 503(e)), which are not the responsibility of, are engaged in by, or are carried out for or on behalf of any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and any significant intelligence failure.
>
> And (2) furnish the congressional intelligence committees any information or material concerning intelligence activities, other than covert actions, which is within their custody or control, and which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.

At that time, we had this discussion about just the chairman and the vice chairman receiving certain information, and this act was amended, and section (b) was added to the National Security Act, called "form and contents of certain reports." It was to clarify what the form and content of the reporting to the committee would be. And the wording is as follows:

> Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the congressional intelligence committees for the purposes of subsection (a)(1) shall be in writing and shall contain the following:
>
> (1) a concise statement of any fact pertinent to such report;
>
> (2) an explanation of the significance of the intelligence activity or intelligence failure covered by such report.

And then section (c) was added, "standards and procedures for certain reports," that those standards and procedures would hereby be established.

What has happened is that it has become increasingly used just to notify a very few people. There are 535 Members of the Senate and the House of Representatives of the United States.

If the President of the United States is not going to follow the law and he simply alerts eight Members, that doesn't mean he doesn't violate a law. I repeat, that doesn't mean he doesn't violate a law. FISA is the exclusive law in this area, unless there is something I missed, and please, someone, if there is, bring it to my attention.

Section 105(f) of FISA allows for emergency applications where time is of the essence. But even in these cases, a judge makes the final decision as to whether someone inside the United States of America, a citizen or a noncitizen, is going to have their communications wiretapped or intercepted. The New York Times reports that in 2004, over 1,700 warrants for this kind of wiretapping activity were approved by the FISA Court. The fact of the matter is, FISA can grant emergency approval for wiretaps within hours and even minutes, if necessary.

In times of war, FISA section 111 states this:

> Notwithstanding any other law, the President, through the Attorney General, may authorize electronic surveillance without a court order under this title to acquire foreign intelligence information for a period not to exceed 15 calendar days following a declaration of war by the Congress.

I would argue the resolution authorizing use of force was not a declaration of war. I read it this morning carefully. It does not authorize the President of the United States to do anything other than use force. It doesn't say he can wiretap people in the United States of America. And apparently, perhaps with some change, but apparently this activity has been going on unbeknownst to most of us in this body and in the other body now since 2002.

The newspaper, the New York Times, states that the President unilaterally decided to ignore this law and ordered subordinates to monitor communications outside of this legal authority.

In the absence of authority under FISA, Americans up till this point have been confident—and we have assured them—that such surveillance was prohibited.

This is made explicit in chapter 119 of title 18 of the criminal code which makes it a crime for any person without authorization to intentionally intercept any wire, oral, or electronic communication.

As a member of the Senate Judiciary and Intelligence Committees, I have been repeatedly assured by this administration that their efforts to combat terrorism were being conducted within the law, specifically within the parameters of the Foreign Intelligence Surveillance Act which, as I have just read, makes no exception other than 15 days following a declaration of war.

We have changed aspects of that law at the request of the administration in the USA PATRIOT Act to allow for a more aggressive but still lawful defense against terror. So there have been amendments. But if this article is accurate, it calls into question the integrity and credibility of our Nation's commitment to the rule of law.

I refreshed myself this morning on the fourth amendment to the Bill of Rights of the Constitution of the United States. Here is what it says:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Clearly an intercept, a wiretap, is a search. It is a common interpretation. A wiretap is a search. You are looking for something. It is a search. It falls under the fourth amendment.

Again, the New York Times states that a small number of Senators, as I said, were informed of this decision by the President. That doesn't diminish the import of this issue, and that certainly doesn't mean that the action was within the law or legal.

What is concerning me, as a member of the Intelligence Committee, is if eight people, rather than 535 people, can know there is going to be an illegal act and they were told this under an intelligence umbrella—and therefore, their lips are sealed—does that make the act any less culpable? I don't think so.

The resolution passed after September 11 gave the President specific authority to use force, including powers to prevent further terrorist acts in the form of force. I would like to read it. I read Public Law 107-40, 107th Congress:

> Sec. 1. Short title.
>
> This joint resolution may be cited as the "Authorization for Use of Military Force".
>
> Sec. 2. Authorization for Use of United States Armed Forces.
>
> (A) In General.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

Then it goes on to say:

> Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

This is use of force. It is not use of wiretapping or electronic surveillance of American citizens or those without citizenship within the confines of the United States. That is the jurisdiction of the FISA Court. There is a procedure, and it is timely.

As a matter of fact, we got into this rather seriously in the Judiciary Committee. At the time we wrote the PATRIOT Act, I offered an amendment to change what is called "the wall" between domestic intelligence-gathering agencies and foreign intelligence-gathering agencies from a "primary purpose" for the collection of foreign intelligence to a "significant purpose." We had a major discussion in the committee, as is the American way. We were making public policy. We discussed what primary purpose meant. We discussed in legal terms what significant purpose meant.

So this was a conscious loosening of a standard in the FISA law to permit the communication of one element of Government with the other and transfer foreign intelligence information from one element of the Government to the other.

That is the way this is done, by law. We are a government of law. The Congress was never asked to give the President the kind of unilateral authority that appears to have been exercised.

Mr. BYRD. Right.

Mrs. FEINSTEIN. I was heartened when Senator SPECTER also said that he believed that if the New York Times report is true—and the fact that they have withheld the story for a year leads me to believe it is true, and I have heard no denunciation of it by the administration—then it is inappropriate, it is a violation of the law.

How can I go out, how can any Member of this body go out, and say that under the PATRIOT Act we protect the rights of American citizens if, in fact, the President is not going to be bound by the law, which is the FISA court?

And there are no exceptions to the FISA court.

So Senator SPECTER, this morning, as the chairman of the Judiciary Committee, announced that he would hold hearings on this matter the first thing next year. I truly believe this is the most significant thing I have heard in my 12 years. I am so proud of this Government because we are governed by the rule of law, and so few countries can really claim that. I am so proud that nobody can be picked up in the middle of the night and thrown into jail without due process, and that they have due process. That is what makes us different. That is why our Government is so special, and that is why this Constitution is so special. That is why the fourth amendment was added to the Bill of Rights—to state clearly that searches and seizures must be carried out under the parameter of law, not on the direction of a President unilaterally.

So I believe the door has been opened to a very major investigation and set of circumstances. I think people who know me in this body know I am not led toward hyperbole, but I cannot stress what happened when I read this story. And everything I hold dear about this country, everything I pledge my allegiance to in that flag, is this kind of protection as provided by the Constitution of the United States and the laws we labor to discuss, argue, debate, enact, then pressure the other body to pass, and then urge the President to sign. That is our process.

If the President wanted this authority, he should have come to the Intelligence Committee for an amendment to FISA, and he did not. The fact that this has been going on since 2002—it is now the end of 2005. Maybe 8 people in these 2 bodies in some way, shape, or form may have known something about it, but the rest of us on the Intelligence Committees did not.

That is simply unacceptable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the Senator from California for her remarks and associate myself with them. I commend her for taking on this vital issue affecting all Americans.

I ask unanimous consent that the previous order be modified to permit Senator BYRD to precede me in speaking order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Minnesota for his kindness and his courtesy in yielding to me. I want to say there is one thing I am sorry about with respect to the Senator from Minnesota. He made a bad decision some time ago. I wish he had not made it, and I begged him to retract on it and say he would not do it. He says he is not going to run again. I am sorry about that. He is one of the immortal 23 Senators who voted against that resolution that the Senator from California is talking about. I voted against it. I have been in the Senate for 47 years, and that is the vote of which I am most proud because in voting that way, I stood for this, the Constitution of the United States. That Constitution does not give any President the power to declare war. It says Congress shall have the power to declare war. I voted against that resolution, the best vote I have cast in 47 years in this Senate, and I am proud that the Senator from Minnesota can carry that tribute with him to the grave. I thank him and congratulate him. Again, I thank him for yielding to me.

Mr. President, I believe in America. Let me say that again. I believe in America. I believe in the dream of the Founders and Framers of our inspiring Constitution. I believe in the spirit that drove President Abraham Lincoln to risk all to preserve the Union. I believe in what President Kennedy challenged America to be—America, the great experiment of democracy.

Where the strong are also just and the weak can feel secure, the soul and promise of America stands as a beacon, praise God, of freedom and a protector of liberty which lights and energizes the people around the world. Today, sadly, that beacon is dimmed. This administration's America is becoming a place where the strong are arrogant and the weak are ignored. Fie on the administration.

Yes, we hear high-flung language from the White House about bringing democracy to a land where democracy has never been. We seem mesmerized with glorious rhetoric about justice and liberty, but does the rhetoric really match the reality of what our country has become?

Since the heinous attacks of September 11, I speak of the actions of our own Government, actions that have undermined the credibility of this great Nation around the world. These actions taken one at a time may seem justified, but taken as a whole they form an unsettling picture and tell a troubling story. Do we remember the abuses at Abu Ghraib? They were explained as an aberration. Do we remember the abuses at Guantanamo Bay? They were denied as an exaggeration. Now we read about this so-called policy of rendition—what a shame—a policy where the U.S. taxpayers are funding secret prisons in foreign lands. What a word. "rendition." What a word, "rendition." Shame. It sounds so vague, almost harmless. But the practice of rendition is abhorrent.

Let me say that again. It sounds so vague, almost harmless, but the practice of rendition is abhorrent—abhorrent.

The administration's practice of rendition is an affront, an affront to the principles of freedom, the very opposite of principles we claim we are trying to transplant to Iraq and to other rogue nations.

The administration claims that rendition is a valuable weapon in the war on terror. But what is the value of having America's CIA sit as judge and jury while deciding just who might be a threat to our national security? Such determinations receive no review by a court of law—none. The CIA simply swings into action, abducts a person from some foreign country and flies them off to who knows where, with no judicial review of guilt or innocence. A person can be held in secret prisons in unnamed countries or even shipped off to yet another country to face torture at the hands of the secret police of brutal governments.

Is that what we want? Is this the America that our Founders conceived? Is this the America that Nathan Hale died for, when he said I only regret that I have but one life to lose for my country? Is this the America that he died for? Is this the America that our Founders conceived? Is this the America of which millions of people dreamed? Is this, I ask the Senate, the beacon of freedom inspiring other nations to follow?

The United States should state clearly and without question that we will not torture prisoners and that we will abide by the treaties that we signed, because to fail to do so is to lose the very humanity, the morality that makes America different, that makes America the hope for individual liberty around the world.

The disgusting, degrading, and damaging practice of rendition should cease immediately. Is this what Patrick Henry was talking about—give me liberty or give me death? It is not about who they are. "It's not about who they are. It's about who we are." Those are the words of my colleague Senator JOHN McCAIN, bless his heart. Senator McCAIN is a senior member of the Senate Armed Services Committee. He is a former prisoner of war. He knows what it is all about. And he is exactly right. There is no moral high ground in torture. There is no moral high ground in the inhumane treatment of prisoners. Our misguided, thuggish practice of rendition has put a major blot on American foreign policy.

Now comes this similarly alarming effort to reauthorize the PATRIOT Act, retaining provisions that devastate many of our own citizens' civil liberties here at home. What is happening? What is happening to our cherished America? Let us stop and look and listen and think. What is happening to our cherished America?

Any question raised about the wisdom of shredding constitutional protections of civil liberties with roots that trail back centuries is met with the disclaimer that the world has changed and that the 9/11 attacks are, in effect, a green light. Get that, a green light to trash this Constitution, to seize private library records. Hear that.

Suppose I want to get a book out of the library. Suppose I want to read "Loves Labors Lost." The disclaimer that the world has changed and that the 9/11 attacks are in effect a green light to trash the Constitution, to seize private library records—suppose I want to read about "A Tale of Two Cities." They are going to seize those library records? To search private property—how about that—without the knowledge of the owner? If you want to go in my house without my knowledge, without my wife's knowledge, to spy on ordinary citizens accused of no crime in a manner is a sick—a sick, s-i-c-k, perversion of our system of justice and it must not be allowed.

Paranoia must not be allowed to chip away at our civil liberties. Don't let it happen. The United States of America must not adopt the thuggish tactics of our enemies—no. We must not trash the fourth amendment because the Senate is being stampeded at the end of a congressional session. No.

Government fishing expeditions with search warrants written by FBI agents is not what the Framers had in mind. It is not what Benjamin Franklin had in mind. It is not what Morris had in mind. It is not what James Wilson had in mind. Spying on ordinary, unsuspecting citizens—not with that in mind. Without their knowledge? No. That is not what the Framers had in mind. Handing the Government unilateral authority to keep all evidence secret from a target so that it may never be challenged in a court of law is not what the Framers had in mind.

Yesterday, I believe it was, we heard reports that the military has spied on Americans simply because they exercised their right to peaceably assemble and to speak their minds. What disgrace. What a shame. Today we hear, yes, we hear today that the military is tapping phone lines in our own country without the consent of a judge. Can you believe that? Here in this country, where liberty is supposed to prevail.

Go and ask that Statue of Liberty. Is that what it stands for?

No. Labeling civil disobedience and political dissent as domestic terrorism is not what the Framers had in mind.

Read history. What is the matter with us? Have we gone berserk? Read history. That is not what they had in mind.

Our Nation is the most powerful nation in the world. Why? Because our Nation was founded on a principle of liberty. Benjamin Franklin said "those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety." Our Founding Fathers, intent on addressing the abuses they had suffered at the hands of an overzealous government, established—yes, it did—established a system of checks and balances, ensuring that there is a separation of powers—there is a separation of powers. Read it in the Constitution, article I, article II, article III—a separation of powers so that no one body may run amok with its agenda. These checks are what safeguards freedom for you, Mr. President, and for me and for all others in this land. These checks are what safeguard freedom, and the American people are looking to us—yes, they are looking through those lenses there, they are looking at us, yes. The people out on the broad prairies, out on the plains, out in the valleys, out on the great shores, the frozen wastes of the North Pole, and, yes, that liberty extends everywhere. That American liberty extends everywhere. And nobody may run amok with its agenda.

These checks are what safeguard freedom, and the American people are looking to us—you, and me, Senator, you, Senator, and you, Mr. President—looking to us now to restore and protect that freedom.

So many have died protecting those freedoms. And we owe it to those brave men and women to deliberate meaningfully and to ultimately protect those freedoms that Americans cherish so deeply. The American people deserve nothing less.

Earlier today, the Senate voted to stop a bill that would have allowed the abuses of American civil liberties to continue for another 4 years. Shame. The message of this vote is not just about the PATRIOT Act but the message that the Senate can stand up, the Senate can stand against an overreaching Executive of any party, any party, any party that has sacrificed our liberties and stained our standing before the world.

The PATRIOT Act has gone too far. It has gone too far. Secret renditions should be stopped. Torture must be outlawed. Our military should not spy on our own people.

The Senate has spoken. Let us secure our country but not by destroying our liberties.

Thank Almighty God for this Constitution and the Framers who wrote it, and the Founders of our Nation who risked their lives and their fortunes and their sacred honor. Thank God for checks and balances. Thank God for the Senate, and may it always stand for the right.

I thank all Senators. I again thank the distinguished Senator from Minnesota. I want to tell him that I wish he and his family and loved ones a merry Christmas, a merry Christmas. I thank him.

The PRESIDING OFFICER (Mr. BURR). Under the previous order, the Senator from Minnesota is recognized.

Mr. McCAIN. Mr. President, parliamentary inquiry: What is the order?

The PRESIDING OFFICER. The Senator is notified that there is no order after the Senator from Minnesota.

Mr. McCAIN. I ask my friend to indulge me. I ask unanimous consent I follow the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I want to associate myself with the remarks made by the great Senator from West Virginia, and he is a great Senator. His 47 years of experience here and wisdom have made him an invaluable Member of this body, a leader of this body, an invaluable mentor to newcomers such as myself, and his fidelity to the Constitution, his understanding of history, his understanding of the appropriate relationship of this body, as an independent branch of Government, with the executive branch has been patriotic, courageous, and right.

I thank him for his remarks and for his kind words.

I also want to share the outrage that he expressed, and the previous speaker, the distinguished Senator from California expressed, about these disclosures. Yet another one today, reading in the New York Times about the secret spying on American citizens by the National Security Agency, in contravention of law and in contravention of previous policy under Presidents, Republican and Democrat.

That, on top of the revelations about secret torture camps being conducted, again extra-illegally, by this administration, to the detriment of the great name of the United States of America.

I see that the outstanding Senator from Arizona is on the floor and will follow me with his remarks. To his enormous credit, he has been the champion of putting the United States back on track and assuring that we set the example, the proper example, for the rest of the world in how to conduct itself even under adverse circumstances.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

(The remarks of Mr. McCAIN, Mr. LIEBERMAN and Mr. DURBIN pertaining to the introduction of S. 2128 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TORTURE

Mr. DURBIN. Mr. President, I salute Senator JOHN McCAIN. He achieved something this week which is historic. He achieved an agreement with the Bush administration on the issue of torture. That took a lot of hard work on his part. He took a 90–9 vote in the Senate with him to the White House, meeting with the President's representatives.

What Senator McCAIN was seeking is something fundamental. He wanted to reaffirm in law the fact that the United States would still stand by its word and by its values, that we would not engage in torture even though we are in this new age of terrorism and threat to America. He said: This is less about the enemy than it is about us, who we are and what we stand for.

I can recall during the debate on this issue, Senator McCAIN took the floor and gave one of the best speeches I have heard in this Chamber, a speech only he could give. As a former prisoner of war, a Navy pilot shot down over Vietnam, he was a victim of torture. No one else in this Chamber, fortunately, can speak to it as he spoke to it. But in speaking to it, he reminded us that torture is not American. It is not a good means of interrogating prisoners or coming up with information to make America safer. There was a lengthy debate about whether his provision would be included in the final legislation. Fortunately, the White House has agreed to include it.

I was happy to cosponsor that legislation. I have been raising this issue for the last several years. I know how controversial it can be. A few months ago I had the spotlight focused on me for some comments made at this same desk. But I believe that the issue of torture is one that we have to face forthrightly.

Last week I was traveling in northern Africa and visited with one of our ambassadors. He is an ambassador to one of the Muslim nations. We talked about the challenges he faces with our involvement in Iraq. He said: The controversy about our involvement in Iraq paled in comparison to the controversy in his country about America's role when it came to torture. He said: It is hard for the Muslim population and Arab populations to understand why the United States would abandon a long-term, multidecade commitment not to engage in torture once they were involved in a war involving Arabs and Muslims. He reminded me—and I didn't need to be reminded—that we issue a human rights scorecard each year from the Department of State. Some of the questions we ask of countries around the world are: have you incarcerated someone without charges? Are you holding them indefinitely? Are you torturing them? If the answers are affirmative, we give them low marks.

Today, obviously, those countries are asking whether the Americans live by the same standards they are imposing on others. JOHN McCAIN's leadership, along with Senator JOHN WARNER, chairman of the Armed Services Committee, resulted in an important agreement to restate the most basic and bedrock principle, that America will not engage in torture. We will not engage in cruel, inhuman, and degrading treatment of prisoners: First, because it is not American; second, because it invites the same treatment on our soldiers and Americans; and third, because it doesn't work. We have found time and again, if you torture a person they will say anything to make the torture stop. That doesn't give you good information to make America safe. Let me salute Senator McCAIN for his leadership.

EAVESDROPPING ON AMERICANS

Mr. President, I am troubled by the reports in the New York Times and Washington Post today that this administration, since 9/11, has been engaged in a practice which I thought had been clearly prohibited in America. That is the eavesdropping on individual American citizens, those in America, by major agencies such as the National Security Agency. This all started some 30 years ago during President Nixon's administration. It was an administration which created an enemies list. If your name was on that list, be careful; J. Edgar Hoover would be looking into every aspect of your life that he could. You might be audited by the Internal Revenue Service and you would be carefully watched and monitored.

We decided that wasn't a good thing for any President to do. We made it clear that if you had good reason to eavesdrop on an American in the commission of a crime, involvement in terrorist activity, that was one thing. But to say you could do it with impunity, without any legal approval, that was unacceptable.

Now we find it has been done for several years and several thousand Americans have been the subject of this wiretapping and eavesdropping.

Mr. President, that is a troubling development. It says that this administration has decided when it comes to basic rights of Americans, they are above the law, not accountable; they don't have to go through the courts, don't have to follow the ordinary judicial process. That is something that Congress has to stand up and fight. We have to make it clear that even in the age of terrorism, basic freedoms and liberties of Americans have to be respected.

I hope that as soon as we return from this holiday break the appropriate committees will initiate investigations, determine what has occurred, whether it has gone too far. I sincerely hope, on a bipartisan basis, that my colleagues will rally to once again assert the fundamentals when it comes to the right of privacy in America. We want to be safe in America but not at the cost of our freedom. That, unfortunately, has become an issue because of these most recent disclosures.

Mr. SESSIONS. Mr. President, I remain baffled by the failure today to move forward with the PATRIOT Act. That piece of legislation is exceedingly important. We know for an absolute fact, as Senator KYL and others have pointed out, that terrorist organizations and their movements and activities were not properly discovered by law enforcement because of a failure to share information and other restrictions that fell on those investigators. That has been demonstrated with clarity. In fact, some say had we not had the wall between the CIA and the FBI and they could actually have shared information, we may have even prevented 9/11.

I say this to my friends in this country. Federal agents follow the law. The law said the CIA, which is out dealing with international terrorist groups and others who want to harm the United States, and the FBI, which is given the responsibility of homeland protection and crime enforcement in this country, were not allowed to share information. And they did not do so. It was part of a governmental reform. I think the Frank Church committee thought they were doing something good, but they ended up creating a wall that prohibited the sharing of information that made it far more difficult for Federal investigators to do the job we pay them to do.

This afternoon, I saw a lady from New York who was touched by 9/11. She wants this bill passed. As a matter of fact, she was shocked that it was not. Why is she shocked? It just passed this Senate a few days ago 100 to 0, by unanimous consent, not a rollcall vote, but unanimous consent, without an objection. It came out of the Senate Judiciary Committee, 18 to 0. We have a host of libertarians on that committee—civil libertarians and libertarians. Chairman SPECTER is very proud of his heritage of civil liberties. All of us take it seriously in that committee, and it came out unanimously.

The bill went to the House, and they passed this very bill that we just blocked. The House passed it with a 75-vote majority even though, in fact, the House had to recede and give about 80 percent of the differences in the House and Senate bill over to the Senate side. The Senate bill was clearly the bill that was the model for the legislation on which we finally voted.

So we go over to the House. They have some provisions and we have some provisions and there is a good bit of discussion over the issues. Finally, a conference report is agreed to. It comes back over here, and all of a sudden we face a filibuster.

The PATRIOT Act will sunset December 31. It will be gone. We will not have the provisions that are in it. Those provisions have played a big role in helping us protect this country from another attack. Who would have thought we would have gone over 4 years since 9/11 without another attack on this homeland? I hope no one thinks that success to date—praise our Creator—has not been driven in large part by effective law enforcement activities by the FBI, the CIA, and other agencies that are charged with these responsibilities.

The compromises reached in the conference committee to work out the differences between the House and Senate bill, according to Chairman ARLEN SPECTER, tilted in favor of the Senate on the disputed provisions by about 80 percent. He said there is not a dime's worth of difference in terms of whether civil liberties were enhanced or not enhanced in the bill that we just voted on and the one that came out of committee 18 to 0 and passed the Senate unanimously.

So why would this Senate and the great Democratic Party, except for two of its members, vote to block us from an up-or- down vote on this? I don't understand. I think it is a serious matter.

There are provisions in the bill that are important. As I have tried to state, as a Federal prosecutor for 15 years nearly, I remain baffled by the concerns over the bill. I remain baffled because of the fact that every provision in the bill has already been a part of Federal law at some point in time and had never been overruled or found unconstitutional. But many of the law enforcement capabilities that the bill delineates and makes clear and actually creates frameworks for already exist in current law.

I knew from the beginning that there was nothing in the bill that was going to be held to be unconstitutional and, indeed, it has not because it was written in such a way that we would not violate the Constitution, and it would be within the principles of our commitment to civil liberties.

All of us are committed to civil liberties. One of our Senators, Mr. BYRD, said we don't need search warrants written by FBI agents. Absolutely we don't. We don't want an investigator being able to conduct a search of somebody without an independent order of a judge, and there is nothing in this bill that does that. We don't change the great protection that you have to have a court-approved search warrant, for heaven's sake. There is nothing in this bill that comes close to that. But these are the kinds of charges that have been made, upsetting people and making them think there is something strange or overreaching about this legislation. It passed with only one negative vote 4 years ago, 90-something to 1.

We need to get our act together on this bill. I urge my colleagues to read the legislation that Senator SPECTER has so carefully written so that anybody can understand what the complaints are, to consider what the Department of Justice has said, to listen to the debate, and actually read the legislation. I am convinced that if colleagues would take a moment to do so, they will find that all of our great liberties are protected and, in fact, we didn't give to FBI terrorist investigators the same powers an IRS investigator has this very day to subpoena bank records that relate to a person who may not have paid their income tax. IRS agents can do that on a daily basis.

I see my colleague. Maybe I have already utilized over 10 minutes. If I have, I will be pleased to wrap up and yield the floor. I am over 10 minutes.

I feel strongly about this mainly because I am so concerned that people have allowed this vote to become a vote on whether one believes in civil liberties or whether one believes in law enforcement.

The bill was written and came out of committee—Senator LEAHY approved it; he monitored its passage from the beginning—so as not to violate the Constitution, not to undermine our liberties, but to make sure that Federal investigators who are trying to keep another 9/11 from happening here have the same powers as IRS agents. And, indeed, we didn't even give them that much power, in many instances. They still have less in some instances.

We need to get our act together on this legislation. We need to move this bill. I don't think it needs to be any weaker. If we come back and water it down and pass it, it would be a mistake.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I would like to let the Senator from Georgia propound a unanimous consent request first.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the Senator from Oregon. I ask unanimous consent that I be recognized to speak following the speech of Senator WYDEN from Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

STOPPING INDECENT PROGRAMMING

Mr. WYDEN. Mr. President, as the session winds down this year, I wanted to take a few minutes and bring to the attention of the Senate a new development that I think will be of great interest to millions of parents and families across the country. As the distinguished President of the Senate knows from our service in the other body, parents are greatly concerned that their children are bombarded every day with obscene, indecent, profane, and violent entertainment on television. Parents come up to us as legislators and say: What are you going to do to stop this trash? What are you going to do to keep indecent programming away from our children's eyes and ears?

Of course, we all wish for an ideal world where parents would take the most direct action, which is simply to turn the television set off. That is something that can be done without any Government role. But with parents working—and very often both parents working two jobs each to try to make ends meet—that is not always possible.

So as I began to look at how to solve the indecency problem, I asked what could the Government do in this area to better protect our kids from indecent programming on television? I also asked how to do it in a way without a big government bureaucracy program, a one-size-fits-all approach or where the Federal Government would regulate the actual content of the programs on our television sets.

As I began the search to try to figure out a responsible approach to the problem of indecent programming for children, one of the things I found is one of the cable companies and the big television programmers have set up a special tier of programming for those people who are interested in sports and those people who are interested in movies. I looked at it and found that not only had cable companies done this, it seemed to be working as well. They found a way to do it that the subscribers like and which was profitable. I said to myself, if that kind of approach works for sports fans and movie fans, why can we not do it for families as well? Why can we not have a special tier of programming that is appropriate for children and works for families, the way we have special programming for sports and movies?

So earlier in this session, I introduced the Kid Friendly TV Programming Act, which would require all video service providers to implement a tier of television programming that is appropriate for children. In my bill, a kids' tier is defined as a group of 15 or more television stations blocked off in a separate channel area with both programming and commercials on it that are purely kid friendly. Parents would be able to subscribe to this block of stations separate from their regular programming, knowing the programming on their television will not carry material that is obscene, indecent, profane, sexual, or gratuitously violent. In introducing this legislation, it seemed to hit the criteria that were most important to me: more wholesome choices for parents and families but not a one-size-fits-all Government mandate. The Government would put the focus where it ought to be, which is to give parents a block or tier of channels separate from regular programming where there would not be material inappropriate for our children.

After I introduced the legislation, Chairman STEVENS and the ranking minority member Senator INOUYE of the Commerce Committee, also made an important effort in holding a roundtable discussion on the problem of indecency, which provided some very valuable exposure for the issue. I want to express my appreciation to both of them for their leadership on this matter.

I also want to express my appreciation to the chairman of the Federal Communications Commission, Kevin Martin, who has discussed this issue with me on a number of occasions. He gave a great boost to this effort several weeks ago at the forum that was held on indecent programming, where he came out and said that a kids' tier of programming would be a responsible, practical way to make sure our Nation's children had more wholesome choices on television.

This week, spurred on by the legislation, the work of Chairman Martin, and the good bipartisan work done by Senator STEVENS and Senator INOUYE, the cable industry took a small step in the right direction when six cable companies, including Time Warner and Comcast, announced they plan to offer a kids' tier of programming in 2006.

Having listened for months to arguments that kids' tier is not going to be profitable and it is not going to be practical, we saw the industry finally come to an understanding that it was time to get serious about this problem.

Yesterday, Time Warner released the details of their kids' tier offer. I was pleased to see that their proposal included G-rated stations that run child friendly content 24 hours a day. However, it is unclear what will be included in the package that parents must purchase in order to purchase the kids' tier. Parents still may have to subscribe to a tier that includes stations that carry foul language, excessive violence, and inappropriate sexual content in order to subscribe to the kids' tier.

That is not what my legislation called for at all. It said we had to have alternatives to the kind of inappropriate programming that is out there now. But in order to subscribe to Time Warner's kids' tier, families might also have to subscribe to service which could include inappropriate programming for children.

I am pleased I can say on the Senate floor that at least some people in the industry have recognized the need for a kids' tier of cable programming across our country. For a long time, whenever I brought this up, they basically said western civilization would end if we have this kind of programming that meets the needs of parents and families. At least we have seen baby steps to address this issue.

What is needed is not different than what parents have at the candy-free checkout lane at the supermarket. Just like parents should not have to take their kids past all the candy to check out at the grocery store, parents should not be forced to surf through obscene programs in order to get to the programs for kids that are appropriate.

In the days ahead I want to make sure that children across the country have an opportunity to have access to this kind of good quality programming, that the kids' tier is implemented properly, and that it does not depend on which community one is in. While a family in Corvallis or Portland in my home State would have a kids' tier available to them because they are served by Comcast, a family in Pendleton or Hood River would not because they receive their cable through a different company. Until all video service providers are offering a kids' tier the job will be incomplete.

My legislation requires that all video service providers institute a kids' tier. I want to make sure families get this option. It is my intent to watch the developments we have seen in the last couple of weeks with respect to Time Warner and Comcast very closely. I am very appreciative of what Chairman Martin has done in this area because he has given great visibility to the question of improving children's programming.

I see Senator PRYOR is in the Chamber as well. He has done excellent work on the Commerce Committee on this issue of indecent programming for children.

If we do not see this kind of tier of kid friendly programming done right across this country, I am going to come back to the Senate and push for my original legislation. The private sector has taken baby steps in the right direction, but there is still a great deal left to do. With millions of kids being exposed to indecent, profane, and violent programming, it is important to do this job right, and the Senate ought to stay at it on a bipartisan basis until it is done.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

THE TAX CODE

Mr. ISAKSON. Mr. President, today is an anniversary of a day of great renown in American history. Two hundred and thirty-two years ago, on December 16, 1773, a band of colonists boarded three ships in Boston Harbor, dumped the cargo of tea into that harbor, and it became known as the Boston Tea Party. It was a protest of taxation without representation in that great injustice.

I rise today on the floor of the Senate to tell you that injustice still exists in our tax system, not in taxation without representation but in the complexity of our system. Think about it for just a second. It takes the average American filing the simplest form, 1040, 13 hours, the length of 6 college basketball games, just to fill out our simplest form. It takes 3 of 5 Americans the cost of hiring an outside accountant to consult with them just to meet the demands of the current tax system. It means the Tax Code is now 1,685,000 words long, which is exactly 380 times the number of words in the entire Constitution of the United States of America. As all of us on the floor of the Senate know, in months, 17 million more Americans will be brought under the alternative minimum tax, a tax that was allegedly started only to address the taxation of a few that now addresses the taxation of the many.

Earlier today, I introduced legislation to deal with this injustice and create a mechanism for us to forthrightly come before the people of the United States and develop a simpler, fairer, and flatter system of taxation. Simply put, we would sunset the current Tax Code on the Fourth of July, 2008, and command the Congress to take the next 3 years analyzing consumption taxes, progressive taxes, flat taxes, revenues of all sorts, and the effect each has on the economy and economic policy, and then come back to the American people prior to that date with a new, simplified, fairer, flatter tax system, or, if failing to do so, the Congress of the United States would then be forced to vote on this floor to extend the existing system we have and all the injustice that goes with it. Only by creating a deadline, only by being faced with the termination and the loss of revenue would this Congress forthrightly take the due diligence it needs to have the massive overhaul our system needs.

Today, the United States of America in the 21st century is operating under 20th century rules—1,685,000 words written as long as 100 years ago, when we are looking forward to a future that is brighter and better for all Americans.

I urge my colleagues in the Senate to join me in cosponsoring this legislation and for us to forthrightly set a time when we can truly have a second tea party, this one liberating us from the injustice of complexity and opening the door for simplicity in the American tax system.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

VICTORY IN IRAQ

Mr. MCCONNELL. Mr. President, I rise today to speak on Iraq's stunning march toward freedom and democracy and America's efforts to support her progress. I believe, as does President Bush, that it is squarely in our national security interest to help the Iraqis build a thriving and healthy democracy. Democracy is the ultimate antidote to terrorism.

We all know for democracy to flourish we must defeat the terrorists who still linger in Iraq. The mission facing our country is simple: We must defeat them by standing up the pillars of Iraq's democratic institutions so that country can become a hinge of freedom in the greater Middle East.

We know the terrorists cannot defeat us on the battlefield; our military might is absolutely unmatched. We know they cannot defeat our ideas, because when people are given a choice, they will choose liberty and democracy over terror and tyranny every time.

So this debate turns on just one simple question: do we have the will to win in Iraq?

This summer, American intelligence forces intercepted a letter written by Ayman al-Zawahiri, one of the leaders of Al Qaeda, to Abu Musab al-Zarqawi, the leader of Al Qaeda in Iraq. In his letter, al-Zawahiri said that al Qaeda's goal was quite clear: "Expel the Americans from Iraq." He went on to say this:

> . . . [T]he mujahedeen['s] ongoing mission is to establish an Islamic state, and defend it, and for every generation to hand over the banner to the one after it until the Hour of Resurrection . . . The Americans will exit soon, God willing.

So the terrorists' intent is plain. They are not only dedicated to driving us out of Iraq, they are also dedicated to turning Iraq into a breeding ground for terror and anarchy.

We must not let them succeed. That is why I am so concerned about the comments of those who suggest that the battle in Iraq is unwinnable. What signal does that send to the terrorists? What signal does it send to our troops who are putting it on the line every day in Iraq?

Here is what Congressman DENNIS KUCINICH, a leader of the House Democrats' "Out of Iraq Caucus," said: "It is time for a new direction in Iraq, and that direction is out." It's pretty clear where he stands. And he is not an outlier in his party.

The "Out of Iraq Caucus" is composed of about 70 Democratic House members. Their goal is America's complete withdrawal from Iraq. Personally, I don't think it makes sense to set an arbitrary withdrawal date, so the terrorists can circle that date on their calendars and wait for us to leave. It seems to me that the better course is to determine our troop needs based on military requirements on the ground, as determined by our military leaders.

House Minority Leader NANCY PELOSI herself has endorsed the immediate withdrawal of our troops from Iraq, and claims that her position represents the majority of her caucus. Leader PELOSI endorsed H.J. Res. 73, a resolution that states:

> The deployment of United States forces in Iraq, by direction of Congress, is hereby terminated and the forces involved are to be redeployed at the earliest practicable date.

So that is the position of the House Democratic Leader, Ms. PELOSI.

Now, the chairman of the Democratic Party, Howard Dean, has said recently the United States can't even win in Iraq. He says, "The idea that we're going to win this war is an idea that, unfortunately, is just plain wrong."

Let me say that again. Howard Dean, the leader of the Democratic Party, believes that "The idea that we're going to win this war is an idea that, unfortunately, is just plain wrong.

That is Howard Dean's assessment of the situation.

Chairman Dean later tried to qualify his comments about the unwinnable nature of the battle in Iraq, but no matter what he says now, it still sounds like "cut and run" to me. If it is not "cut and run" it is at least "cut and jog."

Let me be clear. Proponents of immediate withdrawal certainly have the right to hold that view, and I believe they do so with patriotism in their hearts. But I must respectfully question their judgment.

Our goal should be to achieve victory in Iraq, not merely to pull out based on an arbitrary date on the calendar.

The fact is, we are already on the road to victory in Iraq. The transformation of Iraq from the tyrannical rule of Saddam Hussein to freedom and democracy in just two and a half years is a remarkable success story.

It took us 11 years in our country to get from the Declaration of Independence to the Constitution. And freedom took another giant step forward yesterday with the elections for the first permanent democratic government in Iraqi history.

Of course, the news we have now is still preliminary. But early news reports indicate that 11 million Iraqis went to the polls yesterday, once again staining their fingers with indelible purple ink to signify that they had voted.

That is an overall turnout rate of over 70 percent, compared to 60 percent here a year ago, which was a good turnout for us, higher than normal—70 percent of them going to the polls, proudly holding up their ink-stained fingers, many of them not certain they wouldn't be killed by exercising that right to vote. What is there not to admire about that, an extraordinary performance on the part of the Iraqi people?

As I indicated, that turnout rate exceeds that of their previous election, the constitutional referendum in October. And the turnout rate for that referendum exceeded the rate for the election prior to that, for the interim government in January. Most important, turnout among Sunnis yesterday appears to have been particularly robust, as with each election Sunnis have gotten more involved in the democratic process.

We may not know the results of the elections yet, but we know the Iraqi people are the winners. They have repeatedly defied the terrorists by voting for democracy over tyranny. Yesterday's elections have created a 275-member council of representatives, who will govern Iraq with the consent of the people.

It is odd to me that at such a moment of triumph in that country, there are still those who call for America to stop short. Granted, not everything in Iraq has gone just as we would have wanted it to.

Unfortunately, such is the nature of military conflict. We've all heard it said that no battle plan survives the first shot. But there can be no doubt that tremendous progress has been made. Maybe it would be a good idea to review the progress that has been made in Iraq in the last two-and-a-half years.

Back during the Saddam Hussein era—when he was in power from 1979 to 2003—in that period, over 4,000 political prisoners were summarily executed, 50,000 Kurds were killed, 395,000 people were forced to flee Iraq, there were no free elections whatsoever, no free newspapers, and Hussein, of course, stood above the law.

What has the situation been since 2003, since the fall of Saddam? Iraqis are now innocent until proven guilty, and Saddam himself is being given a fair trial, something he gave no one.

Seventy-five Kurds were elected to the interim Parliament, when during Saddam's regime, 50,000 of them were murdered. Over 270,000 people repatriated, when during Saddam's regime, 395,000 people left the country; 9.8 million Iraqis freely voted on the Constitution. There are over 100 free newspapers in Iraq. They have a robust free press there, and Hussein, as I suggested earlier, is now on trial, being given the kind of trial he gave no one.

So much has improved, much is left to do, but now we are heading in the right direction. Iraqis are feeling positive about the direction of their country as well. According to an ABC News study, 77 percent of Iraqis think the security situation in the country will be better in a year. Two-thirds of them expressed confidence in the Iraqi Army and the Iraqi police.

These people are on the ground in Iraq every day. They are living in the midst of the war on terror. I think we should give their opinions great weight.

Look at all the progress that has been made. The 24-year reign of terror is over, and a new democratic, free Iraq is emerging. Voter turnout in their national elections yesterday was reportedly very heavy, as I indicated. So Iraqis are optimistic about their future. They think the fight against the terrorists is worth fighting. They think democracy is worth fighting for.

We should stand by them and do no less. We need to complete the job, and our strategy is to stay and win—not cut and run.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

TAX RELIEF FOR AMERICANS IN COMBAT ACT EXTENSION

Mr. PRYOR. Mr. President, I rise today to commend and thank my colleagues for including a 1-year extension of the Tax Relief for Americans in Combat Act as part of the Gulf Opportunity Zone Act of 2005. This measure corrects a discrepancy in the Tax Code that penalizes certain service men and women serving in combat situations.

To give my colleagues a bit of history on this, in 2003, I approached the distinguished chairman of the Senate Finance Committee, Senator CHUCK GRASSLEY, and the ranking member of that same committee, Senator MAX BAUCUS, and asked them to join me in an effort to get a fresh look at the overall picture of how our Tax Code treats our military. I was very pleased when they agreed to work with me, and was delighted to jointly request an expedited study by the Government Accountability Office. It was an honor for me to work with them. I also must say their staff have been nothing but a delight to work with throughout this process.

The GAO made their study, and they had some interesting findings.

One of those findings was especially important and necessitated immediate attention. In a nutshell, what they found is service men and women who were serving in combat zones and receiving nontaxable combat pay were not able to also take advantage of the earned-income tax credit and the childcare tax credit. Imagine that. The result was thousands of our men and women serving in combat—in places such as Iraq, Afghanistan, and other places around the globe—were seeing a reduction or the elimination of their earned-income tax credit or child tax credit and, in effect, losing money. In other words, the Tax Code has the impact of penalizing them for serving in combat.

The GAO report characterized this as an unintended consequence. I say it is plain wrong. I was pleased to introduce legislation to try to fix this glitch. Back in 2004 we passed Tax Relief for Americans In Combat Act. The bill allowed men and women in uniform serving in combat to include combat pay for the purpose of calculating their earned-income and child tax credit benefits. In other words, they were able to continue receiving their rightful combat pay exclusions while also being able to take full advantage of other tax credits. However, what we passed in 2004 expires at the end of this year. So I am pleased today's action in effect extends the legislation for one more year.

I thank, again, Senator MAX BAUCUS for his leadership in helping extend it for another year. Also, I thank Senators JOHN KERRY and BARACK OBAMA for their leadership in taking up the fight when someone saw the opportunity to do so, to ensure our men and women in combat are fairly treated.

The urgency of this situation is highlighted especially when you focus on our troops whom it affects. We are talking about troops in combat for more than 6 months. They are at lower pay grades and tend to be married with children. They have little or no savings or spousal income. The GAO suggested the amount of tax benefit loss could be up to $4,500 for enlisted personnel and $3,200 for officers. That is real money. That is make-or-break money for a lot of these people. They are already under enormous stress.

I am glad we could come together in this bipartisan fashion and extend this for another year. The bill corrects the problem and lets our troops who are risking life and limb for us know that while they are away fighting for us, we are in the Senate fighting for them and for their families.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I inquire of the Chair, are we on the PATRIOT Act or what is the order?

The PRESIDING OFFICER. The Senator is correct, we are currently on the PATRIOT Act.

Mr. BURNS. I ask unanimous consent I be allowed to speak for up to 15 minutes—and I don't think it will be that much—as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. BURNS. Mr. President, I heard the words of our assistant leader on the majority side and wanted to come to the Senate. These words may get lost in the swirl of the times with the holidays, but yesterday was truly a historic time not only for the people of Iraq, but a historic time for the peace process in the Middle East.

There was not a doubt in anyone's mind around the world what that was about yesterday. They not only elected permanent representation in their government that will move on and try to finish their constitution, but it was a symbol of a people who voted for peace, security, and a new economic future. That is what that was all about yesterday.

I congratulate the people of Iraq who, with a great deal of courage, turned out and stood in lines and voted their will. This is what this whole exercise has been about.

I leave a message with not only this Congress but to some who fail to see how much hope was on display yesterday: there is hope for the future. Now we have little girls going to school in Iraq. Hope for families, that they can participate in a republican form of democracy, and to change the economic culture of those people who live in Iraq.

Think of the possibilities. The success in Iraq also has done another thing that will change not only Iraq, but it will change the whole area. For the first time since World War I there will be a transportation and communication corridor that will change the economic culture from Tel Aviv to Kuwait City. Think of what that does. It puts Amman back on the trade route, so to speak. King Abdullah, the leader of Jordan, understands this. And as he looks at that, it puts Amman back on the trade route.

But what about the future? Anyone who has visited Iraq has seen this, probably in Baghdad, or wherever. But I will tell you what this farm kid has seen on his visit to Iraq. When we were in Mosul we saw dry land, farming, good soil. There are two great rivers with irrigation systems from both of them. I saw the kind of dirt it takes in which to build an economy.

Let's don't talk about gas or oil. Let's talk about the very industry that contributes more to the GDP of any country in the world, and that is agriculture. They have the ability to be the breadbasket of the Middle East. As you know, most of the Middle East is desert. Most of it has soil that is very thin, and there are not many nutrients in it. And even where you find those areas where they have it, it is in need of water. Water isn't there.

I looked at the north of Israel one time, and I understood the problem there. The problem there has to do with water, the ability to irrigate out of the Jordan River. You have two great river systems in Iraq.

The next step in this budding new freedom is the cornerstone of freedom, and that is land ownership, making people productive, growing renewable resources, providing for your family, but also providing a great export out of Iraq and becoming a trading partner with their neighbors.

We cannot change the ethnic culture, nor can we change the Islamic culture, but we can change the economic culture to where more people of that society participate in the economic wellbeing of their country. Just think of the possibilities and the hope it brings to the next generations of those folks.

If you can find something to export—and I will tell you, I look at Jordan. There is a country that is not very wealthy. The only thing they have to export is potash, and the world can only use so much potash.

But they understand communications and transportation. So there is great hope there now. There is the hope of land ownership, the hope of participation in supplying food and fiber not only for their own people, but to export to other neighboring countries. That corridor is now established with the free movement not only of people, but also goods and services.

That corridor will widen. It will effect the way people do business in Syria and the way they do business in Iran. It will change even how they do business in Egypt. The Nile Delta, a very fertile delta, now will have some competition in the food business.

Also, it will have possibilities for our country when those economics take hold. And it is not going to happen by next week, or next year, or maybe not even for the next 5 years. But you are going to see it happen because of this taste of freedom, land ownership, independence, and to be able to participate in their own government, and, yes, even in their own provincial governments.

So the possibilities of peace and stability and economic advancement have never been greater than at any time in history since World War I. Yet there will be those who say we should not be there helping freedom-loving people achieve the same dream, having the same hopes we have for our next generation, our children, and our grandchildren.

Hope is eternal. Now they have a future, a future they have never had since almost 100 years ago. And the impact of that will spread throughout the Middle East. It will happen. The Presiding Officer comes from an agricultural State with land ownership, productivity, and exports. My good friend from Iowa, my goodness; they are the breadbasket of the world. They can grow more in Iowa with what falls out of their pocket accidentally than we can, on purpose, in Montana. I will tell you. What a great and blessed State, and the same for the State of my friend from Texas, who is on the floor.

But what makes it operate is land ownership and participation in the economy. Then the terrorists have nobody to recruit because there is hope.

Our Marines, our Army, and our Air Force paid a heavy price because they, too, believe this legacy of freedom, to be passed on from one generation to another, is worth dying for.

I had a lady say: "If you wanted to take a poll in Iraq, if you polled our military people, that poll would say they don't want to be there."

I said: Well, if you took a poll in the English Channel on June 6, 1944, they didn't want to be there either. What was that for? Countries had been overrun by a tyrant who brought nothing but tyranny. And they were an enemy of this country and our ideals and our principles.

They have those principles already. But what they have too is hope. And we have to nurture that hope because they cannot only feed themselves, with their renewables grown from Mother Earth, they can become a powerhouse in the Middle East for commerce. Just think of that corridor. Just think of the possibilities of changing an economic culture that will run from Tel Aviv to Kuwait City, and then you tell me: Was it worth it?

This President understands a vision of hope for freedom-loving people everywhere. And what it offers to their citizens is beyond some folks' comprehension. Freedom is not free. Hope is not free. There must be sacrifice.

Yesterday, those folks lined up by the droves to take advantage of changing their lives, sending a strong message to the rest of the world: Terrorists, you are not welcome here anymore.

That is the greatest enemy terrorists have, when the fires of freedom burn in the hearts of a people in a line where they stand, where they vote.

That is the vision I have for the Middle East. It is very clear. It is clear that with that reform comes land ownership, irrigation systems, dry land farming, and participation in the world of commerce. Not only in that, but in goods and services also. Iraqis are a very talented people, a people who have that fire of freedom in their heart. We wish them well, and we stand beside them as that fledgling democracy, that republican form of government, gets its kick-start. And it really got a kick-start yesterday. We wish them well. We congratulate them for their courage to stand up and be counted.

I yield the floor.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSITY OF NORTHERN IOWA PANTHERS FOOTBALL TEAM

Mr. HARKIN. Mr. President, today I am here to congratulate the University of Northern Iowa Panthers football team and wish them the best of luck as they prepare to take on the Appalachian State Mountaineers today at 8 p.m. in Chattanooga, TN, for the 1-AA national championship. This is truly a historic occasion, as this marks UNI's first appearance in the national championship contest. In addition, UNI has the opportunity to be only the second Iowa NCAA school to win a national title in football. Central College in Iowa won the 1974 division III championship.

This has been a season full of highs and lows for the Panthers. Starting the season at 4 and 3, the outlook looked kind of bleak, but the team did not get discouraged. They did not give up. Instead, they rattled off seven straight wins. As a result of their tenacity and determination, the Panthers find themselves tonight in the championship game.

In 5 years, head coach Mark Farley has won 44 games, at least a share of three conference championships, and he has led the Panthers to three playoff appearances. Under his leadership, the Panthers have again become a national power in 1–AA football. And Coach Farley is a graduate of UNI. He was a member of the first UNI football team to play in the national semifinals. Twenty years later, after 10 playoff appearances and 5 semifinal appearances, he has led his alma mater to their first championship game.

Yesterday, the Des Moines Register ran a story titled "Panther Football A to Z." The article tells the story of the team's season, beginning with the letter A for adversity. As I mentioned, the Panthers record stood at 4 to 3, but after seven consecutive wins, which included five late-game comebacks, they have earned the trip to Chattanooga and the adoration of their fans. Much as linebacker John Herman stated in the article:

> Text messages, e-mails, phone calls—it's crazy to see how many people are excited for us to get here.

The article concludes with the letter Z for zenith by quoting athletic director Rick Hartzell, who said:

> There's never been a better time to be a Panther.

I congratulate the young men, their coaches, and the University of Northern Iowa for their tremendous season and wish them the best of luck tonight. I will be watching on ESPN2.

I ask unanimous consent that the text of the Des Moines Register article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. Mr. President, I see my friend, RICHARD BURR, the outstanding Senator from North Carolina, on the floor. North Carolina, of course, is the home State of that great school, Appalachian State. I know that after their defeat tonight under the paws of the Panthers, it will continue to be a great school and a great football team.

My good friend and I have made a little wager on the game tonight: six North Carolina pork chops versus six Iowa pork chops. You see, I say to my friend, just as Iowa is No. 1 in pork production, and North Carolina is No. 2 in pork production, after tonight, Iowa will be No. 1 in 1–AA football, and North Carolina will be No. 2 in 1–AA football.

So, again, I look forward to dining on those great North Carolina pork chops. I ask my friend, please, would you throw in some of that North Carolina barbecue sauce with them?

I yield the floor.

EXHIBIT 1

[From the Des Moines Register, Dec. 14, 2005]

PANTHER FOOTBALL A TO Z

(By Rob Gray)

CHATTANOOGA, TN.—It's hard to describe, let alone explain.

Northern Iowa's stunning run from NCAA Division I–AA football playoff longshot to championship game participant ends Friday with a first-ever title hanging in the balance. Only Appalachian State stands in the way.

"I'm sure after the season's over I'm really going to be kind of in awe, but right now we're trying to get focused on the game, trying not to get caught up in the moment," said Panther quarterback Eric Sanders. "But in the offseason, I know I'm going to reflect and be pretty proud and go like, 'Wow. This really did happen.'"

The No. 7 Panthers' transcendence of high-profile injuries, daunting fourth-quarter deficits and taxing road trips may defy logic, but it can be loosely quantified, or encapsulated, within a quick spin through the alphabet. So it's on to Chattanooga, via the ABCs:

A is for Adversity. The Panthers (11–3) once stood 4-3, but seven consecutive wins followed, including five late-game comebacks, and overcoming obstacles has kindled adulation.

"Text messages, e-mails, phone calls—it's crazy to see how many people are excited for us to get here," linebacker John Hermann said.

B is for Balance. Northern Iowa running back David Horne has rushed for 1,039 yards and 16 touchdowns. Quarterback Eric Sanders has thrown for 2,748 yards and 23 touchdowns.

C is for Coaching. Mark Farley suffered along with teammates and fellow coaches in five Panther losses in the semifinals. This season, he helped orchestrate a breakthrough. "We've got the opportunity to represent our school, but also our state," Farley said.

D is for Defensive ends. Appalachian State (11–3) features two standouts at the position. Jason Hunter and Marques Murrell have combined for 22 sacks.

E is for Extra credit. Northern Iowa kicker Brian Wingert has drilled three consecutive game-winners.

F is for Finish. The Panthers have outscored foes, 63–14, in the fourth quarter over their seven-game win streak.

G is for Grounded. Northern Iowa's defense has allowed big games from highly rated quarterbacks Erik Meyer, Ricky Santos and Barrick Nealy in the postseason, but kept them from winning.

H is for History. Both Northern Iowa and Appalachian State make their first title-game appearances.

I is for Interception. Matt Tharp's pick of Nealy preserved Friday's 40–37 overtime win at Texas State.

"(He) made a good play with a cast on his hand," fellow defensive back Tanner Varner said. "It was just amazing."

J is for Jeff Bates. The Indianola senior center eased into the starting role when offensive line anchor John Schabilion suffered a season-ending injury.

K is for Krystal. Fans traveling to Chattanooga will encounter this southern version of White Castle.

L is for Linebackers. Northern Iowa's Darin Heideman and Brett Koebcke highlight a defense that gets stingy at precisely the right moment. Koebcke is questionable for Friday, though, with a high ankle sprain.

M is for Mountaineers. As in Appalachian State's nickname. The team has lost just once to a I–AA opponent this season.

N is for National. ESPN2 will broadcast a Panthers football game to a coast-to-coast audience for the second consecutive week.

0 is for Overtime. The Panthers stand 2-0 in overtime games, beating Western Kentucky, 23–20, in double overtime and Texas State. "We've definitely caught some breaks to be at this point, but you kind of have to to get this far," Sanders said.

P is for Pecan Bowl. Way back in 1964, the Panthers won this Division II bowl game, 19-17, over Lamar Tech at Abilene, Texas.

Q is for Quarterback(s). As usual, the Panthers will face a good one—whether it be Richie Williams, who could be out with a ruptured ligament, or backup Trey Elder, who led the Mountaineers to last week's 29-23 win over Furman.

R is for Receivers. Justin Surrency leads the Panthers with seven touchdown catches—including an end-zone grab in four consecutive games. Patrick Hunter and Jamie Goodwin furnish downfield speed. Brian Cutright excels at tight end.

"There's no doubt in this team at any time," Cutright said. (see item "A")

S is for Kevin Stensrud. The defensive lineman form Lake Mills has battled countless injuries to reach his final game.

T is for Two-point conversion. Surrency's leaping catch to tie the game at Texas State came amid three defenders. "I had just enough height on it, and not just enough height on it to get it over the first guy and in between the other two guys," Sanders said of the pass.

U is for Upsets. Northern Iowa has topped three teams this season ranked No. 1 at some point—with two wins on the road.

V is for Variety. Sanders has hit nine or more receivers in five of the past seven wins.

W is for Waffle House. This franchise dots the Tennessee landscape like Casey's General Stores in Iowa.

X is for X-Factor. Jason Breeland provides a spark in the Panther backfield and at wideout.

Y is for Yards. Expect plenty. The Panthers average 444 yards in the playoffs; the Mountaineers average 437.

Z is for Zenith. As athletic director Rick Hartzell said, there's never been a better time to be a Panther.

"For our type of institution, we've got the best athletic program in the country," he said.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, we will learn tonight that being No. 1 doesn't mean that you win, and being the largest doesn't mean you are the best. In fact, North Carolina pork chops are better than Iowa pork chops, and North Carolina football is, in most cases, as good if not better than Iowa football.

I commend the Northern Iowa Panthers. They have had a miraculous season. They deserve to be in the championship game based on how they performed in the second half of the season.

Appalachian State was ranked fifth by the Sporting News and fourth by ESPN/USA Today in the I-AA polls. Appalachian has a record of 11-3, and they have reached the I-AA semifinals now for the third time. They did it in 1987, 2000, and now in 2005. But they have never reached the championship game until this year.

This is a magical year for Appalachian State. Over 10,000 of my constituents will make the trek today to Chattanooga, TN, for tonight's football game. I remind my good friend, Senator HARKIN, that almost all of the tickets turned back in by the Northern Iowa Panthers were purchased by North Carolina constituents who will be at that game.

Appalachian State advanced to the championship game with a 29-23 victory over rival Furman University. Appalachian took the lead with 2 minutes 17 seconds left, with an 11-play, 67-yard drive led by backup quarterback Trey Elder, who was filling in for a starting quarterback Ritchie Williams. They held off a last-minute threat and picked up a fumble by Furman and ran it back to Furman's 1-yard line, where that game ended.

Two of the team's three losses were to I-A teams—Kansas University and the tenth-ranked LSU Tigers. The Charlotte Observer named the Mountaineers the most successful college football program in the State over the past 20 years.

Among their famous alumni are Dallas Cowboys linebacker Dexter Coakley, and former Redskins runningback John Settles.

Coach Jerry Moore is the winningest coach in Southern Conference history, with a string of 16 winning seasons in 17 years, with a record of 139-67. This is his 13th playoff appearance as a head coach. Coach Moore perfected his coaching skills as an assistant under our colleague in the House, Congressman Tom Osborne.

When Appalachian wins tonight's showdown, it will be the first time a university from the State of North Carolina has ever won a national football championship.

Senator HARKIN doesn't need to take my word for it or the sports reporters or the commentators opining on the success of Coach Moore and his Mountaineers. Senator HARKIN needs to go no further than his own backyard to find someone who can attest to Jerry Moore's ability to prepare the Mountaineers for tonight's game. That is because Coach Moore counts as one of his closest friends a man synonymous with Iowa football—former Hawkeyes head coach, Hayden Fry, with whom Jerry Moore started his coaching career at SMU.

Mr. President, Appalachian State University was started as a teachers college in 1899. Its enrollment is slightly over 14,000 students. It is the sixth largest State university in our university system in North Carolina. It has one of the highest graduation rates of student athlete football players in the State, and a few years ago it ranked only behind Duke in that distinction.

I take this opportunity to congratulate the Northern Iowa Panthers. I congratulate Chancellor Peacock and Coach Moore but, more importantly, these two teams who have reached the final championship game tonight.

Tonight there will be only winners; there are no losers. Tomorrow there will be one loser, and that will be my colleague from Iowa as he prepares to send those pork chops to North Carolina.

With that, I yield the floor.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORD BLOOD LEGISLATION

Mr. HARKIN. Mr. President, yesterday afternoon, the majority leader offered a unanimous consent request to take up and pass, without any amendments or any further action, H.R. 2520, a bill to collect cord blood for use in therapies for various kinds of blood diseases. I objected to that unanimous consent request after quite a bit of talk on the floor.

As I explained yesterday, I support this bill. I am a cosponsor of this bill. In fact, I joined with Senator SPECTER 2 years ago to create the National Cord Blood Stem Cell Banking Program by including $10 million for that purpose in the fiscal year 2004 Labor, Health and Human Services, and Education appropriations bill, of which I am ranking member. We have been funding that program ever since. So I have been in the lead in championing cord blood therapies by getting the program funded and keeping it funded.

Nevertheless, I objected to the unanimous consent request because I believe the Senate should take up the cord blood bill at the same time we take up H.R. 810, which is the Stem Cell Research Enhancement Act.

That is what the House did, and that is what the House passed. The House approved both these bills on May 24 of this year, and we have been waiting and waiting and waiting and waiting in the Senate to do the same thing. We keep hearing from the majority leader that he wants to bring up H.R. 810. In fact, in what I thought was a very courageous speech the majority leader gave on July 29, he said he would vote for H.R. 810. But we can't seem to bring it up on the Senate floor.

Members on the Republican side keep coming up with new bills to try to confuse things. They want to vote on five or six or seven bills, some of which have absolutely nothing to do with stem cell research.

So a number of us on both sides of the aisle formed a bipartisan group to do what we could to try to bring both these bills, the same two the House passed, H.R. 810 and H.R. 2520, and do what the House did—bring them up, debate them, and pass them.

When this unanimous consent request was then offered by the majority leader yesterday, I was on the floor. I had not checked with all the other people who had been involved in that effort, so I objected because I felt strongly that the two ought to be together.

I said to the majority leader last night that I would take a look at it today and go over it with my staff. I have decided, after going over it and looking at it, to lift my hold—I can only speak for myself—but I have decided to lift my hold on H.R. 2520.

One of the reasons I am doing so is because, quite frankly, the bill doesn't accomplish anything that we are not already doing or about to do. In 2002, under the direction of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, of which I am ranking member and Senator SPECTER is the chair, the registry on bone marrow units had to start including cord blood units as well.

Last year, there was a 24-percent increase in the number of cord blood units in the registry. This is because

Senator SPECTER and I put this in the bill in 2003. Then, in fiscal year 2004, I helped secure $10 million to create the National Cord Blood Stem Cell Banking Program. Our subcommittee has appropriated $19.8 million in the last 2 years for that effort. That is for the banking of cord blood.

Yesterday, my colleague from Kansas, Senator BROWNBACK, said that "more kids will die if we don't take up the cord blood bill." That is simply not true. Cord blood units are being collected and saving lives as we speak today because of the funding that we appropriated through the Labor, Health and Human Services, Education appropriations subcommittee. Let's be clear, that money is there. We appropriated it. It is doing its job right now.

What will help save lives and help with cord blood is if Republican conservatives would stop cutting funding for the National Cord Blood Stem Cell Banking Program that we put in a couple of years ago.

In the Senate version of the fiscal year 2006 Labor-Health and Human Services appropriations bill, under the leadership of Senator SPECTER, we included $9.9 million for cord blood banking. To hear the talk last night, one would think we didn't have any money. We put $9.9 million in the bill. Guess what. The House had zero. The conference committee cut our $9.9 million down to $4 million. That means 3,900 fewer units of cord blood will be collected under the fiscal year 2006 appropriations bill than in last year's bill.

I would hope my good friend from Kansas will come to the floor and implore his colleagues not to go along with the Labor-Health and Human Services appropriations bill and get that money back in there, but I didn't hear anything said about that.

The cuts to cord blood banking do not stop at the $4 million level. We are told that when the DOD appropriations bill comes back, there will be a 1-percent, across-the-board cut for every Federal program. First, the cord blood funding is cut from $9.9 million to $4 million. Now, it is going to get another 1-percent cut for good measure.

As I said, if Senators want to do more for cord blood banking, they ought to increase the funding, at least not cut it in the Labor-Health and Human Services appropriations bill. But it is being cut. It shouldn't be cut. We put the money in there. So if my colleagues feel strongly about banking cord blood and using that cord blood to save lives, they ought to be out here demanding that we not cut it from what we put in the Senate bill. But I have not heard one person come on the floor and take that up and say: No, we are not going to agree to those cuts.

If Senators want to do more for cord blood banking, they should increase the funding, not cut it. But if Senators want to go ahead and pass H.R. 2520, fine. I have no problem with that. There is no harm in passing language that authorizes work that is already being done by the Appropriations Committee. At least Senators who come out and talk at least ought to thank Senator SPECTER for taking the lead on this.

There is another reason why I am lifting my hold. When we debate H.R. 810 next year—let me put it this way. The majority leader has kept saying he wants to make sure we bring up H.R. 810.

Senator HATCH from Utah said we are going to bring up H.R. 810. We are going to have that debate; we are going to vote on it. Well, when we bring it up next year and debate it, it will be crystal clear who supports medical research and who does not. The question will be very simple: Are my colleagues for stem cell research or are they not?

Cord blood transplants, while enormously beneficial to people with certain blood diseases, are no substitute for embryonic stem cell research. Cord blood cannot do a thing for people with Parkinson's, ALS, juvenile diabetes, Alzheimer's. These are the things we can address with embryonic stem cell research.

So I wanted to make it very clear today, No. 1, that I have taken off my hold on the unanimous consent. They want to bring it out again. Secondly, Senator SPECTER and I have taken steps in the Appropriations Committee both to put the money in there but also to set up the registry. We have already set up the registry. There was some talk yesterday that maybe there is not a registry out there. Of course there is a registry. As I said, it went up 24 percent last year.

H.R. 2520 basically authorizes what we are already doing, anyway. That is fine. But I implore my colleagues who are interested in this, as I am, come out and talk about the funding. Talk about the 3,900 fewer babies, young people, who will not get cord blood because of the cut in funding from $9.9 million now to less than $4 million. Let us hear some talk about that rather than being here and passing an authorizing bill, which does not do one single thing more than what we are doing already.

What it does is make sure the funding is there for the registry and to collect the cord blood and to bank it so that people and young people who have these terrible diseases can get the cord blood to help them.

I hope we do not make these cuts in the Labor-HHS appropriations bill. It is there, but we should not cut it. And if they do, I will have more to say about it next year when we return in January and February. I hope we can bring up H.R. 810, have a good debate on it, and let us vote it up or down, as the House did, and send it on to the President so we can get on with the vital research that is needed on embryonic stem cell research.

I conclude with this: There are some stories in the paper today—there were a few yesterday—a front-page story today about a South Korean research doctor and the fact that he may have—I do not know all the facts—falsified some stem cell lines. There are indications, at least in my reading of the medical journal, there is some reason to believe he actually did do that, that it was falsified. Then I heard some comments such as, well, see, there is the problem with stem cell research.

That points out the necessity for us to authorize it, to have the National Institutes of Health supervise it, have jurisdiction over it, so that it is done in an ethical way, where we can monitor it and make sure we do not have rogue elements riding off doing their own thing, so we have standards by which we can measure stem cell research, so we can have legitimate, ethical, moral guidelines which researchers can follow, and we can know who is doing the legitimate good work and know who the outliers are.

The fact that this story has come out today makes it even more imperative that we pass H.R. 810 and we have National Institutes of Health jurisdiction oversight over this kind of research.

I yield the floor.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL TRADE COMMISSION NOMINATIONS

Mr. WYDEN. Mr. President, in the final hours of this session of the Senate, the Senate is going to approve two nominees to the Federal Trade Commission. I take a few minutes tonight to describe why I want to be on record tonight against the nomination of both these individuals.

When it comes to energy, the Federal Trade Commission essentially is out of the consumer protection business. Well over a year ago, I released a report documenting the Federal Trade Commission's campaign of inaction when it comes to protecting our consumers at the gas pumps. My report documented how the Federal Trade Commission has refused to challenge oil industry mergers the Government Accountability Office says would raise gas prices at the pump by 7 cents a gallon alone on the west coast.

My report also documented how the Federal Trade Commission failed to act when refineries had been shut down or to stop anticompetitive practices such as redlining and zone pricing. Since then nothing has changed.

Despite what we saw recently—record high prices for consumers, and record profits by major oil companies—what we have seen is a record level of inaction by the Federal Trade Commission on behalf of energy consumers.

In the last few months, when we saw the price of gasoline soar to an all-time record high, the Federal Trade Commission was invisible. As far as I can tell, the Federal Trade Commission failed to take any action at all in the wake of the hurricanes in the gulf that sent the price of gas skyrocketing to over $3 a gallon across the country.

If you do a Google search on FTC and gasoline prices, nothing at all comes up to indicate that the Federal Trade Commission has taken any action on behalf of energy consumers. What you do find are statements by the Chair of the Federal Trade Commission arguing against giving the agency additional authority to protect consumers against price gouging at the pump.

For example, the Federal Trade Commission Chair recently made the statement opposing an effort here in the Senate to have a price gouging law because "they are not simple to enforce and they could do more harm to consumers."

The fact, however, is a number of States do have price gouging laws. Two State attorneys general testified at a joint hearing recently here in the Senate that these laws are, in fact, beneficial.

In her testimony before a joint Senate hearing last month, the Chair of the Federal Trade Commission, Debra Majoras, described what I believe to be an astoundingly serious theory of consumer protection when she essentially said there is no need for a Federal price gouging law no matter how high the price of gasoline goes. The argument was by Ms. Majoras that gasoline price gouging is a local issue even if the price gouger is a major multinational oil company.

FTC officials also testified before the Congress that the agency has no authority to stop price gouging by individual companies.

Despite this clear gap in the agency's authority, the agency has refused to say what additional authority it needs to go after price gouging, and others have pressed them to do for years.

There are unquestionable efforts in the private marketplace to exploit consumers, and it didn't start with Hurricane Katrina. As the Wall Street Journal documented recently, gas prices for much of this recent period have increased twice as fast as crude oil prices. Clearly, a number of oil companies are not simply passing on higher crude oil costs but are also adding substantial increases to the cost of gas above and beyond the higher cost of crude oil.

Since the early 1970s and for much of this year, there has never been the kind of disparity between increases in the price of gas and increases in the price of crude oil. This was not seen even in the days of the long gas lines following the OPEC embargo.

Over the past 30 years, gasoline prices never rose more than 5 percent higher in a year than the cost of crude increase. But in the past year, gas price increases outpaced crude by 36 percent. After Hurricane Katrina, the price difference soared even higher to 68 percent.

Further evidence of price gouging could be found in what happened on the west coast immediately following Hurricane Katrina, when prices surged 15 cents per gallon overnight. For years, oil industry officials, the Federal Trade Commission, and others have maintained that the west coast was an isolated gasoline market from the rest of the country. West coast supplies were not affected by the hurricanes. The west coast gets almost none of its gas from the gulf. If the west coast was an isolated market, as the oil industry has claimed for years, then Katrina was not a justification for jacking up gas prices on the west coast immediately after the hurricanes.

The Federal Trade Commission is the principal consumer protection agency in the Government. It is the Federal agency that can and should take action when gasoline markets go haywire as they did after the hurricanes. But instead of action, what we have repeatedly seen were excuses.

In the past, the Federal Trade Commission often claimed that it was studying the problem or monitoring the gasoline markets as an excuse for inaction on gas pricing.

Recently, the Federal Trade Commission's campaign of inaction has even extended to the studies that the agency does. The Federal Trade Commission chair testified last week that a study of gas price gouging that Congress required the FTC to complete by this month would not be ready until next spring. In effect, the campaign of inaction is now approaching the point of paralysis where the agency won't even deliver promptly on commitments that it has made to study the issue.

The agency has continued its program with inaction on behalf of gasoline consumers despite the findings by the Government Accountability Office that the agency's policies are raising prices at the pump.

In May of 2004 the Government Accountability Office released a major study showing how oil industry mergers and the Federal Trade Commission allowed to go through in the 1990s substantially increased concentration in the oil industry and increased gas prices for consumers by as much as 7 cents per gallon on the west coast.

Specifically, the Government Accountability Office found that during the 1990s the Federal Trade Commission allowed a wave of oil industry mergers to proceed, that these mergers had substantially increased concentration in the oil industry, and that almost all of the largest of the oil industry mega mergers examined by the auditors each had increased gasoline prices. Essentially, the Government Accountability Office found that the Federal Trade Commission's policies on mergers had permitted serial price gouging.

Two years ago, when current Federal Trade Commission Chair Deborah Majoras last came before the Senate for confirmation, I asked a response to the report done by the independent government auditor. Despite her promise to do so, I have yet to receive any response from the Chairman of the Federal Trade Commission.

The Government Accountability Office is not alone in documenting how Government regulators have been missing in action when it comes to protecting our consumers at the gas pump. Since 2001, oil industry mergers totalling more than $19 billion have gone unchallenged by the Federal Trade Commission, according to a recent article in Bloomberg News. The article also reported that these unchecked mergers may have contributed to the highest gasoline prices in the past 20 years.

According to the Federal Trade Commission's own records, the agency imposed no conditions on 28 of 33 oil mergers since 2001. You can see the results of the Federal Trade Commission's inaction at gas stations in Oregon and across the country. Nationwide, the Government Accountability Office found between 1994 and 2002, gasoline market concentration increased in all but four States. As a result of the Government's merger policies, 46 States now have gasoline markets with moderate or high concentration, compared to only about half that just 10 years ago.

The Federal Trade Commission, oil industry officials, and consumer groups all agree in these concentrated markets oil companies do not need to collude in order to raise prices. The Federal Trade Commission's former general counsel, William Kovacic, has said:

> It may be possible in selected markets for individual firms to unilaterally increase prices.

In other words, the Federal Trade Commission's general counsel basically admitted that oil companies in these markets can price gouge with impunity. Mr. Kovacic is one of the two nominees for the Federal Trade Commission who is now before the Senate.

Despite all of this evidence that gasoline markets around the country have become more concentrated and that in these concentrated markets individual firms can raise prices and extract monopoly profits, the Federal Trade Commission has failed to take effective action to check oil industry mergers. In the vast majority of cases, the Federal Trade Commission took no action at all.

The Federal Trade Commission's inaction on oil mergers is once again a front burner issue with the recent announcement that ConocoPhillips, an oil company formed from a series of mergers the Federal Trade Commission allowed, is acquiring Burlington Resources to create one of the largest U.S. natural gas producers. Many in the oil and gas industry expect this merger announcement will lead to a similar wave of consolidation in the natural gas industry. This, in turn, will lead to greater consolidation of the industry and fewer choices for consumers.

In addition to the inaction on merger issues, the Federal Trade Commission has also failed to act against proven areas of anticompetitive activity. Major oil companies are charging, in some instances, dealers' discriminatory "zone prices" that make it impossible for dealers to compete fairly with company-owned stations or even other dealers in the same geographic area. With zone pricing, one oil company sells the same gas to its own brand stations at different prices. The cost to the oil company of making the gas is the same. In many cases, the cost of delivering that gas to the service station is the same, but the price the station pays is not the same. And the station that pays the higher price is not able to compete, and eventually that station goes out of business and there is further concentration in that particular community's market.

Another example of anticompetitive practices that now occur in gas markets is a practice known as redlining. This involves oil companies making certain areas off limits to independent gas distributors, known as jobbers, who bring competition to a particular area. The Federal Trade Commission's own investigation of west coast gas markets found that the practice of redlining was rampant on the west coast, but the Federal Trade Commission concluded that it could only take action to stop this anticompetitive practice if the redlining was the result of out and out collusion, a standard that is almost impossible to prove.

In my home State, one courageous gasoline dealer took on the major oil companies and won a multimillion-dollar court judgment in a case that involved redlining. This dealer gave the evidence that was used to win his case in court to the Federal Trade Commission. The Federal Trade Commission, the premier consumer protection agency of the Federal Government, failed to do anything to help this dealer or to reign in the anticompetitive practices at issue.

In areas other than energy, the Federal Trade Commission, in my view, has made a significant contribution to protecting consumers. In other areas, the Federal Trade Commission has not hesitated to move aggressively on behalf of the consuming public. To give one example, the Federal Trade Commission created a Do Not Call Program to prevent consumers from being hassled at home. With its Do Not Call Program, the agency pushed to protect consumers to the limits of its authority and even went beyond what the courts say it had authority to do.

For some reason, in the case of energy, the Federal Trade Commission had a regulatory blind spot. That has been true, I am sad to report, in both Democrat and Republican administrations. It is a bipartisan blind spot that keeps the agency from looking out for the millions of Americans who consume gasoline and gas products every single day.

The Federal Trade Commission will not even speak out now on behalf of consumers getting gouged at the gas pump. The agency will not use its bully pulpit to even say that record high gas prices are an issue of concern that they will be looking at closely.

The FTC approach on gas prices is one, in my view, that must change. I do not intend to support the business-as-usual approach on energy that has been seen too long at the Federal Trade Commission. I have met with both the nominees to the Federal Trade Commission, Mr. William Kovacic and Mr. Thomas Rosch. I also asked them to provide me their views in writing in an effort to find out whether they would push the Commission to take a different approach from its long history of inaction in this area.

Unfortunately, neither of these individuals provided me with any compelling evidence that they are committed to and will, in fact, work aggressively to change the culture of inaction at the Federal Trade Commission with respect to consumer protection in the energy field.

Despite this prior statement about how oil companies with market power could gouge with impunity, Mr. Kovacic, the former Trade Commission general counsel, failed to identify any new authority the Federal Trade Commission needed to close the regulatory gap. On the question of whether the Federal Trade Commission needed added authority to address mergers in the petroleum industry that the GAO found had increased gasoline prices, Mr. Kovacic wrote:

> I do not have any specific preliminary in mind at the moment.

Mr. Kovacic was more constructive on the question of whether there were other ways the FTC's statutory authority might be enhanced. He suggested Federal antitrust laws could be enhanced by encouraging whistleblowers to reveal illegal conduct by adding qui tam mechanisms that allow the whistleblowers to receive a percentage of the funds the government recovers from wrongdoers. I certainly agree a qui tam mechanism could provide a useful supplement to Government oversight in many areas. It is not a substitute for the Federal Trade Commission doing its job. And Mr. Kovacic did not identify any way the Federal Trade Commission's own approach to the oil industry would change. Given the Federal Trade Commission's record, given what they have done in the last few years, essentially being AWOL when it comes to energy, Mr. Kovacic's proposal essentially amounts to contracting out the Federal Trade Commission's enforcement authority in this area.

Now, I personally believe that the Federal Trade Commission itself needs to be an aggressive watchdog, looking out for consumers at the gas pump, not passively waiting for an industry whistleblower to come forward with smoking-gun evidence before taking action. That is why I find, at this point, no evidence that Mr. Kovacic would bring a different kind of outlook to the Federal Trade Commission's work in the energy field.

Now, the other nominee, Mr. Rosch, had a more interesting proposal. He suggests restoring the Federal Trade Commission's authority to challenge unilateral conduct affecting competition, authority that the Federal Trade Commission had prior to 1994. That would be a good first step toward closing the existing gap in the Agency's regulatory authority.

Had Mr. Rosch ended his letter to me at that point, I would have been willing to support his nomination. However, he went on to undercut his case when it came to anticompetitive practices in a key area: zone pricing. In effect, before taking any action to deal with this particularly egregious and anticompetitive practice, Mr. Rosch argued for waiting for the outcome of a pending court case and for recommendations of the Antitrust Modernization Commission. So he was, in effect, saying, as the Federal Trade Commission says again and again and again in the energy field, that he wants more time to study, which means more delay and more inaction as it relates to protecting consumers from anticompetitive practices.

It is my view that we have had enough delay and enough study when it comes to the anticompetitive practices of the oil industry. I do not intend to support business as usual at the Agency, and I am not going to support business-as-usual nominees to be FTC Commissioners. I intend to continue to raise my concerns as long as the Federal Trade Commission continues to duck aggressive consumer protection efforts in an area that, for reasons that

I cannot fully explain to the Senate, they are simply unwilling to take up.

This Agency, which is willing to step in in a variety of areas, such as "do not call," stretches their authority to the limits and then even beyond, for some reason continues to sit on their hands when it relates to energy.

I want things to change at the Agency. I want to see a more aggressive approach on behalf of energy consumers. I am not convinced that anything will change if Mr. Kovacic or Mr. Rosch is appointed to the Federal Trade Commission. Both of these individuals are going to get approved by the Senate in the last few hours of this session.

It is my hope, in wrapping up—I see the Senator from Pennsylvania on the floor, who has patiently waited—it is my hope that these two individuals, Mr. Rosch and Mr. Kovacic, will prove that I am incorrect in the judgments I make tonight. I hope they will be aggressive. I hope they will look for opportunities to stand up for the consumer. I hope they will change this course of inaction that has been laid out by Ms. Majoras. If those two individuals, Mr. Kovacic and Mr. Rosch, take those kinds of steps, if they take the kinds of steps I have advocated tonight—to stand up for the energy consumer in this country—they will have my full support.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 3402 and the Senate proceed to its immediate consideration.

I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2681) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally passing H.R. 3402, as amended—a carefully crafted, bipartisan, bicameral compromise to provide for the comprehensive reauthorization of both the Violence Against Women Act, VAWA, and the programs and authorities under the jurisdiction of the Department of Justice, DOJ. It has been a long time in coming.

I thank Senator SPECTER, the Chairman of the Senate Judiciary Committee, and Senators BIDEN and KENNEDY for their hard work and steadfast support for crafting this compromise legislation. I want to especially recognize Senator BIDEN for his longstanding commitment to finding ways to help end violence against women and children, and his leadership in helping bring the Violence Against Women Act to the floor and in ensuring that its vital programs continue.

House Judiciary Committee Chairman SENSENBRENNER and Ranking Member CONYERS deserve much credit as well for working so closely with us in a bipartisan manner to pass legislation in the House of Representatives. It is no easy task to take two large legislative measures and combine them into a single bipartisan, bicameral agreement. That is exactly what we have done, and we have achieved this milestone because we had the willingness of everyone involved to negotiate in good faith to see VAWA and the Justice Department authorization bill ushered into law this year.

I would like to highlight several of the provisions of this bipartisan measure—a bill that combines the Violence Against Women Act, S. 1197, as passed by the Senate, and the Department of Justice Appropriations Authorization Act, for Fiscal Years 2006 through 2009, H.R. 3402, as passed by the House.

The enactment of the Violence Against Women Act more than a decade ago marked an important national commitment to survivors of domestic violence and sexual assault. I am proud to join Senators BIDEN, HATCH, SPECTER and others as an original cosponsor of our reauthorization effort. The bill that passed the Senate had 58 cosponsors. Enactment of this measure will further our goal of ending domestic violence, dating violence, sexual assault, and stalking.

Earlier in my career as a prosecutor in Vermont, I witnessed the devastating effects of domestic violence. Violence and abuse affect people of all walks of life, regardless of gender, race, culture, age, class or sexuality. Such violence is a crime and it is always wrong, whether the abuser is a family member, someone the victim is dating, a current or past spouse, boyfriend, or girlfriend, an acquaintance, or a stranger.

The National Crime Victimization Survey estimates there were 691,710 non-fatal, violent incidents committed against victims by current and former spouses, boyfriends or girlfriends—also known as intimate partners—during 2001. Of those incidents, 85 percent were against women. The rate of non-fatal intimate partner violence against women has fallen steadily since 1993, when the rate was 9.8 incidents per 1,000 people. In 2001, the number fell to 5.0 incidents per 1,000 people, nearly a 50 percent reduction, but still unacceptably high. Tragically, however, the survey found that 1,600 women were killed in 1976 by a current or former spouse or boyfriend, while in 2000 some 1,247 women were killed by their intimate partners.

According to the annual Vermont Crime Report, the number of forcible rapes reported in Vermont rose in 2004 to the highest level in seven years, while the amount of violent crime remained unchanged and overall crime fell by about 5 percent from 2003. Reported incidents of rape rose by 58 percent, from 117 in 2003 to 185 in 2004. The average age of the victim was 21, and 47 percent of victims were younger than 18 years old. In 74 percent of the cases the perpetrator was an acquaintance of the victim, and in a quarter of the cases the defendant was a family member or intimate partner of the victim. In only 1 percent of the cases was the perpetrator a stranger. These figures in my home state raise significant concern because violent crime has declined nationwide during that same time period. Numbers like these are why reauthorizing VAWA is so vital.

Our Nation has made remarkable progress over the past 25 years in recognizing that domestic violence and sexual assault are crimes. We have responded with better laws, social support and coordinated community responses. But millions of women, men, children and families continue to be traumatized by abuse, leading to increased rates of crime, violence and suffering.

The Violence Against Women Act has provided aid to law enforcement officers and prosecutors, helped stem domestic violence and child abuse, established training programs for victim advocates and counselors, and trained probation and parole officers who work with released sex offenders. Now Congress has the opportunity to reauthorize VAWA and make improvements to vital core programs, tighten criminal penalties against domestic abusers, and create new solutions to other crucial aspects of domestic violence and sexual assault. This is an opportunity to help treat children victims of violence, augment health care for rape victims, hold repeat offenders and Internet stalkers accountable, and help domestic violence victims keep their jobs.

Included in this bill are reauthorizations of two programs I initially authored that are vital to helping rural communities battle domestic violence in a setting in which isolation can make it more difficult for both victims and law enforcement. In a small, rural state like Vermont, our county and local law enforcement agencies rely heavily on cooperative, interagency efforts to combat and solve significant problems. That is why I sought to include the Rural Domestic Violence and Child Victimization Enforcement Grant Program as part of the original VAWA. This program helps make services available to rural victims and children by encouraging community involvement in developing a coordinated response to combat domestic violence, dating violence and child abuse. Adequate resources combined with sustained commitment will bring about significant improvements in rural areas to the lives of those victimized by domestic and sexual violence.

The Rural Grants Program section of VAWA 2005 reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. This provision includes new language that expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes $55,000,000 annually for 2006 through 2010, an increase of $15 million per year.

The second grant program initiative on which I have focused is the Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. This program, which became law as part of the PROTECT Act of 2003, authorizes grants for transitional housing and related services for people fleeing domestic violence, sexual assault or stalkers. At a time when the availability of affordable housing has sunk to record lows, transitional housing for victims is especially needed. Today more than 50 percent of homeless individuals are women and children fleeing domestic violence. We have a clear problem that is in dire need of a solution. This program is part of the solution.

Transitional housing allows women to bridge the gap between leaving violence in their homes and becoming self-sufficient. VAWA 2005 amends the existing transitional housing program by expanding the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by Housing and Urban Development transitional housing programs; and updating the existing program to reflect the concerns of the service provision community. The provision would increase the authorized funding for this grant program from $30,000,000, to $40,000,000.

The reauthorization of VAWA is an important part of our efforts to increase awareness of the problem of violence, to save the lives of battered women, rape victims and children who grow up with violence and to continue progress against the devastating tragedy of domestic violence. I look forward to seeing it signed into law and thus strengthen the prevention of violence against women and children and its devastating costs and consequences.

In the 107th Congress, we properly authorized appropriations for the entire Department of Justice for the first time since 1979. We had extended that authorization in 1980 and 1981, but until 2002 neither had Congress passed nor the President signed an authorization bill for the Department. In fact, there were a number of years in which Congress failed to consider any Department authorization bill. This 26-year failure to properly reauthorize the Department forced the Appropriations committees in both chambers to reauthorize and appropriate money.

We ceded the authorization power to the appropriators for too long, but in the 107th Congress Senator HATCH and I joined forces with House Judiciary Chairman SENSENBRENNER and Ranking Member CONYERS to create and pass bipartisan legislation that reaffirmed the authorizing authority and responsibility of the House and Senate Judiciary Committees—the "21st Century Department of Justice Appropriations Authorization Act," Public Law 107–273. A new era of oversight began with that new charter for the Justice Department, with the Senate and House Judiciary Committees taking more-active new roles in setting the priorities and monitoring the operations of the Department of Justice, the FBI and other law enforcement agencies, and that bill helped our oversight duties in many ways. And, as we have learned in recent years, the fight against terrorism makes constructive oversight more important than ever before.

Earlier this year, House Judiciary Committee Chairman SENSENBRENNER and Ranking Member CONYERS authored and shepherded through the House of Representatives a new Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009, H.R. 3402. I commend both Chairman SENSENBRENNER and Ranking Member CONYERS for working in a bipartisan manner to pass that legislation in the House of Representatives. It is on that comprehensive authorization of the Justice Department that the bipartisan, bicameral compromise the Senate now considers was built.

The bill we are considering today not only authorizes appropriations for the Justice Department for fiscal years 2006 through 2009, but also provides permanent enabling authorities to allow the Department to efficiently carry out its mission, clarifies and harmonizes existing statutory authority, and repeals obsolete statutory authorities. It establishes certain reporting requirements and other mechanisms intended to better enable the Congress to oversee DOJ operations.

In addition to the important oversight tools provided in the bill, there are many additional sound provisions designed to improve the administration of programs within the Justice Department. For example, in Section 1111 we eliminate duplication by consolidating the Local Law Enforcement Block Grant, LLEBG, program and the Byrne Formula Grant Program into one program—the Edward Byrne Memorial Justice Assistance Grant Program—with the same purposes and simplified administration. We authorize funding for this program at $1.095 billion in FY 2006, which is $678.5 million—or 62 percent—more than the actual amount appropriated, and such sums as may be necessary for each of fiscal years 2007 through 2009.

I am a longtime supporter of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and the LLEBG Program, both of which have been continuously targeted for elimination by this Administration. As a senator from a rural State that relies on these grants to combat crime, I have been concerned with the President's proposals for funding and program eliminations of these well-established grant programs. Our legislation makes clear that the same authorized funding levels and uses will be available under the new, consolidated grant program as under the previous ones.

When we began negotiations with the House on the Justice Department authorization portion of this package, I expressed to Congressman SENSENBRENNER my concerns that a combination of the merger of and drastic funding cuts to these programs will cause smaller states to lose the assistance on which they rely to prevent and control crime and improve the criminal justice system. In rural states, the State Administering Agency and state agencies are the local criminal justice resources; they are more than just state level actors. Additionally, more often than not our rural States are ground zero for the rapidly increasing methamphetamine manufacturing and distribution. It is on Byrne funding that rural States and small towns rely to stem the scourge of methamphetamine.

Byrne funding is the backbone of counterdrug enforcement and prosecution efforts in Vermont. Over the years. Vermont has been able to support a broad spectrum of projects within corrections, courts, training, forensics, and domestic violence and victim services. Chances are none of these initiatives will be possible under the new Byrne program formula because of the drop in funding level and funding distribution method. Since FY 2004, after which the new formula was applied, Byrne funds to Vermont have dropped by more than $1.2 million, or 61 percent. Clearly, the Byrne program affords States and communities the ability to use funding for a variety of crime-fighting activities, but unfortunately not the means.

I appreciate the willingness of Congressman SENSENBRENNER to work with me during our negotiations to find a solution to ease the loss of Byrne grants by small rural States during these tough fiscal times. The agreement we came to provides for reserved funds that allow the Attorney General to set aside up to 5 percent of the total amount made available for Byrne formula grants for States or local governments to combat, address or otherwise respond to precipitous or extraordinary increases in crime; or to prevent, compensate for or mitigate significant programmatic harm resulting from operation of the new Byrne formula.

We increase the authorization for grants to drug courts to $70 million for each of fiscal years 2007 and 2008. In addition, we provide for targeted technical assistance and training by the newly created Community Capacity Development Office to assist applicants in how to successfully pursue grants under the program, and to strengthen existing State drug court systems. Under that technical assistance and training, the Community Capacity Development Office will consider and respond to the unique needs of rural States, rural areas and rural communities that wish to implement and enhance drug court systems.

I am pleased that this compromise package provides an extension through 2009 for the Campbell-Leahy Bulletproof Vest Partnership Grant Program, an existing matching grant program authorized at $50 million to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers.

Our former colleague, Senator Campbell, and I authored the Bulletproof Vest Grant Partnership Act of 1998 in response to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with lifesaving body armor, but the State and local law enforcement officers lacked protective vests because of the cost. Two years later, we successfully passed the Bulletproof Vest Partnership Grant Act of 2000, and in the closing days of the last Congress we again successfully extended the program's authorization through 2007 by including it in the State Justice Institute Reauthorization Act, Public Law 108-372.

Year after year, the Bulletproof Vest Partnership Program saves the lives of law enforcement officers nationwide by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful DOJ program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests. In Vermont, more than 150 municipalities have been fortunate to receive funding for the purchase of 1,400 vests. Without the Federal funding given by this program, I daresay there would be close to that number of police officers without vests in Vermont today.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I am also pleased that we include a $4 million authorization for SEARCH's National Technical Assistance and Training Program. SEARCH is the only no-cost service for small- and medium-sized criminal justice agencies nationwide to assist them in enhancing and upgrading their information systems, building integrated information systems that all criminal justice agencies need, and ensuring compatibility between local systems and State, regional and national systems.

I thank my colleagues again for supporting the final passage of this compromise package so that all of this bipartisan and bicameral work, as well as all the good that this legislation will do, will reach the President's desk and become law. And again I particularly want to thank Senate Judiciary Chairman SPECTER and Senators BIDEN and KENNEDY, who worked so hard to help construct a good, fair and balanced compromise. Likewise, I want to thank Chairman SENSENBRENNER and Representative CONYERS of the House Judiciary Committee for working with us to conclude these negotiations so successfully.

The staffs of these Members must also be recognized for their tireless work around the clock to bring so many pieces together into a winning package. In particular, the House Judiciary Committee staff has been enormously helpful, including Phil Kiko, Katy Crooks, Brian Benczkowski, George Fishman, Cindy Blackston, Perry Apelbaum, Sampak Garg, Stacey Dansky and Kristin Wells. The Senate Judiciary Committee staff has shown outstanding commitment to this legislation. I want to thank Mike O'Neill, Brett Tolman, Lisa Owings, Joe Jacquot, Juria Jones and Hannibal Kemerer with Chairman SPECTER; Louisa Terrell, Eric Rosen and Marcia Lee with Senator BIDEN; and Janice Kaguyutan and Christine Leonard with Senator KENNEDY. Last, but by no means least, I want to commend members of my own staff—Bruce Cohen, Ed Pagano, Tara Magner, Matt Nelson and Jessica Berry—for their unfailing support for these provisions, and for their hard work in bringing this compromise package to the floor.

I look forward to both Senate and House passage of this bipartisan, bicameral package to reauthorize the Violence Against Women Act and the Department of Justice. Mr. President, this is an important piece of legislation that will make a difference in the lives of millions of Americans, and it deserves our full support.

Mr. BROWNBACK. Mr. President, I applaud the sponsors of this bill to reauthorize the Violence Against Women Act for their tireless leadership in the campaign to end the abuse of women. In particular, I thank them for their foresight in incorporating the International Marriage Broker Regulation Act of 2005 "IMBRA" as one of its subtitles. This important piece of legislation, which I introduce with Senator MARIA CANTWELL in the Senate, is intended to address Congress' concerns about a significant and growing problem: the high incidence of violent abuse of foreign women brought to this country as fiancées or spouses by American men whom they meet through for-profit international marriage brokers "IMBs," commonly known as "mail-order bride" agencies.

After learning from the Tahirih Justice Center and other front-line experts about the terrible circumstances in which many of these women find themselves, I convened a hearing of the Senate Foreign Relations Committee in July 2004 to call attention to the abuse and exploitation of women and their children through this industry. Since it comes as a great surprise to many people that such agencies actually exist in the modem day, that are legal in this country, and that they are on the rise, not the decline, I want to share some further background that will explain why it is so important that Congress has acted today to compel the industry and its clients to clean up their act.

First, this is an increasing problem. The IMB industry has exploded in recent years, greatly facilitated by the Internet. According to statistics from the U.S. Citizenship and Immigration Services, an estimated one-third to one-half of all foreign fiancées admitted to the U.S. each year—9.500 to 14.500 women in 2004 alone—and many thousand more admitted foreign wives, have met their American husbands through IMBs. The number of foreign fiancées admitted to the U.S. more than doubled between 1998 and 2002, and continues to climb.

Second, the industry bears significant responsibility for women's vulnerability to abuse, and has done little if anything on its own initiative to safeguard them. Over a half-decade ago, the then-Immigration and Naturalization Service concluded in a report to Congress that, "with the burgeoning number of unregulated international matchmaking organizations and clients using their services, the potential for abuse in mail-order marriages is considerable." The INS study further noted that American men who use IMBs tend to seek relationships with women whom they feel they can control. Moreover. the marketing and business practices of IMBs also heighten the risk of abuse by feeding this perception. Agencies often advertise the women they recruit as being submissive to male clients. who might pay up to several thousand dollars to gain access to those women. Other industry practices, from "satisfaction guarantees" or "shopping cart" features on agency web sites to so-called "romance tours" overseas that virtually line up several hundred women recruits for inspection by a dozen male clients during a single "mixer," make perfectly clear that the woman is the commodity provided for the male client's consumption. An inevitable and dangerous sense of ownership by the men in their costly investments can develop. Several highly publicized murders of women by husbands whom they met through IMBs highlight a growing nationwide trend of abuse. A 2003 survey conducted by the Tahirih Justice Center found that over 50 percent of programs providing legal services to battered immigrant women nationwide had served women battered by men whom they had met through IMBs.

Third. women who are recruited by IMBs are at a tremendous informational disadvantage that a brutal predator can exploit. These foreign fiancées and spouses often are unable to obtain reliable information about the criminal and marital histories of their American fiancées and spouses, and are unaware of the legal rights and resources available to victims of domestic violence in the U.S. An all-too-common result is that women from across the globe are exploited across this country. as a brief memorandum from the Tahirih Justice Center explains. and which I will have printed in the CONGRESSIONAL RECORD.

The information requirements established by this subtitle are designed to require disclosure of the kinds of criminal convictions in the background of a petitioning American fiancé or spouse that indicate he could be prone to domestic violence. This will enable a foreign woman to make an informed decision about coming to this country for marriage to an American man, in advance, with her safety and that of her children in mind. The provisions of this subtitle would also provide her with information about where she can turn for help, including vital safety nets and social services available to domestic violence and sexual assault victims, if she experiences abuse at the hands of her American fiancé or spouse.

A simple but incredibly powerful premise drives these provisions: that this information can help a woman help herself, help her save herself or her child from becoming the next victim of a predatory abuser. Through this information and other safeguards, this important legislation will help prevent those intent on doing women harm from perverting and subverting both the institution of marriage and the immigration process to find new victims overseas.

So again, I thank my colleagues for their inclusion of these vital protections, and thank them, too, on behalf of the women and children whom they have spared today from tragedies tomorrow.

I ask unaminous consent the memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Illustrative Cases of Women and Their Children Exploited and Abused Through the International Marriage Broker Industry

Alabama: Thomas Robert Lane was charged with the murder of his estranged Filipina wife, Teresa Lane. Teresa's body was discovered in a bathtub filled with running water. Authorities found evidence that Lane drowned his wife by pinning her under the water with his foot. A forensic physician determined that Teresa was also subjected to blunt force trauma. During the couple's separation, Lane had been trying to arrange to marry yet another woman from the Philippines.

California: Marilyn Carroll married Steffan Carroll in the Philippines in 1988. One year later, he traveled to Thailand to marry another young woman, Preeya. Before marrying his second wife, Carroll assured her that it was legal in California to have two wives. The bigamous marriage ended when Marilyn called the police to report that Carroll had sexually assaulted her—restraining her with thumbcuffs and other devices during the attack. Carroll was charged with bigamy and false imprisonment.

Georgia: Shortly after Katerina Sheridan, a young woman from Siberia, married Frank Sheridan, he kept her a virtual prisoner, forbidding her to keep her own set of house keys, and taking away her visa, passport, and birth certificate. Later, he also took away her cell phone and cut all the phone lines in the house. He flew into violent rages, on one occasion beating Katerina and dragging her around the house by her legs. After several such incidents, Katerina told him that she wanted to go back to Russia. In retaliation, Sheridan stabbed himself and then accused her of doing it to get her thrown in jail. Later, Katerina managed to make it to a women's shelter, but Sheridan stalked her relentlessly and tried to get her detained and deported. When police went to arrest Frank for aggravated stalking, they discovered he was in Russia looking for a new bride. Months later, when an officer went to arrest Sheridan for another stalking-related crime, he shot the officer. The deputy returned fire and killed Sheridan.

Hawaii: The mutilated body of a young Filipina woman, Helen Mendoza Krug, was found in a garbage dumpster behind her high-rise apartment building. The murder was committed in front of her 2-year-old son by her husband, Robert Krug, whom she had met through an IMB. Krug was sentenced to life in prison.

Kentucky: "Dina" corresponded with her husband "Paul," an anesthesiologist, for several months before she agreed to marry him when he visited her and her family in Ethiopia. When she came to the United States, however, Paul took Dina's money and passport, brought her to a motel (the first of five), and kept her drugged and imprisoned for weeks while he subjected her to horrific physical, sexual, and mental abuse. Paul also threatened Dina that she, not Paul, would be arrested and jailed if she reported him to the police. Only when Paul left to attend a conference for a few days did she regain enough consciousness and strength to drag herself to the motel office for help. Paul killed himself before he could be prosecuted. Dina received protection under U.S. trafficking laws.

Minnesota: Soon after "Medina," a Ukrainian college professor, married "Thomas," a well-respected doctor, Thomas turned controlling and violent. Among other outbursts, he threatened Medina with a knife; kicked her in the chest; and even attempted to push her out of a moving car. Thomas also slept with an ax in his drawer and threatened to have her deported if she ever called the police. Medina left Thomas after he broke her son's finger. Today, Medina continues to live in constant fear of Thomas, who stalks and harasses her. Despite knowing about Medina's abuse, the IMB facilitated a new match between Thomas and another Ukrainian woman who also later fled because of abuse. Medina was Thomas' third wife; he had also abused at least one of his prior wives.

New Jersey: A 26-year-old Ukrainian engineer named Alla bled to death on the floor of her car after her husband Lester Barney, 58, slashed her throat in front of the couple's 4-year-old son, Daniel. Barney fled with Daniel from the scene, the parking lot of the boy's daycare center, but after an Amber Alert was triggered he turned Daniel over to a friend and was himself taken into custody by police. Alla had been granted a restraining order against Barney a few months before and had been given temporary custody of Daniel.

New York: Andrew Gole, a former policeman from Long Island, was convicted of murdering Martha Isabel Moncada on a trip back to her home country, Honduras, after she told him she did not want to return with him to the United States. Martha had tried to leave the abusive Gole before, but had feared losing custody of their newborn son to him. Gole strangled and dismembered Martha in their hotel room in front of their baby and Martha's disabled son from her first marriage, then dumped her remains along the roadside. Police arrested Gole as he tried to flee the country after abandoning the older boy at a gas station.

Pennsylvania: Though she was trained as an accountant, Norman McDonald compelled his Ukrainian wife to take several waitress jobs and rely on him for transportation so he would have long stretches of time alone with her daughter, who was only 3 when the couple married. With his wife securely out of the house, McDonald showed the toddler pornographic videos of what he wanted to do to her and then raped her. Two years after the abuse started, his wife discovered what McDonald was doing and immediately contacted the police. Authorities found more than 10,000 images of child pornography in McDonald's computer and hundreds of video clips that depicted him having sex with his stepdaughter. McDonald's 28-year-old daughter from a previous marriage testified that her father had also abused her as a child.

Texas: Jack Reeves, a retired U.S. Army officer, was convicted of killing his fourth wife, Emelita Reeves, a 26-year-old from the Philippines whom he met through an IMB called "Cherry Blossoms." Emelita had confided to family and friends that Reeves physically and sexually abused her, and told friends she planned to leave him a day before she disappeared. Two of Reeves' previous wives also died under suspicious circumstances (drowning and suicide). During the investigation into Emelita's death, the State re-opened the investigation into Reeves' second wife's death, and obtained a further conviction against him. The State did not have enough evidence to re-open the investigation into the third wife's murder because Reeves had cremated her body. Reeves was also suspected in the mysterious disappearance of a Russian woman with whom he had lived with in 1991.

Virginia/Maryland: A young Ukrainian medical student named "Nina" married "John," a U.S. military officer residing in Virginia whom she met through a Maryland-based IMB with a "satisfaction guaranteed" policy. Throughout their one-year marriage, John repeatedly physically and emotionally abused Nina, shaking her violently and insisting that she repeat the commands he gave her. He choked, raped, and beat her on several occasions, ripped a tooth out of her mouth, and threatened her with a knife. When Nina informed the president of the IMB about the abuse, the president said that Nina's experience was normal and that many girls had the same problem. The president said domestic violence is "just the American culture," and abuse is "very hard to prove."

Washington: Susanna Blackwell met her husband through an IMB called "Asian Encounters" and left the Philippines to settle with him in Washington state in 1994. Blackwell physically abused Susanna, including one incident in which he choked her the day after their wedding. Susanna reported the abuse to the police and obtained a protection order against him. While awaiting divorce/annulment proceedings in a Seattle courtroom many months later, the pregnant Susanna and two of her friends were shot to death. Blackwell was convicted of murdering all three women.

Anastasia King, a young woman from Kyrgyzstan, was found strangled to death and buried in a shallow grave in Washington state in December 2000. At the age of 18, Anastasia was selected by her husband, Indle King, out of an IMB's catalogue of prospective brides. Two years later, wanting another bride and allegedly unwilling to pay for a divorce, King ordered a tenant in their Washington home to kill Anastasia. Weighing nearly 300 pounds, King pinned Anastasia down while the tenant strangled her with a necktie. Both were convicted of murder. King's previous wife, whom he had also met through an IMB, had a domestic violence protection order issued against him and left him because he was abusive.

Mr. KENNEDY. Mr. President, I strongly support the Violence Against Women Act of 2005, and I commend Senator BIDEN, Senator SPECTER, Senator LEAHY and Senator HATCH for their bipartisan leadership on this very important legislation. The current authorization for the act expired on September 30, and it has taken far too long to build upon the successes of existing anti-violence against women programs and enhance the safety and security of the victims of domestic violence, dating violence, sexual assault, and stalking.

We have a responsibility in Congress to do all we can to eradicate domestic violence. Our bill gives the safety of women and their families the high priority it deserves, and I urge my colleagues in the House to support it.

This bill eases housing problems for battered women. It also includes new funds for training health professionals to recognize and respond to domestic and sexual violence, and to help public health officials recognize the need as well. The research funds provided by the bill are vital, because we need the best possible interventions in health care settings to prevent future violence.

Violence against women can occur at any point in a woman's life, beginning in childhood and taking place in a wide variety of circumstances and settings. It's essential for any bill on such violence to include girls and young women as well, and this bill does that.

Another important section of the bill provides greater help to immigrant victims of domestic violence, sexual assault, trafficking and similar offenses. This section will remove the obstacles in our current immigration laws that prevent such victims from safely fleeing the violence in their lives, and help dispel the fear that often prevents them from reporting their abusers to appropriate authorities.

Eliminating domestic violence is especially challenging in immigrant communities, since victims often face additional cultural, linguistic and immigration barriers to their safety. Abusers of immigrant spouses or children are liable to use threats of deportation to trap them in endless years of violence. Many of us have heard horrific stories of violence in cases where the threat of deportation was used against spouses or children—"If you leave me, I'll report you to the immigration authorities, and you'll never see the children again." Or the abuser says, "If you tell the police what I did, I'll have immigration deport you."

Congress has made significant progress in enacting protections for these immigrant victims, but there are still many women and children whose lives are in danger. Our legislation does much more to protect them, and I commend the sponsors for making domestic violence in immigrant communities an important priority.

The improvements in immigration protections in the bill are designed to help prevent the deportation of immigrant victims who qualify for immigration relief under the Violence Against Women Act (VAWA). It will consolidate adjudications of such immigration cases in a specially trained unit, enhance confidentiality protections for victims, and offer protection to vulnerable immigrant victims who had been left out of the protections in current law.

Overall, the bill represents major new progress in protecting women from violence, and I look forward to early action by the House in this important reauthorization.

I ask unanimous consent that a more detailed summary of the provisions on immigrants be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

SECTION 104

This section provides important improvements to legal services for immigrant victims of domestic violence, sexual assault, trafficking and other crimes. This provision authorizes organizations receiving funds from the Legal Services Corporation to use the funds including Legal Services funds to represent any victim of domestic violence, sexual assault, trafficking or other crimes listed under the U visa provisions of the Immigration and Nationality Act. Across the country, many immigrant victims have nowhere to turn for legal help. This section will allow Legal Services Corporation-funded programs to represent victims in any type of case, including family law, public benefits, health, housing, immigration, restraining orders, and other legal matters, regardless of the victim's immigration status.

SECTION 805

This section assures that self-petitioners under the Act and their children are guaranteed all of the Act's aging out protections and any benefits they qualify for under the Child Status Protection Act of 2002, which deals with the lengthy processing backlogs which made "aging out" a significant problem for child beneficiaries who turned 21 years old.

SECTION 813

This section deals with cases of immigrant victims of abuse who have been ordered removed, or who are subject to expedited removal if they leave the U.S. and attempt to reenter the country later. Once they are reinstated in removal proceedings, they cannot obtain relief under current law, even if they have a pending application for such relief. This section makes clear that the Secretary of Homeland Security, the Attorney General, and the Secretary of State have discretion to consent to a victim's reapplication for admission after a previous order of removal, deportation, or exclusion.

SECTION 814

This section gives the Department of Homeland Security statutory authority to grant work authorization to approved self-petitioners under the Act. This provision will streamline a petitioner's ability to receive work authorization, without having to rely solely upon deferred action as the mechanism through which petitioners receive work authorization.

The section also grants work authorization to abused spouses of persons admitted under the A, E-3, G, or H nonimmigrant visa programs. These spouses have legal permission to live in the United States under their spouses' visas, but they are not entitled to work authorization under current law. The spouses and their children are completely dependent on the abuser for their immigration status and financial support, and they often have nowhere to turn for help. Financial dependence on their abusers is a primary reason why battered women are often reluctant to cooperate in domestic violence criminal cases. With employment authorization, many abused spouses protected by this section will be able to work legally, and can have a source of income independent of their abusers.

Requests for work authorization by these abused spouses will be handled under the procedures for petitioners under the Act and the specially trained VAWA unit at the Vermont Service Center will adjudicate these requests.

The VAWA unit employs specially-trained adjudicators who handle petitions filed by at-risk applicants for relief under the Act, for T visas, for U visas, for adjustment of status and employment authorizations, as well as protections under the Haitian Refugee Immigrant Fairness Act and Sections 202 and 203 of the Nicaraguan Adjustment and Central American Relief Act. The unit also deals with waivers for battered spouses, parole for their children granted VAWA cancellation, and parole for approved petitioners under the Act.

SECTION 818

This section extends confidentiality protections to the Department of Homeland Security, the Department of Justice, and the Department of State. Under these provisions, immigration enforcement agents and government officials may not use information furnished by an abuser, crime perpetrator or trafficker to make an adverse determination on the admissibility or deportability of an individual. One of the goals of this section is to ensure that these government officials do not initiate contact with abusers, call abusers as witnesses, or rely on information from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault, trafficking, or other crimes.

This section gives the specially trained VAWA unit the discretion to refer victims to non-profit non-governmental organizations to obtain a range of needed assistance and services. Referrals should be made to programs with expertise in providing assistance to immigrant victims of violence and can be made only after obtaining written consent from the immigrant victim.

The section also requires the Department of Homeland Security and the Department of Justice to provide guidance to officers and employees who have access to confidential information under this section in order to protect victims of domestic violence, sexual assault, trafficking and other crimes from harm that could result from inappropriate disclosure of confidential information.

SECTION 827

This section deals with issues under the Real ID Act of 2005 which imposes a new national requirement that all applicants for driver's licenses or state identification cards must furnish their physical residential address in order to obtain a federally valid license or identification card. The current requirement jeopardizes victims of violence who may be living in confidential shelters for battered women, or fleeing their abuser. The section instructs the Department of Homeland Security and the Social Security Administration to give special consideration to these victims by allowing them to use an alternate safe address in lieu of their residence. Our goal here is to guarantee the continuing protection and necessary mobility for these women and their families.

SECTION 831

This section is intended to deter abusive U.S. citizens from using the fiancé visa process and to help foreign fiancés obtain information about their prospective U.S. citizen spouse that can help them protect themselves against domestic violence. Citizens filing K visa fiancé petitions will be required to disclose certain criminal convictions on the K visa application for a fiancé or spouse.

In addition, this section requires the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State to develop an information pamphlet for K visa applicants on the legal rights and available resources for immigrant victims of domestic violence.

Mr. COBURN. Mr. President, the Violence Against Women Act, VAWA, approved by the Senate today contains an important provision that is intended to protect women who have already been victimized once by sexual assault from being assaulted again by either the deadly AIDS virus or the legal system which may deny them potentially lifesaving information.

Section 102 of VAWA now encourages States to implement laws that provide victims of sexual assault and rape the opportunity to know if the person indicted for the assault is infected with HIV. This new provision will require the Attorney General to reduce the amount of funding provided under Section 102 by 5 percent to a State or local government that has not demonstrated that laws are in place to allow a victim to request that a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, be tested for HIV disease if the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV. The defendant must undergo the test not later than 48 hours after the date on which the information or indictment is presented, and as soon thereafter as is practicable the results of the test must be made available to the victim. As medically appropriate, the victim may request follow-up testing of the defendant. If a State or local government does not currently allow victims of sexual assault such protections, assurances must be made to the Attorney General that the state legislature will bring their laws into compliance before the end of their next session or within 2 years. The 5 percent penalty will not go into effect until the expiration of the two year extension

The bill will also now allow Federal VAWA funds to be used to pay for HIV testing of sexual assault perpetrators and notification and counseling programs.

These provisions are desperately needed to address a real, grievous injustice that victims of sexual assault are facing in many states.

In the summer of 1996, a 7-year-old girl was brutally raped by a 57-year-old aged man who later told police he was infected with HIV. The little girl and her 5-year-old brother had been lured to a secluded, abandoned building in the East New York section of Brooklyn. The man raped and sodomized the girl. Her brother, meanwhile, was beaten, tied up, and forced to witness his sister's rape. After the man's arrest, the defendant refused to be tested for the AIDS virus by the Brooklyn District Attorney's office. His refusal to take the test was permitted under State law.

In the spring of 2002, Ramell Rodgers repeatedly raped "Jane," a female New York cab driver at gunpoint. The New York Daily News reported at the time that "Rodgers is in jail awaiting trial, while 'Jane' spends her days vomiting from drugs she takes to stave off sexually transmitted diseases she may have contracted in the attack. Officials say DNA evidence links Rodgers to the March 31 assault. According to sources close to the case, he has even admitted guilt. But he is not required to be tested for diseases until he is formally convicted."

"Jane" is determined to change the law to protect others who have been victimized by rape and sexual assault. Disguised in a scarf, wig sunglasses, she spoke at a New York State Federation of Taxi Drivers press conference:

> As a precaution, I have to take "four different medicines [to help protect against HIV, chlamydia, herpes and other STDs], and I was told that, unless this guy volunteers for the test, I had to wait until he was convicted." She added: "If you are assaulted, you should have the right to know whether or not this person has infected you with anything.

One November evening in 2002, Doris Stewart, who was then 64, was awakened from her sleep when she heard a knock at her front door. When she went to the door, a man forced his way inside, then raped, sodomized and robbed her. Stewart's assault was just the beginning of her emotional distress. She harbors fears that her assailant may have HIV, but she has no way of knowing with certainty because Alabama is another of the few States that do not require testing of rape suspects for HIV. Stewart, who was advised by rape counselors to wait about 2 months before being tested, lived with fear of the unknown for months because it can take at least 3 to 6 months for HIV to be detected after infection. "Everybody I talk to thinks it's so unfair that there's no law in Alabama," said Stewart who has attempted to change the state law to protect future rape victims.

There are countless stories of other women and children who have been victims of rape and sexual assault who have been denied access to this potentially life saving information. In some circumstances, rape defendants have even used HIV status information as a plea bargaining tool to reduce their sentences.

As a practicing physician, I believe that its is vitally important that those who have been raped do not also become victims of HIV/AIDS, and that requires timely medical attention including prompt testing of the defendant. Treatment with AIDS drugs in the immediate aftermath, usually within 72 hours, of exposure can significantly reduce the chance of infection. However, because of the toxicity and long-term side effects, these drugs should not be administered for long periods without knowing if HIV exposure has occurred.

Victims can not rely solely on testing themselves because it can take weeks, sometimes months, before HIV antibodies can be detected. Therefore, testing the assailant is the only timely manner in which to determine if someone has been exposed to HIV. Furthermore, rapid tests are now available that can diagnose HIV infection within 20 minutes with more than 99 percent accuracy.

The American Medical Association supports this policy because "early knowledge that a defendant is HIV infected would allow the victim to gain access to the ever growing arsenal of new HIV treatment options. In addition, knowing that the defendant was HIV infected would help the victim avoid contact which might put others at risk of infection."

While the HIV infection rate among sexual assault victims has not been studied, the National Rape Crisis Center estimates the rate is higher than the general population because the violent nature of the forced sexual contact increases the chances of transmission.

I was very disappointed that the National Center for Victims of Crime, NCVC and the American Civil Liberties Union, ACLU, opposed this provision. NCVC claimed that "mandatory testing of sex offenders may not be in the best interest of the victim/survivor." The ACLU claimed that "forced HIV testing, even of those convicted of a crime, infringes on constitutional rights and can only be justified by a compelling governmental interest. No such interest is present in the case of a rapist and his victim because the result of a rapist's HIV test, even if accurate, will not indicate whether the rape victim has been infected."

The medical facts are quite obvious why knowledge of HIV exposure is vital to victims of sexual assault and it is astonishing that anyone would argue otherwise.

Claims that providing this information to victims would compromise "privacy" are also quite shocking. Exactly whose rights are being protected by denying a victim of sexual assault the right to know if she has been exposed to the deadly AIDS virus when she was raped? If sufficient evidence exists to arrest and jail a rape suspect, the victim should have the right to request that the suspect be tested for HIV.

Finally, the claim that testing of indicted rapists is unconstitutional is also unfounded. Numerous court decisions, in fact, have concluded otherwise.

In 1997, the New Jersey Supreme Court unanimously upheld the constitutionality of two state laws that require sex offenders to undergo HIV testing. The ruling followed the case of three boys who forcibly sodomized a mentally-retarded 10-year-old girl. At the request of the girl's guardian, HIV testing was ordered for each of the defendants. The boys' public defender opposed such testing. The court ruled that the victim's need to know outweighed the defendants' rights to privacy and confidentiality.

In December 1995, a Florida appeals court upheld the constitutionality of a state law allowing judges to order defendants charged with rape to submit to HIV testing. Duane Fosman was arrested and charged with armed sexual battery. At the request of the accuser, a Broward County trial judge ordered Fosman to be tested for HIV antibodies. Under the Florida law, a crime victim can ask a judge to order HIV testing of a defendant who has been charged with any one of 12 offenses, including sexual battery. The test results are disclosed only to the victim, the defendant and public health authorities. Fosman argued that the testing and taking of his blood amounted to an unreasonable search that violated the fourth amendment of the U.S. Constitution. He also said the action violated Article I, Section 23, of the Florida Constitution, which guarantees a person's right to be free from Governmental intrusion in his private life. In addition, he asserted that the law is unconstitutional because it doesn't give him an opportunity to rebut the presumption of probable cause. A three-judge panel of the Court of Appeal, Fourth District, said Fosman's situation was analogous to blood and urine testing for drug or alcohol use. In 1989, the U.S. Supreme Court in Skinner v. Railway Labor Executive's Association ruled it was constitutionally permissible to test railroad workers who were involved in serious train crashes. In a companion case, National Treasury Employees Union v. Von Raab, the high court allowed mandatory drug testing, without probable cause, of customs employees. Under the same rationale, the Illinois Supreme Court upheld a law which required HIV testing of persons convicted of prostitution, and a California appeals court affirmed a law requiring HIV testing of defendants charged with biting or transferring blood to a police officer. In each of the cases, the "special needs" of the public outweighed the individual's demand that probable cause be established, the Florida court said. "Even if the petitioner had a reasonable expectation of privacy, society's interest in preventing members of the public from being exposed to HIV would be a sufficient compelling state interest to justify the infringement of that right," the court said. It found the law to be "the least intrusive means" to deal with HIV transmission because blood tests are routine and disclosure of test results are limited.

It is my hope that those States that do not allow victims of sexual assault the right to know the HIV status of their attacker will update their laws and begin protecting the rights of the victims rather than the perpetrators.

I also thank Chairman SPECTER and Senator BIDEN for including this important provision.

Mr. KYL. Mr. President, I rise today to comment on the Senate's passage of

H.R. 3402, the Violence Against Women and Department of Justice Reauthorization Act of 2005. My comments are directed at Title X of the bill, the "DNA Fingerprint Act of 2005." This provision is nearly identical to S. 1606, a bill of the same name that Senator Cornyn and I introduced earlier this year. The DNA Fingerprint Act was added to the Senate version of VAWA reauthorization, S. 1197, in the Senate Judiciary Committee on a Kyl/Cornyn amendment that was accepted by voice vote. I am pleased to see that this provision has been maintained in the final bill.

The DNA Fingerprint Act will allow State and Federal law enforcement to catch rapists, murderers, and other violent criminals whom it otherwise would be impossible to identify and arrest. The principal provisions of the bill make it easier to include and keep the DNA profiles of criminal arrestees in the National DNA Index System, where that profile can be compared to crime-scene evidence. By removing current barriers to maintaining data from criminal arrestees, the Act will allow the creation of a comprehensive, robust database that will make it possible to catch serial rapists and murderers before they commit more crimes.

The impact that this act will have on preventing rape and other violent crimes is not merely speculative. We know from real life examples that an all-arrestee database can prevent many future offenses. In March of this year, the City of Chicago produced a case study of eight serial killers in that city who would have been caught after their first offense—rather than after their fourth or tenth—if an all-arrestee database had been in place. This study is included in the congressional record at the conclusion of my introduction of S. 1606, at 151 Cong. Rec. S9529-9531 (July 29, 2005).

The first example that the Chicago study cites involves serial rapist and murderer Andre Crawford. In March 1993, Crawford was arrested for felony theft. Under the DNA Fingerprint Act, the State of Illinois would have been able to take a DNA sample from Crawford at that time and upload and keep that sample in NDIS, the national DNA database. But at that time—and until this bill may be enacted—Federal law makes it difficult to upload an arrestee's profiles to NDIS, and bars States from keeping that profile in NDIS if the arrestee is not later convicted of a criminal offense. As a result, Crawford's DNA profile was not collected and it was not added to NDIS. And as a result, when Crawford murdered a 37-year-old woman on September 21, 1993, although DNA evidence was recovered from the crime scene, Crawford could not be identified as the perpetrator. And as a result, Crawford went on to commit many more rapes and murders.

On December 21, 1994, a 24-year-old woman was found murdered in an abandoned building on the 800 block of West 50th place in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the September 1993 murder, and this December 1994 murder could have been prevented.

On April 3, 1995, a 36-year-old woman was found murdered in an abandoned house on the 5000 block of South Carpenter Street in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the two earlier murders that he had committed, and this April 1995 murder could have been prevented. .

On July 23, 1997, a 27-year-old woman was found murdered in a closet of an abandoned house on the 900 block of West 51st Street in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the three earlier murders that he had committed, and this July 1997 murder could have been prevented.

On December 27, 1997, a 42-year-old woman was raped in Chicago. As she walked down the street, a man approached her from behind, put a knife to her head, dragged her into an abandoned building on the 5100 block of South Peoria Street, and beat and raped her. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the four earlier murders that he had committed, and this December 1997 rape could have been prevented.

In June 1998, a 31-year-old woman was found murdered in an abandoned building on the 5000 block of South May Street in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the four earlier murders and one rape that he had committed, and this June 1998 murder could have been prevented.

On August 13, 1998, a 44-year-old woman was found murdered in an abandoned house on the 900 block of West 52nd Street. Her clothes were found in the alley. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the five earlier murders and one rape that he had committed, and this August 1998 murder could have been prevented.

Also on August 13, 1998, a 32-year-old woman was found murdered in the attic of a house on the 5200 block of South Marshfield. Her body was decomposed, but DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the six earlier murders and one rape that he had committed, and this additional murder could have been prevented.

On December 8, 1998, a 35-year-old woman was found murdered in a building on the 1200 block of West 52nd Street. She had rope marks around her neck and injuries to her face. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the seven earlier murders and one rape that he had committed, and this December 1998 murder could have been prevented.

On February 2, 1999, a 35-year-old woman was found murdered on the 1300 block of West 51st Street. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the eight earlier murders and one rape that he had committed, and this February 1999 murder could have been prevented.

On April 21, 1999, a 44-year-old woman was found murdered in the upstairs of an abandoned house on the 5000 block of South Justine Street. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the nine earlier murders and one rape that he had committed, and this April 1999 murder could have been prevented.

And on June 20, 1999, a 41-year-old woman was found murdered in the attic of an abandoned building on the 1500 block of West 51st Street. DNA evidence was recovered from blood on a nearby wall, indicating a struggle. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the ten earlier murders and one rape that he had committed, and this additional murder could have been prevented.

As the City of Chicago case study concludes:

> In January 2000, Andre Crawford was charged with 11 murders and 1 Aggravated Criminal Sexual Assault. If his DNA sample had been taken on March 6, 1993, the subsequent 10 murders and 1 rape would not have happened.

The City of Chicago study goes on to discuss the cases of 7 other serial rapists and murders from that city. Each of these criminals had a prior arrest that could have been a basis for a DNA collection but had no prior conviction. Collectively, together with Andre Crawford, these 8 serial rapists and killers represent 22 murders and 30 rapes that could have been prevented had an all-arrestee database been in place.

The DNA Fingerprint Act eliminates current Federal statutory restrictions that prevent states from adding and keeping arrestee profiles in NDIS. In effect, the Act would make it possible to build a comprehensive, robust national all-arrestee DNA database.

Here is how the DNA Fingerprint Act works. First, the Act eliminates current Federal statutory restrictions that prevent an arrestee's profile from being included in NDIS at the same time that fingerprints are taken and added to the national database. Under current law, as soon as someone is arrested, fingerprints can be taken as part of the booking procedure and uploaded to the national database. But DNA cannot be uploaded until the arrestee is charged in an indictment or information, which can take weeks. Allowing local authorities to collect and upload DNA at the same time as fingerprints—as part of a unified procedure—establishes a clear and straightforward process, making it easier and thus more likely that states will move to an all-arrestee database.

Second, current law places the burden on the State to remove an arrestee DNA sample from NDIS if the arrestee later is acquitted or charges are dismissed. The U.S. Justice Department has criticized this as an unwieldy requirement to impose on State labs—it effectively requires lab administrators to track the progress of individual criminal cases. Under the DNA Fingerprint Act, an arrestee will be required to take the initiative to have his profile removed form NDIS if he does not want it compared to future crime-scene evidence. The arrestee will be required to file a certified copy of a final court order establishing that all indexable charges have been dismissed, have resulted in acquittal, or that no charges were filed within the applicable time period. This is the same system that some States use if an arrestee wants to have an arrest struck from his record. And it is more restrictive of law enforcement than the rule for fingerprints—there is no expungement of fingerprints from the national database, even if the arrestee is acquitted or charges are dismissed.

The bureaucratic burden imposed by the current system discourages States from creating and maintaining comprehensive, all-arrestee DNA databases. It also effectively precludes the creation of a genuine national all-arrestee database; only convicts' DNA profiles can be kept in the national database over the long term.

Some critics have complained that this expungement provisions in the DNA Fingerprint Act do not require expungement for State offenses that have no statute of limitations—i.e., for offenses for which the "applicable time period" does not expire. Others have complained that some States may not make certified court orders available for all of the scenarios under which expungement is contemplated under this bill. The answer to all of these complaints is that these are questions for the States to resolve. If a state chooses to abolish its statute of limitations for murder, rape, or other crimes, that is the State's decision to make. Certainly a person arrested for a serious crime in a State with no statute of limitation for the offense would be more significantly burdened the fact that he may be subject to further arrest and prosecution at any time than by the fact that his DNA is in the national database and may identify him if he commits a crime. Similarly, it is up to the States to decide when certified court orders should be made available to memorialize particular events. All that the DNA Fingerprint Act requires is that if the State does make such an order available to an arrestee—for example, for purposes of having an arrest struck from his record—then the arrestee could also use that order to have his DNA profile removed from NDIS.

Third, the DNA Fingerprint Act would allow expanded use of Federal DNA grants. Current law only allows these grants to be used to build databases of convicted felons. The DNA Fingerprint Act permits these grants to be used to analyze and database any DNA sample whose collection is permitted by State or local law.

Fourth, the DNA Fingerprint Act allows the Federal Government to take and keep DNA samples from Federal arrestees and from non-U.S. persons who are detained under Federal authority. (A "United States person" is a citizen of the United States or an alien lawfully admitted for permanent residence. See 50 U.S.C. 1801(i).) The act gives the Attorney General the authority to issue regulations requiring the collection of such DNA profiles—including requiring other Federal agencies to collect the profiles. As the National Immigration Law Center noted in its October commentary on this section of the Act, "[u]nder this provision, the attorney general could authorize the Dept. of Homeland Security and its immigration agencies to collect DNA samples from immigrants who are arrested and 'non-United States persons' who are detained under the authority of the United States." And as the NILC's commentary also notes, the word "'detained' covers a wide spectrum of circumstances. The dictionary definition of 'detained' is to keep from proceeding or to keep in custody or temporary confinement."

Finally, the act tolls the statute of limitations for Federal sex offenses. Current law generally tolls the statute of limitations for felony cases in which the perpetrator is implicated in the offense through DNA testing. The one exception to this tolling is the sexual-abuse offenses in chapter 109A of title 18. When Congress adopted general tolling, it left out chapter 109A, apparently because those crimes already are subject to the use of "John Doe" indictments to charge unidentified perpetrators. The Justice Department has made clear, however, that John Doe indictments are "not an adequate substitute for the applicability of [tolling]." The Department has criticized the exception in current law as "work[ing] against the effective prosecution of rapes and other serious sexual assaults under chapter 109A," noting that it makes "the statute of limitation rules for such offenses more restrictive that those for all other Federal offenses in cases involving DNA identification." The DNA Fingerprint Act corrects this anomaly by allowing tolling for chapter 109A offenses.

Further evidence of the potential effectiveness of a comprehensive, robust DNA database is available from the recent experience of the United Kingdom. The British have taken the lead in using DNA to solve crimes, creating a database that now includes 2,000,000 profiles. Their database has now reached the critical mass where it is big enough to serve as a highly effective tool for solving crimes. In the U.K., DNA from crime scenes produces a match to the DNA database in 40 percent of all cases. This amounted to 58,176 cold hits in the United Kingdom 2001. (See generally "The Application of DNA Technology in England and Wales," a study commissioned by the National Institute of Justice.) A broad DNA database works. The same tool should be made available in the United States.

Some critics of DNA databasing argue that a comprehensive database would violate criminal suspects' privacy rights. This is simply untrue. The sample of DNA that is kept in NDIS is what is called "junk DNA"—it is impossible to determine anything medically sensitive from this DNA. For example, this DNA does not allow the tester to determine if the donor is susceptible to particular diseases. The Justice Department addressed this issue in its statement of views on S. 1700, a DNA bill that was introduced in the 108th Congress (See Letter of William Moschella, Assistant Attorney General, to the Honorable ORRIN HATCH, April 28, 2004):

> [T]here [are no] legitimate privacy concerns that require the retention or expansion of these [burdensome expungement provisions]. The DNA identification system is already subject to strict privacy rules, which generally limit the use of DNA samples and DNA profiles in the system to law enforcement identification purposes. See 42 U.S.C. 14132(b)-(c). Moreover, the DNA profiles that are maintained in the national index relate to 13 DNA sites that do not control any traits or characteristics of individuals. Hence, the databased information cannot be used to discern, for example, anything about an individual's genetic illnesses, disorders, or dispositions. Rather, by design, the information the system retains in the databased DNA profiles is the equivalent of a "genetic fingerprint" that uniquely identifies an individual, but does not disclose other facts about him.

In its September 29 Statement of Views on S. 1197, this year's Senate VAWA bill, the Justice Department commented favorably on the inclusion of the DNA Fingerprint Act in that bill. The Department noted:

> Title X of the bill contains provisions we strongly support that will strengthen the ability of the Nation's justice systems to identify and prosecute sexually violent offenders and other criminals through the use of the DNA technology. These reforms have generally been proposed or endorsed by the Department of Justice in previous communications to Congress. See Letter from Assistant Attorney General William E. Moschella to the Honorable Orrin G. Hatch concerning H.R. 3214, at 3-7 (April 28, 2004); Letter from Assistant Attorney General William E. Moschella to the Honorable Orrin G. Hatch concerning S. 1700, at 5-6 (April 28, 2004).
>
> Section 1002 would remove unjustified restrictions on the DNA profiles that can be included in the National DNA Index System ("NDIS"), including elimination of language that generally excludes from NDIS the DNA profiles of arrestees. Section 1003 is a parallel amendment to allow the use of DNA backlog elimination funding to analyze DNA samples collected under applicable legal authority, not limited (as currently is the case) to DNA samples collected from convicted offenders. Section 1004 would authorize the Attorney General to extend DNA sample collection to Federal arrestees and detainees. A number of States (including California, Virginia, Texas, and Louisiana) already have authorized arrestee DNA sample collection under their laws. Section 1004 would create legal authority to extend this beneficial reform to the Federal jurisdiction. Section 1005 would strike language in 18 U.S.C. section 3297 that currently makes that provision's statute of limitations tolling rule for cases involving DNA identification uniquely inapplicable to sexual abuse offenses under chapter 109A of the Federal criminal code.
>
> In one respect, the amendments in section 1002, which are absolutely critical to the future development and effectiveness of the DNA identification system in the United States, fall short of our recommendations. They moderate existing expungement provisions requiring the removal of DNA profiles from NDIS in certain circumstances, but do not completely repeal the expungement provisions of 42 U.S.C. 14132(d), as we have recommended. Paragraph (2) of section 1002 should be amended so that it simply repeals subsection (d) of 42 U.S.C. 14132. We have previously observed:
>
> "States usually do not expunge fingerprint records . . . if the defendant is not convicted, or if the conviction is ultimately overturned, nor are they required to remove fingerprint records in such cases from the national . . . criminal history records systems. There is no reason to have a contrary Federal policy mandating expungement for DNA information. If the person whose DNA it is does not commit other crimes, then the information simply remains in a secure database and there is no adverse effect on his life. But if he commits a murder, rape, or other serious crime, and DNA matching can identify him as the perpetrator, then it is good that the information was retained."
>
> Letter from Assistant Attorney General William E. Moschella to the Honorable Orrin G. Hatch concerning H.R. 3214, supra, at 5; see 150 Cong. Rec. S10914-15 (Oct. 9, 2004) (remarks of Senator Cornyn).
>
> We note with approval that the Committee has made the salutary reforms of title X that expand the collection and indexing of DNA samples and information generally applicable, and has not confined the application of these reforms to cases involving violent felonies or some other limited class of offenses. The experience with DNA identification over the past fifteen years has provided overwhelming evidence that the efficacy of the DNA identification system in solving serious crimes depends upon casting a broad DNA sample collection net to produce well-populated DNA databases. For example, the DNA profile which solves a rape through database matching very frequently was not collected from the perpetrator based upon his prior conviction for a violent crime, but rather based upon his commission of some property offense that was not intrinsically violent. As a result of this experience, a great majority of the States, as well as the Federal jurisdiction, have adopted authorizations in recent years to collect DNA samples from all convicted felons—and in some cases additional misdemeanant categories as well—without limitation to violent offenses. See, e.g., 42 U.S.C. 14135a(d)(1). The principle is equally applicable to the collection of DNA samples from non-convicts, such as arrestees. By rejecting any limitation of the proposed reforms to cases involving violent felonies or other limited classes, the Committee has soundly maximized their value in solving rapes, murders, and other serious crimes.

(Letter of William Moschella, Assistant Attorney General, to the Honorable ARLEN SPECTER, September 29, 2005.)

I note with pride that in addition to receiving the strong support of the Justice Department, the DNA Fingerprint Act is endorsed by the Rape, Abuse, and Incest National Network, Debbie and Rob Smith, and the California District Attorneys Association. I include in the RECORD at the conclusion of my remarks letters from these individuals and organizations supporting the DNA Fingerprint Act.

I would also like to comment on an issue that I chose not to address in the DNA Fingerprint Act but that I may need to address in future legislation. This matter concerns the efficient use of the limited Federal dollars available for offender DNA analysis. Some State crime laboratories recently have been required to remove criminal offender profiles from the national DNA database system because of Federal regulations that require a 100 percent technical review of offender DNA samples tested by private DNA laboratories, rather than review of a random sampling. Given that private laboratories must meet the same accreditation and quality assurance standards as public laboratories in order to test samples for CODIS, and given that these quality assurance standards include the same reviews of DNA analysis reports which are required of public laboratories. I question why the additional 100 percent review is required.

Moreover, offender DNA samples are not themselves considered evidence. After matched to an unsolved case on CODIS, regulations require that the offender sample be reanalyzed to confirm the match and then a new sample is collected from the suspect and tested anew to reconfirm the match. DNA cases with named suspects tested by accredited private laboratories are routinely brought directly to court without the duplicated public laboratory review requirement. If these private laboratories can be trusted to perform quality analysis for the thousands of DNA cases that have resulted in conviction for over 15 years, then it stands to reason that they could also be trusted with database samples which will be reanalyzed twice after a match is made.

While I understand the concern that potential incorrect results from an offender's sample could lead to a missed opportunity to solve a crime. I also am concerned about the potential for additional crimes to occur while an offender's profile is queued in a laboratory review backlog. It has been brought to my attention that there are other forensic disciplines, such as drug chemistry, in which laboratories use statistically based formulas to achieve a high degree of certainty without requiring a 100 percent review of all samples. I also am aware that the National Institute of Justice already requires that outsourced DNA samples include a requirement for five percent of a given batch to be blind samples.

This duplicated requirement for review of samples tested at private laboratories appears to be an inefficient use of federal funds and, more importantly, delays justice for victims seeking a name for their attacker. Before—

and ideally, instead of—my introducing legislation to address what appears to be a non-statutory problem, I would suggest that the Attorney General and the FBI reevaluate the necessity for this regulation. The Justice Department also ought to consider the possibility of permitting accredited private laboratories limited but direct ability to upload data to the national DNA Index System, similar to the permission granted to private laboratories in the United Kingdom's DNA database system.

Finally, I would like to thank those who have made it possible to enact the DNA Fingerprint Act as part of this year's VAWA reauthorization bill. This includes my colleague, Senator CORNYN, with whom I introduced S. 1606 and who offered the Kyl amendment on my behalf at the Judiciary Committee's executive meeting; Chip Roy and Reed O'Connor of Senator CORNYN's staff; and Lisa Owings and Brett Tolman of Chairman SPECTER's staff. It is my understanding that absent some aggressive staffing by Mr. Tolman at various stages of the legislative process, the effort to have the DNA Fingerprint Act enacted into law as part of VAWA this year would not have succeeded. His contribution is duly noted and appreciated.

I ask unanimous consent that the following letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RAPE, ABUSE & INCEST NATIONAL NETWORK,
Washington, DC, August 24, 2005.

Senator JON KYL,
Hart Senate Building,
Washington, DC.

DEAR SENATOR KYL: Thank you for introducing the DNA Fingerprint Act of 2005 and for your continuing leadership in the crucial effort to expand the use of DNA to fight crime. RAINN is pleased to offer its support for this important legislation.

The Rape, Abuse & Incest National Network (RAINN) is the nation's largest anti-sexual assault organization. RAINN created and operates the National Sexual Assault Hotline and also publicizes the hotline's free, confidential services; educates the public about sexual assault; and leads national efforts to improve services to victims and ensure that rapists are brought to justice.

The Debbie Smith Act provisions of the Justice for All Act, which Congress passed last year due, in large measure, to your leadership, made great progress in expanding the nation's use of DNA evidence to identify criminals. As the DNA evidence from 542,000 backlogged crimes is analyzed, and as states collect more DNA samples from convicted offenders, the FBI's Combined DNA Index System (CODIS) databases continue to grow. With each record added, the potential to identify the perpetrators of future crimes expands as well.

The DNA Fingerprint Act of 2005, as introduced by Senator CORNYN and yourself, will make it easier to include and retain the DNA profiles of criminal arrestees in the National DNA Index System (NDIS). The DNA Fingerprint Act will eliminate the current restrictions that prevent an arrestee's profile from being included in NDIS as soon as he is charged in a pleading. The legislation encourages law enforcement to take DNA from those arrested for violent crimes, and allows these profiles to be uploaded to NDIS.

By improving the value of NDIS, which can be compared to crime-scene evidence across the country, law enforcement will be able to identify—and apprehend, convict and incarcerate countless serial rapists and murderers before they commit additional crimes.

Your legislation makes other valuable changes to current law, by expanding the use of CODIS grants to build arrestee databases; giving the Attorney General the authority to develop regulations for collecting DNA profiles from federal arrestees and detainees; and tolling the statute of limitations for Federal sex offenses when DNA evidence is available, which will allow prosecution to proceed once a match is made to a perpetrator.

The bill is mindful of the fact that police, like everyone, occasionally make mistakes. For those times when an innocent person is mistakenly charged, the bill appropriately provides the exonerated person a means of expunging his DNA profile from the database.

RAINN believes that the DNA Fingerprint Act of 2005 makes important changes to current law, and will significantly enhance law enforcement's ability to identify and capture serial violent criminals. By making it easier to catch criminals, while still protecting the rights of the innocent, the DNA Fingerprint Act will make our nation safer. We will urge all members of Congress to support this legislation.

Once again, thank you for your important, and effective, work fighting violent crime. I would also like to offer a note of praise for your counsel, Joe Matal, whose work on DNA policy has been invaluable.

Best regards,

SCOTT BERKOWITZ,
President and Founder.

H-E-A-R-T, INC.,
Williamsburg, VA, September 19, 2005.

Senator JON KYL,
Hart Senate Building,
Washington, DC.

DEAR SENATOR KYL: My husband, Rob and I have truly come to appreciate the work you do on a continuing basis to help victims of crime. Most recently, your introduction of the DNA Fingerprint Act of 2005 is a wonderful addition to these efforts. Our organization, H-E-A-R-T, Inc., stands fully behind this important piece of legislation.

Your leadership was a major factor in the passage of the Justice for All Act of 2004, which with the provisions of the Debbie Smith Act portion of the bill, provided a boost to our nation's use of DNA evidence to fight crime.

Your legislation will help to expand the use of CODIS grants, which will help to build the arrestee database. It will improve NDIS which enables law enforcement across this great country to be more efficient in apprehending and convicting the "right" person. It will also limit the incidents of wrongful arrest, while enabling those who are exonerated to have their samples expunged from the database.

As a victim of rape, I salute both you and Senator CORNYN for introducing this legislation. There will also be countless other victims who will one day thank you both if you succeed in passing this very important bill.

H-E-A-R-T, Inc. will stand behind you and this bill and will encourage others in Congress to join in this fight against crime. Rob and I want to once again thank you personally for your efforts in putting away violent offenders.

With the highest of regards,

DEBBIE SMITH.

OCTOBER 11, 2005.

Re Request To Support the Federal DNA Fingerprint Act

The Hon. JAMES SENSENBRENNER, Jr.,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR SENATOR SENSENBRENNER: The California District Attorneys Association (CDAA) strongly supports the VAWA reauthorization bill. CDAA represents 58 elected district attorneys, eight elected city attorneys, and almost 3,000 deputy prosecutors throughout California. The VAWA reauthorization bill contains several provisions that are of critical need to prosecutors and the rest of law enforcement. In particular, the measure contains the "DNA Fingerprint Act" which would greatly enhance investigators' ability to identity suspects of violent crimes and prosecutors' ability to hold them fully accountable. Therefore, CDAA respectfully urges you to include this important public safety amendment in your final conference report.

DNA technology is one of the most powerful criminal justice tools available. This technology is able to positively identify criminal offenders, including murderers and rapists, who may be mere suspects in criminal investigations or who have not yet been linked to a crime due to lack of other evidence. DNA technology should be used to its fullest capability so that prosecutors are able to hold offenders accountable for their crimes and prevent innocent people from becoming victimized.

The Federal DNA Act will allow states to take advantage of such advances. It will expand the federal DNA database to include information collected from arrestees and convicted felons. The federal database will include both samples collected by federal investigators as well as samples that are uploaded by states like California into the National DNA index a suspect is arrested or convicted. The Act will significantly expand the DNA information that is available to states and to the federal government for the prosecution of state and federal crimes.

The Federal DNA Act is particularly important to California prosecutors. November 2005 marks the first year anniversary of a CDAA drafted and sponsored DNA initiative, Proposition 69, that passed by overwhelming support of voters and changed the landscape of the criminal justice system in California. This measure requires law enforcement officials to collect DNA samples from all convicted felons, from misdemeanor sex offenders, from all murder and violent sex offender arrestees and, beginning in 2009, from all felon arrestees. So far, this has increased the California database to nearly 500,000 DNA profiles. This means that more profiles are available to be compared to crime scene evidence, and since a great majority of convicted felons are repeat offenders, particularly sex offenders, this will enable more cases to be solved.

California now collects DNA samples from arrestee murder and rape suspects, and in 2009, will collect samples from all felon arrestees. The Federal DNA Act will give other states and the federal government access to the California's arrestee database.

Furthermore, it will give California access to DNA profiles analyzed by other states with arrestee databases and to the profiles of arrestees analyzed by the federal government. Without the arrestee provision in the Federal DNA Act, arrestee DNA profiles can only be used by the state which collects them, so that the ability to maximize the benefits of this extraordinary national crime fighting technology will be completely wasted. This is a dangerous proposition considering many of the most violent sex offenders travel from state to state to commit crimes and avoid prosecution. The technology exists to identify and track these criminals and it would be a shame to not utilize it.

In drafting Proposition 69, CDAA included an expungement provision, giving criminal suspects the ability to make a showing to the courts to get their samples removed from the database. Furthermore, CDAA is in the process of creating an easy-to-use form for suspects to fill out and file with the courts to assist those who claim their samples do not belong in the database. This burden appropriately belongs on criminal suspects, who are the only ones aware of the entire breadth of their own criminal history.

If Proposition 69 included an expungement process that was automatic rather than triggered by a petition filed by a suspect, it would be a bureaucratic nightmare to enforce. Law enforcement officials would have to thoroughly investigate each and every aspect of a suspect's criminal history, which would include the burden to discover whether the suspect had ever committed any qualifying crime in any other state. This would increase the workload tremendously for law enforcement officials who are already struggling to do their jobs with limited resources. On the other hand, a suspect should be aware of his or her complete criminal background without this same burden and should be willing to bring this information forward with any claim that they should be excluded from the database.

If this burden were placed on the prosecution instead, these same dilemmas would exist. Furthermore, without any real justification the prosecution could be accused of delaying the expungement process in order to have the testing completed. If a "hit" were to occur during a legislatively mandated expungement process, it would likely cause recusal of the prosecution's office or possible suppression of DNA evidence—which would defeat the usefulness of DNA as a crime fighting tool. Placing the burden on the courts, presents the same sort of challenges. In fact, courts are not even aware of arrestee samples until a criminal case has been filed.

The Federal DNA Act was drafted with an expungement procedure similar to California's. The Act does not require states to expunge profiles unless suspects are able to make a showing that all charges against them were dismissed or resulted in an acquittal, or that no charges were filed within the applicable time period.

Lastly, the Federal DNA Act provides states with DNA backlog elimination grants so that states can clear backlogs of DNA samples that await analysis. These resources will help solve crimes that were committed even decades ago by matching DNA evidence left behind at crime scenes, like saliva from cigarette butts or strands of hair, to the database. Cold cases will be closed and those who have escaped justice will finally be prosecuted. Ultimately, this provision will identify and remove dangerous offenders from the streets and make our neighborhoods safer.

Thank you for your leadership in public safety. Please feel free to contact me anytime regarding this or any other criminal justice matter.

Very truly yours,

DAVID LABAHN,
Executive Director, California District Attorneys Association.

Mr. BIDEN. Mr. President, I rise today to express my appreciation to my colleagues for passing for the second time this session, the Violence Against Women Act of 2005. Once again the Senate has spoken loudly and clearly that domestic violence and sexual assault are serious, public crimes that must be addressed. Today's bill is a tremendous compromise measure that merges the comprehensive, Senate-passed Violence Against Women Act, S. 119, with the House of Representative's Department of Justice Appropriations Authorization Act bill, H.R. 3402. This merger followed hours of bipartisan, bicameral negotiations. Compromises and edits were made, and what emerges is a balanced bill that strikes the right balance between rejuvenating core programs, making targeted improvements, and responsibly expanding the Violence Against Women Act to reach the needs of America's families.

The enactment of the Violence Against Women Act in 1994 was the beginning of a historic commitment to women and children victimized by domestic violence and sexual assault. While not the single cause, this commitment has made our streets and homes safer. Since the Act's passage in 1994, domestic violence has dropped by almost 50 percent incidents of rape are down by 60 percent and the number of women killed by an abusive husband or boyfriend is down by 22 percent. Today, more than half of all rape victims are stepping forward to report the crime. And since we passed the Act in 1994, over a million women have found justice in our courtrooms and obtained domestic violence protection orders.

This is a dramatic change from a decade ago. Back then, violence in the household was treated as a "family matter" rather than a criminal justice issue. Because we took action, the criminal justice system is much better equipped to handle domestic violence, and it is treated for what it is—criminal. The goal of the legislation passed here today is to usher the Violence Against Women Act into the 21st century. With this bill we attempt to look beyond the immediate crisis and take steps to not only punish offenders, but to also help victims get their lives back on track, and prevent domestic violence and sexual assault from occurring in the first place.

The bill contains much to commend. To that end, I will ask unanimous consent to include at the close of my statement a thorough section-by-section summary of H.R. 3402, but in the meantime, I would like to highlight some of the bill's provisions.

Title I, the bill's backbone, focuses on the criminal justice system and includes provisions to: (1) renew and increase funding to over $400 million a year for existing, fundamental grant programs for law enforcement, lawyers, judges and advocates; (2) stiffen existing criminal penalties for repeat federal domestic violence offenders; and (3) appropriately update the criminal law on stalking to incorporate new surveillance technology like Global Positioning System, GPS.

Notably, our bill reauthorizes the Court Appointed Special Advocates, "CASA," a nationwide volunteer program to help children in the judicial system. Children are doubly impacted by family violence—both as observers of, and recipients of abuse. Court Appointed Special Advocates fit uniquely into the mix of services for victims of violence. Judges overwhelmingly report that children and families are better served by the involvement of a CASA volunteer on their cases. I hope that my colleagues see fit to fully appropriate this effective program, and in the future, raise the program's authorization level.

The Violence Against Women Act has always included measures to help law enforcement and victim service providers reach underserved communities. Today's bill goes even further by creating a new, targeted culturally and linguistically specific service grant program. This provision is intended to ensure that the Act's resources reach racial and ethnic communities grappling with family violence and its enormous ramifications.

The Violence Against Women Act crafts a coordinated community response that seeks the participation of police, judges, prosecutors, and the host of entities who care for the victims. Title II helps victim service providers by: (1) creating a new, dedicated grant program for sexual assault victims that will strengthen rape crisis centers across the country; (2) reinvigorating programs to help older and disabled victims of domestic violence; (3) strengthening and expanding existing programs for rural victims and victims in underserved areas; and (4) removing a current cap on funding for the National Domestic Violence Hotline.

Sexual violence is a crime that affects children and adults across our country. Unfortunately, rape has been a crime shrouded in secrecy and shame. Sexual assault survivors can experience physical and emotional problems for years. Approximately 1,315 rape crisis centers across the country help victims of rape, sexual assault, sexual abuse, and incest rebuild their lives by providing a range of vital services to survivors. But unfortunately, many rape crisis centers are under funded and understaffed. They are constantly in a crisis mode, responding to the needs of all victims—male, female as well as children—and are incapable of undertaking large-scale prevention efforts in their communities.

In response to this overwhelming need, our bill will provide increased resources to serve sexual assault victims. It includes, for the first time, a dedicated Federal funding stream for sexual assault programs through the proposed Sexual Assault Services Program, SASA. SASA will fund direct services to victims, including general intervention and advocacy, accompaniment through the medical and criminal justice processes, support services, and related assistance.

Reports indicate that up to ten million children experience domestic violence in their homes each year. The age at which a female is at greatest risk for rape or sexual assault is 14. Two-thirds of all sexual assault victims reported to law enforcement are under 18, and national research suggests that 1 in 5 high-school girls is physically or sexually abused by a dating partner. Treating children who witness domestic violence, dealing effectively with violent teenage relationships and teaching prevention strategies to children are keys to ending the cycle of violence. This reauthorization takes bold steps to address the needs of young people by renewing successful programs and creating new programs to: (1) promote collaboration between domestic violence experts and child welfare agencies; and (2) enhance to $15 million a year grants to reduce violence against women on college campuses.

Critical prevention initiatives are contained in title IV, including programs supporting home visitations for families at risk, and initiatives that specifically engage men and boys in efforts to end domestic and sexual violence. We can no longer be satisfied with punishing abusers after the fact and trying to help a woman pull her life back together—we must end the violence before it ever starts. We must end it, not just mend it.

Violence against women is a health care issue of enormous proportions with one in three women expected to experience such violence at some point in their lives. It also has enormous health consequences for women and children, leading to serious injuries and disease, including substance abuse, chronic, serious pain and sexually transmitted infections including HIV/AIDS. We know pregnant women are particularly at risk for violence with increased levels of abuse accounting for injuries to the mother and developing fetus. In fact, homicide is a leading cause of death for pregnant and recently pregnant women.

Consequently, doctors and nurses, like police officers on the beat, are often the first witnesses of the devastating aftermath of abuse. Unfortunately, most health care providers are not currently trained on how to screen for, identify, document and treat or refer for violence-related illnesses or injuries. That's why the new health care programs in the Act are so essential—they provide an opportunity to intervene much earlier in the cycle of violence, before it becomes life threatening, and they provide a chance to reach out to children who may be growing up in violent homes.

In some instances, women face the untenable choice of returning to their abuser or becoming homeless. Indeed, 44 percent of the nation's mayors identified domestic violence as a primary cause of homelessness. Efforts to ease the housing problems for battered women are contained in Title VI, including (1) $20 million grant programs to facilitate collaboration between domestic violence organizations and housing providers; (2) programs to combat family violence in public and assisted housing, including new requirements that domestic violence victims may not be evicted or cut off from voucher services because of the violence; and (3) enhancements to transitional housing resources.

In some instances, victims of domestic violence who apply for or reside in public and subsidized housing are evicted or turned away because of the violence against them. A scream for help, a shot being fired, or the sound of police sirens is cited as a "disruptive sound" justifying eviction. In a recent nationwide survey, local housing and domestic violence attorneys across the country reported over 500 documented cases where victims were evicted because of the domestic violence committed against them.

Sections 606 and 607 of the Act provide important protections in public housing and the Section 8 program for victims of domestic violence and stalking. These sections prohibit denial of housing assistance based on the individual's status as a victim of domestic violence, dating violence, or stalking. With certain exceptions, they also prohibit terminating a victim's tenancy or rental assistance because of the violence against him or her. When women know they may lose their homes if their housing provider learns about the violence, they will seek to keep the abuse secret at all costs and thus, will often be unable to take the steps necessary to keep themselves and their families safe.

While protecting victims against retaliation, Sections 606 and 607 permit public housing authorities and private landlords to evict or end voucher assistance to perpetrators of domestic violence. It also ensures that landlords and housing providers can effectively manage their properties and maintain important discretionary authority. The Act allows landlords to bifurcate a lease to remove a perpetrator while maintaining a victim's tenancy and evict victims who commit other lease violations or if the tenancy creates an actual and imminent threat to the public safety. Further, the Act clarifies that landlords should not be held liable simply for complying with the statute. Sections 606 and 607 benefited greatly from the input by the national associations representing landlords and U.S. Department of Housing and Urban Development, including the National Association of Realtors, the National Multi-Housing Council, and the National Leased Housing Association.

It may be useful if the U.S. Department of Housing and Urban Development issues guidance or regulations to assist with the implementation of these sections. Certain nonprofit organizations and other government agencies that have expertise in domestic violence, dating violence, sexual assault or stalking, or in housing law and policy, could provide valuable guidance to HUD in creating such guidance and regulations.

Title VII helps abused women maintain economic security by establishing a national resource center to provide information to employers and labor organizations so that they may effectively help their employees who are victims of domestic violence. I had hoped that provisions from Senator MURRAY's Security and Financial Empowerment Act, SAFE, would have remained in the bill. This amendment would provide some fundamental economic protections for victims of domestic violence and sexual assault. Just as the Family Medical Leave Act protects individuals caring for a sick loved one, the SAFE Act would allow domestic violence victims to take time off from work to appear in court cases and other judicial proceedings without jeopardizing their employment at a time they need it the most. It is my hope that the Senate will revisit this issue soon.

Immigrant women often face a difficult time escaping abuse because of immigration laws, language barriers, and social isolation. Title VIII of today's bill builds on the progress of VAWA 1994 and VAWA 2000 to remove obstacles hinder or prevent immigrants from fleeing domestic abuse and participating in prosecutions. Further, the bill expands VAWA relief to: (1) elder abuse victims who have been abused by adult U.S. citizen sons or daughters; and (2) victims of child abuse or incest who are less than 25 and would have qualified as child self-petitioners. It will allow adopted children who have been abused by an adoptive parent to obtain permanent residency without having to reside with the abusive parent for 2 years. In an important move to help battered immigrant women achieve desperately-needed economic stability, the bill permits employment authorization to battered women and abused spouses of certain non-immigrants.

Title VIII enhances immigration protection for victims of trafficking by removing barriers that block some victims from accessing to T and U visas. Title VIII also facilitates the reunion of trafficking victims with their family members abroad who are in danger of retaliation from international traffickers, and will increase access to permanent residency for victims of severe forms of trafficking who are cooperating in trafficking prosecutions. Finally, title VIII will arm foreign fiancees with background information about their U.S. citizen fiance, and will educate foreign fiancees about U.S. domestic violence laws and resources.

In an effort to focus more closely on violence against Indian women, title IX creates a new tribal Deputy Director in the Office on Violence Against Women dedicated to coordinating Federal policy and tribal grants. It also authorizes the Office to pool funds available to tribes and tribal organizations in various VAWA programs. In addition, Title IX authorizes tribal governments to access and upload domestic violence and protection order data on criminal databases, as well as create tribal sex offender registries, and strengthens available criminal penalties.

No doubt, today's bill is comprehensive; it speaks to the many complexities presented by domestic violence and sexual assault. I am indebted to a whole host of groups who worked on this measure and/or voiced their support throughout the journey from introduction to passage, including the American Bar Association, the National Association of Attorneys General, the International Association of Forensic Nurses, the American Medical Association, the National Sheriffs Association, the National Coalition Against Domestic Violence, the National Congress of American Indians, the National Network to End Domestic Violence, the Family Violence Prevention Fund, Legal Momentum, the National Alliance to End Sexual Violence, the National Center for Victims for Crime, the National District Attorneys Association, the National Council on Family and Juvenile Court Judges, the National Association of Chiefs of Police, and many others. I am grateful for the work each of you does each day to make our families safer and healthier.

The legislation being passed today also demonstrates Congress's commitment to the Office of Community Oriented Policing Services, COPS. This program has been widely credited for helping to reduce crime rates over the past 10 years. It was deemed a "miraculous success" by Attorney General Ashcroft, and law enforcement experts from top to bottom, including Attorney General Gonzalez, police chiefs, and sheriffs, have all testified to its effectiveness at combating crime. While many politicians have argued this point, the Government Accountability Office conclusively established a statistical link between COPS hiring grants and crime reductions. We know that the COPS program works, and the legislation we are passing today recognizes this fact by re-authorizing the COPS program for the next 5 years at $1.05 billion per year.

In addition, this legislation also updates the COPS program grant making authority by providing more flexibility for local agencies in applying for assistance. It still includes many of the hallmarks that attributed to its success, such as reducing redtape by allowing local agencies to apply directly to the Federal Government for assistance, and providing grants on a three-year basis to facilitate long-term planning. The major improvement is that agencies will now be able to submit one application for its various funding needs, including hiring officers, purchase equipment, pay officers' overtime, and other programs that will increase the number of officers deployed in community oriented policing services. Originally, agencies had to make separate grant applications for the various purpose areas of the program. In addition, it allows the COPS program to award grants for officers hired to perform intelligence, anti-terror, or homeland security duties. Providing local agencies with this type of flexibility is a step forward.

While re-authorizing the COPS program is important, the next step is for the appropriators to fund the program at authorized levels. Back in the nineties, we invested roughly $2.1 billion for state and local law enforcement each year. We are safer today because of these investments. Over the past 5 years, we have adopted a wrong-headed approach of cutting funding for our state and local law enforcement partners. And, the recently passed Commerce, Justice, Science budget allocated less than $800 million for state and local law enforcement assistance, and it zeroed out the COPS hiring program. I agree with the International Association of Chiefs of Police and the National Sheriffs Association that these cuts leave us more vulnerable to crime and terrorism. In this bill, the Congress demonstrated its support for the COPS program, but the real test will come when we make funding decisions in the future. For the safety and security of the American people, I will be fighting for the Congress to fully fund the COPS program at the newly authorized levels of $1.05 billion per year.

I have many partners here in the Senate and in the House of Representatives who have worked tirelessly on this bill. Chairman SENSENBRENNER and Ranking Member CONYERS were committed to reauthorizing the Violence Against Women Act, and spent countless hours working on a resolution. Our negotiations were model ones—I wish bicameral relations were always so easy.

Senator REED and Senator ALLARD were very helpful on the act's housing provisions, and Senator ENZI helped craft some of the victim service providers. I appreciate their assistance and help to move this bill forward. With respect to the Native American provisions, Senator MCCAIN and Senator DORGAN provided instrumental guidance.

Since 1990, Senator HATCH and I have worked together to end family violence in this country, so it is no great surprise that once again he worked side-by-side with us to craft today's bill. I am also deeply indebted to Senator KENNEDY for his unwavering commitment to battered immigrant women and his work on the bill's immigration provisions. Senator KENNEDY'S staff, particularly Janice Kaguyutan, have been invaluable to this process. I also thank Senator LEAHY who has long-supported the Violence Against Women Act and, in particular, has worked on the rural programs and transitional housing provisions. As Ranking Member of the Judiciary Committee, Senator LEAHY has consistently pushed forward reauthorization of the Violence Against Women Act, and his staff, chief counsel Bruce Cohen, Tara Magner, and Jessica Berry have worked hard for passage. My final appreciation is for my very good friend from Pennsylvania for his commitment and leadership on this bill. It is a pleasure to work with Chairman SPECTER, and his staff Brett Tolman, Lisa Owings, Joe Jacquot, Juria Jones and chief counsel Mike O'Neill. From day one, Chairman SPECTER has been one of this bill's biggest champion. Chairman SPECTER is the reason a bipartisan, bicameral compromise measure is being passed today and I thank him.

Mr. President, I ask unanimous consent that the section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE VIOLENCE AGAINST WOMEN ACT OF 2005

Sec. 1. Short Title.

Sec. 2. Table of Contents.

Sec. 3. Universal Definitions and Grant Conditions. This section aggregates existing and new definitions of terms applicable to the Act. (Previously, relevant definitions were scattered in various Code provisions.) The section also sets forth universal conditions that apply to the Act's new and existing grant program.

TITLE I ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 101. STOP (Services and Training for Officers and Prosecutors) Grants Improvements. This section reauthorizes the cornerstone of the Act, the STOP program, at $225,000,000 annually for 2007 through 2011 (it is currently authorized at $185 million annually). This program provides state formula grants that bring police and prosecutors in close collaboration with victim services providers. Technical amendments increase the focus on appropriate services for underserved communities and ensure victim confidentiality.

Sec. 102. Grants to Encourage Arrest and Enforcement of Protection Order Improvements. This fundamental Department of Justice program is reauthorized at $75,000,000 annually for 2007 through 2011 (it is currently authorized at $65 million annually). States and localities use this funding to develop and strengthen programs and policies that encourage police officers to arrest abusers who commit acts of violence or violate protection orders. Amendments will provide technical assistance to improve tracking of cases in a manner that preserves confidentiality and privacy protections for victims. Purposes are amended to encourage victim service programs to collaborate with law enforcement to assist pro-arrest and protection order enforcement policies. In addition, this section authorizes family justice centers and extends pro-arrest policies to sexual assault cases.

Sec. 103. Legal Assistance for Victims Improvement. This section reauthorizes the grant program for legal services for protection orders and related family, criminal, immigration, administrative agency, and housing matters. It allows victims of domestic violence, dating violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. This program has been expanded to provide services to both adult and youth victims. Previously authorized at $40,000,000 annually, funding is set at $65,000,000 annually for 2007 through 2011, to be administered by the Attorney General. This provision also includes an amendment to ensure that all legal services organizations can assist any victim of domestic violence, sexual assault and trafficking without regard to the victim's immigration status. The organizations can use any source of funding they receive to provide legal assistance that is directly related to overcoming the victimization, and preventing or obtaining relief for the crime perpetrated against them that is often critical to promoting victim safety.

Sec. 104. Ensuring Crime Victim Access to Legal Services. This section eases access to legal services for immigrant victims of violent crimes.

Sec. 105. The Violence Against Women Act Court Training and Improvements. This section creates a new program to educate the courts and court-related personnel in the areas of domestic violence, dating violence, sexual abuse and stalking. The goal of this education will be to improve internal civil and criminal court functions, responses, practices and procedures, including the development of dedicated domestic violence dockets. This section will also authorize one or more grants to create general educational curricula for state and tribal judiciaries to ensure that all states have access to consistent and appropriate information. This section is authorized at $5,000,000 for each fiscal year 2007 through 2011 and it is administered by the Department of Justice.

Sec. 106. Full Faith and Credit Improvements. Technical amendments are made to the criminal code to clarify that courts should enforce the protection orders issued by civil and criminal courts in other jurisdictions. Orders to be enforced include those issued to both adult and youth victims, including the custody and child support provisions of protection orders. Amendment also requires protection order registries to safeguard the confidentiality and privacy of victims.

Sec. 107. Privacy Protections For Victims of Domestic Violence, Sexual Violence, Stalking, and Dating Violence. This section creates new and badly-needed protections for victim information collected by federal agencies and included in national databases by prohibiting grantees from disclosing such information. It creates grant programs and specialized funding for federal programs to develop "best practices" for ensuring victim confidentiality and safety when law enforcement information (such as protection order issuance) is included in federal and state databases. It also provides technical assistance to aid states and other entities in reviewing their laws to ensure that privacy protections and technology issues are covered, such as electronic stalking, and training for law enforcement on high tech electronic crimes against women. It authorizes $5,000,000 per year for 2007 through 2011 to be administered by the Department of Justice.

Sec. 108. Sex Offender Training. Under this section, the Attorney General will consult with victim advocates and experts in the area of sex offender training. The Attorney General will develop criteria and training programs to assist probation officers, parole officers, and others who work with released sex offenders. This section reauthorizes the program at $3,000,000 annually for 2007 through 2011.

Sec. 109. National Stalker Database and Domestic Violence Reduction. Under this section, the Attorney General may issue grants to states and units of local governments to improve data entry into local, state, and national crime information databases for cases of stalking and domestic violence. This section reauthorizes the program at $3,000,000 annually for 2007 through 2011.

Sec. 110. Federal Victim Assistants. This section authorizes funding for U.S. Attorney offices to hire counselors to assist victims and witnesses in prosecution of domestic violence and sexual assault cases. This section is reauthorized for $1,000,000 annually for 2007 through 2011.

Sec. 111. Grants for Law Enforcement Training Programs. This section would authorize a Department of Justice grant program to help train State and local law enforcement to identify and protect trafficking victims, to investigate and prosecute trafficking cases and to develop State and local laws to prohibit acts of trafficking. It proposes $10,000,000 in grants annually from 2006 to 2010.

Sec. 112. Reauthorization of the Court-Appointed Special Advocate Program. This section reauthorizes the widely-used Court-Appointed Special Advocate Program (CASA). CASA is a nationwide volunteer program that helps represent children who are in the family and/or juvenile justice system due to neglect or abuse. This provision also allows the program to request the FBI conduct background checks of prospective volunteers. This program is reauthorized at $12,000,000 annually for 2007 through 2011.

Sec. 113. Preventing Cyberstalking. To strengthen stalking prosecution tools, this section amends the Communications Act of 1934 (47 U.S.C. 223(h)(1)) to expand the definition of a telecommunications device to include any device or software that uses the Internet and possible Internet technologies such as voice over internet services. This amendment will allow federal prosecutors more discretion in charging stalking cases that occur entirely over the internet.

Sec. 114. Updating the Federal Stalking Law. Section 114 improves the existing federal stalking law by borrowing state stalking law language to (1) criminalize stalking surveillance (this would include surveillance by new technology devices such as Global Positioning Systems (GPS)); and (2) to expand the accountable harm to include substantial emotional harm to the victim. The provision also enhances minimum penalties if the stalking occurred in violation of an existing protection order.

Sec. 115. Repeat Offender Provision. This section updates the criminal code to permit doubling the applicable penalty for repeat federal domestic violence offender—a sentencing consequence already permissible for repeat federal sexual assault offenders.

Sec. 116. Prohibiting Dating Violence. Utilizing the Act's existing definition of dating violence, section 115 amends the federal interstate domestic violence prohibition to include interstate dating violence.

Sec. 117. Prohibiting Violence in Special Maritime and Territorial Jurisdiction. This section tightens the interstate domestic violence criminal provision to include special maritime and territories within the scope of federal jurisdiction.

Sec. 118. Updating Protection Order Definition in 28 U.S.C. §534(e)(3)(B).

Sec. 119. Grants for Outreach to Underserved Populations. This grant program authorizes $2 million annually for local, national, and regional information campaigns on services and law enforcement resources available to victims of domestic violence, dating violence, sexual assault and stalking.

TITLE II. IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

Sec. 201. Findings.

Sec. 202. Sexual Assault Services Provision. This section creates a separate and direct funding stream dedicated to sexual assault services. Currently, the Act funds rape prevention programs, but does not provide sufficient resources for direct services dedicated solely to sexual assault victims, primarily rape crisis centers. Under this new program funding will be distributed by the Department of Justice to states and their sexual violence coalitions. The formula grant funds will assist States and Tribes in their efforts to provide services to adult, youth and child sexual assault victims and their family and holusehold members, including intervention, advocacy, accompaniment in medical, criminal justice, and social support systems, support services, and related assistance. Funding is also provided for training and technical assistance. This section authorizes $50,000,000 annually for 2006-2010.

Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program. This section reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands purpose areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. New language expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes $55,000,000 annually for 2007 through 2011 (it is currently authorized at $40 million a year).

Sec. 204. Education, Training and Enhanced Services to End Violence Against Women with Disabilities. This section reauthorizes and expands the existing education, training and services grant programs that address violence against women with disabilities. New purpose areas include construction and personnel costs for shelters to better serve victims with disabilities, the development of collaborative partnerships between victim service organizations and organizations serving individuals with disabilities and the development of model programs that situate advocacy and intervention services for victims within organizations serving individuals with disabilities. The program is authorized at $10,000,000 for each fiscal year 2007 through 2011.

Sec. 205. Education, Training and Services to End Violence Against and Abuse of Women Later in Life. This section reauthorizes and expands the existing education, training and services grant programs that address violence against elderly women. Grants will be distributed by the Department of Justice to States, local government, nonprofit and nongovernmental organizations for providing training and services for domestic violence, dating violence, sexual assault and stalking victims age 60 and older. The program is authorized at $10,000,000 annually for 2007 through 2011.

Sec. 206. Strengthening the National Domestic Violence Hotline. Section 206 eliminates a current funding requirement that any funds appropriated to the Hotline in excess of $3,000,000 be devoted entirely to a non-existent Internet program.

TITLE III. SERVICES, PROTECTION AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 301. Findings

Sec. 302. Rape Prevention and Education. This section reauthorizes the Rape Prevention and Education Program. It appropriates $80,000,000 annually (its current authorization level) for 2007 through 2011. Of the total funds made available under this subsection in each fiscal year, a minimum of $1,500,000 will be allotted to the National Sexual Violence Resource Center.

Sec. 303. Services, Education, Protection and Justice for Young Victims of Violence. This section establishes a new subtitle that would create four new grant programs designed to address dating violence committed by and against youth.

(1) The Services to Advocate for and Respond to Teens program authorizes grants to nonprofit, nongovernmental and community based organizations that provide services to teens and young adult victims of domestic violence, dating violence, sexual assault or stalking. This section is authorized for $15,000,000 annually for 2007 through 2011 and will be administered by the Department of Health and Human Services.

(2) The Access to Justice for Teens program is a demonstration grant program to promote collaboration between courts (including tribal courts), domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies. The purposes of the collaborative projects are to identify and respond to domestic violence, dating violence, sexual assault and stalking committed by or against teens; to recognize the need to hold the perpetrators accountable; to establish and implement procedures to protect teens; and to increase cooperation among community organizations. This section is authorized at $5,000,000 annually for 2007 through 2011 to be administered by Department of Justice.

(3) The third program established under Sec. 303 is the Grants for Training and Collaboration on the Intersection between Domestic Violence and Child Maltreatment program. It provides grants to child welfare agencies, courts, domestic or dating violence service providers, law enforcement and other related community organizations. Grant recipients are to develop collaborative responses, services and cross-training to enhance responses to families where there is both child abuse and neglect and domestic violence or dating violence. This section authorized at $5,000,000 annually 2007 through 2011 to be administered by the Department of Justice.

(4) The final program established under 303 is the Supporting Teens through Education and Protection program to be administered by the Department of Justice to eligible middle and high school schools that work with domestic violence and sexual assault experts to train and counsel school faculty and students.

Sec. 304. Reauthorization of Grants to Reduce Violence Against Women on Campus. This amends the existing campus program to be administered by the Department of Justice on a three-year grant cycle, provides more money and sets parameters for training of campus law enforcement and campus judicial boards. This section is authorized at $12,000,000 for 2007 and $15,000,000 for 2008 through 2011 (it is currently authorized at $10 million).

Sec. 305. Juvenile Justice. The overwhelming majority of girls entering the juvenile justice system are victims of abuse and violence, and the system must provide adequate services that are tailored to girls' gender-specific needs and to their experiences of abuse. These provisions amend the Juvenile Justice and Delinquency Prevention Act to permit grantees to detail gender-specific services.

Sec. 306. Safe Havens for Children. This section continues and expands a pilot Justice Department grant program aimed at reducing domestic violence and child abuse during parental visitation or the transfer of children for visitation by expanding the availability of supervised visitation centers. It reauthorizes the program for $20,000,000 annually for 2007 through 2011.

TITLE IV. STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

Sec. 401. Findings, Purpose and Authorization for three new, child-focused programs. This section creates: (1) Grants to Assist Children and Youth Exposed to Violence that authorizes new, collaborative programs, administered by the Office on Violence Against Women in the Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, to provide services for children who have been exposed to domestic violence, dating violence, sexual assault or stalking for the purpose of mitigating the effects of such violence. Programs authorized under this section include both direct services for children and their non-abusing parent or caretaker, and training/coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs). It is authorized at $20,000,000 annually from 2007 through 2011.

This section also establishes the Development of Curricula and Pilot Programs for Home Visitation Projects. Home visitation services are offered in many states and on some military bases to provide assistance to new parents or families in crisis. Home visitation services, in addition to providing assistance to the parents, look for signs of child abuse or neglect in the home. This provision, administered by the Office on Violence Against Women in the Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, creates model training curricula and provides home visitation services to help families to develop strong parenting skills and ensure the safety of all family members. The program is authorized at $7,000 per year for 2006–2010.

The final new program engages men and youth in preventing domestic violence, dating violence, sexual assault and stalking. It authorizes the development, testing and implementation of programs to help youth and children develop respectful, non-violent relationships. The grant is administered by the Office on Violence Against Women at the Department of Justice in collaboration with the Department of Health and Human Services, and eligible entities include community-based youth service organizations and state and local governmental entities. It is authorized at $10,000,000 annually for 2007 through 2011.

Sec. 402. Study Conducted by the Centers for Disease Control and Prevention. This provision authorizes $2 million to the Centers for Disease Control to study the best practices for reducing and preventing violence against women and children and an evaluation of programs funded under this Title.

TITLE V. STRENGTHENING THE HEALTH CARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

Sec. 501. Findings.

Sec. 502. Purposes.

Sec. 503. Training and Education of Health Professionals. This section provides new grants to train health care providers and students in health professional schools on recognizing and appropriately responding to domestic and sexual violence. The provision authorizes $3,000,000 each year from 2007 through 2011 to be administered by the Department of Health and Human Services.

Sec. 504. Grants to Foster Public Health Responses to Domestic Violence, Dating Violence, Sexual Assault and Stalking. Section 504 provides grants for statewide and local collaborations between domestic and sexual violence services providers and health care providers including state hospitals and public health departments. These programs would provide training and education to health care providers and would develop policies and procedures that enhance screening of women for exposure to domestic and sexual violence, and encourage proper identification, documentation and referral for services when appropriate. This section is authorized at $5,000,000 annually from 2007 through 2011.

Sec. 506. Research on Effective Interventions in the Health Care Setting to Address Domestic Violence. Includes funding for the Centers for Disease Control and Prevention and Administration for Healthcare Research and Quality to evaluate effective interventions within the health care setting to improve abused women's health and safety and prevent further victimization. This section is authorized at $5,000,000 annually from 2007 through 2011.

TITLE VI. HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

Sec. 601. Amends the Violence Against Women Act to include a title addressing housing needs of victims of domestic violence, dating violence, sexual assault and stalking.

Sec. 41401. Findings.

Sec. 41402. Purposes.

Sec. 41403. Definitions.

Sec. 41404. Collaborative Grants to Develop Long-Term Housing for Victims. Modeled after successful affordable housing, community development, and "housing first" programs across the nation, this section would provide $10,000,000 for the Department of Health and Human Services in partnership with the Department of Housing and Urban Development to fund collaborative efforts to: place domestic violence survivors into long-term housing as soon as reasonable and safe; provide services to help individuals or families find long-term housing; provide financial assistance to attain long-term housing (including funds for security deposits, first month's rent, utilities, down payments, short-term rental assistance); provide services to help individuals or families remain housed (including advocacy, transportation, child care, financial assistance, counseling, case management, and other supportive services); and create partnerships to purchase, build, renovate, repair, convert and operate affordable housing units. Funds may not be directly spent on construction, modernization, or renovations.

Sec. 41405. Grants to Combat Violence Against Women in Public and Assisted Housing. This section establishes grants to assist public and Indian housing authorities, landlords, property management companies and other housing providers and agencies in responding appropriately to domestic and sexual violence. Grants would provide education and training, development of policies and practices, enhancement of collaboration with victim organizations, protection of victims residing in public, Indian and assisted housing, and reduction of evictions and denial of housing to victims for crimes and lease violations committed or directly caused by the perpetrators of violence against them. The program is authorized at $10,000,000 and will be administered by the Office on Violence Against Women in the Department of Justice.

Sec. 602. Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. Section 602 amends the existing transitional housing program created by the PROTECT Act and administered by the Office on Violence Against Women in the Department of Justice. This section expands the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by HUD transitional housing programs; and updating the existing program to reflect the concerns of victim service providers. The provision would increase the authorized funding for the grant from $30,000,000 to $40,000,000.

Sec. 603. Public and Indian Housing Authority Plans Reporting Requirement.

Sec. 604. Housing Strategies.

Sections 603 and 604 amend the Housing and Urban Development (UUD) Agency reporting requirements imposed on public housing applicants. Pursuant to the amendment, HUD applicants must include any plans to address domestic violence, dating violence, sexual assault and stalking in their application.

Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act. This provision amends the Homeless Management Information Systems (HMIS) statute in the McKinney-Vento Homelessness Assistance Act to protect the confidentiality of victims of domestic violence, dating violence, sexual assault and stalking receiving assistance from HUD-funded victim service programs. It requires that these programs refrain from disclosing personally identifying information to the HMIS. HUD-funded victim service providers may disclose non-personally identifying information to the HMIS.

Sec. 606. Amendments to the Low Income Housing Assistance Voucher Program.

Sec. 607. Amendments to the Public Housing Program. Sections 606 and 607 amend the Low Income Housing Assistance Voucher program (also known as the Section 8 or Housing Choice Voucher program) and the Public Housing program to state that an individual's status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by a public housing authority. It also states that incidents of domestic violence, dating violence and stalking shall not be good cause for terminating a lease held by the victim. The amendments specify that the authority of an owner or PHA to evict or terminate perpetrators of abuse shall not be limited and gives landlords and PHAs the ability to bifurcate a lease to maintain the victim's tenancy while evicting the perpetrator. Victims must certify their status as victims by presenting appropriate documentation to the PHA or owner, and the language clarifies that victims can be evicted for lease violations or if their tenancy poses a threat to the community.

TITLE VII. PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

Sec. 701. Resource Center on Domestic and Sexual Violence in the Workplace. This provision authorizes the Attorney General to award a grant to a private non-profit entity or tribal organization for the establishment and operation of a national resource center to provide information and assistance to employers and labor organizations to aid victims of domestic violence, dating violence, sexual assault, and stalking. A million dollars would be appropriated annually for fiscal years 2007 through 2011 to support these activities.

TITLE VIII. PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN

Sec. 801. Treatment of Spouse and Children of Victims. For some trafficking victims, providing assistance in the investigation or prosecution of the trafficking case can endanger or traumatize the victim or her family members. The ability to ensure safety of family members living abroad is crucial to trafficking victims' or crime victims' well being and ability to effectively assist in prosecutions. This section allows T and U visa holders' spouse, children, parents, and unmarried siblings under 18 to join them in the United States.

Sec. 802. Permitted Presence of Victims of Severe Trafficking. This section permits trafficking victims' unlawful presence in the United States only if the trafficking is at least one central reason for the unlawful presence. The limited exception to the unlawful presence provision is identical to that afforded to non-citizen survivors of domestic abuse.

Sec. 803. Adjustment of Status for Victims of Trafficking. This section shortens the adjustment time and allows trafficking victims to apply for lawful permanent residency 2 years after receiving a T visa.

Sec. 804. Protection and Assistance for Victims of Trafficking. This section clarifies the roles and responsibilities accorded to the Department of Justice and the Department of Homeland Security in addressing trafficking and supporting victims. Furthermore, this section clarifies that "assistance" by trafficking victims includes responding to and cooperating with requests for evidence and information.

Sec. 805. Protecting Victims of Child Abuse and Incest. This section clarifies language to ensure that children of VAWA self-petitioners abused by lawful permanent residents receive the VAWA immigration protection and lawful permanent residency along with their abused parent. It also assures that children eligible for VAWA immigration relief are not excluded from Child Status Protection Act protection. This section enhances protection for incest victims by permitting VAWA self-petitions to be filed until age 25 by individuals who qualified for VAWA relief before they were 21 but did not file a petition before that time if the abuse is at least one central reason for the delayed filing.

Under current law, adopted foreign-born children must reside with their adoptive parents for two years to gain legal immigration status through their adoptive parents. This section allows adopted children who were battered or subjected to extreme cruelty by their adoptive parent or the adoptive parent's family member residing in the household to attain legal immigration status without having to reside for two years with the abusive adoptive family member.

Sec. 811. Definition of VAWA Self-Petitioner. This section creates a term "VAWA self-petitioner" which covers all forms of VAWA self-petitions created in VAWA 2000 including VAWA Cuban Adjustment, VAWA HRIFA and VAWA NACARA applicants.

Sec. 812. Application in Cases of Voluntary Departure. Under current law, people who fail to comply with voluntary departure orders are barred for 10 years from receiving lawful permanent residency through adjustment of status, cancellation of removal (including VAWA cancellation), change of status, and registry. Denying lawful permanent residency to immigrant victims of domestic violence, sexual assault and trafficking undermines Congressional intent to provide immigration relief crucial to supporting crime victims cooperating with law enforcement and offering protection for battered immigrant spouses and children. This section exempts victims eligible for VAWA, T or U relief from the harsh consequences of failing to comply with voluntary departure orders as long as the extreme cruelty or battery is at least one of the central reasons for the overstay.

Sec. 813. Removal Proceedings. This section adds domestic abuse to the list of exceptional circumstances that allow immigrants to file motions to reopen in removal proceedings. VAWA 2000 allowed immigration judges in cancellation of removal and adjustment of status proceedings to waive ineligibility grounds for some VAWA eligible battered petitioners, who acted in self defense, violated their own protection order, or were involved in a crime that didn't result in serious bodily injury or where there was a connection between the crime and their own abuse. This section corrects drafting errors that have made these waivers procedurally unavailable to battered immigrant victims.

Sec. 814. Eliminating Abusers' Control Over Applications and Limitation on Petitioning for Abusers. The Violence Against

Women Act enabled battered Haitian Refugee Immigration Fairness Act and Cuban Adjustment Act applicants to apply for VAWA immigration relief. In order for these applicants to access the relief, they need to file motions to reopen. However, due to a drafting oversight, the deadline for filing motions to reopen had already passed when VAWA 2000 became law. This amendment corrects the drafting and allows these battered immigrants to file motions to reopen and thereby access the relief that was created for them in VAWA 2000.

This section also makes approved VAWA self-petitioners and their spouses eligible for employment authorization. Providing employment authorization earlier in the application process gives battered immigrant self-petitioners the means to sever economic dependence on their abusers, promoting their safety and the safety of their children.

Section 814 also prohibits a VAWA self-petitioner or a T or U-visa holder from petition for immigrant status for their abuser.

Sec. 815. Application for VAWA-Related Relief. This amendment clarifies that certain battered spouses and children can access relief under the Nicaraguan Adjustment and Central American Relief Act that was specifically created for those groups in VAWA 2000. This amendment ensures relief even in cases where an abusive spouse or parent failed to apply to adjust the survivor's status to lawful permanent residency by the statutory deadline or failed to follow through with applications after filing. Thus, this amendment prevents abusers from controlling their non-citizen victims by blocking their ability to successfully access the relief that was intended under VAWA 2000.

Sec. 816. Self Petitioning Parents. This section expands the scope of VAWA immigration relief to include intergenerational abuse, allowing non-citizen parents who are abused by their adult U.S. citizen son or daughter to seek VAWA relief

Sec. 817. Enhanced VAWA Confidentiality Non-disclosure Protections. This section amends VAWA's confidentiality protections so that they cover a range of immigrant victims eligible for the various forms of VAWA or crime victim related immigration relief including T visa victims, VAWA Cubans, VAWA HRIFAs, VAWA NACARAs and VAWA suspension applicants. This section also ensures that VAWA confidentiality rules apply to each relevant federal agency including the Department of Homeland Security and the Department of State.

Sec. 821. Duration of T and U visas. This provision would authorize issuance of T and U visas for a period of not more than 4 years.

Sec. 822. Technical Correction to References in Application of Special Physical Presence and Good Moral Character Rules. This section corrects two technical drafting errors. First it ensures that the provisions on physical presence and on good moral character apply to all VAWA cancellation applicants. Second it corrects an incorrectly cited section so that the "good moral character" bar applies to bigamy, not unlawful presence.

Sec. 823. Petitioning Rights of Certain Former Spouses Under Cuban Adjustment. This section would ensure that battered immigrants are still able to adjust under VAWA Cuban adjustment relief even if they are divorced from the abuser. This provision is necessary to prevent abusers from cutting their spouses off from potential immigration status adjustment by divorcing them.

Sec. 824. Self-Petitioning Rights of HRIFA Applicants. This amendment clarifies that Haitian abused applicants can access relief that was specifically created for them in VAWA 2000. Abusers could control battered immigrants by not adjusting their own status to lawful permanent residency pursuant to the Haitian Refugee Immigration Fairness Act ("HRIFA"). The abuser may not follow through with the lawful permanent residency application or fail to file an application at all. This technical correction remedies the problem to ensure that all abused spouses and children otherwise eligible for VAWA HRIFA are able to access this relief.

Sec. 825. Motion to Reopen. This section, a correction to VAWA 2000, gives domestic abuse victims the opportunity to file one motion to reopen to pursue VAWA relief, and exempts them from the special motion to reopen filing deadlines.

Sec. 826. Protecting Abused Juveniles. This section assures that immigration authorities are not required to contact abusive parents or family members in connection with the abused, neglected, or abandoned juvenile's application for special immigrant juvenile status. This prevents abusive parents from keeping their children from accessing help and support in the United States.

Sec. 827. Exceptions for the Protection of Domestic Violence and Crime Victims. This section carves out an exception to the current requirements regarding driver's license or identification cards for victims of domestic violence to ensure their safety.

Sec. 831. Short Title for the International Marriage Broker Regulation Act of 2005.

Sec. 832. International Marriage Broker Information Requirements. This section provides that a U.S. citizen filing a petition for a K visa for a fiancee from another country must provide information on criminal convictions for specified crimes. These include a list of violent crimes, including assault and battery as well as crimes relating to substance or alcohol abuse. The Department of Homeland Security will provide this criminal history information, along with results of their search for any criminal convictions to the foreign national beneficiary. The Department of State is prohibited from approving a fiancee visa if the petitioner has petitioned for more than 2 K visas in the past, or less than 2 years have passed since the petitioner filed for a K visa and that visa was approved. DHS can waive this bar, but if person has history of violent crimes, the bar cannot be waived unless DHS determined that there are extraordinary circumstances, or the individual's crimes were a result of domestic violence, the individual was not the primary perpetrator of the violence, and the crime did not result in serious bodily injury. DHS is directed to create a database to track repeated K applications and notify petitioner and spouse when second K is applied for in 10-year period. All future K applications will trigger similar notice, with domestic violence pamphlet being sent to K beneficiary. The fact that an individual was provided with this information and the domestic violence pamphlet for immigrants cannot be used to deny their eligibility for relief under VAWA.

Sec. 833. Domestic Violence Information and Resources for Immigrants and Regulation of International Marriage Brokers. This section directs DOS, DHS and DOJ to create a pamphlet on domestic violence rights and resources for immigrants as well as a summary of that pamphlet for use by Federal officials in the interview process. The pamphlet is to be translated into at least 14 languages and the required list of translations is to review and revised every 2 years based on the language spoken by the greatest concentration of K nonimmigrant visa applicants. The pamphlet is to be mailed to all K applicants with their visa application process instruction packet as well as a copy of the petition submitted by the petitioner. The pamphlet is to be made available to the public at all consular posts, and posted on the DOS, DHS, and consular post websites. The pamphlet will also be provided to any international marriage broker, government agency or non-governmental advocacy organization.

Sec. 834. Sharing of Certain Information. This section provides that there is no bar to the sharing of information between the relevant departments for the purpose of fulfilling the disclosure requirements of the U.S. petition.

TITLE IX. SAFETY FOR INDIAN WOMEN

Sec. 901 and 902. Findings and Purposes.

Sec. 903. Consultation Requirement. This section requires the Secretary of the Interior and the Attorney General to consult with and seek recommendations from tribal governments concerning the administration of tribal VAWA funds and programs.

Sec. 904. Analysis and Research of Violence Against Indian Women. This provision requests that the National Institute of Justice conduct a national baseline study to examine violence against Indian women and the effectiveness of Federal, State, local and tribal responses. It also requires the Attorney General to establish a task force to assist in the development and implementation of the study and report to Congress. Members of the study shall include tribal governments and national tribal organizations. The violence study is authorized at $1,000,000 for fiscal years 2007 and 2008. In addition, this section requires the Secretary of Health and Human Services to conduct a study of injuries to Indian women from incidents of domestic violence, dating violence, sexual assault and stalking and the costs associated with these injuries. The injury report shall be reported to Congress and is authorized at $500,000 for fiscal years 2007 and 2008.

Sec. 905. Tracking of Violence Against Indian Women. In cases of domestic violence, dating violence, sexual assault and stalking, the provision authorizes tribal law enforcement to access and enter information on to Federal criminal information databases (set out in 28 U.S.C. §534). Second, it permits tribes to develop and maintain national tribal sex offender registries and tribal protection order registries. To undertake the latter, the provision authorizes $1,000,000 for fiscal years 2007 through 2011.

Sec. 906. Safety for Indian Women Formula Grants. To better administer grants to Indian Country and enhance the responses of Indian tribal governments, this measure authorizes the Office on Violence Against Women to combine all Native American set asides appropriated under this Act and create a single grant source.

Sec. 907. Deputy Director in the Office on Violence Against Women. To coordinate and guide Federal, State, local and tribal responses to violence against Indian women, this provision establishes a Deputy Director of Tribal Affairs in the Office on Violence Against Women. The Deputy Director is charged with several duties, including, but not limited to, oversight of tribal grant programs and developing federal policies and protocols on matters relating to violence against Indian women. In addition, the Deputy Director is authorized to ensure that some portion of tribal funds distributed through VAWA programs will be devoted to enhancing tribal resources such as legal services or shelters for Indian women victimized by domestic violence or sexual assault.

Sec. 908 and 909. Enhanced Criminal Law Resources and Domestic Assault by Habitual Offender. Sections 908 and 909 make several changes to existing criminal law. Under current law persons who have been convicted of a qualifying misdemeanor crime of domestic violence under federal or state law are prohibited from possessing firearms. This amendment would expand that prohibition to those persons convicted of a qualifying misdemeanor crime of domestic violence under tribal law.

Under current law, federal courts have exclusive jurisdiction over domestic violence crimes committed in Indian country where the perpetrator is a non-Indian and the victim is an Indian, and concurrent jurisdiction with the tribal courts where the perpetrator is an Indian and the victim is a non-Indian. Under this scheme, federal officers can only arrest for misdemeanors that occur in the presence of the arresting officer. Most domestic violence offenses are misdemeanors not committed in the presence of a federal officer. Accordingly, this amendment will eliminate that requirement and allow a federal arrest if there is reasonable grounds that the offense was committed. Finally, the provision creates a repeat offender provision.

TITLE X. DNA FINGERPRINTING

Sec. 1001. Short Title.

Sec. 1002. Use of Opt-Out Procedure to Remove Samples from National DNA Index. Because this title expands the scope of the national DNA database to include DNA samples from arrestees, this particular section amends the current expungement protocols and directs the FBI to remove samples in the event of an overturned conviction, acquittal, or the charge was dismissed.

Sec. 1003. Expanded Use of COIS Grants. To reduce the extraordinary backlog of rape kits and other crime scene evidence waiting for DNA testing, the federal government makes available to States a targeted DNA grant program. Specifically, States may seek funding to reduce the backlog in crime scene evidence, to reduce the backlog in DNA samples of offenders convicted of qualifying state offenses, or to enhance the State's DNA laboratory capabilities. This section would expand the grant purpose regarding offender DNA samples to include all samples collected under applicable state law; accordingly, States could use federal funding to test samples collected from arrestees or voluntary elimination samples.

Sec. 1004. Authorization to Conduct DNA Sample Collection From Persons Arrested or Detained Under Federal Authority. Current law allows federal authorities to collect DNA samples from individuals upon indictment. This provision would expand that authority to permit the Attorney General to collect DNA at arrest or detention of non-United States persons.

Sec. 1005. Tolling of Statute of Limitations for Sexual Abuse Offenses. This amendment strikes a carve-out authorizing John Doe indictments in sexual assault crimes and makes uniform the federal law that tolls the statute of limitations for all federal crimes where DNA evidence is collected (§3297).

The bill (H.R. 3402), as amended, was read the third time and passed.

UNANIMOUS CONSENT REQUEST— S. RES. 336

Mr. SANTORUM. Mr. President, I am going to propound what I hope will be two unanimous consent requests about one particular issue. The issue is on the anti-Semitic statements made by the President of Iran, Mr. Ahmadinejad, who said, among other things, that the state of Israel should be wiped off the face of the Earth. We have been working cooperatively to try to get this resolution cleared, condemning those statements. We had some concerns raised with the resolution which I will discuss in more detail. We finally have a version cleared, and I will discuss in detail how we had to work through that. Suffice it to say that it is good to see that we are going to finally get strong bipartisan support to condemn this conduct and call for Iran to be a constructive partner in the peace process in the Middle East.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 336, a resolution to condemn the recent destructive and anti-Semitic statements of the President of Iran which I submitted earlier today. I ask that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

Mr. WYDEN. Mr. President, while I personally am vehemently opposed to the statements that have been made by the President of Iran, I have been asked by the Members on this side of the aisle to object, and I do so object.

The PRESIDING OFFICER. Objection is heard.

CONDEMNING ANTI-SEMITIC STATEMENTS OF THE PRESIDENT OF IRAN

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 337, a revised version of the same resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 337) to condemn the harmful, destructive, and anti-Semitic statements of Mahmoud Ahmadinejad, the President of Iran, and to demand an apology for those statements of hate and animosity toward all Jewish people of the world.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 337) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 337

Whereas Mahmoud Ahmadinejad, the President of Iran, declared in an October 26, 2005, address at the World Without Zionism conference in Tehran that "the new wave that has started in Palestine, and we witness it in the Islamic World too, will eliminate this disgraceful stain from the Islamic World" and that Israel "must be wiped off the map.";

Whereas the President of Iran told reporters on December 8th at an Islamic conference in Mecca, Saudi Arabia, "Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces...although we don't accept this claim.";

Whereas Mr. Ahmadinejad then stated, "If the Europeans are honest they should give some of their provinces in Europe ... to the Zionists, and the Zionists can establish their state in Europe.";

Whereas on December 14, 2005, Mr. Ahmadinejad said live on Iranian television, "they have invented a myth that Jews were massacred and place this above God, religions and the prophets.";

Whereas the leaders of the Islamic Republic of Iran, beginning with its founder, the Ayatollah Ruhollah Khomeini, have issued statements of hate against the United States, Israel, and Jewish peoples;

Whereas certain leaders, including Ahmadi Nezhad, and the Supreme Leader, Ali Khamenei, have similarly called for the destruction of the United States, and the Islamic Republic of Iran has funded, armed, trained, assisted, and sheltered leading terrorists, including terrorists in Iraq who use Iranian support to kill military personnel of the United States;

Whereas an estimated 6,000,000 Jews were killed in the Nazi Holocaust;

Whereas the remarks of President Ahmadinejad have been denounced around the world and condemned by among others, the political leaders of the United States, Arab nations, Israel, Europe, and the United Nations;

Whereas it is a crime in the Federal Republic of Germany to deny the existence of the Holocaust; and

Whereas the United Nations, in General Assembly Resolution 181 (1947), recommended the adoption of the Plan of Partition with Economic Union for Palestine, which called for an independent Jewish State: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent statement by President Ahmadinejad that denied the occurrence of the Holocaust and supported moving the State of Israel to Europe;

(2) demands an official apology for these damaging, anti-Semitic statements that ignore history, human suffering, and the loss of life during the Holocaust;

(3) and

(6) reaffirms the need for Iran to—

(A) end its support for international terrorism; and

(B) join other Middle Eastern countries in seeking a successful outcome of the Middle East peace process.

Mr. SANTORUM. Mr. President, I thank the Senator from Oregon. I know he personally believes in the original resolution. Before I get into the disparities between the two resolutions and some of the difficulty we have had over the last several days in trying to pass this resolution, it is important to understand how reprehensible these statements are and how dangerous they are in light of not only the conflicts within the Middle East but the frightening perspective of Iran having nuclear capabilities.

We hear mixed reports. We have heard reports from the overseas press in the last few weeks about fears that Iran is actually within months, potentially, of having nuclear weapons capability. The idea that a country with a President who says that Israel should be wiped off the map and then amends the statement, if you can call it that, to say, Well, maybe they could move it to Europe, Germany or Austria, as Charles Krauthammer recently noted:

> . . . perhaps near the site of an old concentration camp.

This is the kind of ridiculous statement one would expect out of a street merchant who is out there spewing anti-Semitic statements but not from the President of a country. It is unbelievable. As unbelievable as that statement is, it is almost equally unbelievable, the silence of response from the civilized world in condemning this statement and calling for actions on the part of the United Nations to condemn Iran, sanction Iran, and a whole host of other remedies available.

This condemnation we passed is a mild condemnation. We tried to make it a little stronger. We didn't achieve that. But what we need to recognize is that Iran, as the President has said, is a real threat. It is a real threat because there are people in that country, not the average Iranian but people at the leadership levels of that government who have explicit designs to not only disrupt the process of democracy building in the Middle East but also disrupt any attempt for peace and finally eliminate millions of Israelis from the face of the Earth.

That is something that the civilized world should not stand for. The United Nations should not stand for it, should not countenance the continuation of Iran sitting where they sit without having to undergo some sort of sanction or reprimand.

It is important to understand how destabilizing Iran is in our fight to create stable democracies in the Middle East, how they foment anti-Semitic, anti-Zionist, as well as anti-democratic sentiment in the Middle East, and how they sponsor terrorism.

One of the pieces of legislation I am most proud of in my time in the Senate was the Syrian Accountability Act. Throughout the years, Iranian influence in Lebanon and Syria has oppressed fellow Arabs. Well, Iranians are not Arabs but oppress fellow Muslims and obviously some Christians. But it is important for us, as a Senate, as a people, to understand the threat that Iran poses to everything we believe in and the larger picture of what we are trying to accomplish in Iraq and the Middle East.

We are trying to do something that for a long time people in this country and even some today believe is not possible. Some have suggested we can't win the mission we have engaged in. The mission we have engaged in is to create a stable democracy in the Middle East, in the Arab world. The mission we have engaged in, more fundamentally, is to provide increased national security to this country. That is the first mission.

The strategy is to ensure security for this country. The tactic is to establish democracies in an area of the world that threatened this country. Iran stands starkly opposed to that objective and, further, with statements such as this, destabilizes the entire region and foments and uses sort of the lowest base, primitive instincts of the haters in the Middle East to undermine our objective.

We are succeeding in Iraq in spite of the Iranians. We are succeeding in Afghanistan in spite of the Iranians. We are moving democracy forward. But we dare not take our eye off what Iran is doing and is preparing. They are actively pursuing a nuclear weapons program under the nose of the rest of the world, with virtually no real attempt to limit that development.

When you see these statements combined with that, it is a flare that should be going up across the world of what we may be confronted with in the next months or years, with a nuclear bomb. This resolution is a statement that needed to be made. I am glad we passed this resolution. But we need to do more. I have authored a piece of legislation on Iran, which calls for the funding of pro-democracy groups within Iran. Others have offered ideas to provide increased sanctions on Iran.

If you look at people who study the country of Iran and tell you—we had a very good hearing that Senator COBURN chaired a few weeks ago. When you listened to the testimony at that hearing, which I had the opportunity to do for a little while, you hear that the Iranian street is one that is largely sympathetic to the United States and to the cause of freedom and democracy. They are oppressed people. Oppressed people generally do want and seek freedom. So we have, I believe, an opportunity, as we have had opportunities in the past, when we lent our ideas and our encouragement to help develop either exile movements or freedom movements within the countries that are a threat to the region and a threat to our country.

It is important for the Senate to speak out and say we stand with you—those of you who seek freedom, those of you who seek democracy, those of you who do not want to be threatening to your neighbors, or say, as the President of Iran has said, he wants to wipe Israel off the map. We have an obligation in the Senate, and I will be pressing very hard next year to pass my legislation on Iran.

I remember several years ago when Senator BOXER and I introduced legislation on Syria, and we did not get a lot of support in the committee and had trouble on the floor of the Senate. We had trouble at the White House. They were opposed to the bill. Eventually, the administration, the committee, and the Senate came along and we were able to pass the Syria Accountability Act. Literally, within a few months, we saw dramatic changes in Lebanon.

The Syria Accountability Act was a measure that called for Syria to get out of Lebanon and imposed sanctions on Syria for not doing so. The President, to my dismay, in some respects, didn't support it at first. Presidents don't often like Congress telling them what to do when it comes to foreign policy. But this President not only signed the Syria Accountability Act, he implemented the sanctions—a tough regime of sanctions—and it had a tremendous effect. I have had people come over from Lebanon and tell me of the importance of that particular legislation and the symbolism of America standing with the people of Lebanon against the evil dictator in Syria.

The symbolism of us passing this resolution today, and the more than the symbolism of passing the Iran Freedom and Support Act, is an important sign in a time now with these kinds of comments that Iran has popped its head up again—its rather unattractive head—in the area of influencing policy in the Middle East. We tried in this resolution to match the language of the Iranian bill I have introduced with the language, as I said, with this resolution, but unfortunately, we were not able to clear that language. I want to read the changes we had to make in the resolved section of the resolution that were struck as unacceptable for us to be able to pass it by unanimous consent. The portions we had to drop were two resolved sections. The three things that are in the final version that passed say:

> *Resolved*, That the Senate
>
> (1) condemns the recent statement by President Ahmadinejad that denied the occurrence of the Holocaust and supported moving the State of Israel to Europe;
>
> (2) demands an official apology for these damaging, anti-Semitic statements that ignore history, human suffering, and the loss of life during the Holocaust;
>
> (6) reaffirms the need for Iran to
>
> (A) end its support for international terrorism;
>
> (B) join other Middle Eastern countries in seeking a successful outcome of the Middle East peace process.

What was struck were two sentences:

> The Senate supports efforts by the people of Iran to exercise self-determination over the form of government of their country.

That was not acceptable to some here in the Senate. And second is:

> The Senate supports a national referendum in Iran, with oversight by international observers and monitors, to certify the integrity and fairness of the referendum.

So we could not adopt tonight in the Senate the Senate saying to the people of Iran that we support efforts of self-determination and a national referendum that was free and fair. That is, in my mind, a rather unfortunate occurrence. But I found, from my perspective, that it was so important to condemn these actions that we agreed to strike those two sentences from the resolved clauses. I don't necessarily understand why anyone would oppose either of those sentences, those resolved clauses. They state that we are for freedom and democracy for all people, including the people of Iran. Maybe it is because we are pursuing that and it becomes such an issue of partisan controversy in the country of Iraq—or saying we support that same thing in Iran would somehow taint their criticism of the current mission in Iraq. I don't know. I am still groping for answers as to why those two clauses were not acceptable.

What was not acceptable were the comments and the actions of developing nuclear weapons by the terrorist regime in Iran.

I appreciate my colleagues for agreeing to pass this resolution. I thank all of the cosponsors. There were some 20 cosponsors of this resolution. The first Democrat was Senator MIKULSKI. I also thank my colleague in the chair for his patience and allowing me the opportunity to speak here tonight. He is also a cosponsor of the resolution. No one is a stronger advocate for peace and the mission we are trying to accomplish in the Middle East, and as well for the protection of the state of Israel, than the occupant of the chair. It is a pleasure to have the Senator from Minnesota in the chair while I am delivering these remarks. The Senator from Minnesota is truly one of the great leaders on the Foreign Relations Committee in this regard. I commend him for his efforts. I know he will be working with me on the Iran bill, on which he is a cosponsor, in trying to send a statement from the Senate that Iran is a threat—a real threat—and we need to do something other than simply stand back and jawbone international organizations—feckless international organizations— in some respects, as the Senator from Minnesota knows, corrupt international organizations—to do something that they have shown no desire, willingness, or ability to accomplish, and that is to spread democracy, to lift people out of bondage into freedom.

We in the United States have to begin to take steps. The steps we are talking about in this resolution and the bill we hope to pass next year are not military steps. That is the last resort. But we need to start acting. Sitting silently by, doing nothing as a crazy man as president of a country, potentially developing nuclear weapons in the most sensitive area of the world is not acceptable for the Senate and is not acceptable for this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

USA PATRIOT ACT

Mr. REID. Mr. President, this morning the Senate voted to continue debating on the conference report on the PATRIOT Act. Clearly, Senators believe we can do better in protecting the privacy of innocent Americans while we fight terrorism. No one seriously believes that the expiring provisions of the PATRIOT Act should be allowed to lapse while this debate continues.

I am disappointed that our distinguished majority leader objected twice to a unanimous consent to extend the expiring provisions of the act for 3 months. I cannot believe that my distinguished friend, the majority leader, wants these authorities to expire. I do not believe the President of the United States would be willing to let these provisions expire when we all agree they are important tools for our Nation's law enforcement authorities. It would be irresponsible and a dereliction of duty for the administration to allow these provisions to expire. By refusing to reauthorize these parts of the PATRIOT Act, the President and the Republican leadership are playing politics with the American people's safety.

We have bipartisan support for reauthorizing the PATRIOT Act. That was proven in a unanimous vote in the Senate. We want a 3-month extension of the PATRIOT Act in its current form so that we can pass a better bill than the one that came before the Senate today in the form of a conference report, a better bill that will have the confidence of the American people. The American people are afraid. They are afraid of Big Brother. We, this great country, should not become Big Brother. We need more checks in this law to protect the privacy of ordinary American citizens who have nothing to do with terrorism. I support giving the Government the tools it needs to fight terrorism. I voted for the first PATRIOT Act, but we need more oversight and checks to protect against Government overreaching and abuse of these tools.

We have had these years to find out how the first PATRIOT Act worked. We know there were problems with the first PATRIOT Act. We need to correct these problems. Just as Senator MCCAIN persuaded the President, we needed to check potential excesses in interrogation tactics. We also need to ensure that we have put in place checks on the Government's power to trample on the privacy of innocent Americans.

I would hope people would understand that legislation is the art of compromise and that the Republican leadership in the Senate, in the House, and the White House should move to work on a compromise, accept our 3-month suggestion, giving Senators LEAHY and SPECTER, the leaders of our Judiciary Committee, time to work out the differences.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. President, I wish to quickly comment on another matter of vital importance to the country. It appears that the majority is strongly considering whether to hold our troops hostage at a time of war in order to sneak in a last minute special interest rider that cannot be passed within the Senate's rules. Senate Democrats support the Defense appropriations conference report, but it would be an egregious abuse of power on behalf of the oil and gas industry to allow the thing we call ANWR to violate the Senate rules and attach a special interest provision in this legislation. Because Republicans cannot get the support for this provision in the House, the Senate would be asked to violate our rules so that the majority can reward its friends in the oil and gas industry.

We had procedures in the Senate where we lost on ANWR. It was placed in a bill called reconciliation. The House stripped it out. We did not. Let us play by the rules.

I do not support ANWR. It is the most important issue in America to the environmental community. There is no issue more important than ANWR. It is a sign of what this country is all about environmentally. If the majority proceeds along this course and is permitted to abuse its power and run roughshod over the Senate rules, there will be no prohibition against exceeding the scope of conference on any conference report. To further show the cynicism of people who are pushing this, they are telling people: Do not worry about it, we will violate the rules today, change precedent, and we will change them right back tomorrow.

This is an abuse of power. It would have far-reaching consequences for this body. It would be a huge mistake for the Senate and the American people. We can do better than that. Let us have a fair fight where we have winners and losers. That is the way ANWR was done. I was disappointed when that was lost, but it was lost fairly and squarely. Do not violate the rules. That is what I tell my friends on the other side.

We realize that with the 45 votes we have, we cannot do it on our own. We need help from people of good will on the other side of the aisle. There are people who believe as fervently in this environmental standard as I do, and I would call upon them to vote their conscience, to do what is right for this body and do what is right for this country. This is a procedural vote that makes the Senate different from any legislative body in the history of the world. The Senate is the greatest deliberative body in the history of the world. Do not be playing fast and loose with the rules that govern this Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PATRIOT ACT

Mr. DURBIN. Mr. President, we have been informed that President Bush's radio address tomorrow will be about the PATRIOT Act. It is not a surprise. This is an important issue. It is one we should discuss and should discuss as a nation.

We passed the PATRIOT Act because of our concern about the threat of terrorism. It is an act with over 100 different provisions in it. It was passed with only one dissenting vote in the Senate. It included sunset provisions on some controversial parts of it, so that 4 years after we passed it we could take another look to make sure that, in fact, we had done the right thing, we were not overstepping. We want to give our Government enough power to protect us, but we certainly don't want to surrender our basic rights and liberties if it is not needed.

So we had the reauthorization of the PATRIOT Act up before us and debated it in the Senate Judiciary Committee on which I serve. We reached a bipartisan consensus for reauthorizing that act, a unanimous vote at the Senate Judiciary Committee. I have never seen it on an issue of this magnitude, but it happened. I believe it was an indication that there is a reasonable way to craft the PATRIOT Act so that, in fact, it serves our needs of national security but does not go too far. That bill then passed the Senate on a voice vote. There was no controversy, no debate, because we had struck a legitimate bipartisan compromise.

Then the bill went to conference, and in conference other forces were at work. As a result of their work, the bill was changed. It was changed in significant ways, ways which I believe went too far, too far in giving the Government authority and power over our personal lives and privacy that is unnecessary. I believe that any person suspected of criminal or terrorist activity, any activity that is considered to be part of a terrorist network, should be treated in the harshest and most serious way. I want to keep America safe. I want my family, my children, everyone's family, to be safe. But I want to make certain that when we draw up this PATRIOT Act, we do not go too far.

As a result of the conference committee, a bipartisan group of Senators, Republicans and Democrats, came together in opposition to this conference report—a bipartisan group of Senators. Today, this morning, we had a vote on the Senate floor. This vote was what we call cloture, whether we will close debate, and as a result of the vote the matter is still open, still unresolved.

It is important to know one thing before the President's address. I hope the President will honestly tell the American people tomorrow what happened today in the Senate.

Early this morning, Senator FRIST, who is on the floor at this moment, the Republican majority leader, met with Senator HARRY REID, the Democratic leader, to discuss this important topic. At the time, Senator REID told him that we believed we were not going to close down debate on the PATRIOT Act and asked if there was a way that we could reach an agreement on a bipartisan basis to extend the bill, extend the PATRIOT Act for at least 3 months.

We were unable to reach an agreement at that meeting.

Then on the floor Senator HARRY REID of Nevada, on behalf of the Democrats, offered before the vote to the Republican side of the aisle to extend the PATRIOT Act as it is presently written for 3 months so that there would not be any possible gap in coverage for the security of America. There was an objection from the Republican side.

After the cloture vote on the PATRIOT Act—in fact, cloture was not invoked—another motion was made, this time by Senator PATRICK LEAHY of Vermont. Senator LEAHY asked for a 3-month extension of the PATRIOT Act so we could work out the differences.

Not once, not twice, but three separate times today on the Democratic side of the aisle we have reached out to the Republican side of the aisle and said let us try to resolve our differences in a bipartisan way, let us try to make sure that we extend the PATRIOT Act so there is no question about the security of America.

Tomorrow the President will address this issue. I hope in the course of addressing it the President acknowledges the obvious. We have tried our very best on a bipartisan basis to extend the PATRIOT Act, once informally and twice on the floor of the Senate today, and all three times it has been rejected.

We will continue to make that offer on the Democratic side. We want to work this out. We want a good PATRIOT Act that protects America and protects our freedoms. We believe we can be safe in America and we can be free.

I think a bipartisan vote today is a message to the White House and to the House conferees that the Senate bill that was passed, a carefully crafted bill, is a bill that should get us into the reauthorization of the PATRIOT Act.

We stand ready to work with our Republican colleagues on a bipartisan basis to make sure we have a good, strong PATRIOT Act reauthorized and protecting America, and take out those objectionable provisions which go too far in invading the personal rights of and privacy of innocent American citizens.

I hope that particular scenario I described, which is on the official record today, is part of the President's message tomorrow.

I yield the floor.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mrs. HUTCHISON. Mr. President, the conference report on the authorization of the National Aeronautics and Space Administration is in its final stages of being approved. There are some things that are still to be worked out, but I am proud to have been the subcommittee chairman of the NASA Science Subcommittee that produced—along with the House, of course, and the full Commerce Committee—what I think is an excellent authorization of our National Aeronautics and Space Administration.

I worked with my colleague, Senator NELSON of Florida, to produce a bill that does envision the flight to space, the flight to the moon again, and then to Mars. It is the vision laid out by President Bush in January of 2004. It is incumbent on Congress to lead the National Aeronautics and Space Administration and also to support it fully so that we will continue the vision that John F. Kennedy had when he said: We will put a man on the moon. Now we can take it the next step and put a man on Mars, a woman on Mars.

It is important that we understand that this is important not only because it is a huge feat and victory for the world that we can do this but also because we get so much basic science from making this commitment. It improves our quality of life right here on Earth.

This conference committee report does authorize funding for NASA at $17.9 billion in 2007 and $18.7 billion for

2008. That gets us on track to fund the shuttles that will continue to build out the space station and also to begin immediate work on the crew return vehicle that will be the next generation of vehicle going into space after the space station has been completed.

It is a congressional responsibility to set the parameters for what we do with NASA, and we are taking that responsibility seriously. We believe that we should finish the space station, finish the international commitment that we have made to our partners and allies who have put millions of dollars in the space station, and so that we can continue the basic science research necessary, not only for us to learn how we can live and work in space for those people who will be going to the moon again and then later to Mars but also for the basic geological findings we know we can find if we explore the Moon and hopefully Mars. And something that was said at one of our Commerce Committee hearings by Dr. Sam Ting of MIT, there is very important physics research that using the cosmic rays to determine how we might have alternative forms of energy is a very important purpose for the space station to be completed.

This report also designates the U.S. portion of the space station as a national laboratory so that we can bring other funds besides NASA funds, besides Government funds into the space station, and that will help make sure we are able to do the most possible research and make the best use of the space station. It demonstrates that Congress puts a great value on the research that can be done aboard the space station and also a great value on keeping our word to our international partners.

America must lead in the space exploration and science area, but we must do it in collaboration with other countries. I don't think we should just consider ourselves competitors with other countries. If we are going to be the leader, we should lead. We should go forward. We should break the barriers. And we should share with others what we have learned for the good of mankind. That is exactly what this bill envisions.

It also supports aeronautical research. This has been a fundamental part of NASA activities since its inception. It will allow us to continue the great work that has been done in the past. It will assure that we take the next step toward the crew return vehicle that will replace the shuttle at the earliest possible time. We will accelerate that process.

I am very proud of this conference report. The House and Senate worked together very well. It was a bipartisan effort and a bicameral effort. We are going to see a new impetus for NASA with the support of Congress and the President. That is exactly what this country should be doing at this time.

I yield the floor.

HONORING OUR ARMED FORCES

STAFF SERGEANT DAN CUKA

Mr. JOHNSON. Mr. President, I am saddened to report the passing of SSG Dan Cuka of Yankton, SD. Staff Sergeant Cuka, a member of the South Dakota National Guard, was killed on December 4, 2005, while serving in Operation Iraqi Freedom.

Staff Sergeant Cuka was assigned to Yankton's Charlie Battery, 1st Battallion, 147th Field Artillery Unit. Charlie Battery was mobilized in July 2005 and deployed to the Middle East in October 2005. Staff Sergeant Cuka died when multiple improvised explosive devices detonated near his military vehicle in Baghdad, Iraq.

Dan is survived by his wife of 5 years, Melissa, and their children, Abby and Alex. Melissa remembers him as, "living each day of his life the way he chose based on devotion to his family and his passion for the military. We all believe Dan died doing what he strongly believed in." He was regarded as taking his military duty very seriously, and his leadership in his battalion reflected that. Dan was a devoted father who would do anything for his kids according to Melissa, "It wasn't just as a provider. He would get on the floor and play with them. He would take them places and have a good time with them."

The lives of countless people were enormously enhanced by Dan's good will and service. Although he did not live to see his dreams realized, he continues to inspire all those who knew him. Our Nation and South Dakota are far better places because of his life, and the best way to honor his life is to emulate his commitment to our country.

Mr. President, I express my sympathies to the family and friends of Staff Sergeant Cuka. I know he will always be missed, but his service to our Nation will never be forgotten.

STAFF SERGEANT FIRST CLASS SCHILD

Mr. President, I am saddened to report the passing of SFC Richard Schild of Tabor, SD. He was killed on December 4, 2005, while serving in Operation Iraqi Freedom.

Sergeant First Class Schild was assigned to Yankton's Charlie Battery, 1st Battalion, 147th Field Artillery Unit. Charlie Battery was mobilized in July 2005 and deployed to the Middle East in October 2005. Sergeant First Class Schild died when multiple improvised explosive devices detonated near his military vehicle in Baghdad, Iraq.

Richard is survived by his wife of 14 years, Kayleen, and their children, Keely and Koby. His brother, SSG Brooks Schild, described him by saying, "Rich would always put others ahead of himself, even when he was in a dangerous situation." According to his brother, Richard had earned the respect and admiration of his fellow soldiers, not merely because of his rank, but because of who he was as a person. He served with great distinction and received numerous accolades for his service.

Richard lived life to the fullest and was committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. All Americans owe Richard, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a tremendous debt of gratitude for their service.

Mr. President, I express my sympathies to the family and friends of SFC Richard Schild. I believe the best way to honor him is to emulate his commitment to our country. I know he will always be missed, but his service to our Nation will never be forgotten.

AVIATION WARFARE SYSTEMS OPERATOR TWO JOHN N. KAYE, III

Mr. GRASSLEY. Mr. President, I rise today for the purpose of honoring a fallen American. I learned this week that AW2 John N. Kaye III, from Traer, IA, died while in service to his country during counter narcotics operations off the coast of Colombia. I would like to take this opportunity to salute his patriotism and his sacrifice.

We can often tell a lot about the character of an individual by how they help the people around them. Petty Officer Kaye was a man who would willingly extend a helping hand to those around him and this week even extended his mission to help out a fellow sailor. Just before leaving the Navy, though, he extended his stay aboard the USS *DeWert* for one final mission so that another sailor could be with his family to mourn the loss of a brother. Sadly, Petty Officer Kaye gave his life in service to his country on Tuesday off the coast of Colombia.

John Kaye was looking forward the completion of his tour of duty in the Navy so that he could return to Iowa to be near family and friends and attend college. He was from a large family in central Iowa and attended North Tama High School where he played football. In his free time, he loved to hunt and fish or just spend time with his friends in the Traer area. In the Navy, he was one of the youngest people to ever graduate from the Search and Rescue Program where he received training as a rescue swimmer.

The primary mission for members of our military is to protect American citizens from outside threats. For John Kaye, the threat was drugs being grown and processed in South America, and he was actively involved in our effort to reduce the flow of illegal drugs into the United States. The Navy is an important partner in our efforts to track down and apprehend drug traffickers in the Pacific Ocean and the Caribbean

Sea, and John Kaye deserves the highest gratitude of this body and the entire Nation. His sacrifice reminds us that freedom is so precious because of its incredibly high cost. This is an example of the patriotic contribution made by thousands of American service members and their families. The love of country and dedication to service shared by so many of its citizens is the great strength of our Nation, and we can all be very proud of patriots like John Kaye.

Mrs. BOXER. Mr. President, today I rise to pay tribute to 31 young Americans who have been killed in Iraq since November 10. This brings to 508 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 24 percent of all U.S. deaths in Iraq.

LCpl Jeremy P. Tamburello, 19, died November 8 from wounds sustained from an improvised explosive device while conducting combat operations west of Rutbah. He was assigned to the 1st Light Armor Reconnaissance Battalion, 1st Marine Division, Camp Pendleton, CA.

LCpl David A. Mendez Ruiz, 20 died November 12 from an improvised explosive device while conducting combat operations against enemy forces in Al Amiriyah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Scott A. Zubowski, 20, died November 12 from an improvised explosive device while conducting combat operations against enemy forces in Al Amiriyah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Cpl John M. Longoria, 21, died November 14 of wounds sustained from small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in New Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, California. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

MAJ Ramon J. Mendoza, Jr., 37, died November 14 from an improvised explosive device while conducting combat operations against enemy forces during Operation Steel Curtain in New Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Christopher M. McCrackin, 20, died November 14 from an improvised explosive device while conducting combat operations against enemy forces during Operation Steel Curtain in New Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Matthew J. Holley, 21, died November 15 of injuries sustained when an improvised explosive device detonated near his HMMWV during combat operations in Taji. He was assigned to the 1st Battalion, 320th Field Artillery Regiment, 101st Airborne Division, Fort Campbell, Kentucky. He was from San Diego, CA.

2nd LT Donald R. McGlothlin, 26, died November 16 from small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Roger W. Deeds, 24, died November 16 as a result of enemy small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl John A. Lucente, 19, died November 16 from wounds sustained from an enemy hand grenade while conducting combat operations during Operation Steel Curtain in Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division. He was from Grass Valley, CA.

Cpl Jeffry A. Rogers, 21, died November 16 as a result of enemy small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraq Freedom, his unit was attached to 2nd Marine Division.

Cpl Joshua J. Ware, 20, died November 16 as a result of enemy small arms fire while conducting combat operations against enemy forces during Operation Steel Curtain in Ubaydi. He was assigned to Battalion Landing Team 2nd Battalion, 1st Marine Regiment, 13th Marine Expeditionary Unit, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to 2nd Marine Division.

Sgt Jeremy E. Murray, 27, died November 16 from an improvised explosive device while conducting combat operations against enemy forces in the vicinity of Hadithah. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Vernon R. Widner, 34, died November 17 in Tikrit of injuries sustained the same day in Bayji when his HMMWV was involved in a vehicle accident during convoy operations. He was assigned to the 3rd Special Troops Battalion, 3rd Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Redlands, CA.

LCpl Miguel Terrazas, 20, died November 19 from an improvised explosive device while conducting combat operations against enemy forces in the vicinity of Hadithah. He was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

SPC Michael J. Idanan, 21, died November 19 in Bayji when an improvised explosive device detonated near his HMMWV during combat operations. He was assigned to the 1st Squadron, 33rd Cavalry, 3rd Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He was from Chula Vista, CA.

SPC Javier A. Villanueva, 25, died November 24 in Al Asad of injuries sustained on November 23 in Hit when an improvised explosive device detonated near his dismounted patrol during combat operations. He was assigned to the Army's 2nd Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA.

MSgt Brett E. Angus, 40, died November 26 from an improvised explosive device while conducting combat operations against enemy forces in the vicinity of Camp Taqaddum. He was assigned to Marine Wing Support Squadron-372, Marine Wing Support Group-37, 3rd Marine Aircraft Wing, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Aircraft Wing.

SSgt William D. Richardson, 30, died November 30 of wounds sustained from a non-hostile vehicle accident near Al Taqaddum. He was assigned to Marine Wing Support Squadron-372, Marine Wing Support Group-37, 3rd Marine Aircraft Wing, Camp Pendleton, CA. During Operation Iraqi Freedom, his unit was attached to 2nd Marine Aircraft Wing.

SSgt. Daniel J. Clay, 27, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl John M. Holmason, 20, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl David A. Huhn, 24, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Adam W. Kaiser, 19, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Robert A. Martinez, 20, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Cpl Anthony T. McElveen, 20, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Scott T. Modeen, 24, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

LCpl Andrew G. Patten, 19, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Sgt Andy A. Stevens, 29, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom his unit was attached to the 2nd Marine Division.

LCpl Craig N. Watson, 21, died December 1 when an improvised explosive device detonated at a patrol base outside Fallujah. He was assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Cpl Joseph P. Bier, 22, died December 7 from an improvised explosive device while conducting combat operations against enemy forces in Ar Ramadi. He was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. During Operation Iraqi Freedom, his unit was attached to the 2nd Marine Division.

Sgt Adrian N. Orosco, 26, died December 9 in Baghdad when a vehicle-borne improvised explosive device detonated near his dismounted position during combat operations. He was assigned to the 1st Squadron, 11th Armored Cavalry Regiment, Fort Irwin, CA. He was from Corcoran, CA.

Mr. President, 508 soldiers who were either from California or based in California have been killed while serving our country in Iraq. I pray for these young Americans and their families.

I would also like to pay tribute to the one soldier from California who has died while serving our country in Operation Enduring Freedom since November 10.

SPC Matthew P. Steyart, 21, died November 22 in Shah Wali Kot, Afghanistan when an improvised explosive device detonated near his HMMWV during patrol operations. He was assigned to the 1st Battalion, 508th Infantry Regiment, Vicenza, Italy. He was from Mount Shasta, CA.

Mr. President, 35 soldiers who were either from California or based in California have been killed while serving our country in Operation Enduring Freedom. I pray for these Americans and their families.

VIOLENCE AND REPRESSION IN ETHIOPIA

Mr. LEAHY. Mr. President, on May 15, 2005, Ethiopia held the first open, multiparty, democratic elections in its 3,000-year history. It was an important milestone that gave the people of that country a sense of national pride and hope. Unfortunately, the elation that was so evident on election day was short lived. International observers cited serious vote counting irregularities and flaws in the electoral process.

Nearly 25 million Ethiopians—90 percent of eligible voters—went to the polls, and early counts indicated strong support for the opposition. As it became clear that the ruling party was in danger of losing its grip on power, the Government stopped the vote counting in a blatant move to manipulate the results. Accusations of vote rigging forced the National Electoral Board of Ethiopia, NEBE, to delay the release of the official results.

The controversy led to protests in Addis Ababa, the Oromiya regions, and other provinces. On June 8, in response to protesters challenging the provisional results of the elections, Ethiopian security forces are accused of shooting at least 40 protestors, killing 26, temporarily detaining over 500 student protestors and arresting at least 50 people. Ethiopia's main opposition political party, the Coalition for Unity and Democracy Party, CUDP, refused to take its seats in Parliament in protest of the election results. Just recently, 50 members of the CUDP took their seats in Parliament, but there is some concern that they were pressured into doing so.

Last month, the situation in Ethiopia took a further turn for the worse. On November 1, following street demonstrations that erupted into 4 days of violence when police started shooting, at least 46 protesters were killed in Addis Ababa and other towns, and some 4,000 were arrested. There have been numerous reports of widespread arbitrary detention, beatings, torture, disappearances, and the use of excessive force by police and soldiers against anyone suspected of supporting the CUDP detainees.

The detainees include distinguished Ethiopian patriots such as Hailu Shawel, president of the CUDP; Professor Mesfin Woldemariam, former chair of the Ethiopian Human Rights Council; Dr. Yacob Hailemariam, a former U.N. Special Envoy and former prosecutor at the International Criminal Tribunal for Rwanda; Ms. Birtukan Mideksa, CUDP vice president and a former judge; and Dr. Berhanu Negga, the recently elected mayor of Addis Ababa and university professor of economics.

Today, the entire senior leadership of the CUDP is reportedly in jail and has been held incommunicado in harsh conditions, without access to their families or legal representatives. Amnesty International considers these individuals to be prisoners of conscience who have neither used nor advocated violence. The government of Prime Minister Meles Zenawi is seeking to charge them with treason, a capital offense, for the "crime" of urging their supporters to engage in peaceful protest on their behalf. CUDP leaders are scheduled to appear in court today, presumably to be officially charged with treason.

Journalists and members of the media have also been jailed. According to the Committee to Protect Journalists, Ethiopian authorities have prevented most private newspapers from publishing, arrested or harassed local journalists and their family members, and threatened to charge journalists with treason. Thirteen journalists have been detained since last month's antigovernment protests, including two more who were just arrested this week.

It is particularly disturbing, when one considers these events, that since

1991, the government of Prime Minister Meles has received billions of dollars in foreign aid, including to strengthen democratic institutions and the rule of law in his country. Recently, the European Union suspended its aid to Prime Minister Meles' government and is seeking ways to channel it to the Ethiopian people through private voluntary organizations.

Last month, thousands of Ethiopians and their supporters in this country came to Washington to protest the violence and repression by the Meles government and to urge the Bush administration to help establish real democracy and the rule of law in Ethiopia. Ethiopia has been an ally of the United States in combating international terrorism, yet it is using similar tactics against its own people.

Over the past several years, Ethiopia has made progress in both political reform and economic development. But that progress has been overshadowed by the tragic events of the past 6 months. The Government's heavy-handed tactics to steal the election and persecute those who sought to play by the rules of democracy, should be universally condemned.

The Bush administration should make clear to Prime Minister Meles that if his government does not abide by the basic principles of democracy, due process and respect for human rights, including an end to the use of random searches, beatings, mass arrests and lethal force against peaceful protesters, and if political detainees are not released, that we will join with the European Union and suspend our aid to his government, including our support for financing from the World Bank and the African Development Bank other than for basic human needs. There should be severe consequences for such a flagrant subversion of the will of the Ethiopian people.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 30, 1999, a 23-year-old disabled man was lured into an apartment in Keansburg, NJ. He was than subjected to three hours of torture at the hands of nine men and women. According to police, the abusers knew the man from their neighborhood, and ridiculed him constantly because of his disability.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CAREGIVERS

Mr. OBAMA. Mr. President, across the country there are more than 6 million children living in households headed by a grandparent or other relative. Regardless of the reason children enter relative—care the death of a parent, neglect, abuse, military deployment, or poverty—it is never, ever the fault of the child. I commend grandparents and other relatives who step forward to care for these children, keeping the children out of foster care while providing safe, stable homes, often at great personal sacrifice.

In my state of Illinois, 9 percent of the children live with nonparent relatives. Grandparents and other relative caregivers often provide the best chance for a loving and stable childhood for the children in their care, but their hard work and dedication often goes unnoticed. Today I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and our Nation's most valuable asset—our children.

There are still far too many barriers preventing grandparent- and other relative-caregivers from accessing the services they need. For example, even though grandparent-caregivers are eligible for many housing programs through the Department of Housing and Urban Development, HUD officials on the ground often unwittingly exclude grandparents from accessing housing because of confusion over the relevant laws. For this reason, I recently worked with my colleague Senator STABENOW to obtain $4 million in new funding for grandparent-caregiver housing demonstration projects.

I look forward to working with my colleagues on both sides of the aisle to improve access to services for grandparent- and other relative-headed households. My grandparents played a central role in my upbringing, and without them I would not be standing before you today. I am certain that the same can be said of thousands of children and adults in Illinois and across the country. It is time that we recognize the contributions of these worthy relative-caregivers, and grant them the access to Federal services that they deserve.

CONFIRMATION OF SUSAN BODINE

Mrs. BOXER. Mr. President, today, I am releasing the hold I placed on the nomination of Susan Bodine for Assistant Administrator, Office of Solid Waste and Emergency Response based on the written commitment I have received from EPA to provide information and documents I have requested in connection with oversight of the Superfund program. I originally requested information on the Superfund program immediately after the Ms. Bodine's confirmation hearing in July.

To date, Ms. Bodine and EPA have provided only a partial response to my request. I want to be clear that every question I posed to Ms. Bodine and all the information I requested from EPA on this important public health program should have been provided to me without restriction as part of the Congressional oversight process. I ask unanimous consent that the original questions posed to Ms. Bodine be printed in the RECORD. EPA has now committed to provide additional information by January 31, 2006. And I ask that EPA's letter in this regard be printed in the RECORD.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FROM SENATORS BARBARA BOXER, LAUTENBERG AND OBAMA FOR THE EPA NOMINATION HEARING

Questions directed to Susan Bodine who is nominated to be the Assistant Administrator of the Office of Solid Waste and Emergency Response, July 15, 2005.

(1) Please work with EPA to provide us with a complete list of Superfund sites in order of current health hazards.

(2) Please indicate how many children live near these sites and how they may be at risk. Please also indicate any daycares, schools, playgrounds or other similar places that are near these sites.

(3) Please indicate what emergency or other short-term steps EPA may conduct at each site to address the risks at that site, and the cost to take those actions.

(4) Please provide the cost to cleanup all 103 sites where EPA has determined "human exposure is not under control."

(5) Please work with EPA to ensure that EPA experts, including regional staff, are available and authorized to answer any of our questions relating to Superfund, including human health risks, cleanup costs and funding shortfalls.

(6) Please ensure that the information provided includes priority list of sites, like that provided to Senator Boxer while chair of the Superfund Subcommittee.

(7) Please work with EPA to ensure that we receive complete and detailed responses for each question in the Oct. 2004 letter that Senator Jeffords and Senator Boxer sent to then-Administrator Leavitt on Superfund, with updated responses to the present.

(8) Please work EPA to provide us with detailed information to date on clean-up work and activities that will not be performed at sites that could use additional funding to initiate new projects or to expedite work at on-going projects on those sites. Please include all regional requests for funding.

(9) Please work with EPA to provide us with complete information to date on the ongoing remedial projects that could use additional funding and the dollar shortfall for each project. Please provide all regional requests for funding.

(10) Please work with EPA to provide us with complete information to date on the removal projects that could use additional

funding and the dollar shortfall for each project. Please provide all regional requests for funding.

(11) Please work with EPA to provide us with complete information to date on the pipeline projects that could use additional funding and the dollar shortfall for each project. Please provide all regional requests for funding.

(12) Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act required EPA to promulgate regulations—"not later than five years after December 11, 1980", which required "classes of facilities [to] establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances." Please work with EPA to provide me with information that describes all activities that EPA has undertaken to meet this requirement to promulgate these regulations.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, December 16, 2005.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: As a follow up to discussion with your staff, EPA is prepared to provide the following information and documents.

1. An electronic version of the document ("template") provided to the Committee in an enclosure to a letter signed by me on October 31, 2005 (available immediately);

2. An updated version of the list entitled, "Currently Projected Projects Ready for Construction Funding in FY05," previously provided to the Committee in an enclosure to a letter signed by John Reeder on July 19, 2005. The list will include a column displaying "actual" FY 2005 funds provided to each site on the list, and a column that provides a code characterizing the nature of human health or ecological risk at each site (available immediately);

3. In response to the Committee's question on site funding needs, EPA's CERCLIS database provides the most complete existing record. EPA will provide reports from the CERCLIS database (SCAP-4 "snapshot") from late summer of 2004 reflecting each regional office's planning estimates for funding prior to budget discussions with EPA headquarters. To determine the date of the "snapshot" that provides the best information on funding each region will be asked to identify the date that best reflects when the region loaded its assessment of planning data into CERCLIS, prior to changes based on discussions with headquarters. Also, EPA will provide a coversheet that summarizes relevant planning data and FY 2005 obligations, and EPA's operating plan and preliminary allocation memo for FY 2005 (available by January 31, 2006).

4. Additional information from Regional offices on opportunities for accelerated remedial actions at Superfund sites categorized by EPA as "Human Exposure Not Under Control" (available by January 31, 2006).

To collect information under this item, we will ask the regional offices the following: Explain the known opportunities for the use of additional FY 2005 funds to accelerate response actions, including removal actions, remedial actions, and any characterization or testing that could have accelerated remedial action. Include description of costs of these opportunities, if know. If action was not undertaking in FY 2005, explain why not, including funding limitations. Please indicate if the opportunity for accerlated response action still exists, or if conditions at the site present new opportunities for accelerated actions since FY 2005. Include the information in the attached template, and attach copies of supporting documentation.

Please contact me if I can be of further assistance, or your staff may call me on 564-5200.

Sincerely,

STEPHANIE N. DAIGLE,
Associate Administrator.

Mrs. BOXER. Mr. President, while a complete response to my request remains outstanding, I have determined that with the additional commitments I received today, the confirmation of Ms. Bodine can proceed with the expectation and assurance from Ms. Bodine to work closely with me and provide cooperation on the oversight of this program.

In addition, the Chairman of the Senate Environment and Public Works Committee, Senator INHOFE, has agreed that the Superfund program and its critical missions are overdue for a comprehensive oversight hearing and that such a hearing shall be held in the Superfund and Waste Management Subcommittee of which I am ranking member. Senator THUNE, the chairman of the subcommittee, has also agreed to this request.

There have been no comprehensive oversight hearings of this important public health program in over 3 years. Ms. Bodine has agreed to testify at this hearing after her confirmation, and we will have other outside witnesses as well. We have also requested that Administrator Stephen Johnson be available as well. I want to thank my colleague, Senator INHOFE for agreeing to this critical hearing.

Mr. INHOFE. Mr. President, both subcommittee Chairman THUNE and I recognize the importance of oversight of the Superfund program. To that end, and consistent with Senator BOXER's request, Senator THUNE's subcommittee will be holding an oversight hearing of EPA's Superfund program once Susan Bodine, the President's nominee to head EPA's Office of Solid Waste and Emergency Response, is confirmed by the Senate with Ms. Bodine testifying on behalf of EPA. After Ms. Bodine is confirmed, we will begin to work on scheduling this hearing with a targeted time frame of the first quarter of 2006, but no later than the Memorial Day recess. Senator THUNE will work closely with Senator BOXER in scheduling the hearing.

I expect EPA to be forthcoming in this hearing about the program and look forward to Ms. Bodine's confirmation so that she may help ensure that the EPA is responsive to the Senator's requests for information about the management of the program and the impacts on communities throughout the country.

Mr. THUNE. I am in full agreement with the chairman of the Environment & Public Works Committee and I will be working closely with him and subcommittee ranking member BOXER on scheduling this hearing once Ms. Bodine is confirmed. I am committed to having Ms. Bodine, as the EPA witness, appear before the subcommittee before Memorial Day recess, 2006. I look forward to working with Senator BOXER on scheduling a date and filling out the witness list.

SECURITY CONTRACTOR PRACTICES IN IRAQ

Mr. AKAKA. Mr. President, I rise today, to discuss a matter of serious concern. On December 9, The Washington Post reported that the Department of Defense is investigating a video posted on an Aegis-employee affiliated Web site which contains scenes of violence and shooting against Iraqi civilians.

An estimated 25,000 private security contractors are currently working in Iraq, earning anywhere from $550 to $1,500 a day. Many of them are doing their best to help maintain security for the reconstruction of Iraq. However, if the events displayed in the video are accurate, the actions of these few contractors put our troops at tremendous risk. The video depicts the back window of a PSD, personal security detail, vehicle. In the video you can hear a machine gun being fired at cars which are clearly more than 50 meters behind the vehicle. The cars drift off the road after many shots, leaving one to assume the driver has been shot dead. During the entire video, the Elvis Presley song "Mystery Train" plays in the background.

This behavior is offensive. The actions of the individuals in the video put our troops at risk because such incendiary behavior only increases hatred towards Americans. Whether or not we agree with the troops' presence in Iraq, we all agree that the safety of our troops is paramount. Our troops in Iraq who wear uniforms are instant targets for retaliatory violence.

The U.S. service men and women who deploy to Iraq serve because of a sense of selfless service and duty. As members of Congress, it is our duty to conduct oversight into the questionable behavior of the private security contractors. While our troops continue to be deployed to Iraq and the security situation remains fragile at best, it is in our best interest to make sure civilian-contractors do not exacerbate the situation any further.

Therefore, I will be seeking a congressional inquiry into the operations and rules of engagement granted to private security contractors currently operating in Iraq. I will also recommend a review of the contract awarded to Aegis Specialist Risk Management. If these events are happening, we must stop them. We must take action so that our troops and the Iraqi people know that gratuitous violence on the part of the people we deploy or employ will not be tolerated.

INCLUSION OF IDAHO AND MONTANA IN THE RADIATION EXPOSURE COMPENSATION ACT

Mr. CRAIG. Mr. President, I rise in support of this bill to expand the Radiation Exposure Compensation Act, RECA, to include the States of Idaho and Montana. I am an original cosponsor of the legislation being introduced by Senator CRAPO.

The National Academy of Sciences, NAS, recognizes that citizens affected by fallout from atomic bomb testing in Nevada were not only the citizens of that State or Utah, but also citizens to the north, and east, and throughout much of the world. This bill, consistent studies showing that parts of Idaho and Montana were among the most affected, expands RECA geographically to include these two States.

My colleagues and I are in the business of making Idahoans eligible for RECA compensation as expeditiously as possible. Studies that take years will simply not do for citizens who would otherwise be eligible if they lived on the other side of a State line.

The NAS recommended that RECA should be overhauled, and I will make sure this happens. In the meantime, those Idahoans and Montanans who qualify for compensation today should be made eligible immediately.

BURMA

Mr. FEINGOLD. Mr. President, today I will discuss the disturbing situation in Burma.

I have consistently stressed my deep concerns regarding the repressive military junta in Burma that continues to commit severe human rights violations against the Burmese people. Despite consistent calls to halt abuses by the Burmese military such as rape, harsh political repression, torture, extrajudicial executions, forced labor, and human trafficking, the SPDC fails to address these egregious violations and permits violations to continue with impunity.

However, I am encouraged by ASEAN's rejuvenated efforts to hold Burma to long-promised democratic reforms. ASEAN's resolute calls for the release of Aung San Suu Kyi and other members of NLD and more than 1,100 political prisoners, and for real democratic reform, are vital to legitimate progress in Burma and regional stability and values. ASEAN has long pushed for these goals and its recent announcement that it will send an envoy to evaluate Burma's progress in democratic reform is an important step toward accountability.

It is far past time for the international community to begin a dialogue on Burma. I welcome the unanimous decision by the United Nations Security Council to discuss the situation there. The September 2005 report produced by Nobel Prize laureate Desmond Tutu and former Czech President Vaclav Havel provided a solid basis for these discussions. Burma's military junta has long prevented United Nations envoys from visiting, and I look forward to the international community engaging in a serious discussion of the situation there.

Those demanding real reform in Burma must not relent. The SPDC must take immediate steps to release Aung Sang Suu Kyi and other political prisoners and to create a broad-based democratic government that respects human rights and the rule of law.

WORK OUTAGE AT CALLAWAY NUCLEAR PLANT

Mr. TALENT. Mr. President, I rise to honor approximately 3,000 permanent and supplemental workers, who recently set a new world time record while conducting a safe and successful work outage on AmerenUE's Callaway Nuclear Plant. The Callaway Plant is located in my home State of Missouri and provides permanent jobs to more than 1,000 people. Since 1984, Callaway has generated an average of 8.9 billion kilowatthours of electricity per year—equal to the amount used annually by more than 750,000 average households.

The Callaway Plant is owned and operated by AmerenUE, a subsidiary of Ameren Corporation, which provides energy services to about 2.3 million electric customers in Missouri and Illinois. Callaway, along with 102 other nuclear powerplants in the United States, is a critical component of our Nation's energy mix, providing low-cost, reliable, and clean energy from an abundant fuel source.

Approximately every 18 months nuclear plants must be shut down for refueling, during which time the employees perform literally thousands of maintenance activities, modifications, and tests. In Callaway's case, the plant supplies nearly a quarter of Ameren's electricity production, thus it is critical that the work be done in a safe and timely manner so the plant can be brought back online as soon as possible.

The recent Callaway Plant outage was the most complex in its history, as it included not only refueling and the usual maintenance activities, but also replacement of four massive steam generators, which measure 70 feet tall and weigh 400 tons each, as well as main turbine rotors. The Callaway team set a new world record for such outages, accomplishing their work in 63 days and 13 hours, beating the previous record of 64 days and 17 hours. The combination of the new generators and rotors are expected to add about 60 megawatts of additional generating capacity to the plant using the same amount of fuel.

This summer Congress passed an energy bill, which recognizes the tremendous need for increasing our supply of clean energy while reducing our dependence on foreign sources of energy. The high-quality work of the Callaway employees plays a major role in carrying out the objectives of this important legislation. By not only completing the outage in a safe and timely manner, but also increasing its capacity to produce electricity, these workers are doing their part to meet Missouri's—and our Nation's—growing energy needs.

I offer my personal thanks and congratulations for a job well done to all of the dedicated employees and the temporary workers who, as a result of exceptional preparation, teamwork, and execution, successfully completed the most complex outage at Callaway Nuclear Plant.

I congratulate the AmerenUE workers and their partners on their achievement. They have set a new standard of excellence in safety and performance and have helped advance the future of the nuclear power industry as a whole.

MISSILE DEFENSE AGENCY'S RECENT TESTING SUCCESSES

Mr. ALLARD. Mr. President, I rise to comment on an event that may have understandably escaped the attention of my colleagues because our plate is full and the schedule is tight. I want to underscore the importance of what occurred on Tuesday night, December 13, shortly after 10 p.m. Washington time. It signaled a month of great achievement in our Nation's Missile Defense Program.

While many of us were turning on the late news that night, an operationally configured, ground-based interceptor missile, of the kind now emplaced in both Alaska and California, was launched out of its silo in the Marshall Islands and successfully completed all its major test objectives. It demonstrated smooth execution of the launch sequence, separation of the booster-kill vehicle, cryogenic cooling of the sensor, and positioning of the kill vehicle, among many other complex actions. For this test, there was a simulated target using data from previous launches. The interceptor successfully flew through its impact point, and had the target been real, it would have been destroyed.

This test was the latest in an extraordinary month. National attention had been focused on setbacks to our defense against long-range hostile ballistic missiles. However, this has been a month of successes for current and future elements of the Ballistic Missile

Defense System that can provide a defense against both long-range and short-range threats. Perhaps these successes have flown under our radar screens, but now they deserve recognition.

In addition to this most recent test, there are at least three others that occurred in the past month worthy of note.

On November 17, an Aegis Ballistic Missile Defense SM-3 interceptor, launched by an operational crew from the USS *Lake Erie* off the coast of Hawaii, made a direct hit on an inert warhead that separated from a target missile 100 miles in space—a far more challenging scenario than previous tests. This was the sixth successful intercept by a SM-3 in the last seven such tests since testing began in 2002. The successful intercept of a separating warhead advances our defense beyond simpler, unitary, Scud-like missiles.

Just as important was the return to flight of the terminal high altitude area defense, or THAAD, interceptor. After its last two successful flights in 1999, the program and the missile were completely overhauled to make it more reliable and easier to manufacture. On November 22, the revamped missile was launched from the White Sands Missile Range without a flaw. The test validated the interceptor's launch from canister, rocket booster operation, shroud and kill vehicle separation, and control system that guides it to the target for a kill.

And not least, just last week, on December 6, the Airborne Laser Program successfully completed a full duration lase at operational power. This involved linking the energy output of six large laser modules into a single beam, powerful enough to destroy a missile in its boost phase at the distances we need to shoot to kill. Now that the laser has successfully completed ground testing in a surrogate aircraft, it is being disassembled to load it onto its flight test Boeing 747 for further testing. The significance of achieving this milestone cannot be overemphasized—this is a revolutionary weapon with the potential to change fundamentally the ways in which we can protect our Nation, our troops, and our allies and friends from the growing ballistic missile threat.

These are the more visible Elements of the integrated Ballistic Missile Defense System. What ties all these parts together is the Global Command, Control, Battle Management and Communications System, the brain and the nerves. It is less visible than radars and rockets, but our missile defenses couldn't work without it. The integration of far-flung parts, new and upgraded, often made at different times by different contractors, has been a great challenge, but it is one we are steadily and remarkably overcoming.

There have been many naysayers and doubters on missile defense. But I am proud to have supported the Missile Defense Agency over the past year as it has grappled in an intensive effort to track down and eliminate or minimize risks that have contributed to setbacks in the past. There is an emphasis on quality that is paying off, as witnessed by these last four successful tests. We learn from our mistakes, and we now bear the fruit of the combined efforts of a wide range of dedicated military, civilian, and contractor personnel. Testing will continue, we will encounter difficulties, but the program will move forward. We are succeeding in building an integrated and layered Ballistic Missile Defense System, our defenses will continue to improve, and our citizens will be increasingly protected and grateful.

RADIATION EXPOSURE COMPENSATION ACT

Mr. BURNS. Mr. President, on April 28, 2005 of this year, just hours after the National Academy of Science released its report, I stood before this body and declared the importance of amending this law. On May 9, I introduced S. 977 which places Montana on equal ground with others who have suffered from nuclear testing fallout. Again, on May 10, I stood in this Chamber and talked about the importance of this legislation for the good people of Montana. Today, I am happy to be joined in my efforts by the Senator from Idaho, who introduced similar legislation for the people of Idaho. This bill is an important step forward in securing the justice that the people of Montana deserve. This bill combines my efforts with those of Senator CRAPO to extend RECA coverage to both Montana and Idaho in a single, simple bill.

Montana, more than any other State, was affected by the downwind radiation that came from the nuclear testing in Nevada during the 1950s. The statistics are eye-opening. Of the 25 counties in the United States with the highest exposure rates, 15 are in Montana. Meagher County in Montana has a rate of exposure greater than any other county in the United States. Fifty-five out of Montana's 56 counties experienced elevated levels of radiation exposure. And yet, Montana is the only State in the region that receives absolutely no compensation from the Radiation Exposure Compensation Act whatsoever.

The reported rate of thyroid cancer—which is the health affect most associated with the exposure to Iodine-131 from this testing—is 17.5 times the national rate. Between 1989 and 2003, while the national rate of thyroid cancer increased 38 percent, Montanans saw an increase of 127 percent.

When Congress passed RECA in 1990, it was an important step toward setting a grave injustice right. As a cancer survivor myself, I know that no amount of money can heal the wounds suffered by the victims of radiation exposure. Time and time again, I have heard from Montanans who tell me that it is not about the money. The people of Montana aren't coming to their Government with their hands out. They are demanding justice. They are demanding acknowledgement of their suffering. They are demanding that we do the right thing.

When RECA was passed in 1990, my colleagues did their best to do the right thing. For that, they should be commended. For the 9,117 Americans who have received compensation for downwind exposure since RECA became law in 1990, justice has been served. Responsibility has been taken, so that wounds can begin to heal.

And, it wasn't an easy journey. The first hearings for RECA were held way back in 1979, almost 30 years ago. The questions that needed to be asked took time to answer: Was there downwind radiation? Were people exposed to that radiation? Were there health consequences to that exposure? And while the Senate struggled with these questions, Americans that were affected waited. As my colleagues expressed 20 years ago, time is not on our side in this matter, and all too often justice delayed is quite literally justice denied.

When Congress passed RECA in 1990, the extent of the damage done from this radiation was not fully understood. New studies, by the National Cancer Institute and the National Academy of Sciences, decades in the making, have shown that for many Americans, like those in Montana, justice has been denied. They live in the most affected regions of the country, and yet they find the door of justice closed to them by lines on a map. For some of these people, it is too late. The clock is ticking, and many have not survived long enough for their Government to do the right thing.

That is why I stand adamant that the time to act is now. We did the right thing in 1990. It is time to do the right thing today.

LABOR-HHS APPROPRIATIONS

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the fiscal year 2006 Labor, HHS, Education and related agencies conference report.

As my colleagues know, this is the second conference report to come out of the Labor-HHS-Education Subcommittee this year. This bill, which passed the House yesterday by two votes, represents a failure by the leadership of this Congress to adequately fund health, education, and workforce programs.

The first conference report—the one defeated by the House—contained drastic cuts to existing programs like the title VII health professions programs and No Child Left Behind.

So what is different between the bill before us today and the one that failed? Does the second conference report restore the harmful cuts to health and education that were supported by the Republican leadership in the House and Senate? Does the bill contain even one dollar more than the bill that was defeated by the House?

The answer to those questions is no.

The first conference report included $201 million worth of cuts to rural health programs identified by the National Rural Health Association. The bill before us restores a few of these programs but it still retains $137 million, or 68 percent, worth of those cuts.

The bill before us restores a provision costing $90 million that would have prohibited Medicare and Medicaid from covering prescription drugs for erectile dysfunction.

And how does this bill pay for these provisions? It is not with new money but, rather, with $120 million that was designated for the Public Health and Social Services Emergency Fund for pandemic flu preparedness and $60 million that was supposed to go to the Centers for Medicare and Medicaid Services' administrative account for implementation of the new Medicare prescription drug benefit.

At a time when seniors are struggling to understand and sign up for the new Medicare drug benefit, this bill cuts the account needed to run Medicare's 1-800 help line, run its Website Medicare.gov, conduct outreach and provide technical assistance to millions confused seniors.

And at a time when public health experts across the globe are warning countries to act now to prepare for a pandemic influenza, this bill cuts $120 million in pandemic flu preparedness funding.

In total, this bill cuts health funding by $466 million.

That includes a cut of $185 million for the Bureau of Health Professions title VII programs, making it harder to recruit and retain qualified health professionals, and the elimination of nine vital health programs including trauma care, rural emergency medical services, the geriatric education centers, health education training centers, and the health community access program.

In California, the elimination of the geriatric education program will eliminate funding for the Northern California Geriatric Education Center at the University of California San Francisco, the only source of Federal funding for geriatric education from the Bay Area to Oregon.

It provides a less than 1 percent increase in funding the National Institutes of Health, the smallest percentage increase to NIH since 1970. This bill cuts the number of new research grants that NIH can fund by 355, from 9,612 to 9,257.

Last September, 91 of my colleagues joined me in sending a letter to President Bush supporting the administration's goal of eliminating cancer death and suffering by 2015. The wholly inadequate funding for NIH in this bill dims the hope of reaching this 2015 goal.

The conference report harms all working American families.

First, the conference report slashes the Office of Disability Employment Policy to $20 million, close to half of the funding in fiscal year 2005. The disabled community will no longer have the training, employment, and education needed to earn a decent wage. This is a community that already faces a 68 percent unemployment rate.

Second, reducing job training programs, dislocated worker assistance, and employment services by $530 million will make it close to impossible for dislocated workers to re-enter the workforce. This is particularly appalling given the recent bankruptcy and layoff announcements by Delta, Northwest, and General Motors, just to name a few.

Lastly, the reduction in trade adjustment assistance will leave workers to fend for themselves when industries change and jobs shift oversees. This is vital to the Nation's economic stability. The fast-moving pace of innovation requires that we have a flexible workforce provided with the training needed to transition to the next opportunity. Reducing this type of program will leave American workers behind.

The ability to work is the path to financial independence, economic stability, and the key to earning a better life. This conference report shamefully denies that opportunity to dislocated and disabled workers wanting to earn a better life.

And finally, this bill hurts our Nation's schools, educators, and students.

It cuts total Federal education funding by $59 million for the first time in over a decade.

Within education, No Child Left Behind is significantly cut by $779 million or 3 percent that will ultimately result in an estimated $3 million loss for California schools.

Furthermore, this bill shortchanges the authorized funding level for No Child Left Behind programs by $13.1 billion.

This major cut and underfunding is being done when the required math and reading performance levels under the law are increasing for school districts and schools are struggling to find the funds necessary to meet the law's requirements.

This bill also fails to provide any increase to the Pell grant student aid award of $4,050 for the fourth year in a row, even though a $100 increase was promised in the budget resolution.

Federal Pell grants are the cornerstone of our need-based financial aid system ensuring that all students have access to higher education.

Pell grants help over 5.3 million low- and middle-income students attend college, over 500,000 of them in California.

There could not be a worse time for freezing student's financial grant aid as the costs of attending a 4-year public college or private college have dramatically increased both nationwide and in California.

According to the College Board, the average cost nationwide of attending a public university for 1 year has increased 66 percent to $5,132 within the last 10 years, and yet Pell grant aid continues to remain stagnant.

This bill also drastically cuts other important education programs, such as Even Start literacy programs that help disadvantaged children and their parents increase their English skills are cut by 56 percent, from $200 million to $100 million; education technology State grants are cut by 45 percent, from $496 million to $275 million; and State grants for keeping schools safe and drug free are cut by 20 percent, from $437 million to $350 million.

The bill before us shortchanges American families, and I believe America can do better. The cuts in this bill for vital health, education, and workforce programs are a direct result of the agenda of this administration and the leadership in Congress: to pass tax cuts and reconciliation bills that actually worsen the deficit, all the while doing nothing to address the long-term fiscal picture of entitlement spending.

As an appropriator, I recognize that tough decisions have to be made. However, the policy choices of this administration have put Members of this body in the position of having to vote on the elimination of health programs for the poorest and sickest of Americans and for cuts to education programs for low-income students. I reject that choice and believe we must rebalance our priorities.

The choice we should be making today is to improve our healthcare safety net, to fully fund our schools, and to help American workers find the path to financial independence and economic stability.

This conference report fails Americans on all those fronts, and I urge my colleagues to reject it.

● Mrs. BOXER. Mr. President, I strongly oppose the fiscal year 2006 Labor-HHS appropriations conference report because it undermines many of our Nation's highest priorities and jeopardizes our most vulnerable citizens and communities.

We have all heard the dire warnings about the avian flu pandemic. We know that we need to invest adequate resources to develop vaccines, stockpile medicines, and better prepare at the local, State, and Federal levels. That is why the Senate passed Senator HARKIN's amendment. Yet this conference report left out those vital funds and, in doing so, left us far less equipped to deal with a pandemic.

We know we must invest in the critical research that uncovers the secrets behind our greatest killers, saving the health and lives of our citizens. Yet this bill increases funding for the National Institutes of Health, NIH, by less than one percent, the smallest increase since 1970. Make no mistake: this will lead to cuts in the number of new research grants funded by NIH.

We know we have to invest in the education of our children at every level of schooling. We know our school districts, and our children, are being asked to meet tougher standards. Yet this conference report cuts education for the first time in a decade. No Child Left Behind, NCLB, programs have been cut 3 percent, now leaving them $13 billion below the authorized level. Fewer children will be served by afterschool programs, which keep our children safe after school and improve their academic performance. At a time when the costs of college are skyrocketing, this bill once again freezes Pell grants, which help low-income students afford a college education.

Now, this bill doesn't just cut critical funds; it also adds provisions that endanger our neediest citizens. None is more troubling to me than the Weldon amendment. I am extremely disappointed that the conference report rejected the real conscience clause in the Senate bill and instead included the House bill's sweeping and dangerous refusal clause.

Unlike the Senate language authored by Senator SPECTER and Senator HARKIN, the provision in this conference report is not a conscience clause. It never mentions religion or morals. It forces States to choose between losing billions of dollars in funding or enforcing Federal and State laws ensuring reproductive health information and services for women. And it could have devastating consequences, including further endangering women in emergency situations, allowing doctors to be gagged, hurting victims of rape and incest, and seriously undermining state sovereignty.

Mr. President, if we want to really meet the great challenges we face in our country, we must reject this bill. The American people deserve better and we, as Senators, can certainly do better.●

ADDITIONAL STATEMENTS

HONORING CARL W. SMITH

● Mr. ALLEN. Today I would like to honor a great man, Mr. Carl W. Smith, a native of Wise, VA, and a resident of Charlottesville, VA, who, sadly, passed away earlier this week.

Carl Smith was a truly wonderful leader for Virginia, and my wife Susan and I were deeply saddened to learn of the passing of our friend. His lovely wife Hunter and his children Carl, Stuart, and Hunter, will remain in our thoughts and prayers, as will their loved ones during this time of great sorrow.

Throughout his life, Carl was a truly special, invigorating friend and remarkable, insightful leader who was always a lap ahead of everyone else. I will always appreciate his discreet advice, his impressive perspective and his strong support. And I will be forever grateful for his trusted friendship that helped me win elections to become a Delegate and, later, Governor of Virginia.

Like me, Carl attended the University of Virginia, when he played football. After graduating, he served in the U.S. Army and worked as an investment banker. Just last year, Carl retired as head of AMVEST Corporation, a diversified energy and finance corporation based in Charlottesville that he founded in 1961. Throughout his successful career, Carl was the best, most loyal fan of the University of Virginia Cavaliers, and his generosity to his beloved alma mater and all those in his life was boundless. He donated millions of dollars to advance Virginia's academic, athletic and arts programs, and to support the construction and preservation of its facilities. He also served on the Board of Visitors for 8 years. Carl was known for his business savvy but also for his loyalty, his kindness and his sense of humor.

Susan and I grieve with Carl's dear wife Hunter and their family over this heart-aching loss. May God continue to bless Virginia and America with people of Carl W. Smith's unflinching character.●

REMEMBERING CLIFFORD BROWN AND LARUE BROWN WATSON

● Mr. BIDEN. Mr. President, October 30, 2005, marked the 75th birthday of Clifford Benjamin Brown, one of this Nation's great jazz musicians. Born into a large, middle-class, African-American family in Wilmington, DE, Clifford Brown was the youngest of eight children and inherited his love and passion for music from his father, Joe Brown. He began to show interest in the trumpet at a young age, and by the time he turned 12, he was engaged in private lessons. He attended Howard High School in Wilmington, where he was encouraged to play music by ear. He studied math at the University of Delaware and music at Maryland State College.

His career as a jazz trumpeter was monumental. He performed alongside such music legends as Miles Davis and Fats Navarro, while combining his sounds and style with those of Art Farmer, Dizzy Gillespie and Dinah Washington. Clifford played in Chris Powell's Blue Flames Band and the Brown-Roach Quintet. Sadly, Clifford Brown's promising and extraordinary career was tragically cut short when a car accident took his life on June 26, 1956. He was only 25 years old.

But the legacy of Clifford Brown extended far beyond his years through the efforts of his wife LaRue, whom he had married in 1954. LaRue helped to launch the Los Angeles Jazz Heritage Foundation's program which served underprivileged children, and founded the Clifford Brown Jazz Foundation.

LaRue Brown Watson passed away on Sunday, October 2, 2005 at the age of 72. She is survived by her children, Clifford Brown, Jr., Adrienne Traywick and Brian Watson, her son-in-law Clarence Traywick, and many grandchildren, cousins, nieces, nephews and friends.

Today, I stand and lead the Senate in paying tribute to the life of the great Clifford Brown and in lamenting the passing of his widow, LaRue Brown Watson.●

TRIBUTE TO SERGEANT MAJOR FRANK YOAKUM

● Mr. BOND. Mr. President, I rise to honor SGM Frank Yoakum, who serves as the enlisted congressional, liaison for the Chief, National Guard Bureau. Sergeant Major Yoakum is the only enlisted legislative liaison in the Army, facilitating communication flow between the Army National Guard, National Guard Bureau, and elected officials on Capitol Hill, as well as their staffs and professional committee staff. He is on the personal staff of the Chief, National Guard Bureau.

He began his military career by enlisting in the Regular Army in September 1971. He was trained in Infantry, Airborne, and Air Defense Artillery assignments, being released from Active Duty in July 1976. In June 1978, Sergeant Major Yoakum joined the Alaska Army National Guard and served in a military technician status as the administrative assistant to the state maintenance officer, and part-time as a flight operations coordinator with the 1898th Aviation Company, Attack. He moved to southeast Alaska and continued his service as a full-time Scout Battalion Attendant, Administrative Supply Technician, for Company B, 4th Battalion, 297th Infantry. He served in the Alaska Army National Guard until March 1981.

In August 1983, he rejoined the Army National Guard in Phoenix AZ, working as a unit administrator and battalion supply sergeant. In October 1985, he entered Federal Active Guard Reserve status and was assigned to the United States Property and Fiscal Office Guam, where he served as military pay supervisor and logistics NCO. He transferred his membership from the Arizona Army National Guard to the Wyoming Army National Guard in March 1996. Further assignments in Federal AGR status included instructor/writer, operations NCO, force structure NCO, first sergeant, manpower

NCO, training center liaison NCO, G–1 personnel policy sergeant major, and congressional liaison.

Sergeant Major Yoakum holds an associate of arts degree in business administration from the University of Alaska and a bachelor of science degree in business administration from California Pacific University. He is a graduate of every level of NCO education up to and including the Sergeants Major Academy. Yoakum is a life member of the Enlisted Association of the National Guard of the United States and a life member of the Wyoming National Guard Association. He has been inducted into the Honorable Order of Saint Barbara by the Field Artillery Association and the Order of Samuel Sharpe by the Ordnance Corps Association.

As the former congressional liaison for the Chief, National Guard Bureau, my staff and I have found Sergeant Major Yoakum to be an invaluable resource and ally in advancing the interest of the Army National Guard. While his departure will be a major loss to the both NGB and the Federal Government, his new position as legislative director with the Enlisted Association of the National Guard of the U.S. is well deserved. It is with admiration that I honor Sergeant Major Yoakum today and congratulate him on his retirement. I wish him and his family all the best.●

CONGRATULATIONS TO SAINT JOSEPH'S HOSPITAL

● Mr. ISAKSON. Mr. President, I rise to memorialize in the RECORD of the Senate, one of the great institutions in the State of Georgia. This year, Saint Joseph's Hospital celebrates its 125th anniversary of providing the citizens of Atlanta and the Southeast with the highest quality and most compassionate health care services.

Let me speak for a moment on the significance of Saint Joseph's:

In 1880, 125 years ago, shortly after the Civil War, four young determined Sisters of Mercy traveled to Atlanta from Savannah with a meager 50 cents in their collective pockets to start a hospital. Hospitals were not common during this time. The Sisters' idea of creating a hospital that would serve the entire community, and not simply be a place to die, was truly bold and visionary.

With the goal of "extending the mission of healing mercy begun by Christ, showing a just and compassionate regard for all who suffer," Saint Joseph's Infirmary was established as a 10-bed hospital in an old house located on Courtland and Baker Streets in downtown Atlanta.

Saint Joseph's established Georgia's first school of nursing in 1900, an indigent ward to care for the poor and rural population during the depression, diagnostic outpatient clinics, and a $10,000 operating room to begin a legacy of state-of-the-art medical technology.

The hospital became a national leader in treating heart disease, performing the first openheart surgery in the Southeast, the first angioplasty as an alternative to bypass surgery, and operated the first comprehensive cardiac catheterization laboratory. And, Saint Joseph's became one of only six medical centers in the world to perform percutaneous transluminal coronary angioplasty.

In 1978, the hospital moved to north Atlanta in order to continue its growing mission of service and changed the name to Saint Joseph's Hospital. To maintain close ties with those it served downtown, Saint Joseph's Mercy Care Services began. Starting as a simple signup sheet for volunteers to visit women's and homeless shelters, teams used their own vehicles and worked out of tackle boxes filled with medical supplies donated by physician offices. Today, Saint Joseph's Mercy Care Services is truly an integral part of the community. They now provide comprehensive services to the chronically homeless of Atlanta.

In 2003, the hospital formed the Saint Joseph's Research Institute, a comprehensive research center to provide patients access to some of the newest and most innovative therapies available in the world. The Research Institute provides preclinical research and trials and clinical trials in cardiology, pulmonology, radiation, oncology, gastroenterology, orthopaedics and more.

Saint Joseph's is among only 10 nonteaching hospitals in the country to have earned the Distinguished Hospital Award for Clinical Excellence and Patient Safety by HealthGrades, Inc., the Nations' leading provider of health care quality information. It is also among a prestigious group of hospitals on Solucients 100 Top Hospitals for Cardiovascular care—Saint Joseph's has been named a 100 Top Hospital 5 times. J.D. Power and Associates also has recognized Saint Joseph's as a Distinguished Hospital for Service Excellence, providing an outstanding patient experience, for 2 consecutive year, the first hospital in Atlanta to earn the distinction.

But it is the people behind the awards and recognitions that make Saint Joseph's so unique. From the Sisters of Mercy who still are intimately involved with the hospital to the nurses, physicians and medical support staff—the spirit of mercy is alive and vibrant. That spirit transcends the entire organization and is the foundation for the superior medical services and programs, the unique compassionate care, the volunteers who raise money for the homeless and underserved, and the auxiliary who put in tireless hours at the hospital without pay. The spirit of mercy is in all employees who come to work year after year with smiles on their faces and compassion in their hearts.

It gives me great pleasure to recognize on the Senate floor the contributions of Saint Joseph's Hospital to the citizens of Atlanta, GA, and the Southeast.●

HONORING CHARLES R. ADAMS

● Ms. LANDRIEU. Mr. President, I would like to take a moment and honor a man who has greatly served his community and his Nation for more than 38 years.

Charles R. Adams retired from his position of National Employee Development Center Director for the U.S. Department of Agriculture's Natural Resources Conservation Service, NRCS, in Fort Worth, TX, on November 3, 2005.

Charles learned the importance of self-development at an early age while growing up on his family farm in Logansport, LA. His parents, the late Mr. T.C. Adams and Elneva Adams, gave him and his 10 siblings firsthand experience in working the land, and he still carries those experiences with him today.

After leaving Logansport, Charles graduated from Southern University at Baton Rouge with a bachelor of science in agronomy. He received his master's degree in public administration from Harvard University in Cambridge, MA, in 1983 and has Ph.D. studies in urban and public affairs at the University of Texas in Arlington.

His impressive career with USDA spans some 38 years, having held some of the top positions in his Agency, including regional conservationist for the NRCS Southeast Region, based in Atlanta, GA, from 1997 to 2004, director of the National Employee Development Center, based in Fort Worth, TX, from 1993 to 1997, South National Technical Center associate director, also based in Fort Worth, from 1992 to 1993, and water quality coordinator at the center from 1990 to 1992.

Before that Charles served as NRCS's State Conservationist for Arizona, based in Phoenix, from 1988 to 1990, after having been the State Conservationist for Nevada, based in Reno, from 1986 to 1988. He was the Deputy State Conservationist in New Mexico, based in Albuquerque, from 1985 to 1986, after having been the Assistant State Conservationist for Operations at that location from 1984 to 1985.

Charles worked as an area conservationist in Rio Rancho, NM, from 1983 to 1984, after working as an area conservationist in Flagstaff, AZ, from 1981 to 1982. From 1978 to 1981 he served as a district conservationist in Edinburg, TX, following service from 1976 to 1978 as a district conservationist in Eastland, TX. He was a soil conservationist for the agency in Abilene, TX, from 1973 to 1976. He began his full-time career with the agency as a soil scientist in Athens, TX, in 1969.

During his tenure with USDA, Charles founded some of the Agency's most innovative approaches to outreach, including the Student Trainees in Agriculture Related Sciences, STARS, program, an initiative to introduce underserved high school students in the Southeast to agriculture, as well as NRCS's American Indian Program Delivery Initiative, an annual conference linking USDA officials with American Indian leaders to promote tribal participation in USDA programs and services.

While working for NRCS, Charles Adams has received a number of awards and recognitions. Within the last few years alone, he received several USDA Honor Awards, including the Secretary's Award for his leadership of the Southeast Region American Indian Initiative Workgroup and the Sustainable Coffee Production Team, and his work in the Agency's Streamlining and Cost-saving Initiative. He received special recognition through a national volunteer award for his longstanding dedication to the NRCS Earth Team Volunteer Program and was the recipient of the Chief's Workforce Diversity Award which praised his encouragement and promotion of professional development among his employees. In addition, his extensive outreach efforts to minorities and women earned him a nomination for the Agency's highest Civil Rights Award in 2003.

Charles is married to the former Prenella Williamson of Port Gibson, MS. In his spare time, he enjoys raising horses on his ranch in Shreveport, LA, restoring his collection antique cars and fishing with his young grandsons.●

HONORING DR. ISAAC GREGGS

• Ms. LANDRIEU. Mr. President, I would like to take a moment and honor a man who has influenced the lives of so many students for more than 35 years.

A band director since 1969, Dr. Isaac Greggs has taken the half time show for Southern University to a different level, electrifying audiences with the band's energetic and precise performances. However, these performances could not have happened without a lot of hard work. Dr. Greggs' practices are legendary for being gruelling, but they paid off in the end.

In many ways, Dr. Greggs' practices are a metaphor for his life—when one demonstrates discipline and effort, one can succeed anywhere.

This motto certainly proved true for Dr. Greggs' band. Under his direction, the band performed around the world, including for three United States Presidential inaugurations, four Sugar Bowls, and five Super Bowls. The band has also appeared at the Astro Dome, Superdome, Yankee Stadium, and the Oakland Stadium Coliseum. For six weeks, the band played at Radio City Music Hall, and they have also made appearances on television shows such as the Bob Hope Show, Jim Nabors Show, Almost Anything Goes Show, Perry Como Show, Henry, The Fonz, Winkler Show, and the Telly Savalas Show.

In addition to the talent Dr. Greggs has brought as a band leader, he is also an accomplished musician and song writer and is the author of Southern University's fight song and alma mater. He is an honorary member of both Louisiana's House of Representatives and State Senate, and has won several major music festival awards for the marching division. Dr. Greggs has conducted honor bands throughout the country, and on behalf of Southern University he was presented with a special trophy by the National Football League for his band's outstanding performance at a Super Bowl.

Dr. Greggs' leadership is not limited to the sporting field. As president of the Louisiana College Band Directors Association, founder and president of the Lakeside Music Mart and School of Music, and State Chairman of the L.I.A.L.O. Band Festival, Dr. Greggs has proved his leadership skills and shown his commitment to the arts.

Dr. Greggs was presented with the Key of Life Award at the 31st NAACP Image Awards. The Key of Life Award was created in honor of musician Stevie Wonder and is presented to an individual or group who exemplifies Wonder's "inner vision." The award also recognizes extraordinary achievements in the areas of civil rights, human rights, and community. It is clear through all of his career, Dr. Greggs exemplified these attributes.

Dr. Greggs' power to move people through music is an amazing gift. If one is lucky in life, one improves the life of one's own children. However, Dr. Greggs has improved the lives of thousands and has left an indelible mark on African-American students and fans.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF GUIDELINES AND REQUIREMENTS RELATIVE TO IMPLEMENTATION OF THE INFORMATION SHARING ENVIRONMENT CALLED FOR BY SECTION 1016 OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004—PM 34

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Select Committee on Intelligence:

To the Congress of the United States

The robust and effective sharing of terrorism information is vital to protecting Americans and the Homeland from terrorist attacks. To ensure that we succeed in this mission, my Administration is working to implement the Information Sharing Environment (ISE) called for by section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The ISE is intended to enable the Federal Government and our State, local, tribal, and private sector partners to share appropriate information relating to terrorists, their threats, plans, networks, supporters, and capabilities while, at the same time, respecting the information privacy and other legal rights of all Americans.

Today, I issued a set of guidelines and requirements that represent a significant step in the establishment of the ISE. These guidelines and requirements, which are consistent with the provisions of section 1016(d) of IRTPA, are set forth in a memorandum to the heads of executive departments and agencies. The guidelines and requirements also address collateral issues that are essential to any meaningful progress on information sharing. In sum, these guidelines will:

Clarify roles and authorities across executive departments and agencies;

Implement common standards and architectures to further facilitate timely and effective information sharing;

Improve the Federal Government's terrorism information sharing relationships with State, local, and tribal governments, the private sector, and foreign allies;

Revamp antiquated classification and marking systems, as they relate to sensitive but unclassified information;

Ensure that information privacy and other legal rights of Americans are protected in the development and implementation of the ISE; and

Ensure that departments and agencies promote a culture of information sharing by assigning personnel and dedicating resources to terrorism information sharing.

The guidelines build on the strong commitment that my Administration and the Congress have already made to strengthening information sharing, as evidenced by Executive Orders 13311 of July 27, 2003, and 13388 of October 25, 2005, section 892 of the Homeland Security Act of 2002, the USA PATRIOT Act, and sections 1011 and 1016 of the IRTPA. While much work has been done by executive departments and agencies, more is required to fully develop and implement the ISE.

To lead this national effort, I designated the Program Manager (PM) responsible for information sharing across the Federal Government, and directed that the PM and his office be part of the Office of the Director of National Intelligence (DNI), and that the DNI exercise authority, direction, and control over the PM and ensure that the PM carries out his responsibilities under section 1016 of IRTPA. I fully support the efforts of the PM and the Information Sharing Council to transform our current capabilities into the desired ISE, and I have directed all heads of executive departments and agencies to support the PM and the DNI to meet our stated objectives.

Creating the ISE is a difficult and complex task that will require a sustained effort and strong partnership with the Congress. I know that you share my commitment to achieve the goal of providing decision makers and the men and women on the front lines in the War on Terror with the best possible information to protect our Nation. I appreciate your support to date and look forward to working with you in the months ahead on this critical initiative.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 16, 2005.*

MESSAGES FROM THE HOUSE

At 1:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. Loretta SANCHEZ of California, and Mrs. TAUSCHER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. HOEKSTRA, LAHOOD, and Ms. HARMAN.

From the Committee on Education and the Workforce, for consideration of sections 561-563, 571, and 815 of the House bill, and sections 581-584 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, WILSON of South Carolina, and HOLT.

From the Committee on Energy and Commerce, for consideration of sections 314, 601, 1032, and 3201 of the House bill, and sections 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Financial Services, for consideration of sections 676 and 1073 of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, NEY, and FRANK of Massachusetts.

From the Committee on Governmental Reform, for consideration of sections 322, 665, 811, 812, 820A, 822-825, 901, 1101-1106, 1108, title XIV, sections 2832, 2841, and 2852 of the House bill, and sections 652, 679, 801, 802, 809E, 809F, 809G, 809H, 811, 824, 831, 843-845, 857, 922, 1073, 1106, and 1109 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on Homeland Security, for consideration of sections 1032, 1033, and 1035 of the House bill, and section 907 of the Senate amendment, and modifications committed to conference: Messrs. LINDER, DANIEL E. LUNGREN of California, and THOMPSON of Mississippi.

From the Committee on International Relations, for consideration of sections 814, 1021, 1203-1206, and 1301-1305 of the House bill, and sections 803, 1033, 1203, 1205-1207, and 1301-1306 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 551, 673, 1021, 1043, and 1051 of the House bill, and sections 553, 615, 617, 619, 1072, 1075, 1077, and 1092 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, CHABOT, and CONYERS.

From the Committee on Resources, for consideration of sections 341-346, 601, and 2813 of the House bill, and sections 1078, 2884, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, BROWN of South Carolina, and RAHALL.

From the Committee on Science, for consideration of section 223 of the House bill and sections 814 and 3115 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, AKIN, and GORDON.

From the Committee on Small Business, for consideration of section 223 of the House bill, and sections 814, 849-852, 855, and 901 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 314, 508, 601, and 1032-1034 of the House bill, and sections 312, 2890, 2893, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, and SALAZAR.

From the Committee on Veterans Affairs, for consideration of sections 641, 678, 714, and 1085 of the Senate amendment, and modifications committed to conference: Messrs. BUYER, MILLER of Florida, and Ms. BERKLEY.

From the Committee on Ways and Means, for consideration of section 677 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, HERGER, and MCDERMOTT.

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2830. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 294. Concurrent resolution calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government.

H. Con. Res. 312. Concurrent resolution urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions.

H. Con. Res. 315. Concurrent resolution urging the President to issue a proclamation for the observance of an American Jewish History Month.

At 8:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agree to the amendment of the Senate to the bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricane

Rita and Wilma, and for other purposes.

The message also announced that the House insist upon its amendment to the bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), disagreed to by the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

For consideration of the Senate bill, and the House amendment thereto, and modifications committed to conference: Mr. NUSSLE, Mr. RYUN of Kansas, Mr. CRENSHAW, Mr. PUTNAM, Mr. WICKER, Mr. HULSHOF, Mr. RYAN of Wisconsin, Mr. BLUNT, Mr. DELAY, Mr. SPRATT, Mr. MOORE of Kansas, Mr. NEAL of Massachusetts, Ms. DELAURO, Mr. EDWARDS, and Mr. FORD.

From the Committee on Agriculture, for consideration of title I of the Senate bill and title I of the House amendment, and modifications committed to conference: Mr. GOODLATTE, Mr. LUCAS, and Mr. PETERSON of Minnesota.

From the Committee on Education and the Workforce, for consideration of title VII of the Senate bill and title II and subtitle C of title III of the House amendment, and modifications committed to conference: Mr. BOEHNER, Mr. MCKEON, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Mr. UPTON, Mr. DEAL of Georgia, and Mr. DINGELL.

From the Committee on Financial Services, for consideration of title II of the Senate bill and title IV of the House amendment, and modifications committed to conference: Mr. OXLEY, Mr. BACHUS, and Mr. FRANK of Massachusetts:

Provided, that Mr. NEY is appointed in lieu of Mr. BACHUS for consideration of subtitles C and D of title II of the Senate bill and subtitle B of title IV of the House amendment.

From the Committee on the Judiciary, for consideration of title VIII of the Senate bill and title V of the House amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. CONYERS.

From the Committee on Resources, for consideration of title IV of the Senate bill and title VI of the House amendment, and modifications committed to conference: Mr. POMBO, Mr. GIBBONS, and Mr. RAHALL.

From the Committee on Transportation and Infrastructure, for consideration of title V and division A of the Senate bill and title VII of the House amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. LOBIONDO, and Mr. OBERSTAR.

From the Committee on Ways and Means, for consideration of sections 6039, 6071, and subtitle B of title VI of the Senate bill and title VIII of the House amendment, and modifications committed to conference: Mr. THOMAS, Mr. HERGER, and Mr. RANGEL.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2892. An act to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, December 16, 2005, she had presented to the President of the United States the following enrolled bill:

S. 335. An act to reauthorize the Congressional Award Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4925. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations—Sanctions Compliance Certification" (RIN3206-AK71) received on November 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4926. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Change in the Survey Cycle for the Harrison, Mississippi, Nonappropriated Fund Federal Wage System Wage Area" (RIN3206-AK96) received on November 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4927. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Redefinition of the Adams-Denver, CO, Nonappropriated Fund Wage Area" (RIN3206-AK91) received on November 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4928. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter to Chairman Cropp and Members of the Council of the District of Columbia on the Auditor's Concerns Regarding Matters that May Adversely Affect the Financial Operations of the Washington Convention Center"; to the Committee on Homeland Security and Governmental Affairs.

EC-4929. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 1A for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-4930. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Building a High-Quality Workforce: The Federal Career Intern Program"; to the Committee on Homeland Security and Governmental Affairs.

EC-4931. A communication from the Special Counsel, Office of Special Counsel, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act/Inspector General Act Reports for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4932. A communication from the Secretary of Education, transmitting, pursuant to law, the Annual Report to Congress on Grants Streamlining; to the Committee on Homeland Security and Governmental Affairs.

EC-4933. A communication from the Chairman, National Mediation Board, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act of 1982 for fiscal year 2005 ; to the Committee on Homeland Security and Governmental Affairs.

EC-4934. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law a report relative to the Inspector General Act of 1978 for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4935. A communication from the Secretary of Transportation transmitting, pursuant to law, the Department's Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4936. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978 for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4937. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Semiannual Inspector General Report for the period April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4938. A communication from the Secretary of Transportation transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC-4939. A communication from the Acting Assistant Secretary, Border and Transportation Security Policy, Department of Homeland Security, transmitting, pursuant to law, the Annual Report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor from the People's Republic of China; to the Committee on Homeland Security and Governmental Affairs.

EC-4940. A communication from the Chairman of the Federal Reserve System, transmitting, pursuant to law, the report of the

Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4941. A communication from the Chairman of the United States Postal Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4942. A communication from the Chief Executive Officer, Corporation for National Community Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4943. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4944. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Fiscal Year 2005 Annual Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4945. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4946. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4947. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4948. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4949. A communication from the Office of Special Counsel transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4950. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4951. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4952. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4953. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4954. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4955. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4956. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4957. A communication from the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4958. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4959. A communication from the Chairman, Federal Communication Commission, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4960. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Fiscal Year 2005 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4961. A communication from the Acting Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4962. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4963. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4964. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4965. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4966. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4967. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4968. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4969. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4970. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4971. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4972. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4973. A communication from Secretary of the Interior, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4974. A communication from the Chair of the Equal Employment Opportunities Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4975. A communication from Director, Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4976. A communication from the Chairman, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4977. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4978. A communication from the President, Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4979. A communication from Chairman, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2005 through September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4980. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–213, "District Department of the Environment Establishment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-4981. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–212, "Technical Amendments Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4982. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–210, "Anti-Drunk Driving Clarification Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-4983. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–208, "Department of Small and Local Business Development Clarification Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4984. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–207, "Natural Gas Taxation Relief Temporary Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4985. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C: Act 16–199, "Producer Summary Suspension Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4986. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–198, "Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-4987. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–197, "Heating Oil and Artificial Gas Consumer Relief Temporary Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–496, "Gasoline Fuel Tax Examination Temporary Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–4989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–195, "Closing of a Portion of a Public Alley in Square 5217, S.O. 03–1548 Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-4990. A communication from the Administrator, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Validating Regulatory Analysis: 2005 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities"; to the Committee on Homeland Security and Governmental Affairs.

EC–4991. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Fiscal Year 2005 Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4992. A communication from the President's Pay Agent, transmitting, pursuant to law, a report on locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC–4993. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Auditor's Identification of District Government Employees Earning Annual Salaries of At Least $90,000 But Less Than $100,000 During Fiscal Years 2001 Through 2004"; to the Committee on Homeland Security and Governmental Affairs.

EC–4994. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the 2004 Annual Report of the National Center for Preservation Technology and Training; to the Committee on Energy and Natural Resources.

EC–4995. A communication from the Director, Holocaust Memorial Museum, transmitting, pursuant to law, the annual report on commercial activities inventory; to the Committee on Homeland Security and Governmental Affairs.

EC-4996. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Reinstatement of Essential Fish Habitat Closed Areas under the Atlantic Sea Scallop Fishery Management Plan" (RIN0648–AT99) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4997. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific: Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures—Emergency Rule and Extension of Expiration Date" ((RIN0648–AT38)(I.D. 043605G)) received on December 5, 2005 to the Committee on Commerce, Science, and Transportation.

EC–4998. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Closure of the Eastern U.S./Canada Area" (I.D. 081705H) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4999. A communication from the Acting Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Continuation of Emergency Rule to Modify the Current Limited Prohibition on the Harvest of Certain Shellfish from Areas Contaminated by the Toxin that Causes Paralytic Shellfish Poisoning" (RIN0648–AT48) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC-5000. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica SA Model EMB–135 Airplanes, and Model EMB–145, –145ER, –145MR, –145LR, 145XR, –145MP, and –145EP Airplanes" ((RIN2120–AA64)(2005–0559)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC-5001. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25, 25A, 25B, 25C, 25D, and 25F Airplanes" ((RIN2120–AA64)(2005–0560)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC-5002. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319–100 Series Airplanes Model A320–111 Airplanes, Model A320–200 Airplanes Series, and Model A321–100 Series Airplanes" ((RIN2120–AA64)(2005–0561)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5003. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200 and A330–300 Series Airplanes; and Model A340–200 and A340–300 Series Airplanes" ((RIN2120–AA64)(2005–0562)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5004. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319–100, A320–200, and A321–100 and –200 Series Airplanes" ((RIN2120–AA64)(2005–0563)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5005. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 2000 Airplanes" ((RIN2120–AA64)(2005–0564)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC-5006. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes" ((RIN2120–AA64)(2005–0556)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5007. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes" ((RIN2120–AA64)(2005–0553)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5008. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes" ((RIN2120–AA64)(2005–0554)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Airplanes" ((RIN2120–AA64)(2005–0555)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes" ((RIN2120–AA64)(2005–0557)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5011. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes" ((RIN2120–AA64)(2005–0558)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5012. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B–A, 24D, 24D–A, 24E, 24F, 25, 25A, 25B, 25C, 25D, and 25F Airplanes Modified by Supplemental Type Certificate SA1731SW, SA1669SW, or SA1670SW" ((RIN2120–AA64)(2005–0565)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5013. A communication from the Attorney Advisor, United States Coast Guard, Department of Homeland Security, transmitting pursuant to law, the report of a rule entitled "Escort Vessels for Certain Tankers—Crash Stop Criteria" (RIN1625–AA65) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5014. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 7 regulations): [CGD01–05–099], [CGD01–05–097], [CGD01–05–098], [USCG–2005–22853], [CGD08–05–052] [CGD01–05–100], [CGD05–05–129]" (RIN1625–AA09) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5015. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations: Offshore Super Series Boat Race, St. Petersburg Beach, FL" (RIN1625–AA08) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5016. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 3 regulations): [CGD01–05–074], [CGD08–05–041], [CGD05–05–049]" (RIN1625–AA09) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5017. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: San Diego Bay, Mission Bay and Their Approaches, California" (RIN1625–AA11) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5018. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations (including 2 regulations): [COPT St Petersburg 05–120], [COPT Western Alaska 04–003]" (RIN1625–AA00) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5019. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC" (RIN1625–AA87) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600 and A300 B4–600R Series Airplanes; and A300 F4–605R and A300 C4–605R Variant F Airplanes" ((RIN2120–AA64)(2005–0566)) received on December 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5021. A communication from the Attorney Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5022. A communication from the National ESA Listing Coordinator, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Endangered Status for Southern Resident Killer Whales" (RIN0648–AS95) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5023. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye Salmon Fisheries; Inseason Orders" (I.D. No. 110905G) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5024. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9—Closure of the Recreational Fishery from Leadbetter Point, Washington, to Cape Falcon, Oregon" (I.D. No. 110905D) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5025. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9—Adjustment of the Commercial Salmon Fishery from the Oregon-California Border to Humboldt South Jetty, California" (I.D. No. 110905F) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5026. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 102605A) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5027. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 111705A) received on December 8, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2113. A bill to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

H.R. 2346. To designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel, Jr. Post Office Building".

H.R. 2413. A bill to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas as the "Lillian McKay Post Office Building".

H.R. 2630. A bill to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

H.R. 2894. A bill to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building".

H.R. 3256. A bill to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

H.R. 3368. A bill to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

H.R. 3439. A bill to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

H.R. 3548. A bill to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

H.R. 3703. A bill to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families. A bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster. A bill to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building".

H.R. 3770. A bill to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

H.R. 3825. A bill to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

H.R. 3830. A bill to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

H.R. 3989. To designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert H. Quie Post Office".

H.R. 4053. A bill to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office".

S. 1445. A bill to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the "William H. Emery Post Office".

S. 1792. A bill to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

S. 1820. A bill to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office".

S. 2036. A bill to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

S. 2064. A bill to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the "Malcolm Melville 'Mac' Lawrence Post Office".

S. 2089. A bill to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*David Steele Bohigian, of Missouri, to be an Assistant Secretary of Commerce.

*Antonio Fratto, of Pennsylvania, to be an Assistant Secretary of the Treasury.

*David M. Spooner, of Virginia, to be an Assistant Secretary of Commerce.

*Richard T. Crowder, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 2119. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2006, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mr. REID, and Mrs. FEINSTEIN):

S. 2120. A bill to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; considered and passed.

By Mr. SCHUMER (for himself, Mr. SARBANES, and Mr. DAYTON):

S. 2121. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mr. ISAKSON:

S. 2122. A bill to terminate the Internal Revenue Code of 1986, and for other purposes; to the Committee on Finance.

By Mr. ALLARD (for himself, Mr. BAYH, and Mr. MARTINEZ):

S. 2123. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. 2124. A bill to address the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a major disaster, to increase the accessibility of replacement housing built with Federal funds following Hurricane Katrina and other major disasters, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself, Mr. BROWNBACK, Mr. DURBIN, and Mr. DEWINE):

S. 2125. A bill to promote relief, security, and democracy in the Democratic Republic of the Congo; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Mr. LIEBERMAN, and Mr. BAYH):

S. 2126. A bill to limit the exposure of children to violent video games; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2127. A bill to redesignate the Mason Neck National Wildlife Refuge in the State of Virginia as the "Elizabeth Hartwell Mason Neck National Wildlife Refuge"; to the Committee on Environment and Public Works.

By Mr. McCAIN (for himself and Mr. BURNS):

S. 2128. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2129. A bill to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 2130. A bill to clarify the legal standard needed to use cellular telephones as tracking devices; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. HARKIN, and Mr. HAGEL):

S. 2131. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Mr. BURNS, and Mr. CRAIG):

S. 2132. A bill to include Idaho and Montana as affected areas for purposes of making claims under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 2133. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include foreseeable catastrophic events as major disasters, to permit States affected by an event occurring elsewhere to receive assistance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH:

S. 2134. A bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. LAUTENBERG):

S. 2135. A bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to long-standing policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions of United States airlines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCAIN (for himself and Mr. KYL):

S. 2136. A bill to provide funds to help establish the William H. Rehnquist Center on Constitutional Structures and Judicial Independence at the University of Arizona James E. Rogers College of Law; to the Committee on the Judiciary.

By Mr. DURBIN:

S. 2137. A bill to amend title XXI of the Social Security Act to make all uninsured children eligible for the State children's health insurance program, to encourage States to increase the number of children enrolled in the medicaid and State children's health insurance programs by simplifying the enrollment and renewal procedures for those programs, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. DODD, Ms. CANTWELL, Ms. MIKULSKI, Mr. OBAMA, and Ms. STABENOW):

S. 2138. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 2139. A bill to amend the Internal Revenue Code of 1986 to simplify the earned income tax credit eligibility requirements regarding filing status, presence of children, investment income, and work and immigrant status; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BROWNBACK):

S. 2140. A bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Res. 335. A resolution honoring members of the radiation protection profession by designating the week of November 6 through November 12, 2005, as "National Radiation Protection Professionals Week"; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. BROWNBACK, Ms. MIKULSKI, Ms. STABENOW, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. COLEMAN, Mr. BOND, Mrs. DOLE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SMITH, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. VITTER, Mr. ISAKSON, Mr. TALENT, Mr. STEVENS, Mr. MARTINEZ, Mr. VOINOVICH, Mr. ROCKEFELLER, and Mrs. FEINSTEIN):

S. Res. 336. A resolution to condemn the harmful, destructive and anti-Semitic statements of Mahmoud Ahmadinejad, the President of Iran, and to demand an apology for those statements of hate and animosity towards all Jewish people of the world; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. BROWNBACK, Ms. MIKULSKI, Ms. STABENOW, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. COLEMAN, Mr. BOND, Mrs. DOLE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SMITH, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. VITTER, Mr. ISAKSON, Mr. TALENT, Mr. STEVENS, Mr. MARTINEZ, Mr. VOINOVICH, Mr. ROCKEFELLER, Mrs. FEINSTEIN, and Mr. SALAZAR):

S. Res. 337. A resolution to condemn the harmful, destructive and anti-Semitic statements of Mahmoud Ahmadinejad, the President of Iran, and to demand an apology for those statements of hate and animosity towards all Jewish people of the world; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 338. A resolution honoring the memory of the members of the Armed Forces of the United States who have given their lives in service to the United States in Operation Iraqi Freedom and Operation Enduring Freedom; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. BIDEN, Mr. LIEBERMAN, and Mr. DURBIN):

S. Res. 339. A resolution urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; considered and agreed to.

By Mr. INOUYE (for himself, Mr. COLEMAN, and Mr. KENNEDY):

S. Con. Res. 72. A concurrent resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. Con. Res. 73. A concurrent resolution urging the President to issue a proclamation for the observance of an American Jewish History Month; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUYE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 431

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 431, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 503

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 682

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 682, a bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 981

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 981, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1139

At the request of Mr. SANTORUM, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1902

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1902, a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children.

S. 2008

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2008, a bill to improve cargo security, and for other purposes.

S. 2012

At the request of Mr. SMITH, his name was added as a cosponsor of S. 2012, a bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes.

S. 2014

At the request of Mr. DEWINE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2014, a bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans.

S. 2082

At the request of Mr. SUNUNU, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Connecticut (Mr. DODD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Hawaii (Mr. AKAKA), the Senator from Nebraska (Mr. NELSON), the Senator from Oregon (Mr. WYDEN), the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2082, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2082, supra.

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Wisconsin (Mr. KOHL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2082, supra.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2109

At the request of Mr. ENSIGN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2109, a bill to provide national innovation initiative.

S. 2113

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2113, a bill to promote the widespread availability of communications services and the integrity of communication facilities, and to encourage investment in communication networks.

S. 2118

At the request of Mr. SUNUNU, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2118, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of the Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006 and to combat methamphetamine abuse.

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Colorado (Mr. SALAZAR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 2119. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2006, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am here to introduce bill to provide a 6-month extension of the Nation's largely successful welfare program. It is known as the Temporary Assistance for Needy Families Program, or TANF. Congress enacted the TANF program in 1996, to help welfare recipients gain work skills and to help low-income families become economically self-sufficient.

Welfare reform has mostly succeeded. States have adopted creative policies to support low-income families making the transition from welfare to work. Millions have moved to self-sufficiency.

But the TANF law expired in 2002. And Congress has failed to reauthorize it. Instead, Congress has extended TANF on a short-term basis, 12 times. The latest short-term extension expires in just over 2 weeks.

This bill is a simple extension of the current welfare program. It would provide stability for the States to operate their welfare programs. And it would continue our successful partnership with the States in supporting needy families as they move from welfare to work.

Earlier this week, the Senate voted 64–27 to keep the welfare program out of the budget cutting reconciliation bill that the House has passed. The Senate voted instead to build on the bipartisan Finance Committee bill that Chairman GRASSLEY and I worked diligently on this year. That bill is called the Personal Responsibility Individual Development for Everyone or PRIDE Act. The Finance Committee reported it out in March with near unanimous support. The PRIDE Act has been awaiting full Senate consideration since then.

Despite broad support in the Finance Committee, the Senate has not taken this measure up for debate. Despite the broad support of governors, the Senate has not taken this measure up for debate. The Republican Governors Association said that TANF reauthorization "is too important to leave to the limitations of the reconciliation process." But the Senate has not taken this measure up for debate.

This vote was a vote to debate this bill on the Senate floor. It was a vote to build on the broadly-supported bill from the Finance Committee. We are going to need some time to complete that debate.

The 6-month extension that I offer this afternoon will keep the welfare program operating. The 6-month extension will allow us the time to debate, pass, and go to conference on a fully considered PRIDE Act.

I urge my colleagues to do the responsible thing. I urge my colleagues to support this extension. I urge my colleagues to keep this important safety net program operating.

By Mr. OBAMA (for himself, Mr. BROWNBACK, Mr. DURBIN, and Mr. DEWINE):

S. 2125. A bill to promote relief, security, and democracy in the Democratic Republic of the Congo; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, I rise today, on behalf of Senator BROWNBACK, Senator DURBIN, and Senator DEWINE to introduce the Democratic Republic of the Congo Relief, Security and Democracy Promotion Act.

As we try to conclude our business for the year here in the Senate, we are in the midst of sharp debates on a large number of issues. In the foreign policy arena alone, the Administration and Congress are consumed with nurturing a political process and defeating insurgents in Iraq, attempting to halt proliferation by Iran and North Korea, and trying to end the bloodshed in Darfur, Sudan.

But there is another country embroiled in conflict that has not yet received the high-level attention or resources it needs. It's the Democratic Republic of Congo, and right now it is in the midst of a humanitarian catastrophe.

An International Rescue Committee report from 2004 found that 31,000 people were dying in the Congo each month and 3.8 million—3.8 million—people had died in the previous 6 years. This means that this conflict, which still smolders and burns in some regions, has cost more lives than any other conflict since World War II.

Beyond the humanitarian catastrophe, resolving the problems in the Congo will be critical if Africa is to achieve its promise. The country, which is the size of Western Europe, lies at the geographic heart of Africa and borders every major region across the continent. If left untended, Congo's tragedy will continue to infect Africa—from North to South; from East to West.

I believe that the United States can make a profound difference in this crisis. According to international aid agencies, there are innumerable cost-effective interventions that could be quickly undertaken—such as the provision of basic medical care, immunization and clean water—that could save thousands of lives. On the political front, sustained U.S. leadership could fill a perilous vacuum.

The bill that we are introducing here today is an important step on the long road towards bringing peace and prosperity to the Congo. I am proud to be a part of a collaborative, bipartisan effort with some of the Senate's leading voices on Africa—Senators BROWNBACK, DURBIN and DEWINE.

This bill establishes 14 core principles of U.S. policy across a range of issues; authorizes a 25 percent increase in U.S. assistance for the Democratic Republic of the Congo; calls for a Special Envoy to resolve the situation in Eastern Congo; and urges the Administration to use its voice and vote at the United Nations Security Council to strengthen the U.N. peacekeeping force that is providing security in parts of the Congo.

The legislation has been endorsed by a number of faith-based and humanitarian nongovernmental organizations, including some with extensive field operations in Congo: CARE, Catholic Relief Services, Global Witness, International Crisis Group, International Rescue Committee, and Oxfam America. I ask unanimous consent that these letters of support be printed in the RECORD.

I want to stress something before closing. We are under no illusion that enacting the policies in this bill would be a panacea for Congo's many ills. But the one thing we do know is that the one way to ensure that a complex problem will not be resolved is to accept the status quo.

The other thing we know is that status quo in the Democratic Republic of Congo is unacceptable—unacceptable to the women and children caught up in the crossfire, unacceptable to the civilians being felled by preventable disease, unacceptable to a continent that is making great strides, and unacceptable to our country, the United States, which has the financial and diplomatic resources to make a profound difference.

I look forward to working with my colleagues and the administration to enacting this bill and working to promote peace and prosperity in the Congo.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CATHOLIC RELIEF SERVICES,
Baltimore, MD, December 2, 2005.

Hon. BARACK OBAMA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR OBAMA: Catholic Relief Services would like to commend you for your leadership in writing in "Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2005". We also want to sincerely thank you and your staff for giving us the opportunity to comment on an early draft of the bill and for incorporating some of our recommendations.

As an agency active on the ground in the Democratic Republic of the Congo (DRC) for many years, we support this legislation as a vehicle for elevating the priority of the DRC among lawmakers and policy makers. The bill advances key U.S. policy objectives for promoting peace, justice, democracy, and development in the DRC, and also allocates much-needed additional funds for the DRC.

We look forward to working with you and your staff to gain support for the bill and advance its goals.

Sincerely,

KEN HACKETT,
President.

DECEMBER 9, 2005.

Hon. BARACK OBAMA,
Senate Hart Building,
Washington, DC.

DEAR SENATOR OBAMA: As representatives of humanitarian, civil society and conflict prevention organizations, we are writing to express our support for the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2005, and our appreciation of your efforts to ensure that the longstanding conflict in the region receives the attention it demands.

As stated in the legislation, the conflict in the eastern Democratic Republic of the Congo touches every major region of the continent and is one of the deadliest since World War II. Some 3.8 million people have lost their lives due to the conflict in the last six years.

Despite these troubling statistics, the DRC is not without hope. Landmark elections are planned for next year and, with strong support from the international community, they have the potential to help end the longstanding violence and put the country on the path toward peace and stability. Your legislation would ensure the active participation of the United States and authorizes critical funding to address humanitarian and development needs, promote good governance and rule of law, and help ensure transparent management of natural resource revenues.

We look forward to continuing work with you and your staff on this important issue and in particular, would like to note the effort Mr. Mark Lippert has made to reach out to our community and incorporate our recommendations.

Sincerely,

CARE USA.
Global Witness, International Rescue Committee, Oxfam America.

INTERNATIONAL CRISIS GROUP,
Washington, DC, December 8, 2005.

Senator BARACK OBAMA,
U.S. Senate, Hart Senate Office Building, Washington DC.

DEAR SENATOR OBAMA: The International Crisis Group strongly supports the Democratic Republic of Congo Relief, Security, and Democracy Promotion Act of 2005 and your efforts to raise the visibility of and define new policies to respond to this largely overlooked, longstanding, and deadly conflict.

The conflict in the Democratic Republic of Congo has had far reaching regional consequences and resulted in the loss of an estimated 4 million lives since 1998. The situation in the country, especially in the eastern region where armed groups continue to assault local communities, remains most precarious and in need of urgent action.

The country is now on the brink of landmark elections scheduled for next year. Crisis Group has advocated comprehensive action to stop the suffering of the Congolese people and ensure the success of the transition by June 2006.

Your legislation would ensure the active participation of the United States in this effort and help in promoting good governance and justice. It would further authorize critical funding to address development needs and provide life-saving humanitarian assistance to millions of conflict-affected civilians in the Democratic Republic of Congo.

Your leadership in introducing this legislation is greatly appreciated and we look forward to continue to work with you and your staff on this important issue.

Yours sincerely,

MARK L. SCHNEIDER,
Senior Vice President, International Crisis Group.

By Mrs. CLINTON (for herself, Mr. LIEBERMAN, and Mr. BAYH):

S. 2126. A bill to limit the exposure of children to violent video games; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, I rise today to introduce a bill to help parents protect their children against violent and sexual media. In rising, I stand with the parents and children of New York and of the Nation, all of whom are being victimized by a culture of violence.

As parents, we monitor the kind of people who interact with our children. We attend parent night at school. We meet our children's teachers. We look over their textbooks to make sure they are installing our values and attitudes in our children. We meet our children's friends and their parents to make sure they are a positive source of influence.

If somebody is exposing our children to material we find inappropriate, we remove our children from that person.

If you hired a babysitter who exposed your children to violence and sexual material that you thought was inappropriate, what would you do? If you are like me, you would fire that babysitter and never invite him or her to come back.

Yet our children spend more time consuming media than doing anything else but sleeping and attending school. Media culture is like having a stranger in your house, and it exerts a major influence over your children.

It is this attack on the sensibilities of our children that is the subject of the bill I introduce today. It is a bill that I consider to be of tremendous importance to our families.

This bill would take an important step towards helping parents protect their children against influences they often find to be inappropriate—violent and sexually explicit video games. Quite simply, the bill would put teeth into the video game industry's rating system, which specifies which video games are inappropriate for young people under 17. By fining retailers who do not abide by the ratings system, this bill sends a message that the ratings system is to be taken seriously.

I know many of my colleagues, myself included, don't play video games and aren't aware of exactly what is contained in these games. So, I hope you will listen as I describe a few scenes so we know what is at issue here today.

Consider the following scenario: You have been captured by a demented film-maker who drops you into a gang-infested slum. While the gangs think they are hunting you, they don't know the real plot: that you are hunting them, while the director records each act of murder on film. Since you are outnumbered and could easily be mobbed, you cannot just jump in and fight everyone. Rather, you must be silent and patient, tracking your prey so that you can strike from behind. You strangle a villain with a sharp wire, and a finely rendered mist of blood sprays from his severed carotid artery.

This is just one scene from one game. It happens not to be a game that has gotten a tremendous amount of attention lately. Frankly, I don't know if it's one of the most popular games out there or not. But I do know, if my daughter was still young, I wouldn't want her playing it.

Here is another one: Carl Johnson long ago escaped the hardships of street life in San Andreas. Now his mother is murdered, his old buddies are in trouble, and Carl must come home to clean up the mess—San Andreas style. That means spraying people with uzi bullets, blowing them up, or sniper shooting them from the top of buildings. It also means killing police officers and visiting prostitutes.

No one doubts that this material is inappropriate for children. The video game industry itself developed and implemented the ratings system that parents rely on today. They are responsible for developing the "M" for Mature or "AO" for Adults Only labels, which signal to parents that the content is too violent and/or sexually explicit for a child to play.

Unfortunately, enforcement has been lax and minors can purchase Mature-rated games with relative ease. A 2001 study by the Federal Trade Commission showed that 85 percent of unaccompanied minors, ages 13 to 16, could purchase games rated Mature. A study by the National Institute on Media and the Family found that nearly half of children, as young as age 9, succeed in buying Mature-rated games. And close to a quarter of retailers did not understand the ratings system and half did not provide any training to their employees.

This is a terrible problem that needs to be fixed. And this bill does just that.

I want to be clear—this bill is not an attack on video games. Video games are a fun part of the lives of millions of Americans, young and old alike. They can teach coordination and strategy. They can introduce children to computer technology. They can provide practice in learning to problem solve and they can help children hone their fine motor and spatial skills.

This bill is also not an attack on free and creative expression. Relying on the growing body of scientific evidence that demonstrates a causal link between exposure to these games and antisocial behavior in our children, this bill was carefully drafted to pass constitutional strict scrutiny.

Furthermore, nothing in this bill limits the production or sale of these games beyond current practice. If retailers are following the rules—established voluntarily by the video game industry—then this bill will have absolutely no impact on them.

And this bill does not overlook or undervalue the critical role parents play in protecting their children, and instilling in them, their own values. This bill is designed to buoy the efforts of parents, who too often feel like they are fighting an uphill battle against the violent and sexually explicit messages that are just a trip to the mall away.

The unfortunate truth is there is a darkside to some video games, which has lead to a universal agreement—among parents, advocates, policymakers, and the gaming industry—that some games are not suitable for children. What we are seeking to do today is to ensure that that value judgment is meaningful.

Much of the public concern about the exposure of children to M-rated games focuses on sexually explicit content. Parents are rightly worried about this content and we should come together to take steps to keep these games out of the hands of our kids. But let's not discount the awful effect of violence in the media because, frankly, the evidence on this point is overwhelming and deserves more of our attention.

Consider the Joint Statement on the Impact of Entertainment Violence on Children from the Congressional Public Health Summit in July of 2000. I quote: "Well over 1,000 studies—including reports from the Surgeon General's office, the National Institute of Mental Health, and numerous studies conducted by leading figures within our medical and public health organizations . . . point overwhelmingly to a causal connection between media violence and aggressive behavior in some children," states their report.

The American Academy of Pediatrics stated, in a report entitled Media Exposure Feeding Children's Violent Acts, "Playing violent video games is to an adolescent's violent behavior what smoking tobacco is to lung cancer." I ask to have printed in the RECORD a resolution adopted by the American Psychological Association about the effect of violence in video games and interactive media.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION ON VIOLENCE IN VIDEO GAMES AND INTERACTIVE MEDIA

Whereas, decades of social science research reveals the strong influence of televised violence on the aggressive behavior of children and youth (APA Task Force On Television and Society; 1992 Surgeon General's Scientific Advisory Committee on Television and Social Behavior, 1972); and

Whereas, psychological research reveals that the electronic media play an important role in the development of attitude, emotion, social behavior and intellectual functioning of children and youth (APA Task Force On Television and Society, 1992; Funk, J. B., et al. 2002; Singer, D. G. & Singer, J. L. 2005; Singer, D. G. & Singer, J. L. 2001); and

Whereas, there appears to be evidence that exposure to violent media increases feelings of hostility, thoughts about aggression, suspicions about the motives of others, and demonstrates violence as a method to deal with potential conflict situations (Anderson, C.A., 2000; Anderson, C.A., Carnagey, N. L., Flanagan, M., Benjamin, A. J., Eubanks, J., Valentine, J. C., 2004; Gentile, D. A., Lynch, P. J., Linder, J. R., & Walsh, D. A., 2004; Huesmann, L. R., Moise, J., Podolski, C. P., & Eron, L. D., 2003; Singer, D. & Singer, J., 2001); and

Whereas, perpetrators go unpunished in 73% of all violent scenes, and therefore teach that violence is an effective means of resolving conflict. Only 16% of all programs portrayed negative psychological or financial effects, yet such visual depictions of pain and suffering can actually inhibit aggressive behavior in viewers (National Television Violence Study, 1996); and

Whereas, comprehensive analysis of violent interactive video game research suggests such exposure a.) increases aggressive behavior, b.) increases aggressive thoughts, c.) increases angry feelings, d.) decreases helpful behavior, and, e.) increases physiological arousal (Anderson, C.A., 2002b; Anderson, C.A., Carnagey, N. L., Flanagan, M., Benjamin, A. J., Eubanks, J., Valentine, J. C., 2004; Anderson, C.A., & Dill, K. E., 2000; Bushman, B.J., & Anderson, C.A., 2002; Gentile, D. A, Lynch, P. J., Linder, J. R., & Walsh, D. A., 2004); and

Whereas, studies further suggest that sexualized violence in the media has been linked to increases in violence towards women, rape myth acceptance and anti-women attitudes. Research on interactive video games suggests that the most popular video games contain aggressive and violent content; depict women and girls, men and boys, and minorities in exaggerated stereotypical ways; and reward, glamorize and depict as humorous sexualized aggression against women, including assault, rape and murder (Dietz, T. L., 1998; Dill, K. E., & Dill, J. C., 2004; Dill, K. E., Gentile, D. A, Richter, W. A., & Dill, J.C., in press; Mulac, A., Jansma, L. L., & Linz, D. G., 2002; Walsh, D., Gentile, D. A., VanOverbeke, M., & Chasco, E., 2002); and

Whereas, the characteristics of violence in interactive video games appear to have similar detrimental effects as viewing television violence; however based upon learning theory (Bandura, 1977; Berkowitz, 1993), the practice, repetition, and rewards for acts of violence may be more conducive to increasing aggressive behavior among children and youth than passively watching violence on TV and in films (Carll, E. K., 1999a). With the development of more sophisticated interactive media, such as virtual reality, the implications for violent content are of further concern, due to the intensification of more realistic experiences, and may also be more conducive to increasing aggressive behavior than passively watching violence on TV and in films (Calvert, S. L., Jordan, A. B., Cocking, R. R. (Ed.) 2002; Carll, E. K., 2003; Turkle, S., 2002); and

Whereas, studies further suggest that videogames influence the learning processes in many ways more than in passively observing TV: a.) requiring identification of the participant with a violent character while playing video games, b.) actively participating increases learning, c.) rehearsing entire behavioral sequences rather than only a part of the sequence, facilitates learning, and d.) repetition increases learning (Anderson, C.A., 2002b; Anderson, C.A., Carnagey, N. L., Flanagan, M., Benjamin, A. J., Eubanks, J., Valentine, J. C., 2004; Anderson, C.A. & Dill, K. E., 2000); and

Whereas the data dealing with media literacy curricula demonstrate that when children are taught how to view television critically, there is a reduction of TV viewing in general, and a clearer understanding of the messages conveyed by the medium. Studies on media literacy demonstrate when children are taught how to view television critically, children can feel less frightened and sad after discussions about the medium, can learn to differentiate between fantasy and reality, and can identify less with aggressive characters. on TV, and better understand commercial messages (Brown, 2001; Hobbs, R. & Frost, R., 2003; Hortin, J.A., 1982; Komaya, M., 2003; Rosenkoetter, L.J., Rosenkoetter, S.E., Ozretich, R.A., & Acock, A.C., 2004; Singer & Singer, 1998; Singer & Singer, 1994)

Therefore be it Resolved that APA advocate for the reduction of all violence in videogames and interactive media marketed to children and youth.

Be it further Resolved that APA publicize information about research relating to violence in video games and interactive media on children and youth in the Association's publications and communications to the public.

Be it further Resolved that APA encourage academic, developmental, family, and media psychologists to teach media literacy that meets high standards of effectiveness to children, teachers, parents and caregivers to promote ability to critically evaluate interactive media and make more informed choices. .

Be it further Resolved that APA advocate for funding to support basic and applied research, including special attention to the role of social learning, sexism, negative depiction of minorities, and gender on the effects of violence in video games and interactive media on children, adolescents, and young adults.

Be it further Resolved that APA engage those responsible for developing violent video games and interactive media in addressing the issue that playing violent video games may increase aggressive thoughts and aggressive behaviors in children, youth, and young adults and that these effects may be greater than the well documented effects of exposure to violent television and movies.

Be it further Resolved that APA recommend to the entertainment industry that the depiction of the consequences of violent behavior be associated with negative social consequences.

Be it further Resolved that APA (a) advocate for the development and dissemination of a content based rating system that accurately reflects the content of video games and interactive media, and (b) encourage the distribution and use of the rating system by the industry, the public, parents, caregivers and educational organizations.

Mrs. CLINTON. In June, a groundbreaking study by researchers at the University of Indiana School of Medicine, which was published in the Journal of Clinical Psychology, concluded that adolescents exposed to high levels of violent media were less able to control and to direct their thoughts and behavior, to stay focused on a task, to plan, to screen out distractions, and to use experience to guide inhibitions.

A 2004 meta-analysis of over 35 research studies that included over 4,000 participants, found similar results. It concluded that playing violent video games significantly increases aggressive behavior, physiological arousal and feelings of anger and hostility, and significantly decreases pro-social helping behavior.

And according to testimony by Craig Andersen before the Commerce Committee in 2000, violent video games have been found to increase violent adolescent behavior by 13 to 22 percent. Eighty-six percent of African American females in the games are victims of violence. And, the most common role for women in video games is prostitutes.

Research also demonstrates the opposite—reducing exposure to violence reduces aggressive behavior. A 2001 study by Stanford University School of Medicine found that reducing TV and video violence consumption to under one hour per day reduces verbal aggression by 50 percent and physical aggression by 40 percent among 3rd and 4th grade children.

Now, if you don't find the scientists compelling, consider a child named Devon Thompson, who shot three police officers after being brought in under suspicion of driving a stolen car. He grabbed one of the officer's guns, shot three men and then jumped into a police car, a scene remarkably like one found in the game Grand Theft Auto. When Thompson was apprehended he said "Life is a video game. You've got to die sometime."

In the face of this mountain of scientific and anecdotal evidence, the same company that developed Grand Theft Auto is coming out with a new game called Bully. In Bully, the player is a student who beats up other students in school.

Again, I am not here to argue that these games shouldn't be developed or made available. But, I am here to ask, can't we as a society do better by our kids? Can't we give parents the tools to make sure they know what may fall into the hands of their children?

That is what this bill is all about and I urge my colleagues to join me in supporting it.

By Mr. McCAIN (for himself and Mr. BURNS):

S. 2128. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. McCAIN. Mr. President, today I introduce legislation to provide greater transparency into the process of influencing our Government and ensure greater accountability among public officials.

The legislation does a number of things. It provides for faster reporting and greater public access to reports filed by lobbyists and their employers under the Lobbying Disclosure Act of 1995.

It requires greater disclosure of the activities of lobbyists, including for the first time grassroots lobbying firms.

The bill also requires greater disclosure from both lobbyists and Members and employees of Congress about travel that is arranged or financed by a lobbyist or his client.

To understand more thoroughly the actions lobbyists take to influence elected officials, the bill requires lobbying firms, lobbyists, and their political action committees to disclose their campaign contributions to Federal candidates and officeholders, their political action committees and political party committees. It further mandates disclosure of fundraisers hosted, cohosted, or otherwise sponsored by these entities, and disclosure of contributions for other events involving legislative and executive branch officials.

To get behind anonymous coalitions and associations and discover who actually is seeking to influence Government, the bill requires registrants to list as clients those entities that contribute $10,000 or more to a coalition or association. The bill expressly keeps intact, however, existing law governing the disclosure of the identities of members and donors to organizations designated as 501(c) groups under the Internal Revenue Code.

To address the problem of the revolving door between Government and the private sector, the bill lengthens the period during which senior members of the executive, Members of Congress, and senior congressional staff are restricted from lobbying.

The bill also modifies the provision in current law that exempts from the revolving door laws former employees who go to work for Indian tribes by applying these laws to those employees retained by tribes as outside lobbyists and agents.

To ensure compliance with congressional restrictions on accepting gifts, the bill requires registrants under the Lobbying Disclosure Act to report gifts worth $20 or more. I repeat that: The person who gives the gift is now responsible for reporting a gift of $20 or more.

To accurately reflect the true value of benefits received, the bill also requires Members of Congress and staff to pay the fair market value for travel on private planes and the value of sports and entertainment tickets and skyboxes at the cost of the highest priced ticket in the arena. The legislation increases the penalty for violating the reporting requirements, and it contains other provisions on enforcement and oversight.

This bill is regrettably necessary. Over the past year and a half, the Committee on Indian affairs has unearthed a story of excess and abuse by former lobbyists of a few Indian tribes. The story is alarming in its depth and breadth of potential wrongdoing. It has spanned across the United States, sweeping up tribes throughout Indian country. It has taken us from tribal reservations across America to luxury skyboxes in town, from a sham international think tank in Rehoboth Beach, DE, to a sniper workshop in Israel and beyond. It involves tens of millions of dollars that we know about and likely more that we do not.

Much of what the committee learned was extraordinary. Yet much of what we uncovered in the investigation was, unfortunately, the ordinary way of doing business in this town.

The bill I am introducing today seeks to address business as usual in the Nation's Capital. How these lobbyists sought to influence policy and opinionmakers is a case study in the ways lobbyists seek to curry favor with legislators and their aides. For example, they sought to ingratiate themselves with public servants with tickets to plush skyboxes at the MCI Center, FedEx Field, and Camden Yards for sports and entertainment events. They arranged extravagant getaways to tropical islands, the famed golfing links of St. Andrews and elsewhere. They regularly treated people to meals and drinks. Fundraisers and contributions abounded. The bill casts some disinfectant on those practices by simply requiring greater disclosure. If there is nothing inherently wrong with such activities, then there is no good reason to hide them from public scrutiny. The American people deserve no less.

During its investigation, the committee also learned about unscrupulous tactics employed to lobby Members and to shape public opinion. We found a sham international think tank in Rehoboth Beach, DE, established in part to disguise the true identity of clients. We saw phony Christian grassroots organizations consisting of a box of cell phones and a desk drawer.

I submit that in the great marketplace of ideas we call public discourse, truth is a premium that we cannot sacrifice. Through these practices, the lobbyists distorted the truth not only with false messages but also with fake messengers.

I hope by having for the first time disclosure of grassroots activities in the financial interests beyond misleading front groups that such a fraud on Members and voters can be avoided. Many cast blame only on the lobbying industry. But we should not forget that we as Members owe it to the American people to conduct ourselves in a way that reinforces rather than diminishes the public's faith and confidence in Congress.

The bill thus requires more accurate accounting of the benefits and privileges that sometimes come with public office. Requiring lobbyists to disclose all gifts over $20 will cause not only the lobbyist but also the recipient to more scrupulously adhere to existing gift limits. Fair evaluation of tickets to sporting and entertainment events and for air travel aboard private planes is another way of giving real effect to the gift rules of Congress.

I have read news reports that the Department of Justice is investigating job negotiations that some public officials may have had with lobbying firms while still in Government, negotiations that may have compromised their job performance. I have long been concerned with the revolving door between public service and the private sector, how that door is spun to personal gain, and the corrupting influences that can creep through that door into Government decisionmaking. To address the problem, I am proposing to expand the cooling off period to 2 years for Members of Congress and senior staff and certain executive branch officials. And to ensure a level playing field, I am seeking to close a loophole that has existed in Federal conflict-of-interest laws for those who represent Indian tribes.

Informed citizenry is essential to a thriving democracy. A democratic government operates best in the disinfecting light of the public eye. The approach on this bill is thus one of greater disclosure of and transparency into the interactions of lobbyists with our public officials.

The bill is intended to balance the right of the public to know with its right to petition Government, the ability of lobbyists to advocate their clients' cause with a need for truthful public discourse, and the ability of Members to legislate with the imperative that our Government must be free from corrupting influences, both real and perceived.

We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence. That is why I would hope my colleagues would carefully examine this measure. I have had conversations with numerous other Members of this body, and I hope that both Republican and Democrat can join together on this issue.

I noted in today's—Friday, December 16—Congress Daily, there is a little chart in the corner, and it says: "2005 Congressional Approval Ratings." I notice a very interesting trend. On February 1 of this year, approximately 40-some percent—about 44 percent—of the people approved, and about 43 percent disapproved. Those numbers have changed somewhat dramatically to a disapproval rating, in the last couple of days, of 64 percent, with a 26-percent approval rating. I repeat: 64 percent disapprove, 26 percent approve.

Now, I am not sure that is divided up between Democrats and Republicans. From my travels—and I have been traveling a lot lately in the last few weeks around the country—I find that disapproval is nonpartisan in nature. I think there are a number of reasons for that disapproval, and many of them I will not chronicle here. But one of them is that there is a deep perception that we do not act on the priorities of the American people, that special interests set our agenda here rather than the people's interest.

Now, I do not pretend that a lobbying reform bill will be the panacea for all the ills that I think beset this Capitol of ours, but I do believe it is part of an effort we all need to make—and seriously make—in order to try to turn these kinds of numbers around, not only for our individual well-being but for the well-being of the people of the United States because it will be more difficult to act effectively if we do not have at least a significant amount of support from the people whom we purport to represent.

I would like to say another word about lobbyists. Lobbying is an honorable profession. I have no problem with it. I have no problem with people working in order to bring the people's interests and agenda and priorities to the attention of Congress. Almost all of us who I know of rely on their input on various issues. Many supply us with policy papers, with data, et cetera.

But, Mr. President—Mr. President—when we have the behavior that we highlighted, what actually was brought to our attention during our Indian Affairs Committee hearings, it is not believable: luxury sports boxes, a sham international think tank in Rehoboth Beach, a sniper workshop in Israel, the list goes on and on. And, of course, the way the Native Americans were treated was especially insulting.

Congress, according to the Constitution, has a special obligation in regard to Indian affairs. But I will tell you what. I greatly fear that these practices we have uncovered concerning Native Americans are far more widespread than just lobbying efforts on behalf of Native Americans—or exploitation of Native Americans is probably the better description.

I do not think there is any doubt that one of the reasons the American people mistrust us is they think there is wrongdoing, if not corruption, in this town. We have an obligation to fix this system as well as we can, and I believe that one of the measures that needs to be taken is to have a lobbying transparency and accountability that can give us confidence.

I note the presence of my friend from Connecticut on the floor whom I have had discussions with on this issue. I have had them with my colleague, Senator FEINGOLD, and many others. I hope we can, over the recess, think about this issue and be prepared to address it as early as possible. We have a long way to go to restore accountability, transparency, and the confidence of the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

Mr. President, I came to the floor to thank my friend from Arizona not just for the legislation he has just introduced but for his characteristically courageous investigation of the events surrounding a particular lobbyist, Jack Abramoff, and the way in which they demonstrate the extent to which the system has gone out of control.

The direct victims here, of course, are those whose money was essentially taken without cause, who were cheated. But the indirect, yet very real, victims of these abuses are the Members of Congress, and the extent to which there has been abuse of a classic and very critical function of our Government—lobbying—the extent to which there has been abuse of that role breaks the public trust in Congress itself.

Disclosures, investigations such as Senator McCAIN and his committee have been involved in, fearlessly, are critically important, but these disclosures and revelations and abuses cry out to us now to take some legislative action. I have not had the opportunity yet to review fully the provisions of the legislation Senator McCAIN has introduced. I look forward to doing that over the recess. I hope that will put me in a position to join him as a sponsor of this legislation. It would be an honor and a privilege to work with him on this matter, as it has been to work on so many other matters.

For today, I did not want this moment to go by without thanking him for coming forward with this legislation. It makes the point we are due—perhaps, in fact, overdue—for a review of our lobbying and disclosure laws. They need strengthening, and they need strengthening because it is right to do so and it is necessary to do so to restore the public trust in our Government.

Mr. President, I am privileged to serve as the ranking member on the Homeland Security and Governmental Affairs Committee. In the normal course of the Senate rules, I believe this legislation would be referred to our committee, and there I look forward, along with the chairman, Senator COLLINS, to reviewing it. But in a personal sense, I want to work with Senator McCAIN and his staff and mine over the recess and hope that I can join him as a cosponsor of this legislation after the first of the year.

I thank my friend, Senator DURBIN, for yielding me these few moments. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join in echoing the comments of the Senator from Connecticut about what we just heard from the Senator from Arizona. He has really touched an important issue. There is no doubt in my mind there is a crisis in confidence in terms of the integrity of Congress. Unless and until we deal with that directly, little else we might do will be noticed or believed. I believe he is on the right track.

But I would suggest to him there is something more to the story. It is not just a question of lobbyists larding Members of Congress with gifts, trips to Scotland for golf outings or lavish meals or whatever it happens to be. There is more to the story, and it really goes to the heart of the issue about how we get to Congress and how we get to the Senate.

It is no longer "Mr. Smith Goes to Washington," if it ever was. It is no longer a matter of putting your candidacy before the people of the State and asking that they consider you and wait for the consequence. It is a money chase. It is a huge money chase. And unless you happen to be one of the fortunate few and independently wealthy, you have to spend an awful lot of time chasing it, an awful lot of time raising money.

If you come from a State, as I do, like Illinois, you know an ordinary Senate campaign in my State is going to cost anywhere from $5 million to $20 million to $40 million. Now, imagine, if you will, for a moment that you had to raise that sum of money, and the largest contribution was in the range of $4,000. It takes a lot of time, and it takes a lot of contacts, and it takes a lot of commitment. So what you find is that as people of the Senate are running for reelection, for example, they are spending more and more and more time on the road raising money. They are finding precious little time to dedicate to their constituents or to the work of Congress because they are out raising huge sums of money.

That is part of the reality of the relationship between Members of Congress and lobbyists. Many of these lobbyists also are fundraisers, so to have them on your side is to guarantee they will not only buy you diner, if that is what you are looking for, but also help you in this fundraising effort. I think real, ethical reform, which gets to the heart of the issue, has to get to the issue of how we finance these campaigns.

Unless and until we bring campaigns for election and reelection to the U.S. Senate and the House of Representatives to a level where they are affordable for common people, I am afraid we are going to continue to be enslaved by the current system, which requires us to raise so much money from so many people.

I can recall when the Republican leader TOM DELAY announced he was starting something called the K Street project. He was a House leader, and he said he was going to set out to make sure that the lobbyists who came to see him were all loyal Republicans, loyal contributors. He didn't want to see Democratic lobbyists. He prevailed on major associations and organizations not to hire anybody other than a Republican who had met with his approval.

For those of us who have been around this Hill for a while, it was pretty clear what he was creating. He was creating a very generous network of people, who would lobby him on legislation, whom he would possibly reward and then find their support in his campaign. It had built into it some very perilous opportunities. I won't talk about his situation in Texas. Let that be decided in Texas. But unless and until we get to the heart of the issue, the financing of campaigns, I am afraid we are not going to be able to deal forthrightly with the charges of corruption against Congress.

Let me add why campaigns cost so much money. Certainly in Illinois and most other States, it is all about television. It is all about millions of dollars which I have to raise to then give to television stations in my State. It troubles me because what those television stations are selling to me is something I own, something all Americans own—the airwaves. So we are paying premium dollars to television stations to run our ads for election and reelection. We are raising millions of dollars to make sure that we transfer this money as if it were a trust fund from our contributors directly to TV stations. It is about time we change the fundamentals in America. In changing the fundamentals, we can bring real reform.

I supported McCain-Feingold. Senators MCCAIN and FEINGOLD talked about limiting soft money. That is the tip of the iceberg. It is insidious, the soft money that came into campaigns, but the real problem is the cost of campaigns and the millions you have to raise to pay for television. If we said basically that in our country incumbents and challengers will have access to a certain amount of television to deliver their message at an affordable rate, we would dramatically drop the cost of campaigns, dramatically reduce the need to fund raise, and dramatically reduce our dependence on the sources of funds, whether they are generous individuals, special interest groups, or lobbyists.

We have to get to the heart of the issue. It isn't an appetite for golfing in Scotland; it is an appetite for money you need to run your campaign.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2129. A bill to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to introduce a bill today to formally convey title a portion of the American Falls Reservoir District from the Bureau of Reclamation to the National Park Service. The Minidoka Internment National Monument Draft General Management Plan and Environment Impact Statement proposes the transfer of these two publicly owned parcels of land, which are both within and adjacent to the existing 73-acre NPS boundary, and have been identified as important for inclusion as part of the monument. The sites were both within the original 33,000-acre Minidoka Relocation Center that was operated by the War Relocation Authority, where approximately 13,500 Japanese and Japanese Americans were held from 1942 through 1945.

The smaller 2.31-acre parcel is located in the center of the monument in the old warehouse area and includes three historical buildings and other important cultural features. The Draft General Management Plan proposes to use this site for visitor services, including a Visitor Contact Station within an original warehouse to greet visitors and provide orientation for the monument. The other, a 7.87-acre parcel, is on the east end of the monument and was undeveloped during WWII. The NPS proposes to use this area for special events and to provide a site for the development of a memorial for the Issei, first-generation Japanese immigrants. These two publicly-owned properties are critical for long-term development, visitor services, and protection and preservation of historical structures and features at Minidoka Internment National Monument.

I would like to add that this legislation was developed with and is strongly supported by both the agencies involved and the local communities. I ask my colleagues to join me in enacting this small land transfer that we might move a step closer toward properly memorializing an important, but often forgotten, chapter of our Nation's history.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Falls Reservoir District Number 2 Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means Agreement No. 5-07-10-L1688 between the United States and the District, entitled "Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2".

(2) DISTRICT.—The term "District" means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, Idaho.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. AUTHORITY TO CONVEY TITLE.

(a) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(1) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(2) to the city of Gooding, located in Gooding County, Idaho, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(3) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(b) COMPLIANCE WITH AGREEMENT.—All parties to the conveyance under subsection (a) shall comply with the terms and conditions of the Agreement, to the extent consistent with this Act.

SEC. 4. TRANSFER.

As soon as practicable after the date of enactment of this Act, the Secretary shall direct the Director of the National Park Service to include in and manage as a part of the Minidoka Internment National Monument the 10.18 acres of land and improvements described in Appendix D of the Agreement.

SEC. 5. COMPLIANCE WITH OTHER LAWS.

(a) IN GENERAL.—On conveyance of the land and improvements under section 3(a)(1), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(b) APPLICABLE AUTHORITY.—Nothing in this Act modifies or otherwise affects the applicability of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) to project water provided to the District.

SEC. 6. REVOCATION OF WITHDRAWALS.

(a) IN GENERAL.—The portions of the Secretarial Orders dated March 18, 1908, October 7, 1908, September 29, 1919, October 22, 1925, March 29, 1927, July 23, 1927, and May 7, 1963, withdrawing the approximately 6,900 acres described in Appendix E of the Agreement for the purpose of the Gooding Division of the Minidoka Project, are revoked.

(b) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subsection (a) subject to valid existing rights.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Subject to subsection (b), upon completion of a conveyance under section 3, the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(b) EXCEPTION.—Subsection (a) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

(c) FEDERAL TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

SEC. 8. FUTURE BENEFITS.

(a) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under section

3(a)(1), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(b) ELIGIBILITY FOR FEDERAL FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the District shall not be eligible to receive Federal funding to assist in any activity described in subsection (a) relating to land and improvements transferred under section 3(a)(1).

(2) EXCEPTION.—Paragraph (1) shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

SEC. 9. NATIONAL ENVIRONMENTAL POLICY ACT.

Before completing any conveyance under this Act, the Secretary shall complete all actions required under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(4) all other applicable laws (including regulations).

SEC. 10. PAYMENT.

(a) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under section 3(a)(1), the District shall pay the fair market value for the withdrawn lands to be acquired by them, in accordance with the terms of the Agreement.

(b) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka Internment National Monument, the Secretary, acting through the Commission of Reclamation, shall provide to the District a grant in the amount of $52,996, in accordance with the terms of the Agreement.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. HARKIN, and Mr. HAGEL):

S. 2131. A bill to amend title 9, United Stares Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise to re-introduce the Fair Contracts for Growers Act of 2005. This bill would simply give farmers a choice of venues to resolve disputes associated with agricultural contracts. This legislation would not prohibit arbitration. Instead, it would ensure that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

I certainly recognize that arbitration has tremendous benefits. It can often be less costly than other dispute settlement means. It can also remove some of the workload from our Nation's overburdened court system. For these reasons, arbitration must be an option—but it should not be a coerced option.

Mandatory arbitration clauses are used in a growing number of agricultural contracts between individual farmers and processors. These provisions limit a farmer's ability to resolve a dispute with the company, even when a violation of Federal or State law is suspected. Rather than having the option to pursue a claim in court, disputes are required to go through an arbitration process that puts the farmer at a severe disadvantage. Such disputes often involve instances of discrimination, fraud, or negligent misrepresentation. The effect of these violations for the individual farmer can be bankruptcy and financial ruin, and mandatory arbitration clauses make it impossible for farmers to seek redress in court.

When a farmer chooses arbitration, the farmer is waving rights to access to the courts and the constitutional right to a jury trial. Certain standardized court rules are also waived, such as the right to discovery. This is important because the farmer must prove his case, the company has the relevant information, and the farmer can not prevail unless he can compel disclosure of relevant information.

Examples of farmers' concerns that have gone unaddressed due to limitations on dispute resolution options include; mis-weighed animals, bad feed cases, wrongful termination of contracts, diseased swine or birds provided by the company, fraud and misrepresentation to induce a grower to enter a contract, and retaliation by companies against farmers who join producer associations.

During consideration of the Farm Bill, the Senate passed, by a vote of 64–31, the Feingold-Grassley amendment to give farmers a choice of venues to resolve disputes associated with agricultural contracts.

I have some letters supporting this legislation and ask unanimous consent that they be printed in the RECORD.

I also ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATION FOR COMPETITIVE
MARKETS,
Lincoln, NE, November 15, 2005.

Re: Fair Contracts for Growers Act.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

SENATOR GRASSLEY:

1. The Organization for Competitive Markets would like to express its support for your Fair Contracts for Growers Act. Arbitration has a role in dispute resolution in the livestock industry, and in other economic sectors. It should not be an abuse tool. Your bill will remedy this.

2. The U.S. Constitution, Amendment 7 says this: ". . . the right of trial by jury shall be preserved . . .". The law says citizens can waive this right, but the law also says waivers should be knowing and voluntary.

3. It is a fact integrators and packers have more information and sophistication, and more power, when contracting with producers. Producers rely on integrator/packer representations when making business decisions including contract signing or rejection. Mandatory arbitration clauses are not explained or negotiated, but merely included in boilerplate language.

4. Producers are unable to knowingly and voluntarily waive their right to a court-resolved future dispute. This is true because they cannot anticipate the type of possible disputes which may arise. The American Medical Assn, American Arbitration Assn, and American Bar Assn have agreed with this principal in the context of consumer health care contracts.

5. Producers must be provided real, not illusory, choice. Your bill leaves producers free to agree to arbitration once a dispute arises, but prohibits this forced "choice" before. Thank you for your efforts for U.S. livestock and poultry producers.

Respectfully,

KEITH MUDD,
President.

IOWA FARMERS UNION,
Ames, IA.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of Iowa Farmers Union, Women, Food and Agriculture Network (WFAN) and the Iowa Chapter of National Farmers Organization to express our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation.

Contract livestock and poultry producers are being forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with large, vertically integrated processing firms. These producers forfeit their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control over the information needed for growers to argue their case. In a civil court case, this evidence would be available to a grower's attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

Many assume that arbitration is a less costly way of resolving dispute than going to court, but for the producer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Independent family farmers all over the U.S. will benefit from a law that stops the abuse of arbitration clauses in livestock and poultry contracts.

Sincerely,

CHRIS PETERSEN,
President.

CENTER FOR RURAL AFFAIRS,
Lyons, NE.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Center for Rural Affairs to express our strong support for the Fair Contacts for Growers Act, and to thank you for your leadership in introducing this legislation.

The Fair Contracts for Growers Act is very timely. With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. Under these contracts, it is common for farmers and growers to be forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with a large, vertically integrated processing firm. In doing so, the farmer is forced to give up their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon.

The Center for Rural Affairs believes this is important because of the number of small and mid-size farms that enter into contract livestock production. Small and mid-size farms that don't have the capital to invest in starting their own livestock operations often look to contract production as mechanism for diversifying their farming operations as well as their cash flow. However, when these farmers and ranchers are not allowed equal legal protection, their entire farming operations lay at risk.

Moreover, farmers who enter into contracts with meatpackers and large, corporate livestock producers will never have the power or negotiating position that those companies will enjoy in virtually every contract dispute. Producers often lack the financial and legal resources to challenge vertical integrators when their rights are violated. A legal agreement between smaller farm operations and integrators should, therefore, provide at least as much legal protection for producers as it does for the integrator.

Although the impetus behind this legislation emanates from the poultry industry, the rights of farmers who raise hogs and other livestock under contract are also threatened. And the increased use of production contracts in these sectors has made this issue that much more important to farmers in the Midwest and Great Plains as well.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce commonsense legislation to stop the abuse of arbitration clauses in the livestock and poultry contracts.

Sincerely,

TRACI BRUCKNER,
Associate Director, Rural Policy Program.

SUSTAINABLE AGRICULTURE
COALITION,
Washington, DC, November 17, 2005.

Senator CHUCK GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Sustainable Agriculture Coalition in support of the Fair Contract for Growers Act and to thank you for your leadership in introducing this legislation.

The Fair Contracts for Growers Act is necessary to help level the playing field for our farmers and ranchers who enter into production contracts with packers and processors. The rapid rise of vertically integrated production chains, combined with the high degree of concentration of poultry processors and meatpackers, leave farmers and ranchers in many regions of the country with few choices, or only a single choice, of buyers for their production. Increasingly, farmers and ranchers are confronted with "take-it-or-leave-it," non-negotiable contracts, written by the company. These contracts require that farmers and ranchers give up the basic constitutional right of access to the courts and sign mandatory arbitration clauses if they want access to a market for their products. These clauses are signed before any dispute arises, leaving the producers little, if any, ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Many basic legal processes are not available to farmers and ranchers in arbitration. In most agricultural production contract disputes, the company has control of the information needed for a grower to argue a case. In a civil court case, this evidence would be available to the grower's attorney through discovery. In an arbitration proceeding, however, the company is not required to provide access to this information, thus placing the grower at an extreme disadvantage. In addition, in most arbitration proceedings, a decision is issued without an opinion providing an explanation of the principles and standards or even the facts considered in reaching the decision. The arbitration proceeding is private, closed to effective pubic safeguards, and the arbitration decisions are often confidential and rarely subject to public oversight or judicial review.

Moreover, there is a growing perception that the arbitration system is biased towards the companies. This private system is basically supported financially by the companies which are involved repeatedly in arbitration cases. The companies also know the history of previous arbitrations, including which arbitrators repeatedly decide in the companies' favor. This arbitration history is rarely available to a farmer or rancher involved in a single arbitration proceeding.

Arbitration is often assumed to be a less costly way of resolving disputes than litigation. But this assumption must be tested in light of the relative resources of the parties. For most farmers and ranchers, arbitration is a significant expense in relation to their income. One immediate financial barrier is filing fees and case service fees, which in arbitration are usually divided between the parties. A few thousand dollars out of pocket is a miniscule expense for a well-heeled company but can be an insurmountable barrier for a farmer with a modest income, especially when the farmer is conflict with the farmer's chief source of income. This significant cost barrier, when coupled with the disadvantages of the arbitration process, can effectively deny farmers a remedy in contract dispute cases with merit.

The Sustainable Agriculture Coalition represents family farm, rural development, and conservation and environmental organizations that share a commitment to federal policy reform to promote sustainable agriculture and rural development. Coalition member organizations include the Agriculture and Land Based Training Association, American Natural Heritage Foundation, C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Center for Rural Affairs, Dakota Rural Action, Delta Land and Community, Inc., Future Harvest-CASA (Chesapeake Alliance for Sustainable Agriculture), Illinois Stewardship Alliance, Innovative Farmers of Ohio, Institute for Agriculture and Trade Policy, Iowa Environmental Council, Iowa Natural Heritage Foundation, Kansas Rural Center, Kerr Center for Sustainable Agriculture, Land Stewardship Project, Michael Fields Agricultural Institute, Michigan Agricultural Stewardship Association, Midwest Organic and Sustainable Education Service, The Minnesota Project, National Catholic Rural Life Conference, National Center for Appropriate Technology, Northern Plains Sustainable Agriculture Society, Ohio Ecological Food and Farm Association, Organic Farming Research Foundation, and the Sierra Club Agriculture Committee. Our member organizations included thousands of farmers and ranchers with small and mid-size operations, a number of whom have entered into agricultural production contracts or are considering whether to sign these contracts. As individuals, these farmers and ranchers do not have the financial power or negotiating position that companies enjoy in virtually every contract dispute. We agree with Senator Grassley that, in the face of such unequal bargaining power, the Fair Contract for Growers Act is a modest and appropriate step which allows growers the choice of entering into arbitration or mediation or choosing to exercise their basic legal right of access to the courts.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce commonsense legislation to stop the abuse of mandatory arbitration clauses in livestock and poultry contracts.

Sincerely,

MARTHA L. NOBLE,
Senior Policy Associate,
Sustainable Agriculture Coalition.

NATIONAL FAMILY FARM COALITION,
Washington, DC, November 17, 2005.
Senator CHARLES GRASSLEY,
Hart Building,
Washington, DC.

DEAR SENATOR GRASSLEY. I am writing as president of the National Family Farm Coalition to express our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation. As you know, the National Family Farm Coalition provides a voice for grassroots groups on farm, food, trade and rural economic issues to ensure fair prices for family farmers, safe and healthy food, and vibrant, environmentally sound rural communities here and around the world. Our organization is committed to promoting food sovereignty, which is stymied by current practices that give farmers unfair and unjust difficulties when they wish to arbitrate a contract dispute.

Therefore, the Fair Contracts for Growers Act is very timely. With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. Under these contracts, it is common for farmers and growers to be forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with a large, vertically integrated processing firm. In doing so, the farmer is forced to give up their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce common sense legislation to stop the abuse of arbitration clauses in the livestock and poultry contracts.

Sincerely,

GEORGE NAYLOR,
President,
National Family Farm Coalition.

CAMPAIGN FOR CONTRACT
AGRICULTURE REFORM,
November 18, 2005.
Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the Campaign for Contract Agriculture Reform, I would like to thank you for your leadership in introducing the Fair Contracts for Growers Act.

With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. In many cases, particularly in the livestock and poultry sector, the farmer never actually owns the product they produce, but instead makes large capital investments on their own land to build the facilities necessary to raise animals for an "integrator."

Under such contract arrangements, farmers and growers are often given take-it-or-leave-it, non-negotiable contracts, with language drafted by the integrator in a manner designed to maximize the company's profits and shift risk to the grower. In many cases, the farmer has little choice but to sign the contract presented to them, or accept bankruptcy. The legal term for such contracts is "contract of adhesion." As contracts of adhesion become more commonplace in agriculture, the abuses that often characterize such contracts are also becoming more commonplace and more egregious.

One practice that has become common in livestock and poultry production contracts is the use of mandatory arbitration clauses, where growers are forced to sign away their constitutional rights to jury trial upon signing a contract with an integrator, and instead accept a dispute resolution forum that denies their basic legal rights and is too costly for most growers to pursue.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a grower's attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself. For example, in one Mississippi case, filing fees for a poultry grower to begin an arbitration proceeding were $11,000. In contrast, filing fees for a civil court case are $150 to $250. Lawyer fees in a civil case are often paid on a contingent-fee basis.

In addition, the potential for mandatory arbitration clauses to be used abusively by a dominant party in a contract has also been recognized by Congress with regard to other sectors of our economy. In 2002, legislation was enacted with broad bipartisan support that prohibits the use of pre-dispute, mandatory arbitration clauses in contracts between car dealers and car manufacturers and distributors. The Fair Contract for Growers Act is nearly identical in structure to the "car dealer" arbitration bill passed by Congress in 2002.

Thank you again for introducing the Fair Contracts for Growers Act, to assure that arbitration in livestock and poultry contracts is truly voluntary, after mutual agreement of both parties after a dispute arises. If used, arbitration should be a tool for honest dispute resolution, not a weapon used to limit a farmer's right to seek justice for abusive trade practices.

I look forward to working with you toward enactment of this important legislation.

Sincerely,

STEVEN D. ETKA,
Legislative Coordinator.

S. 2131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Contracts for Growers Act of 2005".

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"§ 17. Livestock and poultry contracts

"(a) DEFINITIONS.—In this section:

"(1) LIVESTOCK.—The term 'livestock' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

"(2) LIVESTOCK OR POULTRY CONTRACT.—The term 'livestock or poultry contract' means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

"(3) LIVESTOCK OR POULTRY GROWER.—The term 'livestock or poultry grower' means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

"(4) POULTRY.—The term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

"(b) CONSENT TO ARBITRATION.—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

"(c) EXPLANATION OF BASIS FOR AWARDS.—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"17. Livestock and poultry contracts".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. CRAPO (for himself, Mr. BURNS and Mr. CRAIG):

S. 2132. A bill to include Idaho and Montana as affected areas for purposes of making claims under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise to introduce legislation on behalf of myself, Senator BURNS of Montana and my Colleague Senator CRAIG that would include the States of Idaho and Montana as affected areas under the Radiation Exposure Compensation Act, or RECA.

Since our goals of giving affected citizens in our States the opportunity to receive compensation under RECA, and the challenges faced by our constituents are the same, it is appropriate to combine our efforts toward rectifying the problem.

Nuclear testing in Nevada during the 1950s and 1960s released radiation into the atmosphere that settled in States far away from the original test site. Certain elements of this radiation such as the radioactive isotope Iodine-131 settled in States such as Idaho and Montana and found their way into the milk supply. After time, in some cases 25 to 50 years after the fact, this contamination manifested itself as various forms of cancer, leukemia and other illnesses, particularly thyroid cancer. Those affected in this way are often referred to as "downwinders," to denote their location downwind from the fallout.

In 1990, Congress recognized the need for the Federal Government to make amends for the harm caused to innocent citizens by nuclear testing and the Radiation Exposure Compensation Act was passed into law. Unfortunately, the science at the time did not recognize that radioactive fallout did not restrict itself by State lines.

This was highlighted in 1999, when a group of Senators, led by Senator HATCH, amended the law to include additional counties in Arizona. During debate on this legislation, Senator HATCH said, "Our current state of scientific knowledge allows us to pinpoint with more accuracy which diseases are reasonably believed to be related to radiation exposure, and that is what necessitated the legislation we are considering today." Since that time, even greater advances in science have been made in the area of radiation exposure.

When the RECA disparity was first brought to my attention by the Idaho downwinders, I met with them to discuss ways to help them. The National Academy of Sciences staff came to Idaho in 2004 to hear testimony from those affected and ensure that their concerns and comments were included in the process.

Their voices were heard; the NAS report released in April of 2005 recognized that, among the 25 counties with the highest per capita dosage of radiation, 20 of those counties are in Idaho and Montana. In fact, Idaho is home to four of the top five counties in this regard. The report also stated that, "To be equitable, any compensation program needs to be based on scientific criteria and similar cases must be treated alike. The current geographic limitations are not based on the latest science." Understanding these facts, it is of prime importance that we rectify the problem quickly.

The NAS report recognizes that the RECA program needs to be updated and that affected Idahoans and Montanans deserve equal treatment with those in other States. The report makes several specific recommendations, chief among them that Congress should establish a new process for reviewing individual claims, based on probability of causation, or "assigned share," a method which is used in the courts and for other radiation compensation programs. I am currently working with my colleagues to legislatively address the suggestions made by the NAS report and work out a long-term solution for the challenges currently posed by RECA.

We all recognize that this problem requires a two-part solution—expanding the current RECA program to include those left behind while at the same time working on the long-term fixes recommended by the NAS. These efforts must happen simultaneously and I am pleased that my colleagues are partnering with me on this course.

Tragically, for some, it is already too late. A long-time advocate for the downwinders, and personal friend, Sheri Garmon, passed away from cancer this summer. Others preceded her and some are sick right now. There are still a number of those affected who are still waiting for the Government to do the right thing and make them eligible for compensation for their injuries. The facts are in and the science shows that they should not have to wait any longer for their rightful opportunity to seek appropriate redress. Let's fix this while we still have some of those who are sick because of Government actions with us.

I would exhort my colleagues to join with me and Senators BURNS and CRAIG to take up this legislation we have introduced today and bring needed fairness to those in Idaho and Montana and extend them eligibility under the current Radiation Exposure Compensation Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF IDAHO AND MONTANA IN RADIATION EXPOSURE COMPENSATION.

Section 4(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by striking "and" after the semicolon; and

(3) by adding after subparagraph (C) the following:

"(D) the State of Idaho; and

"(E) the State of Montana; and".

By Mr. ROCKEFELLER:

S. 2133. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include foreseeable catastrophic events as major disasters, to permit States affected by an event occurring elsewhere to receive assistance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ROCKEFELLER. Mr. President, the massive devastation inflicted upon our southern States by hurricanes Katrina, Rita, and Wilma reminded all Americans how important it is that the Federal Government be able to respond quickly and effectively when disaster strikes. We also learned from those tragedies that we must assist in ways few of us had imagined—for example, to meet the needs of evacuees who were dispersed far from the disaster.

Other events of the past few years, both here at home and abroad, have taught us that we must prepare for more than just natural disasters. Accidents, acts of terrorism, and pandemic illnesses also threaten us with death, injury, and destruction. And while we work to minimize the threats, we must assume that such disasters will really happen.

I have concluded that the President's current statuary authority to respond to disasters is not sufficient to meet the threats that we all now recognize as real, though once they were unimaginable. Today, I am introducing the Disaster Relief Act 2005 to modernize our disaster response capability for the 21st century.

One of the principal authorities we have given the President for disaster management is the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This is the law that authorizes the President, at the request of a Governor, to declare an "Emergency" or a "Major Disaster," which then enables various types of Federal assistance. Emergency is the lower level declaration. The President is given great latitude in the types of events that can be declared emergencies, but relief is generally limited to $5 million per declaration. A major disaster declaration allows much greater assistance, but can be made only for natural disasters or, from any cause, fire, flood, or explosion.

The Department of Homeland Security uses 15 disaster scenarios to guide planning for the types of catastrophes it has concluded threaten our country. Besides natural disasters, the list includes various types of terrorist attacks—chemical, biological, radiological, cyber—as well as major health disasters. Though the President could respond to any of these scenarios by issuing an Emergency declaration, only seven of the fifteen would currently qualify under the Stafford Act to be declared a major disaster.

This bill will modify the definition of a major disaster in the Stafford Act to direct the President to focus on the impacts of an event in determining whether to issue a declaration. It is indeed the suffering—deaths, injuries, destruction—and not the cause of that suffering, which should determine our response. Catastrophic events, foreseeable and yet unimagined, will be covered if the suffering exceeds the capacity of the State to respond.

Furthermore, under the Stafford Act it is not clear whether States affected indirectly by a disaster occurring elsewhere—for example, by receiving evacuees or by the spread of nuclear, toxic, or infectious agents—could receive a major disaster declaration. It became clear in the aftermath of Hurricane Katrina that meeting the needs of evacuees can be a difficult challenge. Four States received major disaster declarations following Katrina. Forty-four others received emergency declarations to assist evacuees, but not even Texas, which hosted over 200,000 evacuees, received a major disaster declaration to assist them. Even if it were possible to declare a major disaster in a State receiving evacuees, assistance to meet some of their needs—education, healthcare, long-term housing and resettlement—is not adequately authorized under the Stafford Act.

Being able to meet the needs of evacuees is an important issue for West Virginia. We hosted several hundred evacuees from Hurricane Katrina, just enough to understand the special needs of people who have lost their homes and livelihoods, have been moved to unfamiliar places without resources, have been separated from their families, and suffered in many other ways. A disaster in the Washington-Baltimore region, or in Pennsylvania or Ohio, could bring far more evacuees to West Virginia than we could assist with presently available resources.

This bill acknowledges the fact that the impacts of a major disaster can extend far beyond the location of the event, and enables the President to make major disaster declarations in affected States, wherever they may be located. Additional forms of assistance to evacuees, found necessary after hurricane Katrina—for education, healthcare, long-term housing, and resettlement—will be made available.

Several other aspects of the Stafford Act require our attention, and are addressed in the bill. Authorization for Predisaster Hazard Mitigation under Title II, set to expire at the end of this year, will be extended to 2010. The modest levels of direct assistance to individuals, though indexed to inflation, will be increased because of rapid increases in housing costs in recent years. The duration of assistance that can be provided by the Department of Defense, for the preservation of life and property, will be increased from 10 to 30 days, to meet needs following extreme disasters. It will be clarified that events occurring within the waters surrounding the United States are eligible for emergency and major disaster declarations. Efforts to recover costs of assistance when emergencies or major disasters are caused by gross negligence will be authorized. The process for appropriating funds for disaster relief will be improved. And other minor improvements will be made.

I ask my colleagues in the Senate to join me to pass this bill and improve our preparedness for disasters in the 21st century.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Relief Act of 2005".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the current definition of a major disaster in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is insufficient to enable the President to respond quickly and efficiently to foreseeable catastrophic events, including many types of potential terrorists attacks, accidents, and health emergencies;

(2) more than ½ of the disaster planning scenarios used by the Department of Homeland Security to evaluate preparedness would not be covered by that present definition;

(3) States affected by a event occurring elsewhere, such as through mass evacuations, the propagation of radioactive or toxic substances, or the transmission of infectious agents, may not be eligible for the declaration of a major disaster or for certain types of assistance;

(4) emergency declarations, widely used to provide assistance to evacuees following Hurricane Katrina, may not adequate;

(5) some types of assistance found to be necessary following the evacuations associated with Hurricane Katrina, notably assistance for providing public services such as education, healthcare, long-term housing, and resettlement, are not authorized to be provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(6) the process for appropriating funds for disaster assistance is inefficient and often requires supplemental appropriations and certain assistance programs have been delayed by insufficient funds;

(7) authorization for the Predisaster Hazard Mitigation program, under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) will expire on December 31, 2005;

(8) while the Federal Government is authorized to recover the cost of providing assistance in the event of major disasters or emergencies caused by deliberate actions, costs resulting from negligent actions cannot be recovered;

(9) limits on assistance provided to individuals for repair or replacement of housing and total assistance, though indexed for inflation, do not adequately reflect increases in the costs of housing that have occurred in recent years; and

(10) the duration of assistance by the Department of Defense authorized under section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)) for activities "essential for the preservation of life and property" may be insufficient to meet needs following major disasters that are particularly severe or for which the period of recovery is lengthy.

(b) PURPOSES.—

(1) IN GENERAL.—The purpose of this Act is to expand and enhance the authority and capacity of the President of the United States to alleviate suffering and loss resulting from large catastrophic events by appropriately amending the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) MAJOR DISASTERS.—In amending the definition of the term major disaster in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), Congress intends to expand the types of events that constitute a major disaster and does not intend to exclude any type of event that would have constituted a major disaster prior to the date of the enactment of this Act.

SEC. 3. DEFINITIONS.

(a) MAJOR DISASTER.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by striking paragraph (2) and inserting the following:

"(2) MAJOR DISASTER.—The term 'major disaster' means a catastrophic event that—

"(A) involves or results in—

"(i) a large number of human deaths, injuries, or illnesses;

"(ii) substantial property damage or loss; or

"(iii) extensive disruption of public services; and

"(B) in the determination of the President, is of such severity and magnitude that effective response is beyond the capabilities of the affected State or local government.".

(b) UNITED STATES.—Section 102(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(3)) is amended—

(1) by striking "'United States'" and inserting the following:

"(3) UNITED STATES.—The term 'United States' ";

(2) by striking "and" after "Samoa,"; and

(3) by striking the period at the end and inserting the following: ", and the exclusive economic zone and continental shelf (as those terms are defined in the United Nations Convention on the Law of the Sea, done at Montego Bay December 10, 1982) surrounding those areas.".

(c) AFFECTED STATE.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

"(10) AFFECTED STATE.—The term 'affected State' means any State—

"(A) that suffers damage, loss, or hardship as a result of an occasion or instance satisfying the criteria of paragraph (1) or a catastrophic event satisfying the criteria of paragraph (2);

"(B) regardless of location, that suffers indirect consequences due to an emergency or major disaster declared in another part of the United States, to the extent that, in the determination of the President, assistance provided for under this Act is required; or

"(C) that is included in a Presidential declaration of an Incident of National Significance under the National Response Plan (developed under Homeland Security Presidential Directive 5).".

SEC. 4. EXTENSION OF PREDISASTER HAZARD MITIGATION PROGRAM.

Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking "December 31, 2005" and inserting "December 31, 2010".

SEC. 5. COORDINATING OFFICERS.

Section 302(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(a)) is amended—

(1) by inserting "(1)" before "Immediately"; and

(2) by adding at the end the following:

"(2) In the event the President declares an emergency or major disaster in more than 1 State as a result of an occasion, instance, or catastrophic event, the President may, as appropriate and efficient, appoint 1 or more regional coordinating officers, without regard to State borders. A regional coordinating officer shall report to the Federal coordinating officer appointed under paragraph (1) and the Principal Federal Official for the emergency or major disaster designated under the National Response Plan (developed under Homeland Security Presidential Directive 5).".

SEC. 6. RECOVERY OF ASSISTANCE.

Section 317 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5160) is amended by inserting ", or through gross negligence," after "Any person who intentionally".

SEC. 7. UTILIZATION OF DOD RESOURCES.

Section 403(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)(1)) is amended—

(1) in the first sentence—

(A) by striking "an incident which may ultimately qualify for assistance under this title or title V of this Act" and inserting the following: "a catastrophic event that the President has declared a major disaster"; and

(B) by striking "the State in which such incident occurred" and inserting the following: "any State in the area for which the President has declared a major disaster"; and

(2) in the third sentence, by striking "10 days" and inserting "30 days".

SEC. 8. HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the first sentence, by striking "any area affected by a major disaster" and inserting "any area in which the President has declared a major disaster".

SEC. 9. CONGRESSIONAL NOTIFICATION.

Section 406(a)(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(4) is amended—

(1) in subparagraph (A), by striking "Committee on Environment and Public Works" and inserting "Committee on Homeland Security and Governmental Affairs"; and

(2) in subparagraph (B), by inserting "and the Committee on Homeland Security" after "Infrastructure"

SEC. 10. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) is amended—

(1) in subsection (a)(1), by striking "in the State who, as a direct result of a major disaster," and inserting the following: "in an area in which the President has declared a major disaster who";

(2) in subsection (c)—

(A) in paragraph (2)(C), by striking "$5,000" and inserting "$10,000"; and

(B) in paragraph (3)(B), by striking "$10,000" and inserting "$20,000"; and

(3) in subsection (h)(1), by striking "$25,000" and inserting "$50,000".

SEC. 11. EMERGENCY PUBLIC TRANSPORTATION.

Section 419 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5186) is amended by striking "an area affected by a major disaster to meet emergency needs" and inserting the following: "an area in which the President has declared a major disaster to meet emergency needs, including evacuation,".

SEC. 12. EVACUEES.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 425. ASSISTANCE IN AREAS RECEIVING EVACUEES.

"If the President determines that other statutory authorities are insufficient, the President may award grants or other assistance to an affected State or local government to be used to meet the temporary health, education, food, and housing needs of evacuees.".

SEC. 13. DISASTER RELIEF FUND.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

"SEC. 326. DISASTER RELIEF FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States, under the Office of the Secretary of the Treasury, a Disaster Relief Fund (referred to in this section as the 'Fund'). The Fund shall be available to provide financial resources to respond to domestic disasters and emergencies described in subsection (c).

"(b) APPROPRIATIONS.—

"(1) IN GENERAL.—The Fund shall consist of such sums as are appropriated in accordance with this subsection and such sums as are transferred from the Department of Homeland Security Disaster Relief Fund.

"(2) DEFINITION.—For purposes of this subsection, the term 'operating expenditures' means an amount equal to the average amount expended from the Fund, or any predecessor of the Fund, for the preceding 5 years, excluding the years during that 5-year period in which the greatest amount and least amount were expended from the Fund.

"(3) DEPOSITS INTO FUND.—On October 1 of each fiscal year, the Secretary of the Treasury shall make a cash deposit into the Fund of an amount sufficient to bring the Fund balance up the amount of operating expenditures as of that date.

"(4) REPLENISHMENT.—There shall be appropriated, for each fiscal year, sufficient amounts to restore the Fund to balance required under paragraph (3).

"(c) USE OF FUNDS.—Amounts in the Fund shall only be available to meet the emergency funding requirements for—

"(1) particular domestic disasters and security emergencies designated by a Joint Resolution of Congress; or

"(2) an emergency or major disaster declared by the President under this Act.

"(d) REPORTING.—Not later than November 30, 2006, and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report that lists the amounts expended from the Fund for the prior fiscal year for each disaster or emergency under subsection (c).".

(b) ABOLITION OF EXISTING FUND.—

(1) TRANSFER OF FUNDS.—The Secretary of Homeland Security shall transfer any funds in Department of Homeland Security Disaster Relief Fund to the Disaster Relief Fund established in the Treasury of the United States by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by this Act).

(2) ABOLITION.—After all funds are transferred to the Disaster Relief Fund in the Treasury of the United States under paragraph (1), the Department of Homeland Security Disaster Relief Fund is abolished.

(c) CONFORMING AMENDMENTS.—

(1) PERMANENT APPROPRIATION.—Section 1305 of title 31, United States Code, is amended by adding at the end the following:

"(11) EMERGENCY RESERVE FUND.—To make payments into the Disaster Relief Fund established by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

(d) CONGRESSIONAL BUDGET PROCESS.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively; and

(2) by inserting after paragraph (5) the following:

"(6) total new budget authority and total budget outlays for emergency funding requirements for domestic disasters and emergencies, which shall be transferred to the Disaster Relief Fund established by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

By Mr. SMITH:

S. 2134. A bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senators KOHL and DEWINE to introduce the Manufacturing Technology Competitiveness Act of 2005.

The manufacturing sector is a critical component of our economy and an engine of job creation for millions of Americans. Investment and continued growth in this industry is vital in order to strengthen manufacturing in the United States and increase our global competitiveness.

Through a number of measures, my legislation is aimed at further improving productivity, advancing technology and increasing the competitiveness of the U.S. manufacturing industry.

My bill authorizes funding through fiscal year 2008 for the Manufacturing Extension Partnership (MEP) and the

National Institute of Standards and Technology (NIST).

MEP is a nationwide network with centers in all 50 states that provide assistance to help small- and medium-sized manufacturers succeed by providing expertise and services customized to meet their critical needs.

Small and medium sized manufacturers in my home State of Oregon have benefited from the efforts of the Oregon MEP resulting in increased jobs, investment and overall productivity. In 2004, the Oregon MEP helped manufacturers generate new or retain sales of $6,835,400 and a save costs of $18,736,000. MEP's assistance has yielded similar success for countless manufacturers in states across the country.

In addition to authorizing funding for MEP, this bill will amend partnership to include a mechanism for review and re-competition of MEP Centers and establish an additional competitive grant program from which these centers can obtain supplemental funding for manufacturing-related projects.

The National Institute of Standards and Technology with its expertise in technology, measurement and standards helps U.S. industry manufacture leading products and deliver high quality services. NIST has aided U.S. companies in competing in domestic and foreign markets through technology-based innovations in areas such as biotechnology, information technology and advanced manufacturing. NIST's capabilities will allow them to make further valuable contributions with emerging technologies in the future.

My bill establishes programs aimed at enhancing research and advancements in the manufacturing industry including a fellowship program and a manufacturing research pilot program, which involves cost-sharing collaborations aimed at developing new processes and materials to improve manufacturing performance and productivity.

The Advanced Technology Program (ATP) which supports research and development of high-risk, cutting edge technologies is authorized funding in this legislation. ATP partners with private sector entities to invest in early stage, innovative technologies that enable U.S. companies to develop next generation products and services that improve the quality of life for all of us. These public-private partnerships lead to innovations that otherwise could not be developed by a single entity.

I urge my colleagues to support the Manufacturing Technology Competitiveness Act of 2005 and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manufacturing Technology Competitiveness Act of 2005".

SEC. 2. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note; as redesignated by Public Law 105–309) as section 34; and

(2) by inserting before the section redesignated by paragraph (1) the following:

"SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

"(a) AUTHORITY.—

"(1) ESTABLISHMENT.—The Director shall establish a Manufacturing Research Pilot Grants program to make awards to partnerships consisting of participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

"(2) PARTICIPANTS.—The partnerships described in this paragraph shall include at least—

"(A) 1 manufacturing industry partner; and

"(B) 1 nonindustry partner.

"(3) PURPOSE.—The purpose of the program established under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and the manufacturing competitiveness of the United States, and build lasting alliances among collaborators.

"(b) PROGRAM CONTRIBUTION.—An award made under this section shall provide for not more than one-third of the costs of the partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

"(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

"(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

"(2) the research that the grant will fund; and

"(3) how the research to be funded with the award will contribute to improved performance, productivity, and the manufacturing competitiveness of the United States.

"(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

"(1) the degree to which projects will have a broad impact on manufacturing;

"(2) the novelty and scientific and technical merit of the proposed projects; and

"(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

"(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

"(f) DURATION.—In carrying out this section, the Director shall conduct a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.".

SEC. 3. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Director is authorized"; and

(2) by adding at the end the following new subsection:

"(b) MANUFACTURING FELLOWSHIP PROGRAM.—

"(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

"(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

"(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

"(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(3) STIPEND LEVELS.—Under this section, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.".

SEC. 4. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting "A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and may be placed on probation for one year, after which time the panel may reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director may conduct a new competition to select an operator for the Center or may close the Center." after "sixth year at declining levels.".

(b) FEDERAL SHARE.—Section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) is amended to read as follows:

"(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds, if allocated to a Center, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).".

(c) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsections:

"(e) COMPETITIVE GRANT PROGRAM.—

"(1) ESTABLISHMENT.—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

"(2) Participants.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

"(3) Purpose.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership National Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, or extend beyond the traditional areas.

"(4) Applications.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership National Advisory Board.

"(5) Selection.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

"(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

"(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

"(C) that will contribute to the long-term economic stability of that region.

"(6) Program contribution.—Recipients of awards under this subsection shall not be required to provide a matching contribution.

"(f) Audits.—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A-133 and shall make such audits available to the public on request.".

(d) Programmatic and Operational Plan.—Not later than 120 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year programmatic and operational plan for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278*l*). The plan shall include comments on the plan from the Manufacturing Extension Partnership State partners and the Manufacturing Extension Partnership National Advisory Board.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR MANUFACTURING SUPPORT PROGRAMS.

(a) Manufacturing Extension Partnership Program.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278*l*)—

(1) $110,000,000 for fiscal year 2006, of which not more than $1,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) $115,000,000 for fiscal year 2007, of which not more than $4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(3) $120,000,000 for fiscal year 2008, of which not more than $4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

(b) Collaborative Manufacturing Research Pilot Grants Program.—There are authorized to be appropriated to the Secretary of Commerce for the Collaborative Manufacturing Research Pilot Grants program under section 33 of the National Institute of Standards and Technology Act—

(1) $10,000,000 for fiscal year 2006;

(2) $10,000,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

(c) Fellowships.—There are authorized to be appropriated to the Secretary of Commerce for Manufacturing Fellowships at the National Institute of Standards and Technology under section 18(b) of the National Institute of Standards and Technology Act, as added by section 3 of this Act—

(1) $1,500,000 for fiscal year 2006;

(2) $1,750,000 for fiscal year 2007; and

(3) $2,000,000 for fiscal year 2008.

SEC. 6. TECHNICAL WORKFORCE EDUCATION AND DEVELOPMENT.

(a) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to the Director of the National Science Foundation, from sums otherwise authorized to be appropriated, for the programs established under section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i)—

(A) $55,000,000 for fiscal year 2006, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification;

(B) $57,750,000 for fiscal year 2007, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification; and

(C) $60,600,000 for fiscal year 2008, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification.

(2) Distribution.—Funds appropriated under this subsection shall be made available, to the maximum extent practicable, to diverse institutions, including historically Black colleges and universities and other minority-serving institutions.

(b) Amendments.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) in subsections (a)(1) and (c)(2), by inserting ", including manufacturing," after "advanced-technology fields"; and

(2) by inserting ", including manufacturing" after "advanced-technology fields" each place the term appears, other than in subsections (a)(1) and (c)(2).

SEC. 7. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) Laboratory Activities.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) $426,267,000 for fiscal year 2006, of which—

(A) $50,833,000 shall be for Electronics and Electrical Engineering;

(B) $28,023,000 shall be for Manufacturing Engineering;

(C) $52,433,000 shall be for Chemical Science and Technology;

(D) $46,706,000 shall be for Physics;

(E) $33,500,000 shall be for Material Science and Engineering;

(F) $24,321,000 shall be for Building and Fire Research;

(G) $68,423,000 shall be for Computer Science and Applied Mathematics;

(H) $20,134,000 shall be for Technical Assistance;

(I) $48,326,000 shall be for Research Support Activities;

(J) $29,369,000 shall be for the National Institute of Standards and Technology Center for Neutron Research; and

(K) $18,543,000 shall be for the National Nanomanufacturing and Nanometrology Facility;

(2) $447,580,000 for fiscal year 2007; and

(3) $456,979,000 for fiscal year 2008.

(b) Malcolm Baldrige National Quality Award Program.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $5,654,000 for fiscal year 2006;

(2) $5,795,000 for fiscal year 2007; and

(3) $5,939,000 for fiscal year 2008.

(c) Construction and Maintenance.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) $58,898,000 for fiscal year 2006;

(2) $61,843,000 for fiscal year 2007; and

(3) $63,389,000 for fiscal year 2008.

SEC. 8. ADVANCED TECHNOLOGY PROGRAM.

(a) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Commerce for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) $140,000,000 for each of the fiscal years 2006 through 2008.

(b) Report on Elimination.—Not later than 3 months after the date of enactment of this Act, the Secretary shall submit to Congress a report detailing the impacts of the possible elimination of the Advanced Technology Program on the laboratory programs at the National Institute of Standards Technology.

(c) Loss of Funding.—At the time of the President's budget request for fiscal year 2007, the Secretary shall submit to Congress a report on how the Department of Commerce plans to absorb the loss of Advanced Technology Program funds to the laboratory programs at the National Institute of Standards and Technology, or otherwise mitigate the effects of this loss on its programs and personnel.

SEC. 9. STANDARDS EDUCATION PROGRAM.

(a) Program Authorized.—(1) As part of the Teacher Science and Technology Enhancement Institute Program, the Director of the National Institute of Standards and Technology shall carry out a Standards Education program to award grants to institutions of higher education to support efforts by such institutions to develop curricula on the role of standards in the fields of engineering, business, science, and economics. The curricula should address topics such as—

(A) development of technical standards;

(B) demonstrating conformity to standards;

(C) intellectual property and antitrust issues;

(D) standardization as a key element of business strategy;

(E) survey of organizations that develop standards;

(F) the standards life cycle;

(G) case studies in effective standardization;

(H) managing standardization activities; and

(I) managing organizations that develop standards.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost-sharing from non-Federal sources.

(b) Selection Process.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricula in the courses of study offered by the applicant; and

(B) a description of the source and amount of cost-sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1) the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curricula changes in accordance with subsection (a)(1); and

(B) the amount of cost-sharing provided.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) $773,000 for fiscal year 2006;

(2) $796,000 for fiscal year 2007; and

(3) $820,000 for fiscal year 2008.

By Mr. DURBIN:

S. 2137. A bill to amend title XXI of the Social Security Act to make all uninsured children eligible for the State children's health insurance program, to encourage States to increase the number of children enrolled in the medicaid and State children's health insurance programs by simplifying the enrollment and renewal procedures for those programs, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "All Kids Health Insurance Coverage Act of 2005".

SEC. 2. FINDINGS.

The Senate finds the following:

(1) There are more than 9,000,000 children in the United States with no health insurance coverage.

(2) Uninsured children, when compared to privately insured children, are —

(A) 3.5 times more likely to have gone without needed medical, dental, or other health care;

(B) 4 times more likely to have delayed seeking medical care;

(C) 5 times more likely to go without needed prescription drugs; and

(D) 6.5 times less likely to have a regular source of care.

(3) Children without health insurance coverage are at a disadvantage in the classroom, as shown by the following studies:

(A) The Florida Healthy Kids Annual Report published in 1997, found that children who do not have health care coverage are 25 percent more likely to miss school.

(B) A study of the California Health Families program found that children enrolled in public health coverage experienced a 68 percent improvement in school performance and school attendance.

(C) A 2002 Building Bridges to Healthy Kids and Better Students study conducted by the Council of Chief State School Officers in Vermont concluded that children who started out without health insurance saw their reading scores more than double after obtaining health care coverage.

(4) More than half of uninsured children in the United States are eligible for coverage under either the State Children's Health Insurance Program (SCHIP) or Medicaid, but are not enrolled in those safety net programs.

(5) Some States, seeing that the Federal Government is not providing assistance to middle class families who are unable to afford health insurance, are trying to extend health care coverage to some or all children in the State.

(6) State efforts to cover all children may not be successful without financial assistance from the Federal Government.

SEC. 3. ELIGIBILITY OF ALL UNINSURED CHILDREN FOR SCHIP.

(a) In General.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (2)—

(A) by striking "include" and all that follows through "a child who is an" and inserting "include a child who is an"; and

(B) by striking the semicolon and all that follows through the period and inserting a period; and

(3) by striking paragraph (4).

(b) No Exclusion of Children With Access to High-Cost Coverage.—Section 2110(b)(3) of the Social Security Act (42 U.S.C. 1397jj(b)(3)) is amended—

(1) in the paragraph heading, by striking "RULE" and inserting "RULES";

(2) by striking "A child shall not be considered to be described in paragraph (1)(C)" and inserting the following:

"(A) Certain non federally funded coverage.—A child shall not be considered to be described in paragraph (1)(C)"; and

(3) by adding at the end the following:

"(B) No exclusion of children with access to high-cost coverage.—A State may include a child as a targeted vulnerable child if the child has access to coverage under a group health plan or health insurance coverage and the total annual aggregate cost for premiums, deductibles, cost sharing, and similar charges imposed under the group health plan or health insurance coverage with respect to all targeted vulnerable children in the child's family exceeds 5 percent of such family's income for the year involved.".

(c) Conforming Amendments.—

(1) Titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et. seq.) are amended by striking "targeted low-income" each place it appears and inserting "targeted vulnerable".

(2) Section 2101(a) of such Act (42 U.S.C. 1397aa(a)) is amended by striking "uninsured, low-income" and inserting "low-income".

(3) Section 2102(b)(3)(C) of such Act (42 U.S.C. 1397bb(b)(3)(C)) is amended by inserting ", particularly with respect to children whose family income exceeds 200 percent of the poverty line" before the semicolon.

(4) Section 2102(b)(3)(E), section 2105(a)(1)(D)(ii), paragraphs (1)(C) and (2) of section 2107, and subsections (a)(1) and (d)(1)(B) of section 2108 of such Act (42 U.S.C. 1397bb(b)(3)(E); 1397ee(a)(1)(D)(ii); 1397gg; 1397hh) are amended by striking "low-income" each place it appears.

(5) Section 2110(a)(27) of such Act (42 U.S.C. 1397jj(a)(27)) is amended by striking "eligible low-income individuals" and inserting "targeted vulnerable individuals".

(d) Effective Date.—The amendments made by this section take effect on October 1, 2006.

SEC. 4. INCREASE IN FEDERAL FINANCIAL PARTICIPATION UNDER SCHIP AND MEDICAID FOR STATES WITH SIMPLIFIED ENROLLMENT AND RENEWAL PROCEDURES FOR CHILDREN.

(a) SCHIP.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) Nonapplication of limitation and increase in federal payment for states with simplified enrollment and renewal procedures.—

"(i) In general.—Notwithstanding subsection (a)(1) and subparagraph (A)—

"(I) the limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply with respect to expenditures incurred to carry out any of the outreach strategies described in clause (ii), but only if the State carries out the same outreach strategies for children under title XIX; and

"(II) the enhanced FMAP for a State for a fiscal year otherwise determined under subsection (b) shall be increased by 5 percentage points (without regard to the application of the 85 percent limitation under that subsection) with respect to such expenditures.

"(ii) Outreach strategies described.—For purposes of clause (i), the outreach strategies described in this clause are the following:

"(I) Presumptive eligibility.—The State provides for presumptive eligibility for children under this title and under title XIX.

"(II) Adoption of 12-month continuous eligibility.—The State provides that eligibility for children shall not be redetermined more often than once every year under this title or under title XIX.

"(III) Elimination of asset test.—The State does not apply any asset test for eligibility under this title or title XIX with respect to children.

"(IV) Passive renewal.—The State provides for the automatic renewal of the eligibility of children for assistance under this title and under title XIX if the family of which such a child is a member does not report any changes to family income or other relevant circumstances, subject to verification of information from State databases.".

(b) Medicaid.—

(1) In general.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (3), by inserting "subject to paragraph (5)", after "Notwithstanding subsection (a)(17),"; and

(B) by adding at the end the following:

"(5)(A) Notwithstanding the first sentence of section 1905(b), with respect to expenditures incurred to carry out any of the outreach strategies described in subparagraph

(B) for individuals under 19 years of age who are eligible for medical assistance under subsection (a)(10)(A), the Federal medical assistance percentage is equal to the enhanced FMAP described in section 2105(b) and increased under section 2105(c)(2)(C)(i)(II), but only if the State carries out the same outreach strategies for children under title XXI.

"(B) For purposes of subparagraph (A), the outreach strategies described in this subparagraph are the following:

"(i) PRESUMPTIVE ELIGIBILITY.—The State provides for presumptive eligibility for such individuals under this title and title XXI.

"(ii) ADOPTION OF 12-MONTH CONTINUOUS ELIGIBILITY.—The State provides that eligibility for such individuals shall not be redetermined more often than once every year under this title or under title XXI.

"(iii) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under this title or title XXI with respect to such individuals.

"(iv) PASSIVE RENEWAL.—The State provides for the automatic renewal of the eligibility of such individuals for assistance under this title and under title XXI if the family of which such an individual is a member does not report any changes to family income or other relevant circumstances, subject to verification of information from State databases.".

(2) CONFORMING AMENDMENT.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking "section 1933(d)" and inserting "sections 1902(l)(5) and 1933(d)".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 5. LIMITATION ON PAYMENTS TO STATES THAT HAVE AN ENROLLMENT CAP BUT HAVE NOT EXHAUSTED THE STATE'S AVAILABLE ALLOTMENTS.

(a) IN GENERAL.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

"(h) LIMITATION ON PAYMENTS TO STATES THAT HAVE AN ENROLLMENT CAP BUT HAVE NOT EXHAUSTED THE STATE'S AVAILABLE ALLOTMENTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, payment shall not be made to a State under this section if the State has an enrollment freeze, enrollment cap, procedures to delay consideration of, or not to consider, submitted applications for child health assistance, or a waiting list for the submission or consideration of such applications or for such assistance, and the State has not fully expended the amount of all allotments available with respect to a fiscal year for expenditure by the State, including allotments for prior fiscal years that remain available for expenditure during the fiscal year under subsection (c) or (g) of section 2104 or that were redistributed to the State under subsection (f) or (g) of section 2104.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a State from establishing regular open enrollment periods for the submission of applications for child health assistance.".

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 6. ADDITIONAL ENHANCEMENT TO FMAP TO PROMOTE EXPANSION OF COVERAGE TO ALL UNINSURED CHILDREN UNDER MEDICAID AND SCHIP.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. ADDITIONAL ENHANCEMENT TO FMAP TO PROMOTE EXPANSION OF COVERAGE TO ALL UNINSURED CHILDREN UNDER MEDICAID AND SCHIP.

"(a) IN GENERAL.—Notwithstanding subsection (b) of section 2105 (and without regard to the application of the 85 percent limitation under that subsection), the enhanced FMAP with respect to expenditures in a quarter for providing child health assistance to uninsured children whose family income exceeds 200 percent of the poverty line, shall be increased by 5 percentage points.

"(b) UNINSURED CHILD DEFINED.—

"(1) IN GENERAL.—For purposes of subsection (a), subject to paragraph (2), the term 'uninsured child' means an uncovered child who has been without creditable coverage for a period determined by the Secretary, except that such period shall not be less than 6 months.

"(2) SPECIAL RULE FOR NEWBORN CHILDREN.—In the case of a child 12 months old or younger, the period determined under paragraph (1) shall be 0 months and such child shall be considered uninsured upon birth.

"(3) SPECIAL RULE FOR CHILDREN LOSING MEDICAID OR SCHIP COVERAGE DUE TO INCREASED FAMILY INCOME.—In the case of a child who, due to an increase in family income, becomes ineligible for coverage under title XIX or this title during the period beginning on the date that is 12 months prior to the date of enactment of the All Kids Health Insurance Coverage Act of 2005 and ending on the date of enactment of such Act, the period determined under paragraph (1) shall be 0 months and such child shall be considered uninsured upon the date of enactment of the All Kids Health Insurance Coverage Act of 2005.

"(4) MONITORING AND ADJUSTMENT OF PERIOD REQUIRED TO BE UNINSURED.—The Secretary shall—

"(A) monitor the availability and retention of employer-sponsored health insurance coverage of dependent children; and

"(B) adjust the period determined under paragraph (1) as needed for the purpose of promoting the retention of private or employer-sponsored health insurance coverage of dependent children and timely access to health care services for such children.".

(b) COST-SHARING FOR CHILDREN IN FAMILIES WITH HIGH FAMILY INCOME.—Section 2103(e)(3) of the Social Security Act (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

"(C) CHILDREN IN FAMILIES WITH HIGH FAMILY INCOME.—

"(i) IN GENERAL.—For children not described in subparagraph (A) whose family income exceeds 400 percent of the poverty line for a family of the size involved, subject to paragraphs (1)(B) and (2), the State shall impose a premium that is not less than the cost of providing child health assistance to children in such families, and deductibles, cost sharing, or similar charges shall be imposed under the State child health plan (without regard to a sliding scale based on income), except that the total annual aggregate cost-sharing with respect to all such children in a family under this title may not exceed 5 percent of such family's income for the year involved.

"(ii) INFLATION ADJUSTMENT.—The dollar amount specified in clause (i) shall be increased, beginning with fiscal year 2008, from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average). Any dollar amount established under this clause that is not a multiple of $100 shall be rounded to the nearest multiple of $100.".

(c) ADDITIONAL ALLOTMENTS FOR STATES PROVIDING COVERAGE TO ALL UNINSURED CHILDREN IN THE STATE.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

"(d) ADDITIONAL ALLOTMENTS FOR STATES PROVIDING COVERAGE TO ALL UNINSURED CHILDREN IN THE STATE.—

"(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States to provide coverage of all uninsured children (as defined in section 2111(b)) in the State under the State child health plan, there is appropriated, out of any money in the Treasury not otherwise appropriated—

"(A) for fiscal years 2007, 2008, and 2009, $3,000,000,000;

"(B) for fiscal year 2010, $5,000,000,000; and

"(C) for fiscal year 2011, $7,000,000,000.

"(2) STATE AND TERRITORIAL ALLOTMENTS.—

"(A) IN GENERAL.—In addition to the allotments provided under subsections (b) and (c), subject to subparagraph (B) and paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan that provides coverage of all uninsured children (as so defined) in the State approved under this title—

"(i) in the case of such a State other than a commonwealth or territory described in subsection (ii), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to 98.95 percent of the total amount of the allotments under such section for such States eligible for an allotment under this subparagraph for such fiscal year; and

"(ii) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to 1.05 percent of the total amount of the allotments under such section for commonwealths and territories eligible for an allotment under this subparagraph for such fiscal year.

"(B) MINIMUM ALLOTMENT.—

"(i) IN GENERAL.—No allotment to a State for a fiscal year under this subsection shall be less than 50 percent of the amount of the allotment to the State determined under subsections (b) and (c) for the preceding fiscal year.

"(ii) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the allotments determined under this subsection as are necessary to comply with the requirements of clause (i).

"(C) AVAILABILITY AND REDISTRIBUTION OF UNUSED ALLOTMENTS.—In applying subsections (e) and (f) with respect to additional allotments made available under this subsection, the procedures established under such subsections shall ensure such additional allotments are only made available to States which have elected to provide coverage under section 2111.

"(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2005. Such amounts are available for amounts expended on or after such date for child health assistance for uninsured children (as defined in section 2111(b)).

"(4) REQUIRING ELECTION TO PROVIDE COVERAGE.—No payments may be made to a

State under this title from an allotment provided under this subsection unless the State has made an election to provide child health assistance for all uninsured children (as so defined) in the State, including such children whose family income exceeds 200 percent of the poverty line.".

(2) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a), by inserting "subject to subsection (d)," after "under this section.";

(B) in subsection (b)(1), by inserting "and subsection (d)" after "Subject to paragraph (4)"; and

(C) in subsection (c)(1), by inserting "subject to subsection (d)," after "for a fiscal year,".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 7. REPEAL OF THE SCHEDULED PHASEOUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(1) by striking subparagraphs (E) and (F) of section 151(d)(3), and

(2) by striking subsections (f) and (g) of section 68.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(c) APPLICATION OF EGTRRA SUNSET.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. DODD, Ms. CANTWELL, Ms. MIKULSKI, Mr. OBAMA, and Ms. STABENOW):

S. 2138. A bill to prohibit racial profiling; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will introduce the End Racial Profiling Act of 2005. I am proud to be joined again by my friend from New Jersey, Senator CORZINE, and a number of other cosponsors. It is fitting that this bill will be introduced in one of the final days of Senator CORZINE's service in this body. He has been a major force in efforts to advance this legislation from the day he joined the Senate 4 years ago.

Ending racial profiling in America has been a priority for me for many years. I worked with the senior Senator from New Jersey, Mr. LAUTENBERG, back in 1999 on a bill to collect statistics on racial profiling. In 2001, in his first State of the Union address, President Bush told the American people that "racial profiling is wrong and we will end it in America." He asked the Attorney General to implement a policy to end racial profiling.

The Department of Justice released a Fact Sheet and Policy Guidance addressing racial profiling in 2003, stating that racial profiling is wrong and ineffective and perpetuates negative racial stereotypes in our country. Though these guidelines are helpful, they do not end racial profiling and they do not have the force of law. Unfortunately, more than 4 years after the President's ringing endorsement of our goal, racial profiling has not ended in this country.

I am proud today, therefore, to introduce the End Racial Profiling Act of 2005. This bill will do what the President promised; it will help America achieve the goal of bringing an end to racial profiling. This bill bans racial profiling and requires Federal, State and local law enforcement officers to take steps to end it.

Racial profiling is the practice by which some law enforcement agents routinely stop African Americans, Latinos, Asian Americans, Arab Americans and others simply because of their race, ethnicity, national origin, or perceived religion. Reports in States from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are being stopped by some police far more often than their share of the population and the crime rates for those racial categories.

Passing this bill is even more urgent after September 11, as we have seen racial profiling used against Arab and Muslim Americans or Americans perceived to be Arab or Muslim. The September 11 attacks were horrific, and I share the determination of many Americans that finding those responsible and preventing future attacks should be this Nation's top priority. This is a challenge that our country can and must meet. But we need improved intelligence and law enforcement. Making assumptions based on racial, ethnic, or religious stereotypes will not protect our nation from crime and future terrorist attacks.

Numerous Government studies have shown that racial profiling is entirely ineffective. Some police departments around the country have recognized the many problems with racial profiling. In response, those departments have developed programs and policies to prevent racial profiling and comply with the Department of Justice's policy guidance. In my own State of Wisconsin, law enforcement officials have taken steps to train police officers, improve academy training, establish model policies prohibiting racial profiling, and improve relations with our State's diverse communities. I applaud the efforts of Wisconsin law enforcement. This is excellent progress and shows widespread recognition that racial profiling harms our society. But like the DOJ policy guidance, local programs don't have the force of law behind them. The Federal Government must step up, as President Bush promised. The Government must play a vital role in protecting civil rights and acting as a model for State and local law enforcement.

Now, perhaps more than ever before, our Nation cannot afford to waste precious law enforcement resources or alienate Americans by tolerating discriminatory practices. It is past time for Congress and the President to enact comprehensive Federal legislation that will end racial profiling once and for all.

In clear language, the End Racial Profiling Act of 2005 bans racial profiling. It defines racial profiling in terms that are consistent with the Department of Justice's Policy Guidance. But this bill does more than prohibit and define racial profiling—it gives law enforcement agencies and officers the tools necessary to end the harmful practice. For that reason, the End Racial Profiling Act of 2005 is a pro-law enforcement bill.

This bill will allow the Justice Department or individuals the ability to enforce the prohibition by filing a suit for injunctive relief. The bill would also require Federal, State, and local law enforcement agencies to adopt policies prohibiting racial profiling, implement effective complaint procedures or create independent auditor programs, implement disciplinary procedures for officers who engage in the practice, and collect data on stops. In addition, it requires the Attorney General to report to Congress so Congress and the American people can monitor whether the steps outlined in the bill to prevent and end racial profiling have been effective.

Like the bills introduced in past Congresses, this bill also authorizes the Attorney General to provide incentive grants to help law enforcement comply with the ban on racial profiling, including funds to conduct training of police officers or purchase in-car video cameras.

This year's bill makes one significant improvement to ERPA. In past proposals, DOJ grants for State, local, and tribal law enforcement agencies were tied to the agency having some kind of procedure for handling complaints of racial profiling. This year, at the suggestion of experts in the field, the bill requires law enforcement agencies to adopt either an administrative complaint procedure or an independent auditor program to be eligible for DOJ grants. The Attorney General must promulgate regulations that set out the types of procedures and audit programs that will be sufficient. We believe that the independent auditor option will be preferable for many local law enforcement agencies. And such programs have proven to be an effective way to discourage racial profiling. Also, under this year's bill, the Attorney General is required to conduct a 2-year demonstration project to help law enforcement agencies with data collection.

Let me emphasize that local, State, and Federal law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias and we are all indebted to them for their courage and dedication. This bill should not be misinterpreted as a criticism of those who put their lives on the line for the rest of us every day. Rather, it is a statement that the use of race, ethnicity, religion, or national origin in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is wrong and ineffective, except where there is specific information linking persons of a particular race, ethnicity, religion, or national origin to a crime.

The provisions in this bill will help restore the trust and confidence of the communities that our law enforcement have pledged to serve and protect. That confidence is crucial to our success in stopping crime and in stopping terrorism. The End Racial Profiling Act of 2005 is good for law enforcement and good for America.

I urge the President to make good on his pledge to end racial profiling, and I urge my colleagues to join me in supporting the End Racial Profiling Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "End Racial Profiling Act of 2005" or "ERPA".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings, purposes, and intent.
Sec. 3. Definitions.

TITLE I—PROHIBITION OF RACIAL PROFILING

Sec. 101. Prohibition.
Sec. 102. Enforcement.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 201. Policies to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE, LOCAL, AND INDIAN TRIBAL LAW ENFORCEMENT AGENCIES

Sec. 301. Policies required for grants.
Sec. 302. Administrative complaint procedure or independent auditor program required for grants.
Sec. 303. Involvement of Attorney General.
Sec. 304. Data collection demonstration project.
Sec. 305. Best practices development grants.
Sec. 306. Authorization of appropriations.

TITLE IV—DATA COLLECTION

Sec. 401. Attorney General to issue regulations.
Sec. 402. Publication of data.
Sec. 403. Limitations on publication of data.

TITLE V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL PROFILING IN THE UNITED STATES

Sec. 501. Attorney General to issue regulations and reports.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Severability.
Sec. 602. Savings clause.

SEC. 2. FINDINGS, PURPOSES, AND INTENT.

(a) FINDINGS.—Congress finds the following:

(1) Federal, State, and local law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias.

(2) The use by police officers of race, ethnicity, national origin, or religion in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is improper.

(3) In his address to a joint session of Congress on February 27, 2001, President George W. Bush declared that "racial profiling is wrong and we will end it in America.". He directed the Attorney General to implement this policy.

(4) In June 2003, the Department of Justice issued a Policy Guidance regarding racial profiling by Federal law enforcement agencies which stated: "Racial profiling in law enforcement is not merely wrong, but also ineffective. Race-based assumptions in law enforcement perpetuate negative racial stereotypes that are harmful to our rich and diverse democracy, and materially impair our efforts to maintain a fair and just society.".

(5) The Department of Justice Guidance is a useful first step, but does not achieve the President's stated goal of ending racial profiling in America, as—

(A) it does not apply to State and local law enforcement agencies;

(B) it does not contain a meaningful enforcement mechanism;

(C) it does not require data collection; and

(D) it contains an overbroad exception for immigration and national security matters.

(6) Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while also laudable, have been limited in scope and insufficient to address this national problem. Therefore, Federal legislation is needed.

(7) Statistical evidence from across the country demonstrates that racial profiling is a real and measurable phenomenon.

(8) As of November 15, 2000, the Department of Justice had 14 publicly noticed, ongoing, pattern or practice investigations involving allegations of racial profiling and had filed 5 pattern or practice lawsuits involving allegations of racial profiling, with 4 of those cases resolved through consent decrees.

(9) A large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, national origin, or religion are found to be law abiding and therefore racial profiling is not an effective means to uncover criminal activity.

(10) A 2001 Department of Justice report on citizen-police contacts that occurred in 1999, found that, although Blacks and Hispanics were more likely to be stopped and searched, they were less likely to be in possession of contraband. On average, searches and seizures of Black drivers yielded evidence only 8 percent of the time, searches and seizures of Hispanic drivers yielded evidence only 10 percent of the time, and searches and seizures of White drivers yielded evidence 17 percent of the time.

(11) A 2000 General Accounting Office report on the activities of the United States Customs Service during fiscal year 1998 found that—

(A) Black women who were United States citizens were 9 times more likely than White women who were United States citizens to be x-rayed after being frisked or patted down;

(B) Black women who were United States citizens were less than half as likely as White women who were United States citizens to be found carrying contraband; and

(C) in general, the patterns used to select passengers for more intrusive searches resulted in women and minorities being selected at rates that were not consistent with the rates of finding contraband.

(12) A 2005 report of the Bureau of Justice Statistics of the Department of Justice on citizen-police contacts that occurred in 2002, found that, although Whites, Blacks, and Hispanics were stopped by the police at the same rate—

(A) Blacks and Hispanics were much more likely to be arrested than Whites;

(B) Hispanics were much more likely to be ticketed than Blacks or Whites;

(C) Blacks and Hispanics were much more likely to report the use or threatened use of force by a police officer;

(D) Blacks and Hispanics were much more likely to be handcuffed than Whites; and

(E) Blacks and Hispanics were much more likely to have their vehicles searched than Whites.

(13) In some jurisdictions, local law enforcement practices, such as ticket and arrest quotas and similar management practices, may have the unintended effect of encouraging law enforcement agents to engage in racial profiling.

(14) Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects. By discouraging individuals from traveling freely, racial profiling impairs both interstate and intrastate commerce.

(15) Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and the criminal law.

(16) In the wake of the September 11, 2001, terrorist attacks, many Arabs, Muslims, Central and South Asians, and Sikhs, as well as other immigrants and Americans of foreign descent, were treated with generalized suspicion and subjected to searches and seizures based upon religion and national origin, without trustworthy information linking specific individuals to criminal conduct. Such profiling has failed to produce tangible benefits, yet has created a fear and mistrust of law enforcement agencies in these communities.

(17) Racial profiling violates the equal protection clause of the fourteenth amendment to the Constitution of the United States. Using race, ethnicity, religion, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. Batson v. Kentucky, 476 U.S. 79 (1986); Palmore v. Sidoti, 466 U.S. 429 (1984).

(18) Racial profiling is not adequately addressed through suppression motions in

criminal cases for 2 reasons. First, the Supreme Court held, in Whren v. United States, 517 U.S. 806 (1996), that the racially discriminatory motive of a police officer in making an otherwise valid traffic stop does not warrant the suppression of evidence under the fourth amendment to the Constitution of the United States. Second, since most stops do not result in the discovery of contraband, there is no criminal prosecution and no evidence to suppress.

(19) A comprehensive national solution is needed to address racial profiling at the Federal, State, and local levels. Federal support is needed to combat racial profiling through specialized training of law enforcement agents, improved management systems, and the acquisition of technology such as in-car video cameras.

(b) PURPOSES.—The purposes of this Act are—

(1) to enforce the constitutional right to equal protection of the laws, pursuant to the fifth amendment and section 5 of the fourteenth amendment to the Constitution of the United States;

(2) to enforce the constitutional right to protection against unreasonable searches and seizures, pursuant to the fourteenth amendment to the Constitution of the United States;

(3) to enforce the constitutional right to interstate travel, pursuant to section 2 of article IV of the Constitution of the United States; and

(4) to regulate interstate commerce, pursuant to clause 3 of section 8 of article I of the Constitution of the United States.

(c) INTENT.—This Act is not intended to and should not impede the ability of Federal, State, and local law enforcement to protect the country and its people from any threat, be it foreign or domestic.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED PROGRAM.—The term "covered program" means any program or activity funded in whole or in part with funds made available under—

(A) the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.));

(B) the Edward Byrne Memorial Justice Assistance Grant Program, as described in appropriations Acts; and

(C) the "Cops on the Beat" program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), but not including any program, project, or other activity specified in section 1701(d)(8) of that Act (42 U.S.C. 3796dd(d)(8)).

(2) GOVERNMENTAL BODY.—The term "governmental body" means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian tribal government.

(3) INDIAN TRIBE.—The term "Indian tribe" has the same meaning as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603)).

(4) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means any Federal, State, local, or Indian tribal public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(5) LAW ENFORCEMENT AGENT.—The term "law enforcement agent" means any Federal, State, local, or Indian tribal official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of a law enforcement agency.

(6) RACIAL PROFILING.—The term "racial profiling" means the practice of a law enforcement agent or agency relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme.

(7) ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITIES.—The term "routine or spontaneous investigatory activities" means the following activities by a law enforcement agent:

(A) Interviews.

(B) Traffic stops.

(C) Pedestrian stops.

(D) Frisks and other types of body searches.

(E) Consensual or nonconsensual searches of the persons or possessions (including vehicles) of motorists or pedestrians.

(F) Inspections and interviews of entrants into the United States that are more extensive than those customarily carried out.

(G) Immigration related workplace investigations.

(H) Such other types of law enforcement encounters compiled by the Federal Bureau of Investigation and the Justice Departments Bureau of Justice Statistics.

(8) REASONABLE REQUEST.—The term "reasonable request" means all requests for information, except for those that—

(A) are immaterial to the investigation;

(B) would result in the unnecessary exposure of personal information; or

(C) would place a severe burden on the resources of the law enforcement agency given its size.

(9) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and impose taxes;

(C) any Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia; or

(ii) any Trust Territory of the United States.

TITLE I—PROHIBITION OF RACIAL PROFILING

SEC. 101. PROHIBITION.

No law enforcement agent or law enforcement agency shall engage in racial profiling.

SEC. 102. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual injured by racial profiling, may enforce this title in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States.

(b) PARTIES.—In any action brought under this title, relief may be obtained against—

(1) any governmental body that employed any law enforcement agent who engaged in racial profiling;

(2) any agent of such body who engaged in racial profiling; and

(3) any person with supervisory authority over such agent.

(c) NATURE OF PROOF.—Proof that the routine or spontaneous investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial, ethnic, or religious minorities shall constitute prima facie evidence of a violation of this title.

(d) ATTORNEY'S FEES.—In any action or proceeding to enforce this title against any governmental unit, the court may allow a prevailing plaintiff, other than the United States, reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fee.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 201. POLICIES TO ELIMINATE RACIAL PROFILING.

(a) IN GENERAL.—Federal law enforcement agencies shall—

(1) maintain adequate policies and procedures designed to eliminate racial profiling; and

(2) cease existing practices that permit racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of Federal law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents;

(5) policies requiring that appropriate action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(6) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE, LOCAL, AND INDIAN TRIBAL LAW ENFORCEMENT AGENCIES

SEC. 301. POLICIES REQUIRED FOR GRANTS.

(a) IN GENERAL.—An application by a State, a unit of local government, or a State, local, or Indian tribal law enforcement agency for funding under a covered program shall include a certification that such State, unit of local government, or law enforcement agency, and any law enforcement agency to which it will distribute funds—

(1) maintains adequate policies and procedures designed to eliminate racial profiling; and

(2) does not engage in any existing practices that permit racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents, including procedures that allow a complaint to be made through any of the methods described in section 302(b)(2);

(5) mechanisms for providing information to the public relating to the administrative complaint procedure or independent auditor program established under section 302;

(6) policies requiring that appropriate action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(7) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

(c) Effective Date.—This section shall take effect 12 months after the date of enactment of this Act.

SEC. 302. ADMINISTRATIVE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM REQUIRED FOR GRANTS.

(a) Establishment of Administrative Complaint Procedure or Independent Auditor Program.—An application by a State or unit of local government for funding under a covered program shall include a certification that the applicant has established and is maintaining, for each law enforcement agency of the applicant, either—

(1) an administrative complaint procedure that meets the requirements of subsection (b); or

(2) an independent auditor program that meets the requirements of subsection (c).

(b) Requirements for Administrative Complaint Procedure.—To meet the requirements of this subsection, an administrative complaint procedure shall—

(1) allow any person who believes there has been a violation of section 101 to file a complaint;

(2) allow a complaint to be made—

(A) in writing or orally;

(B) in person or by mail, telephone, facsimile, or electronic mail; and

(C) anonymously or through a third party;

(3) require that the complaint be investigated and heard by an independent review board that—

(A) is located outside of any law enforcement agency or the law office of the State or unit of local government;

(B) includes, as at least a majority of its members, individuals who are not employees of the State or unit of local government;

(C) does not include as a member any individual who is then serving as a law enforcement agent;

(D) possesses the power to request all relevant information from a law enforcement agency; and

(E) possesses staff and resources sufficient to perform the duties assigned to the independent review board under this subsection;

(4) provide that the law enforcement agency shall comply with all reasonable requests for information in a timely manner;

(5) require the review board to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;

(6) provide that a hearing be held, on the record, at the request of the complainant;

(7) provide for an appropriate remedy, and publication of the results of the inquiry by the review board, if the review board determines that a violation of section 101 has occurred;

(8) provide that the review board shall dismiss the complaint and publish the results of the inquiry by the review board, if the review board determines that no violation has occurred;

(9) provide that the review board shall make a final determination with respect to a complaint in a reasonably timely manner;

(10) provide that a record of all complaints and proceedings be sent to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;

(11) provide that no published information shall reveal the identity of the law enforcement officer, the complainant, or any other individual who is involved in a detention; and

(12) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(c) Requirements for Independent Auditor Program.—To meet the requirements of this subsection, an independent auditor program shall—

(1) provide for the appointment of an independent auditor who is not a sworn officer or employee of a law enforcement agency;

(2) provide that the independent auditor be given staff and resources sufficient to perform the duties of the independent auditor program under this section;

(3) provide that the independent auditor be given full access to all relevant documents and data of a law enforcement agency;

(4) require the independent auditor to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;

(5) require the independent auditor to issue a public report each year that—

(A) addresses the efforts of each law enforcement agency of the State or unit of local government to combat racial profiling; and

(B) recommends any necessary changes to the policies and procedures of any law enforcement agency;

(6) require that each law enforcement agency issue a public response to each report issued by the auditor under paragraph (5);

(7) provide that the independent auditor, upon determining that a law enforcement agency is not in compliance with this Act, shall forward the public report directly to the Attorney General;

(8) provide that the independent auditor shall engage in community outreach on racial profiling issues; and

(9) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(d) Local Use of State Complaint Procedure or Independent Auditor Program.—

(1) In general.—A State shall permit a unit of local government within its borders to use the administrative complaint procedure or independent auditor program it establishes under this section.

(2) Effect of use.—A unit of local government shall be deemed to have established and maintained an administrative complaint procedure or independent auditor program for purposes of this section if the unit of local government uses the administrative complaint procedure or independent auditor program of either the State in which it is located, or another unit of local government in the State in which it is located.

(e) Effective Date.—This section shall go into effect 12 months after the date of enactment of this Act.

SEC. 303. INVOLVEMENT OF ATTORNEY GENERAL.

(a) Regulations.—

(1) In general.—Not later than 6 months after the date of enactment of this Act and in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, the Attorney General shall issue regulations for the operation of the administrative complaint procedures and independent auditor programs required under subsections (b) and (c) of section 302.

(2) Guidelines.—The regulations issued under paragraph (1) shall contain guidelines that ensure the fairness, effectiveness, and independence of the administrative complaint procedures and independent auditor programs.

(b) Noncompliance.—If the Attorney General determines that the recipient of any covered grant is not in compliance with the requirements of section 301 or 302 or the regulations issued under subsection (a), the Attorney General shall withhold, in whole or in part, funds for 1 or more covered grants, until the grantee establishes compliance.

(c) Private Parties.—The Attorney General shall provide notice and an opportunity for private parties to present evidence to the Attorney General that a grantee is not in compliance with the requirements of this title.

SEC. 304. DATA COLLECTION DEMONSTRATION PROJECT.

(a) In General.—The Attorney General shall, through competitive grants or contracts, carry out a 2-year demonstration project for the purpose of developing and implementing data collection on hit rates for stops and searches. The data shall be disaggregated by race, ethnicity, national origin, and religion.

(b) Competitive Awards.—The Attorney General shall provide not more than 5 grants or contracts to police departments that—

(1) are not already collecting data voluntarily or otherwise; and

(2) serve communities where there is a significant concentration of racial or ethnic minorities.

(c) Required Activities.—Activities carried out under subsection (b) shall include—

(1) developing a data collection tool;

(2) training of law enforcement personnel on data collection;

(3) collecting data on hit rates for stops and searches; and

(4) reporting the compiled data to the Attorney General.

(d) Evaluation.—Not later than 3 years after the date of enactment of this Act, the Attorney General shall enter into a contract with an institution of higher education to analyze the data collected by each of the 5 sites funded under this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out activities under this section—

(1) $5,000,000, over a 2-year period for a demonstration project on 5 sites; and

(2) $500,000 to carry out the evaluation in subsection (d).

SEC. 305. BEST PRACTICES DEVELOPMENT GRANTS.

(a) Grant Authorization.—The Attorney General, through the Bureau of Justice Assistance, may make grants to States, law enforcement agencies, and units of local government to develop and implement best practice devices and systems to eliminate racial profiling.

(b) Use of Funds.—The funds provided under subsection (a) may be used for—

(1) the development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public;

(2) the acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities sufficient to permit an analysis of these activities by race, ethnicity, national origin, and religion;

(3) the analysis of data collected by law enforcement agencies to determine whether the data indicate the existence of racial profiling;

(4) the acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems;

(5) the development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in, or at risk of engaging in, racial profiling or other misconduct, including the technology to support such systems;

(6) the establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial, ethnic, or religious bias by law enforcement agents;

(7) the establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates; and

(8) the establishment and maintenance of an administrative complaint procedure or independent auditor program under section 302.

(c) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants under this section are awarded in a manner that reserves an equitable share of funding for small and rural law enforcement agencies.

(d) APPLICATION.—Each State, local law enforcement agency, or unit of local government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IV—DATA COLLECTION

SEC. 401. ATTORNEY GENERAL TO ISSUE REGULATIONS.

(a) REGULATIONS.—Not later than 6 months after the enactment of this Act, the Attorney General, in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, shall issue regulations for the collection and compilation of data under sections 201 and 301.

(b) REQUIREMENTS.—The regulations issued under subsection (a) shall—

(1) provide for the collection of data on all routine or spontaneous investigatory activities;

(2) provide that the data collected shall—

(A) be collected by race, ethnicity, national origin, gender, and religion, as perceived by the law enforcement officer;

(B) include the date, time, and location of the investigatory activities; and

(C) include detail sufficient to permit an analysis of whether a law enforcement agency is engaging in racial profiling;

(3) provide that a standardized form shall be made available to law enforcement agencies for the submission of collected data to the Department of Justice;

(4) provide that law enforcement agencies shall compile data on the standardized form created under paragraph (3), and submit the form to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;

(5) provide that law enforcement agencies shall maintain all data collected under this Act for not less than 4 years;

(6) include guidelines for setting comparative benchmarks, consistent with best practices, against which collected data shall be measured; and

(7) provide that the Bureau of Justice Statistics shall—

(A) analyze the data for any statistically significant disparities, including—

(i) disparities in the percentage of drivers or pedestrians stopped relative to the proportion of the population passing through the neighborhood;

(ii) disparities in the percentage of false stops relative to the percentage of drivers or pedestrians stopped; and

(iii) disparities in the frequency of searches performed on minority drivers and the frequency of searches performed on nonminority drivers; and

(B) not later than 3 years after the date of enactment of this Act, and annually thereafter, prepare a report regarding the findings of the analysis conducted under subparagraph (A) and provide the report to Congress and make the report available to the public, including on a website of the Department of Justice.

SEC. 402. PUBLICATION OF DATA.

The Bureau of Justice Statistics shall provide to Congress and make available to the public, together with each annual report described in section 401, the data collected pursuant to this Act.

SEC. 403. LIMITATIONS ON PUBLICATION OF DATA.

The name or identifying information of a law enforcement officer, complainant, or any other individual involved in any activity for which data is collected and compiled under this Act shall not be—

(1) released to the public;

(2) disclosed to any person, except for such disclosures as are necessary to comply with this Act;

(3) subject to disclosure under section 552 of title 5, United States Code (commonly know as the Freedom of Information Act).

TITLE V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 501. ATTORNEY GENERAL TO ISSUE REGULATIONS AND REPORTS.

(a) REGULATIONS.—In addition to the regulations required under sections 303 and 401, the Attorney General shall issue such other regulations as the Attorney General determines are necessary to implement this Act.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report on racial profiling by law enforcement agencies.

(2) SCOPE.—Each report submitted under paragraph (1) shall include—

(A) a summary of data collected under sections 201(b)(3) and 301(b)(1)(C) and from any other reliable source of information regarding racial profiling in the United States;

(B) a discussion of the findings in the most recent report prepared by the Bureau of Justice Statistics under section 401(a)(8);

(C) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies under section 201;

(D) the status of the adoption and implementation of policies and procedures by State and local law enforcement agencies under sections 301 and 302; and

(E) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provisions of this Act to any person or circumstance shall not be affected thereby.

SEC. 602. SAVINGS CLAUSE.

Nothing in this Act shall be construed to limit legal or administrative remedies under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

Mr. CORZINE. Mr. President, I rise to in support of the End Racial Profiling Act a bill being introduced today by Senators FEINGOLD, OBAMA and myself. This bill addresses an issue that is critical to the people of my home State of New Jersey and to all Americans.

I start by recognizing two of my colleagues with whom I have been working to address the problem of racial profiling. Senator RUSS FEINGOLD has been a tremendous leader on this issue he held the first Senate hearings on racial profiling in 2001, and he and his staff have worked tirelessly to elevate the importance of this issue as a matter of civil rights. I also want to recognize Senator OBAMA he has been a constant champion of efforts to combat racial profiling. Senator OBAMA took the lead in writing one of the Nation's most innovative pieces of legislation on the collection of racial profiling data when he was in the Illinois State Senate, and he has been equally committed to the issue since joining the U.S. Senate. Both Senators FEINGOLD and OBAMA have worked tirelessly to make the bill we are introducing today a reality.

Racial profiling is anathema to the principles on which our Nation was founded, sowing division within our communities and striking at the heart of our democratic values.

Stopping people on our highways, our streets, and at our borders because of the color of their skin is simply wrong, and it is incompatible with the fundamental American belief in fairness, justice, and equal protection under the law.

Every American is entitled to equal protection under the law. Our Constitution tolerates nothing less, and we should demand nothing less.

There is no equal protection there is no equal justice if law enforcement agencies engage in policies and practices that are premised on a theory that the way to stop crime is to go after minorities on the hunch that they are more likely to be criminals.

Let me add that not only is racial profiling wrong, it is simply not an effective law enforcement tool. There is no evidence that stopping people of color adds up to catching the "bad guys."

In fact, empirical evidence shows that singling out Black motorists or

Hispanic motorists for stops and searches doesn't lead to a higher percentage of arrests because minority motorists are no more likely to break the law than white motorists.

What is more, the practice of racial profiling actually undermines public safety, by contributing to the perception in minority neighborhoods that the criminal justice system is unfair, and eroding the trust between communities and the police that is so essential to effective law enforcement.

Nonetheless, racial profiling persists.

Unfortunately, the practice is real and widespread throughout the Nation.

A 2005 report of the Department of Justice found that Blacks and Hispanics throughout the Nation were much more likely to be handcuffed and have their cars searched by law enforcement during traffic stops, even though they were less likely to be harboring contraband.

A Government Accountability Office report on the U.S. Customs Service released in March 2000 found that Black, Asian, and Hispanic women were four to nine times more likely than White women to be subjected to xrays after being frisked or patted down.

But on the basis of the x-ray results, Black women were less than half as likely as White women to be found carrying contraband.

This is law enforcement by hunch. No warrants. No probable cause.

And what is the hunch based on?

Race, ethnicity, national origin, or religion plain and simple. And that is plain wrong.

Now—we know that many law enforcement agencies, including some from my home state, have acknowledged the danger of the practice and have taken steps to combat it. I commend them for their efforts.

That said, it is clear that this is a national problem that requires a Federal response applicable to all.

Our legislation is a strong but measured response to the destructive problem of racial profiling.

First, it defines racial profiling and bans it.

Racial profiling is defined in the bill to include routine or spontaneous investigatory stops based on race, ethnicity, national origin, or religion. This conduct is wrong and must be stopped. The President and the Attorney General have said just that. The legislation would be the first Federal statute to prohibit this practice at the Federal, State, and local level.

To guarantee that the statute does not impede legitimate and responsible policing, the statute is careful to exclude from the ban on racial profiling those cases where there is trustworthy information that links a person of a particular race, ethnicity, national origin, or religion to a particular crime.

Our bill also gives the ban on racial profiling teeth by allowing the Department of Justice or an individual harmed by racial profiling to obtain declaratory or injunctive relief from a court if the Government does not take steps to end racial profiling.

Next, the statute will require the collection of statistical data to measure whether progress is being made. By collecting this data we will get a fair and honest picture of law enforcement at work. And we will provide law enforcement agencies with the information they need to detect problems early on.

Our bill directs the Attorney General to develop standards for data collection and instructs the Attorney General to consult with law enforcement and other stakeholders in developing those standards. It also specifically directs the Attorney General to establish standards for setting benchmarks against which the collected data should be measured so that no data is taken out of context, as some in law enforcement rightly fear. Finally, we will require the Bureau of Justice Statistics in the Department of Justice to analyze these statistics on an annual basis so that the Nation can gauge the success of its efforts to combat this corrosive practice.

Finally, we will encourage a change in law enforcement culture through the use of the carrot and the stick.

First, the carrot: We recognize that law enforcement shouldn't be expected to do this alone. So this bill says that if you do the job right fairly and equitably you are eligible to receive development grants to help pay for the following: Advanced training programs; computer technology to help collect data and statistics; video cameras and recorders for patrol cars; establishing or improving systems for handling complaints alleging ethnic or racial profiling; and establishing management systems to ensure that supervisors are held accountable for the conduct of subordinates.

Further, we will direct the Attorney General to conduct a demonstration project that will give grants to police departments to help them collect racial profiling data and then work with an institution of higher learning to analyze the collect data.

But if law enforcement agencies don't do the job right, there is also the stick. Our bill will require law enforcement agencies to put in place procedures to receive and investigate complaints alleging racial profiling. The bill gives the law enforcement agencies the flexibility and the options to adopt the procedures that best fit the needs of their local communities. Further, the bill permits localities to cooperate with other communities and with the State in which they are located to develop shared procedures to invest racial profiling problems in the community.

If State and local law enforcement agencies refuse to implement procedures to end and prevent profiling, they will be subject to a loss of Federal law enforcement funds.

Let me be clear this bill is not about blaming law enforcement. Most law enforcement officers discharge their duties responsibly. But stopping people based solely on race, ethnicity, national origin, or religion will be outlawed.

We have introduced two bills in the last 5 years to eliminate racial profiling. The President of the United States has condemned racial profiling in his State of the Union address. There is a broad and bipartisan consensus that it is an unfair and destructive practice. And yet we have failed to act.

In the meantime, racial profiling has continued to breed humiliation, anger, resentment, and cynicism throughout this country.

It has weakened respect for the law by everyone, not just those offended.

Simply put it is wrong and we must finally end it. Today we pledge to do just that to define it, to ban it, and to enforce this ban.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 2139. A bill to amend the Internal Revenue Code of 1986 to simplify the earned income tax credit eligibility requirements regarding filing status, presence of children, investment income, and work and immigrant status; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce the Earned Income Tax Credit Simplification Act. This legislation will greatly improve one of our Nation's most important antipoverty programs and streamline one of the most complicated sections of our income tax code. And I am extremely pleased that my good friend from Maine, Senator OLYMPIA SNOWE, has agreed to be an original cosponsor of this bill. I look forward to working with her, as members of the Senate Finance Committee, to enact this important tax simplification proposal.

In 2003, almost 21 million hard-working Americans benefited from the earned income tax credit, including 141,707 in my own State of West Virginia. Many of those serving in our Armed Forces benefit from the EITC. The EITC rewards hard work and helps these families make ends meet. However, the eligibility criteria for claiming the credit are so complicated that many people legitimately entitled to benefit from the credit do not even realize it. And unfortunately, too many erroneous claims occur. The tax credit should not be so complicated that cash-strapped families need the help of an accountant to file their taxes.

The Earned Income Tax Credit Simplification Act would make four important changes to the eligibility requirements of the credit. First, it would simplify the "abandoned spouse" rule so that custodial parents who are separated but not divorced would be able to claim the credit. Second, it would allow a taxpayer living in the same house with a qualifying child but not claiming that child for the EITC benefit to qualify for EITC benefits available to taxpayers without children. Third, the bill would eliminate the qualifying investment income test for EITC claimants. Finally, the bill would make sure that only immigrants who comply with all of the immigration rules would qualify for the EITC, preventing people who are not allowed to work in the United States from claiming the credit.

These are commonsense reforms based on recommendations in the budget submitted to Congress by the Bush administration. I hope that they can be enacted quickly so that taxpayers whom Congress intended to help with the EITC will be able to claim the benefits without unnecessary and intimidating paperwork. I look forward to working with my colleagues to enact this legislation.

By Mr. HATCH (for himself and Mr. BROWNBACK):

S. 2140. A bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, joined by my friend from Kansas, Senator BROWNBACK, I am today introducing the Protecting Children from Sexual Exploitation Act of 2005.

This bill will strengthen an important tool for protecting children from the exploitation of child pornography.

Pornography is devastating communities, families, and individual lives.

On November 10, the Senator from Kansas chaired a hearing in the Judiciary Subcommittee on the Constitution titled "Why the Government Should Care About Pornography."

Witnesses at that hearing included authors and researchers documenting the devastation wrought by pornography.

Children are pornography's most vulnerable and most devastated victims.

Abusing children through early exposure to pornography has lifelong effects.

Even worse, however, is the actual use of children to make sexually explicit material.

This is perhaps the worst form of sexual exploitation because the abuse only begins with its production.

Children lack the maturity to choose participation in that activity and to accept its aftermath.

Everyone who intentionally copies, distributes, advertises, purchases, or consumes sexually explicit material involving children should be held responsible as part of the ongoing chain of exploitation.

For this compelling reason, Federal law prohibits using children to produce visual depictions of either actual or simulated sexually explicit conduct.

As an additional deterrent to this abhorrent practice, Federal law also requires those who produce sexually explicit material to keep records regarding the age of performers and to make those records available for inspection.

That recordkeeping statute is found in the United States Code in section 2257 of title 18.

Section 2257 is inadequate for its crucial task and the bill I introduce today strengthens it in four ways.

First, section 2257 defines actual sexually explicit conduct too narrowly, incorporating only four of the five, part definition found right next door in the definitional section 2256.

Our bill makes these definitions consistent. .

Second, and more importantly, while Federal law prohibits using children to make depictions of either actual or simulated sexually explicit conduct, section 2257 applies only to those who produce depictions of actual conduct.

Our bill applies the same recordkeeping requirements to those who produce depictions of simulated conduct.

The purpose is obvious.

If you produce sexually explicit material, you have to keep age-related records.

Period.

Third, while section 2257 requires maintaining records and making them available for inspection, it only makes unlawful failure to maintain the records.

This implies that while making these important records available for inspection is a duty, refusing to do so is not a crime.

Our bill corrects that error by explicitly stating that refusal to permit inspection of these records is also a crime.

Eliminating such ambiguity is very important.

Maintaining records is necessary, but not sufficient, to ensure that children are not being exploited.

Because inspection of those records makes the circle of protection complete, we must make crystal clear that refusal to permit inspections is a crime.

Fourth, the definition in section 2257 of what it means to produce sexually explicit material is inadequate.

That definition must be guided by the nature of the harm that flows from this kind of sexual exploitation.

Filming or taking a picture of a child engaged in sexually explicit conduct is certainly sexual exploitation by itself.

But the abuse does not end there.

Those whose actions constitute links in the chain of exploitation must be covered by this recordkeeping statute if it is to be an effective tool to protect children.

My friend from Kansas, Senator BROWNBACK, graciously allowed me to participate in the latest hearing in his subcommittee on the effects of pornography.

Witnesses highlighted how new technology can magnify those effects.

While the Internet can be a powerful tool for good, it can also be an insidious tool for evil.

It can compound the sexual exploitation of children by disseminating and commercializing child pornography.

And while we all know how difficult it is for sound public policy to keep pace with developing and changing technology, failing to do so in this area leaves children even more exposed to ongoing victimization and exploitation.

For that reason, our bill provides both a substantive definition of that important term, "produces," and lists five targeted exceptions, five specific categories of those who are not included in this definition.

The definition includes obvious activities such as filming or photographing someone but also activities such as duplicating or reissuing images for commercial distribution.

It also includes managing the sexually explicit content of a computer site.

At the same time, our bill does not include in the definition of the term "produces" activities that do not involve the hiring, managing, or arranging for the performers' participation.

It exempts provision of Web-hosting services when the provider does not manage sexually explicit content.

In strengthening section 2257, the bill we are introducing today meets three important objectives.

First and foremost, this bill will make the recordkeeping statute a more effective tool for protecting children from sexual exploitation.

Second, our bill strengthens the recordkeeping statute while minimizing unintended consequences.

I mentioned the care with which our bill defines key terms such as "produces."

Our bill also places the extension of recordkeeping requirements regarding depictions of simulated material in a separate section 2257A.

This step responded to a legitimate concern by the motion picture industry.

Third, our bill strengthens the recordkeeping statute in ways that make it a more workable and practical tool for the prosecutors who have to use it.

I believe that as the Congress deals with this difficult issue, we must keep all three of these objectives in mind.

Some might want to create a draconian statute that sweeps too broadly.

Others may want to water down the statute in ways that create obstacles for prosecutors and make the statute ineffective.

My bill strengthens this important tool for protecting children without sweeping too broadly and without needlessly hobbling prosecutors.

Finally, let me say just a few things about the process leading up to introduction of this bill today.

Two versions of this bill have been introduced in the other body, most recently last week as title VI of H.R.4472, the Children's Safety and Violent Crime Reduction Act of 2005.

Representatives of the motion picture industry and Internet companies have been working with us to refine this legislation.

I also commend my colleagues in the House, Representative MIKE PENCE and Chairman JIM SENSENBRENNER, for their leadership on this issue.

In addition, the Department of Justice has provided valuable input in this process. I applaud Attorney General Gonzales for making the prosecution of obscenity, child pornography, and other forms of child exploitation a real priority.

I understand that the Attorney General today announced arrests in several States as part of its Innocence Lost initiative against child prostitution.

I want to be very clear here.

Those who produce either actual or simulated sexually explicit material are breaking the law if that material depicts children.

The primary goal of protecting those children from such exploitation requires that all producers of sexually explicit material must keep age-related records, make those records available for inspection, and face criminal penalties if they refuse.

We have taken several concrete steps to respond to legitimate concerns from the motion picture industry and Internet companies.

We have already modified our bill several times and in several ways as a response to our meetings with the Department of Justice and affected parties.

We remain open to making further refinements in this language if it will strengthen the bill.

But that process of compromise must stop if it undermines the primary objective of protecting children from sexual exploitation or begins to make the statute unenforceable or feckless.

I hope that those who are affected by this legislation and have participated in helping us craft this bill will demonstrate their concern for protecting children by supporting this straighforward and commonsense bill.

Again, I want to thank my friend from Kansas for joining me in cosponsoring this bill and for his efforts in this area.

I hope all my colleagues will join us in strengthening this tool for protecting children.

Mr. BROWNBACK. Mr. President, I applaud my colleague from Utah for helping lead the fight against child pornography. This is an issue upon which all Senators can unite, and it is a battle we must not lose.

Pornography is no longer isolated to a small segment of society. It has pervaded our culture. As we learned in a recent hearing I chaired in the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights, pornography has infiltrated homes and families and is having devastating effects. According to recent reports, 1 in 5 children between the ages of 10 and 17 have received a sexual solicitation over the Internet, and 9 out of 10 children between the ages of 8 and 16 who have Internet access have viewed porn Web sites, usually in the course of looking up information for homework.

Perhaps the ugliest aspect of the pornography epidemic is child pornography. Children as young as 5 years old are being used for profit in this fast-growing industry. We have a duty to protect the weakest members of our society from exploitation and abuse. I believe this bill is the first step in that fight.

First, this bill will expand recordkeeping requirements to those who produce soft-core, or simulated, pornography. Current law only requires that records be kept by producers of hardcore, or actual, pornography. Under this language, producers will now be required to verify the ages of their actors and keep records of such information, regardless of whether the material they produce contains actual sexual activity or only a simulation of such activity. Further, this bill will require producers of such materials to disclose such records to the Attorney General for inspection. It will make refusal to permit inspection of such records a crime. This will be effective not only as a tool in prosecutions as a means of deterrence. Producers will be less likely to use child actors if they know they may be required to disclose the ages of their actors.

Today, recordkeeping requirements apply only to "actual" sexual conduct, leaving a loophole for soft-core pornography. Such material is no less damaging to children than hardcore pornography and recordkeeping and disclosure requirements must apply to this material as well. This bill will close the current loophole.

Again, I appreciate the leadership of Senator HATCH, and I hope my colleagues will join us passing this legislation to protect children from victimization and abuse.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 335—HONORING MEMBERS OF THE RADIATION PROTECTION PROFESSION BY DESIGNATING THE WEEK OF NOVEMBER 6 THROUGH NOVEMBER 12, 2005, AS "NATIONAL RADIATION PROTECTION PROFESSIONALS WEEK."

Mr. DOMENICI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 335

Whereas the Conference of Radiation Control Program Directors has resolved that the week of November 6 through November 12, 2005, should be recognized as "National Radiation Protection Professionals Week";

Whereas, since the discovery of x rays by Wilhelm Conrad Roentgen on November 8, 1895,, the use of radiation has become a vital tool for the health care, defense, security, energy, and industrial programs of the United States;

Whereas members of the radiation protection profession devote their careers to allow government, medicine, academia, and industry to safely use radiation; and

Whereas the leadership and technical expertise provided by members of the radiation protection profession has helped safeguard the public from the hazards of the use of radiation while enabling the public to reap its benefits: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 6 through November 12, 2005, as "National Radiation Protection Professionals Week";

(2) encourages all citizens to—

(A) recognize the importance of radiation protection professionals; and

(B) recognize the valuable resource provided by professional scientific organizations, such as—

(i) the Conference of Radiation Control Program Directors;

(ii) the Health Physics Society;

(iii) the Organization of Agreement States;

(iv) the American Academy of Health Physics;

(v) the National Registry of Radiation Protection Technologists; and

(C) the American Association of Physicists in Medicine; and

(3) recognizes the tremendous contributions that radiation protection professionals and their organizations have made for the betterment of the United States and the world.

SENATE RESOLUTION 336—TO CONDEMN THE HARMFUL, DESTRUCTIVE, AND ANTI-SEMITIC STATEMENTS OF MAHMOUD AHMADINEJAD, THE PRESIDENT OF IRAN, AND TO DEMAND AN APOLOGY FOR THOSE STATEMENTS OF HATE AND ANIMOSITY TOWARDS ALL JEWISH PEOPLE OF THE WORLD

Mr. SANTORUM (for himself, Mr. BROWNBACK, Ms. MIKULSKI, Ms. STABENOW, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. COLEMAN, Mr. BOND, Mrs. DOLE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SMITH, Mr. NELSON of

Nebraska, Mr. DeWine, Mr. Vitter, Mr. Isakson, Mr. Talent, Mr. Stevens, Mr. Martinez, Mr. Voinovich, Mr. Rockefeller, and Mrs. Feinstein) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 336

Whereas Mahmoud Ahmadinejad, the President of Iran, declared in an October 26, 2005, address at the World Without Zionism conference in Tehran that "the new wave that has started in Palestine, and we witness it in the Islamic World too, will eliminate this disgraceful stain from the Islamic World" and that Israel "must be wiped off the map.";

Whereas the President of Iran told reporters on December 8th at an Islamic conference in Mecca, Saudi Arabia, "Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces...although we don't accept this claim.";

Whereas Mr. Ahmadinejad then stated, "If the Europeans are honest they should give some of their provinces in Europe ... to the Zionists, and the Zionists can establish their state in Europe.";

Whereas on December 14, 2005, Mr. Ahmadinejad said live on Iranian television, "they have invented a myth that Jews were massacred and place this above God, religions and the prophets.";

Whereas the leaders of the Islamic Republic of Iran, beginning with its founder, the Ayatollah Ruhollah Khomeini, have issued statements of hate against the United States, Israel, and Jewish peoples;

Whereas certain leaders, including Ahmadi Nezhad, and the Supreme Leader, Ali Khamenei, have similarly called for the destruction of the United States, and the Islamic Republic of Iran has funded, armed, trained, assisted, and sheltered leading terrorists, including terrorists in Iraq who use Iranian support to kill military personnel of the United States;

Whereas an estimated 6,000,000 Jews were killed in the Nazi Holocaust;

Whereas the remarks of President Ahmadinejad have been denounced around the world and condemned by among others, the political leaders of the United States, Arab nations, Israel, Europe, and the United Nations;

Whereas it is a crime in the Federal Republic of Germany to deny the existence of the Holocaust; and

Whereas the United Nations, in General Assembly Resolution 181 (1947), recommended the adoption of the Plan of Partition with Economic Union for Palestine, which called for an independent Jewish State: Now, therefore, be it

Resolved, That the Senate—

(1) condemns recent statements by President Ahmadinejad that denied the occurrence of the Holocaust and supported moving the State of Israel to Europe;

(2) demands an official apology for these damaging, anti-Semitic statements that ignore history, human suffering, and the loss of life during the Holocaust;

(4) supports efforts by the people of Iran to exercise self-determination over the form of government of their country;

(5) supports a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum; and

(6) reaffirms the need for Iran to—

(A) end its support for international terrorism; and

(B) join other Middle Eastern countries in seeking a successful outcome of the Middle East peace process.

SENATE RESOLUTION 337—TO CONDEMN THE HARMFUL, DESTRUCTIVE, AND ANTI-SEMITIC STATEMENTS OF MAHMOUD AHMADINEJAD, THE PRESIDENT OF IRAN, AND TO DEMAND AN APOLOGY FOR THOSE STATEMENTS OF HATE AND ANIMOSITY TOWARDS ALL JEWISH PEOPLE OF THE WORLD

Mr. SANTORUM (for himself, Mr. Brownback, Ms. Mikulski, Ms. Stabenow, Mr. Chambliss, Mr. Nelson of Florida, Mr. Coleman, Mr. Bond, Mrs. Dole, Mr. Lautenberg, Mr. Lieberman, Mr. Smith, Mr. Nelson of Nebraska, Mr. DeWine, Mr. Vitter, Mr. Isakson, Mr. Talent, Mr. Stevens, Mr. Martinez, Mr. Voinovich, Mr. Rockefeller, Mrs. Feinstein, and Mr. Salazar) submitted the following resolution; which was considered and agreed to:

S. Res. 337

Whereas Mahmoud Ahmadinejad, the President of Iran, declared in an October 26, 2005, address at the World Without Zionism conference in Tehran that "the new wave that has started in Palestine, and we witness it in the Islamic World too, will eliminate this disgraceful stain from the Islamic World" and that Israel "must be wiped off the map.";

Whereas the President of Iran told reporters on December 8th at an Islamic conference in Mecca, Saudi Arabia, "Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces . . . although we don't accept this claim.";

Whereas Mr. Ahmadinejad then stated, "If the Europeans are honest they should give some of their provinces in Europe ... to the Zionists, and the Zionists can establish their state in Europe.";

Whereas on December 14, 2005, Mr. Ahmadinejad said live on Iranian television, "they have invented a myth that Jews were massacred and place this above God, religions and the prophets.";

Whereas the leaders of the Islamic Republic of Iran, beginning with its founder, the Ayatollah Ruhollah Khomeini, have issued statements of hate against the United States, Israel, and Jewish peoples;

Whereas certain leaders, including Ahmadi Nezhad, and the Supreme Leader, Ali Khamenei, have similarly called for the destruction of the United States, and the Islamic Republic of Iran has funded, armed, trained, assisted, and sheltered leading terrorists, including terrorists in Iraq who use Iranian support to kill military personnel of the United States;

Whereas an estimated 6,000,000 Jews were killed in the Nazi Holocaust;

Whereas the remarks of President Ahmadinejad have been denounced around the world and condemned by among others, the political leaders of the United States, Arab nations, Israel, Europe, and the United Nations;

Whereas it is a crime in the Federal Republic of Germany to deny the existence of the Holocaust; and

Whereas the United Nations, in General Assembly Resolution 181 (1947), recommended the adoption of the Plan of Partition with Economic Union for Palestine, which called for an independent Jewish State: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent statement by President Ahmadinejad that denied the occurrence of the Holocaust and supported moving the State of Israel to Europe;

(2) demands an official apology for these damaging, anti-Semitic statements that ignore history, human suffering, and the loss of life during the Holocaust; and

(6) reaffirms the need for Iran to—

(A) end its support for international terrorism; and

(B) join other Middle Eastern countries in seeking a successful outcome of the Middle East peace process.

SENATE RESOLUTION 338—HONORING THE MEMORY OF THE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO HAVE GIVEN THEIR LIVES IN SERVICE TO THE UNITED STATES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Mr. LAUTENBERG (for himself, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeMint, Mr. Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Frist, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Martinez, Mr. McCain, Mr. McConnell, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Obama, Mr. Pryor, Mr. Reed, Mr. Reid, Mr. Roberts, Mr. Rockefeller, Mr. Salazar, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Talent, Mr. Thomas, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Warner, and Mr. Wyden) submitted the following resolution; which was considered and agreed to:

S. Res. 338

Whereas the basic liberties that all Americans enjoy are secured through the valor and dedication of the members of the Armed Forces of the United States;

Whereas over 1,000,000 members of the Armed Forces are currently serving on active duty in over 120 countries worldwide;

Whereas the United States initiated Operation Enduring Freedom on October 19, 2001, and as of December 15, 2005, 322 members of the Armed Forces have died and 652 have been wounded in that Operation;

Whereas the United States initiated Operation Iraqi Freedom on March 22, 2003, and as of December 15, 2005, 2,153 members of the Armed Forces have died and 15,568 have been wounded in that Operation;

Whereas, in the words of President Franklin D. Roosevelt, each of America's fallen "stands in the unbroken line of patriots who have dared to die that freedom might live, and grow, and increase its blessings. Freedom lives, and through it, he lives—in a way that humbles the undertakings of most men";

Whereas all Americans owe the fallen, the wounded, and their families a debt that can never be fully repaid; and

Whereas the sacrifices of members of the Armed Forces are often invoked in general but the fallen are seldom recognized and honored individually: Now, therefore, be it

Resolved, That the Senate—

(1) honors the memory of Master Sergeant Evander E. Andrews, 36, of Solon, Maine, who died on October 10, 2001, in service to the United States in Operation Enduring Freedom;

(2) honors the memory of Specialist John J. Edmunds, 20, of Cheyenne, Wyoming, who died on October 19, 2001, in service to the United States in Operation Enduring Freedom;

(3) honors the memory of Private First Class Kristofor T. Stonesifer, 28, of Missoula, Montana, who died on October 19, 2001, in service to the United States in Operation Enduring Freedom;

(4) honors the memory of Machinist's Mate Fireman Apprentice Bryant L. Davis, 20, of Chicago, Illinois, who died on November 7, 2001, in service to the United States in Operation Enduring Freedom;

(5) honors the memory of Electronics Technician Third Class Benjamin Johnson, 21, of Rochester, New York, who died on November 18, 2001, in service to the United States in Operation Enduring Freedom;

(6) honors the memory of Engineman First Class Vincent Parker, 38, of Preston, Mississippi, who died on November 18, 2001, in service to the United States in Operation Enduring Freedom;

(7) honors the memory of CIA Officer Johnny Michael Spann, 32, of Winfield, Alabama, who died on November 25, 2001, in service to the United States in Operation Enduring Freedom;

(8) honors the memory of Private Giovanny Maria, 19, of New York, New York, who died on November 29, 2001, in service to the United States in Operation Enduring Freedom;

(9) honors the memory of Electrician's Mate Fireman Apprentice Michael J. Jakes, Jr., 20, of Brooklyn, New York, who died on December 4, 2001, in service to the United States in Operation Enduring Freedom;

(10) honors the memory of Master Sergeant Jefferson D. Davis, 39, of Clarksville, Tennessee, who died on December 5, 2001, in service to the United States in Operation Enduring Freedom;

(11) honors the memory of Sergeant First Class Daniel H. Petithory, 32, of Cheshire, Massachusetts, who died on December 5, 2001, in service to the United States in Operation Enduring Freedom;

(12) honors the memory of Staff Sergeant Brian C. Prosser, 28, of Frazier Park, California, who died on December 5, 2001, in service to the United States in Operation Enduring Freedom;

(13) honors the memory of Sergeant First Class Nathan R. Chapman, 31, of San Antonio, Texas, who died on January 4, 2002, in service to the United States in Operation Enduring Freedom;

(14) honors the memory of Captain Matthew W. Bancroft, 29, of Shasta, California, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(15) honors the memory of Lance Corporal Bryan P. Bertrand, 23, of Coos Bay, Oregon, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(16) honors the memory of Gunnery Sergeant Stephen L. Bryson, 35, of Montgomery, Alabama, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(17) honors the memory of Staff Sergeant Scott N. Germosen, 37, of Queens, New York, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(18) honors the memory of Sergeant Nathan P. Hays, 21, of Lincoln, Washington, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(19) honors the memory of Captain Daniel G. McCollum, 29, of Richland, South Carolina, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(20) honors the memory of Sergeant Jeannette L. Winters, 25, of Du Page, Illinois, who died on January 9, 2002, in service to the United States in Operation Enduring Freedom;

(21) honors the memory of Staff Sergeant Walter F. Cohee III, 26, of Wicomico, Maryland, who died on January 20, 2002, in service to the United States in Operation Enduring Freedom;

(22) honors the memory of Staff Sergeant Dwight J. Morgan, 24, of Mendocino, California, who died on January 20, 2002, in service to the United States in Operation Enduring Freedom;

(23) honors the memory of Specialist Jason A. Disney, 21, of Fallon, Nevada, who died on February 13, 2002, in service to the United States in Operation Enduring Freedom;

(24) honors the memory of Specialist Thomas F. Allison, 22, of Roy, Washington, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(25) honors the memory of Staff Sergeant James P. Dorrity, 32, of Goldsboro, North Carolina, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(26) honors the memory of Chief Warrant Officer Jody L. Egnor, 34, of Middletown, Ohio, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(27) honors the memory of Major Curtis D. Feistner, 25, of White Bear Lake, Minnesota, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(28) honors the memory of Staff Sergeant Kerry W. Frith, 37, of Las Vegas, Nevada, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(29) honors the memory of Master Sergeant William L. McDaniel II, 36, of Greenville, Ohio, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(30) honors the memory of Captain Bartt D. Owens, 29, of Middletown, Ohio, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(31) honors the memory of Staff Sergeant Juan M. Ridout, 36, of Maple Tree, Washington, who died on February 21, 2002, in service to the United States in Operation Enduring Freedom;

(32) honors the memory of Specialist Curtis A. Carter, 25, of Lafayette, Louisiana, who died on February 27, 2002, in service to the United States in Operation Enduring Freedom;

(33) honors the memory of Chief Warrant Officer 2 Stanley L. Harriman, 34, of Wade, North Carolina, who died on March 2, 2002, in service to the United States in Operation Enduring Freedom;

(34) honors the memory of Specialist Marc A. Anderson, 30, of Brandon, Florida, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(35) honors the memory of Technical Sergeant John A. Chapman, 36, of Waco, Texas, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(36) honors the memory of Private First Class Matthew A. Commons, 21, of Boulder City, Nevada, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(37) honors the memory of Sergeant Peter P. Crose, 22, of Orange Park, Florida, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(38) honors the memory of Senior Airman Jason D. Cunningham, 26, of Camarillo, California, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(39) honors the memory of Aviation Boatswain's Mate-Handling First Class Neil C. Roberts, 32, of Woodland, California, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(40) honors the memory of Sergeant Philip J. Svitak, 31, of Joplin, Missouri, who died on March 4, 2002, in service to the United States in Operation Enduring Freedom;

(41) honors the memory of Chief Petty Officer Matthew J. Bourgeois, 35, of Tallahassee, Florida, who died on March 27, 2002, in service to the United States in Operation Enduring Freedom;

(42) honors the memory of Staff Sergeant Brian T. Craig, 27, of Houston, Texas, who died on April 15, 2002, in service to the United States in Operation Enduring Freedom;

(43) honors the memory of Staff Sergeant Justin J. Galewski, 28, of Olathe, Kansas, who died on April 15, 2002, in service to the United States in Operation Enduring Freedom;

(44) honors the memory of Sergeant Jamie O. Maugans, 27, of Wichita, Kansas, who died on April 15, 2002, in service to the United States in Operation Enduring Freedom;

(45) honors the memory of Sergeant First Class Daniel A. Romero, 30, of Lafayette, Colorado, who died on April 15, 2002, in service to the United States in Operation Enduring Freedom;

(46) honors the memory of Sergeant Gene A. Vance Jr., 38, of Morgantown, West Virginia, who died on May 19, 2002, in service to the United States in Operation Enduring Freedom;

(47) honors the memory of Technical Sergeant Sean M. Corlew, 37, of Thousand Oaks, California, who died on June 12, 2002, in service to the United States in Operation Enduring Freedom;

(48) honors the memory of Staff Sergeant Anissa A. Shero, 31, of Grafton, West Virginia, who died on June 12, 2002, in service to the United States in Operation Enduring Freedom;

(49) honors the memory of Sergeant First Class Peter P. Tycz II, 32, of Tonawanda, New York, who died on June 12, 2002, in service to the United States in Operation Enduring Freedom;

(50) honors the memory of Sergeant First Class Christopher J. Speer, 28, of Albuquerque, New Mexico, who died on August 7, 2002, in service to the United States in Operation Enduring Freedom;

(51) honors the memory of Sergeant Ryan D. Foraker, 31, of Logan, Ohio, who died on September 24, 2002, in service to the United States in Operation Enduring Freedom;

(52) honors the memory of Lance Corporal Antonio J. Sledd, 20, of Tampa, Florida, who died on October 8, 2002, in service to the United States in Operation Enduring Freedom;

(53) honors the memory of Private James H. Ebbers, 19, of Bridgeview, Illinois, who died on October 14, 2002, in service to the United States in Operation Enduring Freedom;

(54) honors the memory of Specialist Pedro Pena, 35, of Florida, who died on November 7, 2002, in service to the United States in Operation Enduring Freedom;

(55) honors the memory of Sergeant Steven Checo, 22, of New York, New York, who died on December 20, 2002, in service to the United States in Operation Enduring Freedom;

(56) honors the memory of Sergeant Gregory Michael Frampton, 37, of Fresno, California, who died on January 30, 2003, in service to the United States in Operation Enduring Freedom;

(57) honors the memory of Chief Warrant Officer 2 Thomas J. Gibbons, 31, of Calvert County, Maryland, who died on January 30, 2003, in service to the United States in Operation Enduring Freedom;

(58) honors the memory of Staff Sergeant Daniel Leon Kisling, Jr., 31, of Neosho, Missouri, who died on January 30, 2003, in service to the United States in Operation Enduring Freedom;

(59) honors the memory of Chief Warrant Officer 3 Mark O'Steen, 43, of Ozark, Alabama, who died on January 30, 2003, in service to the United States in Operation Enduring Freedom;

(60) honors the memory of Sergeant Michael C. Barry, 29, of Overland Park, Kansas, who died on February 1, 2003, in service to the United States in Operation Enduring Freedom;

(61) honors the memory of Operations Officer Helge Boes, 32, of Virginia, who died on February 5, 2003, in service to the United States in Operation Enduring Freedom;

(62) honors the memory of Specialist Brian Michael Clemens, 19, of Kokomo, Indiana, who died on February 7, 2003, in service to the United States in Operation Enduring Freedom;

(63) honors the memory of Specialist Rodrigo Gonzalez-Garza, 26, of San Antonio, Texas, who died on February 25, 2003, in service to the United States in Operation Enduring Freedom;

(64) honors the memory of Chief Warrant Officer Timothy Wayne Moehling, 35, of Panama City, Florida, who died on February 25, 2003, in service to the United States in Operation Enduring Freedom;

(65) honors the memory of Chief Warrant Officer John D. Smith, 32, of West Valley City, Utah, who died on February 25, 2003, in service to the United States in Operation Enduring Freedom;

(66) honors the memory of Sergeant William John Tracy, Jr., 27, of Webster, New Hampshire, who died on February 25, 2003, in service to the United States in Operation Enduring Freedom;

(67) honors the memory of Petty Officer Second Class Darrell Jones, 22, of Wellston, Ohio, who died on March 8, 2003, in service to the United States in Operation Enduring Freedom;

(68) honors the memory of Private First Class Spence A. McNeil, 19, of Bennettsville, South Carolina, who died on March 8, 2003, in service to the United States in Operation Enduring Freedom;

(69) honors the memory of Private First Class James R. Dillon, Jr., 19, of Grove City, Pennsylvania, who died on March 13, 2003, in service to the United States in Operation Enduring Freedom;

(70) honors the memory of Navy Petty Officer Third Class Jason Profitt, 23, of Charlestown, Indiana, who died on March 17, 2003, in service to the United States in Operation Enduring Freedom;

(71) honors the memory of Major Jay Thomas Aubin, 36, of Waterville, Maine, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(72) honors the memory of Captain Ryan Anthony Beaupre, 30, of Bloomington, Illinois, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(73) honors the memory of Second Lieutenant Therrel Shane Childers, 30, of Harrison Co., Mississippi, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(74) honors the memory of Lance Corporal Jose Antonio Gutierrez, 22, of Guatemala City, Guatemala, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(75) honors the memory of Corporal Brian Matthew Kennedy, 25, of Houston, Texas, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(76) honors the memory of Staff Sergeant Kendall Damon Waters-Bey, 29, of Baltimore, Maryland, who died on March 21, 2003, in service to the United States in Operation Iraqi Freedom;

(77) honors the memory of Lieutenant Thomas Mullen Adams, 27, of La Mesa, California, who died on March 22, 2003, in service to the United States in Operation Iraqi Freedom;

(78) honors the memory of Lance Corporal Eric James Orlowski, 26, of Buffalo, New York, who died on March 22, 2003, in service to the United States in Operation Iraqi Freedom;

(79) honors the memory of Specialist Brandon Scott Tobler, 19, of Portland, Oregon, who died on March 22, 2003, in service to the United States in Operation Iraqi Freedom;

(80) honors the memory of Specialist Jamaal Rashard Addison, 22, of Roswell, Georgia, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(81) honors the memory of Specialist Edward John Anguiano, 24, of Brownsville, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(82) honors the memory of First Lieutenant Tamara Long Archuleta, 23, of Belen, New Mexico, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(83) honors the memory of Sergeant Michael Edward Bitz, 31, of Ventura, California, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(84) honors the memory of Lance Corporal Brian Rory Buesing, 20, of Cedar Key, Florida, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(85) honors the memory of Sergeant George Edward Buggs, 31, of Barnwell, South Carolina, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(86) honors the memory of Private First Class Tamario Demetrice Burkett, 21, of Buffalo, New York, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(87) honors the memory of Corporal Kemaphoom "Ahn" Chanawongse, 22, of Waterford, Connecticut, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(88) honors the memory of Lance Corporal Donald John Cline, Jr., 21, of Sparks, Nevada, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(89) honors the memory of Master Sergeant Robert John Dowdy, 38, of Cleveland, Ohio, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(90) honors the memory of Private Ruben Estrella-Soto, 18, of El Paso, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(91) honors the memory of Lance Corporal David Keith Fribley, 26, of Lee, Florida, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(92) honors the memory of Corporal Jose Angel Garibay, 21, of Orange, California, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(93) honors the memory of Private Jonathan Lee Gifford, 30, of Macon, Illinois, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(94) honors the memory of Corporal Jorge Alonso Gonzalez, 20, of Los Angeles, California, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(95) honors the memory of Staff Sergeant Jason Carlyle Hicks, 25, of Jefferson, South Carolina, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(96) honors the memory of Sergeant Nicolas Michael Hodson, 22, of Smithville, Missouri, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(97) honors the memory of Private Nolen Ryan Hutchings, 19, of Boiling Springs, South Carolina, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(98) honors the memory of Private First Class Howard Johnson II, 21, of Mobile, Alabama, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(99) honors the memory of Staff Sergeant Phillip Andrew Jordan, 42, of Brazoria, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(100) honors the memory of Specialist James Michael Kiehl, 22, of Comfort, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(101) honors the memory of Master Sergeant Michael Maltz, 42, of St. Petersburg, Florida, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(102) honors the memory of Chief Warrant Officer Johnny Villareal Mata, 35, of Amarillo, Texas, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(103) honors the memory of Lance Corporal Patrick Ray Nixon, 21, of Nashville, Tennessee, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(104) honors the memory of Private First Class Lori Ann Piestewa, 23, of Tuba City, Arizona, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(105) honors the memory of Senior Airman Jason Thomas Plite, 21, of Lansing, Michigan, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(106) honors the memory of Second Lieutenant Frederick Eben Pokorney, Jr., 31, of Nye, Nevada, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(107) honors the memory of Sergeant Brendon Curtis Reiss, 23, of Casper, Wyoming, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(108) honors the memory of Corporal Randal Kent Rosacker, 21, of San Diego, California, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(109) honors the memory of Captain Christopher Scott Seifert, 27, of Easton, Pennsylvania, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(110) honors the memory of Private Brandon Ulysses Sloan, 19, of Cleveland, Ohio, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(111) honors the memory of Lance Corporal Thomas Jonathan Slocum, 22, of Adams, Colorado, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(112) honors the memory of Lieutenant Colonel John Stein, 39, of Bardolph, Illinois, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(113) honors the memory of Staff Sergeant John "Mike" Teal, 29, of Dallas, Texas, who died on March 23, 2003, in service to the United States in Operation Enduring Freedom;

(114) honors the memory of Sergeant Donald Ralph Walters, 33, of Kansas City, Missouri, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(115) honors the memory of Lance Corporal Michael Jason Williams, 31, of Yuma, Arizona, who died on March 23, 2003, in service to the United States in Operation Iraqi Freedom;

(116) honors the memory of Lance Corporal Thomas Alan Blair, 24, of Wagoner, Oklahoma, who died on March 24, 2003, in service to the United States in Operation Iraqi Freedom;

(117) honors the memory of Corporal Evan Tyler James, 20, of Hancock, Illinois, who died on March 24, 2003, in service to the United States in Operation Iraqi Freedom;

(118) honors the memory of Sergeant Bradley Steven Korthaus, 28, of Scott, Iowa, who died on March 24, 2003, in service to the United States in Operation Iraqi Freedom;

(119) honors the memory of Specialist Gregory Paul Sanders, 19, of Hobart, Indiana, who died on March 24, 2003, in service to the United States in Operation Iraqi Freedom;

(120) honors the memory of Hospital Corpsman Third Class Michael Vann Johnson, Jr., 25, of Little Rock, Arkansas, who died on March 25, 2003, in service to the United States in Operation Iraqi Freedom;

(121) honors the memory of Major Gregory Lewis Stone, 40, of Boise, Idaho, who died on March 25, 2003, in service to the United States in Operation Iraqi Freedom;

(122) honors the memory of Major Kevin Gerard Nave, 36, of Union Lake, Michigan, who died on March 26, 2003, in service to the United States in Operation Iraqi Freedom;

(123) honors the memory of Private First Class Francisco Abraham Martinez-Flores, 21, of Los Angeles, California, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(124) honors the memory of Staff Sergeant Donald Charles May, Jr., 31, of Richmond, Virginia, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(125) honors the memory of Gunnery Sergeant Joseph Menusa, 33, of San Jose, California, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(126) honors the memory of Lance Corporal Patrick Terence O'Day, 20, of Sonoma, California, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(127) honors the memory of Corporal Robert Marcus Rodriguez, 21, of Queens, New York, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(128) honors the memory of Lance Corporal Jesus Alberto Suarez del Solar, 20, of Escondido, California, who died on March 27, 2003, in service to the United States in Operation Iraqi Freedom;

(129) honors the memory of Sergeant Fernando Padilla-Ramirez, 26, of San Luis, Arizona, who died on March 28, 2003, in service to the United States in Operation Iraqi Freedom;

(130) honors the memory of Sergeant Roderic Antoine Solomon, 32, of Fayetteville, North Carolina, who died on March 28, 2003, in service to the United States in Operation Iraqi Freedom;

(131) honors the memory of Staff Sergeant James Wilford Cawley, 41, of Roy, Utah, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(132) honors the memory of Private First Class Michael Russell Creighton-Weldon, 20, of Palm Bay, Florida, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(133) honors the memory of Corporal Michael Edward Curtin, 23, of Howell, New Jersey, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(134) honors the memory of Staff Sergeant Jacob L. Frazier, 24, of St. Charles, Illinois, who died on March 29, 2003, in service to the United States in Operation Enduring Freedom;

(135) honors the memory of Sergeant Orlando Morales, 33, of Manati, Puerto Rico, who died on March 29, 2003, in service to the United States in Operation Enduring Freedom;

(136) honors the memory of Private First Class Diego Fernando Rincon, 19, of Conyers, Georgia, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(137) honors the memory of Lance Corporal William Wayne White, 24, of Brooklyn, New York, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(138) honors the memory of Sergeant Eugene Williams, 24, of Highland, New York, who died on March 29, 2003, in service to the United States in Operation Iraqi Freedom;

(139) honors the memory of Captain Aaron Joseph Contreras, 31, of Sherwood, Oregon, who died on March 30, 2003, in service to the United States in Operation Iraqi Freedom;

(140) honors the memory of Sergeant Michael Vernon Lalush, 23, of Troutville, Virginia, who died on March 30, 2003, in service to the United States in Operation Iraqi Freedom;

(141) honors the memory of Sergeant Brian Daniel McGinnis, 23, of St. George, Delaware, who died on March 30, 2003, in service to the United States in Operation Iraqi Freedom;

(142) honors the memory of Specialist William Andrew Jeffries, 39, of Evansville, Indiana, who died on March 31, 2003, in service to the United States in Operation Iraqi Freedom;

(143) honors the memory of Specialist Brandon Jacob Rowe, 20, of Roscoe, Illinois, who died on March 31, 2003, in service to the United States in Operation Iraqi Freedom;

(144) honors the memory of Sergeant Jacob Lee Butler, 24, of Wellsville, Kansas, who died on April 1, 2003, in service to the United States in Operation Iraqi Freedom;

(145) honors the memory of Lance Corporal Joseph Basil Maglione III, 22, of Lansdale, Pennsylvania, who died on April 1, 2003, in service to the United States in Operation Iraqi Freedom;

(146) honors the memory of Captain James Francis Adamouski, 29, of Springfield, Virginia, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(147) honors the memory of Lance Corporal Brian Edward Anderson, 26, of Durham, North Carolina, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(148) honors the memory of Specialist Matthew George Boule, 22, of Dracut, Massachusetts, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(149) honors the memory of Master Sergeant George Andrew Fernandez, 36, of El Paso, Texas, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(150) honors the memory of Private First Class Christian Daniel Gurtner, 19, of Ohio City, Ohio, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(151) honors the memory of Chief Warrant Officer (CW4) Erik Anders Halvorsen, 40, of Bennington, Vermont, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(152) honors the memory of Chief Warrant Officer (CW2) Scott Jamar, 32, of Granbury, Texas, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(153) honors the memory of Sergeant Michael Francis Pedersen, 26, of Flint, Michigan, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(154) honors the memory of Chief Warrant Officer (CW3) Eric Allen Smith, 41, of Rochester, New York, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(155) honors the memory of Lieutenant Nathan Dennis White, 30, of Mesa, Arizona, who died on April 2, 2003, in service to the United States in Operation Iraqi Freedom;

(156) honors the memory of Private First Class Chad Eric Bales, 20, of Coahoma, Texas, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(157) honors the memory of Staff Sergeant Wilbert Davis, 40, of Tampa, Florida, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(158) honors the memory of Corporal Mark Asher Evnin, 21, of Burlington, Vermont, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(159) honors the memory of Captain Edward Jason Korn, 31, of Savannah, Georgia, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(160) honors the memory of Staff Sergeant Nino Dugue Livaudais, 23, of Syracuse, Utah, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(161) honors the memory of Specialist Ryan Patrick Long, 21, of Seaford, Delaware, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(162) honors the memory of Specialist Donald Samuel Oaks, Jr., 20, of Erie, Pennsylvania, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(163) honors the memory of Sergeant First Class Randall Scott Rehn, 36, of Longmont, Colorado, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(164) honors the memory of Captain Russell Brian Rippetoe, 27, of Seaford, Delaware, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(165) honors the memory of Sergeant Todd James Robbins, 33, of Pentwater, Michigan, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(166) honors the memory of Corporal Erik Hernandez Silva, 22, of Chula Vista, California, who died on April 3, 2003, in service to the United States in Operation Iraqi Freedom;

(167) honors the memory of Captain Tristan Neil Aitken, 31, of State College, Pennsylvania, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(168) honors the memory of Private First Class Wilfred Davyrussell Bellard, 20, of Lake Charles, Louisiana, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(169) honors the memory of Specialist Daniel Francis Cunningham, Jr., 33, of Lewiston, Maine, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(170) honors the memory of Captain Travis Allen Ford, 30, of Ogallala, Nebraska, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(171) honors the memory of Corporal Bernard George Gooden, 22, of Mt. Vernon, New York, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(172) honors the memory of Private Devon Demilo Jones, 19, of San Diego, California, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(173) honors the memory of First Lieutenant Brian Michael McPhillips, 25, of Pembroke, Massachusetts, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(174) honors the memory of Sergeant Duane Roy Rios, 25, of Hammond, Indiana, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(175) honors the memory of Captain Benjamin Wilson Sammis, 29, of Rehobeth, Massachusetts, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(176) honors the memory of Sergeant First Class Paul Ray Smith, 33, of Tampa, Florida, who died on April 4, 2003, in service to the United States in Operation Iraqi Freedom;

(177) honors the memory of Staff Sergeant Stevon Alexander Booker, 34, of Apollo, Pennsylvania, who died on April 5, 2003, in service to the United States in Operation Iraqi Freedom;

(178) honors the memory of Specialist Larry Kenyatta Brown, 22, of Jackson, Mississippi, who died on April 5, 2003, in service to the United States in Operation Iraqi Freedom;

(179) honors the memory of First Sergeant Edward Smith, 38, of Chicago, Illinois, who died on April 5, 2003, in service to the United States in Operation Iraqi Freedom;

(180) honors the memory of Private First Class Gregory Paul Huxley, Jr., 19, of Forestport, New York, who died on April 6, 2003, in service to the United States in Operation Iraqi Freedom;

(181) honors the memory of Private Kelley Stephen Prewitt, 24, of Birmingham, Alabama, who died on April 6, 2003, in service to the United States in Operation Iraqi Freedom;

(182) honors the memory of Lance Corporal Andrew Julian Aviles, 18, of Palm Beach, Florida, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(183) honors the memory of Captain Eric Bruce Das, 30, of Amarillo, Texas, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(184) honors the memory of Staff Sergeant Lincoln Daniel Hollinsaid, 27, of Malden, Illinois, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(185) honors the memory of Second Lieutenant Jeffrey Joseph Kaylor, 24, of Clifton, Virginia, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(186) honors the memory of Corporal Jesus Martin Antonio Medellin, 21, of Fort Worth, Texas, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(187) honors the memory of Private First Class Anthony Scott Miller, 19, of San Antonio, Texas, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(188) honors the memory of Specialist George Arthur Mitchell, Jr., 35, of Rawlings, Maryland, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(189) honors the memory of Major William Randolph Watkins III, 37, of Danville, Virginia, who died on April 7, 2003, in service to the United States in Operation Iraqi Freedom;

(190) honors the memory of Corporal Henry Levon Brown, 22, of Natchez, Mississippi, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(191) honors the memory of Private First Class Juan Guadalupe Garza, Jr., 20, of Temperance, Michigan, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(192) honors the memory of Sergeant First Class John Winston Marshall, 50, of Los Angeles, California, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(193) honors the memory of Private First Class Jason Michael Meyer, 23, of Swartz Creek, Michigan, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(194) honors the memory of Staff Sergeant Scott Douglas Sather, 29, of Clio, Michigan, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(195) honors the memory of Staff Sergeant Robert Anthony Stever, 36, of Pendleton, Oregon, who died on April 8, 2003, in service to the United States in Operation Iraqi Freedom;

(196) honors the memory of Gunnery Sergeant Jeffrey Edward Bohr, Jr., 39, of Ossian, Iowa, who died on April 10, 2003, in service to the United States in Operation Iraqi Freedom;

(197) honors the memory of Staff Sergeant Terry Wayne Hemingway, 39, of Willingboro, New Jersey, who died on April 10, 2003, in service to the United States in Operation Iraqi Freedom;

(198) honors the memory of Staff Sergeant Riayan Augusto Tejeda, 26, of New York, New York, who died on April 11, 2003, in service to the United States in Operation Iraqi Freedom;

(199) honors the memory of Corporal Jesus Angel Gonzalez, 22, of Indio, California, who died on April 12, 2003, in service to the United States in Operation Iraqi Freedom;

(200) honors the memory of Lance Corporal David Edward Owens, Jr., 20, of Winchester, Virginia, who died on April 12, 2003, in service to the United States in Operation Iraqi Freedom;

(201) honors the memory of Commander Joseph Acevedo, 46, of Bronx, New York, who died on April 13, 2003, in service to the United States in Operation Iraqi Freedom;

(202) honors the memory of Specialist Gil Mercado, 25, of Paterson, New Jersey, who died on April 13, 2003, in service to the United States in Operation Iraqi Freedom;

(203) honors the memory of Private First Class John Eli Brown, 21, of Troy, Alabama, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(204) honors the memory of Specialist Thomas Arthur Foley III, 23, of Dresden, Tennessee, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(205) honors the memory of Corporal Armando Ariel Gonzalez, 25, of Hileah, Florida, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(206) honors the memory of Specialist Richard Allen Goward, 32, of Midland, Michigan, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(207) honors the memory of Private First Class Joseph Patrick Mayek, 20, of Rock

Springs, Wyoming, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(208) honors the memory of Corporal Jason David Mileo, 20, of Centreville, Maryland, who died on April 14, 2003, in service to the United States in Operation Iraqi Freedom;

(209) honors the memory of Corporal John Travis Rivero, 23, of Tampa, Florida, who died on April 17, 2003, in service to the United States in Operation Iraqi Freedom;

(210) honors the memory of Chief Warrant Officer (CW2) Andrew Todd Arnold, 30, of Spring, Texas, who died on April 22, 2003, in service to the United States in Operation Iraqi Freedom;

(211) honors the memory of Specialist Roy Russell Buckley, 24, of Snow Camp, North Carolina, who died on April 22, 2003, in service to the United States in Operation Iraqi Freedom;

(212) honors the memory of Chief Warrant Officer (CW2) Robert William Channell, Jr., 36, of Tuscaloosa, Alabama, who died on April 22, 2003, in service to the United States in Operation Iraqi Freedom;

(213) honors the memory of Lance Corporal Alan Dinh Lam, 19, of Snow Camp, North Carolina, who died on April 22, 2003, in service to the United States in Operation Iraqi Freedom;

(214) honors the memory of Sergeant Troy David Jenkins, 25, of Ridgecrest, California, who died on April 24, 2003, in service to the United States in Operation Iraqi Freedom;

(215) honors the memory of Private Jerod R. Dennis, 19, of Antlers, Oklahoma, who died on April 25, 2003, in service to the United States in Operation Enduring Freedom;

(216) honors the memory of Airman First Class Raymond Losano, 24, of Del Rio, Texas, who died on April 25, 2003, in service to the United States in Operation Enduring Freedom;

(217) honors the memory of First Lieutenant Osbaldo Orozco, 26, of Delano, California, who died on April 25, 2003, in service to the United States in Operation Iraqi Freedom;

(218) honors the memory of Specialist Narson Bertil Sullivan, 21, of North Brunswick, New Jersey, who died on April 25, 2003, in service to the United States in Operation Iraqi Freedom;

(219) honors the memory of First Sergeant Joe Jesus Garza, 43, of Robstown, Texas, who died on April 28, 2003, in service to the United States in Operation Iraqi Freedom;

(220) honors the memory of Private First Class Jesse Alan Givens, 34, of Springfield, Missouri, who died on May 1, 2003, in service to the United States in Operation Iraqi Freedom;

(221) honors the memory of Sergeant Sean C. Reynolds, 25, of East Lansing, Michigan, who died on May 3, 2003, in service to the United States in Operation Iraqi Freedom;

(222) honors the memory of Private Jason L. Deibler, 20, of Coeburn, Virginia, who died on May 4, 2003, in service to the United States in Operation Iraqi Freedom;

(223) honors the memory of Private First Class Marlin T. Rockhold, 23, of Hamilton, Ohio, who died on May 8, 2003, in service to the United States in Operation Iraqi Freedom;

(224) honors the memory of Lance Corporal Cedric E. Bruns, 22, of Vancouver, Washington, who died on May 9, 2003, in service to the United States in Operation Iraqi Freedom;

(225) honors the memory of Corporal Richard P. Carl, 26, of King Hill, Idaho, who died on May 9, 2003, in service to the United States in Operation Iraqi Freedom;

(226) honors the memory of Chief Warrant Officer Hans N. Gukeisen, 31, of Lead, South Dakota, who died on May 9, 2003, in service to the United States in Operation Iraqi Freedom;

(227) honors the memory of Chief Warrant Officer Brian K. Van Dusen, 39, of Columbus, Ohio, who died on May 9, 2003, in service to the United States in Operation Iraqi Freedom;

(228) honors the memory of Lance Corporal Matthew R. Smith, 20, of Anderson, Indiana, who died on May 10, 2003, in service to the United States in Operation Iraqi Freedom;

(229) honors the memory of Lance Corporal Jakub Henryk Kowalik, 21, of Schaumburg, Illinois, who died on May 12, 2003, in service to the United States in Operation Iraqi Freedom;

(230) honors the memory of Private First Class Jose F. Gonzalez Rodriguez, 19, of Norwalk, California, who died on May 12, 2003, in service to the United States in Operation Iraqi Freedom;

(231) honors the memory of Staff Sergeant Patrick Lee Griffin, Jr., 31, of Elgin, South Carolina, who died on May 13, 2003, in service to the United States in Operation Iraqi Freedom;

(232) honors the memory of Lance Corporal Nicholas Brian Kleiboeker, 19, of Irvington, Illinois, who died on May 13, 2003, in service to the United States in Operation Iraqi Freedom;

(233) honors the memory of Specialist David T. Nutt, 22, of Blackshear, Georgia, who died on May 14, 2003, in service to the United States in Operation Iraqi Freedom;

(234) honors the memory of Master Sergeant William L. Payne, 46, of Otsego, Michigan, who died on May 16, 2003, in service to the United States in Operation Iraqi Freedom;

(235) honors the memory of Sergeant First Class John E. Taylor, 31, of Wichita Falls, Texas, who died on May 17, 2003, in service to the United States in Operation Enduring Freedom;

(236) honors the memory of Corporal Douglas Jose Marencoreyes, 28, of Chino, California, who died on May 18, 2003, in service to the United States in Operation Iraqi Freedom;

(237) honors the memory of Specialist Rasheed Sahib, 22, of Brooklyn, New York, who died on May 18, 2003, in service to the United States in Operation Iraqi Freedom;

(238) honors the memory of Lieutenant Colonel Dominic Rocco Baragona, 42, of Niles, Ohio, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(239) honors the memory of Captain Andrew David LaMont, 31, of Eureka, California, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(240) honors the memory of Lance Corporal Jason William Moore, 21, of San Marcos, California, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(241) honors the memory of First Lieutenant Timothy Louis Ryan, 30, of Aurora, Illinois, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(242) honors the memory of Sergeant Kirk Allen Straseskie, 23, of Beaver Dam, Wisconsin, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(243) honors the memory of Staff Sergeant Aaron Dean White, 27, of Shawnee, Oklahoma, who died on May 19, 2003, in service to the United States in Operation Iraqi Freedom;

(244) honors the memory of Specialist Nathaniel A. Caldwell, 27, of Omaha, Nebraska, who died on May 21, 2003, in service to the United States in Operation Iraqi Freedom;

(245) honors the memory of Private David Evans, Jr., 18, of Buffalo, New York, who died on May 25, 2003, in service to the United States in Operation Iraqi Freedom;

(246) honors the memory of Sergeant Keman L. Mitchell, 24, of Hilliard, Florida, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(247) honors the memory of Private Kenneth A. Nalley, 19, of Hamburg, Iowa, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(248) honors the memory of Staff Sergeant Brett J. Petriken, 30, of Mundy Township, Michigan, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(249) honors the memory of Major Matthew E. Schram, 36, of Brookfield, Wisconsin, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(250) honors the memory of Private First Class Jeremiah D. Smith, 25, of Odessa, Missouri, who died on May 26, 2003, in service to the United States in Operation Iraqi Freedom;

(251) honors the memory of Sergeant Thomas F. Broomhead, 34, of Cannon City, Colorado, who died on May 27, 2003, in service to the United States in Operation Iraqi Freedom;

(252) honors the memory of Staff Sergeant Michael B. Quinn, 37, of Tampa, Florida, who died on May 27, 2003, in service to the United States in Operation Iraqi Freedom;

(253) honors the memory of Staff Sergeant Kenneth R. Bradley, 39, of Utica, Mississippi, who died on May 28, 2003, in service to the United States in Operation Iraqi Freedom;

(254) honors the memory of Specialist Jose A. Perez III, 22, of San Diego, Texas, who died on May 28, 2003, in service to the United States in Operation Iraqi Freedom;

(255) honors the memory of Specialist Michael T. Gleason, 25, of Warren, Pennsylvania, who died on May 30, 2003, in service to the United States in Operation Iraqi Freedom;

(256) honors the memory of Specialist Kyle A. Griffin, 20, of Emerson, New Jersey, who died on May 30, 2003, in service to the United States in Operation Iraqi Freedom;

(257) honors the memory of Specialist Zachariah W. Long, 20, of Milton, Pennsylvania, who died on May 30, 2003, in service to the United States in Operation Iraqi Freedom;

(258) honors the memory of Sergeant Jonathan W. Lambert, 28, of Newsite, Mississippi, who died on June 1, 2003, in service to the United States in Operation Iraqi Freedom;

(259) honors the memory of Sergeant Atanasio Haro Marin, Jr., 27, of Baldwin Park, California, who died on June 3, 2003, in service to the United States in Operation Iraqi Freedom;

(260) honors the memory of Private First Class Branden F. Oberleitner, 20, of Worthington, Ohio, who died on June 5, 2003, in service to the United States in Operation Iraqi Freedom;

(261) honors the memory of Petty Officer Third Class Doyle W. Bollinger, Jr., 21, of Poteau, Oklahoma, who died on June 6, 2003, in service to the United States in Operation Iraqi Freedom;

(262) honors the memory of Sergeant Travis L. Burkhardt, 26, of Edina, Missouri, who

died on June 6, 2003, in service to the United States in Operation Iraqi Freedom;

(263) honors the memory of Petty Officer Third Class David Sisung, 21, of Phoenix, Arizona, who died on June 6, 2003, in service to the United States in Operation Iraqi Freedom;

(264) honors the memory of Private Jesse M. Halling, 19, of Indianapolis, Indiana, who died on June 7, 2003, in service to the United States in Operation Iraqi Freedom;

(265) honors the memory of Sergeant Michael E. Dooley, 23, of Pulaski, Virginia, who died on June 8, 2003, in service to the United States in Operation Iraqi Freedom;

(266) honors the memory of Private First Class Gavin L. Neighbor, 20, of Somerset, Ohio, who died on June 10, 2003, in service to the United States in Operation Iraqi Freedom;

(267) honors the memory of Specialist John K. Klinesmith, Jr., 25, of Stockbridge, Georgia, who died on June 12, 2003, in service to the United States in Operation Iraqi Freedom;

(268) honors the memory of Staff Sergeant Andrew R. Pokorny, 30, of Naperville, Illinois, who died on June 13, 2003, in service to the United States in Operation Iraqi Freedom;

(269) honors the memory of Private First Class Ryan R. Cox, 19, of Derby, Kansas, who died on June 15, 2003, in service to the United States in Operation Iraqi Freedom;

(270) honors the memory of Private Shawn D. Pahnke, 25, of Shelbyville, Indiana, who died on June 16, 2003, in service to the United States in Operation Iraqi Freedom;

(271) honors the memory of Specialist Joseph D. Suell, 24, of Lufkin, Texas, who died on June 16, 2003, in service to the United States in Operation Iraqi Freedom;

(272) honors the memory of Private Robert L. Frantz, 19, of San Antonio, Texas, who died on June 17, 2003, in service to the United States in Operation Iraqi Freedom;

(273) honors the memory of Sergeant Michael L. Tosto, 24, of Apex, North Carolina, who died on June 17, 2003, in service to the United States in Operation Iraqi Freedom;

(274) honors the memory of Private First Class Michael R. Deuel, 21, of Nemo, South Dakota, who died on June 18, 2003, in service to the United States in Operation Iraqi Freedom;

(275) honors the memory of Staff Sergeant William T. Latham, 29, of Kingman, Arizona, who died on June 18, 2003, in service to the United States in Operation Iraqi Freedom;

(276) honors the memory of Specialist Paul T. Nakamura, 21, of Santa Fe Springs, California, who died on June 19, 2003, in service to the United States in Operation Iraqi Freedom;

(277) honors the memory of Captain Seth R. Michaud, 27, of Hudson, Massachusetts, who died on June 22, 2003, in service to the United States in Operation Enduring Freedom;

(278) honors the memory of Specialist Orenthial Javon Smith, 21, of Allendale, South Carolina, who died on June 22, 2003, in service to the United States in Operation Iraqi Freedom;

(279) honors the memory of Specialist Cedric Lamont Lennon, 32, of West Blocton, Alabama, who died on June 24, 2003, in service to the United States in Operation Iraqi Freedom;

(280) honors the memory of Specialist Andrew F. Chris, 25, of Huntsville, Alabama, who died on June 25, 2003, in service to the United States in Operation Iraqi Freedom;

(281) honors the memory of Lance Corporal Gregory E. MacDonald, 29, of Washington, District of Columbia, who died on June 25, 2003, in service to the United States in Operation Iraqi Freedom;

(282) honors the memory of Private First Class Kevin C. Ott, 27, of Columbus, Ohio, who died on June 25, 2003, in service to the United States in Operation Iraqi Freedom;

(283) honors the memory of Sergeant First Class Gladimir Philippe, 32, of Linden, New Jersey, who died on June 25, 2003, in service to the United States in Operation Iraqi Freedom;

(284) honors the memory of First Class Petty Officer Thomas E. Retzer, 30, of San Diego, California, who died on June 25, 2003, in service to the United States in Operation Enduring Freedom;

(285) honors the memory of Specialist Corey A. Hubbell, 20, of Urbana, Illinois, who died on June 26, 2003, in service to the United States in Operation Iraqi Freedom;

(286) honors the memory of Hospitalman Joshua McIntosh, 22, of Kingman, Arizona, who died on June 26, 2003, in service to the United States in Operation Iraqi Freedom;

(287) honors the memory of Specialist Richard P. Orengo, 32, of Toa Alta, Puerto Rico, who died on June 26, 2003, in service to the United States in Operation Iraqi Freedom;

(288) honors the memory of Corporal Tomas Sotelo, Jr., 20, of Houston, Texas, who died on June 27, 2003, in service to the United States in Operation Iraqi Freedom;

(289) honors the memory of Sergeant Timothy M. Conneway, 22, of Enterprise, Alabama, who died on June 28, 2003, in service to the United States in Operation Iraqi Freedom;

(290) honors the memory of Specialist Kelvin Feliciano Gutierrez, 21, of Anasco, Puerto Rico, who died on June 28, 2003, in service to the United States in Operation Enduring Freedom;

(291) honors the memory of First Sergeant Christopher D. Coffin, 51, of Bethlehem, Pennsylvania, who died on July 1, 2003, in service to the United States in Operation Iraqi Freedom;

(292) honors the memory of Corporal Travis J. Bradachnall, 21, of Multnomah County, Oregon, who died on July 2, 2003, in service to the United States in Operation Iraqi Freedom;

(293) honors the memory of Private First Class Edward J. Herrgott, 20, of Shakopee, Minnesota, who died on July 3, 2003, in service to the United States in Operation Iraqi Freedom;

(294) honors the memory of Private First Class Corey L. Small, 20, of East Berlin, Pennsylvania, who died on July 3, 2003, in service to the United States in Operation Iraqi Freedom;

(295) honors the memory of Master Sergeant James Curtis Coons, 35, of Conroe, Texas, who died on July 4, 2003, in service to the United States in Operation Iraqi Freedom;

(296) honors the memory of Sergeant David B. Parson, 30, of Kannapolis, North Carolina, who died on July 6, 2003, in service to the United States in Operation Iraqi Freedom;

(297) honors the memory of Specialist Jeffrey M. Wershow, 22, of Gainesville, Florida, who died on July 6, 2003, in service to the United States in Operation Iraqi Freedom;

(298) honors the memory of Specialist Chad L. Keith, 21, of Batesville, Indiana, who died on July 7, 2003, in service to the United States in Operation Iraqi Freedom;

(299) honors the memory of Staff Sergeant Barry Sanford, Sr., 46, of Aurora, Colorado, who died on July 7, 2003, in service to the United States in Operation Iraqi Freedom;

(300) honors the memory of Sergeant First Class Craig A. Boling, 38, of Elkhart, Indiana, who died on July 8, 2003, in service to the United States in Operation Iraqi Freedom;

(301) honors the memory of Private Robert L. McKinley, 23, of Kokomo, Indiana, who died on July 8, 2003, in service to the United States in Operation Iraqi Freedom;

(302) honors the memory of Sergeant First Class Dan H. Gabrielson, 39, of Spooner, Wisconsin, who died on July 9, 2003, in service to the United States in Operation Iraqi Freedom;

(303) honors the memory of Sergeant Christopher P. Geiger, 38, of Allentown, Pennsylvania, who died on July 9, 2003, in service to the United States in Operation Enduring Freedom;

(304) honors the memory of Sergeant Roger Dale Rowe, 54, of Bon Aqua, Tennessee, who died on July 9, 2003, in service to the United States in Operation Iraqi Freedom;

(305) honors the memory of Lance Corporal Jason Tetrault, 20, of Moreno Valley, California, who died on July 9, 2003, in service to the United States in Operation Iraqi Freedom;

(306) honors the memory of Sergeant Melissa Valles, 26, of Eagle Pass, Texas, who died on July 9, 2003, in service to the United States in Operation Iraqi Freedom;

(307) honors the memory of Specialist Christian C. Schultz, 20, of Colleyville, Texas, who died on July 11, 2003, in service to the United States in Operation Iraqi Freedom;

(308) honors the memory of Specialist Joshua M. Neusche, 20, of Montreal, Missouri, who died on July 12, 2003, in service to the United States in Operation Iraqi Freedom;

(309) honors the memory of Captain Paul J. Cassidy, 36, of Laingsburg, Michigan, who died on July 13, 2003, in service to the United States in Operation Iraqi Freedom;

(310) honors the memory of Sergeant Jaror C. Puello-Coronado, 36, of Pocono Summit, Pennsylvania, who died on July 13, 2003, in service to the United States in Operation Iraqi Freedom;

(311) honors the memory of Sergeant Michael T. Crockett, 27, of Soperton, Georgia, who died on July 14, 2003, in service to the United States in Operation Iraqi Freedom;

(312) honors the memory of Lance Corporal Cory Ryan Geurin, 18, of Santee, California, who died on July 15, 2003, in service to the United States in Operation Iraqi Freedom;

(313) honors the memory of Specialist Ramon Reyes Torres, 29, of Caguas, Puerto Rico, who died on July 16, 2003, in service to the United States in Operation Iraqi Freedom;

(314) honors the memory of Petty Officer Third Class David J. Moreno, 26, of Gering, Nebraska, who died on July 17, 2003, in service to the United States in Operation Iraqi Freedom;

(315) honors the memory of Sergeant Mason Douglas Whetstone, 30, of Anchorage, Alaska, who died on July 17, 2003, in service to the United States in Operation Iraqi Freedom;

(316) honors the memory of Specialist Joel L. Bertoldie, 20, of Independence, Missouri, who died on July 18, 2003, in service to the United States in Operation Iraqi Freedom;

(317) honors the memory of Second Lieutenant Jonathan D. Rozier, 25, of Katy, Texas, who died on July 19, 2003, in service to the United States in Operation Iraqi Freedom;

(318) honors the memory of Sergeant Justin W. Garvey, 23, of Townsend, Massachusetts, who died on July 20, 2003, in service to the United States in Operation Iraqi Freedom;

(319) honors the memory of Sergeant Jason D. Jordan, 24, of Elba, Alabama, who died on July 20, 2003, in service to the United States in Operation Iraqi Freedom;

(320) honors the memory of Master Sergeant David A. Scott, 51, of Union, Ohio, who died on July 20, 2003, in service to the United States in Operation Iraqi Freedom;

(321) honors the memory of Sergeant First Class Christopher R. Willoughby, 29, of Phenix City, Alabama, who died on July 20, 2003, in service to the United States in Operation Iraqi Freedom;

(322) honors the memory of Corporal Mark Anthony Bibby, 25, of Watha, North Carolina, who died on July 21, 2003, in service to the United States in Operation Iraqi Freedom;

(323) honors the memory of Specialist Jon P. Fettig, 30, of Dickinson, North Dakota, who died on July 22, 2003, in service to the United States in Operation Iraqi Freedom;

(324) honors the memory of Captain Joshua T. Byers, 29, of Mountville, South Carolina, who died on July 23, 2003, in service to the United States in Operation Iraqi Freedom;

(325) honors the memory of Specialist Brett T. Christian, 27, of North Royalton, Ohio, who died on July 23, 2003, in service to the United States in Operation Iraqi Freedom;

(326) honors the memory of Corporal Evan Asa Ashcraft, 24, of West Hills, California, who died on July 24, 2003, in service to the United States in Operation Iraqi Freedom;

(327) honors the memory of Private First Class Raheen Tyson Heighter, 22, of Bay Shore, New York, who died on July 24, 2003, in service to the United States in Operation Iraqi Freedom;

(328) honors the memory of Staff Sergeant Hector R. Perez, 40, of Corpus Christi, Texas, who died on July 24, 2003, in service to the United States in Operation Iraqi Freedom;

(329) honors the memory of Sergeant Juan M. Serrano, 31, of Manati, Puerto Rico, who died on July 24, 2003, in service to the United States in Operation Iraqi Freedom;

(330) honors the memory of Specialist Jonathan P. Barnes, 21, of Anderson, Missouri, who died on July 26, 2003, in service to the United States in Operation Iraqi Freedom;

(331) honors the memory of Private First Class Jonathan M. Cheatham, 19, of Camden, Arkansas, who died on July 26, 2003, in service to the United States in Operation Iraqi Freedom;

(332) honors the memory of Sergeant Daniel K. Methvin, 22, of Belton, Texas, who died on July 26, 2003, in service to the United States in Operation Iraqi Freedom;

(333) honors the memory of Specialist Wilfredo Perez, Jr., 24, of Norwalk, Connecticut, who died on July 26, 2003, in service to the United States in Operation Iraqi Freedom;

(334) honors the memory of Sergeant Heath A. McMillin, 29, of Canandaigua, New York, who died on July 27, 2003, in service to the United States in Operation Iraqi Freedom;

(335) honors the memory of Sergeant Nathaniel Hart, Jr., 29, of Valdosta, Georgia, who died on July 28, 2003, in service to the United States in Operation Iraqi Freedom;

(336) honors the memory of Specialist William J. Maher III, 35, of Yardley, Pennsylvania, who died on July 28, 2003, in service to the United States in Operation Iraqi Freedom;

(337) honors the memory of Captain Leif E. Nott, 24, of Cheyenne, Wyoming, who died on July 30, 2003, in service to the United States in Operation Iraqi Freedom;

(338) honors the memory of Private Michael J. Deutsch, 21, of Dubuque, Iowa, who died on July 31, 2003, in service to the United States in Operation Iraqi Freedom;

(339) honors the memory of Specialist James I. Lambert III, 22, of Raleigh, North Carolina, who died on July 31, 2003, in service to the United States in Operation Iraqi Freedom;

(340) honors the memory of Specialist Justin W. Hebert, 20, of Arlington, Washington, who died on August 1, 2003, in service to the United States in Operation Iraqi Freedom;

(341) honors the memory of Specialist Farao K. Letufuga, 20, of Pago Pago, American Samoa, who died on August 5, 2003, in service to the United States in Operation Iraqi Freedom;

(342) honors the memory of Staff Sergeant David L. Loyd, 44, of Jackson, Tennessee, who died on August 5, 2003, in service to the United States in Operation Iraqi Freedom;

(343) honors the memory of Specialist Zeferino E. Colunga, 20, of Bellville, Texas, who died on August 6, 2003, in service to the United States in Operation Iraqi Freedom;

(344) honors the memory of Private Kyle C. Gilbert, 20, of Brattleboro, Vermont, who died on August 6, 2003, in service to the United States in Operation Iraqi Freedom;

(345) honors the memory of Staff Sergeant Brian R. Hellerman, 35, of Freeport, Minnesota, who died on August 6, 2003, in service to the United States in Operation Iraqi Freedom;

(346) honors the memory of Sergeant Leonard D. Simmons, 33, of New Bern, North Carolina, who died on August 6, 2003, in service to the United States in Operation Iraqi Freedom;

(347) honors the memory of Private First Class Duane E. Longstreth, 19, of Tacoma, Washington, who died on August 7, 2003, in service to the United States in Operation Iraqi Freedom;

(348) honors the memory of Private Matthew D. Bush, 20, of East Alton, Illinois, who died on August 8, 2003, in service to the United States in Operation Iraqi Freedom;

(349) honors the memory of Private First Class Brandon Ramsey, 21, of Calumet City, Illinois, who died on August 8, 2003, in service to the United States in Operation Iraqi Freedom;

(350) honors the memory of Specialist Levi B. Kinchen, 21, of Tickfaw, Louisiana, who died on August 9, 2003, in service to the United States in Operation Iraqi Freedom;

(351) honors the memory of Sergeant Floyd G. Knighten, Jr., 55, of Olla, Louisiana, who died on August 9, 2003, in service to the United States in Operation Iraqi Freedom;

(352) honors the memory of Staff Sergeant David S. Perry, 36, of Bakersfield, California, who died on August 10, 2003, in service to the United States in Operation Iraqi Freedom;

(353) honors the memory of Private First Class Timmy R. Brown, Jr., 21, of Conway, Pennsylvania, who died on August 12, 2003, in service to the United States in Operation Iraqi Freedom;

(354) honors the memory of Staff Sergeant Richard S. Eaton, Jr., 37, of Guilford, Connecticut, who died on August 12, 2003, in service to the United States in Operation Iraqi Freedom;

(355) honors the memory of Private First Class Daniel R. Parker, 18, of Lake Elsinore, California, who died on August 12, 2003, in service to the United States in Operation Iraqi Freedom;

(356) honors the memory of Sergeant Taft V. Williams, 29, of New Orleans, Louisiana, who died on August 12, 2003, in service to the United States in Operation Iraqi Freedom;

(357) honors the memory of Sergeant Steven W. White, 29, of Lawton, Oklahoma, who died on August 13, 2003, in service to the United States in Operation Iraqi Freedom;

(358) honors the memory of Private First Class David M. Kirchhoff, 31, of Anamosa, Iowa, who died on August 14, 2003, in service to the United States in Operation Iraqi Freedom;

(359) honors the memory of Specialist Craig S. Ivory, 26, of Port Matilda, Pennsylvania, who died on August 17, 2003, in service to the United States in Operation Iraqi Freedom;

(360) honors the memory of Specialist Eric R. Hull, 23, of Uniontown, Pennsylvania, who died on August 18, 2003, in service to the United States in Operation Iraqi Freedom;

(361) honors the memory of Staff Sergeant Bobby C. Franklin, 38, of Mineral Bluff, Georgia, who died on August 20, 2003, in service to the United States in Operation Iraqi Freedom;

(362) honors the memory of Specialist Kenneth W. Harris, Jr., 23, of Charlotte, Tennessee, who died on August 20, 2003, in service to the United States in Operation Iraqi Freedom;

(363) honors the memory of Petty Officer First Class David M. Tapper, 32, of Camden County, New Jersey, who died on August 20, 2003, in service to the United States in Operation Enduring Freedom;

(364) honors the memory of Private First Class Michael S. Adams, 20, of Spartanburg, South Carolina, who died on August 21, 2003, in service to the United States in Operation Iraqi Freedom;

(365) honors the memory of Lieutenant Kylan A. Jones-Huffman, 31, of Aptos, California, who died on August 21, 2003, in service to the United States in Operation Iraqi Freedom;

(366) honors the memory of Private First Class Vorn J. Mack, 19, of Orangeburg, South Carolina, who died on August 23, 2003, in service to the United States in Operation Iraqi Freedom;

(367) honors the memory of Specialist Stephen M. Scott, 21, of Lawton, Oklahoma, who died on August 23, 2003, in service to the United States in Operation Iraqi Freedom;

(368) honors the memory of Specialist Ronald D. Allen, Jr., 22, of Mitchell, Indiana, who died on August 25, 2003, in service to the United States in Operation Iraqi Freedom;

(369) honors the memory of Private First Class Pablo Manzano, 19, of Heber, California, who died on August 25, 2003, in service to the United States in Operation Iraqi Freedom;

(370) honors the memory of Specialist Darryl T. Dent, 21, of Washington, District of Columbia, who died on August 26, 2003, in service to the United States in Operation Iraqi Freedom;

(371) honors the memory of Sergeant Gregory A. Belanger, 24, of Narragansett, Rhode Island, who died on August 27, 2003, in service to the United States in Operation Iraqi Freedom;

(372) honors the memory of Specialist Rafael L. Navea, 34, of Pittsburgh, Pennsylvania, who died on August 27, 2003, in service to the United States in Operation Iraqi Freedom;

(373) honors the memory of Lieutenant Colonel Anthony L. Sherman, 43, of Pottstown, Pennsylvania, who died on August 27, 2003, in service to the United States in Operation Iraqi Freedom;

(374) honors the memory of Sergeant First Class Mitchell A. Lane, 34, of Lompoc, California, who died on August 29, 2003, in service to the United States in Operation Enduring Freedom;

(375) honors the memory of Staff Sergeant Mark A. Lawton, 41, of Hayden, Colorado, who died on August 29, 2003, in service to the United States in Operation Iraqi Freedom;

(376) honors the memory of Sergeant Sean K. Cataudella, 28, of Tucson, Arizona, who died on August 30, 2003, in service to the United States in Operation Iraqi Freedom;

(377) honors the memory of Specialist Chad C. Fuller, 24, of Potsdam, New York, who died on August 31, 2003, in service to the United States in Operation Enduring Freedom;

(378) honors the memory of Private First Class Adam L. Thomas, 21, of Palos Hills, Illinois, who died on August 31, 2003, in service to the United States in Operation Enduring Freedom;

(379) honors the memory of Sergeant Charles Todd Caldwell, 38, of North Providence, Rhode Island, who died on September 1, 2003, in service to the United States in Operation Iraqi Freedom;

(380) honors the memory of Staff Sergeant Joseph Camara, 40, of New Bedford, Massachusetts, who died on September 1, 2003, in service to the United States in Operation Iraqi Freedom;

(381) honors the memory of Staff Sergeant Cameron B. Sarno, 43, of Waipahu, Hawaii, who died on September 1, 2003, in service to the United States in Operation Iraqi Freedom;

(382) honors the memory of Private First Class Christopher A. Sisson, 20, of Oak Park, Illinois, who died on September 2, 2003, in service to the United States in Operation Iraqi Freedom;

(383) honors the memory of Technical Sergeant Bruce E. Brown, 32, of Coatopa, Alabama, who died on September 4, 2003, in service to the United States in Operation Iraqi Freedom;

(384) honors the memory of Specialist Jarrett B. Thompson, 27, of Dover, Delaware, who died on September 7, 2003, in service to the United States in Operation Iraqi Freedom;

(385) honors the memory of Specialist Ryan G. Carlock, 25, of Macomb, Illinois, who died on September 9, 2003, in service to the United States in Operation Iraqi Freedom;

(386) honors the memory of Staff Sergeant Joseph E. Robsky, Jr., 31, of Elizaville, New York, who died on September 10, 2003, in service to the United States in Operation Iraqi Freedom;

(387) honors the memory of Sergeant Henry Ybarra III, 32, of Austin, Texas, who died on September 11, 2003, in service to the United States in Operation Iraqi Freedom;

(388) honors the memory of Sergeant First Class William M. Bennett, 35, of Seymour, Tennessee, who died on September 12, 2003, in service to the United States in Operation Iraqi Freedom;

(389) honors the memory of Master Sergeant Kevin N. Morehead, 33, of Little Rock, Arkansas, who died on September 12, 2003, in service to the United States in Operation Iraqi Freedom;

(390) honors the memory of Sergeant Trevor A. Blumberg, 22, of Canton, Michigan, who died on September 14, 2003, in service to the United States in Operation Iraqi Freedom;

(391) honors the memory of Staff Sergeant Kevin C. Kimmerly, 31, of North Creek, New York, who died on September 15, 2003, in service to the United States in Operation Iraqi Freedom;

(392) honors the memory of Specialist Alyssa R. Peterson, 27, of Flagstaff, Arizona, who died on September 15, 2003, in service to the United States in Operation Iraqi Freedom;

(393) honors the memory of Sergeant Foster Pinkston, 47, of Warrenton, Georgia, who died on September 16, 2003, in service to the United States in Operation Iraqi Freedom;

(394) honors the memory of Specialist Richard Arriaga, 20, of Ganado, Texas, who died on September 18, 2003, in service to the United States in Operation Iraqi Freedom;

(395) honors the memory of Captain Brian R. Faunce, 28, of Philadelphia, Pennsylvania, who died on September 18, 2003, in service to the United States in Operation Iraqi Freedom;

(396) honors the memory of Sergeant Anthony O. Thompson, 26, of Orangeburg, South Carolina, who died on September 18, 2003, in service to the United States in Operation Iraqi Freedom;

(397) honors the memory of Specialist James C. Wright, 27, of Morgan, Texas, who died on September 18, 2003, in service to the United States in Operation Iraqi Freedom;

(398) honors the memory of Specialist Lunsford B. Brown II, 27, of Creedmore, North Carolina, who died on September 20, 2003, in service to the United States in Operation Iraqi Freedom;

(399) honors the memory of Sergeant David Travis Friedrich, 26, of Hammond, New York, who died on September 20, 2003, in service to the United States in Operation Iraqi Freedom;

(400) honors the memory of Staff Sergeant Frederick L. Miller, Jr., 27, of Hagerstown, Indiana, who died on September 20, 2003, in service to the United States in Operation Iraqi Freedom;

(401) honors the memory of Specialist Paul J. Sturino, 21, of Rice Lake, Wisconsin, who died on September 22, 2003, in service to the United States in Operation Iraqi Freedom;

(402) honors the memory of Specialist Michael Andrade, 28, of Bristol, Rhode Island, who died on September 24, 2003, in service to the United States in Operation Iraqi Freedom;

(403) honors the memory of Captain Robert L. Lucero, 34, of Casper, Wyoming, who died on September 25, 2003, in service to the United States in Operation Iraqi Freedom;

(404) honors the memory of Sergeant First Class Robert E. Rooney, 43, of Nashua, New Hampshire, who died on September 25, 2003, in service to the United States in Operation Iraqi Freedom;

(405) honors the memory of Specialist Kyle G. Thomas, 23, of Topeka, Kansas, who died on September 25, 2003, in service to the United States in Operation Iraqi Freedom;

(406) honors the memory of Sergeant Andrew Joseph Baddick, 26, of Jim Thorpe, Pennsylvania, who died on September 29, 2003, in service to the United States in Operation Iraqi Freedom;

(407) honors the memory of Staff Sergeant Christopher E. Cutchall, 30, of McConnellsburg, Pennsylvania, who died on September 29, 2003, in service to the United States in Operation Iraqi Freedom;

(408) honors the memory of Private First Class Evan W. O'Neill, 19, of Haverhill, Massachusetts, who died on September 29, 2003, in service to the United States in Operation Enduring Freedom;

(409) honors the memory of Private First Class Kristian E. Parker, 23, of Slidell, Louisiana, who died on September 29, 2003, in service to the United States in Operation Enduring Freedom;

(410) honors the memory of Sergeant Darrin K. Potter, 24, of Louisville, Kentucky, who died on September 29, 2003, in service to the United States in Operation Iraqi Freedom;

(411) honors the memory of Specialist Dustin K. McGaugh, 20, of Derby, Kansas, who died on September 30, 2003, in service to the United States in Operation Iraqi Freedom;

(412) honors the memory of Command Sergeant James D. Blankenbecler, 40, of Alexandria, Virginia, who died on October 1, 2003, in service to the United States in Operation Iraqi Freedom;

(413) honors the memory of Private First Class Analaura Esparza Gutierrez, 21, of Houston, Texas, who died on October 1, 2003, in service to the United States in Operation Iraqi Freedom;

(414) honors the memory of Specialist Simeon Hunte, 23, of Essex, New Jersey, who died on October 1, 2003, in service to the United States in Operation Iraqi Freedom;

(415) honors the memory of Specialist Tamarra J. Ramos, 24, of Quakertown, Pennsylvania, who died on October 1, 2003, in service to the United States in Operation Iraqi Freedom;

(416) honors the memory of Lieutenant Colonel Paul W. Kimbrough, 44, of Little Rock, Arkansas, who died on October 3, 2003, in service to the United States in Operation Enduring Freedom;

(417) honors the memory of Specialist James H. Pirtle, 27, of La Mesa, New Mexico, who died on October 3, 2003, in service to the United States in Operation Iraqi Freedom;

(418) honors the memory of Private First Class Charles M. Sims, 18, of Miami, Florida, who died on October 3, 2003, in service to the United States in Operation Iraqi Freedom;

(419) honors the memory of Specialist Spencer Timothy Karol, 20, of Woodruff, Arizona, who died on October 6, 2003, in service to the United States in Operation Iraqi Freedom;

(420) honors the memory of Private First Class Kerry D. Scott, 21, of Mount Vernon, Washington, who died on October 6, 2003, in service to the United States in Operation Iraqi Freedom;

(421) honors the memory of Second Lieutenant Richard Torres, 25, of Clarksville, Tennessee, who died on October 6, 2003, in service to the United States in Operation Iraqi Freedom;

(422) honors the memory of Specialist Joseph C. Norquist, 26, of San Antonio, Texas, who died on October 9, 2003, in service to the United States in Operation Iraqi Freedom;

(423) honors the memory of Private Sean A. Silva, 23, of Roseville, California, who died on October 9, 2003, in service to the United States in Operation Iraqi Freedom;

(424) honors the memory of Staff Sergeant Christopher W. Swisher, 26, of Lincoln, Nebraska, who died on October 9, 2003, in service to the United States in Operation Iraqi Freedom;

(425) honors the memory of Specialist James E. Powell, 26, of Radcliff, Kentucky, who died on October 12, 2003, in service to the United States in Operation Iraqi Freedom;

(426) honors the memory of Private First Class Jose Casanova, 23, of El Monte, California, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(427) honors the memory of Private Benjamin L. Freeman, 19, of Valdosta, Georgia, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(428) honors the memory of Specialist Douglas J. Weismantle, 28, of Pittsburgh, Pennsylvania, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(429) honors the memory of Specialist Donald L. Wheeler, 22, of Concord, Michigan, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(430) honors the memory of Private First Class Stephen E. Wyatt, 19, of Kilgore, Texas, who died on October 13, 2003, in service to the United States in Operation Iraqi Freedom;

(431) honors the memory of Staff Sergeant Joseph P. Bellavia, 28, of Wakefield, Massachusetts, who died on October 16, 2003, in service to the United States in Operation Iraqi Freedom;

(432) honors the memory of Corporal Sean R. Grilley, 24, of San Bernardino, California, who died on October 16, 2003, in service to the United States in Operation Iraqi Freedom;

(433) honors the memory of Lieutenant Colonel Kim S. Orlando, 43, of Tennessee, who died on October 16, 2003, in service to the United States in Operation Iraqi Freedom;

(434) honors the memory of Specialist Michael L. Williams, 46, of Buffalo, New York, who died on October 17, 2003, in service to the United States in Operation Iraqi Freedom;

(435) honors the memory of First Lieutenant David R. Bernstein, 24, of Phoenixville, Pennsylvania, who died on October 18, 2003, in service to the United States in Operation Iraqi Freedom;

(436) honors the memory of Private First Class John D. Hart, 20, of Bedford, Massachusetts, who died on October 18, 2003, in service to the United States in Operation Iraqi Freedom;

(437) honors the memory of Staff Sergeant Paul J. Johnson, 29, of Calumet, Michigan, who died on October 20, 2003, in service to the United States in Operation Iraqi Freedom;

(438) honors the memory of Private First Class Paul J. Bueche, 19, of Daphne, Alabama, who died on October 21, 2003, in service to the United States in Operation Iraqi Freedom;

(439) honors the memory of Specialist John P. Johnson, 24, of Houston, Texas, who died on October 22, 2003, in service to the United States in Operation Iraqi Freedom;

(440) honors the memory of Private Jason M. Ward, 25, of Tulsa, Oklahoma, who died on October 22, 2003, in service to the United States in Operation Iraqi Freedom;

(441) honors the memory of Captain John R. Teal, 31, of Mechanicsville, Virginia, who died on October 23, 2003, in service to the United States in Operation Iraqi Freedom;

(442) honors the memory of Specialist Artimus D. Brassfield, 22, of Flint, Michigan, who died on October 24, 2003, in service to the United States in Operation Iraqi Freedom;

(443) honors the memory of Sergeant Michael S. Hancock, 29, of Yreka, California, who died on October 24, 2003, in service to the United States in Operation Iraqi Freedom;

(444) honors the memory of Specialist Jose L. Mora, 26, of Bell Gardens, California, who died on October 24, 2003, in service to the United States in Operation Iraqi Freedom;

(445) honors the memory of Seaman Jakia Sheree Cannon, 20, of Baltimore, Maryland, who died on October 25, 2003, in service to the United States in Operation Iraqi Freedom;

(446) honors the memory of Civilian contractor William Carlson, 43, of Southern Pines, North Carolina, who died on October 25, 2003, in service to the United States in Operation Enduring Freedom;

(447) honors the memory of Civilian contractor Christopher Glenn Mueller, 32, of San Diego, California, who died on October 25, 2003, in service to the United States in Operation Enduring Freedom;

(448) honors the memory of Private First Class Steven Acosta, 19, of Calexico, California, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(449) honors the memory of Private First Class Rachel K. Bosveld, 19, of Waupun, Wisconsin, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(450) honors the memory of Lieutenant Colonel Charles H. Buehring, 40, of Fayetteville, North Carolina, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(451) honors the memory of Private Joseph R. Guerrera, 20, of Dunn, North Carolina, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(452) honors the memory of Staff Sergeant Jamie L. Huggins, 26, of Hume, Missouri, who died on October 26, 2003, in service to the United States in Operation Iraqi Freedom;

(453) honors the memory of Sergeant Aubrey D. Bell, 33, of Tuskegee, Alabama, who died on October 27, 2003, in service to the United States in Operation Iraqi Freedom;

(454) honors the memory of Private Jonathan I. Falaniko, 20, of Pago Pago, American Samoa, who died on October 27, 2003, in service to the United States in Operation Iraqi Freedom;

(455) honors the memory of Private Algernon Adams, 36, of Aiken, South Carolina, who died on October 28, 2003, in service to the United States in Operation Iraqi Freedom;

(456) honors the memory of Sergeant Michael Paul Barrera, 26, of Von Ormy, Texas, who died on October 28, 2003, in service to the United States in Operation Iraqi Freedom;

(457) honors the memory of Specialist Isaac Campoy, 21, of Douglas, Arizona, who died on October 28, 2003, in service to the United States in Operation Iraqi Freedom;

(458) honors the memory of Staff Sergeant Paul A. Sweeney, 32, of Lakeville, Pennsylvania, who died on October 30, 2003, in service to the United States in Operation Enduring Freedom;

(459) honors the memory of Second Lieutenant Todd J. Bryant, 23, of Riverside, California, who died on October 31, 2003, in service to the United States in Operation Iraqi Freedom;

(460) honors the memory of First Lieutenant Joshua C. Hurley, 24, of Virginia, who died on November 1, 2003, in service to the United States in Operation Iraqi Freedom;

(461) honors the memory of Specialist Maurice J. Johnson, 21, of Levittown, Pennsylvania, who died on November 1, 2003, in service to the United States in Operation Iraqi Freedom;

(462) honors the memory of Staff Sergeant Daniel A. Bader, 28, of Colorado Springs, Colorado, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(463) honors the memory of Sergeant Ernest G. Bucklew, 33, of Enon Valley, Pennsylvania, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(464) honors the memory of First Lieutenant Benjamin J. Colgan, 30, of Kent, Washington, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(465) honors the memory of Specialist Steven Daniel Conover, 21, of Wilmington, Ohio, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(466) honors the memory of Private First Class Anthony D. Dagostino, 20, of Waterbury, Connecticut, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(467) honors the memory of Specialist Darius T. Jennings, 22, of Cordova, South Carolina, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(468) honors the memory of Private First Class Karina S. Lau, 20, of Livingston, California, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(469) honors the memory of Sergeant Keelan L. Moss, 23, of Houston, Texas, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(470) honors the memory of Specialist Brian H. Penisten, 28, of Fort Wayne, Indiana, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(471) honors the memory of Sergeant Ross A. Pennanen, 36, of Shawnee, Oklahoma, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(472) honors the memory of Sergeant Joel Perez, 25, of Rio Grande, Puerto Rico, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(473) honors the memory of First Lieutenant Brian D. Slavenas, 30, of Genoa, Illinois, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(474) honors the memory of Chief Warrant Officer Bruce A. Smith, 41, of West Liberty, Iowa, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(475) honors the memory of Specialist Frances M. Vega, 20, of Fort Buchanan, Puerto Rico, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(476) honors the memory of Staff Sergeant Paul A. Velasquez, 29, of San Diego, California, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(477) honors the memory of Staff Sergeant Joe Nathan Wilson, 30, of Crystal Springs, Mississippi, who died on November 2, 2003, in service to the United States in Operation Iraqi Freedom;

(478) honors the memory of Private First Class Rayshawn S. Johnson, 20, of Brooklyn, New York, who died on November 3, 2003, in service to the United States in Operation Iraqi Freedom;

(479) honors the memory of Specialist Robert T. Benson, 20, of Spokane, Washington, who died on November 4, 2003, in service to the United States in Operation Iraqi Freedom;

(480) honors the memory of Sergeant Francisco Martinez, 28, of Humacao, Puerto Rico, who died on November 4, 2003, in service to the United States in Operation Iraqi Freedom;

(481) honors the memory of Sergeant First Class Jose A. Rivera, 34, of Bayamon, Puerto Rico, who died on November 5, 2003, in service to the United States in Operation Iraqi Freedom;

(482) honors the memory of Specialist James A. Chance III, 25, of Kokomo, Mississippi, who died on November 6, 2003, in service to the United States in Operation Iraqi Freedom;

(483) honors the memory of Sergeant Paul F. Fisher, 39, of Cedar Rapids, Iowa, who died on November 6, 2003, in service to the United States in Operation Iraqi Freedom;

(484) honors the memory of Specialist James R. Wolf, 21, of Scottsbluff, Nebraska, who died on November 6, 2003, in service to the United States in Operation Iraqi Freedom;

(485) honors the memory of Command Sergeant Major Cornell W. Gilmore I, 45, of Baltimore, Maryland, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(486) honors the memory of Chief Warrant Officer (CW3) Kyran E. Kennedy, 43, of Boston, Massachusetts, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(487) honors the memory of Staff Sergeant Morgan DeShawn Kennon, 23, of Memphis, Tennessee, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(488) honors the memory of Staff Sergeant Paul M. Neff II, 30, of Fort Mill, South Carolina, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(489) honors the memory of Sergeant Scott C. Rose, 30, of Fayetteville, Kentucky, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(490) honors the memory of Captain Benedict J. Smith, 29, of Monroe City, Missouri, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(491) honors the memory of Chief Warrant Officer (CW5) Sharon T. Swartworth, 43, of Virginia, who died on November 7, 2003, in service to the United States in Operation Iraqi Freedom;

(492) honors the memory of Staff Sergeant Gary L. Collins, 32, of Hardin, Texas, who died on November 8, 2003, in service to the United States in Operation Iraqi Freedom;

(493) honors the memory of Private Kurt R. Frosheiser, 22, of Des Moines, Iowa, who died on November 8, 2003, in service to the United States in Operation Iraqi Freedom;

(494) honors the memory of Sergeant Linda C. Jimenez, 39, of Brooklyn, New York, who died on November 8, 2003, in service to the United States in Operation Iraqi Freedom;

(495) honors the memory of Staff Sergeant Mark D. Vasquez, 35, of Port Huron, Michigan, who died on November 8, 2003, in service to the United States in Operation Iraqi Freedom;

(496) honors the memory of Sergeant Nicholas A. Tomko, 24, of Pittsburgh, Pennsylvania, who died on November 9, 2003, in service to the United States in Operation Iraqi Freedom;

(497) honors the memory of Specialist Genaro Acosta, 26, of Fair Oaks, California, who died on November 11, 2003, in service to the United States in Operation Iraqi Freedom;

(498) honors the memory of Specialist Marlon P. Jackson, 25, of Jersey City, New Jersey, who died on November 11, 2003, in service to the United States in Operation Iraqi Freedom;

(499) honors the memory of Staff Sergeant Nathan J. Bailey, 46, of Nashville, Tennessee, who died on November 12, 2003, in service to the United States in Operation Iraqi Freedom;

(500) honors the memory of Specialist Robert A. Wise, 21, of Tallahassee, Florida, who died on November 12, 2003, in service to the United States in Operation Iraqi Freedom;

(501) honors the memory of Private First Class Jacob S. Fletcher, 28, of Bay Shore, New York, who died on November 13, 2003, in service to the United States in Operation Iraqi Freedom;

(502) honors the memory of Sergeant Joseph Minucci II, 23, of Richeyville, Pennsylvania, who died on November 13, 2003, in service to the United States in Operation Iraqi Freedom;

(503) honors the memory of Sergeant Jay A. Blessing, 23, of Tacoma, Washington, who died on November 14, 2003, in service to the United States in Operation Enduring Freedom;

(504) honors the memory of Specialist Irving Medina, 22, of Middletown, New York, who died on November 14, 2003, in service to the United States in Operation Iraqi Freedom;

(505) honors the memory of Sergeant Michael D. Acklin II, 25, of Louisville, Kentucky, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(506) honors the memory of Specialist Ryan T. Baker, 24, of Brown Mills, New Jersey, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(507) honors the memory of Sergeant First Class Kelly Bolor, 37, of Whittier, California, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(508) honors the memory of Specialist Jeremiah J. DiGiovanni, 21, of Tylertown, Mississippi, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(509) honors the memory of Specialist William D. Dusenbery, 30, of Fairview Heights, Illinois, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(510) honors the memory of Private First Class Richard W. Hafer, 21, of Cross Lanes, West Virginia, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(511) honors the memory of Sergeant Warren S. Hansen, 36, of Clintonville, Wisconsin, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(512) honors the memory of Private First Class Sheldon R. Hawk Eagle, 21, of Grand Forks, North Dakota, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(513) honors the memory of Sergeant Timothy L. Hayslett, 26, of Newville, Pennsylvania, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(514) honors the memory of Private First Class Damian L. Heidelberg, 21, of Batesville, Mississippi, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(515) honors the memory of Chief Warrant Officer Erik C. Kesterson, 29, of Independence, Oregon, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(516) honors the memory of Captain Pierre E. Piche, 29, of Starksboro, Vermont, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(517) honors the memory of Sergeant John W. Russell, 26, of Portland, Texas, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(518) honors the memory of Chief Warrant Officer (CW2) Scott A. Saboe, 33, of Willow Lake, South Dakota, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(519) honors the memory of Specialist John R. Sullivan, 26, of Countryside, Illinois, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(520) honors the memory of Specialist Eugene A. Uhl III, 21, of Amherst, Wisconsin, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(521) honors the memory of Private First Class Joey D. Whitener, 19, of Nebo, North Carolina, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(522) honors the memory of Second Lieutenant Jeremy L. Wolfe, 27, of Menomonie, Wisconsin, who died on November 15, 2003, in service to the United States in Operation Iraqi Freedom;

(523) honors the memory of Chief Warrant Officer Alexander S. Coulter, 35, of Bristol, Tennessee, who died on November 17, 2003, in service to the United States in Operation Iraqi Freedom;

(524) honors the memory of Captain Nathan S. Dalley, 27, of Kaysville, Utah, who died on November 17, 2003, in service to the United States in Operation Iraqi Freedom;

(525) honors the memory of Staff Sergeant Dale A. Panchot, 26, of Northome, Minnesota, who died on November 17, 2003, in service to the United States in Operation Iraqi Freedom;

(526) honors the memory of Captain James A. Shull, 32, of Kirkland, Washington, who died on November 17, 2003, in service to the United States in Operation Iraqi Freedom;

(527) honors the memory of Specialist Joseph L. Lister, 22, of Pleasanton, Kansas, who died on November 20, 2003, in service to the United States in Operation Iraqi Freedom;

(528) honors the memory of Private Scott Matthew Tyrrell, 21, of Sterling, Illinois, who died on November 20, 2003, in service to the United States in Operation Iraqi Freedom;

(529) honors the memory of Captain George A. Wood, 33, of New York, New York, who died on November 20, 2003, in service to the United States in Operation Iraqi Freedom;

(530) honors the memory of Corporal Gary B. Coleman, 24, of Pikeville, Kentucky, who died on November 21, 2003, in service to the United States in Operation Iraqi Freedom;

(531) honors the memory of Private First Class Damian S. Bushart, 22, of Waterford, Michigan, who died on November 22, 2003, in service to the United States in Operation Iraqi Freedom;

(532) honors the memory of Specialist Robert D. Roberts, 21, of Winter Park, Florida, who died on November 22, 2003, in service to the United States in Operation Iraqi Freedom;

(533) honors the memory of Sergeant Major Phillip R. Albert, 41, of Terryville, Connecticut, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(534) honors the memory of Technical Sergeant William J. Kerwood, 37, of Houston, Missouri, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(535) honors the memory of Staff Sergeant Eddie E. Menyweather, 35, of Los Angeles, California, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(536) honors the memory of Chief Warrant Officer (CW2) Christopher G. Nason, 39, of

Los Angeles area, California, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(537) honors the memory of Major Steven Plumhoff, 33, of Neshanic Station, New Jersey, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(538) honors the memory of Specialist Rel A. Ravago IV, 21, of Glendale, California, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(539) honors the memory of Corporal Darrell L. Smith, 28, of Otwell, Indiana, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(540) honors the memory of Staff Sergeant Thomas A. Walkup, Jr., 25, of Millville, New Jersey, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(541) honors the memory of Technical Sergeant Howard A. Walters, 33, of Port Huron, Michigan, who died on November 23, 2003, in service to the United States in Operation Enduring Freedom;

(542) honors the memory of Command Sergeant Major Jerry L. Wilson, 45, of Thomson, Georgia, who died on November 23, 2003, in service to the United States in Operation Iraqi Freedom;

(543) honors the memory of Specialist David J. Goldberg, 20, of Layton, Utah, who died on November 26, 2003, in service to the United States in Operation Iraqi Freedom;

(544) honors the memory of Specialist Thomas J. Sweet II, 23, of Bismarck, North Dakota, who died on November 27, 2003, in service to the United States in Operation Iraqi Freedom;

(545) honors the memory of Sergeant Ariel Rico, 25, of El Paso, Texas, who died on November 28, 2003, in service to the United States in Operation Iraqi Freedom;

(546) honors the memory of Staff Sergeant Stephen A. Bertolino, 40, of Orange, California, who died on November 29, 2003, in service to the United States in Operation Iraqi Freedom;

(547) honors the memory of Specialist Aaron J. Sissel, 22, of Tipton, Iowa, who died on November 29, 2003, in service to the United States in Operation Iraqi Freedom;

(548) honors the memory of Specialist Uday Singh, 21, of Lake Forest, Illinois, who died on December 1, 2003, in service to the United States in Operation Iraqi Freedom;

(549) honors the memory of Chief Warrant Officer Clarence E. Boone, 50, of Fort Worth, Texas, who died on December 2, 2003, in service to the United States in Operation Iraqi Freedom;

(550) honors the memory of Specialist Raphael S. Davis, 24, of Tutwiler, Mississippi, who died on December 2, 2003, in service to the United States in Operation Iraqi Freedom;

(551) honors the memory of Sergeant Ryan C. Young, 21, of Corona, California, who died on December 2, 2003, in service to the United States in Operation Iraqi Freedom;

(552) honors the memory of Specialist Arron R. Clark, 20, of Chico, California, who died on December 5, 2003, in service to the United States in Operation Iraqi Freedom;

(553) honors the memory of Private First Class Ray J. Hutchinson, 20, of League City, Texas, who died on December 7, 2003, in service to the United States in Operation Iraqi Freedom;

(554) honors the memory of Specialist Joseph M. Blickenstaff, 23, of Corvallis, Oregon, who died on December 8, 2003, in service to the United States in Operation Iraqi Freedom;

(555) honors the memory of Staff Sergeant Steven H. Bridges, 33, of Tracy, California, who died on December 8, 2003, in service to the United States in Operation Iraqi Freedom;

(556) honors the memory of Specialist Christopher Jude Rivera Wesley, 26, of Portland, Oregon, who died on December 8, 2003, in service to the United States in Operation Iraqi Freedom;

(557) honors the memory of Private First Class Jason G. Wright, 19, of Luzerne, Michigan, who died on December 8, 2003, in service to the United States in Operation Iraqi Freedom;

(558) honors the memory of Specialist Todd M. Bates, 20, of Bellaire, Ohio, who died on December 10, 2003, in service to the United States in Operation Iraqi Freedom;

(559) honors the memory of Staff Sergeant Richard A. Burdick, 24, of National City, California, who died on December 10, 2003, in service to the United States in Operation Iraqi Freedom;

(560) honors the memory of Private First Class Jerrick M. Petty, 25, of Idaho Falls, Idaho, who died on December 10, 2003, in service to the United States in Operation Iraqi Freedom;

(561) honors the memory of Staff Sergeant Aaron T. Reese, 31, of Reynoldsburg, Ohio, who died on December 10, 2003, in service to the United States in Operation Iraqi Freedom;

(562) honors the memory of Specialist Marshall L. Edgerton, 27, of Rocky Face, Georgia, who died on December 11, 2003, in service to the United States in Operation Iraqi Freedom;

(563) honors the memory of Sergeant Jarrod W. Black, 26, of Peru, Indiana, who died on December 12, 2003, in service to the United States in Operation Iraqi Freedom;

(564) honors the memory of Private First Class Jeffrey F. Braun, 19, of Stafford, Connecticut, who died on December 12, 2003, in service to the United States in Operation Iraqi Freedom;

(565) honors the memory of Specialist Rian C. Ferguson, 22, of Taylors, South Carolina, who died on December 14, 2003, in service to the United States in Operation Iraqi Freedom;

(566) honors the memory of Staff Sergeant Kimberly A. Voelz, 27, of Carlisle, Pennsylvania, who died on December 14, 2003, in service to the United States in Operation Iraqi Freedom;

(567) honors the memory of Specialist Nathan W. Nakis, 19, of Sedro-Woolley, Washington, who died on December 15, 2003, in service to the United States in Operation Iraqi Freedom;

(568) honors the memory of Private First Class Kenneth C. Souslin, 21, of Mansfield, Ohio, who died on December 15, 2003, in service to the United States in Operation Iraqi Freedom;

(569) honors the memory of Specialist Christopher J. Holland, 26, of Brunswick, Georgia, who died on December 17, 2003, in service to the United States in Operation Iraqi Freedom;

(570) honors the memory of Sergeant Glenn R. Allison, 24, of Pittsfield, Massachusetts, who died on December 18, 2003, in service to the United States in Operation Iraqi Freedom;

(571) honors the memory of Private First Class Charles E. Bush, Jr., 43, of Buffalo, New York, who died on December 19, 2003, in service to the United States in Operation Iraqi Freedom;

(572) honors the memory of Private First Class Stuart W. Moore, 21, of Livingston, Texas, who died on December 22, 2003, in service to the United States in Operation Iraqi Freedom;

(573) honors the memory of First Lieutenant Edward M. Saltz, 27, of Bigfork, Montana, who died on December 22, 2003, in service to the United States in Operation Iraqi Freedom;

(574) honors the memory of Sergeant Theodore L. Perreault, 33, of Webster, Massachusetts, who died on December 23, 2003, in service to the United States in Operation Enduring Freedom;

(575) honors the memory of Sergeant Benjamin W. Biskie, 27, of Vermilion, Ohio, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(576) honors the memory of Command Sergeant Major Eric F. Cooke, 43, of Scottsdale, Arizona, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(577) honors the memory of Captain Christopher F. Soelzer, 26, of South Dakota, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(578) honors the memory of Major Christopher J. Splinter, 43, of Platteville, Wisconsin, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(579) honors the memory of Sergeant Michael E. Yashinski, 24, of Monument, Colorado, who died on December 24, 2003, in service to the United States in Operation Iraqi Freedom;

(580) honors the memory of Staff Sergeant Thomas W. Christensen, 42, of Atlantic Mine, Michigan, who died on December 25, 2003, in service to the United States in Operation Iraqi Freedom;

(581) honors the memory of Staff Sergeant Stephen C. Hattamer, 43, of Gwinn, Michigan, who died on December 25, 2003, in service to the United States in Operation Iraqi Freedom;

(582) honors the memory of Specialist Charles G. Haight, 23, of Jacksonville, Alabama, who died on December 26, 2003, in service to the United States in Operation Iraqi Freedom;

(583) honors the memory of Specialist Michael G. Mihalakis, 18, of San Jose, California, who died on December 26, 2003, in service to the United States in Operation Iraqi Freedom;

(584) honors the memory of Staff Sergeant Michael J. Sutter, 28, of Tinley Park, Illinois, who died on December 26, 2003, in service to the United States in Operation Iraqi Freedom;

(585) honors the memory of Captain Ernesto M. Blanco, 28, of Texas, who died on December 28, 2003, in service to the United States in Operation Iraqi Freedom;

(586) honors the memory of Private Rey D. Cuervo, 24, of Laguna Vista, Texas, who died on December 28, 2003, in service to the United States in Operation Iraqi Freedom;

(587) honors the memory of Sergeant Curt E. Jordan, Jr., 25, of Green Acres, Washington, who died on December 28, 2003, in service to the United States in Operation Iraqi Freedom;

(588) honors the memory of Specialist Justin W. Pollard, 21, of Foothill Ranch, California, who died on December 30, 2003, in service to the United States in Operation Iraqi Freedom;

(589) honors the memory of Specialist Solomon C. "Kelly" Bangayan, 24, of Jay, Vermont, who died on January 2, 2004, in

service to the United States in Operation Iraqi Freedom;

(590) honors the memory of Sergeant Dennis A. Corral, 33, of Kearney, Nebraska, who died on January 2, 2004, in service to the United States in Operation Iraqi Freedom;

(591) honors the memory of Captain Kimberly N. Hampton, 27, of Easley, South Carolina, who died on January 2, 2004, in service to the United States in Operation Iraqi Freedom;

(592) honors the memory of Captain Eric Thomas Paliwoda, 28, of Farmington, Connecticut, who died on January 2, 2004, in service to the United States in Operation Iraqi Freedom;

(593) honors the memory of Specialist Marc S. Seiden, 26, of Brigantine, New Jersey, who died on January 2, 2004, in service to the United States in Operation Iraqi Freedom;

(594) honors the memory of Specialist Luke P. Frist, 20, of Brookston, Indiana, who died on January 5, 2004, in service to the United States in Operation Iraqi Freedom;

(595) honors the memory of Private First Class Jesse D. Mizener, 24, of Auburn, California, who died on January 7, 2004, in service to the United States in Operation Iraqi Freedom;

(596) honors the memory of Staff Sergeant Craig Davis, 37, of Opelousas, Louisiana, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(597) honors the memory of Specialist Michael A. Diraimondo, 22, of Simi Valley, California, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(598) honors the memory of Specialist Christopher A. Golby, 26, of Johnstown, Pennsylvania, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(599) honors the memory of Sergeant First Class Gregory B. Hicks, 35, of Duff, Tennessee, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(600) honors the memory of Specialist Nathaniel H. Johnson, 22, of Augusta, Georgia, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(601) honors the memory of Chief Warrant Officer Philip A. Johnson, Jr., 31, of Alabama, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(602) honors the memory of Chief Warrant Officer Ian D. Manuel, 23, of Florida, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(603) honors the memory of Sergeant Jeffrey C. Walker, 33, of Havre de Grace, Maryland, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(604) honors the memory of Chief Warrant Officer Aaron A. Weaver, 32, of Inverness, Florida, who died on January 8, 2004, in service to the United States in Operation Iraqi Freedom;

(605) honors the memory of Sergeant Roy A. Wood, 47, of Alva, Florida, who died on January 9, 2004, in service to the United States in Operation Enduring Freedom;

(606) honors the memory of Staff Sergeant Ricky L. Crockett, 37, of Broxton, Georgia, who died on January 12, 2004, in service to the United States in Operation Iraqi Freedom;

(607) honors the memory of Sergeant Keicia M. Hines, 27, of Citrus Heights, California, who died on January 13, 2004, in service to the United States in Operation Iraqi Freedom;

(608) honors the memory of Staff Sergeant Roland L. Castro, 26, of San Antonio, Texas, who died on January 16, 2004, in service to the United States in Operation Iraqi Freedom;

(609) honors the memory of Private First Class Cody J. Orr, 21, of Ruskin, Florida, who died on January 17, 2004, in service to the United States in Operation Iraqi Freedom;

(610) honors the memory of Specialist Larry E. Polley, Jr., 20, of Center, Texas, who died on January 17, 2004, in service to the United States in Operation Iraqi Freedom;

(611) honors the memory of Sergeant Edmond Lee Randle, Jr., 26, of Carol City, Florida, who died on January 17, 2004, in service to the United States in Operation Iraqi Freedom;

(612) honors the memory of Master Sergeant Kelly L. Hornbeck, 36, of Fort Worth, Texas, who died on January 18, 2004, in service to the United States in Operation Iraqi Freedom;

(613) honors the memory of Specialist Gabriel T. Palacios, 22, of Lynn, Massachusetts, who died on January 21, 2004, in service to the United States in Operation Iraqi Freedom;

(614) honors the memory of Private First Class James D. Parker, 20, of Bryan, Texas, who died on January 21, 2004, in service to the United States in Operation Iraqi Freedom;

(615) honors the memory of Chief Warrant Officer (CW2) Michael T. Blaise, 29, of Tennessee, who died on January 23, 2004, in service to the United States in Operation Iraqi Freedom;

(616) honors the memory of Chief Warrant Officer (CW2) Brian D. Hazelgrove, 29, of Fort Rucker, Alabama, who died on January 23, 2004, in service to the United States in Operation Iraqi Freedom;

(617) honors the memory of Specialist Jason K. Chappell, 22, of Hemet, California, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(618) honors the memory of Staff Sergeant Kenneth W. Hendrickson, 41, of Bismarck, North Dakota, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(619) honors the memory of Sergeant Randy S. Rosenberg, 23, of Berlin, New Hampshire, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(620) honors the memory of Sergeant Keith L. Smette, 25, of Makoti, North Dakota, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(621) honors the memory of Specialist William R. Sturges, Jr., 24, of Spring Church, Pennsylvania, who died on January 24, 2004, in service to the United States in Operation Iraqi Freedom;

(622) honors the memory of Staff Sergeant Christopher Bunda, 29, of Bremerton, Washington, who died on January 25, 2004, in service to the United States in Operation Iraqi Freedom;

(623) honors the memory of Private First Class Ervin Dervishi, 21, of Fort Worth, Texas, who died on January 25, 2004, in service to the United States in Operation Iraqi Freedom;

(624) honors the memory of Chief Warrant Officer Patrick D. Dorff, 32, of Minnesota, who died on January 25, 2004, in service to the United States in Operation Iraqi Freedom;

(625) honors the memory of First Lieutenant Adam G. Mooney, 28, of Cambridge, Maryland, who died on January 25, 2004, in service to the United States in Operation Iraqi Freedom;

(626) honors the memory of Captain Matthew J. August, 28, of North Kingstown, Rhode Island, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(627) honors the memory of Sergeant First Class James T. Hoffman, 41, of Whitesburg, Kentucky, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(628) honors the memory of Second Lieutenant Luke S. James, 24, of Oklahoma, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(629) honors the memory of Staff Sergeant Lester O. Kinney II, 27, of Zanesville, Ohio, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(630) honors the memory of Sergeant Travis A. Moothart, 23, of Brownsville, Oregon, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(631) honors the memory of Sergeant Cory R. Mracek, 26, of Hay Springs, Nebraska, who died on January 27, 2004, in service to the United States in Operation Iraqi Freedom;

(632) honors the memory of Staff Sergeant Shawn M. Clemens, 28, of Allegany, New York, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(633) honors the memory of Specialist Robert J. Cook, 24, of Sun Prairie, Wisconsin, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(634) honors the memory of Sergeant Benjamin L. Gilman, 28, of Meriden, Connecticut, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(635) honors the memory of Specialist Adam G. Kinser, 21, of Sacramento, California, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(636) honors the memory of Staff Sergeant Sean G. Landrus, 31, of Thompson, Ohio, who died on January 29, 2004, in service to the United States in Operation Iraqi Freedom;

(637) honors the memory of Sergeant First Class Curtis Mancini, 43, of Fort Lauderdale, Florida, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(638) honors the memory of Private First Class Luis A. Moreno, 19, of Bronx, New York, who died on January 29, 2004, in service to the United States in Operation Iraqi Freedom;

(639) honors the memory of Staff Sergeant James D. Mowris, 37, of Aurora, Missouri, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(640) honors the memory of Specialist Justin A. Scott, 22, of Bellevue, Kentucky, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(641) honors the memory of Sergeant Danton K. Seitsinger, 29, of Oklahoma City, Oklahoma, who died on January 29, 2004, in service to the United States in Operation Enduring Freedom;

(642) honors the memory of Corporal Juan C. Cabralbanuelos, 25, of Emporia, Kansas, who died on January 31, 2004, in service to the United States in Operation Iraqi Freedom;

(643) honors the memory of Private First Class Holly J. McGeogh, 19, of Taylor, Michigan, who died on January 31, 2004, in service to the United States in Operation Iraqi Freedom;

(644) honors the memory of Sergeant Eliu A. Miersandoval, 27, of San Clemente, California, who died on January 31, 2004, in service to the United States in Operation Iraqi Freedom;

(645) honors the memory of Private First Class Armando Soriano, 20, of Houston, Texas, who died on February 1, 2004, in service to the United States in Operation Iraqi Freedom;

(646) honors the memory of Staff Sergeant Roger C. Turner, Jr., 37, of Parkersburg, West Virginia, who died on February 1, 2004, in service to the United States in Operation Iraqi Freedom;

(647) honors the memory of Second Lieutenant Seth J. Dvorin, 24, of New Jersey, who died on February 3, 2004, in service to the United States in Operation Iraqi Freedom;

(648) honors the memory of Specialist Joshua L. Knowles, 23, of Sheffield, Iowa, who died on February 5, 2004, in service to the United States in Operation Iraqi Freedom;

(649) honors the memory of Staff Sergeant Richard P. Ramey, 27, of Canton, Ohio, who died on February 8, 2004, in service to the United States in Operation Iraqi Freedom;

(650) honors the memory of Sergeant Thomas D. Robbins, 27, of Schenectady, New York, who died on February 9, 2004, in service to the United States in Operation Iraqi Freedom;

(651) honors the memory of Sergeant Elijah Tai Wah Wong, 42, of Mesa, Arizona, who died on February 9, 2004, in service to the United States in Operation Iraqi Freedom;

(652) honors the memory of Master Sergeant Jude C. Mariano, 39, of Vallejo, California, who died on February 10, 2004, in service to the United States in Operation Iraqi Freedom;

(653) honors the memory of Private First Class William C. Ramirez, 19, of Portland, Oregon, who died on February 11, 2004, in service to the United States in Operation Iraqi Freedom;

(654) honors the memory of Sergeant Patrick S. Tainsh, 33, of Oceanside, California, who died on February 11, 2004, in service to the United States in Operation Iraqi Freedom;

(655) honors the memory of Specialist Eric U. Ramirez, 31, of San Diego, California, who died on February 12, 2004, in service to the United States in Operation Iraqi Freedom;

(656) honors the memory of Sergeant Nicholes Darwin Golding, 24, of Addison, Maine, who died on February 13, 2004, in service to the United States in Operation Enduring Freedom;

(657) honors the memory of Private Bryan N. Spry, 19, of Chestertown, Maryland, who died on February 14, 2004, in service to the United States in Operation Iraqi Freedom;

(658) honors the memory of Private First Class Nichole M. Frye, 19, of Lena, Wisconsin, who died on February 16, 2004, in service to the United States in Operation Iraqi Freedom;

(659) honors the memory of Specialist Michael M. Merila, 23, of Sierra Vista, Arizona, who died on February 16, 2004, in service to the United States in Operation Iraqi Freedom;

(660) honors the memory of Specialist Christopher M. Taylor, 25, of Daphne, Alabama, who died on February 16, 2004, in service to the United States in Operation Iraqi Freedom;

(661) honors the memory of Second Lieutenant Jeffrey C. Graham, 24, of Elizabethtown, Kentucky, who died on February 19, 2004, in service to the United States in Operation Iraqi Freedom;

(662) honors the memory of Specialist Roger G. Ling, 20, of Douglaston, New York, who died on February 19, 2004, in service to the United States in Operation Iraqi Freedom;

(663) honors the memory of Sergeant First Class Henry A. Bacon, 45, of Wagram, North Carolina, who died on February 20, 2004, in service to the United States in Operation Iraqi Freedom;

(664) honors the memory of Specialist David E. Hall, 21, of Uniontown, Kansas, who died on February 25, 2004, in service to the United States in Operation Enduring Freedom;

(665) honors the memory of Chief Warrant Officer Matthew C. Laskowski, 32, of Phoenix, Arizona, who died on February 25, 2004, in service to the United States in Operation Iraqi Freedom;

(666) honors the memory of Chief Warrant Officer Stephen M. Wells, 29, of Massachusetts, who died on February 25, 2004, in service to the United States in Operation Iraqi Freedom;

(667) honors the memory of Specialist Michael R. Woodliff, 22, of Port Charlotte, Florida, who died on March 2, 2004, in service to the United States in Operation Iraqi Freedom;

(668) honors the memory of Petty Officer Second Class Michael J. Gray, 32, of Richmond, Virginia, who died on March 5, 2004, in service to the United States in Operation Iraqi Freedom;

(669) honors the memory of Captain Gussie M. Jones, 41, of Louisiana, who died on March 7, 2004, in service to the United States in Operation Iraqi Freedom;

(670) honors the memory of Private First Class Matthew G. Milczark, 18, of Kettle River, Minnesota, who died on March 8, 2004, in service to the United States in Operation Iraqi Freedom;

(671) honors the memory of Specialist Edward W. Brabazon, 20, of Philadelphia, Pennsylvania, who died on March 9, 2004, in service to the United States in Operation Iraqi Freedom;

(672) honors the memory of Sergeant First Class Richard S. Gottfried, 42, of Lake Ozark, Missouri, who died on March 9, 2004, in service to the United States in Operation Iraqi Freedom;

(673) honors the memory of Civilian Fern L. Holland, 33, of Miami, Oklahoma, who died on March 9, 2004, in service to the United States in Operation Iraqi Freedom;

(674) honors the memory of Civilian Robert J. Zangas, 44, of Prince William County, Virginia, who died on March 9, 2004, in service to the United States in Operation Iraqi Freedom;

(675) honors the memory of Private First Class Bert Edward Hoyer, 23, of Ellsworth, Wisconsin, who died on March 10, 2004, in service to the United States in Operation Iraqi Freedom;

(676) honors the memory of Staff Sergeant Joe L. Dunigan, Jr., 37, of Belton, Texas, who died on March 11, 2004, in service to the United States in Operation Iraqi Freedom;

(677) honors the memory of Specialist Christopher K. Hill, 26, of Ventura, California, who died on March 11, 2004, in service to the United States in Operation Iraqi Freedom;

(678) honors the memory of Private First Class Joel K. Brattain, 21, of Yorba Linda/Brea, California, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(679) honors the memory of Sergeant First Class Clint D. Ferrin, 31, of Picayune, Mississippi, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(680) honors the memory of Specialist Jason C. Ford, 21, of Bowie, Maryland, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(681) honors the memory of Captain John F. "Hans" Kurth, 31, of Columbus, Wisconsin, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(682) honors the memory of Sergeant Daniel J. Londono, 22, of Boston, Massachusetts, who died on March 13, 2004, in service to the United States in Operation Iraqi Freedom;

(683) honors the memory of Specialist Jocelyn "Joce" L. Carrasquillo, 28, of Wrightsville Beach, North Carolina, who died on March 14, 2004, in service to the United States in Operation Iraqi Freedom;

(684) honors the memory of Sergeant William J. Normandy, 42, of East Barre, Vermont, who died on March 14, 2004, in service to the United States in Operation Iraqi Freedom;

(685) honors the memory of First Lieutenant Michael R. Adams, 24, of Seattle, Washington, who died on March 16, 2004, in service to the United States in Operation Iraqi Freedom;

(686) honors the memory of Master Sergeant Thomas R. Thigpen, Sr., 52, of Augusta, Georgia, who died on March 16, 2004, in service to the United States in Operation Iraqi Freedom;

(687) honors the memory of Sergeant Jr. Esposito, 22, of Brentwood, New York, who died on March 17, 2004, in service to the United States in Operation Enduring Freedom;

(688) honors the memory of Staff Sergeant Anthony S. Lagman, 26, of Yonkers, New York, who died on March 17, 2004, in service to the United States in Operation Enduring Freedom;

(689) honors the memory of Specialist Tracy L. Laramore, 30, of Okaloosa, Florida, who died on March 17, 2004, in service to the United States in Operation Iraqi Freedom;

(690) honors the memory of Sergeant Ivory L. Phipps, 44, of Chicago, Illinois, who died on March 17, 2004, in service to the United States in Operation Iraqi Freedom;

(691) honors the memory of Corporal Andrew D. Brownfield, 24, of Akron, Ohio, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(692) honors the memory of Specialist Doron Chan, 20, of Highland, New York, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(693) honors the memory of Private First Class Ricky A. Morris, Jr., 20, of Lubbock, Texas, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(694) honors the memory of Private First Class Brandon C. Smith, 20, of Washington, Arkansas, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(695) honors the memory of Private First Class Ernest Harold Sutphin, 21, of Parkersburg, West Virginia, who died on March 18, 2004, in service to the United States in Operation Iraqi Freedom;

(696) honors the memory of Private First Class Jason C. Ludlam, 22, of Arlington, Texas, who died on March 19, 2004, in service to the United States in Operation Iraqi Freedom;

(697) honors the memory of Specialist Clint Richard "Bones" Matthews, 31, of Bedford, Pennsylvania, who died on March 19, 2004, in service to the United States in Operation Iraqi Freedom;

(698) honors the memory of Corporal David M. Vicente, 25, of Methuen, Massachusetts, who died on March 19, 2004, in service to the United States in Operation Iraqi Freedom;

(699) honors the memory of Specialist Matthew J. Sandri, 24, of Shamokin, Pennsylvania, who died on March 20, 2004, in service to the United States in Operation Iraqi Freedom;

(700) honors the memory of Major Mark D. Taylor, 41, of Stockton, California, who died on March 20, 2004, in service to the United States in Operation Iraqi Freedom;

(701) honors the memory of First Lieutenant Michael W. Vega, 41, of Lathrop, California, who died on March 20, 2004, in service to the United States in Operation Iraqi Freedom;

(702) honors the memory of Private First Class Christopher E. Hudson, 21, of Carmel, Indiana, who died on March 21, 2004, in service to the United States in Operation Iraqi Freedom;

(703) honors the memory of Private Dustin L. Kreider, 19, of Riverton, Kansas, who died on March 21, 2004, in service to the United States in Operation Iraqi Freedom;

(704) honors the memory of Lance Corporal Andrew S. Dang, 20, of Foster City, California, who died on March 22, 2004, in service to the United States in Operation Iraqi Freedom;

(705) honors the memory of Private First Class Bruce Miller, Jr., 23, of Orange, New Jersey, who died on March 22, 2004, in service to the United States in Operation Iraqi Freedom;

(706) honors the memory of Staff Sergeant Wentz Jerome Henry Shanaberger III, 33, of Naples, Florida, who died on March 24, 2004, in service to the United States in Operation Iraqi Freedom;

(707) honors the memory of Lance Corporal Jeffrey C. Burgess, 20, of Plymouth, Massachusetts, who died on March 25, 2004, in service to the United States in Operation Iraqi Freedom;

(708) honors the memory of Lance Corporal James A. Casper, 20, of Coolidge, Texas, who died on March 25, 2004, in service to the United States in Operation Iraqi Freedom;

(709) honors the memory of Specialist Adam D. Froehlich, 21, of Pine Hill, New Jersey, who died on March 25, 2004, in service to the United States in Operation Iraqi Freedom;

(710) honors the memory of Private First Class Leroy Sandoval, Jr., 21, of Houston, Texas, who died on March 26, 2004, in service to the United States in Operation Iraqi Freedom;

(711) honors the memory of Master Sergeant Timothy Toney, 37, of Manhattan, New York, who died on March 27, 2004, in service to the United States in Operation Iraqi Freedom;

(712) honors the memory of Command Sergeant Jr. Jallah, 49, of Fayetteville, North Carolina, who died on March 28, 2004, in service to the United States in Operation Enduring Freedom;

(713) honors the memory of Specialist Jeremiah J. Holmes, 27, of North Berwick, Maine, who died on March 29, 2004, in service to the United States in Operation Iraqi Freedom;

(714) honors the memory of Private First Class Sean M. Schneider, 22, of Janesville, Wisconsin, who died on March 29, 2004, in service to the United States in Operation Iraqi Freedom;

(715) honors the memory of Master Sergeant Richard L. Ferguson, 45, of Conway, New Hampshire, who died on March 30, 2004, in service to the United States in Operation Iraqi Freedom;

(716) honors the memory of Lance Corporal William J. Wiscowiche, 20, of Victorville, California, who died on March 30, 2004, in service to the United States in Operation Iraqi Freedom;

(717) honors the memory of Private Brandon L. Davis, 20, of Cumberland, Maryland, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(718) honors the memory of First Lieutenant Doyle M. Hufstedler, 25, of Abilene, Texas, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(719) honors the memory of Specialist Michael G. Karr, Jr., 23, of San Antonio, Texas, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(720) honors the memory of Specialist Sean R. Mitchell, 24, of Youngsville, Pennsylvania, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(721) honors the memory of Private First Class Cleston C. Raney, 20, of Rupert, Idaho, who died on March 31, 2004, in service to the United States in Operation Iraqi Freedom;

(722) honors the memory of Private First Class Dustin M. Sekula, 18, of Edinburg, Texas, who died on April 1, 2004, in service to the United States in Operation Iraqi Freedom;

(723) honors the memory of Private First Class William R. Strange, 19, of Adrian, Georgia, who died on April 2, 2004, in service to the United States in Operation Iraqi Freedom;

(724) honors the memory of Private First Class Geoffrey S. Morris, 19, of Gurnee, Illinois, who died on April 3, 2004, in service to the United States in Operation Iraqi Freedom;

(725) honors the memory of Private First Class John D. Amos II, 20, of Valparaiso, Indiana, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(726) honors the memory of Specialist Robert R. Arsiaga, 25, of Greenwood, Texas, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(727) honors the memory of Lance Corporal Aric J. Barr, 22, of Allegheny, Pennsylvania, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(728) honors the memory of Specialist Ahmed Akil "Mel" Cason, 24, of McGehee, Arkansas, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(729) honors the memory of Sergeant Yihiyh L. Chen, 31, of Saipan, Northern Mariana Islands, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(730) honors the memory of Corporal Tyler R. Fey, 22, of Eden Prairie, Minnesota, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(731) honors the memory of Specialist Israel Garza, 25, of Lubbock, Texas, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(732) honors the memory of Specialist Stephen D. "Dusty" Hiller, 25, of Opelika, Alabama, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(733) honors the memory of Corporal Forest Joseph Jostes, 22, of Albion, Illinois, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(734) honors the memory of Sergeant Michael W. Mitchell, 25, of Porterville, California, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(735) honors the memory of Specialist Philip G. Rogers, 23, of Gresham, Oregon, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(736) honors the memory of Specialist Casey Sheehan, 24, of Vacaville, California, who died on April 4, 2004, in service to the United States in Operation Iraqi Freedom;

(737) honors the memory of Lance Corporal Shane Lee Goldman, 19, of Orange, Texas, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(738) honors the memory of Private First Class Deryk L. Hallal, 24, of Indianapolis, Indiana, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(739) honors the memory of Private First Class Moises A. Langhorst, 19, of Moose Lake, Minnesota, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(740) honors the memory of Specialist Scott Quentin Larson, Jr., 22, of Houston, Texas, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(741) honors the memory of Sergeant David M. McKeever, 25, of Buffalo, New York, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(742) honors the memory of Private First Class Christopher Ramos, 26, of Albuquerque, New Mexico, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(743) honors the memory of Lance Corporal Matthew K. Serio, 21, of North Providence, Rhode Island, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(744) honors the memory of Corporal Jesse L. Thiry, 23, of Casco, Wisconsin, who died on April 5, 2004, in service to the United States in Operation Iraqi Freedom;

(745) honors the memory of Private First Class Benjamin R. Carman, 20, of Jefferson, Iowa, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(746) honors the memory of Lance Corporal Marcus M. Cherry, 18, of Imperial, California, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(747) honors the memory of Private First Class Christopher R. Cobb, 19, of Bradenton, Florida, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(748) honors the memory of Lance Corporal Kyle D. Crowley, 18, of San Ramon, California, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(749) honors the memory of Private First Class Ryan M. Jerabek, 18, of Oneida, Wisconsin, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(750) honors the memory of Lance Corporal Travis J. Layfield, 19, of Fremont, California, who died on April 6, 2004, in service to

the United States in Operation Iraqi Freedom;

(751) honors the memory of Private First Class Christopher D. Mabry, 19, of Chunky, Mississippi, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(752) honors the memory of Petty Officer Third Class Fernando A. Mendez-Aceves, 27, of Ponce, Puerto Rico, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(753) honors the memory of Sergeant Gerardo Moreno, 23, of Terrell, Texas, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(754) honors the memory of Lance Corporal Anthony P. Roberts, 18, of Bear, Delaware, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(755) honors the memory of Sergeant Lee Duane Todacheene, 29, of Farmington, New Mexico, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(756) honors the memory of Staff Sergeant Allan K. Walker, 28, of Lancaster, California, who died on April 6, 2004, in service to the United States in Operation Iraqi Freedom;

(757) honors the memory of Specialist Tyanna S. Felder, 22, of Bridgeport, Connecticut, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(758) honors the memory of Sergeant First Class William W. Labadie, Jr., 45, of Bauxite, Arkansas, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(759) honors the memory of Sergeant First Class Marvin Lee Miller, 38, of Dunn, North Carolina, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(760) honors the memory of Captain Brent L. Morel, 27, of Martin, Tennessee, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(761) honors the memory of Staff Sergeant George S. Rentschler, 31, of Louisville, Kentucky, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(762) honors the memory of Second Lieutenant John Thomas "J.T." Wroblewski, 25, of Oak Ridge, New Jersey, who died on April 7, 2004, in service to the United States in Operation Iraqi Freedom;

(763) honors the memory of Lance Corporal Levi T. Angell, 20, of Cloquet, Minnesota, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(764) honors the memory of Corporal Nicholas J. Dieruf, 21, of Versailles, Kentucky, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(765) honors the memory of Lance Corporal Phillip E. Frank, 20, of Elk Grove, Illinois, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(766) honors the memory of Staff Sergeant William M. Harrell, 30, of Placentia, California, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(767) honors the memory of Specialist Isaac Michael Nieves, 20, of Unadilla, New York, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(768) honors the memory of First Lieutenant Joshua M. Palmer, 25, of Banning, California, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(769) honors the memory of Lance Corporal Michael B. Wafford, 20, of Spring, Texas, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(770) honors the memory of Lance Corporal Christopher B. Wasser, 21, of Ottawa, Kansas, who died on April 8, 2004, in service to the United States in Operation Iraqi Freedom;

(771) honors the memory of Private First Class Eric A. Ayon, 26, of Arleta, California, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(772) honors the memory of Sergeant Felix M. Delgreco, 22, of Simsbury, Connecticut, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(773) honors the memory of Specialist Peter G. Enos, 24, of South Dartmouth, Massachusetts, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(774) honors the memory of Private First Class Gregory R. Goodrich, 37, of Bartonville, Illinois, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(775) honors the memory of Staff Sergeant Raymond Edison Jones, Jr., 31, of Gainesville, Florida, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(776) honors the memory of Specialist Jonathan Roy Kephart, 21, of Oil City, Pennsylvania, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(777) honors the memory of Sergeant Elmer C. Krause, 40, of Greensboro, North Carolina, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(778) honors the memory of Staff Sergeant Toby W. Mallet, 26, of Kaplan, Louisiana, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(779) honors the memory of Corporal Matthew E. Matula, 20, of Spicewood, Texas, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(780) honors the memory of Staff Sergeant Don Steven McMahan, 31, of Nashville, Tennessee, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(781) honors the memory of Private First Class Chance R. Phelps, 19, of Clifton, Colorado, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(782) honors the memory of Corporal Michael Raymond Speer, 24, of Redfield, Kansas, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(783) honors the memory of Lance Corporal Elias Torrez III, 21, of Veribest, Texas, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(784) honors the memory of Specialist Allen Jeffrey "A.J." Vandayburg, 20, of Mansfield, Ohio, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(785) honors the memory of Specialist Michelle M. Witmer, 20, of New Berlin, Wisconsin, who died on April 9, 2004, in service to the United States in Operation Iraqi Freedom;

(786) honors the memory of Specialist Adolf C. Carballo, 20, of Houston, Texas, who died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(787) honors the memory of Sergeant William C. Eckhart, 25, of Rocksprings, Texas, who died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(788) honors the memory of Airman First Class Antoine J. Holt, 20, of Kennesaw, Georgia, who died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(789) honors the memory of Specialist Justin W. Johnson, 22, of Rome, Georgia, who died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(790) honors the memory of Lance Corporal John T. Sims, Jr., 21, of Alexander City, Alabama, who died on April 10, 2004, in service to the United States in Operation Iraqi Freedom;

(791) honors the memory of Corporal Daniel R. Amaya, 22, of Odessa, Texas, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(792) honors the memory of Private First Class Nathan P. Brown, 21, of South Glens Falls, New York, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(793) honors the memory of Chief Warrant Officer Lawrence S. Colton, 32, of Oklahoma City, Oklahoma, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(794) honors the memory of Chief Warrant Officer Wesley C. Fortenberry, 38, of Woodville, Texas, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(795) honors the memory of Lance Corporal Torrey L. Gray, 19, of Patoka, Illinois, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(796) honors the memory of First Lieutenant Oscar Jimenez, 34, of San Diego, California, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(797) honors the memory of Sergeant Major Michael Boyd Stack, 48, of Lake City, South Carolina, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(798) honors the memory of Private First Class George D. Torres, 23, of Long Beach, California, who died on April 11, 2004, in service to the United States in Operation Iraqi Freedom;

(799) honors the memory of Lance Corporal Brad S. Shuder, 21, of El Dorado, California, who died on April 12, 2004, in service to the United States in Operation Iraqi Freedom;

(800) honors the memory of Commander Adrian Basil Szwec, 43, of Chicago, Illinois, who died on April 12, 2004, in service to the United States in Operation Enduring Freedom;

(801) honors the memory of Lance Corporal Robert Paul Zurheide, Jr., 20, of Tucson, Arizona, who died on April 12, 2004, in service to the United States in Operation Iraqi Freedom;

(802) honors the memory of Private Noah L. Boye, 21, of Grand Island, Nebraska, who died on April 13, 2004, in service to the United States in Operation Iraqi Freedom;

(803) honors the memory of Corporal Kevin T. Kolm, 23, of Hicksville, New York, who died on April 13, 2004, in service to the United States in Operation Iraqi Freedom;

(804) honors the memory of Staff Sergeant Victor A. Rosaleslomeli, 29, of Westminster, California, who died on April 13, 2004, in service to the United States in Operation Iraqi Freedom;

(805) honors the memory of Sergeant Christopher Ramirez, 34, of Edinburg (McAllen), Texas, who died on April 14, 2004, in service to the United States in Operation Iraqi Freedom;

(806) honors the memory of Specialist Frank K. Rivers, Jr., 23, of Woodbridge, Virginia, who died on April 14, 2004, in service to the United States in Operation Iraqi Freedom;

(807) honors the memory of Specialist Richard K. Trevithick, 20, of Gaines, Michigan, who died on April 14, 2004, in service to the United States in Operation Iraqi Freedom;

(808) honors the memory of Staff Sergeant Jimmy J. Arroyave, 30, of Woodland, California, who died on April 15, 2004, in service to the United States in Operation Iraqi Freedom;

(809) honors the memory of Sergeant Brian M. Wood, 21, of Torrance, California, who died on April 16, 2004, in service to the United States in Operation Iraqi Freedom;

(810) honors the memory of Specialist Marvin A. Camposiles, 25, of Austell, Georgia, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(811) honors the memory of Staff Sergeant Edward W. Carman, 27, of McKeesport, Pennsylvania, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(812) honors the memory of Captain Richard J. Gannon II, 31, of Escondido, California, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(813) honors the memory of Corporal Christopher A. Gibson, 23, of Simi Valley, California, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(814) honors the memory of Sergeant Jonathan N. Hartman, 27, of Jacksonville, Florida, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(815) honors the memory of First Lieutenant Robert L. Henderson II, 33, of Alvaton, Kentucky, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(816) honors the memory of Private First Class Clayton Welch Henson, 20, of Stanton, Texas, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(817) honors the memory of Specialist Michael A. McGlothin, 21, of Milwaukee, Wisconsin, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(818) honors the memory of Specialist Dennis B. Morgan, 22, of Valentine, Nebraska, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(819) honors the memory of Lance Corporal Michael J. Smith, Jr., 21, of Jefferson, Ohio, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(820) honors the memory of Lance Corporal Ruben Valdez, Jr., 21, of San Diego, Texas, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(821) honors the memory of Lance Corporal Gary F. Van Leuven, 20, of Klamath Falls, Oregon, who died on April 17, 2004, in service to the United States in Operation Iraqi Freedom;

(822) honors the memory of Master Sergeant Herbert R. Claunch, 58, of Wetumpka, Alabama, who died on April 18, 2004, in service to the United States in Operation Enduring Freedom;

(823) honors the memory of First Sergeant Bradley C. Fox, 34, of Adrian, Michigan, who died on April 20, 2004, in service to the United States in Operation Iraqi Freedom;

(824) honors the memory of Specialist Christopher D. Gelineau, 23, of Portland, Maine, who died on April 20, 2004, in service to the United States in Operation Iraqi Freedom;

(825) honors the memory of Private First Class Leroy Harris-Kelly, 20, of Azusa, California, who died on April 20, 2004, in service to the United States in Operation Iraqi Freedom;

(826) honors the memory of Corporal Jason L. Dunham, 22, of Scio (Allegany Co.), New York, who died on April 22, 2004, in service to the United States in Operation Iraqi Freedom;

(827) honors the memory of Specialist Patrick D. Tillman, 27, of Chandler, Arizona, who died on April 22, 2004, in service to the United States in Operation Enduring Freedom;

(828) honors the memory of Private First Class Shawn C. Edwards, 20, of Bensenville, Illinois, who died on April 23, 2004, in service to the United States in Operation Iraqi Freedom;

(829) honors the memory of Staff Sergeant Stacey C. Brandon, 35, of Hazen, Arkansas, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(830) honors the memory of Staff Sergeant Cory W. Brooks, 32, of Philip, South Dakota, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(831) honors the memory of Captain Arthur L. "Bo" Felder, 36, of Lewisville, Arkansas, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(832) honors the memory of Chief Warrant Officer Patrick W. Kordsmeier, 49, of North Little Rock, Arkansas, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(833) honors the memory of Staff Sergeant Billy J. Orton, 41, of Humnoke, Arkansas, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(834) honors the memory of Petty Officer First Class Michael J. Pernaselli, 27, of Monroe, New York, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(835) honors the memory of Petty Officer Second Class Christopher E. Watts, 28, of Knoxville, Tennessee, who died on April 24, 2004, in service to the United States in Operation Iraqi Freedom;

(836) honors the memory of Petty Officer Third Class Nathan B. Bruckenthal, 24, of Stony Brook (Long Island), New York, who died on April 25, 2004, in service to the United States in Operation Iraqi Freedom;

(837) honors the memory of Specialist Kenneth A. Melton, 30, of Westplains, Missouri, who died on April 25, 2004, in service to the United States in Operation Iraqi Freedom;

(838) honors the memory of Lance Corporal Aaron C. Austin, 21, of Sunray, Texas, who died on April 26, 2004, in service to the United States in Operation Iraqi Freedom;

(839) honors the memory of Sergeant Sherwood R. Baker, 30, of Plymouth, Pennsylvania, who died on April 26, 2004, in service to the United States in Operation Iraqi Freedom;

(840) honors the memory of Sergeant Lawrence A. Roukey, 33, of Westbrook, Maine, who died on April 26, 2004, in service to the United States in Operation Iraqi Freedom;

(841) honors the memory of Staff Sergeant Abraham D. Penamedina, 32, of Los Angeles, California, who died on April 27, 2004, in service to the United States in Operation Iraqi Freedom;

(842) honors the memory of Private First Class Marquis A. Whitaker, 20, of Columbus, Georgia, who died on April 27, 2004, in service to the United States in Operation Iraqi Freedom;

(843) honors the memory of Specialist Jacob R. Herring, 21, of Kirkland, Washington, who died on April 28, 2004, in service to the United States in Operation Iraqi Freedom;

(844) honors the memory of Staff Sergeant Kendall Thomas, 36, of St. Thomas, Virgin Islands, who died on April 28, 2004, in service to the United States in Operation Iraqi Freedom;

(845) honors the memory of Specialist James L. Beckstrand, 27, of Escondido, California, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(846) honors the memory of Sergeant Ryan M. Campbell, 25, of Kirksville, Missouri, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(847) honors the memory of Private First Class Norman Darling, 29, of Middleboro, Massachusetts, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(848) honors the memory of Staff Sergeant Jeffrey F. Dayton, 27, of Caledonia, Mississippi, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(849) honors the memory of Sergeant Adam W. Estep, 23, of Campbell, California, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(850) honors the memory of Private First Class Jeremy Ricardo Ewing, 22, of Miami, Florida, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(851) honors the memory of Sergeant Landis W. Garrison, 23, of Rapids City, Illinois, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(852) honors the memory of Specialist Martin W. Kondor, 20, of York, Pennsylvania, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(853) honors the memory of Staff Sergeant Esau G. Patterson, Jr., 25, of Ridgeland, South Carolina, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(854) honors the memory of Private First Class Ryan E. Reed, 20, of Colorado Springs, Colorado, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(855) honors the memory of Specialist Justin B. Schmidt, 23, of Bradenton, Florida, who died on April 29, 2004, in service to the United States in Operation Iraqi Freedom;

(856) honors the memory of Petty Officer Third Class Christopher M. Dickerson, 33, of Eastman, Georgia, who died on April 30, 2004, in service to the United States in Operation Iraqi Freedom;

(857) honors the memory of Petty Officer Second Class Jason B. Dwelley, 31, of Apopka, Florida, who died on April 30, 2004, in service to the United States in Operation Iraqi Freedom;

(858) honors the memory of Corporal Scott M. Vincent, 21, of Bokoshe, Oklahoma, who died on April 30, 2004, in service to the United States in Operation Iraqi Freedom;

(859) honors the memory of Corporal Joshua S. Wilfong, 22, of Walker, West Virginia, who died on April 30, 2004, in service to the United States in Operation Iraqi Freedom;

(860) honors the memory of Sergeant Joshua S. Ladd, 20, of Port Gibson, Mississippi, who died on May 1, 2004, in service to the United States in Operation Iraqi Freedom;

(861) honors the memory of Specialist Ramon C. Ojeda, 22, of Ramona, California, who died on May 1, 2004, in service to the United States in Operation Iraqi Freedom;

(862) honors the memory of Staff Sergeant Oscar D. Vargas-Medina, 32, of Chicago, Illinois, who died on May 1, 2004, in service to the United States in Operation Iraqi Freedom;

(863) honors the memory of Specialist Trevor A. Wine, 22, of Orange, California, who died on May 1, 2004, in service to the United States in Operation Iraqi Freedom;

(864) honors the memory of Specialist Phillip L. Witkowski, 24, of Fredonia, New York, who died on May 1, 2004, in service to the United States in Operation Enduring Freedom;

(865) honors the memory of Petty Officer Second Class Michael C. Anderson, 36, of Daytona, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(866) honors the memory of Specialist Ervin Caradine, Jr., 33, of Memphis, Tennessee, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(867) honors the memory of Petty Officer Second Class Trace W. Dossett, 37, of Orlando, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(868) honors the memory of Private Jeremy L. Drexler, 23, of Topeka, Kansas, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(869) honors the memory of Petty Officer Third Class Ronald A. Ginther, 37, of Auburndale, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(870) honors the memory of Petty Officer Second Class Robert B. Jenkins, 35, of Stuart, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(871) honors the memory of Petty Officer Second Class Scott R. McHugh, 33, of Boca Raton, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(872) honors the memory of Staff Sergeant Todd E. Nunes, 29, of Chapel Hills, Tennessee, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(873) honors the memory of Captain John E. Tipton, 32, of Fort Walton Beach, Florida, who died on May 2, 2004, in service to the United States in Operation Iraqi Freedom;

(874) honors the memory of Gunnery Sergeant Ronald E. Baum, 38, of Hollidaysburg, Pennsylvania, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(875) honors the memory of First Lieutenant Christopher J. Kenny, 32, of Miami, Florida, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(876) honors the memory of Private First Class Lyndon A. Marcus, Jr., 21, of Long Beach, California, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(877) honors the memory of Staff Sergeant Erickson H. Petty, 28, of Fort Gibson, Oklahoma, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(878) honors the memory of Sergeant Marvin R. Sprayberry III, 24, of Tehachapi, California, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(879) honors the memory of Sergeant Gregory L. Wahl, 30, of Salisbury, North Carolina, who died on May 3, 2004, in service to the United States in Operation Iraqi Freedom;

(880) honors the memory of Private First Class Jesse R. Buryj, 21, of Canton, Ohio, who died on May 5, 2004, in service to the United States in Operation Iraqi Freedom;

(881) honors the memory of Corporal Jeffrey G. Green, 20, of Dallas, Texas, who died on May 5, 2004, in service to the United States in Operation Iraqi Freedom;

(882) honors the memory of Private First Class Bradley G. Kritzer, 18, of Irvona, Pennsylvania, who died on May 5, 2004, in service to the United States in Operation Iraqi Freedom;

(883) honors the memory of Specialist James E. Marshall, 19, of Tulsa, Oklahoma, who died on May 5, 2004, in service to the United States in Operation Iraqi Freedom;

(884) honors the memory of Private First Class Brandon James Wadman, 19, of West Palm Beach, Florida, who died on May 5, 2004, in service to the United States in Operation Enduring Freedom;

(885) honors the memory of Staff Sergeant Hesley Box, Jr., 24, of Nashville, Arkansas, who died on May 6, 2004, in service to the United States in Operation Iraqi Freedom;

(886) honors the memory of Corporal Dustin H. Schrage, 20, of Brevard, Florida, who died on May 6, 2004, in service to the United States in Operation Iraqi Freedom;

(887) honors the memory of Corporal Ronald R. Payne, Jr., 23, of Lakeland, Florida, who died on May 7, 2004, in service to the United States in Operation Enduring Freedom;

(888) honors the memory of Specialist Philip D. Brown, 21, of Jamestown, North Dakota, who died on May 8, 2004, in service to the United States in Operation Iraqi Freedom;

(889) honors the memory of Specialist James J. Holmes, 28, of East Grand Forks, Minnesota, who died on May 8, 2004, in service to the United States in Operation Iraqi Freedom;

(890) honors the memory of Specialist Isela Rubalcava, 25, of El Paso, Texas, who died on May 8, 2004, in service to the United States in Operation Iraqi Freedom;

(891) honors the memory of Specialist Chase R. Whitman, 21, of Oregon, who died on May 8, 2004, in service to the United States in Operation Iraqi Freedom;

(892) honors the memory of Sergeant Rodney A. Murray, 28, of Ayden, North Carolina, who died on May 9, 2004, in service to the United States in Operation Iraqi Freedom;

(893) honors the memory of Private First Class Andrew L. Tuazon, 21, of Chesapeake, Virginia, who died on May 10, 2004, in service to the United States in Operation Iraqi Freedom;

(894) honors the memory of Specialist Kyle A. Brinlee, 21, of Pryor, Oklahoma, who died on May 11, 2004, in service to the United States in Operation Iraqi Freedom;

(895) honors the memory of Lance Corporal Jeremiah E. Savage, 21, of Livingston, Tennessee, who died on May 12, 2004, in service to the United States in Operation Iraqi Freedom;

(896) honors the memory of Specialist Jeffrey R. Shaver, 26, of Maple Valley, Washington, who died on May 12, 2004, in service to the United States in Operation Iraqi Freedom;

(897) honors the memory of Private First Class Brian K. Cutter, 19, of Riverside, California, who died on May 13, 2004, in service to the United States in Operation Iraqi Freedom;

(898) honors the memory of Private First Class Brandon C. Sturdy, 19, of Urbandale, Iowa, who died on May 13, 2004, in service to the United States in Operation Iraqi Freedom;

(899) honors the memory of Command Sergeant Major Edward C. Barnhill, 50, of Shreveport, Louisiana, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(900) honors the memory of Sergeant Brud J. Cronkrite, 22, of Spring Valley, California, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(901) honors the memory of Sergeant James William Harlan, 44, of Owensboro, Kentucky, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(902) honors the memory of Private First Class Michael A. Mora, 19, of Arroyo Grande, California, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(903) honors the memory of Specialist Philip I. Spakosky, 25, of Browns Mill, New Jersey, who died on May 14, 2004, in service to the United States in Operation Iraqi Freedom;

(904) honors the memory of Senior Airman Pedro I. Espaillat, Jr., 20, of Columbia, Tennessee, who died on May 15, 2004, in service to the United States in Operation Iraqi Freedom;

(905) honors the memory of Staff Sergeant Rene Ledesma, 34, of Abilene, Texas, who died on May 15, 2004, in service to the United States in Operation Iraqi Freedom;

(906) honors the memory of Chief Warrant Officer Bruce E. Price, 37, of Maryland, who died on May 15, 2004, in service to the United States in Operation Enduring Freedom;

(907) honors the memory of Second Lieutenant Leonard M. Cowherd, Jr., 22, of Culpeper, Virginia, who died on May 16, 2004, in service to the United States in Operation Iraqi Freedom;

(908) honors the memory of Specialist Carl F. Curran, 22, of Union City, Pennsylvania, who died on May 17, 2004, in service to the United States in Operation Iraqi Freedom;

(909) honors the memory of Specialist Mark Joseph Kasecky, 20, of McKees Rocks, Pennsylvania, who died on May 17, 2004, in service to the United States in Operation Iraqi Freedom;

(910) honors the memory of Lance Corporal Bob W. Roberts, 30, of Newport, Oregon, who died on May 17, 2004, in service to the United States in Operation Iraqi Freedom;

(911) honors the memory of Private First Class Michael M. Carey, 20, of Prince George, Virginia, who died on May 18, 2004, in service to the United States in Operation Iraqi Freedom;

(912) honors the memory of Staff Sergeant William D. Chaney, 59, of Schaumburg, Illinois, who died on May 18, 2004, in service to the United States in Operation Iraqi Freedom;

(913) honors the memory of Staff Sergeant Joseph P. Garyantes, 34, of Rehoboth, Delaware, who died on May 18, 2004, in service to the United States in Operation Iraqi Freedom;

(914) honors the memory of Specialist Marcos O. Nolasco, 34, of Chino, California, who died on May 18, 2004, in service to the United States in Operation Iraqi Freedom;

(915) honors the memory of Specialist Michael C. Campbell, 34, of Marshfield, Missouri, who died on May 19, 2004, in service to the United States in Operation Iraqi Freedom;

(916) honors the memory of Private First Class Leslie D. Jackson, 18, of Richmond, Virginia, who died on May 20, 2004, in service to the United States in Operation Iraqi Freedom;

(917) honors the memory of Sergeant First Class Troy "Leon" Miranda, 44, of DeQueen, Arkansas, who died on May 20, 2004, in service to the United States in Operation Iraqi Freedom;

(918) honors the memory of Corporal Rudy Salas, 20, of Baldwin Park, California, who died on May 20, 2004, in service to the United States in Operation Iraqi Freedom;

(919) honors the memory of Staff Sergeant Jeremy R. Horton, 24, of Carneys Point, Pennsylvania, who died on May 21, 2004, in service to the United States in Operation Iraqi Freedom;

(920) honors the memory of Lance Corporal Andrew J. Zabierek, 25, of Chelmsford, Massachusetts, who died on May 21, 2004, in service to the United States in Operation Iraqi Freedom;

(921) honors the memory of Staff Sergeant Jorge A. Molina Bautista, 37, of Rialto, California, who died on May 23, 2004, in service to the United States in Operation Iraqi Freedom;

(922) honors the memory of Specialist Jeremy L. Ridlen, 23, of Paris, Illinois, who died on May 23, 2004, in service to the United States in Operation Iraqi Freedom;

(923) honors the memory of Specialist Beau R. Beaulieu, 20, of Lisbon, Maine, who died on May 24, 2004, in service to the United States in Operation Iraqi Freedom;

(924) honors the memory of Private First Class Owen D. Witt, 20, of Sand Springs, Montana, who died on May 24, 2004, in service to the United States in Operation Iraqi Freedom;

(925) honors the memory of Specialist Alan N. Bean, Jr., 22, of Bridport, Vermont, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(926) honors the memory of Private First Class James P. Lambert, 23, of New Orleans, Louisiana, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(927) honors the memory of Private First Class Richard H. Rosas, 21, of Saint Louis, Michigan, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(928) honors the memory of Sergeant Kevin F. Sheehan, 36, of Milton, Vermont, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(929) honors the memory of Private First Class Daniel Paul Unger, 19, of Exeter, California, who died on May 25, 2004, in service to the United States in Operation Iraqi Freedom;

(930) honors the memory of Lance Corporal Kyle W. Codner, 19, of Wood River, Nebraska, who died on May 26, 2004, in service to the United States in Operation Iraqi Freedom;

(931) honors the memory of Corporal Matthew C. Henderson, 25, of Lincoln, Nebraska, who died on May 26, 2004, in service to the United States in Operation Iraqi Freedom;

(932) honors the memory of Corporal Dominique J. Nicolas, 25, of Maricopa, Arizona, who died on May 26, 2004, in service to the United States in Operation Iraqi Freedom;

(933) honors the memory of Specialist Michael J. Wiesemann, 20, of North Judson, Indiana, who died on May 28, 2004, in service to the United States in Operation Iraqi Freedom;

(934) honors the memory of Private First Class Cody S. Calavan, 19, of Lake Stevens, Washington, who died on May 29, 2004, in service to the United States in Operation Iraqi Freedom;

(935) honors the memory of Captain Daniel W. Eggers, 28, of Cape Coral, Florida, who died on May 29, 2004, in service to the United States in Operation Enduring Freedom;

(936) honors the memory of Lance Corporal Benjamin R. Gonzalez, 23, of Los Angeles, California, who died on May 29, 2004, in service to the United States in Operation Iraqi Freedom;

(937) honors the memory of Private First Class Joseph A. Jeffries, 21, of Beaverton, Oregon, who died on May 29, 2004, in service to the United States in Operation Enduring Freedom;

(938) honors the memory of Staff Sergeant Robert J. Mogensen, 26, of Leesville, Louisiana, who died on May 29, 2004, in service to the United States in Operation Enduring Freedom;

(939) honors the memory of Petty Officer First Class Brian J. Ouellette, 37, of Needham, Massachusetts, who died on May 29, 2004, in service to the United States in Operation Enduring Freedom;

(940) honors the memory of Lance Corporal Rafael Reynosasuarez, 28, of Santa Ana, California, who died on May 29, 2004, in service to the United States in Operation Iraqi Freedom;

(941) honors the memory of First Lieutenant Kenneth Michael Ballard, 26, of Mountain View, California, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(942) honors the memory of Private Bradli N. Coleman, 19, of Ford City, Pennsylvania, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(943) honors the memory of Sergeant Aaron C. Elandt, 23, of Lowell, Michigan, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(944) honors the memory of Specialist Charles E. Odums II, 22, of Sandusky, Ohio, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(945) honors the memory of Private First Class Nicholaus E. Zimmer, 20, of Columbus, Ohio, who died on May 30, 2004, in service to the United States in Operation Iraqi Freedom;

(946) honors the memory of Captain Robert C. Scheetz, Jr., 31, of Dothan, Alabama, who died on May 31, 2004, in service to the United States in Operation Iraqi Freedom;

(947) honors the memory of Lance Corporal Dustin L. Sides, 22, of Yakima, Washington, who died on May 31, 2004, in service to the United States in Operation Iraqi Freedom;

(948) honors the memory of Private First Class Markus J. Johnson, 20, of Springfield, Massachusetts, who died on June 1, 2004, in service to the United States in Operation Iraqi Freedom;

(949) honors the memory of Corporal Bumrok Lee, 21, of Sunnyvale, California, who died on June 2, 2004, in service to the United States in Operation Iraqi Freedom;

(950) honors the memory of Lance Corporal Todd J. Bolding, 23, of Manvel, Texas, who died on June 3, 2004, in service to the United States in Operation Iraqi Freedom;

(951) honors the memory of Sergeant Frank T. Carvill, 51, of Carlstadt, New Jersey, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(952) honors the memory of Specialist Christopher M. Duffy, 26, of Brick, New Jersey, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(953) honors the memory of Sergeant Justin L. Eyerly, 23, of Salem, Oregon, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(954) honors the memory of Specialist Justin W. Linden, 22, of Portland, Oregon, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(955) honors the memory of First Lieutenant Erik S. McCrae, 25, of Portland, Oregon, who died on June 4, 2004, in service to the United States in Operation Iraqi Freedom;

(956) honors the memory of Specialist Ryan E. Doltz, 26, of Mine Hill, New Jersey, who died on June 5, 2004, in service to the United States in Operation Iraqi Freedom;

(957) honors the memory of Sergeant Humberto F. Timoteo, 25, of Newark, New Jersey, who died on June 5, 2004, in service to the United States in Operation Iraqi Freedom;

(958) honors the memory of Private First Class Melissa J. Hobart, 22, of Ladson, South Carolina, who died on June 6, 2004, in service to the United States in Operation Iraqi Freedom;

(959) honors the memory of Sergeant Melvin Y. Mora Lopez, 27, of Arecibo, Puerto Rico, who died on June 6, 2004, in service to the United States in Operation Iraqi Freedom;

(960) honors the memory of Lance Corporal Jeremy L. Bohlman, 21, of Sioux Falls, South Dakota, who died on June 7, 2004, in service to the United States in Operation Iraqi Freedom;

(961) honors the memory of Corporal David M. Fraise, 24, of New Orleans, Louisiana, who died on June 7, 2004, in service to the United States in Operation Enduring Freedom;

(962) honors the memory of Sergeant Jamie A. Gray, 29, of Montpelier, Vermont, who died on June 7, 2004, in service to the United States in Operation Iraqi Freedom;

(963) honors the memory of Captain Humayun S. M. Khan, 27, of Bristow, Virginia, who died on June 8, 2004, in service to the United States in Operation Iraqi Freedom;

(964) honors the memory of Private First Class Thomas D. Caughman, 20, of Lexington, South Carolina, who died on June 9, 2004, in service to the United States in Operation Iraqi Freedom;

(965) honors the memory of Specialist Eric S. McKinley, 24, of Corvallis, Oregon, who died on June 13, 2004, in service to the United States in Operation Iraqi Freedom;

(966) honors the memory of Private First Class Shawn M. Atkins, 20, of Parker, Colorado, who died on June 14, 2004, in service to the United States in Operation Iraqi Freedom;

(967) honors the memory of Specialist Jeremy M. Dimaranan, 29, of Virginia Beach, Virginia, who died on June 16, 2004, in service to the United States in Operation Iraqi Freedom;

(968) honors the memory of Sergeant Arthur S. (Stacey) Mastrapa, 35, of Apopka, Florida, who died on June 16, 2004, in service to the United States in Operation Iraqi Freedom;

(969) honors the memory of Major Paul R. Syverson III, 32, of Lake Zurich, Illinois, who died on June 16, 2004, in service to the United States in Operation Iraqi Freedom;

(970) honors the memory of Private First Class Jason N. Lynch, 21, of St. Croix, Virgin Islands, who died on June 18, 2004, in service to the United States in Operation Iraqi Freedom;

(971) honors the memory of Specialist Thai Vue, 22, of Willows, California, who died on

June 18, 2004, in service to the United States in Operation Iraqi Freedom;

(972) honors the memory of Private First Class Sean Horn, 19, of Irvine, California, who died on June 19, 2004, in service to the United States in Operation Iraqi Freedom;

(973) honors the memory of Staff Sergeant Marvin Best, 33, of Prosser, Washington, who died on June 20, 2004, in service to the United States in Operation Iraqi Freedom;

(974) honors the memory of Lance Corporal Russell P. White, 19, of Dagsboro, Delaware, who died on June 20, 2004, in service to the United States in Operation Enduring Freedom;

(975) honors the memory of Lance Corporal Pedro Contreras, 27, of Harris, Texas, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(976) honors the memory of Lance Corporal Juan Lopez, 22, of Whitfield, Georgia, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(977) honors the memory of Lance Corporal Deshon E. Otey, 24, of Hardin, Kentucky, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(978) honors the memory of Corporal Tommy L. Parker, Jr., 21, of Cleburne, Arkansas, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(979) honors the memory of Staff Sergeant Gregory V. Pennington, 36, of Glade Spring, Virginia, who died on June 21, 2004, in service to the United States in Operation Iraqi Freedom;

(980) honors the memory of Sergeant Patrick R. McCaffrey, Sr., 34, of Tracy, California, who died on June 22, 2004, in service to the United States in Operation Iraqi Freedom;

(981) honors the memory of First Lieutenant Andre D. Tyson, 33, of Riverside, California, who died on June 22, 2004, in service to the United States in Operation Iraqi Freedom;

(982) honors the memory of Captain Christopher S. Cash, 36, of Winterville, North Carolina, who died on June 24, 2004, in service to the United States in Operation Iraqi Freedom;

(983) honors the memory of Specialist Daniel A. Desens, 20, of Jacksonville, North Carolina, who died on June 24, 2004, in service to the United States in Operation Iraqi Freedom;

(984) honors the memory of Staff Sergeant Charles A. Kiser, 37, of Cleveland, Wisconsin, who died on June 24, 2004, in service to the United States in Operation Iraqi Freedom;

(985) honors the memory of Private First Class Daniel B. McClenney, 19, of Shelbyville, Tennessee, who died on June 24, 2004, in service to the United States in Operation Enduring Freedom;

(986) honors the memory of Lance Corporal Juston Tyler Thacker, 21, of Bluefield, West Virginia, who died on June 24, 2004, in service to the United States in Operation Enduring Freedom;

(987) honors the memory of Lance Corporal Manuel A. Ceniceros, 23, of Santa Ana, California, who died on June 26, 2004, in service to the United States in Operation Iraqi Freedom;

(988) honors the memory of Specialist Jeremy M. Heines, 25, of New Orleans, Louisiana, who died on June 26, 2004, in service to the United States in Operation Iraqi Freedom;

(989) honors the memory of First Sergeant Ernest E. Utt, 38, of Hammond, Illinois, who died on June 27, 2004, in service to the United States in Operation Iraqi Freedom;

(990) honors the memory of Lance Corporal Patrick R. Adle, 21, of Bel Air, Maryland, who died on June 29, 2004, in service to the United States in Operation Iraqi Freedom;

(991) honors the memory of Sergeant Alan David Sherman, 36, of Wanamassa, New Jersey, who died on June 29, 2004, in service to the United States in Operation Iraqi Freedom;

(992) honors the memory of Corporal John H. Todd III, 24, of Bridgeport, Pennsylvania, who died on June 29, 2004, in service to the United States in Operation Iraqi Freedom;

(993) honors the memory of Specialist Robert L. DuSang, 24, of Mandeville, Louisiana, who died on June 30, 2004, in service to the United States in Operation Iraqi Freedom;

(994) honors the memory of Staff Sergeant Robert K. McGee, 38, of Martinsville, Virginia, who died on June 30, 2004, in service to the United States in Operation Enduring Freedom;

(995) honors the memory of Sergeant Kenneth Conde, Jr., 23, of Orlando, Florida, who died on July 1, 2004, in service to the United States in Operation Iraqi Freedom;

(996) honors the memory of Lance Corporal Timothy R. Creager, 21, of Millington, Tennessee, who died on July 1, 2004, in service to the United States in Operation Iraqi Freedom;

(997) honors the memory of Sergeant Christopher A. Wagener, 24, of Fairview Heights, Illinois, who died on July 1, 2004, in service to the United States in Operation Iraqi Freedom;

(998) honors the memory of Lance Corporal James B. Huston, Jr., 22, of Umatilla, Oregon, who died on July 2, 2004, in service to the United States in Operation Iraqi Freedom;

(999) honors the memory of Staff Sergeant Stephen G. Martin, 39, of Wausau/Rhinelander, Wisconsin, who died on July 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1000) honors the memory of Second Lieutenant Brian D. Smith, 30, of McKinney, Texas, who died on July 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1001) honors the memory of Specialist Julie R. Hickey, 20, of Galloway, Ohio, who died on July 4, 2004, in service to the United States in Operation Enduring Freedom;

(1002) honors the memory of Corporal Dallas L. Kerns, 21, of Mountain Grove, Missouri, who died on July 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1003) honors the memory of Lance Corporal Michael S. Torres, 21, of El Paso, Texas, who died on July 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1004) honors the memory of Lance Corporal John J. Vangyzen IV, 21, of Bristol, Massachusetts, who died on July 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1005) honors the memory of Lance Corporal Scott Eugene Dougherty, 20, of Bradenton, Florida, who died on July 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1006) honors the memory of Lance Corporal Justin T. Hunt, 22, of Riverside, California, who died on July 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1007) honors the memory of Corporal Jeffrey D. Lawrence, 22, of Tucson, Arizona, who died on July 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1008) honors the memory of Private First Class Rodricka Antwan Youmans, 22, of Allendale, South Carolina, who died on July 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1009) honors the memory of Sergeant Michael C. Barkey, 22, of Canal Fulton, Ohio, who died on July 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1010) honors the memory of Private First Class Samuel R. Bowen, 38, of Cleveland, Ohio, who died on July 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1011) honors the memory of Private First Class Collier Edwin Barcus, 21, of McHenry, Illinois, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1012) honors the memory of Sergeant Robert E. Colvill, Jr., 31, of Anderson, Indiana, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1013) honors the memory of Specialist Shawn M. Davies, 22, of Aliquippa/Hopewell, Pennsylvania, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1014) honors the memory of Specialist William River Emanuel IV, 19, of Stockton, California, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1015) honors the memory of Specialist Joseph M. Garmback, Jr., 24, of Cleveland, Ohio, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1016) honors the memory of Specialist Sonny Gene Sampler, 23, of Oklahoma City, Oklahoma, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1017) honors the memory of Specialist Jeremiah W. Schmunk, 21, of Richland/Kennewick, Washington, who died on July 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1018) honors the memory of Corporal Terry Holmes Ordóñez, 22, of Hollywood, Florida, who died on July 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1019) honors the memory of Sergeant Krisna Nachampassak, 27, of Burke, Virginia, who died on July 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1020) honors the memory of Private First Class Christopher J. Reed, 20, of Craigmont, Idaho, who died on July 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1021) honors the memory of Staff Sergeant Trevor Spink, 36, of Farmington, Missouri, who died on July 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1022) honors the memory of Sergeant Jeremy J. Fischer, 26, of Lincoln, Nebraska, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1023) honors the memory of Staff Sergeant Dustin W. Peters, 25, of El Dorado, Kansas, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1024) honors the memory of Sergeant First Class Linda Ann Tarango-Griess, 33, of Sutton, Nebraska, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1025) honors the memory of Sergeant James G. West, 34, of Watertown, New York, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1026) honors the memory of Specialist Dana N. Wilson, 26, of Fountain, Colorado, who died on July 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1027) honors the memory of Specialist Juan Manuel Torres, 25, of Houston, Texas, who died on July 12, 2004, in service to the United States in Operation Enduring Freedom;

(1028) honors the memory of Private First Class Torry D. Harris, 21, of Chicago, Illinois, who died on July 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1029) honors the memory of Private First Class Jesse J. Martinez, 20, of Tracy, California, who died on July 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1030) honors the memory of Corporal Demetrius Lamont Rice, 24, of Ortonville, Minnesota, who died on July 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1031) honors the memory of Staff Sergeant Paul C. Mardis, Jr., 25, of Palmetto, Florida, who died on July 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1032) honors the memory of Lance Corporal Bryan P. Kelly, 21, of Klamath Falls, Oregon, who died on July 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1033) honors the memory of Specialist Craig S. Frank, 24, of Lincoln Park, Michigan, who died on July 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1034) honors the memory of Sergeant First Class David A. Hartman, 41, of Akron, Tuscola Co., Michigan, who died on July 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1035) honors the memory of Sergeant Dale Thomas Lloyd, 22, of Watsontown, Pennsylvania, who died on July 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1036) honors the memory of Private First Class Charles C. "C.C." Persing, 20, of Albany, Louisiana, who died on July 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1037) honors the memory of Staff Sergeant Michael J. Clark, 29, of Leesburg Lake, Florida, who died on July 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1038) honors the memory of Specialist Danny B. Daniels II, 23, of Varney, West Virginia, who died on July 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1039) honors the memory of Corporal Todd J. Godwin, 21, of Muskingum County, Ohio, who died on July 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1040) honors the memory of Private First Class Nicholas H. Blodgett, 21, of Wyoming, Michigan, who died on July 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1041) honors the memory of Lance Corporal Mark E. Engel, 21, of Grand Junction, Colorado, who died on July 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1042) honors the memory of Private First Class Torey J. Dantzler, 22, of Columbia, Louisiana, who died on July 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1043) honors the memory of Sergeant Tatjana Reed, 34, of Fort Campbell, Kentucky, who died on July 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1044) honors the memory of Lance Corporal Vincent M. Sullivan, 23, of Chatham, New Jersey, who died on July 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1045) honors the memory of Specialist Nicholas J. Zangara, 21, of Philadelphia, Pennsylvania, who died on July 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1046) honors the memory of Sergeant DeForest L. "Dee" Talbert, 24, of Charleston, West Virginia, who died on July 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1047) honors the memory of Lieutenant Colonel David S. Greene, 39, of Raleigh, North Carolina, who died on July 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1048) honors the memory of Gunnery Sergeant Shawn A. Lane, 33, of Corning, New York, who died on July 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1049) honors the memory of Private First Class Ken W. Leisten, 20, of Warrenton/Cornelius, Oregon, who died on July 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1050) honors the memory of Specialist Joseph F. Herndon II, 21, of Derby, Kansas, who died on July 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1051) honors the memory of Specialist Anthony J. Dixon, 20, of Lindenwold, New Jersey, who died on August 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1052) honors the memory of Specialist Armando Hernandez, 22, of Hesperia, California, who died on August 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1053) honors the memory of Sergeant Juan Calderon, Jr., 26, of Weslaco, Texas, who died on August 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1054) honors the memory of Specialist Justin B. Onwordi, 28, of Chandler, Arizona, who died on August 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1055) honors the memory of Corporal Dean P. Pratt, 22, of Stevensville, Montana, who died on August 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1056) honors the memory of Sergeant Tommy L. Gray, 34, of Roswell, New Mexico, who died on August 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1057) honors the memory of Captain Gregory A. Ratzlaff, 36, of Olympia, Washington, who died on August 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1058) honors the memory of Private First Class Harry N. Shondee, Jr., 19, of Ganado, Arizona, who died on August 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1059) honors the memory of Gunnery Sergeant Elia P. Fontecchio, 30, of Milford, Massachusetts, who died on August 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1060) honors the memory of Lance Corporal Joseph L. Nice, 19, of Nicoma Park, Oklahoma, who died on August 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1061) honors the memory of Private First Class Raymond J. Faulstich, Jr., 24, of Leonardtown, Maryland, who died on August 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1062) honors the memory of Specialist Donald R. McCune, 20, of Ypsilanti, Michigan, who died on August 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1063) honors the memory of Sergeant Yadir G. Reynoso, 27, of Wapato, Washington, who died on August 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1064) honors the memory of Sergeant Moses Daniel Rocha, 33, of Roswell, New Mexico, who died on August 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1065) honors the memory of Corporal Roberto Abad, 22, of Los Angeles, California, who died on August 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1066) honors the memory of Specialist Joshua I. Bunch, 23, of Hattiesburg, Mississippi, who died on August 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1067) honors the memory of Lance Corporal Larry L. Wells, 22, of Mount Hermon, Louisiana, who died on August 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1068) honors the memory of Sergeant Bobby E. Beasley, 36, of Inwood, West Virginia, who died on August 7, 2004, in service to the United States in Operation Enduring Freedom;

(1069) honors the memory of Staff Sergeant Craig W. Cherry, 39, of Winchester, Virginia, who died on August 7, 2004, in service to the United States in Operation Enduring Freedom;

(1070) honors the memory of Private First Class David L. Potter, 22, of Johnson City, Tennessee, who died on August 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1071) honors the memory of Lance Corporal Jonathan W. Collins, 19, of Crystal Lake, Illinois, who died on August 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1072) honors the memory of Civilian Rick A. Ulbright, 49, of Waldorf, Maryland, who died on August 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1073) honors the memory of Captain Andrew R. Houghton, 25, of Houston, Texas, who died on August 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1074) honors the memory of Staff Sergeant John R. Howard, 26, of Covington, Virginia, who died on August 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1075) honors the memory of Lance Corporal Tavon L. Hubbard, 24, of Reston, Virginia, who died on August 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1076) honors the memory of Sergeant Daniel Lee Galvan, 30, of Moore, Oklahoma, who died on August 12, 2004, in service to the United States in Operation Enduring Freedom;

(1077) honors the memory of Captain Michael Yury Tarlavsky, 30, of Passaic, New Jersey, who died on August 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1078) honors the memory of Lance Corporal Kane M. Funke, 20, of Vancouver, Washington, who died on August 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1079) honors the memory of Lance Corporal Nicholas B. Morrison, 23, of Carlisle, Pennsylvania, who died on August 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1080) honors the memory of First Lieutenant Neil Anthony Santoriello, 24, of Verona, Pennsylvania, who died on August 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1081) honors the memory of Second Lieutenant James Michael Goins, 23, of Bonner Springs, Kansas, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1082) honors the memory of Private First Class Fernando B. Hannon, 19, of Wildomar, California, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1083) honors the memory of Private First Class Geoffrey Perez, 24, of Los Angeles, California, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1084) honors the memory of Private First Class Brandon R. Sapp, 21, of Lake Worth, Florida, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1085) honors the memory of Sergeant Daniel Michael Shepherd, 23, of Elyria, Ohio, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1086) honors the memory of Specialist Mark Anthony Zapata, 27, of Edinburg, Texas, who died on August 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1087) honors the memory of Sergeant David M. Heath, 30, of LaPorte, Indiana, who died on August 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1088) honors the memory of Lance Corporal Caleb J. Powers, 21, of Manfield, Washington, who died on August 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1089) honors the memory of Specialist Brandon T. Titus, 20, of Boise, Idaho, who died on August 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1090) honors the memory of Lance Corporal Dustin R. Fitzgerald, 22, of Huber Heights, Ohio, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1091) honors the memory of Sergeant Richard M. Lord, 24, of Jacksonville, Florida, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1092) honors the memory of Specialist Jacob D. Martir, 21, of Norwich, Connecticut, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1093) honors the memory of Sergeant Harvey Emmett Parkerson III, 27, of Yuba City, California, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1094) honors the memory of Private First Class Henry C. Risner, 26, of Golden, Colorado, who died on August 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1095) honors the memory of Corporal Brad Preston McCormick, 23, of Overton, Tennessee, who died on August 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1096) honors the memory of Private First Class Ryan A. Martin, 22, of Mount Vernon, Ohio, who died on August 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1097) honors the memory of First Lieutenant Charles L. Wilkins III, 38, of Columbus, Ohio, who died on August 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1098) honors the memory of Corporal Nicanor Alvarez, 22, of San Bernardino, California, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1099) honors the memory of Sergeant Jason Cook, 25, of Okanogan, Washington, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1100) honors the memory of Private First Class Kevin A. Cuming, 22, of North White Plains, New York, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1101) honors the memory of Lance Corporal Seth Huston, 19, of Perryton, Texas, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1102) honors the memory of Gunnery Sergeant Edward T. Reeder, 32, of Camp Verde, Arizona, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1103) honors the memory of Private First Class Nachez Washalanta, 21, of Bryan, Oklahoma, who died on August 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1104) honors the memory of Corporal Christopher Belchik, 30, of Jersey, Illinois, who died on August 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1105) honors the memory of Second Lieutenant Matthew R. Stovall, 25, of Horn Lake, Mississippi, who died on August 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1106) honors the memory of Staff Sergeant Robert C. Thornton, Jr., 35, of Rainbow City, Alabama, who died on August 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1107) honors the memory of Staff Sergeant Donald N. Davis, 42, of Saginaw, Michigan, who died on August 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1108) honors the memory of Lance Corporal Jacob R. Lugo, 21, of Flower Mound, Texas, who died on August 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1109) honors the memory of Lance Corporal Alexander S. Arredondo, 20, of Randolph, Massachusetts, who died on August 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1110) honors the memory of Specialist Charles L. Neeley, 19, of Mattoon, Illinois, who died on August 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1111) honors the memory of Specialist Marco D. Ross, 20, of Memphis, Tennessee, who died on August 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1112) honors the memory of Corporal Barton R. Humlhanz, 23, of Hellertown, Pennsylvania, who died on August 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1113) honors the memory of Private First Class Nicholas M. Skinner, 20, of Davenport, Iowa, who died on August 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1114) honors the memory of Lance Corporal Nickalous N. Aldrich, 21, of Austin, Texas, who died on August 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1115) honors the memory of Private First Class Luis A. Perez, 19, of Theresa, New York, who died on August 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1116) honors the memory of Specialist Omead H. Razani, 19, of Los Angeles, California, who died on August 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1117) honors the memory of Sergeant Edgar E. Lopez, 27, of Los Angeles, California, who died on August 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1118) honors the memory of Airman First Class Carl L. Anderson, Jr., 21, of Georgetown, South Carolina, who died on August 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1119) honors the memory of Staff Sergeant Aaron N. Holleyman, 26, of Glasgow, Montana, who died on August 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1120) honors the memory of Specialist Joseph C. Thibodeaux III, 24, of Lafayette, Louisiana, who died on September 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1121) honors the memory of Lance Corporal Nicholas Perez, 19, of Austin, Texas, who died on September 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1122) honors the memory of Captain Alan Rowe, 35, of Hagerman, Idaho, who died on September 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1123) honors the memory of Lance Corporal Nicholas Wilt, 23, of Tampa, Florida, who died on September 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1124) honors the memory of First Lieutenant Ronald Winchester, 25, of Rockville Center, New York, who died on September 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1125) honors the memory of Petty Officer Third Class Eric L. Knott, 21, of Grand Island, Nebraska, who died on September 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1126) honors the memory of Specialist Charles R. Lamb, 23, of Martinsville/Casey, Illinois, who died on September 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1127) honors the memory of Private First Class Ryan Michael McCauley, 20, of Lewisville, Texas, who died on September 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1128) honors the memory of Sergeant Shawna M. Morrison, 26, of Paris/Champaign, Illinois, who died on September 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1129) honors the memory of Staff Sergeant Gary A. Vaillant, 41, of Trujillo, Puerto Rico, who died on September 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1130) honors the memory of Lance Corporal Michael J. Allred, 22, of Hyde Park, Utah, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1131) honors the memory of Captain John J. Boria, 29, of Broken Arrow, Oklahoma, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1132) honors the memory of Staff Sergeant Elvis Bourdon, 36, of Youngstown, Ohio, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1133) honors the memory of Private First Class David Paul Burridge, 19, of Lafayette, Louisiana, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1134) honors the memory of Specialist Tomas Garces, 19, of Weslaco, Texas, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1135) honors the memory of Lance Corporal Derek L. Gardner, 20, of San Juan Capistrano, California, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1136) honors the memory of Private First Class Devin J. Grella, 21, of Medina, Ohio, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1137) honors the memory of Lance Corporal Quinn A. Keith, 21, of Page, Arizona, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1138) honors the memory of Lance Corporal Joseph C. McCarthy, 21, of Concho, California, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1139) honors the memory of Corporal Mick R. Nygardbekowsky, 21, of Concord, California, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1140) honors the memory of Specialist Brandon Michael Read, 21, of Greeneville, Tennessee, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1141) honors the memory of Lance Corporal Lamont N. Wilson, 20, of Lawton, Oklahoma, who died on September 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1142) honors the memory of Specialist Clarence Adams III, 28, of Richmond, Virginia, who died on September 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1143) honors the memory of Specialist Yoe M. Aneiros, 20, of Newark, New Jersey, who died on September 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1144) honors the memory of Specialist Chad H. Drake, 23, of Garland, Texas, who died on September 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1145) honors the memory of First Lieutenant Timothy E. Price, 25, of Midlothian, Virginia, who died on September 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1146) honors the memory of Specialist Lauro G. DeLeon, Jr., 20, of Floresville, Texas, who died on September 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1147) honors the memory of Sergeant James Daniel Faulkner, 23, of Clarksville, Indiana, who died on September 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1148) honors the memory of Specialist Michael A. Martinez, 29, of Juana Diaz, Puerto Rico, who died on September 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1149) honors the memory of Private First Class Jason L. Sparks, 19, of Monroeville, Ohio, who died on September 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1150) honors the memory of Specialist Edgar P. Daclan, Jr., 24, of Cypress, California, who died on September 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1151) honors the memory of Petty Officer Third Class David A. Cedergren, 25, of South St. Paul, Minnesota, who died on September 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1152) honors the memory of Private First Class Jason T. Poindexter, 20, of San Angelo, Texas, who died on September 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1153) honors the memory of First Lieutenant Alexander E. Wetherbee, 27, of Fairfax, Virginia, who died on September 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1154) honors the memory of Lance Corporal Dominic C. Brown, 19, of Austin, Texas, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1155) honors the memory of Staff Sergeant Guy Stanley Hagy, Jr., 31, of Lodi, California, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1156) honors the memory of Lance Corporal Michael J. Halal, 22, of Glendale, Arizona, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1157) honors the memory of Specialist Benjamin W. Isenberg, 27, of Sheridan, Oregon, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1158) honors the memory of Lance Corporal Cesar F. Machado-Olmos, 20, of Spanish Fork, Utah, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1159) honors the memory of Corporal Jaygee Ngirmidol Meluat, 24, of Tamuning, Guam, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1160) honors the memory of Lance Corporal Mathew D. Puckett, 19, of Mason, Texas, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1161) honors the memory of Corporal Adrian V. Soltau, 21, of Milwaukee, Wisconsin, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1162) honors the memory of Sergeant Carl Thomas, 29, of Phoenix, Arizona, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1163) honors the memory of Staff Sergeant David J. Weisenburg, 26, of Portland, Oregon, who died on September 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1164) honors the memory of First Lieutenant Tyler Hall Brown, 26, of Atlanta, Georgia, who died on September 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1165) honors the memory of Sergeant Jacob H. Demand, 29, of Palouse, Washington, who died on September 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1166) honors the memory of Major Kevin M. Shea, 38, of Washington, District of Columbia, who died on September 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1167) honors the memory of Lance Corporal Gregory C. Howman, 28, of Charlotte, North Carolina, who died on September 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1168) honors the memory of Lance Corporal Drew M. Uhles, 20, of Du Quoin, Illinois, who died on September 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1169) honors the memory of Corporal Steven A. Rintamaki, 21, of Lynnwood, Washington, who died on September 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1170) honors the memory of First Lieutenant Andrew K. Stern, 24, of Germantown, Tennessee, who died on September 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1171) honors the memory of Corporal Christopher S. Ebert, 21, of Mooresboro, North Carolina, who died on September 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1172) honors the memory of Private First Class James W. Price, 22, of Cleveland, Tennessee, who died on September 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1173) honors the memory of Sergeant Thomas Chad Rosenbaum, 25, of Hope, Arkansas, who died on September 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1174) honors the memory of Sergeant Brandon E. Adams, 22, of Hollidaysburg, Pennsylvania, who died on September 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1175) honors the memory of Lance Corporal Steven C.T. Cates, 22, of Mount Juliet, Tennessee, who died on September 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1176) honors the memory of Staff Sergeant Robert S. Goodwin, 35, of Albany, Georgia, who died on September 20, 2004, in service to the United States in Operation Enduring Freedom;

(1177) honors the memory of Sergeant Foster L. Harrington, 31, of Fort Worth, Texas, who died on September 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1178) honors the memory of Specialist Joshua J. Henry, 21, of Avonmore, Pennsylvania, who died on September 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1179) honors the memory of Staff Sergeant Tony B. Olaes, 30, of Walhalla, South Carolina, who died on September 20, 2004, in service to the United States in Operation Enduring Freedom;

(1180) honors the memory of Specialist Wesley R. Wells, 21, of Libertyville, Illinois, who died on September 20, 2004, in service to the United States in Operation Enduring Freedom;

(1181) honors the memory of Private First Class Nathan E. Stahl, 20, of Highland, Indiana, who died on September 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1182) honors the memory of Private First Class Adam J. Harris, 21, of Abilene, Texas, who died on September 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1183) honors the memory of Staff Sergeant Lance J. Koenig, 33, of Fargo, North Dakota, who died on September 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1184) honors the memory of Sergeant Benjamin K. Smith, 24, of Carterville, Illinois, who died on September 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1185) honors the memory of Sergeant Skipper Soram, 23, of Kolonia Pohnpei, Fed. Sts. of Micronesia, who died on September 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1186) honors the memory of Lance Corporal Aaron Boyles, 24, of Alameda, California, who died on September 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1187) honors the memory of Sergeant Timothy Folmar, 21, of Sonora, Texas, who died on September 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1188) honors the memory of Second Lieutenant Ryan Leduc, 28, of Pana, Illinois, who died on September 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1189) honors the memory of Lance Corporal Ramon Mateo, 20, of Suffolk, New York, who died on September 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1190) honors the memory of Specialist David W. Johnson, 37, of Portland, Oregon, who died on September 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1191) honors the memory of Specialist Clifford L. Moxley, Jr., 51, of New Castle, Pennsylvania, who died on September 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1192) honors the memory of Specialist Robert Oliver Unruh, 25, of Tucson, Arizona, who died on September 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1193) honors the memory of Captain Eric L. Allton, 34, of Houston, Texas, who died on September 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1194) honors the memory of Specialist Gregory A. Cox, 21, of Carmichaels, Pennsylvania, who died on September 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1195) honors the memory of Private First Class Kenneth L. Sickels, 20, of Apple Valley, California, who died on September 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1196) honors the memory of Sergeant First Class Joselito O. Villanueva, 36, of Los Angeles, California, who died on September 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1197) honors the memory of Sergeant Tyler D. Prewitt, 22, of Phoenix, Arizona, who died on September 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1198) honors the memory of Staff Sergeant Mike A. Dennie, 31, of Fayetteville, North Carolina, who died on September 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1199) honors the memory of Staff Sergeant Alan L. Rogers, 49, of Kearns, Utah, who died on September 29, 2004, in service to the United States in Operation Enduring Freedom;

(1200) honors the memory of Private First Class Joshua K. Titcomb, 20, of Somerset, Kentucky, who died on September 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1201) honors the memory of Staff Sergeant Darren J. Cunningham, 40, of Groton, Massachusetts, who died on September 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1202) honors the memory of Specialist Rodney A. Jones, 21, of Philadelphia, Pennsylvania, who died on September 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1203) honors the memory of Specialist Allen Nolan, 38, of Marietta, Ohio, who died on September 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1204) honors the memory of Sergeant Jack Taft Hennessy, 21, of Naperville, Illinois, who died on October 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1205) honors the memory of Sergeant Michael A. Uvanni, 27, of Rome, New York, who died on October 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1206) honors the memory of Sergeant Russell L. Collier, 48, of Harrison, Arkansas, who died on October 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1207) honors the memory of Staff Sergeant James L. Pettaway, Jr., 37, of Baltimore, Maryland, who died on October 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1208) honors the memory of Sergeant Christopher S. Potts, 38, of Tiverton, Rhode Island, who died on October 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1209) honors the memory of Staff Sergeant Richard L. Morgan, Jr., 38, of Maynard/St. Clairsville, Ohio, who died on October 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1210) honors the memory of Specialist Jessica L. Cawvey, 21, of Normal, Illinois, who died on October 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1211) honors the memory of Private Jeungjin Na "Nikky" Kim, 23, of Honolulu, Hawaii, who died on October 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1212) honors the memory of Specialist Morgen N. Jacobs, 20, of Santa Cruz, California, who died on October 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1213) honors the memory of Sergeant Andrew W. Brown, 22, of Pleasant Mount, Pennsylvania, who died on October 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1214) honors the memory of Staff Sergeant Michael S. Voss, 35, of Aberdeen, North Carolina, who died on October 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1215) honors the memory of Private First Class Andrew Halverson, 19, of Grant, Wisconsin, who died on October 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1216) honors the memory of Private First Class James E. Prevete, 22, of Whitestone, New York, who died on October 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1217) honors the memory of Private Carson J. Ramsey, 22, of Winkelman, Arizona, who died on October 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1218) honors the memory of Staff Sergeant Michael Lee Burbank, 34, of Bremerton, Washington, who died on October 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1219) honors the memory of Private First Class Anthony W. Monroe, 20, of Bismarck, North Dakota, who died on October 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1220) honors the memory of Sergeant Pamela G. Osbourne, 38, of Hollywood, Florida, who died on October 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1221) honors the memory of Private First Class Aaron J. Rusin, 19, of Johnstown, Pennsylvania, who died on October 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1222) honors the memory of Private First Class Oscar A. Martinez, 19, of North Lauderdale, Florida, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1223) honors the memory of Specialist Christopher A. Merville, 26, of Albuquerque, New Mexico, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1224) honors the memory of Captain Dennis L. Pintor, 30, of Lima, Ohio, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1225) honors the memory of Specialist Michael S. Weger, 30, of Houston, Texas, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1226) honors the memory of Lance Corporal Daniel R. Wyatt, 22, of Calendonia, Wisconsin, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1227) honors the memory of Corporal Ian T. Zook, 24, of Port St. Lucie, Florida, who died on October 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1228) honors the memory of Specialist Ronald W. Baker, 34, of Cabot, Arkansas, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1229) honors the memory of Second Lieutenant Paul M. Felsberg, 27, of West Palm Beach, Florida, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1230) honors the memory of Lance Corporal Victor A. Gonzalez, 19, of Watsonville, California, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1231) honors the memory of Specialist Jaime Moreno, 28, of Round Lake Beach, Illinois, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1232) honors the memory of Lieutenant Colonel Mark P. Phelan, 44, of Green Lane, Pennsylvania, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1233) honors the memory of Specialist Jeremy F. Regnier, 22, of Littleton, New Hampshire, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1234) honors the memory of Major Charles R. Soltes, Jr., 36, of Irvine, California, who died on October 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1235) honors the memory of Private First Class Mark A. Barbret, 22, of Shelby Township, Michigan, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1236) honors the memory of Specialist Bradley S. Beard, 22, of Chapel Hill, North Carolina, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1237) honors the memory of Specialist Kyle Ka Eo Fernandez, 26, of Waipahu, Hawaii, who died on October 14, 2004, in service to the United States in Operation Enduring Freedom;

(1238) honors the memory of Staff Sergeant Omer T. Hawkins II, 31, of Cherry Fork, Ohio, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1239) honors the memory of Staff Sergeant Brian S. Hobbs, 28, of Mesa, Arizona, who died on October 14, 2004, in service to the United States in Operation Enduring Freedom;

(1240) honors the memory of Specialist Josiah H. Vandertulip, 21, of Irving, Texas, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1241) honors the memory of Private David L. Waters, 19, of Auburn, California, who died on October 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1242) honors the memory of Specialist Alan J. Burgess, 24, of Landaff, New Hampshire, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1243) honors the memory of Sergeant Michael G. Owen, 31, of Phoenix, Arizona, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1244) honors the memory of Corporal William I. Salazar, 26, of Las Vegas, Nevada, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1245) honors the memory of Specialist Jonathan J. Santos, 22, of Bellingham, Washington, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1246) honors the memory of Lance Corporal Brian K. Schramm, 22, of Rochester, New York, who died on October 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1247) honors the memory of Chief Warrant Officer William I. Brennan, 36, of Bethlehem, Connecticut, who died on October 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1248) honors the memory of Captain Christopher B. Johnson, 29, of Excelsior Springs, Missouri, who died on October 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1249) honors the memory of Specialist Andrew C. Ehrlich, 21, of Mesa, Arizona, who died on October 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1250) honors the memory of Corporal William M. Amundson, Jr., 21, of The Woodlands, Texas, who died on October 19, 2004, in service to the United States in Operation Enduring Freedom;

(1251) honors the memory of Sergeant Douglas E. Bascom, 25, of Colorado Springs, Colorado, who died on October 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1252) honors the memory of Airman First Class Jesse M. Samek, 21, of Rogers, Arkansas, who died on October 21, 2004, in service to the United States in Operation Enduring Freedom;

(1253) honors the memory of Lance Corporal Jonathan E. Gadsden, 21, of Charleston, South Carolina, who died on October 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1254) honors the memory of Sergeant Dennis J. Boles, 46, of Homosassa, Florida, who died on October 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1255) honors the memory of Lance Corporal Richard Patrick Slocum, 19, of Saugus, California, who died on October 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1256) honors the memory of Corporal Brian Oliveira, 22, of Raynham, Massachusetts, who died on October 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1257) honors the memory of Corporal Billy Gomez, 25, of Perris, California, who died on October 27, 2004, in service to the United States in Operation Enduring Freedom;

(1258) honors the memory of Staff Sergeant Jerome Lemon, 42, of North Charleston, South Carolina, who died on October 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1259) honors the memory of Specialist Segun Frederick Akintade, 34, of Brooklyn, New York, who died on October 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1260) honors the memory of Sergeant First Class Michael Battles, Sr., 38, of San Antonio, Texas, who died on October 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1261) honors the memory of Private First Class Stephen P. Downing II, 30, of Burkesville, Kentucky, who died on October 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1262) honors the memory of Sergeant Maurice Keith Fortune, 25, of Forestville, Maryland, who died on October 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1263) honors the memory of Lance Corporal Jeremy D. Bow, 20, of Lemoore, California, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1264) honors the memory of Lance Corporal John T. Byrd II, 23, of Fairview, West Virginia, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1265) honors the memory of Sergeant Kelley L. Courtney, 28, of Macon, Georgia, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1266) honors the memory of Lance Corporal Travis A. Fox, 25, of Cowpens, South Carolina, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1267) honors the memory of Corporal Christopher J. Lapka, 22, of Peoria, Arizona, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1268) honors the memory of Private First Class John Lukac, 19, of Las Vegas, Nevada, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1269) honors the memory of Private First Class Andrew G. Riedel, 19, of Northglenn, Colorado, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1270) honors the memory of Lance Corporal Michael P. Scarborough, 28, of Washington, Georgia, who died on October 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1271) honors the memory of First Lieutenant Matthew D. Lynch, 25, of Jericho, New York, who died on October 31, 2004, in service to the United States in Operation Iraqi Freedom;

(1272) honors the memory of Specialist James C. Kearney III, 22, of Emerson, Iowa, who died on November 1, 2004, in service to the United States in Operation Enduring Freedom;

(1273) honors the memory of Sergeant Charles Joseph Webb, 22, of Hamilton, Ohio, who died on November 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1274) honors the memory of Corporal Jeremiah A. Baro, 21, of Fresno, California, who died on November 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1275) honors the memory of Lance Corporal Jared P. Hubbard, 22, of Clovis, California, who died on November 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1276) honors the memory of Specialist Cody L. Wentz, 21, of Williston, North Dakota, who died on November 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1277) honors the memory of Sergeant Carlos M. Camacho-Rivera, 24, of Carolina, Puerto Rico, who died on November 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1278) honors the memory of Private Justin R. Yoemans, 20, of Eufaula, Alabama, who died on November 6, 2004, in service to the United States in Operation Iraqi Freedom;

(1279) honors the memory of Specialist Brian K. Baker, 27, of West Seneca, New York, who died on November 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1280) honors the memory of Lance Corporal Sean M. Langley, 20, of Lexington, Kentucky, who died on November 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1281) honors the memory of Sergeant First Class Otie Joseph McVey, 53, of Oak Hill, West Virginia, who died on November 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1282) honors the memory of Specialist Quoc Binh Tran, 26, of Mission Viejo, California, who died on November 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1283) honors the memory of Specialist Don Allen Clary, 21, of Troy, Kansas, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1284) honors the memory of Specialist Bryan L. Freeman, 31, of Lumberton, New Jersey, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1285) honors the memory of Corporal Nathaniel T. Hammond, 24, of Tulsa, Oklahoma, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1286) honors the memory of Lance Corporal Jeffrey Lam, 22, of Queens, New York, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1287) honors the memory of Lance Corporal Shane K. O'Donnell, 24, of DeForest, Wisconsin, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1288) honors the memory of Corporal Joshua D. Palmer, 24, of Blandinsville, Illinois, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1289) honors the memory of Lance Corporal Branden P. Ramey, 22, of Boone, Illinois, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1290) honors the memory of Staff Sergeant David G. Ries, 29, of Clark, Washington, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1291) honors the memory of Corporal Robert P. Warns II, 23, of Waukesha, Wisconsin, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1292) honors the memory of Staff Sergeant Clinton Lee Wisdom, 39, of Atchison, Kansas, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1293) honors the memory of Lance Corporal Thomas J. Zapp, 20, of Houston, Texas, who died on November 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1294) honors the memory of Master Sergeant Steven E. Auchman, 37, of Waterloo, New York, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1295) honors the memory of Specialist Travis A. Babbitt, 24, of Uvalde, Texas, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1296) honors the memory of Sergeant David M. Caruso, 25, of Naperville, Illinois, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1297) honors the memory of Staff Sergeant Todd R. Cornell, 38, of West Bend, Wisconsin, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1298) honors the memory of Command Sergeant Major Steven W. Faulkenburg, 45, of Huntingburg, Indiana, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1299) honors the memory of Corporal William C. James, 24, of Huntington Beach, California, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1300) honors the memory of Lance Corporal Nicholas D. Larson, 19, of Wheaton, Illinois, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1301) honors the memory of Major Horst Gerhard "Gary" Moore, 38, of Los Fresnos/San Antonio, Texas, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1302) honors the memory of Lance Corporal Juan E. Segura, 26, of Homestead, Florida, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1303) honors the memory of Lance Corporal Abraham Simpson, 19, of Chino, California, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1304) honors the memory of Staff Sergeant Russell L. Slay, 28, of Humble, Texas, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1305) honors the memory of Sergeant John Byron Trotter, 25, of Marble Falls, Texas, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1306) honors the memory of Sergeant Lonny D. Wells, 29, of Vandergrift, Pennsylvania, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1307) honors the memory of Lance Corporal Nathan R. Wood, 19, of Kirkland, Washington, who died on November 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1308) honors the memory of Lance Corporal Wesley J. Canning, 21, of Friendswood, Texas, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1309) honors the memory of Lance Corporal Erick J. Hodges, 21, of Bay Point, California, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1310) honors the memory of Corporal Romulo J. Jimenez II, 21, of Miami, Florida, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1311) honors the memory of First Lieutenant Dan T. Malcom, Jr., 25, of Brinson, Georgia, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1312) honors the memory of Private First Class Dennis J. Miller, Jr., 21, of La Salle, Michigan, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1313) honors the memory of Staff Sergeant Michael C. Ottolini, 45, of Sebastopol, California, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1314) honors the memory of Lance Corporal Aaron C. Pickering, 20, of Marion, Illinois, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1315) honors the memory of Staff Sergeant Gene Ramirez, 28, of San Antonio, Texas, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1316) honors the memory of Petty Officer Third Class Julian Woods, 22, of Jacksonville, Florida, who died on November 10, 2004, in service to the United States in Operation Iraqi Freedom;

(1317) honors the memory of Second Lieutenant James P. "JP" Blecksmith, 24, of San Marino, California, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1318) honors the memory of Corporal Theodore A. Bowling, 25, of Casselberry, Florida, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1319) honors the memory of Lance Corporal Kyle W. Burns, 20, of Laramie, Wyoming, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1320) honors the memory of Specialist Thomas K. Doerflinger, 20, of Silver Spring, Maryland, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1321) honors the memory of Corporal Peter J. Giannopoulos, 22, of Inverness, Illinois, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1322) honors the memory of Staff Sergeant Theodore S. "Sam" Holder II, 27, of Littleton, Colorado, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1323) honors the memory of Staff Sergeant Sean P. Huey, 28, of Fredericktown, Pennsylvania, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1324) honors the memory of Lance Corporal Justin D. Reppuhn, 20, of Hemlock, Michigan, who died on November 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1325) honors the memory of Lance Corporal Nicholas H. Anderson, 19, of Las Vegas, Nevada, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1326) honors the memory of Corporal Nathan R. Anderson, 22, of Howard, Ohio, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1327) honors the memory of Lance Corporal David M. Branning, 21, of Cockeysville, Maryland, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1328) honors the memory of First Lieutenant Edward D. Iwan, 28, of Albion, Nebraska, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1329) honors the memory of Corporal Jarrod L. Maher, 21, of Imogene, Iowa, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1330) honors the memory of Sergeant James C. "J.C." Matteson, 23, of Jamestown/Celoron, New York, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1331) honors the memory of Lance Corporal Brian A. Medina, 20, of Woodbridge, Virginia, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1332) honors the memory of Corporal Brian P. Prening, 24, of Sheboygan, Wisconsin, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1333) honors the memory of Sergeant Jonathan B. Shields, 25, of Atlanta, Georgia, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1334) honors the memory of Sergeant Morgan W. Strader, 23, of Croosville, Indiana, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1335) honors the memory of Specialist Raymond L. White, 22, of Elwood, Indiana, who died on November 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1336) honors the memory of Lance Corporal Benjamin S. Bryan, 23, of Lumberton, North Carolina, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1337) honors the memory of Corporal Kevin J. Dempsey, 23, of Monroe, Connecticut, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1338) honors the memory of Sergeant Catalin D. Dima, 36, of White Lake, New York, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1339) honors the memory of Lance Corporal Justin M. Ellsworth, 20, of Mount Pleasant, Michigan, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1340) honors the memory of Private First Class Cole W. Larsen, 19, of Canyon Country, California, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1341) honors the memory of Lance Corporal Victor R. Lu, 22, of Los Angeles, California, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1342) honors the memory of Lance Corporal Justin D. McLeese, 19, of Covington, Louisiana, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1343) honors the memory of Sergeant Byron W. Norwood, 25, of Pflugerville, Texas, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1344) honors the memory of Captain Sean P. Sims, 32, of El Paso, Texas, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1345) honors the memory of Specialist Jose A. Velez, 23, of Lubbock, Texas, who died on November 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1346) honors the memory of Corporal Dale A. Burger, Jr., 21, of Port Deposit, Maryland, who died on November 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1347) honors the memory of Lance Corporal George J. Payton, 20, of Culver City, California, who died on November 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1348) honors the memory of Corporal Andres H. Perez, 21, of Santa Cruz, California, who died on November 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1349) honors the memory of Corporal Nicholas L. Ziolkowski, 22, of Towson, Maryland, who died on November 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1350) honors the memory of Lance Corporal Jeramy A. Ailes, 22, of Gilroy, California, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1351) honors the memory of Lance Corporal Travis R. Desiato, 19, of Bedford, Massachusetts, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1352) honors the memory of Private First Class Isaiah R. Hunt, 20, of Suamico (Green Bay), Wisconsin, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1353) honors the memory of Lance Corporal Shane E. Kielion, 23, of La Vista, Nebraska, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1354) honors the memory of Lance Corporal William L. Miller, 22, of Pearland, Texas, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1355) honors the memory of Lance Corporal Bradley L. Parker, 19, of Marion, West Virginia, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1356) honors the memory of Sergeant Rafael Peralta, 25, of San Diego, California, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1357) honors the memory of Captain Patrick Marc M. Rapicault, 34, of St. Augustine, Florida, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1358) honors the memory of Corporal Marc T. Ryan, 25, of Gloucester City, New Jersey, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1359) honors the memory of Lance Corporal Antoine D. Smith, 22, of Orlando, Florida, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1360) honors the memory of Lance Corporal James E. Swain, 20, of Kokomo, Indiana, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1361) honors the memory of Corporal Lance M. Thompson, 21, of Marion/Upland, Indiana, who died on November 15, 2004, in service to the United States in Operation Iraqi Freedom;

(1362) honors the memory of Staff Sergeant Marshall H. Caddy, 27, of Nags Head, North Carolina, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1363) honors the memory of Private First Class Jose Ricardo Flores-Mejia, 21, of Santa Clarita, California, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1364) honors the memory of Sergeant Christopher T. Heflin, 26, of Paducah, Kentucky, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1365) honors the memory of Specialist Daniel James McConnell, 27, of Duluth, Minnesota, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1366) honors the memory of Lance Corporal Louis W. Qualls, 20, of Temple, Texas, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1367) honors the memory of First Lieutenant Luke C. Wullenwaber, 24, of Lewiston, Idaho, who died on November 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1368) honors the memory of Lance Corporal Michael Wayne Hanks, 22, of Gregory, Michigan, who died on November 17, 2004, in service to the United States in Operation Iraqi Freedom;

(1369) honors the memory of Lance Corporal Luis A. Figueroa, 21, of Los Angeles, California, who died on November 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1370) honors the memory of Sergeant Joseph M. Nolan, 27, of Philadelphia, Pennsylvania, who died on November 18, 2004, in service to the United States in Operation Iraqi Freedom;

(1371) honors the memory of Corporal Bradley Thomas Arms, 20, of Charlottesville, Virginia, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1372) honors the memory of Lance Corporal Demarkus D. Brown, 22, of Martinsville, Virginia, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1373) honors the memory of Lance Corporal Michael A. Downey, 21, of Phoenix, Arizona, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1374) honors the memory of Lance Corporal Dimitrios Gavriel, 29, of New York, New York, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1375) honors the memory of Lance Corporal Phillip G. West, 19, of American Canyon, California, who died on November 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1376) honors the memory of Sergeant Jack Bryant, Jr., 23, of Dale City, Virginia, who died on November 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1377) honors the memory of Corporal Joseph J. Heredia, 22, of Santa Maria, California, who died on November 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1378) honors the memory of Specialist David L. Roustum, 22, of Orchard Park/W. Seneca, New York, who died on November 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1379) honors the memory of Lance Corporal Joseph T. Welke, 20, of Rapid City, South Dakota, who died on November 20, 2004, in service to the United States in Operation Iraqi Freedom;

(1380) honors the memory of Sergeant Michael C. O'Neill, 22, of Mansfield, Ohio, who died on November 21, 2004, in service to the United States in Operation Enduring Freedom;

(1381) honors the memory of Corporal Michael R. Cohen, 23, of Jacobus, Pennsylvania, who died on November 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1382) honors the memory of Specialist Blain M. Ebert, 22, of Washtucna, Washington, who died on November 22, 2004, in service to the United States in Operation Iraqi Freedom;

(1383) honors the memory of Sergeant Benjamin C. Edinger, 24, of Green Bay, Wisconsin, who died on November 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1384) honors the memory of Specialist Sergio R. Diaz Varela, 21, of Lomita, California, who died on November 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1385) honors the memory of Corporal Jacob R. Fleischer, 25, of St. Louis, Missouri, who died on November 24, 2004, in service to the United States in Operation Enduring Freedom;

(1386) honors the memory of Corporal Dale E. Fracker, Jr., 23, of Apple Valley, California, who died on November 24, 2004, in service to the United States in Operation Enduring Freedom;

(1387) honors the memory of Sergeant Nicholas S. Nolte, 25, of Falls City, Nebraska, who died on November 24, 2004, in service to the United States in Operation Iraqi Freedom;

(1388) honors the memory of Private First Class Ryan J. Cantafio, 22, of Beaver Dam, Wisconsin, who died on November 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1389) honors the memory of Lance Corporal Jeffery Scott Holmes, 20, of Hartford/White River Jct., Vermont, who died on November 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1390) honors the memory of Corporal Gentian Marku, 22, of Warren, Michigan, who died on November 25, 2004, in service to the United States in Operation Iraqi Freedom;

(1391) honors the memory of Lance Corporal Bradley M. Faircloth, 20, of Mobile, Alabama, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1392) honors the memory of Private Brian K. Grant, 31, of Dallas, Texas, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1393) honors the memory of Lance Corporal David B. Houck, 25, of Winston Salem, North Carolina, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1394) honors the memory of Private First Class Harrison J. Meyer, 20, of Worthington, Ohio, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1395) honors the memory of Lance Corporal Jordan D. Winkler, 19, of Tulsa, Oklahoma, who died on November 26, 2004, in service to the United States in Operation Iraqi Freedom;

(1396) honors the memory of Corporal Kirk J. Bosselmann, 21, of Napa, California, who died on November 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1397) honors the memory of Specialist Jeremy E. Christensen, 27, of Albuquerque, New Mexico, who died on November 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1398) honors the memory of Chief Warrant Officer Travis W. Grogan, 31, of Virginia Beach, Virginia, who died on November 27, 2004, in service to the United States in Operation Enduring Freedom;

(1399) honors the memory of Lance Corporal Joshua E. Lucero, 19, of Tucson, Arizona, who died on November 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1400) honors the memory of Lieutenant Colonel Michael J. McMahon, 41, of West Hartford, Connecticut, who died on November 27, 2004, in service to the United States in Operation Enduring Freedom;

(1401) honors the memory of Specialist Harley D.R. Miller, 21, of Spokane, Washington, who died on November 27, 2004, in service to the United States in Operation Enduring Freedom;

(1402) honors the memory of Sergeant Michael A. Smith, 24, of Camden, Arkansas, who died on November 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1403) honors the memory of Private First Class Stephen C. Benish, 20, of Clark, New Jersey, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1404) honors the memory of Lance Corporal Adam R. Brooks, 20, of Manchester, New Hampshire, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1405) honors the memory of Lance Corporal Charles A. Hanson, Jr., 22, of Panacea, Florida, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1406) honors the memory of Sergeant Carl W. Lee, 23, of Oklahoma City, Oklahoma, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1407) honors the memory of Sergeant Trinidad R. Martinezluis, 22, of Los Angeles, California, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1408) honors the memory of Staff Sergeant Michael B. Shackelford, 25, of Grand Junction, Colorado, who died on November 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1409) honors the memory of Specialist Daryl A. Davis, 20, of Orlando, Florida, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1410) honors the memory of Sergeant Christian P. Engeldrum, 39, of Bronx, New York, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1411) honors the memory of Specialist Erik W. Hayes, 24, of Harney/Cascade, Maryland, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1412) honors the memory of Lance Corporal Blake A. Magaoay, 20, of Pearl City, Hawaii, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1413) honors the memory of Private First Class Wilfredo F. Urbina, 29, of Baldwin, New York, who died on November 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1414) honors the memory of Sergeant Pablo A. Calderon, 26, of Brooklyn, New York, who died on November 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1415) honors the memory of Sergeant Jose Guereca, Jr., 24, of Stafford/Missouri City, Texas, who died on November 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1416) honors the memory of Specialist David M. Fisher, 21, of Watervliet/Green Island, New York, who died on December 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1417) honors the memory of Corporal Zachary A. Kolda, 23, of Corpus Christi, Texas, who died on December 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1418) honors the memory of Gunnery Sergeant Javier Obleas-Prado Pena, 36, of Falls Church, Virginia, who died on December 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1419) honors the memory of Corporal Bryan S. Wilson, 22, of Otterbein, Indiana, who died on December 1, 2004, in service to the United States in Operation Iraqi Freedom;

(1420) honors the memory of Specialist Isaac E. Diaz, 26, of Rio Hondo, Texas, who died on December 2, 2004, in service to the United States in Operation Enduring Freedom;

(1421) honors the memory of Private First Class George Daniel Harrison, 22, of Knoxville, Tennessee, who died on December 2, 2004, in service to the United States in Operation Iraqi Freedom;

(1422) honors the memory of Staff Sergeant Henry E. Irizarry, 38, of Bronx, New York, who died on December 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1423) honors the memory of Corporal Binh N. Le, 20, of Alexandria, Virginia, who died on December 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1424) honors the memory of Specialist David P. Mahlenbrock, 20, of Maple Shade, New Jersey, who died on December 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1425) honors the memory of Corporal Matthew A. Wyatt, 21, of Millstadt, Illinois, who died on December 3, 2004, in service to the United States in Operation Iraqi Freedom;

(1426) honors the memory of Corporal Joseph O. Behnke, 45, of Brooklyn, New York, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1427) honors the memory of Sergeant Michael L. Boatright, 24, of Whitesboro, Texas, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1428) honors the memory of Sergeant Cari Anne Gasiewicz, 28, of Depew/Cheektowaga, New York, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1429) honors the memory of Sergeant David A. Mitts, 24, of Hammond, Oregon, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1430) honors the memory of Staff Sergeant Salamo J. Tuialuuluu, 23, of Pago Pago, American Samoa, who died on December 4, 2004, in service to the United States in Operation Iraqi Freedom;

(1431) honors the memory of Staff Sergeant Kyle A. Eggers, 27, of Euless, Texas, who died on December 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1432) honors the memory of Specialist Edwin William Roodhouse, 36, of San Jose, California, who died on December 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1433) honors the memory of Staff Sergeant Marvin Lee Trost III, 28, of Goshen, Indiana, who died on December 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1434) honors the memory of Private First Class Andrew M. Ward, 25, of Kirkland, Washington, who died on December 5, 2004, in service to the United States in Operation Iraqi Freedom;

(1435) honors the memory of Sergeant First Class Todd Clayton Gibbs, 37, of Lufkin, Texas, who died on December 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1436) honors the memory of Corporal In C. Kim, 23, of Warren, Michigan, who died on December 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1437) honors the memory of Captain Mark N. Stubenhofer, 30, of Springfield, Virginia, who died on December 7, 2004, in service to the United States in Operation Iraqi Freedom;

(1438) honors the memory of Sergeant Arthur C. Williams IV, 31, of Edgewater, Florida, who died on December 8, 2004, in service to the United States in Operation Iraqi Freedom;

(1439) honors the memory of Private First Class Christopher S. Adlesperger, 20, of Albuquerque, New Mexico, who died on December 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1440) honors the memory of Chief Warrant Officer Patrick D. Leach, 39, of Rock Hill, South Carolina, who died on December 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1441) honors the memory of Corporal Kyle J. Renehan, 21, of Oxford, Pennsylvania, who died on December 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1442) honors the memory of First Lieutenant Andrew C. Shields, 25, of Campobello, South Carolina, who died on December 9, 2004, in service to the United States in Operation Iraqi Freedom;

(1443) honors the memory of Specialist Robert W. Hoyt, 21, of Ashford, Connecticut, who died on December 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1444) honors the memory of Lance Corporal Gregory P. Rund, 21, of Littleton, Colorado, who died on December 11, 2004, in service to the United States in Operation Iraqi Freedom;

(1445) honors the memory of Lance Corporal Jeffery S. Blanton, 23, of Fayetteville, Georgia, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1446) honors the memory of Staff Sergeant Melvin L. Blazer, 38, of Moore, Oklahoma, who died on December 12, 2004, in service to

the United States in Operation Iraqi Freedom;

(1447) honors the memory of Corporal Jason S. Clairday, 21, of Camp Fulton, Arkansas, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1448) honors the memory of Lance Corporal Joshua W. Dickinson, 25, of Pasco, Florida, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1449) honors the memory of Sergeant Jeffrey L. Kirk, 24, of Baton Rouge, Louisiana, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1450) honors the memory of Lance Corporal Hilario F. Lopez, 22, of Ingleside, Texas, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1451) honors the memory of Private First Class Joshua A. Ramsey, 19, of Defiance, Ohio, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1452) honors the memory of Corporal Ian W. Stewart, 21, of Lake Hughes, California, who died on December 12, 2004, in service to the United States in Operation Iraqi Freedom;

(1453) honors the memory of Sergeant Tina Safaira Time, 22, of Tucson, Arizona, who died on December 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1454) honors the memory of Private First Class Brent T. Vroman, 21, of Oshkosh, Wisconsin, who died on December 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1455) honors the memory of Lance Corporal Richard D. Warner, 22, of Waukesha, Wisconsin, who died on December 13, 2004, in service to the United States in Operation Iraqi Freedom;

(1456) honors the memory of Corporal Michael D. Anderson, 21, of Modesto, California, who died on December 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1457) honors the memory of Specialist Victor A. Martinez, 21, of Bronx, New York, who died on December 14, 2004, in service to the United States in Operation Iraqi Freedom;

(1458) honors the memory of Lance Corporal Franklin A. Sweger, 24, of San Antonio, Texas, who died on December 16, 2004, in service to the United States in Operation Iraqi Freedom;

(1459) honors the memory of Staff Sergeant Donald B. Farmer, 33, of Zion, Illinois, who died on December 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1460) honors the memory of Sergeant Barry K. Meza, 23, of League City, Texas, who died on December 19, 2004, in service to the United States in Operation Iraqi Freedom;

(1461) honors the memory of Private First Class Lionel Ayro, 22, of Jeanerette, Louisiana, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1462) honors the memory of Chief Petty Officer Joel Egan Baldwin, 37, of Arlington, Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1463) honors the memory of Specialist Jonathan Castro, 21, of Corona, California, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1464) honors the memory of Specialist Thomas John Dostie, 20, of Somerville, Maine, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1465) honors the memory of Specialist Cory Michael Hewitt, 26, of Stewart, Tennessee, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1466) honors the memory of Captain William W. Jacobsen, Jr., 31, of Charlotte, North Carolina, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1467) honors the memory of Staff Sergeant Robert S. Johnson, 23, of Castro Valley, California, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1468) honors the memory of Sergeant First Class Paul D. Karpowich, 30, of Bridgeport, Pennsylvania, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1469) honors the memory of Specialist Nicholas C. "Nick" Mason, 20, of King George, Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1470) honors the memory of Staff Sergeant Julian S. Melo, 47, of Brooklyn, New York, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1471) honors the memory of Sergeant Major Robert D. O'Dell, 38, of Manassas, Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1472) honors the memory of Lance Corporal Neil D. Petsche, 21, of Lena, Illinois, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1473) honors the memory of Sergeant Lynn Robert Poulin, Sr., 47, of Freedom, Maine, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1474) honors the memory of Sergeant David A. Ruhren, 20, of North Stafford, Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1475) honors the memory of Staff Sergeant Darren D. VanKomen, 33, of Bluefield, West Virginia, who died on December 21, 2004, in service to the United States in Operation Iraqi Freedom;

(1476) honors the memory of First Lieutenant Christopher W. Barnett, 32, of Baton Rouge, Louisiana, who died on December 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1477) honors the memory of Lance Corporal Eric Hillenburg, 21, of Indianapolis, Indiana, who died on December 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1478) honors the memory of Lance Corporal James R. Phillips, 21, of Hillsboro, Florida, who died on December 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1479) honors the memory of Corporal Raleigh C. Smith, 21, of Troy, Lincoln County, Montana, who died on December 23, 2004, in service to the United States in Operation Iraqi Freedom;

(1480) honors the memory of Staff Sergeant Todd D. Olson, 36, of Loyal, Wisconsin, who died on December 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1481) honors the memory of Specialist Jose A. Rivera-Serrano, 26, of Mayaguez, Puerto Rico, who died on December 27, 2004, in service to the United States in Operation Iraqi Freedom;

(1482) honors the memory of Seaman Pablito Pena Briones, Jr., 22, of Anaheim, California, who died on December 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1483) honors the memory of Staff Sergeant Jason A. Lehto, 31, of Mount Clemens, Michigan, who died on December 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1484) honors the memory of Staff Sergeant Nathaniel J. Nyren, 31, of Reston, Virginia, who died on December 28, 2004, in service to the United States in Operation Iraqi Freedom;

(1485) honors the memory of Specialist Craig L. Nelson, 21, of Bossier City, Louisiana, who died on December 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1486) honors the memory of Private First Class Oscar Sanchez, 19, of Modesto, California, who died on December 29, 2004, in service to the United States in Operation Iraqi Freedom;

(1487) honors the memory of Sergeant Damien T. Ficek, 26, of Pullman, Washington, who died on December 30, 2004, in service to the United States in Operation Iraqi Freedom;

(1488) honors the memory of Lance Corporal Jason E. Smith, 21, of Phoenix, Arizona, who died on December 31, 2004, in service to the United States in Operation Iraqi Freedom;

(1489) honors the memory of Specialist Jeff LeBrun, 21, of Buffalo, New York, who died on January 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1490) honors the memory of Lance Corporal Brian P. Parrello, 19, of West Milford, New Jersey, who died on January 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1491) honors the memory of Sergeant First Class Pedro A. Munoz, 47, of Aquada, Puerto Rico, who died on January 2, 2005, in service to the United States in Operation Enduring Freedom;

(1492) honors the memory of Sergeant Thomas E. Houser, 22, of Council Bluffs, Iowa, who died on January 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1493) honors the memory of Sergeant Jeremy R. Wright, 31, of Shelbyville, Indiana, who died on January 3, 2005, in service to the United States in Operation Enduring Freedom;

(1494) honors the memory of Specialist Jimmy D. Buie, 44, of Floral, Arkansas, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1495) honors the memory of Private Cory R. Depew, 21, of Beech Grove, Indiana, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1496) honors the memory of Specialist Joshua S. Marcum, 33, of Evening Shade, Arkansas, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1497) honors the memory of Specialist Jeremy W. McHalffey, 28, of Mabelvale, Arkansas, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1498) honors the memory of Sergeant Bennie J. Washington, 25, of Atlanta, Georgia, who died on January 4, 2005, in service to

the United States in Operation Iraqi Freedom;

(1499) honors the memory of Private First Class Curtis L. Wooten III, 20, of Spanaway, Washington, who died on January 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1500) honors the memory of Sergeant Christopher J. Babin, 27, of Houma, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1501) honors the memory of Specialist Bradley J. Bergeron, 25, of Houma, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1502) honors the memory of Lance Corporal Julio C. Cisneros-Alvarez, 22, of Pharr, Texas, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1503) honors the memory of Sergeant First Class Kurt J. Comeaux, 34, of Raceland, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1504) honors the memory of Sergeant Zachariah Scott Davis, 25, of Spiro, Oklahoma, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1505) honors the memory of Specialist Huey P.L. Fassbender, 24, of LaPlace, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1506) honors the memory of Specialist Armand L. Frickey, 20, of Houma, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1507) honors the memory of Specialist Warren A. Murphy, 29, of Marrero, Louisiana, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1508) honors the memory of Private First Class Kenneth G. Vonronn, 20, of Bloomingburg, New York, who died on January 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1509) honors the memory of Private First Class Daniel F. Guastaferro, 27, of Las Vegas, Nevada, who died on January 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1510) honors the memory of Corporal Joseph E. Fite, 23, of Round Rock, Texas, who died on January 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1511) honors the memory of Specialist Dwayne James McFarlane, Jr., 20, of Cass Lake, Minnesota, who died on January 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1512) honors the memory of Staff Sergeant William F. Manuel, 34, of Kinder, Louisiana, who died on January 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1513) honors the memory of Sergeant Robert Wesley Sweeney III, 22, of Pineville, Louisiana, who died on January 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1514) honors the memory of Specialist Michael J. Smith, 24, of Media, Pennsylvania, who died on January 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1515) honors the memory of Private First Class Gunnar D. Becker, 19, of Forestburg, South Dakota, who died on January 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1516) honors the memory of Lance Corporal Matthew W. Holloway, 21, of Fulton, Texas, who died on January 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1517) honors the memory of Sergeant First Class Brian A. Mack, 36, of Phoenix, Arizona, who died on January 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1518) honors the memory of Lance Corporal Juan Rodrigo Rodriguez Velasco, 23, of Laredo/El Cenizo, Texas, who died on January 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1519) honors the memory of Corporal Paul C. Holter III, 21, of Corpus Christi, Texas, who died on January 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1520) honors the memory of Sergeant Jayton D. Patterson, 26, of Wakefield/Sedley, Virginia, who died on January 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1521) honors the memory of Sergeant Nathaniel T. Swindell, 24, of Bronx, New York, who died on January 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1522) honors the memory of Specialist Alain L. Kamolvathin, 21, of Blairstown, New Jersey, who died on January 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1523) honors the memory of Private First Class Jesus Fonseca, 19, of Marietta, Georgia, who died on January 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1524) honors the memory of Private First Class George R. Geer, 27, of Cortez, Colorado, who died on January 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1525) honors the memory of Private First Class Francis C. Obaji, 21, of Queens Village, New York, who died on January 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1526) honors the memory of Staff Sergeant Thomas E. Vitagliano, 33, of New Haven, Connecticut, who died on January 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1527) honors the memory of Captain Christopher J. Sullivan, 29, of Princeton, Massachusetts, who died on January 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1528) honors the memory of Sergeant Kyle William Childress, 29, of Terre Haute, Indiana, who died on January 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1529) honors the memory of Captain Joe Fenton Lusk II, 25, of Reedley, California, who died on January 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1530) honors the memory of First Lieutenant Nainoa K. Hoe, 27, of Kailua, Hawaii, who died on January 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1531) honors the memory of Staff Sergeant Jose C. Rangel, 43, of Fresno, California, who died on January 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1532) honors the memory of Sergeant Leonard W. Adams, 42, of Mooresville, North Carolina, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1533) honors the memory of Sergeant Michael C. Carlson, 22, of St. Paul, Minnesota, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1534) honors the memory of Private First Class Jesus A. Leon-Perez, 20, of Houston, Texas, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1535) honors the memory of Sergeant Javier Marin, Jr., 29, of Mission, Texas, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1536) honors the memory of Staff Sergeant Joseph W. Stevens, 26, of Sacramento, California, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1537) honors the memory of Sergeant Brett D. Swank, 21, of Northumberland Co., Pennsylvania, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1538) honors the memory of Specialist Viktar V. Yolkin, 24, of Spring Branch, Texas, who died on January 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1539) honors the memory of Captain Paul C. Alaniz, 32, of Corpus Christi, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1540) honors the memory of Staff Sergeant Brian D. Bland, 26, of Newcastle/Weston, Wyoming, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1541) honors the memory of Corporal Jonathan W. Bowling, 23, of Patrick, Virginia, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1542) honors the memory of Specialist Taylor J. Burk, 21, of Amarillo, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1543) honors the memory of Lance Corporal Jonathan Edward Etterling, 22, of Wheelersburg, Ohio, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1544) honors the memory of Sergeant Michael W. Finke, Jr., 28, of Wadsworth/Huron, Ohio, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1545) honors the memory of First Lieutenant Travis J. Fuller, 26, of Granville, Massachusetts, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1546) honors the memory of Corporal Timothy M. Gibson, 23, of Merrimack/Hillsborough, New Hampshire, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1547) honors the memory of Corporal Richard A. Gilbert, Jr., 26, of Dayton/Montgomery, Ohio, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1548) honors the memory of Captain Lyle L. Gordon, 30, of Midlothian, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1549) honors the memory of Corporal Kyle J. Grimes, 21, of Northampton, Pennsylvania, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1550) honors the memory of Lance Corporal Tony L. Hernandez, 22, of Canyon Lake, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1551) honors the memory of Lance Corporal Brian C. Hopper, 21, of Wynne, Arkansas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1552) honors the memory of Petty Officer Third Class John Daniel House, 28, of Ventura, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1553) honors the memory of Lance Corporal Saeed Jafarkhani-Torshizi, Jr., 24, of Fort Worth, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1554) honors the memory of Corporal Stephen P. Johnson, 24, of Covina, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1555) honors the memory of Corporal Sean P. Kelly, 23, of Pitman/Gloucester, New Jersey, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1556) honors the memory of Staff Sergeant Dexter S. Kimble, 30, of Houston, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1557) honors the memory of Sergeant William S. Kinzer, Jr., 27, of Hendersonville, North Carolina, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1558) honors the memory of Lance Corporal Allan Klein, 34, of Clinton Township, Michigan, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1559) honors the memory of Corporal Timothy A. Knight, 22, of Brooklyn, Ohio, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1560) honors the memory of Lance Corporal Karl R. Linn, 20, of Chesterfield, Virginia, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1561) honors the memory of Lance Corporal Fred L. Maciel, 20, of Spring, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1562) honors the memory of Corporal Nathaniel K. Moore, 22, of Champaign, Illinois, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1563) honors the memory of Corporal James Lee Moore, 24, of Roseburg, Oregon, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1564) honors the memory of Lance Corporal Mourad Ragimov, 20, of San Diego, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1565) honors the memory of Lance Corporal Rhonald Dain Rairdan, 20, of Castroville/San Antonio, Texas, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1566) honors the memory of Lance Corporal Hector Ramos, 20, of Aurora, Illinois, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1567) honors the memory of Lance Corporal Gael Saintvil, 24, of Orlando/Orange, Florida, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1568) honors the memory of Corporal Nathan A. Schubert, 22, of Cherokee, Iowa, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1569) honors the memory of Lance Corporal Darrell J. Schumann, 25, of Hampton, Virginia, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1570) honors the memory of First Lieutenant Dustin M. Shumney, 30, of Benicia/Vallejo, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1571) honors the memory of Corporal Matthew R. Smith, 24, of West Valley City, Utah, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1572) honors the memory of Lance Corporal Joseph B. Spence, 24, of Scotts Valley, California, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1573) honors the memory of Lance Corporal Michael L. Starr, Jr., 21, of Baltimore, Maryland, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1574) honors the memory of Sergeant Jesse W. Strong, 24, of Irasburg, Vermont, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1575) honors the memory of Corporal Christopher L. Weaver, 24, of Fredericksburg, Virginia, who died on January 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1576) honors the memory of Corporal Jonathan S. Beatty, 22, of Streator, Illinois, who died on January 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1577) honors the memory of Private First Class Kevin M. Luna, 26, of Oxnard, California, who died on January 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1578) honors the memory of Captain Orlando A. Bonilla, 27, of Killeen, Texas, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1579) honors the memory of Private First Class Stephen A. Castellano, 21, of Long Beach, California, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1580) honors the memory of Specialist Michael S. Evans II, 22, of Marrero, Louisiana, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1581) honors the memory of Sergeant Andrew K. Farrar, Jr., 31, of Weymouth, Massachusetts, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1582) honors the memory of Chief Warrant Officer Charles S. Jones, 34, of Lawtey, Florida, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1583) honors the memory of Specialist Christopher J. Ramsey, 20, of Batchelor, Louisiana, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1584) honors the memory of Staff Sergeant Jonathan Ray Reed, 25, of Krotz Springs/Opelousa, Louisiana, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1585) honors the memory of Staff Sergeant Joseph E. Rodriguez, 25, of Las Cruces, New Mexico, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1586) honors the memory of Specialist Lyle W. Rymer II, 24, of Fort Smith, Arkansas, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1587) honors the memory of Sergeant First Class Mickey E. Zaun, 27, of Brooklyn Park, Minnesota, who died on January 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1588) honors the memory of Civilian Barbara Heald, 60, of Stamford, Connecticut, who died on January 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1589) honors the memory of Lieutenant Commander Edward E. Jack, 51, of Detroit, Michigan, who died on January 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1590) honors the memory of Sergeant Lindsey T. James, 23, of Urbana, Missouri, who died on January 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1591) honors the memory of Lieutenant Commander Keith Edward Taylor, 47, of Irvine, California, who died on January 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1592) honors the memory of Private First Class James H. Miller IV, 22, of Cincinnati, Ohio, who died on January 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1593) honors the memory of Lance Corporal Nazario Serrano, 20, of Irving, Texas, who died on January 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1594) honors the memory of Lance Corporal Jason C. Redifer, 19, of Stuarts Draft, Virginia, who died on January 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1595) honors the memory of Lance Corporal Harry R. Swain IV, 21, of Cumberland, New Jersey, who died on January 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1596) honors the memory of Sergeant First Class Mark C. Warren, 44, of La Grande, Oregon, who died on January 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1597) honors the memory of Corporal Christopher E. Zimny, 27, of Cook, Illinois, who died on January 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1598) honors the memory of Specialist Robert T. Hendrickson, 24, of Broken Bow, Oklahoma, who died on February 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1599) honors the memory of Captain Sean Lee Brock, 29, of Redondo Beach, California, who died on February 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1600) honors the memory of Lance Corporal Sean P. Maher, 19, of Grayslake, Illinois, who died on February 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1601) honors the memory of Lance Corporal Richard C. Clifton, 19, of Milford, Delaware, who died on February 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1602) honors the memory of Sergeant First Class Sean Michael Cooley, 35, of Ocean Springs, Mississippi, who died on February 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1603) honors the memory of Sergeant Stephen R. Sherman, 27, of Neptune, New Jersey, who died on February 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1604) honors the memory of Staff Sergeant Steven G. Bayow, 42, of Colonia Yap, Fed. Sts. of Micronesia, who died on February 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1605) honors the memory of Sergeant Daniel Torres, 23, of Fort Worth, Texas, who died on February 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1606) honors the memory of Lance Corporal Travis M. Wichlacz, 22, of West Bend, Wisconsin, who died on February 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1607) honors the memory of Specialist Jeremy O. Allmon, 22, of Cleburne, Texas, who died on February 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1608) honors the memory of Staff Sergeant Zachary Ryan Wobler, 24, of Ottawa, Ohio, who died on February 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1609) honors the memory of Specialist Richard M. Crane, 25, of Independence, Missouri, who died on February 8, 2005, in service to the United States in Operation Enduring Freedom;

(1610) honors the memory of Specialist Jeffrey S. Henthorn, 25, of Choctaw, Oklahoma, who died on February 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1611) honors the memory of Sergeant Jessica M. Housby, 23, of Rock Island, Illinois, who died on February 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1612) honors the memory of Lance Corporal Richard A. Perez, Jr., 19, of Las Vegas, Nevada, who died on February 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1613) honors the memory of Staff Sergeant William T. Robbins, 31, of North Little Rock, Arkansas, who died on February 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1614) honors the memory of Specialist Robert A. McNail, 30, of Meridian, Mississippi, who died on February 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1615) honors the memory of Staff Sergeant Kristopher L. Shepherd, 26, of Lynchburg, Virginia, who died on February 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1616) honors the memory of Private First Class David J. Brangman, 20, of Lake Worth, Florida, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1617) honors the memory of Specialist Dakotah L. Gooding, 21, of Des Moines, Iowa, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1618) honors the memory of Sergeant Rene Knox, Jr., 22, of New Orleans, Louisiana, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1619) honors the memory of Sergeant Chad W. Lake, 26, of Ocala, Florida, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1620) honors the memory of Staff Sergeant Ray Rangel, 29, of San Antonio, Texas, who died on February 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1621) honors the memory of Sergeant First Class David J. Salie, 34, of Columbus, Georgia, who died on February 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1622) honors the memory of Private First Class Michael A. Arciola, 20, of Elmsford, New York, who died on February 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1623) honors the memory of Specialist Katrina Lani Bell-Johnson, 32, of Orangeburg, South Carolina, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1624) honors the memory of Specialist Justin B. Carter, 21, of Mansfield, Missouri, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1625) honors the memory of Staff Sergeant Jason R. Hendrix, 28, of Freedom, California, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1626) honors the memory of Sergeant Timothy R. Osbey, 34, of Magnolia, Mississippi, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1627) honors the memory of Sergeant Adam J. Plumondore, 22, of Gresham, Oregon, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1628) honors the memory of Sergeant Christopher M. Pusateri, 21, of Corning, New York, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1629) honors the memory of Specialist Joseph A. Rahaim, 22, of Laurel, Mississippi, who died on February 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1630) honors the memory of Sergeant Frank B. Hernandez, 21, of Phoenix, Arizona, who died on February 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1631) honors the memory of Sergeant Carlos J. Gil, 30, of Orlando, Florida, who died on February 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1632) honors the memory of Corporal Kevin Michael Clarke, 21, of Tinley Park, Illinois, who died on February 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1633) honors the memory of Specialist Clinton R. Gertson, 26, of Houston, Texas, who died on February 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1634) honors the memory of First Lieutenant Adam Malson, 23, of Rochester Hills, Michigan, who died on February 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1635) honors the memory of Specialist Seth R. Trahan, 20, of Crowley, Louisiana, who died on February 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1636) honors the memory of Staff Sergeant David F. Day, 25, of Saint Louis Park, Minnesota, who died on February 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1637) honors the memory of Sergeant Jesse M. Lhotka, 24, of Alexandria, Minnesota, who died on February 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1638) honors the memory of Corporal John T. Olson, 21, of Elk Grove Village, Illinois, who died on February 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1639) honors the memory of First Lieutenant Jason G. Timmerman, 24, of Cottonwood/Tracy, Minnesota, who died on February 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1640) honors the memory of Lance Corporal Trevor D. Aston, 32, of Austin, Texas, who died on February 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1641) honors the memory of Sergeant Nicholas J. Olivier, 26, of Ruston, Louisiana, who died on February 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1642) honors the memory of Staff Sergeant Eric M. Steffeney, 28, of Waterloo, Iowa, who died on February 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1643) honors the memory of Staff Sergeant Alexander B. Crackel, 31, of Wilstead, nr. Bedford, England, who died on February 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1644) honors the memory of Specialist Michael S. Deem, 35, of Rockledge, Florida, who died on February 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1645) honors the memory of Staff Sergeant Daniel G. Gresham, 23, of Lincoln, Illinois, who died on February 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1646) honors the memory of Specialist Jacob C. Palmatier, 29, of Springfield, Illinois, who died on February 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1647) honors the memory of Specialist Adam Noel Brewer, 22, of Dewey/Bartlesville, Oklahoma, who died on February 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1648) honors the memory of Private First Class Colby M. Farnan, 22, of Weston, Missouri, who died on February 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1649) honors the memory of Private First Class Chassan S. Henry, 20, of West Palm Beach, Florida, who died on February 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1650) honors the memory of Specialist Jason L. Moski, 24, of Blackville/Wagener, South Carolina, who died on February 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1651) honors the memory of Private First Class Min-su Choi, 21, of River Vale, New Jersey, who died on February 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1652) honors the memory of Private Landon S. Giles, 19, of Indiana, Pennsylvania, who died on February 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1653) honors the memory of Lance Corporal Andrew W. Nowacki, 24, of South Euclid, Ohio, who died on February 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1654) honors the memory of Private First Class Danny L. Anderson, 29, of Corpus Christi, Texas, who died on February 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1655) honors the memory of Second Lieutenant Richard Brian Gienau, 29, of Longview, Iowa, who died on February 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1656) honors the memory of Sergeant Julio E. Negron, 28, of Pompano Beach, Florida, who died on February 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1657) honors the memory of Specialist Lizbeth Robles, 31, of Vega Baja, Puerto Rico, who died on March 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1658) honors the memory of Specialist Azhar Ali, 27, of Flushing, New York, who died on March 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1659) honors the memory of Specialist Wai Pyoe Lwin, 27, of Queens, New York, who died on March 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1660) honors the memory of Specialist Robert Shane Pugh, 25, of Meridian, Mississippi, who died on March 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1661) honors the memory of Sergeant First Class Michael D. Jones, 43, of Unity, Maine, who died on March 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1662) honors the memory of Sergeant First Class Donald W. Eacho, 38, of Black Creek, Wisconsin, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1663) honors the memory of Sergeant Seth K. Garceau, 27, of Oelwein, Iowa, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1664) honors the memory of Captain Sean Grimes, 31, of Southfield, Michigan, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1665) honors the memory of Corporal Stephen M. McGowan, 26, of Newark, Delaware, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1666) honors the memory of Specialist Adriana N. Salem, 21, of Elk Grove Village, Illinois, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1667) honors the memory of Staff Sergeant Juan M. Solorio, 32, of Dallas, Texas, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1668) honors the memory of Specialist Wade Michael Twyman, 27, of Vista, California, who died on March 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1669) honors the memory of Sergeant Andrew L. Bossert, 24, of Fountain City, Wisconsin, who died on March 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1670) honors the memory of Private First Class Michael W. Franklin, 22, of Coudersport, Pennsylvania, who died on March 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1671) honors the memory of Specialist Matthew A. Koch, 23, of West Henrietta, New York, who died on March 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1672) honors the memory of Petty Officer First Class Alec Mazur, 35, of Vernon, New York, who died on March 9, 2005, in service to the United States in Operation Enduring Freedom;

(1673) honors the memory of Staff Sergeant Donald D. Griffith, Jr., 29, of Mechanicsville, Iowa, who died on March 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1674) honors the memory of Specialist Nicholas E. Wilson, 21, of Glendale, Arizona, who died on March 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1675) honors the memory of Lance Corporal Joshua L. Torrence, 20, of Lexington, South Carolina, who died on March 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1676) honors the memory of Specialist Paul M. Heltzel, 39, of Baton Rouge, Louisiana, who died on March 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1677) honors the memory of Staff Sergeant Ricky A. Kieffer, 36, of Ovid, Michigan, who died on March 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1678) honors the memory of Staff Sergeant Shane M. Koele, 25, of Wayne, Nebraska, who died on March 16, 2005, in service to the United States in Operation Enduring Freedom;

(1679) honors the memory of Specialist Rocky D. Payne, 26, of Howell, Utah, who died on March 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1680) honors the memory of Private First Class Lee A. Lewis, Jr., 28, of Norfolk, Virginia, who died on March 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1681) honors the memory of Specialist Jonathan A. Hughes, 21, of Lebanon, Kentucky, who died on March 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1682) honors the memory of Specialist Francisco G. Martinez, 20, of Fort Worth, Texas, who died on March 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1683) honors the memory of Sergeant Paul W. Thomason III, 37, of Talbot, Tennessee, who died on March 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1684) honors the memory of Lance Corporal Kevin S. Smith, 20, of Springfield, Ohio, who died on March 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1685) honors the memory of Specialist Travis R. Bruce, 22, of Rochester/Byron, Minnesota, who died on March 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1686) honors the memory of Corporal Bryan J. Richardson, 23, of Summersville, West Virginia, who died on March 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1687) honors the memory of Captain Michael T. Fiscus, 36, of Milford, Indiana, who died on March 26, 2005, in service to the United States in Operation Enduring Freedom;

(1688) honors the memory of Sergeant Lee M. Godbolt, 23, of New Orleans, Louisiana, who died on March 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1689) honors the memory of Specialist Brett M. Hershey, 23, of State College, Pennsylvania, who died on March 26, 2005, in service to the United States in Operation Enduring Freedom;

(1690) honors the memory of Master Sergeant Michael T. Hiester, 33, of Bluffton, Indiana, who died on March 26, 2005, in service to the United States in Operation Enduring Freedom;

(1691) honors the memory of Sergeant Isiah J. Sinclair, 31, of Natchitoches, Louisiana, who died on March 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1692) honors the memory of Private First Class Norman K. Snyder, 21, of Carlisle, Indiana, who died on March 26, 2005, in service to the United States in Operation Enduring Freedom;

(1693) honors the memory of Private First Class Samuel S. Lee, 19, of Anaheim, California, who died on March 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1694) honors the memory of Sergeant Kelly S. Morris, 24, of Boise, Idaho, who died on March 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1695) honors the memory of Sergeant Kenneth L. Ridgley, 30, of Olney, Illinois, who died on March 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1696) honors the memory of Specialist Eric L. Toth, 21, of Edmonton, Kentucky, who died on March 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1697) honors the memory of Warrant Officer Charles G. Wells, Jr., 32, of Montgomery, Alabama, who died on March 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1698) honors the memory of Sergeant First Class Robbie D. McNary, 42, of Lewistown, Montana, who died on March 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1699) honors the memory of Corporal Garrywesley Tan Rimes, 30, of Santa Maria, California, who died on April 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1700) honors the memory of Lance Corporal Tenzin Dengkhim, 19, of Falls Church, Virginia, who died on April 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1701) honors the memory of Staff Sergeant Ioasa F. Tavae, Jr., 29, of Pago Pago, American Samoa, who died on April 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1702) honors the memory of Corporal William D. Richardson, 23, of Moreno Valley, California, who died on April 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1703) honors the memory of Sergeant James Alexander Sherrill, 27, of Ekron, Kentucky, who died on April 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1704) honors the memory of Staff Sergeant Christopher W. Dill, 32, of Tonawanda, New York, who died on April 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1705) honors the memory of Sergeant First Class Stephen C. Kennedy, 35, of Oak Ridge, Tennessee, who died on April 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1706) honors the memory of Lance Corporal Jeremiah C. Kinchen, 22, of Salcha, Alaska, who died on April 4, 2005, in service to the United States in Operation Iraqi Freedom;

(1707) honors the memory of Sergeant Javier J. Garcia, 25, of Crawfordville, Florida, who died on April 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1708) honors the memory of Specialist Glenn J. Watkins, 42, of Carlsbad, California, who died on April 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1709) honors the memory of Chief Warrant Officer David Ayala, 24, of New York, New York, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1710) honors the memory of Sergeant Major Barbaralien Banks, 41, of Harvey, Louisiana, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1711) honors the memory of Captain David S. Connolly, 37, of Boston, Massachusetts, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1712) honors the memory of Specialist Daniel J. Freeman, 20, of Cincinnati, Ohio, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1713) honors the memory of Sergeant Stephen C. High, 45, of Spartanburg, South Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1714) honors the memory of Sergeant James Shawn Lee, 26, of Mount Vernon, Indiana, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1715) honors the memory of Master Sergeant Edwin A. Matoscolon, 42, of Juana Diaz, Puerto Rico, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1716) honors the memory of Major Edward J. Murphy, 36, of Mount Pleasant, South Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1717) honors the memory of Chief Warrant Officer Clint J. Prather, 32, of Cheney, Washington, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1718) honors the memory of Staff Sergeant Charles R. Sanders, Jr., 29, of Charleston, Missouri, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1719) honors the memory of Specialist Michael K. Spivey, 21, of Fayetteville, North Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1720) honors the memory of Specialist Chrystal Gaye Stout, 23, of Travelers Rest, South Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1721) honors the memory of Specialist Sascha Struble, 20, of Philadelphia, New York, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1722) honors the memory of Private First Class Pendelton L. Sykes II, 25, of Chesapeake, Virginia, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1723) honors the memory of Staff Sergeant Romanes L. Woodard, 30, of Hertford, North Carolina, who died on April 6, 2005, in service to the United States in Operation Enduring Freedom;

(1724) honors the memory of Lance Corporal Juan C. Venegas, 21, of Simi Valley, California, who died on April 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1725) honors the memory of Staff Sergeant Kevin Dewayne Davis, 41, of Lebanon, Oregon, who died on April 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1726) honors the memory of Private First Class Casey M. LaWare, 19, of Redding, California, who died on April 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1727) honors the memory of Corporal Tyler J. Dickens, 20, of Columbus, Georgia, who died on April 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1728) honors the memory of Specialist Manuel Lopez III, 20, of Cape Coral, Florida, who died on April 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1729) honors the memory of Specialist John W. Miller, 21, of West Burlington, Iowa, who died on April 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1730) honors the memory of Corporal Michael B. Lindemuth, 27, of Petoskey, Michigan, who died on April 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1731) honors the memory of Captain James C. Edge, 31, of Virginia Beach, Virginia, who died on April 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1732) honors the memory of Specialist Aleina Ramirezgonzalez, 33, of Hormigueros, Puerto Rico, who died on April 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1733) honors the memory of Private Aaron M. Hudson, 20, of Highland Village, Texas, who died on April 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1734) honors the memory of Sergeant Angelo L. Lozada, Jr., 36, of Brooklyn, New York, who died on April 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1735) honors the memory of Specialist Randy Lee Stevens, 21, of Swartz Creek, Michigan, who died on April 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1736) honors the memory of Sergeant Tromaine K. Toy, Sr., 24, of Eastville, Virginia, who died on April 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1737) honors the memory of Private Joseph L. Knott, 21, of Yuma, Arizona, who died on April 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1738) honors the memory of Private First Class Steven F. Sirko, 20, of Portage, Indiana, who died on April 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1739) honors the memory of Private First Class Sam W. Huff, 18, of Tucson, Arizona, who died on April 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1740) honors the memory of Major Steven W. Thornton, 46, of Eugene, Oregon, who died on April 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1741) honors the memory of Specialist Jacob M. Pfister, 27, of Buffalo, New York, who died on April 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1742) honors the memory of Private First Class Kevin S.K. Wessel, 20, of Newport, Oregon, who died on April 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1743) honors the memory of Corporal Kelly M. Cannan, 21, of Lowville, New York, who died on April 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1744) honors the memory of Lance Corporal Marty G. Mortenson, 22, of Flagstaff, Arizona, who died on April 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1745) honors the memory of Private First Class Robert A. "Bobby" Guy, 26, of Willards, Maryland, who died on April 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1746) honors the memory of Private First Class Gavin J. Colburn, 20, of Frankfort, Ohio, who died on April 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1747) honors the memory of Sergeant Anthony J. Davis, Jr., 22, of Long Beach, California, who died on April 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1748) honors the memory of Seaman Aaron A. Kent, 28, of Portland, Oregon, who died on April 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1749) honors the memory of Corporal Kevin William Prince, 22, of Plain City, Ohio, who died on April 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1750) honors the memory of Private Robert C. White III, 21, of Camden, New Jersey, who died on April 23, 2005, in service to the United States in Operation Enduring Freedom;

(1751) honors the memory of Specialist Robert W. Defazio, 21, of West Babylon, New York, who died on April 24, 2005, in service to the United States in Operation Enduring Freedom;

(1752) honors the memory of Specialist Gary W. Walters, Jr., 31, of Victoria, Texas, who died on April 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1753) honors the memory of First Sergeant Timmy J. Millsap, 39, of Wichita, Kansas, who died on April 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1754) honors the memory of Sergeant First Class Allen C. Johnson, 31, of Los Molinos, California, who died on April 26, 2005, in service to the United States in Operation Enduring Freedom;

(1755) honors the memory of Specialist David L. Rice, 22, of Sioux City, Iowa, who died on April 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1756) honors the memory of Corporal Joseph S. Tremblay, 23, of New Windsor, New York, who died on April 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1757) honors the memory of First Lieutenant William A. Edens, 29, of Columbia, Missouri, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1758) honors the memory of Sergeant Timothy Craig Kiser, 37, of Tehama, California, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1759) honors the memory of Sergeant Eric Wayne Morris, 31, of Sparks, Nevada, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1760) honors the memory of Private First Class Robert W. Murray, Jr., 21, of Westfield, Indiana, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1761) honors the memory of Specialist Ricky W. Rockholt, Jr., 28, of Winston, Oregon, who died on April 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1762) honors the memory of Private Charles S. Cooper, Jr., 19, of Jamestown, New York, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1763) honors the memory of Private First Class Darren A. Deblanc, 20, of Evansville, Indiana, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1764) honors the memory of Captain Stephen W. Frank, 29, of Lansing, Michigan, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1765) honors the memory of Second Lieutenant Clifford V. "CC" Gadsden, 25, of Red Top, South Carolina, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1766) honors the memory of Captain Ralph J. "Jay" Harting III, 28, of Union Lake, Michigan, who died on April 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1767) honors the memory of Staff Sergeant Juan de Dios Garcia-Arana, 27, of Los Angeles, California, who died on April 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1768) honors the memory of Sergeant Kenya A. Parker, 26, of Fairfield, Alabama, who died on April 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1769) honors the memory of Specialist Derrick Joseph Lutters, 24, of Burlington, Colorado, who died on May 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1770) honors the memory of Captain Kelly C. Hinz, 30, of Woodbury, Minnesota, who died on May 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1771) honors the memory of Staff Sergeant Tommy S. Little, 47, of Aliceville, Alabama, who died on May 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1772) honors the memory of Sergeant John E. McGee, 36, of Columbus, Georgia, who died on May 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1773) honors the memory of Major John C. Spahr, 42, of Cherry Hill, New Jersey, who died on May 2, 2005, in service to the United States in Operation Iraqi Freedom;

(1774) honors the memory of Staff Sergeant William J. Brooks, 30, of Birmingham, Alabama, who died on May 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1775) honors the memory of Sergeant Stephen P. Saxton, 24, of Temecula, California, who died on May 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1776) honors the memory of Sergeant Aaron N. Cepeda, Sr., 22, of San Antonio, Texas, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1777) honors the memory of Lance Corporal Lance Tanner Graham, 26, of San Antonio, Texas, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1778) honors the memory of Sergeant Michael A. Marzano, 28, of Greenville, Pennsylvania, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1779) honors the memory of Lance Corporal Michael V. Postal, 21, of Glen Oaks, New York, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1780) honors the memory of Petty Officer Third Class Jeffery L. Wiener, 32, of Louisville, Kentucky, who died on May 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1781) honors the memory of Corporal Dustin A. Derga, 24, of Columbus, Ohio, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1782) honors the memory of Sergeant Gary A. "Andy" Eckert, Jr., 24, of Sylvania, Ohio, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1783) honors the memory of Specialist Steven Ray Givens, 26, of Mobile, Alabama, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1784) honors the memory of Staff Sergeant Thor H. Ingraham, 24, of Murrysville, Pennsylvania, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1785) honors the memory of Lance Corporal Nicholas C. Kirven, 21, of Fairfax/Richmond, Virginia, who died on May 8, 2005, in service to the United States in Operation Enduring Freedom;

(1786) honors the memory of Private First Class Nicolas E. Messmer, 20, of Gahanna/Franklin, Ohio, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1787) honors the memory of Lance Corporal Lawrence R. Philippon, 22, of Hartford, Connecticut, who died on May 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1788) honors the memory of Corporal Richard P. Schoener, 22, of Hayes, Louisiana, who died on May 8, 2005, in service to the United States in Operation Enduring Freedom;

(1789) honors the memory of Private First Class Stephen P. Baldwyn, 19, of Saltillo, Mississippi, who died on May 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1790) honors the memory of Staff Sergeant Anthony L. Goodwin, 33, of Mount Holly, New Jersey, who died on May 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1791) honors the memory of Lance Corporal Marcus Mahdee, 20, of Fort Walton Beach, Florida, who died on May 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1792) honors the memory of Lance Corporal Taylor B. Prazynski, 20, of Fairfield, Ohio, who died on May 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1793) honors the memory of First Sergeant Michael J. Bordelon, 37, of Morgan City, Louisiana, who died on May 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1794) honors the memory of Staff Sergeant Samuel Tyrone Castle, 26, of Naples, Texas, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1795) honors the memory of Lance Corporal Wesley G. Davids, 20, of Dublin, Ohio, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1796) honors the memory of Private First Class Christopher R. Dixon, 18, of Columbus, Ohio, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1797) honors the memory of Lance Corporal Nicholas B. Erdy, 21, of Williamsburg, Ohio, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1798) honors the memory of Lance Corporal Jonathan Walter Grant, 23, of Santa Fe, New Mexico, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1799) honors the memory of Lance Corporal Jourdan L. Grez, 24, of Harrisonburg, Virginia, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1800) honors the memory of Staff Sergeant Kendall H. Ivy II, 28, of Galion/Crawford, Ohio, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1801) honors the memory of Lance Corporal John T. Schmidt III, 21, of Brookfield, Connecticut, who died on May 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1802) honors the memory of Sergeant Andrew R. Jodon, 27, of Karthaus, Pennsylvania, who died on May 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1803) honors the memory of Sergeant John M. Smith, 22, of Wilmington, North Carolina, who died on May 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1804) honors the memory of Private First Class Kenneth E. Zeigler II, 22, of Dillsburg, Pennsylvania, who died on May 12, 2005, in service to the United States in Operation Iraqi Freedom;

(1805) honors the memory of Private First Class Travis W. Anderson, 28, of Hooper, Colorado, who died on May 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1806) honors the memory of Sergeant Charles C. Gillican III, 35, of Brunswick, Georgia, who died on May 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1807) honors the memory of Sergeant Jacob M. Simpson, 24, of Hood River/Ashland, Oregon, who died on May 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1808) honors the memory of Private First Class Wesley R. Riggs, 19, of Baytown, Texas, who died on May 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1809) honors the memory of Sergeant Antwan L. "Twan" Walker, 22, of Tampa, Florida, who died on May 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1810) honors the memory of Private First Class Wyatt D. Eisenhauer, 26, of Pinckneyville, Illinois, who died on May 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1811) honors the memory of Sergeant Robin V. Fell, 22, of Shreveport, Louisiana, who died on May 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1812) honors the memory of Specialist Bernard L. Sembly, 25, of Bossier City, Louisiana, who died on May 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1813) honors the memory of Sergeant Kurt D. Schamberg, 26, of Euclid, Ohio, who died on May 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1814) honors the memory of Sergeant Brad A. Wentz, 21, of Gladwin, Michigan, who died on May 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1815) honors the memory of Corporal Steven Charles Tucker, 19, of Grapevine, Texas, who died on May 21, 2005, in service to the United States in Operation Enduring Freedom;

(1816) honors the memory of Specialist Tyler L. Creamean, 21, of Jacksonville, Arkansas, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1817) honors the memory of Sergeant Carl J. Morgain, 40, of Butler, Pennsylvania, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1818) honors the memory of Sergeant Benjamin C. Morton, 24, of Wright, Kansas, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1819) honors the memory of Sergeant John B. Ogburn III, 45, of Fruitland, Idaho, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1820) honors the memory of Sergeant Kenneth J. Schall, 22, of Peoria, Arizona, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1821) honors the memory of First Lieutenant Aaron N. Seesan, 25, of Massillon, Ohio, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1822) honors the memory of Sergeant Charles T. Wilkerson, 30, of Kansas City, Missouri, who died on May 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1823) honors the memory of Specialist Bryan Edward Barron, 26, of Biloxi, Mississippi, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1824) honors the memory of Specialist Joshua T. Brazee, 25, of Sand Creek, Michigan, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1825) honors the memory of Private First Class Kyle M. Hemauer, 21, of Chilton, Wisconsin, who died on May 23, 2005, in service to the United States in Operation Enduring Freedom;

(1826) honors the memory of Specialist Audrey Daron Lunsford, 29, of Sardis, Mississippi, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1827) honors the memory of Staff Sergeant Saburant "Sabe" Parker, 43, of Foxworth, Mississippi, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1828) honors the memory of Sergeant Christopher S. Perez, 30, of Hutchinson, Kansas, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1829) honors the memory of Sergeant Daniel Ryan Varnado, 23, of Saucier, Mississippi, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1830) honors the memory of Staff Sergeant Russell J. Verdugo, 34, of Phoenix, Arizona, who died on May 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1831) honors the memory of Sergeant First Class Randy D. Collins, 36, of Long Beach, California, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1832) honors the memory of Sergeant Charles A. "Chuck" Drier, 28, of Tuscola County, Michigan, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1833) honors the memory of Specialist Dustin C. Fisher, 22, of Fort Smith, Arkansas, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1834) honors the memory of Sergeant First Class Peter J. Hahn, 31, of Metairie, Louisiana, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1835) honors the memory of Private First Class Jeffrey R. Wallace, 20, of Hoopeston, Illinois, who died on May 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1836) honors the memory of Sergeant Alfred Barton Siler, 33, of Duff, Tennessee, who died on May 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1837) honors the memory of Sergeant David Neil Wimberg, 24, of Louisville, Kentucky, who died on May 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1838) honors the memory of Major Ricardo A. Crocker, 39, of Mission Viejo, California, who died on May 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1839) honors the memory of Chief Warrant Officer (CW4) Matthew Scott Lourey, 40, of East Bethel, Minnesota, who died on May 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1840) honors the memory of Sergeant Mark A. Maida, 22, of Madison, Wisconsin, who died on May 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1841) honors the memory of Chief Warrant Officer (CW2) Joshua Michael Scott, 28, of Sun Prairie, Wisconsin, who died on May 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1842) honors the memory of First Sergeant Michael S. Barnhill, 39, of Folsom, California, who died on May 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1843) honors the memory of Specialist Phillip N. Sayles, 26, of Jacksonville, Arkansas, who died on May 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1844) honors the memory of Lieutenant Colonel Albert E. Smart, 41, of San Antonio, Texas, who died on May 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1845) honors the memory of Staff Sergeant Victor M. Cortes III, 29, of Erie, Pennsylvania, who died on May 29, 2005, in service to the United States in Operation Iraqi Freedom;

(1846) honors the memory of Captain Derek Argel, 28, of Lompoc, California, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1847) honors the memory of Staff Sergeant Casey Crate, 26, of Spanaway, Washington, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1848) honors the memory of Major William Downs, 40, of Winchester, Virginia, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1849) honors the memory of Captain Jeremy Fresques, 26, of Clarkdale, Arizona, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1850) honors the memory of Corporal Jeffrey B. Starr, 22, of Snohomish, Washington, who died on May 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1851) honors the memory of Sergeant First Class Steven M. Langmack, 33, of Seattle, Washington, who died on May 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1852) honors the memory of Sergeant Miguel A. Ramos, 39, of Mayaguez, Puerto Rico, who died on May 31, 2005, in service to the United States in Operation Iraqi Freedom;

(1853) honors the memory of Staff Sergeant Virgil R. Case, 37, of Mountain Home, Idaho, who died on June 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1854) honors the memory of Specialist Phillip C. Edmundson, 22, of Wilson, North Carolina, who died on June 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1855) honors the memory of Private First Class Louis E. Niedermeier, 20, of Largo, Florida, who died on June 1, 2005, in service to the United States in Operation Iraqi Freedom;

(1856) honors the memory of Staff Sergeant Leroy E. Alexander, 27, of Dale City, Virginia, who died on June 3, 2005, in service to the United States in Operation Enduring Freedom;

(1857) honors the memory of Corporal Antonio Mendoza, 21, of Santa Ana, California, who died on June 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1858) honors the memory of Captain Charles D. Robinson, 29, of Haddon Heights, New Jersey, who died on June 3, 2005, in service to the United States in Operation Enduring Freedom;

(1859) honors the memory of Civilian Linda J. Villar, 41, of Franklinton, Louisiana, who died on June 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1860) honors the memory of Specialist Carrie L. French, 19, of Caldwell, Idaho, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1861) honors the memory of Specialist Eric J. Poelman, 21, of Racine, Wisconsin, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1862) honors the memory of Private First Class Brian Scott "Scotty" Ulbrich, 23, of Chapmanville, West Virginia, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1863) honors the memory of Staff Sergeant Justin L. Vasquez, 26, of Manzanola, Colorado, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1864) honors the memory of Colonel Theodore S. Westhusing, 44, of Dallas, Texas, who died on June 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1865) honors the memory of Lance Corporal Robert T. Mininger, 21, of Sellersville, Pennsylvania, who died on June 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1866) honors the memory of Specialist Brian M. Romines, 20, of Simpson, Illinois, who died on June 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1867) honors the memory of Lance Corporal Jonathan L. Smith, 22, of Eva, Alabama, who died on June 6, 2005, in service to the United States in Operation Iraqi Freedom;

(1868) honors the memory of Specialist Eric T. Burri, 21, of Wyoming, Michigan, who died on June 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1869) honors the memory of Lieutenant Colonel Terrence K. Crowe, 44, of New York, New York, who died on June 7, 2005, in service to the United States in Operation Iraqi Freedom;

(1870) honors the memory of First Lieutenant Louis E. Allen, 34, of Milford, Pennsylvania, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1871) honors the memory of Sergeant Roberto Arizola, Jr., 31, of Laredo, Texas, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1872) honors the memory of Captain Phillip T. Esposito, 30, of Suffern, New York, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1873) honors the memory of First Lieutenant Michael J. Fasnacht, 25, of Mankato, Minnesota, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1874) honors the memory of Private First Class Emmanuel Hernandez, 22, of Yauco, Puerto Rico, who died on June 8, 2005, in service to the United States in Operation Enduring Freedom;

(1875) honors the memory of Private First Class Douglas E. Kashmer, 27, of Sharon, Pennsylvania, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1876) honors the memory of Sergeant Michael J. Kelley, 26, of Scituate, Massachusetts, who died on June 8, 2005, in service to the United States in Operation Enduring Freedom;

(1877) honors the memory of Lance Corporal Marc Lucas Tucker, 24, of Pontotoc, Mississippi, who died on June 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1878) honors the memory of Lance Corporal Dustin V. Birch, 22, of Saint Anthony, Idaho, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1879) honors the memory of Lance Corporal Daniel Chavez, 20, of Seattle, Washington, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1880) honors the memory of Staff Sergeant Mark O. Edwards, 40, of Unicoi, Tennessee, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1881) honors the memory of Lance Corporal Thomas O. Keeling, 23, of Strongsville, Ohio, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1882) honors the memory of Sergeant David Joseph Murray, 23, of Felixville/Clinton, Louisiana, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1883) honors the memory of Lance Corporal Devon Paul Seymour, 21, of St. Louisville, Ohio, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1884) honors the memory of Corporal Brad D. Squires, 26, of Middleburg Heights, Ohio, who died on June 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1885) honors the memory of Lance Corporal Mario Alberto Castillo, 20, of Brownwood, Texas, who died on June 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1886) honors the memory of Sergeant First Class Victor H. Cervantes, 27, of Stockton, California, who died on June 10, 2005, in service to the United States in Operation Enduring Freedom;

(1887) honors the memory of Lance Corporal Andrew J. Kilpela, 22, of Fowlerville, Michigan, who died on June 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1888) honors the memory of Sergeant Larry R. Arnold, Sr., 46, of Carriere, Mississippi, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1889) honors the memory of Specialist Casey Byers, 22, of Schleswig, Iowa, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1890) honors the memory of Corporal Stanley J. Lapinski, 35, of Las Vegas, Nevada, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1891) honors the memory of Specialist Terrance D. Lee, Sr., 25, of Moss Point, Mississippi, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1892) honors the memory of Sergeant First Class Neil A. Prince, 35, of Baltimore, Maryland, who died on June 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1893) honors the memory of Specialist Anthony D. Kinslow, 21, of Westerville, Ohio, who died on June 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1894) honors the memory of Sergeant Larry R. Kuhns, Jr., 24, of Austintown, Ohio, who died on June 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1895) honors the memory of Lance Corporal John J. Mattek, Jr., 24, of Stevens Point, Wisconsin, who died on June 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1896) honors the memory of Private First Class Nathan B. Clemons, 20, of Winchester, Tennessee, who died on June 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1897) honors the memory of Private First Class Michael Ray Hayes, 29, of Morgantown, Kentucky, who died on June 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1898) honors the memory of Sergeant Anthony G. Jones, 25, of Greenville, South Carolina, who died on June 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1899) honors the memory of Private First Class Joshua P. Klinger, 21, of Easton, Pennsylvania, who died on June 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1900) honors the memory of Petty Officer Second Class Cesar O. Baez, 37, of Pomona, California, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1901) honors the memory of Lance Corporal Jonathan R. Flores, 18, of San Antonio, Texas, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1902) honors the memory of Corporal Jesse Jaime, 22, of Henderson, Nevada, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1903) honors the memory of Lance Corporal Chad B. Maynard, 19, of Montrose, Colorado, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1904) honors the memory of Corporal Tyler S. Trovillion, 23, of Richardson, Texas, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1905) honors the memory of Lance Corporal Dion M. Whitley, 21, of Los Angeles, California, who died on June 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1906) honors the memory of Specialist Anthony S. Cometa, 21, of Las Vegas, Nevada, who died on June 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1907) honors the memory of Lance Corporal Erik R. Heldt, 26, of Hermann, Missouri, who died on June 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1908) honors the memory of Captain John W. Maloney, 36, of Chicopee, Massachusetts, who died on June 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1909) honors the memory of Staff Sergeant Christopher N. Piper, 43, of Marblehead, Massachusetts, who died on June 16, 2005, in service to the United States in Operation Enduring Freedom;

(1910) honors the memory of Master Sergeant Robert M. Horrigan, 40, of Austin, Texas, who died on June 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1911) honors the memory of Master Sergeant Michael L. McNulty, 36, of Knoxville, Tennessee, who died on June 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1912) honors the memory of Lance Corporal Adam J. Crumpler, 19, of Charleston, West Virginia, who died on June 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1913) honors the memory of First Lieutenant Noah Harris, 23, of Ellijay, Georgia, who died on June 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1914) honors the memory of Corporal William A. Long, 26, of Lilburn, Georgia, who died on June 18, 2005, in service to the United States in Operation Iraqi Freedom;

(1915) honors the memory of Private First Class Christopher R. Kilpatrick, 18, of Columbus, Texas, who died on June 20, 2005, in service to the United States in Operation Iraqi Freedom;

(1916) honors the memory of Specialist Christopher L. Hoskins, 21, of Danielson, Connecticut, who died on June 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1917) honors the memory of Specialist Nicholas R. Idalski, 23, of Crown Point, Indiana, who died on June 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1918) honors the memory of Sergeant James D. Stewart, 29, of Chattanooga, Tennessee, who died on June 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1919) honors the memory of Specialist Brian A. Vaughn, 23, of Pell City, Alabama, who died on June 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1920) honors the memory of Major Duane W. Dively, 43, of Rancho California, California, who died on June 22, 2005, in service to the United States in Operation Enduring Freedom;

(1921) honors the memory of Sergeant Arnold Duplantier II, 26, of Sacramento, California, who died on June 22, 2005, in service to the United States in Operation Iraqi Freedom;

(1922) honors the memory of Lance Corporal Holly A. Charette, 21, of Cranston, Rhode Island, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1923) honors the memory of Petty Officer First Class Regina R. Clark, 43, of Centralia, Washington, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1924) honors the memory of Lance Corporal Veashna Muy, 20, of Los Angeles, California, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1925) honors the memory of Sergeant First Class Christopher W. Phelps, 39, of Louisville, Kentucky, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1926) honors the memory of Corporal Chad W. Powell, 22, of West Monroe, Louisiana, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1927) honors the memory of Sergeant Joseph M. Tackett, 22, of Whitehouse, Kentucky, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1928) honors the memory of Corporal Ramona M. Valdez, 20, of Bronx, New York, who died on June 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1929) honors the memory of Corporal Carlos Pineda, 23, of Los Angeles, California, who died on June 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1930) honors the memory of Lance Corporal Kevin B. Joyce, 19, of Ganado, Arizona, who died on June 25, 2005, in service to the United States in Operation Enduring Freedom;

(1931) honors the memory of Specialist Charles A. Kaufman, 20, of Fairchild, Wisconsin, who died on June 26, 2005, in service to the United States in Operation Iraqi Freedom;

(1932) honors the memory of Second Lieutenant Matthew S. Coutu, 23, of North Kingstown, Rhode Island, who died on June 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1933) honors the memory of Chief Warrant Officer Keith R. Mariotti, 39, of Elkton, Maryland, who died on June 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1934) honors the memory of Chief Warrant Officer Steven E. Shepard, 30, of Purcell, Oklahoma, who died on June 27, 2005, in service to the United States in Operation Iraqi Freedom;

(1935) honors the memory of Petty Officer Second Class Matthew G. Axelson, 29, of Cupertino, California, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1936) honors the memory of Specialist Rafael A. "T.J." Carrillo, Jr., 21, of Boys Ranch, Texas, who died on June 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1937) honors the memory of Petty Officer Second Class Danny P. Dietz, 25, of Littleton, Colorado, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1938) honors the memory of Chief Petty Officer Jacques J. Fontan, 36, of New Orleans, Louisiana, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1939) honors the memory of Staff Sergeant Shamus O. Goare, 29, of Danville, Ohio, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1940) honors the memory of Chief Warrant Officer Corey J. Goodnature, 35, of Clarks Grove, Minnesota, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1941) honors the memory of Specialist Robert E. Hall, Jr., 30, of Pittsburgh, Pennsylvania, who died on June 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1942) honors the memory of Senior Chief Petty Officer Daniel R. Healy, 36, of Exeter, New Hampshire, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1943) honors the memory of Sergeant Manny Hornedo, 27, of Brooklyn, New York, who died on June 28, 2005, in service to the United States in Operation Iraqi Freedom;

(1944) honors the memory of Sergeant Kip A. Jacoby, 21, of Pompano Beach, Florida, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1945) honors the memory of Lieutenant Commander Erik S. Kristensen, 33, of San Diego, California, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1946) honors the memory of Petty Officer First Class Jeffery A. Lucas, 33, of Corbett, Oregon, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1947) honors the memory of Lieutenant Michael M. McGreevy, Jr., 30, of Portville, New York, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1948) honors the memory of Sergeant First Class Marcus V. Muralles, 33, of Shelbyville, Indiana, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1949) honors the memory of Lieutenant Michael P. Murphy, 29, of Patchogue, New York, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1950) honors the memory of Petty Officer Second Class Eric Shane Patton, 22, of Boulder City, Nevada, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1951) honors the memory of Master Sergeant James W. "Tré" Ponder III, 36, of Franklin, Tennessee, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1952) honors the memory of Major Stephen C. Reich, 34, of Washington Depot, Connecticut, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1953) honors the memory of Sergeant First Class Michael L. Russell, 31, of Stafford, Virginia, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1954) honors the memory of Chief Warrant Officer Chris J. Scherkenbach, 40, of Jacksonville, Florida, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1955) honors the memory of Petty Officer Second Class James Suh, 28, of Deerfield Beach, Florida, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1956) honors the memory of Petty Officer First Class Jeffrey S. Taylor, 30, of Midway, West Virginia, who died on June 28, 2005, in service to the United States in Operation Enduring Freedom;

(1957) honors the memory of Sergeant Chad M. Mercer, 25, of Waycross, Georgia, who died on June 30, 2005, in service to the United States in Operation Iraqi Freedom;

(1958) honors the memory of Staff Sergeant Jeremy A. Brown, 26, of Mabscott, West Virginia, who died on July 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1959) honors the memory of Specialist Ryan J. Montgomery, 22, of Greensburg, Kentucky, who died on July 3, 2005, in service to the United States in Operation Iraqi Freedom;

(1960) honors the memory of Staff Sergeant Scottie L. Bright, 36, of Montgomery, Alabama, who died on July 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1961) honors the memory of Corporal Lyle J. Cambridge, 23, of Shiprock, New Mexico, who died on July 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1962) honors the memory of Specialist Christopher W. Dickison, 26, of Seattle, Washington, who died on July 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1963) honors the memory of Private Anthony M. Mazzarella, 22, of Blue Springs, Missouri, who died on July 5, 2005, in service to the United States in Operation Iraqi Freedom;

(1964) honors the memory of Sergeant Deyson K. Cariaga, 20, of Honolulu, Hawaii, who died on July 8, 2005, in service to the United States in Operation Iraqi Freedom;

(1965) honors the memory of Specialist Hoby F. Bradfield, Jr., 22, of The Woodlands, Texas, who died on July 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1966) honors the memory of Private First Class Eric Paul Woods, 26, of Omaha, Nebraska, who died on July 9, 2005, in service to the United States in Operation Iraqi Freedom;

(1967) honors the memory of Staff Sergeant Joseph P. Goodrich, 32, of Allegheny, Pennsylvania, who died on July 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1968) honors the memory of Lance Corporal Ryan J. Kovacicek, 22, of Washington, Pennsylvania, who died on July 10, 2005, in service to the United States in Operation Iraqi Freedom;

(1969) honors the memory of Sergeant Timothy J. Sutton, 22, of Springfield, Missouri, who died on July 11, 2005, in service to the United States in Operation Iraqi Freedom;

(1970) honors the memory of Specialist Benyahmin B. Yahudah, 24, of Bogart, Georgia, who died on July 13, 2005, in service to the United States in Operation Iraqi Freedom;

(1971) honors the memory of Private First Class Timothy J. Hines, Jr., 21, of Deer Park/Fairfield, Ohio, who died on July 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1972) honors the memory of Staff Sergeant Tricia L. Jameson, 34, of Omaha, Nebraska, who died on July 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1973) honors the memory of Corporal Clifton Blake Mounce, 22, of Pontotoc, Mississippi, who died on July 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1974) honors the memory of Corporal Christopher D. Winchester, 23, of Flomaton, Alabama, who died on July 14, 2005, in service to the United States in Operation Iraqi Freedom;

(1975) honors the memory of Specialist Jared D. Hartley, 22, of Newkirk, Oklahoma, who died on July 15, 2005, in service to the United States in Operation Iraqi Freedom;

(1976) honors the memory of Sergeant Travis S. Cooper, 24, of Macon, Mississippi, who died on July 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1977) honors the memory of Staff Sergeant Jorge Luis Pena-Romero, 29, of Fallbrook, California, who died on July 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1978) honors the memory of Sergeant First Class Ronald T. Wood, 28, of Cedar City, Utah, who died on July 16, 2005, in service to the United States in Operation Iraqi Freedom;

(1979) honors the memory of Lance Corporal Efrain Sanchez, Jr., 26, of Port Chester, New York, who died on July 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1980) honors the memory of Staff Sergeant Frank F. Tiai, 45, of Pago Pago, American Samoa, who died on July 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1981) honors the memory of Specialist Ronnie D. Williams, 26, of Erlanger, Kentucky, who died on July 17, 2005, in service to the United States in Operation Iraqi Freedom;

(1982) honors the memory of Staff Sergeant Jefferey J. Farrow, 28, of Birmingham, Alabama, who died on July 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1983) honors the memory of Private Lavena L. Johnson, 19, of Florissant, Missouri, who died on July 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1984) honors the memory of Sergeant Arthur R. McGill, 25, of Gravette, Arkansas, who died on July 19, 2005, in service to the United States in Operation Iraqi Freedom;

(1985) honors the memory of Corporal Steven P. Gill, 24, of Round Rock, Texas, who died on July 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1986) honors the memory of Petty Officer Third Class Travis L. Youngblood, 26, of Surrency, Georgia, who died on July 21, 2005, in service to the United States in Operation Iraqi Freedom;

(1987) honors the memory of Sergeant Bryan James Opskar, 32, of Princeton, Minnesota, who died on July 23, 2005, in service to the United States in Operation Iraqi Freedom;

(1988) honors the memory of Sergeant Jason T. Palmerton, 25, of Auburn, Nebraska, who died on July 23, 2005, in service to the United States in Operation Enduring Freedom;

(1989) honors the memory of Specialist Jacques Earl "Gus" Brunson, 30, of Americus, Georgia, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1990) honors the memory of Specialist Ernest W. Dallas, Jr., 21, of Denton, Texas, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1991) honors the memory of Staff Sergeant Carl Ray Fuller, 44, of Covington, Georgia, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1992) honors the memory of Sergeant James Ondra Kinlow, 35, of Thompson, Georgia, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1993) honors the memory of Staff Sergeant Jason W. Montefering, 27, of Parkston, South Dakota, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1994) honors the memory of Sergeant Milton M. Monzon, Jr., 21, of Los Angeles, California, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1995) honors the memory of Sergeant Christopher J. Taylor, 22, of Opelika, Alabama, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1996) honors the memory of Sergeant John Frank Thomas, 33, of Valdosta, Georgia, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1997) honors the memory of Private First Class Ramon A. Villatoro, Jr., 19, of Bakersfield, California, who died on July 24, 2005, in service to the United States in Operation Iraqi Freedom;

(1998) honors the memory of Specialist Adam J. Harting, 21, of Portage, Indiana, who died on July 25, 2005, in service to the United States in Operation Iraqi Freedom;

(1999) honors the memory of Staff Sergeant Michael W. Schafer, 25, of Spring Hill, Florida, who died on July 25, 2005, in service to the United States in Operation Enduring Freedom;

(2000) honors the memory of Specialist Adrian J. Butler, 28, of East Lansing, Michigan, who died on July 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2001) honors the memory of Captain Benjamin D. Jansky, 28, of Oshkosh, Wisconsin, who died on July 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2002) honors the memory of Specialist Edward L. Myers, 21, of St. Joseph, Missouri, who died on July 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2003) honors the memory of Specialist John O. Tollefson, 22, of Fond du Lac, Wisconsin, who died on July 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2004) honors the memory of Lance Corporal Christopher P. Lyons, 24, of Mansfield/Shelby, Ohio, who died on July 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2005) honors the memory of Corporal Andre L. Williams, 23, of Galloway, Ohio, who died on July 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2006) honors the memory of Private Ernesto R. Guerra, 20, of Long Beach, California, who died on July 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2007) honors the memory of Sergeant First Class Victor A. Anderson, 39, of Ellaville, Georgia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2008) honors the memory of Sergeant Jonathon C. Haggin, 26, of Kingsland, Georgia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2009) honors the memory of Staff Sergeant David R. Jones, Sr., 45, of Augusta, Georgia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2010) honors the memory of Private First Class Jason D. Scheuerman, 20, of Lynchburg, Virginia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2011) honors the memory of Sergeant Ronnie L. "Rod" Shelley, Sr., 34, of Valdosta, Georgia, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2012) honors the memory of Private First Class Robert A. Swaney, 21, of West Jefferson, Ohio, who died on July 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2013) honors the memory of Specialist James D. Carroll, 23, of McKenzie, Tennessee, who died on July 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2014) honors the memory of Corporal Jeffrey A. Boskovitch, 25, of Seven Hills, Ohio, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2015) honors the memory of Lance Corporal Roger D. Castleberry, Jr., 26, of Austin, Texas, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2016) honors the memory of Sergeant David J. Coullard, 32, of Glastonbury, Connecticut, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2017) honors the memory of Lance Corporal Daniel Nathan Deyarmin, Jr., 22, of Tallmadge, Ohio, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2018) honors the memory of Sergeant James R. Graham III, 25, of Coweta, Oklahoma, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2019) honors the memory of Lance Corporal Brian P. Montgomery, 26, of Willoughby, Ohio, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2020) honors the memory of Sergeant Nathaniel S. Rock, 26, of Toronto, Ohio, who died on August 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2021) honors the memory of Petty Officer First Class Thomas C. Hull, 41, of Princeton, Illinois, who died on August 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2022) honors the memory of Staff Sergeant James D. McNaughton, 27, of Middle Village, New York, who died on August 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2023) honors the memory of Lance Corporal Timothy Michael Bell, Jr., 22, of West Chester, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2024) honors the memory of Lance Corporal Eric J. Bernholtz, 23, of Grove City, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2025) honors the memory of Lance Corporal Nicholas William B. Bloem, 20, of Belgrade, Montana, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2026) honors the memory of Lance Corporal Michael J. Cifuentes, 25, of Fairfield, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2027) honors the memory of Lance Corporal Christopher Jenkins Dyer, 19, of Cincinnati, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2028) honors the memory of Lance Corporal Grant B. Fraser, 22, of Anchorage, Alaska, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2029) honors the memory of Specialist Jerry Lewis Ganey, Jr., 29, of Folkston, Georgia, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2030) honors the memory of Specialist Mathew V. Gibbs, 21, of Ambrose, Georgia, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2031) honors the memory of Sergeant Bradley J. Harper, 25, of Dresden, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2032) honors the memory of Sergeant Justin F. Hoffman, 27, of Delaware, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2033) honors the memory of Corporal David Kenneth J. Kreuter, 26, of Cincinnati, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2034) honors the memory of Lance Corporal Aaron H. Reed, 21, of Chillicothe, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2035) honors the memory of Lance Corporal Edward August Schroeder II, 23, of Columbus, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2036) honors the memory of Corporal David S. Stewart, 24, of Bogalusa, Louisiana, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2037) honors the memory of Lance Corporal Adam J. Strain, 20, of Smartville, California, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2038) honors the memory of Sergeant First Class Charles Houghton Warren, 36, of Duluth, Georgia, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2039) honors the memory of Lance Corporal Kevin G. Waruinge, 22, of Tampa, Florida, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2040) honors the memory of Lance Corporal William Brett Wightman, 22, of Sabina, Ohio, who died on August 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2041) honors the memory of Gunnery Sergeant Theodore Clark, Jr., 31, of Emporia, Virginia, who died on August 4, 2005, in service to the United States in Operation Enduring Freedom;

(2042) honors the memory of Private First Class Damian J. Garza, 19, of Odessa, Texas, who died on August 4, 2005, in service to the United States in Operation Enduring Freedom;

(2043) honors the memory of Private John M. Henderson, Jr., 21, of Columbus, Georgia, who died on August 4, 2005, in service to the United States in Operation Enduring Freedom;

(2044) honors the memory of Staff Sergeant Chad J. Simon, 32, of Monona/Madison, Wisconsin, who died on August 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2045) honors the memory of Private First Class Nils George Thompson, 19, of Confluence, Pennsylvania, who died on August 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2046) honors the memory of Gunnery Sergeant Terry W. Ball, Jr., 36, of East Peoria, Illinois, who died on August 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2047) honors the memory of Sergeant First Class Robert V. Derenda, 42, of Ledbetter, Kentucky, who died on August 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2048) honors the memory of Sergeant First Class Brett Eugene Walden, 40, of Fort Walton Beach, Florida, who died on August 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2049) honors the memory of Lance Corporal Chase Johnson Comley, 21, of Lexington, Kentucky, who died on August 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2050) honors the memory of Sergeant Brahim J. Jeffcoat, 25, of Philadelphia, Pennsylvania, who died on August 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2051) honors the memory of Specialist Kurt E. Krout, 43, of Spinnerstown, Pennsylvania, who died on August 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2052) honors the memory of Private First Class Seferino J. Reyna, 20, of Phoenix, Arizona, who died on August 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2053) honors the memory of Staff Sergeant Christopher M. Falkel, 22, of Highlands Ranch, Colorado, who died on August 8, 2005, in service to the United States in Operation Enduring Freedom;

(2054) honors the memory of Staff Sergeant Ramon E. Gonzales Cordova, 30, of Davie, Florida, who died on August 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2055) honors the memory of Specialist Anthony N. Kalladeen, 26, of Purchase, New York, who died on August 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2056) honors the memory of Private First Class Hernando Rios, 29, of Queens, New York, who died on August 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2057) honors the memory of Specialist Miguel Carrasquillo, 25, of River Grove, Illinois, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2058) honors the memory of Private First Class Nathaniel E. "Nate" Detample, 19, of Morrisville, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2059) honors the memory of Specialist Christopher M. Katzenberger, 25, of St. Louis, Missouri, who died on August 9, 2005, in service to the United States in Operation Enduring Freedom;

(2060) honors the memory of Specialist John Kulick, 35, of Harleysville, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2061) honors the memory of Staff Sergeant Ryan S. Ostrom, 25, of Liberty, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2062) honors the memory of Specialist Gennaro Pellegrini, Jr., 31, of Philadelphia, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2063) honors the memory of Sergeant Francis J. Straub, Jr., 24, of Philadelphia, Pennsylvania, who died on August 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2064) honors the memory of Sergeant First Class Michael A. Benson, 40, of Winona, Minnesota, who died on August 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2065) honors the memory of Lance Corporal Evenor C. Herrera, 22, of Gypsum, Colorado, who died on August 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2066) honors the memory of Captain Jeremy A. Chandler, 30, of Clarksville, Tennessee, who died on August 11, 2005, in service to the United States in Operation Enduring Freedom;

(2067) honors the memory of Sergeant Edward R. Heselton, 23, of Easley, South Carolina, who died on August 11, 2005, in service to the United States in Operation Enduring Freedom;

(2068) honors the memory of Specialist Rusty W. Bell, 21, of Pocahontas, Arkansas, who died on August 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2069) honors the memory of First Lieutenant David L. Giaimo, 24, of Waukegan, Illinois, who died on August 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2070) honors the memory of Specialist Brian K. Derks, 21, of White Cloud, Michigan, who died on August 13, 2005, in service to the United States in Operation Iraqi Freedom;

(2071) honors the memory of Specialist Toccara R. Green, 23, of Rosedale, Maryland, who died on August 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2072) honors the memory of Staff Sergeant Asbury F. Hawn II, 35, of Lebanon, Tennessee, who died on August 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2073) honors the memory of Specialist Gary L. Reese, Jr., 22, of Ashland City, Tennessee, who died on August 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2074) honors the memory of Sergeant Shannon D. Taylor, 30, of Smithville, Tennessee, who died on August 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2075) honors the memory of Specialist Joshua P. Dingler, 19, of Hiram, Georgia, who died on August 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2076) honors the memory of Specialist Jose L. Ruiz, 28, of Brentwood, New York, who died on August 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2077) honors the memory of Sergeant Paul A. Saylor, 21, of Norcross, Georgia, who died on August 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2078) honors the memory of Sergeant Thomas J. Strickland, 27, of Douglasville, Georgia, who died on August 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2079) honors the memory of Specialist Michael J. Stokely, 23, of Sharpsburg, Georgia, who died on August 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2080) honors the memory of Sergeant Nathan K. Bouchard, 24, of Wildomar, California, who died on August 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2081) honors the memory of Sergeant Robert G. Davis, 23, of Jackson, Missouri, who died on August 18, 2005, in service to the United States in Operation Enduring Freedom;

(2082) honors the memory of Staff Sergeant Jeremy W. Doyle, 24, of Chesterton, Maryland, who died on August 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2083) honors the memory of Specialist Ray M. Fuhrmann II, 28, of Novato, California, who died on August 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2084) honors the memory of Lance Corporal Phillip C. George, 22, of Houston, Texas, who died on August 18, 2005, in service to the United States in Operation Enduring Freedom;

(2085) honors the memory of Private First Class Timothy J. Seamans, 20, of Jacksonville, Florida, who died on August 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2086) honors the memory of First Lieutenant Laura M. Walker, 24, of Texas, who died on August 18, 2005, in service to the United States in Operation Enduring Freedom;

(2087) honors the memory of Sergeant Willard Todd Partridge, 35, of Ferriday, Louisiana, who died on August 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2088) honors the memory of Private First Class Elden D. Arcand, 22, of White Bear Lake, Minnesota, who died on August 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2089) honors the memory of Second Lieutenant James J. Cathey, 24, of Reno, Nevada, who died on August 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2090) honors the memory of Specialist Blake W. Hall, 20, of East Prairie, Missouri, who died on August 21, 2005, in service to the United States in Operation Enduring Freedom;

(2091) honors the memory of First Lieutenant Joshua M. Hyland, 31, of Missoula, Montana, who died on August 21, 2005, in service to the United States in Operation Enduring Freedom;

(2092) honors the memory of Sergeant Michael R. Lehmiller, 23, of Anderson, South Carolina, who died on August 21, 2005, in service to the United States in Operation Enduring Freedom;

(2093) honors the memory of Staff Sergeant Brian Lee Morris, 38, of Centreville, Michigan, who died on August 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2094) honors the memory of Specialist Joseph C. Nurre, 22, of Wilton, California, who died on August 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2095) honors the memory of Private Christopher L. Palmer, 22, of Sacramento, California, who died on August 21, 2005, in service to the United States in Operation Enduring Freedom;

(2096) honors the memory of Sergeant Joseph Daniel Hunt, 27, of Sweetwater, Tennessee, who died on August 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2097) honors the memory of Specialist Hatim S. Kathiria, 23, of Fort Worth, Texas, who died on August 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2098) honors the memory of Staff Sergeant Victoir P. Lieurance, 34, of Seymour, Tennessee, who died on August 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2099) honors the memory of Private First Class Ramon Romero, 19, of Huntington Park, California, who died on August 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2100) honors the memory of Master Sergeant Chris S. Chapin, 39, of Proctor, Vermont, who died on August 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2101) honors the memory of First Lieutenant Carlos J. Diaz, 27, of Juana Diaz, Puerto Rico, who died on August 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2102) honors the memory of Sergeant First Class Trevor J. Diesing, 30, of Plum City, Wisconsin, who died on August 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2103) honors the memory of Master Sergeant Ivica Jerak, 42, of Houston, Texas, who died on August 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2104) honors the memory of Corporal Timothy M. Shea, 22, of Sonoma, California, who died on August 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2105) honors the memory of Staff Sergeant Damion G. Campbell, 23, of Baltimore, Maryland, who died on August 26, 2005, in service to the United States in Operation Enduring Freedom;

(2106) honors the memory of Specialist Joseph L. Martinez, 21, of Las Vegas, Nevada, who died on August 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2107) honors the memory of Sergeant First Class Obediah J. Kolath, 32, of Louisburg, Missouri, who died on August 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2108) honors the memory of Chief Warrant Officer Dennis P. Hay, 32, of Valdosta, Georgia, who died on August 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2109) honors the memory of Second Lieutenant Charles R. Rubado, 23, of Clearwater, Florida, who died on August 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2110) honors the memory of Major Gregory J. Fester, 41, of Grand Rapids, Michigan, who died on August 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2111) honors the memory of Specialist Jason E. Ames, 21, of Cerulean, Kentucky, who died on August 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2112) honors the memory of Captain Lowell T. Miller II, 35, of Flint, Michigan, who died on August 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2113) honors the memory of Sergeant Monta S. Ruth, 26, of Winston-Salem, North Carolina, who died on August 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2114) honors the memory of Sergeant George Ray Draughn, Jr., 29, of Decatur, Georgia, who died on September 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2115) honors the memory of First Lieutenant Derek S. Hines, 25, of Newburyport, Massachusetts, who died on September 1, 2005, in service to the United States in Operation Enduring Freedom;

(2116) honors the memory of Staff Sergeant Robert Lee Hollar, Jr., 35, of Griffin, Georgia, who died on September 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2117) honors the memory of Sergeant First Class Lonnie J. Parson, 39, of Norcross, Georgia, who died on September 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2118) honors the memory of Lance Corporal Ryan J. Nass, 21, of Franklin, Wisconsin, who died on September 3, 2005, in service to the United States in Operation Enduring Freedom;

(2119) honors the memory of Sergeant Matthew Charles Bohling, 22, of Eagle River, Alaska, who died on September 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2120) honors the memory of Specialist Luke C. Williams, 35, of Knoxville, Tennessee, who died on September 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2121) honors the memory of Specialist Jeffrey A. Williams, 20, of Warrenville, Illinois, who died on September 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2122) honors the memory of Staff Sergeant Jude R. Jonaus, 27, of Miami, Florida, who died on September 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2123) honors the memory of Hospitalman Robert N. Martens, 20, of Queen Creek, Arizona, who died on September 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2124) honors the memory of Sergeant Franklin R. Vilorio, 26, of Miami, Florida, who died on September 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2125) honors the memory of Staff Sergeant Christopher L. Everett, 23, of Huntsville, Texas, who died on September 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2126) honors the memory of Sergeant Kurtis Dean K. Arcala, 22, of Palmer, Alaska, who died on September 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2127) honors the memory of Specialist Jeremy M. Campbell, 21, of Middlebury, Pennsylvania, who died on September 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2128) honors the memory of Seaman Apprentice Robert D. Macrum, 22, of Sugarland, Texas, who died on September 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2129) honors the memory of Sergeant Alfredo B. Silva, 35, of Calexico, California, who died on September 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2130) honors the memory of Lance Corporal Shane C. Swanberg, 24, of Kirkland, Washington, who died on September 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2131) honors the memory of Sergeant Matthew L. Deckard, 29, of Elizabethtown, Kentucky, who died on September 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2132) honors the memory of Specialist David H. Ford IV, 20, of Ironton, Ohio, who died on September 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2133) honors the memory of First Sergeant Alan Nye Gifford, 39, of Tallahassee, Florida, who died on September 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2134) honors the memory of Staff Sergeant Regilio E. Nelom, 45, of Queens, New York, who died on September 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2135) honors the memory of First Lieutenant Mark H. Dooley, 27, of Wallkill, New York, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2136) honors the memory of Sergeant Michael Egan, 36, of Pennsauken, New Jersey, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2137) honors the memory of Specialist William L. Evans, 22, of Hallstead, Pennsylvania, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2138) honors the memory of Specialist William V. Fernandez, 37, of Reading, Pennsylvania, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2139) honors the memory of Sergeant First Class Lawrence E. Morrison, 45, of Yakima, Washington, who died on September 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2140) honors the memory of Staff Sergeant William Alvin Allers III, 28, of Leitchfield, Kentucky, who died on September 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2141) honors the memory of Sergeant Pierre A. Raymond, 28, of Lawrence, Massachusetts, who died on September 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2142) honors the memory of Sergeant Travis M. Arndt, 23, of Bozeman, Montana, who died on September 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2143) honors the memory of Specialist Kevin M. Jones, 21, of Washington, North Carolina, who died on September 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2144) honors the memory of Specialist Scott P. McLaughlin, 29, of Hardwick, Vermont, who died on September 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2145) honors the memory of Specialist Mike T. Sonoda, Jr., 34, of Fallbrook, California, who died on September 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2146) honors the memory of Sergeant Andrew Joseph Derrick, 25, of Columbia, South Carolina, who died on September 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2147) honors the memory of Sergeant Paul C. Neubauer, 40, of Oceanside, California, who died on September 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2148) honors the memory of Sergeant Brian E. Dunlap, 34, of Vista, California, who died on September 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2149) honors the memory of Staff Sergeant Daniel R. Schelle, 37, of Antioch, California, who died on September 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2150) honors the memory of Sergeant Tane T. Baum, 30, of Pendleton, Oregon, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2151) honors the memory of Chief Warrant Officer John M. Flynn, 36, of Sparks, Nevada, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2152) honors the memory of Sergeant Shawn A. Graham, 34, of Red Oak, Texas, who died on September 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2153) honors the memory of Sergeant Kenneth G. Ross, 24, of Peoria, Arizona, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2154) honors the memory of Sergeant Patrick D. Stewart, 35, of Fernley, Nevada, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2155) honors the memory of Warrant Officer Adrian B. Stump, 22, of Pendleton, Oregon, who died on September 25, 2005, in service to the United States in Operation Enduring Freedom;

(2156) honors the memory of Sergeant Howard P. Allen, 31, of Mesa, Arizona, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2157) honors the memory of Sergeant First Class Casey E. Howe, 32, of Philadelphia, New York, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2158) honors the memory of Private Elijah M. Ortega, 19, of Oxnard, California, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2159) honors the memory of Master Sergeant Tulsa T. Tuliau, 33, of Watertown, New York, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2160) honors the memory of Lance Corporal Steven A. Valdez, 20, of McRea, Arkansas, who died on September 26, 2005, in service to the United States in Operation Enduring Freedom;

(2161) honors the memory of Sergeant Andrew P. Wallace, 25, of Oshkosh, Wisconsin, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2162) honors the memory of Specialist Michael J. Wendling, 20, of Mayville, Wisconsin, who died on September 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2163) honors the memory of Staff Sergeant Robert F. White, 34, of Cross Lanes, West Virginia, who died on September 26, 2005, in service to the United States in Operation Enduring Freedom;

(2164) honors the memory of Staff Sergeant Jason A. Benford, 30, of Toledo, Ohio, who died on September 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2165) honors the memory of Staff Sergeant Daniel L. Arnold, 27, of Montrose, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2166) honors the memory of Private First Class Oliver J. Brown, 19, of Carbondale, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2167) honors the memory of Airman First Class Elizabeth Nicole Jacobson, 21, of Riviera Beach, Florida, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2168) honors the memory of Sergeant Steve Morin, Jr., 34, of Arlington, Texas, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2169) honors the memory of Staff Sergeant George A. Pugliese, 39, of Carbondale, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2170) honors the memory of Sergeant Eric W. Slebodnik, 21, of Greenfield Township, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2171) honors the memory of Specialist Lee A. Wiegand, 20, of Hallstead, Pennsylvania, who died on September 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2172) honors the memory of Staff Sergeant John G. Doles, 29, of Claremore, Oklahoma, who died on September 30, 2005, in service to the United States in Operation Enduring Freedom;

(2173) honors the memory of Sergeant First Class James J. Stoddard, Jr., 29, of Crofton, Maryland, who died on September 30, 2005, in service to the United States in Operation Enduring Freedom;

(2174) honors the memory of Specialist Joshua J. Kynoch, 23, of Santa Rosa, California, who died on October 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2175) honors the memory of Staff Sergeant Jens E. Schelbert, 31, of New Orleans, Louisiana, who died on October 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2176) honors the memory of Sergeant Marshall A. Westbrook, 43, of Farmington, New Mexico, who died on October 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2177) honors the memory of Staff Sergeant Timothy J. Roark, 29, of Houston, Texas, who died on October 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2178) honors the memory of Private First Class Roberto C. Baez, 19, of Tampa, Florida, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2179) honors the memory of Sergeant Sean B. Berry, 26, of Mansfield, Texas, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2180) honors the memory of Sergeant Bryan W. Large, 31, of Cuyahoga Falls, Ohio, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2181) honors the memory of Sergeant Larry Wayne Pankey, Jr., 34, of Morrison, Colorado, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2182) honors the memory of Corporal John R. Stalvey, 22, of Conroe, Texas, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2183) honors the memory of Specialist Jacob T. Vanderbosch, 21, of Vadnais Heights, Minnesota, who died on October 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2184) honors the memory of Private First Class Andrew D. Bedard, 19, of Missoula, Montana, who died on October 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2185) honors the memory of Petty Officer Second Class Brian K. Joplin, 32, of Hugo, Oklahoma, who died on October 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2186) honors the memory of Sergeant First Class Moses E. Armstead, 44, of Rochester, New York, who died on October 6, 2005, in service to the United States in Operation Enduring Freedom;

(2187) honors the memory of Lance Corporal Shayne M. Cabino, 19, of Canton, Massachusetts, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2188) honors the memory of Corporal Nicholas O. Cherava, 21, of Ontonagon, Michigan, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2189) honors the memory of Private First Class Jason L. Frye, 19, of Landisburg, Pennsylvania, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2190) honors the memory of Lance Corporal Patrick Brian Kenny, 20, of Pittsburgh, Pennsylvania, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2191) honors the memory of Lance Corporal Daniel M. McVicker, 20, of Alliance, Ohio, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2192) honors the memory of Lance Corporal Carl L. Raines II, 20, of Coffee, Alabama, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2193) honors the memory of Specialist Jeremiah W. Robinson, 20, of Mesa, Arizona, who died on October 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2194) honors the memory of Sergeant Eric A. Fifer, 22, of Knoxville, Tennessee, who died on October 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2195) honors the memory of Private First Class Benny S. Franklin, 19, of Hammond, Louisiana, who died on October 7, 2005, in service to the United States in Operation Enduring Freedom;

(2196) honors the memory of Private First Class Nicholas J. Greer, 21, of Monroe, Michigan, who died on October 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2197) honors the memory of Lance Corporal Sergio H. Escobar, 18, of Pasadena, California, who died on October 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2198) honors the memory of Staff Sergeant Troy S. Ezernack, 39, of Lancaster, Pennsylvania, who died on October 9, 2005, in service to the United States in Operation Enduring Freedom;

(2199) honors the memory of Staff Sergeant Gary R. Harper, Jr., 29, of Virden, Illinois, who died on October 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2200) honors the memory of Staff Sergeant Jerry L. Bonifacio, Jr., 28, of Vacaville, California, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2201) honors the memory of Specialist Jeremy M. Hodge, 20, of Ridgeway, Ohio, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2202) honors the memory of Lieutenant Colonel Leon G. James II, 46, of Sackets Harbor, New York, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2203) honors the memory of Sergeant Leon M. Johnson, 28, of Jacksonville, Florida, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2204) honors the memory of Sergeant First Class Brandon K. Sneed, 33, of Norman, Oklahoma, who died on October 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2205) honors the memory of Staff Sergeant Matthew A. Kimmell, 30, of Paxton, Indiana, who died on October 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2206) honors the memory of Sergeant Donald D. Furman, 30, of Burton, South Carolina, who died on October 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2207) honors the memory of Specialist James T. Grijalva, 26, of Burbank, Illinois, who died on October 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2208) honors the memory of Master Sergeant Kenneth E. Hunt, Jr., 40, of Tucson, Arizona, who died on October 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2209) honors the memory of Sergeant Lorenzo Ponce Ruiz, 26, of El Paso, Texas, who died on October 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2210) honors the memory of Specialist Robert W. Tucker, 20, of Hilham, Tennessee, who died on October 13, 2005, in service to the United States in Operation Iraqi Freedom;

(2211) honors the memory of Petty Officer First Class Howard E. Babcock IV, 33, of Houston, Texas, who died on October 13, 2005, in service to the United States in Operation Iraqi Freedom;

(2212) honors the memory of Specialist Samuel M. Boswell, 20, of Elkridge, Maryland, who died on October 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2213) honors the memory of Specialist Bernard L. Ceo, 23, of Baltimore, Maryland, who died on October 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2214) honors the memory of Sergeant Brian R. Conner, 36, of Baltimore, Maryland, who died on October 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2215) honors the memory of Petty Officer Third Class Fabricio Moreno, 26, of Brooklyn, New York, who died on October 14, 2005, in service to the United States in Operation Enduring Freedom;

(2216) honors the memory of Specialist Scott J. Mullen, 22, of Tucson, Arizona, who died on October 14, 2005, in service to the United States in Operation Enduring Freedom;

(2217) honors the memory of Sergeant Mark P. Adams, 24, of Morrisville, North Carolina, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2218) honors the memory of Specialist Thomas H. Byrd, 21, of Tucson, Arizona, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2219) honors the memory of Specialist Jeffrey Corban, 28, of Elkhart, Indiana, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2220) honors the memory of Specialist Richard Allen Hardy, 24, of Bolivar, Ohio, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2221) honors the memory of Staff Sergeant Vincent Summers, 38, of Detroit, Michigan, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2222) honors the memory of Specialist Timothy D. Watkins, 24, of San Bernardino, California, who died on October 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2223) honors the memory of Private First Class Joseph Cruz, 22, of Whittier, California, who died on October 16, 2005, in service to the United States in Operation Enduring Freedom;

(2224) honors the memory of Lance Corporal Daniel Scott R. Bubb, 19, of Grottoes, Virginia, who died on October 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2225) honors the memory of Lance Corporal Chad R. Hildebrandt, 22, of Springer, New Mexico, who died on October 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2226) honors the memory of Chief Warrant Officer Paul J. Pillen, 28, of Keystone, South Dakota, who died on October 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2227) honors the memory of Lance Corporal Christopher M. Poston, 20, of Glendale, Arizona, who died on October 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2228) honors the memory of Specialist Lucas A. Frantz, 22, of Tonganoxie, Kansas, who died on October 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2229) honors the memory of Lance Corporal Norman W. Anderson III, 21, of Parkton, Maryland, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2230) honors the memory of Specialist Daniel D. Bartels, 22, of Huron, South Dakota, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2231) honors the memory of Staff Sergeant Tommy Ike Folks, Jr., 31, of Amarillo, Texas, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2232) honors the memory of Specialist Kendall K. Frederick, 21, of Randallstown, Maryland, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2233) honors the memory of Sergeant Arthur A. Mora, Jr., 23, of Pico Rivera, California, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2234) honors the memory of Specialist Russell H. Nahvi, 24, of Arlington, Texas, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2235) honors the memory of Specialist Jose E. Rosario, 20, of St. Croix, Virgin Islands, who died on October 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2236) honors the memory of Sergeant Jacob D. Dones, 21, of Dimmitt, Texas, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2237) honors the memory of Staff Sergeant Dennis P. Merck, 38, of Evans, Georgia, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2238) honors the memory of Staff Sergeant Richard T. Pummill, 27, of Cincinnati, Ohio, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2239) honors the memory of Lance Corporal Andrew D. Russoli, 21, of Greensboro, North Carolina, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2240) honors the memory of Lance Corporal Steven W. Szwydek, 20, of Warfordsburg, Pennsylvania, who died on October 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2241) honors the memory of Lance Corporal Kenneth J. Butler, 19, of Rowan, North Carolina, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2242) honors the memory of Corporal Benny Gray Cockerham III, 21, of Conover, North Carolina, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2243) honors the memory of Corporal Seamus M. Davey, 25, of Lewis, New York, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2244) honors the memory of Captain Tyler B. Swisher, 35, of Cincinnati, Ohio, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2245) honors the memory of Petty Officer Third Class Christopher W. Thompson, 25, of North Wilkesboro, North Carolina, who died on October 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2246) honors the memory of Staff Sergeant George T. Alexander, Jr., 34, of Killeen, Texas, who died on October 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2247) honors the memory of Lance Corporal Jonathan R. Spears, 21, of Molino, Florida, who died on October 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2248) honors the memory of Corporal Benjamin D. Hoeffner, 21, of Wheat Ridge, Colorado, who died on October 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2249) honors the memory of Specialist Christopher T. Monroe, 19, of Kendallville, Indiana, who died on October 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2250) honors the memory of Sergeant Michael T. Robertson, 28, of Houston, Texas, who died on October 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2251) honors the memory of Sergeant First Class Ramon A. Acevedoaponte, 51, of Watertown, New York, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2252) honors the memory of Staff Sergeant Lewis J. Gentry, 48, of Detroit, Michigan, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2253) honors the memory of Sergeant Evan S. Parker, 25, of Arkansas City, Kansas, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2254) honors the memory of Master Sergeant Thomas A. Wallsmith, 38, of Carthage, Missouri, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2255) honors the memory of Sergeant James Witkowski, 32, of Surprise, Arizona, who died on October 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2256) honors the memory of Lance Corporal Robert F. Eckfield, Jr., 23, of Cleveland, Ohio, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2257) honors the memory of Lance Corporal Jared J. Kremm, 24, of Hauppage, New York, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2258) honors the memory of Staff Sergeant Daniel R. Lightner, Jr., 28, of Hollidaysburg, Pennsylvania, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2259) honors the memory of Captain Michael J. Mackinnon, 30, of Helena, Montana, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2260) honors the memory of Colonel William W. Wood, 44, of Panama City, Florida, who died on October 27, 2005, in service to the United States in Operation Iraqi Freedom;

(2261) honors the memory of First Lieutenant Debra A. Banaszak, 35, of Bloomington, Illinois, who died on October 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2262) honors the memory of Private First Class Dillon M. Jutras, 20, of Fairfax Station, Virginia, who died on October 28, 2005, in service to the United States in Operation Iraqi Freedom;

(2263) honors the memory of Sergeant Shaker T. Guy, 23, of Pomona, California, who died on October 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2264) honors the memory of Captain Raymond D. Hill II, 39, of Turlock, California, who died on October 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2265) honors the memory of Staff Sergeant Travis W. Nixon, 24, of St. John, Washington, who died on October 29, 2005, in service to the United States in Operation Enduring Freedom;

(2266) honors the memory of Private First Class Kenny D. Rojas, 21, of Pembroke Pines, Florida, who died on October 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2267) honors the memory of Staff Sergeant Joel P. Dameron, 27, of Ellabell, Georgia, who died on October 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2268) honors the memory of Sergeant Michael Paul Hodshire, 25, of North Adams, Michigan, who died on October 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2269) honors the memory of Specialist William J. Byler, 23, of Ballinger, Texas, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2270) honors the memory of Specialist Derence W. Jack, 31, of Saipan, Northern Mariana Islands, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2271) honors the memory of Private Adam R. "A.J." Johnson, 22, of Clayton, Ohio, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2272) honors the memory of Sergeant First Class Matthew R. Kading, 32, of Madison, Wisconsin, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2273) honors the memory of Staff Sergeant Wilgene T. Lieto, 28, of Saipan, Northern Mariana Islands, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2274) honors the memory of Private First Class David J. Martin, 21, of Edmond, Oklahoma, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2275) honors the memory of First Lieutenant Robert C. Oneto-Sikorski, 33, of Bay St. Louis, Mississippi, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2276) honors the memory of Sergeant First Class Jonathan Tessar, 36, of Simi Valley, California, who died on October 31, 2005, in service to the United States in Operation Iraqi Freedom;

(2277) honors the memory of Petty Officer Second Class Allan M. Espiritu, 28, of Oxnard, California, who died on November 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2278) honors the memory of Sergeant Daniel A. Tsue, 27, of Honolulu, Hawaii, who died on November 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2279) honors the memory of Major Gerald M. Bloomfield II, 38, of Ypsilanti, Michigan, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2280) honors the memory of Specialist Dennis J. Ferderer, Jr., 20, of New Salem, North Dakota, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2281) honors the memory of Private 1st Class Tyler R. MacKenzie, 20, of Evans, Colorado, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2282) honors the memory of Captain Michael D. Martino, 32, of Fairfax, Virginia, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2283) honors the memory of Specialist Joshua J. Munger, 22, of Maysville, Missouri, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2284) honors the memory of 2nd Lieutenant Mark J. Procopio, 28, of Stowe, Vermont, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2285) honors the memory of Specialist Benjamin A. Smith, 21, of Hudson, Wisconsin, who died on November 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2286) honors the memory of Specialist Darren D. Howe, 21, of Beatrice, Nebraska, who died on November 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2287) honors the memory of Sergeant 1st Class Daniel J. Pratt, 48, of Youngstown, Ohio, who died on November 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2288) honors the memory of Captain Jeffrey P. Toczylowski, 30, of Upper Moreland, Pennsylvania, who died on November 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2289) honors the memory of Staff Sergeant Kyle B. Wehrly, 28, of Galesburg, Illinois, who died on November 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2290) honors the memory of Specialist Timothy D. Brown, 23, of Cedar Springs, Michigan, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2291) honors the memory of Staff Sergeant Jason A. Fegler, 24, of Virginia Beach, Virginia, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2292) honors the memory of Captain James M. Gurbisz, 25, of Eatontown, New Jersey, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2293) honors the memory of Private 1st Class Dustin A. Yancey, 22, of Goose Creek, South Carolina, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2294) honors the memory of Lieutenant Colonel Thomas A. Wren, 44, of Lorton, Virginia, who died on November 5, 2005, in service to the United States in Operation Iraqi Freedom;

(2295) honors the memory of Captain Joel Cahill, 34, of Omaha, Nebraska, who died on November 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2296) honors the memory of Sergeant 1st Class James F. Hayes, 48, of Barstow, California, who died on November 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2297) honors the memory of Jeromy Tamburello, 19, of Adams County, Colorado, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2298) honors the memory of Lance Corporal Ryan J. Sorensen, 26, of Boca Raton, Florida, who died on November 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2299) honors the memory of Staff Sergeant Brian L. Freeman, 27, of Lucedale, Mississippi, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2300) honors the memory of Specialist Robert C. Pope II, 22, of East Islip, New York, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2301) honors the memory of Private 1st Class Mario A. Reyes, 19, of Las Cruces, New Mexico, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2302) honors the memory of 1st Lieutenant Justin S. Smith, 28, of Lansing, Michigan, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2303) honors the memory of Jeromy Tamburello, 19, of Adams County, Colorado, who died on November 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2304) honors the memory of Gunnery Sergeant Darrell W. Boatman, 38, of Fayetteville, North Carolina, who died on November 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2305) honors the memory of Sergeant 1st Class Alwyn C. "Al" Cashe, 35, of Oviedo, Florida, who died on November 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2306) honors the memory of Staff Sergeant Michael C. Parrott, 49, of Timnath, Colorado, who died on November 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2307) honors the memory of Lance Corporal Daniel Freeman Swaim, 19, of Yadkinville, North Carolina, who died on November 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2308) honors the memory of Sergeant Joshua A. Terando, 27, of Morris, Illinois, who died on November 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2309) honors the memory of Sergeant Tyrone L. Chisholm, 27, of Savannah, Georgia, who died on November 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2310) honors the memory of Corporal Donald E. Fisher II, 21, of Avon, Massachusetts, who died on November 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2311) honors the memory of Private 1st Class Antonio "Tony" Mendez Sanchez, 22, of Rincon, Puerto Rico, who died on November 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2312) honors the memory of Lance Corporal David A. Mendez Ruiz, 20, of Cleveland, Ohio, who died on November 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2313) honors the memory of Staff Sergeant Stephen J. Sutherland, 33, of West Deptford, New Jersey, who died on November 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2314) honors the memory of Lance Corporal Scott A. Zubowski, 20, of Manchester, Indiana, who died on November 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2315) honors the memory of Corporal John M. Longoria, 21, of Nixon, Texas, who died on November 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2316) honors the memory of Lance Corporal Christopher M. McCrackin, 20, of Liverpool, Texas, who died on November 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2317) honors the memory of Major Ramon J. Mendoza, Jr., 37, of Columbus, Ohio, who died on November 14, 2005, in service to the United States in Operation Iraqi Freedom;

(2318) honors the memory of Staff Sergeant James E. Estep, 26, of Leesburg, Florida, who died on November 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2319) honors the memory of Private 1st Class Travis J. Grigg, 24, of Inola, Oklahoma, who died on November 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2320) honors the memory of Specialist Matthew J. Holley, 21, of San Diego, California, who died on November 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2321) honors the memory of Sergeant 1st Class James S. Ochsner, 36, of Waukegan, Illinois, who died on November 15, 2005, in service to the United States in Operation Enduring Freedom;

(2322) honors the memory of Lance Corporal Nickolas David Schiavoni, 26, of Haverhill, Massachusetts, who died on November 15, 2005, in service to the United States in Operation Iraqi Freedom;

(2323) honors the memory of Lance Corporal Roger W. Deeds, 24, of Biloxi, Mississippi, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2324) honors the memory of Lance Corporal John A. "JT" Lucente, 19, of Grass Valley, California, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2325) honors the memory of 2nd Lieutenant Donald R. McGlothin, 26, of Lebanon, Virginia, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2326) honors the memory of Sergeant Jeremy E. Murray, 27, of Atwater, Ohio, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2327) honors the memory of Private Dylan R. Paytas, 20, of Freedom, Pennsylvania, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2328) honors the memory of Corporal Jeffry A. Rogers, 21, of Oklahoma City, Oklahoma, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2329) honors the memory of Specialist Alexis Roman-Cruz, 33, of Brandon, Florida, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2330) honors the memory of Corporal Joshua J. Ware, 20, of Apache, Oklahoma, who died on November 16, 2005, in service to the United States in Operation Iraqi Freedom;

(2331) honors the memory of Staff Sergeant Ivan Vargas Alarcon, 23, of Jerome, Idaho, who died on November 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2332) honors the memory of Specialist Vernon R. Widner, 34, of Redlands, California, who died on November 17, 2005, in service to the United States in Operation Iraqi Freedom;

(2333) honors the memory of Private 1st Class Anthony Alexander "Alex" Gaunky, 19, of Sparta, Wisconsin, who died on November 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2334) honors the memory of Sergeant Luis R. Reyes, 26, of Aurora, Colorado, who died on November 18, 2005, in service to the United States in Operation Iraqi Freedom;

(2335) honors the memory of Private Christopher M. Alcozer, 21, of Villa Park/DeKalb, Illinois, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2336) honors the memory of Corporal Jonathan F. Blair, 21, of Fort Wayne, Indiana, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2337) honors the memory of Specialist Dominic Joseph Hinton, 24, of Jacksonville, Texas, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2338) honors the memory of Specialist Michael J. Idanan, 21, of Chula Vista, California, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2339) honors the memory of Staff Sergeant Edward Karolasz, 25, of Powder Springs, New Jersey, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2340) honors the memory of Lance Corporal Miguel Terrazas, 20, of El Paso, Texas, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2341) honors the memory of Lance Corporal Tyler J. Troyer, 21, of Tangent, Oregon, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2342) honors the memory of Master Sergeant Anthony R.C. Yost, 39, of Millington/Flint, Michigan, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2343) honors the memory of 1st Lieutenant Dennis W. Zilinski, 23, of Freehold, New Jersey, who died on November 19, 2005, in service to the United States in Operation Iraqi Freedom;

(2344) honors the memory of Sergeant Dominic J. Sacco, 32, of Albany, New York, who died on November 20, 2005, in service to the United States in Operation Iraqi Freedom;

(2345) honors the memory of Petty Officer 3rd Class Emory J. Turpin, 23, of Dahlonega, Georgia, who died on November 20, 2005, in service to the United States in Operation Enduring Freedom;

(2346) honors the memory of Private 1st Class John Wilson "J.W." Dearing, 21, of Hazel Park, Michigan, who died on November 21, 2005, in service to the United States in Operation Iraqi Freedom;

(2347) honors the memory of Sergeant Denis J. Gallardo, 22, of St. Petersburg, Florida, who died on November 22, 2005, in service to the United States in Operation Iraqi Freedom;

(2348) honors the memory of Specialist Matthew P. Steyart, 21, of Mount Shasta, California, who died on November 22, 2005, in service to the United States in Operation Enduring Freedom;

(2349) honors the memory of Staff Sergeant Aram J. Bass, 25, of Niagara Falls, New York, who died on November 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2350) honors the memory of Specialist Allen J. Knop, 22, of Willowick, Ohio, who died on November 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2351) honors the memory of Sergeant William B. Meeuwsen, 24, of Kingwood, Texas, who died on November 23, 2005, in service to the United States in Operation Iraqi Freedom;

(2352) honors the memory of Private 1st Class Ryan D. Christensen, 22, of Spring Lake Heights, New Jersey, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2353) honors the memory of Private 1st Class Marc A. Delgado, 21, of Lithia, Florida, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2354) honors the memory of Sergeant 1st Class Eric P. Pearrow, 40, of Peoria, Illinois, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2355) honors the memory of Staff Sergeant Steven C. Reynolds, 32, of Jordan, New York, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2356) honors the memory of Specialist Javier A. Villanueva, 25, of Temple, Texas, who died on November 24, 2005, in service to the United States in Operation Iraqi Freedom;

(2357) honors the memory of Specialist Gregory L. Tull, 20, of Pocahontas, Iowa, who died on November 25, 2005, in service to the United States in Operation Iraqi Freedom;

(2358) honors the memory of Master Sergeant Brett E. Angus, 40, of St. Paul, Minnesota, who died on November 26, 2005, in service to the United States in Operation Iraqi Freedom;

(2359) honors the memory of Sergeant Donald J. Hasse, 28, of Wichita Falls, Texas, who died on November 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2360) honors the memory of Sergeant Jerry W. Mills, Jr., 23, of Arkansas City, Kansas, who died on November 29, 2005, in service to the United States in Operation Iraqi Freedom;

(2361) honors the memory of Sergeant Grzegorz Jakoniuk, 25, of Schiller Park, Illinois, who died on November 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2362) honors the memory of Staff Sergeant William D. Richardson, 30, of Houston, Texas, who died on November 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2363) honors the memory of Corporal Joshua D. Snyder, 20, of Hampstead, Maryland, who died on November 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2364) honors the memory of Corporal William G. Taylor, 26, of Macon, Georgia, who died on November 30, 2005, in service to the United States in Operation Iraqi Freedom;

(2365) honors the memory of Sergeant 1st Class Brent A. Adams, 40, of West View, Pennsylvania, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2366) honors the memory of Staff Sergeant Daniel J. Clay, 27, of Pensacola, Florida, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2367) honors the memory of Lance Corporal John M. Holmason, 20, of Suprise, Arizona, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2368) honors the memory of Lance Corporal David A. Huhn, 24, of Portland, Michigan, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2369) honors the memory of Lance Corporal Adam Wade Kaiser, 19, of Naperville, Illinois, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2370) honors the memory of Lance Corporal Robert Alexander Martinez, 20, of Splendora, Texas, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2371) honors the memory of Corporal Anthony T. McElveen, 20, of Little Falls, Minnesota, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2372) honors the memory of Lance Corporal Scott T. Modeen, 24, of Hennepin, Minnesota, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2373) honors the memory of Lance Corporal Andrew G. Patten, 19, of Byron, Illinois, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2374) honors the memory of Sergeant Andy A. Stevens, 29, of Tomah, Wisconsin, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2375) honors the memory of Lance Corporal Craig N. Watson, 21, of Union City, Michigan, who died on December 1, 2005, in service to the United States in Operation Iraqi Freedom;

(2376) honors the memory of Sergeant Philip Allan Dodson, Jr., 42, of Forsyth, Georgia, who died on December 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2377) honors the memory of Specialist Marcus S. Futrell, 20, of Macon, Georgia, who died on December 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2378) honors the memory of Staff Sergeant Philip L. Travis, 41, of Snellville, Georgia, who died on December 2, 2005, in service to the United States in Operation Iraqi Freedom;

(2379) honors the memory of Corporal Jimmy Lee Shelton, 21, of Lehigh Acres, Florida, who died on December 3, 2005, in service to the United States in Operation Iraqi Freedom;

(2380) honors the memory of Staff Sergeant Daniel M. Cuka, 27, of Yankton, South Dakota, who died on December 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2381) honors the memory of Sergeant 1st Class Richard L. Schild, 40, of Tabor, South Dakota, who died on December 4, 2005, in service to the United States in Operation Iraqi Freedom;

(2382) honors the memory of Private 1st Class Thomas C. Siekert, 20, of Lovelock, Nevada, who died on December 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2383) honors the memory of Specialist Brian A. Wright, 19, of Keensburg, Illinois, who died on December 6, 2005, in service to the United States in Operation Iraqi Freedom;

(2384) honors the memory of Corporal Joseph P. Bier, 22, of Centralia, Washington, who died on December 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2385) honors the memory of Sergeant Michael C. Taylor, 23, of Hockley, Texas, who died on December 7, 2005, in service to the United States in Operation Iraqi Freedom;

(2386) honors the memory of Sergeant Spencer C. Akers, 35, of Traverse City, Michigan, who died on December 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2387) honors the memory of Staff Sergeant Milton Rivera-Vargas, 55, of Boqueron, Puerto Rico, who died on December 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2388) honors the memory of 1st Lieutenant Kevin J. Smith, 28, of Brandon, Florida, who died on December 8, 2005, in service to the United States in Operation Iraqi Freedom;

(2389) honors the memory of Sergeant Adrian N. Orosco, 26, of Corcoran, California, who died on December 9, 2005, in service to the United States in Operation Iraqi Freedom;

(2390) honors the memory of Sergeant Julia V. Atkins, 22, of Bossier City, Louisiana, who died on December 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2391) honors the memory of Sergeant Kenith Casica, 32, of Virginia Beach, Virginia, who died on December 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2392) honors the memory of Sergeant Clarence L. Floyd, Jr., 28, of Manhattan, New York, who died on December 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2393) honors the memory of Staff Sergeant Travis L. Nelson, 41, of Anniston, Alabama, who died on December 10, 2005, in service to the United States in Operation Iraqi Freedom;

(2394) honors the memory of Staff Sergeant Keith A. Bennett, 32, of Holtwood, Pennsylvania, who died on December 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2395) honors the memory of Sergeant 1st Class James S. "Shawn" Moudy, 37, of Newark, Delaware, who died on December 11, 2005, in service to the United States in Operation Iraqi Freedom;

(2396) honors the memory of Specialist Jared William Kubasak, 25, of Rocky Mount, Virginia, who died on December 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2397) honors the memory of Staff Sergeant Curtis A. Mitchell, 28, of Evansville, Indiana, who died on December 12, 2005, in service to the United States in Operation Iraqi Freedom;

(2398) honors the memory of Specialist Lex S. Nelson, 21, of Salt Lake City, Utah, who died on December 12, 2005, in service to the United States in Operation Iraqi Freedom; and

(2399) will continue to honor the memory of all members of the Armed Forces of the United States who may fall in future service in Operation Enduring Freedom and Operation Iraqi Freedom.

SENATE RESOLUTION 339—URGING THE GOVERNMENT OF THE RUSSIAN FEDERATION TO WITHDRAW THE FIRST DRAFT OF THE PROPOSED LEGISLATION AS PASSED IN ITS FIRST READING IN THE STATE DUMA THAT WOULD HAVE THE EFFECT OF SEVERELY RESTRICTING THE ESTABLISHMENT, OPERATIONS, AND ACTIVITIES OF DOMESTIC, INTERNATIONAL, AND FOREIGN NONGOVERNMENTAL ORGANIZATIONS IN THE RUSSIAN FEDERATION, OR TO MODIFY THE PROPOSED LEGISLATION TO ENTIRELY REMOVE THESE RESTRICTIONS

Mr. McCAIN (for himself, Mr. BIDEN, Mr. LIEBERMAN, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 339

Whereas Russian Federation President Putin has stated that "modern Russia's greatest achievement is the democratic process (and) the achievements of our civil society";

Whereas the unobstructed establishment and free and autonomous operations and activities of nongovernmental organizations and a robust civil society free from excessive government control are central and indispensable elements of a democratic society;

Whereas the free and autonomous operations of nongovernmental organizations in any society necessarily encompass activities, including political activities, that may be contrary to government policies;

Whereas domestic, international, and foreign nongovernmental organizations are crucial in assisting the Russian Federation and the Russian people in tackling the many challenges they face, including in such areas as education, infectious diseases, and the establishment of a flourishing democracy;

Whereas the Government of the Russian Federation has proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, including erecting unprecedented barriers to foreign assistance;

Whereas the State Duma of the Russian Federation is considering the first draft of such legislation;

Whereas the restrictions in the first draft of this legislation would impose disabling restraints on the establishment, operations, and activities of nongovernmental organizations and on civil society throughout the Russian Federation, regardless of the stated intent of the Government of the Russian Federation;

Whereas the stated concerns of the Government of the Russian Federation regarding the use of nongovernmental organizations by foreign interests and intelligence agencies to undermine the Government of the Russian Federation and the security of the Russian Federation as a whole can be fully addressed without imposing disabling restraints on nongovernmental organizations and on civil society;

Whereas there is active debate underway in the Russian Federation over concerns regarding such restrictions on nongovernmental organizations;

Whereas the State Duma and the Federation Council of the Federal Assembly play a central role in the system of checks and balances that are prerequisites for a democracy;

Whereas the first draft of the proposed legislation has already passed its first reading in the State Duma;

Whereas President Putin has indicated his desire for changes in the first draft that would "correspond more closely to the principles according to which civil society functions"; and

Whereas Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the international community of democracies: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) urges the Government of the Russian Federation to withdraw the first draft of the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; and

(2) in the event that the first draft of the proposed legislation is not withdrawn, urges the State Duma and the Federation Council of the Federal Assembly to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices universally adopted by democracies, including the provisions regarding foreign assistance.

SENATE CONCURRENT RESOLUTION 72—REQUESTING THE PRESIDENT TO ISSUE A PROCLAMATION ANNUALLY CALLING UPON THE PEOPLE OF THE UNITED STATES TO OBSERVE GLOBAL FAMILY DAY, ONE DAY OF PEACE AND SHARING, AND FOR OTHER PURPOSES

Mr. INOUYE (for himself, Mr. COLEMAN, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 72

Whereas, in the year 2005, the people of the world suffered many calamitous events, including devastation from tsunami, terror attacks, war, famine, genocide, hurricanes, earthquakes, political and religious conflict, disease, poverty, and rioting, all necessitating global cooperation, compassion, and unity previously unprecedented among diverse cultures, faiths, and economic classes;

Whereas grave global challenges in the year 2006 may require cooperation and innovative problem solving among citizens and nations on an even greater scale;

Whereas, on December 15, 2000, Congress adopted Senate Concurrent Resolution 138, expressing the sense of Congress that the President of the United States should issue a proclamation each year calling upon the people of the United States and interested organizations to observe an international day of peace and sharing at the beginning of each year;

Whereas, in 2001, the United Nations General Assembly adopted Resolution 56/2, which invited "Member States, intergovernmental and non-governmental organizations and all the peoples of the world to celebrate One Day in Peace, 1 January 2002, and every year thereafter";

Whereas many foreign heads of state have recognized the importance of establishing Global Family Day, a special day of international unity, peace, and sharing, on the first day of each year;

Whereas Congress desires to express and demonstrate its appreciation to the citizens of the more than 100 countries who offered aid to United States hurricane victims, to make tangible efforts to reverse the growing mistrust of the United States, and to improve relations with others; and

Whereas family is the basic structure of humanity, and we must all look to the stability and love within our individual families to create stability in the global community: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urgently requests the following:

(1) That the President issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, a day which is dedicated—

(A) to eradicating violence, hunger, poverty, and suffering; and

(B) to establishing greater trust and fellowship among peace-loving nations and families everywhere.

(2) That the President invite former Presidents of the United States, Nobel laureates, and other notables, including business, labor, faith, and civic leaders of the United States, to join the President in promoting appropriate activities for the people of the United States and in extending appropriate greetings from the families of the United States to families in the rest of the world.

Mr. INOUYE. Mr. President, I rise to submit a Senate Concurrent Resolution requesting the President to issue a proclamation annually calling upon the people of the United States to observe Global Family Day, One Day of Peace and Sharing, on the first of each January. This measure is co-sponsored by Mr. COLEMAN and Mr. KENNEDY.

The observance is dedicated to eradicating violence, hunger, poverty and suffering, and to establish greater trust and fellowship among nations and families everywhere. Global Family Day encourages families to reach out to each other on the first of January of each year. It is a day for sharing the idea and condition of peace, and the observance can take a concrete form such as sharing a meal or helping the needy.

The idea of Global Family Day originates from young supporters. In 1999, ninety nine children from Hine Middle School in the District of Columbia visited Capitol Hill, asking Congress to dedicate one day each year to a day of peace and sharing. In the following year, the footsteps of these intrepid young thinkers were followed by children from Brent Elementary School, also from the District of Columbia. Children from Stuart-Hobson Middle School also visited members of Congress on Capitol Hill.

The 106th Congress agreed with them, and in the year 2000, adopted a resolution similar to the one I am submitting today. However, with the onrush of events after the tragedy of September 11, 2001, a proclamation was not issued.

Thus, there was little public knowledge that we have this important tool for peace, despite the international support from the United Nations General Assembly. We can remedy that today by showing our support for Global Family Day.

Many Americans are troubled by our deteriorating image in the world, by the dangers of terrorism and by the suffering of others, both at home and abroad. Yet they feel helpless to do anything about it. Global Family Day offers a potential solution. The observance of Global Family Day can lead to greater understanding among faith groups, people of different races and economic classes. Global Family Day provides a way in which every man, woman and child in the United States can help reduce suffering at home, repair our damaged image abroad, and help us remember that in the end, all peoples belong to the same family.

SENATE CONCURRENT RESOLUTION 73—URGING THE PRESIDENT TO ISSUE A PROCLAMATION FOR THE OBSERVANCE OF AN AMERICAN JEWISH HISTORY MONTH

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 73

Resolved by the Senate (the House of Representatives concurring), That Congress urges the President to issue each year a proclamation calling on State and local governments and the people of the United States to observe an American Jewish History Month with appropriate programs, ceremonies, and activities.

Mr. SPECTER. Mr. President, this year marked the 350th anniversary of Jewish life in America. The occasion has been commemorated with festivities and celebrations across the entire country. As this special year draws to a close, I am submitting a resolution urging the President to establish permanent recognition of the contributions the Jewish culture has made to life in America by annually issuing a proclamation for the observance of an American Jewish History Month.

Each year, we remember the achievements and contributions made by African-Americans and women to our Nation's development by designating February as African American History Month and March as Women's History Month. Similarly, Jewish American History Month would celebrate the legacy of the American Jewish experience and observe the many contributions Jewish-Americans have made in the areas of medicine, the arts, science, and technology.

American society is comprised of many cultures. Americans are proud of our history of acceptance and understanding. By establishing a Jewish American History Month, we will present an additional opportunity to raise our Nation's cultural awareness and celebrate our diversity.

An identical resolution was introduced in the House by Congresswoman WASSERMAN SCHULTZ, where it was cosponsored by 250 Members and passed unanimously.

I hope that the Senate will join our colleagues in the House by agreeing to this resolution, urging the President to annually issue a proclamation for the observance of an American Jewish History Month.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2680. Mr. LOTT (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY)) proposed an amendment to the bill H.R. 4440, to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

SA 2681. Mr. SANTORUM (for Mr. SPECTER (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 3402, to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

SA 2682. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

SA 2683. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

SA 2684. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1310, supra.

SA 2685. Mr. FRIST (for Mr. SARBANES) proposed an amendment to the bill S. 959, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

SA 2686. Mr. FRIST (for Mr. SHELBY) proposed an amendment to the bill S. 863, to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt and for other purposes.

SA 2687. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1312, to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

SA 2688. Mr. FRIST (for Mr. HATCH (for himself, Mr. BURR, and Mr. ENZI)) proposed an amendment to the bill H.R. 2520, to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

SA 2689. Mr. FRIST (for Mr. SHELBY) proposed an amendment to the bill S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002.

SA 2690. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1892, to amend Public Law 107-153 to modify a certain date.

TEXT OF AMENDMENTS

SA 2680. Mr. LOTT (for Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. LOTT, Ms. LANDRIEU, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY) proposed an amendment to the bill H.R. 4440, to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Gulf Opportunity Zone Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

Sec. 101. Tax benefits for Gulf Opportunity Zone.
Sec. 102. Expansion of Hope Scholarship and Lifetime Learning Credit for students in the Gulf Opportunity Zone.
Sec. 103. Housing relief for individuals affected by Hurricane Katrina.
Sec. 104. Extension of special rules for mortgage revenue bonds.
Sec. 105. Special extension of bonus depreciation placed in service date for taxpayers affected by Hurricanes Katrina, Rita, and Wilma.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

Sec. 201. Extension of certain emergency tax relief for Hurricane Katrina to Hurricanes Rita and Wilma.

TITLE III—OTHER PROVISIONS

Sec. 301. Gulf Coast Recovery Bonds.
Sec. 302. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 303. Modification of effective date of exception from suspension rules for certain listed and reportable transactions.
Sec. 304. Authority for undercover operations.
Sec. 305. Disclosures of certain tax return information.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

Sec. 401. Short title.
Sec. 402. Amendments related to Energy Policy Act of 2005.
Sec. 403. Amendments related to the American Jobs Creation Act of 2004.
Sec. 404. Amendments related to the Working Families Tax Relief Act of 2004.

Sec. 405. Amendments related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 406. Amendment related to the Victims of Terrorism Tax Relief Act of 2001.
Sec. 407. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 408. Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 409. Amendments related to the Taxpayer Relief Act of 1997.
Sec. 410. Amendment related to the Omnibus Budget Reconciliation Act of 1990.
Sec. 411. Amendment related to the Omnibus Budget Reconciliation Act of 1987.
Sec. 412. Clerical corrections.
Sec. 413. Other corrections related to the American Jobs Creation Act of 2004.

Subtitle B—Trade Technicals

Sec. 421. Technical corrections to regional value content methods for rules of origin under Public Law 109–53.

TITLE V—EMERGENCY REQUIREMENT

Sec. 501. Emergency requirement.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

"PART II—TAX BENEFITS FOR GO ZONES

"Sec. 1400M. Definitions.
"Sec. 1400N. Tax benefits for Gulf Opportunity Zone.

"SEC. 1400M. DEFINITIONS.

"For purposes of this part—

"(1) GULF OPPORTUNITY ZONE.—The terms 'Gulf Opportunity Zone' and 'GO Zone' mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

"(2) HURRICANE KATRINA DISASTER AREA.—The term 'Hurricane Katrina disaster area' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

"(3) RITA GO ZONE.—The term 'Rita GO Zone' means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

"(4) HURRICANE RITA DISASTER AREA.—The term 'Hurricane Rita disaster area' means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

"(5) WILMA GO ZONE.—The term 'Wilma GO Zone' means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

"(6) HURRICANE WILMA DISASTER AREA.—The term 'Hurricane Wilma disaster area' means an area with respect to which a major disaster has been declared by the President before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

"SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

"(a) TAX-EXEMPT BOND FINANCING.—

"(1) IN GENERAL.—For purposes of this title—

"(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

"(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

"(2) QUALIFIED GULF OPPORTUNITY ZONE BOND.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone Bond' means any bond issued as part of an issue if—

"(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

"(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

"(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

"(C) such bond is designated for purposes of this section by—

"(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

"(ii) in the case of any other bond, the Governor of such State,

"(D) such bond is issued after the date of the enactment of this section and before January 1, 2011, and

"(E) no portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

"(3) LIMITATIONS ON BONDS.—

"(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

"(B) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

"(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term 'qualified project costs' means—

"(A) the cost of any qualified residential rental project (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

"(B) the cost of acquisition, construction, reconstruction, and renovation of—

"(i) nonresidential real property (including fixed improvements associated with such property) located in the Gulf Opportunity Zone, and

"(ii) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

"(5) SPECIAL RULES.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

"(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

"(i) by substituting '60 percent' for '50 percent' in subparagraph (A) thereof, and

"(ii) by substituting '70 percent' for '60 percent' in subparagraph (B) thereof.

"(B) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans' mortgage bond) shall be applied—

"(i) only with respect to owner-occupied residences in the Gulf Opportunity Zone,

"(ii) by treating any such residence in the Gulf Opportunity Zone as a targeted area residence,

"(iii) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

"(iv) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

"(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

"(D) Section 146 (relating to volume cap) shall not apply.

"(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting '50 percent' for '15 percent' each place it appears.

"(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

"(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

"(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

"(b) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

"(1) IN GENERAL.—With respect to a bond described in paragraph (3), one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

"(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

"(B) the requirements of paragraph (5) are met.

"(2) CERTAIN PRIVATE ACTIVITY BONDS.—With respect to a bond described in paragraph (3) which is an exempt facility bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

"(3) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

"(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

"(A) $4,500,000,000 in the case of the State of Louisiana,

"(B) $2,250,000,000 in the case of the State of Mississippi, and

"(C) $1,125,000,000 in the case of the State of Alabama.

"(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

"(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005, "(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

"(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

"(6) USE OF PROCEEDS REQUIREMENT.—This subsection shall not apply to any advance refunding of a bond which is issued as part of an issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

"(c) LOW-INCOME HOUSING CREDIT.—

"(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR GULF OPPORTUNITY ZONE.—

"(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

"(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

"(ii) the Gulf Opportunity housing amount for such State for such calendar year.

"(B) GULF OPPORTUNITY HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Gulf Opportunity housing amount' means, for any calendar year, the amount equal to the product of $18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

"(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling under section 42(h)(3)(C) for any calendar year, any increase in the State housing credit ceiling under subparagraph (A) shall be treated as an amount described in clause (ii) of such section.

"(2) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR TEXAS AND FLORIDA.—For purposes of section 42, in the case of calendar year 2006, the State housing credit ceiling of Texas and Florida shall each be increased by $3,500,000.

"(3) DIFFICULT DEVELOPMENT AREA.—

"(A) IN GENERAL.—For purposes of section 42, in the case of property placed in service during 2006, 2007, or 2008, the Gulf Opportunity Zone, the Rita GO Zone, and the Wilma GO Zone—

"(i) shall be treated as difficult development areas designated under subclause (I) of section 42(d)(5)(C)(iii), and

"(ii) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section.

"(B) APPLICATION.—Subparagraph (A) shall apply only to—

"(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

"(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

"(4) SPECIAL RULE FOR APPLYING INCOME TESTS.—In the case of property placed in service—

"(A) during 2006, 2007, or 2008,

"(B) in the Gulf Opportunity Zone, and

"(C) in a nonmetropolitan area (as defined in section 42(d)(5)(C)(iv)(IV)),

section 42 shall be applied by substituting 'national nonmetropolitan median gross income (determined under rules similar to the rules of section 142(d)(2)(B))' for 'area median gross income' in subparagraphs (A) and (B) of section 42(g)(1).

"(5) DEFINITIONS.—Any term used in this subsection which is also used in section 42 shall have the same meaning as when used in such section.

"(d) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER AUGUST 28, 2005.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified Gulf Opportunity Zone property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

"(B) the adjusted basis of the qualified Gulf Opportunity Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified Gulf Opportunity Zone property' means property—

"(i)(I) which is described in section 168(k)(2)(A)(i), or

"(II) which is nonresidential real property or residential rental property,

"(ii) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

"(iii) the original use of which in the Gulf Opportunity Zone commences with the taxpayer on or after August 28, 2005,

"(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

"(v) which is placed in service by the taxpayer on or before December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

"(B) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

"(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

"(iii) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

"(iv) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

"(A) by substituting 'August 27, 2005' for 'September 10, 2001' each place it appears therein,

"(B) by substituting 'January 1, 2008' for 'January 1, 2005' in clause (i) thereof, and

"(C) by substituting 'qualified Gulf Opportunity Zone property' for 'qualified property' in clause (iv) thereof.

"(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

"(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Opportunity Zone property which ceases to be qualified Gulf Opportunity Zone property.

"(e) INCREASE IN EXPENSING UNDER SECTION 179.—

"(1) IN GENERAL.—For purposes of section 179—

"(A) the dollar amount in effect under section 179(b)(1) for the taxable year shall be increased by the lesser of—

"(i) $100,000, or

"(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year, and

"(B) the dollar amount in effect under section 179(b)(2) for the taxable year shall be increased by the lesser of—

"(i) $600,000, or

"(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year.

"(2) QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 Gulf Opportunity Zone property' means section 179 property (as defined in section 179(d)) which is qualified Gulf Opportunity Zone property (as defined in subsection (d)(2)).

"(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 Gulf Opportunity Zone property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 Gulf Opportunity Zone property into account for purposes of this subsection.

"(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified section 179 Gulf Opportunity Zone property which ceases to be qualified section 179 Gulf Opportunity Zone property.

"(f) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—

"(1) IN GENERAL.—A taxpayer may elect to treat 50 percent of any qualified Gulf Opportunity Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

"(2) QUALIFIED GULF OPPORTUNITY ZONE CLEAN-UP COST.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone clean-up cost' means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Opportunity Zone and which is—

"(A) held by the taxpayer for use in a trade or business or for the production of income, or

"(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

"(g) Extension of Expensing for Environmental Remediation Costs.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Opportunity Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

"(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting 'December 31, 2007' for the date contained in section 198(h), and

"(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

"(h) Increase in Rehabilitation Credit.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

"(1) by substituting '13 percent' for '10 percent' in paragraph (1) thereof, and

"(2) by substituting '26 percent' for '20 percent' in paragraph (2) thereof.

"(i) Special Rules for Small Timber Producers.—

"(1) Increased expensing for qualified timber property.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

"(A) the limitation which would (but for this subsection) apply under such subparagraph, or

"(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

"(2) 5 year NOL carryback of certain timber losses.—For purposes of determining any farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone shall be treated as attributable to farming businesses.

"(3) Rules not applicable to certain entities.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

"(A) is a corporation the stock of which is publicly traded on an established securities market, or

"(B) is a real estate investment trust.

"(4) Rules not applicable to large timber producers.—

"(A) Expensing.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of qualified timber property at any time during the taxable year.

"(B) NOL carryback.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

"(i) such property was held by the taxpayer—

"(I) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone,

"(II) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or

"(III) on October 23, 2005, in the case of qualified timber property (other than property described in subclause (I) or (II)) any portion of which is located in the Wilma GO Zone, and

"(ii) such taxpayer held not more than 500 acres of qualified timber property on such date.

"(5) Definitions.—For purposes of this subsection—

"(A) Specified portion.—

"(i) In general.—The term 'specified portion' means—

"(I) in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, that portion of the taxable year which is on or after August 28, 2005, and before the termination date,

"(II) in the case of qualified timber property (other than property described in clause (i)) any portion of which is located in the Rita GO Zone, that portion of the taxable year which is on or after September 23, 2005, and before the termination date, or

"(III) in the case of qualified timber property (other than property described in clause (i) or (ii)) any portion of which is located in the Wilma GO Zone, that portion of the taxable year which is on or after October 23, 2005, and before the termination date.

"(ii) Termination date.—The term 'termination date' means—

"(I) for purposes of paragraph (1), January 1, 2008, and

"(II) for purposes of paragraph (2), January 1, 2007.

"(B) Qualified timber property.—The term 'qualified timber property' has the meaning given such term in section 194(c)(1).

"(j) Special Rule for Gulf Opportunity Zone Public Utility Casualty Losses.—

"(1) In general.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the Gulf Opportunity Zone public utility casualty loss for such taxable year.

"(2) Gulf opportunity zone public utility casualty loss.—For purposes of this subsection, the term 'Gulf Opportunity Zone public utility casualty loss' means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone if—

"(A) such loss is allowed as a deduction under section 165 for the taxable year,

"(B) such loss is by reason of Hurricane Katrina, and

"(C) the taxpayer elects the application of this subsection with respect to such loss.

"(3) Reduction for gains from involuntary conversion.—The amount of any Gulf Opportunity Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Opportunity Zone.

"(4) Coordination with general disaster loss rules.—Subsection (k) and section 165(i) shall not apply to any Gulf Opportunity Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

"(5) Election.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

"(k) Treatment of Net Operating Losses Attributable to Gulf Opportunity Zone Losses.—

"(1) In general.—If a portion of any net operating loss of the taxpayer for any taxable year is a qualified Gulf Opportunity Zone loss, the following rules shall apply:

"(A) Extension of carryback period.—Section 172(b)(1) shall be applied with respect to such portion—

"(i) by substituting '5 taxable years' for '2 taxable years' in subparagraph (A)(i), and

"(ii) by not taking such portion into account in determining any eligible loss of the taxpayer under subparagraph (F) thereof for the taxable year.

"(B) Suspension of 90 percent AMT limitation.—Section 56(d)(1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of any net operating loss attributable to such portion.

"(2) Qualified gulf opportunity zone loss.—For purposes of paragraph (1), the term 'qualified Gulf Opportunity Zone loss' means the lesser of—

"(A) the excess of—

"(i) the net operating loss for such taxable year, over

"(ii) the specified liability loss for such taxable year to which a 10-year carryback applies under section 172(b)(1)(C), or

"(B) the aggregate amount of the following deductions to the extent taken into account in computing the net operating loss for such taxable year:

"(i) Any deduction for any qualified Gulf Opportunity Zone casualty loss.

"(ii) Any deduction for moving expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to any taxpayer in connection with the employment of any individual—

"(I) whose principal place of abode was located in the Gulf Opportunity Zone before August 28, 2005,

"(II) who was unable to remain in such abode as the result of Hurricane Katrina, and

"(III) whose principal place of employment with the taxpayer after such expense is located in the Gulf Opportunity Zone.

For purposes of this clause, the term 'moving expenses' has the meaning given such term by section 217(b), except that the taxpayer's former residence and new residence may be the same residence if the initial vacating of the residence was as the result of Hurricane Katrina.

"(iii) Any deduction allowable under this chapter for expenses paid or incurred after August 27, 2005, and before January 1, 2008, to temporarily house any employee of the taxpayer whose principal place of employment is in the Gulf Opportunity Zone.

"(iv) Any deduction for depreciation (or amortization in lieu of depreciation) allowable under this chapter with respect to any qualified Gulf Opportunity Zone property (as defined in subsection (d)(2), but without regard to subparagraph (B)(iv) thereof)) for the taxable year such property is placed in service.

"(v) Any deduction allowable under this chapter for repair expenses (including expenses for removal of debris) paid or incurred after August 27, 2005, and before January 1, 2008, with respect to any damage attributable to Hurricane Katrina and in connection with property which is located in the Gulf Opportunity Zone.

"(3) Qualified gulf opportunity zone casualty loss.—

"(A) In general.—For purposes of paragraph (2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' means any uncompensated section 1231 loss (as defined in section 1231(a)(3)(B)) of property located in the Gulf Opportunity Zone if—

"(i) such loss is allowed as a deduction under section 165 for the taxable year, and

"(ii) such loss is by reason of Hurricane Katrina.

"(B) Reduction for gains from involuntary conversion.—The amount of qualified Gulf Opportunity Zone casualty loss which would (but for this subparagraph) be taken into account under subparagraph (A) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of property located in the Gulf Opportunity Zone.

"(C) Coordination with general disaster loss rules.—Section 165(i) shall not apply to any qualified Gulf Opportunity Zone casualty loss to the extent such loss is taken into account under this subsection.

"(4) Special rules.—For purposes of paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 172(i) shall apply with respect to such portion.

"(l) Credit to Holders of Gulf Tax Credit Bonds.—

"(1) Allowance of credit.—If a taxpayer holds a Gulf tax credit bond on one or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under paragraph (2) with respect to such dates.

"(2) Amount of credit.—

"(A) In general.—The amount of the credit determined under this paragraph with respect to any credit allowance date for a Gulf tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(B) Annual credit.—The annual credit determined with respect to any Gulf tax credit bond is the product of—

"(i) the credit rate determined by the Secretary under subparagraph (C) for the day on which such bond was sold, multiplied by

"(ii) the outstanding face amount of the bond.

"(C) Determination.—For purposes of subparagraph (B), with respect to any Gulf tax credit bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of Gulf tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the issuer.

"(D) Credit allowance date.—For purposes of this subsection, the term 'credit allowance date' means March 15, June 15, September 15, and December 15. Such term also includes the last day on which the bond is outstanding.

"(E) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this paragraph with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(3) Limitation based on amount of tax.—The credit allowed under paragraph (1) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C and this subsection).

"(4) Gulf tax credit bond.—For purposes of this subsection—

"(A) In general.—The term 'Gulf tax credit bond' means any bond issued as part of an issue if—

"(i) the bond is issued by the State of Alabama, Louisiana, or Mississippi,

"(ii) 95 percent or more of the proceeds of such issue are to be used to—

"(I) pay principal, interest, or premiums on qualified bonds issued by such State or any political subdivision of such State, or

"(II) make a loan to any political subdivision of such State to pay principal, interest, or premiums on qualified bonds issued by such political subdivision,

"(iii) the Governor of such State designates such bond for purposes of this subsection,

"(iv) the bond is a general obligation of such State and is in registered form (within the meaning of section 149(a)),

"(v) the maturity of such bond does not exceed 2 years, and

"(vi) the bond is issued after December 31, 2005, and before January 1, 2007.

"(B) State matching requirement.—A bond shall not be treated as a Gulf tax credit bond unless—

"(i) the issuer of such bond pledges as of the date of the issuance of the issue an amount equal to the face amount of such bond to be used for payments described in subclause (I) of subparagraph (A)(ii), or loans described in subclause (II) of such subparagraph, as the case may be, with respect to the issue of which such bond is a part, and

"(ii) any such payment or loan is made in equal amounts from the proceeds of such issue and from the amount pledged under clause (i).

The requirement of clause (ii) shall be treated as met with respect to any such payment or loan made during the 1-year period beginning on the date of the issuance (or any successor 1-year period) if such requirement is met when applied with respect to the aggregate amount of such payments and loans made during such period.

"(C) Aggregate limit on bond designations.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

"(i) $200,000,000 in the case of the State of Louisiana,

"(ii) $100,000,000 in the case of the State of Mississippi, and

"(iii) $50,000,000 in the case of the State of Alabama.

"(D) Special rules relating to arbitrage.—A bond which is part of an issue shall not be treated as a Gulf tax credit bond unless, with respect to the issue of which the bond is a part, the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue and any loans made with such proceeds.

"(5) Qualified bond.—For purposes of this subsection—

"(A) In general.—The term 'qualified bond' means any obligation of a State or political subdivision thereof which was outstanding on August 28, 2005.

"(B) Exception for private activity bonds.—Such term shall not include any private activity bond.

"(C) Exception for advance refundings.—Such term shall not include any bond with respect to which there is any outstanding refunded or refunding bond during the period in which a Gulf tax credit bond is outstanding with respect to such bond.

"(D) Use of proceeds requirement.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue was (or is to be) used to provide any property described in section 144(c)(6)(B).

"(6) Credit included in gross income.—Gross income includes the amount of the credit allowed to the taxpayer under this subsection (determined without regard to paragraph (3)) and the amount so included shall be treated as interest income.

"(7) Other definitions and special rules.—For purposes of this subsection—

"(A) Bond.—The term 'bond' includes any obligation.

"(B) Partnership; s corporation; and other pass-thru entities.—

"(i) In general.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under paragraph (1).

"(ii) No basis adjustment.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

"(C) Bonds held by regulated investment companies.—If any Gulf tax credit bond is held by a regulated investment company, the credit determined under paragraph (1) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(D) Reporting.—Issuers of Gulf tax credit bonds shall submit reports similar to the reports required under section 149(e).

"(E) Credit treated as nonrefundable bondholder credit.—For purposes of this title, the credit allowed by this subsection shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

"(m) Application of New Markets Tax Credit to Investments in Community Development Entities Serving Gulf Opportunity Zone.—For purposes of section 45D—

"(1) a qualified community development entity shall be eligible for an allocation under subsection (f)(2) thereof of the increase in the new markets tax credit limitation described in paragraph (2) only if a significant mission of such entity is the recovery and redevelopment of the Gulf Opportunity Zone,

"(2) the new markets tax credit limitation otherwise determined under subsection (f)(1) thereof shall be increased by an amount equal to—

"(A) $300,000,000 for 2005 and 2006, to be allocated among qualified community development entities to make qualified low-income community investments within the Gulf Opportunity Zone, and

"(B) $400,000,000 for 2007, to be so allocated, and

"(3) subsection (f)(3) thereof shall be applied separately with respect to the amount of the increase under paragraph (2).

"(n) Treatment of Representations Regarding Income Eligibility for Purposes of Qualified Residential Rental Project Requirements.—For purposes of determining if any residential rental project meets the requirements of section 142(d)(1) and if any certification with respect to such project meets the requirements under section 142(d)(7), the operator of the project may rely on the representations of any individual applying for tenancy in such project that such individual's income will not exceed the applicable income limits of section 142(d)(1) upon commencement of the individual's tenancy if such tenancy begins during the 6-month period beginning on and after the date such individual was displaced by reason of Hurricane Katrina.

"(o) Treatment of Public Utility Property Disaster Losses.—

"(1) In general.—Upon the election of the taxpayer, in the case of any eligible public utility property loss—

"(A) section 165(i) shall be applied by substituting 'the fifth taxable year immediately preceding' for 'the taxable year immediately preceding',

"(B) an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the application of subparagraph (A) may be made under section 6411, and

"(C) section 6611 shall not apply to any overpayment attributable to such loss.

"(2) Eligible public utility property loss.—For purposes of this subsection—

"(A) In general.—The term 'eligible public utility property loss' means any loss with respect to public utility property located in the Gulf Opportunity Zone and attributable to Hurricane Katrina.

"(B) Public utility property.—The term 'public utility property' has the meaning given such term by section 168(i)(10) without regard to the matter following subparagraph (D) thereof.

"(3) Waiver of limitations.—If refund or credit of any overpayment of tax resulting from the application of paragraph (1) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this section by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

"(p) Tax Benefits Not Available With Respect to Certain Property.—

"(1) Qualified Gulf Opportunity Zone property.—For purposes of subsections (d), (e), and (k)(2)(B)(iv), the term 'qualified Gulf Opportunity Zone property' shall not include any property described in paragraph (3).

"(2) Qualified Gulf Opportunity Zone casualty losses.—For purposes of subsection (k)(2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' shall not include any loss with respect to any property described in paragraph (3).

"(3) Property described.—

"(A) In general.—For purposes of this subsection, property is described in this paragraph if such property is—

"(i) any property used in connection with any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

"(ii) any gambling or animal racing property.

"(B) Gambling or animal racing property.—For purposes of subparagraph (A)(ii)—

"(i) In general.—The term 'gambling or animal racing property' means—

"(I) any equipment, furniture, software, or other property used directly in connection with gambling, the racing of animals, or the on-site viewing of such racing, and

"(II) the portion of any real property (determined by square footage) which is dedicated to gambling, the racing of animals, or the on-site viewing of such racing.

"(ii) De minimis portion.—Clause (i)(II) shall not apply to any real property if the portion so dedicated is less than 100 square feet.".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 54(c) is amended by inserting ", section 1400N(l)," after "subpart C".

(2) Subparagraph (A) of section 6049(d)(8) is amended—

(A) by inserting "or 1400N(l)(6)" after "section 54(g)", and

(B) by inserting "or 1400N(l)(2)(D), as the case may be" after "section 54(b)(4)".

(3) So much of subchapter Y of chapter 1 as precedes section 1400L is amended to read as follows:

"Subchapter Y—Short-Term Regional Benefits

"Part I—Tax Benefits for New York Liberty Zone

"Part II—Tax Benefits for GO Zones

"PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

"Sec. 1400L. Tax benefits for New York Liberty Zone.".

(4) The item relating to subchapter Y in the table of subchapters for chapter 1 is amended to read as follows:

"SUBCHAPTER Y—SHORT-TERM REGIONAL BENEFITS".

(c) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after August 28, 2005.

(2) Carrybacks.—Subsections (i)(2), (j), and (k) of section 1400N of the Internal Revenue Code of 1986 (as added by this section) shall apply to losses arising in such taxable years.

SEC. 102. EXPANSION OF HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDIT FOR STUDENTS IN THE GULF OPPORTUNITY ZONE.

(a) In General.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

"SEC. 1400O. EDUCATION TAX BENEFITS.

"In the case of an individual who attends an eligible educational institution (as defined in section 25A(f)(2)) located in the Gulf Opportunity Zone for any taxable year beginning during 2005 or 2006—

"(1) in applying section 25A, the term 'qualified tuition and related expenses' shall include any costs which are qualified higher education expenses (as defined in section 529(e)(3)),

"(2) each of the dollar amounts in effect under of subparagraphs (A) and (B) of section 25A(b)(1) shall be twice the amount otherwise in effect before the application of this subsection, and

"(3) section 25A(c)(1) shall be applied by substituting '40 percent' for '20 percent'.".

(b) Conforming Amendment.—The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

"Sec. 1400O.Education tax benefits.".

SEC. 103. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) In General.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

"SEC. 1400P. HOUSING TAX BENEFITS .

"(a) Exclusion of Employer Provided Housing for Individual Affected by Hurricane Katrina.—

"(1) In general.—Gross income of a qualified employee shall not include the value of any lodging furnished in-kind to such employee (and such employee's spouse or any of such employee's dependents) by or on behalf of a qualified employer for any month during the taxable year.

"(2) Limitation.—The amount which may be excluded under paragraph (1) for any month for which lodging is furnished during the taxable year shall not exceed $600.

"(3) Treatment of exclusion.—The exclusion under paragraph (1) shall be treated as an exclusion under section 119 (other than for purposes of sections 3121(a)(19) and 3306(b)(14)).

"(b) Employer Credit for Housing Employees Affected by Hurricane Katrina.—For purposes of section 38, in the case of a qualified employer, the Hurricane Katrina housing credit for any month during the taxable year is an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a) and not otherwise excludable under section 119.

"(c) Qualified Employee.—For purposes of this section, the term 'qualified employee' means, with respect to any month, an individual—

"(1) who had a principal residence (as defined in section 121) in the Gulf Opportunity Zone on August 28, 2005, and

"(2) who performs substantially all employment services—

"(A) in the Gulf Opportunity Zone, and

"(B) for the qualified employer which furnishes lodging to such individual.

"(d) Qualified Employer.—For purposes of this section, the term 'qualified employer' means any employer with a trade or business located in the Gulf Opportunity Zone.

"(e) Certain Rules to Apply.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

"(f) Application of Section.—This section shall apply to lodging furnished during the period—

"(1) beginning on the first day of the first month beginning after the date of the enactment of this section, and

"(2) ending on the date which is 6 months after the first day described in paragraph (1).".

(b) Conforming Amendments.—

(1) Subsection (b) of section 38 is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting ", and", and by adding at the end the following new paragraphs:

"(27) the Hurricane Katrina housing credit determined under section 1400P(b).".

(2) Section 280C(a) is amended by striking "and 1396(a)" and inserting "1396(a), and 1400P(b)".

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

"Sec. 1400P.Housing tax benefits.".

SEC. 104. EXTENSION OF SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

Section 404(d) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking

"December 31, 2007" and inserting "December 31, 2010".

SEC. 105. SPECIAL EXTENSION OF BONUS DEPRECIATION PLACED IN SERVICE DATE FOR TAXPAYERS AFFECTED BY HURRICANES KATRINA, RITA, AND WILMA.

In applying the rule under section 168(k)(2)(A)(iv) of the Internal Revenue Code of 1986 to any property described in subparagraph (B) or (C) of section 168(k)(2) of such Code—

(1) the placement in service of which—

(A) is to be located in the GO Zone (as defined in section 1400M(1) of such Code), the Rita GO Zone (as defined in section 1400M(3) of such Code), or the Wilma GO Zone (as defined in section 1400M(5) of such Code), and

(B) is to be made by any taxpayer affected by Hurricane Katrina, Rita, or Wilma, or

(2) which is manufactured in such Zone by any person affected by Hurricane Katrina, Rita, or Wilma,

the Secretary of the Treasury may, on a taxpayer by taxpayer basis, extend the required date of the placement in service of such property under such section by such period of time as is determined necessary by the Secretary but not to exceed 1 year. For purposes of the preceding sentence, the determination shall be made by only taking into account the effect of one or more hurricanes on the date of such placement by the taxpayer.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

SEC. 201. EXTENSION OF CERTAIN EMERGENCY TAX RELIEF FOR HURRICANE KATRINA TO HURRICANES RITA AND WILMA.

(a) In General.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new sections:

"SEC. 1400Q. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

"(a) Tax-Favored Withdrawals From Retirement Plans.—

"(1) In general.—Section 72(t) shall not apply to any qualified hurricane distribution.

"(2) Aggregate dollar limitation.—

"(A) In general.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

"(i) $100,000, over

"(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

"(B) Treatment of plan distributions.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

"(C) Controlled group.—For purposes of subparagraph (B), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(3) Amount distributed may be repaid.—

"(A) In general.—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

"(B) Treatment of repayments of distributions from eligible retirement plans other than IRAs.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(C) Treatment of repayments for distributions from IRAs.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified hurricane distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(4) Definitions.—For purposes of this subsection—

"(A) Qualified hurricane distribution.—Except as provided in paragraph (2), the term 'qualified hurricane distribution' means—

"(i) any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina,

"(ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita, and

"(iii) any distribution (which is not described in clause (i) or (ii)) from an eligible retirement plan made on or after October 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

"(B) Eligible retirement plan.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

"(5) Income inclusion spread over 3-year period.—

"(A) In general.—In the case of any qualified hurricane distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

"(B) Special rule.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

"(6) Special rules.—

"(A) Exemption of distributions from trustee to trustee transfer and withholding rules.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified hurricane distributions shall not be treated as eligible rollover distributions.

"(B) Qualified hurricane distributions treated as meeting plan distribution requirements.—For purposes this title, a qualified hurricane distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).

"(b) Recontributions of Withdrawals for Home Purchases.—

"(1) Recontributions.—

"(A) In general.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

"(B) Treatment of repayments.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

"(2) Qualified distribution.—For purposes of this subsection—

"(A) In general.—The term 'qualified distribution' means any qualified Katrina distribution, any qualified Rita distribution, and any qualified Wilma distribution.

"(B) Qualified Katrina distribution.—The term 'qualified Katrina distribution' means any distribution—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before August 29, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

"(C) Qualified Rita distribution.—The term 'qualified Rita distribution' means any distribution (other than a qualified Katrina distribution)—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before September 24, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Rita disaster area, but which was not so purchased or constructed on account of Hurricane Rita.

"(D) Qualified Wilma distribution.—The term 'qualified Wilma distribution' means any distribution (other than a qualified Katrina distribution or a qualified Rita distribution)—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before October 24, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Wilma disaster area, but which was not so purchased or constructed on account of Hurricane Wilma.

"(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means—

"(A) with respect to any qualified Katrina distribution, the period beginning on August 25, 2005, and ending on February 28, 2006,

"(B) with respect to any qualified Rita distribution, the period beginning on September 23, 2005, and ending on February 28, 2006, and

"(C) with respect to any qualified Wilma distribution, the period beginning on October 23, 2005, and ending on February 28, 2006.

"(c) LOANS FROM QUALIFIED PLANS.—

"(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4)) to a qualified individual made during the applicable period—

"(A) clause (i) of section 72(p)(2)(A) shall be applied by substituting '$100,000' for '$50,000', and

"(B) clause (ii) of such section shall be applied by substituting 'the present value of the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

"(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan (as defined in section 72(p)(4))—

"(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date and ending on December 31, 2006, such due date shall be delayed for 1 year,

"(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

"(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2), the period described in subparagraph (A) shall be disregarded.

"(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

"(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

"(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means an individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita.

"(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means an individual (other than a qualified Hurricane Katrina individual or a qualified Hurricane Rita individual) whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

"(4) APPLICABLE PERIOD; QUALIFIED BEGINNING DATE.—For purposes of this subsection—

"(A) HURRICANE KATRINA.—In the case of any qualified Hurricane Katrina individual—

"(i) the applicable period is the period beginning on September 24, 2005, and ending on December 31, 2006, and

"(ii) the qualified beginning date is August 25, 2005.

"(B) HURRICANE RITA.—In the case of any qualified Hurricane Rita individual—

"(i) the applicable period is the period beginning on the date of the enactment of this subsection and ending on December 31, 2006, and

"(ii) the qualified beginning date is September 23, 2005.

"(C) HURRICANE WILMA.—In the case of any qualified Hurricane Wilma individual—

"(i) the applicable period is the period beginning on the date of the enactment of this subparagraph and ending on December 31, 2006, and

"(ii) the qualified beginning date is October 23, 2005.

"(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

"(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

"(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

"(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

"(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

"(ii) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

"(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

"(i) during the period—

"(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

"(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

"(ii) such plan or contract amendment applies retroactively for such period.

"SEC. 1400R. EMPLOYMENT RELIEF.

"(a) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Katrina employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

"(i) which conducted an active trade or business on August 28, 2005, in the GO Zone, and

"(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

"(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in the GO Zone.

"(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

"(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

"(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

"(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 with respect to such employee for such period.

"(b) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE RITA.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Rita employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

"(i) which conducted an active trade or business on September 23, 2005, in the Rita GO Zone, and

"(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Rita.

"(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on September 23, 2005, with such eligible employer was in the Rita GO Zone.

"(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 23, 2005, and before January 1, 2006, which occurs during the period—

"(i) beginning on the date on which the trade or business described in subparagraph

(A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Rita, and

"(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

"(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or section 51 with respect to such employee for such period.

"(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE WILMA.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Wilma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

"(i) which conducted an active trade or business on October 23, 2005, in the Wilma GO Zone, and

"(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after October 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Wilma.

"(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on October 23, 2005, with such eligible employer was in the Wilma GO Zone.

"(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 23, 2005, and before January 1, 2006, which occurs during the period—

"(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Wilma, and

"(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

"(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or (b) or section 51 with respect to such employee for such period.

"SEC. 1400S. ADDITIONAL TAX RELIEF PROVISIONS.

"(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in paragraph (2), section 170(b) shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 to other contributions.

"(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170—

"(A) INDIVIDUALS.—In the case of an individual—

"(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1)) over the amount of all other charitable contributions allowed under section 170(b)(1).

"(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1)) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

"(B) CORPORATIONS.—In the case of a corporation—

"(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b)) over the amount of all other charitable contributions allowed under such paragraph.

"(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

"(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68.

"(4) QUALIFIED CONTRIBUTIONS.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

"(i) such contribution is paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) (other than an organization described in section 509(a)(3)),

"(ii) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, and

"(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

"(B) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

"(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

"(b) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Paragraphs (1) and (2)(A) of section 165(h) shall not apply to losses described in section 165(c)(3)—

"(1) which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina,

"(2) which arise in the Hurricane Rita disaster area on or after September 23, 2005, and which are attributable to Hurricane Rita, or

"(3) which arise in the Hurricane Wilma disaster area on or after October 22, 2005, and which are attributable to Hurricane Wilma.

In the case of any other losses, section 165(h)(2)(A) shall be applied without regard to the losses referred to in the preceding sentence.

"(c) REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A.—In the case of any taxpayer determined by the Secretary to be affected by the Presidentially declared disaster relating to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, any relief provided by the Secretary under section 7508A shall be for a period ending not earlier than February 28, 2006.

"(d) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

"(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 may, at the election of the taxpayer, be determined by substituting—

"(A) such earned income for the preceding taxable year, for

"(B) such earned income for the taxable year which includes the applicable date.

"(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

"(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means any individual whose principal place of abode on August 25, 2005, was located—

"(i) in the GO Zone, or

"(ii) in the Hurricane Katrina disaster area (but outside the GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

"(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means any individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, was located—

"(i) in the Rita GO Zone, or

"(ii) in the Hurricane Rita disaster area (but outside the Rita GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Rita.

"(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means any individual whose principal place of abode on October 23, 2005, was located—

"(i) in the Wilma GO Zone, or

"(ii) in the Hurricane Wilma disaster area (but outside the Wilma GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Wilma.

"(3) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means—

"(A) in the case of a qualified Hurricane Katrina individual, August 25, 2005,

"(B) in the case of a qualified Hurricane Rita individual, September 23, 2005, and

"(C) in the case of a qualified Hurricane Wilma individual, October 23, 2005.

"(4) EARNED INCOME.—For purposes of this subsection, the term 'earned income' has the meaning given such term under section 32(c).

"(5) SPECIAL RULES.—

"(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes the applicable date—

"(i) such paragraph shall apply if either spouse is a qualified individual, and

"(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

"(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both section 24(d) and section 32.

"(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

"(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, this title shall be applied without regard to any substitution under paragraph (1).

"(e) SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—With respect to taxable years beginning in 2005 or 2006, the Secretary may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

"SEC. 1400T. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

"(a) IN GENERAL.—In the case of financing provided with respect to owner-occupied residences in the GO Zone, the Rita GO Zone, or the Wilma GO Zone, section 143 shall be applied—

"(1) by treating any such residence in the Rita GO Zone or the Wilma GO Zone as a targeted area residence,

"(2) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

"(3) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

"(b) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38, as amended by this Act, is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting a comma, and by adding at the end the following new paragraphs:

"(28) the Hurricane Katrina employee retention credit determined under section 1400R(a),

"(29) the Hurricane Rita employee retention credit determined under section 1400R(b), and

"(30) the Hurricane Wilma employee retention credit determined under section 1400R(c).".

(2) Section 280C(a), as amended by this Act, is amended by striking "and 1400P(b)" and inserting "1400P(b), and 1400R".

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new items:

"Sec. 1400Q. Special rules for use of retirement funds.
"Sec. 1400R. Employment relief.
"Sec. 1400S. Additional tax relief provisions.".

(4) The following provisions of the Katrina Emergency Tax Relief Act of 2005 are hereby repealed:

(A) Title I.

(B) Sections 202, 301, 402, 403(b), 406, and 407.

TITLE III—OTHER PROVISIONS

SEC. 301. GULF COAST RECOVERY BONDS.

It is the sense of the Congress that the Secretary of the Treasury, or the Secretary's delegate, should designate one or more series of bonds or certificates (or any portion thereof) issued under section 3105 of title 31, United States Code, as "Gulf Coast Recovery Bonds" in response to Hurricanes Katrina, Rita, and Wilma.

SEC. 302. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 303. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) EFFECTIVE DATE MODIFICATION.—

(1) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

"(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

"(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) SPECIAL RULE FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.—

"(i) IN GENERAL.—Except as provided in clauses (ii), (iii), and (iv), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

"(I) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005-80 with respect to such transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative.

Subclause (I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary's delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

"(iii) TAXPAYERS ACTING IN GOOD FAITH.—The Secretary of the Treasury may except from the application of clause (i) any transaction in which the taxpayer has acted reasonably and in good faith.

"(iv) CLOSED TRANSACTIONS.—Clause (i) shall not apply to a transaction if, as of December 14, 2005—

"(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

"(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the transaction.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

(b) TREATMENT OF AMENDED RETURNS AND OTHER SIMILAR NOTICES OF ADDITIONAL TAX OWED.—

(1) IN GENERAL.—Section 6404(g)(1) (relating to suspension) is amended by adding at the end the following new sentence: "If, after the return for a taxable year is filed, the taxpayer provides to the Secretary 1 or more signed written documents showing that the taxpayer owes an additional amount of tax for the taxable year, clause (i) shall be applied by substituting the date the last of the documents was provided for the date on which the return is filed.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to documents provided on or after the date of the enactment of this Act.

SEC. 304. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2006" both places is appears and inserting "January 1, 2007".

SEC. 305. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2005.

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2005.

(c) DISCLOSURES RELATING TO STUDENT LOANS.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2005.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Tax Technical Corrections Act of 2005".

SEC. 402. AMENDMENTS RELATED TO ENERGY POLICY ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 1263.—

(1) Part VI of subchapter O of chapter 1 is repealed.

(2) Section 1223 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (16) as paragraphs (3) through (15), respectively.

(3) Section 121(g) is amended by striking "1223(7)" and inserting "1223(6)".

(4) Section 246(c)(3)(B) is amended by striking "paragraph (4) of section 1223" and inserting "paragraph (3) of section 1223".

(5) Section 247(b)(2)(D) is amended by inserting "as in effect before its repeal" after "part VI of subchapter O".

(6)(A) Section 1245(b) is amended by striking paragraph (5) and redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

(B) Section 1245(b)(3) is amended by striking "paragraph (7)" and inserting "paragraph (6)".

(7)(A) Section 1250(d) is amended by striking paragraph (5) and redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(B) Section 1250(e)(2) is amended by striking "(3), or (5)" and inserting "or (3)".

(b) AMENDMENT RELATED TO SECTION 1301.—Clause (ii) of section 45(c)(3)(A) is amended by striking "nonhazardous lignin waste material" and inserting "lignin material".

(c) AMENDMENTS RELATED TO SECTION 1303.—

(1) Subsection (l) of section 54 is amended by striking paragraph (5), and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(2) Subsection (e) of section 1303 of the Energy Policy Act of 2005 is amended to read as follows:

"(e) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to bonds issued after December 31, 2005.

"(2) SUBSECTION (C).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2005.".

(d) AMENDMENTS RELATED TO SECTION 1306.—

(1) Paragraph (2) of section 45J(c) is amended to read as follows:

"(2) PHASEOUT OF CREDIT.—

"(A) IN GENERAL.—The amount of the credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this paragraph) as—

"(i) the amount by which the reference price (as defined in section 45(e)(2)(C)) for the calendar year in which the sale occurs exceeds 8 cents, bears to

"(ii) 3 cents.

"(B) PHASEOUT ADJUSTMENT BASED ON INFLATION.—The 8 cent amount in subparagraph (A) shall be adjusted by multiplying such amount by the inflation adjustment factor (as defined in section 45(e)(2)(B)) for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.".

(2) Subsection (e) of section 45J is amended by striking "(2),".

(e) AMENDMENT RELATED TO SECTION 1309.—Subparagraph (B) of section 169(d)(5) is amended by adding at beginning thereof "in the case of facility placed in service in connection with a plant or other property placed in operation after December 31, 1975,".

(f) AMENDMENTS RELATED TO SECTION 1311.—

(1) Clause (i) of section 172(b)(1)(I) is amended to read as follows:

"(i) IN GENERAL.—At the election of the taxpayer for any taxable year ending after December 31, 2005, and before January 1, 2009, in the case of a net operating loss for a taxable year ending after December 31, 2002, and before January 1, 2006, there shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss to the extent that such loss does not exceed 20 percent of the sum of the electric transmission property capital expenditures and the pollution control facility capital expenditures of the taxpayer for the taxable year preceding the taxable year for which such election is made.".

(2) Clause (ii) of section 172(b)(1)(I) is amended by striking "in a taxable year" and inserting "for a taxable year".

(3) Subparagraph (I) of section 172(b)(1) is amended by striking clause (iv) and (v), by redesignating clause (vi) as clause (v), and by inserting after clause (iii) the following:

"(iv) SPECIAL RULES RELATING TO CREDIT OR REFUND.—In the case of the portion of the loss which is carried back 5 years by reason of clause (i)—

"(I) an application under section 6411(a) with respect to such portion shall not fail to be treated as timely filed if filed within 24 months after the due date specified under such section, and

"(II) references in sections 6501(h), 6511(d)(2)(A), and 6611(f)(1) to the taxable year in which such net operating loss arises or results in a net operating loss carryback shall be treated as references to the taxable year for which such election is made.".

(g) AMENDMENT RELATED TO SECTION 1322.—Subsection (a) of section 45K is amended by striking "if the taxpayer elects to have this section apply,".

(h) AMENDMENT RELATED TO SECTION 1331.—Paragraph (3) of section 1250(b) is amended by striking "or by section 179D".

(i) AMENDMENTS RELATED TO SECTION 1335.—

(1) Paragraph (1) of section 25D(b) is amended by inserting "(determined without regard to subsection (c))" after "subsection (a)".

(2) Subparagraphs (A) and (B) of section 25D(e)(4) are amended to read as follows:

"(A) MAXIMUM EXPENDITURES.—The maximum amount of expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be—

"(i) $6,667 in the case of any qualified photovoltaic property expenditures,

"(ii) $6,667 in the case of any qualified solar water heating property expenditures, and

"(iii) $1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) for which qualified fuel cell property expenditures are made.

"(B) ALLOCATION OF EXPENDITURES.—The expenditures allocated to any individual for the taxable year in which such calendar year ends shall be an amount equal to the lesser of—

"(i) the amount of expenditures made by such individual with respect to such dwelling during such calendar year, or

"(ii) the maximum amount of such expenditures set forth in subparagraph (A) multiplied by a fraction—

"(I) the numerator of which is the amount of such expenditures with respect to such dwelling made by such individual during such calendar year, and

"(II) the denominator of which is the total expenditures made by all such individuals with respect to such dwelling during such calendar year.".

(3)(A)(i) The matter preceding subparagraph (A) of section 23(b)(4) is amended by striking "The credit" and inserting "In the case of a taxable year to which section 26(a)(2) does not apply, the credit".

(ii) Subsection (c) of section 23 is amended to read as follows:

"(c) CARRYFORWARDS OF UNUSED CREDIT.—

"(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(3) LIMITATION.—No credit may be carried forward under this subsection to any taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.".

(B)(i) The matter preceding subparagraph (A) of section 24(b)(3) is amended by striking "The credit" and inserting "In the case of a taxable year to which section 26(a)(2) does not apply, the credit".

(ii) Paragraph (1) of section 24(d) is amended to read as follows:

"(1) IN GENERAL.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a)(2) or subsection (b)(3), as the case may be, or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 26(a)(2) or subsection (b)(3), as the case may be, were increased by the excess (if any) of—

"(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

"(ii) in the case of a taxpayer with 3 or more qualifying children, the excess (if any) of—

"(I) the taxpayer's social security taxes for the taxable year, over

"(II) the credit allowed under section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a)(2) or subsection (b)(3), as the case may be. For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.".

(C) Subparagraph (C) of section 25(e)(1) is amended to read as follows:

"(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term 'applicable tax limit' means—

"(i) in the case of a taxable year to which section 26(a)(2) applies, the limitation imposed by section 26(a)(2) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C), and

"(ii) in the case of a taxable year to which section 26(a)(2) does not apply, the limitation imposed by section 26(a)(1) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, 25B, 25D, and 1400C).".

(D) The matter preceding paragraph (1) of section 25B(g) is amended by striking "The credit" and inserting "In the case of a taxable year to which section 26(a)(2) does not apply, the credit".

(E) Subsection (c) of section 25D is amended to read as follows:

"(c) CARRYFORWARD OF UNUSED CREDIT.—

"(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, and 25B), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(F) Subsection (d) of section 1400C is amended to read as follows:

"(d) CARRYFORWARD OF UNUSED CREDIT.—

"(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and sections 23, 24, 25B, and 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.".

(G) Subsection (i) of section 904 is amended to read as follows:

"(i) COORDINATION WITH NONREFUNDABLE PERSONAL CREDITS.—In the case of any taxable year of an individual to which section 26(a)(2) does not apply, for purposes of subsection (a), the tax against which the credit is taken is such tax reduced by the sum of the credits allowable under subpart A of part IV of subchapter A of this chapter (other than sections 23, 24, and 25B).".

(H) APPLICATION OF EGTRRA SUNSET.—The amendments made by this paragraph (and each part thereof) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment (or part thereof) relates.

(4) Subsection (b) of section 1335 of the Energy Policy Act of 2005 is amended by striking paragraphs (1), (2), and (3). The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made such paragraphs had never been enacted.

(j) AMENDMENT RELATED TO SECTION 1341.—Paragraph (6) of section 30B(h) is amended by adding at the end the following sentence: "For purposes of subsection (g), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.".

(k) AMENDMENT RELATED TO SECTION 1342.—Paragraph (2) of section 30C(e) is amended by adding at the end the following sentence: "For purposes of subsection (d), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.".

(l) AMENDMENTS RELATED TO SECTION 1351.—

(1) Paragraph (6) of section 41(f) (relating to special rules) is amended by adding at the end the following:

"(C) FOREIGN RESEARCH.—For purposes of subsection (a)(3), amounts paid or incurred for any energy research conducted outside the United States, the Commonwealth of Puerto Rico, or any possession of the United States shall not be taken into account.

"(D) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account under subsection (a)(3) shall not be taken into account under paragraph (1) or (2) of subsection (a).".

(2) Clause (ii) of section 41(b)(3)(C) is amended by striking "(other than an energy research consortium)".

(m) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) REPEAL OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.—The amendments made by subsection (a) shall not apply with respect to any transaction ordered in compliance with the Public Utility Holding Company Act of 1935 before its repeal.

(3) COORDINATION OF PERSONAL CREDITS.—The amendments made by subsection (i)(3) shall apply to taxable years beginning after December 31, 2005.

SEC. 403. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 102 OF THE ACT.—

(1) Paragraph (1) of section 199(b) is amended by striking "the employer" and inserting "the taxpayer".

(2) Paragraph (2) of section 199(b) is amended to read as follows:

"(2) W-2 WAGES.—For purposes of this section, the term 'W-2 wages' means, with respect to any person for any taxable year of such person, the sum of the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year. Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.".

(3) Subparagraph (B) of section 199(c)(1) is amended by inserting "and" at the end of clause (i), by striking clauses (ii) and (iii), and by inserting after clause (i) the following:

"(ii) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such receipts.".

(4) Paragraph (2) of section 199(c) is amended to read as follows:

"(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items described in paragraph (1) for purposes of determining qualified production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic production gross receipts.".

(5) Subparagraph (A) of section 199(c)(4) is amended by striking clauses (ii) and (iii) and inserting the following new clauses:

"(ii) in the case of a taxpayer engaged in the active conduct of a construction trade or business, construction of real property performed in the United States by the taxpayer in the ordinary course of such trade or business, or

"(iii) in the case of a taxpayer engaged in the active conduct of an engineering or architectural services trade or business, engineering or architectural services performed in the United States by the taxpayer in the ordinary course of such trade or business with respect to the construction of real property in the United States.".

(6) Subparagraph (B) of section 199(c)(4) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following:

"(iii) the lease, rental, license, sale, exchange, or other disposition of land.".

(7) Paragraph (4) of section 199(c) is amended by adding at the end the following new subparagraphs:

"(C) SPECIAL RULE FOR CERTAIN GOVERNMENT CONTRACTS.—Gross receipts derived from the manufacture or production of any property described in subparagraph (A)(i)(I) shall be treated as meeting the requirements of subparagraph (A)(i) if—

"(i) such property is manufactured or produced by the taxpayer pursuant to a contract with the Federal Government, and

"(ii) the Federal Acquisition Regulation requires that title or risk of loss with respect to such property be transferred to the Federal Government before the manufacture or production of such property is complete.

"(D) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of this paragraph, if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.".

(8) Paragraph (1) of section 199(d) is amended to read as follows:

"(1) APPLICATION OF SECTION TO PASS-THRU ENTITIES.—

"(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

"(i) this section shall be applied at the partner or shareholder level,

"(ii) each partner or shareholder shall take into account such person's allocable share of each item described in subparagraph (A) or (B) of subsection (c)(1) (determined without regard to whether the items described in such subparagraph (A) exceed the items described in such subparagraph (B)), and

“(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W-2 wages for the taxable year in an amount equal to the lesser of—

“(I) such person's allocable share of the W-2 wages of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary), or

“(II) 2 times 9 percent of so much of such person's qualified production activities income as is attributable to items allocated under clause (ii) for the taxable year.

“(B) TRUSTS AND ESTATES.—In the case of a trust or estate—

“(i) the items referred to in subparagraph (A)(ii) (as determined therein) and the W-2 wages of the trust or estate for the taxable year, shall be apportioned between the beneficiaries and the fiduciary (and among the beneficiaries) under regulations prescribed by the Secretary, and

“(ii) for purposes of paragraph (2), adjusted gross income of the trust or estate shall be determined as provided in section 67(e) with the adjustments described in such paragraph.

“(C) REGULATIONS.—The Secretary may prescribe rules requiring or restricting the allocation of items and wages under this, paragraph and may prescribe such reporting requirements as the Secretary determines appropriate.”.

(9) Paragraph (3) of section 199(d) is amended to read as follows:

“(3) AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—

“(A) DEDUCTION ALLOWED TO PATRONS.—Any person who receives a qualified payment from a specified agricultural or horticultural cooperative shall be allowed for the taxable year in which such payment is received a deduction under subsection (a) equal to the portion of the deduction allowed under subsection (a) to such cooperative which is—

“(i) allowed with respect to the portion of the qualified production activities income to which such payment is attributable, and

“(ii) identified by such cooperative in a written notice mailed to such person during the payment period described in section 1382(d).

“(B) COOPERATIVE DENIED DEDUCTION FOR PORTION OF QUALIFIED PAYMENTS.—The taxable income of a specified agricultural or horticultural cooperative shall not be reduced under section 1382 by reason of that portion of any qualified payment as does not exceed the deduction allowable under subparagraph (A) with respect to such payment.

“(C) TAXABLE INCOME OF COOPERATIVES DETERMINED WITHOUT REGARD TO CERTAIN DEDUCTIONS.—For purposes of this section, the taxable income of a specified agricultural or horticultural cooperative shall be computed without regard to any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

“(D) SPECIAL RULE FOR MARKETING COOPERATIVES.—For purposes of this section, a specified agricultural or horticultural cooperative described in subparagraph (F)(ii) shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

“(E) QUALIFIED PAYMENT.—For purposes of this paragraph, the term ‘qualified payment’ means, with respect to any person, any amount which—

“(i) is described in paragraph (1) or (3) of section 1385(a),

“(ii) is received by such person from a specified agricultural or horticultural cooperative, and

“(iii) is attributable to qualified production activities income with respect to which a deduction is allowed to such cooperative under subsection (a).

“(F) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this paragraph, the term ‘specified agricultural or horticultural cooperative’ means an organization to which part I of subchapter T applies which is engaged—

“(i) in the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, or

“(ii) in the marketing of agricultural or horticultural products.”.

(10) Clause (i) of section 199(d)(4)(B) is amended—

(A) by striking “50 percent” and inserting “more than 50 percent”, and

(B) by striking “80 percent” and inserting “at least 80 percent”.

(11)(A) Paragraph (6) of section 199(d) is amended to read as follows:

“(6) COORDINATION WITH MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55—

“(A) qualified production activities income shall be determined without regard to any adjustments under sections 56 through 59, and

“(B) in the case of a corporation, subsection (a)(1)(B) shall be applied by substituting ‘alternative minimum taxable income’ for ‘taxable income’.”.

(B) Paragraph (2) of section 199(a) is amended by striking “subsections (d)(1) and (d)(6)” and inserting “subsection (d)(1)”.

(12) Subsection (d) of section 199 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, subsection (a)(1)(B) shall be applied by substituting ‘unrelated business taxable income’ for ‘taxable income’.”.

(13) Paragraph (8) of section 199(d), as redesignated by paragraph (12), is amended by inserting “, including regulations which prevent more than 1 taxpayer from being allowed a deduction under this section with respect to any activity described in subsection (c)(4)(A)(i)” before the period at the end.

(14) Clauses (i)(II) and (ii)(II) of section 56(d)(1)(A) are each amended by striking “such deduction” and inserting “such deduction and the deduction under section 199”.

(15) Clause (i) of section 163(j)(6)(A) is amended by striking “and” at the end of subclause (II), by redesignating subclause (III) as subclause (IV), and by inserting after subclause (II) the following new subclause:

“(III) any deduction allowable under section 199, and”.

(16) Paragraph (2) of section 170(b) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

“(C) section 199,”.

(17) Subsection (d) of section 172 is amended by adding at the end the following new paragraph:

“(7) MANUFACTURING DEDUCTION.—The deduction under section 199 shall not be allowed.”.

(18) Paragraph (1) of section 613A(d) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) any deduction allowable under section 199,”.

(19) Subsection (e) of section 102 of the American Jobs Creation Act of 2004 is amended to read as follows:

“(e) EFFECTIVE DATE.—

“(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

“(2) APPLICATION TO PASS-THRU ENTITIES, ETC.—In determining the deduction under section 199 of the Internal Revenue Code of 1986 (as added by this section), items arising from a taxable year of a partnership, S corporation, estate, or trust beginning before January 1, 2005, shall not be taken into account for purposes of subsection (d)(1) of such section.”.

(b) AMENDMENT RELATED TO SECTION 231 OF THE ACT.—Paragraph (1) of section 1361(c) is amended to read as follows:

“(1) MEMBERS OF A FAMILY TREATED AS 1 SHAREHOLDER.—

“(A) IN GENERAL.—For purposes of subsection (b)(1)(A), there shall be treated as one shareholder—

“(i) a husband and wife (and their estates), and

“(ii) all members of a family (and their estates).

“(B) MEMBERS OF A FAMILY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘members of a family’ means a common ancestor, any lineal descendant of such common ancestor, and any spouse or former spouse of such common ancestor or any such lineal descendant.

“(ii) COMMON ANCESTOR.—An individual shall not be considered to be a common ancestor if, on the applicable date, the individual is more than 6 generations removed from the youngest generation of shareholders who would (but for this subparagraph) be members of the family. For purposes of the preceding sentence, a spouse (or former spouse) shall be treated as being of the same generation as the individual to whom such spouse is (or was) married.

“(iii) APPLICABLE DATE.—The term ‘applicable date’ means the latest of—

“(I) the date the election under section 1362(a) is made,

“(II) the earliest date that an individual described in clause (i) holds stock in the S corporation, or

“(III) October 22, 2004.

“(C) EFFECT OF ADOPTION, ETC.—Any legally adopted child of an individual, any child who is lawfully placed with an individual for legal adoption by the individual, and any eligible foster child of an individual (within the meaning of section 152(f)(1)(C)), shall be treated as a child of such individual by blood.”.

(c) AMENDMENT RELATED TO SECTION 235 OF THE ACT.—Subsection (b) of section 235 of the American Jobs Creation Act of 2004 is amended by striking “taxable years beginning” and inserting “transfers”.

(d) AMENDMENTS RELATED TO SECTION 243 OF THE ACT.—

(1) Paragraph (7) of section 856(c) is amended to read as follows:

“(7) RULES OF APPLICATION FOR FAILURE TO SATISFY PARAGRAPH (4).—

“(A) IN GENERAL.—A corporation, trust, or association that fails to meet the requirements of paragraph (4) (other than a failure to meet the requirements of paragraph (4)(B)(iii) which is described in subparagraph (B)(i) of this paragraph) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

“(i) following the corporation, trust, or association's identification of the failure to satisfy the requirements of such paragraph for a particular quarter, a description of each asset that causes the corporation, trust, or association to fail to satisfy the requirements of such paragraph at the close of such quarter of any taxable year is set forth in a schedule for such quarter filed in accordance with regulations prescribed by the Secretary,

“(ii) the failure to meet the requirements of such paragraph for a particular quarter is due to reasonable cause and not due to willful neglect, and

“(iii)(I) the corporation, trust, or association disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

“(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

“(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation, trust, or association that fails to meet the requirements of paragraph (4)(B)(iii) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

“(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

“(I) 1 percent of the total value of the trust's assets at the end of the quarter for which such measurement is done, and

“(II) $10,000,000, and

“(ii)(I) the corporation, trust, or association, following the identification of such failure, disposes of assets in order to meet the requirements of such paragraph within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

“(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

“(C) TAX.—

“(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation, trust, or association for any taxable year, there is hereby imposed on such corporation, trust, or association a tax in an amount equal to the greater of—

“(I) $50,000, or

“(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

“(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of such paragraph (4) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the trust disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such paragraph (4).

“(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, the taxes imposed by this subparagraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.”.

(2) Subsection (m) of section 856 is amended by adding at the end the following new paragraph:

“(6) TRANSITION RULE.—

“(A) IN GENERAL.—Notwithstanding paragraph (2)(C), securities held by a trust shall not be considered securities held by the trust for purposes of subsection (c)(4)(B)(iii)(III) during any period beginning on or before October 22, 2004, if such securities—

“(i) are held by such trust continuously during such period, and

“(ii) would not be taken into account for purposes of such subsection by reason of paragraph (7)(C) of subsection (c) (as in effect on October 22, 2004) if the amendments made by section 243 of the American Jobs Creation Act of 2004 had never been enacted.

“(B) RULE NOT TO APPLY TO SECURITIES HELD AFTER MATURITY DATE.—Subparagraph (A) shall not apply with respect to any security after the later of October 22, 2004, or the latest maturity date under the contract (as in effect on October 22, 2004) taking into account any renewal or extension permitted under the contract if such renewal or extension does not significantly modify any other terms of the contract.

“(C) SUCCESSORS.—If the successor of a trust to which this paragraph applies acquires securities in a transaction to which section 381 applies, such trusts shall be treated as a single entity for purposes of determining the holding period of such securities under subparagraph (A).”.

(3) Subparagraph (E) of section 857(b)(2) is amended by striking “section 856(c)(7)(B)(iii), and section 856(g)(1).” and inserting “section 856(c)(7)(C), and section 856(g)(5)”.

(4) Subsection (g) of section 243 of the American Jobs Creation Act of 2004 is amended to read as follows:

“(g) EFFECTIVE DATES.—

“(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2000.

“(2) SUBSECTIONS (c) AND (e).—The amendments made by subsections (c) and (e) shall apply to taxable years beginning after the date of the enactment of this Act.

“(3) SUBSECTION (d).—The amendment made by subsection (d) shall apply to transactions entered into after December 31, 2004.

“(4) SUBSECTION (f).—

“(A) The amendment made by paragraph (1) of subsection (f) shall apply to failures with respect to which the requirements of subparagraph (A) or (B) of section 856(c)(7) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

“(B) The amendment made by paragraph (2) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (6) of section 856(c) of the Internal Revenue Code of 1986 (as amended by such paragraph) are satisfied after the date of the enactment of this Act.

“(C) The amendments made by paragraph (3) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (5) of section 856(g) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

“(D) The amendment made by paragraph (4) of subsection (f) shall apply to taxable years ending after the date of the enactment of this Act.

“(E) The amendments made by paragraph (5) of subsection (f) shall apply to statements filed after the date of the enactment of this Act.”.

(e) AMENDMENTS RELATED TO SECTION 244 OF THE ACT.—

(1) Paragraph (2) of section 181(d) is amended by striking the last sentence in subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) SPECIAL RULES FOR TELEVISION SERIES.—In the case of a television series—

“(i) each episode of such series shall be treated as a separate production, and

“(ii) only the first 44 episodes of such series shall be taken into account.”.

(2) Subparagraph (C) of section 1245(a)(2) is amended by inserting “181,” after “179B,”.

(f) AMENDMENTS RELATED TO SECTION 245 OF THE ACT.—

(1) Subsection (b) of section 45G is amended to read as follows:

“(b) LIMITATION.—

“(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the product of—

“(A) $3,500, multiplied by

“(B) the sum of—

“(i) the number of miles of railroad track owned or leased by the eligible taxpayer as of the close of the taxable year, and

“(ii) the number of miles of railroad track assigned for purposes of this subsection to the eligible taxpayer by a Class II or Class III railroad which owns or leases such railroad track as of the close of the taxable year.

“(2) ASSIGNMENTS.—With respect to any assignment of a mile of railroad track under paragraph (1)(B)(ii)—

“(A) such assignment may be made only once per taxable year of the Class II or Class III railroad and shall be treated as made as of the close of such taxable year,

“(B) such mile may not be taken into account under this section by such railroad for such taxable year, and

“(C) such assignment shall be taken into account for the taxable year of the assignee which includes the date that such assignment is treated as effective.”.

(2) Paragraph (2) of section 45G(c) is amended to read as follows:

“(2) any person who transports property using the rail facilities of a Class II or Class III railroad or who furnishes railroad-related property or services to a Class II or Class III railroad, but only with respect to miles of railroad track assigned to such person by such Class II or Class III railroad for purposes of subsection (b).”.

(g) AMENDMENTS RELATED TO SECTION 248 OF THE ACT.—

(1)(A) Subsection (d) of section 1353 is amended by striking “ownership and charter interests” and inserting “ownership, charter, and operating agreement interests”.

(B) Subsection (a) of section 1355 is amended by striking paragraph (8).

(C) Paragraph (1) of section 1355(b) is amended to read as follows:

“(1) IN GENERAL.—Except as provided in paragraph (2), a person is treated as operating any vessel during any period if—

“(A)(i) such vessel is owned by, or chartered (including a time charter) to, the person, or "(ii) the person provides services for such vessel pursuant to an operating agreement, and

"(B) such vessel is in use as a qualifying vessel during such period.".

(D) Paragraph (3) of section 1355(d) is amended to read as follows:

"(3) the extent of a partner's ownership, charter, or operating agreement interest in any vessel operated by the partnership shall be determined on the basis of the partner's interest in the partnership.".

(2) Paragraph (3) of section 1355(c) is amended by striking "determined—" and all that follows and inserting "determined by treating all members of such group as 1 person."

(3) Subsection (c) of section 1356 is amended—

(A) by striking paragraph (3), and

(B) by adding at the end of paragraph (2) the following new flush sentence:

"Such term shall not include any core qualifying activities.".

(4) The last sentence of section 1354(b) is amended by inserting "on or" after "only if made".

(h) AMENDMENT RELATED TO SECTION 314 OF THE ACT.—Paragraph (2) of section 55(c) is amended by striking "regular tax" and inserting "regular tax liability".

(i) AMENDMENTS RELATED TO SECTION 322 OF THE ACT.—

(1)(A) Subparagraph (B) of section 194(b)(1) is amended to read as follows:

"(B) DOLLAR LIMITATION.—The aggregate amount of reforestation expenditures which may be taken into account under subparagraph (A) with respect to each qualified timber property for any taxable year shall not exceed—

"(i) except as provided in clause (ii) or (iii), $10,000,

"(ii) in the case of a separate return by a married individual (as defined in section 7703), $5,000, and

"(iii) in the case of a trust, zero.".

(B) Paragraph (4) of section 194(c) is amended to read as follows:

"(4) TREATMENT OF TRUSTS AND ESTATES.—The aggregate amount of reforestation expenditures incurred by any trust or estate shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary. Any amount so apportioned to a beneficiary shall be taken into account as expenditures incurred by such beneficiary in applying this section to such beneficiary.".

(2) Subparagraph (C) of section 1245(a)(2) is amended by striking "or 193" and inserting "193, or 194".

(j) AMENDMENTS RELATED TO SECTION 336 OF THE ACT.—

(1) Clause (iv) of section 168(k)(2)(A) is amended by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B) or (C)".

(2) Clause (iii) of section 168(k)(4)(B) is amended by striking "and paragraph (2)(C)" and inserting "or paragraph (2)(C) (as so modified)".

(k) AMENDMENT RELATED TO SECTION 402 OF THE ACT.—Paragraph (2) of section 904(g) is amended to read as follows:

"(2) OVERALL DOMESTIC LOSS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'overall domestic loss' means—

"(i) with respect to any qualified taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding qualified taxable year by reason of a carryback, and

"(ii) with respect to any other taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for any preceding qualified taxable year by reason of a carryback.

"(B) DOMESTIC LOSS.—For purposes of subparagraph (A), the term 'domestic loss' means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

"(C) QUALIFIED TAXABLE YEAR.—For purposes of subparagraph (A), the term 'qualified taxable year' means any taxable year for which the taxpayer chose the benefits of this subpart.".

(l) AMENDMENT RELATED TO SECTION 403 OF THE ACT.—Section 403 of the American Jobs Creation Act of 2004 is amended by adding at the end the following new subsection:

"(d) TRANSITION RULE.—If the taxpayer elects (at such time and in such form and manner as the Secretary of the Treasury may prescribe) to have the rules of this subsection apply—

"(1) the amendments made by this section shall not apply to taxable years beginning after December 31, 2002, and before January 1, 2005, and

"(2) in the case of taxable years beginning after December 31, 2004, clause (iv) of section 904(d)(4)(C) of the Internal Revenue Code of 1986 (as amended by this section) shall be applied by substituting 'January 1, 2005' for 'January 1, 2003' both places it appears.".

(m) AMENDMENT RELATED TO SECTION 412 OF THE ACT.—Subparagraph (B) of section 954(c)(4) is amended by adding at the end the following: "If a controlled foreign corporation is treated as owning a capital or profits interest in a partnership under constructive ownership rules similar to the rules of section 958(b), the controlled foreign corporation shall be treated as owning such interest directly for purposes of this subparagraph.".

(n) AMENDMENTS RELATED TO SECTION 413 OF THE ACT.—

(1) Subsection (b) of section 532 is amended by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subsection (b) of section 535 is amended by adding at the end the following new paragraph:

"(10) CONTROLLED FOREIGN CORPORATIONS.—There shall be allowed as a deduction the amount of the corporation's income for the taxable year which is included in the gross income of a United States shareholder under section 951(a). In the case of any corporation the accumulated taxable income of which would (but for this sentence) be determined without allowance of any deductions, the deduction under this paragraph shall be allowed and shall be appropriately adjusted to take into account any deductions which reduced such inclusion.".

(3)(A) Section 6683 is repealed.

(B) The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6683.

(o) AMENDMENT RELATED TO SECTION 415 OF THE ACT.—Subparagraph (D) of section 904(d)(2) is amended by inserting "as in effect before its repeal" after "section 954(f)".

(p) AMENDMENTS RELATED TO SECTION 418 OF THE ACT.—

(1) The second sentence of section 897(h)(1) is amended—

(A) by striking "any distribution" and all that follows through "any class of stock" and inserting "any distribution by a real estate investment trust with respect to any class of stock", and

(B) by striking "the taxable year" and inserting "the 1-year period ending on the date of the distribution".

(2) Subsection (c) of section 418 of the American Jobs Creation Act of 2004 is amended to read as follows:

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

"(1) any distribution by a real estate investment trust which is treated as a deduction for a taxable year of such trust beginning after the date of the enactment of this Act, and

"(2) any distribution by a real estate investment trust made after such date which is treated as a deduction under section 860 for a taxable year of such trust beginning on or before such date.".

(q) AMENDMENTS RELATED TO SECTION 422 OF THE ACT.—

(1) Subparagraph (B) of section 965(a)(2) is amended by inserting "from another controlled foreign corporation in such chain of ownership" before ", but only to the extent".

(2) Subparagraph (A) of section 965(b)(2) is amended by inserting "cash" before "dividends".

(3) Paragraph (3) of section 965(b) is amended by adding at the end the following: "The Secretary may prescribe such regulations as may be necessary or appropriate to prevent the avoidance of the purposes of this paragraph, including regulations which provide that cash dividends shall not be taken into account under subsection (a) to the extent such dividends are attributable to the direct or indirect transfer (including through the use of intervening entities or capital contributions) of cash or other property from a related person (as so defined) to a controlled foreign corporation.".

(4) Paragraph (1) of section 965(c) is amended to read as follows:

"(1) APPLICABLE FINANCIAL STATEMENT.—The term 'applicable financial statement' means—

"(A) with respect to a United States shareholder which is required to file a financial statement with the Securities and Exchange Commission (or which is included in such a statement so filed by another person), the most recent audited annual financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

"(i) which was so filed on or before June 30, 2003, and

"(ii) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

"(B) with respect to any other United States shareholder, the most recent audited financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

"(i) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

"(ii) which is used for the purposes of a statement or report—

"(I) to creditors,

"(II) to shareholders, or

"(III) for any other substantial nontax purpose.".

(5) Paragraph (2) of section 965(d) is amended by striking "properly allocated and apportioned" and inserting "directly allocable".

(6) Subsection (d) of section 965 is amended by adding at the end the following new paragraph:

"(4) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax which is not allowable as a credit under section 901 by reason of this subsection.".

(7) The last sentence of section 965(e)(1) is amended by inserting "which are imposed by foreign countries and possessions of the United States and are" after "taxes".

(8) Subsection (f) of section 965 is amended by inserting "on or" before "before the due date".

(r) AMENDMENTS RELATED TO SECTION 501 OF THE ACT.—

(1) Subparagraph (A) of section 164(b)(5) is amended to read as follows:

"(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

"(i) without regard to the reference to State and local income taxes, and

"(ii) as if State and local general sales taxes were referred to in a paragraph thereof.".

(2) Clause (ii) of section 56(b)(1)(A) is amended by inserting "or clause (ii) of section 164(b)(5)(A)" before the period at the end.

(s) AMENDMENTS RELATED TO SECTION 708 OF THE ACT.—Section 708 of the American Jobs Creation Act of 2004 is amended—

(1) in subsection (a), by striking "contract commencement date" and inserting "construction commencement date", and

(2) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d) CERTAIN ADJUSTMENTS NOT TO APPLY.—Section 481 of the Internal Revenue Code of 1986 shall not apply with respect to any change in the method of accounting which is required by this section.".

(t) AMENDMENT RELATED TO SECTION 710 OF THE ACT.—Clause (i) of section 45(c)(7)(A) is amended by striking "synthetic".

(u) AMENDMENT RELATED TO SECTION 801 OF THE ACT.—Paragraph (3) of section 7874(a) is amended to read as follows:

"(3) COORDINATION WITH SUBSECTION (b).—A corporation which is treated as a domestic corporation under subsection (b) shall not be treated as a surrogate foreign corporation for purposes of paragraph (2)(A).".

(v) AMENDMENTS RELATED TO SECTION 804 OF THE ACT.—

(1) Subparagraph (C) of section 877(g)(2) is amended by striking "section 7701(b)(3)(D)(ii)" and inserting "section 7701(b)(3)(D)".

(2) Subsection (n) of section 7701 is amended to read as follows:

"(n) SPECIAL RULES FOR DETERMINING WHEN AN INDIVIDUAL IS NO LONGER A UNITED STATES CITIZEN OR LONG-TERM RESIDENT.—For purposes of this chapter—

"(1) UNITED STATES CITIZENS.—An individual who would (but for this paragraph) cease to be treated as a citizen of the United States shall continue to be treated as a citizen of the United States until such individual—

"(A) gives notice of an expatriating act (with the requisite intent to relinquish citizenship) to the Secretary of State, and

"(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).

"(2) LONG-TERM RESIDENTS.—A long-term resident (as defined in section 877(e)(2)) who would (but for this paragraph) be described in section 877(e)(1) shall be treated as a lawful permanent resident of the United States and as not described in section 877(e)(1) until such individual—

"(A) gives notice of termination of residency (with the requisite intent to terminate residency) to the Secretary of Homeland Security, and

"(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).".

(w) AMENDMENT RELATED TO SECTION 811 OF THE ACT.—Subsection (c) of section 811 of the American Jobs Creation Act of 2004 is amended by inserting "and which were not filed before such date" before the period at the end.

(x) AMENDMENTS RELATED TO SECTION 812 OF THE ACT.—

(1) Subsection (b) of section 6662 is amended by adding at the end the following new sentence: "Except as provided in paragraph (1) or (2)(B) of section 6662A(e), this section shall not apply to the portion of any underpayment which is attributable to a reportable transaction understatement on which a penalty is imposed under section 6662A."

(2) Paragraph (2) of section 6662A(e) is amended to read as follows:

"(2) COORDINATION WITH OTHER PENALTIES.—

"(A) COORDINATION WITH FRAUD PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6663.

"(B) COORDINATION WITH GROSS VALUATION MISSTATEMENT PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662 if the rate of the penalty is determined under section 6662(h).".

(3) Subsection (f) of section 812 of the American Jobs Creation Act of 2004 is amended to read as follows:

"(f) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

"(2) DISQUALIFIED OPINIONS.—Section 6664(d)(3)(B) of the Internal Revenue Code of 1986 (as added by subsection (c)) shall not apply to the opinion of a tax advisor if—

"(A) the opinion was provided to the taxpayer before the date of the enactment of this Act,

"(B) the opinion relates to one or more transactions all of which were entered into before such date, and

"(C) the tax treatment of items relating to each such transaction was included on a return or statement filed by the taxpayer before such date.".

(y) AMENDMENT RELATED TO SECTION 814 OF THE ACT.—Subparagraph (B) of section 6501(c)(10) is amended by striking "(as defined in section 6111)".

(z) AMENDMENT RELATED TO SECTION 815 OF THE ACT.—Paragraph (1) of section 6112(b) is amended by inserting "(or was required to maintain a list under subsection (a) as in effect before the enactment of the American Jobs Creation Act of 2004)" after "a list under subsection (a)".

(aa) AMENDMENTS RELATED TO SECTION 832 OF THE ACT.—

(1) Subsection (e) of section 853 is amended to read as follows:

"(e) TREATMENT OF CERTAIN TAXES NOT ALLOWED AS A CREDIT UNDER SECTION 901.—This section shall not apply to any tax with respect to which the regulated investment company is not allowed a credit under section 901 by reason of subsection (k) or (l) of such section.".

(2) Clause (i) of section 901(l)(2)(C) is amended by striking "if such security were stock".

(bb) AMENDMENTS RELATED TO SECTION 833 OF THE ACT.—

(1) Subsection (a) of section 734 is amended by inserting "with respect to such distribution" before the period at the end.

(2) So much of subsection (b) of section 734 as precedes paragraph (1) is amended to read as follows:

"(b) METHOD OF ADJUSTMENT.—In the case of a distribution of property to a partner by a partnership with respect to which the election provided in section 754 is in effect or with respect to which there is a substantial basis reduction, the partnership shall—".

(cc) AMENDMENT RELATED TO SECTION 835 OF THE ACT.—Paragraph (3) of section 860G(a) is amended—

(1) in subparagraph (A)(iii)(I), by striking "the obligation" and inserting "a reverse mortgage loan or other obligation", and

(2) by striking all that follows subparagraph (C) and inserting the following:

"For purposes of subparagraph (A), any obligation secured by stock held by a person as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as so defined) shall be treated as secured by an interest in real property. For purposes of subparagraph (A), any obligation originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) shall be treated as principally secured by an interest in real property if more than 50 percent of such obligations which are transferred to, or purchased by, the REMIC are principally secured by an interest in real property (determined without regard to this sentence).".

(dd) AMENDMENTS RELATED TO SECTION 836 OF THE ACT.—

(1) Paragraph (1) of section 334(b) is amended by striking "except that" and all that follows and inserting "except that, in the hands of such distributee—

"(A) the basis of such property shall be the fair market value of the property at the time of the distribution in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, and

"(B) the basis of any property described in section 362(e)(1)(B) shall be the fair market value of the property at the time of the distribution in any case in which such distributee's aggregate adjusted basis of such property would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.".

(2) Clause (ii) of section 362(e)(2)(C) is amended to read as follows:

"(ii) ELECTION.—Any election under clause (i) shall be made at such time and in such form and manner as the Secretary may prescribe, and, once made, shall be irrevocable.".

(ee) AMENDMENT RELATED TO SECTION 840 OF THE ACT.—Subsection (d) of section 121 is amended—

(1) by redesignating the paragraph (10) relating to property acquired from a decedent as paragraph (11) and by moving such paragraph to the end of such subsection, and

(2) by amending the paragraph (10) relating to property acquired in like-kind exchange to read as follows:

"(10) PROPERTY ACQUIRED IN LIKE-KIND EXCHANGE.—If a taxpayer acquires property in an exchange with respect to which gain is not recognized (in whole or in part) to the taxpayer under subsection (a) or (b) of section 1031, subsection (a) shall not apply to the sale or exchange of such property by such taxpayer (or by any person whose basis in such property is determined, in whole or in part, by reference to the basis in the hands of such taxpayer) during the 5-year period beginning with the date of such acquisition.".

(ff) Amendment Related to Section 849 of the Act.—Subsection (a) of section 849 of the American Jobs Creation Act of 2004 is amended by inserting ", and in the case of property treated as tax-exempt use property other than by reason of a lease, to property acquired after March 12, 2004" before the period at the end.

(gg) Amendment Related to Section 884 of the Act.—Subparagraph (B) of section 170(f)(12) is amended by adding at the end the following new clauses:

"(v) Whether the donee organization provided any goods or services in consideration, in whole or in part, for the qualified vehicle.

"(vi) A description and good faith estimate of the value of any goods or services referred to in clause (v) or, if such goods or services consist solely of intangible religious benefits (as defined in paragraph (8)(B)), a statement to that effect.".

(hh) Amendments Related to Section 885 of the Act.—

(1) Paragraph (2) of section 26(b) is amended by striking "and" at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting ", and", and by adding at the end the following new subparagraph:

"(T) subsections (a)(1)(B)(i) and (b)(4)(A) of section 409A (relating to interest and additional tax with respect to certain deferred compensation).".

(2) Clause (ii) of section 409A(a)(4)(C) is amended by striking "first".

(3)(A) Notwithstanding section 885(d)(1) of the American Jobs Creation Act of 2004, subsection (b) of section 409A of the Internal Revenue Code of 1986 shall take effect on January 1, 2005.

(B) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance under which a nonqualified deferred compensation plan which is in violation of the requirements of section 409A(b) of such Code shall be treated as not having violated such requirements if such plan comes into conformance with such requirements during such limited period as the Secretary may specify in such guidance.

(4) Subsection (f) of section 885 of the American Jobs Creation Act of 2004 is amended by striking "December 31, 2004" the first place it appears and inserting "January 1, 2005".

(ii) Amendment Related to Section 888 of the Act.—Paragraph (2) of section 1092(a) is amended by striking the last sentence and adding at the end the following new subparagraph:

"(C) Regulations.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph. Such regulations or other guidance may specify the proper methods for clearly identifying a straddle as an identified straddle (and for identifying the positions comprising such straddle), the rules for the application of this section to a taxpayer which fails to comply with those identification requirements, and the ordering rules in cases where a taxpayer disposes (or otherwise ceases to be the holder) of any part of any position which is part of an identified straddle.".

(jj) Amendments Related to Section 898 of the Act.—

(1) Paragraph (3) of section 361(b) is amended by inserting "(reduced by the amount of the liabilities assumed (within the meaning of section 357(c)))" before the period at the end.

(2) Paragraph (1) of section 357(d) is amended by inserting "section 361(b)(3)," after "section 358(h),".

(kk) Amendment Related to Section 899 of the Act.—Subparagraph (A) of section 351(g)(3) is amended by adding at the end the following: "If there is not a real and meaningful likelihood that dividends beyond any limitation or preference will actually be paid, the possibility of such payments will be disregarded in determining whether stock is limited and preferred as to dividends.".

(ll) Amendment Related to Section 902 of the Act.—Paragraph (1) of section 709(b) is amended by striking "taxpayer" both places it appears and inserting "partnership".

(mm) Amendments Related to Section 907 of the Act.—Clause (ii) of section 274(e)(2)(B) is amended—

(1) in subclause (I), by inserting "or a related party to the taxpayer" after "the taxpayer",

(2) in subclause (II), by inserting "(or such related party)" after "the taxpayer", and

(3) by adding at the end the following new flush sentence:

"For purposes of this clause, a person is a related party with respect to another person if such person bears a relationship to such other person described in section 267(b) or 707(b).".

(nn) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

SEC. 404. AMENDMENTS RELATED TO THE WORKING FAMILIES TAX RELIEF ACT OF 2004.

(a) Amendment Related to Section 201 of the Act.—Subsection (e) of section 152 is amended to read as follows:

"(e) Special Rule for Divorced Parents, Etc.—

"(1) In general.—Notwithstanding subsection (c)(1)(B), (c)(4), or (d)(1)(C), if—

"(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

"(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

"(ii) who are separated under a written separation agreement, or

"(iii) who live apart at all times during the last 6 months of the calendar year, and—

"(B) such child is in the custody of 1 or both of the child's parents for more than one-half of the calendar year, such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) or (3) are met.

"(2) Exception where custodial parent releases claim to exemption for the year.—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

"(A) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

"(B) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

"(3) Exception for certain pre-1985 instruments.—

"(A) In general .—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

"(i) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and

"(ii) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this subparagraph, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

"(B) Qualified pre-1985 instrument.—For purposes of this paragraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

"(i) which is executed before January 1, 1985,

"(ii) which on such date contains the provision described in subparagraph (A)(i), and

"(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

"(4) Custodial parent and noncustodial parent.—For purposes of this subsection—

"(A) Custodial parent.—The term 'custodial parent' means the parent having custody for the greater portion of the calendar year.

"(B) Noncustodial parent.—The term 'noncustodial parent' means the parent who is not the custodial parent.

"(5) Exception for multiple-support agreement.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

"(6) Special rule for support received from new spouse of parent.—For purposes of this subsection, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.".

(b) Amendment Related to Section 203 of the Act.—Subparagraph (B) of section 21(b)(1) is amended by inserting "(as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B))" after "dependent of the taxpayer".

(c) Amendment Related to Section 207 of the Act.—Subparagraph (A) of section 223(d)(2) is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(d) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the Working Families Tax Relief Act of 2004 to which they relate.

SEC. 405. AMENDMENTS RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) Amendments Related to Section 201 of the Act.—

(1) Clause (ii) of section 168(k)(4)(B) is amended to read as follows:

"(ii) which is—

"(I) acquired by the taxpayer after May 5, 2003, and before January 1, 2005, but only if no written binding contract for the acquisition was in effect before May 6, 2003, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after May 5, 2003, and before January 1, 2005, and".

(2) Subparagraph (D) of section 1400L(b)(2) is amended by striking "September 11, 2004" and inserting "January 1, 2005".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 201 of the Jobs and Growth Tax Relief and Reconciliation Act of 2003.

SEC. 406. AMENDMENT RELATED TO THE VICTIMS OF TERRORISM TAX RELIEF ACT OF 2001.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Paragraph (17) of section 6103(l) is amended by striking "subsection (f), (i)(7), or (p)" and inserting "subsection (f), (i)(8), or (p)".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 407. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Clause (ii) of section 402(g)(7)(A) is amended to read as follows:

"(ii) $15,000 reduced by the sum of—

"(I) the amounts not included in gross income for prior taxable years by reason of this paragraph, plus

"(II) the aggregate amount of designated Roth contributions (as defined in section 402A(c)) for prior taxable years, or".

(2) Subparagraph (A) of section 402(g)(1) is amended by inserting "to" after "shall not apply".

(b) AMENDMENT RELATED TO SECTION 632 OF THE ACT.—Subparagraph (C) of section 415(c)(7) is amended by striking "the greater of $3,000" and all that follows and inserting "$3,000. This subparagraph shall not apply with respect to any taxable year to any individual whose adjusted gross income for such taxable year (determined separately and without regard to community property laws) exceeds $17,000.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 408. AMENDMENTS RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENTS RELATED TO SECTION 3415 OF THE ACT.—

(1) Paragraph (2) of section 7609(c) is amended by inserting "or" at the end of subparagraph (D), by striking "; or" at the end of subparagraph (E) and inserting a period, and by striking subparagraph (F).

(2) Subsection (c) of section 7609 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) JOHN DOE AND CERTAIN OTHER SUMMONSES.—Subsection (a) shall not apply to any summons described in subsection (f) or (g).".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 3415 of the Internal Revenue Service Restructuring and Reform Act of 1998.

SEC. 409. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 1055 OF THE ACT.—

(1) The last sentence of section 6411(a) is amended by striking "6611(f)(3)(B)" and inserting "6611(f)(4)(B)".

(2) Paragraph (4) of section 6601(d) is amended by striking "6611(f)(3)(A)" and inserting "6611(f)(4)(A)".

(b) AMENDMENT RELATED TO SECTION 1112 OF THE ACT.—Subsection (c) of section 961 is amended to read as follows:

"(c) BASIS ADJUSTMENTS IN STOCK HELD BY FOREIGN CORPORATIONS.—Under regulations prescribed by the Secretary, if a United States shareholder is treated under section 958(a)(2) as owning stock in a controlled foreign corporation which is owned by another controlled foreign corporation, then adjustments similar to the adjustments provided by subsections (a) and (b) shall be made to—

"(1) the basis of such stock, and

"(2) the basis of stock in any other controlled foreign corporation by reason of which the United States shareholder is considered under section 958(a)(2) as owning the stock described in paragraph (1),

but only for the purposes of determining the amount included under section 951 in the gross income of such United States shareholder (or any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder by reason of which such shareholder was treated as owning such stock, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary may prescribe by regulations). The preceding sentence shall not apply with respect to any stock to which a basis adjustment applies under subsection (a) or (b).".

(c) AMENDMENT RELATED TO SECTION 1144 OF THE ACT.—Subparagraph (B) of section 6038B(a)(1) is amended by inserting "or" at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

SEC. 410. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

(a) AMENDMENT RELATED TO SECTION 11813 OF THE ACT.—Subclause (I) of section 168(e)(3)(B)(vi) is amended by striking "if 'solar and wind' were substituted for 'solar' in clause (i) thereof" and inserting "if 'solar or wind energy' were substituted for 'solar energy' in clause (i) thereof".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 11813 of the Omnibus Budget Reconciliation Act of 1990.

SEC. 411. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) AMENDMENT RELATED TO SECTION 10227 OF THE ACT.—Section 1363(d) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—Sections 1367(a)(2)(D) and 1371(c)(1) shall not apply with respect to any increase in the tax imposed by reason of this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 10227 of the Omnibus Budget Reconciliation Act of 1987.

SEC. 412. CLERICAL CORRECTIONS.

(a) Subparagraph (C) of section 2(b)(2) is amended by striking "subparagraph (C)" and inserting "subparagraph (B)".

(b) Paragraph (2) of section 25C(b) is amended by striking "subsection (c)(3)(B)" and inserting "subsection (c)(2)(B)".

(c) Subparagraph (E) of section 26(b)(2) is amended by striking "section 530(d)(3)" and inserting "section 530(d)(4)".

(d) Subparagraph (A) of section 30B(g)(2) and subparagraph (A) of section 30C(d)(2) are each amended by striking "regular tax" and inserting "regular tax liability (as defined in section 26(b))".

(e) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30C and inserting the following new item:

"Sec. 30C. Alternative fuel vehicle refueling property credit.".

(f)(1) Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking "or the New York Liberty Zone business employee credit or the specified credits" and inserting ", the New York Liberty Zone business employee credit, and the specified credits".

(2) Subclause (II) of section 38(c)(3)(A)(ii) is amended by striking "or the specified credits" and inserting "and the specified credits".

(3) Subparagraph (B) of section 38(c)(4) is amended—

(A) by striking "includes" and inserting "means", and

(B) by inserting "and" at the end of clause (i).

(g)(1) Subparagraph (A) of section 39(a)(1) is amended by striking "each of the 1 taxable years" and inserting "the taxable year".

(2) Subparagraph (B) of section 39(a)(3) is amended to read as follows:

"(B) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and".

(h) Subparagraph (B) of section 40A(b)(5) is amended by striking "(determined without regard to the last sentence of subsection (d)(2))".

(i) Paragraph (5) of section 43(c) is amended to read as follows:

"(5) ALASKA NATURAL GAS.—For purposes of paragraph (1)(D)—

"(A) IN GENERAL.—The term 'Alaska natural gas' means natural gas entering the Alaska natural gas pipeline (as defined in section 168(i)(16) (determined without regard to subparagraph (B) thereof)) which is produced from a well—

"(i) located in the area of the State of Alaska lying north of 64 degrees North latitude, determined by excluding the area of the Alaska National Wildlife Refuge (including the continental shelf thereof within the meaning of section 638(1)), and

"(ii) pursuant to the applicable State and Federal pollution prevention, control, and permit requirements from such area (including the continental shelf thereof within the meaning of section 638(1)).

"(B) NATURAL GAS.—The term 'natural gas' has the meaning given such term by section 613A(e)(2).".

(j) Subsection (d) of section 45 is amended—

(1) in paragraph (8) by striking "The term" and inserting "In the case of a facility that produces refined coal, the term", and

(2) in paragraph (10) by striking "The term" and inserting "In the case of a facility that produces Indian coal, the term".

(k) Paragraph (2) of section 45I(a) is amended by striking "qualified credit oil production" and inserting "qualified crude oil production".

(l) Subsection (g) of section 45K, as redesignated by section 1322 of the Energy Policy Act of 2005, is amended—

(1) in the matter preceding paragraph (1), by striking "subsection (f)" and inserting "subsection (e)", and

(2) in paragraph (2)(C), by striking "subsection (g)" and inserting "subsection (f)".

(m) Paragraph (1) of section 48(a), as amended by section 1336 of the Energy Policy

Act of 2005, is amended by striking "paragraph (1)(B) or (2)(B) of subsection (d)" and inserting "paragraphs (1)(B) and (2)(B) of subsection (c)".

(n) Subparagraph (A) of section 48(a)(3) is amended—

(1) by redesignating clause (iii) (relating to qualified fuel cell property or qualified microturbine property), as added by section 1336 of the Energy Policy Act of 2005, as clause (iv) and by moving such clause to the end of such subparagraph, and

(2) by striking "or" at the end of clause (ii).

(o) Subparagraph (E) of section 50(a)(2) is amended by striking "section 48(a)(5)" and inserting "section 48(b)".

(p)(1) Paragraph (3) of section 55(c) is amended by inserting "30B(g)(2), 30C(d)(2)," after "30(b)(3),".

(2) Section 1341(b)(3) of the Energy Policy Act of 2005 is repealed.

(3) Section 1342(b)(3) of the Energy Policy Act of 2005 is repealed.

(q)(1) Subsection (a) of section 62 is amended—

(A) by redesignating paragraph (19) (relating to costs involving discrimination suits, etc.), as added by section 703 of the American Jobs Creation Act of 2004, as paragraph (20), and

(B) by moving such paragraph after paragraph (19) (relating to health savings accounts).

(2) Subsection (e) of section 62 is amended by striking "subsection (a)(19)" and inserting "subsection (a)(20)".

(r) Paragraph (3) of section 167(f) is amended by striking "section 197(e)(7)" and inserting "section 197(e)(6)".

(s) Subparagraph (D) of section 168(i)(15) is amended by striking "This paragraph shall not apply to" and inserting "Such term shall not include".

(t) Paragraph (2) of section 221(d) is amended by striking "this Act" and inserting "the Taxpayer Relief Act of 1997".

(u) Paragraph (8) of section 318(b) is amended by striking "section 6038(d)(2)" and inserting "section 6038(e)(2)".

(v) Subparagraph (B) of section 332(d)(1) is amended by striking "distribution to which section 301 applies" and inserting "distribution of property to which section 301 applies".

(w) Subparagraph (B) of section 403(b)(9) is amended by inserting "or" before "a convention".

(x)(1) Clause (i) of section 412(m)(4)(B) is amended by striking "subsection (c)" and inserting "subsection (d)".

(2) Clause (i) of section 302(e)(4)(B) of the Employee Retirement Income Security Act of 1974 is amended by striking "subsection (c)" and inserting "subsection (d)".

(y) Paragraph (1) of section 415(l) is amended by striking "individual medical account" and inserting "individual medical benefit account".

(z) The matter following clause (iv) of section 415(n)(3)(C) is amended by striking "clauses" and inserting "clause".

(aa) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 6662(d)(2)(C)(ii)".

(bb) Paragraph (12) of section 501(c) is amended—

(1) by striking "subparagraph (C)(iii)" in subparagraph (F) and inserting "subparagraph (C)(iv)", and

(2) by striking "subparagraph (C)(iv)" in subparagraph (G) and inserting "subparagraph (C)(v)".

(cc) Clause (ii) of section 501(c)(22)(B) is amended by striking "clause (ii) of paragraph (21)(B)" and inserting "clause (ii) of paragraph (21)(D)".

(dd) Paragraph (1) of section 512(b) is amended by striking "section 512(a)(5)" and inserting "subsection (a)(5)".

(ee)(1) Subsection (b) of section 512 is amended—

(A) by redesignating paragraph (18) (relating to the treatment of gain or loss on sale or exchange of certain brownfield sites), as added by section 702 of the American Jobs Creation Act of 2004, as paragraph (19), and

(B) by moving such paragraph to the end of such subsection.

(2) Subparagraph (E) of section 514(b)(1) is amended by striking "section 512(b)(18)" and inserting "section 512(b)(19)".

(3) Paragraph (6) of section 529(c) is amended by striking "education individual retirement account" and inserting "Coverdell education savings account".

(ff)(1) Subsection (b) of section 530 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Clause (ii) of section 530(b)(2)(A) is amended by striking "paragraph (4)" and inserting "paragraph (3)".

(gg) Subparagraph (H) of section 613(c)(4) is amended by inserting "(including in situ retorting)" after "and retorting".

(hh) Subparagraph (A) of section 856(g)(5) is amended by striking "subsection (c)(6) or (c)(7) of section 856" and inserting "paragraph (2), (3), or (4) of subsection (c)".

(ii) Paragraph (6) of section 857(b) is amended—

(1) in subparagraph (E), by striking "subparagraph (C)" and inserting "subparagraphs (C) and (D)", and

(2) in subparagraph (F)—

(A) by striking "subparagraph (C) of this paragraph" and inserting "subparagraph (C) or (D)", and

(B) by striking "subparagraphs (C) and (D)" and inserting "subparagraphs (C), (D), and (E)".

(jj) Subparagraph (C) of section 881(e)(1) is amended by inserting "interest-related dividend received by a controlled foreign corporation" after "shall apply to any".

(kk) Clause (ii) of section 952(c)(1)(B) is amended—

(1) by striking "clause (iii)(III) or (IV)" and inserting "subclause (II) or (III) of clause (iii)", and

(2) by striking "clause (iii)(II)" and inserting "clause (iii)(I)".

(ll) Clause (i) of section 954(c)(1)(C) is amended by striking "paragraph (4)(A)" and inserting "paragraph (5)(A)".

(mm) Subparagraph (F) of section 954(c)(1) is amended by striking "Net income from notional principal contracts." after "Income from notional principal contracts.—".

(nn) Paragraph (23) of section 1016(a) is amended by striking "1045(b)(4)" and inserting "1045(b)(3)".

(oo) Paragraph (1) of section 1256(f) is amended by striking "subsection (e)(2)(C)" and inserting "subsection (e)(2)".

(pp) The matter preceding clause (i) of section 1031(h)(2)(B) is amended by striking "subparagraph" and inserting "subparagraphs".

(qq) Paragraphs (1) and (2) of section 1375(d) are each amended by striking "subchapter C" and inserting "accumulated".

(rr) Each of the following provisions are amended by striking "General Accounting Office" each place it appears therein and inserting "Government Accountability Office":

(1) Clause (ii) of section 1400E(c)(4)(A).

(2) Paragraph (1) of section 6050M(b).

(3) Subparagraphs (A), (B)(i), and (B)(ii) of section 6103(i)(8).

(4) Paragraphs (3)(C)(i), (4), (5), and (6)(B) of section 6103(p).

(5) Subsection (e) of section 8021.

(ss)(1) Clause (ii) of section 1400L(b)(2)(C) is amended by striking "section 168(k)(2)(C)(i)" and inserting "section 168(k)(2)(D)(i)".

(2) Clause (iv) of section 1400L(b)(2)(C) is amended by striking "section 168(k)(2)(C)(iii)" and inserting "section 168(k)(2)(D)(iii)".

(3) Subparagraph (D) of section 1400L(b)(2) is amended by striking "section 168(k)(2)(D)" and inserting "section 168(k)(2)(E)".

(4) Subparagraph (E) of section 1400L(b)(2) is amended by striking "section 168(k)(2)(F)" and inserting "section 168(k)(2)(G)".

(5) Paragraph (5) of section 1400L(c) is amended by striking "section 168(k)(2)(C)(iii)" and inserting "section 168(k)(2)(D)(iii)".

(tt). Section 3401 is amended by redesignating subsection (h) as subsection (g).

(uu) Paragraph (2) of section 4161(a) is amended to read as follows:

"(2) 3 PERCENT RATE OF TAX FOR ELECTRIC OUTBOARD MOTORS.—In the case of an electric outboard motor, paragraph (1) shall be applied by substituting '3 percent' for '10 percent'.".

(vv) Subparagraph (C) of section 4261(e)(4) is amended by striking "imposed subsection (b)" and inserting "imposed by subsection (b)".

(ww) Subsection (a) of section 4980D is amended by striking "plans" and inserting "plan".

(xx) The matter following clause (iii) of section 6045(e)(5)(A) is amended by striking "for '$250,000'." and all that follows through "to the Treasury." and inserting "for '$250,000'. The Secretary may by regulation increase the dollar amounts under this subparagraph if the Secretary determines that such an increase will not materially reduce revenues to the Treasury.".

(yy) Subsection (p) of section 6103 is amended—

(1) by striking so much of paragraph (4) as precedes subparagraph (A) and inserting the following:

"(4) SAFEGUARDS.—Any Federal agency described in subsection (h)(2), (h)(5), (i)(1), (2), (3), (5), or (7), (j)(1), (2), or (5), (k)(8), (l)(1), (2), (3), (5), (10), (11), (13), (14), or (17) or (o)(1), the Government Accountability Office, the Congressional Budget Office, or any agency, body, or commission described in subsection (d), (i)(3)(B)(i) or 7(A)(ii), or (l)(6), (7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16), (18), (19), or (20) shall, as a condition for receiving returns or return information—",

(2) by amending paragraph (4)(F)(i) to read as follows:

"(i) in the case of an agency, body, or commission described in subsection (d), (i)(3)(B)(i), or (l)(6), (7), (8), (9), or (16), or any other person described in subsection (l)(16), (18), (19), or (20) return to the Secretary such returns or return information (along with any copies made therefrom) or make such returns or return information undisclosable in any manner and furnish a written report to the Secretary describing such manner.", and

(3) by striking the first full sentence in the matter following subparagraph (F) of paragraph (4) and inserting the following: "If the Secretary determines that any such agency, body, or commission, including an agency or any other person described in subsection

(l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, has failed to, or does not, meet the requirements of this paragraph, he may, after any proceedings for review established under paragraph (7), take such actions as are necessary to ensure such requirements are met, including refusing to disclose returns or return information to such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, until he determines that such requirements have been or will be met.".

(zz) Clause (ii) of section 6111(b)(1)(A) is amended by striking "advice or assistance" and inserting "aid, assistance, or advice".

(aaa) Paragraph (3) of section 6662(d) is amended by striking "the" before "1 or more".

SEC. 413. OTHER CORRECTIONS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 233 OF THE ACT.—

(1) Clause (vi) of section 1361(c)(2)(A) is amended—

(A) by inserting "or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))" after "a bank (as defined in section 581)", and

(B) by inserting "or company" after "such bank".

(2) Paragraph (16) of section 4975(d) is amended—

(A) in subparagraph (A), by inserting "or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))" after "a bank (as defined in section 581)", and

(B) in subparagraph (C), by inserting "or company" after "such bank".

(b) AMENDMENT RELATED TO SECTION 237 OF THE ACT.—Subparagraph (F) of section 1362(d)(3) is amended by striking "a bank holding company" and all that follows through "section 2(p) of such Act)" and inserting "a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))".

(c) AMENDMENTS RELATED TO SECTION 239 OF THE ACT.—Paragraph (3) of section 1361(b) is amended—

(1) in subparagraph (A), by striking "and in the case of information returns required under part III of subchapter A of chapter 61", and

(2) by adding at the end the following new subparagraph:

"(E) INFORMATION RETURNS.—Except to the extent provided by the Secretary, this paragraph shall not apply to part III of subchapter A of chapter 61 (relating to information returns).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

Subtitle B—Trade Technicals

SEC. 421. TECHNICAL CORRECTIONS TO REGIONAL VALUE-CONTENT METHODS FOR RULES OF ORIGIN UNDER PUBLIC LAW 109-53.

Section 203(c) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 19 U.S.C. 4033(c)) is amended as follows:

(1) In paragraph (2)(A), by striking all that follows "the following build-down method:" and inserting the following:

$$\text{``RVC} = \frac{\text{AV}-\text{VNM}}{\text{AV}} \text{ x } 100\text{''.}$$

(2) In paragraph (3)(A), by striking all that follows "the following build-up method:" and inserting the following:

$$\text{``RVC} = \frac{\text{VOM}}{\text{AV}} \text{ x } 100\text{''.}$$

(3) In paragraph (4)(A), by striking all that follows "the following net cost method:" and inserting the following:

$$\text{``RVC} = \frac{\text{NC}-\text{VNM}}{\text{NC}} \text{ x } 100\text{''.}$$

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 2681. Mr. SANTORUM (for Mr. SPECTER (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill H.R. 3402, to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women and Department of Justice Reauthorization Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Universal definitions and grant provisions.

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 101. Stop grants improvements.
Sec. 102. Grants to encourage arrest and enforce protection orders improvements.
Sec. 103. Legal Assistance for Victims improvements.
Sec. 104. Ensuring crime victim access to legal services.
Sec. 105. The Violence Against Women Act court training and improvements.
Sec. 106. Full faith and credit improvements.
Sec. 107. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
Sec. 108. Sex offender management.
Sec. 109. Stalker database.
Sec. 110. Federal victim assistants reauthorization.
Sec. 111. Grants for law enforcement training programs.
Sec. 112. Reauthorization of the court-appointed special advocate program.
Sec. 113. Preventing cyberstalking.
Sec. 114. Criminal provision relating to stalking.
Sec. 115. Repeat offender provision.
Sec. 116. Prohibiting dating violence.
Sec. 117. Prohibiting violence in special maritime and territorial jurisdiction.
Sec. 118. Updating protection order definition.
Sec. 119. GAO study and report.
Sec. 120. Grants for outreach to underserved populations.
Sec. 121. Enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 201. Findings.
Sec. 202. Sexual assault services program.
Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program.
Sec. 204. Training and services to end violence against women with disabilities.
Sec. 205. Training and services to end violence against women in later life.
Sec. 206. Strengthening the National Domestic Violence Hotline.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 301. Findings.
Sec. 302. Rape prevention and education.
Sec. 303. Services, education, protection, and justice for young victims of violence.
Sec. 304. Grants to combat violent crimes on campuses.
Sec. 305. Juvenile justice.
Sec. 306. Safe havens.

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

Sec. 401. Preventing violence against women and children.
Sec. 402. Study conducted by the Centers for Disease Control and Prevention.

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 501. Findings.
Sec. 502. Purpose.
Sec. 503. Training and education of health professionals in domestic and sexual violence.
Sec. 504. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.
Sec. 505. Research on effective interventions in the healthcare setting.

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

Sec. 601. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.
Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.
Sec. 603. Public housing authority plans reporting requirement.
Sec. 604. Housing strategies.
Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.
Sec. 606. Amendments to the low-income housing assistance voucher program.

Sec. 607. Amendments to the public housing program.

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

Sec. 701. Grant for National Resource Center on Workplace Responses to assist victims of domestic and sexual violence.

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS

Subtitle A—Victims of Crime

Sec. 801. Treatment of spouse and children of Victims.
Sec. 802. Presence of Victims of a severe form of trafficking in persons.
Sec. 803. Adjustment of status.
Sec. 804. Protection and assistance for Victims of trafficking.
Sec. 805. Protecting Victims of child abuse.

Subtitle B—VAWA Self-Petitioners

Sec. 811. Definition of VAWA self-petitioner.
Sec. 812. Application in case of voluntary departure.
Sec. 813. Removal proceedings.
Sec. 814. Eliminating abusers' control over applications and limitation on petitioning for abusers.
Sec. 815. Application for VAWA-related relief.
Sec. 816. Self-petitioning parents.
Sec. 817. VAWA confidentiality nondisclosure.

Subtitle C—Miscellaneous Amendments

Sec. 821. Duration of T and U visas.
Sec. 822. Technical correction to references in application of special physical presence and good moral character rules.
Sec. 823. Petitioning rights of certain former spouses under Cuban adjustment.
Sec. 824. Self-petitioning rights of HRIFA applicants.
Sec. 825. Motions to reopen.
Sec. 826. Protecting abused juveniles.
Sec. 827. Protection of domestic violence and crime victims from certain disclosures of information.
Sec. 828. Rulemaking.

Subtitle D—International Marriage Broker Regulation

Sec. 831. Short title.
Sec. 832. Access to VAWA protection regardless of manner of entry.
Sec. 833. Domestic violence information and resources for immigrants and regulation of international marriage brokers.
Sec. 834. Sharing of certain information.

TITLE IX—SAFETY FOR INDIAN WOMEN

Sec. 901. Findings.
Sec. 902. Purposes.
Sec. 903. Consultation.
Sec. 904. Analysis and research on violence against Indian women.
Sec. 905. Tracking of violence against Indian women.
Sec. 906. Grants to Indian tribal governments.
Sec. 907. Tribal deputy in the Office on Violence Against Women.
Sec. 908. Enhanced Criminal law resources.
Sec. 909. Domestic assault by an habitual offender.

TITLE X—DNA FINGERPRINTING

Sec. 1001. Short title.
Sec. 1002. Use of opt-out procedure to remove samples from national DNA index.
Sec. 1003. Expanded use of CODIS grants.
Sec. 1004. Authorization to conduct DNA sample collection from persons arrested or detained under Federal authority.
Sec. 1005. Tolling of statute of limitations for sexual-abuse offenses.

TITLE XI—DEPARTMENT OF JUSTICE REAUTHORIZATION

Subtitle A—AUTHORIZATION OF APPROPRIATIONS

Sec. 1101. Authorization of appropriations for fiscal year 2006.
Sec. 1102. Authorization of appropriations for fiscal year 2007.
Sec. 1103. Authorization of appropriations for fiscal year 2008.
Sec. 1104. Authorization of appropriations for fiscal year 2009.
Sec. 1105. Organized retail theft.
Sec. 1106. United States-Mexico Border Violence Task Force.
Sec. 1107. National Gang Intelligence Center.

Subtitle B—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

CHAPTER 1—ASSISTING LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES

Sec. 1111. Merger of Byrne grant program and Local Law Enforcement Block Grant program.
Sec. 1112. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.
Sec. 1113. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.
Sec. 1114. Clarification of uses for regional information sharing system Grants.
Sec. 1115. Integrity and enhancement of national criminal record databases.
Sec. 1116. Extension of matching grant program for law enforcement armor vests.

CHAPTER 2—BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME

Sec. 1121. Office of Weed and Seed Strategies.

CHAPTER 3—ASSISTING VICTIMS OF CRIME

Sec. 1131. Grants to local nonprofit organizations to improve outreach services to Victims of Crime.
Sec. 1132. Clarification and enhancement of certain authorities relating to Crime Victims Fund.
Sec. 1133. Amounts received under crime victim Grants may be used by State for training purposes.
Sec. 1134. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.
Sec. 1135. Change of certain reports from annual to biennial.
Sec. 1136. Grants for young witness assistance.

CHAPTER 4—PREVENTING CRIME

Sec. 1141. Clarification of definition of violent offender for purposes of juvenile drug courts.
Sec. 1142. Changes to distribution and allocation of grants for drug courts.
Sec. 1143. Eligibility for Grants under drug court Grants program extended to courts that supervise non-offenders with substance abuse problems.
Sec. 1144. Term of Residential Substance Abuse Treatment program for local facilities.
Sec. 1145. Enhanced residential substance abuse treatment program for State prisoners.
Sec. 1146. Residential Substance Abuse Treatment Program for Federal Facilities.

CHAPTER 5—OTHER MATTERS

Sec. 1151. Changes to certain financial authorities.
Sec. 1152. Coordination duties of Assistant Attorney General.
Sec. 1153. Simplification of compliance deadlines under sex-offender registration laws.
Sec. 1154. Repeal of certain programs.
Sec. 1155. Elimination of certain notice and hearing requirements.
Sec. 1156. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.
Sec. 1157. Clarification of authority to pay subsistence payments to prisoners for health care items and services.
Sec. 1158. Office of audit, assessment, and Management.
Sec. 1159. Community Capacity Development Office.
Sec. 1160. Office of Applied Law Enforcement Technology.
Sec. 1161. Availability of funds for Grants.
Sec. 1162. Consolidation of financial Management systems of Office of Justice Programs.
Sec. 1163. Authorization and change of COPS program to single grant program.
Sec. 1164. Clarification of persons eligible for benefits under Public Safety officers' death benefits programs.
Sec. 1165. Pre-release and post-release programs for juvenile offenders.
Sec. 1166. Reauthorization of juvenile accountability block Grants.
Sec. 1167. Sex offender Management.
Sec. 1168. Evidence-based approaches.
Sec. 1169. Reauthorization of matching grant program for school security.
Sec. 1170. Technical amendments to Aimee's Law.

Subtitle C—MISCELLANEOUS PROVISIONS

Sec. 1171. Technical amendments relating to Public Law 107-56.
Sec. 1172. Miscellaneous technical amendments.
Sec. 1173. Use of Federal training facilities.
Sec. 1174. Privacy officer.
Sec. 1175. Bankruptcy crimes.
Sec. 1176. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.
Sec. 1177. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.
Sec. 1178. Expanded jurisdiction for contraband offenses in correctional facilities.
Sec. 1179. Magistrate judge's authority to continue preliminary hearing.
Sec. 1180. Technical corrections relating to steroids.
Sec. 1181. Prison Rape Commission extension.
Sec. 1182. Longer statute of limitation for human trafficking-related offenses.
Sec. 1183. Use of Center for Criminal Justice Technology.
Sec. 1184. SEARCH Grants.
Sec. 1185. Reauthorization of Law Enforcement Tribute Act.

Sec. 1186. Amendment regarding bullying and gangs.
Sec. 1187. Transfer of provisions relating to the Bureau of alcohol, tobacco, firearms, and Explosives.
Sec. 1188. Reauthorize the gang resistance education and training projects program.
Sec. 1189. National Training Center.
Sec. 1190. Sense of Congress relating to "good time" release.
Sec. 1191. Public employee uniforms.
Sec. 1192. Officially approved postage.
Sec. 1193. Authorization of additional appropriations.
Sec. 1194. Assistance to courts.
Sec. 1195. Study and report on correlation between substance abuse and domestic violence at domestic violence shelters.
Sec. 1196. Reauthorization of State criminal alien assistance program.
Sec. 1197. Extension of child safety pilot program.
Sec. 1198. Transportation and subsistence for special sessions of district courts.
Sec. 1199. Youth Violence Reduction Demonstration Projects.

SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.

(a) IN GENERAL.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding after section 40001 the following:

"SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.

"(a) DEFINITIONS.—In this title:

"(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

"(2) CHILD ABUSE AND NEGLECT.—The term 'child abuse and neglect' means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

"(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means an organization that—

"(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

"(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

"(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

"(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

"(4) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

"(5) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

"(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

"(B) court security personnel;

"(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

"(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

"(6) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

"(7) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

"(A) the length of the relationship;

"(B) the type of relationship; and

"(C) the frequency of interaction between the persons involved in the relationship.

"(8) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) The length of the relationship.

"(ii) The type of relationship.

"(iii) The frequency of interaction between the persons involved in the relationship.

"(9) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 50 years of age or older that constitutes the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

"(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

"(10) INDIAN.—The term 'Indian' means a member of an Indian tribe.

"(11) INDIAN COUNTRY.—The term 'Indian country' has the same meaning given such term in section 1151 of title 18, United States Code.

"(12) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq., as amended).

"(13) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(14) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

"(15) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

"(16) LEGAL ASSISTANCE.—The term 'legal assistance' includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

"(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

"(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

"(17) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward underserved communities.

"(18) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

"(A) a first and last name;

"(B) a home or other physical address;

"(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

"(D) a social security number; and

"(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

"(19) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

"(20) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

'(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

“(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

“(21) RURAL AREA AND RURAL COMMUNITY.—The term ‘rural area’ and ‘rural community’ mean—

“(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

“(B) any area or community, respectively, that is—

“(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

“(ii) located in a rural census tract.

“(22) RURAL STATE.—The term ‘rural State’ means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

“(23) SEXUAL ASSAULT.—The term ‘sexual assault’ means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

“(24) STALKING.—The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

“(A) fear for his or her safety or the safety of others; or

“(B) suffer substantial emotional distress.

“(25) STATE.—The term ‘State’ means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

“(26) STATE DOMESTIC VIOLENCE COALITION.—The term ‘State domestic violence coalition’ means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

“(27) STATE SEXUAL ASSAULT COALITION.—The term ‘State sexual assault coalition’ means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

“(28) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term ‘territorial domestic violence or sexual assault coalition’ means a program addressing domestic or sexual violence that is—

“(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

“(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

“(29) TRIBAL COALITION.—The term ‘tribal coalition’ means—

“(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native women; or

“(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian or Alaska Native women.

“(30) TRIBAL GOVERNMENT.—The term ‘tribal government’ means—

“(A) the governing body of an Indian tribe; or

“(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(31) TRIBAL ORGANIZATION.—The term ‘tribal organization’ means—

“(A) the governing body of any Indian tribe;

“(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

“(C) any tribal nonprofit organization.

“(32) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

“(33) VICTIM ADVOCATE.—The term ‘victim advocate’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

“(34) VICTIM ASSISTANT.—The term ‘victim assistant’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

“(35) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term ‘victim services’ or ‘victim service provider’ means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

“(36) YOUTH.—The term ‘youth’ means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

“(b) GRANT CONDITIONS.—

“(1) MATCH.—No matching funds shall be required for a grant or subgrant made under this title for any tribe, territory, victim service provider, or any entity that the Attorney General determines has adequately demonstrated financial need.

“(2) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

“(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

“(B) NONDISCLOSURE.—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

“(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees’ and subgrantees’ programs; or

“(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

“(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

“(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

“(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

“(D) INFORMATION SHARING.—Grantees and subgrantees may share—

“(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

“(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

“(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

“(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

“(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

“(4) NON-SUPPLANTATION.—Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.

“(5) USE OF FUNDS.—Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.

"(6) Reports.—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

"(7) Evaluation.—Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

"(A) evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or

"(B) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.

"(8) Nonexclusivity.—Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.

"(9) Prohibition on tort litigation.—Funds appropriated for the grant program under this title may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph should not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

"(10) Prohibition on lobbying.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

"(11) Technical assistance.—If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this title, the Office has the authority to continue setting aside amounts greater than 8 percent.".

(b) Change of Certain Reports From Annual to Biennial.—

(1) Stalking and domestic violence.—Section 40610 of the Violence Against Women Act of 1994 (42 U.S.C. 14039) is amended by striking "The Attorney General shall submit to the Congress an annual report, beginning 1 year after the date of the enactment of this Act, that provides" and inserting "Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides".

(2) Safe havens for children.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking "Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter," and inserting "Not later than 1 month after the end of each even-numbered fiscal year,".

(3) Stop violence against women formula grants.—Section 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-3) is amended by striking "Not later than" and all that follows through "the Attorney General shall submit" and inserting the following: "Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit".

(4) Transitional housing assistance grants for child victims of domestic violence, stalking, or sexual assault.—Section 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking "shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section." and inserting "shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.".

(c) Definitions and Grant Conditions in Crime Control Act.—

(1) Part T.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by striking section 2008 and inserting the following:

"SEC. 2008. DEFINITIONS AND GRANT CONDITIONS.

"In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

(2) Part U.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 2105. DEFINITIONS AND GRANT CONDITIONS.

"In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

(d) Definitions and Grant Conditions in 2000 Act.—Section 1002 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–2 note) is amended to read as follows:

"SEC. 1002. DEFINITIONS AND GRANT CONDITIONS.

"In this division the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 101. STOP GRANTS IMPROVEMENTS.

(a) Authorization of Appropriations.—Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking "$185,000,000 for each of fiscal years 2001 through 2005" and inserting "$225,000,000 for each of fiscal years 2007 through 2011".

(b) Purpose Area Enhancements.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

"(13) supporting the placement of special victim assistants (to be known as 'Jessica Gonzales Victim Assistants') in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

"(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

"(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

"(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

"(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order; and

"(14) to provide funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—

"(A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as 'Crystal Judson Victim Advocates,' to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

"(B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police ('Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project' July 2003));

"(C) the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (14) shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol.".

(c) Clarification of Activities Regarding Underserved Populations.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: "and describe how the State will address the needs of underserved populations"; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

"(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.".

(d) Tribal and Territorial Setasides.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "5 percent" and inserting "10 percent";

(B) in paragraph (2), striking by "$\frac{1}{54}$" and inserting "$\frac{1}{56}$";

(C) in paragraph (3), by striking "and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54" and inserting "coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56"; and

(D) in paragraph (4), by striking "1/54" and inserting "1/56";

(2) in subsection (c)(3)(B), by inserting after "victim services" the following: ", of which at least 10 percent shall be distributed to culturally specific community-based organization"; and

(3) in subsection (d)—

(A) in paragraph (3), by striking the period and inserting "; and"; and

(B) by adding at the end the following:

"(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and courts have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.".

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended by adding at the end the following:

"(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

"(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees, subgrantees and other entities.

"(2) INDIAN TRAINING.—The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law.".

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4) is amended by adding at the end the following:

"(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

"(e) JUDICIAL NOTIFICATION.—

"(1) IN GENERAL.—A State or unit of local government shall not be entitled to funds under this part unless the State or unit of local government—

"(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or

"(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

"(i) the period ending on the date on which the next session of the State legislature ends; or

"(ii) 2 years.

"(2) REDISTRIBUTION.—Funds withheld from a State or unit of local government under subsection (a) shall be distributed to other States and units of local government, pro rata.".

(g) POLYGRAPH TESTING PROHIBITION.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

"SEC. 2013. POLYGRAPH TESTING PROHIBITION.

"(a) IN GENERAL.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

"(b) PROSECUTION.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.".

SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking "$65,000,000 for each of fiscal years 2001 through 2005" and inserting "$75,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this paragraph shall remain available until expended.".

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking "to treat domestic violence as a serious violation" and inserting "to treat domestic violence, dating violence, sexual assault, and stalking as serious violations";

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after "State" the following: ", tribal, territorial,";

(B) in paragraph (1), by—

(i) striking "mandatory arrest or"; and

(ii) striking "mandatory arrest programs and";

(C) in paragraph (2), by—

(i) inserting after "educational programs," the following: "protection order registries,";

(ii) striking "domestic violence and dating violence" and inserting "domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking";

(D) in paragraph (3), by—

(i) striking "domestic violence cases" and inserting "domestic violence, dating violence, sexual assault, and stalking cases"; and

(ii) striking "groups" and inserting "teams";

(E) in paragraph (5), by striking "domestic violence and dating violence" and inserting "domestic violence, dating violence, sexual assault, and stalking";

(F) in paragraph (6), by—

(i) striking "other" and inserting "civil"; and

(ii) inserting after "domestic violence" the following: ", dating violence, sexual assault, and stalking"; and

(G) by adding at the end the following:

"(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

"(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

"(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

"(12) To develop, enhance, and maintain protection order registries.

"(13) To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.";—

(3) in subsection (c)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that—

"(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

"(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense."; and

(4) by striking subsections (d) and (e) and inserting the following:

"(d) SPEEDY NOTICE TO VICTIMS.—A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this part unless the State or unit of local government—

"(1) certifies that it has a law or regulation that requires—

"(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented;

"(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

"(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

"(2) gives the Attorney General assurances that it laws and regulations will be in compliance with requirements of paragraph (1) within the later of—

"(A) the period ending on the date on which the next session of the State legislature ends; or

"(B) 2 years.

"(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.".

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after "involving domestic violence" the following: ", dating violence, sexual assault, or stalking".

(d) TRAINING, TECHNICAL ASSISTANCE, CONFIDENTIALITY.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

"SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.

"Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees and other entities.".

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before "legal assistance" the following: "civil and criminal";

(B) inserting after "effective aid to" the following: "adult and youth"; and

(C) inserting at the end the following: "Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.";

(2) by striking subsection (b) and inserting the following:

"(b) DEFINITIONS.—In this section, the definitions provided in section 40002 of the Violence Against Women Act of 1994 shall apply.";

(3) in subsection (c), by inserting "and tribal organizations, territorial organizations" after "Indian tribal governments";

(4) in subsection (d) by striking paragraph (2) and inserting the following:

"(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;".

(5) in subsection (e), by inserting "dating violence," after "domestic violence,"; and

(6) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 2007 through 2011."; and

(B) in paragraph (2)(A), by—

(i) striking "5 percent" and inserting "10 percent"; and

(ii) inserting "adult and youth" after "that assist".

SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.

(a) IN GENERAL.—Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by striking "using funds derived from a source other than the Corporation to provide" and inserting "providing";

(B) in clause (i), by striking "in the United States" and all that follows and inserting "or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or"; and

(C) in clause (ii), by striking "has been battered" and all that follows and inserting ", without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U))."; and

(2) in subsection (b)(2), by striking "described in such subsection" and inserting ", sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))".

(b) SAVINGS PROVISION.—Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.

(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle J—Violence Against Women Act Court Training and Improvements

"SEC. 41001. SHORT TITLE.

"This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

"SEC. 41002. PURPOSE.

"The purpose of this subtitle is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—

"(1) improved internal civil and criminal court functions, responses, practices, and procedures;

"(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

"(3) collaboration and training with Federal, State, tribal, territorial, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

"(4) enabling courts or court-based or court-related programs to develop new or enhance current—

"(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);

"(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);

"(C) offender management, monitoring, and accountability programs;

"(D) safe and confidential information-storage and -sharing databases within and between court systems;

"(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

"(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

"(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

"SEC. 41003. GRANT REQUIREMENTS.

"Grants awarded under this subtitle shall be subject to the following conditions:

"(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

"(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

"(B) national, State, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

"(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—

"(A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

"(B) any education program developed under section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

"(C) the grantee's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

"SEC. 41004. NATIONAL EDUCATION CURRICULA.

"(a) In General.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

"(b) Eligible Entities.—Any curricula developed under this section—

"(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

"(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

"SEC. 41005. TRIBAL CURRICULA.

"(a) In General.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

"(b) Eligible Entities.—Any curricula developed under this section—

"(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

"(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

"SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2007 to 2011.

"(b) Availability.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

"(c) Set Aside.—Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for tribal courts, tribal court-related programs, and tribal nonprofits.".

SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) Enforcement of Protection Orders Issued by Territories.—Section 2265 of title 18, United States Code, is amended by—

(1) striking "or Indian tribe" each place it appears and inserting ", Indian tribe, or territory"; and

(2) striking "State or tribal" each place it appears and inserting "State, tribal, or territorial".

(b) Clarification of Entities Having Enforcement Authority and Responsibilities.—Section 2265(a) of title 18, United States Code, is amended by striking "and enforced as if it were" and inserting "and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were".

(c) Limits on Internet Publication of Protection Order Information.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

"(3) Limits on internet publication of registration information.—A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.".

(d) Definitions.—Section 2266 of title 18, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) Protection order.—The term 'protection order' includes—

"(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

"(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking."; and

(2) in clauses (i) and (ii) of paragraph (7)(A), by striking "2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser" and inserting "2261A—

"(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

"(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship".

SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

"SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

"SEC. 41102. PURPOSE AREAS.

"Grants made under this subtitle may be used—

"(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

"(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

"(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

"(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

"SEC. 41103. ELIGIBLE ENTITIES.

"Entities eligible for grants under this subtitle include—

"(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

"(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

"(3) States or State agencies;

"(4) local governments or agencies;

"(5) Indian tribal governments or tribal organizations;

"(6) territorial governments, agencies, or organizations; or

"(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

"SEC. 41104. GRANT CONDITIONS.

"Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

"SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2007 through 2011.

"(b) Tribal Allocation.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants to Indian tribes for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault.

"(c) Technical Assistance and Training.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.".

SEC. 108. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2007 through 2011.".

SEC. 109. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking "2001" and inserting "2007"; and

(2) by striking "2006" and inserting "2011".

SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322) is amended to read as follows:

"SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

"There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2007 through 2011.".

SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ACT OF TRAFFICKING.—The term "act of trafficking" means an act or practice described in paragraph (8) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a State or a local government.

(3) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

(4) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means a person subjected to an act of trafficking.

(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.

(c) USE OF FUNDS.—A grant awarded under this section shall be used to—

(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;

(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or

(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

(d) RESTRICTIONS.—

(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) FINDINGS.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect; and

"(2) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.".

(b) IMPLEMENTATION DATE.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "January 1, 1995" and inserting "January 1, 2010".

(c) CLARIFICATION OF PROGRAM GOALS.—Section 217 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013) is amended—

(1) in subsection (a), by striking "to expand" and inserting "to initiate, sustain, and expand";

(2) subsection (b)—

(A) in paragraph (1)—

(i) by striking "subsection (a) shall be" and inserting the following: "subsection (a)—

"(A) shall be";

(ii) by striking "(2) may be" and inserting the following:

"(B) may be"; and

(iii) in subparagraph (B) (as redesignated), by striking "to initiate or expand" and inserting "to initiate, sustain, and expand"; and

(B) in the first sentence of paragraph (2)—

(i) by striking "(1)(a)" and inserting "(1)(A)"; and

(ii) striking "to initiate and to expand" and inserting "to initiate, sustain, and expand"; and

(3) by adding at the end the following:

"(d) BACKGROUND CHECKS.—State and local Court Appointed Special Advocate programs are authorized to request fingerprint-based criminal background checks from the Federal Bureau of Investigation's criminal history database for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.".

(d) REPORT.—Subtitle B of title II of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011 et seq.) is amended—

(1) by redesignating section 218 as section 219; and

(2) by inserting after section 217 the following new section:

"SEC. 218. REPORT.

"(a) REPORT REQUIRED.—Not later than December 31, 2006, the Inspector General of the Department of Justice shall submit to Congress a report on the types of activities funded by the National Court-Appointed Special Advocate Association and a comparison of outcomes in cases where court-appointed special advocates are involved and cases where court-appointed special advocates are not involved.

"(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:

"(1) The types of activities the National Court-Appointed Special Advocate Association has funded since 1993.

"(2) The outcomes in cases where court-appointed special advocates are involved as compared to cases where court-appointed special advocates are not involved, including—

"(A) the length of time a child spends in foster care;

"(B) the extent to which there is an increased provision of services;

"(C) the percentage of cases permanently closed; and

"(D) achievement of the permanent plan for reunification or adoption.".

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d), is amended by striking subsection (a) and inserting the following:

"(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $12,000,000 for each of fiscal years 2007 through 2011.".

(2) PROHIBITION ON LOBBYING.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d) and amended by paragraphs (1) and (2), is further amended by adding at the end the following new subsection:

"(c) PROHIBITION ON LOBBYING.—No funds authorized under this subtitle may be used for lobbying activities in contravention of OMB Circular No. A–122.".

SEC. 113. PREVENTING CYBERSTALKING.

(a) IN GENERAL.—Paragraph (1) of section 223(h) of the Communications Act of 1934 (47 U.S.C. 223(h)(1)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) in the case of subparagraph (C) of subsection (a)(1), includes any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet (as such term is defined in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note)).".

(b) RULE OF CONSTRUCTION.—This section and the amendment made by this section may not be construed to affect the meaning given the term "telecommunications device" in section 223(h)(1) of the Communications Act of 1934, as in effect before the date of the enactment of this section.

SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

(a) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Stalking

"Whoever—

"(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, or causes substantial emotional distress to that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

"(2) with the intent—

"(A) to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate, or cause substantial emotional distress to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

"(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

"(i) that person;

"(ii) a member of the immediate family (as defined in section 115 of that person; or

"(iii) a spouse or intimate partner of that person;

uses the mail, any interactive computer service, or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional distress to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);

shall be punished as provided in section 2261(b) of this title.".

(b) Enhanced Penalties for Stalking.—Section 2261(b) of title 18, United States Code, is amended by adding at the end the following:

"(6) Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.".

SEC. 115. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

"§ 2265A. Repeat offenders

"(a) Maximum Term of Imprisonment.—The maximum term of imprisonment for a violation of this chapter after a prior domestic violence or stalking offense shall be twice the term otherwise provided under this chapter.

"(b) Definition.—For purposes of this section—

"(1) the term 'prior domestic violence or stalking offense' means a conviction for an offense—

"(A) under section 2261, 2261A, or 2262 of this chapter; or

"(B) under State law for an offense consisting of conduct that would have been an offense under a section referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States, or in interstate or foreign commerce; and

"(2) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.".

SEC. 116. PROHIBITING DATING VIOLENCE.

(a) In General.—Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), striking "or intimate partner" and inserting ", intimate partner, or dating partner"; and

(2) in paragraph (2), striking "or intimate partner" and inserting ", intimate partner, or dating partner".

(b) Definition.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:

"(10) Dating partner.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of—

"(A) the length of the relationship; and

"(B) the type of relationship; and

"(C) the frequency of interaction between the persons involved in the relationship.".

SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

(a) Domestic Violence.—Section 2261(a)(1) of title 18, United States Code, is amended by inserting after "Indian country" the following: "or within the special maritime and territorial jurisdiction of the United States".

(b) Protection Order.—Section 2262(a)(1) of title 18, United States Code, is amended by inserting after "Indian country" the following: "or within the special maritime and territorial jurisdiction of the United States".

SEC. 118. UPDATING PROTECTION ORDER DEFINITION.

Section 534 of title 28, United States Code, is amended by striking subsection (e)(3)(B) and inserting the following:

"(B) the term 'protection order' includes—

"(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

"(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.".

SEC. 119. GAO STUDY AND REPORT.

(a) Study Required.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) Activities Under Study.—In conducting the study, the following shall apply:

(1) Crime statistics.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) Survey.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

SEC. 120. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) Grants Authorized.—

(1) In general.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal and underserved populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) Term.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) Eligible Entities.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal and underserved populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) Allocation of Funds.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal and underserved populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) Use of Funds.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) Application.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) Criteria.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various underserved and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns;

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2007 through 2011.

SEC. 121. ENHANCING CULTURALLY AND LINGUISTICALLY SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Of the amounts appropriated under certain grant programs identified in paragraph (a)(2) of this Section, the Attorney General, through the Director of the Violence Against Women Office (referred to in this section as the "Director"), shall take 5 percent of such appropriated amounts and combine them to establish a new grant program to enhance culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants made under this new program shall be administered by the Director.

(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

(B) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6), Legal Assistance for Victims.

(C) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

(D) Section   of the Violence Against Women Act of 1994 (42 U.S.C. ______), Older Battered Women.

(E) Section   of the Violence Against Women Act of 2000 (42 U.S.C. ______), Disabled Women Program.

(b) PURPOSE OF PROGRAM AND GRANTS.—

(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to promote:

(A) The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources.

(B) The development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director shall make grants to community-based programs for the purpose of enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural and linguistic responses to domestic violence, dating violence, sexual assault, and stalking.

(3) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective culturally and linguistically specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally and linguistically specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

(c) ELIGIBLE ENTITIES.—Eligible entities for grants under this Section include—

(1) community-based programs whose primary purpose is providing culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based programs whose primary purpose is providing culturally and linguistically specific services who can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking.

(d) REPORTING.—The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources, and the types of culturally and linguistically accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) GRANT PERIOD.—The Director shall award grants for a 2-year period, with a possible extension of another 2 years to implement projects under the grant.

(f) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural and linguistic access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(g) NON-EXCLUSIVITY.—Nothing in this Section shall be interpreted to exclude linguistic and culturally specific community-based programs from applying to other grant programs authorized under this Act.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 201. FINDINGS.

Congress finds the following:

(1) Nearly ⅓ of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

(3) Rape and sexual assault in the United States is estimated to cost $127,000,000,000 per year, including—

(A) lost productivity;

(B) medical and mental health care;

(C) police and fire services;

(D) social services;

(E) loss of and damage to property; and

(F) reduced quality of life.

(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.

(5) Geographic isolation often compounds the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.

(7) Barriers for older victims leaving abusive relationships include—

(A) the inability to support themselves;

(B) poor health that increases their dependence on the abuser;

(C) fear of being placed in a nursing home; and

(D) ineffective responses by domestic abuse programs and law enforcement.

(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

(10) Of the 598 battered women's programs surveyed—

(A) only 35 percent of these programs offered disability awareness training for their staff; and

(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.

(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline's ability to answer more calls quickly and effectively.

SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2012, as added by this Act, the following:

"SEC. 2014. SEXUAL ASSAULT SERVICES.

"(a) PURPOSES.—The purposes of this section are—

"(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

"(A) adult, youth, and child victims of sexual assault;

"(B) family and household members of such victims; and

"(C) those collaterally affected by the victimization, except for the perpetrator of such victimization;

"(2) to provide for technical assistance and training relating to sexual assault to—

"(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

"(B) professionals working in legal, social service, and health care settings;

"(C) nonprofit organizations;

"(D) faith-based organizations; and

"(E) other individuals and organizations seeking such assistance.

"(b) GRANTS TO STATES AND TERRITORIES.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

"(2) ALLOCATION AND USE OF FUNDS.—

"(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

"(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

"(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

"(i) 24 hour hotline services providing crisis intervention services and referral;

"(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

"(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

"(iv) information and referral to assist the sexual assault victim and family or household members;

"(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and

"(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

"(3) APPLICATION.—

"(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

"(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

"(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

"(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

"(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

"(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

"(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of the combined States or the population of the combined territories.

"(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

"(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

"(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

"(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

"(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

"(4) DISTRIBUTION.—

"(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

"(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

"(5) TERM.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

"(6) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

"(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

"(1) GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

"(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

"(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

"(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

"(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

"(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

"(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

"(D) design and conduct public education campaigns;

"(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

"(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

"(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

"(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions;

"(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to $\frac{1}{56}$ of the amounts so appropriated to each of those State and territorial coalitions.

"(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

"(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

"(e) GRANTS TO TRIBES.—

"(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian country and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

"(2) ALLOCATION AND USE OF FUNDS.—

"(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

"(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

"(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

"(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

"(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

"(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

"(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

"(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

"(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).".

SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

"SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

"(a) PURPOSES.—The purposes of this section are—

"(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

"(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

"(B) law enforcement agencies;

"(C) prosecutors;

"(D) courts;

"(E) other criminal justice service providers;

"(F) human and community service providers;

"(G) educational institutions; and

"(H) health care providers;

"(2) to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

"(3) to increase the safety and well-being of women and children in rural communities, by—

"(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

"(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

"(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

"(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

"(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities, including assistance in immigration matters; and

"(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

"(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

"(d) ALLOTMENTS AND PRIORITIES.—

"(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

"(2) ALLOTMENT FOR SEXUAL ASSAULT.—

"(A) IN GENERAL.—Not less than 25 percent of the total amount appropriated in a fiscal year under this section shall fund services that meaningfully address sexual assault in rural communities, however at such time as the amounts appropriated reach the amount of $45,000,000, the percentage allocated shall rise to 30 percent of the total amount appropriated, at such time as the amounts appropriated reach the amount of $50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and at such time as the amounts appropriated reach the amount of $55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

"(B) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this section shall prohibit any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

"(3) ALLOTMENT FOR TECHNICAL ASSISTANCE.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs. Of the amounts appropriated in this subsection, no less than 25 percent of such amounts shall be available to a nonprofit, nongovernmental organization or organizations whose focus and expertise is in addressing sexual assault to provide technical assistance to sexual assault grantees.

"(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of underserved populations.

"(5) ALLOCATION OF FUNDS FOR RURAL STATES.—Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $55,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

"(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.".

SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES.

(a) IN GENERAL.—Section 1402 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-7) is amended to read as follows:

"SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

"(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

"(2) to enhance direct services to such individuals.

"(b) USE OF FUNDS.—Grants awarded under this section shall be used—

"(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

"(2) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

"(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

"(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

"(5) to provide training and technical assistance on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

"(A) the Americans with Disabilities Act of 1990; and

"(B) section 504 of the Rehabilitation Act of 1973;

"(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

"(7) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or

"(8) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

"(c) ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

“(A) a State;

“(B) a unit of local government;

“(C) an Indian tribal government or tribal organization; or

“(D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

“(2) LIMITATION.—A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5).

“(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.”.

SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

(a) TRAINING PROGRAMS.—Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) is amended to read as follows:

“SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN LATER IN LIFE.

“(a) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—

“(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking against victims who are 50 years of age or older;

“(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking, who are 50 years of age or older;

“(3) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older; and

“(4) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older.

“(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if the entity is—

“(1) a State;

“(2) a unit of local government;

“(3) an Indian tribal government or tribal organization; or

“(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking.

“(c) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that services are culturally and linguistically relevant and that the needs of underserved populations are being addressed.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 40803 of the Violence Against Women Act of 1994 (42 U.S.C. 14041b) is amended by striking “$5,000,000 for each of fiscal years 2001 through 2005” and inserting “$10,000,000 for each of the fiscal years 2007 through 2011”.

SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in subsection (d)(2), by inserting “(including technology training)” after “train;”

(2) in subsection (f)(2)(A), by inserting “, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline” after “hotline personnel”; and

(3) in subsection (g)(2), by striking “shall” and inserting “may”.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. FINDINGS.

Congress finds the following:

(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 experience the highest rate of nonfatal intimate partner violence.

(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

(6) Only one State specifically allows for minors to petition the court for protection orders.

(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim's residence.

(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.

SEC. 302. RAPE PREVENTION AND EDUCATION.

Section 393B(c) of part J of title III of the Public Health Service Act (42 U.S.C. 280b–1c(c)) is amended to read as follows:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2007 through 2011.

“(2) NATIONAL SEXUAL VIOLENCE RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not less than $1,500,000 shall be available for allotment under subsection (b).”.

SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 (Public Law 103–322, Stat. 1902 et seq.) is amended by adding at the end the following:

“Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

“SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.

“(a) GRANTS AUTHORIZED.—The Attorney General, in consultation with the Department of Health and Human Services, shall award grants to eligible entities to conduct programs to serve youth victims of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

“(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

“(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;

“(2) a community-based organization specializing in intervention or violence prevention services for youth;

“(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

“(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

“(2) TYPES OF PROGRAMS.—Such a program—

“(A) shall provide direct counseling and advocacy for youth and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

“(B) shall include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations;

“(C) may include mental health services for youth and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

“(D) may include legal advocacy efforts on behalf of youth and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

“(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

“(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

“(d) AWARDS BASIS.—

“(1) GRANTS TO INDIAN TRIBES.—Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

“(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

“(3) TECHNICAL ASSISTANCE.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

“(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2007 through 2011.

“SEC. 41202. ACCESS TO JUSTICE FOR YOUTH.

“(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

“(b) GRANT AUTHORITY.—

“(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the ‘Director’), shall make grants to eligible entities to carry out the purposes of this section.

“(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 2 fiscal years.

“(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that—

“(A) shall include a victim service provider that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people;

“(B) shall include a court or law enforcement agency partner; and

“(C) may include—

“(i) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders;

“(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and underserved communities;

“(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

“(iv) faith-based entities that deal with the concerns and problems faced by youth;

“(v) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of youth;

“(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens;

“(vii) Indian Health Service, tribal child protective services, the Bureau of Indian Affairs, or the Federal Bureau of Investigations; or

“(viii) law enforcement agencies of the Bureau of Indian Affairs providing tribal law enforcement.

“(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts—

“(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

“(2) to establish and enhance linkages and collaboration between—

“(A) domestic violence and sexual assault service providers; and

“(B) where applicable, law enforcement agencies, courts, Federal agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of abuse, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions—

“(i) to respond effectively and comprehensively to the varying needs of young victims of abuse;

“(ii) to include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations; and

“(iii) to include where appropriate legal assistance, referral services, and parental support;

“(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

“(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against teens and young adults and meet the needs of young victims of violence; and

“(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

“(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

“(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

“(f) DISTRIBUTION.—In awarding grants under this section—

“(1) not less than 10 percent of funds appropriated under this section in any year shall be available to Indian tribal governments to establish and maintain collaborations involving the appropriate tribal justice and social services departments or domestic violence or sexual assault service providers, the purpose of which is to provide culturally appropriate services to American Indian women or youth;

“(2) the Director shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

“(3) the Attorney General of the United States shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

“(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

“(g) DISSEMINATION OF INFORMATION.—Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Congress, and make widely available, including through electronic means, summaries that contain information on—

“(1) the activities implemented by the recipients of the grants awarded under this section; and

“(2) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

“(A) the staffs of courts;

“(B) domestic violence, dating violence, sexual assault, and stalking victim service providers; and

“(C) law enforcement agencies and community organizations.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 in each of fiscal years 2007 through 2011.

“SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

“(a) PURPOSE.—The purpose of this section is to support efforts by child welfare agencies, domestic violence or dating violence victim services providers, courts, law enforcement, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

“(b) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the ‘Secretary’), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—

"(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

"(2) set aside not more than 7 percent for grants to Indian tribes to develop programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

"(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

"(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Secretary shall consider the needs of underserved populations.

"(e) GRANT AWARDS.—The Secretary shall award grants under this section for periods of not more than 2 fiscal years.

"(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

"(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

"(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

"(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

"(B) domestic violence or dating violence in child protection cases; and

"(C) the needs of both the child and nonabusing parent;

"(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and nonabusing parents and caretakers;

"(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

"(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

"(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of certain populations in the court and child welfare system; and

"(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult and youth victims and their children, legal assistance and advocacy for adult and youth victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to underserved populations, and other necessary supportive services.

"(h) GRANTEE REQUIREMENTS.—

"(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

"(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

"(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

"(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

"(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

"(A) shall include a State or local child welfare agency or Indian Tribe;

"(B) shall include a domestic violence or dating violence victim service provider;

"(C) shall include a law enforcement agency or Bureau of Indian Affairs providing tribal law enforcement;

"(D) may include a court; and

"(E) may include any other such agencies or private nonprofit organizations and faith-based organizations, including community-based organizations, with the capacity to provide effective help to the child and adult victims served by the collaboration.

"SEC. 41204. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

"(a) SHORT TITLE.—This section may be cited as the 'Supporting Teens through Education and Protection Act of 2005' or the 'STEP Act'.

"(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

"(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

"(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

"(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

"(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

"(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

"(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

"(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

"(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

"(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian, except that consent for release may not be given by the abuser of the minor or of the other parent of the minor) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

“(f) Grant Term and Allocation.—

“(1) Term.—The Director shall make the grants under this section for a period of 3 fiscal years.

“(2) Allocation.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b).(5), and (b)(6).

“(g) Distribution.—

“(1) In general.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent Native American.

“(2) Administration.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

“(3) Training, technical assistance, and data collection.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

“(h) Application.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

“(i) Eligible Entities.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

“(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

“(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

“(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

“(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

“(j) Priority.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

“(k) Reporting and Dissemination of Information.—

“(1) Reporting.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

“(2) Dissemination of information.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

“(l) Authorization of Appropriations.—

“(1) In general.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2007 through 2011.

“(2) Availability.—Funds appropriated under paragraph (1) shall remain available until expended.”.

SEC. 304. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) Grants Authorized.—

(1) In general.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) Award basis.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.

(3) Equitable participation.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) Use of Grant Funds.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault, and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) Applications.—

(1) In general.—In order to be eligible to be awarded a grant under this section for

any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any nonprofit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years 2007 through 2011 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(3) REPORT TO CONGRESS.—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $12,000,000 for fiscal year 2007 and $15,000,000 for each of fiscal years 2008 through 2011.

(f) REPEAL.—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is repealed.

SEC. 305. JUVENILE JUSTICE.

Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (7)(B)—

(A) by redesignating clauses (i), (ii) and (iii), as clauses (ii), (iii), and (iv), respectively; and

(B) by inserting before clause (ii) the following:

"(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services;".

SEC. 306. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 10402. SAFE HAVENS FOR CHILDREN.";

(2) in subsection (a)—

(A) by inserting ", through the Director of the Office on Violence Against Women," after "Attorney General";

(B) by inserting "dating violence," after "domestic violence,";

(C) by striking "to provide" and inserting the following:

"(1) to provide";

(D) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

"(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

"(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges."; and

(3) by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.

"(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

"(A) set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations;

"(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

"(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.".

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle M—Strengthening America's Families by Preventing Violence Against Women and Children

"SEC. 41301. FINDINGS.

"Congress finds that—

"(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;

"(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;

"(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;

"(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

"(5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;

"(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;

"(7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and

"(8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

"SEC. 41302. PURPOSE.

"The purpose of this subtitle is to—

"(1) prevent crimes involving violence against women, children, and youth;

"(2) increase the resources and services available to prevent violence against women, children, and youth;

"(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

"(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

"(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

"(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

"SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

"(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of underserved populations;

"(B) awarding not less than 10 percent of such amounts to Indian tribes for the funding of tribal projects from the amounts made available under this section for a fiscal year;

"(C) awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

"(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2011.

"(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

"(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or

"(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

"(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a—

"(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

"(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

"(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

"(B) ensure linguistically, culturally, and community relevant services for underserved communities.

"SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

"(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall—

"(A) consider the needs of underserved populations;

"(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

"(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2007 through 2011.

"(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

"(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

"(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

"(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

"(B) ensure linguistically, culturally, and community relevant services for underserved communities;

"(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

"(i) safely screen for and/or recognize domestic violence, dating violence, sexual assault, and stalking;

"(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

"(iii) link new parents with existing community resources in communities where resources exist; and

"(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

"SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

"(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of underserved populations;

"(B) awarding not less than 10 percent of such amounts for the funding of Indian tribes from the amounts made available under this section for a fiscal year; and

"(C) awarding up to 8 percent for the funding of technical assistance for grantees and non-grantees working in this area from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2011.

"(c) USE OF FUNDS.—

"(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities—

"(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

"(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

"(ii) that include at a minimum—

"(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

"(II) strategies to help participants be as safe as possible; or

"(B) to create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

"(2) MEDIA LIMITS.—No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

"(d) ELIGIBLE ENTITIES.—

"(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

"(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

"(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

"(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

"(D) a program that provides culturally specific services.

"(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

"(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

"(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

"(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) eligible entities pursuant to subsection (c)(1)(A) shall describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

"(B) ensure linguistically, culturally, and community relevant services for underserved communities;

"(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

"(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.".

SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PURPOSES.—The Secretary of Health and Human Services acting through the National Center for Injury Prevention and Control at the Centers for Disease Control Prevention shall make grants to entities, including domestic and sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

(b) USE OF FUNDS.—The research conducted under this section shall include evaluation and study of best practices for reducing and preventing violence against women and children addressed by the strategies included in Department of Health and Human Services-related provisions this title, including strategies addressing underserved communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 2007 through 2011.

SEC. 403. PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women], shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The health-related costs of intimate partner violence in the United States exceed $5,800,000,000 annually.

(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.

(3) In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse and sexually transmitted infections, including HIV/AIDS.

(4) Health plans spend an average of $1,775 more a year on abused women than on general enrollees.

(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.

(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(7) Children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-term when health care providers screen for, identify, and provide followup care and information to address the violence.

(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.

(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.

(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare providers to ask them privately about intimate partner violence.

SEC. 502. PURPOSE.

It is the purpose of this title to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women properly screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting.

SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFESSIONALS IN DOMESTIC AND SEXUAL VIOLENCE.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

"SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION ON DOMESTIC VIOLENCE AND OTHER TYPES OF VIOLENCE AND ABUSE.

"(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

"(1) be an accredited school of allopathic or osteopathic medicine;

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;

"(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and

"(C) a plan for consulting with community-based coalitions or individuals who have experience and expertise in issues related to domestic violence, sexual assault, dating violence, and stalking for services provided under the program carried out under the grant.

"(c) USE OF FUNDS.—

"(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

"(A) fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have experienced domestic violence, sexual assault, and stalking or dating violence; and

"(B) plan and develop culturally competent clinical components for integration into approved residency training programs that address health issues related to domestic violence, sexual assault, dating violence, and stalking, along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.

"(2) PERMISSIVE USES.—Amounts provided under a grant under this section may be used to—

"(A) offer community-based training opportunities in rural areas for medical, nursing, and other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or

"(B) provide stipends to students who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other offsite training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.

"(3) REQUIREMENTS.—

"(A) CONFIDENTIALITY AND SAFETY.—Grantees under this section shall ensure that all educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coalitions or other expertise available in the community shall be consulted on the development and adequacy of confidentially and security procedures, and shall be fairly compensated by grantees for their services.

"(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

"(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

"(d) REQUIREMENTS OF GRANTEES.—

"(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

"(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 25 percent of the total cost of such activities.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $3,000,000 for each of fiscal years 2007 through 2011. Amounts appropriated under this subsection shall remain available until expended.".

SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING GRANTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) AUTHORITY TO AWARD GRANTS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible State, tribal, territorial, or local entities to strengthen the response of State, tribal, territorial, or local health care systems to domestic violence, dating violence, sexual assault, and stalking.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(A) be—

"(i) a State department (or other division) of health, a State domestic or sexual assault coalition or service-based program, State law enforcement task force, or any other nonprofit, nongovernmental, tribal, territorial, or State entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking, and health care; or

"(ii) a local, nonprofit domestic violence, dating violence, sexual assault, or stalking service-based program, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other nonprofit, tribal, or local entity with a history of effective work in the field of domestic or sexual violence and health;

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

"(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

"(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to design and implement comprehensive strategies to improve the response of the health care system involved to domestic or sexual violence in clinical and public health settings, hospitals, clinics, managed care settings (including behavioral and mental health), and other health settings.

"(2) MANDATORY STRATEGIES.—Strategies implemented under paragraph (1) shall include the following:

"(A) The implementation, dissemination, and evaluation of policies and procedures to guide health care professionals and behavioral and public health staff in responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety and prohibits insurance discrimination.

"(B) The development of on-site access to services to address the safety, medical, mental health, and economic needs of patients either by increasing the capacity of existing health care professionals and behavioral and public health staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.

"(C) The evaluation of practice and the institutionalization of identification, intervention, and documentation including quality improvement measurements.

"(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.

"(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:

"(A) Where appropriate, the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse as well as childhood exposure to domestic violence.

"(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.

"(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education materials to patients and health care professionals and behavioral and public health staff.

"(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.

"(E) The integration of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards.

"(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to award grants under this section, $5,000,000 for each of fiscal years 2007 through 2011.".

SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTHCARE SETTING.

Subtitle B of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as amended by the Violence Against Women Act of 2000 (114 Stat. 1491 et seq.), and as amended by this Act, is further amended by adding at the end the following:

"CHAPTER 11—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

"SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTH CARE SETTING.

"(a) PURPOSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

"(b) USE OF FUNDS.—Research conducted with amounts received under a grant or contract under this section shall include the following:

"(1) With respect to the authority of the Centers for Disease Control and Prevention—

"(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating, or sexual violence, on health behaviors, health conditions, and the health status of individuals, families, and populations;

"(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

"(C) measure the comparative effectiveness and outcomes of efforts under this Act to reduce violence and increase women's safety.

"(2) With respect to the authority of the Agency for Healthcare Research and Quality—

"(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic violence, dating violence, and childhood exposure to domestic and dating violence, sexual violence and stalking and childhood exposure; and

"(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

"(c) USE OF DATA.—Research funded under this section shall be utilized by eligible entities under section 399O of the Public Health Service Act.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2007 through 2011.".

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

"Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

"SEC. 41401. FINDINGS.

"Congress finds that:

"(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

"(2) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

"(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

"(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

"(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

"(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

"(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

"(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

"(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

"(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

"(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

"(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

"SEC. 41402. PURPOSE.

"The purpose of this subtitle is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

"(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, tribally designated housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;

"(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

"(3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

"(4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

"SEC. 41403. DEFINITIONS.

"For purposes of this subtitle—

"(1) the term 'assisted housing' means housing assisted—

"(A) under sections 213, 220, 221(d)(3), 221(d)(4), 223(e), 231, or 236 of the National Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

"(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

"(C) under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

"(D) under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013);

"(E) under title II of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12701 et seq.);

"(F) under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

"(G) under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

"(H) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(2) the term 'continuum of care' means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

"(3) the term 'low-income housing assistance voucher' means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(4) the term 'public housing' means housing described in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

"(5) the term 'public housing agency' means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

"(6) the terms 'homeless', 'homeless individual', and 'homeless person'—

"(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

"(B) includes—

"(i) an individual who—

"(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

"(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

"(III) is living in an emergency or transitional shelter;

"(IV) is abandoned in a hospital; or

"(V) is awaiting foster care placement;

"(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

"(iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

"(7) the term 'homeless service provider' means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness;

"(8) the term 'tribally designated housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

"(9) the term 'tribally designated housing entity' means a housing entity described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(21));

"SEC. 41404. COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administration of Children and Families, in partnership with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term sustainability and self-sufficiency options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

"(2) AMOUNT.—The Secretary of Health and Human Services shall award funds in amounts—

"(A) not less than $25,000 per year; and

"(B) not more than $1,000,000 per year.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

"(1) shall include a domestic violence victim service provider;

"(2) shall include—

"(A) a homeless service provider;

"(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

"(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

"(3) may include a dating violence, sexual assault, or stalking victim service provider;

"(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

"(5) may include a public housing agency or tribally designated housing entity;

"(6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

"(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

"(8) may include a State, tribal, territorial, or local government or government agency; and

"(9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

"(c) APPLICATION.—Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to design or replicate and implement new activities, services, and programs to increase the stability and self-sufficiency of, and create partnerships to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless.

"(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1) shall develop sustainable long-term living solutions in the community by—

"(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

"(B) assisting with the placement of individuals and families in long-term housing; and

"(C) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

"(3) may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

"(4) may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

"(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

"(e) LIMITATION.—Funds provided under paragraph (a) shall not be used for construction, modernization or renovation.

"(f) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

"(1) give priority to linguistically and culturally specific services;

"(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

"(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

"(g) DEFINITIONS.—For purposes of this section:

"(1) AFFORDABLE HOUSING.—The term 'affordable housing' means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

"(2) LONG-TERM HOUSING.—The term 'long-term housing' means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

"(A) rented or owned by the individual;

"(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

"(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

"(h) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

"(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

"(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

"SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

"(a) PURPOSE.—It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

"(1) education and training of eligible entities;

"(2) development and implementation of appropriate housing policies and practices;

"(3) enhancement of collaboration with victim service providers and tenant organizations; and

"(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice ('Director'), and in consultation with the Secretary of Housing and Urban Development ('Secretary'), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families ('ACYF'), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

"(2) AMOUNTS.—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

"(3) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis.

"(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsection (f).

"(c) ELIGIBLE GRANTEES.—

"(1) IN GENERAL.—Eligible grantees are—

"(A) public housing agencies;

"(B) principally managed public housing resident management corporations, as determined by the Secretary;

"(C) public housing projects owned by public housing agencies;

"(D) tribally designated housing entities; and

"(E) private, for-profit, and nonprofit owners or managers of assisted housing.

"(2) SUBMISSION REQUIRED FOR ALL GRANTEES.—To receive assistance under this section, an eligible grantee shall certify that—

"(A) its policies and practices do not prohibit or limit a resident's right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

"(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

"(C) it does not discriminate against any person—

"(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

"(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

"(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

"(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

"(d) APPLICATION.—Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

"(e) CERTIFICATION.—

"(1) IN GENERAL.—A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

"(2) CONTENTS.—An individual may satisfy the certification requirement of paragraph (1) by—

"(A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

"(B) producing a Federal, State, tribal, territorial, or local police or court record.

"(3) LIMITATION.—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing agency, assisted housing provider, tribally designated housing entity, owner, or manager may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(4) CONFIDENTIALITY.—

"(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by such agency, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing; or

"(ii) otherwise required by applicable law.

"(B) NOTIFICATION.—Public housing agencies must provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

"(f) USE OF FUNDS.—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

"(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

"(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

"(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

"(4) assisting victims who need to leave a public housing, tribally designated housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

"(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

"(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

"(7) developing and implementing more effective security policies, protocols, and services;

"(8) allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;

"(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

"(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

"(h) TECHNICAL ASSISTANCE.—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.".

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

(a) IN GENERAL.—Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13975) is amended—

(1) in subsection (a)—

(A) by inserting "the Department of Housing and Urban Development, and the Department of Health and Human Services," after "Department of Justice,";

(B) by inserting ", including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking" after "other organizations"; and

(C) in paragraph (1), by inserting ", dating violence, sexual assault, or stalking" after "domestic violence";

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) in paragraph (3), as redesignated, by inserting ", dating violence, sexual assault, or stalking" after "violence";

(C) by inserting before paragraph (2), as redesignated, the following:

"(1) transitional housing, including funding for the operating expenses of newly developed or existing transitional housing."; and

(D) in paragraph (3)(B) as redesignated, by inserting "Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them." after "assistance.";

(3) in paragraph (1) of subsection (c), by striking "18 months" and inserting "24 months";

(4) in subsection (d)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and";

(5) in subsection (e)(2)—

(A) in subparagraph (A), by inserting "purpose and" before "amount";

(B) in clause (ii) of subparagraph (C), by striking "and";

(C) in subparagraph (D), by striking the period and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources."; and

(6) in subsection (g)—

(A) in paragraph (1), by striking "$30,000,000" and inserting "$40,000,000";

(B) in paragraph (1), by striking "2004" and inserting "2007";

(C) in paragraph (1), by striking "2008" and inserting "2011";

(D) in paragraph (2), by striking "not more than 3 percent" and inserting "up to 5 percent";

(E) in paragraph (2), by inserting "evaluation, monitoring, technical assistance," before "salaries"; and

(F) in paragraph (3), by adding at the end the following new subparagraphs:

"(C) UNDERSERVED POPULATIONS.—

"(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.

"(ii) Priority shall be given to projects developed under subsection (b) that primarily serve underserved populations.".

SEC. 603. PUBLIC HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.

Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "paragraph (2)" and inserting "paragraph (3)";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) STATEMENT OF GOALS.—The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.";

(2) in subsection (d), by redesignating paragraphs (13), (14), (15), (16), (17), and (18), as paragraphs (14), (15), (16), (17), (18), and (19), respectively; and

(3) by inserting after paragraph (12) the following:

"(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—A description of—

"(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

"(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and

"(C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.".

SEC. 604. HOUSING STRATEGIES.

Section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(1)) is amended by inserting after "immunodeficiency syndrome," the following: "victims of domestic violence, dating violence, sexual assault, and stalking".

SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—

(1) by adding at the end of subsection (a) the following:

"(8) CONFIDENTIALITY.—

"(A) VICTIM SERVICE PROVIDERS.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of a Homeless Management Information System personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of a Homeless Management Information System non-personally identifying data that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this paragraph for victims of domestic violence, dating violence, sexual assault, or stalking.

"(B) DEFINITIONS.—

"(i) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

"(I) a first and last name;

"(II) a home or other physical address;

"(III) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

"(IV) a social security number; and

"(V) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.

"(ii) VICTIM SERVICE PROVIDER.—The term 'victim service provider' or 'victim service providers' means a nonprofit, nongovernmental organization including rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.".

SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING ASSISTANCE VOUCHER PROGRAM.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

"(9)(A) That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

"(B) An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

"(C)(i) Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

"(ii) Notwithstanding clause (i), an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

"(iii) Nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.

"(iv) Nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.

"(v) Nothing in clause (i) may be construed to limit the authority of an owner, manager, or public housing agency to evict or terminate from assistance any tenant or lawful occupant if the owner, manager or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

"(vi) Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.";

(2) in subsection (d)—

(A) in paragraph (1)(A), by inserting after "public housing agency" the following: "and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission";

(B) in paragraph (1)(B)(ii), by inserting after "other good cause" the following: ", and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence"; and

(C) in paragraph (1)(B)(iii), by inserting after "termination of tenancy" the following: ", except that (I) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights or program assistance, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (II) notwithstanding subclause (I), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager under this section may bifurcate a lease, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (III) nothing in subclause (I) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (IV) nothing in subclause (I) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (V) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate assistance, to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (VI) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.";

(3) in subsection (f)—

(A) in paragraph (6), by striking "and";

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(8) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

"(9) the term 'dating violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994; and

"(10) the term 'stalking' means—

"(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and

"(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

"(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

"(i) that person;

"(ii) a member of the immediate family of that person; or

"(iii) the spouse or intimate partner of that person; and

"(11) the term 'immediate family member' means, with respect to a person—

"(A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

"(B) any other person living in the household of that person and related to that person by blood and marriage.";

(4) in subsection (o)—

(A) by inserting at the end of paragraph (6)(B) the following new sentence: "That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by or for denial of admission if the applicant otherwise qualifies for assistance for admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.";

(B) in paragraph (7)(C), by inserting after "other good cause" the following: ", and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence";

(C) in paragraph (7)(D), by inserting after "termination of tenancy" the following: "; except that (i) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (ii) notwithstanding clause (i), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (iii) nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (iv) nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (v) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate, assistance to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (vi) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking."; and

(D) by adding at the end the following new paragraph:

"(20) PROHIBITED BASIS FOR TERMINATION OF ASSISTANCE.—

"(A) IN GENERAL.—A public housing agency may not terminate assistance to a participant in the voucher program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against that participant.

"(B) CONSTRUAL OF LEASE PROVISIONS.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.

"(C) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant's family who is a victim of the domestic violence, dating violence, or stalking.

"(D) EXCEPTIONS.—

"(i) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE FOR CRIMINAL ACTS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others.

"(ii) COMPLIANCE WITH COURT ORDERS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution possession of property among the household members in cases where a family breaks up.

"(iii) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR LEASE VIOLATIONS.—Nothing in subparagraphs (A), (B), or (C) limit any otherwise available authority of the public housing agency to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate.

"(iv) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR IMMINENT THREAT.—Nothing in subparagraphs (A), (B), (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.

"(v) Preemption.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.";

(5) in subsection (r)(5), by inserting after "violation of a lease" the following: ", except that a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit"; and

(6) by adding at the end the following new subsection:

"(ee) Certification and Confidentiality.—

"(1) Certification.—

"(A) In general.—An owner, manager, or public housing agency responding to subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the owner, manager, or public housing agency requests such certification.

"(B) Failure to provide certification.—If the individual does not provide the certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing, nothing in this subsection or in subsection (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for, any tenant or lawful occupant that commits violations of a lease. The owner, manager, public housing agency, or assisted housing provider may extend the 14-day deadline at their discretion.

"(C) Contents.—An individual may satisfy the certification requirement of subparagraph (A) by—

"(i) providing the requesting owner, manager, or public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

"(ii) producing a Federal, State, tribal, territorial, or local police or court record.

"(D) Limitation.—Nothing in this subsection shall be construed to require an owner, manager, or public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits provided in this section. At their discretion, the owner, manager, or public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(E) Compliance not sufficient to constitute evidence of unreasonable act.—Compliance with this statute by an owner, manager, public housing agency, or assisted housing provider based on the certification specified in paragraph (1)(A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by paragraph (1)(C) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manger, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5).

"(F) Preemption.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

"(2) Confidentiality.—

"(A) In general.—All information provided to an owner, manager, or public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by an owner, manager, or public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing;

"(ii) required for use in an eviction proceeding under subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), or (o)(20),; or

"(iii) otherwise required by applicable law.

"(B) Notification.—Public housing agencies must provide notice to tenants assisted under Section 8 of the United States Housing Act of 1937 of their rights under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5), including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5).".

SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PROGRAM.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (c), by redesignating paragraph (3) and (4), as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) the following:

"(3) the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking";

(3) in subsection (l)(5), by inserting after "other good cause" the following: ", and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence";

(4) in subsection (l)(6), by inserting after "termination of tenancy" the following: "; except that (A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (B) notwithstanding subparagraph (A), a public housing agency under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (D) nothing in subparagraph (A) limits any otherwise available authority of a public housing agency to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (E) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated; and (F) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking."; and

(5) by inserting at the end of subsection (t) the following new subsection:

"(u) Certification and Confidentiality.—

"(1) Certification.—

"(A) In general.—A public housing agency responding to subsection (l) (5) and (6) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the public housing agency requests such certification.

"(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the public housing agency has requested such certification in writing, nothing in this subsection, or in paragraph (5) or (6) of subsection (l), may be construed to limit the authority of the public housing agency to evict any tenant or lawful occupant that commits violations of a lease. The public housing agency may extend the 14-day deadline at its discretion.

"(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

"(i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

"(ii) producing a Federal, State, tribal, territorial, or local police or court record.

"(D) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(E) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

"(F) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by a public housing agency, or assisted housing provider based on the certification specified in subparagraphs (A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by subparagraph (D) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by a public housing agency or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsection (l)(5) and (6).

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing;

"(ii) required for use in an eviction proceeding under subsections (l)(5) or (6); or

"(iii) otherwise required by applicable law.

"(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under Section 6 of the United States Housing Act of 1937 of their rights under this subsection and subsections (l)(5) and (6), including their right to confidentiality and the limits thereof.

"(3) DEFINITIONS.—For purposes of this subsection, subsection (c)(3), and subsection (l)(5) and (6)—

"(A) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

"(B) the term 'dating violence' has the same meaning given the term in

"(C) the term 'stalking' means—

"(i)(I) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

"(II) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

"(ii) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

"(I) that person;

"(II) a member of the immediate family of that person; or

"(III) the spouse or intimate partner of that person; and

"(D) the term 'immediate family member' means, with respect to a person—

"(i) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

"(ii) any other person living in the household of that person and related to that person by blood and marriage.".

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Subtitle N of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902) is amended by adding at the end the following:

"Subtitle O—National Resource Center

"SEC. 41501. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

"(a) AUTHORITY.—The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence. The resource center shall provide information and assistance to employers and labor organizations to aid in their efforts to develop and implement responses to such violence.

"(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

"(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence;

"(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments) and labor organizations described in subsection (a) concerning developing and implementing workplace responses to assist victims of domestic or sexual violence; and

"(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of underserved communities.

"(c) USE OF GRANT AMOUNT.—

"(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a), information and assistance concerning workplace responses to assist victims of domestic or sexual violence.

"(2) RESPONSES.—Responses referred to in paragraph (1) may include—

"(A) providing training to promote a better understanding of workplace assistance to victims of domestic or sexual violence;

"(B) providing conferences and other educational opportunities; and

"(C) developing protocols and model workplace policies.

"(d) LIABILITY.—The compliance or noncompliance of any employer or labor organization with any protocol or policy developed by an entity or organization under this section shall not serve as a basis for liability in tort, express or implied contract, or by any other means. No protocol or policy developed by an entity or organization under this section shall be referenced or enforced as a workplace safety standard by any Federal, State, or other governmental agency.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 through 2011.

"(f) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.".

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS

Subtitle A—Victims of Crime

SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly;";

(B) in subclause (III)(aa)—

(i) by inserting "Federal, State, or local" before "investigation"; and

(ii) by striking ", or" and inserting "or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime; or"; and

(C) in subclause (IV), by striking "and" at the end;

(2) by amending clause (ii) to read as follows:

"(ii) if accompanying, or following to join, the alien described in clause (i)—

"(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

"(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and"; and

(3) by inserting after clause (ii) the following:

"(iii) if the Secretary of Homeland Security, in his or her discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.".

(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(2) by amending clause (ii) to read as follows:

"(ii) if accompanying, or following to join, the alien described in clause (i)—

"(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

"(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and".

(c) TECHNICAL AMENDMENTS.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(1) in paragraph (1), by striking "Attorney General" and inserting "Secretary of Homeland Security, the Attorney General,"; and

(2) in paragraph (2), by striking "Attorney General" and inserting "Secretary of Homeland Security".

SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

"(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that the severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) was at least one central reason for the alien's unlawful presence in the United States.".

(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 803. ADJUSTMENT OF STATUS.

(a) VICTIMS OF TRAFFICKING.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security, or in the case of subparagraph (C)(i), the Attorney General,"; and

(B) in subparagraph (A), by inserting at the end "or has been physically present in the United States for a continuous period during the investigation or prosecution of acts of trafficking and that, in the opinion of the Attorney General, the investigation or prosecution is complete, whichever period of time is less;";

(2) in paragraph (2), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(3) in paragraph (5), by striking "Attorney General" and inserting "Secretary of Homeland Security".

(b) VICTIMS OF CRIMES AGAINST WOMEN.—Section 245(m) of the Immigration and Nationality Act (8 U.S.C. 12255(m)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General may adjust" and inserting "Secretary of Homeland Security may adjust"; and

(B) in subparagraph (B), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(2) in paragraph (3)—

(A) by striking "Attorney General may adjust" and inserting "Secretary of Homeland Security may adjust"; and

(B) by striking "Attorney General considers" and inserting "Secretary considers"; and

(3) in paragraph (4), by striking "Attorney General" and inserting "Secretary of Homeland Security".

SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) CLARIFICATION OF DEPARTMENT OF JUSTICE AND DEPARTMENT OF HOMELAND SECURITY ROLES.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended—

(1) in subsections (b)(1)(E), (e)(5), and (g), by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(2) in subsection (c), by inserting ", the Secretary of Homeland Security" after "Attorney General".

(b) CERTIFICATION PROCESS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by inserting "and the Secretary of Homeland Security" after "Attorney General"; and

(B) in subclause (II)(bb), by inserting "and the Secretary of Homeland Security" after "Attorney General".

(2) in clause (ii), by inserting "Secretary of Homeland Security" after "Attorney General";

(3) in clause (iii)—

(A) in subclause (II), by striking "and" at the end;

(B) in subclause (III), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(IV) responding to and cooperating with requests for evidence and information.".

(c) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 107(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)) is amended by striking "Attorney General" each place it occurs and inserting "Secretary of Homeland Security".

(d) ANNUAL REPORT.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting "or the Secretary of Homeland Security" after "Attorney General".

SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.

(a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting "or section 204(a)(1)(B)(iii)" after "204(a)(1)(A)" each place it appears; and

(B) in subclause (III), by striking "a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable," and inserting "a VAWA self-petitioner"; and

(2) by adding at the end the following:

"(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii).".

(b) APPLICATION OF CSPA PROTECTIONS.—

(1) IMMEDIATE RELATIVE RULES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

"(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.".

(2) CHILDREN RULES.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

"(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.".

(c) LATE PETITION PERMITTED FOR IMMIGRANT SONS AND DAUGHTERS BATTERED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:

"(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subparagraph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age and the individual shows that the abuse was at least one central reason for the filing delay. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).".

(d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: "or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household".

Subtitle B—VAWA Self-Petitioners

SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(51) The term 'VAWA self-petitioner' means an alien, or a child of the alien, who qualifies for relief under—

"(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

"(B) clause (ii) or (iii) of section 204(a)(1)(B);

"(C) section 216(c)(4)(C);

"(D) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

"(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

"(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

"(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).".

SEC. 812. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.

Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:

"(d) Civil Penalty for Failure To Depart.—

"(1) In general.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—

"(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

"(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

"(2) Application of VAWA protections.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), if the extreme cruelty or battery was at least one central reason for the alien's overstaying the grant of voluntary departure.

"(3) Notice of penalties.—The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.".

SEC. 813. REMOVAL PROCEEDINGS.

(a) Exceptional Circumstances.—

(1) In general.—Section 240(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(1)) is amended by striking "serious illness of the alien" and inserting "battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien,".

(2) Effective date.—The amendment made by paragraph (1) shall apply to a failure to appear that occurs before, on, or after the date of the enactment of this Act.

(b) Discretion to Consent to an Alien's Reapplication for Admission.—

(1) In general.—The Secretary of Homeland Security, the Attorney General, and the Secretary of State shall continue to have discretion to consent to an alien's reapplication for admission after a previous order of removal, deportation, or exclusion.

(2) Sense of congress.—It is the sense of Congress that the officials described in paragraph (1) should particularly consider exercising this authority in cases under the Violence Against Women Act of 1994, cases involving nonimmigrants described in subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and relief under section 240A(b)(2) or 244(a)(3) of such Act (as in effect on March 31, 1997) pursuant to regulations under section 212.2 of title 8, Code of Federal Regulations.

(c) Clarifying Application of Domestic Violence Waiver Authority in Cancellation of Removal.—

(1) In general.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C), by striking "(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)" and inserting ", subject to paragraph (5)";

(B) in paragraph (2)(A)(iv), by striking "(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)" and inserting ", subject to paragraph (5)"; and

(C) by adding at the end the following:

"(5) Application of domestic violence waiver authority.—The authority provided under section 237(a)(7) may apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.".

SEC. 814. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS AND LIMITATION ON PETITIONING FOR ABUSERS.

(a) Application of VAWA Deportation Protections to Aliens Eligible for Relief Under Cuban Adjustment and Haitian Refugee Immigration Fairness Act.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106–386) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

"(i) if the basis of the motion is to apply for relief under—

"(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));

"(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));

"(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

"(IV) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty; or

"(V) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note); and"; and

(B) in clause (ii), by inserting "or adjustment of status" after "suspension of deportation"; and

(2) in subparagraph (B)(ii), by striking "for relief" and all that follows through "1101 note))" and inserting "for relief described in subparagraph (A)(i)".

(b) Employment Authorization for VAWA Self-Petitioners.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

"(K) Upon the approval of a petition as a VAWA self-petitioner, the alien—

"(i) is eligible for work authorization; and

"(ii) may be provided an 'employment authorized' endorsement or appropriate work permit incidental to such approval.".

(c) Employment Authorization for Battered Spouses of Certain Nonimmigrants.—Title I of the Immigration and Nationality Act is amended by adding at the end the following new section:

"SEC. 106. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

"(a) In General.—In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H) of such section, respectively, the Secretary of Homeland Security may authorize the alien spouse to engage in employment in the United States and provide the spouse with an 'employment authorized' endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject of extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).

"(b) Construction.—The grant of employment authorization pursuant to this section shall not confer upon the alien any other form of relief.".

(d) Clerical Amendment.—The table of contents of such Act is amended by inserting after the item relating to section 105 the following new item:

"Sec. 106. Employment authorization for battered spouses of certain nonimmigrants.".

(e) Limitation on Petitioning for Abuser.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following new subparagraph:

"(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individual's child) eligibility as a VAWA petitioner or for such nonimmigrant status.".

SEC. 815. APPLICATION FOR VAWA-RELATED RELIEF.

(a) In General.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting ", or was eligible for adjustment," after "whose status is adjusted"; and

(2) in subparagraph (E), by inserting ", or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005" after "April 1, 2000".

(b) Technical Amendment.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)".

(c) Effective Date.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 816. SELF-PETITIONING PARENTS.

Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

"(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—

"(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

"(II) is a person of good moral character;

"(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);

"(IV) resides, or has resided, with the citizen daughter or son; and

"(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.".

SEC. 817. VAWA CONFIDENTIALITY NONDISCLOSURE.

Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "(including any bureau or agency of such Department)" and inserting ", the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)"; and

(B) in paragraph (1)—

(i) in subparagraph (D), by striking "or" at the end; and

(ii) by inserting after subparagraph (E) the following:

"(F) in the case of an alien applying for status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator.";

(2) in subsection (b), by adding at the end the following new paragraphs:

"(6) Subsection (a) may not be construed to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).

"(7) Government entities adjudicating applications for relief under subsection (a)(2), and government personnel carrying out mandated duties under section 101(i)(1) of the Immigration and Nationality Act, may, with the prior written consent of the alien involved, communicate with nonprofit, nongovernmental victims' service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise working with immigrant victims. Agencies receiving referrals are bound by the provisions of this section. Nothing in this paragraph shall be construed as affecting the ability of an applicant to designate a safe organization through whom governmental agencies may communicate with the applicant.";

(3) in subsection (c), by inserting "or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act" after "in violation of this section"; and

(4) by adding at the end the following new subsection:

"(d) GUIDANCE.—The Attorney General and the Secretary of Homeland Security shall provide guidance to officers and employees of the Department of Justice or the Department of Homeland Security who have access to information covered by this section regarding the provisions of this section, including the provisions to protect victims of domestic violence from harm that could result from the inappropriate disclosure of covered information.".

Subtitle C—Miscellaneous Amendments

SEC. 821. DURATION OF T AND U VISAS.

(a) T VISAS.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

"(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

"(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity.".

(b) U VISAS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

"(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be for a period of not more than 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity.".

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—

(A) by striking "The Attorney General" and inserting "(a) The Secretary of Homeland Security";

(B) by inserting "(subject to subsection (b))" after "except"; and

(C) by adding at the end the following:

"(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).".

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking "248(2)" and inserting "248(a)(2)".

SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.

(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(1) in the first sentence, by striking "(A)(i)(II)" and inserting "(A)(ii)"; and

(2) in the fourth sentence, by striking "subsection (b)(2)(B) of this section" and inserting "this subparagraph, subparagraph (A)(ii),".

(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking "(A)(i)(III)" and inserting "(A)(iii)".

(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking "(9)(A)" and inserting "(10)(A)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).

SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—

(1) in the last sentence, by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)"; and

(2) by adding at the end the following: "An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act of 2005) if there is demonstrated a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

(1) in clause (i), by striking "whose status is adjusted to that of an alien lawfully admitted for permanent residence" and inserting "who is or was eligible for classification";

(2) in clause (ii), by striking "whose status is adjusted to that of an alien lawfully admitted for permanent residence" and inserting "who is or was eligible for classification"; and

(3) in clause (iii), by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 825. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in subparagraph (A), by inserting ", except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)" before the period at the end; and

(2) in subparagraph (C)—

(A) in the heading of clause (iv), by striking "SPOUSES AND CHILDREN" and inserting "SPOUSES, CHILDREN, AND PARENTS";

(B) in the matter before subclause (I) of clause (iv), by striking "The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply" and inserting "Any limitation under this section on the deadlines for filing such motions shall not apply";

(C) in clause (iv)(I), by striking "or section 240A(b)" and inserting ", section 240A(b), or section 244(a)(3) (as in effect on March 31, 1997)";

(D) by striking "and" at the end of clause (iv)(II);

(E) by striking the period at the end of clause (iv)(III) and inserting "; and"; and

(F) by adding at the end the following:

"(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.".

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A)(i) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note))—

"(I) there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

"(aa) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

"(bb) if the motion is accompanied by a suspension of deportation application to be filed with the Secretary of Homeland Security or by a copy of the self-petition that will be filed with the Department of Homeland Security upon the granting of the motion to reopen; and

"(II) any such limitation shall not apply so as to prevent the filing of one motion to reopen described in section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)).

"(ii) PRIMA FACIE CASE.—The filing of a motion to reopen under this subparagraph shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.";

(2) in subparagraph (B), in the matter preceding clause (i), by inserting "who are physically present in the United States and" after "filed by aliens"; and

(3) in subparagraph (B)(i), by inserting "or exclusion" after "deportation".

(c) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

"(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—

"(1) IN GENERAL.—In cases where an enforcement action leading to a removal proceeding was taken against an alien at any of the locations specified in paragraph (2), the Notice to Appear shall include a statement that the provisions of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) have been complied with.

"(2) LOCATIONS.—The locations specified in this paragraph are as follows:

"(A) At a domestic violence shelter, a rape crisis center, supervised visitation center, family justice center, a victim services, or victim services provider, or a community-based organization.

"(B) At a courthouse (or in connection with that appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (V) of section 101(a)(15).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 30 days after the date of the enactment of this Act and shall apply to apprehensions occurring on or after such date.

SEC. 826. PROTECTING ABUSED JUVENILES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following new clause:

"(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.".

SEC. 827. PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS FROM CERTAIN DISCLOSURES OF INFORMATION.

In developing regulations or guidance with regard to identification documents, including driver's licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

SEC. 828. RULEMAKING.

Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Public Law 106-386), this Act, and the amendments made by this Act

Subtitle D—International Marriage Broker Regulation

SEC. 831. SHORT TITLE.

This subtitle may be cited as the "International Marriage Broker Regulation Act of 2005".

SEC. 832. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETITIONERS.—

(1) 214(D) AMENDMENT.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(A) by striking "(d)" and inserting "(d)(1)";

(B) by inserting after the second sentence "Such information shall include information on any criminal convictions of the petitioner for any specified crime.";

(C) by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(D) by adding at the end the following:

"(2)(A) Subject to subparagraphs (B) and (C), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

"(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to two or more applying aliens; and

"(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

"(B) The Secretary of Homeland Security may, in the Secretary's discretion, waive the limitations in subparagraph (A) if justification exists for such a waiver. Except in extraordinary circumstances and subject to subparagraph (C), such a waiver shall not be granted if the petitioner has a record of violent criminal offenses against a person or persons.

"(C)(i) The Secretary of Homeland Security is not limited by the criminal court record and shall grant a waiver of the condition described in the second sentence of subparagraph (B) in the case of a petitioner described in clause (ii).

"(ii) A petitioner described in this clause is a petitioner who has been battered or subjected to extreme cruelty and who is or was not the primary perpetrator of violence in the relationship upon a determination that—

"(I) the petitioner was acting in self-defense;

"(II) the petitioner was found to have violated a protection order intended to protect the petitioner; or

"(III) the petitioner committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime and the petitioner's having been battered or subjected to extreme cruelty.

"(iii) In acting on applications under this subparagraph, the Secretary of Homeland Security shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary.

"(3) In this subsection:

"(A) The terms 'domestic violence', 'sexual assault', 'child abuse and neglect', 'dating violence', 'elder abuse', and 'stalking' have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

"(B) The term 'specified crime' means the following:

"(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

"(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

"(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.".

(2) 214(R) AMENDMENT.—Section 214(r) of such Act (8 U.S.C. 1184(r)) is amended—

(A) in paragraph (1), by inserting after the second sentence "Such information shall include information on any criminal convictions of the petitioner for any specified crime."; and

(B) by adding at the end the following:

"(4)(A) The Secretary of Homeland Security shall create a database for the purpose of tracking multiple visa petitions filed for fiancé(e)s and spouses under clauses (i) and (ii) of section 101(a)(15)(K). Upon approval of a second visa petition under section 101(a)(15)(K) for a fiancé(e) or spouse filed by the same United States citizen petitioner, the petitioner shall be notified by the Secretary that information concerning the petitioner has been entered into the multiple visa petition tracking database. All subsequent fiancé(e) or spouse nonimmigrant visa petitions filed by that petitioner under such section shall be entered in the database.

"(B)(i) Once a petitioner has had two fiancé(e) or spousal petitions approved under clause (i) or (ii) of section 101(a)(15)(K), if a subsequent petition is filed under such section less than 10 years after the date the first visa petition was filed under such section, the Secretary of Homeland Security shall notify both the petitioner and beneficiary of any such subsequent petition about the number of previously approved fiancé(e) or spousal petitions listed in the database.

"(ii) A copy of the information and resources pamphlet on domestic violence developed under section 833(a) of the International Marriage Broker Regulation Act of 2005 shall be mailed to the beneficiary along with the notification required in clause (i).

"(5) In this subsection:

"(A) The terms 'domestic violence', 'sexual assault', 'child abuse and neglect', 'dating violence', 'elder abuse', and 'stalking' have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

"(B) The term 'specified crime' means the following:

"(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

"(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

"(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.".

(3) Effective date.—The amendments made by this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(b) Limitation on Use of Certain Information.—The fact that an alien described in clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is aware of any information disclosed under the amendments made by this section or under section 833 shall not be used to deny the alien eligibility for relief under any other provision of law.

SEC. 833. DOMESTIC VIOLENCE INFORMATION AND RESOURCES FOR IMMIGRANTS AND REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) Information for K Nonimmigrants on Legal Rights and Resources for Immigrant Victims of Domestic Violence.—

(1) In general.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop an information pamphlet, as described in paragraph (2), on legal rights and resources for immigrant victims of domestic violence and distribute and make such pamphlet available as described in paragraph (5). In preparing such materials, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault, and other crimes.

(2) Information pamphlet.—The information pamphlet developed under paragraph (1) shall include information on the following:

(A) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(B) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(C) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(D) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters, including access to protection orders.

(E) The obligations of parents to provide child support for children.

(F) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(G) A warning concerning the potential use of K nonimmigrant visas by United States citizens who have a history of committing domestic violence, sexual assault, child abuse, or other crimes and an explanation that such acts may not have resulted in a criminal record for such a citizen.

(H) Notification of the requirement under subsection (d)(3)(A) that international marriage brokers provide foreign national clients with background information gathered on United States clients from searches of Federal and State sex offender public registries and collected from United States clients regarding their marital history and domestic violence or other violent criminal history, but that such information may not be complete or accurate because the United States client may not have a criminal record or may not have truthfully reported their marital or criminal record.

(3) Summaries.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under paragraph (1) that shall be used by Federal officials when reviewing the pamphlet in interviews under subsection (b).

(4) Translation.—

(A) In general.—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet developed under paragraph (1) shall, subject to subparagraph (B), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

(B) Revision.—Every 2 years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine at least 14 specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(5) Availability and distribution.—The information pamphlet developed under paragraph (1) shall be made available and distributed as follows:

(A) Mailings to K nonimmigrant visa applicants.—

(i) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant or in English if no translation into the applicant's primary language is available.

(ii) The Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under clause (i), a copy of the petition submitted by the petitioner for such applicant under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184).

(iii) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184). The Secretary of State, in turn, shall share any such criminal background information that is in government records or databases with the K nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this clause shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(B) Consular access.—The pamphlet developed under paragraph (1) shall be made available to the public at all consular posts. The summaries described in paragraph (3) shall be made available to foreign service officers at all consular posts.

(C) Posting on federal websites.—The pamphlet developed under paragraph (1) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all consular posts processing applications for K nonimmigrant visas.

(D) International marriage brokers and victim advocacy organizations.—The pamphlet developed under paragraph (1) shall be made available to any international marriage broker, government agency, or nongovernmental advocacy organization.

(6) Deadline for pamphlet development and distribution.—The pamphlet developed under paragraph (1) shall be distributed and made available (including in the languages specified under paragraph (4)) not later than 120 days after the date of the enactment of this Act.

(b) Visa and Adjustment Interviews.—

(1) Fiancé(e)s, spouses and their derivatives.—During an interview with an applicant for a K nonimmigrant visa, a consular officers shall—

(A) provide information, in the primary language of the visa applicant, on protection orders or criminal convictions collected under subsection (a)(5)(A)(iii);

(B) provide a copy of the pamphlet developed under subsection (a)(1) in English or another appropriate language and provide an oral summary, in the primary language of the visa applicant, of that pamphlet; and

(C) ask the applicant, in the primary language of the applicant, whether an international marriage broker has facilitated the relationship between the applicant and the United States petitioner, and, if so, obtain the identity of the international marriage broker from the applicant and confirm that the international marriage broker provided to the applicant the information and materials required under subsection (d)(3)(A)(iii).

(2) FAMILY-BASED APPLICANTS.—The pamphlet developed under subsection (a)(1) shall be distributed directly to applicants for family-based immigration petitions at all consular and adjustment interviews for such visas. The Department of State or Department of Homeland Security officer conducting the interview shall review the summary of the pamphlet with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English or another appropriate language.

(c) CONFIDENTIALITY.—In fulfilling the requirements of this section, no official of the Department of State or the Department of Homeland Security shall disclose to a nonimmigrant visa applicant the name or contact information of any person who was granted a protection order or restraining order against the petitioner or who was a victim of a crime of violence perpetrated by the petitioner, but shall disclose the relationship of the person to the petitioner.

(d) REGULATION OF INTERNATIONAL MARRIAGE BROKERS.—

(1) PROHIBITION ON MARKETING CHILDREN.—An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

(2) REQUIREMENTS OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO MANDATORY COLLECTION OF BACKGROUND INFORMATION.—

(A) IN GENERAL.—

(i) SEARCH OF SEX OFFENDER PUBLIC REGISTRIES.—Each international marriage broker shall search the National Sex Offender Public Registry or State sex offender public registry, as required under paragraph (3)(A)(i).

(ii) COLLECTION OF BACKGROUND INFORMATION.—Each international marriage broker shall also collect the background information listed in subparagraph (B) about the United States client to whom the personal contact information of a foreign national client would be provided.

(B) BACKGROUND INFORMATION.—The international marriage broker shall collect a certification signed (in written, electronic, or other form) by the United States client accompanied by documentation or an attestation of the following background information about the United States client:

(i) Any temporary or permanent civil protection order or restraining order issued against the United States client.

(ii) Any Federal, State, or local arrest or conviction of the United States client for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or stalking.

(iii) Any Federal, State, or local arrest or conviction of the United States client for—

(I) solely, principally, or incidentally engaging in prostitution;

(II) a direct or indirect attempt to procure prostitutes or persons for the purpose of prostitution; or

(III) receiving, in whole or in part, of the proceeds of prostitution.

(iv) Any Federal, State, or local arrest or conviction of the United States client for offenses related to controlled substances or alcohol.

(v) Marital history of the United States client, including whether the client is currently married, whether the client has previously been married and how many times, how previous marriages of the client were terminated and the date of termination, and whether the client has previously sponsored an alien to whom the client was engaged or married.

(vi) The ages of any of the United States client's children who are under the age of 18.

(vii) All States and countries in which the United States client has resided since the client was 18 years of age.

(3) OBLIGATION OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO INFORMED CONSENT.—

(A) LIMITATION ON SHARING INFORMATION ABOUT FOREIGN NATIONAL CLIENTS.—An international marriage broker shall not provide any United States client or representative with the personal contact information of any foreign national client unless and until the international marriage broker has—

(i) performed a search of the National Sex Offender Public Registry, or of the relevant State sex offender public registry for any State not yet participating in the National Sex Offender Public Registry in which the United States client has resided during the previous 20 years, for information regarding the United States client;

(ii) collected background information about the United States client required under paragraph (2);

(iii) provided to the foreign national client—

(I) in the foreign national client's primary language, a copy of any records retrieved from the search required under paragraph (2)(A)(i) or documentation confirming that such search retrieved no records;

(II) in the foreign national client's primary language, a copy of the background information collected by the international marriage broker under paragraph (2)(B); and

(III) in the foreign national client's primary language (or in English or other appropriate language if there is no translation available into the client's primary language), the pamphlet developed under subsection (a)(1); and

(iv) received from the foreign national client a signed, written consent, in the foreign national client's primary language, to release the foreign national client's personal contact information to the specific United States client.

(B) CONFIDENTIALITY.—In fulfilling the requirements of this paragraph, an international marriage broker shall disclose the relationship of the United States client to individuals who were issued a protection order or restraining order as described in clause (i) of paragraph (2)(B), or of any other victims of crimes as described in clauses (ii) through (iv) of such paragraph, but shall not disclose the name or location information of such individuals.

(C) PENALTY FOR MISUSE OF INFORMATION.—A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of the obligations imposed on it under paragraph (2) and this paragraph for any purpose other than the disclosures required under this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than 1 year, or both. These penalties are in addition to any other civil or criminal liability under Federal or State law which a person may be subject to for the misuse of that information, including to threaten, intimidate, or harass any individual. Nothing in this section shall prevent the disclosure of such information to law enforcement or pursuant to a court order.

(4) LIMITATION ON DISCLOSURE.—An international marriage broker shall not provide the personal contact information of any foreign national client to any person or entity other than a United States client. Such information shall not be disclosed to potential United States clients or individuals who are being recruited to be United States clients or representatives.

(5) PENALTIES.—

(A) FEDERAL CIVIL PENALTY.—

(i) VIOLATION.—An international marriage broker that violates (or attempts to violate) paragraph (1), (2), (3), or (4) is subject to a civil penalty of not less than $5,000 and not more than $25,000 for each such violation.

(ii) PROCEDURES FOR IMPOSITION OF PENALTY.—A penalty may be imposed under clause (i) by the Attorney General only after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5, United States Code (popularly known as the Administrative Procedure Act).

(B) FEDERAL CRIMINAL PENALTY.—In circumstances in or affecting interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

(C) ADDITIONAL REMEDIES.—The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law.

(6) NONPREEMPTION.—Nothing in this subsection shall preempt—

(A) any State law that provides additional protections for aliens who are utilizing the services of an international marriage broker; or

(B) any other or further right or remedy available under law to any party utilizing the services of an international marriage broker.

(7) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(B) ADDITIONAL TIME ALLOWED FOR INFORMATION PAMPHLET.—The requirement for the distribution of the pamphlet developed under subsection (a)(1) shall not apply until 30 days after the date of its development and initial distribution under subsection (a)(6).

(e) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term "crime of violence" has the meaning given such term in section 16 of title 18, United States Code.

(2) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given such term in section 3 of this Act.

(3) FOREIGN NATIONAL CLIENT.—The term "foreign national client" means a person who is not a United States citizen or national or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an international

marriage broker. Such term includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker and any alien recruited by an international marriage broker or representative of such broker.

(4) INTERNATIONAL MARRIAGE BROKER.—

(A) IN GENERAL.—The term "international marriage broker" means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals.

(B) EXCEPTIONS.—Such term does not include—

(i) a traditional matchmaking organization of a cultural or religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States; or

(ii) an entity that provides dating services if its principal business is not to provide international dating services between United States citizens or United States residents and foreign nationals and it charges comparable rates and offers comparable services to all individuals it serves regardless of the individual's gender or country of citizenship.

(5) K NONIMMIGRANT VISA.—The term "K nonimmigrant visa" means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

(6) PERSONAL CONTACT INFORMATION.—

(A) IN GENERAL.—The term "personal contact information" means information, or a forum to obtain such information, that would permit individuals to contact each other, including—

(i) the name or residential, postal, electronic mail, or instant message address of an individual;

(ii) the telephone, pager, cellphone, or fax number, or voice message mailbox of an individual; or

(iii) the provision of an opportunity for an in-person meeting.

(B) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

(7) REPRESENTATIVE.—The term "representative" means, with respect to an international marriage broker, the person or entity acting on behalf of such broker. Such a representative may be a recruiter, agent, independent contractor, or other international marriage broker or other person conveying information about or to a United States client or foreign national client, whether or not the person or entity receives remuneration.

(8) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(9) UNITED STATES.—The term "United States", when used in a geographic sense, includes all the States.

(10) UNITED STATES CLIENT.—The term "United States client" means a United States citizen or other individual who resides in the United States and who utilizes the services of an international marriage broker, if a payment is made or a debt is incurred to utilize such services.

(f) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study—

(A) on the impact of this section and section 832 on the K nonimmigrant visa process, including specifically—

(i) annual numerical changes in petitions for K nonimmigrant visas;

(ii) the annual number (and percentage) of such petitions that are denied under subsection (d)(2) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act;

(iii) the annual number of waiver applications submitted under such a subsection, the number (and percentage) of such applications granted or denied, and the reasons for such decisions;

(iv) the annual number (and percentage) of cases in which the criminal background information collected and provided to the applicant as required by subsection (a)(5)(A)(iii) contains one or more convictions;

(v) the annual number and percentage of cases described in clause (iv) that were granted or were denied waivers under section 214(d)(2) of the Immigration and Nationality Act, as amended by this Act;

(vi) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have previously filed other fiancé(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions;

(vii) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have concurrently filed other fiancé(e) or spousal K nonimmigrant visa petitioners or family-based immigration petitions; and

(viii) the annual and cumulative number of petitioners and applicants tracked in the multiple filings database established under paragraph (4) of section 214(r) of the Immigration and Nationality Act, as added by this Act;

(B) regarding the number of international marriage brokers doing business in the United States, the number of marriages resulting from the services provided, and the extent of compliance with the applicable requirements of this section;

(C) that assesses the accuracy and completeness of information gathered under section 832 and this section from clients and petitioners by international marriage brokers, the Department of State, or the Department of Homeland Security;

(D) that examines, based on the information gathered, the extent to which persons with a history of violence are using either the K nonimmigrant visa process or the services of international marriage brokers, or both, and the extent to which such persons are providing accurate and complete information to the Department of State or the Department of Homeland Security and to international marriage brokers in accordance with subsections (a) and (d)(2)(B); and

(E) that assesses the accuracy and completeness of the criminal background check performed by the Secretary of Homeland Security at identifying past instances of domestic violence.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under paragraph (1).

(3) DATA COLLECTION.—The Secretary of Homeland Security and the Secretary of State shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the study required by paragraph (1).

(g) REPEAL OF MAIL-ORDER BRIDE PROVISION.—Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1375) is hereby repealed.

SEC. 834. SHARING OF CERTAIN INFORMATION.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information regarding a United States petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)) for the limited purposes of fulfilling disclosure obligations imposed by the amendments made by section 832(a) or by section 833, including reporting obligations of the Comptroller General of the United States under section 833(f).

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. FINDINGS.

Congress finds that—

(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.

(a) IN GENERAL.—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary of the Department of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

(2) SCOPE.—

(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(i) domestic violence;

(ii) dating violence;

(iii) sexual assault;

(iv) stalking; and

(v) murder.

(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) TASK FORCE.—

(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

(i) national tribal domestic violence and sexual assault nonprofit organizations;

(ii) tribal governments; and

(iii) the national tribal organizations.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 and 2008, to remain available until expended.

(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2007 and 2008, to remain available until expended.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.".

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended.

SEC. 906. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

"SEC. 2007. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

"(a) GRANTS.—The Attorney General may make grants to Indian tribal governments and tribal organizations to—

"(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

"(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;

"(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

"(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking;

"(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, and stalking programs and to address the needs of children exposed to domestic violence;

"(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children; and

"(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and integrate into a community.

"(b) COLLABORATION.—All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

"(c) NONEXCLUSIVITY.—The Federal share of a grant made under this section may not exceed 90 percent of the total costs of the project described in the application submitted, except that the Attorney General may grant a waiver of this match requirement on the basis of demonstrated financial hardship. Funds appropriated for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.".

(b) AUTHORIZATION OF FUNDS FROM GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—Section 2007(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(b)(1)) is amended to read as follows:

"(1) Ten percent shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.".

(c) AUTHORIZATION OF FUNDS FROM GRANTS TO ENCOURAGE STATE POLICIES AND ENFORCEMENT OF PROTECTION ORDERS PROGRAM.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by striking subsection (e) and inserting the following:

"(e) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.".

(d) AUTHORIZATION OF FUNDS FROM RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE GRANTS.—Subsection 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)(3)) is amended by striking paragraph (3) and inserting the following:

"(3) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.".

(e) AUTHORIZATION OF FUNDS FROM THE SAFE HAVENS FOR CHILDREN PROGRAM.—Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420) is amended by striking subsection (f) and inserting the following:

"(f) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this subsection shall not apply to funds allocated for such program.".

(f) AUTHORIZATION OF FUNDS FROM THE TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT PROGRAM.—Section 40299(g) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(g)) is amended by adding at the end the following:

"(4) TRIBAL PROGRAM.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.".

(g) AUTHORIZATION OF FUNDS FROM THE LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS PROGRAM.—Section 1201(f) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended by adding at the end the following:

"(4) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.".

SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.), as amended by section 906, is amended by adding at the end the following:

"SEC. 2008. TRIBAL DEPUTY.

"(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

"(b) DUTIES.—

"(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

"(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

"(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract;

"(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

"(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

"(E) represent the Office on Violence Against Women in the annual consultations under section 903;

"(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

"(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

"(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

"(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

"(c) AUTHORITY.—

"(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

"(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

"(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

"(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

"(C) development of tribal educational awareness programs and materials;

"(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

"(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.".

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.

(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended to read: "(i) is a misdemeanor under Federal, State, or Tribal law; and".

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3) is amended—

(1) in subparagraph (A), by striking "or";

(2) in subparagraph (B), by striking the semicolon and inserting ", or"; and

(3) by adding at the end the following:

"(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;".

SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Domestic assault by an habitual offender

"(a) IN GENERAL.—Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

"(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

"(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

"(b) DOMESTIC ASSAULT DEFINED.—In this section, the term 'domestic assault' means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.".

TITLE X—DNA FINGERPRINTING

SEC. 1001. SHORT TITLE.

This title may be cited as the "DNA Fingerprint Act of 2005".

SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAMPLES FROM NATIONAL DNA INDEX.

Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking "DNA profiles" and all that follows through ", and";

(2) in subsection (d)(1), by striking subparagraph (A), and inserting the following:

"(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index—

"(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a, 14135b), respectively), if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned; or

"(ii) on the basis of an arrest under the authority of the United States, if the Attorney General receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.";

(3) in subsection (d)(2)(A)(ii), by striking "all charges for" and all that follows, and inserting the following: "the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period."; and

(4) by striking subsection (e).

SEC. 1003. EXPANDED USE OF CODIS GRANTS.

Section 2(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(1)) is amended by striking "taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3))" and inserting "collected under applicable legal authority".

SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.

(a) IN GENERAL.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "The Director" and inserting the following:

"(A) The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested or from non-United States persons who are detained under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

"(B) The Director"; and

(B) in paragraphs (3) and (4), by striking "Director of the Bureau of Prisons" each place it appears and inserting "Attorney General, the Director of the Bureau of Prisons,"; and

(2) in subsection (b), by striking "Director of the Bureau of Prisons" and inserting "Attorney General, the Director of the Bureau of Prisons,".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting "and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)" after "period of release".

SEC. 1005. TOLLING OF STATUTE OF LIMITATIONS FOR SEXUAL-ABUSE OFFENSES.

Section 3297 of title 18, United States Code, is amended by striking "except for a felony offense under chapter 109A,".

TITLE XI—DEPARTMENT OF JUSTICE REAUTHORIZATION

Subtitle A—AUTHORIZATION OF APPROPRIATIONS

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $216,286,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $679,661,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,761,237,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,716,173,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,270,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) $121,105,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Office of Community Oriented Policing Services.

SEC. 1102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $224,937,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $75,741,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $706,847,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,991,686,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,784,820,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $188,382,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $688,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,405,300,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $188,750,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $125,949,000 for the Office of Justice Programs.

(B) $15,600,000 for the Office on Violence Against Women.

(C) $32,597,000 for the Office of Community Oriented Policing Services.

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $174,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $233,934,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $735,121,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,758,840,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $865,556,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,856,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $195,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,374,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,555,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,616,095,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $130,987,000 for the Office of Justice Programs.

(B) $16,224,000 for the Office on Violence Against Women.

(C) $33,901,000 for the Office of Community Oriented Policing Services.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $181,561,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $81,922,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $764,526,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $162,488,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,829,194,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,480,608,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $900,178,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,698,292,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,930,462,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $1,038,939,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $203,755,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,429,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,977,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,711,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,858,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $204,152,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $144,771,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $132,226,000 for the Office of Justice Programs.

(B) $16,837,000 for the Office on Violence Against Women.

(C) $35,257,000 for the Office of Community Oriented Policing Services.

SEC. 1105. ORGANIZED RETAIL THEFT.

(a) NATIONAL DATA.—(1) The Attorney General and the Federal Bureau of Investigation, in consultation with the retail community, shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in the private sector to track and identify where organized retail theft type crimes are being committed in the United Sates. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) Authorization of Appropriations.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) Definition of Organized Retail Theft.—For purposes of this section, "organized retail theft" means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is know or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

SEC. 1106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) Task Force.—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico and to provide expertise to the law enforcement and homeland security agencies along the border between the United States and Mexico. The Task Force shall include personnel from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Immigration and Customs Enforcement, the Drug Enforcement Administration, Customs and Border Protection, other Federal agencies (as appropriate), the Texas Department of Public Safety, and local law enforcement agencies.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to Federal, State, and local law enforcement agencies participating in the Task Force.

(b) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009, for—

(1) the establishment and operation of the United States-Mexico Border Violence Task Force; and

(2) the investigation, apprehension, and prosecution of individuals engaged in drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico.

SEC. 1107. NATIONAL GANG INTELLIGENCE CENTER.

(a) Establishment.—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

(1) the Federal Bureau of Investigation;

(2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(3) the Drug Enforcement Administration;

(4) the Bureau of Prisons;

(5) the United States Marshals Service;

(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(7) the Department of Housing and Urban Development;

(8) State and local law enforcement;

(9) Federal, State, and local prosecutors;

(10) Federal, State, and local probation and parole offices;

(11) Federal, State, and local prisons and jails; and

(12) any other entity as appropriate.

(b) Information.—The Center established under subsection (a) shall make available the information referred to in subsection (a) to—

(1) Federal, State, and local law enforcement agencies;

(2) Federal, State, and local corrections agencies and penal institutions;

(3) Federal, State, and local prosecutorial agencies; and

(4) any other entity as appropriate.

(c) Annual Report.—The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and for each fiscal year thereafter.

Subtitle B—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

CHAPTER 1—ASSISTING LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES

SEC. 1111. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) In General.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

"Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program";

(B) by amending section 500 to read as follows:

"SEC. 500. NAME OF PROGRAM.

"(a) In General.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

"(b) References to Former Programs.—(1) Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).

"(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009."; and

(C) by inserting after section 500 the following new sections:

"SEC. 501. DESCRIPTION.

"(a) Grants Authorized.—

"(1) In general.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

"(A) Law enforcement programs.

"(B) Prosecution and court programs.

"(C) Prevention and education programs.

"(D) Corrections and community corrections programs.

"(E) Drug treatment and enforcement programs.

"(F) Planning, evaluation, and technology improvement programs.

"(G) Crime victim and witness programs (other than compensation).

"(2) Rule of construction.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

"(b) Contracts and Subawards.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

"(1) neighborhood or community-based organizations that are private and nonprofit;

"(2) units of local government; or

"(3) tribal governments.

"(c) Program Assessment Component; Waiver.—

"(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

"(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

"(d) Prohibited Uses.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

"(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

"(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

"(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);

"(B) luxury items;

"(C) real estate;

"(D) construction projects (other than penal or correctional institutions); or

"(E) any similar matters.

"(e) Administrative Costs.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

"(f) Period.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

"(g) Rule of Construction.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

"SEC. 502. APPLICATIONS.

"To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

"(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

"(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

"(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

"(A) the application (or amendment) was made public; and

"(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

"(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

"(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

"(A) the programs to be funded by the grant meet all the requirements of this subpart;

"(B) all the information contained in the application is correct;

"(C) there has been appropriate coordination with affected agencies; and

"(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

"SEC. 503. REVIEW OF APPLICATIONS.

"The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

"SEC. 504. RULES.

"The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

"SEC. 505. FORMULA.

"(a) Allocation Among States.—

"(1) In general.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

"(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

"(i) the total population of a State to—

"(ii) the total population of the United States; and

"(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

"(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

"(ii) the average annual number of such crimes reported by all States for such years.

"(2) Minimum allocation.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a 'minimum allocation State'), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

"(A) allocate 0.25 percent of the total amount to each State; and

"(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

"(b) Allocation Between States and Units of Local Government.—Of the amounts allocated under subsection (a)—

"(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

"(2) 40 percent shall be for grants to be allocated under subsection (d).

"(c) Allocation for State Governments.—

"(1) In general.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

"(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

"(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

"(2) Remaining amounts.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

"(d) Allocations to Local Governments.—

"(1) In general.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

"(2) Allocation.—

"(A) In general.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the 'local amount'), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

"(B) Transitional rule.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

"(3) Annexed units.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

"(4) Resolution of disparate allocations.—(A) Notwithstanding any other provision of this subpart, if—

"(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

"(ii) but for this paragraph, the amount of funds allocated under this section to—

"(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

"(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

"(B) In this paragraph, the term 'geographically constituent unit of local government' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

"(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

"(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

"(2) ALLOCATIONS UNDER $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

"(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

"(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

"(g) SPECIAL RULES FOR PUERTO RICO.—

"(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

"(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

"(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term 'unit of local government' means a district attorney or a parish sheriff.

"SEC. 506. RESERVED FUNDS

"(a) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

"(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

"(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

"(b) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General may reserve not more than 5 percent, to be granted to 1 or more States or units of local government, for 1 or more of the purposes specified in section 501, pursuant to his determination that the same is necessary—

"(1) to combat, address, or otherwise respond to precipitous or extraordinary increases in crime, or in a type or types of crime; or

"(2) to prevent, compensate for, or mitigate significant programmatic harm resulting from operation of the formula established under section 505.

"SEC. 507. INTEREST-BEARING TRUST FUNDS.

"(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

"(b) EXPENDITURES.—

"(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

"(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

"(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

"(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

"SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.".

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking "such as" and all that follows through "the M.O.R.E. program" and inserting "such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program".

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking "pursuant to section 511 or 515" and inserting "pursuant to section 515";

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking "the program evaluations as required by section 501(c) of this part" and inserting "program evaluations";

(ii) in subsection (a)(2), by striking "evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part" and inserting "evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part"; and

(iii) in subsection (b)(2), by striking "programs funded under section 506 (formula grants) and section 511 (discretionary grants)" and inserting "programs funded under section 505 (formula grants)";

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "section 506" and inserting "section 505"; and

(ii) in subsection (a)(1), by striking "an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503" and inserting "an assessment of the impact of such activities on meeting the purposes of subpart 1";

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking "the purposes of section 501 of this title" and inserting "the purposes of such subpart 1"; and

(ii) by striking "the application submitted pursuant to section 503 of this title." and inserting "the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).";

(E) in section 808 (42 U.S.C. 3789), by striking "the State office described in section 507 or 1408" and inserting "the State office responsible for the trust fund required by section 507, or the State office described in section 1408,";

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking "for the purposes of section 506(a)" and inserting "for the purposes of section 505(a)";

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking "section 506(a)" and inserting "section 505(a)";

(ii) in paragraph (2)—

(I) by striking "section 503(a)" and inserting "section 502"; and

(II) by striking "section 506" and inserting "section 505";

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking "The office designated under section 507 of title I" and inserting "The office responsible for the trust fund required by section 507";

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking "and reflects consideration of the statewide strategy under section 503(a)(1)"; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking "The Office designated under section 507" and inserting "The office responsible for the trust fund required by section 507".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 1112. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking "more than 5 recipients" and inserting "more than 5 individuals, or groups of individuals, as recipients".

SEC. 1113. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking "the Director of the Office of Justice Assistance" and inserting "the Assistant Attorney General for the Office of Justice Programs".

SEC. 1114. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting "regional" before "information sharing systems";

(2) by amending paragraph (3) to read as follows:

"(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, tribal, and local law enforcement agencies;"; and

(3) by striking "(5)" at the end of paragraph (4).

SEC. 1115. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) Duties of Director.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: "The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.";

(2) by amending paragraph (19) of subsection (c) to read as follows:

"(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;"; and

(3) in subsection (d)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following:

"(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.".

(b) Use of Data.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking "particular individual" and inserting "private person or public agency".

(c) Confidentiality of Information.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking "Except as provided by Federal law other than this title, no" and inserting "No".

SEC. 1116. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2007" and inserting "2009".

CHAPTER 2—BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME

SEC. 1121. OFFICE OF WEED AND SEED STRATEGIES.

(a) In General.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

"SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

"(a) Establishment.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

"(b) Assistance.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

"(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

"SEC. 104. WEED AND SEED STRATEGIES.

"(a) In General.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

"(1) Weeding.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

"(2) Seeding.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

"(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

"(B) community revitalization efforts, including enforcement of building codes and development of the economy.

"(b) Guidelines.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

"(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

"(A) in a voting capacity, representatives of—

"(i) appropriate law enforcement agencies; and

"(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

"(B) in a voting capacity, both—

"(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

"(ii) the United States Attorney for the District encompassing the community;

"(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

"(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

"(c) Designation.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

"(1) the United States Attorney for the District encompassing the community must certify to the Director that—

"(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

"(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

"(C) the steering committee is capable of implementing the strategy appropriately; and

"(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

"(d) Application.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

"(1) a sustainable Weed and Seed strategy that includes—

"(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

"(B) a significant community-oriented policing component; and

"(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

"(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

"(e) Grants.—

"(1) In general.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

"(2) Uses.—For each grant under this subsection, the community receiving that grant may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

"(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

"(A) for a period of more than 10 fiscal years;

"(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

"(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

"(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

"(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

"(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

"(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

"(B) The requirement of subparagraph (A)—

"(i) may be satisfied in cash or in kind; and

"(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

"(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

"SEC. 105. INCLUSION OF INDIAN TRIBES.

"For purposes of sections 103 and 104, the term 'State' includes an Indian tribal government.".

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

CHAPTER 3—ASSISTING VICTIMS OF CRIME

SEC. 1131. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after "Director";

(B) in subparagraph (A), by striking "and" at the end;

(C) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "paragraph (1)(A)" and inserting "paragraphs (1)(A) and (1)(C)"; and

(ii) by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).".

SEC. 1132. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: ", which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

"(A) attaches conditions inconsistent with applicable laws or regulations; or

"(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.".

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking "expended" and inserting "obligated".

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking ", acting through the Director,";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.".

SEC. 1133. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after "may be used for" the following: "training purposes and".

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after "may be used for" the following: "training purposes and".

SEC. 1134. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended—

(1) in subsection (c)(3)(A), by striking "police" and inserting "law enforcement"; and

(2) in subsection (d)—

(A) in the second sentence, by inserting after "each application" the following: "submitted by a State"; and

(B) in the third sentence, by striking "An application" and inserting "In addition, each application submitted by a State or tribal government".

(b) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg-3) is amended by striking "Not later than" and all that follows through "the Attorney General shall submit" and inserting the following: "Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit".

SEC. 1135. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking "The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides" and inserting "Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides".

(b) SAFE HAVENS FOR CHILDREN.—Subsection 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking "Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter," and inserting "Not later than 1 month after the end of each even-numbered fiscal year,".

(c) STOP VIOLENCE AGAINST WOMEN FORMULA GRANTS.—Subsection 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-3), is amended by striking "Not later than" and all that follows through "the Attorney General shall submit" and inserting the following: "Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit".

(d) GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.—Subsection 826(d)(3) of the Higher Education Amendments Act of 1998 (20 U.S.C. 1152 (d)(3)) is amended by striking from "Not" through and including "under this section" and inserting "Not later than 1 month after the end of each even-numbered fiscal year".

(e) TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.—Subsection 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking "shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section." and inserting "shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than one month after the end of each even-numbered fiscal year.".

SEC. 1136. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) Definitions.—In this section:

(1) The term "juvenile" means an individual who is age 17 or younger.

(2) The term "young adult" means an individual who is age 21 or younger but not a juvenile.

(3) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.

CHAPTER 4—PREVENTING CRIME

SEC. 1141. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking "an offense that" and inserting "a felony-level offense that".

SEC. 1142. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) Minimum Allocation Repealed.—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b) and inserting the following:

"(b) Technical Assistance and Training.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part, and to strengthen existing State drug court systems. In providing such technical assistance and training, the Community Capacity Development Office shall consider and respond to the unique needs of rural States, rural areas and rural communities."

(b) Authorization of Appropriations.—Section 1001(25)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(25)(A)) is amended by adding at the end the following:

"(v) $70,000,000 for each of fiscal years 2007 and 2008.".

SEC. 1143. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking "offenders with substance abuse problems" and inserting "offenders, and other individuals under the jurisdiction of the court, with substance abuse problems".

SEC. 1144. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

"(d) Definition.—In this section, the term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

"(1) directed at the substance abuse problems of the prisoners; and

"(2) intended to develop the prisoner's cognitive, behavioral, social, vocational and other skills so as to solve the prisoner's substance abuse and other problems; and

"(3) which may include the use of pharmacotherapies, where appropriate, that may extend beyond the treatment period.".

SEC. 1145. ENHANCED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR STATE PRISONERS.

(a) Enhanced Drug Screenings Requirement.—Subsection (b) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff—1(b)) is amended to read as follows:

"(b) Substance Abuse Testing Requirement.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

"(1) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

"(2) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State.".

(b) Aftercare Services Requirement.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "**ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT**" and inserting "**AFTERCARE SERVICES REQUIREMENT**"; and

(2) by amending paragraph (1) to read as follows:

"(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with after care services."; and

(3) by adding at the end the following new paragraph:

"(4) After care services required by this subsection shall be funded through funds provided for this part.".

(c) Priority for Partnerships With Community-Based Drug Treatment Programs.—Section 1903 of such Act (42 U.S.C. 3796ff—2) is amended by adding at the end the following new subsection:

"(e) Priority for Partnerships With Community-Based Drug Treatment Programs.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.".

SEC. 1146. RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR FEDERAL FACILITIES.

Section 3621(e) of title 18, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) Authorization of Appropriations.—There are authorized to carry out this subsection such sums as may be necessary for each of fiscal years 2007 through 2011."; and

(2) in paragraph (5)(A)—

(A) in clause (i) by striking "and" after the semicolon'

(B) in clause (ii) by inserting "and" after the semicolon; and

(C) by adding at the end the following:

"(iii) which may include the use of pharmacoptherapies, if appropriate, that may extend beyond the treatment period;".

CHAPTER 5—OTHER MATTERS

SEC. 1151. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) Certain Programs That Are Exempt From Paying States Interest on Late Disbursements Also Exempted From Paying Charge to Treasury for Untimely Disbursements.—Section 204(f) of Public Law 107–273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking "section 6503(d)" and inserting "sections 3335(b) or 6503(d)"; and

(2) by striking "section 6503" and inserting "sections 3335(b) or 6503".

(b) Southwest Border Prosecutor Initiative Included Among Such Exempted Programs.—Section 204(f) of such Act is further amended by striking "pursuant to section 501(a)" and inserting "pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)".

(c) ATFE Undercover Investigative Operations.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 1152. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) Coordinate and Support Office for Victims of Crime.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after "the Bureau of Justice Statistics," the following: "the Office for Victims of Crime,".

(b) Setting Grant Conditions and Priorities.—Such section is further amended in subsection (a)(6) by inserting ", including placing special conditions on all grants, and determining priority purposes for formula grants" before the period at the end.

SEC. 1153. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) Compliance Period.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) Time for Registration of Current Address.—Subsection (a)(1)(B) of such section

170101 is amended by striking "unless such requirement is terminated under" and inserting "for the time period specified in".

SEC. 1154. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAM.—The Criminal Justice Facility Construction Pilot program (part F; 42 U.S.C. 3769-3769d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751-13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801-13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 1155. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part II of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking "(a)" before "Whenever,".

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking ", after reasonable notice and opportunity for a hearing,"; and

(B) by striking ", except as otherwise provided herein".

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 1156. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking "(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))".

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking "program or project" and inserting "program, plan, or project".

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking "which" and inserting ", including faith-based, that".

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking "and" at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(27) the term 'private person' means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).".

SEC. 1157. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after "The Attorney General" the following: "or the Secretary of Homeland Security, as applicable,"; and

(2) in subsection (b)(1)—

(A) by striking "the Immigration and Naturalization Service" and inserting "the Department of Homeland Security";

(B) by striking "shall not exceed the lesser of the amount" and inserting "shall be the amount billed, not to exceed the amount";

(C) by striking "items and services" and all that follows through "the Medicare program" and inserting "items and services under the Medicare program"; and

(D) by striking "; or" and all that follows through the period at the end and inserting a period.

SEC. 1158. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

"SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

"(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate program assessments of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

"(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

"(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

"(1) The program under part Q of this title.

"(2) Any grant program carried out by the Office of Justice Programs.

"(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

"(c) PROGRAM ASSESSMENTS REQUIRED.—

"(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out program assessments on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

"(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

"(3) TIMING OF PROGRAM ASSESSMENTS.—The program assessment required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

"(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

"(B) at the end of each year of the grant period, if the grant period is more than 1 year.

"(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a program assessment under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

"(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

"(f) AVAILABILITY OF FUNDS.—Not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the Office of Audit, Assessment and Management for the activities authorized by this section.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1159. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

"SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

"(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

“(3) Exclusivity.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

“(b) Means.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

“(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

“(2) Providing information, training, and technical assistance.

“(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

“(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

“(5) Any other similar means.

“(c) Locations.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

“(d) Best Practices.—The Director shall—

“(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

“(2) incorporate those characteristics into the training provided under this section.

“(e) Availability of Funds.—not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the Community Capacity Development Office for the activities authorized by this section.”.

(b) Effective Date.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1160. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) In General.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

“SEC. 107. DIVISION OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

“(a) Establishment.—There is established within the Office of Science and Technology, the Division of Applied Law Enforcement Technology, headed by an individual appointed by the Attorney General. The purpose of the Division shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

“(b) Duties.—In carrying out the purpose of the Division, the head of the Division shall—

“(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

“(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department, such as Uniform Crime Reports or the National Incident-Based Reporting System.”.

(b) Effective Date.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1161. AVAILABILITY OF FUNDS FOR GRANTS.

(a) In General.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

“SEC. 108. AVAILABILITY OF FUNDS.

“(a) Period for Awarding Grant Funds.—

“(1) In general.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

“(2) Treatment of reprogrammed funds.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

“(3) Treatment of deobligated funds.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

“(b) Period for Expending Grant Funds.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

“(c) Definition.—In this section, the term ‘DOJ grant funds’ means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

“(d) Applicability.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.”.

(b) Effective Date.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1162. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) Consolidation of Accounting Activities and Procurement Activities.—The Assistant Attorney General of the Office of Justice Programs, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) Further Consolidation of Procurement Activities.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) Consolidation of Financial Management Systems.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) Achieving Compliance.—

(1) Schedule.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) Specific requirements.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2006, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 1163. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) In General.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

“(a) Grant Authorization.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).”;

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking “**ADDITIONAL GRANT PROJECTS**.—Grants made under subsection (a) may include programs, projects, and other activities to—” and inserting “**USES OF GRANT AMOUNTS**.—The purposes for which grants made under subsection (a) may be made are—”;

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

“(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

“(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

“(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

“(4) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;”; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

“(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;”;

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively; and

(5) in subsection (c) (as so redesignated) by striking “subsection (i)” and inserting “subsection (g)”.

(b) Conforming Amendment.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking “section 1701(d)” and inserting “section 1701(b)”.

(c) Authorization of Appropriations.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking “expended—” and all that follows through “2000” and inserting “expended $1,047,119,000 for each of fiscal years 2006 through 2009”; and

(2) in subparagraph (B)—

(A) by striking “section 1701(f)” and inserting “section 1701(d)”; and

(B) by striking the third sentence.

SEC. 1164. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) Persons Eligible for Death Benefits.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107–196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(7) ‘member of a rescue squad or ambulance crew’ means an officially recognized or designated public employee member of a rescue squad or ambulance crew;”; and

(3) in paragraph (4) by striking “and” and all that follows through the end and inserting a semicolon.

(4) in paragraph (6) by striking “enforcement of the laws” and inserting “enforcement of the criminal laws (including juvenile delinquency).”

(b) Clarification of Limitation on Payments in Non-Civilian Cases.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting “with respect” before “to any individual”.

(c) Waiver of Collection in Certain Cases.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

“(m) The Bureau may suspend or end collection action on an amount disbursed pursuant to a statute enacted retroactively or otherwise disbursed in error under subsection (a) or (c), where such collection would be impractical, or would cause undue hardship to a debtor who acted in good faith.”.

(d) Designation of Beneficiary.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

“(4) if there is no surviving spouse or surviving child—

“(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

“(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or”.

(e) Confidentiality.—Section 1201(1)(a) of such Act (42 U.S.C. 3796(a)) is amended by adding at the end the following:

“(6) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or recently executed life insurance policy pursuant to paragraph (4) shall maintain the confidentiality of such designation or policy in the same manner as it maintains personnel or other similar records of the officer.”.

SEC. 1165. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended—

(1) in paragraph (15) by striking “or” at the end;

(2) in paragraph (16) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.”.

SEC. 1166. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended by striking “2002 through 2005” and inserting “2006 through 2009”.

SEC. 1167. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

“(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 1168. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting “, including the extent to which evidence-based approaches are utilized” after “part”; and

(2) in subsection (b)(1)(A)(ii) by inserting “, including the extent to which evidence-based approaches are utilized” after “part”.

SEC. 1169. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) In General.—Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking “2003” and inserting “2009”.

(b) Program to Remain Under COPS Office.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after “The Attorney General” the following: “, acting through the Office of Community Oriented Policing Services,”.

SEC. 1170. TECHNICAL AMENDMENTS TO AIMEE'S LAW.

Section 2001 of Div. C, Pub. L. 106–386 (42 U.S.C. 13713), is amended—

(1) in each of subsections (b), (c)(1), (c)(2), (c)(3), (e)(1), and (g) by striking the first upper-case letter after the heading and inserting a lower case letter of such letter and the following: “Pursuant to regulations promulgated by the Attorney General hereunder,”

(2) in subsection (c), paragraphs (1) and (2), respectively, by—

(A) striking “a State”, the first place it appears, and inserting “a criminal-records-reporting State”; and

(B) striking “(3),” and all that follows through “subsequent offense” and inserting “(3), it may, under subsection (d), apply to the Attorney General for $10,000, for its related apprehension and prosecution costs, and $22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation”;

(3) in subsection (c)(3), by—

(A) striking “if—” and inserting “unless—”;

(B) striking—

(i) “average”;

(ii) “individuals convicted of the offense for which,”; and

(iii) “convicted by the State is”; and

(C) inserting “not” before “less” each place it appears;

(4) in subsections (d) and (e), respectively, by striking “transferred”;

(5) in subsection (e)(1), by—

(A) inserting “pursuant to section 506 of the Omnibus Crime Control and Safe Streets Act of 1968” before “that”; and

(B) striking the last sentence and inserting “No amount described under this section shall be subject to section 3335(b) or 6503(d) of title 31, United States Code.”;

(6) in subsection (i)(1), by striking “State-” and inserting “State (where practicable)-”; and

(7) by striking subsection (i)(2) and inserting:

“(2) Report.—The Attorney General shall submit to Congress—

“(A) a report, by not later than 6 months after the date of enactment of this Act, that provides national estimates of the nature and extent of recidivism (with an emphasis on interstate recidivism) by State inmates convicted of murder, rape, and dangerous sexual offenses;

“(B) a report, by not later than October 1, 2007, and October 1 of each year thereafter, that provides statistical analysis and criminal history profiles of interstate recidivists identified in any State applications under this section; and

“(C) reports, at regular intervals not to exceed every five years, that include the information described in paragraph (1).”.

Subtitle C—MISCELLANEOUS PROVISIONS

SEC. 1171. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.

(a) Striking Surplus Words.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking “or” at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking “to be used to be used” and inserting “to be used”.

(b) Punctuation and Grammar Corrections.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking “sections” and inserting “section”.

(c) Cross Reference Correction.—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking "title 18" and inserting "title 28".

SEC. 1172. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) Table of Sections Omission.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

"3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives".

(b) Repeal of Duplicative Program.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922), is repealed.

(c) Repeal of Provision Relating to Unauthorized Program.—Section 20301 of Public Law 103-322 is amended by striking subsection (c).

SEC. 1173. USE OF FEDERAL TRAINING FACILITIES.

(a) Federal Training Facilities.—Unless authorized in writing by the Attorney General, or the Assistant Attorney General for Administration, if so delegated by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominantly internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) Annual Report.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 1174. PRIVACY OFFICER.

(a) In General.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) Responsibilities.—The responsibilities of such official shall include advising the Attorney General regarding—

(1) appropriate privacy protections, relating to the collection, storage, use, disclosure, and security of personally identifiable information, with respect to the Department's existing or proposed information technology and information systems;

(2) privacy implications of legislative and regulatory proposals affecting the Department and involving the collection, storage, use, disclosure, and security of personally identifiable information;

(3) implementation of policies and procedures, including appropriate training and auditing, to ensure the Department's compliance with privacy-related laws and policies, including section 552a of title 5, United States Code, and Section 208 of the E-Government Act of 2002 (Pub. L. 107–347);

(4) ensuring that adequate resources and staff are devoted to meeting the Department's privacy-related functions and obligations;

(5) appropriate notifications regarding the Department's privacy policies and privacy-related inquiry and complaint procedures; and

(6) privacy-related reports from the Department to Congress and the President.

(c) Review of Privacy Related Functions, Resources, and Report.—Within 120 days of his designation, the privacy official shall prepare a comprehensive report to the Attorney General and to the Committees on the Judiciary of the House of Representatives and of the Senate, describing the organization and resources of the Department with respect to privacy and related information management functions, including access, security, and records management, assessing the Department's current and future needs relating to information privacy issues, and making appropriate recommendations regarding the Department's organizational structure and personnel.

(d) Annual Report.—The privacy official shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on an annual basis on activities of the Department that affect privacy, including a summary of complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters.

SEC. 1175. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

SEC. 1176. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 1177. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) Expanded Jurisdiction.—The following provisions of title 18, United States Code, are each amended by inserting "or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General" after "in a Federal prison,":

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) Increased Penalties.—

(1) Sexual abuse of a ward.—Section 2243(b) of such title is amended by striking "one year" and inserting "five years".

(2) Abusive sexual contact.—Section 2244 of such title is amended by striking "six months" and inserting "two years" in each of subsections (a)(4) and (b).

SEC. 1178. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(d)(4) of title 18, United States Code, is amended by inserting "or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General" after "penal facility".

SEC. 1179. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: "In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.".

SEC. 1180. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108–358), is amended by—

(1) striking clause (xvii) and inserting the following:

"(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;"; and

(2) striking clause (xliv) and inserting the following:

"(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);".

SEC. 1181. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking "2 years" and inserting "3 years".

SEC. 1182. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) In General.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3298. Trafficking-related offenses

"No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3298. Trafficking-related offenses".

(c) Modification of Statute Applicable to Offense Against Children.—Section 3283 of title 18, United States Code, is amended by inserting ", or for ten years after the offense, whichever is longer" after "of the child".

SEC. 1183. USE OF CENTER FOR CRIMINAL JUSTICE TECHNOLOGY.

(a) In General.—The Attorney General may use the services of the Center for Criminal Justice Technology, a nonprofit "center of excellence" that provides technology assistance and expertise to the criminal justice community.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $7,500,000 for fiscal year 2006;

(2) $7,500,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

SEC. 1184. SEARCH GRANTS.

(a) IN GENERAL.—Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $4,000,000 for each of fiscal years 2006 through 2009.

SEC. 1185. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107–273 (42 U.S.C. 15208; 116 Stat. 1816) is amended in subsection (i) by striking "2006" and inserting "2009".

SEC. 1186. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

"(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include research-based bullying, cyberbullying, and gang prevention programs;".

SEC. 1187. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ORGANIZATIONAL PROVISION.—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

"Sec.
"599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives
"599B. Personnel management demonstration project".

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

"§ 599A. Bureau of alcohol, tobacco, firearms, and Explosives";

and

(B) in subsection (b)(2), by inserting "of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)" after "subsection (c)",

and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

"§ 599B. Personnel Management demonstration project",

and such section (as so amended) shall constitute section 599B of such title.

(d) CLERICAL AMENDMENT.—The chapter analysis for such part is amended by adding at the end the following new item:

"40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives .... 599A".

SEC. 1188. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

"(1) $20,000,000 for fiscal year 2006;

"(2) $20,000,000 for fiscal year 2007;

"(3) $20,000,000 for fiscal year 2008;

"(4) $20,000,000 for fiscal year 2009; and

"(5) $20,000,000 for fiscal year 2010.".

SEC. 1189. NATIONAL TRAINING CENTER.

(a) IN GENERAL.—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $2,500,000 for fiscal year 2006.

(2) $3,000,000 for fiscal year 2007.

(3) $3,000,000 for fiscal year 2008.

(4) $3,000,000 for fiscal year 2009.

SEC. 1190. SENSE OF CONGRESS RELATING TO "GOOD TIME" RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a "good time" release program for non-violent criminals in the Federal prison system.

SEC. 1191. PUBLIC EMPLOYEE UNIFORMS.

(a) IN GENERAL.—Section 716 of title 18, United States Code, is amended—

(1) by striking "police badge" each place it appears in subsections (a) and (b) and inserting "official insignia or uniform";

(2) in each of paragraphs (2) and (4) of subsection (a), by striking "badge of the police" and inserting "official insignia or uniform";

(3) in subsection (b)—

(A) by striking "the badge" and inserting "the insignia or uniform";

(B) by inserting "is other than a counterfeit insignia or uniform and" before "is used or is intended to be used"; and

(C) by inserting "is not used to mislead or deceive, or" before "is used or intended";

(4) in subsection (c)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and";

(C) by adding at the end the following:

"(3) the term 'official insignia or uniform' means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee;

"(4) the term 'public employee' means any officer or employee of the Federal Government or of a State or local government; and

"(5) the term 'uniform' means distinctive clothing or other items of dress, whether real or counterfeit, worn during the performance of official duties and which identifies the wearer as a public agency employee."; and

(5) by adding at the end the following:

"(d) It is a defense to a prosecution under this section that the official insignia or uniform is not used or intended to be used to mislead or deceive, or is a counterfeit insignia or uniform and is used or is intended to be used exclusively—

"(1) for a dramatic presentation, such as a theatrical, film, or television production; or

"(2) for legitimate law enforcement purposes."; and

(6) in the heading for the section, by striking "**POLICE BADGES**" and inserting "**PUBLIC EMPLOYEE INSIGNIA AND UNIFORM**".

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item in the table of sections at the beginning of chapter 33 of title 18, United States Code, relating to section 716 is amended by striking "Police badges" and inserting "Public employee insignia and uniform".

(c) DIRECTION TO SENTENCING COMMISSION.—The United States Sentencing Commission is directed to make appropriate amendments to sentencing guidelines, policy statements, and official commentary to assure that the sentence imposed on a defendant who is convicted of a Federal offense while wearing or displaying insignia and uniform received in violation of section 716 of title 18, United States Code, reflects the gravity of this aggravating factor.

SEC. 1192. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following: "Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.".

SEC. 1193. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

SEC. 1194. ASSISTANCE TO COURTS.

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities for State and local courts to conduct their proceedings.

SEC. 1195. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC VIOLENCE SHELTERS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, the Secretary shall submit to Congress a report on the results of the study.

SEC. 1196. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking "appropriated" and all that follows through the period and inserting the following: "appropriated to carry out this subsection—

"(A) $750,000,000 for fiscal year 2006;

"(B) $850,000,000 for fiscal year 2007; and

"(C) $950,000,000 for each of the fiscal years 2008 through 2011.".

(b) LIMITATION ON USE OF FUNDS.—Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

"(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.".

(c) STUDY AND REPORT ON STATE AND LOCAL ASSISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL ALIENS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the United States Department of Justice shall perform a study, and report to the Committee on the Judiciary of the United States House of Representatives and the Committee on the Judiciary of the United States Senate on the following:

(A) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and are not fully cooperating in the Department of Homeland Security's efforts to remove from the United States undocumented criminal aliens (as defined in paragraph (3) of such section).

(B) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and that have in effect a policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(C) The number of criminal offenses that have been committed by aliens unlawfully present in the United States after having been apprehended by States or local law enforcement officials for a criminal offense and subsequently being released without being referred to the Department of Homeland Security for removal from the United States.

(D) The number of aliens described in subparagraph (C) who were released because the State or political subdivision lacked space or funds for detention of the alien.

(2) IDENTIFICATION.—In the report submitted under paragraph (1), the Inspector General of the United States Department of Justice—

(A) shall include a list identifying each State or political subdivision of a State that is determined to be described in subparagraph (A) or (B) of paragraph (1); and

(B) shall include a copy of any written policy determined to be described in subparagraph (B).

SEC. 1197. EXTENSION OF CHILD SAFETY PILOT PROGRAM.

Section 108 of the PROTECT Act (42 U.S.C. 5119a note) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by striking "A volunteer organization in a participating State may not submit background check requests under paragraph (3).";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "a 30-month" and inserting "a 60-month";

(ii) in subparagraph (A), by striking "100,000" and inserting "200,000"; and

(iii) by striking subparagraph (B) and inserting the following:

"(B) PARTICIPATING ORGANIZATIONS.—

"(i) ELIGIBLE ORGANIZATIONS.—Eligible organizations include—

"(I) the Boys and Girls Clubs of America;

"(II) the MENTOR/National Mentoring Partnership;

"(III) the National Council of Youth Sports; and

"(IV) any nonprofit organization that provides care, as that term is defined in section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c), for children.

"(ii) PILOT PROGRAM.—The eligibility of an organization described in clause (i)(IV) to participate in the pilot program established under this section shall be determined by the National Center for Missing and Exploited Children, with the rejection or concurrence within 30 days of the Attorney General, according to criteria established by such Center, including the potential number of applicants and suitability of the organization to the intent of this section. If the Attorney General fails to reject or concur within 30 days, the determination of the National Center for Missing and Exploited Children shall be conclusive.";

(iv) by striking subparagraph (C) and inserting the following:

"(C) APPLICANTS FROM PARTICIPATING ORGANIZATIONS.—Participating organizations may request background checks on applicants for positions as volunteers and employees who will be working with children or supervising volunteers.";

(v) in subparagraph (D), by striking "the organizations described in subparagraph (C)" and inserting "participating organizations"; and

(vi) in subparagraph (F), by striking "14 business days" and inserting "10 business days";

(2) in subsection (c)(1), by striking "and 2005" and inserting "through 2008"; and

(3) in subsection (d)(1), by adding at the end the following:

"(O) The extent of participation by eligible organizations in the state pilot program.".

SEC. 1198. TRANSPORTATION AND SUBSISTENCE FOR SPECIAL SESSIONS OF DISTRICT COURTS.

(a) TRANSPORTATION AND SUBSISTENCE.—Section 141(b) of title 28, United States Code, as added by section 2(b) of Public Law 109-63, is amended by adding at the end the following:

"(5) If a district court issues an order exercising its authority under paragraph (1), the court shall direct the United States marshal of the district where the court is meeting to furnish transportation and subsistence to the same extent as that provided in sections 4282 and 4285 of title 18.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (5) of section 141(b) of title 28, United States Code, as added by subsection (a) of this section.

SEC. 1199. YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT OF YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Attorney General shall make up to 5 grants for the purpose of carrying out Youth Violence Demonstration Projects to reduce juvenile and young adult violence, homicides, and recidivism among high-risk populations.

(2) ELIGIBLE ENTITIES.—An entity is eligible for a grant under paragraph (1) if it is a unit of local government or a combination of local governments established by agreement for purposes of undertaking a demonstration project.

(b) SELECTION OF GRANT RECIPIENTS.—

(1) AWARDS.—The Attorney General shall award grants for Youth Violence Reduction Demonstration Projects on a competitive basis.

(2) AMOUNT OF AWARDS.—No single grant award made under subsection (a) shall exceed $15,000,000 per fiscal year.

(3) APPLICATION.—An application for a grant under paragraph (1) shall be submitted to the Attorney General in such a form, and containing such information and assurances, as the Attorney General may require, and at a minimum shall propose—

(A) a program strategy targeting areas with the highest incidence of youth violence and homicides;

(B) outcome measures and specific objective indicia of performance to assess the effectiveness of the program; and

(C) a plan for evaluation by an independent third party.

(4) DISTRIBUTION.—In making grants under this section, the Attorney General shall ensure the following:

(A) No less than 1 recipient is a city with a population exceeding 1,000,000 and an increase of at least 30 percent in the aggregated juvenile and young adult homicide victimization rate during calendar year 2005 as compared to calendar year 2004.

(B) No less than one recipient is a nonmetropolitan county or group of counties with per capita arrest rates of juveniles and young adults for serious violent offenses that exceed the national average for nonmetropolitan counties by at least 5 percent.

(5) CRITERIA.—In making grants under this section, the Attorney General shall give preference to entities operating programs that meet the following criteria:

(A) A program focus on

(i) reducing youth violence and homicides, with an emphasis on juvenile and young adult probationers and other juveniles and young adults who have had or are likely to have contact with the juvenile justice system;

(ii) fostering positive relationships between program participants and supportive adults in the community; and

(iii) accessing comprehensive supports for program participants through coordinated community referral networks, including job opportunities, educational programs, counseling services, substance abuse programs, recreational opportunities, and other services;

(B) A program goal of almost daily contacts with and supervision of participating juveniles and young adults through small caseloads and a coordinated team approach among case managers drawn from the community, probation officers, and police officers;

(C) The use of existing structures, local government agencies, and nonprofit organizations to operate the program;

(D) Inclusion in program staff of individuals who live or have lived in the community in which the program operates; have personal experiences or cultural competency that build credibility in relationships with program participants; and will serve as a case manager, intermediary, and mentor;

(E) Fieldwork and neighborhood outreach in communities where the young violent offenders live, including support of the program from local public and private organizations and community members;

(F) Imposition of graduated probation sanctions to deter violent and criminal behavior.

(G) A record of program operation and effectiveness evaluation over a period of at least five years prior to the date of enactment of this Act;

(H) A program structure that can serve as a model for other communities in addressing the problem of youth violence and juvenile and young adult recidivism.

(c) AUTHORIZED ACTIVITIES.—Amounts paid to an eligible entity under a grant award may be used for the following activities:

(1) Designing and enhancing program activities;

(2) Employing and training personnel.

(3) Purchasing or leasing equipment.

(4) Providing services and training to program participants and their families.

(5) Supporting related law enforcement and probation activities, including personnel costs.

(6) Establishing and maintaining a system of program records.

(7) Acquiring, constructing, expanding, renovating, or operating facilities to support the program.

(8) Evaluating program effectiveness.

(9) Undertaking other activities determined by the Attorney General as consistent with the purposes and requirements of the demonstration program.

(d) EVALUATION AND REPORTS.—

(1) INDEPENDENT EVALUATION.—The Attorney General may use up to $500,000 of funds appropriated annually under this such section to—

(A) prepare and implement a design for interim and overall evaluations of performance and progress of the funded demonstration projects;

(B) provide training and technical assistance to grant recipients; and

(C) disseminate broadly the information generated and lessons learned from the operation of the demonstration projects.

(2) REPORTS TO CONGRESS.—Not later than 120 days after the last day of each fiscal year for which 1 or more demonstration grants are awarded, the Attorney General shall submit to Congress a report which shall include—

(A) a summary of the activities carried out with such grants;

(B) an assessment by the Attorney General of the program carried out; and

(C) such other information as the Attorney General considers appropriate.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of a grant awarded under this Act shall not exceed 90 percent of the total program costs.

(2) NON-FEDERAL SHARE.—The non-Federal share of such cost may be provided in cash or in-kind.

(f) DEFINITIONS.—In this section:

(1) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes.

(2) JUVENILE.—The term "juvenile" means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term "young adult" means an individual who is 18 through 24 years of age.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2009, to remain available until expended.

SA 2682. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; as follows:

On page 2, line 16, strike "2002" and insert "2003".

On page 3, line 19, strike "2002" and insert "2003".

SA 2683. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commerial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware Water Gap National Recreation Area Improvement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term "Corporation" means the Columbia Gas Transmission Corporation.

(2) PIPELINE.—The term "pipeline" means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and

(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.

(3) RECREATION AREA.—The term "Recreation Area" means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

(1) be consistent with—

(A) the recreational values of the Recreation Area; and

(B) protection of the resources of the Recreation Area;

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

(1) IN GENERAL.—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

(B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

(i) describes how the land subject to the easement will be maintained; and

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1–2002–1004–H).

(e) FERC CONSULTATION.—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size.

(f) LIMITATION.—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) EFFECT ON RIGHT-OF-WAY EASEMENT.—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101–337 (16 U.S.C. 19jj et seq.) or any other applicable law if—

(1) the Corporation—

(A) violates a provision of—

(i) an easement authorized under subsection (a); or

(ii) a permit issued under subsection (c); or

(B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(2)(C); and

(2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101–337 (16 U.S.C. 19jj)).

SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP.

Section 702 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4185) is amended—

(1) in subsection (a), by striking "at noon on September 30, 2005" and inserting "on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "September 30, 2005" and inserting "on the earlier of the date on which a feasible alternative is available or September 30, 2015"; and

(B) in paragraph (2)—

(i) by striking "noon on September 30, 2005" and inserting "the earlier of the date on which a feasible alternative is available or noon of September 30, 2015"; and

(ii) by striking "not exceed $25 per trip" and inserting the following: "be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed $40 per trip".

SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Effective on January 1, 2006, section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking "2006" and inserting "2007".

SA 2684. Mr. FRIST (for Mr. DOMENICI) proposed an amendment to the bill S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007; as follows:

Amend the title so as to read: "A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.".

SA 2685. Mr. FRIST (for Mr. SARBANES) proposed an amendment to the bill S. 959, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; as follows:

On page 4, strike lines 6 through 8, and insert the following:

(A) means the States of Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin; and

On page 4, line 18, strike "23" and insert "42".

On page 4, line 19, strike "9" and insert "28".

SA 2686. Mr. FRIST (for Mr. SHELBY) proposed an amendment to the bill S. 863, to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; as follows:

On page 11, after line 15, add the following:

SEC. 8. CONTINUED ISSUANCE OF 5-CENT COINS MINTED IN 2004 AND 2005.

Notwithstanding the fifth sentence of section 5112(d)(1) of title 31, United States Code, the Secretary of the Treasury may continue to issue, after December 31, 2005, numismatic items that contain 5-cent coins minted in the years 2004 and 2005.

SEC. 9. LEWIS AND CLARK COIN AMENDMENTS.

Section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act (31 U.S.C. 5112 note) is amended—

(1) in subsection (a), by striking "Secretary as:" and all that follows through the end of the subsection and inserting the following: "Secretary for expenditure on activities associated with commemorating the bicentennial of the Lewis and Clark Expedition, as follows:

"(1) NATIONAL COUNCIL OF THE LEWIS AND CLARK BICENTENNIAL.—One-half to the National Council of the Lewis and Clark Bicentennial.

"(2) MISSOURI HISTORICAL SOCIETY.—One-half to the Missouri Historical Society.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) TRANSFER OF UNEXPENDED FUNDS.—Any proceeds referred to in subsection (a) that were dispersed by the Secretary and remain unexpended by the National Council of the Lewis and Clark Bicentennial or the Missouri Historical Society as of June 30, 2007, shall be transferred to the Lewis and Clark Trail Heritage Foundation for the purpose of establishing a trust for the stewardship of the Lewis and Clark National Historic Trail.".

SA 2687. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1312, to amend a provision relating to employees of the United States assigned to, or employed by, and Indian tribe, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Conflicts of Interests in the Representation of Indian Tribes Act of 2005".

SEC. 2. ADDITIONAL EMPLOYMENT RIGHTS.

Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j) and inserting the following:

"(j) ADDITIONAL EMPLOYMENT RIGHTS.—

"(1) DEFINITION OF TRIBAL EMPLOYEE.—In this subsection, the term 'tribal employee', with respect to an Indian tribal government, means an individual acting under the day-to-day control or supervision of the Indian tribal government, unaffected by the control or supervision of any independent contractor, agency or organization, or intervening sovereignty.

"(2) RIGHTS OF CERTAIN EMPLOYEES.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is a tribal employee or an elected or appointed official of an Indian tribe carrying out an official duty of the tribal employee or official may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe on any matter, including any matter in which the United States is a party or has a direct and substantial interest.

"(3) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (2) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter.".

SEC. 3. EFFECTIVE DATE.

The effective date of the amendment made by this Act shall be the date that is 1 year after the date of enactment of this Act.

SA 2688. Mr. FRIST (for Mr. HATCH (for himself, Mr. BURR, and Mr. ENZI)) proposed an amendment to the bill H.R. 2520, to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Therapeutic and Research Act of 2005".

SEC. 2. CORD BLOOD INVENTORY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood banks to assist in the collection and maintenance of 150,000 new units of high-quality cord blood to be made available for transplantation through the C.W. Bill Young Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) REQUIREMENTS.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of cord blood acquired with the informed consent of the donor, as determined by the Secretary pursuant to section 379(c) of the Public Health Service Act, in a manner that complies with applicable Federal and State regulations;

(2) to encourage donation from a genetically diverse population;

(3) to make cord blood units that are collected pursuant to this section or otherwise and meet all applicable Federal standards available to transplant centers for transplantation;

(4) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(5) to make data available, as required by the Secretary and consistent with section 379(d)(3) of the Public Health Service Act (42 U.S.C. 274k(d)(3)), as amended by this Act, in a standardized electronic format, as determined by the Secretary, for the C.W. Bill Young Cell Transplantation Program; and

(6) to submit data in a standardized electronic format for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act, as amended by this Act.

(c) RELATED CORD BLOOD DONORS.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration project under which qualified cord blood banks receiving a contract under this section may use a portion of the funding under such contract for the collection and storage of cord blood units for a family where a first-degree relative has been diagnosed with a condition that will benefit from transplantation (including selected blood disorders, malignancies, metabolic storage disorders, hemoglobinopathies, and congenital immunodeficiencies) at no cost to such family. Qualified cord blood banks collecting cord blood units under this paragraph shall comply with the requirements of paragraphs (1), (2), (3), and (5) of subsection (b).

(2) AVAILABILITY.—Qualified cord blood banks that are operating a program under paragraph (1) shall provide assurances that the cord blood units in such banks will be available for directed transplantation until such time that the cord blood unit is released for transplantation or is transferred by the family to the C.W. Bill Young Cell Transplantation Program in accordance with guidance or regulations promulgated by the Secretary.

(3) Inventory.—Cord blood units collected through the program under this section shall not be counted toward the 150,000 inventory goal under the C.W. Bill Young Cell Transplantation Program.

(4) Report.—Not later than 90 days after the date on which the project under paragraph (1) is terminated by the Secretary, the Secretary shall submit to Congress a report on the outcomes of the project that shall include the recommendations of the Secretary with respect to the continuation of such project.

(d) Application.—To seek to enter into a contract under this section, a qualified cord blood bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, an application for a contract under this section shall include a requirement that the applicant—

(1) will participate in the C.W. Bill Young Cell Transplantation Program for a period of at least 10 years;

(2) will make cord blood units collected pursuant to this section available through the C.W. Bill Young Cell Transplantation Program in perpetuity or for such time as determined viable by the Secretary; and

(3) if the Secretary determines through an assessment, or through petition by the applicant, that a cord blood bank is no longer operational or does not meet the requirements of section 379(d)(4) of the Public Health Service Act (as added by this Act) and as a result may not distribute the units, transfer the units collected pursuant to this section to another qualified cord blood bank approved by the Secretary to ensure continued availability of cord blood units.

(e) Duration of Contracts.—

(1) In general.—Except as provided in paragraph (2), the term of each contract entered into by the Secretary under this section shall be for 10 years. The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the earlier of—

(A) the date that is 3 years after the date on which the contract is entered into; or

(B) September 30, 2010.

(2) Extensions.—Subject to paragraph (1)(B), the Secretary may extend the period of funding under a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 new units of high-quality cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application for a contract under this section from any qualified cord blood bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory need cannot be met by the one or more qualified cord blood banks that have submitted an application for a contract under this section.

(3) Preference.—In considering contract extensions under paragraph (2), the Secretary shall give preference to qualified cord blood banks that the Secretary determines have demonstrated a superior ability to satisfy the requirements described in subsection (b) and to achieve the overall goals for which the contract was awarded.

(f) Regulations.—The Secretary may promulgate regulations to carry out this section.

(g) Definitions.—In this section:

(1) The term "C. W. Bill Young *Cell Transplantation Program*" means the C.W. Bill Young Cell Transplantation Program under section 379 of the Public Health Service Act, as amended by this Act.

(2) The term "cord blood donor" means a mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta and umbilical cord after separation from the newborn baby.

(3) The term "cord blood unit" means the neonatal blood collected from the placenta and umbilical cord of a single newborn baby.

(4) The term "first-degree relative" means a sibling or parent who is one meiosis away from a particular individual in a family.

(5) The term "qualified cord blood bank" has the meaning given to that term in section 379(d)(4) of the Public Health Service Act, as amended by this Act.

(6) The term "Secretary" means the Secretary of Health and Human Services.

(h) Authorization of Appropriations.—

(1) Existing funds.—Any amounts appropriated to the Secretary for fiscal year 2004 or 2005 for the purpose of assisting in the collection or maintenance of cord blood shall remain available to the Secretary until the end of fiscal year 2007.

(2) Subsequent fiscal years.—There are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(3) Limitation.—Not to exceed 5 percent of the amount appropriated under this section in each of fiscal years 2007 through 2009 may be used to carry out the demonstration project under subsection (c).

SEC. 3. C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) National Program.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended to read as follows:

"SEC. 379. NATIONAL PROGRAM.

"(a) Establishment.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall by one or more contracts establish and maintain a C.W. Bill Young Cell Transplantation Program (referred to in this section as the 'Program'), successor to the National Bone Marrow Donor Registry, that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donors of bone marrow and cord blood, and that meets the requirements of this section. The Secretary may award a separate contract to perform each of the major functions of the Program described in paragraphs (1) and (2) of subsection (d) if deemed necessary by the Secretary to operate an effective and efficient system that is in the best interest of patients. The Secretary shall conduct a separate competition for the initial establishment of the cord blood functions of the Program. The Program shall be under the general supervision of the Secretary. The Secretary shall establish an Advisory Council to advise, assist, consult with, and make recommendations to the Secretary on matters related to the activities carried out by the Program. The members of the Advisory Council shall be appointed in accordance with the following:

"(1) Each member of the Advisory Council shall serve for a term of 2 years, and each such member may serve as many as 3 consecutive 2-year terms, except that

"(A) such limitations shall not apply to the Chair of the Advisory Council (or the Chair-elect) or to the member of the Advisory Council who most recently served as the Chair; and

"(B) 1 additional consecutive 2-year term may be served by any member of the Advisory Council who has no employment, governance, or financial affiliation with any donor center, recruitment organization, transplant center, or cord blood bank.

"(2) A member of the Advisory Council may continue to serve after the expiration of the term of such member until a successor is appointed.

"(3) In order to ensure the continuity of the Advisory Council, the Advisory Council shall be appointed so that each year the terms of approximately one-third of the members of the Advisory Council expire.

"(4) The membership of the Advisory Council—

"(A) shall include as voting members a balanced number of representatives including representatives of marrow donor centers and marrow transplant centers, representatives of cord blood banks and participating birthing hospitals, recipients of a bone marrow transplant, recipients of a cord blood transplant, persons who require such transplants, family members of such a recipient or family members of a patient who has requested the assistance of the Program in searching for an unrelated donor of bone marrow or cord blood, persons with expertise in bone marrow and cord blood transplantation, persons with expertise in typing, matching, and transplant outcome data analysis, persons with expertise in the social sciences, basic scientists with expertise in the biology of adult stem cells, and members of the general public; and

"(B) shall include as nonvoting members representatives from the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, the Division of Transplantation of the Health Resources and Services Administration, the Food and Drug Administration, and the National Institutes of Health.

"(5) Members of the Advisory Council shall be chosen so as to ensure objectivity and balance and reduce the potential for conflicts of interest. The Secretary shall establish bylaws and procedures—

"(A) to prohibit any member of the Advisory Council who has an employment, governance, or financial affiliation with a donor center, recruitment organization, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment organization, transplant center, or cord blood bank; and

"(B) to limit the number of members of the Advisory Council with any such affiliation.

"(6) The Secretary, acting through the Advisory Council, shall submit to the Congress—

"(A) an annual report on the activities carried out under this section; and

"(B) not later than 6 months after the date of the enactment of the Stem Cell Therapeutic and Research Act of 2005, a report of recommendations on the scientific factors necessary to define a cord blood unit as a high-quality unit.

"(b) Accreditation.—The Secretary shall, through a public process, recognize one or more accreditation entities for the accreditation of cord blood banks.

"(c) Informed Consent.—The Secretary shall, through a public process, examine issues of informed consent, including—

"(1) the appropriate timing of such consent; and

"(2) the information provided to the maternal donor regarding all of her medically appropriate cord blood options.

Based on such examination, the Secretary shall require that the standards used by the accreditation entities recognized under subsection (b) ensure that a cord blood unit is acquired with the informed consent of the maternal donor.

"(d) Functions.—

"(1) BONE MARROW FUNCTIONS.—With respect to bone marrow, the Program shall—

"(A) operate a system for identifying, matching, and facilitating the distribution of bone marrow that is suitably matched to candidate patients;

"(B) consistent with paragraph (3), permit transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available bone marrow donors listed in the Program;

"(C) carry out a program for the recruitment of bone marrow donors in accordance with subsection (e), including with respect to increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the enrollment of the Program;

"(D) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

"(E) carry out informational and educational activities in accordance with subsection (e);

"(F) at least annually update information to account for changes in the status of individuals as potential donors of bone marrow;

"(G) provide for a system of patient advocacy through the office established under subsection (h);

"(H) provide case management services for any potential donor of bone marrow to whom the Program has provided a notice that the potential donor may be suitably matched to a particular patient through the office established under subsection (h);

"(I) with respect to searches for unrelated donors of bone marrow that are conducted through the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances;

"(J) support studies and demonstration and outreach projects for the purpose of increasing the number of individuals who are willing to be marrow donors to ensure a genetically diverse donor pool; and

"(K) facilitate research with the appropriate Federal agencies to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Program operations.

"(2) CORD BLOOD FUNCTIONS.—With respect to cord blood, the Program shall—

"(A) operate a system for identifying, matching, and facilitating the distribution of donated cord blood units that are suitably matched to candidate patients and meet all applicable Federal and State regulations (including informed consent and Food and Drug Administration regulations) from a qualified cord blood bank;

"(B) consistent with paragraph (3), allow transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available cord blood units made available through the Program;

"(C) allow transplant physicians and other appropriate health care professionals to reserve, as defined by the Secretary, a cord blood unit for transplantation;

"(D) support studies and demonstration and outreach projects for the purpose of increasing cord blood donation to ensure a genetically diverse collection of cord blood units;

"(E) provide for a system of patient advocacy through the office established under subsection (h);

"(F) coordinate with the qualified cord blood banks to support informational and educational activities in accordance with subsection (g);

"(G) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage; and

"(H) with respect to the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format, as required by the Secretary, on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances.

"(3) SINGLE POINT OF ACCESS; STANDARD DATA.—

"(A) SINGLE POINT OF ACCESS.—The Secretary shall ensure that health care professionals and patients are able to search electronically for and facilitate access to, in the manner and to the extent defined by the Secretary and consistent with the functions described in paragraphs (1)(A) and (2)(A), cells from bone marrow donors and cord blood units through a single point of access.

"(B) STANDARD DATA.—The Secretary shall require all recipients of contracts under this section to make available a standard dataset for purposes of subparagraph (A) in a standardized electronic format that enables transplant physicians to compare among and between bone marrow donors and cord blood units to ensure the best possible match for the patient.

"(4) DEFINITION.—The term 'qualified cord blood bank' means a cord blood bank that—

"(A) has obtained all applicable Federal and State licenses, certifications, registrations (including pursuant to the regulations of the Food and Drug Administration), and other authorizations required to operate and maintain a cord blood bank;

"(B) has implemented donor screening, cord blood collection practices, and processing methods intended to protect the health and safety of donors and transplant recipients to improve transplant outcomes, including with respect to the transmission of potentially harmful infections and other diseases;

"(C) is accredited by an accreditation entity recognized by the Secretary under subsection (b);

"(D) has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing Federal and State law;

"(E) has established a system for encouraging donation by a genetically diverse group of donors; and

"(F) has established a system to confidentially maintain linkage between a cord blood unit and a maternal donor.

"(e) BONE MARROW RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

"(1) RECRUITMENT; PRIORITIES.—The Program shall carry out activities for the recruitment of bone marrow donors. Such recruitment program shall identify populations that are underrepresented among potential donors enrolled with the Program. In the case of populations that are identified under the preceding sentence:

"(A) The Program shall give priority to carrying out activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable unrelated donor that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

"(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall carry out subparagraph (A) with respect to such populations.

"(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND ENROLLMENT.—

"(A) IN GENERAL.—The Program shall carry out informational and educational activities, in coordination with organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting individuals to serve as donors of bone marrow, and shall test and enroll with the Program potential bone marrow donors. Such information and educational activities shall include the following:

"(i) Making information available to the general public, including information describing the needs of patients with respect to donors of bone marrow.

"(ii) Educating and providing information to individuals who are willing to serve as potential bone marrow donors.

"(iii) Training individuals in requesting individuals to serve as potential bone marrow donors.

"(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to recruiting individuals to serve as donors of bone marrow for populations that are identified under paragraph (1).

"(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding bone marrow transplants from unrelated donors as a treatment option.

"(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(1).

"(f) BONE MARROW CRITERIA, STANDARDS, AND PROCEDURES.—The Secretary shall enforce, for participating entities, including the Program, individual marrow donor centers, marrow donor registries, marrow collection centers, and marrow transplant centers—

"(1) quality standards and standards for tissue typing, obtaining the informed consent of donors, and providing patient advocacy;

"(2) donor selection criteria, based on established medical criteria, to protect both the donor and the recipient and to prevent the transmission of potentially harmful infectious diseases such as the viruses that cause hepatitis and the etiologic agent for Acquired Immune Deficiency Syndrome;

"(3) procedures to ensure the proper collection and transportation of the marrow;

"(4) standards for the system for patient advocacy operated under subsection (h), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

"(5) standards that—

"(A) require the establishment of a system of strict confidentiality of records relating to the identity, address, HLA type, and managing marrow donor center for marrow donors and potential marrow donors; and

"(B) prescribe the purposes for which the records described in subparagraph (A) may be disclosed, and the circumstances and extent of the disclosure; and

"(6) in the case of a marrow donor center or marrow donor registry participating in the program, procedures to ensure the establishment of a method for integrating donor files, searches, and general procedures of the center or registry with the Program.

"(g) Cord Blood Recruitment; Priorities; Information and Education.—

"(1) Recruitment; priorities.—The Program shall support activities, in cooperation with qualified cord blood banks, for the recruitment of cord blood donors. Such recruitment program shall identify populations that are underrepresented among cord blood donors. In the case of populations that are identified under the preceding sentence:

"(A) The Program shall give priority to supporting activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable cord blood unit that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

"(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall support activities under subparagraph (A) with respect to such populations.

"(2) Information and education regarding recruitment; testing and donation.—

"(A) In general.—In carrying out the recruitment program under paragraph (1), the Program shall support informational and educational activities in coordination with qualified cord blood banks and organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting pregnant women to serve as donors of cord blood. Such information and educational activities shall include the following:

"(i) Making information available to the general public, including information describing the needs of patients with respect to cord blood units.

"(ii) Educating and providing information to pregnant women who are willing to donate cord blood units.

"(iii) Training individuals in requesting pregnant women to serve as cord blood donors.

"(B) Priorities.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to supporting the recruitment of pregnant women to serve as donors of cord blood for populations that are identified under paragraph (1).

"(3) Transplantation as treatment option.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding cord blood transplants from donors as a treatment option.

"(4) Implementation of subsection.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(2).

"(h) Patient Advocacy and Case Management for Bone Marrow and Cord Blood.—

"(1) In general.—The Secretary shall establish and maintain, through a contract or other means determined appropriate by the Secretary, an office of patient advocacy (in this subsection referred to as the 'Office').

"(2) General functions.—The Office shall meet the following requirements:

"(A) The Office shall be headed by a director.

"(B) The Office shall be staffed by individuals with expertise in bone marrow and cord blood therapy covered under the Program.

"(C) The Office shall operate a system for patient advocacy, which shall be separate from mechanisms for donor advocacy, and which shall serve patients for whom the Program is conducting, or has been requested to conduct, a search for a bone marrow donor or cord blood unit.

"(D) In the case of such a patient, the Office shall serve as an advocate for the patient by directly providing to the patient (or family members, physicians, or other individuals acting on behalf of the patient) individualized services with respect to efficiently utilizing the system under paragraphs (1) and (2) of subsection (d) to conduct an ongoing search for a bone marrow donor or cord blood unit and assist with information regarding third party payor matters.

"(E) In carrying out subparagraph (D), the Office shall monitor the system under paragraphs (1) and (2) of subsection (d) to determine whether the search needs of the patient involved are being met, including with respect to the following:

"(i) Periodically providing to the patient (or an individual acting on behalf of the patient) information regarding bone marrow donors or cord blood units that are suitably matched to the patient, and other information regarding the progress being made in the search.

"(ii) Informing the patient (or such other individual) if the search has been interrupted or discontinued.

"(iii) Identifying and resolving problems in the search, to the extent practicable.

"(F) The Office shall ensure that the following data are made available to patients:

"(i) The resources available through the Program.

"(ii) A comparison of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers.

"(iii) The post-transplant outcomes for individual transplant centers.

"(iv) Information concerning issues that patients may face after a transplant.

"(v) Such other information as the Program determines to be appropriate.

"(G) The Office shall conduct surveys of patients (or family members, physicians, or other individuals acting on behalf of patients) to determine the extent of satisfaction with the system for patient advocacy under this subsection, and to identify ways in which the system can be improved to best meet the needs of patients.

"(3) Case management.—

"(A) In general.—In serving as an advocate for a patient under paragraph (2), the Office shall provide individualized case management services directly to the patient (or family members, physicians, or other individuals acting on behalf of the patient), including—

"(i) individualized case assessment; and

"(ii) the functions described in paragraph (2)(D) (relating to progress in the search process).

"(B) Postsearch functions.—In addition to the case management services described in paragraph (1) for patients, the Office shall, on behalf of patients who have completed the search for a bone marrow donor or cord blood unit, provide information and education on the process of receiving a transplant, including the post-transplant process.

"(i) Comment Procedures.—The Secretary shall establish and provide information to the public on procedures under which the Secretary shall receive and consider comments from interested persons relating to the manner in which the Program is carrying out the duties of the Program. The Secretary may promulgate regulations under this section.

"(j) Consultation.—In developing policies affecting the Program, the Secretary shall consult with the Advisory Council, the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, and the board of directors of each entity awarded a contract under this section.

"(k) Contracts.—

"(1) Application.—To be eligible to enter into a contract under this section, an entity shall submit to the Secretary and obtain approval of an application at such time, in such manner, and containing such information as the Secretary shall by regulation prescribe.

"(2) Considerations.—In awarding contracts under this section, the Secretary shall give consideration to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.

"(l) Eligibility.—Entities eligible to receive a contract under this section shall include private nonprofit entities.

"(m) Records.—

"(1) Recordkeeping.—Each recipient of a contract or subcontract under subsection (a) shall keep such records as the Secretary shall prescribe, including records that fully disclose the amount and disposition by the recipient of the proceeds of the contract, the total cost of the undertaking in connection with which the contract was made, and the amount of the portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) Examination of records.—The Secretary and the Comptroller General of the United States shall have access to any books, documents, papers, and records of the recipient of a contract or subcontract entered into under this section that are pertinent to the contract, for the purpose of conducting audits and examinations.

"(n) Penalties for Disclosure.—Any person who discloses the content of any record referred to in subsection (d)(4)(D) or (f)(5)(A) without the prior written consent of the donor or potential donor with respect to whom the record is maintained, or in violation of the standards described in subsection (f)(5)(B), shall be imprisoned for not more than 2 years or fined in accordance with title 18, United States Code, or both.".

(b) Stem Cell Therapeutic Outcomes Database.—Section 379A of the Public

Health Service Act (42 U.S.C. 274l) is amended to read as follows:

"SEC. 379A. STEM CELL THERAPEUTIC OUTCOMES DATABASE.

"(a) ESTABLISHMENT.—The Secretary shall by contract establish and maintain a scientific database of information relating to patients who have been recipients of a stem cell therapeutics product (including bone marrow, cord blood, or other such product) from a donor.

"(b) INFORMATION.—The outcomes database shall include information in a standardized electronic format with respect to patients described in subsection (a), diagnosis, transplant procedures, results, long-term follow-up, and such other information as the Secretary determines to be appropriate, to conduct an ongoing evaluation of the scientific and clinical status of transplantation involving recipients of a stem cell therapeutics product from a donor.

"(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Secretary shall require the entity awarded a contract under this section to submit to the Secretary an annual report concerning patient outcomes with respect to each transplant center, based on data collected and maintained by the entity pursuant to this section.

"(d) PUBLICLY AVAILABLE DATA.—The outcomes database shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, patients, entities awarded a contract under section 379 donor registries, and cord blood banks.".

(c) DEFINITIONS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended by inserting after section 379A the following:

"SEC. 379A–1. DEFINITIONS.

"In this part:

"(1) The term 'Advisory Council' means the advisory council established by the Secretary under section 379(a)(1).

"(2) The term 'bone marrow' means the cells found in adult bone marrow and peripheral blood.

"(3) The term 'outcomes database' means the database established by the Secretary under section 379A.

"(4) The term 'Program' means the C.W. Bill Young Cell Transplantation Program established under section 379.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended to read as follows:

"SEC. 379B. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $34,000,000 for fiscal year 2006 and $38,000,000 for each of fiscal years 2007 through 2010.".

(e) CONFORMING AMENDMENTS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended in the part heading, by striking "**NATIONAL BONE MARROW DONOR REGISTRY**" and inserting "**C. W. BILL YOUNG CELL TRANSPLANTATION PROGRAM**".

SEC. 4. REPORT ON LICENSURE OF CORD BLOOD UNITS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall submit to Congress a report concerning the progress made by the Food and Drug Administration in developing requirements for the licensing of cord blood units.

SA 2689. Mr. FRIST (for Mr. SHELBY) proposed an amendment to the bill S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002; as folllows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Extension Act of 2005".

SEC. 2. EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note: 116 Stat. 2336) is amended by striking "2005" and inserting "2007".

(b) MANDATORY AVAILABILITY.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2327) is amended—

(1) by striking paragraph (2);

(2) by striking "**AVAILABILITY**.—" and all that follows through "each entity" and inserting "**AVAILABILITY**.—During each Program Year, each entity"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left.

SEC. 3. AMENDMENTS TO DEFINED TERMS.

(a) PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note: 116 Stat. 2326) is amended by adding at the end the following:

"(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

"(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007.".

(b) EXCLUSIONS FROM COVERED LINES.—

(1) IN GENERAL.—Section 102(12)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(viii) commercial automobile insurance;

"(ix) burglary and theft insurance;

"(x) surety insurance;

"(xi) professional liability insurance; or

"(xii) farm owners multiple peril insurance.".

(2) CONFORMING AMENDMENT.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by striking "surety insurance" and inserting "directors and officers liability insurance".

(c) INSURER DEDUCTIBLES.—Section 102(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2325) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting after subparagraph (D), the following:

"(E) for Program Year 4, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 4, multiplied by 17.5 percent;

"(F) for Program Year 5, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 5, multiplied by 20 percent; and"; and

(4) in subparagraph (G), as so redesignated, by striking "through (D)" and all that follows through "Year 3"and inserting the following: "through (F), for the Transition Period or any Program Year".

SEC. 4. INSURED LOSS SHARED COMPENSATION.

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2328) is amended—

(1) in paragraph (1)—

(A) by inserting "through Program Year 4" before "shall be equal"; and

(B) by inserting ", and during Program Year 5 shall be equal to 85 percent," after "90 percent"; and

(2) in each of paragraphs (2) and (3), by striking "Program Year 2 or Program Year 3" each place that term appears and inserting "any of Program Years 2 through 5".

SEC. 5. AGGREGATE RETENTION AMOUNTS AND RECOUPMENT OF FEDERAL SHARE.

(a) AGGREGATE RETENTION AMOUNTS.—Section 103(e)(6) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) for Program Year 4, the lesser of—

"(i) $25,000,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

"(E) for Program Year 5, the lesser of—

"(i) $27,500,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year.".

(b) RECOUPMENT OF FEDERAL SHARE.—Section 103(e)(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (A), by striking ", (B), and (C)" and inserting "through (E)"; and

(2) in each of subparagraphs (B) and (C), by striking "subparagraph (A), (B), or (C)" each place that term appears and inserting "any of subparagraphs (A) through (E)".

SEC. 6. PROGRAM TRIGGER.

Section 103(e)(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. note, 116 Stat. 2328) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

"(B) PROGRAM TRIGGER.—In the case of a certified act of terrorism occurring after March 31, 2006, no compensation shall be paid by the Secretary under subsection (a), unless the aggregate industry insured losses resulting from such certified act of terrorism exceed—

"(i) $50,000,000, with respect to such insured losses occurring in Program Year 4; or

"(ii) $100,000,000, with respect to such insured losses occurring in Program Year 5.".

SEC. 7. LITIGATION MANAGEMENT.

Section 107(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2335) is amended by adding at the end the following:

"(6) AUTHORITY OF THE SECRETARY.—Procedures and requirements established by the Secretary under section 50.82 of part 50 of title 31 of the Code of Federal Regulations (as in effect on the date of issuance of that section in final form) shall apply to any cause of action described in paragraph (1) of this subsection.".

SEC. 8. ANALYSIS AND REPORT ON TERRORISM RISK COVERAGE CONDITIONS AND SOLUTIONS.

Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by adding at the end the following:

"(e) ANALYSIS OF MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.—

"(1) IN GENERAL.—The President's Working Group on Financial Markets, in consultation with the National Association of Insurance Commissioners, representatives of the insurance industry, representatives of the securities industry, and representatives of policy holders, shall perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk, including—

"(A) group life coverage; and

"(B) coverage for chemical, nuclear, biological, and radiological events.

"(2) REPORT.—Not later than September 30, 2006, the President's Working Group on Financial Markets shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on its findings pursuant to the analysis conducted under subsection (a).".

SA 2690. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1892, to amend Public Law 107-153 to modify a certain date; as follows:

On page 1, line 6, strike "2005" and insert "2000".

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 16, 2005, at 10:30 a.m., in closed session to receive a classified briefing regarding future naval force structure requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Friday, December 16, 2005, immediately following a vote on the Senate Floor, tentatively scheduled to occur at 11:30 a.m., in the President's Room, S-216 of the Capitol, to consider favorably reporting the nominations of Antonio Fratto, to be Assistant Secretary of the Treasury for Public Affairs, U.S. Department of the Treasury, Washington, DC; David M. Spooner, to be Assistant Secretary of Commerce for Import Administration, U.S. Department of Commerce, Washington, DC; David Steele Bohigian, Assistant Secretary of Commerce, Market Access and Compliance, U.S. Department of Commerce, Washington, DC; and, Richard T. Crowder, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ISAKSON. Mr. President, I ask unanimous consent that Tom Cremins, a fellow on the Commerce Committee staff, and Michael Dodson, a fellow on the staff of Senator NELSON of Florida, be granted the privilege of the floor for the debate on the NASA conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the aide to our committee clerk for the Science and Space Subcommittee be permitted the privilege of the floor, Tom Cremins.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we will be finishing tonight. I say that because we will be leaving the floor tonight, but there is a lot of work going on here in the Nation's Capital as we try to bring to closure the Nation's business for this first session. So a lot of work is going on—productive work.

All of our colleagues are wondering when they will be able to leave and go back to their States. The Democratic leader and I were talking about that. As soon as we have some schedule, we will let our colleagues know.

I will have more to say on the schedule shortly.

STEM CELL THERAPEUTIC AND RESEARCH ACT of 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 256, H.R. 2520, the cord blood stem cell bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2688) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 2520), as amended, was read the third time and passed.

Mr. FRIST. Mr. President, this bill, the Stem Cell Therapeutic and Research Act of 2005, is a hugely important bill that is now passed and, once signed by the President, will save lives.

There is amazing, remarkable work with these cord blood transplants. Cord blood is basically blood cells that are gathered from the placenta after birth.

The power of these cells is truly remarkable, as we treat diseases such as leukemia, sickle cell anemia, and a range of very rare genetic disorders.

This bill establishes a registry of about 150,000 units initially all over the country that people will be able to access instantaneously in order to have this tissue that will bring, literally, lifesaving therapy to individuals who are currently waiting for transplants. So it is with a great deal of pride that we pass this particular bill in the Senate.

TERRORISM RISK INSURANCE ACT OF 2005

Mr. FRIST. I ask unanimous consent the Chair now lay before the Senate the House message to accompany S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved that the bill from the Senate S. 467 entitled " An Act to extend the applicability of the Terrorism Risk Insurance Act of 2002," do pass with an amendment.

Mr. REID. Mr. President, make a few remarks about final passage of the Terrorism Risk Insurance Extension Act of 2005. Let me start by thanking Senators SARBANES, DODD, SHELBY and BENNETT for their tireless effort in the last several months to pass this critical piece of legislation. These Senators worked through significant differences on the substance of this bill and ultimately reached a compromise with the House that extends the basic structure of this important program for another 2 years, and I commend them for those efforts.

The Terrorism Risk Insurance Act, commonly referred to as TRIA, has proven to be an effective program that has made terrorism risk insurance available to commercial propertyholders and has provided businesses meaningful access to coverage in a post-9/11 world. The program has made sure that the American economy and markets function in the face of a still-present threat of a terrorist attack. In my home State of Nevada, large construction projects and jobs were threatened because of uncertainty in the terrorism insurance market created by TRIA's imminent expiration.

Extending TRIA will eliminate that uncertainty and provide an economic backstop in the event of another terrorist attack in this country.

Our Nation's economy will be more stable now that TRIA will be extended, but I remind my colleagues that this legislation only extends the program through the end of 2007. Fortunately, the legislation mandates that the President's Working Group on Financial Markets consult with other stakeholders and come up with an analysis of the long-term availability and affordability of terrorism risk insurance. I look forward to future discussions and continued work on crafting a permanent solution to these problems.

Mr. SARBANES. Mr. President, I join my colleagues in support of the Terrorism Risk Insurance Extension Act of 2005. This legislation represents a bipartisan, bi-cameral compromise to extend the Terrorism Risk Insurance Act of 2002 for 2 years, through December 31, 2007. I want to take this opportunity to congratulate my colleagues, as it is through the hard work of Banking Committee Chairman SHELBY and Senators DODD and BENNETT, along with the House negotiators, led by Financial Services Committee Chairman OXLEY and ranking member FRANK, that we have been able to work out this compromise and ensure that TRIA continues.

As I said when the Senate first considered a TRIA extension bill in November of this year, the original TRIA was designed to address the adverse impact on the terrorism insurance marketplace of the sudden lack of terrorism reinsurance after the September 11th attacks. Reinsurance is a mechanism by which insurance companies spread their own risks, allowing them to write more policies; without it, insurers' capacity to offer coverage for losses due to terrorism shrank considerably. By all accounts, the federal backstop provided by TRIA achieved its goal of making terrorism insurance coverage available and affordable once again. The Treasury Department reported this summer, "TRIA was effective in terms of the purposes it was designed to achieve. TRIA provided a transitional period during which insurers had enhanced financial capacity to write terrorism risk insurance coverage. . . . More generally, TRIA provided an adjustment period allowing both insurers and policyholders to adjust to the post-September 11th view of terrorism risk."

However, after the Treasury Department released its report, serious disagreements emerged as to what would be the most efficient, effective, and equitable way to assure the continued availability of terrorism insurance. This is an issue that deserves careful analysis, which is why this extension bill contains a requirement for a study by the President's Working Group on Financial Markets on the long-term availability and affordability of terrorism risk insurance. I hope that this requirement will result in a thorough examination of the issues and will include input from all stakeholders, which will help us answer the question of how to insure against terrorism over the long-term.

To allow time for that examination to take place, this compromise legislation continues the TRIA program for 2 additional years, with certain modifications, which I will briefly summarize.

Following the model of the extension bill passed by the Senate in November of this year, this legislation narrows the scope of the TRIA program, further targeting the program toward the types of terrorism insurance that are the most difficult to provide. Under the terms of the extension, the federal backstop will no longer be available for insurance policies covering commercial automobiles, professional liability, burglary and theft, farm owners, multiple peril, and surety.

Just as the original TRIA did, this extension places more of the risk on the insurance industry, and correspondingly less on the Federal Government, in each year. For example, in 2005, under the current program, the amount of terrorism losses that an insurer must cover before federal assistance becomes available is 15 percent of the premiums collected by that insurer in lines covered by the TRIA program. Under this extension, this "insurance company deductible" will rise to 17.5 percent of premiums in 2006, and 20 percent of premiums in 2007. Moreover, the amount that insurers must pay above their deductible also increases, rising from 10 percent of losses in 2006, to 15 percent of losses in 2007.

In addition to the individual insurance companies' deductible, the insurance industry as a whole must cover a certain amount of losses before federal assistance becomes available. In 2005, the last year of the current TRIA program, that amount is $15 billion. Under this legislation, that amount will rise to $25 billion in 2006, and $27.5 billion in 2007, an increase from the amounts included in the legislation originally passed by the Senate in November.

Also, after March 31, 2006, no federal assistance will be available at all under the program for a terrorist attack in which total losses do not exceed $50 million, a level which rises to $100 million in 2007. The starting date for this increase in the trigger level is later than it was in the bill passed by the Senate in November, to allow the insurance industry and policyholders a grace period in which to adapt to the new level.

Finally, I want to emphasize that this compromise legislation, like the extension bills passed by both the Senate and the House earlier this year, retains a critically important piece of the current TRIA program: the requirement that insurers make terrorism coverage available to policyholders in all of the lines covered by TRIA.

These provisions follow the framework of the existing TRIA program, keeping the federal backstop in place so that insurers will continue writing terrorism policies, while placing progressively more of the costs onto the industry itself. As with any compromise product, no one would say that the legislation is perfect. But it is a serious effort to address the concerns we have heard raised regarding TRIA and the potential effects of its expiration, and I urge my colleagues to join me in supporting it.

Mr. SCHUMER. Mr. President, I express my unwavering support for S. 467, the Terrorism Risk Insurance Revision Act of 2005, introduced by my friend, Senator DODD of Connecticut.

I would like to commend Senators DODD, BENNETT, SHELBY, and SARBANES for getting a bill done that we can all stand here and be proud to support. A bill that is good for this country and good for the State of New York.

At long last builders and insurers of major projects in large cities, particularly New York, can breathe a sigh of relief; terrorism insurance will be renewed. It never should have taken this long, but at least we know this protection will be available for another 2 years.

We still live in America, and particularly in my city of New York, in the shadow of 9/11, of the terrorism that occurred. Obviously, the thousands of families who have had a loved one taken from their midst live with it every moment of their remaining lives, but the rest of us live with it too, not only in empathy for them but also in terms of the economic consequences of terrorism.

The bottom line is very simple, and that is, because of terrorism, the insurance industry, in terms of insuring risk of large structures in America—whether it be large buildings that make us so proud of the Manhattan skyline, or large arenas such as the football stadiums that dot America, or larger facilities such as Disneyland, Disney World, and amusement parks—all have difficulty getting insurance.

Insurers are worried that if, God forbid, another terrorist act occurs it will be so devastating that it will put them out of business.

So 2 years ago, the Senate, House, and the President got together at sort of the end of the day, just like today, and passed terrorism risk insurance.

It has been a large success. That no one can dispute.

Insurance rates have come down, terrorism insurance is available, and insurance companies know if, God forbid, the worst happens there will be a backstop, and they are willing to issue policies.

In turn, that meant developers, builders who wanted to build new large structures in America, did so, employing thousands and thousands of people, creating profits and new businesses as well.

Well today we are all here to do the right thing. Yesterday, the Banking Committee, of which I am member, passed unanimously a bill to extend the TRIA. In this bill we have kept the trigger levels manageable for the policyholder community. We kept the retention levels at a responsible level for the private market, retaining the public/private nature of the program.

The bottom line is that we have made some necessary modifications to the program without losing the major protections. We did not all agree what should have been in the bill. Many of us felt strongly about including Group Life and protections against nuclear, biological, chemical and radiological attacks. But the beauty of the process is that it is a negotiation where we all give and take.

This bill is a good compromise.

The continuation of this program is vital to our Nation's economic stability. By passing this bill on the floor today, we will be sending a message to the world that our financial markets will be protected. That our country will be able to bounce back in the event of any disruptions or financial dislocation caused by another possible terrorist attack.

It is still my strong belief that there needs to be a long-term solution—a permanent program. The President has continued to say that we are fighting a war on terrorism.

The bombing in Jordan last week, the London bombings this past July, and the recent threat to the New York subway system are a few examples of why we must continue fighting this war on terrorism.

It would have been my preference to get a bill that extended beyond 2 years. But I am at least pleased to know that there was a serious effort to address this concern by including a provision to create a commission that would begin to analyze the long-term availability and affordability of insurance for terrorism risk.

I would particularly like to thank Senators DODD and SHELBY for specifically including the language I requested which directs the President's Working Group to analyze the long-term affordability and availability of coverage for chemical, nuclear, biological and radiological events.

This is an issue of great importance to many New Yorkers. Many retailers and business owners in Lower Manhattan are afraid of a possible dirty bombs attack and the availability of insurance for such an event. This must be addressed and right away.

The bottom line is that financial dislocation caused by another possible terrorist attack—God forbid—is too much for our country to risk. I urge the entire Senate to pass this legislation today. It is only right that we let the markets, let the insurance world, and, most of all, let jobs and construction go forth.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr President, I rise to lend my strong support for S. 467, the Terrorism Risk Insurance Extension Act of 2005, which I originally introduced with Senator BENNETT and 34 cosponsors earlier this year. The product before the Senate today was amended in committee with the hard work and leadership of Banking Committee Chairman SHELBY and Ranking Member SARBANES. Additionally, S. 467 addresses many of the ideas and concerns raised by the House in its version of the legislation. I would like to thank House Financial Services Committee Chairman OXLEY and Ranking Member FRANK for their hard work in finding consensus on this measure.

I would like to commend the members on the Banking Committee: Senators JOHNSON, REED, SCHUMER, BAYH, CARPER, STABENOW, CORZINE, HAGEL, BUNNING and DOLE as well as the other cosponsors of the legislation for recognizing— very early on—how important extending the Terrorism Risk Insurance Act, TRIA, was to our Nation's economy and for their efforts on this legislation.

I would also like to thank the staff who worked on this legislation, particularly Sarah Kline and Steve Harris from Senator SARBANE's staff, Mike Nielsen from Senator BENNETT's staff, Alex Sternhell from my staff and Jim Johnson, Andrew Olmem, Mark Oesterle and Kathy Casey from Senator SHELBY's staff.

Like many bills, this legislation is a document of compromise. We have carefully taken into consideration the recommendations of policyholders, insurers, consumers, academics, think-tanks, the Treasury Department and others to craft this important extension legislation.

Let me take a few brief moments to provide my colleagues with a little background on TRIA and why it needs to be extended today.

As a result of the tragic terrorist acts events of 9/11, we repeatedly heard from businesses, large and small, from labor unions and manufacturers, from hospitals to hotels, from professional sports teams to utility companies, from insurers and the insured about the need for the Federal Governmment to act to help them receive financial protection from future terrorist attacks.

Congress listened, and we acted—creating the Terrorism Risk Insurance Act, TRIA.

In November 2002, TRIA was passed by both the House and Senate by significant margins and was signed into law. It created a 3-year program establishing a Federal backstop against catastrophic losses in the property and casualty insurance marketplace.

And we heard an ovehelming response trom policyholders across the country—TRIA has worked. It has achieved its primary goal—continued availability and affordability of insurance against future terrorist attacks.

Industries as diverse as commercial real estate, shipping, construction, manufacturing, and even "mom and pop" retailers require insurance to obtain credit, loans, and investments necessary for their normal business operations. TRIA was designed to do just that—restore "business as usual" in every State across our Nation.

I believe that the greatest indicator of the success of TRIA is what we have heard over the past 3 years since the enactment of TRIA—public outcry from businesses and workers whose livelihoods are threatened by their inability to purchase coverage against acts of terror.

Construction projects are no longer stalled, mortgages are no longer in doubt, jobs are no longer in jeopardy as a result of the inability to receive terrorism insurance.

Not only has TRIA been effective in ensuring that terrorism is available and affordable, and that our economy remains vibrant, it is also an incredibly important taxpayer protection law. With relatively little money necessary to fund the administration of the TRIA program, we have ensured that insurers and policyholders take the first $30 to $40 billion of losses of a potential terrorist attack.

Additionally, there is one provision in this legislation that I believe is an important component—the mandate for the President's Working Group—our Nation's Federal financial regulators—to do an analysis of the long-term availability and affordability of terrorism risk insurance.

This legislation provides for a 2-year extension of TRIA—and in these next 2 years we need to find a long-term solution to this issue. It may be determined that this is an unwritable risk for the private sector and that a continued Federal role is needed or we may find that insurers are able to return to underwriting this risk without a Federal backstop. But we need to start work on developing this information and potential solutions as soon as possible.

The enactment of this legislation will extend the TRIA program and will ensure that our Nation and its economy are best prepared to deal with a future terrorist attack. I urge my colleagues to support this important legislation.•

Mr. FRIST. Mr. President, I ask unanimous consent the Senate concur in the House amendment with a further amendment which is at the desk, the amendment be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2689) was agreed to, as follows:

(Purpose: To provide for a complete substitute)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Extension Act of 2005".

SEC. 2. EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by striking "2005" and inserting "2007".

(b) MANDATORY AVAILABILITY.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2327) is amended—

(1) by striking paragraph (2);

(2) by striking "**AVAILABILITY**.—" and all that follows through "each entity" and inserting "**AVAILABILITY**.—During each Program Year, each entity"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left.

SEC. 3. AMENDMENTS TO DEFINED TERMS.

(a) PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by adding at the end the following:

"(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

"(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007.".

(b) EXCLUSIONS FROM COVERED LINES.—

(1) IN GENERAL.—Section 102(12)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(viii) commercial automobile insurance;

"(ix) burglary and theft insurance;

"(x) surety insurance;

"(xi) professional liability insurance; or

"(xii) farm owners multiple peril insurance.".

(2) CONFORMING AMENDMENT.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by striking "surety insurance" and inserting "directors and officers liability insurance".

(c) INSURER DEDUCTIBLES.—Section 102(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2325) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting after subparagraph (D), the following:

"(E) for Program Year 4, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 4, multiplied by 17.5 percent;

"(F) for Program Year 5, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 5, multiplied by 20 percent; and"; and

(4) in subparagraph (G), as so redesignated, by striking "through (D)" and all that follows through "Year 3"and inserting the following: "through (F), for the Transition Period or any Program Year".

SEC. 4. INSURED LOSS SHARED COMPENSATION.

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2328) is amended—

(1) in paragraph (1)—

(A) by inserting "through Program Year 4" before "shall be equal"; and

(B) by inserting ", and during Program Year 5 shall be equal to 85 percent," after "90 percent"; and

(2) in each of paragraphs (2) and (3), by striking "Program Year 2 or Program Year 3" each place that term appears and inserting "any of Program Years 2 through 5".

SEC. 5. AGGREGATE RETENTION AMOUNTS AND RECOUPMENT OF FEDERAL SHARE.

(a) AGGREGATE RETENTION AMOUNTS.—Section 103(e)(6) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) for Program Year 4, the lesser of—

"(i) $25,000,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

"(E) for Program Year 5, the lesser of—

"(i) $27,500,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year.".

(b) RECOUPMENT OF FEDERAL SHARE.—Section 103(e)(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (A), by striking ", (B), and (C)" and inserting "through (E)"; and

(2) in each of subparagraphs (B) and (C), by striking "subparagraph (A), (B), or (C)" each place that term appears and inserting "any of subparagraphs (A) through (E)".

SEC. 6. PROGRAM TRIGGER.

Section 103(e)(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. note, 116 Stat. 2328) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

"(B) PROGRAM TRIGGER.—In the case of a certified act of terrorism occurring after March 31, 2006, no compensation shall be paid by the Secretary under subsection (a), unless the aggregate industry insured losses resulting from such certified act of terrorism exceed—

"(i) $50,000,000, with respect to such insured losses occurring in Program Year 4; or

"(ii) $100,000,000, with respect to such insured losses occurring in Program Year 5.".

SEC. 7. LITIGATION MANAGEMENT.

Section 107(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2335) is amended by adding at the end the following:

"(6) AUTHORITY OF THE SECRETARY.—Procedures and requirements established by the Secretary under section 50.82 of part 50 of title 31 of the Code of Federal Regulations (as in effect on the date of issuance of that section in final form) shall apply to any cause of action described in paragraph (1) of this subsection.".

SEC. 8. ANALYSIS AND REPORT ON TERRORISM RISK COVERAGE CONDITIONS AND SOLUTIONS.

Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by adding at the end the following:

"(e) ANALYSIS OF MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.—

"(1) IN GENERAL.—The President's Working Group on Financial Markets, in consultation with the National Association of Insurance Commissioners, representatives of the insurance industry, representatives of the securities industry, and representatives of policy holders, shall perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk, including—

"(A) group life coverage; and

"(B) coverage for chemical, nuclear, biological, and radiological events.

"(2) REPORT.—Not later than September 30, 2006, the President's Working Group on Financial Markets shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on its findings pursuant to the analysis conducted under subsection (a).".

The bill (S. 467), as amended, was passed.

Mr. FRIST. This bill, the Terrorism Risk Extension Act, was enacted 3 years ago in the aftermath of the September 11 attacks and was intended at the time to provide temporary mechanisms to allow the marketplace to adapt after the economic dislocations that resulted from those attacks on September 11.

This summer, Treasury Secretary Snow issued a report highlighting the importance of allowing private insurance companies to regain their hold in the marketplace. As the report showed, TRIA successfully bridged that gap created by the September 11 terrorist attacks and very effectively enabled the insurance marks to stabilize.

The continued presence of the federally backed subsidy risked crowding out private market initiatives and slowing down, impeding the development of private market solutions. That is why I called for an extension of TRIA that was narrow, that was targeted and minimized interference with our markets.

The bill we just passed achieves that goal. The taxpayers' exposure is lessened by reducing the lines of coverage subject to the Federal backstop, and the insurance industry's exposure is increased.

I am gratified we passed the bill. Over the long term the Federal Government cannot be a substitute for market-based solutions.

I thank Chairman SHELBY and Senator DODD for their hard work on this very important bill. It hasn't been easy, but it has now been accomplished.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate en bloc consideration of the following bills reported out by the Energy and Natural Resources Committee: Calendar Nos. 307, 308, 309, 310, 311, 312, 313, and 314; that the Energy and Natural Resources Committee be discharged from further consideration of H.R. 4195, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The measures will be considered en bloc.

Mr. FRIST. I ask unanimous consent the amendments at the desk be agreed to; the committee-reported amendments, as amended, be agreed to; the bills, as amended, if amended, be read the third time and passed; and the title amendment be agreed to, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY TRANSFER ACT

The bill (S. 310) to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada, was read the third time and passed, as follows:

S. 310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Newlands Project Headquarters and Maintenance Yard Facility Transfer Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the memorandum of agreement between the District and the Secretary identified as Contract No. 3–LC–20–805 and dated June 9, 2003.

(2) DISTRICT.—The term "District" means the Truckee-Carson Irrigation District in the State of Nevada.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY.

(a) CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act and in accordance with the Agreement and any applicable laws, the Secretary shall convey to the District all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The real property referred to in paragraph (1) is the real property within the Newlands Projects, Nevada, that is—

(A) known as "2666 Harrigan Road, Fallon, Nevada"; and

(B) identified for disposition on the map entitled "Newlands Project Headquarters and Maintenance Yard Facility".

(b) CONSIDERATION.—Notwithstanding any other provision of law, amounts received by the United States for the lease or sale of Newlands Project land comprising the Fallon Freight Yard shall, for purposes of this section, be treated as consideration for the real property conveyed under subsection (a).

(c) REPORT.—If the Secretary has not completed the conveyance under subsection (a) within 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) explains the reasons why the conveyance has not been completed; and

(2) specifies the date by which the conveyance will be completed.

(d) ENVIRONMENTAL REVIEW, REMEDIATION, AND REMOVAL.—In accordance with the Agreement, the Secretary may not convey the real property under subsection (a) until—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable requirements relating to cultural resources have been complied with for the real property to be conveyed under subsection (a); and

(2) any required environmental site assessment, remediation, or removal has been completed with respect to the real property to be conveyed under subsection (a).

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission by, or occurrence relating to, the District or any employee, agent, or contractor of the District with respect to the real property conveyed under subsection (a) that occurs before, on, or after the date of the conveyance.

LOWER FARMINGTON RIVER AND SALMON BROOK WILD AND SCENIC RIVERS STUDY ACT OF 2005

The Senate proceeded to consider the bill (S. 435) to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005".

SEC. 2. DESIGNATION OF ADDITIONAL SEGMENT OF FARMINGTON RIVER AND SALMON BROOK IN CONNECTICUT FOR STUDY FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) DESIGNATION.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"(139) LOWER FARMINGTON RIVER AND SALMON BROOK, CONNECTICUT.—The segment of the Farmington River downstream from the segment designated as a recreational river by section 3(a)(156) to its confluence with the Connecticut River, and the segment of the Salmon Brook including its mainstream and east and west branches.".

(b) TIME FOR SUBMISSION.—Not later than 3 years after the date [of enactment of] *on which funds are made available to carry out* this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by the amendment made by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 435), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

TO AMEND RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991

The bill (S. 648) to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance, was read the third time and passed, as follows:

S. 648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF THE RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991.

Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking "September 30, 2005" and inserting "September 30, 2010".

WICHITA PROJECT EQUUS BEDS DIVISION AUTHORIZATION ACT OF 2005

The Senate proceeded to consider the bill (S. 1025) to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wichita Project Equus Beds Division Authorization Act of 2005".

SEC. 2. EQUUS BEDS DIVISION.

The Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" (Public Law 86–787; 74 Stat. 1026) is amended by adding the following new section:

"SEC. 10. EQUUS BEDS DIVISION.

"(a) AUTHORIZATION.—The Secretary of the Interior may assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the 'Integrated Local Water Supply Plan, Wichita, Kansas' (referred to in this section as the 'Equus Beds Division'). Construction of the Equus Beds Division shall be in substantial accordance with the plans and designs.

"(b) OPERATION, MAINTENANCE, AND REPLACEMENT.—Operation, maintenance, and replacement of the Equus Beds Division, including funding for those purposes, shall be the sole responsibility of the City of Wichita, Kansas. The Equus Beds Division shall be operated in accordance with applicable laws and regulations.

"(c) AGREEMENTS.—The Secretary of the Interior may enter into, or agree to amendments of, cooperative agreements and other appropriate agreements to carry out this section.

"(d) ADMINISTRATIVE COSTS.—From funds made available for this section, the Secretary of the Interior may charge an appropriate share related to administrative costs incurred.

"(e) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary of the Interior shall work cooperatively with the City of Wichita, Kansas, to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the City for the Equus Beds Division. The Secretary of the Interior shall assure that such information is used consistent with applicable Federal laws and regulations, [including principles and guidelines used in preparing feasibility level project studies].

"(f) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Equus Beds Division (including portions or features thereof) to the United States.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated as the Federal share of the total cost of the Equus Beds Division, an amount not to not exceed 25 percent of the total cost or $30,000,000 (January, 2003 prices), whichever is less, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein, whichever is less. Such sums shall be nonreimbursable.

"(h) TERMINATION OF AUTHORITY.—The authority of the Secretary of the Interior to carry out any provision of this section shall terminate 10 years after the date of enactment of this section.".

The committee amendment was agreed to.

The bill (S. 1025), as amended, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

MUSCONETCONG WILD AND SCENIC RIVERS ACT

The Senate proceeded to consider the bill (S. 1096) to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

The amendment (No. 2682) was agreed to, as follows:

AMENDMENT NO. 2682

(Purpose: To make technical corrections)

On page 2, line 16, strike "2002" and insert "2003".

On page 3, line 19, strike "2002" and insert "2003".

The bill (S. 1096), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

DELAWARE WATER GAP NATIONAL RECREATION AREA NATURAL GAS PIPELINE ENLARGEMENT ACT

The Senate proceeded to consider the bill (S. 1310) to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area which had been reported from the Committee on Energy and Natural Resources, with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term "Corporation" means the Columbia Gas Transmission Corporation.

(2) PIPELINE.—The term "pipeline" means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and

(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. [16414] *16413*.

(3) RECREATION AREA.—The term "Recreation Area" means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation [, for no consideration,] an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

(1) be consistent with—

(A) the recreational values of the Recreation Area; and

(B) protection of the resources of the Recreation Area;

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

(1) IN GENERAL.—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

(B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

(i) describes how the land subject to the easement will be maintained; and

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1-2002-1004–H).

(e) FERC CONSULTATION.—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size.

(f) LIMITATION.—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) EFFECT ON RIGHT-OF-WAY EASEMENT.—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101-337 (16 U.S.C. 19jj et seq.) or any other applicable law if—

(1) the Corporation—

(A) violates a provision of—

(i) an easement authorized under subsection (a); or

(ii) a permit issued under subsection (c); or

(B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(3); and

(2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101–337 (16 U.S.C. 19jj)).

SEC. 4. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking "2006" and inserting "2008".

Amend the title so as to read: "A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area and to extend the termination date of the National Park System Advisory Board to January 1, 2008.".

The amendments (Nos. 2683 and 2684) were agreed to, as follows:

AMENDMENT NO. 2683

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware Water Gap National Recreation Area Improvement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term "Corporation" means the Columbia Gas Transmission Corporation.

(2) PIPELINE.—The term "pipeline" means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and

(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.

(3) RECREATION AREA.—The term "Recreation Area" means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

(1) be consistent with—

(A) the recreational values of the Recreation Area; and

(B) protection of the resources of the Recreation Area;

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

(1) IN GENERAL.—The Superintendent may issue a permit to the Corporation for the use of the Recreation Area in accordance with subsection (b) for the temporary construction and staging areas required for the construction of the enlarged pipeline.

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

(B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

(i) describes how the land subject to the easement will be maintained; and

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1–2002–1004–H).

(e) FERC CONSULTATION.—The Corporation shall comply with all other requirements for certification by the Federal Energy Regulatory Commission that are necessary to permit the increase in pipeline size.

(f) LIMITATION.—The Secretary shall not grant any additional increases in the diameter of, or easements for, the pipeline within the boundary of the Recreation Area after the date of enactment of this Act.

(g) EFFECT ON RIGHT-OF-WAY EASEMENT.—Nothing in this Act increases the 50-foot right-of-way easement for the pipeline.

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101–337 (16 U.S.C. 19jj et seq.) or any other applicable law if—

(1) the Corporation—

(A) violates a provision of—

(i) an easement authorized under subsection (a); or

(ii) a permit issued under subsection (c); or

(B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(2)(C); and

(2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101–337 (16 U.S.C. 19jj)).

SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP.

Section 702 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4185) is amended—

(1) in subsection (a), by striking "at noon on September 30, 2005" and inserting "on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "September 30, 2005" and inserting "on the earlier of the date on which a feasible alternative is available or September 30, 2015"; and

(B) in paragraph (2)—

(i) by striking "noon on September 30, 2005" and inserting "the earlier of the date on which a feasible alternative is available or noon of September 30, 2015"; and

(ii) by striking "not exceed $25 per trip" and inserting the following: "be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed $40 per trip".

SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Effective on January 1, 2006, section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking "2006" and inserting "2007".

AMENDMENT NO. 2684

Amend the title so as to read: "A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.".

The bill (S. 1310), as amended, was read the third time and passed.

AMENDING PUBLIC LAW 97-435

The bill (S. 1552) to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, was read the third time, and passed, as follows:

S. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EASTERN WASHINGTON UNIVERSITY LAND TRANSFER AUTHORIZATION EXTENSION.

Section 1(c) of Public Law 97–435 (96 Stat. 2281) is amended by striking "five years after the enactment of this Act" and inserting "on December 31, 2009".

UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY PROGRAMS REAUTHORIZATION ACT OF 2005

The bill (S. 1578) to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs, was read the third time and passed, as follows:

S. 1578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005".

SEC. 2. UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS.

Section 3 of Public Law 106–392 (114 Stat. 1602; 116 Stat. 3113) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "$46,000,000" and inserting "$61,000,000";

(B) in paragraph (2), by striking "2008" and inserting "2010"; and

(C) in paragraph (3), by striking "2008" and inserting "2010";

(2) in subsection (b)—

(A) by striking "$100,000,000" and inserting "$126,000,000";

(B) in paragraph (1)—

(i) by striking $82,000,000" and inserting "$108,000,000"; and

(ii) by striking "2008" and inserting "2010"; and

(C) in paragraph (2), by striking "2008" and inserting "2010"; and

(3) in subsection (c)(4)—

(A) in the first sentence, by inserting "and the Elkhead Reservoir enlargement" after "Wolford Mountain Reservoir"; and

(B) in the second sentence, by striking "$20,000,000" and inserting "$31,000,000".

SOUTHERN OREGON BUREAU OF RECLAMATION REPAYMENT ACT OF 2005

The bill (H.R. 4195) to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District, was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to H.R 3963, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3963) to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3963) was read the third time and passed.

COAST GUARD HURRICANE RELIEF ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4508, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4508) to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4508) was read the third time and passed.

Mr. FRIST. Mr. President, that particular bill, the Coast Guard Hurricane Relief Act of 2005, again gives me the opportunity to comment and really praise the tremendous work that was carried out by our Coast Guard in the recent hurricanes.

Many of us had the opportunity to tell them directly, both in Mississippi and in Louisiana, and thank them for their tremendous and heroic effort. We had the opportunity to witness much of that on television over those first few days after the hurricane. But to have the opportunity to look these individuals in the eyes and thank them and shake their hand has been a privilege that some of us on the floor have had. It has been a tremendous job that makes America proud.

RECOGNIZING COMMODORE JOHN BARRY AS THE FIRST FLAG OFFICER OF THE UNITED STATES NAVY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 38, which was received from the House.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 38) recognizing Commodore John Barry as the first flag officer of the United States Navy.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 38) was read the third time and passed.

The preamble was agreed to.

RECOGNIZING THE CONTRIBUTIONS OF KOREAN AMERICANS TO THE UNITED STATES

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 283.

The PRESIDING OFFICER. Without objection, it is ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 283) recognizing the contributions of Korean Americans to the United States and encouraging the celebration of "Korean American Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 283) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 283

Whereas on January 13, 1903, the arrival of 102 pioneer immigrants to the United States initiated the first chapter of Korean immigration to the United States;

Whereas members of the early Korean American community served with distinction in the Armed Forces of the United States during World War I, World War II, and the conflict in Korea;

Whereas in the early 1950s, thousands of Koreans, fleeing from war, poverty, and desolation, came to the United States seeking opportunities;

Whereas Korean Americans, like waves of immigrants to the United States before them, have taken root and thrived as a result of strong family ties, robust community support, and countless hours of hard work;

Whereas the contributions of Korean Americans to the United States include the invention of the first beating heart operation for coronary artery heart disease, development of the nectarine, a 4-time Olympic gold medalist, and achievements in engineering, architecture, medicine, acting, singing, sculpture, and writing;

Whereas Korean Americans play a crucial role in maintaining the strength and vitality of the United States-Korean partnership;

Whereas the centennial year of 2003 marked an important milestone in the now more than 100-year history of Korean immigration; and

Whereas the Centennial Committees of Korean Immigration and Korean Americans have designated January 13th of each year as "Korean American Day" to memorialize the more than 100-year journey of Korean Americans in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a "Korean American Day";

(2) commemorates the 103rd anniversary of the arrival of the first Korean immigrants to the United States; and

(3) encourages the people of the United States to—

(A) share in such commemoration in order to greater appreciate the valuable contributions Korean Americans have made to the United States; and

(B) to observe "Korean American Day" with appropriate programs, ceremonies, and activities.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 286, 303, and 305, en bloc.

I ask unanimous consent that the committee-reported amendments be agreed to, the bills, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2005

The Senate proceeded to consider the bill (S. 1869) to reauthorize the Coastal Barrier Resources Act, and for other purposes, which had been reported from the Committee on Environment and Public Works with an amendment.

[Strike the part shown in black brackets.]

S. 1869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coastal Barrier Resources Reauthorization Act of 2005”.

SEC. 2. DEFINITIONS.

In this Act:

(1) OTHERWISE PROTECTED AREA.—The term “otherwise protected area” has the meaning given the term in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591).

(2) PILOT PROJECT.—The term “pilot project” means the digital mapping pilot project authorized under section 6 of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106–514).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) SYSTEM UNIT.—The term “System unit” has the meaning given the term in section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502).

SEC. 3. DIGITAL MAPPING PILOT PROJECT FINALIZATION.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report regarding the digital maps of the System units and otherwise protected areas created under the pilot project.

(b) CONSULTATION.—The Secretary shall prepare the report required under subsection (a)—

(1) in consultation with the Governors of the States in which any System units and otherwise protected areas are located; and

(2) after—

(A) providing an opportunity for the submission of public comments; and

(B) considering any public comments submitted under subparagraph (A).

(c) CONTENTS.—The report required under subsection (a) shall contain—

(1) the final recommended digital maps created under the pilot project;

(2) recommendations for the adoption of the digital maps by Congress;

(3) a summary of the comments received from the Governors of the States, other government officials, and the public regarding the digital maps;

(4) a summary and update of the protocols and findings of the report required under section 6(d) of the Coastal Barrier Resources Reauthorization Act of 2000 (16 U.S.C. 3503 note; Public Law 106–514); and

(5) an analysis of any benefits that the public would receive by using digital mapping technology for all System units and otherwise protected areas.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000 for each of fiscal years 2006 through 2007.

SEC. 4. DIGITAL MAPPING PROJECT FOR THE REMAINING JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS AND OTHERWISE PROTECTED AREAS.

(a) IN GENERAL.—The Secretary shall carry out a project to create digital versions of all of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), including maps of otherwise protected areas, that were not included in the pilot project.

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the project under this section, the Secretary shall use any digital spatial data in the possession of Federal, State, and local agencies, including digital orthophotos, color infrared photography, wetlands data, and property parcel data.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses any data referred to in paragraph (1) shall, on request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) PROVISION OF DATA BY NON-FEDERAL AGENCIES.—State and local agencies and any other non-Federal entities that possess data referred to in paragraph (1) are encouraged, on request of the Secretary, to promptly provide the data to the Secretary at no cost.

(4) ADDITIONAL DATA.—If the Secretary determines that any data necessary to carry out the project under this section does not exist, the Director of the United States Fish and Wildlife Service shall enter into an agreement with the Director of the United States Geological Survey under which the United States Geological Survey, in cooperation with the heads of other Federal agencies, as appropriate, shall obtain and provide to the Director of the United States Fish and Wildlife Service the data required to carry out this section.

(5) DATA STANDARDS.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order No. 12906 (59 Fed. Reg. 17671); and

(B) any other standards established by the Federal Geographic Data Committee established by the Office of Management and Budget circular numbered A–16.

(c) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the submission of the report under section 3(a), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report regarding the digital maps created under this section.

(2) CONSULTATION.—The Secretary shall prepare the report required under paragraph (1)—

(A) in consultation with the Governors of the States in which the System units and otherwise protected areas are located; and

(B) after—

(i) providing an opportunity for the submission of public comments; and

(ii) considering any public comments submitted under clause (i).

(3) CONTENTS.—The report required under paragraph (1) shall contain—

(A) a description of the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps;

(B) a summary of the comments received from Governors, other government officials, and the public regarding the digital maps created under this section;

(C) recommendations for the adoption of the digital maps created under this section by Congress;

(D) recommendations for expansion of the John H. Chafee Coastal Barrier Resources System and otherwise protected areas, as in existence on the date of enactment of this Act;

(E) a summary and update on the implementation and use of the digital maps created under the pilot project; and

(F) a description of the feasibility of, and the amount of funding necessary for—

(i) making all of the System unit and otherwise protected area maps available to the public in digital format; and

(ii) facilitating the integration of digital System unit and otherwise protected area boundaries into Federal, State, and local planning tools.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended by striking “2001, 2002, 2003, 2004, and 2005” and inserting [“each of fiscal years] 2006 through 2010”.

The committee amendment was agreed to.

The bill (S. 1869), as amended, was read the third time and passed.

JAMES CAMPBELL NATIONAL WILDLIFE REFUGE EXPANSION ACT OF 2005

The Senate proceeded to consider the bill (S. 1165) to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii, which had been reported from the Committee on Environment and Public Works with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “James Campbell National Wildlife Refuge Expansion Act of 2005”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States Fish and Wildlife Service manages the James Campbell National Wildlife Refuge for the purpose of promoting the recovery of 4 species of endangered Hawaiian waterbirds;

(2) the United States Fish and Wildlife Service leases approximately 240 acres of high-value wetland habitat (including ponds, marshes, freshwater springs, and adjacent land) and manages the habitat in accordance with the National Wildlife Refuge System Improvement Act (16 U.S.C. 668dd note; Public Law 105–312);

(3) the United States Fish and Wildlife Service entered into a contract to purchase in fee title the land described in paragraph (2) from the estate of James Campbell for the purposes of—

(A) permanently protecting the endangered species habitat; and

(B) improving the management of the Refuge;

(4) the United States Fish and Wildlife Service has identified for inclusion in the Refuge approximately 800 acres of additional high-value wildlife habitat adjacent to the Refuge that are owned by the estate of James Campbell;

(5) the land of the estate of James Campbell on the Kahuku Coast features coastal dunes, coastal wetlands, and coastal strand that promote biological diversity for threatened and endangered species, including—

(A) the 4 species of endangered Hawaiian waterbirds described in paragraph (1);

(B) migratory shorebirds;

(C) waterfowl;

(D) seabirds;

(E) endangered and native plant species;

(F) endangered monk seals; and

(G) green sea turtles;

(6) because of extensive coastal development, habitats of the type within the Refuge are increasingly rare on the Hawaiian islands;

(7) expanding the Refuge will provide increased opportunities for wildlife-dependent public uses, including wildlife observation, photography, and environmental education and interpretation; and

(8) acquisition of the land described in paragraph (4)—

(A) will create a single, large, manageable, and ecologically-intact unit that includes sufficient buffer land to reduce impacts on the Refuge; and

(B) is necessary to reduce flood damage following heavy rainfall to residences, businesses, and public buildings in the town of Kahuku.

SEC. 3. DEFINITIONS.

In this Act:

(1) Director.—The term "Director" means the Director of the United States Fish and Wildlife Service.

(2) Refuge.—The term "Refuge" means the James Campbell National Wildlife Refuge established pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. EXPANSION OF REFUGE.

(a) Expansion.—The boundary of the Refuge is expanded to include the approximately 1,100 acres of land (including any water and interest in the land) depicted on the map entitled "James Campbell National Wildlife Refuge—Expansion", [and on file] *dated October 20, 2005, and on file* in the office of the Director.

(b) Boundary Revisions.—[Not later than 90 days after the date of enactment of this Act, the Secretary may] *The Secretary may* make such minor modifications to the boundary of the Refuge as the Secretary determines to be appropriate to—

(1) achieve the goals of the United States Fish and Wildlife Service relating to the Refuge; or

(2) facilitate the acquisition of property within the Refuge.

(c) Availability of Map.—

(1) In general.—The map described in subsection (a) shall remain available for inspection in an appropriate office of the United States Fish and Wildlife Service, as determined by the Secretary.

(2) Notice.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register and any publication of local circulation in the area of the Refuge notice of the availability of the map.

SEC. 5. ACQUISITION OF LAND AND WATER.

(a) In General.—Subject to the availability of appropriated funds, the Secretary may acquire the land described in section 4(a).

(b) Inclusion.—Any land, water, or interest acquired by the Secretary pursuant to this section shall—

(1) become part of the Refuge; and

(2) be administered in accordance with applicable law.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill (S. 1165), as amended, was read the third time and passed.

ELECTRONIC DUCK STAMP ACT OF 2005

The Senate proceeded to consider the bill (S. 1496) to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps, which had been reported from the Committee on Environment and Public Works with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Duck Stamp Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) on March 16, 1934, Congress passed and President Roosevelt signed the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the "Duck Stamp Act"), which requires all migratory waterfowl hunters 16 years of age or older to buy a Federal migratory bird hunting and conservation stamp annually;

(2) the Federal Duck Stamp program has become one of the most popular and successful conservation programs ever initiated;

(3) because of that program, the United States again is teeming with migratory waterfowl and other wildlife that benefit from wetland habitats;

(4) as of the date of enactment of this Act, 1,700,000 migratory bird hunting and conservation stamps are sold each year;

(5) as of 2003, those stamps have generated more than $600,000,000 in revenue that has been used to preserve more than 5,000,000 acres of migratory waterfowl habitat in the United States; and

(6) many of the more than 540 national wildlife refuges have been paid for wholly or partially with that revenue.

SEC. 3. DEFINITIONS.

In this Act:

(1) Actual stamp.—The term "actual stamp" means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the "Duck Stamp Act"), that is printed on paper and sold through a means in use immediately before the date of enactment of this Act.

(2) Automated licensing system.—

(A) In general.—The term "automated licensing system" means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) Inclusion.—The term "automated licensing system" includes a point-of-sale, Internet, or telephonic system used for a purpose described in subparagraph (A).

(3) Electronic stamp.—The term "electronic stamp" means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this Act, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under section 4(b).

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ELECTRONIC DUCK STAMP PILOT PROGRAM.

(a) Requirement To Conduct Program.—The Secretary shall conduct a 3-year pilot program under which up to 15 States authorized by the Secretary may issue electronic stamps.

(b) Commencement and Duration of Program.—The Secretary shall—

(1) use all means necessary to expeditiously implement this section by the date that is 1 year after the beginning of the first full Federal migratory waterfowl hunting season after the date of enactment of this Act; and

(2) carry out the pilot program for 3 Federal migratory waterfowl hunting seasons.

(c) Consultation.—The Secretary shall carry out the program in consultation with State management agencies.

SEC. 5. STATE APPLICATION.

(a) Approval of Application Required.—A State may not participate in the pilot program under this Act unless the Secretary has received and approved an application submitted by the State in accordance with this section.

(b) Contents of Application.—The Secretary may not approve a State application unless the application contains—

(1) a description of the format of the electronic stamp that the State will issue under the pilot program, including identifying features of the licensee that will be specified on the stamp;

(2) a description of any fee the State will charge for issuance of an electronic stamp;

(3) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(4) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(5) the manner by which actual stamps will be delivered;

(6) the policies and procedures under which the State will issue duplicate electronic stamps; and

(7) such other policies, procedures, and information as may be reasonably required by the Secretary.

(c) Publication of Deadlines, Eligibility Requirements, and Selection Criteria.—Not later than 30 days before the date on which the Secretary begins accepting applications for participation in the pilot program, the Secretary shall publish—

(1) deadlines for submission of applications to participate in the program;

(2) eligibility requirements for participation in the program; and

(3) criteria for selecting States to participate in the program.

SEC. 6. STATE OBLIGATIONS AND AUTHORITIES.

(a) Delivery of Actual Stamp.—The Secretary shall require that each individual to whom a State sells an electronic stamp under the pilot program shall receive an actual stamp—

(1) by not later than the date on which the electronic stamp expires under section 7(c); and

(2) in a manner agreed upon by the State and Secretary.

(b) Collection and Transfer of Electronic Stamp Revenue and Customer Information.—

(1) Requirement to transmit.—The Secretary shall require each State participating in the pilot program to collect and submit to the Secretary in accordance with this section—

(A) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(B) the face value amount of each electronic stamp sold by the State; and

(C) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(2) Time of transmittal.—The Secretary shall require the submission under paragraph (1) to be made with respect to sales of electronic stamps by a State occurring in a month—

(A) by not later than the 15th day of the subsequent month; or

(B) as otherwise specified in the application of the State approved by the Secretary under section 5.

(3) Additional fees not affected.—This section shall not apply to the State portion of any fee collected by a State under subsection (c).

(c) Electronic Stamp Issuance Fee.—A State participating in the pilot program may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under the program, including costs of delivery of actual stamps.

(d) Duplicate Electronic Stamps.—A State participating in the pilot program may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(e) Limitation on Authority To Require Purchase of State License.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under the pilot program.

SEC. 7. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.

(a) Stamp Requirements.—The Secretary shall require an electronic stamp issued by a State under the pilot program—

(1) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(2) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(b) Recognition of Electronic Stamp.—Any electronic stamp issued by a State under the pilot program shall, during the effective period of the electronic stamp—

(1) bestow upon the licensee the same privileges as are bestowed by an actual stamp;

(2) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(3) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(c) Duration.—An electronic stamp issued by a State under the pilot program shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

SEC. 8. TERMINATION OF STATE PARTICIPATION.

Participation by a State in the pilot program may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under section 5; and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

SEC. 9. EVALUATION.

(a) Evaluation.—The Secretary, in consultation with State fish and wildlife management agencies and appropriate stakeholders with expertise specific to the duck stamp program, shall evaluate the pilot program and determine whether the pilot program has provided a cost-effective and convenient means for issuing migratory-bird hunting and conservation stamps, including whether the program has—

(1) increased the availability of those stamps;

(2) assisted States in meeting the customer service objectives of the States with respect to those stamps;

(3) maintained actual stamps as an effective and viable conservation tool; and

(4) maintained adequate retail availability of the [traditional paper] *actual* stamp.

(b) Report.—The Secretary shall submit to Congress a report on the findings of the Secretary under subsection (a).

SEC. 10. TECHNICAL CORRECTIONS.

(a) Prohibition on Taking.—The first section of the Act of March 16, 1934 (16 U.S.C. 718a) is amended by striking "That no person who has attained the age of sixteen years" and all that follows through the end of the section and inserting the following:

"SECTION 1. PROHIBITION ON TAKING.

"(a) Prohibition.—

"(1) In general.—Except as provided in paragraph (2), no individual who has attained the age of 16 years shall take any migratory waterfowl unless, at the time of the taking, the individual carries on the person of the individual a valid Migratory Bird Hunting and Conservation Stamp, validated by the signature of the individual written in ink across the face of the stamp prior to the time of the taking by the individual of the waterfowl.

"(2) Exception.—No stamp described in paragraph (1) shall be required for the taking of migratory waterfowl—

"(A) by Federal or State agencies;

"(B) for propagation; or

"(C) by the resident owner, tenant, or sharecropper of the property, or officially designated agencies of the Department of the Interior, for the killing, under such restrictions as the Secretary may by regulation prescribe, of such waterfowl when found damaging crops or other property.

"(b) Display of Stamp.—Any individual to whom a stamp has been sold under this Act shall, upon request, display the stamp for inspection to—

"(1) any officer or employee of the Department of the Interior who is authorized to enforce this Act; or

"(2) any officer of any State or political subdivision of a State authorized to enforce State game laws.

"(c) Other Licenses.—Nothing in this section requires any individual to affix the Migratory Bird Hunting and Conservation Stamp to any other license prior to taking 1 or more migratory waterfowl.".

(b) Sales; Fund Disposition; Unsold Stamps.—Section 2 of the Act of March 16, 1934 (16 U.S.C. 718b) is amended by striking "Sec. 2." and all that follows through the end of subsection (a) and inserting the following:

"SEC. 2. SALES; FUND DISPOSITION; UNSOLD STAMPS.

"(a) Sales.—

"(1) In general.—The stamps required under section 1 shall be sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations promulgated jointly by the Postal Service and the Secretary, at—

"(A) any post office; and

"(B) such other establishments, facilities, or locations as the Postal Service or the Secretary (or a designee) may direct or authorize.

"(2) Proceeds.—The funds received from the sale of stamps under this Act by the Department of the Interior shall be deposited in the Migratory Bird Conservation Fund in accordance with section 4.

"(3) Minimum and maximum values.—Except as provided in subsection (b), the Postal Service shall collect the full face value of each stamp sold under this section for the applicable hunting year.

"(4) Validity.—No stamp sold under this Act shall be valid under any circumstances to authorize the taking of migratory waterfowl except—

"(A) in compliance with Federal and State laws (including regulations);

"(B) on the condition that the individual so taking the waterfowl wrote the signature of the individual in ink across the face of the stamp prior to the taking; and

"(C) during the hunting year for which the stamp was issued.

"(5) Unused stamps.—

"(A) Definition of retail dealer.—In this paragraph, the term 'retail dealer' means—

"(i) any individual or entity that is regularly engaged in the business of retailing hunting or fishing equipment; and

"(ii) any individual or entity duly authorized to act as an agent of a State or political subdivision of a State for the sale of State or county hunting or fishing licenses.

"(B) Redemption of unused stamps.—The Department of the Interior, pursuant to regulations promulgated by the Secretary, shall provide for the redemption, on or before the 30th day of June of each year, of unused stamps issued for the year under this Act that—

"(i) were sold on consignment to any person authorized by the Secretary to sell stamps on consignment (including retail dealers for resale to customers); and

"(ii) have not been resold by any such person.

"(6) Prohibition on certain stamp sales.—The Postal Service shall not—

"(A) sell on consignment any stamps issued under this Act to any individual, business, or organization; or

"(B) redeem stamps issued under this Act that are sold on consignment by the Secretary (or any agent of the Secretary).".

(c) Cost of Stamps.—Section 2(b) of the Act of March 16, 1934 (16 U.S.C. 718b(b)) is amended—

(1) by striking "(b) The" and inserting the following:

"(b) Cost of Stamps.—The";

(2) by striking "Secretary of the Interior" and inserting "Secretary";

(3) by striking "migratory bird conservation fund" and inserting "Migratory Bird Conservation Fund"; and

(4) in paragraph (2), by striking "For purposes" and all that follows through "of any such year.".

(d) Authorization and Exemption.—Section 3 of the Act of March 16, 1934 (16 U.S.C. 718c) is amended by striking "Sec. 3. Nothing" and inserting the following:

"SEC. 3. AUTHORIZATION AND EXEMPTION.

"Nothing".

(e) Expenditure of Funds.—Section 4 of the Act of March 16, 1934 (16 U.S.C. 718d) is amended—

(1) by redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively, and indenting appropriately;

(2) by striking "Sec. 4. All moneys" and all that follows through "expended:" and inserting the following:

"SEC. 4. EXPENDITURE OF FUNDS.

"(a) In General.—All funds received for stamps sold under this Act shall be—

"(1) accounted for by the Postal Service or the Secretary, as appropriate;

"(2) paid into the Treasury of the United States; and

"(3) reserved and set aside as a special fund, to be known as the 'Migratory Bird Conservation Fund' (referred to in this section as the 'fund'), to be administered by the Secretary.

"(b) Use of Funds.—All funds received into the fund are appropriated for the following purposes, to remain available until expended:";

(3) in subsection (b)(1) (as redesignated by paragraphs (1) and (2))—

(A) by striking "(1) So much" and all that follows through "for engraving" and inserting the following:

"(1) Advance allotments.—So much as may be necessary shall be used by the Secretary for engraving";

(B) by striking "migratory bird hunting stamps" and inserting "Migratory Bird Hunting and Conservation Stamps";

(C) by striking "personal" and inserting "personnel"; and

(D) by striking "postal service" and inserting "Postal Service";

(4) in subsection (b)(2) (as so redesignated)—

(A) by striking "(2) Except as provided in subsections (c) and (d) of this section" and inserting the following:

"(2) Areas for refuges.—Except as provided in paragraph (3) and subsection (c)"; and

(B) by inserting "(16 U.S.C. 715 et seq.)" after "Conservation Act";

(5) in subsection (b)(3) (as so redesignated)—

(A) by striking "(3) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection." and inserting the following:

"(3) Conditions on use of funds.—The Secretary may use funds made available under paragraph (2) for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph."; and

(B) in the second sentence—

(i) by inserting "(16 U.S.C. 715 et seq.)" after "Conservation Act"; and

(ii) by striking "this subsection" and inserting "this paragraph";

(6) by redesignating subsection (d) as subsection (c); and

(7) in subsection (c) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking "(1) The Secretary of the Interior may utilize" and inserting the following:

"(1) In general.—The Secretary may use"; and

(ii) by striking "migratory bird hunting and conservation stamps" and inserting "Migratory Bird Hunting and Conservation Stamps"; and

(B) in paragraph (2), by striking "(2) The Secretary of the Interior" and inserting the following:

"(2) Components of report.—The Secretary".

(f) Loans and Transfers, Alteration, and Reproduction of Stamps.—Section 5 of the Act of March 16, 1934 (16 U.S.C. 718e) is amended—

(1) by striking "Sec. 5. (a) That no person to whom has been sold a migratory-bird hunting stamp," and inserting the following:

"SEC. 5. LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.

"(a) In General.—No person to whom has been sold a Migratory Bird Hunting and Conservation Stamp,";

(2) in subsection (b), by striking "(b)" and all that follows through "shall alter" and inserting the following:

"(b) Alteration.—Except as provided in clauses (i) and (ii) of section 504(l)(D) of title 18, United States Code, no person shall alter";

(3) in subsection (c)—

(A) by striking "(c) Notwithstanding" and inserting the following:

"(c) Reproduction.—Notwithstanding";

(B) by striking "Secretary of the Interior" each place it appears and inserting "Secretary"; and

(C) in the matter following paragraph (2)—

(i) by striking "migratory bird hunting stamps" and inserting "Migratory Bird Hunting and Conservation Stamps"; and

(ii) by striking "shall be paid into the migratory bird conservation fund" and inserting "shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund".

(g) Enforcement.—Section 6 of the Act of March 16, 1934 (16 U.S.C. 718f) is amended—

(1) by striking "Sec. 6. For the efficient" and inserting the following:

"SEC. 6. ENFORCEMENT.

"For the efficient"; and

(2) in the first sentence—

(A) by striking "Secretary of Agriculture" and inserting "Secretary";

(B) by striking "Department of Agriculture" and inserting "Department of the Interior"; and

(C) by inserting "(16 U.S.C. 703 et seq.)" after "Treaty Act".

(h) Violations; Cooperation; Use of Contest Fees; Definitions; Short Title.—The Act of March 16, 1934 is amended by striking sections 7 through 10 (16 U.S.C. 718g–718j) and inserting the following:

"SEC. 7. VIOLATIONS.

"Any person that violates or fails to comply with any provision of this Act (including a regulation promulgated under this Act) shall be subject to the penalties described in section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707).

"SEC. 8. COOPERATION.

"The Secretary is authorized to cooperate with the States and the territories and possessions of the United States in the enforcement of this Act.

"SEC. 9. USE OF CONTEST FEES.

"Notwithstanding any other provision of law, funds received by the United States Fish and Wildlife Service in the form of fees for entering any Migratory Bird Hunting and Conservation Stamp contest shall be credited—

"(1) first, to the appropriation account from which expenditures for the administration of the contest are made; and

"(2) second, to the extent any funds remain, to the Migratory Bird Conservation Fund.

"SEC. 10. DEFINITIONS.

"(a) In General.—In this Act, the terms defined in the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) have the meanings given those terms in those Acts.

"(b) Other Definitions.—In this Act:

"(1) Hunting year.—The term 'hunting year' means the 1-year period beginning on July 1 of each year.

"(2) Migratory waterfowl.—The term 'migratory waterfowl' means the species enumerated in paragraph (a) of subdivision 1 of article I of the Convention between the United States and Great Britain for the Protection of Migratory Birds, signed at Washington on August 16, 1916 (USTS 628) (16 U.S.C. 703 et seq.).

"(3) Secretary.—The term 'Secretary' means the Secretary of the Interior.

"(4) State.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico;

"(D) Guam;

"(E) American Samoa;

"(F) the Commonwealth of the Northern Mariana Islands;

"(G) the Federated States of Micronesia;

"(H) the Republic of the Marshall Islands;

"(I) the Republic of Palau; and

"(J) the United States Virgin Islands.

"(5) Take.—The term 'take' means—

"(A) to pursue, hunt, shoot, capture, collect, or kill; or

"(B) to attempt to pursue, hunt, shoot, capture, collect, or kill.

"SEC. 11. SHORT TITLE.

"This Act may be cited as the 'Migratory Bird Hunting and Conservation Stamp Act'.".

(i) Disposition of Unsold Stamps.—Section 3 of the Act of July 30, 1956 (Public Law 84–838; 70 Stat. 722), is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a) (16 U.S.C. 718b–1)—

(A) by striking "Sec. 3. (a) Hereafter" and all that follows through the end of the first sentence and inserting the following:

"SEC. 3. DISPOSITION OF UNSOLD STAMPS.

"(a) Disposition of Unsold Stamps.—A Migratory Bird Hunting and Conservation Stamp shall be transferred to the Postal Service or the Secretary of the Interior (or a designee) for sale to a collector if the stamp—

"(1) has not been sold by the end of the hunting year (as that term is defined in section 10 of the Migratory Bird Hunting and Conservation Stamp Act) during which the stamp is issued; and

"(2) as determined by the Postal Service or the Secretary of the Interior—

"(A) is appropriate to supply a market for sale to collectors; and

"(B) is in suitable condition for sale to a collector."; and

(B) by striking the second sentence and inserting the following:

"(b) Surplus Stock.—The Postal Service or the Secretary of the Interior may destroy any surplus stock of Migratory Bird Hunting and Conservation Stamps at such time and in such manner as the Postal Service or the Secretary of the Interior determines to be appropriate.".

The committee amendments were agreed to.

The bill (S. 1496), as amended, was read the third time and passed.

STAR-SPANGLED BANNER AND WAR OF 1812 BICENTENNIAL COMMISSION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 959 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 959) to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the Sarbanes amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2685) was agreed to, as follows:

(Purpose: To include all of the 28 States originally on the National Park Service's list in the commission)

On page 4, strike lines 6 through 8, and insert the following:

(A) means the States of Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin; and

On page 4, line 18, strike "23" and insert "42".

On page 4, line 19, strike "9" and insert "28".

The bill (S. 959), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

THEODORE ROOSEVELT COMMEMORATIVE COIN ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 863 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 863) to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2686) was agreed to, as follows:

(Purpose: To authorize the Secretary of the Treasury to issue, after December 31, 2005, numismatic items that contain 5-cent coins minted in the years 2004 and 2005, and for other purposes)

On page 11, after line 15, add the following:

SEC. 8. CONTINUED ISSUANCE OF 5-CENT COINS MINTED IN 2004 AND 2005.

Notwithstanding the fifth sentence of section 5112(d)(1) of title 31, United States Code, the Secretary of the Treasury may continue to issue, after December 31, 2005, numismatic items that contain 5-cent coins minted in the years 2004 and 2005.

SEC. 9. LEWIS AND CLARK COIN AMENDMENTS.

Section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act (31 U.S.C. 5112 note) is amended—

(1) in subsection (a), by striking "Secretary as:" and all that follows through the end of the subsection and inserting the following: "Secretary for expenditure on activities associated with commemorating the bicentennial of the Lewis and Clark Expedition, as follows:

"(1) NATIONAL COUNCIL OF THE LEWIS AND CLARK BICENTENNIAL.—One-half to the National Council of the Lewis and Clark Bicentennial.

"(2) MISSOURI HISTORICAL SOCIETY.—One-half to the Missouri Historical Society.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) TRANSFER OF UNEXPENDED FUNDS.—Any proceeds referred to in subsection (a) that were dispersed by the Secretary and remain unexpended by the National Council of the Lewis and Clark Bicentennial or the Missouri Historical Society as of June 30, 2007, shall be transferred to the Lewis and Clark Trail Heritage Foundation for the purpose of establishing a trust for the stewardship of the Lewis and Clark National Historic Trail.".

The bill (S. 863), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

HONORING MEMBERS OF THE ARMED FORCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 338, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 338) honoring the memory of the members of the Armed Forces of the United States who have given their lives in service to the United States in Operation Iraqi Freedom and Operation Enduring Freedom.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 338) was agreed to.

The preamble was agreed to.

(The text of the resolution is printed in today's RECORD under "Submitted Resolutions.")

URGING THE RUSSIAN FEDERATION TO WITHDRAW THE FIRST DRAFT OF PROPOSED LEGISLATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 339, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 339) urging the Government of the Russian Federation to withdraw the first draft of the proposed legislation as passed in its first reading in the State Duma that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 339) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 339

Whereas Russian Federation President Putin has stated that "modern Russia's greatest achievement is the democratic process (and) the achievements of our civil society";

Whereas the unobstructed establishment and free and autonomous operations and activities of nongovernmental organizations and a robust civil society free from excessive government control are central and indispensable elements of a democratic society;

Whereas the free and autonomous operations of nongovernmental organizations in any society necessarily encompass activities, including political activities, that may be contrary to government policies;

Whereas domestic, international, and foreign nongovernmental organizations are crucial in assisting the Russian Federation and the Russian people in tackling the many challenges they face, including in such areas as education, infectious diseases, and the establishment of a flourishing democracy;

Whereas the Government of the Russian Federation has proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, including erecting unprecedented barriers to foreign assistance;

Whereas the State Duma of the Russian Federation is considering the first draft of such legislation;

Whereas the restrictions in the first draft of this legislation would impose disabling restraints on the establishment, operations, and activities of nongovernmental organizations and on civil society throughout the Russian Federation, regardless of the stated intent of the Government of the Russian Federation;

Whereas the stated concerns of the Government of the Russian Federation regarding the use of nongovernmental organizations by foreign interests and intelligence agencies to undermine the Government of the Russian Federation and the security of the Russian Federation as a whole can be fully addressed without imposing disabling restraints on nongovernmental organizations and on civil society;

Whereas there is active debate underway in the Russian Federation over concerns regarding such restrictions on nongovernmental organizations;

Whereas the State Duma and the Federation Council of the Federal Assembly play a central role in the system of checks and balances that are prerequisites for a democracy;

Whereas the first draft of the proposed legislation has already passed its first reading in the State Duma;

Whereas President Putin has indicated his desire for changes in the first draft that would "correspond more closely to the principles according to which civil society functions"; and

Whereas Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the international community of democracies: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) urges the Government of the Russian Federation to withdraw the first draft of the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; and

(2) in the event that the first draft of the proposed legislation is not withdrawn, urges the State Duma and the Federation Council of the Federal Assembly to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices universally adopted by democracies, including the provisions regarding foreign assistance.

REDUCING CONFLICTS OF INTERESTS IN THE REPRESENTATION OF INDIAN TRIBES ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 329, S. 1312.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1312) to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the McCain amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The amendment (No. 2687) was agreed to, as follows:

AMENDMENT NO. 2687

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Conflicts of Interests in the Representation of Indian Tribes Act of 2005".

SEC. 2. ADDITIONAL EMPLOYMENT RIGHTS.

Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j) and inserting the following:

"(j) ADDITIONAL EMPLOYMENT RIGHTS.—

"(1) DEFINITION OF TRIBAL EMPLOYEE.—In this subsection, the term 'tribal employee', with respect to an Indian tribal government, means an individual acting under the day-to-day control or supervision of the Indian tribal government, unaffected by the control or supervision of any independent contractor, agency or organization, or intervening sovereignty.

"(2) RIGHTS OF CERTAIN EMPLOYEES.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is a tribal employee or an elected or appointed official of an Indian tribe carrying out an official duty of the tribal employee or official may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe on any matter, including any matter in which the United States is a party or has a direct and substantial interest.

"(3) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (2) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter.".

SEC. 3. EFFECTIVE DATE.

The effective date of the amendment made by this Act shall be the date that is 1 year after the date of enactment of this Act.

The bill, as amended, was read the third time and passed.

PUBLIC LAW 107–153 MODIFICATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 318, S. 1892.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1892) to amend Public Law 107–153 to modify a certain date.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2690) was agreed to, as follows:

AMENDMENT NO. 2690

On page 1, line 6, strike "2005" and insert "2000".

The bill (S. 1892), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

MEASURE PLACED ON THE CALENDAR—H.R. 2892

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2892) to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR SATURDAY, DECEMBER 17, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Saturday, December 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will return to session. As I stated this morning, we are waiting for additional legislative items to come from the House. The House may vote on the Defense authorization conference report later this evening or tomorrow morning. I am unaware of anyone who has requested a rollcall vote on that conference report and, therefore, we expect to debate that during tomorrow's session if that measure is received.

We also have a number of nominations we have been working on over the last several days. We expect to get those wrapped up tomorrow. At this point, we anticipate acting on those nominations without the need for rollcall votes.

Having said that, we will be in session working on the important business that remains. At this juncture, after discussion with the Democratic leader, we do not anticipate a need for rollcall votes tomorrow. I want to say that in a very careful way because we have so much happening right now and, as I said, we will be working through much of the night, and we want to continue to move forward on measures. Senators have been patient. We have said for some time that we would be in this weekend, Saturday and in all likelihood Sunday as well, working through our final business.

Tomorrow, I will continue to work with the Democratic leader to clear as much as we possibly can by unanimous consent. We also expect the Defense appropriations conference report to be ready at some point this weekend, and we will turn to that measure just as soon as we possibly can, as soon as it is ready.

We will remain in session to receive items from the House, and we will remain available to begin any necessary procedural options that are warranted. We will need to act on a continuing resolution tomorrow, and we will pass that when received from the House.

As I mentioned, Members continue to ask about the schedule. We are doing our very best to keep our colleagues apprised as we go forward. There is a lot of work going on with negotiations off the floor. We will monitor those discussions and alert all Members as we get closer to having these last bills ready.

Again, at this point, I do not see a need for rollcall votes tomorrow, although we will have to wait to see what we receive from the House.

With regard to a Sunday session and Monday session, just as soon as we make final decisions in terms of timing, we will let people know as quickly as possible. If we do not vote on Sunday—and we are not prepared to say that yet—we would notify people as soon as that decision could be made. We are going to have a very busy Monday and votes will in all likelihood begin early Monday morning. This will not be a typical Monday where we do not vote until late in the afternoon. Again, I will have more to say regarding Sunday's schedule tomorrow.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. I understand the difficulties of the distinguished Republican leader, especially these last few days of this session of the Congress, but I would say that one way to expedite this is to get the Defense appropriations bill over here as quickly as possible and move in the ordinary course. I have said on the record and off the record, trying to stick this ANWR provision in a place it does not belong is going to create for this body untoward problems in the future.

I am a long timer of the Appropriations Committee and the rule that is now in effect dealing with the scope of the conference; that is, the matters in the conference report that come back to the Senate floor have to be pertinent to the subject matter of the legislation that is taken to conference.

We could complete the Defense appropriations bill in a matter of minutes but for this. There are people of goodwill on both sides of the aisle who do not like that process of trying to stick on this bill the unimaginable. I was not happy when earlier this year we lost on ANWR. The bill went out of here and the place where it could legally be put in a bill, that is reconciliation spending, was stripped by the House of Representatives. As a result of that, now we come back with this suggestion that they are going to stick it on the Defense appropriations bill.

This is a body that lives by rules. We cannot be changing them just because the other side has more votes. So I would simply say to the distinguished majority leader, I hope he would help us stop this mischievous thing. I hope we have more of my friends on the other side of the aisle join with us in this, which is the right thing to do.

I have heard the senior Senator from Arizona give speeches on this matter numerous times: Why did you put that in conference? Those are things within the scope. I cannot imagine how the Senator from Arizona must feel about putting something in a bill that has nothing relating to the scope.

I say to all Senators that one way to wind up this session in a very positive vein is passing the Defense appropriations bill, not having to go through steps that would take us to have to invoke cloture on the Defense appropriations bill, change the rules of the Senate, change precedence in the Senate.

I am terribly disappointed this is even being contemplated. I am willing to work with the distinguished leader and try to work things out this weekend. I do not contemplate any votes that would be necessary. We have to do the continuing resolution and we will complete that as soon as we get it. On my side I am not aware of any amendments on that. I spoke earlier this evening to the distinguished ranking member of the Armed Services Committee and he said he and the chairman, Senator WARNER, are at a point where they can complete that legislation very quickly, and I hope that is the case. If we could finish Defense authorization, Defense appropriations, we could be out of here on Sunday.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise to address the Senate on the status of the progress the conferees are making with regard to the Defense authorization bill. We have been in constant negotiations throughout the week and I am pleased to say that Chairman HUNTER, who has exhibited extraordinary leadership, together with myself, Senator LEVIN, and Congressman IKE SKELTON, we concluded our final conference with Members today. It was my understanding the bill would be filed in the House tonight.

Accordingly, I provided a signature sheet, which is the standard protocol. All 13 members of the Armed Services Committee on the Republican side signed the sheet and Senator LEVIN likewise authorized me to include his sheet of those Democrats which signed. So they are now in the possession of the House of Representatives again in anticipation that the bill will be filed.

Congressman HUNTER is a man I have dealt with for many years and have the greatest respect for, and because of our close working and trusting relationship, he called me tonight, about half an hour ago, to advise me there was some interest among some Members of the House to have that conference report on the House side reopened and another measure inserted. He described the measure, but as a matter of courtesy and privacy I will not describe it.

I indicated to Congressman HUNTER and other members of the House leadership that I would be in opposition; that I felt duty bound as chairman to withdraw the signatures of the 13 Republicans. I called Senator LEVIN and acquainted him with the status of this matter and he asked that I ask Congressman HUNTER to return his sheet with all signatures if the House, in its wisdom, opens that bill and inserts another provision in it. So that is the status.

In the very unfortunate event that we have our signature sheets returned to us and this particular provision is placed in the House bill, I would have to go to my Members on the Republican side and indicate to them that I could not support this measure if it were to be placed in this bill. I might support it in the context of other legislative means, but I would not on this. Therefore, there is a question of whether with my signature being withdrawn—Senator LEVIN said he expressed doubt that his members would join, so there would probably be insufficient signatures for the filing of this bill.

I do not take the floor by means of threatening those with good intentions to try every avenue to foster their interest in legislation, but our Nation is at war, and this bill has been, for various reasons, on a very long journey in getting to this moment in time. Many Members of this body, most especially the members of the Armed Services Committee, both sides of the aisle, have worked diligently on this bill. Our collective staffs have gone around the clock for days in this abbreviated session to try and produce the conference report, and I commend them for the work, and that report has been produced. It is our understanding that it was finalized about 2:30 today and the House was in the process of filing the bill tonight.

So I indicate that this Senator will not in any way allow this bill to come to the floor—I will exercise every right I have—with this provision in it. At this point in time, if, for example, for some reason—my colleagues and I do not in any way threaten my fellow colleagues who I presume might have an interest in this position—were to send over the report without my signature and such signatures that they may get on the other side and that comes over, then I am prepared to exercise my rights under rule XVIII and every available means not to allow this bill to contain this provision, because I think we are absolutely dutybound to the men and women of the Armed Forces and to their families and to the Commander in Chief, with whom I was privileged to meet yesterday, the President of the United States, on a matter that was of great importance to him and other members of our committee, most particularly one member, Senator McCain, who was with me. It was understood that we were finally resolving what we considered the last major issue.

I commend the President on the manner in which he and his staff worked with me and Congressman Hunter and others to resolve this question. So we had finally concluded and listened diligently today to the members of the committee who had some views and closed it out at 2:30.

Now this has arisen. Again, people over on the other side, the other body, have a perfect right to exercise their rights, but I have to indicate, and I think in fairness to the leadership of the Senate and the leadership of the House, my steadfast opposition to this procedure. There has to come a time around here when conference reports are closed, as it was indicated to us, signature sheets provided, and we should go forward.

This bill is vitally necessary to this Nation at this hour. When every day we are losing men, killed and wounded, and the horrific damages to them and their families, we must be steadfast in our resolve.

I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

COMMENDING SENATOR WARNER

Mr. REID. Mr. President, I wish I had the words to express the thoughts I have in my heart now. I love history. I love the Senate. I have spent a lot of my life here. The mere fact that I am a Senator is, every day, hard for me to comprehend. But I am, and I am so thankful to the people in Nevada for allowing me to serve.

But I want to say to the senior Senator from the State of Virginia that when the history books are written about this institution and someone flips through like a dictionary, wanting to have described what a U.S. Senator should be, John Warner has to be near the top of that list, if not at the top. He is a man who is a gentleman. I have served with him now for 23 years. He is a man who believes in this institution and has the record to prove it. He is a person who is a good member of his political party, but he is also a patriot. As important as the two-party system is to our country, to the Senator from Virginia, party comes second, country comes first.

As I said, I don't have the ability to express my conviction about this man. But the statement he just made, his off-the-cuff statement, is what the Senate is all about. It is about protecting this country, the individual rights of Members of the Senate, and that is why John Warner is a great Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with a deep sense of humility, I thank my colleague. I am undeserving of those remarks. Each day I am here, each day I grow a little older, I grow more humble and thankful to the good Lord for allowing me to greet each day and do what I feel is best in the interests of this country.

ADJOURNMENT UNTIL 4 P.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate this evening, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:42 p.m., adjourned until Saturday, December 17, 2005, at 4 p.m.

NOMINATIONS

Executive nominations received by the Senate December 16, 2005:

THE JUDICIARY

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

MICHAEL RYAN BARRETT, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE WALTER HERBERT RICE RETIRED.

DEPARTMENT OF JUSTICE

REGINALD I. LLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE J. STROM THURMOND, JR., RESIGNED.

FEDERAL ELECTION COMMISSION

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009. (REAPPOINTMENT)

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, VICE SCOTT E. THOMAS, TERM EXPIRED.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE BRADLEY A. SMITH, RESIGNED.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE DANNY LEE MCDONALD, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN WESTGATE, 4417

HOUSE OF REPRESENTATIVES—*Friday, December 16, 2005*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. TERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 15, 2005.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our Protector and Guide, as a pilgrim people traveling through space and time but anchored in eternity, we are always awaiting a new life; as we celebrate a life suspended by all the relationships we already know.

As Americans, it is hope, Lord, that keeps us fixed on the future. Hope carries us through good times and bad, yet hope secures our existence and our purpose in the here and now. Help us to draw closer to the Source of Hope, not to be found in the strong wind of turmoil that today's world brings, not in the earthquake of power plays, not in the fire that human desire consumes, but rather in the sound of sheer silence that the holy Scriptures reveal.

Lord, once we have found our authentic source of hope, we can make the necessary corrections in our itinerary. We can make expectations fit words revealed and let the beauty of divine energy prevail over self-centeredness and fear. Once we can place all our hope in You, Lord, where it belongs, we can rest and enjoy, because then the incredible can be believable and the impossible seem within reach.

In You, O Lord, we place our trust now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 one-minute speeches from each side.

ECONOMIC JOY TO AMERICA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Republican fiscal policies continue to spread tidings of economic joy to families throughout our country.

Yesterday, the U.S. Labor Department reported that consumer prices plummeted last month by 0.6 percent, the largest decrease since 1949. Energy prices alone have dropped by 8 percent. These strong economic indicators are only a sample of gifts created by low taxes and decreased government regulations.

Additionally, 4.5 million new jobs have been created. More Americans are working than ever before in our Nation's history. The unemployment rate is lower than the average of the past three decades. The economy grew at 4.3 percent over the last 10 quarters. Tax receipts increased by $247 billion in just 1 year after the Bush tax cuts, the largest increase ever. Home sales reached a record high in October. Productivity soared in the last quarter by 4.7 percent, reducing fears of inflation.

We will continue to enact economic policies to help all Americans.

In conclusion, God bless our troops. We will never forget September 11 and the courageous Iraqi voters.

RESOLUTIONS REGARDING WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Today, the U.S. House will debate a so-called Victory in Iraq resolution, and vote on whether or not the continued U.S. military presence in Iraq is desirable by the U.S. Government.

Today, Congressman RON PAUL and I have a resolution that expresses the sense of Congress that the new permanent Council of Representatives of Iraq should debate and vote on whether the continued U.S. military presence in Iraq is desired by the Government of Iraq.

According to the Iraq constitution, the Iraq federal government has exclusive power over foreign policy and negotiation, national defense policy, and the Council of Representatives specifically has the responsibility of creating new law and certifying treaties and international agreements.

The continued U.S. military presence in Iraq is a matter for the elected Government of Iraq, a sovereign nation, to decide. If we define victory as Iraq's self-determination, then we ought to encourage Iraq to make its own decision about further U.S. occupation. But if victory is just a cover for endless U.S. occupation of Iraq, then that is just not going to be acceptable to the American people or to people of the world.

IMMIGRATION REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, during the decade I served as a member of the North Carolina Senate and during my first term in the United States Congress, I have found that few things are as important or represent as many problems as illegal immigration.

The terrorist attacks on our homeland highlighted the potential disastrous effects of the porous borders and the need to bolster border security. Illegal immigration also has many other far-reaching and dangerous effects. That is why I am pleased to cosponsor H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. This important piece of legislation will strengthen our borders, crack down on those who hire illegal aliens, increase the punishment for those who smuggle people into our country illegally and allow for the swift deportation of illegal aliens.

I sympathize with those who wish to live in America. We are indeed a nation of immigrants, but also a nation of laws. Immigration laws exist to provide the steps for safe and legal entry into our country. Controlling illegal

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

immigration begins with the enforcement of current laws and the elimination of incentives to immigrate illegally.

Please join me in supporting H.R. 4437.

THURMAN BARNES

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Mr. Thurman Barnes of LaGrange, Georgia, on receiving his GED at age 96. In fact, Mr. Barnes is believed to be the oldest person ever to receive a GED, attesting to the fact that an education is important and fulfilling no matter what your age.

Eighty years ago, Mr. Barnes failed a Latin class. As so often happens in life, before he could make up his course work, his attention was turned to his job, marriage, and family obligations. But throughout his life, the thought of that elusive high school diploma stayed with him.

Eight decades later, Mr. Barnes began taking classes at West Georgia Technical College. This past Monday, he passed the GED examination with flying colors. When asked what subject was easiest for him, Mr. Barnes replied, "Social studies, because I have lived through most everything in the last 100 years."

Mr. Speaker, it takes a lot of character and tenacity to hold on to the dream of graduating high school for 80 years. I want to thank Mr. Barnes, his family, West Georgia Technical College, and the Georgia Adult Literacy Program for reminding us of the importance of rising to the challenges of life, regardless of age.

MATTHEW SCOTT

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, I rise today to honor the heroism of a man named Matthew Scott, who nearly 9 years ago performed an act of uncommon courage that saved the life of a young woman in my congressional district.

In August of 1997, a 15-year-old woman and her friend were driving on a narrow, windy road near a dangerous area called Deception Pass. Unable to see the road, Leslie, the driver, drove off a 185-foot cliff into the freezing ocean below. Her passenger managed to jump to safety from the truck before it went over the edge. At the same time, Matthew Scott, a young Naval Chief Petty Officer, was driving by the location when he spotted a busted guardrail and a group of people pointing to the waters below.

Matthew scaled down the treacherous, dark cliff with only a small flashlight to guide him. At the bottom of his 185-foot descent, he swam 30 yards out in strong tides and frigid water to rescue Leslie who had suffered a broken back, leg, and arm. Because of his selfless, courageous heroics, Leslie is now a 24-year-old mother and a manager of a local coffee shop.

Matthew has continued to dedicate his life to one of military service and is now a lieutenant studying for his MBA at the Naval Post Graduate School in California. As a member of the House Armed Services Committee, I am honored to have had Lieutenant Scott serve at Naval Air Station Whidbey Island in Washington State's Second Congressional District, so I come to the floor of the House of Representatives today to honor him and call on all my colleagues to look to Matthew's example to inspire us and spur us on to our own acts of selfless service and care.

Because of Matthew's humble heroics, Leslie is alive today. Matthew himself is not just a good father and not just a good sailor, he is a great person and a true hero.

FREEDOM WINS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, did you see the newspaper? Iraqis vote by the millions, turn out undeterred by threats. Violence was replaced by Iraqi citizens, 70 percent of them freely and openly voting for their representatives, affirming the wonder of liberty.

The entire world is witness to their desire, demonstrated by their courage and action to live in a country where life and liberty are treasured.

This week we have seen success in Iraq, another vivid victory over terrorism. Anxiety has been replaced by celebration, purple-stained fingers were seen throughout Iraq, testimony to the glory and the spirit of freedom. Everyone may now see that our efforts in Iraq are successful. Millions of Iraqis are participating in leading their country to a bright future, full of promise and potential.

Mr. Speaker, we should all applaud these efforts. Today is a day of victory for Iraq, for America, and for the free world. It is testimony that the will of the Iraqi people will not waiver and that freedom will prevail.

IMMIGRATION

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIJALVA. Mr. Speaker, I rise today in opposition to H.R. 4437, the Border and Immigration Enforcement Act of 2005.

H.R. 4437 is an enforcement-only approach that fails to provide real family security, real national security, and real economic security for our country. It is neither comprehensive nor realistic.

If this Nation really wants to create an effective border security policy, we need to have a debate that includes a discussion about actual solutions to our problems, which means taking all of the political grandstanding and baiting out of the equation.

H.R. 4437 is unrealistic, it is based on fear, and it is financially irresponsible and even unconstitutional at times. It joins rank with the Chinese Exclusion Act and the Depression-era repatriation of U.S. Citizens to Mexico, two of our country's most embarrassing moments.

As a first-generation son, a native-born son of an immigrant that came to this country, I hope we do not close the door to that legacy.

IRAN AND ISRAEL

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, the outburst of hateful and irresponsible rhetoric coming from Iran in recent days and weeks is simply outrageous.

In October, Iranian President Mahmoud Ahmadinejad sparked international outrage when he publicly declared that Israel should be "wiped off the map." Just last week, he suggested that the Holocaust never happened. This week, he called for Israel to be moved to Europe.

Nations, including the U.S., France, Germany, and the European Commission, have all expressed their disgust with these comments. The Israeli Foreign Ministry spokesman, Mark Regev, said it best when he said, "The combination of fanatical ideology, a warped sense of reality, and nuclear weapons is a combination that no one in the international community can accept."

He is absolutely right. These comments were not made by some cleric of some small mosque. He is a head of state, and to think of him having nuclear weapons is frightening. It threatens not only Israel, but the international community as a whole, and should be denounced in the strongest terms possible by all nations.

PROVIDING FOR CONSIDERATION OF H. RES. 612, VICTORY IN IRAQ RESOLUTION

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 619 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 619

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

SEC. 2. On the first legislative day of the second session of the One Hundred Ninth Congress, the House shall not conduct organizational or legislative business.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday was an extraordinary day not only in the history of Iraq but the history of the world. We saw the third free and fair election take place in the country of Iraq, and for the first time in the history of that nation we saw the people of Iraq choose their own leaders.

On January 30 of this year, there were many people who thought it could not happen, there were many terrorist attacks, and it actually was slow in coming. As you will recall, the pictures that we saw of voting stations where early on no one voted, but ultimately 8.5 million Iraqis voted to put into place a coalition government that was charged with the task of fashioning a constitution, a constitution that would work to bring together the very disparate factions that exist within Iraq, the three that we know of, the Shia, the Sunni, and the Kurdish populations, and of course the other divisions that exist in the country.

Mid-summer, we saw the work on that constitution proceed. We saw the August date approach. There were problems, difficulties. And then we saw the October 15 election rapidly approach, and people from all over the world, including leaders of the U.S. forces there, were uncertain as to whether or not the Iraqi people would in fact ratify their constitution.

Mr. Speaker, we saw a 64 percent voter turnout, roughly 10 million Iraqis voting, and 78 percent of the people of Iraq from throughout the country among all of those three disparate factions within the country came together and overwhelmingly, with a 78 percent vote, ratified that constitution. The existence of that constitution called for parliamentary elections to take place, and for, as I said, the first time in the nation's history we yesterday saw the Iraqi people choose their own leaders, a 275-member parliamentary assembly.

Mr. Speaker, we do not know yet the exact outcome of that election, but there are a number of very important things we do know about yesterday's election. We thought that there would be wide-ranging terrorist attacks, when in fact there were very few if any difficulties with the election at all when it came to attacks. We saw something that came as a great surprise to so many people, and that was a 70 percent voter turnout.

Mr. Speaker, 11 million Iraqis voted in this election. If one looks at where it is that we are headed, it is an amazing testament to what the United States of America and our Coalition Forces have done.

We, as a body, strongly support our troops; and we, as a body, strongly support the mission of our troops.

Mr. Speaker, what I would like to do, at this point, is share with my colleagues the resolution that, if we approve this rule, will be considered. It is a resolution introduced by the very distinguished chairman of the Committee on International Relations. And I should say parenthetically that our thoughts and prayers are with Chairman HYDE right now as he is going through a very difficult situation in his family. But in his absence, I know that from the International Relations Committee our colleague from Miami (Ms. ROS-LEHTINEN) came before the Rules Committee last night and testified on behalf of this resolution; and she was joined by the distinguished ranking member of the Committee on International Relations (Mr. LANTOS).

The resolution reads as follows, Mr. Speaker: Expressing the commitment of the House of Representatives to achieving victory in Iraq.

Whereas, the Iraqi election of December 15, 2005, the first to take place under the newly ratified Iraqi constitution, represented a crucial success in the establishment of a democratic constitutional order in Iraq.

And whereas, Iraqis who by the millions defied terrorist threats to vote, were protected by Iraqi security forces with the help of United States and Coalition Forces.

Now, therefore, be it resolved that:

1. The United States House of Representatives is committed to achieving victory in Iraq;

2. The Iraqi election of December 15, 2005, was a crucial victory for the Iraqi people and Iraq's new democracy and a defeat for the terrorists who seek to destroy that democracy;

3. The House of Representatives encourages all Americans to express solidarity with the Iraqi people as they take another step toward their goal of a free, open, and democratic society;

4. The successful Iraqi election of December 15, 2005, required the presence of U.S. Armed Forces, U.S.-trained Iraqi forces, and Coalition Forces;

5. The continued presence of United States Armed Forces in Iraq will be required only until Iraqi forces can stand up so our forces can stand down, and no longer than is required for that purpose;

6. Setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq, or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region, is fundamentally inconsistent with achieving victory in Iraq;

7. The House of Representatives recognizes and honors the tremendous sacrifices made by the members of the United States Armed Forces and their families, along with the members of Iraqi and Coalition Forces; and.

8. The House of Representatives has unshakable confidence that with the support of the American people and the Congress, the United States Armed Forces, along with the Iraqi and Coalition Forces, shall achieve victory in Iraq.

That is what House Resolution 612 says, Mr. Speaker; and it is very clear to me that an overwhelming majority of the House of Representatives will be supportive of this effort.

Now, I think that it is important for us to also look back at a number of the charges that have been leveled over the past couple of years. There was no strategy, no plan for victory in Iraq. We have constantly heard that from many over the past several months. I got, as I know all my colleagues did, this 35-page document that was put forward by the President as he began his campaign in the past several weeks to enlighten the American people on what our strategy for victory in Iraq is.

Now, there are many who believe that this is some great revelation, but the lead page of this 35-page document, Mr. Speaker, refers to a speech that was delivered 3 weeks, actually about 3½ weeks, before we began our military engagement in Iraq.

In February of 2003, President Bush said as follows: "The United States has no intention of determining the precise form of Iraq's new government. That choice belongs to the Iraqi people. Yet, we will ensure that one brutal dictator is not replaced by another. All Iraqis must have a voice in the new government, and all citizens must have their rights protected. Rebuilding Iraq will require a sustained commitment from many nations, including our own. We will remain in Iraq as long as necessary and not a day more."

Now, that was stated by President Bush on February 26 of 2003, and I commend this document to my colleagues, in which it refers to the fact that we have seen extraordinary achievements take place since we began our effort in

Iraq. The impact that it is having on the region is underreported. The positive salutary effect of what the United States of America, the Iraqi Security Forces, and our Coalition Forces have done has had, I believe, an extraordinarily positive impact on nations like Egypt that for the first time in its history held, as I was told by the defense minister of Egypt, because of what we have done in Iraq they held multicandidate elections; in Lebanon where we have seen people, because of what we have done in Iraq, standing up for the cause of freedom say that they will give their lives to ensure that the Syrians do not control their country. So throughout the region we are seeing very important developments.

Mr. Speaker, it is also important to note that we continue to live in a very dangerous world, and that region of the world is particularly dangerous. All one needs to do is look at the statement made most recently this week from Iran's leader about the continued quest towards undermining the cause of freedom and liberation and democracy.

Mr. Speaker, this resolution makes it very clear. We congratulate the people of Iraq. We underscore the fact that the Iraqi Security Forces, the United States of America and our Coalition played a critical role in finally bringing about the self-determination which the people of Iraq are now enjoying; and it makes it clear that the region is still a very dangerous spot on our globe and that any kind of artificial timetable that were put into effect calling for our withdrawal would undermine the tremendous successes that we have been able to see over the past nearly 3 years and, I believe, could jeopardize the future of these people who are just now getting a taste of the kind of freedom that we take for granted.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to thank the gentleman from California (Mr. DREIER), the chairman of our committee, for yielding me the customary 30 minutes, and I yield myself 7½ minutes.

Mr. Speaker, last night and this morning, like all my colleagues, I watched the news reports about the parliamentary elections in Iraq. This is a proud day for the Iraqi people, and it is fitting that this Congress, this House of Representatives, recognize the courage of the Iraqi people, their desire to take control of their own destiny, and how much they have suffered to achieve this taste of democracy.

As has been stated by so many analysts in the news media, one of the most important outcomes of this election was the significant participation for the first time of Iraqi Sunnis in this election, many of whom, according to news reports, were encouraged to vote, escorted to the polls or guarded at the polls by armed Iraqi insurgents.

Everyone in the House of Representatives is proud of the Iraqi people. Everyone in this House respects the efforts made by our uniformed men and women to help the Iraqi people get to this historic moment.

This House could have sent a strong unified message to the Iraqi people, our troops in Iraq, and to the international community in support of our troops and in support of the brave Iraqi people. But, Mr. Speaker, once again, as it has so often done in the past, this Republican leadership has chosen to include controversial language in this resolution, knowing that it will provoke sharp and divisive debate over Iraq.

☐ 0930

Rather than choosing to send a united message to the world, the Republican leadership has cynically and deliberately decided to highlight our divisions rather than our unity.

Late last night, the ranking member of the House International Relations Committee, one of the most respected leaders in this House on human rights, Congressman TOM LANTOS, came before the Rules Committee with a resolution that focused on congratulating the people of Iraq for three successful elections conducted in Iraq this year. The resolution further praises our troops for their contributions to peace and stability in Iraq. And, Mr. Speaker, he was rejected out of hand.

Shame on the majority to treat one of the most respected Members of this body in such a fashion. Shame. Mr. Speaker, there are many points of view in this House about how the U.S. should proceed in Iraq. Even among the majority, there are differing points of view. I for one believe these successful Iraqi elections provide an opportunity for the United States to change course in Iraq and begin bringing U.S. forces home. As we pass the 1,000th day of the war in Iraq, I believe we must begin the transition to putting the Iraqis in charge.

After 3 years of war, the United States claims, for better or for worse, the elimination of Saddam Hussein from power, and that the United States has furthered the Iraqi political process, culminating in the passage of a Constitution and now the first democratic election and Iraq's first constitutional government.

At this point, plans for a full transfer of sovereignty to Iraqis demands a change in course, one that puts Iraqis in charge. Iraq can't move forward with 160,000 U.S. troops, the largest U.S. Embassy in the world, and with Iraqi public opinion behind a timetable for withdrawal.

Mr. Speaker, many years ago Vermont Senator George Aiken said of the disastrous Vietnam war that the United States should declare victory and go home. Well, the elections in Iraq and the other milestones constitute a sufficient reason for the United States to declare that it has done all it can in Iraq, and it is time to reverse the Bush administration's policies.

President Bush's unwillingness to announce a plan to remove U.S. troops within a clear time frame and his refusal to renounce the use of permanent U.S. military bases there undermines his rhetoric about Iraqi democracy and will undermine the legitimacy of the new Iraqi Government. Our occupation of Iraq complicates the transition to democracy. Former Secretary of State Madeleine Albright had it right, Mr. Speaker, when she said last month that the United States can support democracy, but we cannot impose democracy. And it is a deadly combination when democracy is equated with occupation.

While the President continues to give speeches on the war, the American people have become disenchanted with the administration's Iraq policies and its failure to disclose a plan for withdrawal. Let us be clear, Mr. Speaker. The President has a credibility gap when it comes to Iraq. According to a December 8 New York Times/CBS poll, 59 percent of Americans disapprove of the way President Bush is handling the war in Iraq, and 70 percent do not believe that he has developed a clear plan to get American troops out of Iraq.

We have lost more than 2,100 soldiers dead and over 15,000 wounded, overstretched our military, placed our homeland and those of our allies at greater risk, and still this President persists in a useless quest for, quote, victory.

But excuse me, Mr. Speaker, just what is "victory"? Who defines it? Who decides when "victory" has been achieved in Iraq? Is it the Iraqi people themselves? Is it President Bush, who has already declared "mission accomplished"? Is it next year? Or the year after that? Or 5 years or 10 years down the road? Is it when we have lost 3,000 troops in Iraq? Or 5,000? Or 10-? How many more American troops do we have to sacrifice? How many more Iraqi lives must be sacrificed before we decide that "victory" has been achieved?

While most Iraqis are confident in yesterday's parliamentary elections, two-thirds are opposed to the presence of U.S. troops, according to a poll released on December 12 by ABC News and Time Magazine. According to news reports, many of the Sunnis turned out in such large numbers yesterday because they see it as a means to end the U.S. occupation of their country. Arab voices through the Cairo process are helping change the dynamic in a positive way and are filling a role that the U.S. no longer needs to play.

The President must work with the United Nations and Iraq's Arab neighbors to develop an interim arrangement as American troops depart. The best way to preserve the gains made so far is to commit to long-term financing for reconstruction, working with the new Iraqi Government to set a timetable for withdrawal, and to arrange for an over-the-horizon troop presence.

The Bush administration and the Republican leadership of this House should be spending less time on spin and speeches and more time on preparing for bringing American troops home. The way out of Iraq begins by genuine respect for the will of the Iraqi people and their desire for U.S. military withdrawal from Iraq. The President can begin to demonstrate this respect by putting an end to the attempted manipulation of Iraqi public opinion with fake news written by Pentagon contractors, the unambiguous announcement that the U.S. will not maintain permanent military bases there, and the immediate initiation of a coherent plan for the withdrawal of our forces there. This will not only give the vast majority of the Iraqi people what they want, but the new Iraqi Government its strongest chance for success.

Unlike what is stated in this resolution, there is nothing "artificial" about this approach. Congress, too, has a responsibility to take action where the Bush administration falters. Today we should praise the Iraqi people, but tomorrow this Congress should move to must-pass legislation to force beginning to bring our forces home.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, as I listen to these statements made about public opinion polls, I would like to point to my colleagues the ABC News poll about which my friend referred. Seventy-one percent of the Iraqis polled said that their lives were very good or quite good; 61 percent reported the security situation is very good or quite good in the area where they reside; 64 percent said they expect their lives to be much or somewhat better a year from now.

I know that my friend from Ohio is introducing a resolution, he spoke about it earlier today, talking about the independence and the Iraqis making a choice as far as our presence. The Iraqi President, Jalal Talabani, made it very clear in an editorial that he wrote in the Wall Street Journal. He said:

"A timetable will aid the terrorists and tell them that all they have to do is wait. Military plans must be flexible. We should have the suppleness to respond to the often-changing level of terrorist threat."

That is not an American military leader making that statement. That is the President of Iraq.

With that, Mr. Speaker, I would like to yield 3 minutes to the very distinguished chairman of the Republican Study Committee, my friend from Columbus, Indiana (Mr. PENCE).

Mr. PENCE. I thank the chairman for yielding.

As a member of the International Relations Committee, I rise in strong support of this resolution and take a moment to express our prayers and good wishes to the author of this resolution, who labors at the side of his namesake at this very hour in a hospice in Illinois.

It is extraordinary day today, Mr. Speaker, as a Member of Congress that has had the privilege to travel to Operation Iraqi Freedom on three different occasions, the news that 11 million Iraqis, with Iraqis on point handling the security during these elections, 70 percent of Iraqis turned out. It was, in no uncertain terms, a victory for democracy in Iraq. And it is my privilege and honor to rise this morning on this floor in support of the rule and the underlying resolution that confirms this great day in the history of freedom. December 15, 2005, when millions of Iraqis defied terrorists to say "yes" to democracy.

I stand also in support of the affirmative statements in this resolution that this House of Representatives is committed to achieving victory in Iraq and sees this election as a crucial victory for the Iraqi people and a defeat for the terrorists in that country. It is also in this resolution an effort to state emphatically the rejection of the wisdom of an artificial time line and also to recognize the extraordinary sacrifices made by members of the United States Armed Forces and their families. It is about them that I rise especially today, Mr. Speaker.

This week at my office in Muncie, Indiana, a group of the citizens that I have the privilege of serving came to protest our military presence in Iraq, to urge the withdrawal, as some have done and continue to do, of our forces from this nation. And while it is their right to do so, let me say emphatically, it is my duty to stand with our Commander in Chief, to stand with our soldiers in the field, and to stand with the good people of Iraq until we achieve a total victory for freedom in this nation.

I derive that sense of duty from seven names that I felt obligated to mention today. They are the names of the soldiers that I represented until they stepped into eternity, who fell in Operation Iraqi Freedom, from eastern Indiana.

Lance Corporal Matthew Smith.
Private Shawn Pahnke.
Specialist Chad Keith.
Staff Sergeant Frederick Miller, Jr.
Sergeant Robert Colvill, Jr.
Specialist Raymond White.
Lance Corporal Scott Zubowski.

These seven men didn't leave their post, and this Congressman won't, either. It is them and to their credit and to their grieving families that I rise in support of this resolution today. It is the sacrifices of over 2,000 American soldiers who laid down their lives for the freedom that we saw demonstrated in the streets of every corner of Iraq yesterday that I support this resolution.

Mr. McGOVERN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from California (Mr. LANTOS), the ranking member on the International Relations Committee, who was denied his request to offer his amendment here on the floor today.

Mr. LANTOS. I thank my friend for yielding.

Mr. Speaker, I rise in sorrow, not in anger, because this morning could be a morning of unity and celebration and congratulations. Yesterday in unprecedented numbers the people of Iraq rejected the threats and intimidation of the terrorists and chose a new permanent national Parliament, the first fully sovereign, elected democratic assembly in the history of Iraq. This should be cause for celebration for the Iraqi people, for our troops, the troops of our allies and the Iraqi security forces who bravely protected the Iraqi people who came out to vote. Unfortunately, the resolution before us does not do that, and that I deeply regret.

Mr. Speaker, we all know that there is a spectrum of views on my side of the aisle on how to deal with the difficult situation in Iraq in the weeks and months ahead. Yesterday I was asked with a number of other Democrats to go to the White House. I sat next to the President as we talked about the possibility of building a united approach to this difficult dilemma. But the leadership, in a rigid, unbending, almost ruthless fashion, refused to take one single word of change or modification in their resolution. It was a take-it-or-leave-it proposal, which is inappropriate in a democratic legislative body where some of us have been attempting to operate in a bipartisan fashion.

I introduced a resolution and asked the Rules Committee to make it in order. My resolution congratulates the Iraqi people on three democratic national elections, encourages all Americans to support the Iraqi people, and commends our troops and those of our allies and the Iraqi forces for protecting their people at election time.

That is the resolution which should be before us today. We would get a unanimous vote, and we would send a message to our troops and to the whole world that Congress is united. Instead, by rigidly demanding total adherence to the Republican formula, there will be an ugly, divisive debate in this body this morning. This is not in our national interest.

I wish to use the balance of my time to read the resolution that I believe ought to be before us, Mr. Speaker.

The text of my resolution is as follows:

H. RES. 613

Whereas the people of Iraq have consistently and courageously demonstrated their commitment to democracy by participating in three elections in 2005;

Whereas on January 30, 2005, the people of Iraq participated in an election for a transitional national assembly;

Whereas all segments of Iraqi society actively participated in the approval of a new Iraqi Constitution through a referendum held on October 15, 2005;

Whereas reports indicate that the people of Iraq voted in unprecedented and overwhelming numbers in the most recent election, held on December 15, 2005, for a new, national parliament that will serve in accordance with the recently-approved Iraqi Constitution for a four-year term and that represents the first fully sovereign, elected democratic assembly in the history of Iraq;

Whereas this remarkable level of participation by the people of Iraq in the face of dire threats to their very lives has won the admiration of the world;

Whereas the Iraqi elections could not have been conducted without the courage and dedication of the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq; and

Whereas the December 15, 2005, election in Iraq inspires confidence that a robust, pluralistic democracy that will bring stability to Iraqi society is emerging: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Iraq on the three national elections conducted in Iraq in 2005;

(2) encourages all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society; and

(3) expresses its thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.

Mr. LANTOS. There isn't a Member in this body who could not subscribe to this. This is not the time for an ugly and divisive debate. And with its rigidity and total unwillingness to listen to half of this body, the majority has chosen to give us an ugly and divisive debate.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my very good friend from California by saying, first and foremost, there is nothing ugly and divisive about the debate that we are about to undertake, that we are in the midst of right now, number one.

Number two, I think it is important to note that while all of the recommendations that were made by the minority were rejected, I have just been given by the staff of the International Relations Committee an outline of those two recommendations that were made. They were to entirely delete the resolved No. 6 clause in the resolution, which was the language that I read which says that we cannot establish an artificial timetable for withdrawal, which is exactly what President Talabani said in his piece, number one. And, number two, it underscored the fact that there was a desire from the minority to change the goal of achieving victory to establishing stability in Iraq.

Mr. Speaker, I think it is very important for us to note that there should be, in fact, complete bipartisanship in our goal to not have an artificial timetable complying with the request of our men and women on the ground there along with President Talabani, as well as making sure that we achieve victory in Iraq. Nothing, nothing, has to be divisive about this debate. I am convinced, Mr. Speaker, that at the end of the day, an overwhelming majority of the House of Representatives will support this, because we want to do more than simply pat our men and women in uniform on the back and pat the Iraqi people on the back. We want to talk about the importance of sustaining what took place yesterday for the future of Iraq.

Mr. LANTOS. Will my friend yield?

Mr. DREIER. I will in just a moment. We have got a limited amount of time. I look forward to engaging my friend, but I promised the former Secretary of State of Michigan that I would yield 2½ minutes to her. At this point I would like to do that and then would look forward to any comments that my friend would offer.

Mr. LANTOS. I would like to comment on your observation.

Mr. DREIER. Absolutely. I look forward to it.

Mr. LANTOS. Thank you for your courtesy.

Mrs. MILLER of Michigan. I thank the gentleman for yielding, and I rise in strong support of this rule and the underlying resolution as well, because this House must show our troops, the Iraqi people, and our terrorist enemies that we are committed to achieving victory in Iraq.

Mr. Speaker, just a couple of days ago, I spoke with a constituent of mine named PFC Josh Sparling. Josh serves in the 82nd Airborne Division with the 3rd of the 504th, also proudly known as the Blue Devils. Josh was wounded by an IED while serving with his unit in Ramadi, Iraq. He is currently at Walter Reed Hospital recuperating from surgery, with doctors working literally to save his leg.

When I talked to Josh, he did not want to complain about his wounds nor the pain that they were causing him. No, this American hero wanted to talk to me about the progress being made on the ground in Iraq, and how well the new Iraqi troops performed in the field, and how committed the Iraqis were to reclaiming their country from the terrorists.

His proudest day in Iraq was when he provided security in the Iraqi election last October. He watched thousands of Iraqis singing and celebrating on their way to polling stations. It made him proud that the American military was accomplishing their mission to spread peace and hope and freedom and democracy. He was disappointed that he was not in Iraq right now with his unit providing security for yesterday's election and watching the left flank of his buddies.

Mr. Speaker, that is commitment. That is dedication, what we expect and what we get from our brave men and women in uniform. Yesterday's election was a great victory for the Iraqi people, more proof of an historic pivot in that part of the world, and now is not the time to wave the white flag just as our Iraqi allies begin the difficult business of forming a new democratic government.

We cannot redeploy troops based on political concerns instead of needs on the ground to secure victory. We must not let down all of our brave men and women in uniform who have served so remarkably. We cannot let down over 11 million Iraqis who yesterday stuck a finger in the eye of the terrorists as they stuck their finger in that blue ink. We cannot give our terrorist enemies a victory which they cannot achieve on the battleground.

We need to send a message, this House needs to send a message, today that we are committed to completing the mission. Vote "yes" on the rule and the underlying resolution.

Mr. McGOVERN. Mr. Speaker, before I yield 1 minute to the gentleman from California (Mr. LANTOS) to respond to what the chairman of the Rules Committee had said, let me make clear, nobody is talking about waving a white flag here. What we are talking about is trying to figure out a way to make a bad situation less bad. The polls have shown clearly that the majority of the Iraqi people want us out of Iraq. When a majority wants something, they usually get what they want, because that is what a democracy is about.

We don't know a lot about democracy in this House because we are routinely shut out of being able to have debates and votes on important issues. But the bottom line is that those of us who are advocating that the President set some sort of a timetable are doing so because we think that that is a way to strengthen the situation, to give the new government over there a chance to succeed. I don't believe it can succeed if it is viewed as a puppet of the United States. I don't believe it can succeed with a huge U.S. occupation over there. I don't believe it can succeed with the largest U.S. Embassy in the world over there. I don't believe it can succeed if those are the conditions.

And so having said that, let me yield 1 minute to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. I thank my friend for yielding.

Mr. DREIER. Mr. Speaker, I would like to yield a minute to my friend from California as well.

Mr. LANTOS. Thank you.

My good friend Mr. DREIER suggested that there will not be a divisive debate this morning. That divisive debate has already begun. You need to listen to the words of what my colleagues are saying. I attempted to avoid this divisive debate this morning. I attempted at the end of this session to have this Congress go home with a unanimous vote congratulating the Iraqi people on what they have done; congratulating our military, our allies and the Iraqi forces for making it possible for them to vote.

There are divisions on policy, and it is an ostrich policy to pretend that there are no divisions. I may agree with the gentleman's view about a timetable. That is not the issue. The issue is that the last discussion of Iraq in this body will show division, bitterness and divisiveness, and that could have been avoided with a little bit of flexibility and consideration on the part of the majority for the views of almost one-half of this body.

I thank my friend for yielding.

Mr. DREIER. Will the gentleman yield? I have yielded 2 minutes to the gentleman. I think he still has time.

I just would like to say that I believe that the resolution that has been brought forward is one which recognizes the directive, the call from the President of Iraq. It recognizes the sense of the men and women in uniform who are on the ground there. And I believe that an overwhelming majority, and I will say to my friend, there may be some Republicans who choose to vote against this measure. I don't know that every Republican is going to vote in support of this resolution, but this resolution underscores the importance of victory in Iraq.

Mr. LANTOS. Reclaiming my time, it is in the national interest to show the greatest degree of unity in this body, and your resolution does the opposite.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to one of the authors of the amendment that was rejected last night in the Rules Committee, the gentleman from Florida (Mr. HASTINGS), my colleague on the Rules Committee.

Mr. HASTINGS of Florida. I thank my friend, the distinguished Rules Committee member from Massachusetts, for yielding me time.

Last night I made the statement in the Rules Committee that I would not participate in the debate. I do not intend when the debate begins to have anything to say, and quite frankly if I had the wherewithal, I would ask my colleagues on the Democratic side not to say anything as well. But I do know a little bit now, having served on the Rules Committee for a little while, about closed rules, and I know when we have closed rules, we restrict democracy.

We come here to advocate for democracy in Iraq, as rightly we should. But I come this morning to advocate democracy for the Members of the House of Representatives who have a different point of view that needs to be heard regarding this important matter having to do with our Nation. Like my friend and mentor, TOM LANTOS, I feel that there will be division as a result of the resolution as filed. I quite frankly am a bit surprised that so many people in the majority who argue that the war should not be politicized have done an act, although subtle and nuanced, that is as political as most things that we do here.

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I do not decry politics. That is what we do for a living. But when it comes to this Nation, we all have a responsibility to stand together. There is no one in this Congress that does not support the military of the United States in every aspect of what it has done. There is no one in this Congress that wants us to fail in achieving victory in Iraq and anywhere that terror exists in this world. We have a vested interest in that. We have a natural right to pursue that particular interest.

But to fashion a resolution that ignores the language that Mr. LANTOS offered, that does precisely the same thing with civility all throughout it, I cannot imagine that we have passed yet another closed rule and that we have restricted a sensible, civil resolution offered by Mr. LANTOS, Ms. PELOSI, and Mr. HOYER.

In that light, I consider it to be the kind of act that is seemingly becoming the pattern with so many people in this House who represent so many constituents who are not being heard.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend.

First of all, let me say that as a member of the Rules Committee, I am very proud of this democratic, small "d," institution; and I am very proud of the work of the Rules Committee. I would like to say that in this session of Congress more amendments offered by Democrats have been made in order than amendments offered by Republicans.

Mr. Speaker, I would also like to say that as my friend talks about ideas being shut out, that is a mischaracterization of what has happened here. We have come forward with a sense of the Congress resolution, a simple resolution is what it is. I would like to share with my colleagues, since we are talking about the process of democracy in Iraq and the process of democracy here in the United States of America and in the people's House, according to the Congressional Research Service, they state on simple resolutions, "Simple resolutions express nonbinding opinions on policies or issues (the 'sense' of the House or Senate) or deal with the internal affairs or prerogatives of the House. For example, they are used to establish select and special committees, appoint the members of standing committees, and amend the standing rules. In the House, the Rules Committee reports its special rules in the form of simple resolutions."

This is a simple resolution which I believe is going to enjoy strong bipartisan support. Democrats and Republicans will, I believe, in overwhelming numbers support this resolution which simply says, Mr. Speaker, that we recognize the incredible sacrifice by our troops, we recognize the incredible sacrifice and suffering that the Iraqi people encountered under Saddam Hussein and the struggle that they have gone through over the past 3 years. And it recognizes what has been clearly stated by Iraq's President, by our men and women in uniform and by the people of Iraq, and that is establishing some artificial timetable would undermine the process of democracy.

One must look at the letter which has gotten a great deal of attention that was sent from the number two operative in al Qaeda, Mr. Zawahari to the lead operative for al Qaeda in Iraq, the center of terrorism from Zarqawi. And he has said in that letter, Democracy is coming and there will be no excuse for violence thereafter.

Mr. Speaker, it is absolutely essential that we do everything that we can for the stability of Iraq, the stability of the region, and the stability of the world, that we must maintain that path towards democracy. The coalition forces, the Iraqi security forces are making that happen.

Mr. DREIER. Mr. Speaker, I yield 10 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, in 20 seconds I put to the Chair a simple question: If this resolution is so simple and noncontroversial, why did it come through the Rules Committee? And is it not true that Mr. LANTOS' resolution is also simple, and there was nothing to preclude the Committee on Rules from hearing the Lantos matter, had you chosen? And are you not the greatest exemplar of not having closed rules, Mr. Chairman?

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend.

I will simply say that I believe we should do everything we can to pursue the deliberative process here. I believe that the Rules Committee does that. We have a management responsibility. We bring resolutions through the Rules Committee. If there is controversy, I believe that recognizing our strategy for victory in Iraq is the right thing to do. People in Iraq, our men and women on the ground, recognize that.

I believe it is the right thing to do and I look forward to a strong and overwhelming bipartisan vote in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. I thank the chairman for not answering my question.

Mr. McGOVERN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, to suggest that the Rules Committee respects a deliberative process in this House or that it is somehow democratic or receptive to alternative ideas, I think demonstrates to me that the chairman has pretty low standards when it comes to being inclusive.

The bottom line is, on important issues, on important matters like this one, we are routinely shut out. I mean, the chairman may be on board with what the President is doing in Iraq, but there are many of us who have great concerns. And the fact of the matter is, the section that is controversial in this bill deserves debate, not in the context of this resolution, but we should be on this floor debating this for a period of time and let everybody have their chance to present their viewpoint on what our policy should be in Iraq.

We should be debating Iraq almost every day. I mean, we are at war. We have lost 2,100 American servicemen and women; 15,000 are wounded. We have spent hundreds of billions of dollars, and we do not like to talk about it except in the context of these resolutions that kind of get dropped on us and brought to the floor; and we are supposed to praise our troops, which we all do.

We want to congratulate the democratic voting in Iraq, which we all do. But then tucked into this is a provision which some of us find objectionable.

This administration has a credibility gap, in my opinion, when it comes to Iraq. We have been misled too often, and it is time to demand the truth. It is not acceptable to embrace an open-ended U.S. policy toward Iraq that suggests that we put all our faith in the President.

He has been wrong on everything. There were no weapons of mass destruction. There was no tie to al Qaeda. There was no imminent threat to the United States from Iraq, and he rushed us into war. He said we would be greeted as liberators. Here we are approaching the third year. We are not greeted as liberators. We are stuck in a mess.

Mr. Speaker, I will also point out to the chairman of the Rules Committee that if you read the front page of today's Washington Post it says, "Iraqi Vote Draws Big Turnout of Sunnis." Underneath, subheadline, "Anti-U.S. Sentiment is Motivator for Many."

A majority of the people in Iraq want us to begin the process of withdrawal; and what you are asking us to do is to embrace a resolution that says we will be there for as long as the President wants us, and that is unacceptable.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, like the President's wishful, staged declaration of "Mission Accomplished" on that aircraft carrier 2½ years ago, or the Vice President's declaration that the insurgency was in its "final throes," this resolution proclaims the desire of Congress for "victory" in Iraq.

Instead of dispatching our troops in adequate numbers, this Congress made one speech after another. Instead of covering our troops with adequate, impenetrable armor, this Congress passed one paper resolution after another like this, which provided little shield from those who would do our brave men and women harm.

Well, each day's news shows how out of touch this Administration and its congressional followers continue to be. Like the administration, this Congress has no idea what victory means other than trying to escape the morass that its bad judgment got us into.

I believe that victory in Iraq, which we all desire, begins with a commitment to championing the truth. This is an administration that cannot utter "Iraq" without saying "9/11," even though it knows there is absolutely no connection between the two.

To win a war you have to shoot straight. Our young men and women in Iraq and Afghanistan understand that, but this administration and its congressional followers demonstrate again and again that they do not—when they are discussing the real weakness of the Iraqi army or fail to do so, the strength of the insurgency, or the length our armed forces should be deployed.

They are so proud of the democratic choices made in Iraq this week and so very fearful for there to be any democratic choices on the resolution of the gentleman from California (Mr. LANTOS) and others. They fear a democratic debate in this House because their position is one of complete weakness. They have waved the white flag themselves at the possibility of a true debate in this Congress.

What we need is a genuine debate about the best pathway for our security in Iraq. The President finally conceded over 30,000 civilians have died in this invasion. We have passed 2,000 young, brave men and women in the service of America, and we are on the way to 3,000.

This administration has begun a public relations offensive when what we need is an offensive for the protection of our families. It has abandoned that in favor of a meaningless political victory, not a real plan for success for the security of our families.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I first say to my friend from Texas (Mr. DOGGETT) that this notion that we are going to stay just as long as President Bush wants us to stay and not a day longer, well, actually, what President Bush has said is that we will stay as long as necessary and not a day longer. And that was part of the initial strategy that was launched on his speech on the 26th of February 2003. And it is very, very clear that the President of Iraq has said that any kind of artificial timetable would, in fact, jeopardize the prospect of democracy.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Texas.

Mr. DOGGETT. Has the President or your resolution been willing to declare that it rejects the idea of permanent bases in Iraq?

Mr. DREIER. Reclaiming my time, I will say that the President has said in that speech that we will remain in Iraq as long as necessary and not 1 day longer. That is very clear to me, and so it is obvious.

Mr. Speaker, I am happy to yield 2 minutes to the very, very able fighter for freedom, our great friend from Springdale, South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I am here today in support of the rule and the underlying resolution, in very strong support. I am here as a Member of Congress. I am here as a 31-year veteran of the Army Reserves and the National Guard.

I am also proud to be the father of a son who served for a year in Iraq. I know firsthand of the progress that is being made there, along with other Members of Congress.

We should be proud that Chairman HUNTER, his son served in the Marines for a year in Mosul. Mr. SKELTON had a son serve in Afghanistan in the war on terrorism. Mr. TAYLOR of North Carolina, Mr. AKIN of Missouri, Mr. KLINE of Minnesota, Ms. ROS-LEHTINEN of Florida, and Mr. SAXTON of New Jersey, all of us have had family members who have participated in the global war on terror, and we are so proud of their successes.

Additionally, I would tell you that I disagree with Democratic Leader PELOSI. I believe that her position is wrong. I believe that proposing a withdrawal is giving your game plan ahead of time. You do not do it in football; you do not do it in politics. And you do not do it in a time of war. It is my view that we should understand that war is unpredictable.

Of all times, this week 61 years ago we found out the unpredictability of war and that is the Battle of Bulge. Tens of thousands of German troops secretly were located in the Ardennes

Forest, attacked our troops in Luxembourg, in Belgium, and in Germany itself, and we lost 17,000 Americans. This could not be projected, this surprise attack.

We need to be prepared. So I am very proud that indeed progress is being made.

Our President has a wonderful plan of developing the Iraqi Security Forces, developing the Iraqi economy and the political situation, as we saw yesterday with the historic turnout of millions of Iraqis to build a civil society. And the bottom line is, it protects the American people.

This is exactly what America did after World War II, developing the democratic society of Japan which now is one of our great allies. We have the same potential to protect American families now.

☐ 1015

Mr. MCGOVERN. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the resolution we are debating today is an H. Res. resolution. Basically, this is just a sense of the Congress. It is largely symbolic.

One of the complaints that many of us on this side of the aisle, and I know some of the people on the Republican side have as well, is that we kind of skirt around the real issue, which is what the policy is. Staying as long as it is going to take, that is not a policy. That is a sound bite.

The President does not know where we are going in Iraq. He has given speeches that have been heavy on rhetoric, but not particularly big on specifics.

If we want to do something helpful here, bring a binding bill to the floor here that sets out our policy, and let us have it out. Let us have the debate. Let us talk about what our policy should be in Iraq. Let us come back next week or let us come back for a week in January and have this debate. Let us discuss what, in fact, our policy should be in Iraq. We are not doing that. This is all symbolic.

Notwithstanding the fact that we have 160,000 troops over there, that over 2,100 Americans have died over there, and 15,000 Americans have been wounded, tens of thousands of Iraqis have been killed, we have yet to have a real policy debate on this House floor about what course we should take in Iraq. That is what we want. That is what we are hoping for. I do not think that is unreasonable.

To bring a largely symbolic resolution to the floor and tuck in it this kind of policy statement, give us an hour during the debate on the resolution to talk about everything, that is not the way we should be doing business around here.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, the odds of success in Iraq are not enhanced by Congress continuing to act as a rubber stamp for President Bush. We need a change in strategic vision in Iraq.

This resolution says that setting a timetable somehow is a Communist plot, but, in fact, the President himself set timetables in Iraq when he set timetables to have transitional elections in Iraq. He set timetables for elections because it focused the Iraqis to demand performance, and that is what we should do in setting a timetable to transition to Iraqis true sovereignty for three reasons.

Reason number one, we should no longer provide a crutch for an indefinite period of time to the Iraqi politicians. We need to focus their minds on making the compromises that are necessary if a real government is going to be followed. We cannot fall into the trap of enabling Iraqi politicians to continue their bickering. They need a solution.

Number two, people say a timetable will encourage more violence. Let me ask you this: If there is a young unemployed man who is angry about foreign troops marching on his neighborhood, what do you think will make him more angry and more likely to plant an IED, the fact that we tell him we are going to leave in a year or so, or tell him we are going to stay there as long as George Bush says so? We need to tell them that we are going to come home.

The third reason we ought to think about this is that in our briefings we have received, we have been told that the Iraqi military will be fully trained by next December 2006, and it is realistic, it is commonsense, it is a measure to focus the Iraqi politicians on the necessity of seeking compromise, to say that we should begin transitioning next year and substantially conclude by December 2006.

During that time I have one message for the administration. They need to do a better job arming the Iraqi military forces. They need radios, they need Humvees, they need logistics. We cannot allow that force to fall apart. We need to defeat this resolution.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining?

The SPEAKER pro tempore (Mr. TERRY). The gentleman from California (Mr. DREIER) has 4 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 3¼ minute remaining.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds, and I do so to simply focus on the issue that is constantly raised here, and that is, the notion that we somehow impose closed rules on every piece of legislation.

There have been 113 rules considered on the House floor in the first session of the 109th Congress. With the exception of those rules which by statute or simple resolutions or appropriation continuing resolutions, 10 percent of those 113 rules have been closed rules. We allow for a free floor in debate. More Democratic amendments than Republican amendments have been made in order. So we are enjoying democracy right here in the people's House, and the people of Iraq are enjoying the same.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Texas (Mr. DOGGETT) for a unanimous consent request.

Mr. DOGGETT. Mr. Speaker, given the stated interest in democracy here in the House, I would ask unanimous consent to amend the rule to permit for division of the question so that we could express our unanimous support for the various provisions of this resolution, except for that on which we have disagreement as to the best way to achieve success in Iraq. At this point, so that we can have the kind of democracy that occurred this week in Iraq, of which the majority seems so proud, and actually have it right here on the floor of the House, I ask unanimous consent for a division of the question on the provisions of this resolution.

The SPEAKER pro tempore. The majority manager of the resolution has not yielded for the purpose of such a request.

Mr. DOGGETT. Given his professed interest in democracy, I am sure he will yield for that unanimous consent.

The SPEAKER pro tempore. Does the gentleman from California yield? The gentleman from California is indicating that he does not yield for that purpose.

Mr. DOGGETT. Shocking, truly shocking, that democracy cannot exist here on the House floor.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time, and I will close for our side.

Mr. Speaker, first of all, let me remind the Members of this House, the chairman of the Rules Committee talked about how generous the Rules Committee is. This year, in the 109th Congress, we have had 43 restrictive rules, 22 closed rules, plus three additional closed rules that were included in one rule, H. Res. 351, and we have had 11 open rules as far as appropriations bills.

Let me also simply say my point was that on important matters we usually have closed rules, as we did yesterday on the pension bill.

Mr. Speaker, I will be asking for a "no" vote on the previous question so I could amend the rule and allow the House to consider House Resolution 613 instead of House Resolution 612. House Resolution 613 was introduced last evening by International Relations Ranking Member LANTOS, the Democratic Leader PELOSI, Democratic Whip

STENY HOYER and the gentleman from Florida (Mr. HASTINGS), which expresses congratulations to the people of Iraq on three national elections conducted in 2005.

This amendment was offered in the Rules Committee early this morning, but unfortunately, it was rejected.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and the text of House Resolution 613 immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, regardless of how Members of this House feel about the war in Iraq, I think all of us want to congratulate the people of Iraq for holding these historic elections and for getting out to vote despite the significant risks. We all want to congratulate our troops, but quite frankly, there is language in this bill that some of us consider inflammatory, that some of us strongly disagree with, and I would urge my colleagues to vote "no" on the previous question so that we can have a unified message and not a divisive message here in the House.

Mr. Speaker, we have been in Iraq now for over 1,000 days, and I believe we must begin the transition to putting the Iraqis in charge. President Bush's unwillingness to announce a plan to remove U.S. troops within a clear time frame and his refusal to renounce the use of permanent U.S. military bases I think undermines his rhetoric and I think endangers the chance for democracy to succeed. Our occupation in Iraq complicates the transition to democracy.

People can disagree with me on this, but the fact of the matter is we should be debating this issue of how we deal with Iraq not in an H. Res. form, but in a binding resolution here on the House floor. We have time to debate Merry Christmas resolutions here in the House, but we never have the time to debate in a real way and in a meaningful way this war in Iraq.

We have sent thousands of our servicemen and -women into harm's way in Iraq. I would argue we rushed into this war. We have paid dearly for what the politicians in Washington have decided to do. We owe our troops better than just coming up and saying, stay the course. We owe them more than saying we are going to stay there until victory is achieved.

What is victory? I mean, nobody has defined what victory is. The President says we will know when we get there. Well, that is not good enough. That is not good enough for anybody in this House. That is not good enough for our soldiers.

We owe these brave men and women more than just a pat on the back and a congratulations. We owe them a real policy, and we owe the people of Iraq who have sacrificed so much the right to determine their own future. They want us to begin to extricate ourselves from Iraq. We should do that, and I would hope that my colleagues will vote "no" on the previous question so we can bring up a resolution that truly unites this body and not divides it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I have seen these buttons that my colleagues on the other side have been wearing, although I do not see them wearing it this morning, but they wore them last night, that says, debate Iraq. I just listened to a statement by my friend from Massachusetts, and I would say what is it that we are doing right now?

We have just gone through a very rigorous debate on the Defense appropriations process. It was considered under an open amendment process. We have gone through the Defense authorization process, and we have had a full debate on that. Every single day on the House floor at least one Member stands up to outline his or her position on the issue of Iraq. We are debating it constantly here, and it is a very healthy and important debate for us to have.

Mr. Speaker, as I have been listening to this debate, which has been taking place over the past hour, a name sticks in my mind. The name is J.P. Blecksmith. J.P. Blecksmith is a young marine who was tragically killed in one of the biggest battles in Iraq a year ago last month. It was the battle of Fallujah, and since he died, I have gotten to know his family, and his parents have repeatedly said to me personally, have gone on television and said this, that in the name of their courageous son who is a marine killed in the battle of Fallujah, it would be absolutely reprehensible for the United States of America to cut and run, for us to leave Iraq on some artificial timetable.

So, Mr. Speaker, today is a day of celebration. I cannot understand why my colleagues would say that the following line is somehow contentious. It simply says, while congratulating the Iraqi people for this overwhelming success that they had yesterday, congratulating our men and women in uniform and the Iraqi security forces and the coalition forces, it says basically what President Talabani of Iraq has said in a Wall Street Journal editorial. The resolution says, Setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region is fundamentally inconsistent with achieving victory in Iraq.

What is contentious about that? I cannot understand why anyone would believe, Mr. Speaker, that we cannot come together with a strong bipartisan vote, making sure that the success that we enjoyed on January 30 and October 15 and just yesterday in Iraq is sustained.

We know that Mr. Zarqawi has made it very, very clear that, as democracy blossoms, terrorism will come to an end.

So let us do everything within our power to support this resolution, to support our troops, to support the sustained victory of the people in Iraq. I urge support of this resolution.

The material previously referred to by Mr. McGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 619, THE RULE FOR H. RES. 612 EXPRESSING THE COMMITMENT OF THE HOUSE OF REPRESENTATIVES TO ACHIEVING VICTORY IN IRAQ

Amendment in nature of substitute:

Strike all after the resolved clause and insert:

"*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 613) congratulating the people of Iraq on the three national elections conducted in Iraq in 2005. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and the preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit."

H. RES. 613

Whereas the people of Iraq have consistently and courageously demonstrated their commitment to democracy by participating in three elections in 2005;

Whereas on January 30, 2005, the people of Iraq participated in an election for a transitional national assembly;

Whereas all segments of Iraqi society actively participated in the approval of a new Iraqi Constitution through a referendum held on October 15, 2005;

Whereas reports indicate that the people of Iraq voted in unprecedented and overwhelming numbers in the most recent election, held on December 15, 2005, for a new, national parliament that will serve in accordance with the recently-approved Iraqi Constitution for a four-year term and that represents the first fully sovereign, elected democratic assembly in the history of Iraq;

Whereas this remarkable level of participation by the people of Iraq in the face of dire threats to their very lives has won the admiration of the world;

Whereas the Iraqi elections could not have been conducted without the courage and dedication of the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq; and

Whereas the December 15, 2005, election in Iraq inspires confidence that a robust, pluralistic democracy that will bring stability to Iraqi society is emerging: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Iraq on the three national elections conducted in Iraq in 2005;

(2) encourages all Americans to express support for the people of Iraq in their efforts

to achieve a free, open, and democratic society; and

(3) expresses its thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.

Ms. WOOLSEY. Mr. Speaker, today, without a doubt, we should congratulate the Iraqi people for what appears to be a successful, high-turnout election.

For the third time this year, courageous Iraqi citizens have enthusiastically exercised their democratic rights.

But successful elections do not, and cannot, obscure the devastating national tragedy that is the Iraq war.

It doesn't change the fact that over 2,100 Americans have died for weapons of mass destruction that never existed.

It doesn't change the fact that this war has turned Iraq into a hotbed of terrorist activity.

It doesn't change the fact that our troops are sitting ducks for the insurgents, who have been emboldened—not deterred—by our military presence in Iraq.

Here's the bottom line: a successful Iraqi election should, at the very least, reinforce the imperative of bringing our troops home. If Iraq is truly able to self-govern, then we have no business occupying their country and meddling in their affairs.

I've argued all year long that it's time to restore Iraqi sovereignty and give Iraq back to the Iraqi people. If the election is a watershed moment as the White House claims . . . then what is the continued justification for having our troops over there in harm's way?

Now is the time to enlist the support of the international community to establish an interim security force for Iraq. But that's just the start.

As I've written to the President in a letter signed by 61 other members of the House, the United States must also launch a "diplomatic offensive," recasting our role in Iraq as reconstruction partner rather than military occupier.

We must also lead the way in establishing an international peace commission to oversee the post-war reconciliation and coordinate peace talks between Iraq's various factions.

The majority of the American people aren't behind it. Our global allies aren't behind it. The Iraqi people aren't behind it. Even Iraqi leaders—Sunni, Shiite and Kurdish alike, who agree on practically nothing—have united around a call for the United States military to leave.

With the Iraqi people having voted once again, let's offer the ultimate vote of confidence in their democracy. Let's reward the self-sufficiency they've demonstrated—by giving them their country back and bringing American soldiers home.

Mr. DREIER. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

☐ 1030

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 621 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 621

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes. No further general debate shall be in order, and remaining proceedings under House Resolution 610 shall be considered as subsumed by this resolution. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 621 is a structured rule providing for further consideration of the bill. It provides that no further general debate is in order, and the remaining proceedings under House Resolution 610 shall be considered as subsumed by this resolution. It makes in order only those amendments printed in the Rules Committee report accompanying this resolution.

This resolution provides that the amendments printed in the report accompanying the resolution may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

It waives all points of orders against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of House Resolution 621 and the underlying bill, H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

Yesterday, this House began consideration of the underlying bill and a portion of the amendments offered that were made in order. Following yesterday's debate, the Rules Committee completed its consideration of over 130 amendments, and today, upon passage of this rule, we will be able to complete consideration of the bill and the amendments that were made in order.

Mr. Speaker, I again would like to commend Chairmen SENSENBRENNER and KING for working together to give this House an opportunity to debate the issue of border security and to pass meaningful legislation to secure our borders.

As I emphasized yesterday, this debate is, at its core, an issue of protecting the homeland. While the economic and the social impact of illegal immigration cannot be denied, the integrity of our borders is fundamentally a matter of national security.

Mr. Speaker, we do not have the luxury to turn a blind eye to our borders and simply do nothing, and this problem cannot be talked away. I believe that today's bill, though not perfect, puts many good ideas into action. Border security did not become a problem overnight and, Mr. Speaker, it simply cannot be solved in 1 day.

Now, I understand that some of my colleagues may have legitimate disagreements with certain aspects of the bill. In fact, I do not agree with every aspect of this bill and would even like to see some additions. However, I remain confident, I remain confident that the underlying legislation will prove essential in beginning to turn the tide on illegal immigration.

H.R. 4437 is a commonsense bill that makes the employment verification system mandatory rather than the existing voluntary program. It also increases penalties for illegally crossing our border and for businesses that knowingly hire these illegal immigrants. We must mandate detention for all aliens apprehended at the border, especially the so-called OTM, "other than Mexican," category, and deport them back into their country of origin.

Mr. Speaker, if we pass H.R. 4437, we will have stronger borders and we will save and protect lives. And, Mr. Speaker, not just the lives of our own legal inhabitants, but also the lives and the safety of so many of the unsuspecting immigrants left stranded on our side of the border.

So, Mr. Speaker, I want to ask my colleagues for their support of the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Georgia (Mr. GINGREY) for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, at several points during my remarks I am going to refer to Ellis Island, and I am going to begin today by citing Emma Lazarus, who wrote the poem "The New Colossus" in 1883. Twenty years later, it was engraved on a bronze statue in New York in the harbor.

What Miss Lazarus said at the beginning of her poem is, "Not like the brazen giant of Greek fame, with conquering limbs astride from land to land; here at our sea-washed, sunset gates shall stand a mighty woman with a torch, whose flame is the imprisoned lightning, and her name Mother of Exiles. From her beacon-hand glows worldwide welcome."

She goes on to say, "Keep, ancient lands, your storied pomp!" With silent lips she cried. "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door."

Emma Lazarus understood the dynamics of America, as did those who went through Ellis Island and those of us that visit there to draw our strength in the diversity of this Nation.

Today, we come to put a cover over that torch and a blindfold on that lady and toss all of those magnificent notions of diversity and this great golden door right out into the Hudson. Or maybe it is the Potomac River that we do so today.

I rise to express my strong opposition to this restrictive rule, the second in as many days, for a xenophobic bill masked in catchy phrases, such as "border control" and "homeland security."

This restrictive rule blocks all but a select few from offering amendments to the underlying legislation. The chairman of the Rules Committee was in here a minute ago and said that they have made more Democratic measures, speaking of the entirety of the session, in order than Republican measures. Well, that does not hold for this particular party in part B, a very confusing process, I might add, which even the majority leader recognized.

Republicans are again allowing important and critical debates to happen behind the closed doors of the Republican Conference rather than on the House floor in the eye of the public.

What did you all talk about yesterday for all them hours that you could not bring this mess out here to the floor?

Under this rule, 18 of the 115 possible amendments, that would now make 33 of 130, could be considered or actually made in order. Two of those will be offered by the chairman of the Judiciary Committee, the author of the underlying legislation. As if that is not offensive enough, only four of the 18 amendments permitted in order in the rule will be offered by Democratic Members.

Then again, Democrats should not be surprised that our amendments have again been blocked from consideration. After all, President Bush, a Republican, could not even get his legislation proposal through the House Rules Committee.

President Bush, one day in July of 2001, in remarks at Ellis Island, in part said the following: "The Founders themselves decided that when they declared independence and wrote our Constitution. You see, citizenship is not limited by birth or background."

We have an amendment dealing with that here today. "America at its best is a welcoming society. We welcome not only immigrants themselves, but the many gifts they bring and the values they live by. Hundreds of thousands of immigrants take the oath of citizenship every year."

And I have had, me, I have had the pleasure of seeing them in tears, with their hands raised, on numerous occasions when I served in the Federal judiciary. And my colleagues in the Federal judiciary will tell you there is no greater feeling, except perhaps when we, in other roles as judges, are helping people to adopt a child, than to see a person adopt this country as their own.

"Each has come not only," President Bush says, "to take, but to give. They come asking for a chance to work hard, support their families, and to rise in the world. And together they make our Nation more, not less, American. Immigration is not a problem to be solved, it is a sign of a confident and successful nation. And people who seek to make America their home should be met in that spirit by representatives of our government. New arrivals should be greeted not with suspicion and resentment but with openness and courtesy."

I hope throughout the debate people hearken to the great commander in chief of this country.

At 6 a.m. this morning, 6 a.m., Mr. Speaker, those of us on the Rules Committee with our colleagues in the majority voted along party lines against the President and rejected an amendment that would have made the Kolbe-Berman-Gutierrez-Flake guest worker visa amendment in order.

Less than 24 hours ago, the chairman of the Rules Committee, my good friend from California, stood on this very floor noting that the Republican leadership was committed to debating the President's proposal during consideration of the underlying legislation.

□ 1045

Yet on two separate occasions when presented with opportunity to fulfill their empty promises, my friends in the majority balked. I guess old habits are hard to break.

We can only hope that encouraging the spread of democracy into the House of Representatives will be the Republican New Year's resolution for 2006. Later we are going to vote on spreading democracy in Iraq. I hope all of that works, but I sure would like to see more of it come to the House of Representatives.

Mr. Speaker, this morning south Florida newspapers include a story about 20 Haitians being found last night in a boat just north of the district in West Palm Beach that I am privileged to serve. Upon boarding the boat, which had left Port-au-Prince roughly 10 days ago in search of safety from political turmoil, customs officials noticed that they had no food or water, and that the day before many of them had fallen dreadfully ill, including the children.

While the 20 hopeful immigrants were all taken into custody and will eventually be deported back to Haiti, I tell this story because it happens too often in the district that I am privileged to serve and in south Florida generally.

In the Southwest of our great country, they come on foot. In Florida, they come by boat. People go to extreme lengths and take enormous risks just to get here. Once before in Boynton when a group of Haitians had washed up on shore, I stepped over the body of a naked pregnant Haitian woman and I thought to myself, my God, what kind of courage does it take to try to get away from despotism, to try to get away from political turmoil, to get on a boat and come here the way that she and others that died in that event had done?

In no way do I or any Member of this body, that is Republican or Democrat, condone illegal immigration, but if Congress is going to have this debate, we ought to consider why people are willing to risk their lives to come to the United States. It is not always to bilk our social programs or to steal an American job, it is for all of the things that Emma Lazarus, and President Bush described her emblem being at the Statue of Liberty and Ellis Island, and President Bush speaking there, as

I quoted earlier. It is for safety and for security and for a better life.

Building a fence around the country, which some have advocated, is not going to deter people from coming here illegally, but reforming a system which requires literally years to process work visa applications will. Authorizing more border security personnel also will not deter people from coming here illegally, but ending double-standard immigration policies will.

Yesterday I talked about how much hypocrisy exists inside our immigration measures. We have wet foot, dry foot, up foot, down foot, all kinds of policies that seem to come at the whim of whomever the director is at any given time, be they Democrat or Republican.

The system is broken. Nevertheless, the policy solutions in the underlying legislation will never end these failures because they do not even address them, not to mention the fact that they are not going to see the light of day. They are Black Flag dead in the United States Senate. Instead, they are extreme ideas aimed more at catering to the lowest common denominator of the majority's political base than providing practical, commonsense solutions to a real issue in America.

"'Keep, ancient lands, your storied pomp!' cries she with silent lips. 'Give me your tired, your poor, your huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door.'"

What she knows as she puts the new colossus before us is that this Nation's strength comes through that golden door, and many of the persons that we will talk about today as if they are objects have made more than valuable contributions.

Many of our ancestors who were brought here, others who were forced to come here, others who came of their own volition have gone on to make this Nation the great Nation that it is. I beg my colleagues to reject this restrictive rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Florida has a great heart, and he indeed is my friend, and he knows that. He in his remarks indeed tugs at our heartstrings as he so eloquently quotes poetry and talks about the inscription on Lady Liberty and the men and women over the history of our country who have come to our shores seeking new opportunities.

It compels me to think about and to speak about my own heritage, my maternal grandparents, my grandfather an immigrant, an Ellis Island immigrant, in the early part of the 20th century from County Roscommon in the country of Ireland; my grandmother, Ellen Heron from Scotland. These two young people met in New York City and married and started a family of five children, including one of whom is my precious mother, 88 years old today.

I never knew my grandfather because he died at 25 years of age, literally working himself to death, possibly on buildings like the Twin Towers that were attacked so viciously 4 years ago where over 3,000 people were killed, and not just United States citizens. There were many foreign nationals among those 3,100.

So I certainly share the compassion and the intense feeling that my good friend from Florida has with regard to our love in this country of immigrants, and we do welcome them.

I am sure if my grandparents were living today, they would want to thank God that they had this opportunity to come into our great country to produce a better life for them and their children. In those days, of course, they had to be physically healthy and mentally healthy.

But today, Mr. Speaker, as we all know, the times unfortunately have changed drastically, and what we are trying to do with regard to border security is not just to protect our own citizens, but protect every person who comes to this country legally seeking a better opportunity, the land of free, that they are safe to go to work, to go to school and raise their children.

Mr. Speaker, that is what this legislation is all about. I want to make sure that my colleagues on both sides of the aisle understand.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased and privileged to yield 3 minutes to the gentlewoman from California (Ms. SOLIS) that doubtless has significant wisdom with regard to the matter we are debating.

Ms. SOLIS. Mr. Speaker, I thank the distinguished Member from Florida, and I appreciate the opportunity to speak on the floor on this very important issue.

Mr. Speaker, today I rise in strong opposition to this rule. The Sensenbrenner bill is an unacceptable, inefficient and punitive proposal to reform our immigration system. Rather than focusing our resources on apprehending terrorists, fraudulent document manufacturers and other serious criminals, this proposal hurts hard-working families who want nothing more than to contribute to the economy and to achieve the American dream. These workers help to make our economy the strongest in the world.

Criminalizing and deporting 11 million undocumented immigrants already in the United States is unrealistic and would be very costly to the American Treasury, as much as $230 billion. This legislation places unfunded mandates on our local governments and especially on our first responders who already face serious budget deficits.

While I agree that we must secure our borders, enforcement-only legislation is the wrong approach. Our immigration system is broken and severely outdated and should be comprehensively reformed. That is why I am disappointed that this rule does not allow for amendments which would provide real, effective reform, including a path to legal permanency for the undocumented that are already here, a reduction in the immigration backlog so that thousands of separated families can be reunited, and new channels for future workers to enter safely and legally.

This border security PLUS approach is a comprehensive solution to a complex problem. For generations, immigrant families have journeyed to the United States in search of the American dream. Like the immigrants of the past, today's immigrants contribute significantly to our country and yearn for that American dream.

As a daughter of proud immigrants, I value America's history of treasuring the contributions that immigrants have made to this country. My parents came from abroad. My father came from Mexico and came here to this country under the Bracero program to work to make this country great. He busted his back working on the railroads; helping to pick fruit and vegetables in Texas, in Colorado, in Montana; and eventually met his wife, my mother, from Central America who had to leave poverty in Central America to find a better life. She and my father raised seven children, and I am proud to be a U.S. citizen born here.

Some of the amendments that you are going to hear about would try to deny a mother who gave birth to a child here that citizenship because she does not have her documents.

How dare the Republican Party begin to try to take apart our very Constitution? How dare the Republicans attempt to try to take away the lifeblood of our country, the contributions that immigrants have made and will continue to make?

Give me your tired, your poor. Give me those huddled masses that are yearning to breathe free. We did it a century ago when Italians, Germans and Europeans came to this country. But now when this economy is going down the tubes, we quickly want to point fingers at what I think is a community that has worked very hard, and that is the Hispanic community. I am a very proud to be a part of that community.

I know the residents and constituents that I represent toil every single day paying taxes, making those beds in those hotels, providing service, janitorial services, and many of them caring for our elderly and our children. What are we going to say to them for harboring the undocumented, that they are also criminals? I think not. This rule and the underlying piece of legislation should be voted down.

Mr. GINGREY. Mr. Speaker, I yield myself 1 minute to respond to the gentlewoman from California.

I want to remind the gentlewoman we are not criminalizing 11 million illegal immigrants in this country. Indeed, 60 percent are already criminalized from the standpoint from entering this country illegally, and 40 percent are just because they have overstayed their visas, and we are equalizing that in this bill.

The other thing that is important for the gentlewoman to know, given the history of her ancestors, that addressing this issue first and foremost, border security, is protecting, indeed protecting those 11 million, most of whom are working and supporting their families and are law-abiding except for the fact that they came in illegally. We want to protect them as well.

□ 1100

With that, Mr. Speaker, I yield 4 minutes to my colleague on the Rules Committee, the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Speaker, I thank my friend from Georgia for yielding.

My good friend from Florida closed his opening statement with the inscription at the base of Lady Liberty, and that new colossus that was so new and shiny at that time has grown into the great colossus.

That shining city upon a hill that Winthrop commented on and that Reagan resurrected in his soaring rhetoric is still a shining city upon a hill that all of us like to speak of and remark upon on a number of occasions on this floor.

Who was that city shining to? Who was it beckoning? Who was it welcoming but immigrants? We are still that great city shining upon a hill. We are a nation of immigrants, and they are our strength, and they are our diversity, and they are our source of innovation, and they are what prevent us from being stagnant in the old ways of the old world.

But a key change has occurred since the wave came over from Ireland and Poland and the European nations, and then subsequently from the Latin American nations and the Asian nations, and that is the rise of Islamic fundamentalist terrorism.

And so that immigration policy cannot be unfettered. We have to put in place common-sense, meaningful reforms so that we address it in three parts. We do not disagree about that. There is not an ounce of disagreement between our parties about strengthening our borders.

We all agree that we cannot continue to have a policy that allows hundreds of thousands of people to come across our borders, many of whom are seeking a better life, but a goodly number of whom are not. They are part of MS–13 gangs, they are part of human exploitation or sexual traffickers or even terrorists trying to bring in bombs or other equipment to do our society fundamental harm. So we have to be very careful in moving forward with this legislation and craft a balanced approach.

I commend the authors on their enforcement provisions at the border. That is phase one, to address our border security, to make sure that we have boots on the border, equipment, sensors, all of the technology that our innovation can provide to make sure that we are welcoming those immigrants who are coming here to build a better life for themselves and their family, and stopping those who are not.

The bill is incomplete in that it does not deal in a comprehensive way with the other two pieces of immigration policy, which are very sticky, difficult issues, that of what to do with those 11 million people who are already here and that of how we address the temporary worker program. It is incomplete in that sense. But this is an important step.

I would only characterize it as a baby step. But it is an important step forward to moving what I believe will become comprehensive immigration reform that deals with these three key components of this hugely important policy in a post-9/11 world.

I firmly believe that we are a stronger nation because of the diversity that our immigrants have brought us. I feel blessed to live in a nation that women seek to be here so badly that they are willing to put their babies on inner tubes to float across the Florida Straits to be here or to risk everything to come across a wall or a fence or a river to be a part of the freedoms and liberties that we take for granted every day.

I fundamentally feel blessed to live in a nation that everyone else strives so hard to join. And we have to have an immigration policy that meets the needs of our economy and welcomes those people who want to bring positive, meaningful developments to our Nation and help them find a better life for themselves and their families; and this bill puts us on the path toward doing that.

But it is important that we recognize what is not in the bill, and before it becomes law what must, what must become part of it, which is a comprehensive assessment of a temporary worker program and a way to deal with the enforcement of the 11 million people who are here.

Mr. GINGREY. Mr. Speaker, I yield 3¾ minutes to the gentlemen from Arizona, Mr. HAYWORTH.

Mr. HAYWORTH. I thank my friend from Georgia for yielding, and I thank my friend, the chairman of the Rules Committee, for literally a last-second update as I step into the well.

But despite these courtesies, I rise in opposition to the rule. And let me detail the reasons why. There are obviously, to put it mildly, strong differences of opinion on this question. Indeed, I heard my other colleague from Florida just say the key was comprehensive reform, which translates into a guest worker program, which many advocate, though I do not.

The distinguished gentleman from Illinois (Mr. HASTERT), the Speaker of the House, was quoted in a publication this morning, saying this: "First of all, we have to convince the American people that we can secure the borders. And then we also have to be able to convince the American people that we can sustain the laws. We also need to look at this guest worker issue so we can fulfill the need for jobs, but I do not think that is something we should do right away."

Point well taken, Mr. Speaker, my colleagues. It leads to the following questions. How long then do we wait? Will we wait for the catch-and-release policy to go into effect late in 2006? Will we wait until we have operational control of the borders? The Secretary of Homeland Security says that could take 5 more years.

Will we wait for the worker verification program to be fully implemented? That will not come, in this legislation, until the year 2011. Will we wait until the fence is completed on our southern border?

Fair questions to ask, fair questions to be debated.

I heard from my friend from Florida that he favors comprehensive reform. I would invite the leadership of this House to come to this floor and affirm that they would not support a conference report that includes a guest worker plan.

Mr. GINGREY. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I want to ask the question if the gentleman is opposed to the basic principles of this bill, the preponderance of provisions that are included in this base bill, or does he have other concerns that he might want to express?

Mr. HAYWORTH. Mr. Speaker, where do I begin?

Acknowledging that one of the central tenets and challenges of the legislative process is incremental reform, we can all understand that. But also understanding that in terms of truth in labeling, are we in fact engaged in enforcement first or are we engaged in enforcement maybe part of the way, awaiting bureaucratic implementation.

Now, if I can return to my point and to the reason why I must, in reluctance, oppose this rule, I do appreciate the courtesy of my friends, with whom I agree on many issues, but with whom I disagree this morning.

I proposed the following amendment that has been disallowed. It is the sense of Congress that a new temporary visa program or amnesty program shall not be enacted until each of the enforcement provisions in this act have been fully implemented and a measurable enforcement of United States borders and the interior of the United States has been demonstrated.

This is not included. We do not have any way to measure the progress. Regrettably, I oppose the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I am opposed to the rule and I am opposed to this legislation. I do not think any of the Members here disagree that strong and safe borders are vital and important to the security of our country.

Throughout my career, I have consistently supported strengthening our borders. And while the Sensenbrenner bill does address part of our problems, it is not the comprehensive solution we must have. It does not solve or even acknowledge the problems of illegal immigrants. Therefore, this bill is half a loaf at best.

We can secure our borders and keep out illegal immigrants, and we should. But what about the 11 million-plus people here illegally who are, by and large, law-abiding members of our community? What about the 11 million-plus people who keep the hotels, restaurants, and construction sites and farms running in every State of this Union?

This bill is no solution for them and it is no solution for our country. Denial is more than a river in Egypt, it is alive and well here in the House of Representatives in the form of H.R. 4437.

If we continue to delay facing the reality of this challenge, the reality of the importance of immigrants who are not here legally to our economy, then I urge those of you who decide to vote for this measure to be prepared to face the wrath of business people in your towns and cities throughout this country.

They will want to know why you voted to place the financial liability of document verification on them. They will want to know why you have made them a de facto agent of the Federal Government. They will want to know why you voted to require them to follow a system that makes them liable for thousands of dollars of fines when they are simply trying to run their businesses.

They will want to know why you voted to cripple tourism industries, home construction and farms, by refusing to confront the undeniable evidence that 11 million immigrants here illegally are making a difference.

My colleagues, we all acknowledge that the status quo of illegal immigration is unacceptable. Therefore, I implore you to act on a comprehensive solution, not the politics of division. This should not be a wedge issue. After all, lest we forget, we are a nation of immigrants.

I am the grandson of immigrants. Our failure to act now is not responsible. Therefore, I must oppose this measure.

Mr. GINGREY. Mr. Speaker, I yield 3½ minutes to the gentlemen from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I am going to support the rule, and I am going to support this bill. But there are a lot of things that are not included in this bill that I believe we, as Members of Congress of the United States of America, should include in this bill, representing the citizens of the United States of America.

There has been a lot of talk about unfunded mandates in this bill. Let us talk about the unfunded mandates in the States of our country that are educating illegals, that are providing health care, the judicial system incarcerating them, how much is that costing the economy?

I have been in the construction industry for over 35 years, and I remember in the 1970s through the late 1980s, a man could go out, a woman could go out in the construction industry and make a good living, could buy a house, raise a family.

In the late 1980s and early 1990s, especially during the recessions in the 1990s, that changed. You had labor coming into this country that some say are just going to work on farms until they get a call from their cousin who works on a construction site, or it might be a drilling company or a manufacturing plant, and says, You can make more money over here than you can over there.

And I have watched the jobs in our construction industry be lost to American citizens because wages were cut so much that they had to do something else. Now you tell the guys who used to be able to work in this country, who do not want to go to work with a tie and a suit on, that their job went to someone else who is willing to undercut their labor costs, and they are not paid what they should be, why that has happened to them, why they can no longer afford to own a home, why they can no longer afford to have a family and send them to college.

□ 1115

The wrath of the business people in this country was discussed. I am worried about the wrath of the citizens I represent who have lost their jobs.

The number one issue I hear about in California every week is illegal immigration, why can you not do something about it? Eleven million people impacting our highways and freeways, congesting southern California roadways, is that acceptable to the guy sitting on the road spending 2 hours trying to get to work? No, it is not acceptable.

There were some amendments that I offered that my good friend, the chairman, was unable to put in the bill, and I respect that. There are reasons for that. Congressman DEAL had a great amendment that said, on "anchor babies," if they come here illegally and have a baby, that baby should not be a citizen of this country. I agree with that 100 percent.

There are countries who advertise to have people come here on vacation, and they provide a house, the medical, the care for their child, to have their baby here so they can become a citizen of this country; then they fly back to their country and the kid has dual citizenship. Is that right? No, it is not right. It is wrong.

And the people coming from Mexico and other countries are good people. Do not get me wrong. They are here just to better their life. I am not arguing that a bit. That is not the issue here. The issue is what responsibility do we have to the people of the United States of America, what responsibility we have to the workers of the United States of America who have lost their jobs or, instead of being paid $22 an hour are now having to work for $11 an hour? Tell that to that carpenter.

I go to job sites in this country, and the guys are pouring concrete, they are framing, and nobody on the job site, except the foreman, speaks English. Now, you tell that to the carpenter who lost his job or had his wage cut in half. You tell that to the electrician or the plumber or the framer or the roofer who have had their wages cut in half and lost many benefits because somebody is willing to come here to better themselves, and, God bless them, I am not arguing that, but they took their job. Tell that to those people.

And I am going to say once again not everybody wants to get up in the morning and put a suit and tie on to go to work. They want to get up and work with their hands. They are proud of what they did. They look at their work during the day, and when they go home, they can say, I accomplished something.

We need to do more than we are doing here, but at least we are making a step in the right direction.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Might I just say that I have started this debate by suggesting that everyone who comes to this floor comes with good intentions and certainly comes charged with the responsibility of securing the borders. Again, there is no divide amongst Americans about the importance of securing the homeland. And, frankly, the eloquence of Mr. HASTINGS on reminding us of our original roots that the Statue of Liberty represents to this Nation, that we come from many walks of life. And some have, as we well know, come to this Nation in fishing boats or walked across various lands or may have flown here, and some of us came in slave boats. But we are all Americans now, and we should be united around the concept of security. But we should not be united around the concept of divisiveness.

So when you poll Americans or ask constituents in the district, they again want comprehensive immigration reform because so many of them, short of our Native Americans, can track their history from places away from this soil.

So I would ask my good friends why they would put a rule in that does not bring the diversity of this Congress, four Democratic amendments as opposed to a wide diversity of issues. Why, for example, do they insist on forcing local governments into utilizing hard-pressed resources for doing the Federal Government's work, immigration work? That is our work to do.

Why do they insist on forcing law enforcement to take precious resources away from protecting children and going after bank robbers and making sure the crime statistics go down by arresting hotel maids in hotels?

And it is important to recognize that they have amendments that would take away the very essence of the Constitution, which abides and believes in due process and the right to access the courts. We cannot dictate what the courts will say, but I think if you will ask any American, they would find it faulty that they do not allow people to petition to go into the courts.

What about those babies who have come here at 6 months old, and you criminalize them when they are 17-year-old honor students and simply want to be part of the American Dream?

So this legislation is missing because Americans understand the concept of earned access to legalization. Get the criminals out of here. We join you in that. Arrest the criminals. Arrest the drug dealers. Arrest the people that are not doing what they should do. But those who are working hard, paying taxes, should have an opportunity to be able to be part of this great American dream.

And, Mr. Speaker, what about the soldiers on the battle line who are seeking citizenship, but have undocumented relatives, offering their lives for Americans and the undocumented relatives which they seek to bring into status, are now criminalized and arrested and incarcerated simply for their presence in the United States?

So I hope, as we proceed, we will find ways to defeat these amendments. And I ask that we defeat the underlying bill.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time.

Today is not a red letter day for this great and storied institution. Rather than doing what we know has to be done regarding immigration reform, we are simply punting the ball to the Senate, hoping that they will have the courage to act in ways that we cannot.

Many of us here wanted an amendment that would be made in order that would allow for a temporary worker program to be established. That was not allowed. In doing so, in not allowing that, we are simply ensuring that we play a diminished role in the eventual bill that will pass this body.

If the denial of this amendment was unfortunate, the removal of language in the manager's amendment that simply references the role that a temporary worker program would play in enhancing border security is simply baffling. Every member of the Republican leadership and virtually every Member of this institution has expressed the need to have a temporary worker program at some point in order to secure the border. Yet some said they would vote against the legislation if it was included here. Gratefully, the Senate will not need a ''sense of the Congress'' resolution to understand what they have to do, and that is to include a temporary worker program.

The elephant in the middle of the room, of course, is the 11 million illegals who are here. Without a temporary worker program, we will continue to turn a blind eye to their existence, to pretend that they are not here. Nobody in this body, not one, is advocating that we round up and deport those who are here illegally now, but unless we have a program for them to go into, we simply will not enforce the law. And that is the dirty little secret here. We ought to at least be honest with our constituents in this regard.

There are some who will vote against the rule and underlying legislation with the hope that we will later do something more comprehensive. Some will vote for the rule and underlying legislation with resignation that all we are capable of doing is to send this legislative vehicle, however flawed, to the Senate with the hope that they will act with the maturity that we lack.

One would be justified in either approach.

Mr. Speaker, today is not a red-letter day for this great and storied institution. Rather than do what we know must be done regarding immigration reform, we are punting the ball to the Senate—hoping that they will have the courage to act in ways that we cannot.

Many of us in this body asked for an amendment made in order that would make this legislation comprehensive, in other words, an amendment that would provide for enhanced border security, increased interior enforcement, and would provide a legal framework for foreign workers to enter the country and then return home.

It is unfortunate that this amendment was not made in order. In doing so we ensured that this body will play a diminished role, at best, moving ahead immigration reform.

If the denial of this amendment was unfortunate, the removal of language in the manager's amendment that references the role that a temporary worker program will play in enhancing border security, is simply baffling. Every member of the Republican leadership has expressed support for a temporary worker program, as has an overwhelming majority of this body, yet the language was removed after threats from a few that the inclusion of any reference to a temporary worker program would guarantee their "no" vote against this legislation.

Gratefully, the Senate doesn't need to see "sense of the Congress" language on a temporary worker plan from the House to add such a provision to their legislation. They know that such a plan is a necessary part of securing the border.

The elephant in the middle of the room is the 11 million illegal aliens who have already entered the country. Without a temporary worker program we will continue to turn a blind eye to their existence. We'll pretend they aren't here.

Nobody in this body is advocating that we round up and deport all of those who are here illegally. It's no wonder. It would be the equivalent to rounding up the entire population of the State of Ohio and sending them back to their home country. Yet that is what "enforcing the current law" would require.

We in this body know that, Mr. Speaker. But unfortunately we don't want to admit it to our constituents. George Washington once famously said "If to please the people we do what we ourselves disprove, how will we then defend our work?" That is the question for us today.

There are some who will vote against this rule and underlying legislation in the hope that we will later do something more comprehensive. Some will vote for this rule and underlying legislation with resignation that all we are capable of is to send a legislative vehicle, however flawed, to the Senate with the hope that they will act with the maturity we lack.

One would be justified in either approach.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. BERMAN), who has an extraordinary amount of experience in the area that we are debating.

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this generous amount of time in the context of the deliberations on this bill.

I would like to lay a little bit of a foundation for a question which I would like on my time to yield to either Mr. DREIER, because we have spoken privately about this issue for so long, or Mr. PUTNAM, who very specifically and straightforwardly addressed the issue on the floor.

And that is, the background, I have said on a number of occasions in the Rules Committee and in the Judiciary Committee and on the floor yesterday that this bill is either an insult to our intelligence or a con on the American people. And I say that, and those are harsh comments, and I do not use that language a lot around here, because one of two things is going to happen: Either the leadership of this House and the Rules Committee is refusing to allow us to address a fundamental and essential question of whether or not to have a program for the adjustment of 11 million or more people now in this country where they would come out of the shadows, be identified, deport the criminal aliens and find a way to condition those who are working in this society into coming out and giving us their true identities; and dealing with future shortages and a temporary guest worker program, particularly for seasonal industries. The refusal to do that tells me that J.D. HAYWORTH is right.

There is one of two agendas here. One agenda is the agenda that Mr. PUTNAM and that Mr. FLAKE hoped for, and that is we will pass a bill with a number of really some very silly and harsh provisions; the Senate will clean those up, turn it into a comprehensive approach; and the people here who have been screaming the word "amnesty" for any effort to solve this problem will now be forced to come back and cast a vote for it.

I do not think that is what is going to happen. This bill will probably pass today, and we will never again in this Congress see the immigration issue. And guys will go back to their districts, and they will talk about how they tried to get tough on the border and they tried to do something.

This is not a border enforcement bill. There is a case that we could try to do some things on the border to be more effective than we have been. When this bill tries to deal with employer verification in the context to our 11 million people in this country who are working without documents or without work status, we know it can never go into effect. We have to either deal with that and then do employer verification, which is the critical component of a comprehensive approach, or we are never going to pass this bill into law.

So what I would like to do is have Mr. DREIER or Mr. PUTNAM, and I do not know how they want to do it, if they would be willing to, explain to me what the fairness is of not letting this body decide, and J.D. HAYWORTH has one view, HOWARD BERMAN has another view, but decide whether or not on a critically important issue that the President has spoken of the need for, others have denounced, why we cannot have a debate and a vote on that kind of a program.

Mr. PUTNAM. Mr. Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Florida.

Mr. PUTNAM. Mr. Speaker, I thank the gentleman for yielding to me, and I thank my chairman for allowing me to respond.

The gentleman made the statement that this is not a border enforcement bill, and I would disagree and say that it is a border enforcement bill. It is not a comprehensive immigration reform bill.

Mr. BERMAN. Mr. Speaker, reclaiming my time, just to clarify, there are provisions about border enforcement in this bill, but when you implement, as this bill pretends to do, a massive comprehensive verification system, that has nothing to do with border protection. That is about ensuring that no one gets hired who is here without status. We cannot do that with 11 million people in this country, many of whom are working now.

I am sorry for cutting the gentleman short.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

The gentleman from California did not ask me to respond, but he suggested the bill is one of two things, but I suggest to him that, rather, it is a third thing.

This bill, indeed, is a response to the American people who are demanding we secure our borders first.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, pretending that we are dealing with the problem is not dealing with the problem. This bill is going nowhere fast, end of story.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I had intended to stay out of this debate, but the tone of the debate has made me angry. It never ceases to amaze me how many men will seize any opportunity to kick people when they are down.

Illegal immigrants have no legal rights in this country.

☐ 1130

They have no economic power. They have no political leverage. But, if they did, this bill would not be on the floor today. Sure, we are a Nation of laws, but we are also a Nation of values and ideals, and it is those values and ideals that bond us together as a society and an economy.

Every single one of us, and I can say that because there are no Native Americans in this body, every single one of us are the children of immigrants, and whether they were legal or illegal was largely due to the accident of their birth, what country they were born in, what visa and immigration quotas applied and, the economic status of the parents to whom they were born.

There is no sector of this economy that works harder for less compensation than undocumented aliens. There is no single group of workers that believe more in the American ideal than the people that we want to isolate and disown and marginalize today. They are here because they were willing to risk everything to forge a better future for their children, and that is what makes America great, because they believe in the American ideal; they believe that if they work hard enough, even though they will not be paid as much compensation as many of the people working beside them, but if they work hard enough, their children will have a better future, and that is why they are here.

I do not know any other sector of the American workforce that puts more money aside for the future of their children. That is what America is all about. It is not what this bill is about.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I see that my distinguished friend and your fellow colleague from Georgia could not resist, I see he joined us. Maybe I could talk some "Savannah talk" and "Brunswick talk" to get him to understand that people come through those areas, too, as I am sure he is mindful.

Mr. Speaker, basically what we have here is enforcement, but none of the compassion that President Bush has been speaking about.

Let me tell you what the President said. I quoted him on Ellis Island, and he was eloquent on Ellis Island in July of 2001. But August 24, the same year, here is what the President said in part: "And I remind people all across our country, family values do not stop at the Rio Bravo. There are people in Mexico who have got children who are worried about where they are going to get their next meal from, and they are going to come to the United States if they think they can make money here. That is a simple fact. And they are willing to walk across miles of desert to do work that some Americans won't do, and we have got to respect that, it seems like to me, and treat those people with respect."

We ought to treat ourselves with respect and have comprehensive immigration reform, and not some piecemeal bumper sticker stuff that is not going to do anything other than give people an opportunity to go home to say that we did something about immigration.

Mr. Speaker, I will tell you what we are doing: We are going to create fear and confusion in the realm. And it is not all about 11 million illegal people, it is about a number of circumstances having to do with that knock on the door.

Defeat this rule.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from the coast of Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me time, and I thank my friend from Florida for his kind words. He is right. I could not resist the open microphone opportunity, but also the subject matter. The subject matter is important.

Is this rule perfect, and is this bill perfect? Certainly not. I remember and had the honor of serving when we did welfare reform. All kinds of emotions were flowing back and forth, and it took us a number of different attempts and pieces of legislation to get to where we as a Nation thought we needed to go on welfare reform. As a result, there were 14 million people on welfare. That number was reduced down to 4 million people. Lots and lots of positive things happened with it, but we had to take that first step.

This is now the first step, or second step, if you will. It is overdue, in my opinion and the opinion of most Members on a bipartisan basis. We should have done something about immigration reform a long time ago.

Border security is integral to it. I do not live in a border State, where people pour over a river at night or walk across a desert, but I understand from our colleagues what a huge problem that is and how that is not just confined to immigrants from the country that is right next door to us, but other people who do not have anything to do with that country, who use it as a highway, a transit corridor, to come into America. So we need to do something about border security.

But certainly I believe we need to do something about employer sanctions. We always blame illegal immigration on that 20-year-old migrant who is here trying to send money home for his family. We do not ever talk about our own employer, who has also broken the law by hiring. We need to have tools so that employers can check the backgrounds of people before they hire them and then have penalties if they do not. I feel strongly about that.

Mr. Speaker, I represent an agricultural area. Certainly I see why we need to have a guest worker program. That is something I think we need to get to on a bipartisan basis, and we are going to have a great debate once we open that up.

But I strongly support this rule, and I am going to support the bill just to get the steps going. I do not think there is any turning back now that we have done this first very significant piece of legislation. We are in the immigration debate, and we will be doing immigration reform, I think, for very many months to come, and there is plenty of room for bipartisan ideas.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time for the purpose of closing.

Mr. Speaker, we have heard from the other side, and indeed from some Members on this side of the aisle, question what we are going to do with the 11 million or so illegals who are mostly working hard, supporting their families, law-abiding since they have been here.

As a physician Member of this body, Mr. Speaker, I would like to make a medical analogy as to why we are approaching this in the manner that we are approaching it; that is, to secure, first and foremost, our borders.

The medical analogy, indeed a surgical analogy, is this: The patient is our great country, the United States of America. The surgeon is this Congress. During the surgical procedure, it is discovered that massive hemorrhaging is occurring, massive hemorrhaging. The analogy is the 500,000 illegal immigrants that continue to come through our porous borders every year.

There is lots of blood in the field that the surgeon is concerned about. But does he or she spend their time, we, the Congress, trying to mop up the blood before we stop the bleeding? If we do that, I suggest to you, Mr. Speaker, that the patient dies.

No. First and foremost you stop that hemorrhaging. And that is what we are doing in this bill. Then you deal with the blood that has been lost, that is in the suction bottle, if you will. And do we take that blood and pour it down the drain? No, Mr. Speaker, we do not, because that blood, and that is the 11 million people that are here working hard in this country, that has been the lifeblood of this patient, the United States of America, for a number of years.

So what we do, Mr. Speaker, in many instances in a surgical situation, we put that blood back into the patient, because we know that it has served the patient well. Then we restore the patient to perfect health.

Mr. Speaker, that is what we are talking about. That is why we are addressing this issue in the timeline first and foremost, stop the hemorrhaging. If we do not, the patient dies.

Mr. Speaker, we in the Congress have a solemn responsibility to protect the integrity of our borders, and inaction would be a dereliction of duty. The American people look to us as the stewards of our Nation's security, and we must not let them down. I want to encourage my colleagues to support both this rule and the underlying bill.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of this effort to make the most meaningful changes to our immigration enforcement in a decade. This legislation is long overdue. Illegal immigration is spinning out of control, and we must act now to enact a tough and unified policy to effectively curb the influx of illegal aliens entering our Nation.

My district is in southern California. This region bears the brunt of our Nation's failed immigration policies. California has the highest number of illegal immigrants residing in its borders. In fact, nearly 32 percent of the total number of illegal immigrants in the United States are in California. The tide of illegal immigration increases Californian's tax burden, while weakening its legal, education and welfare system.

I am an original cosponsor of this bill because it lays a solid foundation to enhance our border security and enforce our current immigration laws. This is desperately needed. We must end policies that encourage illegal immigration.

I am disappointed that some of the other creative solutions that Members offered to address our failed immigration policies are not included under this Rule. I firmly believe these are important ideas that should be considered by Congress as we work to enforce and bolster our Nation's immigration policies.

For example, Representative NATHAN DEAL's amendment to deny citizenship to children born in the United States to illegal immigrants was not made in order. Providing automatic citizenship to the children of illegal aliens is an incentive for illegal immigration and we must close this loophole.

Three amendments that I offered, but were not made in order under this Rule, would have discouraged illegal crossings by eliminating incentives and providing tough interior enforcement.

Allowing all counties to be reimbursed for detaining and transferring illegal aliens: One amendment I submitted would allow all counties to be promptly reimbursed for the costs associated with assisting Federal immigration officials. Immigration affects all counties in the United States, not just those within 25 miles of the southern border. All counties absorb the costs of detaining, housing, and transporting illegal aliens.

Prohibiting illegal aliens from obtaining mortgages: Another amendment I submitted would require lenders to verify that mortgage credit applicants are U.S. citizens or legally present in the U.S. Allowing individuals who are here illegally to participate in the homebuying process only incentivizes illegal immigration. White picket fences shouldn't go to those who break down our fences to get in.

Outlawing birth tours: The last amendment I submitted would prohibit any alien from entering the United States with the intention of giving birth. It is truly disturbing that an entire industry has built up around the U.S. system of birthright citizenship. Each year, thousands of near-term pregnant women come to the United States from countries across the world for the sole purpose of giving birth so their newborns can become U.S. citizens. We cannot continue to allow illegal immigrants to make a mockery of our nation's hospitality and our laws.

Conclusion: It is imperative that we close the loopholes that encourage citizens to infiltrate our porous borders. If the war on terrorism is to be ultimately successful, it is more important than ever that we take the necessary steps to tighten security at our borders and provide law enforcement agencies the tools they need to identify those individuals who enter or remain in the United States illegally.

I am pleased this bill is before us today so we can begin to address those failed policies, which we have ignored for too long. As we move forward, we must reject all proposals that contain any and all forms of amnesty. Rewarding lawbreakers will only weaken any proposal aimed at strengthening the system.

There should be no new guestworker program until we better enforce current immigration laws. History has shown that enforcement provisions are ignored and underfunded while guestworker and amnesty provisions are always implemented. The American people need to see that the current laws against illegal immigration are being enforced before any guestworker program can be considered.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mrs. DRAKE. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 1815 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to close conference meetings will be followed by 5-minute votes on the motion to instruct conferees on H.R. 1815; the motion for the previous question on H. Res. 619; adoption of H. Res. 619, if ordered; adoption of H. Res. 621; and the motion to suspend the rules and agree to H. Con. Res. 294.

The vote was taken by electronic device, and there were—yeas 409, nays 12, not voting 12, as follows:

[Roll No. 642]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Blumenauer
DeFazio
Hinchey
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Olver
Stark
Waters
Woolsey

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Sweeney

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Mr. BUYER and Mr. ACKERMAN changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

MOTION TO INSTRUCT OFFERED BY MR. SKELTON

The SPEAKER pro tempore (Mr. REHBERG). The unfinished business is the vote on the motion to instruct on H.R. 1815 offered by the gentleman from Missouri (Mr. SKELTON) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 18, as follows:

[Roll No. 643]

YEAS—228

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—187

Aderholt
Alexander
Bachus
Baker
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—18

Akin
Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Edwards
Feeney
Hyde
Istook
Kirk
LaHood
McCarthy
Napolitano
Payne
Pearce
Putnam
Schiff
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1215

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHIFF. Mr. Speaker, on rollcall No. 643, had I been present, I would have voted "yea."

Stated against:

Mr. KIRK. Mr. Speaker, on rollcall No. 643, I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. PUTNAM. Mr. Speaker, on rollcall No. 643, I was unavoidably detained. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H. RES. 612, VICTORY IN IRAQ RESOLUTION

The SPEAKER pro tempore (Mr. REHBERG). The pending business is the vote on ordering the previous question on House Resolution 619 on which they yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 12, as follows:

[Roll No. 644]

YEAS—221

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Sweeney

□ 1224

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 202, not voting 14, as follows:

[Roll No. 645]

AYES—217

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hart
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Schwartz (PA)
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REHBERG) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1232

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 621 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 203, not voting 15, as follows:

[Roll No. 646]

YEAS—216

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
  Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
  E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
  (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
  McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda
  T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman
  Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Barrett (SC)
Barton (TX)
Blackburn
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Jones (OH)
LaHood
McCarthy
Moore (WI)
Napolitano
Payne
Pearce
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1240

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 646, the rule providing for the border security, H.R. 4437, I was outside the floor and as I returned the gavel went down. Had I been present, I would have voted "no."

CONDEMNING THE LAOGAI

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 294, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 294, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 19, as follows:

[Roll No. 647]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
  Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
  (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)

Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—19

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Gilchrest
Hoekstra
Hyde
Istook
LaHood
Lewis (CA)
McCarthy
Napolitano
Neal (MA)
Payne
Pearce
Stark
Sweeney
Walsh
Watt

□ 1248

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The SPEAKER pro tempore (Mr. REHBERG). Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT OF MARYLAND, MCKEON, THORNBERRY, HOSTETTLER, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, and Mrs. TAUSCHER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. HOEKSTRA, Mr. LAHOOD, and Ms. HARMAN.

From the Committee on Education and the Workforce, for consideration of sections 561–563, 571, and 815 of the House bill, and sections 581–584 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, WILSON of South Carolina, and HOLT.

From the Committee on Energy and Commerce, for consideration of sections 314, 601, 1032, and 3201 of the House bill, and sections 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Financial Services, for consideration of sections 676 and 1073 of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, NEY, and FRANK of Massachusetts.

From the Committee on Government Reform, for consideration of sections 322, 665, 811, 812, 820A, 822–825, 901, 1101–1106, 1108, title XIV, sections 2832, 2841, and 2852 of the House bill, and sections 652, 679, 801, 802, 809E, 809F, 809G, 809H, 811, 824, 831, 843–845, 857, 922, 1073, 1106, and 1109 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on Homeland Security, for consideration of sections 1032, 1033, and 1035 of the House bill, and section 907 of the Senate amendment, and modifications committed to conference: Messrs. LINDER, DANIEL E. LUNGREN of California, and THOMPSON of Mississippi.

From the Committee on International Relations, for consideration of sections 814, 1021, 1203–1206, and 1301–1305 of the House bill, and sections 803, 1033, 1203, 1205–1207, and 1301–1306 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 551, 673, 1021, 1043, and 1051 of the House bill, and sections 553, 615, 617, 619, 1072, 1075, 1077, and 1092 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, CHABOT, and CONYERS.

From the Committee on Resources, for consideration of sections 341–346, 601, and 2813 of the House bill, and sections 1078, 2884, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, BROWN of South Carolina, and RAHALL.

From the Committee on Science, for consideration of section 223 of the House bill and sections 814 and 3115 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, AKIN, and GORDON.

From the Committee on Small Business, for consideration of section 223 of the House bill, and sections 814, 849–852, 855, and 901 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 314, 508, 601, and 1032–1034 of the House bill, and sections 312, 2890, 2893, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, and SALAZAR.

From the Committee on Veterans Affairs, for consideration of sections 641, 678, 714, and 1085 of the Senate amendment, and modifications committed to conference: Mr. BUYER, Mr. MILLER of Florida, and Ms. BERKLEY.

From the Committee on Ways and Means, for consideration of section 677 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, HERGER, and MCDERMOTT.

There was no objection.

VICTORY IN IRAQ RESOLUTION

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to the rule, I call up the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 612

Whereas the Iraqi election of December 15, 2005, the first to take place under the newly ratified Iraqi Constitution, represented a crucial success in the establishment of a democratic, constitutional order in Iraq; and

Whereas Iraqis, who by the millions defied terrorist threats to vote, were protected by Iraqi security forces with the help of United States and Coalition forces: Now, therefore, be it

Resolved, That—

(1) the House of Representatives is committed to achieving victory in Iraq;

(2) the Iraqi election of December 15, 2005, was a crucial victory for the Iraqi people and Iraq's new democracy, and a defeat for the terrorists who seek to destroy that democracy;

(3) the House of Representatives encourages all Americans to express solidarity with the Iraqi people as they take another step toward their goal of a free, open, and democratic society;

(4) the successful Iraqi election of December 15, 2005, required the presence of United States Armed Forces, United States-trained Iraqi forces, and Coalition forces;

(5) the continued presence of United States Armed Forces in Iraq will be required only until Iraqi forces can stand up so our forces can stand down, and no longer than is required for that purpose;

(6) setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq, or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region, is fundamentally inconsistent with achieving victory in Iraq;

(7) the House of Representatives recognizes and honors the tremendous sacrifices made by the members of the United States Armed Forces and their families, along with the members of Iraqi and Coalition forces; and

(8) the House of Representatives has unshakable confidence that, with the support of the American people and the Congress, United States Armed Forces, along with Iraqi and Coalition forces, shall achieve victory in Iraq.

The SPEAKER pro tempore. Pursuant to House Resolution 619, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqis for their successful election and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise in opposition to H. Res. 612. I honor and support our troops and request an open debate on Iraq on the House floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to remove communicative badges while engaging in debate.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I rise in opposition to H. Res. 612. I honor and support our troops and request an open debate on Iraq on the House floor.

Yesterday, millions of Iraqi citizens cast their ballots in national elections to constitute the country's first full-term National Assembly since the U.S. invasion. This achievement should be recognized, and I would enthusiastically support a resolution that simply commends the Iraqi people and U.S. troops for their commitment to the democratic process under extraordinary circumstances.

Unfortunately, the Republican leadership, once again, refuses to suspend politics at the water's edge. House Resolution 612 seeks to make yesterday's elections a vindication of President Bush's misguided Iraq policies and a basis for continued military engagement in a country that overwhelmingly desires the withdrawal of U.S. troops.

Accordingly, I rise in opposition to H.R. 612, and I take this opportunity to announce my support for H.J.Res. 73, Congressman JOHN MURTHA's plan for the strategic redeployment of U.S. troops.

Those familiar with my record know that I have consistently opposed the President's decision to invade Iraq. The war was always predicated on the false premise that Iraq was in possession of weapons of mass destruction. This Congress was negligent in not demanding more proof of the President and then refusing to hold him accountable for his exaggerated and unfounded claims.

His war strategy was equally flawed. He has failed to provide the resources our men and women in uniform need to be successful, and American lives have been lost as a result. In 2002 and 2003, Army Chief of Staff General Shinseki warned that not enough boots on the ground would lead to a power vacuum that our enemies would exploit. Tragically, his premonitions—ignored by President Bush and his political appointees—have been borne out.

To date, approximately 2,150 brave Americans and an estimated 30,000 Iraqis have been killed in Iraq, and there appears to be no immediate end to the quagmire in Iraq.

As a Member of Congress, I have wrestled with whether this "war of choice" has become a "war of necessity," but I am persuaded by developments in Iraq that the presence of U.S. troops is fueling the insurgency, compromising the readiness of our military, undermining respect for the U.S. abroad, and shortchanging domestic priorities, including homeland security.

I, therefore, am announcing my support for H.J.Res. 73, introduced by Representative MURTHA, calling on President Bush to immediately redeploy U.S. troops and diplomatically pursue security and stability in Iraq. I am convinced that the withdrawal of U.S. troops will undercut the insurgency, which relies on popular opposition to the U.S. presence.

I remind my colleagues that, if experience has taught us anything, it is that democracy cannot be forced upon a nation by gunpoint.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I rise in opposition to House Resolution 612, and in honor and support of our military personnel, I earnestly request an open debate on the war and occupation in Iraq.

I rise in strong opposition to H. Res. 612, the measure offered by Representatives HYDE and ROS-LEHTINEN.

In pushing this measure rather than the one offered by Congressman STENY HOYER, Republicans are once again denying the House of Representatives the opportunity for free, fair, and open debate on our continued involvement in Iraq. This maneuver is pure subterfuge designed to hide the Bush administration's continuing coverup of the rationale behind their behavior in Iraq, as well as the incompetent and corrupt manner in which American occupation of Iraq has been carried out.

The Republican leadership has the responsibility to bring a genuine and serious debate over Iraq to the floor, so that all of the implications of our continued involvement can be thoroughly debated before the eyes of the American people. H. Res. 612 does nothing to address this responsibility.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqis for their election. It is time to bring our troops home with no permanent bases in Iraq.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise in opposition to the resolution. I honor and support our troops and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to the resolution. I honor and support the troops in Iraq and ask that we have an honest, open debate on the Iraq war on the House floor.

I rise in opposition to this resolution H. Res. 612. I share in the celebration for the successful parliamentary elections that took place in Iraq yesterday. It is my sincere hope that the event marks an important step toward establishing the long-term political stability in the country and the political legitimacy of its government.

However, this resolution goes beyond congratulating the Iraqi people for their bravery and success in yesterday's election. It pays more homage to the Bush Administration's prosecution of the war in Iraq than it devotes to the bravery of the Iraqi voters. Frankly, I have opposed this Administration's decision to go to war from the beginning and voted against extending the President the authorization to use military force against Iraq. I did so because the war aims of this administration seemed confused and I thought we should allow the U.N. weapons inspection team to complete its mission before embarking on a war footing.

What I resent most about this resolution is that there was no attempt by the majority to work with Members on this side of the aisle to arrive at a consensus resolution that we can all support. I can only conclude that it is interested only in gaining political one upmanship than it is in reaching bipartisan agreement on congratulating the Iraqi people for their progress toward democracy.

Additionally, this resolution sends the message that anyone advocating a draw down of U.S. forces 6 days or 6 hours earlier than the president does is imposing an "artificial deadline" and proposing a cut-and-run strategy. I reject that characterization. What I want to see from this administration is a timetable for training a viable Iraqi security force that would allow for an orderly draw down of our troops. After reading this resolution and listening to series of statements by the President on our Iraq strategy, I am truly concerned that we have no orderly way out of our predicament. It is my conclusion that our current course only continues our open-ended obligation.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in opposition to the resolution. I honor and support our troops and request an open debate on the House floor on the Iraqi war.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqi people on the completion of their parliamentary election and I request an open debate on Iraq.

The parliamentary election concluded yesterday in Iraq is a towering achievement and if this resolution spoke to that achievement I would be happy to vote for it.

But the votes have not even been counted and we cannot yet know whether this parliamentary election will produce elected members proportionately from the many ethnic and religious groups that make up the Iraqi people. That is necessary for the give and take and political compromises that occur in a healthy and mature democracy, to lead to a stable and unified Iraqi nation. I think every member of this House hopes this parliamentary election will lead to a stable free and democratic Iraq for the sake of the Iraqi people and especially the courageous Americans who have died or are now serving in Iraq.

What we do know is the constitution under which this parliamentary election has been held has major flaws. Under the constitution the central government powers are exercised through a weak and perilously divided executive; provisions remain that will further fracture Iraq into smaller regions drawn along religious, ethnic, and tribal lines; and incredibly, the huge revenues from oil, the greatest Iraqi natural and national resource, are reserved solely for the use of the region where the oil is produced. These factors bode extremely poorly for the establishment of a stable, free unified Iraq and the constitution will surely have to be greatly modified.

Given those problems it is at the very least premature to be trumpeting victory in Iraq whatever that victory may ultimately look like. Over a 15 year period America has engaged in two wars in Iraq. President Herbert Walker Bush, with the full support of the United Nations and a broad coalition of participating nations, followed his military commanders' advice by deploying 500,000 troops to liberate Kuwait from the Iraqi invasion. Saddam Hussein was driven out of Kuwait with only 19 American soldiers losing their lives.

In contrast, President George W. Bush, without U.N. support and only a small coalition of the so called "willing," rejected his highest military commanders' advice and deployed only 140,000 troops to overthrow Saddam Hussein, occupy Iraq, and establish a free and stable Iraq. Establishing a free and stable Iraq is a noble goal. Yet after two and a half years of war, occupation, and insurgency, our casualties in this ill-conceived and incompetently managed war in Iraq have now passed 2,155 American soldiers killed.

More than 2,000 of those deaths have occurred since the President George W. Bush declared "Mission Accomplished" 30 months ago.

I fervently hope that this resolution, a year from now, will not show this House with as much egg on its face as that "Mission Accomplished" declaration produced.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise in opposition to the resolution. I congratulate and honor the Iraqis for their successful election. I would request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqis for their successful election, and I ask for an open, honest debate on the prosecution of this war.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WATERS).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that communicative badges cannot be worn on the House floor when under recognition.

□ 1300

Ms. WATERS. Mr. Speaker, I rise in opposition to H. Res. 612. I congratulate the Iraqis for the election, and I agree with BARBARA LEE: it is time to bring our troops home, and there should be no permanent bases in Iraq.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise in opposition to H. Res. 612. I congratulate the Iraqis for their successful election and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I rise in opposition to House Resolution 612. The reason is I support and honor our troops and request an open debate on this subject on the floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I rise in opposition to House Resolution 612. I honor and support our troops and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in opposition to H.R. 612. I honor and support our troops and request an open debate in the people's House on the Iraqi war on the floor of this House of Representatives.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in opposition to this resolution: in honor and support of our troops in Iraq, in opposition to our policy on the war in Iraq, and in urging the Republican leadership of the House to grant this an open and adequate debate on the entire question of our policy on Iraq on the floor of this House.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. I rise with a humble spirit to salute the people of Iraq who have shown us the ability for a successful election and ask that we honor and support our troops, but yet have an open and full debate on the redeployment of our troops on the floor of the House regarding Iraq.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 612.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

This resolution before us clearly and explicitly states that this body is committed to achieving victory in Iraq. The United States should not go back on its commitments to confront tyranny and to "make the world safe for democracy." Failure is not a part of the American nature nor of our moral fiber. It is certainly not a concept that is acceptable to our men and women in the Armed Forces.

When we talk about progress in Iraq and concrete benchmarks for measuring success, we need only look back at yesterday's landmark nationwide elections in Iraq. Iraq's Independent Electoral Commission reported that at least 97.5 percent of planned voting centers were opened, monitored by up to 120,000 observers, including 800 accredited by international observer groups.

The U.N. envoy to Iraq said that the initial signs are very positive, adding that "anecdotal evidence shows that there has been good turnout, that it was inclusive, and that security was well maintained."

Are we not in agreement that yesterday's vivid example of democracy taking root in Iraq was a profound victory for the Iraqi people, for our sons and daughters who continue to place themselves in harm's way, and a resounding defeat to the brutal Islamic jihadists? Are we not in agreement that this election empowers the people of the region who have toiled under brutal dictatorships for far too long and that the success of democracy yesterday in Iraq aided our efforts in the global war against terror? Are we not in agreement that these elections could not have been possible without the presence of our men and women in the Armed Forces?

If we are in agreement that these most recent Iraqi elections were a success and were met with very little violence and widespread participation due to the presence of U.S. forces in support of Iraqi security, then we should be in agreement with the totality of the text of the resolution before us. We should not leave the Iraqi people at this most critical juncture. We should not leave before they are fully capable of protecting their own nation, their people, and their incipient democracy from those who seek to destroy what they have been creating because they wish to turn Iraq into a safe haven for Islamic militants and extremist elements like Iran and Syria.

This is not in our nature, Mr. Speaker. This is not what our troops want, and it is not what the Iraqi people want.

References have been made to calls for U.S. withdrawal, but let us review some of those. Iraqi officials have not made such requests to the U.S. Government. The Arab League, for example, their statement says that it was the result of undue political pressure by rogue regimes, particularly Syria and Iran, whose foreign minister was involved in the drafting of the final communique.

We are fully aware that these pariah states have a vested interest in seeing Iraq fail and assisting the foreign fighters who are launching attacks against Iraqis and our U.S. and coalition forces in Iraq. We have achieved significant progress thus far in Iraq. The political and the psychological transformation that has taken place in Iraq will have long-term positive impact on our efforts to curtail the spread of Islamic extremists and jihadist activities.

Saddam Hussein would not be on trial today for his crimes against humanity, and most of the villainous heirs to his legacy would not be neutralized were it not for the critical role played by our U.S. Armed Forces personnel. Without the presence of our forces, the people of Iraq would not have had the opportunity to participate in the January 30, 2005, nationwide elections. They would not have returned to the polls on October 15, again to approve their Constitution and would not have been celebrating their new found democratic freedoms by participating in yesterday's yet another historic election.

Our mission, however, Mr. Speaker, remains only partially accomplished. Iraqi security forces are taking up more of the military burden, and the new coalition for strategy for "clear, hold, and build" is denying the insurgents many of their former sanctuaries.

The Iraqi Army and the police forces are growing larger, better trained, more effective. These forces are also becoming increasingly professional. Today, Iraqi security forces are now strong enough to garrison and control cleared areas, as recently illustrated by the resoundingly successful joint U.S. and Iraqi offensive in Tel Afar.

The Iraqi security forces are improving, but they cannot yet stand on their own. To abandon them now would be to leave them at the mercy of the brutal Islamic jihadists and would destroy the progress that we have achieved thus far.

Again, this is not in our nature. As clause 5 of this resolution states: Our presence in Iraq "will be required only until Iraqi forces can stand up so our forces can stand down and no longer than is required for that purpose."

Are we not in agreement on this critical point? Is it the contention of those who oppose this resolution that we abandon the Iraqi people after they have displayed immeasurable courage in the face of attacks from Islamic jihadists and their state sponsors? We should not base our strategy on artificial timelines. The criteria governing our eventual withdrawal from Iraq must be performance based, not chronologically based. Victory defined is: "Final and complete defeat of an enemy in a military encounter. Success in a struggle against . . . an opponent, or an obstacle."

Who is the enemy, the common enemy of Iraq and coalition forces, the enemy of the American and Iraqi people, of those who want freedom and democracy to flourish in Iraq? They are the Islamic jihadists and the militants who are seeking to destroy what we have helped the Iraqi people accomplish.

And what is our strategy for victory? One developed by our military and policy planners in coordination with our coalition partners and our Iraqi partners. Our military and policy planners track numerous indicators to map our progress and adjust our tactics as necessary to meet our strategic goals.

I would further add, Mr. Speaker, that despite some of the references made to the alleged lack of a clear path to victory, the President has, in fact, articulated our approach in the recent National Strategy for Victory in Iraq. Many of these reports with metrics on our efforts, our strategies, our goals, our accomplishments are readily available not just to us in this Chamber but to the American people. We are not just winning in Iraq, but we stand on the precipice of something far more profound: a decisive shift away from the world of brutal dictatorships which ruin their own societies through a combination of state-sponsored murder and incitement, and toward the emergence of a modern, democratic Middle East that takes its rightful place among free nations.

However, if we leave prematurely, Mr. Speaker, before the Iraqi people are able to stand on their own, we risk endangering all that we have worked so hard for and that some of our brave men and women in our Armed Forces have also sacrificed for. Let us not diminish their sacrifice by leaving their mission incomplete. Let us stand behind them as they seek to bring home a definite victory for us in this war on terror.

In closing, I would ask that we all recall the words of former President Ronald Reagan, who said: "It is up to us . . . to work together for progress and humanity so that our grandchildren, when they look back at us, can truly say that we not only preserved the flame of freedom but cast its warmth and light further than those who came before us."

We have prevailed in the struggle against tyranny and fascism after 40 years in a global conflict. We prevailed in the battle of ideas against communism. We will again prevail in defeating Islamic fascism if we fulfill our mission in Iraq and do not heed the nay-saying of defeatists. With freedom on our side, we cannot fail, Mr. Speaker.

I am proud of the service of my stepson, Doug Lehtinen, and his fiancee, Lindsay Nelson, who are marine officers serving in Iraq flying F–18s. They will tell us that setting an artificial deadline for withdrawal would put them in harm's way. They are fully trained military officers who understand that war is difficult; but they believe in their mission, a mission for victory in Iraq, a mission without a surrender statement.

As JOSEPH LIEBERMAN, the Senator, said just a few days ago a withdrawal, a withdrawal on an artificial timeline would discourage our troops because it seems to be heading for the door. It will encourage the terrorists. It will confuse the Iraqi people.

□ 1315

I agree with Senator LIEBERMAN, and I hope my colleagues do as well today.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today could have been a day to rejoice and to celebrate in unity. Yesterday, the people of Iraq asserted their newly won rights, won, it must be said, at a steep cost; and they inspired us all by flocking to the polls at great risk to their lives. This was a peaceful process, an affirmation of all that has been sacrificed in nearly 3 years of valiant struggle. We should be rejoicing, Mr. Speaker.

But it is a sad day, indeed, when the Iraqi people have to teach the United States Congress a lesson in democracy. The majority leadership in this body and in the Rules Committee that acts as its legislative gatekeeper have used authoritarian tactics to bring before us the resolution that we now debate. They have eliminated any real opportunity for nearly half the Members of the House of Representatives to effect the language of this measure, a measure deliberately calculated to be divisive.

Mr. Speaker, look around at this people's House. It was not designed to be an echo chamber. We are not here merely to recycle the administration's rhetoric on Iraq. It is clear that there is a spectrum of views on my side of the aisle on how to deal with the difficult situation in Iraq in the weeks and months ahead. Why should the majority try to force the issue, politicize the war effort and polarize this body further?

This resolution came to us yesterday afternoon. We tried negotiating in good faith and that went nowhere, so last night I introduced an alternative resolution and asked the Rules Committee to make it in order.

My resolution congratulates the Iraqi people on three democratic national elections this year; it encourages all Americans to support the Iraqi people; and commends and congratulates our troops and those of our allies and the Iraqi forces protecting their people at election time. The Democratic leader, Ms. PELOSI, and the Democratic whip, Mr. HOYER, joined me in advocating this measure.

Mr. Speaker, that is the resolution which should have come before us today. It is a measure that would have won the unanimous support of this body, or nearly so, and would have sent a message of support to the Iraqi people, to our troops, and to the whole world.

But the leadership of this body has approached this entire important matter in a rigid, unbending, and authoritarian fashion. Theirs was a take-it-or-leave-it proposal, not a comma to be changed; and that approach is inappropriate in a democratic legislative body where some of us have been attempting so hard to operate in a bipartisan fashion.

Mr. Speaker, along with several of my Democratic colleagues, I was hosted by the President at the White House 2 days ago. The President said he wanted to explore a bipartisan approach on Iraq. Unfortunately, my colleagues on the other side of the aisle have not gotten that message. Instead, they have made a mockery of it.

The election in Iraq yesterday was truly inspiring. It fills me with hope that Iraq can indeed emerge as a stable, pluralistic, and democratic society. This resolution could have been considerably improved, had there been a process of bipartisan consultation. We could have sent a united and strong message to our troops, to the Iraqi people, and to the global audience.

But whatever my thoughts on the substance of the measure, I profoundly reject the arrogant and undemocratic process that produced it, and for this reason I shall vote "present" on this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I rise to join in congratulating the Iraqi people for their bravery, courage and their belief in freedom. Just 3 years ago, none of us would have ever predicted or believed that Iraq would have a Constitution and a newly elected national council of 275 representatives based on province and population.

Mr. Speaker, this is a remarkable transition. The Iraqi people have no prior experience in democracy, and they have lived under a brutal dictatorship for decades. Today, freedom, liberty, and democracy are within their grasp.

Mr. Speaker, I ask my colleagues to join in support of this resolution, in support of a free and democratic Iraq, and, as a result, a safer America and world. The road ahead will be long, hard and unpredictable, but the dream of freedom lights their way.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this resolution mentions the word victory six times, but victory is not defined. We are assured this administration will know victory when they see it, just like they knew WMDs when they did not see them.

Supporters of this bill point to yesterday's election as victory, but many were drawn to the polls by their overwhelming dislike of U.S. occupation. They like us all right; they would like us to get out of their country.

This fantasy victory resolution means more occupation, more war, more civil war, more deaths of our troops and innocent civilians, more waste of taxpayer money, while this House is reduced to a bunch of cheerleaders in a bloody "Baghdad Bowl" sponsored by Halliburton.

Congressman PAUL and I have a resolution which will let Iraqis, through their new representatives, decide whether the occupation ends or not. Do you want sovereignty, do you want self-determination, or do you just want occupation, deception, fake news, fake policy and next year's fakeout, partial troop withdrawals while a permanent U.S. presence is being built?

These fake resolutions keep this Congress in a stupor, almost a trance-like denial of conditions in Iraq and how we got there. Wake up, Congress. Wake up America. Get out of Iraq.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, a few moments ago we heard almost all the members of the Out of Iraq Caucus ask for a debate on the war, and one of the comments that was made throughout that series of unanimous consent requests was a statement affirming that they honor and support our troops, as do I believe all Members of this body seek to do that.

However, the deeper question I would like to raise in this, if we honor and support our troops, I would suggest to this body that we also listen to our troops and what they are saying on the ground, especially those who have paid a tremendous price.

I had the great honor and privilege yesterday to visit with several soldiers from Kentucky, one of whom was from my district, in Walter Reed Hospital. They included Specialist Jeremy Lowe, Sergeant Bill Winburn, and Sergeant Carlos Farler.

All of them emphasized strong belief in the mission. All of them shared very clearly and articulated the successes, most unreported by the national media, that they are seeing on the ground. They expressed a tremendous amount of confidence in what the Iraqi people are doing.

I think it is important that we stand with the troops in this resolution, that we stand with our country, that we stand with the Iraqi people, and that as we debate the war, and I believe there is an important need for debate, for discussion on policy, on the future, that one thing that we need to keep clear is that the messages that are sent communicate to several audiences: first and foremost to our troops in the field; second, to the Iraqi people; third, to our enemies, who will use our words against us; and, finally, to the entire world who is watching.

We must keep our promises, we must keep our commitment to our troops and carry on this mission that they believe in, where they see success, until it is completed.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the distinguished ranking member for yielding me time, and I want to associate myself with his remarks.

Mr. Speaker, at least this resolution provides us an opportunity to pose a serious question, an opportunity that, unfortunately, Democrats are usually denied in this people's House. I want to read some findings of a recent poll about the realities on the ground in Iraq.

Forty-five percent of Iraqis believe that attacks against American and British troops are justified; 72 percent do not have confidence in coalition forces; 82 percent are strongly opposed to the presence of coalition troops; and less than 1 percent of the population believes that coalition forces are responsible for any improvement in security. That is the reality.

Let me note too, by the way, that this poll was conducted by Iraqis and commissioned by the British ministry of defense.

This data provokes a question for the proponents of this resolution: Now that we have a free, democratically elected Iraq, are we prepared to leave on their timetable? If the new Iraqi Government tells us, we want you to leave immediately, will we do so? Will we listen to them? For if we listen to the views of the Iraqi people as reflected in this poll, we can anticipate such a request in the very near future.

Or will we insist on staying until we believe they are ready to stand up? Will this administration attempt to influence what the democratically elected Iraqi Government asks us to do in this regard, or will they be pressured to be quiet on this particular issue? Because the American people deserve to know the answer to this question now, and the Iraqi people deserve to know the answer to this question now, as well as the duly elected representatives of the Iraqi people from the elections that occurred this past week.

I guess the real question is here, Will we really respect democracy in Iraq and the democratic process, or will we simply give it lip service?

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1½ minutes to my friend, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I would like to thank the leadership and Chairman HYDE of the International Relations Committee for drafting this important resolution.

Yesterday's elections mark yet another milestone for Iraqis in the future of a democratic Iraq. It is estimated that over 70 percent of Iraqis voted in yesterday's election. That is 12 percent more than voted in the last election, and with remarkably low violence. There were reports of polling stations running out of ballots early in the day because of the large numbers who came out to vote, and the voting deadline was extended in many parts of the country because of high turnout.

Many of those voting were Sunnis, who are now choosing to play an active part in their country's new democracy; and it was Iraqi Security Forces who took over responsibility of their country's security, with over 214,000 Iraqis now trained and equipped.

Mr. Speaker, this is concrete progress. No matter how you cut it, this vote was a win. Not only are Iraqis making progress by coming out to vote in the millions; they sent a message to the world yesterday: they want democracy, and they are willing to defy terrorist threats to make it happen.

□ 1330

We are supportive as Americans.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, the Republican leadership's resolution turns the Iraqi elections, a historic moment for the Iraqi people by any account, from a point of pride to a point of partisanship.

As usual, the minority was prohibited from offering a constructive substitute. We could have offered a measure that congratulated the Iraqi people on this successful election. Or we might have put forward a substitute similar to the one that passed resoundingly in the Senate, that would have required the President at last to submit a detailed plan for phasing down the occupation. The leadership refused to let us do either, opting instead for a measure that divides and distracts.

As a statement of policy, this resolution is deeply flawed. It rejects a plan for bringing our troops home. It fails to empower the Iraqis to take charge of their own future. And it blindly adopts the vague formula the President has repeatedly put forth, "as they stand up, we stand down."

As we have come to know very well from this "mission accomplished" President, catchy slogans do not make effective foreign policy.

Standing up Iraqi troops is a critical step in empowering the Iraqi state, but American national security demands additional priorities: That we maximize Iraq's chance of a successful transition to self-rule while minimizing the possibility of civil war; that we stabilize the region, preventing the terrorists from taking hold; and that we protect America's men and women in uniform.

It is high time we took up a real measure to deal with the situation in Iraq such as H.J. Res. 70, which I have introduced with Mr. MILLER of North Carolina, now co-sponsored by 17 Members. That approach takes into account the Iraqis' recent steps toward sovereignty with two successful elections. It recognizes the valor of our troops. It requires a detailed exit strategy of the President. It calls for an immediate, initial draw down, and it sends a strong signal that we do not intend to occupy Iraq indefinitely.

Why will the House Republican leadership not let us vote on such a measure? Because they fear it would pass, and they fear embarrassing the President by calling him to account.

Mr. Speaker, let us start giving the American people what they are looking for: Honesty, accountability and a serious plan going forward; three things that have been sorely lacking since President Bush launched this war.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I marveled at Mr. LANTOS's good comment that this could have been, as I understood the quote, could have been a day for celebration. And I would submit it is a day for celebration. It should be. It is.

This is a great day. A great thing happened yesterday in the cradle of mankind. They elected permanent leaders. Now, there are those Americans who have said that it was quagmire in Iraq. We had to get out. It was a mistake to be there. Some made these statements out of personal heartache and tragedy, but some were made purely from partisan political motivation.

So when the question is asked, why should the leadership politicize the Iraqi situation, that is exactly the question I have been asking. Why? Why? Why, leading up to this election for the last 6 weeks, the yabbers got more shrill, more hysterical that we have to withdraw? And surely there are some people that are smart enough to know that that risk, the election that people who saw the fliers that said, "you vote, you die," might actually take it more seriously if they thought we were going to withdraw quickly before the ink went off their fingers.

So I say to those who said the freedom, democracy and liberty we were fighting for and the evil that we fought against was not worth it, it is worth it. And the soldiers that have been there know it. That is why the retention among the soldiers that have been to Iraq is way up. I have talked to them.

I have not heard people ask, why are we still in Bosnia where President Clinton said we had to go? One of my best friends from college, we served in the Army in Fort Benning together, he just got sent to Bosnia. Why is not anybody saying, let us get out of there? Why are the same people not saying, we should have gotten out of Germany to President Truman? We should have gotten out of Japan? Because our leadership made good decisions, and we are safer of it.

Thank God for the heroes that have made America better by spreading liberty around the world.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, there have been many false dawns in Iraq over the past 2½ years, times when we hoped we might be seeing a new day, but yesterday was truly remarkable. More than 11 million Iraqis went to the polls, many dressed in their finest clothes, to cast their votes for a new parliament and a new future.

Iraqi Sunnis, who boycotted the polling in January, turned out in droves to ensure their voices would be heard in the new legislature.

Perhaps most remarkable was the absence of violence. Across the country, only 52 attacks were recorded, and there were no mass casualty incidents. For this, we have the men and women of the U.S. Armed Forces to thank.

For months, our troops have endured ever more numerous IED attacks and fierce urban combat in order to secure the country for yesterday's vote. They have done everything we have asked of them and more, and we are all, all deeply grateful for their sacrifice.

I want to support this resolution. I have an enormous respect for the chairman of our committee and the chairman of the Mideast Subcommittee, but I am deeply troubled by what is a calculated and transparent attempt to use the unity of the Iraqi vote to cause further disunity here at home.

Two days ago, I was invited to the White House along with Mr. LANTOS and a number of our colleagues to meet with the President and senior administration officials on preparations for the elections and the next steps in Iraq. I appreciated the President's efforts to reach across the aisle for unity as we exchanged ideas on how to best move forward in Iraq. Unfortunately, this resolution is not in keeping with the spirit of that meeting.

I hope to have the opportunity to return to Iraq in the near future and visit our troops along with several of our colleagues. We are going, as we have in the past, not as Republicans and Democrats but as Americans and as Members of the Congress of the United States.

It is too early to know if the election will be a turning point that we have all hoped for, but one thing is plain, greater division at home does not further the war effort. This is not the way to honor yesterday's triumph and the sacrifice of so many young Americans.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I very much appreciate this resolution coming to the floor of this Congress.

I would say that, Mr. Speaker, as we are holding this debate, our Armed Forces overseas are engaged in the active defense of our homeland. Their daily contributions and sacrifices are working to bring democratic stabilization to a country which has never known the freedom it has achieved today.

After decades of tyrannical rule under Saddam Hussein, yesterday, the Iraqi people voted in their third national election this year. They selected a government that will now for the first time establish really true and pure sovereignty for this Nation. And as the Iraqis put together their formal parliament, as they elect themselves a prime minister and are seated at the United Nations, they will be the freest and most representative Arab country in the world.

What a legacy for the United States of America to contribute to? What a noble cause that we are seeing come to fruition today? And I appreciate the tone that I am hearing from over here on the other side of the aisle. It sounds to me like we are coming together in a way we have not in the past, coming together in support and pulling for the Iraqi people and pulling for this common cause of freedom that we all struggled so long for.

When we look back across the history of this country and think about some of the other conflicts this Nation has been involved in, we have always had disagreements about whether to go forward and how to go forward: but look at the legacy of a place that is left in a place like, for example, in 1898 the USS *Maine* was sunk to the bottom of Havana Harbor. Who said then that the Filipinos would be free today and grateful for a century because of that act of our war against the Spanish at that time?

Who said at the beginning of the Civil War that it was about freeing the slaves? No, it was about saving the Union, but we know it now as the war that freed the slaves.

This will be the war that freed the Iraqi people, the war that established Iraq as the lone star to create a free Arab world which means the elimination of the habitat that breeds terrorists.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I regret that I cannot agree with the previous speaker. I think the tone of this debate is good, but the process is terrible. Mr. LANTOS, the ranking member of the committee, attempted to participate in making this a truly bipartisan resolution.

Now, I am one of those who has consistently supported the policies of our government and who supports success in our efforts in Iraq. I think that is in the best interests of America, certainly in the best interests of the Iraqi citizenry and the best interests of civility in the Middle East. However, I am saddened by the continued partisanship with which this issue is handled.

Mr. LANTOS and I and Ms. PELOSI offered a resolution which congratulated the Iraqi people, noted their courage, noted their determination to reach for democracy. That is what this effort is about. There was no attempt at bipartisanship. That was rejected out of hand, not even allowed as an amendment. That is not the way we bring our country together. That is not the way we strengthen our resolve. That is not the way we show the world that we are of, if not exactly one mind, of one objective.

I thank my friend for yielding me time. I thank him for his efforts. I generally agree with the propositions set forth in the resolution, but I am not sure I am going to vote for it because I am deeply grieved by the continuing failure to try to bring this House together on this issue and to bring this country together on this issue and to ensure that together we go forward to achieve success.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, there are a lot of voices in the debate about our success in Iraq, but I think the two most relevant voices in this debate are the Iraqi people themselves and the troops that have served and are serving in Iraq.

The Iraqi people spoke loud and clear yesterday when over 70 percent of them turned out at the polls to put in place the only constitutional democracy in the Arab world.

Mr. Speaker, I would like to share the voice and perspective of a young soldier that just returned home to Indiana. Staff Sergeant Ben Joy with the Gary, Indiana, based 113th Engineering Battalion returned just last Tuesday after a year in Iraq just in time for the holidays. Obviously, his family is overjoyed to have him home.

Staff Sergeant Joy set up security for elections earlier this year, and he explains, "Election time is very busy. It was probably working 16 or 18 hours a day. The polls were peaceful then and now," he says, "and the U.S. effort is working." He went on to say that "you can tell that the people, they want to be free. They didn't really know how in the beginning. They're starting to show it more and more now." He adds, "The build-up that is going on there, the Iraqis taking over, they clearly want us there. And I mean, if we stay the course, I think everything will work out just fine."

Mr. Speaker, I think we should heed the actions of the Iraqi people and the words of Staff Sergeant Joy and support this resolution.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to this so-called victory in Iraq resolution, and I do so for two central reasons.

Firstly and procedurally, it is unusual for a resolution which purports to set forth a congressional directive for our military in wartime to be so vague. Notable is the absence of any definition section in this bill. On its face, the resolution commits the Congress and the American people to "victory in Iraq," but no where does it define or attempt to explain what that term means. No where does it set forth the conditions under which an objective observer could determine what number of Iraqi forces must be in place or what functions they must undertake before we begin the withdrawal of U.S. troops which leads me to my second reason for opposing the resolution.

☐ 1345

This resolution is essentially a stay-the-course resolution that blindly supports an open-ended commitment to continue to send and keep our sons and daughters in uniform in Iraq and to write a blank check to continue pumping billions of dollars into that country without requiring anything of the new Iraqi Government.

Moreover, this resolution does not allow us to fulfill the constitutional oversight responsibilities of this Congress. It says we need to stay in until the Iraqis stand up. That is rhetoric. We owe the American people better than this.

I am concerned that this resolution may have been offered to position people on either side of the aisle. I support our troops, as we all do, both sides of the aisle. We share that. We also share the heavy responsibility to ensure that our people do not stay in Iraq one minute longer than is required, and this bill does not allow an objective observer or any Member of this Congress to determine when that point is reached, when that point occurs.

With the Iraqi elections yesterday, an enormous success did occur. We have entered that phase of this war that we must ask how much more can we do for the Iraqi people as an occupying force. We must ask whether our presence in Iraq is undermining the stability we hope to provide. At some point, we all have to stop the politics on this issue.

I agree with the gentleman from Ohio, it is not good for America. It is not good for the best Americans, those men and women who are in uniform in Iraq and for their families who are carrying the heaviest burden for all of us.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to my good friend from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for the time and really wanted to stand in support of the resolution and believe that the resolution is a good one and that yesterday in this week's election speaks volumes for all the work that we have accomplished.

I want to speak more importantly in memory and honor of Sergeant Daniel Clay, who was killed when the marines were attacked in Fallujah on December 1. His dad, Mr. Bud Clay, wrote the President a letter and said that "I am writing to tell you how proud and thankful we, his parents and family, are of you and what you are trying to do to protect us all. This was Dan's second tour in Iraq and he knew and said that his being there was to protect us.

"I want to encourage you. I hear in your speeches about 'staying the course.' I also know that many" of you are against this war and you must get weary of fighting to try to do what is right. "We and many others are praying for you to see this through, as Lincoln said 'that these might not have died in vain.'"

I also have the actual letter that Daniel Clay wrote his family to be opened in the event of his death, and I think it would be in his honor to read it. This is of course by a very young man:

"Mom, Dad, Kristie, Jodie, Kimberly, Robert, Katy, Richard, and my Lisa.

"Boy do I love each and every one of you. This letter being read means that I have been deemed worthy of being with Christ. With Mama Jo, Mama Clay, Jennifer, all those we have been without for our time during the race. This is not a bad thing. It is what we hope for. The secret is out. He lives and His promises are real! It is not faith that supports this but fact and I now am part of the promise. Here is notice! Wake up! All that we hope for is real. Not a hope but real.

"But here is something tangible. What we have done in Iraq is worth my sacrifice. Why? Because it was our duty. That sounds simple. But all of us have a duty. Duty is defined as a God-given task. Without duty life is worthless. It holds no type of fulfillment. The simple fact that our bodies are built for work has to lead us to the conclusion that God, who made us, put us together to do His work. His work is different for each of us. Mom, yours was to be the glue of our family, to be a pillar for those women, all women around you. Dad, yours was to train us and build us, like a platoon sergeant, to better serve Him. Kristie, Kim, Katy, you are the fire team leaders who support your squad leaders, Jodie, Robert and Richard. Lisa, you too. You are my XO and you did a hell of a job. You all have your duties. Be thankful that God in His wisdom gives us work. Mine was to ensure that you did not have to experience what it takes to protect what we have as a family. This I am so thankful for. I know what honor is. It is not a word to be thrown around. It has been our honor to protect and serve all of you. I faced death with the secure knowledge that you would not have to. This is as close to Christ-like I can be. That emulation is where all honor lies . . . I thank you for making it worthwhile.

"As a marine this is not the last chapter. I have the privilege of being one who has finished the race. I have been in the company of heroes. I now am counted among them. Never falter! Don't hesitate to honor and support those of us who have the honor of protecting that which is worth protecting.

"Now here are my final wishes. Do not cry! To do so is to not realize what we have placed all our hope and faith in. We should not fear. We should not be sad. Be thankful. Be so thankful. All we hoped for is true. Celebrate! My race is over. My time in the war zone is over. My trials are done. A short time separates all of us from His reality. So laugh. Enjoy the moments and your duty. God is wonderful.

"I love each and every one of you.

"Spread the word. Christ lives and He is real.

"Semper Fidelis.

"Sergeant Daniel Clay."

Daniel Clay is like so many others who have fought to make yesterday possible, and yesterday is certainly not a conclusion but let us hope a beginning of a new and significant chapter in Iraq where the military sacrifices become smaller and the political engagement becomes greater.

One thing I have learned and loved about this House is the fact that we are using politics as a substitute for civil war. Let us hope that Iraq learns that lesson and that 200 years from now they will look back at yesterday as one of their first most significant days in democracy.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader.

Ms. PELOSI. Mr. Speaker, I rise to commend the gentleman from California (Mr. LANTOS), our ranking Democrat on the International Relations Committee, for his leadership to make our country safer, our military stronger, and to bring stability to the region.

While we may not always agree on the approach to take, Mr. LANTOS strove very hard for a bipartisan resolution, and I want to just read from the resolution that he would put forth in the spirit of congratulating the people of Iraq.

He said: "Resolved, That the House of Representatives congratulates the people of Iraq on the three national elections conducted in Iraq in 2005." Imagine, in January, in October, and now in December, three times courageously they went to the polls, and his resolution spells that out.

His resolution would encourage "all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society," and again, throughout his resolution he makes that point.

And he expresses "thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely."

That is the spirit of the resolution that we should be voting on today, one that brings us together, that is clear to the Iraqi people that their courage is an example to the world.

But, sadly, this Congress is not an example of democracy to the world when instead of using an occasion to unify, once again, the Republican majority brings to the floor a resolution rejecting the good offers of the gentleman from California (Mr. LANTOS) to come together in a bipartisan way and uses what should be a cause for celebration as instead a means to denounce those who disagree, not very democratic, and also to insist that if you want to congratulate the people of Iraq, you must support the status quo.

More of the same in Iraq is not making the American people safer. More of the same in Iraq is not making our military stronger. More of the same in Iraq is not bringing stability to the region.

So I think you will see Democrats united in congratulating the people of Iraq, commending our men and women in the armed services, and supporting that in a democracy we will have different views and that we will respect them. I have said it before and I will say it again. Senator Taft, who would become the Republican leader of the Senate during World War II, he said disagreement in time of war is essential to a governing democracy, and this was during World War II. Why do the Republicans think that we cannot have disagreement in time of war?

So as we go into this holiday season, I know that we can come together and say to our men and women in harm's way that we honor them for their service; we are grateful to them for their patriotism, their courage and the sacrifice they are willing to make for our country; and in this holiday season, we strive for peace on Earth and goodwill toward man, which would not be possible without our men and women in the armed services.

That should be the spirit in which we go forward, not in the divisive manner the Republicans have put forward. That is really quite sad, but I hope that in the vote that we have today that the Iraqi people will know that on both sides of the aisle we all see them as an example of democracy and hope that they will not be discouraged by this suppression of dissent in the United States.

Mr. Speaker, this marks the second time in a month that House Republicans have gone to extreme lengths to avoid a fair and open debate on the war in Iraq. Last month, after being stung by a resolution introduced by Mr. MURTHA calling for the redeployment of U.S. forces in Iraq, Republicans brought to the floor a measure that was an act of deception and an attempt to mischaracterize the Murtha legislation.

Today, under the guise of commending the people of Iraq for yesterday's election, the Republicans present a resolution that spends more time trying to justify the continued presence of U.S. troops in Iraq than congratulating the Iraqis.

If the majority wants to debate the President's Iraq policy then let us do that. A war that is now more than 1,000 days old, has cost the lives of more than 2,150 Americans, and has not made the American people safer or the Middle East more secure, certainly merits debate in this House. But let us do so in a way that does not insult the intelligence of the American people or trivialize an issue of the utmost importance.

We should debate the war in Iraq thoroughly, with full consideration of the points of view of all Members. Sadly, the Republican leadership did not permit that debate today.

Millions of Iraqis voted in Iraq's three national elections this year, and all Americans should salute that fact. They should salute as well the courage of the 160,000 American troops and the courage of the thousands of soldiers from other nations and from Iraq itself, who made the safe conduct of these elections possible. It should appropriately be acknowledged that the elections are hopeful steps toward a more stable Iraq.

Mr. LANTOS brought a resolution to the Rules Committee, which would have done those things, but the majority refused to allow it to be considered. It can only be that the majority does not want to let commending the Iraqis get in the way of a tightly controlled tribute to the President's war policies. As we lecture the Iraqis about the need to accommodate differing points of view, let us hope that they do not devote too much attention to the example provided by this Republican House.

The Lantos resolution provides well-deserved recognition to all of the Iraqis who have taken part in their country's political development this year. It recognizes the heroism of the soldiers who strive each day to bring security to Iraq.

Commending them should be our focus today, but Mr. LANTOS was not allowed to offer his resolution. It would be unfortunate if the message we sent to the Iraqi people and our troops was that scoring political points is more important in this House than acknowledging their achievements this year.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2½ minutes to my fellow Floridian (Mr. YOUNG), the chairman of the Defense appropriations subcommittee.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the resolution, especially to congratulate those millions of Iraqi citizens who in the face of adversity were willing to stand up and exercise their right to vote, to establish their own government; and I think that is something we should be very proud of. But as representatives of the American people for whose safety we here in this House are responsible, we had better recognize that there is a global war on terror being launched against us.

While a major battlefield, Iraq is just one of the battlefields. Afghanistan is one of the battlefields. Another battlefield was in 1993 when the World Trade Center was bombed with six lives being lost. Another of the battlefields was June 1996 when the Khobar Towers in Saudi Arabia were bombed when 19 of our airmen lost their lives. Another of the battlefields was in August of 1998 when our embassies in Kenya and Tanzania were bombed, 259 lives lost, 11 of those Americans. October of 2000, another of the battlefields against terror was the bombing of the USS *Cole* off the shore of Yemen. Seventeen American sailors died, many others injured.

Then was September 11, at the Pentagon, when 189 lives were lost when the airplane flown by terrorists flew into the Pentagon. Another was September 11 and the World Trade Center was bombed. Airplanes crashed. Suicide bombers flew the airplanes, nearly 3,000 people lost their lives.

Mr. Speaker, this is a global war on terror; and if we do not win the battle in Iraq, where else might we win it, or where else might we have to fight it? We had better be sure of what we are doing before we make a decision that will allow terrorists to regroup, to recover, to rearm, to retrain and become even a bigger enemy and a bigger threat than they are today to the security of the American people who we represent here in this Chamber today.

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Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I want to thank the gentleman for yielding me this time.

I truly wish democracy for the people of Iraq, and I commend the people of Iraq on yesterday's election. However, to claim success is really premature. Our soldiers are still at great risk. The insurgents are just as dangerous today as they were the day before the election.

This resolution quotes the President saying, "When the Iraqis stand up, we will stand down." Under those terms, our soldiers could be in Iraq indefinitely.

This resolution is merely more rhetoric about how many Iraqi soldiers have been trained. In February 2004, Secretary Rumsfeld claimed there were more than 210,000 Iraqis serving in the security forces. Just 7 months later, Secretary Rumsfeld said 95,000 trained Iraqi troops were taking part in security operations. According to the figures in the President's November 29 speech, there appears to be between 84,000 and 96,000 Iraqis trained.

However, independent experts in a November 30 Christian Science Monitor article said that they believed the President's numbers were much too high. Instead, they said 30,000 was a more accurate figure.

Mr. Speaker, not only are the number of Iraqi soldiers uncertain, their readiness is also in doubt. In September, General George Casey told Congress that the number of Iraqi battalions rated at the highest level of readiness had dropped from three to one, which means the Iraqis have about 800 soldiers which are at the highest level of readiness.

If the President's criteria for concluding our involvement in Iraq is the Iraqi army standing up, it appears we are nowhere near achieving this goal.

Mr. Speaker, nearly everything this administration has said about the war has turned out to be false. There were no weapons of mass destruction. Iraq did not attempt to purchase uranium yellow cake from Niger. There was no relationship between Saddam Hussein and Osama bin Ladin or other al Qaeda leaders. We were not greeted as liberators. Iraq's oil revenues have not paid for reconstruction costs. In fact, it has cost U.S. taxpayers $251 billion so far. The insurgency is not in its last throes. And the war has not made us safer. It has provided an opportunity for al Qaeda and other terrorist organizations to recruit new members, and it has also diverted hundreds of billions of dollars away from efforts to secure our Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will remind Members that they should not wear communicative badges while under recognition.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank Mr. LANTOS for yielding me this time to express what I think just about every speaker has said; that part of this resolution I support, and every Member of this body supports congratulating the Iraqis on the election. It was a critical step in developing democratic institutions in that government in its capacity to deal with its own problems. And we certainly all express our appreciation to our soldiers and their families for the sacrifices that they have made.

However, this resolution endorses the policy of this administration which got us into the war in Iraq and has prolonged our presence because of its current policy and unwillingness to change policy, and that I cannot support.

So what should we be doing? I think Mr. LANTOS is 100 percent right. We should be having an open debate on this issue. Our soldiers deserve that. The American people deserve that. We should be expressing that our objective in Iraq is to make sure that the Iraqis are capable of defending themselves.

In order to accomplish that, we should be engaging international organizations that are better suited than we in helping to develop democratic institutions in Iraq and in training Iraqi soldiers and security forces so that 2006 can be a year for a substantial number of our troops coming home.

It is our responsibility to ask our President to submit such a plan to Congress and to the American people so that we can accomplish these objectives. Unfortunately, this resolution does not do that, and I regret another missed opportunity.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, these cut-and-run Republicans cut off discussion of real security options and run up billion dollar bills every month.

Thin paper resolutions like this have not deflected bullets from our troops, and another such gimmick will not deflect accountability from a failed policy.

We are leaving Iraq. It is only a matter of when, of how many brave young Americans return home alive, how much we deplete our national treasury in the meantime, what chaos is left behind, and how many more terrorists are recruited while you dither and delay.

This resolution is not leading. It is misleading. And the pull-out most needed is to pull your heads out of the sand and listen to sound military advice, like the sound military advice of decorated military heroes like JACK MURTHA, like the sound military advice that should have been heeded before this mission ever got under way.

Only yesterday, the President renounced torture, but Republicans still cannot renounce the notion of permanent military bases occupying Iraq. "Support our troops" is more than a slogan. "Support our troops" means giving them the armor and the number they need to succeed in their job. It means never exploiting their courage and sacrifice for political gain or to advance failed policies. It is time that our troops get the support they need and that people stop hiding behind their valor and give them a strategy that works.

Abandonment and surrender, you say? For three years, you have abandoned reality and surrendered to fantasy. Stop repeating the same old mistakes. Step up to a new course that offers more hope for our future and for our security than the string of missteps in which you are currently mired.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my distinguished colleague from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I intend to vote for this resolution because I want to salute the elections in Iraq and our U.S. troops there. And I oppose set time tables for a U.S. withdrawal from Iraq. However, in good conscience, I must say I am deeply offended that, for the second time in 1 month, the House Republican leadership has brought a resolution dealing with the vital issue of war and peace to the floor of this House on a partisan basis without a single committee hearing, without a single witness and less than 24 hours after this resolution was even introduced.

Eight seconds. Eight seconds. That is how much the House leadership and Rules Committee has given each Member of Congress to speak on this vital issue today. How dare the leadership give itself the time to express their views of conscience but deny other Members of Congress the right to express their views of conscience on the issue of when to bring our troops home from harm's way.

We have had time to rename dozens of post offices. Are our troops not worth more than 8 seconds per House Member for debate? I think so. I hope and pray the Iraqi parliament gives its members a greater voice in their democracy than U.S. Members of Congress are being given in ours today.

The Republican leadership could have worked on a bipartisan basis to write a resolution saluting the Iraqi elections and our troops there. We could have had a unanimous vote to send to our troops during the Christmas and holiday season. Instead, the leadership cynically chose to push a partisan resolution that they knew would split the House, would split the American people, and send a mixed message, not a unified message, to our troops in harm's way.

And as someone who has represented over 40,000 soldiers, Army soldiers who have fought in Iraq, I think it is shameful that the House Republican leadership would put its partisan ploys above the interests of supporting and sending a unified message of support to our troops in Iraq.

Mr. LANTOS. I will use the balance of my time, Mr. Speaker, to read the resolution which was disallowed by the Republican leadership, a resolution congratulating the people of Iraq on three national elections conducted in Iraq in 2005.

Whereas the people of Iraq have consistently and courageously demonstrated their commitment to democracy by participating in three elections in 2005;

Whereas on January 30, 2005, the people of Iraq participated in an election for a transitional national assembly;

Whereas Iraqi society participated in the approval of a new Iraqi constitution through a referendum held on October 15, 2005;

Whereas reports indicate that the people of Iraq voted in unprecedented and overwhelming numbers in the most recent election, held on December 15, 2005, yesterday, for a new national parliament that will serve in accordance with the Iraqi constitution for a 4-year term and that represents the first fully sovereign elected democratic assembly in the history of Iraq;

Whereas this remarkable level of participation by the people of Iraq in the face of dire threats to their very lives has won the admiration of the world;

Whereas the Iraqi elections could not have been conducted without the courage and dedication of the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq;

Whereas the December 15, 2005, election in Iraq inspires confidence that a robust pluralistic democracy that will bring stability to Iraqi society is emerging:

Now, therefore, be it resolved, that the House of Representatives congratulates the people of Iraq on three national elections conducted in Iraq in 2005; encourages all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society; and expresses its thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.

This is the resolution that would have received unanimous approval by this body. Instead, we had an ugly, divisive, and unnecessary debate.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am now very pleased to yield the balance of my time to the distinguished gentleman from Texas (Mr. DELAY) for the purpose of closing the debate on the resolution before us.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I greatly appreciate her leadership in bringing this resolution to the floor.

Mr. Speaker, blessed be the peacemakers, for they will be called children of God.

Peacemakers, Mr. Speaker, not simply peaceful. You need not be a soldier or a sailor to know the difference. To know that peace, like all virtues, demands vigilance, courage and unrelenting moral exertion. Every man and woman today making peace in Iraq, whether so signified by a flag on their uniform or an ink stain on their finger, understands those responsibilities.

The Iraqi people have hoped and prayed for a generation simply for the chance to take up peace's burden for themselves. Yesterday, they did, thanks to the bravery and the brilliance of the United States military. Because of their service and sacrifice, a war is being won and a peace is being made in Iraq, across the Middle East, here at home and around the world.

Now, many in this room sought to avoid this war rather than to fight it; to ignore a gathering threat rather than confront it; and now seek to end this war rather than win it. They point to the war's cost, its difficulties and our setbacks, and, despite the catastrophic consequences of failure, call for an immediate retreat and surrender.

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Well, not us, Mr. Speaker. This resolution reaffirms our commitment to victory, our commitment to the freedom and security of the Iraqi people, and our commitment to victory in Iraq and the broader war on terror. Every terrorist captured, every vote counted is another step the Iraqi people take towards freedom, victory, and peace. And another step our troops take toward home. Help win the war and help make the peace by supporting this resolution.

Mr. BLUMENAUER. Mr. Speaker, I am disappointed that Republican leadership is again attempting to score political points on the backs of our troops. I congratulate the Iraqi people for their brave actions during yesterday's election and hope for them that this is a turning point in their country's history. Had the Republican leadership allowed our ranking member on the House International Relations Committee, Mr. LANTOS, to offer his resolution to this effect, we could have offered a unanimous statement of support from Congress and avoided this ugly and divisive debate.

The basic flaw in the resolution that we are debating is that it assumes that victory in Iraq is a military outcome to be achieved by U.S. troops. Our men and women in uniform have done everything which we've asked of them. They have won every battle, but a successful future for Iraq requires a strategy to secure the peace that builds on what our troops have achieved.

It makes no sense to remain in Iraq until victory is achieved if our continued military presence brings Iraq no closer to stability. Instead, we need a plan to change the course in Iraq and achieve the best possible outcome for Iraqis and Americans. I have laid out a plan, as have Mr. MURTHA and others. Rather than a divisive debate over a politicized resolution, we should have an open and honest debate over how to best proceed in Iraq. The American people deserve no less.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my support for H. Res. 612, which expresses the commitment of the House to achieving victory in Iraq.

The situation in Iraq has been the subject of much debate recently, and on the occasion of the successful Iraqi election yesterday, I think this resolution is both timely and appropriate.

We all agree that the U.S. faces a difficult task in the coming days and months ahead in Iraq. We must maintain enough of a presence to allow the newly elected government to survive, but not so much as to undermine its legitimacy. Thus, the plan is to turn over control on an aggressive schedule, as soon as Iraqi forces are able to handle the jobs themselves.

The objective is to create a democratic government that is able to manage its own affairs and keep the civilian population safe. This entails a gradual turnover of responsibility to Iraqi troops and an incremental redeployment of American forces. The schedule of withdrawals must be based solely on the Iraqis' ability to handle the job, not an arbitrary timetable. Furthermore, the message from elected leaders must be that troop withdrawals are part of a plan, not due to the fact that we are tired of being there.

As you know, Mr. Speaker, there have been many successes in Iraq notwithstanding the violent insurgency that seeks to thwart democratic change. There has been economic progress in every sector of Iraq, and, as we have all witnessed there has been significant political progress as well. Yesterday, approximately eleven million of the fifteen million eligible Iraqi voters participated in their national elections. This represents over 70 percent voter turnout—even larger than the 10 million who participated in the referendum on the new constitution in October, and the eight million who voted for their interim government last January. We can view this as yet another positive sign that the disparate ethnic and religious sects have opted to engage in the political process rather than civil war.

In fact, 82 percent of Iraqis polled believe their lives will be better in a year, and there is reason to share their optimism. However, there is also the need to have realistic expectations. Although they are making progress, Iraqi troops are not yet self-sufficient.

Iraqi forces do control and police more than one-third of Baghdad. In addition, Iraqi forces also secure Fallujah, Mosul, and Tal Afar, and most of the Syrian border.

American military commanders estimate that approximately 100,000 members of the Iraq military are able to work independently on operational matters with logistical support from U.S. troops. They expect this number to double in the next year. Thus, it is quite possible that a significant number of American forces will be able to leave the country in the coming year. However, it is also likely that we must maintain a sizeable American presence in the region for years to come.

Our efforts in Iraq must also be viewed from a broader Middle Eastern perspective. Other countries in the area have taken steps toward openness and democracy. Lebanon recently elected a new Prime Minister and forced Syria to end its long occupation. Afghanistan elected a president; the Palestinians new leadership; and Kuwaiti women won suffrage. The politics of this region have been characterized by autocracy and repression for millennia; thus, even these steps can be viewed as revolutionary. These countries' experiences also provide a cautionary tale that change does not come easily. Witness the continued assassinations of political figures and members of the press in Lebanon. Also witness the Egyptian elections, which began with promise but have devolved into disgrace. There are many groups in that part of the world who have a profound interest in the status quo and will do anything to maintain it. In Iraq, these include Saddam loyalists and Islamic radicals, all of whom have different but universally unappealing visions for the region.

The progress in Iraq to date would have been impossible without an American military presence. If our troops were to pull out immediately, violence would not decrease and the economy would not blossom. Rather, the government would collapse and Iraq would devolve into chaos. Instability would spread throughout the region, threatening our allies in the area, such as Jordan's King Abdullah. Iraq itself would become a haven for international terrorism, as Afghanistan once was, and Iran, whose government is hostile to our interests, would gain an exponential increase in regional influence. America's credibility would suffer a crippling blow, resulting in any number of unfavorable geopolitical consequences.

The Soviet Union and communism in Europe ended largely due to the policy of glasnost, or increased openness. Openness and democracy could well be the demise of the current predominant global threat, radical Islam. Thus, we have a great deal at stake in Iraq, and we must persevere until we are successful. The alternative is unacceptable.

I am extremely proud of our brave men and women in uniform and the sacrifices they and their families have made during Operation Iraqi Freedom. I understand the sentiments of those constituents who want American troops to leave Iraq because they want us to stop taking casualties. Words cannot describe the pain I feel when I see reports that more troops have been wounded or killed. However, if our troops leave Iraq prematurely, there will be no chance for stability in the Middle East; no way to check the advance of Iran or Syria; and a far greater likelihood that more Americans will suffer at the hands of emboldened terrorists.

In closing, let me express my sincere congratulations to the Iraqi people on the occasion of their successful national elections. My thoughts and prayers remain with our men and women in uniform, as they continue to work to bring freedom to the Iraqi people and safety and security to all of us here at home.

Mr. SHERMAN. Mr. Speaker, today I voted present on H. Res. 612.

I vote present when a resolution appears well-meaning but its language is flawed.

H. Res. 612 is referred to as the "Iraq Victory Resolution." The term victory means many things to different people. This resolution does not define "victory" and is therefore unacceptably vague.

The resolution concludes that the House has "unshakable confidence" that the United States will "achieve victory." Some would define victory as attaining all of the results promised by the administration at the time U.S. forces invaded. I am not absolutely certain that we will achieve all of the results promised by the administration in the winter of 2002–2003.

Mr. Speaker, I join with my colleagues in congratulating the Iraqi people for electing a new parliament that will govern Iraq for the next 4 years, and for doing so in the face of great danger. I especially commend our troops for their heroism in Iraq and for their tremendous sacrifice for their service to our country.

Mr. Speaker, we had the opportunity to send a strong bipartisan message to the people of Iraq and to our troops. I am afraid that this resolution falls short.

Mr. DEFAZIO. Mr. Speaker, once again, the House Republican leadership refuses to allow an honest debate over the future of the U.S. military presence in Iraq. The American people, and in particularly our men and women in uniform serving honorably in difficult circumstances in Iraq, deserve more than cheerleading and sloganeering by Congress and the President. Unfortunately, empty gestures are all this Congress provides with this resolution.

Like all of my colleagues in Congress, I was heartened when millions of Iraqis, even at risk of life and limb, voted in late January to establish an interim government and constitutional assembly and again in October in support of a new Constitution. And, the early reporting on yesterday's election for a new four-year parliament in Iraq has been positive. There has been progress in Iraq. I congratulate the Iraqis on the election, and I commend our troops for helping to provide security for the election.

Unfortunately, I cannot support the resolution on the floor today because it contains the blatantly false assertion that negotiating a time line for withdrawal of U.S. forces with the Iraqi government is somehow inconsistent with achieving victory in Iraq. To the contrary, I believe that negotiating a timeline for withdrawal of U.S. forces is a prerequisite for stabilizing Iraq and bringing our troops home with honor beginning early next year.

Announcing the termination of the open-ended U.S. military commitment in Iraq and providing a concrete plan, including a timeline negotiated with the Iraqi government, for withdrawal could well undermine support for insurgents. The majority of insurgent fighters are Iraqi Sunnis who have stoked the wide variety of grievances of ordinary Iraqis arising from the U.S. military presence to generate popular support for their cause. Most importantly, establishing a withdrawal plan and timeline would remove one of the chief causes of instability in Iraq, the U.S. military presence itself, by separating nationalist Iraqi insurgents trying to end the U.S. military presence, both Sunni and Shia, from foreign elements in Iraq for their own reasons. As, the Commander of U.S. forces in Iraq, General George Casey, testified to Congress earlier this year that "the perception of occupation in Iraq is a major driving force behind the insurgency." A specific withdrawal plan, with benchmarks for measuring success in stabilizing Iraq, could turn Iraqis, both Sunni and Shia, against the foreign terrorists operating in Iraq. This could be a key turning point in stabilizing the country.

A time line and withdrawal plan negotiated with the Iraqi government would also boost the Iraqi government's legitimacy and claim to self-rule, and force the Iraqi government to take responsibility for itself and its citizens. Negotiating a withdrawal timeline and strategy with the Iraqi government could, more than possibly anything else, improve the standing of the Iraqi government in the eyes of its own people, a significant achievement in a region in which the standing of rulers and governments is generally low.

Similarly, establishing a firm timeline for withdrawal could accelerate the development of Iraqi security forces and deepen their commitment to defending their own country and their own government. It would eliminate the conflict they now feel by working with what many of them see as an occupying force. It would allow them to defend a sovereign Iraqi government, rather than fight alongside U.S. forces. As long as the U.S. military remains in Iraq, Iraqi politicians and security forces will use it as a crutch and will likely fail to take the necessary steps to settle their differences and establish an effective, inclusive and independent government.

Negotiating a timeline for withdrawal with the newly elected Iraqi government would show that democracy ended the U.S. occupation of Iraq, not terrorist or insurgent violence, and would allow our troops to come home with honor.

Just as importantly, a specific plan and timeline for withdrawal would provide much needed relief to over-burdened military personnel and their families and provide some certainty to U.S. taxpayers regarding the financial burden they'll be forced to bear.

Finally, a plan for withdrawal could also help the United States in our broader fight against Islamic extremists with global ambitions, most notably al-Qaeda, by taking away a recruiting tool and training ground. Porter Goss, the Director of the Central Intelligence Agency, testified to Congress that, "Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists. These jihadists who survive will leave Iraq experienced and focused on acts of urban terrorism." He went on to say, "The Iraq conflict, while not a cause of extremism, has become a cause for extremists."

The House should be debating this important issue and strategies for moving forward in Iraq instead of politically motivated misleading resolutions.

Mr. FRELINGHUYSEN. Mr. Speaker, recent newspaper articles, television news reports, debates on the floor of the U.S. House and Senate, and even dinner time conversations this holiday season have been dominated by discussions about the war against terrorism in Iraq.

Two and a half years removed from the beginning of this war, the stakes for victory remain high. It is important for all Americans, whether they support the war or not, to understand the implications of why we went there;

what we are there to achieve; and what the consequences would be if we agreed to an artificial timetable to withdraw our troops. Because we continue to face both great difficulties and great opportunities in Iraq, it is even more important that all Americans absolutely recognize what the future of Iraq means to our security here at home and the future of the Middle East!

My current reading of the Iraq debate is that some war critics, who originally supported the war, have lately been trying to revise or rewrite the history of how Iraq became the central front in the war on terrorism. Some of this is genuine, principled opposition to war. Some of it is personal animosity toward the President. Whatever the reason, we need to separate the two. As some have said, "hate the war, love the warfighter."

To understand why we are there we do not have to look much further than what some critics said before the war and what they are saying now.

In 1998, House Democratic Leader NANCY PELOSI said "Saddam Hussein has been engaged in the development of weapons of mass destruction technology." Seven years later, she says Saddam's weapons were "not an imminent threat to the United States or a cause for war."

In 2002, Senator HILLARY CLINTON said Saddam "has also given aid, comfort, and sanctuary to terrorists." Now she claims there were "false assurances, faulty evidence" for war, but still hesitates to embrace calls for immediate withdrawal.

Even former President Bill Clinton said in 1998 that Saddam's "ability to produce and deliver weapons of mass destruction poses a grave threat." Yet, now he says the war was "a big mistake," but, like his spouse, warns of the danger of a premature withdrawal.

Unlike what Iraqis endured under the tyranny of Saddam Hussein, Americans are afforded the right to voice their concerns and state their opinions just as these elected officials and other citizens have done. However, it is important we understand the facts before more judgments and accusations are made.

Saddam Hussein reigned through terror, sponsored terror, and massacred innocent Iraqis with chemical weapons. He invaded his Kuwaiti neighbors and violated more than a dozen U.N. resolutions. His armed forces shot at U.S. and British pilots for the ten years they patrolled the U.N.-imposed "No Fly Zones" as they protected the Iraqi people from his brutality. And in the words of weapons inspector Dr. David Kay: Saddam had the "intent" and "capabilities" to develop weapons of mass destruction.

I have never regretted voting to give the President the authority to go to war in Iraq and remove Saddam from power. While I agree with Senator JOHN MCCAIN that mistakes have been made and some pre-war intelligence was unintentionally flawed, we cannot overlook positive developments in Iraq. I am convinced, however, that the progress we have made could be lost if we prematurely withdraw our troops before the Iraqi people are fully capable of governing and securing their own country.

The War on Terrorism in Iraq and Afghanistan is the defining challenge of our generation, whether some "war opponents" like it or not. Osama Bin Laden's deputy Ayman Al-Zawahiri has declared Iraq to be "the place for the greatest battle," where he hopes to "expel the Americans" and then spread "the jihad wave to the secular countries neighboring Iraq." Such statements reaffirm why withdrawing our troops according to an artificial political timetable would be detrimental to the future of Iraq, our own national security, and could actually embolden those who hate our way of life.

Iraq continues to strengthen its security forces, but not all of their military battalions are ready to operate independent of coalition troops. Our troops, and those of our coalition allies, are still needed in Iraq and we need to stand firm in the face of the terrorists. If we leave prematurely, jihadists and terrorists will interpret our withdrawal as total victory and use that opportunity to turn Iraq into a springboard for future attacks closer to our shores. We know what these terrorists are capable of. Here in New Jersey, we don't need to be reminded of 9/11, nor have we forgotten terrorist attacks in Bali, London, Madrid, Thailand, Bangladesh, Jordan, Israel, and the discovery of cells in Belgium and a host of countries around the world.

We also have a responsibility to 28 million Iraqis who, after decades of abuse and torture by Saddam, yearn to be free and deserve a chance for prosperity and stability. We pledged to guide the Iraqi people through the difficult steps of constituting a new government, strengthening the Iraqi Army, and laying the ground work for free elections. But it would be incredibly dangerous if we allowed threats from Bin Laden, Zawahiri, or any of the insurgency to influence our foreign policy and "break our promise" to the Iraqi people. Drawing down our forces in Iraq should be based strictly on the progress being made by the Iraqi government to fully secure their own country and the judgment of our military generals on the ground over there.

For our troops to come home safely, our strategy for victory depends significantly on more Iraqi Security Forces, ISF, being trained, equipped, and ready to "lead the fight" for securing their own country. American military leaders in Iraq estimate that 210,400 Iraqi forces are currently fighting to defend Iraq. More than 80 battalions are fighting alongside coalition troops while nearly 40 others, including four in Baghdad, are independently policing and controlling areas of Iraq. Despite that innocent Iraqis continue to be a target of suicide bombers, more than 50,000 Iraqi police have completed basic training courses and ISF recruitment remains high. With all due respect to media reports, most of the insurgency only exists in four of 18 provinces in Iraq, a country the size of California.

Despite continued terrorists attacks, car bombings, beheadings, and kidnappings, the terrorists have not achieved their goals. In fact, 2005 has been a watershed year for democracy in Iraq. In January, the world watched as Iraqis defied terrorist threats by going to the polls and casting their votes for self-determination. Eight million Iraqis went to the voting booth and took a stand against terror by voting for an interim National Assembly. In October, almost 10 million participated in an Iraqi referendum to approve a national constitution that—for the first time ever—guarantees them basic freedoms, rights and protections under law, regardless of their gender, religion, or ethnic origin. And on December 15 even more Iraqis cast their votes for a permanent, full-time government.

In addition to the political and security strategy in Iraq, we must also continue to focus on the economic and reconstruction effort. While at times slow, critical infrastructure in Iraq continues to be restored and rebuilt to meet the increasing demand and need of the country's growing economy. The Army Corps of Engineers and many of our soldiers and Marines, working alongside Iraqis, the USAID and other international agencies, are helping Iraq build schools, modernize water and sewage projects, and open new fire and police stations. Approximately 80,000 children are attending Iraq's 3,400 schools. After years of neglect, more than 15,000 Iraqi homes have been connected to the Baghdad water system. And more Iraqi women are receiving better health care thanks to the construction of a new 260-bed maternity hospital in Mosul.

These are strong signs of progress in Iraq—none of which would have been possible without the service, sacrifice, and strong morale of U.S. and coalition forces. Unfortunately, such stories are not always being told by the media. Iraqis want to be free, and thanks to the support of our service men and women, they are taking steps each and every day to reach their goal.

Mr. Speaker, victory will not be accomplished overnight. On the contrary, the Iraqis still need our help to meet their political and security objectives. Our work in Iraq remains dangerous and difficult but we must meet the challenges of this new kind of war. We must honor the service and sacrifice of our soldiers by doing whatever it takes to protect our nation and prevail in Iraq and Afghanistan.

Mrs. MALONEY. Mr. Speaker, I will always support our troops, and I thank them and honor them for their bravery and valor during the difficult task of fighting the insurgents in Iraq. I also commend and admire the people of Iraq for their determination and bravery in the historic elections this week. The turnout was impressive—it was a testament to the spirit of the people and it will hopefully lead to a strong democracy.

I hope and pray that we are successful in Iraq—that the violence ends, that the country is stabilized and that our soldiers come home safe, sound and soon. Unfortunately, more than 150,000 of our best and bravest remain in Iraq having been given no real plan to win the peace and no defined terms of victory. Indeed, they were sent to Iraq by an administration that was unaware of the circumstance in Iraq and unprepared to win the peace.

I plan to vote "present" on this resolution because it calls for "complete victory" without actually defining victory. The administration has set tangible dates for elections and for the creation of a government, but why is it always vague about the terms of "victory"? We have trained 100,000 Iraqi troops, will "victory" be achieved only after we train 100,000 more? Can victory only be won after our troops remain in Iraq in full force for another ten years? Longer than that?

Our military is the best in history, and it can achieve victory in any situation, as long as it is told what victory entails.

Elections are important milestones, but they are not magic pills. In 1967, there was an historic vote in South Vietnam, similar to the elections Iraq is holding now. As we all know, hostilities in Vietnam would continue for 7 years after those elections, with 50,000 more Americans losing their lives.

We continue to wait for the Iraqi forces to be capable of securing Iraq themselves, but the vagueness of our goals and the vagueness of "victory" in this war gives them little incentive to take over from our military. We badly need a timetable, but, "When they stand up, we'll stand down," is hardly adequate.

Mr. CARDIN. Mr. Speaker, we can all agree with the parts of this resolution that congratulate the Iraqis for holding a democratic election and commend the sacrifices made by our United States Armed Forces and their families. Unfortunately, this resolution also endorses a failed policy that got us into this war, and has prolonged our presence in Iraq. Therefore, I cannot support H. Res. 612.

It is our responsibility to speak out individually and collectively. I will continue to communicate with the President and urge him to change course in Iraq. In order to achieve the goal of the Iraqis taking charge of their own security needs without the presence of U.S. troops, we must engage international organizations to assume primary responsibility for building democratic institutions including the training of Iraqi security forces. We need a strategy that will permit a substantial number of our troops to return home in 2006. The President should submit a plan to Congress and the American people that carries out these objectives.

As we pass yet another resolution that expresses support for our troops and our desire to achieve "victory" in Iraq, I must remind my colleagues that our soldiers have paid the heaviest price in Iraq. Thousands are dead, and tens of thousands are wounded. The American taxpayer has already invested hundreds of billions of dollars. Mr. Speaker, our soldiers deserve better than the resolution we are considering today with 1 hour of debate. The American people deserve serious consideration of how we can safely bring our soldiers home.

Mr. STARK. Mr. Speaker, I rise in strong opposition to this resolution.

The Republicans do not want any timetables to end the Iraq war because timetables would force the Bush administration to actually create a workable strategy to end the war. To cover for their lack of strategy and competence in Iraq, the Republicans are accusing others of creating artificial solutions to the quagmire they created. This is ironic since the Republicans have done nothing but provide artificial facts about the reasons to go to war, the progress of the war and the goals of the war.

Just about everything President Bush and congressional Republicans have said about Iraq has been proven false. Initially, President Bush and congressional Republicans justified the Iraq War on artificial grounds. Here are just a few examples: Iraq had weapons of mass destruction; Iraq bought enriched uranium from Niger; Saddam Hussein and Iraq were involved in 9/11; the intelligence about Iraq was accurate; and Congress had the same intelligence as the President about Iraq.

Then, President Bush and congressional Republicans provided artificial reasons on the progress of the war. Here are just few examples: The cost of the Iraq war would be low; the United States could use Iraq oil to pay for most of Iraq's war costs; the United States would be welcomed as liberators; the United States has enough troops to keep the peace in Iraq; and the Iraqi insurgency is in its last throes.

President Bush and congressional Republicans have consistently created equally artificial landmarks about what defines victory in Iraq. Here are the latest artificial landmarks: Over 2 years ago, President Bush declared "mission accomplished" in Iraq on the USS *Abraham Lincoln* after the defeat of the Iraqi army; the first Iraq election in January 2005; the passing of the Iraq constitution in October 2005; and the second Iraq election held yesterday.

With the passing of these events and the insurgency still going strong, President Bush and congressional Republicans are now creating another artificial definition of victory to justify the United States continued presence in Iraq. This resolution now defines victory as the United States staying in Iraq until Iraqis can provide their own security.

After 2 years of training Iraqis, nobody can definitively tell the American people when this is going to happen. The GAO, think tanks and the military itself agree that Iraqi troop readiness is low, their loyalty and morale are questionable, there are sharp regional and ethnic divisions among the troop ranks, and their reported numbers overstate the real effectiveness of the troops. Such analysis does not exactly provide confidence that continuing U.S. training efforts will be successful or that our troops will be coming home anytime soon.

I ask my colleagues how many young American men and women have to die for a war fought for artificial reasons and artificial goals? Our soldiers should not have to be killed while President George Bush fumbles around for a face-saving strategy to end the debacle of the Iraq war.

I urge my colleagues to vote against this resolution. It is time for America to end this mistake and bring our troops safely home.

Mr. DINGELL. Mr. Speaker, I rise today to congratulate the Iraqi people on their participation in a successful election. The successful vote was a major stride for many Iraqis. Guns, bombs and violence were largely set aside for the day as a large majority of Iraqis went to the polls and exercised their right to vote. It is my sincere hope that with the new government in order, the bloodshed in Iraq will be replaced by an open, democratic debate.

I cannot, however, support this flawed resolution. The resolution focuses more on affirming the President's strategy for a continued military presence in Iraq than actually congratulating the Iraqis. And, while I agree with this resolution that a timeline for a U.S. Armed Forces withdrawal is not the proper course of action at this time, I strongly believe our military effort needs to be exceeded by the diplomatic effort to come. Unfortunately though, this resolution does not express that sense. It is nothing more than another political tactic by the Republican leadership meant to squash a real debate on Iraq in favor of a one-sided avowal of faith in an administration that has proved unfaithful.

We have never had a real debate on Iraq here in the House and this resolution does not offer real deliberation either. I call on my friends in the leadership to allow this House, the greatest legislative body in the world, to have a candid discussion, a full and fair debate, for at least 2 days, on this critical matter.

It is becoming increasingly clear that the United States is not doing enough to ensure that diplomacy will win out over violence. Certainly that is our objective, I do not deny that, but without a clear plan from the administration to achieve this aim I fear that our presence in Iraq could be protracted for much longer than it could or should be. This war will not turn to peace by military means alone. Diplomacy, democracy, and dialogue are the only true ways that Iraq can be a success. After four major speeches on Iraq from the President, I still have not seen an honest appraisal from this administration on the progress that has been made, and more importantly, what we are doing to ensure future progress. This is the type of discussion that we should be having here in the House, not a bogus debate on a hollow political resolution veiled as a congratulatory message to the Iraqi people.

We need a change of course in Iraq. We should hasten the shift of control to the Iraqis and move away from military conflict. Peace in Iraq can only be achieved by the Iraqis themselves. Therefore, there must be more emphasis on finding diplomatic solutions to Iraqi problems; to bringing in more nations to work with the Iraqis to rebuild and restructure their country; and there must be support for Iraqi democracy in all its forms. The Iraqi constitution clearly needs to be revisited and the administration must put pressure on the ruling parties, no matter who emerges victorious from the election, to engage in an honest, open deliberation on the amendment process to ensure that all Iraqis feel that they have a legitimate stake in the future of their country.

We have lost more than 2,000 brave men and women in Iraq. In excess of 100,000 active and reserve soldiers continue to serve in Iraq. We must honor the sacrifices and achievements of our troops, the pain borne by their families, and we must celebrate what they have been able to accomplish in spite of the incompetence and arrogance of this administration. Yesterday's elections give hope to the success of a free Iraq. Let us build on this momentum and show Iraqis and the world that the U.S. is truly committed to a stable and free Iraq achieved through diplomacy, not through military might.

Again, I congratulate the Iraqi people on a successful election yesterday. They showed the world that freedom knows no bounds. And I believe we must give our brave men and women all the support they need to achieve victory. However, I urge my colleagues to vote against this cynical, and frankly, disgracefully political, resolution, and ask that my colleagues seek a debate beyond platitudes in this House and demand more honesty and action from this administration.

Mr. FARR. Mr. Speaker, like millions of other Americans, I am pleased that Iraq held a democratic election for permanent representation and commend the bravery of the Iraqi people who risked their lives to vote for their vision of an Iraq "by and for Iraqis." And I remain a stalwart supporter of our sailors, soldiers and marines who are serving in Iraq. What I do not support is the Republican leadership's political manipulation of the Iraq war and their attempts to stymie debate about how to get U.S. troops home as quickly and safely as possible.

I could not vote for H. Res. 612 because it does not call for immediately bringing U.S. troops home. U.S. troop presence fuels the insurgency. If the administration acknowledged this fact and started bring our troops home, we would remove the dangerous veneer of "occupiers" and put pressure on the Iraqis to step up to the plate and take over their own security, particularly now that the Iraqis have a representative government. The administration's bogus statement of "they stand up we stand down" is a hollow promise to our troops: It's just a slogan that provides no concrete answers on how we're getting out of Iraq. I urge my colleagues in Congress and the administration to stop wasting our troops time with slogans and politically driven resolutions like H. Res. 612 and instead focus on what's really important: bringing our troops home.

Mr. VAN HOLLEN. Mr. Speaker, today the leadership of this House has failed both the American people and the people of Iraq.

Today our country had a tremendous opportunity to stand united and join together in congratulating the Iraqi people on their elections for the first full-term National Assembly. We had a chance to send a shared message of gratitude to our troops and the families who have sacrificed so much. Instead, the Republican leadership chose the politics of division over unity of purpose. In a reprehensible act of blatant partisanship, they squandered a special opportunity to send a strong message and cynically exploited our troops for political gain.

Today, Congressman LANTOS offered us an opportunity to stand together by introducing a resolution that congratulates the people of Iraq on the recent election and expresses our thanks to the men and women of our Armed Forces who are serving there. That resolution would have received a unanimous vote in this House. But the Republican leadership did not want a unanimous vote in support of our troops and the people of Iraq. They denied us the opportunity to cast a vote on the Lantos resolution. The hypocrisy of their action should not be lost on the American people. At a time when we all want to celebrate the right of the Iraqi people to vote in Iraq, the Republican leadership denied this House the right to vote on the unifying resolution offered by Mr. LANTOS. And the very people who tell us each day that our Nation should speak with one voice on Iraq crafted a resolution that was deliberately designed to splinter the Members of this House.

The American people can respect genuine differences of opinion on the best way to move forward in Iraq. We should have a healthy debate about the best way to bring our troops home. Questions of war and peace are matters of conscience. When so many American and Iraqi lives hang in the balance, each of us has a responsibility to exercise our best judgment. What is so disappointing about the actions of the Republican leadership today is that it chose to turn an opportunity for bipartisanship into a political ploy. It demonstrated a smallness of mind that placed politics over the national interest.

I have never before voted "present" on a resolution in the House. I hope I do not feel compelled to do so again in the future. But there are times we have an obligation to send a message that we reject the politics of cynicism. The Republican resolution is less about achieving victory in Iraq than victory at the polls in 2006. We must refuse to participate in a political charade. There are few things in politics as despicable as using our troops and the democratic aspirations of the people of Iraq as pawns in a political game. Today's action by the Republican leadership has brought shame upon this House. It is time to put the national interest above political posturing.

Mr. HOLT. Mr. Speaker, I am troubled and disappointed that this particular resolution concerning Iraq is before the House today. It is intentionally divisive, and unnecessarily so.

Yesterday, the Iraqi people engaged in the most basic civic activity of a true democracy; they voted. I congratulate the millions of Iraqi citizens who bravely went to the polls to elect their parliament. I am greatly encouraged by this significant accomplishment, and I am proud to strongly support the Iraqi people as they struggle to build their own democracy.

I also strongly support our troops on the ground in Iraq. I recognize and honor their service and tremendous sacrifice. I also honor the sacrifices that have been made by their family members over the past 4 years. They have served bravely and skillfully, even when they have not been given the equipment and strategic support they require. As they come home, their Government must live up to its promise and provide the long term support they will need.

Every member of the House would support a resolution celebrating and honoring the Iraqi people and successful elections that occurred yesterday.

Every member of the House would also support a resolution honoring the sacrifice and commitment of our service members who are serving in Iraq.

The ranking minority member of the International Relations Committee introduced a resolution that would have done those things.

Unfortunately, the majority has chosen to play politics with our troops and to use the historic Iraqi elections as an opportunity to try to split us apart.

The resolution before us today fails on two fronts. First it fails for what it is not: Not a strategy for success, no change of course, and nothing to communicate to the American People or our troops that we recognize the facts on the ground and have learned from our past mistakes.

It also fails for what it is: an empty, self-congratulatory statement that the current policy is working, without regard for the facts. There is enough good to recognize—the Iraqi elections, the service of our soldiers—that we should not be waving around our own statements of self-appreciation and manufactured on imaginary good news.

Let us discuss real, solid evidence and real, substantive plans. How do we move towards a more stable, functional Iraq?

It is worth discussing, for a moment, the meaning of victory. I would have hoped that the President and Majority would have learned 3 years ago that saying "Mission Accomplished" does not make it so. Giving wishful speeches in front of signs that says "Victory" does not make it so. And using the word "victory" in the titles of counterproductive resolutions like this brings us no closer to a stable and functional Iraq.

Now that the Iraqi people have a framework for a constitution and have elected a parliament, it is time for the United States to bring our troops home. This will do more to erode support for the insurgency than a continued U.S. military occupation can ever hope to accomplish.

As my colleges know, Congressman JOHN MURTHA, a respected defense expert and a decorated Marine veteran, recently introduced H.J. Res. 73, which would bring our troops home from Iraq and bring an end to an occupation that does not serve the interests of the Iraqis or America. This resolution recognizes the ground truth in Iraq and will help to end the insurgency, I am proud to support it, and not this one.

Also, publicly stating that we will not seek to build permanent bases in the country would help to reassure the population of Iraq that we mean what we say when we tell them we have no designs of occupation. That is why I have cosponsored the Iraq Sovereignty Promotion Act, H.R. 3142, which calls for America to make such a public pledge.

Unfortunately, today we are not discussing either of these bills, or any of the many other pieces of legislation that have been introduced by my colleagues on what to do in Iraq. Instead, we have wasted an opportunity to have a substantive debate in favor of yet another divisive hollow resolution.

Mr. OBERSTAR. Mr. Speaker, the majority brings to the House floor today a resolution wrapped in a process that is offensive to the very essence of democracy. This resolution provides a dictated take-it-or-leave-it vote without the opportunity for our side to offer amendments expressing differing views of the elections in Iraq and the U.S. presence there. The substance of this resolution has all the appearance and wording of a campaign slogan.

While applauding the beginnings of democracy in Iraq, the majority has stifled democracy at home by denying Democrats the opportunity to offer our own resolution for consideration and an up-or-down vote on it.

Certainly, Democrats and Republicans congratulate the Iraqi people who drafted and by vote ratified their own constitution, and who voted this week in defiance of radical elements who sought to deter the Iraqi people from voting.

It is appropriate for the House to congratulate the Iraqi people on this step toward democratic governance, and we share the view that this election and the continued training of Iraq's security forces will make it possible for the United States to redeploy our troops and leave Iraqis in charge of their own destiny.

That is as far as this House should go in expressing support for the Iraqi democratic process. However, this resolution goes further. It raises the strawman of "achieving victory in Iraq" and it is critical of "setting an artificial timetable for the withdrawal of U.S. Armed Forces from Iraq, or immediately terminating their deployment in Iraq," policies that House Democrats have not proposed. Nor does this resolution define what is meant by "victory in Iraq."

I want to express my support for the Iraqi people and this further step toward democracy, but I will oppose this resolution because I find it offensive that the majority has advanced a resolution that pretends to celebrate democracy by adding divisive and partisan language that is clearly designed for use in a domestic political campaign.

Mr. LEVIN. Mr. Speaker, yesterday, millions of Iraqis went out and voted for a new, national parliament, and I applaud them for doing so. I also commend the men and women of the U.S. Armed Forces, who helped the Iraqi people vote in safety. Our troops are doing a difficult job in Iraq.

I do not favor immediate withdrawal. Opposition to immediate withdrawal is not a substitute for a clear and detailed American strategy in Iraq, nor is blindly staying the course. What is needed is coming to terms with what the course should be—a plan regarding completion of our presence in Iraq.

Last month, the Senate adopted an amendment to the Defense bill that requires the President to submit such a plan to Congress, an amendment I strongly support. Indeed, I favor the more rigorous version of the amendment that was offered in the other body. In addition to requiring the Administration to provide Congress with a detailed strategy in Iraq with measurable benchmarks, the Administration would also provide Congress with estimated dates for the phased redeployment of U.S. forces from Iraq as each condition is met.

Unfortunately, the resolution before the House is transparently political. The House should reject it.

Mr. UDALL of Colorado. Mr. Speaker, I strongly object to the procedures under which this resolution is being debated. I voted against those procedures because the House should have been able to have a full and free debate and to consider possible changes in the resolution.

For example, Representative LANTOS proposed that we congratulate the Iraqi people on three national elections conducted in Iraq this year, encourage all Americans to express support for the people of Iraq, and express thanks to the members of the U.S. armed forces whose heroism permitted the Iraqi people to vote safely in yesterday's elections. That would have been something all Members of the House could support, if the Republican leadership had permitted that to be considered.

Still, I will vote for the resolution that is now before us, for several reasons.

First, the resolution calls yesterday's parliamentary elections a "crucial victory for the Iraqi people and Iraq's new democracy." I couldn't agree more.

Reports are still coming in and we won't know the results for some time, but it's clear that the day was a success in terms of high turnout and low levels of violence. To the extent that increased Sunni participation means a greater political role for Sunnis in the new parliament, we could see weakened support for the insurgency. And the Iraqi people should be commended for their courage in coming out to vote—not once, but three times this year.

The resolution then goes on to call for a commitment to victory in Iraq, although it doesn't define "victory." I strongly suspect this language was added, not so much to send a positive message to our soldiers or the Iraqi people so much as it was designed to bolster President Bush's recent speeches in Iraq where the word "victory" looms large.

Unlike American success in World War II, "victory" in Iraq cannot be measured by military success alone. This was achieved when our troops toppled Saddam Hussein's regime in 2003. What we can hope for in Iraq is that a responsible withdrawal of American forces can be linked to measurable benchmarks of political stability. This means that Iraqi security forces must be capable of providing for the safety of Iraqis. It means that Iraq's cities and infrastructure are rebuilt and its citizens have access to electricity and clean water. A successful withdrawal strategy means that America will no longer bear the brunt of the burden—that the U.N., other international organizations, our allies, and countries in the region will step up to assist with the nation-building mission in Iraq.

A successful outcome in Iraq is essential because failure in this part of the world could lead to wider war, greater terrorism and a disaster for our national security. To be frank, it is not so much "victory" that ought to concern us so much as a need to avoid "failure."

Unfortunately, whether we can avoid a failure in Iraq is a question that is not completely in our hands because only the Iraqis themselves can find the will necessary to live alongside each other and to make the compromises necessary to build a functioning government based on an inclusive constitution.

For the record, I opposed the Iraq war resolution, but I have resisted supporting an artificial deadline for withdrawing troops. I believe we need a plan that is designed to bring our troops home and make clear to the Islamic world that we harbor no ambitions for permanent bases, Iraqi oil revenues or any military occupation. But how we withdraw is as important as when we withdraw. This means giving the Iraqis time to form a permanent government and establish the means for international support. We must exercise deep care in the way our country withdraws because leaving a failed state in Iraq will deeply endanger our country.

We were led into war as a divided nation and today we are even more divided. That's why I led a letter last month to Defense Authorization conferees with my colleagues Rep. TOM OSBORNE (R–NE), Rep. ELLEN TAUSCHER (D–CA), and Rep. JOE SCHWARZ (R–MI) urging conferees to include language passed overwhelmingly in the Senate urging President Bush to outline his strategy for withdrawal from Iraq and to provide Members of Congress with quarterly reports on the progress of American operations in Iraq. We wrote this letter because we believe that a successful withdrawal from Iraq can only be helped if Congress and the Bush Administration work to bring unity at home.

It is in our national interest to show the greatest amount of unity possible to the American people, to the international community, and to the Iraqi people, who so bravely made their way to polling stations all over Iraq yesterday.

Sending a message of encouragement to the Iraqi people to build stable institutions based on democratic principles is important at this critical time. it is for this fundamental reason that I vote today in support of this resolution.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I congratulate the Iraqi people on a successful election, and movement toward democracy.

I rise today to denounce the Republican leadership for manipulating the War in Iraq for political gain.

However, I want to stand up here and reiterate my opposition to the invasion of Iraq.

I have said it before and I will say it again.

I am against this war. Our troops have become the targets of the insurgents in Iraq who want us out of their country.

I knew that once we got into the war, there was no getting out. Many of our young men and women were going to get killed for the personal gain of the President.

There is no correlation between 9–11 and the War in Iraq.

Let me repeat: There is no correlation between 9–11 and the war in Iraq!

There was no faulty intelligence. We have people in key positions lying to the American people.

Get Us Out of Iraq!

Ms. SCHAKOWSKY. Mr. Speaker, I rise in opposition to H. Res. 612 and to congratulate parliamentary election.

The citizens of Iraq who desire peace and a prosperous future have demonstrated their commitment to those goals by participating in three national Iraqi elections. Reports indicate that Iraqis turned out in unprecedented numbers to vote in yesterday's election. I congratulate them for braving the instability and violence on the streets of Iraq in order to cast their votes.

Today, instead of offering a resolution to express our congratulations and hopes for a democratic Iraq, the Republican leadership has chosen to play politics, offering a divisive resolution. H. Res. 612 does nothing more than reiterate President Bush's failed strategy for Iraq. While all of us support democracy in Iraq, the Republican leadership has rolled over democratic procedures on the House floor, denying Democrats an opportunity to amend this resolution.

In addition, rather than laying out an exit strategy, as was done by Congressman JACK MURTHA almost one month ago, the Republican leadership continues to ignore the growing chaos and violence facing our soldiers. The Majority refuses to even debate this critical issue. Staying the course is a recipe for disaster that endangers our troops and the Iraqi people.

The withdrawal of American troops should begin now. The new Iraqi government has been formed, and it must take responsibility for forging its own path toward stability and democracy. In polls, the Iraqi people have been clear: they do not believe coalition troops are providing stability and security, and they believe it is time for our troops to come home. The U.S. should provide diplomatic and financial support to an international effort to help the Iraqi government provide security and consolidate democracy.

I have been contacted by many of my constituents who understand that H. Res. 612 is nothing more than a political stunt. The Republican Congress is no longer fooling the American people. In overwhelming numbers, they think it was a mistake to go to war in Iraq; they think the Bush Administration mishandled the war; and they don't support this war. Our troops remain far from home, endangered by a growing insurgency. Now that Iraq has a democratically-elected government, it is time for our troops to come home in order to spend the holidays with the ones they love.

Mr. STUPAK. Mr. Speaker, I regret that I must oppose H. Res. 612 because of my great respect and admiration for our men and women serving in Iraq. Resolution 612 endorses an open-ended commitment of U.S. troops in Iraq and embodies President Bush's latest attempt to justify the U.S. involvement in Iraq. The President and his Congressional allies claim that the Iraqi parliamentary elections were a "crucial victory" in establishing a democracy in Iraq. Thus, through this election, is "victory" in Iraq inevitable?

America has heard this type of reasoning before from President Johnson during the Vietnam War. In 1967, as the South Vietnamese freely elected their government, President Johnson then declared the Vietnamese election had established a democracy supported by the Vietnamese people. After this Vietnamese election, 38,000 more Americans died in Southeast Asia. Since May 1, 2003 when President Bush declared our "Mission Accomplished" in Iraq, approximately 2000 more U.S. troops have died in Iraq.

Under this resolution, the call to bring our troops home hinges on a "victory". What is the victory that the President and his Congressional supporters envision for the U.S. in Iraq? This is not a war like our grandparents fought. There is no country to hoist the white flag of surrender. There is no recognized political entity which the U.S. can sign a peace agreement with. Our brave military men and women are trying to build a democracy in a country that views our U.S. troops as occupiers and almost one half of the Iraqi people believe it is justifiable to kill U.S. troops! The U.S. military has been used to prop up a government being threatened by a guerrilla insurgency. With this Iraqi insurgency, I cannot envision an event, a goal or a date where the resolution's "victory" in Iraq can indisputably be achieved.

Every Member of the United States House of Representatives would have supported this resolution if it did not contain paragraph six. Paragraph six of this resolution is a political attack to embarrass Congressman John Murtha who has called for a strategic redeployment of our troops from Iraq.

The Democratic House leadership offered an identical resolution without paragraph six but the Republican majority party rejected it. While the United States is attempting to establish a democracy in Iraq, but the majority party in the United States House of Representatives uses its power to stifle, embarrass, and silence voices of dissent to the War in Iraq.

The Republicans have no interest in presenting a unified show of support for our troops and in congratulating the Iraqis on their parliamentary elections. The Republicans are more interested in using our troops in Iraq and their families as a political issue than expressing the U.S. House of Representatives' sincere admiration and gratitude.

In closing, I would like to provide my statement on yesterday's parliamentary elections in Iraq:

> I applaud the government of Iraq for this milestone election today. The people of Iraq are able to participate in a democracy by electing the leaders who will help shape their young government and institute laws to protect them. This is a giant step toward full accountability.
>
> Election day in Iraq serves as much more than an opportunity to cast a vote to elect leaders; it serves as an opportunity for the people of Iraq to accept responsibility for governing Iraq. This responsibility extends beyond voting. Yesterday's vote marks the time for Iraqis to be accountable for themselves and their developing country.
>
> The hopes and dreams of the Iraqi people will not be realized if the insurgency continues to disrupt Iraq's national unity. The overwhelming majority of the Iraqis are in tacit support of this insurgency as they view our U.S. troops as "occupiers" of their country. Nearly one half of the Iraqi citizens believe it is justifiable to kill U.S. troops. Since May of 2004, when President Bush declared "Mission Accomplished" in Iraq, approximately 2,000 more U.S. troops have died and more than $150 billion in tax dollars have been spent to counter act this Iraqi insurgency.
>
> I believe that in order for the principles of democracy to take hold in Iraq, the target of the insurgency, our U.S. troops, must be removed.
>
> I believe the President must develop a plan to bring our troops home. I believe America should demand from the Bush Administration an Iraqi Accountability Plan that will set clear and measurable goals to entrust the country of Iraq to her people. The United States has provided the Iraqis with an opportunity for freedom, democracy and self-governance but, only the Iraqi people can set forth these principles in their land. Iraq's parliamentary election, which marks the birth of a promising democracy and the implementation of an Iraqi Accountability Plan, will enable its people to embrace and nurture its own government.

May God bless our troops and this great country.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 619, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 612 will be followed by 5-minute votes on motions to suspend the rules with respect to H. Res. 409; H. Res. 575; and H. Res. 534.

The vote was taken by electronic device, and there were—yeas 279, nays 109, answered "present" 34, not voting 11, as follows:

[Roll No. 648]

YEAS—279

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton

Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—109

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Evans
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kildee
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Lynch
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pelosi
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Solis
Stark
Strickland
Stupak
Thompson (MS)
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—34

Andrews
Baird
Bishop (NY)
Boyd
Butterfield
Carson
DeFazio
Emanuel
Engel
Eshoo
Harman
Hooley
Hoyer
Johnson, E. B.
Kaptur
Lantos
Larsen (WA)
Leach
Lofgren, Zoe
Lowey
Maloney
Matsui
McNulty
Meek (FL)
Michaud
Owens
Paul
Sanchez, Loretta
Schiff
Sherman
Slaughter
Tauscher
Thompson (CA)
Van Hollen

NOT VOTING—11

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). There are 2 minutes remaining in this vote.

☐ 1442

Mr. CLYBURN changed his vote from "yea" to "nay".

Mr. BOEHLERT and Mr. FORD changed their votes from "nay" to "yea."

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MEEK of Florida changed their votes from "nay" to "present."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4440. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Ms. ROS-LEHTINEN (during consideration of H. Res. 612), from the Committee on International Relations, submitted a privileged report (Rept. No. 109-351) on the resolution (H. Res. 549) requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address, which was referred to the House Calendar and ordered to be printed.

CONDEMNING THE GOVERNMENT OF ZIMBABWE'S "OPERATION MURAMBATSVINA"

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 409, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 409, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 11, as follows:

[Roll No. 649]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky

Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—11

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1450

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 575, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 575, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 17, answered "present" 7, not voting 12, as follows:

[Roll No. 650]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—17

Abercrombie
Blumenauer
Dingell
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee
McDermott
McKinney
Moran (VA)
Obey
Paul
Rahall
Stark
Waters
Watson
Watt

ANSWERED "PRESENT"—7

Becerra
Capuano
Gutierrez
Gutknecht
Kolbe
Leach
Moore (WI)

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Doolittle
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1458

Mr. ROHRABACHER changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Asserting that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes.".

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE AND CREDIBILITY OF AN INDEPENDENT IRAQI JUDICIARY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 534.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 534, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 1, not voting 24, as follows:

[Roll No. 651]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—24

Bachus
Barrett (SC)
Barton (TX)
Brady (TX)
Chocola
Cole (OK)
Davis, Jo Ann
Delahunt
Diaz-Balart, M.
Hyde
Istook
Johnson, Sam
LaHood
Lantos
McCarthy
McDermott
Mica
Miller (FL)
Miller, George
Napolitano
Payne
Radanovich
Rangel
Sweeney

☐ 1506

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Resolution recognizing the importance of an independent Iraqi judiciary in the formation of a new and democratic Iraq.".

A motion to reconsider was laid on the table.

MEDICAL REPORT ON THE HONORABLE JOE BARTON, MEMBER OF CONGRESS

(Mr. UPTON asked and was given permission to address the House for 1 minute.)

Mr. UPTON. Madam Speaker, I just would like to give a brief medical report on our friend and colleague, JOE BARTON, who left last night rather suddenly to GW Hospital. He had three stents put in this morning.

I talked with him at length a little bit earlier this morning. He is doing quite well. He has a good sense of humor. Some of you might remember that our committee had a BCS hearing earlier this week on a playoff schedule, and I told him it had been resolved: Michigan would not be playing Nebraska, Michigan would be playing Southern California for the National Championship on January 4.

But he is in good humor, and he is doing well. His wife made it early this morning. He is expected to make a full recovery. In fact, he may be here later in the weekend to cast a vote or two if it is required.

He very much appreciates all the Members on both sides of the aisle inquiring about his health and wanted us to assure everyone that in fact he is the same JOE BARTON that he was before; he is expected to make a full recovery, and we may see him again later on this weekend.

GULF OPPORTUNITY ZONE ACT OF 2005

Mr. McCRERY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Gulf Opportunity Zone Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

Sec. 101. Tax benefits for Gulf Opportunity Zone.
Sec. 102. Expansion of Hope Scholarship and Lifetime Learning Credit for students in the Gulf Opportunity Zone.

Sec. 103. Housing relief for individuals affected by Hurricane Katrina.
Sec. 104. Extension of special rules for mortgage revenue bonds.
Sec. 105. Special extension of bonus depreciation placed in service date for taxpayers affected by Hurricanes Katrina, Rita, and Wilma.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

Sec. 201. Extension of certain emergency tax relief for Hurricane Katrina to Hurricanes Rita and Wilma.

TITLE III—OTHER PROVISIONS

Sec. 301. Gulf Coast Recovery Bonds.
Sec. 302. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 303. Modification of effective date of exception from suspension rules for certain listed and reportable transactions.
Sec. 304. Authority for undercover operations.
Sec. 305. Disclosures of certain tax return information.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

Sec. 401. Short title.
Sec. 402. Amendments related to Energy Policy Act of 2005.
Sec. 403. Amendments related to the American Jobs Creation Act of 2004.
Sec. 404. Amendments related to the Working Families Tax Relief Act of 2004.
Sec. 405. Amendments related to the Jobs and Growth Tax Relief Reconciliation Act of 2003
Sec. 406. Amendment related to the Victims of Terrorism Tax Relief Act of 2001.
Sec. 407. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 408. Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 409. Amendments related to the Taxpayer Relief Act of 1997.
Sec. 410. Amendment related to the Omnibus Budget Reconciliation Act of 1990.
Sec. 411. Amendment related to the Omnibus Budget Reconciliation Act of 1987.
Sec. 412. Clerical corrections.
Sec. 413. Other corrections related to the American Jobs Creation Act of 2004.

Subtitle B—Trade Technicals

Sec. 421. Technical corrections to regional value content methods for rules of origin under Public Law 109–53.

TITLE V—EMERGENCY REQUIREMENT

Sec. 501. Emergency requirement.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) In General.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

"PART II—TAX BENEFITS FOR GO ZONES

"Sec. 1400M. Definitions.
"Sec. 1400N. Tax benefits for Gulf Opportunity Zone.

"SEC. 1400M. DEFINITIONS.

"For purposes of this part—

"(1) Gulf Opportunity Zone.—The terms 'Gulf Opportunity Zone' and 'GO Zone' mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

"(2) Hurricane Katrina Disaster Area.—The term 'Hurricane Katrina disaster area' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

"(3) Rita GO Zone.—The term 'Rita GO Zone' means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

"(4) Hurricane Rita Disaster Area.—The term 'Hurricane Rita disaster area' means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

"(5) Wilma GO Zone.—The term 'Wilma GO Zone' means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

"(6) Hurricane Wilma Disaster Area.—The term 'Hurricane Wilma disaster area' means an area with respect to which a major disaster has been declared by the President before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

"SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

"(a) Tax-Exempt Bond Financing.—

"(1) In General.—For purposes of this title—

"(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

"(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

"(2) Qualified Gulf Opportunity Zone Bond.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone Bond' means any bond issued as part of an issue if—

"(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

"(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

"(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

"(C) such bond is designated for purposes of this section by—

"(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

"(ii) in the case of any other bond, the Governor of such State,

"(D) such bond is issued after the date of the enactment of this section and before January 1, 2011, and

"(E) no portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

"(3) Limitations on Bonds.—

"(A) Aggregate Amount Designated.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

"(B) Movable Property.—No bonds shall be issued which are to be used for movable fixtures and equipment.

"(4) Qualified Project Costs.—For purposes of this subsection, the term 'qualified project costs' means—

"(A) the cost of any qualified residential rental project (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

"(B) the cost of acquisition, construction, reconstruction, and renovation of—

"(i) nonresidential real property (including fixed improvements associated with such property) located in the Gulf Opportunity Zone, and

"(ii) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

"(5) Special Rules.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

"(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

"(i) by substituting '60 percent' for '50 percent' in subparagraph (A) thereof, and

"(ii) by substituting '70 percent' for '60 percent' in subparagraph (B) thereof.

"(B) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans' mortgage bond) shall be applied—

"(i) only with respect to owner-occupied residences in the Gulf Opportunity Zone,

"(ii) by treating any such residence in the Gulf Opportunity Zone as a targeted area residence,

"(iii) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

"(iv) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

"(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

"(D) Section 146 (relating to volume cap) shall not apply.

"(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting '50 percent' for '15 percent' each place it appears.

"(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

"(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

"(6) Separate Issue Treatment of Portions of an Issue.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

"(b) Advance Refundings of Certain Tax-Exempt Bonds.—

"(1) In General.—With respect to a bond described in paragraph (3), one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

"(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

"(B) the requirements of paragraph (5) are met.

"(2) Certain Private Activity Bonds.—With respect to a bond described in paragraph (3) which is an exempt facility bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

"(3) Bonds Described.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of

Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

"(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

"(A) $4,500,000,000 in the case of the State of Louisiana,

"(B) $2,250,000,000 in the case of the State of Mississippi, and

"(C) $1,125,000,000 in the case of the State of Alabama.

"(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

"(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005,

"(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

"(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

"(6) USE OF PROCEEDS REQUIREMENT.—This subsection shall not apply to any advance refunding of a bond which is issued as part of an issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

"(c) LOW-INCOME HOUSING CREDIT.—

"(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR GULF OPPORTUNITY ZONE.—

"(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

"(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

"(ii) the Gulf Opportunity housing amount for such State for such calendar year.

"(B) GULF OPPORTUNITY HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Gulf Opportunity housing amount' means, for any calendar year, the amount equal to the product of $18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

"(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling under section 42(h)(3)(C) for any calendar year, any increase in the State housing credit ceiling under subparagraph (A) shall be treated as an amount described in clause (ii) of such section.

"(2) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR TEXAS AND FLORIDA.—For purposes of section 42, in the case of calendar year 2006, the State housing credit ceiling of Texas and Florida shall each be increased by $3,500,000.

"(3) DIFFICULT DEVELOPMENT AREA.—

"(A) IN GENERAL.—For purposes of section 42, in the case of property placed in service during 2006, 2007, or 2008, the Gulf Opportunity Zone, the Rita GO Zone, and the Wilma GO Zone—

"(i) shall be treated as difficult development areas designated under subclause (I) of section 42(d)(5)(C)(iii), and

"(ii) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section.

"(B) APPLICATION.—Subparagraph (A) shall apply only to—

"(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

"(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

"(4) SPECIAL RULE FOR APPLYING INCOME TESTS.—In the case of property placed in service—

"(A) during 2006, 2007, or 2008,

"(B) in the Gulf Opportunity Zone, and

"(C) in a nonmetropolitan area (as defined in section 42(d)(5)(C)(iv)(IV)),

section 42 shall be applied by substituting 'national nonmetropolitan median gross income (determined under rules similar to the rules of section 142(d)(2)(B))' for 'area median gross income' in subparagraphs (A) and (B) of section 42(g)(1).

"(5) DEFINITIONS.—Any term used in this subsection which is also used in section 42 shall have the same meaning as when used in such section.

"(d) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER AUGUST 28, 2005.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified Gulf Opportunity Zone property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

"(B) the adjusted basis of the qualified Gulf Opportunity Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified Gulf Opportunity Zone property' means property—

"(i)(I) which is described in section 168(k)(2)(A)(i), or

"(II) which is nonresidential real property or residential rental property,

"(ii) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

"(iii) the original use of which in the Gulf Opportunity Zone commences with the taxpayer on or after August 28, 2005,

"(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

"(v) which is placed in service by the taxpayer on or before December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

"(B) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

"(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

"(iii) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

"(iv) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

"(A) by substituting 'August 27, 2005' for 'September 10, 2001' each place it appears therein,

"(B) by substituting 'January 1, 2008' for 'January 1, 2005' in clause (i) thereof, and

"(C) by substituting 'qualified Gulf Opportunity Zone property' for 'qualified property' in clause (iv) thereof.

"(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

"(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Opportunity Zone property which ceases to be qualified Gulf Opportunity Zone property.

"(e) INCREASE IN EXPENSING UNDER SECTION 179.—

"(1) IN GENERAL.—For purposes of section 179—

"(A) the dollar amount in effect under section 179(b)(1) for the taxable year shall be increased by the lesser of—

"(i) $100,000, or

"(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year, and

"(B) the dollar amount in effect under section 179(b)(2) for the taxable year shall be increased by the lesser of—

"(i) $600,000, or

"(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year.

"(2) QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 Gulf Opportunity Zone property' means section 179 property (as defined in section 179(d)) which is qualified Gulf Opportunity Zone property (as defined in subsection (d)(2)).

"(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 Gulf Opportunity Zone property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 Gulf Opportunity Zone property into account for purposes of this subsection.

"(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified section 179 Gulf Opportunity Zone property which ceases to be qualified section 179 Gulf Opportunity Zone property.

"(f) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—

"(1) IN GENERAL.—A taxpayer may elect to treat 50 percent of any qualified Gulf Opportunity Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

"(2) QUALIFIED GULF OPPORTUNITY ZONE CLEAN-UP COST.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone clean-up cost' means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Opportunity Zone and which is—

"(A) held by the taxpayer for use in a trade or business or for the production of income, or

"(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

"(g) Extension of Expensing for Environmental Remediation Costs.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Opportunity Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

"(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting 'December 31, 2007' for the date contained in section 198(h), and

"(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

"(h) Increase in Rehabilitation Credit.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

"(1) by substituting '13 percent' for '10 percent' in paragraph (1) thereof, and

"(2) by substituting '26 percent' for '20 percent' in paragraph (2) thereof.

"(i) Special Rules for Small Timber Producers.—

"(1) INCREASED EXPENSING FOR QUALIFIED TIMBER PROPERTY.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

"(A) the limitation which would (but for this subsection) apply under such subparagraph, or

"(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

"(2) 5 YEAR NOL CARRYBACK OF CERTAIN TIMBER LOSSES.—For purposes of determining any farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone shall be treated as attributable to farming businesses.

"(3) Rules not applicable to certain entities.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

"(A) is a corporation the stock of which is publicly traded on an established securities market, or

"(B) is a real estate investment trust.

"(4) Rules not applicable to large timber producers.—

"(A) Expensing.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of qualified timber property at any time during the taxable year.

"(B) NOL carryback.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

"(i) such property was held by the taxpayer—

"(I) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone,

"(II) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or

"(III) on October 23, 2005, in the case of qualified timber property (other than property described in subclause (I) or (II)) any portion of which is located in the Wilma GO Zone, and

"(ii) such taxpayer held not more than 500 acres of qualified timber property on such date.

"(5) Definitions.—For purposes of this subsection—

"(A) Specified portion.—

"(i) In general.—The term 'specified portion' means—

"(I) in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, that portion of the taxable year which is on or after August 28, 2005, and before the termination date,

"(II) in the case of qualified timber property (other than property described in clause (i)) any portion of which is located in the Rita GO Zone, that portion of the taxable year which is on or after September 23, 2005, and before the termination date, or

"(III) in the case of qualified timber property (other than property described in clause (i) or (ii)) any portion of which is located in the Wilma GO Zone, that portion of the taxable year which is on or after October 23, 2005, and before the termination date.

"(ii) Termination date.—The term 'termination date' means—

"(I) for purposes of paragraph (1), January 1, 2008, and

"(II) for purposes of paragraph (2), January 1, 2007.

"(B) Qualified timber property.—The term 'qualified timber property' has the meaning given such term in section 194(c)(1).

"(j) Special Rule for Gulf Opportunity Zone Public Utility Casualty Losses.—

"(1) In general.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the Gulf Opportunity Zone public utility casualty loss for such taxable year.

"(2) Gulf opportunity zone public utility casualty loss.—For purposes of this subsection, the term 'Gulf Opportunity Zone public utility casualty loss' means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone if—

"(A) such loss is allowed as a deduction under section 165 for the taxable year,

"(B) such loss is by reason of Hurricane Katrina, and

"(C) the taxpayer elects the application of this subsection with respect to such loss.

"(3) Reduction for gains from involuntary conversion.—The amount of any Gulf Opportunity Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Opportunity Zone.

"(4) Coordination with general disaster loss rules.—Subsection (k) and section 165(i) shall not apply to any Gulf Opportunity Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

"(5) Election.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

"(k) Treatment of Net Operating Losses Attributable to Gulf Opportunity Zone Losses.—

"(1) In general.—If a portion of any net operating loss of the taxpayer for any taxable year is a qualified Gulf Opportunity Zone loss, the following rules shall apply:

"(A) Extension of carryback period.—Section 172(b)(1) shall be applied with respect to such portion—

"(i) by substituting '5 taxable years' for '2 taxable years' in subparagraph (A)(i), and

"(ii) by not taking such portion into account in determining any eligible loss of the taxpayer under subparagraph (F) thereof for the taxable year.

"(B) Suspension of 90 percent AMT limitation.—Section 56(d)(1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of any net operating loss attributable to such portion.

"(2) Qualified gulf opportunity zone loss.—For purposes of paragraph (1), the term 'qualified Gulf Opportunity Zone loss' means the lesser of—

"(A) the excess of—

"(i) the net operating loss for such taxable year, over

"(ii) the specified liability loss for such taxable year to which a 10-year carryback applies under section 172(b)(1)(C), or

"(B) the aggregate amount of the following deductions to the extent taken into account in computing the net operating loss for such taxable year:

"(i) Any deduction for any qualified Gulf Opportunity Zone casualty loss.

"(ii) Any deduction for moving expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to any taxpayer in connection with the employment of any individual—

"(I) whose principal place of abode was located in the Gulf Opportunity Zone before August 28, 2005,

"(II) who was unable to remain in such abode as the result of Hurricane Katrina, and

"(III) whose principal place of employment with the taxpayer after such expense is located in the Gulf Opportunity Zone.

For purposes of this clause, the term 'moving expenses' has the meaning given such term by section 217(b), except that the taxpayer's former residence and new residence may be the same residence if the initial vacating of the residence was as the result of Hurricane Katrina.

"(iii) Any deduction allowable under this chapter for expenses paid or incurred after August 27, 2005, and before January 1, 2008, to temporarily house any employee of the taxpayer whose principal place of employment is in the Gulf Opportunity Zone.

"(iv) Any deduction for depreciation (or amortization in lieu of depreciation) allowable under this chapter with respect to any qualified Gulf Opportunity Zone property (as defined in subsection (d)(2), but without regard to subparagraph (B)(iv) thereof)) for the taxable year such property is placed in service.

"(v) Any deduction allowable under this chapter for repair expenses (including expenses for removal of debris) paid or incurred after August 27, 2005, and before January 1, 2008, with respect to any damage attributable to Hurricane Katrina and in connection with property which is located in the Gulf Opportunity Zone.

"(3) Qualified gulf opportunity zone casualty loss.—

"(A) In general.—For purposes of paragraph (2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' means any uncompensated section 1231 loss (as defined in section 1231(a)(3)(B)) of property located in the Gulf Opportunity Zone if—

"(i) such loss is allowed as a deduction under section 165 for the taxable year, and "(ii) such loss is by reason of Hurricane Katrina.

"(B) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of qualified Gulf Opportunity Zone casualty loss which would (but for this subparagraph) be taken into account under subparagraph (A) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of property located in the Gulf Opportunity Zone.

"(C) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Section 165(i) shall not apply to any qualified Gulf Opportunity Zone casualty loss to the extent such loss is taken into account under this subsection.

"(4) SPECIAL RULES.—For purposes of paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 172(i) shall apply with respect to such portion.

"(l) CREDIT TO HOLDERS OF GULF TAX CREDIT BONDS.—

"(1) ALLOWANCE OF CREDIT.—If a taxpayer holds a Gulf tax credit bond on one or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under paragraph (2) with respect to such dates.

"(2) AMOUNT OF CREDIT.—

"(A) IN GENERAL.—The amount of the credit determined under this paragraph with respect to any credit allowance date for a Gulf tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(B) ANNUAL CREDIT.—The annual credit determined with respect to any Gulf tax credit bond is the product of—

"(i) the credit rate determined by the Secretary under subparagraph (C) for the day on which such bond was sold, multiplied by

"(ii) the outstanding face amount of the bond.

"(C) DETERMINATION.—For purposes of subparagraph (B), with respect to any Gulf tax credit bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of Gulf tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the issuer.

"(D) CREDIT ALLOWANCE DATE.—For purposes of this subsection, the term 'credit allowance date' means March 15, June 15, September 15, and December 15. Such term also includes the last day on which the bond is outstanding.

"(E) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this paragraph with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under paragraph (1) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C and this subsection).

"(4) GULF TAX CREDIT BONDor purposes of this subsection—

"(A) IN GENERAL.—The term 'Gulf tax credit bond' means any bond issued as part of an issue if—

"(i) the bond is issued by the State of Alabama, Louisiana, or Mississippi,

"(ii) 95 percent or more of the proceeds of such issue are to be used to—

"(I) pay principal, interest, or premiums on qualified bonds issued by such State or any political subdivision of such State, or

"(II) make a loan to any political subdivision of such State to pay principal, interest, or premiums on qualified bonds issued by such political subdivision,

"(iii) the Governor of such State designates such bond for purposes of this subsection,

"(iv) the bond is a general obligation of such State and is in registered form (within the meaning of section 149(a)),

"(v) the maturity of such bond does not exceed 2 years, and

"(vi) the bond is issued after December 31, 2005, and before January 1, 2007.

"(B) STATE MATCHING REQUIREMENT.—A bond shall not be treated as a Gulf tax credit bond unless—

"(i) the issuer of such bond pledges as of the date of the issuance of the issue an amount equal to the face amount of such bond to be used for payments described in subclause (I) of subparagraph (A)(ii), or loans described in subclause (II) of such subparagraph, as the case may be, with respect to the issue of which such bond is a part, and

"(ii) any such payment or loan is made in equal amounts from the proceeds of such issue and from the amount pledged under clause (i). The requirement of clause (ii) shall be treated as met with respect to any such payment or loan made during the 1-year period beginning on the date of the issuance (or any successor 1-year period) if such requirement is met when applied with respect to the aggregate amount of such payments and loans made during such period.

"(C) AGGREGATE LIMIT ON BOND DESIGNATIONS.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

"(i) $200,000,000 in the case of the State of Louisiana,

"(ii) $100,000,000 in the case of the State of Mississippi, and

"(iii) $50,000,000 in the case of the State of Alabama.

"(D) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a Gulf tax credit bond unless, with respect to the issue of which the bond is a part, the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue and any loans made with such proceeds.

"(5) QUALIFIED BOND.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified bond' means any obligation of a State or political subdivision thereof which was outstanding on August 28, 2005.

"(B) EXCEPTION FOR PRIVATE ACTIVITY BONDS.—Such term shall not include any private activity bond.

"(C) EXCEPTION FOR ADVANCE REFUNDINGS.—Such term shall not include any bond with respect to which there is any outstanding refunded or refunding bond during the period in which a Gulf tax credit bond is outstanding with respect to such bond.

"(D) USE OF PROCEEDS REQUIREMENT.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue was (or is to be) used to provide any property described in section 144(c)(6)(B).

"(6) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this subsection (determined without regard to paragraph (3)) and the amount so included shall be treated as interest income.

"(7) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) BOND.—The term 'bond' includes any obligation.

"(B) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

"(i) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under paragraph (1).

"(ii) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

"(C) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Gulf tax credit bond is held by a regulated investment company, the credit determined under paragraph (1) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(D) REPORTING.—Issuers of Gulf tax credit bonds shall submit reports similar to the reports required under section 149(e).

"(E) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this subsection shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

"(m) APPLICATION OF NEW MARKETS TAX CREDIT TO INVESTMENTS IN COMMUNITY DEVELOPMENT ENTITIES SERVING GULF OPPORTUNITY ZONE.—For purposes of section 45D—

"(1) a qualified community development entity shall be eligible for an allocation under subsection (f)(2) thereof of the increase in the new markets tax credit limitation described in paragraph (2) only if a significant mission of such entity is the recovery and redevelopment of the Gulf Opportunity Zone,

"(2) the new markets tax credit limitation otherwise determined under subsection (f)(1) thereof shall be increased by an amount equal to—

"(A) $300,000,000 for 2005 and 2006, to be allocated among qualified community development entities to make qualified low-income community investments within the Gulf Opportunity Zone, and

"(B) $400,000,000 for 2007, to be so allocated, and

"(3) subsection (f)(3) thereof shall be applied separately with respect to the amount of the increase under paragraph (2).

"(n) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RESIDENTIAL RENTAL PROJECT REQUIREMENTS.—For purposes of determining if any residential rental project meets the requirements of section 142(d)(1) and if any certification with respect to such project meets the requirements under section 142(d)(7), the operator of the project may rely on the representations of any individual applying for tenancy in such project that such individual's income will not exceed the applicable income limits of section 142(d)(1) upon commencement of the individual's tenancy if such tenancy begins during the 6-month period beginning on and after the date such individual was displaced by reason of Hurricane Katrina.

"(o) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—

"(1) IN GENERAL.—Upon the election of the taxpayer, in the case of any eligible public utility property loss—

"(A) section 165(i) shall be applied by substituting 'the fifth taxable year immediately preceding' for 'the taxable year immediately preceding',

"(B) an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the application of subparagraph (A) may be made under section 6411, and

"(C) section 6611 shall not apply to any overpayment attributable to such loss.

"(2) Eligible public utility property loss.—For purposes of this subsection—

"(A) In general.—The term 'eligible public utility property loss' means any loss with respect to public utility property located in the Gulf Opportunity Zone and attributable to Hurricane Katrina.

"(B) Public utility property.—The term 'public utility property' has the meaning given such term by section 168(i)(10) without regard to the matter following subparagraph (D) thereof.

"(3) Waiver of limitations.—If refund or credit of any overpayment of tax resulting from the application of paragraph (1) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this section by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

"(p) Tax Benefits Not Available With Respect to Certain Property.—

"(1) Qualified Gulf Opportunity Zone property.—For purposes of subsections (d), (e), and (k)(2)(B)(iv), the term 'qualified Gulf Opportunity Zone property' shall not include any property described in paragraph (3).

"(2) Qualified Gulf Opportunity Zone casualty losses.—For purposes of subsection (k)(2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' shall not include any loss with respect to any property described in paragraph (3).

"(3) Property described.—

"(A) In general.—For purposes of this subsection, property is described in this paragraph if such property is—

"(i) any property used in connection with any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

"(ii) any gambling or animal racing property.

"(B) Gambling or animal racing property.—For purposes of subparagraph (A)(ii)—

"(i) In general.—The term 'gambling or animal racing property' means—

"(I) any equipment, furniture, software, or other property used directly in connection with gambling, the racing of animals, or the on-site viewing of such racing, and

"(II) the portion of any real property (determined by square footage) which is dedicated to gambling, the racing of animals, or the on-site viewing of such racing.

"(ii) De minimis portion.—Clause (i)(II) shall not apply to any real property if the portion so dedicated is less than 100 square feet.".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 54(c) is amended by inserting ", section 1400N(l)," after "subpart C".

(2) Subparagraph (A) of section 6049(d)(8) is amended—

(A) by inserting "or 1400N(l)(6)" after "section 54(g)", and

(B) by inserting "or 1400N(l)(2)(D), as the case may be" after "section 54(b)(4)".

(3) So much of subchapter Y of chapter 1 as precedes section 1400L is amended to read as follows:

"Subchapter Y—Short-Term Regional Benefits

"Part I—Tax Benefits for New York Liberty Zone

"Part II—Tax Benefits for GO Zones

"PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

"Sec. 1400L. Tax benefits for New York Liberty Zone.".

(4) The item relating to subchapter Y in the table of subchapters for chapter 1 is amended to read as follows:

"SUBCHAPTER Y—SHORT-TERM REGIONAL BENEFITS".

(c) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after August 28, 2005.

(2) Carrybacks.—Subsections (i)(2), (j), and (k) of section 1400N of the Internal Revenue Code of 1986 (as added by this section) shall apply to losses arising in such taxable years.

SEC. 102. EXPANSION OF HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDIT FOR STUDENTS IN THE GULF OPPORTUNITY ZONE.

(a) In General.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

"SEC. 1400O. EDUCATION TAX BENEFITS.

"In the case of an individual who attends an eligible educational institution (as defined in section 25A(f)(2)) located in the Gulf Opportunity Zone for any taxable year beginning during 2005 or 2006—

"(1) in applying section 25A, the term 'qualified tuition and related expenses' shall include any costs which are qualified higher education expenses (as defined in section 529(e)(3)),

"(2) each of the dollar amounts in effect under of subparagraphs (A) and (B) of section 25A(b)(1) shall be twice the amount otherwise in effect before the application of this subsection, and

"(3) section 25A(c)(1) shall be applied by substituting '40 percent' for '20 percent'.".

(b) Conforming Amendment.—The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

"Sec. 1400O. Education tax benefits.".

SEC. 103. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) In General.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

"SEC. 1400P. HOUSING TAX BENEFITS .

"(a) Exclusion of Employer Provided Housing for Individual Affected by Hurricane Katrina.—

"(1) In general.—Gross income of a qualified employee shall not include the value of any lodging furnished in-kind to such employee (and such employee's spouse or any of such employee's dependents) by or on behalf of a qualified employer for any month during the taxable year.

"(2) Limitation.—The amount which may be excluded under paragraph (1) for any month for which lodging is furnished during the taxable year shall not exceed $600.

"(3) Treatment of exclusion.—The exclusion under paragraph (1) shall be treated as an exclusion under section 119 (other than for purposes of sections 3121(a)(19) and 3306(b)(14)).

"(b) Employer Credit for Housing Employees Affected by Hurricane Katrina.—For purposes of section 38, in the case of a qualified employer, the Hurricane Katrina housing credit for any month during the taxable year is an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a) and not otherwise excludable under section 119.

"(c) Qualified Employee.—For purposes of this section, the term 'qualified employee' means, with respect to any month, an individual—

"(1) who had a principal residence (as defined in section 121) in the Gulf Opportunity Zone on August 28, 2005, and

"(2) who performs substantially all employment services—

"(A) in the Gulf Opportunity Zone, and

"(B) for the qualified employer which furnishes lodging to such individual.

"(d) Qualified Employer.—For purposes of this section, the term 'qualified employer' means any employer with a trade or business located in the Gulf Opportunity Zone.

"(e) Certain Rules to Apply.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

"(f) Application of Section.—This section shall apply to lodging furnished during the period—

"(1) beginning on the first day of the first month beginning after the date of the enactment of this section, and

"(2) ending on the date which is 6 months after the first day described in paragraph (1).".

(b) Conforming Amendments.—

(1) Subsection (b) of section 38 is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting ", and", and by adding at the end the following new paragraphs:

"(27) the Hurricane Katrina housing credit determined under section 1400P(b).".

(2) Section 280C(a) is amended by striking "and 1396(a)" and inserting "1396(a), and 1400P(b)".

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

"Sec. 1400P. Housing tax benefits.".

SEC. 104. EXTENSION OF SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

Section 404(d) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "December 31, 2007" and inserting "December 31, 2010".

SEC. 105. SPECIAL EXTENSION OF BONUS DEPRECIATION PLACED IN SERVICE DATE FOR TAXPAYERS AFFECTED BY HURRICANES KATRINA, RITA, AND WILMA.

In applying the rule under section 168(k)(2)(A)(iv) of the Internal Revenue Code of 1986 to any property described in subparagraph (B) or (C) of section 168(k)(2) of such Code—

(1) the placement in service of which—

(A) is to be located in the GO Zone (as defined in section 1400M(1) of such Code), the Rita GO Zone (as defined in section 1400M(3) of such Code), or the Wilma GO Zone (as defined in section 1400M(5) of such Code), and

(B) is to be made by any taxpayer affected by Hurricane Katrina, Rita, or Wilma, or

(2) which is manufactured in such Zone by any person affected by Hurricane Katrina, Rita, or Wilma,

the Secretary of the Treasury may, on a taxpayer by taxpayer basis, extend the required date of the placement in service of such property under such section by such period of time as is determined necessary by the Secretary but not to exceed 1 year. For purposes of the preceding sentence, the determination shall be made by only taking into account the effect of one or more hurricanes on the date of such placement by the taxpayer.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

SEC. 201. EXTENSION OF CERTAIN EMERGENCY TAX RELIEF FOR HURRICANE KATRINA TO HURRICANES RITA AND WILMA.

(a) In General.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new sections:

"SEC. 1400Q. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

"(a) Tax-Favored Withdrawals From Retirement Plans.—

"(1) IN GENERAL.—Section 72(t) shall not apply to any qualified hurricane distribution.

"(2) AGGREGATE DOLLAR LIMITATION.—

"(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

"(i) $100,000, over

"(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

"(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

"(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

"(A) IN GENERAL.—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

"(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified hurricane distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED HURRICANE DISTRIBUTION.—Except as provided in paragraph (2), the term 'qualified hurricane distribution' means—

"(i) any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina,

"(ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita, and

"(iii) any distribution (which is not described in clause (i) or (ii)) from an eligible retirement plan made on or after October 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

"(B) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

"(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

"(A) IN GENERAL.—In the case of any qualified hurricane distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

"(6) SPECIAL RULES.—

"(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified hurricane distributions shall not be treated as eligible rollover distributions.

"(B) QUALIFIED HURRICANE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes this title, a qualified hurricane distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).

"(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

"(1) RECONTRIBUTIONS.—

"(A) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

"(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' means any qualified Katrina distribution, any qualified Rita distribution, and any qualified Wilma distribution.

"(B) QUALIFIED KATRINA DISTRIBUTION.—The term 'qualified Katrina distribution' means any distribution—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before August 29, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

"(C) QUALIFIED RITA DISTRIBUTION.—The term 'qualified Rita distribution' means any distribution (other than a qualified Katrina distribution)—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before September 24, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Rita disaster area, but which was not so purchased or constructed on account of Hurricane Rita.

"(D) QUALIFIED WILMA DISTRIBUTION.—The term 'qualified Wilma distribution' means any distribution (other than a qualified Katrina distribution or a qualified Rita distribution)—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before October 24, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Wilma disaster area, but which was not so purchased or constructed on account of Hurricane Wilma.

"(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means—

"(A) with respect to any qualified Katrina distribution, the period beginning on August 25, 2005, and ending on February 28, 2006,

"(B) with respect to any qualified Rita distribution, the period beginning on September 23, 2005, and ending on February 28, 2006, and

"(C) with respect to any qualified Wilma distribution, the period beginning on October 23, 2005, and ending on February 28, 2006.

"(c) LOANS FROM QUALIFIED PLANS.—

"(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4)) to a qualified individual made during the applicable period—

"(A) clause (i) of section 72(p)(2)(A) shall be applied by substituting '$100,000' for '$50,000', and

"(B) clause (ii) of such section shall be applied by substituting 'the present value of the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

"(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan (as defined in section 72(p)(4))—

"(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date and ending on December 31, 2006, such due date shall be delayed for 1 year,

"(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

"(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2), the period described in subparagraph (A) shall be disregarded.

"(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

"(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means an individual whose principal place of abode on August 28, 2005, is located in *the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.*

‘‘(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term ‘qualified Hurricane Rita individual’ means an individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita.

‘‘(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term ‘qualified Hurricane Wilma individual’ means an individual (other than a qualified Hurricane Katrina individual or a qualified Hurricane Rita individual) whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

‘‘(4) APPLICABLE PERIOD; QUALIFIED BEGINNING DATE.—For purposes of this subsection—

‘‘(A) HURRICANE KATRINA.—In the case of any qualified Hurricane Katrina individual—

‘‘(i) the applicable period is the period beginning on September 24, 2005, and ending on December 31, 2006, and

‘‘(ii) the qualified beginning date is August 25, 2005.

‘‘(B) HURRICANE RITA.—In the case of any qualified Hurricane Rita individual—

‘‘(i) the applicable period is the period beginning on the date of the enactment of this subsection and ending on December 31, 2006, and

‘‘(ii) the qualified beginning date is September 23, 2005.

‘‘(C) HURRICANE WILMA.—In the case of any qualified Hurricane Wilma individual—

‘‘(i) the applicable period is the period beginning on the date of the enactment of this subparagraph and ending on December 31, 2006, and

‘‘(ii) the qualified beginning date is October 23, 2005.

‘‘(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

‘‘(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

‘‘(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

‘‘(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

‘‘(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

‘‘(ii) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary may prescribe. In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

‘‘(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

‘‘(i) during the period—

‘‘(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

‘‘(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

‘‘(ii) such plan or contract amendment applies retroactively for such period.

“SEC. 1400R. EMPLOYMENT RELIEF.

‘‘(a) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.—

‘‘(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Katrina employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

‘‘(2) DEFINITIONS.—For purposes of this subsection—

‘‘(A) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means any employer—

‘‘(i) which conducted an active trade or business on August 28, 2005, in the GO Zone, and

‘‘(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

‘‘(B) ELIGIBLE EMPLOYEE.—The term ‘eligible employee’ means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in the GO Zone.

‘‘(C) QUALIFIED WAGES.—The term ‘qualified wages’ means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

‘‘(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

‘‘(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

‘‘(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

‘‘(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 with respect to such employee for such period.

‘‘(b) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE RITA.—

‘‘(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Rita employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

‘‘(2) DEFINITIONS.—For purposes of this subsection—

‘‘(A) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means any employer—

‘‘(i) which conducted an active trade or business on September 23, 2005, in the Rita GO Zone, and

‘‘(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Rita.

‘‘(B) ELIGIBLE EMPLOYEE.—The term ‘eligible employee’ means with respect to an eligible employer an employee whose principal place of employment on September 23, 2005, with such eligible employer was in the Rita GO Zone.

‘‘(C) QUALIFIED WAGES.—The term ‘qualified wages’ means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 23, 2005, and before January 1, 2006, which occurs during the period—

‘‘(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Rita, and

‘‘(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

‘‘(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

‘‘(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or section 51 with respect to such employee for such period.

‘‘(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE WILMA.—

‘‘(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Wilma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

‘‘(2) DEFINITIONS.—For purposes of this subsection—

‘‘(A) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means any employer—

‘‘(i) which conducted an active trade or business on October 23, 2005, in the Wilma GO Zone, and

‘‘(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after October 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Wilma.

‘‘(B) ELIGIBLE EMPLOYEE.—The term ‘eligible employee’ means with respect to an eligible employer an employee whose principal place of employment on October 23, 2005, with such eligible employer was in the Wilma GO Zone.

‘‘(C) QUALIFIED WAGES.—The term ‘qualified wages’ means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 23, 2005, and before January 1, 2006, which occurs during the period—

‘‘(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Wilma, and

‘‘(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

"(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or (b) or section 51 with respect to such employee for such period.

"SEC. 1400S. ADDITIONAL TAX RELIEF PROVISIONS.

"(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in paragraph (2), section 170(b) shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 to other contributions.

"(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170—

"(A) INDIVIDUALS.—In the case of an individual—

"(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1)) over the amount of all other charitable contributions allowed under section 170(b)(1).

"(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1)) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

"(B) CORPORATIONS.—In the case of a corporation—

"(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b)) over the amount of all other charitable contributions allowed under such paragraph.

"(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

"(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68.

"(4) QUALIFIED CONTRIBUTIONS.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

"(i) such contribution is paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) (other than an organization described in section 509(a)(3)),

"(ii) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, and

"(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

"(B) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

"(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

"(b) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Paragraphs (1) and (2)(A) of section 165(h) shall not apply to losses described in section 165(c)(3)—

"(1) which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina,

"(2) which arise in the Hurricane Rita disaster area on or after September 23, 2005, and which are attributable to Hurricane Rita, or

"(3) which arise in the Hurricane Wilma disaster area on or after October 23, 2005, and which are attributable to Hurricane Wilma.

In the case of any other losses, section 165(h)(2)(A) shall be applied without regard to the losses referred to in the preceding sentence.

"(c) REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A.—In the case of any taxpayer determined by the Secretary to be affected by the Presidentially declared disaster relating to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, any relief provided by the Secretary under section 7508A shall be for a period ending not earlier than February 28, 2006.

"(d) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

"(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 may, at the election of the taxpayer, be determined by substituting—

"(A) such earned income for the preceding taxable year, for

"(B) such earned income for the taxable year which includes the applicable date.

"(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

"(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means any individual whose principal place of abode on August 25, 2005, was located—

"(i) in the GO Zone, or

"(ii) in the Hurricane Katrina disaster area (but outside the GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

"(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means any individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, was located—

"(i) in the Rita GO Zone, or

"(ii) in the Hurricane Rita disaster area (but outside the Rita GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Rita.

"(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means any individual whose principal place of abode on October 23, 2005, was located—

"(i) in the Wilma GO Zone, or

"(ii) in the Hurricane Wilma disaster area (but outside the Wilma GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Wilma.

"(3) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means—

"(A) in the case of a qualified Hurricane Katrina individual, August 25, 2005,

"(B) in the case of a qualified Hurricane Rita individual, September 23, 2005, and

"(C) in the case of a qualified Hurricane Wilma individual, October 23, 2005.

"(4) EARNED INCOME.—For purposes of this subsection, the term 'earned income' has the meaning given such term under section 32(c).

"(5) SPECIAL RULES.—

"(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes the applicable date—

"(i) such paragraph shall apply if either spouse is a qualified individual, and

"(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

"(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both section 24(d) and section 32.

"(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

"(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, this title shall be applied without regard to any substitution under paragraph (1).

"(e) SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—With respect to taxable years beginning in 2005 or 2006, the Secretary may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

"SEC. 1400T. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

"(a) IN GENERAL.—In the case of financing provided with respect to owner-occupied residences in the GO Zone, the Rita GO Zone, or the Wilma GO Zone, section 143 shall be applied—

"(1) by treating any such residence in the Rita GO Zone or the Wilma GO Zone as a targeted area residence,

"(2) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

"(3) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

"(b) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2010.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38, as amended by this Act, is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting a comma, and by adding at the end the following new paragraphs:

"(28) the Hurricane Katrina employee retention credit determined under section 1400R(a),

"(29) the Hurricane Rita employee retention credit determined under section 1400R(b), and

"(30) the Hurricane Wilma employee retention credit determined under section 1400R(c).".

(2) Section 280C(a), as amended by this Act, is amended by striking "and 1400P(b)" and inserting "1400P(b), and 1400R".

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new items:

"Sec. 1400Q. Special rules for use of retirement funds.
"Sec. 1400R. Employment relief.
"Sec. 1400S. Additional tax relief provisions.".

(4) The following provisions of the Katrina Emergency Tax Relief Act of 2005 are hereby repealed:

(A) Title I.

(B) Sections 202, 301, 402, 403(b), 406, and 407.

TITLE III—OTHER PROVISIONS

SEC. 301. GULF COAST RECOVERY BONDS.

It is the sense of the Congress that the Secretary of the Treasury, or the Secretary's delegate, should designate one or more series of bonds or certificates (or any portion thereof) issued under section 3105 of title 31, United States Code, as "Gulf Coast Recovery Bonds" in response to Hurricanes Katrina, Rita, and Wilma.

SEC. 302. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) In General.—Subclause (II) of section 32(c)(2)(B)(vi) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 303. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) Effective Date Modification.—

(1) In general.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

"(2) Exception for reportable or listed transactions.—

"(A) In general.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) Special rule for certain listed and reportable transactions.—

"(i) In general.—Except as provided in clauses (ii), (iii), and (iv), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) Participants in settlement initiatives.—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

"(I) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005–80 with respect to such transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative. Subclause (I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary's delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

"(iii) Taxpayers acting in good faith.—The Secretary of the Treasury may except from the application of clause (i) any transaction in which the taxpayer has acted reasonably and in good faith.

"(iv) Closed transactions.—Clause (i) shall not apply to a transaction if, as of December 14, 2005—

"(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

"(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the transaction.".

(2) Effective date.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

(b) Treatment of Amended Returns and Other Similar Notices of Additional Tax Owed.—

(1) In general.—Section 6404(g)(1) (relating to suspension) is amended by adding at the end the following new sentence: "If, after the return for a taxable year is filed, the taxpayer provides to the Secretary 1 or more signed written documents showing that the taxpayer owes an additional amount of tax for the taxable year, clause (i) shall be applied by substituting the date the last of the documents was provided for the date on which the return is filed.".

(2) Effective date.—The amendment made by this subsection shall apply to documents provided on or after the date of the enactment of this Act.

SEC. 304. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2006" both places is appears and inserting "January 1, 2007".

SEC. 305. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) Disclosures To Facilitate Combined Employment Tax Reporting.—

(1) In general.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) Effective date.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2005.

(b) Disclosures Relating to Terrorist Activities.—

(1) In general.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) Effective date.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2005.

(c) Disclosures Relating to Student Loans.—

(1) In general.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) Effective date.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2005.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Tax Technical Corrections Act of 2005".

SEC. 402. AMENDMENTS RELATED TO ENERGY POLICY ACT OF 2005.

(a) Amendments Related to Section 1263.—

(1) Part VI of subchapter O of chapter 1 is repealed.

(2) Section 1223 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (16) as paragraphs (3) through (15), respectively.

(3) Section 121(g) is amended by striking "1223(7)" and inserting "1223(6)".

(4) Section 246(c)(3)(B) is amended by striking "paragraph (4) of section 1223" and inserting "paragraph (3) of section 1223".

(5) Section 247(b)(2)(D) is amended by inserting "as in effect before its repeal" after "part VI of subchapter O".

(6)(A) Section 1245(b) is amended by striking paragraph (5) and redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

(B) Section 1245(b)(3) is amended by striking "paragraph (7)" and inserting "paragraph (6)".

(7)(A) Section 1250(d) is amended by striking paragraph (5) and redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(B) Section 1250(e)(2) is amended by striking "(3), or (5)" and inserting "or (3)".

(b) Amendment Related to Section 1301.—Clause (ii) of section 45(c)(3)(A) is amended by striking "nonhazardous lignin waste material" and inserting "lignin material".

(c) Amendments Related to Section 1303.—

(1) Subsection (l) of section 54 is amended by striking paragraph (5), and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(2) Subsection (e) of section 1303 of the Energy Policy Act of 2005 is amended to read as follows:

"(e) Effective Dates.—

"(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to bonds issued after December 31, 2005.

"(2) Subsection (c).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2005.".

(d) Amendments Related to Section 1306.—

(1) Paragraph (2) of section 45J(c) is amended to read as follows:

"(2) Phaseout of credit.—

"(A) In general.—The amount of the credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this paragraph) as—

"(i) the amount by which the reference price (as defined in section 45(e)(2)(C)) for the calendar year in which the sale occurs exceeds 8 cents, bears to

"(ii) 3 cents.

"(B) Phaseout adjustment based on inflation.—The 8 cent amount in subparagraph (A) shall be adjusted by multiplying such amount by the inflation adjustment factor (as defined in section 45(e)(2)(B)) for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.".

(2) Subsection (e) of section 45J is amended by striking "(2),".

(e) Amendment Related to Section 1309.—Subparagraph (B) of section 169(d)(5) is amended by adding at beginning thereof "in the case of facility placed in service in connection with a plant or other property placed in operation after December 31, 1975,".

(f) Amendments Related to Section 1311.—

(1) Clause (i) of section 172(b)(1)(I) is amended to read as follows:

"(i) In general.—At the election of the taxpayer for any taxable year ending after December 31, 2005, and before January 1, 2009, in the case of a net operating loss for a taxable year ending after December 31, 2002, and before January 1, 2006, there shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss to the extent that such loss does not exceed 20 percent of the sum of the electric transmission property capital expenditures and the pollution control facility capital expenditures of the taxpayer for the taxable year preceding the taxable year for which such election is made.".

(2) Clause (ii) of section 172(b)(1)(I) is amended by striking "in a taxable year" and inserting "for a taxable year".

(3) Subparagraph (I) of section 172(b)(1) is amended by striking clause (iv) and (v), by redesignating clause (vi) as clause (v), and by inserting after clause (iii) the following:

"(iv) Special rules relating to credit or refund.—In the case of the portion of the loss which is carried back 5 years by reason of clause (i)—

"(I) an application under section 6411(a) with respect to such portion shall not fail to be treated as timely filed if filed within 24 months after the due date specified under such section, and

"(II) references in sections 6501(h), 6511(d)(2)(A), and 6611(f)(1) to the taxable year in which such net operating loss arises or results in a net operating loss carryback shall be treated as references to the taxable year for which such election is made.".

(g) Amendment Related to Section 1322.—Subsection (a) of section 45K is amended by striking "if the taxpayer elects to have this section apply,".

(h) Amendment Related to Section 1331.—Paragraph (3) of section 1250(b) is amended by striking "or by section 179D".

(i) Amendments Related to Section 1335.—

(1) Paragraph (1) of section 25D(b) is amended by inserting "(determined without regard to subsection (c))" after "subsection (a)".

(2) Subparagraphs (A) and (B) of section 25D(e)(4) are amended to read as follows:

"(A) Maximum expenditures.—The maximum amount of expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be—

"(i) $6,667 in the case of any qualified photovoltaic property expenditures,

"(ii) $6,667 in the case of any qualified solar water heating property expenditures, and

"(iii) $1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) for which qualified fuel cell property expenditures are made.

"(B) Allocation of expenditures.—The expenditures allocated to any individual for the taxable year in which such calendar year ends shall be an amount equal to the lesser of—

"(i) the amount of expenditures made by such individual with respect to such dwelling during such calendar year, or

"(ii) the maximum amount of such expenditures set forth in subparagraph (A) multiplied by a fraction—

"(I) the numerator of which is the amount of such expenditures with respect to such dwelling made by such individual during such calendar year, and

"(II) the denominator of which is the total expenditures made by all such individuals with respect to such dwelling during such calendar year.".

(3)(A)(i) The matter preceding subparagraph (A) of section 23(b)(4) is amended by striking "The credit" and inserting "In the case of a taxable year to which section 26(a)(2) does not apply, the credit".

(ii) Subsection (c) of section 23 is amended to read as follows:

"(c) Carryforwards of Unused Credit.—

"(1) Rule for years in which all personal credits allowed against regular and alternative minimum tax.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(2) Rule for other years.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(3) Limitation.—No credit may be carried forward under this subsection to any taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.".

(B)(i) The matter preceding subparagraph (A) of section 24(b)(3) is amended by striking "The credit" and inserting "In the case of a taxable year to which section 26(a)(2) does not apply, the credit".

(ii) Paragraph (1) of section 24(d) is amended to read as follows:

"(1) In general.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a)(2) or subsection (b)(3), as the case may be, or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 26(a)(2) or subsection (b)(3), as the case may be, were increased by the excess (if any) of—

"(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

"(ii) in the case of a taxpayer with 3 or more qualifying children, the excess (if any) of—

"(I) the taxpayer's social security taxes for the taxable year, over

"(II) the credit allowed under section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a)(2) or subsection (b)(3), as the case may be. For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.".

(C) Subparagraph (C) of section 25(e)(1) is amended to read as follows:

"(C) Applicable tax limit.—For purposes of this paragraph, the term 'applicable tax limit' means—

"(i) in the case of a taxable year to which section 26(a)(2) applies, the limitation imposed by section 26(a)(2) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C), and

"(ii) in the case of a taxable year to which section 26(a)(2) does not apply, the limitation imposed by section 26(a)(1) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, 25B, 25D, and 1400C).".

(D) The matter preceding paragraph (1) of section 25B(g) is amended by striking "The credit" and inserting "In the case of a taxable year to which section 26(a)(2) does not apply, the credit".

(E) Subsection (c) of section 25D is amended to read as follows:

"(c) Carryforward of Unused Credit.—

"(1) Rule for years in which all personal credits allowed against regular and alternative minimum tax.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(2) Rule for other years.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, and 25B), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(F) Subsection (d) of section 1400C is amended to read as follows:

"(d) Carryforward of Unused Credit.—

"(1) Rule for years in which all personal credits allowed against regular and alternative minimum tax.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(2) Rule for other years.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and sections 23, 24, 25B, and 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.".

(G) Subsection (i) of section 904 is amended to read as follows:

"(i) Coordination With Nonrefundable Personal Credits.—In the case of any taxable year of an individual to which section 26(a)(2) does not apply, for purposes of subsection (a), the tax against which the credit is taken is such tax reduced by the sum of the credits allowable under subpart A of part IV of subchapter A of this chapter (other than sections 23, 24, and 25B).".

(H) Application of EGTRRA sunset.—The amendments made by this paragraph (and each part thereof) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment (or part thereof) relates.

(4) Subsection (b) of section 1335 of the Energy Policy Act of 2005 is amended by striking paragraphs (1), (2), and (3). The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made such paragraphs had never been enacted.

(j) Amendment Related to Section 1341.—Paragraph (6) of section 30B(h) is amended by adding at the end the following sentence: "For purposes of subsection (g), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.".

(k) Amendment Related to Section 1342.—Paragraph (2) of section 30C(e) is amended by adding at the end the following sentence: "For purposes of subsection (d), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.".

(l) Amendments Related to Section 1351.—

(1) Paragraph (6) of section 41(f) (relating to special rules) is amended by adding at the end the following:

"(C) FOREIGN RESEARCH.—For purposes of subsection (a)(3), amounts paid or incurred for any energy research conducted outside the United States, the Commonwealth of Puerto Rico, or any possession of the United States shall not be taken into account.

"(D) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account under subsection (a)(3) shall not be taken into account under paragraph (1) or (2) of subsection (a).".

(2) Clause (ii) of section 41(b)(3)(C) is amended by striking "(other than an energy research consortium)".

(m) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) REPEAL OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.—The amendments made by subsection (a) shall not apply with respect to any transaction ordered in compliance with the Public Utility Holding Company Act of 1935 before its repeal.

(3) COORDINATION OF PERSONAL CREDITS.—The amendments made by subsection (i)(3) shall apply to taxable years beginning after December 31, 2005.

SEC. 403. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 102 OF THE ACT.—

(1) Paragraph (1) of section 199(b) is amended by striking "the employer" and inserting "the taxpayer".

(2) Paragraph (2) of section 199(b) is amended to read as follows:

"(2) W–2 WAGES.—For purposes of this section, the term 'W–2 wages' means, with respect to any person for any taxable year of such person, the sum of the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year. Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.".

(3) Subparagraph (B) of section 199(c)(1) is amended by inserting "and" at the end of clause (i), by striking clauses (ii) and (iii), and by inserting after clause (i) the following:

"(ii) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such receipts.".

(4) Paragraph (2) of section 199(c) is amended to read as follows:

"(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items described in paragraph (1) for purposes of determining qualified production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic production gross receipts.".

(5) Subparagraph (A) of section 199(c)(4) is amended by striking clauses (ii) and (iii) and inserting the following new clauses:

"(ii) in the case of a taxpayer engaged in the active conduct of a construction trade or business, construction of real property performed in the United States by the taxpayer in the ordinary course of such trade or business, or

"(iii) in the case of a taxpayer engaged in the active conduct of an engineering or architectural services trade or business, engineering or architectural services performed in the United States by the taxpayer in the ordinary course of such trade or business with respect to the construction of real property in the United States.".

(6) Subparagraph (B) of section 199(c)(4) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following:

"(iii) the lease, rental, license, sale, exchange, or other disposition of land.".

(7) Paragraph (4) of section 199(c) is amended by adding at the end the following new subparagraphs:

"(C) SPECIAL RULE FOR CERTAIN GOVERNMENT CONTRACTS.—Gross receipts derived from the manufacture or production of any property described in subparagraph (A)(i)(I) shall be treated as meeting the requirements of subparagraph (A)(i) if—

"(i) such property is manufactured or produced by the taxpayer pursuant to a contract with the Federal Government, and

"(ii) the Federal Acquisition Regulation requires that title or risk of loss with respect to such property be transferred to the Federal Government before the manufacture or production of such property is complete.

"(D) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of this paragraph, if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.".

(8) Paragraph (1) of section 199(d) is amended to read as follows:

"(1) APPLICATION OF SECTION TO PASS-THRU ENTITIES.—

"(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

"(i) this section shall be applied at the partner or shareholder level,

"(ii) each partner or shareholder shall take into account such person's allocable share of each item described in subparagraph (A) or (B) of subsection (c)(1) (determined without regard to whether the items described in such subparagraph (A) exceed the items described in such subparagraph (B)), and

"(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W–2 wages for the taxable year in an amount equal to the lesser of—

"(I) such person's allocable share of the W–2 wages of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary), or

"(II) 2 times 9 percent of so much of such person's qualified production activities income as is attributable to items allocated under clause (ii) for the taxable year.

"(B) TRUSTS AND ESTATES.—In the case of a trust or estate—

"(i) the items referred to in subparagraph (A)(ii) (as determined therein) and the W–2 wages of the trust or estate for the taxable year, shall be apportioned between the beneficiaries and the fiduciary (and among the beneficiaries) under regulations prescribed by the Secretary, and

"(ii) for purposes of paragraph (2), adjusted gross income of the trust or estate shall be determined as provided in section 67(e) with the adjustments described in such paragraph.

"(C) REGULATIONS.—The Secretary may prescribe rules requiring or restricting the allocation of items and wages under this paragraph and may prescribe such reporting requirements as the Secretary determines appropriate.".

(9) Paragraph (3) of section 199(d) is amended to read as follows:

"(3) AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—

"(A) DEDUCTION ALLOWED TO PATRONS.—Any person who receives a qualified payment from a specified agricultural or horticultural cooperative shall be allowed for the taxable year in which such payment is received a deduction under subsection (a) equal to the portion of the deduction allowed under subsection (a) to such cooperative which is—

"(i) allowed with respect to the portion of the qualified production activities income to which such payment is attributable, and

"(ii) identified by such cooperative in a written notice mailed to such person during the payment period described in section 1382(d).

"(B) COOPERATIVE DENIED DEDUCTION FOR PORTION OF QUALIFIED PAYMENTS.—The taxable income of a specified agricultural or horticultural cooperative shall not be reduced under section 1382 by reason of that portion of any qualified payment as does not exceed the deduction allowable under subparagraph (A) with respect to such payment.

"(C) TAXABLE INCOME OF COOPERATIVES DETERMINED WITHOUT REGARD TO CERTAIN DEDUCTIONS.—For purposes of this section, the taxable income of a specified agricultural or horticultural cooperative shall be computed without regard to any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

"(D) SPECIAL RULE FOR MARKETING COOPERATIVES.—For purposes of this section, a specified agricultural or horticultural cooperative described in subparagraph (F)(ii) shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

"(E) QUALIFIED PAYMENT.—For purposes of this paragraph, the term 'qualified payment' means, with respect to any person, any amount which—

"(i) is described in paragraph (1) or (3) of section 1385(a),

"(ii) is received by such person from a specified agricultural or horticultural cooperative, and

"(iii) is attributable to qualified production activities income with respect to which a deduction is allowed to such cooperative under subsection (a).

"(F) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this paragraph, the term 'specified agricultural or horticultural cooperative' means an organization to which part I of subchapter T applies which is engaged—

"(i) in the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, or

"(ii) in the marketing of agricultural or horticultural products.".

(10) Clause (i) of section 199(d)(4)(B) is amended—

(A) by striking "50 percent" and inserting "more than 50 percent", and

(B) by striking "80 percent" and inserting "at least 80 percent".

(11)(A) Paragraph (6) of section 199(d) is amended to read as follows:

"(6) COORDINATION WITH MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55—

"(A) qualified production activities income shall be determined without regard to any adjustments under sections 56 through 59, and

"(B) in the case of a corporation, subsection (a)(1)(B) shall be applied by substituting 'alternative minimum taxable income' for 'taxable income'.".

(B) Paragraph (2) of section 199(a) is amended by striking "subsections (d)(1) and (d)(6)" and inserting "subsection (d)(1)".

(12) Subsection (d) of section 199 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, subsection (a)(1)(B) shall be applied by substituting 'unrelated business taxable income' for 'taxable income'.".

(13) Paragraph (8) of section 199(d), as redesignated by paragraph (12), is amended by inserting ", including regulations which prevent more than 1 taxpayer from being allowed a deduction under this section with respect to any activity described in subsection (c)(4)(A)(i)" before the period at the end.

(14) Clauses (i)(II) and (ii)(II) of section 56(d)(1)(A) are each amended by striking "such deduction" and inserting "such deduction and the deduction under section 199".

(15) Clause (i) of section 163(j)(6)(A) is amended by striking "and" at the end of subclause (II), by redesignating subclause (III) as subclause (IV), and by inserting after subclause (II) the following new subclause:

"(III) any deduction allowable under section 199, and".

(16) Paragraph (2) of section 170(b) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) section 199,".

(17) Subsection (d) of section 172 is amended by adding at the end the following new paragraph:

"(7) MANUFACTURING DEDUCTION.—The deduction under section 199 shall not be allowed.".

(18) Paragraph (1) of section 613A(d) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) any deduction allowable under section 199,".

(19) Subsection (e) of section 102 of the American Jobs Creation Act of 2004 is amended to read as follows:

"(e) EFFECTIVE DATE.—

"(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

"(2) APPLICATION TO PASS-THRU ENTITIES, ETC.—In determining the deduction under section 199 of the Internal Revenue Code of 1986 (as added by this section), items arising from a taxable year of a partnership, S corporation, estate, or trust beginning before January 1, 2005, shall not be taken into account for purposes of subsection (d)(1) of such section.".

(b) AMENDMENT RELATED TO SECTION 231 OF THE ACT.—Paragraph (1) of section 1361(c) is amended to read as follows:

"(1) MEMBERS OF A FAMILY TREATED AS 1 SHAREHOLDER.—

"(A) IN GENERAL.—For purposes of subsection (b)(1)(A), there shall be treated as one shareholder—

"(i) a husband and wife (and their estates), and

"(ii) all members of a family (and their estates).

"(B) MEMBERS OF A FAMILY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'members of a family' means a common ancestor, any lineal descendant of such common ancestor, and any spouse or former spouse of such common ancestor or any such lineal descendant.

"(ii) COMMON ANCESTOR.—An individual shall not be considered to be a common ancestor if, on the applicable date, the individual is more than 6 generations removed from the youngest generation of shareholders who would (but for this subparagraph) be members of the family. For purposes of the preceding sentence, a spouse (or former spouse) shall be treated as being of the same generation as the individual to whom such spouse is (or was) married.

"(iii) APPLICABLE DATE.—The term 'applicable date' means the latest of—

"(I) the date the election under section 1362(a) is made,

"(II) the earliest date that an individual described in clause (i) holds stock in the S corporation, or

"(III) October 22, 2004.

"(C) EFFECT OF ADOPTION, ETC.—Any legally adopted child of an individual, any child who is lawfully placed with an individual for legal adoption by the individual, and any eligible foster child of an individual (within the meaning of section 152(f)(1)(C)), shall be treated as a child of such individual by blood.".

(c) AMENDMENT RELATED TO SECTION 235 OF THE ACT.—Subsection (b) of section 235 of the American Jobs Creation Act of 2004 is amended by striking "taxable years beginning" and inserting "transfers".

(d) AMENDMENTS RELATED TO SECTION 243 OF THE ACT.—

(1) Paragraph (7) of section 856(c) is amended to read as follows:

"(7) RULES OF APPLICATION FOR FAILURE TO SATISFY PARAGRAPH (4).—

"(A) IN GENERAL.—A corporation, trust, or association that fails to meet the requirements of paragraph (4) (other than a failure to meet the requirements of paragraph (4)(B)(iii) which is described in subparagraph (B)(i) of this paragraph) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

"(i) following the corporation, trust, or association's identification of the failure to satisfy the requirements of such paragraph for a particular quarter, a description of each asset that causes the corporation, trust, or association to fail to satisfy the requirements of such paragraph at the close of such quarter of any taxable year is set forth in a schedule for such quarter filed in accordance with regulations prescribed by the Secretary,

"(ii) the failure to meet the requirements of such paragraph for a particular quarter is due to reasonable cause and not due to willful neglect, and

"(iii)(I) the corporation, trust, or association disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

"(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

"(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation, trust, or association that fails to meet the requirements of paragraph (4)(B)(iii) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

"(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

"(I) 1 percent of the total value of the trust's assets at the end of the quarter for which such measurement is done, and

"(II) $10,000,000, and

"(ii)(I) the corporation, trust, or association, following the identification of such failure, disposes of assets in order to meet the requirements of such paragraph within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

"(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

"(C) TAX.—

"(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation, trust, or association for any taxable year, there is hereby imposed on such corporation, trust, or association a tax in an amount equal to the greater of—

"(I) $50,000, or

"(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

"(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of such paragraph (4) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the trust disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such paragraph (4).

"(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, the taxes imposed by this subparagraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.".

(2) Subsection (m) of section 856 is amended by adding at the end the following new paragraph:

"(6) TRANSITION RULE.—

"(A) IN GENERAL.—Notwithstanding paragraph (2)(C), securities held by a trust shall not be considered securities held by the trust for purposes of subsection (c)(4)(B)(iii)(III) during any period beginning on or before October 22, 2004, if such securities—

"(i) are held by such trust continuously during such period, and

"(ii) would not be taken into account for purposes of such subsection by reason of paragraph (7)(C) of subsection (c) (as in effect on October 22, 2004) if the amendments made by section 243 of the American Jobs Creation Act of 2004 had never been enacted.

"(B) RULE NOT TO APPLY TO SECURITIES HELD AFTER MATURITY DATE.—Subparagraph (A) shall not apply with respect to any security after the later of October 22, 2004, or the latest maturity date under the contract (as in effect on October 22, 2004) taking into account any renewal or extension permitted under the contract if such renewal or extension does not significantly modify any other terms of the contract.

"(C) SUCCESSORS.—If the successor of a trust to which this paragraph applies acquires securities in a transaction to which section 381 applies, such trusts shall be treated as a single entity for purposes of determining the holding period of such securities under subparagraph (A).".

(3) Subparagraph (E) of section 857(b)(2) is amended by striking "section 856(c)(7)(B)(iii), and section 856(g)(1)." and inserting "section 856(c)(7)(C), and section 856(g)(5)".

(4) Subsection (g) of section 243 of the American Jobs Creation Act of 2004 is amended to read as follows:

"(g) EFFECTIVE DATES.—

"(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2000.

"(2) SUBSECTIONS (c) AND (e).—The amendments made by subsections (c) and (e) shall

apply to taxable years beginning after the date of the enactment of this Act.

"(3) SUBSECTION (d).—The amendment made by subsection (d) shall apply to transactions entered into after December 31, 2004.

"(4) SUBSECTION (f).—

"(A) The amendment made by paragraph (1) of subsection (f) shall apply to failures with respect to which the requirements of subparagraph (A) or (B) of section 856(c)(7) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

"(B) The amendment made by paragraph (2) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (6) of section 856(c) of the Internal Revenue Code of 1986 (as amended by such paragraph) are satisfied after the date of the enactment of this Act.

"(C) The amendments made by paragraph (3) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (5) of section 856(g) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

"(D) The amendment made by paragraph (4) of subsection (f) shall apply to taxable years ending after the date of the enactment of this Act.

"(E) The amendments made by paragraph (5) of subsection (f) shall apply to statements filed after the date of the enactment of this Act.".

(e) AMENDMENTS RELATED TO SECTION 244 OF THE ACT.—

(1) Paragraph (2) of section 181(d) is amended by striking the last sentence in subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) SPECIAL RULES FOR TELEVISION SERIES.—In the case of a television series—

"(i) each episode of such series shall be treated as a separate production, and

"(ii) only the first 44 episodes of such series shall be taken into account.".

(2) Subparagraph (C) of section 1245(a)(2) is amended by inserting "181," after "179B,".

(f) AMENDMENTS RELATED TO SECTION 245 OF THE ACT.—

(1) Subsection (b) of section 45G is amended to read as follows:

"(b) LIMITATION.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the product of—

"(A) $3,500, multiplied by

"(B) the sum of—

"(i) the number of miles of railroad track owned or leased by the eligible taxpayer as of the close of the taxable year, and

"(ii) the number of miles of railroad track assigned for purposes of this subsection to the eligible taxpayer by a Class II or Class III railroad which owns or leases such railroad track as of the close of the taxable year.

"(2) ASSIGNMENTS.—With respect to any assignment of a mile of railroad track under paragraph (1)(B)(ii)—

"(A) such assignment may be made only once per taxable year of the Class II or Class III railroad and shall be treated as made as of the close of such taxable year,

"(B) such mile may not be taken into account under this section by such railroad for such taxable year, and

"(C) such assignment shall be taken into account for the taxable year of the assignee which includes the date that such assignment is treated as effective.".

(2) Paragraph (2) of section 45G(c) is amended to read as follows:

"(2) any person who transports property using the rail facilities of a Class II or Class III railroad or who furnishes railroad-related property or services to a Class II or Class III railroad, but only with respect to miles of railroad track assigned to such person by such Class II or Class III railroad for purposes of subsection (b).".

(g) AMENDMENTS RELATED TO SECTION 248 OF THE ACT.—

(1)(A) Subsection (d) of section 1353 is amended by striking "ownership and charter interests" and inserting "ownership, charter, and operating agreement interests".

(B) Subsection (a) of section 1355 is amended by striking paragraph (8).

(C) Paragraph (1) of section 1355(b) is amended to read as follows:

"(1) IN GENERAL.—Except as provided in paragraph (2), a person is treated as operating any vessel during any period if—

"(A)(i) such vessel is owned by, or chartered (including a time charter) to, the person, or

"(ii) the person provides services for such vessel pursuant to an operating agreement, and

"(B) such vessel is in use as a qualifying vessel during such period.".

(D) Paragraph (3) of section 1355(d) is amended to read as follows:

"(3) the extent of a partner's ownership, charter, or operating agreement interest in any vessel operated by the partnership shall be determined on the basis of the partner's interest in the partnership.".

(2) Paragraph (3) of section 1355(c) is amended by striking "determined—" and all that follows and inserting "determined by treating all members of such group as 1 person."

(3) Subsection (c) of section 1356 is amended—

(A) by striking paragraph (3), and

(B) by adding at the end of paragraph (2) the following new flush sentence:

"Such term shall not include any core qualifying activities.".

(4) The last sentence of section 1354(b) is amended by inserting "on or" after "only if made".

(h) AMENDMENT RELATED TO SECTION 314 OF THE ACT.—Paragraph (2) of section 55(c) is amended by striking "regular tax" and inserting "regular tax liability".

(i) AMENDMENTS RELATED TO SECTION 322 OF THE ACT.—

(1)(A) Subparagraph (B) of section 194(b)(1) is amended to read as follows:

"(B) DOLLAR LIMITATION.—The aggregate amount of reforestation expenditures which may be taken into account under subparagraph (A) with respect to each qualified timber property for any taxable year shall not exceed—

"(i) except as provided in clause (ii) or (iii), $10,000,

"(ii) in the case of a separate return by a married individual (as defined in section 7703), $5,000, and

"(iii) in the case of a trust, zero.".

(B) Paragraph (4) of section 194(c) is amended to read as follows:

"(4) TREATMENT OF TRUSTS AND ESTATES.—The aggregate amount of reforestation expenditures incurred by any trust or estate shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary. Any amount so apportioned to a beneficiary shall be taken into account as expenditures incurred by such beneficiary in applying this section to such beneficiary.".

(2) Subparagraph (C) of section 1245(a)(2) is amended by striking "or 193" and inserting "193, or 194".

(j) AMENDMENTS RELATED TO SECTION 336 OF THE ACT.—

(1) Clause (iv) of section 168(k)(2)(A) is amended by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B) or (C)".

(2) Clause (iii) of section 168(k)(4)(B) is amended by striking "and paragraph (2)(C)" and inserting "or paragraph (2)(C) (as so modified)".

(k) AMENDMENT RELATED TO SECTION 402 OF THE ACT.—Paragraph (2) of section 904(g) is amended to read as follows:

"(2) OVERALL DOMESTIC LOSS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'overall domestic loss' means—

"(i) with respect to any qualified taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding qualified taxable year by reason of a carryback, and

"(ii) with respect to any other taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for any preceding qualified taxable year by reason of a carryback.

"(B) DOMESTIC LOSS.—For purposes of subparagraph (A), the term 'domestic loss' means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

"(C) QUALIFIED TAXABLE YEAR.—For purposes of subparagraph (A), the term 'qualified taxable year' means any taxable year for which the taxpayer chose the benefits of this subpart.".

(l) AMENDMENT RELATED TO SECTION 403 OF THE ACT.—Section 403 of the American Jobs Creation Act of 2004 is amended by adding at the end the following new subsection:

"(d) TRANSITION RULE.—If the taxpayer elects (at such time and in such form and manner as the Secretary of the Treasury may prescribe) to have the rules of this subsection apply—

"(1) the amendments made by this section shall not apply to taxable years beginning after December 31, 2002, and before January 1, 2005, and

"(2) in the case of taxable years beginning after December 31, 2004, clause (iv) of section 904(d)(4)(C) of the Internal Revenue Code of 1986 (as amended by this section) shall be applied by substituting 'January 1, 2005' for 'January 1, 2003' both places it appears.".

(m) AMENDMENT RELATED TO SECTION 412 OF THE ACT.—Subparagraph (B) of section 954(c)(4) is amended by adding at the end the following: "If a controlled foreign corporation is treated as owning a capital or profits interest in a partnership under constructive ownership rules similar to the rules of section 958(b), the controlled foreign corporation shall be treated as owning such interest directly for purposes of this subparagraph.".

(n) AMENDMENTS RELATED TO SECTION 413 OF THE ACT.— or purposes of this subparagraph.".

(n) AMENDMENTS RELATED TO SECTION 413 OF THE ACT.—

(1) Subsection (b) of section 532 is amended by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subsection (b) of section 535 is amended by adding at the end the following new paragraph:

"(10) CONTROLLED FOREIGN CORPORATIONS.—There shall be allowed as a deduction the amount of the corporation's income for the taxable year which is included in the gross income of a United States shareholder under section 951(a). In the case of any corporation the accumulated taxable income of which would (but for this sentence) be determined without allowance of any deductions, the deduction under this paragraph shall be allowed and shall be appropriately adjusted to take into account any deductions which reduced such inclusion.".

(3)(A) Section 6683 is repealed.

(B) The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6683.

(o) AMENDMENT RELATED TO SECTION 415 OF THE ACT.—Subparagraph (D) of section 904(d)(2) is amended by inserting "as in effect before its repeal" after "section 954(f)".

(p) AMENDMENTS RELATED TO SECTION 418 OF THE ACT.—

(1) The second sentence of section 897(h)(1) is amended—

(A) by striking "any distribution" and all that follows through "any class of stock" and inserting "any distribution by a real estate investment trust with respect to any class of stock", and

(B) by striking "the taxable year" and inserting "the 1-year period ending on the date of the distribution".

(2) Subsection (c) of section 418 of the American Jobs Creation Act of 2004 is amended to read as follows:

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

"(1) any distribution by a real estate investment trust which is treated as a deduction for a taxable year of such trust beginning after the date of the enactment of this Act, and

"(2) any distribution by a real estate investment trust made after such date which is treated as a deduction under section 860 for a taxable year of such trust beginning on or before such date.".

(q) AMENDMENTS RELATED TO SECTION 422 OF THE ACT.—

(1) Subparagraph (B) of section 965(a)(2) is amended by inserting "from another controlled foreign corporation in such chain of ownership" before ", but only to the extent".

(2) Subparagraph (A) of section 965(b)(2) is amended by inserting "cash" before "dividends".

(3) Paragraph (3) of section 965(b) is amended by adding at the end the following: "The Secretary may prescribe such regulations as may be necessary or appropriate to prevent the avoidance of the purposes of this paragraph, including regulations which provide that cash dividends shall not be taken into account under subsection (a) to the extent such dividends are attributable to the direct or indirect transfer (including through the use of intervening entities or capital contributions) of cash or other property from a related person (as so defined) to a controlled foreign corporation.".

(4) Paragraph (1) of section 965(c) is amended to read as follows:

"(1) APPLICABLE FINANCIAL STATEMENT.—The term 'applicable financial statement' means—

"(A) with respect to a United States shareholder which is required to file a financial statement with the Securities and Exchange Commission (or which is included in such a statement so filed by another person), the most recent audited annual financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

"(i) which was so filed on or before June 30, 2003, and

"(ii) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

"(B) with respect to any other United States shareholder, the most recent audited financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

"(i) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

"(ii) which is used for the purposes of a statement or report—

"(I) to creditors,

"(II) to shareholders, or

"(III) for any other substantial nontax purpose.".

(5) Paragraph (2) of section 965(d) is amended by striking "properly allocated and apportioned" and inserting "directly allocable".

(6) Subsection (d) of section 965 is amended by adding at the end the following new paragraph:

"(4) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax which is not allowable as a credit under section 901 by reason of this subsection.".

(7) The last sentence of section 965(e)(1) is amended by inserting "which are imposed by foreign countries and possessions of the United States and are" after "taxes".

(8) Subsection (f) of section 965 is amended by inserting "on or" before "before the due date".

(r) AMENDMENTS RELATED TO SECTION 501 OF THE ACT.—

(1) Subparagraph (A) of section 164(b)(5) is amended to read as follows:

"(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

"(i) without regard to the reference to State and local income taxes, and

"(ii) as if State and local general sales taxes were referred to in a paragraph thereof.".

(2) Clause (ii) of section 56(b)(1)(A) is amended by inserting "or clause (ii) of section 164(b)(5)(A)" before the period at the end.

(s) AMENDMENTS RELATED TO SECTION 708 OF THE ACT.—Section 708 of the American Jobs Creation Act of 2004 is amended—

(1) in subsection (a), by striking "contract commencement date" and inserting "construction commencement date", and

(2) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d) CERTAIN ADJUSTMENTS NOT TO APPLY.—Section 481 of the Internal Revenue Code of 1986 shall not apply with respect to any change in the method of accounting which is required by this section.".

(t) AMENDMENT RELATED TO SECTION 710 OF THE ACT.—Clause (i) of section 45(c)(7)(A) is amended by striking "synthetic".

(u) AMENDMENT RELATED TO SECTION 801 OF THE ACT.—Paragraph (3) of section 7874(a) is amended to read as follows:

"(3) COORDINATION WITH SUBSECTION (b).—A corporation which is treated as a domestic corporation under subsection (b) shall not be treated as a surrogate foreign corporation for purposes of paragraph (2)(A).".

(v) AMENDMENTS RELATED TO SECTION 804 OF THE ACT.—

(1) Subparagraph (C) of section 877(g)(2) is amended by striking "section 7701(b)(3)(D)(ii)" and inserting "section 7701(b)(3)(D)".

(2) Subsection (n) of section 7701 is amended to read as follows:

"(n) SPECIAL RULES FOR DETERMINING WHEN AN INDIVIDUAL IS NO LONGER A UNITED STATES CITIZEN OR LONG-TERM RESIDENT.—For purposes of this chapter—

"(1) UNITED STATES CITIZENS.—An individual who would (but for this paragraph) cease to be treated as a citizen of the United States shall continue to be treated as a citizen of the United States until such individual—

"(A) gives notice of an expatriating act (with the requisite intent to relinquish citizenship) to the Secretary of State, and

"(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).

"(2) LONG-TERM RESIDENTS.—A long-term resident (as defined in section 877(e)(2)) who would (but for this paragraph) be described in section 877(e)(1) shall be treated as a lawful permanent resident of the United States and as not described in section 877(e)(1) until such individual—

"(A) gives notice of termination of residency (with the requisite intent to terminate residency) to the Secretary of Homeland Security, and

"(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).".

(w) AMENDMENT RELATED TO SECTION 811 OF THE ACT.—Subsection (c) of section 811 of the American Jobs Creation Act of 2004 is amended by inserting "and which were not filed before such date" before the period at the end.

(x) AMENDMENTS RELATED TO SECTION 812 OF THE ACT.—

(1) Subsection (b) of section 6662 is amended by adding at the end the following new sentence: "Except as provided in paragraph (1) or (2)(B) of section 6662A(e), this section shall not apply to the portion of any underpayment which is attributable to a reportable transaction understatement on which a penalty is imposed under section 6662A."

(2) Paragraph (2) of section 6662A(e) is amended to read as follows:

"(2) COORDINATION WITH OTHER PENALTIES.—

"(A) COORDINATION WITH FRAUD PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6663.

"(B) COORDINATION WITH GROSS VALUATION MISSTATEMENT PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662 if the rate of the penalty is determined under section 6662(h).".

(3) Subsection (f) of section 812 of the American Jobs Creation Act of 2004 is amended to read as follows:

"(f) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

"(2) DISQUALIFIED OPINIONS.—Section 6664(d)(3)(B) of the Internal Revenue Code of 1986 (as added by subsection (c)) shall not apply to the opinion of a tax advisor if—

"(A) the opinion was provided to the taxpayer before the date of the enactment of this Act,

"(B) the opinion relates to one or more transactions all of which were entered into before such date, and

"(C) the tax treatment of items relating to each such transaction was included on a return or statement filed by the taxpayer before such date.".

(y) AMENDMENT RELATED TO SECTION 814 OF THE ACT.—Subparagraph (B) of section 6501(c)(10) is amended by striking "(as defined in section 6111)".

(z) AMENDMENT RELATED TO SECTION 815 OF THE ACT.—Paragraph (1) of section 6112(b) is amended by inserting "(or was required to maintain a list under subsection (a) as in effect before the enactment of the American Jobs Creation Act of 2004)" after "a list under subsection (a)".

(aa) AMENDMENTS RELATED TO SECTION 832 OF THE ACT.—

(1) Subsection (e) of section 853 is amended to read as follows:

"(e) TREATMENT OF CERTAIN TAXES NOT ALLOWED AS A CREDIT UNDER SECTION 901.—This section shall not apply to any tax with respect to which the regulated investment company is not allowed a credit under section 901 by reason of subsection (k) or (l) of such section.".

(2) Clause (i) of section 901(l)(2)(C) is amended by striking "if such security were stock".

(bb) AMENDMENTS RELATED TO SECTION 833 OF THE ACT.—

(1) Subsection (a) of section 734 is amended by inserting "with respect to such distribution" before the period at the end.

(2) So much of subsection (b) of section 734 as precedes paragraph (1) is amended to read as follows:

"(b) METHOD OF ADJUSTMENT.—In the case of a distribution of property to a partner by a partnership with respect to which the election provided in section 754 is in effect or with respect to which there is a substantial basis reduction, the partnership shall—".

(cc) AMENDMENT RELATED TO SECTION 835 OF THE ACT.—Paragraph (3) of section 860G(a) is amended—

(1) in subparagraph (A)(iii)(I), by striking "the obligation" and inserting "a reverse mortgage loan or other obligation", and

(2) by striking all that follows subparagraph (C) and inserting the following:

"For purposes of subparagraph (A), any obligation secured by stock held by a person as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as so defined) shall be treated as secured by an interest in real property. For purposes of subparagraph (A), any obligation originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) shall be treated as principally secured by an interest in real property if more than 50 percent of such obligations which are transferred to, or purchased by, the REMIC are principally secured by an interest in real property (determined without regard to this sentence).".

(dd) AMENDMENTS RELATED TO SECTION 836 OF THE ACT.—

(1) Paragraph (1) of section 334(b) is amended by striking "except that" and all that follows and inserting "except that, in the hands of such distributee—

"(A) the basis of such property shall be the fair market value of the property at the time of the distribution in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, and

"(B) the basis of any property described in section 362(e)(1)(B) shall be the fair market value of the property at the time of the distribution in any case in which such distributee's aggregate adjusted basis of such property would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.".

(2) Clause (ii) of section 362(e)(2)(C) is amended to read as follows:

"(ii) ELECTION.—Any election under clause (i) shall be made at such time and in such form and manner as the Secretary may prescribe, and, once made, shall be irrevocable.".

(ee) AMENDMENT RELATED TO SECTION 840 OF THE ACT.—Subsection (d) of section 121 is amended—

(1) by redesignating the paragraph (10) relating to property acquired from a decedent as paragraph (11) and by moving such paragraph to the end of such subsection, and

(2) by amending the paragraph (10) relating to property acquired in like-kind exchange to read as follows:

"(10) PROPERTY ACQUIRED IN LIKE-KIND EXCHANGE.—If a taxpayer acquires property in an exchange with respect to which gain is not recognized (in whole or in part) to the taxpayer under subsection (a) or (b) of section 1031, subsection (a) shall not apply to the sale or exchange of such property by such taxpayer (or by any person whose basis in such property is determined, in whole or in part, by reference to the basis in the hands of such taxpayer) during the 5-year period beginning with the date of such acquisition.".

(ff) AMENDMENT RELATED TO SECTION 849 OF THE ACT.—Subsection (a) of section 849 of the American Jobs Creation Act of 2004 is amended by inserting ", and in the case of property treated as tax-exempt use property other than by reason of a lease, to property acquired after March 12, 2004" before the period at the end.

(gg) AMENDMENT RELATED TO SECTION 884 OF THE ACT.—Subparagraph (B) of section 170(f)(12) is amended by adding at the end the following new clauses:

"(v) Whether the donee organization provided any goods or services in consideration, in whole or in part, for the qualified vehicle.

"(vi) A description and good faith estimate of the value of any goods or services referred to in clause (v) or, if such goods or services consist solely of intangible religious benefits (as defined in paragraph (8)(B)), a statement to that effect.".

(hh) AMENDMENTS RELATED TO SECTION 885 OF THE ACT.—

(1) Paragraph (2) of section 26(b) is amended by striking "and" at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting ", and", and by adding at the end the following new subparagraph:

"(T) subsections (a)(1)(B)(i) and (b)(4)(A) of section 409A (relating to interest and additional tax with respect to certain deferred compensation).".

(2) Clause (ii) of section 409A(a)(4)(C) is amended by striking "first".

(3)(A) Notwithstanding section 885(d)(1) of the American Jobs Creation Act of 2004, subsection (b) of section 409A of the Internal Revenue Code of 1986 shall take effect on January 1, 2005.

(B) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance under which a nonqualified deferred compensation plan which is in violation of the requirements of section 409A(b) of such Code shall be treated as not having violated such requirements if such plan comes into conformance with such requirements during such limited period as the Secretary may specify in such guidance.

(4) Subsection (f) of section 885 of the American Jobs Creation Act of 2004 is amended by striking "December 31, 2004" the first place it appears and inserting "January 1, 2005".

(ii) AMENDMENT RELATED TO SECTION 888 OF THE ACT.—Paragraph (2) of section 1092(a) is amended by striking the last sentence and adding at the end the following new subparagraph:

"(C) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph. Such regulations or other guidance may specify the proper methods for clearly identifying a straddle as an identified straddle (and for identifying the positions comprising such straddle), the rules for the application of this section to a taxpayer which fails to comply with those identification requirements, and the ordering rules in cases where a taxpayer disposes (or otherwise ceases to be the holder) of any part of any position which is part of an identified straddle.".

(jj) AMENDMENTS RELATED TO SECTION 898 OF THE ACT.—

(1) Paragraph (3) of section 361(b) is amended by inserting "(reduced by the amount of the liabilities assumed (within the meaning of section 357(c))" before the period at the end.

(2) Paragraph (1) of section 357(d) is amended by inserting "section 361(b)(3)," after "section 358(h),".

(kk) AMENDMENT RELATED TO SECTION 899 OF THE ACT.—Subparagraph (A) of section 351(g)(3) is amended by adding at the end the following: "If there is not a real and meaningful likelihood that dividends beyond any limitation or preference will actually be paid, the possibility of such payments will be disregarded in determining whether stock is limited and preferred as to dividends.".

(ll) AMENDMENT RELATED TO SECTION 902 OF THE ACT.—Paragraph (1) of section 709(b) is amended by striking "taxpayer" both places it appears and inserting "partnership".

(mm) AMENDMENTS RELATED TO SECTION 907 OF THE ACT.—Clause (ii) of section 274(e)(2)(B) is amended—

(1) in subclause (I), by inserting "or a related party to the taxpayer" after "the taxpayer",

(2) in subclause (II), by inserting "(or such related party)" after "the taxpayer", and

(3) by adding at the end the following new flush sentence:

"For purposes of this clause, a person is a related party with respect to another person if such person bears a relationship to such other person described in section 267(b) or 707(b).".

(nn) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

SEC. 404. AMENDMENTS RELATED TO THE WORKING FAMILIES TAX RELIEF ACT OF 2004.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Subsection (e) of section 152 is amended to read as follows:

"(e) SPECIAL RULE FOR DIVORCED PARENTS, ETC.—

"(1) IN GENERAL.—Notwithstanding subsection (c)(1)(B), (c)(4), or (d)(1)(C), if—

"(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

"(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

"(ii) who are separated under a written separation agreement, or

"(iii) who live apart at all times during the last 6 months of the calendar year, and—

"(B) such child is in the custody of 1 or both of the child's parents for more than one-half of the calendar year, such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) or (3) are met.

"(2) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

"(A) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

"(B) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

"(3) EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.—

"(A) IN GENERAL .—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

"(i) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and

"(ii) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this subparagraph, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

"(B) Qualified Pre-1985 Instrument.—For purposes of this paragraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

"(i) which is executed before January 1, 1985,

"(ii) which on such date contains the provision described in subparagraph (A)(i), and

"(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

"(4) Custodial Parent and Noncustodial Parent.—For purposes of this subsection—

"(A) Custodial Parent.—The term 'custodial parent' means the parent having custody for the greater portion of the calendar year.

"(B) Noncustodial Parent.—The term 'noncustodial parent' means the parent who is not the custodial parent.

"(5) Exception for Multiple-Support Agreement.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

"(6) Special Rule for Support Received from New Spouse of Parent.—For purposes of this subsection, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.".

(b) Amendment Related to Section 203 of the Act.—Subparagraph (B) of section 21(b)(1) is amended by inserting "(as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B))" after "dependent of the taxpayer".

(c) Amendment Related to Section 207 of the Act.—Subparagraph (A) of section 223(d)(2) is amended by inserting ", determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof" after "section 152".

(d) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the Working Families Tax Relief Act of 2004 to which they relate.

SEC. 405. AMENDMENTS RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) Amendments Related to Section 201 of the Act.—

(1) Clause (ii) of section 168(k)(4)(B) is amended to read as follows:

"(ii) which is—

"(I) acquired by the taxpayer after May 5, 2003, and before January 1, 2005, but only if no written binding contract for the acquisition was in effect before May 6, 2003, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after May 5, 2003, and before January 1, 2005, and".

(2) Subparagraph (D) of section 1400L(b)(2) is amended by striking "September 11, 2004" and inserting "January 1, 2005".

(b) Effective Date.—The amendments made by this section shall take effect as if included in section 201 of the Jobs and Growth Tax Relief and Reconciliation Act of 2003.

SEC. 406. AMENDMENT RELATED TO THE VICTIMS OF TERRORISM TAX RELIEF ACT OF 2001.

(a) Amendment Related to Section 201 of the Act.—Paragraph (17) of section 6103(l) is amended by striking "subsection (f), (i)(7), or (p)" and inserting "subsection (f), (i)(8), or (p)".

(b) Effective Date.—The amendment made by this section shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 407. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) Amendments Related to Section 617 of the Act.—

(1) Clause (ii) of section 402(g)(7)(A) is amended to read as follows:

"(ii) $15,000 reduced by the sum of—

"(I) the amounts not included in gross income for prior taxable years by reason of this paragraph, plus

"(II) the aggregate amount of designated Roth contributions (as defined in section 402A(c)) for prior taxable years, or".

(2) Subparagraph (A) of section 402(g)(1) is amended by inserting "to" after "shall not apply".

(b) Amendment Related to Section 632 of the Act.—Subparagraph (C) of section 415(c)(7) is amended by striking "the greater of $3,000" and all that follows and inserting "$3,000. This subparagraph shall not apply with respect to any taxable year to any individual whose adjusted gross income for such taxable year (determined separately and without regard to community property laws) exceeds $17,000.".

(c) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 408. AMENDMENTS RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) Amendments Related to Section 3415 of the Act.—

(1) Paragraph (2) of section 7609(c) is amended by inserting "or" at the end of subparagraph (D), by striking "; or" at the end of subparagraph (E) and inserting a period, and by striking subparagraph (F).

(2) Subsection (c) of section 7609 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) John Doe and Certain Other Summonses.—Subsection (a) shall not apply to any summons described in subsection (f) or (g).".

(b) Effective Date.—The amendments made by this section shall take effect as if included in section 3415 of the Internal Revenue Service Restructuring and Reform Act of 1998.

SEC. 409. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) Amendments Related to Section 1055 of the Act.—

(1) The last sentence of section 6411(a) is amended by striking "6611(f)(3)(B)" and inserting "6611(f)(4)(B)".

(2) Paragraph (4) of section 6601(d) is amended by striking "6611(f)(3)(A)" and inserting "6611(f)(4)(A)".

(b) Amendment Related to Section 1112 of the Act.—Subsection (c) of section 961 is amended to read as follows:

"(c) Basis Adjustments in Stock Held by Foreign Corporations.—Under regulations prescribed by the Secretary, if a United States shareholder is treated under section 958(a)(2) as owning stock in a controlled foreign corporation which is owned by another controlled foreign corporation, then adjustments similar to the adjustments provided by subsections (a) and (b) shall be made to—

"(1) the basis of such stock, and

"(2) the basis of stock in any other controlled foreign corporation by reason of which the United States shareholder is considered under section 958(a)(2) as owning the stock described in paragraph (1),

but only for the purposes of determining the amount included under section 951 in the gross income of such United States shareholder (or any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder by reason of which such shareholder was treated as owning such stock, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary may prescribe by regulations). The preceding sentence shall not apply with respect to any stock to which a basis adjustment applies under subsection (a) or (b).".

(c) Amendment Related to Section 1144 of the Act.—Subparagraph (B) of section 6038B(a)(1) is amended by inserting "or" at the end.

(d) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

SEC. 410. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

(a) Amendment Related to Section 11813 of the Act.—Subclause (I) of section 168(e)(3)(B)(vi) is amended by striking "if 'solar and wind' were substituted for 'solar' in clause (i) thereof" and inserting "if 'solar or wind energy' were substituted for 'solar energy' in clause (i) thereof".

(b) Effective Date.—The amendment made by this section shall take effect as if included in section 11813 of the Omnibus Budget Reconciliation Act of 1990.

SEC. 411. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) Amendment Related to Section 10227 of the Act.—Section 1363(d) is amended by adding at the end the following new paragraph:

"(5) Special Rule.—Sections 1367(a)(2)(D) and 1371(c)(1) shall not apply with respect to any increase in the tax imposed by reason of this subsection.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in section 10227 of the Omnibus Budget Reconciliation Act of 1987.

SEC. 412. CLERICAL CORRECTIONS.

(a) Subparagraph (C) of section 2(b)(2) is amended by striking "subparagraph (C)" and inserting "subparagraph (B)".

(b) Paragraph (2) of section 25C(b) is amended by striking "subsection (c)(3)(B)" and inserting "subsection (c)(2)(B)".

(c) Subparagraph (E) of section 26(b)(2) is amended by striking "section 530(d)(3)" and inserting "section 530(d)(4)".

(d) Subparagraph (A) of section 30B(g)(2) and subparagraph (A) of section 30C(d)(2) are each amended by striking "regular tax" and inserting "regular tax liability (as defined in section 26(b))".

(e) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30C and inserting the following new item:

"Sec. 30C. Alternative fuel vehicle refueling property credit.".

(f)(1) Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking "or the New York Liberty Zone business employee credit or the specified credits" and inserting ", the New York Liberty Zone business employee credit, and the specified credits".

(2) Subclause (II) of section 38(c)(3)(A)(ii) is amended by striking "or the specified credits" and inserting "and the specified credits".

(3) Subparagraph (B) of section 38(c)(4) is amended—

(A) by striking "includes" and inserting "means", and

(B) by inserting "and" at the end of clause (i).

(g)(1) Subparagraph (A) of section 39(a)(1) is amended by striking "each of the 1 taxable years" and inserting "the taxable year".

(2) Subparagraph (B) of section 39(a)(3) is amended to read as follows:

"(B) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and".

(h) Subparagraph (B) of section 40A(b)(5) is amended by striking "(determined without regard to the last sentence of subsection (d)(2))".

(i) Paragraph (5) of section 43(c) is amended to read as follows:

"(5) ALASKA NATURAL GAS.—For purposes of paragraph (1)(D)—

"(A) IN GENERAL.—The term 'Alaska natural gas' means natural gas entering the Alaska natural gas pipeline (as defined in section 168(i)(16) (determined without regard to subparagraph (B) thereof)) which is produced from a well—

"(i) located in the area of the State of Alaska lying north of 64 degrees North latitude, determined by excluding the area of the Alaska National Wildlife Refuge (including the continental shelf thereof within the meaning of section 638(1)), and

"(ii) pursuant to the applicable State and Federal pollution prevention, control, and permit requirements from such area (including the continental shelf thereof within the meaning of section 638(1)).

"(B) NATURAL GAS.—The term 'natural gas' has the meaning given such term by section 613A(e)(2).".

(j) Subsection (d) of section 45 is amended—

(1) in paragraph (8) by striking "The term" and inserting "In the case of a facility that produces refined coal, the term", and

(2) in paragraph (10) by striking "The term" and inserting "In the case of a facility that produces Indian coal, the term".

(k) Paragraph (2) of section 45I(a) is amended by striking "qualified credit oil production" and inserting "qualified crude oil production".

(l) Subsection (g) of section 45K, as redesignated by section 1322 of the Energy Policy Act of 2005, is amended—

(1) in the matter preceding paragraph (1), by striking "subsection (f)" and inserting "subsection (e)", and

(2) in paragraph (2)(C), by striking "subsection (g)" and inserting "subsection (f)".

(m) Paragraph (1) of section 48(a), as amended by section 1336 of the Energy Policy Act of 2005, is amended by striking "paragraph (1)(B) or (2)(B) of subsection (d)" and inserting "paragraphs (1)(B) and (2)(B) of subsection (c)".

(n) Subparagraph (A) of section 48(a)(3) is amended—

(1) by redesignating clause (iii) (relating to qualified fuel cell property or qualified microturbine property), as added by section 1336 of the Energy Policy Act of 2005, as clause (iv) and by moving such clause to the end of such subparagraph, and

(2) by striking "or" at the end of clause (ii).

(o) Subparagraph (E) of section 50(a)(2) is amended by striking "section 48(a)(5)" and inserting "section 48(b)".

(p)(1) Paragraph (3) of section 55(c) is amended by inserting "30B(g)(2), 30C(d)(2)," after "30(b)(3),".

(2) Section 1341(b)(3) of the Energy Policy Act of 2005 is repealed.

(3) Section 1342(b)(3) of the Energy Policy Act of 2005 is repealed.

(q)(1) Subsection (a) of section 62 is amended—

(A) by redesignating paragraph (19) (relating to costs involving discrimination suits, etc.), as added by section 703 of the American Jobs Creation Act of 2004, as paragraph (20), and

(B) by moving such paragraph after paragraph (19) (relating to health savings accounts).

(2) Subsection (e) of section 62 is amended by striking "subsection (a)(19)" and inserting "subsection (a)(20)".

(r) Paragraph (3) of section 167(f) is amended by striking "section 197(e)(7)" and inserting "section 197(e)(6)".

(s) Subparagraph (D) of section 168(i)(15) is amended by striking "This paragraph shall not apply to" and inserting "Such term shall not include".

(t) Paragraph (2) of section 221(d) is amended by striking "this Act" and inserting "the Taxpayer Relief Act of 1997".

(u) Paragraph (8) of section 318(b) is amended by striking "section 6038(d)(2)" and inserting "section 6038(e)(2)".

(v) Subparagraph (B) of section 332(d)(1) is amended by striking "distribution to which section 301 applies" and inserting "distribution of property to which section 301 applies".

(w) Subparagraph (B) of section 403(b)(9) is amended by inserting "or" before "a convention".

(x)(1) Clause (i) of section 412(m)(4)(B) is amended by striking "subsection (c)" and inserting "subsection (d)".

(2) Clause (i) of section 302(e)(4)(B) of the Employee Retirement Income Security Act of 1974 is amended by striking "subsection (c)" and inserting "subsection (d)".

(y) Paragraph (1) of section 415(l) is amended by striking "individual medical account" and inserting "individual medical benefit account".

(z) The matter following clause (iv) of section 415(n)(3)(C) is amended by striking "clauses" and inserting "clause".

(aa) Subparagraph (C) of section 461(i)(3) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 6662(d)(2)(C)(ii)".

(bb) Paragraph (12) of section 501(c) is amended—

(1) by striking "subparagraph (C)(iii)" in subparagraph (F) and inserting "subparagraph (C)(iv)", and

(2) by striking "subparagraph (C)(iv)" in subparagraph (G) and inserting "subparagraph (C)(v)".

(cc) Clause (ii) of section 501(c)(22)(B) is amended by striking "clause (ii) of paragraph (21)(B)" and inserting "clause (ii) of paragraph (21)(D)".

(dd) Paragraph (1) of section 512(b) is amended by striking "section 512(a)(5)" and inserting "subsection (a)(5)".

(ee)(1) Subsection (b) of section 512 is amended—

(A) by redesignating paragraph (18) (relating to the treatment of gain or loss on sale or exchange of certain brownfield sites), as added by section 702 of the American Jobs Creation Act of 2004, as paragraph (19), and

(B) by moving such paragraph to the end of such subsection.

(2) Subparagraph (E) of section 514(b)(1) is amended by striking "section 512(b)(18)" and inserting "section 512(b)(19)".

(3) Paragraph (6) of section 529(c) is amended by striking "education individual retirement account" and inserting "Coverdell education savings account".

(ff)(1) Subsection (b) of section 530 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Clause (ii) of section 530(b)(2)(A) is amended by striking "paragraph (4)" and inserting "paragraph (3)".

(gg) Subparagraph (H) of section 613(c)(4) is amended by inserting "(including in situ retorting)" after "and retorting".

(hh) Subparagraph (A) of section 856(g)(5) is amended by striking "subsection (c)(6) or (c)(7) of section 856" and inserting "paragraph (2), (3), or (4) of subsection (c)".

(ii) Paragraph (6) of section 857(b) is amended—

(1) in subparagraph (E), by striking "subparagraph (C)" and inserting "subparagraphs (C) and (D)", and

(2) in subparagraph (F)—

(A) by striking "subparagraph (C) of this paragraph" and inserting "subparagraph (C) or (D)", and

(B) by striking "subparagraphs (C) and (D)" and inserting "subparagraphs (C), (D), and (E)".

(jj) Subparagraph (C) of section 881(e)(1) is amended by inserting "interest-related dividend received by a controlled foreign corporation" after "shall apply to any".

(kk) Clause (ii) of section 952(c)(1)(B) is amended—

(1) by striking "clause (iii)(III) or (IV)" and inserting "subclause (II) or (III) of clause (iii)", and

(2) by striking "clause (iii)(II)" and inserting "clause (iii)(I)".

(ll) Clause (i) of section 954(c)(1)(C) is amended by striking "paragraph (4)(A)" and inserting "paragraph (5)(A)".

(mm) Subparagraph (F) of section 954(c)(1) is amended by striking "Net income from notional principal contracts." after "Income from notional principal contracts.—".

(nn) Paragraph (23) of section 1016(a) is amended by striking "1045(b)(4)" and inserting "1045(b)(3)".

(oo) Paragraph (1) of section 1256(f) is amended by striking "subsection (e)(2)(C)" and inserting "subsection (e)(2)".

(pp) The matter preceding clause (i) of section 1031(h)(2)(B) is amended by striking "subparagraph" and inserting "subparagraphs".

(qq) Paragraphs (1) and (2) of section 1375(d) are each amended by striking "subchapter C" and inserting "accumulated".

(rr) Each of the following provisions are amended by striking "General Accounting Office" each place it appears therein and inserting "Government Accountability Office":

(1) Clause (ii) of section 1400E(c)(4)(A).

(2) Paragraph (1) of section 6050M(b).

(3) Subparagraphs (A), (B)(i), and (B)(ii) of section 6103(i)(8).

(4) Paragraphs (3)(C)(i), (4), (5), and (6)(B) of section 6103(p).

(5) Subsection (e) of section 8021.

(ss)(1) Clause (ii) of section 1400L(b)(2)(C) is amended by striking "section 168(k)(2)(C)(i)" and inserting "section 168(k)(2)(D)(i)".

(2) Clause (iv) of section 1400L(b)(2)(C) is amended by striking "section 168(k)(2)(C)(iii)" and inserting "section 168(k)(2)(D)(iii)".

(3) Subparagraph (D) of section 1400L(b)(2) is amended by striking "section 168(k)(2)(D)" and inserting "section 168(k)(2)(E)".

(4) Subparagraph (E) of section 1400L(b)(2) is amended by striking "section 168(k)(2)(F)" and inserting "section 168(k)(2)(G)".

(5) Paragraph (5) of section 1400L(c) is amended by striking "section 168(k)(2)(C)(iii)" and inserting "section 168(k)(2)(D)(iii)".

(tt) Section 3401 is amended by redesignating subsection (h) as subsection (g).

(uu) Paragraph (2) of section 4161(a) is amended to read as follows:

"(2) 3 PERCENT RATE OF TAX FOR ELECTRIC OUTBOARD MOTORS.—In the case of an electric outboard motor, paragraph (1) shall be applied by substituting '3 percent' for '10 percent'.".

(vv) Subparagraph (C) of section 4261(e)(4) is amended by striking "imposed subsection (b)" and inserting "imposed by subsection (b)".

(ww) Subsection (a) of section 4980D is amended by striking "plans" and inserting "plan".

(xx) The matter following clause (iii) of section 6045(e)(5)(A) is amended by striking "for '$250,000'." and all that follows through "to the Treasury." and inserting "for '$250,000'. The Secretary may by regulation increase the dollar amounts under this subparagraph if the Secretary determines that such an increase will not materially reduce revenues to the Treasury.".

(yy) Subsection (p) of section 6103 is amended—

(1) by striking so much of paragraph (4) as precedes subparagraph (A) and inserting the following:

"(4) SAFEGUARDS.—Any Federal agency described in subsection (h)(2), (h)(5), (i)(1), (2), (3), (5), or (7), (j)(1), (2), or (5), (k)(8), (l)(1), (2), (3), (5), (10), (11), (13), (14), or (17) or (o)(1), the Government Accountability Office, the Congressional Budget Office, or any agency, body, or commission described in subsection (d), (i)(3)(B)(i) or 7(A)(ii), or (l)(6), (7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16), (18), (19), or (20) shall, as a condition for receiving returns or return information—",

(2) by amending paragraph (4)(F)(i) to read as follows:

"(i) in the case of an agency, body, or commission described in subsection (d), (i)(3)(B)(i), or (l)(6), (7), (8), (9), or (16), or any other person described in subsection (l)(16), (18), (19), or (20) return to the Secretary such returns or return information (along with any copies made therefrom) or make such returns or return information undisclosable in any manner and furnish a written report to the Secretary describing such manner.", and

(3) by striking the first full sentence in the matter following subparagraph (F) of paragraph (4) and inserting the following: "If the Secretary determines that any such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, has failed to, or does not, meet the requirements of this paragraph, he may, after any proceedings for review established under paragraph (7), take such actions as are necessary to ensure such requirements are met, including refusing to disclose returns or return information to such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, until he determines that such requirements have been or will be met.".

(zz) Clause (ii) of section 6111(b)(1)(A) is amended by striking "advice or assistance" and inserting "aid, assistance, or advice".

(aaa) Paragraph (3) of section 6662(d) is amended by striking "the" before "1 or more".

SEC. 413. OTHER CORRECTIONS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 233 OF THE ACT.—

(1) Clause (vi) of section 1361(c)(2)(A) is amended—

(A) by inserting "or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))" after "a bank (as defined in section 581)", and

(B) by inserting "or company" after "such bank".

(2) Paragraph (16) of section 4975(d) is amended—

(A) in subparagraph (A), by inserting "or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))" after "a bank (as defined in section 581)", and

(B) in subparagraph (C), by inserting "or company" after "such bank".

(b) AMENDMENT RELATED TO SECTION 237 OF THE ACT.—Subparagraph (F) of section 1362(d)(3) is amended by striking "a bank holding company" and all that follows through "section 2(p) of such Act)" and inserting "a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))".

(c) AMENDMENTS RELATED TO SECTION 239 OF THE ACT.—Paragraph (3) of section 1361(b) is amended—

(1) in subparagraph (A), by striking "and in the case of information returns required under part III of subchapter A of chapter 61", and

(2) by adding at the end the following new subparagraph:

"(E) INFORMATION RETURNS.—Except to the extent provided by the Secretary, this paragraph shall not apply to part III of subchapter A of chapter 61 (relating to information returns).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

Subtitle B—Trade Technicals

SEC. 421. TECHNICAL CORRECTIONS TO REGIONAL VALUE-CONTENT METHODS FOR RULES OF ORIGIN UNDER PUBLIC LAW 109–53.

Section 203(c) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 19 U.S.C. 4033(c)) is amended as follows:

(1) In paragraph (2)(A), by striking all that follows "the following build-down method:" and inserting the following:

$$``RVC = \frac{AV-VNM}{AV} \times 100''.$$

(2) In paragraph (3)(A), by striking all that follows "the following build-up method:" and inserting the following:

$$``RVC = \frac{VOM}{AV} \times 100''.$$

(3) In paragraph (4)(A), by striking all that follows "the following net cost method:" and inserting the following:

$$``RVC = \frac{NC-VNM}{NC} \times 100''.$$

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mr. McCRERY (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Louisiana?

Mr. JEFFERSON. Madam Speaker, I do not object, but I reserve the right to object.

Madam Speaker, I want to say to the Speaker and this entire House, to my colleague from Louisiana, Mr. McCRERY, to the ranking member, CHARLES RANGEL, to our chairman, BILL THOMAS, of the Ways and Means Committee, to all our Members who worked so hard to arrive at this piece of legislation at this time, we are, in our part of the world, extraordinarily grateful to the House and Senate for what it has done here. It will help to get our local government back on our feet and get our businesses incentivized to come back into our area. We believe that it will make a huge contribution to restoring and rebuilding our city.

Madam Speaker, I appreciate the good work that my colleague has done, and I thank the House.

Mr. McCRERY. Madam Speaker, will the gentleman yield?

Mr. JEFFERSON. I yield to the gentleman from Louisiana.

Mr. McCRERY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I, too, want to thank the gentleman from Louisiana, my colleague on the Ways and Means Committee, the chairman of the Ways and Means Committee, the ranking member and the staff who have worked so hard to help us provide incentives for businesses to come back and reinvest in the devastated areas along our gulf coast.

The gentleman from Louisiana and Members of the House should know that members of the other body have placed a document prepared by the Joint Committee on Taxation in the CONGRESSIONAL RECORD that explains the legislative intent with respect to H.R. 4440, as amended. The Joint Committee will also make this explanation public. This document expresses our understanding of the bill now before us, and it will be a useful reference in understanding the legislation.

Mr. JEFFERSON. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCRERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4440.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4437 to be considered shortly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The SPEAKER pro tempore (Mr. UPTON). Pursuant to House Resolution

621 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4437.

□ 1512

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with Mrs. EMERSON (Acting Chairman) in the Chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday December 15, 2005, amendment No. 12 printed in part B of House Report 109–347 by the gentleman from Oregon (Mr. DEFAZIO) had been disposed of.

Pursuant to House Resolution 621, no further general debate is in order and remaining proceedings pursuant to House Resolution 610 are subsumed by House Resolution 621.

Pursuant to House Resolution 621, no further amendment is in order except those printed in House Report 109–350. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–350 offered by Mr. GOODLATTE:

At the end of the bill, add the following new title:

TITLE IX—SECURITY AND FAIRNESS ENHANCEMENT

SEC. 901. SHORT TITLE.

This title may be cited as—

(1) the "Security and Fairness Enhancement for America Act of 2005"; or

(2) the "SAFE for America Act".

SEC. 902. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking "; and" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking "(a), (b), or (c)," and inserting "(a) or (b),";

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking "(a), (b), or (c)" and inserting "(a) or (b)"; and

(5) in subsection (g), by striking "(a), (b), and (c)" and inserting "(a) and (b)".

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking "(a), (b), or (c)" and inserting "(a) or (b)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, I yield myself 1½ minutes.

Madam Chairman, each year, the United States Government chooses the names of 50,000 people who will be given the status of legal permanent resident, not based on family or employer sponsorship nor based on any rationale reason, but based only pure luck through a random lottery. My amendment would eliminate the controversial visa lottery program. The visa lottery program presents a serious national security threat.

A perfect example of the system gone awry is the case of Hesham Mohamed Hadayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for legal permanent resident status in 1997 because of his wife's status as a visa lottery winner.

□ 1515

The State Department's Inspector General has even testified before Congress this year that the Office of Inspector General continues to believe that the Diversity Visa Program contains significant risks to national security from hostile intelligence officers, criminals and terrorists attempting to use the program for entry into the United States as permanent residents.

Do not gamble with national security. Join me in eliminating the visa lottery program.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I yield myself 2 minutes. I ask that the House carefully consider this amendment because it may in one respect represent a not-so-subtle attempt to dismantle the only program that guarantees that at least 4 percent of the new immigrants have a chance to come to this country from under-represented nations.

The Diversity Visa Program is the chance for many people of color around the world to immigrate to the United States and pursue the same American dream that many of the ancestors of the Members here were able to pursue.

There is no time in our Nation's history when race and ethnicity were not primary factors. So what we are asking here is that just as many great Americans have come to this country as refugees, I have no doubt that many great Americans have and are coming through the diversity program. You need only to look at the promise of young Freddie Adu, the teenage boy who is the newest star on the National Soccer League and the youngest professional player in the United States. He has got great promise, and but for his entry to the United States on the Diversity Visa Program, that promise might not have been realized.

I urge my colleagues to consider this amendment carefully. I hope that it will be turned back. Let us not dismantle an important and valuable program.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Madam Chairman, I rise in support of this amendment. I wanted to make a couple of points.

First of all, the visa lottery system has been susceptible to fraud. Doing away with it would do away with fraud. Secondly, the visa lottery system does not give visas to people from "over-represented countries," and that includes Mexico. So no Mexican is eligible to get a visa on the visa lottery system. I think that is discriminatory.

Also, the visa lottery system is unfair because the winners go ahead of spouses and children of lawful permanent residents, including Mexicans, and married sons and daughters of citizens who have waited for visas, in some instances for years. It also is used as a potential for aliens who pose a danger to Americans.

I think that with all these problems in the visa lottery system, the best thing to do is pass this amendment and get rid of it.

Mr. CONYERS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the problem about fraud in this program is that people apply multiple times when the rules only allow one application a year per person. In some cases, multiple applications are the result of people trying to cheat the system; but in other cases, people may apply not understanding that, unlike many other lotteries, multiple applications are not allowed and do not really improve your chances.

The State Department has already addressed this in several ways. This program, I want to emphasize to the membership, is extremely valuable for those countries that have so very few people coming in under the regular system, and I would not want us to take this out of the present law. It is working well. We have had many success stories, and we think that there is not a serious history of fraud in the program.

Ms. ZOE LOFGREN of California. Madam Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Madam Chairman, I would just note, according to the State Department Visa Bulletin for next month, really this is primarily numerically the greatest number of individuals who benefit are from the continent of Africa. And because of immigration patterns, this is an important element of an opportunity for the American dream for would-be Americans who are coming from the continent of Africa. I thank the gentleman for yielding.

Mr. CONYERS. Reclaiming my time, I appreciate the gentlewoman's remarks.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentlewoman from South Dakota (Ms. HERSETH). This bipartisan amendment is based upon legislation introduced by myself and the gentlewoman.

Ms. HERSETH. Madam Chairman, I rise today in strong support of this important amendment to eliminate the Diversity Visa Program, otherwise known as the visa lottery. I thank my good friend, the gentleman from Virginia, for the time.

Chairman GOODLATTE and Chairman SENSENBRENNER have effectively outlined the serious security risk posed by the visa lottery program and the flaws in the administration of the program, so I will not repeat them at this time. But I would like to address a question raised by some of my colleagues: whether it would be possible to reallocate the visas currently utilized by the visa lottery program and add them to the family-sponsored and employer-based categories.

Although the amendment we are offering today does not reallocate the diversity visas, I am committed to working with Chairman GOODLATTE and our colleagues in the Senate to do just that.

I believe strongly that the elimination of the visa lottery program will strengthen our national security, that our amendment is an appropriate and necessary step towards resolution of this issue. I believe strongly that if our amendment passes today, we can negotiate a compromise that will ensure reallocation of some or all of the immigrant visas available under this outdated and problematic program which has deviated from its original purpose.

I encourage my colleagues to join me in voting in favor of this amendment.

Mr. CONYERS. Madam Chairman, how much time remains on both sides?

The Acting CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 1 minute remaining. The gentleman from Virginia (Mr. GOODLATTE) has 2 minutes remaining.

Mr. CONYERS. Madam Chairman, as we have the right to close, I will reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Chairman, I want to thank Chairman GOODLATTE and Ms. HERSETH for offering this amendment to eliminate the Diversity Visa Program. This program discriminates against people from Mexico and six other countries. It is susceptible to rampant fraud. It allows 50,000 people to enter the country whether or not they have family ties or needed skills and is unfair to immigrants who play by the rules.

Immigrant visas are usually issued to foreign nationals who have connections to U.S. employers or family members lawfully residing in the United States. Under the visa lottery program, though, visas are awarded to immigrants at random without meeting any of these criteria.

Most family-sponsored immigrants currently face a wait of years to obtain visas. Yet the lottery program pushes 50,000 randomly picked immigrants ahead of those who are sponsored by family and employers.

Madam Chairman, we should not have an immigration program that violates the principles of common sense, fairness and non-discrimination.

Mr. CONYERS. Madam Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me make a simple statement. This is legal immigration; that is what we are trying to promote here in this Congress. The State Department has already testified that this program is a program that is improved, and it works internationally to bring in our developing nations as friends of the United States.

Mr. CONYERS. Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. BOUCHER), another of the bipartisan supporters of this legislation.

Mr. BOUCHER. Madam Chairman, I thank the gentleman for yielding me time. I rise in support of his amendment.

The visa lottery is an affront both to logic and to the effective functioning of the visa system. Based upon nothing other than pure luck, 50,000 permanent resident visas are annually awarded. Lottery winners are admitted ahead of deserving family members who have played by the rules and endured long waits. It is a flawed system. The time to end it has come. I support the Goodlatte amendment which would end this system. I urge its adoption by the House.

Mr. GOODLATTE. Madam Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO) to close the debate.

Mr. DEFAZIO. Madam Chairman, certainly there is a better way to engender diversity. We could perhaps reallocate these visas to the families of those who have won the lottery previously who have become good citizens.

But the point is, does America want to have a lottery to get the best, the most skilled people from around the world or the most diverse people from around the world? And I think not.

It has been subject to fraud. My office every day deals with people whose families have been waiting 5, 6, 7, 8 years patiently in line around the world to come here from the Philippines, from Mexico, from India and other countries. Should they get bumped to the back while some random person comes first? I think not.

Mr. CONYERS. Madam Chairman, I yield myself the balance of my time.

This amendment, I think, has been mischaracterized seriously. To allow 4 percent of new immigrants to have a chance to come to the country from under-represented nations is a way of addressing the imbalance that I do not think anybody would disagree with that exists in the immigration patterns, whether they are accidental or purposeful.

There has been no time when race and ethnicity were not primary factors in immigration policy. Please, I think this is a very important provision. The Diversity Visa Program should be sustained, and I hope that the amendment will be turned away.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–350 offered by Mr. FILNER:

Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting "distributes (or intends to distribute)," before "or falsely" the first place it appears.

Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting "distributed," before "or falsely" the second place it appears.

The CHAIRMAN. Pursuant to House Resolution 621, the gentleman from California (Mr. FILNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I appreciate the majority's acceptance of this amendment for discussion. I did have other amendments which I thought were more important and more helpful to this bill. For example, in this bill, in section 607, we compensate various local law enforcement agencies of border counties, of which I represent two, for detaining, housing and transporting undocumented persons. The biggest problem for the counties on the border is the emergency health care providers who are not reimbursed for treatment of undocumenteds.

□ 1530

My amendment, introduced in the House as H.R. 2934, is called "PayUp," Pay for All Your Undocumented Procedures. It authorizes the Federal Government to make payment to emergency ambulance and medical services for the cost of uncompensated care of undocumented persons that come to their facility aided by the Border Patrol or any other Federal immigration agency. Unfortunately, that amendment was not accepted for discussion.

Another amendment would have allowed children in Mexico who have serious medical problems, for example birth defects, to come across the border as they did before 9/11 with 1-day visas for emergency treatment. For the 40 years before 9/11, we were able to give lives back to about 125,000 young children, poor children who were treated in my city of Calexico at the Valley Orthopedic Center. After 9/11, these 1-day visas were prohibited. That would have helped not only our relationship between our two countries but allowed our medical technology to help poor and young people who are living in Mexico. That amendment was not accepted.

What was accepted is a technical correction that I will briefly explain, because the bill in most respects takes a wrong approach toward our illegal immigration problem.

In this case, instead of making it a criminal act to sell and distribute fraudulent documents, the bill targets those who are trying to stay in the United States. My amendment fixes this fundamental problem by making the distribution or intent to distribute false, fake, or counterfeit immigration documents as much of a crime as creating or using them. Let us be clear. We are talking about the sale and distribution of illegal documents. I represent the whole California-Mexico border. There is an industry dedicated to the counterfeiting and distribution of these documents. These are the people we ought to go after, and these are the people who, because of a loophole in the bill, are exempted. We have arrested people in San Diego for distributing false documents, but there is a loophole which allows them to escape that charge.

This is a crime that we ought to be going after. The current government statutes that deal with fraudulent documents completely ignore the distribution of passports, visas, and other permits, which, in my opinion, is the true crime. We should go after the real criminals who are profiting by the sale and distribution of these documents. It is a simple correction of the law that will strengthen penalties. While we might disagree about broader immigration policy, we all agree that the selling of fake and fraudulent and illegal documents should be stopped. I urge the adoption of this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Chairman, I rise to claim the time in opposition, even though I am not against the amendment.

The Acting CHAIRMAN (Mrs. EMERSON). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SENSENBRENNER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of this amendment which adds distribution of fraudulent immigration documents to the list of criminal offenses.

Document fraud is a serious offense that enables our immigration laws to be violated and creates a national security threat. Controlling the production and distribution of false immigration documents is a critical component to effective immigration reform. Currently, the criminal code provides stiff penalties for those who forge, counterfeit, or alter visas, border-crossing cards, or other similar types of documents.

However, the statute does not currently mention distribution of fraudulent documents among the enumerated offenses. This amendment would help prosecutors go after those who are not necessarily producing the fake documents, but those who are making them available on the black market. Those who distribute or sell false documents deserve the same harsh penalties as those who forge or counterfeit the documents. I urge my colleagues to support this amendment.

Madam Chairman, since I have the right to close, I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman will not have the right to close since he is not opposed to the amendment.

Mr. SENSENBRENNER. Madam Chairman, I yield back the balance of my time.

Mr. FILNER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank the chairman for accepting this amendment and for his common sense approach to this issue. I hope that you will look at the two other common sense amendments I mentioned when you get to conference. Not allowing children to cross for emergency medical procedures makes no sense at all. These are not terrorists; these are young children. We are giving them back their futures, and we ought to change the law to allow medical treatment.

In addition, you ought to put emergency medical providers on the list of people to be compensated when they deal with undocumented persons. I hope you will extend that common sense and courtesy that you have given me in this amendment and extend it to the others, too.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109-350 offered by Mr. HAYWORTH:

At the end of the bill, insert the following:

TITLE IX—AMENDMENTS TO VISA NUMBERS

SEC. 901. ELIMINATION OF FAMILY 4TH PREFERENCE VISA CATEGORY FOR ADULT SIBLINGS OF CITIZENS.

(a) IN GENERAL.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended—

(1) in paragraph (1), by striking "paragraph (4)" and inserting "paragraph (3)"; and

(2) by striking paragraph (4).

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended—

(1) in section 201(c)(1)(A)(i) (8 U.S.C. 1151(c)(1)(A)(i)), by striking "480,000" and inserting "415,000";

(2) in section 204(a)(1)(A)(i) (8 U.S.C. 1154(a)(1)(A)(i)), by striking "(1), (3), or (4)" and inserting "(1) or (3)"; and

(3) in section 212(d)(11) (8 U.S.C. 1182(d)(11)), by striking "(other than paragraph (4) thereof)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to visa numbers for fiscal years beginning with the first fiscal year beginning after the date of the enactment of this Act.

SEC. 902. INCREASE IN EMPLOYMENT BASED VISAS.

(a) IN GENERAL.—Section 201(d)(1)(A) of the Immigration and Nationality Act is amended by striking "140,000" and inserting "205,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply beginning with the first fiscal year that begins after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. HAYWORTH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the amendment I plan to offer today simply cannot be considered outside a comprehensive immigration reform effort, which, respectfully, this bill is not. Therefore, I would like to use my time to discuss the principle reflected in my amendment, one that thus far has been absent from this debate.

Madam Chairman, as we consider ways to meet our legitimate labor needs, the choice before us is not limited to doing nothing or jumping into a guest worker plan we all know will never work and I promise we will one day regret. There is another way.

Madam Chairman, we already have an immigration system in place that we can amend and change to reconcile economic demands with other important priorities, such as diversity of admissions. The worker scheme is based on the same defeatist notion that we cannot stop it, so we might as well legalize it, used by proponents of legalizing drugs and prostitution. Legalization has not worked for those vices and it will not work for illegal immigration.

Some have the audacity to claim a guest worker plan is not amnesty because it does not, in the President's words, place undocumented workers on an automatic path to citizenship. Madam Chairman, what does citizenship have to do with it? Most illegals do not come here with a copy of the Constitution in their back pockets yearning to become Americans. They come here mostly for one reason: a job. You can call it legalization or earned status adjustment or regularization, but a guest worker plan that lets illegals keep their jobs is amnesty.

Madam Chairman, do not take my word for it. Here is what the President of the National Council of La Raza said of the distinction between legalization and amnesty: "The net effect is the same."

Madam Chairman, under a guest worker plan, illegal aliens would be pardoned for all their document and employment-related crimes, get credit toward Social Security benefits for what they have earned illegally, and get to bring in their families and unfairly gain for their children born here one of the most coveted distinctions on Earth, that of American citizenship.

Madam Chairman, my colleagues, as we consider ways to stop illegal immigration, we should be guided by two principles: number one, do not reward law breakers, including illegal aliens or those who hire them; number two, do not create incentives for even more illegal immigration.

A guest worker scheme violates both. It also has something else going against it, Madam Chairman: history. There has never been a successful guest worker program, not here, not in Europe, not anywhere. Those rioting in France are the children of temporary workers who never left. Saudi Arabia's 6 million guest workers live under conditions that have been called modern-day slavery. A guest worker plan would likewise create an American caste system that would insult our heritage. Our own bracero programs were ended because they lowered wages for American workers, exploited foreign workers and illegal immigration.

Guest worker proponents say our economy needs illegal alien workers; but under a guest worker plan, they would have to leave in 6 years.

Madam Chairman, are we supposed to believe we will stop needing them at that time? And what happens when guest workers do not leave as required? Will all those now promoting this discredited idea be out there leading the cause to round them up, or will they instead move to grant them citizenship?

Madam Chairman, if we are feeble enough to allow a guest worker plan to be added to this bill, it will be 1986 all over again: amnesty now, enforcement never, and an unending wave of illegal immigration.

Again, there is a better way: reform our legal immigration system to attract the kind of high-skilled workers that our economy really needs.

Madam Chairman, immigration must serve the national interests, not just the interests of businesses hooked on cheap labor or left wing political activists out to reshape American politics and culture.

Madam Chairman, I ask unanimous consent that my amendment be withdrawn.

Mr. BERMAN. Madam Chairman, reserving the right to object, and I do not intend to object, might I ask the author of the amendment, as he was speaking I was wondering what was going on. It sounded like he was giving a very articulate and reasoned, I disagree with some of the points, but reasoned position for an amendment that he was not allowed to offer under this rule.

I am wondering whether he thought it might have been appropriate that a coequal branch of the Congress, the House of Representatives, on an issue as fundamental as the one he has just spoken to might have been allowed to have had a couple of amendments in order for this issue to be discussed and voted on in this body. Would that have been a sensible way to approach this issue?

Mr. HAYWORTH. Madam Chairman, will the gentleman yield.

Mr. BERMAN. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Chairman, I thank my friend from California.

Madam Chairman, I would say to my friend from California, my votes on procedural questions speak for themselves in this regard. I thank the gentleman for his time.

Mr. BERMAN. Madam Chairman, further reserving the right to object, in case anyone noticed, the gentleman from Arizona did not support rules which prevented us from discussing maybe the most important issue involved in the context of whether or not to pursue comprehensive immigration reform.

Madam Chairman, I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109-350 offered by Mr. SENSENBRENNER:

In section 102—

(1) in subsection (b), in the matter before paragraph (1), strike "Committee on Homeland Security of the House of Representatives" and insert "appropriate congressional committees";

(2) in subsection (b)(3), insert ", except for ports of entry and facilities subject to vulnerability assessments under section 70102 or 70103 of title 46, United States Code," after "borders of the United States";

(3) amend subsection (d) to read as follows:

(d) COORDINATION.—The National Strategy for Border Security described in subsection (b) shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13.

(4) in subsection (f), strike "Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House" and insert "appropriate congressional committees, such committees shall promptly report to their respective House";

(5) in subsection (g), insert "and section 301(b)" after "this title"; and

(6) add at the end the following new subsection:

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, impact, diminish, or in any way undermine the authority of the Administrator of the Federal Aviation Administration to oversee, regulate, and control the safe and efficient use of the airspace of the United States.

In section 111, strike "Committee on Homeland Security of the House of Representatives" and insert "appropriate congressional committees".

At the end of title I, add the following new section:

SEC. 118. VOLUNTARY RELOCATION PROGRAM EXTENSION.

Section 5739(e) of title 5, United States Code, is amended by striking "7" and inserting "12".

In section 203, amend paragraph (3) to read as follows:

(3) by amending subsection (c) to read as follows:

"(c)(1) Whoever—

"(A) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

"(B) knowingly misrepresents the existence or circumstances of a marriage—

"(i) in an application or document arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder, or

"(ii) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals);

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

"(2) Whoever—

"(A) knowingly enters into two or more marriages for the purpose of evading any provision of the immigration laws; or

"(B) knowingly arranges, supports, or facilitates two or more marriages designed or intended to evade any provision of the immigration laws;

shall be fined under title 18, United States Code, imprisoned not less than 2 years nor more than 20 years, or both.

"(3) An offense under this subsection continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

"(4) For purposes of this section, the term 'proceeding' includes an adjudication, interview, hearing, or review."

In section 275(e)(1) of the Immigration and Nationality Act, proposed to be inserted by section 203(5)—

(1) in subparagraph (A), strike "(other than an aggravated felony)"; and

(2) strike subparagraph (B) and insert the following:

(B) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 30 months or more, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

(C) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 60 months or more, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

In proposed section 275(e)(3) of the Immigration and Nationality Act, as inserted by section 203(5)—

(1) strike "(A) or (B)" and insert "(A), (B), or (C)"; and

(2) strike "an aggravated felony or other qualifying crime" and insert "a qualifying crime".

Strike section 210, and insert the following:

SEC. 210. ESTABLISHMENT OF THE FORENSIC DOCUMENTS LABORATORY.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a Fraudulent Documents Center (to be known as the Forensic Document Laboratory) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and foreign governments on the production, sale, distribution, and use of fraudulent documents intended to be used to enter, travel, or remain within the United States unlawfully.

(2) Maintain the information described in paragraph (1) in a comprehensive database.

(3) Maintain a repository of genuine and fraudulent travel and identity document exemplars.

(4) Convert the information collected into reports that provide guidance to government officials in identifying fraudulent documents being used to enter into, travel within, or remain in the United States.

(5) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—The Forensic Document Laboratory shall distribute its reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

At the end of title II, add the following new sections:

SEC. 211. MOTIONS TO REOPEN OR RECONSIDER.

(a) EXERCISE OF DISCRETION.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)) is amended—

(1) by adding at the end of paragraph (5) the following new subparagraph:

"(D) DISCRETION.—The decision to grant or deny a motion to reconsider is committed to the Attorney General's discretion."; and

(2) by adding at the end of paragraph (6) the following new subparagraph:

"(D) DISCRETION.—The decision to grant or deny a motion to reopen is committed to the Attorney General's discretion.".

(b) PRIMA FACIE ELIGIBILITY FOR PROTECTION FROM REMOVAL TO ALTERNATIVE COUNTRY OF REMOVAL NOT PREVIOUSLY CONSIDERED.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a) is further amended by adding at the end of paragraph (6) the following new subparagraph:

"(E) SPECIAL RULE FOR ALTERNATIVE COUNTRIES OF REMOVAL.—The time and numerical limitations specified in this paragraph shall not apply if—

"(i) the Secretary seeks to remove the alien to an alternative or additional country of removal under subparagraph (D) or (E) of section 241(b)(2) that had not been considered during the alien's prior removal proceedings;

"(ii) the alien's motion to reopen is filed within 30 days after the date the alien receives notice of the Secretary's intention to remove the alien to that country; and

"(iii) the alien establishes a prima facie case that the alien is entitled by law to withholding of removal under section 241(b)(3) or protection under the Convention Against Torture with respect to that particular country.".

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to motions to reopen and reconsider that are filed on or after the date of the enactment of this Act in removal, deportation, or exclusion proceedings, regardless of whether a final administrative order is entered before, on, or after such date.

SEC. 212. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

Chapter 75 of title 18, United States Code is amended to read as follows:

"CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

"1541. Trafficking in passports.
"1542. False statement in an application for a passport.
"1543. Forgery and unlawful production of a passport.
"1544. Misuse of a passport.
"1545. Schemes to defraud aliens.
"1546. Immigration and visa fraud.
"1547. Attempts and conspiracies.
"1548. Increased penalties for certain offenses.
"1549. Seizure and forfeiture.
"1550. Additional jurisdiction.
"1551. Additional venue.
"1552. Definitions.
"1553. Authorized law enforcement activities.

"§ 1541. Trafficking in passports

"(a) Whoever, during any three-year period—

"(1) knowingly and without lawful authority produces, issues, or transfers 10 or more passports; or

"(2) knowingly forges, counterfeits, alters, or falsely makes 10 or more passports; or

"(3) knowingly secures, possesses, uses, receives, buys, or sells 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, issued, or designed for the use of another, or produced or issued without lawful authority; or

"(4) knowingly completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation) knowing the applications to contain any false statement or representation;

shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

"(b) Whoever knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

"§ 1542. False statement in an application for a passport

"Whoever knowingly—

"(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation); or

"(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing it to contain any false statement or representation; or

"(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), when such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports;

shall be fined under this title, imprisoned not more than 15 years, or both.

"§ 1543. Forgery and unlawful production of a passport

"(a) Whoever—

"(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

"(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority;

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Whoever knowingly and without lawful authority—

“(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport; or

“(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

“(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed;

shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1544. Misuse of a passport

“(a) Whoever—

“(1) knowingly uses any passport issued or designed for the use of another; or

“(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport; or

“(3) knowingly secures, possesses, uses, receives, buys, or sells any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States;

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Whoever knowingly uses any passport—

“(1) to enter or to attempt to enter the United States, or

“(2) to defraud an agency of the United States, a State, or a political subdivision of a State,

knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another, shall be fined under this title, imprisoned not less than 6 months nor more than 15 years, or both.

“§ 1545. Schemes to defraud aliens

“(a) Whoever knowingly defrauds any person in connection with—

“(1) any matter that is authorized by or arises under the immigration laws of the United States, or

“(2) any matter the offender claims or represents is authorized by or arises under the immigration laws of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Whoever knowingly and falsely represents himself to be an attorney in any matter authorized by or arising under the immigration laws of the United States shall be fined under this title, imprisoned not more than 15 years, or both.

“§ 1546. Immigration and visa fraud

“(a) Whoever—

“(1) knowingly uses any immigration document issued or designed for the use of another; or

“(2) knowingly forges, counterfeits, alters, or falsely makes any immigration document; or

“(3) knowingly completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation; or

“(4) knowingly secures, possesses, uses, transfers, receives, buys, or sells any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, issued or designed for another, or produced or issued without lawful authority; or

“(5) knowingly adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

“(6) knowingly and without lawful authority transfers or furnishes an immigration document to a person for use when such person is not the person for whom the immigration document was issued or designed;

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Whoever, during any three-year period—

“(1) knowingly and without lawful authority produces, issues, or transfers 10 or more immigration documents; or

“(2) knowingly forges, counterfeits, alters, or falsely makes 10 or more immigration documents; or

“(3) knowingly secures, possesses, uses, buys, or sells 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or issued or designed for the use of another, or produced or issued without lawful authority; or

“(4) knowingly completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation;

shall be fined under this title, imprisoned not less than 2 years nor more than 20 years, or both.

“(c) Whoever knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make an immigration document shall be fined under this title, imprisoned not less than 2 years nor more than 20 years, or both.

“§ 1547. Attempts and conspiracies

“Whoever attempts or conspires to violate any section within this chapter shall be punished in the same manner as a completed violation of that section. An attempt offense under this chapter is a general intent crime.

“§ 1548. Increased penalties for certain offenses

“(a) Whoever violates any of the sections within this chapter with the intent to facilitate an act of international terrorism (as defined in section 2331 of this title) shall be fined under this title, imprisoned not less than 7 years nor more than 25 years, or both.

“(b) Whoever violates any section in this chapter with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year, shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

“§ 1549. Seizure and forfeiture

“(a) Any property, real or personal, that has been used to commit or facilitate the commission of a violation of any section within this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

“§ 1550. Additional jurisdiction

“(a) Whoever commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided by that offense.

“(b) Whoever commits an offense under this chapter outside the United States shall be punished as provided by that offense if—

“(1) the offense involves a United States immigration document (or any document purporting to be the same) or any matter, right, or benefit arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder; or

“(2) the offense is in or affects foreign commerce; or

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of the immigration laws of the United States, or the national security of the United States; or

“(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331 of this title) or a drug trafficking crime (as defined in section 929(a) of this title) that affects or would affect the national security of the United States; or

“(5) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. § 1001(a)(22)) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. § 1001(a)(20)); or

“(6) an offender is a stateless person whose habitual residence is in the United States.

“§ 1551. Additional venue

“An offense under section 1542 of this chapter may be prosecuted in—

“(1) any district in which the false statement or representation was made; or

“(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

“(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

Nothing in this section limits the venue otherwise available under sections 3237 and 3238 of this title.

“§ 1552. Definitions

“For purposes of this chapter:

“(1) The term ‘falsely make’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

“(A) contains a statement or representation that is false, fictitious, or fraudulent;

“(B) has no basis in fact or law; or

“(C) otherwise fails to state a fact that is material to the purpose for which the document was created, designed, or submitted.

“(2) The term a ‘false statement or representation’ includes a personation or an omission.

“(3) The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(4) The term ‘immigration document’ means—

“(A) any passport or visa; or

"(B) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States.

Such term includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

"(5) The term 'immigration laws' includes—

"(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

"(B) the laws relating to the issuance and use of passports; and

"(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2) of this subsection.

"(6) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

"(7) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

"(8) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

"(9) The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"§1553. Authorized law enforcement activities

"The sections in this chapter do not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).".

SEC. 213. CRIMINAL DETENTION OF ALIENS.

(a) Section 3142(e) of title 18, United States Code, is amended by inserting at the end the following:

"Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

"(1) has no lawful immigration status in the United States;

"(2) is the subject of a final order of removal; or

"(3) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278, of the Immigration and Nationality Act.".

(b) Section 3142(g)(3) of title 18, United States Code, is amended by striking "and" at the end of subparagraph (A) and by adding at the end the following new subparagraph:

"(C) the person's immigration status; and".

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended to read as follows:

"SEC. 3291. IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

"No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons) of this title (or for attempt or conspiracy to violate any such section), or for a violation of any criminal provision of sections 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (or for attempt or conspiracy to violate any such section), unless the indictment is returned or the information filed within ten years after the commission of the offense.".

SEC. 215. CONFORMING AMENDMENT.

Subparagraph (P) of section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking "(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of Title 18 or is described in section 1546(a) of such title (relating to document fraud) and (ii)" and inserting "which is described in any section of chapter 75 of title 18, United States Code,"; and

(2) by inserting after "first offense" the following: "(i) that is not described in section 1548 (relating to increased penalties), and (ii)".

SEC. 216. INADMISSIBILITY FOR PASSPORT AND IMMIGRATION FRAUD.

(a) IN GENERAL.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) by striking "or" at the end of subclause (I);

(2) by inserting "or" at the end of subclause (II); and

(3) by inserting the following new subparagraph:

"(III) a violation of (or a conspiracy or attempt to violate) any section of chapter 75 of title 18, United States Code,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to proceedings pending on or after the date of the enactment of this Act.

SEC. 217. REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD.

(a) IN GENERAL.—Clause (iii) of section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C.1227(a)(3)(B)) is amended to read as follows "(iii) of a violation of, or an attempt or a conspiracy to violate, any section of chapter 75 of title 18, United States Code,".

(b) EFFECTIVE DATE.—This amendment made by subsection (a) shall apply to proceedings pending on or after the date of the enactment of this Act

In section 301—

(1) in subsection (b), in the matter preceding paragraph (1), strike "Congress" and insert "appropriate congressional committees (as defined in section 102(g))"; and

(2) in subsection (c), strike "RULE OF CONSTRUCTION" and insert "RULES OF CONSTRUCTION", insert "(1)" before "Nothing" and add at the end the following new paragraph:

(2) Nothing in this section shall be construed to alter, impact, diminish, or in any way undermine the authority of the Administrator of the Federal Aviation Administration to oversee, regulate, and control the safe and efficient use of the airspace of the United States.

In section 305(a), in the matter before paragraph (1), strike "any activity" and insert "any terrorism prevention or deterrence activity".

At the end of title III, add the following new section:

SEC. 308. RED ZONE DEFENSE BORDER INTELLIGENCE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Homeland Security and the Director of National Intelligence shall jointly establish a pilot program to improve the coordination and management of intelligence and homeland security information provided to or utilized by the Department of Homeland Security relating to the southwest international land and maritime border of the United States.

(b) PILOT AREA.—The Secretary of Homeland Security and the Director of National Intelligence shall designate a geographic area along the southwest international land and maritime border of the United States centered on Cochise County, Arizona, to be the pilot area for the pilot program established pursuant to subsection (a).

(c) PROGRAM.—The pilot program established pursuant to subsection (a) shall—

(1) coordinate and facilitate the sharing of intelligence and homeland security information related to border security within the pilot area designated pursuant to subsection (b) among Federal, State, local, and tribal governments, including relevant intelligence and homeland security information provided to the Department of Homeland Security by the intelligence community and relevant intelligence and homeland security information gathered by the Department of Homeland Security from other sources;

(2) to the maximum extent possible, provide for persistent surveillance of such pilot area;

(3) to the maximum extent possible, utilize airships, aerostats, and existing unmanned aerial vehicles to provide for surveillance of such pilot area;

(4) to the maximum extent possible, fully utilize the capabilities of underutilized assets currently available to conduct surveillance of such pilot area;

(5) where practicable, utilize the capabilities of existing operational and analytical centers that analyze intelligence and homeland security information relating to such pilot area from multiple sources and improve the interoperability of such centers;

(6) consistent with applicable security requirements, disseminate actionable intelligence and homeland security information relating to border security within such pilot area to the appropriate Federal, State, local, tribal, and foreign governments to support operational activities relating to border security within such pilot area;

(7) provide for direct transmission of such actionable intelligence and homeland security information to operational and analytical centers included in the pilot program;

(8) provide for a representative of the Department of Homeland Security to be assigned to each operational and analytical center to facilitate the immediate utilization, where practicable, of such actionable intelligence and homeland security information; and

(9) develop metrics to assess the capability of such pilot program to improve border security.

(d) STRATEGY COORDINATION.—In establishing the pilot program under subsection (a), the Director of National Intelligence shall coordinate the intelligence activities of the pilot program with the relevant activities and programs of other elements of the intelligence community.

(e) Headquarters.—The Secretary of Homeland Security and the Director of National Intelligence may establish a headquarters for the pilot program established pursuant to subsection (a) within the area designated as the pilot area pursuant to subsection (b).

(f) Duration.—The pilot program established pursuant to subsection (a) shall last a minimum of two years.

(g) Report.—Not later than one year after the establishment of the pilot program pursuant to subsection (a), the Secretary of Homeland Security and the Director of National Intelligence shall submit to Congress a report containing—

(1) the lessons learned from such pilot program based on the metrics developed pursuant to subsection (c)(9);

(2) recommendations for enhancing the provision and sharing of intelligence and homeland security information relating to border security under the National Strategy for Border Security submitted pursuant to section 102(b) and with other programs of the intelligence community relating to border security; and

(3) an identification of any provisions of law that may impede effective coordination of intelligence and homeland security information relating to the southwest international land and maritime border of the United States.

(h) Definitions.—In this section:

(1) Homeland security information.—The term "homeland security information" has the meaning given the term in section 892(f)(1) of the Homeland Security Act of 2002 (6 U.S.C. 482(f)(1)).

(2) Intelligence community.—The term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(i) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section .

In section 401(c), add at the end the following paragraph:

(3) Discretion.—Nothing in this section shall be construed as limiting the authority of the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

In section 431(e) of the Homeland Security Act of 2002, as added by section 502(a), insert "the Department of Transportation," after "Justice,".

Amend clause (vi) of section 601(a)(1)(B) to read as follows:

(vi) by striking the last sentence and inserting the following: "The Secretary of Homeland Security shall waive the application of clause (v) in the case of removal of an alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

In section 602(a)—

(1) in section 241(a)(8) of the Immigration and Nationality Act, inserted by paragraph (8)

(A) strike "procedures described" and insert "rules set forth"; and

(B) strike the dash and "(A)" and strike ", and" and all that follows up to the period at the end; and

(2) in section 241(j) of such Act, inserted by paragraph (9)—

(A) in paragraph (1), strike "procedures described" and insert "rules set forth";

(B) in paragraph (3)(B)(i) strike "subparagraph (A) if" and all the follows through "apply." and insert the following:

" subparagraph (A)—

"(I) until the alien is removed if the conditions described in subparagraph (A) or (B) of paragraph (4) apply; or

"(II) pending a determination as provided in subparagraph (C) of paragraph (4)."

In section 241(j)(3)(B)(ii) of the Immigration and Nationality Act, inserted by section 602(a)(9), strike " paragraph (4)(A)" and insert "paragraph (4)(B)".

In section 611—

(1) strike "section 103(d)(1)" and insert "sections 103(d)(1) and 105(a)(2)(A)"; and

(2) strike "is amended" and insert "are each amended".

Add at the end of title VI, the following new sections:

SEC. 615. REPORT ON CRIMINAL ALIEN PROSECUTION.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the status of criminal alien prosecutions, including prosecutions of human smugglers.

SEC. 616. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) Responsibility of United States Attorneys.—Beginning 2 years after the date of the enactment of this Act, the office of the United States attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act; and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

The determination under paragraph (1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(b) Responsibilities of Federal Courts.—

(1) Modifications of records and case managements systems.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in paragraph (2) of subsection (a).

(2) Data entries.—Beginning 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(c) Annual Report to Congress.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with the Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(d) Authorization of Appropriations.—There are authorized to be appropriated for each of fiscal years 2007 through 2012, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

In section 274A(h)(4) of the Immigration and Nationality Act, as added by section 705—

(1) amend the heading to read: "**RECRUITMENT AND REFERRAL**";

(2) amend the third sentence to read as follows: "However, labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of workers for any period of time by a third party are included in the definition whether or not they receive remuneration." ; and

(3) amend the sixth sentence to read as follows: "However, labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of workers for any period of time by a third party are included in the definition whether or not they receive remuneration.".

Redesignate section 708 as 709, and insert after section 707 the following new section:

SEC. 708. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking "imposing", and inserting a dash and "(A) imposing";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

"(ii) take other steps that facilitate the employment of day laborers by others.".

At the end of title VIII add the following:

SEC. 807. CLARIFICATION OF JURISDICTION ON REVIEW.

(a) Review of Discretionary Determinations.—Section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended—

(1) by inserting before "no court" the following: "and regardless of whether the individual determination, decision, or action is made in removal proceedings,";

(2) in clause (i), by striking "any judgment" and inserting "any individual determination"; and

(3) in clause (ii)—

(A) by inserting "discretionary" after "any other";

(B) by striking "the authority for which is specified under this title to be in the discretion of the Attorney General or the Secretary of Homeland Security," and inserting "under this title or the regulations promulgated hereunder,"; and

(C) by striking the period at the end and inserting the following: ", irrespective of whether such decision or action is guided or informed by standards, regulatory or otherwise.".

(b) REVIEW OF ORDERS AGAINST CRIMINAL ALIENS.—Section 242(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(C)) is amended by inserting after "of removal" the following: "(irrespective of whether relief or protection was denied on the basis of the alien's having committed a criminal offense)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions for review that are pending on or after the date of the enactment of this Act.

SEC. 808. FEES AND EXPENSES IN JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(i) Notwithstanding any other provision of law, a court shall not award fees or other expenses to an alien based upon the alien's status as a prevailing party in any proceedings relating to an order of removal issued under this Act, unless the court of appeals concludes that the Attorney General's determination that the alien was removable under section 212 or 237 was not substantially justified.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fees or other expenses awarded on or after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. SENSENBRENNER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, for purposes of clarification, before I summarize the provisions within the manager's amendment, I will highlight what the amendment does not contain.

The amendment does not contain a sense of Congress on foreign workers; nor does it decrease the criminal penalties for illegal entry and illegal presence. The latter issue will be addressed in a separate amendment I will soon offer.

I will now summarize the provisions of the manager's amendment within the jurisdiction of the Judiciary Committee.

First, the amendment contains a provision drafted by the gentleman from Utah (Mr. CANNON) that will prohibit localities from requiring businesses to set up day labor sites as a condition for conducting or expanding a business. No business should be compelled to facilitate the hiring of illegal aliens by establishing labor sites on or near their premises, and this amendment will prohibit this practice.

The amendment also contains a provision drafted by the gentleman from California (Mr. ISSA) that requires the Attorney General to report on the status of criminal alien prosecutions, including prosecutions of smugglers. Mr. ISSA is rightly concerned about the lack of sufficient prosecutions of alien smugglers who prey upon the most vulnerable.

The amendment also includes a number of important provisions that will facilitate the ability of the Departments of Justice and Homeland Security to combat illegal immigration. Specifically, the amendment sets mandatory minimum sentences for repeated marriage fraud; improved sentencing enhancements for aliens who enter illegally after criminal convictions; clarifies that the Board of Immigration Appeals' decisions on motions to reopen removal proceedings are not subject to judicial review; increases penalties for passport and immigration fraud and penalizes fraud against aliens applying for immigration benefits; makes criminal defendants' immigration status an express consideration in determining whether they should be released on bond; extends the statute of limitations for all immigration-related fraud; makes passport fraud a ground of inadmissibility and deportability; and abolishes attorneys' fee awards to removable aliens under the Equal Access to Justice Act.

□ 1545

Madam Chairman, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, we come to the floor with a 39-page manager's amendment that has never been considered in the committee during the rather lengthy number of times that we have held hearings at the subcommittee and full committee level. And while there are fortunately some parts of it that I can agree to, I have counted approximately nine parts of it that present very serious problems.

One is that the punishment does not fit the crime. The manager's amendment would expand the definition of aggravated felony to include a wide range of passport and related document offenses, even if the person never spent a day in jail. As I have previously stated, the consequences of an aggravated felony conviction are severe. They include, among other things, mandatory detention, permanent deportation and ineligibility for any type of relief. And so I think that is a very serious criticism. It criminalizes the most vulnerable of our populations.

This manager's amendment, with regard to passport fraud, would criminalize trafficking victims, victims of domestic violence or abuse, victims of animals, coyotes, and others who often do not have control over what documents are presented to immigration officials on their behalf.

Madam Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN), a member of the committee.

Mr. BERMAN. Madam Chairman, I thank the gentleman for yielding me this time, and I would ask the chairman to consider one specific thing about one very discrete narrow part of the manager's amendment.

In the fantasy world we are in, should this bill ever actually become a law, the issue on the passport violations that the gentleman from Michigan just spoke to, there are limited situations where someone that you and I and everyone around would agree truly was a refugee, with a well-founded fear of persecution, escaping from a politically repressive regime took advantage of some kind of falsified and altered passport in order to escape.

The only question I have, as we look at the manager's amendment now, there should be some discretion here in the context of either criminalizing or deportation to allow a situation where that was the purpose; the person met the full test of a refugee and that that not become a basis for deporting him or her back to the regime or incarcerating that person or charging them with a criminal offense.

Mr. CONYERS. Madam Chairman, I would be pleased to yield 30 seconds to the chairman of the committee.

Mr. SENSENBRENNER. Madam Chairman, I thank the gentleman for yielding me this time.

First, on the hypothetical the gentleman from California raised, there is this thing called prosecutorial discretion. It seems to me we should have more faith in our prosecutors not to prosecute genuine refugees, but continue the law on the books as proposed in the manager's amendment that will get at the people who use passport fraud to cover the transportation of a lot of people who are not refugees and who should not enter the United States.

Mr. CONYERS. Madam Chairman, I yield 15 seconds to the gentleman from California.

Mr. BERMAN. Madam Chairman, I felt that answer was not totally satisfactory from my point of view.

Would somewhere in the context of the language of that provision or the report language indicate that it is not our intent in that situation, with your classic refugee purpose?

Mr. SENSENBRENNER. Madam Chairman, I yield myself 30 seconds to say that, should this matter survive conference, there will be a statement that it is not intended to include the situation in the statement on the part of the managers. And I can say, as the floor manager of this bill and the author of the manager's amendment, it does not either.

Madam Chairman, I yield back the balance of my time.

Mr. CONYERS. Madam Chairman, I yield myself the balance of my time.

The other point that we would like to make, and there are so many, but the manager's amendment punishes amazingly battered immigrant women who would suffer some very harsh consequences when they are frequently forced by their batterers to use fraudulent travel documents.

Under the Violence Against Women Act, battered immigrants are entitled to self-petition for immigration status, independent of their abusive U.S. citizen and lawful permanent residence spouse. So this would be a huge step backwards for those of us who have been working in this area.

So I urge and I hope that because there has been insufficient attention given in the committee and since we did not know these were going to come up, that the manager's amendment will be turned back and that we be given an opportunity to examine this more than a dozen objections that we raise.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mrs. EMERSON). The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–350 offered by Mr. PRICE of Georgia:

In section 101(a), in the matter preceding paragraph (1), strike "The Secretary" insert "Not later than 18 months after the date of the enactment of this Act, the Secretary".

In section 101(b), strike "the entry into the United States of" and insert "all unlawful entries into the United States, including entries by".

In section 101, add at the end the following new subsection:

(c) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the progress made toward achieving and maintaining operational control over the entire international land and maritime borders of the United States in accordance with this section.

In section 102(b), insert after paragraph (3) the following new paragraph (and redesignate subsequent paragraphs accordingly):

(4) An assessment of all legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the Speaker, Chairman KING, Chairman SENSENBRENNER, the Homeland Security Committee, the Judiciary and Rules Committee, and their staffs, for their wonderful help in the preparation of this amendment and, frankly, for this debate and bringing this issue forward.

Based on my experience in representing Georgians in both the State Senate and in Congress, this chamber is now dealing with the issue of immigration reform and border security because the American people are demanding it. Recent public opinion polling confirms what we all know, and that is that illegal immigration is as important as other major issues, including the war on terror and the economy.

Such overwhelming support for border security and immigration reform is due to a general sense and knowledge that our current policy is one of benign neglect. An estimated 12 to 20 million illegal aliens live here, and the presence of so many illegal aliens undermines our rule of law.

Today, the people's body is heeding the will of the American people. Many of the ideas introduced by Members of the House, in fact, reflect very specific concerns of their constituents, and I believe that my amendment is one of those that properly reflects the voice of the populace.

This amendment sets a hard deadline, a specific date of 18 months following adoption of the legislation to achieve complete operational control over our borders. In addition, it would clarify the working definition of operational control of our border to include the prevention of all unlawful entries into the United States.

My amendment is a critical component to the border security debate because it provides the accountability portion, and it signifies to the American people that there will be no more excuses. Illegal entries into the United States will not be tolerated because our Nation is not secure unless our borders are secure.

Instead of kicking the problem down the road just a little bit, the Federal Government is given the specific goal to get the current crisis under control. This is called accountability, something that we say we all want from government. A hard deadline holds the executive branch, Congress and the bureaucracy accountable.

The House leadership, the Judiciary Committee and the Homeland Security Committee should be praised for their efforts. Stopping the influx of illegal aliens begins with solid border security and interior enforcement, and we are finally addressing the crisis that so many of our constituents rightfully believe to be of paramount importance.

I respectfully ask my colleagues to support this amendment of accountability.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise to claim the time on this side, although I am not opposed to the amendment of the gentleman from Georgia.

The Acting CHAIRMAN (Mr. HAYES). Without objection, the gentleman is recognized.

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think our colleague from Georgia has an excellent amendment, but I think his deadline may be too generous. The Department of Homeland Security should report to Congress on the progress it is making to secure our borders, but, unfortunately, they have an unenviable record of submitting their reports to the Congress. Our ranking member of the Homeland Security Committee has written Secretary Chertoff twice on the repeated failures of the Department of Homeland Security to meet congressionally mandated deadlines.

As you have stated, we have a duty to ensure that it is protecting the American people, and to do that we must receive information to ensure that the Department is up to the task. Every day that passes in which Congress does not receive this information is another day that the terrorists gain on us if they are planning the next attack.

So I support the amendment of the gentleman from Georgia (Mr. PRICE), which gives the Homeland Security Department a lot of time, but I think we want to ride a very careful herd over these fellows in terms of where they go from this amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment, and I think we ought to talk about what operational control means.

Under the amendment, it means the prevention of all unlawful entries into the United States, including by terrorists and illegal aliens, and including all narcotics shipments.

The amendment also provides that, within 90 days of enactment, the Department of Homeland Security provides the Congress a comprehensive plan for border surveillance and, within 180 days, DHS provides to Congress a national strategy for border security and a report on progress made.

□ 1600

Now these goals are obviously ambitious and the Department of Homeland Security has not been ambitious on anything, in my opinion; but it seems to me by setting deadlines, and then the two committees in their oversight functions can be on the back of the Department of Homeland Security, and we might shame them into doing the right thing.

Mr. CONYERS. Mr. Chairman, reclaiming my time, we have had a lot of time here with the current administration to have ridden herd and call for an accounting. I think the gentleman from Georgia is forced, and we are all collectively forced, into this position. They have had plenty of time to have been far more compliant.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Michigan (Mr. CONYERS) for making his points, because I agree: our responsibility as a Congress is truly oversight. It concerns me greatly that we do not get many of the reports that we are due. I look forward to working with him and holding the Department of Homeland Security's feet to the fire.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I rise in strong support of this amendment as well as the underlying legislation because its focus is law enforcement, and this is a law enforcement and a national security issue. In controlling our borders, we will win the war on terror only when we control our borders, and it is important that the country recognize that northern Mexico has become like Colombia, owned lock, stock and barrel by the drug lords whose law is "plata o plomo," silver or lead. You work in my plaza, you pay me silver or I will kill you now with lead, plomo; and we must have the rule of law and order on the border and not the rule of plata o plomo.

The chairman has rightly focused this legislation on reestablishing law and order on the border, and I applaud the gentleman from Georgia for his amendment so we can keep the Department of Homeland Security focused on giving us in Congress the information we need so we can determine whether or not the United States is properly protecting its border at a time when we are at war with terrorists who have told us repeatedly that they are going to sneak into the country using whatever means are necessary to hurt us. I urge all Members to support this amendment and the underlying bill.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I do not oppose the amendment. In fact, I think it should be labeled from "our lips to God's ears."

If we say that by a certain date we will stop and Homeland Security will stop, using the chairman's definition, will have operational control so that no terrorists, no illegal aliens, no drug smugglers ever come into our country; if we say that and we say it strong enough, then maybe it will happen.

And after we do that, I suggest a bill that says that by a certain date we eliminate poverty, and pass that, and a few other very important goals that I think we all share here.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment regarding accountability, and I am privileged to have the opportunity to offer it. We say that we want accountability in this and other areas. Those charged with securing our borders should be held accountable as well. I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, we support the Price amendment, and I yield back the balance of my time.

The Acting Chairman (Mr. HAYES). The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109-350 offered by Mr. STEARNS:

At the end of title I, add the following:

SEC. 118. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

"(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence,

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court,

until an IBIS check on the alien has been initiated at a Treasury Enforcement Communications System (TECS) access level of no less than Level 3, results from the check have been returned, and any derogatory information has been obtained and assessed, and until any other such background and security checks have been completed as the Secretary may require.

"(j) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence,

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court,

until any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this subsection has been fully investigated and found to be unsubstantiated.".

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, obviously, I would like to thank the Rules Committee publicly for allowing my amendment because I know there were probably 130 amendments, and I know they had a tough job deciding which ones to allow to go forward.

In short, my amendment requires our government to ensure that the applicant is not a known criminal or terrorist before granting them immigration benefits. Pretty simple. But as the current law now stands, background checks of alien applicants are required, but the law does not specifically require these security checks to be completed before these immigration benefits are actually handed out.

This means that many unworthy people have been able to receive these crucial benefits which then enables them to move freely throughout our country before their background checks are completely finished. By the time we finally discover something questionable in their background, of course it is too late to track them down. We cannot find them.

My amendment helps to close this loophole. My amendment will prohibit the Department of Homeland Security, the Attorney General, and all courts from granting any kind of legal immigration status or benefits to an alien until, at a minimum, the alien's name is first completely checked against a database of criminal records and terrorist watch lists using the Treasury Enforcement Communication System database.

As it now stands, all three have been giving status to aliens before they get their final results back from security checks. The result is we are giving green cards, citizenship, work permits, and temporary status to terrorists, criminals, and other unsavory types under this arrangement, not always but sometimes.

For example, a new study by Janice Kephart, who was on the staff of the 9/11 Commission, looked at the immigration histories of 94 terrorists, including six of the 9/11 hijackers who had operated on U.S. soil between the 1990s and 2004. The results of this study are quite frightening. Two-thirds, that is 59, of the foreign-born terrorists studied committed immigration benefits fraud prior to or in conjunction with taking part in terrorist activity.

My amendment should go a long way towards preventing this irresponsible and dangerous loophole. I urge my colleagues to support my amendment and the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I am not in opposition, but I would like to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman is recognized.

There was no objection.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I congratulate and agree with the notion that no immigration benefit should be given to any alien until all relevant background and security checks have been completed and any suspected fraud related to the granting of such status or benefit has been fully investigated and found to be unsubstantiated.

The gentleman from Florida is right. He has said in the context of his comments for this amendment that he believes that is happening now, and he may be right. I do not know that it is not. But all I know is that for my congressional office and for my colleagues' congressional offices, every time our staffs call regarding the processing of an immigration application, we hear there is nothing we can do. We are waiting for the FBI to get an answer. Why the FBI is just choosing the cases our congressional offices do, to hold back on providing information and denying immigration benefits, I do not know. In other words, what you say and what you ask for is correct, but the problem is not so much with the immigrant. The problem is with the bureaucracy.

The resources, the leadership to get these terrorist lists, these watch lists, the criminal database up to date so we can get this information in a quick time is very important.

I would just like to tell a quick story about the NSEERS program in Los Angeles. They had a registration date for different countries. If you are here from Iran on a nonimmigrant visa, come in on such and such date and register. People did that. Huge numbers of people flocked into the Los Angeles office of INS to do that.

The FBI was totally unable to give any clearance to the people who were coming in. Huge numbers of people were held, detained and kept overnight over a weekend thinking they were just going to file a registration form because the FBI could not get the clearance. That is a scandalous way to treated a number of people who came here as refugees fleeing the tyranny of the ayatollah because our bureaucracy failed to provide the answers.

So to me the answer here in Homeland Security and the FBI and in the other critical agencies is to get these lists and this other critical information online and accurate and quick so that we can move ahead with legitimate requests for these benefits that should be conditioned on getting that information out.

Mr. Chairman, I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the full Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment. This amendment has been triggered by a recent IG report of the Department of Homeland Security that not all applicants for immigration benefits undertake an IBIS check. The excuse that was given is that not all U.S. Citizenship and Immigration Service employees have a high enough security clearance to conduct the proper checks, and some of the problems stem from simple lax management. Neither of these excuses is valid.

I am amazed that this has not always been a requirement of the law. We should conduct a thorough background check of anybody who seeks immigration benefits. The necessity of these checks was demonstrated by the fact that at least six of the 9/11 hijackers, murderers, ended up slipping through the cracks. I think this amendment plugs an important loophole in the current law, and I urge my colleagues to support it.

Mr. BERMAN. Mr. Chairman, I yield back the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the distinguished chairman of the Judiciary Committee used the word "amazed," and I am just amazed, too, that this amendment would even be needed at this point.

The gentleman on the other side of the aisle has talked about the resources, but we cannot even talk about the resources until we implement the procedures. And so to get this procedure in place will then determine if we have the resources and we can take the next step. But I appreciate his example and his support.

I think it can be done and should be done; and before we give these benefits, we should be sure these people are who they say they are. It is the right thing to do.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report 109-350 offered by Mr. SENSENBRENNER:

In section 203(2), add "and" at the end of subparagraph (B), strike "and" at the end of subparagraph (C), and strike subparagraph (D).

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, under current law, illegal entry into the United States makes an alien subject to a Federal criminal misdemeanor with a maximum penalty of 6 months in prison. However, unlawful presence itself, such as by overstaying a visa, is not a criminal offense, but only a civil ground of inadmissibility.

Forty percent of the current illegal alien population entered legally, but overstayed their visas. The other 60 percent of the illegal alien population came here by illegal means and are therefore already subject to criminal penalties for committing a Federal criminal offense.

At the administration's request, the base bill makes unlawful presence a crime, such as unlawful entry already is. This change makes sense. Aliens who have disregarded our laws by overstaying their visas to remain in the United States illegally should be just as culpable as aliens who have broken our laws to enter and remain here illegally.

In the base bill, the maximum penalty for illegal entry was increased to a year and a day, and the same penalty was set for unlawful presence, to make the enhancements for these offenses consistent with the other penalty enhancements of the bill.

☐ 1615

The administration subsequently requested the penalty for these crimes be lowered to 6 months. Making the first offense a felony, as the base bill would do, would require a grand jury indictment, a trial before a district court judge and a jury trial.

Also because it is a felony, the defendant would be able to get a lawyer at public expense if the defendant could not afford the lawyer. These requirements would mean that the government would seldom if ever actually use the new penalties. By leaving these offenses as misdemeanors, more prosecutions are likely to be brought against those aliens whose cases merit criminal prosecution.

For this reason, the amendment returns the sentence for illegal entry to its current 6 months and sets the penalty for unlawful presence at the same level. Some have argued that this provision would require 11 million prosecutions. That is not true. Prosecutorial resources are limited, and authorities would rather quickly deport an alien whose only offense is to be here unlawfully rather than to prosecute and have to detain that alien pending trial.

Even if an alien were prosecuted under this provision, a conviction of unlawful presence would not prevent an alien from some day attaining legal status or even citizenship if the alien would otherwise qualify.

Making unlawful presence a crime, however, would serve as a greater deterrence to aliens overstaying their visas. For these reasons, I ask that the Members support this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume. Currently, illegal presence in the United States is not a crime; it is a civil violation.

People who cross the border without inspection commit a crime for improper entry but not an ongoing violation. The government can prosecute you for crossing but not for existing after having done so.

This section, section 203, makes virtually any violation of the immigration laws an ongoing criminal act. In one stroke, it would subject the entire undocumented population, estimate by some to be 11 million people, to criminal liability.

Now the amendment before us changes the degree of punishment, but it does not alter the underlying issue of criminalizing being alive in the country without documents. I would like to note that, in addition to adults, this would criminalize children who had no decision about coming to the United States.

I understand, although. I was not present in the course of the discussion in the Rules Committee, but that one of the Members of the committee raised the issue of an individual, a young student who was 17, who actually thought that he was an American citizen and found out, much to his surprise, that he was not.

That young man, under the underlying bill, would be a felon. Under the amendment, he would be a misdemeanant, but in fact, he is not a criminal at all. He is a kid who was brought here by his parents and who is in a bind right now. Making him a criminal is not going to make us any safer. It is not a reasonable thing to do. I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret to say, the gentlewoman from California, whom I greatly respect, is wrong. Under the Federal juvenile statute, children cannot be prosecuted for any Federal crime, felony or misdemeanor, if it is not a crime of violence or a drug trafficking crime.

So her entire argument about making children subjected to Federal criminal prosecution simply by being here is not valid. They can be subjected if it is a crime of violence or a drug trafficking crime. What this amendment does is reduce the penalties for this type of immigration violation from a felony in the base bill to a misdemeanor. That is all the amendment does.

And what it does do is criminalize the presence of the people here who have overstayed their visas. Now those who have entered the United States illegally, not through a port of entry and not submitting themselves to inspection by U.S. Immigration and Customs authorities commit a crime. That is a crime now. It is a Federal misdemeanor.

But if you do go through inspection and do not go home when you are supposed to, then it becomes a civil ground of inadmissibility. So we are treating illegal aliens differently. You are a potential misdemeanant if convicted if you entered the United States illegally. But if you overstayed your visa and did not go home, then you do not subject yourself to criminal prosecution.

The bill takes care of this anomaly. But it makes both offenses felonies. What this amendment does, it makes it misdemeanors. So if you are against the amendment, you want to keep it as felonies because that is in the base bill. You should be for the amendment to make it a misdemeanor for the reasons that I have stated.

Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I might consume.

In taking a look at section 203, the application of criminality is actually quite broad. If you are here in the United States holding a student visa, there are requirements, for example, that you take a certain number of units in order to maintain that status. If, for example, you fall below that, and I will say that there are many students who, for one reason or another, one quarter might fall below where they may need to be, you would be in violation of your student visa status. Under the amendment before us, you would not just be disappointing your parents who paid full tuition, you would be committing a misdemeanor.

If you are a businessman here and your return flight home is cancelled, causing your visitors visa, your B2 visa, to be expired, not only would you be in technical violation if you were 2 days late to the flight home, but you would also be committing a misdemeanor.

I do not think that is a reasonable approach. I also do not think that it has anything to do with keeping our country safer. You know, this debate started yesterday on the floor of the House. But it has been ongoing in the media for quite some time. The John and Ken show in California every day is taking about illegal immigration.

And we saw many Members, our friends on the other side of the aisle, touting that they were going to have this tough bill. And then, of course, today, we see that the Republicans are trying to back off on that a little bit. So it is easy to say one thing to the red meat talk shows, but here, of course, we need to make some adjustments.

We think the adjustment is misguided, and it is not one that I can support.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, two of the 9/11 hijackers overstayed their visas. Under the current law, that is just a civil ground of inadmissibility. I think that that should be some type of a crime so that at least they can be detained.

The businessperson who inadvertently overstays their visa because the flight is canceled, no problem; no prosecutor is going to prosecute that person because of it. I see some games being played here. The people who are saying that this bill is too harsh want to keep these penalties as felonies. I do not know why that is. I think it will be much better to make them misdemeanors, because at least, that way, we do not have to have the taxpayers pay for a lawyer to defend them if they do not have any money. And we do not have to have the space to incarcerate them in Federal penitentiaries.

This amendment makes the bill workable. I believe it is a good amendment. I urge its adoption.

Mr. Chairman, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ.)

Mr. GUTIERREZ. Mr. Chairman, I stand in opposition to this amendment. I think that we should move forward and make sure that we have the groundwork for a program that allows, as President Bush has stated, those who work hard, play by the rules, to come out of the darkness and come out of the shadows and come forward.

I do not think we should criminalize it at any level. We have administrative review now. We have civil penalties. We have a process. And I do not see why we should change that process, if indeed, as the chairman has said and so many people have said, that, next year, we are coming back to fix this thing.

Well, let us not cause any interruptions in fixing this thing. I said we should not criminalize this in the first place just on principle. We have civil statutes that deal with this.

So I stand, and the Hispanic Congressional Caucus has unanimously adopted a position to stand against this motion and this amendment in particular.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. BERMAN) for the purpose of entering into a brief colloquy.

Mr. BERMAN. Mr. Chairman, I thank the gentlewoman for yielding.

I want to understand the state of play. If this amendment goes to a vote, a recorded vote, then am I to understand that the chairman and the Republican leadership has offered a tough bill and now they are asking their colleagues on the majority side to soften the criminal penalties for illegal immigration?

Ms. ZOE LOFGREN of California. We will soon discover.

The Acting CHAIRMAN (Mr. HAYES). The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. ZOE LOFGREN of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109–350 offered by Ms. VELÁZQUEZ:

At the end of title II, insert the following:

SEC. 211. REDUCTION IN IMMIGRATION BACKLOG.

(a) IN GENERAL.—The Secretary of Homeland Security shall require that, not later than six months after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services (in this section referred to as "USCIS") undertake maximum efforts to reduce to the greatest extent practicable the backlog in the processing and adjudicative functions of USCIS.

(b) PILOT PROGRAM INITIATIVES.—

(1) IN GENERAL.—The Director is authorized to implement a pilot program for the purposes of, to the greatest extent practicable—

(A) reducing the backlog in the processing of immigration benefit applications; and

(B) preventing such backlog from recurring.

(2) INITIATIVES.—To carry out paragraph (1), initiatives may include measures such as increasing personnel, transferring personnel to focus on areas with the largest potential for backlog, streamlining paperwork processes, and increasing information technology and service centers.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment at a time when our immigration system continues to fail America's hardworking families, at a time when immigration laws continue to separate our Nation's families and at a time when our country is so desperately seeking fair and comprehensive immigration reform.

Millions of close family members continue to languish in a wearisome visa backlog process for years waiting to be reunited with their loved ones. The seemingly endless application process creates desperation and homelessness for hardworking immigrants in a Nation where we hear so much about family values being a priority. We must provide relief for these families struggling to be together.

Beginning in fiscal year 2002, President Bush proposed a $500 million initiative to eliminate the immigration processing backlog and attain a universal 6-month processing time standard for all immigration applicants within 5 years.

While this initiative has helped to reduce the backlog, the Goverment Accountability Office estimates that, as of June 30, 2005, USCIS still had 1.2 million cases in its backlog, and the agency was unlikely to meet the September 2006 deadline of a 6-month turnaround time for applications.

In my congressional district, we continue to have backlogged cases of over a year despite the President's proposed 6-month time standard.

Elsewhere in the country, there are people waiting up to 22 years for their applications to be processed. What is most alarming about the cases in my district is that the individuals have been mistakenly identified by the USCIS as naturalized when in fact they are not.

Not only does this create an unnecessary backlog, it poses a national security concern. My amendment, which has previously passed the House, will help address this issue. The amendment will enable the Department of Homeland Security to explore new ways of tackling this problem by authorizing the director of the USCIS to implement innovative pilot initiatives to eliminate the immigration application processing backlog and prevent further backlog from occurring.

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It would encourage initiatives such as increasing or transferring personnel to areas with the greatest backlog, streamlining regulations and paperwork filing processes, upgrading information technology, and increasing immigration service centers throughout the country.

This amendment recognizes that there is not one specific approach toward eliminating the backlog, and therefore it encourages flexibility at the local level so pilot project sites can examine the problem in new ways. Children should not be left without the guidance of both of their parents as they face the joys and trials of school life, building friendships, and discovering their individual talents.

Mothers and fathers should not be denied the chance to watch their children grow up into young men and women, moving on to having children of their own. And couples should not be separated, leaving one parent struggling to make ends meet and serve the needs of their children alone. We must help reunite families and ensure that immigrant families have the same opportunities as native-born families to live and work together as a complete family unit.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I rise to claim the time in opposition, even though I support the amendment.

The Acting CHAIRMAN (Mr. HAYES). Without objection, the gentleman is recognized.

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I support this amendment, and I want to commend the gentlewoman from New York for offering it.

One can ask all 435 Members of the House of Representatives what is the principal area of constituent complaints that caseworkers in our local offices deal with, and they will all say immigration complaints, because the immigration service legacy, as well as the component parts that it has been split into, has not been dealing with these issues properly.

This is an issue that deals with immigration benefits that legal aliens are entitled to receive. And it seems to me that if we are the welcoming country to legal aliens that we claim to be, we ought to deal with their petitions promptly and professionally. That is not being done, and we owe it to our present constituents and future constituents, as many of these people are eligible for permanent resident status and will eventually become citizens of the United States, to solve the problems of the backlog in dealing with immigration benefits.

The Government Accountability Office is about to issue a report that will deal with the effects of the U.S. Citizenship and Immigration Services to reduce the immigration application backlog that has plagued the system for years. This report will confirm that this new agency, created under the Homeland Security Act and transformed from the old Immigration and Naturalization Service, has made significant strides in reducing application backlogs since its creation in 2003.

Nevertheless, more progress needs to be made. The current backlog stands at about 1 million applications for immigration benefits. Although this figure was reduced from over 3 million applications when the new agency was formed, much of this came from definitional changes which I have publicly questioned. We must do more to challenge the Department of Homeland Security to improve. This will mean a more professional and prompt resolution of dealing with the documents that legal immigrants need to integrate themselves into American society.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Berman).

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Berman).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding to me an additional minute.

To follow up, I support very strongly the Velázquez amendment, and I am glad that the chairman and the majority support it as well. It is very important. But as I look at the bill, I find an issue that will take a higher precedence than the problem of the backlog in terms of our constituents and in terms of our congressional offices and I think will put that far in the background in terms of things that most bother them, because under the Alien Smuggling and Related Offenses provision of the bill that we will be asked to vote on, anyone who assists, encourages, directs, or induces a person to reside in or to attempt to reside in or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside or remain in the United States, is subject to penalties of up to 5 years in jail if it is not for commercial purposes. If it is for commercial purposes, understandably, it would be tougher sentences.

So when a person calls my district office and talks to my congressional staff and says, I was here on a temporary visa, the date passed, I have an immigration petition pending, is there anything I can do? if my office assists that person or suggests that person go see a lawyer and perhaps if my assistant does not call the Department of Homeland Security and tell them to pick that person up, my staffer, potentially, is subject to criminal penalties. Congressional staff do not have congressional immunity. That means I am going to have to do all the casework in my district office. I think we need a little correction of the base bill in this particular area of alien smuggling. We are sweeping very widely here.

With that, I urge adoption of this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. Velázquez).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109–350 offered by Mr. Norwood:

At the end of title II, add the following new sections:

SEC. 211. FEDERAL AFFIRMATION OF ASSISTANCE IN THE IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) In General.—Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties. This State authority has never been displaced or preempted by Congress.

(b) Construction.—Nothing in this section may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or

(2) arrest such victim or witness for a violation of the immigration laws of the United States.

SEC. 212. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) Establishment of Training Manual and Pocket Guide.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—

(1) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(2) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(b) Availability.—The training manual and pocket guide established in accordance with subsection (a) shall be made available to all State and local law enforcement personnel.

(c) Applicability.—Nothing in this section shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established under subsection (a)(2) with them while on duty.

(d) Costs.—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under subsection (a).

(e) Training Flexibility.—

(1) In general.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. E-learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is sealable, survivable, and can have a portal in place within 30 days, shall be made available by the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel.

(2) Federal personnel training.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(3) Clarification.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer to assist in the enforcement of Federal immigration laws in the normal course of carrying out their normal law enforcement duties.

(f) Training Limitation.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(2) in paragraph (2), by adding at the end the following: "Such training shall not exceed 14 days or 80 hours, whichever is longer.".

SEC. 213. FINANCIAL ASSISTANCE TO STATE AND LOCAL POLICE AGENCIES THAT ASSIST IN THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) Grants for Special Equipment for Housing and Processing Illegal Aliens.—From amounts made available to make grants under this section, the Secretary of Homeland Security shall make grants to States and political subdivisions of States for procurement of equipment, technology, facilities, and other products that facilitate and are directly related to investigating, apprehending, arresting, detaining, or transporting immigration law violators, including additional administrative costs incurred under this Act.

(b) Eligibility.—To be eligible to receive a grant under this section, a State or political subdivision of a State must have the authority to, and have in effect the policy and practice to, assist in the enforcement of the immigration laws of the United States in the course of carrying out such agency's routine law enforcement duties.

(c) FUNDING.—There is authorized to be appropriated for grants under this section $250,000,000 for each fiscal year.

(d) GAO AUDIT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of funds distributed to States and political subdivisions of States under subsection (a).

SEC. 214. INSTITUTIONAL REMOVAL PROGRAM (IRP).

(a) CONTINUATION AND EXPANSION.—

(1) IN GENERAL.—The Department of Homeland Security shall continue to operate and implement the program known as the Institutional Removal Program (IRP) which—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The institutional removal program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with officials of the institutional removal program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to officials of such program as a condition for receiving such funds.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State have the authority to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from United States Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology such as video conferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program (IRP) available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the institutional removal program—

(1) $100,000,000 for fiscal year 2007;

(2) $115,000,000 for fiscal year 2008;

(3) $130,000,000 for fiscal year 2009;

(4) $145,000,000 for fiscal year 2010; and

(5) $160,000,000 for fiscal year 2011.

SEC. 215. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP).

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by inserting before the period at the end the following: "and $1,000,000,000 for each subsequent fiscal year".

SEC. 216. STATE AUTHORIZATION FOR ASSISTANCE IN THE ENFORCEMENT OF IMMIGRATION LAWS ENCOURAGED.

(a) IN GENERAL.—Effective 2 years after the date of the enactment of this Act, a State (or political subdivision of a State) that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a political subdivision within the State, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' routine law enforcement duties shall not receive any of the funds that would otherwise be allocated to the State under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(b) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States or political subdivisions of States to report or arrest victims or witnesses of a criminal offense.

(c) REALLOCATION OF FUNDS.—Any funds that are not allocated to a State or political subdivision of a State due to the failure of the State to comply with subsection (a) shall be reallocated to States that comply with such subsection.

At the end of title IV, add the following new section:

SEC. 408. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Under Secretary may have on any and all aliens against whom a final order of removal has been issued, any and all aliens who have signed a voluntary departure agreement, any and all aliens who have overstayed their authorized period of stay, and any and all aliens whose visas have been revoked. Such information shall be provided to the National Crime Information Center, and the National Crime Information Center shall enter such information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available on the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation or whether sufficient identifying information is available on the alien and even if the alien has already been removed; and

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank Chairman SENSENBRENNER, Chairman KING, the Speaker, and the Rules Committee for allowing me to bring this amendment.

It is part of the CLEAR Act that we have been trying to pass for many years. We have passed many parts of it. In fact, the majority of the people in this body have voted for parts of it in the past, but we bring it today for the Members' consideration to do one thing: we are simply trying, as I have discussed this over and over with Chairman KING, we are trying in this amendment to direct local law enforcement to help us apprehend the 500,000 illegal immigrants in this country who are criminals who are under deportation orders from the American courts. And I point out to the Members, Mr. Chairman, that 100,000 of those are very violent criminals. That is the purpose of what we are trying to do. I look forward to a bipartisan support on this.

Many Democrats in here have complained the underlying bill does nothing to deal with criminal illegal aliens. This amendment does. Many Democrats have complained that there is nothing in here that helps local law enforcement. This amendment does. So I feel sure we will have a very good vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. This Norwood No. 65 amendment includes a number of provisions of the CLEAR Act; and in addition to giving State and local police the same authority to enforce immigration laws as a Federal agent, the provisions do not require, as a matter of fact limit, the amount of training that they could receive in order to enforce these rather technical provisions.

Moreover, the provisions require the entry of millions of civil immigration law violators into the National Crime Information Center, an FBI database of those who are wanted; and these entries go on thousands of times each day.

I am just wondering if my colleague, the author of this amendment, is aware of the incredible complexity that he is suggesting now be included in this measure. If these categories were limited to wanted criminals, that would be one consideration. However, the list includes millions of people with technical status violations that are fluid and easily remedied, and we would be creating, I think, in my judgment, an administrative nightmare.

We have a lot of examples. But let me just close by saying that local police have more than enough work to do hunting down the people that are law violators. But entering the names of people with minor status problems into a criminal database would overwhelm it and mix those who may be legal and those who are not criminals with the rest who are. It exposes to liability for unlawful arrests. It discourages immigrants from working with local law enforcement. And those are the reasons I have serious reservations about this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), our chairman.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment clarifies the inherent authority of State and local law enforcement officers to enforce the immigration law and provides reimbursement to those States and localities for their assistance. Most importantly, it provides a means for Federal, State, and local law enforcement officers to work together to apprehend, detain, and remove illegal aliens.

The fact is that at the present time there are only 2,000 special agents to locate and arrest the entire illegal alien population nationwide. The Norwood amendment would allow State and local officers who are willing to do so to be a force multiplier for those 2,000 agents.

It is a good amendment and should be adopted.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

There is an interesting juxtaposition going on between the gentleman's amendment and the base bill. The gentleman says something that I think is very important: we have got to prioritize. The priority in a country where there are 10, 11 million people who are here without status and under this bill and would, therefore, becoming guilty of a criminal offense, he says let us get the 500,000, whatever number it is, who have committed crimes of violence and economic crimes and murder and drug dealing and all these things. And he is right. No one can disagree. That should be the most urgent priority.

But in a universe where you have criminalized all 11 million, you have lost our ability to do that. So what is so funny about the argument for the gentleman's amendment is that in the context of this, all 11 million, it is the flip side of where some people have to wear a band designating it and the way of protesting that is everybody wear the band. You have lost your ability to prioritize.

Mr. NORWOOD. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in support of the amendment.

I stand today in strong support of the Norwood Amendment, which will provide State and local law enforcement the necessary authority, resources, and intelligence needed to apprehend and detain illegal aliens that they encounter during their routine duties. The President in his recent comprehensive immigration strategy has called for an elimination of "catch-and-release" at our national border and it essential that this is expanded to include incidents within the interior of the country.

Over 400,000 alien absconders and more than 85,000 criminal illegal aliens are in our country. Tragically, many of these criminal aliens remain loose within our borders and continue to commit violent crimes in our neighborhoods, such as Eduardo Campos Rodriquez, an illegal immigrant wanted for four counts of murder and two counts of attempted murder. We can not allow cases like this to continue to threaten the safety of our citizens in their communities.

Illegal immigration is a national problem—not one only occurring in the communities along the southern border. Throughout the country, State and local law enforcement are confronted with this problem everyday from large urban cities to the smallest and most rural communities. Unfortunately, our State and local law enforcement officers lack the critical information, necessary resources, and clear authority to detain and process these individuals. Recently, my district has been in the national spotlight concerning the various strategies that local and State law enforcement are attempting to use to address their illegal immigration problem in the absence of federal guidance. Recent incidents in New Ipswich, New Hampshire and Hudson, New Hampshire forced police officers to release illegal aliens whom they had detained during the course of their normal duties due to a lack of assistance from Immigration and Customs Enforcement officials. In response to having to repeatedly release illegal aliens, the towns' law enforcement officers attempted to apply New Hampshire trespassing laws to these illegal aliens, so they would have the authority to detain the individuals for a longer period of time in hopes that ICE would then be able to take custody. Even though this strategy has not held up in the courts, it illustrates the need for this essential amendment to give law enforcement the authority, resources, and intelligence to respond to the unique challenges presented by illegal aliens. It is important to point out these incidents happen in relatively small communities—the town of Hudson with a population of 24,000 and the town of New Ipswich with a population of 5,000.

Overall, State and local law enforcement are looking to Congress to provide them with the vital resources, information and authority to address this serious security concern. I strongly believe that the nation's security must remain our highest priority, and local involvement in security solutions is critical to achieving this goal. Therefore, I urge my colleagues to vote "yes" on the Norwood amendment.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. DEAL), who has worked on immigration issues for a long time.

□ 1645

Mr. DEAL of Georgia. Mr. Chairman, I want to thank my colleague for bringing this amendment and for yielding me time. He brings an important aspect of enforcement to the table, and that is interior enforcement.

Many people believe that only the problem exists along the border, and that is not true. My State of Georgia, Congressman NORWOOD's State of Georgia, is one of the fastest growing in terms of population of illegal aliens in the country. In fact, in my congressional district in north Georgia, two of the five fastest growing populations of illegal immigrants are in my congressional district.

Now, if we want to get serious about enforcement, let us look at what the facts are. You heard Congressman NORWOOD say there are 500,000 criminal aliens in our country that are waiting to be apprehended. In our State of Georgia, one of the fastest growing in illegal populations in the country, I am told we only have three enforcement agents. In our adjoining State of Alabama, they only have one.

Are we really serious? Why not tap into the 700,000 State and local law enforcement officers who are available and trained to enforce the law.

Mr. NORWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just point out that if you wish to vote against this bill, you are basically saying that you want to allow 500,000 criminal illegal aliens to stay on the street because 2,000 Federal officers simply are not going to remove them. It is impossible. It takes the 700,000 local law enforcement people out on the streets to help get this done, and we need to fund this. This amendment does that.

This amendment adds funding for SCAT, which is money needed desperately by the cities who deal with so many illegal immigrants.

Lastly and very importantly, it directs Homeland Security to put in place in all 50 States the Institutional Removable Program. Now, you want to vote against this? How about us sending a rapist to prison in this country and INS is not there to deport them the minute they get out? No, they turn them loose on our State. This very thing has happened in Georgia with a pedophile.

This amendment is a reasonable aspect of this bill that brings resources to the table, and it brings law enforcement, the people who can solve this problem, to help us out.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the author of the amendment will rest more comfortably tonight when he finds that not only do the people that he described that do not want this amendment are joined by numerous State and local police departments across the Nation, but also scores of groups that work with victims of domestic violence.

The proponents of this amendment must understand that there is nothing in this bill to ensure that ICE or SCAT in Homeland Security will be able to respond to the millions of requests from local police to pick up low-priority civil law violators.

Remember what the gentleman from California (Mr. BERMAN) said: you cannot dump millions of people into this database and think it is going to work. It will not. Turn down the amendment.

Mr. McCAUL of Texas. Mr. Chairman, I rise in strong support of this amendment. My hometown of Austin has seen the horrifying effects that a sanctuary policy can have on a community.

Nearly two years ago an 18-year-old woman named Jenny Garcia was found brutally stabbed to death in her Northwest Austin home.

An illegal alien by the name of David Diaz Morales was one of Jenny's coworkers. He made it clear to her that he wanted to be more than just her coworker or friend. When Jenny rejected his advances, this put David Diaz Morales into a murderous rage.

On January 26th of last year, Morales broke into Jenny's home, forcefully grabbed her, held her down, savagely raped her and then brutally stabbed her to death.

In less than 24 hours, the Austin Police Department arrested this 20 year old thug who had absolutely no business being in the United States, let alone Jenny's home.

However, David Diaz Morales had no business being free to walk the streets either. You see, before becoming Jenny's murderer, he had been previously arrested for molesting a child in Austin.

Travis County District Attorney Ronnie Earle decided not to prosecute Morales's molestation case. Instead, he let him out of jail to commit more violent crimes, and when it came to Morales's immigration status District Attorney Ronnie Earle looked the other way.

If only District Attorney Earle had picked up the phone, he would have discovered that Morales was in our country illegally. He could have contacted immigration officials who would have deported him out of our country. He could have saved Jenny's life.

This is one horrific example of many injustices which could have been prevented. That is why we must include this vital amendment to the underlying bill. This amendment will put $1 billion in the State Criminal Alien Assistance Program, and make the Institutional Removal Program, which identifies criminal illegal aliens, mandatory. It also gives states, counties and cities 2 full years to come into compliance or risk losing State Criminal Alien Assistance Program funds.

Mr. Chairman, we owe it to victims like Jenny Garcia and so many others to include this language in the underlying bill, and I strongly urge my colleagues to support this amendment.

The Acting CHAIRMAN (Mr. HAYES). The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109–350 offered by Mr. TANCREDO of Colorado:

At the end of title III, add the following:

SEC. 308. PENALTIES FOR VIOLATIONS OF FEDERAL IMMIGRATION LAWS BY STATES AND LOCALITIES.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by adding at the end the following:

"(7) Prior to entering into a contractual arrangement with a State or political subdivision under paragraph (1), the Attorney General shall determine whether such State or political subdivision has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Attorney General shall not enter into a contractual arrangement with, or allocate any of the funds made available under this section to, any State or political subdivision with a policy that violates such section. The Attorney General shall submit to Congress an annual report on any State or political subdivision with a policy that violates such section.".

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have had a lot of debate on this bill, of course, over, I don't know, the last 24 hours it seems like or more; and it has oftentimes been punctuated with the use of the word "comprehensive" and people complaining about the fact that they do not think it is comprehensive, or at least comprehensive enough. But that has been a euphemism most of the time for the phrase "guest worker." That is what people want in this bill in order to make it "comprehensive."

Let me suggest to you it would do nothing, absolutely nothing, to make this bill comprehensive. A bill designed to deal with border security and internal enforcement of our laws in no way helps us accomplish those goals by including anything like a guest worker program.

Hence, I believe that this bill, as it was written and as it has been amended, and hopefully with the amendments that are going to be accepted at the end of the discussion of the bill, I believe it has become a comprehensive bill. Not totally comprehensive. There are certainly things I would like to see in it. Congressman DEAL's issue of birthright citizenship, I wish that were in there, and a couple of other things that we will continue to work on. But to a great extent, it begins, for the first time, to actually deal with a problem in what I think is a comprehensive way, and I mean it in this form.

We have a supply and a demand problem. The supply problem is coming across the border. We are in this bill doing something very specific about that with the inclusion of the amendment, with the passage of the amendment, to build some barrier along at lease 700 miles of our southern border. I hope we continue with that, by the way, along the entire border, to the extent it is feasible, and the northern border we could start next. That is dealing with the supply side of this problem.

The demand side of the problem is, of course, the job magnet that is created by people here who provide jobs for people who come across the border illegally, and in many cases do so knowingly. And I want to commend the Speaker of the House, I want to commend the leadership of my party, I want to commend the chairman of this committee, and I want to commend my colleagues on this side of the aisle for doing something that is difficult.

We are going up against economic interests that are extremely powerful. Many of them, of course, have been supporters of Republicans for years, the Chamber of Commerce and the rest. We have actually said to them, you know what, we are going to put our Nation's security and the importance of border security above all of these other issues and above the economic interests you bring to bear because so many of you are making so much money off illegal aliens. You are exploiting them. We know that this is happening, and we are going to try to put a stop to it, because in this bill we actually have something called internal enforcement.

We are going to do something about employer enforcement of the law. We are going to give them the opportunity and the tools to do that.

Again, I wish it were better. I wish we had a shorter period of time for the law, for checking the Social Security numbers to go into effect. But, nonetheless, it is there. We have made enormous strides with this bill, enormous. I must admit to you more than I had anticipated we could do, certainly, in this term of the Congress. But I am happy that we are here.

Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I want to show the American people what a typical day looks like for a law enforcement officer on the southern border. This is the result of an arrest that took place in Nuevo Loredo and this is what the sheriffs are facing. This is what our Border Patrol is facing: 40 millimeter grenade launchers, 12 of them captured; 10,000 rounds of ammunition; 40 AK-47 rifles. These are carried by individuals, paramilitary commandos, who are trained to kill anybody who stops and attempts to intercept them.

These are 40 millimeter grenades that are taped up with adhesive tape designed to be put on top of a warm engine, and as the glue softens, the tape comes off and the grenade explodes. This is a sniper rifle carried by the narcoterrorist commandos that shoots around corners. It has a television screen and a silencer on it.

This is the level of sophistication of these people that our sheriffs are facing. These narcoterrorists are so bold, Mr. Chairman, and the lawlessness is so pervasive on the border that the narcoterrorists have set up, according to the FBI, at least one narcoterrorist training camp outside of Matamoros operating in the open, run by the zadas to train gun runners, human smugglers, smugglers who pay cash, who keep their mouths shut. They can go to this training camp outside of Matamoros and they will be carried into the United States. There may be three others operating just across the river from the United States in the open.

This is a law and order issue that the United States must deal with through our locally elected law enforcement officials and the Border Patrol.

I thank the chairman for bringing this bill to the House.

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I intend to withdraw the amendment. The issue that I was bringing to the table with regard to this sanctuary city has been dealt with to a significant extent by my colleague, Mr. CAMPBELL, from California. In that light, I will in fact withdraw my amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. BERMAN. Mr. Chairman, reserving the right to object, and I do not intend to object, I wanted to simply point out to my friend from Colorado that before he praises this legislation too much, he should make sure there really is a strategy to turn it into a law, because I am very skeptical that you will ever see this bill coming back from here, very skeptical. If I had to bet, I would bet these provisions which you like and which you think make this into an attractive proposition and a serious attempt will never be seen again.

I simply want to add one other point: one day I would like you to explain to me how the employee verification system, which I think, like you do, is a critical part of dealing with the problem of illegal immigration, will ever get implemented in the context of 10, 11, 12 million people in this country in unauthorized status.

Mr. TANCREDO. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, the gentleman knows that I have often approached this particular issue with a certain degree of cynicism, perhaps the same amount as he is expressing right now in terms of its prospects.

All I know is this: this is what I have before me today. This is what this House is being asked to address and to accomplish. That one thing, if nothing else happens, I am happy to have been able to get it to this point.

I am truly hopeful, and I recognize full well the gentleman is right that there are major obstacles to getting this beyond this point, but that is a fight to fight tomorrow. Today we are here, it is a good bill, and I certainly hope that we can pass it.

Mr. BERMAN. Mr. Chairman, without accepting the gentleman's assumptions about the worthiness of the bill, I withdraw my reservation of objection.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 11 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109–350 offered by Mr. NADLER:

Strike section 407.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my amendment strikes section 407. Section 407 expands the controversial policy of expedited removal, which grants extraordinary power to low-level immigration officers to order deported without any judicial review and without any fair hearing people who arrive at ports of entry without proper documentation.

This section would authorize such unreviewable deportation decisions, again without any real judicial review, for anyone picked up within 100 miles of any U.S. border, not just at ports of entry or near the Mexican border. My amendment would prevent this expansion of expedited removal and limit its use to the present locations.

If the amendment passes, we would still, of course, deport illegal aliens; but people arrested within the U.S. would continue to have the right to some judicial review, some due process before being deported. They would have the right, as they do now, to challenge the decision of the Border Patrol agent.

By imposing expedited removal proceedings on all aliens apprehended within 100 miles of any border, this bill would deny thousands of people all due process rights.

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The expedited removal process poses the gravest risks to refugees fleeing human rights abuses. Those fleeing torture, imprisonment or other forms of persecution are often forced to travel without valid documents because there is not enough time to obtain them or because it is too dangerous to apply for them.

Those fleeing persecution or the Gestapo or the KGB or the Savak are least likely to have properly notarized and stamped documents, countersigned by the Gestapo, the KGB or the Savak.

The expansion of the expedited removal process puts refugee women and children fleeing rape, honor killings, female mutilation, forced marriages and sexual slavery particularly at risk because these victims have the most difficulty sharing and explaining their painful stories to border agents who may not be experts in foreign cultures.

Furthermore, when individuals are placed in expedited removal, they do not have access to relief from deportation under the Violence Against Women Act, the temporary protected status or as trafficking victims.

My amendment seeks to prevent the inevitable consequences of deporting more asylum seekers, battered immigrants, trafficking victims and others who may be legally entitled to remain but who have no real opportunity for any appeal from the hasty judgment of the border agent, no due process.

Even as currently applied, expedited removal has resulted in terrible mistakes, including its wrongful application to genuine refugees and even to U.S. citizens. The Senate heard the case of Sharon McKnight, an American citizen from New York of Jamaican descent who suffers a mental disability and was wrongly put into expedited removal and sent to Jamaica because an inspector mistakenly thought her passport was fake.

Expanding this policy to include persons already within the United States poses grave constitutional problems. Immigration laws long made a distinction between those aliens seeking admission to the U.S. and those who are already within the U.S., regardless of the legality of their entry. In Zadvydas v. Davis, the Supreme Court held "once an alien enters the country, the legal status changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary or permanent."

Because there is no check or review of expedited removal decisions, there is no due process. This policy should not be expanded. It should be left where it is as my amendment would do.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment which would strike the provision added by the bill the gentleman from California (Mr. DANIEL E. LUNGREN), mandating expedited removal for other than Mexican aliens apprehended after entering illegally within 14 days and 100 hundred miles of entry.

Unlike what the gentleman from New York (Mr. NADLER) said, the Lungren provision in this bill applies to land borders only, and it would not apply to asylum seekers who ask for asylum at the time they enter through a port of entry.

The provision that this amendment would strike is crucial to ending the current practice of catch and release of aliens along the southern border. While nationals of Mexico who are apprehended along the southern border can be returned to Mexico, the nationals of other countries cannot. Rather these aliens, known as OTMs, must be placed in removal proceedings which is a process that can take months. Because of a lack of detention space, most are released on the promise that they will show up for their adjudication.

Experience has shown that if OTMs are released to attend their removal proceedings, they will likely disappear. Of the 8,908 notices to appear at the immigration court at Harlingen, Texas, issued last year to OTMs, 8,767 failed to show up for their hearings, according to the statistics compiled by the Justice Department's Executive Office of Immigration Review.

The fact that these aliens were able to enter illegally, be released and then disappear into society has encouraged even more OTMs to illegally enter. Arrests of non-Mexicans along the U.S.-Mexico border, which total 14,935 in 1995 and 28,598 in 2000, rose to 65,814 in fiscal year 2004.

As nationals of these countries have entered with impunity, they have encouraged others to do so also. The Lungren provision addresses the problem of catch and release by requiring DHS to remove these OTMs who are apprehended within 14 days of entry and 100 miles of the border through expedited procedures. This codifies DHS's current practices. By limiting the amount of time that aliens are in proceedings, these procedures allow DHS to use its limited detention space more effectively. This in turn ensures that more aliens can be detained, which discourages other aliens from attempting to enter illegally.

I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the real question here is due process. We all want to deport illegal aliens. We all want to deport people who are not here legally. But the question is because the Border Control agent thinks that someone may not be here legally, because he thinks that the passport is fake, should there be no appeal? Should there be no ability to show facts? Should there be no due process?

This country is built on due process. This country is built on a foundation of liberty and proper process.

The Department of Homeland Security states that expedited procedures currently cannot be applied to the nearly 1 million aliens who are apprehended annually on the southwest border, where it can legally be applied, as it is not possible to initiate formal removal proceedings against all the aliens.

So you cannot use it in too many of the cases where it is legal now, so let us expand it so we cannot use it in millions of more cases.

Mr. Chairman, I realize that we have to talk about the principle of due process. I also realize that not passing this amendment is going to result in a fiction, the fiction of having this policy where we cannot use it for millions of people. So I am not sure what the practical impact of that will be.

I recognize there is no point to spending more time on this. I wanted to make the point about due process, and I hope the Senate will listen.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. CULBERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON S. 1932, DEFICIT REDUCTION ACT OF 2005

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Spratt moves that, to the maximum extent possible within the scope of the conference, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to recede to the Senate by eliminating House provisions reducing eligibility for food stamps (sections 1601 and 1603 of the House amendment), and reducing funding for child support enforcement (sections 8319 and 8320 of the House amendment), and repealing the Continued Dumping and Subsidy Offset (the "Byrd Amendment" (section 8701 of the House amendment)) and modifying the Mining Law of 1872 (sections 6201 through 6207 of the House amendment); such managers be instructed to recede to the Senate by eliminating the sections of the House amendment that reduce Medicaid benefits and allow increases in beneficiary costs (sections 3111, 3112, 3113, 3114, 3115, 3121, 3122, 3123, 3124, 3125, 3134, and 3147 of the House amendment) and by reducing to the maximum extent possible increases in interest rates and fees paid by student and parent borrowers on student loans contained in sections 2115, 2116, and 2117 of the House amendment, and by adopting the Senate provisions concerning Pell grants (sections 7101 and 7102 of S. 1932); and such managers be instructed to recede to the Senate by adopting the Senate provision eliminating the stabilization fund that makes payments to Medicare Advantage Regional Plans (section 6112 of S. 1932), adopting the Senate provision on Medicare Advantage risk adjustment (section 6111 of S. 1932), and adopting the Senate provision on Medicare physician payments (section 6105 of S. 1932).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Iowa (Mr. NUSSLE) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to lay out now the basics of the motion to instruct conferees for the budget reconciliation bill going to conference.

First of all, we would move to preserve the safety net. This motion instructs the conferees to eliminate

House provisions that would cut food stamps by $697 million and to reject Medicaid cuts of even more, $11 to $12 billion in the House bill.

In addition, we would move to protect higher education. Because the budget bill as now written on the House side calls for substantial changes in interest rates and fees, by our calculation raising the cost of student loans by as much as $5,800.

Next we would support personal responsibility. The motion instructs the conferees to eliminate House cuts of $4.9 billion in Federal spending on child support enforcement programs that are run by the States but partially subsidized by the Federal Government. This is the most misguided fiscal savings in this whole bill.

This motion instructs the conferees to eliminate the House provision that would prevent hundreds of companies also that are hurt by unfair foreign trade known as dumping through the continued Dumping and Subsidy Offset Act which the budget reconciliation bill would eliminate.

This motion also instructs the House conferees to accept the Senate conferees' provisions that cut subsidies to Medicare private insurance plans by as much as 4.4 percent beginning January 1 and to prevent the planned 4.4 percent cut in physician payments by taking funds instead out of the Medicare Stabilization Program, the Medicare Stabilization Fund, which is part of the Medicare advantage and Medicare modernization bill which was the prescription drug-Medicare bill.

This motion instructs conferees to protect taxpayer-owned property as well and the environment by eliminating House provisions that would sell huge tracts of Federal land at below market value and expose them to purchase commercial and mining development.

These are the instructions we would give to our conferees going into this conference as to where the House should stand with respect to positions it has previously taken and with respect to positions the Senate has taken. I will say more about them later.

Mr. Speaker, I reserve the balance of my time.

□ 1715

Mr. NUSSLE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we have an opportunity just now to look at this motion to instruct conferees, and let me first remind my colleagues that this is a nonbinding symbolic vote. This is not substantive; this is symbolism. It was interesting today that the minority had a big press conference to celebrate Christmas and celebrate the end of the session, and they promised a Christmas present to the American people and that was a big box, and on the box it said the Democrats were going to give the American people a Democratic Congress.

The rest of the story, of course, is that, if you looked inside the box, there was not anything in there. If you opened the box, if you unwrapped it and you looked inside, what you would find is a lot of that little popcorn matter that you get that gets messy all over your house, but no substance whatsoever. Again, today no substance. In fact, interestingly enough, today once again the minority party here in this House brings forward a motion that equates the amount of money you spend in America with your level of compassion; not substance, not results, not is the program working, not are people being helped by the policies that have been put forth. But, if you spend more money, you must care. If you do not spend enough money, or the amount of money we are willing to spend, you must be scrooge at Christmastime.

We had people come here to protest what was happening in this budget bill. And what was their protest? Spend more money. Not get better results, not help more people, not make sure that people who are starving get the food stamps they deserve, but spend more money.

At the holidays we should recognize this probably better than at any other time, that it is not the size of the gift, it is not the fancy paper on the outside of the box, it is not the amount of money you spend that determines your love, your compassion, whether or not you are a true brother and sister to your fellow man; but it is whether or not that gift actually has the results that are intended.

Time and time again we have demonstrated through hearings at the Budget Committee, through hearings at all of the authorizing committees how these programs are just eating up more money, they are spending more money, we are hiring more bureaucrats; but we are using the same old system designed oftentimes back in the 1960s before man even walked on the Moon; and we assume that today in 2005 those programs do not need any reform, do not need any help, do not need any oversight. Just let them keep going. Oh, and spend more money at the same time.

Well, we have an opportunity, and it is an opportunity to reform. It is a plan that we have put out very carefully throughout this year. Today is not the first time we rush to the floor with a piece of paper about what we are going to do. All year long we have been working to try and make sure that food stamps were working better, that the services to the poor and the indigent were effective in getting the results that they truly need.

Instead, what we have today is the opportunity to vote for this symbolic motion to instruct conferees to basically rip out all those savings, to not do anything about reforming those programs but just spend more money. Spend more money.

Let me tell you that, as colleagues, the answer to the most vexing problems in our country today will not be solved by just spending more money. They will be solved when we take responsibility for the job that we have been given to ensure that these programs that people work hard, that people pay taxes to us in order to invent and implement, that they are truly working, that they are helping the people who deserve it the most, and that they ensure that we get results. Not just the rhetoric of reform, but results from reform.

We have the opportunity today to go to conference to work out our differences on a whole host of very important issues. I will tell my colleagues that, if you are worried about this vote, come down and vote for it. Go ahead, vote for it; it is symbolic. If you want to vote for an empty popcorn-filled box of Christmas presents under the tree, go ahead and vote for it. I do not think there is any reason why you cannot.

The real vote will be when the conference meets to talk about reform. The real vote will be when we have an opportunity to talk about truly helping people, not just handing out more money and saying, go ahead, get away from us, do not bother us any more, we have given you more money.

I have seen time and time again how Members of this body have gone home with press releases saying, we have increased the funds for this program. You should not be complaining, we have increased the money to this policy. We have put more money into this bureaucracy. Why are you complaining?

The reason they are complaining is because throwing more money at it does not work.

If you want to measure compassion at this very important time on the calendar by just spending more money, then I have no doubt you will find a way to do that. But if you want to ensure that these programs and these policies are truly helping the people in need, then we need to meet as a conference, we need to put all of those policies on the table to discuss, and we need to reform those policies to ensure that they are truly helping the people intended.

The difference here today is that we have a plan. It does achieve savings, but it delivers a better product for the people intended. The difference on the other side is that they have rhetoric, they have empty promises, and they have the age-old adage of throw more money at it and just hope and pray and assume that it will get fixed. I do not think the American people sent us here to throw more money at it. I think what they have sent us here to do, particularly at this time, is to show compassion, is to get to work, serious work about the reform of these programs so that they truly help the people in need.

Go ahead and vote for this motion to instruct if you feel so moved to throw money at the problem. It is nonbinding; it will not affect the outcome of the conference. We will meet, we will negotiate and discuss these important reforms, and we will bring back to this body an important package of reforms in a plan that will achieve savings for the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Ways and Means Committee.

Mr. RANGEL. Mr. Speaker, there certainly was a lot of emotion in the speech given by the chairman; but I suspect in this time of the year where so many people are concerned about our sick, our poor and our disabled, that rather than being moved by the rhetoric of the Republicans, we might take a deep breath and find out who is on our side as Democrats.

I know that the poor and the aged and disabled do not have much of a political voice, but somehow in this holiday season the spiritual leaders probably understand this a little better than some of us. These are the charitable organizations that reach out, Catholic Charities, the Jewish Council Against Poverty, the Protestant Council. Each and every day they run soup kitchens and try to assist people, especially mothers that have no one in the household to assist them in raising their children.

Any specialist will tell you, if you do not give a kid the right start, you do not give them a chance to get to school, and cut the resources from under him to get an education, it is not just why can they not do it my way or why did he not get an inheritance. It is a question of where do these kids end up.

They first end up not paying much taxes since they do not have the talents to get a job; but worse than that, in New York we spend $84,000 for every kid who gets in trouble who finds himself on Rikers Island, and I do not think you have to be a health specialist to know that when you cut the ability of people to get access to health care, they do not necessarily die right away. More often than not, they end up at the most expensive of expenditures, and that is in our hospitals.

I do not know what the poor and the disabled have ever done to the majority or, indeed, what the moral majority, why they would wait until Christmastime to show just how mean they can get. Even if they cannot control this meanness, why would they do it at a time when they have given hundreds of billions of dollars of tax cuts to the very wealthy?

I am not that good spiritually, but know my friends on the other side of the aisle that are so concerned with the Bible and biblical phrases, there is one thing somewhere, and I do not know all of the facts as is properly recorded, but it deals with a bunch of rich people that could not get in heaven because they had not treated the lesser of Jesus' brothers and sisters the way he would want. I have never seen a more classic example of the violation of that spirit than what I have seen in the last couple of weeks on this floor.

So you can raise your voice all you want, you can scream about spending, but it just seems to me that there are no religious leaders that I can think of that feel they have an obligation to take care of those people who are in the hospital, who are hungry, who are without clothes, who are without food, and certainly the children who are really the least powerful of all, if you had to do it, why do you not just do what you do in conference and come out and say that we authorized it? But to have this heavy blow at a time when you are reducing the taxes on the very rich is not only wrong, but it smacks of being immoral.

This is the wrong thing to do. This is the wrong time to do it, and it is something that I am confident is not in accord with the moral teachings or the spiritual beliefs of anyone in this body.

What you are doing is saying that you have to cut spending. Why can Iraq not get on that list of not wanting to spend? Why can we not just slow down the rebuilding of Baghdad and rebuild the health of some of our people and the schools of some of our people? Why can we not invest in Americans and make them the most productive people that we can make? Why do you pick on the most vulnerable in Medicare, which the other side is probably going to hit as badly as we hit Medicaid?

What are these programs? The programs are listed as SSI. What does it mean, you have to be blind, disabled or aged? Medicare, you have to be old and sick? Medicaid, you have to be poor and sick? The programs are designed to bring the moneys to the mothers who have been abandoned or just for children, and the other one is education.

Is there anyone that you missed, the sick, the poor, the young? Is there anyone else that you want to include that programs should be cut? I might also add, with capital gains tax cuts and corporate dividend tax cuts, is there anyone that is rich that you missed in terms of not giving a tax cut?

What a combination package you have given to the American people and what a time to do it. So whether you call it Christmas or holiday seasons or Chanukah or whether you call it Kwanzaa, you sure picked the right time to hit the wrong people at this time of the year.

Mr. CRENSHAW. Mr. Speaker, I ask unanimous consent to control the time of the gentleman from Iowa (Mr. NUSSLE).

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRENSHAW. I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY), a distinguished member of the Budget Committee.

☐ 1730

Mr. MCHENRY. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

Ladies and gentlemen, I say Merry Christmas to you. We are presenting you a budget that the American people can be proud of. To the Democrats, I say, happy holidays. But I will tell you, ladies and gentlemen of the House, my colleagues, what we are doing here is right for the American people.

My colleague from New York asks, have we touched everyone in America? Well, yes. If you live in a $2 million house, you will not qualify for aid to the poor. Under this budget, we pass that reform: that if you live in a million dollar house, if you live in a $2 million house, if, heaven forbid, you live in a $10 million house, you would not be eligible for Medicare. You would not be eligible for the government paying for your nursing home. That is the type of reform that we have in this budget. It is the right thing to do.

Beyond that, if you are a student in college today, if you are a student in college today, you will be eligible for that student loan next year under this budget. You will be eligible for that same loan you got today. The only difference would be that the Federal Government would not be paying that loan giver, that company that provides the loan, we would not be paying them 9.5 percent interest. We would go back to a market-based interest, which we all know is somewhere around 5 percent today. That alone would save $13 billion over 5 years.

So, ladies and gentlemen of the House, if you vote for this motion to instruct, you are voting against reform; you are voting against savings; you are voting against positive changes that will help more Americans. And it is the right thing to do.

Look, Mr. Speaker, this motion to instruct is something that Mr. Grinch would be proud of. So, ladies and gentlemen, I bid you merry Christmas, and ask that you vote against this motion to instruct and vote for our conservative, realistic, reform-based budget.

Merry Christmas to all.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Education and Workforce Committee.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Maybe the gentleman who was just in the well preceding me is proud of this budget. I noticed he talked about student loans and how the students will get the same loan they got this year. They may get that loan, but it is going to cost them more. In fact, what we see in the estimates are that this budget bill will raise the average cost to those students or those families who are paying off those loans. The average student who borrows $17,500, and that is what, unfortunately, the average student borrows today, this will raise their cost by $5,800, almost $6,000 in additional costs. That is what comes with this bill.

The $13 billion is the largest cut in the student loans accounts in this history of this Congress. That $13 billion rebounds back onto these parents and to these students to the tune of $6,000 over the life of their loans. If that is your idea of a Christmas gift, have at it, but I do not think America's families are going to understand.

At a time when we understand how important it is for young people to be able to get an AA degree, to be able to get a B.A. degree, to get a Masters Degree or to get a Ph.D. so that they can fully participate in the American economy of the future, a globalized world economy, what is it the Republican budget is doing? It is raising the barriers. It is raising the barriers for millions of young students, for millions of families as to whether or not they will be able to afford this college education.

Students are going deeper into debt today than at any time in history. The cost of a college education is rising faster than the average working family's ability to pay for it. And what is the answer to that crunch that these families and these students are finding themselves in? The answer in this budget is to increase their costs by $6,000.

For 50 years, the idea was to try to make college more accessible, less expensive, so that the vast majority of people who were qualified to go to college would have the opportunity to do so. This year, they changed the course of this Nation. This year, they changed the course of this House. This year, they changed the course of the Congress. Because on a partisan basis, on a partisan basis, they decided that what they would do to the crunch and the cost of college for American families is they would increase the cost of college to America's families by charging parents more to borrow money, by putting origination fees on the direct student loan, which is the least expensive way people can borrow money.

You are raising the cost of the direct student loans by mandating insurance on all of the borrowers, whether it is necessary or not. You are very fond of telling us when you put these taxes and these costs on the business communities they are passed on. Well, that is exactly what is going to happen to the tune of about $6,000. These costs are going to be passed on.

We should vote to support the motion to instruct so we can prevent these costs from falling on these families and these students not only at Christmas time but for the next 5, 6, 7, 8, 10 years.

Mr. CRENSHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Budget Committee.

Mr. HENSARLING. Mr. Speaker, I rise today and urge my colleagues to defeat this motion to instruct. All of us know that America still faces a number of fiscal challenges, although under our economic policies, we have made a lot of great strides. With over 4 million new taxpaying jobs created and the deficit coming down, we have made a lot of great progress, but there is a lot of work to be done.

This really comes down to a debate about two different visions for America's fiscal future. Our colleagues on the other side of the aisle believe that we have a fiscal challenge because the American people are undertaxed. We believe our Nation faces a fiscal challenge because Washington spends too much and too unwisely.

Now, Mr. Speaker, during this debate, we have already heard a lot about cuts and compassion. Well, let us talk a little about those. I believe, Mr. Speaker, that everybody is entitled to their own opinion, but they are not entitled to their own facts. If one would look up the word "cut" in Webster's Dictionary, one would discover it means to reduce an amount. Yet under this modest, very modest, set of reforms, we see that total Federal outlays will grow by an average of 4.3 percent a year. What we call mandatory spending will grow 6.3 percent a year. Medicaid will grow 7.5 percent a year. TANF and other welfare programs will grow at 8.5 percent a year. And the list goes on and on and on.

Mr. Speaker, it is not how much money you spend in Washington that counts; it is how you spend the money. When we talk of cuts, we need to realize that every time we increase some program, some budget in Washington, by definition, we are cutting some family budget. This money has to come from somewhere. So when we feed the Federal budget, we cut the family budget.

We have a modest set of proposals that over 5 years would save us approximately $45 billion over what we call the baseline. I mean, that is almost 2 million down payments for homes for the American people. It is almost a million 4-year college educations. That is who is being cut if we follow this motion to instruct; it is the family budget.

And let us talk about compassion, compassion for the least of these. I submit to you, Mr. Speaker, that the least of these are those who are too young to vote and those who have not yet been born. If we follow the Democrat plan, let us look at what the General Accountability Office has said; if, right now, we do not change the spending patterns that we have in order to balance the budget, in just one generation, we are going to have to double taxes on the American people.

Where is the compassion there, Mr. Speaker, in taking away their jobs, in taking away their hope, taking away their opportunities? We would be the first generation perhaps in American history to leave our children a lower standard of living than we enjoy. There is no compassion there, Mr. Speaker.

Let us defeat this motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in strong support of the Spratt motion to instruct the conferees on H.R. 4241, the Reconciliation Spending Cuts Act.

This motion wisely provides that the House would give up its harshest and most hateful cuts. Just 1 week after passing $100 billion in new tax cuts, benefiting mostly the wealthy in our country, our Republican colleagues are now seeking to cut spending on those who have the greatest need of assistance.

For example, one of the programs hardest hit by this legislation, Medicaid, provides health care to working families. Three-quarters of the cuts in the Medicaid program come directly from the families who depend on it, either by raising their payments, by making health care unaffordable or by not paying for needed treatments when they do seek care.

The House bill seeks to raise health care premiums for individuals who depend on Medicaid. According to the Congressional Budget Office, one-quarter of the savings from the premiums would be imposed on beneficiaries, including children, coming from families losing their health insurance coverage. There are more than 45 million uninsured in this Nation, and the House bill would add more to that number. The Senate Bill does not do that.

Five-and-a-half million children face increases in the amount their parents would pay for them to go to the doctor, according to the Congressional Budget Office. Eighty percent of the savings from higher cost-sharing will come from individuals, including children, foregoing services and not from the actual payment of the higher cost-sharing.

I want my colleagues to listen to this, because I think this is a real scandal: Five million Americans will find themselves unable to pay for certain kinds of treatments, such as for cancer, because such treatments will, under this legislation, no longer be covered. Under the House proposal, half of these will be children who will lose access to services such as dental care, vision coverage, mental health care and therapies. The Senate Bill does not do this.

Finally, the House should also recede to the Senate on matters concerning Medicare HMO payments and Medicare physician payments. HMO payments, already too high, are being increased by better than 4 percent this year. And in 2 weeks, physicians will see their payments cut 4.8 percent. This is going to hurt our seniors' access to needed health care, and it is going to assure that very shortly there will be no physicians participating in Medicare. I look forward to hearing the explanations of my colleagues when this event transpires.

I urge my colleagues to support the Spratt motion. It is fair, decent and humane. The proposal before us is not.

Mr. CRENSHAW. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi (Mr. WICKER), a member of the Budget Committee.

Mr. WICKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, my friend from California asked just a few moments ago, what is it that Republican budgets do? I will tell you what Republican budgets do, and I will tell you what this Republican budget does. It provides a plan to give savings to the American people. It provides a plan to slow the growth rate of some of the most important programs that we have in the United States of America so that we can save those programs, programs mentioned in the motion to instruct conferees, such as food stamps, funding for child support enforcement, Medicaid benefits, and student loans.

Republicans acknowledge, as most Americans acknowledge, that these are important and valuable programs. But, Mr. Speaker, we must slow the growth rate of these programs; not cut them, but slow the growth rate in order to preserve those programs.

What do Republican budgets do? Republican budgets also keep intact those tax policies that have grown this economy for 10 straight quarters, a growth rate of 4.1 percent in our GDP currently.

Now, what do Democrat budgets do? They consistently advocate increased spending, increases in discretionary spending, that done by the Appropriations Committee; and higher spending on the entitlement programs that we are talking about in this motion to instruct conferees. Also, Democrat budgets consistently call for higher taxes on the American people.

It is just a difference of philosophy. But that is what Democrat budgets do, and that is contrasted to what our responsible and reasonable Republican budget does today.

Now, I will mention one program, if I have the time, and that is Medicaid. Democrat Governors from around the country, Republican Governors from around the country have come to Congress and said, please, implement Medicaid reforms so that we can protect our budgets, so that Medicaid will not completely eat up State budgets in the 50 States, so that we can continue to provide this valuable service for our citizens.

□ 1745

The Democrat motion would allow Medicaid to grow. The Republican budget, our budget plan, would allow Medicaid to grow just a little slower, at just a little less of a growth rate than the Democratic plan.

Slowing the growth rate of Federal entitlement programs, which is what our Republican plan does, is not a cut in these programs. It is a way to acknowledge the value of these programs, it is a way to say we should preserve them, and it is a way to provide an additional means to protect the tax cuts and the tax policy that have been so successful in having our economy grow the way it has. I urge my colleagues to vote against the motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds to respond.

When the tax reconciliation bill with tax cuts is put side by side with the spending reconciliation bill, these two reconciliation bills add $52 billion to the deficit. That is the total outcome of the budget package that you are putting before us over the next 5 years; and that is not all, as I will show in a minute.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I want to take the language we have heard from the Republicans in the last few minutes and apply it to child support.

CBO says this budget will result in $24 billion less in child support over the next 10 years. That is the Congressional Budget Office. All right, one of you said Washington spends too much, too unwisely. Cutting child support payments by $24 billion?

You also said not how much, but how it is spent. Yes, it is spent in administrative expenditures to collect money for children.

Oh, and one of you said it is the family budget that is at stake. Absolutely, families with kids who are entitled to child support, and you are going to reduce what is collected by $24 billion over the next 10 years.

And then the lingo we hear, "slow the growth rate." Under this formula, the money goes to the States and to the counties to collect money that is owed to children. I spent some time out in Macomb County talking to the people who administer this program, and I wish I could bring just one of the children who will be harmed by what you are doing and put them on this table, and have you look them in the eye and repeat your language. I do not think you would dare do it.

Mr. CRENSHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Budget Committee.

Mr. RYAN of Wisconsin. Mr. Speaker, let us talk about the fact that that same CBO report did say that child support payments will increase, yes, increase.

Mr. Speaker, what are we doing with child support payments? What we are simply saying is that we have a Federal Government match. What the Federal Government match is spending on child support with State governments is 50 percent for food stamps, for Medicaid, that is what we are proposing here.

When we passed welfare reform, we increased the match for child support to 66 percent. What happened: child support collections went way up; welfare case loads way down. Yet we still have a higher match than normal even though our case loads are way down. What we are simply trying to do is reform government to save money and still meet the needs of the people.

What about Medicare. This motion to instruct says let us gut the Medicare Advantage Program. What is the Medicare Advantage Program? Do you ever hear that line when you do a town hall meeting with senior citizens that say we on Medicare ought to get the same health care you in Congress get? That is the Medicare Advantage Program. We are simply saying to seniors, if you want to have comprehensive health insurance like we have in Congress, like other Federal employees have, you should get that.

What does this motion to instruct do? It compromises that entire program.

Mr. Speaker, what about all these issues? Food stamps, Medicaid, Medicare, child support, all of that spending is increasing in this bill. What does this budget do? This budget proposes to increase spending over 6.3 percent but not 6.4 percent, the current projection.

Let me say it another way. We are proposing to save $45 billion out of a $15 trillion budget over the next 5 years. We are proposing to increase spending 6.3 percent instead of 6.4 percent, and that sounds like a draconian cut.

I have also heard speakers say that we are proposing deep tax cuts. Mr. Speaker, here is their definition of deep tax cuts: we are not raising taxes. What we are proposing to do in this budget is to not raise taxes. We are proposing simply to keep taxes where we are today. When we had a recession 2 years ago, when the Dot-com bubble burst, people lost their savings when the market went down. We lost hundreds of thousands of jobs; we had 2 years of economic growth no higher than 1.3 percent, and we cut taxes.

What happened after we cut taxes, 4.5 million jobs were created. The stock market came back. Our stock market savings portfolios, our savings for seniors grew 23 percent. We are averaging 148,000 new jobs being created every month. We created 215,000 just last month alone. Our economy grew 4.3 percent last quarter alone. We raise taxes; we hurt jobs. It is a difference in philosophy.

The Democrats are saying raise taxes and do not do anything to control spending. We do not want to raise taxes; we want to control spending and balance the budget.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Michigan (Mr. LEVIN) 1 minute.

Mr. LEVIN. Mr. Speaker, we are not talking about raising taxes. You are dodging the issue.

This is not the formula for Medicaid or other programs; this is a formula in terms of the Federal share for child support. I would like any of you to stand up and deny the estimate of CBO that what you are doing will reduce the amount collected in child support by $24 billion over the next 10 years.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Does the CBO report also not say that child support payments will go up from one year to the next?

Mr. LEVIN. It will go up. Sure, they are going to go up because there are more kids from families of divorce. But I ask you, does CBO not say because of your change, $24 billion over the next 10 years will not be collected for the children? Yes or no?

Mr. RYAN of Wisconsin. The gentleman just answered my question, child support payments will go up.

Mr. LEVIN. And it is $24 billion less because of you people.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, $24 billion will not go to the children of this country, but 53 percent of the tax cuts that this party put together in the last several weeks will go to people who make over $1 million a year. So $24 billion denied to kids in this country to satisfy the wealthiest 1 percent of the wage earners in this Nation. It lays out very clearly the values and the priorities of the majority party here.

Let me just say to you tonight that this Nation has been through a lot in the last several months: the devastation of Hurricane Katrina and a precarious situation in Iraq. This is not the moment for the drastic cuts the Republican budget calls for. This ought to be a moment of clarity where we realize what priorities are and what is important to us as a Nation.

This budget reconciliation, the cuts here, cut access to health care for low-income children and families; college loan assistance, leaving the typical student borrower to pay $5,800 more for college; throws a quarter of a million low-income families off food stamps, working families trying their best to provide this winter.

Those families who make over a million dollars who are going to get the tax cut, they do not need food stamps. They probably have medical bills because they have gout because they are overeating. They are not on food stamps. The American people have had enough.

With this motion, Democrats are calling to reject the most extreme cuts proposed by the majority that impact our most vulnerable citizens, whether it is stripping protections which guarantee more than 5 million children receive the medical services they need, mental health services they need, optical care, hearing aids, cuts to child support we have been talking about, 40 percent.

It eliminates federally funded foster care benefits for grandparents and relatives of abused and neglected children. This bill goes out of its way to make the lives of Americans already living on the margin even more difficult. It is the wrong direction. Vote for the Spratt motion to instruct.

Mr. CRENSHAW. Mr. Speaker, I yield myself 30 seconds to make the following point, and that is what we are talking about here is to try to get a handle on the way we spend money. We are going to spend more money next year than we spent last year, more money for all of the programs that you hear people talking about, railing about cuts being made.

I want everyone to keep in mind that we will spend more money, but we will not spend a whole lot more money. Only in Washington do you hear people say when you spend more money, but you do not spend as much as you want to spend, you call that a cut. People do not say that in the real world. Keep that in mind.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a member of the Budget Committee.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding me this time.

As we have heard the budget chairman explain, our friends on the other side of the aisle only use as a measurement of success how much we spend, not how well we spend.

Mr. Speaker, every business in America has to use a model of better products at a lower cost. I ask: Which model would we be better off using? Would we be better off if every business in America used as a model of success that if we spend more, we do better? Well, if every business did that, then every business would be in the same financial condition as the Federal Government, and I would argue they could not provide one job to one American in this country.

Or would we be better served if government used the model of better government at a lower cost?

Mr. Speaker, I think it is a little bit ironic that the debate we are having today, those who say we do not spend enough also say the deficit is too big. Mr. Speaker, we can achieve better government at a lower cost, and the first step to achieving that is voting "no" on this motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, what we are trying to prevent here is an abuse of process, because what has happened is the process known as reconciliation has been taken and stood on its head. The original process of reconciliation was to rein in the deficit, to have an end to the budget process by which Congress was compelled to revisit the goals it set earlier in the year and bring the budget in on the targets that it indicated were acceptable when the budget resolution was passed.

To that end, a budget reconciliation bill was given fast track capacity to go through the Senate so it would not be subject to filibuster, because its purpose was fiscal prudence. Its purpose was to rein in the deficit.

You can see from past history from this chart right here, you can see that in 1990 when we did the Bush budget summit, total reconciliation savings were $482 billion. In 1993 when we did the Clinton budget, total reconciliation savings over 5 years was $443 billion. In 1997 when we finally put the budget into balance for the first time in 30 years, the balanced budget agreement of 1997 provided for reconciliation of $118 billion.

What does this reconciliation bill do? Well, when you put it together, because it has been divorced, separated from the tax cuts in the other reconciliation bill, it increases the deficit. It does not decrease the deficit. It provides for, and we see $108 billion of additional tax cuts all together thus far. I will show you exactly how those add up right here.

One of the things that is going on here is that these fiscal actions get broken into many different fragments in the course of the year. As a consequence, it is hard to put all the small pieces together and figure out exactly what the tab is running up to.

□ 1800

Well, here is what it is running up to. If you just look at the tax cuts that have been taken over the last 6 months, keeping in mind that the budget resolution called for $70 billion in reconciled tax cuts and $106 billion in tax cuts all together, you will see we are on a path to accomplish just that under the budget resolution.

First of all, the transportation bill, $500 million. The Energy Policy Act, $6.9 billion tax cuts. The Katrina Emergency Tax Relief Act, $6.1 billion. The Stealth Tax Relief Act, $31.2 billion. That is the so-called alternative minimum tax, patching it for 1 year so it does not affect more taxpayers. Tax Relief Extension Reconciliation Act, that is the one that is before us in the other bill that I was referring to, the bill that is passing now in the reconciliation itself, and then, finally, $7.1 billion adapted just a week ago for the Gulf Opportunity Zone Act.

Add all of that together, you get $108 billion. But wait a minute. This only has a 1-year fix for the AMT. And we all know that we are fixing it this year for the same reason we will have to fix it next year and the following years and on into time until we finally adjust it so that it does not apply to middle-income taxpayers for whom it was never intended.

So when you recognize that fiscal reality and add to the total, tally a longer-term fix, a 5-year fix, on the AMT, the total amount of tax cuts adopted thus far over 5 years, the total amount is $301 billion, against which you are applying $50 billion in putative tax cuts and putative spending cuts, and how did you get those spending cuts? In the name of deficit reduction, which is a false claim, as can you see, because you are increasing the deficit.

How did you get those cuts, those putative cuts? You went to students struggling to pay for their college education. You went to the poorest of the poor whose only resort to medical care is Medicaid and cut it by $11 billion. You went to child support enforcement, which is moneys used by the Federal Government to subsidy State efforts to see that parents who are not taking care of their children nevertheless have to pay something in child support and forces it, at $4.9 billion. CBO says it will deprive us of $25 billion for that most essential necessity. You went to foster care. You went to food stamps. You went to the pension insurance fund. PBGC, a false claim. You are claiming that these revenues generated for the PBGC can be applied against your tax cut. In truth, they are encumbered money; they will be needed to pay benefits before you know it.

And then, finally, let me speak up for the doctors. You have not done anything at all about the fact that there are doctors, on January 4, faced with a cut of 4.4 percent due to something called the sustainable growth rate factor. Unless we do something here tonight, this weekend, on the budget reconciliation bill, they are going to suffer that cut.

How do you think that is going to make them feel towards Medicare patients? Less willing than ever. So this is a bad bill. What we are trying to do with the motion to instruct is simply to take, as the gentleman from Michigan (Mr. DINGELL) put it, the harshest and most hateful features out of it.

Mr. CRENSHAW. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, before I make the comments I rose to make, I do want to comment for those watching this debate, that when you hear the words "tax cut," the great majority of that money, outside of the new tax provisions to encourage rebuilding in New Orleans and the Mississippi coast and those areas so hard hit by Katrina and other storms, pretty much the rest of all of those, quote, "tax cuts" are simply tax extensions. In other words, we avoid increasing taxes.

If we did nothing, we would increase taxes. We do not want to increase taxes, because the current tax policy has created a remarkable rate of growth in our economy. And when your economy is growing, not only do your revenues come in well if you are the government, but jobs are created if you are the people, and current jobs are maintained.

So what are now loosely referred to as tax cuts, they appear in our vocabulary and our work as cuts, are not cuts; they are just maintaining current tax policy and avoiding tax increases that would harm our economy, cost jobs, cost taxpayers money they desperately need, as we go into a season of high heating oil costs and so on.

But I want to mention something else about this motion, which I appreciate is presented as part of the process here. It doesn't have the force of law. It gives people something they might like to vote about to tell the negotiators how to negotiate, but you know, there are always big rocks when the sea looks calm. So I just want to tell you about a couple of rocks underneath the sea of the verbiage of this motion to instruct. It is certainly not a motion I would want to vote for.

It wants us to recede to the Senate's position on physician payments. At first blush, that might look like a good idea, because they solve the first year problem by giving a very small increase to physicians. But in the second, not only do they let the 4.4 percent go into effect, but they add a 2 percent additional cut for physicians, for a 6.4 percent cut for physicians. That creates some pool that we are supposed to then pay physicians for performance. But we do not know what measurements are going to be used to determine whether a physician meets the performance standards or not. We do not know whether those measures will be such that a physician who provides health care in an area of the city or of the country where people simply do not come to the doctor until the last minute is going to be eligible for those payments like other physicians who might select patients who were healthier to take care of.

We do not know whether those benefits, those pay-for-performance benefits, will go equally to physicians who run small practices and cannot afford electronic health records as opposed to those who go to big practices.

So I certainly do not want to be instructing our conferees to yield to the Senate's position. Same on stabilization fund. The stabilization fund is explicitly, and we may not need it, but we do not know yet; it is explicitly to overcome one of the two big problems of being a rural physician in America, and that is intellectual isolation and being forced to abandon a patient who needs specialty care.

In the time I have allotted, I cannot enlarge on that, but believe you me, if you care about quality care in rural areas, you do not want to instruct our conferees prematurely to eliminate the stabilization fund.

Mr. SPRATT. Mr. Speaker, I yield myself 2 minutes. Mr. Speaker, I would ask the gentlewoman, if she does not believe that we should do something about the potential cut, getting nearer by the day, of 4.4 percent in physician's reimbursement and in paying for it, what is wrong with going into the so-called Medicare stabilization fund, which is really inducement money to get HMOs and insurance companies that do not otherwise want to participate in Medicare to participate?

The money is available. It comes out of the Medicare program. It would be given to physicians instead of insurance companies. But do you not think there will be adverse consequences if there is an across-the-board cut in physician's pay of 4.4 percent on January 1?

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I absolutely do. I think we are facing the possibility of physicians fleeing the Medicare program and creating a real access problem for seniors to physicians of their choice. But acceding to the Senate position is not going to fix it; it is going to exacerbate it.

We need a better fix than the Senate offers. We need one without the threat of a 6 percent cut in the year after that which is absolutely unconscionable.

So the negotiations are about finding better solutions. And that is one area in which we need a better solution, but if you cannot negotiate, if you do not have the latitude, you cannot get to the right answer. And this resolution tells you what the right answer is, when it is not the right answer and abandons the opportunity to negotiate in a number of areas.

Mr. SPRATT. Mr. Speaker, reclaiming my time. So the right answer is to fix the growth rate factor, no question about it. But that fix is not going to be accomplished in the next 2 weeks. So unless we do something adequate, you are going to have perfection be the enemy of the good; you are not going to get anything done.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, but we need to do something better than the Senate position, and we certainly need to avoid the additional 2 percent cut that starts every year thereafter.

Mr. SPRATT. Mr. Speaker, reclaiming my time. I do not think the House bill has any money at all for physicians in it. That is the point.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. This is a negotiation. And what you are doing is prejudging the negotiation. That is what a motion to instruct does. This motion to instruct is across so many categories that it will do damage to our ability to get the right answer in all of the policy areas that we have responsibility for.

Mr. SPRATT. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, that is why we say this is the best opportunity we have got to send the conferees to conference, to sit down with the Senators to come up with a solution to this problem.

Mr. Speaker, I reserve the balance of my time.

Mr. CRENSHAW. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I think the issue here is very simply that our friends on the other said of the aisle just do not like the Budget Reduction Act. They do not want to step in and change the way we do business. They do not want to reform the way we spend money. And so they have opposed that, and now they have a motion to instruct which, if you read it, is pretty much the kitchen sink thrown in to try to tell our conferees this and tell them that. It is kind of a hodge-podge, but basically, they oppose what we are trying to do.

But, Mr. Speaker, I think the American people know that we have got to change the way we do business here in Washington. We have got to change the way that we raise money, because it comes from the American people. And we have got to change the way that we spend money, because we are stewards of the American people when we do that.

And we have taken some giant steps this year, Mr. Speaker, to change the way we do business here in Washington. We started by lowering taxes across the board. People that pay taxes got tax relief. That lets people keep more of what they earn. And when you let people keep more of what they earn, then they get to decide whether they want to spend it, whether they want to save it, whether they want to invest it.

And that is the way you get the economy moving again. And we got the economy moving again. Everybody knows the good news that has come out of our economy. The economy has been growing for the last 10 quarters. More people are able to buy new homes. It is a wonderful time from the standpoint of the financial wherewithal of this country. So we took that step.

And then this year, as people sometimes do not understand, we wrote a budget this year, and like a lot of people have to do when they write their budget at home, we had to kind of hold the line on spending. The money that we in this Congress get to spend, we wrote a budget that actually reduced the amount of money we spend in the budget. Except for Defense and except for Homeland Security, spending went down. And we are sticking to that. We are pretty much spending the same amount of money we spent last year.

We have not done that since Ronald Reagan was President about 20 years ago. And that is a giant step forward to control the way we spend money. And here we are again now with what we call the Budget Reduction Act. As our chairman said, it is a plan to reform government and to actually save money, because over half of the money we spend here in Washington is kind of on automatic pilot. We do not even get a chance to say how it is being spent or why it is being spent.

And right now, with this Budget Reduction Act, we are going to get a handle on that. We are going to reform the way we spend money. And that is what we are trying to do. And so I would urge my colleagues to vote no on this motion to instruct, even though when you read the motion, you are not very clear exactly what it does other than try to confuse the issue, because I am afraid my friends on the other side, if you listen to them talk, they have an answer for everything; spend a little more money. Where do you get the money? You raise taxes.

All we are saying is we want to reform the way we spend money, because everybody knows this, and I will conclude with this, Mr. Speaker. Everybody knows that we need money to provide services. But right now, the American people are saying to us, you, the people in Washington making this decision, you need to do a better job of the way you spend money. You need to control spending. And that is what we are trying to do.

Sure we need money. But right now, we need the courage up here to make some tough choices, just like every family has to do every year when they sit down and make their budget. They have got to set priorities. They say we cannot do everything. So we have got to make sure that we limit the amount of money we spend.

We need a commitment, a commitment by all of us to say, we are going to decide what is important, and we are going to try to do that, but we cannot do everything. Because if we are ever going to change the way we do business, we have got to start right here among ourselves.

So once again, I would urge my colleagues to vote no on this motion to instruct. Let the conference begin. Let our Members of the conference committee sit down with the Members of the Senate conference committee, work out any differences they have, but at the end of the day, let us come up with a final plan that will save money for the American people.

Mr. Speaker, I yield back the balance of my time.

☐ 1815

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it pains me to say it, but Republicans control the House, they control the Senate, they control the White House, and they cannot escape responsibility for the dismal condition our budget is in.

Let me start with the simplest way I know to summarize the last 5 years. When the Bush administration brought us their budget in 2001, they said we will not need to raise the debt ceiling of the United States, the legal limit to which we can borrow, for another 6, 7 years. The next year they were back, hat in hand. They needed a $450 billion increase in the debt ceiling. The next year, just a year later, they came and asked for $984 billion, the biggest increase, single increase, in the national debt ever. As big as the total national debt when Ronald Reagan took office.

One would have thought $984 billion had long legs and would have taken us several years at least, but, no. Within a year they were back, Secretary Snow, hat in hand, saying, I need $800 billion. And in this year's budget resolution as it passed the House, buried in it is a conditional provision to increase the debt ceiling by another $781 billion. If we add all of those up, we come up with $3.015 trillion. That is the net addition to the legal debt of the United States over the last 5 years. That should temper everybody's understanding of the debate we have just been holding.

And look at this chart right here. Kind of complicated, but basically what we have done here is we have gone to the Congressional Budget Office and we have said, we have got your numbers for August and September, the update of the budget and the update of the economy. What you would like to do is make this politically realistic. Let us assume that the Bush administration's agenda is reaffirmed to us in July in the budget update; let us assume it is carried out. What will be the result? CBO came back to us, and they said the deficit of the United States last year, in 2004, in 2005, was $325 billion. That will grow to $640 billion under the assumptions you have given us. As for the debt service of the United States, it was $182 billion. It will grow to $548 billion over the next 10 years. That is the course we are on. And that is what we are discussing tonight. What do we do about it?

There is a process called reconciliation. When we find ourselves in dire straits like this, this is an extraordinary process, reconciliation, which gives special primacy to a bill for this purpose adopted in a budget resolution, and at every other time we have used it since it was invented, it was used to reduce the deficit by big numbers because a lot of the cost growth that has to be dealt with in deficit reduction is in the entitlement programs.

Look what we did in 1990 and 1993 and 1997: big, big reductions due to reconciliation. But what is being done here in the name of deficit reduction is deficit worsening. The deficit gets worse by at least $58 billion according to where the final cuts finally settle out. It gets worse by at least that amount, not better. And if we take a realistic view of what the likely revenue effects of all the tax cut legislation passed in the last 6 months have been, the deficit gets $300 billion worse.

They have taken reconciliation and stood it on its head. We would like to stand it back up, put some of the values back in it. We do not think we should balance the budget on the backs of small children, on the backs of Medicaid beneficiaries. And that is what the purpose of this motion to instruct is.

Ms. PELOSI. Mr. Speaker, today, nine days before Christmas, I rise in strong support of the motion to instruct on the spending reconciliation bill. This motion to instruct would eliminate the most egregious aspects of the House reconciliation bill and would reduce the Republican cuts to less than $20 billion.

This Congress must not go home for the holidays, leaving a lump of coal in the stockings of the most vulnerable children in this country. That is contrary to the spirit of this holiday season and contrary to the values of this nation. If we adopt this motion, we will send the conferees on this bill a strong message that this should not be the season of "suffer little children."

This motion eliminates the cuts from the House bill that would affect the most vulnerable children in this country: It says no to cuts to our child support enforcement program: so that parents have to fulfill their responsibilities to their children. It says no to slashing food stamps: so that low-income children can be properly fed. It says no to cutting health benefits for low-income children: because we want all children to have access to health care in this country.

How can we possibly leave here and as one of our last legislative actions in this Christmas season to be accused of being scrooges to the least among us—poor children?

This motion stops the Republican raid on student aid: It would help make college more affordable, reducing interest rates and fees relating to student loans and increasing Pell Grants.

This motion eliminates the so-called "mining reform" in the bill, which is really a massive give-away of public lands to special interests: Selling public lands at fire sale prices. That is why sportsmen and women, environmentalists, and Western governors oppose this outrageous proposal.

This motion ensures that seniors and individuals with disabilities can continue to receive physician services under Medicare: Eliminating the reimbursement cut physicians would receive when treating Medicare recipients.

Two days ago, hundreds of faithful Americans descended on Capitol Hill in peaceful protest to stand up for working Americans, our children, the poor, those still hurting from Hurricane Katrina, and our elderly. In the freezing cold, in prayer and song, they called the Republican budget what it is—a moral failure, devoid of spiritual hope and nourishing resources.

This mean-spirited Republican budget takes food from the mouths of hungry children, cuts housing for Katrina evacuees, reduces support for our veterans, and fails to adequately provide health care for our elderly; all to provide tax cuts for millionaires.

I commend Reverend Jim Wallis and the pastors and church workers from across our country who marched on our Capitol. By adopting this motion to instruct, we would stand with them in the struggle for a budget that lives up to our American values of fairness and opportunity.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SPRATT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 175, not voting 12, as follows:

[Roll No. 652]

YEAS—246

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—175

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra

Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Young (FL)

□ 1846

Mrs. MYRICK, Ms. PRYCE of Ohio and Messrs. RADANOVICH, WHITFIELD, BACHUS, DANIEL E. LUNGREN of California, McCAUL of Texas and SESSIONS changed their vote from "yea" to "nay."

Ms. GINNY BROWN-WAITE of Florida and Mrs. KELLY and Messrs. REGULA, FRANK of Massachusetts, RUSH, BOEHLERT, STUPAK, UPTON, JOHNSON of Illinois, PLATTS, SHIMKUS, LINCOLN DIAZ-BALART of Florida, SIMPSON, REHBERG, COBLE, HAYES, RAMSTAD, GINGREY, FOLEY and SAXTON changed their vote from "nay" to "aye."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PETRI). Without objection, the Chair appoints the following conferees:

For consideration of the Senate bill and the House amendment thereto, and modifications committed to conference: Messrs. NUSSLE, RYAN of Kansas, CRENSHAW, PUTNAM, WICKER, HULSHOF, RYAN of Wisconsin, BLUNT, DELAY, SPRATT, MOORE of Kansas, NEAL of Massachusetts, Ms. DELAURO, Mr. EDWARDS and Mr. FORD.

From the Committee on Agriculture, for consideration of title I of the Senate bill and title I of the House amendment, and modifications committed to conference: Messrs. GOODLATTE, LUCAS and PETERSON of Minnesota.

From the Committee on Education and the Workforce, for consideration of title VII of the Senate bill and title II and subtitle C of title III of the House amendment, and modifications committed to conference: Messrs. BOEHNER, MCKEON and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Messrs. UPTON, DEAL of Georgia and DINGELL.

From the Committee on Financial Services, for consideration of title II of the Senate bill and title IV of the House amendment, and modifications committed to conference: Messrs. OXLEY, BACHUS and FRANK of Massachusetts.

Provided that Mr. NEY is appointed in lieu of Mr. BACHUS for consideration of subtitle C and D of title II of the Senate bill and subtitle B of title IV of the House amendment.

From the Committee on the Judiciary, for consideration of title VIII of the Senate bill and title V of the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

From the Committee on Resources, for consideration of title IV of the Senate bill and title VI of the House amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS and RAHALL.

From the Committee on Transportation and Infrastructure, for consideration of title V and Division A of the Senate bill and title VII of the House amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO and OBERSTAR.

From the Committee on Ways and Means, for consideration of sections 6039, 6071, and subtitle B of title VI of the Senate bill and title VIII of the House amendment, and modifications committed to conference: Messrs. THOMAS, HERGER and RANGEL.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 621 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4437.

□ 1850

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with Mr. SHIMKUS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 11 printed in House Report 109–350 by the gentleman from New York (Mr. NADLER) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109–350 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GOODLATTE of Virginia.

Amendment No. 6 by Mr. STEARNS of Florida.

Amendment No. 7 by Mr. SENSENBRENNER of Wisconsin.

Amendment No. 9 by Mr. NORWOOD of Georgia.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 148, not voting 12, as follows:

[Roll No. 653]

AYES—273

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berman
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers

Emanuel
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—148

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1908

Mr. RUSH changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 654]

AYES—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar

Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—13

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Weller
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1916

Mrs. JONES of Ohio changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. SENSENBRENNER

The Acting CHAIRMAN (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his inquiry.

Mr. BERMAN. Are we now voting on the Sensenbrenner amendment to reduce the crimes on illegal immigrants?

The CHAIRMAN. Pending is the request for a recorded vote on amendment No. 7 offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. BERMAN. To soften the penalties?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 257, not voting 12, as follows:

[Roll No. 655]

AYES—164

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Crenshaw
Cubin
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Doolittle
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Fortenberry
Fossella
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Granger
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Hulshof
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
Leach
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCaul (TX)
McCrery
McKeon
McMorris
McNulty
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Regula
Reichert
Reynolds
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (TX)
Souder
Spratt
Tancredo
Tanner
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Young (AK)

NOES—257

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Gerlach
Gibbons
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Marchant
Markey
Marshall
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Neugebauer
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1926

Mr. ABERCROMBIE and Mr. UDALL of Colorado changed their vote from "aye" to "no."

Mr. SHAYS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. NORWOOD

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 180, not voting 16, as follows:

[Roll No. 656]

AYES—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—180

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Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Frelinghuysen
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wu
Wynn
Young (AK)

NOT VOTING—16

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Jones (NC)
Kolbe
LaHood
McCarthy
Napolitano
Oxley
Payne
Pryce (OH)
Woolsey
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1934

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MRS. MYRICK

Mrs. MYRICK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. CULBERSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 printed in House Report 109-350 offered by Mrs. MYRICK:

In section 606, add at the end the following:

(c) UNAUTHORIZED ALIENS CONVICTED OF DWI.—Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(iii)) is amended by inserting "other than an unauthorized alien described in this clause" after "alien" and by inserting at the end the following: "In the case of an unauthorized alien (as defined in section 274A(h)(3)), a first drunk driving conviction shall be deemed to satisfy the definition of aggravated felony under section 101(a)(43)(F).".

Strike section 606(a) and insert the following (and redesignate subsequent subsections accordingly):

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (C), by striking "or" at the end;

(B) in subparagraph (D), by inserting "or" at the end; and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) is deportable on any grounds and is apprehended for driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security) by a State or local law enforcement officer covered under an agreement under section 287(g),";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) DRIVING WHILE INTOXICATED.—If a State or local law enforcement officer apprehends an individual for an offense described in subsection (c)(1)(E) and the officer has reasonable ground to believe that the individual is an alien—

"(1) the officer shall verify with the databases of the Federal Government, including the National Criminal Information Center and the Law Enforcement Support Center, whether the individual is an alien and whether such alien is unlawfully present in the United States; and

"(2) if any such database—

"(A) indicates that the individual is an alien unlawfully present in the United States—

"(i) an officer covered under an agreement under section 287(g) is authorized to issue a Federal detainer to maintain the alien in custody in accordance with such agreement until the alien is convicted for such offense or the alien is transferred to Federal custody;

"(ii) the officer is authorized to transport the alien to a location where the alien can be transferred to Federal custody and shall be removed from the United States in accordance with applicable law; and

"(iii) the Secretary of Homeland Security shall reimburse the State and local law enforcement agencies involved for the costs of transporting aliens when such transportation is not done in the course of their normal duties; or

"(B) indicates that the individual is an alien but is not unlawfully present in the United States, the officer shall take the alien into custody for such offense in accordance with State law and shall promptly notify the Secretary of Homeland Security of such apprehension and maintain the alien in custody pending a determination by the Secretary with respect to any action to be taken by the Secretary against such alien.".

(b) DEPORTATION FOR DWI.—

(1) IN GENERAL.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following new subparagraph:

"(F) DRIVING WHILE INTOXICATED.—Any alien who is convicted of driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security), or who refuses in violation of State law to submit to a Breathalyzer test or other test for the purpose of determining blood alcohol content is deportable and shall be deported.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to violations or refusals occurring after the date of the enactment of this Act.

(c) SHARING OF INFORMATION BY MOTOR VEHICLE ADMINISTRATORS REGARDING DWI CONVICTIONS AND REFUSALS.—Each State motor vehicle administrator shall—

(1) share with the Secretary of Homeland Security information relating to any alien who has a conviction or refusal described in section 237(a)(2)(F) of the Immigration and Nationality Act;

(2) share such information with other State motor vehicle administrators through the Drivers License Agreement of the American Association of Motor Vehicle Administrators; and

(3) enter such information into the NCIC in a timely manner.

In section 608(b), amending section 237(a)(2) of the Immigration and Nationality Act, strike "'(F) CRIMINAL'" and insert "'(G) CRIMINAL'".

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MRS. MYRICK

Mrs. MYRICK. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form I have sent to the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 12 offered by Mrs. MYRICK of North Carolina:

Strike section 606(a) and insert the following (and redesignate subsequent subsections accordingly):

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (C), by striking "or" at the end;

(B) in subparagraph (D), by inserting "or" at the end; and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) is unlawfully present in the United States and who is deportable on any grounds and is apprehended for any offense described in section 237(a)(2)(F) by a State or local law enforcement officer covered under an agreement under section 287(g),";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) DRIVING WHILE INTOXICATED.—If a State or local law enforcement officer apprehends an individual for an offense described in section 237(a)(2)(F) and the officer has reasonable ground to believe that the individual is an alien—

"(1) the officer shall verify with the databases of the Federal Government, including the National Criminal Information Center and the Law Enforcement Support Center, whether the individual is an alien and whether such alien is unlawfully present in the United States; and

"(2) if any such database—

"(A) indicates that the individual is an alien unlawfully present in the United States—

"(i) an officer covered under an agreement under section 287(g) is authorized to issue a Federal detainer to maintain the alien in custody in accordance with such agreement until the alien is convicted for such offense or the alien is transferred to Federal custody;

"(ii) the officer is authorized to transport the alien to a location where the alien can be transferred to Federal custody and shall be removed from the United States in accordance with applicable law; and

"(iii) the Secretary of Homeland Security shall reimburse the State and local law enforcement agencies involved for the costs of transporting aliens when such transportation is not done in the course of their normal duties; or

"(B) indicates that the individual is an alien but is not unlawfully present in the United States, the officer shall take the alien into custody for such offense in accordance with State law and shall promptly notify the Secretary of Homeland Security of such apprehension and maintain the alien in custody pending a determination by the Secretary with respect to any action to be taken by the Secretary against such alien.".

(b) DEPORTATION FOR DWI.—

(1) IN GENERAL.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following new subparagraph:

"(F) DRIVING WHILE INTOXICATED AND WHILE UNLAWFULLY PRESENT IN THE UNITED STATES.—An alien—

"(i) who at the time the alien is unlawfully present in the United States and who commits the offense of driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security) and who is convicted of such offense, or

"(ii) who is unlawfully present in the United States and who commits an offense by refusing in violation of State law to submit to a Breathalyzer test or other test for the purpose of determining blood alcohol content,

is deportable and shall be deported.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to violations or refusals occurring after the date of the enactment of this Act.

(c) SHARING OF INFORMATION BY MOTOR VEHICLE ADMINISTRATORS REGARDING DWI CONVICTIONS AND REFUSALS.—Each State motor vehicle administrator shall—

(1) share with the Secretary of Homeland Security information relating to any alien who has a conviction or refusal described in section 237(a)(2)(F) of the Immigration and Nationality Act;

(2) share such information with other State motor vehicle administrators through the Drivers License Agreement of the American Association of Motor Vehicle Administrators; and

(3) enter such information into the NCIC in a timely manner.

In section 608(b), amending section 237(a)(2) of the Immigration and Nationality Act, strike "'(F) CRIMINAL'" and insert "'(G) CRIMINAL'".

Mrs. MYRICK (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like very much to thank Chairman SENSENBRENNER and Chairman KING for their hard work in bringing this bill to the floor and allowing my amendment. It is a commonsense enhancement to a strong underlying bill.

On Saturday, July 16, Scott Gardner, a beloved school teacher in my district, was killed by an illegal alien who was driving drunk. After the wreck, it was discovered that the illegal alien already had five prior drunk driving convictions; yet he was still on our roads and still in our country. He should never have been allowed to stay in our country after his drunk driving arrests.

Unfortunately, tragedies like this are happening all over the country, and that is why my amendment is important.

Currently, the bill says all illegal aliens must be deported after their third DWI conviction. My amendment requires the automatic deportation of an illegal alien after their first DWI conviction because it only takes one DWI to kill someone; ask Scott Gardner's family.

Please note that this does not apply to legal immigrants; this is only illegal aliens. This amendment also gives specially trained State and locally trained local law enforcement officers the authority to detain drunk driving illegal aliens so they cannot run from their court dates and be free to drink and drive again, as is currently the case.

The amendment also allows these same officers to transport illegal aliens into Federal custody so they can be deported, and they will be reimbursed by the Department of Homeland Security for doing so.

Information on these illegal alien drunk drivers will be reported to the Department of Homeland Security, the National Criminal Information Center, and the Driver License Agreement of the American Association of Motor Vehicle Administrators. The authorities and information collection will give us another tool to use against criminal illegal aliens who continue to break our laws and threaten our safety.

By passing this amendment today, we will be sending a strong message that we will no longer tolerate criminal actions by illegal aliens.

You drink, you drive, you are illegal, you are deported. Period.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Mrs. MYRICK. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Recent news reports have underscored the tragic cost inflicted by aliens who have taken lives while driving drunk or while intoxicated.

Two cases from North Carolina have highlighted this problem. In each, the alien driver has been charged with drinking and killing another driver. Authorities have alleged that a Gaston County teacher was killed in July by an illegal Mexican national with five previous DWI charges. That alien has been charged with DWI and second degree murder. The police have also reported that a UNC Charlotte student was killed in November by an illegal Mexican national who reportedly had two prior impaired-driving arrests and had drunk six beers before the accident. That alien, who had previously been sent back to Mexico 17 times, was also charged with second-degree murder.

Despite the risks posed by drunk drivers, this offense is not currently a ground of removal. The bill I introduced that we are considering today requires the deportation of aliens convicted of three or more drunk driving offenses.

The bill establishes a policy of three strikes and you are out for all noncitizens who are convicted of drunk driving—removal without exception. Representative MYRICK'S amendment provides for the mandatory detention and removal of illegal aliens who are convicted of drunk driving.

Second, the amendment mandates the detention of any deportable alien who is apprehended for drunk driving.

Third, the amendment makes a conviction of drunk driving a deportable offense for any alien, but still leaves open the availability of cancellation of removal by an immigration judge.

Fourth, if a local law enforcement officer apprehends an illegal alien for drunk driving, DHS shall reimburse the local agency for the costs of transporting the alien to Federal custody.

Finally, State motor vehicle administrators shall share with DHS and other States and the national criminal information center database information about aliens who have been convicted of drunk driving.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 2 minutes to the coauthor of the amendment, the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Chairman, I rise in strong support of this amendment, and I thank Mrs. MYRICK for her work on this legislation.

Unfortunately, a recent tragedy in my home district in southeastern North Carolina makes clear the need for strengthening our immigration laws in this type of situation.

On July 16, Scott Gardner, a constituent of Mrs. MYRICK, was killed in my district while traveling with his family to go to the beach on vacation. He was killed by a drunk driver, an illegal immigrant who should never have been in this country in the first place, not just because he came here illegally, but because he had already broken the law three times and was still in our country.

Prior to killing Scott Gardner, this illegal alien had been charged with driving under the influence of alcohol on three separate occasions. But rather than being deported for breaking the law a third time, this illegal immigrant was sentenced to just 30 days in jail and then released back into society.

The tragedy the Gardner family experienced personifies the need for expanding efforts to stop illegal immigration and improve our border control. It is time to send a clear message to those who would break our laws and put our Nation's citizens at risk. You are drunk, you are driving, you are illegal, you are deported.

We must honor the family of Scott Gardner and others like him by passing this amendment. It is important to pass this amendment now before another family suffers such an unfortunate tragedy.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, the gentlewoman who is the sponsor of this amendment, MIKE MCINTYRE, and I all live in the same part of the country; and we have all seen this tragedy. Scott Gardner is from my hometown, York, South Carolina. I know his parents.

In addition to that, there was another incident in Lancaster County, someone driving drunk swerved across the road, killed the other person, got out on bail, jumped bail, and is gone. And then recently on the interstate, I–485 in Charlotte, another incident where someone got on the interstate, an illegal alien, and had a head-on collision with a car going in the wrong direction.

This is tough, one violation; but it is tough, too, when you see Scott Gardner's family. You understand the circumstances they have gone through, and they wonder how in the world someone can stay in this country with an illegal status and five DWIs.

This maybe goes a little far to the other extreme, but it begs the question, should we not hold everyone who is here to at least basic standards of behavior? And should we not apply that standard to illegal aliens?

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I will support this amendment, and I was very sad to hear about the tragic situation that the Members have spoken of where a family was so devastated.

I would just like to note that when you look at the current Immigration Nationality Act, that individual should have been deported anyhow.

I do not mind changing law, even if it is redundant. I have never fallen prey to the argument that a redundancy is necessarily wrong. But I think it points out some of the discussions we had yesterday. We are working on a law here, but the real issue is the failure of the Bush administration to enforce the current law.

If we had the institutional removal program operating the way it used to, this person who killed people while driving drunk would not have been in this country. That person would have been deported.

So as I say, I do not object to the amendment. I appreciate the clarification because I think that was an important clarification, but it does once again point out the real ineptitude of the Department.

I remember watching just stunned after Hurricane Katrina came and devastated Louisiana and saying how inept is FEMA. I hate to admit it, but many of the elements of the Department of Homeland Security are just as inept as what we saw at that time, and the immigration functions are prime among them.

I worry that there are some things in this measure that are completely wrong-headed and there are some things in the bill that make some sense. The things that make sense will not be accomplished because the administration is so poor, they are so inept, they are so pathetic that they actually cannot administer the law.

☐ 1945

As I say, I commend the gentlewoman and my colleague for bringing this amendment. I will vote for it. But, again, this will not solve the problem, which is basically incompetence in the administration.

Mr. Chairman, I yield back the balance of my time.

Mrs. MYRICK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment, as modified, offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment, as modified, was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in House Report 109-350 offered by Mr. SHADEGG:

At the end of title VI, add the following new section:

SEC. 6 . INCREASED CRIMINAL PENALTIES FOR DOCUMENT FRAUD AND CRIMES OF VIOLENCE.

(a) DOCUMENT FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "not more than 25 years" and inserting "not less than 25 years"

(B) by inserting "and if the terrorism offense resulted in the death of any person, shall be punished by death or imprisoned for life," after "section 2331 of this title)),";

(C) by striking "20 years" and inserting "imprisoned not more than 40 years";

(D) by striking "10 years" and inserting "imprisoned not more than 20 years"; and

(E) by striking "15 years" and inserting "imprisoned not more than 25 years"; and

(2) in subsection (b), by striking "5 years" and inserting "10 years".

(b) CRIMES OF VIOLENCE.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 51 the following:

"CHAPTER 52—ILLEGAL ALIENS

"Sec.

"1131. Enhanced penalties for certain crimes committed by illegal aliens.

"§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

"(a) Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

"(b) If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

"(c) A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.".

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

"52. Illegal aliens .... 1131".

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Arizona (Mr. SHADEGG) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I may consume.

Mr. SHADEGG. This amendment is simple and straightforward. It does two things. First, it increases the penalty for document fraud, and, second, it imposes a mandatory minimum sentence on any illegal alien convicted of either a crime of violence or a drug trafficking offense.

Mr. Chairman, document fraud is a key component of the activities of human smugglers and human traffickers. These smugglers, many of them engaged in smuggling and human trafficking through my State of Arizona, create false Social Security cards, false green cards, visas and a variety of other fraudulent documents as an essential part of their smuggling activities.

Yet, under current law, the penalty for these crimes is insufficient to deter this type of activity. The amendment increases the penalties for document fraud, committed to facilitate a crime of international terrorism by imposing a minimum sentence of 25 years. It also increases the penalty for document fraud committed to facilitate drug trafficking, and it increases the penalty for document fraud; that is, creating of these type of documents fraudulently in connection with other activities, including human smuggling.

It is widely reported that many Mexican organized crime syndicates have shifted much of their activity from drug smuggling to human smuggling and human trafficking, specifically because the penalties for human smuggling and human trafficking and for the related offense to which this amendment is directed, document fraud, are much lower, yet they can achieve the same profit.

The penalties for committing these offenses, for creating these false documents, must be significant, and they must be high enough to deter this type of activity.

Second, the amendment imposes an additional minimum-mandatory sentence of 5 years on any illegal alien convicted of either a crime of violence here in the United States or drug trafficking. Under current law, there is no additional penalty for someone who enters the United States illegally and then commits either a crime of violence or a drug trafficking offense. They simply come under the same penalty as we have in current law.

What this amendment does is add a minimum mandatory sentence to be imposed on top of the sentence for the crime itself. It is unacceptable for someone to come to our country illegally and then prey on an American citizen and not receive a severe penalty. We must send a very clear message that if you enter our country illegally and then commit one of these offenses, you will be dealt with harshly and you will pay a heavy price for your conduct.

I would like to thank Chairman SENSENBRENNER and Chairman KING for their work on this legislation. I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the gentleman's amendment.

One of the primary mechanisms for the flagrant abuse of our immigration laws is the use of counterfeited immigration documents, the perpetration of identity fraud, and lying under oath in immigration applications.

This amendment significantly strengthens criminal penalties for all of these crimes and will therefore act as a strong deterrent to aliens considering immigration fraud.

The amendment also provides that if an illegal alien commits a violent crime or a drug trafficking offense, that the alien should receive a criminal sentence at least 5 years longer than he or she would have received otherwise.

If such an illegal alien had previously been ordered deported for having committed another crime, the alien will receive a sentence at least 15 years longer than he or she would have received otherwise.

These are extremely important provisions. It is bad enough for an alien to come illegally to the United States. But for such an alien to come here illegally and then perpetrate a serious, if not deadly, crime takes the offense to a whole other level. And for such an alien to return again and commit yet another offense must simply not be tolerated.

These aliens deserve to see their prison sentences dramatically increased. This is what the amendment does, and I urge my colleagues to support it.

Mr. SHADEGG. Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I cite to the gentleman from Arizona (Mr. SHADEGG) that I do not think there would be a divide on your legislation, because all of us believe that criminals should have a fast track to a point where they are not doing others any harm.

But I do have problems with this legislation. It poses a number of problems. It creates three new mandatory-minimum criminal penalties and one new death penalty. But I think the biggest concern that I have is the fact that they are in the country and the fact that they have been able to get in the country because we failed as a Federal Government to do the job that we are supposed to do.

We have already received Ds and Fs from the 9/11 Commission's report on the work that we should be doing. For your information, we already have a criminal offense for immigrants who enter the country illegally. But there is no enforcement, because there are no resources.

So to try to enhance it from the back door, with new mandatory minimums, with death penalties, with 5-year mandatory minimums, with 15-year mandatory minimums, just simply says, we failed. We are not going to stand here and advocate for drug dealers and those who use fraudulent documents, and might I just say that I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for joining me in supporting an amendment that was offered about fraudulent documents and creating a singular database.

But frankly, I wish that we could join together in comprehensive immigration reform so that the enforcement against those who enter illegally would start where it was supposed to be, which would be at the border.

Mr. Chairman, I reserve the balance of my time.

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentlewoman's argument, but I believe it misses the mark. Quite frankly, current law has resulted in the circumstance where the penalty imposed for document fraud on average in this country is 8 months.

An American prosecutor is not going to go to trial and pursue a criminal offense where someone fraudulently creates a document and then gets, on average, 8 months. Indeed, it probably takes longer than 8 months to get to trial on a crime of this nature.

If the penalty is insufficient, we simply encourage this conduct. I know the gentlewoman makes a valid point about our failure to enforce our borders. Certainly that is our responsibility. But the point of this amendment is to make the penalties which can be imposed on, those who are really exploiting people through human smuggling or human trafficking severe enough to deter these crimes. It is important to understand that human smuggling is the conduct of bringing across people who want to come across, but who are still being exploited by the criminal smuggler; and human trafficking where people are brought across, and then, once they are here, essentially become indentured slaves. That is, they must work and work for years perhaps in a job they do not want at a sub level of pay in conditions that are unacceptable to them to pay off a huge debt for having brought them into the country.

Integral to these offenses, as a key part of these offenses, is creating fraudulent documents, false Social Security cards, a false green cards, all types of identity that they use in this country to get a job. And the smugglers do the exploiting. The smugglers create those documents. It is unacceptable to have these kinds of fraudulent schemes perpetrated on people who are themselves essentially victims from other countries and have the penalty for those that are victimizing them be insufficient.

In addition, I do not believe the gentlewoman means to oppose this, but it seems to me, if you come to this country and you victimize people in this country and you commit crimes here, we want to send a message that if you are going to commit a crime, commit it back home; do not come here and commit it. And if you do come here and commit it, we are going to send you a very clear message. Because if someone comes here to victimize an American, they ought to get an additional penalty. So I urge the passage of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I respect the gentleman's argument, but I think that the American people would be somewhat surprised that a prosecutorial system, a Federal system, picks and chooses who they will prosecute. We have laws on the books to prosecute these individuals. We have laws on the books to prevent them from coming into the United States.

It is all a question of resources. How do we use our resources? In this bill, we do not have sufficient dollars for prosecutors, for court systems, for detention systems and for jails. And are the American people asking for us to bear the burden of undocumented criminals that will be here for 25 years and how many long years and we pay the bill for them? I think not.

We should be focusing today on comprehensive immigration reform. We should be focusing on putting resources at the border, the northern and southern border, so that, in fact, as we do so, we prevent these people from coming into the United States. I believe that the best defense is offense.

And I believe that homeland security starts at the border. Here we are talking about closing the barn door after the fact. And so, yes, I agree with the gentleman. We all should be against those who perpetrate crimes of violence, those who are drug traffickers and, unfortunately, happen to be illegal aliens.

But ask the Federal Government whose responsibility it is, the Justice Department, the Homeland Security Department, why they have been ineffective in enforcing our laws at the border and internally in terms of individuals who have perpetrated crimes?

These mandatory minimums are burdensome. They are expensive to us, and we do not have the system in place to prosecute. But I would admonish our prosecutorial system that it is certainly unfortunate to tell Americans, as the gentleman from Arizona (Mr. SHADEGG) has said, that we pick and choose how we prosecute, and so we let people go when we should be prosecuting.

Maybe we might save lives if we would prosecute. Mandatory minimums are extremely expensive. And just as an example, as I close, the cost of fighting crime in the United States for police, prisons and courts rose to a record $167 billion in 2001, $20 billion more than was spent on the criminal justice system in 1999.

My only point is that this will go up and up and up, and now this gentleman is adding more cost. I hope my colleagues will recognize that we are interested in crime fighting as well, but we need to put the blame where it needs to be put. We have failed in the immigration process and enforcement, and that is where we need to put more resources.

Mr. Chairman, I yield back the balance of my time.

The Acting Chairman. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 printed in House Report 109–350 offered by Mr. SHADEGG of Arizona:

At the end of title VI, add the following new section:

SEC. 6 . LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting "section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor)," after "section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),"; and

(2) by inserting "section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens)," after "section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),".

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, let me begin by thanking again Chairman SENSENBRENNER for his hard work on this legislation. I think it is important to this country. I appreciate the openness of the debate. I also want to thank the gentleman from New York (Mr. KING), the chairman of the Homeland Security Committee, for his work.

This amendment adds two laws, human smuggling and human trafficking, to the list of specified unlawful activity under the Federal money laundering statute.

Mr. Chairman, human smuggling and human trafficking rings are highly sophisticated and organized crime operations. According to testimony here in the United States Congress before the subcommittee of my colleague, the gentleman from Indiana (Mr. SOUDER), these organizations are a complete one-stop operation.

They recruit customers from deep inside countries outside of the United States. They arrange transportation to the border. They provide housing at the border. They then lead the illegal aliens across the border where prearranged vehicles meet them and transport them to a nearby city, often a city such as Tucson or Phoenix or Los Angeles.

They also provide transportation in these cities and housing, and they provide travel from those cities to other cities in the interior of this country, such as Chicago or Philadelphia or New York. Once the illegal arrives at one of those cities, they are met by yet another agent of this sophisticated organization who provides transportation to a safe house where they are met. They are again provided housing, and they are provided the kind of documents that we just talked about, fraudulent Social Security cards, fraudulent green cards or some other documentation which will enable them to get a job.

Often they advertise, what city do you want to go to? What kind of job do you want to find? Then these sophisticated operations find them employment in the area they are interested in. An integral part of these sophisticated human smuggling and human trafficking operations is money laundering. They launder the proceeds of these crimes. Yet unfortunately, at the present time, neither human trafficking nor human smuggling, are predicates for our Federal money laundering statute.

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That is to say one can engage in these crimes, but our money laundering statute cannot be used to prosecute those people. Mr. Chairman, this amendment simply adds these two statutes so that when we want to prosecute these smugglers, we can use some of our more sophisticated statutes, including our money laundering statute, to go after these individuals.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

International traffickers and smugglers of human beings are the most barbaric of immigration violators. They force women and children into sexual slavery and aliens into indentured servitude. They place their human cargo in extremely dangerous circumstances and often abandon them and leave them to die in the rugged terrain along much of our southwestern border.

This amendment ensures that Federal authorities can use all the powerful tools of our money laundering statutes against the money laundering activities that these persons engage in as part of their criminal enterprises.

If we can make it more difficult for them to launder their profits, and we can more easily seize their profits, we will be much better able to combat this scourge. Just as money laundering by drug dealers and organized crime demands a powerful response by law enforcement, so does money laundering by human traffickers and smugglers.

I urge my colleagues to support this amendment.

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for his support, and I reserve the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). Who claims time in opposition to the gentleman's amendment?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to claim the time in opposition, though I will not oppose this amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Texas will control the time in opposition to the amendment.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment, which would add human trafficking, human smuggling to the list of predicate acts under the Federal money laundering statute.

Let me just say that what Mr. SHADEGG has just articulated is a plague on our society across America. I have worked extensively on human trafficking issues and see them often repeated in our own jurisdictions in Texas. It is actually 20th-century human bondage. And the tragedy is that many of these individuals are women, young women, who are forced to come to the United States and are abused and utilized not only in areas of prostitution but also areas of hard work where they are not able to receive adequate compensation.

According to the State Department, the State Department estimates between 15,000 and 20,000 people are trafficked into the United States every year. Worldwide there are approximately 600,000 to 800,000 people trafficked across international borders every year. Victims of human trafficking are often forced into prostitution, hard labor, child soldiering, and other forms of involuntary servitude. In effect, they become slaves.

It is shameful to say that this occurs in the United States. It is shameful to say that it is still going on in the 21st century. But I believe if we cut off the money supply of human traffickers, charging them with money laundering, it is a reasonable step to take in addressing this problem.

This is not the same offense, but we have seen the devastation of alien smuggling when we lost large numbers of those undocumented individuals who came here for an economic reason who lost their lives at the hands of unscrupulous smugglers. This is similar, where we bring people in under false pretenses and we hold them as human slaves.

So I think this amendment has the purpose of helping to diminish that very vicious set of circumstances.

Mr. Chairman, I reserve the balance of my time.

Mr. SHADEGG. Mr. Chairman, I simply want to thank the gentlewoman for her kind remarks and support. I appreciate that very much.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it seems we are both asking for the support of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SHADEGG. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 printed in House Report 109-350 offered by Mr. WESTMORELAND:

In paragraphs (1)(A) and (2)(A) of section 706, strike "paragraph (10)" and insert "paragraphs (10) through (12)".

In the matter inserted by section 706(1)(B), strike "not less than $5,000" and insert "not less than $5,000 and not more than $7,500".

In the matter inserted by section 706(1)(C), strike "not less than $10,000" and insert "not less than $10,000 and not more than $15,000".

In the matter inserted by section 706(1)(D), strike "not less than $25,000" and insert "not less than $25,000 and not more than $40,000".

In section 706(3), strike "the following new paragraph" and insert "the following new paragraphs".

In section 706(3), after the paragraph (10) added by such section add the following:

"(11) EXEMPTION FROM PENALTY FOR INITIAL GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed shall be waived if the violator establishes that it was the first such violation of such provision by the violator and the violator acted in good faith.

"(12) SAFE HARBOR FOR CONTRACTORS.—A person or other entity shall not be liable for a penalty under paragraph (4)(A) with respect to the violation of subsection (a)(1)(A), (a)(1)(B), or (a)(2) with respect to the hiring or continuation of employment of an unauthorized alien by a subcontractor of that person or entity unless the person or entity knew that the subcontractor hired or continued to employ such alien in violation of such subsection.".

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Georgia (Mr. WESTMORELAND) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to title VII of the Border Protection, Antiterrorism, and Illegal Immigration Control Act.

Our Nation is facing a serious crisis with illegal immigration. Our Nation's national security along with our Nation's job security are on the line as we debate this bill.

I have spent my entire life prior to coming to Congress in the building business. I have worked with many people over the years that work hard to employ, to build infrastructure, to help their communities, and to provide for their families. They are usually small business people; but the way this legislation was originally drafted, it had the potential to turn many of the people I have worked with my entire life into Federal felons.

When I read title VII of the legislation, I was surprised. The criminal penalties were high, and in some cases the fines went up by 800 percent. Businesses are overregulated as it is, and government agencies tend to pile on penalties and fines for even the smallest infractions. I did not want this House sending a flawed bill to the Senate, and I think this amendment makes very important changes that are necessary to clarify some of the issues in title VII.

First, the amendment places caps on the monetary penalties laid out in section 7. Instead of just laying out high mandatory minimum fines, the amendment places upper limits on the fines so businesses will not be subject to unlimited liability.

Second, it provides for the relief from the civil penalties for a first offense under the bill if a business violates a particular rule regarding the employment checks as long as the employer acted in good faith. This will protect companies that are doing their best to follow this complicated new system, but miss some part of it one time.

Finally, the amendment provides a safe harbor for contractors who have a subcontractor that hires an illegal alien. This ensures that general contractors will not be held liable for the actions of a subcontractor when they are not aware that the sub is hiring illegals.

Mr. Chairman, the government requires that schools teach students whether they are legal or not. Hospitals are required to treat patients whether they are legal or not. Let us not make business the police of illegal immigration.

Right now we have laws and serious penalties on the books that prohibit people from entering our country, and that prevents businesses from hiring those here illegally. We need to be careful about requiring businesses to help us do our enforcement work. Enforcement of existing laws is absolutely necessary, but we need to make sure the government is doing its part. Many times partnering with business to help address the problem may be a better approach than imposing severe fines and ever-increasing penalties on business.

We have a problem with illegal immigration that has been decades in the making. Although this legislation is not perfect, we must begin addressing these problems before they grow even worse. True leadership sometimes involves doing things that may be unpopular, but they are right.

Mr. Chairman, I urge all my colleagues to support this amendment and the underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. WESTMORELAND. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Westmoreland amendment.

I support this amendment, which sets caps on employer sanctions penalties and provides an exemption from penalties for initial good-faith violations.

H.R. 4437 establishes very significant minimum levels for civil penalties, but sets no cap. The new minimums in H.R. 4437 for first-, second-, and third-time offenses are $5,000, $10,000, and $25,000, respectively, per alien.

This amendment would create what I believe are reasonable caps on these penalty levels, giving employers some level of certainty as to the consequences of hiring an illegal alien while still maintaining a strong deterrent effect through significant penalties.

The caps would be $7,500 for a first offense—per alien involved—$15,000 for a second offense, and $40,000 for the third and higher offenses. These are certainly penalties that send a necessarily strong message to employers contemplating cutting corners.

This amendment also clarifies that an employer who makes a mistake in good faith in complying with the employment eligibility verification system would be spared civil penalties.

Finally this amendment provides a safe harbor for contractors whose subcontractors employ illegal aliens. This provision clarifies current law. Under section 274A(a)(4) of the Immigration and Nationality Act, an employer may be held liable for the actions of a subcontractor if the employer knows that the subcontractor is hiring illegal aliens.

In other words, employers who have no knowledge as to whether the subcontractor's employees are work-authorized cannot be held liable or penalized. This amendment makes that protection clearer, and should help to put employers at ease that they will not be held responsible for the misdeeds of subcontractors.

This amendment improves the bill and I urge my colleagues to support it.

Mr. WESTMORELAND. Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BERMAN), distinguished member of the Judiciary Committee's Subcommittee on Immigration.

Mr. BERMAN. Mr. Chairman, this is a very important amendment because if this amendment passes, we go down the slippery slope of 1986.

There are three parts of this amendment. It takes the base bill, which creates one of the four steps, one of the four pillars that I think are vital to doing something about illegal immigration, which is a meaningful employer verification system. And it says, essentially, the penalties for employers who do not use that system and hire people in violation of our law, they get one free bite. They say they did not know, they were acting in good faith, penalty totally waived.

Secondly, you provide a safe harbor for subcontractors. Everybody knows what goes on in agriculture and in construction. Growers hardly at all hire the people anymore. They bring in a farm labor contractor. He hires somebody else. They get the coyote. They go out and they recruit. I did not know what the guy was doing? I get a safe harbor.

They create dummy subs. They have no assets. There are no meaningful penalties. They go off scot-free. This amendment gives them a safe harbor.

This is the employer's way of dealing with your effort to try to deal with illegal immigration, weaken and undermine the whole structure of a comprehensive system.

Now, everyone knows that I do not like the bill because it is not comprehensive, but the way to make this bill right is not to go and do the employers' work in getting them out of the problem. That was our flaw in 1986. Employer sanctions were a joke. If this amendment passes, employer sanctions are once again a joke. And you will be back here in 20 years with millions of more undocumented workers brought in by employers who have no accountability.

And the third part is you put caps on the maximum penalties. The exploitation and money that could be made by hiring people who are afraid to complain, who are willing to work at very low wages and maybe under the minimum wages of our own laws and of the States they are working in, and you now cap the penalties. The bill before it had a serious strengthening of the penalties for these activities by unscrupulous employers. Now you have put a cap on them.

So a safe harbor when they go out to a contractor, so they have no liability. Their first violation, they get it waived. They say, I did not know. I was acting in good faith. I did not know, even though you have a verification system under this bill. And then you put caps on it so that they can make an economic test, that it makes more sense to find the undocumented person who will work at a very low wage at very long hours under very onerous conditions, that they make more money by that, and they have a cap penalty that they know they never have to go beyond.

Do not do this and claim you are serious about dealing with illegal immigration. This is a gaping whole in the whole structure of your legislation.

I urge a "no" vote.

Mr. WESTMORELAND. Mr. Chairman, I yield myself such time as I may consume.

It is a shame that the gentleman did not read the amendment. It caps the penalties at $40,000. The maximum penalty that was on there was $20,000, and this just caps the penalties at $40,000, regardless of the occurrence. In some cases that could be up to 10 different occurrences.

What this does is it gives safe harbor for somebody who has made a good-faith effort in getting into the system. We are going to have an overburdensome system when this thing begins. This is an opportunity that if they made one error in filling out any of the paperwork or the procedure they go through, they have a safe harbor.

And as far as the contractor and the subcontractor goes, this is already existing law. This just restates that law, and puts it into this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. ZOE LOFGREN), distinguished member of the House Judiciary Committee's Subcommittee on Immigration.

Ms. ZOE LOFGREN of California. Mr. Chairman, I think it is important to note that in the underlying bill, there are no caps at all. I would direct the attention of the Members to page 152, 153, and section 706 of the underlying bill. There are no caps.

I would just like to note once again that we have a failure of administration. Last year, employers were sanctioned for hiring illegal immigrants only three times. So even if we were to change the law, the ineptitude of the administration does not mean that anything will change.

I object to this amendment for another reason in addition to what my colleague, Mr. BERMAN, has indicated. In the underlying bill, there is at least an effort to make some fairness for little companies versus big companies in terms of making a reduction for small companies. But in this case, in this amendment, Wal-Mart would have the same penalty structure as Joe's Pizza. And it seems to me that Wal-Mart and megacompanies, I would just like to note, in the paper Wal-Mart appears to be one of the biggest offenders, going out and hiring large numbers of undocumented people and, by the way, not treating them very well. They would have their sanctions capped, and they would be treated just the same as Joe's Pizza. So I think of this as the Wal-Mart amendment. Let them go ahead and do their dirty deeds with impunity. They will not have to worry. And I will tell my colleagues for a company as big as Wal-Mart, capping the fines at this level is just the cost of doing business.

And I thank the gentlewoman for yielding me this time.

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Mr. WESTMORELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the distinguished chairman of the Committee on the Judiciary, Mr. SENSENBRENNER, for his hard work on this and the chairman of the Homeland Security Committee, Mr. KING. They have shown great leadership in us taking a first step towards this procedure. This is the first step down a long road of getting a handle on the Nation's immigration problems; and I am grateful for their leadership.

Mr. Chairman, I urge all Members to support the Westmoreland amendment to H.R. 4437.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say to Mr. WESTMORELAND, frankly, I wish that we could have worked together on the underlying problems of this legislation, which is comprehensive immigration reform. But the problem here is there were no caps in the underlying bill. We had no hearings. We do not know if these are the best numbers. They could be stronger.

I wish you would join me on Protect American Jobs, using some of these resources to provide training for American workers, to be able to outreach to American workers. This is a cap with no hearings, no standards, not knowing whether this is punitive enough. And certainly the inequity between big companies and small companies makes this amendment somewhat doubtful.

Mr. Chairman, I ask my colleagues to vote "no" on the amendment.

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. ZOE LOFGREN of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 printed in House Report 109–350 offered by Mr. GONZALEZ:

Strike section 706(1).

At the end of the title VII of the bill, add the following:

SEC. 709. COMPLIANCE WITH RESPECT TO THE UNLAWFUL EMPLOYMENT OF ALIENS.

(a) CIVIL PENALTY.—Paragraph (4) of subsection (e) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

"(4) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—

"(A) IN GENERAL.—With respect to a violation by any person or other entity of subsection (a)(1)(A) or (a)(2), the Secretary of Homeland Security shall require the person or entity to cease and desist from such violations and to pay a civil penalty in the amount specified in subparagraph (B).

"(B) AMOUNT OF CIVIL PENALTY.—A civil penalty under this paragraph shall not be less than $50,000 for each occurrence of a violation described in subsection (a)(1)(A) or (a)(2) with respect to the alien referred to in such subsection, plus, in the event of the removal of such alien from the United States based on findings developed in connection with the assessment or collection of such penalty, the costs incurred by the Federal Government, cooperating State and local governments, and State and local law enforcement agencies, in connection with such removal.

"(C) DISTRIBUTION OF PENALTIES TO STATE AND LOCAL GOVERNMENTS.—

"(i) IN GENERAL.—Penalties collected under this paragraph from a person or entity shall be distributed as follows:

"(I) 25 percent of such amount shall be distributed to the State in which the person or entity is located.

"(II) 25 percent of such amount shall be distributed to the county in which the person or entity is located.

"(III) 25 percent of such amount shall be distributed to the municipality, if any, in which the person or entity is located, or, in the absence of such a municipality, to the county described in subclause (II).

"(D) LIMITATION ON USE OF FUNDS.—Amounts paid to a State, county, or municipality under subparagraph (C) may only be used for costs incurred by such State, county, or municipality in providing public services to aliens not lawfully present in the United States.

"(E) DISTINCT, PHYSICALLY SEPARATE SUBDIVISIONS.—In applying this subsection in the case of a person or other entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or other entity.".

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Texas (Mr. GONZALEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us start off with the basic fact, and that is illegal hiring of undocumented workers is a Federal problem calling for a Federal solution. But the cost of the illegal hiring of the undocumented worker falls on the States, the counties, and our cities.

This is what my amendment attempts to accomplish: first of all, the vital aspect of where the costs fall. The fines that are collected from the lawbreaking employers will be equally apportioned among the Federal Government, the State, the county, and the city governments. The 25 percent that will go to the State, the county and the city in which the illegal act occurred and for which they are incurring costs. those moneys are really reimbursements. Those moneys will be limited when they are received by those entities to be spent directly for the costs incurred, for those public services being provided for the undocumented worker who has been illegally hired by the employer.

Secondly, my amendment increases the base fine to $50,000 per incident. This amendment follows on the heels of Mr. WESTMORELAND's amendment, so we are polar opposites when it comes to what a fine represents.

Historically, a fine has a purpose. First, it is a penalty, no doubt, for wrongdoing. But it is also a deterrent. The greater value is really the deterrence to keep others from following that same type of prohibited behavior. You are not going to accomplish that under the present scheme of the underlying bill, and you surely will not do it if the other amendment that preceded this one is adopted by this House.

You say, $50,000? Keep in mind that that is never going to be levied unless, what happens? My understanding, first of all, is if an employer completely ignores the prevailing rule of law, ignores the verification system that we are attempting to implement, and then upon being notified that legal status cannot be established, ignores it, only then. Now, you are telling me we should not have a significant fine for such outrageous and blatant disregard for our laws? How else are you going to ever get anyone's attention?

There are two component parts to immigration reform which we are not going to touch on, and, of course, that is comprehensive in nature. But if we are looking at enforcement only, let us be honest then. It is the illegal alien worker coming over, but at the behest and the request and the availability of a ready, willing employer, ready, willing and able to disobey the very laws of this country.

A $50,000 fine would get your attention, a $50,000 fine per incident will teach you a lesson, and a $50,000 fine will be a deterrent. And the beauty of what I do in this amendment is that an equal proportion will go to those governmental entities that are bearing the cost for the ineffectual governmental regulation by the Federal authorities. It is a Federal problem, and it should be a Federal solution that addresses these particular concerns.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment increases civil penalties against employers who do not comply with the Employment Eligibility Verification System to such fantastically high levels that they could easily bankrupt companies for first offenses. When companies are bankrupted, everybody who works at that company loses their job.

The amendment would raise penalties to not less than $50,000 for each violation for each alien. Penalties of this magnitude are not merely a deterrent; they would make almost every violation into a capital offense. And I thought the Democrats were against the death penalty.

Let me say first that the underlying legislation already dramatically increases the civil penalties for employers who knowingly hire illegal aliens or who fail to comply with the Employment Eligibility Verification System. I did this because current penalties are so low they are not a deterrent. This bill raises penalties for first-time offenses from $250 to $2,000 per alien for a first-time offense to not less than $5,000 per alien; penalties for second-time offenses are raised to no less than $10,000 per alien; and for employers with two or more previous offenses the penalty is not less than $250,000 per alien.

The penalty levels in this bill are quite sufficient to act as a deterrent for employers who might otherwise hire illegal aliens or ignore the verification requirements. In fact, they have been attacked by practically every employer association in Washington. The amendment goes just too far in order to make a political point; thus it is not a serious amendment.

The amendment designates the proceeds of the penalties to States and localities, which would be required to use the funds to provide services to illegal aliens. When penalties are funneled back in this matter, it sets up an incentive to use immigration as a fundraiser for States and localities. That should not be the goal. We should not be using Federal funds to pay for services to illegal aliens. Money collected from civil penalties should be deposited into the Treasury.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if a company places an unauthorized call to your household and you are on the do-not-call list, it is $11,000 for that call. DirecTV will be paying $5.3 million in fines for basically calling 484 households. Under the present scheme of the underlying bill, an employer could hire 1,066 undocumented workers illegally employed by that employer and pay that amount of money. As you increase the fine schedule, you could still hire 533 at the next level. Even at your highest level of $25,000, after you have a cease and desist order, you can still hire 213.

This is not about fund-raising either. These municipalities, when you go back home and talk to your Governor, your mayor or county judge, they tell you they are paying those moneys.

You get the same mail I do. This is not going to encourage some sort of irresponsible behavior at the local level. What it does is meet a Federal obligation we have to localities. It is Federal policy. It is Federal enforcement of that policy that has resulted in these additional costs.

I think it is disingenuous for us. If we are going to do enforcement, and that is all we are going to do here, let us be honest about it. Let us move forward. Let us be aggressive. Let us get the wrongdoer on both sides of this illegal transaction, the worker and the employer. If you cut off demand, you will not have supply.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this really is an overkill amendment. I think that the increases that are contained in the underlying bill will be sufficient to act as a deterrent. I think we all know as far as the border security situation is concerned, we have to put more efforts on the border to prevent illegal aliens from coming across. We also have to turn off the magnet of employment of illegal aliens in the United States. The employer verification system turns off the magnet. The increase in the fines for not using the employer verification system or hiring illegal aliens are sufficient to act as a deterrent.

I can tell you that our courts are going to be tied up horrendously because everybody who gets a citation for violating the law under Mr. GONZALEZ's amendment is going to ask for a trial by jury, and I doubt we will ever be able to get very much of the money that he thinks we are going to collect.

I think what is in the underlying bill is able to do the trick. I would like to challenge those who are making the argument that we have got to get tough on the border and we have got to get tough with employers to turn off the magnet. When the time comes to vote for passage of the bill, vote "aye."

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 printed in House Report 109-350 offered by Mr. BRADLEY of New Hampshire:

At the end of title VII, insert the following:

SEC. 709. REPORT ON EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

Not later than one year after the implementation of the employment eligibility verification system and one year thereafter, the Secretary of Homeland Security shall submit to Congress a report on the progress and problems associated with implementation of the system, including information relating to the most efficient use of the system by small businesses.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin by thanking both chairmen, Chairman SENSENBRENNER and Chairman KING, for working with me, as well as the Rules Committee on this amendment.

Mr. Chairman, I am offering what I expect is a very simple amendment that will require reporting to Congress at the 1-year mark and at the 2-year mark of the Employment Eligibility Verification System that is going to be implemented as a result of this legislation.

This is important to have this report so that we as policymakers in Congress have the information as to how the verification system is working. Is it working as intended? Is it user-friendly? What type of response are businesses, both small and large, having with this system? Is it used primarily online by telephone? How many businesses utilize it? How are the penalties being implemented? All of these kinds of questions we need to have data on with this reporting that I am proposing in this amendment.

Mr. Chairman, I hope that my colleagues will support this amendment; and, once again, I thank the chairmen.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment, which requires the Department of Homeland Security to report to Congress on the implementation of the employment eligibility verification system which this bill expands economy-wide.

One of the key components of this bill is a mandatory, national employment eligibility verification system. By checking the work authorization status of each person working in the U.S., we will finally be able to flush out the those working illegal.

We are expanding the Basic Pilot Program, which has worked extremely successfully as a voluntary program for 10 years.

Employers who use the Basic Pilot to conduct employment eligibility checks clearly like the system and that it is easy to use. A 2001 report found that "an overwhelming majority of employers participating found the basic pilot program to be an effective and reliable tool for employment verification"—96 percent of employers found it to be an effective tool for employment verification; and 94 percent of employers believed it to be more reliable than the IRCA-required document check.

The system is available to employers both over the internet, and through a toll-free telephone number. Employers may use whichever option is more convenient.

As this system is expanded to a much larger scale, I am committed to working with the Department of Homeland Security and the business community to ensure that it works well and meets the needs of America's employers. I believe it is important that the verification process is user-friendly for all businesses—large and small.

This amendment would require DHS to report to Congress after the first and second years of implementation, and specifically address the concerns of businesses. These reports will assist Congress in monitoring the progress of the program.

I urge my colleagues to support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who seeks time in opposition?

Ms. ZOE LOFGREN of California. I do.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes in opposition.

Ms. ZOE LOFGREN of California. Mr. Chairman, the amendment requires the Department of Homeland Security to report to Congress on the problems caused by the automated employment verification system. However, I want to point out that this amendment will not fix the problems with the Employment Eligibility Verification System, even though this underlying bill will require all employers and employees to use the system.

The GAO has already told us, at the request of Mr. SENSENBRENNER as a matter of fact, that the basic pilot program is not ready for widespread use, that the DHS system is badly flawed, that it is unable to detect identity fraud; and this report, after the fact, is not going to change that.

Mr. Chairman, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding me time.

My, how times have changed. I was here in 1993 and I was the principal Republican author of a bill called the Brady Bill, which in part required the establishment of an automated system to check out whether somebody who was trying to purchase a firearm was eligible under the law to purchase and possess that firearm.

□ 2030

That had an automated system to verify the eligibility of the prospective firearm purchaser against the database that was maintained by the Department of justice. Lo and behold, the people that were pushing the Brady bill, and there were many more on that side of the aisle than the side I serve on, said this system is going to be a foolproof system in order to make sure that convicted felons or adjudicated mental incompetents will never get a firearm in their hands by purchasing it from a licensed firearm dealer. So if it was good enough then to check out people who might not be eligible to possess a firearm because of a felony conviction or a mental incompetency adjudication, then the same type of system ought to be good enough to check out whether somebody who is asking for a job is legally entitled to work in this country.

There is a 2-year delay in implementing the verification system in this bill. That is a little bit more than we heard on the Brady bill. But I think that telling the Department of Homeland Security that they got have to get this thing up and running in 2 years to be able to verify the new hires and then, 4 years later, the existing hires is plenty of time to be able to check out, in a manner that does not create a national identification card, whether somebody is eligible to get a job.

This is a good amendment. It requires progress reports on how the Department of Homeland Security is doing. What is wrong with that? We ought to pass the amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just note that the GAO report identifies at tremendous length the problems with this system in the administration of the system. I would further draw the attention of all my colleagues to this report.

Mr. Chairman, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Once again, the intention of this amendment is to make sure that we as Members of Congress, the policymakers that are going to implement this verification system, have the most accurate information with which to react and possibly make mid-course corrections should they be warranted at the 1-year mark and at the 2-year mark.

While it does not fix the process, it certainly is designed to give us all the information that we need to make sure that it works in the most user-friendly, cost-effective, efficient way for businesses in our country, and I urge my colleagues to support this.

Mr. Chairman, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

I am listening carefully. I am trying to work in a bipartisan manner on this, but the underlying problem here with this bill and this amendment as well is the poor administration of our laws by the Department of Homeland Security.

I mentioned earlier today the pathetic performance of DHS during the Katrina disaster. And one of the things just that is seared in my memory is the, "good job, Brownie," comment. And I think we have the same problem in the Department of Homeland Security and ICE.

The chairman, I am sure, will recall that when we worked on reorganization, he insisted, I did not agree at the time but I now understand why he did, that any applicant for the head job have a minimum of 10 years experience in managing a large and complex organization.

What ended up in the law was a 5-year minimum requirement in managing a large organization. Well, the President's favorite Democratic senator, Senator LIEBERMAN, in opposing the new ICE director, Julie Myers, noted that, with over 20,000 employees, ICE is not only a big agency, it is a vital one. And Ms. Myers has virtually no immigration experience and also does not meet the minimum requirements.

We now have a crony in charge of the immigration service. She may be a lovely person. I do not know, but she worked for a Federal prosecutor for 2 years. She worked for Ken Starr when he was special assistant. Her husband is the chief of staff to Mr. Chertoff. And her dad is a general, General Myers, who we all know of and think is a very good guy, but these are not the qualifications asked for in the statute nor expected by America.

We need to move beyond cronyism into competence. And the fact that we have only had three enforcement actions in unlawful employment; that over 100,000 people have been cited and released and then failed to appear, and the department just continued to do that over and over again in the face of that failure-to-appear rate; the fact that we have not actually followed through on the institutional removal program which requires the immigration function to go out to county jails and to State prisons and to take individuals who have been convicted of crimes and deport them, that has not happened either. Those individuals instead in many cases were simply released because the Federal Government dropped the ball. The Bush administration has dropped the ball at the border.

We have not put the staff forward. We have no technology to implement not only the bills and this amendment but the underlying law. And why? It is competence.

I think it is a sad thing that this bill has been proposed. There are some good things in it. There are a lot of bad things in it. But it is really just to cover the fact that there has been a massive failure of administering current law by the Bush administration. If current law were adequately administered, we would not be here today. Perhaps the amendment is good. Maybe the gentleman has convinced me to support it. But it will not solve the problem.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 printed in House Report 109-350 offered by Mr. SULLIVAN of Oklahoma:

Add at the end the following new title:

TITLE IX—SECURE OUR NATION'S INTERIOR

SEC. 901. EXPEDITED REMOVAL.

Section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

"(i) IN GENERAL.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States, or who has not been admitted or paroled into the United States and who has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 1-year period immediately prior to the date of the determination of inadmissibility under this paragraph, is inadmissible under section 212(a)(6)(C) or 212(a)(7), the officer shall order the alien removed from the United States without further hearing or review, unless—

"(I) the alien has been charged with a crime, is in criminal proceedings, or is serving a criminal sentence; or

"(II) the alien indicates an intention to apply for asylum under section 208 or a fear of persecution and the officer determines that the alien has been physically present in the United States for less than 1 year.

"(ii) CLAIMS FOR ASYLUM.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States, or who is described in clause (i), and the alien indicates either an intention to apply for asylum under section 208 or a fear of persecution, the officer shall refer the alien for an interview by an asylum officer under subparagraph (B) if the officer determines that the alien has been physically present in the United States for less than 1 year.".

SEC. 902. CLARIFICATION OF INHERENT AUTHORITY OF STATE AND LOCAL LAW ENFORCEMENT.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), in the enforcement of the immigration laws of the United States. This State authority has never been displaced or preempted by Congress.

SEC. 903. DEPARTMENT OF HOMELAND SECURITY RESPONSE TO REQUESTS FOR ASSISTANCE FROM STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following:

"CUSTODY OF ILLEGAL ALIENS

"SEC. 240D. (a) IN GENERAL.—If the Governor of a State (or, if appropriate, a political subdivision of the State), exercising authority with respect to the apprehension of an illegal alien, submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary

"(1) shall—

"(A) not later than 48 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

"(B) request that the relevant State or local law enforcement agency temporarily incarcerate or transport the illegal alien for transfer to Federal custody; and

"(2) shall designate a Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of the criminal or illegal aliens to the Department of Homeland Security. The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement, private entities, and detention officials to implement this subsection.

"(b) REIMBURSEMENT TO STATES AND LOCALITIES.—The Secretary of Homeland Security shall reimburse States and localities for all reasonable expenses, as determined by the Secretary, incurred by a State or locality in the incarceration and transportation of an illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1). Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State) plus the cost of transporting the criminal or illegal alien from the point of apprehension, to the place of detention, and to the custody transfer point if the place of detention and place of custody are different.

"(c) Incarceration of Illegal Aliens.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

"(d) Transfer of Illegal Aliens.—

"(1) In general.—In carrying out this section, the Secretary of Homeland Security may establish a regular circuit and schedule for the prompt transfer of apprehended illegal aliens from the custody of States and political subdivisions of States to Federal custody.

"(2) Agreements.—The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement, private entities, and detention officials to implement this subsection.

"(e) Definition.—For purposes of this section, the term 'illegal alien' means an alien who entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security.".

SEC. 904. UNIVERSAL PROCESSING THROUGH THE AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) Record of Entry and Exit.—Not later than January 1, 2008, the Secretary of Homeland Security shall develop a program to collect and maintain a record of each admission for every alien arriving in the United States.

(b) Purpose.—The program established in subsection (a) shall verify the identify of every arriving and departing alien by comparing in real time the biometric identifier on such alien's travel or entry document or passport with the arriving or departing alien.

(c) Coordination.—The program established under subsection (a) shall be coordinated with the system established under section 235(a) of the Immigration and Nationality Act (8 U.S.C. 1225(a)).

(d) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress detailing the additional resources, including machine readers and personnel, that are needed at each port of entry, based on recent and anticipated volumes of admissions at such ports of entry, to fully implement subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Oklahoma (Mr. Sullivan) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to thank the Rules Committee for approving my amendment. And let me say that H.R. 4437 is a good start to addressing immigration reform. However, I feel the bill needs to do more to protect and enforce immigration laws throughout our Nation's interior.

National security does not stop at our Nation's borders. Interior security is national security. My amendment is in direct response to the lack of Federal immigration enforcement in cities and towns across the Nation.

It gives willing local law enforcement and State law enforcement the ability to detain illegal aliens in the course of their regular duties. The simple truth is, our State and local law enforcement officers confront illegal aliens more often than Federal agents. My amendment also requires Federal authorities to respond to and detain all illegal aliens reported to the Department of Homeland Security by State and local law enforcement. Federal authorities will now have a choice between either taking immediate custody of illegal or criminal aliens or paying for their continued local detention.

With my amendment, the current policy of catch and release will give way to deter and remove. The key word here is "willing." The amendment does not force or mandate State or local law enforcement to enforce immigration laws. It simply gives them the option of doing so in the course of their regular duties.

It is common sense that willing law enforcement agencies should have the inherent authority and the ability to protect citizens and their community when they come across criminal violations involving illegal aliens.

My amendment also expands expedited removal nationwide for all illegal aliens who cannot prove to the immigration officer they have been in the United States for more than 1 year. Newly arrived illegal aliens coming up from our southern border through Arizona should not get the benefit of a court date simply because they successfully circumvented U.S. law and made it to Phoenix, Arizona, which is 180 miles away. This bill only applies expedited removal up to 100 miles of the southern border.

The Department of Homeland Security has the authority to invoke expedited removal nationwide up to 2 years, but they have chosen not to do so. Expedited removal must apply nationwide.

Lastly, my amendment requires that, by 2008, all non-citizens who enter or exit the country be processed through an automated entry-exit control system Congress mandated in 1996. However, to be effective and secure, the program must require every non-citizen's entry and exit to be recorded, not just a fraction of non-immigrants entering the U.S.

The statistics on this issue are startling. According to the Government Accountability Office, the current risk of visa overstay being identified and removed is less than 2 percent. And we know that visa overstayers account for 40 percent of the illegal alien population.

I feel this amendment is a commonsense approach to deter illegal immigration and will strengthen H.R. 4437, and I encourage its passage.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly oppose this amendment for a couple of reasons. I do not think it is workable, and it will cause huge problems on the northern border that will result in a lot of jobs being lost both in the United States and Canada.

First of all, we have got about 20,000 detention beds that ICE has got under its control; and about 80 percent of those detention beds are currently filled by criminal aliens, and they are subject to mandatory detention. If there are more people that are put into the detention system without more beds being created by ICE, the courts will not allow for overcrowding of detention facilities. And all of a sudden, there are going to be criminal aliens that are going to be either released on the street or not being put in detention simply because there are not the slots that are available. And that is going to result in the misallocation of resources.

Now, I certainly am all for internal enforcement, but given the fact that there are a half million aliens that illegally enter the United States every year, the requirements here do not match up with the facilities and the infrastructure available. And the deadlines that the gentleman has in his amendment are going to be simply unworkable, and it is going to end up resulting in the agency shifting its resources from what it is doing now, which is concentrating on the criminal aliens and the drug smugglers and the human trafficking smugglers, to other people.

Now, I would also like to talk a little bit about the northern border. What this amendment does is that it has a requirement that there be a mandatory biometric universal processing through the automatic entry-exit control system, which is the US-VISIT program with the fingerprint scans for aliens. We do not have the facilities on the northern border to do that at the present time.

The amendment says, not later than January 1 of 2008 that this infrastructure will be in place. But what this will require is that everybody who does not prove they are a United States citizen or a permanent resident of the United States get out of their car and have a fingerprint scan and wait for the data to come up on the screen of the immigration inspector on the northern border.

Now, when 9/11 occurred and there were hours and hours of waiting to get across the border between the United States and Canada, there were a lot of businesses, and the auto business simply did not get the goods that they needed to be able to conduct their business on the dock in time for the first shift to be able to use that raw material or to use their parts. And that kind of an obstruction along the northern border is going to mean huge unemployment in those border-sensitive communities where manufacturing, particularly, is intensely reliant on the products arriving on the dock in time.

□ 2045

It is not going to be just in our country, but it is going to be in Canada as well. The amendment is a good intention, but it is going to cause all kinds of enforcement problems, as I have described; but it is going to cause a lot of innocent people to lose their jobs along the northern border and should be opposed.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, my simple point is to suggest to the distinguished author of the amendment that even aliens have a form of due process. What he simply is trying to do is to get the young man who is the painter who has a wife and family at home and then he is immediately arrested with no rights of due process. In addition, the distinguished chairman of the Judiciary Committee has made a very good point: we do not have an exit program right now in the US–VISIT program. We do not have the resources; we do not have the space for the lanes. I would simply say we are unable to do such.

Mr. SULLIVAN. Mr. Chairman, I yield myself such time as I may consume. I respect the gentleman from Wisconsin's and the gentlewoman from Texas' opposition to my amendment, and you have done a great job. The chairman does a great job in what you do as well. But, unfortunately, we disagree on this issue.

Simply put, this bill will not be complete without my amendment in it. Our cities and towns that lie far away from the border need these resources to have the same protection of law that border towns receive.

In my State of Oklahoma, it is estimated that 40 percent of the immigrant population is illegal. I would just like to give you an example of what goes on in our district and the people out in the middle of the United States and other places.

We had a van pulled over in my community as happens dozens of times, but the van had 18 illegals in it. Our local law enforcement did its job, pulled that van over about 2 o'clock in the morning, it had five juveniles in it, 18 people, five juveniles under the age of nine, but no adult or guardians. The adults that were driving and in the van were drinking.

They found amounts of drugs in their pockets. They were on an admitted smuggling load to Chicago, and the juveniles were in there. Sometimes these juveniles, I hope they were just working in a sweat shop even though that is bad, sometimes they are subjected to child pornography and those kinds of things. But our local law enforcement did its job, called their local Immigration Customs Office, which is in Oklahoma City, and asked them, Here is the situation. What do you want us to do? And our local Immigration Office, do you know what they said? Let them go.

Well, no constituent in my district that was driving without insurance and drinking or something like that which is wrong was pulled over, they would be arrested. We let them go. We need to stop doing this. This is absolutely crazy. And it should not just apply to border towns. This is happening all across our country, and I am standing up for the constituents across this country. It is very important.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I described that this amendment is unworkable. We will have a reallocation of resources. I would not want this bill to cost thousands of people in the northern border communities, legitimate, honest, hardworking American citizens as well as their counterparts on the Canadian side of the border to lose their jobs simply because goods cannot get across the border.

I appreciate the thought behind the gentleman's amendment, but it really is not a workable one, and it should be rejected as a result of that.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SULLIVAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 printed in House Report 109-350 offered by Mr. RYUN of Kansas:

Add at the end the following new title:

TITLE IX—OATH OF RENUNCIATION AND ALLEGIANCE

SEC. 901. OATH OF RENUNCIATION AND ALLEGIANCE.

(a) IN GENERAL.—Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by inserting after the fourth sentence the following: "The oath referred to in this section shall be the oath provided for in paragraph (a) or (b) of section 337.1 of title 8, Code of Federal Regulations, as in effect on April 1, 2005.".

(b) NOTICE TO FOREIGN EMBASSIES .—Upon the naturalization of a new citizen, the Secretary of Homeland Security, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Kansas (Mr. RYUN) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, today I offer an amendment to establish the oath of renunciation and allegiance as Federal law so that it cannot be changed without an act of Congress.

The oath of renunciation and allegiance is a solemn vow taken by thousands of immigrants each year to become a United States citizen. The oath is the fundamental statement of allegiance to the United States, and this allegiance is what unites America. We are not a Nation based upon race and creed or religion. We are a Nation based upon loyalty and allegiance to our country and her principles. As a gateway to the United States citizenship, the oath should be given the same respect and protection as our other national symbols, such as the American flag, our national anthem, and the Pledge of Allegiance.

Furthermore, given its title 1 authority over naturalization, Congress has the authority and obligation to protect the oath. The oath took its current form in the 1950s, but parts of the oath date back to 1790.

In 2003, the Bureau of Citizenship and Immigration Services proposed changes that would have significantly weakened the oath and its historical significance. Specifically, the proposed changes would have eliminated the call to bear true faith and allegiance to the Constitution. Eliminating these words would have inherently diminished the force of the Constitution, and any measure that reduces the importance of the Constitution is a blow to all American rights.

Fortunately, because of public backlash, the Bureau did not institute these changes of the oath. However, when the Bureau announced its changes, we saw the integrity and the oath was in danger. Accordingly, the House passed an amendment last year making sure that no funds would be used by the Department of Homeland Security to alter the language of the oath. This prohibition should be made permanent.

The oath is currently in the U.S. Code of Federal Regulations and can be changed at any time by this or future administrations. My amendment would codify the oath of renunciation of allegiance so that Congress would have the sole authority to alter its language. My amendment would also require the Department of Homeland Security to notify a foreign embassy when an individual from that country takes the oath and swears allegiance to the United States. I ask my colleagues to support this amendment establishing the oath of allegiance as the law of the land.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. RYUN of Kansas. I yield to the gentleman from Wisconsin.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment. Let me say the significant point the gentleman from Kansas has made is that last year the Congress prohibited the Department of Homeland Security from using appropriated funds to change the oath. Because it is an appropriation bill, the Congress would have to renew that prohibition year after year after year. This will save us some work in the future by making the change permanent law. I support the amendment.

In 2003, the Department of Homeland Security proposed changes to the oath which every naturalized citizen must take which would have significantly weakened the oath and demeaned its historical significance. Due to strong public opposition, those changes were never implemented. However, since the oath is not set forth in federal statute, but only in regulation, the agency can modify its language at any time in the future in a similarly inappropriate way.

The Oath is the fundamental statement of allegiance to the United States and our Constitution, and this allegiance is what unites Americans of all backgrounds and provides for our commonality.

We are not a nation based upon race, creed, or religion—we are a nation based upon our loyalty and allegiance to our country and her principles. As the gateway into U.S. citizenship, the Oath should be protected by Congress.

The Oath of Allegiance has historic roots in the language of the founders. We should protect this historical statement of national unity and support the Ryun amendment. We have already set the precedent in an appropriations bill of requiring that no appropriated funds could be used to amend the Oath of Renunciation and Allegiance as it currently is memorialized in federal regulations.

I urge my colleagues to support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, just two points. I go to the swearing in of the new citizens all the time, and I will say that when the oath, the part that comes "renounce absolutely any abjure absolutely foreign prince potentate," it is pretty clear that they do not know what a potentate is, and I will bet you a lot of Members of this body do not know, either. So to freeze this language, I think, is a mistake.

Number two, there is another issue. To report back to governments when they get citizenship is going to be a risky venture for some. If we have to tell the Cuban Government that one of their former citizens has become one of our citizens, we put their relatives at risk to the Castro regime.

I would like to also note that there are some countries that permit dual citizenship. Among them, Israel. I really do not want to be part of an effort to tell Americans who also have Israeli citizenship that they have to renounce that. I thank the gentlewoman for yielding.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I rise to support the Ryun amendment. What this amendment does is it protects that long-standing and high standard that is affirmed by our oath of allegiance, and it has been referred to that this is a solemn moment, a proud moment, and for many people, it is a dream that has come true.

Let us try to put this in a little bit of a perspective. This is, in a sense, a form of what is sometimes called in old-fashioned language a covenant, a covenant between a people and a person who wants to join a nation.

What are other types of covenants? One of them is a marriage, where a man and a woman pledge allegiance to each other equally. So this is a solemn moment. Try to picture yourself getting married and saying, yes, I want to get married, but I have got a couple of other marriages going, too. That is not going to fly very well.

What this does, this is a dream come true. This is a commitment to a country and to a way of life and to a set of principles. It is something that has always been held in high regard. I think it is totally appropriate for this Chamber to control some bureaucrats that just want to change language and water it down.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I agree with my distinguished colleague, it is a solemn time; it is a time of commitment. Many of us who have participated in these oaths of allegiance taken by throngs of new citizens in our jurisdictions have seen the emotion, the tears, the commitment, the celebration, the family commitment and the commitment to this Nation.

There has been no evidence that my good friend can show to suggest that the allegiance as it is now written and stated is not sacred. There is no evidence in purpose for it to be codified in law because it has fragility to it, if you will.

I raise the point with my colleagues, when we have friendly nations like Israel, are we to suggest that their commitment to the United States is any less, that they would refuse to fight alongside any Americans to defend our honor? Is there a reason to deny them the commitment to a homeland that may have a particular uniqueness to them, their family heritage, but yet they are here in the United States and they would not refuse to fight for our honor and dignity?

This amendment seems to be without purpose, and certainly for those countries where the person who is renouncing their citizenship is then given to be allowed to have their name notified at that embassy, what happens to those members or their families left behind?

I think that the gentleman may have good intentions, but, frankly, I do not think that we have found any, if you will, problem with the existence in the process of the oath of renunciation and allegiance; and I would just offer to say that when you go and see the new citizens not only pledge to the flag of the United States but pledge allegiance, you know that they are committed to the virtues and values of this country.

Mr. Chairman, I reserve my time.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to thank the chairman of the committee for his support and for some of my colleagues who have worked closely on this.

The language in the oath finds its roots way back in the words of our Founders, and the language has existed since 1950. I think it is appropriate. I think we need to protect this language. I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I just want to remind my colleagues that we are a Nation of immigrants and a Nation of laws. I think it is important when we pass legislation that we have a basis, a purpose. I do not think the gentleman can document that anyone who has taken this oath and because they have a dual citizenship that they have been any less a citizen. John F. Kennedy said everywhere immigrants have enriched and strengthened the fabric of American life.

I think this oath stands on its own merits, and, frankly, I believe that we jeopardize our friends, those who have come to this country with good intentions, when we cause them to have to be reported to their embassy and jeopardize their families' lives. I would hope we would be sensitive to that, and I would ask my colleagues to consider that as they consider this amendment and vote "no."

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

The amendment was agreed to.

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AMENDMENT NO. 20 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. CULBERSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 printed in House Report 109–350 offered by Mr. ROYCE:

At the end of the bill, add the following:

TITLE IX—ELIMINATION OF CORRUPTION AND PREVENTION OF ACQUISITION OF IMMIGRATION BENEFITS THROUGH FRAUD

SEC. 901. SHORT TITLE.

This title may be cited as the "Taking Action to Keep Employees Accountable in Immigration Matters Act of 2005" or the "TAKE AIM Act of 2005".

SEC. 902. FINDINGS.

Congress finds the following:

(1) The mission of United States Citizenship and Immigration Services (USCIS) is to faithfully execute the immigration laws enacted by Congress and to ensure that only those aliens who are eligible under such laws and who do not pose a risk to the United States or its citizens or lawful residents are able to obtain permission to remain in the United States.

(2) Only United States citizens have an absolute right to be in the United States; for all others, permission to enter and reside here, either as nonimmigrants or immigrants, is a privilege that is conditioned on following the rules of one's admission and stay.

(3) It is important that United States Citizenship and Immigration Services, like all other Federal agencies that come into close contact with the public their customers.

(4) Immigration benefits fraud has become endemic. It undermines the rule of law and threatens national security, and so must be addressed aggressively and consistently.

(5) Internal corruption also threatens national security and erodes the integrity of the immigration system. In order to restore integrity and credibility to the system, the backlog of complaints against United States Citizenship and Immigration Services employees must be cleared by experienced investigators as expeditiously as possible without compromising the quality of investigations.

(6) In separating customs and border protection and immigration and customs enforcement from United States Citizenship and Immigration Services, Congress did not intend to wholly eliminate all law enforcement functions within the latter, nor is it possible for United States citizenship and immigration services to achieve its mission without a law enforcement function. the attempt to do so has produced the current abysmal results. Thus, it is imperative that United States Citizenship and Immigration Services embrace the critical law enforcement function especially the internal audit function.

SEC. 903. STRUCTURE OF THE OFFICE OF SECURITY AND INVESTIGATIONS.

The Director of the Office of Security and Investigations shall report directly to the Director of United States Citizenship and Immigration Services.

SEC. 904. AUTHORITY OF THE OFFICE OF SECURITY AND INVESTIGATIONS TO INVESTIGATE INTERNAL CORRUPTION.

(a) AUTHORITY.—In addition to the authority otherwise provided by this title, the Director of the Office of Security and Investigations, in carrying out the duties of the Office, has sole authority—

(1) to receive, process, dispose of administratively, and investigate any criminal or noncriminal violations of the Immigration and Nationality Act or title 18, United States Code, that are alleged to have been committed by any officer, agent, employee, or contract worker of United States Citizenship and Immigration Services, and that are referred to United States Citizenship and Immigration Services by the Office of the Inspector General of the Department of Homeland Security;

(2) to ensure that all complaints alleging such violations are handled and stored in the same manner as sensitive but unclassified materials;

(3) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services which relate to programs and operations with respect to which the Director has responsibilities under this title;

(4) to request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Office from any Federal, State, or local governmental agency or unit thereof;

(5) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned to the Office of Security and Investigations, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court (except that procedures other than subpoenas shall be used by the Director to obtain documents and information from Federal agencies);

(6) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned to the Office of Security and Investigations, which oath, affirmation, or affidavit when administered or taken by or before an agent of the Office of Security and Investigations designated by the Director shall have the same force and effect as if administered or taken by or before an officer having a seal;

(7) to have direct and prompt access to the head of United States Citizenship and Immigration Services when necessary for any purpose pertaining to the performance of functions and responsibilities of the Office of Security and Investigations;

(8) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Security and Investigations subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(9) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of title 5, United States Code; and

(10) to the extent and in such amounts as may be provided in advance by immigration fee accounts or appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this title.

(b)(1) Upon request of the Director for information or assistance under subsection (a)(4), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Director, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(3) or (a)(4) is, in the judgment of the Director, unreasonably refused or not provided, the Director shall report the circumstances to the Director of United States Citizenship and Immigration Services without delay.

(c) The Director of United States Citizenship and Immigration Services shall provide the Office of Security and Investigations with appropriate and adequate office space at central and field office locations of United States Citizenship and Immigration Services, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(d)(1) In addition to the authority otherwise provided by this title, the Director, the Deputy Director, the Assistant Director of Security Operations, the Assistant Director of Special Investigations, all 1811-series criminal investigators, certain 1801-series investigative management specialists, and security specialists supervised by such assistant directors may be authorized by the Secretary of Homeland Security to—

(A) carry a firearm while engaged in official duties as authorized under this title or other statute, or as expressly authorized by the Secretary;

(B) make an arrest without a warrant while engaged in official duties as authorized under this title or other statute, or as expressly authorized by the Secretary, for any offense against the United States committed in the presence of such Director, Assistant Director, or designee, or for any felony cognizable under the laws of the United States if such Director, Assistant Director, or designee has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

(2) The Secretary shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

(3)(A) Powers authorized for the Director under paragraph (1) may be rescinded or suspended upon a determination by the Secretary that the exercise of authorized powers by that Director has not complied with the guidelines promulgated by the Secretary under paragraph (2).

(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Secretary that such individual has not complied with guidelines promulgated by the Secretary under paragraph (2).

(4) A determination by the Secretary under paragraph (3) shall not be reviewable in or by any court.

(5) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority.

SEC. 905. AUTHORITY OF THE OFFICE OF SECURITY AND INVESTIGATIONS TO DETECT AND INVESTIGATE IMMIGRATION BENEFITS FRAUD.

The Office of Security and Investigations of United States Citizenship and Immigration Services shall have authority—

(1) to conduct fraud detection operations, including data mining and analysis;

(2) to investigate any criminal or noncriminal allegations of violations of the Immigration and Nationality Act or title 18, United States Code, that Immigration and Customs Enforcement declines to investigate;

(3) to turn over to a United States Attorney for prosecution evidence that tends to establish such violations; and

(4) to engage in information sharing, partnerships, and other collaborative efforts with any—

(A) Federal, State, or local law enforcement entity;

(B) foreign partners; or

(C) entity within the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 906. INCREASE IN FULL-TIME OFFICE OF SECURITY AND INVESTIGATIONS PERSONNEL.

(a) INCREASE IN GS–1811 SERIES CRIMINAL INVESTIGATORS.—(1) In each of fiscal years 2007 through 2010, the Director of the Office of Security and Investigations shall, subject to the availability of security fees described in section 910 of this title, increase by not less than 100 the number of full-time, active-duty GS–1811 series criminal Discussion draft 10 investigators, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during the preceding fiscal year.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the criminal investigators, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining criminal investigators, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

(b) INCREASE IN GS–1801 SERIES INVESTIGATION AND COMPLIANCE OFFICERS.—(1) Subject to the availability of security fees described in section 910 of this title, the Director of the Office of Security and Investigations shall by fiscal year 2008 increase by not less than 150 the number of full-time, active-duty GS–1801 series investigation and compliance officers, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during fiscal year 2006.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

(c) INCREASE IN GS–0132 SERIES INTELLIGENCE RESEARCH SPECIALISTS.—(1) Subject to the availability of security fees described in section 910 of this title, the Director of the Office of Security and Investigations shall by fiscal year 2008 increase by not less than 150 the number of full-time, active-duty GS–0132 series intelligence research specialists, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during fiscal year 2006.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

SEC. 907. ANNUAL REPORT.

The Director of the Office of Security and Investigations shall annually submit to Congress a report detailing the activities of the Office. The report shall include data on the following:

(1) The number of investigations the Office of Security and Investigations began, completed, and turned over to a United States Attorney for prosecution during the past 12 months.

(2) The types of allegations investigated by the Office of Security and Investigations during the past 12 months, including both the allegations of misconduct by employees of United States Citizenship and Immigration Services and allegations of immigration benefits fraud.

(3) The disposition of all investigations conducted by the Office of Security and Investigations during the past 12 months.

(4) The number, if any, of allegations pending at the end of the 12-month period according to the type of allegation, the grade level of the employee, if applicable, along with an assessment of the resources the Office of Security and Investigations would need, if any, to remain current with new allegations received.

SEC. 908. INVESTIGATIONS OF FRAUD TO PRECEDE IMMIGRATION BENEFITS GRANT.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

"(j) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court may not—

"(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for permanent residence,

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

"(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court,

until any suspected or alleged fraud relating to the benefit application has been fully investigated and found to be unsubstantiated.".

SEC. 909. ELIMINATION OF THE FRAUD DETECTION AND NATIONAL SECURITY OFFICE.

Not later than 30 days following the date of enactment of this title, the Secretary of Homeland Security shall eliminate the Fraud Detection and National Security Office of United States Citizenship and Immigration Services and transfer all authority of such office to the Office of Security and Investigations.

SEC. 910. SECURITY FEE.

Section 286(d) of the Immigration and Nationality Act (8 U.S.C. 1356(d)) is amended by inserting "(1) " before "monies" and adding at the end the following:

"(2) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge each alien who files an application for adjustment of status or an extension of stay a security fee of $10, which shall be made available to the Office of Security and Investigations to conduct investigations into allegations of internal corruption and benefits fraud.

"(3) In addition to any other fee authorized by law, the Secretary of State shall charge each alien who files an application for an immigrant or nonimmigrant visa a security fee of $10, which shall be made available to the Office of Security and Investigations to conduct investigations into allegations of internal corruption and benefits fraud.

"(4) Any fees collected under paragraphs (2) and (3) that are in excess of the operating budget of the Office of Security and Investigations shall be made available to Immigration and Customs Enforcement for the sole purpose of investigating immigration benefits fraud referred to it by United States Citizenship and Immigration Services.".

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from California (Mr. ROYCE) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am urging my colleagues to support this amendment. We need only look at a new study done by a staff member of the 9/11 Commission to see why we need to ensure that the U.S. Citizenship & Immigration Service has a strong law enforcement component, which this amendment guarantees, and why we need to have stronger measures to fight fraud.

In this study, they looked at 94 terrorists, including six of the 9/11 hijackers, who have operated on the U.S. soil between the early 1990s and 2004, and here is what they found: Two-thirds, 59 of them, two-thirds of the foreign-born terrorists studied committed immigration benefits fraud prior to or in conjunction with taking part in terrorist activity. In 47 of these instances, immigration benefits sought or acquired prior to 9/11 enabled the terrorists to stay in the United States after 9/11 and continue their terrorist activities. In two of these instances, terrorists were able to acquire immigration benefits after 9/11. There were 11 cases of passport fraud and 12 instances of visa fraud amongst these 94 terrorists. In total, 34 individuals were charged with making false statements to an immigration official.

Fraud was used not only to gain entry into the U.S. but also to remain in the country. And once they were in the United States, 23 terrorists applied for lawful permanent residence. Sixteen of those were approved by the INS. Twenty-one terrorists applied for naturalization, and 20 of them were approved and became citizens.

We need this amendment to ensure the U.S. Citizenship & Immigration Service focuses on a law enforcement component to act as a backstop to interior and Customs enforcement, and we fund it by providing that aliens using our immigration system pay a modest security fee to provide USCIS the resources and personnel it needs to fully investigate and prosecute immigration benefits fraud and corruption. And just as importantly, it stops potential fraud by prohibiting the granting of any immigration benefits that are in question until a thorough investigation has been conducted.

Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

The amendment acknowledges that immigration fraud has become endemic and, even more seriously, that internal corruption at U. S. Citizenship and Immigration Services threatens the national security and erodes the integrity of our immigration system.

The extent and seriousness of the problem was brought to light in a closed bipartisan session of the Subcommittee on Immigration, Border Security and Claims of the Judiciary Committee earlier this year. Although the serious allegations and investigations discussed there cannot be discussed in the open, I urge my colleagues in the strongest terms to pass this important amendment.

The ease with which unscrupulous immigration officials can be tempted to issue visas or benefits in return for money, goods, or favors was brought to light a month ago with the issuance of a Government Accountability Office report on consular malfeasance. In that report, it was revealed that the Diplomatic Security Service had investigated 28 cases of visa selling by State Department employees in the last few years. Those were only the cases that were discovered in the some 200 consular sections located abroad. U.S. Citizenship and Immigration Services conducts its application processing in the United States, and yet thousands of allegations of misconduct, some involving criminal acts and foreign influence, have yet to be investigated because of lack of focus, resources, and confusion of sub-agency jurisdiction.

This amendment would ensure that an internal law enforcement division within U.S. Citizenship and Immigration Services would receive, process, and investigate allegations of misconduct and internal corruption in a timely manner. To fund this office, a $10 fee will be charged to all visa applicants.

The amendment would also provide that the Director of the division would have the authority to subpoena documents, reports, and data, and to appoint such officers as necessary to carry out the internal affairs functions.

I urge my colleagues to support this very important amendment.

Mr. ROYCE. Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentleman's intent on trying to fix a problem that clearly needs to be fixed. We do not dispute the idea that individuals applying for and receiving an immigration benefit should be properly vetted and screened and that any and all allegations of fraud should be thoroughly investigated, as I indicated earlier when I thanked Mr. SENSENBRENNER for joining me in an amendment that would create a single database for fraudulent documents and have reports made back to Congress on the trends.

I believe that individuals should be vetted and screened and that any and all allegations of fraud should be thoroughly investigated, but the problem is various agencies involved have been incredibly negligent in ensuring that the checks and investigations are performed in a timely fashion. Moreover, their respective databases are ripe with erroneous information, and for the most part, they are still inoperable.

That speaks to the increasing need of resources to improve our technology and to encourage and push the Federal Government to do its job. This amendment, however, seeks to address the problem from the wrong angle. Penalizing aliens by keeping them in limbo is no solution to the problem. Indeed, our national security is further compromised by the government's failure to timely vet these individuals.

I would like to work with the gentleman on increasing the resources and giving a protracted time frame for these issues to be worked out. Background checks are important, and the attendant investigations are important to enable our government to identify and pursue the tiny handful of immigrants and visitors who wish to do us harm. We want to keep those who want to do us harm out; and those who are in, we want to catch them and prosecute them and penalize them. We want to separate them from the overwhelming majority who wish only to contribute to this country, who come here for economic reasons and to support themselves and their families.

So I would just suggest to the gentleman, if he wants to reform the process, the solution is to require that the multiple agencies involved put in place a workable system for conducting background checks and fraud investigations in a manner that is timely, accurate and secure and to provide them with the necessary resources to do so.

The gentleman's amendment has good intentions, and I support generally the amendment, but it has a number of problems, and so I would ask the gentleman to reconsider it.

Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, we do not want these agencies to waive instances where they have not had time to do the criminal background checks or to check the terrorist watch list. And in order to make it timely, in the amendment, we provide the revenue by having aliens who use our immigration system pay a modest security fee. That provides the very resources necessary here.

What do those resources go to besides to ensure this is done in a timely manner? Well, this amendment also consolidates the data-gathering function of the Office of Fraud Detection and National Security in a law-enforcement focused division whose mission is to detect, investigate and prosecute fraud and corruption, whether internal or external to USCIS, and to serve as a centralized security-related information clearinghouse for USCIS. So this information is shared, and it encourages the criminal investigators responsible for rooting out corruption and preventing immigration benefits fraud to partner with the adjudications officers so that fraud may be detected and prevented early in the application process.

For all of these reasons, I think this answers the very concerns raised by the gentlewoman's objection, and it certainly provides the additional resources to do it. Thus, I urge adoption of the amendment, and I would just close by pointing out the one inescapable fact of the 94 terrorists studied in this country since 9/11: Two-thirds of these foreign-born terrorists committed fraud, got past our immigration system prior to taking part in attempted terrorist operations in our country.

It only makes sense to tighten the system and ensure that we have the proper investigations to catch the flags which had we caught prior to 9/11 might have prevented a terrorist attack. This amendment addresses precisely that problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope that we will be able to join with the gentleman on his purpose to vet and to ensure that those who are receiving immigration benefits are vetted and screened properly and that any allegations of fraud be investigated. I do not think anyone has come to this floor to divide on the question of ensuring that the homeland is protected. That means that we are screening more carefully the visas as individuals are requesting to come into the country.

We have implemented a number of new efforts to ensure that we are in fact keeping terrorists away from the United States. But, again, the concerns that I have are clearly that the resources are not there in order to do the vetting that the gentleman is speaking of. And the question is whether or not benefits will be held up while we are attempting to vet without the necessary resources.

I would hope as this amendment makes its way through the Congress that we will find a way to also push the Department of Homeland Security, push the Federal Government to comply with the recommendations of the 9/11 Commission and put in place the procedures and the dollars that it takes to make the system work. As I indicated to you, background checks and the attendant investigations are important. It is important for the government to identify and pursue the tiny handful of individuals who really come to do us harm. But we have to separate the overwhelming majority who wish only to contribute to this country.

We want reform. We have to reform the process. But the solution is to require the multiple agencies involved to put in place a workable system. That is my concern with the gentleman's amendment. But I would simply hope that, as we look for solutions, we can work together for a workable solution and a working system to make his plan work.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109–350 on which further proceedings were postponed, in the following order:

Amendment No. 15 by Mr. WESTMORELAND of Georgia.

Amendment No. 16 by Mr. GONZALEZ of Texas.

Amendment No. 18 by Mr. SULLIVAN of Oklahoma.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 15 OFFERED BY MR. WESTMORELAND

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 170, answered "present" 1, not voting 15, as follows:

[Roll No. 657]

AYES—247

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn

NOES—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Costa
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hayworth
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Price (GA)
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

ANSWERED "PRESENT"—1

Souder

NOT VOTING—15

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Moran (VA)
Napolitano
Payne
Pomeroy
Young (AK)
Young (FL)

☐ 2138

Ms. BEAN, Messrs. SMITH of Washington, BRADY of Pennsylvania, DINGELL and STRICKLAND changed their vote from "aye" to "no".

Ms. HART, Messrs. OTTER, BOSWELL, BISHOP of Georgia, DAVIS of Alabama, KING of Iowa and CHANDLER changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against.

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 657 on 12/16/05 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 16 OFFERED BY MR. GONZALEZ

The Acting CHAIRMAN (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GONZALEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 332, not voting 14, as follows:

[Roll No. 658]

AYES—87

Ackerman
Andrews
Becerra
Berman
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Carnahan
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Emanuel
Engel
Eshoo
Evans
Fattah
Gonzalez
Green, Al
Green, Gene
Herseth
Honda
Hooley
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lantos
Larson (CT)
Lipinski
Lofgren, Zoe
Maloney
Markey
Marshall
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Melancon
Menendez
Miller (NC)
Obey
Ortiz
Owens
Pallone
Pascrell
Pelosi
Pomeroy
Rahall
Reyes
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Schiff
Schwartz (PA)
Smith (WA)
Stark
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Waxman
Wexler
Wu

NOES—332

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carson
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schakowsky
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn

NOT VOTING—14

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Reynolds
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2147

Ms. HARMAN, Messrs. ETHERIDGE, KENNEDY of Rhode Island, DELAHUNT, GEORGE MILLER of California, SPRATT, BACA, OLVER, and MEEHAN changed their vote from "aye" to "no."

Mr. CUMMINGS, Mr. CONYERS, and Ms. HOOLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. REYNOLDS. Mr. Speaker, on Friday, December 16, 2005, I was unavoidably absent during rollcall vote No. 658.

Had I been present, I would have voted "nay" on rollcall vote No. 658.

AMENDMENT NO. 18 OFFERED BY MR. SULLIVAN

The Acting CHAIRMAN (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 251, answered "present" 1, not voting 18, as follows:

[Roll No. 659]

AYES—163

Aderholt
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Case
Chabot
Chandler
Chocola
Coble
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Doolittle
Drake
Duncan
Edwards
Emerson
English (PA)
Everett
Forbes
Ford
Fortenberry
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Herger
Herseth
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly

Kennedy (MN)
King (IA)
Kingston
Kline
Latham
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McHenry
McIntyre
McKeon
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Osborne
Otter
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryun (KS)
Saxton
Schmidt
Sessions
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Tiberi
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—251

Abercrombie
Ackerman
Akin
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Boucher
Boustany
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Camp (MI)
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Dreier
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hensarling
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Petri
Pomeroy
Price (NC)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

McCotter

NOT VOTING—18

Barrett (SC)
Barton (TX)
Cole (OK)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kennedy (RI)
Kolbe
LaHood
Lewis (CA)
McCarthy
McHugh
Napolitano
Payne
Rothman
Young (AK)
Young (FL)

□ 2155

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ORTIZ. Mr. Chairman, I thank the gentleman from Wisconsin for his effort at pulling together this bill. Reforming immigration in this Nation—and reinforcing the borders, as I have advocated for over a year and a half—is a difficult proposition.

However, the gentleman from Wisconsin and those that are in support of this bill do not seem to understand the complexities of border and immigration policy. The bill before us today would do little to solve the immigration problem, and it is not what we need to reform immigration policy and to reinforce our borders.

Any effort by Congress to truly reform immigration and protect our borders must address the root causes of illegal immigration. As President Bush has stated, people come to the country to do the jobs Americans do not want to do. We must understand that it is our labor market that draws them to the U.S., and we must address how the U.S. could absorb the economic blow of losing this part of our labor market that keeps prices artificially low for consumers. Are businesses ready to pay high wages to agriculture workers? Are Americans ready to absorb that cost and pay higher prices for their produce?

An honest policy discussion is needed to address the complete problem—our broken immigration system and the needs of our labor market.

Although my colleagues on the other side of the aisle claim this bill will secure our borders, it does nothing of the sort. Nothing in this bill guarantees funding for detention facilities, Border Patrol agents, immigration judges or prosecutors.

The single most important thing we can do in Congress is invest in homeland security. However, our experience has been this: Numerous Members of Congress put forth ideas about how to fix border security, but funding these ideas has been impossible.

Let's use 2005 as an example. One year ago, the 9/11 Commission did what Congress's current majority could not do: It investigated the events leading up to the attacks on the United States, and made solid suggestions to the Nation about how the Government could prevent similar attacks in the future.

On the issues of Border Patrol agents and detention beds, the 9/11 Commission said the very least the United States needed to do was add 2,000 agents annually—for 10 years—and 8,000 detention beds annually. Congress agreed, and passed the bill overwhelmingly.

How did the President and Congress react when it came time to pay for it all? The President's budget proposed funding 200 Border Patrol agents this year—that's 1,800 short of the least we should do—and 1,900 detention beds—that's 6,100 short of the least we should do.

Congress acted a little better, passing an emergency spending bill and a spending bill for homeland security that netted us a total of 1,500 Border Patrol agents—still 500 short of 9/11 Commission recommendations—and 4,250 detention beds—still 3,750 short of 9/11 Commission recommendations.

We are playing a shell game with our border security and, by extension, our national security. On the one hand, every single elected official is for more border security. Yet, the leadership in Congress does not have the political courage to pay for it.

This is what always hangs us up. There's no money and no political will to change the equation.

The American people deserve an honest debate on how to protect our homeland. All of us in Congress understand the world changed after September 11. For that reason, we must put forth a solution to bring out of the shadows the 8 to 11 million people who are in this country now, paying taxes and doing hard labor and have an honest discussion, absent the politics.

Mr. VAN HOLLEN. Mr. Chairman, the Congress has been negligent in dealing with the challenge of border security, homeland security and immigration policy reform. We must do what is necessary to protect our homeland and implement comprehensive immigration reform. It is time to address these issues in a meaningful way.

Unfortunately, this legislation fails to meet the test. This bill does contain some important provisions that will enhance border security. Indeed, the bill that emerged from the Homeland Security Committee was one that I could basically support. Unfortunately, the Judiciary Committee put politics over policy and added a number of highly objectionable provisions. Some of these provisions will turn a number of well-intentioned and law abiding citizens into criminals and felons. Other provisions penalize many individuals who have come to this country lawfully but have, through no fault of their own, become ensnared in a bureaucratic snafu with the Citizenship and Immigration Services where if someone misses a deadline by a day in changing their visa category they can be prosecuted for unlawful presence. Moreover, visitors from other countries who are here on tourist visas but cannot return to their country within the visa timeframe because of a natural disaster or the outbreak of civil war will be made into criminals.

This bill is also flawed in a number of other respects. First, it creates the dangerous illusion that we are addressing the most pressing homeland security issues, when we are not. The 9/11 Commission recently released its assessment of the progress being made by the Bush administration and this Congress on the adoption of its recommendations. More than half of the grades issued by the commission were Ds or Fs. This bill does not address any of the shortcomings identified by the 9/11 Commission. As such, it is a fraud on the American people to pretend that this bill significantly enhances homeland security. We are missing an important opportunity to remedy the homeland security failures identified by the 9/11 Commission.

Finally, this bill contains another gaping hole—the failure to address the issue of the approximately 11 million undocumented persons that are currently in the United States. President Bush has repeatedly stated that any immigration reform effort must find a way to bring these individuals out of the shadows of our communities. A number of thoughtful bills have been introduced to address that issue, including one introduced by two of our Republican colleagues, Representatives FLAKE and KOLBE. On the Senate side, the McCain-Kennedy legislation contains a number of ideas to address this issue. By refusing to allow a vote on these proposals, we do a disservice to our Nation. Once again, the House is abdicating its responsibility by failing to squarely meet the challenge we face.

Let me also say a word about the amendment offered to this bill to construct a partial fence along our southwest border. I support the construction of a fence to better secure our border and supported its funding in the Homeland Security Appropriations Act. However, the amendment offered by Mr. DUNCAN doesn't simply provide for a fence. In a typical example of congressional over-reaching and micromanagement, the amendment specifies exactly how such a fence will be built and the precise location of each segment of the fence. We are neither engineers nor construction managers nor do we know the best alignment of such a fence. We should simply direct the experts to construct a fence that accomplishes the objective of limiting illegal immigration and allow it to be built in the most cost-effective manner.

Mr. Chairman, I believe that this bill contains some positive changes that enhance border security at the same time it leaves a number of gaping holes and includes a number of provisions that take us in the wrong direction. On balance, I believe this is a flawed bill. I hope the Senate will address the serious shortcomings in this bill so we can adopt a meaningful bill that meets the challenges that we face.

Mr. MENENDEZ. Mr. Chairman, from the congressional district that I have had the honor of representing over the past 13 years, one can see the Statue of Liberty. Ellis Island is a place that has been the gateway to opportunity for millions of new Americans. For me, it is a shining example of the power of the American dream, a place that launched millions down their own road to success. Like millions of Americans, my own parents came to this country fleeing tyranny and searching for freedom. Because of this, the debate that we started yesterday and continue today is of special and personal interest to me.

So, America has a proud tradition as a nation of immigrants and a nation of laws. But unfortunately, our current immigration laws and system have failed us.

As a predicate for labor to grow, and for the country to achieve all the things it needs to, we need tough, smart, and comprehensive immigration reform that reflects current economic realities, that respects the core values of family unity and fundamental fairness, and that upholds our proud tradition as a nation of immigrants.

We need to aggressively seek to curtail crossings at the border and we need smart enforcement measures that prevent illegal immigration, so that our immigration system is safe, legal, orderly, and fair to all. Our goal should be neither open borders nor closed borders, but smart borders.

Now, tough enforcement laws may make us feel good, but they do not do the job all by themselves. Since 1986, we have tripled the number of Border Patrol agents and increased the enforcement budget 10 times over, but we haven't made a dent in the number of undocumented workers who make it here.

Mr. Chairman, 1 year ago tomorrow, President Bush signed into law the Intelligence Reform and Terrorism Prevention Act. As one of the conferees on that bill, I want to remind Members that it contained 43 sections and 100 pages of immigration-related provisions. These tough, but smart new measures include, among others, adding thousands of additional Border Patrol agents, Immigration and Customs investigators and detention beds, and criminalizing the smuggling of immigrants, just as the 9/11 Commission recommended.

I am sure that the American people assume that their government has not only implemented, but also fully funded these tough measures to ensure our Nation's safety. Unfortunately, the President's budget and the Republican Congress have chosen not to do so. In fact, as part of the fiscal year 2006 appropriations process, the Republican Congress has provided a shortfall of: 500 Border Patrol agents of the 2,000 new Border Patrol agents called for this year by that law; 482 investigators of the 800 immigration enforcement investigators; and 4,130 detention beds of the 8,000 additional detention beds required.

So much for being tough. And so much for fully funding what is called for in the bill we are currently debating. I mean, who truly believes that we will fully fund and build the fence along the southwest border of the United States that so many of my colleagues voted for last night?

So we are not only passing a variety of provisions that will most likely never be fully funded or enforced, but we are also criminalizing not only millions of undocumented workers in the United States, but also citizens of this country.

Under the guise of a much broader definition of smuggling, this bill could allow the Government to prosecute almost any American who has regular contact with undocumented immigrants. Certainly alien smuggling and trafficking for profit are activities that need to be sanctioned, and current law, part of last year's intelligence reform bill, provides for harsh penalties.

However, under the broad language contained in this bill:

A soccer mom who drives her neighbor to the grocery store, or has a live-in nanny could be penalized for "transporting";

The church group that provides food aid, shelter, or other assistance to members of its community could be penalized for "assisting or encouraging";

An aid worker who finds an illegal entrant suffering from dehydration in the desert and drives that person to a hospital could be penalized for "transporting";

A counselor who assists a victim of domestic violence and her children could be penalized for "assisting or encouraging";

The landscaper who drives his workers to jobs could be penalized for "transporting";

A U.S. citizen living with an undocumented spouse could be considered to be "assisting or encouraging" her spouse's presence; and

Last, but certainly not least, our district caseworkers could be penalized for either "assisting or encouraging" or even "transporting" as part of their official congressional duties.

I urge my colleagues on both sides of the aisle to vote against the underlying bill. By doing so, we then could work not as Democrats and Republicans, or Congressmen and Senators, but as Americans to bring our policies in line with our Nation's ideals and values.

Mr. HOLT. Mr. Chairman, I rise today to oppose the so called Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437. I am deeply concerned by this bill's enforcement-only focus and the simple fact that it fails to seriously address our Nation's true immigration problems.

Our Nation's immigration system is broken. It does not work. Our legal immigration system does not meet the needs of American employers, lawful immigrants seeking residence in the U.S., and families seeking to reunite and pursue the American dream.

And yet that does not need to be the case.

One of the main reasons we have a huge illegal immigration problem is that our legal immigration system just does not work. We could be talking today about the widely recognized problems and debate comprehensive immigration reform. But we will not do that today.

I am deeply troubled that this bill, which would drastically alter our Nation's immigration laws, was rushed to the House floor just a little more than a week after it was introduced and after only one committee hearing it was voted out on party lines. On this key issue we should be able to work together.

Immigration is not a Republican or Democratic issue. It is truly an American issue.

The history of America is a history of immigration and immigrants. From the first Europeans to settle on our shores in places like Jamestown and Plymouth, to the millions who were greeted by the Statue of Liberty and Ellis Island trying to flee hunger and poverty in the Old World in search of a new life and a new start in America, legal immigrants continue to this day to be a vital part of our social fabric and our economic growth.

I firmly believe in the necessity of legal immigration. Our country was founded on the principle of immigration, and we are fortunate to have millions of hardworking, law-abiding immigrants living in this country. Studies show that, far from being a tax burden on us, immigrants add billions of dollars to the U.S. economy. Statistics also reveal that immigrants are likely to set up their own businesses, which creates jobs for workers and sales opportunities for American companies. It is important to recognize the many benefits—economic and otherwise—that legal immigrants provide to our country.

However, like many Americans, I am concerned about the influx of illegal immigrants into our country. I believe the best answer to this problem is to comprehensively address our Nation's legal immigration system and to also fully and effectively enforce our immigration laws on the books.

But this bill focuses almost solely on new enforcement actions. It is a piecemeal attempt to solve a much larger problem and it will end up jailing foreign citizens who come illegally into the United States and make all employers in the country deputy immigration officials. These are not sensible solutions to the immigration problems that exist. I strongly believe that we need to secure both our southern and northern borders. It is also imperative to secure our seaports and airports. But we also need to acknowledge and deal with the fact that an estimated 11 million illegal immigrants hide in the shadows of our country. This bill simply ignores them and tries to fool the public into thinking that real changes are being made to secure our borders.

Over the last 20 years, Congress has passed into law 17 different immigration-related pieces of legislation. But a clear problem still remains. Rather than seriously doing something about immigration, the Congress has passed politically expedient but not policy-based legislation. It is clear that the Immigration and Nationality Act, INA, needs dramatic changes and the American people have continually called for such changes. The INA needs to be updated to meet the labor shortages that American employers face. It needs also to be fundamentally altered in how it handles foreign-born workers. Too often the INA is more complex and arcane than even the IRS Tax Code. This leaves businesses, citizens and prospective immigrants confused and unsure of what to do.

In my central New Jersey district alone this means that I have more than one full-time employee to help the citizens and residents of my district navigate these laws and the out-of-control bureaucracy they have created.

This bill is extreme and will not fix these arcane rules and procedures. And it will certainly fail to do what it promises. This bill requires the Department of Homeland Security to detain all illegal immigrants who enter the United States until they can be returned to their country of origin. Yet the bill does nothing to provide DHS with facilities or capacity to do just that. DHS will not be able to meet this flawed expectation and it will prove to be an untenable burden on an already over-extended detention system.

The bill also creates a new Employment Eligibility Verification System, EEVS, based on a small previously existing pilot program. This would require all employers to check their employees' work status. This essentially deputizes employers as immigration officers and forces an undue burden on them to do the Government's work. Currently, employers are already required to check the work documents of all of their employees. The GAO has estimated that this new provision alone will push an unfunded mandate on employers of close to $12 billion a year. This simply is not a practical solution.

This bill is strongly opposed by a broad range of organizations such as U.S. Chamber of Commerce, American Immigration Lawyers Association, American Nursery & Landscape Association, Catholic Charities USA, Associated Builders and Contractors, United Auto Workers, and even the U.N. High Commissioner for Refugees. This broad coalition of organizations and interest groups understands that this is not a solution to our existing immigration problem and in fact may exacerbate the problem.

I urge my colleagues to oppose this bill and to seriously and comprehensively address the important issue of immigration.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to express my strong opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

While I believe that immigration reform is urgently needed and must include strong and effective enforcement provisions, this legislation will not solve our Nation's immigration problems. It fails to address many of the most important elements of immigration reform, including backlogs in family visas, regulation of the future flow of immigrants, and the presence of a sizable undocumented community in the United States. Instead it harms American families, businesses, and communities. Its impact on the Latino and immigrant communities would also be devastating.

Among the many anti-immigrant measures in H.R. 4437 are provisions that would: (1) strip citizenship opportunities that are currently available to legal immigrants; (2) curtail crucial due process rights in immigration proceedings; (3) make it a criminal offense to remain in the country illegally after entering legally; and (4) deputize local law enforcement officials to enforce Federal immigration laws over the objections of many such officials, who believe that this authority undercuts their ability to protect the public safety.

This enforcement-only approach has not worked in the past and will not work in the future if it is not combined with measures that address the 11 million undocumented immigrants already in the country. That is why I support and have cosponsored H.R. 2330, the bipartisan comprehensive immigration reform bill sponsored by Representatives JIM KOLBE, JEFF FLAKE, and LUIS GUTIERREZ. This bill combines tough enforcement with realistic admission policies, has bipartisan support, and is workable.

All Americans want effective reforms of the Nation's immigration laws, not shortsighted measures that appear tough on immigration but do not resolve the underlying problems. Only a comprehensive approach that provides a path to citizenship for current undocumented immigrants, creates new legal channels for future flows of needed immigrants, reduces family immigration backlogs, and protects worker rights will reduce undocumented immigration and bring order to our immigration system. H.R. 4437 does not take us down the path of real immigration reform.

I stand should-to-shoulder with groups like the AFL–CIO, ACLU, Anti-Defamation League, U.S. Chamber of Commerce, Human Rights Watch, Leadership Conference on Civil Rights, MALDEF, and National Council of La Raza.

I ask that all my colleagues join me in my opposition to this flawed immigration bill.

Mr. CROWLEY. Mr. Chairman. I rise in opposition to H.R. 4437.

Immigrants—who are likely counted among the families of most members of this body—work, pay taxes, serve in our military, and contribute in a resoundingly positive way.

And our burdensome, inefficient immigration system is not working for immigrants and it is not working for our country.

Unfortunately, this bill lets down immigrants, those who depend on them, and our Nation on the whole.

There is a lot that is troubling in this bill, but also troubling is what is not in this bill.

Real immigration reform and security improvements cannot end with a discussion on enforcement anymore than you can make a peanut butter and jelly sandwich without peanut butter.

Immigration is about so much more. Immigration is also about bringing families together, and supplying a pathway to citizenship for those who come here and contribute.

Moreover, it is foolish to pretend that we have somehow solved our immigration or security concerns by simply making it harder for people to come or stay here. That is simply increasing the incentive for immigrants to immigrate, live and work in the shadows.

And that is a loss for immigrants, their families, society, and national security.

Make no mistake—our immigration system needs reform. And it is appropriate to discuss how to best enforce our laws and secure our borders. Certainly none of my constituents in New York City are interested in making things easier on terrorists who use our immigration system to harm America.

But let's make sure the enforcement tactics we're talking about make sense. And let's make sure our tactics actually make us safer. And let's make sure that immigration reform does not end with enforcement. Because at the end of the day, immigration is too important to just take the most simplistic response and label it a solution.

Fortunately, there is a better bill—a bipartisan bill offered by Congressmen KOLBE, FLAKE, and GUTIERREZ. A bill that reduces immigration backlogs and helps family reunification. A bill that recognizes that comprehensive immigration reform—as opposed to strictly discussing enforcement—is the only way to protect both the security and the ideals of the U.S.

And this is certainly not that bill.

Mr. DINGELL. I rise in opposition to H.R. 4437. Like many of my colleagues, I believe we should enforce our immigration laws and ensure we stem the tide of illegal immigration. However, this bill goes too far.

It is a heavy handed approach to immigration. But you may say, "DINGELL, we have a problem, we must do something." I say to that: Read the fine print. This bill not only penalizes illegal immigrants, but families, asylum seekers, good Samaritans, and most importantly, law abiding, U.S. citizens. This bill goes too far.

First, this bill harshly penalizes families, in particular family unity. For instance, under

Title VI of the bill, millions of immigrants would be barred from gaining lawful resident status, even those whose spouses or children are U.S. citizens. Without lawful resident status, those immigrants would be sent to their country of origin, forced to leave their loved ones behind. This bill goes too far.

Next, good Samaritans would be harshly penalized. If a person finds an illegal immigrant injured, and takes that person to a hospital, the law would label the Samaritan a felon. This bill goes too far.

Mr. Speaker, asylum seekers would be unduly penalized. This bill redefines the status of many asylum seekers, making them felons under the law, and would disallow many from having a hearing before they are deported back to the country from which they are seeking asylum. This bill goes too far.

Most importantly, U.S. citizens would be penalized. This bill mandates that employers use the Employment Verification System. According to the GAO, building the type of database to verify employment envisioned by this bill will cost at least $11.7 billion per year. Furthermore, the GAO identified other problems within this flawed system that threaten to deny employment for many able bodied Americans. This bill goes too far.

I would note that a wide array of groups is opposed to this legislation from the United Auto Workers, to the United States Conference of Catholic Bishops, to the United States Chamber of Commerce, Americans for Tax Reform, and the American Immigration Lawyers Association. During these very polarized times, when these vastly different groups are opposed, it raises a few eyebrows. And it does so for good reason. I urge my colleagues to vote against this bill. Let's craft a well rounded bill that enforces our immigrant laws, allows for avenues for citizenship, and that does not drive illegal immigration further underground.

Mr. CARDIN. Mr. Speaker, it is absolutely critical that Congress pass meaningful and effective border security and immigration reform. Since the 9/11 terrorist attacks, Congress has taken significant steps to secure our border and prevent another terrorist attack on our soil. Congress created the Department of Homeland Security, DHS, and a strong Director of National Intelligence, which constituted the largest reorganization of our law enforcement and intelligence services since World War II.

I supported the bipartisan version of the homeland security and immigration reform bill that passed the House Homeland Security Committee last month. As a former member of the committee, I agree that the United States must: move rapidly to establish operation control of all borders and ports; end our "catch and release" practice of aliens apprehended crossing the border illegally; effectively organize the border security agencies within the Department of Homeland Security; and promote international policies to deter illegal immigration.

I also agree with the former 9/11 Commissioners, who recently issued a report which concluded that Congress and the administration have much more work to do to make America safer, and gave our Government fair to poor grades for our current level of border security. I agree that Congress and the administration should take immediate action to: produce a terrorist travel strategy to intercept and disrupt their operations; create a comprehensive screening system for travelers; create a biometric entry-exit screening system for all land borders; improve international collaboration on borders and document security; and standardize secure identifications.

I am disappointed, therefore, that the leadership of the House of Representatives has failed to allow the House to take up a comprehensive homeland security and immigration reform bill that addresses the pressing vulnerabilities in our border security. The bill before the House, passed on a party-line vote in the Judiciary Committee, is not a balanced, thoughtful approach to the issue. This bill is a punitive bill which is neither enforceable nor workable. This bill has little chance of enactment. Border security is too important and should be included in legislation that can be quickly enacted.

This legislation is opposed by a vast number of groups from across the political spectrum, including businesses, labor unions, faith-based organizations, civil rights organizations, human rights organizations, and immigrant advocacy organizations.

I therefore ask my colleagues to reject this legislation.

Mr. CANNON. Mr. Chairman, I rise today to commend Chairmen SENSENBRENNER and KING for their work on the manager's amendment to H.R. 4437.

The manager's amendment amends Title VII of H.R. 4437 by including language that I authored that prevents the mandatory construction of day labor facilities by private businesses in order for them to conduct business.

An increasing number of local governmental entities are requiring businesses to undertake new, onerous obligations with regard to day laborers as a condition of getting a use permit necessary to conduct business. Examples include requirements that businesses build structures with toilets and water fountains at or near their private property to house day laborers, while they wait for employment opportunities with contractors or customers of the business. The local ordinances typically require that a business maintain the structures, including providing security and janitorial services.

These obligations are costly and represent an unwarranted interference by governmental entities with the rights of businesses to use and operate their private property. Worse, these local ordinances are unreasonable because they go beyond safety issues. They force businesses to use their property to facilitate employment through the creation of a de facto hiring hall.

These ordinances expose the businesses to potential liability on a number of fronts.

I offered language that amends the existing preemption of the employer sanctions provisions of the INA (8 U.S.C. § 1324a) as they relate to State and local governments.

Enacted in 1986, this section preempts State and local governments from applying the employer sanctions provisions of the INA.

The language of Section 708 included in the manager's amendment adds an additional preemption paragraph that preempts any State or local law that requires a private business to build and maintain what is essentially a hiring hall as the price of doing business in that city.

I understand and empathize with the State and local governments as they grapple with illegal immigration, but immigration is a national problem that must be addressed by Congress.

Piecemeal and patchwork local ordinances only add to the confusion surrounding this issue.

I thank the Chairmen for working with me to resolve this issue.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the Border Protection, Antiterrorism, and Illegal Immigration Control Act.

This bill is fundamentally flawed. By taking an approach that implements only enforcement measures, and does not look comprehensively at the problem, we will only worsen our current situation and do nothing to solve our immigration problems.

I support border enforcement.

In my State of Arizona, we have increased the number of Border Patrol agents by tenfold, quintupled the immigration enforcement budget, and overhauled the arsenal of high-tech equipment along the border.

But we have learned a hard lesson in Arizona: No matter how much we increase our enforcement, still the illegal migrants kept coming, at the same rate or faster than they had come in previous years. In fact, during that period, the probability of catching illegal immigrants along the U.S.-Mexico border actually fell to an all-time low of 5 percent in 2002. The border buildup did not stop the flow; it merely shifted it to more dangerous areas, where apprehensions are more difficult and death more likely.

This bill would continue that failed policy, by seeking only enforcement provisions, without creating a realistic, legal channel for workers to come here and help grow our economy.

The only way to truly solve the problem is to include a legal channel for willing American employers to connect with willing foreign workers where no U.S. citizens are available or willing to fill the job. Otherwise, immigrants will continue to pour over our borders in search of jobs and a better way of life.

At the same time, we must also create a tough but workable way to bring out of the shadows the millions of people who currently live in our country without documentation. We must say to those who break our laws that they will pay a stiff fine and they must go behind everyone else that wants to become a proud citizen of this country. Anything less than this will undermine our national security at a time when Americans are demanding to know who is living within our borders. Some have called the payment of large fines and other penalties "amnesty." But I say that it is this bill's unrealistic, unworkable approach that amounts to amnesty. That's true because under this bill undocumented people living here will remain in the country with nothing happening to them. This bill ignores the problem. I think most members know this. But we are going to continue this charade, continue trying to fool the American people, continue pretending we are doing something to prevent illegal immigration.

Without real, workable provisions, the American people will rightly be even more angry over our duplicitous shell game.

Enhanced enforcement is an integral part of improving our Nation's security. But, enforcement alone without other reforms has not and will not secure the border.

Mr. Chairman, simply stated, we should defeat this bad bill and bring back to the House a real bill, a comprehensive bill that tackles all the pieces of the immigration puzzle.

Mr. BLUMENAUER. Mr. Chairman, the Border Security Act of 2005 will not mend our broken immigration system. This legislation is narrowly focused on interior security and enforcement while it falls far short of providing the workable solution that we desperately need. With more than 11 million undocumented immigrants living and working in our country, simply increasing the already harsh penalties for immigration violations and placing a larger burden on employers is an inadequate approach to our immigration crisis.

By not containing a guest worker program, this legislation fails to address the presence of the sizable undocumented community in the United States. It's widely recognized that agribusiness, manufacturing, hospitality and restaurant industries depend on millions of undocumented workers. Without a practical approach to this issue, real reform remains out of reach.

American taxpayers have invested billions of dollars to secure our borders and end illegal immigration, yet the number of undocumented immigrants in the U.S. has increased more in the past five years than ever before in our Nation's history.

In order to secure our borders, legalize our workforce, and advance our economy we must develop true comprehensive immigration reform.

Mr. FARR. Mr. Chairman, I rise in opposition to H.R. 4437. It is so egregious I do not even know where to begin.

H.R. 4437 does not address the heart of the immigration problem—what to do with those 11 million undocumented people who already reside in this country. This bill is ready, however, to intimidate and criminalize any immigrant who believes in the American Dream and acts on it. H.R. 4437 contains border and law enforcement provisions that give this bill the facade of substance but in reality, this legislation is hollow. It's like having the framework of an army tank, but no engine. Just as an army tank will not work without an engine, America's immigration problem will remain unresolved without addressing a guestworker program.

This legislation only offers a false promise of protection. Real protection would come from identifying those undocumented aliens already residing in this country. Real protection would come from assimilating and welcoming immigrants into our society, as we have done in the 230 years before today. Real protection would not automatically condemn the bus boy at your local favorite restaurant, your house keeper, or farmworkers who ensure you can eat fresh vegetables year round. Creating an "us verses them" attitude will not foster true homeland security.

I urge you to reject H.R. 4437.

Miss MCMORRIS. Mr. Chairman, what has made America great have been the opportunities given to everyone in this country. Since our founding, individuals and families have come to America to seek freedom, opportunity and the choice for a better life.

Everywhere I travel throughout Eastern Washington, I hear from people demanding we do a better job of controlling our borders and reducing illegal immigration. This past year, my office helped with nearly 150 immigration cases. It has become increasingly difficult for those who would like to enter our country legally and choose to obey the law to do so. For example, one family went through a 17-year process before they were allowed to come over legally. We must find a way to have responsive and legal immigration for those who desire to come.

In Congress my priorities include growing our economy and keeping our Nation and community safe. In my opinion, this includes a comprehensive immigration policy that addresses the growing problems related to illegal immigration but also ensures that our efforts do not unduly hurt our local and national economy.

The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 will bolster our border security, increase interior enforcement efforts, crack down on human trafficking, and reestablish respect for current immigration laws.

While this is an important component, any comprehensive immigration bill must take into account our national and regional economy, which must have the workforce to meet the demands in agriculture and other service industries. Agriculture is the number one industry in Washington State, producing thousands of jobs and over $1 billion in revenue for Eastern Washington. Our farmers help supply the country with a safe and stable food supply and they must have enough workers.

The agriculture industry in Washington is currently experiencing overall labor shortages. When I visited Crane and Crane Orchards last month in Brewster, I learned that labor shortages are hurting their business. This year alone, over 80,000 boxes worth of apples were left on the trees because they didn't have enough labor; they needed over 300 pickers. They are experiencing labor shortages despite the fact that they pay between 10 to 12 dollars an hour and provide housing to their workers. They couldn't find workers anywhere.

As Congress proceeds with immigration reform, Eastern Washington's agriculture and service related industries need to address the impact of these policy changes on their workforce. We need to keep our economy and workforce competitive in the 21st century by establishing a legal workforce. A comprehensive immigration bill must take into account potential impacts on our workers, their families and the overall economy.

Immigration is a complex problem, with no easy solution or quick fix. Controlling our borders is an important first step, but we cannot stop there. Immigration reform will not be complete until we can adequately resolve the labor needs of our agriculture community. As we continue to update and improve our immigration laws, it is important that we retain our compassionate and welcoming system that defines who we are as Americans.

Mr. STEARNS. Mr. Chairman, obviously our immigration system is broken. Recent reports have revealed that there are approximately 10–12 million illegal immigrants within the United States. Unless we act quickly, this number is estimated to grow by 400,000 each year.

The problem of illegal immigration has legal, economic and national security ramifications.

As Peggy Noonan recently observed in the Wall Street Journal, "what does it mean that your first act on entering a country—your first act on that soil—is the breaking of that country's laws? What does it suggest to you when that country does nothing about your lawbreaking because it cannot, or chooses not to? What does that tell you? Will that make you a better future citizen, or worse? More respecting of the rule of law in your new home, or less?"

We are a nation of immigrants, but we are also a nation of laws. The fact of the matter is that illegal immigration violates our laws, and goes against our Nation's dedication to the rule of law. It is wrong, both legally and morally, and must be stopped.

From an economic perspective, illegal immigrants fill jobs that would otherwise be filled by American citizens or legal residents. Public funds are being used to provide social welfare benefits and services to those here illegally at the expense of the American taxpayer. And our border patrols are using precious resources to track down these scofflaws, when they can be focusing instead on preventing terrorists from entering our country.

And in the aftermath of 9/11, we learned that illegal immigration endangers our national security. It is self-evident that we must secure our borders. Even if it were true that terrorists are not necessarily sneaking over the Mexican or Canadian borders, a proposition which I am certainly not prepared to admit, the fact is that the millions of illegal aliens in our country are creating an overwhelming demand for false identity documents and smuggling networks that could also be used to assist those with less than pure motives.

That's why I have cosponsored this legislation. As it stands now, it contains the reforms needed to remedy these problems. And I hope it will include my amendment to close a loophole in existing immigration law to ensure that criminal and security checks are completely finished before offering immigrants any sort of benefits.

I would also caution against including any sort of language in this legislation providing a green-light to legitimizing the millions of illegal "guest workers" here already.

Mr. Chairman, it is a shame that those of us who support this legislation have been accused of being anti-immigrant or worse, when nothing can be further from the truth. We all understand why foreigners, the vast majority whom are well-meaning and in search of a better life for themselves and their families, would want to come to America. We are the land of opportunity, but as I said before, we are also a nation of laws. Speaking for myself, I know that over the course of my career in Congress, my staff and I have helped hundreds, perhaps thousands of these aspiring Americans become citizens. I am sure that many of the supporters of this bill have done the same.

If we allow illegal immigration to continue on its present course, not only does it hurt our commitment to the rule of law, our economy, and our national security, but it also hurts these legal immigrants. Why should they obey the law and wait their turn? What do they think when they go through the whole process, but then see our government and our employers look the other way with millions of illegal aliens?

This bill will not only uphold the rule of law, protect American tax dollars and enhance our national security, it will also restore a sense of dignity and pride to those immigrants who come here legally.

I urge my colleagues to support this legislation.

Mr. HASTINGS of Washington. Mr. Chairman, a primary duty of our government is to protect and defend our Nation—and that includes controlling our borders.

This bill aims to strengthen our border control through increased manpower, new technology and smarter law enforcement coordination. These critical components to border control have my full support.

However, by leaving out a reformed guestworker program, this bill is not the comprehensive solution that we need.

If we fail to address why many people from other countries seek to enter our country illegally, we make the job of securing our Nation more difficult.

I cannot fault anyone for wanting to come here to work for a better life for themselves and their families—most of us have family members who came to America for that very reason. That is the American way—and it's a tradition deeply rooted in our Nation's history.

Central Washington is the top producer of labor intensive agriculture products like apples, pears, cherries and grapes and is heavily dependent upon immigrant labor.

To stop illegal immigration and fix our broken immigration system, we must strengthen our borders and create a legal channel for workers to come here and fill jobs that Americans are not.

The existing H2A guestworker program is unworkable—as evidenced by chronic labor shortages in many agricultural areas. There simply is not a ready pool of American workers to fill most of the jobs currently held by immigrant farmworkers.

Without a legal channel for hardworking individuals to fill these jobs, many American industries would be left with no labor force. Our entire economy would feel the punch. The United States would be at serious risk of losing our fresh fruit and vegetable farms to foreign countries. And, the cost of construction and basic services would increase—raising prices for every American.

A functional guestworker program means our government decides who enters our country, where they are, when they must leave, and what rules they must follow. A guestworker program makes certain that the Federal Government is in control of immigration. Providing a legal way for honest, willing workers to fill these jobs reduces the number of people trying to enter our country illegally.

A reformed guestworker program is critical to our Nation's security, to our economy and to preventing illegal immigration. Without a guestworker plan, I must withhold my support for H.R. 4437 and continue working for the comprehensive solution we need.

Mr. ISSA. Mr. Chairman, I rise today in support of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. The passage of this legislation is fundamental to the security of our citizens and to reducing the flow of illegal immigrants into the United States.

The number one issue that my constituents contact me about is securing our borders and fighting illegal immigration. This bill does both. Among the bill's provisions are greater cooperation between border sheriffs and Federal law enforcement, increased penalties for human smugglers, elimination of "catch and release" policies, and a requirement that employers screen for illegal applicants.

This legislation is the outgrowth of a movement within Congress to address enforcement of our immigration laws prior to looking at any need for temporary worker provisions. I, along with dozens of my colleagues, signed the letter to President George Bush stressing the importance of addressing enforcement first. Today we accomplish that goal.

I want to thank House Judiciary Committee Chairman JIM SENSENBRENNER and House Homeland Security Committee Chairman PETER KING for their hard work in bringing this legislation before the House, but I want to especially thank Chairman SENSENBRENNER for incorporating my bill, the Criminal Alien Accountability Act, into the broader bill. Providing a strong disincentive to criminal aliens and human smugglers is integral to protecting our communities, and by strengthening penalties for these groups, the legislation effects such an end.

We have a great deal of work left to do with regard to strengthening our borders and enforcing our workplace immigration laws, but this legislation is a strong start. I look forward to working with my fellow members of the Judiciary Committee and my constituents as we continue to improve our Nation's immigration enforcement policies.

Mr. CANNON. Mr. Chairman, as we conclude the debate on H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act, I wanted to share with my colleagues a thoughtful letter I received outlining Republican philosophy and the need for comprehensive immigration reform.

DECEMBER 16, 2005.

DEAR MEMBER OF CONGRESS: Watching the action in the House of Representatives this week, we feel compelled to write and express our disappointment with the direction of the debate about immigration.

There can be no question: we as a nation need to retake control of our borders and restore the rule of law in our communities. But enforcement alone—without more realistic, more enforceable laws in line with our need for foreign workers to do jobs Americans no longer want to do—will not solve the problem of illegal immigration.

The restrictionist wing of the Republican Party—those who would revoke birthright citizenship for immigrants and build a fence from the Pacific to the Gulf of Mexico—has been getting most of the air time this week. These members have seized on an emotional issue, and party leaders have humored them—at the expense of more reasonable Republicans advocating broader, more realistic reform.

But make no mistake: the reform-minded wing of the party is alive and well—and standing ready for the next phase of the battle, in the Senate and beyond.

Who makes up the reform wing? There are political operatives like Ken Mehlman concerned about how immigration plays with Latino voters. There are business-friendly Republicans at the Wall Street Journal, the Cato Institute and elsewhere who know that immigration is good for the economy: not just good for individual employers—in agriculture, food-processing, hospitality, health care, construction and other sectors—who depend on these workers to keep their businesses open and growing, but also for native-born workers employed by these companies and others that trade with them.

There are security-minded Republicans like Homeland Security Secretary Michael Chertoff and his predecessor Tom Ridge who know that creating a system for immigrant laborers to enter the country legally is the best way to free up border agents whose real job is protecting us from terrorists. And then there are Republicans like Ronald Reagan and now George W. Bush who understand in a more general way that immigrants are good for the country: that they bring entrepreneurial energy and family values and fresh patriotism—and that, as Reagan emphasized, the nation must remain a beacon to the world.

None of these Republicans think enforcement or legality are unimportant. But they are convinced that the best way to restore the rule of law is to start with more honest, more enforceable immigration quotas—a temporary worker program more in line with the reality of our labor needs—and then make those realistic limits stick with all the means at our disposal. This is the approach that the Senate will almost certainly pursue when it turns to immigration in January or February, and it is the approach the President hopes to sign into law, perhaps as soon as next spring.

House Republican leaders face a difficult challenge—precisely because of the way the issue divides us from one other. But we remain convinced that reason—and the party's traditional values—will prevail in the end. Instead of trying punitively to enforce unrealistic law, the majority of the GOP will eventually come together around an immigration policy worthy of the label Republican—one that encourages the American Dream and rewards work, even as it restores the rule of law and enhances national security.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Border Protection, Antiterrorism, and Illegal Immigration Control Act because border security without immigration reform is no more effective than an umbrella in a hurricane.

Our immigration system is flooded with undocumented workers because there is a fundamental mismatch between the number of non-citizen workers needed in our economy and the number of visas available. In 2004, only 359 people were admitted in the category of "unskilled shortage workers," and yet thousands of illegal immigrants can find enough work to warrant the dangerous border crossing. The solution is obvious: bring legal immigration in line with the supply of jobs not taken by U.S. citizens and there would be little incentive to break the law.

There is bipartisan legislation—which I have co-sponsored—to do just that, and even though everyone from the ACLU to the Chamber of Commerce agrees that it is the best solution, it won't get a vote today because the

Republican Party wants some red meat to throw to the xenophobic fringe. So they will tell you that they're fixing the system and protecting America by turning millions of workers into criminals and telling the Border Patrol that there's no difference between a student who drops a class in violation of his student visa and a known terrorist. They're both "aggravated felons" according to this bill. The Department of Homeland Security has no control over the border, and this bill suggests that expanding the mission will somehow solve the problem.

It also contradicts American values and numerous international treaties by:

Allowing immigration officials, without judicial review, to return asylum applicants on the next plane home if they find their story to be unconvincing;

Requiring low-level immigration officials to expel, without a hearing, anyone found within 100 miles of the border believed to be a recently arrived undocumented immigrant; and

Permitting indefinite detention of non-citizens who have not even been convicted of a crime, including those who have fled persecution or who cannot be deported because they would be tortured if returned.

Saying that this policy will stop illegal immigration or meet our employment needs or fix the immigration bureaucracy is patently ridiculous. This is a political game that I refuse to play. I vote "no".

Mr. LANGEVIN. Mr. Chairman, today I rise in strong opposition to H.R. 4437, the Border Security, Antiterrorism, and Illegal Immigration Control Act. This bill is not about border security or terrorism prevention, as the name implies. H.R. 4437 is a one-sided, mean-spirited approach that will not solve our nation's immigration problems. The Republicans are so fearful of real reform that they did not even allow a vote on the President's own guestworker program or a bipartisan comprehensive border security and immigration plan, such as the Kolbe-Gutierrez bill. Instead, we are stuck voting on a bill that is opposed by almost every reasonable business, labor, civil liberties, and religious advocacy group in the country, and which has no chance of passage in the Senate.

For our own security, it is of vital importance to know who is entering our country and who is here. Our current border policy of "catch and release" is not working. We need real security, but we also need to address the eight to fourteen million undocumented immigrants currently in our country.

I am disappointed that this bill veers away from the bipartisan approach that we took in the Homeland Security Committee. While our bill was not perfect, Chairman KING and Ranking Member THOMPSON were able to draft a proposal the entire Committee could support. During markup, I was pleased the Committee accepted my amendment to require radiation portal monitors to be installed at ports of entry within one year. This is an example of a common-sense measure that protects all Americans from the risk of terrorists smuggling nuclear weapons across our border. While this provision is included in H.R. 4437, the bill before us today also includes several egregious provisions that do very little to keep us safe from terrorists.

Should this bill become law, millions of undocumented immigrants, including young children, already in our country will automatically become felons, subject to imprisonment. Aside from the cost of tracking down these newly charged felons, who will be entitled to a government funded public defender, and jailing them, we must also consider the economic and social costs to our country.

Many undocumented immigrants play an important role in certain industries that depend on temporary or seasonal work. Their vital role in the economy explains why this bill is opposed by every major business group. For this reason, Democrats and the President support a temporary guestworker proposal, but this bill contains no such acknowledgement of our country's economic needs.

Instead, under H.R. 4437, these immigrants would never be eligible for any guestworker program like the one requested by the President. People who have been living, working, paying taxes, and raising families in our country for 20 years, will now be pushed into a new underclass. Many of these families have children who are U.S. Citizens. Not only will this bill tear families apart, but by defining illegal immigrants as felons, this legislation could also create a backlash against anyone who appears to be of foreign origin, most of whom are here legally.

In addition, the bill criminalizes assistance to undocumented immigrants, even if provided by church or non-profit volunteers. Now, if a person shows up at a church's doorstep hungry, the church will provide that person something to eat. However, under the terms of this bill, if that person happens to be an undocumented immigrant, the person who provided the food will be subject to up to 5 years in prison, and the church would have its property seized and sold to the highest bidder. These kinds of punitive responses do not represent the values of the American people.

We need comprehensive immigration reform in the mold of H.R. 2330, the Secure America and Orderly Immigration Act, which I am proud to support. This bill would secure our borders, require immigration status verification by employers, and create a path to citizenship for currently undocumented workers, while not penalizing those who are patiently waiting for legal entry to our country. This type of reform addresses the fact that it is unrealistic to track down and deport every undocumented immigrant, but it others from entering our country illegally in the future. Unfortunately, the House leadership did not permit so much as a vote on this measure, as they knew it would likely pass, and their conservative base would be upset by real reform.

This bill before us today is a farce. The leaders of the House know that this bill will never see the light of day in the Senate. They have given us an unrealistic proposal to gain favor with their most vocal supporters. Their bill is so outlandish that it is opposed by nearly every advocacy group in the country: from the AFL-CIO to the U.S. Chamber of Commerce, and ACLU to Americans for Tax Reform. I cannot think of another measure where these groups were united. I urge my colleagues to join me in opposing H.R. 4437 and instead support comprehensive immigration reform.

Mr. ISTOOK. Mr. Chairman, although I cannot be present for the final vote, I support and have co-sponsored H.R. 4437, to improve America's border security dramatically.

I am absent so that I can be at my daughter's wedding. It was scheduled long ago, when nobody expected that the House would be in session at this time.

As the grandson of immigrants, I have a deep and personal appreciation for the desire and courage it takes to leave your home in search of a new and better life. My father's parents were born in Hungary and they came to America legally through Ellis Island. I welcome and embrace those who come here and who do so legally.

But entering our country illegally is different—very different. It is difficult to obey the laws of this country when your very first act is to break them. Illegal immigration is an affront to those who wait patiently for the chance to come here legally. Illegal immigration drains the resources of our schools and of our social support network. It encourages disrespect for the laws which are necessary for a good and orderly society.

This bill represents the first serious effort in decades to address this immense problem which has constantly worsened due to a lack of resources, a lack of resolve and a lack of enforcement of our laws. When our borders are not secure against illegal immigration, it means they also are not secure against drug-smuggling or against terrorists. This bill adopts a unified approach to border security that protects us against all those threats. It also deters illegal entry by helping us to detect the millions who are already here wrongfully. It enlists employers in the common-sense effort to deny work to Illegals, thus motivating them to return to their own country.

Everyone sympathizes with those who lack opportunity in their home country and who hope to find it here. But the long-term solution is not to have the whole world arrive at our doorstep. If other nations would adopt America's principles—including free-enterprise, constitutionally-protected freedoms, and government by the people—they could create prosperity in their own lands. Those countries need hard-working citizens who will change their societies, and we should help them with policies that encourage reforms in their countries. Meantime, the American people expect and deserve that we will protect our Nation by passing this bill.

Mr. GRIJALVA. Mr. Chairman, I rise today in opposition to the misguided Border and Immigration Enforcement Act of 2005. H.R. 4437 is a misguided bill that will further complicate the immigration crisis.

We, as a country, have not seen a significant change in immigration policy in nearly two decades, even though all Americans agree that current immigration policy is outdated and malfunctioning. The majority of surveys throughout this Nation show that the American people are advocating for a comprehensive and realistic approach to immigration reform.

As Members of Congress we have the responsibility to modernize our laws, to ensure equity, and to learn from the successes and failures of our predecessors. H.R. 4437 fails to meet these standards on all levels.

The bill before us today is an insult to the American people who have requested action on the part of their lawmakers. The bill is neither a solution nor even an attempt to understand the immigration crisis. Rather, it is a collaboration of the most destructive proposals in Congress, put forth to promote a false impression that we are working to address the problem. What we are seeing here on the floor today is an unrealistic, unconstitutional bill based on fear.

As a Representative from Arizona, I have had first hand experience with the negative impacts created by "security-only" approaches to the border and immigration, such as is promoted by H.R. 4437. Arizona, my District especially, has been victim to this inadequate approach that ignores the real needs in our communities. For example, this year my District witnessed 262 deaths on its border, yet H.R. 4437 would do nothing to help alleviate this human tragedy.

Though Americans continue to ask that Congress create orderly, legal venues for new immigrants and for safe and legal ways in which immigrants already here can declare their presence, H.R. 4437 does not even come close to fulfilling these requests. In fact, it promotes a shadow culture in which immigrants need and want to hide, which then puts our country at a greater security risk.

With one hasty line, this bill makes all immigrants criminals. It turns an immigration-law violation into an aggravated felony. Thus, legal permanent residents, who initially may have had an unlawful entry but were able to pursue a legal venue thereafter, would be categorized as felons and prevented from becoming U.S. citizens as the current law allows.

H.R. 4437 also endangers checks and balances and progress that our Nation has made towards equality. With its expansion of expedited removal programs, H.R. 4437 removes important checks that currently protect against erroneous arrests and deportations. In the realm of civil rights, immigrants that are victim to domestic violence would be discouraged from seeking protection in fear of being charged with an aggravated felony. Furthermore, immigrants dealing with Federal agencies or the judicial system would no longer have the opportunity to appeal, thereby weakening even more checks and balances in our government.

I am ashamed of the Republican leadership for bringing this bill to the floor, for ignoring the American people, and for supporting a bill that will expand the immigration crisis. Worse than all the harm that this bill would cause is the fact that it fails to include any of the immigration reforms that Americans have asked for. It includes penalties for employers, but no provisions allowing them to attain needed employees. It criminalizes immigrants, but provides no solutions for a legal venue for entry.

As lawmakers, we can do better. We can bring to the floor a comprehensive and realistic approach to immigration that addresses border security, changes to current immigration law—including earned legalization—and upholds labor rights for all U.S. employees, be they citizens or foreign born. H.R. 4437 is not this bill. It ignores the need to address societal, economic and national security shortfalls and I encourage my colleagues to denounce this insulting response to the American people and vote "no" on H.R. 4437.

Mr. PAUL. Mr. Chairman, I rise with serious concerns over this legislation, which although it does address some illegal immigration problems is woefully weak on real substance. I fear that should this bill become law as is, six months or even a year down the road we will see no substantial improvement on the critical issue of deporting illegal aliens and protecting our borders.

Some measures in the bill sound good, but are in effect superfluous. Do we need new legislation requiring the Department of Homeland Security to achieve "operational control of the borders"? Shouldn't the federal government already have "operational control of the borders"?

Here is a road map for real immigration reform. First we need better enforcement of the laws we've got—which plainly call for illegal immigrants to be arrested and deported and for our borders to be secure. These things are already law, but the executive branch over the past decades has failed to enforce them. Congress can pass any law it wants, but unless federal agencies enforce those laws they are meaningless.

Second we need to eliminate the two main magnets attracting illegal immigrants to illegally enter the country, the welfare magnet and the citizenship magnet. Failure to address these in an immigration bill raises questions about achieving real results. That is why I introduced three amendments to this bill, in the hopes that we can finally do something about the problem of illegal immigration. I introduced an amendment to end so-called "birth-right citizenship," whereby anyone born on U.S. soil is automatically an American citizen. I introduced an amendment to end the practice of providing U.S. Social Security payments to non-U.S. citizens. And finally I introduced an amendment to prohibit illegal aliens from receiving food stamps, student loans, or other federally-provided assistance. Unfortunately, none of my amendments were even allowed to reach the Floor for a vote.

There are some elements of this new bill to be applauded. Measures to require detention of and expedited removal of aliens, for example, are a good step. Also to be applauded is the requirement for an additional 250 inspectors at U.S. ports of entry each year from 2007 through 2010, although this is unfortunately subject to the availability of funds. But overall this bill is a weak substitute for real immigration and border reform. As the Federation for American Immigration Reform (FAIR) says, H.R. 4437 "treats some of the symptoms, it does not, in fact, do enough to actually cure the illness."

Mr. UDALL of Colorado. Mr. Chairman, while there is much in this bill that concerns me, I will vote for it because its primary purpose is to make necessary improvements in securing our borders, which I think is needed as part—but only part—of immigration-reform legislation.

To be frank, however, if this bill represented our last word on immigration reform, I would vote against it. By focusing exclusively on the question of border security and immigration enforcement, the House Republican leadership is ignoring the most difficult and challenging aspect of immigration reform, namely the question of how to deal humanely and effectively with the estimated 8–11 million illegal immigrants currently living and working in this country.

Moreover, I am not in favor of making every man, woman and child who overstays a visa or resides in this country illegally a criminal. By making any violation of immigration rules a criminal rather than a civil offense we may only end up discouraging law enforcement from discovering real threats of terrorism or violent criminal conduct. Driving illegal immigrants deeper underground, even more than current law, which keeps them in the shadows, is a terrible tactic if our overarching goal is national security.

So, Mr. Chairman, there are some strong reasons for voting against this legislation. It offers no full solution to the problem of illegal immigration; it is unnecessarily punitive toward otherwise law-abiding individuals, and it unwisely commits this country to the construction of a costly border fence that many security experts believe will divert resources away from more important homeland security needs.

My readiness to support this bill was also reduced by the rhetoric of some who are most vocally in support of it. There is perhaps no more divisive issue in our country than immigration, and sadly, the tone and content of much of the debate in the House has only fueled the division. I discussed the tone and substance of this debate with a good friend and colleague from the Republican side of the aisle and found that we agreed that the House was missing an opportunity to unite the country and pass a sorely-needed comprehensive immigration reform bill.

Despite these concerns, I will vote in favor of this bill because we have to make necessary investments in border security and enforcement. The 9/11 Commission has recommended increased immigration enforcement personnel, stronger surveillance, tougher entry-and-exit procedures and the use of better technologies to enhance our border security. This bill addresses these concerns and I favor all of these provisions.

Finally, I am convinced that reassuring the American people that we have taken strong action to strengthen enforcement and secure our borders is a necessary predicate for the harder and more complicated task of addressing the problem of existing illegal and undocumented workers.

With stronger border security and enforcement established we can work with the Administration and our colleagues in the Senate to build a consensus for the harder task of clarifying the status of existing illegal immigrants, most of whom are hard-working and otherwise law-abiding people, in a humane and thoughtful way that will protect children, include guestworker needs and establish a fairer process for legalized entry. If that effort succeeds—as I think it can and am convinced it must—the result not only will be better than the bill before us, it will be a measure that deserves to be sent to the President for signing into law.

Mr. RYAN of Wisconsin. Mr. Chairman, after long deliberation and discussion with the bill's author, I decided to vote "aye" on H.R. 4437. This bill is far from complete, and far from being ready to become law. Yet, it has become clear that Congress will deal with immigration reform through several stages in a long process during the next session of the 109th Congress. I supported H.R. 4437 to begin this process, so we can ultimately achieve comprehensive immigration reform.

Among the provisions I believe are instrumental toward achieving such reform are the reforms to secure our borders. Border security is no longer simply an issue of illegal immigration. It is an issue of national security, where we are vulnerable to terrorist infiltration. This proposal offers a comprehensive way to address this threat.

However, I have several concerns with this legislation that must be addressed in order to receive my support for a final, comprehensive solution to fixing our broken immigration system.

First and foremost, the provision in H.R. 4437 that makes undocumented alien status a federal felony is totally unacceptable. Prior to the bill's passing, I received a commitment from the author, Chairman SENSENBRENNER, that this provision will be removed. Second, the employer verification system proposed in this bill is unworkable and must be fixed. Third, a final bill should include the creation of a secure, legal channel by which foreign workers needed to keep the United States' economy growing may enter and leave the country. And, finally, we must bring into the open, in a reasonable and fair manner, the millions of immigrants who are living in our communities without any documentation. Failure to address all of these issues will simply prolong our broken immigration system.

Because Congress is so divided on how to achieve comprehensive reform, it has become clear to me that such reform will occur in stages over the course of the next year. I look forward to working with my colleagues in both political parties to make sure the final version of this legislative effort is one we can all be proud to support.

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of H.R. 4437, The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. This is a good bill that takes some important steps to curb illegal immigration, secure our borders and make America safer.

The bill takes a broad range of actions to secure our Nation. These include imposing tougher penalties for those who smuggle illegal immigrants into the U.S. and for those who overstay their visas. Individuals involved in making and using fraudulent documents will face stiffer penalties. We also end the "catch and release" policy that allows apprehended illegal immigrants to slip away unnoticed and live illegally in the U.S. as they will no longer simply be released back into the community.

With regard to granting immigration benefits, i.e., citizenship, green cards, permanent residency, the bill ends the practice of granting such benefits to those for whom a background check has not been completed. Immigration benefits should not be handed out simply because a certain number of days have passed since the investigation was commenced. Perhaps the background check approval is being delayed because of the need to fully investigate a possible criminal or terrorism risks.

Current law denies immigration benefits to those who are classified as habitual drunkards, but not those affiliated with terrorist organizations. This bill fixes that problem by making sure that illegal immigrants who are deportable on terrorist grounds are deported without delay.

H.R. 4437 requires employers to verify that prospective employees are legally employable. The bill ensures that a system is in place for employers to verify the legal status of such job applicants and it provides penalties for employers who violate these laws. The bill also prohibits federal funds provided under the State Criminal Alien Assistance Program to any state or local government that maintains a "sanctuary policy" for illegal immigrants.

In order to ensure that we have a better understanding of just who is crossing illegally into the U.S. the bill requires the Department of Homeland Security, DHS, to report to Congress on the number of illegal aliens apprehended who are from non-contiguous countries, with a particular emphasis on ascertaining the number of individuals from countries known to harbor terrorists. DHS is also to provide the Congress with a timeline for fully equipping all land borders with the US–VISIT entry/exit system.

On a 260–159 vote, the House mandated the construction of security fencing, including lights and cameras, along the Southwest border in sectors with the highest number of illegal border crossings, drug smuggling, and immigrant deaths. Additionally, DHS will be required to conduct a study and report back to Congress on the use of physical barriers along the Northern border.

Mr. Chairman, H.R. 4437 moves us in the right direction of addressing the serious problem of illegal immigration making the United States more secure.

Mr. DEFAZIO. Mr. Chairman, our Nation has long been a beacon for the dispossessed and downtrodden around the world who come to our shores for a shot at achieving financial security, personal security, and to fulfill their human potential, the very essence of the American dream. Our Nation was built on the sweat and ingenuity of immigrants. My father's side emigrated from Italy, and my mother's side came from Ireland. We should be proud of this heritage.

However, a nation that does not have control over its own borders is a nation that cannot claim to be sovereign. We need to know who is coming into our country, and we need to be able to keep out those who are not authorized to enter. The status quo, with 500,000 or more individuals entering the U.S. illegally every year, including untold numbers from countries of concern, meaning countries in which radical Islamic terrorists are prevalent, is not acceptable.

Prior efforts by Congress to control and rationalize immigration, including the reforms enacted in 1986 and 1996, have failed. One of the primary reasons these reforms have failed to stop the flow of undocumented workers and the exploitation of immigrant labor is the lack of meaningful employer sanctions. I believe the crux of the legislation under consideration today, in addition to enhanced border security provisions, such as more agents, improved technology, and cracking down on document fraud, is that for the first time Congress is imposing tough employer sanctions, which will decrease the incentive to exploit immigrant labor. H.R. 4437 would double the fines for employers who hire undocumented workers to a minimum of $5,000 for a first offense and up to $40,000 for subsequent offenses. H.R. 4437 would also require employers to verify an applicant's eligibility for lawful employment with immigration and Social Security officials.

These enhanced employer verification provisions are one of the reasons why the powerful business lobbies like the U.S. Chamber of Commerce, some of whose members regularly hire low-wage exploitable immigrant labor, are opposing the bill, but also one of the reasons why I support it.

Many business and immigrant rights organizations, along with some in organized labor, have raised the concern that H.R. 4437 does not include guest worker provisions.

I have serious reservations about the guest worker proposals that have been proposed by the President and in various bills in Congress. Very little has changed with respect to guest worker programs since I came to Congress. They continue to be a source of worker exploitation. When I was first elected, I fought a small group of government contractors in the forestry and reforestation industries who were abusing their workers. A recent series in the Sacramento Bee newspaper documented that abuse of immigrant labor continues to be widespread in guest worker forestry programs. The new guest worker proposals are unlikely to improve that situation.

Guest-worker programs have also historically been used to break unions. The meatpacking industry is a prime example. The meatpacking industry broke the unions by bringing in low-wage immigrant labor. Once the union was broken, the industry cut wages and benefits for the immigrant workers, sped up conveyer belts, and just generally made working conditions miserable. The rate of worker injuries and workplace accidents are extraordinarily high. It's taken the industry back to the days described in Upton Sinclair's book The Jungle.

I am wary of the impact on low-income Americans and low-wage legal immigrants from guest-worker proposals. Such proposals threaten to increase the low-wage labor pool in the U.S. by millions of workers, further eroding the pay rates and working conditions of tens of millions of Americans and legal immigrants. The nearly 20 percent of Americans without a high-school degree will be particularly hard hit. Under the leading guest-worker program in Congress, the number of unskilled workers authorized to enter every year would be 400,000. In addition, 290,000 higher skilled workers would be allowed in every year, nearly double the number in current law.

The Commission on Immigration Reform, created in 1995 by President Bill Clinton and headed by former Democratic Member of Congress Barbara Jordan, reported, "Guest-worker programs have depressed wages" and reduced employment opportunities for "unskilled American workers, including recent immigrants," who can be easily "displaced by newly entering guest workers."

A study by Harvard University professor George Borjas shows wages for Americans dropped 9 percent for high school graduates and 5 percent for college graduates in the wake of the unprecedented migration of undocumented immigrants in the 1980s and 1990s. Other studies, including research by the National Research Council and the Economic Policy Institute, show immigrants under "guest" worker programs are paid 15–33 percent less than American citizens, driving down wages for all workers.

I am also concerned that the administrative burden created by guest-worker programs will disadvantage immigrants from around the world who are now waiting in line for their paperwork to be processed so they can enter the U.S. legally. Though they have complied with the law, filed all the required applications, provided all the needed documentation, and paid all the fees, it will be years before they have legal status. My staff and I devote countless hours every week to the plight of frustrated legal immigrant husbands, wives, mothers and fathers, and children trying to navigate the immigration maze. Families are separated for years and years going the legal route, and immigrants from the Philippines and Mexico often have to wait at least a decade to be approved with no chance to jump to the head of the line.

H.R. 4437 is not a perfect bill. Far from it. Immigrant rights organizations, labor unions and others have rightfully pointed out that the bill does not in any way address the 10–12 million undocumented workers already in the U.S., no matter how long they've been here or how much they've contributed to their local community or the economy. I am concerned that the alien smuggling provisions are written in an overly broad way that could penalize the everyday actions of social service organizations, churches, and others who may provide humanitarian aid and counsel to immigrants. Further, a dubious amendment was adopted during consideration on the floor that requires the construction of $2.2 billion worth of fences along a part of the southern border, which, as evidenced by the failure of similar fences in Spain and along the Hong Kong-China border, will do little or nothing to combat illegal immigration, but will certainly divert money from programs that could. Instead, this money could be spent to hire and equip 2,000 additional agents for 10 years and to improve technologies used to protect the border.

We need to move this complex and emotional debate on border security and immigration reform forward. Although H.R. 4437 is flawed, I am voting in favor of the bill because it contains a number of provisions that I support related to border security; because this is the only immigration legislation the Republican leadership will bring to the floor, meaning it is the only opportunity I will have to go on record in favor of enhancing border security; and because I expect that the Senate will address the major deficiencies in the bill. Immigration will be debated again in the House next year after the Senate has worked through its own version of immigration reform and border security legislation and a conference committee has met and resolved the differences between the two chambers bills. I will reserve judgment on whether to support the final bill until I see the details.

Mr. ETHERIDGE. Mr. Chairman, I rise to offer my views on H.R. 4437 and this important issue. As a member of the U.S. House Committee on Homeland Security, I have worked actively with both Republicans and Democrats to strengthen our Nation's laws to protect the American people. Many of the provisions of this bill are under the jurisdiction of the Homeland Security committee, although this version differs substantially from the Committee's product.

The debate on immigration reform is an important matter for this country. Last year, I voted to pass the 9/11 Commission Recommendations Implementation Act, which authorized an additional 10,000 Border Patrol agents and 4,000 additional Immigration and Customs Enforcement (ICE) officers. Unfortunately, the Bush administration's budget funds only 210 additional border agents and 80 ICE officers in fiscal year 2006.

I support several amendments to this bill because they take concrete steps to correct real problems with the immigration status quo. For example, I support the Myrick amendment that provides for the removal of an illegal alien who is convicted of driving drunk. I also support the Shadegg amendment to increase penalties for document fraud and crimes of violence and drug trafficking offenses committed by illegal aliens. In addition, I support the Velázquez amendment to reduce the immigration application processing backlog that has choked the system to a virtual standstill. Unfortunately, these reasonable steps cannot overcome the fundamental flaws of H.R. 4437, which takes an unrealistic approach that will exacerbate the problems of the current system by driving the undocumented further underground, deeper into the black market and further estranged from the laws of our country.

We need to reform the broken immigration system in America, but this bill is harsh, punitive and anti-family and does not fix the many problems with the current system. Rather than pass new laws that make innocent children Federal criminals, we should vigorously enforce the laws against illegal immigration that are already on the books, hire the thousands of additional security personnel that have already been authorized to guard our borders and work for a fair, balanced immigration plan that encourages lawfulness, rewards hard work and safeguards families.

I hope my colleagues will join me in rejection of this legislation, so Congress and the President can start over on a more productive approach to fix the broken immigration system. Vote against H.R. 4437.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am very disappointed in the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437. It takes an enforcement only approach at a time when we should be working together on comprehensive immigration reform, and it is full of anti-immigrant provisions that are ill advised and mean spirited.

For instance, sections 201 and 203 of the House Judiciary Committee-reported version of H.R. 4437 would make all aliens who have at any time been unlawfully present in the United States aggravated felons. This, in turn, would subject them to mandatory detention; generally bar them forever from obtaining asylum, lawful permanent resident status, and eventual citizenship; and subject them to arrest by state and local law enforcement officers.

Section 202 would dramatically expand the definition of smuggling and harboring illegal aliens, potentially subjecting even unknowing relatives, good Samaritans, and employers to severe criminal penalties and civil asset forfeiture of real estate, cars, and other property for providing even life-saving assistance to someone who turns out to be unlawfully present in the United States.

Section 305 would permit States to use State Homeland Security Committee grants, Urban Area Security Initiative grants, or Law Enforcement Terrorism Prevention Program grant funds for preventing or responding to the unlawful entry of an alien or providing support to another entity relating to preventing such an entity. In order to be permitted to use such funds for such purposes, a State would have to be carrying out the activity pursuant to an agreement with a Federal agency.

Section 501 would make the use of expedited removal mandatory against aliens suspected of having entered the United States without inspection who are neither Mexican nor Canadian, who are apprehended within 100 miles of the U.S. international border, and have been in the United States for 14 days or fewer. Detention facilities are not available to house all of the immigrants who will be subject to mandatory detention under this program.

In fact, more than 110,000 aliens were released in FY2005 for lack of bed space. Section 601 would, notwithstanding treaty obligations, permit the U.S. government to send aliens to countries where they are likely to be tortured.

Section 602 would permit the government to subject aliens to indefinite detention without there being any charges against the alien.

Title VII would require the expansion of the Basic Pilot employment verification program to all employers, requiring that they use it to verify the identity and employment eligibility of each of the 54 million persons that get hired each year and the 146 million persons who currently are employed in the United States. It also would dramatically increase the fines employers face if they hire undocumented workers. It also calls for a study of an enhanced social security card that would contain biometric and other personal information on a magnetic strip that all persons in the country would have to use when seeking employment in the United States.

I will just mention one more example. Title VIII contains a provision that would strip courts of the ability to review decisions by immigration officers to deny relief and to deport aliens, including persons whose visas are revoked, persons fleeing persecution. Moreover, it contains a provision in section 806 that would require nonimmigrants coming to the United States temporarily for work, school, or as tourists to waive any right to any review of an immigration officer's decision as a precondition to getting a visa.

Twenty years of short-sighted, enforcement-only legislation has created the largest illegal population in our nation's history and H.R. 4432 is just more of the same. Far from being pro-security and pro-enforcement, this bill actually undermines enforcement and security by increasing the population of people here illegally, sweeping under the rug the 11 million here without papers, and ignoring those who will still come to the U.S. because they're coming to work As the President, Secretary Michael Chertoff, and other key leaders in both parties have said, we cannot enforce our way out of the catastrophe that is our current immigration system. The problem demands a comprehensive, workable answer that restores respect for the rule of law with fair rules that are evenly enforced—not expansive enforcement without hope for success.

Ms. MILLENDER-McDONALD. Mr. Chairman, I am deeply concerned about a bill of this type "The Border Security Act of 2005" coming to the floor of this chamber.

This bill does not adequately achieve our common goals of a comprehensive immigration policy that protects our borders while humanely seeking to address the many workers who are already in this country.

We realize that 9/11 taught us that our nation must address our national security along our borders from the north, south, east and west. Unfortunately, this bill is not the way to go in addressing this very important issue.

Statistics have shown that barrier fences have never worked to deter migration. The fences proposed in this legislation would be disastrous to the environment. It would destroy half of our national park land and many endangered species would be at risk if a massive fence was built in this territory.

This is why I have joined with the U.S. Chamber of Commerce, American Nursery & Landscape Association, and Americans for Tax Reform, Associated Builders and Contractors, National Restaurant Association, National Retail Federation, Small Business & Entrepreneurs Council, Society of American Florists and the American Bar Association in opposing this bill.

For centuries, America has prided herself on welcoming those who felt that our country could give them a better way of life. The statue of Liberty in the Harbor of New York was that symbol of hope. Where is the promise and hope in this legislation?

Furthermore, this bill does nothing to address judicial review. As it now stands, the current detention practices are extremely expensive. The overall cost for detention is over $1 billion a 2 year. On average over 22,000 detainees are in custody each day. Detaining members of vulnerable populations who are likely to appear for hearings and are not a threat to society is a misguided use of taxpayer's dollars. Using detention as the only way to ensure compliance is a costly practice. A formal hearing would expedite the process and save time and money.

Finally, if this bill is enacted provisions of this legislation would deny citizenship to babies who are born in this country by parents who are not citizens and would become law. These are not the principles of America.

As a Nation we need to address serious comprehensive immigration issues. As a Congress, we need to get to work and complete a bill that reflects the needs and concerns of the entire country.

I would be happy to vote for an immigration bill that actually protects the interests of the American public, small businesses and makes our Nation secure. H.R. 4377 is not that bill.

I urge a no vote on the Border Security Act of 2005.

Mr. CULBERSON. Mr. Chairman, as the coauthors of H.R. 4360, which is included in H.R. 4437 as Section 607, we have drafted this expression of our legislative intent with the guidance and approval of the House Judiciary Committee to help ensure that our intent in this section is fulfilled by the law enforcement community, the U.S. Attorney General, the Departments of Justice and Homeland Security, the Congress, and the Appropriations Committee as rules are written and funds are spent to carry out the activities authorized by Section 607.

H.R. 4360 and Section 607 of H.R. 4437 both authorize $100 million per year to pay for the reasonable and necessary costs incurred by "any sheriff or coalition of sheriffs" from counties along the southern border to detain, house, and transport illegal aliens. It is our intent that the language of section 607 be interpreted and implemented to reimburse or provide advance payments to border county sheriffs for all costs of "detaining, housing . . . transporting [and] transfer[ing] aliens who are not lawfully present in the United States."

H.R. 4360 and Section 607 both contain a provision that "not more than 20 percent" of the funds paid in advance or reimbursed to sheriffs may be used for the construction or renovation of detention or similar facilities. This provision, coupled with the authorization for use of funds "including the costs of personnel (such as overtime pay and costs for reserve deputies), costs of training of such personnel, equipment," make it clear that 80 percent of the funds appropriated and sent to border sheriffs or a coalition of border sheriffs are authorized to be used for "the costs of personnel (such as overtime pay and costs for reserve deputies), costs of training of such personnel [and] equipment . . ." Both bills require that these federal funds "supplement, and may not supplant, State or local funds used for the same or similar purposes."

It is our intent in Section 607 of H.R. 4437 to authorize federal funds appropriated by Congress and sent by the Department of Justice to border sheriffs or a coalition of border sheriffs to be used to hire, train, pay and fully equip additional deputy sheriffs and reserve deputies whose duties include in whole or in part "detaining, housing . . . transporting [and] transfer[ing] aliens who are not lawfully present in the United States." We agree with the traditional legal and common sense definition that a person is detained from the moment their "freedom of movement [is] restricted." *U.S.* v. *Thomas*, 250 F. Supp. 771, (S.D.N.Y. 1966), also see *Henry* v. *U.S.*, 80 S. Ct. 168 (U.S. 1959).

Therefore, a border county sheriff can use these funds to hire, train, pay and fully equip additional deputy sheriffs and reserve deputies whose duties include patrolling the border regions of their county, supporting the work of the U.S. Customs Border Protection patrols and who detain aliens who are not lawfully present in the U.S. in the course of their day to day law enforcement duties.

We have attached to this letter clarifying our legislative intent the proposed budgets prepared by the border sheriffs in Texas which detail the type of additional expenditures they anticipate will be necessary for them to fulfill their responsibilities under H.R. 4360 and Section 607 of H.R. 4437. These are precisely the types of additional expenditures which we intend to authorize under Section 607 of H.R. 4437, and we want the Appropriations Committee and the Department of Justice to do what is necessary to ensure that the border sheriffs are promptly reimbursed or paid in advance for expenses like these.

We authored this legislation to ensure a steady, predictable and sufficient flow of federal funds to help border sheriffs hire and equip additional deputies, and build, maintain and operate enough additional bed space, to detain, arrest, house and transport illegal aliens who are not lawfully present in the United States. This work by the border sheriffs will be done in support of and in coordination with the USCBP along the lines of "Operation Hold the Line," "Operation Stone Garden," and the current "Operation Linebacker" which has been proposed by the Texas Border Sheriffs Coalition.

These border counties are largely rural and do not have a tax base or a local revenue source large enough to hire enough additional deputies or build, maintain and operate enough additional bed space to keep up with the growing tide of lawless criminals and narco-terrorists crossing our southern border. These federal funds are indispensable to enable these border sheriffs to help USCBP protect our southern international border.

CAMERON COUNTY SHERIFF'S
DEPARTMENT,
August 23, 2005.

MR. GONZALEZ: The Cameron County Sheriff Department patrols approximately a 35 mile stretch along the United States and Mexican border. We have four international bridges in our county. The Sheriffs Department is responsible for approximately 40 miles of beach front in which the flow of narcotics at this time is evidently being seen by a recent number of narcotic seizures along the beaches. Cameron County is also home to one of the largest ports in the State of Texas which is better known as The Port of Brownsville.

Our area has also seen an increase in illegal immigrant smuggling and crossing. A high number of immigration arrests have been made on Hondurans, Nicaraguans, and Brazilian. An increase in arrests has recently been rising of a notorious group called the Mara-Salvatrucha gang better known as MS-13. This group has strong ties to terrorist groups and Al-Qaeda.

To better protect our borders and provide support for our local border patrol, we estimate the need of 20 additional officers. The cost per officer includes vehicles, uniform, weapons, radios, and gear. The per officer amount is $70,633.00 for the first year at a total of $1,412,660.00. The annual salary after the first year is $28,252.00 for a total of $565,040 to follow on a yearly basis.

Thank you and if you have any questions, phase contact me at my office.

Sincerely,

CAPTAIN REYNA.

TEXAS BORDER SHERIFFS COALITION

[Proposed Budget to assist USBP in Border Security Protection]

Item description	Unit cost	Qty requested	Total cost
Off Road Vehicle Ford F150 4X4	$30,000	2	$60,000
Polaris 4X4 Quad runners	8,000	2	16,000
16 ft Trailer	2,000	1	2,000
Night Vision Binoculars	2,000	2	4,000

TEXAS BORDER SHERIFFS COALITION—Continued

[Proposed Budget to assist USBP in Border Security Protection]

Item description	Unit cost	Qty requested	Total cost
Nikon 10X50 Binoculars	150.00	2	300.00
BlackHawk Night OPS Flashlights	235.00	7	1645.00
AR15 A3 Tactical	1000.00	7	7000.00
Protective Body Armor	500.00	7	3500.00
Hydra Storm Camel Backs	120.00	7	840.00
Mavica Digital Camera	500.00	2	1000.00
Overtime Existing Deputies	30.000	1	30.000
GPS	200.00	7	1,400.00
Heavy Duty Wear Tactical Uniform (Brush, Mountain)	300.00	7	2,100.00
Additional Deputies	30,000	4	120,000.00
TOTAL			249,785.00

WEBB COUNTY

Twenty-seven (27) deputy sheriffs to patrol border—including salaries, fringe benefits, training @ $35,058 per deputy—payroll plus fringe benefits and equipment for a total of $1,370,957.

Twenty-seven (27) vehicles @ $32,000 per vehicle for a total of $865,000; Twenty-seven (27) mobile radios for patrol units at $2,000 per radio—$54,000; Twenty-seven (27) laptop computers for patrol units @ $1,500 per laptop—$41,000; Yearly maintenance and fuel for vehicles—$3000 per vehicle for a total of $81,000 (first year); Twenty-seven (27) Night Vision Goggles—$3,000 each for a total of $81,000; Mobile command center of $60,000; Heavy duty river boat and motor—$100,000; Body armor and sidearms, shotguns and auto weapons—$98,000 plus ammo; Biohazard suits costs unknown; Geographic information system $10,000 per year.

*It should be noted that Webb County has been under the gun by a cross-border war between drug cartels with violence spilling over into the U.S. side; our needs are dire and our manpower requirements are critical

SHERIFF'S DEPARTMENT,
Sierra Blanca, TX, August 16 2005.

SHERIFF: Here is a list of Personnel and equipment that I feel would help us assist the Border Patrol in maintaining a secure Border for our Country. These items are the minimum we could use. If you have any questions please give me a call.

480,000—Vehicle and emergency equipment.
22,500—Weapons and Flash lights.
22,500—Lap tops.
720,000—Salaries, Overtime and Benefits.
10,000—Uniforms.
21,000—Vehicles Insurance.
150,000—Fuel per year.
1,200—Lease on Building.
12,000—Utilities.
15,000—Phones.
35,000—Vehicle Maintenance and Tire.
100,000—Support Personnel dispatch and secretary.
25,000—Supplies and Equipment.

If you need more information please call.

Sincerely,

ARVIN WEST,
Sheriff.

PRESIDIO COUNTY SHERIFF'S DEPARTMENT

OPERATING COST ESTIMATE

AUGUST 2005

Salaries (Deputy Sheriff) w/3% increase for 2005.

Base = 86 hours bi-weekly @ $12.32/hour = $1,059.52 bi-weekly 26 = $27,547.52.

Social Security = 7.65% of $27,547.52 = $2,107.38.

Retirement = 6.00% of $27,547.52 = $1,652.85.

Insurance = $4,784.00.

Unemployment = $239.66.

Workers Compensation = $2,203.80.

Overtime/Extra Duty Pay = 10 hours bi-weekly @ $18.48/hour = $184.8026 = $4,804.80.

Total Cost Per Deputy = $43,340.01.

Total Cost for 15 Deputies = $650,100.15.

Equipment (Needed for everyday operation).

1 Vehicle (2005 Dodge 4x4 PIU) = $24,999.00.

1 Two-Way Radio Motorola 100 Watt Mobile Unit = $3,675.00.

1 Two-Way Radio Motorola 10 Watt Portable Unit = $3,750.00.

1 Satellite Communications System w/ Phone Unit = $2,750.00.

1 Set of emergency lights for vehicle w/ Siren = $1,200.00.

1 Bushmaster Full Auto Carbine w/ammo = $1,000.00.

1 Law Enforcement Camera System for vehicle = $3,999.00.

1 Speed Radar unit = $1,300.00.

1 Year's Supply Uniforms with badge and ID $500.00.

1 Set Misc. Equipment (First Aid Kit, Mask Etc.) $250.00.

1 T.C.L.E.O.S.E. Mandatory Training = $500.00.

1 Monthly Fuel Cost = $400.00.

Estimated Cost of Equipment per Deputy = $44,323.00.

Estimated Cost of Equipment for 15 Deputies = $664,845.00.

Total Operating Cost per Deputy = $87,663.01.

Total Operating Cost for 15 Deputies = $1,314,945.15.

FYI—These numbers are based on a 2005 current price list and may change at anytime and without notice.

Mrs. MALONEY. Mr. Chairman, I rise today in opposition to the so-called Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437. I am deeply concerned with this legislation because it fails to seriously address our Nation's true immigration problems.

Our nation's immigration system needs a serious overhaul, but this is not it. This is a bill that has been rushed to the floor, about a week after it was introduced and after only one committee hearing that later discharged the bill on a party line vote. For an issue as important as this, we should work together, we should work towards consensus, we should take the time it takes to get it right. Instead, the Republican leadership is more interested in passing legislation that may look good on a press release, but does not solve our immigration problems and is not realistic.

If the Republican leadership was serious about securing our borders and preventing the entry of undocumented immigrants, they would fully fund the additional 10,000 border agents that we authorized when we passed the Intelligence Reform and Terrorism Prevention Act, Public Law 108–458, last year. The addition of these agents, which had broad bipartisan support, was a provision that would have a direct impact on securing both our Southern and Northern borders and had broad bipartisan support. However, when it comes time to fund these additional agents, Congress consistently comes up short.

This bill is strongly opposed by a broad range of organizations such as U.S. Chamber of Commerce, American Immigration Lawyers Association, American Farm Bureau, National Association of Homebuilders, Catholic Charities USA, Associated Builders and Contractors, United Auto Workers, among others. This broad coalition of organizations and interest groups understands that H.R. 4437 is not a solution to our existing immigration problem and in fact may exacerbate it.

I urge my colleagues to oppose this bill.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

The bill before us today is an unprecedented assault on both documented and undocumented immigrants. It creates policies that are burdensome and that threaten those legitimately seeking asylum.

It also creates new burdens on business. For example, the bill requires all employers to verify within two years that all of their new hires are in the U.S. legally. Those employers would have to verify the immigration status of all employees within six years. Not only is it extremely discriminatory to question the legal status of every new employee, this verification system also places an extremely unreasonable burden on the private sector—both large and small businesses. Instead of creating a new level of bureaucracy for our business owners to have to follow, we just should enforce the laws that we already have in place.

The bill also expands mandatory detention of immigrants, including women and children who come to the United States seeking asylum. Some of these people have been subject to crimes inconceivable to most Americans, and could be subject to even more egregious violations should they be denied asylum. We should not pass legislation that prevents refugees and others seeking persecution from finding safety in our country.

The bill also includes a provision requiring the construction of security fencing along portions of our southern border that have high rates of illegal border crossing, with one of these sections being in my home state of New Mexico. This provision alone creates a false sense of security. Building this fence will not stop the flow of undocumented immigrants into this country—it will only force them to take another route. Additionally, we are not in a position to know what the environmental impact would be on a project of this size. It could severely affect those millions of acres of land surrounding the border, as well as the wildlife living upon it.

This bill misses the mark completely, by its arbitrary and burdensome provisions. We all agree that we need to reform our immigration system. However, Congress missed an opportunity to pass comprehensive immigration reform.

Mr. TERRY. Mr. Chairman, I believe that America is at its best when we welcome people from other countries, other cultures and possessing diverse skill sets. I believe that, in fact, this strengthens our country.

I need only to go back a couple of generations to see this in my family, who immigrated to this amazing country from Ireland and Eastern Europe.

But my ancestors came legally and that is the question, in part, before us today. We have lost control of both our northern and southern borders, our maritime border is porous and anyone with the most innocent or worst of intentions can walk or drive into the United States and assimilate into our communities.

This illegal immigration must be stopped.

Securing our border is the proper first step. This Act authorizes a thousand new border patrol agents and properly equips them with modern technology. More needs to be done to properly secure our ports of entry along our east and west coasts and our northern and southern borders. For the many agencies involved this is a large but very important task.

Employers are provided better means to information, allowing them to determine whether or not the potential hire is properly documented. This Act also places some responsibility on employers to make such a determination.

We must revise our current laws to allow legal and secure immigration.

I am disappointed that this bill doesn't include a sensible, nonamnesty guest-worker provision. We have the opportunity to take the lead on this aspect of immigration policy and it would be a mistake to ignore it.

A good guest-worker statute recognizes that folks from around the world and yes, from Mexico, desire to work in the United States to earn good wages to help their families, and these workers add to the value of our country and its economy.

A guest-worker statute should ensure that the guest-worker is not a criminal, is not associated with a terrorist organization, is healthy and has an employer-sponsor. The employer must have some responsibility to actually hire this person for the entire duration of the worker's time in the United States and notify the proper agency if the worker changes or leaves the employer.

As the great nation we are, we should welcome those who want to contribute and not accept those who refuse to live under our rule of law.

Mr. ISRAEL. Mr. Chairman, I am disappointed that I must rise today in opposition to H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act. I am enormously concerned with our Nation's lack of border security and the dysfunctional nature of our current immigration system. Our Nation's immigration laws are disrespected both by those who cross our borders illegally and by the businesses that hire those illegal immigrants. Unfortunately, the legislation we are considering today does little to realistically solve these problems. I'm saddened to say that it is based not on policy, but on politics.

I support important amendments to this bill that will help secure our borders and cut down on illegal immigration. For instance, I support the amendment offered by Representative HUNTER of California requiring the construction of reinforced fencing, along with lights, cameras and sensors, along high priority areas of the U.S.-Mexican border. Additionally, I support the amendment offered by Representative NORWOOD of Georgia that authorizes and empowers local law enforcement officials to help enforce immigration laws.

However, this legislation addresses only half the problem our Nation currently faces. Nearly 11 million undocumented immigrants currently live within our borders. That's 11 million people living in the shadows whom we know next to nothing about. This legislation criminalizes these 11 million people, pushing them further into the shadows, and does not consider the impact this will have on our legal system. For instance, this bill does not address the number of pro-bono, taxpayer funded attorneys these immigrants will need to fight their criminal charges in court nor does it address the hundreds of new prisons that would need to be built in order to house 11 million new criminal aliens.

Ultimately, I support a comprehensive immigration policy that is good for families, national security and the economy. Comprehensive immigration legislation introduced by Senator JOHN MCCAIN of Arizona would substantially secure our Nation's borders. Beyond that, it would fine those immigrants already here illegally and punish employers that hire illegal immigrants. However, it would also give the 11 million undocumented immigrants in our country, along with others who are not yet in the U.S. but who hope to one day live and work here legally, a chance to earn legal status. After paying a fine, proving they have been employed in the United States and undergoing a background check, immigrants living here illegally prior to the enactment of the bill would be eligible to apply for a new, non-immigrant visa, and after six years given an option to apply for permanent residency. Additionally, an essential worker visa category, with market-based caps, would be established for new immigrants. These immigrants would be given the option to apply for permanent citizenship after four years.

The McCain bill punishes illegal immigrants for breaking the law but also acknowledges that we cannot act as though we have solved our immigration problem by ignoring the 11 million illegal immigrants already living in our country. As my votes on the Hunter and Norwood amendments prove, I support strong enforcement of our immigration laws and measures to make our borders more secure. But I believe that the only way to fix our broken immigration system is to ensure that, beyond enforcement, we take a realistic approach and acknowledge the immigrants currently living within our borders and those that will likely wish to come in the future.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIRK) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, pursuant to House Resolution 621, he reported the bill, as amended pursuant to House Resolution 610, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. REYES

Mr. REYES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. REYES. Yes, I am, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Reyes moves to recommit the bill, H.R. 4437, to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Border Security and Terrorism Prevention Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SECURING UNITED STATES BORDERS

Sec. 101. Achieving operational control on the border.
Sec. 102. National strategy for border security.
Sec. 103. Implementation of cross-border security agreements.
Sec. 104. Biometric data enhancements.
Sec. 105. One face at the border initiative.
Sec. 106. Secure communication.
Sec. 107. Border patrol agents.
Sec. 108. Coast Guard enforcement personnel.
Sec. 109. Immigration enforcement agents.
Sec. 110. Port of entry inspection personnel.
Sec. 111. Canine detection teams.
Sec. 112. Secure border initiative financial accountability.
Sec. 113. Border patrol training capacity review.
Sec. 114. Airspace security mission impact review.
Sec. 115. Repair of private infrastructure on border.
Sec. 116. Border Patrol unit for Virgin Islands.
Sec. 117. Report on progress in tracking travel of Central American gangs along international border.
Sec. 118. Collection of data.
Sec. 119. Deployment of radiation detection portal equipment at United States ports of entry.
Sec. 120. Sense of Congress regarding the Secure Border Initiative.
Sec. 121. Report regarding enforcement of current employment verification laws.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

Sec. 201. Joint strategic plan for United States border surveillance and support.
Sec. 202. Border security on protected land.
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Sec. 1103. Denying admission to foreign government officials of countries denying alien return.
Sec. 1104. Border patrol training facility.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term "appropriate congressional committee" has the meaning given it in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) STATE.—The term "State" has the meaning given it in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

TITLE I—SECURING UNITED STATES BORDERS

SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) IN GENERAL.—The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers; and

(3) increasing deployment of United States Customs and Border Protection personnel to areas along the international land and maritime borders of the United States where there are high levels of unlawful entry by aliens and other areas likely to be impacted by such increased deployment.

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term "operational control" means the prevention of the entry into the United States of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) SURVEILLANCE PLAN.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States. The plan shall include the following:

(1) An assessment of existing technologies employed on such borders.

(2) A description of whether and how new surveillance technologies will be compatible with existing surveillance technologies.

(3) A description of how the United States Customs and Border Protection is working, or is expected to work, with the Directorate of Science and Technology of the Department of Homeland Security to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) The identification of any obstacles that may impede full implementation of such deployment.

(6) A detailed estimate of all costs associated with the implementation of such deployment and continued maintenance of such technologies.

(7) A description of how the Department of Homeland Security is working with the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(b) NATIONAL STRATEGY FOR BORDER SECURITY.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a National Strategy for Border Security to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States. The Secretary shall update the Strategy as needed and shall submit to the Committee, not later than 30 days after each such update, the updated Strategy. The National Strategy for Border Security shall include the following:

(1) The implementation timeline for the surveillance plan described in subsection (a).

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at points along the international land and maritime borders of the United States.

(3) A risk assessment of all ports of entry to the United States and all portions of the international land and maritime borders of the United States with respect to—

(A) preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) protecting critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(5) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(6) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations with respect to how the Department of Homeland Security can improve coordination with such authorities, to enable border security enforcement to be carried out in an efficient and effective manner.

(7) A prioritization of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of legitimate travel and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States in accordance with the National Strategy for Border Security required under this subsection .

(10) A description of how the Secretary shall ensure accountability and performance metrics within the appropriate agencies of the Department of Homeland Security responsible for implementing the border security measures determined necessary upon completion of the National Strategy for Border Security.

(11) A timeline for the implementation of the additional security measures determined necessary as part of the National Strategy for Border Security, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, and resource estimates and allocations.

(c) CONSULTATION.—In creating the National Strategy for Border Security described in subsection (b), the Secretary shall consult with—

(1) State, local, and tribal authorities along the international land and maritime borders of the United States; and

(2) an appropriate cross-section of private sector and nongovernmental organizations with relevant expertise.

(d) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security described in subsection (b) shall be the controlling document for security and enforcement efforts related to securing the international land and maritime borders of the United States.

(e) IMMEDIATE ACTION.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States pursuant to section 101 of this Act or any other provision of law.

(f) REPORTING OF IMPLEMENTING LEGISLATION.—After submittal of the National Strategy for Border Security described in subsection (b) to the Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House legislation authorizing necessary security measures based on its evaluation of the National Strategy for Border Security.

SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY AGREEMENTS.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the implementation of the cross-border security agreements signed by the United States with Mexico and Canada, including recommendations on improving cooperation with such countries to enhance border security.

(b) UPDATES.—The Secretary shall regularly update the Committee concerning such implementation.

SEC. 104. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2006, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the IDENT and IAFIS fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect ten fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

SEC. 105. ONE FACE AT THE BORDER INITIATIVE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report—

(1) describing the tangible and quantifiable benefits of the One Face at the Border Initiative established by the Department of Homeland Security;

(2) identifying goals for and challenges to increased effectiveness of the One Face at the Border Initiative;

(3) providing a breakdown of the number of inspectors who were—

(A) personnel of the United States Customs Service before the date of the establishment of the Department of Homeland Security;

(B) personnel of the Immigration and Naturalization Service before the date of the establishment of the Department;

(C) personnel of the Department of Agriculture before the date of the establishment of the Department; or

(D) hired after the date of the establishment of the Department;

(4) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(5) outlining the steps taken by the Department to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 106. SECURE COMMUNICATION.

The Secretary of Homeland Security shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure two-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land border who do not have mobile communications, as the Secretary determines necessary; and

(4) between all appropriate Department of Homeland Security border security agencies and State, local, and tribal law enforcement agencies.

SEC. 107. BORDER PATROL AGENTS.

(a) INCREASE IN BORDER PATROL AGENTS.—To provide the Department of Homeland Security with the resources it needs to carry out its mission and responsibility to secure United States ports of entry and the international land and maritime borders of the United States and the Secretary of Homeland Security shall increase by not less than 3,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty border patrol agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

(b) ASSOCIATED COSTS.—There are authorized to be appropriated to the Secretary of Homeland Security such funds for fiscal years 2007 through 2010 as may be necessary to pay the costs associated with—

(1) the number of mission or operational support staff needed;

(2) associated relocation costs;

(3) required information technology enhancements; and

(4) costs to train such new hires.

SEC. 108. COAST GUARD ENFORCEMENT PERSONNEL.

The Secretary of Homeland Security shall increase by not less than 2,500 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty Coast Guard personnel, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 109. IMMIGRATION ENFORCEMENT AGENTS.

The Secretary of Homeland Security shall increase by not less than 2,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty immigration enforcement agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 110. PORT OF ENTRY INSPECTION PERSONNEL.

There are authorized to be appropriated to the Secretary of Homeland Security—

(1) $107,000,000 for fiscal year 2007 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2006;

(2) $154,000,000 for fiscal year 2008 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2007;

(3) $198,000,000 for fiscal year 2009 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2008; and

(4) $242,000,000 for fiscal year 2010 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2009.

SEC. 111. CANINE DETECTION TEAMS.

In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 25 percent above the number of such positions for which funds were allotted for the preceding fiscal year the number of trained detection canines for use at United States ports of entry and along the international land and maritime borders of the United States.

SEC. 112. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) In General.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) Report by Inspector General.—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) Report by Secretary.—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(d) Authorization of Appropriations.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

SEC. 113. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) In General.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Department of Homeland Security to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) Components of Review.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how the curriculum has changed since September 11, 2001.

(2) A review and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2) of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) An evaluation of whether and how utilizing comparable non-Federal training programs, proficiency testing to streamline training, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year and reducing the per agent costs of basic training; and

(B) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 114. AIRSPACE SECURITY MISSION IMPACT REVIEW.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report detailing the impact the airspace security mission in the National Capital Region (in this section referred to as the "NCR") will have on the ability of the Department of Homeland Security to protect the international land and maritime borders of the United States. Specifically, the report shall address:

(1) The specific resources, including personnel, assets, and facilities, devoted or planned to be devoted to the NCR airspace security mission, and from where those resources were obtained or are planned to be obtained.

(2) An assessment of the impact that diverting resources to support the NCR mission has or is expected to have on the traditional missions in and around the international land and maritime borders of the United States.

SEC. 115. REPAIR OF PRIVATE INFRASTRUCTURE ON BORDER.

(a) In General.—Subject to the amount appropriated in subsection (d) of this section, the Secretary of Homeland Security shall reimburse property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a United States Government right-of-way delineating the international land border when such damages are—

(1) the result of unlawful entry of aliens; and

(2) confirmed by the appropriate personnel of the Department of Homeland Security and submitted to the Secretary for reimbursement.

(b) Value of Reimbursements.—Reimbursements for submitted damages as outlined in subsection (a) shall not exceed the value of the private infrastructure prior to damage.

(c) Reports.—Not later than six months after the date of the enactment of this Act and every subsequent six months until the amount appropriated for this section is expended in its entirety, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report that details the expenditures and circumstances in which those expenditures were made pursuant to this section.

(d) Authorization of Appropriations.—There shall be authorized to be appropriated an initial $50,000 for each fiscal year to carry out this section.

SEC. 116. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2006, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 117. REPORT ON PROGRESS IN TRACKING TRAVEL OF CENTRAL AMERICAN GANGS ALONG INTERNATIONAL BORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives on the progress of the Department of Homeland Security in tracking the travel of Central American gangs across the international land border of the United States and Mexico.

SEC. 118. COLLECTION OF DATA.

Beginning on October 1, 2006, the Secretary of Homeland Security shall annually compile data on the following categories of information:

(1) The number of unauthorized aliens who require medical care taken into custody by Border Patrol officials.

(2) The number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials encounter, and refer to local hospitals or other health facilities.

(3) The number of unauthorized aliens with serious injuries or medical conditions who arrive at United States ports of entry and subsequently are admitted into the United

States for emergency medical care, as reported by United States Customs and Border Protection.

(4) The number of unauthorized aliens described in paragraphs (2) and (3) who subsequently are taken into custody by the Department of Homeland Security after receiving medical treatment.

SEC. 119. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT AT UNITED STATES PORTS OF ENTRY.

(a) DEPLOYMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall deploy radiation portal monitors at all United States ports of entry and facilities as determined by the Secretary to facilitate the screening of all inbound cargo for nuclear and radiological material.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Department's progress toward carrying out the deployment described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary for each of fiscal years 2006 and 2007.

SEC. 120. SENSE OF CONGRESS REGARDING THE SECURE BORDER INITIATIVE.

It is the sense of Congress that—

(1) as the Secretary of Homeland Security develops and implements the Secure Border Initiative and other initiatives to strengthen security along the Nation's borders, the Secretary shall conduct extensive outreach to the private sector, including small, minority-owned, women-owned, and disadvantaged businesses; and

(2) the Secretary also shall consult with firms that are practitioners of mission effectiveness at the Department of Homeland Security, homeland security business councils, and associations to identify existing and emerging technologies and best practices and business processes, to maximize economies of scale, cost-effectiveness, systems integration, and resource allocation, and to identify the most appropriate contract mechanisms to enhance financial accountability and mission effectiveness of border security programs.

SEC. 121. REPORT REGARDING ENFORCEMENT OF CURRENT EMPLOYMENT VERIFICATION LAWS.

The Secretary of Homeland Security shall issue a biannual report regarding the Federal employment verification laws that were enacted in 1986, as amended, the efforts of the Department of Homeland Security to sanction employers for knowingly hiring unauthorized workers, and an assessment of the impact of enhanced removal authorities sought by the Department.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

SEC. 201. JOINT STRATEGIC PLAN FOR UNITED STATES BORDER SURVEILLANCE AND SUPPORT.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Defense shall develop a joint strategic plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with the surveillance activities of the Department of Homeland Security conducted at or near the international land and maritime borders of the United States.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit to Congress a report containing—

(1) a description of the use of Department of Defense equipment to assist with the surveillance by the Department of Homeland Security of the international land and maritime borders of the United States;

(2) the joint strategic plan developed pursuant to subsection (a);

(3) a description of the types of equipment and other support to be provided by the Department of Defense under the joint strategic plan during the one-year period beginning after submission of the report under this subsection; and

(4) a description of how the Department of Homeland Security and the Department of Defense are working with the Department of Transportation on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 202. BORDER SECURITY ON PROTECTED LAND.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of the Interior, shall evaluate border security vulnerabilities on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior related to the prevention of the entry of terrorists, other unlawful aliens, narcotics, and other contraband into the United States.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—Based on the evaluation conducted pursuant to subsection (a), the Secretary of Homeland Security shall provide appropriate border security assistance on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior, its bureaus, and tribal entities.

SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND INFORMATION SHARING TEST AND EVALUATION EXERCISE.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall design and carry out a national border security exercise for the purposes of—

(1) involving officials from Federal, State, territorial, local, tribal, and international governments and representatives from the private sector;

(2) testing and evaluating the capacity of the United States to anticipate, detect, and disrupt threats to the integrity of United States borders; and

(3) testing and evaluating the information sharing capability among Federal, State, territorial, local, tribal, and international governments.

SEC. 204. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory committee to be known as the Border Security Advisory Committee (in this section referred to as the "Committee").

(b) DUTIES.—The Committee shall advise the Secretary on issues relating to border security and enforcement along the international land and maritime border of the United States.

(c) MEMBERSHIP.—The Secretary shall appoint members to the Committee from the following:

(1) State and local government representatives from States located along the international land and maritime borders of the United States.

(2) Community representatives from such States.

(3) Tribal authorities in such States.

SEC. 205. CENTER OF EXCELLENCE FOR BORDER SECURITY.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence.

(b) ACTIVITIES OF THE CENTER.—The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by United States borders and border control systems. The activities shall include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the borders.

SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION WITH INDIAN NATIONS.

It is the sense of Congress that—

(1) the Department of Homeland Security should strive to include as part of a National Strategy for Border Security recommendations on how to enhance Department cooperation with sovereign Indian Nations on securing our borders and preventing terrorist entry, including, specifically, the Department should consider whether a Tribal Smart Border working group is necessary and whether further expansion of cultural sensitivity training, as exists in Arizona with the Tohono O'odham Nation, should be expanded elsewhere; and

(2) as the Department of Homeland Security develops a National Strategy for Border Security, it should take into account the needs and missions of each agency that has a stake in border security and strive to ensure that these agencies work together cooperatively on issues involving Tribal lands.

TITLE III—DETENTION AND REMOVAL

SEC. 301. ENHANCED DETENTION CAPACITY.

To avoid a return to the "catch and release" policy and to address long-standing shortages of available detention beds, and to further authorize the provisions of section 5204 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108–458), there are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for each of fiscal years 2007 through 2010 to increase by 25,000 for each fiscal year the number of funded detention bed spaces.

SEC. 302. INCREASE IN DETENTION AND REMOVAL OFFICERS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to add 250 detention and removal officers for each of fiscal years 2007 through 2010.

SEC. 303. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention.

SEC. 304. ENHANCING TRANSPORTATION CAPACITY FOR UNLAWFUL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of United States Customs and Border Protection to detention facilities and other locations as necessary.

(b) CRITERIA FOR SELECTION.—Notwithstanding any other provision of law, to enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of service, cost, and security.

SEC. 305. REPORT ON FINANCIAL BURDEN OF REPATRIATION.

Not later than October 31 of each year, the Secretary of Homeland Security shall submit to the Secretary of State and Congress a report that details the cost to the Department of Homeland Security of repatriation of unlawful aliens to their countries of nationality or last habitual residence, including details relating to cost per country. The Secretary shall include in each such report the recommendations of the Secretary to more cost effectively repatriate such aliens.

SEC. 306. TRAINING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security—

(1) review and evaluate the training provided to Border Patrol agents and port of entry inspectors regarding the inspection of aliens to determine whether an alien is referred for an interview by an asylum officer for a determination of credible fear;

(2) based on the review and evaluation described in paragraph (1), take necessary and appropriate measures to ensure consistency in referrals by Border Patrol agents and port of entry inspectors to asylum officers for determinations of credible fear.

SEC. 307. GAO STUDY ON DEATHS IN CUSTODY.

The Comptroller General of the United States, within 6 months after the date of the enactment of this Act, shall submit to Congress a report on the deaths in custody of detainees held on immigration violations by the Secretary of Homeland Security. The report shall include the following information with respect to any such deaths and in connection therewith:

(1) Whether any crimes were committed by personnel of the Department of Homeland Security.

(2) Whether any such deaths were caused by negligence or deliberate indifference by such personnel.

(3) Whether Department practice and procedures were properly followed and obeyed.

(4) Whether such practice and procedures are sufficient to protect the health and safety of such detainees.

(5) Whether reports of such deaths were made under the Deaths in Custody Act.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

SEC. 401. ENHANCED BORDER SECURITY COORDINATION AND MANAGEMENT.

The Secretary of Homeland Security shall ensure full coordination of border security efforts among agencies within the Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services, and shall identify and remedy any failure of coordination or integration in a prompt and efficient manner. In particular, the Secretary of Homeland Security shall—

(1) oversee and ensure the coordinated execution of border security operations and policy;

(2) establish a mechanism for sharing and coordinating intelligence information and analysis at the headquarters and field office levels pertaining to counter-terrorism, border enforcement, customs and trade, immigration, human smuggling, human trafficking, and other issues of concern to both United States Immigration and Customs Enforcement and United States Customs and Border Protection;

(3) establish Department of Homeland Security task forces (to include other Federal, State, Tribal and local law enforcement agencies as appropriate) as necessary to better coordinate border enforcement and the disruption and dismantling of criminal organizations engaged in cross-border smuggling, money laundering, and immigration violations;

(4) enhance coordination between the border security and investigations missions within the Department by requiring that, with respect to cases involving violations of the customs and immigration laws of the United States, United States Customs and Border Protection coordinate with and refer all such cases to United States Immigration and Customs Enforcement;

(5) examine comprehensively the proper allocation of the Department's border security related resources, and analyze budget issues on the basis of Department-wide border enforcement goals, plans, and processes;

(6) establish measures and metrics for determining the effectiveness of coordinated border enforcement efforts; and

(7) develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

(A) coordinating all Federal border security activities;

(B) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

(C) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

SEC. 402. MAKING OUR BORDER AGENCIES WORK.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

(1) in subtitle A, by amending the heading to read as follows: "**Bureau of Border Security and Customs**";

(2) by striking section 401 and inserting the following section:

"**SEC. 401. BUREAU OF BORDER SECURITY AND CUSTOMS.**

"(a) ESTABLISHMENT.—There shall be in the Department of Homeland Security a Bureau of Border Security and Customs (in this section referred to as the 'Bureau').

"(b) COMMISSIONER.—

"(1) IN GENERAL.—The head of the Bureau shall be the Commissioner of Border Security and Customs (in this section referred to as the 'Commissioner'). The Commissioner shall report directly to the Secretary.

"(2) APPOINTMENT.—The Commissioner shall be appointed—

"(A) by the President, by and with the advice and consent of the Senate; and

"(B) from individuals who have—

"(i) a minimum of ten years professional experience in law enforcement; and

"(ii) a minimum of ten years of management experience.

"(c) COORDINATION.—Among other duties, the Commissioner shall develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

"(1) coordinating all Federal border security activities;

"(2) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

"(3) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

"(d) ORGANIZATION.—The Bureau shall include five primary divisions. The head of each division shall be an Assistant Commissioner of Border Security and Customs who shall be appointed by the Secretary of Homeland Security. The five divisions and their responsibilities are as follows:

"(1) OFFICE OF IMMIGRATION ENFORCEMENT.—It shall be the responsibility of the Office of Immigration Enforcement to enforce the immigration laws of the United States.

"(2) OFFICE OF CUSTOMS ENFORCEMENT.—It shall be the responsibility of the Office of Customs Enforcement to enforce the customs laws of the United States.

"(3) OFFICE OF INSPECTION.—It shall be the responsibility of the Office of Inspection to conduct inspections at official United States ports of entry and to maintain specialized immigration, customs, and agriculture secondary inspection functions.

"(4) OFFICE OF BORDER PATROL.—It shall be the responsibility of the Office of Border Patrol to secure the international land and maritime borders of the United States between ports of entry.

"(5) OFFICE OF MISSION SUPPORT.—It shall be the responsibility of the Office of Mission Support to provide assistance to the Bureau, including all offices of the Bureau, and additional agencies as determined appropriate by the Secretary. The Office shall include, at a minimum, detention and removal functions, intelligence functions, and air and marine support.

"(e) REORGANIZATION.—The reorganization authority described in section 872 shall not apply to this section.";

(3) in section 402, in the matter preceding paragraph (1), by striking "acting through the Under Secretary for Border and Transportation Security," and inserting "acting through the Commissioner of Border Security and Customs,"; and

(4) by inserting after section 403 the following new section:

"SEC. 404. TRANSFER.

"The Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, created pursuant to the 'Reorganization Plan Modification for the Department of Homeland Security' submitted to Congress as required under section 1502, is hereby transferred into the Bureau of Border Security and Customs, established pursuant to section 401.".

(b) Clerical Amendments.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the item related to section 401 and inserting the following item:

"Sec. 401. Bureau of Border Security and Customs."

; and

(2) by inserting after the item relating to section 403 the following new item:

"Sec. 404. Transfer.".

(c) Shadow Wolves Transfer.—

(1) Transfer of existing unit.—In conjunction with the creation of the Bureau of Border Security and Customs under section 401 of the Homeland Security Act of 2002, as amended by section 201(a) of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation (commonly known as the "Shadow Wolves" unit).

(2) Establishment of new units.—The Secretary is authorized to establish Shadow Wolves units within both the Office of Immigration Enforcement and Office of Customs Enforcement in the Bureau of Border Security and Customs.

(3) Duties.—The Customs Patrol Officer unit transferred pursuant to paragraph (1), and additional units established pursuant to paragraph (2), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(4) Basic pay for journeyman officers.—A Customs Patrol Officer in a unit described in this subsection shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security's Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(5) Supervisors.—The Shadow Wolves unit created within the Office of Immigration Enforcement shall be supervised by a Chief Immigration Patrol Officer. The Shadow Wolves unit created within the Office of Customs Enforcement shall be supervised by a Chief Customs Patrol Officer. Each such Officer shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

(d) Technical and Conforming Amendments to the Homeland Security Act of 2002.—

(1) Transportation security administration.—Section 424(a) of the Homeland Security Act of 2002 (6 U.S.C. 234(a)) is amended by striking "under the Under Secretary for Border Transportation and Security".

(2) Office for domestic preparedness.—Section 430 of such Act (6 U.S.C. 238) is amended—

(A) in subsection (a), by striking "The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security." and inserting "There shall be in the Department an Office for Domestic Preparedness."; and

(B) in subsection (b), in the second sentence, by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary of Homeland Security".

(3) Bureau of border security.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 402 (6 U.S.C. 202)—

(i) in the matter preceding paragraph (1), by striking ", acting through the Under Secretary for Border and Transportation Security,";

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

"(8) Administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and using such information to carry out the enforcement functions of the Bureau.";

(B) by inserting after section 404 (as added by section 102(a)(4) of this Act) the following new sections:

"SEC. 405. CHIEF OF IMMIGRATION POLICY AND STRATEGY.

"(a) In General.—There shall be a position of Chief of Immigration Policy and Strategy for the Bureau of Border Security and Customs.

"(b) Functions.—In consultation with Bureau of Border Security and Customs personnel in local offices, the Chief of Immigration Policy and Strategy shall be responsible for—

"(1) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

"(2) coordinating immigration policy issues with the Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services (established under subtitle E), as appropriate.

"SEC. 406. IMMIGRATION LEGAL ADVISOR.

"There shall be a principal immigration legal advisor to the Commissioner of the Bureau of Border Security and Customs. The immigration legal advisor shall provide specialized legal advice to the Commissioner of the Bureau of Border Security and Customs and shall represent the Bureau in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review."; and

(C) by striking section 442 (6 U.S.C. 252) and redesignating sections 443 through 446 as sections 442 through 445, respectively.

(4) Conforming amendments.—

(A) Bureau of border security and customs.—Each of the following sections of the Homeland Security Act of 2002 is amended by inserting "and Customs" after "Border Security" each place it appears:

(i) Section 442, as redesignated by subsection (c)(3).

(ii) Section 443, as redesignated by subsection (c)(3).

(iii) Section 444, as redesignated by subsection (c)(3).

(iv) Section 451 (6 U.S.C. 271).

(v) Section 459, (6 U.S.C. 276).

(vi) Section 462 (6 U.S.C. 279).

(vii) Section 471 (6 U.S.C. 291).

(viii) Section 472 (6 U.S.C. 292).

(ix) Section 474 (6 U.S.C. 294).

(x) Section 475 (6 U.S.C. 295).

(xi) Section 476 (6 U.S.C. 296).

(xii) Section 477 (6 U.S.C. 297).

(B) Commissioner of the bureau of border security and customs.—The Homeland Security Act of 2002 is amended—

(i) in section 442, as redesignated by subsection (c)(3), in the matter preceding paragraph (1), by striking "Under Secretary for Border and Transportation Security" and inserting "Commissioner of Border Security and Customs";

(ii) in section 443, as redesignated by subsection (c)(3), by striking "Under Secretary for Border and Transportation Security" and inserting "Commissioner of Border Security and Customs";

(iii) in section 451(a)(2)(C) (6 U.S.C. 271(a)(2)(C)), by striking "Assistant Secretary" and inserting "Commissioner";

(iv) in section 459(c) (6 U.S.C. 276(c)), by striking "Assistant Secretary" and inserting "Commissioner"; and

(v) in section 462(b)(2)(A) (6 U.S.C. 279(b)(2)(A)), by striking "Assistant Secretary" and inserting "Commissioner".

(5) Reference.—Any reference to the Bureau of Border Security in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Bureau is deemed to refer to the Bureau of Border Security and Customs.

(6) Clerical amendments.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting after the item relating to section 404 (as added by section 102(b)(2) of this Act) the following new items:

"Sec. 405. Chief of Policy and Strategy.
"Sec. 406. Legal advisor.";

(B) by striking the item related to section 442; and

(C) by redesignating the items relating to sections 443 through 446 as items relating to sections 442 through 445, respectively.

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

SEC. 501. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) In General.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) Consultation.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) Collective Bargaining.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. 502. HELICOPTERS AND POWER BOATS.

(a) In General.—The Secretary of Homeland Security shall increase by not less than 100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) Use and Training.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 503. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a "panic button" and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. 504. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. 505. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all Federal law enforcement personnel working in every area in which United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times.

SEC. 506. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued, when on patrol, a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. 507. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and regularly maintained to enable each United States Border Patrol agent patrolling during the hours of darkness to be equipped with a portable night vision device.

SEC. 508. BODY ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. All body armor shall be replaced at least once every five years.

SEC. 509. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the policies of the Department of Homeland Security allow all such officers to carry weapons selected from a Department approved list that are suited to the potential threats that such officers face.

Subtitle B—Human Capital Enhancements To Improve the Recruitment and Retention of Border Security Personnel

SEC. 511. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

"(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

"(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

"(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.".

SEC. 512. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. 513. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) Amendments.—

(1) Federal employees' retirement system.—

(A) Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking "and" at the end of subparagraph (C), and by adding at the end the following:

"(E) an employee (not otherwise covered by this paragraph)—

"(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

"(ii) who is authorized to carry a firearm; and

"(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;".

(B) Conforming amendment.—Section 8401(17)(C) of title 5, United States Code, is amended by striking "(A) and (B)" and inserting "(A), (B), (E), and (F)".

(2) Civil service retirement system.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after "position." (in the matter before subparagraph (A)) the following: "For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before 'including') shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).".

(3) Effective date.—Except as provided in subsection (b), the amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

(b) Treatment of Service Performed by Incumbents.—

(1) Law enforcement officer and service described.—

(A) Law enforcement officer.—Any reference to a law enforcement officer described in this paragraph refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by subsection (a).

(B) Service.—Any reference to service described in this paragraph refers to service performed as a law enforcement officer (as described in this paragraph).

(2) Incumbent defined.—For purposes of this subsection, the term "incumbent" means an individual who—

(A) is first appointed as a law enforcement officer (as described in paragraph (1)) before the date of the enactment of this Act; and

(B) is serving as such a law enforcement officer on such date.

(3) Treatment of service performed by incumbents.—

(A) In general.—Service described in paragraph (1) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which subparagraph (B) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under subparagraph (B).

(B) Retirement.—Service described in paragraph (1) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(4) Individual contributions for prior service.—

(A) In general.—An individual who makes an election under paragraph (3)(B) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by subsection (a) had then been in effect.

(B) Effect of not contributing.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(C) PRIOR SERVICE DEFINED.—For purposes of this subsection, the term "prior service" means, with respect to any individual who makes an election under paragraph (3)(B), service (described in paragraph (1)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(5) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (3)(B), the agency in or under which that individual was serving at the time of any prior service (referred to in paragraph (4)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to such service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had then been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in paragraph (4)(C).

(6) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in paragraph (1)) before the end of the 3-year period beginning on the date of the enactment of this Act.

(7) REGULATIONS.—The Office shall prescribe regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (4) or (5) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—

(I) satisfies subparagraph (A) (but not subparagraph (B)) of paragraph (2); and

(II) serves as a law enforcement officer (as described in paragraph (1)) after the date of the enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under clause (i), who dies before making an election under paragraph (3)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(8) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to apply in the case of a reemployed annuitant.

SEC. 514. INCREASE UNITED STATES BORDER PATROL AGENT AND INSPECTOR PAY.

Effective as of the first day of the first applicable pay period beginning on the date that is one year after the date of the enactment of this Act, the highest basic rate of pay for a journey level United States Border Patrol agent or immigration, customs, or agriculture inspector within the Department of Homeland Security whose primary duties consist of enforcing the immigration, customs, or agriculture laws of the United States shall increase from the annual rate of basic pay for positions at GS–11 of the General Schedule to the annual rate of basic pay for positions at GS–12 of the General Schedule.

SEC. 515. COMPENSATION FOR TRAINING AT FEDERAL LAW ENFORCEMENT TRAINING CENTER.

Official training, including training provided at the Federal Law Enforcement Training Center, that is provided to a customs officer or canine enforcement officer (as defined in subsection (e)(1) of section 5 of the Act of February 13, 1911 (19 U.S.C. 267), or to a customs and border protection officer shall be deemed work for purposes of such section. If such training results in the officer performing work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day, the officer shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer, in accordance with subsection (a)(1) of such section. Such compensation shall apply with respect to such training provided to such officers on or after January 1, 2002. Not later than 60 days after the date of the enactment of this Act, such compensation shall be provided to such officers, together with any applicable interest, calculated in accordance with section 5596(b)(2) of title 5, United States Code.

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

SEC. 531. INCREASE IN FULL TIME UNITED STATES CUSTOMS AND BORDER PROTECTION IMPORT SPECIALISTS.

(a) IN GENERAL.—The number of full time United States Customs and Border Protection non-supervisory import specialists in the Department of Homeland Security shall be not less than 1,080 in fiscal year 2007.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to fund these positions and related expenses including training and support.

SEC. 532. CERTIFICATIONS RELATING TO FUNCTIONS AND IMPORT SPECIALISTS OF UNITED STATES CUSTOM AND BORDER PROTECTION.

(a) FUNCTIONS.—The Secretary of Homeland Security shall annually certify to Congress, that, pursuant to paragraph (1) of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) the Secretary has not consolidated, discontinued, or diminished those functions described in paragraph (2) of such section that were performed by the United States Customs Service, or reduced the staffing level or reduced resources attributable to such functions.

(b) NUMBER OF IMPORT SPECIALISTS.—The Secretary of Homeland Security shall annually certify to Congress that, in accordance with the requirement described in section 302(a), the number of full time non-supervisory import specialists employed by United States Customs and Border Protection is at least 1,080.

SEC. 533. EXPEDITED TRAVELER PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expedited travel programs of the Department of Homeland Security should be expanded to all major United States ports of entry and participation in the pre-enrollment programs should be strongly encouraged. These programs assist frontline officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks. This will permit border control officers to focus more closely on unknown travelers, potential criminals, and terrorists.

(b) MONITORING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall monitor usage levels of all expedited travel lanes at United States land border ports of entry.

(2) FUNDING FOR STAFF AND INFRASTRUCTURE.—If the Secretary determines that the usage levels referred to in paragraph (1) exceed the capacity of border facilities to provide expedited entry and exit, the Secretary shall submit to Congress a request for additional funding for increases in staff and improvements in infrastructure, as appropriate, to enhance the capacity of such facilities.

(c) EXPANSION OF EXPEDITED TRAVELER SERVICES.—The Secretary of Homeland Security shall—

(1) open new enrollment centers in States that do not share an international land border with Canada or Mexico but where the Secretary has determined that a large demand for expedited traveler programs exist;

(2) reduce fee levels for the expedited traveler programs to encourage greater participation; and

(3) cooperate with the Secretary of State in the public promotion of benefits of the expedited traveler programs of the Department of Homeland Security.

(d) REPORT ON EXPEDITED TRAVELER PROGRAMS.—The Secretary of Homeland Security shall, on biannually in 2006, 2007, and 2008, submit to Congress a report on participation in the expedited traveler programs of the Department of Homeland Security.

(e) INTEGRATION AND INTEROPERABILITY OF EXPEDITED TRAVELER PROGRAM DATABASES.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall develop a plan to full integrate and make interoperable the databases of all of the expedited traveler programs of the Department of Homeland Security, including NEXUS, AIR NEXUS, SENTRI, FAST, and *Register Traveler*.

TITLE VI—ENSURING PROPER SCREENING

SEC. 601. US-VISIT OVERSIGHT TASK FORCE.

(a) IN GENERAL.—In order to assist the Secretary of Homeland Security to complete the planning and expedited deployment of US-VISIT, as described in section 7208 of such Act, and consistent with the findings of the National Commission on Terrorist Attacks upon the United States, the Secretary shall convene a task force.

(b) COMPOSITION.—The task force shall be composed of representatives from private sector groups with an interest in immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, the environment, and other affected industries and areas of interest. Members of the task force shall be appointed by the Secretary for the life of the task force.

(c) DUTIES.—The task force shall advise and assist the Secretary regarding ways to make US-VISIT a secure and complete system to track visitors to the United States.

(d) REPORT.—Not later than December 31, 2006, and annually thereafter that the task force is in existence, the task force shall submit to the House Committee on Homeland

Security and the Committee on Homeland Security and Government Reform of the Senate a report containing the findings, conclusions, and recommendations of the task force with respect to making US-VISIT a secure and complete system, in accordance with paragraph (3). The report shall also measure and evaluate the progress the task force has made in providing a framework for completion of the US-VISIT program, an estimation of how long any remaining work will take to complete, and an estimation of the cost to complete such work.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this subsection.

SEC. 602. VERIFICATION OF SECURITY MEASURES UNDER THE CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM (C-TPAT) PROGRAM AND THE FREE AND SECURE TRADE (FAST) PROGRAM.

(a) GENERAL VERIFICATION.—Not later than one year after the date of the enactment of this Act, and on a biannual basis thereafter, the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall verify on-site the security measures of each individual and entity that is participating in the Customs-Trade Partnership Against Terrorism (C-TPAT) program and the Free And Secure Trade (FAST) program.

(b) POLICIES FOR NONCOMPLIANCE WITH C-TPAT PROGRAM REQUIREMENTS.—The Commissioner shall establish policies for noncompliance with the requirements of the C-TPAT program by individuals and entities participating in the program, including probation or expulsion from the program, as appropriate.

SEC. 603. IMMEDIATE INTERNATIONAL PASSENGER PRESCREENING PILOT PROGRAM.

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger's information against the integrated and consolidated terrorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and

(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term "passenger" includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system's accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, or computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

SEC. 701. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 702. REESTABLISHMENT OF THE UNITED STATES BORDER PATROL ANTI-SMUGGLING UNIT.

The Secretary of Homeland Security shall reestablish the Anti-Smuggling Unit within the Office of United States Border Patrol, and shall immediately staff such office with a minimum of 500 criminal investigators selected from within the ranks of the United States Border Patrol. Staffing levels shall be adjusted upward periodically in accordance with workload requirements.

SEC. 703. NEW NONIMMIGRANT VISA CLASSIFICATION TO ENABLE INFORMANTS TO ENTER THE UNITED STATES AND REMAIN TEMPORARILY.

(a) IN GENERAL.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking the comma at the end and inserting "; or";

(3) by inserting after clause (ii) the following:

"(iii) who the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines—

"(I) is in possession of critical reliable information concerning a commercial alien smuggling organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully;

"(II) is willing to supply or has supplied such information to a Federal or State court; or

"(III) whose presence in the United States the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines is essential to the success of an authorized criminal investigation, the successful prosecution of an individual involved in the commercial alien smuggling organization or enterprise, or the disruption of such organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully.";

(4) by inserting ", or with respect to clause (iii), the Secretary of Homeland Security, the Secretary of State, or the Attorney General" after "jointly"; and

(5) by striking "(i) or (ii)" and inserting "(i), (ii), or (iii)".

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(k) (8 U.S.C. 1184(k)) is amended

(1) by adding at the end of paragraph (1) the following: "The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(iii) in any fiscal year may not exceed 400."; and

(2) by adding at the end the following:

"(5) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a nonimmigrant described in clause (iii) of section 101(a)(15)(S), or that of any family member of such a nonimmigrant who is provided nonimmigrant status pursuant to such section, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.".

SEC. 704. ADJUSTMENT OF STATUS WHEN NEEDED TO PROTECT INFORMANTS.

Section 245(j) (8 U.S.C. 1255(j)) is amended—

(1) in paragraph (3), by striking "(1) or (2)," and inserting "(1), (2), (3), or (4),";

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

"(3) if, in the opinion of the Secretary of Homeland Security, the Secretary of State, or the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) has supplied information described in subclause (I) of such section; and

"(B) the provision of such information has substantially contributed to the success of a commercial alien smuggling investigation or an investigation of the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully, the disruption of such an enterprise, or the prosecution of an individual described in subclause (III) of that section,

the Secretary of Homeland Security may adjust the status of the alien (and the spouse, children, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(4) The Secretary of Homeland Security may adjust the status of a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) (and the spouse, children, married and unmarried sons and daughters, and parents of the nonimmigrant if admitted under that section) to that of an alien lawfully admitted for permanent residence on the basis of a recommendation of the Secretary of State or the Attorney General."; and

(4) by adding at the end the following:

"(6) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a person whose status is adjusted under this subsection must be protected, such official may take such lawful action as the official considers necessary to effect such protection.".

SEC. 705. REWARDS PROGRAM.

(a) Rewards Program.—Section 274 (8 U.S.C. 1324) is amended by adding at the end the following:

"(e) Rewards Program.—

"(1) In general.—There is established in the Department of Homeland Security a program for the payment of rewards to carry out the purposes of this section.

"(2) Purpose.—The rewards program shall be designed to assist in the elimination of commercial operations to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully and to assist in the investigation, prosecution, or disruption of a commercial alien smuggling operation.

"(3) Administration.—The rewards program shall be administered by the Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State.

"(4) Rewards authorized.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

"(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

"(B) the arrest or conviction of any individual committing such an act;

"(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

"(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

"(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

"(5) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph shall remain available until expended.

"(6) Ineligibility.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

"(7) Protection measures.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

"(8) Limitations and certification.—

"(A) Maximum amount.—No reward under this subsection may exceed $100,000, except as personally authorized by the Secretary of Homeland Security.

"(B) Approval.—Any reward under this subsection exceeding $50,000 shall be personally approved by the Secretary of Homeland Security.

"(C) Certification for payment.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.".

SEC. 706. OUTREACH PROGRAM.

Section 274 (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

"(f) Outreach Program.—The Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State, shall develop and implement an outreach program to educate the public in the United States and abroad about—

"(1) the penalties for—

"(A) bringing in and harboring aliens in violation of this section; and

"(B) participating in a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully; and

"(2) the financial rewards and other incentives available for assisting in the investigation, disruption, or prosecution of a commercial smuggling operation or a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully.".

SEC. 707. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR COORDINATING AND DISTRIBUTING INFORMATION ON FRAUDULENT IMMIGRATION DOCUMENTS.

(a) In General.—The Secretary of Homeland Security shall establish a task force (to be known as the Task Force on Fraudulent Immigration Documents) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and Foreign governments on the production, sale, and distribution of fraudulent documents intended to be used to enter or to remain in the United States unlawfully.

(2) Maintain that information in a comprehensive database.

(3) Convert the information into reports that will provide guidance for government officials on identifying fraudulent documents being used to enter or to remain in the United States unlawfully.

(4) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) Distribution of Information.—Distribute the reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

SEC. 711. SHORT TITLE.

This Act may be cited as the "Northern Border Prosecution Initiative Reimbursement Act".

SEC. 712. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) Initiative Required.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) Provision and Allocation of Funds.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) Use of Funds.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) Definitions.—In this section:

(1) The term "eligible northern border entity" means—

(A) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(2) The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term "federally declined-referred" means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term "case disposition", for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

SEC. 713. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years after fiscal year 2006.

Subtitle C—Criminal Aliens

SEC. 721. REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Department of Homeland Security shall locate and remove all criminal aliens who have been ordered deported as of such enactment date.

(b) CONTINUATION AND EXPANSION OF INSTITUTIONAL REMOVAL PROGRAM.—

(1) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, under section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)), which identifies removable criminal aliens serving sentences in Federal and State correctional facilities for crimes set forth in section 238(a)(1) of such Act , ensures such aliens are not released into the community, and removes such aliens from the United States upon completion of their sentences. The Institutional Removal Program shall be designed in accordance with section 238(a)(3) of such Act such that removal proceedings may be initiated and, to the extent possible, completed before completion of a criminal sentence.

(2) EXPANSION.—The Institutional Removal Program shall be made available to all States. The Attorney General and Secretary of Homeland Security shall increase the personnel for such program by 750 full-time equivalent personnel for fiscal years 2007 through 2010.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide training and technical assistance to State and local correctional officers about the Institutional Removal Program, the roles and responsibilities of Federal immigration authorities in identifying and removing criminal aliens pursuant to section 238(a)(3) of the Immigration and Nationality Act, and methods for communicating between State and local correctional facilities and the Federal immigration agents responsible for removals.

(4) COOPERATION, IDENTIFICATION, AND NOTIFICATION .—Any State that receives federal funds pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) shall—

(A) cooperate with Federal Institutional Removal Program officials in carrying out criminal alien removals pursuant to section 238(a)(1) of such Act ;

(B) permit Federal agents to expeditiously and systematically identify such aliens designated under such section serving criminal sentences in State and local correctional facilities; and

(C) facilitate the transfer of such aliens to Federal custody as a condition for receiving such funds.

(5) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the extent necessary in order to make the Institutional Removal Program available to facilities in remote locations. The purpose of such technology shall be to ensure inmate access to consular officials, and to permit federal officials to screen inmates for deportability pursuant to section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)). Use of technology should in no way impede or interfere with an individual's right to access to legal counsel, full and fair immigration proceedings, and due process.

(6) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit an annual report to Congress on the participation of States in the Institutional Removal Program. The report should also evaluate the extent to which States and localities submit qualified requests for reimbursement pursuant to section 241(i) of the Immigration and National Act, but do not receive compensatory funding for lack of appropriations.

(7) AUTHORIZATION OF APPROPRIATIONS .—There are authorized to be appropriated to carry out the institutional removal program—

(A) $100,000,000 for fiscal year 2007;

(B) $115,000,000 for fiscal year 2008;

(C) $130,000,000 for fiscal year 2000; and

(D) $145,000,000 for fiscal year 2010.

SEC. 722. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

(a) IN GENERAL.—Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting "charged with or" before "convicted".

(b) AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON USE OF FUNDS.—Section 241(i) of such Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) There are authorized to be appropriated to carry out this subsection $500,000,000 for fiscal year 2006 and $1,000,000,000 for each of the succeeding ten fiscal years.

"(6) Amounts appropriated pursuant to paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.".

SEC. 723. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking "for the costs" and inserting the following: "for—

"(1) the costs"; and

(B) by striking "such State." and inserting the following: "such State; and

"(2) the indirect costs related to the imprisonment described in paragraph (1)."; and

(2) by striking subsections (c) through (e) and inserting the following:

"(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

"(1) shares a border with Mexico or Canada; or

"(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

"(d) DEFINITIONS.—As used in this section:

"(1) INDIRECT COSTS.—The term 'indirect costs' includes—

"(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

"(B) indigent defense costs; and

"(C) unsupervised probation costs.

"(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).".

SEC. 724. ICE STRATEGY AND STAFFING ASSESSMENT.

(a) IN GENERAL.—Not later than December 31 of each year, the Secretary of Homeland Security shall submit to the Government Accountability Office and the appropriate congressional committees (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written report describing its strategy for deploying human resources (including investigators and support personnel) to accomplish its border security mission.

(b) REVIEW.—Not later than 90 days after receiving any report under subsection (a), the Government Accountability Office shall submit to each appropriate congressional committee (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written evaluation of such report, including recommendations pertaining to how U.S. Immigration and Customs Enforcement could better deploy human resources to achieve its border security mission through legislative or administrative action.

SEC. 725. CONGRESSIONAL MANDATE REGARDING PROCESSING OF CRIMINAL ALIENS WHILE INCARCERATED.

The Secretary of Homeland Security shall work with prisons in which criminal aliens are incarcerated to complete their removal or deportation proceeding before such aliens are released from prison and sent to Federal detention.

SEC. 726. INCREASE IN PROSECUTORS AND IMMIGRATION JUDGES AND UNITED STATES MARSHALS.

(a) IMMIGRATION JUDGE INCREASE.—The Executive Office for Immigration Review in the Department of Justice shall increase the number of immigration judges by not less than 75 judges for each of fiscal years 2007 through 2010.

(b) US ATTORNEY OFFICE INCREASE.—The Department of Justice shall dedicate an additional 100 attorney positions at offices of the United States Attorney in the States of Arizona, New Mexico, and Texas for the enforcement of immigration law and create a supervisory staff position to coordinate the enforcement activities in each of fiscal years 2007 through 2010.

(c) US MARSHALL INCREASE.—The Department of Justice shall provide for an increase of 250 United States Marshals to provide support for border patrol agents in each of fiscal years 2007 through 2010.

Subtitle D—Operation Predator

SEC. 731. DIRECT FUNDING FOR OPERATION PREDATOR.

(a) IN GENERAL.—The Operation Predator initiative of the Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security is responsible for identifying child predators and removing them from the United States if they are subject to deportation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Operation Predator initiative such funds as may be necessary for fiscal year 2006 through fiscal year 2010.

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

SEC. 801. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

In addition to such other sums as are authorized under law, to carry out section 4011(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $20,000,000 for fiscal year 2007 for research and development of advanced biometric technology applications to aviation security, including mass identification technology.

SEC. 802. BIOMETRIC CENTER OF EXCELLENCE.

In addition to such other sums as are authorized under law, to carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated $1,000,000 for fiscal year 2007 for the establishment of a competitive center of excellence that will develop and expedite the Federal Government's use of biometric identifiers.

SEC. 803. PORTAL DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 44925 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $250,000,000 for fiscal year 2007 for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

SEC. 804. IN-LINE CHECKED BAGGAGE SCREENING.

In addition to such other sums as are authorized under law, to carry out section 4019 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3721), there is authorized to be appropriated for fiscal year 2007 $400,000,000 to carry out the in-line checked baggage screening system installations required by section 44901 of title 49, United States Code.

SEC. 805. CHECKED BAGGAGE SCREENING AREA MONITORING.

In addition to such other sums as are authorized under law, to carry out section 4020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3722), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Under Secretary for Border and Transportation Security such sums as may be necessary for fiscal year 2007 to provide assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view, in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

SEC. 806. IMPROVED EXPLOSIVE DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 4024 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44913 note; 118 Stat. 3724), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $100,000,000 for fiscal year 2007 for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.

SEC. 807. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

In addition to such other sums as are authorized under law, to carry out section 4026 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2751 note; 118 Stat. 3724), there is authorized to be appropriated such sums as may be necessary for fiscal year 2007.

SEC. 808. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

In addition to such other sums as are authorized under law, to carry out subsections (a) and (b) of section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated $2,000,000 for fiscal year 2007. Such sums shall remain available until expended.

SEC. 809. AIR CARGO SECURITY.

In addition to such other sums as are authorized under law, to carry out section 4052(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated to the Secretary $100,000,000 for fiscal year 2007 for research and development related to enhanced air cargo security technology, as well as for deployment and installation of enhanced air cargo security technology. Such sums shall remain available until expended.

SEC. 810. FEDERAL AIR MARSHALS.

In addition to such other sums as are authorized under law, to carry out section 4016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44917 note; 118 Stat. 3720), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement $83,000,000 for fiscal year 2007 for the deployment of Federal air marshals under section 44917 of title 49, United States Code. Such sums shall remain available until expended.

SEC. 811. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.

In addition to such other sums as are authorized under law, to carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3732), there is authorized to be appropriated $25,000,000 for fiscal year 2007 for the formulation of a research and development program to test various advanced technologies to improve border security between ports of entry as established in sections 5101, 5102, 5103, and 5104 of the Intelligence Reform and Terrorism Prevention Act of 2004.

SEC. 812. IMMIGRATION SECURITY INITIATIVE.

In addition to such other sums as are authorized under law, to carry out section 7206 of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3817), there are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a) $40,000,000 for fiscal year 2007.

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

SEC. 821. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the National Commission on Preventing Terrorist Attacks Upon the United States (in this subtitle referred to as the "Commission").

SEC. 822. PURPOSES.

The purposes of the Commission are to examine and report on the changes taken since the terrorist attacks of September 11, 2001 to structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to future terrorist attacks on the United States.

SEC. 823. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, commerce (including aviation matters), and foreign affairs.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before January 30, 2006.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) Sense of Congress Regarding Appointments.—It is the Sense of Congress that each individual responsible for appointing a member of the Commission should select one of the individuals who previously served as a member of the National Commission on Terrorist Attacks Upon the United States authorized by Public Law 107–306.

SEC. 824. POWERS OF COMMISSION.

(a) In General.—

(1) Hearings and evidence.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) Subpoenas.—

(A) Issuance.—

(i) In general.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) Signature.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) Enforcement.—

(i) In general.—In the case of contumacy or failure to obey a subpoena issued under subsection (a) the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) Additional enforcement.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) Information From Federal Agencies.—

(1) In general.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) Receipt, handling, storage, and dissemination.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) Assistance From Federal Agencies.—

(1) General services administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) Other departments and agencies.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(g) In General.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) Public Meetings and Release of Public Versions of Reports.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 610(a) and (b).

(i) Public Hearings.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 825. COMPENSATION AND TRAVEL EXPENSES.

(a) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 826. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 827. REPORTS OF COMMISSION.

Not later than December 31 of each year after the year of enactment of this Act, the Commission shall make a report to Congress containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 828. FUNDING.

To fulfill the purposes of this subtitle, $10,000,000 is authorized for each fiscal year.

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

SEC. 901. SHORT TITLE.

This title may be cited as the “Fairness for America's Heros Act”.

SEC. 902. NATURALIZATION THROUGH COMBAT ZONE SERVICE IN ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c)(1) Any person eligible under paragraph (3) who, while an alien or a noncitizen national of the United States, performs active duty in the Armed Forces of the United States in a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c))) shall be admitted to citizenship upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death..

“(2) The executive department issuing the order for the service described in paragraph (1) shall, at the time of such issuance, inform the person of the benefits available under this subsection and of the procedure established by such department for satisfying the requirement of paragraph (3).

“(3) In order to be eligible for naturalization under this subsection, a person shall inform the executive department issuing the order for the service described in paragraph (1) that the person desires to be admitted to citizenship in accordance with this subsection upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death.

“(4) The appropriate executive department shall notify the Secretary of Homeland Security when a person has been naturalized in accordance with this subsection and of the effective date of such naturalization. The Secretary of Homeland Security, not later than 30 days after receipt of such notification, shall issue to the person a certificate of naturalization reflecting such date and any other information the Secretary determines to be appropriate.”.

SEC. 903. IMMIGRATION BENEFITS FOR SURVIVORS OF PERSONS GRANTED POSTHUMOUS CITIZENSHIP THROUGH DEATH WHILE ON ACTIVE-DUTY SERVICE.

Section 329A(e) of the Immigration and Nationality Act (8 U.S.C. 1440–1(e)) is amended to read as follows:

“(e) Benefits for Survivors.—

“(1) In general.—Subject to this subsection, any immigration benefit available under Federal law to a spouse, child, or parent of a citizen of the United States shall be available to a spouse, child, or parent of a person granted posthumous citizenship under this section as if the person's death had not occurred.

“(2) SPOUSE.—For purposes of this Act, a person shall be considered a spouse of a person granted posthumous citizenship under this section if the person was not legally separated from the citizen at the time of the citizen's death.

“(3) CHILDREN.—For purposes of this Act, a person shall be considered a child of a person granted posthumous citizenship under this section if the person would have been considered a child (as defined in section 101(b)(1)) at the time of the citizen's death.

“(4) PARENTS.—For purposes of section 201(b)(2)(A)(i), the requirement that the citizen be at least 21 years of age shall not apply in the case of a parent of a person granted posthumous citizenship under this section.

“(5) SELF-PETITIONS.—For purposes of petitions and applications for immigration benefits required to be filed under this Act on behalf of a spouse, child, or parent by a citizen of the United States, the spouse, child, or parent shall be permitted to self-petition for such benefits as if filed by the person granted posthumous citizenship under this section. Any requirement under this Act for an affidavit of support pursuant to such a petition or application shall be waived.

“(6) NO BENEFITS FOR OTHER RELATIVES.—Nothing in this section or section 319(d) shall be construed as providing for any benefit under this Act for any relative of a person granted posthumous citizenship under this section who is not treated as a spouse, child, or parent under this subsection.”.

SEC. 904. EFFECTIVE DATE.

The amendments made by this title shall take effect as if enacted on September 11, 2001.

TITLE X—NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

SEC. 1001. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This title may be cited as the “Northern Mariana Islands Covenant Implementation Act”.

(b) STATEMENT OF PURPOSE.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intent of Congress in enacting this legislation—

(1) to ensure effective immigration control by extending the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) in full to the Commonwealth of the Northern Mariana Islands, with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth of the Northern Mariana Islands; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands; and

(2) to minimize, to the maximum extent practicable, potential adverse effects the orderly phase-out might have on the economy of the Commonwealth of the Northern Mariana Islands by—

(A) encouraging diversification and growth of the economy of the Commonwealth of the Northern Mariana Islands, consistent with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the “Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America” through consultation with the Governor and other elected officials of the Government of the Commonwealth of the Northern Mariana Islands by Federal agencies and by considering the views and recommendations of those officials in the implementation and enforcement of Federal law by Federal agencies;

(C) assisting the Commonwealth of the Northern Mariana Islands to achieve a progressively higher standard of living for its citizens through the provision of technical and other assistance;

(D) providing opportunities for persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor; and

(E) ensuring the ability of the locally elected officials of the Commonwealth of the Northern Mariana Islands to make fundamental policy decisions regarding the direction and pace of the economic development and growth of the Commonwealth of the Northern Mariana Islands, consistent with the fundamental national values underlying Federal immigration policy.

SEC. 1002. IMMIGRATION REFORM FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) AMENDMENTS TO JOINT RESOLUTION APPROVING THE COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA.—Public Law 94–241 (48 U.S.C. 1801 note; 90 Stat. 263) is amended by adding at the end the following:

“SEC. 6. IMMIGRATION AND TRANSITION.

“(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

“(1) IN GENERAL.—Subject to paragraph (2), effective on the first day of the first full month beginning 1 year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act (referred to in this section as the ‘transition program effective date’), the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply to the Commonwealth of the Northern Mariana Islands.

“(2) TRANSITION PERIOD.—

“(A) IN GENERAL.—There shall be a transition period ending December 31, 2014 (except for subsection (d)(3)(D)), following the transition program effective date, during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program for immigration to the Commonwealth of the Northern Mariana Islands provided in subsections (b), (c), (d), (e), (f), and (i) (referred to in this section as the ‘transition program’).

“(B) IMPLEMENTATION.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by each agency having responsibilities under the transition program.

“(b) EXEMPTION FROM NUMERICAL LIMITATIONS FOR H–2B TEMPORARY WORKERS.—An alien, if otherwise qualified, may seek admission to the Commonwealth of the Northern Mariana Islands as a temporary worker under section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)) without counting against the numerical limitations established in section 214(g) of that Act (8 U.S.C. 1184(g)).

“(c) TEMPORARY ALIEN WORKERS.—With respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the Immigration and Nationality Act, the transition program shall conform to the following requirements:

“(1) TREATED AS NONIMMIGRANTS.—Aliens admitted under this subsection shall be treated as nonimmigrants under subparagraph (A), (C), (D), (G), (J), (K), or (S) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of that Act (8 U.S.C. 1258), or adjustment of status, if eligible, under this section and section 245 of that Act (8 U.S.C. 1255).

“(2) PERMIT SYSTEM.—

“(A) IN GENERAL.—The Secretary of Labor shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each temporary alien worker who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(B) REDUCTION IN ALLOCATION OF PERMITS.—The permit system shall—

“(i) provide for a reduction in the allocation of permits for workers described in subparagraph (A) on an annual basis, to zero, over a period not to extend beyond December 31, 2014; and

“(ii) take into account the number of petitions granted under subsection (i).

“(C) VALIDITY OF PERMIT.—A permit shall not be valid beyond the expiration of the transition period.

“(D) BASIS OF PERMIT SYSTEM.—The permit system may be based on any reasonable method and criteria determined by the Secretary of Labor to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, taking into consideration the objective of providing as smooth a transition as possible to the full application of Federal law.

“(E) USER FEES.—

“(i) IN GENERAL.—The Secretary of Labor may establish and collect appropriate user fees for the purposes of this section.

“(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected pursuant to this section shall—

“(I) be deposited in a special fund of the Treasury;

“(II) be available, to the extent and in the amounts provided in advance in appropriations Acts, for the purposes of administering this section; and

“(III) remain available until expended.

“(3) VISAS FOR NONIMMIGRANT TEMPORARY ALIEN WORKERS.—

“(A) IN GENERAL.—Subject to subparagraph (B)—

“(i) the Secretary of Homeland Security shall set the conditions for admission of nonimmigrant temporary alien workers under the transition program; and

“(ii) the Secretary of State shall authorize the issuance of nonimmigrant visas for aliens to engage in employment only as authorized in this subsection.

“(B) LIMITATION.—Visas described in subparagraph (A) shall not be valid for admission to the United States (as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38))), except the Commonwealth of the Northern Mariana Islands.

“(C) EMPLOYMENT.—An alien admitted to the Commonwealth of the Northern Mariana Islands on the basis of such a nonimmigrant visa may engage in employment only as authorized pursuant to the transition program.

“(D) PROHIBITION.—No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under paragraph (2) have been met.

‘‘(4) TRANSFER BETWEEN EMPLOYERS.—An alien admitted as a nonimmigrant pursuant to this subsection shall be permitted to transfer between employers in the Commonwealth of the Northern Mariana Islands during the period of the authorized stay of the alien in the Commonwealth, without advance permission of the current or prior employer of the employee, to the extent that the transfer is authorized by the Secretary of Homeland Security in accordance with criteria established by the Secretary and the Secretary of Labor.

‘‘(d) IMMIGRANTS.—

‘‘(1) IN GENERAL.—With the exception of immediate relatives (as defined in section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)) and persons granted an immigrant visa under paragraph (2) or (3), aliens shall not be granted initial admission as lawful permanent residents of the United States at a port-of-entry in the Commonwealth of the Northern Mariana Islands or a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands.

‘‘(2) FAMILY-SPONSORED IMMIGRANT VISAS.—For any fiscal year during which the transition program will be in effect, the Secretary of Homeland Security, after consultation with the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, and in consultation with appropriate Federal agencies, may establish a specific number of additional initial admissions as a family-sponsored immigrant at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as authorized by sections 202 and 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152 and 1153(a)).

‘‘(3) EMPLOYMENT-BASED IMMIGRANT VISAS.—

‘‘(A) EXCEPTIONAL CIRCUMSTANCES.—

‘‘(i) IN GENERAL.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor and the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, finds that exceptional circumstances exist with respect to the inability of employers in the Commonwealth of the Northern Mariana Islands to obtain sufficient work-authorized labor, the Secretary of Homeland Security may establish a specific number of employment-based immigrant visas that will not count against the numerical limitations under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

‘‘(ii) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this paragraph.

‘‘(B) ADMISSION AS LAWFUL PERMANENT RESIDENTS.—

‘‘(i) IN GENERAL.—Persons granted employment-based immigrant visas under the transition program may be admitted initially at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as lawful permanent residents of the United States.

‘‘(ii) ADJUSTMENT OF STATUS.—Persons who would otherwise be eligible for lawful permanent residence under the transition program, and who would otherwise be eligible for an adjustment of status, may have their status adjusted within the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence.

‘‘(C) NO PRECLUSION ON OTHER APPLICATIONS.—Nothing in this paragraph precludes an alien who has obtained lawful permanent resident status pursuant to this paragraph from applying, if otherwise eligible, under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for an immigrant visa or admission as a lawful permanent resident under that Act.

‘‘(D) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT IN THE TOURISM INDUSTRY AFTER THE TRANSITION PERIOD ENDS.—

‘‘(i) IN GENERAL.—During 2013, and in 2019 if a 5-year extension is granted, the Secretary of Homeland Security and the Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands and tourism businesses in the Commonwealth of the Northern Mariana Islands to determine—

‘‘(I) the current and future labor needs of the tourism industry in the Commonwealth of the Northern Mariana Islands; and

‘‘(II) whether a 5-year extension of the provisions of this paragraph is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry.

‘‘(ii) LEGITIMATE BUSINESS.—

‘‘(I) IN GENERAL.—For the purpose of this paragraph, a business shall not be considered legitimate if the business engages directly or indirectly in prostitution or any activity that is illegal under Federal or local law.

‘‘(II) DETERMINATION.—The determination of whether a business is legitimate and whether the business is sufficiently related to the tourism industry shall be made by the Secretary of Homeland Security and shall not be reviewable.

‘‘(iii) NOTICE OF EXTENSION.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor, determines that an extension of this paragraph is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry, the Secretary of Homeland Security shall provide notice by publication in the Federal Register that the provisions of this paragraph will be extended for a 5-year period with respect to the tourism industry only.

‘‘(iv) FURTHER EXTENSION.—The Secretary of Homeland Security may authorize 1 further extension of this paragraph with respect to the tourism industry in the Commonwealth of the Northern Mariana Islands if, after the Secretary of Homeland Security consults with the Secretary of Labor, the Governor of the Commonwealth of the Northern Mariana Islands, and local tourism businesses, the Secretary of Homeland Security determines that a further extension is required to ensure an adequate number of workers for legitimate businesses in the tourism industry in the Commonwealth of the Northern Mariana Islands.

‘‘(v) EXTENSION FOR CERTAIN LEGITIMATE BUSINESSES.—The Secretary of Homeland Security, after consultation with the Governor of the Commonwealth of the Northern Mariana Islands, the Secretary of Labor and the Secretary of Commerce, may extend the provisions of this paragraph to legitimate businesses in industries outside the tourism industry for a single 5-year period if the Secretary of Homeland Security determines that—

‘‘(I) the extension is necessary to ensure an adequate number of workers in that industry; and

‘‘(II) the industry is important to growth or diversification of the local economy.

‘‘(vi) CONSIDERATIONS.—In making a determination for the tourism industry or for industries outside the tourism industry, the Secretary of Homeland Security shall take into consideration the extent to which a training and recruitment program has been implemented to hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in the industry.

‘‘(vii) PROHIBITION ON ADDITIONAL EXTENSIONS.—No additional extension beyond the initial 5-year period may be granted for any industry outside the tourism industry or for the tourism industry beyond a second extension.

‘‘(viii) REPORT.—If an extension is granted, the Secretary of Homeland Security shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report describing—

‘‘(I) the reasons for the extension; and

‘‘(II) whether the Secretary believes authority for additional extensions should be enacted.

‘‘(e) NONIMMIGRANT INVESTOR VISAS.—

‘‘(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), the Secretary of Homeland Security may, upon the application of the alien, classify an alien as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

‘‘(A) has been admitted to the Commonwealth of the Northern Mariana Islands in long-term investor status under the immigration laws of the Commonwealth of the Northern Mariana Islands before the transition program effective date;

‘‘(B) has continuously maintained residence in the Commonwealth of the Northern Mariana Islands under long-term investor status;

‘‘(C) is otherwise admissible; and

‘‘(D) maintains the investment or investments that formed the basis for such long-term investor status.

‘‘(2) REGULATIONS.—Not later than 180 days after the transition program effective date, the Secretary of Homeland Security and the Secretary of State shall jointly publish regulations in the Federal Register to implement this subsection.

‘‘(3) INTERIM TREATMENT OF ALIENS.—The Secretary of Homeland Security shall treat an alien who meets the requirements of paragraph (1) as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) until the regulations implementing this subsection are published.

‘‘(f) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IMMIGRATION LAW.—

‘‘(1) REMOVAL.—No alien who is lawfully present in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be removed from the United States on the ground that the presence of the alien in the Commonwealth of the Northern Mariana Islands is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of—

"(A) the completion of the period of the admission of the alien under the immigration laws of the Commonwealth of the Northern Mariana Islands; or

"(B) the second anniversary of the transition program effective date.

"(2) EMPLOYMENT AUTHORIZATION.—Any alien who is lawfully present and authorized to be employed in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth of the Northern Mariana Islands until the earlier of—

"(A) the expiration of the employment authorization of the alien under the immigration laws of the Commonwealth of the Northern Mariana Islands; or

"(B) the second anniversary of the transition program effective date.

"(3) NO LIMITATION.—Nothing in this subsection prevents or limits the removal under section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of an alien described in paragraph (1) or (2) at any time, if—

"(A) the alien entered the Commonwealth of the Northern Mariana Islands after the date of enactment of the Northern Mariana Islands Covenant Implementation Act; and

"(B) the Secretary of Homeland Security has determined that the Government of the Commonwealth of the Northern Mariana Islands violated section 2(f) of that Act.

"(g) EFFECT ON OTHER LAWS.—The provisions of this section and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by the Northern Mariana Islands Covenant Implementation Act, shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth of the Northern Mariana Islands relating to the admission of aliens and the removal of aliens from the Commonwealth of the Northern Mariana Islands.

"(h) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in violation of the immigration laws of the Commonwealth of the Northern Mariana Islands shall, by reason of the violation be counted for purposes of the ground of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

"(i) 1-TIME GRANDFATHER PROVISION FOR CERTAIN LONG-TERM EMPLOYEES.—

"(1) IN GENERAL.—An alien may be granted an immigrant visa, or have the status of the alien adjusted in the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence, without counting against the numerical limitations set forth in sections 202 and 203(b) of the Immigration and Nationality Act (8 U.S.C. 1152, 1153(b)), and subject to the limiting terms and conditions of an alien's permanent residence set forth in paragraphs (B) and (C) of subsection (d)(3), if—

"(A) the alien is employed directly by an employer in a business that the Secretary of Homeland Security has determined is legitimate;

"(B) not later than 180 days after the transition program effective date, the employer has filed a petition for classification of the alien as an employment-based immigrant with the Secretary of Homeland Security pursuant to section 204 of the Immigration and Nationality Act (8 U.S.C. 1154);

"(C) the alien has been lawfully present in the Commonwealth of the Northern Mariana Islands and is authorized to be employed in the Commonwealth of the Northern Mariana Islands for the 4-year period immediately preceding the filing of the petition;

"(D) the alien has been employed continuously in that business by the petitioning employer for the 4-year period immediately preceding the filing of the petition;

"(E) the alien continues to be employed in that business by the petitioning employer as of the date on which—

"(i) the immigrant visa is granted; or

"(ii) the status of the alien is adjusted to permanent resident;

"(F) the business of the petitioner has a reasonable expectation of generating sufficient revenue to continue to employ the alien in that business for the succeeding 4 years; and

"(G) the alien is otherwise eligible for admission to the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(2) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

"(3) NONIMMIGRANT STATUS.—The fact that an alien is the beneficiary of an application for a preference status that was filed with the Secretary of Homeland Security under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) for the purpose of obtaining benefits under this subsection, or has otherwise sought permanent residence pursuant to this subsection, shall not render the alien ineligible to obtain or maintain the status of a nonimmigrant under this Joint Resolution or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), if the alien is otherwise eligible for that nonimmigrant status.

"(j) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to count the issuance of any visa to an alien, or the grant of any admission of an alien, under this section toward any numerical limitation contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(A) in paragraph (36), by striking "and the Virgin Islands of the United States." and inserting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands."; and

(B) in paragraph (38), by striking "and the Virgin Islands of the United States." and inserting "the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.".

(2) INADMISSIBLE ALIENS.—Section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)) is amended—

(A) in paragraph (1)—

(i) by striking "stay on Guam", and inserting "stay on Guam or the Commonwealth of the Northern Mariana Islands";

(ii) by inserting "a total of " after "exceed";

(iii) by striking "after consultation with the Governor of Guam," and inserting "after respective consultation with the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands,"; and

(iv) in subparagraph (A), by striking "on Guam", and inserting "on Guam or the Commonwealth of the Northern Mariana Islands, respectively,";

(B) in paragraph (2)(A), by striking "into Guam", and inserting "into Guam or the Commonwealth of the Northern Mariana Islands, respectively,"; and

(C) in paragraph (3), by striking "Government of Guam" and inserting "Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first full month beginning 1 year after the date of enactment of this Act.

(c) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Labor, in consultation with the Governor of the Commonwealth of the Northern Mariana Islands, shall develop a program of technical assistance, including recruitment and training, to aid employers in the Commonwealth of the Northern Mariana Islands in securing employees from among United States authorized labor, including lawfully admissible freely associated state citizen labor.

(2) FUNDING.—For each of the first 5 fiscal years beginning after the date of enactment of this Act, $500,000 shall be made available from funds appropriated to the Secretary of the Interior pursuant to Public Law 104-134 for the Federal-CNMI Immigration, Labor and Law Enforcement Initiative, of which—

(A) $200,000 shall be available to reimburse the Secretary of Commerce for providing additional technical assistance and other support to the Commonwealth of the Northern Mariana Islands to identify opportunities for and encourage diversification and growth of the Commonwealth economy; and

(B) $300,000 shall be available to reimburse the Secretary of Labor for providing additional technical and other support to the Commonwealth of the Northern Mariana Islands to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, to fill employment vacancies in the Commonwealth of the Northern Mariana Islands.

(3) ECONOMIC GROWTH AND DIVERSIFICATION.—

(A) IN GENERAL.—The Secretary of Commerce shall—

(i) consult with the Government of the Commonwealth of the Northern Mariana Islands, local businesses, the Secretary of the Interior, regional banks, and other experts in the local economy; and

(ii) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the Commonwealth economy.

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(A), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Commerce shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Commerce—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary decides will encourage diversification and growth of the Commonwealth economy.

(E) ADDITIONAL WORKERS.—If the Secretary of Commerce concludes that additional workers may be needed to achieve diversification and growth of the Commonwealth economy, the Secretary shall promptly notify the Secretary of Homeland Security, the Secretary of Labor, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the conclusion of the Secretary with an explanation of—

(i) how many workers may be needed;

(ii) over what period of time the workers will be needed; and

(iii) what efforts are being carried out to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such businesses.

(4) RECRUITMENT.—

(A) IN GENERAL.—The Secretary of Labor shall—

(i) consult with the Governor of the Commonwealth of the Northern Mariana Islands, local businesses, the College of the Northern Marianas, the Secretary of the Interior, and the Secretary of Commerce; and

(ii) assist in the development and implementation of a training program described in paragraph (2)(B).

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(B), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Labor shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Labor—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary determines will assist in such a training program in the Commonwealth of the Northern Mariana Islands.

(d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF LABOR OPERATIONS.—

(1) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Labor may establish and maintain Immigration and Naturalization Service, Executive Office for Immigration Review, and Department of Labor operations in the Commonwealth of the Northern Mariana Islands for the purpose of performing the responsibilities of the Secretaries under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and the transition program established under section 6 of Public Law 94–241, as added by this Act.

(2) RECRUITMENT OF RESIDENTS.—To the extent practicable and consistent with the satisfactory performance of their assigned responsibilities under applicable law, the Secretary of Homeland Security and the Secretary of Labor shall recruit and hire from among qualified applicants resident in the Commonwealth of the Northern Mariana Islands for staffing operations described in paragraph (1).

(e) REPORT TO CONGRESS.—Not later than 66 months after the date of enactment of this Act, and subsequently, as the President considers appropriate, the President shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, a report that—

(1) evaluates the overall effect of the transition program and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth of the Northern Mariana Islands; and

(2) describes what efforts have been undertaken to diversify and strengthen the local economy, including efforts to promote the Commonwealth of the Northern Mariana Islands as a tourist destination.

(f) LIMITATION ON NUMBER OF ALIEN WORKERS PRIOR TO APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT, AND ESTABLISHMENT OF THE TRANSITION PROGRAM.—During the period between the date of enactment of this Act and the effective date of the transition program established under section 6 of Public Law 94-241, as added by this title, the Government of the Commonwealth of the Northern Mariana Islands shall not permit an increase in the total number of alien workers who are present in the Commonwealth of the Northern Mariana Islands on the date of enactment of this Act.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. LOCATION AND DEPORTATION OF CRIMINAL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security shall locate and deport all aliens in the United States who are deportable under section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2), relating to criminal aliens), including such aliens who under a "catch and release" policy have been apprehended and released by Border Patrol agents or other immigration officers pending review of their cases.

(b) INCREASE IN PROSECUTORS AND OTHER PERSONNEL.—There are authorized to be appropriated such sums as may be necessary to provide for additional prosecutors and other personnel to effect the deportation of aliens under subsection (a).

SEC. 1102. AGREEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO IDENTIFY AND TRANSFER TO FEDERAL CUSTODY CRIMINAL ALIENS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall enter into written agreements under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with States and political subdivisions of States to train and deputize jail and prison custodial officials—

(1) to identify each individual in their custody who is a alien and who appears to be deportable under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));

(2) to contact the Department of Homeland Security concerning each alien so identified; and

(3) to transfer each such identified alien to a Federal law enforcement official for deportation proceedings.

SEC. 1103. DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.

Subsection (d) of section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended to read as follows:

"(d) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—Whenever the Secretary of Homeland Security determines that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed from the United States, the Secretary, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who has received a nonimmigrant visa pursuant to subparagraphs (A) or (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless such denial of admission violates an international treaty in force between the United States and that country.".

SEC. 1104. BORDER PATROL TRAINING FACILITY.

The Secretary of Homeland Security shall establish a Border Patrol training facility at a location that is centrally and geographically located at United States-Mexico border to assist in the training of additional Border Patrol agents authorized under this Act or any other provision of law.

Mr. REYES (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes on his motion.

Mr. REYES. Mr. Speaker, the bipartisan 9/11 Commission recently released a report grading our government's response to its recommendations of a year ago, and that report is sadly filled with failing marks.

Now, more than 4 years after the terrorist attacks of September 11, 2001, this House is finally getting around to considering legislation that is supposed to address illegal immigration and border security. The only problem is that the bill offered by my Republican colleagues is completely inadequate to do the vitally important job and would surely earn yet another failing grade by the 9/11 Commission.

Mr. Speaker, as the Members may know, before being elected to Congress, I served for 26½ years in the United States Border Patrol, including 13 of those years as sector chief in McAllen and El Paso.

□ 2200

I have years of experience patrolling the tough terrain of the U.S.-Mexico border region, supervising thousands of dedicated Border Patrol agents and doing everything within our power to strengthen our borders and reduce illegal immigration. Unfortunately, Mr. Speaker, it is clear to me that there are some Members of this House who either have no idea of what Congress really needs to do to help keep Americans safe, or they are more interested in scoring political points with voters back home than protecting our country.

This is a bad bill. This bill is being motivated more, in my opinion, by partisan politics than by sound policy. I personally believe that the underlying legislation betrays our heritage as a Nation of immigrants whose rich history has been enhanced by those who have come to this country to share our American dream.

While we can disagree about the motives behind the bill, what is absolutely indisputable is that it fails to provide the Department of Homeland Security with the tools to protect the American people. That is why I am offering this motion to recommit with the support of my colleagues, Mr. CONYERS and Mr. THOMPSON, who are the ranking members of the Judiciary and Homeland Security Committees.

Under this motion, we require DHS to develop a comprehensive border security strategy to establish control of all of our borders and ports. Unlike the base bill, we also provide significant personnel and equipment necessary to apprehend, to process and deport illegal immigrants: 12,000 additional Border Patrol agents are provided for in this motion; 8,000 more immigration and Customs enforcement inspectors; 4,000 additional inspectors at our ports-of-entry; 1,000 additional U.S. Marshals; 1,000 more detention officers; and 300 additional immigration judges.

You see, Mr. Speaker, the effective control of our borders involves a little bit more than proposals for fences or mandatory sentencing. In fact, it is more about listening to and understanding the challenges that are faced by hardworking Federal officers and officials in every phase of the process. That includes Border Patrol agents, detention officers, Customs inspectors, U.S. Marshals, immigration judges and Federal prosecutors.

In this motion, we also provide 100,000 new detention beds to ensure that DHS has the space to detain illegal immigrants so that we can put an end to that absurd policy of catch and release once and for all. Furthermore, we instruct DHS to locate and deal with the 110,000 undocumented immigrants who have already been released so that we can apprehend them and deport them back to their home countries.

In short, Mr. Speaker, this motion to recommit would fulfill and even surpass the recommendations of the 9/11 Commission.

Mr. Speaker, it has been over 4 years since the September 11 attacks. We need real action, not rhetoric. The American people are counting on us, and we cannot continue to fail them. Vote in favor of the motion to recommit and against this terribly misguided underlying underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. KIRK). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, securing our Nation's borders is an imperative, and this bill does it. Turning off the magnet that brings people into the United States to work illegally is an imperative. This bill does it.

This 149-page motion to recommit, which we received a couple of minutes before the author made his motion, we have been able to look at enough of this 150 pages to see that it does not provide one bit of enhancement to the employment verification system. That is the big hole in this bill. So there is no way that employers will be able. There are no enhancements to employer verification.

Mr. Speaker, throughout this debate, both yesterday and today, my friends on the minority side have been doing their best to try to make this bill unworkable, one of which was their almost unanimous support for keeping the penalties for illegal presence in the United States as a felony. Let me tell you that even though my amendment to reduce those penalties was voted down largely by people on the other side of the aisle, when this bill gets to conference, those penalties will be made workable. You can count on that.

Keep immigration reform on track. To secure our borders and to have a secure employer verification system, pass this bill. Vote against the motion to recommit.

Mr. Speaker, I yield to the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding. I thank him for his close cooperation and his staff and members of the Judiciary Committee.

Mr. Speaker, I speak out strongly against the motion to recommit. In many ways, it copies what we did in the Homeland Security Committee except it leaves out the most important sections.

There was nothing in the motion to recommit about mandatory detention, expedited removal, and it dramatically weakens the repatriation sanctioning authority. By doing that, it takes away the entire strength of the underlying bill. The bill that came out of the Homeland Security Committee by unanimous vote, unfortunately, the motion to recommit dramatically weakens that.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, I strongly urge defeat of the motion to recommit and passage of the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. REYES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and suspending the rules and agreeing to H. Res. 598.

The vote was taken by electronic device, and there were—ayes 198, noes 221, not voting 14, as follows:

[Roll No. 660]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess

Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling

Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering

Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—14

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde

Istook
Jefferson
Kolbe
LaHood
McCarthy

Napolitano
Nussle
Young (AK)
Young (FL)

□ 2224

Mr. TOM DAVIS of Virginia and Mr. JOHNSON of Illinois changed their vote from "aye" to "no".

Mr. BAIRD and Mr. GORDON changed their vote from "no" to "aye".

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KIRK). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. ZOE LOFGREN of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 182, not voting 13, as follows:

[Roll No. 661]

AYES—239

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Conaway
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)

Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick

Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman

Hastings (FL)
Hastings (WA)
Hayworth
Hinchey
Hinojosa
Hobson
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz

Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—13

Barrett (SC)
Barton (TX)
Cole (OK)
Davis, Jo Ann
Diaz-Balart, M.

Hyde
Istook
Kolbe
LaHood
McCarthy

Napolitano
Young (AK)
Young (FL)

□ 2233

Mr. RYAN of Ohio changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 4437, the Clerk be authorized to make technical and clerical changes to reflect the actions of the House.

The SPEAKER pro tempore (Mr. KIRK). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONDEMNING ACTIONS BY SYRIA REGARDING THE ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 598, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 598, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 5, answered "present" 1, not voting 23, as follows:

[Roll No. 662]

YEAS—404

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NAYS—5

Kaptur
Lantos
McDermott
McKinney
Paul

ANSWERED "PRESENT"—1

Abercrombie

NOT VOTING—23

Baker
Barrett (SC)
Barton (TX)
Berman
Davis, Jo Ann
Diaz-Balart, M.
Farr
Ford
Hyde
Istook
Kilpatrick (MI)
Kolbe
LaHood
Markey
McCarthy
Murtha
Napolitano
Nussle
Oxley
Radanovich
Walden (OR)
Young (AK)
Young (FL)

☐ 2243

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1281, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT submitted the following conference report and statement on the Senate bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010:

CONFERENCE REPORT (H. REPT. 109-354)

The Committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1281), to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—GENERAL PRINCIPLES AND REPORTS

Sec. 101. Responsibilities, policies, and plans.
Sec. 102. Reports.
Sec. 103. Baselines and cost controls.
Sec. 104. Prize authority.
Sec. 105. Foreign launch vehicles.
Sec. 106. Safety management.

Sec. 107. Lessons learned and best practices.
Sec. 108. Commercialization plan.
Sec. 109. Study on the feasibility of use of ground source heat pumps.
Sec. 110. Whistleblower protection.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Structure of budget accounts.
Sec. 202. Fiscal year 2007.
Sec. 203. Fiscal year 2008.
Sec. 204. ISS research.
Sec. 205. Test facilities.
Sec. 206. Official representation fund.
Sec. 207. ISS cost cap.

TITLE III—SCIENCE

Subtitle A—General Provisions

Sec. 301. Performance assessments.
Sec. 302. Status on Hubble Space Telescope servicing mission.
Sec. 303. Independent assessment of Landsat-NPOESS integrated mission.
Sec. 304. Assessment of science mission extensions.
Sec. 305. Microgravity research.
Sec. 306. Coordination with the National Oceanic and Atmospheric Administration.
Sec. 307. Review and report on Headquarters Earth-Sun System Applied Sciences Program.

Subtitle B—Remote Sensing

Sec. 311. Definitions.
Sec. 312. General responsibilities.
Sec. 313. Pilot projects to encourage public sector applications.
Sec. 314. Program evaluation.
Sec. 315. Data availability.
Sec. 316. Education.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

Sec. 321. George E. Brown, Jr. Near-Earth Object Survey.

TITLE IV—AERONAUTICS

Sec. 401. Definition.

Subtitle A—Governmental Interest in Aeronautics Research and Development

Sec. 411. Governmental interest.

Subtitle B—High Priority Aeronautics Research and Development Programs

Sec. 421. Fundamental research program.
Sec. 422. Research and technology programs.
Sec. 423. Airspace systems research.
Sec. 424. Aviation safety and security research.
Sec. 425. Aviation weather research.
Sec. 426. Assessment of wake turbulence research and development program.
Sec. 427. University-based Centers for Research on Aviation Training.

Subtitle C—Scholarships

Sec. 431. NASA aeronautics scholarships.

Subtitle D—Data Requests

Sec. 441. Aviation data requests.

TITLE V—HUMAN SPACE FLIGHT

Sec. 501. Space Shuttle follow-on.
Sec. 502. Transition.
Sec. 503. Requirements.
Sec. 504. Ground-based analog capabilities.
Sec. 505. ISS completion.
Sec. 506. ISS research.
Sec. 507. National laboratory designation.

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

Sec. 601. Orbital debris.
Sec. 602. Secondary payload capability.

Subtitle B—Education

Sec. 611. Institutions in NASA's minority institutions program.
Sec. 612. Program to expand distance learning in rural underserved areas.
Sec. 613. Charles "Pete" Conrad Astronomy awards.
Sec. 614. Review of education programs.
Sec. 615. Equal access to NASA's education programs.
Sec. 616. Museums.
Sec. 617. Review of MUST program.
Sec. 618. Continuation of certain education programs.
Sec. 619. Implementation of previous recommendations.

Subtitle C—Technology Transfer

Sec. 621. Commercial technology transfer program.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—National Aeronautics and Space Administration

Sec. 701. Retrocession of jurisdiction.
Sec. 702. Extension of indemnification.
Sec. 703. NASA scholarships.
Sec. 704. Independent cost analysis.
Sec. 705. Recovery and disposition authority.
Sec. 706. Changes to existing laws on reports.
Sec. 707. Small business contracting.
Sec. 708. NASA healthcare program.
Sec. 709. Offshore performance of contracts for the procurement of goods and services.
Sec. 710. Study on enhanced use leasing.

Subtitle B—National Science Foundation

Sec. 721. Data on specific fields of study.
Sec. 722. National Science Foundation major research equipment and facilities.

TITLE VIII—TASK FORCE AND COMMISSION

Subtitle A—International Space Station Independent Safety Task Force

Sec. 801. Establishment of task force.
Sec. 802. Tasks of the task force.
Sec. 803. Composition of the task force.
Sec. 804. Reporting requirements.
Sec. 805. Sunset.

Subtitle B—Human Space Flight Independent Investigation Commission

Sec. 821. Definitions.
Sec. 822. Establishment of Commission.
Sec. 823. Tasks of the Commission.
Sec. 824. Composition of Commission.
Sec. 825. Powers of Commission.
Sec. 826. Public meetings, information, and hearings.
Sec. 827. Staff of Commission.
Sec. 828. Compensation and travel expenses.
Sec. 829. Security clearances for Commission members and staff.
Sec. 830. Reporting requirements and termination.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term "ISS" means the International Space Station.

(3) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

TITLE I—GENERAL PRINCIPLES AND REPORTS

SEC. 101. RESPONSIBILITIES, POLICIES, AND PLANS.

(a) GENERAL RESPONSIBILITIES.—

(1) PROGRAMS.—The Administrator shall ensure that NASA carries out a balanced set of programs that shall include, at a minimum, programs in—

(A) human space flight, in accordance with subsection (b);

(B) aeronautics research and development; and

(C) scientific research, which shall include, at a minimum—

(i) robotic missions to study the Moon and other planets and their moons, and to deepen understanding of astronomy, astrophysics, and other areas of science that can be productively studied from space;

(ii) earth science research and research on the Sun-Earth connection through the development and operation of research satellites and other means;

(iii) support of university research in space science, earth science, and microgravity science; and

(iv) research on microgravity, including research that is not directly related to human exploration.

(2) CONSULTATION AND COORDINATION.—In carrying out the programs of NASA, the Administrator shall—

(A) consult and coordinate to the extent appropriate with other relevant Federal agencies, including through the National Science and Technology Council;

(B) work closely with the private sector, including by—

(i) encouraging the work of entrepreneurs who are seeking to develop new means to launch satellites, crew, or cargo;

(ii) contracting with the private sector for crew and cargo services, including to the International Space Station, to the extent practicable;

(iii) using commercially available products (including software) and services to the extent practicable to support all NASA activities; and

(iv) encouraging commercial use and development of space to the greatest extent practicable; and

(C) involve other nations to the extent appropriate.

(b) VISION FOR SPACE EXPLORATION.—

(1) IN GENERAL.—The Administrator shall establish a program to develop a sustained human presence on the Moon, including a robust precursor program, to promote exploration, science, commerce, and United States preeminence in space, and as a stepping-stone to future exploration of Mars and other destinations. The Administrator is further authorized to develop and conduct appropriate international collaborations in pursuit of these goals.

(2) MILESTONES.—The Administrator shall manage human space flight programs to strive to achieve the following milestones (in conformity with section 503)—

(A) Returning Americans to the Moon no later than 2020.

(B) Launching the Crew Exploration Vehicle as close to 2010 as possible.

(C) Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available, including the ISS.

(D) Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.

(c) AERONAUTICS.—

(1) IN GENERAL.—The President of the United States, through an official the President shall designate, and in consultation with appropriate Federal agencies, shall develop a national policy to guide the aeronautics research and development programs of the United States through 2020. The policy shall include national goals for aeronautics research and development and shall describe the role and responsibilities of each Federal agency that will carry out the policy. The development of the policy shall utilize external studies that have been conducted on the state of United States aeronautics and aviation research and development and have suggested policies to ensure continued competitiveness.

(2) CONTENT.—(A) At a minimum, the national aeronautics research and development policy shall describe for NASA—

(i) the priority areas of research for aeronautics through fiscal year 2011;

(ii) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(iii) the facilities and personnel needed to carry out the aeronautics program through fiscal year 2011; and

(iv) the budget assumptions on which the policy is based, which for fiscal years 2007 and 2008 shall be the authorized level for aeronautics provided in title II of this Act.

(B) The policy shall be based on the premises that—

(i) the Federal Government has an established interest in conducting research and development programs for improving the usefulness, performance, speed, safety, and efficiency of aeronautical vehicles, as described in section 102(d)(2) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(2)); and

(ii) the Federal Government has an established interest in conducting research and development programs that help preserve the role of the United States as a global leader in aeronautical technologies and in their application, as described in section 102(d)(5) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(5)).

(3) CONSIDERATIONS.—In developing the national aeronautics research and development policy, the President shall consider the following issues, which shall be discussed in the transmittal under paragraph (5):

(A) The extent to which NASA should focus on long-term, high-risk research or more incremental research, and the expected impact of that decision on the United States economy, and the ability to achieve environmental and other public goals related to aeronautics.

(B) The extent to which NASA should address military and commercial needs.

(C) How NASA will coordinate its aeronautics program with other Federal agencies.

(D) The extent to which NASA will conduct research in-house, fund university research, and collaborate on industry research, and the expected impact of that mix of funding on the supply of United States workers for the aeronautics industry.

(E) The extent to which the priority areas of research listed pursuant to paragraph (2)(A) should include the activities authorized by title IV of this Act, the discussion of which shall include a priority ranking of all of the activities authorized in title IV and an explanation for that ranking.

(4) CONSULTATION.—In the development of the national aeronautics research and development policy, the President shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the policy.

(5) SCHEDULE.—(A) Not later than 1 year after the date of enactment of this Act, the President shall transmit the national aeronautics research and development policy to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(B) Not later than 60 days after the transmittal of the policy under subparagraph (A), the Administrator shall transmit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report describing how NASA will carry out the policy.

(C) At the time the President's fiscal year 2007 budget is transmitted to the Congress, the Administrator shall transmit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the proposed NASA aeronautics budget describing—

(i) the rationale for the budget levels and activities in the proposed fiscal year 2007 NASA aeronautics budget;

(ii) the extent to which the program directions proposed for fiscal year 2007 are likely to be consistent with the national policy being prepared under this section; and

(iii) the extent to which the proposed programs for fiscal year 2007 are consistent with past reports and current studies of the National Academy of Sciences, and other relevant reports and studies.

(d) SCIENCE.—

(1) IN GENERAL.—The Administrator shall develop a plan to guide the science programs of NASA through 2016.

(2) CONTENT.—At a minimum, the plan developed under paragraph (1) shall be designed to ensure that NASA has a rich and vigorous set of science activities, and shall describe—

(A) the missions NASA will initiate, design, develop, launch, or operate in space science and earth science through fiscal year 2016, including launch dates;

(B) a priority ranking of all of the missions listed under subparagraph (A), and the rationale for the ranking; and

(C) the budget assumptions on which the policy is based, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act.

(3) CONSIDERATIONS.—In developing the science plan under this subsection, the Administrator shall consider the following issues, which shall be discussed in the transmittal under paragraph (6):

(A) What the most important scientific questions in space science and earth science are.

(B) How to best benefit from the relationship between NASA's space and earth science activities and those of other Federal agencies.

(C) Whether the Magnetospheric Multiscale Mission, SIM-Planet Quest, and missions under the Future Explorers Programs can be expedited to meet previous schedules.

(D) Whether any NASA Earth observing missions that have been delayed or cancelled can be restored.

(E) How to ensure the long-term vitality of Earth observation programs at NASA, including their satellite, science, and data system components.

(F) Whether current and currently planned Earth observation missions should be supplemented or replaced with new satellite architectures and instruments that enable global coverage, and all-weather, day and night imaging of the Earth's surface features.

(G) How to integrate NASA earth science missions with the Global Earth Observing System of Systems.

(4) CONSULTATION.—In developing the plan under this subsection, the Administrator shall draw on decadal surveys and other reports in planetary science, astronomy, solar and space physics, earth science, and any other relevant fields developed by the National Academy of Sciences. The Administrator shall also consult widely with academic and industry experts and with other Federal agencies.

(5) HUBBLE SPACE TELESCOPE.—The plan developed under this subsection shall address plans for a human mission to repair the Hubble Space Telescope consistent with section 302 of this Act.

(6) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the plan.

(e) FACILITIES.—

(1) IN GENERAL.—The Administrator shall develop a plan for managing NASA's facilities through fiscal year 2015. The plan shall be consistent with the policies and plans developed pursuant to this section.

(2) CONTENT.—At a minimum, the plan developed under paragraph (1) shall describe—

(A) any new facilities NASA intends to acquire, whether through construction, purchase, or lease, and the expected dates for doing so;

(B) any facilities NASA intends to significantly modify, refurbish, or upgrade, and the expected dates for doing so;

(C) any facilities NASA intends to close, and the expected dates for doing so;

(D) any transactions NASA intends to conduct to sell, lease, or otherwise transfer the ownership of a facility, and the expected dates for doing so;

(E) how each of the actions described in subparagraphs (A), (B), (C), and (D) will enhance the ability of NASA to carry out its programs;

(F) the expected costs or savings expected from each of the actions described in subparagraphs (A), (B), (C), and (D);

(G) the priority order of the actions described in subparagraphs (A), (B), (C), and (D);

(H) the budget assumptions of the plan, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act, including the funding levels for maintenance and repairs; and

(I) how facilities were evaluated in developing the plan.

(3) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2008 to the Congress.

(f) WORKFORCE.—

(1) IN GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. Under the strategy, NASA shall utilize current personnel, to the maximum extent feasible, in implementing the vision for space exploration and NASA's other programs. The strategy shall cover the period through fiscal year 2011.

(2) CONTENT.—The strategy developed under paragraph (1) shall describe, at a minimum—

(A) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(B) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(C) the steps NASA will use to retain needed employees; and

(D) the budget assumptions of the strategy, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act, and any expected additional costs or savings from the strategy by fiscal year.

(3) SCHEDULE.—The Administrator shall transmit the strategy developed under this subsection to the Committee on Science of the

House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 60 days after the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal employee unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the unions.

(4) LIMITATION.—NASA may not implement any Reduction in Force or other involuntary separations (except for cause) prior to March 16, 2007.

(g) CENTER MANAGEMENT.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine whether any of NASA's centers should be operated by or with the private sector by converting a center to a Federally Funded Research and Development Center or through any other mechanism.

(2) CONTENT.—The study conducted under paragraph (1) shall, at a minimum—

(A) make a recommendation for the operation of each center and provide reasons for that recommendation; and

(B) describe the advantages and disadvantages of each mode of operation considered in the study.

(3) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration the experiences of other relevant Federal agencies in operating laboratories and centers, and any reports that have reviewed the mode of operation of those laboratories and centers, as well as any reports that have reviewed NASA's centers.

(4) SCHEDULE.—The Administrator shall transmit the study conducted under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than May 31, 2006.

(h) BUDGETS.—

(1) CATEGORIES.—The proposed budget for NASA submitted by the President for each fiscal year shall be accompanied by documents showing—

(A) by program—

(i) the budget for space operations, including the ISS and the Space Shuttle;

(ii) the budget for exploration systems;

(iii) the budget for aeronautics;

(iv) the budget for space science;

(v) the budget for earth science;

(vi) the budget for microgravity science;

(vii) the budget for education;

(viii) the budget for safety oversight; and

(ix) the budget for public relations;

(B) the budget for technology transfer programs;

(C) the budget for the Integrated Enterprise Management Program, by individual element;

(D) the budget for the Independent Technical Authority, both total and by center;

(E) the total budget for the prize program under section 104, and the administrative budget for that program; and

(F) the comparable figures for at least the 2 previous fiscal years for each item in the proposed budget.

(2) SENSE OF CONGRESS REGARDING EVALUATION CRITERIA FOR BUDGET REQUESTS.—It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

(i) ADDITIONAL BUDGET INFORMATION.—NASA shall make available, upon request from the Committee on Science of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate—

(1) information on corporate and center general and administrative costs and service pool costs, including—

(A) the total amount of funds being allocated for those purposes for any fiscal year for which the President has submitted an annual budget request to Congress;

(B) the amount of funds being allocated for those purposes for each center, for headquarters, and for each directorate; and

(C) the major activities included in each cost category; and

(2) the figures on the amount of unobligated funds and unexpended funds, by appropriations account—

(A) that remained at the end of the fiscal year prior to the fiscal year in which the budget is being presented that were carried over into the fiscal year in which the budget is being presented;

(B) that are estimated will remain at the end of the fiscal year in which the budget is being presented that are proposed to be carried over into the fiscal year for which the budget is being presented; and

(C) that are estimated will remain at the end of the fiscal year for which the budget is being presented.

(j) NASA AERONAUTICS TEST FACILITIES AND SIMULATORS.—

(1) REVIEW.—The Director of the Office of Science and Technology Policy shall commission an independent review of the Nation's long-term strategic needs for aeronautics test facilities and shall submit the review to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The review shall include an evaluation of the facility needs described pursuant to subsection (c)(2)(A)(iii). The review shall take into consideration the results of the study conducted pursuant to the instructions on page 582 of the conference report (H. Rept. 108–767) to accompany the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108–375).

(2) LIMITATION.—The Administrator shall not close or mothball any aeronautics test facilities identified in the 2003 independent assessment by the RAND Corporation titled "Wind Tunnel and Propulsion Test Facilities: An Assessment of NASA's Capabilities to Serve National Needs" as being part of the minimum set of those facilities necessary to retain and manage to serve national needs, or any aeronautics simulators, that were in use as of January 1, 2004, with the exception of the already closed 16-foot transonic tunnel, until—

(A) the review conducted under paragraph (1) has been transmitted to the Congress; and

(B) 60 days after the Administrator has transmitted to the Committee on Appropriations and the Committee on Science of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate a written certification that the proposed closure will not have an adverse impact on NASA's ability to execute the national policy developed under subsection (c) and to achieve the goals described in that policy.

Subparagraph (B) shall cease to be effective five years after the date the study required by this section has been transmitted to the Congress.

SEC. 102. REPORTS.

(a) NATIONAL AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Administrator shall implement, beginning not later than May 1, 2006, a national awareness campaign through various media, including print, radio, television, and the Internet, to articulate missions, publicize recent accomplishments, and facilitate efforts to encourage young Americans to enter the fields of science, mathematics, and engineering to help maintain United States leadership in those fields.

(2) REPORTS.—(A) Not later than April 1, 2006, the Administrator shall transmit a plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the activities that will be undertaken as part of the national awareness campaign required by paragraph (1) and the expected cost of those activities. NASA may undertake activities as part of the national awareness campaign prior to the transmittal of the plan required by this subparagraph, but the plan shall include a description of any activities undertaken prior to the transmittal and the estimated cost of those activities.

(B) Not later than three years after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the impact of the national awareness campaign.

(b) BUDGET INFORMATION.—Not later than April 30, 2006, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(1) the expected cost of the Crew Exploration Vehicle through fiscal year 2020, based on the public specifications for that development contract; and

(2) the expected budgets for each fiscal year through 2020 for human spaceflight, aeronautics, space science, and earth science—

(A) first assuming inflationary growth for the budget of NASA as a whole and including costs for the Crew Exploration Vehicle as projected under paragraph (1); and

(B) then assuming inflationary growth for the budget of NASA as a whole and including at least two cost estimates for the Crew Exploration Vehicle that are higher than those projected under paragraph (1), based on NASA's past experience with cost increases for similar programs, along with a description of the reasons for selecting the cost estimates used for the calculations under this subparagraph and the confidence level for each of the cost estimates used in this section.

(c) SPACE COMMUNICATIONS PLAN.—

(1) PLAN.—The Administrator shall develop a plan, in consultation with relevant Federal agencies, for updating NASA's space communications architecture for both low-Earth orbital operations and deep space exploration so that it is capable of meeting NASA's needs over the next 20 years. The plan shall include life-cycle cost estimates, milestones, estimated performance capabilities, and 5-year funding profiles. The plan shall also include an estimate of the amounts of any reimbursements NASA is likely to receive from other Federal agencies during the expected life of the upgrades described in the plan. At a minimum, the plan shall include a description of the following:

(A) Projected Deep Space Network requirements for the next 20 years, including those in support of human space exploration missions.

(B) Upgrades needed to support Deep Space Network requirements.

(C) Cost estimates for the maintenance of existing Deep Space Network capabilities.

(D) Cost estimates and schedules for the upgrades described in subparagraph (B).

(E) Projected Tracking and Data Relay Satellite System requirements for the next 20 years, including those in support of other relevant Federal agencies.

(F) Cost and schedule estimates to maintain and upgrade the Tracking and Data Relay Satellite System to meet projected requirements.

(2) CONSULTATIONS.—The Administrator shall consult with other relevant Federal agencies in developing the plan under this subsection.

(3) SCHEDULE.—The Administrator shall transmit the plan under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 17, 2007.

(d) JOINT DARK ENERGY MISSION.—The Administrator and the Director of the Department of Energy Office of Science shall jointly transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than July 15, 2006, a report on plans for a Joint Dark Energy Mission. The report shall include the amount of funds each agency intends to expend on the Joint Dark Energy Mission for each of the fiscal years 2007 through 2011, and any specific milestones for the development and launch of the Mission.

(e) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—

(1) STUDY.—As part of ongoing efforts to coordinate research and development across the Federal agencies, the Director of the Office of Science and Technology Policy shall conduct a study to determine—

(A) if any research and development programs of NASA are unnecessarily duplicating aspects of programs of other Federal agencies; and

(B) if any research and development programs of NASA are neglecting any topics of national interest that are related to the mission of NASA.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(A) describes the results of the study under paragraph (1);

(B) lists the research and development programs of Federal agencies other than NASA that were reviewed as part of the study, which shall include any program supporting research and development in an area related to the programs of NASA, and the most recent budget figures for those programs of other agencies;

(C) recommends any changes to the research and development programs of NASA that should be made in response to the findings of the study required by paragraph (1); and

(D) describes mechanisms the Office of Science and Technology Policy will use to ensure adequate coordination between NASA and Federal agencies that operate related programs.

(3) CONTRACT.—The Director of the Office of Science and Technology Policy may contract with a nongovernmental entity to conduct the study required by paragraph (1).

SEC. 103. BASELINES AND COST CONTROLS.

(a) CONDITIONS FOR DEVELOPMENT.—

(1) IN GENERAL.—NASA shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(B) the program complies with all relevant policies, regulations, and directives of NASA.

(2) REPORT.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) NONDELEGATION.—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(b) MAJOR PROGRAM ANNUAL REPORTS.—

(1) REQUIREMENT.—Annually, at the same time as the President's annual budget submission to the Congress, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which NASA proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) BASELINE REPORT.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (a)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (b)(2)(E) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(E) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 15 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) FIFTEEN PERCENT THRESHOLD.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay, or the actions described under subparagraph (B), will have on any other program within NASA; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

NASA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) THIRTY PERCENT THRESHOLD.—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than 30 percent, then, beginning 18 months after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. An appropriation for the specific program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "development" means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NASA's Procedural Requirements 7120.5c, dated March 22, 2005;

(2) the term "development cost" means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term "life-cycle cost" means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term "major program" means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $250,000,000.

SEC. 104. PRIZE AUTHORITY.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451, et seq.) is amended by inserting after section 313 the following new section:

"PRIZE AUTHORITY

"SEC. 314. (a) IN GENERAL.—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. The Administration may carry out a program to award prizes only in conformity with this section.

"(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

"(c) ADVERTISING.—The Administrator shall widely advertise prize competitions to encourage participation.

"(d) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Administrator shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

"(e) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

"(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Administrator under subsection (d);

"(2) shall have complied with all the requirements under this section;

"(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

"(4) shall not be a Federal entity or Federal employee acting within the scope of their employment.

"(f) LIABILITY.—(1) Registered participants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise. For the purposes of this paragraph, the term 'related entity' means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

"(2) Participants must obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Administrator, for claims by—

"(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

"(B) the Federal Government for damage or loss to Government property resulting from such an activity.

"(g) JUDGES.—For each competition, the Administration, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described pursuant to subsection (d). Judges for each competition shall include individuals from outside the Administration, including from the private sector. A judge may not—

"(1) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

"(2) have a familial or financial relationship with an individual who is a registered participant.

"(h) ADMINISTERING THE COMPETITION.—The Administrator may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

"(i) FUNDING.—(1) Prizes under this section may consist of Federal appropriated funds and funds provided by the private sector for such cash prizes. The Administrator may accept funds from other Federal agencies for such cash prizes. The Administrator may not give any special consideration to any private sector entity in return for a donation.

"(2) Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

"(3) No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source. The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

"(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

"(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

"(4) No prize competition under this section may offer a prize in an amount greater than $10,000,000 unless 30 days have elapsed after written notice has been transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(5) No prize competition under this section may result in the award of more than $1,000,000 in cash prizes without the approval of the Administrator.

"(j) USE OF NASA NAME AND INSIGNIA.—A registered participant in a competition under this section may use the Administration's name, initials, or insignia only after prior review and written approval by the Administration.

"(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws, and related regulations.".

SEC. 105. FOREIGN LAUNCH VEHICLES.

(a) ACCORD WITH SPACE TRANSPORTATION POLICY.—NASA shall not launch a payload on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004. This subsection shall not be construed to prevent the President from waiving the Space Transportation Policy.

(b) INTERAGENCY COORDINATION.—NASA shall not launch a payload on a foreign launch vehicle unless NASA commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the payload.

(c) APPLICATION.—This section shall not apply to any payload for which development has begun prior to the date of enactment of this Act, including the James Webb Space Telescope.

SEC. 106. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There";

(2) by striking "to it" and inserting "to it, including evaluating NASA's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,";

(3) by inserting "and the Congress" after "advise the Administrator";

(4) by striking "and with respect to the adequacy of proposed or existing safety standards and shall" and inserting "with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture related to safety. The Panel shall also"; and

(5) by adding at the end the following:

"(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA's management and culture related to safety. Each annual report shall include an evaluation of the Administration's compliance with the recommendations of the Columbia Accident Investigation Board through retirement of the Space Shuttle.".

SEC. 107. LESSONS LEARNED AND BEST PRACTICES.

(a) IN GENERAL.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects not later than 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to ensure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain at a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs, as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 108. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support low-Earth orbit activities and earth science missions and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in conducting research and the development of technologies and services. The plan shall include provisions for developing and funding sustained university and industry partnerships to conduct commercial research and technology development, to proactively translate results of *space research to Earth benefits, to advance United States economic interests, and to support the vision for exploration. The plan shall also emphasize the utilization by NASA of advancements made by the private sector in space launch and orbital hardware, and shall include opportunities for innovative collaborations between NASA and the private sector under existing authorities of NASA for reimbursable and nonreimbursable agreements under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).*

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 109. STUDY ON THE FEASIBILITY OF USE OF GROUND SOURCE HEAT PUMPS.

(a) IN GENERAL.—The Administrator shall conduct a feasibility study on the use of ground source heat pumps in future NASA facilities or substantial renovation of existing NASA facilities involving the installation of heating, ventilating, and air conditioning systems. Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit the study to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS.—The study shall examine—

(1) the life-cycle costs, including maintenance costs, of the operation of such heat pumps compared to generally available heating, cooling, and water heating equipment;

(2) barriers to installation, such as availability and suitability of terrain; and

(3) such other issues as the Administrator considers appropriate.

(c) DEFINITION.—In this section, the term "ground source heat pump" means an electric-powered system that uses the Earth's relatively constant temperature to provide heating, cooling, or hot water.

SEC. 110. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing steps to be taken by NASA to protect from retaliation NASA employees who raise concerns about substantial and specific dangers to public health and safety or about substantial and specific factors that could threaten the success of a mission. The plan shall be designed to ensure that NASA employees have the full protection required by law. The Administrator shall implement the plan not more than 1 year after its transmittal.

(b) GOAL.—The Administrator shall ensure that the plan describes a system that will protect employees who wish to raise or have raised concerns described in subsection (a).

(c) PLAN.—At a minimum, the plan shall include, consistent with Federal law—

(1) a reporting structure that ensures that the officials who are the subject of a whistleblower's complaint will not learn the identity of the whistleblower;

(2) a single point to which all complaints can be made without fear of retribution;

(3) procedures to enable the whistleblower to track the status of the case;

(4) activities to educate employees about their rights as whistleblowers and how they are protected by law;

(5) activities to educate employees about their obligations to report concerns and their accountability before and after receiving the results of the investigations into their concerns; and

(6) activities to educate all appropriate NASA Human Resources professionals, and all NASA managers and supervisors, regarding personnel laws, rules, and regulations.

(d) REPORT.—Not later than February 15 of each year beginning with the year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the concerns described in subsection (a) that were raised during the previous fiscal year. At a minimum, the report shall provide—

(1) the number of concerns that were raised, divided into the categories of safety and health, mission assurance, and mismanagement, and the disposition of those concerns, including whether any employee was disciplined as a result of a concern having been raised; and

(2) any recommendations for reforms to further prevent retribution against employees who raise concerns.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. STRUCTURE OF BUDGET ACCOUNTS.

Section 313 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f) is amended—

(1) by amending subsection (a) to read as follows:

"(a) (1) Appropriations for the Administration for fiscal year 2007 and thereafter shall be made in three accounts, 'Science, Aeronautics, and Education', 'Exploration Systems and Space Operations', and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General.

"(2) Within the Exploration Systems and Space Operations account, no more than 10 percent of the funds for a fiscal year for Exploration Systems may be reprogrammed for Space Operations, and no more than 10 percent of the funds for a fiscal year for Space Operations may be reprogrammed for Exploration Systems. This paragraph shall not apply to reprogramming for the purposes described in subsection (b)(2).

"(3) Appropriations shall remain available for two fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities."; and

(2) in subsection (b)—

(A) by inserting "(1)" before "To ensure"; and

(B) by adding at the end the following new paragraph:

"(2) The Administration may also transfer amounts among accounts for the immediate costs of recovering from damage caused by a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or by an act of terrorism, or for the immediate costs associated with an emergency rescue of astronauts.".

SEC. 202. FISCAL YEAR 2007.

There are authorized to be appropriated to NASA for fiscal year 2007 $17,932,000,000, as follows:

(1) For Science, Aeronautics, and Education (including amounts for construction of facilities), $7,136,800,000, of which $962,000,000 shall be for Aeronautics.

(2) For Exploration Systems and Space Operations (including amounts for construction of facilities), $10,761,700,000, of which $6,618,600,000 shall be for Space Operations.

(3) For the Office of Inspector General, $33,500,000.

SEC. 203. FISCAL YEAR 2008.

There are authorized to be appropriated to NASA for fiscal year 2008 $18,686,300,000 as follows:

(1) For Science, Aeronautics, and Education (including amounts for construction of facilities), $7,747,800,000, of which $990,000,000 shall be for Aeronautics.

(2) For Exploration Systems and Space Operations (including amounts for construction of facilities), $10,903,900,000, of which $6,546,600,000 shall be for Space Operations

(3) For the Office of Inspector General, $34,600,000.

SEC. 204. ISS RESEARCH.

Beginning with fiscal year 2006, the Administrator shall allocate at least 15 percent of the funds budgeted for ISS research to ground-based, free-flyer, and ISS life and microgravity science research that is not directly related to supporting the human exploration program, consistent with section 305.

SEC. 205. TEST FACILITIES.

(a) CHARGES.—The Administrator shall establish a policy of charging users of NASA's test facilities for the costs associated with their tests at a level that is competitive with alternative test facilities. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) FUNDING ACCOUNT.—In planning and budgeting, the Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

SEC. 206. OFFICIAL REPRESENTATION FUND.

Amounts appropriated pursuant to this Act may be used, but not to exceed a total of $70,000 in any fiscal year, for official reception and representation expenses.

SEC. 207. ISS COST CAP.

(a) REPORT.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report providing the current expected development costs of the ISS and describing any changes to those costs that have occurred because of the grounding of the Space Shuttle after the loss of the Space Shuttle Columbia and because of the implementation of full-cost accounting.

(b) REPEAL.—Thirty days after the transmittal of the report described in subsection (a), section 202 of the National Aeronautics and Space Administration Act of 2000 (42 U.S.C. 2451 note) is repealed.

TITLE III—SCIENCE

Subtitle A—General Provisions

SEC. 301. PERFORMANCE ASSESSMENTS.

(a) IN GENERAL.—The performance of each division in the Science directorate of NASA shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) TIMING.—Beginning with the first fiscal year following the date of enactment of this Act, the Administrator shall select at least one division for review under this section. The Administrator shall select divisions so that all disciplines will have received their first review within six fiscal years of the date of enactment of this Act.

(c) REPORTS.—Not later than March 1 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by NASA in response to any external review; and

(3) including a summary of findings and recommendations from any other relevant external

reviews of NASA's science mission priorities and programs.

SEC. 302. STATUS ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

It is the sense of the Congress that the Hubble Space Telescope is an extraordinary instrument that has provided, and should continue to provide, answers to profound scientific questions. In accordance with the recommendations of the National Academy of Sciences study titled "Assessment of Options for Extending the Life of the Hubble Space Telescope", all appropriate efforts should be expended to complete the Space Shuttle servicing mission. Upon successful completion of the planned return-to-flight schedule of the Space Shuttle, the Administrator shall determine the schedule for a Space Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut safety. Not later than 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a status report on plans for a Hubble Space Telescope servicing mission.

SEC. 303. INDEPENDENT ASSESSMENT OF LANDSAT-NPOESS INTEGRATED MISSION.

(a) ASSESSMENT.—In view of the importance of ensuring continuity of Landsat data and in view of the challenges facing the National Polar-Orbiting Operational Environmental Satellite System program, the Administrator shall seek an independent assessment of the costs as well as the technical, cost, and schedule risks associated with incorporating the Landsat instrument on the first National Polar-Orbiting Operational Environmental Satellite System spacecraft compared with undertaking various alternatives, including a dedicated Landsat data "gap-filler" mission followed by the incorporation of the Landsat instrument on the second National Polar-Orbiting Operational Environmental Satellite System spacecraft. The assessment shall also include an evaluation of the budgetary requirements of each of the options under consideration.

(b) REPORT.—

(1) DEADLINE.—The Administrator shall transmit the independent assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act unless, prior to that date, NASA cancels plans to fly the Landsat instrument on the first National Polar-Orbiting Operational Environmental Satellite System spacecraft.

(2) CANCELLATION.—If NASA cancels such plans, the Administrator shall—

(A) not later than 7 days after a cancellation decision, inform the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, in writing, of the cancellation; and

(B) not later than 90 days after the transmittal of the cancellation notice, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for undertaking a dedicated gap filler mission or alternative means for ensuring the continuity of Landsat data, which shall include consideration of a low-cost constellation of small satellites.

SEC. 304. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

(a) ASSESSMENT.—The Administrator shall carry out biennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that have exceeded their planned mission lifetime. In addition—

(1) not later than 60 days after the date of enactment of this Act, the Administrator shall carry out such an assessment for at least the following missions: FAST, TIMED, Cluster, Wind, Geotail, Polar, TRACE, Ulysses, and Voyager; and

(2) for those missions that have an operational component, the National Oceanic and Atmospheric Administration or any other affected agency shall be consulted and the potential benefits of instruments on missions that are beyond their planned mission lifetime taken into account.

(b) REPORT.—Not later than 30 days after completing each assessment required by subsection (a)(1), the Administrator shall transmit a report on the assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 305. MICROGRAVITY RESEARCH.

The Administrator shall—

(1) transmit the report required by section 506;

(2) ensure the capacity to support ground-based research leading to space-based basic and applied scientific research in a variety of disciplines with potential direct national benefits and applications that can be advanced significantly from the uniqueness of microgravity and the space environment; and

(3) carry out, to the maximum extent practicable, basic, applied, and commercial ISS research in fields such as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low-temperature physics, and cellular research at a level that will sustain the existing United States scientific expertise and research capability in microgravity research.

SEC. 306. COORDINATION WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) JOINT WORKING GROUP.—The Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall appoint a Joint Working Group, which shall review and monitor missions of the two agencies to ensure maximum coordination in the design, operation, and transition of missions where appropriate. The Joint Working Group shall also prepare the plans required by subsection (c).

(b) COORDINATION REPORT.—Not later than February 15 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall jointly transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on how the earth science programs of the National Oceanic and Atmospheric Administration and NASA will be coordinated during the fiscal year following the fiscal year in which the report is transmitted.

(c) COORDINATION OF TRANSITION PLANNING AND REPORTING.—The Administrator, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration and in consultation with other relevant agencies, shall evaluate relevant NASA science missions for their potential operational capabilities and shall prepare transition plans for the existing and future Earth observing systems found to have potential operational capabilities.

(d) LIMITATION.—The Administrator shall not transfer any NASA earth science mission or Earth observing system to the National Oceanic and Atmospheric Administration until the plan required under subsection (c) has been approved by the Administrator and the Administrator of the National Oceanic and Atmospheric Administration and until financial resources have been identified to support the transition or transfer in the President's budget request for the National Oceanic and Atmospheric Administration.

SEC. 307. REVIEW AND REPORT ON HEADQUARTERS EARTH-SUN SYSTEM APPLIED SCIENCES PROGRAM.

(a) REVIEW.—The Administrator shall review the policies, processes, and procedures in the planning and management of applications research and development implemented in calendar years 2001 to 2005 within the Headquarters Earth-Sun System Applied Sciences Program and former Earth Science Applications Program. This review shall include—

(1) the program planning and analysis process used to formulate applied science research and development requirements, priorities, and solicitation schedules, including changes to the process within the period under review, and the effects of such planning on the quality and clarity of applied sciences research announcements;

(2) the peer review process including, but not limited to—

(A) membership selection, determination of qualifications, and use of NASA and non-NASA reviewers;

(B) management of conflicts of interest, including reviewers funded by the program with a significant consulting or contractual relationship with NASA, and individuals who both review proposals and participate in the submission of proposals under the same solicitation announcement; and

(C) compensation of non-NASA proposal reviewers;

(3) the process for assigning or allocating applied research to NASA researchers and to non-NASA researchers; and

(4) alternative models for NASA planning and management of applied science and applications research, including an evaluation of the relevance for NASA of—

(A) National Institutes of Health intramural and extramural research program structure, peer review process, management of conflicts of interests, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(B) Department of Agriculture Cooperative State Research Education and Extension Service program and structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(C) National Institutes of Health and Department of Agriculture best practices in the planning, selection, and management of applied sciences research and development; and

(D) any other relevant models.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the results of the review conducted under subsection (a). The report shall include a plan to ensure that the peer review process is transparent and selects proposals in a manner that instills public and stakeholder confidence.

Subtitle B—Remote Sensing

SEC. 311. DEFINITIONS.

In this subtitle—

(1) the term "geospatial information" means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data;

(2) the term "high resolution" means resolution better than five meters; and

(3) the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 312. GENERAL RESPONSIBILITIES.

The Administrator shall—

(1) develop a sustained relationship with the United States commercial remote sensing industry and, consistent with applicable policies and law, to the maximum practicable, rely on their services; and

(2) in conjunction with United States industry and universities, research, develop, and demonstrate prototype earth science applications to enhance Federal, State, local, and tribal governments' use of government and commercial remote sensing data, technologies, and other sources of geospatial information for improved decision support to address their needs.

SEC. 313. PILOT PROJECTS TO ENCOURAGE PUBLIC SECTOR APPLICATIONS.

(a) IN GENERAL.—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of commercial data sets, including high resolution commercial satellite imagery and derived satellite data products, existing public data sets where commercial data sets are not available or applicable, or the fusion of such data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) REPORT.—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) WORKSHOP.—Each recipient of a grant under subsection (a) shall, not later than 180 days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) REGULATIONS.—The Administrator shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 314. PROGRAM EVALUATION.

(a) ADVISORY COMMITTEE.—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industries, to monitor the program established under section 313. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee established under this subsection shall remain in effect until the termination of the program under section 313.

(b) EFFECTIVENESS EVALUATION.—Not later than December 31, 2009, the Administrator shall transmit to the Congress an evaluation of the effectiveness of the program established under section 313 in exploring and promoting the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs. Such evaluation shall have been conducted by an independent entity.

SEC. 315. DATA AVAILABILITY.

The Administrator shall ensure that the results of each of the pilot projects completed under section 313 shall be retrievable through an electronic, Internet-accessible database.

SEC. 316. EDUCATION.

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information and awareness of the need for geospatial workforce development.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

SEC. 321. GEORGE E. BROWN, JR. NEAR-EARTH OBJECT SURVEY.

(a) SHORT TITLE.—This section may be cited as the "George E. Brown, Jr. Near-Earth Object Survey Act".

(b) FINDINGS.—The Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Similar objects have struck the Earth or passed through the Earth's atmosphere several times in the Earth's history and pose a similar threat in the future.

(3) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth, and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(4) The efforts taken to date by NASA for detecting and characterizing the hazards of near-Earth objects are not sufficient to fully determine the threat posed by such objects to cause widespread destruction and loss of life.

(c) DEFINITIONS.—For purposes of this section the term "near-Earth object" means an asteroid or comet with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

(d) NEAR-EARTH OBJECT SURVEY.—

(1) SURVEY PROGRAM.—The Administrator shall plan, develop, and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter in order to assess the threat of such near-Earth objects to the Earth. It shall be the goal of the Survey program to achieve 90 percent completion of its near-Earth object catalogue (based on statistically predicted populations of near-Earth objects) within 15 years after the date of enactment of this Act.

(2) AMENDMENTS.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(A) by redesignating subsection (g) as subsection (h);

(B) by inserting after subsection (f) the following new subsection:

"(g) The Congress declares that the general welfare and security of the United States require that the unique competence of the National Aeronautics and Space Administration be directed to detecting, tracking, cataloguing, and characterizing near-Earth asteroids and comets in order to provide warning and mitigation of the potential hazard of such near-Earth objects to the Earth."; and

(C) in subsection (h), as so redesignated by subparagraph (A) of this paragraph, by striking "and (f)" and inserting "(f), and (g)".

(3) FIFTH-YEAR REPORT.—The Administrator shall transmit to the Congress, not later than February 28 of the fifth year after the date of enactment of this Act, a report that provides the following:

(A) A summary of all activities taken pursuant to paragraph (1) since the date of enactment of this Act.

(B) A summary of expenditures for all activities pursuant to paragraph (1) since the date of enactment of this Act.

(4) INITIAL REPORT.—The Administrator shall transmit to Congress not later than 1 year after the date of enactment of this Act an initial report that provides the following:

(A) An analysis of possible alternatives that NASA may employ to carry out the Survey program, including ground-based and space-based alternatives with technical descriptions.

(B) A recommended option and proposed budget to carry out the Survey program pursuant to the recommended option.

(C) Analysis of possible alternatives that NASA could employ to divert an object on a likely collision course with Earth.

TITLE IV—AERONAUTICS

SEC. 401. DEFINITION.

For purposes of this title, the term "institution of higher education" has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

Subtitle A—Governmental Interest in Aeronautics Research and Development

SEC. 411. GOVERNMENTAL INTEREST.

Congress reaffirms the national commitment to aeronautics research made in the National Aeronautics and Space Act of 1958. Aeronautics research and development remains a core mission of NASA. NASA is the lead agency for civil aeronautics research. Further, the government of the United States shall promote aeronautics research and development that will expand the capacity, ensure the safety, and increase the efficiency of the Nation's air transportation system, promote the security of the Nation, protect the environment, and retain the leadership of the United States in global aviation.

Subtitle B—High Priority Aeronautics Research and Development Programs

SEC. 421. FUNDAMENTAL RESEARCH PROGRAM.

(a) OBJECTIVE.—In order to ensure that the Nation maintains needed capabilities in fundamental areas of aeronautics research, the Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects.

(b) OPERATION.—The Administrator shall conduct the program under this section, in part by awarding grants to institutions of higher education. The Administrator shall encourage the participation of institutions of higher education located in States that participate in the Experimental Program to Stimulate Competitive Research. All grants to institutions of higher education under this section shall be awarded through merit review.

(c) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of the Nation's future requirements for fundamental aeronautics research and whether the Nation will *have a skilled research workforce and research facilities commensurate with those requirements. The assessment shall include an identification of any projected gaps, and recommendations for what steps should be taken by the Federal Government to eliminate those gaps.*

(d) Report.—The Administrator shall transmit the assessment, along with NASA's response to the assessment, to Congress not later than 2 years after the date of enactment of this Act.

SEC. 422. RESEARCH AND TECHNOLOGY PROGRAMS.

(a) Environmental Aircraft Research and Development.—The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, technologies to enable the following commercial aircraft performance characteristics:

(1) Noise.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate.

(2) Energy consumption.—Twenty-five percent reduction in the energy required for medium- to long-range flights, compared to aircraft in commercial service as of the date of enactment of this Act.

(3) Emissions.—Nitrogen oxides on take-off and landing that are significantly reduced, without adversely affecting hydrocarbons and smoke, relative to aircraft in commercial service as of the date of enactment of this Act.

(b) Supersonic Transport Research and Development.—The Administrator may establish an initiative with the objective of developing and demonstrating, in a relevant environment, airframe and propulsion technologies to enable efficient, economical overland flight of supersonic civil transport aircraft with no significant impact on the environment.

(c) Rotorcraft and Other Runway-Independent Air Vehicles.—The Administrator may establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating improved safety, noise, and environmental impact in a relevant environment.

(d) Hypersonics Research.—The Administrator may establish a hypersonics research program with the objective of exploring the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles. The program may also include the transition to the hypersonic range of Mach 3 to Mach 5.

(e) Revolutionary Aeronautical Concepts.—The Administrator may establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing engines, hybrid engines, and fuel cells.

(f) Fuel Cell-Powered Aircraft Research.—

(1) Objective.—The Administrator may establish a fuel-cell powered aircraft research program whose objective shall be to develop and test concepts to enable a hydrogen fuel cell-powered aircraft that would have no hydrocarbon or nitrogen oxide emissions into the environment.

(2) Approach.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

(g) Mars Aircraft Research.—

(1) Objective.—The Administrator may establish a Mars Aircraft project whose objective shall be to develop and test concepts for an uncrewed aircraft that could operate for sustained periods in the atmosphere of Mars.

(2) Approach.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 423. AIRSPACE SYSTEMS RESEARCH.

(a) Objective.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace System, as well as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system.

(b) Alignment.—Not later than 1 year after the date of enactment of this Act, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 424. AVIATION SAFETY AND SECURITY RESEARCH.

(a) Objective.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it. The program shall develop prevention, intervention, and mitigation technologies aimed at causal, contributory, or circumstantial factors of aviation accidents.

(b) Alignment.—Not later than 1 year after the date of enactment of this Act, the Administrator shall align the projects of the Aviation Safety and Security Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 425. AVIATION WEATHER RESEARCH.

The Administrator may carry out a program of collaborative research with the National Oceanic and Atmospheric Administration on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 426. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) Assessment.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of Federal wake turbulence research and development programs. The assessment shall address at least the following questions:

(1) Are the Federal research and development goals and objectives well defined?

(2) Are there any deficiencies in the Federal research and development goals and objectives?

(3) What roles should be played by each of the relevant Federal agencies, such as NASA, the Federal Aviation Administration, and the National Oceanic and Atmospheric Administration, in wake turbulence research and development?

(b) Report.—A report containing the results of the assessment conducted pursuant to subsection (a) shall be provided to Congress not later than 2 years after the date of enactment of this Act.

SEC. 427. UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

(a) In General.—The Administrator may award grants to institutions of higher education (or consortia thereof) to establish one or more Centers for Research on Aviation Training under cooperative agreements with appropriate NASA Centers.

(b) Purpose.—The purpose of the Centers shall be to investigate the impact of new technologies and procedures, particularly those related to the aircraft flight deck and to the air traffic management functions, on training requirements for pilots and air traffic controllers.

(c) Application.—An institution of higher education (or a consortium of such institutions) seeking funding under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including, at a minimum, a 5-year research plan.

(d) Award Duration.—An award made by the Administrator under this section shall be for a period of 5 years and may be renewed on the basis of—

(1) satisfactory performance in meeting the goals of the research plan proposed by the Center in its application under subsection (c); and

(2) other requirements as specified by the Administrator.

Subtitle C—Scholarships

SEC. 431. NASA AERONAUTICS SCHOLARSHIPS.

(a) Establishment.—The Administrator shall establish a program of scholarships for full-time graduate students who are United States citizens and are enrolled in, or have been accepted by and have indicated their intention to enroll in, accredited Masters degree programs in aeronautical engineering or equivalent programs at institutions of higher education. Each such scholarship shall cover the costs of room, board, tuition, and fees, and may be provided for a maximum of 2 years.

(b) Implementation.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish regulations governing the scholarship program under this section.

(c) Cooperative Training Opportunities.—Students who have been awarded a scholarship under this section shall have the opportunity for paid employment at one of the NASA Centers engaged in aeronautics research and development during the summer prior to the first year of the student's Masters program, and between the first and second year, if applicable.

Subtitle D—Data Requests

SEC. 441. AVIATION DATA REQUESTS.

The Administrator shall make available upon request satellite imagery and aerial photography of remote terrain that NASA owns at the time of the request to the Administrator of the Federal Aviation Administration, or the Director of the Five Star Medallion Program, to assist and train pilots in navigating challenging topographical features of such terrain.

TITLE V—HUMAN SPACE FLIGHT

SEC. 501. SPACE SHUTTLE FOLLOW-ON.

(a) Policy Statement.—It is the policy of the United States to possess the capability for human access to space on a continuous basis.

(b) Progress Report.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the progress being made toward developing the Crew Exploration Vehicle and the Crew Launch Vehicle and the estimated time before they will demonstrate crewed, orbital spaceflight.

(c) Compliance Report.—If, 1 year before the final planned flight of the Space Shuttle orbiter, the United States has not demonstrated a replacement human space flight system, and the United States cannot uphold the policy described in subsection (a), the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing—

(1) strategic risks to the United States associated with the failure to uphold the policy described in subsection (a);

(2) the estimated length of time during which the United States will not have its own human access to space;

(3) what steps will be taken to shorten that length of time; and

(4) what other means will be used to allow human access to space during that time.

SEC. 502. TRANSITION.

(a) IN GENERAL.—The Administrator shall, to the fullest extent possible consistent with a successful development program, use the personnel, capabilities, assets, and infrastructure of the Space Shuttle program in developing the Crew Exploration Vehicle, Crew Launch Vehicle, and a heavy-lift launch vehicle.

(b) PLAN.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing how NASA will proceed with its human space flight programs, which, at a minimum, shall describe—

(1) how NASA will deploy personnel from, and use the facilities of, the Space Shuttle program to ensure that the Space Shuttle operates as safely as possible through its final flight and to ensure that personnel and facilities from the Space Shuttle program are used in NASA's exploration programs in accordance with subsection (a);

(2) the planned number of flights the Space Shuttle will make before its retirement;

(3) the means, other than the Space Shuttle and the Crew Exploration Vehicle, including commercial vehicles, that may be used to ferry crew and cargo to and from the ISS;

(4) the intended purpose of lunar missions and the architecture for those missions; and

(5) the extent to which the Crew Exploration Vehicle will allow for the escape of the crew in an emergency.

(c) PERSONNEL.—The Administrator shall consult with other appropriate Federal agencies and with NASA contractors and employees to develop a transition plan for any Federal and contractor personnel engaged in the Space Shuttle program who can no longer be retained because of the retirement of the Space Shuttle. The plan shall include actions to assist Federal and contractor personnel in taking advantage of training, retraining, job placement and relocation programs, and any other actions that NASA will take to assist the employees. The plan shall also describe how the Administrator will ensure that NASA and its contractors will have an appropriate complement of employees to allow for the safest possible use of the Space Shuttle through its final flight. The Administrator shall transmit the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than March 31, 2006.

SEC. 503. REQUIREMENTS.

The Administrator shall—

(1) construct an architecture and implementation plan for NASA's human exploration program that is not critically dependent on the achievement of milestones by fixed dates;

(2) implement an exploration technology development program to enable lunar human and robotic operations consistent with section 101(b)(2), including surface power to use on the Moon and other locations;

(3) conduct an in-situ resource utilization technology program to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit; and

(4) pursue aggressively automated rendezvous and docking capabilities that can support the ISS and other mission requirements.

SEC. 504. GROUND-BASED ANALOG CAPABILITIES.

(a) IN GENERAL.—The Administrator may establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) ENVIRONMENTAL CHARACTERISTICS.—The Administrator shall select locations for the activities described in subsection (a) that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, or other potential resources).

(c) INVOLVEMENT OF LOCAL POPULATIONS; PRIVATE SECTOR PARTNERS.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 505. ISS COMPLETION.

(a) POLICY.—It is the policy of the United States to achieve diverse and growing utilization of, and benefits from, the ISS.

(b) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will—

(1) be assembled and operated in a manner that fulfills international partner agreements, as long as the Administrator determines that the Shuttle can safely enable the United States to do so;

(1) be used for a diverse range of microgravity research, including fundamental, applied, and commercial research, consistent with section 305;

(2) have an ability to support a crew size of at least 6 persons, unless the Administrator transmits to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 60 days after the date of enactment of this Act, a report explaining why such a requirement should not be met, the impact of not meeting the requirement on the ISS research agenda and operations and international partner agreements, and what additional funding or other steps would be required to have an ability to support crew size of at least 6 persons;

(3) support Crew Exploration Vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles;

(4) support any diagnostic human research, on-orbit characterization of molecular crystal growth, cellular research, and other research that NASA believes is necessary to conduct, but for which NASA lacks the capacity to return the materials that need to be analyzed to Earth; and

(5) be operated at an appropriate risk level.

(c) CONTINGENCIES.—

(1) POLICY.—The Administrator shall ensure that the ISS can have available, if needed, sufficient logistics and on-orbit capabilities to support any potential period during which the Space Shuttle or its follow-on crew and cargo systems are unavailable, and can have available, if needed, sufficient surge delivery capability or prepositioning of spares and other supplies needed to accommodate any such hiatus.

(2) PLAN.—Not later than 60 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to carry out the policy described in paragraph (1).

SEC. 506. ISS RESEARCH.

The Administrator shall—

(1) carry out a program of microgravity research consistent with section 305;

(2) consider the need for a life sciences centrifuge and any associated holding facilities; and

(3) not later than 90 days after the date of enactment of this Act, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the research plan for NASA utilization of the ISS and the proposed final configuration of the ISS, which shall include an identification of microgravity research that can be performed in ground-based facilities and then validated in space and an assessment of the impact of having or not having a life science centrifuge aboard the ISS.

SEC. 507. NATIONAL LABORATORY DESIGNATION.

(a) DESIGNATION.—To further the policy described in section 501(a), the United States segment of the ISS is hereby designated a national laboratory.

(b) MANAGEMENT.—

(1) PARTNERSHIPS.—The Administrator shall seek to increase the utilization of the ISS by other Federal entities and the private sector through partnerships, cost-sharing agreements, and other arrangements that would supplement NASA funding of the ISS.

(2) CONTRACTING.—The Administrator may enter into a contract with a nongovernmental entity to operate the ISS national laboratory, subject to all applicable Federal laws and regulations.

(c) PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing how the national laboratory will be operated. At a minimum, the plan shall describe—

(1) any changes in the research plan transmitted under section 506(3) and any other changes in the operation of the ISS resulting from the designation;

(2) any ground-based NASA operations or buildings that will be considered part of the national laboratory;

(3) the management structure for the laboratory, including the rationale for contracting or not contracting with a nongovernmental entity to operate the ISS national laboratory;

(4) the workforce that will be considered employees of the national laboratory;

(5) how NASA will seek the participation of other parties described in subsection (b)(1); and

(6) a schedule for implementing any changes in ISS operations, utilization, or management described in the plan.

(d) UNITED STATES SEGMENT DEFINED.—In this section the term "United States segment of the ISS" means those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

SEC. 601. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 602. SECONDARY PAYLOAD CAPABILITY.

(a) IN GENERAL.—In order to provide more routine and affordable access to space for a broad range of scientific payloads, the Administrator is encouraged to provide the capabilities to support secondary payload flight opportunities on United States launch vehicles, or free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

(b) FEASIBILITY STUDY.—The Administrator shall initiate a feasibility study for designating a National Free Flyer Launch Coordination Center as a means of coordinating, consolidating, and integrating secondary launch capabilities, launch opportunities, and payloads.

(c) ASSESSMENT.—The feasibility study required by subsection (b) shall include an assessment of the feasibility of integrating a National Free Flyer Launch Coordination Center within the operations and facilities of an existing nonprofit organization such as the Inland Northwest Space Alliance in Missoula, Montana, or a similar entity, and shall include an assessment of the potential utilization of existing launch and launch support facilities and capabilities, including but not limited to those in the States of Montana and New Mexico and their respective contiguous States, and the State of Alaska, for the integration and launch of secondary payloads, including an assessment of the feasibility of establishing cooperative agreements among such facilities, existing or future commercial launch providers, payload developers, and the designated Coordination Center.

Subtitle B—Education

SEC. 611. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

The matter appearing under the heading "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, SMALL AND DISADVANTAGED BUSINESS" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking "Historically Black Colleges and Universities and" and inserting "Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3))), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d)(b)(2))), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4))), and".

SEC. 612. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITIES.—In carrying out subsection (a), the Administrator shall give priority to existing programs, including Challenger Learning Centers—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 613. CHARLES "PETE" CONRAD ASTRONOMY AWARDS.

(a) SHORT TITLE.—This section may be cited as the "Charles 'Pete' Conrad Astronomy Awards Act".

(b) DEFINITIONS.—For the purposes of this section—

(1) the term "amateur astronomer" means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer;

(2) the term "Minor Planet Center" means the Minor Planet Center of the Smithsonian Astrophysical Observatory;

(3) the term "near-Earth asteroid" means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun; and

(4) the term "Program" means the Charles "Pete" Conrad Astronomy Awards Program established under subsection (c).

(c) PETE CONRAD ASTRONOMY AWARD PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish the Charles "Pete" Conrad Astronomy Awards Program.

(2) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(3) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(A) The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(B) The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(4) AWARD AMOUNT.—An award under the Program shall be in the amount of $3,000.

(5) GUIDELINES.—(A) No individual who is not a citizen or permanent resident of the United States at the time of his discovery or contribution may receive an award under this section.

(B) The decisions of the Administrator in making awards under this section are final.

SEC. 614. REVIEW OF EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a review and evaluation of NASA's precollege science, technology, and mathematics education program. The review and evaluation shall be documented in a report to the Administrator and shall include such recommendations as the National Research Council determines will improve the effectiveness of the program.

(b) REVIEW.—The review and evaluation under subsection (a) shall include—

(1) an evaluation of the effectiveness of the overall program in meeting its defined goals and objectives;

(2) an assessment of the quality and educational effectiveness of the major components of the program, including an evaluation of the adequacy of assessment metrics and data collection requirements available for determining the effectiveness of individual projects;

(3) an evaluation of the funding priorities in the program, including a review of the funding level and funding trend for each major component of the program and an assessment of whether the resources made available are consistent with meeting identified goals and priorities; and

(4) a determination of the extent and the effectiveness of coordination and collaboration between NASA and other Federal agencies that sponsor science, technology, and mathematics education activities.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of the review and evaluation required under subsection (a).

SEC. 615. EQUAL ACCESS TO NASA'S EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to NASA's education programs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts by the Administrator to ensure equal access for minority and economically disadvantaged students under this section and the results of such efforts. As part of the report, the Administrator shall provide—

(1) data on minority participation in NASA's education programs, at a minimum in the following categories: elementary and secondary education, undergraduate education, and graduate education; and

(2) the total value of grants NASA made to Historically Black Colleges and Universities and to Hispanic Serving Institutions through education programs during the period covered by the report.

(c) PROGRAM.—The Administrator shall establish the Dr. Mae C. Jemison Grant Program to work with Minority Serving Institutions to bring more women of color into the field of space and aeronautics.

SEC. 616. MUSEUMS.

The Administrator may provide grants to, and enter into cooperative agreements with, museums and planetariums to enable them to enhance programs related to space exploration, aeronautics, space science, earth science, or microgravity.

SEC. 617. REVIEW OF MUST PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall transmit a report to Congress on the legal status of the Motivating Undergraduates in Science and Technology program. If the report concludes that the program is in compliance with the laws of the United States, NASA shall implement the program, as planned in the July 5, 2005, NASA Research Announcement.

SEC. 618. CONTINUATION OF CERTAIN EDUCATION PROGRAMS.

From amounts appropriated to NASA for education programs, the Administrator shall ensure the continuation of the Space Grant Program, the Experimental Program to Stimulate Competitive Research, and, consistent with the results of the review under section 614, the NASA Explorer School program, to motivate and develop the next generation of explorers.

SEC. 619. IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS.

(a) GAO REPORT.—Not more than 180 days after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee of Commerce, Science, and Transportation of the Senate a report describing action taken by NASA to implement the recommendations contained in the Government Accountability Office's Report No. 04–639.

(b) COMPLIANCE.—To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Administrator shall conduct compliance reviews of at least 2 grantees annually.

Subtitle C—Technology Transfer

SEC. 621. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange of services, products, and intellectual property between NASA and the private sector. This program shall place at least as much emphasis on

encouraging the transfer of NASA technology to the private sector (''spinning out'') as on encouraging use of private sector technology by NASA. This program shall be maintained in a manner that provides clear benefits for the agency, the domestic economy, and the research community.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the Administrator shall provide program participants with at least 45 days notice of any proposed changes to the structure of NASA's technology transfer and commercialization organizations that is in effect as of the date of enactment of this Act.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—National Aeronautics and Space Administration

SEC. 701. RETROCESSION OF JURISDICTION.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end of title III the following new section:

''RETROCESSION OF JURISDICTION

''SEC. 316. (a) Notwithstanding any other provision of law, the Administrator may relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the control of the Administrator in that State.

''(b) For purposes of this section, the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.''.

SEC. 702. EXTENSION OF INDEMNIFICATION.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended in subsection (f)(1) by striking ''December 31, 2002'' and all that follows and inserting ''December 31, 2010.''.

SEC. 703. NASA SCHOLARSHIPS.

(a) AMENDMENTS.—Section 9809 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by striking ''Act.'' and inserting ''Act (42 U.S.C. 1885a or 1885b).'';

(2) in subsection (c) by striking ''require.'' and inserting ''require to carry out this section.'';

(3) in subsection (f)(1) by striking the last sentence; and

(4) in subsection (g)(2) by striking ''Treasurer of the'' and all that follows through ''by 3'' and inserting ''Treasurer of the United States''.

(b) REPEAL.—The Vision 100-Century of Aviation Reauthorization Act is amended by striking section 703 (42 U.S.C. 2473e).

SEC. 704. INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) is amended—

(1) by striking ''Phase B'' in subsection (a) and inserting ''implementation'';

(2) by striking ''$150,000,000'' and inserting ''$250,000,000'';

(3) by striking ''Chief Financial Officer'' each place it appears in subsection (a) and inserting ''Administrator'';

(4) by inserting ''and consider'' in subsection (a) after ''shall conduct''; and

(5) by striking subsection (b) and inserting the following:

''(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis, and communication of the results.''.

SEC. 705. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 701 of this Act, is further amended by adding at the end the following:

''SEC. 317. RECOVERY AND DISPOSITION AUTHORITY.

''(a) IN GENERAL.—

''(1) CONTROL OF REMAINS.—Subject to paragraphs (2) and (3), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

''(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

''(3) CONSTRUCTION.—This section shall not be construed to permit the Administrator to interfere with any Federal investigation of a mishap or accident.

''(b) DEFINITIONS.—In this section:

''(1) CREWMEMBER.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

''(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(f)(1), that

''(A) is intended to transport 1 or more persons;

''(B) is designed to operate in outer space; and

''(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.''.

SEC. 706. CHANGES TO EXISTING LAWS ON REPORTS.

(a) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note) is amended—

(1) by striking ''and not later than the first day of every second month thereafter until October 1, 2006'' and inserting ''and semiannually thereafter until December 31, 2011''; and

(2) by adding at the end the following: ''Each such report shall also identify each Russian entity or person to whom NASA has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 2005, made a payment in cash or in-kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto. Each report shall include the specific purpose of each payment made to each entity or person identified in the report.''.

(b) Section 304(b) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note) is amended by striking ''2000'' and inserting ''2010''.

(c) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000 is amended by striking subsection (a).

SEC. 707. SMALL BUSINESS CONTRACTING.

(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and amount of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) and to meet established contracting goals for such concerns.

(b) PRIORITY.—The Administrator shall establish as a priority meeting the contracting goals developed in conjunction with the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year by NASA to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

SEC. 708. NASA HEALTHCARE PROGRAM.

The Administrator shall develop a plan to better understand the longitudinal health effects of space flight on humans. In the development of the plan, the Administrator shall consider the need for the establishment of a lifetime healthcare program for NASA astronauts and their families or other methods to obtain needed health data from astronauts and retired astronauts.

SEC. 709. OFFSHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year beginning with the first fiscal year after the date of enactment of this Act, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by NASA from foreign entities in that fiscal year. The report shall separately indicate—

(1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and

(2) the items and their dollar values for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

SEC. 710. STUDY ON ENHANCED USE LEASING.

Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of NASA's enhanced use leasing pilot program established by section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j). At a minimum the review shall analyze—

(1) the financial impact of the program, taking into account revenue foregone by the United States, whether such revenue would have been realized in the absence of the program, and any revenue that accrued to NASA because of the program;

(2) the use and effectiveness of the program; and

(3) whether the arrangements made under the program would have been made in the absence of the program.

Subtitle B—National Science Foundation

SEC. 721. DATA ON SPECIFIC FIELDS OF STUDY.

The National Science Foundation shall continue to collect statistically reliable data on the field of degree of college-educated individuals to fulfill obligations under section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) and the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et. seq.). If the Director of the Foundation determines that there is a legal impediment to the continued collection of this data, he shall inform the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 722. NATIONAL SCIENCE FOUNDATION MAJOR RESEARCH EQUIPMENT AND FACILITIES.

(a) ASTRONOMICAL SCIENCES SENIOR REVIEW.—

(1) Review.—The Director of the National Science Foundation shall charge the Mathematical and Physical Sciences Advisory Committee with conducting a review of the astronomical facilities supported by the Foundation to determine the appropriate balance between supporting the operation of existing facilities and supporting the design, development, and eventual operation of new facilities. The review shall recommend actions that would enable the Foundation to support priorities recommended in the National Academy of Sciences reports "Astronomy and Astrophysics in the New Millennium" and "Connecting Quarks with the Cosmos".

(2) Transmittal.—The Director shall transmit the review, along with a schedule for implementing any recommendations the Director accepts and an explanation for rejecting any recommendations, to the Committee on Science of the House of Representatives and the Committee of Commerce, Science, and Transportation of the Senate no later than June 30, 2006.

(b) Plan for Funding Design and Development for Major Research Equipment and Facilities Construction Projects.—

(1) In general.—The Director of the National Science Foundation shall develop a plan to facilitate more thorough design and development of facilities that can be considered for funding through the Major Research Equipment and Facilities Construction account.

(2) Considerations.—In developing the plan, the Director shall consider—

(A) steps to encourage and ease cross-directorate collaboration;

(B) ways to ensure that a Directorate that will eventually support the operation of a facility is fully committed to that facility from the outset;

(C) providing funding for the design and development of facilities from new sources within the Foundation; and

(D) ways to enable and encourage entities proposing facilities projects to receive design and development funding from nongovernmental sources.

(3) Transmittal.—No later than June 30, 2006, the Director of the National Science Foundation shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan, along with a statement from the Director describing how the plan addresses the considerations described in paragraph (2).

TITLE VIII—TASK FORCE AND COMMISSION

Subtitle A—International Space Station Independent Safety Task Force

SEC. 801. ESTABLISHMENT OF TASK FORCE.

(a) Establishment.—The Administrator shall establish an independent task force to review the International Space Station program with the objective of discovering and assessing any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

(b) Deadline for Establishment.—The Administrator shall establish the independent task force within 60 days after the date of enactment of this Act.

SEC. 802. TASKS OF THE TASK FORCE.

The independent task force established under section 801 shall, to the extent possible, undertake the following tasks:

(1) Catalogue threats to and vulnerabilities of the ISS, including design flaws, natural phenomena, computer software or hardware flaws, sabotage or terrorist attack, number of crewmembers, inability to adequately deliver replacement parts and supplies, and management or procedural deficiencies.

(2) Make recommendations for corrective actions.

(3) Provide any additional findings or recommendations related to ISS safety.

(4) Prepare a report to the Administrator, Congress, and the public.

SEC. 803. COMPOSITION OF THE TASK FORCE.

(a) External Organizations.—The independent task force shall include at least one representative from each of the following external organizations:

(1) The Aerospace Safety Advisory Panel.

(2) The Task Force on International Space Station Operational Readiness of the NASA Advisory Council, or its successor.

(3) The Aeronautics and Space Engineering Board of the National Research Council.

(c) Independent Organizations Within NASA.—The independent task force shall also include at least the following individuals from within NASA:

(1) NASA's Chief Engineer.

(2) The head of the Independent Technical Authority.

(3) The head of the Safety and Mission Assurance Office.

(4) The head of the NASA Engineering and Safety Center.

SEC. 804. REPORTING REQUIREMENTS.

(a) Interim Reports.—The independent task force may transmit to the Administrator and Congress, and make concurrently available to the public, interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of the task force members.

(b) Final Report.—The task force shall transmit to the Administrator and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of task force members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) Approval.—The independent task force shall not be required to seek the approval of the contents of any of the reports submitted under subsection (a) or (b) by the Administrator or by any person designated by the Administrator prior to the submission of the reports to the Administrator and Congress and to their being made concurrently available to the public.

SEC. 805. SUNSET.

The independent task force established under this subtitle shall transmit its final report to the Administrator and to Congress and make it available to the public not later than 1 year after the independent task force is established and shall cease to exist after the transmittal.

Subtitle B—Human Space Flight Independent Investigation Commission

SEC. 821. DEFINITIONS.

For purposes of this subtitle—

(1) the term "Commission" means a Commission established under this title; and

(2) the term "incident" means either an accident or a deliberate act.

SEC. 822. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—The President shall establish an independent, nonpartisan Commission within the executive branch to investigate any incident that results in the loss of—

(1) a Space Shuttle;

(2) the International Space Station or its operational viability;

(3) any other United States space vehicle carrying humans that is owned by the Federal Government or that is being used pursuant to a contract with the Federal Government; or

(4) a crew member or passenger of any space vehicle described in this subsection.

(b) Deadline for Establishment.—The President shall establish a Commission within 7 days after an incident specified in subsection (a).

SEC. 823. TASKS OF THE COMMISSION.

A Commission established pursuant to this subtitle shall, to the extent possible, undertake the following tasks:

(1) Investigate the incident.

(2) Determine the cause of the incident.

(3) Identify all contributing factors to the cause of the incident.

(4) Make recommendations for corrective actions.

(5) Provide any additional findings or recommendations deemed by the Commission to be important, whether or not they are related to the specific incident under investigation.

(6) Prepare a report to Congress, the President, and the public.

SEC. 824. COMPOSITION OF COMMISSION.

(a) Number of Commissioners.—A Commission established pursuant to this subtitle shall consist of 15 members.

(b) Selection.—The members of a Commission shall be chosen in the following manner:

(1) The President shall appoint the members, and shall designate the Chairman and Vice Chairman of the Commission from among its members.

(2) The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of candidates for membership on the Commission. The President may select one of the candidates from each of the 4 lists for membership on the Commission.

(3) No officer or employee of the Federal Government or Member of Congress shall serve as a member of the Commission.

(4) No member of the Commission shall have, or have pending, a contractual relationship with NASA.

(5) The President shall not appoint any individual as a member of a Commission under this section who has a current or former relationship with the Administrator that the President determines would constitute a conflict of interest.

(6) To the extent practicable, the President shall ensure that the members of the Commission include some individuals with experience relative to human carrying spacecraft, as well as some individuals with investigative experience and some individuals with legal experience.

(7) To the extent practicable, the President shall seek diversity in the membership of the Commission.

(c) Deadline for Appointment.—All members of a Commission established under this subtitle shall be appointed no later than 30 days after the incident.

(d) Initial Meeting.—A Commission shall meet and begin operations as soon as practicable.

(e) Quorum; Vacancies.—After its initial meeting, a Commission shall meet upon the call of the Chairman or a majority of its members. Eight members of a Commission shall constitute a quorum. Any vacancy in a Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 825. POWERS OF COMMISSION.

(a) Hearings and Evidence.—A Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(b) CONTRACTING.—A Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—A Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to a Commission on a reimbursable basis administrative support and other services for the performance of the Commission's tasks.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(3) NASA ENGINEERING AND SAFETY CENTER.—The NASA Engineering and Safety Center shall provide data and technical support as requested by the Commission.

SEC. 826. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.

(a) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—A Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under this subtitle.

(b) PUBLIC HEARINGS.—Any public hearings of a Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 827. STAFF OF COMMISSION.

(a) APPOINTMENT AND COMPENSATION.—The Chairman, in consultation with Vice Chairman, in accordance with rules agreed upon by a Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) DETAILEES.—Any Federal Government employee, except for an employee of NASA, may be detailed to a Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—A Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. Any consultant or expert whose services are procured under this subsection shall disclose any contract or association it has with NASA or any NASA contractor.

SEC. 828. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of a Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of a Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 829. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with a Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 830. REPORTING REQUIREMENTS AND TERMINATION.

(a) INTERIM REPORTS.—A Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—A Commission shall submit to the President and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) TERMINATION.—

(1) IN GENERAL.—A Commission, and all the authorities of this subtitle with respect to that Commission, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—A Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

And the House agree to the same.

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
KEN CALVERT,
RALPH M. HALL,
LAMAR SMITH,
BART GORDON,
MARK UDALL,
MICHAEL M. HONDA,

Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Honda for consideration of secs. 111 and 615 of the House amendment, and modifications committed to conference.

SHEILA JACKSON-LEE,

For consideration of the Senate bill and House amendment, and modifications committed to conference:

TOM DELAY,
Managers on the Part of the House.

TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
BILL NELSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, and the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

This legislation authorizes the appropriations of funds for the National Aeronautics and Space Administration (NASA), for the fiscal years 2007 and 2008. In addition, it sets forth a framework of policy guidance, program management authorities and requirements, and means for ensuring accountability in program management and oversight.

U.S. CIVIL SPACE GOALS/VISION FOR SPACE EXPLORATION

The conferees endorse the President's Vision for Space Exploration and outline the rationale for it in section 101(b) of the Conference Report. The conferees believe that the Conference Report provides a strong legislative foundation for the pursuit of the nation's continued exploration of space in a manner that both preserves the important legacy of accomplishments in science, aeronautics and human space flight and provides NASA with the authority to move its new program of exploration forward.

SCIENCE

In an increasingly technological age, scientific and technical excellence is fundamental to securing the nation's economic and security interests and to inspiring and educating the next generation of scientists, engineers, astronauts, and entrepreneurs. The conferees agree that a continued strong and diverse array of programs in the areas of space science, earth science and education is essential, and the Conference Report combines important elements of the Senate- and House-passed legislation in order to ensure that such activities continue to represent a major portion of NASA's programs and priorities and that such activities are judged on their own merits.

HUMAN SPACE FLIGHT AND SPACE TRANSPORTATION

The conferees agree that it is important for the United States to have continuing, safe and reliable human access to space. The conferees further acknowledge the need to provide the smoothest possible transition between the eventual retirement of the space shuttle and the development of the new Crew Exploration Vehicle (CEV) and Crew Launch Vehicle (CLV). Section 502 of the Conference Report lays out an approach for an effective transition. At the same time, the Conference Report provides important oversight guidance, in terms of planning, funding projections and accountability, designed to ensure the success of these new systems' development.

The conferees also recognize the importance of the International Space Station (ISS) in sections 505 and 506 of the Conference Report. The conferees recognize the research potential of the ISS beyond its contribution to long-duration human spaceflight in support of the Vision for Space Exploration in several sections, including section 305. The conferees adopt language that requires a minimum percentage of ISS research to be directed toward a range of science disciplines not directly related to supporting the Vision for Space Exploration. Furthermore, the conferees agree to provisions based on the Senate-passed bill that designate the U.S. segment of the ISS as a National Laboratory, paving the way for the addition of non-NASA resources and non-Government resources to support space station-based research.

AERONAUTICS POLICY

The conferees agree to provisions included in both Senate- and House-passed bills that require the development of a national aeronautics research policy to guide future investments in this important segment of NASA's mission. A healthy and vibrant aeronautics research capability and aerospace industry are vital to the nation's economic security. The plans and priorities required and highlighted by the Conference Report should serve to ensure the vitality of aeronautics research within the framework of a clear set of national policy objectives to be developed under the provisions of the Conference Report.

ADDITIONAL SIGNIFICANT PROVISIONS

In addition to the major policy areas noted above, the conferees agree to a number of significant provisions contained in both the House- and Senate-passed bills. Among these are provisions for workforce management, the encouragement and authorization of significant commercial participation in a full range of science, aeronautics, and exploration activities, enhanced program fiscal and management accountability, and significant measures providing for independent oversight of NASA programs and management. A number of these provisions are further described in the balance of the explanatory statement.

EXPLANATION OF SELECTED PROVISIONS

Sec. 101(d). Science

Section 101(d) directs the Administrator to develop a plan to guide the space science and earth science programs of NASA through 2016. The priority ranking required by this subsection is a single ranking of all the missions that NASA lists pursuant to paragraph (2)(A), not a ranking categorized by theme or any other category.

The conferees understand that NASA will have to update and revise the plans and priorities periodically. The conferees do not intend that NASA be bound by this plan until 2016. But the plan should be based on the best possible current assessment of what NASA will be able to do between now and 2016.

The conferees are aware that the National Academy of Sciences is continuing to work on an Earth Science and Applications from Space Decadal Survey which is due to be completed in 2006. In preparing the science plan, NASA should, to the greatest extent possible, take into consideration information available from the Decadal Survey. The conferees expect NASA to notify the authorizing committees if the completed Decadal Survey would change any of the information provided in the science plan.

Sec. 101(e). Facilities

Section 101(e) directs the Administrator to develop a facilities plan through fiscal year 2015. While the facilities plan does not have to be transmitted to the Committees until the date on which the President submits the fiscal year 2008 budget to the Congress, the conferees urge NASA to provide notification to the authorizing committees prior to mothballing or closing any significant facilities before the transmittal of the facilities plan.

The budget assumptions used to develop the facilities plan and descriptions of the costs and the type of work that are planned to maintain, modify or upgrade each facility, must be described in the plan.

Sec. 101(h). Budgets

The conferees support the views expressed in the House report that accompanied H.R. 3070 (House Report 109-173) and in the Senate Report that accompanied S.1281 (Senate Report 109-108) regarding the lack of detail provided by NASA in the fiscal year 2006 budget justification and previous inconsistency in identifying major program budget requests. As required by subparagraph 101(h)(1)(A) NASA is to provide proposed budgets for each of the areas (i) through (ix) "by program". For the purposes of this section a program is a major activity proposed in the budget that is contained within each of the categories (i) through (ix). For example, programs within the budget for Space Operations would include the Space Shuttle and the International Space Station. However, nothing in this section should be construed as allowing NASA to provide less detail than was contained in the fiscal year 2006 budget justification.

Sec. 101(j). Aeronautics test facilities and simulators

The aeronautics simulators to be reviewed under section 101(j) include at least the following:

- Research Aircraft Simulation Facility at the Dryden Flight Research Center
- Cockpit Motion Facility at the Langley Research Center
- Differential Maneuvering Simulator at the Langley Research Center
- Visual Motion Simulator at the Langley Research Center
- Vertical Motion Simulator at the Ames Research Center
- Crew Vehicle Systems Research Facility at the Ames Research Center
- Future Flight Central at the Ames Research Center
- Virtual Airspace Simulation Tool at the Ames Research Center
- Arc Jet facilities at the Ames Research Center.

Sec. 102(b). Budget information

Congress needs to understand fully the implications of building the CEV before NASA commits to this major project. This is a recognition of how central CEV development will be to NASA's activities and budget in the coming years and the need to ensure that adequate resources likely will be available for this development.

For that reason, absolutely no later than April 1, 2006, NASA must report the expected development cost to the authorizing committees. This is not a transmittal of the development contract itself or a detailed description of a yet-to-be-signed contract. What the committees are seeking is a realistic estimate for the total cost of the program that includes contract costs, government costs, and reserves.

Along with the estimate of expected costs, the Conference Report requires NASA to calculate two other cost estimates for the CEV based on historic experience with cost growth in relevant programs. NASA should consult the September 2004 Congressional Budget Office report, *A Budgetary Analysis of NASA's New Vision for Space Exploration*, in developing the cost estimates.

The Conference Report then requires NASA to prepare new 'sand charts' covering the period through 2020 that show the expected figures for NASA's primary program areas using each of the CEV cost estimates required by this subsection. All three sand charts should assume inflationary growth for NASA's total funding throughout the period.

Sec. 102(e). Office of Science and Technology Policy

The study required by section 102(e) is designed to provide Congress with additional information in reviewing NASA's programs. Therefore, in carrying out the study, the Office of Science and Technology Policy should give deference to Congressional directives, and should assume that any program mandated by Congress is intended to be carried out as authorized. Also, the study should not be used to make any changes in program directions, funding or locations without further consultation with the Congress.

Sec. 103. Baselines and cost controls

The conferees support the views expressed in the House report that accompanied H.R. 3070 (House Report 109–173) on Baselines and Cost Controls. The conferees have amended the House language to consolidate the reports into a single document to be provided at the time of the President's annual budget submission and have raised the threshold for the definition of a major program to $250 million. The conferees do not want NASA to lump separate development programs together into a single program for reporting purposes under this provision. For example, NASA may not aggregate the various programs and projects for the mission to return humans to the Moon as a single program. The conferees expect that the CEV, CLV, and other elements of the initiative will be reported as separate activities with their own baselines and annual updates. The conferees also expect the same treatment be provided in reporting major program activities within the Science, Aeronautics, and Education budget account.

For programs in the development phase at the time this Conference Report is enacted, reports shall reflect the current baseline for cost, schedule and technical content, not the baseline that may have existed at the time the program was approved to proceed to the development phase.

Sec. 104. Prize authority

The Conference Report is silent on how intellectual property should be handled as part of the prize program in section 104. NASA should announce the intellectual property policy for each prize in the notice required by subsection (d). The policy should be designed to ensure that the government gets the greatest benefit possible from the prize program, meaning that it should enable the prize program to attract as many contestants as possible and that it should enable the government to make use of any winning ideas. In developing the policy, NASA should review the advantages and disadvantages of all options including having all intellectual property reside with the contestants and the option of requiring the prize winner to give NASA a royalty-free license as a condition of receiving prize money. If NASA informs Congress of the intent to award a very large prize under subsection (i)(4), the written notice should include a description of how NASA will handle intellectual property in the contest.

Sec. 105. Foreign launch vehicles

This section should not be construed to prevent a consolidated approval of the planned ISS logistical and utilization flights; that is, the section does not require that each planned launch to the ISS trigger a separate interagency review. Additionally, this section is intended to support Presidential policy and timely notification, not inhibit the use of foreign launch vehicles where the Agency feels it helps to meet program goals.

Sec. 110. Whistleblower protection

Given that concerns have been expressed about the reporting systems available within NASA and the potential for retaliation against whistleblowers, the conferees want to ensure that NASA develops and implements a plan, consistent with existing law, that provides for the protection of the rights of its employees and prevents retaliation against its employees who raise concerns (1) about substantial and specific dangers to public health or safety or (2) about substantial and specific factors that could threaten the success of a mission. The conferees intend for the phrase "public health or safety" to include matters that would affect the health or safety of NASA employees, but not the larger public.

Sec. 201. Budget structure

Section 201 establishes a budgetary structure for NASA for fiscal year 2007 and thereafter that consists of the following three appropriation accounts: "Science, Aeronautics, and Education", "Exploration Systems and Space Operations", and "Inspector General".

The Science, Aeronautics, and Education appropriation account shall include all of the programs in the current Science (including both space science and earth science), Aeronautics, and Education lines proposed in the fiscal year 2006 request, except that the Robotic Lunar Exploration Program shall be transferred to the Exploration Systems and Space Operations appropriation account, as NASA has proposed.

The Exploration Systems and Space Operations appropriation account shall include all programs currently in the Exploration Systems and the Space Operations budgets in the fiscal year 2006 budget request. In addition, the ISS Crew and Cargo Services and the Robotic Lunar Exploration Program shall be included in the Exploration Systems budget, as NASA has proposed. The Space Operations budget shall include the International Space Station and Space Shuttle programs and the Space and Flight Support line.

The conferees encourage synergy between the Exploration and Space Operations programs to take advantage of common resources and capabilities, when appropriate. Taking advantage of such synergies between the programs should not require the reprogramming of funds because such synergies would merely require charging work related to exploration to the exploration budget and charging work related to space operations to the space operations budget.

The conferees have included additional funding above the request for the Space Shuttle program in the Space Operations budget to address funding shortfalls in previous projections for Space Shuttle funding.

While the conferees did not include authorization levels for fiscal year 2009, the conferees believe that NASA should continue to receive in fiscal year 2009 funding sufficient to allow it to pursue robust science, aeronautics and human space flight programs, including sufficient funding to enable the Space Shuttle to operate safely, to complete the assembly of the International Space Station, and to ensure a smooth transition to the CEV and CLV programs. The conferees note that the fiscal year 2006 Budget Request outyear projections did not adequately address Space Shuttle requirements.

The conferees understand that NASA may not be able to adapt its internal accounting systems to the new appropriation account structure before submitting its fiscal year 2007 budget request. NASA should adapt its systems to the new appropriation accounts as swiftly as possible. NASA must have completed the transition by the start of fiscal year 2007. The conferees expect that the Authorizing Committees will work with the Appropriations Committees to ensure that NASA has clear and uniform guidance from the Congress on which to base its transition.

The conferees have granted limited transfer authority to NASA so that it will have the wherewithal to address the immediate costs to the agency of major disasters, acts of terrorism, or emergency rescues of astronauts. It is intended that such transfer authority be used sparingly, and that the affected accounts be restored to the maximum extent practicable by subsequent supplementary funding. The conferees wish to emphasize that the provision of such transfer authority should not be construed as obviating the need to have supplementary funding provided to the agency once the immediate crisis has passed.

The conferees expect that if any funds authorized by this Act are subject to a reprogramming action (within an account) that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

In addition, the conferees wish to discourage reprogramming actions that would further reduce the funding available to those programs for which the amount appropriated is less than the amount authorized in this Act. At a minimum, the conferees expect that notice will be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that contains a full and complete statement of the proposed action, its rationale, and the expected impact of such an action.

In view of the importance of fundamental research both to the education of the next generation of scientists and engineers as well as to the advancement of knowledge, the conferees urge the Administrator, when reprogramming funds to cover cost growth within a program, to protect funds intended for fundamental and applied research and analysis activities to the maximum extent practicable.

Sec. 304. Assessment of science mission extensions

The assessments performed under this section may be provided as a single report. The conferees encourage NASA to include all missions within the Sun-Earth Connections division that have exceeded their planned mission lifetime as part of the assessment required in section 304(a)(1), not just the minimum mandatory set of missions identified in that paragraph.

Sec. 305. Microgravity research

The conferees believe the United States needs to sustain a viable life and microgravity sciences research capability.

Sec. 316. Education

The conferees agree that NASA's education and public outreach programs can contribute to the availability of trained scientists, technologists, engineers, and educators to support U.S. technical geospatial workforce needs in the 21st century.

Title IV. Aeronautics

Title IV outlines NASA's aeronautics research program. In recent years, this program has been recast several times. The authorization provided, in concert with the national aeronautics policy developed under section 101(c), should help NASA engage in an aeronautics program that is not radically reformed each fiscal year.

The conferees recognize that over the past several years technological and operational breakthroughs in Unmanned Aerial Vehicles (UAVs) have greatly advanced the capabilities and utility of this class of aircraft. The conferees further note that integrating long endurance UAVs into regulated U.S. airspace safely, seamlessly and securely, will be beneficial to our future in aviation, security, and commerce. The conferees urge NASA to share its data and policy recommendations from NASA's UAVs in the National Airspace System project to other relevant, federal agencies that ask for them. The conferees assume NASA will continue to fund this project in fiscal year 2006 and direct NASA to provide a report to the Committee on Science of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, not later than February 15, 2006, on the results and policy recommendations to date of the UAVs in the National Airspace System project.

The conferees consider NASA's aeronautics research and development capabilities to be an important national asset that, when appropriate, can be employed effectively to address challenges facing the nation in ensuring the security of the homeland. However, nothing in section 424 should be construed as requiring NASA to duplicate efforts underway at other agencies of the government. Rather, the conferees assume that any NASA activities in this area will be properly aligned with national requirements.

Sec. 503. Requirements

The conferees are concerned about the individuals and organizations who in good faith entered into contracts with NASA for Exploration Systems Research and Technology (ESR&T) and Human Systems Research and Technology (HSR&T) projects that NASA is now terminating in order to redirect funding to activities that it believes are of higher priority in its implementation of the new Exploration Systems Architecture. The conferees believe that NASA should work with the affected contractors to determine the extent to which the scope of the existing work plans might be altered to better comport with the goals of the new Exploration Systems Architecture, with emphasis on applications of enabling technologies to enhance exploration mission success. The conferees would urge NASA to notify affected contractors of the new Exploration Systems Architecture, and as part of the planned contract termination activities, provide them with a timetable and appropriate NASA technical assistance to determine whether an appropriate modification of their contract scope would enable them to conform to the new priorities resulting from the Exploration Systems Architecture.

Sec. 616. Museums

The conferees recognize the important role that informal science education can play in capturing the imagination of the young and inspiring future scientists, mathematicians and engineers. The conferees encourage NASA to continue to look for opportunities to help science museums improve their offerings, particularly their programs to educate students and to attract more students from under-represented groups into scientific fields. As with other education programs, NASA should ensure that it is evaluating the impact of any grants it provides to help museums reach more students through new exhibits or programs.

Sec. 618. Continuation of certain educational programs

The National Space Grant College and Fellowship Program is a highly successful national network of colleges and universities that is supporting and enhancing science, technology, and mathematics education, research, and public outreach programs. The network includes over 850 affiliates in academia, business, museums and science centers, as well as state and local agencies. The Space Grant program provides scholarship and fellowship opportunities to students in every state, Puerto Rico, and the District of Columbia. Space Grant is an established and demonstrably effective national mechanism for attracting and retaining students in science, technology, and mathematics. The conferees strongly support its continuation at robust levels within NASA's education program.

The Experimental Program to Stimulate Competitive Research (EPSCoR) provides States of modest research infrastructure with funding to develop a more competitive research base within their State and member academic institutions. A total of seven Federal agencies conduct EPSCoR programs which build infrastructure and broaden the participation of states in the Federal research enterprise. The conferees strongly support its continuation at robust levels within NASA's education program.

Sec. 703. NASA scholarships

Current law has two slightly different versions of law providing NASA with the authority to provide scholarships. Section 703 corrects this disparity.

ADDITIONAL CONCERNS

The conferees are aware of the issues surrounding NASA's use of its Mission Management aircraft. Therefore, the conferees request that NASA transmit a report to the authorizing committees by April 1, 2006, describing current policies concerning the use of NASA aircraft, the source of those policies, the extent of any adverse impact to the Agency and its ability to fulfill its mandates as prescribed in the Space Act, as amended, and any recommended changes to those policies that would assist NASA in carrying out its operations in fulfillment of those mandates.

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
KEN CALVERT,
RALPH M. HALL,
LAMAR SMITH,
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TRENT LOTT,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
BILL NELSON,
Managers on the Part of the Senate.

☐ 2245

IN SUPPORT OF MOTION TO INSTRUCT ON DOD AUTHORIZATION BILL

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I rise today to express my support for the motion to instruct conferees on H.R. 1815, the DOD authorization bill that was offered earlier today by the distinguished ranking member of the Armed Services Committee (Mr. SKELTON).

Mr. Speaker, for over 3 years now, the Congress has failed to oversee the administration's policy regarding the detention of enemy combatants. We know very little about the criteria used to designate an American as an enemy combatant, even less about the due process afforded foreign nationals in Guantanamo and almost nothing about the reported existence of clandestine detention facilities operated by the U.S. Government.

The motion that passed the House overwhelmingly today instructs the conferees to insist on a Senate-passed provision that would require the DNI to submit to Congress a report on any clandestine prison or detention prison currently or formerly operated by the U.S. Government, regardless of location, where the detainees in the global war on terrorism are or were being held.

The conferees should retain this important provision in the Defense Authorization Bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–355) on the resolution (H. Res. 623) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF CONFEREE AND APPOINTMENT OF CONFEREE ON S. 1932, DEFICIT REDUCTION ACT OF 2005

The SPEAKER pro tempore (Mr. KIRK). Without objection and pursuant to clause 11 of rule I, the Chair removes the gentleman from Michigan (Mr. UPTON) as a conferee on S. 1932 and appoints the gentleman from Texas (Mr. BARTON) to fill the vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

GUIDELINES AND REQUIREMENTS IN SUPPORT OF THE INFORMATION SHARING ENVIRONMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–76)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Permanent Select Committee on Intelligence and ordered to be printed:

To the Congress of the United States:

The robust and effective sharing of terrorism information is vital to protecting Americans and the Homeland from terrorist attacks. To ensure that we succeed in this mission, my Administration is working to implement the Information Sharing Environment (ISE) called for by section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The ISE is intended to enable the Federal Government and our State, local, tribal, and private sector partners to share appropriate information relating to terrorists, their threats, plans, networks, supporters, and capabilities while, at the same time, respecting the information privacy and other legal rights of all Americans.

Today, I issued a set of guidelines and requirements that represent a significant step in the establishment of the ISE. These guidelines and requirements, which are consistent with the provisions of section 1016(d) of IRTPA, are set forth in a memorandum to the heads of executive departments and agencies. The guidelines and requirements also address collateral issues that are essential to any meaningful progress on information sharing. In sum, these guidelines will:

Clarify roles and authorities across executive departments and agencies;

Implement common standards and architectures to further facilitate timely and effective information sharing;

Improve the Federal Government's terrorism information sharing relationships with State, local, and tribal governments, the private sector, and foreign allies;

Revamp antiquated classification and marking systems, as they relate to sensitive but unclassified information;

Ensure that information privacy and other legal rights of Americans are protected in the development and implementation of the ISE; and

Ensure that departments and agencies promote a culture of information sharing by assigning personnel and dedicating resources to terrorism information sharing.

The guidelines build on the strong commitment that my Administration and the Congress have already made to strengthening information sharing, as evidenced by Executive Orders 13311 of July 27, 2003, and 13388 of October 25, 2005, section 892 of the Homeland Security Act of 2002, the USA PATRIOT Act, and sections 1011 and 1016 of the IRTPA. While much work has been done by executive departments and agencies, more is required to fully develop and implement the ISE.

To lead this national effort, I designated the Program Manager (PM) responsible for information sharing across the Federal Government, and directed that the PM and his office be part of the Office of the Director of National Intelligence (DNI), and that the DNI exercise authority, direction, and control over the PM and ensure that the PM carries out his responsibilities under section 1016 of IRTPA. I fully support the efforts of the PM and the Information Sharing Council to transform our current capabilities into the desired ISE, and I have directed all heads of executive departments and agencies to support the PM and the DNI to meet our stated objectives.

Creating the ISE is a difficult and complex task that will require a sustained effort and strong partnership with the Congress. I know that you share my commitment to achieve the goal of providing decision makers and the men and women on the front lines in the War on Terror with the best possible information to protect our Nation. I appreciate your support to date and look forward to working with you in the months ahead on this critical initiative.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 16, 2005.*

DISINTEGRATION OF IRAQ

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Mr. Speaker, in the glow after the election, I come to the floor really to caution this House with the words of an old colleague of mine who says it is always too soon to congratulate yourself.

The New York Times on the 11th of December carried an editorial which is entitled Present at the Disintegration.

What he says, and he is an Iraqi, is that the government that has been established by the constitution and has now been elected is fatally flawed in three ways, and what we are going to get is continued civil war in that country because it is not possible to resolve the problems, given the people who have been elected.

The first is, we have created a parliament that can override the executive. We, secondly, created an executive that is divided between a president and a council of ministers, so there will be constant tension between the two factions that will control the government, the Shia and the Kurds. The Sunnis, everybody knows, are not going to be one of the controlling parties.

Finally, it encourages local governments to break off and become sovereign. What we are watching is the disintegration of Iraq.

[From the New York Times, Dec. 11, 2005]

PRESENT AT THE DISINTEGRATION

(By Kanan Makiya)

Washington and Baghdad will be tempted, with the adoption of a new Constitution and the election on Thursday for a four-year government, to declare victory in Iraq. In one sense, they are right to do so. The emerging Iraqi polity undoubtedly represents a radical break not only with the country's past but also with the whole Arab state system established by Britain and France after the collapse of the Ottoman Empire.

But in the larger sense, such optimism is misguided, for none of the problems associated with Iraq's monumental change have been sorted out. Worse, profound tensions and contradictions have been enshrined in the Constitution of the new Iraq, and they threaten the very existence of the state.

How did we get here? Much has been said about American failures in Iraq. And rightly so. But, as I've seen as a participant in political discussions both before and after the war, we Iraqis have also failed to lay the ground for a new order. For the new political elite cast into power by the elections last January has been unable even to begin to create a stable and strong Iraqi state to replace the one overthrown in April 2003. The increasing daily casualty rate for Iraqis, from 26 in early 2004 to an average of 64 in this fall, is only the most glaring sign that something has gone terribly wrong, and not for lack of any American effort to turn the situation around.

Unfortunately, we cannot expect the situation to change following Thursday's election. There is little chance that the winner will command the authority inside Parliament to reverse the decline, for a simple reason: the Constitution.

All signs suggest that this Constitution, if it is not radically amended, will further weaken the already failing central Iraqi state. In spite of all the rhetoric in that document about the unity of the "homeland of the apostles and prophets" and the "values and ideals of the heavenly messages and findings of science" that have played a role in "preserving for Iraq its free union," it is disunity, diminished sovereignty and years of future discord that lie in store for Iraq if the Constitution is not overhauled.

Any government that emerges from the coming elections will be fatally undermined in at least three ways.

First, the Constitution establishes a supremely powerful Parliament, which can ride roughshod over the executive. While that Parliament, as it is designed in the Constitution, looks like a democratic institution, it doesn't work like one. Rather, it is an artificially constructed collection of ethnic and sectarian voting blocs. If the experience of the interim government is any guide, the few people who control those blocs are the ones who will wield real power, and they will do so largely through handpicked committees and backroom wheeling and dealing. Because this cabal of powerbrokers also chooses the president and the prime minister and can dismiss them with a simple majority, there will be no check on the tyranny of majorities operating under the aegis of the legislature.

Second, executive power is divided between the president and the council of ministers, guaranteeing that major decisions will be met with the same tension and paralysis that have plagued the present government. Both the president and the prime minister (it is assumed, though not explicitly stated, that these two posts will be apportioned out to a Kurd and a Shiite Arab, as they are at present) can separately present bills to Parliament—a sure recipe for conflict. And both the president and the prime minister can be fired after a no-confidence motion endorsed by a parliamentary majority. At a time of civil war and pervasive violence, in other words, no one person or institution can be said to be in charge of the executive branch of the federal government.

Third, the Constitution encourages the transformation of governorates and local administrations into powerful, nearly sovereign regions that, with the exception of Kurdistan, have no underlying basis for unity. And while the articles dealing with the functioning of the federal government are poorly worded and intended to dissipate executive power, the 10 articles of Section 5, on the powers and manner of formation of new regions, are a model of clarity and have been drafted with the sole purpose of encouraging new regions to be created at the expense of the federal union.

This guarantees that the more Iraqi provinces opt for regional status, and get it, the more the federal state will shrivel up and die. Moreover, with the exception of those who reside in provinces without oil (or in Baghdad, which cannot join a region), it is in the interest of every populist demagogue to press for regional status, because it is at that level that the lawmaking that truly affects day-to-day life will take place.

The powers of the new regions will be enormous. Not even the Iraqi Army can travel through one without the permission of the regional Parliament. And should there be any doubt about where the whip hand will lie on any issue not explicitly addressed in the Constitution, Article 122 states: "Articles of the Constitution may not be amended if such amendment takes away from the power of the regions . . . except by the consent of the legislative authority of the concerned region and the approval of the majority of its citizens."

An Iraqi wit known only as Shalash al-Iraqi has lampooned this devolution of power in an imaginary constitution, called "The Federalism of the city of Thawra and its Environs," posted on the Internet. Its preamble reads:

Congruent with the wave of federalisms that is sweeping Iraq, the city of Thawra and its surrounding neighborhoods have decided to constitute themselves as a federal region . . . For this purpose a Constituent Assembly of the representatives of the most important and influential tribes in the City has been established . . . [and it] has noted that the City of Thawra [is well suited to become a region because it] floats on a lake of oil, and possesses a huge labor force along with an independent army and police force . . . In addition the city is bounded by a canal, which is its water link to the cities of the adjoining sisterly Republic of Iraq . . .

"We, people of the valley east of the canal, . . . have of our own volition and free will decided to separate from the people of Baghdad and all the other irritating governorates like Ramadi, Diwaniya, Tikrit, Darbandikhan, Samawa and all the rest . . . The adoption of this, our constitution, will free us from all the headaches and problems of Iraq."

There is nothing wrong with having strong regions within a federal union. Unfortunately the new Iraqi Constitution fails to inject the glue that would hold such a union together: the federal government. It sets up a regional system with big short-term winners (Shiite Arabs and Kurds) and big short-term losers (Sunni Arabs). It even allocates extra oil and gas revenues to the regions that generate them, on the implicit assumption that because of the political inequities of the past, the state owes the Sunnis of the resource-poor western provinces less than it does the Shiites and Kurds. But these provinces are not significantly better off than other parts of Iraq.

Iraq's Sunni Arabs voted solidly against the Constitution not because they are Saddam Hussein loyalists, nor because they hate the Kurds and Shiites (as some of the insurgents do); they voted against it because by doing away with the central state, which they had championed during the previous 80 years, and penalizing them for living in regions without oil, the Constitution became a punitive document—one that began to seem as if it was written to punish them for the sins of the Baath.

What is wrong with pursuing the Constitution to its logical conclusion: the breakup of Iraq? Nothing, if that breakup is consensual and does not entail an escalation in the violence tearing the country apart. But such is not the case. The debate in Parliament over the Constitution was extremely polarized and artificially cut short by the majority. Moreover, if a mere 83,283 people in the province of Nineveh had voted no instead of yes, the draft constitution would have been defeated.

Sunni opposition to the new order will continue. Crushing it by force, as some Shiite hotheads in the Parliament's majority bloc are calling for, will be an extremely bloody business. Even if the long-term outcome of an all-out Iraqi civil war is not in doubt, the body count and destruction would make Lebanon's war look like a picnic. No moral person can condone the parliamentary majority that makes this happen.

The 2003 Iraq war has indeed brought about an irreversible transformation of politics and society in Iraq. But this transformation has not consolidated power, as the great revolutions of the past have tended to do (in France, Russia and even Iran), nor is it distributing power on an agreed upon and equitable basis, as happened after the American Revolution and as Iraqi liberal democrats like myself had hoped would happen after the fall of Saddam Hussein. Rather, it is dissipating it. And that is a terrifying prospect for a population whose primary legacy from the Saddam Hussein era is a profound mistrust of government in all its forms.

By ceding and dismissing centralized power, Iraqis may end by ceding all their power. Iran in the short run, and the Arab world in the long run, will fill the vacuum with proxies, turning the dream of a democratic and reborn Iraq into a dystopia of warring militias and rampant hopelessness.

The reaction against tyranny in Iraq was always going to take the form of a new kind of state in the Middle East, one that in the minds of those who struggled against the regime of Saddam Hussein had to be profoundly decentralized. And federalism did not have to entail the dissipation of power. As it was first envisioned, a federal Iraq promised to safeguard against despotism while furnishing a framework both strong and flexible enough to reconcile the competing demands of its citizens.

Federalism first entered the lexicon of the Iraqi opposition in 1992, when the newly created Kurdish Parliament voted in favor of it as a way of governing the relation of Kurdistan to the rest of the country. That vote was ratified a few months later by a conference of the Iraqi opposition in Salahuldin, in northern Iraq.

Remarkably, the idea of federalism survived the bitter infighting among Iraqi exiles in months before the 2003 war, becoming one of the few common denominators in the discourse of the opposition about the future of Iraq. The fact that there was no literature in Arabic on federalism to speak of, and that Iraqi parties and organizations did not know or agree upon what federalism meant, and that Iraqi politicians did not bother themselves with thinking about what it might mean, did not deter individuals, parties and organizations from continuing to advocate it.

I was one of the idea's most ardent Arab advocates. In Salahuldin, I delivered the keynote speech on the subject, not only endorsing the Kurdish Parliament's decision, but presenting federalism as a general solution to the problems of the Iraqi state. A federalism based on Iraq's existing 18 governorates broke the rotten mold of Iraqi and Arab politics, I argued. No Iraqi political organization could afford not to be for it, especially not one that called itself democratic. Without a system of government in which real power devolved away from Baghdad, the autonomous, predominantly Kurdish north must sooner or later opt for separation. And how could any Iraqi expect otherwise, after all the terrible things that had been done to the Kurds in the name of Arabism?

Some Arabs argued that one must concede federalism in the interest of getting rid of Saddam Hussein and because the Kurds are in a position to force it upon us. And we must accept federalism, some Kurds said, not because we really want it, but because the regional situation does not allow us to secede. But utilitarian calculation did not lie behind the democratic argument.

Federalism in Iraq would both separate and divide powers. Painstakingly negotiated arrangements would distinguish the powers of the parts from those of the center, taking care to leave important functions in the hands of the federal government.

We thought it wise to define regions territorially, according to the relative distribution of the population, and to include in the constitution the claim that the country's resources (in particular oil revenues, the only real source of income for the foreseeable future), would belong to all Iraqis equally and would be managed by the federal government. Different ethnicities and sects would almost certainly form majorities in particular regions. The point was not to change such distributions, but to emphasize the equality of citizenship.

Such a federalism, Iraqi democrats said, was the logical extension of the principle of human rights. It was based on the notion that the rights of the part—whether that part was a single person or a group—should not be sacrificed to the will of the majority. What people like myself failed to appreciate, or understand, before 2003, were the powerful forces driving toward purely ethnic and sectarian criteria for the definition of the "parts" of the new federal idea. The consequence of those forces has been a tremendous weakening of the political idea of Iraq, which the new Constitution has converted into hostility toward central government per se.

A decentralized, federal state system that devolves power to the regions is not the same as a dysfunctional one in which power at the federal level has been eviscerated. The former preserves power while distributing it; the latter destroys it. At the moment Iraqis have a dysfunctional and powerless state. The Constitution does not fix this; it makes it worse.

What began as an American problem is today an Iraqi one. To steer the country away from anarchy and manage the furies that have been unleashed, the following measures need to be undertaken by the new Iraqi Parliament the moment it reconvenes after the elections:

Recognize that at the moment only Kurdistan fulfills the conditions for being a region. Using the Kurdish experience as a model, the Constitution must define the minimum conditions that need to be met by any group of provinces that desire to form themselves into a region. Then set a moratorium of 10 years on the establishment of new regions, this being the time necessary to crush the insurgency, establish properly accountable institutions of law and order and ensure that those applying for such status have met the criteria.

Limit the size of any new region formed after the 10-year period to a maximum of three governorates and fix the existing unmodified boundaries of the 18 governorates of Iraq as the basis for the establishment of new regions.

Delete Article 109, which allocates extra oil revenues to the regions that generate them. There is no defensible case for imposing special reparations on the Sunni populace for the crimes of Iraq's former leaders.

Appoint a committee of expert constitutional lawyers to make the necessary amendments reconciling the legislature with the executive and the different parts of the executive with each other. This is not a matter that can be resolved by the politicians alone.

Democracy is not reducible to placing an Iraqi seal of approval upon a situation that is manifestly worsening by the day. The 79 percent of people who voted in favor of a constitution that promotes ethnic and sectarian divisions are unwittingly paving the way for a civil war that will cost hundreds of thousands of Iraqi lives. Nothing is worth that.

Without the return of real power to the center, the ascent of sectarian and ethnic politics in Iraq to the point of complete societal breakdown cannot be checked. We cannot fight the insurgency, rebuild Iraq and live in any meaningful sense as part of the modern world without a state. There are no human rights, no law, and no democracy without the state; there is only anarchy and a state of insecurity potentially much worse than what Iraqis are experiencing today. For democracy to emerge out of the current chaos in Iraq, the state must be saved from the irresponsibility of the Iraqi parties and voting blocs that are today killing it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING MAJOR GENERAL DAVID E. TANZI

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Pennsylvania (Mr. ENGLISH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, it is my great pleasure to introduce to this body Major General David Tanzi, the Vice Commander of the United States Air Force Reserve, and to honor him on his forthcoming retirement, which will be January 11, 2006, at Robins Air Force Base in Georgia.

In his duties as Vice Commander, General Tanzi is responsible for the daily operations of the Command, which consists of 76,000 Citizen Airmen, 400 aircraft, guiding 36 wings, three flying groups, one space group, 620 mission support units and two draft choices to be named later. He manages $20 billion in assets, a $3.9 billion annual budget and has successfully led this command through major transformational changes in force structure and in organization.

General Tanzi is a command pilot with over 4,055 hours in various types of planes. He has been honored with numerous awards and decorations, including two Distinguished Service Medals, two Legion of Merit Awards, the Meritorious Service Medal, and the Air Medal.

General Tanzi is a native of New Hampshire and a graduate of Ohio State University. And although he has been stationed throughout the United States in his tenure in the military, we in Utah claim him and his family as our own. Since the year 1993 through 1999, when he was the Commander of the 419th Fighter Wing at Hill Air Force in Utah, he has maintained a home in Utah only minutes away from that base.

We warmly welcome General Tanzi and his wife Deb and their new son, Anthony, back home to Utah on a permanent basis. For, indeed, the Air Reserve Command's loss will be my State's gain.

General Tanzi's contributions to our Nation's security, his years of sacrifice on behalf of others, his superior leadership have paved the way for Air Force Reserve excellence and innovations for generations to come.

MEAN-SPIRITED CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, earlier tonight, I was asked by a reporter if perhaps I and other Members were upset that this close to Christmas and on a weekend night that the House was still working and the year was dragging on. And I said, no, that did not bother me a bit; I would be happy to work all night and through the holidays. But what bothered me was the substance of what we are working on and why we are still here.

It can be distilled down to three simple reasons: We are here because the Republicans have a package of mean-spirited cuts they want to make just before Christmas. They want to hack $14 billion out of student financial aid; billions of dollars out of food assistance, school lunch, food stamps; dump the Medicaid burden for underinsured or uninsured people back onto the States; cut foster care; and cut long-term care. And they say they have to do that because of the deficit.

But then they have bated it with tax cuts for the wealthy. That is the present they want to put under the tree before we leave. They want to push through, after the $50 billion in cuts in student financial aid, food assistance, medical assistance, foster care and long-term care, they want to give tax cuts to the wealthiest among us.

Disproportionately, their cuts will go to people who invest for a living and earn over $300,000 a year. They have a theory that values investors over wage and salary earners. It is called trickle-down economics. What they say is, if we enrich those people, those who earn over $300,000 a year, particularly those who earn over $1 million a year, if we give them more tax cuts and if we borrow money to give them tax cuts, they will trickle down on the rest of America and put people to work. They will float their yachts on a sea of red ink, and they will hire people to wash the yachts and cut the lawn, and therefore, America benefits.

Unfortunately, they would increase the deficit even after their mean-spirited cuts. So that is their pre-Christmas agenda: To stick it to the working families and the struggling and the young in America so that the wealthiest among us, who are already doing quite well, will have yet a merrier Christmas.

And then they have one last thing: They want to drill in the Alaska National Wildlife Refuge. The entire Congress is being held captive by one Senator from Alaska. He is going to stick that on one bill or another before he lets Congress go home.

Substitute for a comprehensive energy policy for the United States of America, something that might free us from the oil companies and OPEC, something that might break through into the 21st century in terms of new technologies, they want to push through drilling in the Alaska National Wildlife Refuge.

So that is their troika: Cuts to Americans in need and Americans trying to make better of their lives; tax cuts for those who are already doing phenomenally well; and then, finally, yet another gift to the oil industry, on top of the subsidies they provided in the energy bill.

It is a pretty sad policy, but perhaps they will at least give a lump of coal to every American to put in the fireplace to try to keep warm because they cannot afford their natural gas or electric heat or their oil for their furnace this year.

UNITED STATES SHOULD NOT BE NATION BUILDING

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Georgia (Mr. PRICE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the Pentagon, 3 days ago, issued a directive which should be of great concern to any traditional conservative. The Washington Times on its front page reported it this way: "The Pentagon yesterday announced a landmark change in the use of combat troops, elevating stability missions, commonly called nation-building, to an equal status with major combat operations."

Conservatives used to be opposed to world government. Conservatives used to believe in the United States of America rather than the United States of the New World Order. Conservatives used to oppose turning the Department of Defense into the Department of Foreign Aid.

Probably well over half of what we have spent in Iraq is just pure foreign aid, building roads, power plants, water systems, new schools, railroads, ports, new prisons, training their police and military, and giving free medical care, among other things.

President Bush, when he campaigned in 2000, in many speeches came out strongly against nation-building. We have so many needs in this country, especially with our aging clean water and wastewater systems. We also have a national debt that will soon reach $9 trillion. We simply cannot afford to build or rebuild nations all over this world.

Georgie Ann Geyer, the nationally syndicated columnist, wrote a couple years ago: "Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by a minority in their name, will eventually come to a point where they see they have to have a government that provides services at home or one that seeks empire across the globe."

But this is not primarily about Iraq. It is about whether we want a Department of Defense or a Department of Foreign Aid. We are not going to be able to pay all of our military pensions, civil service pensions, Social Security, Medicare, Medicaid, the new prescription drug benefit, the 44 million private pensions we have guaranteed through the PBGC, in just a few years with money that means anything if we do not stop all this nation-building around the world.

I have nothing at all against anyone from any other country, but the first obligation of the U.S. Congress should be to the American people. The first thing that is said about anyone who opposes spending mega billions in other countries is that he must be an isolationist. But the isolationist charge means the person who says it is resorting to childish name-calling rather than a discussion on the merits.

Our interventionist foreign policy has caused great resentment and animosity against us all over the world. There is another way, a better way than intervening in almost every major political, ethnic, religious or military dispute around the world. The middle way between isolation and intervention is to have trade and tourism, cultural and educational exchanges, help out during humanitarian crises, give technical advice by government agencies and try to be friends with all nations but maintain an enlightened neutrality on disputes that really are none of our business.

This new directive is more about money than it is about security. Like any gigantic bureaucracy, the Pentagon and its Defense contractors always want more money. One of the most common ways any government agency uses to get more money is by expanding its mission. You can never satisfy any government's appetite for money or land. They always want more.

President Eisenhower warned us many years ago of what he called the military-industrial complex. I have great respect for anyone who serves in the military. I believe in having a strong national defense. But I do not believe in the U.S. providing international defense, and it is certainly not a traditional conservative position to make those in our military the policemen of the world or take on the defense needs of the whole world.

And it is certainly not conservative, nor is it constitutional, for the U.S. to do nation-building all over the world, whether it is done by the Defense Department or any other department.

☐ 2300

A NEW DAY FOR IRAQ

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, the initial reports of yesterday's Iraqi election all point to it having been a remarkable day for the Iraqi people. Although Iraq's security situation remains precarious and the country's economy and much of the infrastructure have yet to be repaired, the past year has seen important progress in the country's political development.

More than 11 million Iraqis went to the polls to cast their votes for a new parliament and a new future. Iraq Sunnis who boycotted the polling in January, turned out in force to ensure their voices would be heard in the new legislature. For weeks, Sunni imams had been imploring their congregants to vote and their calls were heeded. Election observers estimated that turnout was in excess of 70 percent nationwide and the turnout was matched by preelection polling that showed a high degree of enthusiasm for and optimism about the elections and what they mean for the future of Iraq.

Perhaps the most remarkable aspect of yesterday's voting was the absence of violence. Across the country, only 52 attacks were recorded, and there were no mass casualty incidents. This stands in marked contrast to the January election when voters in polling stations were hit by more than 300 insurgent attacks.

Yesterday's relative calm was due to the men and women of our Armed Forces. Our troops and their commanders did a magnificent job over the past months to prepare the country for this crucial election. Even as we celebrate the success of the voting, we cannot overlook the incredible sacrifice of our military men and women. They have performed magnificently, but at an enormous cost.

While the election itself was a remarkable achievement, we, our coalition partners and the international community, must move quickly to ensure that Iraq's fragile, nascent democracy is able to flourish.

Two days ago I was invited to the White House, along with a number of my Democratic colleagues, to meet with the President and senior administration officials on preparations for the elections and next steps in Iraq. I appreciated the President's efforts to reach across the aisle for unity, and we had a far-reaching discussion on how best to move forward in Iraq. I hope that the President's recent willingness to engage with Members of Congress, and especially Democrats, augers more consultations with the Hill on Iraq and the broader array of national security challenges that confront us.

Counting the votes will take days and perhaps weeks, given the sheer number of ballots cast for the more than 300 political parties that registered to compete in the election, as well as the bifurcated nature of allocating seats by province and nationwide.

As we move forward, I see a series of five steps as crucial to Iraq's future.

First, Ambassador Zalmay Khalilzad, who has done a remarkable job in Kabul and in Baghdad, must work with the Iraqis to assemble a new government that will include the diverse array of Iraqi voices in order to maximize the legitimacy of the government in the eyes of the Iraqi people while minimizing the prospects for the dissolution of Iraq. The apparently strong showing by the secular Iraqi National List, headed by former interim Prime Minister Iyad Allawi, may be an early indicator that a broad-based government may be possible.

Second, we must work with a new parliament and help them execute the revisions to Iraq's Constitution that were promised in the days leading up to the October referendum. Constitutional changes that strengthen the power of the central government and ensure that the Sunnis are able to share in the nation's oil wealth will do much to allay the concerns of Iraq's Sunnis.

Third, we must ramp up our efforts to train and equip Iraq security forces so that a significant portion of American forces can be redeployed from Iraq with the remainder of American troops adopting a much lower profile. This will allow us to better safeguard the lives of our troops even as we continue to act as the ultimate guarantor for the new Iraqi state.

Fourth, we must fracture the insurgency in order to weaken it. The Iraqi insurgents are made up of three distinctly different groups. The first group, the foreign jihadis, must be destroyed. The second group, which is made up of the hard-core Baathists, is also likely to fight to the bitter end. The third wing of the insurgency is composed of disaffected Sunnis who are motivated primarily by the loss of their status in Iraqi society.

Yesterday's election and the consolidation of a broad-based government should be instrumental in diminishing the threat from this faction.

Finally, we must redouble our efforts to reconstruct Iraq. While there has been some progress in restoring basic services and providing opportunities for Iraqis, there is much work yet to be done. This is an area where we should make a new effort to reach out to the international community and engage them in Iraq's future.

Mr. Speaker, yesterday's voting was a triumph for the Iraqi people, for the cause of democracy in the Arab world, and for our Armed Forces; but now we must act quickly and effectively to solidify these political gains.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3963. An act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4508. An act to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

H.J. Res. 38. Joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2520. An act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

H.R. 3402. An act to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

The message also announced that the Senate concurred on a House Amendment with an amendment to Senate bill:

S. 467. An act to extend the applicability of the Terrorism Risk Insurance Act of 2002.

IRAQ ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, we have just witnessed one of the freest elections ever held in the Middle East. It is important to recognize that independent multinational election monitors have confirmed that yesterday's Iraqi elections, in which a remarkably large number of Sunnis turned out to vote, met international standards. It is estimated that 10 to 12 million Iraqis renounced fear and defied those who seek to demoralize them and to undermined U.S. and international support for their noble commitment to rebuilding a civil society.

As we seek to encourage our friends in the Middle East on their journey of self-determination, let us take a moment to recall with an appropriate level of humility that our own democratic journey was neither quick nor easy and no less worthwhile for the difficulties endured.

Mr. Speaker, this historic moment inspires me to highlight an outstanding bipartisan initiative here in the House which is making a significant impact to strengthen fledgling democratic institutions throughout the world.

I want to commend Speaker HASTERT for his foresight in launching the House Democracy Assistance Commission on which I serve along with 15 of my colleagues. I wish to thank my colleague, Congressman DAVID DREIER, for his leadership on this initiative and his dedication to see it through to fruition.

I also wish to acknowledge Representative DAVID PRICE and my predecessor, Congressman Doug Bereuter, for their hard work since 2003 to move this initiative and to make it a reality.

Since the establishment of the commission in March 2005, Members and staff have worked diligently to identify countries and legislative bodies in need of technical assistance. The House Democracy Assistance Commission has established an exemplary framework to help elected legislators develop badly needed parliamentary infrastructures to foster just and thriving civil society based upon democratic principles.

In his second inaugural address, President Bush issued a global call to freedom, the heritage of all mankind. Through the commission, Members of Congress have answered the President's call to move the principles of democracy around the world. And beginning next year, Democratic and Republican Members alike will join together to support and encourage our counterparts in Indonesia, the world's largest Muslim country; in East Timor, the world's newest country which hungered for independence and now hungers for working democratic institutions; in Georgia, where the 2003 Rose Revolution ushered in peaceful change; in Macedonia, which emerged from the brink of civil war to a new day of freedom; and also in Kenya, a regional African power in the forefront of the war on terror.

Through technical assistance missions, material assistance and exchange programs that bring legislators to the U.S. and allow our Members to share their knowledge and experiences with members of parliaments in partner countries, the House of Representatives is working directly with legislators around the world to provide expertise and parliamentary best practices. This assistance will emphasize committee operations, budgetary issues, defense oversight, specialized legislation and oversight, legislative procedures, research services, information services, as well as constituent services.

The commission also plans to support emerging legislative institutions in Iraq, Afghanistan, Ukraine and Lebanon, countries where governments had imposed unspeakable hardships on their own people previously. It is staggering to realize that just a few short years ago the brutal Taliban regime held all of Afghanistan hostage.

On December 19, thanks in great measure to the perseverance and dedication of our men and women in uniform, Afghans are inaugurating their first parliament in over 30 years.

Khalid Farooqi, a legislator in Afghanistan's Lower House of Parliament, was recently quoted as saying, "We want to build our country, we do not want to destroy it again."

For the first time since Saddam Hussein began his savage reign, and despite factional tensions and the threats of nihilistic insurgents, an astounding 70 percent of Iraqis courageously rose yesterday to determine their own future and held elections for a new National Assembly and government.

We also look to a new dawn of hope in Lebanon, where, tragically, Gibran Tueni, a publisher and deputy at Lebanon's Parliament, was assassinated this Monday in a bombing by those who fear the freedom that comes from self-determination.

Just as our troops and over 22,000 soldiers from 30 coalitions nations stood strong to help make yesterday's victory possible in Iraq, I am proud of my fellow Democrats and Republicans as we stand together to provide hope, encouragement, and vital technical assistance to the work of the House Democracy Assistance Commission.

FEMA TRAILERS, BUT NOBODY'S HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, on August 29, 2005, Hurricane Katrina slammed the gulf coast as a category 4 storm.

Due to the massive damage caused by one of the most costly natural disasters in our Nation's history, thousands of Louisiana and Mississippi residents whose homes were destroyed were forced to relocate to areas such as my home State of Arkansas. Many are still there today.

As a result of Hurricane Katrina, the Federal Emergency Management Agency, commonly referred to as FEMA, purchased at least 20,000 brand-new manufactured homes; and thousands of these homes, nearly 4 months later, have not reached those who need them, citizens of this country who lost their homes and everything that they owned on August 29, 2005.

Instead, these homes are being stored by FEMA in five different so-called staging areas, including staging areas in my congressional district near my hometown at the Hope Municipal Airport in Hope, Arkansas, at Red River Army Depot and Lone Star Army Ammunition Plant near Texarkana, all of these staging areas some 450 miles from where the eye of the storm hit the gulf coast.

Due to the inability of FEMA to provide displaced families with manufactured homes in a timely manner, staging areas are overflowing. For instance, at Hope Airport, the inactive runways and tarmacs are overloaded with manufactured homes, forcing the excess homes to be placed in the surrounding fields and pastures. These pastures and fields were not effectively prepared by FEMA for staging or storage, if you will. When the winter rains hit the inadequately prepared sites, many of the trailers carrying the manufactured homes will sink. This will result in even more unnecessary delays and additional work for a system that is badly flawed.

I have written a letter to the acting FEMA director, David Paulson, requesting that he immediately review the apparently ineffective process of distributing the FEMA-purchased manufactured homes to the Hurricane Katrina evacuees who so desperately need them.

As I drive throughout Arkansas's Fourth Congressional District, and in my very hometown of Prescott, Arkansas, I see these manufactured homes sitting empty; and I am appalled at the waste of taxpayer money and the lack of a timely response on behalf of FEMA and the Federal Government for those who desperately need housing for their families, with many residents literally still living in tents on the gulf coast nearly 4 months after the detrimental hurricane hit our gulf coast.

As winter approaches and deadlines for all displaced residents from Louisiana and Mississippi living in hotel rooms to be moved into temporary housing quickly approaching, this process must be streamlined. It is unacceptable for American citizens who lost their homes and everything they owned in the hurricane to still be sleeping in tents when FEMA has thousands of brand-new empty manufactured homes for occupancy.

Take a look here, Mr. Speaker. This is not in Hope, Arkansas. In fact, this is in my hometown of Prescott, Arkansas, some 16 miles away.

□ 2315

Here is what is going on. They deliver the homes to this staging area in Hope, Arkansas, 450 miles from the gulf coast. And as they deliver them down the interstate, they have got a banner on the back that says, Urgent, FEMA delivery. Urgent for what? To deliver it to a cow pasture?

And a shingle blows off in transit. If one shingle is missing, they will not accept it at the FEMA staging area in Hope, Arkansas. So they turn around, drive back to my home town of Prescott, and they are leasing, literally leasing cow pastures, as you can see here, to store these homes until they can be repaired, while at the same time we have got families, we have got families, as Christmas approaches, as the holidays approach, sleeping in tents in Louisiana and Mississippi.

Dennis Ramsey, the Mayor of Hope, Arkansas, was quoted in the Texarkana Gazette, December 15, saying FEMA estimated that 12,000 mobile homes would be staged at the Hope site while FEMA leases the land at $25,000 a month for the next 2 years.

The Associated Press said a FEMA spokesman said last week that 5,840 mobile homes and 80 travel trailers are at Hope and the Texarkana sites along with more than 4,400 mobile homes and 4,200 travel trailers at the other staging areas.

Mr. Speaker, I am asking this body, I am asking the acting director of FEMA: Please come to my home town, get these mobile homes and get them moved 450 miles down the road to the families who are living in tents and who so desperately need them in Mississippi and Louisiana.

TEXAS ARMY NATIONAL GUARD

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, a National Guard unit is coming back to Texas, because tomorrow, Saturday, December 17, the First Battalion, 133rd field artillery will be welcomed back to Beaumont, Texas, after serving the past year in Iraq.

In August 2004, the Texas Army National Guard deployed the 56th Brigade Combat Team of the 36th Infantry Division to go to Iraq. They trained for 4 months in Ft. Hood, Texas, and got to Iraq in December of 2004. The 133rd Field Artillery has a longstanding history in this country. This was the first and famous Texas Army National Guard that served in France in World War I.

General John J. Pershing, the commander-in-chief of the American Expeditionary Forces in World War I made this comment about those Texans in World War I: He said, the bearing of the division in this its very first experience in battle showed the mettle of the officers and men and gave promise of what it would become. Members of this division who returned home can be proud of the record of their services.

Mr. Speaker, this was the first American combat unit to land in Europe in World War II. They landed on the beaches of Italy during World War II. They liberated Rome, then they went and landed on the beaches of France, went on to free the hostages of the concentration camps of Dachau, Germany.

Probably the most famous member of the 36th Texas is a person by the name of Audie Murphy. You may remember him, Mr. Speaker; he is from Hunt, Texas. And when he was a youngster, he joined the Army, the Army National Guard of Texas and became the first decorated soldier in the history of the American Army, winning among many other things the Congressional Medal of Honor.

And yet, the Texas 36th has continued that longstanding tradition in Iraq where they conducted offensive operations, deny and destroy operations, combat logistic patrols and civil military affair operations.

They built schools and hospitals and won the hearts of the Iraqi kids that they met along the way. They operated in the Sunni Triangle, Tikrit, Tillal, on the Jordanian border and in Bagdad. It is my pleasure to welcome them back when they come back home tomorrow.

I would like to extend a sincere thank you to all of the members of the 133rd, the men and women of the United States Armed Forces. They honor us with their commitment to Texas and the Nation, and the citizens of America and Iraq owe them a debt of gratitude. They are America's best. They are the sons and daughters of liberty. They are freedom fighters, and they make us proud.

I join the citizens of Texas Congressional District number two in paying the utmost respect for the 1st Battalion, 133rd Field Artillery. Through their service, Iraq has become a free democracy, and America remains the land of the free and the home of the brave.

Mr. Speaker, I had the chance in January of this year to go to Iraq to visit the very first elections, and I, with our military, and saw firsthand the accomplishments in their fight for freedom. You know, Mr. Speaker, freedom does have a price. Our troops are paying that sacrificial price for the Iraqi people and for world freedom. Unfortunately, the 133rd lost six members during their fight for freedom, and I extend my prayers and our condolences to the family and friends. They were making a difference in the world when they gave their lives.

Their bravery and dedication and patriotism shall not be forgotten. That success is evident with the successful election of a new government in Iraq yesterday. President John Kennedy once said: The cost of freedom is always high. But Americans have always paid it. And one path we shall never choose, and that is the path of surrender or submission.

Mr. Speaker, we have chosen the right path. The hard path. The freedom path. We will persevere with the freedom-loving people of Iraq until the journey down this path is successfully completed.

The citizen soldiers of America, the Texas Army National Guard, have been warriors on the long hard sacrificial path of liberty. The world should never underestimate the resolve of America, the resolve and determination and will of the American soldier. Regardless of their mission for freedom, they always get it done. That is just the way it is.

AMERICA'S IMMIGRATION POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, sometime ago, Mr. Speaker, President John F. Kennedy, himself the grandson of Irish immigrants, summed up this blend of the old and the new when he called America a society of immigrants, each of whom had begun life anew on an equal footing.

This is the secret of America, a Nation of people with a fresh memory of old traditions who dare to explore new frontiers. He further said: Everywhere immigrants have enriched and strengthened the fabric of American life.

And then Franklin Delano Roosevelt reminded us, remember, remember always, that all of us are descended from immigrants. I had hoped as we began our journey on a very important task, as reflected in the work we have done over the last 2 days, on border security and immigration reform, that we would have returned to our values, recognizing that this Nation is a Nation of immigrants as well as a Nation of laws.

I would have hoped that we would have constructed a piece of legislation that garnered the very essence of the instructions of the 9/11 Commission; that we would have taken this time to move from the Ds and Fs of which this Nation was graded some 10 days by the 9/11 Commission and actually incurred the appreciation of the Nation by doing real border security, real border enforcement and real immigration reform.

But, unfortunately, the legislative initiative that has just passed, the Border Protection Act, really does not answer the question of the need for immigration reform.

In fact, unlike the words of President John F. Kennedy where we recognize that immigration can enrich this country and where we recognize the contributions of immigrants, we seek now to shut the door for a pathway of earned access to legalization. We ignore the fact that immigrants who are working in a variety of jobs have homes and pay taxes, have children in school, and have the hopes and dreams of the immigrants of yesteryear.

I think it is important that we turn back the clock and start immigration reform again; that we remember that we cannot demonize or make criminal every single undocumented immigrant, that we must provide our border patrol resources what they need, the helicopters, power boats, laptop computers, night goggles in order to enforce the border.

We must enforce the laws that are already on the books. For example, it is a criminal act to enter the country without inspection. We have to have the resources to enforce those laws. But it does not make sense to deny those individuals within our borders due process.

And then I would have hoped that a real immigration reform bill would have had a singular piece of protecting American jobs, realizing that the heart of this country's economy and the heart of America is in America's working people.

And we could have taken this particular legislation and provided, as the Save America Comprehensive Legislation H.R. 2092, a vehicle to garner the fees that are paid by immigrants and invest them in the educational training of America and the protecting of American jobs and the securing of American jobs. I believe there should be employer sanctions, but there cannot be effective employer sanctions unless we develop a singular database that is integrated, consistent and accurate.

Many of the amendments would suggest that an employer verify who he or she hired. That is the right thing to do. In fact, I voted for the Gonzalez amendment which would fine certain employers $50,000 so that those dollars could be used to reinvest in our community hospitals and schools to pay for some of the services that are used by those that may not be in status.

But, frankly, we cannot have that verification system without an even database. And so it is important to note that, if we do border enforcement or immigration reform, we must have the dollars and the commitment, and that is not here in the present administration and the present structure that we are in.

This legislation is, I think, falling on its own weight. As it makes its way to the United States Senate, it is clear that other body is not moving on such legislation at this time. And, in fact, there is great conflict between a pathway to legalization and the question of enforcement. We believe in enforcement, but not enforcement only.

And you can ask any American who looks at the question of immigration, Mr. Speaker, and they want comprehensive immigration reform that understands that there are immigrants who come here for economic reasons, but we must keep those out that come here to do us harm.

Find a way for pathways to legalization, and find a way to enforce the Nation's borders.

IRAQ AND AMERICA'S IMMIGRATION POLICIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for half the time until midnight as the designee of the majority leader.

Mr. KING of Iowa. Thank you, Mr. Speaker. And again, I appreciate the privilege to address you, Mr. Speaker, and in turn, address the House of Representatives.

This has been a huge week here on the floor of the House of Representatives. We processed a lot of legislation this week. Much of it has been legislation that has been in the works for a number of years. And I think what I will try to do is maybe unravel this coming backwards across the way we passed it and work my way back into the legislation a little bit.

But I want to take up first the immigration reform and point out that in this debate that we heard today in this resolution that came forward, which was H. Res. 612, the continuous message from the other side was about being anti-immigrant, anti-immigrant.

But it confuses the difference between an immigrant and an illegal immigrant. In fact, I know of no one in this Congress that is anti-immigrant. I know of many Members of this Congress that are pro the rule of law.

And that is the distinction that we need to draw the line with. And I take us back to where would be if we went back even 10 years, but say go back 25 years, in a time when we did not have very much illegal immigration. It was a smaller percentage of our overall population; it was smaller in numbers, smaller in percentage, and it was not a very significant problem. It was something that was somewhat manageable back then.

And back in that period of time, if we had been able to control our borders and watched as we needed more employees in certain sectors of the economy, we would have seen a number of things happen that would have resolved this need that we keep hearing from business about labor.

They say that if we deported all of the illegals, our economy would collapse, and we cannot get along without them when perhaps 4 percent of our workforce in America is an illegal workforce. And if we lose 4 percent and retain 96 percent, I cannot believe that this resilient country could not find a way to bounce back from that and accommodate the difference.

So I take us back 25 years and ask, what would we do if we respected the rule of law? What would we do if we had borders that were controlled? How would we adjust to demands in a growing economy if illegal labor, cheap labor that pours in from overseas just were not available?

What if the United States of America, instead of being a large portion of an entire continent, what if we were an island? What if you drew the line on the 49th parallel on the north and our southern border on the south and envisioned the United States sitting out alone where illegal labor does not flow across our borders just because of the jobs magnet but in fact has to find an expensive way of transportation to get across a broad ocean?

□ 2330

Think, for example, of a country like Australia that finds itself in that kind of a circumstance. I take you back to a policy that they had up until 1971. Actually, they did not have a very good name for it. They called it White Australia, and some would be embarrassed about the name for that now. But that was the phrase that they used to describe their immigration policy, which is they were advancing the idea of European descendents populating the continent of Australia.

In fact, I graduated from high school in 1967, and I remember during those years that I was in college, I saw advertisements come from Australia saying this is a great place to move to. We really need you to come down here. There is a wealth of opportunity in Australia. And I thought about it. And so that advertisement that was there was because they needed more people to grow their economy.

In about 1971, they gave up on this mission to some degree, and they changed their policy to allow immigrants to come in from Southeast Asia. Now, how does this work politically? We can learn from these lessons here in the United States of America, and that is that it was big business that wanted the labor to come in, and it was labor unions that wanted to keep the labor out because they understood something in Australia as far as back as 1971 that there was a law of supply and demand.

That law of supply and demand seems to be missing from the rationale of the people who oppose enforcement of our rule of law with regard to immigration. They do not seem to understand that when we have an oversupply of labor, that drives the price down and that labor is a commodity, like where I come from, corn and beans or cattle and hogs, or gold or oil if you come from another part of the world, or currency. It fluctuates in the marketplace according to supply and demand.

So the island, or I should call it the large continent, and it actually is, the large continent of Australia did not have that option of being able to run open borders and let millions come in to drive their wage price down. They actually had to fight the politics out inside Australia and adopt a policy that brought in immigrants from Southeast Asia and other parts of the world to fill their labor supply. The pressure got great enough that they came up with an economic solution.

Well, I submit, Mr. Speaker, that in the United States of America, had we respected the rule of law, had we controlled our borders, the pressure would have been brought politically to do the things necessary to bring in the amount of labor in a legal and a rational fashion.

We would have done some other things, too. Some of these sectors of the economy would have seen their wages go up, and they would have decided they could not afford to pay those kinds of wages; so they would have gotten innovative and they would have used technology. We use robotics today. We use a lot of different techniques to cut down on the amount of labor we need to produce a product. We would do more of that if labor were higher. We would be more innovative. When labor is lower, we are less innovative. In a country where labor is cheap, they do not have much innovation at all. So the pressure of high wages would drive technology, and that would replace some of the labor, and that labor that could be replaced by more technology would then transfer to places where labor could not be replaced as well by technology.

Another thing that happened, and is a little joke here in Congress the last couple of days, is Southern California ran out of Okies that went there to do that hard work from the Dust Bowl. They did. They went over there and they were willing to do the hard work and work in the fields. They were glad to get in anywhere where they could get a job. But they transferred themselves from Oklahoma to California for the opportunity.

I take you to an article that I read in the Des Moine Register maybe 10 or 12 years ago, and it was about a section in Milwaukee that was six blocks by six blocks, 36 square blocks, and in that section for every single dwelling that was there, there was not a single male head of household that had a job and was working. And as I read through the article, I tuned myself to the ear of the writer, who said that it was too bad that they lost their jobs in the breweries in Milwaukee. The automation that came in so they could make beer with a lot less labor caused the good jobs that were there, some of them, to disappear. That caused people to be laid off. And so they went back to their homes and sat inside their homes, and when they went around to do the interviews and to survey, 36 square blocks, not a single working male head of household.

The people had come up from the South, from the gulf coast, from southern Mississippi, Alabama, down in that region, moved up there for those good jobs. They went up to access the good jobs in the breweries and other types of industry that was up there in Milwaukee; and they raised their families there and then, in a matter of a generation or two, found themselves laid off, and their children or their children's children could not get jobs in the breweries the same way that they had. So they sat in their household and did not go somewhere to find a job.

We know why that is. And that is in one of the better States with regard to welfare reform. But it is because the safety net of welfare had become a hammock for everyone in that entire 36-block area. They totally missed the point, though, that the same people's predecessors, that this was the progeny of their predecessors who had transferred themselves all the way from the gulf coast to Milwaukee, Wisconsin for what? For a job, Mr. Speaker.

And now we look at this economy in the United States as if labor cannot be transferred from one region to another to fill the demand. So there is a demand for some 5,000 roughneck workers out in the oil fields in Wyoming, in that area, that I happened to read an article on just yesterday; and we have got 15 to 18 million workforce sitting there unemployed in the United States of America, and we want to do a guest worker/amnesty plan for 11 million illegals in this country. What country in their right mind would pay 15 to 18 million people not to work and then bring in 11 million, or I would say closer to 22 million, people who do want to work at a cheap rate? That does not make economic sense, Mr. Speaker. And that is one of the supply and demand rationales that I would like to point out with regard to the immigration policy.

So if we were a rational Nation, if we were a Nation that did not have this convenience of opening up our borders and allowing the illegals to come in, we would have done these things: we would have transferred labor from one part of the country to another; we would have squeezed down the welfare so that some of the people, and, in fact, I would like it if most of the people, would get up and go to work. That would be two things.

And the third thing we would have done is what Singapore is doing right now. They are advertising to their people, saying have more babies. What is wrong with a fertility plan? That is a natural way to replace labor. Those three things would have happened within our borders, and then within our borders we would have been under political pressure to negotiate a rational immigration policy that was legal.

And, Mr. Speaker, I object to the idea that we would bring in third-class people. People who come to America, I want them to have a path to citizenship. I want them to access the American Dream. I want them to do it the legal way.

So we have addressed this immigration issue, and I actually did not come to the floor to talk about immigration, but it sparked me when I listened to the gentlewoman from Texas.

I came to the floor to talk about another subject matter, and that is the subject matter of Iraq. We have made significant progress there. This is a day of celebration. The reports are continuing to come in from the aftermath of the closing of the polls of their December 15 election. And the ink is fading on my finger and on the fingers of many of us here on this floor of Congress who have in solidarity dipped our fingers in ink. And it helps me, when I see my finger, to look at that and remember what they have all done, risked their lives to go vote, 11 million strong and more. The most people ever to vote in Iraq, the most purple fingers ever maybe anytime in the world.

So today we brought a resolution to the floor of the House of Representatives, Mr. Speaker, H. Res. 612, and that is a resolution to honor the troops, to declare our dedication and our unshaking will to see this through to a final victory in Iraq. And this resolution was written in a clear fashion, in a rational and a logical fashion. And we had a debate on this floor.

And Member after Member from the other side of the aisle came down, and they said, I honor and support our troops and request an open debate on the Iraq war on the House floor. Member after Member after Member: I honor and support our troops and request an open debate on the Iraq war on the House floor. One Member said, In opposition to our policy in Iraq, he also requested an open debate on the House floor.

Well, we had an open debate on the House floor. I do not know why we had 20 or so Members or several more come down and say they honored and respected our troops and requested an open debate on the House floor, because that was what we had scheduled was an open debate on the House floor. We had the debate. The question after I heard that I had was when I saw the vote go up on the board. If I were a soldier in Iraq, if I were in a military uniform, ready to put my life on the line for this country, and I saw this vote, 279 in favor of the resolution dedicated to victory and support of a free Iraqi people, 279 in support; 109, sadly, against, Mr. Speaker. Thirty-four voted present and 12 did not vote at all. So I add those up and come to over 150 who said they did not commit themselves to a full victory in Iraq. For whatever reason, they said they want an honest and open debate. Every of them that came to the microphone said, I honor and support our troops. I wrote the quote down. They were using the same script, I believe.

And I point this out: that you cannot honor and support our troops if you oppose their mission. There was a clear opportunity here to support their mission in Iraq, to stand with them. This Congress voted to support their mission before the President ever ordered them into battle, and yet they still seek to pull down this effort.

Also, a number of Members in that debate said the Republicans and the President will not define victory. All they want is a deadline, a date certain, by which American troops will be out of Iraq, and accused the Republican side of the aisle of not being willing to define victory.

So, Mr. Speaker, I would submit this: the other side of this argument dare not define victory because if they do, then they will lose their ability to raise the bar and make it harder and harder and harder to meet their standards.

So I will stand here and define victory this evening. And this is a victory that will fit this war and it will fit every war throughout history, every one we know and every one that we will see and every one that our posterity will see. The definition of victory, Mr. Speaker, is when the losing side realizes and acknowledges that they have lost. That is what this effort is about. And if we could have gotten Saddam Hussein to stare into the barrels of a few tanks and decided that he had lost, that would have been the end of the war. We would not have had to send troops into Iraq. But they had to be convinced that they were losing, Mr. Speaker, and that is why we sent troops there is to convince the other side that they had lost.

Yet we have people over on this side of the ocean standing here on the floor of the United States Congress, seeking to convince our enemies that we cannot win and that the enemies cannot lose. That is, Mr. Speaker, undermining our effort and undermining our troops. And yet some of the same people come to this floor and say, I honor and support our troops and request an open debate on the Iraq war on the House floor.

We had an open debate. They voted against the resolution. And I will tell you, you cannot have it both ways. You cannot honor the troops and defy their mission. They go together. You must honor the troops and the mission together. They are integral and they are one and the same.

PERSONAL EXPLANATION

Mr. COLE of Oklahoma (during the Special Order of Mr. KING of Iowa). Mr. Speaker, late tonight I discovered there is a problem with my voting card. After returning home, I became aware that my vote was not recorded on roll call votes 661, 659, and 651.

On each of these votes, I am sure I voted "yes." Indeed, I checked my vote on the card receptacle. It clearly showed that I had voted.

I will work with the Parliamentarian to resolve this issue with my voting card at the earliest possible time.

□ 2345

AMERICAN RESPONSE TO GLOBAL WARMING INADEQUATE

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized until midnight as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, in the last week there has been a collection of relatively extraordinary events in the future of not only our country, but the entire planet, when it comes to our ability to maintain a climate to which we have been accustomed, and in fact that climate is now threatened by global warming, and during the last week some extraordinary things have happened that demand comment here in the House.

I have come here tonight to suggest that the U.S. Congress needs to act with vigor and vision to lead the world in dealing with global warming. What precipitates my comments is a collection of scientific information that has become available to the world in the last week, together with the recently concluded conclave of world leaders in Montreal, Canada, that just concluded without meaningful participation by the executive branch of the United States, which I think is most disappointing to my constituents and I think much of America.

So what I want to do tonight is address some of the new science that has come forward just in the last week about global warming and contrast that with the abject failure, unfortunately, of the executive branch of the United States to fulfill the leadership role of the United States, which has historically been on a bipartisan basis as the technological leader of the world, which this chief executive has abdicated in refusing to lead the world to a resolution of the problem of global warming.

If I can first just briefly summarize some of the things that have happened in the last week regarding global warming.

The Goddard Space Science Center, one of our preeminent scientific institutions, in the next few days will announce that 2005 remains on track to be one, if not the, hottest year in global history since records have been kept, which continues a trend of many of the hottest years in recorded history being in the last decade. British scientists this week announced that their records are similar to the findings of the Goddard Space Laboratory.

We are in an unprecedented period of increases in global temperatures. This is confirmed by a huge majority of the scientific measurements. The Earth is warming, and it is warming faster probably than it has been ever in the last 1,000 years, at least. This is new and appropriately disturbing evidence.

The same week, if we read the Wall Street Journal, a publication not known for its certainly being far out there on environmental issues, reported on December 14 that scientists for the first time have documented multiple deaths of polar bears off Alaska, where they likely drowned after swimming long distances in the ocean amid the melting of the Arctic ice shelf. The bears spend most of the time hunting and raising their young on ice flows, but the problem is the ice flows are disappearing.

That leads to the third bit of information that we have received in the last couple of months, which has found that the Arctic ice shelf has melted to an extent previously never seen before in human history and probably never seen before for thousands of years.

These are an amazing continuation, where one cannot open up a newspaper or a scientific journal in any given week and not see a continued cascade, an avalanche of scientific information, nailing down the coffin of any remaining doubt that we are now facing significant global warming as a result of increased concentrations of carbon dioxide, which we all, Republican and Democrat alike, are putting into the atmosphere. We are experiencing this with our own eyes.

If we take a look at a picture here in Glacier National Park, one of our most treasured jewels of our crown of our national park, we have already lost 30 percent of the glaciers in the last 75 years in Glacier National Park. If we look at the Grinnell Glacier, a picture here in 1938, you will see the glacier coming off this cliff band and extending down into the valley. This is 1938, one lifetime ago. In that one lifetime, the lifetime certainly of my mom and dad, we now see the Grinnell Glacier is probably less than 40 percent of its preexisting size. You see this entire area, it used to be a glacier, is now a lake where the glacier has melted.

The sad fact is that when my mom and dad took me to Glacier National Park in my youth, I got to see these glaciers. If this trend, according to scientific evidence continues, at least my great-grandchildren will not be able to go to Glacier National Park and see glaciers because the glaciers will be gone, extinct, period. I suppose some wag would suggest we will have to rename it as "the Park Formerly Known as Glacier."

The fact of the matter is that as we speak, the world and the United States is undergoing a significant change from that which we grew up with. Glaciers, polar bears, fields of wheat that support one of the greatest food baskets in the world, where we are going to have significant change in our ability to produce agriculturally in the Midwest.

With irrigated agriculture, the science shows, we just had a conference of this up in Seattle. Seattle is known for our rain, but in fact we depend on irrigated agriculture for a good part of our agriculture, and that irrigated agriculture depends on snow pack. I just returned from a conference in Seattle in the last several weeks where the scientists predicted that our irrigated agriculture in the State of Washington, upon which our apple crop, the best apple crop in the world, depends, will be jeopardized because the snow pack is disappearing. It is projected we will have less than half the snow pack we have had historically in the next several decades, which jeopardizes our apple industry in Washington State and many of our irrigated products. So the disturbing fact is that the scientific evidence is becoming overwhelming.

By the way, it is just not Glacier. I will show you a picture of Argentina, one of the large ice sheets. In 1928, this photograph is of this enormous ice sheet down in Patagonia, in the southern tip of South America. You see in the same picture in 2004, and I was there several months ago, where you can see where these glaciers have been. This enormous ice sheet that existed in 1928 is knew essentially gone, replaced by water where the ice sheet has melted.

These are in very blinks of geologic time that we are seeing these changes take place, in one lifetime seeing these changes take place, and this has never happened before at these rates. We have had ice ages and had melts, but scientists will tell you this has never happened before in world history, as far as we know, with this rapidity to have this enormous change.

Very briefly, the reason it is occurring is that we are putting into the atmosphere gasses that trap infrared radiation. Light comes in. As ultraviolet radiation it can pass through the atmosphere. When it bounces back it is at a different spectrum, at infrared frequencies, and carbon dioxide and methane that comes out of our tailpipes and smokestacks trap ultraviolet radiation.

We look at this chart and it shows levels of COG. These are parts per million, the amount of COG in the atmosphere. We go to pre-industrial times in 1000, it was about 240 parts per million. When we started to burn coal and gas in about 1800 it starts to go up, and in the 1800s and 1900s it goes up dramatically. Now in 2000 we see it is going up like a rocket, and it is projected that by the close of this century we will have parts per million in the 780 to 800 range, at least two times higher than it has ever been in human history. It is predicted to continue to skyrocket after that.

This is a fact. No one, no scientist in the world, disputes these conclusions. Global warming is a fact, and it is a fact that we are responsible for and need to act as leading the world to deal with this problem, to adopt energy technological solutions to this problem, which we can do if we have the same vision that John Kennedy had when we had the first Apollo project. I have introduced a bill to do that.

But in light of this science, what has the Bush administration done? In light of this cavalcade of information demanding a response, what has the Bush administration done to fulfill our destiny to be the leader in the world when it comes to technological innovation?

Well, what it did is it sent an emissary named Watson to Montreal last week to basically tell the rest of the world, when the rest of the world is working together to try to find a solution to global warming, to try to come up with a post-Kyoto agreement that is better than Kyoto, that is fairer, that is more effective than Kyoto, what did the President send our emissary to do? The greatest country in the world, the most technologically-oriented country in the world, the country that has led in the growth of democracy, that led in the effort to solve the problem of the ozone layer, which we have done some very good work in on a bipartisan basis, what did the President's emissary do?

He went to Montreal and told the rest of the world essentially to go fish; the United States was not going to participate in any meaningful discussion to come up with a global solution to this global problem. This is most embarrassing for our country, the greatest country on Earth, to refuse to take any meaningful position to advance some global solution to this problem.

In fact, the President sent our emissary to adopt the posture of the ostrich with the head in the sand and the tail feathers in the air. We should be adopting the posture of the American eagle.

leading the rest of the world to a solution of this problem by using the technological creativity with which America has been blessed with for centuries. Instead, our emissary went there like this, where over 200 countries agreed to continue discussions about how to deal with this known problem.

Now, I have to admit there was some small success. The President's emissary on the last day of the conference picked up his papers and literally walked out on the rest of the world, literally walked out on the rest of the world, making this comment which no one to this day understands about walking like a duck, and, frankly, it was relatively embarrassing.

The good news is the administration was so embarrassed by the world's reaction to that and by America's reaction to that following an address by President Bill Clinton suggesting that we need to work in a bipartisan fashion on this issue that the next day apparently they got a cable from the White House, I am assuming, and the emissary walked back and said, well, now, we will at least agree to continue some informal talks. Not real talks, not formal talks that could actually lead to an agreement, but something called "informal talks," which would at least not allow the administration to be humiliated.

This is not good enough to fulfill our mandate as the greatest Nation on Earth. This is not good enough. It does not respect the ability of the geniuses in America who are going to adopt the new energy technologies so that we can continue to grow our economy and solve this problem at the same time. It is well below what we should expect of ourselves and it is well below what we should expect of our President.

We are calling on the President of the United States to finally adopt some measure of teamwork with the rest of the world to solve this problem.

Now, why should we do that? Well, one reason is we put 25 percent of all the carbon dioxide on this graph, where we see it is now skyrocketing, we in America put it in the atmosphere. We are a very small percent of the world's population, but 25 percent of all the COG in the atmosphere comes out of our pipes. So that is one reason why we really as a matter of moral responsibility need to be part of this solution, as does China, and we need to demand that China participate in these talks as well.

But as important, we are the country who is going to develop the new energy sources, clean energy, renewable energy, that are going to solve this problem and not destroy the climate of the Earth, because, frankly, we are the great tinkerers. We invented the light bulb, we perfected the Internet, the jet airplane, a man on the moon. The list needs to go on when it comes to clean energy. If we have leadership we will get that done.

So tonight I would like to say the science is clear, the destiny of this Nation is clear. We need to lead the world forward on global warming, rather than hiding from it. This is not a Nation that cowers in fear and from challenges. And this president ought to understand the confidence that this American country has in doing something about global warming. We hope that it will have a new attitude beginning tomorrow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today.

Mr. BARRETT of South Carolina (at the request of Mr. BLUNT) for today on account of personal reasons.

Mr. ISTOOK (at the request of Mr. BLUNT) for today and the balance of the week on account of attending his daughter's wedding.

Mr. YOUNG of Florida (at the request of Mr. BLUNT) for today from 6:00 p.m. until approximately 5:00 p.m. December 17 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BISHOP of Utah) to revise and extend their remarks and include extraneous material:)

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and December 17 and 18.

Mr. DUNCAN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under this rule, referred as follows:

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4324. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4340. An act to implement the United States-Bahrain Free Trade Agreement.

H.R. 4436. An act to provide certain authorities for the Department of State, and for other purposes.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until today, Saturday, December 17, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5693. A letter from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule — Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers (RIN: 0580-AA87) Receieved December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5694. A letter from the Chief, Electronic Benefit Transfer Branch, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program, Reauthorization: Electronic Benefit Transfer (EBT) and Retail Food Stores Provisions of the Food Stamp Reauthorization Act of 2002 [Amendment No. 397] (RIN: 0584-AD28) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5695. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products [Docket No. 03-080-8] (RIN: 0579-AB97) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5696. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Flag Smut; Importation of Wheat and Related Products [Docket No. 05-058-3] received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5697. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegtables [Docket No. 03-048-2] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5698. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Addition and Removal of Regulated Areas in Arizona [Docket No. 05-078-1] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5699. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Whole Cuts of Boneless Beef from Japan [Docket No. 05-004-2] (RIN: 0579-AB93) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5700. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation, which would provide that the preparation of certain reports required by the Government Performance and Results Act of 1993 (GPRA), are deemed to fulfill the requirements for similar reports under the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA); to the Committee on Agriculture.

5701. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3 [Docket No. 2004F-0374] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5702. A communication from the President of the United States, transmitting notification of the intention to use funds provided in the Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, FY 2001, for improvements to the White House Situation Room to enhance the capabilities of the White House in the war on terrorism; (H. Doc. No. 109–75); to the Committee on Appropriations and ordered to be printed.

5703. A letter from the Office of Independent Counsel, transmitting a position paper concerning S.A. 2160 which is an amendment to H.R. 3058; to the Committee on Appropriations.

5704. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the National Polar-orbiting Operational Environmental Satellite System (NPOESS) Program Acquisition Unit Cost will exceed the Acquisition Program Baseline values by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

5705. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Socioeconomic Programs [DFARS Case 2003-D029] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5706. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Environment, Occupational Safety, and Drug-Free Workplace [DFARS Case 2003-D039] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5707. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Period for Task and Delivery Order Contracts [DFARS Case 2003-D097/2004-D023] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5708. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Austrailia and Morocco [DFARS Case 2004-D013] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5709. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting the Department's report on the implementation of a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractor; to the Committee on Armed Services.

5710. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5711. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the restructuring of the Space Based Infrared System (SBIRS) High Program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5712. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire and Availability of Funds and Collection of Checks [Regulations J and CC; Docket No. R-1226] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5713. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Office of Thrift Supervision [No. 2005-48] (RIN: 1550-AB99) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5714. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured Home Construction and Safety Standards [Docket No. FR-4886-F-02] (RIN: 2502-AI12) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5715. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Independent Audits and Reporting Requirements (RIN: 3064-AC91) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5716. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — One-Year Post-Employment Restrictions for Senior Examiners (RIN: 3064-AC92) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5717. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Fair Credit Reporting Medical Information Regulations (RIN: 3064-AC81) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5718. A letter from the Director, Supplemental Food Programs Division, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment (RIN: 0584-AD71) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5719. A letter from the Acting Director, OSRV, MSHA, Department of Labor, transmitting the Department's final rule — Fees for Testing, Evaluation, and Approval of Mining Products (RIN: 1219-AB38) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5720. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5721. A letter from the Secretary, Department of Health and Human Services, transmitting Renewal of the Determination of a Public Health Emergency, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

5722. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Work for Others (RIN: 1991-AB64) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5723. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Assistance Regulations (RIN: 1991-AB72) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5724. A letter from the Deputy Assistant Administrator, Office of Division Control, DEA, Department of Justice, transmitting the Department's final rule — Reports by Registrants of Theft or Significant Loss of Controlled Substances [Docket No. DEA-196F] (RIN: 1117-AA73) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5725. A letter from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45]; Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6]; Rural Health Care Support Mechanism [WC Docket No. 02-60]; Lifeline and Link-Up [WC Docket No. 03-109] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5726. A letter from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Emergency Alert System [EB Docket No. 04-296] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5727. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Requirements for Digital Television Receiving Capability [ET

Docket No. 05-24] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5728. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cambridge, Newark, St. Michaels, and Stockton, Maryland and Chincoteague, Virginia) [MB Docket No. 04-20; RM-10842; RM-11128; RM-11129; RM-11130] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5729. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments , FM Broadcast Stations. (Connersville, Madison, and Richmond, Indiana, Erlanger and Lebanon, Kentucky, and Norwood, Ohio; and Lebanon, Lebanon Junction, New Haven, and Springfield, Kentucky) [MB Docket No. 05-17; RM-11113; RM-11114] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5730. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eminence, Potosi, Rolla, Lebannon and Linn, Missouri) [MM Docket No. 01-151; RM-10167; RM-10567] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5731. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake City, Chattanooga, Harrogate, and Halls Crossroads, Tennessee) [MB Docket No. 03-120; RM-10591; RM-10839] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5732. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rankin and Sanderson, Texas) [MM Docket No. 02-253; RM-10317; RM-10872] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5733. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hornbeck, Louisiana) [MB Docket No. 05-46; RM-11156]; (Mojave and Trona, California) [MB Docket No. 05-109; RM-11192] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5734. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the report entitled, "Recommendations of the Federal Energy Regulatory Commission on Technical and Conforming Amendments to Federal Law Necessary to Carry Out the Public Utility Holding Company Act of 2005 and Related Amendments"; to the Committee on Energy and Commerce.

5735. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act Of 2005 [Docket No. RM05-32-000, Order No. 667] received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5736. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Regulations Implementing Energy Policy Act of 2005; Pre-Filing Procedures for Review of LNG Terminals and Other Natural Gas Facilities [Docket No. RM05-31-000; Order No. 665] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5737. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Investigational New Drugs: Export Requirements for Unapproved New Drug Products [Docket No. 2000N-1663] (RIN: 0910-AA61) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5738. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Environmental Assessment; Categorical Exclusions [Docket No. 2004N-0461] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5739. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5740. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105-261, section 1512; (H. Doc. No. 109–74); to the Committee on International Relations and ordered to be printed.

5741. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Navy's proposed lease of defense articles to the Government of Canada (Transmittal No. 02-05); to the Committee on International Relations.

5742. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

5743. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 052-05); to the Committee on International Relations.

5744. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Memorandum of Justification for a Proposed Presidential Determination under Section 620A of the Foreign Assistance Act of 1961, as Amended, and under Section 113 of Title I of Division J of the Consolidated Appropriations Act, 2005; to the Committee on International Relations.

5745. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification of a proposed license for the manufacture of defense equipment and the proposed license for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 070-05); to the Committee on International Relations.

5746. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of French Guiana (Transmittal No. DDTC 056-05); to the Committee on International Relations.

5747. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the manufacture of military equipment abroad and the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 028-05); to the Committee on International Relations.

5748. A letter from the Chairman, House Democracy Assistance Commission, transmitting the Commission's 2005 annual report and report on proposed activities for 2006; to the Committee on International Relations.

5749. A letter from the Secretary, Department of Education, transmitting the thirty-third Semiannual Report to Congress on Audit Follow-Up, covering the period April 1, 2005 through September 30, 2005 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5750. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-212, "District Department of the Environment Establishment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5751. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5752. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's FY 2005 Performance and Accountability Report (PAR); to the Committee on Government Reform.

5753. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the Commission's Performance and Accountability report for FY 2005; to the Committee on Government Reform.

5754. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5755. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5756. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2005, pursuant to 31 U.S.C. 331(e)(1); to the Committee on Government Reform.

5757. A letter from the Secretary, Department of Agriculture, transmitting the Department's Annual Performance and Accountability Report for FY 2005 in accordance with the requirements of the Government Performance and Results Act of 1993 and the Office of Management and Budget's Circular A-11; to the Committee on Government Reform.

5758. A letter from the Under Secrtary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's annual report on the implementation of Pub. L. 106–107, the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Government Reform.

5759. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5760. A letter from the Deputy Assistant Secretary for Federal Contract Compliance, Department of Labor, transmitting the Department's final rule — Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans (RIN: 1215-AB24) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5761. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5762. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5763. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report for fiscal year 2004; to the Committee on Government Reform.

5764. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the combined report for the Inspector General Act of 1978, as amended, and the Federal Fiancial Manager's Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5765. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Reports for FY 2005; to the Committee on Government Reform.

5766. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5767. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's thirty-third report on audit final action, as well as the semiannual report on the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5768. A letter from the Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2005 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

5769. A letter from the Executive Director, Interagency Council on the Homelessness, transmitting The Council's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5770. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report covering fiscal year 2004; to the Committee on Government Reform.

5771. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, "Reference Checking in Federal Hiring: Making the Call," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

5772. A letter from the Administrator, National Aeronautics and Space Administration, transmitting in accordance with the Reports Consolidation Act of 2000, enclosed is the FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5773. A letter from the Senior Procurement Executive, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-05—August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5774. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105–270) and OMB Circular A-76, Performance of Commercial Activities, the Endowment's FY 2005 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

5775. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance and Accountability Report for fiscal year 2005, as required by OMB Circular Number A-11; to the Committee on Government Reform.

5776. A letter from the Chairman and Acting General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Permanent Select Committee on Intelligence.

5777. A letter from the Program Manager for Information Sharing Environment, Office of the Director of National Intelligence, transmitting the Office's report entitled, "Preliminary Report on the Creation of the Information Sharing Environment," pursuant to Public Law 108–458, section 1016(c); to the Committee on Government Reform.

5778. A letter from the Administrator, Office of Management and Budget, transmitting the Office's report entitled, "Validating Regulatory Analysis: 2005 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities," pursuant to 31 U.S.C. 1105 note; to the Committee on Government Reform.

5779. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2005 to September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5780. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Central North Carolina Appropriated Fund Wage Area (RIN: 3206-AK83) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5781. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5782. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2005 through September 30, 2005; to the Committee on Government Reform.

5783. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

5784. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — State, District, and Local Party Committee Payment of Certain Salaries and Wages [Notice 2005-27] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5785. A letter from the Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Inclusion of Alligator Snapping Turtle (Macroclemys [=Macrochelys] temminckii) and All Species of Map Turtle (Graptemys spp.) in Appendix III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (RIN: 1018-AF69) received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5786. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical

Habitat for the Sonoma County Distinct Population Segment of the California Tiger Salamander (RIN: 1018-AU23) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5787. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 112105A] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5788. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 050112008-5102-02; I.D. 112505B] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5789. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 112905B-X] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5790. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [I.D. 111505B] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5791. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005 Tilefish Commercial Fishery [I.D. 111405B] received Decemebr 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5792. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2005 and 2006 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 050719189-5286-03; I.D. 071405C] (RIN: 0648-AT33) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5793. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 041110317-4364-02; I.D. 092805B] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5794. A letter from the Assistant Administrator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 050927248-5310-02; I.D. 090805C] (RIN: 0648-AT74) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5795. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 112305D] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5796. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's report entitled, "Federal Procurement After Adarand," pursuant to Public Law 103-419; to the Committee on the Judiciary.

5797. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination concerning a petition to add employees of the National Bureau of Standards to the Special Exposure Cohort under the the Energy Employees Occupational Illness Compensation Program Act (EEOICPA); to the Committee on the Judiciary.

5798. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Linde Ceramic Plant in Niagara Falls, New York to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5799. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule — Procedures To Promote Compliance With Crime Victims' Rights Obligations [OAG Docket No. 112; AG Order No. 2789-2005] (RIN: 1105-AB11) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5800. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models, and Labor Attestation Requirements for Employers Using Nonimmigrants on H-1B1 Visas in Specialty Occupations; Filing Procedures (RIN: 1205-AB39) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5801. A letter from the CEO, Terrorism and the Prisoner Reentry Agency, transmitting the Agency's proposal to use Faith Based Institutions to provide social services and transition support for inmates released from federal prison; to the Committee on the Judiciary.

5802. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Tennessee, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5803. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Colorado, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5804. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a copy of the General Reevaluation Report and Environmental Assessment of the Turkey Creek Basin, Kansas City, Kansas and Kansas City, Missouri; to the Committee on Transportation and Infrastructure.

5805. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Special Community Disaster Loans Program [DHS-2005-0051] (RIN: 1660-AA44) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5806. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Gulf Opportunity Pilot Loan Program (RIN: 3245-AF43) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5807. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Surety Bond Guarantee Program (RIN: 3245-AE81) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5808. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Texoma Viticultural Area (2003R-110P) [T.D. TTB-38; Re: Notice No. 25] (RIN: 1513-AA77) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5809. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Santa Rita Hills Viticultural Area Name Abbreviation to Sta. Rita Hills (2003R-091P) [T.D. TTB-37; Notice No. 40; Ref: T.D. ATF-454] (RIN: 1513-AA50) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5810. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Ramona Valley Viticultural Area (2003R-375P) [T.D. TTB-39; Re: Notice No. 38] (RIN: 1513-AA94) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5811. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Reporting Relating to Taxable Stock Transactions [TD 9230] (RIN: 1545-BF18) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5812. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Hurricane Katrina Relief under sections 101 and 103 of the Katrina Emergency Tax Relief Act of 2005 [Notice 2005-92] received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5813. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-78) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5814. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — Transitional Relief Provided for Certain Plan Amendment Deadlines [Notice 2005-95] received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5815. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Suspension of Employer and Payer Reporting and Wage Withholding Requirements With Respect to Deferrals of Compensation Under Section 409A for Calendar Year 2005; No Assertion of Penalties Against Service Providers in Certain Circumstances [Notice 2005-94] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5816. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Valuation of Stock-Based Compensation for Purposes of Qualified Cost Sharing Arrangements [Notice 2005-99] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5817. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Passive Foreign Investment Company (PFIC) Purging Elections [TD 9231] (RIN: 1545-BC49) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5818. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments Regarding Procedures for Automatic Changes in Methods of Accounting Contained in Rev. Proc. 2002-9 [Notice 2005-97] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5819. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Passive Foreign Investment Company (PFIC) Purging Elections [TD 9232] (RIN: 1545-BD33) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5820. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Clean Renewable Energy Bonds [Notice 2005-98] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5821. A letter from the Director, Industry Programs, Office of Policy, Import Administration, International Trade Administration, transmitting the Administration's final rule — Steel Import Monitoring and Analysis System [Docket No. 040305083-5249-03] (RIN: 0625-AA64) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5822. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report on the implementation of section 7213(c)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Ways and Means.

5823. A letter from the Executive Director, U.S.-China Commission, transmitting the U.S.-China Economic and Security Review Commission's Charter, as required by Pub. L. 109-108; to the Committee on Ways and Means.

5824. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Marketing and Sale of Fluid Milk in Schools (RIN: 0584-AD57) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and the Workforce.

5825. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Application of Inherent Reasonableness Payment Policy to Medicare Part B Services (Other Than Physician Services) [CMS-1908-F] (RIN: 0938-AN81) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5826. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Coverage and Payment of Ambulance Services; Inflation Update for CY 2006 [CMS-1294-N] (RIN: 0938-AN99) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5827. A letter from the Chairperson, State Pharmaceutical Assistance Transition Commission, transmitting the Commission's final report, including detailed proposals for addressing the unique transitional issues facing State pharmaceutical assistance programs, and program participants, due to the implementation of the voluntary prescription drug benefit program under part D of title XVIII of the Social Security Act, as added by section 101, and such other recommendations as deemed appropriate, pursuant to 42 U.S.C. 1395w–101 note Public Law 108–173, section 106(d); jointly to the Committees on Energy and Commerce and Ways and Means.

5828. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended,and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108–447, notification that implementation of the FY 2005 International Military Education and Training (IMET) program, as approved by the Department of State, requires revisions to the levels justified in the FY 2005 Congressional Budget Justification for Foreign Operations for the enclosed list of countries; jointly to the Committees on International Relations and Appropriations.

5829. A letter from the General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104-1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

5830. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Second Interim Report on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration: Final Report on Phase I," pursuant to Public Law 105–33, section 4207; jointly to the Committees on Ways and Means and Energy and Commerce.

5831. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation to assist the Department in the development of a National Natural Resources Conservation Foundation; jointly to the Committees on Agriculture, Government Reform, and Ways and Means.

5832. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2007, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

5833. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

5834. A letter from the Director, Office of Management and Budget, transmitting a legislative proposal entitled, "the Federal and District of Columbia Government Real Property Act of 2005"; jointly to the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure.

5835. A letter from the Chairman, Federal Election Commission, transmitting the Commission's FY 2007 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes; with an amendment (Rept. 109–316 Pt. 2). Ordered to be printed.

Mr. HYDE: Committee on International Relations. House Resolution 549. Resolution requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address; with an amendment (Rept. 109–351). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. The Methamphetamine Epidemic: International Roots of the Problem, and Recommended Solutions (Rept. 109-352). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAXTON: Report of the Joint Economic Committee on the 2005 Economic Report of the President (Rept. 109–353). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee of Conference. Conference report on S. 1281. An act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010 (Rept. 109–354). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 623. Resolution providing for consideration of motions to suspend the rules (Rept. 109–355). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO:

H.R. 4567. A bill to prohibit the manufacture, processing, possession, or distribution in commerce of the poison sodium flouroacetate (known as "Compound 1080"), to provide for the collection and destruction of remaining stocks of sodium flouroacetate, to compensate persons who turn in sodium flouroacetate to the Secretary of Agriculture for destruction, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. PRICE of Georgia, Mrs. MYRICK, and Mr. BROWN of Ohio):

H.R. 4568. A bill to improve proficiency testing of clinical laboratories; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4569. A bill to require certain analog conversion devices to preserve digital content security measures; to the Committee on the Judiciary.

By Ms. HARMAN (for herself, Mr. HASTINGS of Florida, Mr. REYES, Mr. BOSWELL, Mr. CRAMER, Ms. ESHOO, Mr. HOLT, Mr. RUPPERSBERGER, Mr. TIERNEY, and Mr. BERMAN):

H.R. 4570. A bill to require the approval of a Foreign Intelligence Surveillance Court judge or designated United States Magistrate Judge for the issuance of a national security letter, to require the Attorney General to submit semiannual reports on national security letters, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN:

H.R. 4571. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Motor Rail project, California; to the Committee on Transportation and Infrastructure.

By Mr. HYDE:

H.R. 4572. A bill to revise and extend the Export Administration Act of 1979; to the Committee on International Relations.

By Mr. WELLER:

H.R. 4573. A bill to increase the renewable fuel content of gasoline sold in the United States by the year 2025 to 25 billion gallons, to require Federal agencies to use ethanol and biodiesel in government vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. FILNER, Mr. HUNTER, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. BURTON of Indiana, Mr. HONDA, Mr. POMBO, Mr. SCOTT of Virginia, Mrs. DRAKE, and Mr. BERMAN):

H.R. 4574. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SHAYS:

H.R. 4575. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Standards of Official Conduct, Rules, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. PITTS, Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, and Mr. WELDON of Florida):

H.R. 4576. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Ten Commandments, the Pledge of Allegiance, and the National Motto; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. PORTER, Mr. BISHOP of Utah, Mr. GIBBONS, and Ms. BERKLEY):

H.R. 4577. A bill to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah, and for other purposes; to the Committee on Resources.

By Ms. MCCOLLUM of Minnesota:

H.R. 4578. A bill to amend the Elementary and Secondary Education Act of 1965 to clarify Federal requirements under such Act; to the Committee on Education and the Workforce.

By Mr. BOEHNER:

H.R. 4579. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. GARY G. MILLER of California, Mr. DOOLITTLE, Mr. WELDON of Florida, Mr. WAMP, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. BURGESS, Mr. TANCREDO, Mr. FRANKS of Arizona, Mr. CANTOR, Mr. KLINE, Mr. DANIEL E. LUNGREN of California, Mr. FEENEY, Mr. SODREL, Mr. COBLE, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4580. A bill to prohibit loans by Federal agencies to aliens who are unlawfully present in the United States; to the Committee on Financial Services.

By Mr. AKIN (for himself, Mr. CARNAHAN, and Mrs. EMERSON):

H.R. 4581. A bill to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4582. A bill to amend title 49, United States Code, to require employment investigations for employees of aircraft repair stations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN (for herself and Ms. SCHAKOWSKY):

H.R. 4583. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Energy and Commerce.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, and Mrs. CHRISTENSEN):

H.R. 4584. A bill to require rate intergration for wireless interstate toll charges; to the Committee on Energy and Commerce.

By Mr. BOUSTANY (for himself and Mr. SPRATT):

H.R. 4585. A bill to amend title XVIII of the Social Security Act to remove the cap on disproportionate share adjustment percentages for certain rural hospitals; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4586. A bill to extend the authorization of the Benjamin Franklin Tercentenary Commission; to the Committee on Government Reform.

By Ms. DEGETTE:

H.R. 4587. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 4588. A bill to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 4589. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 4590. A bill to amend title 11 of the United States Code to provide fair treatment of employee benefits; to the Committee on the Judiciary.

By Mr. GILLMOR:

H.R. 4591. A bill to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic

Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Energy and Commerce.

By Mr. GOHMERT:

H.R. 4592. A bill to provide liability protection in Federal court for educators and school administrators, who are working within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. GORDON:

H.R. 4593. A bill to advance the deadline for energy use metering in Federal buildings, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GORDON:

H.R. 4594. A bill to require certain reports with respect to the energy efficiency design performance of new Federal buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4595. A bill to clarify that buildings administered by the Architect of the Capitol are covered by certain Federal building energy management requirements and energy efficiency standards; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4596. A bill to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes; to the Committee on Science, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BOSWELL, Mr. CASE, Mrs. CUBIN, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HALL, Mr. HASTINGS of Florida, Mr. HAYWORTH, Ms. HERSETH, Mr. INSLEE, Mrs. JONES of Ohio, Mr. JEFFERSON, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. LEWIS of California, Mr. MCCOTTER, Mr. MANZULLO, Ms. MILLENDER-MCDONALD, Mr. NEY, Ms. NORTON, Mr. PALLONE, Mr. RANGEL, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. TOWNS, Mr. WEXLER, and Mr. WOLF):

H.R. 4597. A bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their service to the Nation; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 4598. A bill to provide for an awareness program, and a study, on a rare form of breast cancer; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 4599. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 4600. A bill to require poverty impact statements for certain legislation; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 4601. A bill to prohibit the operation of nuclear power plants unless there exists a State- and county-certified radiological emergency response plan; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 4602. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. EMANUEL, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. SPRATT, Mr. DINGELL, Mr. OBEY, Mr. WAXMAN, Mr. LANTOS, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. MARKEY, Mr. PALLONE, Mr. BROWN of Ohio, Ms. DEGETTE, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, Ms. BORDALLO, Ms. SOLIS, Mr. LEWIS of Georgia, Mr. OWENS, Mr. MCGOVERN, Ms. MATSUI, Mr. MCNULTY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mrs. MALONEY, Mr. MORAN of Virginia, Ms. SCHWARTZ of Pennsylvania, Mr. CHANDLER, Mr. CASE, Mr. KILDEE, Mr. CROWLEY, Mr. LARSON of Connecticut, Mr. GRIJALVA, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. LEVIN, Mr. ABERCROMBIE, Mr. SERRANO, and Mr. SCHIFF):

H.R. 4603. A bill to amend the Public Health Service Act with respect to pandemic influenza, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, Agriculture, International Relations, Education and the Workforce, Science, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. HIGGINS, Mr. HOLT, Mr. BROWN of Ohio, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. LYNCH, Mr. CLAY, Mrs. MCCARTHY, Mr. WEINER, and Ms. WASSERMAN SCHULTZ):

H.R. 4604. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. OBERSTAR, and Mr. PETERSON of Minnesota):

H.R. 4605. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of that Act; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. CUELLAR, and Mr. LATOURETTE):

H.R. 4606. A bill to amend title XIX of the Social Security Act to provide for an ongoing cost-of-living increase in the Medicaid disproportionate share hospital (DSH) allotments for States; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself and Mr. DICKS):

H.R. 4607. A bill to ensure passenger safety at airports; to the Committee on Homeland Security.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. LEWIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. BOSWELL, and Mr. CALVERT):

H.R. 4608. A bill to amend the Internal Revenue Code of 1986 to modernize the rules governing the treatment of qualifying continuing care facilities; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. SERRANO, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. PALLONE, Mr. ISRAEL, Mr. BROWN of Ohio, Mr. KUCINICH, Mr. MCDERMOTT, Mr. PAYNE, Mr. GRIJALVA, Mr. CARNAHAN, Mr. HOLT, Mr. INSLEE, Mr. NADLER, Mr. WEXLER, Mr. BAIRD, Mr. GEORGE MILLER of California, and Mrs. CAPPS):

H.R. 4609. A bill to increase the use and research of sustainable building design technology, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4610. A bill to provide Medicare beneficiaries with access to prescription drugs at Federal Supply Schedule prices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 4611. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to strengthen the participation of small businesses in recovery efforts following a major disaster, emergency, or terrorist event; to the Committee on Transportation and Infrastructure.

By Mr. TURNER (for himself, Mr. HOBSON, Mr. BOEHNER, and Mr. OXLEY):

H.R. 4612. A bill to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as "Wright Brothers-Dunbar National Historic Park," and for other purposes; to the Committee on Resources.

By Ms. VELÁZQUEZ (for herself, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. KILDEE, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, and Ms. KAPTUR):

H.R. 4613. A bill to amend the Fair Labor Standards Act of 1938 to provide access to information about sweatshop conditions in the garment industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. BOEHLERT, Mr. GORDON, Mr. SMITH of Texas, Mr. BERMAN, Mr. EHLERS, Mr. WU, Mr. COBLE, Ms. ZOE LOFGREN of California, Mr. GREEN of Wisconsin, Mr. CANNON, Mr. JENKINS, Mr. FEENEY, Ms. BALDWIN, Mr. HONDA, Mr. MILLER of North Carolina, and Mr. INGLIS of South Carolina):

H. Con. Res. 319. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were enacted in 1980 (Public Law 96-517; commonly known as the "Bayh-Dole Act"), on the occasion of the 25th anniversary of its enactment; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. ROYCE):

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Mr. PAUL, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. OWENS, Mr. RAHALL, Mr. RYAN of Ohio, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. WATSON, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 321. Concurrent resolution providing that the new permanent Council of Representatives of Iraq is encouraged to debate and vote on whether or not a continued United States military presence in Iraq is desired by the Government of Iraq; to the Committee on International Relations.

By Mr. MILLER of Florida (for himself and Mr. REYES):

H. Con. Res. 322. Concurrent resolution expressing the Sense of Congress regarding the contribution of the USO to the morale and welfare of our servicemen and women of our armed forces and their families; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOLEY, Mr. MEEK of Florida, Mr. UDALL of Colorado, Mr. GONZALEZ, Mr. TERRY, Mr. GENE GREEN of Texas, Mr. SALAZAR, Mr. ENGEL, Mr. NEUGEBAUER, Mrs. MCCARTHY, Mr. SNYDER, Mr. SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. HINOJOSA, Mr. PASTOR, Mr. FORTUÑO, Mr. DENT, Mr. POMBO, Mr. FILNER, Mr. RENZI, and Mr. BONILLA):

H. Con. Res. 323. Concurrent resolution honoring the Hispanic Americans who have served in the Armed Forces, such as Captain Felix Sosa-Camejo, United States Army; to the Committee on Armed Services.

By Mr. ISSA (for himself, Mr. FILNER, Mr. BERMAN, Ms. BORDALLO, and Mr. HUNTER):

H. Res. 622. A resolution to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. CROWLEY, Ms. WATSON, Mr. WEXLER, Ms. LEE, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mr. ENGEL, Mr. DELAHUNT, Mr. BERMAN, and Mr. PAYNE):

H. Res. 624. A resolution requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to United States policies under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Conventions; to the Committee on International Relations.

By Mr. CAPUANO:

H. Res. 625. A resolution providing that the House of Representatives should consider policy options regarding United States policy in Iraq; to the Committee on International Relations.

By Mr. CARNAHAN (for himself, Mr. BLUNT, Mr. CLAY, Mr. AKIN, Mr. COSTELLO, Mr. SHIMKUS, Mr. SKELTON, Mr. HULSHOF, Mr. GRAVES, Mrs. EMERSON, Mr. CLEAVER, Mr. JOHNSON of Illinois, Ms. WATERS, Mr. TANNER, and Mr. MCINTYRE):

H. Res. 626. A resolution congratulating Albert Pujols on being named the Most Valuable Player for the National League for the 2005 Major League Baseball season; to the Committee on Government Reform.

By Mr. CARNAHAN (for himself, Mr. BLUNT, Mr. CLAY, Mr. AKIN, Mr. COSTELLO, Mr. SHIMKUS, Mr. SKELTON, Mr. HULSHOF, Mr. GRAVES, Mrs. EMERSON, Mr. CLEAVER, Mr. JOHNSON of Illinois, Ms. WATERS, Mr. TANNER, and Mr. MCINTYRE):

H. Res. 627. A resolution congratulating Chris Carpenter on being named the Cy Young Award winner for the National League for the 2005 Major League Baseball season; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Mr. PASCRELL, Mr. FERGUSON, Mr. ROTHMAN, Mr. MENENDEZ, and Mr. HOLT):

H. Res. 628. A resolution congratulating Bruce Springsteen of New Jersey on the 30th anniversary of his masterpiece record album "Born to Run," and commending him on a career that has touched the lives of millions of Americans; to the Committee on Education and the Workforce.

By Mr. PRICE of Georgia (for himself, Mr. WESTMORELAND, Mr. GINGREY, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. MARSHALL, Mr. BISHOP of Georgia, Mr. BARROW, Mr. KINGSTON, and Mr. LINDER):

H. Res. 629. A resolution supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects, and for other purposes; to the Committee on Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Ms. BERKLEY):

H. Res. 630. A resolution expressing the sense of the House of Representatives that the holiday symbols and traditions of all Americans being observed this winter should be protected, for those who celebrate these holidays; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. INGLIS of South Carolina:

H.R. 4614. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4615. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4616. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4617. A bill to provide for the liquidation of reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. STEARNS.
H.R. 19: Mr. CAMPBELL of California.
H.R. 23: Mr. BEAUPREZ, Mrs. SCHMIDT, and Mr. MILLER of North Carolina.
H.R. 226: Mr. GRIJALVA.
H.R. 269: Mr. MCCOTTER.
H.R. 283: Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. EVANS.
H.R. 297: Mr. MEEHAN.
H.R. 328: Ms. SOLIS.
H.R. 373: Mr. MEEHAN.
H.R. 501: Mr. CONYERS.
H.R. 551: Mr. VAN HOLLEN.
H.R. 552: Mr. MURPHY.
H.R. 567: Mr. MEEHAN.
H.R. 582: Ms. LINDA T. SÁNCHEZ of California and Mr. MICHAUD.
H.R. 601: Mr. MOORE of Kansas.
H.R. 615: Mr. CLAY, Mr. SMITH of New Jersey, and Mr. ENGEL.
H.R. 651: Mr. HEFLEY.
H.R. 697: Mr. MARSHALL.
H.R. 698: Mr. CAMPBELL of California.
H.R. 747: Mr. CARNAHAN.
H.R. 759: Mr. BAIRD and Mr. ENGEL.
H.R. 772: Mr. MARKEY, Mr. DEAL of Georgia, Mr. HINCHEY, and Mr. LEWIS of Georgia.
H.R. 817: Mr. LEVIN, Mr. OBERSTAR, Mr. GONZALEZ, Mr. CARNAHAN, Mr. BECERRA, Mr. MARKEY, Mr. DAVIS of Florida, and Mr. SCOTT of Georgia.
H.R. 857: Mr. ROYCE.
H.R. 864: Mr. LIPINSKI and Ms. WOOLSEY.
H.R. 870: Ms. SOLIS.
H.R. 885: Mr. LINCOLN DIAZ-BALART of Florida and Mr. DAVIS of Illinois.
H.R. 952: Mr. UDALL of Colorado.
H.R. 964: Mr. DELAHUNT.
H.R. 986: Ms. MATSUI.
H.R. 994: Mrs. BLACKBURN and Ms. BERKLEY.
H.R. 997: Mr. CAMPBELL of California.
H.R. 998: Mr. CLAY.
H.R. 1020: Mr. LANTOS.
H.R. 1053: Mr. ENGEL, Mr. UDALL of Colorado, and Mr. BROWN of Ohio.
H.R. 1059: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1105: Mr. NUNES.
H.R. 1219: Mr. STEARNS.

H.R. 1241: Mr. GERLACH.

H.R. 1259: Mr. HOLT, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. PALLONE, Mr. ETHERIDGE, Mr. STARK, Mr. BISHOP of New York, Mr. DOGGETT, Mr. HOLDEN, Mr. BROWN of Ohio, Mr. THOMPSON of California, Ms. SLAUGHTER, Mr. CARDIN, Mr. REYES, Mr. ALLEN, Ms. BEAN, Mr. MATHESON, Ms. MATSUI, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Ms. ESHOO, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. MARSHALL, Mr. DELAHUNT, Mr. OBERSTAR, Mr. SABO, Mr. MEEHAN, Mr. DINGELL, Ms. VELÁZQUEZ, Mr. TAYLOR of Mississippi, Ms. BERKLEY, Mr. EDWARDS, Mr. ORTIZ, Mr. DICKS, Mr. CARNAHAN, Mr. MARKEY, Mr. HINOJOSA, Mr. GORDON, Mr. KING of New York, Mr. COBLE, Mr. HOEKSTRA, Mr. COSTA, Mr. MELANCON, Mr. SALAZAR, Mr. KANJORSKI, Mr. McINTYRE, Mr. STRICKLAND, Ms. McCOLLUM of Minnesota, Mr. MILLER of North Carolina, Mr. HOYER, Ms. SCHWARTZ of Pennsylvania, Mr. ANDREWS, Mr. BERRY, Mr. ROTHMAN, and Mr. MICHAUD.

H.R. 1273: Mr. STEARNS.

H.R. 1290: Mr. BRADY of Pennsylvania.

H.R. 1323: Ms. SCHWARTZ of Pennsylvania.

H.R. 1426: Mr. WATT.

H.R. 1578: Mr. PRICE of Georgia, Mr. CHOCOLA, Ms. GINNY BROWN-WAITE of Florida, Mr. FITZPATRICK of Pennsylvania, Mr. MENENDEZ, Mr. REICHERT, Mr. HOEKSTRA, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. MEEKS of New York, Mr. ROGERS of Michigan, Mr. BARROW, Mr. TIBERI, Mr. PICKERING, Mr. PETRI, and Mr. ACKERMAN.

H.R. 1595: Ms. McKINNEY, Mr. SAXTON, and Mr. GOHMERT.

H.R. 1642: Mr. CASE.

H.R. 1646: Mr. EVANS and Mr. CLEAVER.

H.R. 1696: Mr. FITZPATRICK of Pennsylvania.

H.R. 1707: Ms. SCHAKOWSKY.

H.R. 1709: Mr. WYNN, Mr. DOGGETT, and Mr. LANTOS.

H.R. 1864: Ms. SCHAKOWSKY.

H.R. 1898: Mr. WESTMORELAND and Mr. LoBIONDO.

H.R. 1951: Mr. SAM JOHNSON of Texas and Mr. NEY.

H.R. 2072: Mr. WEINER.

H.R. 2090: Mr. WEXLER, Mr. CONYERS, and Mr. KUCINICH.

H.R. 2134: Ms. HERSETH.

H.R. 2206: Mr. BASS.

H.R. 2216: Mr. McCOTTER, Mr. BURTON of Indiana, and Mr. SIMMONS.

H.R. 2234: Mr. CARNAHAN.

H.R. 2238: Mr. LUCAS.

H.R. 2323: Mr. RANGEL.

H.R. 2356: Mr. GENE GREEN of Texas and Mr. CRAMER.

H.R. 2369: Mr. RAHALL.

H.R. 2378: Mr. KUHL of New York.

H.R. 2410: Mr. VAN HOLLEN, Mr. MEEHAN, and Mr. TIERNEY.

H.R. 2412: Mr. CARDIN.

H.R. 2421: Mr. FATTAH, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Mr. ANDREWS, and Mr. KING of New York.

H.R. 2470: Mr. CAMP of Michigan, Mr. JONES of North Carolina, Mr. NORWOOD, Mr. ROGERS of Alabama, and Mr. STEARNS.

H.R. 2521: Mr. OWENS, Mr. ENGLISH of Pennsylvania, and Mr. RUSH.

H.R. 2553: Ms. MATSUI.

H.R. 2592: Mr. ANDREWS.

H.R. 2629: Mr. PRICE of North Carolina.

H.R. 2669: Mr. LaTOURETTE, Mr. WU, Mr. LEWIS of Georgia, Mr. BOEHLERT, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. RUPPERSBERGER, Mr. GONZALEZ, Mr. BECERRA, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. ZOE LOFGREN of California, Mr. DOYLE, Mr. DAVIS of Florida, Mr. SPRATT, Ms. MILLENDER-McDONALD, Mrs. McCARTHY, Mr. OBERSTAR, Mr. MARKEY, and Mr. CARDOZA.

H.R. 2671: Mr. CAPUANO, Mr. NEY, and Mr. TERRY.

H.R. 2682: Mr. BOUCHER.

H.R. 2717: Mr. WEINER.

H.R. 2742: Mr. AL GREEN of Texas, Mr. McCOTTER, and Mr. ANDREWS.

H.R. 2835: Ms. MATSUI.

H.R. 2841: Ms. ESHOO.

H.R. 2861: Mr. PRICE of North Carolina, Mr. YOUNG of Alaska, Ms. BERKLEY, and Mr. McDERMOTT.

H.R. 2872: Ms. HERSETH, Mr. RUSH, Mr. LARSEN of Washington, Ms. PELOSI, Mr. DAVIS of Illinois, Mr. BECERRA, Ms. VELÁZQUEZ, Mr. NEUGEBAUER, Mr. NADLER, Mr. CRAMER, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mrs. BIGGERT, Mr. DAVIS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ADERHOLT, Mr. WATT, Mr. AL GREEN of Texas, Mr. HOYER, Mr. THOMPSON of California, Mr. LYNCH, Ms. SCHWARTZ of Pennsylvania, Ms. MOORE of Wisconsin, Mr. BRADY of Pennsylvania, Mr. BACA, Mr. CARNAHAN, Mr. HINOJOSA, Mrs. KELLY, Mr. WEINER, Mr. SNYDER, and Mr. HINCHEY.

H.R. 2923: Mr. EHLERS and Mr. KENNEDY of Rhode Island.

H.R. 2926: Mr. CRAMER.

H.R. 2939: Mr. MOORE of Kansas.

H.R. 2943: Mr. WU.

H.R. 2989: Ms. MATSUI, Mr. BOSWELL, and Mr. McINTYRE.

H.R. 3049: Mr. CONYERS.

H.R. 3096: Mr. ROTHMAN.

H.R. 3137: Ms. FOXX and Mr. CAMPBELL of California.

H.R. 3145: Mr. PALLONE.

H.R. 3150: Mr. CAMPBELL of California.

H.R. 3174: Mr. MEEKS of New York.

H.R. 3195: Mr. MOORE of Kansas.

H.R. 3248: Mr. KUCINICH and Mr. SCHIFF.

H.R. 3313: Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. MARKEY, and Mr. GUTIERREZ.

H.R. 3326: Mr. DOGGETT.

H.R. 3334: Mr. BACA and Mr. MOORE of Kansas.

H.R. 3373: Mr. BOREN, Ms. SOLIS, and Ms. McCOLLUM of Minnesota.

H.R. 3385: Mr. CARTER and Mr. SMITH of Texas.

H.R. 3478: Mr. LIPINSKI and Mr. SMITH of New Jersey.

H.R. 3479: Mr. RENZI.

H.R. 3546: Mr. McDERMOTT.

H.R. 3561: Mr. WEINER, Ms. ZOE LOFGREN of California, and Mr. KUCINICH.

H.R. 3598: Mr. KUHL of New York and Mr. PALLONE.

H.R. 3612: Mr. GORDON.

H.R. 3640: Mr. ALLEN and Ms. WATSON.

H.R. 3641: Ms. WATSON, Mr. DOGGETT, Mr. CLEAVER, Mrs. JONES of Ohio, and Mr. KUCINICH.

H.R. 3642: Mr. BOOZMAN and Mr. KUCINICH.

H.R. 3657: Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mrs. McCARTHY, Ms. LINDA T. SÁNCHEZ of California, and Mr. KENNEDY of Minnesota.

H.R. 3731: Mr. CAPUANO.

H.R. 3754: Mr. PETERSON of Minnesota.

H.R. 3778: Mr. HEFLEY.

H.R. 3858: Ms. NORTON and Mr. DeFAZIO.

H.R. 3883: Mr. TIBERI, Mr. POMBO, and Mr. SCOTT of Georgia.

H.R. 3908: Mrs. EMERSON.

H.R. 3925: Mr. SCHIFF.

H.R. 3931: Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. BOEHLERT, Mr. CAPUANO, Mr. RUPPERSBERGER, Mr. BECERRA, Mr. CONYERS, Mr. DOYLE, and Mr. WU.

H.R. 3936: Mr. OWENS.

H.R. 3941: Mr. KUHL of New York and Mr. ENGLISH of Pennsylvania.

H.R. 3968: Ms. WOOLSEY and Mr. WU.

H.R. 3973: Ms. McCOLLUM of Minnesota.

H.R. 3985: Mr. BRADY of Pennsylvania.

H.R. 4011: Mrs. JO ANN DAVIS of Virginia.

H.R. 4015: Ms. McCOLLUM of Minnesota.

H.R. 4025: Mr. LIPINSKI.

H.R. 4028: Mr. GOODE.

H.R. 4042: Mr. WU.

H.R. 4049: Mr. GARY G. MILLER of California.

H.R. 4055: Ms. KILPATRICK of Michigan.

H.R. 4063: Mr. TOM DAVIS of Virginia.

H.R. 4089: Ms. FOXX.

H.R. 4129: Ms. FOXX.

H.R. 4147: Mr. MORAN of Virginia.

H.R. 4180: Mrs. DRAKE, Ms. HART, and Mrs. CAPITO.

H.R. 4188: Mr. KIRK.

H.R. 4196: Mr. MOORE of Kansas.

H.R. 4197: Mr. BARROW.

H.R. 4200: Mr. GARY G. MILLER of California, Mr. McHENRY, and Mr. KOLBE.

H.R. 4217: Mr. HENSARLING and Mr. LEWIS of Kentucky.

H.R. 4222: Mr. SMITH of Washington.

H.R. 4229: Mr. SMITH of Washington, Mr. CARNAHAN, and Mr. PASTOR.

H.R. 4236: Mr. OTTER and Ms. GINNY BROWN-WAITE of Florida.

H.R. 4258: Mr. LEWIS of Georgia.

H.R. 4259: Mr. MORAN of Kansas.

H.R. 4264: Mrs. McCARTHY.

H.R. 4268: Mr. LATHAM and Mr. KILDEE.

H.R. 4291: Mr. GUTIERREZ, Mr. SANDERS, Ms. LEE, Mr. DeFAZIO, Mr. OWENS, Mr. BROWN of Ohio, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. McGOVERN, Ms. SOLIS, Mr. LANTOS, and Mr. STRICKLAND.

H.R. 4299: Mr. LUCAS.

H.R. 4300: Mr. BUTTERFIELD and Mr. LEWIS of Georgia.

H.R. 4315: Mr. WALSH, Mr. BROWN of South Carolina, Mr. PETRI, Mr. GILCHREST, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. MARSHALL, Mr. LEACH, Mr. EHLERS, Mr. CUELLAR, Mr. LATHAM, Mr. FOLEY, Mr. BOEHLERT, Mr. PICKERING, Mr. PETERSON of Pennsylvania, Mr. DAVIS of Alabama, Mr. BASS, Mr. TERRY, Mr. FOSSELLA, and Mr. ROSS.

H.R. 4318: Mr. ADERHOLT, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. EDWARDS, Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. JINDAL, Mr. LARSON of Connecticut, Mr. NEY, Mr. OXLEY, Mr. SESSIONS, Mr. SHUSTER, Mr. TIAHRT, Ms. GRANGER, Ms. FOXX, Mr. COLE of Oklahoma, Mr. SHIMKUS, Mr. SHERWOOD, Mr. PETERSON of Minnesota, Mr. HUNTER, Mr. BLUNT, Mr. McCRERY, Mr. MURTHA, Mr. HOLDEN, Mr. SOUDER, Mr. KUHL of New York, Mr. FORD, Mr. BAKER, Mr. OBERSTAR, Mr. TERRY, Mr. SULLIVAN, Mr. MARSHALL, Mr. BOOZMAN, Mr. LATHAM, Mr. PENCE, Mr. HENSARLING, Mr. KLINE, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. JENKINS, Mr. ROGERS of Kentucky, Mr. TIBERI, Mr. KING of New York, Mr. HEFLEY, Mr. HOBSON, Mr. BURGESS, Mr. BONILLA, Mr. GOODLATTE, Mr. McHUGH, Mr. DAVIS of Kentucky, Mr. HAYWORTH, Mr. ALEXANDER, Mr. HOSTETTLER, Mr. CARTER, Mr. BOREN, Mr. HERGER, and Mr. MEEHAN.

H.R. 4341: Mr. BEAUPREZ.

H.R. 4343: Mr. McGOVERN and Mr. LANTOS.

H.R. 4347: Ms. McKINNEY and Ms. MOORE of Wisconsin.

H.R. 4381: Mr. GENE GREEN of Texas.

H.R. 4392: Mr. EMANUEL and Mr. KUCINICH.

H.R. 4394: Mr. BUTTERFIELD and Mr. UDALL of Colorado.

H.R. 4399: Mr. STARK and Mr. SAXTON.

H.R. 4403: Mr. BROWN of Ohio.

H.R. 4409: Mrs. MILLER of Michigan Mr. GERLACH, Mr. WYNN, Mr. WEXLER, Ms. BERKLEY, Mr. CARDOZA, and Mr. LANTOS.

H.R. 4412: Mr. MCHUGH.

H.R. 4418: Mr. CANNON and Mr. CARDOZA.

H.R. 4424: Mr. EMANUEL.

H.R. 4427: Mr. ROGERS of Alabama.

H.R. 4452: Mr. ANDREWS, Mr. PASTOR, Mr. HIGGINS, Mr. FOLEY, Mrs. MCCARTHY, and Mr. BISHOP of New York.

H.R. 4463: Ms. SOLIS and Mr. PRICE of North Carolina.

H.R. 4465: Mr. FILNER, Mr. AL GREEN of Texas, Mrs. DAVIS of California, and Mr. CARNAHAN.

H.R. 4474: Ms. CARSON.

H.R. 4476: Mr. KUCINICH.

H.R. 4479: Mr. EVANS, Mr. STUPAK, Mr. ALLEN, Mr. MCDERMOTT, Mr. CARNAHAN, and Mr. VAN HOLLEN.

H.R. 4510: Mr. JENKINS, Mr. LEWIS of Kentucky, Mr. MOORE of Kansas, Mr. COOPER, Ms. HARMAN, Mr. KUCINICH, Ms. ESHOO, Mr. KIND, Mr. BERMAN, Mr. HOYER, Mr. REYES, Mrs. BONO, Mr. FARR, Mr. RANGEL, Ms. ROS-LEHTINEN, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. SCHIFF, Ms. WATERS, Mr. CUELLAR, Ms. HOOLEY, Mr. SHUSTER, Mr. TOWNS, Mr. OXLEY, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. BISHOP of Utah, Mr. CULBERSON, Mr. FORD, Mr. ROHRABACHER, Mr. GUTKNECHT, Mrs. MYRICK, Mr. ROYCE, Ms. DEGETTE, Mr. HAYWORTH, Mr. RENZI, Ms. PELOSI, Mr. DOGGETT, Mr. WATT, Ms. LORETTA SANCHEZ of California, Mr. SKELTON, Mr. MCGOVERN, Mr. SPRATT, Mr. CARDIN, Mr. STARK, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. WU, Mr. ANDREWS, Mr. ROTHMAN, Mr. MCNULTY, Mr. PASTOR, Mr. GONZALEZ, Mr. UDALL of Colorado, Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Mr. RAMSTAD, Mrs. KELLY, Mr. CAPUANO, Mr. STRICKLAND, Mr. LANTOS, Mr. PETRI, Mr. MOLLOHAN, Ms. SCHWARTZ of Pennsylvania, Mr. CHANDLER, Mr. ROSS, and Mr. MATHESON.

H.R. 4519: Mr. TOWNS.

H.R. 4520: Mr. GENE GREEN of Texas and Mr. KUCINICH.

H.R. 4524: Mrs. DAVIS of California and Mr. TAYLOR of Mississippi.

H.R. 4534: Mr. MCCRERY.

H.R. 4535: Mr. SULLIVAN, Mr. MCCOTTER, Mr. HAYWORTH, Mr. LOBIONDO, Mr. WELDON of Florida, Mr. BOUSTANY, and Mr. MORAN of Kansas.

H.R. 4542: Ms. MCCOLLUM of Minnesota, Mr. SHIMKUS, Mr. DOYLE, Mr. THOMPSON of California, Mr. BISHOP of Georgia, Mr. GEORGE MILLER of California, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Illinois, Mr. LANTOS, Mr. HOYER, Mr. KUCINICH, Mrs. CAPITO, Mr. TIERNEY, Mr. BOEHLERT, Mr. ISRAEL, Mr. BROWN of Ohio, Mr. CLEAVER, Mr. WYNN, Ms. LINDA T. SÁNCHEZ of California, Mr. GORDON, Mr. KIND, Mrs. EMERSON, and Ms. DEGETTE.

H.R. 4546: Mr. CHABOT, Mr. COBLE, Mr. FRANKS of Arizona, Mr. GERLACH, Ms. HART, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. PLATTS, Mr. PORTER, Mr. SULLIVAN, and Mr. WELDON of Florida.

H.R. 4558: Mrs. BLACKBURN.

H.J. Res. 3: Ms. HERSETH.

H.J. Res. 39: Mr. MCCOTTER.

H.J. Res. 56: Mr. SANDERS, Mr. PAYNE, Mr. KUCINICH, Mr. MCGOVERN, Mr. MICHAUD, Mr. BLUMENAUER, Mr. HINCHEY, and Ms. WOOLSEY.

H.J. Res. 73: Mr. SABO and Mr. HONDA.

H. Con. Res. 23: Mr. MCINTYRE.

H. Con. Res. 137: Mr. HINCHEY.

H. Con. Res. 138: Mrs. MALONEY.

H. Con. Res. 177: Mr. WEXLER and Mr. BUTTERFIELD.

H. Con. Res. 197: Mr. MICHAUD.

H. Con. Res. 231: Ms. SOLIS.

H. Con. Res. 278: Ms. SOLIS.

H. Con. Res. 287: Mr. ABERCROMBIE and Mr. WU.

H. Con. Res. 301: Mr. INGLIS of South Carolina.

H. Con. Res. 302: Mr. GOODE.

H. Res. 85: Mr. SHERMAN.

H. Res. 411: Mr. ROYCE.

H. Res. 517: Ms. CARSON.

H. Res. 521: Mr. NADLER, Ms. SOLIS, Ms. NORTON, Mr. SHAYS, Ms. BERKLEY, Mr. FRELINGHUYSEN, Mrs. LOWEY, Mr. MEEHAN, Mr. HINCHEY, Mr. LANGEVIN, Mr. BROWN of Ohio, Mr. LEVIN, Mr. KENNEDY of Rhode Island, Mr. TIERNEY, Mr. ROTHMAN, Mr. JACKSON of Illinois, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mr. SCHIFF, Mr. VAN HOLLEN, and Mr. HOLT.

H. Res. 526: Ms. SOLIS.

H. Res. 561: Mrs. JOHNSON of Connecticut.

H. Res. 573: Mr. KUCINICH.

H. Res. 589: Mr. RENZI.

H. Res. 597: Mr. CASE and Mr. SOUDER.

H. Res. 600: Mr. GRIJALVA.

H. Res. 601: Mr. DOOLITTLE, Mr. FITZPATRICK of Pennsylvania, Mr. CLAY, Mr. AL GREEN of Texas, Mr. KIRK, Mr. MENENDEZ, Mr. SHAYS, Mr. LUCAS, Mr. HOLT, and Mr. WALSH.

H. Res. 604: Mr. KUHL of New York, Mr. SWEENEY, Mr. SERRANO, Mrs. MCCARTHY, and Mrs. MALONEY.

H. Res. 605: Mr. MEEKS of New York and Mr. BOEHLERT.

H. Res. 612: Mr. KING of Iowa, Mrs. DRAKE, and Mrs. MILLER of Michigan.

SENATE—*Saturday, December 17, 2005*

The Senate met at 4 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, thank You for Your steadfast love and Your unchanging mercy. Your wondrous deeds sustain us and Your compassion keeps us secure. Help us not to have inflated notions of our importance but seek instead to live so that we are worthy of honor, even if it never comes. Remind us that true greatness comes through service, and may we esteem others as better than ourselves. Give us wisdom to follow Your example of generous self sacrifice, and keep us from returning to dead-end paths.

Bless our lawmakers today. Strengthen them in their challenging work of striving to find common ground. Shield them from strife and division as they seek unity for the good of our Nation and world. Empower them to trust You without wavering.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today I do not anticipate a lengthy session, but we are here for important work. We need to pass a short-term continuing resolution, and we are waiting for the House to send us a joint resolution. We expect to clear a package of nominations this afternoon, and we will do that block of executive nominations by voice vote. We will also continue to process some of the other legislative items that have been cleared and are ready to move.

Final discussions continue on the remaining must-do items, and I am hopeful that we will be soon able to take action on these items over the next couple of days. Members will be asking about the schedule, and I will make further announcements shortly on tomorrow's lineup. I want to confer with the chairmen and principals involved in the negotiation and then say more at the close of business today. Again, we will wrap up our work today in as quick a time as possible, and Members should stay tuned as everything is finalized.

There is a lot of work going on in the Capitol today—until late last night and until the early hours of the morning. Just last night and over the last several days we passed very important pieces of legislation. If we look back on Friday, last night, we passed cord blood legislation, which opens up critical new research opportunities and clearinghouses for safe, ethically sound transplantation. That is going to save lives.

We passed the Gulf Opportunity Zone Act of 2005, which will provide a second major round of critical tax relief to our brothers and sisters in the gulf coast region.

We extended the Terrorism Risk Insurance Act, which takes another step toward reducing taxpayers' risk and minimizing the Government's interference with the private market.

We passed an important new provision in the Violence Against Women Act, which will protect rape survivors who have already been victimized once by sexual assault.

We passed the Bahrain Free Trade Agreement this past week, which enhances our bilateral relationship with a strategic friend and ally.

I mention all of these because a lot of them we do actually in what we call wrap-up or by unanimous consent but all are major pieces of legislation. We now have, over the next several days—and I hope it is as few as possible—very important legislation on Defense, both appropriations and authorization, as well as the deficit reconciliation package and nominations that I mentioned. So we have a lot of work to do over the next several days.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

DEFENSE AUTHORIZATION

Mr. REID. Through the Chair to the distinguished majority leader, there is some confusion over here because at one time last night, on the conference report on defense authorization—it was signed by everybody. Does the leader have the latest word on that? Senator WARNER and Senator LEVIN, because they were trying to stick other stuff in the bill, were going to withdraw their signatures. Do we know if that happened?

Mr. FRIST. Mr. President, through the Chair, I know it has not passed the House yet. I will have to check and see what the current status is on the Department of Defense authorization. I will have to check and see what the current status of that is. It was my understanding that would be ready at some point—or as of late last night they would be ready sometime today. The House has not yet acted on that.

Mr. REID. We hope to have the Defense appropriations bill tonight or tomorrow? When is that expected?

Mr. FRIST. Defense appropriations will likely be tomorrow. There are several items that remain to be wrapped up. Most of the meetings over the course of last night and today have been with the objective of having that wrapped up as soon as possible, but that will much more likely be tomorrow. It will not be tonight.

Mr. REID. Does the leader have some indication as to what the schedule will be Monday? The leader has indicated that there will be no votes today or tomorrow. Are we going to have votes Monday?

Mr. FRIST. We know we are not going to have rollcall votes today. We will be in a very short period of time today. I would think tomorrow, depending on how things go over the next couple of hours, we would come in fairly late waiting on action from the House of Representatives. Once we have a better feel when they are going to act tonight or in the morning, we will set a time to open tomorrow.

We have not said no rollcall votes tomorrow, but we will be able to say that for sure in just a bit, in all likelihood. Then I expect we will need to come in early Monday and vote early Monday because at that point in time we should have legislation coming from the House. So Monday is going to be a very full day. For right now—we can talk

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

shortly if something else indicates otherwise—we would plan on voting Monday morning.

Mr. REID. I told my Senators on call that they should be ready to go Monday morning, by 10 or so. Is that a fair statement?

Mr. FRIST. I think that is a perfect goal and that we mutually share that, that we could start voting as early as Monday morning. Since we will be in tomorrow, if we can update that because most of our—many of our Senators are out around the country, we will do just that.

AVIAN FLU

Mr. FRIST. Mr. President, I want to make a very brief statement on an issue that I believe requires action before we leave. It is something we have addressed on the floor of the Senate, actually in several different capacities, but I want to restate the importance of that. It has to do with a potential pandemic of an avian or bird influenza—the so-called bird flu. In the 20th century, we have had three influenza pandemics. Remember, about 30,000 people in this country die every year from the seasonal flu. But superimposed on this seasonal flu, on three occasions in the last 100 years, there have been these pandemics. What our public health officials and what our scientists say is, for sure, we are going to have another pandemic. The time is in the near future, and a pandemic is going to occur, but we don't know exactly when. The worst of the three pandemics in the last 100 years was in 1918, the so-called Spanish flu—although it was called the Spanish flu, it probably started actually in Kansas—but that flu went through our population in a period of weeks and killed about half a million people; worldwide it killed somewhere around 40 million people.

The Secretary of Health and Human Services, Secretary Leavitt, warns if past is prologue, the world is overdue for another flu pandemic. I agree with that assessment. The pandemic will occur. We do not know exactly when. But we know we are drastically underprepared; not unprepared but underprepared. If we act with action now, we will be prepared. Preparation means much less destruction or potential destruction by such a pandemic.

The avian flu over the last couple of years has spread from East Asia, to Romania, to Turkey. It looks and acts more similar to the virus of 1918 than either of the other two pandemics, the one in 1957 and the one in 1968. If it achieves the final step in what becomes a pandemic, that is, human-to-human transmission—the first couple of steps are that it is a novel virus, a new virus, and that it spreads to other species, multiple species, and the third big step is transmission, human-to-human transmission. In that case, the consequences could be catastrophic both in loss of human life as well as in economic meltdown in many ways.

Recently, in the last several weeks, the Congressional Budget Office released a study which I had requested specifically on the economic impact of a serious and a mild pandemic of avian flu. Their report demonstrated—much higher than I expected—a 5-percent decline in our gross domestic product over the course of a year. That is about a $675 billion hit if we were to have a severe pandemic of this avian flu. The clock is ticking. If a pandemic occurs and we are underprepared, if it were to occur today and it were severe, the Congressional Budget Office predicts, with their best economists and access to public health officials, that is what would occur.

We need to put the wheels in motion, so when and if that avian flu hits, we are prepared. If we are prepared, we diminish the economic impact dramatically. If we do not act and that avian flu pandemic comes to our shores, we in this Senate will be rightly blamed for failing to do our best to protect the American people, given what our scientists and public health officials say today. That finger will be pointing straight at the Congress if we do not act. The good news is we will act. We plan to act in the bills that have come before the Senate in the next couple of days. We need a six-prong approach. We need to address communications, we need to address surveillance, we need to address the appropriate research, we need to address the whole issue of antiviral agents, the Tamiflu, we need to address vaccines. Right now we do not have any vaccines specific to a virus that would be transmitted human to human. That has to be created after we identify the virus. And the sixth component is what we call surge capacity, the stockpiling of antiviral agents and vaccines.

It may sound like a lot of moving parts, but between our researchers and public health officials, our entrepreneurs, our private sector, we do have the intellect, the ingenuity, and the knowledge to get the job done.

Our job as elected officials, my job as an elected official and my job as a physician is to see this thing through to make sure we are adequately prepared, and we can look our constituents in the eyes and say we have done everything possible to see that we are prepared for such a pandemic. Our economy, our country, and our lives may depend on whether we take action.

The President has laid out a comprehensive plan. It is our job to set aside the appropriate resources but also to give the appropriate incentives to tackle this looming threat.

I refer to our colleagues to put aside partisan differences, to hold together, to protect the American people. The flu virus does not know who is a Republican and does not know who is a Democrat. The people who suffer will know who did not get the job done.

We do not need to panic. What we do need is to prepare ourselves. Preparation means action, action in the Congress. The American people are counting on it. That is exactly what we will do over the next several days.

I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Texas.

Mr. CORNYN. I ask unanimous consent to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

USA PATRIOT ACT

Mr. CORNYN. Mr. President, unless the Congress acts, on December 31, 2005, 16 different provisions in the USA PATRIOT Act will expire.

Two days ago we had a vote to determine whether a minority in the Senate would allow a bipartisan majority the chance to have an up-or-down vote on the reauthorization of the PATRIOT Act. As everyone knows, that vote failed. Fifty-two senators voted to close off debate. There being a requirement of 60 votes to cut off debate, that threshold was not met so we did not reauthorize the PATRIOT Act.

So here we are with the clock ticking, with America's security at risk. We find ourselves in the incredible position of seeing certain ordinary law enforcement tools that are used everyday in State and Federal courts all across this country will, in about 2 weeks, no longer be available in the case of international terrorists or spies or cases involving the Foreign Intelligence Surveillance Act.

Perhaps the one provision of the PATRIOT Act that will expire that causes most concern is the so called wall. That, of course, is the term used to describe what previously—before October of 2001—was a wall that separated the sharing of information between our law enforcement personnel and our intelligence authorities. It is clear, as the 9/11 Commission demonstrated, that this wall made us less safe. It was not required by the Constitution. It was not required by any provisions passed by this Senate and signed by the President. It was simply a choice made by the Department of Justice to prevent the sharing of information.

We learned from the bombing of the World Trade Center in 1993 and its investigation, as well as from by the terrible events of September 11, the 9/11 Commission concluded this wall, which was not constitutionally required, prevented the sharing of information between law enforcement and intelligence authorities and this prohibition contributed to the terrible events on September 11.

It was imperative the Congress act as quickly and as carefully as possible to remove any impediments that were not otherwise mandated by the Constitution from investigating and preventing future terrorist attacks against this country.

Those who have opposed this up-or-down vote in the Senate with regard to the reauthorization of the PATRIOT Act are asking us to make a false choice. In other words, they are saying if the PATRIOT Act is reauthorized, somehow Americans' civil liberties will be in jeopardy. They are asking us—or telling us—that we have to choose between our national security and our civil liberties. That, to repeat, is a false choice.

The fact is, we can have a balanced reauthorization of the PATRIOT Act that will protect America from future terrorist attacks. We can continue to disrupt the terrorist cells both here at home and abroad that endanger us and protect our civil liberties at the same time.

This country was founded upon a belief in individual freedom and the protection of individuals against the overwhelming power of the Government. And we have, for more than 200 years, written into our laws—not to mention the Constitution—various protections to make sure our civil liberties and our individual freedoms are protected.

But the No. 1 responsibility of the Federal Government is to keep us safe. There is no other responsibility that comes anywhere close to that imperative. That is why I believe the PATRIOT Act must be reauthorized, and if we fail to act before these provisions expire on December 31, 2005, we will not have met our responsibilities. Indeed, we will have contributed to making this country much more dangerous than it would otherwise be.

Now, as we recall, after the terrible events of September 11, Congress, for 6 weeks, debated the original passage of the PATRIOT Act and, in a vote of 98 to 1, passed the PATRIOT Act. It provided that these 16 provisions would expire at the end of this year. The vote to enact this legislation was 98 to 1 in the Senate, after 6 weeks of debate. In the House, the vote was 365 to 66, again not quite as overwhelming as in the Senate, but it was a lopsided vote in favor of passing the PATRIOT Act. And it was signed into law on October 26, 2001.

Now, I have been surprised at how much misunderstanding there is surrounding the PATRIOT Act, how much outright mythology and disinformation there has been by those who are not just concerned about civil liberties, but those who are actually engaging in almost paranoid delusions about what it is that the PATRIOT Act provides in terms of the authorities to combat and to break up terrorist activities.

The fact is, anyone who has been involved with or even remotely acquainted with our criminal justice system knows and will recognize that the provisions of the PATRIOT Act merely extended to national security cases many of the tools that are used every day in courts all across the Nation and throughout the States. So this breathlessness, this sense of the existence of conspiracy theories, about the Federal Government deciding to suspend the civil liberties of the American people in pursuit of terrorists, is pure fantasy.

I want to talk about the provisions that are being discussed so I think at least those who are listening can understand there has been careful thought and careful negotiations between the House and the Senate and there has been an awful lot of effort put into trying to strike the right balance.

But what the critics are asking us to do is engage in a willing suspension of disbelief. It is almost unthinkable to me that here we are, some 4 years after the terrible events of September 11th, debating these common sense tools almost as if some have forgotten the lessons we learned and lessons we should remember for the rest of our lives.

I was not here in Washington on September 11. I was merely a candidate for the Senate and the attorney general of my State in Texas at the time. I was in Austin, Texas when those planes hit the World Trade Center. We all recoiled in shock and in horror at those terrible events. But I remember, since I have been here in Washington, the number of occasions where we have had warnings of intrusions into the airspace around this Capitol, where people here were running out of the Capitol, some in tears, out of fear that we were going to have another attack here at the Capitol.

As we know, but for the brave acts of some passengers on an airplane who caused that plane to crash in Pennsylvania, it could have been that plane was meant for the White House or the U.S. Capitol, which would have resulted in tremendous additional loss of human life.

So it is amazing to me—and I guess in some ways it is a sign of the times—that our memories are so short and that we need to be reminded about the seriousness of the threat that still remains. We need not let our guard down, instead we need to continue to do everything that is humanly possible to protect the American people against future terrorist attacks.

I know there are some who scoff at it and ridicule the threat, but I would ask them to go back and to read the newspaper accounts, to see the video replays of the terrible events of September 11, and then to reconsider. Those who fear that Government has turned into "big brother" and is simply invading our bedrooms and our libraries and our personal lives in ways that would shock all of us are engaging in, I think, a fantasy.

When you look at the facts—and I would suggest facts are stubborn things—we ought to look at the facts and the provisions that are being debated and then ask ourselves: Aren't these the kinds of tools we would want our law enforcement personnel to have to keep us safe?

I think the American people—when they understand, as they will before this debate has concluded, what is at stake here—would want us to act responsibly to extend and continue to provide these ordinary sorts of law enforcement tools to national security cases.

There is no doubt in my mind that a bipartisan majority of the Senate would pass this reauthorization of the PATRIOT Act if allowed to do so. But, indeed, what we are seeing is a filibuster by a willful minority that is blocking a bipartisan majority from even having the right to cast that vote. I recognize there are some people who have sincere beliefs that reauthorization of the PATRIOT Act is not the right thing to do. While I strenuously disagree with them—and I would welcome a chance to debate with them here on the Senate floor the wisdom of that decision—I respect their right to hold that opinion. But I do not respect the minority when they block a bipartisan majority from having the chance to vote on tools that, if not extended, will leave this country vulnerable to attack.

Again, I am confident that if we had a vote a bipartisan majority of the Senate would see fit to reauthorize the PATRIOT Act and continue these important protections for the American people. But we find ourselves with the clock ticking, time running out, and America potentially endangered, if on December 31, 2005 these important provisions expire because we in the Senate did not act. A direct consequence of this action, or inaction, will endanger our country.

I would ask my colleagues: What has changed since that 98-to-1 vote in the Senate when, in October 2001, after 6 weeks of debate, the PATRIOT Act was passed? Are there reports of rampant abuses of the PATRIOT Act? No. Are there examples where Members can come to the floor and explain to us, that this is too much power for the Government to have, or that somehow we have an imbalance in the power given to the Government, and that we need to strike a right and better balance?

The fact is, Mr. President, all of the skeptics have is speculation, conspiracy theories, and outright fantasy when it comes to the potential of abuse under any of these provisions of the PATRIOT Act. I am convinced that the chairman of the Judiciary Committee in the Senate, Senator SPECTER, and the conferees in the House and Senate have done their very best given the nature of negotiations and compromise to strike the best balance between civil liberties and the protection of the American people. It would be a failure of responsibility and duty for us not to reauthorize the PATRIOT Act.

But I ask again, what has changed since September 11, 2001? What has changed since October of 2001 to now lead some of our colleagues to say that these provisions are unimportant, are not useful, or are no longer needed? Has the threat of international terrorism receded? Has it gone away?

I looked on the Internet before I came here for a listing, because I wanted to make sure I had all of them, of suspected al-Qaida terrorist attacks across the globe since September of 2001.

In December 2001, a man tried to detonate a shoe bomb on a flight from Paris to Miami. I believe his name is Richard Reid. There was an explosion in April of 2002 at an historic synagogue in Tunisia that left 21 dead, including 14 German tourists. In May of 2002, a car exploded outside a hotel in Karachi, Pakistan, killing 14, including 11 French citizens. In June 2002, a bomb exploded outside the American consulate in Karachi, Pakistan, killing 12 people. In October 2002, a boat crashed into an oil tanker off the Yemen coast killing a single individual. Then there were the nightclub bombings in Bali, Indonesia, that killed 202 people, mostly Australian citizens, in October of 2002.

Then there was a suicide attack in Mombasa, Kenya, killing 16 in November of 2002. In May of 2003, suicide bombers killed 34, including 8 Americans at housing compounds for westerners in Riyadh, Saudi Arabia. In May 2003, 4 bombs killed 33 people, targeting Jewish, Spanish, and Belgian sites in Casablanca, Morocco. In August 2003, suicide car bombers killed 12 people and injured 150 more at the Marriott Hotel in Jakarta, Indonesia. In November 2003, explosions rocked a Riyadh, Saudi Arabia, housing compound killing 17. In November 2003, suicide car bombers simultaneously attacked two synagogues in Istanbul, killing 25 and injuring hundreds more. In November 2003, truck bombs detonated at a London bank and British consulate in Istanbul, Turkey, killed 26. In March 2004, 10 bombs on 4 trains exploded almost simultaneously during the morning rush hour in Madrid, Spain, killing 202 and injuring more than 1,400 people. In May 2004, terrorists attacked a Saudi oil company office in Khobar, Saudi Arabia, killing 22.

In June 2004, terrorists kidnaped and executed American Paul Johnson, Jr., in Riyadh, Saudi Arabia. Then in September 2004, car bombs outside the Australian Embassy in Jakarta, Indonesia, killed 9. In December 2004, terrorists entered the U.S. consulate in Jeddah, Saudi Arabia, killing 9. In July 2005, bombs exploded on 3 trains and a bus in London, England, killing 52. In October 2005, 22 were killed by 3 suicide bombs, again in Bali, Indonesia. Then most recently in November 2005, 57 were killed at 3 American hotels in Amman, Jordan, including at a wedding party.

Mr. President, I go through this list not to just bore my listeners but rather to recount in horrific detail the threat that still exists to America and American citizens and people all around the world by international terrorists. These are examples of what could happen on our own soil again if we let our guard down as we did before September 11.

Just to remind my colleagues what we have been able to do because we have been on our guard, because we have the PATRIOT Act, because we have equipped our law enforcement and intelligence personnel with the tools necessary to identify and investigate and disrupt terrorist activities, because we have been on the offensive in Afghanistan and Iraq disrupting the ability of terrorists to train, recruit, and then export their terrorist activities, because we have done all of those things, America has not sustained another terrorist attack on our own soil since September 11, 2001. But it is far from certain that it will not happen again.

Some have said it is a matter of when, not if, America will be hit again. But, thank goodness, because of the diligent efforts of men and women in our law enforcement agencies, in our intelligence agencies, the men and women in our military, and so many other people working together diligently, we have protected Americans on our own soil. There have been at least 10 serious al-Qaida plots disrupted, including 3 al-Qaida plots to attack inside the United States since September 11.

In mid 2002, the United States disrupted a plot to attack targets on the west coast of the United States using hijacked airplanes. The plotters included at least one major operational planner involved in the events of September 11. In mid 2003, the United States and a partner disrupted a plot to attack targets on the east coast of the United States using hijacked commercial airplanes.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. CORNYN. I ask unanimous consent for an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Then there is the Jose Padilla plot in May 2002. The United States disrupted a plot that involved blowing up an apartment building in the United States using a dirty bomb or a radiation dispersal device. In mid 2004, the United States and our partners disrupted a plot that involved urban targets in the United Kingdom. These plots involved using explosives against a variety of sites. Then there was a plot in Karachi, a plot at Heathrow Airport in London, another UK plot in 2004, another Arabian Gulf shipping plot, one in the Straits of Hormuz in 2002, and a tourist site targeted by al-Qaida. In 2003 there have been at least 10 disrupted terrorist attacks as a result of the concerted efforts of our law enforcement and intelligence personnel, at least 3 on American soil since September 2001.

I ask my colleagues who are blocking the vote on the renewal and reauthorization of the PATRIOT Act: What could they possibly be thinking to believe that we ought to voluntarily relinquish the tools that have in part made it possible to keep us safe and to protect Americans from these terrorist attacks?

I know, Mr. President, there are others in the Chamber who want to speak on this or related issues. I want to close on one last red herring that has been raised.

As the New York Times reported, the President of the United States has authorized, after counseling with the Department of Justice and various legal authorities, as well as consulting with Congress on up to 12 occasions, the use of intercepted messages from the National Security Agency as part of our ongoing counterterrorism efforts. The New York Times suggested that this was a secret way to threaten the civil liberties of Americans. The fact is, as is now being revealed, Congress was consulted at least 12 times since September 11th about the President's authorization of these interceptions of communications, interceptions which were not solely within the United States but were from known links to international terrorism in the United States and known links with international terrorism overseas.

It is perhaps not a coincidence that just before the vote on cloture on the reauthorization of the PATRIOT Act, the New York Times released this story. Indeed, at least two Senators—I heard with my own ears—cited this article as a reason why they voted to not allow a bipartisan majority to reauthorize the PATRIOT Act. As it turns out, the author of this article had turned in a book to his publisher 3 months ago. The paper failed to reveal that the story was tied to a book release and sale by the author James Risen. The title of the book is "State of War, the Secret History of the CIA and the Bush Administration." It is about to be published by the Free Press in the coming weeks.

It is a crying shame that America's safety is endangered by the potential expiration of the PATRIOT Act in part because a newspaper has seen fit to release, on the night before the vote on the reauthorization of the Act, and as part of a marketing campaign for selling the book, something that is blatantly misrepresentative of the facts and appears to be an attempt to strike terror or perhaps paranoia into Senators and others out of some unrealistic and inaccurate concern for invasion of civil liberties.

It is appropriate that Congress have hearings to look into this, but the fact is, the President and his administration have briefed high ranking Members of Congress on 12 occasions since this so-called secret program of intercepting communications between known terrorist contacts in the United States and overseas occurred.

When I came to Washington to serve in the Senate almost 3 years ago, someone jokingly referred to it as a logic-free zone where perception is reality. We all got a good laugh out of that. But the hysteria over the USA PATRIOT Act and the fact that people have, in too many instances, not focused on the hard-fought attempts to balance our security with civil liberty concerns by hammering out thoughtful and useful provisions is a disservice to the American people. It is not a typical policy disagreement that we sometimes have about taxes or some other issue. This is one that has the grave potential of endangering American lives because we know the terrorist threat exists. This threat continues to this day.

September 11, while it was 4 years ago, is not an isolated event, as the listing I provided details. Terrorists will, if we let our guard down, hit us again. Then I ask: Where will the blame lie? If we have failed to do everything within our power to protect the American people, we will have failed to discharge our duty in this body.

I hope our colleagues who are blocking a bipartisan majority from casting a vote to reauthorize the PATRIOT Act which will prevent the expiration of these 16 provisions will reconsider their decision. It is unthinkable to me that anyone would allow these provisions to expire. I realize there are differences of opinion. I am happy to have this debate. I understand that people have conscientiously held opinions that are different than mine about the importance of this Act, but to block a bipartisan majority from having the chance to vote is incredible.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. CORNYN. I will.

Mr. SESSIONS. I thank Senator CORNYN for his discussion of this important issue. If the people of America were to hear what he said and consider those issues thoughtfully, their fears would be greatly relieved. I am convinced there is nothing in this legislation that in any way jeopardizes the liberties we have.

The Senator from Texas served as attorney general for the State of Texas. He served on the Supreme Court of the State of Texas. He brings good judgment and legal understanding to the Senate. I urge my colleagues to listen to him.

Senator SPECTER, chairman of the Judiciary Committee and certainly a person who has been a champion of civil liberties all his career, has said that the bill we passed in this body by unanimous consent which went to conference in order to work out differences with the House, came back with 80 percent the provisions contained in the Senate bill untouched, and very few changes in favor of the House version.

I ask the Senator from Texas, the bill we passed here by unanimous consent, is that not the same bill he and I worked on in the Judiciary Committee and that came out of the committee unanimously by an 18-to-0 vote after full discussion about those issues?

Mr. CORNYN. The Senator from Alabama is absolutely correct. He serves with great distinction on the Senate Judiciary Committee, as does the current occupant of the Chair. We all know that it is not the most cohesive committee in the Senate. As a matter of fact, we have some pretty serious disagreements about important policy issues. But on the PATRIOT Act, under Senator SPECTER's guidance, with the ranking member, Senator LEAHY, we were able to reach unanimity and pass the PATRIOT Act out of the Judiciary Committee. That would not happen, given the legal minds and the great advocates we have on the Judiciary Committee, if it were not a good bill. To now suggest, as some have, that this has not been well thought through, that it is not carefully done, flies in the face of the facts.

If I may, Mr. President, through the Chair, I ask my friend from Alabama, who has been a distinguished U.S. attorney, served as attorney general of his State before coming to the Senate, and has a lot of experience in law enforcement, are the provisions of the PATRIOT Act that are being debated involving wiretaps and production of business records and delayed notice search warrants, are these the sort of ordinary tools that are available to prosecutors in State and Federal courts in regular, ordinary, vanilla criminal cases?

Mr. SESSIONS. I thank the Senator from Texas. He is exactly correct. As a former attorney general of Texas, he knows that every county attorney in America can go to a county judge and issue a subpoena for bank records, for medical records, for telephone toll records, for motel records, for library records, and for bookstore records.

That is done every day and the standard is simply whether those records are relevant to an investigation that the Attorney General or district attorney in any county in America is conducting. That is the way the system works. People act as if issuance of a subpoena for somebody's records is a violation of a constitutional rights. That is beyond my understanding.

So I certainly agree. In fact, with regard to a group of records, the power of the FBI to investigate terrorists, in some ways, is far less than that of a county attorney. A 215 order includes health records, library records, bookstore records—I hate to laugh, but—for which you have to go to a court and get approval before they are issued. The local district attorney issue this type of order if he is investigating somebody for failure to pay county taxes.

I want to ask the Senator about this. One distinguished Senator yesterday on the floor of the Senate declared that an FBI agent could write up a warrant and go out to search your house. With regard to the two categories of records I have mentioned, I add for the RECORD that these are records not in the possession of a potential defendant or terrorist; these are records in the possession of a bank or a telephone company; they are not personal records. But with regards to personal records where the district attorneys in every county and any U.S. Attorney has to get a search warrant and has to have it approved by a judge, and in the case of the FBI, a Federal judge, they have to submit facts under oath to justify the search, and those searches go to a person's home, their automobile, or areas in which they have dominion and control. My question to the Senator is whether he is aware of anything in this legislation that in any way would undermine the standard and burden on investigators before they get a search warrant of somebody's private property?

Mr. CORNYN. Mr. President, I say to the Senator from Alabama he is precisely correct. One of the things that has been carefully taken into consideration in this legislation is to make sure whoever the individual is or whoever's rights are at issue, that there is an opportunity to go to a judge—in this case, the Foreign Intelligence Surveillance Court, a specialized court with jurisdiction over national security cases—and to ask an impartial judge to intervene.

But some of our colleagues, it seems, have these fantasies about rogue law enforcement personnel with nothing better to do than running roughshod over the rights of American citizens. These are serious professionals. I know my colleague from Alabama, being a former U.S. attorney, has worked closely with the FBI and other Federal law enforcement officials. I ask him—and then I will certainly yield the floor to him for any other remarks he cares to make—is there any basis to this idea that Federal law enforcement agencies, such as the FBI and the intelligence agencies, have nothing better to do or have so little disregard for our laws and Constitution that they look for opportunities to trample on the rights of innocent American citizens?

Mr. SESSIONS. I thank the Senator. That is such a good question. I worked very closely on a daily basis with FBI agents for 15 years as a Federal prosecutor. Some of those agents remain good friends of mine. They are people of high integrity and discipline. They follow the rules. Sometimes they shake their heads in wonderment at the regulations we place on them as they are out trying to protect America. But they comply day after day with whatever rule it is. In fact, I guess some people may have thought when we created a wall between the CIA and the FBI, that if information were important, agents would not pay much attention to that wall, and would share the information anyway. Surely the CIA would tell the FBI if they have information that a dangerous cell may be operating in the U.S.; surely they would tell them. But we prohibited it. There was a wall and this legislation tore it down. Before this wall was torn down, they did not share any information, regardless of how important it may have been.

I was on a show with a distinguished Member of this Senate who made the comment that the people of his State didn't want the FBI patrolling near their homes and searching their houses and getting delayed warrants and staying in their houses and all these other things. I talked to the Attorney General Gonzales today. He said two-tenths of 1 percent—2 out of 1,000 warrants issued in this country, are delayed warrants. There probably hasn't been one issued in his State since the act was passed 4 years ago. The last thing the FBI would want to do is violate the law, risk their careers, or waste their resources prowling into the houses of Americans. To get a delayed notice warrant or any warrant of this kind, they have to go to the court in advance. Then they have to have additional proof if they want to delay the notice to the person whose residence has been searched.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I thank Senator CORNYN from Texas for his steadfast work on this issue. He is an extremely hard-working Senator. He gets these facts right. He is an extremely skilled lawyer and has a great legal mind. I hope the people will listen to his remarks.

We have gone through this bill. This bill was carefully drafted the first time we voted on it. It came out of the Senate 4 years ago with only one "no" vote. We have had 4 years of experience with it. It is going to expire the end of this calendar year. We passed our version of reauthorization by unanimous consent in this body. Our Senate Judiciary Committee, which has some of the most civil libertarian lawyers in the Senate—in the country, for that matter—passed it out unanimously. I am shocked, surprised, and utterly disappointed that we went to conference—where we maintained position after position on our bill and the House conceded time and time again on their bill, to the extent that about 80 percent of the differing provisions were decided in favor of the Senate—and now have this unbelievable filibuster that blocked a bill which had so much bipartisan support, from coming up and being considered and given a vote.

I thank the Chair. I see the distinguished ranking Member of the Senate Armed Services Committee on the floor, Senator LEVIN. I am delighted to yield to him at this time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Chair and my friend from Alabama.

One quick comment on the PATRIOT Act. Of course, everybody in this body wants to renew the PATRIOT Act. That is not the issue. The issue is the contents of that act and whether this body ought to have an opportunity to debate some of the differences between the version that came back to us from conference and the one that left the Senate. There are significant differences.

There is a bipartisan group that opposes the PATRIOT Act in its current form. We all want to extend that act so there is no gap. Nobody wants a gap in coverage. Everybody agrees it should be extended. The question is, should it be extended for a short period of time to give those of us who have questions and doubts about some of the provisions that came back from conference that were not in the Senate version an opportunity to debate and hopefully change some of those versions.

Mr. SESSIONS. Mr. President, will the Senator yield just 1 second on that point?

Mr. LEVIN. Sure.

Mr. SESSIONS. I urge him to examine the legislation and to examine the changes that are made. I know some have said they are significant. With the Senator's legal skills and ability to analyze, I think he will find they are not nearly as significant as some say. As a matter of fact, most are very small. I believe he will feel comfortable in the end once again voting for this legislation.

I thank the Chair and yield the floor.

Mr. LEVIN. Mr. President, I thank my friend from Alabama. I have, indeed, studied the version that has come back from conference. The differences are significant, indeed. They are very significant, so much so that some of the more conservative Members of this body have joined in a decision that we should have an opportunity to debate the PATRIOT Act conference report before it is enacted. We all want to extend it to give us that opportunity. But this is not a Democratic or Republican opposition; it is a bipartisan group of Senators who have studied the conference report and have significant differences with it, and I am one of those Senators.

DEPARTMENT OF DEFENSE AUTHORIZATION CONFERENCE REPORT

Mr. LEVIN. Mr. President, I wish to talk about a different bill, a bill we thought was finally put to bed yesterday. When we say "put to bed," what we conferees mean is the conference is over and that all of the members of the conference have signed the conference sheets, the signature sheets which signify that document that is attached to those sheets is the final version and that then will be presented to both Houses for their consideration.

Senator WARNER came to the Chamber last night to express his dismay with what we understand now has happened in the House, and that is that the House leadership is apparently toying with the idea, considering the possibility of trying to insert in that conference report a totally unrelated bill that is not part of either the House or the Senate Defense authorization bill, which is totally unrelated to the subject matter of the Defense Authorization Act.

To me, it is not important what the substance of the bill is that the House Republican leadership wants to attach. The principle is important. The principle is one of the fundamental principles under which we operate in this body and in this Congress, and that is, once a conference report is agreed to, once those signature sheets have been attached, nothing can just be inserted, unless, of course, the conference report is rejected or the report is referred back to conference.

There are rules that the House gets the conference report first, and that allows that body to return a conference report for further consideration. But what is happening here is not that there was going to be a conference report taken up in the House with a motion to refer back to conference to consider other material. Here, apparently, from what we understand, the House leadership was attempting to find some way to add significant legislation to a conference report on which the signature sheet had already been signed by all of us.

Senator WARNER came to the Chamber last night to express his dismay with this process. As always, Senator WARNER is extraordinarily honorable. For him, it is not important what the subject matter of this added legislation is. It is the principle involved. It is the process involved. We cannot possibly operate under a procedure where after a conference is over and the signature sheets are signed that then there is an effort made without, I guess, the body reopening the conference by sending it back to conference for reconsideration but just simply looking for a mechanism to add legislation to a conference report which had already been signed.

Senator WARNER said something last night that I concur in 1,000 percent. In fact, everything he said last night I concur in 1,000 percent because he is a Senate man. He is an institution man. He loves this institution. And the idea that we could have a process where a conference report is signed and then, somehow or other, through some mysterious mechanism or means, additional legislation is added to it without that conference being reorganized and the House, the first body that receives this conference report, referring it back to conference, is a totally unacceptable process.

The chairman of our committee, Senator WARNER, last night said he was not going to accept this process. He would filibuster his own bill if it contained material we had not considered and was now showing up in a conference report. And I would join him in that filibuster. He would exercise the rules of this body to ask the Chair to rule that there is out-of-scope material in this conference report, and I would join him in asking the Chair to make such a ruling.

This is separate and apart from whether he or I agree with the material which was proposed to be added. By the way, for whatever relevance it has, I think probably both of us would be inclined to support the material which was intended to be added if it ever came to the floor in a proper way. I don't want to commit myself to that position because I haven't seen the actual material proposed to be added, but what I know of the subject matter, it would be the type of change in our law which I probably would support and, without speaking for Senator WARNER, I think he is probably inclined to support, too. That is not the issue. We can't treat our colleagues that way. This is a controversial matter which is proposed to be added. There is a very strong debate over the subject matter.

Regardless of what our position is, as the chairman and ranking member of this committee, we cannot bring back from the conference a document which contains material which had never been discussed in conference, never the subject of debate in either the House or the Senate, was not in the House or the Senate bill, and is totally nongermane to the subject matter of the conference report.

We all know there are items added to conference reports that were not in either bill. That happens. But under our rule, the only way it now happens is if it is material to which everybody agrees. It cannot be material which is not in agreement by the Members of the two bodies. We cannot possibly, as a matter of principle, have a process where a conference report comes back containing material not germane, not relevant, not material to the conference, not the subject of either bill that passed either House, and which is added after the signature sheets have been signed.

I wanted to come to the Chamber and say what has happened because we heard this effort was being considered—just being considered—by the House Republican leadership. Senator WARNER and I asked our staff to go over to the House and retrieve our signature sheets.

Mr. REID. Will the Senator yield for a question?

Mr. LEVIN. I will be happy to yield.

Mr. REID. Through the Chair to the distinguished ranking member of the Armed Services Committee, I already gave some remarks on the Senate floor last night about my admiration for the chairman of the Armed Services Committee. My admiration of the senior Senator from Virginia is a volume. I think JOHN WARNER is what a Senator is all about, and I said that last night.

I say to my friend from Michigan, I have served in legislative bodies a long time. I have been in public service for more than 40 years. And my respect for the ranking member of the Armed Services Committee is equal to that of the senior Senator from Virginia. There is no better Senator than CARL LEVIN from Michigan—not today or ever. He is one of the best ever.

The working relationship between Senator WARNER and Senator LEVIN is what the Senate should be. But I want to say that what is going on in this Congress is absolutely untoward. We have a Defense appropriations bill that will fund the military, some $450 billion, that is being held up by sticking onto that bill drilling in Alaska, drilling oil wells in Alaska.

There is a place for that legislation, but it should not hold up this bill, as it has been. As Lord Acton said, "Power tends to corrupt, and absolute power tends to corrupt absolutely." That is what we have a study of in here: The absolute power of the Republicans controlling the White House, the House, and the Senate is leading to a corrupt Congress.

To think that the rules mean nothing, throw them aside, let us change them today, we are going to put something on the Defense appropriations bill. The other aspect of the Defense authorization bill is taking care of our men and women who are fighting for us. It does things such as taking care of pensions, changes in pay and equipment that the appropriations bill funds, which is what the Senator from Michigan and JOHN WARNER have done.

I saw the chairman of the Armed Services Committee as I was leaving the House yesterday, the distinguished House Member from the San Diego, CA area, whom I served with, DUNCAN HUNTER. I asked, how are we coming on this? He said, it is done, it is just like this. One could not see the line between his fingers.

Then we come back over here and it is not done. They are trying to stick into this some type of campaign finance reform. Think about that. ANWR on the Defense appropriations bill and campaign finance in the Defense authorization bill. What is this Congress turning into?

It is almost Christmas and we cannot get our work done. The intelligence authorization bill—we have people giving these patriotic speeches about all the things that need to be done. We cannot do the intelligence authorization bill. That is the bill that directs our intelligence-gathering activities in America. Why? Because they will not let us talk about Abu Ghraib and what has gone on in the military prisons around the world. They will not let us do it, so they are not going to do the bill—they meaning the Republican leadership.

People complain about appropriations bills having stuff in them that they should not. Well, anybody who has any thought of an appropriations bill being pork, wait until the scope of conference changes.

The distinguished Presiding Officer of the Senate at this time has told me—and I have heard him give public speeches—about how he thinks there should not be extraneous things in appropriations bills. Well, I say to my distinguished friend, who is a medical doctor and extremely intelligent, if you cannot see the incongruity of allowing ANWR to be placed on an appropriations bill, then you are a lot less intelligent than I think you are. How could anybody allow this to happen?

Then the final thing I will mention briefly is the PATRIOT Act. The PATRIOT Act yesterday was brought to this Senate in the form of a conference report. A group of Democrats and Republicans felt the bill that passed the Senate Judiciary Committee unanimously, came to the Senate floor and passed unanimously and was taken to that place across the aisle, the House of Representatives, the other body, and came back here a different animal, is now a different bill. It was not the same thing. The Senate Judiciary Committee approved it unanimously and it was approved unanimously in the Senate. It was different legislation.

That is why human rights and civil rights groups on the right and the left politically opposed it. We did the right thing. We want the PATRIOT Act to be extended for 3 months to see if Senator SPECTER and Senator LEAHY can work something out so that the problems with it—and there are significant problems—can be worked out.

I do not appreciate insinuations and intimations that those people who opposed cloture yesterday were unpatriotic. I am opposed to terrorists as much as anybody in this country. I voted for the first PATRIOT Act and I am glad I did. We sunsetted certain things in that first PATRIOT Act because we were pushed, because of the events of 9/11, to get the law changed so we could go after terrorists better than we did. So do not come and give lectures about someone being more patriotic than others and understanding the terrorists more than others. Everyone in this Senate, Democrat and Republican, is patriotic and opposes terrorists, these evil people around the world. We want to do everything we can to defeat terrorists, but we want to do it recognizing that we in America live by a document called the U.S. Constitution that directs what we do.

We can have security and we can have liberty at the same time. When we start saying security is more important than the liberties of the American people, this country is in trouble.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask a question of the Senator before he yields the floor.

Mr. LEVIN. Mr. President, I reclaim my time to the floor if I have any time remaining.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. In that case I will not reclaim my time.

Mr. SESSIONS. I ask the distinguished Democratic leader—he is a great and skilled advocate, and I know everybody is a bit frustrated at the end of the session, but I do not think he meant to accuse the distinguished Senator COCHRAN and the members of the Appropriations Committee, who have reached a little different conclusion than he would, of being corrupt. He used that word twice. Perhaps it is important for us to recognize that there are a lot of disagreements around here.

Mr. REID. I would be happy to respond to my friend. I respond this way: Corruption is more than money corruption. There is intellectual corruption. The point I was making with the distinguished Senator from Oklahoma, who I care a great deal about, is that people do not like the appropriations process because there is too much money being spent on extraneous matters that they feel are unimportant, such as a swimming pool in Sparks, NV, or something such as that. I am saying if you do not like that, then you are going to hate the process after this precedent is overruled and you can put anything you want in an appropriations bill. There would be no scope of conference and that is what I said and that is what I meant.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to respond. First, I think it is unfortunate when somebody is in the chair that such a statement was made without thankfully someone else being in the Chamber to allow me the opportunity to respond to it.

There is a lot wrong with the process in the Senate and I am sure the distinguished Senator from Nevada probably has an intellectual heads-up on me. I do not doubt that. But what is wrong is deception, not policy changes, and you have never heard this Senator say anything about problems with putting policy riders on appropriations bills.

What I have been very clear about from the day I arrived in the Senate is that there should not be earmarks that are used in politically beneficial ways for individual Members of the body because what that does, in fact, is put the country second and us first. It puts the next election ahead of the next generation.

To equate that with policy changes that go along and use my position as somebody who is fighting hard to change the appropriations process and to use me as an example, because you may not at this time be happy—I am not happy we are here. I am not happy that anything gets stuck on anything, but I also recognize the history of things that have gone on in this body and the other body and how at the end of a session things get tacked on to lots of things.

I will not be used, nor will I allow my position to be used, to wedge other people into thinking I am inconsistent, and I will defend that. My consistent criticism of the appropriation process is on earmarks and on earmarks alone and us living within the amount of moneys we have and not using the earmark process to advantage your own political career.

I want to make sure everybody in this country understands that what you are talking about is something wholly different than that. This is policy. I am not happy about any additional spending that is not paid for, I don't care what bill it comes through, and I have made it very clear to my leadership, on any bill that comes out of this end-of-the-year process.

Mr. REID. Mr. President, reclaiming my time. I say through the Chair to the distinguished Senator from Oklahoma, first of all, I thought I was complimenting the Senator from Oklahoma. If I did not, I apologize. I thought explaining—maybe some people watching this don't know that you are a medical doctor. I also would say to my distinguished friend that when someone is presiding and their name is mentioned, they always have the capacity to speak, not as a Presiding Officer but as a Senator. So you would have every right to respond if I said something with which you disagreed.

I would say this. The reason I think you should check out what I said is that, under the present rules, you cannot put policy on appropriations bills. It is only for money matters. The Senator said he doesn't object to policy matters on appropriations bills. I do because right now it is not within the scope of the rules. That is what they are attempting to change here, and I think it is wrong.

I say, Mr. President, if I in any way embarrassed the Senator from Oklahoma or said something that offended him, I apologize because I certainly didn't mean to do that. I thought just the opposite, I was trying to compliment him. Maybe I need a lesson in how to compliment people, but that is what I was trying to do.

Mr. COBURN. Mr. President, I would tell the Senator from Nevada I take no personal offense but would also state there hasn't been an appropriations bill coming out of this body in 20 years that hasn't had policy changes directed and attached to it. They all do. If you seriously look at them, there are policy directions on every one of them because the Congress spends all its time appropriating rather than authorizing—the very issue the Senator from Michigan is talking about. Consequently, this year we are going to appropriate $190 billion on items that are not even authorized.

The Senator from Nevada is gracious. I wanted to make sure my point was clear on my position in terms of earmarks and spending. I don't like this process any better than he does, but I am willing to do what we need to do for our country to get it done. I don't want us to corrupt the process, but I will tell you that the process needs to completely be revised in terms of appropriations. We should never be in this position that we find ourselves today.

With that, I yield the floor.

Mr. REID. Through the Chair to the distinguished Senator from Oklahoma, one reason I got on this subject is you were quoted yesterday—actually, it is now Saturday—you were quoted the day before yesterday saying:

> It's wrong for members of Congress to use our troops as political cover for new spending. . . . If Senators want to pass additional funds related to hurricane relief or the avian flu, for example, those measures should be amendable and not attached to must-pass bills that cannot be amended.

That is my whole point. Why change the rules? I would further say that I will not raise the Senator's name again other than the quote I just read here.

I am going to read a letter indicating that I am not out in left field about complaining about what is happening to our defense legislation, appropriations and authorization. I have a letter here dated December 17. I think today is the 18th. It is written to me and Senator FRIST.

> We are very concerned that the fiscal year 2006 Defense Appropriations Bill may be further delayed by attaching a controversial

> non-defense provision to the defense appropriations conference report.

It is ANWR.

> We know that you share our overarching concern for the welfare and needs of our troops. With 160,000 troops fighting in Iraq, another 18,000 in Afghanistan, and tens of thousands more around the world defending this country, Congress must finish its work and provide them the resources they need to do their job.
>
> We believe that any effort to attach controversial legislative language authorizing drilling in the Arctic National Wildlife Refuge . . . to the defense appropriations conference report will jeopardize Congress' ability to provide our troops and their families the resources they need in a timely fashion.
>
> The passion and energy of the debate about drilling in ANWR is well known, and a testament to vibrant debate in our democracy. But it is not helpful to attach such a controversial non-defense legislative issue to a defense appropriations bill. It only invites delay for our troops as Congress debates an important but controversial non-defense issue on a vital bill providing critical funding for our nation's security.

The final sentence:

> We urge you to keep ANWR off the defense appropriations bill.

Signed by:

> General, U.S. Marine Corps (Ret.) Joseph P. Hoar; General, U.S. Marine Corps (Ret.) Anthony C. Zinni; Lieutenant General, U.S Army (Ret.) Claudia J. Kennedy; Vice Admiral, U.S. Navy (Ret.) Lee F. Gunn; and Stephen A. Cheney, Brigadier General, U.S. Marine Corps (Ret.)

That is what we are facing here. We have to get real. The rules we have are rules that we should follow. The reason this body has worked so well for 216 years is that we have rules, and they are to be followed. The debate sometimes is arcane. It takes a long time. Sometimes it is difficult to stop people from talking too much. But those are the rules we have here, and we should follow them.

It does not take a rocket scientist to understand that on a Defense appropriations bill, we should not be debating ANWR. I say to anyone, anyone who is a Senator, we should not let this happen. I don't care who puts it on the bill, no matter how powerful the person may be, we should not allow that to happen. We should not allow that to happen. It is not good for this body, as seen by these senior military.

To put on Defense authorization campaign finance reform is absolutely wrong—wrong.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Michigan.

Mr. LEVIN. Mr. President, first we thank the Democratic leader for supporting the fundamental principle that has been violated with this authorization bill. It is a very different principle from the one the Presiding Officer feels so passionately about. It is a principle which I have, I believe, never seen violated.

The Senator from Alabama, who is on the floor, and the Senator from South Carolina, who is on the floor—they signed a signature sheet, I believe, on our Defense authorization. I think every Republican and I think every Democrat signed the signature sheet.

The issue which the Presiding Officer feels so passionately about, which is earmarks on an appropriations bill and items being added on an appropriations bill, raises a whole different issue under a different rule. I believe his passion on this issue is admired by many in this body. But the principle that Senator WARNER and I are talking about is a principle which is embedded, it is so fundamental—that once a conference report is signed there is no way that it can be or should be changed. No way can material be inserted in a conference report.

This is in all of our interests. If in the conference we decided to add material which had not been discussed by either body, that would then raise the issue in which the good Presiding Officer is very passionately involved. I share many of his concerns. That is not his issue. The conference did not add this material. This is not an earmark added by the conference, which had never gone through either body. This is material that apparently the Republican leadership in the House wants to add after the conference is closed, after we signed the signature sheets, without going through the process of sending the conference report to the House and having them refer it back to conference if they want to. None of us can accept that. As a matter of principle, we cannot accept that.

Mr. GRAHAM. Will the Senator yield?

Mr. LEVIN. I am happy to yield to my friend.

Mr. GRAHAM. Mr. President, this last hour is a good example of what we have come to as a Senate and a Nation. I come to the Senate to support Senator LEVIN's statement and Senator WARNER's statement. We have had a knockdown drag-out over the authorization bill. Everyone gave and we got a product the country can be proud of.

What has happened, as Senator LEVIN has described, we cannot survive politically if this is allowed to stand. A lawyer in private practice could get disbarred for doing something such as this.

My understanding of what has happened—and if I am wrong, I apologize, and I hope Senator LEVIN will correct me if I am wrong—there was a matter added to the conference report totally unrelated to defending our Nation that has a major policy decision—which I happen to support, by the way, but not under these circumstances—that basically changes the entire political process if it is allowed to stand. None of us are safe. Our word means nothing and our signature means nothing if you can change the document after everyone agreed to a certain set of facts.

This is a defining moment for the Senate and the House. If we do not fix this now, it is going to eat at us all and our country will suffer.

Mr. LEVIN. If the Senator will yield, my understanding is there is an effort being made to insert material. It has not yet been inserted because Senator WARNER and I, through our staff, asked our staffs to go over to the House and withdraw our signatures before the material could be inserted.

It was the effort to insert it, the threat to insert it which was transmitted to Senator WARNER and transmitted to me through him and through Congressman SKELTON. This is not an effort on the part of Chairman HUNTER, by the way. As I understand it, it is the Republican leadership in the House that is determined to find a way to insert material into the conference report after the signature sheets have been signed. That is what I know about it.

Senator WARNER was so disturbed about it, I was so disturbed about it, we decided we were not going to take a chance. We cannot risk this.

Mr. GRAHAM. If the Senator will yield, I wish every American knew what was in the Defense authorization bill. In the Defense authorization bill are provisions to allow guard members and reservists to get health care for themselves and their families. They need it now more than ever. They are authorizing bonus programs for people who are serving worldwide now who are overtasked and underpaid.

To take this bill that will authorize much-needed relief to the troops in the field, that will keep our equipment modern, will allow us to aggressively deal with the war on terror, capture the moral high ground with the McCain language, do the habeas reform package we worked on—to have that come down by inserting something after the fact is a low blow. It will eat away at the heart of this body.

Mr. LEVIN. I thank my dear friend from South Carolina.

It is an effort we cannot allow to succeed. We are in bipartisan agreement on this issue. It is the deepest form of process where we must be able to rely upon each other's commitment and signature. We cannot let that shake. There are all kinds of differences in this Senate. Sometimes between Democrats and Republicans, sometimes between Democrats and Democrats, between Republicans and Republicans. There are differences between us and other Members of the Senate. When a signature is affixed, when a conference report is signed, we cannot possibly contemplate any change in that conference report even if we agree with it.

By the way, as the Senator from South Carolina said, I believe I am in agreement with the principle of the material which they seek to add. I know Senator WARNER told me he is in agreement with it in principle. It is bedrock principles. You do not go deeper than this.

We also have a rule—I know the Presiding Officer is focused on the issue I want to spend 1 minute on—we have a rule relative to legislating on appropriations, which the Senator made reference to in his remarks. We also have rule XXVIII which has to do with material in a conference report which is out of scope. That rule was abided by so that if anyone ever made a point of order that material in a conference report was out of scope, if the Presiding Officer ruled, the body would not overrule the Presiding Officer.

But we made a mistake in the early 1990s when we overruled the Chair. There is material added to conference reports all the time, by the way, which has the agreement of conferees, which is out of scope that has the agreement of conferees. It might not have the agreement of everyone in the body, but everyone in the conference report agrees to it. That happens all the time. But what never happened until that one moment in the early 1990s, a point of order was made that there was material out of scope in a conference report and the point of order was sustained by the Chair. The Chair was overridden. That created havoc around here. So much so that a few years later we restored the rule and we wiped out the precedent which was created by overruling the Chair.

That is what the issue is in the defense appropriations bill. That is what this issue is going to be. That is different from legislating on an appropriations bill. Forgive me for getting into the details, but I spent a few days studying the difference and I don't want to waste my effort the last few days to try to understand this distinction. The issue on the appropriations bill, since all of us are friends and we are sitting here on a Saturday evening talking to each other this way, the difference on the appropriations bill and not legislating—I forget the number of the rule, but is not rule XXVIII—there is a different rule from the one that is at issue on defense appropriations.

The issue on the defense appropriations bill is whether we would overrule the Chair who will rule that the Arctic drilling issue is out of scope and out of order, and whether we are then going to override that ruling and put us back in the same morass we were in in the early 1990s, which caused us a few years later to reverse that precedent, undo that terrible precedent which actually made our rules into mush. We cannot have a rule which sometimes applies and sometimes does not, we override it every other day and restore it every other day. We cannot operate that way and hold our heads up as being legislators.

I thank my Chair and my friends for their patience. Let me close by confirming what the Senator from South Carolina said about the importance of the bill. It increases pay by 3.1 percent, which is half a percent higher than inflation. We have been fighting for that a long time. It increases the death gratuity to all active-duty deaths from $12,000 to $100,000, retroactive to the beginning of Operation Enduring Freedom. It authorizes a new special pay of $435 a month during hospitalization. It authorizes new leave for up to 21 days when adopting a child. We can go on and on. The Senator from South Carolina mentioned a few of them and my friend from Alabama knows this because he works hard on these issues, too.

We are trying to put items in here in this bill which are good for the troops, good for their families, good for the Nation, good for our security. We cannot watch this effort go down the drain after it was such a tremendous effort made to finish this bill. We set a record, folks. We had the shortest period of time to do an authorization bill and we had the record number of amendments that we were able to resolve. We set two records on this bill. Those records go down the drain unless the House leadership decides they are not going to try to do something that, as far as I know, has never been done before, which is to insert material in a bill somehow after the signature sheets have been signed.

There is a process. If the bill goes to the House and they want to refer it back to conference to consider something, in scope or out of scope, that is their right. But when this threat came that they were looking for a way to insert other matter into this conference report, after we had signed the sheets, Senator WARNER—I cannot pay enough tribute to Senator WARNER—is taking a very strong stand against the leader of his own party and the House of Representatives. I commend him for it. I hope the leadership of the House will relent and allow us to move forward with this important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will follow up on that. I think the House leadership and many on this side do feel the language would be good for the country and it is the right thing to do. And if everybody agrees, a lot of things happen around here. But if Senator LEVIN and Senator WARNER have concluded they do not want to discuss any additional additions, it is not going to happen; it is just not going to happen. Unanimously, if anybody agreed to add something, something that everybody likes, maybe it could occur. Sometimes one side has to push a little harder to make sure the other side understands how strongly they feel about it. But at some point, if Senators WARNER and LEVIN do not agree to this alteration, it is not going to be in the bill.

So as a legal principle, I know they used to always say: There ain't no harm in asking. So they have tried. But I am not sure it will work if we are not going to see their support for it.

ABU GHRAIB

Mr. SESSIONS. Mr. President, I will say something about Senator REID's, the Democratic leader's, reference to Abu Ghraib, suggesting that this bill, the legislation in this Defense bill has been held up perhaps because nobody wants to do anything about what has been going on in Abu Ghraib. Once again, it deeply concerns me. Once again, we are having the suggestion, if not a plain statement, that we need to pass legislation and we need to have congressional hearings to stop things such as what occurred in Abu Ghraib.

I was a member of the Armed Services Committee. I am a member of the Judiciary Committee. We have had about 20 hearings on Abu Ghraib. But do you know how we found out about Abu Ghraib? We found out about it at a press briefing in Baghdad by a U.S. Army general or colonel who said they had reports of abuse at Abu Ghraib and they were taking steps to investigate it. And they did so. They found people had violated the law. They prosecuted them. A number of them are in jail this very day.

We did not need to pass one single law for that to happen because it was in violation of military standards. In fact, none of the mistreatment of prisoners at Abu Ghraib had to do with trying to interrogate them. These people were not interrogators. They were prison guards, manning the prison at the graveyard shift, who lost their discipline, abused those prisoners, and had no real excuse for it. As one of them said, Smith—I believe he was a sergeant—he said: We all knew there would be hell to pay if anybody found out what we did. It was not approved. We were not ordered to do it. It was not part of our military standard and training.

I remember, very vividly, during that time that an African-American colonel in combat, as soldiers were taking hostile fire—they captured someone, one of the terrorists or bad guys—and he fired a gun beside his head to frighten him and to get him to tell some information. There was a life-and-death matter for his troops. They drummed him out of the service. He never touched the guy. He never hurt him. It was a moment of passion and intense feeling and reaction to being in a life-and-death struggle. He is out of the military even though he had a quite distinguished career.

Our military does not approve of abusing and torturing prisoners. In fact, we have a statute that defines torture, and they have worked hard to stay within it. People who do not stay within it get prosecuted. Now, we have ideas to go further, and that has been put as a part of this bill, and it is going to become law. I hope it doesn't go too far. But we have never approved of the kinds of things that went on in Abu Ghraib. We have never approved of torture. We have a statute, passed by this Congress, that prohibits torture by the military or anyone else. We do not allow that. It is not part of our standards as a nation. But to say there can never be any stress on prisoners who have great intelligence, and who are threats to America, I don't think has been consistent with the law of warfare.

I will note, parenthetically, that it became quite clear, as went through our hearings, that the Geneva Conventions, which protect soldiers in lawful combat—those protections do not apply to these prisoners. They do not wear uniforms. They do not operate on behalf of a state, a legitimate nation state, even a quasi-legitimate nation state. They do not adhere to standards of behavior. They do not carry their guns openly and their weapons openly. They sneak around and murder women and children, innocent civilians, contrary to the laws of warfare. Therefore, they do not gain the protections of the Geneva Conventions. But they are protected against torture, and they are entitled to that protection. They should be granted it. And if anybody violates those standards, they are prosecuted by the U.S. military.

I think the military has taken far too much abuse on this. They did a huge study of Guantanamo, Gitmo. I have been there twice. I know the standards those guards operate under. They have a phrase they greet each other with when they see each other on the base, one soldier to another. They say: Honor bound. And when they see you, they say: Honor bound, sir. They have high standards. They found three abuse cases, most minor, that were discovered after a review down there, and disciplinary action was taken concerning those. But they are not being mistreated every day, abused or tortured. I reject that.

PATRIOT ACT

Mr. SESSIONS. Mr. President, I also say this. I am not aware of a single proponent of the PATRIOT Act who has accused any Member on the other side, or any Member who opposes the PATRIOT Act, of being unpatriotic. Where did that come from? I would like to search the RECORD. I would like to see that. I do not think it has occurred. I have not heard anybody over here say that. We say: You are wrong. We say you are making a mistake, that you ought to reconsider, you ought to study the act and see that it does not threaten our liberties, that it is consistent with our constitutional protections this great Nation provides.

If you do not pass it, I will repeat, this legislation will lapse as of December 31, and it will place our Nation at greater risk. There is no doubt about that. I would repeat, again, it is stunningly surprising to me that we end up, after the bill passed here unanimously in the Senate, unanimously in the Judiciary Committee, and it went to conference with the House of Representatives. At conference, most of the disagreements were resolved in favor of our bill. Who has ever heard of a bill of this size that did not have some changes in conference? They were all minor. Most of the changes resulted in movement toward the Senate bill.

Some of the provisions were left to be sunsetted in 4 years by the Senate bill. The House said they should be sunsetted in 10 years, so they would stay in effect for 10 years before they would have a full up-or-down review for reauthorization. We said 4 years. So we went to conference, and we thought agreement had been reached on 7 years. After we signed the conference report—Senator KYL and others—we thought we had an agreement at 7 years. This is what we normally do in these deals, sort of split the difference when you can. And Senator LEAHY and the Democratic members had a fit. No, no, no, it had to be 4 years. It had to be 4 years. And we argued that was not appropriate.

Senator KYL and I, particularly, were involved in those discussions, being members of the conference committee. We thought 7 years was a good compromise. That was the last issue to be decided, and we totally agreed to go to 4.

That was the Senate version exactly. They wanted 7 as a compromise. The House wanted 10 in their bill. We ended up totally winning on the Senate position.

There was a dispute about delayed notification warrants. The Senate bill that passed unanimously in the Judiciary Committee and on the Senate floor said the warrant that is executed, after prior approval by a U.S. judge who has made a specific additional finding on facts presented to that judge, is justified to delay notification to the person's residence who is being served. In those circumstances, delayed notification is essential because these matters are going to involve tremendous security and are of tremendous importance to an investigation of this kind. In the Senate, we decided that investigators should report back to the judge within 7 days. After 7 days, you could then ask for an additional period of time before you notified the person whose residence had been searched.

The House bill set the delayed notification period for 180 days. They said: In a terrorist investigation, you could delay notification to the person whose house was searched for 180 days.

So we had a big brouhaha over that. We agreed to 30 days, which is far closer to the Senate version than to the House. Frankly, it didn't make a whole lot of difference because you have to have prior judicial approval to delay notice. And if you want to continue to delay notice, you have to prove that there is an existing continuing threat and danger. It is not a big deal.

This bill is about to expire, and those are the kinds of things that they say are such tremendous changes that now we should not even get an up-or-down vote. The fact that we are going to allow this bill to expire and not allow it to become law, will result in the wall going back up between the CIA and the FBI. That makes no sense.

Frankly, there are some things in here that worry me. One of the things you have to do to delay notice or to not notify someone under a 215 order is to have an agent certify that not doing would result in a threat to America. It is hard to certify that. Some people think they will just say it anyway. They can't just say it anyway. These are professionals. They know what the standards are. They know that we have to have some proof to justify delayed notice or non-notification. The notification question has to be so significant that they can articulate and have proof that it represents a threat to somebody. I think that is too high a standard in these kinds of rare cases involving national security and the investigation of terrorism.

There is a show on one of the cable stations right now called "Sleeper Cell." They have an undercover operative in one of these terrorist cells, and he meets with them. That is something you would love to see. One time I saw it. They had some hypothetical scene in which they said this was the only sleeper cell that they had ever penetrated. I don't know how many sleeper cells are penetrated today, but that is a hard thing to do. It is hard to get somebody in one of these closed, tightknit groups to know what they are doing. But if they do, they can go into the person's house. They can go wherever they are invited to go with the bad guys and record them if they have a recorder. That is perfectly legitimate under the law. But you don't often have that. And so how do you protect America?

You have to have records and documents. You have to be able to obtain evidence. Someone says: This individual came into our neighborhood, our community, Mr. FBI Agent. I just heard him talking. It sounded like he was talking about maybe being a terrorist. He sounded like he was involved in terrorist talk.

What does that agent need to do? He needs to act quickly. What would be one of the first things he would want to do? He is in contact with other terrorist groups. Is he communicating with terrorists around the world? How would you find that out? You don't need to tap their phones. All you would really need to do is obtain a subpoena for telephone toll records. A local county district attorney can subpoena telephone toll records to investigate an individual on a marijuana charge. Why in the world couldn't an FBI agent be able to get a subpoena for these records if he certifies under oath that it is related to a national security matter? Then if you see a bunch of telephone toll records between that individual and a known terrorist organization somewhere, you know this is not just a tip, this is the real thing.

That is what goes on in our investigative agencies today. They are not out there trying to snoop on your or my phone calls. They would be bored stiff listening to my phone calls.

This legislation is sound. It has been carefully debated. It came out of the Senate 4 years ago with only one "no" vote. It has even more civil liberties protections in it now than it did then. We ought to be passing it. We don't need to allow this legislation to lapse.

I am chagrined that the leadership was virtually ambushed. From out of nowhere comes this full-fledged filibuster led by the Democratic side. Yes, there were four Republicans who voted against cloture. But only 2 of the 45 Democrats voted to move the bill forward. It was basically blocked by the Democratic Party. They had the votes to block it.

It is disappointing. We need not to allow this to happen. I hope my colleagues will review the bill, that they will think about those agents out there this very day trying to protect us from harm, and that they will consider carefully their votes. Let's move forward.

There is some thought that we can just moderate this bill some more, that we will just keep on weakening the bill, and that will be the price to pay for passing it. I don't think this bill needs to be weakened. I don't think it needs to be undermined any more than it is right now. It is a sound piece of legislation, and I will oppose that.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I rise to echo what Senator SESSIONS just said. I have tried to be involved with this detainee issue in as balanced a way as I can. I don't want my country to go down the road of adopting the tactics of our enemy. That has never been the issue. We have had some people who have done some bad things, and they have been prosecuted. But when you get editorials from major papers such as the New York Times saying our troops routinely abuse people, that is ludicrous. There have been thousands of people detained in this war. Some have been mistreated. We are prosecuting those people. We can do better, but we will do better. We are trying to get a grip on our policies so that we cannot only live up to who we are as a people but defend ourselves, too.

This enemy knows no bounds. This enemy is a ruthless enemy. They train each other to allege abuse. That is part of the al-Qaida manual. They will say anything. We want a process to make sure that real allegations are dealt with honestly and that mere accusations do not require us to let these people go and not be able to defend ourselves.

This editorial refers to the so-called war on terror. That is a mindset we need to reject. This is not a so-called war.

I just got back from Iraq. It is a real war. Five minutes before the polls opened, they lobbed a shell over where we were staying. One marine was injured. It is a real war to him and to all the other people who have been wounded and to the families who have lost their loved ones. It is a real war to the 3,000 people killed on 9/11 and their families. It is a real event. We are at war.

I am insistent that my country live up to its obligations under treaties, the law of armed conflict. I am equally insistent that our law reflect we are at war.

Senator SESSIONS is a former U.S. attorney.

We are not fighting crime here, we are fighting a war or terror. The PATRIOT Act is not about prosecuting people who are involved in criminal enterprises. The PATRIOT Act is about preventing the infiltration of our country by a foreign enemy who wants to blow us up and kill Americans.

During World War II, the War Powers Act was passed, and that makes this bill look like the ACLU. There were some very strong measures taken after Pearl Harbor, and they worked. The Germans and Japanese infiltrators were caught and our country, for the most part, was not infiltrated. The FBI and other organizations did a marvelous job protecting us against ruthless enemies, the Nazis and the Japanese.

This enemy is just as ruthless. We don't have to pick and choose between abandoning the rule of law and civil liberties. We don't have to choose between letting people go or anything goes. That is not the choice. The PATRIOT Act is a balance. Here is what I worry the most about: As we try to straighten out past mistakes, as we try to come up with new policies, I worry that we are slowly but surely losing the idea that we are at war. That is beginning to fade, and we are approaching this problem we face called terrorism as if it were a domestic criminal event. If we do that, our enemy will have opportunities they do not deserve. Our people will suffer.

So count me in and sign me up for adhering to the law of armed conflict and for maintaining the moral high ground. But I reject an effort to criminalize what I think is world war III.

I yield the floor.

(Mr. CHAMBLISS assumed the Chair.)

Mr. SESSIONS. Mr. President, I will ask him to tell us how many years he has been a U.S. Army JAG officer. He has been so familiar with all these issues and has provided much leadership to it with some great ideas in recent weeks on some of the amendments he has offered. I think people need to listen to what he said about the difference between war and criminality.

The President said at the beginning that we cannot treat this as crime; this is war. I think the Congress was all for it. We all said "yes." And now these issues arise again. I thank the Senator for sharing that. I had one more question I wanted to raise with him.

Mr. GRAHAM. I appreciate the compliment. I don't want to defame the Army. I am in the Air Force. I have been in the Air Force as an Active-Duty Reserve lawyer for 20-something years. By no means am I an international expert, but I feel as though I am going to get a master's degree in this type of law when this is all over. The bottom line is, I have a general understanding of how the law of armed conflict works versus domestic criminal law because that is what I used to do. That is what I kind of still do. I understand the difference between defensive measures. Keeping an enemy from infiltrating a country is a different need than trying to domestically control the behavior of your own citizens. Sometimes your own citizens jump sides and join the enemy. When they do that, I don't have a lot of sympathy for them. So we have a different task at hand.

This is not regulating U.S. domestic criminal enterprises. This is trying to stop an enemy that is hell-bent on coming back. And they are coming. They are here. Thanks to fighting them hard, we have stopped them for 4 years. But it is inevitable that we are going to hit again.

Mr. SESSIONS. Will the Senator yield for one more question?

Mr. GRAHAM. Yes.

Mr. SESSIONS. I was pleased to be able to join with Senator GRAHAM and Senators LIEBERMAN, BAYH, BROWNBACK, and a number of other Senators, in forming a caucus or a group to treat the energy threats to this country as a national security threat. Now I think it is unfortunate—and it is a complex Senate that we are operating in today—that ANWR legislation will be a part of that bill. I wish it did not have to be, but things boiled down at the end of the session to that way. I would like to have the Senator share some thoughts on the philosophy of that bipartisan group that energy is security for our Nation.

Mr. GRAHAM. I thank the Senator for the question. I think we have come to the conclusion, after $3-a-gallon gas, oil and gas prices are also good domestic politics because we all got our heads handed to us at home. Everybody is upset. If you are working in South Carolina making $7, $8, $10-an-hour and gas is $3 a gallon, it really hits home. What we came together on is trying to find a political solution to the domestic problem. What Senator SESSIONS indicated is that we came together on the fact that if we are this dependent as a Nation on Mideast oil, fossil fuels, 10 or 20 years from now, we have done our Nation a disservice because our national security interest is best served when we can be independent from forces we cannot control. We should, as a Nation, a long time ago have become more energy independent. It is a national mistake, from a security perspective, to have this much dependence on fossil fuels from a region that is this volatile. It weakens our ability as a Nation to protect ourselves.

In that regard, some Republicans and Democrats have come up with a proposal to be aggressive to wean us off Mideast foreign oil because it really does hurt our national security interest: We should not be this beholden to any region of the world for everyday functions in this country.

A final thought about the PATRIOT Act. Those who oppose it, I respect you for standing up for the American way, civil liberties. But there has to be a balance here. When I go to the library, I don't want to be bothered. Let me tell you, if there is a reason to believe somebody is going to the library or using everyday life in America as a tool to infiltrate our country and do damage, I think we have to have a balance because they are here. The Presiding Officer knows better than I that they are here. The hijackers of 9/11 had multiple driver's licenses. They know how to game the system. They know how to get access to our technology and our science. If we don't have the common sense to have a balanced approach to get ahead of them, and if we play this game that this is crime and not a war, we are going to empower them beyond what is reasonable.

If we leave as a body and let this act expire because we cannot find common ground, then I think we have done the country a great disservice, and the enemy would appreciate that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, parliamentary inquiry: It is my understanding—and I ask the Chair if this is correct—that a Presiding Officer, under the rules of the Senate, is not allowed to engage in debate other than to object to motions in his capacity from the State from which he comes; is that correct?

The PRESIDING OFFICER. Under the precedent of the Senate, the Presiding Officer has no right to engage in conversation with Senators on the floor. He should not participate in debate.

Mr. COBURN. OK.

The PRESIDING OFFICER. However, a Senator may vote from the chair.

Mr. COBURN. I thank the Chair. In the earlier discussion we had, it was stated by the minority leader that the Presiding Officer can debate from the chair. I did not think that was right. In fact, it is not correct.

I want to wrap up with a couple of thoughts. We have had a lot of discussion this evening about process and precedent and keeping your word. As we think about what that means to our country, we ought to go a little further back and think about the heritage that has been given to this country by those who came before us. I want to characterize a couple points of that.

One is doing whatever we have to do, including personal sacrifice, to assure opportunity and a great future for those who follow.

It seems to me, as we get hung up on a discussion of process, that we ought to pay as much attention to heritage. I mean by that, we are having trouble passing the Labor-HHS bill. It is the first bill to come through this Senate in a number of years that doesn't have any earmarks on it. I suspect the reason people don't want to vote for it is because they did not get the political benefit of placing the public's dollars to their own political advantage.

The other point is we hear debate that it does not supply enough. The real heritage that came before us is Members of this body making the hard choices—not easy choices, hard choices—about priorities. We are at such a point that this next year is going to be a very difficult year for us in terms of how we pay for a war, how we pay for Katrina, and the related items we have an obligation to pay for, and not diminish the opportunity and the future of our children and our grandchildren.

I think we would be very wise to not put the purity of our own process ahead of our basic morality and ethics of maintaining the heritage this country has.

I will not say any more. I know we are about to wrap up, and I appreciate the time.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

CELEBRATING THE LIFE OF JIM SCHLINKMANN

Mr. REID. Mr. President, today I rise to honor the life of a public servant who worked in one of the most beautiful corners of Nevada, Great Basin National Park. James "Jim" Schlinkmann was chief ranger of the park and passed away while returning home from an assignment on the National Park Service Team assisting with Hurricane Wilma recovery.

I met Jim several times at the park, most recently during this year's Fourth of July weekend when I traveled out to Baker, NV, for the grand opening of the new Great Basin Visitor Center. On that day, Jim personally presented me with a spectacular photo of a Great Basin National Park icon, an ancient bristlecone pine.

I have an especially clear recollection of that day, and of Jim, because the opening of the new visitor center was such a special event. Cowboy poetry was read, patriotic songs were sung, and friends came together to celebrate the tremendous landscape that exists at Great Basin National Park. The picture that Jim presented to me is now hanging in my Reno office and is a joyful reminder of that day and of the last time I got to visit with Jim.

I know from my conversations with Jim and from the park's superintendent that Jim loved the mountains of Great Basin National Park where he spent the last 5 years. He will most definitely be remembered fondly there. And I will remember his dedicated public service at Great Basin and all the many parks he served during his 23-year career.

Some of Jim's many accomplishments include his expertise as a rock climber that allowed him to make enormous contributions to the National Park Service technical rescue program. Jim helped develop some of the first organized technical rescue courses at Joshua Tree National Park and for 7 years was a lead instructor for the National Park Service Technical Rescue Course, which is taught annually at Canyonlands National Park.

Before coming to Great Basin, Jim served as the chief ranger at Devils Tower National Monument in Wyoming. The former superintendent of Devils Tower recalls Jim as an outstanding liaison to both the climbing community and to the American Indian community. In addition to his tours of duty at Great Basin, Joshua Tree and Devils Tower, Jim also served as a ranger at Shoshone National Forest, Denali National Park and Rocky Mountain National Park.

Jim Schlinkmann was a man who dedicated himself to protecting the very best of America's lands and who represented the very best of America's spirit.

I will miss seeing him on my next visit to Great Basin National Park.

And I will be thinking about him the next time I look up at the remarkable snow-covered peaks of the south Snake Range.

COMMEMORATING THE ACHIEVEMENTS OF SANDY LEE AVANTS

Mr. REID. Mr. President, today I rise to honor a woman who has dedicated herself to serving the people of Nevada and who has left a lasting impact through her work in government.

Ms. Sandy Lee Avants was born and raised in Phoenix, AZ. Following graduation from Arizona State University, she moved to Las Vegas. As a testament to Sandy's character, within the first month of her residence in Las Vegas, she immediately became involved in the local community through service clubs.

Sandy has had success both in her professional life and in public service. Following a prosperous private business enterprise, she began her career in Nevada's government when Senator Richard Bryan was serving as Governor. Governor Bryan then appointed Sandy to be chairman of the State of Nevada's Commission on Ethics in 1983 and in 1986 appointed her as the administrator of the Real Estate Division. In 1987, Sandy became the first woman to head a State law enforcement agency when she became the administrator of the Taxicab Authority.

Sandy's accomplishments came at a time when Nevada needed them the most. Her most recent appointment was to the Transportation Service Authority, TSA, in Nevada, where she served as the deputy commissioner, commissioner, and chairwoman. At TSA, she administered and enforced Nevada's law related to passenger transportation, household goods movement, and car towing companies. Additionally, she ensured that consumers utilizing these services were protected. Sandy has met the needs of a rapidly growing public and shown her professionalism and commitment to Nevada and its people.

Those are a few of the many visible contributions that Sandy made to the community, but her most important contributions were made outside of the public eye. Sandy was a founding member and president of the Greater Las Vegas Women's League. She is also a founding member of the International Association of Transportation Regulators, and a Community Advisory Board at the University of Nevada, Las Vegas. During her time in Nevada, Sandy enrolled in various courses at the National Judicial College and received certification as an administrative law judge and mentor. From 1999 through 2002, Sandy worked closely with me in Washington, DC, creating congressional legislation to improve transportation in Nevada.

I have known Sandy for many years and recognize the many contributions she has made to the community. Sandy's hard work and character have left a lasting impression on our State and community.

Sandy recently retired from the Nevada State government, but I am sure that she will continue working in public service through her numerous volunteer positions. The State of Nevada is fortunate to have Sandy Avants. I offer her my gratitude and wish her all the best as she embarks on new endeavors.

FULL FUNDING FOR PANDEMIC FLU PREPAREDNESS

Mr. REID. Earlier today, Senator FRIST spoke about the importance of preparing our Nation for the serious and growing threat of an influenza pandemic.

Members of this body made pandemic flu a priority when it unanimously adopted an $8 billion amendment to combat avian flu offered by Senate Democrats.

I hope that Senator FRIST will join me in standing by this commitment and will work to ensure that Congress provides for the full $8 billion America needs to begin addressing this critical issue before we adjourn.

The avian flu has spread to 15 countries and killed 70 of the 137 individuals it has infected. Scientists are warning that it is only a matter of time before this virus mutates to a new strain that will allow for sustained human-to-human transmission and cause the next pandemic.

The human and economic impact of an influenza pandemic on our Nation would be devastating.

According to a recent report by the Congressional Budget Office, a severe flu pandemic could infect 90 million U.S. residents and 2 million would die.

Thirty percent of the workforce would become ill and those who survived would miss 3 weeks of work. This lost productivity and decrease in consumer spending could cause a $675 billion reduction in U.S. gross domestic product and move the Nation into a recession.

Perhaps the only thing more troubling than the human and economic consequences of an avian flu pandemic is the fact that our Nation is dangerously unprepared to deal with it.

We are not dedicating enough resources to global surveillance activities that allow us to detect and contain an outbreak of avian flu.

If we are unable to contain a pandemic overseas, our strongest defense at home will be an effective vaccine. However, our domestic vaccine manufacturing capacity is so inadequate it could take nearly a year to produce and distribute a vaccine.

Effective drugs that can slow the spread of a pandemic until a vaccine is developed are only available for 2 percent of our population.

Finally, all of these problems are compounded by the fact that our public health infrastructure cannot handle a pandemic and the medical community, businesses, and general public must be better prepared for a pandemic.

All of these facts are reasons why Congress must immediately address the avian flu threat and why the Senate voted to do just that earlier this year.

I am troubled by reports that congressional Republicans are on the verge of approving about half of the amount approved by the Senate.

Senator FRIST rightly pointed out that the threat of pandemic flu is not and should not be a partisan issue. A pandemic strain of flu will not distinguish between Democrats or Republicans.

That is why I hope that Senator FRIST will stand with me and will continue to fight for the full funding level approved by the Senate so our Government may begin to prepare and protect our Nation from this looming threat.

STEM CELL THERAPEUTIC AND RESEARCH ACT

Mr. BROWNBACK. Mr. President, I rise to speak on the Stem Cell Therapeutic and Research Act of 2005, which would establish a national cord blood stem cell bank. This legislation was agreed to last night during wrap-up under unanimous consent.

I would like to congratulate the majority leader and all parties involved in yesterday's achievement, which resulted in passage of the cord blood bill. As you will recall, it was just 2 days ago that the other side, through the junior Senator from Iowa, reaffirmed their objections to consideration of this important legislation.

Their objections, it seems, were not substantive as this legislation has been championed by Members from both sides of the aisle and as further evidenced by the lifting of objections and the cord blood bill passing without any opposition. Passage without any opposition in the Senate is truly rare. Rather, the other side's objections were tied to their support for additional funding of highly controversial destructive human embryonic stem cell research, which despite sufficient funding and years of research has yet to cure—or even treat—one human patient yet.

Clearly, the other side wants a vote on their embryonic stem cell legislation, which requires the destruction of young human lives. On the other hand, I and many of my colleagues would also like for us to have an up-or-down vote on the Human Cloning Prohibition Act or the Human Chimera Prohibition Act, but we have been denied this by the other side. There will be a time for a vigorous debate on all of these issues next year, and I look forward to engaging in that debate.

However, ethical, noncontroversial cord blood stem cell research should not have been made the political football that it was for the intervening months between House passage of the bill in May and yesterday's action in the Senate. Once again, I would like to commend all of my colleagues for depoliticizing the issue of cord blood. Patients will be benefited almost immediately, and, yes, more kids' lives will be saved because we passed this bill yesterday, rather than sometime next year. I applaud the other side for recognizing this fact.

Yesterday, the junior Senator from Iowa took to the floor and challenged my statement from Thursday evening that "more kids will die if we don't take up the cord blood bill." I would merely like to spend a few minutes highlighting the truth of my statement.

Cord blood stem cell research involves the blood from human umbilical cords. Cord blood contains a high number of pluripotent stem cells; and it is currently treating real people and saving many lives.

Contemplation of cord blood stem cell's therapeutic power is something that many in my office are currently contemplating, as at least five staff members or their spouses are expecting babies right now. We even thought that one of them was coming a few nights ago, but it was a false alarm.

Unlike human embryonic stem cells, which require the destruction of young human beings, umbilical cord blood stem cells are completely ethical as their derivation and use results in no harm to any human beings. Cord blood has incredible therapeutic power.

To better harness the power of cord blood, thereby saving more lives, the cord blood bill that passed last night was essential. While I had worked closely with Senator SPECTER in channeling appropriation funds to establish a national cord blood stem cell bank, without the authorizing legislation, which we passed last night, these funds did not have the necessary structure to be effective.

However, should the House send the bill to the President tonight—as we expect—a structure will go into effect that will immediately begin collecting cord blood units and making them available to Americans suffering from a variety of diseases from blood cancers to neurological diseases. Without the structure that cord blood bill provides, many fewer patients will benefit and some waiting on cord blood will die.

To highlight this, I will share a few stories of real people who have been successfully treated with cord blood stem cells.

The first story is of Keone Penn, a young man cured of sickle cell anemia a disease that afflicts more than 70,000 Americans, particularly African Americans. Keone, of course, tells his story the best; so listen to his testimony before a Senate Science Subcommittee hearing that I chaired on June 12, 2003:

> My name is Keone Penn. Two days ago, I turned 17 years old. Five years ago, they said I wouldn't live to be 17. They said I'd be dead within 5 years. I was born with sickle cell anemia. Sickle cell is a very bad disease. I had a stroke when I was 5 years old. Things got even worse after that. My life has been full of pain crises, blood transfusions every two weeks, and more times in the hospital than I can count. The year before I had my stem cell transplant, I was in the hospital 13 times. I never was able to have a normal life. My stem cell transplant was not easy, but I thank God that I'm still here. I will graduate from high school this year. I want to become a chef because I love to cook. I think I'm pretty good at it. Sickle cell is now a part of my past. One year after my transplant, I was pronounced cured. Stem cells saved my life.

It is important to realize though that cord blood treats many other diseases. Consider the story of Erik Haines, who received a successful cord blood stem cell transplant to treat Krabbe disease. Krabbe disease is an often fatal neurological disease. This helps to illustrate how broadly effective cord blood stem cells really are.

Erik Haines made medical history at age 2 when he became one of the first cord blood transplant patients at the University of Minnesota on July 24, 1994. Erik had suffered from the genetic blood disorder Krabbe disease, from which his younger brother Adam died. Since his umbilical cord blood transplant, annual exams at the University of Minnesota are not full of foreboding or anxiety; and check-ups with Erik's pediatrician likewise seem routine. Also, like many boys, Erik enjoys baseball, soccer, and swimming. Erik's father Paul Haines says:

> The only real lasting effects are complications from the radiation he received—small cataracts. He wears glasses and has a little trouble seeing the board from the back of the room.

Both Keone and Erik's treatments took place in the 1990s, and cord blood stem cell research has made even greater progress since then. We learn of new, exciting developments every month.

Just 2 weeks ago, we heard about this on local DC television stations.

On November 30, 2005, two local DC TV stations reported on separate life saving cures emerging from umbilical cord blood stem cells. Channel 7 focused on the Korean cord blood stem cell treatment for spinal cord injury and the procedure's first U.S. patient, a Virginia woman.

Channel 4 highlighted two children in a local family—Riverdale, MD—cured of SCIDS—severe combined immune deficiency syndrome—also known as "bubble boy disease" by cord blood from unrelated donors.

And on October 23, 2005, the Chicago Tribune reported:

> Cord blood is surprising researchers with previously unrecognized healing powers that go far beyond its known effectiveness against childhood leukemia and some other disorders. Early research in animals suggests that cord blood may provide a new bounty of cures and treatments for many other medical conditions, including heart attack, Parkinson's disease, stroke, Alzheimer's disease, muscular dystrophy, diabetes, spinal cord injury and amyotrophic lateral sclerosis . . . In May, the New England Journal of Medicine published a study showing that a cord blood transplant performed as soon as possible after birth can, for the first time, stop the deadly course of Krabbe disease.

There are thousands of testimonies of the efficaciousness of cord blood stem cells. There are also innumerable new stories and medical journal articles on amazing advances in disease treatments in real human patients with cord blood stem cells.

There are more than ample, documented medical articles, on which I base my claim that because the Senate acted and passed the cord blood bill this week, more kids' lives will be saved.

As for speculative, destructive, human embryonic stem cell research, there is not yet even one patient trial with embryonic stem cells for any disease; and it is not for lack of years of research, prohibitions—there are none—or lack of funding. It is because embryonic stem cells form cancers and tumors due to their immature state. Regarding destructive human embryonic stem cell research, even the prestigious journal Science acknowledged on June 17, 2005, that:

> It is nearly certain that the clinical benefits of the research are years or decades away. This is a message that desperate families and patients will not want to hear.

With last night's passage of the Stem Cell Therapeutic and Research Act, the Senate formally recognized the lifesaving value of cord blood stem cell research. I have worked closely with Senator SPECTER over the past few years to appropriate nearly $20 million for the purpose of establishing a national cord blood bank. And I am proud to be an original cosponsor of the bipartisan legislation that passed out of this chamber last night.

I am also proud that we were able to move in a bipartisan manner on this legislation. Working alongside Senators HATCH, DODD, SPECTER, HARKIN, ENZI, and FRIST on this issue was a pleasure and helps to demonstrate that the two parties can work together effectively.

Everybody wins with cord blood stem cell research. Patients win because they receive successful treatments and cures. Human dignity wins because cord blood stem cell research respects all human life and does not kill the young human embryo, as is the case with human-destructive embryonic stem cell research.

Cord blood doesn't just hold promise. Cord blood is producing real treatments and even real cures for a variety of maladies afflicting real people right now. Passage of this bill should be celebrated, and I commend my colleagues for this wonderful achievement.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I want to congratulate Chairman SPECTER and Chairman ROBERTS for their extraordinary work in forging a conference report on the reauthorization of certain provisions of the USA PATRIOT Act. I remain disappointed that many concessions were made to minority members of the conference which not only did not result in their support of the conference report but which, in my judgment, are unwise on the merits.

On November 17, I wrote to the conferees identifying some of these unwise concessions. They included: a three-part test for relevance in section 215; additional reporting requirements and inspector general audit provisions; sunsetting the "lone-wolf" wolf FISA warrant provisions; thirty day initial limit on delayed notice search warrants; applying minimization provisions to subpoenas; and the deletion of important death penalty provisions which were contained in the House version.

In my letter, I urged that no further concessions be made. Yet further concessions were made. These additional concessions include stripping a criminal penalty of up to 1 year imprisonment for a knowing and willful violation of the nondisclosure provision of national security letters. This makes a mockery of the nondisclosure provision itself.

Despite these significant accommodations which were made in the interest of bipartisan compromise, I am distressed to learn that, even now, certain of my colleagues are not only still opposing this bill, but are urging further delay, further compromise, and further weakening of the bill. This effort should be soundly rejected by this body. However, should there be a delay, and the opportunity for additional changes to the conference report, I will urge that we revisit these ill-advised concessions already made and that they be deleted from the bill. That said, I hope that we do not go down that road. I hope that both sides will rise above our particular preferences for a perfect bill, and vote for the good of the Nation and its citizens who have been protected by this historic legislation for the last 5 years.

I am also disappointed that certain of my colleagues have seen fit to oppose the conference report over a single issue—the appropriate standard of judicial review of the national security letters nondisclosure provisions. These opponents would ask courts to assess potential damage to national security rather than the officials in our Government in the intelligence and diplomatic community who are the only ones capable of making such determinations based on all available intelligence and investigative information.

While I am not pleased with every provision of this final bill, some of which I have just reviewed, on balance I am satisfied that overall the final language agreed to represents a reaffirmation of the Nation's commitment to modernization of our criminal and intelligence investigative laws and commonsense law enforcement.

The USA PATRIOT Act provisions, which Congress wisely passed following the terrorist attacks on our soil and the callous murder of innocent civilians, have stood the test of time. The act's provisions have helped to keep us safe and to protect our liberties which were jeopardized, not by expanded governmental authority, but by violent attacks against our way of life by terrorists.

Those who urge further changes and further weakening are, in my judgment, playing a dangerous political game, intended or not, at the expense of our national security and our personal liberties—liberties protected by the commonsense provisions of the PATRIOT Act. Provisions of the act have been utilized to accomplish amazing victories in the war on terrorism and to keep us safe and free. Let me highlight just a few from information provided by the Department of Justice:

The Department of Justice successfully dismantled a Portland, OR, terror cell known as the "Portland Seven." Members of this terror cell had attempted to travel to Afghanistan in 2001 and 2002 to take up arms with the Taliban and al-Qaida against United States and coalition forces fighting there. The USA PATRIOT Act information-sharing provisions were critical in taking down the Portland cell.

The Department of Justice successfully convicted members of an al-Qaida cell in Lackawanna, NY, that involved several residents of Lackawanna who traveled to Afghanistan in 2001 to receive training at an al-Qaida-affiliated camp near Kandahar. Five of the Lackawanna Six pleaded guilty to providing material support to al-Qaida, and the sixth pleaded guilty to conducting transactions unlawfully with al-Qaida. The USA PATRIOT Act information-sharing and national security letter provisions were critical to this case.

The Department of Justice successfully prosecuted the so-called Virginia Jihad case involving members of the Dar al-Arqam Islamic Center, who trained for jihad in Northern Virginia, including eight individuals who traveled to terrorist training camps in Pakistan or Afghanistan between 1999 and 2001. Six of the defendants have pleaded guilty and three were convicted in March 2004 of charges including conspiracy to levy war against the United States and conspiracy to provide material support to the Taliban. The USA PATRIOT Act was critical to this case.

In May of 2003, Ahmed Omar Abu Ali was arrested after having sought out and joined an al-Qaida cell in Medina, Saudi Arabia, where he received training in weapons, explosives, and document forgery. He, along with other members of the cell, began to develop plans for several potential terrorist attacks against the United States, including a plot to assassinate President Bush. Abu Ali was recently convicted in Federal district court.

On November 23, 2005, Uzair Paracha was convicted in New York of all five counts in an indictment that included charges of conspiracy and providing material support to al-Qaida. Paracha traveled to the United States in February 2003 to assist al-Qaida, including posing as a person Paracha knew to be an al-Qaida associate, obtaining immigration documents that would permit that al-Qaida member to enter the United States, and conducting financial transactions involving the al-Qaida associate's bank accounts.

The Department of Justice also indicted Mohammed Junaid Babar for material support of al-Qaida after he arranged for a month-long jihadi training camp, at which attendees received training in basic military skills, explosives and weapons. Among the attendees were individuals who were plotting to bomb targets abroad. Babar pleaded guilty to providing material support, among other charges, and cooperated with ongoing investigations.

New York defense attorney Lynne Stewart, Mohammed Yousry, and Ahmed Abdel Sattar were recently convicted by a jury of material support charges in connection with passing messages to a terrorist organization, known as the Islamic Group, from Sheik Abdel Rahman, the Islamic Group's imprisoned leader. Abdel-Rahman is serving a life sentence plus 65 years for his role in terrorist activities, including the 1993 bombing of the World Trade Center. Sattar was also convicted of conspiring to kill persons in a foreign country and for solicitation of crimes of violence.

On October 24, 2005, the Department of Justice announced the historic extradition of the notorious Taliban-linked narcoterrorist Baz Mohammad. Mohammad has been indicted for allegedly manufacturing and distributing tens of millions of dollars worth of heroin in Afghanistan and Pakistan. He was closely aligned with the Taliban and other Islamic-extremist groups in Afghanistan, providing financial support to the Taliban with proceeds from heroin sales in the United States.

John Walker Lindh, the "American Taliban" captured on the battlefield in Afghanistan, pleaded guilty to supporting the Taliban and has been sentenced to 20 years in prison. As part of his plea agreement, Lindh has provided information about training camps and fighting in Afghanistan.

Another potentially devastating attack was averted when Richard Reid, the so-called shoe bomber, was foiled in his attempt to detonate a bomb on American Airlines flight 63 during flight. Reid was charged as a trained terrorist for this attempted terrorist attack. He pled guilty to all charges and was sentenced to life imprisonment on January 30, 2003.

The Department of Justice successfully detected and disrupted sinister plans in Lodi, CA. Hamid Hayat was indicted and charged with material support to terrorists after he allegedly attended a terrorist training camp in Pakistan in 2004 and returned to this country with the intent of committing jihad against America. Additional associates have been deported and one charged with two counts of lying to Federal agents.

In United States v. Odeh, a naroterrorism case, investigators used a court-issued delayed-notice search warrant to search an envelope mailed to a target of the investigation. The search confirmed that the target was operating an illegal money exchange to funnel money to the Middle East, including to an associate of an apparent Islamic Jihad operative in Israel. The delayed-notice provision allowed investigators to conduct the search without compromising an ongoing wiretap on the target and several confederates.

The information sharing between intelligence and law enforcement personnel made possible by USA PATRIOT Act section 218 was useful in the investigation of two Yemeni citizens, Mohammed Ali Hasan Al-Moayad and Mohshen Yahya Zayed, who were charged in 2003 with conspiring to provide material support to al-Qaida and Hamas. Following their indictment, Al-Moayad and Zayed were extradited to the United States from Germany, and both were convicted in March 2005 of conspiring to provide material support to a foreign terrorist organization.

The Department of Justice used USA PATRIOT Act section 218 to gain access to intelligence that facilitated the indictment of Enaam Amaout, the executive director of the Illinois-based Benevolence International Foundation, BIF. Arnaout had a long-standing relationship with Osama bin Laden and used his charity organization both to obtain funds illicitly from unsuspecting Americans for terrorist organizations, such as al-Qaida, and to serve as a channel for people to contribute money knowingly to such groups. Arnaout ultimately pleaded guilty to a racketeering charge, admitting that he diverted thousands of dollars from BIF to support Islamic militant groups in Bosnia and Chechnya. He was sentenced to more than 11 years in prison.

The broader information sharing made possible by USA PATRIOT Act section 218 also assisted the prosecution in San Diego of several persons involved in an al-Qaida drugs-for-weapons plot, which culminated in two guilty pleas. Two defendants, Muhamed Abid Afridi and Ilyas Ali, admitted that they conspired to distribute approximately five metric tons of hashish and 600 kilograms of heroin originating in Pakistan to undercover U.S. law enforcement officers. Additionally, they admitted that they conspired to receive, as partial payment for the drugs, four Stinger anti-aircraft missiles that they then intended to sell to the Taliban, an organization they knew at the time to be affiliated with al-Qaida. Afridi and Ali pleaded guilty to the felony charges of conspiracy to provide material support to terrorists and conspiracy to distribute heroin and hashish. The lead defendant in the case is currently awaiting trial.

Section 218 of the PATRIOT Act was critical in the successful prosecution of Khaled Abdel Latif Dumeisi, who was convicted by a jury in January 2004 of illegally acting as an agent of the former government of Iraq as well as two counts of perjury. Before the gulf war, Dumeisi passed information on Iraqi opposition members located in the United States to officers of the Iraqi Intelligence Service stationed in the Iraqi mission to the United Nations. During this investigation, intelligence agents conducting surveillance of Dumeisi pursuant to FISA coordinated and shared information with law enforcement agents and prosecutors investigating Dumeisi for possible criminal violations. Because of this coordination, law enforcement agents and prosecutors learned from intelligence agents of an incriminating telephone conversation that took place in April 2003 between Dumeisi and a coconspirator. This phone conversation corroborated other evidence that Dumeisi was acting as an agent of the Iraqi government and provided a compelling piece of evidence at his trial.

The use of cigarette smuggling to fund terrorism has been of grave concern. On January 23, 2003, in United States v. Akhdar, et al., the Department of Justice indicted members of an organization that smuggled low-taxed and untaxed cigarettes from State to State to evade sales tax. The defendants produced counterfeit tax stamps, obtained counterfeit credit cards, laundered money, obstructed justice, and committed arson, and many are suspected of having links to and financing the terrorist organization Hizballah. As the investigation has continued, additional indictments have been filed, and many defendants have pleaded guilty to charges including RICO violations and material support.

Investigators have also been able to avert potentially devastating attacks on our children. Ahmed Hassan al-Uqaily, an Iraqi national, spoke of "going jihad," and arranged to procure pistols, machine guns, grenades and a "tank missile," while suggesting he might target several Jewish schools in the Nashville area. An undercover agent completed the deal, posing as the weapons supplier, and the Iraqi national agreed to pay $1,000 for two machine guns, ammunition and inert grenade components. The aspiring terrorist was arrested on October 7, 2004, and was sentenced on October 24, 2005, to 57 months in prison.

The PATRIOT Act has kept us free and kept us safe, and is doing so day in and day out. It is essential that this Congress renew this historic legislation and I urge my colleagues to support the bill. We owe no less to the future generations of Americans and the freedom-loving peoples of the world. The stakes are too high to ignore our obligation.

ADDITIONAL STATEMENT

TRIBUTE TO THE CARROLL COLLEGE FIGHTING SAINTS

• Mr. BURNS. Mr. President, I rise today to pay tribute to the best NAIA football team in the Nation. The Carroll College Fighting Saints of Helena, MT, defeated the St. Francis University Cougars in Savannah, TN, earlier today.

The Saints beat the Cougars by a final score of 27–10 for their fourth straight NAIA National Championship. Today's "Rumble on the River" was also a historic victory marking the first NAIA team to win four straight national titles. Only one other team on any level of modern college football has won four straight titles.

The Saints' defense entered today's game as the best in the Nation allowing an average of only nine points per game this season.

We have some very talented football players in Montana at all levels of play. But today belongs to the Fighting Saints.

As on any football team, each player has a role in the success or failure of the team. However, it is important to recognize those players who were individually awarded for their efforts. All Americans like Kyle Baker, Casey Crites, and Tyler Emmert contribute to the team's success.

Saints' quarterback Tyler Emmert had thrown this season for 3,039 yards and 32 touchdowns prior to entering today's game, becoming the NAIA career leader in total offense.

He has accounted for 13,681 yards in his entire career and owns a record of 50–3 as a starter for the Saints. Now that record is 51–3.

Congratulations as well to Coach Mike Van Diest and his staff as well as to Dr. Thomas Trebon, president of Carroll College.

What an impressive team. What an impressive run of seasons.●

MESSAGES FROM THE HOUSE

At 6:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to clause 11 of rule 1, the Speaker removes the gentleman from Michigan, Mr. UPTON, as a conferee on S. 1932 and appoints the gentleman from Texas, Mr. BARTON, to fill the vacancy thereon, in the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

The message also announced that the House agree to the amendment of the Senate to the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The message further announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 4519. An act to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

H.R. 4525. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 4568. An act to improve proficiency testing of clinical laboratories.

H.R. 4579. An act to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 4324. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4340. An act to implement the United States-Bahrain Free Trade Agreement.

H.R. 4436. An act to provide certain authorities for the Department of State, and for other purposes.

Under authority of the order of the Senate of today, December 17, 2005, the enrolled bills were signed subsequently by the Majority Leader (Mr. FRIST).

At 7:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4437. An act to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes.

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 324. Concurrent resolution directing the Secretary of the Senate to make a technical correction in the enrollment of S. 1281.

The message further announced that the House agree to the amendment of the Senate to the amendment of the House to the bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

The message also announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5028. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cambridge, Newark, St. Michaels, and Stockton, Maryland and Chincoteague, Virginia)" (MB Docket No. 04–20) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5029. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mt. Enterprise, Texas and Hodge, Louisiana)" (MB Docket No. 05–34) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5030. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Connersville, Madison, and Richmond, Indiana, Erlanger and Lebanon, Kentucky, and Norwood, Ohio; and Lebanon, Lebanon Junction, New Haven, and Springfield, Kentucky)" (MB Docket No. 05–17) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5031. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Eminence, Potosi, Rolla, Lebanon and Linn, Missouri)" (MB Docket No. 01–151) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5032. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lake City, Chattanooga, Harrogate, and Halls Crossroads, Tennessee)" (MB Docket No. 03–120, RM–10591 and RM–10839) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5033. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rankin and Sanderson, Texas)" (MB Docket No. 02–253) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5034. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hornbeck, Louisiana, and Mojave and Trona, California)" (MB Docket Nos. 05–46 and 05–109) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5035. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Terrebonne, Oregon)" (MB Docket No. 02–123) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5036. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bass River Township and Ocean City, New Jersey)" (MB Docket No. 05–188) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5037. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Milner, Ellaville, and Plains, Georgia)" (MB Docket No. 05–106) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5038. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wilmington, Mount Sterling, Zanesville, and Baltimore, Ohio)" (MB Docket No. 04–161) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5039. A communication from the Senior Legal Advisor, Chief Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled

"Digital Television Distributed Transmission Systems" (FCC 05-192, MB 05-312) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC-5040. A communication from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Digital Television Receiving Capability" (ET Docket No. 05–24) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5041. A communication from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Review of the Emergency Alert System" (EB Docket No. 04–296, FCC 05–191) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC-5042. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Improving Public Safety Communications in the 800 MHz Band" (WT Docket No. 02-55, FCC 05-174) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC–5043. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Link-up, Order in CC Docket Nos. 96–45, 02–6, WC Docket Nos. 02-60, 03-109" (FCC 05-178) received on December 12, 2005; to the Committee on Commerce, Science, and Transportation.

EC-5044. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa" (FRL8010-9) received on December 16, 2005; to the Committee on Environment and Public Works.

EC–5045. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List" (FRL8009-5) received on December 16, 2005; to the Committee on Environment and Public Works.

EC-5046. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors" (FRL8009–3) received on December 16, 2005; to the Committee on Environment and Public Works.

EC–5047. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Reporting Partially Exempted Chemicals List Addition of Certain Aluminum Alkyl Chemicals" (FRL7732–6) received on December 16, 2005; to the Committee on Environment and Public Works.

EC-5048. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Reporting Revisions" (FRL7743–9) received on December 16, 2005; to the Committee on Environment and Public Works.

EC-5049. A communication from the President, National Center for Policy Analysis, transmitting, the Center's Third Quarter Report; to the Committee on Finance.

EC–5050. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the Office of the U.S. Trade Representative's Buy American Report for fiscal year 2004; to the Committee on Finance.

EC-5051. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report entitled "Report on Improvements to the Enumeration at Birth Process"; to the Committee on Finance.

EC-5052. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Coverage and Payment of Ambulance Services; Inflation Update for Calendar Year 2006" (RIN0938–AN99) received on December 16, 2005; to the Committee on Finance.

EC-5053. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Application of Inherent Reasonableness Payment Policy to Medicare Part B Services (Other Than Physician Services)" (RIN0938–AN81) received on December 16, 2005; to the Committee on Finance.

EC–5054. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Clean Renewable Energy Bond Notice" (Notice 2005–98) received on December 16, 2005; to the Committee on Finance.

EC-5055. A communication from the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict), transmitting pursuant to law, the Fiscal Year 2005 annual report on the Regional Defense Counterterrorism Fellowship Program; to the Committee on Armed Services.

EC-5056. A communication from the Publications Control Officer, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations" (RIN0702–AA50) received on December 16, 2005; to the Committee on Armed Services.

EC–5057. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "State, District, and Local Party Committee Payment of Certain Salaries and Wages" (Notice 2005–27) received on December 16, 2005; to the Committee on Rules and Administration.

EC-5058. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Electioneering Communications" (Notice 2005-29) received on December 16, 2005; to the Committee on Rules and Administration.

EC-5059. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of Administrative Fines Program" (Notice 2005–30) received on December 16, 2005; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself and Mr. SCHUMER):

S. 2141. A bill to make improvements to the Federal Insurance Deposit Act; considered and passed.

ADDITIONAL COSPONSORS

S. 2082

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2082, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006.

AMENDMENT NO. 2681

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2681 proposed to H.R. 3402, a bill to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2006

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to H.J. Res. 75, the continuing resolution, which is at the desk; provided further that the resolution be read three times and passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H.J. Res. 75) was read the third time and passed.

AUTHORITY TO SIGN

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 213, 365, 374, 383, 425, 426, 442, 465, 466, 467, 468, 470, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482; provided further that the Commerce Committee be discharged from further consideration of the following nominations and the Senate proceed to these en bloc: PN1119, PN1120, PN1121, PN1122. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

ENVIRONMENTAL PROTECTION AGENCY

Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

DEPARTMENT OF COMMERCE

Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

John O. Agwunobi, of Florida, to be an Assistant Secretary of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

John O. Agwunobi, of Florida, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefore as provided by law and regulations.

NATIONAL TRANSPORTATION SAFETY BOARD

Mark V. Rosenker, of Maryland, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2010. (Reappointment)

Kathryn Higgins, of South Dakota, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2009.

DEPARTMENT OF ENERGY

Jeffrey D. Jarrett, of Pennsylvania, to be an Assistant Secretary of Energy (Fossil Energy).

DEPARTMENT OF JUSTICE

Catherine Lucille Hanaway, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

EXECUTIVE OFFICE OF THE PRESIDENT

Dale W. Meyerrose, of Indiana, to be Chief Information Officer, Office of the Director of National Intelligence. (New Position)

FEDERAL TRADE COMMISSION

William E. Kovacic, of Virginia, to be a Federal Trade Commissioner for a term of seven years from September 26, 2004.

J. Thomas Rosch, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2005.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years. (Reappointment)

DEPARTMENT OF EDUCATION

Stephanie Johnson Monroe, of Virginia, to be Assistant Secretary for Civil Rights, Department of Education.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development.

DEPARTMENT OF STATE

Marilyn Ware, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Finland.

MERIT SYSTEMS PROTECTION BOARD

Mary M. Rose, of North Carolina, to be a Member of the Merit SystemsProtection Board for the term of seven years expiring March 1, 2011.

DEPARTMENT OF HOMELAND SECURITY

George W. Foresman, of Virginia, to be Under Secretary for Preparedness, Department of Homeland Security.

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Michael R. Seward, 2642

DEPARTMENT OF COMMERCE

David Steele Bohigian, of Missouri, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Antonio Fratto, of Pennsylvania, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF COMMERCE

David M. Spooner, of Virginia, to be an Assistant Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT

Richard T. Crowder, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

IN THE COAST GUARD

The following named officer for appointment to the grade indicated in the United States Coast Guard Reserve under title 10, U.S.C., section 12203(a):

To be captain

James R. Montgomery, 8979

The following named officer for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 276:

To be commander

Richard E. Petherbridge, 0839

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 271:

To be commander

Benes Z. Aldana, 2147
Robert J. Backhaus, 4178
Robert E Bailey, 4813
Christopher A. Bartz, 3946
Emile R. Benard, 0014
David C. Billburg, 4665
Elizabeth D. Blow, 8541
Francis T. Boross, 8833
James M. Boyer, 0427
Michael C. Brady, 6759
Craig S. Breitung, 0159
Jeffrey M. Brockus, 4949
Jacob E. Brown, 6390
Scott A. Budka, 9074
Matthew C. Callan, 2729
Nicholas D. Caron, 7659
Jeffrey T. Carter, 1017
David K. Chareonsuphiphat, 9438
Joseph A. Chop, 9581
Richard S. Craig, 2104
David H. Cronk, 6615
Mark T. Cunningham, 8647
Anthony C. Curry, 9488
Kenneth D. Dahlin, 9242
John M. Danaher, 6622
Christopher L. Day, 5331
Ronald R. Dewitt, JR, 0525
Jeffrey F. Dixon, 7441
Brian J. Downey, 2366
David A. Drake, 4919
Darren A. Drury, 5297
Kevin P. Dunn, 2385
Andrew G. Dutton, 6655
James L. Duval, 0945
David W. Edwards, 2515
Eric S. Ensign, 8101
Brad J. Ervin, 5597
David M. Flaherty, 6054
Eric J. Ford, 7089
Theodore B. Gangsei, 8426
Timothy J. Gilbride, 3570
Brian S. Gilda, 5216
Joseph J. Gleason, 4495
Thomas J. Glynn, 1935
Mark E. Hammond, 4241
David C. Hartt, 6547
Charles A. Hatfield, 3536

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 271:

To Be lieutenant commander

Stephen Adler, 8131
Kristina M. Ahmann, 6083
Michael W. Albert, 4214
Ryan D. Allain, 5978
Brian R. Anderson, 4481
Jeff M. Aparicio, 5313
David L. Arritt, 7026
Reginald I. Baird, 8124
Jonathan D. Baker, 0332
Alain V. Balmaceda, 9494
Clifford R. Bambach, 4925
Timothy J. Barelli, 8806
Michelle C. Bas, 9113
Lamont S. Bazemore, 9071
Carolyn M. Beatty, 4406
Jason L. Beatty, 2112
Anne M. Becker, 0033
Eric M. Belleque, 5960
Kailie J. Benson, 8436
Scott D. Benson, 4679
John Berry, 7155
Robert H. Bickerstaff, 1330
Jeffrey B. Bippert, 3162
Chad E. Bland, 1335
Christopher L. Boes, 8151
Elizabeth A. Booker, 0451
Curtis E. Borland, 4841
Mark A. Bottiglieri, 3858
Joseph R. Bowes, 8394
Russell E. Bowman, 7078
Thomas L. Boyles, 5483
Sean T. Brady, 4521
Rachael B. Bralliar, 7085
Lance J. Brant, 7571
Paul Brooks, 7850
Andy S. Brown, 4418
Heath M. Brown, 7905
Thomas R. Brown, 2073
Timothy T. Brown, 3858
William A. Budovec, 4186
Marc A. Burd, 0197
Richard J. Burke, 6168
Travis L. Burns, 1507
Victor G. Buskirk, 8496
Colin E. Campbell, 0962
Donald B. Campbell, 3717
Clinton S. Carlson, 1981

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2141 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2141) to make improvements to the Federal Deposit Insurance Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statement related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2141) was read the third time and passed, as follows:

S. 2141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF SECURITIES CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended—

(A) in subclause (I)—

(i) by striking "mortgage loan, or" and inserting "mortgage loan,"; and

(ii) by inserting before the semicolon "(whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in clause (v))";

(B) in subclause (IV)—

(i) by inserting "(including by novation)" after "the guarantee"; and

(ii) by inserting before the semicolon "(whether or not such settlement is in connection with any agreement or transaction referred to in subclauses (I) through (XII) (other than subclause (II))";

(C) in subclause (IX), by striking "or (VIII)" each place that term appears and inserting "(VIII), (IX), or (X)";

(D) by redesignating subclauses (VI) through (X) as subclauses (VIII) through (XII), respectively; and

(E) by inserting after subclause (V) the following:

"(VI) means any extension of credit for the clearance or settlement of securities transactions;

"(VII) means any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction;".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(ii)) is amended—

(A) in subclause (I)—

(i) by striking "mortgage loan, or" and inserting "mortgage loan,"; and

(ii) by inserting before the semicolon "(whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in clause (v))";

(B) in subclause (IV)—

(i) by inserting "(including by novation)" after "the guarantee"; and

(ii) by inserting before the semicolon "(whether or not such settlement is in connection with any agreement or transaction referred to in subclauses (I) through (XII) (other than subclause (II))";

(C) in subclause (IX), by striking "or (VIII)" each place that term appears and inserting "(VIII), (IX), or (X)";

(D) by redesignating subclauses (VI) through (X) as subclauses (VIII) through (XII), respectively; and

(E) by inserting after subclause (V) the following:

"(VI) means any extension of credit for the clearance or settlement of securities transactions;

"(VII) means any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction;".

(b) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)(I)) is amended by striking "transaction, reverse repurchase transaction" and inserting "or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in clause (v))".

(c) DEFINITION OF SWAP AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended—

(A) in subclause (I)—

(i) by striking "or precious metals" and inserting ", precious metals, or other commodity"; and

(ii) by striking "or a weather swap, weather derivative, or weather option" and inserting "weather swap, option, future, or forward agreement; an emissions swap, option, future, or forward agreement; or an inflation swap, option, future, or forward agreement";

(B) in subclause (II)—

(i) by inserting "or other derivatives" after "dealings in the swap"; and

(ii) by striking "future, or option" and inserting "future, option, or spot transaction"; and

(C) by striking "the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000" and inserting "the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) and the Commodity Exchange Act".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(vi) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(vi)) is amended—

(A) in subclause (I)—

(i) by striking "or precious metals" and inserting ", precious metals, or other commodity"; and

(ii) by striking "or a weather swap, weather derivative, or weather option" and inserting "weather swap, option, future, or forward agreement; an emissions swap, option, future, or forward agreement; or an inflation swap, option, future, or forward agreement";

(B) in subclause (II)—

(i) by inserting "or other derivatives" after "dealings in the swap"; and

(ii) by striking "future, or option" and inserting "future, option, or spot transaction"; and

(C) by striking "the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000" and inserting "the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) and the Commodity Exchange Act".

SEC. 2. CLARIFYING AMENDMENTS RELATING TO DEFINITION OF PERSON.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS DEFINITION OF PERSON.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended by adding at the end the following:

"(ix) PERSON.—The term 'person' includes any governmental entity and any entity included in the definition of the term 'person' in section 1 of title 1, United States Code.".

(b) INSURED CREDIT UNIONS DEFINITION OF PERSON.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by adding at the end the following:

"(vii) PERSON.—The term 'person' includes any governmental entity and any entity included in the definition of the term 'person' in section 1 of title 1, United States Code.".

SEC. 3. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) in each of subsections (a) and (f), by striking "paragraphs (8)(E), (8)(F), and (10)(B) of" each place that term appears; and

(2) in subsection (a), by inserting "terminated, liquidated, accelerated, and" after "institutions shall be".

(b) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) in each of subsections (a) and (h), by striking "paragraphs (8)(E), (8)(F), and (10)(B) of" each place that term appears; and

(2) in subsection (a), by inserting "terminated, liquidated, accelerated, and" after "organization shall be".

SEC. 4. CONFORMING AMENDMENTS.

(a) CLARIFYING DEFINITIONS.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (22)(A)—

(i) by striking "(domestic or foreign)" after "an entity"; and

(ii) by inserting "(whether or not a 'customer', as defined in section 741)" after "custodian for a customer";

(B) in paragraph (22A)—

(i) by striking "on any day during the previous 15-month period" each place it appears and inserting "at such time or on any day during the 15-month period preceding the date of the filing of the petition"; and

(ii) by inserting "(aggregated across counterparties)" after "principal amount outstanding";

(C) in paragraph (25)(A)—

(i) by inserting ", as defined in section 761" after "commodity contract"; and

(ii) by striking "repurchase transaction, reverse repurchase transaction," and inserting "repurchase or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in this section)";

(D) in paragraph (53B)(A)—

(i) in clause (i)—

(I) in subclause (II), by striking "or precious metals" and inserting ", precious metals, or other commodity agreement";

(II) in subclause (VII), by striking "or" at the end;

(III) in subclause (VIII), by striking "weather derivative, or weather option" and inserting "option, future, or forward agreement"; and

(IV) by adding at the end the following:

"(IX) an emissions swap, option, future, or forward agreement; or

"(X) an inflation swap, option, future, or forward agreement;"; and

(ii) in clause (ii)—

(I) in subclause (I), by inserting "or other derivatives" after "dealings in the swap"; and

(II) in subclause (II), by striking "future, or option" and inserting "future, option, or spot transaction"; and

(E) in paragraph (53B)(B), by striking "the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000" and inserting "the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) and the Commodity Exchange Act";

(2) in section 362(b)—

(A) by striking paragraphs (6) and (7) and inserting the following:

"(6) under subsection (a) of this section, of the exercise by a commodity broker, forward contract merchant, stockbroker, financial institution, financial participant, or securities clearing agency of any contractual right (as defined in section 555 or 556) under any security agreement or arrangement or other credit enhancement forming a part of or related to any commodity contract, forward contract or securities contract, or of any contractual right (as defined in section 555 or 556) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such contracts, including any master agreement for such contracts;

"(7) under subsection (a) of this section, of the exercise by a repo participant or financial participant of any contractual right (as defined in section 559) under any security agreement or arrangement or other credit enhancement forming a part of or related to any repurchase agreement, or of any contractual right (as defined in section 559) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such agreements, including any master agreement for such agreements;";

(B) by striking paragraph (17) and inserting the following:

"(17) under subsection (a) of this section, of the exercise by a swap participant or financial participant of any contractual right (as defined in section 560) under any security agreement or arrangement or other credit enhancement forming a part of or related to any swap agreement, or of any contractual right (as defined in section 560) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such agreements, including any master agreement for such agreements;"; and

(C) by striking paragraph (27) and inserting the following:

"(27) under subsection (a) of this section, of the exercise by a master netting agreement participant of any contractual right (as defined in section 555, 556, 559, or 560) under any security agreement or arrangement or other credit enhancement forming a part of or related to any master netting agreement, or of any contractual right (as defined in section 555, 556, 559, or 560) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such master netting agreements to the extent that such participant is eligible to exercise such rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; and"; and

(3) in section 741(7)(A)—

(A) in clause (i)—

(i) by striking "mortgage loan or" and inserting "mortgage loan,"; and

(ii) by inserting before the semicolon "(whether or not such repurchase or reverse repurchase transaction is a 'repurchase agreement', as defined in section 101)";

(B) in clause (iii)—

(i) by inserting "(including by novation)" after "the guarantee"; and

(ii) by inserting before the semicolon "(whether or not such settlement is in connection with any agreement or transaction referred to in clauses (i) through (xi))";

(C) in clause (viii), by striking "or (vii)" each place it appears and inserting "(vii), (viii), or (ix)";

(D) by redesignating clauses (v) through (ix) as clauses (vii) through (xi), respectively; and

(E) by inserting after clause (iv) the following:

"(v) any extension of credit for the clearance or settlement of securities transactions;

"(vi) any loan transaction coupled with a securities collar transaction, any prepaid forward securities transaction, or any total return swap transaction coupled with a securities sale transaction;".

(b) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "(or for the benefit of)" before "a commodity broker"; and

(B) by inserting "or that is a transfer made by or to (or for the benefit of) a commodity broker, forward contract merchant, stockbroker, financial institution, financial participant, or securities clearing agency, in connection with a securities contract, as defined in section 741(7), commodity contract, as defined in section 761(4), or forward contract," after "securities clearing agency,";

(2) in subsection (f)—

(A) by striking "that is a margin payment, as defined in section 741 or 761 of this title, or settlement payment, as defined in section 741 of this title,"; and

(B) by inserting "(or for the benefit of)" before "a repo participant";

(3) in subsection (g), by inserting "(or for the benefit of)" before "a swap participant"; and

(4) in subsection (j), by inserting "(or for the benefit of)" after "made by or to".

(c) SIPC STAY.—Section 5(b)(2)(C)(iii) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)(C)(iii)) is amended—

(1) by inserting "a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991)," after "rule or bylaw of"; and

(2) by striking "or a securities clearance agency, a right set forth in a bylaw of a clearing organization or contract market" and inserting "a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act),".

(d) SAVINGS CLAUSE.—Title IX of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109-8, 119 Stat. 146) is amended by adding at the end the following:

"SEC. 912. SAVINGS CLAUSE.

"The meanings of terms used in this title are applicable for the purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.".

SEC. 5. WALKAWAY CLAUSES.

Section 11(e)(8)(G)) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(G)) is amended to read as follows:

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default, provided that any payment or delivery obligations otherwise due from a party pursuant to the qualified financial contract shall be suspended from the time that the receiver is appointed until the earlier of—

"(I) the time that such party receives notice that such contract has been transferred pursuant to subparagraph (A); or

"(II) 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means any provision in a qualified financial contract that suspends, conditions, or extinguishes a payment obligation of a party in whole or in part or does not create a payment obligation of a party that would otherwise exist solely because of such party's status as a nondefaulting party in connection with the insured depository institution's insolvency or the appointment of or the exercise of rights or powers by a conservator or receiver, and not as a result of a party's exercise of any right to offset, setoff, or net obligations that exist under the contract, any other contract between those parties, or applicable law.".

SEC. 6. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) NO RETROACTIVE APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply to any cases commenced under title 11, United States Code, or appointments made under any Federal or State law, before the effective date of this Act.

ORDERS FOR SUNDAY, DECEMBER 18, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 6 p.m. on Sunday, December 18. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Tomorrow, we will return to session to continue to work on the remaining business before we leave. We will need to come in tomorrow in anticipation of the conference reports which will arrive from the House. I do not believe we will need to have any votes tomorrow evening, but we will alert Members if something arises. If we do not vote Sunday, we would start voting early Monday. We have seven district judges on the calendar. I understand some of those may require votes.

Having said that, I thank all Senators for their patience during this period. It has been difficult because of our inability, the impossibility to predict with any element of certainty exactly when we will finish. We are working very hard on bills with the House of Representatives. Once those reports are addressed in the House, they can come here. Until that time, we continue to work to see that will occur in an expeditious way. It is the nature of the business. I am appreciative of everyone's assistance.

REFLECTIONS ON HANUKKAH

Mr. FRIST. Mr. President, a very brief comment on this time of year, with a few reflections on a very special time—Hanukkah.

Earlier this year, I had the opportunity, once again, to visit the State of Israel. I say without reserve, the land of Israel touches my soul. It does so when you are there and you have that opportunity to visit the Old City, to visit the Western Wall.

I took the opportunity to meet with Israelis from all walks of life, visiting several of the hospitals there, and visiting my professional colleagues in medicine. I came to appreciate even more deeply the 4,000 years of distinct and vibrant Jewish culture, as well as the Jewish people's hopeful triumph over adversity and persecution.

So now, as Jews all over the world begin to prepare for the celebration of Hanukkah, which this year begins on December 25, I invite my colleagues to reflect on its meaning and its relevance to the continuity of Jewish culture and survival.

The First Book of Maccabees, a venerated ancient text, tells the story of a revolt against a tyrant, the King Antiochus. King Antiochus was a tyrant, a cruel leader, who attempted to outlaw the practice of Judaism, to forbid the study of Torah, and to compel, to force the worship of idols.

Joined by corrupt politicians in the land of Judea, he succeeded for a time. Eventually, however, a popular uprising, led by a group who called themselves the Maccabees—and that translates into "hammer"—expelled his forces and reclaimed the Temple that became the center of the Jewish faith.

Upon entering the desecrated Temple, Jewish soldiers and priests discovered that the eternal flame within had extinguished. The last stores of oil, those last little bits of oil, would only keep the lamp lit for a single day.

They lit the lamp with the oil that was left, and then something miraculous happened. According to the ancient writings, instead of burning down, the lamp oil continually filled and refilled and refilled, and the light in the Temple burned for 8 full days.

One can think of this story of faith and perseverance as truly emblematic of the Jewish journey. Just as, by God's grace, the lamp was continually filled, continually replenished, so, too, has the Jewish culture continued to thrive.

In honor of the rededication of the Temple and the Miracle of the Lights, Jews all over the world celebrate Hanukkah by lighting a Menorah and drawing their families close.

Children play games and exchange gifts and, as every Jewish family knows, potato latkes and donuts cooked in oil are holiday favorites.

As those of us who are Christian celebrate the birth of Jesus this Christmas, let us also reflect on the story of Hanukkah and the ways in which the Almighty touches our daily lives.

I do wish my fellow Americans of the Jewish faith a happy Hanukkah and a safe, prosperous holiday season.

ADJOURNMENT UNTIL TOMORROW AT 6 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:55 p.m., adjourned until Sunday, December 18, 2005, at 6 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Saturday, December 17, 2005:

ENVIRONMENTAL PROTECTION AGENCY

SUSAN P. BODINE, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF COMMERCE

SANTANU K. BARUAH, OF OREGON, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOHN O. AGWUNOBI, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

JOHN O. AGWUNOBI, OF FLORIDA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO THE QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS.

NATIONAL TRANSPORTATION SAFETY BOARD

MARK V. ROSENKER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2010.

KATHRYN HIGGINS, OF SOUTH DAKOTA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2009.

DEPARTMENT OF ENERGY

JEFFREY D. JARRETT, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY).

EXECUTIVE OFFICE OF THE PRESIDENT

DALE W. MEYERROSE, OF INDIANA, TO BE CHIEF INFORMATION OFFICER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

FEDERAL TRADE COMMISSION

WILLIAM E. KOVACIC, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2004.

J. THOMAS ROSCH, OF CALIFORNIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2005.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE COLE, OF INDIANA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS.

MERIT SYSTEMS PROTECTION BOARD

MARY M. ROSE, OF NORTH CAROLINA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2011.

DEPARTMENT OF HOMELAND SECURITY

GEORGE W. FORESMAN, OF VIRGINIA, TO BE UNDER SECRETARY FOR PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MICHAEL R. SEWARD

DEPARTMENT OF COMMERCE

DAVID STEELE BOHIGIAN, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

ANTONIO FRATTO, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF COMMERCE

DAVID M. SPOONER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD T. CROWDER, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

CATHERINE LUCILLE HANAWAY, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF EDUCATION

STEPHANIE JOHNSON MONROE, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DONALD A. GAMBATESA, OF VIRGINIA, TO BE INSPECTOR GENERAL, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

MARILYN WARE, OF PENNSYLVANIA, TO BE AMBASSADOR TO FINLAND.

IN THE COAST GUARD

COAST GUARD NOMINATION OF JAMES R. MONTGOMERY TO BE CAPTAIN.

COAST GUARD NOMINATION OF RICHARD E. PETHERBRIDGE TO BE COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH BENES Z. ALDANA AND ENDING WITH MICHAEL L. WOOLARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2005.

COAST GUARD NOMINATIONS BEGINNING WITH STEPHEN ADLER AND ENDING WITH PETER E. ZOHIMSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 14, 2005.

HOUSE OF REPRESENTATIVES—*Saturday, December 17, 2005*

The House met at 2 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The Lord draws near. Come, let us worship.

My brothers and sisters, know that the Lord desires to be close to you. You have prayed, "Thy kingdom come!"

Let the Lord's justice now guide all your judgments. Let the Lord's peace penetrate your hearts. The Lord God Himself will come and establish a new beginning in our humanity.

In you and through you, the Lord will lead people to true freedom.

Love the Lord with all your heart and with all your strength; then from within you, the Lord will rebuild the Nation.

The Lord draws near. Prepare the way for the Lord, for He comes. Prepare your people to meet the Lord your God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. HASTINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4195. An act to authorize early repayment of obligations to Bureau of Reclamation within Rogue River Valley Irrigation District.

The message also announced that the Senate has passed bills on the following titles in which the concurrence of the House is requested.

S. 310. An act to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

S. 435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

S. 648. An act to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance.

S. 1025. An act to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project.

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1552. An act to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009.

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize up to seven Members on each side for 1-minute speeches.

CONGRATULATING APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing and congratulating the 2005 NCAA Division I–AA Football National Champions, Appalachian State University.

This courageous and athletic group of students, along with their coaches and support staff from Boone, North Carolina, defeated the University of Northern Iowa last night in Chattanooga, Tennessee, by a score of 21–16.

This marks the first time in history that a team from ASU has won a national championship. This championship culminates a tremendous year of Mountaineer football that saw the team finish the season 8–3, winning the Southern Conference championship before winning four playoff games, including last night's national championship game.

Mr. Speaker, I am proud of this football team and their coach, not just for winning a national championship but for the character and teamwork they display.

The Mountaineers have excelled under the leadership of Coach Jerry Moore, the winningest coach in the history of the Southern Conference. He has a talented staff, including Coach Lonnie Galloway, the son-in-law of our colleague from North Carolina, Robin Hayes.

I wish my duties in Washington did not prevent me from being in Chattanooga last night with so many Appalachian students, alumni, and supporters. I would have liked to have seen first hand the crushing defense in the fourth quarter, led by Jason Hunter and Marques Murrell. I wish I could have been there to witness in person the courage of quarterback Richie Williams, who played through a painful ankle injury suffered last week in the semi-final game against Furman.

Please join me in congratulating the Appalachian State University football team. I am proud of my long history with ASU. I am proud to represent this fine university in Congress. Go Mountaineers.

The SPEAKER pro tempore (Mr. HAYES). The Chair thanks the gentlewoman.

LIABILITY IMMUNITY FOR BIG PHARMA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Wake up, America. In addition to giving away the Alaska National Wildlife Refuge to the oil companies, the Defense appropriations bill is rumored to contain a massive holiday gift to the pharmaceutical industry in the form of liability immunity for pandemic vaccines. The liability is not the reason for vaccine shortages, especially in the case of avian flu.

This giveaway will not result in increased vaccine production. Why does Big Pharma want these liability exemptions? Because there is reason to doubt the safety of at least one of these

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

vaccines. Chiron, the same company which allowed contamination of half of last year's flu vaccine supply, is hoping to use MF59 in an avian flu vaccine. MF59 is a compound that contains squalene, which is on the short list of potential causes for the chronic debilitating illnesses experienced by our veterans of the first Persian Gulf war.

At a minimum, this issue must be debated in front of the American people, not slipped in behind closed doors into this large bill. I urge my colleagues to reject this liability immunity.

CONGRATULATING DIVISION I–AA NATIONAL CHAMPION APPALACHIAN STATE MOUNTAINEERS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, the frigid unforgiving winds that normally blow across the Blue Ridge Mountains during the months of winter are blowing less brutally and less severely today. For on this day, these winds sweep across the campus of Appalachian State University, home of the National I–AA champions of intercollegiate football.

I attended Appalachian State, Mr. Speaker, and I know I speak for many in the Congress and many congressional staffers as well in conveying hearty congratulations and best wishes to Chancellor Peacock, Coach Moore, and the entire Appalachian community.

Mr. Speaker, I join you in enthusiastically declaring, Go Mountaineers from Appalachian State.

CHRISTMAS GIFTS FOR THE WEALTHY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, well, the Christmas tree is lit and decorated on the west front of the Capitol; but meanwhile here in the House Chamber, the Republican elves are toiling on the gifts to be put under the tree for the American people.

For the wealthiest, the investors who earn over $300,000 a year, fabulous gifts, huge new extensions of tax cuts. Unfortunately for seniors, working families, and the poor, there is nothing but a box of rhetoric. They even have to forego the usual lump of coal because it is too expensive with the Bush failed energy policy.

Even worse, the tax cut for the wealthiest among us, those who earn over $300,000 a year, will be paid for by cuts in student financial, food and nutrition assistance, school lunches, Medicaid care for poor people. The list kind of goes on and on. Merry Christmas.

WE CAN HAVE BOTH FREEDOM AND SECURITY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, history has shown that free peoples are willing to give up civil liberties or freedom in the name of security. Our forefathers knew this, so our Constitution protects us from government taking rights in the name of security.

Mr. Speaker, people have rights. Government has no rights. Government has power and it obtains it when we forfeit our rights to the government. In this time of terrorism, our government uses high-tech surveillance to capture them. This is good. But the fourth amendment states: "The right of people to be secure from unreasonable searches and seizures shall not be violated."

It is the duty of the judiciary, not this body, not even the executive branch, to protect those rights and review searches.

When I was a judge in Texas, I signed hundreds of warrants. I was even the State wiretap judge, and I found that warrants make better police officers and they make better criminal cases.

In this post-9/11 era, we cannot allow our zeal to be safe to get in the way of judicial review of search warrants and wiretaps while continuing to provide tools for law enforcement to capture those terrorists. You see, Mr. Speaker, we can have it both ways. We can be safe and secure and maintain our civil rights as a free people. That's just the way it is.

MEDICARE INFORMED CHOICE ACT

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute.)

Mr. LIPINSKI. Mr. Speaker, there is one issue of great concern that I hear about over and over again when I am back home, the needlessly complicated Medicare prescription drug program.

Seniors are confused and frustrated as they attempt to study 60 plans in order to first decide whether to join and then to choose a plan to sign up for. Many are simply giving up.

I have already held half a dozen informational seminars on the program and every session has been packed. There is clearly a problem.

Congress could and should make the progress better, more affordable, and less confusing by allowing Medicare to negotiate prices with drug companies. But the very least that Congress must do is pass a Medicare Informed Choice Act which would delay the enrollment penalty, prevent beneficiaries from losing their employer-based coverage, and allow seniors to switch plans if they make a mistake.

Given the current confusion, it is essential that we allow beneficiaries to take their time, check the facts, and know their options without being rushed to choose. We owe no less to our seniors.

IRAQ'S DEMOCRATIC VICTORY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday's New York Times proclaims loudly that "Iraqis, Including Sunnis, Voted in Large Numbers" during Thursday's historic elections.

Throughout the world, people were waking up to the great news about Iraq's most recent democratic victory. USA Today discussed the inspiring turnout in Iraq, while even Knight Ridder declared that high voter turnout in Iraq promises fully representative parliament.

The National Review reported that U.S. troops describe a festive atmosphere across Iraq. The Los Angeles Times wrote that the ballot box is the new battle ground. The Boston Globe described how, for one Sunni family, casting ballots was an act of resistance.

I was particularly pleased to learn that the BBC reported the Iraqi vote met global standards. From New York to London, the mainstream media finally recognized and reported the clear successes of the election which delivered a devastating blow to terrorists and ultimately helped protect American families.

In conclusion, God bless our troops, and we will never forget September 11.

STOP THE MEDICARE INSANITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, very few decisions are more personal or important than health care decisions. And when Washington gets involved in health care, especially in Medicare, government must put patients first.

Decisions already made, if not changed, will result in 38 percent of the doctors seeing fewer Medicare patients, half of physicians less likely to participate in Medicare Advantage and a third of the doctors no longer visiting nursing homes.

Unless Congress acts, the ability for seniors to access quality medical care will get worse.

The way our government pays doctors for taking care of our parents and our grandparents through Medicare is unbelievably broken. Physicians will be subjected to a 26 percent pay cut over the next 5 years, and an official of the government agency in charge of Medicare said they will cut doctors pay until they stop seeing Medicare patients and then they might fix it.

Mr. Speaker, then will be too late.

Americans deserve better from their representatives. Those who care for all of us are being driven out of business by a government that cares more about money than health. Let's stop this insanity.

□ 1415

RAISING THE MINIMUM WAGE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Congress is about to go home in a few days either today, tomorrow, Monday, Tuesday, sometime in the next few days, and this House, again, has failed to increase the minimum wage.

There are large numbers of people in this country, people with children, often single mothers, sometimes, not usually, adults in their 20s and 30s and 40s who make $5.15 an hour. The Senate finally increased the minimum wage. The House is going to go home sometime in the next few days having failed to even bring up to a vote an increase in the minimum wage.

Since this House floor session began about 16 minutes ago, in that time, a minimum wage worker would have earned about $1.10 or $1.15. A CEO of a Fortune 500 company in this same 16 minutes would have earned about $1,500. Mr. Speaker, we can do a lot better in this body than we have done this year.

GREAT AND HEARTWARMING NEWS FROM IRAQ

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, great and heartwarming news from Iraq.

Early this morning, I received an e-mail from a soldier serving in Iraq which provides one small example of how democracy is progressing in Iraq and how our troops along with the Iraqi security forces are making a difference.

He wrote: "The highlight of my day, Election Day, was in south Baghdad, where there were no polling stations in January 2005 and where many Sunnis did not vote in October 2005. I watched as two affluent local sheiks walked into the polling station together holding hands, which is a huge sign of respect here. What was moving about this was one sheik was Shia, the other Sunni. They told me how much they appreciated what the United States had done for them and that they could never repay us. The Sunni said, 'We are tired of violence and the fighting that destroys our people and our country; that they would work to make the U.S. proud and that the sacrifices of American soldiers is respected and appreciated.' "

God bless our troops.

CIVIL LIBERTIES

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, while we are locked up here today, I would like to wish my wife Sherry a very happy birthday. This week, I have been telling her, has been a real doozy for civil liberties.

We learned that both the Pentagon and the National Security Agency have been spying on thousands of innocent Americans. Apparently, the NSA was doing it at the direction of President Bush.

I was shocked to learn that one of those documented instances of the Pentagon domestic spying happened in my district.

A student protest against military recruiters at the University of California at Santa Cruz, which occurred this past April, was not only observed for suspicious activity, but the "threat" was declared "credible."

I cannot condemn these actions strongly enough. Using government time and money to spy on people exercising their constitutional freedoms is just ridiculous.

I have already signed on to two letters about these violations of privacy, calling on the NSA to fully explain the constitutionality of their surveillances and calling on the Department of Defense and the Department of Justice to investigate NSA's actions.

As Members of Congress, we must be diligent in our oversight of the Pentagon, but our job is next to impossible when the administration hides behind the cloak of national security to thwart the civil liberties of many Americans, as they have done with the Pentagon surveillance program.

The Pentagon must come forward with an explanation about why they were spying on the UCSC rally.

The right to express differing opinions was one of the founding principles of this country.

The voices of the American people must always be heard, whether this admistration agrees with them or not.

It is hypocritical for us to urge transparency in foreign governments while ignoring what our own government is doing in violation of its citizens' civil liberties.

WE SHOULD BE SUPPORTING PRESIDENT BUSH

(Mr. BURTON Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, the liberal media and my liberal colleagues are attacking the President for protecting America. The wiretaps that he has ordered are legal, and he informed the Intelligence Committees 12 times about them.

What are we going to do? Are we going to wait around until terrorists attack us and then say we ought to check what they are saying on the telephone to their al Qaeda buddies?

The fact of the matter is the President is defending the United States of America, and we should be supporting him.

The PATRIOT Act, which is being stuck in the Senate, needs to be passed. We need to get these guys and stop them before they attack buildings in New York or Indianapolis or California or Washington, D.C., and the President wants to do that. That is why the PATRIOT Act is so important.

Let's talk about torture. Putting a guy on a water board who is about to blow up a bunch of soldiers in Baghdad and holding him under the water for a little bit to make him tell us what he is going to do or if he is going to cut somebody's head off that is an innocent civilian, or go into a school and blow up a bunch of kids is not what I call terrible. We are not pulling out their fingernails or cutting off their heads. We need to put pressure on them to tell us what's going on so we can save Americans and American troops.

This is a war. It is not a tea party. And we need to win it. The President is doing the right thing, and we need to support him. God bless President Bush.

FUNDING FOR SCHOOL DISTRICTS AFTER HURRICANES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have all appreciated the great charitable spirit of Americans as they welcomed into their homes and into their neighborhoods and into their States the victims of Hurricane Katrina and Rita and Wilma. But this appropriations bill that is making its way through the House and the Senate is crucial for survival of many of our school districts around the Nation.

Let me cite my colleagues a particular figure for Houston Independent School District. We are now paying $186,000 a day for the additional Katrina students who are in our school districts. We welcome them, but we cannot pay this burden alone. This is costing our school district an additional $30 million, and so far, we have been reimbursed by the Federal Government $164,000. My friends, $30 million, $186,000 a day, and all we have received is $164,000. In addition, we have got $300 million on hold, that the school district has not received.

We need this appropriations bill to be fully funded. We need the tax cuts to be put aside. We need FEMA to be able to do its job for those who are still waiting, languishing in shelters and needing homes, languishing in tents and needing trailers. We need this system to work on behalf of the working people of America and those who are in need.

Americans have opened their hearts and pocketbooks to those in need. The Federal Government, the greatest safety net that all of the people have, needs to do its job and do it now.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 623 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 623

Resolved, That it shall be in order at any time on the legislative day of Saturday, December 17, 2005, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 4519) to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

(2) The bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C. W. Bill Young Cell Transplantation Program.

(3) The bill (H.R. 4568) to improve proficiency testing of clinical laboratories.

(4) The bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

(5) The bill (H.R. 4579) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits.

(6) The bill (H.R. 4525) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

(7) The conference report to accompany the bill (S. 1281) to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes.

(8) The conference report to accompany the bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

(9) A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The SPEAKER pro tempore (Mr. MCHUGH). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this resolution provides that certain specified measures may be considered under suspension of the rules at any time on the legislative day of Saturday, December 17, 2005.

Mr. Speaker, the Republican leadership of this House has set forth a positive legislative agenda for the remainder of this week and the balance of the first session of the 109th Congress. The goal of this plan is to address a number of outstanding issues remaining on Congress's calendar before we adjourn that maintain our commitment to improving America's economy and national security.

Over the past year, we have passed a number of important new education, health care, tax, trade and national security bills that will keep Americans safer and healthier, create new jobs and improve our economy. This rule will allow the House to consider a number of additional bills today under suspension of the rules that will ensure that Congress can complete some additional important work before we adjourn for the holidays.

This rule makes in order the consideration of nine bills under suspension of the rules. These bills accomplish necessary and noncontroversial goals, such as extending funding for the operation of State high-risk health insurance pools, providing for collection of human cord blood stem cells for medical treatment and research, and improving the proficiency testing of clinical laboratories.

The suspension authority will also allow us to consideration legislation to authorize appropriations for the Department of Justice, improve medical benefits for patients, extend important educational programs and help NASA to continue its human space flight, aeronautics and science programs.

Perhaps most notably, it provides for consideration of the conference report to extend the applicability of the Terrorism Risk Insurance Act. Extending TRIA is a goal upon which I have worked very closely with my friends and fellow House conferees, Chairman MIKE OXLEY and Chairman RICHARD BAKER, and I commend them for their hard work in preparing this bill for President Bush's signature.

This legislation represents a fiscally responsible response to the threats that acts of terrorism pose to the American economy. It also includes important taxpayer protections and will ensure that this important program does not expire and leave the marketplace for terrorism insurance in uncertainty.

After the tragedy of September 11, the marketplace for terrorism insurance largely disappeared. This lack of terrorism coverage terminated or delayed billions of dollars in commercial property financing, threatening business operations and development and job creation and our overall economy.

TRIA has proven its ability to stabilize the market, and it will continue to provide essential protection for businesses of all sizes in our country. I urge my colleagues to take the opportunity later today to follow up on this program's successful record and to reauthorize TRIA so that the program does not lapse and hurt businesses and policyholders around this great Nation.

Like TRIA, all of the bills scheduled for consideration by the Republican House leadership on behalf of all Americans enjoy broad support from Members of both the majority and the minority parties. This rule simply provides us with the tools needed to ensure that all of the important work is completed before we adjourn to our families and communities to celebrate for the holidays.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this uncontroversial and balanced rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank my friend from Texas (Mr. SESSIONS) for the time.

Mr. Speaker, I guess it is appropriate that we are providing for suspension of the rules, since we learned yesterday that the President has suspended the law regarding spying on American citizens. I heard one of our colleagues earlier say that it was the law. I would remind him that this House has passed no such measure permitting spying on American citizens, even babies know that.

Mr. Speaker, as my colleague has already noted, this rule will permit the House to consider nine pieces of legislation under suspension of the rules. While I will not oppose this rule and intend to support the nine bills to which the rule applies, and I say that advisedly, taking into consideration the gentleman from Wisconsin (Mr. OBEY), my distinguished colleague, who will explain in detail the circumstances regarding Labor-HHS and the drastic implications for the finances of certain agencies.

I am deeply concerned that the House is again operating outside the boundaries of regular order.

☐ 1430

For the last year, my friends in the Republican leadership have consistently convened the House a mere 3 days a week, occasionally 4. They have regularly sent Members home earlier than anyone else in this country gets off work. Sure, I certainly, and I believe all of us, appreciate going home a few hours earlier during the week. But forgive me, Mr. Speaker, if I am not the most sympathetic Member when the leadership cries legislative crisis time and time again over situations that it created.

There is a better way to run this body, and the Republicans continue to show that they are incapable of leading the House in an efficient and regular manner.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I, like my wonderful colleague, Mr. HASTINGS, am here doing the work of the American people. We are proud of what we are doing. It is just 1 week before Christmas, and we have a lot of work left to do. That is why we are here. We are here to work.

There are a number of my colleagues who showed up for work today prepared and ready. We know they miss their family and friends. NATHAN DEAL of Georgia, TOM PRICE of Georgia, and JOHN SHIMKUS of Illinois are just an example of three Members of Congress who, even on a weekend and even a week before Christmas, show up.

So it is my hope that this same spirit we all talk about today, of accomplishing our work on behalf of the American people, the importance of completing our work because we said we would do it, to be responsible to the people of this whole country, all the people, that that spirit will carry through because that is why we are here today.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman, my good friend from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I have to say I was struck by the gentleman from Texas crediting his fellow Republicans for showing up. Because if it were not for the combination of institutional incompetence and ideological extremism that dominates the Republican Party, none of us would have had to be here. So I guess we all deserve recognition as victims of that.

I actually think this motion should have been retitled. It should have been called Subversion of the Rules, not Suspension of the Rules, because that is what is happening. We are being at almost gunpoint, the metaphorical, parliamentary equivalent of gunpoint, being asked to debate under very restrictive measures bills that deserve more.

Let me talk about one, the terrorism risk insurance. I think it is an important bill, and I agree substantively with what the gentleman from Texas said. Unfortunately, the right wingers who dominate this administration and much of the congressional leadership in both Houses do not agree. They tried to kill this thing, until finally, at the overwhelming insistence of people who are involved in the economy of this country said that that would be irresponsible, they did the next best thing. They have forced us to deal with it in a constricted and inappropriate way.

We did take it up in the House, and we had a full markup in our committee, and we voted on it on the floor. In the Senate, and let us praise the rule change that now allows us to tell the truth about what goes on in the Senate, the Senate passed a very restricted version of this. The Senate chairman of the banking committee then refused to appoint conferees.

Interestingly, we are going to have to amend this rule, because the rule, reasonably, said let us take up on suspension the conference report on TRIA. And then the Rules Committee had to be reminded that there is no conference report on TRIA, because the Republican Senate chairman, knowing that he would have been outvoted in the conference, refused to allow one and, instead, individually dictated what would be in it.

So we are going to have to amend it, because if we had a vote on a conference report on TRIA, we would have no TRIA. They would not have a conference. The regular order has been totally subverted. Unfortunately, we have to accommodate it because we are up against a December 31 extension.

By the way, if the House Republican leadership had not delayed consideration of this bill, we could have done it months ago and not been vulnerable to that kind of extortion.

What we have now is a bill that leaves out, for example, the commission on how to deal with terrorism insurance that the families of September 11 have asked for. We will go into that further when we debate it, but the families of September 11 asked for a commission. We included it in the House bill. Chairman OXLEY and Chairman BAKER accommodated that reasonable request. It is not in the Senate Bill. And because of this outrageously high-handed legislative procedure, we do not have a chance to include it.

An important provision was adopted here in the House, sponsored by the gentlewoman from Florida, to prevent people who are traveling to what some insurance companies think are dangerous areas, like Israel, from being denied life insurance. That is not in the bill. Maybe some people do not like it, but we should have been able to have had a forum in which it could be debated and decided.

Instead, we have the right wing that controls the executive branch and both Houses of Congress grudgingly allowing a bare bones and, I think, inadequate form of extension. It is better than nothing. It is important to the economy, and the gentleman from Texas is right. But here is a combination of ideological extremism and a refusal to recognize the legitimacy of a democratic process here.

As we salute democracy in Iraq, and I am glad we saw it yesterday, I guess I am starting to get jealous of the Iraqis, because as of now there is more democracy being practiced under American auspices in Iraq than the leadership here in the House of Representatives is allowing on the floor of this body.

Mr. SESSIONS. Mr. Speaker, the gentleman from Massachusetts has very appropriately talked about this important act, this TRIA legislation; and I would like to take time to thank the ranking member of the Financial Services Committee (Mr. FRANK of Massachusetts) for not only his work for a long time on this bill but for working clearly and closely with industry and consumer groups to make sure that what we had control over of here in the House that we passed.

I do admit that there is frustration. There is frustration on my part, too, as the gentleman is well aware. And I will tell you that the process that has taken place may not be perfect, but I want to thank the gentleman not only for his support of the work that we were able to accomplish but for sticking with it.

The good part is there will be a process here today and the gentleman will be able to speak very clearly about his thoughts on that, and we will move forward.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will yield for just a moment, I want to thank the gentleman for his graciousness on that, and I appreciate that.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, at this particular moment I am privileged to yield such time as he may consume to my good friend, the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Appropriations Committee.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time. I want to put the House on notice that I intend to ask for a rollcall on this rule. And if we do have a rollcall, I am going to vote against it, and I want to explain why.

One of the bills that this rule makes in order is the continuing resolution. At this point, this Congress has not passed the defense bill. It has not passed the Labor, Health, Education and Social Services appropriations bill. Together that equals about 65 percent of all the discretionary spending in the budget. We still have not passed those bills almost 3 months into the fiscal year.

Now, this resolution will allow the continuing resolution, which expires today, to continue until February 15. Now, it also says that we will not be able to amend the CR. However, there is nothing to prevent the Senate from amending the CR when it goes over there, and I fully expect them to try because they have a different set of priorities than the Republican House leadership. If you do not believe that, just ask Mr. STEVENS.

There is another problem with the CR, and that is that it funds both the Defense bill and the Labor, Health, and Education bill at a very much lower level and on a very much more restricted basis than I think is healthy. Example: on the Defense side, if the Defense appropriations bill does not pass, it means that money will trickle out to the military, but they will not be able to do the advanced procurement expenditures that they need if you are going to have intelligent planning.

On the Labor-Health side, what it means, and this is even more serious, I think, because I think there is a better chance that the defense bill may pass, but the Labor-Health bill right now is so inadequate that the majority leader in the Senate cannot get enough votes to pass it. And so now what they are doing is setting up this scenario: they are going to fund Labor-Health programs at a level $1.4 billion below the House-passed bill and $3 billion below last year. And because of the peculiarities of the formula, programs such as the Community Service Block Grants are going to be funded at a level 50 percent below last year. You might as well gut that program if you let that happen.

And why are they doing it? I think the reason they are doing it is because they know they cannot pass that turkey of a Labor-Health bill now as it is, so they are trying to set up a scenario in which in February Senators will have to vote for that inadequate bill in order to escape from the crisis which was manufactured by this inadequate and rigid CR.

I think House Members, if we are going to be asked to pass another CR, ought to have an opportunity to amend it. Coming from an agricultural State, I am told that the agreement just reached between the House and the Senate is going to allow Senator COCHRAN to put $2 billion wherever he wants it in agriculture, and I would kind of like to see some of that money going to the MILC program. But it is not going to under the way this is set up.

I would also like to amend the funding rate for a number of programs so that you do not indirectly, under the table, without a frontal vote, gut programs like the Community Services Block Grant.

So I want to put the House on notice, despite any agreement at the leadership level, I intend to ask for a rollcall vote because this is nuts.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I hope that the general body heard and understood Mr. OBEY's explanation, the fact remains that it would devastate programs in this country that people are totally relying upon; and, more importantly, my friends who espouse their support of the military, put the military in a position of not being able to do advanced procurement and to live at restrictive levels. That is not right. Therefore, we need to pay particular attention to the continuing resolution.

I would urge Members to be prepared to come back for this particular measure, in light of the explanations offered by my colleagues Mr. FRANK of Massachusetts and Mr. OBEY.

Mr. Speaker, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

In the 8th paragraph, strike "conference report to accompany the"

Mr. SESSIONS. Mr. Speaker, I want to thank my colleagues on both sides of the aisle for their thoughtful comments this morning about the circumstances, as we are here on December 17, almost a week before Christmas. I would like to thank all my colleagues for coming down and speaking clearly.

There is a lot of frustration, but I believe the process is important for us to follow through. I am proud of what we are doing. We can accomplish it all together.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. McHUGH). The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 190, not voting 30, as follows:

[Roll No. 663]

YEAS—213

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)

Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—30

Akin
Baca
Barton (TX)
Becerra
Cardoza
Clay
Cubin
Cummings
Davis, Jo Ann
Davis, Tom
Diaz-Balart, M.
Ehlers
Gilchrest
Hoyer
Hyde
Istook
Kolbe
McCarthy
McCrery
Myrick
Pastor
Platts
Spratt
Stearns
Waters
Watson
Weldon (PA)
Westmoreland
Wexler
Young (FL)

☐ 1518

Ms. HERSETH changed her vote from "yea" to "nay."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 663 I was unavoidably detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PROFICIENCY TESTING IMPROVEMENT ACT OF 2005

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4568) to improve proficiency testing of clinical laboratories, as amended.

The Clerk read as follows:

H.R. 4568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Proficiency Testing Improvement Act of 2005".

SEC. 2. IMPROVEMENT OF PROFICIENCY TESTING OF CLINICAL LABORATORIES.

Notwithstanding any other provision of law, the Secretary of Health and Human Services—

(1) may not, during the one-year period beginning on the date of the enactment of this Act, conduct (or cause an entity with which the Secretary contracts to conduct) the proficiency testing referred to in section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv));

(2) shall revise such proficiency testing (or cause such testing to be revised)—

(A) to reflect the collaborative clinical decision-making of laboratory personnel involved in screening or interpreting cytological preparations;

(B) to revise grading or scoring criteria to reflect current practice guidelines;

(C) to provide for such testing to be conducted no more often than every 2 years; and

(D) to make such other revisions to the standards for such testing as may be necessary to reflect changes in laboratory operations and practices since such standards were promulgated in 1992; and

(3) shall make the revisions required by paragraph (2) within one year after the date of the enactment of this Act and before resuming proficiency testing referred to in such section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Each year, the licensed physicians and cytotechnologists who screen and interpret Pap tests save the lives of thousands of women by detecting the earliest signs of cervical cancer, a common cancer in women. Without question, these professionals serve a vital role in the health care delivery system of this Nation, and we owe them our sincere admiration and appreciation for the services they perform.

However, our Federal bureaucracy has let these professionals and their patients down by neglecting to develop an effective and appropriate proficiency test for these individuals as required by the Clinical Laboratory Improvement Amendments of 1998, commonly referred to as CLIA. Instead, the Centers for Medicare and Medicaid Services have recently chosen to implement an outdated and flawed testing system that was finalized over 13 years ago.

This situation is unacceptable, and these professionals who are performing vital services deserve better.

And that is why I have introduced this legislation. H.R. 4568 will place a hold on the current CMS testing system and require that a new rule be developed that accomplishes the following four goals: First, to reflect the collaborative clinical decision-making of laboratory personnel involved in screening or interpreting cytological preparations; second, to revise grading or scoring criteria to reflect current practice guidelines; and, third, to provide for such testing to be conducted no more often than every 2 years; and, fourth, to make such revisions to the standards for such testing as may be necessary to reflect changes in the laboratory operations and practices since the standards were promulgated originally in 1992.

This is the least we can do for these professionals. And I want to thank my colleagues SUE MYRICK, TOM PRICE, JOHN SHIMKUS and SHERROD BROWN for joining me in sponsoring this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Joining my friend from Georgia, Mr. DEAL, I rise in support of H.R. 4568, the Proficiency Testing Improvement Act.

It makes perfect sense to take steps to ensure that women are receiving accurate results after they have had a Pap test. But it makes no sense to take false steps in that direction. Proficiency testing can be extremely useful, or it can make a bad situation worse. If the proficiency test itself is inaccurate, then both competence and incompetence get lost in the shuffle. It is almost worse than not knowing.

H.R. 4568 gives the Secretary of Health and Human Services authority to revise a 13-year-old regulation that CMS has only recently acted on. The regulation calls for a Federal program to test the proficiency of individual laboratory individuals who read Pap tests.

Since this rule was first proposed in 1992, significant advances, such as computer-assisted screening, location-guided screening, digital imaging, have made a positive impact on screening for cervical cancer.

The proficiency testing system embedded in the agency's rule has not been modified to reflect these significant advances. As a result, the system is rooted in outdated and obsolete medical standards and practices. In fact, the testing scheme adopted 13 years ago but just implemented by the Federal Government this year is based upon standards that go back to the late 1960s.

H.R. 4568 delays implementation of this testing program for 1 year so the agency can review and revise the program to reflect current medical practice. One can look at it from a quality perspective, a safety perspective, an access perspective or a fiscal perspective. From any of those angles, it is in no one's best interest to use the wrong test to evaluate proficiency. All they end up with are more questions.

I want to make clear the bill does not repeal this testing program. It simply puts the program on pause while the agency makes changes to reflect valid and up-to-date medicine and laboratory working conditions.

In September, I joined over 100 Members of the House, from both parties, in sending a letter to Secretary Leavitt, urging him to update the testing program before implementing it. The Secretary of HHS, for whatever reason, has not responded.

In February, the Clinical Laboratory Improvement Advisory Committee, which advises the Department of Health and Human Services, unanimously recommended that the agency revise and update this 13-year-old regulation; yet the agency continues to move forward with a January 1, 2006, implementation date.

If we are serious in this body about promoting quality health care, we should ensure that the Federal Government's regulations are keeping pace with 21st Century medicine. This bill will help do that. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a member of the Energy and Commerce Committee that has jurisdiction over this issue.

Mr. SHIMKUS. Mr. Speaker, I want to thank Chairman DEAL of the subcommittee for his work on this legislation, also Ranking Member BROWN, and I think they accurately have mentioned what this legislation does.

It wants to hold off these regulations that are decades old for new science and new technology and for safety and cost and efficiency and all those things.

I just want to take this time to thank Dr. James Miller, who runs a lab in Fayette County Hospital in Vandalia, Illinois, for always keeping me updated on issues facing the laboratory community.

In my district and across the country, we already have a shortage of medical lab technicians. These proficiency testing regulations would further reduce access to cytology services.

I urge my colleagues to support this legislation, H.R. 4568.

□ 1530

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH), who has been a terrific advocate for women's health in our country.

Ms. HERSETH. Mr. Speaker, I thank my friend from Ohio for yielding and for his long-standing commitment for health care issues facing this country.

Mr. Speaker, I rise today in support of H.R. 4568, the Proficiency Testing Improvement Act of 2005, because this legislation reflects a thoughtful compromise, and I am extremely pleased we are going to have an opportunity to address the underlying issues concerning the clinical laboratory proficiency testing regime currently being implemented by the Centers for Medicare and Medicaid Services.

As I toured laboratories in South Dakota earlier this year and discussed the proficiency test with pathologists in my State, it has become clear to me that the science and practice guidelines for cytology have advanced substantially in the 13 years since the initial design of the proficiency testing program.

I have serious concerns with the possibility of qualified physicians and lab personnel being penalized as a result of a test based on outdated standards, and I have concerns about the access problems this may create in rural areas.

The Clinical Laboratory Improvement Advisory Committee, which is charged with advising the Secretary of Health and Human Services on the standards governing clinical laboratories, has recommended that the Department of Health and Human Services revise the outdated regulation to reflect the advances in the practice of cytology.

When it became clear that Secretary Leavitt intended to proceed with the January 1 implementation date, as Mr. BROWN indicated, I joined with him and many others of this body to urge the Secretary to suspend the current testing program and make the necessary revisions to reflect the advances in science, technology and practice. But time grows short, and without any assurances that the flaws in the current regime will be addressed, it is necessary for us to act.

This legislation delays implementation of proficiency testing for 1 year to allow the Secretary to make the appropriate revisions and ensure a testing program that reflects medically and scientifically current standards for the practice of cytology. This step is necessary to protect access to clinical laboratory services and to ensure the high quality of those services.

I want to express my sincere thanks to all those who have worked so hard in the last few weeks to bring this legislation to the floor before the end of the session. Ranking Members DINGELL and BROWN, Chairman DEAL, Mr. PRICE, have all been diligent and thoughtful throughout this process. And I also want to extend my thanks to Chairman BARTON for his flexibility and offer my prayers for his speedy recovery during the Christmas season.

I encourage my colleagues in the House to support H.R. 4568 and our colleagues in the Senate to act swiftly to pass this important legislation before we adjourn.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 4 minutes to my colleague, the gentleman from Georgia (Mr. PRICE), and to thank him for his efforts in shepherding this bill to the floor today.

Mr. PRICE of Georgia. Mr. Speaker, first, I want to thank Chairman DEAL for his leadership on this issue and Chairman BARTON as well for allowing this to go forward and thank particularly Mr. BROWN and Ms. HERSETH and Mr. DINGELL for working together to make certain that this issue is brought forward before we go home for the holiday.

Any testing, any testing, for quality in health care, must recognize and be tailored to real-life situations and the actual practice of medicine. As a physician, I have a real concern about quality health care and about how often government decisions may adversely affect that care.

In our State of Georgia, as the chairman knows, 40 percent of the pathologists in our State no longer read Pap smears. They no longer read Pap smears. The reason is not that they forgot how to read Pap smears. The reason is that the liability, the risk for reading a Pap smear at this point is greater than the benefit that they can derive themselves, and it is not worth putting their families at that personal financial risk to do so. If we go ahead with current CMS policy, I fear all across this Nation, we will see the remainder of the pathologists will no longer be able to read Pap smears, and consequently, the quality of care will be further diminished.

The reason that this test that has been proposed to move forward is flawed is because the practice of pathology is a collegial practice. If a pathologist is reading a slide to determine a diagnosis and he or she may have a question about it, they do not simply put it aside and not do anything about it. They call over Dr. Smith or Dr. Jones or one of the other personnel and ask them, what do you think? And they come to a decision together. Sometimes they may even take the specimen, that slide and the specimen they have, to a professor, to a university nearby or to a seminar that is being held and get other opinions. It is a collegial practice.

The test that is on the books right now and being proposed to be implemented January 1 on a mandatory basis does not recognize any of the collegiality of the practice of pathology or medicine for that matter.

So I believe that any testing that ought to be approved must be approved by the specialty society. The College of American Pathologists has wonderful individuals, scientists, individuals who understand the practice of medicine and also understand the science, and they must, they must, approve any test before it goes forward.

I also believe that any test that would be of benefit to us as citizens and truly increase the quality of care would be a test that measured the quality of the facility which recognizes the collegiality of the practice of pathology, and not be necessarily physician-specific, because that does not recognize how these things are done.

So, this bill, I commend the chairman once again for bringing it forward. I believe it is a commonsense measure. It is a measure that, ultimately, I believe, will result in a better rule and a better ability of pathologists and other physicians across this Nation to practice. I urge adoption of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida (Mr. WELDON), a physician familiar with this issue.

Mr. WELDON of Florida. Mr. Speaker, I thank the subcommittee chairman for his leadership on this issue.

I am not an OB/GYN, but as a general internist, I performed numerous Pap smears. I was not here in 1992 when this statute was put in place. If I had been, I would have voted against it. I do not think the Federal Government has any business being in this process.

I have to ask everybody in the Chamber a question: Why do we want to have a special test only for the pathologists? Why not a Federal test for the doctor performing the Pap smear? I frequently did breast exams at the same time. Why not a special test, a Federal test, for that? What about the mammogram? Why not a Federal exam for a mammogram?

We obviously do not do that for obvious reasons. Professional societies govern these issues. State statutes govern them, and this is just a huge area.

Physicians of various specialties perform a multitude of different tests. They review and do a multitude of different procedures, and it would virtually be impossible; it would involve a colossal expansion of the Federal Government into essentially an area traditionally of commerce.

Now, understanding, as I do, that this is in the law, another reason why this is a bad law is just the way it has played out. Thirteen years for the regulatory agency to finally bring regulations to the process, to put them forward, and, lo and behold, surprise, surprise, they are completely outdated. They are completely inconsistent with what has been going on.

Litigation forces and the College of American Pathology's policies have changed the landscape, and now you essentially have many pathologists, as my physician colleague Dr. Price said earlier, and I commend him for his leadership on this, many pathologists have abandoned this. And you literally have certain pathologists who are specializing in this. They read them all the time. They go to seminars all the time. When they get difficult smears, they take them to the university. They bring their colleagues in the room.

To me, this is a wasteful and inappropriate involvement of the Federal Government, and I am very, very pleased that the other side of the aisle is willing to go along with this 1-year delay. Hopefully, the Senate will approve this.

What I hope is, ultimately, we repeal this, because I believe it is completely unnecessary, and it is inserting the Federal Government in a place that I do not think the American public would really want us to be, and that is into the details of the practice of medicine, carving out one specific area of pathology. Why are we not credentialing pathologists who read thyroid biopsies? That can be very, very important. What about breast biopsies? So to single this out, to me it is almost bizarre.

Mr. Speaker, I commend the chairman of the subcommittee. I am certainly looking forward to working with him in the year ahead. I certainly commend the ranking member for his willingness to allow this to move forward, and I do hope the Senate concurs, and we are able to pass this.

WHAT THE BILL DOES?

In 1992 CMS, HCFA, proposed regulations that would require proficiency testing of pathology labs for pap tests.

Those regs sat on the shelf for the past 13 years, until earlier this year CMS decided to implement these 13-year-old regs.

This bill simply delays for one more year the implementation of these regulations and asks CMS to update their regulations to reflect the practice of medicine today both within the pathology labs and in how clinicians respond to those lab tests.

WHY IS THIS BILL NECESSARY?

CMS dusted off 13-year-old regs that do not reflect the current practice of medicine.

CMS is requiring that pathologists examine these test exams in a vacuum; however, pathologists and cytologist practice in a team today. The CMS regulations don't reflect this change in practice; they are testing in a manner that does not reflect how a pathology is practiced today.

The test asks pathologists/cytologists to distinguish between high- and low-grade lesions.

In 1992 the standard of practice for low-grade lesions was to continue repeat cytology testing while colposcopy and biopsy were ordered for high-grade lesions.

The standard of practice today is to order colposcopy and biopsy for both high- and low-grade lesions.

The exam also applies a double standard for scoring—one test for cytologists and another higher standard for pathologists.

WHO HAS ASKED CMS TO DELAY THESE REGS

Ten national pathology and cytology organizations; 49 State pathology medical societies; over 120 Members of Congress wrote CMS in October asking CMS to delay this testing; even CMS's own Clinical Laboratory Improvement Advisory Committee, CLIAC, unanimously moved that CMS revise the cytology PT regulations to reflect current practice, evidence based guidelines and antipated changes in technology.

CONCLUSION

This bill will provide for only a 1-year delay of these regulations so that CMS can update the regulations that they left sitting on the shelf for the past 13 years.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I was just listening to the last speaker, and I just wanted to bring something to the attention of the House.

In Maryland, we had a situation where we had Maryland General Hospital, which is in my district, as a matter of fact, within 6 blocks of my house, and one of the things that we discovered was that the hospital was providing tests whereby personnel in the hospital knew that these HIV and hepatitis tests, the results were the wrong results. In other words, there was some faulty machinery. There was some problem within the lab itself. And when the whistleblower went to blow the whistle, the whistleblower was fired.

Government does have a role in this. The government must have a role. Almost, not almost, every single person in this country at some point is subjected to some type of medical test. As a matter of fact, we in the State of Maryland, it was of such significance that we got the College of American Pathologists to revise their entire program so as to protect whistleblowers, to make sure that if there was retaliation against a whistleblower, that that clinical lab could lose its accreditation.

They also are spending $9 million over the next 2 years to revamp their whole process, because here is the College of American Pathologists who oversees some 6,000 clinical labs all around the world, and they realized that it was important that they give proper results and protect whistleblowers, have a better system. But I can tell you the thing that pushed them to do that was government intervention.

So I understand this particular piece of legislation. I think it makes sense. I wish we had a little bit more time to consider it. The fact is, I am not going to stand in the way of it, but I refuse to accept an argument that says that government has no role in this, because, again, the American public must, must, have confidence in medical tests, must be able to rely on them.

When we are talking about such subjects as medical malpractice, Mr. Speaker, if someone has the wrong results on a test, my God, it may result in all kinds of very unfortunate circumstances and expenses and pain and suffering to a family.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself 15 seconds just to respond to the gentleman and assure him that we understand his concerns with the whistleblower, but this is a situation in which government does have a role, but we are trying to make sure that government does not impose outdated regulations that are 13 years old and do not associate themselves with the current realities of the practice.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 4568. This legislation will put in place a 1-year delay of a problematic cytology testing program and will allow HHS to review and revise the program in order to better reflect current medical practice.

Numerous pathologists from my district in central and western Pennsylvania have expressed great concern over this testing program. I would like to share a portion of a letter I received from a well-respected pathologist from Roaring Springs, Pennsylvania, Dr. Bill Kirsch, regarding this issue. And I think it is extremely important to hear the words of a practicing pathologist and not just legislators on the floor of the House.

Dr. Kirsch first contacted me in August of this year saying the following:

"Although I have not received the survey material at this time, it was apparent when I read the initial introduction of this new testing procedure that it had little merit and was only vaguely related to the actual practice of cytopathology.

"My contention is this supposed proficiency examination will do little or nothing to improve the quality of the cytopathology services and only add to hospital expenses through fee and the paid time for the cytology tech staff and the pathologist forced to participate. There are other proficiency tests that I have subscribed to for a number of years and have helped me to become a better cytopathologist.

"The current proficiency testing by MIME has, in my opinion, no merit and does not deserve to be continued. It does not have the support of pathology or cytopathologist professionals and should not have even been initiated."

Mr. Speaker, I respect the wisdom and experience of many of the doctors and laboratory professionals that have contacted me asking that we please ask HHS to step back and review this testing program. A vote for the commonsense legislation is just what the doctor ordered.

☐ 1545

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), my colleague on the Health Subcommittee of Energy and Commerce.

Mr. BURGESS. Mr. Speaker, I thank the chairman and the ranking member for bringing this relevant and important piece of legislation to the floor today.

It is probably the cervical cytology that has been more responsible than any other medical test for the foundation of preventative medicine in the United States.

I cannot tell you of the change that has taken place in the science of cervical cytologies from 1988, when this language was first written, until the time I left practice in 2002. The change has been so rapid in the science of cytology; and the language in this legislation being over 10 years old, over a decade old, is inappropriate for the 21st century.

In this day and time, we now have thin-layer cytologies. We have liquid-based cytologies, none of which were available in the late 80s or early 90s. The accuracy of these tests is light years ahead of what it was. If you add to that the ability to do DNA typing on abnormal cells, a lot of problems with false negatives have been eliminated. The CLIA standards to affect this language at this point would be inappropriate. They would be draconian. In fact, they would be a big step backward.

I look forward to working with my chairman. I look forward to working with the committee with my fellow members to develop language that more accurately measures the performance of cytopathologists and pathologists.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was just looking through the CMS informational supplement on this whole issue, and I just wanted to read the reason that CMS could not get its act together through Secretary Thompson and now Secretary Leavitt, that they have delayed this so much longer than it needed to, and this is their sort of double speak, if you will:

"Implementation of cytology proficiency testing has taken an extended period of time due to the absence of qualified national proficiency testing organizations and insufficient number of reference cytology testing materials and significant technical difficulties. Currently, there are two CMS-approved cytology proficiency testing programs in the country for 2005, and we anticipate the approval of additional programs in 2006."

So the last 5 years both Secretary Thompson and Secretary Leavitt have not been able to get this whole program up and running. Now we have this same cast of characters telling the country that we have got to implement the Medicare bill right now when plenty of people in this body, led by Ms. SCHAKOWSKY of Illinois and Mr. STARK from California, it said on the Medicare bill that we should push back the deadline for people who want to benefit from the Medicare prescription drug benefit program, who want to benefit but cannot yet make their minds up because of the complexity of it. And they will be actually financially penalized if they do not make that decision more quickly than many seniors feel that they are capable of making.

At the same time, we are also doing nothing to allow the Secretary of CMS to bring down the price of prescription drugs. In fact, this institution, this body, prohibited the government from negotiating lower prices. So while Secretary Thompson and now Secretary Leavitt could not get their act together on this, they seem to want to move forward too quickly on Medicare, forcing seniors to make a choice prematurely in the minds of many seniors or pay an economic financial penalty for every month they delay, and at the same time doing nothing to bring the price of prescription drugs down.

It all fits together in a peculiar way, Mr. Speaker. That does not mean this bill is not important. I join my colleague, Mr. DEAL, in support of it. As always, there is a little bigger picture here.

Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

While my colleague, Mr. BROWN of Ohio, is my copartner in the issue of health care and he and I share many things in common, this bill being one of them, and I would disagree with his comments with regard to Medicare part D, I for one am pleased that we are finally offering senior citizens of this country the opportunity to have a prescription drug benefit plan.

We can disagree on that, and we will probably have some disagreements in the future; but I do want to thank Mr. BROWN of Ohio and his staff and the others on the minority side for their cooperation in dealing with this issue that is before us today on pathology licensure.

I think that it is a bill that we need to act on quickly, and hopefully our colleagues across the way will do likewise.

Mr. DINGELL. Mr. Speaker, I support H.R. 4568, the "Proficiency Testing Improvement

Act of 2005," which requires the Secretary of the Department of Health and Human Services to update the federal program to test the proficiency of individual laboratory professionals who read Pap tests. This bill delays implementation of the program first proposed in 1992 so that revisions, including those recommended by the Clinical Laboratory Improvement Advisory Committee, can be made. Importantly, these revisions are required to be made within one year, and must be made before proficiency testing can resume.

This is a commonsense measure that will assure that regulations implemented by the Federal Government reflect current science, technology, and medical practice. I urge my colleagues to support it.

Mr. DEAL of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McHugh). The question is on the motion offered by the gentleman from Georgia (Mr. Deal) that the House suspend the rules and pass the bill, H.R. 4568.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Therapeutic and Research Act of 2005".

SEC. 2. CORD BLOOD INVENTORY.

(a) In General.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood banks to assist in the collection and maintenance of 150,000 new units of high-quality cord blood to be made available for transplantation through the C.W. Bill Young Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) Requirements.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of cord blood acquired with the informed consent of the donor, as determined by the Secretary pursuant to section 379(c) of the Public Health Service Act, in a manner that complies with applicable Federal and State regulations;

(2) to encourage donation from a genetically diverse population;

(3) to make cord blood units that are collected pursuant to this section or otherwise and meet all applicable Federal standards available to transplant centers for transplantation;

(4) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(5) to make data available, as required by the Secretary and consistent with section 379(d)(3) of the Public Health Service Act (42 U.S.C. 274k(d)(3)), as amended by this Act, in a standardized electronic format, as determined by the Secretary, for the C.W. Bill Young Cell Transplantation Program; and

(6) to submit data in a standardized electronic format for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act, as amended by this Act.

(c) Related Cord Blood Donors.—

(1) In general.—The Secretary shall establish a 3-year demonstration project under which qualified cord blood banks receiving a contract under this section may use a portion of the funding under such contract for the collection and storage of cord blood units for a family where a first-degree relative has been diagnosed with a condition that will benefit from transplantation (including selected blood disorders, malignancies, metabolic storage disorders, hemoglobinopathies, and congenital immunodeficiencies) at no cost to such family. Qualified cord blood banks collecting cord blood units under this paragraph shall comply with the requirements of paragraphs (1), (2), (3), and (5) of subsection (b).

(2) Availability.—Qualified cord blood banks that are operating a program under paragraph (1) shall provide assurances that the cord blood units in such banks will be available for directed transplantation until such time that the cord blood unit is released for transplantation or is transferred by the family to the C.W. Bill Young Cell Transplantation Program in accordance with guidance or regulations promulgated by the Secretary.

(3) Inventory.—Cord blood units collected through the program under this section shall not be counted toward the 150,000 inventory goal under the C.W. Bill Young Cell Transplantation Program.

(4) Report.—Not later than 90 days after the date on which the project under paragraph (1) is terminated by the Secretary, the Secretary shall submit to Congress a report on the outcomes of the project that shall include the recommendations of the Secretary with respect to the continuation of such project.

(d) Application.—To seek to enter into a contract under this section, a qualified cord blood bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, an application for a contract under this section shall include a requirement that the applicant—

(1) will participate in the C.W. Bill Young Cell Transplantation Program for a period of at least 10 years;

(2) will make cord blood units collected pursuant to this section available through the C.W. Bill Young Cell Transplantation Program in perpetuity or for such time as determined viable by the Secretary; and

(3) if the Secretary determines through an assessment, or through petition by the applicant, that a cord blood bank is no longer operational or does not meet the requirements of section 379(d)(4) of the Public Health Service Act (as added by this Act) and as a result may not distribute the units, transfer the units collected pursuant to this section to another qualified cord blood bank approved by the Secretary to ensure continued availability of cord blood units.

(e) Duration of Contracts.—

(1) In general.—Except as provided in paragraph (2), the term of each contract entered into by the Secretary under this section shall be for 10 years. The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the earlier of—

(A) the date that is 3 years after the date on which the contract is entered into; or

(B) September 30, 2010.

(2) Extensions.—Subject to paragraph (1)(B), the Secretary may extend the period of funding under a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 new units of high-quality cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application for a contract under this section from any qualified cord blood bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory need cannot be met by the one or more qualified cord blood banks that have submitted an application for a contract under this section.

(3) Preference.—In considering contract extensions under paragraph (2), the Secretary shall give preference to qualified cord blood banks that the Secretary determines have demonstrated a superior ability to satisfy the requirements described in subsection (b) and to achieve the overall goals for which the contract was awarded.

(f) Regulations.—The Secretary may promulgate regulations to carry out this section.

(g) Definitions.—In this section:

(1) The term "C. W. Bill Young Cell Transplantation Program" means the C.W. Bill Young Cell Transplantation Program under section 379 of the Public Health Service Act, as amended by this Act.

(2) The term "cord blood donor" means a mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta and umbilical cord after separation from the newborn baby.

(3) The term "cord blood unit" means the neonatal blood collected from the placenta and umbilical cord of a single newborn baby.

(4) The term "first-degree relative" means a sibling or parent who is one meiosis away from a particular individual in a family.

(5) The term "qualified cord blood bank" has the meaning given to that term in section 379(d)(4) of the Public Health Service Act, as amended by this Act.

(6) The term "Secretary" means the Secretary of Health and Human Services.

(h) Authorization of Appropriations.—

(1) Existing funds.—Any amounts appropriated to the Secretary for fiscal year 2004 or 2005 for the purpose of assisting in the collection or maintenance of cord blood shall remain available to the Secretary until the end of fiscal year 2007.

(2) Subsequent fiscal years.—There are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(3) Limitation.—Not to exceed 5 percent of the amount appropriated under this section in each of fiscal years 2007 through 2009 may be used to carry out the demonstration project under subsection (c).

SEC. 3. C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) National Program.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended to read as follows:

"SEC. 379. NATIONAL PROGRAM.

"(a) Establishment.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall by one or more contracts establish and maintain a C.W. Bill Young Cell Transplantation Program (referred to in this section as the 'Program'), successor to the National Bone Marrow Donor Registry, that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donors of bone

marrow and cord blood, and that meets the requirements of this section. The Secretary may award a separate contract to perform each of the major functions of the Program described in paragraphs (1) and (2) of subsection (d) if deemed necessary by the Secretary to operate an effective and efficient system that is in the best interest of patients. The Secretary shall conduct a separate competition for the initial establishment of the cord blood functions of the Program. The Program shall be under the general supervision of the Secretary. The Secretary shall establish an Advisory Council to advise, assist, consult with, and make recommendations to the Secretary on matters related to the activities carried out by the Program. The members of the Advisory Council shall be appointed in accordance with the following:

"(1) Each member of the Advisory Council shall serve for a term of 2 years, and each such member may serve as many as 3 consecutive 2-year terms, except that

"(A) such limitations shall not apply to the Chair of the Advisory Council (or the Chair-elect) or to the member of the Advisory Council who most recently served as the Chair; and

"(B) 1 additional consecutive 2-year term may be served by any member of the Advisory Council who has no employment, governance, or financial affiliation with any donor center, recruitment organization, transplant center, or cord blood bank.

"(2) A member of the Advisory Council may continue to serve after the expiration of the term of such member until a successor is appointed.

"(3) In order to ensure the continuity of the Advisory Council, the Advisory Council shall be appointed so that each year the terms of approximately one-third of the members of the Advisory Council expire.

"(4) The membership of the Advisory Council—

"(A) shall include as voting members a balanced number of representatives including representatives of marrow donor centers and marrow transplant centers, representatives of cord blood banks and participating birthing hospitals, recipients of a bone marrow transplant, recipients of a cord blood transplant, persons who require such transplants, family members of such a recipient or family members of a patient who has requested the assistance of the Program in searching for an unrelated donor of bone marrow or cord blood, persons with expertise in bone marrow and cord blood transplantation, persons with expertise in typing, matching, and transplant outcome data analysis, persons with expertise in the social sciences, basic scientists with expertise in the biology of adult stem cells, and members of the general public; and

"(B) shall include as nonvoting members representatives from the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, the Division of Transplantation of the Health Resources and Services Administration, the Food and Drug Administration, and the National Institutes of Health.

"(5) Members of the Advisory Council shall be chosen so as to ensure objectivity and balance and reduce the potential for conflicts of interest. The Secretary shall establish bylaws and procedures—

"(A) to prohibit any member of the Advisory Council who has an employment, governance, or financial affiliation with a donor center, recruitment organization, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment organization, transplant center, or cord blood bank; and

"(B) to limit the number of members of the Advisory Council with any such affiliation.

"(6) The Secretary, acting through the Advisory Council, shall submit to the Congress—

"(A) an annual report on the activities carried out under this section; and

"(B) not later than 6 months after the date of the enactment of the Stem Cell Therapeutic and Research Act of 2005, a report of recommendations on the scientific factors necessary to define a cord blood unit as a high-quality unit.

"(b) ACCREDITATION.—The Secretary shall, through a public process, recognize one or more accreditation entities for the accreditation of cord blood banks.

"(c) INFORMED CONSENT.—The Secretary shall, through a public process, examine issues of informed consent, including—

"(1) the appropriate timing of such consent; and

"(2) the information provided to the maternal donor regarding all of her medically appropriate cord blood options.

Based on such examination, the Secretary shall require that the standards used by the accreditation entities recognized under subsection (b) ensure that a cord blood unit is acquired with the informed consent of the maternal donor.

"(d) FUNCTIONS.—

"(1) BONE MARROW FUNCTIONS.—With respect to bone marrow, the Program shall—

"(A) operate a system for identifying, matching, and facilitating the distribution of bone marrow that is suitably matched to candidate patients;

"(B) consistent with paragraph (3), permit transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available bone marrow donors listed in the Program;

"(C) carry out a program for the recruitment of bone marrow donors in accordance with subsection (e), including with respect to increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the enrollment of the Program;

"(D) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

"(E) carry out informational and educational activities in accordance with subsection (e);

"(F) at least annually update information to account for changes in the status of individuals as potential donors of bone marrow;

"(G) provide for a system of patient advocacy through the office established under subsection (h);

"(H) provide case management services for any potential donor of bone marrow to whom the Program has provided a notice that the potential donor may be suitably matched to a particular patient through the office established under subsection (h);

"(I) with respect to searches for unrelated donors of bone marrow that are conducted through the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances;

"(J) support studies and demonstration and outreach projects for the purpose of increasing the number of individuals who are willing to be marrow donors to ensure a genetically diverse donor pool; and

"(K) facilitate research with the appropriate Federal agencies to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Program operations.

"(2) CORD BLOOD FUNCTIONS.—With respect to cord blood, the Program shall—

"(A) operate a system for identifying, matching, and facilitating the distribution of donated cord blood units that are suitably matched to candidate patients and meet all applicable Federal and State regulations (including informed consent and Food and Drug Administration regulations) from a qualified cord blood bank;

"(B) consistent with paragraph (3), allow transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available cord blood units made available through the Program;

"(C) allow transplant physicians and other appropriate health care professionals to reserve, as defined by the Secretary, a cord blood unit for transplantation;

"(D) support studies and demonstration and outreach projects for the purpose of increasing cord blood donation to ensure a genetically diverse collection of cord blood units;

"(E) provide for a system of patient advocacy through the office established under subsection (h);

"(F) coordinate with the qualified cord blood banks to support informational and educational activities in accordance with subsection (g);

"(G) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage; and

"(H) with respect to the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format, as required by the Secretary, on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances.

"(3) SINGLE POINT OF ACCESS; STANDARD DATA.—

"(A) SINGLE POINT OF ACCESS.—The Secretary shall ensure that health care professionals and patients are able to search electronically for and facilitate access to, in the manner and to the extent defined by the Secretary and consistent with the functions described in paragraphs (1)(A) and (2)(A), cells from bone marrow donors and cord blood units through a single point of access.

"(B) STANDARD DATA.—The Secretary shall require all recipients of contracts under this section to make available a standard dataset for purposes of subparagraph (A) in a standardized electronic format that enables transplant physicians to compare among and between bone marrow donors and cord blood units to ensure the best possible match for the patient.

"(4) DEFINITION.—The term 'qualified cord blood bank' means a cord blood bank that—

"(A) has obtained all applicable Federal and State licenses, certifications, registrations (including pursuant to the regulations of the Food and Drug Administration), and other authorizations required to operate and maintain a cord blood bank;

"(B) has implemented donor screening, cord blood collection practices, and processing methods intended to protect the health and safety of donors and transplant recipients to improve transplant outcomes, including with respect to the transmission of potentially harmful infections and other diseases;

"(C) is accredited by an accreditation entity recognized by the Secretary under subsection (b);

"(D) has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing Federal and State law;

"(E) has established a system for encouraging donation by a genetically diverse group of donors; and

"(F) has established a system to confidentially maintain linkage between a cord blood unit and a maternal donor.

"(e) Bone Marrow Recruitment; Priorities; Information and Education.—

"(1) Recruitment; priorities.—The Program shall carry out activities for the recruitment of bone marrow donors. Such recruitment program shall identify populations that are underrepresented among potential donors enrolled with the Program. In the case of populations that are identified under the preceding sentence:

"(A) The Program shall give priority to carrying out activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable unrelated donor that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

"(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall carry out subparagraph (A) with respect to such populations.

"(2) Information and education regarding recruitment; testing and enrollment.—

"(A) In general.—The Program shall carry out informational and educational activities, in coordination with organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting individuals to serve as donors of bone marrow, and shall test and enroll with the Program potential bone marrow donors. Such information and educational activities shall include the following:

"(i) Making information available to the general public, including information describing the needs of patients with respect to donors of bone marrow.

"(ii) Educating and providing information to individuals who are willing to serve as potential bone marrow donors.

"(iii) Training individuals in requesting individuals to serve as potential bone marrow donors.

"(B) Priorities.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to recruiting individuals to serve as donors of bone marrow for populations that are identified under paragraph (1).

"(3) Transplantation as treatment option.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding bone marrow transplants from unrelated donors as a treatment option.

"(4) Implementation of subsection.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(1).

"(f) Bone Marrow Criteria, Standards, and Procedures.—The Secretary shall enforce, for participating entities, including the Program, individual marrow donor centers, marrow donor registries, marrow collection centers, and marrow transplant centers—

"(1) quality standards and standards for tissue typing, obtaining the informed consent of donors, and providing patient advocacy;

"(2) donor selection criteria, based on established medical criteria, to protect both the donor and the recipient and to prevent the transmission of potentially harmful infectious diseases such as the viruses that cause hepatitis and the etiologic agent for Acquired Immune Deficiency Syndrome;

"(3) procedures to ensure the proper collection and transportation of the marrow;

"(4) standards for the system for patient advocacy operated under subsection (h), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

"(5) standards that—

"(A) require the establishment of a system of strict confidentiality of records relating to the identity, address, HLA type, and managing marrow donor center for marrow donors and potential marrow donors; and

"(B) prescribe the purposes for which the records described in subparagraph (A) may be disclosed, and the circumstances and extent of the disclosure; and

"(6) in the case of a marrow donor center or marrow donor registry participating in the program, procedures to ensure the establishment of a method for integrating donor files, searches, and general procedures of the center or registry with the Program.

"(g) Cord Blood Recruitment; Priorities; Information and Education.—

"(1) Recruitment; priorities.—The Program shall support activities, in cooperation with qualified cord blood banks, for the recruitment of cord blood donors. Such recruitment program shall identify populations that are underrepresented among cord blood donors. In the case of populations that are identified under the preceding sentence:

"(A) The Program shall give priority to supporting activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable cord blood unit that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

"(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall support activities under subparagraph (A) with respect to such populations.

"(2) Information and education regarding recruitment; testing and donation.—

"(A) In general.—In carrying out the recruitment program under paragraph (1), the Program shall support informational and educational activities in coordination with qualified cord blood banks and organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting pregnant women to serve as donors of cord blood. Such information and educational activities shall include the following:

"(i) Making information available to the general public, including information describing the needs of patients with respect to cord blood units.

"(ii) Educating and providing information to pregnant women who are willing to donate cord blood units.

"(iii) Training individuals in requesting pregnant women to serve as cord blood donors.

"(B) Priorities.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to supporting the recruitment of pregnant women to serve as donors of cord blood for populations that are identified under paragraph (1).

"(3) Transplantation as treatment option.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding cord blood transplants from donors as a treatment option.

"(4) Implementation of subsection.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (d)(2).

"(h) Patient Advocacy and Case Management for Bone Marrow and Cord Blood.—

"(1) In general.—The Secretary shall establish and maintain, through a contract or other means determined appropriate by the Secretary, an office of patient advocacy (in this subsection referred to as the 'Office').

"(2) General functions.—The Office shall meet the following requirements:

"(A) The Office shall be headed by a director.

"(B) The Office shall be staffed by individuals with expertise in bone marrow and cord blood therapy covered under the Program.

"(C) The Office shall operate a system for patient advocacy, which shall be separate from mechanisms for donor advocacy, and which shall serve patients for whom the Program is conducting, or has been requested to conduct, a search for a bone marrow donor or cord blood unit.

"(D) In the case of such a patient, the Office shall serve as an advocate for the patient by directly providing to the patient (or family members, physicians, or other individuals acting on behalf of the patient) individualized services with respect to efficiently utilizing the system under paragraphs (1) and (2) of subsection (d) to conduct an ongoing search for a bone marrow donor or cord blood unit and assist with information regarding third party payor matters.

"(E) In carrying out subparagraph (D), the Office shall monitor the system under paragraphs (1) and (2) of subsection (d) to determine whether the search needs of the patient involved are being met, including with respect to the following:

"(i) Periodically providing to the patient (or an individual acting on behalf of the patient) information regarding bone marrow donors or cord blood units that are suitably matched to the patient, and other information regarding the progress being made in the search.

"(ii) Informing the patient (or such other individual) if the search has been interrupted or discontinued.

"(iii) Identifying and resolving problems in the search, to the extent practicable.

"(F) The Office shall ensure that the following data are made available to patients:

"(i) The resources available through the Program.

"(ii) A comparison of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers.

"(iii) The post-transplant outcomes for individual transplant centers.

"(iv) Information concerning issues that patients may face after a transplant.

"(v) Such other information as the Program determines to be appropriate.

"(G) The Office shall conduct surveys of patients (or family members, physicians, or other individuals acting on behalf of patients) to determine the extent of satisfaction with the system for patient advocacy under this subsection, and to identify ways in which the system can be improved to best meet the needs of patients.

“(3) CASE MANAGEMENT.—

“(A) IN GENERAL.—In serving as an advocate for a patient under paragraph (2), the Office shall provide individualized case management services directly to the patient (or family members, physicians, or other individuals acting on behalf of the patient), including—

“(i) individualized case assessment; and

“(ii) the functions described in paragraph (2)(D) (relating to progress in the search process).

“(B) POSTSEARCH FUNCTIONS.—In addition to the case management services described in paragraph (1) for patients, the Office shall, on behalf of patients who have completed the search for a bone marrow donor or cord blood unit, provide information and education on the process of receiving a transplant, including the post-transplant process.

“(i) COMMENT PROCEDURES.—The Secretary shall establish and provide information to the public on procedures under which the Secretary shall receive and consider comments from interested persons relating to the manner in which the Program is carrying out the duties of the Program. The Secretary may promulgate regulations under this section.

“(j) CONSULTATION.—In developing policies affecting the Program, the Secretary shall consult with the Advisory Council, the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, and the board of directors of each entity awarded a contract under this section.

“(k) CONTRACTS.—

“(1) APPLICATION.—To be eligible to enter into a contract under this section, an entity shall submit to the Secretary and obtain approval of an application at such time, in such manner, and containing such information as the Secretary shall by regulation prescribe.

“(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give consideration to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.

“(l) ELIGIBILITY.—Entities eligible to receive a contract under this section shall include private nonprofit entities.

“(m) RECORDS.—

“(1) RECORDKEEPING.—Each recipient of a contract or subcontract under subsection (a) shall keep such records as the Secretary shall prescribe, including records that fully disclose the amount and disposition by the recipient of the proceeds of the contract, the total cost of the undertaking in connection with which the contract was made, and the amount of the portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

“(2) EXAMINATION OF RECORDS.—The Secretary and the Comptroller General of the United States shall have access to any books, documents, papers, and records of the recipient of a contract or subcontract entered into under this section that are pertinent to the contract, for the purpose of conducting audits and examinations.

“(n) PENALTIES FOR DISCLOSURE.—Any person who discloses the content of any record referred to in subsection (d)(4)(D) or (f)(5)(A) without the prior written consent of the donor or potential donor with respect to whom the record is maintained, or in violation of the standards described in subsection (f)(5)(B), shall be imprisoned for not more than 2 years or fined in accordance with title 18, United States Code, or both.”.

(b) STEM CELL THERAPEUTIC OUTCOMES DATABASE.—Section 379A of the Public Health Service Act (42 U.S.C. 274l) is amended to read as follows:

“SEC. 379A. STEM CELL THERAPEUTIC OUTCOMES DATABASE.

“(a) ESTABLISHMENT.—The Secretary shall by contract establish and maintain a scientific database of information relating to patients who have been recipients of a stem cell therapeutics product (including bone marrow, cord blood, or other such product) from a donor.

“(b) INFORMATION.—The outcomes database shall include information in a standardized electronic format with respect to patients described in subsection (a), diagnosis, transplant procedures, results, long-term follow-up, and such other information as the Secretary determines to be appropriate, to conduct an ongoing evaluation of the scientific and clinical status of transplantation involving recipients of a stem cell therapeutics product from a donor.

“(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Secretary shall require the entity awarded a contract under this section to submit to the Secretary an annual report concerning patient outcomes with respect to each transplant center, based on data collected and maintained by the entity pursuant to this section.

“(d) PUBLICLY AVAILABLE DATA.—The outcomes database shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, patients, entities awarded a contract under section 379 donor registries, and cord blood banks.”.

(c) DEFINITIONS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended by inserting after section 379A the following:

“SEC. 379A–1. DEFINITIONS.

“In this part:

“(1) The term ‘Advisory Council’ means the advisory council established by the Secretary under section 379(a)(1).

“(2) The term ‘bone marrow’ means the cells found in adult bone marrow and peripheral blood.

“(3) The term ‘outcomes database’ means the database established by the Secretary under section 379A.

“(4) The term ‘Program’ means the C.W. Bill Young Cell Transplantation Program established under section 379.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended to read as follows:

“SEC. 379B. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated $34,000,000 for fiscal year 2006 and $38,000,000 for each of fiscal years 2007 through 2010.”.

*(e) CONFORMING AMENDMENTS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended in the part heading, by striking “**NATIONAL BONE MARROW DONOR REGISTRY**” and inserting “**C. W. BILL YOUNG CELL TRANSPLANTATION PROGRAM**”.*

SEC. 4. REPORT ON LICENSURE OF CORD BLOOD UNITS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall submit to Congress a report concerning the progress made by the Food and Drug Administration in developing requirements for the licensing of cord blood units.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2520.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005. This legislation will expand the number of stem cell options available to Americans suffering from life-threatening diseases.

Every year, nearly two-thirds of the approximately 200,000 patients in need of a bone marrow transplant will not find a marrow donor that matches within their families. These patients must rely on the help of strangers to donate bone marrow or transplant. To assist these patients, Congress established the National Bone Marrow Registry to quickly facilitate unrelated donor transplants. Through this program, Congress made a significant investment to connect patients with a rich source of stem cells that offer immediate clinical benefits.

With scientific advances, Congress must now make changes to reflect new therapeutic options. Cord blood stem cell units have been shown to be a suitable alternative to adult bone marrow for the treatment of many diseases, including sickle cell anemia. This is an especially important advancement for those Americans who have desperately searched for a bone marrow donor, but could not find a suitable match, even with the help of the National Bone Marrow Registry. As another rich source of stem cells, cord blood transplant is another chance at life for many patients.

The bill before us today builds on the critical investments we have made over the past two decades with the National Bone Marrow Registry and retools this design into a new, more comprehensive stem cell transplantation program which will include not only bone marrow but cord blood units.

Through a competitive contracting process, this new program will allow transplant doctors and patients to access information about cord blood units and bone marrow donors at the same time through a single point of access. This new program does not create a preference for either cord blood or bone marrow. Instead, it will provide comprehensive information about both sources to stem cells to doctors and patients and allow them to make the clinically most appropriate choice.

I would like to recognize Congressman BILL YOUNG. It is his drive and steadfast support for an idea of a national registry for bone marrow that lead to the program's creation. Mr. YOUNG has continuously supported improving this program and does so today by reformatting the program's design. I am pleased that Congress is recognizing his dedication by naming the new program the C.W. Bill Young Cell Transplantation Program.

Lastly, I would like to note that through the discussions with the Senate, we have improved the original House bill to make the program more effective, including improved patient advocacy and case management services. We have created a new demonstration program to allow families with a sick child who could be helped with a cord blood transplant from a sibling to bank cord blood from newborns should they decide to have another child. We have also expanded the clinical outcomes database to include biologically related donors in addition to unrelated donors.

Finally, we require the Food and Drug Administration to provide a report on its progress in developing licensure requirements for cord blood units.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank my colleague and friend from Georgia on the Energy and Commerce Committee for his leadership on issues like this.

Mr. Speaker, I rise today in support of this legislation; however, I am concerned that the other body has chosen to send us only the cord blood bill today. This bill is essentially the same bill that the House passed last May by a vote of 431–1. The legislation is important, and it will help advance medical research which is why I support it and why we passed it by such an overwhelming majority last spring. What we need to be clear about, though, is what this bill really will and will not do; and we also need to be clear that this bill is not a substitute for embryonic stem cell research, the Castle-DeGette bill, H.R. 810, which is an important bill to advance scientific research to affect diseases that will potentially kill millions of Americans.

Like adult stem cells, umbilical cord stem cells have proven over the last decade or so to be a reliable source of blood-forming stem cells that are used as a technique to treat blood diseases like leukemia and lymphoma. That established technique has led to about 600 cord blood transplants which were performed in the United States in 2004 to treat blood disorders. But these cord blood cells are not regenerative and they are not reprogramming, which is why they cannot be used to be made into other types of stem cells that can cure other types of diseases besides blood-related diseases.

It is true that cord blood has been reliably used for a number of years, and that is why it is so important that we pass this cord blood registry. But we must not overstate or exaggerate the capabilities of cord stem cells. Significant limitations exists that must be considered.

Unlike human embryonic stem cells, stem cells from umbilical blood cord cannot continually reproduce themselves. Instead of proliferating, they quickly evolve into specialized cells. Umbilical cord stem cells cannot be induced to form diverse nonblood cell types, as I mentioned. Although some initial experiments appear to be promising, few stem cell researcher now believe that umbilical cords will be a reliable source of replacement cells other than blood cells.

Now, I support this very early research that I talked about, as I support any kind of research that could lead to stem cells that could cure diseases. But these studies are few, and they have not shown conclusive results.

Finally, umbilical cord stem cells are in short supply. Only a small number of cells can be obtained from each umbilical cord, making it hard to obtain enough stem cells for treatment.

□ 1600

Because of the limitations, we must also support embryonic stem cell research. I do not need to tell the House that, though, because we already did that with support from both sides of the aisle.

Last May, this House passed both the umbilical cord stem cell legislation along with H.R. 810, the Stem Cell Research Enhancement Act. H.R. 810, cosponsored by myself and Congressman MIKE CASTLE, expands the number of embryonic stem cell lines that are eligible for federally funded research. The goal of the legislation is to accelerate scientific progress toward life-saving cures and treatments for a wide range of diseases, not just blood-related diseases.

Unfortunately, the other body has not yet embraced the wisdom of the people's House. Here is what has happened in our country because of our failure to federally fund embryonic stem cell research: As I think we can all agree, the National Institutes of Health is not only one of the foremost institutions, probably the foremost institution for medical research in the world, but it also stands as the gold standard in the world in defining ethical research. Because NIH is not able to fund embryonic stem cell research, it is limited in its ability to define the ethics for that research, certainly in this country but definitely abroad.

Many here have heard about the embryonic stem cell studies that have been done in South Korea, and frankly, Mr. CASTLE and I, the research community and others have warned for a long time that when you take embryonic stem cell research offshore, not only do you lose your ethical ability to oversee that research, but you also lose the ability to make sure that the studies are done in a scientifically sound manner. We saw what we hoped to be some tremendous advancements in South Korea last year, but now what we are seeing is news out of South Korea that the scientific method and also the ethics have been called into question.

If we allowed ethical stem cell research, looked over by the National Institutes of Health, in this country, this would not happen, and we would have advances in science fueled by the engine of the NIH but also overseen by their ethical guidelines.

That is why we need to pass H.R. 810. We need to make sure that we bring the ethics as well as the scientific method back under the umbrella of the NIH so that we can continue to be a leader in this research in the world.

Mr. Speaker, it is time for the other body of Congress to move forward on swift passage of H.R. 810 so that we can retain our leadership position in the world.

Again, I support the bill that is before us today. It is a very important registry for cord blood, and it is also important for expansion of cord blood for blood diseases that affect so many, including in the minority community, but we also need to move forward with H.R. 810 so that we can have scientific progress that is done in an ethical manner and that will cover the waterfront in curing diseases that will affect millions of Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. BURGESS) be allowed to control the remainder of the time on our side.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, it occurred to me on the way to work this afternoon that it is especially fitting that during this season of holiness and faith and surpassing religious significance that Congress send to the President a bill designed to effectuate cures of some of the most devastating diseases and cancers on earth.

Not only has God in His wisdom and goodness created a placenta and umbilical cord to nurture and protect the precious life of an unborn child, but now we know that another gift awaits us immediately after birth. Something very special is left behind, cord blood that is teeming with life-saving stem cells. Indeed, it is one of the best kept secrets in America that umbilical cord blood stem cells and adult stem cells are curing people of a myriad of terrible conditions and disease and are now showing the plasticity and pluripotency that my previous colleague just mentioned. So I would hasten to correct the gentlelady from Colorado that cord blood stem cells are not just for blood-related diseases, it also has the capability increasingly, as research shows, to do other miraculous things as well.

Let me just remind Members that we passed this legislation 6 months ago. Many things have happened since those 6 months. Much progress has been made. This bill law will establish a national program to collect upwards of 150,000 units, with great diversity, so that most Americans who suffer from anomalies that could be cured by cord blood will be able to get it.

Let me thank so many people, the Speaker, TOM DELAY, ROY BLUNT, JOE BARTON whom we all pray for and wish a very speedy recovery. Let me thank my friend on the other side of the aisle, the gentleman from Alabama (Mr. DAVIS) and the Congressional Black Caucus for the yeoman's work that they expended in getting this legislation first passed in the House, then passed over on the Senate side, because there was a Democratic hold on it regrettably, TOM HARKIN, but then he lifted it.

Let me especially thank Senator FRIST for the good work he did; SAM BROWNBACK; MIKE ENZI; ORRIN HATCH; JON KYL; so many others as well as so many here; the gentleman from Florida (Mr. WELDON); the gentleman from Pennsylvania (Mr. PITTS); the gentleman from California (Mr. DANIEL E. LUNGREN); the gentleman from Indiana (Mr. PENCE) and I could go on and on. I have a list of three pages of people who have been instrumental in getting this legislation to the point where it will be passed and sent down to the President for signature.

Let me especially thank Cassie Bevan in the Majority Leader's Office who has worked so hard. She is amazing. John Cusey, on September 11, 2001, put together our first drafting meeting on this legislation. He too is amazing. That is how far back it goes. It has been a long time coming, and so many others. Cheryl Jaeger, Chuck Clapton, Kiki Kless in the Speaker's Office, Nicole Gustafson and Autumn Fredericks in the ProLife Caucus, Eric Ueland in Senator FRIST's office and Doug Branch with Senator BROWNBACK and some of the others were outstanding. I will put the full statement in regarding all the many, many fine people who worked on this.

I will insert the remainder of my statement and the material I referred to previously at this point in the RECORD.

Cord-blood stem cells are, as we speak, treating and curing patients. Amazingly, we are on the threshold of systematically turning medical waste, umbilical cords and placentas, into medical miracles for huge numbers of very sick and terminally ill patients who suffer from such maladies as leukemia and sickle cell anemia. And because this legislation promotes cord-blood research as well, we can expect new and expanded uses of these very versatile stem cells.

For the first time ever, our bill establishes a nationwide stem cell transplantation system. It also authorizes the national bone marrow transplant system and combines both under a new program, providing an easy, single-access point for information for doctors and patients and for the purpose of collecting and analyzing outcomes data.

The cord blood stem cell portion of this bill will provide federal funding to increase the number of cord blood units available to match and treat patients. The goal is to reach a total inventory of 150,000 units so that matched stem cells will be available to treat more than 90 percent of patients, especially focusing on providing genetic diversity. The legislation would also link all the cord blood banks participating in the inventory program into a search system that would allow transplant physicians to search for cord blood and bone marrow matches through a single access point. The national program would promote stem cell research by requiring any participating cord blood banks to donate units not suitable for transplant because of disease or size to researchers who are working on new applications for cord blood stem cells. The National Bone Marrow Registry authorization expired on September 30, 2003. The bill reauthorizes an updated program through fiscal year 2010 for $34 million in FY06 and $38 million for each additional year of the program.

In the more than 6 months since we passed this bill, even more advances have been made in the field. Peer-reviewed studies have been published showing increased plasticity and flexibility. In August, it was released that cord blood stem cells are as flexible as embryonic stem cells. Two young Maryland siblings have been cured of severe combined immune deficiency syndrome by cord blood from unrelated donors. Victims of Krabbe's and Hurler's diseases have found new hope in cord blood treatments—these are severe genetic neurological diseases that kill most of their victims before they reach 2 years old. A Duke University group treated newborns with cord blood—the lead author, Dr. Maria Escolar, now reports of the oldest survivor that the seven-year-old is "now running, jumping and doing well in school." Earlier this month, Michelle Farrar from Leesburg, Virginia, traveled to South Korea to be treated for her spinal cord injury. True hope exists for countless other medical conditions, ranging from heart attacks to muscular dystrophy to diabetes.

Just over a month ago, Dr. Brian Mason, an OB/GYN at Detroit's St. John Hospital, explained that "People literally are dying on the transplant list who could be cured with this." I am so happy that for those people, delayed action on this bill has ended. No longer will they be denied access to the cures that are out there. Those suffering from the nearly 70 often terminal diseases will now get the cures that the legislation will make available to them. The door to the treatments that have cured people like Keone Penn, Steven Sprague, and Jacklyn Albanese will now be opened for thousands of others.

As I mentioned before, there are so many people who deserve thanks in helping get this bill moved through the legislative process on both sides of the Hill. Among those people are Rich Doerflinger and Mark Gallagher from the U.S. Conference of Catholic Bishops, Dr. David Prentice and David Christensen from the Family Research Council, the staff of the New York Blood Center including Pablo Rubinstein, Cladd Stevens, and Kathleen Reichert, Sue Ramthun who has been so personally invested in this issue, Dr. Edward Guindi at Cordus and NBA Hall of Famer Julius "Dr. J" Erving, Richie Weiblinger with the Senate Budget Committee, and the folks at Concerned Women for American, Focus on the Family, and the Susan B. Anthony List. I am ecstatic that we are passing it through here today and getting it to the President, so that we may set up this network that will absolutely save thousands of lives.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield 2½ minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, I thank my friend from Colorado for yielding.

Let me first begin by congratulating my friend from New Jersey (Mr. SMITH) for what he has done in the last several years, and I thank my friend from New Jersey for letting me walk just a short stem of this path with you. You asked me a couple of years ago to join you as the lead Democratic sponsor on this bill, but let the record very clearly reflect that way before that this was a cause of yours. It was something you believed in very strongly, and I thank you for your persistence, and I thank you for your courage on this issue.

Let me just say a couple of things. First of all, I want to thank our colleagues in the Senate. As the gentleman from New Jersey just said, initially, there was a reluctance to move this bill in the Senate, not because of any doubts about the substance of the bill. This bill has been the classic example of uncontroversial legislation, but there were some in the Senate who believed that this bill should not be given a vote unless the stem cell bill was given a vote.

I understood the force of their argument. I voted for the stem cell bill on this side. I understood the political analysis they were making, but every now and then, this Chamber gets to do something that shines beyond politics. Every now and then, this Chamber gets to find something that we can give the American people that does not admit to a liberal or conservative or Democrat or Republican level, and in the last 24 hours, that happened.

So I thank Senator HARKIN and I thank Senator REID for deciding to take the politics out of this issue, on our side of the aisle, Democratic side. I thank them for letting this bill come to a vote, and this is a good Christmas present to give to many families around this country who have the tragedy of sickle cell anemia, who have the tragedy of diabetes in their family and who count on some look to science to improve it.

The final point that I will make, I will pick up on what my friend, the gentlewoman from Colorado (Ms. DEGETTE), said. I happen to think that God gave us the power of genius for a reason. God gave us the power of genius to somehow close the gap between this imperfect world and what we could be. This is an example of that power of genius being used to save lives.

I agree with her that stem cell research is an example of the power of genius. So I simply say in conclusion, this is what happens when we find a paradigm, a way of talking about issues that cuts us out of the crisscross of politics.

This is good legislation. I thank the gentleman from New Jersey for working with me on it and urge the Members of this House to pass it.

Mr. BURGESS. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2520, the Stem Cell Therapeutic Research Act. Cord blood is already making a groundbreaking difference in the treatment of patients who are suffering from over 67 diseases, including leukemia and sickle cell disease. Cord blood is tremendously versatile. Its transplants do not require exact matches. It is frozen, and it is ready to go. It works for adults. Cord blood benefits minority patients who have difficulty finding exact matches and others with rare tissue types.

The possibilities for cord blood in research are almost limitless since cord blood can potentially become any cell type in the body, and it is plentiful, since it is derived from umbilical cords that hospitals routinely discard.

H.R. 2520 will provide Federal funding to increase the number of cord blood units available for patient genetic matching and treatment, link all cord blood banks in a searchable inventory and promote research in cord blood stem cell research.

This is a bill we can truly support. I urge my colleagues to vote for this legislation that will help create new hope and new opportunities for doctors and patients who are urgently seeking cures.

God always gives us a spare part. Umbilical cords are that spare part.

Ms. DEGETTE. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I would like to thank my friend from Colorado for yielding me time.

Mr. Speaker, this is a great day for the countless number of Americans who may receive the gift of health and prolonged life because of what will be provided in this bill.

Cord blood and bone marrow stem cell treatments have been proven effective in combating over 65 different debilitating diseases, including leukemia, sickle cell anemia and osteoporosis.

Cord blood transplants have proven to be a viable alternative for those with difficulty finding an exact bone marrow match. Since the match does not have to be exact, this research benefits both children and adults alike and is especially helpful for people of various races and ethnicities. This bill will offer a much greater opportunity for a cure for thousands of Americans around this country who often struggle with blood matches.

But cord blood also holds the great potential of producing pleural potential cells that could cure many other diseases such as juvenile diabetes, a disease that I live with every day.

Mr. Speaker, I am proud that we are acting to advance the possibility that this type of treatment will provide. A national cord blood bank will facilitate the expanded use of proven treatment to improve the health of so many Americans inflicted with these horrible diseases. This is a great Christmas gift of health to the American people.

Mr. BURGESS. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Florida (Mr. WELDON), someone who has really been a leader in this issue.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Texas for yielding me the time, and I rise in strong support of this piece of legislation. I am extremely pleased that we were able to see the Senate finally move it forward and that it is going to move from here on to the President's desk.

The reason I am very pleased is this is not theoretical, as some treatment modalities that we often talk about in this body. This is real and now. There have been 67 different diseases in humans reported in the medical literature successfully treated with cord blood. So we are not even talking about research anymore. We are talking about clinical applications.

Indeed, one of those diseases I am most excited about, and that is sickle cell anemia. I had the opportunity to treat sickle cell anemia in my clinical practice, and I can tell my colleagues here that is one of the most unfortunate conditions to see a young child writhing in pain on a gurney in an emergency room in a sickle cell crisis. And to be told that cord blood stem cells have cured children with sickle cell anemia. I never thought in my life that I would actually see the day when sickle cell anemia could be cured.

This bill authorizes funds for the expansion of the existing bone marrow bank, which is a bank that essentially I am registered with. It has my name, and if somebody needs a transplant, they can try to find me and get my blood, but in this case, we are taking the placental blood and the cord blood from 3 million live births a year and creating a bank so that everybody would have a match and the potential for regenerative medicine would be here and now.

□ 1615

So I am very, very pleased that we are bringing this to the floor. I am very glad it is finally going to move on to the President's desk, because people will be helped by this now. I am also very delighted to have been part of it, and Mr. SMITH deserves a tremendous amount of credit for his unflagging efforts on this.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), my compadre and cosponsor of H.R. 810.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman from Colorado for yielding me this time, and I am also pleased to rise in support of this legislation, as we did before when it was on the floor of the House of Representatives. I think it does make a difference.

But we do need to understand some of the differences amongst the various things that we are talking about, because this is essentially dealing with a blood type of stem cell. It is great for use in a lot of blood diseases, as has been pointed out, particularly leukemia, lymphoma, and perhaps others at a later time.

But even with those benefits, we need to stress some of the limitations. And one of them is just the difficulty of getting these and the lack of them. I have actually visited a storage location for these and have seen that as a real problem.

Embryonic stem cells, which are in H.R. 810, which Senator FRIST promises will be brought up sometime in the course of the next year, do not have those limitations. It allows these embryonic stem cells to be used in a way that they could be formed into any stem cell in your body, and that is just not true of the cells that are before us here today. They have the potential to treat a wide range of diseases and injuries because they can reproduce themselves almost indefinitely. The best scientific evidence in this country indicates that umbilical stem cells can do neither at this time.

My point is this: we need, as far as I am concerned, to advance all of this type of research. That is really what it is all about. We need to give people an opportunity. We need to understand that one out of three people in the United States of America, and I assume across the world, and perhaps a greater percentage across the world, suffer from some type of disease that could be helped by stem cell research.

For that reason, in my judgment, we need to do everything in our power here in the Congress of the United States to pass any of this legislation that would help advance the medical research that could save or help the lives of so many people across the United States and across the world. For that reason, I absolutely support this legislation.

But I would beseech everybody to really understand the science and the medicine behind all of the stem cell legislation, including embryonic stem cell legislation, so that we can come to agreement as to complete stem cell research to aid everybody. And the sooner we do that, the better. Every day that is lost is a day that somebody is going to be ill longer. And we need to get about it as soon as we possibly can.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me this time and for the opportunity to speak in support of this bill.

I was here when we passed the bill on the House side earlier in the year; and I am very pleased, especially pleased today, that the Senate chose to agree with us that this is an exceptionally valuable treatment now. And it is one that we must address and make more easily available to all Americans now.

People talk about all different kinds of stem cell research, but cord blood stem cells are being used today. Cord blood has cured people today. Cord blood, if made available, can cure a whole lot of people tomorrow. It is rich in the type of stem cell that is similar to those found in bone marrow, and bone marrow transplants have been done for years. However, cord blood is better. Physicians tell us that it is a better treatment and a treatment that is more likely to be successful.

It makes sense for us in Congress to work hard to try to fund the NIH to help cure diseases. It makes most sense for us to help make available cures that are already known to work. This bill will allow more collection of cord blood stem cells. It will allow the collection and storage of those from diverse populations that currently may not be able to access this kind of treatment. It will help many, many more people who can be cured with cord blood to be cured.

That is what we are about here, Mr. Speaker. The story of Keone Penn, who actually had a connection to my hometown of Pittsburgh, his doctor, now at the university, helped cure him of a very severe form of sickle cell anemia with treatment from cord blood. Anthony Dones, who had a cord blood transplant, was cured of a very rare form of osteoporosis using cord blood. Katherine Marguerite Sutter, at only 5 months was diagnosed with AML. She too was cured by use of cord blood, and the story I like the most, because on the Web site for the New York Cord Blood Center, it shows a picture of her in her wedding gown. She suffered through transfusions for 20 years before she too was cured with cord blood.

Mr. Speaker, I am very pleased to be here today and also very pleased to have bipartisan support for this bill, because it will help many, many more people tomorrow.

Ms. DEGETTE. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I want to thank Representative CHRIS SMITH for his tireless efforts in bringing this very important lifesaving legislation forward and getting me to work with him to get the Senate to do the right thing and put this forward.

I would also like to say I supported the stem cell research bill also because I feel it has a broader significance to lifesaving measures. In this 21st century, we cannot afford to not look at both of these as provisions for helping to save the lives of American people. This is why I stand before you today in support of H.R. 2520.

Too many members of the minority population live with life-threatening diseases. We must provide them with the benefits of cord blood stem cells. Cord blood stem cells can be used for bone marrow reconstitution by transplantation to recipients with certain abnormalities such as leukemia and lymphoma, genetic disorders such as sickle cell anemia, and acquired diseases.

The promise of using stem cells for medical treatment has been the focus of research projects that are showing encouraging results. Cord blood stem cells have been triggered to differentiate into neural cells, which could lead to treatments for diseases such as Alzheimer's and Parkinson's. They have also proven their ability to turn into blood vessel cells, which could someday benefit treatment for heart disease, allowing patients to essentially grow their own bypass.

We need the hope that cord blood stem cells can bring. Sickle cell anemia is the most common inherited blood disorder in the United States, affecting 70,000 to 80,000 Americans. The disease occurs in approximately one in 500 African American newborns. People with sickle cell disease have a diminished quality of life and greatly enhanced fatality rate.

The suffering has gone on far too long. We must use every resource at our disposal to cure this and other blood-related diseases. In my district, I have a lot of young children who have sickle cell disease. These cord blood cells would certainly help in furthering their lives.

I ask all my colleagues to please support H.R. 2520. I believe it should pass today.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, this is a bright day for many individuals suffering from previously untreatable diseases, and I commend our colleagues in the Senate for passing the Stem Cell Therapeutic Research Act of 2005. It was the right thing to do. It will save many lives and avoid the ethically divisive issue of the destruction of human embryos for stem cell research.

As we have heard today, cord blood stem cells have helped effectively treat over 67 diseases in human beings, including leukemia, sickle cell, lupus, multiple sclerosis, type I diabetes, Parkinson's, and even blindness. Cord blood cells show great promise for helping spinal cord patients, many of whom have experienced improved sensation and movement from cord blood stem cell treatments.

Cord blood stem cells also possess the regenerative flexibility to form virtually every type of human tissue. And research has shown these cells are far less susceptible to transplant rejection than bone marrow.

I want to commend my colleague, Mr. SMITH, for his tireless effort in this regard, and for the leadership of Mr. DAVIS on this important issue. Their efforts transcend political differences. Mr. Speaker, this bill truly represents good science.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the distinguished gentlewoman from Colorado for yielding me this time and for the leadership she has given, along with the Congressman from Delaware on this stem cell legislation, and we hope that we will see that move.

I want to thank Mr. SMITH, Mr. DAVIS, Ms. MILLENDER-McDONALD, and the many others who have been so supportive on this legislation, the collection and maintenance of human cord blood stems. Just a few minutes from now we will be discussing the NASA reauthorization bill, and I raise that point because I believe it is the mission of the United States to be at the forefront of science and research to save lives.

The world looks to our leadership, our labs, our scientists, our inventors, our medical professionals as they do to the Texas Medical Center to be able to add enhancement to the quality of lives. In my community alone, I realize that the organizations that fight against leukemia, multiple sclerosis, lupus, and sickle cell anemia are looking forward to the passage of this legislation and a new day of research.

Those newborn African American babies who are born with sickle cell also will benefit from this kind of research. But this does not highlight a particular minority group. This research, this maintenance of the human cord blood stem cells will in actuality provide the underpinnings of the research for all kinds of medical science.

So I ask my colleagues to support this legislation. And the important aspect of it singularly is for America to take her rightful and prominent place in medical research to save lives around the world.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in strong support of H.R. 2520. The fact of the matter is, I believe all of us would like to support the application of science and technical research to the problems of the day. There are times when we have moral dilemmas, and reference has been made to another bill involving embryonic stem cells which does divide many people in this country because of the ethical dilemma that is presented.

That is why it is so wonderful we have come today in support, those who may find themselves on the other side of the dilemma in the other respect, and come in common support for the cord blood stem cell bill. This is both a therapeutic and research bill. It is therapeutic in that it affords the banking of units that will be allowed to help people now, diseases that can be affected by the use of these units now.

So much of what we do here is theoretical. We hope that things might be accomplished by what we do. But we know that this will accomplish success right away. Secondly, it allows for research to see how far we can go in this area. It gives the opportunity for this which would otherwise be thrown away, placenta blood and the blood from the cord that is thrown away now on every single day, to be utilized for both research and for life-giving purposes.

□ 1630

Mr. Speaker, if I had the ability to, I would change the name of this bill to the Giving Life Twice bill, once with the production of new life and secondly with the use of that blood that otherwise would be thrown away to help someone else sustain their life; or we could call this the Lifeline bill. We are extending a lifeline of hope to those who otherwise would have no hope.

This is a joyous day here in this body. People may disagree on other matters, coming together in strong support for a bill that will save lives and save lives now.

Ms. DEGETTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, today we are fortunate to take the first step of what I see as a two-step process, and that is passage of this cord blood bill which, as I said, we passed last May in this House by an overwhelming vote.

The second step, of course, will be when the other body passes H.R. 810, which also passed last May, and when that bill is finally signed into law.

The two bills working together will greatly expand availability of research and of cures for Americans who suffer not just from blood-related diseases but from diseases like Alzheimer's, Parkinson's, nerve damage, and so many other diseases that cannot be reached simply by cord blood. That is the day that a true dawning of a new scientific era will occur in this country.

This is a good bill today, and I urge all of my colleagues to support it, and I want to thank my colleagues on both sides of the aisle for their co-sponsorship. But let us be clear exactly what this bill does. It authorizes a new granted program to provide subsidies to cord blood stem cell banks to expand the inventory of high quality cord blood units. It sets up a registry for cord blood, which will in some cases take the place of bone marrow transplants which it is beginning to supersede. This will be enormously important, particularly for sickle cell patients who will be helped. The bill also authorizes research on the clinical outcomes of patients who are recipients of a stem cell therapeutics product from biologically related and unrelated donors. That is what this bill does. This bill does not set up any cures for any diseases, nor does it do anything to put ethical controls onto stem cell research and other types of research that are scientifically being explored now and need the oversight of the National Institutes of Health.

So this is a good start. I commend all my colleagues. It is going to make us all feel good to go home for the holidays knowing that certain classes of patients will be helped. But I would say to my friends on both sides of the aisle, let us not stop there. In the second session of this Congress, let us take the bold scientific step necessary to provide cures for diseases that affect tens of millions of Americans and citizens around the world.

Mr. Speaker, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I believe this is a bold scientific step to pass this legislation today, and I am pleased that the Senate released their hold on it and passed this bill. It is good legislation.

We heard during the arguments on the previous bill that was debated here on the floor, science certainly moves a lot more swiftly than the legislative process, and that is certainly true in this case today. By allowing this bill, we are going to allow hundreds, perhaps thousands of Americans the opportunity for a cure that we were withholding by delaying passage of this bill.

I have heard diseases like Alzheimer's and Parkinson's referenced. Alzheimer's and Parkinson's, unfortunately, are unlikely to be cured by umbilical cord stem cells, but they are also unlikely to be cured by embryonic stem cell research. The promise for cure for these diseases lies in protein science and our understanding of the human genome, not in stem cell research.

This bill is a good bill because it authorizes a significant amount of money for the collection, the documentation and the maintenance of 150,000 new stem cell lives. These are pluripotential cells.

What has changed since we had our debate on the stem cell lines here last spring? Well, we have read a lot of stuff in the newspapers just the past 2 weeks about some of the changes, some of the research that has now been withdrawn. Think about this, Mr. Speaker: We do not even know what research is just out there over the horizon. What if we unlock some of the proteinemic keys that allow us to understand what signals one cell to another? What if we could make the umbilical cord stem cell behave more like the embryonic stem cell? Think of that, Mr. Speaker. Then we have got 150,000 lines banked and ready to go when that research which is being done in my home State of Texas at the University of Texas Southwestern Medical School, if that research shows the promise that it one day may, we will have 150,000 cell lines banked and ready to go.

Mr. Speaker, this procedure, this technique, this ability to bank umbilical cord cells allows for there to be greater diversity within the marrow donor pool than was previously known. It has been difficult to get minority populations to become marrow donors. Now we will be able to collect that cell material at the time of birth painlessly, at no risk to anyone, material that was otherwise going to be discarded, and it will be put into these stem cell lines. And the database will be there for people to reference and find these life-saving cures that will be now available by umbilical cord stem cells.

We are expanding America's inventory of cord blood cells today, and that is a good thing for all Americans. Whether they are sick or not, one day they may need this technology. We have the ability and the capacity within our hands to expand this program and save American lives, and I say that is a good thing.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005.

Long before my days as the Ranking Member on the Research Subcommittee, I have been a strong advocate of all types of research.

Stem cell research holds the potential to help paralyzed people walk, help blind people see, and re-generate organ tissue without immune rejection.

As our colleagues on the other side of the Capitol concur, H.R. 2520 is a good start. This bill would allow the Secretary of Health and Human Services to work with cord blood banks to collect and maintain cord blood for the purpose of stem cell research.

The cord blood would be collected with informed consent, in a manner that complies with Federal and State regulations, and from a genetically diverse population.

It is my hope that this legislation will give us a taste of the marvelous potential of stem cell research, and I urge my colleagues to support this legislation.

Mr. HOLT. Mr. Speaker, I rise to congratulate the State of New Jersey on its national leadership in efforts to treat deadly and debilitating illnesses. Yesterday, New Jersey became the first State in the Nation to award public funds to conduct human embryonic stem cell research.

Under the leadership of Acting Governor Richard Codey and NJCST Executive Director Sherrie Preische, the New Jersey Commission on Science and Technology (NJCST) will award 17 grants totaling $5 million to scientists at corporate, non-profit, and university laboratories to research the potential of stem cells as a means to diagnose, treat, cure, and prevent disease. Each scientist will receive around $300,000 to conduct their research. Three of these grants will go to scientists researching embryonic stem cells.

Since the formation of the New Jersey Stem Cell Institute, New Jersey has established itself as a leader in furthering potentially life-saving research on adult stem cells. And by awarding these research grants, New Jersey is actively working to support groundbreaking research on embryonic stem cells, which hold great promise in improving health care as we know it.

Embryonic stems cells—undifferentiated cells produced early in embryonic development—offer possible treatments for a variety of diseases from cancer to Parkinson's disease to diabetes. Ultimately, scientists may be able to develop reparative tissue, treat a host of debilitating diseases, and even generate organs specifically tailored to a person's unique genetic blueprint. This research offers mankind the prospect of overcoming devastating diseases, affording us the opportunity to live longer, healthier lives. For these advances to take place, we must invest public funding in critical research to support scientists, rather than restrict them.

I am proud that the people of New Jersey have committed public funds for this important research, and I am glad that New Jersey has moved quickly to distribute grants to researchers so that their work can begin. I am particularly pleased that these grants were awarded after exhaustive ethical review led by former Princeton University President Harold Shapiro, and that research ethics will play an important role as the awardees move forward with their research.

I am confident that States who have established programs with similar goals will move quickly to support this research as well. But despite the forward thinking and progressive research that New Jersey and other states are exploring, it is unfortunate that the Federal Government has delayed and restricted research using federal dollars. I am hopeful that the leadership of New Jersey to fund embryonic stem cell research will have tremendous dividends, not just for New Jersey, but for society. New Jersey understands that it is ethical and wise to invest in research that will benefit so many. The Federal Government must recognize this fact as well.

Again, I congratulate New Jersey for supporting ground-breaking research on embryonic stem cells. I ask unanimous consent to include a list of the researchers who have received these important stem cell research grants in the RECORD.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2520.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BURGESS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

STATE HIGH RISK POOL FUNDING EXTENSION ACT OF 2005

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4519) to amend the Public Health Service Act to extend funding for the operation of State high risk health insurance pools.

The Clerk read as follows:

H.R. 4519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State High Risk Pool Funding Extension Act of 2005".

SEC. 2. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended to read as follows:

"SEC. 2745. RELIEF FOR HIGH RISK POOLS.

"(a) SEED GRANTS TO STATES.—The Secretary shall provide from the funds appropriated under subsection (d)(1)(A) a grant of up to $1,000,000 to each State that has not created a qualified high risk pool as of the date of enactment of the State High Risk Pool Funding Extension Act of 2005 for the State's costs of creation and initial operation of such a pool.

"(b) GRANTS FOR OPERATIONAL LOSSES.—

"(1) IN GENERAL.—In the case of a State that has established a qualified high risk pool that—

"(A) restricts premiums charged under the pool to no more than 200 percent of the premium for applicable standard risk rates;

"(B) offers a choice of two or more coverage options through the pool; and

"(C) has in effect a mechanism reasonably designed to ensure continued funding of losses incurred by the State in connection with operation of the pool after the end of the last fiscal year for which a grant is provided under this paragraph;

the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) and allotted to the State under paragraph (2), a grant for the losses incurred by the State in connection with the operation of the pool.

"(2) ALLOTMENT.—Subject to paragraph (4), the amounts appropriated under paragraphs (1)(B)(i) and (2)(A) of subsection (d) for a fiscal year shall be allotted and made available to the States (or the entities that operate the high risk pool under applicable State law) that qualify for a grant under paragraph (1) as follows:

"(A) An amount equal to 40 percent of such appropriated amount for the fiscal year shall be allotted in equal amounts to each qualifying State that is one of the 50 States or the District of Columbia and that applies for a grant under this subsection.

"(B) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to such a State bears the same ratio to such appropriated amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals (as determined by the Secretary) in all qualifying States that so apply.

"(C) An amount equal to 30 percent of such appropriated amount for the fiscal year shall be allotted among qualifying States that apply for such a grant so that the amount allotted to a State bears the same ratio to such appropriated amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools (as determined by the Secretary) in all qualifying States that so apply.

"(3) SPECIAL RULE FOR POOLS CHARGING HIGHER PREMIUMS.—In the case of a qualified high risk pool of a State which charges premiums that exceed 150 percent of the premium for applicable standard risks, the State shall use at least 50 percent of the amount of the grant provided to the State to carry out this subsection to reduce premiums for enrollees.

"(4) LIMITATION FOR TERRITORIES.—In no case shall the aggregate amount allotted and made available under paragraph (2) for a fiscal year to States that are not the 50 States or the District of Columbia exceed $1,000,000.

"(c) BONUS GRANTS FOR SUPPLEMENTAL CONSUMER BENEFITS.—

"(1) IN GENERAL.—In the case of a State that is one of the 50 States or the District of Columbia, that has established a qualified high risk pool, and that is receiving a grant under subsection (b)(1), the Secretary shall provide, from the funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) and allotted to the State under paragraph (3), a grant to be used to provide supplemental consumer benefits to enrollees or potential enrollees (or defined subsets of such enrollees or potential enrollees) in qualified high risk pools.

“(2) BENEFITS.—A State shall use amounts received under a grant under this subsection to provide one or more of the following benefits:

“(A) Low-income premium subsidies.

“(B) A reduction in premium trends, actual premiums, or other cost-sharing requirements.

“(C) An expansion or broadening of the pool of individuals eligible for coverage, such as through eliminating waiting lists, increasing enrollment caps, or providing flexibility in enrollment rules.

“(D) Less stringent rules, or additional waiver authority, with respect to coverage of pre-existing conditions.

“(E) Increased benefits.

“(F) The establishment of disease management programs.

“(3) ALLOTMENT; LIMITATION.—The Secretary shall allot funds appropriated under paragraphs (1)(B)(ii) and (2)(B) of subsection (d) among States qualifying for a grant under paragraph (1) in a manner specified by the Secretary, but in no case shall the amount so allotted to a State for a fiscal year exceed 10 percent of the funds so appropriated for the fiscal year.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a State that, on the date of the enactment of the State High Risk Pool Funding Extension Act of 2005, is in the process of implementing a program to provide benefits of the type described in paragraph (2), from being eligible for a grant under this subsection.

“(d) FUNDING.—

“(1) APPROPRIATION FOR FISCAL YEAR 2006.—There are authorized to be appropriated for fiscal year 2006—

“(A) $15,000,000 to carry out subsection (a); and

“(B) $75,000,000, of which, subject to paragraph (4)—

“(i) two-thirds of the amount appropriated shall be made available for allotments under subsection (b)(2); and

“(ii) one-third of the amount appropriated shall be made available for allotments under subsection (c)(3).

“(2) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2007 THROUGH 2010.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2007 through 2010, of which, subject to paragraph (4)—

“(A) two-thirds of the amount appropriated for a fiscal year shall be made available for allotments under subsection (b)(2); and

“(B) one-third of the amount appropriated for a fiscal year shall be made available for allotments under under subsection (c)(3).

“(3) AVAILABILITY.—Funds appropriated for purposes of carrying out this section for a fiscal year shall remain available for obligation through the end of the following fiscal year.

“(4) REALLOTMENT.—If, on June 30 of each fiscal year for which funds are appropriated under paragraph (1)(B) or (2), the Secretary determines that all the amounts so appropriated are not allotted or otherwise made available to States, such remaining amounts shall be allotted and made available under subsection (b) among States receiving grants under subsection (b) for the fiscal year based upon the allotment formula specified in such subsection.

“(5) NO ENTITLEMENT.—Nothing in this section shall be construed as providing a State with an entitlement to a grant under this section.

“(e) APPLICATIONS.—To be eligible for a grant under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report on grants provided under this section. Each such report shall include information on the distribution of such grants among States and the use of grant funds by States.

“(g) DEFINITIONS.—In this section:

“(1) QUALIFIED HIGH RISK POOL.—

“(A) IN GENERAL.—The term ‘qualified high risk pool’ has the meaning given such term in section 2744(c)(2), except that a State may elect to meet the requirement of subparagraph (A) of such section (insofar as it requires the provision of coverage to all eligible individuals) through providing for the enrollment of eligible individuals through an acceptable alternative mechanism (as defined for purposes of section 2744) that includes a high risk pool as a component.

“(2) STANDARD RISK RATE.—The term ‘standard risk rate’ means a rate—

“(A) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

“(B) that is established using reasonable actuarial techniques; and

“(C) that reflects anticipated claims experience and expenses for the coverage involved.

“(3) STATE.—The term ‘State’ means any of the 50 States and the District of Columbia and includes Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that we are on the verge of passing H.R. 4519, the State High Risk Pool Funding Extension Act. Simply put, this bill will help more people get health insurance.

People with preexisting conditions or high health care expenses face major difficulties when they seek to purchase health insurance. This is especially true for workers in small businesses or those who are self-employed, so they often go without health insurance and turn to government programs like Medicaid when they become sick or disabled.

This bill authorizes Federal grant money to help fund the initial startup and operation of State high risk pools. Risk pools allow eligible individuals to purchase health insurance, pay premiums and receive health coverage through private insurers. This grant money will allow States with these pools to cover more individuals and reduce the premiums they must pay.

Mr. Speaker, my home State of Texas was left out of the Federal funding when this program was created, and now States like my State of Texas will have the ability to access these Federal funds. This bill will help reduce the number of uninsured and provide affordable health insurance for more Americans. That is an important part, affordable health insurance, one of the things we talk about every day in this body.

I want to thank the bill's sponsors, JOHN SHADEGG and ED TOWNS, and I want to thank their staffs for their hard work on this bill. I would also note that the bill before us today is the result of bipartisan and bicameral compromise, and I want to additionally thank the staff at the Senate Health Education Labor and Pensions Committee for their efforts on this legislation. Lastly, I would like to thank the staff of the Energy and Commerce Committee, including Bill O'Brien on the majority staff, Amy Hall and Bridgett Taylor on Ranking Member JOHN DINGELL's staff for their efforts to develop this bipartisan proposal that will help States to insure individuals who would otherwise not have been able to get affordable health coverage.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself as much time as I consume.

Mr. Speaker, I am pleased to support H.R. 3204, which authorizes funding for State high risk insurance pools. I commend my colleagues Mr. SHADEGG and Mr. TOWNS for their hard work on this legislation.

In many States, high risk insurance pools are the only options for individuals who have been denied access to coverage in the commercial insurance system. This legislation before us is intended not only to strengthen existing high risk pools but to help States without such pools, my State of Ohio is one of them, to establish them. But as we reauthorize this legislation, it is important to place high risk insurance pools in context. These pools are a symptom of a troubled insurance system, not a cure for it.

The fact is, health insurance itself is supposed to serve as a high risk pool. It used to be that health insurance was offered to everyone at the same premium because any one of us could be the unlucky one to need health care that we simply could not afford. By spreading the risk broadly, good health insurance could be affordable for everyone regardless of their health needs. But commercial insurers did what businesses do: They figured out, of course, how to maximize profits. You cannot blame them for that. You can, however, blame us, blame this Congress, blame State legislators, blame policymakers for letting them get away with it.

The best way to earn profits in the health insurance industry is simple: It is to avoid insuring people who might actually use their coverage. Health insurers use every trick in the book, as we know, that they can come up with to avoid those people. To the extent that they can get away with it, commercial insurers underwrite and price people who need coverage right out of the insurance market. Private health insurance used to be a community; now it is a country club. So we are left with stop-gap mechanisms like high risk insurance pools. They are far from ideal, but our most vulnerable citizens would be worse off without them. We should make sure high risk insurance pools are available. But we should also keep working until we render them unnecessary.

I appreciate the author's willingness to accept an amendment I offered during committee to ensure that States use at least 50 percent of the bill's funding to expand to the pool or to improve the high risk coverage. As it stands today, States can and States have used Federal risk pool funding to replace dollars collected for the pool from private health insurers, leaving the risk pools themselves no better off. That is a subversion of the bill's purpose. That is a questionable use of Federal funding.

My amendment reminds the States the Federal high risk pool funding is intended to expand the quality and the reach of high risk pools, not to let commercial insurers again off the hook for making these pools necessary. I urge my colleagues to support this legislation on behalf of individuals disenfranchised from private health insurance.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I want to begin by thanking the full committee chairman, Mr. BARTON, who is not with us today, who has been hospitalized as a result of a medical problem and, I understand, doing well; the ranking member, Mr. DINGELL; the chairman of our subcommittee, Mr. DEAL; as well as the ranking member, Mr. BROWN, for moving this important legislation forward. It is in fact critically important legislation for all Americans but particularly for those with preexisting conditions and those with chronic illnesses.

H.R. 4519 extends Federal funding, which was first made available under the Trade Act of 2002, for the establishment and the operation of State high risk pools. The bill provides $15 million in seed grants to any State or, as a result of a bipartisan amendment of the bill, to any territory which has not yet created a State high risk pool for creation of that high risk pool. That is very important, because a number of States do not yet have them. This money is available as $1 million one-time grants for the creation of such a high risk pool.

In addition, it provides $75 million in each of the fiscal years between 2006 and 2010 for the operational expenses of these high risk pools. Those moneys are allocated according to a formula referred to a moment ago by the ranking member, Mr. BROWN. That formula includes the number of qualifying States, the number of uninsured individuals and the number of individuals enrolled in the State's high risk program. These moneys are extremely important, and I think it is important also to note that territories are available both for the seed grants to establish a high risk pool and for the operational grants.

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State high risk pools, as have been noted here, help provide health insurance for those who have preexisting conditions or chronic illnesses or who for any other reason cannot afford health insurance. High risk pools allow individuals who are eligible to purchase health insurance to pay a premium and receive coverage.

Because they are at-risk people with very high medical needs, these premiums are capped in the high risk pool, and often the premiums do not cover the cost of the health insurance that is provided. As a result, the cost of operating the pool needs to be subsidized or offset by the States. States operating these pools make up that shortfall, and the operating funds that are provided here assist in doing that.

There are many things that we can do in this area of health insurance; and I agree with my colleague, Mr. BROWN, that high risk pools are not in fact a solution; they are, in fact, rather a symptom of a problem we have in health insurance today.

I think that there is much more that we can and should do to make health insurance affordable and available to all Americans. I would like to see us create here in this Congress a refundable tax credit for all Americans so that they can go out and purchase health insurance themselves. We have sadly today in America some 44 million-plus who cannot afford health insurance and who are, therefore, uncovered.

If we were to create a tax credit allowing people to take a portion of the income taxes they would otherwise send to the government to go buy health insurance, and for those who are poor and do not pay income taxes now, make that a refundable tax credit, that is, actually provide them with a voucher or with cash to go buy health insurance, we could cut the number of uninsured in America dramatically. And that would be a huge step forward in this Nation, to reduce the number of uninsured and make sure that everyone in this country has health insurance.

Unfortunately, that legislation is not before us at this point. It is the kind of progress that I hope we can make. But this legislation is. Before we move forward on the idea of a refundable tax credit, we must make sure that we take care of those who are most in need in America. High risk pools are a targeted tool for the uninsured. They are a safety net.

In addition to providing access to insurance for those with preexisting conditions and the chronically ill, they also alleviate the need for cross-subsidization. All of us are aware that those of us buying insurance today pay a higher premium because of the needs of those who cannot afford insurance.

High risk pools alleviate that need. I join my colleagues in calling for the passage of this legislation. I appreciate that it is a bipartisan effort, and I want to thank my colleagues on the opposite side of the aisle for their help. I urge passage of the legislation.

Mr. BURGESS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank my friend from Texas for the time.

Mr. Speaker, I rise in strong support of H.R. 4519, which would extend seed grant money for the creation and operation of high risk pools. I thank my friend, Mr. SHADEGG, for bringing this. This is extremely important legislation. It has the potential, if it works right, to help all of us pay lower premiums in the future for our insurance policies.

This is a nonpartisan issue. High risk pools have quietly become very important and are a very important part of our Nation's public-private patchwork of health care coverage. The folks covered are often times employed. They are paying taxes. But they cannot get coverage under a normal insurance plan.

Pools are already covering thousands of people who through no fault of their own do not have access to group health insurance and cannot simply afford the coverage in the individual market. Thirty-one States are already operating high risk pools that offer good coverage at reasonable prices.

I hope with the passage of this bill my home State now will be able to join that number. Mr. Speaker, this legislation takes us a step closer to making sure that everyone can purchase the health insurance protection they need. I know the worries associated with a serious health condition, and my constituents know the danger that catastrophic health care costs can pose to working families, especially rural families and the self-employed. High risk pools reduce costs on the government in the long term by providing a private safety net of coverage.

I urge my colleagues to support this legislation, and I hope at some point in time we will take up Mr. SHADEGG's idea of tax credits for health care. But in the meantime, we need to make sure we get these high risk pools in place, and that will allow many Americans to buy health care insurance because the premiums will be reduced.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, just in closing, I would say that I do appreciate Mr. SHADEGG bringing this bill to the floor today. I appreciate him bringing up the concept of the refundable tax credit. I, too, think this is important legislation, that we in the Chamber today have some of the best minds on the health subcommittee. I hope we can work together to get that passed next year.

I hope we can look at other opportunities such as what Governor Jeb Bush is doing down in the State of Florida for purchasing insurance for those working poor who cannot afford it. But this is a good bill; this is good legislation. It will be very helpful back in my home State of Texas.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 4519, the State High Risk Pool Funding Extension Act of 2005. I do so mainly because this bill would not only extend the authorization for Federal support for State high risk health insurance pools until 2010, but also because it provides, for the first time, authorization for the U.S. territories to receive this Federal support. With this Federal support, the U.S. territories will be able to establish and operate high risk health insurance pools like those already successfully operating in several States.

The costs of providing health care in the U.S. territories are very high due to the number of uninsured individuals, the prevalence of chronic diseases among residents, significant transportation expenses, and small risk pools over which to spread the cost of health insurance. Additionally, the vast majority of employers in the U.S. territories are small businesses. Like most small businesses nationwide, Guam's small businesses are limited in their financial ability to offer affordable health coverage to their employees.

The State high risk pool model is an innovative method to address the need for health insurance for high risk populations. To date, 31 States have established high risk health insurance pools. However, section 201(b) of the Trade Act of 2002 (Public Law 107–210), which authorized Federal funding for the creation and initial operation of high risk pools in the States did not include the U.S. territories among those eligible to receive this funding. The ineligibility of the U.S. territories for this assistance remains a concern. Previous versions of this bill being considered today to reauthorize this Federal program did not include the U.S. territories among those to be qualified to receive seed funding and additional grants to initiate and operate high risk pools.

However, the bill before us today, the product of negotiations over the last several months, does include the U.S. territories. H.R. 4519 will enable Guam and the other U.S. territories to form high risk insurance pools. The establishment of such pools will save the Federal Government Medicaid resources, because individuals with chronic illnesses will have another alternative to utilize to pay for expensive healthcare services. Assisting the U.S. territories in operating high risk pools will help the local treasuries with insuring high risk individuals. The establishment of high risk pools will reduce the risk of the general pool of health insurance consumers in the U.S. territories. This will allow for greater competition in the health insurance market, reduced costs for consumers, and will result in more economically manageable and affordable employee health plans for small businesses.

I came to this floor on July 27 of this year to highlight the need to include the U.S. territories in this Federal program, when this House debated H.R. 3204, the precursor to the bill before us today. The gentleman from Arizona, Mr. SHADEGG, the author of this bill, recognized this need. The gentleman from Georgia, Mr. DEAL, and the gentleman from Ohio, Mr. BROWN, supported this request. I thank them for their leadership and for their attention to and understanding of the needs of the U.S. territories. Additionally, I want to thank the gentleman from Texas, Mr. BARTON, and the gentleman from Michigan, Mr. DINGELL, the chairman and the ranking Democratic member of the House Committee on Energy and Commerce, respectively, and their staffs, for their attention to this issue. I thank all of these gentlemen for their cooperation and assistance on this important issue. Together, with my colleagues from the Virgin Islands, Mrs. CHRISTENSEN, American Samoa, Mr. FALEOMAVAEGA, and Puerto Rico, Mr. FORTUÑO, we were able to improve the legislation to take into account the needs of the U.S. territories. I look forward to working with the U.S. Department of Health and Human Services and the Government of Guam in establishing a high risk pool in Guam with Federal seed money.

I urge my colleagues to support H.R. 4519.

Mr. DINGELL. Mr. Speaker, I am pleased the House is taking up H.R. 4519, a bill to reauthorize funds for State high risk health insurance pools, a program that was first passed in the Trade Adjustment Assistance Act. This bill also makes a number of improvements to the program.

High risk pools are by no means a solution for all of the more than 45 million uninsured in this nation. As long as we, however, continue to have a system of health care cobbled together as it is, high risk pools will fill part of the void.

Unfortunately, these high risk pools have included very high premiums and limited benefits. When Congress first provided funding for these pools, the majority of the States used the funding to lower assessments on insurance companies rather than improve benefits or reduce out-of-pocket costs for families. H.R. 4519 includes an important provision that would ensure some portion of this Federal funding goes to improving the pools by reducing premium costs or improving benefits for those who need health care.

And although we have taken a small step here to do good, the Congress is considering a budget reconciliation package that includes harsh cuts in the program that provides health insurance to more than 50 million Americans—Medicaid. These cuts would strip benefits and increase out-of-pocket costs for low-income families and individuals, including children, pregnant women, and those living with disabilities.

If Congress were really determined to help the uninsured, we would begin by rejecting the provisions in the reconciliation package that cut coverage and increase costs for our most vulnerable citizens.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 4519.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women and Department of Justice Reauthorization Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Universal definitions and grant provisions.

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 101. Stop grants improvements.
Sec. 102. Grants to encourage arrest and enforce protection orders improvements.
Sec. 103. Legal Assistance for Victims improvements.
Sec. 104. Ensuring crime victim access to legal services.

Sec. 105. The Violence Against Women Act court training and improvements.
Sec. 106. Full faith and credit improvements.
Sec. 107. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
Sec. 108. Sex offender management.
Sec. 109. Stalker database.
Sec. 110. Federal victim assistants reauthorization.
Sec. 111. Grants for law enforcement training programs.
Sec. 112. Reauthorization of the court-appointed special advocate program.
Sec. 113. Preventing cyberstalking.
Sec. 114. Criminal provision relating to stalking.
Sec. 115. Repeat offender provision.
Sec. 116. Prohibiting dating violence.
Sec. 117. Prohibiting violence in special maritime and territorial jurisdiction.
Sec. 118. Updating protection order definition.
Sec. 119. GAO study and report.
Sec. 120. Grants for outreach to underserved populations.
Sec. 121. Enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 201. Findings.
Sec. 202. Sexual assault services program.
Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program.
Sec. 204. Training and services to end violence against women with disabilities.
Sec. 205. Training and services to end violence against women in later life.
Sec. 206. Strengthening the National Domestic Violence Hotline.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 301. Findings.
Sec. 302. Rape prevention and education.
Sec. 303. Services, education, protection, and justice for young victims of violence.
Sec. 304. Grants to combat violent crimes on campuses.
Sec. 305. Juvenile justice.
Sec. 306. Safe havens.

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

Sec. 401. Preventing violence against women and children.
Sec. 403. Public Awareness Campaign.
Sec. 402. Study conducted by the Centers for Disease Control and

TITLE V—STRENGTHENING THE HEALTH CARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 501. Findings.
Sec. 502. Purpose.
Sec. 503. Training and education of health professionals in domestic and sexual violence.
Sec. 504. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.
Sec. 505. Research on effective interventions in the healthcare setting.

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

Sec. 601. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.
Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.
Sec. 603. Public housing authority plans reporting requirement.
Sec. 604. Housing strategies.
Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.
Sec. 606. Amendments to the low-income housing assistance voucher program.
Sec. 607. Amendments to the public housing program.

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

Sec. 701. Grant for National Resource Center on Workplace Responses to assist victims of domestic and sexual violence.

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS

Subtitle A—Victims of Crime

Sec. 801. Treatment of spouse and children of victims.
Sec. 802. Presence of victims of a severe form of trafficking in persons.
Sec. 803. Adjustment of status.
Sec. 804. Protection and assistance for victims of trafficking.
Sec. 805. Protecting victims of child abuse.

Subtitle B—VAWA Self-Petitioners

Sec. 811. Definition of VAWA self-petitioner.
Sec. 812. Application in case of voluntary departure.
Sec. 813. Removal proceedings.
Sec. 814. Eliminating abusers' control over applications and limitation on petitioning for abusers.
Sec. 815. Application for VAWA-related relief.
Sec. 816. Self-petitioning parents.
Sec. 817. VAWA confidentiality nondisclosure.

Subtitle C—Miscellaneous Amendments

Sec. 821. Duration of T and U visas.
Sec. 822. Technical correction to references in application of special physical presence and good moral character rules.
Sec. 823. Petitioning rights of certain former spouses under Cuban adjustment.
Sec. 824. Self-petitioning rights of HRIFA applicants.
Sec. 825. Motions to reopen.
Sec. 826. Protecting abused juveniles.
Sec. 827. Protection of domestic violence and crime victims from certain disclosures of information.
Sec. 828. Rulemaking.

Subtitle D—International Marriage Broker Regulation

Sec. 831. Short title.
Sec. 832. Access to VAWA protection regardless of manner of entry.
Sec. 833. Domestic violence information and resources for immigrants and regulation of international marriage brokers.
Sec. 834. Sharing of certain information.

TITLE IX—SAFETY FOR INDIAN WOMEN

Sec. 901. Findings.
Sec. 902. Purposes.
Sec. 903. Consultation.
Sec. 904. Analysis and research on violence against Indian women.
Sec. 905. Tracking of violence against Indian women.
Sec. 906. Grants to Indian tribal governments.
Sec. 907. Tribal deputy in the Office on Violence Against Women.
Sec. 908. Enhanced criminal law resources.
Sec. 909. Domestic assault by an habitual offender.

TITLE X—DNA FINGERPRINTING

Sec. 1001. Short title.
Sec. 1002. Use of opt-out procedure to remove samples from national DNA index.
Sec. 1003. Expanded use of CODIS grants.
Sec. 1004. Authorization to conduct DNA sample collection from persons arrested or detained under Federal authority.
Sec. 1005. Tolling of statute of limitations for sexual-abuse offenses.

TITLE XI—DEPARTMENT OF JUSTICE REAUTHORIZATION

Subtitle A—AUTHORIZATION OF APPROPRIATIONS

Sec. 1101. Authorization of appropriations for fiscal year 2006.
Sec. 1102. Authorization of appropriations for fiscal year 2007.
Sec. 1103. Authorization of appropriations for fiscal year 2008.
Sec. 1104. Authorization of appropriations for fiscal year 2009.
Sec. 1105. Organized retail theft.
Sec. 1106. United States-Mexico Border Violence Task Force.
Sec. 1107. National Gang Intelligence Center.

Subtitle B—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

CHAPTER 1—ASSISTING LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES

Sec. 1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program.
Sec. 1112. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.
Sec. 1113. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.
Sec. 1114. Clarification of uses for regional information sharing system grants.
Sec. 1115. Integrity and enhancement of national criminal record databases.
Sec. 1116. Extension of matching grant program for law enforcement armor vests.

CHAPTER 2—BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME

Sec. 1121. Office of Weed and Seed Strategies.

CHAPTER 3—ASSISTING VICTIMS OF CRIME

Sec. 1131. Grants to local nonprofit organizations to improve outreach services to victims of crime.
Sec. 1132. Clarification and enhancement of certain authorities relating to crime victims fund.
Sec. 1133. Amounts received under crime victim grants may be used by State for training purposes.
Sec. 1134. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.
Sec. 1135. Change of certain reports from annual to biennial.
Sec. 1136. Grants for young witness assistance.

CHAPTER 4—PREVENTING CRIME

Sec. 1141. Clarification of definition of violent offender for purposes of juvenile drug courts.
Sec. 1142. Changes to distribution and allocation of grants for drug courts.

Sec. 1143. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.
Sec. 1144. Term of Residential Substance Abuse Treatment program for local facilities.
Sec. 1145. Enhanced residential substance abuse treatment program for State prisoners.
Sec. 1146. Residential Substance Abuse Treatment Program for Federal facilities.

CHAPTER 5—OTHER MATTERS

Sec. 1151. Changes to certain financial authorities.
Sec. 1152. Coordination duties of Assistant Attorney General.
Sec. 1153. Simplification of compliance deadlines under sex-offender registration laws.
Sec. 1154. Repeal of certain programs.
Sec. 1155. Elimination of certain notice and hearing requirements.
Sec. 1156. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.
Sec. 1157. Clarification of authority to pay subsistence payments to prisoners for health care items and services.
Sec. 1158. Office of Audit, Assessment, and Management.
Sec. 1159. Community Capacity Development Office.
Sec. 1160. Office of Applied Law Enforcement Technology.
Sec. 1161. Availability of funds for grants.
Sec. 1162. Consolidation of financial management systems of Office of Justice Programs.
Sec. 1163. Authorization and change of COPS program to single grant program.
Sec. 1164. Clarification of persons eligible for benefits under public safety officers' death benefits programs.
Sec. 1165. Pre-release and post-release programs for juvenile offenders.
Sec. 1166. Reauthorization of juvenile accountability block grants.
Sec. 1167. Sex offender management.
Sec. 1168. Evidence-based approaches.
Sec. 1169. Reauthorization of matching grant program for school security.
Sec. 1170. Technical amendments to Aimee's Law.

Subtitle C—MISCELLANEOUS PROVISIONS

Sec. 1171. Technical amendments relating to Public Law 107–56.
Sec. 1172. Miscellaneous technical amendments.
Sec. 1173. Use of Federal training facilities.
Sec. 1174. Privacy officer.
Sec. 1175. Bankruptcy crimes.
Sec. 1176. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.
Sec. 1177. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.
Sec. 1178. Expanded jurisdiction for contraband offenses in correctional facilities.
Sec. 1179. Magistrate judge's authority to continue preliminary hearing.
Sec. 1180. Technical corrections relating to steroids.
Sec. 1181. Prison Rape Commission extension.
Sec. 1182. Longer statute of limitation for human trafficking-related offenses.
Sec. 1183. Use of Center for Criminal Justice Technology.
Sec. 1184. SEARCH Grants.
Sec. 1185. Reauthorization of Law Enforcement Tribute Act.
Sec. 1186. Amendment regarding bullying and gangs.
Sec. 1187. Transfer of provisions relating to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
Sec. 1188. Reauthorize the Gang Resistance Education and Training Projects Program.
Sec. 1189. National Training Center.
Sec. 1190. Sense of Congress relating to "good time" release.
Sec. 1191. Public employee uniforms.
Sec. 1192. Officially approved postage.
Sec. 1193. Authorization of additional appropriations.
Sec. 1194. Assistance to courts.
Sec. 1195. Study and report on correlation between substance abuse and domestic violence at domestic violence shelters.
Sec. 1196. Reauthorization of State Criminal Alien Assistance Program.
Sec. 1197. Extension of Child Safety Pilot Program.
Sec. 1198. Transportation and subsistence for special sessions of District Courts.
Sec. 1199. Youth Violence Reduction Demonstration Projects.

SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.

(a) IN GENERAL.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding after section 40001 the following:

"SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.

"(a) DEFINITIONS.—In this title:

"(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

"(2) CHILD ABUSE AND NEGLECT.—The term 'child abuse and neglect' means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

"(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means an organization that—

"(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

"(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

"(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

"(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

"(4) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

"(5) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

"(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

"(B) court security personnel;

"(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

"(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

"(6) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

"(7) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

"(A) the length of the relationship;

"(B) the type of relationship; and

"(C) the frequency of interaction between the persons involved in the relationship.

"(8) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) The length of the relationship.

"(ii) The type of relationship.

"(iii) The frequency of interaction between the persons involved in the relationship.

"(9) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 50 years of age or older that constitutes the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

"(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

"(10) INDIAN.—The term 'Indian' means a member of an Indian tribe.

"(11) INDIAN COUNTRY.—The term 'Indian country' has the same meaning given such term in section 1151 of title 18, United States Code.

"(12) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq., as amended).

"(13) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(14) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

"(15) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

"(16) LEGAL ASSISTANCE.—The term 'legal assistance' includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

"(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

"(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

"(17) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward underserved communities.

"(18) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

"(A) a first and last name;

"(B) a home or other physical address;

"(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

"(D) a social security number; and

"(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

"(19) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

"(20) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

"(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

"(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

"(21) RURAL AREA AND RURAL COMMUNITY.—The term 'rural area' and 'rural community' mean—

"(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

"(B) any area or community, respectively, that is—

"(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

"(ii) located in a rural census tract.

"(22) RURAL STATE.—The term 'rural State' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

"(23) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

"(24) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

"(A) fear for his or her safety or the safety of others; or

"(B) suffer substantial emotional distress.

"(25) STATE.—The term 'State' means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

"(26) STATE DOMESTIC VIOLENCE COALITION.—The term 'State domestic violence coalition' means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

"(27) STATE SEXUAL ASSAULT COALITION.—The term 'State sexual assault coalition' means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

"(28) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term 'territorial domestic violence or sexual assault coalition' means a program addressing domestic or sexual violence that is—

"(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

"(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

"(29) TRIBAL COALITION.—The term 'tribal coalition' means—

"(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native women; or

"(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian or Alaska Native women.

"(30) TRIBAL GOVERNMENT.—The term 'tribal government' means—

"(A) the governing body of an Indian tribe; or

"(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(31) TRIBAL ORGANIZATION.—The term 'tribal organization' means—

"(A) the governing body of any Indian tribe;

"(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

"(C) any tribal nonprofit organization.

"(32) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

"(33) VICTIM ADVOCATE.—The term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

"(34) VICTIM ASSISTANT.—The term 'victim assistant' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

"(35) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term 'victim services' or 'victim service provider' means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

"(36) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

"(b) GRANT CONDITIONS.—

"(1) MATCH.—No matching funds shall be required for a grant or subgrant made under this title for any tribe, territory, victim service provider, or any entity that the Attorney General determines has adequately demonstrated financial need.

"(2) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

"(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

"(B) NONDISCLOSURE.—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

"(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

"(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other

Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

"(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

"(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

"(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

"(D) INFORMATION SHARING.—Grantees and subgrantees may share—

"(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

"(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

"(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

"(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

"(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

"(4) NON-SUPPLANTATION.—Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.

"(5) USE OF FUNDS.—Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.

"(6) REPORTS.—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

"(7) EVALUATION.—Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

"(A) evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or

"(B) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.

"(8) NONEXCLUSIVITY.—Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.

"(9) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program under this title may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph should not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

"(10) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

"(11) TECHNICAL ASSISTANCE.—If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this title, the Office has the authority to continue setting aside amounts greater than 8 percent.".

(b) CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.—

(1) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (42 U.S.C. 14039) is amended by striking "The Attorney General shall submit to the Congress an annual report, beginning 1 year after the date of the enactment of this Act, that provides" and inserting "Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides".

(2) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(l) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking "Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter," and inserting "Not later than 1 month after the end of each even-numbered fiscal year,"

(3) STOP VIOLENCE AGAINST WOMEN FORMULA GRANTS.—Section 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-3) is amended by striking "Not later than" and all that follows through "the Attorney General shall submit" and inserting the following: "Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit".

(4) TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.—Section 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking "shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section." and inserting "shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.".

(c) DEFINITIONS AND GRANT CONDITIONS IN CRIME CONTROL ACT.—

(1) PART T.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by striking section 2008 and inserting the following:

"SEC. 2008. DEFINITIONS AND GRANT CONDITIONS.

"In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

(2) PART U.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 2105. DEFINITIONS AND GRANT CONDITIONS.

"In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

(d) DEFINITIONS AND GRANT CONDITIONS IN 2000 ACT.—Section 1002 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–2 note) is amended to read as follows:

"SEC. 1002. DEFINITIONS AND GRANT CONDITIONS.

"In this division the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.".

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 101. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking "$185,000,000 for each of fiscal years 2001 through 2005" and inserting "$225,000,000 for each of fiscal years 2007 through 2011".

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

"(13) supporting the placement of special victim assistants (to be known as 'Jessica Gonzales Victim Assistants') in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

"(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

"(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

"(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

"(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order; and

"(14) to provide funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—

"(A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as 'Crystal Judson Victim Advocates,' to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

"(B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police ('Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project' July 2003));

"(C) the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (14) shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol.".

(c) Clarification of Activities Regarding Underserved Populations.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: "and describe how the State will address the needs of underserved populations"; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

"(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.".

(d) Tribal and Territorial Setasides.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "5 percent" and inserting "10 percent";

(B) in paragraph (2), striking by "1/54" and inserting "1/56";

(C) in paragraph (3), by striking "and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54" and inserting "coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56"; and

(D) in paragraph (4), by striking "1/54" and inserting "1/56";

(2) in subsection (c)(3)(B), by inserting after "victim services" the following: ", of which at least 10 percent shall be distributed to culturally specific community-based organization"; and

(3) in subsection (d)—

(A) in paragraph (3), by striking the period and inserting "; and"; and

(B) by adding at the end the following:

"(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and courts have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.".

(e) Training, Technical Assistance, and Data Collection.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended by adding at the end the following:

"(i) Training, Technical Assistance, and Data Collection.—

"(1) In general.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees, subgrantees and other entities.

"(2) Indian training.—The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law.".

(f) Availability of Forensic Medical Exams.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:

"(c) Use of Funds.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

"(d) Rule of Construction.—Nothing in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

"(e) Judicial Notification.—

"(1) In general.—A State or unit of local government shall not be entitled to funds under this part unless the State or unit of local government—

"(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or

"(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

"(i) the period ending on the date on which the next session of the State legislature ends; or

"(ii) 2 years.

"(2) Redistribution.—Funds withheld from a State or unit of local government under subsection (a) shall be distributed to other States and units of local government, pro rata.".

(g) Polygraph Testing Prohibition.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

"SEC. 2013. POLYGRAPH TESTING PROHIBITION.

"(a) In General.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

"(b) Prosecution.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.".

SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) Authorization of Appropriations.—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking "$65,000,000 for each of fiscal years 2001 through 2005" and inserting "$75,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this paragraph shall remain available until expended.".

(b) Grantee Requirements.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking "to treat domestic violence as a serious violation" and inserting "to treat domestic violence, dating violence, sexual assault, and stalking as serious violations";

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after "State" the following: ", tribal, territorial,";

(B) in paragraph (1), by—

(i) striking "mandatory arrest or"; and

(ii) striking "mandatory arrest programs and";

(C) in paragraph (2), by—

(i) inserting after "educational programs," the following: "protection order registries,";

(ii) striking "domestic violence and dating violence" and inserting "domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking";

(D) in paragraph (3), by—

(i) striking "domestic violence cases" and inserting "domestic violence, dating violence, sexual assault, and stalking cases"; and

(ii) striking "groups" and inserting "teams";

(E) in paragraph (5), by striking "domestic violence and dating violence" and inserting "domestic violence, dating violence, sexual assault, and stalking";

(F) in paragraph (6), by—

(i) striking "other" and inserting "civil"; and

(ii) inserting after "domestic violence" the following: ", dating violence, sexual assault, and stalking"; and

(G) by adding at the end the following:

"(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

"(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

"(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

"(12) To develop, enhance, and maintain protection order registries.

"(13) To develop human immunodeficiency virus (HIV) testing programs for sexual assault

perpetrators and notification and counseling protocols.";—

(3) in subsection (c)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that—

"(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

"(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense."; and

(4) by striking subsections (d) and (e) and inserting the following:

"(d) SPEEDY NOTICE TO VICTIMS.—A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this part unless the State or unit of local government—

"(1) certifies that it has a law or regulation that requires—

"(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented;

"(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

"(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

"(2) gives the Attorney General assurances that it laws and regulations will be in compliance with requirements of paragraph (1) within the later of—

"(A) the period ending on the date on which the next session of the State legislature ends; or

"(B) 2 years.

"(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.".

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after "involving domestic violence" the following: ", dating violence, sexual assault, or stalking".

(d) TRAINING, TECHNICAL ASSISTANCE, CONFIDENTIALITY.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

"SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.

"Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees and other entities.".

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before "legal assistance" the following: "civil and criminal";

(B) inserting after "effective aid to" the following: "adult and youth"; and

(C) inserting at the end the following: "Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.";

(2) by striking subsection (b) and inserting the following:

"(b) DEFINITIONS.—In this section, the definitions provided in section 40002 of the Violence Against Women Act of 1994 shall apply.";

(3) in subsection (c), by inserting "and tribal organizations, territorial organizations" after "Indian tribal governments";

(4) in subsection (d) by striking paragraph (2) and inserting the following:

"(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;".

(5) in subsection (e), by inserting "dating violence," after "domestic violence,"; and

(6) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 2007 through 2011."; and

(B) in paragraph (2)(A), by—

(i) striking "5 percent" and inserting "10 percent"; and

(ii) inserting "adult and youth" after "that assist".

SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.

(a) IN GENERAL.—Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by striking "using funds derived from a source other than the Corporation to provide" and inserting "providing";

(B) in clause (i), by striking "in the United States" and all that follows and inserting "or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or"; and

(C) in clause (ii), by striking "has been battered" and all that follows and inserting ", without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)),"; and

(2) in subsection (b)(2), by striking "described in such subsection" and inserting ", sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))".

(b) SAVINGS PROVISION.—Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.

(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle J—Violence Against Women Act Court Training and Improvements

"SEC. 41001. SHORT TITLE.

"This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

"SEC. 41002. PURPOSE.

"The purpose of this subtitle is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—

"(1) improved internal civil and criminal court functions, responses, practices, and procedures;

"(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

"(3) collaboration and training with Federal, State, tribal, territorial, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

"(4) enabling courts or court-based or court-related programs to develop new or enhance current—

"(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);

"(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);

"(C) offender management, monitoring, and accountability programs;

"(D) safe and confidential information-storage and -sharing databases within and between court systems;

"(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

"(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

"(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

"SEC. 41003. GRANT REQUIREMENTS.

"Grants awarded under this subtitle shall be subject to the following conditions:

"(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

"(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

"(B) national, State, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

"(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—

"(A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

"(B) any education program developed under section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

"(C) the grantee's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

"SEC. 41004. NATIONAL EDUCATION CURRICULA.

"(a) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

"(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

"(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

"(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

"SEC. 41005. TRIBAL CURRICULA.

"(a) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

"(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

"(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

"(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

"SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2007 to 2011.

"(b) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

"(c) SET ASIDE.—Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for tribal courts, tribal court-related programs, and tribal nonprofits.".

SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended by—

(1) striking "or Indian tribe" each place it appears and inserting ", Indian tribe, or territory"; and

(2) striking "State or tribal" each place it appears and inserting "State, tribal, or territorial".

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking "and enforced as if it were" and inserting "and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were".

(c) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

"(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.".

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) PROTECTION ORDER.—The term 'protection order' includes—

"(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

"(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking."; and

(2) in clauses (i) and (ii) of paragraph (7)(A), by striking "2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser" and inserting "2261A—

"(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

"(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship".

SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

"SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

"SEC. 41102. PURPOSE AREAS.

"Grants made under this subtitle may be used—

"(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

"(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

"(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

"(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

"SEC. 41103. ELIGIBLE ENTITIES.

"Entities eligible for grants under this subtitle include—

"(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

"(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

"(3) States or State agencies;

"(4) local governments or agencies;

"(5) Indian tribal governments or tribal organizations;

"(6) territorial governments, agencies, or organizations; or

"(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

"SEC. 41104. GRANT CONDITIONS.

"Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

"SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2007 through 2011.

"(b) TRIBAL ALLOCATION.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants to Indian tribes for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault.

"(c) TECHNICAL ASSISTANCE AND TRAINING.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.".

SEC. 108. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2007 through 2011.".

SEC. 109. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking "2001" and inserting "2007"; and

(2) by striking "2006" and inserting "2011".

SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103-322) is amended to read as follows:

"SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

"There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2007 through 2011.".

SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.

(a) Definitions.—In this section:

(1) Act of trafficking.—The term "act of trafficking" means an act or practice described in paragraph (8) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(2) Eligible entity.—The term "eligible entity" means a State or a local government.

(3) State.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

(4) Victim of trafficking.—The term "victim of trafficking" means a person subjected to an act of trafficking.

(b) Grants Authorized.—The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.

(c) Use of Funds.—A grant awarded under this section shall be used to—

(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;

(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or

(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

(d) Restrictions.—

(1) Administrative expenses.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) Nonexclusivity.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) Findings.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect; and

"(2) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.".

(b) Implementation Date.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking "January 1, 1995" and inserting "January 1, 2010".

(c) Clarification of Program Goals.—Section 217 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013) is amended—

(1) in subsection (a), by striking "to expand" and inserting "to initiate, sustain, and expand";

(2) subsection (b)—

(A) in paragraph (1)—

(i) by striking "subsection (a) shall be" and inserting the following: "subsection (a)—

"(A) shall be";

(ii) by striking "(2) may be" and inserting the following:

"(B) may be"; and

(iii) in subparagraph (B) (as redesignated), by striking "to initiate or expand" and inserting "to initiate, sustain, and expand"; and

(B) in the first sentence of paragraph (2)—

(i) by striking "(1)(a)" and inserting "(1)(A)"; and

(ii) striking "to initiate and to expand" and inserting "to initiate, sustain, and expand"; and

(3) by adding at the end the following:

"(d) Background Checks.—State and local Court Appointed Special Advocate programs are authorized to request fingerprint-based criminal background checks from the Federal Bureau of Investigation's criminal history database for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.".

(d) Report.—Subtitle B of title II of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011 et seq.) is amended—

(1) by redesignating section 218 as section 219; and

(2) by inserting after section 217 the following new section:

"SEC. 218. REPORT.

"(a) Report Required.—Not later than December 31, 2006, the Inspector General of the Department of Justice shall submit to Congress a report on the types of activities funded by the National Court-Appointed Special Advocate Association and a comparison of outcomes in cases where court-appointed special advocates are involved and cases where court-appointed special advocates are not involved.

"(b) Elements of Report.—The report submitted under subsection (a) shall include information on the following:

"(1) The types of activities the National Court-Appointed Special Advocate Association has funded since 1993.

"(2) The outcomes in cases where court-appointed special advocates are involved as compared to cases where court-appointed special advocates are not involved, including—

"(A) the length of time a child spends in foster care;

"(B) the extent to which there is an increased provision of services;

"(C) the percentage of cases permanently closed; and

"(D) achievement of the permanent plan for reunification or adoption.".

(e) Authorization of Appropriations.—

(1) Authorization.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d), is amended by striking subsection (a) and inserting the following:

"(a) Authorization.—There is authorized to be appropriated to carry out this subtitle $12,000,000 for each of fiscal years 2007 through 2011.".

(2) Prohibition on lobbying.—Section 219 of the Victims of Child Abuse Act of 1990, as redesignated by subsection (d) and amended by paragraphs (1) and (2), is further amended by adding at the end the following new subsection:

"(c) Prohibition on Lobbying.—No funds authorized under this subtitle may be used for lobbying activities in contravention of OMB Circular No. A–122.".

SEC. 113. PREVENTING CYBERSTALKING.

(a) In General.—Paragraph (1) of section 223(h) of the Communications Act of 1934 (47 U.S.C. 223(h)(1)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) in the case of subparagraph (C) of subsection (a)(1), includes any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet (as such term is defined in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note)).".

(b) Rule of Construction.—This section and the amendment made by this section may not be construed to affect the meaning given the term "telecommunications device" in section 223(h)(1) of the Communications Act of 1934, as in effect before the date of the enactment of this section.

SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

(a) Interstate Stalking.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Stalking

"Whoever—

"(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, or causes substantial emotional distress to that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

"(2) with the intent—

"(A) to kill, injure, harass, or place under surveillance with intent to kill, injure, harass, or intimidate, or cause substantial emotional distress to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

"(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

"(i) that person;

"(ii) a member of the immediate family (as defined in section 115 of that person; or

"(iii) a spouse or intimate partner of that person;

uses the mail, any interactive computer service, or any facility of interstate or foreign commerce

to engage in a course of conduct that causes substantial emotional distress to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);
shall be punished as provided in section 2261(b) of this title.".

(b) ENHANCED PENALTIES FOR STALKING.—Section 2261(b) of title 18, United States Code, is amended by adding at the end the following:

"(6) Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.".

SEC. 115. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

"§ 2265A. Repeat offenders

"(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior domestic violence or stalking offense shall be twice the term otherwise provided under this chapter.

"(b) DEFINITION.—For purposes of this section—

"(1) the term 'prior domestic violence or stalking offense' means a conviction for an offense—

"(A) under section 2261, 2261A, or 2262 of this chapter; or

"(B) under State law for an offense consisting of conduct that would have been an offense under a section referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States, or in interstate or foreign commerce; and

"(2) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.".

SEC. 116. PROHIBITING DATING VIOLENCE.

(a) IN GENERAL.—Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), striking "or intimate partner" and inserting ", intimate partner, or dating partner"; and

(2) in paragraph (2), striking "or intimate partner" and inserting ", intimate partner, or dating partner".

(b) DEFINITION.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:

"(10) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of—

"(A) the length of the relationship; and

"(B) the type of relationship; and

"(C) the frequency of interaction between the persons involved in the relationship.".

SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

(a) DOMESTIC VIOLENCE.—Section 2261(a)(1) of title 18, United States Code, is amended by inserting after "Indian country" the following: "or within the special maritime and territorial jurisdiction of the United States".

(b) PROTECTION ORDER.—Section 2262(a)(1) of title 18, United States Code, is amended by inserting after "Indian country" the following: "or within the special maritime and territorial jurisdiction of the United States".

SEC. 118. UPDATING PROTECTION ORDER DEFINITION.

Section 534 of title 28, United States Code, is amended by striking subsection (e)(3)(B) and inserting the following:

"(B) the term 'protection order' includes—

"(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

"(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.".

SEC. 119. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

SEC. 120. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal and underserved populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) TERM.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal and underserved populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal and underserved populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) USE OF FUNDS.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various underserved and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns;

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2007 through 2011.

SEC. 121. ENHANCING CULTURALLY AND LINGUISTICALLY SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Of the amounts appropriated under certain grant programs identified in paragraph (a)(2) of this Section, the Attorney General, through the Director of the Violence Against Women Office (referred to in this section as the "Director"), shall take 5 percent of such appropriated amounts and combine them to establish a new grant program to enhance culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants made under this new program shall be administered by the Director.

(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

(B) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6), Legal Assistance for Victims.

(C) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

(D) Section   of the Violence Against Women Act of 1994 (42 U.S.C. _____), Older Battered Women.

(E) Section _____ of the Violence Against Women Act of 2000 (42 U.S.C. _____), Disabled Women Program.

(b) PURPOSE OF PROGRAM AND GRANTS.—

(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to promote:

(A) The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources.

(B) The development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director shall make grants to community-based programs for the purpose of enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural and linguistic responses to domestic violence, dating violence, sexual assault, and stalking.

(3) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective culturally and linguistically specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally and linguistically specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

(c) ELIGIBLE ENTITIES.—Eligible entities for grants under this Section include—

(1) community-based programs whose primary purpose is providing culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based programs whose primary purpose is providing culturally and linguistically specific services who can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking.

(d) REPORTING.—The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources, and the types of culturally and linguistically accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) GRANT PERIOD.—The Director shall award grants for a 2-year period, with a possible extension of another 2 years to implement projects under the grant.

(f) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural and linguistic access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(g) NON-EXCLUSIVITY.—Nothing in this Section shall be interpreted to exclude linguistic and culturally specific community-based programs from applying to other grant programs authorized under this Act.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 201. FINDINGS.

Congress finds the following:

(1) Nearly ⅓ of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

(3) Rape and sexual assault in the United States is estimated to cost $127,000,000,000 per year, including—

(A) lost productivity;

(B) medical and mental health care;

(C) police and fire services;

(D) social services;

(E) loss of and damage to property; and

(F) reduced quality of life.

(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.

(5) Geographic isolation often compounds the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.

(7) Barriers for older victims leaving abusive relationships include—

(A) the inability to support themselves;

(B) poor health that increases their dependence on the abuser;

(C) fear of being placed in a nursing home; and

(D) ineffective responses by domestic abuse programs and law enforcement.

(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

(10) Of the 598 battered women's programs surveyed—

(A) only 35 percent of these programs offered disability awareness training for their staff; and

(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.

(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline's ability to answer more calls quickly and effectively.

SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2012, as added by this Act, the following:

"SEC. 2014. SEXUAL ASSAULT SERVICES.

"(a) PURPOSES.—The purposes of this section are—

"(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

"(A) adult, youth, and child victims of sexual assault;

"(B) family and household members of such victims; and

"(C) those collaterally affected by the victimization, except for the perpetrator of such victimization;

"(2) to provide for technical assistance and training relating to sexual assault to—

"(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

"(B) professionals working in legal, social service, and health care settings;

"(C) nonprofit organizations;

"(D) faith-based organizations; and

"(E) other individuals and organizations seeking such assistance.

"(b) GRANTS TO STATES AND TERRITORIES.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

"(2) ALLOCATION AND USE OF FUNDS.—

"(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

"(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

"(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

"(i) 24 hour hotline services providing crisis intervention services and referral;

"(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

"(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

"(iv) information and referral to assist the sexual assault victim and family or household members;

"(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and

"(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

"(3) APPLICATION.—

"(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

"(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

"(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

"(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

"(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

"(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

"(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of the combined States or the population of the combined territories.

"(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

"(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

"(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

"(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

"(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

"(4) DISTRIBUTION.—

"(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

"(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

"(5) TERM.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

"(6) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

"(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

"(1) GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

"(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

"(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

"(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

"(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

"(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

"(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

"(D) design and conduct public education campaigns;

"(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

"(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

"(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

"(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions;

"(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to $\frac{1}{56}$ of the amounts so appropriated to each of those State and territorial coalitions.

"(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

"(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

"(e) GRANTS TO TRIBES.—

"(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian country and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

"(2) ALLOCATION AND USE OF FUNDS.—

"(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

"(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

"(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

"(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

"(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

"(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

"(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

"(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

"(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).".

SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

"SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

"(a) PURPOSES.—The purposes of this section are—

"(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

"(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

"(B) law enforcement agencies;

"(C) prosecutors;

"(D) courts;

"(E) other criminal justice service providers;

"(F) human and community service providers;

"(G) educational institutions; and

"(H) health care providers;

"(2) to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local

government victim services in rural communities to child, youth, and adult victims; and

"(3) to increase the safety and well-being of women and children in rural communities, by—

"(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

"(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

"(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

"(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

"(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities, including assistance in immigration matters; and

"(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

"(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

"(d) ALLOTMENTS AND PRIORITIES.—

"(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

"(2) ALLOTMENT FOR SEXUAL ASSAULT.—

"(A) IN GENERAL.—Not less than 25 percent of the total amount appropriated in a fiscal year under this section shall fund services that meaningfully address sexual assault in rural communities, however at such time as the amounts appropriated reach the amount of $45,000,000, the percentage allocated shall rise to 30 percent of the total amount appropriated, at such time as the amounts appropriated reach the amount of $50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and at such time as the amounts appropriated reach the amount of $55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

"(B) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this section shall prohibit any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

"(3) ALLOTMENT FOR TECHNICAL ASSISTANCE.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs. Of the amounts appropriated in this subsection, no less than 25 percent of such amounts shall be available to a nonprofit, nongovernmental organization or organizations whose focus and expertise is in addressing sexual assault to provide technical assistance to sexual assault grantees.

"(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of underserved populations.

"(5) ALLOCATION OF FUNDS FOR RURAL STATES.—Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $55,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

"(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.".

SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES.

(a) IN GENERAL.—Section 1402 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–7) is amended to read as follows:

"SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

"(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

"(2) to enhance direct services to such individuals.

"(b) USE OF FUNDS.—Grants awarded under this section shall be used—

"(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

"(2) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

"(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

"(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

"(5) to provide training and technical assistance on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

"(A) the Americans with Disabilities Act of 1990; and

"(B) section 504 of the Rehabilitation Act of 1973;

"(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

"(7) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or

"(8) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

"(c) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

"(A) a State;

"(B) a unit of local government;

"(C) an Indian tribal government or tribal organization; or

"(D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

"(2) LIMITATION.—A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5).

"(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.".

SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

(a) TRAINING PROGRAMS.—Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) is amended to read as follows:

"SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN LATER IN LIFE.

"(a) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—

"(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking against victims who are 50 years of age or older;

"(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking, who are 50 years of age or older;

"(3) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older; and

"(4) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older.

"(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if the entity is—

"(1) a State;

"(2) a unit of local government;

"(3) an Indian tribal government or tribal organization; or

"(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking.

"(c) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that services are culturally and linguistically relevant and that the needs of underserved populations are being addressed.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 40803 of the Violence Against Women Act of

1994 (42 U.S.C. 14041b) is amended by striking "$5,000,000 for each of fiscal years 2001 through 2005" and inserting "$10,000,000 for each of the fiscal years 2007 through 2011".

SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in subsection (d)(2), by inserting "(including technology training)" after "train;"

(2) in subsection (f)(2)(A), by inserting ", including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline" after "hotline personnel"; and

(3) in subsection (g)(2), by striking "shall" and inserting "may".

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. FINDINGS.

Congress finds the following:

(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 experience the highest rate of non-fatal intimate partner violence.

(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

(6) Only one State specifically allows for minors to petition the court for protection orders.

(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim's residence.

(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.

SEC. 302. RAPE PREVENTION AND EDUCATION.

Section 393B(c) of part J of title III of the Public Health Service Act (42 U.S.C. 280b–1c(c)) is amended to read as follows:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2007 through 2011.

"(2) NATIONAL SEXUAL VIOLENCE RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not less than $1,500,000 shall be available for allotment under subsection (b).".

SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 (Public Law 103–322, Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

"SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.

"(a) GRANTS AUTHORIZED.—The Attorney General, in consultation with the Department of Health and Human Services, shall award grants to eligible entities to conduct programs to serve youth victims of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

"(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

"(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;

"(2) a community-based organization specializing in intervention or violence prevention services for youth;

"(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

"(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

"(2) TYPES OF PROGRAMS.—Such a program—

"(A) shall provide direct counseling and advocacy for youth and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

"(B) shall include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations;

"(C) may include mental health services for youth and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

"(D) may include legal advocacy efforts on behalf of youth and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

"(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

"(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

"(d) AWARDS BASIS.—

"(1) GRANTS TO INDIAN TRIBES.—Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

"(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

"(3) TECHNICAL ASSISTANCE.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

"(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2007 through 2011.

"SEC. 41202. ACCESS TO JUSTICE FOR YOUTH.

"(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

"(b) GRANT AUTHORITY.—

"(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to carry out the purposes of this section.

"(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 2 fiscal years.

"(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that—

"(A) shall include a victim service provider that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people;

"(B) shall include a court or law enforcement agency partner; and

"(C) may include—

"(i) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders;

"(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and underserved communities;

"(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

"(iv) faith-based entities that deal with the concerns and problems faced by youth;

"(v) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of youth;

"(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens;

"(vii) Indian Health Service, tribal child protective services, the Bureau of Indian Affairs, or the Federal Bureau of Investigations; or

"(viii) law enforcement agencies of the Bureau of Indian Affairs providing tribal law enforcement.

"(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts—

"(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

"(2) to establish and enhance linkages and collaboration between—

"(A) domestic violence and sexual assault service providers; and

"(B) where applicable, law enforcement agencies, courts, Federal agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of abuse, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions—

"(i) to respond effectively and comprehensively to the varying needs of young victims of abuse;

"(ii) to include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations; and

"(iii) to include where appropriate legal assistance, referral services, and parental support;

"(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

"(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against teens and young adults and meet the needs of young victims of violence; and

"(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

"(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

"(f) DISTRIBUTION.—In awarding grants under this section—

"(1) not less than 10 percent of funds appropriated under this section in any year shall be available to Indian tribal governments to establish and maintain collaborations involving the appropriate tribal justice and social services departments or domestic violence or sexual assault service providers, the purpose of which is to provide culturally appropriate services to American Indian women or youth;

"(2) the Director shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

"(3) the Attorney General of the United States shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

"(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

"(g) DISSEMINATION OF INFORMATION.—Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Congress, and make widely available, including through electronic means, summaries that contain information on—

"(1) the activities implemented by the recipients of the grants awarded under this section; and

"(2) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

"(A) the staffs of courts;

"(B) domestic violence, dating violence, sexual assault, and stalking victim service providers; and

"(C) law enforcement agencies and community organizations.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 in each of fiscal years 2007 through 2011.

"SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

"(a) PURPOSE.—The purpose of this section is to support efforts by child welfare agencies, domestic violence or dating violence victim services providers, courts, law enforcement, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

"(b) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the 'Secretary'), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—

"(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

"(2) set aside not more than 7 percent for grants to Indian tribes to develop programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

"(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

"(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Secretary shall consider the needs of underserved populations.

"(e) GRANT AWARDS.—The Secretary shall award grants under this section for periods of not more than 2 fiscal years.

"(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

"(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

"(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

"(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

"(B) domestic violence or dating violence in child protection cases; and

"(C) the needs of both the child and non-abusing parent;

"(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers;

"(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

"(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

"(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of certain populations in the court and child welfare system; and

"(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult and youth victims and their children, legal assistance and advocacy for adult and youth victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to underserved populations, and other necessary supportive services.

"(h) GRANTEE REQUIREMENTS.—

"(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

"(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

"(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

"(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

"(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

"(A) shall include a State or local child welfare agency or Indian Tribe;

"(B) shall include a domestic violence or dating violence victim service provider;

"(C) shall include a law enforcement agency or Bureau of Indian Affairs providing tribal law enforcement;

"(D) may include a court; and

"(E) may include any other such agencies or private nonprofit organizations and faith-based organizations, including community-based organizations, with the capacity to provide effective help to the child and adult victims served by the collaboration.

"SEC. 41204. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

"(a) SHORT TITLE.—This section may be cited as the 'Supporting Teens through Education and Protection Act of 2005' or the 'STEP Act'.

"(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

"(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

"(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

"(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

"(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

"(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

"(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

"(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

"(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

"(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian, except that consent for release may not be given by the abuser of the minor or of the other parent of the minor) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

"(f) GRANT TERM AND ALLOCATION.—

"(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

"(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b),(5), and (b)(6).

"(g) DISTRIBUTION.—

"(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent Native American.

"(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

"(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

"(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

"(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

"(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

"(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

"(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

"(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

"(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

"(k) REPORTING AND DISSEMINATION OF INFORMATION.—

"(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

"(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

"(l) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2007 through 2011.

"(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.".

SEC. 304. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault, and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any non-profit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years 2007 through 2011 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(3) REPORT TO CONGRESS.—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $12,000,000 for fiscal year 2007 and $15,000,000 for each of fiscal years 2008 through 2011.

(f) REPEAL.—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is repealed.

SEC. 305. JUVENILE JUSTICE.

Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (7)(B)—

(A) by redesignating clauses (i), (ii) and (iii), as clauses (ii), (iii), and (iv), respectively; and

(B) by inserting before clause (ii) the following:

"(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services;".

SEC. 306. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 10402. SAFE HAVENS FOR CHILDREN.";

(2) in subsection (a)—

(A) by inserting ", through the Director of the Office on Violence Against Women," after "Attorney General";

(B) by inserting "dating violence," after "domestic violence,";

(C) by striking "to provide" and inserting the following:

"(1) to provide";

(D) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

"(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

"(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges."; and

(3) by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.

"(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

"(A) set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations;

"(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

"(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.".

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle M—Strengthening America's Families by Preventing Violence Against Women and Children

"SEC. 41301. FINDINGS.

"Congress finds that—

"(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;

"(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;

"(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;

"(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

"(5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;

"(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;

"(7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and

"(8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

"SEC. 41302. PURPOSE.

"The purpose of this subtitle is to—

"(1) prevent crimes involving violence against women, children, and youth;

"(2) increase the resources and services available to prevent violence against women, children, and youth;

"(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

"(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

"(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

"(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

"SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

"(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of underserved populations;

"(B) awarding not less than 10 percent of such amounts to Indian tribes for the funding of tribal projects from the amounts made available under this section for a fiscal year;

"(C) awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

"(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2011.

"(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

"(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or

"(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

"(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a—

"(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

"(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

"(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

"(B) ensure linguistically, culturally, and community relevant services for underserved communities.

"SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

"(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall—

"(A) consider the needs of underserved populations;

"(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

"(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2007 through 2011.

"(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

"(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

"(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

"(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

"(B) ensure linguistically, culturally, and community relevant services for underserved communities;

"(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

"(i) safely screen for and/or recognize domestic violence, dating violence, sexual assault, and stalking;

"(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and *"(iii) link new parents with existing community resources in communities where resources exist; and*

"(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

"SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

"(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of underserved populations;

"(B) awarding not less than 10 percent of such amounts for the funding of Indian tribes from the amounts made available under this section for a fiscal year; and

"(C) awarding up to 8 percent for the funding of technical assistance for grantees and nongrantees working in this area from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2011.

"(c) USE OF FUNDS.—

"(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities—

"(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

"(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

"(ii) that include at a minimum—

"(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

"(II) strategies to help participants be as safe as possible; or

"(B) to create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

"(2) MEDIA LIMITS.—No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

"(d) ELIGIBLE ENTITIES.—

"(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

"(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

"(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

"(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

"(D) a program that provides culturally specific services.

"(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

"(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

"(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

"(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) eligible entities pursuant to subsection (c)(1)(A) shall describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

"(B) ensure linguistically, culturally, and community relevant services for underserved communities;

"(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

"(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.".

SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PURPOSES.—The Secretary of Health and Human Services acting through the National Center for Injury Prevention and Control at the Centers for Disease Control Prevention shall make grants to entities, including domestic and sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

(b) USE OF FUNDS.—The research conducted under this section shall include evaluation and study of best practices for reducing and preventing violence against women and children addressed by the strategies included in Department of Health and Human Services-related provisions this title, including strategies addressing underserved communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 2007 through 2011.

SEC. 403. PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women], shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The health-related costs of intimate partner violence in the United States exceed $5,800,000,000 annually.

(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.

(3) In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse and sexually transmitted infections, including HIV/AIDS.

(4) Health plans spend an average of $1,775 more a year on abused women than on general enrollees.

(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.

(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(7) Children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-term when health care providers screen for, identify, and provide followup care and information to address the violence.

(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.

(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.

(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare providers to ask them privately about intimate partner violence.

SEC. 502. PURPOSE.

It is the purpose of this title to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women properly screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting.

SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFESSIONALS IN DOMESTIC AND SEXUAL VIOLENCE.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

"SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION ON DOMESTIC VIOLENCE AND OTHER TYPES OF VIOLENCE AND ABUSE.

"(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

"(1) be an accredited school of allopathic or osteopathic medicine;

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;

"(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and

"(C) a plan for consulting with community-based coalitions or individuals who have experience and expertise in issues related to domestic violence, sexual assault, dating violence, and stalking for services provided under the program carried out under the grant.

"(c) USE OF FUNDS.—

"(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

"(A) fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have experienced domestic violence, sexual assault, and stalking or dating violence; and

"(B) plan and develop culturally competent clinical components for integration into approved residency training programs that address health issues related to domestic violence, sexual assault, dating violence, and stalking, along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.

"(2) PERMISSIVE USES.—Amounts provided under a grant under this section may be used to—

"(A) offer community-based training opportunities in rural areas for medical, nursing, and other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or

"(B) provide stipends to students who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other offsite training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.

"(3) REQUIREMENTS.—

"(A) CONFIDENTIALITY AND SAFETY.—Grantees under this section shall ensure that all educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coalitions or other expertise available in the community shall be consulted on the development and adequacy of confidentially and security procedures, and shall be fairly compensated by grantees for their services.

"(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

"(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

"(d) REQUIREMENTS OF GRANTEES.—

"(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

"(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 25 percent of the total cost of such activities.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $3,000,000 for each of fiscal years 2007 through 2011. Amounts appropriated under this subsection shall remain available until expended.".

SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING GRANTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) AUTHORITY TO AWARD GRANTS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible State, tribal, territorial, or local entities to strengthen the response of State, tribal, territorial, or local health care systems to domestic violence, dating violence, sexual assault, and stalking.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(A) be—

"(i) a State department (or other division) of health, a State domestic or sexual assault coalition or service-based program, State law enforcement task force, or any other nonprofit, nongovernmental, tribal, territorial, or State entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking, and health care; or

"(ii) a local, nonprofit domestic violence, dating violence, sexual assault, or stalking service-based program, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other nonprofit, tribal, or local entity with a history of effective work in the field of domestic or sexual violence and health;

"(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

"(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

"(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to design and implement comprehensive strategies to improve the response of the health care system involved to domestic or sexual violence in clinical and public health settings, hospitals, clinics, managed care settings (including behavioral and mental health), and other health settings.

"(2) MANDATORY STRATEGIES.—Strategies implemented under paragraph (1) shall include the following:

"(A) The implementation, dissemination, and evaluation of policies and procedures to guide health care professionals and behavioral and public health staff in responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety and prohibits insurance discrimination.

"(B) The development of on-site access to services to address the safety, medical, mental health, and economic needs of patients either by increasing the capacity of existing health care professionals and behavioral and public health staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.

"(C) The evaluation of practice and the institutionalization of identification, intervention, and documentation including quality improvement measurements.

"(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.

"(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:

"(A) Where appropriate, the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse as well as childhood exposure to domestic violence.

"(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.

"(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education materials to patients and health care professionals and behavioral and public health staff.

"(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and

stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.

"(E) The integration of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards.

"(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to award grants under this section, $5,000,000 for each of fiscal years 2007 through 2011.".

SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTHCARE SETTING.

Subtitle B of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as amended by the Violence Against Women Act of 2000 (114 Stat. 1491 et seq.), and as amended by this Act, is further amended by adding at the end the following:

"CHAPTER 11—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

"SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTH CARE SETTING.

"(a) PURPOSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

"(b) USE OF FUNDS.—Research conducted with amounts received under a grant or contract under this section shall include the following:

"(1) With respect to the authority of the Centers for Disease Control and Prevention—

"(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating, or sexual violence, on health behaviors, health conditions, and the health status of individuals, families, and populations;

"(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

"(C) measure the comparative effectiveness and outcomes of efforts under this Act to reduce violence and increase women's safety.

"(2) With respect to the authority of the Agency for Healthcare Research and Quality—

"(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic violence, dating violence, and childhood exposure to domestic and dating violence, sexual violence and stalking and childhood exposure; and

"(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

"(c) USE OF DATA.—Research funded under this section shall be utilized by eligible entities under section 399O of the Public Health Service Act.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2007 through 2011.".

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

"Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

"SEC. 41401. FINDINGS.

"Congress finds that:

"(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

"(2) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

"(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

"(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

"(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

"(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

"(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

"(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

"(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

"(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

"(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

"(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

"SEC. 41402. PURPOSE.

"The purpose of this subtitle is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

"(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, tribally designated housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;

"(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

"(3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

"(4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

"SEC. 41403. DEFINITIONS.

"For purposes of this subtitle—

"(1) the term 'assisted housing' means housing assisted—

"(A) under sections 213, 220, 221(d)(3), 221(d)(4), 223(e), 231, or 236 of the National Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z-1);

"(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

"(C) under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

"(D) under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013);

"(E) under title II of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12701 et seq.);

"(F) under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

"(G) under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

"(H) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(2) the term 'continuum of care' means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

"(3) the term 'low-income housing assistance voucher' means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(4) the term 'public housing' means housing described in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

"(5) the term 'public housing agency' means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

"(6) the terms 'homeless', 'homeless individual', and 'homeless person'—

"(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

"(B) includes—

"(i) an individual who—

"(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

"(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

"(III) is living in an emergency or transitional shelter;

"(IV) is abandoned in a hospital; or

"(V) is awaiting foster care placement;

"(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

"(iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

"(7) the term 'homeless service provider' means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness;

"(8) the term 'tribally designated housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

"(9) the term 'tribally designated housing entity' means a housing entity described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(21));

"SEC. 41404. COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administration of Children and Families, in partnership with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term sustainability and self-sufficiency options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

"(2) AMOUNT.—The Secretary of Health and Human Services shall award funds in amounts—

"(A) not less than $25,000 per year; and

"(B) not more than $1,000,000 per year.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

"(1) shall include a domestic violence victim service provider;

"(2) shall include—

"(A) a homeless service provider;

"(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

"(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

"(3) may include a dating violence, sexual assault, or stalking victim service provider;

"(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

"(5) may include a public housing agency or tribally designated housing entity;

"(6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

"(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

"(8) may include a State, tribal, territorial, or local government or government agency; and

"(9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

"(c) APPLICATION.—Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to design or replicate and implement new activities, services, and programs to increase the stability and self-sufficiency of, and create partnerships to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless.

"(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1) shall develop sustainable long-term living solutions in the community by—

"(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

"(B) assisting with the placement of individuals and families in long-term housing; and

"(C) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

"(3) may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

"(4) may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

"(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

"(e) LIMITATION.—Funds provided under paragraph (a) shall not be used for construction, modernization or renovation.

"(f) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

"(1) give priority to linguistically and culturally specific services;

"(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

"(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

"(g) DEFINITIONS.—For purposes of this section:

"(1) AFFORDABLE HOUSING.—The term 'affordable housing' means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

"(2) LONG-TERM HOUSING.—The term 'long-term housing' means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

"(A) rented or owned by the individual;

"(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

"(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

"(h) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

"(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

"(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

"SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

"(a) PURPOSE.—It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

"(1) education and training of eligible entities;

"(2) development and implementation of appropriate housing policies and practices;

"(3) enhancement of collaboration with victim service providers and tenant organizations; and

"(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice ('Director'), and in consultation with the Secretary of Housing and Urban Development ('Secretary'), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families ('ACYF'), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

"(2) AMOUNTS.—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

"(3) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis.

"(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsection (f).

"(c) ELIGIBLE GRANTEES.—

"(1) IN GENERAL.—Eligible grantees are—

"(A) public housing agencies;

"(B) principally managed public housing resident management corporations, as determined by the Secretary;

"(C) public housing projects owned by public housing agencies;

"(D) tribally designated housing entities; and

"(E) private, for-profit, and nonprofit owners or managers of assisted housing.

"(2) SUBMISSION REQUIRED FOR ALL GRANTEES.—To receive assistance under this section, an eligible grantee shall certify that—

"(A) its policies and practices do not prohibit or limit a resident's right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

"(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

"(C) it does not discriminate against any person—

"(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

"(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

"(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

"(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

"(d) APPLICATION.—Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

"(e) CERTIFICATION.—

"(1) IN GENERAL.—A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

"(2) CONTENTS.—An individual may satisfy the certification requirement of paragraph (1) by—

"(A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

"(B) producing a Federal, State, tribal, territorial, or local police or court record.

"(3) LIMITATION.—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing agency, assisted housing provider, tribally designated housing entity, owner, or manager may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(4) CONFIDENTIALITY.—

"(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by such agency, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing; or

"(ii) otherwise required by applicable law.

"(B) NOTIFICATION.—Public housing agencies must provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

"(f) USE OF FUNDS.—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

"(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

"(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

"(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

"(4) assisting victims who need to leave a public housing, tribally designated housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

"(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

"(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

"(7) developing and implementing more effective security policies, protocols, and services;

"(8) allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;

"(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

"(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

"(h) TECHNICAL ASSISTANCE.—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.".

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

(a) IN GENERAL.—Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13975) is amended—

(1) in subsection (a)—

(A) by inserting "the Department of Housing and Urban Development, and the Department of Health and Human Services," after "Department of Justice,";

(B) by inserting ", including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking" after "other organizations"; and

(C) in paragraph (1), by inserting ", dating violence, sexual assault, or stalking" after "domestic violence";

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) in paragraph (3), as redesignated, by inserting ", dating violence, sexual assault, or stalking" after "violence";

(C) by inserting before paragraph (2), as redesignated, the following:

"(1) transitional housing, including funding for the operating expenses of newly developed or existing transitional housing."; and

(D) in paragraph (3)(B) as redesignated, by inserting "Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them." after "assistance.";

(3) in paragraph (1) of subsection (c), by striking "18 months" and inserting "24 months";

(4) in subsection (d)(2)—

(A) by striking "and" at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and";

(5) in subsection (e)(2)—

(A) in subparagraph (A), by inserting "purpose and" before "amount";

(B) in clause (ii) of subparagraph (C), by striking "and";

(C) in subparagraph (D), by striking the period and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources."; and

(6) in subsection (g)—

(A) in paragraph (1), by striking "$30,000,000" and inserting "$40,000,000";

(B) in paragraph (1), by striking "2004" and inserting "2007";

(C) in paragraph (1), by striking "2008" and inserting "2011";

(D) in paragraph (2), by striking "not more than 3 percent" and inserting "up to 5 percent";

(E) in paragraph (2), by inserting "evaluation, monitoring, technical assistance," before "salaries"; and

(F) in paragraph (3), by adding at the end the following new subparagraphs:

"(C) UNDERSERVED POPULATIONS.—

"(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.

"(ii) Priority shall be given to projects developed under subsection (b) that primarily serve underserved populations.".

SEC. 603. PUBLIC HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.

Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "paragraph (2)" and inserting "paragraph (3)";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) STATEMENT OF GOALS.—The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.";

(2) in subsection (d), by redesignating paragraphs (13), (14), (15), (16), (17), and (18), as paragraphs (14), (15), (16), (17), (18), and (19), respectively; and

(3) by inserting after paragraph (12) the following:

"(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—A description of—

"(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

"(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and

"(C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.".

SEC. 604. HOUSING STRATEGIES.

Section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(1)) is amended by inserting after "immunodeficiency syndrome," the following: "victims of domestic violence, dating violence, sexual assault, and stalking".

SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—

(1) by adding at the end of subsection (a) the following:

"(8) CONFIDENTIALITY.—

"(A) VICTIM SERVICE PROVIDERS.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of a Homeless Management Information System personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of a Homeless Management Information System non-personally identifying data that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this paragraph for victims of domestic violence, dating violence, sexual assault, or stalking.

"(B) **DEFINITIONS**

"(i) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

"(I) a first and last name;

"(II) a home or other physical address;

"(III) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

"(IV) a social security number; and

"(V) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.

"(ii) VICTIM SERVICE PROVIDER.—The term 'victim service provider' or 'victim service providers' means a nonprofit, nongovernmental organization including rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.".

SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING ASSISTANCE VOUCHER PROGRAM.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

"(9)(A) That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

"(B) An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

"(C)(i) Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

"(ii) Notwithstanding clause (i), an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

"(iii) Nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.

"(iv) Nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.

"(v) Nothing in clause (i) may be construed to limit the authority of an owner, manager, or public housing agency to evict or terminate from assistance any tenant or lawful occupant if the owner, manager or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

"(vi) Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.";

(2) in subsection (d)—

(A) in paragraph (1)(A), by inserting after "public housing agency" the following: "and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission";

(B) in paragraph (1)(B)(ii), by inserting after "other good cause" the following: ", and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence"; and

(C) in paragraph (1)(B)(iii), by inserting after "termination of tenancy" the following: ", except that (I) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights or program assistance, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (II) notwithstanding subclause (I), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager under this section may bifurcate a lease, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (III) nothing in subclause (I) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or *possession of property among the household members in cases where a family breaks up; (IV) nothing in subclause (I) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (V) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate assistance, to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (VI) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.";*

(3) in subsection (f)—

(A) in paragraph (6), by striking "and";

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(8) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

"(9) the term 'dating violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994; and

"(10) the term 'stalking' means—

"(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and

"(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

"(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

"(i) that person;

"(ii) a member of the immediate family of that person; or

"(iii) the spouse or intimate partner of that person; and

"(11) the term 'immediate family member' means, with respect to a person—

"(A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

"(B) any other person living in the household of that person and related to that person by blood and marriage.";

(4) in subsection (o)—

(A) by inserting at the end of paragraph (6)(B) the following new sentence: "That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by or for denial of admission if the applicant otherwise qualifies for assistance for admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.";

(B) in paragraph (7)(C), by inserting after "other good cause" the following: ", and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence";

(C) in paragraph (7)(D), by inserting after "termination of tenancy" the following: "; except that (i) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (ii) notwithstanding clause (i), a public housing agency may terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, or an owner or manager may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (iii) nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (iv) nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner, manager, or public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (v) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency to terminate, assistance to any tenant if the owner, manager, or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (vi) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking."; and

(D) by adding at the end the following new paragraph:

"(20) PROHIBITED BASIS FOR TERMINATION OF ASSISTANCE.—

"(A) IN GENERAL.—A public housing agency may not terminate assistance to a participant in the voucher program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against that participant.

"(B) CONSTRUAL OF LEASE PROVISIONS.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.

"(C) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant's family who is a victim of the domestic violence, dating violence, or stalking.

"(D) EXCEPTIONS.—

"(i) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE FOR CRIMINAL ACTS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others.

"(ii) COMPLIANCE WITH COURT ORDERS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution possession of property among the household members in cases where a family breaks up.

"(iii) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR LEASE VIOLATIONS.—Nothing in subparagraphs (A), (B), or (C) limit any otherwise available authority of the public housing agency to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate.

"(iv) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR IMMINENT THREAT.—Nothing in subparagraphs (A), (B), (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.

"(v) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.";

(5) in subsection (r)(5), by inserting after "violation of a lease" the following: ", except that a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit"; and

(6) by adding at the end the following new subsection:

"(ee) CERTIFICATION AND CONFIDENTIALITY.—

"(1) CERTIFICATION.—

"(A) IN GENERAL.—An owner, manager, or public housing agency responding to subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the owner, manager, or

public housing agency requests such certification.

"(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing, nothing in this subsection or in subsection (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for, any tenant or lawful occupant that commits violations of a lease. The owner, manager, public housing agency, or assisted housing provider may extend the 14-day deadline at their discretion.

"(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

"(i) providing the requesting owner, manager, or public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

"(ii) producing a Federal, State, tribal, territorial, or local police or court record.

"(D) LIMITATION.—Nothing in this subsection shall be construed to require an owner, manager, or public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits provided in this section. At their discretion, the owner, manager, or public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(E) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by an owner, manager, public housing agency, or assisted housing provider based on the certification specified in paragraph (1)(A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by paragraph (1)(C) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manger, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), or (r)(5).

"(F) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—All information provided to an owner, manager, or public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by an owner, manager, or public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing;

"(ii) required for use in an eviction proceeding under subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), or (o)(20),; or

"(iii) otherwise required by applicable law.

"(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under Section 8 of the United States Housing Act of 1937 of their rights under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5), including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this subsection and subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5).".

SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PROGRAM.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (c), by redesignating paragraph (3) and (4), as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) the following:

"(3) the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking";

(3) in subsection (l)(5), by inserting after "other good cause" the following: ", and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence";

(4) in subsection (l)(6), by inserting after "termination of tenancy" the following: "; except that (A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (B) notwithstanding subparagraph (A), a public housing agency under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (D) nothing in subparagraph (A) limits any otherwise available authority of a public housing agency to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (E) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated; and (F) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking."; and

(5) by inserting at the end of subsection (t) the following new subsection:

"(u) CERTIFICATION AND CONFIDENTIALITY.—

"(1) CERTIFICATION.—

"(A) IN GENERAL.—A public housing agency responding to subsection (l) (5) and (6) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the public housing agency requests such certification.

"(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the public housing agency has requested such certification in writing, nothing in this subsection, or in paragraph (5) or (6) of subsection (l), may be construed to limit the authority of the public housing agency to evict any tenant or lawful occupant that commits violations of a lease. The public housing agency may extend the 14-day deadline at its discretion.

"(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

"(i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

"(ii) producing a Federal, State, tribal, territorial, or local police or court record.

"(D) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

"(E) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

"(F) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by a public housing agency, or assisted housing provider based on the certification specified in subparagraphs (A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by subparagraph (D) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by a public housing agency or employee *thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsection (l)(5) and (6).*

"(2) CONFIDENTIALITY.—

"(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

"(i) requested or consented to by the individual in writing;

"(ii) required for use in an eviction proceeding under subsections (l)(5) or (6); or

"(iii) otherwise required by applicable law.

"(B) NOTIFICATION.—Public housing agencies must provide notice to tenants assisted under Section 6 of the United States Housing Act of 1937 of their rights under this subsection and subsections (l)(5) and (6), including their right to confidentiality and the limits thereof.

"(3) DEFINITIONS.—For purposes of this subsection, subsection (c)(3), and subsection (l)(5) and (6)—

"(A) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

"(B) the term 'dating violence' has the same meaning given the term in

"(C) the term 'stalking' means—

"(i)(I) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

"(II) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

"(ii) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—

"(I) that person;

"(II) a member of the immediate family of that person; or

"(III) the spouse or intimate partner of that person; and

"(D) the term 'immediate family member' means, with respect to a person—

"(i) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or

"(ii) any other person living in the household of that person and related to that person by blood and marriage.".

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Subtitle N of the Violence Against Women Act of 1994 (Public Law 103-322; 108 Stat. 1902) is amended by adding at the end the following:

"Subtitle O—National Resource Center

"SEC. 41501. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

"(a) AUTHORITY.—The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence. The resource center shall provide information and assistance to employers and labor organizations to aid in their efforts to develop and implement responses to such violence.

"(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

"(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence;

"(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments) and labor organizations described in subsection (a) concerning developing and implementing workplace responses to assist victims of domestic or sexual violence; and

"(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of underserved communities.

"(c) USE OF GRANT AMOUNT.—

"(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a), information and assistance concerning workplace responses to assist victims of domestic or sexual violence.

"(2) RESPONSES.—Responses referred to in paragraph (1) may include—

"(A) providing training to promote a better understanding of workplace assistance to victims of domestic or sexual violence;

"(B) providing conferences and other educational opportunities; and

"(C) developing protocols and model workplace policies.

"(d) LIABILITY.—The compliance or noncompliance of any employer or labor organization with any protocol or policy developed by an entity or organization under this section shall not serve as a basis for liability in tort, express or implied contract, or by any other means. No protocol or policy developed by an entity or organization under this section shall be referenced or enforced as a workplace safety standard by any Federal, State, or other governmental agency.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 through 2011.

"(f) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.".

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS

Subtitle A—Victims of Crime

SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking "Attorney General" and inserting "Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security and the Attorney General jointly;";

(B) in subclause (III)(aa)—

(i) by inserting "Federal, State, or local" before "investigation"; and

(ii) by striking ", or" and inserting "or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime; or"; and

(C) in subclause (IV), by striking "and" at the end;

(2) by amending clause (ii) to read as follows:

"(ii) if accompanying, or following to join, the alien described in clause (i)—

"(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

"(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and"; and

(3) by inserting after clause (ii) the following:

"(iii) if the Secretary of Homeland Security, in his or her discretion and with the consultation of the Attorney General, determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.".

(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(2) by amending clause (ii) to read as follows:

"(ii) if accompanying, or following to join, the alien described in clause (i)—

"(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

"(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and".

(c) TECHNICAL AMENDMENTS.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(1) in paragraph (1), by striking "Attorney General" and inserting "Secretary of Homeland Security, the Attorney General,"; and

(2) in paragraph (2), by striking "Attorney General" and inserting "Secretary of Homeland Security".

SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

"(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that the severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) was at least one central reason for the alien's unlawful presence in the United States.".

(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

SEC. 803. ADJUSTMENT OF STATUS.

(a) VICTIMS OF TRAFFICKING.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)—

(A) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security, or in the case of subparagraph (C)(i), the Attorney General,"; and

(B) in subparagraph (A), by inserting at the end "or has been physically present in the United States for a continuous period during the investigation or prosecution of acts of trafficking and that, in the opinion of the Attorney

General, the investigation or prosecution is complete, whichever period of time is less;'';

(2) in paragraph (2), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(3) in paragraph (5), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(b) Victims of Crimes Against Women.—Section 245(m) of the Immigration and Nationality Act (8 U.S.C. 12255(m)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General may adjust'' and inserting ''Secretary of Homeland Security may adjust''; and

(B) in subparagraph (B), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) in paragraph (3)—

(A) by striking ''Attorney General may adjust'' and inserting ''Secretary of Homeland Security may adjust''; and

(B) by striking ''Attorney General considers'' and inserting ''Secretary considers''; and

(3) in paragraph (4), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) Clarification of Department of Justice and Department of Homeland Security Roles.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended—

(1) in subsections (b)(1)(E), (e)(5), and (g), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) in subsection (c), by inserting '', the Secretary of Homeland Security'' after ''Attorney General''.

(b) Certification Process.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by inserting ''and the Secretary of Homeland Security'' after ''Attorney General''; and

(B) in subclause (II)(bb), by inserting ''and the Secretary of Homeland Security'' after ''Attorney General''.

(2) in clause (ii), by inserting ''Secretary of Homeland Security'' after ''Attorney General'';

(3) in clause (iii)—

(A) in subclause (II), by striking ''and'' at the end;

(B) in subclause (III), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(IV) responding to and cooperating with requests for evidence and information.''.

(c) Protection From Removal for Certain Crime Victims.—Section 107(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)) is amended by striking ''Attorney General'' each place it occurs and inserting ''Secretary of Homeland Security''.

(d) Annual Report.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting ''or the Secretary of Homeland Security'' after ''Attorney General''.

SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.

(a) Aging Out Children.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting ''or section 204(a)(1)(B)(iii)'' after ''204(a)(1)(A)'' each place it appears; and

(B) in subclause (III), by striking ''a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable,'' and inserting ''a VAWA self-petitioner''; and

(2) by adding at the end the following:

''(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii).''.

(b) Application of CSPA Protections.—

(1) Immediate relative rules.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

''(4) Application to self-petitions.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

(2) Children rules.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(4) Application to self-petitions.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

(c) Late Petition Permitted for Immigrant Sons and Daughters Battered as Children.—

(1) In general.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:

''(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subparagraph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age and the individual shows that the abuse was at least one central reason for the filing delay. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).''.

(d) Removing a 2-Year Custody and Residency Requirement for Battered Adopted Children.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

Subtitle B—VAWA Self-Petitioners

SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(51) The term 'VAWA self-petitioner' means an alien, or a child of the alien, who qualifies for relief under—

''(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

''(B) clause (ii) or (iii) of section 204(a)(1)(B);

''(C) section 216(c)(4)(C);

''(D) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

''(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

''(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

''(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).''.

SEC. 812. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.

Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:

''(d) Civil Penalty for Failure To Depart.—

''(1) In general.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—

''(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

''(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

''(2) Application of VAWA protections.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), if the extreme cruelty or battery was at least one central reason for the alien's overstaying the grant of voluntary departure.

''(3) Notice of penalties.—The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.''.

SEC. 813. REMOVAL PROCEEDINGS.

(a) Exceptional Circumstances.—

(1) In general.—Section 240(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(1)) is amended by striking ''serious illness of the alien'' and inserting ''battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien,''.

(2) Effective date.—The amendment made by paragraph (1) shall apply to a failure to appear that occurs before, on, or after the date of the enactment of this Act.

(b) Discretion to Consent to an Alien's Reapplication for Admission.—

(1) In general.—The Secretary of Homeland Security, the Attorney General, and the Secretary of State shall continue to have discretion to consent to an alien's reapplication for admission after a previous order of removal, deportation, or exclusion.

(2) Sense of congress.—It is the sense of Congress that the officials described in paragraph (1) should particularly consider exercising this authority in cases under the Violence Against Women Act of 1994, cases involving nonimmigrants described in subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and relief under section 240A(b)(2) or 244(a)(3) of such Act (as in effect on March 31, 1997) pursuant to regulations under section 212.2 of title 8, Code of Federal Regulations.

(c) Clarifying Application of Domestic Violence Waiver Authority in Cancellation of Removal.—

(1) In general.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)'';

(B) in paragraph (2)(A)(iv), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)''; and

(C) by adding at the end the following:

''(5) Application of domestic violence waiver authority.—The authority provided under section 237(a)(7) may apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.''.

SEC. 814. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS AND LIMITATION ON PETITIONING FOR ABUSERS.

(a) Application of VAWA Deportation Protections to Aliens Eligible for Relief Under Cuban Adjustment and Haitian Refugee Immigration Fairness Act.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106–386) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

"(i) if the basis of the motion is to apply for relief under—

"(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));

"(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));

"(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

"(IV) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty; or

"(V) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note); and"; and

(B) in clause (ii), by inserting "or adjustment of status" after "suspension of deportation"; and

(2) in subparagraph (B)(ii), by striking "for relief" and all that follows through "1101 note))" and inserting "for relief described in subparagraph (A)(i)".

(b) Employment Authorization for VAWA Self-Petitioners.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

"(K) Upon the approval of a petition as a VAWA self-petitioner, the alien—

"(i) is eligible for work authorization; and

"(ii) may be provided an 'employment authorized' endorsement or appropriate work permit incidental to such approval.".

(c) Employment Authorization for Battered Spouses of Certain Nonimmigrants.—Title I of the Immigration and Nationality Act is amended by adding at the end the following new section:

"SEC. 106. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

"(a) In General.—In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H) of such section, respectively, the Secretary of Homeland Security may authorize the alien spouse to engage in employment in the United States and provide the spouse with an 'employment authorized' endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject of extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).

"(b) Construction.—The grant of employment authorization pursuant to this section shall not confer upon the alien any other form of relief.".

(d) Clerical Amendment.—The table of contents of such Act is amended by inserting after the item relating to section 105 the following new item:

"Sec. 106. Employment authorization for battered spouses of certain nonimmigrants.".

(e) Limitation on Petitioning for Abuser.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following new subparagraph:

"(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individual's child) eligibility as a VAWA petitioner or for such nonimmigrant status.".

SEC. 815. APPLICATION FOR VAWA-RELATED RELIEF.

(a) In General.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting ", or was eligible for adjustment," after "whose status is adjusted"; and

(2) in subparagraph (E), by inserting ", or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005" after "April 1, 2000".

(b) Technical Amendment.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)".

(c) Effective Date.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 816. SELF-PETITIONING PARENTS.

Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

"(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—

"(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

"(II) is a person of good moral character;

"(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);

"(IV) resides, or has resided, with the citizen daughter or son; and

"(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.".

SEC. 817. VAWA CONFIDENTIALITY NONDISCLOSURE.

Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "(including any bureau or agency of such Department)" and inserting ", the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)"; and

(B) in paragraph (1)—

(i) in subparagraph (D), by striking "or" at the end; and

(ii) by inserting after subparagraph (E) the following:

"(F) in the case of an alien applying for status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator,";

(2) in subsection (b), by adding at the end the following new paragraphs:

"(6) Subsection (a) may not be construed to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).

"(7) Government entities adjudicating applications for relief under subsection (a)(2), and government personnel carrying out mandated duties under section 101(i)(1) of the Immigration and Nationality Act, may, with the prior written consent of the alien involved, communicate with nonprofit, nongovernmental victims' service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise working with immigrant victims. Agencies receiving referrals are bound by the provisions of this section. Nothing in this paragraph shall be construed as affecting the ability of an applicant to designate a safe organization through whom governmental agencies may communicate with the applicant.";

(3) in subsection (c), by inserting "or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act" after "in violation of this section"; and

(4) by adding at the end the following new subsection:

"(d) Guidance.—The Attorney General and the Secretary of Homeland Security shall provide guidance to officers and employees of the Department of Justice or the Department of Homeland Security who have access to information covered by this section regarding the provisions of this section, including the provisions to protect victims of domestic violence from harm that could result from the inappropriate disclosure of covered information.".

Subtitle C—Miscellaneous Amendments

SEC. 821. DURATION OF T AND U VISAS.

(a) T Visas.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

"(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

"(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity.".

(b) U Visas.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

"(6) Duration of Status.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be for a period of not more than 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity.''.

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—

(A) by striking ''The Attorney General'' and inserting ''(a) The Secretary of Homeland Security'';

(B) by inserting ''(subject to subsection (b))'' after ''except''; and

(C) by adding at the end the following:

''(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).''.

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking ''248(2)'' and inserting ''248(a)(2)''.

SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.

(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(1) in the first sentence, by striking ''(A)(i)(II)'' and inserting ''(A)(ii)''; and

(2) in the fourth sentence, by striking ''subsection (b)(2)(B) of this section'' and inserting ''this subparagraph, subparagraph (A)(ii),''.

(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking ''(A)(i)(III)'' and inserting ''(A)(iii)''.

(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ''(9)(A)'' and inserting ''(10)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).

SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—

(1) in the last sentence, by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''; and

(2) by adding at the end the following: ''An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women and Department of Justice Reauthorization Act of 2005) if there is demonstrated a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

(1) in clause (i), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification'';

(2) in clause (ii), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''; and

(3) in clause (iii), by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 825. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in subparagraph (A), by inserting '', except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)'' before the period at the end; and

(2) in subparagraph (C)—

(A) in the heading of clause (iv), by striking ''SPOUSES AND CHILDREN'' and inserting ''SPOUSES, CHILDREN, AND PARENTS'';

(B) in the matter before subclause (I) of clause (iv), by striking ''The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply'' and inserting ''Any limitation under this section on the deadlines for filing such motions shall not apply'';

(C) in clause (iv)(I), by striking ''or section 240A(b)'' and inserting '', section 240A(b), or section 244(a)(3) (as in effect on March 31, 1997)'';

(D) by striking ''and'' at the end of clause (iv)(II);

(E) by striking the period at the end of clause (iv)(III) and inserting ''; and''; and

(F) by adding at the end the following:

''(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.''.

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A)(i) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note))—

''(I) there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

''(aa) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

''(bb) if the motion is accompanied by a suspension of deportation application to be filed with the Secretary of Homeland Security or by a copy of the self-petition that will be filed with the Department of Homeland Security upon the granting of the motion to reopen; and

''(II) any such limitation shall not apply so as to prevent the filing of one motion to reopen described in section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(7)).

''(ii) PRIMA FACIE CASE.—The filing of a motion to reopen under this subparagraph shall only stay the removal of a qualified alien (as defined in section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) pending the final disposition of the motion, including exhaustion of all appeals if the motion establishes that the alien is a qualified alien.'';

(2) in subparagraph (B), in the matter preceding clause (i), by inserting ''who are physically present in the United States and'' after ''filed by aliens''; and

(3) in subparagraph (B)(i), by inserting ''or exclusion'' after ''deportation''.

(c) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

''(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—

''(1) IN GENERAL.—In cases where an enforcement action leading to a removal proceeding was taken against an alien at any of the locations specified in paragraph (2), the Notice to Appear shall include a statement that the provisions of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) have been complied with.

''(2) LOCATIONS.—The locations specified in this paragraph are as follows:

''(A) At a domestic violence shelter, a rape crisis center, supervised visitation center, family justice center, a victim services, or victim services provider, or a community-based organization.

''(B) At a courthouse (or in connection with that appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (V) of section 101(a)(15).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 30 days after the date of the enactment of this Act and shall apply to apprehensions occurring on or after such date.

SEC. 826. PROTECTING ABUSED JUVENILES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following new clause:

''(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.''.

SEC. 827. PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS FROM CERTAIN DISCLOSURES OF INFORMATION.

In developing regulations or guidance with regard to identification documents, including *driver's licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).*

SEC. 828. RULEMAKING.

Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Public Law 106–386), this Act, and the amendments made by this Act.

Subtitle D—International Marriage Broker Regulation

SEC. 831. SHORT TITLE.

This subtitle may be cited as the "International Marriage Broker Regulation Act of 2005".

SEC. 832. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) Information on Certain Convictions and Limitation on Petitions for K Nonimmigrant Petitioners.—

(1) 214(d) amendment.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(A) by striking "(d)" and inserting "(d)(1)";

(B) by inserting after the second sentence "Such information shall include information on any criminal convictions of the petitioner for any specified crime.";

(C) by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(D) by adding at the end the following:

"(2)(A) Subject to subparagraphs (B) and (C), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

"(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to two or more applying aliens; and

"(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

"(B) The Secretary of Homeland Security may, in the Secretary's discretion, waive the limitations in subparagraph (A) if justification exists for such a waiver. Except in extraordinary circumstances and subject to subparagraph (C), such a waiver shall not be granted if the petitioner has a record of violent criminal offenses against a person or persons.

"(C)(i) The Secretary of Homeland Security is not limited by the criminal court record and shall grant a waiver of the condition described in the second sentence of subparagraph (B) in the case of a petitioner described in clause (ii).

"(ii) A petitioner described in this clause is a petitioner who has been battered or subjected to extreme cruelty and who is or was not the primary perpetrator of violence in the relationship upon a determination that—

"(I) the petitioner was acting in self-defense;

"(II) the petitioner was found to have violated a protection order intended to protect the petitioner; or

"(III) the petitioner committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime and the petitioner's having been battered or subjected to extreme cruelty.

"(iii) In acting on applications under this subparagraph, the Secretary of Homeland Security shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary.

"(3) In this subsection:

"(A) The terms 'domestic violence', 'sexual assault', 'child abuse and neglect', 'dating violence', 'elder abuse', and 'stalking' have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

"(B) The term 'specified crime' means the following:

"(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

"(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

"(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.".

(2) 214(r) amendment.—Section 214(r) of such Act (8 U.S.C. 1184(r)) is amended—

(A) in paragraph (1), by inserting after the second sentence "Such information shall include information on any criminal convictions of the petitioner for any specified crime."; and

(B) by adding at the end the following:

"(4)(A) The Secretary of Homeland Security shall create a database for the purpose of tracking multiple visa petitions filed for fiancé(e)s and spouses under clauses (i) and (ii) of section 101(a)(15)(K). Upon approval of a second visa petition under section 101(a)(15)(K) for a fiancé(e) or spouse filed by the same United States citizen petitioner, the petitioner shall be notified by the Secretary that information concerning the petitioner has been entered into the multiple visa petition tracking database. All subsequent fiancé(e) or spouse nonimmigrant visa petitions filed by that petitioner under such section shall be entered in the database.

"(B)(i) Once a petitioner has had two fiancé(e) or spousal petitions approved under clause (i) or (ii) of section 101(a)(15)(K), if a subsequent petition is filed under such section less than 10 years after the date the first visa petition was filed under such section, the Secretary of Homeland Security shall notify both the petitioner and beneficiary of any such subsequent petition about the number of previously approved fiancé(e) or spousal petitions listed in the database.

"(ii) A copy of the information and resources pamphlet on domestic violence developed under section 833(a) of the International Marriage Broker Regulation Act of 2005 shall be mailed to the beneficiary along with the notification required in clause (i).

"(5) In this subsection:

"(A) The terms 'domestic violence', 'sexual assault', 'child abuse and neglect', 'dating violence', 'elder abuse', and 'stalking' have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

"(B) The term 'specified crime' means the following:

"(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

"(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

"(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.".

(3) Effective date.—The amendments made by this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(b) Limitation on Use of Certain Information.—The fact that an alien described in clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is aware of any information disclosed under the amendments made by this section or under section 833 shall not be used to deny the alien eligibility for relief under any other provision of law.

SEC. 833. DOMESTIC VIOLENCE INFORMATION AND RESOURCES FOR IMMIGRANTS AND REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) Information for K Nonimmigrants on Legal Rights and Resources for Immigrant Victims of Domestic Violence.—

(1) In general.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop an information pamphlet, as described in paragraph (2), on legal rights and resources for immigrant victims of domestic violence and distribute and make such pamphlet available as described in paragraph (5). In preparing such materials, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault, and other crimes.

(2) Information pamphlet.—The information pamphlet developed under paragraph (1) shall include information on the following:

(A) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(B) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(C) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(D) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters, including access to protection orders.

(E) The obligations of parents to provide child support for children.

(F) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(G) A warning concerning the potential use of K nonimmigrant visas by United States citizens who have a history of committing domestic violence, sexual assault, child abuse, or other crimes and an explanation that such acts may not have resulted in a criminal record for such a citizen.

(H) Notification of the requirement under subsection (d)(3)(A) that international marriage brokers provide foreign national clients with background information gathered on United States clients from searches of Federal and State sex offender public registries and collected from United States clients regarding their marital history and domestic violence or other violent criminal history, but that such information may not be complete or accurate because the United States client may not have a criminal record or may not have truthfully reported their marital or criminal record.

(3) Summaries.—The Secretary of Homeland Security, in consultation with the Attorney

General and the Secretary of State, shall develop summaries of the pamphlet developed under paragraph (1) that shall be used by Federal officials when reviewing the pamphlet in interviews under subsection (b).

(4) TRANSLATION.—

(A) IN GENERAL.—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet developed under paragraph (1) shall, subject to subparagraph (B), be translated by the Secretary of State into foreign languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

(B) REVISION.—Every 2 years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine at least 14 specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(5) AVAILABILITY AND DISTRIBUTION.—The information pamphlet developed under paragraph (1) shall be made available and distributed as follows:

(A) MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.—

(i) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant or in English if no translation into the applicant's primary language is available.

(ii) The Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under clause (i), a copy of the petition submitted by the petitioner for such applicant under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184).

(iii) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184). The Secretary of State, in turn, shall share any such criminal background information that is in government records or databases with the K nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this clause shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(B) CONSULAR ACCESS.—The pamphlet developed under paragraph (1) shall be made available to the public at all consular posts. The summaries described in paragraph (3) shall be made available to foreign service officers at all consular posts.

(C) POSTING ON FEDERAL WEBSITES.—The pamphlet developed under paragraph (1) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all consular posts processing applications for K nonimmigrant visas.

(D) INTERNATIONAL MARRIAGE BROKERS AND VICTIM ADVOCACY ORGANIZATIONS.—The pamphlet developed under paragraph (1) shall be made available to any international marriage broker, government agency, or nongovernmental advocacy organization.

(6) DEADLINE FOR PAMPHLET DEVELOPMENT AND DISTRIBUTION.—The pamphlet developed under paragraph (1) shall be distributed and made available (including in the languages specified under paragraph (4)) not later than 120 days after the date of the enactment of this Act.

(b) VISA AND ADJUSTMENT INTERVIEWS.—

(1) FIANCÉ(E)S, SPOUSES AND THEIR DERIVATIVES.—During an interview with an applicant for a K nonimmigrant visa, a consular officers shall—

(A) provide information, in the primary language of the visa applicant, on protection orders or criminal convictions collected under subsection (a)(5)(A)(iii);

(B) provide a copy of the pamphlet developed under subsection (a)(1) in English or another appropriate language and provide an oral summary, in the primary language of the visa applicant, of that pamphlet; and

(C) ask the applicant, in the primary language of the applicant, whether an international marriage broker has facilitated the relationship between the applicant and the United States petitioner, and, if so, obtain the identity of the international marriage broker from the applicant and confirm that the international marriage broker provided to the applicant the information and materials required under subsection (d)(3)(A)(iii).

(2) FAMILY-BASED APPLICANTS.—The pamphlet developed under subsection (a)(1) shall be distributed directly to applicants for family-based immigration petitions at all consular and adjustment interviews for such visas. The Department of State or Department of Homeland Security officer conducting the interview shall review the summary of the pamphlet with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English or another appropriate language.

(c) CONFIDENTIALITY.—In fulfilling the requirements of this section, no official of the Department of State or the Department of Homeland Security shall disclose to a nonimmigrant visa applicant the name or contact information of any person who was granted a protection order or restraining order against the petitioner or who was a victim of a crime of violence perpetrated by the petitioner, but shall disclose the relationship of the person to the petitioner.

(d) REGULATION OF INTERNATIONAL MARRIAGE BROKERS.—

(1) PROHIBITION ON MARKETING CHILDREN.—An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

(2) REQUIREMENTS OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO MANDATORY COLLECTION OF BACKGROUND INFORMATION.—

(A) IN GENERAL.—

(i) SEARCH OF SEX OFFENDER PUBLIC REGISTRIES.—Each international marriage broker shall search the National Sex Offender Public Registry or State sex offender public registry, as required under paragraph (3)(A)(i).

(ii) COLLECTION OF BACKGROUND INFORMATION.—Each international marriage broker shall also collect the background information listed in subparagraph (B) about the United States client to whom the personal contact information of a foreign national client would be provided.

(B) BACKGROUND INFORMATION.—The international marriage broker shall collect a certification signed (in written, electronic, or other form) by the United States client accompanied by documentation or an attestation of the following background information about the United States client:

(i) Any temporary or permanent civil protection order or restraining order issued against the United States client.

(ii) Any Federal, State, or local arrest or conviction of the United States client for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or stalking.

(iii) Any Federal, State, or local arrest or conviction of the United States client for—

(I) solely, principally, or incidentally engaging in prostitution;

(II) a direct or indirect attempt to procure prostitutes or persons for the purpose of prostitution; or

(III) receiving, in whole or in part, of the proceeds of prostitution.

(iv) Any Federal, State, or local arrest or conviction of the United States client for offenses related to controlled substances or alcohol.

(v) Marital history of the United States client, including whether the client is currently married, whether the client has previously been married and how many times, how previous marriages of the client were terminated and the date of termination, and whether the client has previously sponsored an alien to whom the client was engaged or married.

(vi) The ages of any of the United States client's children who are under the age of 18.

(vii) All States and countries in which the United States client has resided since the client was 18 years of age.

(3) OBLIGATION OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO INFORMED CONSENT.—

(A) LIMITATION ON SHARING INFORMATION ABOUT FOREIGN NATIONAL CLIENTS.—An international marriage broker shall not provide any United States client or representative with the personal contact information of any foreign national client unless and until the international marriage broker has—

(i) performed a search of the National Sex Offender Public Registry, or of the relevant State sex offender public registry for any State not yet participating in the National Sex Offender Public Registry in which the United States client has resided during the previous 20 years, for information regarding the United States client;

(ii) collected background information about the United States client required under paragraph (2);

(iii) provided to the foreign national client—

(I) in the foreign national client's primary language, a copy of any records retrieved from the search required under paragraph (2)(A)(i) or documentation confirming that such search retrieved no records;

(II) in the foreign national client's primary language, a copy of the background information collected by the international marriage broker under paragraph (2)(B); and

(III) in the foreign national client's primary language (or in English or other appropriate language if there is no translation available into the client's primary language), the pamphlet developed under subsection (a)(1); and

(iv) received from the foreign national client a signed, written consent, in the foreign national client's primary language, to release the foreign national client's personal contact information to the specific United States client.

(B) CONFIDENTIALITY.—In fulfilling the requirements of this paragraph, an international marriage broker shall disclose the relationship of the United States client to individuals who

were issued a protection order or restraining order as described in clause (i) of paragraph (2)(B), or of any other victims of crimes as described in clauses (ii) through (iv) of such paragraph, but shall not disclose the name or location information of such individuals.

(C) PENALTY FOR MISUSE OF INFORMATION.—A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of the obligations imposed on it under paragraph (2) and this paragraph for any purpose other than the disclosures required under this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than 1 year, or both. These penalties are in addition to any other civil or criminal liability under Federal or State law which a person may be subject to for the misuse of that information, including to threaten, intimidate, or harass any individual. Nothing in this section shall prevent the disclosure of such information to law enforcement or pursuant to a court order.

(4) LIMITATION ON DISCLOSURE.—An international marriage broker shall not provide the personal contact information of any foreign national client to any person or entity other than a United States client. Such information shall not be disclosed to potential United States clients or individuals who are being recruited to be United States clients or representatives.

(5) PENALTIES.—

(A) FEDERAL CIVIL PENALTY.—

(i) VIOLATION.—An international marriage broker that violates (or attempts to violate) paragraph (1), (2), (3), or (4) is subject to a civil penalty of not less than $5,000 and not more than $25,000 for each such violation.

(ii) PROCEDURES FOR IMPOSITION OF PENALTY.—A penalty may be imposed under clause (i) by the Attorney General only after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5, United States Code (popularly known as the Administrative Procedure Act).

(B) FEDERAL CRIMINAL PENALTY.—In circumstances in or affecting interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

(C) ADDITIONAL REMEDIES.—The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law.

(6) NONPREEMPTION.—Nothing in this subsection shall preempt—

(A) any State law that provides additional protections for aliens who are utilizing the services of an international marriage broker; or

(B) any other or further right or remedy available under law to any party utilizing the services of an international marriage broker.

(7) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(B) ADDITIONAL TIME ALLOWED FOR INFORMATION PAMPHLET.—The requirement for the distribution of the pamphlet developed under subsection (a)(1) shall not apply until 30 days after the date of its development and initial distribution under subsection (a)(6).

(e) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term "crime of violence" has the meaning given such term in section 16 of title 18, United States Code.

(2) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given such term in section 3 of this Act.

(3) FOREIGN NATIONAL CLIENT.—The term "foreign national client" means a person who is not a United States citizen or national or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an international marriage broker. Such term includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker and any alien recruited by an international marriage broker or representative of such broker.

(4) INTERNATIONAL MARRIAGE BROKER(A) IN GENERAL.—The term "international marriage broker" means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals.

(B) EXCEPTIONS.—Such term does not include—

(i) a traditional matchmaking organization of a cultural or religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States; or

(ii) an entity that provides dating services if its principal business is not to provide international dating services between United States citizens or United States residents and foreign nationals and it charges comparable rates and offers comparable services to all individuals it serves regardless of the individual's gender or country of citizenship.

(5) K NONIMMIGRANT VISA.—The term "K nonimmigrant visa" means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

(6) PERSONAL CONTACT INFORMATION.—

(A) IN GENERAL.—The term "personal contact information" means information, or a forum to obtain such information, that would permit individuals to contact each other, including—

(i) the name or residential, postal, electronic mail, or instant message address of an individual;

(ii) the telephone, pager, cellphone, or fax number, or voice message mailbox of an individual; or

(iii) the provision of an opportunity for an in-person meeting.

(B) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

(7) REPRESENTATIVE.—The term "representative" means, with respect to an international marriage broker, the person or entity acting on behalf of such broker. Such a representative may be a recruiter, agent, independent contractor, or other international marriage broker or other person conveying information about or to a United States client or foreign national client, whether or not the person or entity receives remuneration.

(8) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(9) UNITED STATES.—The term "United States", when used in a geographic sense, includes all the States.

(10) UNITED STATES CLIENT.—The term "United States client" means a United States citizen or other individual who resides in the United States and who utilizes the services of an international marriage broker, if a payment is made or a debt is incurred to utilize such services.

(f) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study—

(A) on the impact of this section and section 832 on the K nonimmigrant visa process, including specifically—

(i) annual numerical changes in petitions for K nonimmigrant visas;

(ii) the annual number (and percentage) of such petitions that are denied under subsection (d)(2) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act;

(iii) the annual number of waiver applications submitted under such a subsection, the number (and percentage) of such applications granted or denied, and the reasons for such decisions;

(iv) the annual number (and percentage) of cases in which the criminal background information collected and provided to the applicant as required by subsection (a)(5)(A)(iii) contains one or more convictions;

(v) the annual number and percentage of cases described in clause (iv) that were granted or were denied waivers under section 214(d)(2) of the Immigration and Nationality Act, as amended by this Act;

(vi) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have previously filed other fiancé(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions;

(vii) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have concurrently filed other fiancé(e) or spousal K nonimmigrant visa petitioners or family-based immigration petitions; and

(viii) the annual and cumulative number of petitioners and applicants tracked in the multiple filings database established under paragraph (4) of section 214(r) of the Immigration and Nationality Act, as added by this Act;

(B) regarding the number of international marriage brokers doing business in the United States, the number of marriages resulting from the services provided, and the extent of compliance with the applicable requirements of this section;

(C) that assesses the accuracy and completeness of information gathered under section 832 and this section from clients and petitioners by international marriage brokers, the Department of State, or the Department of Homeland Security;

(D) that examines, based on the information gathered, the extent to which persons with a history of violence are using either the K nonimmigrant visa process or the services of international marriage brokers, or both, and the extent to which such persons are providing accurate and complete information to the Department of State or the Department of Homeland Security and to international marriage brokers in accordance with subsections (a) and (d)(2)(B); and

(E) that assesses the accuracy and completeness of the criminal background check performed by the Secretary of Homeland Security at identifying past instances of domestic violence.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under paragraph (1).

(3) DATA COLLECTION.—The Secretary of Homeland Security and the Secretary of State

shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the study required by paragraph (1).

(g) REPEAL OF MAIL-ORDER BRIDE PROVISION.—Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1375) is hereby repealed.

SEC. 834. SHARING OF CERTAIN INFORMATION.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information regarding a United States petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)) for the limited purposes of fulfilling disclosure obligations imposed by the amendments made by section 832(a) or by section 833, including reporting obligations of the Comptroller General of the United States under section 833(f).

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. FINDINGS.

Congress finds that—

(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.

(a) IN GENERAL.—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary of the Department of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

(2) SCOPE.—

(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(i) domestic violence;

(ii) dating violence;

(iii) sexual assault;

(iv) stalking; and

(v) murder.

(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) TASK FORCE.—

(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

(i) national tribal domestic violence and sexual assault nonprofit organizations;

(ii) tribal governments; and

(iii) the national tribal organizations.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 and 2008, to remain available until expended.

(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2007 and 2009, to remain available until expended.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.".

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended.

SEC. 906. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

"SEC. 2007. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

"(a) GRANTS.—The Attorney General may make grants to Indian tribal governments and tribal organizations to—

"(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

"(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;

"(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

"(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking;

"(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, and stalking programs and to address the needs of children exposed to domestic violence;

"(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children; and

"(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and integrate into a community.

"(b) COLLABORATION.—All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

"(c) NONEXCLUSIVITY.—The Federal share of a grant made under this section may not exceed 90 percent of the total costs of the project described in the application submitted, except that the Attorney General may grant a waiver of this *match requirement on the basis of demonstrated financial hardship. Funds appropriated for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.".*

(b) AUTHORIZATION OF FUNDS FROM GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—Section 2007(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(b)(1)) is amended to read as follows:

"(1) Ten percent shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.".

(c) AUTHORIZATION OF FUNDS FROM GRANTS TO ENCOURAGE STATE POLICIES AND ENFORCEMENT OF PROTECTION ORDERS PROGRAM.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by striking subsection (e) and inserting the following:

"(e) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.".

(d) AUTHORIZATION OF FUNDS FROM RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE GRANTS.—Subsection 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)(3)) is amended by striking paragraph (3) and inserting the following:

"(3) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.".

(e) AUTHORIZATION OF FUNDS FROM THE SAFE HAVENS FOR CHILDREN PROGRAM.—Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420) is amended by striking subsection (f) and inserting the following:

"(f) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this subsection shall not apply to funds allocated for such program.".

(f) AUTHORIZATION OF FUNDS FROM THE TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT PROGRAM.—Section 40299(g) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(g)) is amended by adding at the end the following:

"(4) TRIBAL PROGRAM.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.".

(g) AUTHORIZATION OF FUNDS FROM THE LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS PROGRAM.—Section 1201(f) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended by adding at the end the following:

"(4) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.".

SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.), as amended by section 906, is amended by adding at the end the following:

"SEC. 2008. TRIBAL DEPUTY.

"(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

"(b) DUTIES.—

"(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

"(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

"(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract;

"(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

"(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

"(E) represent the Office on Violence Against Women in the annual consultations under section 903;

"(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

"(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

"(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

"(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

"(c) AUTHORITY.—

"(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

"(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

"(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

"(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

"(C) development of tribal educational awareness programs and materials;

"(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

"(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.".

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.

(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended to read: "(i) is a misdemeanor under Federal, State, or Tribal law; and".

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3) is amended—

(1) in subparagraph (A), by striking "or";

(2) in subparagraph (B), by striking the semicolon and inserting ", or"; and

(3) by adding at the end the following:

"(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;".

SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§117. Domestic assault by an habitual offender

"(a) IN GENERAL.—Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

"(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

"(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

"(b) DOMESTIC ASSAULT DEFINED.—In this section, the term 'domestic assault' means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.".

TITLE X—DNA FINGERPRINTING

SEC. 1001. SHORT TITLE.

This title may be cited as the "DNA Fingerprint Act of 2005".

SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAMPLES FROM NATIONAL DNA INDEX.

Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking "DNA profiles" and all that follows through ", and";

(2) in subsection (d)(1), by striking subparagraph (A), and inserting the following:

"(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index—

"(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination

Act of 2000 (42 U.S.C. 14135a, 14135b), respectively), if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned; or

"(ii) on the basis of an arrest under the authority of the United States, if the Attorney General receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.";

(3) in subsection (d)(2)(A)(ii), by striking "all charges for" and all that follows, and inserting the following: "the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period."; and

(4) by striking subsection (e).

SEC. 1003. EXPANDED USE OF CODIS GRANTS.

Section 2(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(1)) is amended by striking "taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3))" and inserting "collected under applicable legal authority".

SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.

(a) IN GENERAL.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "The Director" and inserting the following:

"(A) The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested or from non-United States persons who are detained under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

"(B) The Director"; and

(B) in paragraphs (3) and (4), by striking "Director of the Bureau of Prisons" each place it appears and inserting "Attorney General, the Director of the Bureau of Prisons,"; and

(2) in subsection (b), by striking "Director of the Bureau of Prisons" and inserting "Attorney General, the Director of the Bureau of Prisons,".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting "and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)" after "period of release".

SEC. 1005. TOLLING OF STATUTE OF LIMITATIONS FOR SEXUAL-ABUSE OFFENSES.

Section 3297 of title 18, United States Code, is amended by striking "except for a felony offense under chapter 109A,".

TITLE XI—DEPARTMENT OF JUSTICE REAUTHORIZATION

Subtitle A—AUTHORIZATION OF APPROPRIATIONS

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $216,286,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $679,661,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,761,237,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,716,173,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,270,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) $121,105,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Office of Community Oriented Policing Services.

SEC. 1102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $224,937,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $75,741,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $706,847,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,991,686,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,784,820,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $188,382,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $688,418,000, for expenses not otherwise provided for, for the investigation and

prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) Foreign Claims Settlement Commission.—For the Foreign Claims Settlement Commission: $1,321,000.

(15) Community Relations Service.—For the Community Relations Service: $10,149,000.

(16) Assets Forfeiture Fund.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) United States Parole Commission.—For the United States Parole Commission: $11,752,000.

(18) Federal Detention Trustee.—For the necessary expenses of the Federal Detention Trustee: $1,405,300,000.

(19) Justice Information Sharing Technology.—For necessary expenses for information sharing technology, including planning, development, and deployment: $188,750,000.

(20) Narrowband Communications.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(21) Administrative Expenses for Certain Activities.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $125,949,000 for the Office of Justice Programs.

(B) $15,600,000 for the Office on Violence Against Women.

(C) $32,597,000 for the Office of Community Oriented Policing Services.

SEC. 1103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) General Administration.—For General Administration: $174,578,000.

(2) Administrative Review and Appeals.—For Administrative Review and Appeals: $233,934,000 for administration of clemency petitions and for immigration-related activities.

(3) Office of Inspector General.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) General Legal Activities.—For General Legal Activities: $735,121,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) Antitrust Division.—For the Antitrust Division: $156,238,000.

(6) United States Attorneys.—For United States Attorneys: $1,758,840,000.

(7) Federal Bureau of Investigation.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) United States Marshals Service.—For the United States Marshals Service: $865,556,000.

(9) Federal Prison System.—For the Federal Prison System, including the National Institute of Corrections: $5,479,127,000.

(10) Drug Enforcement Administration.—For the Drug Enforcement Administration: $1,856,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) Bureau of Alcohol, Tobacco, Firearms and Explosives.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) Fees and Expenses of Witnesses.—For Fees and Expenses of Witnesses: $195,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) Interagency Crime and Drug Enforcement.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) Foreign Claims Settlement Commission.—For the Foreign Claims Settlement Commission: $1,374,000.

(15) Community Relations Service.—For the Community Relations Service: $10,555,000.

(16) Assets Forfeiture Fund.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) United States Parole Commission.—For the United States Parole Commission: $12,222,000.

(18) Federal Detention Trustee.—For the necessary expenses of the Federal Detention Trustee: $1,616,095,000.

(19) Justice Information Sharing Technology.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) Narrowband Communications.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $139,203,000.

(21) Administrative Expenses for Certain Activities.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $130,987,000 for the Office of Justice Programs.

(B) $16,224,000 for the Office on Violence Against Women.

(C) $33,901,000 for the Office of Community Oriented Policing Services.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) General Administration.—For General Administration: $181,561,000.

(2) Administrative Review and Appeals.—For Administrative Review and Appeals: $243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) Office of Inspector General.—For the Office of Inspector General: $81,922,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) General Legal Activities.—For General Legal Activities: $764,526,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) Antitrust Division.—For the Antitrust Division: $162,488,000.

(6) United States Attorneys.—For United States Attorneys: $1,829,194,000.

(7) Federal Bureau of Investigation.—For the Federal Bureau of Investigation: $6,480,608,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) United States Marshals Service.—For the United States Marshals Service: $900,178,000.

(9) Federal Prison System.—For the Federal Prison System, including the National Institute of Corrections: $5,698,292,000.

(10) Drug Enforcement Administration.—For the Drug Enforcement Administration: $1,930,462,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) Bureau of Alcohol, Tobacco, Firearms and Explosives.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $1,038,939,000.

(12) Fees and Expenses of Witnesses.—For Fees and Expenses of Witnesses: $203,755,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) Interagency Crime and Drug Enforcement.—For Interagency Crime and Drug Enforcement: $744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) Foreign Claims Settlement Commission.—For the Foreign Claims Settlement Commission: $1,429,000.

(15) Community Relations Service.—For the Community Relations Service: $10,977,000.

(16) Assets Forfeiture Fund.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) United States Parole Commission.—For the United States Parole Commission: $12,711,000.

(18) Federal Detention Trustee.—For the necessary expenses of the Federal Detention Trustee: $1,858,509,000.

(19) Justice Information Sharing Technology.—For necessary expenses for information sharing technology, including planning, development, and deployment: $204,152,000.

(20) Narrowband Communications.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $144,771,000.

(21) Administrative Expenses for Certain Activities.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $132,226,000 for the Office of Justice Programs.

(B) $16,837,000 for the Office on Violence Against Women.

(C) $35,257,000 for the Office of Community Oriented Policing Services.

SEC. 1105. ORGANIZED RETAIL THEFT.

(a) National Data.—(1) The Attorney General and the Federal Bureau of Investigation, in

consultation with the retail community, shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in the private sector to track and identify where organized retail theft type crimes are being committed in the United Sates. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) DEFINITION OF ORGANIZED RETAIL THEFT.—For purposes of this section, "organized retail theft" means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is know or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

SEC. 1106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) TASK FORCE.—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico and to provide expertise to the law enforcement and homeland security agencies along the border between the United States and Mexico. The Task Force shall include personnel from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Immigration and Customs Enforcement, the Drug Enforcement Administration, Customs and Border Protection, other Federal agencies (as appropriate), the Texas Department of Public Safety, and local law enforcement agencies.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to Federal, State, and local law enforcement agencies participating in the Task Force.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009, for—

(1) the establishment and operation of the United States-Mexico Border Violence Task Force; and

(2) the investigation, apprehension, and prosecution of individuals engaged in drug and firearms trafficking, violence, and kidnapping along the border between the United States and Mexico.

SEC. 1107. NATIONAL GANG INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

(1) the Federal Bureau of Investigation;

(2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(3) the Drug Enforcement Administration;

(4) the Bureau of Prisons;

(5) the United States Marshals Service;

(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(7) the Department of Housing and Urban Development;

(8) State and local law enforcement;

(9) Federal, State, and local prosecutors;

(10) Federal, State, and local probation and parole offices;

(11) Federal, State, and local prisons and jails; and

(12) any other entity as appropriate.

(b) INFORMATION.—The Center established under subsection (a) shall make available the information referred to in subsection (a) to—

(1) Federal, State, and local law enforcement agencies;

(2) Federal, State, and local corrections agencies and penal institutions;

(3) Federal, State, and local prosecutorial agencies; and

(4) any other entity as appropriate.

(c) ANNUAL REPORT.—The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and for each fiscal year thereafter.

Subtitle B—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

CHAPTER 1—ASSISTING LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES

SEC. 1111. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

"Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program";

(B) by amending section 500 to read as follows:

"SEC. 500. NAME OF PROGRAM.

"(a) IN GENERAL.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

"(b) REFERENCES TO FORMER PROGRAMS.—(1) Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).

"(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009."; and

(C) by inserting after section 500 the following new sections:

"SEC. 501. DESCRIPTION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

"(A) Law enforcement programs.

"(B) Prosecution and court programs.

"(C) Prevention and education programs.

"(D) Corrections and community corrections programs.

"(E) Drug treatment and enforcement programs.

"(F) Planning, evaluation, and technology improvement programs.

"(G) Crime victim and witness programs (other than compensation).

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

"(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

"(1) neighborhood or community-based organizations that are private and nonprofit;

"(2) units of local government; or

"(3) tribal governments.

"(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

"(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

"(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

"(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

"(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

"(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

"(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);

"(B) luxury items;

"(C) real estate;

"(D) construction projects (other than penal or correctional institutions); or

"(E) any similar matters.

"(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart *may be used for costs incurred to administer such grant.*

"(f) Period.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

"(g) Rule of Construction.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

"SEC. 502. APPLICATIONS.

"To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

"(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

"(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

"(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

"(A) the application (or amendment) was made public; and

"(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

"(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

"(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

"(A) the programs to be funded by the grant meet all the requirements of this subpart;

"(B) all the information contained in the application is correct;

"(C) there has been appropriate coordination with affected agencies; and

"(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

"SEC. 503. REVIEW OF APPLICATIONS.

"The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

"SEC. 504. RULES.

"The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

"SEC. 505. FORMULA.

"(a) Allocation Among States.—

"(1) In general.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

"(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

"(i) the total population of a State to—

"(ii) the total population of the United States; and

"(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

"(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

"(ii) the average annual number of such crimes reported by all States for such years.

"(2) Minimum allocation.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a 'minimum allocation State'), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

"(A) allocate 0.25 percent of the total amount to each State; and

"(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

"(b) Allocation Between States and Units of Local Government.—Of the amounts allocated under subsection (a)—

"(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

"(2) 40 percent shall be for grants to be allocated under subsection (d).

"(c) Allocation for State Governments.—

"(1) In general.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

"(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

"(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

"(2) Remaining amounts.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

"(d) Allocations to Local Governments.—

"(1) In general.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

"(2) Allocation.—

"(A) In general.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the 'local amount'), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

"(B) Transitional rule.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

"(3) Annexed units.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

"(4) Resolution of disparate allocations.—(A) Notwithstanding any other provision of this subpart, if—

"(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

"(ii) but for this paragraph, the amount of funds allocated under this section to—

"(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

"(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

"(B) In this paragraph, the term 'geographically constituent unit of local government' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

"(e) Limitation on Allocations to Units of Local Government.—

"(1) Maximum allocation.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

"(2, Allocations under $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

"(3) Non-reporting units.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of

the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

"(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

"(g) SPECIAL RULES FOR PUERTO RICO.—

"(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

"(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

"(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term 'unit of local government' means a district attorney or a parish sheriff.

"SEC. 506. RESERVED FUNDS.

"(a) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

"(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

"(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

"(b) Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General may reserve not more than 5 percent, to be granted to 1 or more States or units of local government, for 1 or more of the purposes specified in section 501, pursuant to his determination that the same is necessary—

"(1) to combat, address, or otherwise respond to precipitous or extraordinary increases in crime, or in a type or types of crime; or

"(2) to prevent, compensate for, or mitigate significant programmatic harm resulting from operation of the formula established under section 505.

"SEC. 507. INTEREST-BEARING TRUST FUNDS.

"(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

"(b) EXPENDITURES.—

"(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

"(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

"(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

"(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

"SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.".

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking "such as" and all that follows through "the M.O.R.E. program" and inserting "such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program".

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking "pursuant to section 511 or 515" and inserting "pursuant to section 515";

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking "the program evaluations as required by section 501(c) of this part" and inserting "program evaluations";

(ii) in subsection (a)(2), by striking "evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part" and inserting "evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part"; and

(iii) in subsection (b)(2), by striking "programs funded under section 506 (formula grants) and section 511 (discretionary grants)" and inserting "programs funded under section 505 (formula grants)";

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "section 506" and inserting "section 505"; and

(ii) in subsection (a)(1), by striking "an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503" and inserting "an assessment of the impact of such activities on meeting the purposes of subpart 1";

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking "the purposes of section 501 of this title" and inserting "the purposes of such subpart 1"; and

(ii) by striking "the application submitted pursuant to section 503 of this title." and inserting "the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).";

(E) in section 808 (42 U.S.C. 3789), by striking "the State office described in section 507 or 1408" and inserting "the State office responsible for the trust fund required by section 507, or the State office described in section 1408,";

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking "for the purposes of section 506(a)" and inserting "for the purposes of section 505(a)";

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking "section 506(a)" and inserting "section 505(a)";

(ii) in paragraph (2)—

(I) by striking "section 503(a)" and inserting "section 502"; and

(II) by striking "section 506" and inserting "section 505";

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking "The office designated under section 507 of title I" and inserting "The office responsible for the trust fund required by section 507";

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking "and reflects consideration of the statewide strategy under section 503(a)(1)"; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking "The Office designated under section 507" and inserting "The office responsible for the trust fund required by section 507".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 1112. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking "more than 5 recipients" and inserting "more than 5 individuals, or groups of individuals, as recipients".

SEC. 1113. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking "the Director of the Office of Justice Assistance" and inserting "the Assistant Attorney General for the Office of Justice Programs".

SEC. 1114. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting "regional" before "information sharing systems";

(2) by amending paragraph (3) to read as follows:

"(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, tribal, and local law enforcement agencies;"; and

(3) by striking "(5)" at the end of paragraph (4).

SEC. 1115. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: "The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.";

(2) by amending paragraph (19) of subsection (c) to read as follows:

"(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;"; and

(3) in subsection (d)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following:

"(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.".

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking "particular individual" and inserting "private person or public agency".

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking "Except as provided by Federal law other than this title, no" and inserting "No".

SEC. 1116. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2007" and inserting "2009".

CHAPTER 2—BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME

SEC. 1121. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

"SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

"(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

"(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

"SEC. 104. WEED AND SEED STRATEGIES.

"(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

"(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

"(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

"(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

"(B) community revitalization efforts, including enforcement of building codes and development of the economy.

"(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

"(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

"(A) in a voting capacity, representatives of—

"(i) appropriate law enforcement agencies; and

"(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

"(B) in a voting capacity, both—

"(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

"(ii) the United States Attorney for the District encompassing the community;

"(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

"(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

"(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

"(1) the United States Attorney for the District encompassing the community must certify to the Director that—

"(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

"(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

"(C) the steering committee is capable of implementing the strategy appropriately; and

"(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

"(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

"(1) a sustainable Weed and Seed strategy that includes—

"(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

"(B) a significant community-oriented policing component; and

"(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

"(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

"(e) GRANTS.—

"(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

"(2) USES.—For each grant under this subsection, the community receiving that grant may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

"(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

"(A) for a period of more than 10 fiscal years;

"(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

"(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

"(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

"(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

"(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

"(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

"(B) The requirement of subparagraph (A)—

"(i) may be satisfied in cash or in kind; and

"(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

"(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

"SEC. 105. INCLUSION OF INDIAN TRIBES.

"For purposes of sections 103 and 104, the term 'State' includes an Indian tribal government.".

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately

before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

CHAPTER 3—ASSISTING VICTIMS OF CRIME

SEC. 1131. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after "Director";

(B) in subparagraph (A), by striking "and" at the end;

(C) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "paragraph (1)(A)" and inserting "paragraphs (1)(A) and (1)(C)"; and

(ii) by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).".

SEC. 1132. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: ", which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

"(A) attaches conditions inconsistent with applicable laws or regulations; or

"(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.".

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking "expended" and inserting "obligated".

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking ", acting through the Director,";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.".

SEC. 1133. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after "may be used for" the following: "training purposes and".

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after "may be used for" the following: "training purposes and".

SEC. 1134. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(3)(A), by striking "police" and inserting "law enforcement"; and

(2) in subsection (d)—

(A) in the second sentence, by inserting after "each application" the following: "submitted by a State"; and

(B) in the third sentence, by striking "An application" and inserting "In addition, each application submitted by a State or tribal government".

(b) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg–3) is amended by striking "Not later than" and all that follows through "the Attorney General shall submit" and inserting the following: "Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit".

SEC. 1135. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking "The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides" and inserting "Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides".

(b) SAFE HAVENS FOR CHILDREN.—Subsection 1301(d)(l) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(l)) is amended in the matter preceding subparagraph (A) by striking "Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter," and inserting "Not later than 1 month after the end of each even-numbered fiscal year,".

(c) STOP VIOLENCE AGAINST WOMEN FORMULA GRANTS.—Subsection 2009(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–3), is amended by striking "Not later than" and all that follows through "the Attorney General shall submit" and inserting the following: "Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit".

(d) GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.—Subsection 826(d)(3) of the Higher Education Amendments Act of 1998 (20 U.S.C. 1152 (d)(3)) is amended by striking from "Not" through and including "under this section" and inserting "Not later than 1 month after the end of each even-numbered fiscal year".

(e) TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.—Subsection 40299(f) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(f)) is amended by striking "shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section." and inserting "shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than one month after the end of each even-numbered fiscal year.".

SEC. 1136. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) DEFINITIONS.—In this section:

(1) The term "juvenile" means an individual who is age 17 or younger.

(2) The term "young adult" means an individual who is age 21 or younger but not a juvenile.

(3) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.

CHAPTER 4—PREVENTING CRIME

SEC. 1141. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking "an offense that" and inserting "a felony-level offense that".

SEC. 1142. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b) and inserting the following:

"(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part, and to strengthen existing State drug court systems. In providing such technical assistance and training, the Community Capacity Development Office shall consider and respond to the unique needs of rural States, rural areas and rural communities."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(25)(A) of title I of the Omnibus Crime

Control and Safe Streets Act of 1968 (42 U.S.C. 3793(25)(A)) is amended by adding at the end the following:

"(v) $70,000,000 for each of fiscal years 2007 and 2008.".

SEC. 1143. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking "offenders with substance abuse problems" and inserting "offenders, and other individuals under the jurisdiction of the court, with substance abuse problems".

SEC. 1144. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

"(d) Definition.—In this section, the term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

"(1) directed at the substance abuse problems of the prisoners; and

"(2) intended to develop the prisoner's cognitive, behavioral, social, vocational and other skills so as to solve the prisoner's substance abuse and other problems; and

"(3) which may include the use of pharmacotherapies, where appropriate, that may extend beyond the treatment period.".

SEC. 1145. ENHANCED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR STATE PRISONERS.

(a) Enhanced Drug Screenings Requirement.—Subsection (b) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff—1(b)) is amended to read as follows:

"(b) Substance Abuse Testing Requirement.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

"(1) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

"(2) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State.".

(b) Aftercare Services Requirement.—Subsection (c) of such section is amended—

*(1) in the matter preceding paragraph (1), by striking "**ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT**" and inserting "**AFTERCARE SERVICES REQUIREMENT**"; and*

(2) by amending paragraph (1) to read as follows:

"(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with after care services."; and

(3) by adding at the end the following new paragraph:

"(4) After care services required by this subsection shall be funded through funds provided for this part.".

(c) Priority for Partnerships With Community-Based Drug Treatment Programs.—Section 1903 of such Act (42 U.S.C. 3796ff–2) is amended by adding at the end the following new subsection:

"(e) Priority for Partnerships With Community-Based Drug Treatment Programs.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.".

SEC. 1146. RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR FEDERAL FACILITIES.

Section 3621(e) of title 18, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) Authorization of appropriations.—There are authorized to carry out this subsection such sums as may be necessary for each of fiscal years 2007 through 2011."; and

(2) in paragraph (5)(A)—

(A) in clause (i) by striking "and" after the semicolon'

(B) in clause (ii) by inserting "and" after the semicolon; and

(C) by adding at the end the following:

"(iii) which may include the use of pharmacoptherapies, if appropriate, that may extend beyond the treatment period;".

CHAPTER 5—OTHER MATTERS

SEC. 1151. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) Certain Programs That Are Exempt From Paying States Interest on Late Disbursements Also Exempted From Paying Charge to Treasury for Untimely Disbursements.—Section 204(f) of Public Law 107–273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking "section 6503(d)" and inserting "sections 3335(b) or 6503(d)"; and

(2) by striking "section 6503" and inserting "sections 3335(b) or 6503".

(b) Southwest Border Prosecutor Initiative Included Among Such Exempted Programs.—Section 204(f) of such Act is further amended by striking "pursuant to section 501(a)" and inserting "pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)".

(c) ATFE Undercover Investigative Operations.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 1152. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) Coordinate and Support Office for Victims of Crime.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after "the Bureau of Justice Statistics," the following: "the Office for Victims of Crime,".

(b) Setting Grant Conditions and Priorities.—Such section is further amended in subsection (a)(6) by inserting ", including placing special conditions on all grants, and determining priority purposes for formula grants" before the period at the end.

SEC. 1153. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) Compliance Period.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) Time for Registration of Current Address.—Subsection (a)(1)(B) of such section 170101 is amended by striking "unless such requirement is terminated under" and inserting "for the time period specified in".

SEC. 1154. REPEAL OF CERTAIN PROGRAMS.

(a) Safe Streets Act Program.—The Criminal Justice Facility Construction Pilot program (part F; 42 U.S.C. 3769–3769d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(b) Violent Crime Control and Law Enforcement Act Programs.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) Local crime prevention block grant program.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) Assistance for delinquent and at-risk youth.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) Improved training and technical automation.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) Other state and local aid.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 1155. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Notice and hearing on denial or termination of grant.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking "(a)" before "Whenever,".

(2) Finality of determinations.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking ", after reasonable notice and opportunity for a hearing,"; and

(B) by striking ", except as otherwise provided herein".

(3) Repeal of appellate court review.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 1156. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) Indian tribe.—Subsection (a)(3)(C) of such section is amended by striking "(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))".

(2) Combination.—Subsection (a)(5) of such section is amended by striking "program or project" and inserting "program, plan, or project".

(3) Neighborhood or community-based organizations.—Subsection (a)(11) of such section is amended by striking "which" and inserting ", including faith-based, that".

(4) Indian tribe; private person.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking "and" at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(27) the term 'private person' means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).".

SEC. 1157. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after "The Attorney General" the following: "or the Secretary of Homeland Security, as applicable,"; and

(2) in subsection (b)(1)—

(A) by striking "the Immigration and Naturalization Service" and inserting "the Department of Homeland Security";

(B) by striking "shall not exceed the lesser of the amount" and inserting "shall be the amount billed, not to exceed the amount";

(C) by striking "items and services" and all that follows through "the Medicare program" and inserting "items and services under the Medicare program"; and

(D) by striking "; or" and all that follows through the period at the end and inserting a period.

SEC. 1158. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

"SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

"(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate program assessments of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

"(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

"(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

"(1) The program under part Q of this title.

"(2) Any grant program carried out by the Office of Justice Programs.

"(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

"(c) PROGRAM ASSESSMENTS REQUIRED.—

"(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out program assessments on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

"(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

"(3) TIMING OF PROGRAM ASSESSMENTS.—The program assessment required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

"(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

"(B) at the end of each year of the grant period, if the grant period is more than 1 year.

"(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a program assessment under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

"(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

"(f) AVAILABILITY OF FUNDS.—Not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the Office of Audit, Assessment and Management for the activities authorized by this section.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1159. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

"SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

"(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

"(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

"(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

"(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

"(2) Providing information, training, and technical assistance.

"(3) Providing support for inter- and intraagency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

"(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

"(5) Any other similar means.

"(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

"(d) BEST PRACTICES.—The Director shall—

"(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

"(2) incorporate those characteristics into the training provided under this section.

"(e) AVAILABILITY OF FUNDS.—not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the Community Capacity Development Office for the activities authorized by this section.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1160. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

"SEC. 107. DIVISION OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

"(a) ESTABLISHMENT.—There is established within the Office of Science and Technology, the Division of Applied Law Enforcement Technology, headed by an individual appointed by the Attorney General. The purpose of the Division shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

"(b) DUTIES.—In carrying out the purpose of the Division, the head of the Division shall—

"(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

"(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department, such as Uniform Crime Reports or the National Incident-Based Reporting System.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1161. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

"SEC. 108. AVAILABILITY OF FUNDS.

"(a) PERIOD FOR AWARDING GRANT FUNDS.—

"(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

"(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

"(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

"(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

"(c) DEFINITION.—In this section, the term 'DOJ grant funds' means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

"(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 1162. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2006, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 1163. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).";

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking "**ADDITIONAL GRANT PROJECTS**.—Grants made under subsection (a) may include programs, projects, and other activities to—" and inserting "**USES OF GRANT AMOUNTS**.—The purposes for which grants made under subsection (a) may be made are—";

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

"(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

"(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

"(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

"(4) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;"; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

"(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;";

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively; and

(5) in subsection (c) (as so redesignated) by striking "subsection (i)" and inserting "subsection (g)".

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking "section 1701(d)" and inserting "section 1701(b)".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking "expended—" and all that follows through "2000" and inserting "expended $1,047,119,000 for each of fiscal years 2006 through 2009"; and

(2) in subparagraph (B)—

(A) by striking "section 1701(f)" and inserting "section 1701(d)"; and

(B) by striking the third sentence.

SEC. 1164. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107–196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

"(7) 'member of a rescue squad or ambulance crew' means an officially recognized or designated public employee member of a rescue squad or ambulance crew;"; and

(3) in paragraph (4) by striking "and" and all that follows through the end and inserting a semicolon.

(4) in paragraph (6) by striking "enforcement of the laws" and inserting "enforcement of the criminal laws (including juvenile delinquency)."

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting "with respect" before "to any individual".

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

"(m) The Bureau may suspend or end collection action on an amount disbursed pursuant to a statute enacted retroactively or otherwise disbursed in error under subsection (a) or (c), where such collection would be impractical, or would cause undue hardship to a debtor who acted in good faith.".

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

"(4) if there is no surviving spouse or surviving child—

"(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

"(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or".

(e) CONFIDENTIALITY.—Section 1201(1)(a) of such Act (42 U.S.C. 3796(a)) is amended by adding at the end the following:

"(C) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or recently executed life insurance policy pursuant to paragraph (4) shall maintain the confidentiality of such designation or policy in the same manner as it maintains personnel or other similar records of the officer.".

SEC. 1165. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended—

(1) in paragraph (15) by striking "or" at the end;

(2) in paragraph (16) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.".

SEC. 1166. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended by striking "2002 through 2005" and inserting "2006 through 2009".

SEC. 1167. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.".

SEC. 1168. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting ", including the extent to which evidence-based approaches are utilized" after "part"; and

(2) in subsection (b)(1)(A)(ii) by inserting ", including the extent to which evidence-based approaches are utilized" after "part".

SEC. 1169. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) IN GENERAL.—Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking "2003" and inserting "2009".

(b) PROGRAM TO REMAIN UNDER COPS OFFICE.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after "The Attorney General" the following: ", acting through the Office of Community Oriented Policing Services,".

SEC. 1170. TECHNICAL AMENDMENTS TO AIMEE'S LAW.

Section 2001 of Div. C, Pub. L. 106–386 (42 U.S.C. 13713), is amended—

(1) in each of subsections (b), (c)(1), (c)(2), (c)(3), (e)(1), and (g) by striking the first uppercase letter after the heading and inserting a lower case letter of such letter and the following: "Pursuant to regulations promulgated by the Attorney General hereunder,"

(2) in subsection (c), paragraphs (1) and (2), respectively, by—

(A) striking "a State", the first place it appears, and inserting "a criminal-records-reporting State"; and

(B) striking "(3)," and all that follows through "subsequent offense" and inserting "(3), it may, under subsection (d), apply to the Attorney General for $10,000, for its related apprehension and prosecution costs, and $22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation";

(3) in subsection (c)(3), by—

(A) striking "if—" and inserting "unless—";

(B) striking—

(i) "average";

(ii) "individuals convicted of the offense for which,"; and

(iii) "convicted by the State is"; and

(C) inserting "not" before "less" each place it appears.

(4) in subsections (d) and (e), respectively, by striking "transferred";

(5) in subsection (e)(1), by—

(A) inserting "pursuant to section 506 of the Omnibus Crime Control and Safe Streets Act of 1968" before "that"; and

(B) striking the last sentence and inserting "No amount described under this section shall be subject to section 3335(b) or 6503(d) of title 31, United States Code".;

(6) in subsection (i)(1), by striking "State-" and inserting "State (where practicable)-"; and

(7) by striking subsection (i)(2) and inserting:

"(2) REPORT.—The Attorney General shall submit to Congress—

"(A) a report, by not later than 6 months after the date of enactment of this Act, that provides national estimates of the nature and extent of recidivism (with an emphasis on interstate recidivism) by State inmates convicted of murder, rape, and dangerous sexual offenses;

"(B) a report, by not later than October 1, 2007, and October 1 of each year thereafter, that provides statistical analysis and criminal history profiles of interstate recidivists identified in any State applications under this section; and

"(C) reports, at regular intervals not to exceed every five years, that include the information described in paragraph (1).".

Subtitle C—MISCELLANEOUS PROVISIONS

SEC. 1171. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking "or" at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking "to be used to be used" and inserting "to be used".

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking "sections" and inserting "section".

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking "title 18" and inserting "title 28".

SEC. 1172. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

"3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives".

(b) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922), is repealed.

(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 20301 of Public Law 103–322 is amended by striking subsection (c).

SEC. 1173. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless authorized in writing by the Attorney General, or the Assistant Attorney General for Administration, if so delegated by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominantly internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 1174. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include advising the Attorney General regarding—

(1) appropriate privacy protections, relating to the collection, storage, use, disclosure, and security of personally identifiable information, with respect to the Department's existing or proposed information technology and information systems;

(2) privacy implications of legislative and regulatory proposals affecting the Department and involving the collection, storage, use, disclosure, and security of personally identifiable information;

(3) implementation of policies and procedures, including appropriate training and auditing, to ensure the Department's compliance with privacy-related laws and policies, including section 552a of title 5, United States Code, and Section 208 of the E-Government Act of 2002 (Pub. L. 107–347);

(4) ensuring that adequate resources and staff are devoted to meeting the Department's privacy-related functions and obligations;

(5) appropriate notifications regarding the Department's privacy policies and privacy-related inquiry and complaint procedures; and

(6) privacy-related reports from the Department to Congress and the President.

(c) REVIEW OF PRIVACY RELATED FUNCTIONS, RESOURCES, AND REPORT.—Within 120 days of his designation, the privacy official shall prepare a comprehensive report to the Attorney General and to the Committees on the Judiciary of the House of Representatives and of the Senate, describing the organization and resources of the Department with respect to privacy and related information management functions, including access, security, and records management, assessing the Department's current and future needs relating to information privacy issues, and making appropriate recommendations regarding the Department's organizational structure and personnel.

(d) ANNUAL REPORT.—The privacy official shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on an annual basis on activities of the Department that affect privacy, including a summary of complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters.

SEC. 1175. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

SEC. 1176. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or *residents detained, as of the date of the report, on suspicion of terrorism. The report shall—*

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 1177. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting "or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General" after "in a Federal prison,":

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking "one year" and inserting "five years".

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking "six months" and inserting "two years" in each of subsections (a)(4) and (b).

SEC. 1178. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(d)(4) of title 18, United States Code, is amended by inserting "or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General" after "penal facility".

SEC. 1179. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: "In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.".

SEC. 1180. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108–358), is amended by—

(1) striking clause (xvii) and inserting the following:

"(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;"; and

(2) striking clause (xliv) and inserting the following:

"(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);".

SEC. 1181. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking "2 years" and inserting "3 years".

SEC. 1182. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3298. Trafficking-related offenses

"No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3298. Trafficking-related offenses".

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting ", or for ten years after the offense, whichever is longer" after "of the child".

SEC. 1183. USE OF CENTER FOR CRIMINAL JUSTICE TECHNOLOGY.

(a) IN GENERAL.—The Attorney General may use the services of the Center for Criminal Justice Technology, a nonprofit "center of excellence" that provides technology assistance and expertise to the criminal justice community.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $7,500,000 for fiscal year 2006;

(2) $7,500,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

SEC. 1184. SEARCH GRANTS.

(a) IN GENERAL.—Pursuant to subpart 1 of part E of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $4,000,000 for each of fiscal years 2006 through 2009.

SEC. 1185. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107–273 (42 U.S.C. 15208; 116 Stat. 1816) is amended in subsection (i) by striking "2006" and inserting "2009".

SEC. 1186. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

"(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include research-based bullying, cyberbullying, and gang prevention programs;".

SEC. 1187. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ORGANIZATIONAL PROVISION.—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

"Sec

"599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives

"599B. Personnel management demonstration project".

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

"§ 599A. Bureau of alcohol, tobacco, firearms, and Explosives";

and

(B) in subsection (b)(2), by inserting "of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)" after "subsection (c)",

and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

"§ 599B. Personnel Management demonstration project",

and such section (as so amended) shall constitute section 599B of such title.

(d) CLERICAL AMENDMENT.—The chapter analysis for such part is amended by adding at the end the following new item:

"40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives*2599A" ...*

SEC. 1188. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

"(1) $20,000,000 for fiscal year 2006;

"(2) $20,000,000 for fiscal year 2007;

"(3) $20,000,000 for fiscal year 2008;

"(4) $20,000,000 for fiscal year 2009; and

"(5) $20,000,000 for fiscal year 2010.".

SEC. 1189. NATIONAL TRAINING CENTER.

(a) IN GENERAL.—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $2,500,000 for fiscal year 2006.

(2) $3,000,000 for fiscal year 2007.

(3) $3,000,000 for fiscal year 2008.

(4) $3,000,000 for fiscal year 2009.

SEC. 1190. SENSE OF CONGRESS RELATING TO "GOOD TIME" RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a "good time" release program for non-violent criminals in the Federal prison system.

SEC. 1191. PUBLIC EMPLOYEE UNIFORMS.

(a) IN GENERAL.—Section 716 of title 18, United States Code, is amended—

(1) by striking "police badge" each place it appears in subsections (a) and (b) and inserting "official insignia or uniform";

(2) in each of paragraphs (2) and (4) of subsection (a), by striking "badge of the police" and inserting "official insignia or uniform";

(3) in subsection (b)—

(A) by striking "the badge" and inserting "the insignia or uniform";

(B) by inserting "is other than a counterfeit insignia or uniform and" before "is used or is intended to be used"; and

(C) by inserting "is not used to mislead or deceive, or" before "is used or intended";

(4) in subsection (c)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and";

(C) by adding at the end the following:

"(3) the term 'official insignia or uniform' means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee;

"(4) the term 'public employee' means any officer or employee of the Federal Government or of a State or local government; and

"(5) the term 'uniform' means distinctive clothing or other items of dress, whether real or counterfeit, worn during the performance of official duties and which identifies the wearer as a public agency employee."; and

(5) by adding at the end the following:

"(d) It is a defense to a prosecution under this section that the official insignia or uniform is not used or intended to be used to mislead or deceive, or is a counterfeit insignia or uniform and is used or is intended to be used exclusively—

"(1) for a dramatic presentation, such as a theatrical, film, or television production; or

"(2) for legitimate law enforcement purposes."; and

(6) in the heading for the section, by striking "**POLICE BADGES**" and inserting "**PUBLIC EMPLOYEE INSIGNIA AND UNIFORM**".

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item in the table of sections at the beginning of chapter 33 of title 18, United States Code, relating to section 716 is amended by striking "Police badges" and inserting "Public employee insignia and uniform".

(c) DIRECTION TO SENTENCING COMMISSION.—The United States Sentencing Commission is directed to make appropriate amendments to sentencing guidelines, policy statements, and official commentary to assure that the sentence imposed on a defendant who is convicted of a Federal offense while wearing or displaying insignia and uniform received in violation of section 716 of title 18, United States Code, reflects the gravity of this aggravating factor.

SEC. 1192. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following: "Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.".

SEC. 1193. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

SEC. 1194. ASSISTANCE TO COURTS.

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities for State and local courts to conduct their proceedings.

SEC. 1195. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC VIOLENCE SHELTERS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, the Secretary shall submit to Congress a report on the results of the study.

SEC. 1196. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking "appropriated" and all that follows through the period and inserting the following: "appropriated to carry out this subsection—

"(A) $750,000,000 for fiscal year 2006;

"(B) $850,000,000 for fiscal year 2007; and

"(C) $950,000,000 for each of the fiscal years 2008 through 2011.".

(b) LIMITATION ON USE OF FUNDS.—Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

"(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.".

(c) STUDY AND REPORT ON STATE AND LOCAL ASSISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL ALIENS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the United States Department of Justice shall perform a study, and report to the Committee on the Judiciary of the United States House of Representatives and the Committee on the Judiciary of the United States Senate on the following:

(A) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and are not fully cooperating in the Department of Homeland Security's efforts to remove from the United States undocumented criminal aliens (as defined in paragraph (3) of such section).

(B) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and that have in effect a policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(C) The number of criminal offenses that have been committed by aliens unlawfully present in the United States after having been apprehended by States or local law enforcement officials for a criminal offense and subsequently being released without being referred to the Department of Homeland Security for removal from the United States.

(D) The number of aliens described in subparagraph (C) who were released because the State or political subdivision lacked space or funds for detention of the alien.

(2) IDENTIFICATION.—In the report submitted under paragraph (1), the Inspector General of the United States Department of Justice—

(A) shall include a list identifying each State or political subdivision of a State that is determined to be described in subparagraph (A) or (B) of paragraph (1); and

(B) shall include a copy of any written policy determined to be described in subparagraph (B).

SEC. 1197. EXTENSION OF CHILD SAFETY PILOT PROGRAM.

Section 108 of the PROTECT Act (42 U.S.C. 5119a note) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by striking "A volunteer organization in a participating State may not submit background check requests under paragraph (3).";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "a 30-month" and inserting "a 60-month";

(ii) in subparagraph (A), by striking "100,000" and inserting "200,000"; and

(iii) by striking subparagraph (B) and inserting the following:

"(B) PARTICIPATING ORGANIZATIONS.—

"(i) ELIGIBLE ORGANIZATIONS.—Eligible organizations include—

"(I) the Boys and Girls Clubs of America;

"(II) the MENTOR/National Mentoring Partnership;

"(III) the National Council of Youth Sports; and

"(IV) any nonprofit organization that provides care, as that term is defined in section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c), for children.

"(ii) PILOT PROGRAM.—The eligibility of an organization described in clause (i)(IV) to participate in the pilot program established under this section shall be determined by the National Center for Missing and Exploited Children, with the rejection or concurrence within 30 days of the Attorney General, according to criteria established by such Center, including the potential number of applicants and suitability of the organization to the intent of this section. If the Attorney General fails to reject or concur within 30 days, the determination of the National Center for Missing and Exploited Children shall be conclusive.";

(iv) by striking subparagraph (C) and inserting the following:

"(C) APPLICANTS FROM PARTICIPATING ORGANIZATIONS.—Participating organizations may request background checks on applicants for positions as volunteers and employees who will be working with children or supervising volunteers.";

(v) in subparagraph (D), by striking "the organizations described in subparagraph (C)" and inserting "participating organizations"; and

(vi) in subparagraph (F), by striking "14 business days" and inserting "10 business days";

(2) in subsection (c)(1), by striking "and 2005" and inserting "through 2008"; and

(3) in subsection (d)(1), by adding at the end the following:

"(O) The extent of participation by eligible organizations in the state pilot program.".

SEC. 1198. TRANSPORTATION AND SUBSISTENCE FOR SPECIAL SESSIONS OF DISTRICT COURTS.

(a) TRANSPORTATION AND SUBSISTENCE.—Section 141(b) of title 28, United States Code, as added by section 2(b) of Public Law 109–63, is amended by adding at the end the following:

"(5) If a district court issues an order exercising its authority under paragraph (1), the court shall direct the United States marshal of the district where the court is meeting to furnish transportation and subsistence to the same extent as that provided in sections 4282 and 4285 of title 18.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (5) of section 141(b) of title 28, United States Code, as added by subsection (a) of this section.

SEC. 1199. YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT OF YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Attorney General shall make up to 5 grants for the purpose of carrying out Youth Violence Demonstration Projects to reduce juvenile and young adult violence, homicides, and recidivism among high-risk populations.

(2) ELIGIBLE ENTITIES.—An entity is eligible for a grant under paragraph (1) if it is a unit of local government or a combination of local governments established by agreement for purposes of undertaking a demonstration project.

(b) SELECTION OF GRANT RECIPIENTS.—

(1) AWARDS.—The Attorney General shall award grants for Youth Violence Reduction Demonstration Projects on a competitive basis.

(2) AMOUNT OF AWARDS.—No single grant award made under subsection (a) shall exceed $15,000,000 per fiscal year.

(3) APPLICATION.—An application for a grant under paragraph (1) shall be submitted to the Attorney General in such a form, and containing such information and assurances, as the Attorney General may require, and at a minimum shall propose—

(A) a program strategy targeting areas with the highest incidence of youth violence and homicides;

(B) outcome measures and specific objective indicia of performance to assess the effectiveness of the program; and

(C) a plan for evaluation by an independent third party.

(4) DISTRIBUTION.—In making grants under this section, the Attorney General shall ensure the following:

(A) No less than 1 recipient is a city with a population exceeding 1,000,000 and an increase of at least 30 percent in the aggregated juvenile and young adult homicide victimization rate during calendar year 2005 as compared to calendar year 2004.

(B) No less than one recipient is a nonmetropolitan county or group of counties with per capita arrest rates of juveniles and young adults for serious violent offenses that exceed the national average for nonmetropolitan counties by at least 5 percent.

(5) CRITERIA.—In making grants under this section, the Attorney General shall give preference to entities operating programs that meet the following criteria:

(A) A program focus on

(i) reducing youth violence and homicides, with an emphasis on juvenile and young adult probationers and other juveniles and young adults who have had or are likely to have contact with the juvenile justice system;

(ii) fostering positive relationships between program participants and supportive adults in the community; and

(iii) accessing comprehensive supports for program participants through coordinated community referral networks, including job opportunities, educational programs, counseling services, substance abuse programs, recreational opportunities, and other services;

(B) A program goal of almost daily contacts with and supervision of participating juveniles and young adults through small caseloads and a coordinated team approach among case managers drawn from the community, probation officers, and police officers;

(C) The use of existing structures, local government agencies, and nonprofit organizations to operate the program;

(D) Inclusion in program staff of individuals who live or have lived in the community in which the program operates; have personal experiences or cultural competency that build credibility in relationships with program participants; and will serve as a case manager, intermediary, and mentor;

(E) Fieldwork and neighborhood outreach in communities where the young violent offenders live, including support of the program from local public and private organizations and community members;

(F) Imposition of graduated probation sanctions to deter violent and criminal behavior.

(G) A record of program operation and effectiveness evaluation over a period of at least five years prior to the date of enactment of this Act;

(H) A program structure that can serve as a model for other communities in addressing the problem of youth violence and juvenile and young adult recidivism.

(c) AUTHORIZED ACTIVITIES.—Amounts paid to an eligible entity under a grant award may be used for the following activities:

(1) Designing and enhancing program activities;

(2) Employing and training personnel.

(3) Purchasing or leasing equipment.

(4) Providing services and training to program participants and their families.

(5) Supporting related law enforcement and probation activities, including personnel costs.

(6) Establishing and maintaining a system of program records.

(7) Acquiring, constructing, expanding, renovating, or operating facilities to support the program.

(8) Evaluating program effectiveness.

(9) Undertaking other activities determined by the Attorney General as consistent with the purposes and requirements of the demonstration program.

(d) EVALUATION AND REPORTS.—

(1) INDEPENDENT EVALUATION.—The Attorney General may use up to $500,000 of funds appropriated annually under this such section to—

(A) prepare and implement a design for interim and overall evaluations of performance and progress of the funded demonstration projects;

(B) provide training and technical assistance to grant recipients; and

(C) disseminate broadly the information generated and lessons learned from the operation of the demonstration projects.

(2) REPORTS TO CONGRESS.—Not later than 120 days after the last day of each fiscal year for which 1 or more demonstration grants are awarded, the Attorney General shall submit to Congress a report which shall include—

(A) a summary of the activities carried out with such grants;

(B) an assessment by the Attorney General of the program carried out; and

(C) such other information as the Attorney General considers appropriate.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of a grant awarded under this Act shall not exceed 90 percent of the total program costs.

(2) NON-FEDERAL SHARE.—The non-Federal share of such cost may be provided in cash or in-kind.

(f) DEFINITIONS.—In this section:

(1) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes.

(2) JUVENILE.—The term "juvenile" means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term "young adult" means an individual who is 18 through 24 years of age.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2009, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill H.R. 3402 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3402, the Department of Justice Appropriations Authorization Act for fiscal years 2006 through 2009.

As chairman of the Committee on the Judiciary, I am proud to support this comprehensive package negotiated between the House and Senate to reauthorize vital programs within the Department of Justice and to combat domestic and dating violence, sexual assault, and stalking.

I am grateful to the Committees on Financial Services, Energy and Customers, and Education and the Workforce, as well as all of the members of the Committee on the Judiciary, for working with us to make it possible to bring this legislation up today.

I would also like to thank the original bipartisan cosponsors of this bill, Judiciary Committee Ranking Member CONYERS, Representatives GREEN of Wisconsin, SOLIS, BROWN-WAITE, SCHIFF, COBLE, LOFGREN, and WEINER for all of their efforts.

Authorization is an important oversight tool that allows Congress and committees of jurisdiction to create, amend, extend, and set priorities for programs within executive agencies. Despite the law's requirement for regular congressional authorization for the Justice Department, until just recently DOJ has not been formerly authorized by Congress since 1980.

The Committee on the Judiciary took action to rectify the situation in the 107th Congress and reauthorized the programs within the Department of Justice. We tried again last Congress; however, the other body did not take up our bipartisan House-passed bill.

I am proud to be here today to provide Congress with legislation to again give direction to the Department of Justice and the important programs it administers.

DOJ's grant programs are an important tool in the fight against crime in America. Programs such as Byrne, COPS and STOP provide grants to State and local governments to focus on current crime issues affecting our communities.

Because there are limited resources, continuous congressional oversight of these programs ensures that the taxpayers' money is spent appropriately. This bill will ensure accountability from the Department with a number of provisions designed to ensure grant recipients are meeting the conditions established by Congress for the programs.

The bill includes an office of audit, assessment and management to monitor grants and a community capacity development office to assist grant applicants and grantees in meeting grant conditions.

In addition to the numerous oversight tools provided in the bill, there are a number of important reforms to grant programs and provisions designed to improve those programs and offices within the Department. The bill consolidates the Local Law Enforcement Block Grant Program and the Byrne grant program into one program with the same purposes, to eliminate duplication and improve the administration of the grants.

The bill preserves the COPS program, but addresses concerns expressed by many Members about the previous use of these grants. H.R. 3402 also allows grantees greater flexibility in the use of these funds.

The authorization also reauthorizes DOJ programs that will expire or have expired, such as the Juvenile Accountability Block Grant Program and the Sex Offender Management Program. It also includes some very important modifications to the criminal code such as extending the statute of limitations for human trafficking offenses and applying increased criminal penalties to prison guards who sexually abuse persons in their custody.

Titles I through IX of this bill focus on reauthorizing, expanding, and improving programs that were established in the Violence Against Women Act of 1994 and reauthorized in 2000. The bill reauthorizes some important core programs such as STOP grants and grants to reduce campus violence. These programs have been successful in combatting domestic violence and changing attitudes toward violence in the family in America.

The reauthorization of VAWA in 2005 will continue to change attitudes toward domestic violence and will expand its focus to change attitudes toward other violent crimes, including dating violence, sexual assault, and stalking. Because these are crimes that affect both genders, it is important to note that the text of the legislation specifies that programs addressing these problems can serve both female and male victims.

Additionally, this legislation specifies that the same rules apply to these funds that apply to other Federal grant programs. It is illegal to use grant funds devoted to these programs for political activities or lobbying. It is the intent of Congress that these funds be used to provided services to victims and trained personnel who deal with these violent crimes.

The Department of Justice is expected to enforce that provision for all its grants and monitor grant activities to ensure compliance, not only with this condition but all conditions of the grants.

The legislation will aid Congress in continuing to fulfill our obligation to the taxpayers to be good stewards of their money.

Mr. Speaker, I encourage my colleagues to support this bipartisan legislation.

Mr. Speaker, I would like to acknowledge the hard work of the following House, Senate, and Administration staff who spent long hours negotiating this bill:

Senate Staff: Mike O'Neill, Brett Tolman, Lisa Owings, Joe Jacquot, and Juria Jones—Senator SPECTER; Bruce Cohen, Tara Magner, and Jessica Berry—Senator LEAHY; Louisa Terrell—Senator BIDEN; Cindy Hayden—Senator SESSIONS; Janice Kaguyutan—Senator KENNEDY.

House Staff: Phil Kiko, Brian Benczkowski, Katy Crooks, George Fishman, and Cindy Blackston—Congressman SENSENBRENNER; Cassie Bevan—Congressman DELAY; Perry Apelbaum, Sampak Garg, and Stacey Dansky—Congressman CONYERS.

Department of Justice: William Moschella and Sarah Roland.

I would also like to express my thanks to the following groups for their efforts in facilitating the passage of this legislation: Break the Cycle, Girls Incorporated, Family Violence Prevention Fund, Legal Momentum, National Alliance to End Sexual Violence, National Center for Victims of Crime, National Coalition Against Domestic Violence, National Congress of American Indians, National Network to End Domestic Violence, National Resource Center to End Violence Against Native Women, and Sisters of Color Ending Sexual Assault.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I began on a note of congratulating the chairman of this committee who has been the first chairman to have began to get reauthorizations on the Department of Justice. I have been working on that for many years prior to him succeeding, but this is the first time that we have had them. This is the second time that we have had the authorization.

What makes this bill even more important to me is that we have a reauthorization of the Violence Against Women Act of 1994 in it as well. I congratulate a great number of our colleagues in the Senate, Senators BIDEN, LEAHY, SPECTER, for working on this on their side; and we have all come together with what I think is a very important measure.

Now, let me quickly get to three parts of this that are particularly important to me.

□ 1700

For many years, I have been urging that in this program of Violence Against Women Act, we create specifically tailored programs to address the needs of communities of color. It draws on several Violence Against Women Act programs and finally ensures that we help people who either never receive the services or receive very few of them, and inserting this language into the bill is a monumental victory for communities of color fighting violence against women across this country.

Secondly, the bill provides funding for various offices within the department. In particular, we build up the Office of Inspector General, putting in over $70 million a year. This office has been diligent in overseeing the department's war on terrorism, issuing reports on 9/11 detainees and pushing the department to change its procedures in many of the ways they handle terrorism matters.

The third point that I consider extremely important is that our colleague from California, Adam Schiff, on the Judiciary Committee, was able to get language in that requires the Attorney General to report to Congress on the number of persons detained on suspicion of terrorism. If Members do not think that is an important subject, then we need to hold a special briefing for anybody that wants more information on it. It has been a highly controversial issue in the Judiciary Committee, notwithstanding the fact that everybody from the Attorney General on down has been dancing around these subjects.

We also reauthorize the COPS office that the Clinton administration created, and the law enforcement people have been very proud of that fact.

So for all of those reasons and more, I urge the House to, as close to unanimity as we may be able to come on this, pass this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank Chairman SENSENBRENNER very much for his leadership on this bill.

I rise today very proud that the House is considering the conference report of the Violence Against Women Act reauthorization and so happy that it was recently agreed to by the Senate.

I would like to specifically thank a champion of this, and that is Chairman SENSENBRENNER, for his excellent leadership and hard work to make sure that this happened this year.

I know many of us, when we went back to our districts, heard from various women's groups, various volunteers in domestic violence shelters, and they were fearful that we were going to end without continuing the Violence Against Women Act. I am very proud that it is in there.

While domestic programs would have continued without this program today, had VAWA not reauthorized, the new ideas and some of the great programs in there and improvements would not have been instituted for quite some time into the future. As I said, my constituents involved in the fight against domestic violence are so happy that we were able to come to an agreement on this.

When Members go back to their districts during the weekends and the holidays, it is going to spread the word that Congress has kept its word to women and reauthorized the Violence Against Women Act. It is my hope that if Members of Congress continue down this path in raising awareness about the many types of violence faced by women, men, young and old, from all walks of life, that we will eventually rid our Nation of this appalling crime.

Vicious acts of violence can be combated effectively through education, support networks, increased law enforcement programs and family counseling.

It has been an honor working with all those involved in this very important legislation, and I certainly encourage my colleagues to support this very important piece of legislation.

I, again, commend the chairman for his countless hours, and the committee members and the people who served on the conference committee, the countless number of hours that they worked to come to this agreement.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, the worst thing a parent can endure is the loss of a child. And it is important for me, in the context of this bill, to share the story of Lane and Patti Judson, who lost their daughter, Crystal, to domestic violence and have turned their sadness into a will to help other families.

Crystal was murdered by her husband, who was chief of police in Tacoma, Washington, at the time. We all know what obstacles domestic violence victims face. But imagine the choices a victim faces when their abuser is in the very profession that is charged to protect her.

Congress today took steps to address these circumstances and, for the first time in the country's history, included a grant program in the reauthorization of the Violence Against Women Act to help law enforcement agencies develop procedures for dealing with domestic crimes committed by their own employees as well as train special advocates to assist victims like Crystal and her family. Women who have been victims of domestic violence should not have to stand alone, and after today, they will not have to.

I thank the Judiciary Committee chair and ranking member; my colleagues from Washington; advocacy groups; and, most importantly, Lane and Patti Judson for making this program a reality. Unfortunately, domestic violence continues to be in all of our communities today. And the Judsons' courage and conviction remind all of us that we have more work to do toward finding new solutions to protect families across our Nation. From a family tragedy, the Judsons have forged a strong measure to protect families across the Nation. We honor their diligence and the life of Crystal Judson Brame.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), the head of her State delegation and member of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am very pleased to be here today in support of this measure. Since its passage in 1994, VAWA has been a success, and this measure, as has been mentioned, does reauthorize the Violence Against Women Act.

Earlier in this Congress, I introduced a comprehensive bill to reauthorize the act. It had over 120 cosponsors, and I would like to publicly express my thanks to all of the cosponsors and especially the women who came forward with their ideas. It really was not my bill so much as it was a compilation of all the creativity of primarily the women of the House of Representatives to put together a bill that really went pretty far in providing assistance to victims of domestic violence. And I want to thank the chairman and ranking member of the Judiciary Committee for including most of that bill in this reauthorization. Along with the prevention programs and the housing grants for battered women, these measures will help ensure that victims have the means to escape the cycle of domestic violence and also to prevent that cycle from happening in the first place.

There are a couple of provisions in the comprehensive bill that are not included. Most importantly, protections for workers and immigrants. And I am hopeful that, working together later in this Congress, we might be able to also address those issues.

We know that domestic violence and sexual assault cause harm not only emotionally and physically but also financially and professionally. Victims of domestic violence lose 8 million paid workdays each year, the equivalent of 32,000 jobs, and almost 50 percent of sexual assault survivors lose their jobs.

So we need to provide emergency leave, emergency benefits, unemployment compensation and job protection to address this important issue, not just the physical harm but the financial burden that accompanies this violence.

I hope that we can address these shortcomings in the future. But, of course, I do not want to detract from celebrating the reauthorization of what we are doing today. It is something that we can be proud of. And I want to especially thank HILDA SOLIS, who is the cochair, I believe, of the Women's Caucus, who put so much time and effort into this along with so many other Members of the House.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEINER), a member of the Judiciary Committee.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

The Judiciary Committee, I think, has been a font of some of the legislation I find most troubling in the last session. But this is a moment that I want to join with my colleagues in commending the chairman for doing what, frankly, we should have down a long time ago. Before Mr. SENSENBRENNER took over the committee, it was customary for us to avoid the tough issues that went into reauthorization. But Mr. SENSENBRENNER has been fair and honorable in trying to work out some of these thorny issues, and I think we have shown that we can work together to come up with an initiative that not only managed to bring us together but did that almost impossible thing, which was force the other body to finally act on some of these things as well.

A couple of programs in particular that are worth noting: For the first time since 2000, we are reauthorizing the COPS program. More than 117,000 cops are on the beat in small towns and big cities throughout this country, sheriffs departments, major police departments. This bill not only reauthorizes but recognizes some of the criticisms of the first bill, makes the money more flexible, lets police departments use it for the things they need the most, recognizes the need to pay some of the payroll for terrorism cops in particular since September 11.

This finally closes the loophole in the availability of counterfeit police and uniform badges. After years of being warned of the loopholes that exist, for the first time under this legislation, it will be illegal to sell or to transfer a counterfeit badge for any reason except for use in a theatrical production or for legitimate law enforcement purposes.

Also in this legislation, we, again, for the third time, push the ball down the field on approving the use of DNA technology. We allow those who are acquitted to expunge their samples. DNA funding that is allocated can be used for laboratories, which it has not been in the past. Aliens in detention, samples can be collected from them. And perhaps the most important thing, the Federal statute of limitations has been lifted because DNA evidence very often sits on the shelves for years and years and years without being associated with an individual. That statute of limitations is going to be expiring.

I just want to say, again, I commend Mr. CONYERS and Mr. SENSENBRENNER for a bill that does a great deal. It waited until the last moment, but it was well worth the wait, and I thank the gentlemen.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), subcommittee ranking member.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if there is a positive element to being here on the very brink of the holiday season, on a Saturday, it is the passage of this legislation.

I thank the ranking member for his leadership. I thank Chairman SENSENBRENNER for asserting the jurisdiction over the Department of Justice of the Judiciary Committee again and passing this authorization bill with the leadership of our ranking member.

I want to dwell on two or three points. But obviously, I want to add my appreciation for the women of this House along with our ranking member and chairman and our co-chair, HILDA SOLIS, and our chair of the Women's Caucus for their leadership.

□ 1715

I want to particularly highlight the embracing of all women, including women of Indian descent, Native Americans. Violence against Native American women is very important in this legislation. Might I also say that I am very pleased that the COPS program has been reauthorized and the DNA lab and the DNA integrity process has been promoted by this legislation because of the funding.

But let me emphasize language that has been offered in this legislation, and I am very glad that we may ultimately get to this understanding, the sense of Congress that we should look at implementing a good time early release program.

Let me share with you the numbers of prisoners languishing in the Federal system who are nonviolent. The cost for those who are in the prison is $28,000, and the geriatric prisoners, 56 and over, who are nonviolent are costing us $80,000 per prisoner. We could obviously in the good time early release program language that is in this bill allow these people to be released, and they would be gainfully employed and utilize a process of what we call alternative sentencing.

Not only because they are incarcerated do we lose tax revenues, but we add entire families to the list of those receiving public assistance. Not only the families, but the children. Statistics show as many as 70 percent of those incarcerated had a parent incarcerated before them. What would have happened if we would have released these individuals who have had no violent history, they are nonviolent persons incarcerated, to their families? In 2002 we saw 2 million people in our jails; 650,000 are released from incarceration to communities nationwide. These are the real statistics.

Recently, the American Bar Association issued their findings after conducting extensive research and hearings surrounding today's sentencing guidelines. In Federal prison alone we have over 179,000 men and women incarcerated, of whom 85 percent are first-time, nonviolent offenders.

Lengthy periods of incarceration should be reserved for offenders who pose the greatest danger to the community and who commit the most serious offenses. We have the opportunity to study this issue and do it right. There are a number of legislative initiatives, such as Second Chance.

But the idea of providing an opportunity for prisoners who are nonviolent who have been on good time in the prison to be able to go out to their families, to take their families off public assistance and regain their dignity and invest in this United States by their work and taxes, I think, is a very positive step on behalf of this legislative initiative.

I hope my colleagues will join me, along with the Senate, on this long overdue idea that there are people languishing in our prisons. I hope we will support this legislation. It is a good, good piece of legislation which has done a lot for the American people.

I first would like to commend Chairman SENSENBRENNER for reasserting the Judiciary Committee's jurisdiction over the Department of Justice with this bill. In the past few years, the Department has become increasingly resistant to congressional oversight, either refusing to answer questions or answering them vaguely at best. Fortunately, we worked together to address our concerns with the Department and arrived at a bill I feel is a success.

An important piece of the bill is the reauthorization of the Violence Against Women Act (VAWA) of 1994. This is the third time we have worked on this bill, and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on work from previous years, the Act reauthorizes some of the current programs that have proven enormously effective, including the STOP program—which provides state formula grants that help fund collaboration efforts between police and prosecutors and victim services providers—and legal assistance for victims. In addition, VAWA reauthorizes the grant program for legal services for protection orders and related family, criminal, immigration, administrative agency, and housing matters. It allows victims of domestic violence, dating violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. This program has been expanded to provide services to both adult and youth victims. Previously authorized at $40,000,000 annually, funding is set at $65,000,000 annually for 2007 through 2011, to be administered by the Attorney General. This provision also includes an amendment to ensure that all legal services organizations can assist any victim of domestic violence, sexual assault and trafficking without regard to the victim's immigration status. The organizations can use any source of funding they receive to provide legal assistance that is directly related to overcoming the victimization, and preventing or obtaining relief for the crime perpetrated against them that is often critical to promoting victim safety.

Furthermore, VAWA's reauthorization creates a new and badly-needed protections for victim information collected by federal agencies and included in national databases by prohibiting grantees from disclosing such information. It creates grant programs and specialized funding for federal programs to develop "best practices" for ensuring victim confidentiality and safety when law enforcement information (such as protection order issuance) is included in federal and state databases. It also provides technical assistance to aid states and other entities in reviewing their laws to ensure that privacy protections and technology issues are covered, such as electronic stalking, and training for law enforcement on high tech electronic crimes against women. It authorizes $5,000,000 per year for 2007 through 2011 to be administered by the Department of Justice.

On the issue of cyberstalking, VAWA's reauthorization strengthens stalking prosecution tools, by amending the Communications Act of 1934 (47 U.S.C. 223(h)(1)) to expand the definition of a telecommunications device to include any device or software that uses the Internet and possible Internet technologies such as voice over internet services. This amendment will allow federal prosecutors more discretion in charging stalking cases that occur entirely over the internet.

Before turning my attention to the Department of Justice Reauthorization, let me note that VAWA reauthorization and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands purpose areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. New language expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes $55,000,000 annually for 2007 through 2011—it is currently authorized at $40 million a year.

I am also pleased to see that the bill includes language on an issue I feel very strongly about. Section 403 of the bill mandates the Attorney General to award grants to states for carrying out public awareness campaigns regarding domestic violence against pregnant women. Violence against pregnant women can include a range of behaviors such as hitting, pushing, kicking, sexually assaulting, using a weapon, and threatening violence. Violence sometimes includes verbal or psychological abuse, stalking, or enforced social isolation. Victims are often subjected to repeated physical or psychological abuse. This is a very serious issue and we must continue to make the world aware of what these women are going through.

In terms of the Department of Justice the bill provides funding for the various offices within the Department. In this regard, I would like to note that it gives the Office of the Inspector General over $70 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change its procedures for handling terrorism suspects.

The bill reauthorizes the COPS office. We all know that this Clinton Administration program has been increasingly vital in crime prevention and crime solving. That is why COPS has received the praise of the Fraternal Order of Police, the largest law enforcement organization in the country. Local policing also is the backbone in our war on terrorism, as community officers are more likely to know the witnesses and more likely to be trusted by community residents who have information about potential attacks. This bill provides over $1 billion per year for this program.

The bill also includes language offered by Representative ADAM SCHIFF to require the Attorney General to report to Congress on the number of persons detained on suspicion of terrorism. This is important because the Department has thwarted congressional and judicial efforts to obtain justification for terrorism detainees. The Department's Office of the Inspector General found that the Department and its components had abused terrorism suspects, pushing them into walls, leaving them in legal limbo, and depriving them of access to family or counsel. With these reports, elected representatives can better determine whether the Department is overstepping its bounds again.

In addition, I thank the Chairman and Ranking Member for their cooperation in incorporating the language of an amendment that I offered that expresses a commitment of Congress to continue exploring the benefits of granting "good time release" to non-violent federal incarcerated persons. This is an initiative that I have pursued for a long time and will continue until we make real progress. The language of my amendment to this effect was passed in the 108th Congress as part of H.R. 1829 and in the Subcommittee on Crime this Congress as H.R. 2965.

In essence, section 1190 expresses the sense of Congress that it is important to study the concept of implementing good time release policies in the federal prison system. When looking at this issue we must ask ourselves how we expect our economy to survive when we continue to incarcerate larger numbers of nonviolent, first-time offenders, who pose no public safety risk. Cost per prisoner to incarcerate in a federal prison is approximately $28,000 with geriatric prisoners (55 years and older) costing as much as $80,000 per year. Yet, the cost of community supervision or drug court supervision is in the area of $3,000 to $5,000 per year. Furthermore, these prisoners could otherwise be gainfully employed under an alternative sentence, we not only lose tax revenues and add entire families to the list of those receiving public assistance, but we shift the dollars being spent from local and small businesses to those large industries handling the federal contracts. In addition, we create an even larger group of children more at risk to incarceration themselves. In addition statistics show that as many as 70 percent of those incarcerated had a parent incarcerated before them. The overall negative economic impact is just as staggering as the destructive effect on families and communities.

Before closing, it is important that I make note that the ABA issued their findings after conducting extensive research and hearings surrounding today's sentencing guidelines. In federal prison alone we have over 179,000 men and women incarcerated of which 85 percent are first time, nonviolent offenders. The ABA recommended: "That states, territories and the federal government ensure that sentencing systems provide appropriate punishment without over-reliance on incarceration. Lengthy periods of incarceration should be reserved for offenders who pose the greatest danger to the community and who commit the most serious offenses. Alternatives to incarceration should be provided when offenders pose minimal risk to the community and appear likely to benefit from rehabilitation efforts."

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. SOLIS), who is the head of the Women's Caucus, and, as such, has worked hard for many years on this project.

Ms. SOLIS. Mr. Speaker, I thank our ranking member, and I thank Chairman SENSENBRENNER also for the opportunity to provide my strong support of H.R. 3402, which includes a Violence against Women Act reauthorization.

I want to also pay tribute to the Women's Caucus, the bipartisan Women's Caucus. We heard from GINNY BROWN-WAITE, who also spoke, and we worked very diligently on this issue, and also to the advocates throughout the country who worked laboriously for the last year on trying to seek amendments that could be provided and placed into this piece of legislation.

I am very happy as cochair of the Congressional Caucus For Women's Issues that we were able to work together. This is one fine accomplishment that we can go home to our districts with.

I am proud to have been able to author two provisions that were included in the final version of this very important act that will help women of color and women who are victims of domestic violence. One provision would provide an outreach campaign to attempt to service those underserved communities where we find a disproportionate number of women who are not in the forefront in terms of receiving this kind of information about prevention activities and domestic violence, and also with respect to court assistance. Because when women enter into the court, sometimes that court system is not very friendly, and it can be very intimidating. So I am very pleased we were able to get that provision also in the bill.

Women of color, as you know, are less likely to report incidents of domestic violence, and particularly immigrant women are even at a greater disadvantage when they are found to be in an abusive situation. Many times their spouses or loved ones will intimidate them with reporting them to the immigration to be deported. So we know that this legislation will go very far in providing protections for these women and their families.

By addressing domestic violence in communities of color in a way that understands their culture and language and values, we greatly increase the chances of making a difference, not only in the lives of women but of their children and also other family members.

Mr. Speaker, I thank again the ranking member, Mr. CONYERS, Chairman SENSENBRENNER, and their staffs for working with us on a bipartisan level to help to provide a comprehensive Violence Against Women Act reauthorization. I urge all my colleagues today to support H.R. 3402 and put an end to domestic violence against women in our country.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is an example of the fact that there is bipartisan and bicameral cooperation in this Capitol. I think that the news media would kind of like to ignore the fact that sometimes we do get something done around here and do get something done that is good and that everybody agrees is good.

So in wishing everybody a merry christmas, happy new year, or happy holiday season, as the case may be, I would like to wish the news media equal joy and hope that they report the fact that we did do something that was really very difficult to accomplish in reauthorizing the Violence against Women Act and passing only the second reauthorization of Justice Department programs since 1980.

Ms. PRYCE of Ohio. Mr. Speaker, the bill before us today reauthorizes a historic piece of legislation first enacted in 1994. The Violence Against Women Act has served as the major source of federal funding for programs to reduce rape, stalking, and domestic violence.

Since this legislation was enacted, we have seen dramatic increases in the resources available to victims of exploitation and abuse. Since 1995, states have passed more than 600 laws to combat domestic violence, sexual assault, and stalking, and all states have passed laws making stalking a crime. Since 1996, the National Domestic Violence Hotline has answered over 1 million calls. It receives over 16,000 calls a month and provides access to translators in almost 140 languages.

Hundreds of companies have joined the fight against abuse and created programs to help victims of violence. Despite this tremendous progress, however, there is much more work to be done to end domestic violence.

Today's reauthorization extends key provisions of the original Violence Against Women

Act and provides new tools to combat domestic violence, dating violence, sexual assault, and stalking. It also provides new tools to combat violence against children and youth.

Mr. Speaker, violence against women and children destroys the roots of society. Every one of us has a moral obligation to fight this evil and protect its victims. I urge my colleagues to stand up for the innocent and support the bill.

Mr. SMITH of Texas. Mr. Speaker, the Bureau of Justice Assistance has acquired considerable expertise in the administration of the Public Safety Officers' Benefits Act since its enactment in 1976, and courts have properly accorded the Bureau's interpretations of the Act great deference.

Among other things, H.R. 3402 clarifies statutory provisions relating to the requirements that "rescue squad or ambulance crew" members be public employees, and that "enforcement of the laws" refers to the criminal laws, by making the text conform more clearly to the legislative intention, which has been correctly reflected in the Bureau's longstanding interpretation of the Act.

These clarifying changes should not be understood to effect any substantive change in the Act, as interpreted by the Bureau.

Mr. CONYERS. Mr. Speaker, as ranking member of the Committee on the Judiciary of the House of Representatives and a co-author of the Violence Against Women Act of 2005, I take this opportunity to reemphasize the importance of certain parts of the legislative history of the provisions involving protections for battered immigrants. Additionally, I want to highlight and provide guidance on the reasoning behind and expectations about some of the provisions that are part of the final bill, the engrossed amendment agreed to by the Senate, which passed the Senate on December 16, 2005 and passed the House on December 17, 2005.

Since the section numbers changed between the version of VAWA 2005's Protection of Battered and Trafficked Immigrants provisions that passed the House September 28, 2005, and the version that we are considering today, I will provide a list at the end of my statement that cross references the section numbers in the final bill.

Section 801 enhances protection for immigrant victims of trafficking and certain immigrant crime victims by reuniting them with their children and family members living abroad. In the context of trafficking cases and other immigration functions I wanted to clarify for the record that VAWA 2005 contains language in Sections 801, 803, 804, 813 and 832 that are designed to amend sections of the Immigration and Nationality Act (INA) to reflect the current delegation of authority and reassignment of immigration functions from the Department of Justice (DOJ) to the Department of Homeland Security (DHS). When DOJ and DHS are cited as having shared authority under this Act, that shared authority should be limited to instances in which DHS is making an immigration determination in a case in which DOJ has an active federal investigation or prosecution. In cases where the investigation or prosecution is being conducted by a state or local prosecutor, or by another federal government agency, DOJ involvement may not be appropriate or required.

Section 802 creates an exception to unlawful presence for victims of severe forms of trafficking who demonstrate that their trafficking experience was at least one central reason for their unlawful presence in the United States. For the purposes of this section (and similarly for sections 801, 805 and 812 of this Act), I understand that the term "at least one central reason" is intended to mean that the unlawful presence was caused by, or related to, the trafficking experience and its concurrent process of victimization. Just as this section provides a waiver of unlawful presence inadmissibility for T visa victims, I would hope that DHS will exercise its discretion determining good moral character so that T visa recipients are not barred from attaining adjustment of status from a T visa.

Section 804 provides that aliens can qualify for T status if they respond to and cooperate with requests for evidence and information from law enforcement officials. I also want to emphasize that state and local law enforcement officials investigating or prosecuting trafficking-related crimes are permitted to file a request (and certification) asking DHS to grant continued presence to trafficking victims. This section changes references in the INA to conform to the transfer of immigration functions from the Department of Justice to the Department of Homeland Security by replacing references to the Attorney General with references to the Secretary of Homeland Security.

I believe the expansions in protections for children contained in this Act are particularly important. Section 805 ensures that immigrant children who are victims of incest and child abuse get full access to VAWA protections. The application for adjustment of status to permanent residence of an alien who self-petitioned for permanent residence shall also serve as an adjustment application for any derivative children. Derivative children of self-petitioners will receive lawful permanent residency along with their self-petitioning parents. This section removes the requirement that abused adopted children must live with the abusive parent for two years and assures that child VAWA self-petitioners and derivative children have access to VAWA's aging out protections and can additionally access any Child Status Protection Act relief for which they qualify. It allows assures victims of child abuse and incest who were under 21 when abused have additional time until they turn 25 to file VAWA self-petitions. In this context, I understand that the term "at least one central reason" is intended to mean that the they delay in filing was caused by, or related to, the child abuse or incest and its concurrent process or victimization.

Section 811 defines a "VAWA petitioner" as an alien who has applied for classification or relief under a number of provisions of the INA. I want to emphasize the importance of the fact that the law assures that adjudication of all forms of immigration relief related to domestic violence, sexual assault, trafficking or victims of violent crime continue to be adjudicated by the specially trained VAWA unit.

In 1997, the Immigration and Naturalization Service consolidated adjudication of VAWA self-petitions and VAWA-related cases in one specially trained unit that adjudicates all VAWA immigration cases nationally. The unit was created "to ensure sensitive and expeditious processing of the petitions filed by this class of at-risk applicants . . .", to "[engender] uniformity in the adjudication of all applications of this type" and to "[enhance] the Service's ability to be more responsive to inquiries from applicants, their representatives, and benefit granting agencies." See 62 Fed. Reg. 16607–16608 (1997). T visa and U visa adjudications were also consolidated in the specially trained VAWA unit. (See, USCIS Interoffice Memorandum HQINV 50/1, August 30, 2001, from Michael D. Cronin to Michael A. Pearson, 67 Fed. Reg. 4784 (Jan. 31, 2002)). This specially trained VAWA unit assures consistency of VAWA adjudications, and can effectively identify eligible cases and deny fraudulent cases. Maintaining a specially trained unit with consistent and stable staffing and management is critically important to the effective adjudication of these applications.

Consistent with these procedures, I recommend that the same specially trained unit that adjudicates VAWA self-petitions, T and U visa applications, process the full range of adjudications, adjustments, and employment authorizations related to VAWA cases (including derivative beneficiaries) filed with DHS: VAWA petitions T and U visas, VAWA Cuban, VAWA NACARA (§§ 202 or 203), and VAWA HRIFA petitions, 106 work authorization under section 814(c) of this Act), battered spouse waiver adjudications under 216(c)(4)(C), applications for parole of VAWA petitioners and their children and applications for children of victims who have received VAWA cancellation. I also encourage DHS to promote consistency in VAWA adjudications by defining references to "domestic violence" in the INA as "battery or extreme cruelty," the domestic abuse definition codified in the Violence Against Women Act of 1994 ("VAWA 1994"), the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") and regulations implementing the battered spouse waiver.

The Secretary of Homeland Security can remove the conditional status of an alien who became a permanent resident, as the spouse of a U.S. citizen or permanent resident without joint filing of a petition with the U.S. citizen or permanent resident spouse, upon the showing of hardship, battery, or certain other factors. Applications for such relief may be amended to change the ground or grounds for such relief without having to be resubmitted.

VAWA 2000 allowed victims of domestic violence abused by U.S. citizen and lawful permanent resident spouses to file VAWA self-petitions from outside of the U.S. if they had been abused in the U.S. or if their abuser was a member of the uniformed services or a government employee. Modeled after the VAWA 2000 protection offered to children on VAWA cancellation of removal grantees, existing parole provisions should be used to ensure that approved VAWA petitioners, their derivative children and children of traffic-king victims, can enter the U.S.

Section 812 provides that an alien who is a VAWA petitioner or is seeking cancellation of removal or VAWA suspension as a battered alien is not subject to the penalties for failing to depart after agreeing to a voluntary departure order, if the battery or extreme cruelty, trafficking, or criminal activity provided at least one central reason related to the alien's failure to depart. In this context it is my understanding that the term "at least one central reason" is intended to mean that the failure to depart was caused by, or related to, the battering or extreme cruelty experience and its concurrent process of victimization.

Section 813 is designed to address a number of problems for immigrant victims in removal proceedings. The definition of exceptional circumstances will now include battering or extreme cruelty. Important clarifications are made to assure that immigration judges can grant victims the domestic violence victim waivers we created in VAWA 2000. I particularly want to emphasize the importance of the protections from reinstatement of removal we create in this Act for immigrant victims. Under current law DHS has the discretionary authority to consent to the readmission of a previously removed alien (using the existing I–212 process). DHS should make use of its discretion in granting readmission to appropriately assist aliens with humanitarian cases including but not limited to, victims of domestic violence, sexual assault, victims of trafficking and crime victims who are cooperating in criminal investigations.

Under current law, victims of domestic abuse, sexual assault, stalking, or trafficking who have been ordered removed, including expedited removal, are subject to reinstatement of removal if they depart the U.S. and attempt to reenter the U.S. Once they are reinstated in removal proceedings, they cannot obtain VAWA, T, and U relief, even if they have a pending application for such relief. Recognizing these harsh consequences, Congress encourages DHS to make use of its discretionary authority to consent to the admission of such previously removed aliens (using the existing I–212 process).

Section 814 provides that an alien whose petition as a VAWA petitioner has been approved may be granted work authorization. U visa applicants are provided work authorization under existing law. I want to emphasize that this section gives DHS statutory authority to grant work authorization to approved VAWA self-petitioners without having to rely upon deferred action. I believe that one of the most important protections offered by this section toward prevention of domestic violence is that Section 814 of this bill provides that an alien spouse admitted under the A (foreign diplomats), E–3 (Australian investor), G (international organizations), or H (temporary worker) visa non-immigrant programs accompanying or following to join a principal alien shall be granted work authorization if the spouse demonstrates that during the marriage he or she (or a child) has been battered or has been subjected to extreme cruelty perpetrated by the principal alien. This section is intended to reduce domestic violence by giving victims tools to protect themselves and hold abusers accountable. Research has found the financial dependence on an abuser is a primary reason that battered women are reluctant to cooperate in their abuser's prosecution. With employment authorization, many abused spouses protected by this section will be able to attain work providing them the resources that will make them more able to safely act to stop the domestic violence. The specially trained CIS unit shall adjudicate these requests.

I believe that Section 817 of this Act contains same of the most important protections for immigrant victims. This section is enhances VAWA's confidentiality protections for immigrant victims and directs immigration enforcement officials not to rely on information provided by an abuser, his family members or agents to arrest or remove an immigrant victim from the United States. Threats of deportation are the most potent tool abusers of immigrant victims use to maintain control over and silence their victims and to avoid criminal prosecution. In 1996, Congress created special protections for victims of domestic violence against disclosure of information to their abusers and the use of information provided by abusers in removal proceedings. In 2000, and in this Act, Congress extended these protections to cover victims of trafficking, certain crimes and others who qualify for VAWA immigration relief. These provisions are designed to ensure that abusers and criminals cannot use the immigration system against their victims. Examples include abusers using DHS to obtain information about their victims, including the existence of a VAWA immigration petition, interfering with or undermining their victims' immigration cases, and encouraging immigration enforcement offices to pursue removal actions against their victims.

Immigration enforcement agents and government officials covered by this section must not initiate contact with abusers, call abusers as witnesses or rely on information furnished by or derived from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault and trafficking, as prohibited by section 384 of IIRIRA. In determining whether a person furnishing information is a prohibited source, primary evidence should include, but not be limited to, court records, government databases, affidavits from law enforcement officials, and previous decisions by DHS or Department of Justice personnel. Other credible evidence must also be considered. Government officials are encouraged to consult with the specially trained VAWA unit in making determinations under the special "any credible evidence" standard. I believe that all investigation and enforcement of these provisions should be done by the Office of Professional Responsibility of the Justice Department. For consistency, these cases need to be centralized in one division and I believe that this office is best equipped to address these cases.

The current practice of granting deferred action to approved VAWA self-petitioners should continue. Aliens with deferred action status should not be removed or deported. Prima facie determinations and deferred action grants should not be revoked by immigration enforcement agents. The specially trained Citizenship and Immigration Services (CIS) unit should review such cases to determine whether or not to revoke a deferred action grant. Immigration enforcement officials at the Bureau of Immigration and Customs Enforcement do not have authority to overrule a CIS grant of deferred action to an alien victim. Immigration enforcement officers should refer aliens they encounter who may qualify for relief under this Act to immigration benefits adjudicators handling VAWA cases at CIS.

VAWA confidentiality protections in IIRAIRA are amended to conform with current practice extending these protections to the Department of Homeland Security in addition to the "Department of Justice and to expand confidentiality protections to the Department of State. These protective provisions were designed to assure that the Secretary of Homeland Security, the Attorney General and the Secretary of State may not use information furnished by, or derived from information provided solely by, an abuser, crime perpetrator or trafficker to make an adverse determination of admissibility or. removal of an alien. However, information in the public record and government data-bases can be relied upon, even if government officials first became aware of it through an abuser.

This section provides that this provision shall not apply to prevent information from being disclosed (in a manner that protects victim confidentiality and safety) to the chairs and ranking members of the House and Senate Judiciary Committees, including the Immigration Subcommittees, in the exercise of their oversight authority. This section also gives the specially trained VAWA unit the discretion to refer victims to non-profit, non-governmental organizations to obtain a range of needed assistance and victim services. Referrals should be made to programs with expertise in providing assistance to immigrant victims of violence and can only be made after obtaining written consent from the immigrant victim. Nothing in this section shall be construed as affecting the ability of an applicant to designate a safe organization through which governmental agencies may communicate with the applicant.

This section requires that the Department of Homeland Security and the Department of Justice provide guidance to their officers and employees who have access to information protected by Section 384 of IIRAIRA, including protecting victims of domestic violence, sexual assault, trafficking and other crimes from the harm that could result from inappropriate disclosure of information. Congress encourages the DHS's specially trained VAWA unit and CIS VAWA policy personnel: (1) to develop a training program that can be used to train DHS staff, trial attorneys, immigration judges, and other DOJ and DOS staff who regularly encounter alien victims of crimes, and (2) to craft and implement policies and protocols on appropriate handling by DHS, DOJ and DOS officers of cases under VAWA 1994, the Acts subsequently reauthorizing VAWA, and IIRIRA.

Section 825 contains a number of amendments particularly important to me. Protecting victims of domestic violence from deportation and assuring that they can have their day in court before an immigration judge to file for VAWA related immigration relief is a central focus of all VAWA immigration protection I have been involved in developing since 1994. This section contains amendments that clarify the VAWA 2000 motions to reopen for abused aliens, enabling otherwise eligible VAWA applicants to pursue VAWA relief from removal, deportation or exclusion. This section provides that the limitation of one motion to reopen a removal proceeding shall not prevent the filing of one special VAWA motion to reopen. In addition, a VAWA petitioner can file a motion to reopen removal proceedings after the normal 90–day cutoff period, measured from the time of the final administrative order of removal. The filing of a special VAWA motion to reopen shall stay the removal of the alien pending final disposition of the motion, including exhaustion of all appeals, if the motion establishes a prima facie case for the relief. One VAWA 2005 post-enactment motion to reopen may be filed by a VAWA applicant. Aliens who filed and were denied special VAWA motions under VAWA 2000 may file one new motion under this Act.

Additionally, I feel it is very important that the system of services we provide to domestic violence victims, rape victims and trafficking victims and our protection order courtrooms and family courts are places to which victims can safely turn for help without worrying that their abuser may have sent immigration enforcement officers after them when they are seeking service and protection. Section 825(c) establishes a system to verify that removal proceedings are not based on information prohibited by section 384 of IIRIRA. When any part of an enforcement action was taken leading to such proceedings against an alien at certain places, DHS must disclose these facts in the Notice to Appear issued against the alien. DHS must certify that such an enforcement action was taken but that DHS did not violate the requirements of Section 384 of IIRIRA. The list of locations includes: a domestic violence shelter, a rape crisis center, and a courthouse if the alien is appearing in connection with a protection order or child custody case. Persons who knowingly make a false certification shall be subject' to penalties. Removal proceedings filed in violation of section 384 of IIRIRA shall be dismissed by immigration judges. However, further proceedings can be brought if not in violation of section 384.

I also want to highlight the important protections for all battered women and stalking victims contained in Section 827 of this bill. With respect to laws and regulations governing identification cards and drivers' licenses, DHS and the Social Security Administration shall give special consideration to victims of domestic abuse, sexual assault, stalking, or trafficking who are entitled to enroll in state address confidentiality programs, and whose addresses are entitled to be suppressed under State or Federal law (including VAWA confidentiality provisions), or suppressed by a court order.

The REAL ID Act of 2005 imposed a new national requirement that all applicants for driver's licenses or state identification cards must furnish their physical residential address in order to obtain a federally valid license or identification card. This requirement jeopardizes those victims of domestic abuse, sexual assault, stalking, or trafficking who may be living in confidential battered women's shelters or fleeing their abuser, stalker, or trafficker. In recognition of the dangers of this requirement, this provision instructs DHS and the Social Security Administration to give special consideration to victims of domestic abuse, sexual assault, stalking, or trafficking by allowing certain victims to use an alternate safe address in lieu of their physical residential address.

I understand that a driver's license or identification card is necessary for victims to board an airplane or train to flee danger. Many confidentiality programs are currently in place on both federal and state levels to ensure that the dual goals of economic security and victim safety are reached by allowing an individual to choose an alternate address on her driver's license. This will provide an exception for those victims who are entitled to enroll in state address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to 8 U.S.C. Section 1367, ensuring the continued protection and necessary mobility for these women and their families.

As Ranking Member' of the House Judiciary Committee, I have been particularly concerned about the significant delays that have occurred between the effective dates of VAWA 1994 and VAWA 2000 laws and the issuance of implementing regulations that are needed so that immigrant victims can receive the protections Congress has created for them. Section 828 requires that regulations implementing both this Act (including materials and dissemination under section 834) and the Act reauthorizing the Violence Against Women Act in 2000, ("VAWA 2000"), be issued within 180 days of this Act's enactment. In applying such regulations, in the case of petitions or applications affected by the changes made by the Acts, there shall be no requirement to submit an additional petition, application, or certification from a law enforcement agency with the date of the application for interim relief establishing the priority date of counting time towards adjustment of status. However, the Department of Homeland Security may request additional evidence be submitted when the documentation supporting an outstanding VAWA self-petition or justifying interim reliefs now insufficient. The Department of Homeland Security shall also craft and implement policies and protocols implementing VAWA confidentiality protections under Section 384 of IIRAIRA as amended by this Act.

Lastly, I want to provide important background information about the reasoning behind The International Marriage Broker Regulation Act of 2005 (IMBRA) that is included in this VAWA 2000 legislation. The final IMRBA legislation combines provisions that created a significant role for the government in information collection and distribution to foreign fiancees and spouses with regulation of the International Marriage Broker Industry. IMBRA has been designed to address concerns about U.S. citizen abusers who use the K visa process to petition for aliens outside the United States and abuse them. This Act, establishes the first meaningful federal regulations on international marriage broker agencies (IMBs), companies in the business of matching mostly American male clients to foreign women who will join them in the United States as fiances or spouses. There have been numerous cases of foreign women who were matched with American men, came to the U.S. live with their new spouses and were subjected to domestic violence, sexual assault or other forms of extreme cruelty. In some cases, the perpetrators have successfully used IMBs and the immigration system to bring in a series of fiancés or spouses who have all suffered from domestic violence from the American sponsor and client. This bill is designed to inform foreign spouses and fiancees entering the United States of the laws relating to such abusive crimes, and the availability of help. In addition, it seeks to prevent abusers from using the immigration system to find new victims.

Sections 832, 833 and 834 are designed to prevent further abuse by instituting measures to distribute information that can help the K visa recipients learn about domestic violence protections available to them in the United States. These sections also provide them with specific information about their U.S. citizen petitioners' criminal conviction history. Additionally, this section limits the ability of abusive U.S. citizens to repeatedly petition for K visas for aliens outside the U.S.

A consular officer may not approve a fiancee visa petition without verifying that the petitioner has not previously petitioned for two or more aliens applying for spousal or fiancee K visas. If the petitioner has had such a petition previously approved, the consular officer must verify that two years have elapsed since the filing of the previous petition. The Secretary of Homeland Security may grant waivers of the two-year waiting period or the limit on filing more. than two petitions. The waivers included here were designed to give DHS the discretion to waive both the time and number limitations when K fiance visa applications are filed by nonabusive U.S. citizens. Such waivers may be appropriate, for example, for non-abusive U.S. citizens who live abroad or were raised abroad and may be more likely to marry foreign spouses, or in cases of unusual circumstances, such as the sudden death of an alien approved for a prior K visa. Section 832(a) includes a domestic violence victim waiver modeled after the waiver created for immigrant victims of domestic violence by VAWA 2000 (INA Section 237(a)(7)). Waivers shall be granted when tbe U.S. citizen petitioner demonstrates that they have been' subjected to battering or extreme cruelty, that there was a connection between the criminal conviction and the abuse. including efforts to escape the abuse and that they were not the primary perpetrator of abuse in the relationship.

Section 832(a)(2) of VAWA 2005 requires that U.S. citizen petitioners filing K visa applications for spouses they married abroad provide under oath the same criminal information required for K fiance visa petitioners. This section also creates a database to track serial K applications. Upon approval of a second K visa for a spouse or fiancé the U.S. citizen petitioner will be entered into the multiple visa tracking database and will be notified that this petition and all future petitions will be entered into the database maintained by the Department of Homeland Security. Once two espousal or fiancé K visas have been approved, for each subsequent petition filed, DHS will notify both tbe citizen petitioner and foreign-born spouse about the number of previously filed petitions in the database for a 10-year period. All future K applications will trigger similar notice. The domestic violence pamphlet developed under Section 833 of this Act will be sent to the K beneficiary immigrant spouse along with the multiple filing data base information.

Under this Act, IMBs are required to comply with mandatory collection of criminal background information on each U.S. client, including arrest and conviction information, information on any temporary or permanent protection order issued against the U.S. client, and information on where the person has lived, prior marriages and children they have under the age of 21. The IMB must also conduct a sex offender registry search on the U.S. client.

CONCLUSION

I am once again honored to have played a role in reauthorizing the Violence Against Women Act and the protections it affords to immigrant women who suffer from battery and extreme cruelty in our Nation. We have made important changes and adjustments to current law that will ensure that the broad range of domestic violence victims have access to the immigration relief they need to escape from abuse and begin to rebuild their lives, and those of their children. I am particularly pleased that Congress was able to agree upon passage of the first legislation to provide fiancées and spouses applying for K visas from abroad the ability arm themselves with what can be life saving information and to truly regulate the international marriage broker industry. I offer my sincere appreciation to the chairman of the Judiciary Committee, F. JAMES SENSENBRENNER, who worked with me for the better part of this year on this bill in shared commitment to protect victims of domestic violence. In addition, I must thank Congressman RICK LARSEN of Washington for his leadership on protecting unsuspecting foreign women who become victims of abuse by sponsoring IMBRA and working with Chairman SENSENBRENNER and me on bringing IMBRA into this bill. I also offer special thanks to my Senate colleagues, Senator ARLEN SPECTER, Senator PATRICK LEAHY, Senator JOSEPH BIDEN and Senator TED KENNEDY for their hard cooperative work to ensure that the Violence Against Women Act of 2005 could be passed into law this year.

I worked closely with Chairman SENSENBRENNER to develop legislative history for the protections offered to immigrant victims contained in Protection of Battered and Trafficked Immigrants Title of the Violence Against Women Act of 2005. The Committee on the Judiciary of the House of Representatives Report to accompany H.R. 3402 that was published on September 22, 2005, provides important legislative history on this Title. Since section numbers have changed in the final bill, I include here cross reference list that will facilitate relating the sections of the final VAWA 2005 provisions we are voting on today with the legislative history sections that describe and support these provisions.

FINAL VAWA 2005 SECTION NUMBER AND HOUSE COMMITTEE REPORT SECTION NUMBER

801 (Treatment of Spouse and Children of Victims)—901(a).

802 (Presence of Trafficking Victims)—903(b).

803 (Adjustment of Status for Trafficking Victims—903 & 903(a).

804 (Protection and Assistance to Trafficking Victims)—901(d).

805 (Protecting Victims of Child Abuse)

805 (a) and (b)—912(b) and (c).

805 (c)—912(d).

805(d)—931.

811 (VAWA Petitioner Definition and VAWA Unit)—911, 902, 914, 918.

812 (Exception to Voluntary Departure)—919.

813(a) (Exceptional Circumstances)—937.

813(b) (Discretion to Readmission Instead of Reinstatement of Removal)—915.

813(c) (Domestic Violence Victim Waiver Clarification)—935.

814(a) (VAWA HIRIFA and VAWA Cuban Adjustment Improvements)—936, 917.

814(b) (Work Authorization for VAWA Petitioners)—915(a).

814 (c) and (d) (Work Authorization for Abused A, E-3, G, H Spouses)—933.

814(e) (Limitation on Petitioning for Abuser)—917(g).

815, 823, 824 (Clarification and Corrections Regarding VAWA NACARA VAWA HRIFA, VAWA Cuban Adjustment Applicants—917.

816 (VAWA Protection for Elder Abuse Victims)—913.

817 (VAWA Confidentiality Protections)—921, 915.

821 (a) and (b) (Duration of T and U Visa Status)—901(b).

821(c) (Change of Status to T or U Visa Status)—901(c).

822 (Technical Corrections)—941.

823 (VAWA Cuban Adjustment Improvements)—917(d).

824 (VAWA HRIFA Improvements)—917(e).

825 (Deportation and Deportation Proceedings)—936, 921(f).

826 (Protection of Abused Juveniles)—921(d).

827 (Identification Documents for Domestic Violence and Crime Victims)—None.

828 (Rulemaking)—900.

831, 832, 833, 834, Subtitle D, International Marriage Broker Regulation—916, 922.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the Violence Against Women Reauthorization Act. All women and families should be free from fears of violence, but immigrant women face particular problems in confronting this crisis. That is why I am so pleased that provisions of my bill, H.R. 3188, the Immigrant Victims of Violence Protection Act, are included in this legislation.

These immigrant provisions reflect hard bipartisan work of many members of Congress. I especially thank Representatives JOHN CONYERS, Jr. and SHEILA JACKSON-LEE for their leadership on this issue. While VAWA 1994 and 2000 made significant progress in reducing violence against immigrant women, there are still many women and children whose lives are in danger today. Many VAWA-eligible victims of domestic violence, sexual assault, child abuse or trafficking are still being deported.

Congress must remain vigilant in the fight to preserve basic due process rights—the right for immigrants to have a hearing before being deported and the right for battered immigrants to seek protection under VAWA. I want to highlight three concerns that this bill addresses: stopping the practice of immigration agents arresting and deporting battered immigration victims who may be eligible for VAWA relief; allowing the VAWA unit within the Department of Homeland Security (DHS) to use its expertise and specialized training to grant, deny and revoke deferred action; and encouraging DHS to use its existing parole authority to allow approved VAWA self-petitioners who are abroad to enter the U.S. and receive VAWA relief.

A battered immigrant woman was arrested at the steps of a courthouse and detained by immigration enforcement officers. She was on the way to a custody hearing, and the officers had acted upon a tip by her abuser who wanted her deported. She was in fact an approved VAWA self-petitioner and should have been neither detained nor deported. I am very concerned about this and other reported cases where immigrant victims are arrested by immigration enforcement officers at a domestic violence shelter or at a protection order courtroom. This undermines the purpose of VAWA, which is to protect battered immigrant victims.

Section 825(c) of this bill establishes a system to verify that removal proceedings are not based on information provided by the abuser. When any part of an enforcement action was taken at certain places, DHS must disclose these facts and certify that such an enforcement action was not based on the information provided by the abuser. The list of locations includes: a domestic violence shelter, a rape crisis center, and a courthouse if the alien is appearing in connection with a protection order or child custody case. Immigration and Customs Enforcement (ICE) must stop relying on information provided by an abuser to track down, arrest and deport an immigrant victim or to deny an immigration case she has filed because of the information provided by her abuser. This would protect battered victims from unjust immigration enforcement actions and allow them to protect their children and themselves from further abuse.

Currently, a specially-trained VAWA unit exists within DHS that adjudicates all VAWA immigration cases nationally. Because ICE officers often do not have the expertise and training in domestic violence that this VAWA unit does, the VAWA unit is best equipped to assure consistency of VAWA adjudications, effectively identify eligible cases and deny fraudulent cases. This unit should have exclusive jurisdiction to grant, deny and revoke deferred action. Maintaining a specially-trained unit with consistent and stable staffing and management is also critically important to the effective adjudication of VAWA cases.

Since VAWA 2000, DHS has been using its parole power under INA Section 212(d) to foster reunification of approved VAWA cancellation of removal applicants with their children who would be otherwise stranded abroad with no protection from retaliation from the victim's abusive spouse. For example, a daughter was raped by her father; who was a U.S. military officer stationed in Germany. He was prosecuted in a military tribunal for his crime, and she was approved for VAWA protections, but she did not have a way to enter the United States. In this case, DHS was able to use its parole power to allow her to leave her abusive father in Germany and find a safe home in the United States. Too often, victims have the ability to apply for VAWA immigration protection from abroad, but once their case has been approved are not consistently able to enter the United States where they can receive protection from ongoing abuse. I strongly encourage the Department of Homeland Security to use its authority to grant parole to bring into the U.S. approved VAWA petitioners and their children, thereby offering them protection until they can file for adjustment of status to lawful permanent residency under VAWA.

I urge my colleagues to vote "yes" on the life-saving provisions in VAWA Reauthorization to help protect this vulnerable population. This is an opportunity to eliminate some of the major obstacles immigrant crime survivors face in achieving safety and legal immigration status.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of this conference report reauthorizing the Violence Against Women Act, VAWA. I am pleased VAWA will be given floor consideration before Congress adjourns this session.

Ending family and community violence in this country requires an on-going commitment from Congress. Our obligation as legislators and citizens is to provide the tools to prevent family violence, and where violence has occurred, support services that provide the needed shelter and support to victims. Furthermore, the perpetrators of family violence must receive both significant punishments as well as the necessary interventions to prevent recidivism. Our goal must be to end the cycle of family violence in our communities and that will require comprehensive intervention and prevention strategies.

This reauthorization is critical in encouraging collaborative efforts among law enforcement officials, the courts, and service providers who work with victims of domestic and sexual violence. We must continue to increase public awareness of domestic violence, while addressing the individual and unique experiences of victims of domestic and sexual violence, including the needs of immigrant populations and people of diverse ethnic and racial backgrounds, the disabled, and children. As a Nation, we must do what we can to end the cycle of violence that exists in too many homes and communities across the country and to assist the families and children who are living day to day in fear and isolation.

VAWA is a landmark piece of legislation that has been successful. It has brought a voice to those who had been silenced and shelter to those who were in need of a safe place. And, there is still work to be done. For example, while this bipartisan authorization bill is critical to moving the issue forward, adequate funding for services for families affected by violence must also be a priority for this Congress.

On a personal note, my daughter, Katie, has recently started a career in providing services to victims of family violence. From the frequent stories she tells me about working in a shelter for women, it is clearly a challenging but also very rewarding career path she has chosen. I applaud Katie and all of the women and men who have committed their professional careers or volunteer hours to serving our neighbors and community members who have found themselves victims of domestic violence. Their dedication makes communities across America stronger, more caring and more peaceful.

It is in honor of the survivors of violence and those who serve them that I stand today in support of Congress's role in providing services and support for survivors of domestic and sexual violence through the reauthorization of VAWA.

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 3402, the Department of Justice Appropriations Authorization Act which provides for the comprehensive reauthorization of the Violence Against Women Act, VAWA.

The Violence Against Women Act, VAWA, is a truly bipartisan success. Since VAWA was enacted in 1994, we have made great strides toward ending domestic violence and preventing the cycle of abuse in our communities. States have passed more than 660 laws to combat domestic violence, dating violence, sexual assault and stalking, and the National Domestic Violence Hotline has answered over 1 million calls. We have come a long way since the initial passage of VAWA. But there is no doubt we have a long way to go.

All Americans should feel safe in their communities, their workplace and their homes. Yet domestic violence remains a serious problem across the country, and every year thousands of Americans become victims in their own homes. Nearly one in four women will experience domestic violence during her lifetime. And slightly more than half of female victims of intimate violence live in households with children under age 12. Growing up in a violent home may be a terrifying and traumatic experience that can affect every aspect of a child's life, growth, and development. To end the cycle of violence and promote healthy families, we must ensure that communities have resources to prevent abuse and provide victims of domestic violence the support they need. We are on the way to making that a reality.

The Violence Against Women Act provides aid to law enforcement officers and prosecutors and helps to reduce domestic violence and child abuse by establishing training programs for victim advocates and counselors in addition to a host of other areas including tightening criminal penalties against domestic abusers and creating new solutions to other crucial aspects of domestic violence and sexual assault.

In the past, in the present, and in the future, VAWA has been, and will continue to be a critical tool to combat violence.

But even with VAWA's great successes and promising future, we know that our work is not yet done.

There are solutions to preventing the 960,000 incidents of violence that are reported against a current or former spouse, boyfriend, or girlfriend each year. The country must not tolerate the violence, abuse, and sexual assault that pervades our society. We must continue to fight for measures that will provide better economic security for victims of violence, increase protections for battered immigrants, promote awareness in underserved populations, enhance protection of victims' personal information and develop programs designed to prevent domestic violence before it occurs.

Together, we can eliminate domestic violence from homes across the country and ensure that our children grow up in healthy, peaceful communities. Passage of H.R. 3402 marks our continuing effort to do just that.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to support the reauthorization of the Violence Against Women Act, VAWA, as part of the Department of Justice Appropriations Authorization Act. In particular, I thank the conferees for including my provision to establish a national resource center to help employers address the negative consequences of domestic and sexual violence in the workplace.

Since the Violence Against Women Act was first passed in 1994, law enforcement has enhanced its response to crimes involving violence against women, Federal prosecutors have increased actions against perpetrators of domestic violence, and many critical services and programs have been created to assist victims of such violence.

Yet, despite the protections of VAWA, every year thousands of women are forced to stay in abusive relationships because they lose their jobs and therefore are unable to provide for themselves and their children. To protect them from this negative economic impact the national resource center will provide employers with the information and expertise they need to keep their employees while helping them address the violence in their lives. This will also benefit employers who, according to the Bureau of National Affairs news service, lose $3 to $5 billion annually in lost time and productivity. I am very pleased that starting in 2007 the center is authorized to receive $1 million annually for 5 years.

Mr. Speaker, once again I thank my colleagues for working with me to include the creation of a national resource center in the reauthorization of VAWA. The center will be a critical step in protecting the economic security of victims of domestic violence and empowering them to end their cycle of violence. I look forward to working with my colleagues to further ensure the financial independence of domestic violence victims by passing my bill, H.R. 3185, the Security and Financial Empowerment, SAFE, Act.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3402.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MENTAL HEALTH BENEFITS PARITY EXTENSION

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4579) to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits.

The Clerk read as follows:

H.R. 4579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ONE-YEAR EXTENSION FOR PROVISIONS REQUIRING PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(c) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 (relating to application of section) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4579.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill will extend provisions under ERISA, the Public Health Services Act and the Internal Revenue Code regarding mental health parity for 1 year until December 31, 2006.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 2005.

The Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN BARTON: I write regarding our mutual understanding for the consideration of H.R. 4579, a bill amending the Employee Retirement Income Security Act (ERISA), the Public Health Service Act (PHSA), and the Internal Revenue Code (IRC) to extend certain provisions on mental health benefits. The provisions of this bill amending ERISA are within the sole jurisdiction of the Committee on Education and the Workforce. The provisions of this bill amending PHSA are within the sole jurisdiction of the Committee on Energy and Commerce. The provisions of this bill amending IRC are within the sole jurisdiction of the Committee on Ways and Means.

As you and I understand the importance of extending the provisions to each of these Acts, we have agreed to the scheduling of this bill for consideration in the House of Representatives. However, I agree that we have done so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Education and the Workforce, the Committee on Ways and Means, or the Committee on Energy and Commerce, respectively, on these provisions or any other similar legislation, and will not be considered as precedent for consideration of matters of jurisdiction to each committee in the future. Finally, I would support your request for appointment of conferees on the provisions in your Committee's jurisdiction should a conference arise with the Senate.

A copy of our exchange of letters will be inserted in the CONGRESSIONAL RECORD on this bill. Thank you for your consideration and cooperation in this matter.

Sincerely,

JOHN A. BOEHNER,
Chairman.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 2005.

The Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN THOMAS: I write regarding our mutual understanding for the consideration of H.R. 4579, a bill amending the Employee Retirement Income Security Act (ERISA), the Public Health Service Act (PHSA), and the Internal Revenue Code (IRC) to extend certain provisions on mental health benefits. The provisions of this bill amending ERISA are within the sole jurisdiction of the Committee on Education and the Workforce. The provisions of this bill amending PHSA are within the sole jurisdiction of the Committee on Energy and Commerce. The provisions of this bill amending IRC are within the sole jurisdiction of the Committee on Ways and Means.

As you and I understand the importance of extending the provisions to each of these Acts, we have agreed to the scheduling of this bill for consideration in the House of Representatives. However, I agree that we have done so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Education and the Workforce, the Committee on Ways and Means, or the Committee on Energy and Commerce, respectively, on these provisions or any other similar legislation, and will not be considered as precedent for consideration of matters of jurisdiction to each committee in the future. Finally, I would support your request for appointment of conferees on the provisions in your Committee's jurisdiction should a conference arise with the Senate.

A copy of our exchange of letters will be inserted in the CONGRESSIONAL RECORD on this bill. Thank you for your consideration and cooperation in this matter.

Sincerely,

JOHN A. BOEHNER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC., December 17, 2005.

Hon. JOHN A. BOEHNER,
Chairman, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN BOEHNER: I am writing concerning H.R. 4579, a bill "To amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits," which was introduced on December 16, 2005, and referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce and the Committee on Ways and Means.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Internal Revenue Code. Section 1 of H.R. 4579 amends Section 9812(f)(3) of the Internal Revenue Code of 1986 providing for an extension of parity in the application of certain limits to mental health benefits, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4579, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from California for yielding me time, and I thank the chairman as well.

Mr. Speaker, what we are doing here today is simply renewing an act that will allow mental health insurance to have the same limits in insurance coverage as every other insurance legislation that you would ever have for a physical illness. However, the problem is that we keep doing this each year without addressing the fundamental problem. The fundamental problem is that we have here in the Congress a bill that would require parity in insurance coverage, meaning equal copay, equal deductible, equal premium for those illnesses, for those mental illnesses, when it comes to insurance coverage as there would be for any other physical illness.

Mr. Speaker, I have two major illnesses. I have asthma, which is a chronic illness; and I have an EpiPen, and I have prednisone, and I also have bipolar disorder, and I have Prozac and I have lithium.

Now, I am fortunate enough to have insurance coverage where when I go to get my coverage for my medications, I do not have to pay a higher copay for my mental health drugs as opposed to my asthma drugs. Do you know why? Because the Congress of the United States has mental health parity. Yes, Members of Congress are not discriminated against when it comes to mental illnesses.

However, you in the public out there in America, when you try to go and try to get treatment for bipolar disorder, for schizophrenia, for major depression, for any number of mental illnesses, you are told you have to pay a higher copay, a higher deductible, and you are told that you have to pay a higher premium on top of that, all because this country still treats mental illness as if it is not a physical illness.

Mr. Speaker, I have a chart here that shows that mental illness is a physical illness, for those that do not truly believe it. Here we can see in what is an x-ray called a PET scan the difference between two brains, each differentiating from the other based upon a difference in the disorder that the illness represents. In this case, we have bipolar disorder, and you can see that there is greater activity in one part of the brain here for those that do suffer from it, as opposed to this brain.

The physical qualities of mental illness are well known, so why do we not have parity in this country? Well, we do not have parity because some think that it is going to cost us more money.

Well, the tests are in, the studies have been done, and, quite frankly, to my colleagues who think that this is going to cost the Chamber of Commerce more money, all they need to do is look at The Wall Street Journal for evidence to the fact that it actually saves businesses money. It saves businesses money because it costs us $31 billion a year, $31 billion a year in productivity lost because businesses do not ensure adequate coverage for their employees in mental illness.

Just understand this: anyone who has depression, are you truly able to make it at work and focus on what you are doing? That is called presenteeism. That is when you are at work, but you really are not at work because you cannot concentrate. That is called presenteeism. Then, of course, you have absenteeism. Of course, that is easy to measure.

The fact, my friends, is that an average person who has depression loses 5 hours a week of productivity compared to one that does not. So would you not think that some mental health coverage for the person suffering from depression might actually improve productivity?

Guess what? It does. The studies are in, and, frankly, that is why I cannot understand why the majority of this House has not even brought to the floor of this House a mental health parity bill that will allow us to end the discrimination that currently exists in this country.

We are sanctioning discrimination. We are basically saying, like, for example, cancer, well, we are not going to cover cancer because it is costing too much. That is essentially what we are being told by those who do not want to cover mental illness. We are basically being told "your illness costs money."

Well, if it is about saving money, why not just cut out cancer coverage, because, you know, that costs us a lot of money. That is a foolish argument. And equally as foolish is the fact that we would cut out from insurance coverage mental illness simply because of stereotypes and because of stigma in this country.

□ 1730

This legislation today is simply one part of a farce to make people think that we are actually doing something on mental health parity when, in fact, with this legislation what we are doing today, all it does is allow the insurance companies to play the game where they do not actually have to provide the coverage. They can organize various days that actually can be utilized and the number of appointments that someone can have or the kind of drugs that they are prescribed. This legislation might as well have been written by the insurance industry when it comes to coverage for those with mental illness.

So, Mr. Speaker, let me just conclude by stating a few facts. Those who are 65 or older are the highest rate of suicide in this country; 65 and older have the highest rate of suicide in this country. The third leading cause of death for young people is suicide. This year alone we are going to see 1,400 young people take their lives in colleges and universities in this country.

We are not taking this issue, this illness, seriously enough. And if it pulls your heart strings and it is simply about whether you think it is going to save money or not, you can see from these charts that even the Surgeon General of the United States has said that mental illnesses comprise the second leading cause of morbidity, meaning the lost days in life, productive life; and the World Health Organization has ranked it number one.

So how could we be so blind to look at such a significant part of our health care system and then just look the other way when it comes to insurance coverage?

I hope my good friend from California will help me in getting his leadership to help bring to the floor of the House a parity bill that will allow us to finally end the stigma and discrimination that still exists in this country towards those with mental illness.

Let me just say, with respect to our veterans coming back and suffering from post-traumatic stress disorder, when we say that we are not going to cover mental illness, we are making an implicit message out there to America that somehow it is not real, somehow it is not real health care, it is something on the order of cosmetic surgery. You know what that does? That means that there will be fewer veterans coming forward and asking for help. Ninety-six percent of the veterans coming back from Iraq right now are not signing up for any mental health consultation whatsoever. And the reason they are not is because of the stigma.

And by not bringing a bill like parity to the floor, another thing that we do that is unjust is we reinforce the image in America that if you are mentally ill there is something wrong with you, that you ought to just get up, pull yourself up by you bootstraps, and you ought to get with the program, and that it is some moral failure of yours as opposed to it actually being a physical disorder with its roots in the biology of the brain.

I thank the chairman and my good friend, the ranking member from California, for giving me this time to speak. There is so much here to discuss. I would not have all the time that I would need to discuss it. But hopefully if we do get a parity bill on the floor one of these days, we can have an even fuller discussion of this issue.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his statement but, more importantly, his incredible advocacy on behalf of those suffering from mental health diseases.

He is quite right: we can do better than simply renewing this law that is now 10 years old. The Senate did pass a meaningful update in this law in 2001 that would have prohibited all forms of discriminatory coverage of mental health services, including day and visit limitations and co-pays and deductibles, and would not allow a plan to opt out by citing increased costs. This bill simply does not do that.

It is as the gentleman from Rhode Island has pointed out, it is absolutely insufficient in terms of treating the needs of millions and millions of Americans and their families who need parity in terms of the kinds of treatment and the coverages of the cost that are associated with this.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank my colleague from Rhode Island for his moving testimony today on the issue of mental health. I would be the first to agree that the mental health parity bill that we have will now, as Mr. GEORGE MILLER of California says, and has for the last 10 years been an important step in the right direction.

Is it enough for most people? Probably not. And I think that all of us are aware that Congress and the American people have been in this debate for a long time. We have 45 million Americans who have no health insurance at all, and we know that every time we mandate a benefit on employers' insurance policies, we raise the cost of those policies. And what is the result of higher health insurance policies? More uninsured Americans.

So there is a balance, and I realize that people want more mental health coverage. The debate will continue here in the Congress; but in the meantime, I think it is important for us to make sure that the mandate that is in the current law that does provide some coverage for mental health illness that is going to expire will do so unless we extend this provision. And that is all the bill before us does is extend the provisions already in law to make sure that at least there is a foundation of coverage in the law as people have come to expect.

Mr. DINGELL. Mr. Speaker, I am pleased to support H.R. 4579, legislation that would continue for a year the requirements that insurance companies provide mental health services on the same par as health services. Discrimination against those with mental illnesses or cognitive impairments is well documented. Treatment for these conditions can last a lifetime. Not surprisingly, insurance companies do not want to provide coverage for needed treatments.

The bill we are passing today would ensure that coverage for mental health care receives parity with coverage for physical conditions. The current requirement expires at the end of the year. While ideally we should make this a permanent feature for all health insurance policies, today we are only extending it for one year.

While this legislation will ensure some protections for Americans, the House-passed reconciliation bill includes provisions that would reduce coverage for mental health care under Medicaid. That bill would allow States to charge higher out-of-pocket costs to those needing these services and it would allow States to strip these benefits for beneficiaries, including from children. Medicaid accounts for 44 percent of the Nation's public mental health spending. It plays a critical role in protecting those who need mental and behavioral health services, and fills the gaps that private insurance does not cover.

While the bill today will offer some protections for individuals with mental health needs in private insurance, we also must ensure that the budget reconciliation bill does not erode protections in Medicaid, which provides coverage for those for whom private insurance coverage is not enough or those who have no private insurance.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4579.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SECOND HIGHER EDUCATION EXTENSION ACT OF 2005

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4525) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Second Higher Education Extension Act of 2005".

SEC. 2. EXTENSION OF PROGRAMS.

(a) GENERAL EXTENSION.—Section 2(a) of the Higher Education Extension Act of 2005 (P.L. 109–81; 20 U.S.C. 1001 note) is amended by striking "December 31, 2005" and inserting "March 31, 2006".

(b) EXTENSION OF LIMITATIONS ON SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.—Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) is amended by striking "January 1, 2006" each place it appears in clauses (iv) and (v)(II) and inserting "April 1, 2006".

(c) EXTENSION OF EFFECTIVE DATE LIMITATION ON HIGHER TEACHER LOAN FORGIVENESS BENEFITS.—

(1) AMENDMENT.—Paragraph (3) of section 3(b) of the Taxpayer-Teacher Protection Act of 2004 (P.L. 108–409; 20 U.S.C. 1078–10 note) is amended by striking "October 1, 2005" and inserting "June 30, 2007".

(2) TECHNICAL AMENDMENT.—Section 2 of such Act is amended by inserting "of the Higher Education Act of 1965" after "438(b)(2)(B)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section are effective upon enactment.

(2) EXCEPTION.—The amendment made by subsection (c)(1) shall take effect as if enacted on October 1, 2005.

SEC. 3. ELIGIBILITY PROVISION.

Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(4)(A)), the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Southern District of New York in July, 2005, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an "institution of higher education" under section 102 of that Act (20 U.S.C. 1002).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4525.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very simple bill that extends the Higher Education Act of 1965 for 3 months until March 31, 2006. While the committee has passed the reauthorization of the Higher Education Act, it is not completed. The Senate concluded their Higher Education Act amendments in their reconciliation bill, and we expect part of this higher education reauthorization to occur in the reconciliation process. But there will be a balance of it left that does need to be dealt with, and I am hopeful that early next year Congress will, in fact, complete the reauthorization of the Higher Education Act authorization.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Second Higher Education Extension Act of 2005. The bill before us today, as the chairman has noted, temporarily extends the laws that govern higher education and student aid while the Congress continues to work to reauthorize the Higher Education Act. I would also like to note for the record that the Department of Education has informed us that they have no objections to the manager's amendment offered by Mr. BOEHNER to this effort.

I rise in support of the second Higher Education Extension Act of 2005.

The bill before us today temporary extends laws that govern higher education and student aid while Congress continues to work to reauthorize the Higher Education Act.

It also extends the partial closure of the 9.5 percent loan loophole and teacher loan forgiveness provisions.

There has never been a more important time than right now to help students and their families afford a higher education.

Despite the tremendous personal and economic benefits of a college education, however, millions of American students and families struggle to pay for college.

Last year the maximum Pell grant scholarship was worth $900 less than the maximum grant 30 years ago.

The typical student borrower now graduates with $17,500 in debt, while more and more students are working long hours to pay for college.

Even with increased borrowing and longer work hours, millions of students and families continue to fall short when paying for college.

But rather than help to make college more affordable and accessible, this weekend the Republican leadership plans to raid the student aid programs by nearly $13 billion—the largest cut in the history of the programs.

As a result, students and families will be forced to pay even more for college.

Rather than work to build a better, stronger America for future generations, they chose to cut our national commitment to a college education for every qualified student.

The Republican leadership plans to use the nearly $13 billion in cuts to deal with Congress' budget mess.

It is wrong to force America's students and families to pay for the irresponsible management of the Nation's budget.

We should be doing more, not less, to significantly increase affordable college opportunities.

For years, Democrats and others have been demanding that the majority join us in stopping excess lender subsidies—such as the 9.5 percent loans—and re-deploy those billions of dollars in savings to students and their families struggling to pay for college.

Billions in taxpayer funds were squandered on super-sized lender subsidies that the majority party is only now, under great pressure, conceding should be constrained.

Unfortunately, the raid on student aid misses a golden opportunity to re-direct billions of dollars in savings by recycling the excessive subsidies paid to student lenders into additional grant aid for students—without any additional costs to taxpayers.

I support this temporary extension today because it ensures that the nearly 11 million students who rely on student grants, loans and work-study to finance their college education will continue to receive this much needed aid in a timely fashion.

However, I urge the Republican leadership and my colleagues to recognize that this is only the first step towards boosting affordable college opportunities and ensuring the Nation's global competitiveness.

The next step is to stop the raid on student aid and to reinvest all of the savings found from eliminating excessive student lender subsidies towards boosting grant aid, lowering interest rates and fees for student borrowers.

Mr. Speaker, I would like to note for the record that the Department of Education has informed us that they have no objection to the manager's amendment offered by Representative BOEHNER to reinstate St. Vincent's Nursing Schools of Brooklyn and Queens, New York.

The St. Vincent nursing schools lost eligibility for Federal student aid in November of this year due to the fact that their parent company, Saint Vincents Catholic Medical Centers of New York, filed for bankruptcy.

Under the Higher Education Act, once a school, or parent company of a school, files for bankruptcy they automatically become ineligible for Federal student aid such as student loans and Pell grants.

It is our understanding that the representatives for the parent company did not understand that filing for bankruptcy would result in students attending the two nursing schools losing their Federal student aid.

The Department of Education has informed us that both schools are in good fiscal standing and that a statutory fix by Congress is necessary to ensure that the students at these two nursing schools can receive federal student aid again.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the chairman for yielding. I will be brief.

I realize that this is simply an extension of the Second Higher Education Act, but I would like to make a couple of points here. This act authorizes Pell grants and student loan programs, which are so important to so many students to continue their education. As part of the reauthorization package that moved through the Education and Workforce Committee this year, I was pleased to offer an amendment that would allow the Secretary of Education to award Pell grants on a year-round basis.

We think this is very important because this would allow students to be eligible for Pell grants during summer enrollment. The reason this is important is that we are going to see a rather dramatic increase in college enrollment in coming years.

In over 36 years on the college campus, I saw some rather significant changes in the time that it took for people to graduate from college. When I started on the college campus in the 1960s, most people graduated in 4 years, 4½ years; and now a 5½- to 6-year graduation timetable is very, very common. As a result, with increasing enrollment and also this extended time period, we are putting greater and greater stress on the facilities in colleges and universities.

Therefore, we feel that allowing students Pell grants during the summer which will allow them to go to school year-round and maybe approximate a 4-year to 4½-year graduation time would be very important. I look forward to seeing a reauthorization of the Higher Education Act signed into law in 2006. However, for now we must extend the existing authorization, and therefore I support H.R. 4525.

I thank Chairman BOEHNER for bringing this legislation forward. I urge my colleagues to support passage of H.R. 4525 today.

Mr. HOLT. Mr. Speaker, while I support this temporary extension of the Higher Education Act, I am very disappointed that we have not passed the full Higher Education Act reauthorization and once again we are passing an extension.

Higher Education is more important than ever to ensure America's economic prosperity, security, and health. Just as college has become essential to both individuals and society's success, college tuition has risen dramatically, causing students to take on high loan debt, $17,000, on average; to work long hours that interfere with academic success sometimes; or to forgo college altogether. Yet, Congress has failed to pass the Higher Education Act.

Now, one party controls the White House, the Senate, and the House; the same party. Yet, they have failed to pass a Higher Education Act. Where are the priorities? Congress seems to have no trouble passing tax cuts for the wealthy, but to provide opportunities for students to attend college does not seem to be a priority.

Mr. Speaker, the failure of the House to pass a higher education reauthorization is emblematic of this ineffective Congress. In past years, the Higher Education Act was one of the easiest to pass, one of the most bipartisan, a bill we could count on.

And with this temporary extension, we have missed many opportunities today. We could have increased the Pell grant and provided it year-round. We could have significantly increased aid to minority-serving institutions. We could have increased assistance to low-income and first-generation college students. We could have increased loan forgiveness. We could have eliminated origination fees on student loans. We could have provided child care for parents who are attempting to go back to college. We could have changed the student aid formulas for working students.

But, today, we pass a temporary extension. We have failed to do any of those things, and American college students and their parents are paying for Congress' failure.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 4525, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1281, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

The Clerk read the title of the Senate bill.

(For conference report and statement, see proceedings of the House of December 16, 2005, at page 29195.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report on S. 1281.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge support for this important conference report, the first NASA authorization in 5 years. We take up this conference report at a critical time for the Nation's space policy as NASA is laying out the policies and seeking the funding to set its course for the next decade and a half.

This bill will give the agency clear guidance while giving Congress important new tools for oversight at this pivotal time.

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Most important, I believe this bill in its very first section makes clear that NASA is to remain a multi-mission agency with robust programs in science and aeronautics, even as it moves ahead with the President's vision for space exploration, and the bill also makes clear unequivocal endorsement of that vision.

The bill also ensures that Congress will have the information it needs to guide and monitor NASA. It requires a multiyear plan for aeronautics and science so that all NASA programs have a clear and well-articulated path, and it requires plans for facilities and workforce so we can see what assets NASA will need to achieve its goals.

The bill prevents any layoffs from occurring before March 16, 2007. The bill requires updated information on the cost of the crew exploration vehicle before NASA awards a development contract, and it requires that NASA provide a range of cost estimates for the CEV, along with the potential impact of each of those estimates on other programs.

The bill applies a version of the Nunn-McCurdy rules to NASA. These rules will not only require NASA to notify Congress early on of any significant cost overruns but will require congressional action if a program breaches a specific gap. This may turn out to be one of the most important provisions of the bill.

The bill also gives NASA the authority it has been seeking to offer larger prizes to encourage a broad range of private sector scientists and engineers to help NASA meet specific technological goals, and the bill establishes a new account structure that will make it easier for Congress to track NASA spending and to ensure that money is spent for the programs intended.

Finally, the authorization levels in the bill make clear that NASA cannot possibly accomplish everything that is now on its plate with the funding it is currently projected to receive. I should add that, for me, the authorization levels do not mean that NASA necessarily should receive the authorized amount for fiscal 2007. The appropriated level needs to take account of tradeoffs and what is available to other agencies, particularly to other science programs, but the authorization levels do clearly mean that NASA will need to either get more money or to forego or delay activities.

I need to say, right now, even though no one will want to hear it during this debate, that I do not think we should accelerate the crew exploration vehicle development unless key Federal science programs are adequately funded. Launching the CEV in 2014 rather than 2012 will not damage the country, but allowing the erosion of our scientific enterprise will cause real and significant damage, but that is a battle for next year.

Right now, we should all come together to endorse this conference report, which will give NASA needed authority and guidance and will give Congress tools and a context for future debates.

This bill represents a true compromise. For example, I am not fond of several of the provisions relating to the international space station, but they were reasonable elements of a negotiated package that represents the broad range of views of NASA in this Congress. We were able to pull together such a package because everyone was willing to be reasonable. That is a commodity, reasonableness, that oftentimes is lacking in this body.

I want to especially thank the gentleman from California (Mr. CALVERT) who sponsored this bill and who heads our Space Subcommittee, for his unlikely combination of persistence and cooperation. I also want to thank the gentleman from Tennessee (Mr. GORDON) and the gentleman from Colorado (Mr. UDALL) who were true partners in their efforts, and I want to thank all the conferees in both bodies for their openness and hard work. It was not easy but here we are.

This is a thoughtful, reasonable, bipartisan compromise, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a variety of speakers here who would like to speak on this bill, and so I am going to be very brief.

I first want to concur with Chairman BOEHLERT, who I think did a very good job in laying out the content of the bill and the spirit in which it was put together. I want to rise in strong support of the conference report for the NASA Authorization Act of 2005. This bill is a result of constructive bipartisan and bicameral negotiations regarding the future direction of NASA. The issues have been complex, but the conferees have approached them with an open mind and a willingness to compromise.

I think it is important for the authorizing committee with jurisdiction over NASA programs to provide appropriate oversight and guidance to the agency, and I think this bill does that.

Of course, I am sure that each of us have additional provisions that we would have liked to have included as well as some that we would have preferred to drop, but nevertheless, I think this bill is a constructive compromise that will serve NASA and the Nation well.

NASA is facing significant challenges in the years ahead, not the least of which is budgetary outlays for the agency's programs. I think this bill is a constructive step to assist the agency in meeting those challenges, but success is going to require Congress's active involvement in the months and the years ahead.

Finally, before I close, I would like to express my thanks to my colleagues on the House side and, in particular Chairman BOEHLERT, Chairman CALVERT and Subcommittee Ranking Member UDALL for all the efforts they have made on behalf of this bill. I would also like to express my deep appreciation to our friends in the Senate for their bipartisan and bicameral spirit of cooperation they have brought to our negotiations, and certainly without the good staff work on our Science Committee, we would not be here today. It has been a pleasure to work with them to craft this conference report. I would also like to say, again, thanks to the House and Senate staff, as well as to the NASA personnel for their assistance in bringing the conference to a successful conclusion.

In closing, I believe this is a good conference report, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the distinguished chairman of the Space Subcommittee, a person who has worked very hard on this bill to bring it all together.

Mr. CALVERT. Mr. Speaker, I thank the chairman for the time.

Mr. Speaker, I want to thank Chairman BOEHLERT for his leadership and guidance, for the great job in making sure that we are here today, and I certainly want to thank Ranking Member GORDON and Ranking Member UDALL for their leadership and support, also. I want to commend the Members of the Science Committee on both sides of the aisle for a job well done. I also want to thank the gentleman from Texas (Mr. DELAY) for his guidance and assistance and all his staff working together diligently for long hours to assure that this NASA authorization bill could be accomplished this year. This is the first time since the year 2000 that NASA has had an authorization bill and we have been able to complete it. This bill provides the agency with the rules and tools they will need to succeed.

This is a crucial time for the agency as it is going through a major transition Our bill represents the first time that the President's Vision for Space Exploration has been fully endorsed by both Houses of Congress. When the President sends to Congress his budget for fiscal year 2007, today's backing by the Congress can only help us to increase the support for our Nation's civil space program and for the Vision for Space Exploration. We also seek equivalent strategic plans for aeronautics and science parts of the budget.

NASA represents only seven-tenths of 1 percent of the Federal budget and is an investment in our Nation's future. Even in this time of budget deficits, the United States cannot abandon NASA's research and technology and its exploration programs. It is not in the American spirit to shy away from this investment in our global leadership.

This bill also authorizes for the first time a competitive prize program at NASA based on the very successful X-Prize. This program will allow NASA to award prizes for those technologies that are useful for NASA's mission. This prize program will encourage our best and brightest scientists, engineers and entrepreneurs to pursue technologies that NASA will need to pursue our Nation's dreams of exploration.

I am pleased that we are doing a 2-year bill through 2008, and we in the Science Committee look forward to providing oversight and authorization appropriate when needed. I want to urge my colleagues to vote yes on this truly bipartisan conference report. We owe it to the administration, to our national space enterprise and to the American people to pass this NASA authorization bill this year.

Mr. GORDON. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. UDALL), my partner and ranking member on the Space Subcommittee.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding me time.

I, too, join my colleagues in acknowledging the bipartisan nature of this very important conference report. I want to thank Chairman BOEHLERT and Chairman CALVERT on that side of that aisle for their leadership and for their good work and, as well, my ranking member on this side of the aisle, the gentleman from Tennessee (Mr. GORDON).

There are four key areas that I would just like to highlight in my remarks that are a part of this very important piece of legislation.

Number one, we beef up the aeronautics effort of NASA, and we make sure that crucial research and development work continue, and the effect it has on our domestic economy, which is very, very crucial.

Second, the Hubble telescope, we will do all we can under this legislation to service the Hubble telescope, and it has truly become the people's telescope. It is known not only in the scientific community but to lay people on the street. It is a tremendous asset for us today, and it will be in the future.

Third, the legislation includes a piece of legislation I authored 4 years ago that deals with remote sensing data. That is the data that we are generating from the fleet of satellites that look down on the earth, and this data can be of great use to our cities, our towns, our counties and the private sector. The bill puts in place a grant program as well as increased access to that data so that it can be used by the American public.

Finally, there is a provision that further strengthens the space grant program that brings into the career paths of science and technology mathematics and engineering, those young people who will not only teach the students of the future but who will also come up with the great inventions and the new technologies and new understanding from our great efforts in space and in aeronautics.

So, Mr. Speaker, this is an excellent bill. I want to commend it to our colleagues, and I rise in support of this important piece of legislation and would ask every Member to support it.

Mr. Speaker, I rise today to express my support for this conference report.

This report reflects the results of productive, bipartisan negotiations that began between House Republicans and Democrats and continued on with the Senate.

This is a good conference report, and I would like to thank all the Conferees and their staff who worked on this report. In particular, I would like to thank our Conference Committee Chairwoman KAY BAILEY HUTCHISON, Chairman BOEHLERT, Ranking Member GORDON, and Subcommittee Chairman CALVERT.

I have been pleased to see how this group has come together to put together an authorization bill that enables NASA to take positive steps in each of its mission directorates. I believe that it provides an essential balance between NASA's core missions as well as a timely long-term policy direction for NASA as it embarks on the Moon/Mars initiative.

One of the strengths of this bill is that it highlights NASA's non-exploration related research and ensures that innovative work continues to be done in the Science and Aeronautics programs.

To ensure the continued health of each of NASA's core missions, it sets up a budgetary structure that separates NASA's human space flight and exploration accounts from its science, aeronautics, and education accounts—in effect, it erects a flexible "firewall" between the accounts.

Turning to some of the program-specific features of the conference report, I am pleased that it encourages NASA to take up three groundbreaking initiatives in subsonic, supersonic and rotor craft R&D under its Aeronautics program.

Progress in aeronautics is crucial to the health of the Nation's air transportation industry, which in turn is crucial both to the continued strength of our domestic economy and our international competitiveness.

That R&D also benefits our quality of life and enhances our national security. We need to encourage it, and this bill does just that.

In addition, while the new Exploration initiative at NASA has gotten the most public attention recently, NASA's science programs have continued to be some of NASA's "crown jewels"—generating discoveries that have been captivating the American public for decades.

For example, images from Hubble have helped us better understand our universe, but they also allow amateur astronomers of all ages to study the wonders of space.

In short, Hubble has truly become the peoples' telescope, and I am gratified that this bill calls for a mission to service Hubble to be scheduled and authorizes funding accordingly.

This bill also seeks to make sure that the scientific research on the International Space Station achieves its full potential by ensuring that both exploration and non-exploration related research is performed. Microgravity and life science research can help us better understand the affects of space on the human body, moving forward our efforts in human exploration beyond low Earth orbit.

It also has many applications here on Earth, and this bill ensures that the ISS will support diverse research goals by requiring that at least 15 percent of all research funds for the International Space Station are to be used for nonexploration related research such as ground-based, free-flyer, and ISS life and microgravity science research.

I believe it is important that we continue to encourage commercial involvement in our space missions, including through research initiatives. There are several partnerships existing between the science community and industry that perform research on the International Space Station.

This bill speaks to the need to preserve fundamental, applied, and commercial life sciences and other micro gravity research that allows commercial participation in the research performed on Station.

I would also like to highlight another title of this bill that will allow cities and municipalities better access to remote sensing data. Many cities in our country—including in my home state of Colorado—are faced with a real problem of excess growth and sprawl.

We now have technology—using geospatial data from satellites—that can produce very accurate maps that show information about vegetation, wildlife habitat, flood plains, transportation corridors, soil types, and many other things.

This bill includes provisions—based on legislation I had authored several years ago—that would establish in NASA a program of grants for competitively awarded pilot projects. The purpose of the pilot projects would be to explore the integrated use of governmental and commercial remote sensing data and other geospatial information to address state, local, regional, and tribal agency planning and decision-making needs.

State and local governments and communities can use geospatial information in a variety of applications—in such areas as urban land-use planning, coastal zone management and erosion control, transportation corridors, environmental planning, and agricultural and forest management. As I indicated, the provisions in this conference report will allow cities and municipalities access to such data from many available commercial sources, as well as from governmental sources.

Lastly, I would like to point out the NASA education programs authorized in this bill that engage young students in space and earth science and encourage them to pursue science, technology, engineering, and mathematics (STEM) education and careers. It is no secret that the United States is falling behind in producing graduates in STEM disciplines. Through programs such as Space Grant, NASA is reaching out to students to provide a hands-on experience studying space-related fields.

As a nation we must do more to ensure our students are getting the science education they need to compete globally, and I believe these NASA programs are taking steps in the right direction to do this.

Mr. Speaker, there are many other provisions I could highlight, but in closing, I simply would like to say that I strongly believe that this is a good conference report. It is the product of open dialog and negotiations between Democrats and Republicans, House and Senate alike, and I am pleased that we were able to bring it to the floor today.

I would again like to thank my colleagues on the Conference Committee for their hard work to make this report a reality. This is the right policy for NASA and I urge members to support its passage.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), another very distinguished member of the committee.

Mr. FEENEY. Mr. Speaker, I rise to thank Chairman BOEHLERT and Chairman CALVERT and the respective ranking and minority Members.

We will recall in the aftermath of the *Columbia* accident, many of us on Capitol Hill and the space community observed the drift. America's human space program seemed to be adrift in terms of our space flight initiative and vision. The President responded with his vision which has now become America's vision.

The conference bill and the report provides unambiguous and bipartisan endorsement of America's Vision for Space Exploration. The direction of human space flight has now been set for future administrations and congresses. I look forward to progressing on this ambitious journey of exploration and science.

As we do move forward, Mr. Speaker, I hope we take to heart the *Columbia* accident investigation board's reminder and admonition that NASA "is an organization straining to do too much with too little." As we work to provide NASA with a focused mission, including but not limited to human space flight, we need to avoid overloading and micromanaging this agency and its fine leader, Mr. Griffin.

With that, I thank the chairman for the time.

Mr. GORDON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 1281, the NASA reauthorization bill of 2005. This important legislation will authorize appropriations for NASA for the fiscal years 2006 to 2010.

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It provides guidance for the agency and encourages research, exploration, and education.

NASA is important to my State and to the Nation. It has been known for its leadership in space exploration, but I want to point out just a few of the numerous other benefits NASA research has brought to us.

Satellites allow instant access to information around the globe. Cell phones, cordless appliances, VELCRO, and Teflon all were developed through our space program.

NASA research has been an integral part of our Nation's military efforts as well. Satellite imagery and global positioning systems have been critical to helping our Armed Forces pinpoint the enemy in battle. Unmanned aerial vehicles allow us to see our enemies without putting our troops in harm's way.

Perhaps our greatest achievement has been in the field of medical science. In the late 1960s, the Jet Propulsion Laboratory developed digital imaging processing to better view the Moon. Similar technology is now used by doctors to view organs inside the body. CAT scans and MRIs are revolutionizing our ability to detect tumors early and save lives.

None of these technologies would be possible without NASA research. The NASA authorization bill is overdue, and I urge my colleagues to support it. I want to thank the leadership both in the House and the Senate for bringing us to this point.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. DELAY), a long-time champion of NASA.

Mr. DELAY. Mr. Speaker, I want to thank Chairman BOEHLERT, Subcommittee Chairman CALVERT, Mr. UDALL, and Mr. GORDON. I just want to thank everyone in both Houses who worked on this conference report, especially the staff who has done such a fabulous job. And it is good that this is a strong bipartisan effort. Space is not Republican or Democrat, and I am very proud of the work that you did.

This conference report meets NASA's immediate and long-term needs and puts into place the policies needed for NASA to take its next giant step for mankind over the next 3 years, and that of course will not only make good on President Bush's Vision for Space Exploration; it will make good on the brave and brilliant capabilities of the men and women of our space program.

Specifically, the conference has wisely chosen to fully fund the space shuttle program and its 19 remaining missions; to fully fund the buildout and assembly of the international space station; and to fully fund the crew exploration vehicle.

To meet those vision-related challenges, the conference has also combined the space shuttle and its exploration activities accounts to provide NASA greater flexibility in deploying those resources; it calls for the elimination in any gap between the retirement of the shuttle and the deployment of the CEV, so that America is never voluntarily shut out of space.

It encourages NASA to tap the valuable knowledge of its highly experienced shuttle workforce in the development of the CEV, and it includes new authority for NASA to increase its visibility with a national public awareness campaign to articulate its exciting missions and publicize its tremendous accomplishments.

Mr. Speaker, in this conference report, the first reauthorization in 5 years and the first since the President announced his vision, we have set NASA's course, relying on the courage and ingenuity of the NASA family to accomplish their mission by returning mankind to the Moon and sending us on to Mars.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Tennessee for yielding me this time, and I want to applaud the chairman of the full committee and the ranking member for their leadership and the work that they have done in working with all the Members for what I think will be a very large scientific statement for America.

I want to also thank the subcommittee ranking member and the subcommittee chair, as well, for their collegiality and their interest in moving NASA forward and the members who work on the committee and the subcommittee.

I am very pleased to congratulate all who have had a part, also the staff, in this great coming together of not only reinforcing our commitment to space exploration but a recognition of the need for balance in the Nation's budget.

I am very pleased to note the $10 billion for exploration systems and space operations and the continuing support of the international space station. And might I also thank my colleagues for being very sympathetic to the language that we included that deals specifically with the question of safety and the language that was added that provides for a review of NASA's safety management as well as a report on the use and dissemination of best practices, and expanded whistle-blower protection that allows those employees of NASA to be able to report without concern of recrimination on the issue of safety and the issue of health.

Let me also thank my colleagues for accepting my language on creating the framework for a commission to investigate future U.S. space vehicle accidents as well as a task force to evaluate and report on international space safety.

Again, I am very pleased that the international space station has been declared a national laboratory, because it was this kind of research that found us new advances in HIV/AIDS, stroke, and other diseases.

And I guess my greatest appreciation is for the announcement of the Dr. Mae C. Jemison Grant Program to work with minority-serving institutions to bring more women of color into the field of space and aeronautics. Might I share with you that in a 2001 graph we saw that of the science and engineering doctorate holders 2.8 percent were black and 2.7 percent were Hispanic. And in engineering it was 1.8 percent black and 2.0 percent Hispanic. We want America's youth to find their way to engineering and the sciences. This program in the NASA organization will be a great step towards that.

Many of us remember Dr. Mae Jemison. She blasted into orbit aboard the space shuttle *Endeavour* on September 12, 1992, making her the world's first woman of color to go into space and the city of Chicago's first astronaut in U.S. history. As a young girl and teenager, she was always interested in science, especially astronomy, and was encouraged by her parents and teachers to pursue not only her science studies but also dance and art.

She went on to receive her bachelor of science in chemical engineering and a B.A. in Afro-American Studies from Stanford and her medical doctorate from Cornell University. She joined NASA in 1987.

Dr. Jemison was quoted in Newsweek as saying, "One of the things that I'm very concerned about is that as African Americans, as women, many times we do not feel we have the power to change the world and society as a whole." She certainly changed the world and society as a whole, along with Eileen Collins, who was one of the outstanding commanders that we had in the recent space flight.

I believe this legislation will move us forward; and I would like to thank James Williams, my staff, and all the staff for the great work they have done. I ask my colleagues to enthusiastically support this legislation.

Mr. Speaker, I rise in complete support of the National Aeronautics and Space Administration Authorization Act of 2005 which authorizes funding for NASA for fiscal years 2008 and 2009, and among other things gives Congressional endorsement to the Vision for Space Exploration and authorizes. Before continuing I would like to first thank Members on both sides of the aisle and their staffs for all the hard work that went into making this bill a success. I am also pleased to see that in light of the limited time we have remaining in the year; we were able to move quickly on this bill.

Let me take a moment to state that NASA is at a very pivotal moment in its history and therefore it is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. After the tragic *Columbia* Space Shuttle accident the Science Committee and this Congress were forced to re-evaluate NASA's purpose. I have stated that safety must be the number one priority of NASA; however this should not deter NASA from pushing the boundaries of technology and discovery. I feel confident that this Reauthorization bill addresses both safety and discovery in a comprehensive manner.

I am also pleased to see that we were able to address a few issues of importance to me. Two of which are Whistleblower Protection for NASA employees and the creation of the Dr. Mae C. Jemison Grant Program to work with Minority Serving Institutions to bring more women of color into the field of space and aeronautics. In terms of Whistleblower Protections for NASA employees, it is important that we move forward in providing protection to NASA employees who present concerns about health and safety. During a hearing held in the Science Committee, Admiral Gehman and the Columbia Accident Investigation Board explained how fear of retaliation by management, had lead some engineers to stifle their concerns about the safety and well-being of NASA missions and crew. My Whistleblower language creates needed protections for NASA workers and sets forth certain specific reporting requirements for NASA. These two combined will help to bring about a safer and more productive NASA.

In terms of Dr. Mae C. Jemison, the language in this bill would create a grant program named in honor of Dr. Mae Jemison blasted into orbit aboard the space shuttle *Endeavour* on September 12, 1992 making her the world's first woman of color to go into space, and the city of Chicago's first astronaut in U.S. history. As a young girl and teenager she was always interested in science, especially astronomy, and was encouraged by her parents and teachers to pursue not only her science studies, but also dance and art. She went on to receive her Bachelor of Science in Chemical Engineering and a BA in Afro-American Studies from Stanford and her medical doctorate from Cornell University she joined NASA in 1987. Jemison continues to serve as a role model to women and African Americans. She told Newsweek, "One of the things that I'm very concerned about is that as African-Americans, as women, many times we do not feel that we have the power to change the world and society as a whole." With her life and accomplishments she has proven that idea truly wrong. While the bill only establishes the program, I look forward to working with appropriators when we return next year to fully fund this program.

Before closing, I am also pleased to see that the bill requires NASA's Administrator to establish an independent task force to review the International Space Station program with the objective of discovering and assessing any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment. The independent task force shall, to the extent possible, undertake the following tasks:

Catalogue threats to and vulnerabilities of the ISS, including design flaws, natural phenomena, computer software or hardware flaws, sabotage or terrorist attack, number of crewmembers, inability to adequately deliver replacement parts and supplies, and management or procedural deficiencies.

Make recommendations for corrective actions.

Provide any additional findings or recommendations related to ISS safety.

Prepare a report to the Administrator, Congress, and the public.

As I close and as a Member of the House Science Committee, I am honored to have been a part of this process and the successes achieved here today.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank Chairman BOEHLERT for yielding me this time, and I commend him and Ranking Member GORDON for the hard work they did. It was a long process moving this piece of legislation through. I also want to commend Subcommittee Chairman CALVERT. I know he worked very hard on this.

It is now almost 2 years since President Bush first enunciated a vision to go back to the Moon and on to Mars; to develop a new space vehicle to replace the space shuttle. We in the House quickly recognized when the President put forward this ambitious plan, and it was a wonderful thing the President did in doing this, because many people felt it was the first time since Jack Kennedy's original call to go to the Moon by the end of the decade of the 1960s, that it was the first time since then that a President had boldly stood up and proclaimed a vision for NASA.

We knew then, Members of the House, that we would need new authorizing legislation, particularly for the process of retiring the space shuttle and bringing a new man-rated launch vehicle on line that would have the capability of carrying men and women into space.

This legislation is very important. It is very needed. Though I tend to focus mainly on the issues that pertain to the manned space flight program, as the representative of the area that includes Cape Canaveral and Kennedy Space Center, this legislation has important sections that deal with our Nation's critical investment in aeronautics research and science; and, therefore, it is critically important that we pass this legislation as we move forward next year.

The bill calls for additional funding for NASA in the 2006 appropriation, as well as 2007 and 2008, that will meet the critical needs for our Nation's aerospace industries and our manned space flight program in the years ahead. I commend the work of all those involved.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in strong support of the NASA reauthorization act. I would like to begin by thanking those colleagues who worked so hard to create a bill that is beneficial to the Nation. Chairman CALVERT and Ranking Member UDALL deserve thanks for their leadership in ensuring NASA remains well balanced and healthy. I want to thank Chairman FRANK WOLF for his support in this endeavor, and also Congresswoman DAVIS.

I also want to thank Mr. DELAY for his support in our efforts to maintain NASA in Cleveland. I would like to thank members of the Ohio delegation who worked with me to ensure the bill's success.

I want to stress that there is a lot that happens here where we have partisan conflict, but on this bill we had tremendous bipartisan support in the Ohio delegation, which included STEVE LATOURETTE, SHERROD BROWN, STEPHANIE TUBBS-JONES, MICHAEL TURNER, JEAN SCHMIDT, PAUL GILLMOR, TED STRICKLAND, DAVID HOBSON, MICHAEL OXLEY, STEVE CHABOT, MARCY KAPTUR, JOHN BOEHNER, PAT TIBERI, BOB NEY, TIM RYAN, DEBORAH PRYCE, RALPH REGULA, Senator DEWINE and Senator VOINOVICH, and in addition, ROB PORTMAN. We all worked together on this. Every one of us made an effort.

This is a landmark bill because it affirms that so much depends on a healthy NASA. A healthy NASA, in turn, depends on an emphasis in aeronautics in addition to an emphasis on space. This is critical to the economy.

Aeronautics contributes more to the U.S. balance of trade than any other U.S. manufacturing industry. NASA's aeronautics research is also critical to national security. It has spawned technologies from surveillance systems that monitor aircraft flight paths, to the development of secure communications systems. NASA's aeronautics research has contributed to aircraft safety, reducing wind sheer and icing as major risks in airline travel.

In order to maintain their unparalleled track record, NASA first needs a road map for aeronautics, just as it had one for the Vision for Space Exploration. This bill provides that road map.

While the map is being drawn, NASA's aeronautics infrastructure must be preserved, starting with the world-class, award-winning workforce at NASA's field centers like NASA Glenn in Cleveland. This bill prevents involuntary reductions in force until at least March of 2007 and calls for a workforce shaping plan. It also provides necessary funding.

This bill further prevents reckless and semipermanent elimination of testing facilities, like wind tunnels and propulsion testing facilities, and encourages long-term basic research in areas like low-emissions and zero-emissions aircraft, microgravity, engine efficiency, and noise reduction. These are all tremendously beneficial to Ohio and the Nation.

This bill makes NASA more sustainable. It strikes a balance between space and aeronautics and ensures that NASA will continue to contribute to our economy, national security, airline safety, and the environment. It is a significant step forward for Ohio, and I urge my colleagues to support it.

I want to thank the chairman and the ranking member for their support and their leadership on this matter.

Mr. BOEHLERT. Mr. Speaker, for the reasons just cited by my distinguished colleague from Ohio, I remain an enthusiastic supporter of a robust aeronautics program at NASA. It provides so much benefit to the U.S. economy.

Mr. Speaker, I am proud to yield 1 minute to the distinguished gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I join in lauding the leaders, the chairman, the minority leaders, the subcommittee chairman, and everyone who has worked on this to hammer out this bill.

Investing in NASA not only keeps this country at the forefront of exploration and innovation but it is also vital to our economy and our national security. By investing less than 1 percent of the budget, we get exponential growth in scientific and technological spinoffs. From the development of MRI technology to microchips, the scientific partnerships between NASA and American universities and companies ensure our Nation's viability.

We need to keep America at the forefront of innovations and discovery for generations to come.

When President Bush announced the new Vision for Space Exploration in January 2004, I was excited to see that NASA had a new direction and focus for the future. Our ventures into space not only keep America at the forefront of exploration and innovation, but they also are vital to our economy and our national security. This new Vision sets America on a course toward the Moon and Mars, and we should embrace this dream and work to make it a reality.

Today's authorization act for NASA outlines the broad goals of this Vision. While it embraces the exploration agenda of the space agency, it also bolsters other vital NASA programs in science and aeronautics that keep America competitive globally.

This is a well-balanced bill, and I commend my colleagues and their staff for crafting such a fine piece of legislation. I am particularly pleased that the bill includes my provision that directs Administrator Griffin to develop a Crew Exploration Vehicle with a robust crew escape system. As we implement the new space vision, I will work to ensure that NASA fulfills this priority and minimizes the risks for our brave men and women who fly our space missions. Our hopes and dreams ride with them, and we must do all we can, at whatever cost is necessary, to ensure their safety.

I urge Members to pass this bill. With the Space Shuttle and International Space Station, America has proven its preeminence in Space. We need to keep America at the forefront of innovation and discovery for generations to come.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the House's poet laureate.

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Mr. FRANK of Massachusetts. Mr. Speaker, if someone had said some of the most fiscally, self-proclaimed, conservative members of the House were going to come to the floor and ask us to spend $100 billion or $200 billion on a nonessential project, people would have said, when pigs fly. Well, that is this bill. Did you see who got up to speak? Everybody who has got a NASA facility. The pork is very much in this bill, but it is flying pork. So this is literally the occasion when pigs fly, at least in the nature of pork, when all of the representatives of the NASA places come up here.

Now, I agree with the gentleman from New York and my friend from Cleveland.

Mr. KUCINICH. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield briefly to my friend from Ohio.

Mr. KUCINICH. I just want to, for the record, state that I am a vegan. I do not consume pork.

Mr. FRANK of Massachusetts. The gentleman may not consume pork, but he sure produces it.

The fact is that we are about to take up a continuing resolution that will make severe cuts in many, many important programs here on earth, and we will be told that the problem is the fiscal constraints. Members will lament the fact that we cannot adequately fund health care and environment and transportation and other things, and then we vote for a bill that says, as a binding policy, we are going to send a man to Mars. My friend from Missouri asks me, well, what happens when he gets there? Well, he comes back. That is why it is so expensive.

I agree about what was said about aeronautics; it is so important. I agree with space experimentation, primarily unmanned. But sending human beings to Mars, which this bill unfortunately endorses, is an extravagance; it is a psychological stunt. The amount of scientific gain you get comes from the aeronautics, from the unmanned space, even from some of the manned space in a more limited way. But when I first got here, we were told we had to do the space shuttle because we had to compete with the Soviet Union, and I did not think it was a good idea, the space station, not the space shuttle. Then the Cold War ended, and now we are told we have to keep doing the space station to cooperate with the Soviet Union. If we go a few more years, we will have to do it in memory of the Soviet Union.

There is a determination to spend far beyond any rational principle. I agree with much of what is here, but going to Mars? A country that faces the fiscal problems we face? We are quibbling, we are arguing over how well to protect New Orleans: Do we go to category 3 or category 4? But then in this parallel universe, we are going to spend $200 billion to send men to Mars. Of course, you can tell it is a parallel universe; it is the one no one lives in; it is the one where they are willing to spend money.

So as you are told to accept the tough cuts that the gentleman from Wisconsin is going to outline when you vote for that CR and when you try to tell people back home, "I am sorry, I could not give you money for health care and for education and for the environment and for transportation," remember that you are mortgaging that with this useless piece of flying pork of sending men to Mars.

Mr. BOEHLERT. Mr. Speaker, I want to thank my distinguished colleague from Massachusetts for his observations, and I wish to add to his comfort level. Because on page 5 of our report, it points out in section D: Enabling humans to land on and return from Mars and other destinations on a timetable that is technically feasible and fiscally possible.

As the gentleman well knows, my interest is in advancing the science agenda for the Nation. The good science that is part of the space vision does not guarantee a vehicle to go to Mars, it guarantees that good science goes forward.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I yield to my colleague from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman. And I have never been happier that it is the Hall of Fame and not NASA that is in Cooperstown.

Mr. BOEHLERT. Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first inform my friend from Massachusetts that I have no NASA facility in or near my district, so I try to be an honest broker in this authorization. I will also point out, in this 2-year authorization, more than 99 plus percent of the authorization goes to non-Mars related issues. So I think we have tried to put a balance in here. As the chairman has pointed out and I have pointed out, we very much think that NASA needs to be a multi-mission agency with aviation, education and so many other things that are so important to this agency. For that reason, we put firewalls into this bill so that they cannot be poached for things that we think might be a lesser priority. So, hopefully, we will be able to reach that balance.

Let me also just finally say that I am sure that Spain had a very tough budget when Isabella decided that it was worthwhile to make an investment in Columbus. I think that when we look at these issues, certainly education, nutrition programs, all these things are important, and one can say even more important. But there needs to be a balance. We have tried to reach a balance that we think has been a responsible balance, and that is why it has been a bipartisan, bicameral approach.

I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Tennessee for yielding.

This is a bill that also focuses on science, and science has, over the years, been the economic engine of our Nation. The more we are at the cutting edge of science and the inventions that provide new opportunities for work, new opportunities for industry, we are advancing the economic opportunities of Americans. That is what is within this bill in many, many instances, beyond where the NASA centers are located.

I want to thank, again, the chairman and the ranking member for working together and having the focus of this bill really be on science and all that we can produce through scientific research.

Mr. GORDON. Mr. Speaker, I will just close by saying that a purpose for having an authorization is a portion of oversight. And I think Mr. FRANK really has been beneficial for us in making us justify ourselves, making us have part of this oversight. It is a better bill, a healthier bill for that. I think it can live up to the scrutiny.

With that, I would like to yield to my friend from Missouri for some remarks.

Mr. SKELTON. I thank my friend for yielding.

Mark Twain once said: The more you explain it to me, the more I don't understand it.

I want to know where the Defense bill is; 3 o'clock yesterday afternoon, we ended our conference. By 5 o'clock, we filed the necessary signatures, both the Senate and the House, and yet the Defense bill is not even on any calendar whatsoever. This is outrageous.

I understand the Republican leadership wishes to put some extraneous matter onto the bill. But the proper procedure was followed. It was a torturous, difficult, but a fair ending, and we signed the report. Yet, the Defense bill is not there, being held up for some extraneous misunderstanding, reason. I just don't understand it.

I want that Defense bill on the floor. The United States of America wants it on the floor. We have young men and young women in uniform all over this world. Afghanistan, Iraq, and yet we can't get the bill here that authorizes a pay raise, TRICARE for reservists, all the ammunition that they need, the medical care that we need, the policies set forth in the detainee language, all of this that has been worked out. Yet we don't have the bill. I don't understand it.

Please explain it to us and to the American people: Where in the world is the Defense bill, the authorization bill?

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, as a House Republican who, I believe my fiscal conservative ratings are typically among the top ten most conservative in the House; I have no NASA facilities in my district; and I am a passionate advocate for NASA, a strong supporter of this legislation, because I recognize the importance of investing in our Nation's future through investments and the scientific and technological innovations that only NASA and the space program have been able to produce for us. From the Blackberry on our belts, the microcomputers, the computer chips on our office desks, to satellite technology and cell phone technology to medical technology, NASA has touched every one of our lives. I applaud the chairman and the leadership for bringing this bill to the floor, and it is very important that we get behind President Bush's vision, because only by investing in NASA and strengthening our investment in scientific and medical research will we maintain America's leadership role in the world.

Mr. GORDON. Mr. Speaker, I again urge passage of this bill and yield the remainder of my time to my friend from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, just quickly, to follow up what Mr. SKELTON has talked about, the Defense authorization bill was signed, and here is what I read in CQ: "House Armed Services Chairman Duncan Hunter confirmed through a spokesman that he inserted the provision," this is totally extraneous, apparently, if that happened after the signatures, "at the behest of House leadership."

And this is a quote: "'Hunter reserves the right to support the leadership team,' said Harald Stavenas, his spokesman."

Get the authorization bill on the floor.

Mr. BOEHLERT. Mr. Speaker, I want to thank the staff who have worked so diligently on this bill all year and who have been really on constant alert since the loss of the space shuttle *Columbia*. That staff includes David Goldston, John Mimikakis, Bill Adkins, Roselee Roberts, Tom Hammond, Ken Monroe, Johannes Loschnigg, Shep Bryan, Ed Feddeman, Christy Carles, as well as the minority staff, Chuck Atkins and Dick Obermann. They have been a team working together in common cause.

I would also be remiss if I did not thank Administrator Griffin and his staff, particularly Brian Chase, who are always available and who were willing to work to reach a compromise. And might I say how refreshing it has been to be so candid as Administrator Griffin has been. Administrator Griffin continues to do a superb job, and we hope this bill will help him do that job, even though, like all of us, he would not have written each provision the way we did. But in the final analysis, we have got a good bill that is worthy of the support of this House. We have got a good bill that is good for America because of the vitality it brings to the economy, and we have got a good bill because Democrats and Republicans worked it out together.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and agree to the conference report on the Senate bill, S. 1281.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 863. An act to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 959. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 1310. An act to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

S. 1312. An act to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

S. 1892. An act to amend Public Law 107-153 to modify a certain date.

CORRECTING ENROLLMENT OF S. 1281, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 324) directing the Secretary of the Senate to make a technical correction in the enrollment of S. 1281, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 324

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, the Secretary of the Senate shall correct the title so as to read: "An Act to authorize the programs of the National Aeronautics and Space Administration.".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TERRORISM RISK INSURANCE REVISION ACT OF 2005

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

The Clerk read as follows:

Senate amendment to House amendment:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Extension Act of 2005".

SEC. 2. EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by striking "2005" and inserting "2007".

(b) MANDATORY AVAILABILITY.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2327) is amended—

(1) by striking paragraph (2);

*(2) by striking "**AVAILABILITY**.—" and all that follows through "each entity" and inserting "**AVAILABILITY**.—During each Program Year, each entity"; and*

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left.

SEC. 3. AMENDMENTS TO DEFINED TERMS.

(a) PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by adding at the end the following:

"(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

"(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007.".

(b) EXCLUSIONS FROM COVERED LINES.—

(1) IN GENERAL.—Section 102(12)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(viii) commercial automobile insurance;

"(ix) burglary and theft insurance;

"(x) surety insurance;

"(xi) professional liability insurance; or

"(xii) farm owners multiple peril insurance.".

(2) CONFORMING AMENDMENT.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by striking "surety insurance" and inserting "directors and officers liability insurance".

(c) INSURER DEDUCTIBLES.—Section 102(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2325) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting after subparagraph (D), the following:

"(E) for Program Year 4, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 4, multiplied by 17.5 percent;

"(F) for Program Year 5, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 5, multiplied by 20 percent; and"; and

(4) in subparagraph (G), as so redesignated, by striking "through (D)" and all that follows through "Year 3"and inserting the following: "through (F), for the Transition Period or any Program Year".

SEC. 4. INSURED LOSS SHARED COMPENSATION.

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2328) is amended—

(1) in paragraph (1)—

(A) by inserting "through Program Year 4" before "shall be equal"; and

(B) by inserting ", and during Program Year 5 shall be equal to 85 percent," after "90 percent"; and

(2) in each of paragraphs (2) and (3), by striking "Program Year 2 or Program Year 3" each place that term appears and inserting "any of Program Years 2 through 5".

SEC. 5. AGGREGATE RETENTION AMOUNTS AND RECOUPMENT OF FEDERAL SHARE.

(a) AGGREGATE RETENTION AMOUNTS.—Section 103(e)(6) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) for Program Year 4, the lesser of—

"(i) $25,000,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

"(E) for Program Year 5, the lesser of—

"(i) $27,500,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year.".

(b) RECOUPMENT OF FEDERAL SHARE.—Section 103(e)(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (A), by striking ", (B), and (C)" and inserting "through (E)"; and

(2) in each of subparagraphs (B) and (C), by striking "subparagraph (A), (B), or (C)" each place that term appears and inserting "any of subparagraphs (A) through (E)".

SEC. 6. PROGRAM TRIGGER.

Section 103(e)(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. note, 116 Stat. 2328) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

"(B) PROGRAM TRIGGER.—In the case of a certified act of terrorism occurring after March 31, 2006, no compensation shall be paid by the Secretary under subsection (a), unless the aggregate industry insured losses resulting from such certified act of terrorism exceed—

"(i) $50,000,000, with respect to such insured losses occurring in Program Year 4; or

"(ii) $100,000,000, with respect to such insured losses occurring in Program Year 5.".

SEC. 7. LITIGATION MANAGEMENT.

Section 107(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2335) is amended by adding at the end the following:

"(6) AUTHORITY OF THE SECRETARY.—Procedures and requirements established by the Secretary under section 50.82 of part 50 of title 31 of the Code of Federal Regulations (as in effect on the date of issuance of that section in final form) shall apply to any cause of action described in paragraph (1) of this subsection.".

SEC. 8. ANALYSIS AND REPORT ON TERRORISM RISK COVERAGE CONDITIONS AND SOLUTIONS.

Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by adding at the end the following:

"(e) ANALYSIS OF MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.—

"(1) IN GENERAL.—The President's Working Group on Financial Markets, in consultation with the National Association of Insurance Commissioners, representatives of the insurance industry, representatives of the securities industry, and representatives of policy holders, shall perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk, including—

"(A) group life coverage; and

"(B) coverage for chemical, nuclear, biological, and radiological events.

"(2) REPORT.—Not later than September 30, 2006, the President's Working Group on Financial Markets shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on its findings pursuant to the analysis conducted under subsection (a).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Pennsylvania (Mr. KANJORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on the morning of September 11, 2001, this Nation suffered a series of brutal terrorist attacks. Al Qaeda's terrorists murdered thousands of innocent Americans, caused billions of dollars in damage and placed our financial markets in jeopardy. While the marketplace was ultimately able to survive the more than $30 billion loss, insurance reserves were demolished and solvency was put at risk. Insurers could not predict when another terrorist attack would take place or how damaging the next attack could be and were forced to begin to exclude terrorism coverage from commercial policies, leaving policyholders bare. The resulting lack of terrorism insurance put at risk numerous development projects and threatened our Nation's economy.

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To respond to this crisis, the House Financial Services Committee immediately created the Terrorism Risk Insurance Act, or TRIA. A year later, the Senate finally acted and the President signed TRIA into law.

TRIA has provided a Federal backstop protecting policyholders against future catastrophic terrorist attacks. TRIA has been a resounding success in ensuring the availability of terrorism coverage for commercial policyholders.

TRIA is set to expire at the end of the year. Unfortunately, the risks from terrorism remain acute and the private markets cannot function without an appropriate government backstop. The legislation before us today, S. 467, the Terrorism Risk Insurance Extension Act, temporarily extends the terrorism risk backstop for 2 years, while increasing participation of the private sector.

As in our committee legislation, this bill raises the program trigger from $5 million to $50 million in the first year of the extension and then to $100 million for the second year, ensuring that Federal participation will only happen for large-scale attacks.

It also increases the insurer deductibles by a reasonable amount each year and significantly increases the taxpayer payback to better protect consumers.

Mr. Speaker, it is with some frustration and sadness when I say that Members of Congress and the administration who believe that the risk of terrorism will disappear in 2 years are fooling themselves. It is my firm belief that a TRIA extension should have included some actual reforms to reinvigorate the private sector and replace our Federal program with a permanent private sector solution.

While this legislation is bereft of any reforms to build long-term protections for commercial policyholders, I am confident Congress will be forced to return to this issue before 2 years have expired. It is a sad commentary on our ability to look forward and to be creative, which I think the House legislation clearly did. It is unfortunate that our brethren in the other body saw fit to take such a narrow attitude.

I hope that the Presidential working group that is created by this legislation will examine the need to create dedicated, long-term terrorism reserves and private pooling and risk-sharing facilities to permanently protect our Nation from the economic threat of terrorism.

If such forward thinking and planning is not done as contemplated in our bill, the industry will be back at the Federal trough seeking yet another extension of this program; and make no mistake about it, whatever it is, Congress will respond.

We should give special recognition to the subcommittee chairman, the gentleman from Louisiana (Mr. BAKER), for introducing legislation developing a long-term private sector reform to strengthen the private-public sector partnership, to improve terrorism insurance for consumers.

I also applaud my colleagues Mrs. KELLY, Mr. SESSIONS, Ms. PRYCE, Mr. DAVIS, Mr. FOSSELLA, Mr. RENZI, and Mr. FERGUSON for their help and leadership, as well as Ranking Member FRANK, Mr. KANJORSKI, and Mr. CAPUANO for their bipartisanship cooperation and commitment to protecting our Nation.

Their leadership is proof that the House can work together to get things done for America. Too bad we did not have better cooperation from the other side. I urge all of my colleagues to vote in favor of this important and necessary legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague in expressing a little disappointment in the failure of the other body to rise to the occasion.

A considerably better piece of legislation was drafted and passed here in the House and sent over to the other body, only to get to this 11th hour and get back some legislation that is less than a good product.

It does several things; and I dare say, I have to rise to support it because it is the only thing flying in town tonight. And since terrorism reinsurance will expire in 2 weeks to an incredible disadvantage of American business and American jobs, I think we have no alternative but to support this piece of legislation tonight.

What it does not do, however, is it does not pass on and consider legislation taking care of nuclear, chemical, biological, radioactive terrorism incidents. What it does not include is allowing for a commission that would sit down and analyze and develop a mechanism so that we can pass the responsibility for the public back to the private sector in a smart and reasonable way.

And it does not extend it nearly for long enough or provide for the continuation of this type of coverage into the future, because as the chairman well said, 2 years is entirely too short. The only thing we are certain of is we will be back in this Chamber within the 2 years to do something over again, having lost 2 years of work product and probably again 2 years of involvement.

Finally, the last thing the bill does not include today that is a great disappointment to me is comprehensive health coverage insurance. It seems that we are willing to insure the buildings, but not the people. Group life was included in the House side of the bill, but has fallen out as the bill has come back from the Senate.

I guess the last sport I would complain about with the Senate is, if I recall, several days ago or maybe a week has gone by, we had the appointment of a conference committee in the House. And our coach was lined up and ready to go. We all went out and bought uniforms and prepared to do battle, and somebody forget to give the referee a whistle. As I understand, the conference never started or ended. This is merely a product sent over as a last-ditch effort, take it or leave it. That is what we are faced with.

But with all of that said, I think it is another example that, at least here on the House side, the Financial Services Committee has had and has displayed a great deal of capacity to work together in trying times.

I wanted to thank and recognize all the folks on the Republican side of the aisle that were so bipartisan in working on this. And I think we were of common mind to get it done, and we got a good product done.

On my side of the aisle, many of the participants in this legislation will have an opportunity to speak, and they can critique the legislation and their own role as they do speak.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I appreciate the time yielded by the gentleman.

Mr. Speaker, today the House will vote on legislation that continues the commitment Congress made in 2001 to safeguard our Nation's economy in the event of another catastrophic terrorist attack. Chairman OXLEY and Chairman BAKER and their staffs deserve enormous credit for the hard work throughout this process, because just last week the House passed a bill which presented a balanced and very responsible approach to continuing the TRIA program.

It provided for the availability of terrorism insurance, encouraged the development of private capital, and required full mandatory taxpayer reimbursement of Federal assistance granted to the insurance industry.

While the House version included more forward-looking market-based provisions than the final bill that we have before us today, passage of this legislation nonetheless remains necessary.

The potential for another terrorist attack is frightening enough, but hamstringing our Nation's ability to recover finally is unthinkable and irresponsible. Without action today, our economy would suffer. This bill is about more than our insurance industry. Businesses large and small depend upon the availability of this insurance. We must provide certainty to our manufacturers, our builders, our bankers, retailers, Realtors, developers and others; and we are dedicated to securing our country against the physical and economic consequences of another terrorist attack.

I appreciate so much Chairmen Oxley and Baker's hard work on this issue, Congressman KANJORSKI as well. Congress must continue to work to find a permanent solution enabling the private market to better provide terrorism insurance, and I am sure we will continue to seek that solution.

Mr. KANJORSKI. Mr. Speaker I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the hard work and the candor of the chairman of the committee. It really is disappointing. We did a good bipartisan effort here, put together a bill. There were some questions about it. It was a comprehensive bill and attacked a number of the issues.

What happened in the Senate was a travesty of the legislative process and a refusal finally by the chairman frankly of the committee to engage us at all. We are left with this Hobson's choice, in the literal sense, that is, no choice at all, that is, we have to pass this bill or else this program expires.

Unfortunately, a number of things were left out. We will hear from the gentlewoman from Florida about her important provision protecting people against unfair discrimination in their travel plans. One of the things that we will also hear is from the gentleman from New York (Mr. ISRAEL). He worked hard with the families of 9/11.

Mr. Speaker, I will submit for the RECORD a packet of correspondence to and from the families. They wanted a commission to study this issue as part of this. They wanted representation. And the families of 9/11, after all, are the people out of whom this whole terrorism response grew, the victimization of their loved ones.

They asked for a commission. We in the House worked with them on a bipartisan basis. We have that commission. The Senate simply blatantly ignored them. And they tried. They appealed to the Senate and they appealed to the White House and they were turned away.

Group life is gone. This is kind of like, remember the old neutron bomb? It killed people and left the buildings standing. We have neutron terrorism insurance. It protects the buildings, but it ignores the people. It is both a travesty of the legislative process, what the Senate has done; and I have to say this, despite the fact that we got good bipartisan corporation here, and there were differences, we had differences where ideology got into play, but unfortunately there is a right wing ideological fundamentalism so entrenched in this Capitol in various places that that is why we do not have the kind of terrorism risk insurance bill we ought to have.

I believe in the market. I believe in the market's function, but we have people who believe in the market when it does not exist. And that is the case in terrorism insurance.

FAMILIES OF SEPTEMBER 11, INC.,
New York, NY, November 3, 2005.

Hon. MICHAEL G. OXLEY,
Chair and Co-Sponsor of the House TRIA Bill, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

Hon. RICHARD BAKER,
Co-Sponsor of the House TRIA Bill, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

Hon. BARNEY FRANK
Ranking Democrat, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES OXLEY, FRANK and BAKER: The undersigned is Chairman of the Board of Families of September 11, Inc. (FOS11). FOS11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. The FOS11 mission is to raise awareness about the effects of terrorism and public trauma and to champion domestic and international policies that prevent, protect against, and respond to terrorist acts. Our members (over 2,000) reside in 48 states and 20 countries.

Soon after its founding FOS11 began analyzing and responding to issues raised by the Air Transportation Safety and System Security Act (the Act), of which the September 11th Victims Compensation Fund of 2001 (the Fund) forms a part, and subsequent legislation. In June of this year FOS11 submitted to the Justice Department its Final Report on the Fund, an Executive Summary of which was placed in the CONGRESSIONAL RECORD. In that report FOS11 expresses deep concern about the wide swath of immunity granted by the Act and subsequent legislation to public and private entities for the consequences of the September 11 attacks. We observe that the deterrent goals of our American compensation system—imposing the cost of harmful acts on those who could and should have, but did not, prevent them—were not achieved. Nor could they have been. The reason. The insurance industry had not (understandably) appreciated and analyzed the terrorist exploitable vulnerabilities of its insureds and the magnitude of the exposures and built the reserves and provided the limits necessary to pay the losses that resulted.

The FOS11 Final Report on the Fund concludes by urging Congress to:

a. use the perspectives of time and experience in implementation of the Victim Compensation Fund to consider carefully issues it was forced to address hastily in the immediate aftermath of the terrorist attacks of September 11, 2001;

b. assess how well the rules adopted in 2002 to implement the legislation met Congressional intent;

c. consider the incentives and disincentives to reducing the risks of terrorist attacks implicit in the legislation; and

d. fashion legislation that will reduce those risks and ensure that victims of future terrorist attacks and their families are made whole.

Although FOS11 believes that the Terrorism Risk Insurance Act (TRIA) is not the long term solution to deterring and, if deterrence fails, paying for future terrorist losses, it does believe that it is a necessary bridge to comprehensive forward looking legislation that will allow the insurance industry to play the vital role of providing remedies to the casualties of future terrorist attacks and, through risk assessments and premium allocations, a safer America.

FOS11 joins the Defense Research Institute in its support of legislation that (1) extends TRIA until December 31, 2007, to ensure an orderly transition to a long term solution to the terrorism risk insurance questions and (2) provides for a Presidential Working Group or Congressional Commission to develop a viable and solvent program to succeed TRIA.

The unique perspective of FOS11 equips it well to participate in the creation of solutions to the complex accountability, responsibility, remedies and related prevention issues raised by the continuing threat of terrorist acts and the vital role insurance can (must) play in these solutions. We ask that FOS11 be a participant in this crucial debate.

Very truly yours,

DONALD W. GOODRICH,
Chairman of the Board.

FAMILIES OF SEPTEMBER 11, INC.,
New York, NY, December 12, 2005.

Re Preservation of the Commission approach in the Compromise Terrorism Risk Insurance Act that reconciles S. 467 and H.R. 4314.

Senator PAUL S. SARBANES,
Senate Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR SENATOR SARBANES: Last week, Ron Robinson, Chair of the Defense Research Institute's TRIA Subcommittee and I met with most of the Senior Staff for Senators Shelby, Bennett, Dodd, and Kennedy and Representatives Oxley, Baker, Shays, Crowley, Israel and Maloney and of the Senate Banking and House Financial Services Committees to listen and to debate the captioned matter.

Families of September 11 remains fully committed to a reconciliation of these two bills in favor of the mandate, membership and direct broad stakeholder participation in the House Commission approach. We also support adding each of the members of the Presidential Working Group to this Commission and a representative from Homeland Security, an actuary and a risk manager/modeler.

Unless Congress takes a leadership role by providing this neutral forum for all stakeholders to openly and "face to face" debate the complex and interdependent issues necessary for the insurance industry to play its traditional role, we will be no further along in two years than we are now. Congress's leadership is far more important than its dollars on this issue. We need to prepare, so that government will not be obliged to step in again, as it did following September 11, 2001. Failure to provide such a forum will increase the risk of future terrorist attacks and result in an unplanned and disproportionate government response at taxpayer expense.

Moreover, achieving viable, solvent and long term terrorism insurance that is driven by the private sector, but appropriately supported by government, is not a matter of resolving unilaterally one or a few simple "insurance" questions. The issues are many and touch every social, economic, and political policy in our nation. Congress can use this Commission to lead the private sector stakeholders to a day when they will find it in their economic interests to reduce the risk of the next terrorist attack (sadly, there will be one) and have the resources, in the form of insurance, to respond to the losses. The compromise we support is a critical opportunity for loss mitigation and remediation at all levels of our society.

I urge you and your staff to work with your counterparts in the House to reach the Commission compromise Ron and I support. He and I have pledged our groups and ourselves to work as hard with the Commission to achieve this goal over the next year as we have with Congress to date on the terrorism insurability/risk transfer debate.

Very truly yours,

DONALD W. GOODRICH,
President.

FAMILIES OF SEPTEMBER 11, INC.,
New York, NY, December 14, 2005.

Re Preservation of the Commission Approach in the Compromise Terrorism Risk Insurance Act That Reconciles S. 467 and HR 4314.

DEAR MR. HUBBARD: The undersigned is President of Families of September 11, Inc. (FOS11). FOS11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. The FOS11 mission is to raise awareness about the effects of terrorism and public trauma and to champion domestic and international policies that prevent, protect against, and respond to terrorist acts. Our members (over 2,000) reside in 48 states and 20 countries. Solvent and viable terrorism insurance is a weapon against terrorism and the matter in caption is vital to this goal.

Although FOS11 believes that the Terrorism Risk Insurance Act (TRIA) is not the long term solution to deterring and, if deterrence fails, paying for future terrorist losses, it does believe that it is a necessary bridge to comprehensive forward looking legislation that will allow the insurance industry to play the vital role of providing remedies to the casualties of future terrorist attacks and, through risk assessments and premium allocations, a safer America.

FOS11 takes no position on the insurance specific differences between the TRIA extension bills from the House and Senate now in informal conference, but it is fully committed to a reconciliation of those bills in favor of the mandate, membership and direct broad stakeholder participation in the House Commission approach. We also support adding each of the members of the Presidential Working Group contemplated by the Senate bill to this Commission and a representative from Homeland Security, an actuary and a risk manager/modeler.

Unless the White House takes a leadership role by supporting this neutral forum for all stakeholders to openly and "face to face" debate the complex and interdependent issues necessary for the insurance industry to play its traditional role, we will be no further along in two years than we are now. Leadership is far more important than dollars on this issue. We need to prepare, so that government will not be obliged to step in again, as it did following September 11, 2001. Failure to provide such a forum will increase the risk of future terrorist attacks and result in an unplanned and disproportionate government response at taxpayer expense.

Moreover, achieving viable, solvent and long term terrorism insurance that is driven by the private sector, but supported by sound government policies, is not a matter of resolving unilaterally one or a few simple "insurance" questions. The issues are many and touch every social, economic, and political policy in our nation. These policy issues need open and rigourous debate by a broad spectrum of perspectives in order that the private sector stakeholders will come to a day when they will find it in their economic interests to reduce the risk of the next terrorist attack (sadly, there will be one) and have the resources, in the form of insurance, to respond to the losses. The compromise we support is a critical opportunity to achieve loss mitigation and remediation at all levels of our society.

Solutions to the complex accountability, responsibility, remedies and related prevention issues raised by the continuing threat of terrorist acts and the vital role insurance can (must) play in these solutions are essential to the war on terrorism. I urge you and your staff to work with your, counterparts in the House and Senate to reach the Commission compromise FOS11 supports. Only with the cross debate and transparancy this type commission assures can full participation by the private sector in the war on terrorism here on our soil be achieved.

Very truly yours,

DONALD W. GOODRICH,
President.

Attachment: Letter from Representative Barney Frank dated December 9, 2005.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 9, 2005.

DON GOODRICH,
Chairman of the Board,
Families of September 11.
RONALD R. ROBINSON,
Chair, TRIA Subcommittee,
Defense Research Institute.

DEAR MR. GOODRICH AND MR. ROBINSON: I thank you for your support for the extension of the Terrorist Risk Insurance Act and for your constructive suggestion to not only have a Commission with broad membership, but also to include a representative of the victims of terrorism on the Commission. As you are no doubt aware, on December 7, 2005 the House passed legislation that includes those provisions by a vote of 371 to 49 and sent it to the Senate with a request for a conference.

We only have about 10 or 12 days to work out the differences between the two bills, and the Administration has expressed its opposition to the House-passed bill and will likely try to get the Senate to oppose compromising with the House. We will work hard to preserve the Commission and the inclusion of a victims' representative on it. I urge you to continue your efforts in support of the House provision, and I will work with you to be as persuasive with the Senate as you were with the House.

BARNEY FRANK.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), who has been one of the leaders on very important issues and chairs the oversight subcommittee.

Mrs. KELLY. Mr. Speaker, I rise today to urge my colleagues to vote for this bill, although I do so with a great deal of disappointment.

This bill does reauthorize TRIA for the next 2 years, and failure to reauthorize the program would lead to gaps in insurance coverage that could kill economic growth and recovery nationwide. Unfortunately, this bill contains none of the improvements to the TRIA program that the House passed earlier. The bill before us today lacks group life coverage. It lacks coverage for domestic terrorism. It lacks a commission to study the availability of terrorism insurance for the World Trade Center, and other sites after this current extension ends.

The other body's refusal to negotiate with this House on ways to make TRIA work better for the taxpayers, policy holders, and regulators is beyond seriously disappointing. As Chairman OXLEY said, and you have heard from other Members, this legislation simply kicks the can down the road. It is an opportunity that has been lost.

I want to thank Chairman OXLEY and Chairman BAKER for their hard work. I want to thank my colleagues on the other side of the aisle. We have worked together to try to create a very strong bill that would help the United States of America economically.

Mr. Speaker, I look forward to immediately working with them on a better, stronger reauthorization of the program before it expires again in 2009.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from New York (Mr. ISRAEL) for 3 minutes.

Mr. ISRAEL. Mr. Speaker, I did not become involved in the issue of TRIA because of my seat on the House Financial Services Committee. I became involved in it because my district is located approximately 50 miles from Ground Zero, because I represent over 100 families whose lives and livelihood were completely upended as a result of the attacks on our Nation on 9/11.

Mr. Speaker, I am going to support this extension, but I join with my colleagues on both sides of the aisle in supporting it with some measure of disappointment. Our committee, under bipartisan leadership, reported a strong, comprehensive TRIA extension that included group life and covered domestic terrorism, had a public-private commission to ensure long-term alternatives to TRIA. None of that was included in the final product that we are going to vote on today.

I have two major concerns that I will share with my colleagues, Mr. Speaker. One is the public-private commission on long-term solutions. The 9/11 families very much wanted to participate in a commission that would develop new policies, new alternatives to TRIA. Not only was their voice left out of this bill, but the commission itself was left out of this bill.

Instead, we are going to have a bureaucratic report produced by a Presidential working group. I am sure it will be a good-faith effort, but surely those families deserve to be heard.

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Surely those families have a tragic expertise in how lives can be destroyed and how livelihoods can be lost. And I am very disappointed that they have been excluded, that their voices have been silenced.

And the second concern that I have, Mr. Speaker, is that group life was not included in this product despite the best efforts on both sides of the aisle. It seems to me common sense and certainly compassion that if we are going to insure bricks and steel and glass and mortar, then surely we should insure the lives of people who work inside the bricks and the steel and the glass and the mortar, that surely their lives are just as valuable as property. So it is with a measure of profound disappointment that group life was excluded from this final product.

This is, in fact, an imperfect bill, and certainly it is drastically less perfect than the language that was reported on a bipartisan basis from the House Financial Services Committee. But we ought not let an imperfect bill stop an adequate bill. And so because this is a good start and because we do have an opportunity to still get this right, I will support this extension and urge all of our colleagues to continue to work together to pass something that makes the most sense for our Nation and its economy.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this extremely important bill.

And I rise in strong support of the extension of the Terrorism Risk Insurance Act for an additional 2 years.

The creation of antiterrorism insurance after 9/11 stabilized our Nation's economic footing, but it is set to expire at the end of this year. Businesses in my district with insurance policies that have expired since this September have told me that they cannot find insurance coverage in this country anywhere. They have been forced to look in England. Homeland security includes economic security, and after 9/11, of all the acts of this body, the most important was the antiterrorism insurance. It helped us start to rebuild and to build our economic foundation in New York and across this country. That is why it is so very important that we pass this extension. Clearly, the terrorist threat remains, and TRIA is still an economic necessity.

I am disappointed that the good work of the Financial Services Committee to create a stronger bill that would help the private sector take on the problem of terrorism insurance has been set aside in favor of a more limited bill that simply kicks the can down the road, as Chairman OXLEY so correctly put it and as Ranking Member FRANK and Mr. KANJORSKI have highlighted. The bill before us would be better were it to extend to group life, domestic terrorism and if it covered nuclear, biological, chemical or radioactive events, and were it to create the commission to study the problem and make recommendations, as included in the House bill. We should task the private sector with developing innovative solutions instead of just relying on the government.

Because I feel these elements are so very important, I am cosponsoring a bipartisan bill with my New York colleague Vito Fossella to establish the commission and to provide flexibility in extending coverage for target sites such as Ground Zero.

Though the House bill did much better than this bill, we need to pass what we have before us today and continue to work on the problem together.

Once again, I thank my colleagues on both sides of the aisle for their help and support to New York City, and I thank the leadership on both sides of the aisle for backing this bill and passing TRIA. It is important, and we will continue to work together.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER), a valuable member of the committee.

Mr. NEUGEBAUER. Mr. Speaker, I thank the chairman for yielding me this time.

Like many of the previous speakers, I, too, am very disappointed this evening that we did not have an opportunity to bring some real reform to this process. The committee, I think, worked very hard in making sure that we move down the road of transitioning this insurance program back to the private sector, which is where it belongs. Unfortunately, the version that we are considering tonight will not do that.

Another thing that is extremely disappointing, I think, about tonight's version is that, in the event of a catastrophic event, the American taxpayers were going to step up in a gap basis but eventually get all of their money back. In this particular bill, that will not be the case. This is an area where the government, I think, stepped in at an appropriate time to shore up the marketplace, the insurance marketplace; but I think one of the things that is very important is that, as we move forward, while we are going to extend this for a period of 2 years, I think it is important that the committee continue to work very diligently to make sure that we work towards a process working with the private sector, ensuring that we move and transition in a way that really puts this back into a free marketplace, which is where it belongs.

So I want to thank the chairman for his hard work. I know that he shares in the disappointment that we are not really considering the House version, which is a better version, tonight and which was a more fiscally responsible version.

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. Wasserman Schultz).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the infinite risks associated with terrorism demonstrated their potential to destabilize our Nation's markets after the attacks of September 11, which is why I will support the final version of TRIA before the House today. However, I, too, do so with strong reservations and some disappointment in what could have and should have been.

In spite of the tremendous leadership, hard work and cooperative efforts put forth by House Financial Services Committee Chairman Michael Oxley and Ranking Member Barney Frank, the other body chose to forego a fair and democratic conference process and needlessly tossed away an opportunity to truly strengthen our markets and protect consumers.

I commend Chairman Oxley, Ranking Member Frank, Mr. Kanjorski and Mr. Baker and all the members and staff, especially, of the Financial Services Committee for producing an initial bill that included a number of critical reforms to help protect Americans and our economy in the event of another terrorist attack.

This initial bill passed by an overwhelming majority here on the House floor and included a number of important consumer protections. As has been discussed, it would have extended the Federal backstop to include group life insurance, thereby ensuring that taxpayer dollars would be used not only to undergird real estate and insurance companies in the event of brick and mortar losses, but it would have provided financial protections to families who suffered the loss of a loved one in the event of another tragedy like September 11.

Moreover, those same taxpayers are being denied the right to travel freely by some of the very insurance companies who sought the extension of TRIA in the first place. The House's bill included a provision that I introduced and passed with the support of my colleagues on the Financial Services Committee during the markup of TRIA to address this unfair practice. While Americans can legally travel without the fear of government standing in our way, some life insurance companies do stand in the way, and they will continue to do so until this Congress acts.

As Americans, one of the liberties we cherish and enjoy is the freedom to explore and travel legally and freely around the world, be it for recreational, religious or cultural purposes. The unrestrained lawful foreign travel of American citizens is generally considered to be in the best interest of the United States.

Potential future travel to countries, especially our Nation's allies, should not be the sole basis for denying individual life insurance coverage. When we allow this to occur, we give in to terrorists and others who wish to change our way of life. While we should be proud that this provision gleaned broadbased, bipartisan support in the House, it is wrong that the other body refused to conference on the important elements in the House-passed version of TRIA. We cannot stop fighting for American consumers and taxpayers. We must back up our tough talk about fighting terrorism with action.

And, again, Mr. Speaker, I wish to thank Chairman Oxley and Ranking Member Frank for working cooperatively together. It is a privilege to serve on a committee that puts as a high priority working together for the greater good.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Crowley).

Mr. CROWLEY. Mr. Speaker, I thank my friend from Pennsylvania for yielding me this time.

Mr. Speaker, I rise in support of the Terrorism Risk Insurance Revision Act of 2005.

As one of the original voices calling for an extension of this important Federal backstop, I am pleased we are voting on this bill before today and allowing the TRIA program to continue for an additional 2 years.

And while I support this bill and do so because I recognize the importance of this legislation and its critical need to our economy, especially in major urban areas like New York City, this is not the bill I would have written. The House Committee on Financial Services, under the leadership of Chairman Mike Oxley and Ranking Member Barney Frank, produced a strong bipartisan bill; then we responsibly named conferees to hammer out the differences between the Senate- and the House-passed bills.

Unfortunately our colleagues in the Senate, led by Chairman Shelby, refused to participate in civics class 101, ignoring the House bill and ignoring the important contributions of the House. They ignored major provisions such as the inclusion of group life coverage in this bill so that the Federal TRIA program would cover not only buildings destroyed by terrorists but the people in them as well. The Senate ignored language that would have prohibited the denial of life insurance to Americans who have traveled or even planned to travel to countries that actuaries view as "troublesome," such as Israel or Colombia.

The Senate refused to include language to provide for a real commission to look into a long-term nongovernmental solution to the issues involved in insuring and reinsuring for the threat of terror. And this bill ignores language to provide insurance protections for the rebuilding of the World Trade Center, the actual reason we created this Federal backstop program in the first place.

But while I am not happy about the process and exclusion of important provisions, the underlying need for TRIA to be extended is reason enough for me to vote for this bill, and I urge all my colleagues to do the same.

I want to thank Chairman Oxley for his honesty, for all of his hard work on this bill, as well as Congressman Steve Israel, Mike Capuano and Congressman Paul Kanjorski, all who have worked very hard to see this pass. But most importantly, I want to thank Ranking Member Barney Frank, who has pushed for the reauthorization of this program for over a year, has incorporated ideas from both sides of the aisle and has been a true champion in developing and in crafting legislation that helps keep our economy moving.

With that, Mr. Speaker, I urge all of my colleagues to support this worthy legislation.

Mr. KANJORSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. Capuano).

Mr. CAPUANO. Mr. Speaker, I just rise briefly to congratulate the chairman, the ranking member, and the chairman and the ranking member of the subcommittee.

This is a classic piece of legislation that hopefully will never, ever, ever be used. No one, hopefully, will ever know that we actually did this because if they do, it means we will have suffered another terrorist attack. At the same time, it is absolutely necessary.

We have heard of all the details of what is not here, but to me, the most important thing that is not here is the formal mechanism to make sure that we are not stuck in the same position a few years from now. I fear that if we do not get to work in an official way through a commission, that we will be here a few years from now doing this all over again, simply saying we could not get it done and we did not do it right, and that is a travesty to the American people. It is unnecessary, and I will tell the Members that, based on this experience and past experience, particularly with the chairman, he is a man of honor, he is a man of his word, and I know he will be pushing as best he can to get this Congress to pay attention to this issue for the next year so that we will not be placed in this position.

Mr. KANJORSKI. Mr. Speaker, I urge all of my colleagues to support this legislation because of its necessity to America's working men and women and the business community of America.

Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, in closing, I just want to say, and a lot of us have intimated this, we could do better than this that we have before us today. We did better in the House version, and I think all of our committee members know that, and I think most of the Members of the House know that. But there is a time to hold them and a time to fold them.

At this point, I would ask that the House do adopt this conference report.

Mr. GUTIERREZ. Mr. Speaker, I am very pleased that we are passing this crucial Terrorism Risk Insurance Act (TRIA) extension, which will provide necessary stability for our Nation's economy in a post 9–11 world. I have strongly supported this legislation from the outset, and I congratulate Chairman OXLEY and Ranking Member FRANK for their hard work and the excellent product as it passed the House. While I wish more of the House provisions we passed 10 days ago had survived conference, I am pleased that we are able to extend TRIA before the deadline, so that it does not expire in 2 weeks. I urge my colleagues to vote in favor of this important conference report.

A stable, secure insurance market is vital to the health of our national economy. More than 4 years ago, the stability of the insurance industry, and all of our Nation's policyholders, were put in jeopardy when insurers and reinsurers lost more than $30 billion as a result of the 9/11 attacks. After these substantial losses, insurers were unable to make terrorism insurance available, which left many of our Nation's businesses vulnerable to unacceptable risk.

In response, Congress overwhelmingly passed TRIA to provide a temporary, limited federal backstop in the event of another catastrophic terrorist attack. While we still expect the insurance industry to eventually develop methods for making terrorism insurance available without government support, the market has not yet stabilized to the point where this is possible. Extension of TRIA, which is necessary to prevent the chill of development in our cities, has wide, bipartisan support, and should be enacted promptly.

Mr. CANTOR. Mr. Speaker, I rise today in support of the Terrorism Risk Insurance Extension Act. This bill provides key safeguards to stabilize the economy in the event of a terrorist attack while putting us on a path toward restoring a private terrorism risk insurance market.

This legislation will ensure that terrorism insurance coverage is available, providing a degree of certainty in a still uncertain market place.

It is time to make the reforms necessary to encourage the continued development of a market for terrorism risk insurance. A healthy market for terrorism insurance is critical to continued economic growth and expansion. America's taxpayers expect Congress to help that market develop and relieve their burden for assuming much of the risk in the existing TRIA program.

That is what this legislation will do, and I am proud to support it.

Mr. OXLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill, S. 467.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

□ 1900

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. LEWIS of California. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 75) making further continuing appropriations for the fiscal year 2006, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 75

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 109–77 is further amended by striking the date specified in section 106(3) and inserting the following: "December 31, 2005".

SEC. 2. Section 114(b) of Public Law 109–77 is amended by striking "and December 1, 2005," and inserting "December 1, 2005, and January 1, 2006".

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am bringing to the House a continuing resolution for fiscal year 2006. This CR runs through December 31. It is clean without exception. This CR will fund agencies in our last two remaining bills, the Labor-HHS and Defense bills, at the lowest level possible.

When we passed the last CR, my hope was that it would bring a strong motivation for Congress to complete its work in regular order. I want the body to know that the Committee on Appropriations has been strongly committed to bringing to this floor individual conference reports for each and every bill. The committee does not support an omnibus in any form and has done everything in its power to ensure that that did not happen.

The Appropriations Committee passed each bill of the 11 subcommittee bills off the House floor by June 30, the earliest that has been done in some 18 years. The Appropriations Committee has remained committed to moving these bills individually and within the framework of the budget resolution.

Mr. Speaker, the Appropriations Committee has kept its word. I am convinced that moving bills individually is the only way to get us back to regular order. Lacking regular order, there is a tendency for the remaining bills to become "Christmas trees," if you will, and for spending to grow out of control. In my view, that is simply not acceptable. I hope that, next year, we do not find ourselves in the position we are in today.

We are presently attempting to work with the Senate to finish a disaster assistance package that would be fully offset. It may include some avian flu preparedness money. Some have suggested that legislative language related to ANWR be included as well. This language has the potential, in my judgment, to sink the entire package once it reaches the Senate.

The underlying bill, the DOD appropriations bill, is the most important of our annual appropriations bills for it funds our national security. Agreements have been reached on all major issues in the DOD portion of the bill. Frankly, we could have passed this bill weeks ago. We are at war, we have troops in harm's way, and we still have not passed this critical legislation. There are funds in this bill to provide body armor for our troops, up-armored Humvees and a military pay raise. Failure to enact this bill in a timely fashion is a disservice to our men and women in uniform.

Mr. Speaker, I urge my colleagues to support this CR and would like to close my remarks by wishing all my friends on both sides of the aisle a Merry Christmas and a Happy New Year. It is great to be with you.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I want Members of the House, at least those who are around, to understand what the controversy has been with respect to this continuing resolution today. Let me back up even further.

As the gentleman has indicated, the House Appropriations Committee was able to pass every bill through the House before we left for the August recess. Despite that fact, for a variety of reasons, most of which have nothing to do with the Appropriations Committee, the fact is that, today, we are 2 months into the fiscal year and the Department of Defense and the Departments of Labor, Health, Education and Social Services still have not received their funding for the year under a regular appropriation bill. That means that about 65 percent of the discretionary spending in the budget still has not been tied down for the coming year.

That is not just a problem in Washington. It means that local people cannot plan. It means that school boards cannot plan. It means that the Pentagon cannot plan. And it discombobulates everybody. This is not the first time it has happened, but it is certainly one of the most troubling episodes that we have had in a long time.

I think we are here with so little of this work finished because I really do believe that the leadership of the House has tried to impose an agenda on the House and on the Senate which is so extreme that even members of their own majority party have rebelled. Example: We take a look at what happened on the PATRIOT Act. Example: We take a look at the inability to pass the labor health bill, first in the House and now in the Senate. It seems to me that a little more flexibility on the part of the House leadership could have resolved a lot of those problems.

Anyway, to bring us up to date, 10 minutes before the House opened today, we were informed on this side of the aisle that the continuing resolution to keep the government functioning for these agencies who have not yet received their funding, we received notice that a decision had been made to change the effective date of the continuing resolution, which meant that it would be extended through February 15 rather than simply to the end of the year.

It is one thing to provide a short extension so that the President has the ability to review legislation passed by the Congress before he signs it. It is quite another to try to leverage one group or another into a severe disadvantage with respect to some of this funding.

The problem with extending the CR to February 15 is that it creates a number of anomalies in both funding for the Defense Department and in the funding for the social service agencies which I do not think this Congress wants to be responsible for.

The problem with allowing the Pentagon, for instance, to continue on a CR, which is what would happen, the problem is that, at the levels under this CR, the military would be expected to run out of money for Iraq operations in January. That could create some significant problems for them. In addition, Pentagon contracts could be significantly delayed. Now, that could be overcome if we do manage to pass the Defense Appropriations Bill, and I hope we do, but we still would have a major problem with funding in the Labor-Health-Education bill.

Example: Everybody knows that, just a few days ago, the majority party restored funding to Rural Health Outreach Grants in order to try to overcome their inability to pass the Labor-Health bill earlier in the week. Guess what? The CR before us today takes out that additional money for Rural Health Outreach Grants, and it again returns us to a funding level which is 73 percent below last year. I do not think people want to do that, but that is the result of the continuing resolution.

The Community Services Block Grant Program, under the funding level in this CR, that program is cut in half from last year. The Low Income Heating Assistance Program, we had all kinds of people talking about adding money for that program, and yet under the funding level in this CR, LIHEAP is cut by $176 million. Under No Child Left Behind, under the funding level in this resolution, No Child Left Behind programs would be cut more than $1.1 billion below last year's level.

We have heard a lot of fulminating on both sides of the aisle about IDEA, about special education. Guess what? The funding level for this continuing resolution would freeze IDEA grants.

The International Labor Affairs Bureau, which protects American workers and wages through its efforts to eradicate child labor around the world, would be cut by 87 percent under the funding level in this continuing resolution. Unemployment help for people who are looking for jobs would be cut by $157 million under this continuing resolution level.

Now, it is one thing to say, all right, we will let that go for a week because it simply is a short-term convenience to the President. It is quite another thing to say that we are going to hold those programs to that level of funding through February 15. When you do that, you ruin some of those programs and you make miserable the lives of a lot of people who depend on those programs, which is why we objected on this side of the aisle.

Now that the majority party has returned to the original understanding that the CR will extend only for a week, time for us to get our work done; now that we are in a position where we are not going to be able to conveniently take a vacation until February 15 while these other programs suffer, I am perfectly happy to withdraw my objection.

So I congratulate the gentleman for talking to whoever he had to talk to in order to bring them to their senses.

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS) that the House suspend the rules and pass the joint resolution, H.J. Res. 75, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2520.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2520, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 664]

YEAS—413

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant

Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Akin
Baca
Barton (TX)
Becerra
Davis, Jo Ann
Diaz-Balart, M.
Ehlers
Fossella
Hostettler
Hyde
Istook
Kolbe
Manzullo
McCarthy
Murtha
Myrick
Paul
Radanovich
Slaughter
Watson

□ 1937

Ms. BERKLEY changed her vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Leader, obviously the Members as we all know on both sides have been here for some period of time today and are very obviously desirous of knowing what our schedule is.

I yield to the gentleman from Missouri.

Mr. BLUNT. I thank my friend for yielding. As you know, it is hard to predict how exactly everything is going to work out. It is a little difficult to predict these last days before an adjournment period or before we leave for a work period, either one.

We will officially convene tomorrow at 1 p.m. I think it is highly unlikely that there would be any vote before around 5, and we would give 2-hour notice in any reasonable way that we could before the first votes would occur.

Mr. HOYER. Reclaiming my time, would it be safe, therefore, for Members to conclude that they need not be here before 5? If we went in at 1, you gave 2 hours' notice, the first vote would be 3, but am I correct that the Defense appropriations conference has not convened because the chairman sadly lost his mother, and it is my understanding he is coming back sometime, maybe he came back this afternoon, but would I be reasonably correct in saying that the chances of the Defense appropriations bill being ready to report prior to 5 would be very slim?

I yield to my friend.

Mr. BLUNT. Mr. Speaker, I thank my friend for yielding. We do have some suspensions for tomorrow, a few more suspensions. So we could have those before the report if it was not ready. I appreciate your comments also about the chairman's being away for his mother's memorial service. He did return this evening.

I believe the current plan is for their committee to meet early in the morning to have as much work as possible done before the committee meets and then to have that to Rules by midday. Obviously, we may not make all of those deadlines. If we do, we could very well be having our first votes at 5. We would give 2 hours' notice before that. So the earliest I would expect Members to get a notice that we would have votes in 2 hours would be around 3 o'clock.

Mr. HOYER. Reclaiming my time, what I think then the message, correct me if I am wrong, Mr. Leader, is that Members can be assured that they will not have votes prior to 5 p.m. tomorrow, and presumably, notice would go out at 3 o'clock if votes were to be at 5 o'clock; would that be accurate?

Mr. BLUNT. I thank my friend for yielding, and that is my accurate view of what is almost certain to happen tomorrow.

Mr. HOYER. Reclaiming my time, we do understand that the Defense appropriations committee conference report would probably be on the agenda. Can you tell us whether we expect the Defense authorization and/or the budget reconciliation bill also might be under consideration tomorrow?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding.

You are right. The Appropriations Committee product, we have already discussed and we would expect, matter of fact, we are certain, as certain as you can be this time of year, of that for tomorrow. I think there is an excellent chance that we could get the budget reconciliation bill tomorrow, and we are still working to do what we can to bring Defense authorization to the floor.

Mr. HOYER. I thank the gentleman for that information. Can you tell us, can Members be relatively assured that they will be able to plan at least at some point in time Sunday or early Monday morning that that would be the end of the session, at least for the period of time prior to Christmas?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding and for the question. We have certainly given every indication in every meeting, the Speaker has, I have today, that that would be our timetable, that we would finish, possibly some things could carry over into early Monday morning, but we would not be here on Monday for any official actions of that regard on Monday, though there may be some pro forma thing that has to be done that I am not aware of standing here.

Mr. HOYER. I thank the gentleman for that information.

Mr. Speaker, I would hope on behalf of my side, and I have talked to my friend from Missouri (Mr. BLUNT) on the other side, I know both of us want to bring this session to a close. Members had hoped to be home certainly this weekend. Christmas is a week from tomorrow. I am hopeful that we can conclude tomorrow, and I would hope that we would all work towards that end.

ANNOUNCEMENT REGARDING RECOGNITION OF HELEN SEWELL'S RETIREMENT

Mr. BLUNT. Mr. Speaker, I have a brief announcement. The announcement is that we would also plan in our activities tomorrow to have a brief recognition of Helen Sewell, who has run the cloakroom here for a long period of time. Between she and her father, who started work here 87 years ago, they have been a continued presence in the cloakroom on this side. Tomorrow will be Helen's last official day before she retires.

□ 1945

HOUR OF MEETING ON TOMORROW

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 1 p.m. tomorrow.

The SPEAKER pro tempore (Mr. CONAWAY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 6968(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Naval Academy:

Mr. HOYER, Maryland
Mr. CUMMINGS, Maryland

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
December 15, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1909 (b) of SAFETEA-LU (P.L. 109-59), I hereby appoint to the National Surface Transportation Policy and Revenue Study Commission the following individuals:

Mr. Frank J. Busalacchi, Secretary of the Wisconsin Department of Transportation, of Brookfield, Wisconsin.

Mr. Steve Heminger, Executive Director of the Metropolitan Transportation Commission, of San Francisco, California.

Best regards,

NANCY PELOSI.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Nancy Pelosi, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 15, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (P.L. 106-398), I hereby reappoint Ms. Carolyn Bartholomew of the District of Columbia and Mr. George Becker of Pittsburgh, Pennsylvania, to the United States-China Economic and Security Review Commission for two-year terms expiring December 31, 2007. Their current terms expire December 31, 2005.

Best regards,

NANCY PELOSI.

DEFENSE AUTHORIZATION BILL

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, the Republican leadership is trying to add to the Defense authorization bill a controversial piece of legislation by Mr. PENCE that would blow the lid off the Campaign Finance Reform Act that Republicans and Democrats joined together to support and pass into law and that President Bush signed into law.

Mr. Speaker, this country is at war. We need a Defense authorization bill to assist the men and women who are serving our Armed Forces. We have reached an agreement on that bill to help our troops; and now, at the last minute, the chairman of the Armed Services Committee wants to take a controversial piece of campaign finance reform legislation and insert it into that bill.

He was exposed by the other Chamber. The chairman of the Senate Armed Services Committee took the floor and condemned it; and now he still wants to add this legislation, controversial legislation, against the public interest. He wants to attach it to a Defense bill at a time when this country is at war.

Surely we can do better on this holiday weekend. It is despicable, and I hope this leadership stands up to this. This is one of the worst things I have ever seen this Republican leadership do, A piece of controversial legislation to a Defense bill at a time of war.

EXTREME ALITO VIEWS

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. FRANK of Massachusetts. Mr. Speaker, I am struck by the extent to which the right wing seems not to understand how unpopular their agenda is. It is their inability to get a majority for it that keeps us here so many days after we should have gone.

It is also interesting to watch them try to deny the very, very deep conservatism of the nominee for the Supreme Court, Judge Alito. They are hiding his views on abortion. Recently, in the Boston Globe, an article by Kenneth Starr and Ronald Cass tried to explain away one of the most astounding examples of his extreme conservatism: his opposition to the basic principle of one man, one vote as articulated by the Warren Court. And given the difficulty of trying to get someone confirmed who has views that extreme, these two advocates tried to explain it away by claiming it was all about gerrymandering and proportional representation.

Fortunately, Professor Michael Tolley of Northeastern University wrote a very good letter exposing the inaccuracy of this attempted defense of Judge Alito and reaffirming that in fact what was involved in his 1985 statement was an objection to that basic principle of democracy articulated by the Warren Court, that it should be one man, one vote.

The following are the inaccurate article and the correction:

ALITO'S STICKY THICKET

(By Kenneth W. Starr and Ronald A. Cass)

A Political sidebar that made surprising news the last few weeks is a phrase in a 1986 job application from now-Judge Sam Alito questioning the Warren Court's reappointment decisions. That tidbit sent shock waves through the political and pundit classes.

It shouldn't have. Justice-to-be Alito's statement wasn't an attack on equality, voting rights, or protecting victims of racial discrimination. It was a simple observation that a liberal court created a doctrine that, however salutary, has significant problems.

Americans have long embraced the idea of equality from "all men are created equal" forward. Equality did not mean identical political influence in every respect. Yet the past 40 years have seen repeated judicial efforts to prescribe something that looks like identical influence for voters. Prior to 1962, the Supreme Court rejected efforts to draw the judiciary into the "political thicket" of apportionment. That changed with Baker v. Carr, when the court decreed that states could not depart too far from the principle of "one-man, one-vote" in allocating legislative representatives. Since then, the problem has been figuring, out what is too far.

Politicians often attempt to allocate political representation in ways that both dramatically increase and decrease the influence of citizens' votes. But the Framers designed checks and balances to prevent any group from dominating another permanently or from taking property or liberty to serve prejudice or politics. Integral was a division of government power reflecting different influences, some defined by historical boundaries, others by more local populations. The Constitution does not sweepingly embrace one theory of political representation but instead allocates power in several disparate ways.

Useful as "one-person, one-vote" is, it isn't a universal directive. Consider the Senate. The Constitution decrees that each state has two senators, regardless of the state's population or acreage. In contrast, the House of Representatives is based mostly on population, except for the requirement that each state have at least one representative. Making House districts roughly equal has been a source of dispute for 200 years. In the early 1800s, Elbridge Gerry redistricted Massachusetts to help his political allies, creating one district shaped like a salamander—thus giving birth to the term "Gerrymander."

After Baker v. Carr, the courts have insisted on greater degrees of mathematical equivalence in votes across districts. Since then, the problems associated with apportionment have grown. The Supreme Court rejected a plan with less than seven-10ths of one percent difference among districts. Courts have repeatedly invalidated efforts to draw lines between districts without totally disrupting traditionally established communities. At times the result has been to divide neighborhoods.

Added attention to other aspects of the reapportionment process, encompassing equality along racial and ethnic lines as well as across geographic districts, spawned further opportunities for realigning political districts to suit political interests rather than historical ones. Although boundary adjustments probably have increased minority representation in Congress, the jurisprudence of reapportionment has become needlessly complex and largely ineffective. The court has permitted a realignment of political power to advantage incumbents, create more safe districts, and facilitate greater division among elected representatives who no longer have to appeal to swing voters.

After fragments on the standards on racial gerrymandering, the court came up with no realistic way to assess what constitutes political gerrymandering. As Justice O'Connor said in Davis v. Bandemer in 1986—roughly contemporaneous with Judge Alito's statement—the court's effort to identify political gerrymandering was "flawed from its inception." Justice O'Connor charged that the court's decisions have been "contrary to the intent of [the] Framers and to the traditions of this Republic."

No one should be alarmed that Alito—like many other justices—found some aspect of the court's reapportionment decisions unfortunate. His position should reassure us that, as a justice, he will be open to seeing the flaws as well as the virtues of constitutional decision-making by judges. That is an important virtue in a Supreme Court justice.

ALITO'S VIEWS AND O'CONNOR'S

(By Michael Tolley)

Be alarmed when two partisan advocates—Kenneth W. Starr and Ronald A. Cass—say "no one should be alarmed" ("Alito's sticky thicket," op ed, Dec. 11). Their attempt to defend Judge Samuel Alito's disagreement with the Warren Court's reapportionment decisions by linking his position to Justice Sandra Day O'Connor's views fails for two reasons:

The two quotes they rely on in Davis v. Bandemer (1986) express O'Connor's view on whether the 14th Amendment's equal protection clause requires the principle of "proportional representation," not the principle of fundamental voting equality—one person, one vote. Second, Baker v. Carr (1962) and Reynolds v. Sims (1964), two of the landmark Warren Court decisions on reapportionment that Alito disagreed with, are actually treated favorably in O'Connor's concurring opinion in Davis v. Bandemer.

O'Connor was careful to distinguish the Supreme Court's legitimate concern about racial gerrymandering from partisan gerrymandering at issue in Davis v. Bandemer. Only by misreading O'Connor's opinion can Starr and Cass bring Alito's views in line with moderate justice he has been nominated to replace.

Does Alito believe, like O'Connor, in the principle of "one person, one vote"? Or is he against the use of federal judicial power to remedy discrimination resulting from malapportioned legislative districts? The difference between disagreeing with the extension of the principle "on person, one vote" to issues such as partisan gerrymandering and disagreeing with the principle of "one person, one vote" is the difference between a moderate and someone out of the judicial mainstream.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DOMESTIC SURVEILLANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, merely hours after the Bush administration was celebrating the Iraqi election as a triumph for human freedom, what did we discover courtesy of the New York Times? That our own government, through the National Security Agency, is secretly spying on the phone calls and e-mails of American citizens without a warrant or a court order. And they have been doing so for nearly 4 years at the explicit direction of the President of the United States of America himself.

This is even more egregious than any of the other suspensions of civil liberties that we have seen in the last 4 years. It makes the PATRIOT Act look like it was written by the ACLU. Has anyone in the White House read the Bill of Rights and the fourth amendment about the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures? It is a part of the same Constitution that the President has sworn to preserve, protect, and defend.

Mr. Speaker, I am not exaggerating when I say that sometimes I do not recognize my own country. Secret gulags in Eastern Europe, the Vice President personally lobbying Senators to give the CIA the right to torture detainees, and now this. What do I tell my grandchildren about what America stands for?

Does this White House believe in any transparency or oversight for anything they do, or do they think that getting 51 percent, or 51 out of every 100 votes gives them a mandate to operate behind a veil shielded from the day-in and day-out accountability that sustains a functioning democracy?

Remember, this is coming from the folks who preach about limited government. It turns out that they only want limited government as long as it would protect the wealthy and the powerful from high taxes and burdensome regulations. When it comes to privacy rights and ordinary Americans, they are in favor of the most intrusive and invasive big government imaginable.

The whole thing is Orwellian, Mr. Speaker. To defeat totalitarian extremism, we are adopting extremist totalitarian tactics of our own. In defense of freedom, we are undermining freedom. The whole thing is morally incoherent.

Let us remember that the war on terrorism is partly an ideological struggle. It is about winning over hearts and minds. But when we violate the very principles of freedom that we are preaching in the Middle East, what happens to our moral authority? What happens to our global credibility? Why should anyone take us seriously?

Those around the world who are skeptical of American values are surely noticing that we do not honor those values ourselves. And those who hate us will hate us even more when our government's hypocrisy is exposed.

And even if you do not believe this surveillance authority holds the key to victory on the war on terrorism, let us think for a minute about whom we have empowered to exercise it. The very same intelligence apparatus that has proven itself dysfunctional time and time again over recent years.

After all, the President himself just got through telling us this week that the U.S. intelligence community got it wrong on the most monumental and consequential issue it has faced in decades: whether Iraq had weapons of mass destruction. If they blew it on something as fundamental as that, why should we have confidence that they are conducting this domestic spying operation competently, without any abuses or overreach.

Mr. Speaker, is that what more than 2,100 Americans have given their lives for in Iraq, the right for a government to snoop and eavesdrop on its own people without probable cause? If we, the supposed liberators, endorse and adopt these kinds of oppressive tactics, then what was the point of toppling Saddam Hussein, especially given that he did not even have weapons of mass destruction?

This disgraceful episode makes me believe more strongly than ever that we must reevaluate our entire approach to providing national security, and it should start with bringing our troops home from Iraq. Not one more American should have to die for values that our government is willing to sacrifice here at home.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-357) on the resolution (H. Res. 631) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109-358) on the resolution (H. Res. 632) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4011

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

BORDER SECURITY

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

Mr. CULBERSON. Mr. Speaker, I rise tonight to bring to the attention of the American people the reasons why it is so important the House acted yesterday to pass such a strong border enforcement law and order bill that will bring law and order to our southern and northern borders, but in particular the southern border.

I am a native Houstonian, born and raise in Houston; but I had no idea until recently the scale of violence our law enforcement officers, Border Patrol agents, our local sheriffs are facing along the Rio Grande, and it is the result of a lack of enforcement of our immigration laws, as the Border Patrol has been pulled back and our border has been unprotected at the same time the narcoterrorists and the drug lords have figured out that there is a vacuum there.

A war has developed between the gulf cartel of drug lords and the megacartel. Now, the megacartel extends its territory essentially from, and I am going to use these, Mr. Speaker, to help illustrate for people what I am talking about, this war between the megacartel, the drug lords, and the gulf cartel, is a full-scale battle. The lawlessness is so severe, Mr. Speaker, that the sheriffs in Laredo will not even approach the river at night without turning off all their lights.

And, in fact, when I went down to the river in mid-October with a group of sheriffs, the sheriff sent a marked sheriff's deputy vehicle ahead of me down to the river with the lights out. I asked, why are you sending him ahead of me with the lights out? And the response was, Congressman, we want him to get shot at instead of you. Which really alarmed me. And I asked the sheriff, please tell that young man to turn on the strobe lights on top of his vehicle. They sort of laughed at me and said, Congressman, you do not understand. The violence is so bad down here on the river, that if that deputy sheriff turns on his strobe lights, it will make him a better target and he is very likely to be machine gunned immediately.

□ 2000

This is what our law enforcement officers face every day, and the type of people that they are dealing with is shown in this photograph here. This is a photograph of one of the military style commandos that are being used by the Gulf Cartel as their army of enforcers. This is a photograph of a Guatemalan special forces, they call them kabiles, and their motto, which is difficult to see here at the bottom, but let me read it for the viewers. Their motto is: If I go forward, follow me. If I stop, urge me on. And if I turn back, kill me.

The Gulf Cartel is also using a group of commandos trained in the United States at Fort Bliss called the Zetas that were part of the Mexican army originally, and their commander and 31 of their top troops went over the drug lords, bought out by the drug lords, and the Zetas are now running at least one and probably up to four narcoterrorist training camps in northern Mexico right across the river from Texas. There is one operating out in the open near Matamoros, maybe two or three others in the immediate area, one near Rio Bravo, and another apparently has opened up recently near Del Rio. These are narcoterrorist training camps run and operated by the Zetas and the Gulf Cartel to train and equip these commandos to enter the United States to deliver the loads of weapons or drugs and kill anybody that attempts to stop them.

Let me show people the effect of just a typical arrest. Now, this is just another week at the office for our law enforcement officers on the Texas border. This is on September 27, 2004. This occurred in Nuevo Laredo, just across the river, and this is spilling over in the United States because the drug Lords are fighting over Nuevo Laredo, the Nation's largest inland port, and whichever drug cartel controls Nuevo Laredo will control the most profitable smuggling center in the United States.

On September 27 of 2004, this gun battle ensued, and as a result of this gun fight, there were captured and in this one fight, they found four AK–47 machine guns, two AR–15 rifles, ten grenades, a number of pistols, 12 40-millimeter grenade rounds, and 12 40-millimeter grenade launchers. Now, these devices here across the bottom are 40-millimeter grenade launchers that are supposed to be attached to M–16 rifles, but the Zetas, the drug lords' army, have converted them to handheld pistols, and this is standard equipment that are now issued to these commandos as they deliver their loads of weapons, drugs and even terrorists. The Customs Immigration Service knows that the terrorists are using the smuggling routes established by the drug lords to smuggle Islamic terrorists into the United States. I had the FBI director testify to my committee under oath that there are individuals from countries with known al Qaeda connections changing their Islamic surname to Hispanic, adopting fake Hispanic identities and entering the United States pretending to be Hispanic immigrants and disappearing. This is going on in large numbers. These narcoterrorist armies, this is, again, just one arrest; these 40-millimeter grenades launchers can be held as pistols, and they are used to shoot at law enforcement officers, anybody who attempts to stop them.

This is a photograph of some of the vehicles after this particular gun battle. This arrest took place, and I think the date is on here. This shows some of the 40-millimeter grenades that are used as time-delayed bombs.

I applaud the House for passing this strong bill so we can have law and order on the border instead of the law of Plata o Plomo.

AN EXTRAORDINARY NIGHT

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, as we enter this Christmas season, there will be many children sitting down around the country listening to a story that begins, 'twas the night before Christmas.

I want to tell you about another night before Christmas that will be going on in the next week and has been going on for the last 20-some years. There is an extraordinarily tragic situation ongoing in a stunningly beautiful country in Africa, Uganda.

In recent weeks, a group of Rotarians from my district and surrounding areas went to northern Uganda with one item on their agenda: to advance the common good by providing polio vaccine and other assistance.

Ben Abe is a Ugandan from my district. He led this mission by the Rotarians, along with our former secretary of state from the State of Washington, Ralph Munro. They brought back an excruciatingly shocking and painful account of an extraordinary night where they observed firsthand a heinous tragedy that has been perpetrated on children in northern Uganda for years. It is only now beginning to see the light of day in mainstream media in publications like Vanity Fair and the Smithsonian Magazine. It occurs in Gulu in northern Uganda. Each night, a human mass moves through the pitch dark roads of Gulu. These are the night commuters. Not a late shift going to work, but a gigantic mass of thousands of children fleeing their unsafe homes, walking miles in the darkness to retreat behind locked gates in hopes of avoiding abduction, rape, disfigurement and, most horribly, to avoid being forced themselves to become the murderers of children as abducted child soldiers in the Lord's Resistance Army.

Over 25,000 children have been abducted over the last 19 years; more than 21,000 children walk miles each night seeking a safe harbor. These young children seek sanctuary in tents, hospitals, warehouses and empty lots. They sleep piled up on each other, sometimes with a blanket but most often without, and they are separated from their mothers and fathers every night. Thousands of those Ugandan kids never make it to a safe haven.

Seventeen-year-old Daniel is an example. He is one of the boys abducted from school by the Lord's Resistance Army. One boy escaped but was caught. The rest were then forced to tie him to a tree and stone him to death. Daniel said, "That is what we did, because if we did not kill him, we would be killed."

Anna Grace was 11 years old when she was abducted. The Lord's Resistance Army forced her to march and carry someone else's baby. Then they threw a bomb at her, blowing off the baby's head. Anna Grace was raped and gave birth to her own child in 2005.

Dave, 10 years old, was kidnapped in March of 2004 and watched as his two brothers were beaten to death with a log.

The only chance these night commuters have to reach safe harbor every night is to walk without adults, without protection, without light. The Rotarians from my district walked with these kids, moved with this mass of kids as they set out defenseless, in the deep darkness of night, seeking shelter to stay alive for just one more day.

The winner of the 2005 Sidney Peace Prize, Olara Otunnu, recently declared Uganda the worst place on earth to be a child today.

Though this despicable outrage has occurred for almost two decades, the Congress and the international community has not lifted a finger about what we proclaim is our duty, to protect children. There has been no dedicated international commitment or intervention to end this abhorrent situation. These Rotarians came back rightly incredulous over the international community's failure to mobilize and blunt this highly visible tragedy occurring every single night.

As Americans sit down and read that Christmas story, whether they read the one about the reindeer or the one about the baby Jesus coming to Bethlehem, these kids will be moving through the darkness. These Rotarians ask: How can this continue in a world where we proclaim our love and dedication to all children? They are right to ask these questions. Each night, that savagery hides in northern Uganda.

During this season of goodwill, this Congress and the entire national community must combine our collective strength to give some hope to these children, these night commuters, and their families. We can do better than we have.

If you believe, as I do that it is our utmost obligation to work toward a world safe for children, this obligation does not stop at our borders or oceans—all children are our children and we must act. The U.S. alone cannot break this outrageous nightly tragedy, but we can and must assert our political will, and insist that we meet it head on.

HONORING PRIVATE JON ABELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. McCAUL) is recognized for 5 minutes.

Mr. McCAUL of Texas. Mr. Speaker, I rise today to honor a soldier and a hero from Pflugerville, Texas, and to pay homage to the sacrifices our fighting men and women make every day for America and for the world.

Last week, I had the honor of visiting Walter Reed Hospital where Private Jon Abels of the Army's 101st Airborne Division is receiving top notch medical care for the wounds he received in battle.

On November 29, Private Abels, who is a radio operator, was stationed in Iraq and on patrol in Baghdad when his platoon came under fire from insurgents. Private Abels and his fellow soldiers managed to find cover and safety in an abandoned residence that was frequently used by the insurgents. Outnumbered 20 to 6 and trapped in a house, they tried to fight off the insurgents who were surrounding their position. Undoubtedly, many of the soldiers inside, if not all, would have been killed until Private Abels sprang into action.

Private Abels radioed for help and then found and hotwired the insurgents' truck in the house's garage. He then loaded his men in the truck, and they drove from the enemy's trap. As they left, they took on heavy gunfire that injured Private Abels and two others and, ultimately, killed three more as their truck crashed.

Injured and still in the range of the insurgents' fire, Private Abels helped the other survivors to safety and administered medical attention to his wounded platoon leader. His actions brought him and the other survivors just enough time for support fire to arrive, and ultimately, he saved three lives.

Last week, Private Abels proudly received his Purple Heart at Walter Reed Hospital and is making a quick and fast recovery.

Clearly a hero, Private Abels' actions exemplify the efforts of all of our fighting men and women in the war on terror. I was inspired by his optimistic attitude, even as a severely injured soldier at Walter Reed Hospital. He believes that we are getting the job done and making great progress in Iraq.

So as we stand together here this evening in peace, America's soldiers are united in protecting our country as they remain in distant lands fighting the threat and the horror of terrorism. We are there to root out the terrorists who wish to do us harm, who wish to harm Americans.

These terrorists, like the insurgents that Private Abels fought in Baghdad, have a track record of being patient until they succeed in their evil agenda, so we must continue to support our soldiers now more than ever and give our military men and women every tool necessary to protect us and to complete and to win this war on terror.

Some say that we should retreat in this war on terror, but to them I say that our fighting men and women have succeeded on all fronts. In places like Iraq and Afghanistan where oppression, tyranny and inhumane treatment once flourished, we now find nations waking up to the reality of self-ruled government and the benefits that come with their democracies. This success is most embodied by the free and democratic elections in Iraq that took place this very week.

To quit now would not only be an insult to those waging this liberating battle but a dishonor to those who made the ultimate sacrifice, their lives, for freedom and for the greater good. Few causes are as worthy, and few prices are as great. America prides its freedom on how our determination can accomplish any task and defeat any foe. So finish the job we will. And because of heroes like Private Abels, I have no doubt in my mind that we will prevail.

DEFENSE APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, our soldiers need us, and they need the funding and the support that an appropriations bill can give to them and their families. Not only the soldiers that are on the frontlines of Iraq and Afghanistan, but the many soldiers returning home and the enlisted personnel stateside along with their families.

The Defense appropriations bill will provide a salary increase long overdue or at least needed again in these very difficult economic times. The bill will also provide and enhance improved health care for our soldiers. And recognizing that all Americans look forward to prosperity and a better way of life, I can assure you, in visiting with soldiers and families in my district, the limitations of their health care cries out for repair.

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Soldiers and their families are on limited opportunities for diverse health care, hospitals are limited, the care is limited; and certainly for those families who have elderly parents or dependents, family members who are ill, children who need health care, our soldiers' compensation and a bad health plan is a bad mixture for America.

And so I would ask the conferees, as they make their way in gathering and moving this legislation to the floor, remember the people who need the Defense appropriations bill. It is not filled with politics, because those of us who have raised our voices for redeployment, peace, and a better way in Iraq still understand the importance of providing for our men and women in the United States military.

This time around the Defense appropriation will be more than just the anchor for our military; it will be the anchor for those who have lost greatly in this last year. This will be the anchor for the Katrina survivors. And anyone who has interacted with them knows that they are not deadbeats. They are Americans who are simply looking not for a handout but for a helping hand.

Thousands live in the 18th Congressional District in the city of Houston, and I applaud the mayor and the council members and other elected officials; and I applaud Americans in general for the outpouring of their generosity, and particular Houstonians. But we need your help. We need your help in helping FEMA continue its funding of apartment contracts that were supposed to be for 12 months and 18 months, otherwise we will see Katrina victims, their families and children dumped into the streets.

We need the funding to continue to provide hotel compensation until February 7 or longer, or we will see Katrina survivors dumped into the streets. When I use the word "Katrina," I really mean Americans, for the American Federal Government should be the safety net for all Americans in time of trouble. If we do not have the funding that we should have, we will see Katrina survivors stranded throughout America, 44 different States where they are located, with a one-way ticket to those States and no return ticket home.

FEMA will provide that ticket with the continuing funding for them to return home to their States. Now we understand that Defense appropriations will have 527s, issues dealing with campaign funding. That is not a Defense bill. We also find out that in addition to the Katrina resources, we will be putting the development and the expiration of ANWR.

Many of us are disagreeing with that. We believe in energy development, but we are disagreeing with going into ANWR, because we believe it has not been proven that that is a source of energy, other than, of course, an enhancement and opportunity for Alaska, one State. We applaud them for that, but there are many other resources that can be utilized to keep energy prices down.

We can explore in the gulf. It has not been explored to the extent that it should be, and there is a welcoming attitude about the exploration in the gulf, not only for energy oil but also for gasoline or gas.

Let me also say that there are still districts in the city of Houston that are in greet need of the funding that is in this bill. In the city of Houston, Houston Independent School District spends $186,000 a day for the additional visitors, or students, from Louisiana and Mississippi.

We are in debt $30 million. We have 5,000 students. We welcome them. We want to teach them. We want to help them, but we need the support that is in this Defense appropriations bill. We want this bill to come to the floor, and certainly what we want most of all is to be able to have a free-standing bill to help our soldiers, our veterans to give them good health care, good housing, and good support.

We want to be able to be the safety net for all Americans in time of tragedy, provide for the Katrina survivors, the Wilma survivors, the Rita survivors to be able to have school in the place where they do not live; and we want most of all to be able to have housing and the travel trailers to get where they have to go.

Let us get the bill on the floor. Let us do what America needs us to do. Let us provide a safety net for America.

OPPRESSION IN BELARUS

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today in recognition of the ongoing oppression in the country of Belarus. On October 16, the Belarusian people celebrated a day of solidarity with political prisoners, activists, their families, independent journalists, and all who fight for freedom and democracy.

Many people switched their lights off at 8 p.m. and lit candles to show hope for a free and democratic future for Belarus. Unfortunately, only 2 days after this historic event, a prominent correspondent of the oppositional newspaper Narodnaya Volya, Vasil Hrodnikau, was found dead in his home.

According to family members, Mr. Hrodnikau was murdered for his fearless striving to bring a fair press to the Belarusian people. It is time for the U.S. Congress and our European allies to make a definitive statement on Dictator Alexander Lukashenko's policies and actively support the opposition movement in the region.

I encourage my colleagues on both sides of the aisle to take a closer look at the atrocities occurring daily in Belarus and work together to do what we can to bring about democratic elections for the Belarusian people.

In the European edition of Time magazine, in an article titled, "Where Tyranny Rules," which highlighted the fate of Nikolai Statkevich, a political dissident who ran for president against Lukashenko in 2001, since 2003 he has been in jail for resisting the authorities and obstructing traffic.

Two years for resisting authorities and obstructing traffic. And he still resides in jail today. Unfortunately, this is not an isolated case. Every year thousands of Belarusians are jailed for minor infractions, for example, attempting to publish newspapers, and regularly face police harassment.

Another good example occurred last August when Belarusian KGB, yes, they kept the infamous Soviet institution's name to intimidate civilians, the KGB raided the apartments of several college youths who had e-mailed each other cartoons involving Lukashenko. These students now are facing many years in prison.

Imagine that: prison terms for e-mailing political cartoons. As cochairman of the House Baltic Caucus, it is my sincere hope that the United States will continue to remember those fighting daily for democracy in Belarus and do all that we can to support this movement, the movement for change in this region.

I am encouraged by the change in the international community in support of democracy for Belarus. I encourage all of us to work together to keep up the great work and keep a watchful eye on the nation of Belarus and its dictator, Alexander Lukashenko, in the upcoming elections in 2006. The opposition is united, the people are motivated for change, and we just ask for free and fair elections.

FILM SUPREME COURT PROCEEDINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, over the past year I have addressed many issues I have with the judgments handed down by the highest court of our country, the Supreme Court, right across the street.

Recent rulings by the Supreme Court of the United States, particularly pertaining to the separation of church and

State, property rights, the right to say the pledge of allegiance, and the use of foreign law by our Supreme Court in interpreting the American Constitution, have prompted an outcry by the American people and a growing interest, or better yet, confusion, confusion on how those decisions are made.

The decisions made by the Supreme Court have a direct impact on the lives of Americans and every American in the future. With that said, I believe it is past time that every American be afforded the opportunity to see how those decisions are made in this Court.

I filed legislation that would allow cameras to broadcast Supreme Court proceedings so that we can all see the arguments made before the Supreme Court and how they make those decisions that affect our lives from now on.

I am no stranger to cameras in the courtroom. I was one of the first Texas judges to allow cameras in the courtroom. In addition, I was the first judge in Texas to oversee a capital murder trial broadcast in its entirety on television. Our sense of justice says the more open and public a trial, the more likely justice will occur.

I found that cameras only enhanced this concept. As a criminal court judge for 20 years, I have had countless cases covered by the media from all over the world. Critics argue that attorneys play to the cameras; but the truth is, they play to the jury. They always have played to the jury. Juries are the ones that make the decisions, not the audience.

Courts have the ability to prevent filming of the jurors, child witnesses, assault victims while letting the community see the public trial. Cameras make the ability of the people to view justice as it is in progress.

In the case of cameras broadcasting the Supreme Court hearings, there is no jury, just nine Justices who have the final say on the American Constitution. Because of the magnitude of the rulings handed down by this Court, these proceedings above all others should be as open to the public as possible.

While the hearings are, in fact, open to the public, not everyone has the ability to travel to Washington, D.C. and view these proceedings. This is why it is precisely time to come to the reality to open the Supreme Court to public hearings and allow their proceedings to be filmed by cameras.

Cameras can be unobtrusive. There are no big lights. There are no big cameras. In fact, many people do not even realize there are cameras in this Chamber. So it is time to film these proceedings. Opening these proceedings to the American public is much more important than seeing the child molestation trial of the King of Pop or the murder trial of some ex-football player.

Yet there was no concern over viewing these proceedings on television. Why should there be concern over a Court that has the final say on how our Constitution is interpreted? This year the Iraqi country, the Iraqi people have formed a new democracy, and part of that is a new judiciary. And yet they are already filming their trials, because the tyrant of the area, Saddam Hussein, his trial is on international television. This is their democracy and their courts seem to be somewhat more open than even ours.

Those judges and critics who do not want the public to view what they are doing in those courtrooms, Mr. Speaker, maybe should not be doing what they are doing behind those closed doors. It is time to open the Supreme Court to public viewing of their proceedings on television.

FURTHER MESSAGE FROM THE SENATE

A further message from the senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2141. An act to make improvements to the Federal Deposit Insurance Act.

CONGRATULATIONS TO APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, I join my friend and colleague, Ms. FOXX, tonight. This morning I paid tribute to our wonderful men and women in uniform for a great win for freedom in Iraq.

But tonight, Representative FOXX and I want to pay tribute to a great team, Appalachian State, for a wonderful win in the national championship that they won last night in Division I-AA football. What a thrill it was to watch those young men, their fans, their school administrators, the whole Appalachian community come together through a tough play-off, exhibiting sportsmanship, hard work, commitment, incredible enthusiasm, and to win that game last night.

Take nothing away from Northern Iowa, they played hard. They played well. Appalachian prevailed. Seeing the spirit that those young men and women exhibited, coaches, who by the way, ladies and gentlemen, Coach Jerry Moore, the winning coach, was given his first coaching job by our colleague, Coach OSBORNE. And Coach Moore reflects all of the wonderful qualities of Coach OSBORNE.

By the same token, I thank Representative FOXX for calling attention to my son-in-law, Lonnie Galloway, who coaches there; and I am so proud of him and all of the folks.

Mr. Speaker, I now yield to Representative FOXX for some comments.

Ms. FOXX. Thank you, Mr. HAYES.

I am glad you mentioned with Coach Moore serving with Coach OSBORNE, Congressman OSBORNE. I did not get a chance to mention that this morning. I agree with you: he exhibits so much of all of the wonderful traits of our colleague, and we are lucky that we have at least three people in this body who have connections to Appalachian and to the great win that they had last night.

I am really sorry that our duties here prevented us from being in Chattanooga last night with so many Appalachian students and supporters.

I would have loved to see firsthand that crushing defense in the fourth quarter led by Jason Hunter and Marques Murrell. I wish I could have been there to witness in person the courage of quarterback Richie Williams, who played through a painful ankle injury suffered last week in the semifinal game against Furman.

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Appalachian is getting a lot of attention because of this football win. But the gentleman and I know and the people of western North Carolina and, indeed, all North Carolina know that Appalachian has always been known as a first-rate college and a first-rate university. It has a very proud history, particularly in the area of teacher administration and administrators of the public schools. And I think getting this win for the football team simply rounds out its reputation in terms of being a really top-notch school. Its academic program has been strong forever. And now with this win from the football team, the first national championship ever for Appalachian, they show that it is a number one university in all respects.

Mr. HAYES. Mr. Speaker, I thank the gentlewoman for her comments and, again, calling attention to this great victory. My almost 90-year-old mother was there, all my family, except for us. But we were here following the action very closely. We have an Iraqi Marine veteran who plays on that team, number 89, Mr. Stokes. I do not know how Winslow survived without me there to keep her from having a heart attack, and Barbara suffered, too.

But, again, my congratulations, heartfelt, and the gentlewoman's as well for such a wonderful performance representing North Carolina, the academic, the athletic, the school community, Boone, and western North Carolina and the mountains.

Congratulations to Appalachian. A wonderful victory. I thank them for representing us.

Mr. Speaker, I now yield to the gentlewoman from North Carolina.

Ms. FOXX. And, Mr. Speaker, now we both need to say, Go Mountaineers.

Mr. HAYES. Go Mountaineers.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House, and we would like to thank the Democratic leadership for this opportunity. Democratic Leader NANCY PELOSI; our whip, Mr. STENY HOYER; and also our chairman, Mr. BOB MENENDEZ; and chairman to be Mr. JIM CLYBURN.

As the Members know, Mr. Speaker, we have a 30-Something Working Group that comes to the floor every opportunity we have to talk about the good things that are happening here under the Capitol Dome and also some of the bad things that are happening and the things that are not happening at all that should be happening on behalf of the American people.

Today, as the Members know, Mr. Speaker, there has been quite a bit said in the Capitol, very little done in the first session of this Congress, facing some of the needs that the American people are wanting to be addressed. The American people want to have issues such as health care, veteran affairs, also making sure that we have a strategy in Iraq for success, making sure that we stand up on behalf of those Americans that have been devastated by natural disasters, making sure that we get down to the bottom and get rid of a culture of corruption and cronyism and incompetence under the Capitol Dome, and also making sure that we can expand jobs for Americans and also for small businesses.

But in the last 24 to 48 hours, there have been quite a few strange things that are going on here in the Capitol. There have been bills that Members have tried to put amendments on that are not passable and should not be even honored with the paper that they are printed on, of personal agendas and agendas on behalf of the special interests.

So with that, Mr. Speaker, I would like to share this hour tonight with Mr. RYAN and also Ms. WASSERMAN SCHULTZ but also with a respected Member this House with whom Mr. RYAN and I serve on the Armed Services Committee with, and he is also the ranking member on the Budget Committee and has been working very hard on a number of pieces of legislation. He is from South Carolina.

I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding to me.

And I would like to turn to a matter of some significant concern to me and to the gentleman because, as he said, we both serve on the House Armed Services Committee. We both have worked diligently to see a good Defense authorization bill put together this year and finally, we thought, put to bed last week. But here is what is happening, to everybody's dismay, on this side of the line.

On Thursday afternoon, the House appointed conferees on the Defense authorization bill to go to conference with the Senate. Thursday afternoon. Within hours, the conference committee met for the first and only time. We made a cursory review, which is all we had time for, of the conference report which staff and mainly the Republican Members had worked up and put together over the last several weeks. We reviewed it. We reviewed the salient points. We made some objections. And finally, we approved it.

This summary procedure is not my idea or I think the Framers' idea of how we would make law, particularly law that authorizes the expenditure of $440 billion for something as important as the defense of this Nation. This kind of summary procedure should not be repeated. This year, we were late getting started. The Senate was even later getting started. So we had to do it in record time. And I am glad we got it done, but it is not the best procedure.

As bad as that procedure is, the worst was yet to come. After the conference report had been signed, signed by the Democratic conferees, signed by the Republican conferees, signed by the Senate, signed by the House, after it had been signed, the Republican leadership decided it needed a must-pass moving vehicle, some kind of bill to which they could attach legislation that otherwise could not be passed, maybe would not stand the light of day. Reputedly, it dealt with section 527, political advocacy corporations and campaign limits. We suspected it also dealt with a bill known as Pence-Wynn. We do not know yet because we have not seen the conference report that they have tried to amend.

In any event, we know this: These bills are about campaign finance reform. They have absolutely nothing to do with the defense of the United States. This is not a technical change they are trying to make. It is not even about defense. Far from it.

Worse still, it is fundamentally serious major legislation. It is not something minor that you bobtail on or piggyback on another bill. Pence-Wynn, if that is the legislation they are trying to append to this conference report, is a major fundamental revamping of the campaign finance laws of this country, lifting the limits enormously on all kinds of corporations from PACs and individuals, creating virtual carte blanche for the wealthy of this country to contribute to political campaigns.

Our ranking member, Mr. SKELTON of Missouri, heard what was happened, to the extent that he could find out anything. He protested and pulled our names on the grounds, the House Democratic names, from the conference report on the grounds that they were amending or seeking to amend that the conference agreement that had been signed and sealed and all but delivered to the House floor for action, amending it after the fact. Members who were not even parties to the agreement trying to change the bill in a significant way without any kind of collegiality, any kind of comity, any kind of consultation with our side. He pulled our names.

In the Senate, the chairman of the Senate Armed Services Committee, Republican, the very distinguished Senator WARNER, was so outraged to see this gross violation of the processes of the House, the procedures of the House and the Congress, of fundamental fair play, that he said, if the Republican leadership in the House tried to unilaterally change this agreement after it had been signed, he would vigorously object and pull out the signatories at least on the Republican side. And Mr. LEVIN, the gentleman from Michigan who is the Democratic Senator who is the ranking member of the Senate Armed Services Committee, said the very same thing.

Now, we ask tonight, what is the status of this bill that has taken months to produce, that addresses our troops deployed all over the world, that contains important personnel provisions that probably will not be overlapped in the appropriations bill? Where is the bill that we have worked and produced, that we signed and had ready to go? Where is the bill? Where is the Defense authorization bill? Where is it left if we do not take action on it?

It is left in limbo. It is left hanging. It is left unauthorized, unpassed. A hard effort coming to no worthy conclusion.

Representative PRYCE, who chairs the Republican conference, is quoted as saying in the CQ Daily that Congress may not even consider this bill before Christmas. Why not? It is ready to go. All we need is 1 hour on the floor. It is written. The conference report is ready to come to the floor. Why would we not consider it before Christmas? And, more importantly, what are the consequences if we do not consider it before Christmas?

Well, let me tell my colleagues just a few of the things that will not be enacted that otherwise might be a nice package to send to our troops in Iraq and Afghanistan and the ramparts around the world where they are standing up for freedom. Let me just mention a few things that are not covered in the appropriation bill and may never come to pass if we do not pass this bill: There is a 3.1 percent pay increase. Not a big increase, but I am sure that every troop will be glad to get it. There is an end-strength increase. We think the ground forces are undersized, so we have called for a couple of years for an increase in the size of the ground forces, Army and Marines, 30,000 in the Army, 4,000 in the Marines, in fiscal year 2006. That will not be done.

There is a death gratuity. The conference report increases the death gratuity for all active and activated servicemembers up to $100,000 retroactive to October 7, 2001. For the 2,100-odd troops who have been killed in Iraq and Afghanistan, in Iraq in particular, I am sure this would be welcomed by their families as some token of appreciation for the ultimate sacrifice they had to pay.

TRICARE: For the first time ever, reservists who agree to continue service in the Selected Reserves will have an opportunity, depending on their status, to buy into the government-subsidized TRICARE standard health program for themselves and their families.

Recruiting: Enlistment bonuses will expire unless we reauthorize it. There is a whole list of things like this.

Life insurance: It was previously increased for servicemen, life insurance, SGLI, to $400,000 in amount. We said in this bill, if they are in Iraq, if they are in Afghanistan, if they are putting their lives on the line in a hazardous duty zone, by golly, as a part of their hazardous duty pay, we will pay that first $150,000. I wanted to pay more of it. But that will be a nice addendum, a nice Christmas present for the troops who are in the field and for their families back home who worry, if our servicemember does not come home, who will provide for us? The least we can do is increase the life insurance.

I could go down the list with other personnel changes. They are numerous. Let me give you just one. This conference report would extend TRICARE coverage also for children of servicemembers killed in the line of duty until they reached the age of 21. This is just a sampling of what will not be done if, for petty, high-handed partisan reasons, the conference report, already finished on the Defense authorization bill, is not brought to the floor.

This is an outrage. It is an outrage. It is sort of inside baseball to some people, hard to explain to the American people because, in the parliamentary sense, it is so complicated. But it is an outrage, and it should not be allowed to happen. This is the one bill we should pass before we go home.

I thank the gentleman for yielding to me.

Mr. MEEK of Florida. Mr. Speaker, I am so happy that Mr. SPRATT came to the floor tonight to share with the Members what is important in this bill. And this was an authorization bill even before it went to conference that a super majority of the Members voted for because they believe that many of those provisions needed to be enacted on behalf of our security.

And we hear a lot of talk about what needs to happen now, what the troops need, what our Armed Forces need throughout, rank and file, officers, flag officers, individuals who are interested in being a part of our military, and to be able to send a very strong signal that we support them 110 percent. And for it to be held up for political purposes, and I can tell my colleagues for political purposes because in that 527 bill, there are a lot of special interests that would like to have access, more access than they have right now, to this majority. And it is very unfortunate that it is being held up. Of all things, the Defense authorization bill. It is hard to explain with a straight face. And Mr. RYAN was there in committee when we voted this bill out, and he was here on the floor and also Ms. WASSERMAN-SCHULTZ. For this to be happening now in the closing days of the session and possibly held off in the authorization bill until 2006 is beyond reproach, in my opinion.

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Mr. RYAN of Ohio. We have been on the committee 3 years now, Mr. SPRATT has been on the committee a few more years than we have, but when you first get on the committee, I think the leadership on our side has always told the younger Members who come on, you know, this is a bipartisan committee. This is one of the committees in Congress where we try to do what is best for the men and women in uniform, to do what is best to protect the security of the United States of America. And I think this tradition we have had has really been damaged throughout this whole process. I am sure Mr. SPRATT knows a lot better than I do.

Mr. SPRATT. I have been on the conference committee every year for at least 20 years, and I never seen this happen before. I have never seen the leadership of either party come forth and say, you may have signed it, you may have closed it, you may have signed and sealed and delivered it; but we can still change it and add to it things that are totally out of the scope, out of scope because they are not in the jurisdiction of our committee, and out of scope because they have never been considered by either committee in either House, hearings, markup, on the floor, in the committee, anywhere. Totally out of the blue to come at the 11th hour.

And to impose this on the bill in deference to wealthy contributors who do not want to be encumbered with limits on what they can contribute is outrageous. There is no nicer word for it.

Mr. RYAN of Ohio. We talk a lot on the 30-something group here about how the Republican leadership in this Chamber and the Senate and in the White House right now consistently over the past few years have put their party's interests above the country's interests. We know on Energy and Commerce, you know, you are talking about telecommunications and there are a lot of business interests and labor. There are fights, there are scraps, and it gets very partisan.

For this kind of attitude I think to permeate into the Armed Services Committee during a time of war is outrageous. It really is. And Mr. SPRATT, I cannot thank you enough, because we come down every night, and to have someone of your caliber, your experience, your understanding of the issues to come down and share with us means a great deal. But for campaign finance issues to work their way into the Defense bill is just crazy.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, I am the new kid on the block here, and I do not sit on the Armed Services Committee; and I completely agree it is a privilege and honor to have Mr. SPRATT join us tonight.

But, you know, Mr. SPRATT, my observation being of the shortest tenure among the four of us is, at least since I have been here, we should not be surprised that they would do this, because you start at the beginning of this year, and it was very clear that the leadership here has no regard for the process, no regard for the system of checks and balances, they have no regard for the judiciary.

At the beginning of this year, 10 weeks into my tenure, they put the Terri Schiavo bill on the floor, even though you had months and years of court decisions that made it clear that it was not appropriate for Congress to insert itself into one family's tragedy. Yet to them it was seemingly the right thing to do, to insert the legislative branch of government into an area that was clearly the jurisdiction of the courts.

Now you fast forward to the end of the year, and throughout this year they have had other examples of their lack of regard for the governmental mechanics and the lack of regard for decency into what the American people support. Adding campaign finance provisions or anything other than the protection and defense of this country to the Defense appropriations bill? I mean, really.

If they were so concerned about campaign finance reform, why are they waiting until less than 24 hours before we are supposed to adjourn here? Really, we were supposed to adjourn weeks ago. I mean, they have so little regard for process that they are not able to get the job done. I mean, we are here, and it is a week before Christmas and Chanukah and the beginning of the holiday season, and we are still here in the Chamber debating things that should have been settled long ago.

So it has just been obvious to me since I began my term that they have no regard for the process, no regard for the American people's priorities, and they just keep setting example after example.

Mr. RYAN of Ohio. We heard a lot in the last few weeks, you know, that you are sending the wrong signal to the troops. You are sending the wrong signal to the troops, when we want to have a discussion about when we are going to actually pull the troops out and end the war and redeploy and how things are going to work and what does it look like and how is this all going to end. You are unpatriotic, you should not have that discussion. You are not allowed to talk about that kind of stuff, you know. The people may find out that maybe things are not going as well as we think they are going, so let us not talk about it because it will affect the morale of the troops.

I have got to tell you, when we went to Iraq, it was probably the first meeting, as soon as we got there in Baghdad, Mr. MEEK was in the meeting with the troops and there was about 20 of us sitting there, and I specifically asked one of them, I think we were with the marines, specifically asked, does the debate that we are having now in the United States, that was shortly after Mr. MURTHA came out for his redeployment efforts in 6 months and figuring this out, and I asked one of the kids, I said, does this hurt your morale over here? Does this offend you?

The kid said to me, this is why we are here, so the Iraqis can have this kind of discussion. We expect people in Washington to be having a debate in a democracy, in a representative democracy. The great Republic should have these debates. And he just said that is why we are here, so the Iraqis will be able to have this discussion too one day.

Would that not be great, if the Iraqis can have a parliament and get in a squabble and fight without someone saying that that is somehow having a negative effect on the troops.

So we hear that a lot, that this debate may hurt them, which it is not, hurting the morale of the troops, which the troops are telling us it is not, it is okay. But then to try to somehow take the Defense bill and put campaign finance language in it so that the Republican majority can raise more money to further corrupt the institution is an outrage.

Mr. MEEK of Florida. Mr. RYAN, I just wanted to say when you talked to that marine, we were actually in Mosul at the time, and I am going to be a third-party validator as it relates to your discussion with them. Also, it was a bipartisan delegation, and we heard it on both sides of the aisle.

One thing that I want to say, even Mr. SPRATT as we talk about the authorization bill, as you know, defense seems to be the vehicle to pass all pieces of legislation or thoughts or ideas that the majority has problems in passing under regular order. They have problems passing drilling in the Arctic National Wildlife Refuge in Alaska, so they want to attach that onto a piece of legislation and try to push it through the process.

But I can tell you that this abuse of authority is stepping in the middle of national security at this point, and it is very, very unfortunate. And it is not like coincidence; it is not like something that is blowing through the air conditioner vents here.

I am so glad, sir, once again, that you came down. We are talking about this subject. Many times some Members may not know what is going on. The American people may not know what is going on. That is the reason why we are here, to make sure they do know what is going on.

Mr. SPRATT. I will guarantee you the people do not know what is going on. Until I got back this afternoon, I had to go home and make a speech and started reading some of these dailies that we get over our fax machines and got some phone calls from others who had found out, pieced it together. I did not know about it, so I am sure the American people do not know about it.

Let me just take a second, if I can, maybe a minute or two, and read from the memo that was given to us as conferees just as to what the personnel provisions of this bill are. For the most part, these will not be backstopped by overlapping provisions in the appropriations bill. It simply will not be done unless and until this bill for 2006 is enacted.

I already mentioned a pay raise of 3.1 percent to all servicemembers. I mentioned the increase in end strength needed for our stretched-out ground forces. The death gratuity is raised substantially to $100,000, but, even more important, provided for retroactively to October 7, 2001. And we remove, and only we can do this, we remove the combat-related requirement for the death gratuity.

TRICARE, I mentioned the changes there. In addition, there are some other changes for TRICARE Reserve Select. It enhances that coverage, not as much as we wanted; but it is better than what we have got.

Enlistment bonuses, the authority for those is increased substantially. We have got recruitment problems. We have retention problems. We need this authority to help our recruiters if they are to keep end strength in.

The enlistment age. There are some folks out there that would like to get back into the service, age 42, still in good physical condition. This would allow persons who have previously served who would like to enlist again to be considered up to the age of 42.

Here is something that everybody has noted, given the condition of many soldiers who are coming back from the Iraqi and Afghanistan theater: the establishment of a mental health task force that will look at how the Department and services can treat better, identify better, and support better mental health needs, particularly including post-traumatic stress disorder.

It enhances programs and policies to improve the transition of servicemembers who are severely wounded or injured back into civilian life.

It provides temporary authority to the Army to set up four innovative recruitment tests to see if it can improve its recruitment.

It increases hardship duty pay to $750.

It allows the establishment of a pilot program that would match enlisted members' contributions to the Thrift Savings Plan.

It provides foreign language pay, which we badly need, given the shortage of Arab-speaking servicemembers, up to $12,000.

It extends TRICARE, as I said earlier, for children of servicemembers killed in the line of duty until they reach 21 years of age, or 23 if they are a full-time student.

These are just the personnel changes, but every one has a particular appeal to them. They were carefully considered in our committee and the Senate committee and put into the conference bill. Much of this will not be done if this bill does not get passed, and it certainly will not be done until it is finally enacted.

Mr. MEEK of Florida. I just want to ask you a quick question, Mr. SPRATT. I think it is important not only for the Members to know, but for everyone to know: How much work has gone into this Defense authorization bill? It just was not something that one meeting took place. I am pretty sure hours and hours of testimony and also committee work.

Mr. SPRATT. As the gentleman knows, we get the budget the second week in February. Our hearings start almost immediately in the authorization committee because we have got all four services, we have procurement, personnel, research and development, all kinds of issues that have to be thrashed out every year.

We do not mark up and bring a bill to the floor typically until May, sometimes until June. Then we wait on the Senate to get their work done; and usually, if we are lucky, they get theirs done in July. If we are not lucky, theirs gets done in September or October, and we find ourselves playing catch-up, which is what we are doing in the extreme this year.

Nevertheless, it is a year-long process. We carefully sift through all these issues. We go back to what we did the previous year and see if it worked. If it did not, we make adjustments. It is an ongoing, continual process. An immense amount of work goes into this.

You can say the appropriators do the same thing; but their committee is much, much smaller than ours. Therefore, they do not get into all of these elements nearly as deeply as we do. That is why this authorization is so critically important as part of the process.

Mr. MEEK of Florida. You never heard of a measure coming before the Armed Services Committee dealing with elections. Maybe absentee ballot access for troops or something, but that is about the extent of it, I am pretty sure.

Mr. SPRATT. That is a very good example of something you can spend a lot of time on, but it is important to troops. They are over there fighting for our freedom. We need to make it possible for them to have the fundamental right to vote and make sure their vote will count, make sure it will not be held up somewhere and not get transmitted to be counted. That is not as easy as it seems in some cases. So we have to give a lot of consideration to it.

That is one of the reasons this bill is done annually, every year, because we have to come back and look at what we did last year and see if it is working. If it is not, we make further adjustments and also find out what new problems have cropped up in the past year.

Mr. MEEK of Florida. Well, Mr. SPRATT, I want to thank you once again for coming down and bringing clarification to that. But this is just an ongoing issue.

I can tell you, I had the opportunity, I wanted to share with the Members, to be a guest at 8 a.m. this morning on Washington Journal. And Mr. RYAN knows, as Ms. WASSERMAN SCHULTZ knows, not to put me in charge of an 8 o'clock volunteer breakfast. It is kind of rough for me at 8 in the morning, even though many mornings I am driving my kids to school. But I do not have to speak on the issues that are before the Congress.

It was very strange, like Mr. SPRATT mentioned. There are a lot of things that happened just today, today, that do not ordinarily happen here under the Capitol dome.

☐ 2100

To be able to have an authorization bill, to try to put some sort of campaign, let us take the roof off the limits, on to a must-pass bill is very, very unfortunate. To have the whole discussion about the Arctic National Wildlife Reserve where we have Senators on the other side of the aisle saying, well, we are not going to vote on the budget. Before we vote, we will vote on the Defense appropriations bill, and we want to put this in because it cannot pass on its own merits. So it is very, very unfortunate.

I always say, I do not fault the special interests for fighting for what they want. That is their job. That is what they are supposed to do. We are sent here to represent the people of the United States of America, and if we allow it, then shame on us.

I can tell you, fighting against this, any Member can come and can file a piece of legislation, and in some cases we have seen legislation filed early one day and passed later on the same day. In this case, for this to come in on the back of national security and Defense is just beyond me.

I think the American people need to know about it, and the Members need to pay close attention to it. When you have a majority that feels that they can do exactly what they want to do it when they want to do it, that is okay when it is a personal decision. We talk about that. If we make a personal decision and there is a mistake, it is on us. When we make a decision affecting the American people, the men and women in uniform, need it be here, we have a number of military bases that this bill helps for those troops that are here and the civilian personnel that is involved with the Defense Department and other measures throughout, even contractors in this bill.

For them to come in and do this to those individuals right now, putting something on the bill, I hope through our efforts and through many efforts and through, hopefully, some of our friends on the other side of the aisle, we can take this off the bill and be able to take care of our business and give our troops what they need.

Ms. WASSERMAN SCHULTZ. We thank the gentleman from South Carolina so much for joining us. Your expertise is incredibly helpful in terms of us highlighting the problems that we are trying to address in this Chamber.

Do you know how I would analogize the fact that the Republican leadership has now allowed the drilling in the Alaskan National Wildlife Refuge to be added to the Defense appropriations bill, that they have actually agreed to that? I would analogize it this way, and analogize the addition of any extraneous material, campaign finance reform, well, I would say, we almost would have to say "reverse campaign finance reform," because the 527 legislation that they are talking about is more insidious, not being done in a way that would be designed to help add to the public discourse.

But the addition of campaign finance issues or oil drilling in the Alaskan National Wildlife Refuge to the Defense appropriations bill, the way I would analogize it is similar to insurgents in Iraq and in other areas of the world using children as shields. When our troops go into a neighborhood in Iraq and the insurgents put women and children in front of them so that they get killed instead of the insurgents, that is exactly what the Republican leadership is trying to do here. They are trying to put things in that they cannot get passed on their own because they cannot stand on their own merits.

They are putting the Defense appropriations bill, analogous to the women and children in war-torn countries, in front of items that have no merit, that do not have broad bipartisan support, and that cannot pass by themselves and, as a result, causing significant, unnecessary harming to this country. It is just absolutely unconscionable.

It is another circumvention of the process. It is another example of not dealing straight; another example of the incompetence, of the corruption, of the cronyism. Why can they not just be straight?

I serve on a committee where we work together in a bipartisan fashion. We lay our cards on the table in the Financial Services Committee. We agree on some things; we do not agree on others. But there is no clandestine backroom dealing. There is no attempt in that committee to try to stick things in that they can hide what they are really trying to do.

The American people want openness. They want us to vote clearly. I want a clear shot to vote tomorrow. I support defense of this country. Since I have been here, I have taken every opportunity to vote "yes" on defending this country to the degree that we need to. But I have serious problems, and so do my constituents, with drilling in the Alaskan National Wildlife Refuge. Quite honestly, we have a raging debate about oil drilling off the coast of Florida. Fortunately, that is not in this bill, but it could have been.

If we are going to continue the debate that we have had on campaign finance reform, then it should be done in the open. It should be done not at the last minute when we are trying to get out of here for the holidays. It should be done in the deliberative fashion, in the appropriate place, in the committees of jurisdiction. But they cannot get it in the honest and straight and fair way. It has to be the back door. It has to be clandestine. And it has to be putting things that they feel like most Members could not vote against in front of, just like insurgents put women and children in front of them so that they can get hurt first.

The American people are going to get hurt first when extraneous material that has nothing to do with the defense of our country is in front of some awful proposals that would never be sustained on their own.

Mr. RYAN of Ohio. There is no question, it is the abuse of power. And we have been given an awesome gift to just be here in the Chamber, to be here as a Member of Congress. To be in the majority is even a greater gift. And to take that and to use the power that you are given by the American people for the sole purpose of advancing the cause of your own political party, the Republican Party, instead of looking out for what is in the best interest of the United States of America, that is an abuse of power. I think we have seen it here time and time and time again.

We saw it here during the prescription drug bill where we were here until 3 in the morning and it passed by just a couple of votes. We were told as Members of Congress voting on that bill that it was only going to be $400 billion, and then this bill ends up being over 700 almost $800 billion. And the Democrats had two provisions that we wanted to put in that bill: allow for reimportation from Canada to drop the costs of prescription drugs in the United States and, therefore, save the taxpayers' money; and also allow the Secretary of Health and Human Services the opportunity to negotiate down the drug prices and go to America and say, if you want the contract from the Medicare recipients, you have to sit down and we have to negotiate price. Just think how much money we would have saved the taxpayer if we would have done that. Just think about that.

Mr. MEEK of Florida. Let me say, just to back up what you were saying and be a third-party validator on that, I have the facts here. You want to talk about abuse of power? It was printed just this afternoon a story that was posted around 7 p.m. tonight about what is going on in the back Halls of Congress. I mean, we have leaders in the Senate saying that we have an agreement with a said Senator, but I do not want to go into details. That is what our leadership says here in the House.

At the appropriate time when I find the cover sheet to this one story, I will enter that into the RECORD because I think that needs to go into the CONGRESSIONAL RECORD so that when folks start backtracking on what happened in the 109th Congress at the closing of the first session of the 109th Congress, I want them to clearly know what the thinking was on behalf of the majority. These are two majority leaders that are talking about this kind of "we have a deal worked out, but we do not want to go into details," meanwhile holding up the Defense authorization bill. Not only that, holding up the Defense appropriations bill. There are other bills that we would like to get through this Congress.

Mr. RYAN talked about abuse of power. Let me take you down memory lane for a moment. October 7, the Republicans held open a 5-minute vote on Gasoline American Security Act. It lasted over 40 minutes to pass an energy bill that does nothing to lower gas prices, and that bill actually passed only by two votes. The Republican leadership, they have bills that even Republicans do not want to vote for.

I think it is important that the American people are made aware of that and also Members that may need to freshen their memory.

November 22 of 2003 in the 108th Congress as it relates to the Medicare Prescription Drug Bill: 3 hours we stood in this Chamber, Mr. Speaker, waiting on this bill, waiting on us to close the board. When we say "the board," we are talking about the voting board. We sat here for 3 hours while the arm twisting went on. Leader PELOSI came to the floor and put forth a resolution in detail talking about some of the activities on that given evening here on this floor that I am speaking on.

I think it is important we go down memory lane to make sure that people understand when folks talk about fairness and inclusion and that Democrats have access to the process, we just need to go down a brief history of what is going on. And that is the purpose of the 30-something Working Group, that the American people understand exactly what is going on here.

You want to talk about arm twisting? Just recently, July 24 and 28, on those two dates the vote was held open for so long. Leaders held the vote open for 1 hour, well past the 15-minute voting time as they rounded up enough votes to pass CAFTA, which was in the final vote 217–215. Even some Republicans on that side of the aisle could not vote for that piece of legislation because it did not meet the merit to be able to be a sound free trade agreement the American people can embrace. It took an hour for that to happen. Let us go down memory lane once again.

Veterans Affairs, the chairman being pro-veteran, goodness gracious, if you are pro-veteran in the Republican majority, you are going to lose your chairmanship. This is not just our report that we have in the back room here and we said, let us see if we can fabricate something.

January 6, this year, 2005, House Republicans ousted Mr. CHRIS SMITH as chairman of the Committee on Veterans' Affairs for bucking his leadership and being a tireless advocate on behalf of veterans rights. He was not only removed as chairman, which he served on the committee for 24 years, but he was kicked off of the committee, off of the committee.

Mr. RYAN of Ohio. Unbelievable.

Mr. MEEK of Florida. It is one thing, Mr. Speaker, it is really rough to be removed as chairman and then to be kicked off the committee that you served on for 24 years.

Mr. RYAN of Ohio. I served on that committee my last term in Congress. I sat on the Committee on Veterans' Affairs. And that gentleman that you are speaking about had a relationship with the veterans that was unsurpassed. It was unbelievable. The veterans groups loved Mr. SMITH. Loved him. And he advocated for them on their behalf as chairman of the veterans committee.

You do not have to ask me or the 30-something Working Group; you do not have to ask us. Go talk to the head of the disabled veterans groups, go talk to the head of AMVETS, go talk to any single veterans group and they will tell you that they loved them, and he advocated for them, and he disagreed with not fully funding and providing mandatory funding for our veterans health care benefits.

Mr. MEEK of Florida. I have a tail end to that statement on this whole abuse of power, and I am glad you have the perspective from the 108th Congress about what actually took place and how you served with this past-chairman and past-member of the Veterans' Affairs Committee.

The change was widely denounced by leaders of several veterans groups. Richard Fuller of the Paralyzed Veterans of America said in response to that, "The Republican leadership has made a statement that the country is making too much of a commitment to the men and women who have served in uniform."

This is from the New Jersey Star Ledger. I think it is important that this is a man, this is obviously a man that has served. He is the president, or was the President, at that particular time of the Paralyzed Veterans of America in response to that. And they have made a very strong statement that they are not willing to make the commitment to men and women that have served in uniform.

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So when we talk about the abuse of power, we look at this budget that is under consideration right now. We have been talking about the budget now for several weeks. I think if this Republican majority could give millionaires and billionaires a tax break, they would borrow as much money as they have to borrow to make it happen.

Mr. RYAN of Ohio. Who are they borrowing it from?

Mr. MEEK of Florida. Mr. Speaker, this Republican majority is willing to borrow as much money as possible to give millionaires a tax break.

Ms. WASSERMAN SCHULTZ. Before you change the subject, I just want to say, on veterans, because if we are going to talk about tails, there is the tail the size of a doberman and one the size of a German shepherd. I want to do the length of a German shepherd on this.

We are not talking about the fact that a chairman here who was wonderful for veterans was removed from the chairmanship and removed from the committee. We can go much further and lengthen the tail and talk about the commitment or severe lack thereof commitment to veterans and their health care and sustaining veterans who have given not just their lives but dedicated their lives to this country and put their lives on the line.

Just 6 months ago, we finally had a culmination of a debate that we had begun where we, as Democrats, have been insisting that the Veterans Affairs had a significant shortfall in their budget, at least $1 billion, and there was denial after denial that that was the case. I was not here. In fact, I was not a Member of Congress at the beginning of that debate.

Then I joined the Congress, and a few months later, we are on the floor passing a supplemental appropriation because the Republican leadership here had to finally acknowledge that there was a shortfall. We had to come in and pass an emergency appropriation so that our veterans could continue to get health care.

As it is, the Republican administration here makes them wait at least 6 months to get any health care services. Now, in this budget, we are going to be cutting, under the Republican's plan, veterans health care by as much as $600 million, even as we have the number of our veterans growing with the war in Iraq and Afghanistan.

So it is not just what we are doing to veterans by throwing out the Members here on both sides who support them, but we are also totally shortchanging them. I just wanted to add that.

Mr. MEEK of Florida. Really, to get to the nitty-gritty of the whole veterans, they instruct the Republican majority, which I must say, when the budget came through this House, Mr. Speaker, not one Democrat voted for the budget. Not one Democrat said, well, maybe I need to vote for this reduction and maybe I just need to do it because of the folks back home; I just do not want to vote against the budget. Not one Democrat voted for the budget that they passed on the backs of the American people, and to come here with a straight face and talk about how we are going to borrow as much money as we have to borrow to give billionaires the majority of the tax breaks of a proposal that we put forward, and these are the very individuals that are standing up with all kinds of markers behind them and charts and everything, fiscal responsibility, "trust us" kind of thing, and I can tell you right now, Mr. Speaker, we should have as much trust and confidence within our government. But when we see our leaders act in such a way legislatively, I think it is something that should be quite alarming.

I want to come to the gentleman from Ohio (Mr. RYAN) for a second, but I want to hit this chart since we are talking about being responsible.

If I could, I would like to kind of get a billboard placed probably right where the Members come in to vote, if I could. If I could talk to House Administration to see if I could do that, I think it would be helpful for the financial well-being of every American. So when the Republican majority is driving in here and saying, I want to borrow as much money as I can to make sure that oil companies have the subsidies that they would like to have, even though they are making record profits, we are going to give them more than we are giving to the American people or more than we are giving to Leave No Child Left Behind to improve that Act.

There are going to be 11 States that have filed suit against the Federal Government because it is underfunded, but meanwhile, here we are speaking of, let us borrow as much as we can to give billionaires their tax break. $1.05 trillion this President has borrowed with the Republican majority, in just 4 years, from foreign nations such as China, Saudi Arabia, Japan, you name it. They have a piece of the American pie now because we have borrowed $1.05 trillion. Forty-two Presidents before this President and before this overwhelming so-shall-it-be-written-so-shall-it-be-done Republican majority, 42 Presidents in the past, $1.01 trillion, 42 Presidents, 224 years of a country and trying to be as fiscally responsible as possible. I think it is important that the Members pay very close attention to this chart, and unfortunately, Mr. Speaker, this is continuing to go up and up and up and up and up.

Mr. RYAN of Ohio. Mr. Speaker, when you are having your Christmas party or your Chanukah party or your Kwanzaa party or your holiday party or whatever you call things these days, because I even get nervous wishing somebody a merry Christmas anymore, when one of the billionaires, one of the millionaires are around the party table in the next week or two and they are holding up their glass, they should say, thank you, Chinese government; thank you, House of Sahd; thank you, Japan, for loaning my country the money to be able to give me a tax cut. Do not thank us. Thank the people we are borrowing the money from. Thank them, because we are borrowing money from the Chinese and the Saudi Arabians and the Japanese to give a tax cut to the wealthiest people in the United States of America.

Not only are we borrowing it, but the money we do take in, look what we are spending it on in Iraq: $1.5 billion a week. Look at these Iraqi projects: Transportation and communication, $508 million. Look what we are cutting over here in the United States: $500 million to our student loan programs. In Iraq: Electricity projects, $4 billion for electricity projects in Iraq. In the United States, we are cutting $4.9 billion from child support to go after deadbeat dads; $1.72 billion in Iraq for oil infrastructure. What are we cutting back here at home? Farm commodity and conservation programs, just about the same number, $1.76 billion, we are cutting here at home.

We are borrowing from China. We are giving that money to the richest people in our country, and then we are putting the cuts that we have to have over here, because this administration and the Republican majority cannot get the economy up and running; we are cutting here child support, student loans, free and reduced lunch. All these things are happening on the backs of the American people.

Ms. WASSERMAN SCHULTZ. While we are at it, while we are cutting the budget and basically paying for what is going on in the war in Iraq, we are providing billions of dollars in tax cuts for the wealthy, and we are all about third party validators here.

On top of what you just outlined, tax analysts agree, and this is in the New York Times, third party validators, tax analysts agree that the overwhelming bulk of the dividend goes to the top 5 percent of income earners. We just passed a $56 billion tax cut package over 5 years one day last week after we passed another tax cut package that is $39 billion over 5 years. There was no argument, no argument at all that the tax cuts that we have been passing go to the top two-tenths of 1 percent of the wealthiest people in America.

When I go home, I represent a fairly middle class district, working families, not the depths of the poor, working families. When I stand up in town hall meetings, I ask my folks to raise your hand if you have benefited from any of the tax breaks that have been handed down by the Bush administration for the last 6 years. Do you know, maybe one, two hands go up in a roomful of hundreds of people? Who are getting these tax breaks? The Rolls Royce Republicans. That is who are getting these tax breaks. That is what this administration and this leadership is all about, the Rolls Royce Republicans.

Mr. RYAN of Ohio. That is a great point because this is not your father's Republican party. This is not the Richard Nixon Republican party or Abraham Lincoln Republican party. This is a right wing agenda that is coming down the pike here with ANWR drilling coming in. If you are pro-environment and you are with the right wingers, you are in the wrong party because they want to drill. And they do not want to have an alternative energy program.

Mr. MEEK of Florida. Once again, I just have to point out, and this is going to take me about 10 seconds to do it. They cannot get Republicans in this House to vote for drilling in ANWR. They cannot get them to do it. So I do not blame Republicans, and I do not even blame the Republican Party. I blame the Republican leadership that is leading the Republican side of the aisle and even giving the oil companies and the special interests the thought that they can invade the Defense appropriations bill of all bills. Republicans, their stomach is all messed up over this.

The Republicans need to ask elected Republicans when they go home, why did you change on me? You changed uniforms in the middle of the football game. I am not an advocate for the majority, but I am just saying, there is something fundamentally wrong here. I want to know, what is the problem, and who is whispering in whose ear?

I did find the article, Mr. Speaker, and I would just like to insert it, but it is, Plan to Move ANWR to Defense Bill Moves Budget Deal Forward. That is CQ Today, December 17 article, Mr. Speaker, and I will enter that into the RECORD at this point.

[From the CQ Today, December 17, 2005]

PLAN TO MOVE ANWR TO DEFENSE BILL MOVES BUDGET DEAL FORWARD

(By Steven T. Dennis and Liriel Higa)

A conference report on a $45 billion budget savings package was nearly complete Saturday evening after House leaders reached an agreement with Senate Defense Appropriations Chairman Ted Stevens to move a provision allowing drilling in Alaska's Arctic National Wildlife Refuge (ANWR) out of the legislation and into the Defense bill.

The agreement on moving ANWR came on a day of negotiations on multiple fronts. On Saturday night, the House by voice vote passed a stopgap spending measure (H J Res 75) to temporarily fund Defense programs and other government operations after a day-long dispute between Republican leaders in both chambers over when the measure would expire.

A new stopgap measure must be cleared by Congress and signed by President Bush by midnight, when an earlier stopgap spending measure (H J Res 72) expires.

On Sunday, House leaders expect to bring the budget package (HR 4241, S 1932) to the floor for a vote. And they expect Stevens, R–Alaska, to sign the budget conference report.

Stevens, a staunch supporter of ANWR energy exploration, had vowed not to do so until the lawmakers cleared the Defense spending bill (HR 2863) with drilling provisions intact. But he later agreed to allow the budget conference to move forward provided that the House passes the Defense bill with ANWR attached.

"We have an agreement with Sen. Stevens, but I don't want to go into all of the details," said House Speaker J. Dennis Hastert, R–Ill.

House Budget Chairman Jim Nussle, R–Iowa, said Saturday afternoon that his panel was expecting final reports from authorizing committee chairmen by the evening and that once the final bill is scored by the Congressional Budget Office, the budget savings package should come close to the $45 billion goal set by House leaders.

Nussle said that they "need, want, expect" Stevens' vote on the budget bill. He said the House would vote on the Defense spending bill Sunday before voting on the reconciliation bill.

The Senate also would likely vote on the Defense bill with ANWR attached before voting on the budget reconciliation package according to a senior Senate GOP leadership aide. The timetable for Senate action is unclear.

It is uncertain if Democrats would attempt to filibuster the Defense measure. But they were hoping to muster the 51 votes needed to reject attaching ANWR drilling to the conference report.

The budget savings package is protected from filibuster in the Senate under special budget reconciliation rules, but the Defense spending measure has no such protection.

"This language has the potential, in my opinion, to sink the package once it reaches the Senate."

The ANWR provision, which was included in the Senate's version of the budget package but not the House bill, has been a sticking point in finishing work on the legislation—especially for House moderates and Democrats. Negotiators hope that moving the proposal to the must-pass Defense bill makes the budget legislation easier to pass while making it harder politically for Democrats to filibuster.

A number of other provisions in the Budget savings bill opposed by House moderates—including savings in food stamps, child support enforcement and welfare—would not be in the final bill either, Nussle said.

But a $3.2 billion House provision shifting trade dumping penalties to the U.S. Treasury instead of aggrieved companies was still in the package, Nussle said.

Medicaid and Medicare provisions were still being hashed out late Saturday afternoon, as negotiators awaited scoring of the provisions.

The package still needed to go through a so-called "Byrd bath," to ensure that it does not run afoul of the Byrd rule. Named for Senator Robert C. Byrd, D–W.Va., the rule prohibits provisions in budget legislation that would have a negligible spending impact.

Meanwhile, Republican moderates in the House began to worry that their victory in stripping ANWR from the House budget package was becoming a fleeting one.

Representative Sherwood Boehlert, R–N.Y., said he and other moderates would consider voting against the budget savings package unless ANWR is removed from the Defense bill. "The my way or the highway crowd" has been winning, and moderates need to consider changing tactics, he said.

House Appropriations Chairman Jerry Lewis, R–Calif., said appropriators were close to a deal on additions to the Defense appropriations bill, including hurricane relief, flu prevention funding and a 1 percent across-the-board cut that would apply to Defense but spare veteran's benefits. That cut would save about $8 billion a year.

STOPGAP FUNDING

Lewis lost in an intraparty dispute Saturday with Senate leaders over how long to temporarily fund government operations covered by spending bills have not yet cleared, including Defense.

Since the fiscal year began on Oct. 1, Congress has twice enacted such stopgap spending measures. On Saturday, Lewis introduced a third continuing resolution lasting until Feb. 15, but the Senate insisted that the measure expire sooner, on Dec. 31.

The continuing resolution would fund programs covered under the Defense bill and the Labor-HHS–Education appropriations measure (HR 3010)—the only two spending measures that have not yet cleared.

Lewis had said he was seeking a Feb. 15 extension because of concerns that the Senate would not be able to clear the Labor–HHS spending measure before adjourning.

Lewis rejected a proposal floated Friday by Senator Arlen Specter, R–Pa., chairman of the Labor-HHS–Education Appropriations Subcommittee, to tack the bill on to the Defense Appropriations measure.

Ms. WASSERMAN SCHULTZ. We have got to stop thinking about the special interests before we think about the average American because that is really what it boils down to, and those Republicans that you are talking about, I represent a lot of them.

I live in a town that precinct by precinct, 13 precincts in my town, in this city of Weston; every single one of them is majority Republican registration. I cannot walk down the street without interacting with a Republican registered voter, and by the way, I win every one of those precincts with more than 60 percent of the vote. I am certainly not a Republican, and the reason that happens is because it happens to be a community that has some wealth. People stop me in the supermarket, on the soccer field all the time and say: DEBBIE, keep the darn tax cut. I do not need the tax cut. It does not help me that much. I want my kid to have a good education. I want people to have health care.

They understand. They understand that the economy does not boom because the top two-tenths of 1 percent of Americans get a tax cut. They understand that it is kids who grow up and can get a good education and who sit across the desk from these constituents of mine, most of whom are employers, who are bosses who are interviewing kids who graduate from high school unprepared for the path that they choose in life because we are not adequately funding education because they come to work sick and have to go home early because we have 45 million people who do not have health insurance.

They want to know where this Republican leadership's priorities are, where their Republican party that they have chosen to affiliate themselves with, where their priorities are, because it is not with them. I am not sure what our other colleagues' Republican constituents are saying to them, but that is what mine are saying to me.

I think we have got to stop being the Congress of the special interests and return to being the Congress of the American people. While we are on the subject of the success of this administration, and you talk about how significant that deficit, and the combination of 42 other Presidents combined, had a bigger deficit. The President does like to talk about the success of the economy and how it is experiencing a resurgence and how we are really in real good shape right now. I want to just show you a chart that I had made up. It gives you an example of the economic success of America under the Bush administration.

□ 2130

Let us go down memory lane. Under the administration of Bush 41, the Dow went up 10.1 percent. Under President Clinton's first Presidency, 19.6 percent. Second Clinton Presidency, 12.3 percent. Negative. Three percent under this President's first term; now two-tenth's of 1 percent. Literally, President Clinton's Dow went up 225 percent; and under this President, the Dow has gone up 3 percent. Not exactly a stellar record in terms of improving the economy.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. There is no doubt about it, and here is where not only the Dow is not growing at the clip we need it to, this is where the tax cuts are going.

And I think we have to make this point. We talk about health care and education, and the Democrats have talked about how we have reformed those systems, not talking just throwing money at them, but we need new innovative progressive ways of educating our kids and delivering health care. The Democrats have a plan to do that. These are good investments.

The gentlewoman was talking about the millions of kids who do not have health insurance and how people in her community are smart enough to know we need to do that. Those kids end up in the emergency room much sicker than they would be if they had some preventive care. What we are advocating for is to make sure we provide this kind of care for those kids, to make sure we save the taxpayer money in the long run.

So as this is probably our last 30-something for 2005, Happy Chanukah, Kwanzaa, Merry Christmas.

Ms. WASSERMAN SCHULTZ. A joyous holiday season.

Mr. RYAN of Ohio. Have a very happy, joyous holiday season, because we are all Americans. And I would like to now give the e-mail address here: 30somethingdems@mail.house.gov.

That is 30, the number, somethingdems@mail.house.gov.

Does the gentleman from Florida have any final words to share with the American people and his colleagues?

Mr. MEEK of Florida. Well, first Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I look forward to coming back and joining my colleagues in the 30-something Working Group next year.

Mr. MEEK of Florida. I just want to say to my colleagues here, and Mr. SPRATT, who was here earlier, that it has definitely been a great joy and honor to be a part of this group that we have that is working so hard, and also Mr. DELAHUNT and many other members of the 30-something Working Group. On behalf of all of us, we want to thank not only the Speaker-to-be, hopefully in the next Congress, Leader PELOSI, but also our Democratic whip, Mr. HOYER. And I want to congratulate Mr. BOB MENENDEZ on being appointed to the Senate in the very near future, and also to Mr. CLYBURN.

Mr. RYAN of Ohio. And also Mr. Tom Manatos, who keeps us all together down here. Tom, you are the man.

Mr. MEEK of Florida. And, Mr. Speaker, we wish you a Merry Christmas, too, sir.

FOREIGN POLICY

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, our country faces major problems. No longer can they remain hidden from the American people. Most Americans are aware the Federal budget is in dismal shape. Whether it is Social Security, Medicare, Medicaid, or even the private pension system, most Americans realize we are in debt over our heads. The welfare state is unmanageable and severely overextended.

In spite of hopes that supposed reform would restore sound financing and provide for all the needs of the people, it is becoming more apparent every day that the entire system of entitlements is in a precarious state and may well collapse. It does not take a genius to realize that increasing the national debt by over $600 billion per year is not sustainable. Raising taxes to make up the shortfall is unacceptable, while continuing to print the money needed will only accelerate the erosion of the dollar's value.

Our foreign policy is no less of a threat to us. Our worldwide military presence and our obsession with remaking the entire Middle East frighten a lot of people both here and abroad. Our role as world policeman and nation-builder places undue burdens on the American taxpayer. Our enormous overseas military expenditures, literally hundreds of billions of dollars, are a huge drain on the American economy.

All wars invite abuses of civil liberties at home, and this vague declaration of war against terrorism is worse than most in this regard. As our liberties here at home are diminished by the PATRIOT Act and national ID card legislation, we succumb to the temptation of all empires to spy on American citizens, neglect habeas corpus, employ torture tactics, and use secret imprisonments. These domestic and foreign policy trends reflect a morally bankrupt philosophy devoid of any concern for liberty and the rule of law.

The American people are becoming more aware of the serious crisis this country faces. Their deep concern is reflected in the current mood in Congress. The recent debate over Iraq shows the parties are now looking for someone to blame for the mess we are in. It is a high-stakes political game. The fact that a majority of both parties and their leadership endorsed the war and accept the same approach towards Syria and Iran does nothing to tone down the accusatory nature of the current blame game.

The argument in Washington is over tactics, quality of intelligence, war management, and diplomacy, except for the few who admit that tragic mistakes were made and now sincerely want to establish a new course for Iraq. Thank goodness for those who are willing to reassess and admit to those mistakes. Those of us who have opposed the war all along welcome them to the cause of peace.

If we hope to pursue a more sensible foreign policy, it is imperative that Congress face up to its explicit constitutional responsibility to declare war. It is easy to condemn the management of a war, one endorsed, while deferring to the final decision about whether to deploy the troops to the President. When Congress accepts and assumes its awesome responsibility to declare or not declare war as directed by the Constitution, fewer wars will be fought.

Sadly, the acrimonious blame game is motivated by the leadership of both parties for the purpose of gaining or retaining political power. It does not approach a true debate over the wisdom or lack thereof of foreign military interventionism and preemptive war.

Polls indicate ordinary Americans are becoming uneasy with our prolonged war in Iraq which has no end in sight. The fact that no one can define victory precisely, and most Americans see us staying in Iraq for years to come, contributes to the erosion of support for this war. Currently, 63 percent of Americans disapprove of the handling of the war, and 52 percent say it is time to come home. Forty-two percent say we need a foreign policy of minding our own business. This is very encouraging. The percentages are even higher for the Iraqis. Eighty-two percent want us to leave, and 67 percent claim they are less secure with our troops there.

Ironically, our involvement has produced an unusual agreement among the Kurds, Shiites, and Sunnis, the three factions at odds with each other. At the recent 22-member Arab League meeting in Cairo, the three groups agreed on one issue. They all want foreign troops to leave. At the end of the meeting, an explicit communique was released: "We demand the withdrawal of foreign forces in accordance with a timetable and the establishment of a national and immediate program for rebuilding the armed forces that will allow them to guard Iraq's borders and get control of the security situation."

Since the administration is so enamored of democracy, why not have a national referendum in Iraq to see if the people want us to leave? After we left Lebanon in the 1980s, the Arab League was instrumental in brokering an end to that country's 15-year civil war. Its chances of helping to stop the fighting in Iraq are far better than depending on the United Nations, NATO, or the United States.

This is a regional dispute that we stirred up, but cannot settle. The Arab League needs to assume a lot more responsibility for the mess that our invasion has caused. We need to get out of the way and let them solve their own problems. Remember, once we left Lebanon, suicide terrorism stopped and peace finally came. The same could happen in Iraq.

Everyone is talking about the downside of us leaving and the civil war that might erupt. Possibly so. But no one knows with certainty what will happen. There was no downside when we left Vietnam. But one thing for sure, after a painful decade of the 1960s, the killing stopped and no more Americans died once we left. We now trade with Vietnam and enjoy friendly relations with them. This was achieved through peaceful means, not military force.

The real question is how many more Americans must be sacrificed for a policy that is not working. Are we going to fight until we go broke and the American people are impoverished? Common sense tells us it is time to reassess the politics of military intervention and not just look for someone to blame for falling once again into the trap of a military quagmire.

The blame game is a political event designed to avoid the serious philosophic debate over our foreign policy of interventionism. The mistakes made by both parties in dragging us into an unwise war are obvious, but the effort to blame one group over the other confuses the real issue. Obviously, Congress failed to meet its constitutional obligation regarding war. Debate over prewar intelligence elicits charges of errors, lies, and complicity.

It is argued that those who are now critical of the outcome are just as much at fault since they too accepted flawed intelligence when in deciding to support the war. This charge is leveled at previous administrations, foreign governments, Members of Congress, and the United Nations, all who made the same mistake of blindly accepting the pre-war intelligence.

But complicity, errors of judgment, and malice are hardly an excuse for such a serious commitment as a preemptive war against a nonexistent enemy. Both sides accepted the evidence supposedly justifying the war, evidence that was not credible. No weapons of mass destruction were found. Iraq had no military capabilities. Al Qaeda and Saddam Hussein were not allies. Remember, we were once allies of both Saddam Hussein and Osama bin Laden. And Saddam Hussein posed no threat whatsoever to the United States or his neighbors.

We hear constantly that we must continue the fight in Iraq and possibly in Iran and Syria because it is better to fight the terrorists over there than here. Merely repeating this justification, if it is based on a major analytical error, cannot make it so. All evidence shows that our presence in Iraq, Saudi Arabia, and other Muslim countries benefits al Qaeda in its recruiting efforts, especially in its search for suicide terrorists.

This one fact prompts a rare agreement among all religious and secular Muslim factions, namely, that the U.S. should leave all Arab lands. Denying this will not keep terrorists from attacking us. It will do the opposite. The fighting and terrorist attacks are happening overseas because of a publicly stated al Qaeda policy that they will go for soft targets: our allies, whose citizens object to the war, like Spain and Italy. They will attack Americans who are more exposed in Iraq.

It is a serious error to conclude that fighting them over there keeps them from fighting us over here or that we are winning the war against terrorism. As long as our occupation continues and American forces continue killing Muslims, the incentive to attack us will grow. It should not be hard to understand that the responsibility for violence in Iraq, even violence between Iraqis, is blamed on our occupation. It is more accurate to say the longer we fight them over there, the longer we will be threatened over here.

□ 2145

The final rhetorical refuge for those who defend the war not yet refuted is the dismissive statement that the world is better off without Saddam Hussein. It implies no one can question anything we have done because of this fact. Instead of an automatic concession, it should be legitimate, even if politically incorrect, to challenge this disarming assumption. No one has to like or defend Saddam Hussein to point out, we will not know whether the world is better off until we know exactly what will take Saddam Hussein's place. This argument was never used to justify removing murderous dictators with much more notoriety than Saddam Hussein such as our ally Stalin, Pol Pot whom we helped to get into power, or Mao Tse Tung. Certainly the Soviets, with their bloody history and thousands of nuclear weapons aimed at us, were many times over greater a threat to us than Saddam Hussein ever was. If containment worked with the Soviets and the Chinese, why is it assumed without question that deposing Saddam Hussein is obviously and without question a better approach for us than containment?

The "we are all better off without Saddam Hussein" cliche does not address the question of whether the 2,100-plus American troops killed or the 20,000 wounded and sick troops are better off. We refuse to acknowledge the hatred generated by the deaths of tens of thousands of Iraqi citizens who are written off as collateral damage. Are the Middle East and Israel better off with the turmoil our occupation has generated? Hardly. Honesty would have us conclude that conditions in the Middle East are worse since the war started. The killing never stops, and the cost is more than we can bear both in lives and limbs lost and dollars spent. In spite of the potential problems that may or may not come from our withdrawal, the greater mistake was going in in the first place.

We need to think more about how to avoid these military encounters rather than dwelling on the complications that result when we meddle in the affairs of others with no moral or legal authority to do so. We need less blame game and more reflection about the root cause of our aggressive foreign policy. By limiting the debate to technical points over intelligence, strategy, the number of troops and how to get out of the mess, we ignore our continued policy of sanctions, threats and intimidation of Iraqi neighbors, Iran and Syria. Even as Congress pretends to argue about how or when we might come home, leaders from both parties continue to support the policy of spreading the war by precipitating a crisis with these two countries. The likelihood of agreeing about who deliberately or innocently misled Congress, the media and the American people is virtually nil. Maybe historians at a later date will sort out the whole mess. The debate over tactics and diplomacy will go on, but that only serves to distract from the important issue of policy. Few today in Congress are interested in changing from our current accepted policy of intervention to one of strategic independence. No nation building, no policing the world, no dangerous alliances. But the result of this latest military incursion into a foreign country should not be ignored. Those who dwell on pragmatic matters should pay close attention to the result so far.

Since March 2003, we have seen death and destruction, 2,100-plus Americans killed and nearly 20,000 sick and wounded, plus tens of thousands of Iraqis caught in the crossfire. A Shiite theocracy has been planted. A civil war has erupted. Iran's arch nemesis, Saddam Hussein, has been removed. Osama bin Laden's arch nemesis, Saddam Hussein, has been removed. Al Qaeda now operates freely in Iraq, enjoying a fertile training field not previously available to them. Suicide terrorism spurred on by our occupation has significantly increased. Our military-industrial complex thrives in Iraq without competitive bids. True national defense and the voluntary Army have been undermined.

Personal liberty at home is under attack; assaults on free speech and privacy, national ID cards, the PATRIOT Act, National Security Letters, and challenges to habeas corpus all have been promoted.

Values have changed, with more Americans supporting torture and secret prisons. Domestic strife, as recently reflected in arguments over the war on the House floor, is on the upswing. Preemptive war has been codified and accepted as legitimate and necessary, a bleak policy for our future.

The Middle East is far more unstable, and oil supplies are less secure, not more. Historic relics of civilization protected for thousands of years were lost in the flash while oil wells were secured. U.S. credibility in the world has been severely damaged, and the national debt has increased enormously, and our dependence on China has increased significantly as our Federal Government borrows more and more money.

How many more years will it take for civilized people to realize that war has no economic or political value for the people who fight and pay for it? Wars are always started by governments, and individual soldiers on each side are conditioned to take up arms and travel great distances to shoot and kill individuals that never meant them harm. Both sides drive their people into a hysterical frenzy to overcome the natural instinct to live and let live. False patriotism is used to embarrass the good-hearted into succumbing to the wishes of the financial and other special interests who agitate for war. War reflects the weakness of a civilization that refuses to offer peace as an alternative.

This does not mean we should isolate ourselves from the world. On the contrary, we need more rather than less interaction with our world neighbors. We should encourage travel, foreign commerce, friendship and exchange of ideas. This would far surpass our misplaced effort to make the world like us through armed force. This can be achieved without increasing the power of the state or accepting the notion that some world government is needed to enforce the rules of exchange. Governments should get out of the way and let the individuals make their own decisions about how they want to relate to the world.

Defending our country against aggression is a very limited and proper function of government. Our military involvement in the world over the past 60 years has not met this test, and we are paying the price.

A policy that endorses peace over war, trade over sanctions, courtesy over arrogance and liberty over coercion is in the tradition of the American Constitution and American idealism. It deserves consideration.

BLUE DOG COALITION

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes.

Mr. ROSS. Mr. Speaker, I come to the floor this evening as a member of the fiscally conservative Blue Dog Coalition, a group of 37 fiscally conservative Democrats that are concerned about our Nation and its future due to the rising cost of our debt, our deficit. We believe it is time to restore some common sense in fiscal discipline to our Nation's government.

Mr. Speaker, I stand here today on the floor of the United States House of Representatives as a voice for the people of Arkansas' Fourth Congressional District.

It is one thing for all of us to have the title U.S. Representative, but it is another thing to be one, and I believe it is important that we go back to our respective districts; I go home every weekend to places like Hot Springs and Texarkana and Pine Bluff and El Dorado and Mena and Hope and Arkandelphia, and throughout the 29 counties and 150 towns that I so proudly represent, and listen to the people. And then I do my best to bring their voice back here to the floor of the United States House of Representatives.

The people are telling me that it is time that our Nation get its fiscal house in order and stop this reckless spending that has resulted in the largest deficit ever in our Nation's history for a fifth year in a row and has resulted in a debt that totals $8.137 trillion. That is $8 trillion, 137 billion and some change.

In fact, for every man, woman, and child in this country, if we all had to get our checkbooks out tonight and retire this debt, everybody, including the children, the babies being born today, would have to write a check for some $27,000.

You hear a lot of talk these days about this being a Democratic idea or this being a Republican idea. And, Mr. Speaker, I am here to tell you that I believe the people in this country like me are sick and tired of all the partisan bickering that goes on at our Nation's Capital.

It should not matter if it is a Democratic idea or a Republican idea. In fact, the American people are concerned not about petty partisan politics, but they are concerned about paying for the high cost of their children's college education, the skyrocketing cost of health care and how to pay for prescription drugs. They are concerned about their retirement security, about privatizing Social Security, Medicare and Medicaid, skyrocketing natural gas and energy prices, the war in Iraq and thousands of Katrina victims who nearly 4 months after the devastating hurricane still today remain homeless.

Let me tell you about my America. My congressional district back home in Arkansas ranks 415 out of 435 among congressional districts throughout the country in average income per household. Half the children in Arkansas are on Medicaid. Eight out of ten seniors in nursing homes are on Medicaid. One in five people in my home State of Arkansas are on Medicaid. Yet, around 1 o'clock in the morning on November 18, Congress nearly passed the so-called Deficit Reduction Act that would directly and adversely impact the poor, the disabled, the elderly. This bill mandates nearly $50 billion in spending cuts, including $11.4 billion in cuts to Medicaid, the only health insurance plan for the poor, the disabled, the elderly; $14.3 billion in cuts to Federal student aid programs; over $3 billion in cuts to our farm families; and over $700 million in cuts to food stamps. Then the Republican leadership turns around and passes $56 billion worth of tax cuts. $50 billion in spending cuts, $56 billion in tax cuts. Only in Washington do you add $6 billion to the Nation's debt and call it the Deficit Reduction Act.

Mr. Speaker, I will never stop fighting for the conservative smalltown values that I was raised on and still believe in, and I cannot help but reflect on one of the memory verses that I learned growing up at Midway United Methodist Church just outside Prescott, Arkansas. It is from Matthew 25:40, and it goes like this: I tell you the truth. Whatever you did for one of the least of these brothers of mine, you did for me.

Mr. Speaker, the idea of cutting programs that would negatively impact the poorest among us does not resonate with the principles on which this country was founded. These budget cuts are indicative of misguided priorities and do not reflect the values I learned growing up in places like Emmet, Prescott and Hope, Arkansas.

As members of the Blue Dog Coalition, we believe we have the answer to this massive debt, this ongoing deficit, and we believe we can get it under control without harming and cutting programs for the poorest among us. It is called the Blue Dog 12-Point Plan. It is 12 simple points, quite frankly, that, if implemented, would truly restore some fiscal discipline and common sense to our Nation's government. This evening, Mr. Speaker, we plan to spend the remaining part of this hour going over these 12 points. So many people criticize what is going on, but they do not offer up a solution, and what we are trying to do as members of the Blue Dog Coalition is offer up an alternative, offer up a solution to this massive debt and deficit, this budget problem our Nation has today.

With me to help do that I am real proud to have JOHN TANNER, one of the founding members of the Blue Dog Coalition from the State of Tennessee;

Dennis Cardoza, one of the co-chairs of the Blue Dog Coalition from California; and Allen Boyd from Florida, one of the founding members, longtime members, former chairman of the Blue Dog Coalition. So we come to you this evening from all across America, from Arkansas and Tennessee and California and Florida, to offer up what we believe are commonsense ideas to truly try to get this Nation's fiscal house back in order. As 37 members of Congress, we have come together, and we have written this 12-point reform, and we are encouraging Democrats and Republicans to join us as we try to get this Nation back on track.

□ 2200

And the reason this is so important and why this should matter to everybody across our land, $8.137 trillion in debt. That is very important for a lot of reasons, not the least of which is our Nation today. The first $500 million we collect every day in taxes from taxpayers does not go to better roads, better education, better health care. It simply goes to pay interest, to pay interest on the national debt.

It is not getting any better. In fact, our Nation is borrowing another $907 million every 24 hours. As Members of the Blue Dog Coalition, we want to fix this, and we can do it with our 12-point plan.

Madam Speaker, I yield to the gentlemen from Florida (Mr. Boyd).

Mr. BOYD. Madam speaker, I want to thank my friend from Arkansas for organizing this hour to give the Blue Dogs a chance to talk to the Nation about our 12-point plan. I came here 9 years ago and have been a part of the Blue Dog Coalition since that time and am real proud of the work that they do in trying to bring a message to this Congress and to the country that fiscal responsibility and fiscal discipline does matter.

Now, as our friend from Arkansas, Congressman Ross, said earlier, he grew up in a small town in Arkansas. I grew up in a small rural community in North Florida just right on the Georgia border, a little community, 3,000 people or so, grew up on a farm. My wife and I still live today on that farm.

I spent all of my adult life as a business person, and, Madam Speaker, one of the things that I learned a long time ago was the lesson that all of our business people out there understand, our government leaders and even those who are not running a business, but are running households, that fiscal responsibility does matter.

We always have to be conscious of our fiscal condition no matter what kind of operation we are running. And indeed, this U.S. Congress and the administration are running the largest business, almost a $2.5 trillion business. That is about the budget, about the average annual U.S. Government budget now. And we are running about a $350 billion annual deficit.

Now, Madam Speaker, I got into politics back about 17 years ago, and one of the reasons that I chose to run for public office was because I was concerned about some of our governments, State and particularly Federal governments, spending more money as a matter of practice than they took in on an annual basis. And so I got into the State legislature, and I watched the Federal Government build annual spending deficits of almost $300 billion.

I think the number in 1992 was about $290 billion, at which point the American people finally said this is not right, we ought to do something about this. Pursuant to that 1992 Presidential election, the United States Government, under a Democratic President and a Republican-run Congress, later on House and Senate after 1994, worked really hard on eliminating that Federal annual deficit. And it went from $290 billion. It was not easy. A lot of sacrifice. A lot of pain. A lot of programs cut, and it was necessary, led by, at that time, President Clinton.

We moved from in 1992 a $290 billion annual deficit, and in a short 8 years later, we actually had an annual surplus. $290 billion annual deficit in 1992. In 2000 we had an annual surplus; our U.S. Government budget was right.

What has happened since then? We have gone from an annual surplus and a $5.6 trillion debt in 2001, when we had the last one, this administration came into office, to today where we have about a $350 billion annual deficit.

As you see there on the chart, a debt amassed at over $8.1 trillion dollars, $27,000 for every man, woman and child in the country. You know, ladies and gentlemen, Madam Speaker, we know what we have to do to eliminate this deficit and start reducing this debt.

We cannot do it all at once. It takes a lot of hard work. We want to use the model that President Clinton and the Republican-led Congress in 1997 put together.

And that is what the Blue Dogs are trying to convince the leaders of the Congress and the administration today, is that it has to come together in a bipartisan way. We have to work together. We cannot continue to try to move policies strictly on a polarized and partisan basis.

I am real honored to be here tonight. Again, I thank the gentleman from Arkansas (Mr. Ross) for putting this together. But I believe that the most important thing we can do in that 12-step plan is to put a provision in our Constitution that requires us to balance our budget.

Otherwise, sometimes maybe the Congress, the administration, do not have the will to do it. So that is one of the points that we should be talking about tonight, and that is a constitutional requirement for a balanced budget. We had many votes on that prior to 2001, prior to the current administration coming in to office. We had many votes on the House floor to put in the Constitution a balanced budget.

But I do not think we have had any since 2001. So I look forward to the discussion tonight. I yield to the gentleman from Arkansas.

Mr. ROSS. Madam Speaker, I want to thank the gentleman from Florida (Mr. Boyd), and I would encourage the gentleman to stay with us for the remainder of this hour. You helped write these 12 points. You have got a lot of expertise on ways that our Nation can once again return to a balanced budget.

And I hope you will be able to stay with us as we go through the 12 points. It is hard to believe now that from 1998 through 2001 this Nation had a balanced budget, because for the fifth year in a row, we have got the largest budget deficit ever, ever in our Nation's history. Again, our debt is $8.137 trillion.

And that is why, as Members of the fiscally conservative Blue Dog Coalition, we are here to address this issue that is critical to our Nation, to our children, to our grandchildren, and certainly to their future.

At this time, I am pleased to yield to the gentleman from California, the cochair of the Blue Dog Coalition, Mr. Cardoza.

Mr. CARDOZA. Madam Speaker, I thank the gentleman from Arkansas (Mr. Ross) for organizing this on behalf of the Blue Dog Coalition. It is truly an honor to be one of the cochairs of the Blue Dogs and to serve on that illustrious body with you.

I want to start off tonight talking about not our priorities, but what I heard one of our respected colleagues talk about just before we went on. Mr. Paul talked about how he thinks that we are going in the wrong direction in the country.

I did not hear his whole presentation, but I thought it was an interesting indictment of his own side of the aisle, because he felt that we had not done the right thing by balancing the budget and going along. He does not like the direction of where we are going. I thought he spoke a lot of truth tonight. I just wanted to highlight that and say, as Mr. Boyd did previously, that we really are about trying to figure out bipartisan solutions to making a new direction for our country and a better direction, where we pay as we go, where we do not build up these huge debts, and do not leave a huge legacy of debt to our children.

Two weeks ago on this floor, you and I had a colloquy with regard to the debt and the priorities of our country. Two weeks ago we talked about a reconciliation bill that actually, instead of reducing the national debt, increased the national debt by $20 billion; but that is not even necessarily the worst part of this.

The worst part of it is when we are making the debt worse by what the Republican leadership is proposing, and we do not have the right priorities, the right family values, the right values for our Nation in the reconciliation package.

In fact, the Republican reconciliation package cuts out $600 million for foster children, orphans, and abused children. They are taken out of their families and put in homes. cuts of $600 million. We never have had more abused and orphaned children in this entire country. There are over half a million children in our country that are not living with their parents. They have been taken out of their parents' home either because their parents have gotten into trouble, cannot take care of them any longer, or have abused them. And they are living with someone else.

We are cutting the funds to provide programs for those children when we are giving tax cuts, or we are proposing tax cuts, we are not doing it, it is the other side of the aisle, tax cuts to the wealthiest 1 percent of Americans, people who make over $1 million a year.

Now, I do not believe in class warfare..I believe in a society in America where we can raise everyone's ship, and I hope those orphans some day make $1 million a year. But we are not going to do it without education, without good homes for these children, without providing a way and a path for them to do better.

And as you said last time we spoke about this, Mr. ROSS, I know a little bit about this, because I have two wonderful children, Joey and Elaina, who my wife and I adopted out of foster care. They are wonderful children. They have done very well in our home. But it is because we gave them a chance. And the reality is too many children in America are not going to get a chance if the Republican priorities of reconciliation are left to stand.

And I have got to ask a simple question tonight. Out of a $2 trillion budget, is it not possible for the Republicans to find a better place to cut than orphans and abused children right before Christmas? I have to ask the question: Is it not possible to find a place better to cut?

When I told my children that I adopted, my wife and I adopted, about these cuts, they said, Daddy, go back up there and tell them not to do that. That is not the right thing. And if my children, who are 11 and 8, 12 and 8, I will get in trouble if I do not correct that because they are watching tonight, if they know at that age that there is a better place to cut, then certainly the adults in this Chamber should know there is a better place to cut than those folks.

I just have to say in this Christmas season, I certainly hope the ghost of Christmas past does not come and visit those Members who vote for this reconciliation package with that particular cut in it. You know, we can do better. We can have a new vision for America where we build up our educational system, where we take care of those who are most in need amongst us, and where we balance the Federal budget.

It is called the Blue Dog 12-step plan. I am just so proud to have been here with you tonight, my colleagues here, Mr. ROSS from Arkansas, Mr. TANNER from Tennessee, and Mr. BOYD from Florida. They are really the backbone of our organization. Mr. BOYD and Mr. TANNER have been leading this charge for a number of years.

I am just so proud to be in their company. I think if we get the chance, we will provide a better and more direct path for America. Thank you, Mr. ROSS, once again for leading this effort tonight. I am proud to be with you.

I have one last thing to say. There was a fellow from your district who became President, a man from Hope, Arkansas. When he left office, it was projected that we were going to have a $5.4 trillion surplus. And, instead, the current leadership has giving us an $8 trillion deficit.

That is a far cry from having a surplus and being on good financial footing. I just hope that you can help us lead the Nation, Mr. ROSS, from your little community of Hope, Arkansas, into a better path. Thank you for doing this tonight.

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Mr. ROSS. Mr. Speaker, I want to thank the gentleman from California for his comments.

Can the gentleman from California (Mr. CARDOZA) verify this for me now? We talked about the cuts to Medicaid, $11.4 billion; the cuts to Federal student aid, $14.3 billion; $3 billion in cuts to our farm families, commodities, conservation, many other agriculture programs; $700 million in cuts to food stamps.

But you are saying there are also cuts to orphans and foster care?

Mr. CARDOZA. That is exactly right.

Mr. ROSS. How much were these cuts?

Mr. CARDOZA. $600 million.

Mr. ROSS. Now, these $50 billion in cuts, including the $600 million in cuts to orphans and foster care, went to help pay for a $56 billion tax cut, which mostly benefited those earning over $400,000 a year, 50 percent of which went to those earning over $1 million a year; is this correct?

Mr. CARDOZA. That is exactly right.

Mr. ROSS. I just wanted to confirm that with you.

Mr. CARDOZA. Mr. Speaker, it seems like our country, or at least the Republican leadership and the leadership in the Senate and the White House, has totally turned what our priorities should be as a Nation on its ear. We are not balancing the budget. That is the first mistake. But the second mistake is we are cutting education. We are cutting those who are most vulnerable and who could build this country into something better. And it just seems to me that if we would just invest in education, invest in the future of America, try to make sure that these young kids who go into foster care do not go into gangs; it costs us over $40,000 a year to incarcerate someone who goes astray, and so many foster kids go astray when they are put into so many different homes. The average number of homes that most foster kids go to is 12. I have talked to kids who have been in 24 different homes. They are placed, placed, placed because we do not have money in the system and people drop out, and it is no way to live one's live. Twenty-four homes.

One young lady was a valedictorian in her class. I do not know how she did it, but she managed to break out of that system. She was in 24 different foster homes over her period of time.

We can do better, Mr. Speaker. And I know Mr. ROSS is for that, and I thank him for highlighting that fact.

Mr. ROSS. Mr. Speaker, reclaiming my time, I am certainly supportive of tax cuts, targeted tax cuts that help working families. But when we are borrowing money from foreigners, when we are borrowing money to fund a tax cut, that is nothing more than a tax increase on our children and grandchildren because they have got to pay that money back. And no one understands this issue any better than one of the founders of the Blue Dog Coalition, the gentleman from Tennessee (Mr. TANNER).

I will yield to the gentleman from Tennessee, and following the gentleman's remarks, we will go through these 12 points one by one until we run out of time this evening.

And for folks who happen to be seeing this this evening, do not be confused. This is not recorded. This is live. Congress is meeting on a Saturday night here in our Nation's Capital. And we are here on the floor to try to hold this government responsible and accountable and restore some common sense and fiscal discipline to our Nation's Government because this debt is out of control.

And with that, I yield to the gentleman from Tennessee.

Mr. TANNER. Mr. Speaker, I thank Mr. Ross for yielding to me. And I am pleased to be with him here tonight and with Allen Boyd and Dennis Cardoza.

We all talked a little bit about our small town origins. I am from a small town in Tennessee. And I tell people, when they ask me where I am from, I say, well, let me put it like this: In the town I live in, you do not need a blinker signal on your car because the guy behind you knows where you are going to turn off.

So I think probably Prescott, Arkansas; Monticello, Florida; and Dennis lives out in California, but there are some small towns out there as well. I say that only to highlight the fact that a lot of the values that we hold dear in this country have been characterized from time to time as small-town values, where people know each other, where families live and so forth. And I think the Blue Dog Coalition reflects a lot of that commonsense philosophy. And we come here to Washington and we band together as the Blue Dog Democrats and try, as best we can, to project this message, this message of values, of small-town camaraderie and all the rest. And I know we are going to get to the 12-point plan, but I want to say just a couple of things very quickly.

It is very hard for me, and I know it is very hard for people who are listening to this discussion to relate to $8-plus trillion. I mean, how much is that? It is mind boggling. And to give some idea how much it is, if one took $1,000 bills and just stacked them like that, one after another, $1 million would be about 1 foot high. That is 1,000 $1,000 bills. One billion dollars would be as high as the Empire State Building. And $1 trillion would be 1,000 times as high as the Empire State Building in New York City. That is how much money we are talking about.

And what has happened here in the last 4 or 5 years is we had the debt where it was static, it was not growing. As a matter of fact, we were actually paying some down. And as the economy grows and the debt stays static, it becomes much less of a drag on our economy. But we did not stay on that course, and in 2001, we embarked on an entirely different course, a financial course here, and so what has happened is the debt ceiling has been raised, the amount of money this government can borrow, almost $3 trillion, and we have actually borrowed in hard money over $1.3 trillion in a matter of about 48 months.

And what does this mean? If that was not bad enough, borrowing $1.3 trillion, the interest rate that we now are having to pay every year at 4 percent on just the money we borrowed in the last 48 months is some $50 billion a year.

If that was not bad enough, what is worse is 85 percent of this money that we borrowed in the last 48 months, 85 percent of it has been from foreign interest. So not only are we mortgaging our country, but we are mortgaging it to people who do not see the world as we do.

Primarily, the biggest gainer of the debt that we owe is China. Now, I say that there are two problems here. One is the financial vulnerability that this country now has to people who do not see the world as we see it. It does not take a rocket scientist to realize that China has designs on taking Taiwan. The President said we will defend Taiwan. If China moved on Taiwan and we said, You cannot do that, it is not fantasy to think that China would not tell us to stay out of it, U.S., or we are going to roll the value of the dollar, and we can do it. We can make your interest rates go up. We can wreck havoc on your markets if we want to because we have your debt. And as my dad told me one time, he said it is easier to foreclose on a man's house than it is to shoot your way in the front door. And that is what we are talking about, a financial vulnerability of this country that is being created, as we speak here tonight, by the deliberate, intentional financial policy of this country as passed by this Congress and endorsed by the administration. A financial vulnerability that is every bit a national security matter. That is the first thing.

The second thing is when I was talking about this $50 billion, we are eroding the tax base in this country by transferring moneys that come here that people pay taxes, hard-earned taxes; we are not spending it on human capital, investment in human capital in this country, and infrastructure, which they are paying their taxes for. We are transferring those taxes and that sort of spending to interest for which we get nothing. And 85 percent of the interest checks that we are writing now that we borrowed in the last 48 months have not even stayed in this country.

Human capital, investment in human capital, exactly what do I mean by that? I mean basically human beings, citizens of this country, who must be educated and healthy for this country to be strong, free and competitive in an increasingly globalized world marketplace. There has never been in all of recorded history a country that was strong and free that had a population that was uneducated and unhealthy. It has never existed. It never will. And by transferring the tax base that people send the money to Washington for interest rather than education and health care, we are absolutely forfeiting the people's right to have a country and a government that is interested in their welfare.

The second thing is infrastructure. We have a lot of crumbling infrastructure in this country. We are losing the ability to invest in that, and if you do not think that that is important, go to some country that has no infrastructure and see how many people are doing well. Nobody is.

And let me close with this: The Blue Dogs have endorsed a bill that we drafted earlier this year that basically does away with partisan political redistricting of the congressional seats. We did a lot of work on it. We have briefed it through all of the legal pitfalls, and the Blue Dogs have endorsed this bill. And there was an article in the Wall Street Journal today, this morning, talking about it. What we are seeing in this country is an increasingly polarized House of Representatives that is rendering itself, in the opinion of the moderates here, the people who want to work across the aisle, it is rendering it impossible for this House of Representatives to address the real problems of the country because of this blind allegiance to party first and constituents second. We have seen just egregious examples of the abuse of that power by the professional politicians.

I am under no illusion. We are asking people to give up a lot of power because they really carve their own districts out now with computers and so forth. And we are asking them to give up a lot of power. But our country is losing the middle, and the middle is where the problems are solved, politically speaking, in our country. And I wish everybody would take a very serious look at this because if we can take it out of the hands of professional politicians and give the voice back to the people, I think, one, we will be able to respond better. But, secondly, if our House of Representatives becomes so polarized and so gerrymandered by the process that we are living under now that people at the ballot box cannot change the direction of the country when they want it to change, the majority want it to change, and they cannot at the ballot box, we will either wind up with a dictatorship or a revolt. I really believe it is that serious. So I wanted to mention that in passing. It is not one of our 12 points, but it certainly is part of our Blue Dog philosophy because the Blue Dogs have endorsed it, and I appreciate that very much.

So, again, I thank the gentleman for yielding to me, and we will go through the 12-point plan.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Tennessee for having founded the Blue Dog Coalition.

In the rest of this Special Order, we plan to go through, beginning right now, all 12 points of the Blue Dog plan. And as the gentleman from Tennessee mentioned, he talked about the problems with the professional politicians and a lot of the issues we face. And those of us who wrote these 12 points, I know I am a small business owner back home in Prescott; Mr. TANNER from Tennessee is a small businessman; Mr. CARDOZA from California is a small business owner; and Mr. BOYD was a small business owner, a veteran and a farmer.

Mr. TANNER. We all would like to be big business owners someday, but we are still small business owners.

Mr. ROSS. Number one, and it is kind of like David Letterman's top 10. This is the top 12, and I do not know if it is going to be as good as Letterman's top 10 or not, but it is very important.

Point number one to the 12-point reform plan is: Require a balanced budget. And I think we all get that one. I mean, I was in the State senate for 10 years. Forty-nine States, including my home State of Arkansas, must live within its means. They constitutionally require a balanced budget. I know at the Ross home in Prescott, Arkansas, we sit around the kitchen table and we have to have a balanced budget. At the small town family pharmacy my wife and I own, we have to have a balanced budget. It should not be asking too much to ask this Congress and this government to also tighten its belt and learn to live within its means. And that is what we mean when we talk about requiring a balanced budget.

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The second point that I think is very important also, do not let Congress buy on credit. Now, back when Congress had a balanced budget in the Clinton administration from 1998 to 2001, they had a thing in the House called PAYGO rules, pay-as-you-go basically is what it meant, meaning if you are going to cut taxes, you got to cut spending, and if you are going to fund a new program, you got to cut another program. You have got to make it fit within your budget, like most of us do in our families at home and with our businesses and certainly like 49 States in this country are required to do. That, I believe, is something we must do in this House Chamber, is restore the pay-as-you-go rules.

The third point, I will yield to the gentleman from Florida. Anytime you all want to jump in on any of these points, please feel free to do so.

Mr. BOYD. I appreciate the gentleman yielding. Some of us were here when we put the 1997 Balanced Budget Act in place. I think you heard Mr. TANNER and the others talk about the economic model. You heard them talk about human capital, health for our citizens, and also education for our citizens.

The economic model that the U.S. has is the greatest experiment in democracy ever in the history of mankind. We are the richest nation in the history of the Earth. I tell my constituents that we have 5 percent of the world's population and control 25 percent of the world's wealth.

There is an underlying model, an infrastructure, human capital that Representative TANNER talked about. We have to get back to this notion of fiscal responsibility and make sure that economic model works. It does not work if we got to go into the markets every year and borrow $350 billion or $400 billion or $500 million to run the government. You are borrowing much of that from overseas so it will not work. What do we do to get back to a balanced budget and to reduce the deficit spending?

One of the really key things is spending caps, and that is the third point of our 12 point plan. Put a lid on spending. We know that you cannot fix it all in one year, but you put in a long-term plan, a long-term budget. Most of our small business people are used to doing that, a 5 or 3 or 10 year budget, or whatever it might be. That is what we did in 1997, and you cap your spending at certain levels and live within that, and then economically you can grow your revenue to a point where you get back into a balanced situation.

Let me just give you one example of what happened when we did this earlier during the nineties. The non-discretionary defense spending increases were 2.5 percent, the annual increase, during the Clinton years. During the nineties, 2.5 percent, non-defense, discretionary spending.

Under this administration they have been between 8 and 9 percent. We have an annual average growth in government spending between 2001 and 2003 of 16 percent. No wonder we have $350 billion annual deficits. We have to get a handle on that spending.

So that is point number three.

Mr. ROSS. Number one, require a balanced budget; number two, do not let Congress buy on credit; number three, put a lid on spending.

Number four is something that I know I have heard the gentleman from Tennessee talk about quite often, and that is require agencies to put their fiscal houses in order. Require agencies to put their fiscal houses in order. By that we are talking about the fact that some of our Federal agencies, they have a problem keeping books. And with that, I yield to the gentleman from Tennessee.

Mr. TANNER. Thank you, Mr. ROSS.

The Government Accountability Office in a report this year revealed 16 of 23 major Federal agencies cannot produce a simple audit. In other words, they cannot tell the American people and the Congress what they did with the money that was appropriated to them for the purposes provided in the bill.

Now, it is unbelievable to imagine that going on in your business. If you went to your comptroller and said here is an expenditure of $10,000, what happened to it, and the guy said I do not know. I cannot put my finger on that, nobody, no business person in this country would tolerate that, nor should they. Yet 16 of 23 Federal agencies cannot do that.

In our plan, in this plan, if they cannot, we do it very simple: They do not get the money next year. It is straightforward, it is common-sensical. People understand it. And, by gosh, when the Congress appropriates money to the administration, whatever administration it may be, and they cannot tell us what they did with it, then they ought not to get it next year.

I will tell you one other thing. Not only do we withhold money under our plan, which makes perfectly good sense, but there ought to be some accountability. What we have seen is I think a derivative of the gerrymandered districts that come here in this party allegiance first and the country second.

We now have a one-party government here in Washington. The Republicans have the White House, Senate and House. The people elected them. But what you have as a by-product of that is a compliant Congress, a friendly administration. And this Congress has totally abdicated its oversight of the Federal executive branch because they do not even ask them what they did with the money. They do not even have hearings and say what happened to the money we appropriated to you last year? If they did have a hearing, the administration could not tell them, or could not tell us, the American people.

So you have a bad by-product of one-party government here with a compliant Congress, a friendly administration, nobody wanting to embarrass each other. So, consequently, we have got a financial house that is not only not in order, but running amuck.

Mr. ROSS. Number four, require agencies to put their fiscal houses in order. Again, 16 of 23 major Federal agencies cannot issue a simple audit of their books. The Federal Government cannot account for $24.5 billion it spent in 2003. The Blue Dogs propose a solution, to put a budget freeze for any Federal agency that cannot properly balance its books.

You are talking about waste. You are talking about a government agency that cannot get it together. If the gentleman will pause with me for just a second here, I want to point out something.

You know, all of us all across America, our hearts went out for the people when the hurricanes hit in places like Louisiana and Mississippi and I know the gentleman from Florida has experienced this in the past as well.

The Federal Emergency Management Agency, FEMA, has purchased over 20,000 manufactured homes, they are 14 feet wide, 60 foot long. You can see some of them right here.

For some reason, they are not getting them, FEMA is not getting these homes to the people who need them, the people who lost their home and everything that they owned. In fact, I was with Congressman GENE TAYLOR from Mississippi earlier tonight, and my heart goes out to him and his family. He has done all he knows how to do to help his constituents while also trying to rebuild his life. He even lost his own home in that horrible tragedy in August with Hurricane Katrina. But he was telling me tonight, I believe he is like living with his brother or something, but he was telling me there are people still living in tents, people living in small campers, people that do not have homes, people living in hotel rooms.

Yet FEMA has now moved 5,000 brand new unoccupied manufactured homes to an old Army World War II airport at Hope, Arkansas. They just showed up one day and told the mayor they wanted to give him $25,000 a month for the next two years to use it as a "staging area," and then they have since delivered somewhere close to 5,000 homes. FEMA has told the mayor they may have as many as 12,000 homes. Yet these homes are not getting to the people. These are not even at the Hope airport.

They are running these homes down the interstate at well above the speed limit, I know, because they passed me before, with a sign they usually put right here on the back, a banner, that says "urgent FEMA delivery." I guess urgent for what? To get to a cow pasture in Hope, Arkansas, 450 miles from where they are needed?

If one shingle blows off in transit, they will not accept it at the FEMA designated staging area they opened down at Hope. So they have come back to Prescott, which is where I now live, a town of about 3,500 people, and they are renting this cow pasture. They did no site preparation. When we have a good rain these things are going to sink to the axle.

We have over 200 of them in Prescott. They filled up the pasture in Prescott now. There is a story from the Arkadelphia Siftings Herald on December 16, that was yesterday, they have now got 200 of them stacked up at truck stops in Gurdon, and I suspect that the folks in Arkadelphia in the next day or two are going to start seeing them there.

So my point, Madam Speaker, is this: To the acting director of FEMA, why cannot we get some 5,000 homes that FEMA has purchased, why cannot we get them moved from Hope and Prescott, Arkansas, 450 miles south to where they need them, where people tonight are going to bed in camper trailers and in tents? This is a good example of what we are talking about when we talk about wasteful spending and agencies that cannot get their act together.

At this time for point number five I recognize the gentleman from California, Mr. Cardoza.

Mr. CARDOZA. Thank you, Mr. Ross. You know, what you just spoke about is a matter of priorities. It is what I spoke about earlier when I was talking about the foster care system and was there not a better place to cut.

Number five on our planks of the 12 step program for Blue Dog fiscal responsibility is make Congress tell the taxpayers how they are spending our money. The American people want to know that their tax dollars are being spent on our national priorities.

I got to tell you, if you ask the folks around the country what our national priorities are, they are going to tell us they want to get those folks in Louisiana, Mississippi and Alabama back on their feet. That is a priority. Education is a priority. Fighting the war effort is a priority.

But what happens here in Congress is we pass these bills on voice votes. And today, just today in this House, on a voice vote they passed a continuing resolution for 30 days, until December 31, well, two weeks. And we are spending billions and billions of dollars on a voice vote. I got to tell you, I know that if the American people knew all the money that is being spent in that continuing resolution, they would not be happy about it.

So the Blue Dogs have decided that we need to tell the American people what the priorities are. We need to tell the American people what we are spending their money on. We have proposed that no bill should pass Congress above the threshold of $50 million, which is a significant amount of money in anybody's book, without a vote of Congress.

We need to tell the American people where we are spending their money. If we are going to spend billions, we have to take a vote. Today we should have had a vote. It should not have been a voice vote, just agreed upon. We should have had a vote on that continuing resolution.

Mr. ROSS. Where I come from, most people think we ought to have a vote if we are spending a dollar. We cannot even get the leadership here to give us a vote when we spend $50 million. It is time for that to change.

I yield to the gentleman from Florida.

Mr. BOYD. I thank the gentleman from Arkansas. There are several other points. One is something that I think most of us understand. Set aside a rainy day fund. You know, I am sure Mr. Ross, Mr. Cardoza, Madam Speaker, I am sure you have rainy day funds in your businesses or even in your own personal home budgets. Most people understand that. We are not always able to have as big a rainy day fund as we want, and sometimes we have to spend our fund, but, if we do, we try to build it back up.

Congress never set aside a rainy day fund. That is one of the things we want to get Congress to do. That is part of our 12 point plan.

If I can, Mr. Ross, I will go on to number seven, and that is one that really bugs me a lot. When you move from a $5.6 trillion debt in 2001 when this administration came into office to a $8.137 trillion debt, that is $2.5 trillion of additional money that Congress had to borrow on behalf of the American people to pay our bills. That has to be authorized in statute. That has to be authorized. The Treasury cannot just go and borrow the money without the U.S. Congress authorizing it and the President signing it into law.

We have gotten into a bad habit around here in the last few years of raising that debt limit without a separate vote. You know, from time to time our listeners, our constituent, have to go and borrow money. Most of the time when they have to borrow money, they have to get a corporate resolution, some sort of authorization to go borrow that money. They have to have a meeting, have to have a vote of the board.

Mr. CARDOZA. You have to go see your banker and justify it.

Mr. BOYD. Guess what? Here, we stick it into some other bill that has to be passed, or some self-executing rule or something like that, and never have a vote on the debt limit increase.

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I think that is the seventh point of our 12-point plan.

Mr. ROSS. I thank the gentleman from Florida for sharing the issue of the debt limit with us. He is right, and that is why it is one of the 12 points. We should have a vote any time we are going to raise the debt limit. I mean, the debt limit today is currently at $8.184 trillion, so it will not be long before we raise it again. This number right here is increasing to the tune of about $41 million an hour. In other words, in the time we have been speaking here on the floor of the United States House of Representatives this evening, the national debt has increased by about $41 million because of this year's deficit. So it will not be long before we will be raising the debt limit here in the Congress. And unless we are able to get them to start allowing us to have a vote on it, they will just put it in some other bill and try to hide it from the public. We believe that is wrong, and we want to put a stop to that.

Number eight, justify spending for pet projects. I think that pretty much speaks for itself. We always from time to time pick up the paper and read about some outrageous project that is being funded with Federal funds. There are a lot of good projects that are funded across this Nation, but we are saying that you should have to justify a project. You should not get a project because of who you are. You ought to have to justify a project for your district.

Mr. BOYD. It is the American people's tax money, and we should justify if we are going to spend it.

Mr. ROSS. If we are going to spend the tax money, the people need a voice in it and we need to make sure that money is going to benefit them to create jobs, economic opportunities; and that is what we are trying to do here, and that is why we say justify spending for pet projects.

Number nine, ensure that Congress reads the bills it is voting on. That seems quite silly, but the reality is that many times they will bring bills to the floor of the House that are thousands of pages, thousands of pages thick and give us less than a day or less than an hour, in fact, at times, to actually read the bill we are voting on.

Our point is this, what we are proposing is a minimum of 3 days to have the final text of legislation made available before a vote. We cannot require Members of Congress to read a bill before they vote on it; but I can promise you this, if you give us less than an hour, if the leadership gives us less than an hour to read a 3,000-page bill, no one is going to be able to read that.

Mr. BOYD. The work we have done here the last 2 or 3 days, we are 8 days before Christmas, we are working really hard to try to get out of here and doing some work that has been put off that should have been done earlier in the fall, even earlier in the summer. But the work that has been done here in the last 2 or 3 days, all of it has been done under what we call a marshal law rule which allows bills to be brought to the floor without even 24 hours' notice. It really exacerbates this problem of having stuff going into the statutes that Members really do not have a chance, the American people do not have a chance to read and understand. I think this solves that problem.

Mr. ROSS. We have about 5 minutes left in the Special Order, as we come to the floor of our Nation's Capitol here, the floor of the United States House of Representatives, to discuss this overwhelming debt that is saddling our country and jeopardizing its future.

Mr. TANNER, if you would, number 10, require honest cost estimates for every bill that Congress votes on. The Medicare bill, there are a lot of bills that are good examples. The Congress, the people of this country need to know how their money is being spent. They need an honest cost estimate for every bill they vote on.

Mr. TANNER. Well, it is a shell game, somebody called it three card monty, when you low ball a bill that you know is going to cost more than that, but you do it to fit it into some preconceived notion of a budget so you can basically fool the American people to make them think you are being fiscally responsible and not doing something foolish financially, and yet you are. And we saw this and we saw the administration, the administration that we are under now, they knew better on the Medicare bill and told the Congress it was going to cost $350 billion over time, and really they knew it was about $750 or $800 billion. That is the kind of thing we are talking about, because then people do not know what to believe.

Mr. CARDOZA said earlier, We can do better than this. This place is broken and our 12-point plan is our attempt to fix it.

Mr. BOYD. Honesty and integrity are basic character traits that our citizens warrant us to have. We see so much of that in all of government now, the dishonest statements, the misleading statements, people defrauding or bribing or taking bribes, those kinds of things. Corruption, it is a pattern of corruption. And this is what this is about.

We want honesty and integrity in our government. I think we should shoot straight and talk straight with the American citizens.

Mr. ROSS. Number 11, make sure that new bills fit the budget. Basically, we are proposing the Budget Committee strengthen its oversight role in preparing budget-compliant statements for every bill that is reported out of committee.

Does anyone want to add anything on number 11?

Mr. TANNER. I would say that we see time and again the rule resolution that comes to the floor and is passed basically on the party line; what you see is that in the rule, all points of order are waived, which means that the budget rules that we try to put in place are meaningless. Because if you are going to waive them on virtually every bill now that comes to the floor, we really do not have any enforceable mechanism, and this will change that. And we think that is a commonsense idea.

Mr. ROSS. Finally, number 12, Mr. CARDOZA, if you want to share that with us.

Mr. CARDOZA. I would be happy to, Mr. ROSS.

Number 12 is to make Congress do a better job keeping track on government programs that it passes.

As Mr. TANNER said earlier, we have basically abdicated our responsibility in this one-party form of government that we have right now. We are doing no oversight. We are not keeping tabs on the bills that we pass. In fact, the last four planks in the Blue Dog program all sort of relate to the same kind of thing. It is about accountability. It is about making sure that we read the bills, that we require honest cost estimates, that we make sure that the new bills fit the budget that we have already passed, and that we make sure that Congress does an adequate review on the bills that we have passed.

They are just basic commonsense tenets. If you look back at the Medicare Prescription Drug Bill, it is a perfect example of how this process has gone off the rails. And it has cost twice as much.

I remember Mr. DOOLEY had a competing bill, but I think it probably did more for seniors than the one that we passed. And he could not even get a score from the Congressional Budget Office to say how much his bill was going to cost. That is just wrong. A Member of the Congress should be able to get the score. We should all have the score. The American people should be able to get the lowdown on what a bill costs and have that up front 3 days at least before we pass it.

Mr. ROSS. We are out of time this evening. I want to thank the gentleman from California (Mr. CARDOZA), the gentleman from Tennessee (Mr. TANNER), the gentleman from Florida (Mr. BOYD) for coming to the floor of the United States House of Representatives with me this evening to discuss our Nation's debt and deficit and the Blue Dog Coalition's 12-point plan to restore some integrity, some common sense, and fiscal discipline to our Nation's government.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today and December 18.

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. HYDE (at the request of Mr. BLUNT) for today and December 18 on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BISHOP of Utah) to revise and extend their remarks and include extraneous material:)

Mr. CULBERSON, for 5 minutes, today.

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. HAYES, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 435. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

S. 648. An act to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; to the Committee on Resources.

S. 959. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on Government Reform.

S. 1025. An act to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project, to the Committee on Resources.

S. 1096. An act to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii; to the Committee on Resources.

S. 1496. An act to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps; to the Committee on Resources.

S. 1552. An act to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; to the Committee on Resources.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes; to the Committee on Resources.

S. 1312. An act to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes; to the Committee on Resources; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3963. An act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4195. An act to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

H.R. 4440. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

H.R. 4508. An act to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

H.J. Res. 38. Joint Resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

H.J. Res. 75. Joint Resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

ADJOURNMENT

Mr. BOYD. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Sunday, December 18, 2005, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5836. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Training for Contractor Personnel Interacting with Detainees [DFARS Case 2005-D007] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5837. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restrictions on Totally Enclosed Lifeboat Survival Systems [DFARS Case 2004-D034] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5838. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct and Financial Disclosure Requirements for Employees of the Department of Health and Human Services (RIN: 3209-AA15) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5839. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—Improving Pub. Safety Comms. in the 800MHz Band; [WT Dkt. 02-55]; Amdt. of Pt. 2 of the Comm. Rules to Allocate Spectrum Below 3GHz for Mobile and Fixed Service to Supp. the Intro. of New Adv. Wireless Service, [ET Dkt. No. 00-258]; Petition for Rule Making of the Wireless Info. Networks Forum Concerning the Unlicensed Personal Comm. Service [RM-9498]; Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Comm. Serv. [RM-10024]; Amdt. of Sec. 2.106 of the Commission's Rules to Allocate Spectrum at 2GHz for Use by the Mobile Satellite Serv.; [ET Dkt. No. 95-18] Received December 15, 2005, pursuant to the Committee on Energy and Commerce.

5840. A letter from the Senior Legal Advisor, Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Digital Television Distributed Transmission System Technologies [MB Docket No. 05-312] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5841. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wilmington, Mount Sterling, Zanesville and Baltimore, Ohio) [MB Docket No. 04-161; RM-10961; RM-11111] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5842. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Milner, Ellaville, and Plains, Georgia) [MB Docket No. 05-106; RM-11196] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5843. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bass River Township and Ocean City, New Jersey) [MB Docket No. 05-188; RM-11240] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5844. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mt. Enterprise, Texas and Hodge, Louisiana) [MB Docket No. 05-34; RM-10761] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5845. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Terrebonne, Oregon) [MB Docket No. 02-123; RM-10445] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5846. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Regulation on Maintaining Telecommunications Services During a Crisis or Emergency in Federally-owned Buildings—received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5847. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4831 et seq.; to the Committee on International Relations.

5848. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(5)(A) of the Arms Export Control Act (AECA) as amended, Transmittal No. 0A-06, relating to enchancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 05-19 on 06 May 2005; to the Committee on International Relations.

5849. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-12, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on International Relations.

5850. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Italy (Transmittal No. DDTC 048-05); to the Committee on International Relations.

5851. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30468; Amdt. No. 458] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30467; Amdt. No. 3143] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30466; Amdt. No. 3142] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Eau Claire, WI [Docket No. FAA-2005-21256; Airspace Docket No. 05-AGL-04] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-23005; Directorate Identifier 2003-NM-110-AD; Amendment 39-14379; AD 2005-23-21] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems Propeller Assemblies Models 2D34C53/74E-X; D2A34C58/90AT-X; 3AF32C87/82NC-X; D3AF32C87/82NC-X; D3A32C88/82NC-X; D3A32C90/82NC-X; and 3AF34C92/90LF-X [Docket No. FAA-2005-22731; Directorate Identifier 2005-NE-36-AD; Amendment 39-14389; AD 2005-24-09] received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems Five-Blade Propeller Assemblies [Docket No. FAA-2005-22690; Directorate Identifier 2005-22690; Directorate Identifier 2005-NE-35-AD; Amendment 39-14388; AD 2005-24-08] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-23006; Directorate Identifier 2002-NM-51-AD; Amendment 39-14380; AD 2005-23-22] (RIN: 2120-AA64) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5859. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Classification of Certain Foreign Entities [TD 9235] (RIN: 1545-BD77) received December 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5860. A letter from the Secretary, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Federated States of Micronesia, and the Republic of the Marshall Islands, pursuant to Public Law 108-188, section 104(h); jointly to the Committees on Resources and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 631. Resolution providing for consideration of motions to suspend the rules (Rept. 109-357). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 632. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109-358). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 3505. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than December 31, 2005, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X (Rept. 109-356, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 31, 2005.

H.R. 1631. Referral to the Committee on Ways and Means extended for a period ending not later than December 31, 2005.

H.R. 2829. Referral to the Committees on the Judiciary, Energy and Commerce, Education and the Workforce and the Permanent Select Committee on Intelligence extended for a period ending not later than December 31, 2005.

H.R. 3699. Referral to the Committees on Resources and Energy and Commerce extended for a period ending not later than December 31, 2005.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOSSELLA (for himself and Mr. CASTLE):

H.R. 4618. A bill to amend the Securities Exchange Act of 1934 to establish rules and procedures for the delegation of compliance and inspections authority to the operating divisions of the Securities and Exchange Commission, and for other purposes; to the Committee on Financial Services.

By Mr. FOSSELLA (for himself, Mr. SWEENEY, Mr. MCHUGH, Mrs. MALONEY, Mr. REYNOLDS, and Mr. KING of New York):

H.R. 4619. A bill to amend the Terrorism Risk Insurance Act of 2002 to establish a Commission on Terrorism Risk Insurance, and for other purposes; to the Committee on Financial Services.

By Mrs. KELLY:

H.R. 4620. A bill to amend the Internal Revenue Code of 1986 to provide a double deduction for a portion of an individual's State and local property taxes that are in excess of the national average; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself and Mr. CHANDLER):

H.R. 4621. A bill to ensure that a sex offender or a sexually violent predator is not eligible for parole; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota (for himself and Mr. HOLT):

H.R. 4622. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses and to expand such deduction for certain science, technology, engineering, and math professionals who become certified teachers; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota (for himself and Mr. UDALL of Colorado):

H.R. 4623. A bill to repeal tax subsidies for oil and gas enacted by the Energy Policy Act of 2005 and to use the proceeds to double certain alternative energy incentives provided for in such Act; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself and Mr. ANDREWS):

H.R. 4624. A bill to amend title XIX of the Social Security Act to require States to provide oral health services to children and aged, blind, or disabled individuals under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHOCOLA (for himself, Mr. KENNEDY of Minnesota, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. CANTOR, Mr. BEAUPREZ, Ms. HART, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BASS, Mrs. BLACKBURN, Mr. BOOZMAN, Mrs. BONO, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMPBELL of California, Mr. CHABOT, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. EHLERS, Mr. FEENEY, Mr. FITZPATRICK of Pennsylvania, Mr. FLAKE, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. GINGREY, Mr. GOHMERT, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Mr. HAYES, Mr. HEFLEY, Mr. HENSARLING, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HYDE, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. MCCOTTER, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mrs. NORTHUP, Mr. OSBORNE, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SODREL, Mr. SOUDER, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. TIBERI, Mr. TURNER, Mr. WALSH, Mr. WAMP, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. YOUNG of Alaska):

H.R. 4625. A bill to amend the Internal Revenue Code of 1986 to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 4626. A bill to rechannelize spectrum in the 700 megahertz band to promote the deployment of commercial broadband technologies to facilitate interoperable communications for public safety; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 4627. A bill to validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, that were originally conveyed by the United States to facilitate construction of transcontinental railroads, and for other purposes; to the Committee on Resources.

By Mr. HOLDEN:

H.R. 4628. A bill to amend the Higher Education Act of 1965 to impose a fee on holdings of student loans; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mr. OBERSTAR, Mr. BAIRD, Mr. OWENS, Mr. PAYNE, Mr. GRIJALVA, Mr. ROTHMAN, Mr. PALLONE, Mr. BUTTERFIELD, Mr. MCGOVERN, and Ms. BORDALLO):

H.R. 4629. A bill to amend the David L. Boren National Security Education Act of 1991 to create a critical foreign language program; to the Committee on Education and the Workforce, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. BOREN):

H.R. 4630. A bill to amend the David L. Boren National Security Education Act of 1991 to allow scholarship and fellowship recipients to work in a field of education if no position in the Federal Government relating to national security is available; to the Committee on Education and the Workforce, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL (for himself, Mr. WICKER, Mr. MCHENRY, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. GINGREY, Mrs. MYRICK, Mr. FEENEY, Mr. MCCAUL of Texas, Mrs. MUSGRAVE, Mr. ROHRABACHER, Mr. PENCE, Mr. HENSARLING, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. COLE of Oklahoma, Mr. NEUGEBAUER, Mr. KLINE, Mr. WILSON of South Carolina, Mr. MARCHANT, and Mr. ADERHOLT):

H.R. 4631. A bill to establish the Gulf Deregulation Commission; to the Committee on Government Reform, and in addition to the Committees on Rules, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, and Ms. JACKSON-LEE of Texas):

H.R. 4632. A bill to provide for a Chief Medical Officer in the Office of the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 4633. A bill to establish within the Department of Health and Human Services the position of HIV/AIDS Emergency Response Coordinator in order to coordinate the provision of certain services to individuals with HIV disease who have been displaced as a result of Hurricane Katrina or Rita, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHUGH (for himself and Mr. BOEHLERT):

H.R. 4634. A bill to require that the Secretary of the Interior hold at least one public hearing in the surrounding community where land requested to be taken into trust for an Indian tribe is located in order to ascertain the needs and interests of that surrounding community; to the Committee on Resources.

By Mr. LEWIS of California:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes; to the Committee on Appropriations. considered and passed.

By Mr. DAVIS of Illinois:

H. Con. Res. 325. Concurrent resolution congratulating Oprah Winfrey for her 20 years of exemplary work and service to the people of the United States and the world; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania:

H. Res. 633. A resolution honoring Helen Sewell on the occasion of her retirement from the House of Representatives and expressing the gratitude of the House for her many years of service; to the Committee on House Administration.

By Mr. CHABOT (for himself, Mr. BERMAN, Mr. PENCE, and Mr. SCHIFF):

H. Res. 634. A resolution expressing the sense of the House of Representatives on reaching an agreement on the future status of Kosovo; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

214. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 69 memorializing the Congress of the United States to take such actions as are necessary to provide federal financial assistance to aid in rebuilding the investor-owed utility systems that are indispensible to the recovery efforts of the state of Louisiana and the city of New Orleans; to the Committee on Financial Services.

215. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 47 urging the Congress of the United States to encourage the banking industry to assist senior citizens and disabled persons without identification due to Hurricanes Katrina and Rita with negotiating their Social Security Supplemental Security Income checks; to the Committee on Financial Services.

216. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 43 memorializing the Congress of the United States to enact comprehensive natural disaster insurance legislation affecting financial capacity that will address, encourage, and support insurance company reserving for future catastrophes by making such reserves deductible for federal income tax purposes; to the Committee on Financial Services.

217. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 42 memorializing the Congress of the United States to take such actions as are necessary to develop and provide innovative solutions for financing housing in parishes in Louisiana devastated by Hurricanes Katrina and Rita; to the Committee on Financial Services.

218. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 41 memorializing the Congress of the United States to take such actions as are necessary to enjoin the Federal Emergency Management Agency from mandating that structures rebuilt in the New Orleans area after Hurricane Katrina be elevated; to the Committee on Financial Services.

219. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 28 memorializing the Congress of the United States to take such actions as are necessary to allow the Stafford Act to provide for payment of regular pay to essential personnel; to the Committee on Transportation and Infrastructure.

220. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 72 memorializing the Congress of the United States to task the Government Accountability Office with a complete audit of expenditures by the Federal Emergency Management Agency on Katrina and Rita recovery efforts in Louisiana; to the Committee on Transportation and Infrastructure.

221. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 53 memorializing the Congress of the United States to take such actions as are necessary to amend the Robert T. Stafford Disaster Relief and Energency Assistance Act, or suspend provisions thereof, with respect to the requirement that the state of Louisiana reimburse the Federal Emergecy Management Agency for a portion of the other assistance payments made to citizens of Louisiana due to Hurricanes Katrina and Rite; to the Committee on Transportation and Infrastructure.

222. Also, a memorial of the Legislature of the State of Louisiana, relative to House

Concurrent Resolution No. 50 memorializing the Congress of the United States to take such actions as are necessary to forgive the debt of Louisiana's local governments resulting from seven hundred fifty million dollars in loans made available to them as disaster relief; to the Committee on Transportation and Infrastructure.

223. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 49 memorializing the Congress of the United States to take such actions as are necessary to forgive the 3.7 billion dollars that the Federal Emergency Management Agency (FEMA) estimates that Louisiana owes FEMA for hurricane relief; to the Committee on Transportation and Infrastructure.

224. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 36 memorializing the Congress of the United States to take such actions as are necessary to waive the nonfederal or local portion of any cost-sharing agreement of funding of a levee reconstruction and improvement project; to the Committee on Transportation and Infrastructure.

225. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 34 memorializing the Congress of the United States and the Louisiana Congressional delegation to direct the United States Army Corps of Engineers not to engage in dredging activities on the Mississippi River Gulf Outlet and to begin the necessary process to return the waterway to wetlands marsh status; to the Committee on Transportation and Infrastructure.

226. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 18 memorializing the Congress of the United States to enjoin the United States Army Corps of Engineers from engaging any contractor in the reconstruction of the levees in the New Orleans area if investigations of levee failures during Hurricane Katrina and Rita indicate that such contractor performed substandard design or construction work on a portion of a levee that failed; to the Committee on Transportation and Infrastructure.

227. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 44 memorializing the Congress of the United States to enact a health insurance premium reimbursement program and a federal income tax credit for the health insurance premiums for affected victims of Hurricane Katrina and Rita; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 615: Ms. FOXX and Mr. DAVIS of Alabama.

H.R. 1259: Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. BONNER, Mr. BOYD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KENNEDY of Rhode Island, and Mr. BACHUS.

H.R. 1288: Mr. CAMPBELL of California.

H.R. 1548: Mr. PRICE of North Carolina, Mr. EVERETT, Mr. HASTINGS of Florida, Mr. ENGLISH of Pennsylvania, Ms. CARSON, Mr. WELDON of Pennsylvania, and Mr. JEFFERSON.

H.R. 1562: Mr. BROWN of South Carolina.

H.R. 1807: Mr. MENENDEZ.

H.R. 1981: Ms. SLAUGHTER, Mr. KENNEDY of Rhode Island, Mr. ENGEL, and Mr. MEEHAN.

H.R. 2121: Mr. TIBERI, Mr. NEAL of Massachusetts, and Mr. CUMMINGS.

H.R. 2322: Mr. POE and Mr. SESSIONS.

H.R. 2410: Mr. MCGOVERN.

H.R. 2421: Mr. SHAW.

H.R. 2521: Mr. LEWIS of Kentucky.

H.R. 2961: Mr. ENGLISH of Pennsylvania and Ms. ROS-LEHTINEN.

H.R. 3098: Mr. CALVERT.

H.R. 3195: Mr. SMITH of Washington.

H.R. 3524: Ms. BORDALLO and Mr. JEFFERSON.

H.R. 3861: Ms. BERKLEY, Ms. KAPTUR, Mr. BOREN, Mr. CARNAHAN, Mr. KUCINICH, Mr. WEINER, Ms. PELOSI, Mr. BARROW, Mr. WYNN, and Ms. ESHOO.

H.R. 3924: Mr. MOORE of Kansas.

H.R. 4036: Mr. SCHIFF, Mr. BUTTERFIELD, Mr. MCNULTY, and Mr. EMANUEL.

H.R. 4098: Ms. DELAURO.

H.R. 4315: Mr. VAN HOLLEN and Mr. BARTLETT of Maryland.

H.R. 4331: Mr. MCDERMOTT and Mr. BAIRD.

H.R. 4452: Mr. TIERNEY.

H.R. 4470: Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. PAYNE, Mr. OWENS, Mr. CONYERS, Mr. KUCINICH, Mr. WU, Mr. FARR, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, and Mr. PLATTS.

H.R. 4510: Mr. BAIRD, Ms. BEAN, Mr. BLUMENAUER, Mr. DAVIS of Florida, Mr. DEFAZIO, Ms. DELAURO, Mr. DOYLE, Mr. ENGEL, Mr. ETHERIDGE, Mr. EVANS, Mr. GORDON, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. LARSON of Connecticut, Mr. LEVIN, Mrs. LOWEY, Mr. MENENDEZ, Mr. NADLER, Mr. THOMPSON of California, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. CASTLE, Mr. HOBSON, and Mr. CRENSHAW.

H.R. 4570: Mr. WAXMAN and Mr. HOYER.

H.R. 4575: Mr. CASTLE, Mrs. JOHNSON of Connecticut, Mr. LEACH, and Mr. SIMMONS.

H.R. 4608: Mr. RAMSTAD and Ms. HART.

H.J. Res. 71: Mr. TERRY, Mr. ISTOOK, and Mr. RAMSTAD.

H. Con. Res. 138: Mr. CROWLEY.

H. Con. Res. 309: Mr. GRIJALVA.

H. Con. Res. 321: Ms. WOOLSEY.

H. Res. 521: Ms. LEE and Mr. SHERMAN.

H. Res. 561: Mr. AL GREEN of Texas.

H. Res. 604: Mr. TOWNS and Mr. KING of New York.

H. Res. 605: Mr. NADLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4011: Mr. CUELLAR.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petitions were filed:

Petition 7, December 14, 2005, by Ms. HERSETH on House Resolution 568, was signed by the following Members: Stephanie Herseth, Hilda L. Solis, Michael R. McNulty, Ben Chandler, G.K. Butterfield, Kendrick B. Meek, Peter A. DeFazio, Brian Higgins, Diane E. Watson, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Danny K. Davis, Mike Ross, Carolyn McCarthy, Bart Stupak, Sander M. Levin, Robert E. Andrews, Timothy H. Bishop, Robert Wexler, Shelley Berkley, Grace F. Napolitano, Raúl M. Grijalva, James R. Langevin, John B. Larson, James P. McGovern, Lincoln Davis, Sherrod Brown, Xavier Becerra, Steve Israel, Lane Evans, Michael H. Michaud, Fortney Pete Stark, Dan Boren, Daniel Lipinski, Jane Harman, Silvestre Reyes, Carolyn B. Maloney, Al Green, Sanford D. Bishop, Jr., Bob Filner, Gary L. Ackerman, Mark Udall, Susan A. Davis, Sheila Jackson-Lee, and Henry Cuellar.

Petition 8, December 14, 2005, by Mr. WAXMAN on House Resolution 570, was signed by the following Members: Henry A. Waxman, Hilda L. Solis, Michael R. McNulty, Ben Chandler, G.K. Butterfield, Brian Higgins, Peter A. DeFazio, Diane E. Watson, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Danny K. Davis, Mike Ross, Carolyn McCarthy, Sander M. Levin, Robert E. Andrews, Timothy H. Bishop, Robert Wexler, Shelley Berkley, Bennie G. Thompson, Grace F. Napolitano, Raul M. Grijalva, James R. Langevin, John B. Larson, James P. McGovern, Sherrod Brown, Xavier Becerra, Steve Israel, Lane Evans, Fortney Pete Stark, Silvestre Reyes, Carolyn B. Maloney, Al Green, Sanford D. Bishop, Jr., Bob Filner, Joe Baca, Gary L. Ackerman, Susan A. Davis, and Sheila Jackson-Lee.

Petition 9, December 15, 2005, by Mr. BOSWELL on House Resolution 584, was signed by the following Members: Leonard L. Boswell, Lois Capps, John D. Dingell, Sam Farr, Gwen Moore, Brian Higgins, John Barrow, Dan Boren, Eddie Bernice Johnson, Tammy Baldwin, Jane Harman, Daniel Lipinski, Solomon P. Ortiz, Nydia M. Velázquez, Silvestre Reyes, Julia Carson, Jesse L. Jackson, Jr., Michael R. McNulty, Nancy Pelosi, Hilda L. Solis, Bart Stupak, Charlie Melancon, James P. McGovern, Carolyn B. Maloney, Alcee L. Hastings, David E. Price, Steven R. Rothman, Barney Frank, Frank Pallone, Jr., Thomas H. Allen, Dale E. Kildee, Earl Blumenauer, James R. Langevin, Charles A. Gonzalez, Russ Carnahan, Marion Berry, Timothy H. Bishop, Jim Costa, Janice D. Schakowsky, Marcy Kaptur, Benjamin L. Cardin, Sanford D. Bishop, Jr., James P. Moran, Allyson Y. Schwartz, Bob Filner, Mike Ross, Joe Baca, Gary L. Ackerman, Corrine Brown, Peter A. DeFazio, Jim McDermott, Cynthia McKinney, Linda T. Sánchez, Shelley Berkley, Vic Snyder, Doris O. Matsui, Dennis A. Cardoza, Barbara Lee, Ruben Hinojosa, Stephanie Herseth, Robert C. Scott, Donald M. Payne, Mike Thompson, Ellen O. Tauscher, Darlene Hooley, Rahm Emanuel, Lloyd Doggett, Tom Udall, Brad Miller, Danny K. Davis, Elijah E. Cummings, Susan A. Davis, Sheila Jackson-Lee, and Henry Cuellar.

Petition 10, December 16, 2005, by Ms. HERSETH on House Resolution 585, was signed by the following Members: Stephanie Herseth, John D. Dingell, Sam Farr, Gwen Moore, Brian Higgins, John Barrow, Dan Boren, Eddie Bernice Johnson, Tammy Baldwin, Jane Harman, Daniel Lipinski, Solomon P. Ortiz, Nydia M. Velázquez, Silvestre Reyes, Julia Carson, Jesse L. Jackson, Jr., Michael R. McNulty, Nancy Pelosi, Hilda L. Solis, Bart Stupak, Charlie Melancon, Rush D. Holt, James P. McGovern, Carolyn B. Maloney, Alcee L. Hastings, David E. Price, Steven R. Rothman, Barney Frank, Frank Pallone, Jr., Thomas H. Allen, Dale E. Kildee, Earl Blumenauer, James R. Langevin, Charles A. Gonzalez, Russ Carnahan, Marion Berry, Lois Capps, Timothy H. Bishop, Jim Costa, Janice D. Schakowsky, Marcy Kaptur, Sanford D. Bishop, Jr., James P. Moran, Bill Pascrell, Jr., Allyson Y. Schwartz, Bob Filner, Mike Ross, Joe Baca, Gary L. Ackerman, Corrine Brown, Peter A. DeFazio, Jim McDermott, Cynthia McKinney, Linda T. Sánchez, Shelley Berkley, Vic Snyder, Doris O. Matsui, Eliot L. Engel, Dennis A. Cardoza, Barbara Lee, Ruben Hinojosa, Robert C. Scott, Mark Udall, Donald M. Payne, Mike Thompson, Ellen O. Tauscher, Darlene Hooley, Rahm Emanuel, Lloyd Doggett, Tom Udall, Brad Miller, Danny K. Davis, Elijah E. Cummings, Susan A. Davis, Sheila Jackson-Lee, and Melissa L. Bean.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The folloing Members added their names to the following discharge petitions:

Petition 1 by Ms. HOOLEY on House Resolution 267: Juanita Millender-McDonald.

Petition 2 by Mr. MARSHALL on House Resolution 270: Juanita Millender-McDonald.

Petition 3 by Mr. EDWARDS on House Resolution 271: Bart Gordon, Dennis A. Cardoza, Robert Wexler, Hilda L. Solis, Carolyn C. Kilpatrick, Howard L. Berman, Leonard L. Boswell, Rahm Emanuel, Lincoln Davis, Steve Israel, John D. Dingell, Adam Smith, and Allen Boyd.

Petition 4 by Ms. SLAUGHTER on House Resolution 460: Bart Gordon, Michael H. Michaud, Bob Filner, Sherrod Brown, Maxine Waters, Lucille Roybal-Allard, Wm. Lacy Clay, Benjamin L. Cardin, Robert Menendez, Bennie G. Thompson, Chris Van Hollen, Russ Carnahan, Jim Cooper, Joe Baca, Bernard Sanders, Stephanie Tubbs Jones, Dennis A. Cardoza, Darlene Hooley, Allyson Y. Schwartz, Adam B. Schiff, Betty McCollum, Ben Chandler, G.K. Butterfield, Peter A. DeFazio, Jim Costa, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Bart Stupak, Linda T. Sánchez, Anna G. Eshoo, Robert E. Andrews, Mike McIntyre, Xavier Becerra, Steve Israel, John D. Dingell, Dan Boren, Gary L. Ackerman, and Robert C. Scott.

Petition 5 by Mr. WAXMAN on House Resolution 537: Bart Gordon, Michael H. Michaud, Bob Filner, Sherrod Brown, Maxine Waters, Lucille Roybal-Allard, Wm. Lacy Clay, Michael M. Honda, Benjamin L. Cardin, Robert Menendez, Bennie G. Thompson, Chris Van Hollen, Russ Carnahan, Jim Cooper, Joe Baca, Bernard Sanders, Stephanie Tubbs Jones, Dennis A. Cardoza, Darlene Hooley, Allyson Y. Schwartz, Adam B. Schiff, Betty McCollum, Ben Chandler, G.K. Butterfield, Peter A. DeFazio, Julia Carson, Jim Costa, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Howard L. Berman, Linda T. Sanchez, Anna G. Eshoo, Mike McIntyre, Rahm Emanuel, Xavier Becerra, Steve Israel, John D. Dingell, Dan Boren, Gary L. Ackerman, and Robert C. Scott.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Bart Gordon, Bernard Sanders, Stephanie Tubbs Jones, G.K. Butterfield, Peter A. DeFazio, Jay Inslee, Julia Carson, Jerrold Nadler, Juanita Millender-McDonald, Carolyn C. Kilpatrick, Anna G. Eshoo, John B. Larson, Maxine Waters, John D. Dingell, and Robert C. Scott.

Q02

The following Member's names were withdrawn from the following discharge petition:

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Patrick J. Kennedy and Leonard L. Boswell.

EXTENSIONS OF REMARKS

HONORING MR. MARVIN CHASE

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. SIMMONS. Mr. Speaker, on December 12 a good man, a fine public servant and a good friend of mine died at the age of 65. Marvin Chase lived in North Stonington and during his lifetime he was truly a citizen in action. For those of us who knew him, his name is synonymous with public service, a love of his community and a deep love for his family and friends.

Marvin was involved with his community. He was a Republican but he was from the school of thought that said, "I don't care what your political affiliation is, I care about you and I care about your ideas." Consequently, he was able to work with individuals from across the political spectrum. He liked and respected people; and he was liked and respected in return.

A 6-year member of the North Stonington Economic Development Commission, which he chaired, Marvin won another 5-year term in November. First Selectman Nicholas H. Mullane II, said Marvin was "probably the best chairman I've ever seen on the EDC."

Marvin did more than keep the seat warm. In 2003 he led the commission as it studied the best way to bring business to town. He also led the commission's two-year effort to create a low-impact commercial development zone near Interstate 95 exit 92, which the Planning and Zoning Commission approved in February. And that zone change drew immediate interest from businesses.

Marvin was always sensitive of the need to balance business with the rural nature of our community and our region in southeastern Connecticut. He wanted to attract businesses so that taxes could be kept under control and so that there would be jobs; but he knew how important it was to ensure that North Stonington kept the quiet characteristics that make it such a wonderful place to live and raise a family.

Marvin belonged to the North Stonington Grange, served on the North Stonington Fair Committee and for more than 30 years he was a member of what is now the Masonic United Coastal Lodge 57. A former deacon of United Church in Stonington, Marvin served until a few years ago as moderator of the First Baptist Church in North Stonington. He was chairman of the North Stonington Republican Town Committee and a lifetime member of the North Stonington Fire Company.

Marvin worked for the State of Connecticut Motor Vehicle Department as an inspector for the Dealers and Repairers Division and he owned and operated a Shell Service Station in Preston for many years.

There was also a racy side to Marvin—he drove race cars at the Thompson Motor Speedway, Norwood Arena, Waterford Speedbowl and Stafford Speedway from 1960 to 2001. And he was vice president of the New England Antique Racer's Association.

Finally, Marvin played a significant role in all of my political campaigns, offering me his sage advice and insights to a variety of issues. His was always a voice of reason and sound judgment. He was a friend—and a friend can tell you things you do not want to tell yourself. But those are often things you most need to hear. I will miss him greatly.

CONGRATULATING THE LAKELAND DREADNAUGHTS AS NATIONAL CHAMPIONS "NULLI SECUNDUS"

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. PUTNAM. Mr. Speaker, it is with great pleasure that I rise today to applaud the accomplishments of the Lakeland High School Varsity Football team from Lakeland, Florida—the 2005 Class 5A Florida State Champions and the 2005 National Champions.

Coach Bill Castle, 2004 5A Coach of the Year and recent inductee of the Polk County Sports Hall of Fame, led the Dreadnaught's to their 5th State Championship, 17th District Championship, and 1st National Championship. The Dreadnaughts defeated Ft. Lauderdale's St. Thomas Aquinas, 39–19, ending their season at 15–0, in a rematch of last years title for the Class 5A State Championship. This is the first time a Polk County football team has won back-to-back State titles, and the first time that two top-five nationally ranked teams have met this late in the season.

I would like to extend my congratulations to Coach Castle and his staff, Dan Talbot, Dan Moonet, Frank Webster, Chris Davis, Clay Taylor, Jason Butler, Michael Peeples, Denny Krahe, and Brian Abdon, for the positive example they set and for the leadership they provide. In addition, Principal Mark Thomas and his administration, Athletic Director Sid Kimbrell, the faculty and staff, the parents, the students, the alumni and the fans should all be commended for their community spirit and constant support.

Most importantly, however, I would like to recognize those outstanding student athletes, who exemplified the hard work, character, and sportsmanship, to make this victory possible: Matt Grier, Scott Bryant, Chris Rainey, Rashard Coleman, Andre Walker, Pat Turner, Deonte Parker, T.K. Lamb, Ledarius Dobie, Darius Jones, Tyler Grantham, Billy Lowe, Awtan Glover, Jordan Hammond, Jesse Smart, Paul Wilson, Adam Williams, Blair Castle, Leon Covington, Steve Wilks, Cedric Edom, Preston Chatmon, Ahmad Black, Jamar Taylor, Troy Johnson, Calvin Shaw, Derrell Harrison, Connor Johnson, Tony McElrath, Aaron Walters, Devon Terry, Justin Burdette, Bryant Peace, Matt Roddenbery, Nic Moody, Colin Clyne, Quinten Campell, Mike Jensen, Michael Horton, David Liason, Ben Wilcox, Jensen Harris, Justin Calabrese, James Campbell, John Brown, Eagar Lewis. The Dreadnaughts prove that academic excellence, intensive training and a lot of heart, will lead a team to victory. The school's motto is "Nulli Secundus," which means "Second to None." I know that I speak for every member in offering congratulations and the best of luck to the Lakeland Dreadnaughts, who officially are "second to none" in the Nation.

TRIBUTE TO GLADYS TANTAQUIDGEON

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. SIMMONS. Mr. Speaker, I rise today to recognize the achievements of Gladys Tantaquidgeon, whose life's work greatly enhanced the Mohegan Tribe of Connecticut.

On November 1, the woman who was rightly known as the "keeper of the Mohegan culture" died at the age of 106. Gladys Tantaquidgeon was a woman of uncommon integrity and cheerful determination. Throughout her life she devoted her skills, talents and knowledge to the revival of the Mohegan Tribe and countless lives have been enriched by her steadfastness.

Gladys Tantaquidgeon was an anthropologist and ethnobotanist. She wrote extensively about Native Americans and her knowledge was wide-ranging. She played a key role in establishing the Mohegan tribal museum. Her flawless record-keeping and her encyclopedic knowledge of the history of her tribe were instrumental in helping the Mohegans win Federal recognition in 1994.

In the Hartford Courant, Melissa Tantaquidgeon Zobel, Gladys's grandniece, pointed out that much of the artwork in the tribe's Mohegan Sun Casino, in Montville, was inspired by the collection of the "keeper of Mohegan culture." Ms. Zobel recently remarked, "We all have to wonder, would we be where we are today without her? She was an image from another world. It would be dishonorable not to celebrate her passing."

The Mohegan Tribe today is successful by any measure and they most certainly would not be where they are today without the perseverance and stamina of this incredible woman. Supported in no small measure by her work, the tribe has preserved its heritage and history and has created economic security for the future.

The Mohegan Sun Casino has created jobs throughout the region, has provided economic

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

assistance to its host community and works with vendors throughout the State.

And while the tribe and the entire region mourns her death, we surely celebrate the extraordinary life of this great woman who was a descendent of Uncas, the famous Mohegan chief.

She demonstrated that the Mohegan's history is an integral and essential part of Connecticut's history. The Hartford Courant said it well, observing that Gladys Tantaquidgeon was "the living link between past and present whose diligent record-keeping led to federal recognition for the Mohegans. They are now running one of the world's most lucrative casinos and are fabulously rich. It is telling that they are prouder of their heritage than their wildly successful business venture."

The Mohegan Tribe and the State of Connecticut are better off because of Gladys Tantaquidgeon. She did much more than enable her people to secure the recognition they deserved. She taught, by word and example, that our lives as Americans are deeply entwined and that history is not something that happened in the past. History is alive and even as it reminds us of who we were, it also reminds us of what we might become.

Gladys Tantaquidgeon was an exceptional woman. The Mohegan Tribe and Connecticut are fortunate that for more than a century she was among us. She will be missed.

OPPOSING SECTION 3145 OF THE RECONCILIATION SPENDING CUTS CONFERENCE REPORT (H.R. 4241)

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to call attention to Section 3145 of H.R. 4241, the proposed Reconciliation Spending Cuts Conference Report, and to express my unequivocal opposition to that provision and the base bill. That section will just provide added cause to reject the report, because it would require everyone—everyone—applying for Medicaid to produce a birth certificate or passport to prove citizenship.

Supporters of this provision talk a good game. And, on the surface, their rationale seems plausible and reasonable. They claim that Section 3145 will save a great deal of money by restricting undocumented residents from lying about their citizenship and falsely obtaining Medicaid services. However, Mr. Speaker, proponents of Section 3145 do not discuss is a comprehensive study by the Department of Health and Human Services, Office of the Inspector General. This July 2005 study found no compelling evidence that illegal residents were lying about their citizenship status in order to qualify for Medicaid.

So it is nothing more than another barely veiled attack on immigrants—our fellow human beings—and it would also have adverse impacts on other American citizens as well.

For many of us here, the idea of obtaining a passport or a copy of a birth certificate does not sound difficult. However, for many Americans—particularly low-income Americans in rural communities, low-income racial and ethnic minorities and elderly Americans—getting a passport or a copy of a birth certificate is very difficult and sometimes even impossible. Even the cost is a barrier for some.

But further complicating the process for some Americans, particularly those who are low-income, racial and ethnic minorities and/or born in rural areas, is the fact that when they were born, their families may not have had access to hospitals—they may not be able to get birth certificates and therefore passports simply because they were born at home.

As you know, during much of the last century, many hospitals and health clinics—especially in the south and in areas entrenched in segregation and discrimination—would not admit minorities, especially African Americans. This long history of discrimination created barriers to health care access that continue to affect the health and health care of racial and ethnic minorities today. It is the same discrimination that now still makes it difficult for so many low-income African Americans senior—and other seniors of color—to obtain the required documentation they would need under this provision to obtain Medicaid services. Mr. Speaker, let's not be a part of allowing discrimination to create additional barriers to health care for immigrants or other Americans of color.

Further, were section 3145 to pass, it will be states and counties who will determine how to enforce it and who to ask for the additional documentation.

My concern is that this provision will put low-income Americans at the mercy of individuals whose assumptions about their status put them at great risk for discrimination. It would attack everyone's civil liberties.

Mr. Speaker, Section 3145 is based on a completely false and slanderous assumption about immigrants in this country, and it is nothing more than another anti-immigrant provision among the many egregious ones that are being debated on the floor today.

There are repercussions for health in general. If enacted this provision would also have extraordinarily detrimental effects on the health and health care of many American citizens, it will increase the already unacceptably high numbers of uninsured Americans, and consequently, it will exacerbate health disparities—both racial and ethnic, and rural—as well as worsen the health and well being of many American citizens.

In our focus on section 3145, we don't want anyone to get the wrong impression that this is one bad provision in an otherwise good bill. Nothing could be further from fact. What it does is just make a conference report that is shaping up to be a terrible bill already, even worse.

Just today I received a letter from the national Council of Churches of Christ in the USA. It read in part:

"The role of government is to protect its people and work for the common good. This is not the time for the budget reconciliation process to create greater hardships for those who are already experiencing great suffering. To do so is not only unjust; it is a sin. It violates all the fundamental Christian principles of loving thy neighbor, caring for the poor, and showing mercy. As religious leaders, this violation is unacceptable to us."

This is a reference to the entire budget reconciliation bill, and whether one is Baptist, Catholic, Jew or Moslem the words ring true.

It is rotten to the core, and this country, which pledges to be one "under God", should not let the Immigration/Border Security Bill or any part of the inhumane budget reconciliation or spending cut bill as it is now written become the law of this land.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2005

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 638, had I been present, I would have voted "yea."

CONGRATULATING THE ACHIEVEMENTS OF JERIOUS NORWOOD

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PICKERING. Mr. Speaker, Mississippi State University has much to be proud of: excellence in academics with a reputation for top agriculture and energy research. This year, I join MSU in congratulating a student athlete for his on-the-field achievements.

Senior running back Jerious Norwood of Brandon, Mississippi, was awarded the Cellular South Conerly Award this year, earning the honor of Mississippi's top college football player of 2005. Norwood ran for 1,136 yards and six touchdowns this season, 204 yards and three scores coming in the Bulldogs' season-ending, 35–14 win over rival Ole Miss in the Egg Bowl. That performance also earned him the Southeastern Conference Offensive Player of the Week.

Norwood is only the second Bulldog ever to rush for 1,000-plus yards in back-to-back seasons. He follows James "JJ" Johnson (1997–1998) both in that distinction and in earning the Conerly Award. Norwood and Johnson are the only two Bulldogs to win this recognition in its 10-year history.

Midway through this season, Norwood became State's career rushing leader with a final achievement of 3,222 total yards on the ground, eclipsing Walter Packer's previous mark of 2,820 yards set in the 1970s. Norwood also finished with the most 100-yard games in MSU history.

Norwood, along with senior defensive end Willie Evans, was named to the 2005 Coaches' All-SEC team and was named second-team, All-SEC by the Associated Press.

Mr. Speaker, I congratulate Norwood on his achievements and join with Bulldog head coach Sylvester Croom in wishing him many future successes.

PERSONAL EXPLANATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. EMANUEL. Mr. Speaker, I was not present in the Chamber on Thursday, December 15, to cast my votes on rollcalls 636 through 641. Had I been present I would have voted in the following ways: Rollcall 636—Nay; Rollcall 637—Yea; Rollcall 638—Yea; Rollcall 639—Yea; Rollcall 640—Nay; and Rollcall 641—Yea.

PAYING TRIBUTE TO JENNY GRAVES AND ASHLEE MANN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. TANCREDO. Mr. Speaker, I would like to take a moment and pay tribute to two outstanding young women from Littleton and Aurora, CO. Jenny Graves and Ashlee Mann graduated from AmeriCorps National Civilian Community Corps 10-month program in Perry Point, MD.

Through this program these young women learned the critical role that AmeriCorps*NCCC plays in disaster relief. These young women now have a stronger understanding of the role that volunteers play in assisting areas affected by natural disasters.

Mr. Speaker, it is my distinct pleasure to honor Jenny Graves and Ashlee Mann and their achievements here today, and wish these young women all the best in their future endeavors.

SALUTING THE COMMAND, CREW AND AIR WING OF THE U.S.S. "RONALD REAGAN"

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PICKERING. Mr. Speaker, the newest carrier in the United States Navy is engaged in final training and preparation in the Pacific Ocean and will soon be deployed to the Middle East to support our national interests, defend freedom and spread liberty to a more stable world. Nearly 6,000 Navy personnel call the U.S.S. *Ronald Reagan* home and serve both day and night in her courageous mission to provide "peace through strength."

Many of the personnel on the *Reagan* hail from Mississippi, and we our proud of our men and women who serve from the magnolia State. I often tell my colleagues that Mississippi has the full military package: Our citizens serve bravely in our Armed Forces, our bases train top pilots and protect important facilities, our universities provide cutting edge military research and technology, while companies and manufacturers earn top military contracts to produce the equipment our modern soldiers need for today's battles. I take personal honor in sharing the title "Mississippian" with these soldiers. We at home are proud of the Mississippians serving on the U.S.S. *Ronald Reagan.*

Many of the aviators and crew onboard the U.S.S. *Ronald Reagan* trained at Naval Air Station Meridian in my district in Mississippi. NAS Meridian is an essential, necessary and critical component of our national security network. This valuable and effective facility, and the community that supports it, adds strength to the character and performance of the United States Navy. We send these personnel to the U.S.S. *Ronald Reagan* and to our Navy forces around the world to serve with honor, courage and commitment.

Mr. Speaker, I hope Congress joins me in saluting the command, crew, and air wing ofthe U.S.S. *Ronald Reagan.* Their training and preparation allows the United States to advance our priorities around the globe, and remain secure at home. The U.S.S. *Ronald Reagan*'s designation is CVN 76 and the crew practices daily the "Spirit of 76" in honor of their ship and the year of our independence, 1776. Their service will continue to keep us free. For the next half-century, the U.S.S. *Ronald Reagan* will serve the American people in times of peace and times of war, and I take this time to honor her and the forces on board as they prepare for her maiden deployment.

HONORING A WORLD WAR II HERO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. EMANUEL. Mr. Speaker, I rise to honor Sherman Dickholtz, a World War II hero, beloved husband and father, and valued member of the Illinois legal community. Mr. Dickholtz passed away on Saturday, December 3, 2005 at the age of 80.

As a member of the 17th Airbone Division, Sgt. Dickholtz distinguished himself as an infantryman, paratrooper and parachute rigger. He participated in campaigns in France and Germany including Operation Varsity, the last full-scale airborne drop of the World War II. On March 24, 1945, he and the other members of the 17th parachuted behind enemy lines east of the Rhine River, and capture key points in order to assist the advance of ground troops. Sgt. Dickholtz was awarded the Bronze Star for gallantry and meritorious service.

Upon his discharge from military service, Mr. Dickholtz went on to graduate from John Marshall Law School, working his way through school by driving a taxi for the Vets Cab Company. At that time, veterans were not able to obtain taxi medallions, and Mr. Dickholtz participated in a protest "cabalcade" of taxis from Chicago to Washington, DC to protest. Mr. Dickholtz gained national recognition for his participation when his picture was published in newspapers across the country.

Mr. Dickholtz had a successful career as an attorney, and in October of 2005 was conferred the title of Senior Counselor by the Illinois Bar Association. He was also a member of and proctor for the American MENSA Society.

Mr. Dickholtz's wife Darlene was not only legal secretary and office manager for her husband, but also his best friend. Together they raised seven children in a very busy and loving home.

Mr. Dickholtz was the proud grandfather of 10 grandchildren and two great grandchildren. His family has continued his legacy of service and success in both the public and private sectors. Mr. Dickholtz will be dearly missed by his family and community. I am privileged to pay tribute to this great American.

IN MEMORY OF MIKE KOUNTOURIS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PICKERING. Mr. Speaker, on December 4, 2005, a dear and beloved member of the Jackson, Mississippi community passed away.

Mike Kountouris has been as much the landmark to Jackson as his famous restaurant the Mayflower Cafe, where he had worked since 1935.

An immigrant from Greece, Mike and his family lived the story of America. They came to this land and worked hard to become honored citizens. Mike served in World War II, fighting in the United States Army in his home country of Greece where he was wounded and awarded the Purple Heart. He and his family—those before him and now his children—poured their sweat and passion for life into their family business. The Mayflower has been for generations a place where families and celebrities, politicians and journalists, the young and old have come for good food and fellowship. From first dates to wedding anniversaries, Mike made this a center of the Jackson community by making family the focus of his business.

Mr. Speaker, Mike began his journey in this world on the island of Patmos and we in Mississippi were blessed that he ended the journey not only in Jackson, Mississippi, but the hearts of his family, friends and customers. I take this time to remember Mike Kountouris and to remind my fellow Mississippians of the impact that one man can have on a community. He was a special man that we will all miss.

RECOGNIZING THE WOMEN OF TOMORROW MENTOR AND SCHOLARSHIP PROGRAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Women of Tomorrow Mentor and Scholarship Program, an incredible organization located in my Congressional district, and congratulate its founders, Jennifer

Valoppi and Don Browne, for being named recipients of Governor Jeb Bush's Points of Light Award.

This award is the State's highest honor given to those who dedicate themselves to the Florida community through acts of volunteerism.

Since its inception in 1997, the Women of Tomorrow Mentor and Scholarship Program has been a pioneer institution for inspiring at-risk young women to achieve their fullest potential through education and job training.

As a result of the organization's efforts, young women throughout our community can receive positive guidance and mentoring from professional women in South Florida.

The Women of Tomorrow Mentor and Scholarship Program is a perfect example of individuals uniting to improve the lives of our community's youth, and I am proud of all those who are associated with this remarkable organization.

HONORING MATTHEW SCOTT

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. LARSEN of Washington. Mr. Speaker, I rise today to honor the heroism of a man named Matthew Scott who nearly 9 years ago performed an act of uncommon courage that saved the life of a young woman in my congressional district.

In August of 1997 a 15-year-old woman and her friend were out driving a truck near a very dangerous area in my congressional district called Deception Pass. The road was dark, and the two girls could not see the road in front of them. Leslie, the driver, yanked her steering wheel in the wrong direction and drove off a 185-foot cliff into the freezing ocean below. Her passenger managed to jump from the truck at the last second before it went over the edge. At the same time, Mathew Scott, a young Naval Chief Petty Officer, was driving by the location when he spotted a busted guardrail, and a hysterical group of people pointing to the ocean below.

Matthew does not consider himself a hero. On that night in 1997, he was just there for another human being—a young girl he had never met. He scaled down a treacherous, dark cliff with only a small flashlight to guide him. At the bottom of his remarkable 185-foot descent, he swam 30 yards out in strong tides and frigid water to rescue young Leslie. She was in bad shape. Leslie suffered a broken back, leg, and arm and had numerous cuts and bruises covering her body.

Because of his selfless, courageous heroics—Leslie is now 24-years-old and the manager of a local coffee shop. She is also the mother of a little girl and an upstanding member of her community.

Matthew Scott has continued to dedicate his life to one of military service. He is now a Lieutenant studying for his MBA at the Naval Post Graduate School in Monterey, California.

Those who know Lt. Scott talk about his everyday heroics. As a member of the House Armed Services Committee, I am honored to have had Lt. Scott serve at Naval Air Station Whidbey Island in Washington state's 2nd Congressional District. He is the truest face of our U.S. Navy. Every day he honors what is described as the Navy's unofficial motto—"not self but country."

Lt. Scott has spent his life serving his country. That dark night in 1997 was no different. But that night he served his country and his fellow Americans in a personal and profound way. Off duty, he still put his own life at risk to save the life of another.

For this, I come to the floor of the U.S. House of Representatives to honor him and call on all of my colleagues to look to Mathew's example to inspire us and spur us on to our own acts of selfless service and care.

Because of Matthew's humble heroics, Leslie is alive today.

Matthew is not just a good father—not just a good sailor—he's a good person. And he is a true hero.

PERSONAL EXPLANATION

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. ISTOOK. Mr. Speaker, my absence from the House chamber for today's votes and any held this weekend is due to my attending my daughter's wedding in Salt Lake City, Utah. The wedding was scheduled months ago, when the House was not expected to be in session during December.

RECOGNIZING JOHN CORRERO

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PICKERING. Mr. Speaker, for many who attend and serve Mississippi State University, the university is more than an institution, it is a family. Today I would like to recognize and honor one of the most dedicated members of that family who is retiring from work, but never as a Bulldog.

This summer, John Correro retired from his position as Alumni Director of the MSU Alumni Association after serving the school for over 35 years and being associated with Mississippi State for over four decades.

He began his partnership with MSU as a student earning academic honors with three years as Varsity Football Letterman. John was President of the Campus "M" Club; President of the Kappa Delta Pi (National Honor Society in Education); and a member of Omicron Delta Kappa (National Leadership and Scholarship Society), Blue Key (National Leadership and Scholarship Society), Who's Who in American Colleges and Universities, President's and Dean's Scholar and was chosen Mr. Mississippi State University. He earned a B.S. Degree in Physical Education from MSU in 1962 and stayed at the school to conduct graduate studies, earning a Masters in Educational Administration and Counseling in 1964. During that time he served as a graduate assistant and as freshman football coach at Mississippi State.

John served as Executive Director of the Mississippi State University Alumni Association since 1994. Previously he served as Associate Director of the Alumni Association (1975–1994) and Field Secretary of the Alumni Association (1969–1975).

John is a dedicated member of the community serving on numerous Starkville City and Oktibbeha County boards and organizations. He and his wife Gloria Collum Correro are committed members of St. Joseph Catholic Church. Gloria, like their two children Kimberly Ann Fandel of Tupelo and Chris of New Orleans, is a Mississippi State graduate.

Mr. Speaker, John Correro's legacy and dedication to Mississippi State University is a family tradition and an example for Bulldogs old and young. We are proud and thankful of his lifetime of service and Mississippi State University is a better institution because of his hard work.

HONORING GOVERNOR CARROLL CAMPBELL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. WILSON of South Carolina. Mr. Speaker, all South Carolinians have mourned the loss of former Governor Carroll Campbell. As a longtime friend, I especially appreciate his service.

I met Carroll Campbell when we were both elected delegates at the State Republican Convention in 1972 for the National Convention in Miami Beach. We were delegates when I hired fellow delegate Lee Atwater of Newberry College to organize college campuses to work with Carroll in the Upstate to elect President Richard Nixon.

In 1975, as Executive Assistant to Governor Jim Edwards, South Carolina's first Republican Governor, I worked closely with Carroll and accountant Wagdy Demian to reform the irregulataries at the Department of Social Services. Our meetings were in hallways due to concern of monitoring in offices and Mr. Demian courageously provided whistleblower information despite an attempt on his life.

In 1985, I was the first State Senator to endorse his candidacy for Governor and I worked independently with State Senators Ryan Shealy and Warren Giese to recruit Congressman Tommy Hartnett for Lieutenant Governor and developed the Dream Team of two candidates with the highest integrity and ability.

In 1986, the gubernatorial campaign was a historic breakthrough which fostered a Republican majority in the State. Working with Bob McAllister and Warren Tomkins, I researched, developed, and publicized with State Senators David Thomas and Bill Branton, the sweetheart leases of Democrat officials with state agencies at "The Good Old Boys Tower." After the election, Governor Campbell re-negotiated the leases, saving taxpayers millions of dollars.

In 1990, I was grateful to work with the Campbell staff and irate Democrats uncovering purchasing irregularities at the State Department of Education, explaining the need to elect a new State Superintendent. Working with Representative David Wright, we were slammed as "Hatchet and Tomahawk" by Democrats, but the efforts prevailed to elect Barbara Nielsen as the State's first Republican Superintendent, who served with great distinction.

During the two terms of the Campbell Administration, I was honored to serve as floor leader for his initiatives in the State Senate. The highlight was to address the power failure of state government with restructuring. Working with Chamber leader Paula Harper Bethea, Democrat Lt. Governor Nick Theodore, Senator David Thomas and Senator Greg Ryberg, we were successful. Due to the House leadership of Rep. David Wilkins, we were able to pass a bill despite determined opposition who were opposed to the reforms and devoted to tarnishing the Campbell legacy of success.

The following obituary is a full tribute to Governor Campbell. This tribute ran in the The Post and Courier of Charleston, South Carolina, on December 9, 2005.

CARROLL CAMPBELL, JR.

Carroll Ashmore Campbell, Jr., beloved husband, father, grandfather and former two-term South Carolina governor who led the economic and political transformation of his home state, died of cardiac arrest Wednesday at a Lexington health care facility after a five year struggle with Alzheimer's disease. He was 65.

Born July 24, 1940 in Greenville to Carroll Sr. and Anne Williams Campbell, he was a lifelong learner himself, educated in Greenville's public schools and graduated from the McCallie School in Tennessee. As a teenager, he paid his own way to attend college part-time at the University of South Carolina-Spartanburg. He continued his education while in Congress, taking classes in the evening and earning a master's degree in political science and the award for outstanding scholarship at the graduate level from the School of Government and Public Administration at American University. One professor told friends in later years that Campbell was the only public official who had taken the class without having staff members do the classwork. He also held ten honorary doctorate degrees and received numerous business and public service awards.

Despite accomplishing reforms on behalf of millions of fellow South Carolinians, Carroll Campbell took his greatest pride in the achievements and love of a few. His family—a wife of 46 years, two sons and their wives and four grandchildren—were his strength and comfort. Iris and Carroll Campbell married in 1959 and soon became known in Greenville for their delight in the company of friends and their shagging to the beach music Carroll had learned and loved as a young lifeguard during high school summers in Myrtle Beach.

At 19, while working in the real estate business, he cofounded a successful chain of parking facilities. In 1967, he was co-founder of a business that developed a chain of 13 Burger King restaurants. He later became an active breeder of Arabian horses, owning and operating a farm near Fountain Inn in the Seventies. Later, along with his sons and others, he owned a chain of 19 Wendy's restaurants throughout South Carolina.

He was first elected to public office in 1970 as a member of the South Carolina State House of Representatives. Mr. Campbell served there until 1974. Running in a 1976 special election, he won a seat representing Greenville in the state Senate.

In 1978, Carroll Campbell was elected to the United States Congress from South Carolina's fourth congressional district, the first Republican since reconstruction to hold that seat. He served in Congress until 1986.

Campbell was elected as governor of South Carolina in 1986 and re-elected in 1990. Job creation, strong economic growth, education reform and fiscal conservatism were the hallmarks of his administration.

In 1995, Mr. Campbell became President and CEO of the American Council of Life Insurers, the trade arm of the life insurance industry. He retired from that position in January 2002. He served on the board of directors for BMW International, Fluor Corporation, AVX Corporation, Norfolk Southern Corporation, Wackenhut Corporation, TRAC Racing and the Boy Scouts of America.

In an October 2001 letter to the people of South Carolina, Mr. Campbell announced his diagnosis and plans to fight the disease. He was an active supporter of the Alzheimer's Association in South Carolina, raising funds for the association and for the care facility that bears his name and where he spent his final days.

Surviving are his wife Iris, his son Carroll III and wife Elizabeth; son Mike and his wife Ruffin, and four grandchildren, Blakeney Herlong Campbell, Carroll Barrett Campbell, Michael Rhodes Campbell and Marie Riley Campbell, all of Columbia. He is also survived by Anne Mangum, Mary Carpenter, Elizabeth Tatum, and Caroline Campbell.

Instead of flowers, the Campbell family asks that donations be made to the South Carolina Alzheimer's Association, Attention: Carroll Campbell Respite Program, PO Box 7044, Columbia, SC 29202. The Respite Program helps family members relieve the stress they may experience while providing care for a loved one with Alzheimer's.

The governor's body will lie in state on the second floor of the State House between the House and Senate chambers from 9 a.m. until 7 p.m. Friday, December 9. The viewing is open to the public. Members of the S.C. Army and Air National Guard will serve as honor guards during this time.

The funeral will be held Saturday, December 10, at 10:30 a.m. at Trinity Episcopal Cathedral in Columbia. The body will be taken by caisson. The funeral will be open to the public, though seating will be very limited.

After the Columbia funeral, the body will be taken to All Saints Episcopal Church at Pawley's Island for a brief service inside the church at 4 p.m., followed by burial in the church cemetery. This service, too, will be open to the public, though seating will be very limited.

Pallbearers will be officers representing SLED, the Department of Natural Resources and the S.C. Highway Patrol. Members of his former security detail will be honorary pallbearers.

Dunbar Funeral Home is handling arrangements.

Visit our guestbook at www.charleston.net/deaths.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. BERKLEY. Mr. Speaker, due to a medical issue, I was unable to vote yesterday on rollcall No. 633, H. Res. 602, providing for the consideration of H.R. 2830, the Pension Protection Act. Had I been present, I would have voted "no."

TRIBUTE TO NATALIE TERESA LANAM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of Natalie Teresa Lanam, a distinguished and beloved resident of San Mateo County, CA, who died on December 8, 2005, after a long battle with cancer.

Natalie Lanam was a native of San Francisco's Mission District and her Mexican heritage was a source of great pride to her. She was a faith-filled woman who was respected throughout our community for her decades of volunteerism and for the professionalism she brought to every effort she was associated with.

Natalie Lanam was an effective fund-raiser for the causes she held dear. She volunteered for local schools and Easter Seals, and she was best known for her commitment to providing legal services for anyone who needed them, regardless of their ability to pay. For more than 15 years she volunteered for the Legal Aid Society of San Mateo County and her efforts were honored by the society when they named their building the Natalie Lanam Criminal Justice Center.

Natalie Lanam is survived by her husband of 55 years, the Honorable Bill Lanam who served with distinction on the Superior Court in San Mateo County and who was first elected as a result of Natalie's superb organizing efforts. Natalie and Bill's family of 4 daughters, 2 sons, 17 grandchildren and 3 great grandchildren are a testament to the values of Natalie Lanam and her special gifts to the world God has called her from.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a remarkable woman for her lifetime of devotion to her family, her faith, her community and her country and extending our deepest condolences to Judge Lanam and the entire Lanam family.

RECOGNIZING LEWIS F. MALLORY, JR.

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PICKERING. Mr. Speaker, I would like to take a moment to recognize one of

Starkville, Mississippi's great citizens, in fact, an outstanding businessman recognized across the entire state and a family man of great reputation. Lewis F. Mallory, Jr., is chairman of the board and chief executive officer of the National Bank of Commerce, now known in Mississippi as Cadence Bank. He was inducted this year into the Mississippi Business Hall of Fame.

Lewis has been a leader in Mississippi banking circles for decades, and has been very successful in leading his bank through a period of tremendous growth. When Lewis began his career, his bank had about $8 million in assets, two locations and 20 employees. Today, he has $1.4 billion in assets in 32 offices in 12 communities throughout Mississippi, Alabama and Tennessee. The company provides jobs for more than 475 people with earnings to exceed $14 million.

Lewis grew up on the campus of Mississippi State University where his father served as Vice President for Business Affairs. He graduated from MSU with special honors in 1965 with a degree in Banking and Finance and a minor in Economics. While in college, Lewis was a member of Phi Eta Sigma, Beta Gamma Sigma, Phi Kappa Phi, and Omicron Delta Kappa.

Currently, Lewis is a member of the Board of Directors, Federal Reserve Bank of St. Louis, Mississippi Economic Council, Mississippi State University Foundation, Mississippi Catholic Foundation, Greater Starkville Development Partnership and is on the Senior Executive Advisory Council for the College of Business and Industry at Mississippi State University.

Lewis is a member of St. Joseph Catholic Church in Starkville and he and his wife Pie are the parents of two sons, Marcus and Lewis F. III.

Mr. Speaker, Lewis Mallory is a highly respected businessman and community leader and he thrives on promoting Starkville and Oktibbeha County. I commend him on his selection to the Mississippi Business Hall of Fame and I am proud that he is one of my constituents.

IN RECOGNITION OF CHIEF MASTER SERGEANT RALPH J. CELENTO III SERVICE AND DEDICATION TO THE UNITED STATES AIR FORCE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of a great American, Chief Master Sergeant Ralph J. Celento III. I honor him today for his 30 years of service in the United States Air Force.

Chief Celento's most recent assignment was flight chief, vehicle operations for the 99th Logistics Readiness Squadron, 99th Mission Support Group, 99th Air Base Wing, Nellis Air Force Base, Nevada. In this position Chief Celento was responsible for all enlisted matters and he assisted the flight commander in daily missions. In addition, Chief Celento directed over 150 personnel, ten sections, and ensured that vehicle management services to Nellis AFB were complete.

Chief Celento was born in Rochester, New York and entered the Air Force in 1976. His Air Force career has included assignments in various transportation and logistical programs on bases in North Carolina, California, Washington, Maryland, and Mississippi. Chief Celento also served overseas in Japan, Germany and the Republic of Korea.

Chief Celento has been awarded over 19 major awards and decorations during his distinguished service in the Air Force including the Bronze Star, Air Force Meritorious Service Medal with five Oak Leaf Clusters, National Defense Service Medal with one Oak Leaf Cluster, Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal and more.

Chief Celento's accomplishments also include the White House Communication Agency Award, Best Vehicle Operations Flight in Air Education and Training Command, Verne Orr Award for Most Productive Unit, and the Best Vehicle Operations Flight in the Pacific Air Forces Command among others.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute Chief Celento for his service and dedication to our great nation.

RECOGNIZING THE DECATUR TELEPHONE COMPANY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PICKERING. Mr. Speaker, small and family businesses are the backbone of America's economy. Today I want to recognize one of these family institutions that serve a community in Newton County, Mississippi. In this day of international mergers and billion dollar telecommunication deals, it is wonderful to see a small and stable company continue to provide telephone service to customers after sixty years in the same family. If I may, let me quote from The Newton Record's November 23, 2005 issue and article titled "Decatur Telephone marks 60 years" by Kenneth Billings.

Few enterprises are fortunate enough to reach a milestone one local business will celebrate next month when its owners celebrate more than half a century of operating the business. On Dec. 5, Bill and Louise Bailey will mark their 60th year as owners of the Decatur Telephone Company and the continuation of a family legacy begun in 1945.

"In a way it seems like any other day," Louise Bailey said of the upcoming anniversary. "Sometimes I can't believe it has really been that long. The office has been a part of home so long it is sort of an ,extension of what we do everyday."

The Baileys purchased the company shortly after Bill returned home from the military and began seeking a vocation. They purchased the company and all 46 customers from Katie Perkins in 1945 and began what would grow into a family legacy.

Over the years they nurtured the business and in 1976 earned the distinction of becoming the first telephone company in the world to be completely digital. Today, Decatur Telephone boasts more than 2,500 customers in the central part of Newton County.

Bill, 84, and Louise, 83, still take an active part in the business, but in recent years have begun to cut back. No longer is all day spent at the helm of the business as they prepare to pass the reins to other family members to carry on the legacy of the business.

Although their son, Mark has gone on to a career in medicine after spending summers at the company as he grew up, their daughter and company Vice President Esther Smith is preparing to take control when time comes for her parents to fully retire. Smith said taking up the family business seemed the natural thing for her to do having spent most of her life inside the offices of the company.

"I have grown up here," she said. "I remember when I would walk 'home' this is where I came. While momma and daddy worked I went into the storeroom and played. I even one time tried to memorize the entire phone book because I thought that was what I had to do.

"Daddy was always so good to look into future. He was a real visionary business person. In the world, technology changes so fast and he was making advances for the company at a critical time. I just hope I can continue on the path daddy started."

The Bailey's said an all-day open house is set for Dec. 5 at the Decatur Telephone Company for customers and friends to join with them in celebrating their anniversary with finger foods and refreshments available.

Mr. Speaker, this month marks 60 years of Bailey Family telephone service to Decatur, Mississippi and hope they will continue for many more decades to come. They make it possible for my constituents to call here to Washington, DC and participate in the great American experiment, the democratic debate of our Congress. They are able to call around the world and down the street. It may be technology that makes it possible, but it could not be done without the hard work of folks like Bill and Louise Bailey and their family.

COMMENDATION FOR ROGER EASTON, NATIONAL MEDAL OF TECHNOLOGY RECIPIENT

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. BASS. Mr. Speaker, it is my privilege to congratulate New Hampshire resident Roger Easton for receiving the National Medal of Technology, America's highest honor for technological achievement.

More importantly, I would like to commend Mr. Easton for four decades of distinguished service to the field of navigation technology and to our Nation. His numerous inventions, from the Minitrack satellite tracking system to the "Navigation System Using Satellites and Passive Ranging Techniques," provided the foundation for the development of the Global Positioning System (GPS) in widespread use today. This crucial technology initially advanced the capacity and effectiveness of U.S. satellites, in addition to providing a measure of increased security in the Cold War era by enabling our military to track unknown objects orbiting the Earth. Mr. Easton's ground-breaking inventions have subsequently inspired the use of GPS technology in the civilian sector, including the system's adaptation for usage in commercial airplanes and personal automobiles.

His contributions as a public servant are equally noteworthy, having served two terms as a colleague of mine in the New Hampshire State Legislature and three terms on the Board of the New Hampshire Electric Cooperative. The National Medal of Technology could not have been bestowed on a more deserving individual, and it is an honor to offer this outstanding contributor to America's economic, environmental, and social well-being my heartfelt congratulations.

STATEMENT ON RELEASE OF RESPONSE BY AMERICA'S SECOND HARVEST TO HURRICANES KATRINA AND RITA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. McGOVERN. Mr. Speaker, the destruction caused by Hurricanes Katrina and Rita was devastating. More than one thousand people died and thousands of Gulf Coast residents lost their homes in these storms. As we now know, the Federal Government's reaction and response was woefully inadequate. We've seen how FEMA was ill-equipped to handle the catastrophes caused by these massive storms. We know that the then-Administrator of FEMA, Michael Brown, was the wrong choice to head such an important agency and we know that the lives of these Gulf State residents will never be the same because, in part, of the botched Federal response.

The responses to these hurricanes weren't all bad. The residents of the gulf coast were fortunate that there are non-profit organizations that were able to step in and provide the basic services and care to the victims of these storms.

One such group, America's Second Harvest, was a beacon of hope during and after the storm, providing food and water to the victims. America's Second Harvest is the nation's largest hunger-relief charity, and their truckloads of food and water helped support food banks and food-rescue organization in the gulf coast and other impacted areas.

Yesterday, December 15th, America's Second Harvest released a report documenting the impact of emergency food distribution in the wake of these devastating storms. Specifically, this report details the depth and breadth of the impact of the Gulf region hurricane disasters on the charitable food distribution system and the clients it serves. This report shows that demand for emergency food assistance in the Gulf Coast tripled following Hurricane Katrina. Just as startling is the finding that the demand for emergency food assistance continues to be more than fifty percent higher than it was before Hurricanes Katrina and Rita. The study also confirms what we know—that low income families and African Americans were disproportionately impacted by the hurricane disasters.

I'm a co-chair of the House Hunger Caucus, a group I helped form to focus on and educate Members of Congress about the issue of hunger. Two days ago, the Caucus hosted a briefing on the food distribution response—Federal Government and private groups—to the hurricanes. What we learned is that we need to tighten up the system. We need to cut red tape so that food and water is on the ground, ready to go into impacted areas right away. We need to educate people in disaster-prone areas so they have adequate supplies of food, water and other necessities.

And we need to make sure that the Federal Government and private groups have clear lines of communication and that there are real plans in place so that the relief and recovery can begin immediately after a disaster. There will be disasters. According to experts, the Gulf Coast is only a mild tropical storm away from being devastated once again. We must take the lessons learned from Katrina and Rita, apply to them now, and get ready for the next natural disaster that will strike.

This report, and the expertise of America's Second Harvest, is a good first step and I'd like to commend Bob Forney and his staff at America's Second Harvest for their work on it and for their dedication to combating and ending hunger in America. As we look into the successes and failures in the days leading up to and the days, weeks and months following Hurricanes Katrina and Rita, this report should play a critical role in the education of the American people, as well as the U.S. Congress, as to how America's emergency food networks responded to these natural disasters. Copies of the report can be found on America's Second Harvest website (www.secondharvest.org).

HONORING FLORIDA STATE SENATOR PAULA DOCKERY

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PUTNAM. Mr. Speaker, I rise today to honor a fellow public servant and dear friend, whose dedication and hard work has earned the admiration of not only the people of Florida, but public officials nationally as well. This is why I am proud to congratulate Florida State Senator Paula Dockery for her well-earned selection as Governing Magazine's 2005 "Public Official of the Year."

Senator Dockery was one of only eight public officials from across the country, and the only Florida official, to be so honored. She was recognized by Governing Magazine "in honor of her success in bringing diverse groups together to craft a sound and far-reaching water policy for the State of Florida." The magazine also stated "Since being elected to the House in 1996 and subsequently to the Senate, Dockery has demonstrated the ability to build consensus among groups with a history of contention." Senator Dockery has also recently been awarded "Legislator of the Year" by the American Water Works Association for her "outstanding leadership and dedication in developing water supply legislation for the people of Florida." Additionally, the Florida Ocean Alliance presented the Senator with an award of appreciation for sponsoring legislation that established the Florida Ocean and Coastal Resource Council noting her "leadership in sponsoring legislation to further conservation and management of ocean and coastal resources."

Yet, this is only a small portion of Senator Dockery's long history of bringing together disparate interests to craft sound environmental policy. As a defender of private property rights and protecting Florida's environmental resources, she constantly recognizes the importance of sound conservation principles in a rapidly growing State.

I had the opportunity to serve with Senator Dockery in the Florida State House of Representatives for 4 years, and it is her dedication to the common good, passion for legislating, and ability to inspire her colleagues, that has led the way to her success. In 1999, Senator Dockery authored the Florida Forever initiative, providing $300 million a year to purchase land for preservation. Business interests and environmentalists both praised the program. In addition, she followed this initiative with the goal of developing a water plan for Florida. Spending much of 2003 and 2004 developing legislation to conserve water for Florida's future, Senator Dockery successfully led the passage of SB 444 in 2005, creating comprehensive water legislation that provides $300 million to help local governments develop water supply through alternative resources.

The constituents of Senate District 15 and the State as a whole are extremely blessed to have her leadership serving them in Tallahassee. As the Senator continues to proudly serve the good people of Florida, I look forward to many more accomplishments as she continues to lead and guide the future of our great State.

IN RECOGNITION OF COMPANY ALPHA, 2ND BATTALION, 112TH ARMOR OF DENTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor a dedicated group of soldiers from Denton, Texas, who have devoted their lives to saving our country and bringing freedom to the people of Iraq—the soldiers of Company Alpha, 2nd Battalion, 112th Armor of Denton.

Denton's Company A is part of the 3,000 members of the 56th Brigade Combat Team of the Texas National Guard's 36th Infantry Division, which recently turned over its command to the Georgia Army National Guard's 48th Brigade Combat Team in Macon, Georgia.

Deployed in August of 2004, the soldiers from Denton trained at Fort Hood, Texas, through December of last year before embarking to Iraq. While in Iraq, they were stationed at Al Taqaddum, or "TQ" Airbase between Fallujah and Ramadi, Iraq.

During the year-long deployment in Operation Iraqi Freedom, the 56th Brigade took part in combat missions, humanitarian relief, convoy security and the recovery and destruction of munitions. They were engaged in more than 7,000 combat patrols, escorted convoys over 1.3 million miles and protected more than 150,000 civilian trucks. Most of the operations took place at night, and patrols lasted 12 to 14 hours. The soldiers encountered more than 330 improvised explosive devices while traveling on Iraqi roads, and the patrols were involved in more than 250 small-arms engagements.

These brave soldiers from Denton include: CPT Mark Christopher Grahmann, 1st LT Chester Lee Harbert, 1st SG Charles George Piatt, SFC Kevin Jay Brown, SSG Lonnie Ray Fuller, SGT Ryan Colby Erwin, SSG Michael Samson Bowen, SGT Andrew Culloden Bell, Chris William Coufal, SGT Ashley Brant Acevedo, SGT Shane Benjamin Walter, SPC John Christopher Britton, SPC Scott Alan Dolat, SSG Mark Steven Sims.

A SPECIAL TRIBUTE TO DENNY SCHAFFER IN RECOGNITION OF HIS CONTRIBUTIONS TO NORTHWEST OHIO

HON. PAUL. E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. GILLMOR. Mr. Speaker, today I pay tribute to a good friend of Northwest Ohio. In October of this year, the great city of Atlanta, Georgia received a gift of one of Ohio's adopted sons. After 25 years in radio, including more than a dozen years in Toledo, Denny Schaffer has become one of the newest Georgia Peaches.

A native of Flint, Michigan, Denny Schaffer dominated the Toledo radio market since his debut in 1993. After hosting the "Breakfast Club" on 92.5 KISS–FM for 10 years, Denny moved to 1370 AM WSPD's afternoon talk show. His biting commentary and political knowledge made Denny Schaffer one of the most listened to radio personalities in Toledo.

I had the privilege of appearing on Denny Schaffer's radio show on numerous occasions. Every time I was interviewed by Denny, I found him to be fair and knowledgeable of the political climate both in Northwest Ohio and in Washington. I know that Denny's quick wit and sharp mind will entertain the people of Atlanta and keep Georgia's politicians on their toes.

A frequent Fill-In Host for the nationally syndicated Glenn Beck Show, Denny's reputation in radio precedes him to Atlanta. Denny's devotion to God, his Family and his Country will serve the Atlanta listeners of WGST Radio well. For more than a decade, Denny has hosted charity events and encouraged his loyal fans to give freely to those in need. However, Denny's devotion as a loving husband and father is the best gift he can give. I am certain that Denny's legacy as a giving and big-hearted person will follow him to Atlanta.

I joined the thousands of saddened Northwest Ohioans this past August in learning that Denny Schaffer would no longer grace our airwaves. But we consider Denny our gift to the citizens of Georgia and know that they will be well served, and certainly entertained, by his commentary, his humor, and his ability to avoid FCC rebuke.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to an adopted Ohioan, Denny Schaffer. On behalf of the people of the Fifth District of Ohio, I am honored to recognize Denny's efforts to better our community. His impact on Northwest Ohio will remain in our minds long beyond his departure and we wish Denny, his wife Sharon, and their children Olivia and Joshua all our best in the future.

TRIBUTE TO ALL-AMERICAN HEROES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. BURGESS. Mr. Speaker, it is my honor to represent these All-American heroes. Their dedication to democracy and their strength of character are to be admired and emulated:

SPC Michael Wayne Bennett, SSG Roy Edgar Bowers, SGT Shawn Michael Porter, SGT Carlos Antonio Garcia, SPC Terry Davinci Mitchell, SGT Eric Arthur Stevens, SGT Jason Eiron Sternberg, SGT Jerome Joseph Koehler, SPC Jacob Sterling May, SGT Warren Keith Moore, SPC David Frank Denbek, SPC Johnathan Lee Hicks, 1LT Brian Marsh Gallavan, 1LT Matthew Vance Isch, 1LT Richard Joseph Sabe, SFC David Edwin Hewett, SFC Hudson Martin Roberts, SSG James Alson Fountain.

SFC David Wayne Harris, SSG Jose Manuel Orozco, SSG Douglas Ray Taylor, SFC Robert Lloyd Thomas, SFC Mark White, SGT Jose Arias, SGT Robert James Bush Jr., SGT Anthony Ellis, SGT Paul Douglas Ford, SGT Christopher Joe Henry, SGT Jason Lee Martin, SGT Archie Lamont Price, SGT Edward E. Roelofs, SFT Kristopher Erik Townsend, SGT Curtis Lloyd VanHusss, SPC Joseph Ray Calhoun, SPC Joseph Andrew Carten, SPC Robert Junior Downs.

SGT Gregory Wayne Horn, Jr., SGT Nathan Andrew Lemmon, SGT Wayne Douglas Melton, II, SPC Victor Cazares Mozqueda, Jr, SPC Daniel Patrick Rico, PFC Eric Alejandro Stanley, SPC Seth Thomas Tackett, SGT David Thomas Tolan, SPC Phillip James Easterling, SPC Ariel Daniel Garcia, SPC Matthew Alan Germain, SPC Nagaris Traion Johnson, SPC Raymond Gene Leger, SPC Keith Ryan McGriff, SPC Ernest Ronald McMichael, SGT Thomas Nelson Miner, SPC Joshua Roland C. Pierce, SGT Jeffrey Paul Rico, PFC Joshus Lee Walterscheid, SPC Robert Christopher Willis.

A TRIBUTE TO ANITA DEBREST

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. BRADY of Pennsylvania, Mr. Speaker, I rise today to honor Ms. Anita DeBrest as she reaches her 25th year as president of the COLT Coalition, a Philadelphia organization that she herself founded. Due to her tireless work, the COLT Coalition has built an impressive record in the past 25 years: it has developed many townhouses, including the first modular townhouse in Philadelphia, it has developed the St. Joseph's Apartment Building, and it has acquired many housing units to be used for low-income rental.

Ms. DeBrest's accomplishments are in no way limited to her time at the COLT Coalition. While this marks her 25th year as president of the COLT Coalition, it is also her 50th year of service to the Philadelphia community. Her list of achievements is a long and diverse one: first, in 1955, she created a school to teach girls etiquette and job skills, next moving on to become President of the Benjamin Franklin High School PTA, and later to become President of Tioga Homeowners Association and the Tioga Nicetown CDC. She has been a member of the vestry of St. Simon's Church, and has taken on the role of Board Member in organizations ranging from the Nicetown Boys and Girls Club, to the Citizens of Tioga Nicetown, to both the Temple University Hospital and Jeans Hospital.

Today, Mr. Speaker, I extend my warmest congratulations to Anita DeBrest upon her 25th anniversary as president of the COLT Coalition; I also wish to express my deep gratitude for her many years of dedicated service to the community. I ask that you and my other distinguished colleagues rise to recognize Ms. DeBrest for her many accomplishments.

THE DIGITAL TRANSITION CONTENT SECURITY ACT OF 2005

HON. F. JAMES SENSENBRENNER, Jr.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing the Digital Transition Content Security Act of 2005. This legislation is designed to close the "analog hole" that has arisen as a result of the transition to digital transmission technologies. The term "analog hole" refers to the use of devices to convert analog content into digital versions which can easily be uploaded onto the Internet. Although many of those who convert analog content into digital form are not engaging in any illegal conduct, there are unfortunately criminals who take advantage of existing deficiencies in current law and technology to obtain copyrighted content in order to redistribute this content for profit at the copyright owner's expense.

There is no doubt that piracy of intellectual property can be a profitable criminal activity. Just this week, a software pirate pled guilty in Alexandria, VA, to making $20 million in sales of counterfeit intellectual property. The House Judiciary Committee has extensively examined efforts to strengthen and update intellectual property laws to address intellectual property theft made possible by new technologies. This legislation is no different.

The "analog hole" is unfortunately a potential source of pirated content that becomes an attractive target for pirates as high quality sources of content are made available to the public in high definition format. Congress is already considering another technology, the "broadcast flag," to address the redistribution of high definition content. The analog hole is its counterpart.

Congress has previously mandated the use of technology to limit and frustrate redistribution of video content. Enacted at 17 U.S.C. 1201(k) as part of the Digital Millennium Copyright Act, Congress required the use and detection of Macrovision technology in several analog devices. This new legislation builds upon this existing law by mandating the detection and response to two separate technologies that work together to defeat pirates. The two technologies are the Content Generation Management System—Analog, CGMS–A, and Video Encoded Invisible Light, VEIL.

The timing for this legislation is readily apparent. New technologies have made the widespread redistribution of copyrighted content significantly easier. Some have referred to the Internet as the world's greatest copying machine. While the Internet has without question been a huge benefit to society on a number of levels, some have used the Internet for criminal gain, notably the redistribution of copyrighted content without the copyright owner's permission. Enactment of the Digital Transition Content Security Act of 2005 will help ensure that the rights of copyright owners are respected.

The legislation would require that devices that convert analog content pass through the CGMS–A and VEIL content protection signals contained in the original version. To ensure that the technology used does not become outdated, the Patent and Trademark Office is authorized to conduct ongoing rulemakings to update the technology.

The Judiciary Committee's Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on a discussion draft of this legislation last month. Witnesses from the Motion Picture Association of America, the Recording Industry Association of America, the Consumer Electronics Association, and Public Knowledge testified. Their testimony covered piracy issues generally as well as more specific issues regarding the legislation.

The bill I am introducing today makes several changes to the original discussion draft. Various provisions of the bill have been rewritten to ensure that the intent of the bill is clear. The references to several tables in the original draft have been clarified so that the Patent and Trademark Office develops these tables after an open, public rulemaking. The original draft had assumed that these tables would have been developed by the industry groups in time for the introduction of this legislation. This has not yet happened.

Finally, I urge all interested parties to continue to negotiate to see if a private sector solution can be fully developed to address the "analog hole." This issue is simply too important for parties to avoid negotiations. I look forward to working on this and other legislation to protect intellectual property in the second session of the 109th Congress.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. HYDE. Mr. Speaker, on December 14, 15, and 16, 2005, I was absent for several votes for personal reasons. Had I been present, I would have voted:

Vote No., description, vote: 626, motion to recommit, "no"; 627, adoption of PATRIOT Act conference report, "yes"; 628, adoption of Labor/HHS Approps conference report, "yes"; 629, motion to close portions of the Defense Approps conference, "yes"; 630, motion to instruct conferees, "yes"; 631, establishing the Task Force on Ocean Policy, "no"; 632, Trafficking Victims Protection Reauthorization Act, "yes"; 633, on agreeing to the resolution, "yes"; 634, motion to recommit Pension Protection Act, "no"; 635, passage Pension Protection Act, "yes"; 636, on agreeing to the resolution, "yes"; 637, symbols and traditions of Christmas, "yes"; 638, observance of an American Jewish History Month, "yes"; 639, Jackson-Lee amendment, "no"; 640, Hunter amendment, "yes"; 641, Russian Federation and nongovernmental organizations, "yes"; 642, close portions of the Defense Authorization Conference, "yes"; 643, motion to instruct conferees, "no"; 644, previous question, "yes"; 645, on agreeing to the resolution, H. Res. 619, "yes"; 646, on agreeing to the resolution, H. Res. 621, "yes"; 647, on agreeing to H. Con. Res. 294 as amended, "yes".

HONORING NATELEE BRINLEE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize an extraordinary young woman whose bravery and quick thinking saved her family from a devastating fire. Eight-year-old Natelee Brinlee is a hero in every sense of the word.

Natelee had been through the Irving Fire Department's Safety House where she learned how to implement life-saving measures during a fire emergency. When a fire started in her home, Natelee knew to call 911, and alertly woke up her uncle and brother. This heroism saved Natelee, her uncle and two brothers.

Natelee Brinlee showed maturity and bravery well beyond her 8 years. The recognition she is receiving is imminently well-deserved, and I know this is merely the first step of many bright years ahead.

IN RECOGNITION OF THE GLENDALE CITY SEVENTH-DAY ADVENTIST CHURCH'S 100TH ANNIVERSARY CELEBRATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate the Glendale City Seventh-Day Adventist Church on 100 years of outstanding service to the community.

On January 27, 1906, Conference President George W. Reaser and 29 individuals gathered in the parlor of the Glendale Sanitarium—formerly the grand old Glendale Hotel—to hold Glendale's first official Seventh-Day Adventist worship service. One year later, the Glendale Church School—now Glendale Adventist Academy—opened with 15 students. In 1911, a church building was purchased at what is now the corner of Wilson and Isabel streets. Membership grew rapidly and in 1919, the burgeoning congregation moved the church to land purchased at the corner of California and Isabel streets. For 11 years, this new building served its members well. Tragically in 1930, a fire broke out in the new church as a result of a boiler malfunction. Members quickly took on the task of raising funds to rebuild on the site. Two years later on April 16, 1932, the current Spanish style sanctuary was dedicated. The topic of Pastor Reaser's sermon in 1906 is now forgotten, but it is evident that the spark he ignited that day still shines at Glendale City Seventh-Day Adventist Church.

Glendale City Seventh-Day Adventist Church has had 26 pastors over its 100-year history. They have all been dedicated to outreach and service. The church prides itself on its deep commitment and passion to its surrounding community. The first contribution to the Glendale community was the Glendale Adventist Hospital. Shortly thereafter a private school was established and open to all. Additionally, the church offers free classes in topics such as health, cooking, and meditation. Locally, the church supports community efforts put forth by Glendale Adventist Medical Center, the AIDS Service Center in Pasadena, Project Achieve in Glendale, and the CINCO Job Development Center in Los Angeles just to name a few.

I ask all Members of Congress to join me today in congratulating the Glendale City Seventh-Day Adventist Church for 100 years of outstanding service to the city of Glendale and surrounding communities.

REMARKS ON THE POLITICAL SITUATION IN ETHIOPIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. TOWNS. Mr. Speaker, I rise today to address reports that one of America's key allies in the global war on terror, the Federal Republic of Ethiopia, is experiencing nascent strains of instability that will not only affect that country's capacity to continue its partnership with us in combating terrorism, but may have profound consequences for economic growth and the protection of civil liberties and political rights.

In 1991, the people of Ethiopia overthrew a brutal Marxist dictatorship that had terrorized the country for more than 15 years. That regime had used starvation as a tool to subjugate Ethiopia's people, impoverishing the very workers it claimed to represent, while enriching a totalitarian elite at the expense of the country's children.

The democratic revolution that deposed the dictatorship also resulted in independence for Ethiopia's neighbor, Eritrea. That event has led to its own problems, including a border dispute between the two countries that share a common history and many cultural values, but that is an issue to address on another day.

Today I wish to express my concern for the situation that has manifested itself in the past several months, since Ethiopia held elections for its Parliament, elections that resulted in an increase in the number of opposition legislators from 12 to 174. This remarkable advance in democracy occurred despite the fact that several opposition parties chose to sit out the election in protest.

Immediately after the election, a delegation led by former President Jimmy Carter reported:

> The May 2005 elections, the third to be held under the current constitution, showed great promise in the deepening of Ethiopian democracy. For the first time in history the majority of Ethiopian voters were presented with choices when they went to the polls. We believe that Ethiopia has made tremendous strides toward democracy in the last several months, including more open debate, greater political participation, large rallies, and enormously high voter turnout on election day.

The results were not accepted by everyone with equanimity, however. Following the parliamentary elections, in which some 90 percent of registered voters went to the polls to cast their ballots (a figure that should be taken as instructive even for mature democracies such as our own), some opposition groups organized protest demonstrations in the capital city of Addis Ababa.

In an unfortunate series of events, Ethiopian police and security forces shot at the crowd, killing about 40 of the demonstrators. Then, in October, another demonstration took place, in which some of the protesters came armed with clubs and grenades, resulting in the death of six police officers and another 335 officers injured. Forty-six protesters were also killed.

In mass arrests that took place following these demonstrations, more than 11,000 people were detained on a range of criminal charges, from misdemeanor public disturbance to plotting to overthrow the government. Of these, 2,000 remain in jail, awaiting trials that are scheduled to being within the next few weeks. The Ethiopian government has assured us that all the detainees have access to legal counsel and contact with their families, and that due process of law will be followed in each and every case that comes before the courts.

Ethiopia's Prime Minister, Meles Zenawi, established an independent commission to investigate the events and to bring recommendations for improving ways in which the police handle large crowds and demonstrations. He has stated publicly that he regrets the deaths, adding "I don't want to justify it when policemen get in a panic, but I can understand it when there are people throwing hand grenades and using guns."

These actions and assurances are very important, but the underlying situation remains disturbing. I would like to commend to my colleagues the recent remarks of Dr. Jendayi Frazer, who serves as assistant secretary of State for African Affairs. At a press briefing on December 5, Assistant Secretary Frazer was asked about the situation in Ethiopia, and she replied, in part, by saying:

> We have condemned what's going on in Addis Ababa. We have done it here in Washington and our Ambassador, who is the Chargé, has done it in Addis Ababa. Basically, we've condemned the police shooting of demonstrators. We've condemned the broad-based arrests of demonstrators. So certainly we've been on—we are on the record as putting pressure on Prime Minister Meles to allow for greater freedom of assembly and certainly freedom of expression.
>
> We have—my Deputy Assistant Secretary Don Yamamoto just returned from Ethiopia, in which he carried the same message to Prime Minister Meles and to the Foreign Minister. So we're continuing to hold the government accountable for allowing greater democratic space and respect for human rights.
>
> That said, I must say also that it's the responsibility of the opposition as well because when the opposition takes stones and pelts the police forces, they have to respect the rule of law when they're demonstrating freely. And so I think that the responsibility—this is true of Ethiopia but it's true across Africa—there's responsibility that has to be there for both the opposition and for the government. Whereas we hold the governments even more accountable because they are supposed to be the upholders of the rule of law, we still must say when the opposition goes out of bounds as such.
>
> And this is a very diverse opposition in Ethiopia. There are some who are demonstrating to sit in parliament, to create greater democratic space. There's others who are demonstrating to overthrow the government. And that's true that there are different—there are some who want to reclaim Eritrea.
>
> So this opposition—there's democrats within the opposition and there are non-democrats within the opposition. I would say the same thing for the government. But still we hold the government more accountable for not allowing free demonstrations. We've called on the government to free the many who are jailed and we've called on them to free the leaders of the opposition who are in jail right now, who are detained. . . .
>
> As I said, we've already pressured the Government of Ethiopia to release the detainees. We've been very, very clear. We've asked them to conduct free and transparent judicial processes for those who are not released and to allow international observers to be present at the trials. So we've been very clear and unequivocal in our message.
>
> I met with Prime Minister Meles at the UN General Assembly with Under Secretary Nick Burns and we were very, very clear with Prime Minister Meles at that time. You know, that was prior to these demonstrations, but even at that time we were saying you have to respect the right of people, citizens of Ethiopia, to demonstrate freely and to express themselves freely, that there shouldn't be these wide-scale arrests.
>
> And so we're going to continue. We have conversations constantly with members of the opposition. At the Africa Bureau at State Department we meet with them, we talk with them. We're meeting with them and talking with them and their families in Ethiopia. And so I think that we're very engaged. You know, we're continuing to put pressure. But I say this and I say this broadly and I'm not saying it about Ethiopia. I'm actually making a point about the progress of democracy in Africa. And the opposition also has to be responsible.
>
> You know, and I'm saying this about—you know, across the continent. If you get—and this is—you know, the opposition in Ethiopia is a broad-based opposition. It's a coalition opposition. So I'm not speaking about any particular or in general. But I am saying that one of the elements of democratic progress that we need to see in Africa is real democrats in the opposition. You know, opposition leaders who want to be part of government; they want to as democrats. You know, it's not personal. It's not sort of overthrowing governments. It's not—and I'm not—again, I want to be very clear. I'm not talking about Ethiopia here. I'm talking about oppositions in general.
>
> As important as I see it in terms of the progress of democracy, we have to put a lot of emphasis on these independent national electoral commissions because they conduct the elections and they often count the votes. And so if we get these institutions to be credible, it will give greater confidence to civil society that they've had a free and fair election. So we need to strengthen these institutions. That's a key component of democratization. We need to hold accountable the governments that are not allowing a level playing field. We have to put more pressure on them to allow that level playing field.
>
> And we also have to get the opposition to act responsibly. You know, many of them, as soon as they're about to lose, they then decide it was unfair or they decide to boycott because they know they're going to lose, you know. And so I think that there's all elements of society that are responsible for the progress of democracy.
>
> Certainly in Ethiopia, we hold the government accountable. We've protested the arrests. We've protested the political violence with the Ethiopian Government and we are going to continue to do so. We're putting tremendous pressure on Prime Minister Meles.
>
> (Source: State Department Washington File, December 7, 2005, "State's Frazer Heralds Spread of Democracy in Africa.")

Mr. Speaker, Assistant Secretary Frazer's remarks suggest a fair, balanced, and judicious approach to a sensitive and dynamic situation in Ethiopia. I urge my colleagues to monitor Ethiopia's emerging democracy in order to keep the pressure on both government and opposition there to respect the rule of law and protect civil liberties. This is important to U.S. interests because, to paraphrase the testimony of Ambassador Donald Yamamoto, stability in the Horn of Africa is a priority for the U.S. Government in the global war on terrorism.

INTRODUCTORY STATEMENT TO ACCOMPANY THE NATIONAL SECURITY LETTER AND CONGRESSIONAL OVERSIGHT ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. HARMAN. Mr. Speaker, two days ago, the House passed the conference report to H.R. 3199 reauthorizing certain expiring provisions of the USA PATRIOT Act.

The final bill failed to include adequate safeguards on national security letters, NSLs, which are requests for personal data and records issued directly by Government agencies without the approval of a judge.

NSLs have existed since the 1970s, but their use—primarily by the FBI—greatly expanded after 9/11. Using NSL authorities, the Government has collected and maintained data on thousands of Americans.

NSLs are important investigative tools, but their use has grown rapidly—and without adequate oversight.

NSLs may be issued by the FBI without asking a judge for a warrant. In this way, they differ from orders under the Foreign Intelligence Surveillance Act, FISA, for business records under section 215 of the PATRIOT Act, the so-called library provision. Section 215 orders must be approved by a Federal judge.

NSLs have been characterized as "back doors" for obtaining library and other records that may not be available under FISA. If 215 orders can be called "fishing licenses," then NSLs allow fishing without a license.

Defenders of NSLs liken them to grand jury subpoenas. However, they are different in important respects. First, grand jury subpoenas may only be issued by a U.S. Attorney as officer of the court. NSLs may be issued by an FBI agent in the field without any review by a jury or court. Second, grand jury subpoenas may only be issued after suspicion that a Federal crime has occurred; for NSLs, the standard is much lower—requiring only that the information sought is "relevant" to a national security investigation.

Congressional oversight of NSLs is almost nonexistent. Congress receives a classified one-page summary listing aggregate numbers of NSLs at least 6 months after they are issued. These reports are essentially meaningless and are the only oversight Congress at present exercises.

Clearly, there is a need to reform NSL standards and processes. This bill addresses this need by incorporating checks and balances on the front-end and back-end of the process.

On the front-end, the bill: Restores the pre-Patriot Act standard for issuing NSLs: the government must show a specific connection to a terrorist or foreign power before an NSL could be issued; requires approval of each NSL by a FISA Court or designated federal magistrate judge; requires the FISA Court to set up an electronic system for filing NSL applications, so that requests are expedited and investigations will not be slowed down.

On the back-end, the legislation: Provides a Sense of Congress that, in cases where an NSL recipient challenges the "gag"/non-disclosure requirement, the government's certification that harm to national security will occur shall be treated as a "rebuttable" presumption, not as "conclusive" evidence that harm would occur; requires minimization procedures to ensure destruction of information obtained through NSL requests that is no longer needed; and requires detailed semi-annual reports to the Congressional Intelligence and Judiciary Committees on all NSLs issued, minimization procedures, court challenges, and how NSLs aided investigations and prosecutions.

We must arm our investigators with the tools to catch terrorists, spies and others who threaten our national security. But, we must do so in a manner that protects the cherished liberty and privacy expectations of U.S. citizens.

This legislation will not hobble the investigative process nor hamper our pursuit of the terrorists. It will impose much-needed accountability and oversight.

TRIBUTE TO HUBERT WILKENS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Hubert Wilkens of Concordia, MO, who recently received the Safe Driver Award from OATS Public Transportation. He has distinguished himself and the Concordia community with dedicated service.

Hubert Wilkens was given the Safe Driver Award for 4 years of driving the OATS bus without an accident. Mr. Wilkens picks up senior citizens from the city of Concordia and the outlying rural area. He transports them to the grocery store, doctor, chiropractor, dentists appointments and to the Concordia Senior Center.

Mr. Speaker, Hubert Wilkens has been dedicated to making the City of Concordia a better place to live. I am certain that my colleagues will join me in wishing him and his wife Eunice all the best.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. McDERMOTT. Mr. Speaker, I was unavoidably detained earlier today and therefore missed the vote on House Resolution 534. Were I able to vote, I would have voted in support of the resolution.

RECOGNITION OF THE CENTER FOR RESEARCH ON EVALUATION, STANDARDS, AND STUDENT TESTING (CRESST)

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. McKEON. Mr. Speaker, I rise to recognize the University of California at Los Angeles' (UCLA) Center for Research on Evaluation, Standards, and Student Testing (CRESST) for their work in helping to improve education performance.

For more than 30 years, the UCLA Center for the Study of Evaluation (CSE) and, more recently, CRESST, have been on the forefront of efforts to improve the quality of education, training, and learning in America. Located within UCLA's Graduate School of Education & Information Studies, CSE/CRESST has pioneered the development of scientifically based evaluation and testing techniques, vigorously promoting the accurate use of data, test scores, and technology for improved accountability and decision making. Their work has been used in both civilian and military learning sectors. CRESST has created products used by schools serving millions of students and adopted force wide by the Armed Services. They are also an internationally recognized leader in education assessment and evaluation.

UCLA/CRESST is truly a center of excellence for educational research, development, and evaluation. I look forward to their being able to continually serve our great country and to assisting the numerous federal agencies that need effective and objective education and training research, development, and evaluation techniques.

RECOGNIZE AND CONGRATULATE CHIEF DEPUTY C. PHILLIP BYERS FOR BEING SWORN IN AS SHERIFF OF RUTHERFORD COUNTY

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. McHENRY. Mr. Speaker, Rutherford County, in the 10th district of North Carolina, will be swearing in a new Sheriff on December 30th of this year. I would like to recognize and congratulate the extremely qualified Chief Deputy C. Philip Byers on becoming Sheriff of Rutherford County.

Sheriff-elect Byers has 15 years of law enforcement experience under his belt, and has faithfully served the Rutherford County Sheriff's Office for the past 4 years as the Chief Deputy. Having degrees from Appalachian State University and Western Carolina University, he was a teacher and a business owner before deciding to serve his community as a police officer. In addition, his wife Sheila is dedicated to serving the community through the North Carolina Vocational Rehabilitation Services, a state agency that educates and trains disabled and developmentally challenged persons to obtain meaningful jobs.

Mr. Speaker, Sheriff-elect Byers has a superb record as an officer of the law, and is dedicated to making Rutherford County a safe and peaceful place in which to live. Combating the methamphetamine epidemic is a perfect example of his leadership for the county. He is an excellent choice for this position, and I congratulate him on this great honor. I thank Sheriff-elect Byers and his wife Sheila for their dedication to the community and look forward to his service as Sheriff of Rutherford County.

HONORING THE ASTUTE LEADERSHIP OF JAMES T. WILLERSON, M.D., PRESIDENT OF THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON (UTHSC–H) FOR UTHSC–H'S RESPONSE TO THE CRISIS BROUGHT ABOUT HURRICANE KATRINA

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. BRADY of Texas. Mr. Speaker, I rise today to pay tribute to Dr. James T. Willerson, President of the University of Texas Health Science Center at Houston (UTHSC–H).

On September 1, 2005, Dr. Willerson, along with UTHSC-H Executive Vice President and Chief Operating Officer Michael D. McKinney, M.D, was given the task by Houston Mayor Bill White to transform a portion of the George R. Brown Convention Center (GRB) in Houston, Texas, from a convention center to a medical triage center, adjacent to the shelter created for more than 5,000 Hurricane Katrina survivors.

The UT Health Science Center acted quickly to design, organize and prepare clinic space to serve evacuees at the George R. Brown Convention Center, which opened as an additional safe haven to Houston's Astrodome, which quickly achieved capacity within a day of opening. Over about three weeks, more than 6,000 volunteers operated the UT Clinic and managed more than 9,000 patient visits. The volunteers included UT physicians, nurses, dentists, public health professionals, students and administrative staff as well as spouses of these professionals. The clinic also included other volunteers and health professionals from Texas Medical Center institutions and individuals from across the country who answered the call to help in the aftermath of this national crisis. These volunteers worked tirelessly to ensure welcome, comfort and care for our neighbors in need. Services provided with expertise and compassion in the UT Clinic included: emergency aid, pediatric care, immunizations, obstetrics and gynecology, internal medicine, pharmacy, laboratory services, imaging and vision components, dental care and mental health services.

Several dedicated professionals from the UT Health Science Center worked to ensure that healthcare concerns at the evacuee sites were communicated with state and local officials. Scott Lillibridge, M.D., the Director of the Center for Biosecurity and Public Health Preparedness, provided critical technical assistance and general epidemiology support at numerous evacuee facilities. Faculty and staff conducted rapid health assessments daily at evacuee sites. This information allowed Dr. Ward Casscells, the John Edward Tyson Distinguished Professor of Medicine and Vice President of Biotechnology at the Health Science Center, and Dr. Lillibridge to continually inform public health officials of evacuee health status and coordinate efforts with FEMA, CDC, the Red Cross, the City of Houston, Harris County, and the Texas Commissioner of Health.

Each of the UT Health Science Center's six schools—contributed in one way or another to the Hurricane Katrina response. Dr. Willerson encouraged his deans to seek every possible avenue to help during this time of crisis. He approved of the placement of students from Tulane Medical School and allocated space for the displaced Tulane faculty for their medical education, resident training and research at the UT Medical School. The medical school is also hosting 37 residents from Tulane so additional interruptions to their education will not occur.

Dr. Willerson is an exemplary leader who through his actions in this most recent crisis was able to show compassion in the midst of quick decision-making. With the help of a superb leadership team, headed by Dr. McKinney, the staff performed to the highest standards of professionalism and compassion. With the encouragement, support and guidance of Dr. Willerson, the University of Texas Health Science Center at Houston responded in countless ways as health professionals, lay volunteers, concerned citizens and caring friends.

Mr. Speaker, Dr. Willerson and the hundreds of UTHSC-Houston professionals who answered the call to aid and assist their fellow Americans deserve the acclaim and gratitude of the Nation.

COMMENDING DR. ANNE HARLAN ON HER OUTSTANDING SERVICE TO HER COMMUNITY AND NATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. LoBIONDO. Mr. Speaker, I rise today to commend Dr. Anne Harlan on her long and distinguished service to her community and country, and congratulate her on her upcoming retirement as director of the Federal Aviation Administration's William J. Hughes Technical Center in Pomona, N.J.

During a career that has spanned more than 20 years, Dr. Harlan has been an unwavering advocate for improving the safety and security of our Nation's skies. Since 1995, she has lead the FAA's Technical Center and oversaw the research and development of new aviation safety and security technology. She has been a tremendous leader for the center, effectively managing and motivating over 1,000 outstanding employees who have given her their complete confidence. She has worked tirelessly to expand the center, while keeping the growing community cohesive and working as a team.

Before she came to the Technical Center, she served for 11 years in FAA's New England Region where she held positions in the divisions of Flight Standards, Civil Aviation Security, and Human Resources. Dr. Harlan has also dutifully served as a special assistant to two deputy administrators during her multiple Washington assignments over the years.

Dr. Harlan has been willing to share her expertise over the years as she was on the faculty at the prestigious Harvard University Graduate School of Business where she taught in the MBA and doctoral programs. Those students who were fortunate enough to learn from her are certainly better off today having her insight and experiences passed down to them.

Throughout her distinguished career in public service, Dr. Harlan devoted herself to safeguarding the country, while preparing us for our future's challenges. I would like to personally congratulate and thank her on behalf of the flying public and all Americans. I hope she enjoys every bit of her retirement, she certainly deserves it.

A TRIBUTE TO SAN BERNARDINO NATIONAL FOREST SUPERVISOR GENE ZIMMERMAN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. LEWIS of California. Mr. Speaker, I rise today to pay tribute to a dedicated public servant who has spent 42 years helping preserve our forests and wildlands for future Americans, want to particularly commend Gene Zimmerman for the past 15 years he has spent as supervisor of the San Bernardino National Forest.

Even as a boy growing up in eastern Oregon, Gene heard the call of the great outdoors. He spent his time camping, fishing and hiking in the Umatilla National Forest, and worked for a timber company in the summer. While attending Oregon State University, he spent his summers working for the U.S Forest Service, and began his full-time career there when he graduated in 1964.

Supervisor Zimmerman worked as a ranger in a number of forests in Oregon, and began honing his skills in volunteer organization and partnership building while working as district ranger in the Columbia Gorge District. He continued to develop an expertise in this area when he came to the National Headquarters in Washington, DC, to oversee legislation on recreation issues.

The experience Gene Zimmerman gained on how to help people enjoy National Forests without damaging them paid off when he was appointed supervisor of the San Bernardino National Forest. I have proudly represented this area throughout my years in Congress, and I can safely say that there is no more heavily used and urbanized forest in the United States.

Imagine a forest nearly surrounded by the largest urban area in the Nation—the cities of Southern California—and sharing a mountain territory with tens of thousands of homes whose values range into the millions of dollars. The main ski resort area of southern California is within the San Bernardino National Forest, and millions of people go there for recreation each year. For millions of children in southern California, this is the only place to go to play in the snow or hear the wind whispering through the pines.

The supervisor of this forest spends as much time dealing with urban issues as many mayors. He must deal with water quality, roads, development and emergency services as often as he deals with tree health and animal habitat protection. Gene Zimmerman has become the most familiar face in the San Bernardino Mountains in this role over the past 15 years.

It has been my pleasure to work with Gene on developing services for visitors—the Big Bear Discovery Center is one of the most heavily used visitor centers in any forest in the Nation. The San Bernardino National Forest Association, which Gene organized to help raise funds for visitor services, has become a unifying force throughout the mountain communities.

The need to forge a unified approach between the forest and the surrounding communities became deadly serious in recent years, when drought and an infestation of pine bark beetles left millions of trees dead and just waiting for a spark to become a terrible disaster. Gene rose to this challenge, as well, organizing the Mountain Area Safety Task Force. These Federal, State and local officials developed a plan to evacuate nearly 50,000 people, and when the inferno of the Old Fire struck in 2003, not a single life was lost to the fire even though nearly 1,000 homes burned.

My work with Gene has continued in the past 3 years as we have sought ways to reduce the fire danger and restore the forest. It is my hope that this can be accomplished with the help of the recovery plan Gene has set in place. He will now hand off the implementation of that plan, as he has decided to retire at the beginning of 2006.

Mr. Speaker, I believe that the mountain residents in my district owe a debt of gratitude for the dedication shown by Supervisor Gene Zimmerman. I would ask you and my colleagues to join me in thanking Gene for his four decades of public service and in wishing the best to Gene and his wife Anne in all of their future endeavors.

IN RECOGNITION OF GERALD AND JULIA GEIER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. ROGERS of Alabama. Mr. Speaker I rise today to pay special recognition to Gerald and Julia Geier, who will be celebrating their 50th wedding anniversary tomorrow, December 17, 2005. In fact, they intend to renew their vows at a celebration being held at Saks Baptist Church in my hometown of Anniston, AL.

I attend church with this fine couple. It is wonderful to see two people who still care so much about each other after all these years. Their commitment is an inspiration to everyone who knows them.

I salute Gerald and Julia Geier on their 50th anniversary and join their family in honoring them on this special occasion.

RECOGNITION OF LORETTA E. REARDON'S SERVICE TO FORT MONMOUTH ARMY GARRISON

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PALLONE. Mr. Speaker, I proudly rise today to pay tribute and express my deeply felt gratitude to the service of Loretta E. Reardon, who serves as the staff advisor and special projects officer/coordinator for the Deputy to the Commanding General at Fort Monmouth Army Garrison in Eatontown, NJ.

Ms. Reardon has proudly served our government for nearly twenty-seven years. Throughout her career she has shown a total dedication to her mission. Ms. Reardon has been a mentor to employees and has always been an energetic team player.

She has selflessly served Fort Monmouth as liaison to industry organizations on issues involving the command as well as Congressional offices on all federal matters.

She has always quickly responded to special inquiries generated by my staff, and my colleagues in the New Jersey Congressional Delegation, and myself on a myriad of issues pertaining to Fort Monmouth such as Appropriation and BRAC issues.

She was the eyes and ears for the command through multiple rounds of Base Realignment and Closures. She has been a steady and guiding force keeping Victor J. Ferlise, the Deputy to the Commanding General U.S. Army Communications—Electronics Command, on the right track for a number of years.

In closing, her retirement marks a new chapter in her life. It also represents the loss of a member of the Fort Monmouth family. It will be impossible to replace her work ethic, her exceptional standards, her unparalleled skill, and her ability to make everyone she touched feel special.

I want to thank Loretta E. Reardon for all she has done for Fort Monmouth, for the State of New Jersey, and for our country.

I ask my colleagues to recognize the tremendous contribution that Loretta E. Reardon has made throughout her impressive twenty-seven year career.

INTRODUCTION OF H.R. 4560, THE "CLEAN WATER TRUST ACT OF 2005"

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. DUNCAN. Mr. Speaker, I have introduced the "Clean Water Trust Fund Act of 2005."

We are all well aware that our national water infrastructure is aging, deteriorating, and in need of repair and replacement. The American Society of Civil Engineers recently graded the condition of the infrastructure throughout our country. Wastewater infrastructure received a "D−." Nearly half of the sewer pipes in American cities are over 50 years old. Some are over 100 years old. Treatment plants built in the 1970s need to be upgraded. New mandates to manage municipal stormwater runoff have gone into effect. And water quality must be improved.

As a nation, we are not investing enough in our wastewater treatment infrastructure to ensure that we will continue to keep our waters clean. Unless we act, we could lose the significant gains in water quality that have been achieved over the last 30 years.

The Congressional Budget Office, EPA, and the Water Infrastructure Network have estimated that it could take over $400 billion to address our Nation's clean water infrastructure needs over the next 20 years, twice the current level of investment by all levels of government. We can help reduce the overall cost of water infrastructure with good asset management. Innovative technologies, increased water efficiency, and regional approaches to water pollution problems also will help reduce costs. But, these things alone will not close the large funding "gap" that now exists between water infrastructure needs and current levels of spending. Increased investment also must take place.

A recent survey by the Luntz Research Companies found that most Americans believe clean and safe water is a national priority, and are willing to pay more to get it. The survey also found that most Americans want a sustainable, dedicated source of funding for water infrastructure projects, and would support the creation of a sustainable trust fund for wastewater infrastructure.

The "Clean Water Trust Act of 2005" addresses these issues by:

Establishing a Clean Water Trust Fund to provide an assured source of funding to help the nation meet its water infrastructure needs.

Authorizing over $37 billion over five years from the Clean Water Trust Fund for increased investment in critical water infrastructure, improvements in technology and infrastructure management, addressing water quality issues in critical regional waters, and improving and protecting wetlands and fisheries uses.

Encouraging innovative and alternative approaches to solving water quality problems and financing infrastructure improvements;

Encouraging appropriate management of infrastructure assets, including planning for the payment of the costs of repair and replacement; and

Increasing support for rural and small communities through technical and funding assistance.

In crafting this bill we have looked at the national goal of improving water quality, establishing an assured source of funding to help the nation meet its water infrastructure needs, and the responsibilities of local communities to provide municipal services and maintain their local wastewater systems.

The "Clean Water Trust Act of 2005" embraces innovative solutions for these interests and I urge Members to support this legislation.

TRIBUTE TO DR. JOSEPH E. LOWERY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to the Reverend Dr. Joseph E. Lowery for his instrumental role in assuring equal rights for all Americans. Dr. Lowery, who has been called the "dean of the Civil Rights Movement," was the cofounder of the Southern Christian Leadership Conference.

Dr. Lowery was born in Huntsville, AL, on October 6, 1921. During the 1950s, he led the Alabama Civic Affairs Association, an organization dedicated to the desegregation of buses and public places. In 1957, Dr. Lowery joined Dr. Martin Luther King, Jr. and other leaders from throughout the Southeast to organize the Southern Christian Leadership Conference, an organization renowned for its nonviolent approach to ending segregation. He would eventually lead the SCLC from 1977 until 1997.

Dr. Lowery also organized and led the 1965 Selma to Montgomery Civil Rights March. This march was a key moment in the civil rights movement and a strong influence on the passage of the 1965 Voting Rights Act.

Dr. Lowery's work and influence spreads outside of our country as well. He led a group that began protesting the South African Apartheid in the 1970s and continued until the successful election of Nelson Mandela in 1994.

Although officially retired, Dr. Lowery remains active and is an influential voice encouraging African Americans to vote.

Mr. Speaker, on Friday, December 16, through Sunday, December 18, Dr. Lowery will be honored by his hometown community, with the placement of a historical marker near the site of his childhood home. I rise today to join in that celebration and to thank Dr. Lowery for all he has done on behalf of all Americans.

STATEMENT IN HONOR OF DOLORES HUERTA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, on behalf of the California Democratic Congressional Delegation, I am proud to pay tribute to a woman who has greatly influenced the course of workers rights over the past 50 years, Ms. Dolores Huerta. On the occasion of her 75th birthday it is only fitting that we pause to honor Ms. Huerta's lifetime of courage and achievement.

Ms. Huerta was born on April 10, 1930 in Dawson, New Mexico and was raised in Stockton, California amid the farm workers of the central San Joaquin Valley. Ms. Huerta's mother, Alicia Chavez, and her father, Juan Fernandez, instilled in her, through their own works, a drive to help and care for others. In her own life, Ms. Huerta has been an incalculable asset to the movement for the advancement of worker's rights and in particular, the rights of farm workers and their families.

Ms. Huerta began advocacy for workers and their families in 1955 when she created the Stockton chapter of the Community Service Organization, CSO, after encountering farm workers' hungry children while teaching in a public school. Early in her endeavors, Ms. Huerta successfully lobbied, in Sacramento, for the removal of citizenship requirements from pension and public assistance programs. She also helped pass legislation that allowed people to take their drivers license examinations in their native language and established the right to vote in Spanish.

Through her work with the CSO, Ms. Huerta met Caesar Chavez and together, in 1962, they founded the United Farm Workers of America, UFW. Ms. Huerta became the organization's First Vice President Emeritus. The UFW is perhaps best known for its role in the Delano Grape Strike beginning in 1965. The strike ended after 5 years of hard work and careful negotiations, which were led by Ms. Huerta, with the establishment of a 3-year collective bargaining agreement with the grape industry.

Among Ms. Huerta's many achievements are several outstanding awards. She was bestowed with the California State Senate's Outstanding Labor Leader Award in 1984 and her impact on the national workers rights movement was highlighted in 1993 when Ms. Huerta was inducted into the National Women's Hall of Fame and received the Ellis Island Medal of Freedom Award, as well as several other awards. Although Ms. Huerta's efforts concentrated intensely on California, her impact on workers rights nationwide has been remarkable and merits our honor and admiration.

Mr. Speaker, my colleagues—Reps. BECERRA, BERMAN, CAPPS, COSTA, FARR, HONDA, LANTOS, MATSUI, NAPOLITANO, PELOSI, ROYBAL-ALLARD, LINDA SANCHEZ, LORETTA SANCHEZ, SCHIFF, SHERMAN, SOLIS, THOMPSON, WAXMAN and WOOLSEY—join me in thanking Ms. Huerta for her tireless adherence to the improvement of workers rights across the United States. We are humbled to honor such a wonderful person who, for years, has been a great friend and inspiration to us all.

TRIBUTE TO MITCH KEHETIAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. LEVIN. Mr. Speaker, I rise to pay tribute to the distinguished career of Mitch Kehetian.

Known as the "dean of Detroit-area journalism," Mitch Kehetian's career in journalism dates back to 1953 with roots stemming from Allen Park, Michigan. Beginning as a "copy boy" for the Detroit Times, Mr. Kehetian served diligently as reporter and editor working his way through the journalism establishment. After his tenure at the Times, he joined the Citizen-Journal of Columbus, Ohio then returned to Detroit at the Eastside News. In 1969, Mr. Kehetian accepted a job as the Warren reporter and bureau chief of the Macomb Daily.

Serving as a reporter, managing editor, and editorial page editor at the Macomb Daily for over 30 years, Mr. Kehetian brought an intense, lifelong interest in politics, public service and government to his coverage, especially their impact on citizens and communities. His wide-ranging attention to international, national, and local affairs and his personable yet direct manner drew attention and admiration from the halls of all types of houses—from Macomb to the White House.

Mitch Kehetian loved and believed in the work of journalism. He was a reporter's reporter committed to the news, and the trusted role of the "newsman" in our country. Michigan was better off with his reporter's eye and his editor's pen at work in our community. His dedication to his work allowed him to enjoy mentoring young and aspiring journalists often at the beginning of their careers. Mr. Kehetian served as both the President and as a member of the Board of Directors of the Detroit Press Club, and as President of the Metro Detroit Chapter of the Society of Professional Journalists. In 2002, the Society bestowed its highest honor upon him, "Lifetime Achievement Award." He has also been awarded countless journalism awards from the Associated Press, United Press International, Michigan Press Association, to name just a few.

Mr. Kehetian is also a proud family man and a proud Armenian-American. Mr. Speaker, it has been my personal privilege to know and be in regular touch with Mitch these last decades. He combined enough distance from people in public life to be objective and enough closeness to create friendships. So I ask my colleagues to join me in congratulating Mitch Kehetian, a distinguished journalist and a friend, for his years of dedicated service to journalism and the communities and citizens he served and in wishing him good health and happiness in the next phase of his life.

TRIBUTE TO CLEVELAND MAYOR JANE L. CAMPBELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mayor Jane L. Campbell, for her unwavering dedication, diligence, vision and integrity that defined her leadership as Mayor of the City of Cleveland.

Mayor Campbell's vital focus on lifting the lives of the poor and disenfranchised, starting at the neighborhood level, framed her every professional and political endeavor. She began her service to our community as the founding Executive Director of WomenSpace, and later as the Executive Director of the Friends of Shaker Square. During her 12-year tenure as State Representative, Mayor Campbell introduced and enacted legislation protecting the rights of children, families and seniors. As a Cuyahoga County Commissioner, she advocated for women and children, chairing the Violence Against Women Act Committee, and the Children Who Witness Violence Committee.

Throughout her journey from County Commissioner to the Mayor of Cleveland, Mayor

Campbell continued her unrelenting focus on behalf of all Cleveland residents, especially children, families and seniors. During her term in office, she implemented numerous health and human services programs that provide guidance and support for our most vulnerable citizens who struggle daily to elevate their lives above the raging cycle of poverty and homelessness. Mayor Campbell's vision to raise the City into the promise of restoration and renewal is also reflected in the commercial and residential structures of Cleveland's neighborhoods, from Detroit-Shoreway, Cudell and Old Brooklyn, east to Slavic Village, Union-Miles and Buckeye-Woodland, where commercial redevelopment, storefront renovation and housing restoration has become a reality.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of my friend, Mayor Jane L. Campbell, whose unwavering commitment, steadfast integrity and vital accomplishments have raised the City of Cleveland above the shadows of financial crisis 4 years ago, onto a solid foundation today, where urban renewal and the hope of a better tomorrow for all citizens continues to rise. Mayor Campbell's legacy of service and concern for her constituents will be remembered and recognized for generations to come. I wish Mayor Jane Campbell and her family many blessings of peace, health and happiness as they journey onward from this day.

RECOGNIZING THE CONTRIBUTIONS OF STEVE KIRKHAM

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to acknowledge Steve Kirkham of Kingston, Tennessee for his leadership and involvement in his community.

Steve is a known fixture in his home county of Roane County, Tennessee and is fast becoming an integral member of many other communities due to his work in promoting economic development in East Tennessee.

Kirkham, owner and chief executive officer of Rocky Top Markets, is a man who exhibits traits that have helped make America what is is: hard working, compassionate, and exemplifies preseverance and generosity. If you ask him how he got to be where he is he will tell you, "by grinding it out, having good employees, and just plain luck."

Working for the Harriman Oil Company in the mid-70's Kirkham suggested to the owners of the company that they should join the convenience store craze. They did, and Rocky Top Market was born in June 1980 with the first opening.

Since 1980, Rocky Top Markets has grown to a chain of 38 and has plans for continued growth in Tennessee and Northern Georgia. Having purchased Rocky Top Markets in 1998, it is now one of the largest retail convenience stores in East Tennessee employing almost 400 people.

A long standing member of the business community Steve has been a member of the Tennessee Oil Marketers Board, Tennessee Grocers and Convenience Store Association Board, and the Shell Jobber Council. He has served as Chair of the Roane State Foundation and the Community Development Council. As chairman of the CDC he helped form and fund the Roane Alliance. The Alliance is an effort to bring together the chamber, tourism and industrial development groups in Roane County for a unified effort in promoting responsible growth. He is currently serving as chairman of the Roane County Industrial Development Board.

If not working or golfing Steve is with his family. There is an understanding of the high regard he has for family for those who know him in and outside of work. He is married to Teresa Kirkham and has three daughters: Angie, Stephanie, and Christie. He is also the proud grandparent of Tyler, Tanner, and Ryley.

TRIBUTE TO ALFRED LOUIS ROMEO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life of a wonderful man, who sadly passed over a year ago, Mr. Alfred Louis Romeo.

It is fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth, for his lifelong dedication to the City of Paterson.

Born and raised in my hometown of Paterson, New Jersey, Fred graduated from Central High School. After his graduation from high school in 1958 Fred joined the Paterson Fire Department as a member of the Division Line Gang.

The Division Line Gang was a group of firefighters who were assigned to maintain the communications infrastructure for emergency call boxes throughout Paterson. Fred was a member of the Division Line Gang until 1983 , when the "Gang" was disbanded, in order to use the more effective emergency voice response system. It was at this time that Fred was transferred as a firefighter to Engine Company Number 7.

Fred found time during his busy schedule to volunteer at the Paterson YMCA where he had been a member for over 70 years. In addition, to sitting on the Board of Directors, he served as the Co-Coordinator for the YMCA. Perhaps most importantly, Fred had donated his time on Thanksgiving, for the past 34 years, to help feed the underprivileged at the annual Thanksgiving Feast.

Beyond his many philanthropic contributions, Fred was also a Champion and Hall of Fame handball player. He had amassed two New Jersey State Singles Championship titles, 24 NJ State Doubles Championship titles, a Jr. National doubles Championship title, and a National doubles Championship title. Fred was not only a Member of the Board of Directors for the Old Timers Sports Hall of Fame, Association of Paterson; he was an inductee as well.

In addition to Fred's many academic and professional achievements, his personal achievements are many also. He was the devoted husband to the late Rose Romeo and father of Rosalind, Francine, and Dominic.

Mr. Speaker, I ask that you join our colleagues, Fred's family and friends, and me in recognizing the outstanding and invaluable achievements of a man who will be truly missed, Mr. Alfred Louis Romeo.

IN MEMORY OF OFFICER HENRY "HANK" NAVA, JR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. BURGESS. Mr. Speaker, I rise today to share the collective grief of the people of North Texas on the death of Fort Worth Officer Henry "Hank" Nava, Jr. who died of a gunshot wound to his head while in the course of duty.

Officer Nava, recognizable by his military hairstyle, Oakley sunglasses and electric smile, was a dedicated servant of the community. The grief from his loss is shared not only by his fellow police brethren, but by the greater Fort Worth community.

Hank Nava was the first Fort Worth officer killed in the line of duty in 11 years. He served as an officer in Austin, Plano and Fort Worth, where he was most recently assigned to the 10-member North Side Crime Response Team. This team is directed to handle particularly difficult cases. He was always first to volunteer and enthusiastic to accomplish the tasks ahead of him. A natural leader, he was a source of encouragement for his fellow police officers.

Officer Nava's personality and bravery made him a trusted friend, devoted husband and father, and a hero to other police officers. Gianni Ghilespi, a Fort Worth police captain, said that Officer Nava gave him a home during his darkest moment and helped him work through his problems stating, "God sent a hero to me," he said. "It was Hank Nava."

His generous personality extended beyond his call to service as a police officer. Officer Nava could often be found working out in the community especially with children. The impact of his death left a wounded community. Currently, the Fort Worth police are having difficulties reassigning his patrol unit. It seems that citizens just started showing up and signing condolences on the vehicle. But truly, he will be missed most by his family.

Hank Nava is survived by his wife, Teresa and his two children Kayleigh, age nine, and Justin, age four.

We were blessed to have had him protecting us all from the evils of this world. His courage and dedication brought hope of a safer community. He will be remembered as a husband, a hero, and a friend.

REJECT THE MEDICAID PROOF OF CITIZENSHIP REQUIREMENTS IN THE HOUSE RECONCILIATION BILL, H.R. 4241

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. LEWIS of Georgia. Mr. Speaker, I rise to express my strong opposition to Section 3145 of the House reconciliation bill that will deny health care to our poorest Americans who desperately need and deserve it. This provision would require people who apply for Medicaid to prove that they are citizens, by producing a birth certificate or a passport. This may not sound like a difficult task to some, but the reality is much, much different.

Many older Americans do not have birth certificates because their parents did not have access to hospitals, and so, they were born at home. This was true in rural America, and is still true in some places today. Also, in the last century, all over the south, because of segregation and racial discrimination, many hospitals would not take minorities. Many minorities, including African Americans, were born at home and don't have a birth certificate.

These people were kept out of the health care system when they came into. the world. To keep these same people off of Medicaid and further deny these men and women health care is yet another slap in the face. The health system failed these people once, and it should not fail them again.

This rule is arbitrary. It is dangerous. And it is wrong.

Even the Department of Health and Human Services agrees that it is unnecessary. There is no evidence that illegal immigrants are getting Medicaid illegally.

This is very dangerous. If this becomes law, state and county officials will decide how to enforce this rule. Therefore, anyone with dark skin, or an accent or who looks like an undocumented immigrant will be at great risk for discrimination.

American citizens, particularly the poor, minorities, and the very old, who are eligible for Medicaid, will be denied the health care that they need. All for a misguided attempt to keep undocumented immigrants from receiving health care. It is unjust and it is wrong. It is un-American and I ask my colleagues to join me in opposing this provision.

IN RECOGNITION OF JOHN WILLIAM RICHEY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to John William Richey of Smiths Station, AL. Mr. Richey is a man of integrity and great accomplishment in the pharmaceutical field. He was chosen as the 2005 Good Neighbor Pharmacist of the Year, selected out of an astounding 4,000 applicants across the entire country.

In 1971, Mr. Richey opened Plaza Pharmacy in Smiths Station with a partner and later became the sole owner. Mr. Richey proves his commitment to his customers daily; he is often found opening the pharmacy willingly after hours for emergencies. His unparalleled generosity and good will towards human life extends beyond his business into his personal life. In 2000, he kindly donated one of his kidneys to his friend. He has four children and three grandchildren.

His business has been a landmark in Smiths Station for decades, and today Mr. Richey fills the prescriptions for grandchildren of his first customers. I am proud to acknowledge Mr. Richey in the House on this day and congratulate him on his dedication to his family, to pharmaceutical service, and to his customers.

RECOGNIZES CENTENARIAN JESUS HERNANDEZ OF SPRING HILL, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Jesus Hernandez of Spring Hill, FL. Jesus has done something that all of us strive for but that very few of us will ever accomplish, celebrate his 100th birthday.

Jesus was born November 26, 1905 in Ciales, PR. Located in the central mountain range of the island, Jesus's parents owned and operated a small farm. He grew up with his brothers and sisters where he cared for cattle and horses and performed agricultural chores while attending school. Other than the love and respect he had for his parents, working on the farm and playing sports are the fondest memories of his childhood.

During the Great Depression Jesus moved to New York City to work and help provide for his family during hard times. In 1932, he returned to Puerto Rico where he met and married his wife Carmen. Blessed with two sons, five grandchildren, and seven great grandchildren, Jesus says that the happiest moment in his life was the birth of his two sons, Ed and Lou.

During the Second World War Jesus tried to enlist in the military like his brothers but was unable to do so because of a heart condition. Jesus instead went to work for the railroad until 1944 when he decided to return to New York City with his wife and sons.

Jesus moved to Spring Hill in 2004 where he lives with his son Lou, who retired from the U.S. Army, and his daughter-in-law Marge. Today, Jesus says he gets the most pleasure from walking in the morning, playing dominos and helping to maintain the trees and plants in his son's backyard. He says that the only thing he would change if he had the chance to do his life over would be to travel the world.

Jesus says that despite his health he remains a positive person and possesses a great sense of humor. Jesus's secret to a long life is that he watches what he eats, does not drink alcoholic beverages and does not smoke. His advice to the young people is to "finish your education, have respect and consideration for your parents and everyone as a whole, work hard and save your money to be self-dependent." Finally, Jesus says that "he is proud to be an American and all it stands for. God Bless America."

Mr. Speaker, I ask that you join me in honoring Jesus Hernandez for reaching his 100th birthday. I hope we all have the good fortune to live as long as he has.

SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. GORDON. Mr. Speaker, today I am introducing legislation to complement two previously introduced bills, H.R. 4434 and H.R. 4435, to authorize additional recommendations from a committee of the National Academy of Sciences, chaired by Mr. Norman Augustine. The recommendations of the committee's report, Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future, reflect the consensus forged among nationally-recognized industry, academic and government experts.

With this bill, Sowing the Seeds Through Science and Engineering Research Act, and the previously introduced bills, I have taken steps to implement the Augustine Committee's highest priority, which is to improve K–12 math and science education by enhancing the skills and qualifications of math and science teachers, and to respond to the committee's call to "sustain and strengthen the nation's traditional commitment to the long-term basic research that has the potential to be transformational to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life."

The bill I introduced today authorizes 10% increases per year in funding for basic research in the physical sciences, mathematical sciences, and engineering at the principal federal agencies supporting such research. These increases, if sustained, would lead to a doubling of basic research funding in these critical areas over 7 years.

The bill also takes action to develop the research talent needed for the future by providing for up to 200 new awards per year, of $100,000 per year for 5 years, to outstanding early-career researchers. It seeks to enlarge the pool of graduate students in science, math and engineering by creating a graduate fellowship program, with 5000 new fellowships per year for individuals pursuing studies in areas of national need.

Finally, the bill establishes a presidential innovation award to stimulate scientific and engineering advances in the national interest and provides for the refurbishment of academic and government research laboratories, an essential factor to enable leading-edge research.

These three bills are a response to a serious challenge to our Nation's future economic prosperity. From the Augustine report, "This

Nation must prepare with great urgency to preserve its strategic and economic security. Because other Nation's have, and probably will continue to have, the competitive advantage of a low-wage structure, the United States must compete by optimizing its knowledge-based resources, particularly in science and technology, and by sustaining the most fertile environment for new and revitalized industries and the well-paying jobs they bring. We have already seen that capital, factories, and laboratories readily move wherever they are thought to have the greatest return."

My intent in introducing these bills is to issue a call for action by the Congress and the Administration. The Augustine Report correctly identifies the challenges we face as a Nation and has developed a series of specific recommendations to address these challenges. The conclusions and recommendations in this report are not new. The problem is that neither the Administration nor Congress has made any real efforts to act.

I hope the introduction of this legislation will begin a substantive discussion on the commitment and resources required to ensure our Nation's future economic competitiveness and that our children have well-paid, challenging jobs. I am committed to working with the private-sector, Members of Congress and the Administration in turning this legislation into funded programs.

16TH ANNUAL CONGRESSIONAL BLACK CAUCUS VETERANS BRAINTRUST

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. CORRINE BROWN of Florida. Mr. Speaker, on September 10th, 2004, Rep. SANFORD BISHOP, Jr. (D–GA) and I convened the 16th Congressional Black Caucus Veterans Braintrust issues forum titled: "Honoring African American Women Veterans Who Served," because we both care a great deal about the well being of African America veterans. Moreover, for these past 12 years we have worked so very hard building the Veterans Braintrust, and carrying the torch for America's service men and women.

Nevertheless, we would be remiss if we did not recognize the special service to this Nation, and to this institution of Congressman CHARLES RANGEL of New York, a distinguished and decorated Korean War veteran in his own right, who is the father of the Congressional Black Caucus' Veterans Braintrust, established in 1988, and has carried the torch for African American veterans for over half a century. Since Congressman RANGEL's first Braintrust, the Veterans Braintrust has emerged as an institution "think tank" and "advisory group" for the Congressional Black Caucus and for other Members of Congress on the critical issues of education, health care, mental health, aging, research, employment and training, homelessness and affordable housing, small business development and veterans benefits and services.

Next, we were happy to extend a very warm welcome and deepest appreciation to our distinguished guests, panelist, moderator, and Bishop Imagine Stewart for performing our invocation. Which included State Senator Ed Harbison, Chairman of the Georgia Legislative Black Caucus special presentation to Spc. Shoshanna Johnson, who was captured in Iraq two years ago with other members of the 507th Maintenance Company. Shoshanna is the only African American women to be held captive in Iraq. But more importantly, Shoshanna truly exemplifies the best that America has to offer—her courage under the most extraordinary of circumstances shows us all just how important the service of our ordinary airmen, marines, sailors, and soldiers are to our Nation. Thus, all those who serve, serve equally and should be awarded based on their service, and not by the color of their skin, or gender.

This led us to the issues we were there to discuss, the treatment of women in today's military, and as veterans. However, the discussion of the current state of affairs would be incomplete without a brief history, or stories of those who paved the way for the modern military woman. Early on, African American women played major support roles during the Revolutionary War, War of 1812, and the Civil War. For example: Harriet Tubman served as a Union spy, an unpaid soldier, a volunteer nurse, and a freedom fighter. While another runaway slave, Susan King Taylor, became famous for her volunteer service as a nurse and launderer as she traveled with her husband's unit, the 33rd United States Colored Troops (USCTs). She formed the Boston Branch of the Women's Relief Corps after the war. Her memoirs published in 1902, became the only written record of Black volunteer nurses in the Civil War. Again, during the Spanish American War black women played the role of nurses. Yet, during the war, over 75% of all deaths resulted from typhoid and yellow fever. Many black female volunteer nurses were told they were immune to the diseases because their skin was darker and thicker. Because of this, many of them exposed themselves to the diseases and became casualties when they returned home. And because of segregated living areas, the Whites never knew the high rate of casualties that these women suffered.

However, during World War I for the first time in military history, African American females had an official organization where they found leadership and direction to use their abilities. The National Association of Colored Graduate Nurses founded in 1909 by Mary Mahoney, Adah Thoms and Martha Franklin. In 1917, the co-founder of the Red Cross urged Black nurses to enroll in the American Red Cross, although they were not accepted until two months before the end of the war in November of 1918. But it wasn't until World War II (1942) that women were officially allowed to serve in great numbers in the armed forces. The Army had the Women's Army Corps (WAC), the Navy had Women Accepted for Volunteer Emergency Service (WAVES); and the Coast Guard had the SPARS. With the majority of African American women serving in the Women Army Corps (WAC), where they remained in segregated units, as did African American men. Out of the highest number of women in the military during the period (271,000), only 4,000 were African American women.

Moreover, African American women continued to serve from the Korean Conflict through Vietnam to Operation Desert Storm. Of the 35,000 women who went to Desert Storm, an estimated 40% were African Americans. And today, the statistics tell us that over 30% of military women are African American, approximately 33.6% enlisted, and 13.1% commissioned and warrant officers. Notably in 2002, African American women were over-represented in the armed services as compared with their proportion in the civilian population. This is simply to say that, African American women made up 30.8% of all military women, while making up only 12% of all civilian women.

Equally important, the purpose of this forum was to discuss issues pertaining to women in the military and veterans, but particularly black women veterans. The overarching questions however were: What happens to these women socially, economically, and politically, when they return to the civilian sector as military veterans? Or what effects does military service have on their subsequent lives? With the second question being: how can we systemically help the masses of young women veterans in order to inspire them to reach their fullest potential?

To address these questions we had two distinguished panels with us that day to discuss a range of issues pertaining to the African American woman veteran. Among the topics discussed were those of post traumatic stress disorder, homelessness, physical disability, and sexual harassment, or assault. Our first panel of presenters consisted of Attorney Herbert Fenner of the law firm McKenna Long and Aldridge who presented the case of Jemekia Barber; Muriel Gibson, Senior Staff Assistant to U.S. Senator PATTY MURRAY's office discussed several cases. We also heard from three African American women veterans themselves: Kericia Smith, SSgt. Vanessa Turner, and Carolyn Williams. Followed by a second panel consisting of Dr. Laura Miller, Social Scientist with the Rand Corporation, who has researched extensively women in the military, including sexual harassment and assault; Dr. Saharra Bledsoe, Executive Director of Mozella's House for Women Veterans; Zerell Johnson-Welch, Director of the Southwest Veterans Service Center, and Ms. Deborah Scott, a disabled veteran having a lot of problems receiving fair and just treatment at the VA.

While Shoshanna easily connected with the audience with both humor and humility, what we heard from her female counterparts was gut wrenching emotion, anger, and frustration, with more than a few VA officials expressing utter surprise at their anger. From Senator PATTY MURRAY's Senior Staff Assistant Muriel Gibson, who shared strategies that she helped develop through her women veterans group and advocacy work leading the state of Washington to some improvement in their options for VA healthcare and timeliness; Deborah Scott, an Army veteran, whose physical illness was misdiagnosed by VA medical personnel as "personality disorder"; Kericia Smith whose attempts to get adequate treatment and support for her struggle with PTSD have been repeatedly mishandled by VA officials; SSgt. Vanessa Turner, whose critical illness still has not been diagnosed by Army medical personnel since returning from Iraq, and who has struggled to find and maintain adequate affordable housing and/or timely treatment for her health through the VA; to Carolyn Williams speaking of her struggle for over 30 years to have her sexual assault recognized and addressed by both Navy and VA officials. Although the outward appearance seemed to be "VA bashing," we all realized that their problems arose from systemic problems, or inadequate governmental policies and practices, and were compounded by human errors.

Although issues were brought up which are undoubtedly begging for attention, this forum was just our beginning. Of those concerns addressed, however, it was abundantly clear that there were three vital issues: First, the inadequacy and sometimes absence of adequate Veterans' Administration services and programs for female military veterans. Second, the invisibility of their struggles which are quite often ignored and their frustration with the lack of methods available for redress. Third, the need to consider organizing some type of national conference where the issues facing African American women veterans might be highlighted, discussed, and strategies for addressing these challenges suggested. Such a national conference where these issues are addressed through panels and workshops, with the latter focused on sharing strategies that have proven effective and creating new possible roads to take for the future. Why, because we also heard comments such as, I wish to thank you to the experience at long last gave them an opportunity to find not just an ear that would hear their story. Or their first real opportunity and chance to speak publicly regarding fighting for VA benefits over many years. But also left them with hope for the creation of an avenue that would rightfully address the life altering negative injustice that black women have and continue to be confronted by while in performance of their military duties, as well as afterward as "veterans" seeking help through the VA. For many years they did not believe that anyone cared, or would ever be concerned about the injustice that black women have endured at the hands of the U.S. military.

Again, the generosity of Wayne Gatewood, Jr., President and CEO of Quality Support, Inc., and Amistad Associates paved the way for a gala evening of socializing, recognition and public acknowledgement for the following female veterans and groups from the Civil war to World War II to the war in Afghanistan and Iraq: Deborah Bretey, Antoniette Edwards, Mary Jackson Fears, State Representative Gloria Fox, Vernessa Franklin, Sgt. Casaundra Grant, Col. Delores Hampton, USA, Ret., Hattie Harris, Vera Haskins (now deceased), Lorenza Hilliard, Lt. Col. Patricia Jackson, USA, Ret., Sarah Jackson, Willette Jenkins, Lillie B. Johnson (known as Miss Lillie B, now deceased), Spc. Shoshanna Johnson, Pfc. Sarah L. Keys (Sarah Keys Evans), Noel Mitchell, Capt. Margaret Oglesby, MNG, Col. Marie Rogers, USA, Ret., Mildred Smith-Kidd, Willie Whiting; House of Imagene, Mozella's House, My Women Veterans Group, Black Women's Leadership Caucus, Center for Women Veterans (Department of Veterans Affairs), National Association of Black Military Women, Harriet Tubman Home, League of Women for Community Service, and the Colored Ladies Christian Relief Society of the 54th Massachusetts Volunteers.

In return, they especially thanked us for giving accolades to the female veterans of color, and for always remembering heroine Harriet Tubman. Some felt humbled to receive their awards, other felt good to read the words of acknowledgement and appreciation in addition to giving them motivation to continue on in both their personal and professional lives. As well as for providing one of the few venues that allows them to smell their flowers, or roses before they die.

In closing, I thank Sarah Ann Shaw, Drs. Brenda Moore, Laura Miller, Leisa Meyers, Robenia Gary, A.V. Hankins, Shari Miles and Ron Armstead for their continuing help in making the Veterans Braintrust an ongoing success. Also speaking on behalf of all my colleagues I thanked our African American veterans in the audience for coming and their service to our great nation. Needless to say, it was overwhelming to be in a room with so many true heroines and heroes, because it makes me very very proud that this is one of the best-attended issues forums during the Congressional Black Caucus Foundation Annual Legislative Conference (ALC).

Lastly, Representative SANFORD BISHOP, Jr. and I agree Gen. George Washington had it right when he said, "the morale and strength of the nation's military forces would be directly proportional to how well veterans who already served and sacrificed for the country are treated and appreciated."

TRIBUTE TO DON CHALMERS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I would like to rise today in recognition of Mr. Don Chalmers, an outstanding citizen in my district. In acknowledgment of the successful management of his business, Don Chalmers Ford in Rio Rancho, N.M., Mr Chalmers recently received the Zia Award, Quality New Mexico's highest performance excellence honor.

The New Mexico Quality Awards program is modeled after the Malcolm Baldrige National Quality Awards, a program initiated in 1987 when President Ronald Reagan signed the Malcolm Baldrige National Quality Improvement Act of 1987. Every year businesses that apply for New Mexico Quality Awards participate in training, education, and assessment programs. Throughout the year, performance levels are checked and commitment to quality business is assessed. Participants are then considered for three levels of recognition. The most outstanding of these is the Zia Award for performance excellence.

By participating in New Mexico Quality training and analysis programs, Mr. Chalmers dealership has become a benchmark for excellence in New Mexico. Mr. Chalmers demonstrated a commitment to improving his already very successful business by surpassing the needs and expectations of his employees and the residents of our New Mexico communities. Because of these accomplishments, Don Chalmers Ford received the most prestigious of performance awards, the Zia Award.

Beyond his business success, Mr. Chalmers has been an active and outstanding citizen of New Mexico over the last 10 years. Mr. Chalmers has participated in a number of community projects such as the Equal Access to Justice Campaign, the New Mexico Balloon Fiesta, and Women on the Move.

It is with pride an appreciation that I congratulate this outstanding citizen on his contributions to our great State and on receiving the one and only Zia Award granted by Quality New Mexico in 2005.

TRIBUTE TO RADM CHRISTOPHER WEAVER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. SKELTON. Mr. Speaker, I rise today to honor RADM Christopher Weaver, United States Navy, who is retiring after more than 34 years of faithful service to our Nation.

A native of Harrisonville, MO, Rear Admiral Weaver began his career in 1971, when he graduated from the United States Naval Academy. He holds a bachelor of science degree from the Naval Academy and a master of public administration degree from George Washington University. He is also a distinguished graduate of the Industrial College of the Armed Forces. Rear Admiral Weaver is an honorary Seabee and honorary master chief petty officer.

During the years that followed, Rear Admiral Weaver accrued an impressive operational career highlighted by command of USS *Exultant* and USS *Spruance*. Rear Admiral Weaver was designated a surface warfare officer in 1973. His sea tours also include duty aboard USS *Marvin Shields*, USS *Capodanno*, USS *Boulder*, and USS *Samuel Eliot Morison*.

Ashore he commanded U.S. Naval Station, Norfolk, VA, the world's largest Navy base, and served as an assignment officer in the Bureau of Naval Personnel, as head of the Seamanship and Navigation Department at the U.S. Naval Academy, as head of the Surface Combatant Branch of the Surface Warfare Division and as head of the Mine Warfare Branch of the Expeditionary Warfare Division. He also served as executive officer to the director of Logistics, J4, the Joint Staff.

He was selected for Flag rank in February 1997. Rear Admiral Weaver served as the 83rd commandant of Naval District Washington, the oldest continuously operated Navy installation in the Nation. In his most recent assignment as commander, Navy Installations Command, and director, Ashore Readiness Division, Rear Admiral Weaver led unprecedented organizational change amid an historic time of overall Navy transformation in the Navy's shore infrastructure.

Rear Admiral Weaver is an exceptional leader. He is an individual of uncommon character and his professionalism will be sincerely missed in the Navy. Mr. Speaker, I am certain that my colleagues will join me in thanking RADM Christopher Weaver for his honorable service in the United States Navy, and wishing him and his wife Chris all the best in the years to come.

IN RECOGNITION OF REV. JOHN R. CLAYPOOL IV

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to remember and pay tribute to the Reverend John Rowan Claypool IV, who passed September 3, 2005. He was internationally and nationally recognized as one of the most gifted spiritual leaders and teachers of our time.

Dr. Claypool was ordained to ministry in 1953 and served as Pastor of five Baptist Churches in Kentucky, Tennessee, Texas and Mississippi. He was ordained an Episcopal priest in 1986 and served as Rector of Saint Luke's Episcopal Church in Birmingham, Alabama for nearly 14 years. He retired from full time parish ministry in 2000 and, since that time, had served as the Professor of Homiletics at Mercer University's School of Theology in Atlanta, Georgia.

He has written many books education others of the things he has learned through the death of his 10 year old daughter, and the accounts of his role in the struggle for Civil Rights. Dr. Claypool was truly a model citizen and will be sorely missed. His word lives on through his wife, Ann; and their children.

Again, Mr. Speaker, I am privileged to honor and pay homage to the Reverend John R. Claypool IV in the House today and hope that we may all strive to live as he did.

HONORING THE LIFE OF WILLIAM "BILL" PRYOR NEWBY

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, I stand to honor the life of William "Bill" Pryor Newby of Kingston, Tennessee. Mr. Newby, at the age of 85, recently passed away at his home after a long and successful life.

A veteran of World War II serving in the U.S. Navy, Mr. Newby was loved by many family and friends. He was a 64-year veteran of the Tennessee Valley Authority, serving longer than any previous TVA employee.

Mr. Newby began his career with the TVA on August 19, 1941 when he was hired as an electrician apprentice at Fort Loudoun Dam. He also worked at the Fontana and Douglas Dams, and the Johnsonville Fossil Plant. He ended his career at the Kingston Fossil Plant where he was a maintenance supervisor.

Speaking of Mr. Newby, Kingston Plant Manager Earl Deskins said, "He was a hero who has spanned the technology changes of this industry. His selflessness, ability, sharing past experiences and just treating people in the true STAR 7 fashion has earned him the title of 'our hero.'"

Mr. Newby is survived by his wife, Sarah, six children; James Herbert Newby, Elizabeth Pryor Newby, William Milton Newby, Sarah Jane Newby, Katherine N. Burnette, and Tom Newby, and seven grandchildren and nine great grandchildren.

He was laid to rest at Roselawn Cemetery in Athens, Alabama with military honors provided by the Roane County Military Memorial Honor Guard.

RECOGNIZING CENTENARIAN LORETTE NOSTER OF HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Lorette Noster of Hernando County, Florida. Lorette will do something this June 3rd that all of us strive for, but that very few of us will ever accomplish, celebrate her 100th birthday.

Born in Manchester, New Hampshire, Lorette was raised by her grandparents from a young age on. Lorette attended Notre Dame school in Stanbridge, Canada, and then worked with her grandparents in their house painting business painting woodwork for nearly forty years. One of Lorette's fondest childhood memories was having her own horse, a retired racehorse named Josie, that she cared for and rode for nearly 12 years.

Lorette married Fred Noster in 1931 and was happily married for 65 years until his death in 1996. Blessed with both a son and a daughter, Lorette and Fred also had five grandchildren, six great-grandchildren and three great-great grandchildren. She moved to Hernando County in the spring of 2000 to be close to her family and enjoys the county's friendly people and comfortable winters.

One of Lorette's memories was her surprise 90th birthday party where she got to see so many family members and friends. Over the years she is most proud of winning prizes for her handmade clothes at the county fairs and her square dancing.

Today, Lorette says that working in her garden gives her the most pleasure. She says that if she had to live her life over, she would continue her education past grade school and study music. Her favorite flower is the lilac and her favorite color is red. Lorette's advice for the young people today is, "go to college, don't smoke and eat natural foods."

Mr. Speaker, I ask that you join me in honoring Lorette Noster for reaching her 100th birthday. I hope we all have the good fortune to live as long as she has.

UNDONE BUSINESS IN ENERGY CONSERVATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. GORDON. Mr. Speaker, I am introducing a package of bills designed to take the next step in furthering energy conservation activities in the U.S., especially in the federal government. We stand here today facing the beginning of the winter heating season and a forecast of record high energy prices. It is possible that spot shortages may develop in parts of the country if the winter is especially severe.

Regardless of what happens with supply, energy costs will be high this winter. However, they don't have to be as high in future winters and summers for homeowners and the federal government if we begin now to take some of the low-cost steps to better control our use of energy. Adoption of these measures now will pay big dividends in the future in the form of lower energy costs.

The federal government needs to be a leader on this issue. In 2000, federal agencies spent $7.4 billion to consume 1 quadrillion BTUs of energy. Although energy consumption in government buildings has dropped by almost 25 percent since 1985, approximately $1 billion in taxpayer dollars is still wasted each year. These bills will help ensure that federal buildings are meeting strong energy efficiency goals and that the federal government is taking a look at the full range of energy-saving technologies.

Installation of Metering in Federal Buildings: The installation of appropriate metering equipment in federal buildings for electricity, natural gas and other petroleum-based fuels, as well as steam and chilled water, provides the data that can enable the building operator to manage energy consumption and help cut the federal government's energy bill. Often this will require the installation of "smart meters" that provide much additional information for managing energy consumption. This bill amends the "National Energy Conservation Policy Act" (NECPA) to advance from 2012 to 2008 the date by which metering must be installed in certain large Federal buildings. Section 103 of the Energy Policy Act of 2005 amended NECPA to require metering in Federal buildings by 2012. However, under current law, new buildings that will be built between now and the deadline will not be required to have metering installed that provides the relevant data for meaningful monitoring of energy consumption. Metering is far easier to install during construction than after the building is completed. Without this basic information, building performance cannot be evaluated and improved. I believe there is no reason why the government shouldn't get on with this program now rather than waiting another 7 years.

AOC Energy Management Responsibility: This bill clarifies the intent of the recently enacted H.R. 6, "The Energy Policy Act of 2005" with respect to the obligations of the Architect of the Capitol in energy conservation. The bill explicitly requires the AOC to comply with substantially all of the same building management requirements as the federal agencies. An exception is made with respect to reporting requirements. Under this legislation, the AOC will report results to the committees of jurisdiction, rather than the Secretary of Energy.

Validation of Design Energy Performance in Federal Buildings: A significant problem in new federal buildings is that they often use more energy than they were designed to use. Some of the excess consumption is due to the lack of adequate monitoring of the HVAC systems to ensure they are performing properly. However, some buildings are actually shortchanged during the construction process as costs rise. Often omitted for cost reasons are some of the features that are designed to save energy. My bill directs the head of each federal agency to prepare a report comparing the actual energy performance of each new federal building with the design energy efficiency performance of the building. The report is to be completed 18 months after completion of the building and should also include remedies to bring the building into compliance with design criteria, if necessary. A second report is required to explain the continued deficiencies that prevent the building from meeting its performance requirements.

IN RECOGNITION OF THE HENRY FAMILY FOR RECEIVING THE OUTSTANDING YOUNG FARM FAMILY AWARD FOR ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to recognize and congratulate an exceptional family from my home state of Alabama. On December 4th, Mike and Denise Henry of Montgomery County, Alabama, were awarded the 2005 title of Outstanding Young Farm Family for Alabama.

Mike and Denise are exceptional young farmers I met on a recent tour of Third District farms. The family manages a preconditioning business for weaned calves, and has 600 brood cows as well as registered Angus and Charolais cattle on their farm. They also own a catering business.

As the 2005 Outstanding Young Farm Family, the Henrys will participate in many events to encourage other young people to become involved in Alabama agriculture. This is a great honor for this family, and speaks to their hard work and dedication as outstanding leaders in our community and in our state.

As a member of the Committee on Agriculture in Congress, I am privileged to honor Mike, Denise and their five children for this award today, and congratulate them for this notable accomplishment.

CONGRATULATIONS MARTIN METHODIST REDHAWKS, 2005 NAIA WOMEN'S SOCCER NATIONAL CHAMPIONS

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, the Redhawks of Martin Methodist College in Pulaski, Tennessee won the 2005 NAIA Women's Soccer National Championship during tournament play in Olathe, Kansas. This historical feat came just 2 years after collecting their first winning season in the program's history.

Martin Methodist entered the NAIA National Tournament as the top-seeded team. They defeated McKendree College, Concordia University, tied Westmont College (eventually winning on penalty kicks), and Lee University during the championship drive. The championship game winning goal was scored against seventh-seeded Lee University at 45:55.

During their winning season these hardworking ladies collected 23 wins, 17 shutouts, 125 scored goals and a mere eight goals allowed. They came together as a team believing they can compete at a high level and win. In doing so they etched their names in the history books and earned the respect of their peers and community. –

The National Champion RedHawks' 2005 roster included Karen Carmack, Sarah Prendergast, Maria Sonnerborg, Nicole Scherger, Rachel Sharp, Victoria Charnley, Johanna Botold, Jessica White, Clare Sykes, Kelly Lewicki, Mizuki Yoshida, Amanda Johansson, Azusa Takeuchi, Sara Perrigan, Maiko Higashiyama, Lisa Mann, Harumi Someya, Megan Finnegan, Emily Allegood, Tassia Gimenez, Mauela Schuh, Nicole Grochowsky, Julia Bazi, Amanda Clark, Yvonne McField, and Jessica Nix. The Redhawks were lead by Head Coach Gerry Cleary and Assistant Coach Peter Anthony.

Congratulations on a historic season.

RECOGNIZING CENTENARIAN SALLY VANDER EST OF HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Sally Vander Est of Hernando County, Florida. Sally has done something that all of us strive for, but that very few of us will ever accomplish, celebrate her 100th birthday.

Born February 2, 1905 in Grand Rapids, Michigan, Sally was the youngest in her family. She has many fond memories of roller-skating, ice skating and learning to drive in 1936. In fact, Sally has never gotten a ticket.

Sally worked for 28 years in Health, Education and Welfare offices and for the city of Grand Rapids. Following her father's death, Sally cared for her mother into the late 1950's. The proudest moment of her life was when she married Adrian Vander Est at 59 years old, remembering the exact date and time of April 4, 1964 at 4 p.m.

Sally says that her mother was an A–#1 person and her best friend, noting that her mother was always her date during her high school days. While she wishes that she had gotten married earlier in life, she remembers that when her friend got engaged, she told Sally, "that she wanted the diamond but not what goes with it."

While she always thought she would live to be 136, Sally now says that being 100 is a miracle. Today, reading, listening to music, especially musicals, gives her the most pleasure. She enjoys being in Hernando County and away from shoveling the snow. Her favorite flower is the rose and her favorite color is blue, because it goes with her eyes. Her advice to young people is to, "stop smoking and stop this sex business and drinking, change your morals."

Mr. Speaker, I ask that you join me in honoring Sally Vander Est for reaching her 100th birthday. I hope we all have the good fortune to live as long as she has.

HONORING ALICE WALKER ON HER RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize Alice Walker for her dedicated service to the community of Portland, Tennessee. On December 31, Alice will retire after serving 24 years as Executive Director of the Portland Chamber of Commerce.

During her time with the Chamber of Commerce, Alice has watched as Sumner County has experienced tremendous growth. Her leadership has helped to ensure that Portland keeps up with the development while maintaining its charm.

Alice has involved herself in many areas of the community. She was a charter member of the Kiwanis Club and served on the boards of the United Way, Tennessee Chamber of Commerce, American Cancer Society and many other fine organizations. In 1992, Alice was named Citizen of the Year by the Gallatin News Examiner.

Alice has said that Portland and the Chamber of Commerce will always have a special place in her heart. I know I join with the residents of Portland in saying that Alice also has a special place in our hearts, and her service will be missed greatly.

Alice, I commend you on 24 years of dedicated service to Portland, Tennessee, and I wish you all the best in your retirement.

IN RECOGNITION OF THE CLAY COUNTY HIGH SCHOOL PANTHERS FOR THEIR CLASS 2A STATE CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I would like to recognize today the players and coaches of the Clay County High School Varsity football team from Alabama's Third Congressional District.

On December 3rd, the Clay County Panthers won their sixth State Championship title with a 31–0 victory over Southern Choctaw in the Class 2A final. These talented young athletes won the game after beating a tough opponent. In particular I would like to give tribute to the Panther defense, who in this game helped shutout their ninth opponent of the season.

I am proud to acknowledge and congratulate the Clay County High School Varsity Football team of 2005 in the House today, and extend my most heartfelt congratulations to these talented young people for this significant accomplishment.

TRIBUTE TO LEWIS AND CYNTHIA UHLER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. DOOLITTLE. Mr. Speaker, today I wish to congratulate two good friends from my district in California, Lewis and Cynthia Uhler, as they celebrate their 50th wedding anniversary on December 26th.

Lew and Cindy grew up together in San Gabriel, California. Long-time friends, they both graduated from Alhambra High School one year apart. However, their relationship gradually changed after Lew went off to Yale University, where he graduated in the class of 1955. They began dating when he returned home for visits during those college years. Meanwhile, Cindy also attended college and worked.

Mr. Speaker, it was during Lew's first year attending the Boalt Hall School of Law at the University of California at Berkeley that the Uhlers' life together really began. During the Thanksgiving break, Cindy agreed to Lew's marriage proposal and they decided to have the wedding the next time he was home. They both knew what they wanted and then made it happen. Thus, on the day after Christmas, December 26, 1955, they were married. This example of setting an important goal and then focusing on quickly realizing it reflects the pattern they have established ever since then.

Their first home together was Berkeley, California. Subsequently, Lew's duty in the Army led them to Baltimore, Maryland. However, their roots continued to be in Southern California until Governor Ronald Reagan designated Lew as the State Director of the Office of Economic Opportunity, and the Uhlers relocated to the Sacramento area. They have made their home in the beautiful community of Granite Bay for 35 years.

Lew served in Governor Reagan's cabinet as Assistant Secretary of the Health and Welfare Agency. In 1972, Governor Reagan asked Lew to organize and serve as Chairman of the Governor's Tax Reduction Task Force. With the assistance of a nationwide panel of advisors (including Nobel Laureates Milton Friedman and James Buchanan), the task force developed California's landmark Revenue Control and Limitation Act, which became a model for tax-expenditure limitation measures in many states.

A devoted wife and mother, Cindy has always made family the priority in her life. Raising four sons, separated in age by 11 years, was her chief mission. While she has always been interested in working and serving in many ways outside of the home, such activities were always relegated to part-time endeavors so she could focus on the great mission of nurturing her children.

Mr. Speaker, Lew is founder and President of the National Tax Limitation Committee (NTLC), one of the Nation's leading grass roots taxpayer advocacy organizations. With offices in the Sacramento Area and Washington, DC, NTLC works with the White House, Members of Congress, state legislators across the Nation and grassroots organizations to limit state and federal spending through statutory and constitutional enactments. In fact, Lew has been at the forefront of the national movements for a Tax Limitation/Balanced Budget Amendment to the United States Constitution. He has written numerous articles and opinion pieces on taxes and spending. He is the author of the book, Setting Limits: Constitutional Control of Government. He speaks internationally on fiscal issues and has appeared on numerous national, regional and local television and radio programs and has also been widely quoted in the print media.

Cindy has always become very involved in her church wherever the family has gone. Several times, she has served as secretary to the pastor and, as one son puts it, "running the show." It would be difficult to account for all the good and worthwhile efforts to which she has contributed.

Along with his fiscal policy work, Lew has been active in land development in Northern California. He is also a member of the California Bar and serves Of Counsel with the Newport Beach law firm of Davis, Punelli & Keathley.

Lew and Cindy have four grown sons and three lovely daughters-in-law: Jim, John and Tricia, Kirk and Tami, and Mark and Echo. Of course, they also take great joy in their eight grandchildren.

Mr. Speaker, undoubtedly, the life Lew and Cindy have created together is a great American success story—one rooted in a love that has endured and grown for fifty years and counting. Today, I join in commending them for their commitment to one another and their ongoing service to their community. Their dedication to God, family, and country is worthy of praise and emulation.

REVEREND DR. FRED L. MAXWELL, PATRIARCH OF SPIRITUAL LEADERSHIP IN CENTRAL FLORIDA, AUGUST 2, 1907–DECEMBER 13, 2005

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. CORRINE BROWN of Florida. Mr. Speaker, as a pastor at St. John Missionary Baptist Church in Orlando in the Third Congressional District of Florida and an advocate for poor and homeless people in Central Florida, it was in the early 1990's that Rev. Maxwell founded the Grand Avenue Economic Development Corporation. Then, in 1994, due to the tremendous and continually increasing need for permanent housing opportunities for the homeless in the community, Maxwell with the aid of "his Member of Congress" Congresswoman CORRINE BROWN, led an effort to apply for grant funding from the Department of Housing and Urban Development to create permanent housing for single, disabled homeless persons, a group rarely assisted. The effort was successful and the organization was awarded $4,800,000 to create 100 units of permanent single room occupancy housing.

As a community advocate, economic development pioneer, and spiritual leader, Rev. Maxwell worked as a catalyst for change for more than a decade to bridge the gap between the rich and poor and black and white communities in Central Florida.

In addition to his public sector work, Rev. Maxwell was an author, "Where Is Thy Brother," a book of his sermons; a radio pastor for 22 years; started a community credit union; construction development company; tax preparation business; transportation company; citrus business, and even appeared in commercials promoting Florida orange Juice.

Rev. Maxwell received the divine call to the ministry in 1926 at the age of 19, but it took him 20 years to heed the call in 1946. In 1950 he became the pastor of Zion Hill Baptist Church, one of the oldest Black churches in Orlando, and at the same time serving as pastor of Shiloh Baptist Church in Alachua, also know as one of the oldest Black churches in Alachua County. In 1964 he was called to pastor at St. John Missionary Baptist Church located on Carter Street in the City of Orlando. In 1971, he organized the purchase of St. John's current location at 2025 West Central Boulevard, Orlando.

In the early 1980's many poor and homeless people were affected by major winter storms in Central Florida and Pastor Maxwell used the church's fellowship hall to provide food, shelter and clothing to people with no homes. It was at this time he became an advocate for the homeless and prayed, "Lord, let your will be done. I desire to do something to make conditions better for some homeless people, Lord, teach me, lead me, and guide me."

Maxwell retired as Senior Pastor of St. John Missionary Church in 2001, but never from the ministry and stated, "Retired, but not slacked up one bit."

[From the Orlando Sentinel, Dec. 14, 2005]

REVERED MINISTER, MENTOR DIES AT 98

(By Jeff Kunerth)

The Rev. Fred Maxwell, a man considered the father of Central Florida's black preachers, died Tuesday. He was 98.

Maxwell, who served as pastor of St. John Missionary Baptist Church for 37 years, was a civil-rights leader, ardent advocate for the homeless, human history book and a man so universally respected that he often was called in to mediate church disputes.

"This was a man anyone would want to know—similar to Rosa Parks to me. The Reverend Maxwell had that kind of presence," Orlando City Commissioner Daisy Lynum said. "You are talking about an icon."

To ministers such as the Rev. Randolph Bracy of New Covenant Baptist Church of Orlando, Maxwell was a mentor who encouraged them, and helped resolve the problems that arise with pastoring.

"He knew how to bring calm to a very raucous situation. He had a special gift that way," Bracy said. "I have lost a dear friend. I have lost a mentor."

Orange County Commissioner Homer Hartage remembers Maxwell as a tireless advocate for the homeless.

Maxwell was instrumental in securing a $4.8 million federal grant to convert a former motel on Colonial Drive and John Young Parkway into a 127-unit rental complex for the homeless that became known as Maxwell Terrace.

But he didn't stop there. When Maxwell came to Hartage seeking support for another motel conversion on South Orange Blossom Trail, Hartage turned him down—four times. Maxwell kept coming back until Hartage finally relented.

Two years later, Hartage had a cousin who got out of prison and needed a place to transition back into society. He found an apartment at Maxwell Gardens on South Orange Blossom Trail.

"He ended up living in the same place I had problems approving," Hartage said.

Maxwell, who used a wheelchair, was still active and alert, working on a land deal in Maitland just a few months ago, Hartage said.

"He was still strong, and he was still able," Hartage said. "You really, in your heart, wanted to see him around forever. You just expect him to be there."

Eatonville Mayor Anthony Grant called for a moment of silence at a Town Council meeting Tuesday night to honor Maxwell.

"He stood up for everything that was right. We have lost a good leader," said Ella Dinkins, 87, a volunteer at the Zora Neale Hurston Museum.

Born in Williston on Aug. 2, 1907, Maxwell grew up in Lake County as the son of turpentine industry workers.

He said he first heard the calling to the ministry when he was 19 but rejected it. He worked as a carpenter, grew citrus and started a janitorial business.

Decades later, when he finally answered the calling, he was the father of six children.

Maxwell preached throughout Central Florida. He became minister of Orlando's St. John Missionary Baptist in 1964 and remained there until 2001.

A man who left school in the third grade, Maxwell obtained his high-school diploma later in life and would become known for his intellect and eloquence. That was his entry into the worlds of the humble and the mighty.

"He was not pretentious, even though he was very intelligent, very capable," Lynum said.

"He is going to be remembered as an advocate, but not just for the homeless. He worked in the community unselfishly."

Maxwell's life spanned the Ocoee race riot of 1920 to the civil-rights struggles of the 1960s to the election of blacks to public office.

And he remembered it all until the end.

"He was just a rich repository of African-American history in Central Florida," Bracy said. "He was a living legacy."

TRIBUTE TO THE PEOPLE OF IRAQ

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. UDALL of New Mexico. Mr. Speaker, yesterday, millions of Iraqis turned out to vote, and the fledging democracy in Iraq took another step forward. I join all my colleagues in commending the Iraqi men and women for their action, and continue to thank the American men and women who are honorably serving abroad. Unfortunately, despite this important step, there still is a lack of leadership from the White House or from the Majority on the strategy that will bring our soldiers home victorious and bring them home soon.

And yet again, an opportunity for a meaningful debate on Iraq has failed to emerge. This debate must occur, and it must occur now. We see Iraqis voting, but we don't know when their governmental authority will take hold. We see the Iraqi army training, but we don't know when they will be ready to independently defend their nation. We see American troops serving and dying, but we don't know when they will return.

A strategy must be outlined, both to the American people and to the Iraqi people, which demonstrates a path to success. Rhetoric must be replaced with substance for such a strategy to develop. I believe that a concentrated effort will be necessary to urge the Iraqi people to take a lead in the war efforts and in the redevelopment efforts. Only by accelerating the transfer of responsibility to the Iraqis will they be ready to lead their nation toward a stronger democracy sooner rather than later.

Mr. Speaker, earlier this week the President finally admitted that this war was based on several false pretenses and was supported by claims and arguments that were wrong. The President and the Majority must admit that this continued lack of planning on their part is most importantly a disservice to our soldiers, a disservice to Congress, and a disservice to the American people. If we do not learn from this mistake it will be repeated—and the consequence will be more loss of American lives. I again join others in calling for a debate on Iraq, I call for a real strategy and a real plan for success, and I applaud the Iraqi people for their recent success in taking part in the democratic process.

TRIBUTE TO RETIRING COLONEL TONY A. IMONDI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. SKELTON. Mr. Speaker, it has come to my attention that Colonel Tony A. Imondi is retiring after a long and distinguished career.

Colonel Imondi received a Bachelor of Science Degree in Aeronautics from Dowling College in 1975. After completing Officer Training School in 1976, he entered the Air Force. In 1981, he received a Master of Science Degree in Systems Management from the University of Southern California.

In 1987, he joined the B–2 Stealth Bomber program and became a member of the B–2 Operational Test and Evaluation team and the Deputy Commander for Operations of the 31st Test and Evaluation Squadron at Edwards AFB, CA. In September 1991, he became Strategic Air Command's very first B–2 pilot. He subsequently moved to Whiteman AFB, MO, upon delivery of the first production B–2. He was appointed Deputy Commander of the 509th Operations Group at Whiteman AFB, MO, in December 1993.

After his promotion to Colonel, he attended the Industrial College of the Armed Forces at Fort McNair in Washington, DC. Following his distinguished graduation from ICAF, he served two years on the staff of the Secretary of Defense monitoring weapons testing before returning to Whiteman as the Commander of the 509th Operations Group in 1998.

In 2000, Colonel Imondi assumed duties as the Vice Commander of the 2nd Bomb Wing, Barksdale Air Force Base, Louisiana. In September 2001, after the terrorist attacks on the United States, Colonel Imondi deployed in support of Operation Enduring Freedom as Vice Commander of the 28th AEW, conducting combat missions in Afghanistan. In 2002, Colonel Imondi was assigned to the Directorate of Operations, Headquarters AETC. Colonel Imondi is a command pilot with more than 5,500 hours of flying experience in a wide variety of Air Force aircraft.

Colonel Imondi's awards and decorations include the Defense Superior Service Medal, the Bronze Star Medal, the Legion of Merit Award, the Meritorious Service Medal, the Air Medal and the Aerial Achievement Medal.

Mr. Speaker, I know the Members of the House will join me in paying tribute to Colonel Tony A. Imondi for his exception commitment to the United States Air Force and the United States of America.

PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. BLUMENAUER. Mr. Speaker, I thank the sponsors to this resolution for their good intentions in opposing terrorism and promoting peace in the Middle East. However, I am concerned that it could have the opposite effect.

I join my colleagues in reaffirming the United States' total commitment to the security of Israel. I condemn Hamas wholeheartedly as a terrorist group whose aims are the destruction of Israel and whose tactics of murder are inexcusable and unjustifiable. They commit horrific terror attacks against innocent Israelis and, in doing so, set back the aspirations of the Palestinian people to statehood.

Through its social service networks and other actions, Hamas has made itself an important political force in Palestinian society. Therefore, the reality is that the way to defeat Hamas begins at the ballot box. I agree with leading Israeli and American security experts who believe that any efforts to exclude Hamas will only backfire and strengthen them. Instead, we must recommit to working against Hamas—to marginalize them, weaken them, disarm them, contain them, strengthen their democratic opponents, limit their power and influence, and eventually eliminate them.

As General (Ret.) Ephraim Sneh—the former West Bank military governor and Deputy Israeli Defense Minister—wrote in the Washington Post, "Under current conditions in the Palestinian territories, especially given the Palestinian government's weakness, political containment should precede the dismantling of Hamas's military infrastructure. The urgent objective is to defeat it in the next parliamentary elections. Steps that could strengthen it in the elections should be strictly avoided. Attempts to postpone the elections yet again, or to prevent Hamas's participation, or Israeli disruption of the elections as 'punishment' for the participation of Hamas, will strengthen Hamas in the Palestinian street instead of weakening it."

I am concerned that this resolution sends a message that would be harmful to Israeli security and set back efforts to establish the vision of a democratic Palestinian state that lives side-by-side with Israel in peace. Therefore, I cannot support the resolution.

RECOGNIZING CENTENARIAN ELSIE JOHNSON OF HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Elsie Johnson of Hernando County, Florida.

Elsie has done something that all of us strive for, but that very few of us will ever accomplish, celebrate her 101st birthday.

Born April 17, 1904 in Coventry, Connecticut, Elsie Johnson attended school in Massachusetts. She worked for seventeen years at Sears where she manufactured shears. Married to Hugo Johnson in 1921, she and her husband were blessed with four children, nineteen grandchildren and fourteen great grandchildren. She has proudly seen all of her children married and make lives of their own. Married for forty-two years, the happiest events in Elsie's life were her wedding day and the birth of her first daughter.

Elsie moved to Hernando County with her daughter and says that her favorite part of the county is the nice and friendly people who live there. Today Elsie says that she enjoys her crochet work and doing her housework. Passing on the wisdom of her years, Elsie says that her advice to young people today is to "work for what you have and don't expect it to be given to you and to develop higher values."

Mr. Speaker, I ask that you join me in honoring Elsie Johnson for reaching her 101st birthday. I hope we all have the good fortune to live as long as she has.

LETTER TO CONGRESS FROM THE DAUGHTERS OF FORMER SENATOR PAUL TSONGAS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. MARKEY. Mr. Speaker, throughout his distinguished career, our former colleague, Senator Paul Tsongas, worked tirelessly to ensure that our environment and our nation's natural treasures would be preserved for future generations of Americans. He was particularly proud of his leadership in the Senate that led to the original designation of approximately 18 million acres of land in Alaska, including the Arctic Coastal Plain, as the Arctic National Wildlife Refuge. Nothing better demonstrates the importance of the idea of generational responsibility for which he fought so stridently than the statement below from his three daughters—Ashley, Katina and Molly. Senator Tsongas understood that he had a duty to protect the Arctic National Wildlife Refuge for his daughters, and this Congress must understand that it has a charge to continue to preserve this unspoiled wilderness for future generations.

Since its establishment 25 years ago, the threat to the Arctic National Wildlife Refuge has never been greater, but so is the support of American families for keeping drilling away from this magnificent pristine ecological gem. This statement of the Tsongas family is eloquent testimony to the fact that the wilderness values of our wildlife refuge system are eternal, whereas the energy value of a few oil wells will always be fleeting.

Letter to Congress from the daughters of former Senator Paul Tsongas:

> DEAR MEMBER OF CONGRESS: We are writing to express our hope that you will vote to keep any authority for oil and gas drilling in the Alaska National Wildlife Refuge out of the budget reconciliation bill. Our father, Sen. Paul Tsongas, believed the most valuable opportunity afforded to any member of Congress is the opportunity to make this country and this world a better place for future generations. The principle of generational responsibility was both grand and personal—he fought for America's children and for us, his three daughters and his future grandchildren and great-grandchildren. For this reason, he cosponsored the legislation to establish the Arctic National Wildlife Refuge with the expectation that it would not only be his enduring gift to us but also Congress's legacy to America's future generations. In doing so, he entrusted us with the responsibility to ensure that this unique natural resource remains protected, not just for a few decades, but for generations to come.
>
> In the years after he left the Senate, our father would cite the creation of this magnificent wild arctic sanctuary as one of the accomplishments he was most proud of in his life. We know that he would be fighting for its preservation today. As his daughters and as Americans, we treasure the gift he gave us and the responsibility it carries. We take this responsibility very seriously and hope that you do as well.

TRIBUTE TO OLGA DEFELIPPO

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. FOSSELLA. Mr. Speaker, it is with both great pride and sadness that I remember Mrs. Olga DeFelippo, a distinguished, life-long member of the Bay Ridge, Brooklyn community, a tireless advocate for the developmentally disabled, and an exemplary American, who recently passed away on November 3rd at the age of 88.

Today, I honor her memory as a selfless defender for those who could not defend themselves. As a mother of a developmentally disabled child herself, whom no school would accept, she understood personally how children with no voice of their own suffered injustice at the hands of a society that did not comprehend their plight.

This emboldened her to undertake a righteous crusade to render justice and dignity to the thousands of others like her son. She organized other parents and founded the Guild for Exceptional Children, an organization that today still works to help people reach their maximum potential and help families cope with the responsibility of caring for disabled family members at home. With the support of numerous elected and civic leaders in New York State, she lobbied exhaustively, and successfully, for legislation that guaranteed children with developmental disabilities the same right to an education as all other children, and to bring these human beings out of institutions and return them to the comfort of real homes, where they would be surrounded by those who could love and care for them.

Joining the ranks of our Nation's great reformers like Dorothea Dix, Mrs. DeFelippo's efforts to restore dignity to those, less able than we, cannot and will not be forgotten. Olga departed leaving behind her three children, Joseph, Vivienne, and Noel, and her two grandchildren Michael and Peter. However, while we mourn her loss, we as a Nation should smile proudly at her life and her deeds, for there is no greater credit to her accomplishments than having left this Nation and our world better than she had found it.

TRIBUTE TO UNIVERSITY OF NORTH CAROLINA PRESIDENT MOLLY C. BROAD

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to pay tribute to Molly Corbett Broad, President of the University of North Carolina, who will retire from the University at the end of this month following more than eight years of dedicated service to the students, faculty and staff of the University, and to the people of North Carolina.

During President Broad's tenure, the University of North Carolina has begun its journey as a model 21st-century institution. Under her guiding hand, North Carolina voters approved in 2000 the largest revenue bond issue for higher education in the history of this nation. Funds from the "bond campaign" are transforming the sixteen constituent campuses of the University through the construction of modern student housing, innovative classrooms, state-of-the-art laboratories and world-class facilities. Bond funds have also enabled UNC–TV to completely digitize its broadcasts and provided the North Carolina Arboretum a remarkable opportunity to make significant investments in its infrastructure and physical plant. During this same period, external grant support to the University has nearly doubled, surpassing $1 billion annually. All of these improvements will enable UNC to sustain its position as one of the premier university systems in the world.

In addition, President Broad has propelled North Carolina to the forefront of public higher education in the use of information technologies across all facets of University life. Her keen vision and recognition of the power of information technology to transform education and the economy of our nation and the world is widely acknowledged. Whether seeking her perspective on the academic usefulness of peer-to-peer technologies, the virtues of online and blended learning in support of access and teacher preparation, or the promise and potential of "open source" applications, CEOs of major U.S. corporations, international institutions of higher education, governments and not-for-profit organizations across the globe look to President Broad for sage advice and foresight.

During President Broad's tenure, UNC has also emerged as a national leader in ensuring access to quality higher education, especially among lower-income and first-to-college families. Over the past eight years, the number of North Carolina high school graduates going on to a two-year or four-year college has steadily increased. As a result, North Carolina now has one of the highest college-going rates in the country, and it is still climbing. One of the keys to this success has been the development—in partnership with the K–12 and community college systems—of CFNC.org, a one-stop web-based resource that enables students and their families to learn how to "prepare, apply and pay for college." Developed during the Broad administration, CFNC.org has become a national model in enabling colleges and universities to provide readily available, quality information to students and families about how to pay for a college education—filling a need that the Congress and the public have indicated is so necessary.

Another major development that must be credited to President Broad is the development and growth of North Carolina's Need-Based Financial Aid Program. The North Carolina General Assembly has come to understand that as the college-going rate increases, more North Carolina students will come from circumstances that require financial assistance to make college possible. With legislative support, this need-based program has grown exponentially over the past several years and now provides nearly $60 million to needy North Carolina students.

President Broad has also positioned the University squarely in the middle of North Carolina's economic revitalization. As the North Carolina economy transitions from historical industries such as tobacco, textiles and furniture to 21st-century industries like biotechnology, information technology and nanotechnology, President Broad has stressed that the University must and will play a key role in that transition. From the development on several campuses of biotechnology workforce training and research facilities to the emerging "biopolis" in Kannapolis, President Broad has guided the University to the forefront of efforts to re-energize the state's economy and prepare a brighter future for North Carolinians across the state.

She has taken other steps to ensure that our children receive the education they will need in order to be prepared to enter the 21st-century job market. Under President Broad's guidance, the University is on track to increase its certification of K–12 teachers by more than 60 percent over five years. In addition, during the Broad years the University has surged forward in its collaborations with K–12 schools to produce the highest qualified teachers and administrators through such programs as NC TEACH, the North Carolina Mathematics and Science Education Network, and the North Carolina Principal Fellows Program.

President Broad also has been a leader at the national and international levels, chairing or serving on the boards of such diverse organizations as the University Coalition for Advanced Internet Development (Internet2), the International Council on Distance Education, the Council on Competitiveness, and the National Association of State Universities and Land Grant Colleges. She co-chaired the study group that produced the Business-Higher Education Forum report, "Building a Nation of Learners," which has contributed greatly to the important national discussion about the skills our college graduates need to be competitive workers and effective citizens in our 21st-century global society.

We are fortunate that President Broad's retirement from the University does not mean she is retiring from professional life. She will assume a position at the University of North Carolina at Chapel Hill School of Government, and we fully expect her to continue to contribute to the advancement of higher education in North Carolina and beyond for many years to come. We are very pleased, however, that she will have more time to spend with her devoted husband and partner, Bob Broad, and her wonderful children and two grandchildren.

In closing, I want to cite several observations made by others about President Broad's service to the state and University over the past 8½ years. Shortly after announcing her retirement, the Raleigh News and Observer commended the President for her "passionate commitment to excellence and for her effective shouldering of the system's noble mission of public service." The Durham Herald-Sun noted that President Broad will "leave the state's public universities . . . ever stronger for her stewardship." And the University's Board of Governors recognized that "as a result of her visionary leadership, this University and this state are better prepared to compete and prosper in a global economy." Of perhaps even more significance is the fact that President Broad was recently awarded the Order of the Long Leaf Pine, the highest tribute that can be paid to any son or daughter of North Carolina.

Molly Broad is one of the most personable, intelligent, conscientious, and committed leaders that I have ever had the pleasure to know. From the time of our first meeting, when I was delighted to learn of her intent to strengthen the university system's capacity to work with federal agencies and our congressional delegation, through our collaborative efforts to enhance research support, protect academic freedom, strengthen the university system's contribution to homeland security, and build the international component of higher education, I have enjoyed and appreciated the opportunity to work with her. The people of North Carolina have benefited and will benefit for many years to come from President Broad's service at the helm of their university system. Molly, congratulations on a job well done, and thank you for all that you have accomplished for North Carolina.

THE BIOFUELS ACT OF 2005

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. WELLER. Mr. Speaker, I rise today to introduce legislation that achieves a comprehensive approach to the future of renewable fuels. As we move forward with national energy policy, I strongly believe we need to start taking steps in a direction that will provide consumers with another option other than just oil based fuels. With crude oil hovering around $60 a barrel, renewable fuels like ethanol and biodiesel have started to become economically competitive with oil based fuels. By advancing the use and knowledge of renewable fuels, we can lower demand for imported oil by growing America's energy independence.

The BioFuels Act of 2005 will push forward an aggressive schedule for renewable fuels by mandating the renewable content of gasoline to be 25 billion gallons by 2025. Under the Energy bill, we are mandating that the renewable content of gasoline be at 4 billion gallons by 2006 which is 2 percent of total gasoline. Once implemented, the "25 by 25" initiative would raise that percentage up to 12.5%.

In addition, this legislation will ensure that government agencies will expand their use of renewable fuels. In the mentality of "practice what you preach" it is time for our own federal government to increase their use of ethanol and biodiesel where these fuels are reasonably available. In attempting to reduce our dependence on foreign oil, it should start right here in our nation's capitol.

I believe the most innovative part of this legislation is a new tax credit that will provide for consumers who purchase a new concept vehicle which combines hybrid and flexible fuel technologies. It is this marriage of these technologies that will create a vehicle that will be better steward to our environment and will further reduce our dependence on foreign sources of oil. In providing this tax credit, we promote a greater sense of innovation for the future of automobiles.

One problem we face in the advancement of renewable fuels is the sub par infrastructure we currently have in place. With ethanol and biodiesel plants mostly focused within the Midwest and with only around 1,000 fuel stations that carry E–85 transportation fuels, it is essential that we provide tax incentives for the construction and development of ethanol and biodiesel plants. The legislation also builds upon the relationship between renewable fuels and industry that started in the last Energy bill. The legislation achieves this by providing multiple tax incentives for the construction and development of an infrastructure that will be more able to expand past the Midwest.

The BioFuels Act of 2005 will provide an aggressive 7-year depreciation schedule for all ethanol and biodiesel refining equipment. Also included within this section is a provision that will expand and extend the installation of alternative fuel refueling property that we in Congress passed earlier this year. The provision will allow taxpayers to claim a more effective percentage tax credit for the cost of installing clean-fuel vehicle refueling property to be used in a trade or business of the taxpayer or installed at the principal residence of the taxpayer. This ramped up percentage schedule would help accelerate the construction of the E–85 infrastructure.

Finally, this legislation makes the government put its money where its mouth is in advancing renewable fuels research and use. We can mandate the use of renewable fuels year after year but if we do not encourage research that will make renewable fuels more cost effective, the advancements in renewable fuels will only be small steps in innovation. The BioFuels Act reauthorizes the BioEnergy program that was handled in the 2002 Farm Bill at a level of $140 million for the next 9 years. This program has been a driving force in the advancement of renewable fuels and under this legislation will focus heavily on cellulosic ethanol and hydrogen technologies.

It is now more important than ever that we move towards an energy policy that is less dependent on foreign oil. One of the attributing factors for the high costs of oil is the ever so present terrorist threats to the critical oil infrastructure in the Middle East and the other oil producing regions of the world. The volatility of the oil markets has been made fragile by international conflicts and disingenuous organizations. What happened in the 1970s with OPEC is a reminder of what can happen when nations are greatly dependent upon other nations for a single resource. By encouraging renewable fuels, we will have the ability to grow our own energy security and further ensure that we are not greatly affected by the volatility of world demand.

In closing, I believe the BioFuels Act of 2005 sets forth the comprehensive approach we need in order to blend the use and knowledge of renewable fuels into our society. The latest Energy Information Administration energy outlook report, comments that we can expect these oil prices around $60 to be present from now until the year 2030. Also contained within this report showed that total petroleum consumption is projected to grow from 20.8 million barrels per day in 2004 to 26.1 million barrels per day in 2025. We need to make a serious investment in finding another option to oil. Oil will be used today, tomorrow and for probably the next 100 years but if we do not look towards other options, consumption and demand will only further increase. Now is the time to advance our knowledge, our use and our partnership with industry of renewable fuels. This legislation is good for farmers, the automobile industry, consumers, the environment and most importantly, the goal of reducing our dependence on foreign oil. I believe the BioFuels Act of 2005, the legislation I introduce today, achieves the goals in renewable fuels we need to achieve. I ask my colleagues to join me in moving forward with this innovative approach.

IN MEMORY OF FORT WORTH POLICE OFFICER HENRY "HANK" NAVA

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. GRANGER. Mr. Speaker, I rise today to honor a courageous police officer from my district who was slain on December 2, 2005. Fort Worth Police Officer Henry "Hank" Nava died from a gunshot wound to the head that he received on November 28 while searching for a man who was wanted by police. His loving family and many of his fellow officers were at his side when he died.

Officer Nava was a remarkable officer of the peace who was admired both by fellow officers and citizens of Fort Worth.

Officer Nava, a native of central Texas, began his career in law enforcement in 1988 as an Austin, Texas, park police officer. He became a Fort Worth police officer in 1992 and in the ensuing 13 years worked tirelessly to protect the citizens of Fort Worth. Officer Nava worked for the Plano, Texas, police department for a brief period in 1999 but soon returned because he missed Fort Worth.

During his career, Officer Nava served as a Fort Worth patrol officer, a neighborhood patrol officer, a school resource officer and, for the last 2½ years of his career, as a member of the North Division Crime Response Team. Officer Nava quickly earned the reputation of a hard working officer who always had a smile and the officer who wore the Oakley sunglasses. Often, after his shift ended, Officer Nava would take one more call for help. He mentored young people through the Police Department Explorer Scout program. His desire to help others was exemplified when he and several members of the Fort Worth Police Department traveled to New Orleans to deliver relief supplies to the victims of Hurricane Katrina.

Officer Nava was devoted to his wife, Teresa, and his children KayLeigh, 9, and Justin, 4. He was an outstanding and loving husband as well as a friend to Teresa. Because of his love for his wife, he always took time from his work to be with her whether it was on their yearly cruise or a call home. His last call to Teresa came just minutes before he entered the home where he was fatally shot. His children were the joy of his life. He showered them with his love and attention, as only a proud father can do. Whether it was having fun around the family backyard pool or participating in an activity, Officer Nava always made certain his children had his full attention and that the moment was special for them.

Officer Nava's commitment to law enforcement, his deep love for his family and his pride in Fort Worth made him an outstanding Fort Worth police officer and citizen. I am proud to honor Officer Henry "Hank" Nava for his services to Fort Worth and its citizens. He will not be forgotten.

CELEBRATING THE LIFE OF FATHER TIMOTHY HANNON

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. SHAW. Mr. Speaker, I rise today to celebrate the extraordinary life of Father Timothy Hannon, Pastor of St. Anthony Catholic Church in Fort Lauderdale, Florida, who passed away on November 2, 2005.

Timothy Hannon was born the eldest of eight children in County Clare, Ireland. He was ordained into the priesthood in 1962 and began his life-long dedication of service and devotion to the Catholic Church under the Archdiocese of Miami.

He served as Associate Pastor at St. Anthony Parish in Fort Lauderdale, Florida from 1962 to 1964, Associate Pastor at Nativity Parish in Hollywood, Florida from 1964 to 1968 and as associate Pastor at St. Vincent Ferrer Parish in Delray Beach, Florida from 1968 to 1971. He then founded St. Malachy in Tamarac, Florida in 1971 and remained there as Pastor until 1980.

He dedicated the next 25 years, where his vocation began, at St. Anthony.

Under his leadership St. Anthony School and Parish, the oldest in Broward County, flourished. He worked to ensure that students were given the best Catholic education possible and parishioners a welcoming place of worship. He encouraged all those with whom he came into contact to grow in mind, body, and spirit. He will be remembered for his gentle manner and quiet intellect.

Father Hannon is survived by his four brothers, Patrick, Michael, James, and Flan, and two sisters, Ann and Mary, all of whom live in Ireland. His brother John, also a priest, was killed by insurgents while serving last year in Nigeria.

Mr. Speaker, Father Hannon served as a role model, a spiritual leader, a guidance councilor, and an educator to so many in the St. Anthony family and beyond. Those that knew him were blessed by his friendship and his many accomplishments will have a lasting impression in the community.

ACCOUNTABILITY OF THOSE SERVING ON INTERNATIONAL FORCES AND MISSIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. SMITH of New Jersey. Mr. Speaker, as Co-Chairman of the Helsinki Commission, I want to inform colleagues of an important breakthrough in combating human trafficking achieved at the recently concluded Ministerial Council meeting of the Organization for Security and Cooperation in Europe (OSCE). There have been growing concerns in recent years that some individuals serving as peacekeeping forces, or civilian contractors involved in international operations and other personnel serving with international organizations have helped fuel the demand side of the human trafficking cycle, particularly for sexual exploitation. These concerns stem in part from shocking revelations of complicity by elements in these operations with trafficking networks profiteering from this contemporary form of slavery.

Serving in my capacity as Special Representative on Combating Human Trafficking for the OSCE Parliamentary Assembly, I have pressed for adoption of a zero-tolerance policy regarding trafficking in human beings by personnel involved in peacekeeping missions, along with related education and training.

Overcoming pushback from various quarters, I am pleased to report that agreement was reached earlier this month among the 55 OSCE countries meeting in Slovenia, including numerous countries actively involved in peacekeeping missions around the globe, to ensure the highest standards of conduct and accountability of persons serving on peacekeeping forces and other international missions. Importantly, the OSCE countries have pledged to step up efforts to prevent military and civilian personnel deployed abroad from engaging in trafficking in human beings or exploiting victims of trafficking. Countries with deployed military and civilian personnel have also agreed to work cooperatively with authorities in countries hosting such missions, in efforts to combat trafficking in human beings.

While many of the cases involve sexual exploitation and abuse, the OSCE countries also recognized that cases involving forced labor also need to be aggressively pursued and have committed to enforce relevant standards of conduct and to ensure that any such cases are properly investigated and appropriately punished.

Mr. Speaker, if we are to be successful in combating human trafficking, we must be proactive at home and abroad. The OSCE has proven to be an important forum for building consensus and cooperation on anti-trafficking measures throughout the expansive OSCE region. Developing this consensus has required both tact and tenacity. In this regard, I want to recognize the tireless efforts of Janice Helwig and Maureen Walsh, two outstanding professionals on the Helsinki Commission staff. Having secured this important agreement at the OSCE, the Commission will continue to remain fully engaged in monitoring its implementation.

Mr. Speaker. I submit for the RECORD a copy of the Ministerial Decision, agreed to by the 55 OSCE participating States.

DECISION NO. 16/05 ENSURING THE HIGHEST STANDARDS OF CONDUCT AND ACCOUNTABILITY OF PERSONS SERVING ON INTERNATIONAL FORCES AND MISSIONS

The Ministerial Council:

Reaffirming the OSCE commitments to combat trafficking in human beings, in particular 2000 Vienna Ministerial Council Decision No. 1, 2002 Porto Ministerial Declaration and Maastricht Ministerial Decision No. 2/03 and the OSCE Action Plan to Combat Trafficking in Human Beings, as well as its addendum "Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance",

Recalling the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, and its comprehensive definition of trafficking in persons,

Reiterating that trafficking in human beings, a contemporary form of slavery, seriously undermines the enjoyment of human rights and fundamental freedoms,

Concerned that military and civilian personnel serving on international peacekeeping forces or other international missions, including contractors, as well as field presences of international organizations including the OSCE could be a contributing factor to the demand side of the trafficking cycle,

Welcoming the efforts of the United Nations as well as other international organizations to develop and enforce "zero-tolerance" policies to prevent trafficking in human beings by both forces and other staff, which, combined with education and training, are required,

Recalling the ongoing activities in all relevant international organizations aimed at the development of common standards and best practices to prevent and combat trafficking in human beings,

Concerned about reports of misconduct by military and civilian personnel serving on international peacekeeping forces or other international missions, including reports of engaging in trafficking in human beings as defined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, strongly condemning such acts, and noting that they have a detrimental effect on the fulfillment of mission mandates,

Concerned also about reports of misconduct by military and civilian personnel serving on international peacekeeping forces or other international missions including reports of sexually exploiting and abusing local and refugee populations, as well as reports of cases of forced labour, strongly condemning such acts, and noting that they have a detrimental effect on the fulfillment of mission mandates,

Emphasizing the need for more information and awareness-raising concerning these issues among personnel serving on international missions,

Taking note of efforts by the United Nations aimed at ensuring that personnel serving on peacekeeping forces or other international missions are held to the highest standard of conduct and accountability,

1. Calls on participating States to improve, where necessary, measures to prevent military and civilian personnel deployed abroad to peacekeeping forces or other international missions, as well as OSCE officials, from engaging in trafficking in human beings or exploiting victims of trafficking. In this regard, the participating States will seek to ensure that their national laws, regulations, and other relevant documents can be enforced with respect to their nationals who are serving on peacekeeping forces or other international missions, with a view to ensuring the highest standards of conduct and accountability;

2. Calls on participating States with deployed military and civilian personnel to assist, within their competence and respective mandates, responsible authorities in the host country in their efforts to combat trafficking in human beings. Each participating State will take into account policies and consequences regarding trafficking in human beings when instructing its military and civilian personnel to be deployed abroad;

3. Calls on participating States to take appropriate action necessary to prevent sexual exploitation and abuse, as well as cases of forced labour, by military and civilian personnel deployed by them who are serving on peacekeeping forces or other international missions, to enforce relevant standards of conduct in this regard, and to ensure that any such cases are properly investigated and appropriately punished;

4. Reaffirms the importance of implementing the Code of Conduct for OSCE Officials and Staff Instruction 11 addressing trafficking in human beings and instructs the Secretary General, drawing on the expertise of the OSCE Special Representative on Combating Trafficking in Human Beings and the Anti-Trafficking Assistance Unit, to update these documents to make them in line with this decision, and to circulate them to the participating States for comments and discussion prior to issuance;

5. Invites the governments of the OSCE Partners for Co-operation also to commit to the same, principles as are set forth in this decision and to that end tasks the OSCE Special Representative on Combating Trafficking in Human Beings and the OSCE Secretary General to share relevant information and materials with the OSCE Partners for Co-operation;

6. Tasks the OSCE Special Representative on Combating Trafficking in Human Beings to share with relevant international organizations OSCE training materials and other information that could assist in combating trafficking in human beings;

7. Tasks the OSCE Secretary General to report annually to the Permanent Council on the implementation of this decision in regard to the Code of Conduct for OSCE Officials and Staff Instruction 11, in accordance with provision III 11.1 of the OSCE Action Plan to Combat Trafficking in Human Beings.

THE GLOBAL TRADING SYSTEM

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. ENGLISH. Mr. Speaker, as the United States continues to lead the world in trade and commerce, the rules-based system which we helped pioneer has been steered off course by some of our trading partners who profit from the system without submitting to its disciplines. New members in the global trading system are given sufficient time to adjust to the established rules. However, economic giants like China have taken advantage of this system, to the detriment of our manufacturers and workers.

While China has benefited from our relatively low tariffs and high degree of transparency, it has failed to live up to the obligations to which it agreed in acceding to the WTO, the global trading body tasked with setting the rules. As a result, America's manufacturing sector, and most recently the pipe and tube industry, is dwindling away, struggling to survive in a market distorted by currency manipulation, government subsidization of industry and illegal surges of cheap imports!

This month, however, President Bush and the administration have an opportunity to send a powerful message by standing up and protecting America's domestic pipe and tube industry by implementing quota relief as part of the China-specific safeguard, or Section 421, to help combat China's low-cost pipe imports which illegally flood our markets.

Included by Congress as a condition of China's accession to the WTO, Section 421 is a critical element in our trade remedy arsenal because it augments the antidumping and countervailing duty laws by providing domestic producers with a way to respond to absolute or relative increases of imports over periods of time that result in a market disruption.

Between January 2002 and February 2005, five Section 421 petitions were filed and initiated by the ITC. In three of those cases the ITC found that imports caused market disruption, yet no relief was granted to the industries and workers involved under this statute. Earlier this year, seven U.S. standard pipe steel producers, two of which are in my district in western Pennsylvania, filed a Section 421 trade case to seek relief from market disruptions cause by a surge of Chinese pipe imports.

As a result of these surging imports: domestic production and shipments are down by more than 25 percent; 20 percent of the domestic workforce has been laid off; and, from 2002 to 2004, Chinese market share increased from 0.4 percent to just over 10 percent. In addition to standard pipe, China is now the single largest exporter of all pipe and tube to the U.S., and millions of tons of excess steel and pipe and tube capacity in China threaten to wipe out the U.S. pipe industry.

There is no doubt that surging imports are rapidly displacing domestic producers from recent market share. Our American pipe producers have clearly fallen victim to a torrent of unfairly traded imports from China and it is our legal right to respond by imposing this China-specific safeguard program. It is the right thing to do.

I'm pleased that the ITC agreed and chose to advance the pipe and tube petition this past October. Now, however, we have yet another Section 421 trade case, standing before the President, awaiting its fate. If granted quota relief, this domestic industry will be afforded a period to restructure and recover from the damage it has suffered as a result of the illegal import surge.

Our standard pipe producers will be able to rehire laid off employees and finally have the opportunity to make investments to regain competitiveness and continue to contribute to their local economies into the future. A large number of members of this body agree—62 of them joined me in sending a letter to the President urging him to grant relief this month.

It is imperative the President grant the domestic standard pipe industry quota relief under Section 421, and preserve the American steel industry, an industry critical to our nation. In a world where we have to compete to win and win to survive, it is critical that our manufacturers, workers and all of our businesses compete on a level playing field.

America's standard pipe industry contributes to the making of some of the finest products in the world. Providing these firms quota relief under Section 421, will level the playing field for these domestic manufacturers and allow them to thrive in the international trading system of today.

TRIBUTE TO MR. NICK GEORGE BRONZAN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Nick George Bronzan of Fresno, California. He is survived by his wife, Peggy, two daughters, Mary and Ann, and son Bruce.

Mr. Bronzan lived a life of honor, compassion and sincere loyalty to those he cared for and to the causes for which he fought.

Born in Stockton, California, Nick spent his childhood in Manteca. Upon graduation from high school, he attended California State University, Fresno and was a Bulldog academically and competitively as the captain of the Fresno State football team. Colleagues recall him as being a real leader and remember him being more interested in the condition and lives of the players than in winning the game.

After graduating from Fresno State in 1939, Mr. Bronzan spent five years as the Kerman High School coach in various sports and teaching mathematics. He worked for 4 years in the Fresno Young Men's Christian Association before becoming the executive secretary of the YMCA in Southern California. Finally settling in Fresno, Mr. Bronzan took a job as the executive director of the Central Valley YMCA in 1968.

Mr. Bronzan was a longtime advocate for youth, seniors, and foster children. He fought for the rights of those who could not fight for themselves. Not only did he work for the foster grandparents program but also served as its director. Mr. Bronzan volunteered alongside others older than 60 to work with children lacking parents and families. He was a member of the Fresno Rotary Club and was elected chairman of the Fresno-Madera Counties Service Area Task Force. His contributions helped develop the Area Agency on Aging for those two counties and in 1984 he was reappointed to the California Commission on Aging and Long-Term Care.

Mr. Bronzan served his community in more ways than one. Although his passing brings sadness to his family, Nick Bronzan's memory will forever live on in the lives of the many people he touched.

CONGRATULATING BORDER PATROL AGENT THOMAS H. NUETZEL ON RECEIVING THE 2005 TOP HUMANITARIAN AWARD FROM THE U.S. BUREAU OF CUSTOMS AND BORDER PROTECTION

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. CASE. Mr. Speaker, as we continue our commitment to securing our nation's borders, I would like to extend a heartfelt congratulations to one of our outstanding border patrol agents, a former resident of Kailua, Hawaii and a real "local boy": Thomas H. Nuetzel.

Today, at the 2005 Commissioner's Annual Awards Ceremony, Tom will receive the U.S. Bureau of Customs and Border Protection's Top Humanitarian Award in recognition of his bravery and service. Tom is currently assigned to the Office of Field Operations at the Douglas Port of Entry in Arizona.

In July, while on the way home from dinner, Tom, his wife Dawn, and their two children observed a rollover vehicle accident. The couple stopped to assist the two adults and two young children trapped in the vehicle. The driver told Tom that there were several full gas cans in the trunk of the overturned vehicle. The heavy rainfall, flooding, and severe lightening magnified a critical situation.

Tom and Dawn immediately called Emergency Medical Services. Then, standing in knee-deep water, Dawn kept the passengers calm as Tom extracted each family member through a broken window. The passengers awaited the arrival of EMS in Tom and Dawn's car. All victims of the rollover accident are doing well, thanks to the selflessness of Tom and Dawn Nuetzel.

Again, I extend a sincere mahalo (thank you) to Tom and Dawn for their act of courage and compassion. I would also like to thank all our border patrol agents that work daily to keep our nation safe and secure.

Mahalo, and aloha!

REQUIRING RATE INTEGRATION FOR WIRELESS COMMUNICATIONS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to introduce legislation that will require rate integration for wireless interstate toll charges. Specifically, this legislation would amend Section 254(g) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, to provide for rate integration of wireless long distance service within the United States, including the territories. With this legislation I intend to require uniformity in rates charged by cellular phone and other wireless service providers for calls and communications to and from Guam within the United States.

Section 254(g) directs the Federal Communications Commission (FCC) "to adopt rules to require that the rates charged by providers of interexchange telecommunication services to subscribers in rural and high cost areas shall be no higher than the rates charged by each such provider to its subscribers in urban areas."

Pursuant to Section 254(g), the FCC promulgated a regulation (FCC Order 98–347) to cover Commercial Mobile Radio Services (CMRS) as an interexchange service. CMRS includes Personal Communications Service (PCS) and cellular services. In defense of their Order, the FCC noted that "if Congress had intended to exempt CMRS providers, it presumably would have done so expressly as it had done in other sections of the [1996 Telecommunications] Act."

Subsequent to its issuance, the United States Court of Appeals for the District of Columbia Circuit vacated FCC Order 98–347, by ruling that interexchange telecommunication services do not encompass CMRS. In its ruling, the Court cited the phrase "interexchange telecommunications service" contained in Section 254(g). Since wireless telecommunications do not use exchanges, the Court held that "it is by no means obvious that the Congress, when it used a phrase in which the word 'interexchange' is an essential term, was referring to CMRS."

It is unclear from the language of the statute whether section 254 applies to wireless services. Section 254 does not include specific language regarding its applicability to wireless services, not does it specifically exclude such services. Moreover, the legislative history of Section 254(g) is not instructive as to Congress' intent regarding the applicability of the rate integration requirement to wireless services.

Clearly, ambiguity in the law exists. As a result, cellular customers are subject to varying rates for calls made within the United States. This is particularly evident with respect to rates assessed to calls made to Guam and the other U.S. territories under service plans offered to cellular customers within the 48 contiguous states of the United States. Again, the Telecommunications Act of 1996 requires rate integration for noncellular, landline communication services. The legislation introduced today would simply extend this same requirement to wireless communications.

Rate integration for wireless interstate toll charges is important to businesses and individuals located on the U.S. mainland who engage in regular and reoccurring voice communication with other businesses and contacts located in the offshore territories. Family members and friends are among the customers who are assessed higher and different rates for cellular calls made to Guam or the other territories. These differences in wireless rates exist despite the fact that the U.S. territories are included in the North American Numbering Plan, the numbering plan for the Public Switched Telephone Network of the United States.

This legislation would bring the uniformity and fairness in rates desired by those in Guam wishing to keep in closer contact with relatives, friends, and associates who reside in other parts of the United States through the latest technology. Additionally, as technology in telecommunication advances, laws should be updated and developed to keep pace. This legislation would update existing law to take into account advances in and the popularity of wireless telecommunications since enactment of the 1996 Act. The legislation would do so in a manner consistent with both a previous, but vacated, FCC Order and with rate integration requirements applied to other more traditional telecommunication technology.

I look forward to addressing the issue of rate integration for wireless services as part of the legislative effort to reauthorize the Telecommunications Act of 1996.

EXTENDING CONGRATULATIONS TO MR. WILLIAM B. BLACK

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to extend congratulations to a government employee who has shown outstanding dedication through his services to the Department of Defense.

Deputy Director, Mr. William B. Black has serviced the Department of Defense for over forty-five years. He is the recipient of the Department of Defense Distinguished Civilian Service Award, which is the highest honor a civilian can receive by the Secretary of Defense. The award is given to an individual whose career reflects exceptional devotion to duty, as well as, significant contributions to the efficiency, economy, or other improvements in the Department of Defense operations.

Mr. Black aided in the success of intelligence production and cyber operations for assignments in Balkans, Afghanistan, Iraq, and the War on Terror. His determination and ambition has also abetted the National Security Agency's mounting field of information operations as a result of his role as the Special Assistant to the Director for Information Warfare.

The National Security Agency was able to participate resolutely in the War on Terror because Mr. Black led signals intelligence and information assurance missions into the digital network era.

Mr. Speaker, I ask that you join with me today to recognize Mr. William B. Black for his service to this country. The exceptional work he has done for the Department of Defense warrants great recognition. Dedication to this country and to the betterment of our intelligence operations is a vital part of our success as a powerful nation and should be observed and commended more frequently.

HONORING MR. BILL PAULI ON THE OCCASION OF HIS RETIREMENT FROM THE CALIFORNIA FARM BUREAU FEDERATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor Mr. Bill Pauli for his efforts and contributions to the agricultural industry for his years of service as President of the California Farm Bureau Federation.

Although Mr. Pauli is retiring, his dedication and commitment to enhancing the quality of agriculture in the State of California will always remain sincerely appreciated.

Mr. Pauli's passion for agriculture led him to pursue a Bachelor of Science Degree in agricultural economics and business from the University of Nevada, Reno. He emerged through the industry as a product of some of California's most celebrated wine grapes and Bartlett pears in his home town of Potter Valley. Mr. Pauli's endeavors also led to the establishment of the award-winning Braren-Pauli and Redwood Valley Cellars.

Colleagues, friends, and family alike hail Mr. Pauli as someone who has exemplified genuine concern and dedication to the progression of American farmers. Mr. Pauli's advocacy for agricultural issues dates back to the 1970s. He stood before the United States Congress to address farm concerns and served as a member of agricultural organizations such as the State Compensation Insurance Board, North Coast Grape Growers Association and Tri Valley Growers Cooperative.

Serving as the President of the state's most active and esteemed agricultural organization, Mr. Pauli established many enduring programs that have revamped the image of the Bureau. Among them are The Farm Bureau Leadership program which has brought vibrancy to the organization. In addition, Ag in the Classroom is highly esteemed as an educational tool, and The Plan to Protect California's Family Farms has added to the Bureau's dedication to preserve the efforts of California farmers to provide the highest quality products.

In addition to his extensive profile of agricultural issues, Mr. Pauli has been an outstanding member of his commnity. He donates much of his time to protecting and ensuring the welfare of the residents of Potter Valley and serves as a volunteer chief of the Potter Valley Fire Department.

When asked what he would miss the most upon leaving his post, Mr. Pauli answered, "The people, the opportunity to see the people, to see their farms and ranches." It is through the efforts of people like Bill Pauli that California is the breadbasket of the world. It is with a great pride and gratitude that I rise to thank and honor Mr. Pauli for his thirty-five years of commitment and loyalty to the citizens of California.

EUROPEAN PARLIAMENT RESTORES SUPPORT FOR INTERCOUNTRY ADOPTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased that yesterday our colleagues in the European Parliament voted unanimously in favor of an important measure urging the Romanian Government to settle the cases of applications for international adoption which have been in limbo since the Romanians imposed a moratorium in June 2001. The amendment was successfully offered to the European Parliament "Report on the Extent of Romania's Readiness for Accession to the European Union." Final approval on the report was adopted by the Parliament on December 15.

Amid credible allegations of corruption in the adoption system in Romania, the European Union had put intense pressure on Romania four years ago to impose a moratorium on international adoptions. In June 2004, Romanian Law 273/2004 enacted a permanent ban on international adoptions and, in practice, the law was being applied retroactively to cases that were registered before the ban came into effect on January first of this year. There were approximately 1,500 cases pending in which the children had been matched with parents in Western Europe, and 211 cases had been matched with adoptive parents in the United States.

As a party to the Hague convention on Intercountry Adoption, Romania has agreed to certain international standards and Principles. In fact, intercountry adoption is a recognized as a legitimate option for children who have not found permanent placement in their country of origin. The amendment adopted by the European Parliament is consistent with this principle and urges settlement of the pending cases "with the goal of allowing inter-country adoptions to take place, where justified and approptate, in those special cases." I applaud the European Parliament in offering this assurance Ithat they will not stand in the way of these adoptions.

I am hopeful, Mr. Speaker, that this action by the European Parliament will embolden authorities in Romania to look again at the cases which have been pending. Given this reassurance that resolving the pipeline cases will not jeopardize their efforts toward accession, I would hope that the authorities would consider the cases only with the best interests of the children in mind. They have heard the European Parliament speak with one voice in favor of adoptions for these pipeline cases.

Mr. Speaker, for these children who had already had a loving adoptive family identified, I encourage the Romanians to examine these cases with alacrity and transparency. Such a priority could mean this Christmas would be filled with renewed hope for hundreds of children and the prospects of a permanent home in the New Year.

HONORING THE 75TH ANNIVERSARY OF BRIGHT TEMPLE CHURCH OF GOD IN CHRIST

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the 75th year of existence of the Bright Temple Church of God in Christ in Shelbyville, Tennessee. This fine church in Bedford County has experienced many changes since it first opened its doors in 1930, but the congregation's spirit of compassion and fellowship remains the same.

In the midst of the Great bepression, Clarence Garfield Bright founded The Church of God in Christ. Eventually, the name was changed in his honor to Bright Temple Church of God in Christ. In the 1950s, the church became home to revivals that attracted evangelists from across the nation. And in 1964, the church began to hold a prayer service at noon Monday through Friday, a tradition that continues today.

The church has grown as Bedford County has grown in recent years. Under the leadership of the church's current pastor, Larry James Crismon, Sr., Bright Temple has expanded its facilities and opened a community social service facility.

Shelbyville is a better place because of the work of the Bright Temple Church of God in Christ and its congregation. I congratulate Pastor Crismon and the congregation for all the good work they have done, and I wish them all the best in the next 75 years.

FREEDOM FOR RICARDO GONZALEZ ALFONSO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, once again I rise today to speak about Ricardo Gonzalez Alfonso, a political prisoner in totalitarian Cuba.

Mr. Gonzalez is the president of the Manuel Marquez Sterling Journalists Society and an independent reporter in totalitarian Cuba. Mr. Gonzalez works and writes to inform the world about the gross human rights abuses that occur every day under the repressive regime of the Cuban dictator.

Unfortunately, writing and reporting the truth is not allowed under Castro's tyrannical dictatorship. All attempts to portray the absolute lack of freedom in totalitarian Cuba are viciously condemned and their authors are imprisoned or exiled. Mr. Gonzalez has been harassed by Castro's thugs since 1997, and on March 18, 2003, he was arrested for his insistence on publishing the truth about Castro's totalitarian Cuba.

Mr. Speaker, Mr. Gonzalez was 53 years old when he was condemned to 20 years in Castro's gulag. The conditions in the Cuban totalitarian gulag are so atrocious as to almost guarantee that Mr. Gonzalez will not walk out if he were to have to serve the entirety of his sham sentence. Let me be very clear, Mr. Gonzalez has been sentenced to die in the gulag by the Cuban tyrant for writing the truth about Castro's brutal, repressive and disgusting regime.

Mr. Gonzalez's wife is calling for the governments of free nations, NGOs, and all those that cherish human rights to demand the release of her husband. I applaud her bravery and patriotism and join her cause. It is categorically unacceptable that men and women who demand freedom from tyranny are locked in the dungeons of monsters. The willful ignorance of Cuba's suffering under the Castro regime by much of the world's press, and most of the international community, amounts to aiding and abetting the Cuban dictatorship. Let us never forget and always support, those who are struggling to liberate their people from the grip of tyranny.

Mr. Speaker, we must cry out for the release of all those who languish in dungeons because they believe in human rights and freedom. My Colleagues, we must demand the immediate and unconditional release of Ricardo Gonzalez Alfonso and every prisoner of conscience locked in Castro's toalitarian gulag.

TRIBUTE TO MR. VEE-JAY BRANN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Mr. Vee-Jay Brann of Hanford, California, on the occasion of his retirement as the Kings County Director of Finance.

With over 30 years of dedicated service to Kings County, Mr. Brann has demonstrated quality leadership alongside committed service to the residents of his community and the people of California.

Named after the day on which he was born, VJ Day, Vee-Jay grew up in the small Wisconsin town of Algoma. Upon graduation from Wisconsin State University Oshkosh with a bachelor's degree in Business Administration in 1968, Mr. Brann entered the United States Air Force.

The great lure of the San Joaquin Valley drew Mr. Brann and he settled in Hanford. Mr. Brann continued his career as a Job Training Specialist until he became the Assistant Treasurer/Tax Collector for Kings County. Working diligently to create a welcoming atmosphere for his superior, he as appointed to fill the post of Treasurer/Tax Collector upon her retirement in 1985. That same year, Mr. Brann was pleasantly surprised with the birth of his son David. In May 2004, Mr. Brann resigned his position as Treasurer/Tax Collector to become Kings County's first Director of Finance.

Mr. Brann has served on many professional and social committees and boards. However he is most proud of serving as president of the California Association of Treasurer/Tax Collectors and being the president of the Hanford Rotary Club.

With all of his accomplishments, Mr. Brann's greatest pride continues to be his loving wife and son, his loyal and dedicated staff and his many friends and acquaintances.

While Mr. Brann looks forward to traveling, reading or trying his hand at gourmet cooking, the residents of Hanford will always remember the charismatic Vee-Jay Brann who served the community to the best of his ability.

HONORING DUNBAR HIGH SCHOOL, WASHINGTON, DC. AND THE DUNBAR HIGH SCHOOL CLASS OF 1955

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. NORTON. Mr. Speaker, I rise to ask the House to honor Dunbar High School, a legendary high school whose importance in American history is well known. I had the good fortune to graduate from Dunbar High School 50 years ago and my class has asked that I bring Dunbar's proud history to the attention of the House on the occasion of the 50th anniversary of the Class of 1955.

Dunbar High School was America's first public high school for African Americans and rose to prominence in the era of segregation and remained segregated until 1954, when the District of Columbia was one of the six Brown v. Board of Education jurisdictions that successfully challenged segregated schools in the United States. Dunbar's excellence was so recognized and well known nationally that the best colleges and universities annually visited Dunbar to recruit students. An unusually large number of this country's most distinguished African Americans graduated from Dunbar. Among them are Edward Brooke, the first black Senator, Robert C. Weaver, the first black Cabinet member, Benjamin O. Davis, the first black general, Wesley Brown, the first black graduate of the Naval Academy, Charles R. Drew, the discoverer of blood plasma and Mary Jane Patterson, the first African American to achieve a college degree.

The 50th anniversary of the class of 1955 is another occasion for pride in our class and in our alma mater. Pride and gratitude as graduates of Dunbar High School, which prepared us so well for life and career. Pride in graduating from the first public high school in the United States for African Americans. Pride in Dunbar's storied history of educating so many African Americans who have made notable contributions to society. Pride that our alma mater encourages today's students to strive for the same excellence Dunbar encouraged in our class. And pride that we can celebrate magnificent, irreplaceable, and lasting memories of the fun and fellowship we shared together.

For all these reasons and more, I take special pleasure in congratulating our class, Dunbar High School Class of 1955, on our 50th anniversary. I ask the House to join me in congratulating the Class of 1955 and in recognizing the historic achievements on Dunbar High School itself.

ON RECENT COMMENTS OF THE IRANIAN PRESIDENT, MAHMOUD AHMADINEJAD

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. LEACH. Mr. Speaker, every society has a historian who suggests that failure to study history is an invitation to repeat its mistakes. With his recent utterances, the newly elected president of Iran, Mahmoud Ahmadinejad, may be presenting the world with a more dangerous conundrum. He has apparently looked at history and denied it, which requires each of us to come to grips with preposterousness as an international reality. To refuse to study history may invite repetition; but to deny it, particularly when it involves the greatest crime in human history, is an assault on civilized values and portends an attack on civilization itself.

Last week, President Ahmadinejad suggested that the murder of six million European Jews by the Nazis did not occur and called for Israel to be "wiped off the map." This week, after time to reconsider, he made it perfectly clear that he did not flippantly, accidentally or remorsefully express a misunderstanding. He again publicly denied the Holocaust, calling it a "myth" designed to be "above God, religion and the prophets."

Condemning such vitriol is important, but insufficient. Anti-semitism demands rebuttal; but the stakes here are not just one man's prejudice. At issue is the legitimacy and viability of the Israeli state. The United States in this circumstance has no moral option except to make unequivocally clear that Israel's survival is a bedrock American commitment.

There can and should be a role and place for a Palestinian state in the Middle East. But there never should be a question about the legitimacy of Israel. Peaceful coexistence is impossible if irrational aspirations such as those flaunted by President Ahmadinejad are perceived as realistic options.

It is false and counter-productive to think that Jewish-Muslim history begins after the Holocaust or that the rationale for a Jewish state comes exclusively from the Shoah. While the holocaust stamps a moral imprimatur on modern Israel, the cause of Israel's statehood predates the world's most capricious act of inhumanity.

The conflict that has emerged around the establishment of an Israeli state involves a multicentury exodus of a people from their homeland. But while the Bible is punctuated with wars and traumas, it is impressive how doing most of the last several millennia, Jews and Muslims have faced less hostility than Jews living in predominantly Christian countries.

Since biblical times, Jewish communities have thrived without interruption in Arab lands, in Persia and in historical Palestine. When Islam arrived in the Middle East in 633 A.D., intermarriage and even conversion were not uncommon. In fact, throughout the Middle East Jews experienced less Persecution and discrimination than they did in Europe. In Palestine, for instance, Muslims repeatedly protected their Jewish neighbors from European crusaders; in one instance at least, Jews fought alongside Muslims to prevent crusaders from landing in Haifa; and Saladin, after reconquering Jerusalem from the crusaders, invited Jews back into the city.

The Jews in Spain under Moorish rule flourished and experienced a renaissance mirroring that of the great Islamic civilization and culture at the time. As Christianity spread from the north of Spain, Jews were again protected by Muslim rulers until the fall of Granada—the last Moorish kingdom to pass into Christian hands—when both Jews and Muslims were expelled at the end of the 15th century. Most of the Jews from the Iberian peninsula settled in North Africa and the lands under Ottoman rule and continued their largely peaceful coexistence with Muslims in those countries.

What should he taken from this history is not that there is no case for an Israeli state in the Holy Land, but that individuals of the Jewish and Muslim faiths have a long record of successfully living together respecting each other's beliefs and culture. Yes, President Ahmadinejad, there is a Western responsibility to help and defend Israel. But there is an Eastern imperative to enhance the prospect of a more dignified life for all people in the region.

What should also be taken from the history of the last two millennia is that the Jewish people generally found themselves in a position of vulnerability precisely because they lacked a state of their own. Relations within the Muslim world were usually better than within most parts of the Christian world, but dependency and the potential of violence characterized inter-faith power relationships. Security was always in doubt.

In this historical context, the case for a Jewish state is profound. The only thing that comes from statements like those of President Ahmadinejad is less respect for Iranian leadership, more distrust between peoples, and abundant concerns that violence will accelerate.

History is an accumulated product to which each generation adds. If any generation allows acts of hatred to become the dominant theme of interpersonal relations, it is harder for the next to break out of an angry memory cycle. Thus the challenge in the Middle East today is to give harmony a chance, recognizing that current Jewish-Muslim tension is an aberration. Peace is the historical norm.

Because the past is often more controversial and volatile than current events, it is essential that we study history both from our own perspective and that of others. Denial is not simply obtuse; it is hate inspiring. Iran and the world, deserve better.

H. RES. 597. RECOGNIZING AND CONGRATULATING DON HO ON HIS CAREER IN MUSIC

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. ABERCROMBIE. Mr. Speaker,

Whereas Don Ho is one of Hawaii's and the world's best known and most beloved musical performers;

Whereas Don Ho has entertained and shared Hawaii's Aloha Spirit with millions of visitors to the State and others around the world;

Whereas, after being discharged from the United States Air Force, Don Ho received his start in show business at Honey's cocktail lounge in Kaneohe, Hawaii;

Whereas in 1962, Don Ho began performing at Duke's in Waikiki, which became his home venue;

Whereas Don Ho has for years been backed by the five Aliis playing piano, drums, guitars, xylophone, and other instruments;

Whereas Don Ho's fame and popularity has earned him triumphant engagements at the Cocoanut Grove in Hollywood, the Sands in Las Vegas, Harrah's at Lake Tahoe, the Palmer House in Chicago, the Americana Hotel's Royal Box in New York;

Whereas, Don Ho has made guest television guest appearances with Johnny Carson, Joey Bishop and Art Linkletter

Be it Resolved that the House of Representatives:

(1) Congratulates Don Ho on his splendid career;

(2) Recognizes Don Ho for his efforts to share Hawaii's Aloha Spirit with his audiences and others around the world; and

(3) Conveys its best wishes for continuing success in his musical career.

Mr. Speaker, I rise today to recognize and honor my old friend for his impressive musical career and his iconic status as the undisputed king of Waikiki entertainers.

For over 40 years Don Ho has entertained audiences in Waikiki, sharing his Aloha Spirit by singing "Tiny Bubbles" as well as his other favorite songs. He casts a spell on audiences through his blend of trademark humor, charm and vocal talents. He continues to mesmerize audiences today.

Don Ho's magical persona captures audiences' enthusiasm with each performance through laughter and song. He is charismatic and personable, and he converses with everyone like there's no one else in the room. He is a beloved son of Hawaii, and I look forward to his next performance at the Waikiki Beachcomber. Much love and aloha to Don and his family.

A TRIBUTE TO JOHN KELLY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to John Kelly, a constituent of mine from Burlingame, California, who has been working to make our community a better place since the 1970's. Mr. Kelly has recently been awarded the Thomas Jefferson Award for his work as the former executive director of Samaritan House and as a volunteer at San Quentin State Prison.

Mr. Kelly has lived and worked around the Bay Area for most of his life. He began his community involvement as a Catholic priest, but left to become a teacher at Serra and Menlo Atherton high schools for 18 years. In 1985, he was hired by the county of San Mateo to merge Samaritan House, then a referral service in San Mateo for low income residents, with a nonprofit meal program.

Mr. Speaker, under John's stewardship, Samaritan House expanded to serve throughout San Mateo County, with a 90-bed shelter, a medical clinic, and provides food, clothing and counseling. Mainly through donations, Samaritan House provides assistance to approximately 12,000 residents.

In 1991, Mr. Kelly began a program for inmates at San Quentin State Prison called Kairos, a three-day workshop with spiritual talks, singing and discussions. He visits the prison weekly, attending mass and leading spiritual discussions with the hope of trying to change even the hardest of criminals. He has done just that with many prisoners, some who have gotten out of prison have gone to school in an effort to make John proud.

Mr. Speaker, John Kelly is one of those unique people who work tirelessly to make their community's better. I wish there were more John Kelly's in the world, and I am just so pleased that he is one of my neighbors. I once again ask my colleagues to join me in paying tribute to this extraordinary individual.

IN HONOR OF THE LIFE OF SENATOR WILLIAM PROXMIRE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Senator William Proxmire. For over three decades, Senator Proxmire served the people of Wisconsin with a tenacious devotion to the principles of civic responsibility and ethical leadership. The effects of his determination to uphold these values reach beyond the Badger State and the halls of the Senate, as his legacy of fighting for integrity and accountability in governance has benefited all people of the United States.

Public service shaped Senator Proxmire's life at an early age. After graduating from Yale University in 1938, he served our country in World War II as an officer in the Army Counterintelligence Corps. His desire to continue fighting for the American people brought him to Wisconsin, where he served in the state Assembly from 1950–1956. In 1958 he won his first victory for the United States Senate where he went on to serve for over 30 years.

Senator Proxmire was most well known for his Golden Fleece awards, which he used to single out "wasteful, ridiculous or ironic use of the taxpayers" money. " Senator Proxmire brought many important issues to the people's attention and because of these awards he was able to halt numerous science and academic projects that were of no real value. He will forever be remembered for his contributions to this end and for making wasteful government spending a real issue.

Senator Proxmire's 32 years in the Senate were distinguished by innumerable accomplishments. He was the driving force behind the 1968 "Truth in Lending" act, critically improving the transparency and fairness of loans. He fought racial discrimination in real estate. As chairman of the Banking, Housing, and Urban Affairs Committee, he authored the 1980 Banking Deregulation Act. However, his most significant contribution was his tireless determination for the ratification of an international treaty outlawing genocide. Nearly every day for 19 years, Senator Proxmire spoke of the importance of the treaty from the Senate floor until it was finally adopted in 1986.

TRIBUTE TO MR. WILLIAM NEWTON HEAPS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. ADERHOLT. Mr. Speaker, today I would like to pay tribute to Mr. William Newton Heaps and to recognize his many accomplishments. He is truly a man who embodies the American principles of hard work, dedication to one's family and service to one's community. William Heaps was born August 20, 1930 to Johnnie and Louise Vandiver Heaps and raised on a farm in Franklin County in Alabama's Fourth Congressional District. While residing in Russellville, Alabama, William Heaps was manager of the Farmers' Co-Op for numerous years. Later he moved to Clanton, Alabama and there he was sales representative for Fuller Supply Co. of Birmingham for 29 years until his retirement in March of 2000. As an adult he attended singing schools in addition to being privately taught by F.R. Morgan, a student of Vaughan Normal School of Lawrenceburg, Tennessee. "My Title to Those Mansions" was the first song written by William Heaps and it was published in 1966 by Vaughan Music Company. This was the first of over 100 songs that he has written. As a member of the First Methodist Church of Clanton, William Heaps has served for several years on the administrative board. He has also served as Chairman of the Chilton County Gospel Singing Convention. He was a representative for the Vaughan and the Tennessee Music Companies for a number of years. He has served on the Supreme Cabinet, as Chaplin, as Vice-President and as President of the Convention. He currently serves as a representative for the Gospel Heritage Music Company. He has been a great supporter of and actively engaged in the Alabama State Gospel Singing Convention for many years. As he continues to write music, he resides in Clanton with is wife, Bernice. They have two twin daughters, Shelia Mims and Shirley Henley, and a son Tommy Heaps, who is now a Methodist Minister. They also have one granddaughter, Laura Heaps, and two grandsons, Will Heaps and Scott Mims. William Heaps is a true "Christian Gentleman" who is compassionate and respectful toward others. He is a great "encourager" with a positive outlook and sound advice. He is an inspiring role model for all of us and I join his friends and colleagues in recognizing one of Alabama's great composers of gospel songs.

REMEMBERING JUNE GILMER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. HALL. Mr. Speaker, I rise to pay tribute to a remarkable Texan, June Womack Gilmer, who passed away this year after a valiant battle with Alzheimer's. A descendant of one of Texas's pioneering families, the Lydays, she could trace her family ancestry back to 17th century Williamsburg, Virginia, and 13th century Runnymede, England.

June was born in Honey Grove and raised in the small town of Wolfe City, in the Fourth Congressional District. She married her childhood sweetheart, Ray Gilmer, and they soon settled in Garland, Texas, where June raised her family and pursued numerous civic endeavors. She was president of the PTA, Garden Club, and wives club of the Garland Junior Chamber of Commerce. She was a regent and registrar of the Colonel James Mason Chapter of the Daughters of the American Revolution, an officer of the John Wheeler Bunton Chapter of the Daughters of the Republic of Texas, and the Magna Carta Dames.

A beautiful and accomplished woman, June was a runner-up in the Mrs. Texas contest in the 1950s. She studied interior design in college and for many years worked as a decorator and volunteered her talents for many worthy causes. June and my wife, Mary Ellen, were very close friends. Our families shared food and cars as Ray Gilmer attended the SMU School of Engineering and I was attending the SMU School of Law. Our children played together and we felt a deep and lifelong kinship to the Gilmers.

June is survived by her adored and adoring husband of 60 years, Ray Gilmer, daughter Jamie Williams and son-in-law Dr. Craig Williams, daughter Anne Snow and husband James Snow, six grandchildren, and other family members and life-long friends. Their loss is shared by all those who knew June Womack Gilmer, and we join them in mourning the loss and celebrating the life of this wonderful woman. As we adjourn the United States House of Representatives today, let us do so in memory of and respect for June and the wonderful Gilmer family.

IN HONOR AND RECOGNITION OF SENATOR EUGENE McCARTHY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of my good friend Senator Eugene McCarthy, former member of the United States Congress, presidential candidate, political activist and author.

Senator McCarthy is a well-known and respected anti-war activist. His voice rose above the crowd against the Vietnam War due to his power and influence in politics. In 1968, Mr. McCarthy garnered an unprecedented number of college students opposed to the Vietnam War to campaign for the Presidency against the incumbent President Lyndon B. Johnson. College students supported Mr. McCarthy because he believed that America should end its involvement in Vietnam. Students from around the country campaigned door to door promoting the slogan "get clean for Gene," referring to the students shaving off their beards and cutting their long hair. While his views sparked many to campaign for him, he still had a disappointing defeat in the Democratic primary. Although he lost this race, he won a much bigger one. He stood up for what he believed in and would not back down, even in the face of adversity.

Senator McCarthy left politics in 1971 after a distinguished career as United States Congressman and Senator from Minnesota. He spent time writing his memoirs and other books and poems on politics. Senator McCarthy remained active in politics throughout the rest of his life, including running for different offices and supporting other campaigns. Keeping involved in politics, Senator McCarthy stated his opposition for campaign finance laws argued in the Buckley v. Valeo case. In 1980, he wrote the introduction to the campaign book of Libertarian Presidential candidate Ed Clark. Senator McCarthy continued participation in progressive politics with the Consumer party in Pennsylvania and the Minnesota Progressive party. He returned to the Democratic Party in 1992 as a Presidential candidate in the New Hampshire primary. More recently he was a strong and influential supporter of Ralph Nader's 2000 Presidential campaign. After his political career ended, Senator McCarthy became a prolific writer and poet. He authored 30 books and multiple poems about the decline of American politics.

Senator Eugene McCarthy passed away on December 10, 2005, at the age of 89. He will be remembered as an influential and respected politician. More importantly, his contributions to the anti-war movement and influence on college students' political activism will live on in future campaigns and protests. His service as a Representative of Minnesota in Congress will not soon be forgotten.

INFORMATION ON THE NATIONAL CENTER FOR SUSTAINABLE DEVELOPMENT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. HALL. Mr. Speaker, I rise today to inform the House and to acknowledge the innovative work of the National Center for Sustainable Development (NCSD) a national 501c3 nonprofit corporation headquartered here in Washington, DC, and doing good work in my home state of Texas through its Dallas and Austin offices to restore urban and suburban contaminated real estate to new productive use. The Center is now undertaking potentially significant initiatives involving both energy production and air quality in local communities in the recycling of waste products to biodiesel. As Texas is the historic home of innovation and creativity in the use of natural and man made resources, my purpose is to encourage the pilot initiative being undertaken by the Center in the city of Texarkana focusing on the recycling of commercial and industrial food waste products currently a significant threat to the proper maintenance and efficiency of municipal waste water treatment facilities.

The initiative which I seek recognition for will produce biodiesel from a waste stream currently which is a constraint on the development of services and small business serving the community of Texarkana and placing a burden on the infrastructure that assures proper and environmentally appropriate disposal of grease and waste oils. The undertaking of such a pilot program in Texarkana, Texas is not by chance. The operations of the pilot will be located in an industrial park next to the Red River Army Depot, the main focus of which is the refurbishment and maintenance of the Bradley Fighting Vehicle and the Humvees currently supporting our mission in Iraq. A portion of the biodiesel rendered from this initiative will be made available to RRAD for their use in testing its properties for both quality as a fuel and its properties as a cleaner burning replacement for conventional petroleum based diesel fuel.

As chairman of the House Subcommittee on Energy and Air Quality I recognize that many are pursuing the goals of increased efficiency and air quality that biodiesel holds for helping to satisfy the domestic need for diesel fuel, now in short supply, and that many methods are being evaluated, but my hope is that NCSD can help create and encourage energy production from existing resources now perceived as obstacles to sustainable growth in my district and elsewhere.

By the House and Committee's acknowledgement of the initiative of the National Center for Sustainable Development I am asking for their report on the progress of the Texarkana facility at the milestone of their first six full months of operations. The subcommittee will be interested in the results of this initiative for both its applications for energy production and for improved air quality. I will close by reiterating my support for this worthy initiative and to follow their progress as an example for use by the subcommittee in its critical work.

CONDEMNING RECENT STATEMENTS OF IRANIAN PRESIDENT MAHMOUD AHMADINEJAD

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. LANGEVIN. Mr. Speaker, I rise today to unequivocally condemn Iranian President Mahmoud Ahmadinejad's recent declaration that the Holocaust was a myth. Such outrageous comments dishonor the memory of the 6 million Jews and many others who perished under the Nazi regime. To suggest that such a tragedy was imagined as a justification to create the state of Israel, as President Ahmadinejad has done, demonstrates a disconnect from reality and complete ignorance of history. Numerous world leaders have already condemned his comments, and I encourage my colleagues and the entire international community to do the same.

Unfortunately, the denial of the Holocaust is only the most recent in a series of disturbing statements made by President Ahmadinejad. He has also declared that Israel should "be wiped off the map," suggesting that its people should be relocated to Europe. Furthermore, despite efforts by our European allies to negotiate an agreement to end Iran's nuclear ambitions, Ahmadinejad has declined compromise, stubbornly insisting that Iran has a right to develop its own nuclear program.

Ahmadinejad's disgraceful statements and fervent opposition to engaging with other nations have even earned him condemnation from leaders within his own nation and run the risk of further alienating Iran from the world community. I ask my colleagues to condemn Ahmadinejad's statements about the Holocaust and Israel and demonstrate that there is no place for such intolerance in global political discourse.

CINCINNATI'S FLYING PIG MARATHON NAMED A "TOP TEN MOST ENJOYABLE MARATHON"

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mrs. SCHMIDT. Mr. Speaker, I rise to recognize the Flying Pig Marathon which is based in my hometown of Cincinnati, Ohio. This week, Runner's World magazine picked the race as one of the top ten most enjoyable marathons in its January, 2006 issue.

Runner's World editors composed a list of 25 marathons known for creating a fun experience, and then allowed readers to vote for their favorites in an online poll. The Flying Pig Marathon was voted the third most enjoyable event. The symbol of a flying pig has deep roots in the history of Cincinnati, which was once known as "Porkopolis" because of the city's pork industry heritage.

As an avid marathon runner, I am thrilled to see our wonderful hometown race receive the national recognition that it deserves.

The annual Flying Pig Marathon began in May 1999, and was created by my friends Iris Simpson-Bush and Bob Coughlin. Their hard work and leadership has built this race into one of the nation's premiere events.

A 26.2 mile "whole hog" course "flies" through the southwestern part of the Second Congressional District, showcasing some of the most picturesque neighborhoods in Cincinnati. The race also features a 13.1 mile half-marathon, a timed 10K run, a noncompetitive 5K run, and a children's "piglet" event. Last year, there were over 13,000 participants overall, and an entire weekend of family oriented events.

Congratulations to all associated with the Cincinnati Flying Pig Marathon.

HONORING REAR ADMIRAL JOHN A. "AJ" JACKSON

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. PUTNAM. Mr. Speaker, as we continue the fight against terrorism around the globe, we are constantly reminded of the sacrifice and service of our men and women in uniform. I rise today to honor a true American hero, a man who has dedicated his life to protecting our nation, Rear Admiral AJ Jackson from my hometown of Bartow, Florida.

A 1970 graduate of Florida State University, Rear Admiral Jackson entered the Aviation Officer Candidate School in May 1970, and was designated a Naval Aviator in February 1972 at NAS Kingsville, Texas. His active duty assignments included NS Rota, Spain, Attack Squadron Eighty One (VA–81) aboard the *USS Forrestal* (CV–59), and the staff of Commander, Light Attack Wing One, NAS Cecil Field, Florida.

Rear Admiral Jackson commanded Fleet Logistics Support Squadron Five Nine (VR–59), NR Carrier Group 0170, and NR Commander Seventh Fleet 111, and was selected for Flag rank in June 1998. In October 1998, he assumed duties as Deputy/Vice Commander, Maritime Defense Zone, U.S. Atlantic Fleet. One year later, he was assigned as Commander, Rear Area Command, U.S. Seventh Fleet, and in this role he also assumed duties as Commander, U.S, Naval Shore Based Forces Korea, during exercise or contingency operations in Korea.

In July 2001, Rear Admiral Jackson was assigned his present billet at U.S. Central Command as the Deputy Director (Reserve) for Plans and Policy (J5). From March 2002 until May 2004, he was assigned additional duties as Commander, Naval Reserve Readiness Command South. In this capacity he supervised the training and administration of over 10,000 Naval Reservists in 29 Naval Reserve Centers in the states of Arkansas, Louisiana, New Mexico, Oklahoma, Missouri, Iowa, Nebraska, Kansas, and Texas. Rear Admiral Jackson was promoted to Rear Admiral (Upper Half) on October 12, 2001.

His military decorations include the Legion of Merit, Meritorious Service Medal, Navy Commendation Medal, and other unit and campaign awards. In his civilian occupation, he is a Boeing 777 Captain with American Airlines based at DFW Airport, Texas.

After 35 years of dedicated service, Rear Admiral Jackson will be retiring to spend some well-deserved "R and R" with his wife Jana. On behalf of the residents of Florida's 12th District, I want to commend Rear Admiral Jackson's service to his country and wish him the very best for the future.

TRIBUTE TO JOHN SPENCER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. PASCRELL. Mr. Speaker, I rise today to pay tribute to John Spencer, who passed away yesterday at the age of 58. From his role on "The Patty Duke Show" in the 1960's, to his role on "The West Wing" today, he has touched the lives of millions of Americans.

Born December 20, 1946, John Spencer grew up in the great town of Totowa, New Jersey, in my congressional district. At the age of 16 he left home to pursue an acting career in New York. He quickly earned a prominent role on "The Patty Duke Show," playing Henry Anderson. When the show moved to Los Angeles and ended Spencer's run, he returned to the great state of New Jersey, attending Fairleigh Dickinson University for two years. He then moved back to New York and began working as a stage actor.

Mr. Speaker, John Spencer was the son of a dumptruck driver, and brought that working class attitude to his life as an actor. There is no argument about his acting talent, but what set him apart were the countless hours he spent perfecting the lines, the delivery, the entire character.

His career ran the gamut. In the late 1980's he starred aside Harrison Ford in "Presumed Innocent," which led producer David E. Kelley to cast him as Tommy Mullaney on "L.A. Law." In the late 1990's he starred in "The Rock," and "The Negotiator," two very high profile successful films. In 1999, he was the first actor cast by Aaron Sorkin to star on "The West Wing," as Leo McGarry; a role I have especially enjoyed watching him play. First as White House Chief of Staff and currently as the Democratic Vice-Presidential nominee, it has been refreshing to watch his character, particularly serving a Democrat in the White House. It would have been nice to have a Vice President from Passaic County.

His working class origins were always apparent. From "Patty Duke" all the way up to the present movies, he was always somebody down to earth, two boots on the ground. I think it had a lot to do with the parts he played.

Mr. Speaker, with John Spencer's death our nation has lost an acting treasure. From the stage, to television to the movies, his career brought joy to millions of Americans. He will be sorely missed.

TRIBUTE TO MAYNARD ORME

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. BLUMENAUER. Mr. Speaker, after 19 years as CEO of Oregon Public Broadcasting and nearly 40 years in public broadcasting, my good friend Maynard Orme will be retiring later this month.

Under Maynard's leadership, OPB has grown and now employs 180 people, operates five television stations and four radio stations. OPB has transformed from a small to a large media entity, providing statewide service to both rural and urban Oregon. Every week 1.4 million people listen to and view OPB, making it one of the largest media outlets in the nation.

Earlier this year Maynard received the Lowell Medal from the Corporation for Public Broadcasting for his outstanding contributions to public television. His passion for public broadcasting is evident through his dedication on the Public Broadcasting Service board and Association for Public Television Station board. Under this hard financial time for public broadcasting, Maynard has also been able to pioneer a self-sustaining revenue model for OPB.

He is a treasure trove of institutional knowledge and although I wish him the best retirement, I hope to continue to seek his insights.

THOMASVILLE BULLDOGS ARE PERFECT AGAIN

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. COBLE. Mr. Speaker, I am pleased to report that the tradition of football excellence continues at a high school in the Sixth District of North Carolina that is known throughout our State as a football powerhouse. For the second year in a row, and for the sixth time in school history, Thomasville High School has captured a North Carolina high school football championship. In addition, while the rest of the country wonders if the NFL's Colts can match the 1972 Dolphins perfect, unbeaten season, I am also pleased to note that Thomasville completed its second, perfect 16–0 football season. In fact, perfect, unbeaten seasons have only been accomplished twice since they began playing high school football in North Carolina in 1927. The other school to do it: Thomasville High School in 1995.

Thomasville captured its second straight State football championship on December 10, 2005, when the Bulldogs defeated Wallace-Rose Hill 21–20 at Wake Forest University's Groves Stadium. The one-point victory was a case of dèjá vu for Thomasville because last year the Bulldogs defeated Wallace-Rose Hill 15–14. "These one-point wins are tough on your nerves," Thomasville coach Benjie Brown told the High Point Enterprise. "I don't feel any different. Those kids last year earned it just as much as these kids did. I'm happy for both groups."

We are pleased to recognize all the members of the Thomasville football team who contributed to this perfect championship season. Members of the squad included Najee Brown, Jeremy McKiver, Cory Tobin, Willie Green, Showron Stukes, Bradley Watkins, E.J. Abrams-Ward, Justin Moore, Chris Woods, Khiry Billie, Richard McLendon, Darrius Little, Scott Hines, Quan Warley, Alex Rodriquez, Shawndarian Sanders, Rashad Whitaker, Quan Sanders, Chris Webber, E.J. McCormick, Jaquan Mouzone, Brad Wilkes, Bud Ray, Terrance Pearson, Dujuan Ingram, Lawerence Jackson, Brandon Johnson, Mertez Wilson, Demagio Lawson, Brandon Moss, Jamall Steele, Lorenzo Cannon, Kendarius Cox, Jerrell Wilson, Antonio Royal, Courtney Henry, Ari Foust, Xavier Wallace, Quentin Long, Preston Atwood, Robert Benjamin, Tommy Green, Cornelius Davis, Ji Soo Noh, Trey Ray, Quinton Lindsey, Evander Davis, Dustin Gloor, Willie Cannon, and Michael Byrd.

The players would be the first to tell you that they wouldn't have been able to achieve all that they did without the strong support of the coaching and support staffs. Starting with head coach Benjie Brown, the Bulldogs were ably coached by Stan Baranowski, Allen Brown, Roger Bryant, Sam Captain, Phillip Johnson, Danny Medlin, Matt Pugh, Brandon Staton, and Nick Sweitzer. The community coaches who assisted included Vince Brown, Ed Courtney, Kemp Harvey, and Don Osborne. The middle school coach was Eric Rader. The other valuable members of the Bulldog championship squad included team doctors David Williams and Rob Williams, trainers Kenny Coker and Charles Crowell, statistician Barry Tucker, film crew members Travis Leanord, Wade Loflin, Casey Medlin, and Adam Oakley, gym maintenance staffer Bill Moore, and team managers Keyshawn Green, Ryan Hanner, Jason Hicks, Luke Williams, and Antwon Simon.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Thomasville Bulldogs for completing its second consecutive State football championship and doing it without a loss all year. Congratulations to principal Dirk Gurley, athletic director Woody Huneycutt, the teachers, staff, students, parents, and fans of Thomasville High School for bringing football perfection to our district.

STATEMENT HONORING NATELEE BRINLEE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize an extraordinary young woman whose bravery and quick thinking saved her family from a devastating fire. Eight-year-old Natelee Brinlee is a hero in every sense of the word.

Natelee had been through the Irving Fire Department's Safety House where she learned how to implement life-saving measures during a fire emergency. When a fire started in her home, Natelee knew to call 911, and alertly woke up her uncle and brother. This heroism saved Natelee, her uncle and two brothers.

Natelee Brinlee showed maturity and bravery well beyond her 8 years. The recognition she is receiving is imminently well-deserved, and I know this is merely the first step of many bright years ahead.

HONORING NORTH METCALFE ELEMENTARY SCHOOL 6TH GRADE ACADEMIC TEAM

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize the North Metcalfe Elementary School 6th Grade Academic Team for their participation and high achievement in the Kentucky Colonel academic competition on December 3, 2005. In this competition, students competed in written assessment categories of math, science, language arts, social studies and arts and humanities.

In these categories, team members placed first and second in math and second in language arts. Collectively, the team went home as first place Kentucky Colonels Quick Recall Champions and placed second in the overall competition, defeating six other teams. Together, they demonstrated great academic prowess, teamwork and sportsmanship before a regional audience, representing competitive values that make Kentucky proud.

I would like to commend Kristen Compton, Price Bell, Lindsey Coomer and Chandler Staggs for their accomplishment. I would also like to recognize their coaches, two fine educators, Angela Welsh and Rachel Dial. I am very proud to represent these students, teachers and their families.

I ask my colleagues in the U.S. House of Representatives to join me in congratulating the North Metcalfe Elementary School 6th Grade Academic Team for their achievement and wish them continued success in their promising future years.

IN HONOR OF CORPORAL ANTHONY THOMAS McELVEEN

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. NORWOOD. Mr. Speaker, I rise today to pay tribute to a courageous young man who died while serving our country in the war in Iraq. Corporal Anthony Thomas McElveen, Company F, 2nd Battalion, 7th Marines, 1st Marine Division, was killed by enemy action while conducting combat operations on December 1 in Fallujah, Iraq.

On behalf of the people of the 9th Congressional District of Georgia, I wish to extend condolences to Corporal McElveen's family and friends, and especially to his widow Carrie who resides in my district.

I also extend the thanks of our state and nation to a brave Marine and his family for their sacrifice in keeping the fight for our freedom on foreign soil. Corporal McElveen's courage, dedication to duty, and willingness to pay the ultimate price to preserve his country will never be forgotten.

Semper Fidelis.

HONORING MR. TERRY R. ADAMS FROM ASHLAND, OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to highlight and commend the service of Mr. Terry R. Adams, a resident of Oregon's Second Congressional District, for his service to his community and the nation as a member of the National Association of Professional Insurance Agents. Mr. Adams recently completed his term as the president of the National Association of Professional Insurance Agents and had previously served in many positions of responsibility in the Association for more than 18 years. Mr. Adams has also served the insurance industry in many positions at the state level, including as president of the Oregon/Idaho state affiliate.

Mr. Adams has been recognized by his peers for his service in the industry, having twice been honored as the Professional Agent of the Year by the Professional Insurance Agents of Oregon/Idaho, first in 1996 and again in 2001. Terry is a principal of Reinholdt & O'Harra Insurance in Ashland, Oregon, where he has spent his professional career advising consumers about how to obtain the best insurance coverage for their needs.

Mr. Adams' dedication to the highest standards of professionalism as a professional insurance agent has earned him the respect of friends, colleagues and the insurance industry as a whole.

Mr. Speaker, I appreciate the opportunity to rise today to share with my colleagues the good work that Mr. Adams has done throughout his career as a member of the insurance community, and again congratulate him on the completion of his term as the president of the National Association of Professional Insurance Agents.

STEVE BELICHICK (1919–2005): AN AUTHENTIC COACH AND FATHER

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. MEEHAN. Mr. Speaker, I rise to honor Steve Belichick (1919–2005): an Authentic Coach and Father.

There have been many great images from the New England Patriots dynasty. Tom Brady embracing his teammates after yet another fourth-quarter touchdown. Adam Vinatieri raising his hands after yet another game-winning kick. The Krafts hugging one another after yet another Super Bowl victory.

But the image that might stand out the most is the Gatorade-dousing of Bill and Steve Belichick moments before the Patriots would defeat the Philadelphia Eagles in Super Bowl XXXIX. For many New Englanders, it was the first time they had seen Steve Belichick—the man who every New Englander would like to thank for fathering and mentoring the best coach in football.

And like in his 33-year career as an assistant coach at the U.S. Naval Academy, Steve Belichick would need someone else to draw our attention to him, even at a moment of extraordinary personal success. He was his son's role model, and his son was on the verge of coaching the Patriots to an unprecedented third Super Bowl victory in 4 years. It was a moment that any father would savor, and likely in a way that others would detect.

But Steve Belichick never sought public attention recognition of his work, be it his innovative game-plans, exceptional scouting reports, or the invaluable lessons he taught his accomplished son. Instead, he craved the background, the behind-the-scenes world unseen to fans and media, and the world where he would consistently win the high praise of those "in the know." And like any truly substantive professional, Steve Belichick would take enormous personal satisfaction in obtaining the respect of his peers—the very respect that would often elude more celebrated coaches.

Doubtless for that reason, Steve Belichick had remained out of our sight until the camera caught others showering him and son in victory. It is much the same reason why Bill Belichick often deflects praise and attention. It is simply not the Belichick way of doing things.

When Steve Belichick passed away on November 19, 2005 at the age of 86, it was fitting that we remember him as reluctantly tasting success. And it was fitting that he be with his son.

It can be said that a father always dreams of being less accomplished than his own child, because there is no greater accomplishment for any father.

It is a lesson that Steve Belichick has taught us well.

HONORING JENNIFER INMAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize Jennifer (Stelmach) Inman, an exemplary community leader and citizen from my district, who was recently named Alumnus of the Year at Western Kentucky University.

A 1994 graduate, Jennifer was active in Alpha Gamma Delta, Spirit, and numerous other campus organizations while earning her BS in Agri-Business. Jennifer returned to her hometown of Owensboro shortly after graduation, where she has remained active in WKU alumni relations. She has played an integral role in revitalizing the Owensboro alumni chapter, first as Vice President and now as President. She is currently employed as a marketing consultant and commodities broker with Hayden-Hunt Agri-Marketing.

In addition to her career and work on behalf of WKU alumni, Jennifer Inman is a very active member of the Owensboro community serving as the Vice Chair of the WKU-Owensboro Advisory Council, President of the Daviess County Extension Council, Secretary of the 4–H council, Vice President of the Kentucky Women in Agriculture, and Chair of the Chamber of Commerce Agri-Business Committee. Jennifer is also a member of the Junior League of Owensboro, YMCA Board of Directors, Owensboro Daviess County Tourism Commission and the Mount St. Joseph Retreat Center Advisory Board.

Jennifer has previously been nominated for the Athenia Award, recognizing outstanding women leaders in the Owensboro community. She has also served on the Greater Owensboro Chamber of Commerce Board of Directors and as Co-Chairperson for the Chamber Young Professionals.

It is my great privilege to recognize Jennifer Inman today, before the entire U.S. House of Representatives, for her lifelong example of leadership and service. I ask my colleagues to join me in congratulating her for being named Western Kentucky University Alumnus of the Year. Her unique achievements and continued dedication to her community make her an outstanding American worthy of our collective honor and respect.

CONGRATULATIONS TO UMS-WRIGHT PREPARATORY SCHOOL ON THEIR 2005 4A STATE FOOTBALL CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor UMS-Wright Preparatory School on their 2005 4A Alabama State Football Championship.

In 1893, Dr. Julius T. Wright founded University Military School and Girls Preparatory School in Mobile, AL. In the fall of 1988, both schools merged and began the school year as one. UMS-Wright Preparatory School is a K–12 school with roughly 1250 students enrolled.

Terry Curtis, head football coach and athletic director, lead UMS-Wright to their third Class 4A State championship in the past 5 years. UMS-Wright's record throughout that time has been an incredible 68 wins and only 4 loses, which translates to a winning percentage of .944. In addition, Coach Curtis has been selected as a member of the 2005 Mobile Sports Hall of Fame. Like Coach Curtis, I am so proud of his players, and I know they worked hard for this great honor.

The UMS-Wright Bulldogs proved they are a team of champions in their victory on December 1, 2005, at Legion Field in Birmingham. They defeated Deshler 42–16 and made UMS-Wright the winners for the night and year.

Both teams had strong support from their families and fans. They traveled to Birmingham to support and cheer on their team. The fan support is a strong symbol of encouragement.

Mr. Speaker, I ask my colleagues to join me in congratulating UMS-Wright Preparatory School on their perfect season and State championship. This school deserves public recognition for this great honor.

I extend my congratulations to each member of the team and coaching staff:

UMS-WRIGHT ROSTER

Tom Leatherbury, Senior; Terrell Edwards, Junior; William Harvey, Sophomore; Bobby Jones, Senior; Louis Maisel, Senior; Park Parker, Senior; Chris Carpenter, Junior; Taylor Morrissette, Senior; Brandon Gibson, Junior; Joey Bacon, Senior.

Colin Sigler, Junior; Preston Dial, Senior; Hayes Harris, Senior; Michael Scott, Junior; Taylor White, Senior; Elliott Pennington, Sophomore; Austin Hilyer, Sophomore; Edward Williams, Senior; Miller Wright, Junior; Erling Riis, Junior.

Bill Davis, Sophomore; Drew Allen, Junior; Charles Jackson, Senior; Henry Shields, Junior; Ley Bell, Junior; Blake McMullen, Sophomore; Wyatt Ison, Junior; Rashod Bumpers, Senior; Joe Grady, Junior; Brent Pettie, Sophomore.

Heath McGrew, Sophomore; Tyler Baxter, Sophomore; Robert Williams, Sophomore; Charles Munderloh, Senior; Lee Peters, Sophomore; Conrad Blunck, Junior; Cooper Perdue, Senior; Chris Ramanauskas, Junior; Crain Rogers, Sophomore; Philip Ison, Senior; Chase Cutrell, Sophomore; Howard Walker, Senior.

George Oswalt, Junior; Nelson Argueta, Sophomore; Paul Bouler, Senior; J.J. Gotlieb, Junior; Kyle Rehm, Senior; Anthony Jelercic, Senior; Walker Plash, Senior; Steven Jones, Sophomore.

Raymond Faircloth, Junior; Brooks Hieronymus, Senior; McLeod Chunn, Sophomore; Richard Wilkins, Sophomore; Cameron Gunter, Sophomore; Greg Zieman, Senior; Kyle Ellis, Junior; and Morgan Kennedy, Sophomore.

COACHING STAFF

Head Coach, Terry Curtis; Assistant Coaches, Brett Boutwell, Rick Cleveland, Brandon Dean, Stacy Harrelson, Gerald Jones, Phil Lazenby, Eddie Roberts, Jerry Simons, Jim Sudeiha, and Don Urquhart.

A TRIBUTE TO ALAN REICH

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. LANGEVIN. Mr. Speaker, I rise to reflect upon the public service of my friend, Alan Reich, who passed away on November 8, 2005.

In 1962, Mr. Reich was 32 years old, a former athlete and Army officer. That year, a swimming accident left him a quadriplegic. Despite this life-changing event and the challenges that quadriplegia brings, he returned to his job as an executive at Polaroid Corporation where he worked for 11 years. Mr. Reich's return to work demonstrated to his colleagues, in the most basic way, that life with a disability can be productive and fulfilling. In the years following the accident, he went on to pursue his career goals and was appointed to the position of Deputy Assistant Secretary for Educational and Cultural Affairs at the State Department.

It is important to note that Mr. Reich's accident and his recovery took place decades before the Americans with Disabilities Act. At that time, people like Alan Reich, who overcame personal obstacles to move forward with their lives, sent an important message to the world that people with disabilities have gifts and talents to contribute. This message was the foundation of the movement to pass the ADA in 1990, and declare for the first time that disabled Americans have a right to fully participate in all aspects of our society.

Mr. Reich became involved in advocacy for people with disabilities, initially as a volunteer. He later went on to devote his professional life to the cause, serving as the President of the National Paraplegia Foundation—known today as the National Spinal Cord Injury Association—and founding the Paralysis Cure Research Foundation, the National Task Force on Disability and the National Organization on Disability. His vision and work lives on through these organizations, which he fostered and developed.

I arrived in Washington, DC, in 2001, as the first quadriplegic Member of the House of Representatives. My own service in this body would not have been possible without the commitment of leaders in the disability community, who fought to pass the ADA. Alan Reich was one of those people and he was among the first leaders in the disability community here to greet me. I am tremendously grateful for his personal determination and his dedication to creating opportunity for others with disabilities. His work made this country a better place for future generations of individuals with and without disabilities to succeed and thrive. His passing leaves me with personal sorrow, yet as we reflect on the life of this extraordinary individual, I am inspired and honored to have called him a friend.

I thank my colleagues for the opportunity to pay tribute to my friend, and I urge them to support H. Res. 592, a resolution celebrating the life, achievements and contributions of Alan Reich.

A TRIBUTE TO JERRY BLAVAT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor one of the pioneers of rock and roll, my dear friend Jerry Blavat. Born and raised in my district, Jerry was attracted to the music business because of his love for the music, not for fame or wealth. Jerry is truly one of a kind. He is as much a part of Philadelphia as cheesesteaks, soft pretzels and the Liberty Bell. A great artist in his own right, Jerry was a dancer on the original Bandstand television program, hosted by Bob Horn. He became a favorite with the viewers and rose to the head of the coveted "Committee", the group of teens responsible for aiding Horn in the direction of the show.

When he was just 16 years old, Jerry leapt into the music business by managing a national tour for Danny and the Juniors, pushing them into stardom. He got into radio in 1960 and soon was given the title "The Geator With the Heator." He soon coupled his growing popularity on the air (which by 1963 resulted in regional syndication of his program on small stations throughout the Delaware Valley from Atlantic City to Allentown) with appearances off the air at dances, clubs and events. It was not unusual for Blavat to see 5,000 kids a week in person in the mid '60s, nor too much of a stretch to say he'd remember 3,000 of their names the following week. His appearances became so frequent that for a time he needed to use a helicopter just to make it on time from one gig to the next. Today the helicopter is gone, but the frantic schedule is still in place. Throughout the year, he can be found somewhere on virtually any night, and in the summer months he's in weekend residence at Memories At Margate, the New Jersey Shore's hottest night spot which he's owned and operated since 1972.

Jerry Blavat is a true innovator. For instance, he introduced several national dance crazes, such as "The Mashed Potato," "The Stomp," "The Stroll" and "The Jerry Shake."

Mr. Speaker, Jerry Blavat is well known for his artistry, his business talents and his showmanship. But, not enough people know of Jerry's human side. Jerry's work on behalf of the less fortunate. He is extremely generous with his time and his resources, and has earned our City's love and respect because of that fact.

Jerry Blavat keeps us young, keeps us together and most of all, he keeps us dancing. And so, I know that all my colleagues will join me in honoring the Boss with the Hot Sauce, Jerry Blavat.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. BARRETT of South Carolina. Mr. Speaker, on December 16, 2005, I was absent from several votes for personal reasons. Had I been present I would have voted: Rollcall vote No. 642 (Motion to close portions of the Defense Authorization Conference to the Press and Public when matters of National Security are under consideration): "Aye"; Rollcall vote No. 643 (Rolled Vote on Skelton Motion to Instruct Conferees on H.R. 1815): "No"; Rollcall vote No. 644 (Previous Question on Rule for H. Res. 612): "Aye"; Rollcall vote No. 645 (Adoption of Rule for H. Res. 612): "Aye"; Rollcall vote No. 646 (Adoption of Rule for H.R. 4437): "Aye"; Rollcall vote No. 647 (Rolled Suspension Vote on H. Con. Res. 294): "Aye"; Rollcall vote No. 648 (Final Passage of H. Res. 612): "Aye"; Rollcall vote No. 649 (Rolled Suspension Vote on H. Res. 409): "Aye"; Rollcall vote No. 650 (Rolled Suspension Vote on H. Res. 575): "Aye"; Rollcall vote No. 651 (Rolled Suspension Vote on H. Res. 534): "Aye"; Rollcall vote No. 652 (Spratt Motion to Instruct Conferees on H.R. 4241): "No"; Rollcall vote No. 653 (Goodlatte/Herseth Amendment to H.R. 4437): "Aye"; Rollcall vote No. 654 (Stearns Amendment to H.R. 4437): "Aye"; Rollcall vote No. 655 (Sensenbrenner Amendment to H.R. 4437): "No"; Rollcall vote No. 656 (Norwood Amendment to

H.R. 4437): "Aye"; Rollcall vote No. 657 (Westmoreland Amendment to H.R. 4437): "Aye"; Rollcall vote No. 658 (Gonzalez Amendment to H.R. 4437): "No"; Rollcall vote No. 659 (Sullivan Amendment to H.R. 4437): "Aye"; Rollcall vote No. 660 (Motion to Recommit with Instructions): "No"; Rollcall vote No. 661 (Final Passage of H.R. 4437): "Aye"; and Rollcall vote No. 662 (Rolled Suspension Vote on H. Res. 598): "Aye".

HONORING THE LIFE OF JENNIE MAE FREELAND KELLER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise to pay tribute to a dynamic Hoosier who passed away yesterday December 16, 2005 at the grand age of 79 years old. I knew Jennie Mae Freeland Keller very well and she was truly a very special person. One of six children born into a poor and struggling family from southern Indiana, she was an art and music prodigy. At the age of 15 she moved from Connersville, Indiana to live with her older sister in Indianapolis so she could attend art school classes at Herron School of Art and also attend Shortridge High School—known for its superior music program. Jennie Mae was proud of having gotten straight A's all through school and later in life she would learn she was a Mensa. While at school she excelled with her chosen musical instrument—the cello—though she never read a note of music. It is perhaps fitting that she passed away while listening to the classical music she so loved in life, and with a video of America's most beautiful sights playing in the background.

Described by her children as the "Laura Petrie" of her neighborhood, Jennie Mae always merrily accepted duties, such as collecting for the March of Dimes, or the Cancer Society—all while trying to raise five children. Two of those kids, Elizabeth and Claudia, have long been valuable members of my staff, and my heart goes out to them and their siblings in their time of grief. Mr. Speaker, Jennie Mae Keller may not go down in the history books as someone who changed the world, but she changed the lives of everyone around her or came through her life. She will be sorely missed by all who knew and loved her.

I respectfully ask my colleagues to join me in sending their deepest sympathies and heartfelt prayers to Jennie Mae Keller's family, and I ask unanimous consent to place a copy of Jennie Mae's obituary in the CONGRESSIONAL RECORD.

Jennie Mae, Freeland Keller. Born January 30, 1926

An accomplished artist and musician. In 1943 at the age of 17 was awarded the title of Miss World Peace shortly after the end of World War II. A loving and devoted mother and wife. A tireless volunteer for political freedom. A never ending fighter for what was right, and not just politically correct. Will be sadly missed by all that knew and loved her. May God Bless her.

VICTORY IN IRAQ RESOLUTION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 612, "Expressing the Commitment of the House of Representatives to Achieving Victory in Iraq". Because of the severe importance of this issue, I feel it is crucial that I explain my position on this issue. As we are all aware, on Friday, December 2, 2005, 10 United States Marines were killed in a bomb attack on their foot patrol outside Fallujah. The following day, 11 Iraqi soldiers died after insurgents ambushed a joint patrol of American and Iraqi forces just north of Baghdad. In my District of Houston, TX, several Disabled Veterans, family members of current and fallen soldiers, and friends joined in a "call to action" to let this Administration know that enough deaths have amassed in the Iraq war to warrant an immediate plan to redeploy our troops back to the U.S. We see daily examples that define this situation as a crisis that continues to increase. Americans deserve a serious exit strategy—'staying the course' has clearly failed.

I salute our brave women and men who are serving and who have served in our military, as they have been victorious. There is no separation among Americans on our belief that our troops deserve and should receive honor. However, as many defense specialists and other scholars have suggested, our troops continued presence in Iraq may constitute and be the basis for the increased violence. We must transfer authority and oversight to a sovereign Iraqi Government. They should then seek to gain the support of certain Arab nations. There is no success in the mounting bloodshed. The Washington Post reported on December 3, 2005 that sources suggest media groups in the United States might have paid Iraqi press to publish favorable propaganda about U.S. military operations there. With this and numerous other possible incidents that raise suspicion as to the credibility of certain American government officials, the troops are in a very tenuous position in a land foreign to them amid daily attacks by insurgent groups. Let us be proactive in helping to save lives and honor our troops by bringing them home safely.

Part of the plan that I suggest includes the following steps:

(1) acts of American diplomacy in furtherance of the creation of an international coalition of support,

(2) convening of a summit of Arab nations for the purpose of engaging leadership on the question of what steps can be taken to aid this region,

(3) cessation of the redeployment of American troops to multiple tours of duty to the region,

(4) allocation of resources and attention to the over 15,000 injured soldiers and the need for medical and educational services,

(5) establishment of a special memorial to honor those who have fallen in the Iraq engagement, and

(6) establishment and articulation of a comprehensive exit strategy that will result in the redeployment of the troops back to the U.S. and the restoration of sovereignty to the installed Iraqi government. Democrats should distinguish themselves by their alliance on this issue.

Many of the Democratic resolutions, specifically that introduced by Mr. MURTHA, deserve our support. They represent excellent vehicles to distinguish Democrats before the American people. We must do that!

I urge all of my colleagues to join me in furthering these initiatives, and I would like to thank our troops for their hard work and dedication in keeping us safe.

PERSONAL EXPLANATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. LANTOS. Mr. Speaker, last evening the House voted on H. Res. 598, Condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIIC), expressing support for extending the UNIIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty.

Through an error, I was recorded as voting "nay" on the adoption of that resolution. I should have been recorded as voting "yea." I cosponsored this resolution when it was introduced and during the debate on H. Res. 598 I spoke strongly in favor of its adoption.